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IN BOSNIA-HERCEGOVINA AND THE ROLE OF
THE EUROPEAN UNION IN THE RETURN PROCESS**

DOKTORA TEZİ

NEDİME ASLI ŞİRİN

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Tez Danışmanı: Prof. Dr. Belkıs KÜMBETOĞLU

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FOREWORD

I remember as if it happened yesterday. It was 1994. The Bosnian War had been going on for more than two years. I was following the War from the media. It was reported that many Bosniac refugees in our country were trying to return to Bosnia even though the fighting continued. I was wondering why those refugees were going back to midst of war and asked my grandfather, whose family had had to migrate from Crimea during the 1877-78 Russo-Ottoman War: 'Grandpa, couldn't we make these Bosniac refugees happy here? Why are they willing to return to Bosnia? There is still war goin on there.' His reply was simple but its meaning was very deep: 'Aslı, it's very normal of them to behave like this because they don't belong to Turkey. It is not enough to be Muslim. They miss their homes and homeland. It is the land that attracts them. They do not have the sense of belonging here.

My interest for the Balkans and Yugoslavia in particular continued at university and played a key role in choosing the subject for my PhD thesis. Forced migration and the phenomenon of return were in my area of interest, as well. When the two combined, the subject of the thesis study came out spontaneously. While I was conducting the field-work in Bosnia, as a result of what I have seen, heard and lived through there, I realised the importance of helping those people who want their voices to be heard. That is why I wish to be the voice of the silent. One last point is that I am happy to have carried out a research whose scale made it necessary for a team to conduct it.

ABSTRACT

The aim of the present study is to examine one of the complicated phenomena of social sciences: return, in particular the return of forced migrants, which is considered to be the first step in the recovery of post-conflict societies. The case selected is a country which has experienced war and transition simultaneously: Bosnia-Hercegovina. The starting point is the displacement that took place with the Bosnian War of 1992-1995. Following the signing of the Dayton Peace Accords, the international community launched an ambitious project of reconstruction. The process of return and reintegration is a crucial part of this project.

The research method used for the study is qualitative research. The main reason for using this method is related to the nature of the phenomenon examined. Return is a complex and multi-dimensional social reality which is constructed and reconstructed by individuals and groups, and the purpose is to describe the profile of return reality drawn by the returnees. That is why the present study does not have any hypotheses. The Bosnians interviewed share their experiences, and the evaluations they make are quite important in drawing the return profile in Bosnia.

The reality of return to/in Bosnia has several dimensions. About half of the displaced population returned since the war came to an end. Progress has been achieved in some fields like property restitution. One can come across with stories of success but success remains at micro-level. There are still challenges that leave the issue of sustainable return in Bosnia open to question.

ÖZET

Bu çalışmanın amacı, sosyal bilimlerin karmaşık olgularından biri olan geri dönüşü, özellikle savaş nedeniyle yerinden edilmiş insanların geri dönüşünü incelemektir. Mültecilerin ülkelerine geri dönüşü savaştan yeni çıkmış toplumların iyileşmesinde birincil öneme sahip bir olgu olarak karşımıza çıkmaktadır. Bu konunun incelenmesi için seçilen örnek, savaş ve komünizmin çöküşünün getirdiği geçiş dönemi eş-zamanlı yaşayan bir ülke olan Bosna-Hersek'tir. 1992-1995 yıllarında arasında süren Bosna Savaşı ülke nüfusunun yarısından fazlasını yerlerinden etmiş; uluslararası toplum, savaşı bitiren Dayton Barış Antlaşması'ndan sonra ülkeyi yeniden yapılandırma projesine girişmişti. Yerinden edilen insanların evlerine geri dönmeleri bu projenin önemli bir bölümüdür.

Bu çalışmada niteliksel araştırma yöntemi kullanılmak suretiyle saha araştırması yapılmıştır. Bu yöntemin kullanılma nedeni incelenen olgunun doğasıyla ilintilidir. Geri dönüş, birey ve gruplar tarafından kurgulanan hatta yeniden kurgulanan karmaşık ve çok boyutlu sosyal bir gerçekliktir. Bu gerçeği anlamak ve analiz edebilmek için onunla ilgili kapsamlı bilgiye ihtiyaç vardır. Bu bilgiye de niteliksel araştırmayla ulaşılabilir. Ayrıca çalışmadaki amaç geri dönüşü yaşayanlar tarafından çizilen geri dönüş profilini betimlemek olduğundan ötürü herhangi bir hipotez ileri sürülmemektedir. Yapılan saha çalışmasında görüşülen Bosnalılar'ın aktardıkları deneyim ve değerlendirmeler Bosna-Hersek'teki geri dönüş gerçeğini göz önüne sermede önemli rol oynamaktadır.

Bosna'daki geri dönüş gerçeği birçok boyuta sahiptir. Savaşın sona ermesinden itibaren yerinden edilmiş nüfusun yarısına yakını ülkeye geri dönmüş; mülklerin geri edinimi gibi bazı alanlarda gelişme sağlanmıştır. Mikro düzeyde de olsa başarı örneklerine rastlamak mümkündür. Yine de çözülemeyen pek çok sorun vardır ve bu sorunlar Bosna'da geri dönüşün sürdürülebilirliğinin ciddi ölçüde sorgulanmasına neden olmaktadır.

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REINTEGRATION?

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AVNOJ	Anti-Fascist Council of National Liberation of Yugoslavia
BiH	Bosnia and Hercegovina
Bosfam	Association Bosnian Family
CARDS	Community Assistance for Reconstruction, Development and Stabilisation
CEB	Council of Europe Development Bank
CEE	Central and Eastern Europe
CFSP	Common Foreign and Security Policy
CoE	Council of Europe
COHRE	Council on Housing Rights and Evictions
CoM	Council of Ministers
CRPC	Commission for Displaced Persons and Refugees
CRS	Catholic Relief Services
DFID	Department for International Development
DIDR	Development-Induced Displacement and Resettlement
DM	Deutsche Mark
DPA	Dayton Peace Accords
DPs	Displaced Persons
EC	European Community
ECHO	European Community Humanitarian Office
EEC	European Economic Community
ERP	Elderly Return Programme
ESDP	European Security and Defence Policy
EU	European Union
EUFOR	European Union Force
EUMM	European Union Monitoring Mission
EUPM	European Union Police Mission
EUSR	European Union Special Representative
Excom	Executive Committee
FPRY	Federal People's Republic of Yugoslavia
FRG	Federal Republic of Germany
GDP	Gross Domestic Product
GFAP	General Framework Agreement of Peace in Bosnia-Hercegovina
HDI	Human Development Index
HDZ	Hrvatska demokratska zajednica (Croatian Democratic Union)

HIWG	Humanitarian Issues Working Group
HPCC	Housing and Property Claims Commission
HPD	Housing and Property Directorate
HR	High Representative
HRW	Human Rights Watch
HVM	Housing Verification and Monitoring Unit
HVO	Hrvatsko Vijece Odbrane (Croatian Defence Council)
ICEM	Intergovernmental Committee for European Migration
ICFY	International Conference on the Former Yugoslavia
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
ICTY	International Crime Tribunal for Former Yugoslavia
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally Displaced Persons
IEBL	Inter-Entity Boundary Line
IFOR	Implementation Force
ILO	International Labour Organisation
IMF	International Monetary Fund
INS	Immigration and Naturalisation Service
IOM	International Organisation for Migration
IPA	Instrument for Pre-accession Assistance
IPTF	International Police Task Force
IRC	International Rescue Committee
IRO	International Refugee Organisation
ISSVR	International Study of Spontaneous Voluntary Repatriation
JNA	Jugoslavenska Narodna Armija (Yugoslav National Army)
KM	Konvertibilna Marka (Convertible Mark)
LCY	League of Communists of Yugoslavia
LoN	League of Nations
LOT	Liasion and Observation Team
MHRR	Ministry of Human Rights and Refugees
MIP	Mission Implementation Plan
MNBN	Multinational Maneuver Battalion
MSF	Medecins Sans Frontieres (Doctors Without Borders)
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
OAU	Organisation for African Unity
OHR	Office of the High Representative
OPEC	Organization of the Petroleum Exporting Countries

OSCE	Organisation for Security and Cooperation in Europe
PIC	Peace Implementation Council
PLIP	Property Law Implementation Plan
POWs	Prisoners of War
PTSD	Post-Traumatic Stress Disorder
QIF	Quick Impact Facility
QIPs	Quick Impact Projects
RRTF	Return and Reconstruction Task Force
SAAs	Stabilisation and Association Agreements
SAp	Stabilisation and Association Process
SCRD	State Commission for Refugees and Displaced Persons
SDA	Stranka Demokratske Akcije (Party of Democratic Action)
SDS	Srpska Demokratska Stranka (Serbian Democratic Party)
SDU	Social Democratic Union
SFOR	Stabilisation Force
SFRY	Socialist Federal Republic of Yugoslavia
SHA	Swiss Humanitarian Aid Unit
SIDA	Swedish International Development Cooperation Agency
SRS	Srpska Radikalna Stranka (Serbian Radical Party)
SU	Soviet Union
SUTRA	Sustainable Transfer to Return-Related Authorities
TEU	Treaty on European Union
TPLF	Tigrayan People's Liberation Front
TPS	Temporary Protection Status
UK	United Kingdom
UMCOR	United Methodist Committee on Relief
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNKRA	United Nations Korean Reconstruction Agency
UNMIBH	United Nations Mission in Bosnia-Hercegovina
UNMIK	United Nations Mission in Kosovo
UNPROFOR	United Nations Protection Force
UNRRA	United Nations Relief and Rehabilitation Agency
UNRWA	United Nations Relief and Works Agency
UNSC	United Nations Security Council
UNTAET	United Nations Transitional Authority in East Timor
US	United States

USA	United States of America
USAID	United States Agency for International Development
USD	United States Dollar
USIP	United States Institute of Peace
VOP	Vance-Owen Plan
VRS	Vojska Republika Srpska (Army of Republika Srpska)
WWII	World War II
ZoS	Zone of Separation

I. INTRODUCTION

Migration is one of the complex and multi-faceted phenomena studied in social sciences. It includes movements of various groups such as refugees and internally displaced people fleeing persecution, armed conflict and natural or man-made disasters; young adults who are searching for jobs; and middle-aged professionals who return to their countries for retirement. It has many dimensions such as being a spatial event with certain cultural character intermingling with psychological appreciation and having economic and political impacts both on sending and receiving countries. It is occurring all over the world but the countries witnessing migration – be it voluntary or involuntary – are mostly the ones in the developing world. It is as old as mankind. People move to search for conditions better than the ones in their own countries. But they do not always search for betterment. Sometimes difficulties stemming from wars, internal conflicts, disasters or development projects force people to migrate abroad or to other places in their countries. Millions of people become displaced and uprooted. Throughout history, wars have been an important trigger of displacement and forced migration as well as a stage for human tragedy. Yet, war is not the only cause of displacement. Communities deported from their homeland as a result of state policies have experienced displacement in a bitter way, too.

Return is another broad and complicated phenomenon with its socio-economic and cultural aspects. It is much more than a physical journey back home or back to the country of origin. Every return movement is an end, but at the same time a beginning. People wish to be back in a place to which they feel emotionally attached. Some return home after living in another country for a long time. Some go back after spending several years in refugee camps. For some, it may not be possible or even desirable to go back home due to the unpromising economic, social and political conditions in their country. However, still return is taking place. Some might go back just for a visit, and some might want to live temporarily. In the cases of deportation as a result of state policies, return to homeland might take place. Regarding the cases of conflict-induced displacement, the displaced –

refugees and internally displaced persons – are able to return as well. Some even go back when the conflict is going on in their country. Be they economic or forced migrants, people are either returning home or just going back to their countries. Each return has its own nature, dynamics, reasons, and effects.

The present study is about the return of a particular group: migrants who have been displaced as a result of conflict. Among those people, some became displaced within their country, and some fled abroad to seek refuge. The case selected is a country that has been the stage of the bloodiest conflict Europe witnessed since the World War II: Bosnia-Hercegovina (BiH hereafter). The starting point is the expulsion and displacement that took place with the Bosnian War of 1992-95. About half of the country's population became displaced and more importantly uprooted with this war. The gate to return and reintegration of the three ethnic communities and the reconstruction of the country was opened with the signing of the Dayton Peace Accords (DPA hereafter) which brought an end to the fighting and bloodshed.

Based on the field research conducted, the study aims to display the reality of return in this country. The main intention is to describe the profile of return. That is why the study does not have any hypotheses. How is the return reality displayed? The Bosnians interviewed share their experiences in a detailed way. The evaluations they make are quite important in drawing the return profile in Bosnia[*]. They express their joy and gloom, anger and content, hopes and despair. They complain about what is going wrong in their country and what should be done to eliminate these wrongs. Those people's voices must be heard because what they tell serves as a guide and a recipe in terms of finding ways to help post-conflict societies recover. That is why the main purpose is to help the Bosnian returnees and internally displaced raise their voices.

Apart from this introductory chapter, the present doctoral study is composed of seven chapters. In the next chapter (Chapter II), a basic account of international migration is given by first conceptualising the phenomenon and then elaborating international voluntary and involuntary (forced) migration in a temporal and spatial context. For the purposes of

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[*] Throughout the study, Bosnia and Bosnia-Hercegovina are used interchangeably.

the study, the focus is on forced migratory movements. Accordingly, the situation of internally displaced persons (IDPs hereafter), i.e. persons who are displaced as a result of conflict, natural or man-made disasters but remain within the territories of their countries, as well as that of refugees is under scrutiny. Yet, it is to be emphasised that while giving an historical and conceptual account of international migration, how it has become difficult to distinguish economic migration from the forced one is discussed.

In the Chapter III, the main subject of this study is elaborated in depth. Return is a complicated phenomenon that needs to be conceptualised and reconceptualised. To understand the phenomenon in a better way, return is examined in two categories: return of economic migrants (return migration) and return of forced migrants. In the first part, the focus is on the return migration, and the group discussed is economic migrants. The rest of the chapter is concerned with the return of forced migrants, and the group under scrutiny comprises refugees fleeing conflict and seeking asylum abroad and IDPs. After conceptualising the return of forced migrants, the discussions regarding this category of return are brought up for consideration in a temporal context by giving examples of refugee return.

The Chapter IV is about the methodology. The research method used for the present study is a qualitative field research. The main reason for using this method lies in the nature of the phenomenon analysed. Return is a complicated social reality that changes constantly and acquires new meanings and dimensions. It has several aspects that are worth exploring. Since return is a complex phenomenon, one needs to have a detailed knowledge in order to understand it. Moreover, instead of being something 'existing' and 'ready' out in the external social world, social reality is something that individual and collective experiences construct and even reconstruct. Why is field research crucial as well as necessary for this study? First of all, in several interviews, the Bosnians emphasised that, let alone conducting relevant needs assessment, nobody has ever come to talk to them or even called to check how they were doing. This emphasis implies a lack of extensive and inclusive field research aimed at understanding the return reality in BiH. In that sense, conducting such a research was a necessity. Secondly, this study is an attempt to be the voice of the silent, the people, whose voices have never been heard, and reveal their fear,

suffering, the psychological traumas they have gone through, their anger, disappointment, mistrust, accusations, and indifference as much as possible.

In the Chapter V, Bosnia-Hercegovina and the Bosnian War are examined in an historical context with a focus on the war. The aim in the first part is to briefly describe Bosnia's place in the Socialist Federal Republic of Yugoslavia (SFRY hereafter). The second part is concerned with the disintegration of SFRY and the war in Bosnia. The first issue brought up for consideration is how Yugoslavia came to the verge of war in the early 1990s. Then the Bosnian War is analysed in depth. The focus is on two aspects: the international community's attempts and initiatives to bring the war to an end, and the response to the displacement problem. The protection strategies developed by the EU member-states such as Germany, Austria and Sweden and others like the USA and Turkey are discussed. The interviewee narratives have an important place in this analysis. The Bosnians themselves share what they have lived through during the war: the conditions under which they left their homes, the journey to uncertainty, the life in neighbouring countries and the life in countries of asylum. They tell what it is to be a refugee. At the same time, by explaining the way they have been treated, these Bosnians help us understand how the protection strategies were applied.

The Chapters VI and VII are the ones in which the return reality in BiH is discussed in detail. Chapter VI is about the legal and political context of return. It is composed of three sections. In the first one, what kind of a state the DPA has produced is discussed while the second section brings up the legal context for consideration. Property restitution is also under scrutiny in this section on legal context. The last one is concerned with the politics of return because it is one of the two major dimensions of return in BiH. The return politics comprises the policies followed by both the Bosnian authorities and the international community. How the return process began and proceeded is elaborated. The other major dimension is sustainability which is analysed within the context of reintegration in the Chapter VII. Reintegration is the second pillar of the return process in Bosnia. To what extent reintegration has been achieved is discussed. Actually, the Bosnians themselves discuss this reintegration issue because it is their voices that should be heard. They point to the problems returnees face in post-conflict societies.

In the last chapter, a concluding evaluation is made about the return phenomenon in conceptual terms and the return reality in the selected case. Regarding the discussions on the phenomenon itself, it is argued that the term 'repatriation' includes the return and reintegration of the displaced, i.e. refugees and IDPs, even though it refers to refugees returning to their country of origin with the United Nations High Commissioner for Refugees (UNHCR hereafter) assistance. Apart from discussing this, refugee return is questioned. As of the reality of return in Bosnia, the main challenges to sustainable return are put forth once again to be evaluated. The focus is on the factors that make the Bosnians interviewed unhappy. The main reasons behind the remark of 'Life is difficult' are reiterated.

II. INTERNATIONAL MIGRATION

The world is witnessing complex population movements at different levels – be it national, international or global level. People move from one place to another for various reasons. They either go to a different city or a country to earn more money and have a better life, or they flee their homes to escape an invading army, a massacre, or are expelled by militias etc. In the latter case, there is coercion and people do not have any choice thus it is called involuntary or forced migration whereas in the former they have choices so it is voluntary migration. Actually it is not easy to distinguish one from the other because almost all migration involves compulsion and choices to a certain extent. One comes across with varying degrees of choice and compulsion in different migration flows. Even though that is the case in reality, it is still this distinction between involuntary and voluntary migration which is used in the migration studies.

International migration constitutes a big part of the migratory movements. It has grown considerably in volume and significance and affects the countries, states and societies in various ways. It has become a macro-phenomenon with numerous socio-economic, political, cultural and psychological aspects. In order to understand a complex and multi-dimensional phenomenon like international migration, we need to define and categorise it and to examine the historical context in which it evolved.

The present chapter is an attempt to understand international migration. Conceptualising and giving a basic account of the phenomenon have an important part in this attempt. Actually, international migration cannot be considered separate from migration itself. In that sense, the components and reasons crucial in conceptualising migration are pertinent to international migration as well. The components are, actually, the main dimensions of the phenomenon.

The focus is on conceptualisation in the first half of the chapter. The basic components and reasons of international migration are discussed. The conceptualisation continues with defining and classifying the main actor in migratory movements: migrant. Then migration categories are brought up for discussion. For the purposes of the study, the two categories used are economic and forced migration. It is a typology based on migrants' motives. Yet, other typologies are briefly mentioned, too. In the latter half, diverse types of

migratory movements at international level are elaborated in a temporal and spatial context. Economic migration is the first type to be analysed. The rest of the section focuses on forced migration and how the two have become entangled in the recent decades. The development of the international refuge regime is pointed out in the first place. What follows is the migration-security nexus within the context of changed perceptions of security and migrants – be they immigrants, asylum-seekers or refugees. Tightening border controls for immigrants and measures preventing asylum-seekers particularly in Europe are some of the issues dwelled on in this section.

II.1. Conceptualising and Reconceptualising International Migration

International migration is one of the complicated phenomena of social sciences. In order to understand it, conceptualisation is definitely necessary. The first step in conceptualisation is to define migration. The second one is an attempt to classify it. For the purposes of the study, the two types examined are economic and forced migration. Yet, other typologies developed by scholars like Petersen (1958), Richmond (1994) and van Hear (1998) are mentioned, too. Some of the questions that might be helpful in understanding migration in general terms are as follows: how is migration defined? Which dimensions come to fore when migration is in question? Who are migrants? Why do people migrate? Which factors are influential in the decision to migrate?

II.1.1. Defining Migration and Migrants

Migration, albeit being familiar, is one of the complex phenomena when it comes to definition. It has numerous meanings. Broadly, as defined in Oxford English Dictionary, **migration** is 'The movement of a person or people from one country, locality, place of

residence, etc., to settle in another'[1]. In other terms, if a person (migrant) moves from a place to another for a certain period of time, then this movement is called migration. Or, as Everett Lee (1966) puts forth, migration is a permanent or semi-permanent change of residence. However, defining migration is not an easy task. As Boyle *et al*. (1998) note, once it is attempted to give a precise description, one is faced with definitional problems because it is important to distinguish migration from spatial mobility that includes all kinds of geographical movement. For instance, the movements of nomads which are taking place continually and the migratory workers, whose movements occur on a seasonal basis, are not included. So two things that need to be defined are the extent a person needs to move and the duration of that movement.

As mentioned above, it is difficult to give a precise definition of migration. Yet, the present study attempts to do so by examining its components which are, in fact, the main dimensions. The components in question are space, time, culture and gender. Scholars have drawn attention to different components. Boyle *et al*. (1998: 34-37) explain three components. In the first place, they emphasise movement over **space**. Migration can be defined as a spatial movement that takes place across boundary of a particular areal unit (Boyle *et al*.). However it is problematic in the sense that one cannot come across with the same size of individual areas within many sets of areal units. As a result, some moves, which are relatively long-distance, are not counted in one part of the migration system since no boundary is crossed whereas much shorter moves are considered as migration because a boundary is crossed.

At the same time, it is possible to classify migration according to whether a national boundary is crossed or not. In that sense, if the boundary crossed is within a country, i.e. the person in question moves from a town to a city or moves between two provinces, then it is called *internal migration*. In *international migration*, people move across national borders. It is to be reiterated that the definition in spatial terms is not in direct relation to the distance moved. At this point, return migration should be mentioned very briefly as well. If migration is considered as a cycle, return constitutes the final process. Yet, it is not easy to define return since it is broad, multi-faceted and complicated. It includes return

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[1] For the other definitions and compounds see (Oxford English Dictionary Online. Retrieved: October 10, 2006. [WWW Document]. URL
http://dictionary.oed.com/cgi/entry/00309401?single=1&query_type=word&queryword=migration&first=1&max_to_show=10)

migration, which is regarded in this study as the return of economic migrants, and the return of forced migrants.

Regarding the second component, it should be noted that migration is a movement occurring over **time**. Temporal factors are at work in other words. The important thing here is that a certain degree of permanence in the place of destination is necessary in order to consider a movement migration. However, the agreement on the duration of the movement is not easy to reach. On the other hand, we may talk of *circulation* if the moves in question are sort of temporary (at least not permanent), repetitive, and they have the same, or similar places of origin and destination. There is another classification which includes daily, periodic and seasonal movements.

The third component is **culture**. The relation between migration and culture is pointed out by Bogue, Bottemley and Fielding. As cited by Boyle *et al*., according to Bogue (1958), the term migration is used to describe moves that 'involve a complete change and readjustment of the community affiliations of the individual' whereas Bottemley (1992) emphasises that the issue of cultural change is particularly relevant when the migration of ethnic minorities is dealt with. Last but not the least, Fielding (1992) considers migration as an important cultural event while she makes a distinction between migration that is 'exciting and challenging' and migration which is 'rootless and sad'. So, if migration is taken as a cultural experience rather than just a temporal or a spatial event, then its significance increases.

The last component involves the issue of **gender**, whose importance has increased in the recent decades. Rapid change in global dynamics paved the way for 'globalisation of migration' (Castles and Miller, 1998). As migration globalised, the role women play in all regions and all types of migration increased. In 2000 there were 175 million international migrants, 49% of whom were female migrants (IOM, 2005). There are many factors contributing to 'feminisation of migration' (Castles and Miller, 1998; Hochschild, 2002). Polarisation between the so-called First World and Third World is one and perhaps the most important of all. Constantly, the rich is becoming richer, and the poor is becoming poorer. There are certain aspects of the 'feminisation of migration' that deserve attention. First of all, services associated with a wife's traditional role are transferred from poor to rich countries by nannies, maids and sex workers. Secondly, the sharp increase in the number of female migrants and the long distances they travel to earn money are very

striking about today's migrations. It is a new aspect of globalising female services. Thirdly, the richer countries are becoming increasingly dependent on the poorer ones when it comes to 'caring work'. In other words, a reverse dependency has come to fore with the 'trend toward global redivision of women's traditional work' (Ehrenreich and Hochschild, 2002). Last but not the least, establishing personal contacts with the migrant networks is crucially important for female migrants as well. These contacts lead to chain migration as in the case of male migrants.

Another attempt to disaggregate migration into its components comes from N. van Hear. In his book *New Diasporas: the mass exodus, dispersal and regrouping of migrant communities,* van Hear (1998) notes five essential components of migration. He takes account of the **directions** of the movements. In fact, it seems more relevant to take up direction in relation to the component of space. Yet, he examines them separately. On the other hand, van Hear emphasises that each component involves differing degrees of choice and coercion and is described as voluntary or involuntary movement. The components he points out are as follows:

> All migrations involve some kind of *outward* movement, from a place of origin or residence to some other place. This movement necessarily involves some kind of *inward* movement as a concomitant – people leaving a place must arrive at some other place, even if temporarily. Subsequently there might be a *return* to the place of origin or previous residence; this likewise involves inward movement as a concomitant. Alternatively, following an outward movement, there might be *onward* movement to some other place; this must also involve inward movement. In addition to these four essential components of movement, account must be taken of another component – non-movement or *staying put* – for almost all migrations involve leaving a portion of the community or population (van Hear, 1998: 41).

II.1.2. Classifying Migration

In classifying migration, motive comes to fore as the determining factor. What is the motive behind the decision to migrate? Put another way, why do people migrate? In the first place, we need a general distinction that might be helpful in differentiating the motives. Actually, as mentioned above, it is not easy to distinguish the factors influential in migrant's decision to migrate because they are usually intertwined. However, for the sake

of simplicity, we may classify migration as economic and forced in terms of people's motives. Whether they have choice to migrate or not is also important.

Before going into the discussion on migration categories, we need to define the person who experiences migration. Broadly, **migrant** is 'a person who lives temporarily or permanently in a country where he or she was not born, and has acquired some significant social ties to this country'[2]. In that sense, the term migrant includes diverse types of people, who are transitory in the places they go. Among migrants, we come across with people migrating with the intention of permanent emigration and settlement, workers with temporary contracts, professional, business or trader migrants, refugees and asylum-seekers, and students. It is to be noted at this point that in addition to refugees and asylum-seekers, there are other groups regarded as forced migrants. As elaborated further in the following pages, people shift between these categories. For instance, they may enter with tourist or student visas, but then overstay illegally or seek permanent settlement.

One way to classify migrants is to make use of some of the components in the definition of migration. In that regard, if space is taken up, we have people moving into or out of a particular areal unit. *In-migrants* are the people who are moving into the unit whereas the ones moving out are called *out-migrants*. When crossing a boundary is in question, *immigrants* are the migrants who move into another country, and the ones who move out of a country are called *emigrants*. While talking about immigrants and emigrants, it is necessary to consider return migrants as well. Return migrant is a person who, after emigrating to a country, return for the first time to her/his country (or region) of origin. It is supposed to be a part of a broader group called 'returnee'. However, as mentioned above, the categorisation is problematic in itself. The discussions and different categories of returnees will be elaborated in-depth in the following chapter that focuses on the phenomenon of 'return'.

Time is another component that is used in distinguishing migrants. In order to be considered as an emigrant, the person in question should be moving to another country with the intention of settling there. Otherwise, s/he is either a seasonal worker or a temporary migrant who will return to her/his country. In the light of this, as Boyle *et al.* emphasise, it is more appropriate to consider a Turk, who is working in Germany during

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[2] (Glossary. Retrieved: October 10, 2006, from UNESCO, Sector for Social and Human Sciences. [WWW Document]. URL. www.unesco.org/shs/migration/glossary)

winter and coming back to his country in summer, a temporary migrant or a seasonal worker rather an emigrant. The permanence of the act of moving is the main determinant in this case. However, it is not as easy as it seems to separate people into categories like migrants and non-migrants since the line between the categories is rather blurred.

Apart from these general definitions, there is a migrant prototype we often come across. Who is a migrant? Migrant is a young male, who is less educated and unqualified. He is searching for a better life; he wants to have a job and income security; he is undocumented thus regarded illegal in the country where he wants to stay. Since he is considered cheap labour, migrant is the main source of developed countries' economies. His contribution to economy is invisible because he is not registered. He belongs to a different race, ethnic or religious group hence usually faces racism and xenophobia because he is perceived as a threat to the security and cultural identity of the country where he is staying. As can be seen, most of the things migrant connotes are negative. These connotations bring bias that influences the attitude towards migrants in a negative way.

Regarding the term migrant, the last point to be noted is that, as the global dynamics changed, the categories used to describe migrants blurred. In today's world, it is not possible to differentiate an economic migrant from an asylum-seeker any more. Why? The reasons to migrate intermingled with each other in the first place. For instance, we cannot be so sure about a male who flees from Africa and arrives in a European country with an asylum claim. Is he fleeing tribal conflict or poverty in his country of origin? Secondly, as mentioned above, people shift between categories. People, who come with tourist visas, may violate the terms of their entry by overstaying with the intention to settle in that country and become illegal immigrants. Or a person, who enters a country with an asylum claim, may disappear for some time after his/her claim is rejected and go on staying clandestinely. S/he becomes an illegal immigrant at the end.

Illegal immigration has been going on since the governments started imposing restrictions concerning entry of immigrants. As Castles and Miller (1998) note, illegal immigration and employment have been fairly wide-spread for almost a century. However, the governments began tightening up controls and applying restrictive measures concerning the entry of asylum-seekers in the aftermath of the 'oil crisis' in mid-1970s. The result was the increase in the number of illegal immigrants. As more and more immigrants either entered or stayed illegally, stricter measures were implemented leading

to a vicious circle. With the entry of more refugees and asylum-seekers, illegal immigration dominated the agenda of the extreme right that was engaged in aggressive campaigns. Not only illegal immigrants have been perceived as a threat, but also they have been problematised by politicians, policy-makers and public in different ways. Last example of such perception and problematisation is pointed out by J. X. Inda. In his book on illegal immigrants in the USA, and the tactics, techniques and programmes to manage this population, Inda (2006) emphasises that, illegal immigrants are perceived as 'threats to the overall well-being of the social body' in the sense that they are '[b]eings who have failed to take responsible care of their selves and therefore represent a burden to the population'. That is why illegal immigrants are problematised as anti-prudent. This problematisation has taken several forms. First, illegal immigrants are regarded as 'lawbreakers' because they either overstayed their visas or entered the country clandestinely. So, they violated the US immigration laws. Secondly, they are 'jobtakers'. The undocumented immigrants are perceived to have a generally negative effect on the labour market. The conclusion drawn from most of the surveys and studies is that there is an 'association of "illegal" immigration with job displacement and wage depression, particularly in relation to the secondary labour market' (Inda, 2006: 100). Finally, illegal immigrants are 'public burdens' in the sense that they receive more in the form of public services than they give in the form of taxes. Therefore, both in the eyes of the government and the public, they are 'sponging off the American state and people' (Inda, 2006: 64). What is the result? The undocumented, i.e. illegal immigrants are the new scapegoats.

In short, the change in global dynamics brought about change in migration patterns and migrant types. The migrant prototype has lost its meaning on the one hand and acquired new features on the other. We have illegal immigrants who are called the 'undocumented'. Female migrants have started to play an important role in labour migration in all regions, as well. The categories have lost their meaning and relevance since they are not precise any more. However, we still make use of certain classifications, two of which are examined in the following pages.

a. Economic Migration

With regard to the migrant's motives, migration can be divided into two categories. In most of the studies on categorisation of migration we come across with a spectrum. At one end, voluntary migration (also known as economic migration) is located. As emphasised before, it is more appropriate to name this type as economic migration because rather than voluntariness the main motive behind migration is important.

The realm of economic migration is large since there are different groups of people migrating from one place to another – be it another city in their own country or another country. Different motives come to fore in people's decisions to migrate. Some of them do not even decide. Consequently, we come across with various types of migrants. Despite the big diversity, social scientists have tried to simplify this phenomenon by classifying the motives as 'push' and 'pull' factors, and that is how the so-called 'push-pull' model has come into existence. Actually, 'pull' and 'push' factors are mostly used in the literature on internal migration. Yet, some of the factors are valid for international migration as well. Therefore the pull-push model has to be pointed out.

The 'push-pull' model has a long history in the study of migration. When the original formulation of these factors is examined, one can easily understand that it was the combination of push factors from the area of origin and pull factors from the area of destination. As Lee (1966) notes, in every area there are numerous factors attracting people to it as well as others that repel them. Bogue (1969, cited by Boyle *et al.*, 1998: 67) summarises these factors. To start with the *'push' factors*, he draws attention to a decline in a national resource or the prices it commands, decrease in demand for a particular product or service, exhaustion of mines, timber or agricultural sources; loss of employment due to incompetence, changing employers' needs, or automation or mechanisation; discriminatory treatment on political, religious or ethnic grounds; cultural alienation from a community; poor marriage or employment opportunities; and retreat because of natural or humanly created catastrophe. *'Pull' factors*, on the other hand, are improved opportunities in employment; income-earning opportunities which are superior compared to place of origin; opportunities for specialised training or education; environment or general living conditions which are preferable; movement as a result of dependency on someone else who has moved; and new, rich or varied environment in terms of culture, intellect or recreation.

Apparently, the original pull-push model reflected the conditions of the era Bogue was working on. As migration 'globalised', it became too simplistic to explain contemporary migrations just by pull or push factors because both factors are at work in both places of origin and destination. In other words, as Meilaender (2001) points out, they are not mutually exclusive due to the fact that what usually causes a migration is a combination of the 'pull' and 'push' factors. He continues by saying that what these factors actually do is no more than oversimplifying people's motives and explaining them in terms of economic supply and demand. Moreover, there are some motives which do not fit very well into those categories. So, according to him, 'pull' and 'push' factors are rather limited categories and do not have enough explanatory power. But, he still considers the push-pull model useful to a certain extent.

b. Forced Migration

The second category is forced (or involuntary) migration. This category is particularly important for the present study because the focus is on the return of the people who have forcibly migrated. For various reasons, some of them became IDPs whereas some escaped to neighbouring countries, and the ones who were relatively lucky fled to Europe, the USA, Canada and even Australia. Some of those people were granted refugee status, some of them were temporarily protected, and some were treated as 'guests'.

Compared to economic one, forced migration seems to be limited in terms of categories. But it does not mean that there is only one reason for people to migrate forcibly. Just like migration, forced migration is multi-faceted. All legal or political categories involve people who, in one way or another, have been forced to leave or flee their homes and seek refuge in different places. As Castles *et al*. (2005: 11) emphasise, despite the fact that these people are generally called 'refugees' in popular speech, it is a rather narrow legal category because first of all, the reasons the majority of forced migrants flee their homes are not recognised by the international refugee regime, and secondly many of them become displaced people within the territories of their countries, so-called internally displaced persons. So, while discussing forced migration and forced migrants, for the sake of clarity, it is necessary to classify the people whom we are talking about. Yet, one should be flexible about the categories discussed below and not take them

as scientifically precise categories because they have been developed by the main actors in the field during the political negotiations they have had over the years. These categories, having been divided up in a somewhat arbitrary manner to meet different legal and political needs, often carry entitlements to differing types of protection and assistance[3]. Therefore, they are important mostly for administrative purposes. But, in reality, people do not fit into those categories as easily as it is assumed because the situations they find themselves in are complex and entangled in most cases.

The two biggest groups among forced migrants are undoubtedly refugees and internally displaced persons. There are about 9.3 million refugees and 5.5 million IDPs of concern to UNHCR (UNHCR, 2006). In fact, IDPs vastly outnumber refugees and the disparity between the two groups grows as new internal conflicts enter the world stage. According to the Internal Displacement Monitoring Centre, there are 24.5 million IDPs all over the world[4]. Therefore, the problem of refugees and IDPs constitute one of the crucial problems the international community faces in today's world. Even though both refugee and IDPs are examined thoroughly in the section dealing with the international migration, a couple of points need to be clarified in conceptualising refugees and refugeehood. First, there are two aspects which distinguish refugees from voluntary migrants. These are 'the reluctance to uproot oneself, and the absence of positive original motivations to settle elsewhere' (Kunz, 1973: 130). Secondly, there are certain labels in the study of forced migration which are considerably important. The only thing to be taken into account might be the fact that people are uprooted in one way or another as a result of coercion, no matter whether they seek refuge in some other country or become IDPs. However, the reality is different since the labels do matter. As highlighted by Boyle *et al.*, the term 'refugee' is very powerful since it is a gate to a variety of benefits guaranteed at the international level. The legal status of a refugee is clear in the first place because it is defined in the international refugee law. As long as a person convinces the authorities that the circumstances he or she is in make him or her Convention Refugee, he or she is entitled to a variety of rights. The development of refugee as a concept and the evolution of

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[3] (ibid.)

[4] Colombia is on the top of the list with 1.9-3.8 million, and it is followed by Iraq with almost 2.3 million IDPs (*Global Statistics: IDP Country Figures*, Retrieved: January 15, 2008 from, Internal Displacement Monitoring Centre. [WWW Document]. URL.
http://www.internal-displacement.org/8025708F004CE90B/(httpPages)/
22FB1D4E2B196DAA802570BB005E787C?OpenDocument&count=1000)

international refugee regime are examined in-depth in the following pages. Suffice it to note that the UN agency responsible for refugees, i.e. UNHCR, offers refugees protection and provides assistance both in short and long terms. The short–term assistance is access to food, shelter and health whereas resettlement opportunities are tried to be utilised in the long-term. Likewise, the host states have certain obligations towards the refugees. Most important of these obligations is that if refugees do not have a wish, the host countries should not return refugees to the country from which they fled. This principle of *non-refoulement* is at the core of international protection offered to refugees. Admission to safety, non-discrimination, and assistance for survival are the other main elements of international protection (UNHCR, 1993).

Another category of forced migrants is internally displaced people, who are the 'largest "at-risk" population in the world' (Cohen and Deng, 1998: 15). They are identified as

> 'persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border'[5].

Apparently the definition of internally displaced persons is rather broad because in addition to persons fleeing armed conflict, internal strife and systematic violations of human rights, persons uprooted by natural or man-made disasters are included in the definition (Cohen and Deng, 1998: 16). However, in order to prevent conceptual ambiguity, it is better to take IDPs as people displaced by violence, i.e. armed conflict and internal strife. As discussed in detail in the following pages, despite the fact that internal displacement as a phenomenon had not drawn attention until the post-Cold War era 'some of the major cases of internal displacement either took place during the cold war or were affected by cold war policies'[6]. IDPs attracted a lot of attention in late 1990s as a result of both the increase in numbers of those people and their vulnerability; and 'Guiding

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[5] (*Guiding Principles on Internal Displacement*, Introduction, Prg. 2, Retrieved: November 15, 2006. [WWW Document]. URL.http://www.unhchr.ch/html/menu2/7/b/principles.htm). For various issues arising from this definition of IDPs see (*The State of the World's Refugees: A Humanitarian Agenda*, Retrieved: 15 November 2006. [WWW Document]. URL. http://www.unhcr.org/cgi-bin/texis/vtx/publ/opendoc.pdf?tbl=PUBL&id=3eb78a534)

[6] (ibid.)

Principles on Internal Displacement' were developed under the aegis of the UN Secretary-General's Representative on IDPs, Francis Deng in 2001[7].

The other categories of forced migrants are asylum-seekers, persons of concern to the UNHCR, people who are in 'protracted refugee situations' or as called by the US Committee on Refugees 'warehoused refugees', returnees, development displacees, environmental and disaster displacees, and finally smuggled migrants and trafficked persons. Returnees, or repatriated refugees as called by the UNHCR, are the focus of the next chapter. As for the other categories, it is sufficient to define them briefly. In that regard, asylum-seekers are those people, who have crossed an international border with the aim of finding refuge but have not received a reply regarding their claims for refugee status. The persons of concern to the UNHCR, on the other hand, is rather a broader category including Convention refugees and all persons who are provided protection or assistance services by the UNHCR at a given time. Depending on the situation, some IDPs, asylum-seekers and returnees are included in this category as well. The 'protracted refugee situations' describes the phenomenon '[i]n which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often unable to break free from enforced reliance on external assistance' (UNHCR 2004)[8]. Development displacees or oustees, as Cernea (1990) has drawn attention, are the people who are forced to move by large-scale development projects, like dams, airports, roads, and the term to define this kind of displacement is development-induced displacement and resettlement (DIDR)[9]. Environmental and disaster displacees are those people who are displaced by environmental change such as deforestation, water pollution or desertification, by natural disasters like earthquakes, floods or tsunami, and by man-made disasters such as industrial accidents. While considering these people as forced migrants, one has to bear in mind that in displacements in which environmental factors are prevalent, other factors are at work, too. As a final

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[7] Francis Deng was replaced in September 2004 by Prof. Dr. Walter Kalin as the UN Secretary-General's Representative on Human Rights of IDPs (Retrieved: November 15, 2006. [WWW Document]. URL. http://www.un.org/Depts/dpko/SRSG/high.htm)

[8] A typical example of 'protracted refugee situations' is the case of Palestinian refugees living in different camps scattered in the Middle East (Pont, 2006).

[9] As noted by the UNHCR (2006), with at least 33 million, India comes first in the list of countries having development-induced displacees. For more on DIDR see (UNHCR, 2006).

category, we come across with people, who are trafficked across international boundaries and exploited in numerous ways[10]. The victims are usually women and children. They are trafficked to be exploited in the sex industry.

In short, if we take migration as a spectrum and classify it in terms of motivating factors, we have two major categories at the ends of the spectrum. At the one end, there are people who seem to have choices and migrate mainly for economic reasons analysed above. At the other end, we come across with a situation in which it seems that people have no other choice than to migrate. In that sense, they are forced to migrate. Actually the line between the two categories is blurred because almost all migration involves choices and coercion. Economic migrants make choices, yet, there are constraints influencing those choices. Albeit within a narrower range of possibilities available, forced migrants make choices as well. Some of them prefer not to leave their homes. They are aware of the fact that they would suffer if they stay and they still choose to stay.

c. Other Typologies

Migration typologies have varied as the reality of migration changed. The first typology developed by W. Petersen, is an improved version of Fairchild's classification. Before presenting his own typology, Petersen (1958: 256) first manifests the typology constructed by Fairchild in the mid-1920s. The criteria Fairchild uses in his classification are the difference in level of culture and whether or not the movement was predominantly peaceful[11]. Accordingly, he comes up with four types of migration. These are invasion, conquest, colonisation and immigration[12]. Petersen, in his study, develops an improved typology of migration by making a differentiation between what he calls innovating migration from conservative one. The aim in *innovating* migration is to achieve the new

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[10] The distinction between people trafficking and people smuggling is a crucial one. 'Human smuggling is the facilitation, transportation, attempted transportation or illegal entry of a person(s) across an international border, in violation of one or more countries laws, either clandestinely or through deception, such as the use of fraudulent documents...Human smuggling is generally with the consent of the person(s) being smuggled, who often pay large sums of money... Unlike smuggling, which is often a criminal commercial transaction between two willing parties who go their separate ways once their business is complete, trafficking specifically targets the trafficked person as an object of criminal exploitation. The purpose from the beginning of the trafficking enterprise is to profit from the exploitation of the victim' (Distinctions Between Human Smuggling and Human Trafficking. Retrieved: January 22, 2008.[WWW   Document]. URL. http://www.state.gov/p/inl/rls/fs/49768.htm)
[11] (Petersen, 1958: 257)
[12] For more see (Petersen, 1958:256-7).

whereas in ***conservative*** migration people migrate to retain what they have had. In Petersen's words, '[t]hey move geographically in order to remain where they are in all other respects' (1958: 258).

The typology Petersen has developed is composed of five types of migration, namely primitive migration, forced and impelled migrations, free migration, and mass migration. He considers ecological push as the main cause of ***primitive migration*** since human beings are not capable of coping with natural forces, and terms such migrations as the wandering and ranging of peoples[13].

The criteria Petersen uses in delineating what he calls the types of ***forced*** and ***impelled*** migrations are whether or not the migrants still have power to decide and the function of the migration which is defined by the activating agent – the state or some other institution alike in functional terms. Petersen makes it clear right at the beginning that the migrants keep their power to decide in impelled migration whereas they do not have this power in forced migration. Yet, he draws attention to the point that it is not so easy to set the boundary between impelled and forced migration. He, then, goes on with the types, namely flight and coolie trade as the forms of impelled migration, and displacement and slave trade as that of forced migration[14]. This classification is particularly relevant to the present study since the focus is on people who do not have power to decide thus are displaced. They are either directly expelled from their homes or are faced with such threat to their lives that they have to leave.

Figure II.1

Petersen's classification of forced and impelled migrations

	Impelled	Forced
To be rid of migrants (conservative)	Flight	Displacement
To use migrants' labour (innovating)	Coolie trade	Slave trade

(Source: Petersen, 1958: 261)

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[13] (ibid.)

[14] For a detailed account of the classification see (ibid.).

The fourth type of migration is what he calls *free* migration since the migrants are active – in fact they use their own will whether to migrate or not. Actually, free migration is related to mass migration in the sense that it occurs as a pioneer movement which then develops into a group migration as the second stage. As the group migration becomes an established social pattern and collective behaviour[15], the transition to the third stage, namely *mass migration*, takes place.

In the second place, the typology developed by Anthony Richmond (1994) can be mentioned. Due to certain reasons, Richmond prefers to categorise migration as 'proactive' and 'reactive' migration. First of all, Richmond finds the distinction between voluntary and involuntary movements untenable because 'All human behaviour is constrained and enabled by the structuration process, within which degrees of freedom of choice are limited' (Richmond, 1994: 58). The decision to migrate both at individual and collective levels cannot be considered independently from economic and political power. Yet, there is a certain degree of autonomy the actors involved in the migration show. This autonomy, according to Richmond, determines whether migration is reactive or proactive. In the matrix he has developed, there are two axes. The vertical axis represents the decision making on a continuum ranging from maximum to minimum autonomy, whereas the horizontal one shows the extent to which economic and socio-political forces interact with each other[16].

Proactive migrants, among whom we can mention retirees, transilients, returnees, reunited families, and ordinary migrants, have choices. The returnees are labelled in different ways. Since the present study is examining that particular group the debate in labelling them is paid attention in the following chapter. Along with the choice to move or not, the proactive migrants choose the time, distance and destination. Albeit relatively unconstrained, the decisions they make are restricted by certain institutional and structural factors which governments at the national, regional, and local levels impose. Non-governmental factors are at work as well. Another thing worth mentioning with regard to proactive migrants is that, even though there are exceptions, most of them are motivated by socio-economic considerations.

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[15] Petersen gives the Swedes migrating to the USA in the 1860s as an example of collective behaviour thus mass migration. For more see (ibid.).

[16] For the matrix see (Richmond, 1994: 59).

Reactive migrants, on the other hand, have no choice. Refugees, stateless persons, slaves and forced labourers belong to this category. He also notes that there are lots of people who cross state boundaries and are between the two extremes. They combine characteristics, respond to strong economic, social and political pressures over which they almost have no control but at the same time exercise limited degree of choice regarding destination and time to go[17]. Even though economic factors cannot be distinguished from socio-political ones clearly, he argues that the nearer the category falls to the vertical axis, the economic determinants prevail. On the other hand, the categories nearer to the horizontal axis are usually more in the political domain. Likewise, it is not possible to draw clear-cut boundary between proactive and reactive migrants. Yet, as mentioned above, proactive migrants have more options.

In the third place, van Hear's attempt to fit different types of migration into a single framework needs to be mentioned. Actually what he does is to refine Richmond's framework by '[r]ecasting the 'voluntary/involuntary' division as a continuum embracing more choice, less choice and little choice, and by adding the categories 'inward', 'onward' and 'staying put'' (van Hear, 1998:45). He presents two schemas in his book *New Diasporas: the mass exodus, dispersal and regrouping of migrant communities* (1998). The first one shows the degree of force and choice in outward and return movements. It is the main criterion in both movements. Accordingly, labour migrants, professional migrants, traders, students, and tourists fall under the category of voluntary migrants whereas refugees, IDPs, development-induced displacees, disaster displacees, and people, who are forcibly relocated, are considered involuntary migrants.

As in the case of outward movement, the degree of choice and force is important in the return movement. Some migrants return voluntarily whereas others are forced to return or they are treated in such a way that return seems the best or only option. Returning migrants and refugees, voluntary repatriates, and voluntary returnees belong to the group of voluntary migrants. Migrants who are deported or expelled, refugees who are sent back to their countries of origin (subject to *refoulement* in other words), and repatriates and returnees, who are forced, fall under the category of involuntary migrants.

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[17] (ibid.)

In the second matrix, while classifying migration as voluntary and involuntary, he adds three other categories to ones in his first matrix, namely inward movement, onward movement and finally staying put[18]. The first axis in this schema runs from voluntary migration in which there are more choice and options to involuntary migration where people have little choice and few options. The second axis encompasses five migratory movements namely inward, outward, return, onward, and staying put. Some of the categories different from the first matrix are economic/labour migrants, rural-urban migrants, anticipatory refugees, and people induced to move. These people fall in between the two clusters, namely proactive and reactive migrants because they have some choices yet they are under compulsion to some extent[19].

These frameworks are useful in understanding how complex migration is when it comes to categorisation. Migrants cannot be only considered as subjects of analyses. With their differing social realities, they are human beings. Thus the frameworks used in classifying migrants bring their criticisms as well. David Turton is one of the scholars who criticises the schemes by arguing that they '[a]re in danger of ignoring the most important quality of all migrants and indeed of all human beings: their agency' (Turton, 2003: 10). According to him, what Richmond does by categorizing people in terms of whether they have agency or not and putting forced migrants into the group with little or no agency is not appropriate since, as shown in various studies, human beings try to maintain at least some of their decision-making even when they are constrained, i.e. when they are in concentration and labour camps. In addition, he draws attention to the fact that even in 'reactive' or 'involuntary' migration '[p]eople probably have a lot more choices than we might think – or that this model allows us to think'[20]. They can choose the time, place and way to move, and this aspect is ignored in both scholars' works.

Moreover, Turton comments on the usage of the term 'forced migrant'. He finds it awkward and thinks that it raises some conceptual difficulties:

> 'The term 'forced migration' implies that there is such a thing as 'unforced migration', though one hardly ever comes across this usage. What we usually find instead is 'voluntary migration', with forced migration being treated as synonymous with 'involuntary migration'. This is the terminology used by Van Hear, for example, in his representation of the continuum. Strictly speaking,

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[18] These movements compose the essential components of migration he talks about earlier in his book.
[19] For the matrix that refines A. Richmond's framework see (van Hear, 1998: 44).
[20] (Turton, 2003)

though, 'involuntary' is not the correct English word to oppose to 'voluntary'. The correct word is 'compulsory'. … An act is involuntary when it is done without thinking, without deliberation…'

(Turton, 2003:10-11)

The reason he finds it not meaningful to talk about involuntary migration is that to migrate is an act of a person having at least some degree of free will. In other words, you move or displace people by using different means rather than 'migrate' them because migration does not take place without free will. By the same token, he finds 'compulsory migration' odd as well because, albeit being compulsory meaning that the person lacks choice or alternative, we are still talking about migration. In that sense, the problem has to do with the term migration itself rather than the way it takes place. On the other hand, Turton does not offer any replacement regarding the term 'forced migrant'. He admits that the best term available is still 'forced migrant'. Yet, he warns us about the conceptual difficulties it raises.

In short, the factors which influence migrants' decisions are very important in conceptualising the migration phenomenon. Yet, it is not sufficient. One also needs to know in what contexts concepts such as refugee, IDP, displacee and others started to be used. So, in the next section, the phenomenon of international migration is examined in an historical and conceptual context. Some of the issues discussed are the immigration policies in Europe, the emergence and evolution of the international refugee regime, and the factors influential in shaping the European Union's (EU hereafter) immigration and asylum policies.

II.2. International Migration: Historical and Conceptual Context

In conceptualising international migration, it is considerably important to analyse the phenomenon from an historical perspective because the definitions and classifications cannot be examined separately from the economic, social, and political context in which they came into existence. Hence, the aim of this section is to consider in-depth the historical evolution of international migration within a spatial and temporal context. It is beyond the scope of the present study to take up every single migratory movement that

took place in the world in the twentieth century. That is why the focus is on international migration in Europe in the post-World War II period. Yet, two important points should be emphasised. First, non-European refugee crises, particularly in post-colonial Africa are mentioned briefly because they help us understand the context in which the 1969 Convention of the Organisation for African Unity (OAU hereafter) was signed. The OAU Convention contributed a lot to the development of the international refugee regime. Secondly, although the focus is on migratory movements in Europe in the second half of the 20th century, international migration before 1945 will be shortly examined with the focus on refugee movements because the current refugee regime has its roots in the efforts to help refugees in inter-war Europe.

II.2.1. International Migration Before 1945

As Abadan-Unat (2002: 31-35) notes in her book on the transformation of Turkish migrants from 'guest-workers' to transnational citizens in Europe, we can talk about five migratory waves that took place at the global level. The first one started with the European colonialism that gave rise to various types of migration. In that wave, we come across with a large outward movement from Europe to Africa and Asia in the first place and Americas and Oceania later on. The most important colonial powers were Great Britain, Spain, Portugal, the Netherlands, and France. This migratory movement came to an end with the World War I. The second wave took place in the same period but in a different direction. What was seen at that time is so-called 'chattel slavery' which is regarded as 'the antecedent of modern labour migration' (Castles and Miller, 1998: 51)[21].

In the 18th and 19th centuries, we come across with transatlantic migration and intra-European migration. Regarding transatlantic migration, one can mention migrants from Britain, Ireland, Italy, Spain, and Eastern Europe heading for America, the land of opportunities. As of intra-European migration, it is to be noted that workers from peripheral areas in Europe were drawn for in order to replace Western Europeans, who

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[21] In the 17th and 18th centuries slaves from North Africa were taken to South America, Caribbean Islands and Brazil. Most of them were exploited in plantations (ibid).

went overseas (Castles and Miller, 1998: 57-8). Great Britain, Germany, and France were the biggest countries of labour immigration. In fact, foreign labour played a crucial role in the German and French industrialisation.

The third wave of migration came with the end of the World War I. Even though a general decline could be observed in international labour migrations, France was an exception since it experienced significant immigration in the inter-war era[22]. Two main factors responsible for the decline were economic stagnation and crisis and increase in suspicion and hostility towards immigrants in many countries. The USA, the British Dominions and Latin American countries developed restrictive immigration policies that were aggravated by deepening economic depression and massive unemployment. The development of immigration restrictions in the USA and other countries of immigration affected another group: refugees. As Skran (1995) notes, if surplus European labour continued to be absorbed by the countries of immigration in the 1920s, the fate of inter-war refugees would definitely be different. However, since that was not the case, it became more difficult to solve the refugee problems.

The inter-war period was marked with huge flows of refugees as a result of two developments. The first one was the break-up of multi-national empires such as Romanov, Habsburg and Ottoman Empires during the World War I. As those empires disintegrated new nation-states were born. One of the problems the newly-established states faced was dealing with the minorities living within their territories. The frontiers did not coincide with the frontiers of the minorities. Consequently, as G. Loescher (1993:35) notes, the 'unmixing of peoples' was imposed on reluctant populations. Hence, the result of nationalist policies applied by newly-born states was nothing more than population exchange and mass refugee movements that took place mostly in south-eastern Europe and so-called Asia Minor. These refugee movements affected an entire region in some cases. For instance, the ethnic composition of Turkey and Greece changed following the Greco-Turkish War and population exchange in the early 1920s.

Alongside the groups subject to population exchange, we come across with refugee movements caused by the collapse of the Romanov Empire, and the Bolshevik Revolution followed by Civil War between the Red and White Armies in 1919. The number of

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[22] Towards the end of 1920s, France changed its policy as well, and the result of the new policy was that all immigration for workers, except the ones who would be used in agricultural sector, was suspended (ibid.).

refugees came to a peak in 1922 when the Soviet government started prohibiting emigration. Refugees were members of the defeated White Armies, aristocrats, former officials of both the Tsarist and Provisional governments, representatives of commerce, industry and other liberal professions and ethnic Russians in Poland and Baltic countries. Most of them had become stateless as a result of the denationalisation policy and had no choice other than entering illegally and staying in a clandestine way and entering again in an illegal way in case of expulsion. Apart from the misery the whole situation brought to the refugees, it was a factor in deterioration of the relations between European states. Thus by early 1920s, the well-known humanitarian organisations of the period exerted pressure on the League of Nations (LoN) to create a machinery that would deal with at least some of the refugees.

The efforts of the organisations bore fruit as Nansen was appointed as the first High Commissioner for Refugees in 1921. He would particularly be responsible for the Russian refugees[23]. As Loescher notes, it was the first time that responsibility toward refugees was formally acknowledged[24]. Likewise, the interwar era witnessed the development of legal norms regarding protection, and refugees started to be considered a special category of migrant both in municipal and international law. An international regime dealing with refugees began to emerge. Refugee flows had become an international problem waiting to be solved immediately. Moreover, defining refugee became an issue in itself. As Hathaway (1991) points out, in the period 1920-1935, refugees were defined in largely *juridical terms* and treated as 'refugees because of their membership in a group of persons effectively deprived of the formal protection of the government of its state of origin' (*The Report by the High Commissioner*, 1927, cited by J. Hathaway, 1991: 3)[25].

The other development that caused mass refugee movements in Europe in the inter-war period was the rise of fascism. Certain ethnic and minority groups such as Jews, Slavs, Gypsies or political opponents were considered as threats to domestic control so the fascist regimes in Germany, Italy and elsewhere in Europe adopted policies that resulted in fleeing of people who were 'unassimilable' in the eyes of the governments. The group that was

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[23] Regarding the problems of travel, the solution Nansen found for the stateless Russians was to issue travel documents termed 'Nansen passports'. Later on, other refugee groups made use of these documents as well (Loescher, 1993: 37).

[24] (ibid.)

[25] As Hathaway (1991) continues to explain, we have an ethnic or territorial criterion added to the provision that the applicant not enjoy *de jure* protection of his state of origin.

most severely affected from these racist policies were Jews in Nazi Germany[26]. They were deemed to be members of an 'inferior' race therefore among the first to be rid of in order to create a homogeneous and 'pure' German society made up of Aryan race. Major waves of emigration took place as there was an increasing pressure on Jews to leave. The first wave was in 1933[27] followed by others in 1935 and 1938[28]. It continued until the 'Final Solution' – extermination of Jews – was adopted in 1941. The refugees of the time were defined from a *social perspective* meaning that they were 'the helpless casualties of broadly based social or political occurrences which separate them from their home society' (Hathaway, 1991: 4).

In the 1930s, we come across with two developments concerning refugees. One of them was positive whereas the other was a negative development. Towards the end of 1920s, the expansion of the functions of the High Commissioner for Refugees took place as the number of activities that Nansen carried out on behalf of refugees grew rapidly. Following the Great Depression, there was a big unemployment problem in Europe. Refugees dispersed all over Europe contributed to this problem. Nansen advocated the idea of creating employment opportunities for refugees in order to solve at least part of the economic problems Europe was facing at that time. Consequently, a Refugee Section was established within International Labour Organisation (ILO hereafter). Moreover, two conventions came into existence. The first one granted rights to Russian and Armenian refugees in their countries of asylum (*Convention Relating to the International Status of Refugees*, quoted by Loescher, 1993: 38). It was followed by a similar one in 1938. This time refugees from Germany were the beneficiaries. These two conventions are important for being the first international efforts to elaborate a body of treaty law designed to afford protection to refugees[29]. However, generally speaking, international cooperation was lacking in the 1930s. Both the League and the refugee organisations working under the auspices of the League were weak and there was no coherent or consistent commitment at

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[26] For more on other refugees who fled fascism in inter-war Europe see (Skran, 1995: 55-59).

[27] In order to respond to the outflow of Jewish refugees, the High Commissioner for Refugees from Germany was established by the League in 1933. Yet it was no more than a fragile organisation since the will to resolve the Jewish refugee problem faded as the scale of the problem grew (Loescher, 1993: 43).

[28] As Skran (1995) notes, according to the estimation of the High Commissioner for Refugees of the time, Sir Herbert Emerson, approximately 400,000 refugees had fled the Third Reich since the Nazis rose to power.

[29] (ibid.)

the international level. The refugee policies were unfortunately politicised at the end because the assistance programs had been dependent on the financing of two great powers of the time, France and Great Britain, and some other small states, who were selecting the refugee groups to assist in accordance with their own interests. Moreover, they wanted to keep the mandate of the High Commissioner rather limited and abstained from adopting a universal definition of the term refugee. When it came to immigrant labour, on the other hand, all governments were acting in a non-political and non-discriminatory manner.

The collapse of the international refugee regime came during the World War II. Yet, the events paving the way for the collapse dated back to the 1930s. First of all, the international community was not strong enough to stand against Europe's dictators. The response to the refugee problem was, as mentioned above, rather politicised and selective. Once the League lost its effectiveness and credibility, its competence to cope with the refugee problems declined. As Loescher (1993: 46) notes, the idea that refugees were victims of human rights abuses was firmly established. In other words, group determination of refugee status was rejected. Instead, *individualist* approach was used in which refugee was treated as 'a person who is in search of an escape from perceived injustice or fundamental incompatibility with her home state'[30] (Hathaway, 1991: 5). But, the political will to solve refugee problems was definitely lacking at the international level.

The refugee regime broke down without having solved the refugee problems of the inter-war era. On top of that came people who were displaced and in need of assistance during the World War II. The number of displaced people continued to grow rapidly. As Loescher (1993: 46) cites from a US State Department report, the situation in Europe at the end of the war was,

> [one] of the greatest population movements of history that was taking place before our eyes. As the German retreat has rolled westward before the oncoming Soviet troops and as the Allies have pushed eastward on the western front, millions of people have been uprooted and are fleeing toward the centre of Germany. This flow included not only 20 to 30 million people uprooted during the war but also some 9,5 million displaced Germans returning from outside the Reich, and 4 million and probably more war fugitives who fled before the oncoming Soviet and Allied troops.

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[30] Individualist perspective was used in the third phase of international refugee protection prior to 1951, and that was between 1938 and 1950 (Hathaway, 1991).

Due to the increase in number of the displaced needing immediate help, the Western powers had to set up a new organisation. The United Nations Relief and Rehabilitation Agency (UNRRA hereafter), which would provide emergency assistance and relief, was established in November 1943. Its mandate was rather limited: to extend aid to civilian nationals of the Allied nations and to displaced persons (DPs hereafter) in countries liberated by the Allied armies[31]. The aim of the agency was simple: returning the people uprooted and displaced during the World War II. In that sense, return was one of the principal functions of the UNRRA. Relief and rehabilitation would be provided only for the short term because the assumption was that once DPs returned and resources necessary for reconstruction were provided, Western European states would again be self-sufficient and strong enough to cope with their own problems.

After the World War II, the deterioration in relations between the Western states and the Soviet Union resulted in a conflict. The Western powers did not want to return DPs to the areas under Soviet control. So, the mass returns, which had been taking place in accordance with the decisions at the Yalta and Potsdam Conferences, first slowed down and then came to a standstill by the end of 1946. As Loescher (1993: 48-9) points out, the situation was aggravated because the Soviet Union complained that first the Western powers were refusing to fulfil their obligations under the Yalta agreements, and secondly they supported Soviet nationals in their resistance to repatriation. Consequently, the solution to refugee problem turned into a big controversial issue dividing two blocs. Refugee return was at the same time linked to ideological conflicts between the East and the West. At the core of the conflict lay the rights of people to choose the places they wanted to live, to flee from oppression and freedom of expression (Loescher, 1993: 49). Thus the UNRRA and its responsibilities became a source of disputes within time, and whenever possible, the USA showed its discontent with the agency. These disputes took place in the period following the World War II. So, the East-West tension and its reflections on the refugee issue are examined thoroughly in the next section.

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[31] (Loescher, 1993)

II.2.2. International Migration Since 1945

The outcome of rapid and sustained economic growth was a growth in volume of international migration since the end of the Second World War. The main features international migration carried until that time changed. In terms of the evolution of international migration, the post-World War II era can be divided into two phases. The first phase was marked by the highly industrialised countries' strategy of concentrating investment and expanding production. Its consequence was labour migration from less-developed countries. The end of this first phase came with the 'oil crisis' in mid-1970s. The global economy experienced restructuring. There was a big change in world trade and new technologies were introduced. International migration was affected from the restructuring. As a result, second phase of international migration began in mid-1970s and gained impetus in the 1980s and 1990s.

a. International Migration Until 1970s

The first phase was between 1945 and mid-1970s, in which voluntary and involuntary migration took place simultaneously. To put it differently, the fourth and fifth waves of migration Abadan-Unat mentions coincided in the post-war era. The fourth wave was a result of decolonisation process whereas the fifth one was composed of three main types of migration, namely migration of workers from peripheral Europe to highly industrialised countries of Western Europe, 'colonial workers' migrating to the former colonial powers, and permanent migration to North America and Australia. Since the phenomenon of voluntary migration is examined in a spatial context in the present study, migration to North America and Australia is excluded.

The highly industrialised countries of Western Europe drew large numbers of migrant workers from less-developed countries. Those migrants would work in fast-expanding industrial areas. France, Belgium and Switzerland were among the first to recruit foreign workers immediately after the World War II. About Britain's migration policies, scholars such as S. Castles and M. Miller (1998) and M. Weiner (1990) point to the fact that the British government did not make use of guest-worker system because it

had admitted large numbers of immigrants from the West Indies, East Africa and South Asia[32]. Compared with other West European countries, the Federal Republic of Germany started its recruitment programme rather late.

Let us leave migration of foreign workers for the time being and return to the fourth migratory wave. The result of de-colonisation was the establishment of regimes, which were mostly divided in ethnic and religious terms and governed by oppressive elites (Abadan-Unat, 2002). Violence erupted in many places as the rulers continued applying oppressive policies. Hostilities between different communities contributed a lot to the violence and led to flight of millions of people. One of the prominent examples was the flow of refugees in the Indian subcontinent after the partition of India in 1947. Two states were established as a result of decolonisation: Pakistan and India. The main objective in dividing India was to relieve the tension between two communities, namely the Hindus and the Muslims. The partition created religious communities both in India and Pakistan. As hostilities became widespread, over half a million lost their lives while about fourteen million people fled their homes (Zolberg, Suhrke and Aguayo, 1989: 23).

New refugees in increasing numbers were appearing on the world stage. However, the refugee problem dating back to the inter-war era and the World War II was not solved yet. Millions of people were waiting for solution. Moreover, as mentioned above, tension that was rising particularly between the USA and the Soviet Union (SU hereafter) had a negative impact on solving the refugee problem because their approaches to the problem were controversial. That was obvious from the way they conceived the UNRRA and its mission. The agency had become a platform on which the tension between the blocs was exhibited. Consequently, as the UNRRA continued its operations, disputes arose over its obligations. The USA, sceptical of the agency, continued criticising its return policies and rehabilitation programmes since it considered the UNRRA as an organisation serving the SU to consolidate its control over Eastern Europe. It would be better if the UNRRA was abolished. Despite opposition from the Eastern bloc, the USA supported the creation of a new refugee organisation whose name would be International Refugee Organisation (IRO hereafter). Its main function would be resettlement instead of return.

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[32] At the beginning, Great Britain preferred to bring in male workers from refugee camps and later on from Italy through European Voluntary Worker scheme. However, this scheme, which was small, did not last long. Colonial workers started to be recruited as immigrants. For more on European Voluntary Worker scheme see (Castles and Miller 1998).

As the debates on the formation of a new refugee organisation were taking place in the United Nations (UN hereafter) General Assembly, it became apparent that the tension between the two blocs would intensify. First of all, the Soviet bloc was in favour of retention of the UNRRA whereas the US bloc was determined to terminate the agency. Later on, apart from the issue of resettlement versus return, which kept its importance and continued to be debated, the split between the blocs centred on how the individuals falling within the IRO's mandate would be defined. According to the Western bloc, the mandate of the organisation had to be broad enough 'to offer protection to individuals with "valid objections" to repatriation, including objections based on "persecution, or fear, based on reasonable grounds, of persecution because of race, religion, nationality or political opinions" and objections "of a political nature, judged by the organisation to be valid"' (*Annex to the Constitution of the International Refugee Organisation*, quoted by Loescher, 1993: 50). This was an institutional innovation because there was a considerable shift away from the collective approach used by the international community in dealing with refugees toward a more individual one. The individual's right to flee from political persecution was accepted as well.

In order to temper the objections that would come from the Soviet bloc, it was included in the IRO constitution that the main objective was 'to encourage and assist in every way possible early return [of refugees and displaced persons] to their countries of origin' (*IRO Constitution*, Article 2, cited by Loescher, 1993). Yet, as if in retaliation, the SU continued to perceive the organisation as an instrument of the West. So, neither the SU nor its allies joined the IRO that was established at the end of 1946, and the organisation remained under the control of the USA until the time it was closed down. The IRO was engaged in resettlement activities. Within the first year, it was partly able to accomplish its goal. The majority of the refugees it had inherited from its predecessor, i.e. the UNRRA, were resettled. Yet, there was still a lot to be done. Resettlement had become more difficult as European states started complaining about the numbers and claimed that they could not take any more refugees. Consequently, there were new refugee flows from the East to the West. Europe was faced with another refugee crisis.

By the time the IRO was closed down, the refugee problem was still as serious as before, but the international community was fatigued due to the huge scale and cost of the problem it faced. According to the US government, if the international community

continued to rely on the IRO, this would mean institutionalisation of the problem leading to the overseas resettlement countries shouldering almost all the burden. That is why the USA decided on direct economic assistance of the European countries. If they recovered in economic terms, they would be able to cope with the remaining refugees. The IRO, on the other hand, had become an economic burden for the USA.

All of those developments prepared the background for the creation of a new international refugee organisation. As a result of the discussions taking place in the UN General Assembly and Economic and Social Council, not only the office of the United Nations High Commissioner for Refugees (UNHCR) was established in December 1950[33], but also the UN Convention on Refugees (known as the 1951 Geneva Convention) was drafted. The foundation of today's refugee regime was laid in these discussions. However, like before, differing views about the emerging UN refugee regime were on the surface. According to the Russians, the UNHCR was no different than its predecessor since it was an instrument of the West. That is why the Soviet bloc refused to participate in any of the UN programs for refugees. The USA, on the other hand, was in favour of agencies which would be created outside the UN system so that they would develop refugee policies independent from the UN. The two views were unfortunately inconceivable.

Discussions on mandate and financing of the new organisation dominated the negotiations. The views of countries were diverse. The USA, for instance, regarded the refugee issue as something to be solved by the Western Europe in a short period of time, thus preferred a temporary refugee agency which would have narrow authority. The functions should be limited with international protection. Both European and non-European countries, on the other hand, wished the new organisation to be strong and permanent. Particularly France and Belgium wanted to secure funds for large-scale operations for the outflow from Eastern Europe. At the end, again the American view prevailed, and as Loescher (1993: 56) notes, the UNHCR became totally dependent on a small administrative budget granted by the UN General Assembly and an 'emergency fund'[34].

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[33] The Statute of the UNHCR was adopted on December 14, 1950 (Retrieved: November 20, 2006 [WWW Document]. URL http:// www.unhchr.ch/html/menu3/b/o_unhcr.htm).

[34] The USA did not make any contributions to the fund until it was made permanent in 1955. The Congressmen were convinced that the UN Refugee Fund would support refugee projects in countries having

The negotiations about the formulation of the *1951 UN Convention Relating to the Status of Refugees* (hereafter the Convention) were, on the other hand, marked by the Western governments' persistence on limiting their financial and legal obligations to refugees. Moreover, debates on the definition of the term 'refugee' took place during the negotiations. Governments agreed on a general and universally applicable definition, but that was not the case when the application of the refugee convention was concerned. They were divided on the issue. Great Britain, Benelux and Scandinavian countries were in favour of a broad definition of refugee whereas France and the USA insisted on limiting the responsibilities of the signatories to the convention. What was prevalent at the end of the negotiations was the view that the refugee convention would be confined to the European refugees. Therefore, as Loescher (1993: 57) points out, unlike the UNHCR Statute, which placed no temporal or geographical limits on the High Commissioner's mandate, the obligations of the signatories to the UN Refugee Convention were defined more narrowly. According to the definition contained in the Convention, which was adopted on 28 July, 1951, the term 'refugee' applies to any person who:

> 'As a result of events occurring before 1 January 1951 owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside his country of nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.'[35]

In this Article of the Convention, the words 'events occurring before 1 January 1951' were to be understood in two ways: either as 'events occurring in Europe before this date' or 'events occurring in Europe or elsewhere before this date' (*Article* 1 B (1) of the Convention). Moreover, persecution was put forth as the main characteristic of being a refugee and the adoption of persecution was made in such a way that it was appropriate with the Western interpretation of asylum-seekers. Political refugees fleeing communism

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common interests with the USA. Therefore it would contribute to the American struggle against communism (Loescher, 1993: 56).

[35] (Article 1 A (2) quoted in *Convention and Protocol Relating to the Status of Refugees*, Retrieved: November 23, 2006 [WWW Document]. URL http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf)

in Eastern Europe constituted the group implied in the definition. Moreover, the concerns of ethnic and religious minorities in Europe would be seen to as well.

For most of the decade following the establishment of the UNHCR, the refugee issue was elaborated within the context of East-West division. As people tried to escape persecution they were faced with, the Communist authorities in most of the East European countries responded by setting up barriers so that nobody would emigrate easily. On the other hand, the communist authorities were determined not to cooperate with the UNHCR. That was their reaction to the recognition of emigrants from Eastern Europe as refugees. Being treated as wilful violators of the human rights of their citizens was not something they could accept. Hence, they strongly opposed the new refugee regime. The Western governments continued encouraging the flow from East to West because their aim was to gain legitimacy in their fight against communism by weakening their rivals on ideological grounds. Particularly for the USA, accepting these emigrants was considerably important since it was in compliance with the US political and ideological objectives[36]. As Loescher (1993: 59) notes, they were welcomed to 'vote with their feet'. While doing that, the USA developed a regional and unilateral policy regarding refugees. In that sense, it started creating its own refugee organisations such as the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) whose mandate was to provide aid to Palestinians who either fled or were expelled due to the war in the Middle East[37]. The other agency created as a parallel organisation with the American funding was the UN Korean Reconstruction Agency (UNKRA). Its aim was to help millions of people who were displaced as a result of the Korean War that broke out in 1950 and lasted for three years.

As the USA created its parallel refugee organisations, the UNHCR became no more than a sideshow in the US eyes. The support West European governments gave to the refugee organisation was rather limited since they were not willing to expand their commitments to refugees particularly in financial terms. The Soviet Union continued its antagonism towards the international refugee regime that started emerging in the post-World War II period. According to the Soviet view, both refugees and the refugee problem as a whole were used by the West, particularly by the USA, and the UNHCR was serving

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[36] By the same token, individuals fleeing communism were one of the two groups were admitted as refugees until 1980 (Loescher, 1993: 59).

[37] As a result of the insistence of Arab states, it was decided that the UNHCR would not be responsible for the Palestinians who were registered with the UNRWA (ibid.).

the American interests. Thus, the Soviet bloc would not contribute to any of the UNHCR operations.

Meanwhile, the UNHCR was confronted with the first major refugee crisis in the post-World War II Europe. The crisis erupted with the Hungarian Revolution in 1956. As the Red Army invaded Hungary in November, masses sought refuge in Austria and SFRY. Faced with a huge influx, the UN General Assembly asked for the UNHCR's intervention. The refugee agency responded by establishing a coordinating group composed of many organisations such as the Intergovernmental Committee for European Migration (ICEM)[38], the International Committee of the Red Cross, the League of Red Cross Societies and some other voluntary agencies. Not only that, the UNHCR pleaded to governments for resettling the displaced Hungarians. The governments responded quickly with sympathy and support. The reason for this growing support of both the governments and the public was related to their perception of the Hungarian Revolution. As Loescher (1993: 69) points out, in the eyes of the West, the way the SU crushed the revolution in Hungary was a clear indicator of how brutal the Soviet regime was.

The speed of the resettlement process, on the other hand, was very remarkable since governments all over the world showed a good example of solidarity by lowering their immigration barriers and granting visas to entire families in a short period of time. As a result, huge numbers of refugees[39] were resettled very quickly in countries such as Great Britain, the Federal Republic of Germany (FRG hereafter), Switzerland, France, Sweden, and Belgium (Loescher, 1993: 69-70). The UNHCR passed its first test by successfully coping with the Hungarian refugee crisis. However, there were still displaced people waiting for solution. The so-called 'hard-core refugees' living in camps in Austria, Italy, Germany, and Greece had been waiting to be resettled. It seemed that they were left to their fate because the attitude toward these people was completely the opposite of the response to the refugees from Hungary. The conditions in which the refugees were living

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[38] ICEM was launched in 1951 by the USA with the aim of resettling refugees and other elements of 'surplus population' of Western Europe in places like Canada, Latin America and Australia (Loescher, 1993: 63).
[39] All Hungarians, who had fled to Austria and Yugoslavia, were regarded as *prima facie* refugees (refugees, who do not need further proof) because first it was assumed that they were all fleeing persecution and secondly it was impossible to investigate whether each individual had the same motive for flight, i.e. desire to escape political persecution in an exodus like that (ibid.). For a brief explanation of *prima facie* refugee see (Human Rights Watch, *Hidden in Plain View*, Retrieved: January 15, 2008, [WWW Document]. URL http://www.hrw.org/reports/2002/kenyugan/kenyugan1002%20ap%20alter-03.htm).

drew attention of the international community, and the UN gave full support to a proposal about establishing a 'World Refugee Year' in 1959. The two main aims pointed out in the proposal were:

a) 'to focus interest on the refugee problem and to encourage additional financial contributions from Governments, voluntary agencies and the general public for its solution,

b) to encourage additional opportunities for permanent refugee solutions, through voluntary repatriation, resettlement or integration, on a purely humanitarian basis and in accordance with the freely expressed wishes of the refugees themselves'[40].

The emergence of a new international refugee regime occurred simultaneously with the labour emigration in Europe. As mentioned above, the recruitment of foreign workers that had already began after the end of the World War II, gained momentum in the following decade. Yet, the Federal Republic of Germany (FRG hereafter) entered the arena in the late 1950s. At the same time, European Economic Community (EEC hereafter) was established with the 1957 Treaties of Rome. One of the objectives of the Community was to achieve free movement of workers[41]. The system applied in the FRG can be summarised as follows: the agency responsible for recruiting the guest-workers (*Gastarbeiter*) was the Federal Labour Office (*Bundesanstalt für Arbeit*), which set up recruitment offices in the Mediterranean countries. Everything related to recruitment such as the recruitment itself, the working conditions, and the social security of the guest-workers was regulated by

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[40] (UN General Assembly *Resolution* 1390 (XIV), November, 20, 1959. Retrieved from UNHCR Refworld 2005). It seems that the establishment of a World Refugee Year was influential to a certain extent. As Auguste R. Lindt, the then High Commissioner for Refugees points out in his statement to the Third Committee of the UN General Assembly (November 2, 1959),

> 'In Europe the gradual solution of refugee problems, including formerly stagnant problems, maintains its impetus. A year ago I stated that in the autumn of 1958 there were 160,000 non-settled refugees in Europe within the mandate of my Office. This number included 40,000 persons in camps in Austria, the Federal Republic of Germany, Greece and Italy. Today I am able to report that in the autumn of 1959 the non-settled refugees are estimated to number 110,000, while the camp population has decreased to 22,000. That this reduction in the number of "waiting people" has been possible despite a further small influx of refugees (some 6,000) during the past twelve months, is a tribute to a broad combination of efforts on the part of governments, intergovernmental organizations - like the Intergovernmental Committee for European Migration and voluntary agencies. The solutions chosen by the refugees were the classical ones: voluntary repatriation, emigration and integration. Integration was facilitated by the developing economy and employment situation in the two countries with the highest numbers of non-settled refugees' (quoted from UNHCR Refworld 2005)

[41] The principle of free movement for workers was laid down in Art. 39 of the Treaty of Rome. One of the essential components of an internal market was an open labour market. Thus the focus of legislation that would give effect to the Treaty requirements was on 'workers' at the beginning (Bainbridge, 2002).

bilateral agreements between the FRG and Mediterranean countries like Italy, Greece, Turkey[42] and others such as Morocco, Portugal, Tunisia, and Yugoslavia.

As industry expanded rapidly, the need to shift to new methods of mass production, which required large numbers of low-skilled labourers, became urgent (Castles and Miller, 1998: 68-73). The result was the rapid increase in the number of guest-workers. It rose from 95,000 in the mid-1950s to 1.3 million in the mid-1960s to 2.6 million in 1973, when the Federal government stopped recruiting foreign workers[43]. At the beginning, the foreign workers were mainly male, but later on women were recruited as well, and they played an important role.

About the Federal government's approach and policies regarding the foreign workers, the first thing to be noted is that the guest-worker system in Germany as well as other West European countries had a central element: there was a legal distinction between the status of a citizen and of foreigner in order to determine the social and political rights a foreign worker would have (Castles and Miller, 1998: 72). In practice, there was no difference in terms of social and economic benefits at the beginning. Only the rights of political participation were constrained[44]. Secondly, as it is apparent from the name 'guest-worker', these migrant workers were regarded as temporary labour units recruited and made use of for a certain period of time and sent away at the end of the period. They would stay in 'heim's - dormitories designed for workers - in which they would have small rooms of their own while sharing bathroom and kitchen. The conditions in which they were living and their temporary status - they were not allowed to settle - strongly discouraged the entry of the family members. Yet, it was not possible to prevent family members from reuniting and settling. Moreover, in order to compete with other countries which imported labour, Germany had to be flexible regarding the entry of the labourers' dependants. This situation led to the relaxation of restrictions towards the end of 1960s. As Weiner (1990: 147) notes, at the beginning, the Federal government supported migrant workers with an income supplement for each child. The ones, who remained in the home country, were included, too. Later on, there were complaints of fraud and the government officials reported that it

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[42] First of the bilateral agreements with Turkey went into force on September 1, 1961 (Abadan-Unat, 2002: 43).

[43] (Castles and Miller, 1998:71)

[44] In the mid-1970s, political rights were extended to migrant workers in most of the European countries (Castles and Miller, 1998).

was not possible to verify whether a migrant had the number of children claimed. So, it was declared that the government would provide the income supplements if the children resided in the FRG. Consequently, more and more migrant children came to the country. Permanent immigration had started with the reunion of families. The guest-worker system continued until the 'oil crisis' became imminent in 1973.

At the beginning of the 1960s, the attention was on the labour emigration to Western Europe because the era of refugees had almost come to an end[45]. Yet, new refugee movements entered the stage. Millions of people were displaced as a result of conflicts in the so-called Third World. Africa, where decolonisation led to violent conflicts, became the main source of refugee movements in the 1960s. Most of the refugee problems in Africa were related to resistance to foreign domination and wars of national liberation. However, that cannot be regarded as the only cause of the refugee flows. People fled political oppression and ethnic conflicts. The roots of the conflicts, on the other hand, were directly linked to the policies followed by colonial powers. This is summarised by Zolberg, Suhrke and Aguayo as follows:

> 'Most new African states consist of culturally diverse social groups, mistakenly labelled as *tribes* that are combined into distinct territorial entities by European colonial entrepreneurs in response to the dictates of imperial rivalries in the late nineteenth century. …
> By establishing themselves as the ultimate source of law and order, the colonial authorities superseded the indigenous authorities and thereby undermined their role in African society, even when co-opting them as auxiliaries. …
> For purposes of administrative convenience, colonial officials defined *tribes* as mutually exclusive territorial entities, thereby solidifying hitherto fluid boundaries between groups and often creating new groups. …'
>
> (Zolberg, Suhrke and Aguayo, 1989: 40-41)

In the aftermath of the independence, people living in most of these countries found themselves in the middle of political repression and economic deprivation. Instable

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[45] There were two exceptions. The first one was an outflow of people as a result of a coup d'etat in Greece in 1967. However, it was not necessary to claim refugee status since these people followed the Greeks, who had emigrated to Western Europe as foreign workers. The other exception took place when the Soviet forces intervened and put an end to liberal reform policies in Czechoslovakia in 1968. In other words, the result of the so-called Prague Spring was an outflow of refugees who fled Soviet oppression (Loescher, 1993).

economic and political conditions generated tensions and led to violent communal conflicts. Tens of thousands of people became refugees as an outcome of those conflicts[46].

How did the international community respond to the refugee problem in Africa? Uprooted and displaced people in this continent could not be regarded as Convention refugees since their circumstances had nothing to do with the events prior to 1951. Towards the end of 1950s, the UN General Assembly made it possible for the High Commissioner to deal with the refugee situations which were not included in the Convention. Usually the UNHCR was asked to use or extend 'good offices' to help 'persons in need of assistance'. Hence the organisation's authority was expanded via the UN General Assembly resolutions. What kind of assistance did the UNHCR provide in these non-European refugee situations? As Loescher (1993:73) points out, the *de facto* extension of international action was limited with emergency relief and material assistance.

About the African refugees, the High Commissioner was requested 'to pursue his activities on behalf of the refugees within his mandate and those for whom he extends his good offices…'[47]. However, as more and more displaced people, who were not considered Convention refugees, appeared on the world stage, the time limitation put forth in the Convention became a handicap for the refugee agency. Even though these people were of concern to the UNHCR, what the organisation could do was limited with making recommendations since it could not impose any obligations on states. Therefore, Felix Schnyder, the then High Commissioner and his Executive Committee, tried to find a way to remove the provisions about time and geographical limitations from the Convention by a protocol. At the end, such a protocol was adopted during Schnyder's successor Sadruddin Aga Khan's tenure in office. With the 1967 Protocol, the geographical and temporal limitations were abolished, and the Convention was brought into line with the UNHCR Statute which had a universal mandate. However, most of the Third World refugees still remained *de facto* excluded because as Hathaway (1991: 10) notes, even after eliminating the temporal and geographical limitations, only persons, who had to migrate due to a fear

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[46] Refugee flows began as civil war broke out in Sudan following independence in the mid-1950s. Later on, thousands of Angolans fled to Zaire and Zambia in 1961 as Portuguese campaign of terror resulted in a national liberation struggle. There was another struggle against Portuguese rule in Mozambique. Rhodesia, Rwanda, Uganda and Burundi were some of the refugee producing countries in Africa (ibid.).

[47] (UN General Assembly *Resolution* 1673 (XVI), 1961. Retrieved: from UNHCR Refworld 2005). From 1965 onwards, there was no longer a distinction between mandate refugees and good offices refugees (Loescher, 1993: 80).

of persecution on the ground of civil or political status, were included within the scope of the Convention-based protection system. The reason for excluding the refugees of the Third World was that the stimulating factor in flight of those people was natural disaster, war or political and economic turmoil rather than persecution.

Not long after the adoption of the 1967 Protocol, a regional arrangement came from the Organisation of African Unity (OAU hereafter). The 1969 *Convention Governing the Specific Aspects of Refugee Problems in Africa*, known as the 1969 OAU Convention was crucial in the sense that first of all it reflected more adequately the situation the Africans were in at that time. Secondly, even though the starting point was the Convention and Protocol, the concept of refugee was elaborated in a broader perspective. According to Article 1[48] (2) of the 1969 Convention the term *refugee* also applies to,

> [e]very person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality[49].

Furthermore, the 1969 Convention touches upon certain aspects of the Convention definition that need modification. Hathaway (1991) summarises those points as follows. First, it is acknowledged in the 1969 Convention that 'fundamental forms of abuse may occur not only as a result of the calculated acts of the government of the refugee's state of origin, but also as a result of that government's loss of authority due to external aggression, occupation, or foreign domination' (Hathaway, 1991:17). Second, the legitimacy of flight in circumstances of generalised danger comes to fore since the 1969 Convention refers to persons who flee their country as a result of incidents like external aggression, occupation or foreign domination. Third, whereas refugee status is linked to 'the prospect of abuse resulting from some form of personal or group characteristic'[50] in both the Convention and its predecessors, the basis of the harm may be indeterminate according to the 1969 Convention. Finally, we come across with the extension of international protection 'to

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[48] The refugee definition of the 1951 Convention is stated in the first paragraph of the Article 1.
[49] (1969 *Convention Governing the Specific Aspects of Refugee Problems in Africa.* Retrieved: January 12, 2008, [WWW Document]. URL. http://www.africaunion.org/Official_documents/Treaties_%20Conventions_%20Protocols/Refugee_Convent ion.pdf)
[50] (Hathaway, 1991: 18)

persons who seek to escape serious disruption of public order "in either part or the whole" of their country of origin'[51].

Apparently, the OAU Convention has an important place in the development of international refugee regime. It has innovative characteristics. By broadening the refugee definition, not only it reflected the reality of the African refugee problem, but also it became an initiator of other regional arrangements such as the Cartagena Declaration of the Organisation of American States adopted in 1984. As noted by Hathaway (1991), it was an inspiration for the liberalisation of various regional and national accords on refugee protection[52].

The solution the UNHCR formulated regarding the refugee problem in Africa during the late 1960s and the 1970s was resettlement. However, unlike in the case of post-war European refugees, the UNHCR did not offer Africans overseas resettlement much. What was necessary, according to the UNHCR, was an organised rural resettlement. The aim was to help refugees become self-sufficient and even contribute to their host country's economy. Accordingly, the refugee agency tried to integrate the rural resettlement schemes it set up into broader rural development strategies which would cover the whole continent. Since local integration drew more interest, most of the international assistance was directed towards these resettlement schemes so that they would contribute to the development of the continent. This was the solution used in the 1960s. However, the next decade was marked by repatriation as the durable solution. Repatriation is discussed in-depth in the next chapter. Suffice it to say that most of the refugee problems in Africa were tried to be resolved by repatriation in the 1970s. Despite the fact that many refugees were repatriated, hundreds of thousands continued fleeing. As Zolberg, Suhrke and Aguayo (1989: 39) point out, the number of refugees in Africa climbed back to over 800,000 by 1978 and as the conflicts expanded in southern Africa and the Horn the number of people seeking refuge mostly in neighbouring countries escalated to over 2 million in the following year. In the

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[51] (ibid).

[52] In the Cartagena Declaration, which is one of the regional accords, the definition of refugee is as follows: '[t]he definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order'
(*Cartagena Declaration*. Retrieved: November 23, 2006, [WWW Document]. URL
http://www.asylumlaw.org/docs/international/CentralAmerica.PDF).

meantime, masses had been fleeing brutal tyrants who seized power in the Central African Republic, Uganda and Equatorial Guinea since the mid-1970s[53].

b. International Migration Since 1970s

While the Third World was struggling to overcome its refugee problem in the first half of 1970s, we came across with shifts in migratory patterns and new forms of migration, and as some scholars would claim, a new phase of international migration began[54]. The first phase had ended with the 'oil-crisis' in 1973-74. Meanwhile, free movement of workers within EEC came into force in 1968. It was the first step towards creation of a 'common market' in Europe, and actually free movement of labour was achieved earlier than envisaged. Yet, as Castles and Miller (1998) point out, in the 1960s and early 1970s, due to gradual equalisation of wages and living standards within the EEC, the intra-Community labour movement was in decline whereas migration from outside the EEC continued to increase. The industrialised countries had stopped recruiting foreign labourers. It was directly related to the transformation of the world economy. This period of transformation had certain features. They are summarised by Castles and Miller (1998: 78) as follows:

a) global investment patterns changed,

b) need for manual workers in manufacturing sector decreased with the micro-electronic revolution,

c) there were almost no traditional skilled manual occupations left in highly developed countries,

d) sector of services expanded with demand for both highly skilled and low skilled labourers,

e) informal sectors grew rapidly in the economies of developed countries,

f) employment became casual, part-time work grew, and insecure conditions increased in employment, and

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[53] Refugee movements were not confined to Africa. In the mid-1970s, there were mass flights from Indochina (as communists seized power in Vietnam, Laos and Cambodia), Afghanistan and Latin American countries of Chile, Uruguay and Argentina (Zolberg et al., 1989).

[54] (Castles and Miller, 1998)

g) there was an increased differentiation in labour forces on the basis of gender, age, and ethnicity which resulted in employment of many women, young people and members of minorities in informal sector.

The result of these transformations was economic crisis and social change in the South. What kind of developments led to this economic crisis and social change? There was a rapid population growth; natural resources were overused and some of them were even destroyed; urbanisation took place in an uncontrollable way; instability was observed in the political arena; living standards decreased; and poverty and even famine was observed in the countries of the South. The gap between the North and the South was widening.

One of the remarkable trends in the post-1973 period was the continuation of immigrant settlements and family reunion. As mentioned above, not only the industrialised countries of Western Europe had stopped recruiting foreign labour, but also it was hoped that the 'guest-workers', who were not needed therefore not wanted any more, would return to their countries. The migrant workers were not welcomed any more because there was an economic recession following the oil crisis. Despite migrant workers were offered material inducements to return, most of them stayed. Furthermore, family reunification, which had been discouraged at the beginning but allowed later on, continued during the 1970s resulting in consolidation of immigrant communities in Western Europe. The structure of foreign populations changed. For example, as Castles and Miller (1998: 80) point out, the number of foreign men decreased in the FRG between 1974 and 1981 whereas the number of women increased by 12 per cent[55]. With the help of family immigration, there was a steady inflow of additional foreign workers throughout Western Europe.

Family reunion was one of the gates for people who wanted to settle in Western countries. The other one was to seek political refuge in these countries. In the early 1970s, Europe was a host to many people fleeing violence and persecution in developing nations – the so-called South. At the beginning, the numbers were not big hence it was not difficult for the receiving countries to cope with the situation. Furthermore, as long as economic situation was not problematic in the receiving country and labour migration was in the

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[55] For the growth of foreign population in some of the immigrant countries in Europe see Table 4.2 (ibid.).

interest of the state, both refugees and migrant workers were well-received. But, as the number of refugees rose and the receiving states experienced economic recession in the aftermath of the oil crisis, the attitude changed dramatically. Neither refugees nor migrant workers were welcomed any more. Despite the change in attitude, reunion of migrant families continued during early 1980s. Moreover, there was a remarkable increase in the number of asylum-seekers[56]. As the global refugee crisis intensified during the 1980s, asylum caseloads grew rapidly in all Western countries. There was an additional pressure on the political asylum systems of both the USA and the receiving states in Western Europe. 'The steep rise in European unemployment combined with high immigration levels, led to increasing concern and fear among indigenous Europeans of being inundated by foreigners' (Loescher, 1993: 111).

Faced with more and more asylum-seekers[57], the European governments were alarmed and started questioning their ability to control immigration and asylum. Hot debates took place about the liberal admission policies they had been applying in the last three decades. They introduced restrictive measures regarding their asylum regulations. For example, in the FRG there was a political debate raising the question of possible abuse of the asylum law and visa requirements were imposed on many refugee-producing countries as a result (Lavenex, 1999:20)[58]. Moreover, in order to discourage asylum-seekers from coming to their countries with the hope of obtaining refugee status, they applied the strictest interpretation of the Convention definition of refugee. At the same time, as Joly (1996) notes, interpretation of what constitutes 'persecution' was defined in a less liberal way. The effect it had on the fate of asylum-seekers was severe indeed. If asylum-seekers did not meet the exact criteria of the definition they risked being returned to their country where they would be killed or persecuted. On the other hand, new perception of asylum-seekers came to exist. The percentage of asylum-seekers who were granted refugee status was very small. All the others were considered as 'bogus', 'fraudulent' or 'economic

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[56] The number of applicants rose from approximately 20,000 in 1976 to 158,500 in 1980 (Loescher, 1993: 111).
[57] Most of these asylum-seekers did not even meet the criteria of the 1951 Convention (ibid.).
[58] Other countries like France, Denmark, Belgium, and the Netherlands followed suit. There was a general reluctance among Western European nations to strengthen commitment to refugee protection. They showed this reluctance by failing 'to adopt a substantive right to asylum in the Council of Europe's Declaration on Territorial Asylum of 1977' (Lavenex, 1999: 20).

refugees' (Joly, 1996: 12). The attitude of the indigenous population towards asylum-seekers and refugees was rather unwelcoming even hostile.

Against this background, the European governments decided to cooperate in immigration and asylum matters. Parallel to this development, the process of harmonising policies on asylum began from within the European Community (EC hereafter), however at intergovernmental level[59]. What was the rationale behind such cooperation? As Lavenex (1999: 34) notes, it was a common perception among the European governments that made them act together in this field. They thought that if the borders were no longer controlled, the entry of persons would not be controlled and this would pave the way for illegal migration of undesired persons. Two events had a triggering effect on the process. The first one was the Single European Act whose chief objective was to establish the internal market thus add a new momentum to European integration. The Single Market was defined as "[a]n area without internal frontiers in which the free movement of goods, persons, services and capital is ensured …"[60]. The idea of abolishing internal borders raised concerns among the Northern member-states of the EC since they had been trying to cope with various issues including security, drugs and immigration. The second event effecting the cooperation in the fields of immigration and asylum was the huge number of asylum-seekers Europe was faced with at a time when it was passing through an economic recession. Countries like France, Germany, and the Benelux countries had been receiving the highest number of refugees. As a result, the question of asylum became one of the controversial issues drawing more and more attention. In addition to asylum-seekers, new migrants were entering Europe both legally and illegally. They were mainly from Africa, Asia, and Latin America. It was a trend that began in the previous decade.

Cooperation in immigration and asylum matters did not evolve within the EC framework though. The initiative came from the traditional refugee-receiving countries, namely France and Germany[61]. Belgium, Luxembourg, and the Netherlands soon joined

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[59] In fact, the first initiatives regarding cooperation in asylum issues and harmonisation of national asylum policies came from the Council of Europe (CoE). Yet the efforts bore no results, and by the time a draft agreement on examining asylum requests was reached, the Ad Hoc Committee of Experts on the Legal Aspects of Refugees (established in 1977) within the CoE had lost its importance (Lavenex, 1999: 30-3).

[60] (Art. 13, *The Single European Act*. Retrieved: November 24, 2006, [WWW Document].URL. http://www.unizar.es/euroconstitucion/library/historic%20documents/SEA/Single%20European%20Act.pdf)

[61] The initiative in question is a Franco-German one of 1984, in which the two countries reached an agreement on gradual abolition of controls at the common borders (Lavenex, 1999: 35).

them, and the First Schengen Agreement on the Gradual Abolition of Checks at the Common Borders was signed on 14 June 1985. The objective was to create a territory without internal borders, known as the 'Schengen Area'. One important aspect of this Agreement was that the restrictive policies and practices of individual countries were brought together in the name of harmonisation. As Joly (1996: 49) notes, the four main components of the Agreement are: the state responsible for examining the asylum application, the procedure, the exchange of information and the circulation of foreigners.

Shortly after the Schengen Agreement was signed, other intergovernmental initiatives came to fore. The Trevi group, which had been set up in the previous decade, was one of them. It was dealing with the question of drugs, terrorism, and immigration. Another one was formed in 1986 – the Ad Hoc Group on Immigration which would be responsible for formulating measures in the fields of immigration and asylum. This Ad Hoc Group included a subgroup examining 'the measures to be taken to reach a common policy to put an end to the abusive use of the right to asylum' (Joly, 1996: 49). Cooperation in asylum matters gained pace rapidly resulting in the establishment of an intergovernmental group of coordinators within the EC. This group drew up a program composed of two conventions, namely the Dublin Convention on the State Responsible for the Examination of a Asylum Claim, and the draft Convention on the Crossing of External Borders. The first was approved at the Dublin Summit in June 1990.

The collapse of the communist regimes in Eastern Europe and the Soviet Union in 1989 brought an end to the Cold War. One of the long-lasting and complicated chapters of world history was closed. Yet, the new chapter is even more complex in many aspects. First of all, it is not possible to distinguish between the motives behind people's decisions to leave their homes. Actually, the distinctions became blurred starting from 1970s yet, following the end of the Cold War era, it has been extremely difficult to distinguish an economic migrant from an asylum-seeker. Why is that the case? As Maynard (1999: 61) notes, economic and political motivations are frequently entangled, and economic migrants constitute a big part of today's asylum-seekers. Moreover, the number of people displaced as a result of environmental disasters, as some scholars[62] call them 'environmental refugees', has been increasing. These people are forced to leave their homes because of

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[62] (Maynard, 1999; Black, 2001)

disasters such as earthquakes or tsunamis, worsening ecological conditions caused by pollution, overuse of natural resources, overpopulation or some physical hazards. New types of refugees, whom the UNHCR cannot ignore, have been appearing on the stage. We cannot talk about the traditional concept of forced migration any more since the defining features of refugees, IDPs, and other people, who are in personal danger, are being questioned more and more in today's world. Consequently, the definition of 'refugee' and the application of the founding statutes of the international refugee regime in an appropriate way are debated in international circles. The UNHCR gives priority to those people who fall under the original definition – the so-called Convention refugees. Yet, it has extended assistance and protection beyond the Convention refugees, including IDPs, resident populations, 'others of concern' and, recently those who are considered stateless (UNHCR, 1997 and 2000).

Secondly, the scale of individual evacuations as well their urgency and duration have been on the rise since the second half of 1970s, but the valve opened with the end of the Cold War. As Maynard (1999: 64) points out in his book, the shift from insurrection moves triggered by politics of the Cold War to conflicts in which identity is a prominent element, corresponded to a 28% increase in displaced people worldwide in the first five years of the post-Cold War period. The conflicts we come across in the 1990s are mostly intrastate or internal conflicts, and huge refugee influxes are occurring as a result of those conflicts. If the correlation between wars and forced migration is examined, it is seen that in the 1990s 'all but three (Bhutan, Uzbekistan and Zaire) of the sixty refugee flows coincided with an intrastate conflict during some point in time, and in two more cases (Lebanon and the Philippines) intrastate conflicts resulted in internal displacement' (Schmeidl, 2001: 77).

The Cold War had brought stability to Europe. Internal strife, civil wars and foreign intervention in intrastate conflicts were taking place in the so-called Third World. With the Cold War coming to an end the status quo collapsed as well. The outcome was euphoria at the beginning. First of all, superpower rivalry was over. More important than the end of the rivalry between two superpowers was that capitalism and liberal democracy won the Cold War. As Fukuyama (1993) claimed, 'the end of history' came with the collapse of communism. However, it would soon be realised that although there was a decline in interstate wars, that was not the case with the intrastate conflicts at all.

One of the first major refugee crises in the post-Cold War era took place following the defeat of the Iraqi forces in Kuwait in February 1991[63]. In the wake of the cease-fire that brought an end to the second Gulf War, uprisings erupted among the Shi'ites in the southern parts. Later on, the Kurds in northern Iraq rebelled and within a short period of time like ten days they took control of nearly every city in the region. However, the Iraqi government quickly repressed the rebellion and regained control over northern Iraq resulting in the collapse of the Kurdish uprising. The repression was quite severe, and both during the repression and afterwards there were gross violations of human rights, including 'indiscriminate bombardments of residential areas, widespread arrests of civilians, the torture of detainees and mass summary executions, the use of unarmed civilians as "human shields" and the use of detainees as hostages to deter further attacks on government-held positions and the crushing of civilians by tanks' (*Amnesty International*, 'Iraq: The need for further United Nations action to protect human rights', UN Docs., quoted by Zieck, 1997). The result of the repression was a mass refugee exodus in the last days of March from northern Iraq, particularly from cities like Zakho, Dohuk and Kirkuk. Kurds continued to flee in the following month. However, their flight was impeded by the Iraqi army. Despite this impediment, '[s]ome 1.7 million people fled within a fortnight, 1.2 million to Iran and some half a million to Turkey[64]' (Zieck, 1997: 189). By the time the Turkish National Security Council decided to keep the border closed to the refugees (2 April 1991), there were reports noting that the number of refugees at the border was beyond 200,000. Even though the military had been instructed to prevent refugees from entering Turkey, growing number of them were coming. The ones, who had already come, were denied asylum by the Turkish government and it generated resentment in the international arena. Upon this, as Kirişçi (1995) notes, the then President of Turkey, Turgut

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[63] Iraq invaded and attempted to annex Kuwait in August 1990. The response to the Iraqi act of aggression was a united international condemnation which ended with a military offensive known as 'Operation Desert Storm' in January the following year. The UN gave authorisation and the operation was headed by the USA and Great Britain. Iraq was forced to withdraw from Kuwait and a cease-fire came on 28 February (Zieck, 1997).

[64] It was the second time Turkey was faced with a mass influx of refugees from Iraq. During the Iran-Iraq war, Kurds had been able to establish control in certain remote parts of northern Iraq. Using the disadvantageous position Iraq was in at that time, Kurdish peshmergas expanded their area of control southward along the Iranian border capturing Halabja in March 1988. The Iraqi military reacted in an extremely violent way, including the use of chemical weapons. Even after Iran accepted the UN Security Council resolution on cease-fire between the two countries (Res. 598), the Iraqi offensive against peshmergas continued, and by the end of August 1988 they started fleeing towards Turkey with their families (Kirişçi, 1995).

Özal, began advocating the idea of creating a 'safe zone' for the refugees. Özal's argument was that it was necessary to bring down the refugees from the mountaintops which were full of snow to the plains on the Iraqi side of the border. As a result of his conversation with the then US President George Bush, the then Secretary of State James Baker paid a short visit to the border area on 8 April, and was fully convinced that something had to be done immediately. Meanwhile, the then British Prime Minister John Major took the idea of a 'safe zone' to an EC meeting in which this refugee crisis was discussed. Western governmental officials raised their concern about the creation of a 'safe zone'. Therefore what they adopted at the end was the idea of a 'safe haven'[65]. Consequently, the relief operation began. In fact, the USA had announced on 5 April 'to start an airlift to deliver emergency relief supplies to the refugees in the inaccessible Turkish-Iraqi border area' (Zieck, 1997: 197). On 9 April, the supply of relief materials in the border area was transformed into the so-called 'Operation Provide Comfort'. A week later, the Operation was geographically extended with the aim of creating a security zone in northern Iraq. By the end of the month, an extensive repatriation programme started to be implemented. The return was completed in a short period of time.

While Turkey and Iran were trying to cope with the Kurdish refugees fleeing Iraqi government, Europe was faced with growing numbers of asylum-seekers. Following the end of the Cold War, violent conflicts shifted from the developing world back to the industrialised North. Refugee flows moved as well. The disintegration of communist regimes in Eastern Europe and the Soviet Union in the 1989-91 period resulted in an increase of people seeking asylum in Europe[66]. It was the biggest population movement ever seen since after the World War II. Another influx came with the disintegration of the SFRY and the wars afterwards. The Yugoslav wars of 1991-1995 are examined in detail in the following chapters. Suffice it to note that, in addition to huge numbers being killed or massacred, many people had to flee their homes. Some of them sought refuge in neighbouring countries or former Yugoslav republics, some went to Europe, and some became IDPs.

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[65] Actually what John Major advocated was the idea to establish a 'Kurdish enclave' in northern Iraq. However, right from the beginning, the USA was opposed to anything resembling something like the establishment of a formal enclave in Iraq. So the term 'enclave' was changed to 'haven' (Kirişçi, ibid.)
[66] For the table on the East Europeans seeking asylum in the whole of Europe (with the exclusion of Bulgarians to Turkey) and statistics about the East-West flows see (Loescher, 1993: 112).

Regarding the out-migration from the former Soviet Union, the first thing to point out is that, as can be seen from Loescher's table on the Soviet emigration between 1948-1990, it has been going on for quite a while (Loescher, 1993: 116). For instance, even though emigrations were subject to quotas, thousands of Jews left the country in the 1970s, and there was a huge outflow of Germans in the two years prior to the collapse of communism[67]. Of course these emigrations were under the control of the state policy since it was the body responsible for enforcing migration policy. It was not easy for the Soviet citizens to travel freely. As the state controls on emigration were loosened, exit became less risky than before. People had greater access to the West, and they started to realise how big the disparities were between Western societies and their own, particularly in the economic field. Moreover, the economic reform that was tried to be implemented caused an increase in unemployment, inflation, and resource shortages that were becoming acute. Defence plants and factories were shut down as the military-industrial sector was disbanded. Many scientific and technical workers started seeking job opportunities in other countries.

Final reason for migration from the disintegrating Soviet Union was ethnic conflicts stimulated by ancient hatreds and grievances. As Suhrke (1997) notes, conflicts erupted over national boundaries and ethnic communities in regions like the Caucasus, Baltic states and Central Asia. Refugee flows generated by those conflicts had a certain pattern: Russians moved to Russia while Armenians and Azeris crossed to join their own ethnic majorities when war broke out between the two over Nagorno-Karabakh. In other words, refugee movements took place in accordance with the reorganisation of political communities based on the 'principle of concentration'. Like in the process of establishing new states in the wake of dissolution of multiethnic empires, ethnic origin became defining principle and ethnic groups 'unmixed'. As a result, minorities had no choice other than going 'home'. The situation of other ethnic groups was worse. Hundreds of people, who became displaced as a result of the Balkan wars, were dispersed. Some of them fled to European countries, some to Turkey, some to neighbouring countries and some became internally displaced.

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[67] (ibid.)

After the communist rule collapsed, a number of East European countries were faced with a challenge: immigration. Within a short period of time, countries such as Poland, Hungary, the Czech and Slovak Republics started receiving refugees both from their neighbours to the East and the countries of the South. In addition to migrants from the East, a growing number of Third World migrants were trying to use those countries of the Central and Eastern Europe (CEE hereafter) as a transit route to the Western Europe. In that sense, the opening up of the Eastern bloc was a big threat. Therefore, while continuing to tighten its borders, Western Europe started to use the countries of CEE as a 'buffer zone'. Simultaneously it tried to incorporate those countries into the emerging refugee regime in Europe.

As mentioned above, cooperation of the member-states of the EU (EC at that time) in asylum and immigration matters dates back to the mid-1980s. Accordingly, a refugee regime started to emerge. At this point, it is to be emphasised that this cooperation among the European states is distinct from the principles, rules, norms and procedures in the international refugee regime that has been evolving since the late 1940s. First of all, it did not include traditional actors responsible for protection of the refugees such as the UNHCR. Secondly, limiting to border-crossing situation of asylum seekers in the internal market, the refugee problem was viewed in a homogenous, limited and rather technical way. Refugee issues were linked to negative phenomena like international crime, drug trafficking and terrorism. Together they were regarded as the main threat to internal security of the single market. Thus refugee policies adopted by the EU member-states were interpreted in terms of security – both internal and international security. This approach manifests itself in the set of measures formed to safeguard internal security, the so-called 'legal acquis' reached in this field.

Together with the Schengen Agreement, the Dublin Convention[68] made up important part of the 'legal *acquis*' in the immigration and asylum field. As Lavenex (1999) points out, with the two agreements, the rules of international cooperation in issues of asylum were defined among the EU member-states, and the conditions of entry for third-country nationals were restricted. On the other hand, there was a central rule with regard to asylum:

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[68] The Schengen Agreement came into force ten years after it was signed. The delays were related to the implementation of the Schengen Information System. The Dublin Convention, on the other hand, came into force in September 1997 (Loescher, 1993; Joly, 1996; Lavenex, 1999).

'implementation of a system of redistribution for handling asylum claims based on the 'first host country' or the 'safe third country' rule' (Lavenex, 1999: 40). According to this rule, one signatory state would be responsible for examining an asylum claim. In short, the sole authority regarding the examination of asylum claims and determining refugee status would still be the member-states. This was called the rule of *exclusive responsibility*, which aimed at preventing 'multiple simultaneous or successive applications by one and the same asylum seeker in different member-states' (Lavenex, 1999: 41). At the same time, the member-states were trying to redistribute asylum-seekers from the more affected countries to the less affected ones such as the CEE countries. That is why they wanted to extend the European refugee regime to Central and Eastern Europe. Consequently, individual West European countries initiated the first activities which involved the CEE countries. Those initiatives were both at unilateral and bilateral levels, and concentrated 'firstly on measures regarded as necessary for the implementation of the "safe third country" rule, and secondly on the transfer of funds and technology for the fight against illegal immigration and the establishment of basic legal and administrative infrastructure for the treatment of refugees' (Lavenex, 1999: 76).

Regarding the application of the 'safe third country' rule, a resolution was adopted at the meeting of the Ad Hoc Group on Immigration in London on 30 November-1 December 1992. Actually the resolution was a continuation of the Schengen and the Dublin Conventions in terms of determining responsibility. The rationale behind this was the idea that the first country with which the applicant had contact, should examine his/her asylum claim. So a state faced with an asylum claim might decide to send the applicant back to the state which he/she contacted in the first place. What differentiated the Resolution from the Schengen and the Dublin Conventions was that it extended the system of redistributing the asylum seekers to all potentially safe third countries, thus had an important effect on the CEE countries since they were regarded 'safe' by most of the member-states. In addition to that, readmission agreements[69] were concluded with those countries. The objective implicit in these agreements was to make it easier for the EU member-states to expel non-EU

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[69] Actually in order to implement the 'safe third country' rule it was necessary to conclude these agreements. Moreover, it is 'designed to facilitate the expulsion of rejected asylum seekers and illegal immigrants to their home country' (Lavenex, 1999: 79). One important point to note is that the readmission agreements signed between the West European and the CEE countries are different from the ones concluded in the 1950s and 1960s. For more on the readmission agreements of those decades see (Lavenex, 1999: 78-82).

nationals, including asylum seekers. The model for many of these readmission agreements was the one concluded between the Schengen states and Poland in March 1991[70]:

> Insofar as readmission agreements do not already exist, consideration should be given to establishing them with appropriate States. […] In the case of multilateral agreements, these might be along the lines of that between Poland and the Schengen States… (Ad Hoc Group on Immigration, 1992g, quoted by Joly, 1996: 73)

The readmission agreements were divided into two categories. The agreements designed with the intention of applying the 'safe country of origin' rule to the asylum-seekers or the illegal immigrants, who would return to their home countries, belonged to the first category. The agreements Germany concluded with Romania, Bulgaria and Croatia in 1994, the then-Federal Republic of Yugoslavia[71] in 1996, and non-European countries constituted the examples to this category. Third-country nationals were concerned in the second group. The assumption was that, as Lavenex (1999: 78) notes, the legal basis for rejecting asylum seekers whose application was not yet examined on the grounds of the 'safe third country' rule, was provided with these agreements. Germany signed this kind of agreements with Poland in May 1993, and with the Czech Republic in November 1994. In addition to the agreements, visa requirements were lifted between the contracting parties, and the Western states would provide material aid.

The Treaty on European Union (TEU hereafter) (1992), also known as the Maastricht Treaty, is considered as the other touchstone concerning the European immigration and asylum regime. The Ministers of Immigration prepared a working programme for the Maastricht Treaty in the meetings of the Ad Hoc Group on Immigration. In the programme, the Group's focus was on fighting against the abuse of asylum procedures in the fields of migration and asylum. In the migration domain, the ministers agreed on harmonising the entry criteria for third-state nationals and demanded measures to be formed to combat illegal immigration. Regarding asylum, on the other hand, they had two priorities: to implement the Dublin Convention, and to harmonise substantive matters for

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[70] About the main aspects that make these readmission agreements distinct from the earlier ones see (Lavenex, 1999: 80-81)

[71] The Federal Republic of Yugoslavia consisting of Serbia and Montenegro existed from 1992 to 2003 when it was reconstituted as a looser State union. It finally came to an end after Montenegro formally declared independence on June 3, 2006 followed by Serbia's formal declaration of independence two days later. Montenegro had held a referendum on 21 May 2006 (Retrieved: November 29 2006, from Wikipedia. [WWW Document]. URL. http://en.wikipedia.org/wiki/Federal_Republic_of_Yugoslavia).

its implementation such as adopting common criteria to determine the asylum applications that were 'manifestly unfounded' and speeding up domestic asylum procedures of the member-states.

Taking the working programme of the Ad Hoc Group as the basis, the issues in the asylum and immigration field were 'for the first time introduced into the framework of the Union in Title VI of the TEU of February 1992 as "matters of interest"' (Lavenex, 1999: 44). The third pillar of the TEU, namely the pillar dealing with Justice and Home Affairs, formalised the already existing structure of the Ad Hoc Group[72]. By the formalisation of this structure, important intergovernmental elements, which have developed since mid-1980s, were introduced into the EU framework. As a result of transferring the decision-making powers to the EU Council of Ministers, the domestic role of the members of the Council were strengthened *vis-à-vis* other ministries and national parliaments.

The TEU was regarded as a dynamic structure so it would need revision regularly. In that sense, the first comprehensive reform came with the Amsterdam Treaty concluded in June 1997. By the time it was concluded, dissatisfaction with the functioning of the pillar on Justice and Home Affairs had grown. Meanwhile, priorities in the field of asylum and immigration were outlined by the French presidency of the EU. Among the priorities, the completion and implementation of the Dublin Convention, harmonisation of the definition of 'refugee' with the one in the 1951 Convention, and minimum guarantees for asylum procedures were prevalent. Moreover, burden-sharing procedure for admitting persons, who were displaced as a result of conflict, was examined in-depth, and a Resolution on burden-sharing with regard to the admission and residence on a temporary basis of displaced persons was adopted in June 1995. This Resolution, as Joly (1996) points out, had certain limitations and lacked more concrete guidance towards implementation, yet it established the long-term position of the EU regarding temporary protection. The discussions on the concept of 'temporary protection' status and its implementation are dwelled on in the chapter on the War in Bosnia-Hercegovina because 'temporary protection' was developed as a response to deal with the refugees from the former Yugoslav territories.

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[72] For the institutional structure of cooperation in the field of immigration and asylum see (Lavenex, 1999: 44-5).

The most important aspect of the Amsterdam Treaty regarding the domain of immigration and asylum was the transfer of this field to the first pillar on community matters, which was supranational. From then onwards, the issues of asylum and immigration would be dealt with in the first pillar under the Title named 'Visas, Asylum, Immigration and other Policies related to the Free Movement of Persons'. In addition to the EU Commission being granted the sole right of initiative, there was an important amendment concerning the role of the European Court of Justice. The Court was 'granted the competence to give preliminary and interpretative rulings over Council acts in asylum and immigration matters' (Lavenex, 1999: 46). Furthermore, the so-called Schengen 'acquis' was incorporated into the EU framework. Yet, some of the member-states like the UK, Ireland, and Denmark obtained opt-outs concerning the provisions on asylum and immigration. In short, the building blocks of a common EU asylum system were identified, and it was decided that these building blocks would be agreed on by all member-states and adopted by 2004.

Following the Amsterdam Treaty, a special EU justice and home affairs summit was held in Tampere, Finland, in October 1999. First of all, there was a call from EU leaders. They emphasised that it was necessary to form a comprehensive approach concerning migration issues. This approach should address political and human rights and development issues in countries and regions of origin and transit.   Secondly, the EU heads of government '[s]tated their intention to develop "an open and secure European Union, fully committed to the obligations of the Geneva Refugee Convention and other relevant human rights instruments, and able to respond to humanitarian needs on the basis of solidarity"' (Oxfam, 2005). The intention was to form a common EU policy in the immigration and asylum field because if the EU did not set any minimum standards, the result would be member-states adopting ever stricter policies and treating asylum applicants with a 'race to the bottom' approach (Peers, 2003). This common EU policy on asylum and immigration would be composed of a Common European Asylum System consisting of two stages. In the first stage, five legal 'building blocks'[73], which had been put forth in the Amsterdam Treaty, would be created. The second stage would begin when the member-states agree on the building blocks. Furthermore, the Tampere Summit set a

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[73] The 'building block's were basically instruments setting minimum standards to be used in harmonising the basic elements of the member states' asylum policies (Oxfam, 2005).

five-year 'transitional period' for implementing the Amsterdam Treaty provisions on a common EU asylum and immigration policy. The aim was to complete harmonising the asylum policies.

On the day of the biggest enlargement the EU has ever experienced, the 'transitional period' came to an end. The results of harmonising asylum policies of the member-states were rather disappointing because all efforts seemed to be fruitless. What came out of the efforts were only 'lowest common denominator' standards in the asylum instruments adopted since the Tampere Summit. Meanwhile, prior to the expiry of the 'transitional period', EU Justice Ministers had a meeting in which they agreed to adopt a directive and a draft directive, namely a Directive on Minimum Standards for the Qualification and Status of Third Country Nationals and Stateless Persons as Refugees or as Persons who otherwise need International Protection (the 'Qualification Directive'), and a draft Directive on Minimum Standards for Member States' Procedures for Granting and Withdrawing Refugee Status (the 'Procedures Directive')[74] (Morris, 2005: 17). Towards the end of the same year, the 'Hague Programme' was adopted. The Hague Programme set ten priorities on the development of EU justice and home affairs policy for the next five years. The aim was to strengthen the area of freedom, security and justice in the Union. The actions required to achieve further coordination and integration regarding the immigration and asylum policies are specified in the Programme. Accordingly, by 2010 'the EU should have a common asylum policy executed by a single EU body through a single asylum procedure' (Morris, 2005: 17).

While the EU was preoccupied with cooperating in the asylum and immigration field and harmonising asylum policies, what was happening at the global level? What kind of a world was waiting for the leading agency in providing protection to refugees, the UNHCR, in the wake of the Cold War? How did it respond to the refugee crises? Was the agency successful in solving the refugee problems in the new decade? Those are some of the questions that need to be answered in the last part of this chapter.

The UNHCR was faced with the first crisis of the new era in April 1991. The suppression of the Kurdish rebellion in northern Iraq by the Iraqi forces resulted in an expulsion of hundreds of thousands of Kurdish people from their homes. These people

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[74] For more on the Directives see (Oxfam, 2005) and (Morris, 2005).

sought asylum mainly in Turkey and Iran. The Kurdish refugee crisis and Turkey's response to the crisis were elaborated before. So, the only point to be highlighted here is that as the UNHCR was encouraged by the international community to take action, it took part in solving the refugee crisis. It played an important role particularly in returning the refugees. However, it showed how weak the refugee organisation was in terms of emergency response capacity. Moreover, the UNHCR drew a crucial lesson: it was rather critical to be properly prepared for unexpected refugee emergencies. On the other hand, it became apparent that the international community would encourage and authorise the refugee agency more and more during the course of 1990s.

The first few years in the post-Cold War era were dramatic for the UNHCR. Why was this the case? Loescher (2001) notes that as the range of issues facing the High Commissioner became vast and complicated, the certainties dating back to the times the UNHCR was established and the old definitions of refugee representing the mentality dominant in the early years of the agency were no longer adequate to the current realities. For example, the scale of displacement expanded as a result of human rights abuses, various sorts of conflict, ecological disasters, etc.

The first major refugee crisis Western Europe faced since the Hungarian Revolution in 1956 erupted with the disintegration of the SU. Apart from the population movements within Russia, major displacements occurred in Central Asia (Tajikistan) and the south Caucasus (the autonomous territories of Abkhazia and South Ossetia) during the early 1990s and in the north Caucasus towards the end of the decade. With the break-up of the SU, the UNHCR found itself dealing with an entirely new region. During the civil war in Tajikistan, the refugee agency not only prepared an early repatriation programme but also provided assistance to large numbers of IDPs. With the ethnic conflicts in the Caucasus, the UNHCR was fully aware of the necessity of an integrated regional approach to tackle with the issues such as return and citizenship. The refugee agency's return programmes in the so-called 'decade of repatriation' are elaborated in the next chapter.

In the post-Cold War era, as the general pattern of refugee emergencies changed dramatically, the UNHCR had to respond to these large-scale emergencies. The result concerning the refugee agency was an extraordinary rate of expansion of its budget, staffing level, and international presence. The nature of the Office of the High Commissioner's work was transformed in many parts of the world as well. The refugee

organisation underwent a transformation and became a more broadly based humanitarian agency. There is another point about multilateral responses to the conflicts of the 1990s that deserves attention. Instead of engaging in political and military intervention, donor governments preferred to use humanitarian assistance more often. The focus shifted from protection to humanitarian relief in case of a civil war. Consequently, the connection between the UNHCR and peacekeeping operations – be it a UN operation or one at a regional level – has grown more direct than ever.

The Kurdish humanitarian emergency, at the same time, showed how vulnerable IDPs were. The international community had been viewing internal displacement as a domestic problem of states. Since IDPs 'still live under the jurisdiction of governments that may be directly or indirectly a cause of their flight' (Maynard, 1999: 62), how can they expect protection from their own governments? Moreover, their situation is not covered by international law and institutional agreements. The result was that IDPs had been generally ignored by the international community until the 1990s. None of the UN agencies had the mandate to deal with them. No concrete measures were taken concerning the IDP problem. The extremely vulnerable situation they were in was evident and revealed once more by the Kurdish refugee crisis. As a result, it was widely recognised by the international community that '[t]here was a need to develop a coherent and effective legal basis for protecting IDPs and to establish a new international agency to provide them protection and assistance' (Loescher, 2001: 293). However, both governments and agencies seemed reluctant to do something about it. Therefore, the UN took the initiative and appointed Francis Deng as the Secretary-General's Representative for IDPs.

The 1990s were believed to be the 'decade of repatriation'. So, the activities of the UNHCR gained momentum. Despite the repatriation efforts, the number of intrastate conflicts sharply increased in the aftermath of the Cold War era resulting in internal displacement of millions of people all over the world. The UNHCR's mandate was expanded in a number of situations so that it would cover the IDPs in addition to people who were trying to return to their homes and war-affected populations. As Newland and Meyers (1999) note, 'in-country protection' became the norm and the UNHCR often found itself 'working to prevent or contain refugee flows in zones of active conflict or in countries where the ink is scarcely dry on a cease-fire agreement before refugee repatriation begins'.

With the increase in internal conflicts, which displaced many people from their homes, the interest in IDPs grew as well. This interest, particularly on the side of the international community, had a precipitating effect on the UNHCR since many discussions took place and numerous reports were published on the IDP problem. The High Commissioner of that time, S. Ogata, realised that it was necessary to develop a more systematic and comprehensive approach to this problem. Accordingly, in April 1993, she published a 'set of guidelines concerning the organisation's activities on behalf of IDPs' (Loescher, 2001: 294). The guidelines were overall helpful since the organisation would be acting in accordance with a general framework specifying its approach to IDPs. However, some of the issues were still not resolved. For instance, how should the international community cope with the IDPs? Moreover, neither scale or scope nor duration of the UNHCR's operational involvement was clarified.

The UNHCR's ambivalence towards the IDP problem continued throughout the 1990s. However, towards the end of the decade, as the pressure from the international community, particularly from the US ambassador to the UN increased, the refugee agency felt the need to take certain measures to enhance and make more predictable responses to IDPs. Consequently, Guiding Principles on Internal Displacement were developed in 1998 by Francis Deng. The Principles 'constitute an "IDP Bill of Rights" in protection, assistance, and return based on existing international humanitarian and human rights law and analogous rights under the 1951 Refugees Convention and related acts' (USIP, 2005). With these Guiding Principles, soft law regarding IDPs has started to develop. However, there are not still any international legal instruments designed for protecting specifically IDPs. There is also a lack of an international agency that would be responsible for them. The main reason for that is, as mentioned above, according to international law, IDPs are to be taken care of by their own governments since they have not crossed any international border. But the problem is the government itself because it is the very reason for the displacement of these people. In other words, the international community is in no position to solve the problem of internal displacement because it is a matter of sovereignty at the end. Accordingly, it seems unlikely that the IDP problem will be solved in the near future.

The purpose of this chapter is to understand a complicated and multi-faceted phenomenon of social sciences: international migration. In the first part, the focus is on

conceptualisation to understand the phenomenon. First, the main dimensions, then the classifications scholars developed to explain international migration are discussed. While doing that, the conceptual complexities arising from the usage of the terms and categorisations are pointed out.

The focus shifts to the historical evolution of international migration in the latter part. This is particularly important in terms of reconceptualisation. New concepts reflecting and representing the changing realities started to be used in the literature on international migration. The rapid change in global dynamics brought about new conditions and scenarios, which have been affecting the phenomenon's nature since the 1970s. New dimensions such as gender have gained significance. The so-called 'illegal immigration' was problematised. Before the 1970s, it was not an issue because the industrialised countries needed labour and they welcomed immigrants. The situation changed dramatically with the economic recession in the wake of the 'oil crisis' in the mid-1970s. The developed West started to change its attitude and policies radically. Neither immigrants nor asylum-seekers from the so-called Third World were welcome any more. The border controls were tightened up and stricter visa policies started to be applied. This brought with it illegal immigration. Instead of staying in their regions, most of the asylum-seekers from the Third World – we do not know whether they were fleeing persecution or they were 'pushed' by poor living standards – were coming to Europe and other developed countries. The arrival of those people, either as legal or illegal immigrants, caused reaction both from the states and the public, and the immigrants were faced with xenophobia and racism.

The alarming numbers of asylum-seekers and illegal immigrants resulted in interstate cooperation in Europe. The cooperation efforts, which began outside the EC framework, were slowly incorporated into the EU framework. With the idea of completing the single market by the end of 1992, the asylum and immigration issues started dominating the EC agenda in the mid-1980s. The following decade witnessed efforts to harmonise asylum and immigration policies. However, the results of harmonisation have not been promising so far.

The last issue discussed is the transformation the main agency responsible for refugees and asylum-seekers has undergone in the post-Cold War era. The UNHCR was established with a Cold War mentality. Hence, its mandate was limited. The term 'refugee'

was defined in a rather narrow way. However, over time new refugee crises erupted and the number of non-European refugees increased with wars, natural disasters, development projects, etc. The problem of internal displacement grew so much that the international community could no longer ignore it. With the developments in the course of 1990s, there was an increase in the number of groups of concern to the UNHCR. At the beginning, the refugee agency was responsible only for the so-called Convention refugees. Now it is responsible for refugees, IDPs (still to a certain extent), asylum-seekers, returned refugees and stateless persons. But it is to be noted that its responsibilities are still limited.

III. RECONCEPTUALISING RETURN

Return is a broad and multi-faceted phenomenon like migration. It has its own nature and dynamics. It is a cultural phenomenon as well as a socio-economic one. Even though it has its own dynamics, return cannot be examined separately from international migration because it constitutes one of the rings of the migratory chain. In that sense, return is one of the possible endings of a migratory movement.

Return takes place in different contexts. Be they economic migrants or people, who have been forced to leave their homes, thousands of people go back either to their homes or just to their country of origin. Despite showing similarities, in fact, each return is a case in itself with its own features and dynamics, motives and effects. In some cases, economic migrants, who spend long years abroad, decide to go back to their place of origin. In some others, people, who have been forced to leave to their homes, return to their country but have to settle somewhere else since they cannot go back to their houses.

The main purpose of this chapter is to examine this complicated phenomenon of return. This examination is, at the same time, an attempt to understand the phenomenon. In order to do that, return needs to be conceptualised. Actually it is reconceptualisation because several aspects of the return phenomenon are questioned. The first step in doing this is to make a categorisation. Return is examined in two main categories, namely return of the economic migrants, commonly known as return migration, and return of the forced migrants. In the first part, the focus is on return migration and the group analysed is economic migrants. Return migration is conceptualised by defining, categorising, and explaining its reasons and effects. In the second part, the focus shifts to return of the forced migrants. The group examined is composed of refugees fleeing their homes as a result of armed conflict and seeking asylum in many countries, and IDPs who become displaced and uprooted within the territories of their own countries. Return of the forced migrants, particularly refugees and IDPs, is the subject of the present study.

III.1. Return of Economic Migrants (Return Migration)

Return migration is one of the complex concepts in social sciences. Its complexity derives from several factors. First of all, it is multi-dimensional. Secondly, many terms have been used to define the concept, but each term has aspects that imply more than a migrant simply coming back to his/her country of origin. In order to understand a complex concept like return migration, it is definitely necessary to conceptualise it. Accordingly, first the phenomenon is defined. Then different types of return migration are pointed out. The section continues with main factors influential in the return decision. Finally the economic and social effects of return migration are elaborated. In what ways can return migration be defined? Which aspects of return migration have been the foci of studies? Which motives are important in the return decision? What are the economic and social effects of return migration? These are some of the questions that will help us understand return migration.

III.1.1 Defining and Classifying Return Migration

Return migration, when compared to the other stages of migration cycle, generally drew less attention from the researchers and scholars working in this field. This was the case until 1960s. Migration was seen largely as a one-way movement because people were leaving Asia and Europe for North America in big numbers, and it was assumed that the ones, who had left, did not return. Many scholars consider these transatlantic movements as the first phase of migrations. Gaillard (1994) includes intra-European migration in this first phase, too. The second phase started as the flow to North America decreased and the migratory movements within Europe gained momentum. There was a steady flow of labour from underdeveloped European countries. The last phase came in the mid-1970s as the migrant populations were stabilised where they were. Family reunification was influential in this stabilisation, and this third phase took place despite the fact that the developed countries of Northern Europe decided to bring the influx of foreign labour to an end.

The first researcher, who drew attention to return migration, was Ravenstein. In 1885, he stated in his 'Laws of Migration' that migration creates its counter-stream, i.e. return migration[1]. Even though he made referrals in his works, return migration was mostly neglected until the 1960s when a couple of studies were produced. Starting from the mid-1970s, researchers and academics paid more attention to the subject. This academic interest occurred simultaneously with the decision of immigration countries in the north to stop recruiting foreign manpower[2].

Before proceeding with the main studies on the subject, it should be clarified what is meant by return migration. The first thing to note concerning its definition is that various terms have been used to describe the concept. Back-migration, remigration, reflux migration, return flow, counter-flow and repatriation are some of the terms used to define return migration[3]. As shown in the Figure III.1, return migration is, according to Bovenkerk, the migratory movement when people return after emigration for the first time to their country (or region) of origin[4].

Figure III.1

Bovenkerk's description of return migration

EMIGRATION

A (place of origin) --------------------------------> B (place of destination)

RETURN MIGRATION

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(Source: Bovenkerk, 1974: 5)

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[1] As Grigg (1977) notes, Ravenstein, while listing the 'laws' of migration in his article published in the *Statistical Journal* for 1885, noted the principle of return migration. The fourth law, as cited by Grigg, was 'Each current of migration produces a compensating counter current' meaning that one should expect a counter-stream if there is a migration stream. For more on Ravenstein and his 'laws' of migration see (Grigg, 1977).

[2] For a bibliometric survey on return migration see Gaillard (1994).

[3] This terminology, as Bovenkerk (1974) notes, is rather confusing because each term used to describe return migration implies something more than the fact of a migrant returning to his country of origin.

[4] Alongside emigration and return migration, he defines transilient migration, re-emigration, second time emigration and circular migration. For these definitions see Bovenkerk (1974).

Bovenkerk (1974) also puts forth a couple of 'laws' to explain return migration. In fact these are generalisations which he has developed in relation to Ravenstein's 'laws of migration'. They can be summarised as follows: a) the shorter the distance of emigration, the higher the incidence of return migration, b) as the duration of stay in the place of destination prolongs, the chance of return decreases, and c) the changes in the economic balance between the places of origin and destination affect the volume of return migration.

 Having defined return migration, it is time to proceed with its typologies because classification is an important aspect of conceptualising the phenomenon. Like migration, return migration has a variety of types. That is why researchers have come up with different typologies. The first one is 'developmental' typology which includes three types. As King (1986) notes, the first type comprises movements of people between countries having more or less equal standards of living and levels of economic development, but, at the same time, the demands and opportunities for labour vary among these countries. Secondly, there are movements of migrants whose countries of origin are 'developed countries'. These people return from less developed, often colonial or former colonial territories. The last type is the workers and their families returning from the more developed industrial countries to the less developed or developing countries which supply labour.

 In another typology, the determinant is the length of time migrant spends back in his country of origin. Four types of return can be mentioned in this typology: *occasional* (return that consists of short-term and perhaps periodic visits to home country and does not involve any real economic activity or any kind of employment), *seasonal* (the type of return in which the nature of work activities is the determinant), *temporary* (return designated by the fact that despite the migrant does return and remain in his home country long enough he still has the intention to re-emigrate abroad) and *permanent* (return in which returnees resettle[5] in their home countries permanently).

 Over time, new typologies were developed. Most of them deal with two main dimensions: the length of time migrants intended to spend in the host countries they went,

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[5] The term resettlement has other meanings when discussed in the context of refugees. It is one of the three durable solutions developed by the UNHCR. The others are voluntary repatriation and local integration in host country. These solutions are discussed in the next section.

and the reasons for return. As Gaillard (1994) notes, some of the typologies are based on migratory profiles whereas some of them have dynamics of return as their basis. Among the typologies based on migratory profiles, two developed by Bovenkerk and Bohning are noteworthy. It is understood from the typologies proposed by Bovenkerk and Bohning that some categories of return are based on migration typologies[6].

In her work, Gaillard (1994) refers to other typologies based on return dynamics which are related to poles of attraction and repulsion. These poles are the aspects of the country of destination encouraging settlement or promoting departure, and the aspects of the country of origin which attract or discourage migrants in different ways. As regards encouraging settlement in the host country, perhaps the most important factor is the degree and quality of integration. The term integration is rather tricky due to the fact that it is difficult to measure integration and it implies various things in different contexts. To put it simply, the success of integration depends on whether a migrant has adapted to the culture of the host society. If the migrant is successful in his work, social life and relations with the people and institutions in the host society, then it can be claimed that integration has been achieved. According to Camilleri (cited by Gaillard, 1994: 27), if the migrant is successful in these areas, then his attachment to the host country is stronger. Yet, it is to be underlined that even though the attachment is strong, it does not necessarily mean that he would not return at all. In other words, there is no guarantee about the migrant's decision to stay in the host country.

Another factor to be taken into consideration when the dynamics of return are in question is the length of stay in the host country. Many authors, among whom Cerase is well-known, have dealt with the issue in their works. Cerase, in the late 1960s and early 1970s, developed categories which were later on used by other scholars in the field. In his work on Italian migrants, who were then returning from the Unites States, Cerase (1974) argues that both the type of return and the impact migrants make after returning are

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[6] In his work, Bovenkerk (1974) first emphasises the necessity to consider the emigration factors in order to understand return migration and then goes on by defining two types of returns among four types of migration. These are namely 'intended permanent emigration without return', 'intended permanent emigration with return', 'intended temporary migration with return' and 'intended temporary migration without return'. Bohning, on the other hand, proposes a four-stage model by which temporary migration becomes permanent and describes this as a 'self-feeding process'. For the model Bohning developed see (King, 1986; Gaillard, 1994).

dependent on the stage in the process of 'acculturation' that the migrants had reached in the USA by the time they returned. There are four types of return he mentions. In the first one, which he calls '*return of failure*', the migrants return in the first five years because moving abroad is a big culture shock for them. There was actually no sign of integration into American society and the migrants were absorbed into the other Italians living there. The second type, namely '*return of conservatism*' is marked by the fact that despite the beginning of integration as a result of overcoming the initial period of adjustment and finding a satisfactory job in the USA, the Italian migrants are still oriented towards their home environment. Hence, they plan to return one day, and while in the US they continue behaving according to the values of their society of origin. The return takes place within 5-10 years in that type of return. The '*return of innovation*' coming in the third place occurs usually within 10-20 years. As the migrant stays beyond the time targeted for return, he integrates more and more and becomes part of the host society. Yet, at some point he realises that he cannot advance further than a certain degree. As he is angry at this situation, he starts thinking more about returning to his home environment. Even though he returns, he takes the new values he has adopted since he has reached an advanced stage in the process of acculturation into the host society. The final type is the '*return of retirement*' which brings back migrants, who are inactive in economic terms and form an isolated social group due to their prolonged absence form their country of origin (King, 1986: 15).

III.1.2. Reasons for Return Migration

What are the reasons for migrants to return? Which motives are important in the decision to go back to their country of origin? Does return occur because of unfavourable economic conditions in the host society? Or is it because the migrant wants to be back in the company of his family, relatives and friends? The motives for return migration are one of the mostly studied subjects in the field of migration. In this section, the main reasons behind the migrants' decision to return to their homelands are examined. The focus is on

the economic migrants. The return of the refugees and IDPs following the end of wars or conflicts is elaborated in-depth in the following section.

Reasons for return range from economic and political reasons on a macro-scale to individual perspectives on a micro-scale. In reality, a migrant has more than one reason to return. Instead a complex set of reasons is at work. These motives have been studied by many scholars. Since the literature is too extensive, the concentration here is on certain attempts to classify those motives. The first attempt in that sense comes from Bovenkerk. In his bibliographic essay on return migration (1974), he points to the question of success or failure regarding the motives for return migration[7].

In his view, the most important reason by far is the economic recession in the host country. He cites works of some scholars such as Isaac, Saloutos, Peach, Hernandez-Alvarez and Kayser to show the importance of economic problems in the country of immigration. Yet, he adds that economic motives do not affect the returns to a large extent. It is evident from the literature. Why is this the case? In the migrations which have economic betterment as their main cause, it is usually rare that in the country from where emigration has taken place, the level of economic development is higher than that of the receiving country. So, instead of economic motives, we come across with non-economic factors such as strong family ties and homesickness influencing the decision to return. Gmelch (1980) and King (2000) list the desire to be with one's own kin and long-time friends among the factors, and Gmelch (1980: 139) notes that the desire to return comes to light during the vacations one spends at home. He also believes that the importance of family ties in decision to return is demonstrated with a considerable number of migrants who return to their homes in rural areas instead of towns or cities where they can have more economic opportunities[8].

Apart from having strong family ties and feeling homesick, migrants may also come across with negative experiences like racial prejudice and discrimination that influence their decision to return. Gmelch (1980: 140) gives Jamaican migrants in Great Britain and Puerto Ricans in the USA as examples to that kind of situation. Put another way, 'push'

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[7] While doing that, Bovenkerk excludes return of the displaced after conflict.
[8] Looking after the elderly or ailing parents is also important in a society where the family ties and kinship obligations are strong (ibid.).

factors are at work in such cases. Yet, he emphasises that still 'pull' factors, i.e. positive attributes of the home society, are much more important than the negative factors in the host societies.

As regards the issue of success or failure, Bovenkerk and Gmelch draw attention to different aspects. Bovenkerk (1974: 23) finds it surprising that, despite expectations, people who have emigrated with the intention to stay permanently but returned later on, were failures in rare cases. The returnees of temporary migration, on the other hand, were seldom successful. He gives two explanations for the case of permanent emigration: '… firstly, the total emigration stream contains a subsidiary flow of intending temporary migrants … Secondly, it is possible that emigrant failures have not enough money to return and/or are reluctant to demonstrate their obvious failure back home' (Bovenkerk, 1974: 23).

Gmelch (1980: 141) notes that most of the return migrants were neither failures nor great successes. By citing different studies, he gives examples from the Israeli, Puerto Rican, and Irish migrants. In the case of Israelis, for example, return migrants were similar to the ones who stayed behind, in terms of level of education and occupation. When education is in question, Puerto Ricans were in a slightly advantageous position compared to those who remained in the USA, yet, they had earned less money and the rate of unemployment among them was higher. Lastly, concerning the Irish migrants who returned, the ones both at the top and bottom seemed to be underrepresented since most of the return migrants were from the middle class.

King, who elaborates successes and failures regarding return migrants in his earlier works[9], classifies the causes and effects of return migration in a schema. Among the causal factors he lists, economic and social stimuli involving 'pull' and 'push' factors, causal factors of a life-cycle or family nature, and political causes come to fore. Compared to Bovenkerk and Gmelch, an addition he makes is the inclusion of the political causes. Those factors vary from forced expulsion to incentives for voluntary return. The effects are, on the other hand, economic, social, geographical, and political (King, 2000).

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[9] In his article on the relationship between return migration and regional economic development, King seeks an answer to the following question: 'is return migration the consequence of a positive or a negative selection process?' (King, 1986: 17)

III.1.3. Economic and Social Effects of Return Migration

Return migration has various effects, which may be elaborated in two interrelated groups: economic effects and social effects. Regarding the economic effects, King (1986: 18) highlights two main strands of debate. In the first strand, returning migrants are considered as *innovators*. Potential return migration has a number of factors which can be controlled and used as an innovative force. The factors Bovenkerk (1974) points out are as follows: the number of returning migrants; the duration of absence and the social class of migrants; the motives for return; the degree of difference between the countries of emigration and immigration; the nature of the training and skills acquired abroad; the way return is organised; and the political relationship between the country of immigration and the country of emigration.

The assumption that return migration is a drive for innovation is based on the belief that by the time they return the migrants will have learnt new industrial skills, which can be used in the industrial sector. Yet, what happens in reality is different. Why is it the case? Why does foreign employment have a little effect in converting a mass of unskilled rural labourers into an industrial workforce? A couple of reasons may be pointed out. In the first place, a large proportion of migrant workers are employed in unskilled jobs when they are abroad. Thus they do not acquire any skills. Secondly, there is a mismatch between the skills acquired in the country of immigration and the ones needed in the country of emigration. Furthermore, the more skilled migrants are generally the ones, who prefer not to return, and the employers in the industrial sector in the country of origin are usually not willing to hire returning migrants.

Despite the general tendency of working in other sectors, some of the migrants have opted for returning to industry. As Abadan-Unat (1988: 253) notes, one of the results of a survey carried out in Bursa in the mid-1980s is that 44.26% of the return migrants re-entered industry. The other alternatives preferred were founding independent business and benefiting from retirement pension. Regarding the return migrants who wished to re-enter the Turkish industry, the question to be answered was whether the group of return migrants

contributed in any way to the general development of Turkish economy. According to the results of the same survey, 60.5% were not able to use the skills they acquired when abroad, and 64.2% were employed in similar institutions as before they emigrated (Abadan-Unat, 1988: 256).

Parallel to this, setting up independent business has been predominantly chosen by the return migrants. In the case of return to southern Italy in late 1970s, for instance, the return migrants were interested in service sector, particularly private services and small-scale commerce (King *et al*, 1986: 47-53). This was partly related to the nature of jobs done as an emigrant. In services and commerce, there were many individuals, who had already been in these sectors before migration. But people from other sectors were attracted for various reasons, the most crucial one being the relative independence of working.

Concerning the degree of 'innovations' the return migrants brought back to southern Italy, it is noted that while very few people claimed to have been innovative in economic terms upon their return, the nature of 'innovation' was not significant at all since the migrant did not return with ideas. Their plans remained mostly at individual or family scales.

The emphasis in the second strand of debate is on the way return migrants use the capital they have accumulated while abroad. This capital is composed of remittances (the money sent back home while the migrant is abroad) and savings (the money brought back when the migrant returns). The use of remittances and savings, as one of the important aspects of return migration, has been paid attention in many studies[10].

The savings migrants bring are likely to be higher than they could save at home due to the fact that incomes are higher and migrants try to limit their consumption as much as possible. The amount, on the other hand, depends on many factors such as the level of wages they receive, the quantity of expenses that are unavoidable, and the propensity to save. Having spent many years working hard and saving, migrants may bring back considerable sums. Yet, the key thing is not the amount of savings they bring but the way they use those savings. Do they prefer to invest these savings in new enterprises,

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[10] (Connell et al, 1976 cited by King, 1986; King et al, 1986; Gmelch and Richling, 1986)

techniques or cooperatives? Or do they show consumerist tendency and spend it for themselves? Most of the studies suggest that the return migrants are inclined to spend the savings for themselves.

One of the areas the return migrants prefer to make investment is housing. It has almost become an obsession for migrants to spend their money on houses. For example, in one of his researches, Baucic (1972, cited by King, 1986: 24) emphasises that 69% of migrants returning to then-Yugoslavia stated their intention to spend the savings on a house, and 51% of the capital return migrants bring was spent on house construction[11]. So consumer needs come in the second place.

Is this spending on houses beneficial for the home society? In some cases the society, to which migrants return, may benefit from the investment in housing. The areas, where a high portion of the local population has been abroad, might gain a look of prosperity with the number of new or renovated houses. Moreover, the new construction and renovation helps increase local employment (Gmelch, 1980: 149). Yet, the jobs created are usually not permanent since they continue as long as return migration takes place on a regular basis and the migrants returning have capital to invest in the housing sector. Even if it does continue, the return migrants choose to build their houses using labour or equipment obtained with the help of relatives, neighbours or friends. In that sense, construction of new houses may not boost the local economy as has been expected.

What are the other areas returning migrants prefer to spend their savings? After housing and consumer needs such as furniture and car, the returned migrants prefer to invest in small businesses, ranging from green-grocer to highly specialised outlets. This preference is mostly related to the social status expectations that have been developed while away from the home society. That is basically why most of the returned migrants prefer to use their savings in a way that buttresses their would-be social status such as getting engaged in self-employed, one-man business ventures.

These are the main economic effects of return migration. But social effects are as important as the economic ones. When we talk about the social effects of return migration,

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[11] According to the research carried out by King, Strachan and Mortimer in the early 1980s, the first priority of the migrants, who returned to Italy, was to spend on requirements of an improved standard of living such as a new house, new furniture and a car (King *et al*. 1986: 57).

what we mean is basically reintegrating into home society. Reintegration can be regarded as readjustment or readaptation. Do the returned migrants readapt easily or are they faced with difficulties? If the readjustment is not easy, then what kind of difficulties or problems do the migrants encounter in their home societies?

Most of the studies on international return migration reveal that the returning migrants have a variety of readjustment problems. As Gmelch (1980: 142) points out, the question of readaptation can be examined from two perspectives. In the first one, which is called *etic* perspective, the issue in question is the actual economic and social conditions migrants find themselves in when they return to their home country. If they return to a place other than their village or town, are they able to find jobs and adequate accommodation? Do they develop new personal relationships or retain the old ones? Do they participate in community organisations or prefer to stay away? These are the objective criteria to evaluate whether readaptation succeeds or fails. In that sense, the degree to which the migrant has satisfied the criteria is crucial.

The second one, namely the *emic* perspective, examines the migrants' own perceptions of their adjustment or readjustment. How do they evaluate their readaptation? To what extent do they feel that the homeland satisfies their self-defined needs so that they feel happy to have returned? Much of the literature on the social effects of return migration usually focuses on this approach, particularly on the questions of unhappiness and dissatisfaction.

In his study on the adaptation of Norwegian migrants returning from the USA, Eikaas (1979) seeks an answer to the following questions: a) how do the returnees make a coherent whole out of the life-styles of the United States and Norway, and b) how is friendship patterns formed to overlap the years and extend over the continents?

The perceptions are, as mentioned above, considerably important in understanding readjustment of the returning migrants. In the case of Norwegians returning from the USA, one comes across with both positive and negative perceptions of the situation the migrants return to. As regards positive perceptions, job opportunities in an open labour market, social service benefit and expectation of going home as a pleasurable experience come to fore. However, certain perceptions make the migrants regard return as 'culture shock'. What are those negative perceptions? The return migrants, who expect their life-style in the

USA to continue in their home country, are often disappointed because they might find their friends backward and impolite. They might complain about lack of innovation in their home country. Moreover, the returned migrants are not content with the bureaucracy they are faced with. For instance, they start complaining about medical care being too impersonal. On the other hand, the migrants returning to Norway have an expectation of finding a quiet and peaceful countryside. They do find peace and quietness, but, at the same time, they find so many services lacking that the result is disappointment.

Against this background, the reasons for the so-called 'reverse culture shock' should be underlined. What lies beneath the 'reverse culture shock' in most cases is the ambiguity the migrants encounter upon return. This ambiguity stems from the fact that while returned migrants feel comfortable to be back home, back in their own culture, they are viewed differently by the non-migrants. They come across with certain expectations. First of all, migrants should behave in a specific way, as 'migrants' in other words, and display their 'success' (King, 2000: 20). They have a certain status which they must display. The most visible signs of this status are new or renovated houses such as two or three-floor houses (pakka) in Pakistan (Dahya, 1973, cited by King, 2000: 20) and 'sterling houses' built by migrants returning from Great Britain to Hong Kong (Watson, 1977, cited by King, 2000: 21).

In many cases, the problems of readjustment are also related to unrealistic expectations from the home society. The memories returned migrants have are usually nostalgic and idealistic. In that regard, the expectations might be higher. But the economic situation they face turns out to be rather different than what they have expected. Furthermore, most of the migrants return from metropolitan areas to developing societies. The speed of life in home society is of course different than that of in the host society. The result is that the complaints of the home society, the slow pace, the provincial interests domiciles have are mostly related to basic differences between urban and rural life. The reality returned migrants face in their home societies may often lead to dissatisfaction, and the ones, who have difficulties in readjusting and settling, may prefer to re-emigrate, at least for a while.

In sum, it is to be reiterated that return of the economic migrants differs from that of people forcibly displaced as a result of conflict. The two are different in terms of nature,

dynamics, motives, and effects. In what ways do they differ from each other? This can be understood by examining return of the forced migrants, which is the main subject of the present study. Hence, in the rest of the chapter, the focus is on the return of people who are forcibly displaced.

III.2. Return of Forced Migrants

The aim in this section is to examine return of the forced migrants, particularly the ones who have been displaced and uprooted as a result of conflict[12]. As mentioned above, return takes place in different contexts. Not only economic migrants go back to their places of origin. People, who have been forced to flee their homes as a result of conflict, do return as well. Some of them return after the conflict comes to an end while some do not wait and go back during the conflict. Return takes place either spontaneously, i.e. forced migrants return on their own[13], or in an organised way, i.e. refugees are assisted by international organisations like the UNHCR and the IOM. Some returns are voluntary whereas, in some cases, refugees are left with no choice other than to return.

The section starts with conceptualising return of the forced migrants. First of all, the phenomenon is examined from a legal perspective. The reason for this is the fact that return is a right. The right to leave and the right to return are two basic human rights embodied in numerous legal instruments. In the second place comes the attempt to define return and returnee because it is a key aspect in conceptualising the phenomenon. How is it defined in the literature on migration? And, what does return mean for the people who have experienced it? In that regard, the sample of the present study, namely the Bosnian

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[12] There are other groups whose return has been the subject of numerous studies. Greta L. Uehling's (2004) anthropological study of one of the deported peoples of the former Soviet Union, namely the Tatars returning to Crimea, is one of those studies. These groups can also be considered as forced migrants. Yet, since they have not been expelled as a result of conflict, it is beyond the scope of the present study.
[13] As examined in the chapter on return to Bosnia and Hercegovina, even though these returns are called spontaneous returns, some of them are organised by local associations or community leaders (Informal conversations during the fieldwork).

war-time refugees and IDPs who experienced return, help us with their views on return. After defining the phenomenon, main aspects need to be examined. These are the patterns of return and the factors influential in the decision to return. What kind of patterns do we come across with when return of the forced migrants is in question? And what influences the return decision? Thirdly, the return discourse and its criticisms are elaborated. In that sense, first, the basic assumptions of the discourse on return are highlighted. Then criticisms directed at those assumptions are displayed. As emphasised in the discourse, return is the best available durable solution for refugees. Yet, there is an important point to be noted. Return started gaining importance as a durable solution not long ago. Discussions on return in the international arena dates back to the mid-1980s. It does not mean that return did not take place before those discussions. One could come across with refugees returning, particularly in Africa. However, two other durable solutions, namely local integration and resettlement, prevailed in the aftermath of the World War II. The reasons are examined in the following pages. Other aspects that need to be elaborated while discussing the return discourse and the critical research on return are the concept of 'home', 'the myth of return', and the reintegration issue. Different conceptions of 'home' are put forth by giving examples. The so-called myth of return is discussed in the same context. As one of the central, but, at the same time, controversial concepts of the return discourse, the issue of reintegration is elaborated as part of the discussion of disenchantment of return. The last issue to be examined while reconceptualising return is transnational return. Main features of transnational return are addressed.

In the second part, return of the forced migrants is elaborated in a politico-historical context. In what type of framework was the issue of return discussed in the wake of the World War II and in the Cold War period? Did the international community pay attention to return as a durable solution or were other solutions prevalent? Which cases of return can be considered as prominent during the Cold War? When did return start gaining importance? What are the developments and discussions regarding return of forced migrants in the 1990s, the so-called 'decade of repatriation'? What kind of returns do we come across with in this period? These are some of the questions that will help us understand the return phenomenon.

III.2.1. Conceptualising Return of Forced Migrants

Return of the forced migrants is as complex as forced migration. There are various cases of return having different features. The diversity comes from the fact that each return has its own dynamics. The consequences vary accordingly. Return to a country, which has experienced conflict, is different from return to a country whose citizens were sent to exile as a result of state policies. Likewise, depending on the economic, social and political situation of the country to which return takes place, the problems people face after they return, are different.

Due to its complexity, it is not easy to conceptualise return of the forced migrants. Yet, the present study attempts to make this conceptualisation. There are many aspects that need to be examined while conceptualising return of the forced migrants. In the first place, return is discussed in a legal context. The right to leave and the right to return are two basic human rights. When evaluated within the context of forced migration, 'the freedom to leave represents, at least, a means of escape from the host of human rights violations a government can commit against its citizens' (Frelick, 1990: 443). The right to leave or escape from human rights violations is a fundamental right. But there is another human right which is equally fundamental: the right to return. Why is the right to return so fundamental? The reason Frelick (1990) gives is that by being in exile people are deprived of their homeland, and the right to live in peace and security in places where they were born, where their ancestors lived, and where their culture and heritage is. In that sense, it is rather important for refugees to return to their homelands. Moreover, the right to return is stated in various legal instruments such as the Universal Declaration of Human Rights (Article 13 (2))[14], the Fourth Protocol of the European Convention for the Protection of

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[14] As stated in Article 13 (2), 'Everyone has the right to leave any country, including his own, and to return to his country' (*Universal Declaration of Human Rights*. Retrieved: February 12, 2007 [WWW Document].URL. www.un.org/Overview/rights.html).

Human Rights (Article 3 (2))[15], the UN Convention on Civil and Political Rights (Article 12 (4))[16], the American Convention on Human Rights and the African Charter.

Even though the right to return is pointed out precisely in the legal instruments mentioned above, there is no agreed definition of one's 'own country'. The most obvious one seems to be the 'country of nationality'. But this time how can we define 'return'? It is problematic in the sense that while 'return suggests that the person in question has lived in a particular country at some time' (Dutch Human Rights and Foreign Policy Advisory Committee, 1986: 14), it excludes nationals of a State, who have never lived in that State, and extends the category entitled to the right of return to non-nationals, who have lived in a particular area. Despite being ambiguous in conceptual terms, a national's right to return has become one of the individual rights under the human rights law. A person can claim from a State the right to return on the basis of his/her nationality. Accordingly, if a State prohibits the return of its nationals, it means that the State is violating international law directly, and, at the same time, violating certain rights reserved to nationals (exercise of political, economic, social and cultural rights) indirectly.

When evaluated from a legal perspective, return is very important because it is one of human rights. But what is return as a phenomenon? How can it be defined? Is there any difference between the definitions of the researchers working on the subject and forced migrants, who experience return? On the other hand, how can we define 'returnee'? Who are called 'returnees'? Are we talking about only refugees, who returned to their countries of origin? Or can we consider return migrants and IDPs, who return to their pre-war places as well? These are two crucial questions the present chapter is seeking answers.

As mentioned above, return is one of the broad and multi-faceted phenomena of social sciences. It includes return of the forced migrants as well as economic migrants. When we say return, what comes to one's mind is usually economic migrants' return to their countries of origin. The other type is return of refugees rather than that of forced migrants and is known as repatriation. Repatriation is defined as 'sending or bringing

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[15] As stated in Article 3 (2), 'No one shall be deprived of the right to enter the territory of the State of which he is a national' (*The European Convention on Human Rights, the Fourth Protocol.* Retrieved: February 12, 2007, [WWW Document].URL. www.hri.org/docs/ECHR50.html#P4).

[16] As stated in Article 12 (4), 'No one shall be arbitrarily deprived of the right to enter his own country' (*The UN International Covenant on Civil and Political Rights*. Retrieved: January 16, 2008, [WWW Document].URL: http://www.hrweb.org/legal/cpr.html).

somebody back to his own country' (Oxford Advanced Leaner's Dictionary of Current English, 1974). This is a rather general definition. When the etymological root of the concept is examined, it is seen that the origin is a Latin word 'repatriare' meaning 'restoring somebody to his homeland'. The definition implies the reestablishment of ties with the homeland or fatherland (*patria*). Despite being temporary, the ties between the person and his/her homeland have been broken due to conflict and the person as a citizen has lost some or all of her/his political, economic, social, and cultural rights as a result. The ties or bonds in question point out mostly to emotional attachment to one's country. In that sense, by repatriating or being repatriated, it is assumed that the bonds are rebuilt and the rights are regained. To what extent repatriation occurs in war-torn societies is open to question. In other words, are the wounds healed? Has repatriation been successful? It is one of the purposes of the present study to discuss the concept of repatriation in that sense. The case selected to test its success is Bosnia-Hercegovina.

In the migration literature, repatriation is defined narrowly as 'return of refugees to their places of origin with the assistance from the UNHCR'. It is one of the three durable solutions the UNHCR developed for refugees, and refers to 'the preparation for return, the process of going back, and the reception and arrangements for integration made immediately after arrival in the country of destination' (Quick *et al*. 1995, cited by Preston, 1999: 25). The UNHCR is responsible for organising refugees' physical journey back and provides assistance during this journey. Two things need to be clarified about the concept of repatriation. First, repatriation is understood only as the return of refugees. IDPs, who cannot return to their pre-war places for various reasons, are not mentioned. However, the argument here is that IDPs need repatriation like refugees. Another issue is the success of repatriation. Can we talk about successful repatriation if internal displacement is still a problem for the post-conflict society in question? The second point that needs clarification is the term 'place of origin'. It was considered the country of origin for a long time. But, this understanding has undergone a change because now the 'place of origin' refers to the place where refugee was living prior to the conflict. In other words, return to the country of origin is not enough. Refugees should go back to their pre-war places. As mentioned above, the concept of repatriation is questioned in the present study. It is argued that repatriation is a broader concept and cannot be limited with refugee return. It includes

return and reintegration of both refugees and IDPs. However, in the section on the political history of return of the forced migrants, the term repatriation is used to refer to refugee return. When the selected case is in question, the term return of refugees and IDPs is used.

Return is perceived and defined in this way in international circles. How about people, who have experienced return? It is important to understand their perception of return because the notion is 'constructed' by these people. Thus it is different than the definition of academics and policy-makers. How do forced migrants explain what they have experienced? What does return mean for them? Do they feel that they have really returned? If not, what may be the reason(s) for that feeling? These questions may help us understand their perceptions of return.

The return of an economic migrant, who left his/her house voluntarily, definitely differs from that of a person who fled his/her home, and was blown away in many ways. Moreover, one may be faced with the risk of not being able to return to his/her house even though (s)he is back in his/her country. In that sense, one may continue to feel like a 'refugee' since (s)he is still away from his/her home.

The Bosnian interviewees have a variety of views about return. Some are very happy to have returned, some regret having returned and for some return does not mean anything at all. The ones, who are happy, show this with the identifications they make. Return means 'everything', 'life', 'spiritual peace', 'joy', 'happiness', and 'return to life'. Most of the informants, who make such identifications, are among the elderly. One of the Bosniak males says, 'Return means everything, life for us. We always wanted to come back. During the war, while we were going to Zenica, we saw how our house was burning. Our grandson said to my wife 'Grandma, we don't have any house now', and her reply was 'Do not worry dear; we will have it one day!' We felt that we have returned when we entered our house after it had been reconstructed' H.G. (Musl, M, 74, Prijedor/rural, retired). Another Bosniak felt that she was 'born again' when she returned to her house. For one of the Serb interviewees, return means spiritual peace. He emphasises that his village is the only place, where he feels good because he belongs there. For another Serb, return to her house means everything and she always wanted to go back to her place because she cannot live anywhere else. Some of the elderly want to die in the villages where they were born and grew up. In one of the cases, the Bosniak lady is so happy to have returned that she feels as

if she did not leave her home at all. Once she came back to her reconstructed house, she forgot all the troubles and bad times she had passed through.

Many informants did not express exactly what return meant for them, but underlined the fact that they always wanted to come back and were quite happy to return. The emphasis is on feeling better in Bosnia. For some, it was 'the best thing that could have happened' because it was their desire to return one day; and for some, return means 'being with family' since it was the main aim. They longed for coming back to Bosnia to be with their families. An elderly Bosniak lady stresses the importance of being on one's own land by saying, 'Return means all the best I can have. ... All of my relatives and my husband are buried here in Banja Luka. So it was very important for me to come back. I was born here and feel that I am on my own land' N.M (Musl, F, 73, Banja Luka/urban, retired). This is underlined by two elderly ladies – one Bosniak and the other Croat – as well. The Bosniak lady believes that everybody should go back to his/her house because it is 'the only solution to this mess' while the Croat says, 'I felt very happy when I returned and I think that everybody should return to his/her place of birth'. Another Bosniak – this time a young interviewee – draws attention to the familiar environment one returns to and reunification of his family: 'It is certainly better when you are in your country. You know the customs, the people around you. You feel free. On the other hand, I felt that I have really returned when my family was reunited. It was very important because I met my father after 5 years' D.K. (Musl, M, 22, Konjic/urban, waiter in a coffee-shop). In one of the cases, the Croat informant's husband was afraid of dying not in his village: 'My husband was very sick in Croatia and very afraid of dying there. That is why we decided to return. He died a week ago and always wanted to die here. ... I want to die in this village, too' I.I. (Cr, F, 65, Vares/rural, housewife). In another case, the Bosniak female interviewee, who was internally displaced during the war, felt sick all the time when she was away from her house. Because of very bad headaches she ended up in emergency many times. When she was back home, the headaches stopped as well, and now she does not go to doctor at all.

In some cases, return means 'a lot' for the interviewees. It is because either they have finally gone back to their own place or they have had to start from the beginning and establish a new life. A Bosniak male says, 'Return means a lot to me. It is coming back to

the place where I was grown up and have best memories even though I am aware of the fact that those days will never come back…' <u>H.U. (Musl, M, 57, Brcko District/rural, retired)</u>. They feel different in their own place because it is hard to live in somebody else's property. One of the Serb ladies says, 'Return means a lot to me because you feel different when you are living in your own property. However, when you live in somebody else's property, it always belongs to that person, not to you' <u>L.E. (Srb, F, 59, Ilidza/rural, unemployed)</u>. Another Serb lady is so accustomed to her home-town that she cannot think of living somewhere else. It is the best place to live. That is why return means a lot to this lady.

Return does not mean joy and happiness for everybody. Perceptions differ from person to person. In one of the cases, return is 'not being treated like a refugee' according to the interviewee. He says, 'I did not like the way people were treated in refugee camps, and wanted to get rid of that kind of life. Whatever I did as a refugee in that place would be a subject of humiliation in a way. They would treat me like "Look at him! He is a peasant, and he does not have his own house." I was not accustomed to being treated like this because I always had my own house, business, and I was always taking care of my family' <u>A.P. (Musl, M, 57, Srebrenica/urban, owner of a restaurant)</u>. In another one, the young Bosniak male thinks that he cannot live anywhere else. When he left his home-town, he was sure that it would be temporary. So he felt like he came back from holiday. For another youngster, return is 'return to normal life' even though she is aware of the fact that not everything is normal in a country like Bosnia. But still this is the only place where she can be herself. In a last case, the informant thinks that he is not a guest any more because he returned to his house. It is the time to invite guests because now he owns everything unlike the times when he was away from his home:

> 'What does return mean for me? You have everything and one day you lose it and go somewhere else. In that place you are a guest – they are offering you everything but nothing belongs to you. Now you are in your own place and you can invite guests because you have everything to offer. They are all yours.' <u>M.J (Musl, M, 42, Prijedor/rural, private entrepreneur)</u>

Not everybody perceives return positively. Return is something problematic in the eyes of some interviewees. A young Bosniak informant considers return as 'losing

opportunities' and feels stuck: 'After returning from Germany, I went there once more (2002). I wish that I could go on with my studies in Germany (I am studying journalism) because the Church would help me and I would really have good opportunities. But unfortunately I had to return because my mom was ill. I think that staying in Germany was the last train and I missed it. Now I am stuck in Bosnia' <u>A.P. (Msl, M, 23, Sarajevo/urban, working temporarily in a bar)</u>. A Croat couple defines return as 'being lost'. Why is that the case? They say, 'We wanted to come back, but were a little bit afraid before returning. How would our neighbours react when they saw us? Would they be welcoming? How would the relations be? We were thinking of these issues because the neighbours would mostly be Muslims. Yet, it did not take long to get adapted when we returned. ...' <u>J.C. (Cr, F, 49) Z.C (Cr, M, 58) (Vares/urban, unemployed)</u>. For another Croat, return means 'a new life but starting from zero' because it took time to reintegrate. It was not easy at all. Two Bosniaks have changed their minds about living in their home-towns, although they had a strong desire to come back. In one of the cases, the informant was determined to return to her home-town because her father is buried there, and she did return at the end. Yet, she is not happy any more and feels 'like a tree without any roots' because she does not have anything from the past, not even a photo. Moreover, none of her relatives is living in Bosnia any more. The other case is different. The interviewee implies that return means 'feeling trapped'. He says, 'I always wanted to come back. But now I am thinking of selling my house and going to some other place, where I will be able to behave freely. Here I am even afraid of telling my name. I feel like I am in prison. I feel better when I am sleeping because I sleep in my own house, but my soul is restless all the time' <u>I.M. (Musl, M, 48, Banja Luka/urban, unemployed)</u>.

Lastly, the views of the informants for whom return does not mean much or anything, have to be put forth. Some do not feel that they have returned at all because they are either disappointed with the situation the country is in or frustrated because they have not been able to return to their jobs. The Serb informant says, 'Return does not mean much to me, to be honest. When I came back and saw the problems me and other people were faced with, I wanted to go somewhere else. I believe that there is no progress in BiH. We are living in a big world of illusion. I think that the place I live is not important as long as I have a job. All I want is a job' <u>B.S (Srb, M, 55, Ilijas/urban, unemployed)</u>. Another Serb

complains that nobody is sensitive to their problems and coming to ask what they need. Moreover, he does not have any perspective for the future. Under these circumstances, how can he feel that he has returned? Two Bosniak ladies, on the other hand, do not feel that they have returned, but due to something else. They are living away from their homes. In that sense, one of them still considers herself a 'refugee'.

Defining return is an important aspect of conceptualisation of the phenomenon. Yet, there are other concepts that need definition as well. 'Returnee' and 'repatriate' are two such concepts. As of 'returnee', the first thing to note is that the categorisation concerning returnees is problematic. *Returnee* is defined as 'refugee repatriated to his/her country of origin' by the UNHCR[17]. Yet, in fact, it should include other groups. In that sense, economic migrants, who return to their countries without seeking assistance from international agencies, and IDPs going back to their houses, can be considered returnees, too. *Repatriate* is, on the other hand, broadly defined as 'a person who has been restored to his/her homeland'. In international circles, repatriate is 'a refugee who returns to his/her country of origin'. However, its meaning should be deeper since the term repatriate implies a person who is trying to re-establish relations injured as a result of conflict. One of the aims of this doctoral study is to question these categorisations. While doing that, the term 'returnee' is used instead of 'repatriate' to comply with the common usage of the term.

Having defined the concepts of return and returnee, it is time to examine the main aspects of return of the forced migrants. Patterns come in the first place. The International Study of Spontaneous Voluntary Repatriation[18] (ISSVR) carried out in the early 1990s addresses five main patterns. The first one is called 'Ricochet return'. It begins in the immediate aftermath of the exodus. Why is that the case? Those people, who have fled out of the panic and chaos of the moment, rapidly return home in a short while because actually they did not feel particularly threatened[19]. The second type is the 'relocation-stimulated return'. It mostly takes place 'among those not immediately attached to a camp, but living independently along the border or in regions inside the home country' (Maynard,

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[17] Scholars such as R. Zetter define returnee in this way, too (Zetter, 2006).

[18] Multiple refugee case studies in Central America, Africa and Asia were included in this study (Maynard, 1999).

[19] One exception to the Ricochet return noted is the plight of Sri Lankan refugees to India (Cuny and Cuny, 1992, cited by Maynard, 1999: 90).

1999: 90). When authorities of the host country try to carry out a policy of relocation or the home government tries to relocate the IDPs in a particular zone, many people prefer to return home instead of being relocated. The roots of the third pattern are community and alienation. The 'space' for return gradually increases in that pattern. The triggers may be 'a decrease in intensity of conflict in the home territory, improvement in the political or economic situation, or a more porous border and easier internal access, allowing cross-border trade and emissary missions to scout the homeland for return potential' (Stein and Cuny, 1991, cited by Maynard, 1999: 90). If possible, refugees carefully watch how the IDPs are acting, and if they see them moving, then they decide to return as well. The fourth pattern is 'secondary relocation-stimulated repatriation'. It takes place as a result of certain acts of either the host or home government. The host government may propose to relocate the camps so that they would be away from the border. Or the home government may again try to collect the IDPs and relocate them to certain areas. In that sense, secondary relocation-stimulated repatriation is not different than relocation-stimulated return. The last type is a 'major return'. The cases that are paid attention in the ISSVR study are the refugee return in Namibia and Cambodia. Usually the UNHCR and other international agencies are involved in these returns, and these agencies 'plan the repatriation operation, coordinate the logistics and facilitate the initial resettlement' (Maynard, 1999: 91). These returns take place after a conflict comes to an end or government that has generated the refugee flow, changes. The timing is determined in the peace accords.

The second aspect concerns the return decision. There are many factors, which play an influential role in the decision to go home. Among those, security, economic considerations, material assistance, information, and the duration of exile are very important. To start with security, the first thing to note is that safety concerns come before any other issue especially in the initial stages. Will they be secure when they return to their country of origin? They might face secondary relocation. As Maynard (1999: 92) points out, one thing uprooted populations are afraid of is registering in camps or applying for assistance when they return. The reason for that fear is the general belief among returning refugees that government forces or insurgent groups will put their lives in jeopardy because they will be associated with specific factions. That is why the returning refugees do not want to be known and they do not inform the agencies about their needs because of

that fear. The possibility of being recruited by insurgents is another concern of the returning refugees[20]. The threat of land mines is again one of the biggest security concerns for the returning refugees. In countries such as Afghanistan, Cambodia, Bosnia-Hercegovina, where violent conflicts have taken place, mines have posed and in some cases still pose a big challenge to return[21]. Moreover, enormous resources, time and energy is required to clear those mines. In short, many issues are taken into account when one thinks about the security concerns refugees have before repatriating.

Economic considerations constitute the second factor. As Maynard (1999) notes, refugees may want to return to their previous occupations since employment options are usually inadequate and competition for jobs in areas, where IDPs are in a more advantageous position, is more intense. Yet, it is always possible that returning refugees may not be lucky in terms of getting employed. In other words, they do not have any guarantee of finding a job in their country of origin. What kind of factors concerning economic well-being influence the decision to return? First of all, if displaced persons have knowledge about the conditions related to their former source of livelihood, they may think about getting re-employed. Second, new skills displaced persons acquire while away from their countries of origin might be useful in terms of coming across with new job opportunities when they return. Third, changes in the political and economic fields in the country of origin may offer opportunities. 'In the aftermath of significant destruction in a complex emergency and during the reconstruction phase, it is common to see enterprising individuals peddling building materials and repair services' (Maynard, 1999: 95). One of the Bosniak informants constitutes an example to this situation. Thinking that if return took place, an enterprise producing concrete would be necessary for reconstruction, the informant decided to open such an enterprise. In his view, it would be the most productive thing to do under those circumstances. He was lucky because return did take place and he was able to open another enterprise. Within a short period, he became an important entrepreneur in his town and provided employment for many people. Last, but not the

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[20] The example to that situation is the repatriation of Sri Lankan refugees, who repatriated from India out of fear of being recruited by factions controlling the camps (Cuny and Cuny, 1992, cited by Maynard, 1999: 92).

[21] Based on the data generated during the field research in Bosnia, it is to be underlined that return has taken place despite the threat of landmines. In fact, they still constitute a problem.

least, personal assets and resources are important. The ones, who left behind houses and/or business premises, may want to return in a short time with the hope to repossess their property and premises.

Material assistance is the third factor influencing the return decision. Yet, the conclusion drawn from the ISSVR study is that external assistance does not play a crucial role in the decision. The UNHCR supports refugee return, but certain conditions should be met in the first place. The conditions are as follows: a) the reason of the flight, i.e. conflict, must have almost come to an end, b) a tripartite agreement is necessary between the host country, the country of origin and the UNHCR as the leading agency in refugee return, c) refugees should be able to return in safety and dignity, and d) refugees should return voluntarily. Since these conditions are not met in most of the return cases, they remain as the ideal conditions. However, the UNHCR organised several refugee returns up to date. These are organised and/or assisted returns. The international community uses the term 'spontaneous' when it refers to refugee returns not directed, assisted or organised by international agencies. The word spontaneous implies something unplanned and disorganised. Yet, as Koser (1993) emphasises, spontaneous is not the right word because many refugees plan their return. Moreover, they may be assisted by different groups such as host governments or guerrilla forces in some cases (Maynard, 1999: 96).

The last two factors playing a role in return decision are information and duration of exile. As regards information, it is to be noted that like other migrants, refugees receive information about the conditions in their countries of origin so that they can compare those conditions with the situation they are in. In that sense, both the quantity and quality of the information they get have an important role in ending the refugee cycle (Koser, 1993: 175)[22]. In some of the refugee camps, refugees may not get adequate and accurate information on conditions in their countries of origin. One comes across with different conditions in different refugee situations. Some may offer more direct and reliable information while refugees may not be lucky in some other situations. There is a sort of an agreement among most of the experts about the situation of IDPs. In terms of communication network, IDPs are in a relatively more advantageous position compared to

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[22] K. Koser developed a theoretical model which can be used in conceptualising refugee information system. For the model and its application in the case of Mozambican refugees in Malawi see (Koser, 1993: 175-181).

refugees. Thus they can evaluate the risks and benefits of return in a better way. Regarding duration of exile, there are three points to be underlined. In the first place, if conditions in the host country get worse in addition to prolonged refugeeism, then refugees are more inclined to take risks. Second, the longer the duration of exile is, the more prevalent economic concerns and employment opportunities become. As refugees acquire new skills while in exile, they want to start benefiting as soon as possible. Finally, the decision to return may be affected in a negative way by 'lifestyle habituation' (Stein, 1991, cited by Maynard, 1999: 98). If the standards of living are better than standards at home prior to displacement, then refugees may be discouraged to return because it may not be easy to reach the standards in the country of asylum.

The third aspect to be elaborated in conceptualising the return phenomenon is the discourse on return. As the scale of return movements increased remarkably in the 1990s, the policy-makers needed sort of a discourse to legitimise return-oriented policies. The so-called return discourse came into existence under these circumstances. The discourse cannot be understood if analysed separately from the changing political context of 1980s and early 1990s that influenced attitudes towards refugees as elaborated in the previous chapter. The outcome has been an increase in return as the most preferred durable solution to refugee problem. It is examined in detail in the following pages.

Before proceeding with the elaboration of the return discourse, it is necessary to underline the basic features of other durable solutions to refugee problem. These solutions are local integration in the country of asylum and resettlement in a third country. The UNHCR opts for resettlement in a safe third country when refugees are at risk in the country of refuge. What is this risk? The threats that caused them to flee might also be present in the country where they are seeking refuge. This is usually the case in Africa. Displaced persons flee to neighbouring countries which are also involved in conflicts. Hence, the conditions are not any better than their countries of origin. In some cases, they are even worse. So, the UNHCR resettles those displaced people in safe third countries. 'Resettlement involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – with permanent residence status' (UNHCR, 2004). With the help of resettlement, refugees are able to gain legal protection from governments which are willing to open up their

communities to new members. During the resettlement process, the refugee agency needs to work with central and local authorities and non-governmental organisations (NGOs) as well as other groups. Since the World War II, resettlement has been applied in several cases. Yet, the changing security environment as a result of the terrorist attacks in September 2001 and the conflicts in Afghanistan and Iraq had affected resettlement option in a negative way[23].

Local integration, on the other hand, comes to play an important role in cases, where returning refugees to their countries of origin after a prolonged period in exile is not a good option due to reasons of safety and security. In such a situation, a host government may decide to allow local integration in the country of first asylum. This does not mean that refugees will obtain permanent residence and citizenship in that country. It may or may not happen.

Particularly after voluntary return gained importance, local integration somehow started to be neglected. In the developing countries, it has never been properly implemented: '… many host governments, particularly in Africa, have allowed "self-settlement" of refugees without official assistance in local host communities. But local integration has rarely been pursued systematically or formalized in a way that gives refugees a secure legal status' (Jacobsen, 2003). Instead, the host governments have opted for temporary protection. In several prolonged refugee situations, local integration seems to be a viable and productive solution since it promotes the human security of both the refugees and the host country. Jacobsen (2003) gives the following evidence for such cases: 'self-settled refugees, who significantly outnumber officially assisted refugees, survive without depending on any official assistance programs, by relying on their own resourcefulness, the support of the local community, and access to economic opportunities in the region'. However, it is not possible to apply local integration in many cases[24]. First of all, host governments have to be keen on the idea. Their attitude towards local integration is dependent on certain factors: 'a) the real and perceived security threats that accompany refugees, b) the perceived or actual economic and environmental resource

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[23] In 2003, the UNHCR, together with its partners, tried to revitalise resettlement. For a detailed account of resettlement as a durable solution see (UNHCR, 2004).

[24] For the reasons see (Jacobsen, 2003).

burdens, and c) the attitudes and beliefs of both refugees and locals about the refugees' length of stay' (Jacobsen, 2003).

Having highlighted the basic aspects of local integration and resettlement, it is time to continue with the return discourse. What are the assumptions of the discourse on return? First of all, it is to be underpinned that the assumptions are rather static and sedentarist. They draw attention to the importance of belonging to a place and cultural identity. After the Cold War, there has been an increase in studies on the relationship between people, place and identity. With regard to refugee studies, attachment to a place of origin is one of the frequently discussed subjects. There are two contrasting views about the attachment issue. As Kibreab (2005) notes, according to some scholars, belonging to a particular community and to a specific place is a *sine qua non* for a person to be recognised, understood and to have well-being and an identity. In that sense, refugees are 'those who are perceived not to belong to the spatially defined community' because they are expelled. For those refugee communities, one of the important elements of their identity is belonging to a particular place. Accordingly, if they are expelled from this place, this crucial element is definitely missing. One of the exponents of this perspective is Gervase Coles. In the book-length study he prepared for the UNHCR, Coles draws attention to the issue of belonging as follows:

> 'The human need to belong is more than one for protection or for the means of individual development: it is also a need to be among one's own. …it is normally a strong human need, the satisfaction of which is conducive to suffering and to social disorder.
> Belonging also relates not only to a community of people but, normally, also to a land (the 'motherland' or the 'fatherland' or the land of one's ancestors). Man is … a terrestrial creature with roots in a land and its history. A 'people' is formed by physical propinquity, a native soil and a shared history that has formed common beliefs and values (i.e. its culture or civilisation) and conferred on it an identity. The link between a people and a land is a profound one' (UNHCR, 1985: 185-186)[25].

For the other scholars, perceiving displacement as something that constitutes 'uprooting' is nothing else than a product of the sedentarist approach that underlines the idea of belonging to a country, and being a member of a nation thus having a national

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[25] Another scholar, W.E. Connolly views G. Coles' description of the human need to belong as 'a modern homesickness that has been transfigured into a politics of place' (Warner, 1994: 164).

identity. 'The central thrust of this perspective is that if it were not on the one hand, for our sedantarist assumptions that tend to naturalise the relations between people and places, and on the other, for the world being divided into nation-states whose raison d'être is to protect the rights of their own citizens, migration would be normal and therefore would constitute no 'uprooting' or problem per se' (Kibreab, 2005: 119). The assumption highlighting the perspective is that the sense of attachment and belonging to particular places has been weakened because in today's world, 'the local' lost its significance in social, cultural and economic life as a result of the global interconnections.

Second aspect of the return discourse is that return is idealised in this discourse. The assumptions such as that "all refugees want to go home" and "the best place for refugees is home" (Sepulveda, 1995, cited by Stefansson, 2003: 21) display this idealisation. Accordingly, agencies and institutions dealing with refugees emphasise that by being repatriated, refugees go back to a 'familiar cultural environment and a former way of life' (Stefansson, 2003: 21). The basis of this understanding is the assumption that refugees are a group of people who represent a 'matter out of place' and 'should be put back into that place' (Hammond, 1999: 228). The corollary of this argument is that with the help of return, a sense of order is reestablished in the system of nation states because 'the homeland or the country of origin is not only the normal but the ideal habitat of any person, the place where one fits in, lives in peace, and has an unproblematic culture and identity' (Malkki, 1995, cited by Stefansson, 2003: 22). As a result of displacement, refugees' ties to their birthplaces thus to their cultural identity have been broken and need to be reestablished. That is why return is regarded as an 'end of the refugee cycle' (Black and Koser, 1999) as well as a 'homecoming'. Refugees, who become displaced and uprooted as a result of conflict, should be transplanted in their homelands. Of course this does not mean that returning refugees will not be faced with any challenges in their homelands. Yet, these challenges will be met in one way or another. What is really important is the reestablishment of the broken bonds. It is the main assumption of international agency officials involved in return programmes.

Some of the jargons that may be found in the return discourse are as follows: reintegration, reconstruction, rebuilding, re-adaptation, rehabilitation, readjustment, and recovery (Gmelch, 1980; Allen and Morsink, 1994; Warner, 1994). These terms, along

with the words 'return' and 'returnee' are the products of an understanding that reflects a 'segmentary, sedentary idea of how people ought to live, what their relation to their "homeland" should be, and ultimately how they should go about constructing their lives once the period of exile ends' (Hammond, 1999: 230). The belief is that once refugees are back in their homeland or at 'home', the bond will be reestablished by making use of kinship ties, old skills, social networks and property rights etc. that existed well before the displacement. In short, circles supporting refugee return are using a terminology that describes return as an important way to reconstruct the past. Is it really possible to do that? Can refugees, who go back to their places of origin, reconstruct the life they had prior to the conflict that caused their flight? This is definitely questionable.

The discourse on return brought about its criticisms as well. The increasing scale of return movements in the 1990s produced a plenty of studies on the return subject[26]. This literature on return is prominent with its critical approach towards the return discourse. Main assumptions of the discourse are dismissed by this critical return research. The researchers involved, stress 'the dynamic nature of notions such as "home" and "return" among forced migrants by ever-evolving cultural identities and socio-cultural realities in former places of living in the course of absence' (Stefansson, 2003: 27).

How do the critical researchers respond to the main assumptions of the discourse on return? The critical researchers come up with two arguments. First, the assumption that all refugees want to go back to their homes is not true. Scholars have underlined the fact that although it is the wish of many refugees as well as immigrants to return to their place or country of origin, in many cases this wish is not materialised in practice. The most prominent example is the case of Palestinians. With some 7 million refugees and 450,000 IDPs[27], Palestinians are one of the largest displaced populations, and the Palestinian refugee problem is the longest-standing problem in the world today. Regarding the issue of return, although the UN recognised their right to return as early as 1948 (General

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[26] Studies are on both the imagination of home and return refugees have in exile or asylum (Graham and Khosravi, 1997; Zetter, 1994, 1999) and the process of return and reintegration in practice (Cuny et al. 1992; Allen and Morsink, 1994; Stepputat, 1994; Habib, 1996; Black and Koser, 1999).

[27] As of mid-2007, this number represents more than 70% of the entire Palestinian population worlwide (BADIL, 2007).

Assembly Resolution 194)[28], it has remained contested up to date[29]. So there is a mismatch between 'imagined' and 'practised' return in many cases including the Palestinian one. The concept used to depict this mismatch is 'the myth of return' (Zetter, 1999). In his article on the reconceptualisation of the myth of return, Zetter emphasises that the distinctive component of refugee identity is an inherited but at the same time an exiled past and is often reconstructed in an idealised form. He draws attention to Al-Rasheed's argument as well: 'The concept of the myth of return not only encapsulates this sense of a fictitious past, or at least one that is idealized and reinvented, but also a fictitious future…'(Zetter, 1999: 4).

In terms of going home, an example to 'the myth of return' comes from L. Hammond, one of the scholars opposed to the idea that return means homecoming. In her anthropological study of Tigrayan refugees returning from camps in eastern Sudan to a part of Ethiopia called Ada Bai (coming from the Tigrinya words 'Addi Abbay' or 'Big Land')[30], Hammond (2004) questions the notion of 'going home' and shows that refugees, who go back to their country of origin, are not necessarily people returning to their homes. The Tigrayans, with whom she lived for her research between 1993 and 1995, returned to a place where they had never lived before. The land they went back was new as well as strange to them in reality. Yet, both the Ethiopian government and international community considered the area as belonging to the Tigray region. In that sense, refugees were returning to their homeland. Ada Bai would 'become home' for the Tigrayans. Over time, they were engaged in small-scale entrepreneurial activities. With the help of these activities, the Ada Bai was transformed from an empty 'Big Land' into first a settlement

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[28] The Resolution states: "refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible." (*Progress Report of the United Nations Mediator and the Right of Refugees to Return to their Homes and Receive Compensation*. Retrieved: January 17, 2008, from BADIL [WWW Document]. URL. http://www.badil.org/Documents/Durable-Solutions/GA/A-RES-194(III).htm)

[29] There is plethora of studies on the Palestinians' right of return (Kossaifi, 1996; Khalidi, 1992; Klein, 1998; Abu-Sitta, 2001; Boling, 2001).

[30] Ada Bai is an area lying in the northwest of Ethiopia. It belongs to the Tigray Region. The Tigrayans fled war and famine in Tigray in 1984-85. The land they left was in the highlands of Ethiopia. The gate to return opened for most of the Ethiopian refugees in Sudan with the overthrow of the military dictatorship in 1991 by a government close to the Tigrayan People's Liberation Front (TPLF). Return to Ethiopia started in June 1993 (Hammond, 2004).

for returning refugees and ultimately a village. This process of transformation the Tigrayans experienced in Ada Bai involved two sub-processes. 'The first was one of emplacement, whereby people transformed an unfamiliar physical space into a personalized, socialized place. The second was that of community formation through creative action and structural transformation' (Hammond, 2004: 3). These two processes took place at the same time and complemented each other.

How was emplacement carried out? The intention was not to 'develop a single sense of place whereby all who inhabited it considered their surroundings in the same way' (Hammond, 2004: 9). Therefore, places were emplaced by men, women, children, the elderly etc., and different 'senses of place' (Feld and Basso, 1996, cited by Hammond, 2004: 9) based on specific relationship created as a result of daily practice came to exist with the process of emplacement[31]. The outcome was that notions of home underwent a significant transformation. The Tigrayans were able to create a sense of belonging to a particular place. In other words, they constructed a 'home' from a space which did not mean anything to them at the time of their arrival back in Ethiopia. They agreed to be resettled in Ada Bai which would become 'home' for them, and indeed Ada Bai became the Tigrayans' home.

The second sub-process, namely community formation, was in fact a key element in emplacement. Displacement had brought together a group of people, i.e. the Tigrayan refugees in refugee camps in Sudan. These people had nothing in common other than the circumstances that brought them together. They shared no common history. However, in Ada Bai, they were able to develop the bonds that would connect them to each other and started considering themselves as 'Ada Bayans'. 'Community formation followed certain conventions that were both a reflection of the social structure familiar to the returnees and of the disruption that structure necessarily underwent as a result of the displacement' (Hammond, 2004: 11).

Eventually the Tigrayans, who were resettled in Ada Bai, came up with a new notion of 'home'. They did not define it in geographical terms. Home, for the Tigrayans in Ada

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[31] 'Household space, wilderness, sacred spaces, and public spaces were all personalized and incorporated into mosaics of meaning that translated unknown, dangerous areas into known, safe places, experienced differently by different people' (Hammond, 2004: 9).

Bai, was 'a conceptual and affective space in which community, identity, and political and cultural membership intersect' (Hammond, 2004: 10). The circumstances had led the Tigrayans to create anew meaning and associations with each other in this new environment[32]. The Tigrayan case shows that notions like home, identity and community are reinterpreted, transformed and newly invented in accordance with the circumstances people find themselves in.

Having elaborated 'the myth of return', we have to continue with the second criticism of the return researchers. Return does not represent a homecoming at all because returning refugees come across with numerous challenges. In other words, the experience of return has nothing to do with the images of 'the glorious, "natural" homecoming that are nourished by repatriation advocates and, at least to a certain extent, shared by many refugees themselves during their exile' (Stefansson, 2003: 29). What may be the reason(s) for that? In his doctoral thesis on the cultural dynamics of refugee return in Sarajevo, Stefansson (2003) addresses two kinds of change that lead to dissatisfaction with return. These are the transformations refugees' cultural identities have undergone while in exile and the socio-cultural developments in the country of origin during refugees' absence. In many cases, the change occurs at so extreme level that post-return 'reintegration' becomes complicated and difficult and it takes long time to 'reintegrate'. At this point, we are faced with another concept that needs to be defined: 'reintegration'. It is one of the central concepts of the return discourse, and started to be used quite frequently as the refugee return movements gained pace in the 1990s. The process has come to be known as return and reintegration of refugees[33], and the issue of reintegration of returning refugees began attracting more attention of senior decision-makers as well as relief, development, and human rights organisations. It is apparent that reintegration has gained importance, particularly in the post-Cold War era. Then what is 'reintegration'? What do we mean

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[32] Hammond argues that the Tigrayans in Ada Bai resembled Russians who 'returned' from the other republics of the ex-Soviet Union in terms of having a notion of 'home'. Even though most of the Russians in question had family ties to Russia, they had never lived there. In that sense, their experience 'suggests that "home" is not a physical space which can be "returned to" but an imagined community which requires both physical and cultural reconstruction by migrants upon return' (Pilkington and Flynn, 1999: 196).

[33] H. Adelman, in his paper on peace agreements and the issue of refugee return, considers repatriation and reintegration as part of a continuum (Adelman, 1999). According to him, return to one's country of origin – homeland – is the end of repatriation process, but this time another process, namely reintegration starts.

when we say 'reintegration of the refugees, who returned to their country of origin, is a crucial element in peace-building in a post-conflict society'?

As defined by the UNHCR (1997), reintegration is 'a process which enables formerly displaced people and other members of their community to enjoy a progressively greater degree of physical, social, legal and material security'. In addition, it necessitates first the erosion and finally disappearance of the distinctions between the returned refugees and the other citizens, namely the stayees i.e. the ones who did not leave the country during the conflict. The distinctions in question are related to the socio-economic and legal status of these people. As mentioned above, reintegration has an important place in peace building process. What is peace building then? The UNHCR regards peace building as 'the process that entails an absence of social and political violence, the establishment of effective judicial procedures, the introduction of pluralistic forms of government, and the equitable distribution of resources' (UNHCR, 1997).

For a long time, return was regarded as an end to the refugee problem. Once refugees returned to their country of origin, the problem would be solved. The expectation was that home governments would take care of the returned refugees. Yet, it was soon realised that return was not an end at all because the process continued with the so-called reintegration. Stein (1997) underpins the fact that repatriating refugees to their country of origin voluntarily is very important but does not necessarily mean that 'the bond of trust and loyalty has been restored between citizen and state'. If those people do not have any role in the economic and political life of their country, how can we talk about a real repatriation? They are still 'uprooted' in that sense. Or, even though they have returned, they may still be far from their home communities. They are IDPs in this case. As examined in the chapter on the political and legal context of return in Bosnia-Hercegovina, many refugees became internally displaced upon their return because they could not go back to their local places of origin.

When looked at from this angle, reintegration seems to be an inseparable part of the return process. That is what policymakers and practitioners think about reintegration. The basis of such thinking is the belief that it is crucial as well as necessary to achieve reintegration for peace-building to be successful. But, first we have to clarify an important point about reintegration. Is it reintegration or integration we are talking about? According

to D. Warner, we cannot talk about reintegration when refugees are in question. In his article on the implications of voluntary repatriation, Warner (1994) argues that refugees, who are voluntarily repatriated, are not returning home. The reality is that they are returning merely to their country of origin. He quotes Rogge and Akol who have drawn attention to a similar point: 'For many long-term refugees, …, repatriation does not necessarily mean "going home". Instead, they return to places or social environments that are different or appear to have changed, or, alternatively, where the resident population regard the returnees as strangers because of differing customs and beliefs that they have acquired' (Rogge and Akol, 1989: 193). In that sense, it is confusing to regard return to home as going back to something because at the same time it is recognised that both the refugees and the country of origin have undergone transformations. Moreover, Warner underpins the fact that return itself has a fundamental nostalgia because it is 'about preserving something that was there in the past or imagined in the past and that cannot possibly be re-created' (Warner, 1994: 171). We cannot go back to the situation as it was before the conflict. There is no going back in time. By the same token, what refugees experience after they return is not re-habilitation or re-adaptation or re-integration. They go back to their country of origin, and what happens afterwards is a complicated process. 'The refugees are habilitated, adapted and integrated in a process that is at once similar to that for any new arrival and distinct in that the returnees have been in that place before' (Warner, 1994: 171-2). Neither the refugees who have returned nor the so-called stayees, i.e. the ones who did not leave their country during the conflict, are the same. Both have changed. Likewise, the state itself has undergone transformation. Under such circumstances, is it possible for refugees to 'return to a status quo ante' (Warner, 1994: 172)? Regarding reintegration, Warner thinks rather differently because he considers post-return process as opening totally a new page. According to his view, it is integration what refugees experience after they return, and it must be more difficult.

Even if we are talking about reintegration, it is no different than integration since both are long-term as well as hard and complex processes. As regards reintegration, IDPs are on the stage as well. Both groups try to struggle with various challenges. In his paper on refugee reintegration in Central America, Stein (1997) draws attention to some of those challenges:

'Reintegration of returning refugees is a complex political, economic, social, and cultural process that goes beyond a simple physical reinsertion of refugees in their home communities. Violence and conflict and the passage of time have an effect on individuals and societies. Exile changes the refugees, and their children may know nothing of 'dear old home'. Refugees may undergo a major cultural and social transformation; they may be urbanized, politicized, and develop new skills and attitudes. Although the refugees' memory and image of home may be idealized and frozen at the moment of flight, conflict and politics may have transformed the homeland, the hometown, and the home folks. Some of those who stayed behind may have been on the other side of the conflict. Others who stayed may have endured sufferings and experiences not shared by the repatriates.'

Stein is right in his analysis. Yet, Stefansson (2003) emphasises that something very important is missing. Many returned refugees, including the Bosnians Stefansson interviewed for his doctoral thesis project, do not actually return to their 'home communities', i.e. the particular house, village, town or just neighbourhood they left behind. It is only the country of origin to which they return. In the field work carried out for the present study, most of the informants did return to their houses. Out of 91 interviewees, 21 Bosnians were not able to return[34], yet it seems to be no more than a physical journey back to the place which they had to leave. Even though there is an effort to return to the pre-war life – to reconstruct the past – this is really difficult and impossible in some cases because the life they had before the war is unfortunately gone. War changed the livelihood, the relations among the three communities as well as many other aspects of life.

In some cases, although refugees go back to their places of origin, they do not perceive it as 'homecoming'. Involuntary return is the most obvious example of such situation. If circumstances were different and refugees had the chance, they would have preferred to stay on abroad. But they do not have any choice other than going back to their country of origin. In such situation, return is nothing more than a physical journey back. According to Stefansson (2003), this absence of a wish to return implies that refugees have a certain level of alienation towards the home community. Be it a voluntary or involuntary return, problems are waiting for the returned refugees and IDPs in their pre-war places concerning housing, employment, access to land, access to health and education services.

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[34] Out of these 21 informants, 13 are IDPs living in collective centres and 8 have not been able to return to their houses for various reasons.

Moreover, landmines and security risks constitute a big challenge in some cases. Another problem is return under conflict. As noted by some scholars, several voluntary returns take place while the conflict is going on in the country of origin (Larkin *et al.* 1991). In such cases, it seems that refugees are prepared for the risks waiting for them when they go back to their country. Last but not the least; returned refugees may meet with antipathy, jealousy and even enmity by local authorities and stayees (Black and Koser, 1999; Kibreab, 2002; Stefansson, 2004). In some cases, the stayees accuse the returned refugees for not having stayed and fought. 'We stayed and suffered. You fled and made money there. Now you returned having made lots of money' – the stayees express their envy and anger with such remarks.

In several post-conflict situations, economic problems and lack of funding make reintegration difficult. Unemployment comes to fore among the economic problems and constitutes one of the most important challenges to reintegration. As Stefansson (2003) notes, it becomes difficult to reconstruct the material basis of life in the places of return as a result of economic crisis and lack of funding. On the other hand, even if reconstruction of houses, infrastructure and factories is complete, it is not easy to restore a sense of trust among people. Will the relations be the same as before the conflict or is the communal trust gone forever? It is crucial to restore the communal trust if the aim is to rebuild peace. This issue is discussed with regard to the case of Bosnia-Hercegovina in the following pages.

Based on the examples of transformations homelands and refugee identities undergo and the hardships refugees experience when they go back, researchers working on return draw the following conclusion: instead of a glorious 'natural' homecoming, repatriation is a difficult, in some cases disappointing and even traumatic experience for the refugees. It is emphasised that while return marks 'the end of refugee cycle' it is at the same time 'the beginning of a new cycle' (Black and Koser, 1999). Some of return researchers point to the disappointment, trauma and even illusion of 'homecoming' with the following expressions: return and reintegration may be an experience of 'reverse culture shock' (Gmelch, 1980, cited by Graham and Khosravi, 1997), a travel to 'an unknown wilderness' (Pilkington and Flynn, 1999: 190), 'a de facto continuation of "refugeeism", even when the refugees are back in their home countries' (Opondo, 1996, cited by Stefansson, 2003) or, in a more

optimistic way, a journey to 'a new and challenging environment' (Koser and Black, 1999: 11) and 'a whole new world with new possibilities, opportunities and problems' (Hammond, 1999: 243). That is why Hammond argues that central concepts of return discourse, like 'return' and 'reintegration' have to be replaced by 'a more proactive theory on return migration' based on construction, creativity and innovation since they are the basic principles of social change (Hammond, 1999).

Having examined the return discourse and the critical return research, it is time to continue with the last aspect that needs to be considered in conceptualising return: the phenomenon of transnational return. Since it challenges the basic notions of the discourse on return, namely 'home' and 'reintegration', the phenomenon adds a new dimension to return studies. In this approach, 'home' is not considered as one particular place or community to which people, i.e. refugees and migrants, are attached exclusively. Accordingly, refugee return cannot be regarded as one and definitive move to the country or place of origin. In that sense, it is better to conceptualise return as 'a dynamic and open-ended process, one which may extend over long periods of time, involving mobility between places and active links to people and resources in the country of asylum' (Eastmond, 2006: 141).

Transnational approach to migration developed in the early 1990s, when a group of US anthropologists found that 'the migrants with whom they worked had developed transnational practices that conventional migration theories did not adequately capture (Basch et al. 1994, cited by Levitt and Sorenson, 2004). Their argument was that the traditional migration theory had a false dichotomy. Accordingly, there were only two groups of migrants: individuals who departed (emigrants) or arrived (immigrants). This false dichotomy had to be overcome because migrants had multiple attachments. That is why the anthropologists proposed that 'migrants be understood as forming part of two or more dynamically intertwined worlds' (Levitt and Sorenson, 2004). In that sense, transnational migration can be considered as the processes by which immigrants come to belong to more than one society at the same time. They sustain social relations that link their own society to the society of settlement. Making use of increased global transportation and telecommunication technologies, migrants have developed strong

transnational bonds turning migration into an ongoing movement between multiple social spaces.

Transnational return is an important aspect of this movement between different social spaces. In her article on the strategies Bosnian refugees in Sweden have adopted regarding return to Bosnia, M. Eastmond (2006) emphasises that return cannot be envisaged as a once-for-all event. When complicated post-war situations are in question, return is a risky task that necessitates the existence of various safeguards. The ability to access resources in different places and to move between them when necessary is a crucial safeguard. She addresses two return strategies the Bosnian refugees in Sweden use. The group using the first strategy may be called '*transnationals at home*' since the individuals and households in this group try to maintain connections and mobility to the outside, particularly to the country in which they were granted asylum while establishing a more permanent base in their country. The second strategy is called *seasonal or temporary return*. While being based in the country of asylum, the individuals using that strategy pay regular visits to their country of origin[35]. By using the opportunity of being residents abroad, they 'constitute the links that help support family and kin' in their country of origin (Eastmond, 2006).

The important thing about transnationals is that many regard neither place of origin nor the country of asylum fully as 'home', as they used to know it. Yet, they think in a pragmatic way. Accordingly, as long as the place is one where they can have a 'normal life' – economic security, social relations, and a sense of belonging – they consider that place as 'home'. It seems that transnational homes serve that purpose since they may combine the resources in both places. 'For those (Bosnians) residing as refugees in Sweden, cultivating social ties in Bosnia and enjoying its "spirit" during frequent visits is a valued part of life that protects against a sense of isolation and a loss of social recognition, while being ensured the relative security of life in the country of asylum' (Eastmond, 2006: 153). Similarly, Iranians in Sweden make a distinction between two homes, namely the 'practical' home and the 'cultural-spiritual home' (Graham and Khosravi, 1997). This suggests that the existence of transnational lifestyles does not lead to place losing

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[35] Eastmond draws attention to the fact that visiting Bosnia is a vacation priority for the majority of the Bosnian refugees whom she interviewed for her study. These holidays in Bosnia help boost the local economy. For the refugees returning seasonally, dual citizenship is quite important since it is 'an asset that facilitates transnational life and mobility' (Eastmond, 2006).

significance. Instead, different values of home are attributed to each place even if meanings and emphases change in time. In short, the phenomenon of transnational return shows us that first 'home' is a set of social relations and cultural connotations rather than a mere physical place, and, second, the ways to return and maintain presence in the country of origin are not limited to the one envisioned by return discourse.

III.2.2. Return of Forced Migrants: The Historical and Conceptual Context

In reconceptualising return of the forced migrants, it is considerably important to examine the phenomenon from an historical perspective in order to understand how the so-called 'voluntary repatriation' came to be regarded as the optimum 'durable' solution to refugee problem. The prevalence of repatriation over the two other durable solutions, i.e. local integration and resettlement, is elaborated within the context of the international refugee regime. While doing that, important aspects of repatriation such as its voluntary nature and return in safety and dignity, are discussed. The focus in this part is on the return movements and the discussions concerning these movements in the post-Cold War era. Yet, it does not mean that the returns that occurred during the Cold War are ignored. Basic aspects of those returns are highlighted since the movements, which took place particularly in the African continent in the 1960s and 1970s, were fairly large.

a. Return of Forced Migrants During the Cold War

Towards the end of the World War II, the Western powers set up the UN Relief and Rehabilitation Agency whose objective was simply 'to return to their homes as soon as possible all the people who had been uprooted and displaced by the war' (Loescher, 2001: 35). Relief and rehabilitation were only short-term goals. The Western countries that were hosting most of the displaced people were in favour of rapid repatriation. At the Yalta Conference in February 1945, two bilateral agreements were signed to guarantee the return of displaced nationals of the allied countries. The agreements, as Salomon (1991) notes,

involved repatriation in two directions. Thousands of British and American prisoners of war (POWs) were to be moved westward while millions of Soviet citizens would move eastward. The two repatriations would be quite different from each other. The displaced people of West European countries were repatriated rapidly[36] without any problems whereas the repatriation of the Soviet nationals turned out to be quite problematic. Actually, large-scale repatriation to the SU took place after the Yalta Conference. However, first the USA, then other Western European powers became rather hesitant about returning the displaced people to areas under Soviet control. The SU, on the other hand, was insistent on repatriation for obvious reasons. Consequently, mass repatriation that gained pace in the months after the Yalta Conference gradually decreased and came almost to a close by the end of the following year[37]. The controversy between the East and West deepened with the Soviets complaining about the refusal of Western powers to comply with the provisions of the Yalta Agreement. Besides, the West was encouraging the Soviet nationals to resist repatriation according to the Soviet view.

Within a short period, the question of repatriation became one of the major political issues in the UN. The emerging East-West conflict played an important role in the politicisation of the repatriation issue. At the core of the conflict, which was dividing the two blocs, was certain rights of people, namely the right to choose where people wanted to live, the right to flee oppression, and the right to express views. By quoting Penrose (1951), Loescher (1993) notes that the Soviet representatives were behaving in a rather contradictory way. On the one hand, the representatives privately acknowledged the impossibility of facing DPs to go home because these DPs refused to be under the communist rule. On the other, in public, they did not accept the idea that citizens of the East European countries could have any valid reason for opposing return and the ones who were resistant were war criminals and traitors (Penrose, 1951, cited by Loescher, 1993: 49).

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[36] About 1.5 million French, 300,000 Belgians, and a similar number of Dutch people were repatriated by the middle of September 1945 (Salomon, 1991: 98).

[37] By the end of 1946, '…less than one quarter of the estimated 2.5 million Soviet nationals in the British, American and French zones had not been handed over to Soviet authorities , and over 1 million demoralised people remained in camps' (Loescher, 2001:36-7). For a detailed account of the repatriation in the aftermath of the World War II see (Salomon, 1991: 92-164).

As the USA became more critical of the repatriation policies and rehabilitation programmes of the UNRRA in the Soviet bloc countries, it took the initiative to kill the organisation. As a part of the US plans, the IRO was formed in the UNRRA's place. Even though repatriation was declared to be the first priority of the Organisation, the main function of the IRO seemed to be resettling people displaced and uprooted by what happened during and right after the World War II. So it was obvious right from the beginning that repatriation would be carried out in a more modest scale.

Over time, the hostilities between the two blocs deepened resulting in the IRO's policies caught up in the Cold War politics. As long as persons unwilling to return to their countries of origin presented a valid case against repatriation on the grounds of racial, religious or political persecution, they would be assisted by the IRO[38]. In other words, the Organisation's mandate would be broad enough to offer protection to individuals who had 'valid objections' to repatriation. This was an innovation in the sense that the refugee eligibility would depend on the individual rather than the group. Moreover, the international community 'accepted the individual's right to flee from political persecution' (Loescher, 2001: 38).

Against this background, repatriation was not considered a preferable solution to refugee problem in the eyes of the West any more, and third-country settlement (known as resettlement) came to fore as the sole practical policy option. The opening up of a major resettlement programme resulted in decline in the number of repatriations to a large extent. As Loescher (2001) notes, during the years the IRO was functioning, the number of people who returned to Central and Eastern Europe, was limited to 54,000[39]. Moreover, prior to the end of the Organisation's existence, all repatriation missions in Eastern Europe were asked to leave the areas that were under the control of the Western powers, and the host governments demanded the IRO to close offices in their capitals.

As mentioned in the previous chapter, by the time the IRO was dissolved, the refugee problem was almost as serious as it had been when the Organisation was established. The reality of the refugee issue dictated 'the need for a framework which would concentrate on

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[38] As refugees fled Czechoslovakia after the coup in 1948, the IRO's programme was expanded to include the escapees from the communist regimes of the Eastern bloc (Loescher, 1993: 51).

[39] The number of people, who were repatriated during the IRO's lifetime was about 73,000 (5%) of the total number of DPs and refugees under the mandate of the Organisation (Salomon, 1991: 125).

providing (international) protection and assistance to those refugees who were considered to have valid reasons for continued, if not permanent, stay outside the country of origin' (Zieck, 1997). The new organisation, UNHCR, came into existence under those circumstances.

It was the main responsibility of the UNHCR 'to provide international protection to refugees …. and to seek permanent solutions to the problem of refugees by assisting the Governments and … private organisations to facilitate voluntary repatriation of such refugees' (*Statute of the Office of the UNHCR*, Art. 1). The emphasis on providing international protection was directly related to the main concerns of the international community right after the World War II. In that sense, the protection of refugees should be evaluated within the Cold War context. The permanent solutions in question, on the other hand, are voluntary repatriation and resettlement or as specified in the Statute of the Office of the UNHCR (1950) (the Statute hereafter), 'assimilation within new national communities'. In accordance with the general responsibility, one of the ways for the High Commissioner to provide protection for refugees is to assist governments and private organisations in their efforts to promote voluntary repatriation or assimilation; and (s)he is authorised to 'engage in such additional activities, including repatriation and resettlement …' (*Statute of the Office of the UNHCR*, Art. 9).

Contrary to the Statute, the 1951 Convention does not mention anything about voluntary repatriation. Yet, as van Krieken (1982: 105) points out, on the basis of Article 1 of the Statute, reference should be made to Article 35 of the 1951 Convention which reads: '… The Contracting States undertake to cooperate with the Office of the UN High Commissioner for Refugees … in the exercise of its functions …'. Obviously this includes voluntary repatriation. In that regard, one expects the signatory States to the 1951 Convention to support the UNHCR in repatriation issues and programmes.

Apart from the Statute, other legal documents attach importance to voluntary repatriation as well. The 1969 OAU Convention is one of these documents. In Article 5 of the 1969 OAU Convention, besides essentially voluntary character of repatriation, the significance of the collaboration between the country of origin and the country of asylum, the responsibilities of the country of origin regarding the returning refugees, amnesties and

non-penalisation, and assistance to those returning by the country of asylum, the country of origin, voluntary agencies and international organisations are emphasised.

When the UNHCR was established, the ideological tensions of the Cold War had already intensified, and the refugee problem was at the core of this ideological conflict. In that regard, both the problem of refugees and solutions to the problem were discussed within the Cold War context. Actually, Cold War politics 'demanded the rejection of the solution of voluntary repatriation' (Chimni, 1999: 2). Various reasons might be put forth to explain this rejection. Some are pointed out as follows: a) 'Western powers were not worried about the possible mass influx of people from Eastern Europe, since they knew Eastern European governments forbade and hindered people's exit (Gallagher, 1994) and put pressure to encourage the return of those who had already claimed asylum in Western European countries (Allen and Morsink, 1994), b) In this political frame, the idea that the causes of the flight, in a word 'communism', could have an end was not considered as a possible option in the foreseeable future (Gallagher, 1994), and c) In the bipolar dimension of the Cold War, refugees fleeing from communist regimes acquired a particular political value for the host countries' national and international policy (Gallagher, 1994)' (Amore, 2002: 162).

Other scholars such as B.S Chimni and Allen and Morsink highlight different factors in explaining why repatriation was rejected as a feasible durable solution to the refugee problem. According to B.S Chimni (1999), following the World War II, the Northern states were able to recover rapidly from economic devastation. A key factor that contributed to this recovery was refugees, who compensated for the loss of the labour force in the World War II. That is why the Northern states were in favour of resettling one million remaining refugees in Europe. On paper, voluntary repatriation was still one of the best solutions to the refugee problem. However, in practice, it was put aside as a means to resolve the plight of refugees.

Allen and Morsink (1994), on the other hand, underline the creation of the state of Israel as one of the factors influential in setting aside repatriation. Two demands were competing with each other. On the one hand, Zionists were calling for the right to return to the so-called Biblical homeland, and particularly after the state of Israel was created, the Israeli authorities continuously encouraged Jews from all over the world to move to the

'Promised Land'. On the other hand, the Palestinians, who were not allowed by Israel to repatriate, were insistent on returning to their homes. Thus they rejected any suggestion of settling somewhere else. The positions the superpowers took up in this conflict were opposing. As a result, the debate on return became one of the most sensitive issues in the international arena. It was discussed through the Cold War lenses.

Under those circumstances, resettlement, which had already replaced voluntary repatriation in the late 1940s, became a part of the Western discourse on solutions, and voluntary repatriation lost its role as one of the durable solutions to refugee displacement. That was the case until 1970s. Yet, it should be underlined that there are exceptions. Albeit limited, the UNHCR played a role in return of Algerian refugees from Tunisia and Morocco in 1962. The parties[40] to the Evian Agreements, the agreements which formally ended the Algerian war of independence, facilitated the repatriation process but, at the same time, requested the UNHCR to take place in the process as well. The repatriation to Algeria constituted a good example due to certain aspects. Allen and Morsink (1994: 3) summarise these aspects as follows: first, it was obvious that returnee integration into an economy devastated by war was not as easy and straightforward as it might seem and long-term assistance might be necessary. Secondly, in devastated areas, returnees might not be distinguished easily from the people locally displaced (IDPs in other words). Thirdly, in cases of creating nation-states, it was not a viable option to resettle refugees in other countries. Finally, a refugee problem could be resolved by repatriating in one region without applying the same approach in other parts of the world.

In the 1970s, further mass returns took place as several wars came to an end in the developing world, mainly in Africa[41]. Hence, voluntary return came to dominate the agenda at international gatherings and the UN started paying attention to the issue. Return could be a solution to problems of refugees in certain circumstances, particularly when the principle of self-determination was in question. Return as a solution came to be expressed 'not in terms solely of the right to choose freely whether or not to return, …, but also in the

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[40] The parties to the Agreements in question are France, Algeria, Tunisia, and Morocco (Allen and Morsink, 1994: 3).
[41] Some of the countries to which mass returns took place are Nigeria, Sudan, Angola, Mozambique, Zaire, and Zimbabwe. From the Asian continent, Burma, Bangladesh, and Cambodia can be given as examples. For these return movements – both African and non-African – see (Rogge, 1994).

form of human right to return in safety and dignity …' (Coles, 1989, cited by Allen and Morsink, 1994: 3).

Towards the end of the decade, the refugee problem got worse making the donor countries more concerned about the increasing levels of funds they were supposed to give for emergency relief. The UNHCR budget had to grow as a result of refugee crises in the Asian and African continents. The refugee agency had to spend most of the extra money on relief efforts. Accordingly, albeit not in absolute terms, the expenditure on the promotion of durable solutions decreased. The outcome was that there was a growing interest in the possibilities of promoting voluntary return.

During the 1980s, as Allen and Morsink (1994) emphasise, there was a coincidence between the antagonistic attitude towards refugees in host societies and the UNHCR's interest in return[42]. Host countries in Africa were mostly suffering from poverty and international assistance was not adequate. Hence, refugees were as a drain on the local economy of those refugee receiving states. Under such circumstances, the representatives of international community were under pressure to encourage refugees to return to their countries of origin. In that sense, the meeting of the Executive Committee of the UNHCR (Excom) in 1980 was important. It was the first time the issue of voluntary return was examined in detail. The conclusions adopted closely resembled the provisions of the 1969 OAU Convention about return[43]. On the other hand, there were concerns that the UNHCR was taking part in return schemes in which security of refugees was at risk. For example, in Africa, by the time returns began, none of the problems that had generated refugee flight were fully resolved (Coles, 1989, cited by Allen and Morsink, 1994: 6). How could one expect returns to be durable under these circumstances?[44]

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[42]   There was a dramatic increase in the number of people seeking asylum. In the early years of the decade the total number of refugees was already over 10 million. The industrialised countries of the North, on the other hand, were changing their asylum policies. Asylum-seekers would be faced with more restrictive approach (Amore, 2002).
[43]   Article V (1) of the OAU Convention states 'The essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will' (Goodwin-Gill, 1989). For the Excom Conclusion in 1980 see (ibid: 289-291).
[44]   Nonetheless, Africa became a stage for large-scale return movements. In 1981-82, the continent experienced single largest movements with 327,281 returnees. This number refers only to the refugees who returned with the UNHCR assistance or the refugee agency was aware of the return movement (Rogge and Akol, 1989).

Faced with criticisms, the UNHCR started paying more attention to lives of refugees after return. By the time Hocke assumed the position as High Commissioner for Refugees in 1986, resettlement and local integration in countries of asylum were no longer on the refugee protection agenda. Moreover, donor states were reluctant on funding refugee camps indefinitely and exerted pressure on the UNHCR to solve the refugee problem. The new High Commissioner endorsed voluntary return because he considered it as the 'only viable alternative' to the current situation (Loescher, 2001: 251). He was not alone in this effort. The Excom, during its October 1985 session, had adopted a conclusion (*Conclusion No. 40*)[45] in which the right to return voluntarily to the country of origin was reaffirmed, and the need to address the causes of refugee movements and to remove these causes was underlined[46]. Moreover, the High Commissioner was encouraged to promote voluntary repatriation by taking initiatives such as endorsing dialogue between all the main parties, making communication possible between them and acting as an intermediary. So, starting in 1985, voluntary return was regarded as *the* durable solution to the refugee problem. But there is one point that needs to be emphasised. The Excom conclusions were looking toward facilitating return rather than promoting it. As Goodwin-Gill (1996) emphasises, facilitation and promotion should be distinguished from each other in a cautious way. While an informal and voluntary decision by a refugee is presupposed in facilitation, varying degrees of encouragement by outside bodies is expected when promotion is in question.

Parallel with those developments, there was a growing consensus that the UNHCR's protection mandate should be formally expanded because the number of groups, which were under the UNHCR responsibility, had increased. Despite the consensus, there was no clear-cut agreement on a broader mandate. The idea of monitoring returned citizens on a long-term basis was not supported by many states. Moreover, human rights activists emphasised that if protection of returnees fell under the UNHCR's responsibility, host

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[45] The background of the Excom meeting in question was the Round Table on Voluntary Repatriation convened by the Office of the UNHCR and the International Institution of Humanitarian Law in San Remo in July 1985. At the Round Table, G. Coles' book-length report on voluntary repatriation was discussed. The emphasis of the report was that even though voluntary repatriation was regarded as the optimum solution to refugee problem, there was neither detailed examination nor an extensive study on the subject. The report also included an account of the return movements from 1918 onwards (Coles, 1985b).

[46] (*Voluntary Repatriation*, UNHCR Executive Committee Conclusions No. 40. Retrieved: January 12, 2008. [WWW Document]. URL. http://www.unhcr.org/excom/EXCOM/3ae68c9518.html).

countries would be encouraged to make refugees return 'on the grounds that the international community was committed to guaranteeing safety in their homeland'(Allen and Morsink, 1994: 5).

In addition to these unresolved issues, the refugee agency was faced with a difficult situation regarding return in Africa: refugees, who had fled civil war, were going back to places where the situations had not stabilised yet. Either there were on-going conflicts or political tensions. The return of Tigrayan refugees from the Sudan to Ethiopia was an example to return during conflict. In 1985, more than 50,000 Tigrayans went back to Ethiopia amidst conflict. The international community, particularly the UNHCR, did not know how to react to the situation. Under the US pressure, the refugee agency showed opposition to the return on the grounds that there was ongoing conflict in those regions. How could the security of the returning refugees be guaranteed under those circumstances?

The Tigrayan return was not the only example to return during conflict. There were other cases in Central America and Africa. The return of Salvadorans from Honduras is one of those cases. After having spent long years in refugee camps in Honduras[47], the Salvadorans started going back to their country in masses. These large-scale returns organised by refugees themselves were called *masivas*[48]. 'Between October 1987 and late 1989 there were four masivas from the Mesa Grande refugee camps, ranging from 800 to over 4,000 refugees. Nearly 8,000 refugees returned to areas of conflict' (Stein and Cuny, 1991). Three factors played an important role in these refugee-organised massive returns. First, refugees, who returned before the masivas, had decided to go back once they had felt that there would be enough space to feel safe. Secondly, there was an internal support apparatus. Including the UN, the church and NGOs, the return was backed by a number of organisations. Lastly, refugees were determined to gain control of their own lives, and they felt that it would be possible to have at least some freedom of movement in their own country[49].

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[47] Towards the end of 1970s and in early 1980s, tens of thousands fled El Salvador and Guatemala due to extensive conflict and human rights violations. About 20,000 Salvadorans were settled in refugee camps in Honduras while most of Guatemalans fled to Mexico (Norwegian Refugee Council, 1992).

[48] Actually, the Salvadoran refugees had already started returning long before 1987. Despite the ongoing conflict in certain places, they had gone back to their country in small numbers (ibid.).

[49] For more on return during conflict in Central America and return to El Salvador in particular see (Larkin *et al.* 1991).

Upon these return movements, it became important as well as necessary to understand why refugees were going back to their countries of origin although conflicts were still going on. Initially, it was believed that those returns were spontaneous and voluntary. However, as more cases were studied, it was realised that a great deal of the returns were neither truly spontaneous nor truly voluntary. They might not have been organised by relief agencies, yet the refugees' own organisations and sometimes host countries played a role in the return movements. What about voluntariness? In many cases, refugees were under so much pressure that they had no alternative other than leaving the host country. How can return be regarded as voluntary under such circumstances?

In sum, by the end of the decade, return was still a controversial subject, and solutions to the displacement problem were still negotiated solely in legal and political terms. Thousands were returning to areas where conflicts were continuing or the situations had not been stabilised yet. Nobody seemed to be interested in finding out what happened to refugees after they had returned to their countries of origin. Put another way, even though there was a growing body of 'policy-orientated, operational and basic studies', the return phenomenon remained mostly on the sidelines of refugee studies[50]. On the other hand, the international community was finally aware of the fact that return in itself would not be a solution at all if the underlying causes of flight were not addressed. Return and its aftermath started drawing attention. The post-Cold War era would be dominated by discussions on different issues regarding return.

b. Return of Forced Migrants in the Post-Cold War Era

With the Cold War coming to an end, a new chapter was opened generally for the global refugee problem and particularly for return. The end of the Cold War was a turning point in refugee issues. Why is that the case? First of all, geopolitical considerations dramatically changed with the end of the Cold War. The outcome of this change was two-fold: the superpowers withdrew support from their ideological allies, who had been involved in proxy wars in the developing world, and they seemed to be more cooperative

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[50] For the limited number of studies on return see (Black, 2006).

concerning important global issues. Refugee problem in general and the new attitude towards refugees from Southeast Asia in particular are to be considered in the light of these developments.

The wars in Southeast Asia had ended in 1978 leaving the refugee problem unresolved. For a decade (1979-89), hundreds of thousands of refugees from Vietnam and Laos had lived in camps in the region waiting to be resettled in Europe and the USA. The West had welcomed the refugee flight from Southeast Asia 'as proof of the ills of communism' (Fagen, 2006: 45) and the host governments tried to meet the needs of the refugees. Until 1989, no solution other than resettlement was considered to be suitable and durable. In 1989, the Cold War came to an end changing the situation in Southeast Asia first for the Vietnamese and the Lao then for the Cambodians. The Comprehensive Plan of Action was signed by the resettlement countries. Accordingly, refugees from the region were allowed to return to their countries of origin. Furthermore, the communist governments of Laos and Vietnam 'agreed to receive large numbers of returning anti-Communist refugees, and promised formally to respect their human rights' (Fagen, 2006: 46). The UN played an important role in negotiating the peace agreement that brought the conflict to an end in Cambodia. The peace agreement had refugee return as its cornerstone. Return to Cambodia was one of the first large-scale return movements organised by the UNHCR in the immediate post-Cold War era (Box III.1). Hundreds of thousand Cambodian refugees were able to return to their country. However, in a few months after the UNTAC's[51] mission ended, there was renewed fighting between government forces and the Khmer Rouge resulting in displacement of some 25,000 Cambodians[52]. The situation kept its fragility in the next few years.

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[51] UNTAC is the name of the transitional authority established in Cambodia under the auspices of the UN (Eastmond and Öjendal, 1999).
[52] (Hendrickson, Dylan. (1998). *Cambodia's refugee repatriation: hostage to a precarious peace*, Retrieved: December 3, 2007. [WWW Document]. URL http://www.c-r.org/our-work/accord/cambodia/repatriation-comment.php, 1998)

- Following the signing of the Paris Peace Agreement in October 1991 which ended the conflict in Cambodia, preparations for return began. UNTAC would be responsible for the return.
- The negotiated date for elections (May 1993) was the major determinant in timing the return. The overwhelming majority of the returnees were from the border camps in Thailand (over 360,000 refugees).
- The returning refugees were mostly peasant farmers. Therefore, the UNHCR decided to return them to a region where they could be provided arable land. Yet, the refugee agency had to abandon this plan because much of the land in the region had been heavily mined or was near territory occupied by Khmer-Rouge. Other options including cash payments were provided, and most of the returnees preferred to take cash grants. Returnees were free to choose where to settle.
- Successful reintegration of the returnees was the main task after the return. To accomplish this task, the UNHCR, together with the United Nations Development Programme (UNDP), implemented Quick Impact Projects (QIPs)[53].
- The return was complete by May 1993 and the elections were held as planned in June.

Box III.1. Refugee Return to Cambodia

Early 1990s was dominated by euphoria: the global refugee problem would end because there would be a 'new world order' in the post-Cold War period. Not only this problem would be resolved, but there was a possibility that the individual 'refugee cycle' might come to an end as well (Black and Koser, 1999: 3). How would this happen? The answer is simple: by returning refugees to their countries of origin. It seemed to be the only feasible solution for refugees, who had been residing in camps for a long time. Hence, there was a growing interest in return in several circles including the international agencies. Return was made one of the UNHCR's primary objectives by the High Commissioner for Refugees Sadako Ogata, who was determined to continue the policy direction her predecessor Hocke had begun in the second half of the 1980s. On many occasions, she emphasised how important return was for the refugees. Her speech at the University of Notre Dame in September 1991 was one such occasion:

> For UNHCR voluntary repatriation of refugees is not only the most feasible solution, but also the most desirable. In a world where most refugees are confined to over-crowded, makeshift camps in conditions as dismal – if not more dismal –

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[53] Reintegration, as Eastmond and Öjendal (1999) claim, did not attract much interest. QIPs were planned and implemented rather late. For a detailed evaluation of the return and reintegration process in Cambodia see (Eastmond and Öjendal, 1999).

than the situation they have fled, the right to return to one's homeland[54] is as important as the right to seek asylum abroad.

(Ogata, 1991, cited by Fagen, 2006: 46)

In the Excom meeting the following month, the High Commissioner outlined the aims for the refugee agency's strategic plan for near future. First, the UNHCR's preparedness for emergency situations and response mechanism were to be improved. Secondly, every opportunity for voluntary repatriation would be pursued. Lastly, the UNHCR should promote solutions to refugee problem through conflict prevention (Morsink, 1992). In accordance with the second aim, Ogata declared 1992 'the year for voluntary repatriation'. She believed that 1990s would be 'the decade of voluntary repatriation'. In the Excom meeting held in October 1991, she drew attention to the poor conditions many refugees were returning. In several cases, it would most probably be a life without food, without houses and without a perspective of future. Accordingly, 'she expressed her determination to act as a catalyst in sensitizing and encouraging the countries concerned, development organizations and donors to make sure that the UNHCR's short-term relief and aid to returnees is complemented by and integrated with national development efforts for the entire population. In this context, she called for support from the countries concerned, from development organizations and from donors for the concept of "returnee aid and development"' (Morsink, 1992: 2).

The year 1992 seemed to be vindicating Ogata's remark because over 2 million refugees went back to their countries of origin with the UNHCR assistance. More than 1.5 million of the returning refugees were Afghans (UNHCR, 1993). Mass return movements organised by the UNHCR continued in the following year. The first group of Guatemalan refugees returned from Mexico in January 1993. In fact, Guatemalans were the only group in Central America whose return took place in the 1990s. In the rest of the region, almost all of the refugees had gone back to their countries of origin. As mentioned above, over 350,000 Cambodians returned by the end of April 1993. Most of the refugees had been settled in border camps in Thailand.

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[54] In this formulation, the 'right to return to one's homeland' was understood and interpreted as the right to return to the country of origin instead of return to the place of origin (Fagen, 2006: 46).

Return movements had gained pace in early 1990s. Many refugees were going back to their countries of origin. That was one side of the coin. On the other side, new refugee crises were generated by mainly intra-state conflicts erupting all over the world. Not only there were new refugee crises but the problem of internal displacement was growing as well. The increase in the number of IDPs all over the world in the so-called 'decade of repatriation' would bring about debates on the contradiction between further mass flight and return.

Among the refugee crises in the immediate post-Cold War era, the one generated by the conflict in former Yugoslavia and particularly the Bosnian war had a distinct place because it paved the way for a renewed discussion on return. How did this happen? As mentioned in the previous chapter, the fall of communism in the Eastern Europe and the dissolution of the SU resulted in the biggest population movement Europe had ever seen since the 1940s. Refugee flows had shifted from the developing world back to the industrialised North. The result was the increasing cooperation among EC member-states in issues of asylum and immigration.

The Yugoslav refugee crisis erupted when immigration and asylum matters were hotly debated at the European level. The breakout of war in Bosnia-Hercegovina deepened the crisis which had begun with the war in Croatia. The neighbouring countries had opened their doors for the asylum-seekers. Yet, since they were already hosting more refugees than they could cope with, the Council of Europe advised the European states to accept more asylum-seekers and give them temporary protection. Hence, the crisis in former Yugoslavia is quite important because it paved the way for 'a resurgence of interest among Northern governments in the Convention's [referring to 1951 Convention on the Status of Refugees] paradigm of temporary protection, including the right to repatriate when refugee status comes to an end' (Hathaway, 1997: 553-4). Regarding the issue of return, it was realised that the Convention just called upon state parties to make sure that return would be safe. It did not require the application of voluntary repatriation. What is meant by 'safe return' then?

'The notion of safe return' has, as Goodwin-Gill (1996) highlights, 'come to occupy an interim position between the refugee deciding voluntarily to go back home and any other non-national who, having no claim to international protection, faces deportation or is

otherwise required to leave'[55]. As the Western states became more and more concerned about refugee flows, the idea of 'safe return' gained importance. There are three contexts in which the idea of safe return was debated. The first one was about enacting the legislation on temporary protection. A number of European states were considering the enactment of the legislation in question while some had already done so. Second context was that of 'attempts to evolve an appropriate law of State responsibility which will be brought to bear on the State of origin in the context of repatriation' (Chimni, 1993: 454). The last one was, as mentioned above, the emerging new paradigm of refugee protection, i.e. temporary protection. In this new paradigm, the emphasis was on an 'objective' assessment of the conditions in the country of origin. As Goodwin-Gill (1996:276) notes, refugee's subjective assessment was substituted by state proponents of 'safe return', who stressed that the circumstances were "objective", i.e. one could not talk about the conditions that had caused flight any more. Giving voluntary return meaning in 'the matrix of an "objective" assessment of the conditions in the country of origin' (Chimni, 1993: 454) dilutes the commitment in the Excom Conclusion No. 40 which stated that:

> 'The repatriation of refugees should only take place at their freely expressed wish; the voluntary and individual character of repatriation of refugees and the need for it to be carried out under conditions of absolute safety, preferably to the place of residence of the refugee in his country of origin, should always be respected' (Goodwin-Gill, 1989: 289)

Objectivism in refugee issues is open to debate. Scholars such as Chimni (1999) argue that objectivism is definitely to the disadvantage of refugee because his/her voice cannot be heard in the process leading to the decision to deny or terminate protection. He believes that objectivism is sustained on a mistaken view: 'there are facts out there waiting to be discovered in order to arrive at a just decision with respect to the denial or termination of protection' (Chimni, 1999: 7). Yet, it is not possible to keep facts out of the interpretations of the authorities who are involved in status determination. What happens is

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[55] Goodwin-Gill makes a distinction between safe return and voluntary repatriation. The key issue according to him is who decides. It is complicated because there is no clear answer to cases in which large groups of people flee complex situations of risk. Under normal circumstances, one can no longer talk about refugee status if the conditions that have caused flight cease to exist, and, if all things are equal, then the individual, i.e. refugee, can be required to go back to his/her home. In some cases, refugees may want to return voluntarily even though the conditions for a well-founded fear of persecution still exist. Under these circumstances, how the return in question is regarded as voluntary is open to question.

that, in most cases, objectivism tends to give importance to the subjective perceptions of State authorities rather than personal experience of the refugee therefore disenfranchises the refugee.

One last noteworthy aspect about objectivism is its relation to the notion of safe return. 'Objectivism, ... , does not merely mean that the state decides when it is safe for a refugee to return but also whether it is necessary for him or her to return to the place from where he or she fled' (Chimni, 1999: 8). How do the authorities involved in status determination act in such situation? The notion of safe return comes to fore. It is linked to the idea of internal flight alternative[56]. This understanding carries the disenfranchisement of the refugee a step further due to the fact that not only the refugee is forced to return to a place, where she/he does not wish to go back, but also he/she will face various problems there. The Bosnians' return experiences, examined in detail in the following chapters, constitute a good example to such situation. In the Bosnian case, objectivism meant that returning refugees were faced with displacement for the second time because most of the Bosniaks (Bosnian Muslims), who returned from Germany, could not go back to their homes in the Serb entity (Republika Srpska) thus became internally displaced at the beginning.

While the issue of return with emphasis on voluntariness aspect was hotly debated, large-scale return movements continued. 'At the beginning of 1996, the UN High Commissioner for Refugees announced that no fewer than nine million refugees had gone home during the preceding five-year period – a substantial increase over the figure recorded for the years 1985-1990, when around 1.2 million refugees repatriated' (UNHCR, 1997). Afghanistan, Mozambique, Ethiopia, Tajikistan, Rwanda and Guatemala are examples to countries to which mass returns took place in the first half of the 1990s[57]. Return to Mozambique (Box III.2) is worth mentioning because, it is one of the largest return movements the UNHCR organised until that time (1992). Moreover, the refugee

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[56] 'The concept of an internal flight or relocation alternative ... refers to a specific area of the country where there is no risk of a well-founded fear of persecution and where, given the particular circumstances of the case, the individual could reasonably be expected to establish him/herself and live a normal life' (UNHCR, 2003).

[57] In some countries, one could not talk about refugee return. Angola was one of them. As fightings erupted, the UNHCR had to abandon its plans to return Angolan refugees from neighbouring countries such as Zaire (now the Democratic Republic of Congo), Zambia, and Congo-Brazzaville (Loescher, 2001).

reintegration programme was the most ambitious one of the time. The return of the Mozambicans in the 1992-96 period was regarded as a 'miracle' but Wilkinson (1998) argues that by 1998 the so-called 'miracle' was still on a knife edge because the country was still vulnerable to setbacks in the economic and political fields. For instance, the people in Mozambique continued to suffer from poverty.

> ➤ The development leading to the largest organised return undertaken in Africa until that time was the signing of a peace agreement between the Mozambican government and the armed opposition movement (RENAMO) in October 1992.
> ➤ The UNHCR had hard times in planning the return programme because the civil war had left a devastated country, an economy in ruins, a fragile political situation. One could come across with delays in the peace process. Finally, the refugee agency came out with a return plan composed of three phases[58].The plan was implemented over a three-year period (1992-96), and nearly 6 million Mozambicans[59] returned.
> ➤ The UNHCR provided direct assistance to nearly 400,000 returning refugees, spent about 100 million USD, and developed 1500 QIPs for the country.

Box III.2. Return of the Mozambicans

In some of the countries that experienced return in the early 1990s, conflicts did not come to an end, though. Afghanistan was one of them[60]. Millions of Afghans became displaced as a result of the civil war in the second half of the 1990s. Afghans, who had suffered enough from foreign occupation and then civil war, would undergo another

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[58] The priority in the first phase, i.e. pre-departure, was to make an agreement between the UNHCR and the Mozambican authorities. The agreement was signed in March 1993. The emphasis in the second phase, i.e. return, was that the UNHCR should provide assistance to refugees so that they could organise their own return (UNHCR, 1993). The third phase was the reintegration.

[59] The number of refugees was 1.7 million, and there were 4 million IDPs (Wilkinson, 1998; Loescher, 2001).

[60] Afghanistan was invaded by the Soviet troops in 1979. In the last decade of the Cold War era, over 6 million Afghans fled the country seeking refuge mainly in the neighbouring countries of Iran and Pakistan. Mass returns to Afghanistan started after the Soviet invasion came to an end in 1988. Until 1990, 350,000 Afghans returned but the number of refugees had peaked with 6.2 million. In 1992, Kabul fell to the *mujahedeen*. However, about 1.6 million Afghans returned. Factional fighting continued in the 1993-1994 period. Some 1.3 million returned to peaceful areas while 1 million Afghans were internally displaced as a result of the factional fighting. At the end of 1994, there was a new political and military force on the scene: the Taliban. With another change in its nature, the civil war in Afghanistan continued throughout the 1990s generating over 2.5 million refugees each year in the period 1995-2000. Yet, returns took place to areas which were more or less peaceful (Return to Afghanistan. Retrieved: December 7, 2007. [WWW Document]. URL. http://www.unhcr.org/cgi-bin/texis/vtx/afghan?page=background)

trauma of displacement with the US-led attacks following 9/11. Within a few weeks, the US and British forces began a military campaign targeting the Taliban forces and al-Qaeda. 'The U.S. led bombing campaign, fears of forced conscription by the Taliban, fears of reprisals by and conflict between both the Taliban and Northern Alliance forces, general insecurity, the rapidly deteriorating humanitarian situation, and the onset of winter caused hundreds of thousands more Afghans to flee their homes in the weeks after September 11' (Human Rights Watch, 2002). The Taliban forces had to withdraw from the main cities including Kabul, Kandahar and Jalalabad in a short time. Following the withdrawal, the Afghans started going back to their country, and the return has been taking place since then (Box III.3).

- Many Afghans were willing to return after the Taliban forces' withdrawal. Yet, the UNHCR was very much concerned about their security because much of the country was not safe. Hence, the UNHCR decided just to facilitate and assist those who expressed their wish to return.
- Early 2002 - the UNHCR began drafting tripartite agreements with the Interim Authority of Afghanistan and the governments of Pakistan and Iran[61].
- As soon as return started, it gained pace. Only on the first day, 196 Afghans returned[62].
- While thousands returned from Pakistan, it was different with regard to return from Iran partly because refugees had been more integrated in Iran.
- Returnees were given travel grants by encashment centres. The governments of Afghanistan and the neighbouring countries were happy about the grants. In addition, returnees were provided repatriation packages (UNHCR, 2002).

Box III.3. Return to Afghanistan

In mid-1990s, the debate on return took a new form with the discussion on the so-called 'imposed return'. In September 1996, D. McNamara, the Director of the UNHCR's Division of International Protection declared the doctrine of imposed return. Under the doctrine, 'refugees may be sent back "to less than optimal conditions in their home country" against their will' (Reuters, 29 September 1996, cited by Chimni, 1999: 8).

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[61] The one with the government of Iran was signed in early April (UNHCR, 2002).
[62] By the end of the first week, 4725 were registered (UNHCR, 2002).

Imposed return is definitely open to criticism because it involves involuntary return. Yet, according to Chimni (1999), the circumstances under which it was advanced have to be understood[63]. The role of the host states particularly in the Third World needs to be considered. As McNamara put forth in one of his presentations in September 1996, the pressure of host states has an important place in imposed return: 'imposed return has become necessary because of pressure from host states and a lack of money to care for refugees'(Reuters, 29 September 1996, cited by Chimni, 1999: 11). Why is there an increasing pressure from the host states in the Third World? The main reason is that most of these states are suffering from poverty. How can they protect refugees when they are unable to care for their own people? Furthermore, Northern states act reluctantly when burden sharing is in question. Under such circumstances, the host states of the Third World seem to have no choice other than imposing return on the refugees.

An example to such situation came from Africa in the first half of 1990s. Tanzania and Zaire, which hosted people fleeing the violent conflict between Hutus and Tutsis in Rwanda in 1994[64], were among the poorest countries in the world. They had a ranking human development index (HDI) of 149 and 142 out of 179 respectively (Human Development Report, 1997)[65]. Confronted with an economic crisis, Tanzania decided to abandon its open door policy. At the beginning, it was considered as an unfortunate act. However, in a short time, it was realised that Tanzania did not have a choice. So its act was regarded as understandable. It is not easy to host refugees while the state is having difficulty in caring for its own citizens.

Tanzania was not the only country having problems of this kind. Guinea, Uganda, Sudan in Africa, Nepal, Bangladesh, and Pakistan in Asia are among countries, which host thousands and thousands of people seeking refuge in neighbouring countries, despite their

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[63] For a detailed account of these circumstances see (Chimni, 1999: 9-11).

[64] In April 1994, the Hutu presidents of Rwanda and Burundi were killed as the plane carrying the leaders was shot down. It was a matter of hours when a highly organised killing machine went into operation in Rwanda (Loescher, 2001: 306).

[65] According to UNDP's 2007/08 HDI rankings, Tanzania and the Democratic Republic of Congo (former Zaire) are still among countries with low human development. They have a ranking of 159 and 168 out of 177 respectively (*Human Development Report 2007/2008*. Retrieved: December 18, 2007, from UNDP.[WWW Document]. URL. http://hdr.undp.org/en/media/hdr_20072008_en_complete.pdf).

poor economic conditions[66]. What is the implication for refugees? They flee their countries but the conditions are no different in host countries. Life in exile in host countries often becomes 'a life of misery–of poverty, dependency and frustration' (UNHCR, 1993). The protection and assistance available is mostly not adequate. Faced with such conditions, refugees do not have any options other than going back to their countries of origin even though conflicts still continue. To what extent the refugees exercise free choice is open to question in such cases.

Be they voluntary or involuntary, mass return movements continued in the second half of the 1990s. One of the regions, where large-scale returns took place, is former Yugoslavia. Its disintegration in the early years of the post-Cold War era brought with it the bloodiest conflict Europe had witnessed since the World War II. Refugees and IDPs started going back to former Yugoslav republics, particularly Bosnia-Hercegovina and Croatia, after the signing of the Dayton Peace Accords at the end of 1995[67].

Return in the Balkans has a distinct feature: it is a "righting of wrongs" in political terms (Black, 2001: 183). Post-conflict reconstruction cannot be separated from the return of refugees and IDPs. The aim of the Western diplomats, who negotiated the DPA, was to reverse the 'ethnic cleansing' carried out during the Bosnian war. That is why return was considered as the cornerstone of the peace agreement that ended the bloodshed in Bosnia. Moreover, according to the DPA, returnees had the right to go back to the places they lived prior to displacement. Put another way, returning just to their country of origin was not enough. In that sense, how would 'righting of the wrong' of ethnic cleansing be possible? Minority return was key to the righting of the wrong. Unless the ethnic communities were re-mixed by ensuring return of the minorities to their pre-war places, 'righting of the wrong' would not be possible. Minority return is examined in detail in the chapter on the political and legal context of return process in Bosnia-Hercegovina. Hence, here it is sufficient to define the term. As Phuong (2000) notes, if members of an ethnic community go back to an area not controlled by their own community, then this is called 'minority return'.

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[66] For the Human Development Index rankings of these countries see (*Human Development Report*. Retrieved: 18 December 2007, from UNDP. [WWW Document] URL. http://hdr.undp.org/en/media/hdr_1997_en.pdf).

[67] After the DPA was signed, Croatia formally accepted the principle of refugee return (ICG, 1998).

While the right to return means 'the right to return to pre-war homes' in the case of Bosnia, it is beyond this definition in Kosovo. In addition to underlining the right to return home and the property rights in association with this return[68], the United Nations Mission in Kosovo (UNMIK) describes it as 'the right to sustainable return'[69]. In the UNMIK's *Manual on Sustainable Return* published in 2003[70], the emphasis is on making sure that returns are sustainable in economic and social terms. 'Four basic conditions are required to ensure sustainability of the returns: (1) security and freedom of movement, (2) access to public services (public utilities, social services, education and health care), (3) access to shelter (i.e. through effective property repossession or housing reconstruction assistance where appropriate) and (4) economic viability through fair and equal access to employment opportunities'[71].

In the 1990s, governments and refugee and migration policymakers have been increasingly engaged with the return issue. The main reason for this growing engagement is that return has 'implications not just for individuals, but also for communities of origin and the wider process of development' (Black and Gent, 2006: 24). Return is regarded as a key element of the process of transition from war to peace. The international community, as Macrae (1999) notes, developed a political formulation to facilitate this transition. The first step was to end war by signing peace agreements 'which then triggered the deployment of UN peace-keeping troops to monitor demobilisation and establish security for the holding of elections' (Macrae, 1999: 8). A democratically elected government would come to power with the elections, and this government would represent the state.

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[68] The right of the IDPs to go back to their places of origin is respected as well as the right to freely choose where to settle (Black and Gent, 2006).

[69] The UNMIK was established following the signing of the military technical agreement on 9 June 1999 and the introduction of the UNSC Resolution 1244. In accordance with the agreement, international and security presences would be deployed under the UN auspices. The UNMIK put forth its policy regarding return in its concept paper titled 'The Right to Sustainable Returns' (*Manual for Sustainable Return*. Retrieved: January 17, 2008. [WWW Document]. URL.
http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON-
5T8D8X/$FILE/Refugees_UNMIK_January03.pdf?OpenElement)

[70] The Manual was revised in July 2006. For the revised version see (*Revised Manual for Sustainable Return*. Retrieved: January 17, 2008, from UNMIK. [WWW Document]. URL:
http://www.unmikonline.org/srsg/orc/documents/Manual_ENG.pdf).

[71] (*Manual for Sustainable Return*. Retrieved: January 17, 2008. [WWW Document] URL:
http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON-
5T8D8X/$FILE/Refugees_UNMIK_January03.pdf?OpenElement)

According to Macrae, an aid continuum reflected the political one. Along the aid continuum, relief would move to rehabilitation which would then move to assistance required for development of war-torn countries[72]. The UNHCR, together with other UN bodies, was supposed to play an important role in peace-building process. The significance of refugee reintegration in this process was underlined in a 1992 report to the UNHCR's Excom as follows:

> 'Given the number of countries involved, the magnitude of the numbers returning and the fact that their successful reintegration is critical to any national reconciliation and reconstruction process, the issues are not simply humanitarian. International security is at stake' (UNHCR, 1992, cited by Macrae, 1999: 11).

As the refugee agency emphasises, the role returning refugees play in the process of peace-building is crucial. Yet, there is one point that should never be forgotten: promoting peace is not possible with just returning the displaced. Return needs to be successful, and success is achieved by making the return sustainable. In its *Dialogue on Voluntary Repatriation and Sustainable Reintegration in Africa*, the UNHCR draws attention to the importance of sustainable return as follows: 'Experience shows that if the issue of sustainability of reintegration of refugee and displaced populations is not addressed properly, the countries concerned will almost inevitably slide back into conflict' (UNHCR, 2004). That is why the UNHCR and other organisations have been implementing a wide range of return programmes and QIPs. They want to play a role in promoting peace by affecting the success of returns.

Sustainable return is regarded as the main element of peace-building process. What do we mean by 'sustainable return'? How can we define it? Black and Gent (2006) argue that the concept of sustainability has been used in so many contexts that it has almost lost its meaning. Amidst numerous definitions, one can still identify certain features which have relevance to the return issue. In that sense, sustainable return is described by Black

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[72] QIPs gained importance at a time when this 'continuum' model was hotly debated. According to the model, the UNHCR and other UN bodies would form a web of activities and each body would be responsible for certain activities so that there would be harmony among what they do. Yet, in practice, the result of continuum was often turned out to result in a disjuncture between the activities. For more on the subject see (UNHCR, 1998).

and Gent (2006) as 'a longer-term, contextual, and challenging understanding of return that encompasses social and economic dimensions'. Another definition comes from the UNHCR: 'a situation which, ideally, assures returnees' physical and material security and consolidates a constructive relationship between returnees, civil society, and the state' (UNHCR, 1998). As examined in detail below, reintegration in economic and social areas is extremely necessary and crucial for return to be sustainable.

How can sustainability be measured? In a report on voluntary return to the Balkans that was prepared for the UK Home Office, Black et al. (2004) talk about two types of sustainability with regard to return. The first one is *individual sustainability of return* which is defined as follows: 'Return migration is sustainable for individuals if returnees' socio-economic status and fear of violence or persecution is no worse, relative to the population in the place of origin, one year after their return' (Black *et al*., 2004: 39). In this definition, the focus is on the outcomes of return in terms of its broader effect on the returning individuals. Defining and measuring sustainability in individual terms has both advantages and disadvantages[73].

The other type of sustainability is *aggregate sustainability*. It is defined in the report to the Home Office with the following words: 'Return migration is sustainable for the home country or region if socio-economic conditions and levels of violence and persecution are not significantly worsened by return, as measured one year after the return process is complete' (Black et al., 2004: 39). This definition is open to questions. Hence, it is better to think about it in a different way. Sustainability, as Black and Gent (2006) argue, should be understood from 'sustainable livelihoods' framework developed by the Department for International Development – UK (DFID). In this framework, 'livelihoods are considered "sustainable" if they can be maintained without external inputs, and are sufficiently robust to withstand external shocks' (Black and Gent, 2006: 28). Adopting this framework would pave the way for new questions that are significant in the context of refugee return[74]. But still it seems the most relevant approach to get an entire understanding of sustainability.

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[73] For the advantages and disadvantages see (Black and Gent, 2006).
[74] For some of the questions that arise see (Black and Gent, 2006: 29).

Last noteworthy point about sustainability of return is that there are certain conditions required for return to be sustainable. Among these conditions, employment, housing, access to public and social services, education and public utilities, and security come to fore[75]. In fact, these are the areas in which returnees encounter a wide range of problems. Unfortunately none of refugees or IDPs returns to a setting without any problem. What kind of problems do returnees face? Security issues, housing and property rights, and economic problems seem to be prevalent among others.

Regarding security, the first thing to point out is that it encompasses many areas. As Kett (2005) notes, in 1994 the UNDP underlined seven indicators of human security which are crucial for protecting the displaced: 'economic security (assured basic income), food security (physical and economic access to food), health security (relative freedom from disease and infection), environmental security (access to clean water, air and non-degraded land), personal security (security from violence and threats), community security (security of cultural identity), and political security (protection of basic human rights)'. The only group, whose security is ensured in these areas, is not the displaced. Returnees are supposed to be protected as well. However, as many examples reveal, both returnees and displaced persons (including refugees and IDPs) face problems in these areas. Among the human security issues of displacement, the ones examined here are economic security and personal security.

To start with economic security, the first thing to note is that economic problems constitute a big impediment to return. It is quite important for returnees to reintegrate in economic terms because it influences the sustainability of return. In practice, however, returnees are faced with various economic problems. The countries to which refugees are returning have economies in ruins, and they are trying to recover. In some countries like the former Yugoslav republics, the economic problems are two-fold: problems deriving from being a country in transition, and problems because of having a post-war economy. In such situations, problems are doubled.

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[75] (*Manual for Sustainable Return.* Retrieved: January 17, 2008. [WWW Document]. URL. http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON-5T8D8X/$FILE/Refugees_UNMIK_January03.pdf?OpenElement)

Among the economic problems returnees face, unemployment comes to fore. Unfortunately, it is even more difficult for returnees to find job in an environment where many people share the same problem: unemployment. In some cases, returnees are in a much more disadvantaged situation since they belong to minority communities. They face discrimination because of their ethnicity. In countries like Bosnia and Croatia, minorities are being discriminated, and they are not able to get re-employed in their pre-war firms which were owned by the state before the war. The situation in Bosnia is examined in detail in the following chapters. Suffice it to note that the minority returnees, who are not re-employed, have no choice other than fending for themselves. If they have their own resources, they either start private companies with these resources, or they try to do some agriculture. Yet, both are difficult since returning refugees lack capital either to start a business or to buy tools and seeds necessary to do farming.

As regards personal security, the threat of landmines, unexploded ordnance, and gunfire are the most important threats the displaced face upon return. Landmines constitute a big impediment to return and reconstruction activities. All post-conflict societies including Cambodia, Afghanistan, Mozambique and Bosnia have experienced this. As examined in the following chapters, Bosnia has been the most mined country in Europe. 'The mine threat in BiH is arguably among the most complex in the world given the fact that it is widespread, low density and has to be tackled in a complex governmental environment' (Venancio *et al*., 2004: 20). What should be done to eliminate those threats that pose a big challenge to returnees and hinder return? First, the international community should devote greater funds to de-mining operations because the post-conflict countries are in no position to afford these operations. However, donor countries do not seem to be keen on funding de-mining operations. Secondly, the emphasis in terms of reference of peace-keeping operations should be on de-mining. Apart from these threats, both returnees and IDPs encounter fear and intimidation from opposing political or ethnic groups in several post-conflict zones. Members of minority communities have been targeted with revenge attacks in regions like the Republika Srpska in Bosnia-Hercegovina and Kosovo.

Another problem that returnees mostly face is related to housing and property rights, which emerged as one of the most crucial components of reconciliation and rehabilitation in post-conflict societies. According to Leckie (2003), this is a very inspiring development

in the human rights field[76]. Property problems constitute an important challenge both to returnees and the displaced who intend to return. In other terms, it lies at the heart of the process of return (Phuong, 2000). States are obliged to preserve the property rights of the returnees. In August 1998, a resolution entitled *Housing and Property Restitution in the Context of the Return of Refugees and Internally Displaced Persons* was adopted by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities (Chimni, 2003). According to the resolution, refugees and IDPs have the right to return freely to their homes and places, where they were residing prior to displacement in safety and security, since this right is an indispensable element of reconciliation and reconstruction in a post-conflict society. Moreover, it was emphasised in the resolution that peace agreements should include the recognition of this right[77].

The recent development in regard to the issue of housing and property repossession is that the UN adopted a series of principles concerning housing and property restitution in August 2005. The principles were prepared by the UN's Special Rapporteur on Housing and Property Restitution, Paulo Sergio Pinheiro of Brazil[78]. The preparation of the 'Pinheiro Principles' was the result of a process within the UN that was initiated in 1997 when the Committee on the Elimination of Racial Discrimination proposed to the Sub-Commission on the Promotion and Protection of Human Rights to study "the return of refugees' and DPs' property".

The basis of the Principles is the idea that the right to housing, land and property restitution is essential to the resolution of conflict and to post-conflict peace-building, safe and sustainable return and establishment of the rule of law. The first and foremost principle is the right to housing and property restitution (Principle 2): '1.All refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent,

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[76] 'During the 1990s, an historic shift took place where some of the world's politically least organised and economically weakest groups were enabled to assert claims and recover housing and property restitution that in earlier eras would have been impossible even to contemplate' (Leckie, 2003).

[77] In addition to formulations and voluntary return agreements that address housing and property restitution, some of recent peace agreements such as the Dayton Peace Accords emphasise the importance of the subject (Chimni, 2003).

[78] The principles 'will provide the first consolidated global standard on the housing, land and property rights of the displaced' (COHRE, 2005).

impartial tribunal; 2. States shall demonstrably prioritize the right to restitution as the preferred remedy for displacement and as a key element of restorative justice. The right to restitution exists as a distinct right, and is prejudiced neither by the actual return nor non-return of refugees and displaced persons entitled to housing, land and property restitution' (COHRE, 2005)[79].

The right to housing and property restitution is considered as one of the most crucial elements of peace-building in post-conflict societies since it plays a key role in reconciliation. However, in several situations, returnees can neither go back to their original homes nor recover their property or receive compensation in lieu of it. The main reason is that there is not enough emphasis on enforcement: 'Peace agreements that have made a provision for the return of property and land rights have not included effective enforcement mechanisms' (Chimni, 2003: 208). For instance, in Bosnia, although the DPA established a Commission that would deal with the real property claims of the displaced, only a small minority of the claimants were able to recover their property at the beginning. Later on, progress was achieved and property restitution turned out to be the most successful aspect of the return in Bosnia. How this success was achieved is examined in detail in the chapter on the legal and political context of return in Bosnia. Here, the cases of Croatia and Kosovo are briefly mentioned.

To start with Croatia, the first thing to note is that the Tudjman government adopted many discriminatory policies during and after the war[80], and the most apparent form of discrimination was observed in housing policy (Blitz, 2006: 246). Several laws enabling take-over of private property and denying others the right to former state-owned property[81] were passed. As a result of these discriminatory policies, minority returnees found it quite difficult to return to their homes (Box III.4).

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[79] The tenth principle is about the right to voluntary return in safety and dignity. For all the Principles see (COHRE, 2005).

[80] Non-Croats, particularly Serbs, were the targets of the discriminatory laws and policies the Tudjman government introduced. The main purpose was to discourage them so that they would not return. For instance, the law the Tudjman government introduced in 1991 tried to deny returning refugees citizenship in newly-established Croatia. Apart from Serbs, Bosniaks and the Roma were affected as well. Adopting such laws and policies meant to be acting in violation of international conventions, e.g. International Covenant on Civil and Political Rights, to which Croatia was a signatory (Blitz, 2006).

[81] The Law on Temporary Take-Over and Administration of Specified Property of 1995 was one such law. Another one, which dispossessed Serbs, was the Law on Lease of Apartments in Liberated Areas (ibid.).

> ➤ 1998 – The House of Representatives approved a Return Programme according to which restitution of property that had been allocated to temporary users would take place. New municipal housing commissions were created to administer the procedures. Yet, the municipal authorities were rather slow in implementing the eviction orders and non-Croats, particularly Serbs, were not able to repossess their property. The argument the government and the local authorities used was that evictions could not take place without the provision of alternative accommodation. By this way, the authorities protected the Croat occupants or sitting tenants.
> ➤ 2000 – The election of Mesic as president was a turning point. In the period of 2001-03, a number of crucial reforms were introduced such as a new Constitutional Law on National Minorities and Law on Areas of Special State Concern that changed the administration of returnee issues. Office of Displaced Persons and Refugees would hear claims of former refugees and the displaced.
> ➤ Spring 2002 – Bosnian Croats, who had occupied Serbian houses in the Krajina region, started to evict those houses.
> ➤ 2003 – The Croatian government adopted a public housing programme where the government would use public funds to rebuild Serbian houses.
> ➤ The introduction of these reforms was a progress, but it came late.

Box III.4. Property Restitution in Croatia

In the case of Kosovo, property repossession issue was dealt in a different way. UNMIK was responsible for the return of the displaced Kosovars. In fact, many refugees and IDPs had returned spontaneously after NATO began its military action in March 1999. Faced with the situation returnees and other displaced Kosovars were in, the UNMIK had to do something to help those people go back to their homes. Hence, the Mission concentrated its activities on creating the mechanisms to facilitate the return of the displaced Kosovars. One of the main issues to be dealt with was the housing issue. Shortage of suitable houses and the problem of double occupancy constituted an important barrier to return. In order to solve the housing problem, the UNMIK set up the Housing and Property Directorate (HPD), which was an ad hoc body, with a quasi-judicial independent branch, the Housing and Property Claims Commission (HPCC) in November

1999. The rules governing the operations of the Commission and the general principles for housing restitution were laid down in a UNMIK regulation dated 31 October 1999[82].

The housing restitution policy in Kosovo had one distinct feature: the notion of compensation. One cannot talk about the displaced Kosovars' entitlement to compensation. The refugees and IDPs, who lost their property as a result of the Kosovo conflict, were simply permitted to return. Consequently, most of the ethnic Albanians were able to go back to their homes. While they returned quickly, the minorities (Serb, Roma, Bosniak, Egyptian and Ashkaelia) were not that lucky. Their return took place gradually[83].

Even though an international body, i.e. UNMIK, was responsible for the return in general and property restitution in particular, there were several factors complicating the whole process. Accordingly, the minorities were faced with problems in regaining their property. Many displaced Serbs' houses were occupied by Albanian returnees, and as a result the international community was faced with significant administrative problems. More important than the administrative problems was the poor state of relations among the ethnic communities. The return of minorities was seriously hindered by this poor state of relations. Since 1999, revenge attacks have targeted the minority communities[84].

These problems people were facing right after return revealed how difficult it was for the governments of countries of origin to ensure the reintegration of returnees and the internally displaced persons. How could they assume responsibility when none of the conditions required for reintegration was promising? How could the international community have such an expectation from those countries of origin?

Under these circumstances, it was realised that there was a problem with 'the traditional approach to repatriation which focused on the immediate consumption needs of returnees and did little to initiate and sustain a development process necessary to prevent

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[82] ('On Residential Property Claims and The Rules of Procedure and Evidence of the Housing and Property Directorate and the Housing and Property Claims Commission' Regulation No. 2000/60. Retrieved: December 15, 2007, from UNMIK. [WWW Document]. URL.
 http://www.unmikonline.org/regulations/unmikgazette/02english/e2000regs/RE2000_60.htm)
[83] By May 2004, the number of members of minority groups, who were able to return to their homes, was only 10,561 (Blitz, 2006: 258).
[84] The unrest among the ethnic communities came to a head with the inter-ethnic violence in March 2004 leaving 19 civilians dead, almost 1000 people injured and many destroyed or damaged property. Apart from that, more than 40,000 members of the minority communities were displaced as result of this civil unrest (ibid.).

further crises and population displacements in the country of origin' (Chimni, 1999). The international community had to change its approach. Consequently, the UNHCR's role underwent a transformation after the Cold War[85], and the refugee agency became extensively involved in reintegration matters. As Macrae (1999) notes, there are two elements of reintegration on which the UNHCR puts emphasis: 'reconstruction, the rebuilding or development of economic and material resources which have been damaged or destroyed through conflict' and reconciliation.

The UNHCR would contribute to economic reconstruction by implementing quick impact projects. The main purpose of the QIPs was to 'fill the gap between individual relief activities and longer term development, through re-establishing the livelihoods of returnee communities' (UNHCR, 1998), and they were mostly small-scale and community-wide rehabilitation projects which were implemented rapidly in a specific locality. Meeting the immediate needs of returnees was a priority. Yet, the beneficiaries of the projects were not only returnees. With the help of these projects, the UNHCR tried to encourage cooperation between returnees, IDPs and other populations because they had all been affected by conflict and deprivation: 'Central to the programme's strategy, ..., is the incorporation [sic] of community members in the planning and execution of microprojects as a means of *encouraging former adversaries to work together and develop social links in community organization*' (Bonafacio and Lattimer, 1992, cited by Macrae, 1999: 12 - emphasis added by Macrae).

As regards the second element, namely reconciliation which refers to 'the consolidation of constructive social relations' (UNHCR, 1999, cited by Macrae, 1999), the refugee agency focuses on inter-community dialogue, which is a crucial element of peace-

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[85] Until that, the UNHCR's assistance to returnees was rather limited. It was only supplying relief items like 'short-term grant of food, a cash travel allowance, housing items, roofing materials and basic farming tools' (Zieck, 1997: 94). Why was the UNHCR not involved in returnee reintegration until late 1980s and early 1990s? Chimni (2003: 211-212) highlights six reasons: a) it was not until voluntary repatriation became the main consideration of the UNHCR and the UNDP declared the 1990s as the decade of returnees that the UNHCR had big opportunity to be involved in reintegration activities; b) in the 1960s and 1970s, refugee return in Africa was often the outcome of decolonisation process and the newly independent states started accepting the responsibilities of resolving returnee problems; c) in the UNHCR's view, the state of origin was supposed to make sure that returnees would be reintegrated; d) the countries to which refugees were returning in the 1990s were the poorest ones and they could not respond to returnees' needs in any way; e) in the post-Cold War era, the UNHCR was concerned more and more with IDPs; and f) to promote refugee return, it was necessary for the refugee agency to get involved in integrating returnees.

building in post-conflict societies. Certain groups are identified as a priority. Women and adolescents come to fore among the prioritised groups. Why are women and adolescents selected? Since they are the groups most affected by inter-communal violence, they might play a catalyst role in inter-community dialogue.

The last point worth noting about the international community's involvement in reintegration matters is the so-called '4Rs Approach'. Over the 1990s, the UNHCR's approach to refugee return and reintegration changed as the international community became fully aware of deficiencies in the traditional approach. It was understood that repatriation was not the 'end of the refugee cycle' (Black and Koser, 1999). As examined above, post-return period was a really hard one. Both returnees and IDPs were faced with a wide range of problems. In order to help post-conflict societies overcome those problems, the international community focused on linking returns to broader integration programs which included economic revitalisation, peace-building, reconciliation and other fields necessary for recovery of conflict-torn societies. In that sense, the '4Rs' approach is important since it indicates the point the international community has reached in assisting returned populations.

Initiated in March 2002, the '4Rs Approach' is the product of a revived partnership between UNHCR, UNDP and World Bank. The aim is to link the different phases of UN's support to the displaced people. 'While allowing flexibility to pursue country-specific approaches, different agencies take the lead through the respective stages of transition: repatriation (UNHCR), reintegration (UNDP and UNHCR), rehabilitation (UNDP), and reconstruction (UNDP and World Bank)'[86]. The key document establishing the concept of the 4Rs in May 2003 is the "Framework for Durable Solutions for Refugees and Persons of Concern". In the document, the concept was described as 'an overarching framework for institutional collaboration in the implementation of reintegration operations ...' (UNHCR, 2003). The approach was launched in four pilot countries: Afghanistan, Eritrea, Sierra Leone, and Sri Lanka.

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[86] (*4R approach: Repatriation, Reintegration, Rehabilitation, and Reconstruction*, Retrieved: December 18, 2007, from UNDP. [WWW Document]. URL. http://www.undp.org/cpr/we_do/4r_approach.shtml).

What has been achieved so far? As Buchanan (2006) notes in his independent report on the 4Rs Approach, the results are not promising. The overarching framework has not been achieved in any of the pilot countries. The programmes in Sierra Leone and Sri Lanka have been relatively successful and this success is limited. In Afghanistan and Eritrea, the Approach turned out to be a failure. Main factors that play a role in this limited success seem to be related to the obstacles within the UN system. Buchanan (2006) addresses them as follows: variant funding mechanisms, personality driven responses, agency self-protection, and variant agency cultures and approaches[87]. For the 4Rs Approach to be successful, these constraints have to be eliminated. Yet, it does not seem likely because nothing has been done even though the constraints have been often reiterated.

The aim of this chapter is to examine the return phenomenon by reconceptualising it. As well as being a broad phenomenon return is a part of international migration which might be considered as a cycle composed of certain stages. These stages are the initial process of international migration, the life in the place of destination, and finally the process of return. Return includes return migration, i.e. return of the economic migrants, and return of the forced migrants. In the first section, return migration is conceptualized by first defining and categorizing it, then putting forth the motives behind the decision to return, and finally highlighting its economic and social effects.

In the rest of the chapter, the focus is on the return of the forced migrants, which is the main subject of this study. Like in return migration, the attempt is to conceptualise return of the forced migrants. First, it is examined from a legal perspective. Then it is defined and the main aspects are elaborated. While defining the concept, the focus is on perceiving return. How did the people, who experienced return, define and perceive return? What return meant for them is highlighted. Regarding the main aspects, patterns of return, factors influential in return decision, the discourse on return with its criticisms, and the concept of transnational return are put forth. The discussion on transnational return is important in the general debate on return of the forced migrants because transnational

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[87] For a detailed account of the Approach including its relative success in Sri Lanka and Sierra Leone and the failure in the other two countries see (Buchanan, 2006).

return shows that return is not in any sense a once-for-all event and the concept of 'home' can change and acquire new meaning and dimension.

In the second section, the aim is to have a historical and conceptual overview. To understand how 'voluntary repatriation' came to be considered as the optimum durable solution to refugee problem, it is necessary to examine return of the forced migrants in an historical context. Following the end of the World War II, return came to be regarded as a politically sensitive as well as a controversial issue due to the deterioration of the relations between the two blocs. As a result, other durable solutions, namely resettlement and local integration, were regarded as the optimum solutions to refugee problem. This situation lasted until 1980s. This does not mean that return did not take place in the Cold War era. Refugees were going back to their countries of origin. Yet, it was not a favoured option.

Once the refugee problem got worse, the industrialised states became more concerned about the increasing costs of hosting refugees and the societies of the host countries changed their attitudes towards refugees and asylum-seekers. Voluntary return gained importance as a result. Mid-1980s was the time when voluntary return started to be promoted as *the* solution to the refugee problem. Policymakers as well as scholars were paying more attention to return.

The end of the Cold War opened a new chapter on return and the then High Commissioner for Refugees declared the 1990s as 'the decade of repatriation'. It was believed that the individual refugee cycle would come to an end simply by returning refugees to their countries of origin. Returns were taking place and increasing numbers of refugees were going back. Yet, at the same time internal displacement was growing, too.

Towards the end of the so-called 'decade of repatriation', the discussions came to centre on the problems returnees face and the sustainability of return which is regarded as the key element of peace-building in post-conflict societies. Sustainable return has several dimensions and is closely related to the development of societies which have experienced conflict. Upon realizing the deficiencies of its previous approach, the UNHCR started giving more importance to reintegration of returning refugees as well as IDPs and other groups.

IV. METHODOLOGY

The aim of this chapter is to explain the methodology of the present study. In the first place, the kind of research this study is based on and the reasons for using this research method are put forth. Secondly, how the field research was carried out and the data generated during the fieldwork was analysed are explained.

The research method used for the present study is *qualitative research*. What is qualitative research? There is no single precise definition of this research method since it 'covers a wide range of approaches and methods found within different research disciplines' (Snape and Spencer , 2003: 2). Very briefly, qualitative research is a naturalistic and interpretative approach that aims to understand 'the meanings which people attach to phenomena (actions, decisions, beliefs, values etc.) within their social worlds' (Snape and Spencer, 2003). It is based on the interpretivist tradition which claims that the social world we are living in is made up of multiple subjective realities constructed by individuals and groups. Return is one such phenomena. We cannot talk about a single reality of return. Returnees construct their own realities because each returnee perceive return in a different way. In that sense, the aim in the interpretivist tradition is 'to interpret subjectivities in order to "understand" the social world' (Kümbetoğlu, 2005). Since there is more than one reality in this social world, and individuals construct these realities, we need to know know and explain how the realities are constructed. Experiences play a crucial role in this construction process. Thus they need to be interpreted in order to understand people's constructed realities.

Why is qualitative research method used in this study? The main reason for using this method is closely related to the nature of the phenomenon examined, i.e. return. What kind of a phenomenon is return? Like many other phenomena in social sciences, e.g. migration, return is a broad, complex and multi-dimensional phenomenon, a social reality. It is constantly changing and acquiring new meanings and dimensions as it changes. In order to analyse this complicated social reality, we need to have detailed knowledge about

it. This detailed knowledge, as Kümbetoğlu (2005: 43) notes, becomes meaningful and relevant if its elements are brought together in a sense of variety to reflect the reality of return in-depth. As the interpretivists emphasise, social reality is not something 'existing' and 'ready' out in the external social world. It is something constructed and reconstructed as a result of individual and collective experiences and defined as a whole. The return phenomenon is one such social reality, and it has many aspects that are worth examining.

Secondly, the issue of sampling needs to be pointed out. In contrast to quantitative research, which takes big groups as samples, qualitative research aims to draw a living picture of realities of individuals and groups. That is why a small number of people are taken as a sampling unit (Kümbetoğlu, 2005: 30). The purpose of the present study is to draw the picture of return reality (or realities) which belongs to the people, who experienced return. It intends to look at the return phenomenon through the returnee lenses. In that sense, in-depth interviews were conducted with a limited number of people to obtain knowledge in a detailed way.

When qualitative research was chosen for this study, its strengths and weaknesses were taken into account. Sarantakos (1998) summarises these strengths and weaknesses. The strengths are as follows: studying people in their natural settings; giving importance to interpretations and meanings; getting deep into the respondent's world to achieve a better understanding; humanising research process by attaching importance to the researched; allowing higher flexibility; and presenting the world in a more realist way. The weaknesses, on the other hand, are: extreme subjectivity may cause reliability problems; risk of collecting information which is irrelevant and not useful; research takes too much time; representativeness and generalisability of findings may cause problems; the risk of researcher being not objective and detached from the researched; and problems of ethics. The efforts to eliminate the weaknesses are mentioned in the following pages.

IV.1. The Field-work in Bosnia-Hercegovina

In accordance with the research method chosen, the strategy to be used is case study based mostly on interviews, observations and document analysis. The main part of the field research was carried out in Bosnia-Hercegovina in June-September 2005. However, in order to make preparations a short visit was paid to the country in September 2004. Although it was sort of a pilot study that lasted for only a week, it was quite intense. Some of the key persons, who would be interviewed during the main part of the field-work, were specified and contacted. The interviews with those people, i.e. the governmental officials, return coordinators and the officials working in international and local agencies, are called stake-holder interviews. Apart from that, small-scale interviews were conducted with officials from international organisations and bodies like International Organisation for Migration, UNHCR, Office of the High Representative in Bosnia-Hercegovina, US Agency for International Development, World Vision International and from the Ministry of Human Rights and Refugees in order to obtain general information of refugee return to Bosnia.

In this field research, a translator was used since the researcher could not speak the local language fluent enough to make interviews[1]. Before going to Bosnia, funding was received from the Istanbul Bilgi University where the researcher had been working as a teaching assistant. The field research was carried out between June 24 and September 9, 2005. Even though the base was Sarajevo, one-day-visits were paid to many villages and towns. In accordance with the selected research method, in-depth interviews and observation were used for primary data and document analysis for secondary data as the main data generation techniques. Some of the documents were obtained from Bosnia-

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[1] A couple of months before the trip to Bosnia for the field research, the translator was contacted with the help of the researcher's Bosniak friend. After a small investigation, a thirty five-year-old Croat lady was found from Vares, a town in central Bosnia. This lady's CV showed that she was a suitable person for this research because she had worked with the International Police Task Force which was responsible for evicting the displaced persons from the property they had been occupying. Since she had been in contact with the returnees and the displaced before, she would be helpful in contacting the right persons to conduct interviews.

Hercegovina, e.g. official documents from the governmental institutions. However, most of the secondary data, i.e. various documents concerning both the return issue in general and return to Bosnia in particular, were obtained from the Refugee Studies Centre in Oxford University where this research continued in the 2005-2006 academic year.

As mentioned above, for primary data, ***in-depth interviews*** were conducted with key persons, namely the governmental officials, return coordinators and the officials working in international and local agencies[2], and respondents, i.e. returnees and the internally displaced persons. The interviews with the governmental officials took place in the municipalities visited and in Sarajevo. Two return coordinators were interviewed in the regions where they were responsible for return. Regarding the persons working in local and international agencies, the interviews were conducted mostly in Sarajevo because the head offices are there. The interviews with the governmental officials, the return coordinators and a couple of officials working in local agencies were conducted in the local language[3]. Tape-recorder was used during those interviews.

About the in-depth interviews with the respondents, it is to be emphasised that the bulk of the data was generated from those interviews. The respondents make a heterogeneous group. This heterogeneity is important and advantageous for this study since it reflects the complex nature of return. The total number of respondents interviewed is 91. The interviews came to an end as data saturation was achieved. Out of this number, 72 of the respondents belong to the group of returnees[4] while 13 are internally displaced and residing in collective centres and 6 respondents are among a group which may be called 'transnational returnees'[5]. The respondents are from three ethnic groups. Among the respondents, 51 are Bosniaks, 13 are Croats, 11 are Serbs and 2 of them are from mixed marriages[6].

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[2] The total number of stake-holder interviews is 35 – 2 with the return coordinators, 19 with the officials in local and international agencies and 14 with the governmental officials. For the list see Appendix 1.

[3] The questions were in the form of an ***interview schedule*** (Simmons, 2001: 88). For the schedule see Appendix 2.

[4] This group includes the Bosnians who returned from abroad and within the country.

[5] Transnational returnees were examined in the previous chapter on reconceptualisation of return.

[6] For the table showing the ethnicity of the informants see Appendix 5.C.

The interviews with the informants were conducted in seventeen municipalities in two entities and the Brcko District which has a self-governing status[7]. Six of them are in the Republika Srpska (RS) and eleven in the Federation Bosnia and Hercegovina (FBiH). Three municipalities, namely Ilidza, Ilijas and Vogosca, are former suburbs of Sarajevo. One municipality in the eastern RS, Milici, did not exist before the war. It was created when the municipality of Vlasenica was divided during the war.

The type of sampling method used is ***purposive (non-probability) sampling***. It is defined as 'the sampling where the chance of selection for each element in a population is unknown and for some elements is zero' (Arber, 2001: 61). The population of the present study is the people, who returned to and within Bosnia-Hercegovina, i.e. returnees[8]. Interviews were conducted both in rural areas and urban centres. In rural areas, settings in which one could come across with reconstructed houses, were the main places for interviews. The translator played a key role in contacting the respondents[9], and it was easier to find people to interview in the rural areas. With regard to urban centres, in some cases, lists were obtained from the municipal authorities who were visited. In addition, two officials in an international organisation gave names of the beneficiaries. But usually snowball method was used. Several respondents were asked to identify further returnees – be they friends or relatives or neighbours. In one case, even though an elderly couple refused the interview, they suggested their Serb neighbour living on the upper floor.

Another important point about specifying the respondents is that the translator was very careful in selecting the individuals. For example, thinking that they would not pay attention to the interview, she preferred not to talk to women with young children. Moreover, she refrained from talking to mid-aged women, who might have been raped during the war. She did not say anything about the issue but it was obvious that she was acting very carefully. Anyway, it was neither intended to make interviews with raped

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[7] The municipalities visited, the dates of visits and the number of respondents are shown on a map of Bosnia-Hercegovina. For the map of Bosnia-Hercegovina showing the research area see Appendix 3, the map showing the interviews dates and the number of informants see Appendix 4. The original form of the map is available in (Bosnia and Herzegovina, Ministry of Human Rights and Refugees, Bulletin 2003).
[8] For the lists of the informants' personal informations see Appendices 5.A, 5.B, 5.C, 5.D, 5.E and 5.F.
[9] For example, she looked for Bosnians to talk to in settings with either a reconstructed religious building or a couple of reconstructed or rebuilt houses. In most of the cases she was not mistaken in her estimations.

women nor to talk about the rape issue. First of all, the issue of rape was beyond the scope of the study. Secondly, it had been found out before the field research that due to numerous studies and researches on that subject, nobody, particularly women wanted to say anything concerning the issue.

The interviews with the respondents were conducted mostly *in situ*. The exceptions were the internally displaced Bosnians, who were residing in collective centres, a couple of Bosnians who were unable to return to their places of origin. Furthermore, one interview was conducted via e-mail. Thanks to the translator's personal features (being humble, genial and sincere) and communication skills, there was no problem in terms of convincing people for interviews in which they would share what they had lived through in the hardest times of their lives. She knew well how to approach them. Be they Serbs, Croats or Bosniaks, they were mostly welcoming and hospitable to us, especially when the translator told them that their experiences would be crucial for this academic study.

It was not easy to convince some of the respondents, particularly the non-Muslim ones, about making interview. But still they did not refuse. In one case, the interviewee was not willing to talk at the beginning. She kept on saying that she had nothing to tell. Yet, the translator had already started chatting with her in front of the door. By the time the lady finally gave up and accepted to be interviewed, the chat had been going on for about half an hour[10]. The interviews with the respondents were conducted in the local language. Tape-recorder was not used. Instead, the translated narratives were written down. In a couple of cases, although the respondents could speak Turkish or English, it was preferred that they spoke in their native language because they would feel more comfortable and express their feelings and thoughts in a better way.

The interview questions were intended for finding out in a detailed way what they experienced during the war and in the return process. The interviews started by asking questions to get personal information about the respondents, e.g. age, birth place, marital status, level of education, and employment. Then we asked them to tell us what they lived

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[10] Later on, the translator said that she was determined to convince the lady for the interview by making her give up at the end. She did succeed.

through They fall under the following main headings: the pre-war life; the beginning of refugee life; the refugee life; the return process; and the reintegration issue[11].

Apart from interviewing, the settings in which interviews were done, were observed. This was usually the case when the interview places were the respondents' houses. It was limited observations though because the translated narratives were written down at the same time. The respondents did not feel uncomfortable about these observations. For some of them, it was even important to show malfunctions in their reconstructed houses because they had a chance to complain that the reconstruction assistance they received was not sufficient.

The last two points about the fieldwork are the ethics of the research and the limitations and problems faced during the fieldwork. Regarding the ethics issue, the first thing to note is that none of the interviews started without explaining the respondents in an open and precise manner the identity of the researcher, the kind of research that was being carried out, the purpose and the subject of the interview[12]. Secondly, although most of the respondents said that it did not matter for them whether their names were announced or not, their names were kept anonymous in accordance with the confidentiality principle.

About the problems faced during the field research, the most important and annoying was that no respondents could be contacted for almost ten days at the beginning of the research. The reason for that was partly related to an international agency official breaking her promise about giving help find respondents. This official had been kept in touch since the pilot study, and she had promised that she would be giving returnee names. But she changed her mind saying that she had to abide by the confidentiality rules. Thanks to a Turkish agency and an official working in an international agency, the problem of contacting returnees was overcome.

Before the field research, interviewing the Bosnian Serbs and the Bosnian Croats was a concern. There was a possibility that they would refuse to talk when they heard about the researcher's ethnic and religious identity. However, no problems of that kind was

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[11] For the interview schedule prepared for the respondents see Appendix 6.
[12] In one of the villages in the eastern RS, the respondent's son wanted to be sure that that it was a research for an academic study. So, he asked for a business card.

encountered. As mentioned above, the individuals belonging to each ethnic group were quite nice and welcoming. There was no problem even in the Serb entity although one of the translator's Serb neighbours talked about risks in the eastern RS. Yet, since it was not the intention to talk to non-Serbs in the region there was no problem particularly in terms of security.

The problems were mostly related to transportation. Travelling with coaches would be very time-consuming in some cases. For example, it took 2,5-3 hours by coach whereas it was only an hour drive by car, and the lines to some places were not frequent. Thus a car had to be rented to go to the Brcko District and many places in the RS. The Turkish agency was again helpful with this matter[13]. Apart from the transportation problem that was overcome easily, there was a scary incident towards the end of the field research. While trying to contact a respondent in a village in Ilidza, the researcher and the translator were about to be attacked by a big dog, if there was no fence because the dog was free of its chains. Thanks to the respondent's relative, it did not happen. But the fear was more than enough. Other than this, everything went well.

IV.2. The Analysis of the Research Data

How was qualitative data analysis carried out? The unit of analysis was the Bosnian individuals who experienced first war then return. The data analysis included the following steps. The first step was to transcribe the interviews. The transcription was done by the researcher. *Coding* came as the second step. It was definitely necessary because the data generated was indeed complicated. The narratives were categorised under a coding list, and the main concepts, themes and categories came out of the coded transcriptions after intensive readings for several times[14]. Both the items on the coding list and the titles and sub-titles used in the Chapters V, VI and VII are specified on the basis of themes that are

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[13] The director of the agency also said that the driver would act as a bodyguard when necessary.

[14] For the coding list that includes the main concepts, themes and categories see Appendix 7.

emphasised in the narratives. These themes reflect the reality of return in Bosnia. After bringing out the main concepts and categories, the relations between them were examined and analysed. The analysis was first descriptive then interpretative. It was a production of the qualitative data coding based on the observations and knowledge of the research field.

While analysing the research data, attention was paid to quoting the respondent narratives directly. This is quite important because it is closely related to the aim of this research: to help these individuals so that their voices can be heard. In order to do that, their narratives, in which they shared their experiences concerning the evil and hard times of war and the return process, had to be quoted directly. The data analysis aimed at citing experiences of the respondents and making their voices heard by using the data generated. That is also why the most striking narratives were chosen as well as the typical ones. On the other hand, these narratives play a crucial role in completing the big puzzle that represents both the war and the return those Bosnians lived through.

In sum, it is to be reiterated that qualitative research is the most appropriate method that can be applied to the present study. There are two main reasons. First, return is not single social reality that can be investigated by methods and methodologies from the physical sciences. It is complicated and multi-dimensional, and most importantly constructed by the individuals who experience it. Secondly, only with the help of qualitative method, there is a chance to get a deeper sense and knowledge about what they think and how they feel about so many things related to the subject matter of the research.

V. BOSNIA-HERCEGOVINA AND THE BOSNIAN WAR

'There! I have landed like a seed
carried by the wind. Only the roots –
didn't spread yet. My soul is dying out.
From a familiar scent, far away I am, separated.
My heart hurts, still bleeding, and still
dreaming of returning. …'
(Iris Kusalsic from Bosnia-Herzegovina, in Mertus *et al*., 1997:84)

The 1990s is remembered as the period in which a European country with a rich political and cultural history experienced first destruction then survival. In the first half of the decade, it paid the most severe price when the federation of which it was a part, disintegrated in an extremely bloody way. The second half was marked by its efforts to recover and survive with the international community's assistance. The country in question is Bosnia-Hercegovina: one of the constituent republics of former Yugoslavia (SFRY).

SFRY's dissolution started in June 1991 when two of its republics, Slovenia and Croatia, declared their independence. The war in Slovenia lasted for such a short time that it cannot even be called war. Everything was over in about ten days. Yet, that was not the case for Croatia, Serbia and BiH. The fighting that erupted in Croatia in autumn 1991 spread to Bosnia in the following spring. The war in BiH lasted for more than three years. Its results were terrifying: about 100,000 people were killed, and more than two million Bosnians were displaced.

The Bosnian War was brought to an end by the General Framework Agreement of Peace in Bosnia-Hercegovina (GFAP hereafter), better known as the Dayton Peace Accords[*] signed between Croatia, Serbia and BiH at the end of 1995. Following its signature, the international community launched an ambitious reconstruction project for Bosnia because it had played an important role in its destruction. The objective was to help Bosnia recover so that it could be one of the actors on the world stage.

Today's Bosnia is difficult to understand. Apart from being a product of the Dayton, it is a blend of different cultures. The multiethnic and multi-confessional character it

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[*] DPA and GFAP are used interchangeably throughout the study.

gained throughout centuries is still preserved. In order to understand today's Bosnia-Hercegovina, one needs to examine its historical background. However, it is beyond the scope of the present study to examine Bosnia's history from the very beginning. Thus the period under scrutiny is the second half of the 20th century.

The present chapter is composed of two main parts. In the first one the focus is on Tito's Yugoslavia and how it was dragged into a big crisis after his death. What kind of a Yugoslavia was in question during the Cold War era? Why did the state fail after Tito's death? These are questions to be answered in the first section. The focus shifts to the path to Yugoslavia's dissolution and the war in Bosnia in the latter part. While analysing the war in Bosnia, the literature is used. But what the Bosnians themselves experienced during the war is more important. Their lives were shattered by this war. The Bosnians interviewed tell how the war changed their lives and what it are to be a displaced and a refugee.

V.1. Bosnia-Hercegovina as a Part of Yugoslavia

V.1.1. Bosnia-Hercegovina in Tito's Yugoslavia

The World War II, which involved three distinct yet at the same time interwoven conflicts for Yugoslavia, ended with the victories of the Partisans under the leadership of Josip Broz Tito and the founding of the Federal People's Republic of Yugoslavia (FPRY) as a socialist state during the first meeting of the Communist-led Parliament in November 1945[1]. It was followed by the proclamation of the Constitution in January 1946. The

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[1] In fact, Yugoslavia was proclaimed at the founding conference of the Anti-Fascist Council of National Liberation of Yugoslavia (AVNOJ) held in November 1943. The Federal People's Republic of Yugoslavia was renamed as Socialist Federal Republic of Yugoslavia with the 1963 Constitution
(*Socialist Federal Republic of Yugoslavia*. Retrieved: May 8, 2007, from Wikipedia. [WWW Document]. URL. http://en.wikipedia.org/wiki/Socialist_Federal_Republic_of_Yugoslavia).

Constitution, recognising five Yugoslav nations[2], established the basic political system of socialist Yugoslavia. These nations were Serbs, Croats, Montenegrins, Macedonians and Slovenes. The Bosnian Muslims were not included since they were regarded as a separate group without a national identity. However, Bosnia and Hercegovina was among the six constituent republics which were equal in status.

A couple years after the foundation of SFRY, the relations with the SU deteriorated resulting in the expulsion of Yugoslavia from the Cominform in June 1948[3]. Although the Yugoslav leaders tried to stay in the Soviet camp, their efforts did not bear any results and it was realised that a new course was necessary. In several years after 1948, the Communist course, which would be unique to Yugoslavia, was spelled out. The emerging political and social system was called Titoism by Western scholars (Donia and Fine, 1994: 170). Two concepts were at the centre of Titoism: self-management in economic field and non-alignment in foreign affairs.

Self-management was, in Tito's view, a higher form of socialism. The workers would be the managers of state economic enterprises and higher economic association, while the means of production would be 'social property' managed by working collectives. At the end, self-management would contribute 'withering away of the state'. Yet, this would not happen as predicted.

What would be Bosnia's role in Yugoslav socialist economy? Bosnia would be a centre of heavy industry, because first, it was an ideal location for heavy manufacturing with its mineral resources and abundance of water, and second, the Yugoslav army believed that Bosnia was its safest haven in case of foreign invasion. Hence, Bosnia was selected as a base for the development of the military defense industry. The outcome was a large concentration of arms and military personnel in the republic.

Non-alignment was, on the other hand, the main policy followed in foreign affairs. Even though the Yugoslav-Soviet relations had started normalising after Stalin's death in 1953, Yugoslavia's diplomacy was approaching towards the Third World. At the Bandung

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[2] FPRY recognised 'nations' (*narodi*) and 'nationalities' (*narodnosti*). The nations were the constituent Slavic peoples, and the nationalities were other Slavic and non-Slavic ethnic groups, including the Hungarians and Albanians (ibid.).
[3] Cominform, founded in September 1947, was supposed to replace the Communist International (Comintern) as an instrument of Soviet foreign policy and to be a forum for international cooperation between seven countries of the Soviet bloc. For more on the Cominform and Yugoslavia's expulsion from the Cominform see (Crampton, 2002; Benson, 2004).

Conference in 1955, alongside India and Egypt, Yugoslavia emerged as a non-aligned country[4]. Being a part of the non-alignment movement was advantageous in domestic politics since Yugoslavia achieved a distinctive role in the world affairs and the movement distinguished the Yugoslav state from the ones in the Soviet bloc. The Bosnian Muslims in particular benefited from the movement since the ones serving in Yugoslavia's diplomatic corps were successful to gain support of the other non-aligned nations.

During the 1950s, the Yugoslavia's rulers focused on economic development in domestic politics. Internal nationalism was never on their agenda. The emphasis was on the idea of Yugoslavism that reached its climax with the League of Communists of Yugoslavia's (LCY) seventh congress held in April 1958. While defending and consolidating the proletarian revolution, the Party was supposed to embody the socialist consciousness of the masses at the same time. The emphasis on Yugoslavism did not mean that national languages and cultures were under attack. It was 'a simple acknowledgement of a Yugoslav identity emerging alongside existing national allegiances' (Benson, 2004: 101). Yet, within a short time, the Yugoslav leadership started pushing the notion of Yugoslavism harder. It was met with resistance. So, the leaders had to set aside the idea for a while. The major sign of this policy shift was the recognition of Muslims in the ethnic sense in the 1961 census.

Early 1960s was marked with an economic recession that led to a big debate between the conservatives, who were in support of centralism and the reformists or liberals advocating decentralism. The winner of the debate was the liberal reformers because first they gained strength[5], and second, liberal policies were back on the agenda in two years. The rest of decade was dominated with reform in the economic field. However, the situation continued to be depressing. Discontent was manifested immediately with the first major outbreak taking place in the University of Belgrade in 1968 summer. It was followed by protests in other capitals. The unrest in Kosovo, an autonomous territory in Serbia, turned out to be different. The students of Prishtina College, which was an affiliate of University of Belgrade at that time, demanded education in their native language

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[4] The Conference was followed by a declaration signed in Brioni Island in June 1956. The Declaration was a condemnation of the division of the world into power-blocs as well as a call for disarmament and channeling of economic assistance to the underdeveloped nations through the UN (Benson, 2004: 101).

[5] Controversies in the economic field such as the one over the Bar railway were quite helpful for the liberals. For more on the issue of the Bar railway see (Crampton, 2002: 123-4).

(Albanian). As the protest spread to other Albanians in Macedonia and Montenegro, new demands were added among which calls for full republican status prevailed. In February 1969, the federal leadership announced that the Kosovar Albanians would not be recognised as a nation (*narod*) in any case. Nevertheless, some of their grievances were addressed.

Under such circumstances, it was almost inevitable for the Bosnian Muslims to be affected by the developments. A group of young Muslim scholars, together with communists, used the opportunity to push for the recognition of Muslims as one of the nations. Like the Albanians in Kosovo, the Muslims were 'beginning to find a voice that corresponded to their growing maturity as a modern nation' (Glenny, 2001: 586). In the 1963 Constitution, they were recognised as a separate nation despite the fact that the relevant clause lacked clear formulation[6]. The Muslims in Bosnia had to wait for 1968 when the Bosnian League of Communists recognised them as a distinct nationality. In 1971 census, they could identify themselves as Bosnian Muslims in the sense of nationality. Finally in 1981 they were recognised as a nation (*narod – Muslimani*).

In Croatia, the social unrest showed itself in the form of a national movement. At the beginning, the Croat nationalists were expressing grievances with regard to the position of the Croats in the federation. Later on, the Croat mass movement, Maspok, emerged. The path to the Croatian Spring opened in April 1970, when LCY decided to recognise sovereignty of republics and provinces 'in all affairs not specifically reserved to the federal institutions' (Crampton, 2002: 132-3). The Croatian nationalism was growing, and there were outbreaks of violence from time to time. Upon this, Tito gave his decision in November: the Maspok had to be brought to an end. He summoned the Zagreb leadership (triumvirate) to his hunting-lodge in Vojvodina to denounce their work and demand their resignations. At the end, the Croatian Spring was suppressed in a rather harsh way, but Croat nationalism was not eliminated. It was just driven underground.

Less than two years after the Croat national movement was crushed, Tito introduced the fourth constitution of the communist Yugoslavia (1974). The new constitution brought two major institutional changes. The first one was that the two provinces in Serbia, Kosovo and Vojvodina, would enjoy the same rights as the constituent republics except the right to

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[6] The Muslims of the Sanjak, the former Ottoman region dividing Serbia and Montenegro, were excluded in the definition which referred only to the Muslims in Bosnia (Glenny, 2001: 586).

secede. They would have one representative in the new presidency, which would be composed of nine members. So, as Cohen (1995) notes, each republic and province was granted theoretical 'statehood' and a semi-confederative political structure. The other change was the enactment of the law on associated labour in 1976. The purpose was to restore the working class to power by dislodging the technocratic-managerial elite from its dominant position.

The changes introduced with the 1974 Constitution led the way to radical decentralisation in the country. While the LCY organs and the federal government lost power, each of the republics started behaving as if they were states. The Party organisations, economic enterprises and even local governments in the republics gained power. Competition among the republics reached its highest levels, particularly in the economic field. The gap between the more economically advantaged regions such as Croatia, Slovenia and Serbia proper, and the less advantaged ones like Bosnia and Macedonia widened steadily.

As the new system was introduced, the Yugoslav economy was hit by the Organization of the Petroleum Exporting Countries (OPEC hereafter) crisis in 1973. Since the country was heavily dependent on imported petroleum products, the increase in oil prices exacerbated the existing inflation and foreign debt. The outcome of the measures taken to overcome problems was an immense increase in foreign indebtedness and a rising inflation leading to a dramatic decline in the living standards. In a couple of years, the world entered another economic recession with the second rise in oil prices. Yugoslavia was not in a position to afford to maintain its debt burden any longer. Inflation continued to climb and Yugoslavia entered the following decade with a severe economic crisis.

V.1.2. Bosnia-Hercegovina in Yugoslavia After Tito

Tito, the indisputable leader Socialist Federative Republic of Yugoslavia, died on May 4, 1980. In the aftermath of his death, Yugoslavia was dragged into a big crisis that first destabilised the country and finally brought its demise at the end of the 1980s. The decline Yugoslavia experienced in the 1980s was explained in several ways. One of the

explanations was that if it was not for the charismatic leadership of Tito, it would be impossible for the country to hold together. He was the cement. Another explanation paid attention to the fact that peoples with intense historical hostilities and different political cultures were forced to live together by a communist dictatorship. All these point to certain elements that played a key role in the decline of SFRY. The first of the elements is the questioning of the whole system after Tito's death. Second is the economic crisis that started in the mid-1970s and intensified in the 1980s discrediting the system of self-management. The last element is the growing nationalism which became intermingled with the economic discontent in the republics.

The immediate problem following the deaths of the founding fathers of SFRY Kardelj and Tito[7] respectively was to make the system created with the 1974 Constitution work. These two leaders continued dominating Yugoslav affairs until their final days. They took the important decisions. That is why it was rather difficult to make the system work after their deaths. On the other hand, the LCY had lost its role. It was not organisationally unified and politically meaningful any longer. As Crampton (2002) notes, the slogan of the Twelfth Congress of the LCY was 'After Tito, Tito' which meant that Tito's policies would continue but there was nobody to succeed him. This was partly because of the long domination exercised by Tito and his colleagues. Moreover, the federation had lost power to the constituent republics in the previous decade. As a result of all this, the political decline began.

The economic crisis was as severe as the political one. Its roots were to be found in the two OPEC crises. Particularly the second oil price rise had a profound impact on the Yugoslav economy[8]. Since the Western countries were deeply affected by the crisis, 'there were fewer hard-currency purchasers for its exporters and fewer western tourists for its resorts' (Crampton: 142). Yugoslavia entered the 1980s with an incredibly high rate of inflation, faltering productivity and huge domestic and foreign debts. The republics, on the other hand, were faced with various problems. In the case of Bosnia, as the primary centre of heavy industry in Yugoslavia, it became more difficult for the core industries to compete with the others due to their obsolescence.

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[7] Actually SFRY had four founding fathers but two of them, Djilas and Rankovic were ousted from power in 1950s and 1960s respectively (Crampton, 2002; Benson, 2004).

[8] For more on the impact of the second OPEC crisis see (Crampton:142-3).

The outcome of the deepening economic crisis was the intervention of the International Monetary Fund (IMF). When SFRY asked for its debts to be rescheduled in addition to further credits in 1983, the IMF laid down strict conditions. For example, price controls would be removed from more goods and the government expenditure had to be decreased. The subsidies on oil, food, heating and transport costs had already been removed the previous year. All of this meant sharp increase in prices while the wages did not increase in the same rate. Inflation continued to climb, reaching 62% in 1984. The Winter Olympics held in Sarajevo that year brought cash yet did little to prevent the existing economic crisis from deepening.

The final element that contributed to the destabilisation of Yugoslavia was ethnic nationalism, beginning and ending with the crises in and over Kosovo. The first crisis took place not long after Tito's death. In March 1981, students protested at standards in a canteen in Prishtina University. The protests soon assumed a political dimension, and on 26 March, students, together with the workers on strike, made a big demonstration calling for Kosovo's independence. In the next two months, the unrest spread to the other Albanian communities living in Montenegro and Macedonia. The riots were repressed harshly by the army. Yet, it was not possible to achieve full order until two years later. Even then the turmoil did not come to an end. It would lead to an open conflict towards the end of the decade.

Yugoslavia was dragged down into a real crisis yet the party spokespersons denied it at the beginning. It was only in 1983 that the elders of the LCY admitted the existence of a 'crisis' in the country. Meanwhile, the political debate had started in some circles like the academy and the press. As the economic situation got worse, clear factions emerged and the polarisation became visible: liberals vs. conservatives on the one hand and recentralisers vs. decentralists on the other. The positions of the regional parties were as follows: liberal recentralisers were dominant in the Serbian party while conservative recentralisers prevailed in the Bosnian and Montenegrin parties; liberal decentralists were influential in the Slovene and Vojvodinan parties whereas conservative decentralists dominated the parties in Macedonia, Croatia and Kosovo (Ramet, 1996: 10). As the crisis intensified, each faction came out with a variety of reform proposals. The result was irresolution.

The second half of 1980s was marked with a formulation of survival strategies by the members of communist elite from each region. That was the case since the LCY continued losing legitimacy and its vanguard role in the eyes of the republics and provinces. Youngsters living particularly in Croatia and Slovenia showed no interest in joining the LCY any longer (Ramet, 1996: 47-9)[9]. Elites in the communist leadership in each region formulated different reform strategies that may be examined in three groups: a) Serbian strategy in which nationalism was used by the communist elite under the leadership of Milosevic, b) Slovenian strategy based on 'asymmetric federalism' and competitive pluralism, and c) the federal government's strategy based on Markovic's programme of marketisation.

The focus of the Serbian strategy was Serb nationalism which had been gaining importance since the 1981 riots in Kosovo. Serbs were quite angry about the system in Yugoslavia. Their growing frustration was reflected in a draft memorandum drawn up by the Serbian Academy of Sciences and Arts in 1986. The following year was marked by Slobodan Milosevic's rise to power as the President of Serbia. By the time he came to power, Milosevic knew well how to entrench and extend his power: he would exploit Serbian nationalism. An important element of Milosevic's nationalist appeal was the Serb dissatisfaction concerning the course of political development in Titoist Yugoslavia.

Being restless about Milosevic's success in mobilising frustrated Serbian citizens and attracting widespread support in elite circles, the Yugoslav communist leaders criticised his views for being ambiguous and anti-reformist. Upon this, Milosevic tried to formulate a coherent reform strategy with the aid of prominent Serbian political and economic experts. This group of experts, known as the 'Milosevic Commission' first presented a broad outline for economic recovery, and a year later, came out with a comprehensive proposal for Yugoslavia's reorganisation in political terms[10]. Particularly the proposal for political reorganisation was considered to be rather vague.

The second reform strategy came out from Slovenia, one of the two wealthiest republics of the federation. In addition to having been developed as a reaction to Milosevic's leadership, the reform strategy reflected the developments within the republic.

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[9] For the tables showing young people's interest in joining the LCY see (Ramet, 1996: 48).

[10] For more on both the Commission's plan for economic reform and the proposal for political reorganisation of Yugoslavia see (Cohen: 56-58).

The Slovenian elite and public had already been complaining about the transfer of the federal funds to the less advantaged regions. Despite being the most productive republic in economic terms, Slovenia was contributing too much to the federation. Each year Slovenia's contribution to the total federal budget was over 25% (Cohen, 1995: 59). Those complaints prepared the ground for the growing political ferment among intellectuals and students.

What kind of a perspective on reform did the Slovene leadership adopt? It was a radical and distinctive one since it reflected 'the intensification of ethno-regional self-assertion and pluralism' present in Slovenia (Cohen, 1995: 60). The focus was on two principles: asymmetric federation and competitive pluralism. The idea of 'asymmetric federation' was an 'arrangement whereby each republic would negotiate its own terms of power sharing and power distribution with the central government in a federation' (Cohen, 1995: 63). It was opposed by the Milosevic's leadership on the grounds that it would pave the way for the disintegration of Yugoslavia.

As of the other principle, the Slovene officials had a common view: the LCY should start competing equally with the regional parties because otherwise it would lose more from its position in society. The Slovene communists criticised the operation of the LCY organisation, too. They were against majority voting within the Party. On the other hand, the Slovene politicians were giving support to independent socialist and non-socialist organisations in the name of political pluralism.

In terms of applicability, neither Serbian nor Slovene reform proposal was suitable since they did not appeal to Yugoslavia as a whole. Hence, the difficult task of preparing and implementing a reform programme designed for the entire country remained in the hands of the federal government headed by A. Markovic. He took office at a time when Serbia adopted amendments to its constitution allowing the republic to abolish the autonomous status of Kosovo and Vojvodina. It was March 1989.

Known to be a serious political technocrat, Markovic committed himself to market reform while giving support to political pluralism. The focus of his reform program was the country's pressing economic problems. He set out with the objective of reforming the socialist system yet soon realised that it was not the solution. Socialism had to be replaced by market economy. The federal government was well aware of the fact that it would not be possible to overcome the current crisis without changing the political system. However,

the politicians agreed much more on economic issues than the political ones. That is why economic reform was a priority for the Markovic government.

The communist leadership in Serbia strongly opposed Markovic's reform strategy by focusing on the political reorganisation of the federal structure. Milosevic and his supporters were in favour of recentralisation in order to protect the interests of the central government as well as that of the country's Serbian majority. They were backed by the Serbs who were discontented with the continuous fall in the standard of living.

Given the centralising tendencies in Serbia and the pluralistic pressure in Slovenia, Markovic's task was rather difficult. There was enough to complain because the reform efforts were being either stopped or slowed down by regional officials. Despite those problems, he did not give up and enjoyed cross-regional support. However, the crisis in Yugoslavia was engendering new episodes of conflict, both in economic and ethno-political terms.

V.2. The Collapse of Socialist Federal Republic of Yugoslavia and the War in Bosnia-Hercegovina

V.2.1. The Path to War

The crisis in Yugoslavia escalated in the 1990-91 period and resulted in dissolution of the country accompanied by a full-scale war among three republics. The first step towards Yugoslavia's demise was the constitutional amendments the Serbian Assembly passed in March 1989. Serbia became more powerful compared to the other republics because it had three votes in the eight-member federal Presidency. The second step was Milosevic's address to a million Serbs on the 600th anniversary of Kosovo Battle (28 June 1389). He spoke of Serbs' 'final return to the sacred places of Serbdom' (Benson, 2004: 153), but at the same time warned about the possibility of armed struggle in the future. Although Milosevic acquired much of what he wanted, abolishing Kosovo's autonomous status was just a part of his fight for a recentralised, unitary state. His task was still

difficult. Some of the republics would never accept a rearrangement that would serve Serbia's interests.

The opposition to Milosevic's nationalist campaign came from the two republics which had been expressing their discontent for a long time: Croatia and Slovenia. In Croatia, the nationalist movement was revived after being silent for more than a decade. The resurgence of Serbian nationalism in the mid-1980s played an important role in this revival. As Malcolm (1994) notes, the old Croatian grievances dating back to the World War II came to the surface again. The result was the deterioration of relations between the two republics.

Slovenia was engaged in taking measures to protect itself from Milosevic's campaign of making Yugoslavia a unitary state. In September and October 1989, the Slovenian Assembly passed a series of constitutional amendments including the right of secession. It legalised opposition parties as well. Actually, independence was not the aim. Yet, most of the leadership regarded the amendments as 'an insurance policy that would safeguard Slovenia's special position within Yugoslavia' (Silber and Little, 1995: 78). The Milosevic regime was very furious about the amendments. What Slovenia was doing could not be tolerated. Hence, Milosevic summoned the (extraordinary) Fourteenth Party Congress[11] with the intention of bringing the Slovenes to heel. The main topic was the fate of the LCY. With communism in its throes of death in Eastern Europe, there was no possibility of Yugoslavia's Party leaders reaching consensus on the future of the organisation. The Party, which had become a little more than a loose association, was completely falling apart. The Slovene delegation, infuriated by the failure to get even half of the votes needed for its proposals to be adopted, was fed up with everything and walked out of the Congress. The Croat delegation followed suit. With the delegations of two republics absent, Bosnian and Macedonian delegates did not wish to take any part in the business of the Congress until the problem was resolved. Unfortunately, the problem was never resolved and the LCY was dissolved leading to its break-up into different parties for each republic.

Following the failed Fourteenth Congress in January 1990, Croatia and Slovenia announced and made arrangements for holding multi-party elections in spring. The Slovenian Democratic Alliance (Demos) gained victory and Milan Kucan, the head of the

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[11] The congress was termed 'extraordinary' because it was convened with the aim of agreeing on a 'major constitutional restructuring of Yugoslav society' (Donia and Fine, 1994: 207).

former Slovene League of Communists in 1986-1989, was elected the President. In Croatia, the elections ended with the victory of the Croatian Democratic Union (HDZ) under the leadership of Tudjman. The former leaders of the League of Communists came to power in Serbia, Macedonia and Montenegro.

The winner of the elections in Bosnia-Hercegovina was Izetbegovic's Party for Democratic Action (SDA), the only party that emphasized the multi-ethnic and multi-confessional character of Bosnia. In a 240-seat assembly, SDA won 86 seats while R. Karadzic's Serbian Democratic Party (SDS) and Kljujic's Croatian Democratic Union won 72 and 44 seats respectively. Ominously, most of the Bosnian electorate had voted for ethnically-based parties. SDA, SDS and HDZ agreed on a coalition, and Izetbegovic became the President.

The new leaderships in the republics had differing views concerning the future of the country. While Slovenia and Croatia called for a peaceful and negotiated transformation of the Yugoslav state from a federation into a loose confederation, Serbia and Montenegro were in favour of Yugoslav unity. Macedonia and Bosnia-Hercegovina were trying to find a mid-way by advocating a loose federation because they were afraid that the Serbs living in Croatia would refuse Croatia's independence and the Bosnian Serbs would try to secede from Bosnia-Hercegovina. None of the republics was willing to reach an agreement on restructuring the federation. At the end of 1990, Slovenia held a referendum on secession from Yugoslavia. The rate of turnout was quite high and the overwhelming majority voted in favour of independence in case of disagreement on the country's reordering within six months.

In June 1991, Slovenia's six-month deadline expired. Since there had been no agreement concerning the settlement of the federation's constitutional problems, Slovenia, on 25 June, declared its independence from Yugoslavia. Croatia had done the same thing a couple of hours earlier. The response of the Yugoslav National Army (JNA hereafter) was to send tanks to the Slovene border. Its action was to be limited with seizing control of the border posts and Ljubljana airport. However, the Slovenes responded by attacking with anti-tank guns and armour-piercing rockets. The JNA did not know whether to escalate the fighting or retreat[12].

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[12] For a detailed account of the war in Slovenia see (Silber and Little, 1995: 169-185).

By the time fighting broke out in Slovenia, the USA declared that Yugoslavia was Europe's problem. Europe regarded the Yugoslav crisis as an historic challenge in the sense that it would have the chance to prove its unity in the face of the first armed conflict of the post-Cold War era. Jacques Poos, Luxembourg's Foreign Minister and one of the members of the EC troika[13] then, declared, 'The age of Europe has dawned' (Silber and Little, 1995: 175). The European Community's position was clear: not to recognise unilateral declarations of independence. It issued a statement calling for respect for Yugoslavia's territorial integrity as well as restoration of constitutional order.

The mediatory efforts of the EC troika resulted in a preliminary settlement, known as the Brioni Accords of 8 July 1991. According to the moratorium, Croatia and Slovenia agreed to suspension of their declarations of independence for three months, and fighting would stop immediately with the JNA withdrawing to its barracks. The Brioni Agreement was launched as a success because what was left of Yugoslavia's constitutional order was restored. Yet, as Silber and Little (1995) emphasise, it resolved none of the important items of the contention. Neither the issue of Slovenia's sovereignty nor the future of the JNA in Slovenia was addressed. In fact, Slovenia's secession would be to Milosevic's advantage. Since Slovenia was out of the scene, Serbia would be the most powerful republic and Milosevic could argue for a new Yugoslavia with new borders based on ethnic considerations.

Slovenia's so-called phoney war that lasted only ten days, would prove to be rather different from the two that followed it, first in Croatia and then in Bosnia-Hercegovina. It was different in the sense that the war was 'between Slovenes and a federal system that was already in its death throes, killed off by a nationalism that had taken hold first in Serbia and – later – in Croatia and Slovenia' (Silber and Little: 183). The loser in this war was the JNA because the generals, who were thinking that they were defending the territorial integrity of the country, did not realise the fact that the integrity had already been betrayed by Milosevic. Moreover, the JNA was not a genuinely Yugoslav army any longer. It had been transformed into the Army of the Serbs.

When the JNA withdrew from Slovenia (18 July 1991), it turned its attention to the tension in Croatia. The fighting that had flared some time earlier was going on. Tudjman,

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[13] The EC troika is the group of foreign ministers which consists of the last, the current and the next presidents of the EC.

aware of the fact that Croatia was not in a position to take on the JNA in military terms, did everything to win Croatia's independence through international recognition rather than military victory over the JNA. The summer passed with an undeclared war between Serbia and Croatia. By the end of August, full-scale war broke out as Serb forces started attacking Slavonia followed by the bombardment of Dubrovnik in September[14]. In early October, President Tudjman called for mobilisation and defence against the Serb-led JNA, Serbian paramilitary units and the rebelled forces in 'Serb Autonomous regions' formed a year earlier. Shortly after Tudjman's call, the US former Secretary of State Cyrus Vance was appointed as the UN Secretary-General's personal envoy to Yugoslavia. Meanwhile, the UN Security Council had passed its first resolution concerning the crisis in Yugoslavia – Resolution 713 – which imposed a general and complete arms embargo on Yugoslavia[15].

In mid-October, as fighting intensified in Croatia, the Muslim and Croat parties in Bosnia-Hercegovina passed a joint resolution demanding sovereignty for the republic because they had given up their hope of reaching an agreement with the Serbs. However, it did not mean full independence. It was only legislative sovereignty. The SDS leader Karadzic marched his deputies out of the Bosnian Assembly, and a couple of days later he set up 'Serbian National Assembly' in Banja Luka.

Until the last days of 1991, the EC tried to resolve the Yugoslav crisis by diplomatic means. It brokered several cease-fires, only for them to collapse within hours or days. After its peace proposal was rejected by Milosevic, the EC announced that trade sanctions would be imposed on the republics which refused to agree to the plan by 5 November. Three days after the deadline sanctions were imposed on Yugoslavia. By taking all those measures, the EC had demonstrated its unity concerning the Yugoslav crisis. However, this unity fell apart in December when German Foreign Minister Genscher stated that if an agreement was not found at the EC Maastricht Summit for recognition of Slovenia and Croatia, whose independence declarations had been reactivated following the failure of the Brioni Agreement, Germany would recognise them unilaterally.

Upon Germany's statement, the EC agreed 'to invite all Yugoslav republics wishing to do so to submit a request for international recognition by 24 December' (Gallagher,

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[14] The JNA shelling that started at the beginning of December resulted in an awful destruction of Dubrovnik's cultural and religious monuments (Donia and Fine, 1994: 226).

[15] The arms embargo did not affect the JNA since it had its massive stockpiles and large armament industry, but the Croatian force were considerably weakened (Malcolm, 1994: 243).

2003: 73). The applications would be considered by the Badinter Commission, which had been set up by the EC in November under the chairmanship of French judge Robert Badinter[16]. December 23 was set as the deadline for applications. By the set date, together with Slovenia, Croatia, Macedonia and Bosnia-Hercegovina, the Serbian Krajina in Croatia and the Kosovar Albanians applied for recognition. The report of the Badinter Commission released on January 15, 1992, concluded that only Slovenia and Macedonia met in full the criteria for recognition. As regards Croatia, the republic was to include in its newly drafted constitutional amendments of December 1991, certain guarantees for the special status of Serbs in Croatia. Bosnia-Hercegovina fell short of recognition because although the Bosnian government 'had pledged to adhere to all appropriate international acts and had guaranteed observance of human rights' (Donia and Fine, 1994: 232), none of the Serbian members of the Presidency participated in the declarations. Under these circumstances, according to the Badinter Commission, the EC should not recognise Bosnia-Hercegovina as independent without consensus reached with the Bosnia's Serb population. The Commission's suggestion was to hold a referendum on independence. Accordingly, the referendum was scheduled for February 29-March 1, 1992.

Despite the Commission's reservations concerning Croatia's situation, Germany urged for the recognition of the republic's independence. Otherwise, it would do it unilaterally. The EC had no choice other than bowing to German pressure. Slovenia and Croatia were recognised as independent on 15 January. In the meantime, Cyrus Vance had secured an armistice[17].

As scheduled, the referendum on independence was held in Bosnia-Hercegovina. The turn-out was 63% because most of the Bosnian Serbs had boycotted the vote. Of voters, about 93% was in favour of independence. The declaration of independence by Izetbegovic came on 3 March 1992. Following the referendum, the fragmentation of Bosnia that had already begun in 1991 intensified, and the 'Serbian National Assembly' in Banja Luka, which had announced the formation of the Serbian Republic of BiH,

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[16] In early December, the Badinter Commission, in its report submitted to the EC Conference on Yugoslavia, concluded that Yugoslavia was in the process of dissolution (Gallagher, 2003).

[17] According to the agreement, the JNA was to leave Croatian territory and the UN Protection Force (UNPROFOR) would replace the JNA troops in the Serb-held zones. Two of such areas were the Serb Autonomous Region of Krajina and the Serb Autonomous Region of Slavonia, Baranja and Western Srem. These regions declared themselves united as the Serbian Republic of Krajina (Crampton, 2002: 253).

proclaimed the Republic's constitution[18]. On March 27, the Serbian Assembly announced that the Serbian Republic of BiH would be a part of the rump Yugoslavia composed of Serbia, Montenegro and the Serbian Republic of Krajina in Croatia. Bosnia-Hercegovina was getting closer to the obvious end: war.

V.2.2. The Bosnian War and the International Involvement

On 5 April 1992, the Serb gunmen started firing at thousands of demonstrators who demanded a multi-national Bosnia at a peace rally in Sarajevo. Two ladies - a twenty-four-year-old Bosniak medical student from Mostar and a mid-aged Serb housewife from Sarajevo - were shot and killed during the rally. They were the first victims. The next day witnessed two events. First, the newly independent Bosnia-Hercegovina was granted recognition by the EC (followed by the USA next day). Secondly, the Bosnian capital, Sarajevo, was besieged, and the Serb forces began shelling the city. Despite Izetbegovic's efforts to preserve Bosnia's unity and territorial integrity, the war finally began. So did the tragedy that would last for more than three years. The war would smash thousands of lives. The Bosnians would be blown away[19]. Half of the population would be displaced. The Bosnians interviewed for this study tell how their lives were torn apart by the war.

a. Leaving Home and Flight

As the fighting erupted, many left their homes and pasts behind and began their journey towards obscurity. Yet, there were exceptions in the sense that some, like in the example below, were sent abroad by their parents so that they would stay somewhere safe:

> 'On April 4 (the first day of Ramadan Bajram), before the Bajram prayer my mother and father sent me and my brother to Novi Pazar [in Sandzak region of

[18] On the same day, the JNA – not the old JNA any more – launched attacks against the newly declared republic from the south, west and north-west (Donia and Fine, 1994: 238).
[19] There is no word that describes sufficiently the situation these people found themselves in with the beginning of the war. How their lives changed and what they lived through can be expressed in many ways but something is always missing. For the purposes of the study, the term chosen to describe, at least partially, what the people experienced is being 'blown away' (*savrulmak, savruluş*). The researcher is fully aware of the fact that what these people lived through is much more than being blown away by wind. It is a big catastrophe. It is being blown away by a very strong hurricane.

Montenegro] ... My mother and father stayed in Sarajevo. … Two days later, the war broke out. …' A.P. (Musl, F, 35, Sarajevo/urban, accountant in a firm)

Not everybody left his/her home at the same time. Certain incidents played a key role in the decision to leave. For example, the first grenades falling on strategic places had a triggering effect on decisions in some cases:

'By the time my parents took the decision to leave in April 1992, the first grenades had already fallen on some strategic places and the tension could be felt everywhere. People were carrying weapons, the schools were closed down, and you could sense the fear. ...' N.P. (Musl, F, 24, Mostar/urban, Assistant Political Officer in an agency)

Among the interviewees, a couple of them were able to take a few belongings before they left their homes. Yet, some could not take anything, even their passports:

'On 20 April 1992, the Chetniks of Ilidza came and forced us and other people out of Ilidza. All of us were gathered in a place and the Chetniks interrogated each of us. In the meantime, they looted my house and took everything. My interrogation lasted for 55 minutes. One of the Chetniks involved in the interrogation was coincidentally my friend. He told me to escape with his eyebrows. After getting the signal, I managed to escape from the room in a very cautious way, went among the people, got my wife and son and we all escaped to Sarajevo. I could not even go to the house to get the documents and photos.' V.B. (Srb, M, 60, Ilidza/urban, manager in a tourism agency) // married to a Muslim – mixed marriage

The Croat population of Sarajevo was stuck between the two fires, the Chetnik snipers and the Muslim forces. One of the female interviewees decided to leave after having a big shock:

'I left my home with my daughter in 1992 because I had to leave. During the war, we remained between the fires of 2 forces – the Chetnik snipers and the Muslim forces. Those forces were ready to burn down our house at any time. Not long before we left, I got almost killed by a sniper. One morning, I went to the balcony to collect the clothes from the line. The sniper in the opposite building saw me. At the same time I saw him, immediately bent down and went inside crawling on my knees. It was just a moment that saved my life, nothing else.' A.B. (Cr, F, 62, Ilidza/urban, housewife)

As people were leaving, nobody was in a position to realise what a serious situation they were in because all they could think of was to escape from grenades or avoid being a target for the snipers. The general view was that the fighting would soon come to an end. Yet, it turned out to be the opposite at the end:

'Upon leaving our home and the city, I think that none of us really understood that it might be forever (which it turned out to be). I think we were all too choked to feel the seriousness of the situation.' N.P. (Musl, F, 24, Mostar/urban, Assistant Political Officer in an agency)

The towns of the eastern strip, Bijeljina, Zvornik, Bratunac, Srebrenica, Zepa, Rogatica, Visegrad, Gorazde and Foca were among the first that fell into the hands of the Serb forces almost immediately after the war began. The Muslims living in those towns found themselves in the midst of atrocities:

'Our village in Zepa was attacked by the Serb forces and we [my husband and I] had to run away (I do not remember when). My mother-in-law was invalid and could not come with us. So, my husband hid her in a haystack. He would find somebody to help him transport her later on. Yet, when he went back to our house some time later, he found out that she had already been slaughtered by the Serbs.' A.C. (Musl, F, 70, Ilijas/C.C., housewife)

Some were captured in the places, where they were trying to hide from the Chetniks:

'[W]ith the help of one of my father's friends, we stayed in a military (JNA) barrack for 10 days (in Foca-Ustikolina). I was 15-16 years old then. While we were staying there, the 'infidels' (Serbs) made a raid and caught the Muslims. The elderly, women and children were separated from men (by the Serb militia). Seven males were taken aside to be killed, and I was one of them. We were forced to undress and waited to be shot. The Serb general, pointing at me, said 'You should not kill this boy because he might be useful'. So, I was not shot but the other 6 were shot on the spot.' N.A. (Musl, M, 29, Sarajevo/urban, waiter in a restaurant)

The Bosnians were trying to flee under very risky circumstances. One of the female interviewees came to the verge of being killed. Her life was in extreme danger. She had to walk with a gun on her back:

'My father-in-law's house was 200-300 m away from the main road. As we (me and two guys from our neighbourhood) were turning to the main road, two masked Chetniks stopped us. They said 'Get out of the car!' and searched for gun in the car. They did not find anything. One of them thrust his gun at me and forced us to walk that 200-300 m. The other Chetnik took the car. As we came to the main road, he left us there, went back to the car and left with the other Chetnik. I went on foot to the nearest police station (500 m away) and fainted, when I got there.' A.H. (Musl, F, 53, Tuzla/urban, journalist)

In a north-eastern town, Bijeljina, Arkan's paramilitary forces, 'Tigers'[20] had begun terror attacks against non-Serbs. They captured the Muslim males who were to be executed because of their profession:

> 'I was captured in April 1992 and taken to the headquarters of 'Arkan's Tigers'. It was because of my profession because journalists and managers of media channels were the first to be taken. I stayed there for a couple of days. I was beaten up in that place and suffered a lot. So, I decided to run away. At the end, I was able to escape from the headquarters because my family smuggled me in a vehicle and took me to Novi Sad.' J.T. (Musl, M, 53, Bijeljina/urban, owner of a cafe)

The eastern strip was not the only region that the Serb forces conquered in Bosnia. They took all power in the town of Prijedor[21], some 32 km from Banja Luka, by the end of April. As Udovicki and Stitkovac (2000) note, they spread propaganda that it was the non-Serb population who organised war against the Serbs; all communications were cut off; and all non-Serbs were fired form their jobs. In May, most of the Muslim population living in the region around Kozarac[22] was killed as the town was attacked from all sides. Vandiver (2001) gives a chronology of events relating to the assault on Kozarac. Accordingly, on 24 May, the residents were told to get out by 6 p.m. that day and the Serb forces started shelling Kozarac. While the shelling continued the next day, people tried to flee the town. Many civilians were killed. On 26 May, as the resistance attempts came to an end, the civilians were ordered to go to the football field. One of the elderly interviewees told us how he and his family were sent to concentration camp:

> 'The Serb soldiers came and told us to go to the stadium. From there, we were transferred to different concentration camps. I was sent first to Keraterm for 3 days and then to Trnopolje with my wife, our daughter-in-law and grandchild. Our son had already gone to Slovenia by that time. …' H.G. (Musl, M, 74, Prijedor/rural, retired)

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[20] Serbian Volunteer Guard, better known as the 'Tigers', was the most formidable of the paramilitary units led by Zeljko Raznjatovic (from one of Bijeljina's villages), who operated under the *nom-de-gurre* Arkan. Raznjatovic was 'responsible for some of the worst atrocities in the Croatian war' (Udovicki and Stitkovac, 2000). Arkan's men were in the beginning incorporated in the Ministry of Internal Affairs (the Krajina police owns the training centre in Erdut in eastern Slavonia which was Arkan's main operating location) but with time they became a special unit with the Srem-Baranja corps (Retrieved: June 3, 2007. [WWW Document]. URL. http://www.fas.org/irp/world/para/sdg.htm).

[21] With its two largest ethnic groups – Muslims (49,351) and Serbs (47,582) – Prijedor was one of the typical multi-ethnic towns in Bosnia before the war erupted in April 1992 (Belloni, 2005).

[22] Kozarac was a town of about 25,000 people when the war started, and its population was predominantly Muslim (Vandiver, 2001: 177).

When the inhabitants gathered in the stadium, the Serb forces identified and separated the community leaders. Some were killed on the spot and some disappeared while others were taken to the notorious Omarska and Keraterm concentration camps. From there, hundreds were transferred to other camps. A camp survivor shared his camp experience with us:

> 'In May 1992, I was taken to the concentration camp in Trnopolje. My father and uncle were taken, too. From there, we were transferred to Keraterm in June and on 24 June to Omarska. From Omarska I was taken to Manjaca (near Banja Luka) on 6 August and stayed there until 14 December. Now, let me tell you the details about the life in concentration camps. First of all, the life in concentration camps was not that difficult for me because I did not have to think of my family. I knew that they were safe in Zagreb. The concentration camp in Omarska was the worst (the ones in Trnopolje and Keraterm were not like the one in Omarska). I saw about 100 people dying everyday. We had 3 minutes for meal – to enter, eat and get out. Everyday we had 3-4 beans, a glass of water and a thin slice of bread. Sometimes we did not even have beans. ... generally we lost 32-34 kg because we were almost starving. Even on the way to the canteen we were beaten by the Serb soldiers. …In Omarska, I suffered from dysentery. In accordance with the suggestion from a doctor, I put the bread and waited it to dry so that I could eat it in the evening to get rid of the microbe. I did this for 4 days and recovered at the end. … ' <u>M.J. (Musl, M, 42, Prijedor/rural, private entrepreneur)</u>

The region around Prijedor witnessed more killings, looting, and detentions in concentration camps during the summer. As Gallagher (2003) notes, 150 executions carried out in Omarska, Trnopolje and Keraterm in July-August were cited in an indictment against Biljana Plavsic, the then vice-president of the Republika Srpska. Among the Muslims executed, many were community leaders and members of the elite. One of the victims was the Muslim mayor of Prijedor. Women of all ages, even the 11-12-year-old girls, were subject to systematic rape. The purpose of using such cruel methods and terror in expelling people was clear: to make sure that none of the survivors would want and dare to return to the town (Vandiver, 2001: 178).

b. Outcry for Action and the Efforts to End the Bosnian War

During the summer, not only the public opinion that had already been forced to think about what was going on in that country with the breadline massacre in Sarajevo in May[23],

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[23] On 27 May 1992, the shelling of civilians waiting in the bread queue had left twenty-two dead (Gallagher, 2003).

but also the whole world became more and more aware of the atrocities and the misery of the civilians who were subject to Serb shelling in Sarajevo and other cities. The UN Protection Force (UNPROFOR), deployed by the UN Security Council in June, was supposed to deliver humanitarian aid to the civilians. However, the deliveries were often obstructed by the forces besieging cities. The number of reports of human rights violations, primarily of Serbs against Muslims, was increasing each day.

Outcry for action in the former Yugoslav territories grew in the international arena in the late summer. Faced with this clamour, the British government, as holder of the EC presidency, summoned all the involved parties to a conference held in London at the end of August. What were the results of the Conference? First of all, International Conference on the Former Yugoslavia (ICFY) was established as a successor to the EC Conference on Yugoslavia that had been formed a year earlier. ICFY would be co-chaired by former US Secretary of State Cyrus Vance and former British foreign secretary Lord Owen. Secondly, the conference adopted 'a statement of general principles for the negotiation of a settlement that included calls for the cessation of fighting, an end to the use of force, non-recognition of gains won by force, recognition of the sovereignty and territorial integrity of states, and the inviolability of recognized borders' (Burg and Shoup, 2000: 212). Even though the London Conference seemed to have got the process on a right track, it would soon prove to be one of the futile efforts of bringing the conflict to an end because the declarations adopted at the Conference contained no enforcement provisions.

In late October came the first detailed proposal for a settlement of the Bosnian conflict from the co-chairmen of the ICFY. The proposal, which would take its final form in a few months, was 'a "solution" arrived by taking the demands of the Serbs, Croats and Muslims and trying to find some geometrical mid-way point between them' (Malcolm, 1994: 247). According to the Vance-Owen Plan (VOP hereafter), the shell of the unitary state would be preserved yet the basis of the internal distribution of territory would be ethnicity. Substantial powers would be in the hands of ten provinces, referred to as 'cantons'. The Plan gave three cantons to Muslims, three to Serbs and two to Croats whereas one would be mixed (Muslim-Croat) and Sarajevo would be a special demilitarised zone. Each canton would have its own legislature and 'the central

government would have no armed force capable of asserting its control over cantons' (Gallagher, 2003: 112)[24].

One feature of the Plan would contribute to the eruption of all-out war between the Croat and Muslim forces. As Malcolm (1994) emphasises, the Plan gave the impression that the boundaries shown on the map were not yet final. This situation incited competition between the two forces for the parts of central Bosnia where neither Muslims nor Croats constituted a majority. The Muslim-Croat alliance going on since the early times of war finally collapsed with this competition for territory[25]. According to Malcolm, the West contributed to the destruction in two main ways. The first one was that the UN, by imposing arms embargo on former Yugoslavia, made Bosnia defenceless. Secondly, the VOP had an important role in the collapse of the Muslim-Croat alliance.

c. The Muslim-Croat War in Bosnia-Hercegovina and the Washington Agreement

In the weeks following March 1993, fighting flared between the Muslims and Croats. The main reason was a conflict over sovereignty and symbols. For instance, in Travnik, an area that fell in the hands of Croat forces despite its large Muslim population, Croatian officers wanted the Croatian flag to fly beside the Bosnian flag. This demand, coupled with others, ignited all-out war in central Bosnia and Hercegovina. In the meantime, the demise of the VOP came in May. Izetbegovic, convinced that the VOP would be rejected by the Bosnian Serbs, signed it. Karadzic, the president of the Republika Srpska, under intense pressure from the Greek prime minister Mitsotakis, Milosevic and Lord Owen, finally agreed to sign the Plan. Yet, the Serb Assembly voted against it and decided to put it to a referendum. Overwhelming majority of the Bosnian Serbs voted in favour of its rejection.

Following the demise of the VOP, the UN Security Council decided to establish safe areas. Actually the Bosnian Muslims were against the idea because they believed that the

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[24] For a detailed account of the Vance Owen Plan see (Burg and Shoup, 2000; Kumar, 1997; Malcolm, 1994).

[25] Tension between the Muslims and Croats had been rising for some time. In July 1992, the Croats living in Hercegovina, led by Mate Boban, had declared a self-governing unit called 'Croatian Community of Herceg-Bosna', and the militiamen, under his leadership, had committed atrocities against the Muslims living in that region. Nevertheless the Croat and Muslim military units had been able to remain war allies (Donia and Fine, 1994: 250-251).

West would reward the Serb aggression by doing that. Moreover, they would be forced to live in these enclaves in their own country. Nevertheless, the UN Security Council declared Sarajevo, Tuzla, Bihac, Srebrenica, Zepa and Gorazde 'safe areas' on 4 June 1993 (Resolution 836). The UNPROFOR would be responsible for their protection. The establishment of safe areas was a good idea according to the UN view but it would prove to be one of the 'fatal errors of the West' (*Unfinished Peace*, 1996: 72) because the UNPROFOR would definitely fail to protect the 'safe areas' and they would become targets for Serb aggression.

While the international community was trying to bring the conflict to an end, fighting continued severely. Particularly the one between the Muslim and Croat forces was among the war's bitterest fighting. One of the most intense combat took place in the region around Mostar. The city was surrounded and continuously shelled by the Croat forces (HVO[26]). Its inhabitants were trapped without basic provisions, and finally the city, under Croat military pressure, was divided into two sections: the area to the west of the Neretva River was under the control of the Croat forces while the Muslim military units controlled the area to the east.

The fighting in central Bosnia had intensified as well. Both sides committed atrocities and war crimes against humanity. What one Croat interviewee told us is just an example showing the extent of the atrocities:

> 'We had to leave our house in Kakanj in June 1993. On the day we left our house 21 people were killed in our village. Many mujahedeen came to our village with the BiH army.' J.G. (Cr, F, 58, Tasovcici/C.C., housewife)

Concentration camps were run in different parts of Hercegovina. Eight of the interviewees were taken to these prison or concentration camps such as Heliodrom in Mostar or the one in Gabela[27]. They were either the interviewees' husbands and children or

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[26] HVO is the acronym for Hrvatsko Vijece Odbrane (Croatian Defence Council). 'HVO was the main military formation of the Croatian Republic of Herzeg-Bosnia during the Bosnian War and it was first organized military force to with the aim to control the Croat populated areas' (*Croatian Defence Council*. Retrieved: August 7, 2007, from Wikipedia. [WWW Document]. URL. http://en.wikipedia.org/wiki/HVO).

[27] The Heliodrom camp was run by the Bosnian Croats between September 1992 and April 1994. Through-out the war, the so-called prisoners or detainees were taken from the camp to the front lines and sometimes used as human shields. For more on the concentration camps see (*Concentration Camps in former Yugoslavia*. Retrieved: August 7, 2007, from Wikipedia. [WWW Document]. URL. http://en.wikipedia.org/wiki/Category:Concentration_camps_in_former_Yugoslavia)

the interviewees themselves. Two survivors told us what they passed through in those camps:

> 'In Heliodrom, there were 300 prisoners. It was planned that a certain number of the prisoners would be killed because some of us were sent to dig trenches and I was sent to put sandbags so that the Croat soldiers would shoot from those sandbags. While I was there, I slept on the floor for 6 months. The food we received was a cup of tea and a slice of bread in the morning and 250 gr beef for 2 persons (something like that). We had to work for 12 hours everyday (from 6 am to 6 pm). After a few months, the Red Cross came and registered us. Yet, it did not mean anything since the Red Cross would not take care of the prisoners. When the Washington Treaty was signed in March 1994, some of the prisoners were released. Thank God I was one of them.' M.M. (Musl, M, 47, Mostar/urban, working temporarily in Sweden)

> 'We [my brothers and I] were captured by the HVO and taken to the prison camp in Gabela. At the end of July 1993, my father came to the prison camp. ... The conditions there were terrible. For example, when one Croat soldier died, we [prisoners] would not receive food for 2-3 days. We were subject to physical mistreatment. … We were released after the Washington Treaty was signed because HVO and the BiH Army made an agreement of exchange of prisoners among themselves.' E.T. (Musl, M, 33, Mostar/C.C 2, working seasonally)

In July 1993, a new plan was developed by the ICFY mediators. It was different from the previous plans in the sense that it reflected neither the integrity of the Bosnian state nor the pre-war distribution of population. The new plan, drafted by Owen and Stoltenberg, who had replaced Vance, would have given the Serbs 53%, the Muslims 30% and the Croats 17% of the territory. Even though the Serbs had to give up about 20% of the territory they held then, the map was definitely to their advantage. The Muslims, on the other hand, were placed in an extremely disadvantageous position. The ethnically cleansed areas in eastern Bosnia and Prijedor region were given to the Serbs. Moreover, although Sarajevo would be de-militarised and under UN administration, the city would still remain divided. Unsurprisingly, the Bosnian government rejected the Owen-Stoltenberg Plan. In the following months different versions of the plan were discussed but none of the sides was happy with it[28].

The negotiations continued, yet the failure to reach an agreement in November pointed to the fact that the Muslim leadership was not reconciliatory any more. It was

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[28] Drafted in November 1993, the EU Action Plan was one of the modified versions of the Owen-Stoltenberg Plan. It soon proved to be another futile effort to bring the Bosnian conflict to an end because the Bosnian government had taken a hard-line stance (Burg and Shoup, 2000).

definitely more confident because the Armija BiH (Army of Bosnia-Hercegovina – the Muslim military units) had started gaining victories in central Bosnia. The town of Vares, about 50 km north of Sarajevo, was one such place. Armija BiH forced the Croats out of Vares on November 4[29]. The night before the Muslim forces entered the town, the HVO ordered all the Croats to evacuate Vares. It was an example to collective leaving. Feeling desperate, humiliated and furious, the Croat population of the town left for neighbouring villages and towns. Here is an example:

> 'We left Vares with the other Croats (about 11.000 of us) on 3 Nov. 1993. The attack of the Bosniak army had already started and the Croat authorities told us to leave and provided transport facilities. It was very difficult to leave Vares, we all felt humiliated and desperate.' J.C. (Cr, F, 49) Z.C (Cr, M, 58) (Vares/urban, unemployed)

As regards the fighting in Hercegovina, the combat in Mostar had intensified by November. The city was almost totally devastated and the civilians, trapped and unable to receive humanitarian aid, were suffering. Along with this the destruction of the 427-year-old Mostar Bridge (*Stari Most*) by the HVO on 9 November 'deepened the despair of those who still hoped to preserve pluralism and a multiethnic society in Bosnia-Hercegovina' (Donia and Fine, 1994: 253).

The winter of 1993-4 witnessed a development that would change the course of the war. The Markala marketplace massacre in Sarajevo, taking place in early February 1994 and leaving about seventy civilians dead[30], ignited a public outcry for action. The West had to do something immediately to bring the war to an end. North Atlantic Treaty Organisation (NATO hereafter) issued an ultimatum ordering 'the Serbs to cease their attacks on Sarajevo and to withdraw their heavy weapons from an exclusion zone around the city or face NATO air attack' (Burg and Shoup, 2000: 287). Likewise, the Bosnian government forces were warned not to launch any attacks from within the city. Moreover, a road was opened from Sarajevo towards Zenica – the so-called Blue Route (*Plavi Putevi*) – so that the Sarajevans could leave the city under the UNPROFOR escort. A couple of interviewees left Sarajevo via this Blue Route.

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[29] After entering the town, the Armija BiH burnt down one of the remote villages, Borovica, in retaliation to the massacre of the Muslims in the village of Stupni Do (lying 3 km south-east of Vares) the previous month. However, they did not kill anybody. By the time the burning took place the inhabitants had already left the village (Personal account based on interviews with the village residents).

[30] It was not possible to specify who was responsible for the massacre as a result of the investigations. Either side – the Muslim or the Serb forces – could have launched the shell (Burg and Shoup, 2000).

On the other hand, the USA had been trying to achieve a separate settlement between the Muslims and Croats so that the fighting could come to an end in central Bosnia. The foreign ministers of Croatia and the Bosnian government had already met under the auspices of the ICFY mediators in early January. Izetbegovic and Tudjman had had a meeting as well. Tudjman had proposed forming a loose union between the Croat Herceg-Bosna and a Muslim Bosnian republic. The meeting, like its predecessors, was resultless. Yet, within time, both sides had come to the point of gaining more from a cease-fire and an end to the fighting between them. Accordingly, the Croats agreed to a US-brokered plan which called for forming a joint Muslim-Croat federation in the territories they held then. The talks that started in Germany on February 18 finally led to agreement on a cease-fire between the two sides (22 February 1994). On March 1, an agreement to create a Bosniak (Muslim)-Croat Federation was signed in Washington. Further discussions concerning the constitution and other matters took place in the following weeks, and on March 18 an agreement to enact a constitution was signed again in Washington. As Burg and Shoup (2000: 294) note, the agreement was a signal that the Croats had – at least formally – given up demanding the partition of Bosnia into three entities because, as stated in the Washington Agreement, the Bosniak-Croat Federation was to be a single entity composed of cantons yet to be determined[31]. Mostar was to be placed under EU administration[32].

d. Change in Multilateral Diplomacy

It was after the signing of the Washington Agreement when there was a shift in multilateral diplomacy. The Clinton administration became more and more furious at the lack of progress in the ICFY negotiations and the UN opposition to the use of force against the Serb forces[33]. Furthermore, the domestic political pressure about lifting arms embargo and using force was increasing every other day. Thus the Clinton administration was pushed towards advocating use of force to bring the Bosnian war to an end. The ICFY, as known, was in favour of finding a diplomatic solution to the conflict. Hence, with the

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[31] The agreements were never fully implemented but by bringing an end to the fighting between the two sides, a common military effort was established against the Serb forces (Burg and Shoup, 2000: 298).
[32] For a detailed account of Mostar under the EU administration see (Bose, 2002:106-116).
[33] The outbreak of fighting in Gorazde in April was the last drop because the hope of negotiating a cease-fire was all gone (Burg and Shoup, 2000: 299).

intention of drawing the USA more directly into the task of finding a solution on the diplomacy table and preserving the central role of Europe, the co-chairs of the ICFY proposed establishing a Contact Group composed of the US, Russian, French, German and British representatives. The Contact Group was formed in late April.

The establishment of the Contact Group was an innovation in the sense that it changed the character of the international effort to achieve a settlement. There would be no more direct, multilateral negotiations among the parties to the conflict. Instead, the Contact Group representatives would meet with each of the parties separately. But even these meetings gave the opportunity to the parties to present their demands. As the meetings proceeded, it was understood that the main issues the Contact Group faced and the positions of the warring parties regarding those issues were slightly different from those that had developed over the course of 1993 and early 1994. The positions of the great powers did not change much, either. The USA was still in favour of exerting military pressure on the Bosnian Serbs while the Russians were strongly opposed to the idea.

The USA was rather reluctant in drafting another plan. However, the Contact Group did produce one in July 1994. It was delivered as an ultimatum in the form of a map. The territories assigned to the Croats and Muslims were expanded compared to the ones allocated under the Owen-Stoltenberg Plan (Burg and Shoup, 2000: 303). According to the division formed by the map, the Bosniak-Croat federation was to get 51 % of the territory while the remaining 49 % would be left to the Bosnian Serbs. Constitutional arrangement, on the other hand, would be refined after the parties accepted the deal on division. The Bosnian government accepted the plan because there was no doubt that the Serbs would reject it. Indeed, the Bosnian Serb Assembly voted against the Contact Group Plan/Map. Like its predecessors, the Contact Group plan was doomed to fail[34]. So, the Clinton administration came under more domestic pressure in lifting the arms embargo on the Bosnian government.

At the end of 1994, an armistice agreement was signed between the Armija BiH and the Army of Republika Srpska (VRS - Serb forces under the command of General Ratko Mladic) as a result of the former US president Jimmy Carter's efforts. The cease-fire was quickly broken in the Bihac area, but elsewhere in Bosnia the quantity of fighting

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[34] For the factors that played a role in the failure of the Contact Group Plan see (Burg and Shoup, 1999: 306-7).

decreased considerably. However, the armistice lasted for only four months. After the truce was broken, there was an intensification of fighting in many parts of the country. This was an indication that Bosnia was again sliding into full-scale war. In May, the VRS was engaged in a big military push in retaliation to NATO's bombing of Serb headquarters and ammunition depots in Pale (Kumar, 1997: 88). On 25 May 1995, Tuzla's main street was shelled, leaving seventy-one people dead; the bombardment of Sarajevo was resumed; and over 350 UNPROFOR troops, many of them French, were seized as hostages. This was the Serb response to the limited use of NATO air power against them.

e. Exodus from Srebrenica and the Genocide

After its soldiers were taken as hostages, France urged creation of a 'Rapid Reaction Force' that would respond more fiercely to the Bosnian Serb aggression. The French proposal was supported by most of the West European countries and the UN because UNPROFOR had been humiliated too much. It was time to react. The force was to be composed of 10,000 soldiers; French, British, Dutch, Belgian, and German contingents would be in the Rapid Reaction Force. Towards the end of June, the USA promised to provide 50 million USD for the costs, but while the Rapid Reaction Force was being brought together, the VRS started massing around the 'safe area' Srebrenica. It was building up for the attack on the town.

On 24 June 1995 came the Serb threat to demilitarise Srebrenica, yet it was not taken seriously by UNPROFOR. In less than two weeks, the VRS laid siege on the enclave and started bombarding, and the Dutch battalion responsible for protecting Srebrenica asked for NATO planes to be held ready for air strikes. However, the commander's request was turned down by General Janvier, the overall UN commander based in Zagreb, because the UN 'believed that the Serbs only wanted to take a small part of the enclave in the south' (Kumar, 1997: 88). On 8 July, the VRS forced the Dutch battalion to withdraw, and the next day as thousands of displaced civilians from surrounding villages and towns took refuge in the enclave, the VRS seized thirty UNPROFOR troops as hostages. Despite what was happening, General Janvier still turned down the Dutch commander's requests.

Albeit limited to tanks or artillery seen firing, air strikes were finally ordered on 11 July, the day when Mladic told television viewers that 'the moment for revenge against the

"Turks" had finally come' (Honig and Both, 1996: xviii) and that the city was given as a "present to the Serb nation". The Serb forces threatened to kill the thirty hostages. So, the Dutch government asked NATO to suspend air strikes. Srebrenica fell in a couple of hours and in the evening the Dutch soldiers drove the Muslim families to the UN compound in Potocari where approximately 20,000-25,000 Bosniaks were gathered[35]. Some of the Bosnians interviewed left the town by running through the forest whereas some, like in the case below, were able to leave with the UNPROFOR convoy:

> 'In July 1995, when Srebrenica was about to fall, we went down to the town centre and waited for the convoy. I was separated from my husband, my oldest and middle sons and my daughter-in-law who was pregnant then and left with my 2 daughters and youngest son in a UNPROFOR convoy. We went to Tuzla. Except my middle son, that was the last time I saw my husband, oldest son and daughter-in-law.' H.D. (Musl, F, 53, Srebrenica/rural, housewife)

Serb forces marched into the town the next day, and thousands of Muslim males, who had been under detention since the fall of Srebrenica, were 'taken on buses to what proved to be a number of killing grounds' (Gallagher, 2003: 159). After having watched the fall of the town, the Dutch battalion finally left Srebrenica on 13 July. One of the interviewees left with the Dutchbat officers:

> 'I left Srebrenica on July 13, 1995. Nobody from my family was with me because when the war started I had taken my wife and children to Tuzla (with our car). I left Srebrenica on the same day the Dutch UNPROFOR left the town. I left with the first vehicle and then plane. I was working as a logistic officer in the military hospital, which was under the protection of Doctors without Borders (MSF), and survived all those events that took place with the entry of the Serb forces. I do not want to talk about those days. I was able to survive and did not want to leave the wounded people in the hospital. All the doctors and nurses had left because nobody could provide them security (neither the Dutch battalion nor this MSF).
> When the Dutch battalion decided to leave, I left with their car to Serbia, and then I went from Serbia to Zagreb.' A.P. (Musl, M, 57, Srebrenica/urban, owner of a restaurant)

As the Dutch battalion left the town, the VRS was evacuating the displaced Muslims from Potocari. At the same time, 'they were killing and capturing as many men as possible

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[35] Potocari is a village lying 6 km north-west of Srebrenica. For more on the Srebrenica massacre see (Burg and Shoup, 2000).

of the 10,000-15,000 who had broken out of the enclave in an attempt to reach Bosnian government-held central Bosnia on foot' (Honig and Both, 1997: xviii)[36].

After the fall of Srebrenica, the Serb forces passed onto their second target, Zepa. They encircled the enclave and started shelling the UN observation posts. The town fell in eleven days (25 July 1995). The US was extremely angry at what was going on in Bosnia, and the Senate voted for the US to unilaterally withdraw from the arms embargo. Moreover, the UN Commissioner for Human Rights, Mazowiecki, resigned from his post. He was protesting the international community's big failure to protect two 'safe areas', Srebrenica and Zepa.

f. The War Changing its Course and the Road to Dayton

The Croatian Army's full-scale offensive launched against the Krajina region under Serb control in early August – the Operation Storm – played an important role in changing the course of war in its third year. Yet, the real trigger came at the end of that month. The Markala marketplace was shelled for the second time and thirty-eight civilians were killed. The massacre took place at a time when the Western policymakers had already decided on the use of air force against the Serbs. Two days after the Markala marketplace massacre, the NATO began its air campaign 'Operation Deliberate Force'. The Republika Srpska Assembly announced that it had accepted the US proposal and agreed to negotiate. The proposal included the creation of a union between the Bosniak-Croat federation and the Republika Srpska. Milosevic had exerted too much pressure on the Bosnian Serbs to agree to the US initiative[37]. Finally, Karadzic, in a letter delivered to Jimmy Carter, accepted the initiative. However, NATO continued its air campaign until September 12[38]. In the meantime, an accord on 'basic constitutional principles', which called for mutual recognition of the existing borders of former Yugoslav republics and the Bosnian state to

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[36] Among these, the stronger men succeeded in making it through the Serb lines but most of the weaker ones were captured and executed. According to a Red Cross report, 6,546 tracing requests were registered for people missing from Srebrenica and 6,513 of these people were men (Honig and Both, 1997: xviii).
[37] Moreover, 'Milosevic imposed an agrement on the Bosnian Serb leadership on August 29 establishing a joint Bosnian Serb-Yugoslav- delegation to conduct all further negotiations' (Burg and Shoup, 2000: 335). As a result, he was authorised to resolve deadlock in the delegation.
[38] The air campaign was justified on many grounds. For the factors playing a key role in the justification of the air campaign see (Burg and Shoup, 2000: 352-3).

comprise two 'entities': the Muslim-Croat Federation and a Republika Srpska[39]. Even though the accord was vague, it was an advance in the sense that the Bosnian Muslims had at last accepted a Serb entity while the Bosnian Serbs had finally acknowledged a unified Bosnia.

In early October, a 60-day cease-fire was finally announced. Yet, it was not possible to implement the cease-fire immediately. The fighting continued even after the agreement on cease-fire was signed. The talks on the future political structure of Bosnia finally started among the three parties in the Wright-Patterson Air Base in Dayton, Ohio on 1 November. Everything was same in the sense that the difficulties and disagreements that had characterised the earlier efforts to broker a settlement were still in place. Negotiation was not easy due to the re-emergence of the long-standing differences in the basic war aims of the parties. For instance, the Bosnian Croats and Muslims could not agree on the allocation of power in Bosnia. 'The Muslims continued to advocate proportionality rules based on population, while the Croats (represented by Croatia) insisted on apportioning power on the basis of equality among all three "constituent nations"' (Burg and Shoup, 2000: 361). Accordingly, the Croats wanted the state power to be in the hands of the Muslim-Croat Federation rather than the central government. The Bosnian Serbs, on the other hand, preferred a strengthened Serb republic at the expense of the central Bosnian state. The only party in favour of a unified Bosnian state was the Muslim side. These political differences marked the whole talks in Dayton.

The map was the main problem from the first moment of the Dayton talks. The combined Croat-Muslim offensives in summer 1995 had left the Bosnian Serbs in a rather disadvantageous position. The territory they controlled had decreased sharply. The Muslims and Croats jointly held 51 % of the territory while only 49 % was under the Serb control. Milosevic, as the only person to decide in the name of the Bosnian Serbs, agreed on 18 November that as long as the 49-51 split was preserved the control of Sarajevo could be transferred to the Muslims[40]. However, the Bosnian government did not agree upon a territorial settlement until the time the USA gave an ultimatum.

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[39] Until that time, the West had rejected the name Republika Srpska even though the Bosnian Serbs named their self-declared state as such. In that sense, the use of the name implied recognition and it was a big concession (Burg and Shoup, 2000).

[40] Actually the map produced at the end of the talks was a symbol of the Bosnian Serbs' political defeat, particularly in the Sarajevo area, and it was imposed on them without their participation in the talks. After the

The negotiations finally bore results and the peace agreement was initialled among the sides, namely the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, on 21 November 1995. According to the agreement, Srebrenica and Zepa were to remain in the RS while Gorazde and a connecting corridor to Sarajevo would be under the Bosniac-Croat Federation control. The status of Brcko was one of the most contentious issues at Dayton. This issue was not resolved. International arbitration would decide the future of the district. The cease-fire and division of Bosnia-Hercegovina were to be guaranteed by an international force under the command of NATO. With the initialling of the peace agreement, UN agreed to lift sanctions on Yugoslavia and phase out the arms embargo.

Upon the insistence of the French leaders, the agreement reached at Dayton was officially signed in the Elysée Palace on 14 December. Before the signature ceremony in Paris, a conference was held in London to work out the details of the peace implementation plan. The proceedings of the conference and decisions taken are elaborated in the following chapter in which Bosnia-Hercegovina is examined as a product of the Dayton Peace Accords.

The bloodshed that had been continuing for more than three years was finally brought to an end. Europe had failed in resolving the Bosnian conflict by diplomatic means. Even though the USA insisted that the war in Bosnia was Europe's problem, the Clinton administration, under domestic pressure, had no choice other than to intervene. After paying the price of Yugoslavia's disintegration in a severe and bloody way, Bosnia was on the world stage as a product of the DPA.

V.2.3. The Outcome of War: Displacement

a. Leaving Home and Life in Refugee Camps or Collective Centres

The outbreak of war in Bosnia resulted in displacement of thousands of Bosnians in a short time. As people left their homes, villages and towns, the journey to obscurity and the

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initialling of the peace accords, Milosevic met with the Bosnian Serb leaders to urge them to carry out the agreement (Burg and Shoup, 2000).

tragedy started. Some were able to flee just before their towns were occupied and some tried to escape under constant shelling. In eastern towns such as Zvornik, the Serb forces organised every stage of the Muslim population's expulsion. They escorted them while the Bosniaks were passing the Drina River to Serbia. In some other cases, they were expelled from their homes. It was total chaos in most of the places, and people did not know what to do. Some were rather hesitant in leaving but they had no other choice. They left in fear and pain. Some were kicked out from their houses. One of the Bosniak female interviewees in Banja Luka relived those times as she told us about her expulsion:

> 'I was expelled from my house [in B. Luka] in 1995. … Somebody working in the same place with me had told the military officers where I was living so **I was shown as a target**. When **the military** broke in, I was not at home because I had gone shopping. I found the officers in my apartment when I came back. They **threw me out of the apartment saying that the apartment did not belong to me any more**. Upon this, I went to the headquarters of the military command to complain. I said 'May I go to the apartment to get at least a jacket?' I had only what I was wearing, nothing else. The reply was 'You do not have anything there – nothing in that house belongs to you any more!'' <u>N.M. (Musl, F, 73, Banja Luka/urban, retired)</u>

In some cases the informants were under so much pressure that they had no choice other than leaving their homes and home-towns. What the two Croat ladies tell might be helpful in grasping the extent of pressure:

> '[A] few times police came to our apartment and we understood that we were not welcomed in Zenica any more. The authorities in our work-places did not fire us directly but exerted so much psychological pressure on us that we had no choice other than to leave. ...' <u>M.V. (Cr, F, 53, Zenica/urban, unemployed) // married to a Serb – mixed marriage</u>

> 'We [my husband and I] had to leave our apartment because we were receiving threat calls and were under too much psychological pressure to leave Banja Luka. Before we left the city, my husband had been caught by the military (Serb forces) while he had been in our weekend house, and they had forced him to run along their bicycles. They had beaten him saying 'Why is not your father's name Jovan? Why is it Ivo instead?' He had been forced to run 10 km like that. He became mentally unstable after that incident.' <u>A.M. (Cr, F, 75, Banja Luka/urban, housewife)</u>

Refugee camps or collective centres were the first stop. As more and more people were displaced from their homes, the need to provide humanitarian relief became more urgent. Schools, sports halls, museums and military barracks were turned into collective

centres or refugee camps. The humanitarian agencies such as the International Committee of the Red Cross (ICRC) and later on the UNHCR provided aid to the Bosnians in these camps[41]. The conditions in these camps were generally poor. A Bosniak female interviewee from the Hercegovina region, who shared her camp experience with us, points to different conditions in camps as follows:

> 'While my husband was taken to a prison camp, I went to Dreznica with the children. We were settled in a collective centre there. Since the conditions in that centre were so bad (you cannot even talk of conditions) we were taken to Jablanica with the help of UNPROFOR. There we were settled in a museum. But I was pregnant so they transferred me to a camp in Ostrozac (close to Jablanica in central Bosnia), and one of the humanitarian agencies took care of us and provided food and clothes. We stayed in this camp until August 1994. I had a natural birth there because there was no doctor – only an old lady helped me deliver the baby. The conditions were good – enough food, good sanitary conditions, beside meal we were given packages of food as well.' S.D. (Musl, F, 35, Capljina/rural, selling a producer's fruit and vegetables on the main road)

Apart from the poor conditions in which they had to live, some of the Bosnians were afraid of being mistreated because of their ethnicity. Thinking that she would be in trouble because of coming from a mixed marriage, one of the female interviewees from Vares was under constant fear:

> 'We left Vares with all other Croats and went to Kiseljak. There we [children and I] stayed in a collective centre. It was a school. ... Like when I left Vares, I was afraid in Kiseljak that the soldiers would check my documents because I was coming from a mixed marriage (my father was a Muslim). I thought that I would be in trouble. So, I stayed there for 6 months with this fear everyday. ...' J.P. (F, 45, Vares/urban, working as an administrative technician in a car insurance company) // mixed marriage (M-C)

The number of displaced persons increased sharply as the fighting intensified between the forces. Some left their homes and were dragged from one place to another within the country. Some, after spending a few days or months in Bosnia, fled abroad. They went to either neighbouring countries or 'safe third countries' (or some passed from a neighbouring country to a safe third country) and became refugees. In one way or another, more than half of the population was blown away.

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[41] After an attack on a Red Cross convoy which took the life of the head of its delegation, the ICRC decided to withdraw its delegates from Bosnia in late May 1992. As a result of this withdrawal, the UNHCR had to take the lead role in responding to the rapidly increasing needs of the displaced Bosnians (Ogata, 2005). However, it had to suspend its operations in the country because 11 UNHCR trucks were hijacked (Newland and Meyers, 1999).

Among the ones, who became internally displaced, some settled near their relatives or in abandoned houses, while others were dragged from refugee camps to abandoned houses. It was not easy to get humanitarian aid. Some were lucky because they were able to work and earn money, but mostly it was a little amount. Some tried to live on the aid they received from the humanitarian agencies. A Bosniak female from Capljina in the Hercegovina region gives a cross-section of life in an abandoned house:

> 'After we were expelled (in August 1993), I came to Blagaj with the children and we settled in an abandoned house (my husband had been taken to concentration camp). At the beginning, it was very difficult to get food. But that year's harvest was good, so, on their way to the front line, men tried to pick up potatoes, pumpkins – whatever they could find. Later on, we started receiving humanitarian aid. After 3-4 years, we moved to Mostar in order to find a job easily and started living in an abandoned Serb house but the conditions were not good at all. ...' H.D (Musl, F, 56, Capljina/rural, selling her fruit and vegetables on the main road)

It was evil as well as hard times. People were expelled from their homes. Some were taken to concentration camps and some were killed on the spot. Under those circumstances, one could still come across with good people trying to help persons or families from other ethnic groups. The example below is from the Prijedor region, infamous with the Omarska and Trnopolje concentration camps. A Serb guy protected a Bosniak family from being executed by the Serb forces:

> 'After staying in Trnopolje camp for a month, we went to Prijedor. My wife had a brother living there. We went to his place, but did not feel secure at all because we were waiting for the police to come any time. So, we decided to leave. We knew a **distinguished Serb in Prijedor**. He **told the police that he was a guarantee for us**. If he did not make such a remark, it was for sure that we would be executed. We stayed with this guy for 1, 5 months then went to Zenica on foot. … ' H.G. (Musl, M, 74, Prijedor/rural, retired)

Among the Bosnians who became internally displaced, many ended up in collective centres after spending the war years in abandoned houses, refugee camps or near relatives. They would still be residing in collective centres ten years after the war came to an end in Bosnia. One of the Croat interviewees from the collective centre in Tasovcici in Capljina municipality was surprisingly laughing when she told us about what she and her husband passed through:

> 'When we came to Konjic, we settled in an empty Serb house and stayed there until October 1993. The fighting between Croats and Muslims had already started. Some of the Muslims were protecting us whereas other Muslims were provoking. One

day soldiers from the Bosniak Army came and knocked on the door. I opened the door. … they locked us in the bathroom and said that we should not leave ½ hour after they leave. Some time later we were able to open the window and escape [*laughing*]. We were very afraid to stay there and also heard that UNPROFOR was transporting the displaced people to anywhere they wanted to go. So, we wanted to come to the Hercegovina region. UNPROFOR registered us, and we were transported to Jablanica and settled in a museum that was turned into a collective centre. … We stayed there for 12 days. After that UNPROFOR came and took us to the confrontation line. The Croat army picked us up … Then we came to a small village in Capljina and settled in an empty Muslim house whose owner was in Norway.' K.A (Cr, F, 69, Tasovcici/C.C, housewife)

Some of the Bosnians, as mentioned above, fled abroad. They left the country under various circumstances. The informants shared their flight experiences with us. Some were able to leave their towns and the country without 'any problem' since they were assisted by the humanitarian agencies such as the Red Cross, the Red Crescent. In one case, the Bosniak interviewee was smuggled by his family and taken out of the country:

'I was captured in April 1992 and taken to the headquarters of 'Arkan's Tigers'. ... At the end ... my family smuggled me in a vehicle and took me to Novi Sad (in Serbia). From there, we [my wife and I] went to Skopje and from there to Sofia. We travelled at night all the time. From Sofia, we took the plane to Prague. ...' J.T. (Musl, M, 53, Bijeljina/urban, owner of a cafe)

Several Bosnians did not want to leave their country at all. One Bosniak interviewee was in such situation. Yet, he had to be taken abroad to get medical treatment because he was wounded while fighting on the front line:

'I was in the army. In 1993, I was injured and left Sarajevo for France in order to get medical treatment. I was taken to Paris by a plane organised by the UN (it was for all wounded soldiers, people).' A.K. (Musl, M, 37, Sarajevo/urban, war veteran)

One Bosniak interviewee left Bosnia in a rather risky way. He lied to the authorities. He had to take this risk because otherwise he would not be able to leave at all:

'I left Zvornik in 1992. I managed to sit in my car with my mother while my wife and daughter ran away on foot. We left the town but I told the authorities that I would soon come. Allegedly I said that I was taking my mother to my sister, who was living in Mali Zvornik, but actually we left for Belgrade.' H.G (Musl, M, 54, Zvornik/urban [living in rural area], working as a volunteer in the Association of Citizen Returnees)

Several informants were faced with problems while they were trying to leave the country. Some were not allowed to pass the border because they did not have their

passports, and some had to travel in rather insecure conditions. The para-military forces stopped many and wanted to confiscate their vehicles. One Bosniak lady from Banja Luka almost drowned with many other people as they were crossing the Sava River:

> 'After being expelled from my house, I left Banja Luka ...We came to Sava River by bus. There were so many people on the bus that we almost suffocated – not enough space for everybody. When we came to the Sava River, plastic rubber boats were waiting to transport us to Croatia. However, Sava was higher than usual thus it was very difficult to cross. We managed to cross at the end but were really afraid of sinking.' N.M. (Musl, F, 73, Banja Luka/urban, retired)

Another had to leave her home-town and country under constant sniper fire. She travelled with her family. On the way, they were stopped by masked men many times. Their journey to Zagreb was extremely dangerous:

> 'My parents took the decision [to leave] in April 1992 ... We went to Zagreb in Croatia. We travelled in our car through burnt-down villages and over a bridge (between BH and Croatia) that was constantly under fire of snipers. … The trip to Zagreb (3 hours away from my hometown) was very risky. The risk of being hit by a grenade or by a sniper was overwhelming. I remember my father drove very fast and that armed and masked men stopped us on several occasions. My father had a paper from a high-positioned officer that he was allowed to leave, but I remember that the people, who stopped us, were very unfriendly.' N.P (Musl, F, 24, Mostar/urban, Assistant Political Officer in an agency)

Many Bosnians had risky journeys since they tried to flee although they were not allowed to do so. Some had to travel hiding in trucks. In one case, the risks did not come to an end even after the Bosniak informant left the country by paying huge amount of money to pass to Serbia. He could be picked up and sent back to Bosnia:

> 'I left my house in Bijeljina in December 1993 and had to pay 15.000 DM to be released from the town so that I could cross the Drina River to go to Serbia. Once you entered the Serbian territory, it was up to you how you could manage. In Serbia, I was very afraid of being picked up from the vehicle I got on, so I went on foot to Subotica.' D.S. (Musl, M, 26, Bijeljina/urban, working in construction sector but not registered)

b. Life in the Neighbouring Countries

The first place Bosnians sought refuge was the neighbouring countries such as Serbia and Croatia. Some were granted refugee status and stayed there, and some used these countries so that they could flee to third countries. They waited for the required documents

such as passports, visa, guarantee letters in some cases and sometimes money. While they were waiting, they usually stayed near relatives or friends. Among the informants, four went to Croatia (Zagreb and Osijek) and two to Serbia (Belgrade). One of them, a Bosniak lady from Sarajevo, chose an extremely risky way to go to Europe. She waited for passport forgery in Croatia and went to Sweden afterwards. Here is her story:

> 'After staying in Zenica for a night, we went to Zagreb where we waited for 7 days for forgery of Croatian passports. I had to pay 5000 DM for me and my daughter. When the passports were ready, we went to Sweden. It was a very risky journey because of the passports we carried. We were stopped at the Slovenian and Austrian borders for passport control. Since it was good forgery we were not faced with any problems. But if it was found out that we carried forged passports, especially at the Austrian border, we would be in big trouble. If you pass without any problem, then you would be safe because you enter the EU zone. The whole journey took 34 hours. We went by bus and ship.' <u>A.M. (Musl, F, 45, Sarajevo/urban, working in Sweden)</u>

How was the life in the neighbouring countries? In some cases, 'good people' showed humanity, and they welcomed and helped refugees in every way they could. In other cases, the Bosnians either stayed in refugee camps or near relatives. Some were able to rent apartments as well. But still each had a hard life in many respects. The ones, who had entered the country illegally, were under risk of being arrested and sent back to Bosnia. They were faced with financial problems since the money they had taken was running out quickly. Or, as in the case below, it was emotionally difficult to be away from their beloved ones:

> 'We left Sarajevo on 4 April 1992 and went to Novi Pazar. When we arrived there, the Muslim police treated us in a good manner. I thought that we would stay for a short time, but we stayed for 2 years. When I was there, I felt very sad because I was away from my parents and relatives. I was crying when I was alone since I did not want anybody to see me crying. One day I saw one of my friends crying while talking to her mother on the phone. She was crying because she had not seen her mother for 6 days. It was the first time I cried in front of my friend because I had not even talked to my mother for 8 months. … In the meantime, my father had been killed in September 1992, but my mom did not say anything about that. My uncles had to tell me that he was killed. … It was very difficult especially for my brother because he did not expect such news. …'<u>A.P. (Musl, F, 35, Sarajevo/urban, accountant in a firm)</u>

The attitude of the host states was important as well. For instance, the Muslims were welcomed in Croatia at the beginning. They were granted refugee status and the ones, who were staying in refugee camps, were quite satisfied with the conditions. However, as a

Bosniak lady from Mostar told us, the authorities changed their attitude after fighting broke out between the Croat and Muslim forces in Bosnia:

> 'When I left my home in 1992, I went to Croatia. There we stayed in a hotel that became a collective centre in Igrani (on the Croatian coast). I was given refugee status and we were provided 3 meals per day yet did not receive any money. When the fighting erupted between the Muslims and the Croats (in 1993), the Croat authorities in Croatia did not want to provide protection to us [the Bosnian Muslims] any more, and sent us to Belgrade. …' M.T. (Musl, F, 76, Mostar/urban, retired)

How were the conditions in the refugee camps in neighbouring countries? There were exceptions[42] but generally the conditions were poor. For example, one of the Bosniak interviewees once got poisoned from the food and was hospitalised. Another one from Srebrenica claimed that she received a small portion of the humanitarian aid while she was staying in a refugee camp in Slovenia because:

> 'In Slovenia, we were settled in military barracks which was turned into a refugee camp for the refugees from BiH and Croatia. 50 people were staying in one room. The conditions in the camp were very bad. … The camp was in an isolated place. Even though Italians were providing food and clothes we received only a small portion of this humanitarian aid because the Slovenes were selling most of the aid material.' H.S. (Musl, F, 44, Srebrenica/rural [living in Ilijas], unemployed)

On their way to third countries, some had to go from one place to another. They were literally blown away. Four interviewees were in such situation. One Bosniak lady from Foca told us in a very excited manner all the details about how they were blown away on their way to Germany:

> 'My husband left Foca a month before the war broke out and went to Niksic (in Montenegro). When the war started, I left our village and went to Niksic, too. In Niksic … we checked out from the municipality and decided to leave the place since we did not find it secure to stay. We planned to go to Skopje. The buses were not safe so we decided to go there by train. Just one station before the border, we were told that all refugees from Foca should leave the train. We met an Albanian guy on the train. He told us to get off at the next stop. We did so and saw another Albanian guy (we recognised him from his cap) who was a Muslim. … This guy helped us cross the Macedonian border. Three hodzas were waiting to take us to Skopje. In Skopje, we were registered as refugees at the Red Cross office and stayed in a collective centre in which one room was given to 18 people. The conditions were really horrible. ... We could not stand staying there. It was better to go to a third country. We wanted to go to Austria but it had already closed its

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[42] The exceptions were mostly transit centres or settlements like public houses. Two Bosniak male interviewees stayed in such places and they were satisfied with the conditions there.

border to refugees from ex-Yugoslavia. So we had to go to Bulgaria – the poorest safe country! In Bulgaria, we came to a place which was very crowded – it was a football stadium. There we were surrounded by soldiers and were very afraid because we thought that they would execute us. …From there we were taken to a hotel where we stayed for 1, 5 years. The conditions were perfect. After getting passport with the help of the Bosnian Embassy officials in Turkey, we went to Germany.' S.C (Musl, F, 70, Sarajevo/urban [home – Foca/rural], housewife)

As a result, thousands of Bosnians left Bosnia to seek refuge in the countries of first asylum or safe third countries, mostly in Europe. In about four months, Germany accepted as many as 200,000 refugees from Bosnia[43]. Many came to Turkey, too. A big majority stayed in the Gaziosmanpaşa refugee camp, the so-called guesthouse, in Kırklareli. Among the Bosnians, who fled to Europe and America, some were granted refugee status and they started a new life in the host countries. Some, on the other hand, were dragged from one collective centre to another while waiting for their asylum applications to be approved. The result was a big disappointment in some cases. Some were rather content with the conditions in these third countries and decided to establish a new life there. They were given residence and work permit. They are visiting Bosnia regularly and some want to return permanently when they get retired. Such situation is an example of, what Marita Eastmond (2006) calls 'transnational return'. Six Bosnians interviewed for the present study are in this situation. Most of the people, who went to Europe as asylum-seekers, were given temporary protection. The discussions on temporary protection as well as how the refugees from Bosnia were welcomed and treated in Turkey along with other host countries are examined in the following pages.

c. The International Community's Response to the Bosnian Refugee Crisis

How did the international community respond to the refugee crisis generated by the Bosnian War? As discussed in the chapter on international migration, Europe was faced with an influx of asylum-seekers as the Cold War era came to an end. Refugee flows had shifted from the developing world back to the industrialised North. The fall of communism in the Eastern Europe and the dissolution of the SU resulted in the biggest population movement Europe had ever seen since the immediate aftermath of the World War II.

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[43] Germany was followed by Hungary with 60,000, Austria with 50,000, and Sweden with 44,000 (van-Selm Thorburn, 1998:173, note 3).

Consequently, cooperation of EC member-states in issues of asylum and immigration gained pace. So did the efforts to harmonise policies. Western Europe was extremely concerned about the refugee flows from Eastern Europe.

The Bosnian crisis erupted when those matters were hotly debated at the European level. The reason for the debate was actually the Yugoslav refugee crisis because the war in Croatia had displaced many people who sought asylum in Western Europe. With the breakout of war in Bosnia-Hercegovina, the refugee crisis had deepened. The Council of Europe advised the European states to accept more asylum-seekers and give them temporary protection. What was the reason for that? The neighbouring countries were already hosting more refugees than they could cope with, and if international organisations and other European countries did not help, it would be very difficult for them to accommodate further refugee influxes[44].

To discuss the Bosnian refugee crisis, the EC member-states held a one-day conference in Geneva. Germany proposed a quota system. Accordingly, each country would accept a certain number of refugees depending on its size and ability to accommodate them. However, Great Britain was against the idea. The Minister of Overseas Development, Baroness Chalker, was in favour of accommodating of refugees in the places as close as possible to their homes so that they could return quickly once the fighting came to an end. It was in the interests of the refugees themselves. Yet, the Minister missed one important point. The main aim of the war in Bosnia was to ensure that the refugees would never return. In that sense, it was wrong to assume that the return of the refugees would take place after the fighting had ended. Return was an issue of the London conference that was scheduled for the following month. The crisis they had to face then was a humanitarian crisis, not a political one. Therefore, the response had to be humanitarian, not political.

Accommodation of refugees as near as possible to their homes meant that the neighbouring countries, particularly Slovenia and Croatia would have to shoulder the burden. The notion of burden-sharing came to fore at that point[45]. Apparently, Slovenia and Croatia were the first to call for burden-sharing. Croatia announced that it could host

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[44] The Council of Europe reports on the Yugoslav crisis dated 1991 and 1993, cited by (van-Selm Thorburn, 1998).

[45] For the discussion on burden-sharing see (van-Selm Thorburn, 1998).

no more refugees from Bosnia because, apart from its own displaced people from the previous year, it was 'turning into a giant refugee camp' (Silber and Little, 1995) by hosting almost a million Bosnians who sought refuge. The western nations had to lessen this burden by taking more refugees.

As the conflict continued, it became even more difficult to cope with the problem of displacement. Western Europe was faced with more people coming from the ex-Yugoslavia, particularly Bosnia-Hercegovina. States responded by imposing visa restrictions on citizens coming from some of the former Yugoslav republics including Bosnia. The visa policies put many people in a disadvantageous position and it was rather unfair to be treated like that. First of all, many embassies in Sarajevo were closed so they could not issue necessary documents. Secondly, as Thorburn (1995) notes, Croatia did not allow entry of the Bosnians who could not offer any documentary proof about the onward movement they proposed. Lastly, the visa requirement meant that the Bosnian citizens, who were not determined by international organisations vulnerable thus included among the persons to be evacuated, were definitely restricted. Another outcome of the visa policies was that the neighbouring countries would have to shoulder a big burden.

Towards the end of the year 1992, the EC member-states held a conference in London in which they adopted a 'Conclusion on People Displaced by the Conflict in the Former Yugoslavia'. According to the Conclusion, the member-states were to respect a number of guidelines among which offering protection on a temporary basis to the persons coming from former Yugoslavia, was prevalent[46]. By taking the decision to provide 'temporary protection' to *de facto* refugees[47] from the region, the EC member-states gave the signs of systematising as well as formalising *de facto* policies (Lavenex, 1999: 57). Likewise, the UNHCR advocated temporary protection: 'persons fleeing from the former Yugoslavia who are in need of international protection should be able to receive it on a temporary basis' (UNHCR Background Note, 1993, cited by Thorburn, 1995:121).

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[46] The Conclusion of 30 November-1 December was followed by another on the guidelines regarding the admission of vulnerable groups from ex-Yugoslavia in June 1993. For the persons included in these groups see (Joly, 1996: 76).

[47] *De facto* refugees is the term used to describe 'persons who have not submitted an asylum application or whose application has been rejected, but who for humanitarian reasons (e.g. the threat of torture or capital punishment) cannot be sent back to their home countries' (Glossary Immigration A-Z. Retrieved: January 18, 2008, from German Federal Ministry of Interior. [WWW Document]. URL. http://www.zuwanderung.de/english/2_neues-gesetz-a-z/de-facto-fluechtlinge.html).

On the other hand, the neighbouring states, particularly Slovenia and Croatia continued their appeals for burden-sharing. Croatia had prepared a 'Report on Problems of Displaced Persons and Refugees in the Republic of Croatia' asking for the EC and other states to share the financial burden. Yet, Croatia's request met with no response. The situation in Slovenia was no different than the one in Croatia. The financial burden of assisting the displaced persons was increasing each day. Although some aid had been received, it was not much in relation to expenses. Slovenia, in such situation, had no choice other than appealing for burden-sharing.

In March 1993, the Slovene government put forth its position regarding the refugee problem in general. The displacement caused by the war in Bosnia-Hercegovina had shown that, when speaking in strictly legal terms, the provisions of the 1951 Convention were not adequate in the case of mass exoduses incited by military aggression because people had no choice other than to flee to save their lives. The response of the Slovene government to such situation was to formulate a new definition of the so-called 'temporary refugee'. Accordingly, refugees, who were displaced as a result of military aggression and 'wish to return to their homes' (Thorburn, 1995), would be provided humanitarian assistance on temporary basis. Local states would provide the protection, but just for a certain time. If the duration of protection needed to be extended, then states away from the neighbouring region(s) would have to share burden either in financial or practical terms.

With the eruption of fighting between the Muslim and Croat forces, the war had finally spread to Hercegovina and central Bosnia causing the displacement of tens of thousands Bosnians from their homes. Several circles were calling for moving the displaced population away from the conflict zone were. Yet, those calls were met with opposition. It was believed that resettling those people outside their country of origin would help the aggressors continue their campaign of terror and ethnic cleansing. That is why the establishment of 'safe areas' was endorsed. The creation of 'safe havens' was an integral element of the internalisation strategy. Since most of the displaced remained in their region of origin, that is former Yugoslav territories, the international community focused its attention on the region. By keeping the displaced in their region, the problem would be internalised. In the Bosnian case, the UN Security decided to establish six 'safe areas' in June 1993. Those areas were supposed to be under UNPROFOR protection. As the war continued, the 'safe areas' proved to be terribly unsafe in the sense that they

became the main targets for the Serb aggressors. The genocide that took place in Srebrenica enclave is a perfect example of how a 'safe haven' became a hell for the Muslim population in Bosnia.

Internalisation was one of the two strategies developed before the adoption of the 'temporary protection' mechanism. The other was containment. It was to be implemented in cases where internalisation was not possible. Containment was based on the idea that refugees should remain within the territory of former Yugoslavia. In fact, the containment strategy was no different than what the British Minister of Overseas Development had proposed in the Geneva Conference in July 1992. The EC member-states would make 'provisions to assist with material assistance in supporting reception centres in the former Yugoslavia' (Conclusion on the People Displaced, cited by Joly, 1996). Given the main objectives of the aggressors, neither strategy worked. They were doomed to failure highlighting the fact that the European states did not want to take in refugees from Bosnia.

Temporary protection as a policy emerged in such circumstances. It seemed to be the best solution at that time. The European states were doing wrong by applying strict visa policies to a group of people who were seeking refuge. The UNHCR had already been in favour of temporary protection. Faced with the possibility of the European states refusing to admit Bosnians, the Office of the UNHCR felt obliged to promote 'temporary protection'[48]. Both the States granting the status of temporary protection and the recipients would have advantages[49]. Temporary protection was advocated in other circles, too. One of the prominent scholars working on refugees, Gil Loescher, gives his opinion about temporary protection as follows:

> 'By sealing all escape routes and means of refuge, European governments are trapping refugees and displaced people in besieged cities and regions and placing them in the crossfire between warring forces. The consequences of the ethnic conflicts unfolding in ex-Yugoslavia and in parts of the former Soviet Union, where expulsion and "ethnic cleansing" are the central objectives of the conflicts, have brought home the urgency and importance both of providing temporary safety and

[48] The UNHCR, in its 1997 report on the *State of World's Refugees*, cited three main benefits of 'temporary protection'. First of all, it 'provided immediate security to a large number of people whose lives and liberty were at risk, and spared them the anxiety associated with a long and complex refugee status determination procedure' (UNHCR, 1997). Secondly, the industrialised states, which had been faced with an increasing number of asylum-seekers thus inclined to apply restrictive definitions of the refugee concept, acknowledged their 'broader humanitarian obligation to provide a place of safety to people who have fled from a war-torn state'. Finally, with the help of 'temporary protection' 'the principle of international responsibility sharing' was reasserted.
[49] For the advantages see (Koser and Black, 1999).

of keeping alive the notion of return. A new European refugee regime should allow for temporary sanctuary, followed by return in safety and dignity.' (Loescher, 1993: 164)

How did the policy of temporary protection evolve? How was it implemented in the host states? The first thing to underline is that the practice of applying temporary protection varied from country to country. Even among the EC states one came across with different regimes regarding the admission of the Bosnians on a temporary basis. In the present study, the focus is on how temporary protection policy was applied in the EC states with the highest number of Bosnians, namely Germany, Austria, The Netherlands, and Sweden[50]. While discussing the implementation of the policy, attention is paid also to the experiences of the Bosnians. The informants tell us about the way they were treated in the host countries, the rights they were given, and their obligations in those countries.

d. Being a Refugee in Germany

Unlike most of the EC member-states, Germany did not grant permanent residence rights to the Bosnians. Different Federal States (Länder) paid attention to different issues. Several reasons were stated by the government officials. Most common one is the number of Bosnians Germany admitted during the war in former Yugoslavia. It was greater than any other country in Europe. On the other hand, Germany had been receiving again the biggest number of asylum applications in the EC. There were other reasons but these two were prevalent.

What was the legal basis of granting 'temporary protection' status (TPS) to the Bosnians? While some of the host countries modified their asylum laws to create this special status, some adapted the already existing legislative frameworks so that they could meet the specific circumstances of the Bosnians. In that regard, Germany amended the Aliens Act in July 1993. This amended Act would be the legislative basis for granting temporary protection to refugees fleeing conflict. However, due to a disagreement between the Federal government and individual States on the distribution of costs, the amendment

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[50] As known, Germany hosted almost 60 % of the Bosnians who fled to Europe. A further 30 % was located in three countries, namely Austria, The Netherlands, and Sweden (Koser and Black, 1999: 526). The German States that admitted the biggest number of Bosnians during the war were Baden-Württemberg, Bavaria and Hessen, and Berlin (ibid.).

was not applied to Bosnians. The result was that 'Bosnians continued to receive a form of "temporary protection", but one which had already existed prior to the conflict, and which was at the discretion of individual Länder' (Koser and Black, 1999: 527).

When compared with the other EU states, Germany followed an exceptional policy regarding the protection of Bosnians. Whilst most of the states made provisions for transferring the status of Bosnians from temporary to one that either conferred or led to permanent residence, that was not the case in Germany. Instead, majority of the Bosnians were 'tolerated' under two types of permit: *Duldung* (toleration of stay) granted for a period of up to six months, and *Aufenthaltsbefugnis* (authorised residence status) either granted or extended for maximum two years. Majority was granted *Duldung*, which is different from *Aufenthaltsbefugnis* in terms of rights. *Duldung* does not include any right to residence whereas *Aufenthaltsbefugnis* is granted 'if an alien is allowed entry and residence for reasons of international rights or urgent humanitarian reasons'[51]. The persons in question, Bosnians in this case, were granted authorised residence status only for the period during which they received protection. If an individual holds *Aufenthaltsbefugnis* for 8 years, then he/she has the right to apply for a residence permit (*Aufenthaltserlaubnis*). Yet, the German authorities were clear about one thing: all Bosnians with authorisation of residence status would already have left by the expiration of the eight-year period because they were receiving temporary protection.

How were the Bosnians treated? The interviewees share their experiences of being a refugee in Germany. Actually, vast majority of the Bosnians were granted TPS instead of refugee status. However, almost all of the informants told us that they were given refugee status. The residence permit they were given was time-limited. It had to be renewed every three months. Moreover, once they were granted the status, they started receiving welfare generally on monthly basis. The regulations regarding welfare differed from one federal state to another. Here are two examples. In one of the cases, the welfare was cut off once the interviewee's mother started working and they rented an apartment whereas in another one it was determined in accordance with the wage:

> 'In Germany, we stayed first in a collective centre then a house for refugees. We were given refugee status and received welfare (650 DM per person on monthly

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[51] (Retrieved: August 11, 2007. [WWW Document]. URL.
http://www.nadir.org/nadir/initiativ/migration/en/data/de/t11.html)

basis). ...We had a right to medical care as well. I attended school there. ... My mother started to work, and after one year we rented our own apartment. Upon moving to our own apt, we lost the welfare. ...' D.K. (Musl, M, 22, Konjic/urban, waiter in a coffee-shop)

'After staying in a British military barrack which had been transformed into a collective centre in Detmold for 2,5 years, we moved into our own apartment because my mother started working. However, we did not lose our refugee status therefore welfare. According to the system in Germany, because my mom was working the welfare we received was determined in accordance with her salary. When it was above the minimum level of German standards, we would not receive welfare, and when it was below we would. ...' A.K. (Musl, F, 24, Sarajevo/urban, salesperson in a boutique)

Some were provided private accommodation. One of interviewees from Zenica was sent to a collective centre because his father lost the welfare and apartment they had been given:

'When we [my mother and I] left Bosnia, we went to Germany. My father was already there. We were registered as asylum-seekers. ... When we were given refugee status, we received welfare and apartment. The welfare was on monthly basis and it was 1500 DM for three of us. My mother died when we were there. ...We lost the welfare and apartment and were sent to collective centre as a result of a misunderstanding because the authorities thought that my father was working illegally. The conditions were very bad in that centre, and I did not want to live in there. Later on, the authorities returned the flat we lost because my father proved that he was not working illegally' D.M. (M, 22, Zenica/urban, unemployed) // mixed marriage

Some of the Bosnians interviewed were quite grateful to the German government. One Serb informant from Sarajevo had very hard times when he was in Germany with his family, especially at the beginning. But he is so thankful that he considers Germany his second homeland:

'When we went to Germany, I could not find a job immediately so we stayed in my friend's place and I helped him. Since we could not find any job in the first 5 months my wife and I started to have psychological problems. At the same time we were very worried about the security of our relatives and friends in Bosnia. I could have talked to people but all I was doing was crying, nothing else (*at that moment he left the room because he started to cry*). The government authorities in Germany wanted to give us social welfare but I did not accept it because I did not want to get money without working. It is against my mentality. On the other hand, all I wanted was peace and freedom, not money. ... How was our life in the period of 1992-98? Since we were very afraid of being deported from Germany we were very cautious to obey the rules and regulations. The rules were very strict there and you did not have a right to make wrong. Although the situation there was not comfortable at all,

I loved and still love Germany. … Germany did not give me a passport or a job but still I think positively about Germany. It is my second homeland in that sense.' <u>V.B. (Srb, M, 60, Ilidza/urban, manager in a tourism agency)</u> // married to a Muslim – mixed marriage

Another informant, a Bosniak lady from Sarajevo, who went to Germany with her family, shares her refugee life with us. Although they were refugees, no humanitarian relief was provided because their relatives took care of them:

'When we went to Germany, we stayed near my sister in Dusseldorf. How did we feel? Well, under those circumstances how can we feel? You are away from your home, in a place where you do not belong. We were given refugee status there. Yet, because we had guarantee letter we did not receive any welfare, food and clothes. We stayed there for 3 years. The conditions were really good. I had a right to work for 2 hours (10 hours per week - I received 520 DM per month). My husband had a right to work for 2 hours as well. My sister and her husband provided the conditions. … After we started earning money, we sent part of the money to our relatives in Bosnia.' <u>F.H (Musl, F, 61, Sarajevo/urban, housewife)</u>

Some stayed in collective centres. Particularly for one of the Bosniak ladies interviewed staying in a collective centre was the last resort because she could not stand staying near her brother. She was humiliated by her brother's rather inhospitable behaviour:

'When we [my son and I] went to Germany, we spent the first 3 months at my brother's place in Ulm, and then went to Duisburg to apply for asylum because I could not stay in my brother's place any more. I was humiliated in his house. It was a burden for him to host us. He did not want us to stay for more than 3 days.
In Duisburg, we stayed in a collective centre. It was an overcrowded barrack-like place. … The conditions were good because I was treated in a good way – unlike in my own brother's house. … At the beginning, I was given asylum-seeker status. After one year, I was granted refugee status. I had applied for asylum only for better treatment for my son who had pneumonia. … When I got refugee status, we started receiving cash money every month for clothes. … Before getting refugee status, I worked as a cleaning lady. Once I got refugee status, I was not allowed to work any more (if I worked I would lose all my rights). The money I received was calculated in such a way that I would spend all of it. So, I could not save any money. My son got proper medical treatment and recovered from his illness' <u>Z.C. (Musl, F, 50, Vares/urban, working in a fast food restaurant)</u>

e. Being a Refugee in Other Countries

How were the Bosnian refugees treated in other countries like Austria, Sweden, or the USA and Turkey? How was the temporary protection policy applied? Were the regulations different than the ones in Germany?

To start with Austria, the first thing to note is that Austria feared a refugee influx when the war first broke out in Bosnia. At that time it was not an EU member; and 'no clearly established judicial or administrative guidelines existed for processing thousands of refugees' (Franz, 2005: 33). The legal measures were so strict that it was impossible for the Bosnians to get refugee status. The Federal Asylum Office did not accept the asylum applications if the applicants were unable to demonstrate their fear of persecution. Regarding the refugees from Bosnia, Austria did not ask for visa from them since it continued to apply the 1965 Austrian-Yugoslav Agreement on Visa Policies[52]. Yet, the situation was not the same any more after November 1992. Austria changed its policy, and adopted what Barbara Franz (2005) calls a 'Janus-faced approach' to deal with the Bosnian refugee problem. Whilst introducing several ordinances that would restrict entry to the country, it kept the door open for Bosnians on humanitarian grounds.

Most of the Bosnian citizens were subject to Paragraph 12 of the 1992 Residence Law according to which the Austrian state could provide temporary protection for as long as it was necessary. They could also apply for Convention refugee status but the Federal Asylum Office rejected majority of the asylum claims. In the case of Bosnians, the Office did not grant asylum 'on the grounds that they could not prove sufficient fear of individual persecution because in "civil wars" entire groups of people are persecuted, rather than individuals, and the state does not engage in violence against individuals' (Franz, 2005: 36)[53].

What kind of rights were the Bosnians given as 'de facto refugees'? Even though they were granted TPS, they could neither work nor travel freely within the country. Over time, majority of the refugees were able to gain more permanent residence rights. After eight years of legal residence, they were eligible to apply for citizenship but with one

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[52] According to this Agreement, the Yugoslav citizens could enter Austria without visa for three months. After this period another three-month extension was granted (Franz, 2005).

[53] In that sense, for instance, persecution by Arkan's Tigers, which was considered a private group by the Austrian courts, was not a sufficient reason to be granted asylum in Austria (ibid.).

condition. It was a difficult decision because they would have to give up their own citizenship.

Temporary protection included humanitarian relief to 'de facto refugees'. Accordingly, the Ministry for the Interior, in agreement with the provinces, set up a federal-provincial plan providing food, shelter and health care. The Plan consisted of two types of contracts: one contract dealing with private housing and the other with public housing[54]. In July 1993, the first time-limited right of residence was introduced. Accordingly, the Bosnian nationals fleeing war zone were all together granted a time-limited residence right until June 30, 1994. Over time, the limit was extended[55].

The refugees' daily needs were covered by welfare aid provisions which were regulated by the provinces. In the period the federal-provincial plan was carried out, vast majority of the Bosnian refugees lived in private accommodations provided by churches or grass-root organisations. Two Bosniak families interviewed in Kozluk, a town in municipality Zvornik, stayed in such houses. The lady seemed to be happy while they were staying in Vienna:

> 'When we arrived in Vienna (June 1992), we went to have a medical check-up, and then were sent to a big area with plastic tents. … a nun came from a church and picked me and my husband up. We were settled in an apartment near the church. At the beginning, the church was taking care of us. People from this church organisation took us to supermarket and paid for what we bought. Later on, we started receiving money from the church so that we could go shopping on our own. We received 1200 schillings every month – it was enough for living. ... We got refugee status and had a right to medical care. It was good conditions and we were satisfied. We stayed there for 13 years. The children were granted the right to work (actually both are living there now).' R.P (Musl, F, 59, Zvornik/rural, housewife)

Another Bosniak interviewee, a young guy from Bijeljina, stayed in public accommodation during the period he was in Austria. He told us that it was easy to get work permit. It was true that the beneficiaries of temporary protection were permitted to work in 1993 and afterwards[56] but in practice they were granted only for the jobs that could not be filled by the unemployed Austrian nationals and migrant workers who had already been

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[54] At the end of 1992, there were almost 43,000 Bosnians in Austria. 33,392 were in private accommodation while 9,153 refugees were provided public housing (Franz, 2005: 50).

[55] The extensions finally ended with the Bosnians Law, passed in 1998. The Law regulated transformation of the Bosnian refugees' de facto status into a permanent residence status (ibid.).

[56] The permission came by virtue of an ordinance issued by the Minister for Labour and Social Affairs. At the end of January 1994, 8,053 Bosnians were permitted to work (Humanitarian Issues Working Group of the International Conference on the Former Yugoslavia (HIWG), 1994).

living in Austria for a long period. In other words, employment policies were restrictive and it resulted in Bosnians working in the black market:

> 'When I went to Vienna in early 1994, I met my family first of all because they had gone there with the break-out of the war. I was registered as a refugee, but only for 6 months. In this period, we stayed in a settlement in an apartment for refugee families. Each family stayed in a small place separated by fiber-boards from another family. We did not see each other but the voices were heard of course. While we were staying in that refugee settlement, we did not receive any welfare. However, we could obtain work permit easily. After those 6 months, I found a job. So my status was cancelled. My parents got employed as well and we were able to rent an apartment in Vienna ' D.S (Musl, M, 26, Bijeljina/urban, working in construction sector but not registered)

Secondly, the temporary protection system in The Netherlands is examined. The Bosnian refugee influx in the first year of the war resulted in the Dutch government taking a decision to create an *ad hoc* regulation so that people fleeing former Yugoslavia could be admitted and allowed to remain temporarily. It was thought that a period of three to six months would be enough for providing protection to refugees from ex-Yugoslavia. They were treated as displaced persons, granted 'a stay of departure' and given a displaced persons document (HIWG, 1994). Two short-term programmes were launched. Both were known as 'Temporary Arrangement for Displaced Persons' (van-Selm Thorburn, 1998: 225). The Ministry of Justice was responsible for the admission arrangements while the Ministry of Welfare would deal with the reception arrangements. In accordance with the scheme, recipients were provided either a place in a reception centre or their hosts were funded if the refugees would stay near relatives or friends. The deadline for closing the scheme was January 1, 1994, but it was extended for one more year.

In April 1993, the Dutch authorities started to examine the asylum applications of the persons from ex-Yugoslavia who had arrived until 13 April. From that date onwards, the scheme was available only to Bosnian nationals. Refugees from other former Yugoslav republics were supposed to go through normal asylum procedures. The Aliens Act, which had been revised, went into force on January 1, 1994 introducing the provisional residence permit. With this permit, both the 'displaced persons', i.e. the Bosnian nationals, and the old 'tolerated persons', i.e. the persons, who could not be expelled for reasons other than technical ones, were provided temporary protection and accommodation. The provisional residence permit was issued for one year and had to be renewed every year.

As mentioned above, the displaced persons would be settled in temporary reception centres. Some were able to stay with their relatives, friends or host families or in accommodation provided by housing corporations. Issuing a provisional residence permit suspended the application for asylum, but just temporarily. That means the request was to be considered on its own merits within time. Among the interviewees, only one went to The Netherlands with her family. She was quite unhappy with the Dutch system. While waiting for their status to be resolved, they were transferred from one reception centre to another. At the end, their application was rejected. She was angry even when she recalled those years in The Netherlands:

> 'When we came to the Netherlands, we were kept at the office for foreigners for 24 hrs. It was very crowded with other refugees. Each of us was interviewed separately because the authorities wanted to check if we were telling the truth or not. …. After being kept there, we were taken to a collective centre made up of bungalow houses. ... In those bungalows, we were interviewed again (in-depth). … After 3 months, we were transferred to another collective centre with the same conditions. After one year, we went to another centre in Roermund with better conditions. While we were there, we waited for an answer concerning our asylum application. Immediately we got a negative answer but with a right to appeal. We decided to go for appeal and had legal assistance while doing that. …We waited for a summon from the court. It took at least a year to be called. After that, we waited for an answer from the court for one more year. …The result of our appeal was a negative answer from the court but again with a right to appeal. This time we were forced to appeal and waited for another year for the result. 3, 5 years passed like that. The result was again negative. So we decided to return. ' J.P. (F, 45, Vares/urban, working as an administrative technician in a car insurance company) // mixed marriage (M-C)

Temporary protection scheme was based on the idea that Bosnians would return to their country in the near future. Yet, over time the authorities realised that integration was deemed necessary, and the entitlements were adjusted so that progressive integration in the Dutch society would be possible for the Bosnians. During the first year, the holder of a provisional residence permit could make use of only education which might be followed by job oriented training in the second year. Seasonal labour was allowed as well. Finally, free access to job-market was granted. So integration into the Dutch society and labour market took place gradually[57].

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[57] For a detailed account of the provisional protection applied in The Netherlands see (van-Selm Thorburn, 1998).

The last EU state whose temporary protection policy needs to be scrutinised is Sweden. With the eruption of war in Bosnia, the number of asylum-seekers from ex-Yugoslavia increased dramatically in spring 1992[58]. Until summer 1993, a certain number of asylum applications were considered on an individual basis, and on June 21, the right-wing coalition in power passed a decision of principle that granted Bosnian applicants permanent residence on humanitarian grounds. As Appelqvist (2000) notes, the decision had several components some of which were positive while some were negative. For example, 40,000 refugees fleeing Bosnia were to be immediately accepted as permanent residents[59]. Like The Netherlands, Sweden went its own way regarding the application of temporary protection policy by granting permanent residence permits to Bosnians. According to Birgit Friggebo, the Minister for Culture (including immigration issues) at that time, granting permanent residence was the most reasonable choice to make. Moreover, there was a close link between permanent residence and the right to obtain social and economic rights. The focus was on the individual as well as his/her needs and requirements to cope with life as a refugee (Appelqvist, 2000:100).

Until they were granted permanent residence permits, the Swedish Immigration Board was responsible for administering the reception of Bosnian refugees. The municipal authorities had a key role in the process since they were supposed to organise local reception and support for the refugees. By summer 1993, most of the refugees from Bosnia had been settled in reception centres. In the aftermath of the June decision, municipalities were given a certain amount of money for accepting refugees. It was 'bonus benefit' (Brochmann, 1995: 28).

Once the Bosnian refugees were issued with residence permits, they had the right to work, to education and to family reunification. In order to understand the Swedish system better, we need to listen to the Bosnian interviewees, who experienced being a refugee in that country. Like most of the Bosnians in Sweden, the interviewees for the study are Bosniaks. While one young lady chose to return to Bosnia-Hercegovina permanently, the other two are living in Sweden and visiting their country regularly. In her narrative, the

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[58] Of the total number of asylum-seekers in 1992, 83 % was from ex-Yugoslavia, and by summer 1993 more than 40,000 Bosnians weren seeking asylum in Sweden (Brochmann, 1995: 25).
[59] Among the negative components, the imposition of visa requirements for Bosnian nationals was prevalent. Yet, its importance would decrease with 'the acceptance of an increased quota of Bosnian refugees for the financial year 1993/1994' (Appelqvist, 2000: 90).

young lady from Derventa, one of the northern towns on the Croatian border, emphasised the attitude of domicile population towards 'refugees' and discrimination in the labour market:

> 'The first three months in Sweden we lived in a refugee camp … received social benefits on monthly basis. We were allowed to go outside but not permitted to work. After staying there, we got transferred to a small village, some 100 km from Stockholm, where we got an apartment and waited for our status to be resolved. In that village, our neighbours were some elderly people. They were nice but a little bit afraid of us. Living conditions were satisfying but the biggest problem was the lack of contact with the Swedish society. We were not given any language-education, and there was a certain feeling of de-humanization. After couple of months all Bosnians (collectively) received a permanent visa (residence permit) for Sweden, meaning that we could stay as long as we wanted. Permanent visa in Sweden is the last step prior to applying for citizenship. After five years of holding the 'permanent visa', we received Swedish citizenship. About working-permits we received first upon getting transferred to the village I mentioned above. But, even then, it took some 5 years before my parents were able to find their first jobs due to the discriminatory practices on the job-market.' N.P (Musl, F, 24, Mostar/urban, Assistant Political Officer in an agency)

The others, one male from Mostar and one female from Sarajevo, went to Sweden in 1994. While the male interviewee was given permanent residence and a furnished flat as soon as he arrived in Sweden with his family, the lady from Sarajevo had to wait for three years for her status to be resolved. The guy was released from a concentration camp and he chose Sweden as the third country to go. That may be the reason why he was granted asylum in such a short time. What the Sarajevan lady experienced with her daughter as refugees in Sweden was as follows[60]:

> 'When we arrived in Sweden in 1994, we went to my brother's place. We could not get refugee status upon arrival because in 1993 the Swedish government had already approved 6000 asylum applications. It was the first time that so many people were granted refugee status, so, by 1994 the government had more strict criteria in reviewing the asylum applications. We had to wait for 3 years. But we could receive food and minimum welfare. We had no right to education, could not learn the Swedish language but at the same time were not allowed to leave the country. This was waiting status. All those 3 years we stayed at my brother's place. I had to choose between 2 options: going to a collective centre or staying at my brother's place. …At the end, we finally got the permanent resident status like any other Swedish citizen. …' A.M. (Musl, F, 45, Sarajevo/urban, working in Sweden)

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[60] One of the recent developments concerning the Bosnians living in Sweden is the signing of double citizenship agreement between the two countries in early 2005 (Personal account based on the interviews).

After examining the temporary protection systems of the three EU member-states, which hosted the biggest number of Bosnian refugees, the policies non-EU states such as Norway, the USA and Turkey followed regarding the Bosnian refugee problem are to be briefly put forth. The model developed for Bosnians in Norway comes in the first place. It was September 1992 when Norway received the first group of Bosnian refugees. They were transported to reception centres. The mass influx continued and the government finally decided to grant temporary protection collectively to Bosnians. As Brekke (2001) notes, the suggestion was that the government could uphold temporary protection up to five years. During the spring of the following year, the number of refugees arriving in the country was not that high. However, as visa requirements were introduced by Sweden and Denmark in early summer, the number rose remarkably and reached almost 13,000 by October[61]. Thus the Norwegian government had no choice other than doing the same thing because Norway was faced with the largest group of refugees in recent decades.

Along with visa requirements, several compensatory measures were introduced as well. For instance, compared with other refugees, the rules for family reunification was not very restrictive for Bosnians in the sense that the rules concerning the eligibility of relatives for reunification became more liberal. 'Those granted residence on the basis of individual consideration include single relatives, parents and children over 18 years of age' (Brochmann, 1995: 38).

The important aspect of the Norwegian model developed for the Bosnian refugees was the granting of residence and work permits on a collective basis. These permits had to be renewed for 12 months. What makes the collective permit different from the residence and work permits asylum-seekers and resettlement refugees receive is that it does not form the basis for settlement permit.

Norway developed a new model for dealing with large-scale refugee flows by using the Bosnian refugee crisis. This model is what the Norwegian government calls a 'two-tracked course'. It involves both integration and return to the country of origin. Temporary protection is made conditional on return when the need for protection ceases to exist (Brochmann, 1995: 40). Successful return is closely connected to an active life in the host country. Integrating in the host society is considerably important. Therefore, the authorities

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[61] The number of Bosnians, who came to Norway between July and September 1993, was over 8000. In September, it was decided to settle the Bosnian refugees in municipalities (Brochmann, 1995: 39).

were supposed to help refugees adjust to Norwegian society while keeping the return perspective vivid. This approach became a crucial part of Norway's comprehensive refugee policy which was reflected in three documents produced successively in 1992, 1993 and 1994[62].

Among the interviewees, three elderly Bosniaks – all from the city of Mostar – were hosted by the Norwegian state. The two ladies fled to Norway during the war, one in 1994 and the other in 1995. The male interviewee, on the other hand, went there to visit his daughter after the war. They were granted refugee status and received welfare on monthly basis. One of the ladies was rather happy about living in Norway. It seems that she had no problem with integration in the Norwegian society. She had started learning the local language and this was definitely an advantage for her. However, she had to stop when she got ill. She regrets having stopped it but she did not have any other choice. The situation for the other lady was the opposite. She could not adapt to the society because she did not know the language:

> 'In Norway, I lived with my son. I had refugee status, received welfare on monthly basis. It was enough to live on. I had medical care because of diabetes and high blood pressure. It was very difficult for me to live there (not only me because the other elderly have the same problems by the way) because I did not know the language. Almost all the time I was alone in the house and got bored naturally. ...'
> H.A. (Musl, F, 78, Mostar/urban, housewife)

How was the temporary protection system applied in Switzerland? The first thing to note is that, starting in January 1992, visa was required from all citizens coming from the ex-Yugoslavia. Yet, as the war spread to Bosnia and thousands arrived in Europe with the hope of finding refuge, it was decided to facilitate the issue of visas to Bosnians on July 1. Family reunification was allowed. So, in order to qualify for visa issuance, Bosnians were supposed to have close relatives or friends with residence permits.

Regarding the asylum issue, nationals of the former Yugoslav republics could apply for asylum. In addition, the Federal Council decided to grant temporary collective admission ("F permit") to refugees from Bosnia and Croatia, and 'persons from the former Yugoslavia who were last residing in Bosnia, with the exception of Bosnians having another citizenship' (HIWG, 1994). This permit was given within the framework of the special action programmes designed for displaced people fleeing ex-Yugoslavia,

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[62] For the policy documents see (Brochmann, 1995).

particularly Croatia and Bosnia-Hercegovina. The other persons, who did not apply for asylum even though they entered Switzerland, were given "L permit" (permit for short stay) if they proved that they were staying with relatives or friends. This permit for short stay expired on April 30, 1994[63]. However, since the war was going on in Bosnia, the Federal Council decided to renew it for another 12 months. In the meantime, a directive regulating the admission of people fleeing former Yugoslavia on a collective basis was issued on March 30, 1994.

The "F permit" was a central element of the temporary protection scheme. Cantons were responsible for carrying out the scheme. Accordingly, the "F permit" was only valid in the canton of residence. Bosnians holding F permit were entitled to social assistance. Were Bosnians permitted to work? The Cantonal Labour Office was responsible for working permits. Taking into account the labour market and economic situation of the country, the Cantonal Labour Office would decide whether to grant working permit or not. For the children, it was compulsory to attend school. Their attendance was financed by the Cantons.

Among the interviewees, four Bosniak interviewees went to Switzerland. While two fled during the war, the others went there after the war came to an end. In the cases of the Bosniaks who fled to Switzerland, we come across with family reunification. The male interviewee, who was released from concentration camp, told us that almost all of the camp survivors went to Switzerland. He seemed to be content with the life there:

> 'After I went to Switzerland, the authorities allowed family reunion because my twin brother was there as well. So everybody in our family came to Switzerland. We spent one month in a reception centre in Interlaaken. Then we were settled in a hotel in Mrsah, applied for political asylum and got it in a short time. We were given a 4, 5-room flat. It was furnished and a good place to stay. We were satisfied with the conditions. As soon as we settled, we started going to language courses, which lasted for 6 months. Then I went to school to get a driver's licence. Finally I started working as a private entrepreneur in the delivery service. As refugees, we were granted all refugee rights except the right to vote. We were exempt from military service as well. …The Swiss government did not allow the males coming from BiH to work for 5 years. It was necessary to recover. Yet, I was able to start working after 3 years.' <u>M.J (Musl, M, 42, Prijedor/rural, private entrepreneur)</u>

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[63] The number of Bosnian refugees in Switzerland was almost 7000 by the end of 1993. Out of this number over 4000 held temporary residence permits (HIWG, 1994).

Turkey and the USA are the last host states to be examined. The approaches they adopted concerning the Bosnian refugee problem were different. While the Turkish government granted temporary protection to Bosnians and considered them 'guests', the Bosnian nationals in the USA were granted refugee status and were provided an extensive resettlement programme. Normally, in accordance with the geographical reservation Turkey put to the 1951 Convention Relating to the Status of Refugees, de jure refugee status is granted only to persons seeking asylum from persecution in Eastern Europe and the former Soviet Union[64]. As Frantz (2003) notes, asylum-seekers coming from non-European countries can be considered 'asylum-seekers' and permitted admission on a temporary basis before they are resettled in third countries. Bosnians are outside the scope of Turkey's geographical reservation. Thus they could have been treated as refugees in principle. Yet, Turkey preferred to comply with the temporary protection schemes elsewhere in Europe.

About 25,000 Bosnians sought asylum in Turkey in the period 1992-94. Most of them were settled in camps and allowed to stay there without residence permit. The ones, who were staying with relatives or friends, had to register with the police and receive residence permits that had to be renewed every two months (Frantz, 2003). Bosnians had an implicit right to family reunification.

The Kırklareli camp, officially known as 'Gazi Osman Paşa Migrant Guest House' (Gazi Osman Paşa Göçmen Misafirhanesi) near the Bulgarian border hosted the Bosnian refugees for several years. It was a government-run settlement managed with the aid of the Turkish Red Crescent. The camp had various facilities. Social assistance was provided. Refugees had access to a dispensary and a dental clinic. The ones suffering from injuries made use of hospital treatment. Children had access to education facilities. However, the refugees were not granted work permit. As a result, the ones, who were working either in construction sites or green market, were not registered. According to what a male interviewee from Zvornik told us, many Bosnians were receiving remittances from their relatives living in Western countries. So they avoided working. But he ran a tea-shop for two years.

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[64] Even though Turkey is one of the signatories to the 1951 Convention, it imposed a geographical and time limitation to its obligations. The time reservation was in the end removed as Turkey signed the 1967 Protocol, but the geographical one remained (Frantz, 2003: 10).

Six interviewees came to Turkey during the war. Three stayed near relatives in Istanbul, Karamürsel and Bursa while the others resided in the Kırklareli camp. One of the camp residents chose to return to Bosnia while the war was going on. Now he regrets having returned so early. Apart from the hard times he and his family had upon return to Bosnia, he and his wife were still living in a collective centre at the time of the interview.

In another case, the young interviewee stayed in the camp with her family for ten years. They were among the first to settle in the camp. She told us about the camp facilities and how she had access to education:

> 'In Turkey, we arrived at the 'guesthouse' (camp) in Kırklareli. The camp authorities told us that we would stay in that place until the other camp was opened. So we stayed there for a month then were transferred to Gazi Osman Paşa Camp. We were the first to arrive in that new camp. There were only 3 barracks – nothing else. ... We were provided clothes and made use of the hamams initially. Later on, the Turkish government invested more money on this 'guesthouse'. As a result, we had a normal bath, ambulance service and a school was opened for the children. There were professors (teachers) among the 'refugees' so the children could learn Bosnian language as well as Turkish. We were using the Bosnian grammar books (the ones that were taught in Bosnia). I attended 3-7 grades in this Bosnian elementary school in the camp. But since the Bosnian professor left I had to continue Turkish school from 7th grade onwards. … We spent 10 years in that camp. In Turkey, we were not granted refugee status. We could get residence permit (*ikamet*) but it had to be renewed every 3 months.' <u>N.M. (Musl, F, 22, Sarajevo/urban, tourist guide in a Turkish tourism agency)</u>

The scheme in the USA was quite different than the one in Turkey and European countries. In the first place, TPS was granted to persons who had already been in the USA. Regarding the Bosnian nationals, the decision to grant TPS was taken in August 1992. If they had registered with the Immigration and Naturalisation Service (INS), they would be able to benefit from TPS[65]. On the other hand, they still had the right to apply for asylum. The only beneficiary of TPS was Bosnians. In case refugees from other former Yugoslav republics applied for asylum, their applications would be considered like that of other asylum-seekers.

The US government developed a Resettlement Programme for Bosnians fleeing war zone. How was the Programme carried out? In order to apply for resettlement in the US,

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[65] 'The original designation period was extended on 11 August 1993 for a one year period' (HIWG, 1994). The end of TPS for Bosnian citizens came in February 2001. Yet, most of Bosnians held refugee status instead of TPS (Franz, 2005: 39).

Bosnian refugees were first supposed to qualify as a 'processing priority'. With this 'processing priority', they would be able to have an interview with the INS. There were five categories of processing priority[66]. The last three were related to family reunion. Compared to European countries, they could easily enter the USA through family reunification programme. As Franz (2005) notes, resettling refugees was not burdensome for the federal government in financial terms due to the fact that the refugees' relatives covered most of the expenses. In other words, the sponsors of the refugees were individuals rather than the government.

The resettlement scheme started to be implemented towards the end of 1993. According to the Programme, one of the national resettlement agencies was responsible for organising the resettlement of Bosnian refugees. Caseworkers working in the resettlement agencies would be helping refugees adapt to the new environment. Communication between the refugees and caseworkers were easy since the caseworkers were former refugees who spoke the language of the newcomers. Several agencies launched various acclimatisation and adaptation programmes for the refugees. As Franz (2005) notes, caseworkers assisted refugees in developing a resettlement plan at the International Refugee Committee. The aim of the federal government was to make sure that newly arrived refugees found job in a short time so that they could be self-sufficient. It was quite important for the resettlement agency's funding, as well. In that sense, quick economic integration was one of the key elements of the resettlement scheme[67].

Among the Bosnians interviewed for the study, only one Bosniak went to the USA. Health problems played a central role in going to the USA. He was injured during the war and taken to France so that he could get hospital treatment. After the war came to an end in Bosnia, he decided to go to the USA for better treatment. Since the resettlement scheme was still implemented, he was granted permanent residence permit. Now he is living both in the USA and Bosnia. He seems to be happy about having that kind of life:

> 'When I was wounded, I left Sarajevo for France in a plane organised by the UN. After having received medical treatment (for 3 months), I was taken to a refugee camp in Paris where I taught maths and physics to the children. …In France, I had different type of refugee status, one designed for wounded soldiers. … After I got out of the hospital, I was trained to do everything on my own (because I would be

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[66] For more on the processing priority see (Franz, 2005: 40-1).

[67] The Resettlement Programme included several assistance schemes such as the Matching Grant Programme and the Temporary Assistance to Needy Families. For more on the programmes see (Franz, 2005).

in a wheelchair for the rest of my life). … In 1996 I decided to go to the USA (Boston). I wanted to go there because of medical reasons (I would be able to get better treatment for my spinal accord). Now I am living both in the USA and Bosnia ...' <u>A.K (Musl, M, 37, Sarajevo/urban, war veteran)</u>

The aim of this chapter is to analyse Socialist Yugoslavia and the Bosnian war in an historical context to understand today's Bosnia. In the first part, the focus is on Tito's Yugoslavia which had a unique system called Titoism. It was based on two pillars: self-management in economy and non-alignment in foreign affairs. The 1950s was marked with the consolidation of the Titoist system. Bosnia became the centre for heavy industry. In the 1960s, the social discontent expressed by protests paved the way for the emergence of the Croat national movement which was suppressed harshly in early 1970s. With the 1974 Constitution, the League of Communists of Yugoslavia and the federal government lost power to the republics. The rest of the decade was quite hard for Yugoslavia. The two OPEC crises had a bad impact on the Yugoslav economy, and the country entered the 1980s with a severe economic crisis. The situation got worse with a political crisis after Tito's death. The strategies to overcome the deepening crisis were far from being a recipe to the country that was approaching dissolution step by step. The disintegration resulted in a bloody war among three republics.

In the second part, the focus is on the Bosnian War. The tragedy began as the Serb forces besieged and started shelling Sarajevo. The international community responded to the Bosnian conflict in a diplomatic way. The response was embodied in a series of peace plans which proved to be futile at the end. Apart from the plans, the UN established 'safe areas' that became targets for Serb aggression although they were supposed to be protected.

The conflict became an impasse as the efforts of the international community to mediate the crisis failed. The Western policy-makers finally decided to use air force against the Serb forces in the third year of the war. Yet, they were not able to prevent the Srebrenica genocide. Two 'safe areas' – Srebrenica and Zepa – fell to the Serb forces and the West could not do anything.

The road to Dayton was opened with the NATO's 'Operation Deliberate Force'. What was not achieved by diplomatic means was achieved by force. After negotiations that lasted for long hours, the three leaders – Tudjman, Milosevic and Izetbegovic – finally

reached an agreement on the political future of Bosnia. The war and bloodshed, which had been going on for more than three years, was finally brought to an end by the Dayton Peace Accords signed in December 1995.

The Bosnian War generated a huge displacement problem. Thousands of people fled Bosnia and sought refuge in numerous countries. Most of them went to Western Europe. The responses to Bosnian refugee crisis were various. At the beginning, the European states were unwilling to share the refugee burden whereas the USA granted the Bosnians refugee status and developed a resettlement scheme for them. Upon the appeals of the UNHCR, the European states decided to provide temporary protection to the Bosnians because they had no choice.

VI. THE RETURN IN BOSNIA-HERCEGOVINA:
THE POLITICO-LEGAL CONTEXT

Having attracted relatively little interest for a long time, return of refugees started to gain importance in the last decade of the 20th century. Since the end of the Cold War, voluntary return has been regarded as an 'end to refugee cycle' and a 'peace dividend'. Its importance is based on the belief that refugee return is a cornerstone in the recovery of war-torn societies. That is why policy-makers strongly support return. The international community has paid more and more attention to the issue in the last two decades.

The process of return and reintegration is crucial for all war-torn countries because it is the first step in rebuilding. Yet, an equally important aspect comes to fore in some cases where the war is fought in the name of ethnic identity and the main purpose of war is to cleanse a certain territory from a particular ethnic community. In such cases like Bosnia-Hercegovina, refugees and IDPs should return to their places of origin to reverse the ethnic cleansing carried out during the war. In that regard, enabling members of minority communities to go back to their houses is an intention to achieve the so-called 're-mixing of ethnic communities'.

The aim of the present chapter is to scrutinise the political context in which return took place in Bosnia-Hercegovina and to draw the legal framework. Despite impediments and problems, the process of return began and proceeded, and the international community was involved in the process right from the beginning. In what ways was the international community involved? What kind of obstacles and problems did it face? What kind of strategies did it formulate to overcome those problems? The present chapter seeks answers to those questions. While examining the political and legal context, the experiences of the Bosnian returnees and IDPs are put forth. The returnees and IDPs themselves tell what they have lived through. This is actually more important because the aim is to help those people raise their voices so that they can state obstacles, problems and faults as well as positive developments regarding return of the forced migrants.

The chapter is composed of three main sections. In the first section, Bosnia as a product of the Dayton Peace Accords is under scrutiny. What kind of a country is in question? What are the main features of the state structure? Which agencies and organisations play an active role in Bosnia? These are some of the questions that may help us understand the post-war Bosnia-Hercegovina.

The focus in the second section is on the legal context of the return process. How is return taken up in the documents like the DPA and the State Law on Refugees from Bosnia-Hercegovina and Displaced Persons in Bosnia-Hercegovina? What are the definitions of the concepts 'refugee', 'displaced person', and 'returnee'? Who are the national and international actors responsible for return? Moreover, a crucial element of the return and reintegration process, namely property repossession, is examined in detail. What are the regulations for property restitution in Bosnia? What kind of policies did the housing authorities follow? In what ways was the international community involved in the process? These are some of the guiding questions for this section.

Return in Bosnia has two major dimensions: politics and sustainability. The last section is about the politics of return while sustainability is questioned within the context of reintegration in the following chapter. The politics of return in Bosnia includes the policies followed by both the Bosnian state and the international community. How did the return process proceed? What are the main phases? Which issues were dominant in the phases? Did the international community develop any programmes or projects to promote return? How did the Bosnian refugees return to their country? Did the refugees return voluntarily or were they sent back by the host states? And what kind of problems did they face upon return? The politics of return is examined by seeking answers to these questions.

VI.1. The Product of the Dayton Peace Agreement: Bosnia and Hercegovina

Despite being a 'Frankenstein agreement' as one of the professors in University of Sarajevo calls it or 'a catastrophe that had to happen' as a Serb woman describes it (Wilkinson, 2005: 16), the General Framework Agreement for Peace in Bosnia and

Hercegovina, otherwise known as the Dayton Peace Agreement, brought the fighting and bloodshed to an end. That was not the only result though. A new state emerged on the international arena: Bosnia and Hercegovina. This new state, with its Constitution, flag and national anthem, was the creation of the international community. In that regard, two features are noticeable. First of all, with two entities and a self-governing unit, BiH has indeed a complex state structure. Secondly, with various organisations and agencies, the international community is strongly present and active in the country.

In this section, first the structure of the state is examined and its complexity is attempted to be displayed. Then the focus shifts to the presence of the international community in BiH. The attention is drawn to the roles played by four main institutions and organisations. These are namely the Office of High Representative (OHR), Organisation for Security and Cooperation in Europe (OSCE), the European Union (EU), and the UN High Commissioner for Refugees (UNHCR).

VI.1.1. The State Structure of Bosnia-Hercegovina

The Dayton Peace Agreement, signed in Paris on 14 December 1995, not only stopped the fighting in BiH territories but also set up a new as well as a complicated state structure. First of all, the 'architecture of the Dayton state' (Bose, 2002:60) is a multi-layered one. The state is composed of two entities and a separate unit. The entities are the Republika Srpska (RS) and the Bosniac-Croat Federation (known as the Federation BiH-FBiH) (hereafter the Entities) and they divide the territory of BiH on a basis of 49:51[1], and the separate unit is the District of Brcko, which belongs to none of the entities and is self-governed under the auspices of an international supervisor. The FBiH is composed of ten cantons. So the GFAP created a state with fourteen levels of government.

Bosnia-Hercegovina has three constitutions: the constitution of the common state of BiH and the constitutions of its Entities. The Constitution of BiH is known to be the only

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[1] This proportion may be closer to 48:52 after the town of Brcko in the Posavina region is designated as a neutral District since 1999 (Bose, 2002:75).

constitution in the world which is an annex of an international agreement, namely the Dayton Peace Agreement. As Bose (2002) notes, with the Constitution a fairly skeletal framework of the common-state institutions is established. The basis is the equality and parity representation of three collectively defined communities, namely the Bosniacs, Serbs and Croats. These communities are the 'constituent peoples (along with the others) and citizens of Bosnia and Herzegovina' (*Preamble*, the Constitution of Bosnia and Hercegovina)[2]. The Constitution is made up of twelve articles and two annexes. The right of refugees and displaced persons to return to their pre-war places, for instance, is granted in Article 2(5). However, the rights related to return are elaborated in-depth in a specific Annex of the DPA, namely Annex 7.

The legislative organ of the Bosnian state is composed of a bicameral Parliamentary Assembly: the first chamber, the House of Peoples and the House of Representatives consisting of 15 delegates (five Croats and five Bosniacs from the FBiH and five Serbs from the RS) and 42 directly elected members (28 from the FBiH and 14 from the RS) respectively. Both chambers select three members each, who act as chair and deputy-chairs, and the chair rotates among the three members.

The principal executive organ is the Presidency. Similar to the model used in the socialist Yugoslavia, the executive is a '*collective state presidency* that consists of three members or co-presidents' (Bose, 2002: 64). The members of the Presidency serve a four-year term and the chair rotates among them every eight months. As stated in Art. 5(3) of the Constitution of BiH, the major constitutional mandate of the Presidency is to conduct the foreign policy of the country. The other important task is to nominate the chair of a Council of Ministers (CoM), which is in practice, rather insignificant due to first the disunited reality of the country in many respects and second the overlap of some of the CoM's functions with the Entity institutions.

There are two central institutions in BiH in which non-Bosnians play a pivotal role. These are the Constitutional Court and the Central Bank of BiH. To start with the

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[2] For the full text of the Constitution see (*The General Framework Agreement: Annex 4 Constitution of Bosnia-Herzegovina*. Retrieved: May 21, 2007, from OHR. [WWW Document]. URL. http://www.ohr.int/dpa/default.asp?content_id=372).

Constitutional Court, the first thing to note is that it has nine judges. Six are selected by the Entities (four by the FBiH's House of Representatives and two by the National Assembly of the RS) and the remaining three are appointed by the president of the European Court of Human Rights, yet after consulting with the Presidency. Apart from being the ultimate guarantor of the BiH state constitution, as stated in Art. 6 (3) of the Constitution of BiH, the Constitutional Court is granted significant powers such as having 'exclusive jurisdiction to decide any dispute that arises under this Constitution between the Entities or between Bosnia and Herzegovina and an Entity or Entities, or between institutions of Bosnia and Herzegovina' (*Constitution of Bosnia-Herzegovina*). The Constitutional Court having such important powers, in fact, paves the way for intervention of the international state-builders who consider the Court as a potential tool in that sense. An example that may be given to the actualisation of the potential is the decision the Constitutional Court gave in 2000. According to the decision, the general principle of political equality of the three constituent peoples, namely the Bosniacs, Croats and Serbs should hold throughout both the country and the Entities. The constitutions of the Entities were amended in line with the Court's decision in 2002. However, the implementation of the decision in question has been quite problematic. These problems are elaborated in the following sections.

The other institution in which the non-Bosnians play an important role is the Central Bank. As stated in Art. 7 (2), 'the Governing Board of the Central Bank shall consist of a Governor appointed by the International Monetary Fund, after consultation with the Presidency, and three members appointed by the Presidency, two from the Federation (one Bosniac, one Croat, who shall share one vote) and one from the Republika Srpska, all of whom shall serve a six-year term. The Governor … shall not be a citizen of Bosnia and Herzegovina or any neighbouring state …' (*Constitution of Bosnia-Herzegovina*). So the international powers are influential in two of the main institutions in the country. More significantly, it is the High Representative who has the last word in ruling the country. The Office of the High Representative as an institution is examined in the following pages. Now brief information about the Entities and the District of Brcko is to be given.

To start with the Federation BiH, the first thing to note is that the Bosniac-Croat Federation came into existence during the war. It was established with the Washington Agreement of March 1994 which brought an end to the hostilities between the Croats and the Muslims. Later on, the Federation was reconfirmed in the course of the Dayton negotiations. According to the Constitution of Federation BiH, the Bosniacs and the Croats are the constituent peoples of the Federation while 'others' are considered only as citizens. Apart from the basic provisions, one comes across with the provisions on rights that guarantee a range of fundamental freedoms. For instance, the section on human rights includes 'the right of return for victims of "ethnic cleansing", a term that does not appear in the BiH state constitution' (Bose, 2002:76).

The Federation BiH is composed of federal units which have equal rights and responsibilities. These units are called 'Cantons' and there are ten cantons in the FBiH. In terms of population, five of the cantons are predominantly Bosniac, while three are predominantly Croat and two are mixed[3]. The cantons are named after the cities or regions in order to prohibit the 'names with national and nationalist connotations to either Bosniacs or Croats' (Bose, 2002:77). So the cantons have neutral names such as 'Central Bosnia' or 'Posavina'.

What kind of a structure do we come across in the FBiH? First of all, each canton has its own constitution, popularly elected unicameral legislatures, 'governor' elected by the legislators and an executive government headed by the 'prime minister'. Secondly, the federal and the cantonal governments share responsibility in certain spheres such as human rights, tourism, social welfare policy and communications and transport infrastructure etc. So the Cantons and the Federation Government have consultations concerning the responsibilities in these spheres. Secondly, all residual powers belong to the cantons. For example, they are responsible for establishing and controlling the police forces or making education policy. In addition to the right to make decisions, the cantons implement policies in important fields like education, public housing, information and broadcasting and so on.

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[3] The mixed cantons are Central Bosnia and Hercegovina-Neretva (Federation of Bosnia-Herzegovina. Retrieved: June 13, 2007. [WWW Document]. URL.
http://en.wikipedia.org/wiki/Federation_of_Bosnia_and_Herzegovina)

That makes the canton the decisive layer in this multi-tiered framework. Consequently, the third level of government, namely the municipality, has generally a weak role under these circumstances[4].

The legislative organ of the FBiH is the bicameral assembly: the lower chamber, the House of Representatives consisting of 140 members, and the upper chamber, the House of Peoples consisting of 30 Bosniac, 30 Croat members and a certain number of delegates representing the 'Others'. The upper chamber has a defining role in electing the president and vice-president of the FBiH.

In the second place, the other entity, the Republika Srpska is to be examined briefly. The first thing to mention is that it is striking to see the Entity acting as a state within a state. The proto-state and semi-sovereign status the RS has is basically the reason. That was the main aim of the framers of the RS Constitution: to make the RS viewed almost as a sovereign state. This is apparent from the provisions of the Constitution. Secondly, the governmental structure of the RS is taken into consideration. Separation of powers and supremacy of the Parliament are to be highlighted. Unlike the FBiH, the legislature is unicameral and consists of 83 members who are elected directly. The National Assembly exercises both the constitutional and legislative powers. Yet, there is an 'advisory body' which acts as sort of an upper chamber. It is called the Senate.

The executive organ is the government which comprises a prime minister, a deputy prime minister and about eighteen other ministers. Both the prime minister and the ministers have collective responsibility. The president of the RS, on the other hand, is mostly symbolic in such a structure. But still he is the one who proposes to the National Assembly a candidate for the post of Prime Minister.

How is the structure in the RS? Decentralised like the FBiH or centralised? First of all, the RS is not composed of cantons unlike the case in the other Entity. That means there is not an 'intermediate layer of decision-making and administration' (Bose, 2002:73) between the State institutions and the municipalities. As an outcome, the municipality has

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[4] The municipality being overshadowed by the canton has two exceptions. As Bose (2002) notes, the first one takes place when a number of municipalities form an overarching 'City Authority', like in the cases of Mostar and Sarajevo. Second exception is when the national compositions of the populations of the municipality and the canton are at odds with each other. For more see (Bose, 2002:80-81).

an important place in the governing of the Entity and plays a crucial role in areas such as minority return which is examined in the following pages. Yet, it is to be underlined that this role is limited to implementation and administration and one cannot talk of an autonomous decision-making.

Lastly, the status of the District of Brcko should be mentioned. According to Article 5 of Annex 2 of the DPA, 'The Parties[5] agree to binding arbitration of the disputed portion of the Inter-Entity Boundary Line (IEBL) in the Brcko area …' and 'the arbitrators shall issue their decision no later than one year from the entry into force of this Agreement. The decision shall be final and binding, and the Parties shall implement it without delay'[6]. The ownership of Brcko was one of the contentious issues in the Dayton negotiations and there was no choice other than leaving the issue for a binding post-war arbitration. A series of arbitral awards were decreed between 1997 and 1999. According to the Final Award decreed in March 1999, the pre-war municipality of Brcko consisting of three separate municipalities would be unified and established as self-governing and de-militarised neutral district under the sovereignty of the state. At the same time it would exist simultaneously as a 'condominium' so that it would be shared by both entities[7]. This would mean that the Entities, while gaining territory, would lose administrative authority over the District. The Supervisor was empowered by the Final Award to produce a statute and plan of a body that would be responsible for the governing. The creation of the District started in March 2000 with the High Representative authorising his deputy and supervisor for Brcko to deal with the issue. The supervisor issued a decree on March 8, which designated the Brcko District as a governmental entity.

What kind of a structure do we come across in this self-governing unit? First of all, the District has a single and unitary Government which is, at the same time, multiethnic.

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[5] The Parties in question are the Republic of Bosnia and Herzegovina and two Entities (*The General Framework Agreement: Annex 2 Agreement on Inter-Entity Boundary Line and Related Issues*. Retrieved: May 21, 2007, from OHR. [WWW Document]. URL. http://www.ohr.int/dpa/default.asp?content_id=370)

[6] (ibid.)

[7] For more on the Final Award see (*Brcko Final Award*. Retrieved: June 10, 2007, from OHR. [WWW Document]. URL. http://www.ohr.int/ohroffices/brcko/arbitration/default.asp?content_id=5358), and the Brcko issue in general see (International Crisis Group (ICG), 2003).

The Government is working under the auspices of an international supervisor[8]. The governor is the Mayor of the District. The political system is summarised by the Mayor's advisor as follows:

> 'Both the provisional government and the Assembly were appointed by the international supervisor, who has a key role in the affirmation of the District. It is logical to have a Supervisor because it was a model designed by the international community. There are 29 seats in the Assembly. The provisional government consisted of 12 members and the Mayor, who is the president of the government of the District at the same time. It lasted until the first democratic elections were held in October 2004. Since that time, we have a new composition of Assembly. The Assembly elects the Mayor who selects the government. The Mayor's proposal is sent to the Assembly for approval.' (*Interview with the Mayor's Advisor, 25 August 2005*)

VI.1.2. The International Community Presence in Bosnia-Hercegovina

As a result of the framework drawn with the DPA, the international community has a strong presence in BiH. Many organisations and agencies have been contributing to the reconstruction of the country in several fields. In that sense, the Office of the High Representative (OHR), as the guarantor for the implementation of the civilian aspects of the DPA, has a direct role in the administration of the country. Others like the OSCE and the EU have been assisting BiH to recover in different areas, and the UNHCR has taken its place as the lead agency in refugee return. Starting with the OHR, the place and roles of each organisation or agency in post-Dayton BiH are elaborated in this section.

a. The Office of the High Representative

In the DPA, the Office of the High Representative (OHR) is designated as the ad hoc international agency responsible for overseeing the implementation of the civilian aspects of the Peace Agreement. At the same time, the High Representative (HR hereafter) is

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[8] At the time of the writing, the fifth supervisor is in office.

supposed to be a coordinator of the activities of the civilian organisations and agencies in BiH. Since the signing of the DPA, five people have worked as the HR[9].

The mandate of the HR is clearly stated in Article 2 of the Annex 10 of the DPA, which is the Agreement on Civilian Implementation. Some of the duties the HR is supposed to accomplish are as follows: 'to monitor the implementation of the peace settlement; to maintain close contact with the parties to the Agreement, to promote their full compliance with all civilian aspects of the Agreement; to coordinate the activities of the civilian organisations and agencies in BiH to ensure the efficient implementation of the civilian aspects of the peace settlement…' and so on[10].

Prior to the official signing of the DPA on 14 December 1995, a Peace Implementation Conference was held in London which resulted in the establishment of the Peace Implementation Council (PIC). The PIC, successor to the International Conference for Yugoslavia, is an ad hoc coalition composed of states and organisations. It operates with the support of the UNSC[11] and plays a key role in the OHR's involvement in BiH's political life due to the fact that first it funds the OHR[12] and secondly both the mandate and focus of the OHR have been determined in accordance with the requirements of the PIC. For instance, the HR was supposed to make sure that the requirements of the peace process were carried out at the initial stages. Accordingly, the first democratic elections were held

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[9] The HRs, who have been in office, are as follows: C. Bildt (December 1995-June 1997), C. Westendorp (June 1997-July 1999), W. Petritsch (August 1999-May 2002), P. Ashdown (May 2002-January 2006). The fifth one, C. Schwarz-Schilling, took over from Ashdown in January 2006. His tenure in office was supposed to end in June 2008 with the planned phase-out of the OHR from BiH. Yet, Schwarz-Schilling failed to achieve progress in the constitutional and police reform. Therefore, he was replaced by a Slovak diplomat, Miroslav Lajcak, who started his new job on July 2, 2007. The phase-out of the OHR was delayed as well (RFE/RL NEWSLINE Vol. 11, No. 121, Part II, 2 July 2007).

[10] (*The Mandate of the OHR*. Retrieved: June 11, 2007, from OHR. [WWW Document]. URL. http://www.ohr.int/ohr-info/gen-info/default.asp?content_id=38612)

[11] PIC consists of 55 countries and agencies that support the peace process in BiH in various ways. Among the PIC members and participants, the USA, Turkey, the Russian Federation, Nordic countries, the ex-Yugoslav republics and other Balkan countries, the West European countries such as Germany, France, the UK, Arab countries such as Saudi Arabia and Oman, and some of the international and regional organisations such as the IMF, NATO, OSCE, UN and the Wold Bank prevail. Apart from the members and participants, there are observers in PIC as well (*The Peace Implementation Council and its Steering Board*. Retrieved: June 11, 2007, from OHR. [WWW Document]. URL. http://www.ohr.int/pic/default.asp?content_id=38563)

[12] As of today, the EU has the biggest share in the OHR budget with 53 %. It is followed by the USA with 22 %, Japan with 10 %, Russia with 4 %, Canada with 3.03 %, OIC with 2.5 % and the others with 5.47 % (*Status, Staff and Funding of the OHR*. Retrieved: June 11, 2007, from OHR. [WWW Document]. URL. http://www.ohr.int/ohr-info/gen-info/default.asp?content_id=38608).

in September 1996 and both the State and Entity institutions envisaged in the Constitution were set up following the elections. Currently, 'one of the OHR's key tasks is to ensure that the institutions function effectively and in a responsible manner'[13].

The PIC meetings are quite important in the peace implementation process in BiH because crucial decisions are taken regarding the mandate of the OHR. For example, the PIC Bonn meeting in December 1997[14] is of utmost significance because the High Representative was authorised by the PIC 'to remove from office public officials who violate legal commitments and the Dayton Peace Agreement, and to impose laws as he sees fit if Bosnia and Herzegovina's legislative bodies fail to do so'[15]. These are called the 'Bonn powers' and some of the HRs have used them[16]. Despite the broad powers of the HR regarding the governing of BiH, the concept of domestic responsibility is important because both the governmental officials and the citizens are called on to take responsibility for the peace process and take part in resolving the problems that BiH is faced with.

In the past decade, the OHR tried to accomplish its main duties regarding the implementation of the peace process in BiH. As of today, the OHR is responsible for fulfilling the core tasks set out in the Mission Implementation Plan (MIP) introduced in 2003 and approved in the PIC Main Meeting held in Vienna in March 2006. The last MIP, i.e. 2006/7 MIP is composed of five main areas, namely the MIP, support for the Stabilisation and Association process that has been agreed with the European Commission,

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[13] (*The Mandate of the OHR*. Retrieved: 11 June 2007, from OHR. [WWW Document] URL: http://www.ohr.int/ohr-info/gen-info/default.asp?content_id=38612)

[14] Before the Bonn meeting the PIC met in Sintra, Portugal in May 1997. In this meeting, the international commitment to a united and multiethnic Bosnia was underlined and the PIC took a tough position on issues that affect Bosnia's current and would-be residents. One of those issues was the need to amend the property laws that constituted a big obstacle in the path of return (Cousens, 2001).

[15] (*The Mandate of the OHR*. Retrieved: 11 June 2007, from OHR. [WWW Document] URL: http://www.ohr.int/ohr-info/gen-info/default.asp?content_id=38612)

[16] As set out in the Conclusions of the PIC Meeting, 'The Council [PIC] welcomes the High Representative's intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of difficulties by making binding decisions, as he judges necessary ...' (*PIC Bonn Conclusions*. Retrieved: June 11, 2007, from OHR. [WWW Document]. URL. http://www.ohr.int/pic/default.asp?content_id=5182).

coordination of the international community and ongoing assistance, preparations for the OHR/EUSR[17] and promoting BiH especially in the economic sphere[18].

In short, the OHR has been the main institution in implementing the peace process designed in the DPA. At the time being, it is claimed that the OHR has fulfilled most of its duties and needs one more year to deal with the remaining ones which are set out in the MIP. The plan is to terminate the OHR in mid-2008 but still the international community will continue its presence in the country because the EU's Special Representative will fully take over the tasks of the HR.

b.   The Organisation for Security and Cooperation in Europe Mission to Bosnia-Hercegovina

The OSCE Mission to BiH, whose mandate was established under the DPA, is one of the agencies responsible for helping BiH in its transition process due to the fact that a secure, stable, and democratic BiH is crucial for the entire Balkan region. Accordingly, the Mission has 'established programmes to promote the development of democratic political institutions, as well as strengthen the rule of law and the observance of international human rights norms and standards, at all levels of BiH, from the municipal to the state'[19].

The work of the Mission is concentrated in four fields. To start with the first one, democratisation field, the main aim of the Mission is to help BiH achieve governmental institutions that are open, transparent and efficient and create an active civil society which is engaged in civil affairs and governmental issues where necessary. The civil society should be an equal partner to the government.

The Mission's activities in the field of democratisation include the Parliamentary Support Programme aiming 'to increase the efficiency, transparency, and legislative

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[17] As examined more in detail in the sub-section on the presence of the EU in BiH, currently the HR is at the same time the EU's Special Representative in BiH.

[18] (*OHR Mission Implementation Plan 2006-2007*. Retrieved: June 11, 2007, from OHR. [WWW Document]. URL. http://www.ohr.int/ohr-info/ohr-mip/default.asp?content_id=37241)

[19] (*OSCE and its role in Bosnia and Herzegovina*. Retrieved: June 12, 2007, from OSCE Mission to BiH. [WWW Document]. URL. http://www.oscebih.org/overview/mandate.asp?d=7)

capacity of the BiH Parliamentary Assembly'[20], the Municipal Administration Reform and the initiatives in the area of Local Governance, projects developed in order to provide increased economic, political, and social opportunities for the youth in BiH, a country-wide local government project called UGOVOR (Contract)[21], and the work with the civil society in the country.

Education is the second field the Mission is responsible for. At the request of the HR, the Mission assumed responsibility in mid-2002. The responsibility in question is to coordinate the activities of the international community in the education sector in BiH. The Mission's activities are focused on three main areas. The first one is 'accessible, acceptable, and effective education for all' which aims at forming an education system that is free from political influence and bias. Second area of focus is legislation of education, and the civic involvement in education reform process comes to fore as the third one.

Another field that the Mission has responsibility in is human rights. Unlike in the field of education, the Mission is responsible for promoting, protecting, and monitoring the human rights in BiH right from the beginning, i.e. the signing of the DPA. The Mission concentrates its work in the following areas: economic and social rights, minority rights, human rights institutions such as the Human Rights Commission and the Ombudsman[22], combating human trafficking, the reform in criminal justice system and monitoring the conduct of trials.

The last field the Mission is responsible for is cooperation in security. As given mandate by the DPA, the Mission has a crucial role in giving support to the BiH state authorities in diminishing the size of their defence establishments and arms thus enhancing

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[20] (*Legislative Support Programme and Parliamentary Support Programme – A Stronger Parliament.* Retrieved: 12 June 2007, from OSCE Mission to BiH. [WWW Document] URL: http://www.oscebih.org/democratization/pspro.asp?d=3)

[21] UGOVOR, launched in March 2005, aims at cooperation between the municipalities and the citizens in order to improve governance at the local level. The project has two main elements and five modules. For more see (*UGOVOR Background: Improving Communication and Cooperation – Municipalities and Citizens* Retrieved: June 12, 2007, from OSCE Mission to BiH. [WWW Document]. URL. http://www.oscebih.org/democratization/ugovor.asp?d=3).

[22] The Mission, together with the Council of Europe and the European Commission, gives assistance to the BiH state authorities to establish 'a unified, independent and effective Ombudsman to replace the three existing Ombudsman institutions' (*Entrenchment of Independent, Financially Sustainable and Effective Human Rights Institution.* Retrieved: June 12, 2007, from OSCE Mission to BiH. [WWW Document]. URL. http://www.oscebih.org/human_rights/institutions.asp#BiHOmbudsman).

military stability both at local and regional levels. The main areas of work in this field are the following: assistance to the BiH Parliament (both chambers) in enhancing democratic control over the Armed Forces, confidence-building and compliance assistance, verification and limitation of small arms and light weapons, regional stabilisation and arms control, defence reform, intelligence reform, and the commitment of the Defence and Security Committee to the future of armed forces.

c. The European Union

The European Union is one of the actors which are playing a key role in the international community's ambitious project of assisting BiH to recover and survive. As examined in the previous chapter, the EC/U was involved in the Yugoslav crisis and the Bosnian War right from the beginning. When the war came to an end in three former Yugoslav republics, together with the other organisations and agencies, the EU assumed responsibility in making BiH a stable and democratic society with a functioning economy in a secure environment.

The relations between the EU and BiH have to be evaluated within the framework of BiH's integration with the EU. Entry to the EU is one of the major political objectives of BiH and the Stabilisation and Association process (SAp) is the policy framework the EU has drawn for BiH and other countries in the Western Balkans. Once it fulfils the conditions required by the EU, BiH will be able to join the Union. In that sense, BiH is one of the potential candidate countries.

The relations between the EU and BiH after the Bosnian War should be assessed within the Regional Approach the EU developed towards the Balkan countries. This Regional Approach is 'in fact the major indicator of how the EU's Balkan policy altered in the second half of the 1990s' (Şirin, 2003:97). The Balkan countries included in this renewed approach were divided into two groups due to the fact that they were to be treated differently. The first group consisted of two countries which had more advanced relations with the EU at that time. These countries were Albania and Macedonia (known and recognised as the Former Yugoslav Republic of Macedonia). The countries in the second

group were three former Yugoslav republics, namely Croatia, which started its accession negotiations with the EU on 3 October 2005, BiH, and the then Federal Republic of Yugoslavia composed of Serbia and Montenegro[23]. With the aim of enhancing the Regional Approach, the EU Commission proposed to create a SAp. The main reason for this proposal was the insufficiency of the Regional Approach applied during the 1996-9 period. The SAp created in the Zagreb Summit held in November 2000, consists of three elements: a) Stabilisation and Association Agreements (SAAs), b) unilateral trade concessions, and c) financial assistance. Among the three elements, the SAAs are particularly important due to the fact that they 'provide a kind of a perspective of integration with the Euro-Atlantic structures …' (Şirin, 2003: 99)[24].

The European Council first made it clear in Thessaloniki Summit in June 2003 that the future of BiH as well as other countries in the Western Balkans is within the Union. Accordingly, SAp is the first main step towards BiH's EU membership because it is 'the overall framework for the European course of the Western Balkan countries, all the way to their future accession. In the case of BiH, this can only take place on the basis of full implementation of the Dayton/Paris Accords'[25]. In that regard, an EU/BiH Consultative Task Force (CTF) was established in 1998. It was supposed to be a joint vehicle for political dialogue between the two and also for expert advice. The CTF meetings have been quite important since they make a ground for exchanges both in political and technical terms. The CTF was renamed 'Reform Process Monitoring' at the beginning of 2006 because a new phase began in the relations between the EU and BiH. This new phase marks the start of the negotiations of a SAA, which were launched in November 2005. Despite the progress and the conclusion of the SAA Technical negotiations, there is no

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[23] The formal demise of the Federal Republic of Yugoslavia came in February 2003 when it was replaced by the State Union of Serbia and Montenegro. The State Union officially ceased to exist as Montenegro declared independence in June 2006 (*Federal Republic of Yugoslavia*. Retrieved: June 12, 2007, from OSCE Mission to BiH. [WWW Document]. URL. http://en.wikipedia.org/wiki/Federal_Republic_of_Yugoslavia).
[24] For more on the SAp see (*From Regional Approach to the Stabilisation and Association Process, The EU's Relations with the South East Europe – The EU's actions*. Retrieved: June 13, 2007, from EU. [WWW Document]. URL. http://europa.eu.int/comm/external_relations/see/actions/sap.htm)
[25] The 'European Security Strategy-Bosnia and Herzegovina' was adopted by the European Council in June 2004 (*European Security Strategy-Bosnia and Herzegovina*. Retrieved: June 13, 2007. [WWW Document]. URL. http://www.eusrbih.eu/policy-docs/council-docs/1/?cid=1,1,1).

progress in key reforms such as the police reform, cooperation with the International Crime Tribunal for former Yugoslavia (ICTY), public broadcasting and public administration. The SAA has not been concluded in official terms as a result. Once signed, it will be the contractual framework between the two. In that sense, the SAA is very important for BiH.

As stated in the 'European Security Strategy-Bosnia and Herzegovina', BiH is considered to be a key challenge for the EU for three main reasons. In the first place, BiH is a country with a clear perspective of integration with the EU which is engaged in the country to a large extent. Secondly, the EU is in BiH with its military force EUFOR and it is planning a European Security and Defence Policy (ESDP) mission. And lastly, as BiH moves from the Dayton era onto the path to Brussels, the EU will assume bigger responsibilities in the political sphere. The creation of the EU Special Representative is to be evaluated from that perspective.

The EU is present in BiH with the following pillars: the EU Special Representative (EUSR), EU Force (EUFOR), EU Police Mission (EUPM) and EU Monitoring Mission (EUMM).

To start with the EU Special Representative, it may be claimed that even though its creation is rather recent, it has gained significance in a short time. It is considered to be 'the lynchpin in the European Union's presence in Bosnia and Herzegovina ensuring a coordinated and coherent EU approach to building self-sustaining peace and stability by assisting the country move beyond peace implementation towards European integration'[26]. Like the other EUSRs[27] in different regions of the world, the main duty of the EUSR in BiH is to 'promote EU policies and interests … and play an active role in efforts to consolidate peace, stability and the rule of law'[28]. The post of EUSR has gained

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[26] (*EUSR Introduction*. Retrieved: June 14, 2007. [WWW Document]. URL. http://www.eusrbih.eu/gen-info/?cid=1012,1,1)

[27] There are nine EUSRs currently in office. The regions they are working are the Middle East, the Great Lakes, the Former Yugoslav Republic of Macedonia, BiH, Afghanistan, the South Caucasus, Moldova, Central Asia, and Sudan. For more on the EUSRs see (EU Council Secretariat fact-sheet, 'EU Special Representatives: A voice and face of the EU in crucial areas', EUSR/4, July 2007. Retrieved: August 10, 2007. [WWW Document]. URL. http://www.eusrbih.eu/gen-info/?cid=283,1,1

[28] (ibid.)

considerable importance since Javier Solana was appointed as the High Representative for Common Foreign and Security Policy (CFSP).

The EUSR in BiH's tenure in office started on 1 February 2006, and the European Union General Affairs and External Relations Council appointed the High Representative as the EU Special Representative in BiH. This appointment took place in accordance with the transition from the Dayton agenda to the European integration agenda as a part of the exit strategy of the OHR. In that regard, the EUSR's mandate is to assist BiH in making progress both in the SAp and the implementation of the DPA because 'the ultimate aim is to help BiH evolve into a stable, viable, peaceful and multiethnic country …'[29].

In the second place, the military force of the EU in BiH is to be mentioned. After the signing of the DPA, NATO-led peace forces, first the Implementation Force (IFOR) and then the Stabilisation Force (SFOR) were responsible for the security in BiH. The UNSC Resolution 1031 authorised NATO to implement the military and regional stabilisation provisions of the GFAP. Accordingly, an implementation force of 60,000 NATO and other troops were deployed to Bosnia following the signing of the DPA. The IFOR mission was responsible for 'ensuring compliance with the cease-fire, ensuring the withdrawal and separation of forces, ensuring the relocation of all heavy weapons and military forces to cantonment areas or barrack and the demobilization of remaining forces, and controlling Bosnian airspace' (Burg and Shoup, 2000). It was different from traditional peacekeeping missions in the sense that it was prepared to deter violations of the military aspects of the DPA. At the end of the first year of peace in Bosnia, IFOR completed its mission of implementing the military aspects of the DPA. However, there was still much to be accomplished on the civil side, and it was apparent that the political environment would not be stable and secure in the short term. It was too early to withdraw. So it was decided to contribute to a safe and secure environment. The international forces were reduced to

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[29] (*EUSR Introduction*. Retrieved: June 14, 2007. [WWW Document]. URL. http://www.eusrbih.eu/gen-info/?cid=1012,1,1)

half of IFOR's size and renamed Stabilisation Force (SFOR). In the 2000-2003 period SFOR was restructured[30].

After nine years of NATO presence in the country, the EU assumed responsibility for peacekeeping operations. The Union had decided to conduct a military operation called Operation Althea. The EUFOR/Althea mission was launched on December 2, 2004. It is supposed to 'provide deterrence and continued compliance with the responsibility to fulfil the role specified in Annexes 1A and 2 of the GFAP[31]; and contribute to a safe and secure environment in BiH, in line with its mandate, and to achieve core tasks in the OHR's Mission Implementation Plan and the Stabilisation and Association Process (SAP)'[32]. The Althea mission is an integral part of the approach the EU has developed regarding its relations with BiH. The total number of troops making up EUFOR is approximately 2,500. As well as 24 EU member-states 10 non-EU countries contribute to EUFOR mission with their troops. As of 2007, EUFOR is composed of three elements, namely Multinational Maneuver Battalion (MNBN), Integrated Police Unit, and Liasion and Observation Teams (LOT).

The EU Police Mission (EUPM) is the third pillar of the EU's presence in BiH. It took over from the UN Mission in Bosnia-Hercegovina (UNMIBH) which completed its mandate and was terminated on December 31, 2002[33]. EUPM was launched the next day as the first mission under the European Security and Defence Policy (ESDP). At the beginning, the mission would be in Bosnia for three years. Later on, the EUPM follow-on police mission was established upon an invitation by the BiH authorities. It was supposed to operate in the 2006-07 period. The mandate and size of the mission was modified. The new EUPM mission 'supports the police reform process and continues to develop and

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[30] For a detailed account of SFOR see (History of the NATO-led Stabilisation Force (SFOR) in Bosnia and Herzegovina. Retrieved: June 14, 2007. [WWW Document]. URL. http://www.nato.int/sfor/docu/d981116a.htm)

[31] Annex 1A is about the implementation of the military aspects of the DPA while Annex 2 is on achieving regional stabilisation (*Dayton Peace Agreement*. Retrieved: June 14, 2007. [WWW Document]. URL. http:// www.ohr.int)

[32] (*EUFOR Mission*. Retrieved: June 14, 2007. [WWW Document]. URL. http://www.euforbih.org/eufor/index.php?option=com_content&task=view&id=12&Itemid=28).

[33] One of the main components of the UNMIBH was the International Police Task Force that played a key role in the property repossession process (*Interview with Senior Advisor on Annex 7, OHR, 2 August 2005*).

consolidate local capacity and regional cooperation in the fight against major and organised crime'[34]. The main purpose is to establish a multiethnic police service which is sustainable and professional. In order to accomplish this task the EUPM is supposed to mentor as well as monitor and inspect the process. EUPM is made up of personnel of all EU member-states and 6 third states[35].

Lastly, the EU Monitoring Mission has to be briefly mentioned. Based in Sarajevo, EUMM operates in Albania and all former Yugoslav republics except Slovenia which is already an EU member. It is the former EC Monitoring Mission that operated in the Balkans since 1991. The EU Council adopted a Joint Action in December 2000 on the restructuring of the European Community Monitoring Mission (ECMM). However, it is to be noted that the process of restructuring has not been completed yet due to the Mission's flexibility in nature. The main aim is to contribute to effective formulation of the EU policy concerning the Western Balkans. In that sense, the role of the EUMM is to 'monitor political and security developments as well as border monitoring, inter-ethnic issues and refugee returns, and contribute to early warning and confidence building measures'[36]. EUMM's activities are mainly information gathering and analysis. The Head of Mission is appointed by the Council of the EU, on the nomination of the Secretary General/High Representative. The former Mission was an instrument the Member States used during and after the crisis in former Yugoslavia, whereas EUMM may be described as an instrument of the EU's Common Foreign and Security Policy (CFSP). So far, the mandate of the EUMM has been extended twice. The first one was for two years and the second extension was until the end of 2007.

Apart from its increasing engagement in BiH, the assistance the EU has been providing since the beginning of the Yugoslav crisis is of significance as well. The assistance given to BiH can be examined in two periods. In the first period, which is 1991-2000, the assistance was provided mainly through European Community Humanitarian

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[34] (*EU Police Mission in Bosnia-Herzegovina: Overview*. Retrieved: June 22, 2007. [WWW Document]. URL. http://www.eupm.org/Overview.aspx).

[35] The third states are Canada, Iceland, Norway, Switzerland, Turkey, and Ukraine. For more information see (http://www.eupm.org).

[36] (Retrieved: June 23, 2007. [WWW Document]. URL. http://www.consilium.europa.eu)

Office (ECHO), and the PHARE and OBNOVA programmes, and the focus was on refugee return and reconstruction. As one of the Task Managers working in the EU Commission Delegation to BiH says, 'The EU's financial assistance to the refugees and DPs in BiH reached its peak in 1998 with some 119 million Euro' (*Interview with a Task Manager in the Delegation of the EU Commission to BiH, 19 August 2005*). In the second period (2001-06), the CARDS programme was prevalent and institutional capacity-building and economic development drew more attention than the post-conflict recovery. In other words, there was a shift of focus concerning the EU's assistance to BiH. The issue of assistance is elaborated in-depth in the section on the dimensions and main issues of the return and reintegration process in BiH.

In sum, as BiH has started following the road to Brussels, the EU gains more and more importance. The SAp of which BiH is a part like the other Western Balkan countries, is very crucial in that regard. Accordingly, the EU's responsibilities particularly in the political sphere have increased and it seems that it will be greater as progress takes place with regard to the transition from the Dayton agenda to the agenda of integration with the EU.

d. The United Nations High Commissioner for Refugees

The United Nations High Commissioner for Refugees, which was designated as the lead humanitarian agency at the beginning of the Balkan wars, was again asked to lead and coordinate the effort to help people return to their pre-war homes. In that regard, within its general mandate of ensuring the international protection of refugees and seeking solutions for their problems, the UNHCR is responsible for facilitating the return and reintegration of former refugees from BiH and IDPs in the country in accordance with the Annex 7 of the DPA. Some of the main objectives are as follows: 'to continue to work towards the development of a functioning national asylum system, provide protection and legal and material assistance to refugees and asylum-seekers in BiH, find durable solutions for displaced persons and refugees through enhancement of the capacity of the local authorities to adhere to the '4Rs' strategy, enhance the capacity of the national network of

Legal Aid Centres as a means to accelerate the removal of obstacles to sustainable return …,[37].

What kind of assistance has the UNHCR been providing since the beginning of the conflict? As a Protection Officer puts forth,

> 'During the war-time, the UNHCR provided humanitarian relief. It was basically food, clothes, and hygienic products. Right after the war, reconstruction/shelter assistance started to be given. Moreover, cross-IEBL buses were organised within confidence-building measures. They were called 'go and see visits'. These buses lasted for 4-5 years. Shelter assistance was provided as well. In fact, there are still shelters. But what is really important is the sustainable return. So the UNHCR develops projects and programmes aimed at sustainable return, and these projects are implemented with the help of different international organisations which are acting as the implementing partners. …' (*Interview with a Protection Officer, the UNHCR Mostar Sub-Office, 26 July 2005*)

Apart from the humanitarian and reconstruction assistance, the UNHCR assists the Bosnians in resolving their legal problems. In 1996, the Legal Aid and Information Centre Network started functioning under the auspices of the UNHCR, and became one of the effective non-governmental organisations (NGO) at the country level: 'Your Rights' (*Vasa Prava*) – Legal Aid Network. The transition was a gradual one and completed at the end of 2003. At the time being, *Vasa Prava* is considered to be the largest legal aid provider as well as one of the largest NGO in the region. As stated in its 2004 Annual Report, some of the main goals of *Vasa Prava* are as follows: to 'support the rule of law and reinforce the civil society sector in BiH; provide free legal assistance and information to the beneficiaries; facilitate the right of all refugees and DPs to freely return to their pre-war homes in accordance with the Annex 7 of GFAP; promote and raise public awareness on civil, socio-economic, cultural and human rights in the country, as well as to foster fair access to justice for the enjoyment of rights for the project beneficiaries etc.' (Association *Vasa Prava* Annual Report, 2004: 4). According to the Legal Aid Programme in 2004, some of the beneficiary groups were DPs, returnees, refugees, vulnerable local residents including disabled people, vulnerable elderly and female-headed households and others, asylum seekers and refugees in BiH, and victims of human trafficking. Moreover, *Vasa*

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[37] (Retrieved: June 27, 2007, from UNHCR BiH official web-site, http://www.unhcr.ba)

Prava launched a programme called 'Administrative Justice Initiative' in September 2004. Its main objective was to increase justice for the beneficiaries through enforcing administrative rights. On the other hand, since most of the staff is composed of lawyers and attorneys at law, the *Vasa Prava* is involved in human rights advocacy at the same time.

Furthermore, the UNHCR is one of the founders and co-chairmen of the Return and Reconstruction Task Force (RRTF hereafter) established in January 1997. The RRTF and its activities are elaborated in the following section. Suffice it to note that its mandate was to coordinate an integrated approach to the return of refugees and displaced persons, and as Prettitore (2006) notes, the basis for the RRTF's establishment was the conclusions of the London Peace Implementation Conference. The other institutions that participated in the RRTF were the European Commission, the World Bank, the International Management Group, and the Commission for Real Property Claims.

In short, the UNHCR prevails among the organisations and agencies that have been contributing to BiH's recovery in the sense that it assumed the responsibility to spearhead the efforts of returning refugees and DPs to their homes. Since the beginning of war in BiH, the UNHCR has been providing a wide range of assistance to the country. Currently, like many other organisations still active in the country, the UNHCR is engaged in activities aimed at sustainable return.

VI.2. The Right to Return and the General Framework Agreement for Peace in Bosnia-Hercegovina

The 'right to return', as elaborated in the chapter on return and reintegration, is embedded in human rights law. Besides being a human right, the right to return is crucial for the recovery of war-torn societies because it is considered to be the starting point of the peace process.

Bosnia-Hercegovina is a country which found itself in the midst of a violent war following its declaration of independence. The peace agreement that ended the bloodshed but at the same time brought a fragile peace to BiH, draws the framework of return process in BiH. The right of DPs and refugees to return is stated clearly in the DPA. But there is something different than other peace agreements that contain provisions on return. In the DPA, the emphasis is on the return to the pre-war homes or homes of origin. It is the first time a peace agreement attaches importance to return to one's pre-war place. This is the right of 'domicile return' (Heimerl, 2005) and it is unique to BiH. The aim is obvious: to reverse the ethnic cleansing which was one of the central objectives of the warring parties. Whether this objective has been achieved or not is examined in-depth in this study.

The DPA contains several provisions relevant to the right of return. For instance, Article II (5) of the Constitution (Annex 4) provides:

> 'All refugees and displaced persons have the right freely to return to their homes of origin. They have the right, in accordance with Annex 7 to the General Framework Agreement, to have restored to them 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. Any commitments or statements relating to such property made under duress are null and void.'[38]

In addition to the Constitution of BiH (Annex 4) and the Agreement on Human Rights (Annex 6), there is a special annex on the return process. The Agreement on Refugees and Displaced Persons, known as Annex 7, is made up of two chapters, one on 'protection' and the other on establishing a Commission for Displaced Persons and Refugees, which would be responsible for property repossession[39]. The first paragraph of the Annex 7 states the right to return to one's home of origin and to repossess his/her

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[38] (*The General Framework Agreement: Annex 4*. Retrieved: June 24, 2007. [WWW Document]. URL. http://www.ohr.int/dpa/default.asp?content_id=372)

[39] As examined in the section on property repossession, the Commission in question is the Commission for Real Property Claims of DPs and Refugees (CRPC). It was given the responsibility to deal with the claims either for the return of property or for just compensation in lieu of return. However, the right to receive compensation was problematic as well. For more on the problems regarding compensation see (Cox, 1998:611-2).

property[40]. Moreover, early return is of considerable significance to the peace process in BiH:

> 'All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them. The early return of refugees and displaced persons is an important objective of the settlement of the conflict in Bosnia and Herzegovina. ...'[41]

Article I of the Annex 7 touches upon several important issues other than the individual rights of refugees and DPs. For instance, the Parties[42] are obliged to ensure that both the refugees and the DPs can 'return in safety, without risk of harassment, intimidation, persecution, or discrimination, particularly on account of their ethnic origin, religious belief, or political opinion'(Art. I (2), Annex 7), and they are responsible for taking the measures 'to prevent activities within their territories which would hinder or impede the safe and voluntary return of refugees and displaced persons' (Art. I (3), Annex 7), including the repeal of legislation which is discriminatory in nature, the prevention and suppression of incitements of ethnic hostility, the protection of ethnic minority population, and the prosecution of officials who are responsible for violating human rights of the ethnic or minority groups.

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[40] The right to return and repossess property was set out in two of the UNSC Resolutions during the first two years of the Bosnian War. In Resolution 752 (1992), the Security Council, calling upon all the parties in question to ensure the cessation of forcible expulsions, supported all the efforts to assist the displaced persons to return to their homes. Resolution 820 (1993) expressed the insistence of the UNSC that displaced persons be allowed to return to their former homes, and reaffirmed that any commitments made under duress regarding land and property were null and void (Resolution 752. Retrieved: January 19, 2008. [WWW Document]. URL.
http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/011/11/IMG/NR001111.pdf?OpenElement),
(Resolution 820. Retrieved: January 19, 2008. [WWW Document] URL:
http://daccessdds.un.org/doc/UNDOC/GEN/N93/222/97/IMG/N9322297.pdf?OpenElement).
[41] (Art. I (1), *The General Framework Agreement: Annex 7*, Retrieved: June 26, 2007. [WWW Document]. URL. http://www.ohr.int/dpa/default.asp?content_id=375)
[42] The 'Parties' in question are the BiH State and the two Entities. Even though the parties to the GFAP are BiH, Republic of Croatia and the then Federal Republic of Yugoslavia, the annexes of the Agreement have different signatories. The Annexes that are most relevant to the present study, namely Annex 4, Annex 6 and Annex 7 have the BiH State and the two Entities – FedBiH and the RS – as parties (The General Framework Agreement. Retrieved: June 26, 2007. URL. www.ohr.int).

Furthermore, the people, who are returning, are free to choose the destinations they wished to return. Hence, if the displaced persons wish to stay or settle in their areas of displacement rather than return to their areas of origin, this is considered as a recognised right. In other words, although return to pre-war places is the desired one in terms of achieving ethnic reintegration, it is up to the returnees to choose at the end:

> 'Choice of destination shall be up to the individual or family, and the principle of the unity of the family shall be preserved. The Parties shall not interfere with the returnees' choice of destination, nor shall they compel them to remain in or move to situations of serious danger or insecurity, or to areas lacking in the basic infrastructure necessary to resume a normal life. ...'[43]

These are the rights of the refugees and the IDPs and the obligations of the Parties as stated in the provisions. In other terms, it is the legal context specified by the DPA. The important issue in that respect is the extent to which the political authorities complied with the provisions of the DPA. Did the authorities promote or obstruct return? If they obstructed, what kind of problems did the refugees and IDPs face?

While examining the process of return and reintegration in BiH, the first thing to do is to specify the actors taking part in the process. They can be divided into two groups. The first group consists of the people, who experienced return. They are the refugees and IDPs. The agencies and institutions participating in the process constitute the second group. The organisations such as the UNHCR, OSCE, International Organisation for Migration (IOM), EU etc. and the OHR come to fore at the international level while the Bosnian State and the Entities, the Associations of Return and a number of coordinators are among the main actors at the national level. The role the local and international agencies and the institutions have been playing is elaborated while discussing the main issues of the return process.

Before proceeding, the terms 'refugee', 'displaced person', 'internally displaced person' and 'returnee' are to be clarified. According to the Law on Refugees from BiH and Displaced Persons in BiH[44] (the State Law hereafter), a 'refugee' from BiH is:

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[43] (Art. I (4), *The General Framework Agreement: Annex 7*. Retrieved: June 26, 2007. [WWW Document]. URL: http://www.ohr.int/dpa/default.asp?content_id=375)
[44] The Law on Refugees from BiH and Displaced Persons in BiH issued in 1999 was amended twice in 2003. At the beginning of 2004, the Entity Laws on Refugees and DPs were harmonised with the State Law

'[a] citizen of Bosnia and Herzegovina who is outside of Bosnia and Herzegovina, and who has been expelled from his/her habitual residence as the result of conflict or left his/her habitual residence in Bosnia and Herzegovina and escaped abroad, after 30 April 1991, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership to a particular social group or political opinion, and who is neither able to return in safety and with dignity to his/her former habitual residence nor has voluntarily decided to settle permanently elsewhere outside of BH.' (Art.3, *the Law on Refugees from BiH and Displaced Persons in BiH*)

The Law describes a 'displaced person' in BiH as follows:

'A displaced person is a citizen of Bosnia and Herzegovina, residing within Bosnia and Herzegovina, who has been expelled from his/her habitual residence as the consequence of the conflict, or left her/his habitual residence, after 30 April 1991, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership to a social group or political opinion, and who is neither able to return in safety and with dignity to his/her former habitual residence nor has voluntarily decided to take up permanent residence elsewhere.' (Art. 4, *the Law on Refugees from BiH and Displaced Persons in BiH*)

Finally 'returnees' according to the Law are:

'[r]efugees from BH, or displaced persons, who have, to the competent bodies, expressed their wish to return to their former habitual residence, and who are in the process of the return, as well as refugees from BH and displaced persons who have already returned to their former habitual residence.' (Art. 8, *the Law on Refugees from BiH and Displaced Persons in BiH*)

In the same Article, the returnee status and cessation of the status are specified as well:

'The status and cessation of the status of a returnee shall be acquired on the basis of this Law and pursuant to the procedure prescribed by Entity laws.
The status of a returnee shall cease upon the expiration of a six months period, counting from the day of his/her re-establishment in his/her former habitual residence, i.e. of his/her settling permanently elsewhere in BH.' (Art. 8, *the Law on Refugees from BiH and Displaced Persons in BiH*)

Refugees and displaced persons are defined in general terms in the Law. However, due to a unique situation in BiH, one needs to distinguish between an IDP and a DP. One

(*Interview with Chief of Department for Refugees and DPs, Ministry of Human Rights and Refugees, 3 August 2005*).

of the Reintegration Assistants working in the IOM makes the distinction as follows: 'We have 3 different groups of returnees here in BiH. Refugee returnees are the ones who have returned from another country. IDP returnees are the ones who have been returning within the municipality of their pre-war places, and the DP returnees, who are returning within BiH territory (in the same entity)' (*Interview with Reintegration Assistant, IOM, 18 August 2005*). For the sake of clarity and compliance with the usage in the literature, the term Internally Displaced Person (IDP) is used throughout the study to denote the persons who became displaced inside BiH as a result of the war.

As stated both in the DPA and the Law, everybody has a right to return to their places of origin or where they were living prior to the war. What happened in practice? Were the refugees and IDPs able to return to their pre-war houses or apartments? Who took an active role in this process? What kind of programmes and projects were launched to promote return? To what extent were these programmes successful? Were the returning refugees and IDPs able to repossess their property? What kind of obstacles were they faced with? These are some of the questions that help us understand how the return process started and proceeded.

First of all, the UNHCR, that would play a central role in the refugee return in the BiH case, was called upon by the Annex 7 to develop a repatriation plan after consulting with the Parties in question and the countries hosting the refugees from BiH. The details of the repatriation plan were presented in January 1996 at a meeting of the Humanitarian Issues Working Group of the International Conference on Former Yugoslavia[45]. As noted in the UNHCR Update (1996), the refugee agency planned a voluntary return programme which would be phased, orderly and would focus on three broad categories of returnees: an estimated 1 million IDPs in BiH at that time; more than half a million refugees from BiH then living in former Yugoslav republics; and some of the estimated 700,000 people from former Yugoslavia under protection at that time. Moreover, the refugee agency asked the host countries 'to maintain temporary protection for people from former Yugoslavia until three conditions are clearly met: the implementation of the military provisions of the

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[45] The plan took its final form at the High Level Meeting on Implementation of Annex 7 of the GFAP on 8 March 1996 (*Interview with Head of Satellite Office, UNHCR, 31 August 2005*).

Dayton Peace Agreement; the proclamation of an amnesty for crimes other than serious violations of international humanitarian law or common crimes unrelated to the conflict; and the establishment and full operation of various mechanisms aimed at the protection of human rights' (UNHCR Update, 1996). These are, as Bagshaw (1997) calls it, the 'benchmarks' of the UNHCR's repatriation plan designed for BiH. The UNHCR, together with the IOM, would make the necessary arrangements for transporting the returnees. It was recommended that the host governments would cover the travel expenses, and reception/transit centres would be established in the region so that the returnees could be registered before they were transported onward to their final destinations.

The efforts were fruitless and the repatriation plan remained on paper. It could not be realised due to the obstructionist policies of the political authorities. Since the UNHCR could not cope with the problems stemming from the authorities' unwillingness to accept return, the OHR had no choice other than to intervene. One of the Senior Advisors in the OHR summarises what really happened as follows:

> 'Repatriation planning is mentioned in the DPA. The UNHCR was to draw up a return plan together with the domestic authorities. That never really happened. And again that comes back to what I said earlier on the reason why the OHR joined the UNHCR in the return field because of this political obstructionism. They [the officials in the UNHCR] could not overcome these obstacles due to their political nature. So, it was impossible for them to come up with a return plan because the RS plainly refused to have anything to do with it. Federation, at that point, would pay lip-service to the return but they were not very cooperative, either. So, repatriation planning as such was developed may be more in the Western capitals but not in BiH. Of course the Western countries, which had Bosnian refugees, would make those plans but that was not the case in this country.' (*Interview with Senior Advisor on Annex 7, OHR, 2 August 2005*)[46]

No matter the repatriation plan was not realised, return started in BiH. Actually some of the people had already returned either to their pre-war places or at least to their areas of

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[46] Caritas Switzerland's Head Delegate for BiH Emergency Relief shares the view that there was no repatriation planning with the following words: '… there was no planning. The RRTF tried to set up priorities – closing down the collective centres, completing Property Law Implementation Plan (PLIP) – which were the benchmarks in the whole process but we cannot talk about a strong repatriation planning' (*Interview with the Head Delegate for BiH Emergency Relief, Caritas Switzerland, 15 July 2005*).

origin. This was return during conflict, or 'repatriation under conflict' as known from the literature on refugee return, because they returned while the fighting was going on. However, return mostly took place after the war came to an end on the territory of BiH.

Return following the signing of the DPA took two main forms. One of them was return to reconstructed housing and the second was return to occupied housing. Initially, people returned to houses which were reconstructed by the international agencies. In that sense, the pace of return depended on the amount of available funding. This form of return took place mostly either in rural areas or the outskirts of urban centres. The return in question is the so-called 'majority return' or the internal return of the refugees and DPs to areas held by the majority. For instance, if displaced Bosniacs were returning to Bosniac-held areas or Croats were returning to Croat-held areas, this was 'majority return'. It was the same for the Serbs returning to the RS. The return that took place in the initial years was that kind of return. The other kind is what came to be known as 'minority return'. It may be defined as 'the return of ethnic groups to an area controlled by an ethnic group other than their own, even if they constituted a local majority before the war' (Toal and Dahlman, 2004:443). In that sense, the Bosniak return to Srebrenica, for example, was classified as 'minority return'. Although their returns took place within the same entity, the Croats returning to Bosniak-dominated municipalities were considered as minority returnees as well. The issue of minority return is examined in a detailed way while discussing the return politics.

The other form is return to occupied houses or apartments. It is elaborated in the sub-section on the issue of property repossession. Suffice it to note that repossession was a difficult and at many points extremely troublesome process. It took some five years to start fully implementing the property law. The HRs had to use the so-called 'Bonn powers'. The implementation of property law became a turning point in the return process since it contributed to the process in gaining momentum.

In sum, the legal side of the return process was clear. Everything was specified in the provisions of the DPA, particularly in the Annex 7 which consisted of provisions about 'protection' and establishment of a Commission for Displaced Persons and Refugees. Accordingly, a repatriation plan was developed by the UNHCR and 'benchmarks' were put

forth for successful implementation of the plan. Yet, the UNHCR's repatriation plan was never carried out in the way it was desired. The main reason was the lack of political will and the obstructionist policies followed by the political authorities.

VI.2.1 The International and National Bodies Responsible for Return

The international community initiated or supported a number of programmes and projects in BiH since return and reintegration was an integral part of the peace process. Return to the places of origin was the key to reversing the ethnic cleansing carried out during the war despite the fact that the international community itself solidified this ethnic cleansing by making the DPA thus dividing BiH into two entities. On the other hand, return and reintegration of refugees and IDPs is 'one of the principal benchmarks by which the success of transitional administrations[47] is frequently measured' (Caplan, 2005: 68).

At the beginning, the UNHCR was very optimistic about return in BiH. The optimism was so high that the refugee agency's hope was 'to help return home over two million BiH refugees by December 1997 …' (Stavropoulou, 1998:135). Yet it soon became apparent that UNHCR's hope would not be realised because the parties seemed to be rather reluctant in fulfilling their obligations in terms of return. Consequently, the process was going on very slowly. Despite the UNHCR's estimation of 870,000 in the first year of the peace process, the number of returns by the end of 1996 was only 250,000 – 240,000 of which were majority return (USIP Special Report, 1997). Return to areas around the IEBL was preferred much more due to the fact that it was administered and patrolled by the IFOR. Thus these areas were much secure compared to others.

The first two years witnessed the international community formulating several strategies and launching various initiatives aimed at making minority return possible.

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[47] Unlike the other transitional administrations, e.g. UNMIK in Kosovo, UN Transitional Authority in East Timor (UNTAET), the one in BiH, which has no formal name, was established as a part of the peace process, and the HR is the embodiment of the international community (Caplan, 2005).

Those initiatives and measures such as specifying 'target areas' for returns, blacklisting the obstructionist municipalities, launching 'pilot projects' within the FBiH, and 'Open City Initiative' are examined while discussing the politics of return in BiH. Unfortunately these initiatives were doomed to fail at the end.

As the efforts to promote particularly minority return did not bear any satisfactory results, it was realised that an integrated approach was necessary concerning the return of refugees. First of all, the number of players responsible for return had increased, and it became hard to achieve coordination as a result. The return programmes and projects of different international agencies had to be linked to each other so that duplication of projects could be eliminated. Secondly, there was a need to urge the political authorities to back return and encourage more people to return. Consequently, a decision was taken in the London Peace Implementation Conference held in December 1996 to establish an inter-agency body that would be responsible for overseeing the whole process. This body would be called Return and Reconstruction Task Force. As soon as it was established, RRTF drew up a plan which was based on the return to 'cluster areas' selected by certain criteria: 'a) projected numbers of returns; b) present and pre-war population; c) level of damage; d) political climate; e) potential impact of investment upon return; f) the grouping of target areas into regional clusters and hubs' (Prettitore, 2006: 185). According to the RRTF Report released in mid-1997, even though people were able to return to areas near their pre-war places, they were prevented from returning to their actual homes. This problem would not be resolved unless there was a breakthrough on minority returns. The RRTF continued its activities and recommendations.

As the return continued, human rights violations were observed at an increasing rate. However, having a high profile in the field of human rights was crucial for reconciliation and sustainable peace in BiH. Hence, the domestic authorities had to fully assume obligations concerning coordination and developing strategies. Otherwise, it would be difficult to assure full and equal protection of human rights. Accordingly, the Ministry for Human Rights and Refugees (MHRR) was created in April 2000 and took over some of the competencies the BiH Ministry for Civil Affairs and Communications had at that time. MHRR is responsible for 'human rights generally and 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)'[48]. The establishment of the Entity ministries followed suit.

As the return process proceeded, both the State and Entity structures dealing with the process were reorganised. First of all, pursuant to the Decision of OHR on transferring its obligations concerning the realisation of the Annex 7, the MHRR established four Regional Centres in December 2003[49]. The Regional Centres are responsible for supervising and assessing the return-related issues and dealing with the implementation of agreed return and reconstruction projects. Their establishment is important in the sense that it is the first step of transfer of competences from the international community institutions to the State authorities concerning the implementation of the Annex 7. Moreover, MHRR assumed the role regarding planning, coordination and supervision of all activities in the field of return. Secondly, as an independent administrative financial organisation, Return Fund was established at the State level[50]. Lastly, the State Commission for Refugee and Displaced Persons (SCRD), which had been established long time ago but had no legal basis, was restructured. Its responsibilities are set out in the Law on the Amendments to the Law on Refugees from BiH and DPs in BiH.

One of the important tasks of the MHRR was to prepare and put into function a database that would contain indicators on refugees and IDPs, return and reconstruction, property repossession etc. Accordingly, the MHRR, 'in cooperation with competent Entity Ministries and UNHCR, during 2004 carried out revision of numerical situation of displaced persons in BiH' (MHRR, 2004). As a result of the revision, the need to carry out re-registration followed by revision of status became apparent. Accordingly, the MHRR invited all refugees and IDPs to submit application forms so that they could be registered and their right to reconstruction could be realised[51]. According to the MHRR Bulletin

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[48] (*Human Rights Priorities for 2001* Retrieved: January 19, 2008. [WWW Document]. URL. http://www.ohr.int/print/?content_id=6183)

[49] These Centres are in Sarajevo, Banja Luka, Tuzla and Mostar (MHRR, 2004).

[50] The Director of the Fund was appointed by the Council of Ministers in June 2004 (ibid.).

[51] Even though re-registration was planned to be complete by February 2005, the process was still underway in most of the municipalities visited in summer 2005 (Personal account based on interviews with the municipal officials).

(2004), the number of families registered showed how people were still interested in returning in/to BiH.

In short, the international community tried hard to promote return in BiH and was engaged in various initiatives. However, the efforts proved to be fruitless since the commitments made by the Parties remained on paper. The political will necessary to make the return process gain momentum was lacking. Moreover, there were many players and coordination among them was lacking. As a result, RRTF was created first, and its roles and responsibilities were gradually transferred to BiH State authorities.

VI.2.2. Property Repossession in Bosnia-Hercegovina

Property repossession was one of the complicated as well as problematic issues of the return process in BiH[52]. The complexity partly stemmed from the nature of housing in the country. There were two types of accommodation in the times of socialist Yugoslavia of which BiH was a part before the war. One of them included private property whose ownership rights were easy to be proven. The other type of accommodation consisted of socially-owned apartment[53]. A person living in a socially-owned apartment acquired only occupancy right which was allocated by his/her employer. The company he/she was working for was the owner. However, the occupancy right was quite a strong one because the members of that person's family could inherit the apartment after his/her death. In other words, the occupancy right could be transferred[54]. Normally the occupancy rights were not cancelled easily. There were a couple of reasons for losing the right and it was

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[52] At the same time, it is one of the issues about which many articles have been published (Williams, 2006; Philpott, 2005; Prettitore, 2003; Englbrecht, 2003; Cox and Garlick, 2003). Moreover, since property repossession is one of the rare fields in which the return process has been successful in BiH, it constitutes a precedent for other peace processes where return is an integral part.

[53] As Cox (1998) notes, about 20 % of the accommodation in BiH was composed of socially-owned apartments.

[54] If the original occupancy right holder's child got married and acquired another occupancy right over another apartment, then (s)he would not be entitled to his/her father's apartment. Only the wife would acquire the occupancy right (*Interview with Legal Assistant of Property Law Implementation Portfolio, OSCE Mission to BiH, 5 September 2005*).

cancelled only by the court decision. One of the Legal Assistants of Property Law Implementation Portfolio in OSCE Mission to BiH summarises the cancellation of occupancy right and the practice during the war as follows:

> '[T]here were a few reasons how you would lose occupancy right over an apartment. The most common one was that if you were absent from your apartment for a long period time, say 6 months, without any justified reason, then your company would have the right to initiate the cancellation of your occupancy right and this was done before the court. … What happened during the war was that people left their apartments, and after they were absent for more than 6 months, the authorities started cancelling their occupancy rights. For the war-time authorities, being absent for war-time reasons, i.e. being expelled from your home, was not a good or justified reason. So what they did was to start cancelling the occupancy rights, proclaiming the apartments abandoned and started allocating these apartments to the displaced people. …' (*Interview with Legal Assistant of Property Law Implementation Portfolio, OSCE Mission to BiH, 5 September 2005*)

After the cessation of hostilities, two developments went hand in hand. One was privatisation of the socially-owned apartments and the other was repossession. When the war came to an end, the authorities had to do something with the housing rights acquired earlier. Privatisation of these socially-owned apartments was approved, and people, who used to hold the occupancy right of the apartments, became the owners. The privatisation process was almost completed at the time of the fieldwork. Some of the returnees interviewed for the present study bought the apartments they had been living in either prior to the war or before they returned from abroad.

Regarding repossession, what happened in the FBiH was that the authorities adopted a Law on Abandoned Apartments according to which refugees and DPs were given seven days for repossessing their apartments or fifteen days if they were abroad. At the end of the deadline, if the apartments were not repossessed, the municipal authorities would declare them permanently abandoned and assign new occupancy rights. Giving such a short time for repossession was a deliberate act to prevent return because very few people were informed about the requirement within the time limit and many occupancy rights were cancelled as a result. Moreover, persons, who received new occupancy rights, were mostly disadvantaged groups, war veterans or the families of soldiers killed in the war. As examined in the following sections, evicting those people was very difficult because

attempts to evict were strongly opposed at all levels. The situation was similar in the RS. The authorities were given the right to declare properties abandoned in case they were not repossessed. As Cox (1998) notes, the temporary occupant either had to return to his/her original home or receive compensation so that the original owner or the occupancy right holder could return. In addition, the owners, who were outside the territory of RS, were not allowed in any way to transact with their property.

Given the political authorities' approach about property repossession and the legislations enacted in the Entities, the international community had its reasons to worry about the ability of the local officials to fulfil their obligations. So, it was stated in the Article 7 of Annex 7 that an international body would be created to assist the local authorities. Actually the second chapter of the Annex 7 was on the creation of such a body. The Commission established in March 1996 was the Commission for Real Property Claims of Displaced Persons and Refugees (CRPC). This Commission was given the authority to 'receive and decide claims for real property in BiH when the claimant does not presently have possession of the property and the property has not been voluntarily sold or transferred since April 1, 1992'[55]. The CRPC decisions on claims would be final and legally binding. It ceased its operations on the last day of 2003. Actually its original mandate was supposed to last for five years but had to be extended for an additional three years.

How did the CRPC work? The process started in one of the regional offices, where the claimants were informed about property rights and procedures for making a claim of a real property or apartment. The staff in the regional offices assisted the claimants in completing a claim form and then entered the required information into a computer database. The investigations were made through access to official land records. Draft decisions were prepared for approval. The Commissioners adopted the decisions *en masse* in plenary sessions, and the decision certificates were printed and distributed to the claimants who received a decision in their favour. These certificates were important in the

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[55] CRPC consisted of three international and six national members. The international members were appointed by the President of the European Court of Human Rights. For more on the CRPC see 'What is the CRPC?'. Retrieved: June 30, 2007. [WWW Document]. URL. http://www.law.kuleuven.ac.be/ipr/eng/CRPC_Bosnia/CRPC/new/en/main.htm).

sense that they constituted the first step in repossession of their real properties since the property rights of claimants were confirmed by these decisions/certificates.

It was advantageous to have a body like the CRPC because otherwise it would not be possible to issue mass decisions confirming pre-war ownership or possession. Yet, the mechanism had its disadvantages as well. The problem was that 'CRPC decisions addressed only the right of the claimant' (Prettitore, 2006: 192). There was nothing about the subsequent rights of the person who was using the property at that time. Since there was a lack of procedures for oral hearings the CRPC was not suited for determining the rights of temporary occupants. Moreover, the decisions could not be immediately enforced. Normally, the housing officials were not obligated to act under a CRPC decision unless an individual, who received a decision in his/her favour, submitted the decision along with a request for its enforcement to the housing office in the municipality where his/her property was, and filed a request for enforcement with the State authorities That was the basic procedure. Yet, what happened in practice was different since many officials working in the municipal housing offices issued their own decisions rather than implementing the CRPC decisions. Consequently, both the CRPC and the domestic housing bodies issued decisions in the same cases. The reason was that many individuals filed claims to both bodies[56]. However, the CRPC was still important in the sense that it issued decisions in politically sensitive as well as complex cases like the ones involving military officials, judges, and police officers. In some cases, the Commission issued decisions for destroyed property which enabled the claimants to receive reconstruction assistance from the international agencies.

The CRPC continued its mandate on the one hand, and, depending on the funding available, return to destroyed housing progressed within time on the other. However, return to occupied property proved to be long and difficult. The biggest problem was the obstructionist policies followed by the political authorities. They were unwilling to implement the decisions because forcible eviction of the current occupants was the last

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[56] Individuals were supposed to make claims to the municipal housing offices for socially-owned apartments but 'CRPC would also accept claims if the claimant could demonstrate the municipal housing office did not accept the claim or did not issue a decision within the legally prescribed time period' (Prettitore, 2006: 190).

thing they wanted. So, they tried to delay the process as long as possible hoping that people would give up their claims and resettle in their areas of displacement. By doing that, they contributed to the consolidation of the ethnically homogenous areas created during the war. During the early stages of the process, what the local officials did was to allow return of property just in rural areas. Yet, they tried to prevent property repossession in the urban centres with the aim of keeping the minorities marginalised. The political obstructions Prettitore (2006) points to were failing to accept claims, charging illegal fees for the filing of claims, failing to implement forced evictions of the temporary occupants, and keeping the housing offices understaffed and without adequate resources on purpose.

As set out in the Article I (3) of Annex 7, the parties were supposed to cancel the domestic legislation which denied IDPs the right to property repossession. Yet, the local authorities were not cooperative in terms of adopting appropriate legislation. Finally, in April 1998, the FBiH adopted property legislation that would enable people to repossess the property they had lost during the war. It enacted three laws on cessation. The RS followed suit with one law[57]. Still the provisions were far from what the international community wanted. For instance, there was no mechanism to implement forcible evictions or the pre-war owners had to wait for the current occupants to repossess their own property so that they could evict the property they were residing. In short, it was a long as well as problematic process.

Under these circumstances, the HR (C. Westendorp at that time) had no choice other than to use his 'Bonn powers' and impose changes to property legislation in each Entity. 'He said that these amendments, regardless of whether the apartments and property were declared abandoned or not, the pre-war occupancy right holders or owners had the right to return to these apartments, and that all the property abandoned from April 1, 1992 until 1998 were to be considered as the abandoned property of IDPs or refugees regardless of the reasons for leaving. This was basically the cornerstone of everything that happened

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[57] The three laws adopted by the FBiH in April 1998 were the Law on Cessation of the Application of the Law on Temporarily Abandoned Real Property Owned by Citizens, the Law on Cessation of the Application of the Law on Abandoned Apartments, and the Law on Taking over the Law on Housing Relations. The law the RS enacted at the end of 1998 was the Law on Cessation of the Application of the Law on Use of Abandoned Property (Prettitore, 2006).

afterwards' (*Interview with Legal Assistant of Property Law Implementation Portfolio, OSCE Mission to BiH, 5 September 2005*). For example, albeit being enacted, the Law on Cessation of the Application of the Law on Use of Abandoned Property was not put into effect until it was imposed by the HR in October 1999[58]. The HR's imposition was considerably important in the sense that it played a key role in harmonising the property repossession to a certain extent in both Entities. Further amendments followed the first ones over the next several years.

The Laws on Cessation had many key features. The first one was that the wartime legislation on abandoned property could not be applied any further. Secondly, the authorities were compelled to issue decisions not only on the rights of owners to repossess property but also the rights of temporary occupants, many of whom were DPs themselves. The housing needs of the temporary occupants determined the deadline for evicting property subject to a claim for repossession under the Laws on Cessation. Two deadlines are important in the eviction process. If the housing needs of the temporary occupant were met in some way[59], then the deadline for vacation in the decision was 15 days. But if the housing needs were not met, then the deadline was 90 days. In those cases, the housing authorities were supposed to provide alternative accommodation to the temporary occupants within 90 days. However, the authorities usually failed to do so. On the other hand, the rights of temporary occupants constituted an obstacle to the implementation of the Laws on Cessation in the sense that the housing authorities 'issued decisions granting the right to alternative accommodation to temporary occupants without any real investigation into whether their housing needs were otherwise met' (Prettitore, 2006: 194). Moreover, the housing officials did not do much in terms of securing space that would serve for alternative accommodation. Even though the primary source should have been socially owned apartments that were not claimed by anybody, unclaimed houses, schools, army barracks and state-owned hotels served as alternative accommodation. As a result, the evictions, which were supposed to take place within 90 days, were almost never

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[58] For the HR's impositions see (Prettitore, 2006: 204, footnote 46).
[59] How could the housing needs be met? The temporary occupant had either access to his/her pre-war property or he/she was able to provide accommodation to himself/herself (*Interview with Legal Assistant of Property Law Implementation Portfolio, OSCE Mission to BiH, 5 September 2005*).

enforced. In case the eviction did not take place within the specified deadline (15 or 90 days), the claimant had to request enforcement of the decision. Upon this request, a forcible eviction had to be scheduled and the participation of the local police had to be secured by the municipal housing office. As elaborated in the following pages, the eviction proved to be very difficult in several cases. For some of the claimants, it took many years to repossess their property. The local police were essential particularly in the forcible evictions. In other words, if the current occupants did not want to vacate the houses/apartments they were residing in, then local police had to give support to the eviction process. At the beginning, uniform support from the police could not be observed. They were unwilling to fulfil their legal obligations. Thus the IPTF, which was responsible for monitoring each forcible eviction, had to monitor the actions of the police as well so that it could exert pressure whenever necessary. In case the police officers refused to carry out their responsibilities, the IPTF was given the authority to de-authorise and dismiss those officers.

Property repossession was one of the major issues of the peace process in which the international community was involved. It was mainly because of the concern that unresolved property disputes could easily be a source of tension between the ethnic groups. Moreover, the local authorities were obstructing the whole process in various ways. They had to be prevented from obstructing. Only the international community could resolve the problem. So its involvement was necessary as well as crucial for the property repossession.

The collaborative relationships between OHR, UNHCR, OSCE, UN Mission in Bosnia-Hercegovina (UNMIBH) and CRPC resulted in the adoption of the Property Law Implementation Plan (PLIP) and the creation of PLIP Cell at the beginning of 2000. Before its creation, it was decided that the municipalities would be split among the OHR and the international organisations, namely the OSCE and the UNHCR which had their own field presence in the entire country. Each organisation would be responsible for monitoring[60] and supervising the implementation in one third of the municipalities. On the other hand,

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[60] Regarding monitoring, the Focal Points are very important since they are in close contact with the local administrative authorities and collect monthly statistics on the implementation (*Interview with Project Manager, World Vision-HVM, 5 August 2005*).

Housing Verification and Monitoring Unit (HVM) working under the auspices of the World Vision International would provide information on double occupants thus speed up property repossession process[61]. In short, when the PLIP Cell started working, everything was pretty much organised. OSCE official, who has been working as a legal assistant of PLIP, summarises its functioning as follows:

> 'PLIP Cell would make the decisions, issue guidance and lead the field in their [the organisations'] work. All the information coming from the Cell would be equally distributed through the organisational chain of command to their field officers. In this way, the organisations realised that they would avoid duplicating the work and effort, and the ensured that everybody would take the same stand with regard to the policies of property law implementation. Now looking back, I think it was really the most crucial thing to do ...' (*Interview with Legal Assistant of Property Law Implementation Portfolio, OSCE Mission to BiH, 5 September 2005*)

The PLIP plays a crucial role in the success of the property restitution due to two reasons. The first one is that it treats the repossession issue as a question of rule of law. As put forth in the PLIP Inter-Agency Framework Document (2000), it aims to ensure that all outstanding claims of repossession are resolved by building domestic legal processes that apply the laws in a neutral way and processing the claims in an efficient way so that all the claimants can exercise their rights. Secondly, it includes an 'element of choice': '…restoring property rights was the essential precondition not only to return, but also to the successful resettlement of those who chose not to return. Those who were able to sell their pre-war homes recovered the means to build or buy in a new location' (Cox and Garlick, 2003:77).

When the property laws first started to be implemented, they were met with obstruction or inaction of the local authorities in most parts of the country. Towards the end of the first year of the implementation, the main obstacles addressed by the PLIP were political obstacles, institutional problems, and housing problems. The political obstacles stemmed from resistance of the nationalist politicians to accept return because they considered particularly minority return as a challenge to their power. That is why they were rather reluctant in implementing the property laws. The most important institutional

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[61] (*Interview with Project Manager, World Vision-HVM, 5 August 2005*).

problem was the 'weak institutional capacity of the responsible authorities' (PLIP Inter-Agency Framework Document, 2000). That is why the PLIP aimed at strengthening the local administrative authorities so that they could process the claims in an efficient and legally reliable manner. Lastly, the housing problems derived mostly from shortages of houses. Lots of houses were still destroyed at the time when the Framework Document was released. What the PLIP would do in such a situation was to 'address double/multiple occupancy and other forms of mismanagement of existing housing space' (PLIP Inter-Agency Framework Document, 2000).

Given the obstructionist acts of the political authorities, the HR had to use his 'Bonn powers' to give a message that the property laws would be implemented at all costs. Accordingly, he removed over 20 authorities[62] in the year 2000 alone. In addition to the removals, the HR initiated and imposed a number of amendments that would ensure the full implementation of the property laws due to the fact that the initial laws were not drafted properly and included many cracks that the housing authorities would use to obstruct or delay the repossession process. The result was that breakthroughs came in the implementation of the new property legislation[63].

In order to strengthen the PLIP process, the Cell adopted a New Strategic Direction in September 2002. This document set the final principles of the implementation of the property law. The OSCE official underlines the significance of the New Strategic Direction as follows:

> 'This document sent a final message to the local housing authorities that obstruction, which had been more or less tolerated until that time, would not be tolerated any longer. Until then the housing authorities were always complaining that if they started implementing the property laws, they would end up with people staying in the streets because if they evicted a certain family from an apartment, this family would not be provided alternative accommodation. As a result, the authorities did not want to take the required steps. … Finally, the international community decided to deal with the claims in a chronological order and at the same time to provide alternative accommodation to all those people who could not

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[62] Among the officials removed from office, there were the heads of municipal housing departments and mayors. For the list and more information on removals and suspension from office see (*High Representative's Decisions: Removals and Suspensions from Office*. Retrieved: August 5, 2007, from OHR. [WWW Document]. URL. http://www.ohr.int/decisions/removalssdec/archive.asp?m=&yr=2000).

[63] For the breakthroughs see (Williams, 2006:46).

repossess their property. It insisted that the Entity governments would make all public property available for alternative accommodation. …' (*Interview with Legal Assistant of Property Law Implementation Portfolio, OSCE Mission to BiH, 5 September 2005*)

With the New Strategic Direction, the local authorities finally realised the inevitability of the implementation of the property law. The process had started and would be completed. The local authorities had no choice other than providing alternative accommodation to people who could not repossess their property. On the other hand, the focus on chronological processing of claims was in contrast to the PLIP policy prior to the New Strategic Direction. According to the previous policy, the cases of multiple occupancy (commonly known as double occupancy) were identified and resolved at first hand. Since the local authorities had more discretion with this system, it was open to political interference. However, the chronological processing provided procedures which were more fair and transparent.

The implementation of property laws were measured monthly through PLIP statistics. Repossession was almost completed at the time of the fieldwork. As of March 2006, the implementation ration, i.e. the ration obtained when the total number of closed cases is divided by the total number of claims, was over 90% both in the Entities and the entire country, and the Brcko District had the highest rate with almost 97%[64]. Among the municipalities in which the field-work was carried out, Banja Luka, the so-called capital city of the RS, has the least implementation ratio (around 86%) while the property repossession process has almost been completed (the implementation rate is 99.80%) in Vares.

In sum, property repossession is one of the crucial aspects of the return process in BiH. It is specified clearly in the Annex 7. So, it is not surprising for the international community to pay attention to the issue. Until 2000 property restitution was quite

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[64] A closed case means that 'the property has been vacated and/or sealed and/or repossessed and/or the occupancy right holder or owner was notified that he/she can repossess' (OHR, UNHCR, OSCE Mission to BiH, *Statistics: Implementation of Property Laws in Bosnia and Herzegovina*, March 2006). For all statistics regarding property repossession see OHR, UNHCR, OSCE Mission to BiH, *Statistics: Implementation of Property Laws in Bosnia and Herzegovina*. The statistics date back to May 2000 (*Statistics*. Retrieved: August 5, 2007, from OHR. [WWW Document]. URL. http://www.ohr.int/plip/).

problematic and proceeded slowly because of the obstructionist policies followed by the authorities. The year 2000 was a turning point in the repossession process because new property legislation started to be implemented and repossession gained momentum. One of the crucial aspects of the implementation of property legislation was that it was based on the 'rule of law' approach. Moreover, it includes element of choice. In other words, it was up to the claimant to return to his/her property after he/she repossessed it. Property repossession was almost complete in a couple of years and proved to be the bright side of return in BiH.

VI.3. The Politics of Return as a Major Dimension of the Process in Bosnia-Hercegovina

The process of return and reintegration in BiH is multi-dimensional and several issues come to fore. However, it is possible to categorise the dimensions and issues which are linked to each other. Two main dimensions examined here and in the following chapter are the politics and sustainability of return. The politics of return includes the policies of the Bosnian state and the international community. The policies followed by the authorities both at the local and ministerial level are examined in that regard. One of the purposes is to show how the international community's return policy evolved in response to the policies followed by the authorities. The return politics is intermingled with significant issues such as housing and repossession, collective centres, security, and assistance in terms of reconstruction. Therefore, they are elaborated together. The second dimension is the sustainability of return in BiH. It includes the issues of livelihood, employment, access to social services like health care and pensions, and education which is an important element of the peace-building process. Since it is closely linked with the second pillar of the return process, i.e. reintegration, this dimension is examined separately in the following chapter.

VI.3.1. The Main Phases of the Return in Bosnia-Hercegovina

The 43 months of war in BiH and developments afterwards left over half of the population displaced and homeless[65]. By December 1995, the distribution of post-war displaced population was as follows: about 1.3 million people became internally displaced and the number of refugees was 1.2 million. Of these refugees, 500,000 were in the neighbouring countries while the Western Europe hosted the remaining 700,000 refugees from Bosnia (UNHCR, 2000: 219)[66]. Moreover, the demographic effect of the fighting was immense. No municipality in the country was able to keep its pre-war ethnic composition.

The authors of the DPA drew attention to the importance of return of refugees and IDPs to their pre-war places because in their view it was the first big step towards achieving peace in BiH. Accordingly, it was assumed and expected that the majority of refugees and IDPs would return home within a short period of time. The basis for this view is in the discourse of repatriation: 'return is the favoured option for refugees, for whom the refugee cycle can at last end, when they 'go home'' (Koser and Black, 1999: 6). However, as examined in-depth below, huge number of people did not 'go home' in a short period. Instead, the return happened gradually in a decade. Even today, albeit at a very low rate, one can come across with returns. Majority of the people interviewed for the study returned in the 1996-2006 period.

Bearing in mind the policies followed by both the political authorities and the international community and the turning points in the process, it is better to examine the return in BiH in three phases: a) 1996-7 is the period when majority return took place predominantly, b) 1998-2000 is the second phase in which change was observed in the

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[65] According to the 1991 census, the total population of BiH was 4.3 million. No census has been carried out since then (*Interview with Chief of Department for Refugees and DPs, Ministry of Human Rights and Refugees, 3 August 2005*).

[66] 'By early 1996, Germany was host to the largest number of refugees from Bosnia and Herzegovina (345,000), followed by Croatia (288,000), the Federal Republic of Yugoslavia (253,000), Austria (80,000), Sweden (61,500), Switzerland (26,700), Slovenia (33,400), the Netherlands (23,500), Denmark (23,000), United Kingdom (13,000), and Norway (12,000)' (ICG, 1997: 10). The Bosniacs constituted the largest group of refugees with 610.000 (ibid.).

policies of the international community as minority return became a priority, and c) the period starting in 2000 and coming until today, with minority return reaching its peak in 2001 and 2002 as the property restitution gained pace. In examining the phases, the experiences of the interviewees are used because they help us understand the process and politics of return better.

a. Phase I: Majority Return and Consolidation of the Ethnic Partition

The architects of the GFAP considered rebuilding a multi-ethnic society thus reversing the ethnic cleansing conducted during the war the key to achieving sustainable peace in BiH. In that sense return came at the top of the post-war priorities. Black (2002) underlines three lines of thought underpinning the view that return was a top priority. Economic concerns came to fore in the first line of thought. Displacement itself was a big burden on the host as well as displaced communities. In the case of BiH, the country had to shoulder a big burden because of the massive internal displacement. Deriving from Malkki's views, the second line of thought emphasises that 'the production of refugees is regarded as an act of disturbing the natural order of the world, as the "territorializing metaphors of identity – roots, soils, trees, seeds – are washed away" (Malkki, 1995 cited in Black, 2002: 125). In that sense, return is restoring the natural order that was disturbed by displacement. Lastly, return is particularly relevant in the Bosnian case because it was a big opportunity to 'replace ethnic division with reconciliation' (Hallergard, 1998 cited in Black, 2002: 126) and reverse ethnic cleansing.

Based on these lines of thought and several other pro-return views, the right of refugees and DPs to return to their pre-war homes was advocated and endorsed by the international community. It was vitally important and the single precise promise of the DPA. The 'right to return' was stated in an unambiguous language in the peace agreement. Would the promise be kept or would it remain as wishful thinking? What did the international community do to promote return?

At the beginning, the international community had the optimistic view that return process would be completed in a short period[67]. Yet, it soon became apparent that it would take longer than expected. The returns in 1996 fell far short of the expectations because the parties were not willing to fulfil their obligations, thus the process was going on very slowly. The main aim was to help minority populations return. However, it soon proved to be impossible. The first year of the peace process was marked by the so-called 'spontaneous' majority return because 90 % of voluntary return occurred spontaneously. The UNHCR uses the term 'spontaneous' in order to denote returns other than deportations and returns assisted/organised by international agencies. Yet, it is a misleading term due to the fact that the community leaders, local associations, which assist people to go back to their houses, home-towns or places nearby, and even the displaced people, who are determined to return to their homes, play an important role in the process. Ito (2001) thinks that the term 'spontaneous' return is a misnomer because in many cases the return movement was organised and led by the dominant party hierarchy.

Apart from the unpromising situation in terms of minority return, an additional 80,000 people were displaced following the signing of the DPA. Those were the Serbs who were living in the suburbs of Sarajevo[68]. When the suburbs were transferred to the FBiH in accordance with the DPA provisions, the Serb authorities ordered the Serb inhabitants of the Sarajevo suburbs to abandon their houses and go to the RS. Five of the Serbs interviewed were among those who had to leave their houses in accordance with the deal made at Dayton. They left without knowing the exact reason. None of them knew where they were going:

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[67] At the beginning of 1996, the Humanitarian Issues Working Group of the Peace Implementation Council (HIWG) assumed that 'contingent on security, funding, reconstruction and de-mining, … up to 500,000 internally displaced persons would return to their homes and 370,000 refugees (170,000 from the immediate region and 200,000 from other countries) would repatriate during the year' (ICG, 1997).

[68] The Sarajevo suburbs in question are Ilijas, Vogosca, Ilidza, Hadzici, Nova Sarajevo (Grbavica), Centar and Novi Grad. These suburbs were part of the front lines during the war. The HR and the IFOR Commander would be responsible for coordinating the transfer which was supposed to take place on February 4, 1996 (D+45 meaning 45 days after the DPA went into effect). However, as the date approached, it was obvious that the suburbs were not prepared for the transfer. So, on D+45, the HR and IFOR Commander 'issued a statement indicating that the suburbs would be transferred between D+45 and D+90 and that the Federation police would be in full control of the areas concerned by D+91' (McCarroll and Zoufal, 1997: 1).

> 'We left our house in 1996 when all Serbs were leaving the suburbs of Sarajevo. **I left without knowing why I was leaving and where I was going**. Our relatives in Pale told us that we could stay near them so we went there. My brother was living in Pale. ...' <u>M.J. (Srb, F, 68, Vogosca/urban, retired)</u>

Although those Serbs did not want to leave their homes, they had no other choice. Some, who did not want to obey the rules, were severely punished. Unfortunately, as Caplan (2005) notes, the HR at the time, was not authorised to order deployment of NATO troops to prevent the Serb authorities from intimidating the Bosnian Serbs. Most of them left upon hearing about the transfer since they were afraid that the FBiH authorities and/or the Bosniacs would give harm. An interviewee from Srebrenica expresses the Serbs' fear as follows:

> '... The Serb owner of the house we settled in Vogosca started visiting us and said once that if she was sure that the Federation authorities was not going to give any harm, she would have never left. However, what happened was that the **Serb authorities lied to the Serbs living in Vogosca, Ilidza and Ilijas and forced them to go to the RS. They even killed 3 Serbs, who refused to leave.** It was a clear message to the other Serbs: they had to abandon their houses and leave immediately...' <u>S.D. (Musl, F, 58, Srebrenica/urban, housewife)</u>

When compared with the following two years, 1996 might be considered as the greatest year for return. However, it was mostly to the areas where returnees were part of the majority group. The political resistance at the highest official levels constituted the major obstacle to minority return. First of all, since the authorities considered the minorities a challenge to the consolidation of their power-base, they were unwilling to accept the so-called minorities who were returning to their pre-war places. For example, the Bosniac return to Croat-dominated areas in the Hercegovina region such as Stolac and Capljina was very much discouraged by the Bosnian Croat authorities. The attitude and policies of the Bosniac authorities in Central Bosnia and the Serb authorities in the RS were no different. Secondly, the parties to the peace agreement had their own evaluations of the return process. As noted in the USIP Special Report (1997), the Bosniac politicians' aim was to reverse the consequences of the war by enabling the Bosniacs to return to their homes whereas the Bosnian Serb hardliners in the government of the RS tried to consolidate the ethnic partition, albeit *de facto*, acknowledged by the GFAP. The political

parties outlasted the IFOR deployment and resisted the implementation of the Annex 7 in order to achieve this objective. After the main nationalist parties, Izetbegovic's Party of Democratic Action (SDA), the Bosnian counter-part to the party of Tudjman's Croat Democratic Union (HDZ) and Serb Democratic Party (SDS), whose former head was Radovan Karadzic, were confirmed in power by the first post-war elections held in September 1996, many officials at the municipal and cantonal levels continued actively preventing return since they were taking their orders from the top.

Several officials interviewed explained how the political authorities were obstructing the minority return. The most common obstruction was that they were either inactive or reluctant, thus slow in implementing the CRPC decisions. One of the officials working in Municipality of Vares points to this obstruction as follows: '[S]tarting from 1996-7 until 2001-2 people were faced with obstructions from some municipal authorities in gaining their property back because the hardliners in those municipalities tried to confirm the results of the national cleansing, but with the pressure from the international community this situation changed later on' (*Interview with the Mayor's Assistant for Social Affairs, 4 July 2005*). Therefore, the authorities were following obstructionist policies in the area of property repossession. That was the case in many municipalities. Another official working for a local agency, *Vasa Prava*, stresses the lack of political will while summarising the situation in one of the divided municipalities in south-eastern region, Gorazde, as follows:

> '[i]n Srpsko Gorazde[69] the first two years was a total chaos. Because of the hardliners in the municipality, return and reconstruction was late for 2 years. They were simply blocking the return and repossession of property. There were double occupants and nobody was doing anything about them. People could not return to their pre-war places. The aim was either to prevent return or to make life difficult for the ones who returned. This was the case for Srpsko Gorazde. ... In the initial phase of return, there was money for reconstruction but no political will. ...'[70] (*Interview with Advocacy and Donor Relations Officer, Vasa Prava, 8 July 2005*)

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[69] About 46 municipalities were split by the IEBL. One such town is Gorazde. Srpsko Gorazde was created by the DPA. The Serb-controlled parts of these municipalities were called 'Serb', e.g. Srpski Sanski Most, Foca-Srbinje and Srpsko Sarajevo. Due to discriminatory connotations, the international community was opposed to such naming. That is why the name Srbinje, for example, was not officially recognised (*Interview with Advocacy and Donor Relations Officer, Vasa Prava, 8 July 2005*).
[70] Despite the obstruction of the authorities, people were determined to return. After 1999, 'tent-settlement' set up on the IEBL between Gorazde and Srpsko Gorazde inspired spontaneous or self-organised returns. Tent-settlements were an example of 'self-organised return settlements' (D'Onofrio, 2004: 10). The DP

Secondly, the environment waiting for the minority returnees was rather insecure. As well as the opposition political figures, the minority returnees were targets of systematic intimidation and harassment. In order to prevent the return of refugees and IDPs, empty houses were destroyed, returnees were intimidated and harassed; livestock were poisoned; and religious institutions were vandalised. The following incidents Cousens (2001) notes show that the returnees were certainly not wanted and welcomed in the areas where they would constitute a minority. Hundreds of Bosnian Muslims, after being subject to verbal intimidation, bombings, beatings, and threats, were finally expelled from Teslic, one of the northern towns in the RS; Croats who remained in Bugojno, a Bosniac-controlled town in the FBiH, were subject to forcible eviction in July 1996; displaced Serbs, who came to visit their homes in Drvar, a Croat-controlled town in western BiH, were prevented; and two mosques and almost hundred homes were destroyed in Prijedor after the UNHCR gave Serb authorities a list of Muslims who wanted to visit their property. These incidents obviously produced more and more fear and hindered minority return to a large extent.

Under those circumstances, how did the international community react to the developments in BiH? The international agencies responsible for return in BiH had to concentrate on majority return because first of all, it was an easier task for the international agencies. Even the UN High Commissioner for Refugees of the time, Sadako Ogata, admitted that it was easy with the following words: 'This is what is most do-able and safest, given the conditions on the ground' (ICG, 1998: 2). There was no effort to promote minority return. As the then Senior Deputy HR Steiner explained in the autumn of that year: "The problem, however, is that there was no political support in the "big capitals" to push for minority returns. The capitals had other priorities and this was not one of them. For them Annex 7 was rhetoric" (ICG, 1998: 2, footnote 6).

Associations played a key role in setting up these settlements. In that sense, they were crucial actors in the return process (ibid.).

Moreover, the international community had the assumption that it would only be responsible for assisting the local authorities in implementing the GFAP. In that sense, it was flexible towards the Entity authorities because in the view of international community agreement could be reached regarding how the returns would take place. Accordingly, the local authorities were allowed to choose the houses to be reconstructed and identify the people who would repossess property. Using this opportunity, the authorities continued to support majority return and local integration of the people in the places of displacement where their communities were demographically and politically dominant and the ethnic agendas of the authorities benefited. As a result, displaced people were distributed plots for building brand new houses[71], and were provided construction materials and business premises. The ethnic partition achieved at the end of the war was solidified step by step. Yet, it seems that the international community made a mistake by focusing on majority return and being flexible. As one of the United Methodist Committee on Relief (UMCOR) officials emphasises, if the political authorities did not give importance to the *status quo* achieved with ethnic cleansing during the war and prevent minority return, the whole process might have been completely different[72].

One of the policies the political authorities followed to achieve ethnic consolidation was relocation. As mentioned above, since many people could not go back to their pre-war homes for various reasons, they had to relocate and preferred to settle in areas which were administered by the authorities of their own nationality after the war. This process, which can hardly be described as 'return', was strongly supported by both the hardliners in the government and the local authorities.

According to a study commissioned by the UNHCR and the CRPC, there are three patterns of relocation. The first one is **voluntary relocation** that takes place when both the individual who is relocating to a new property and the original owner of that property give consent. It is a voluntary decision of the parties in question and their property rights of both sides are respected. Second pattern is **passive relocation** that occurs 'where

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[71] Ilidza is one of the municipalities, where displaced Bosniacs were allocated plots of land to build houses. During the fieldwork, the author came across with some of these brand new houses, and even one of the interviewees is living in such a house (Personal account based on informal conversations).

[72] (*Interview with the Head of BiH Office, UMCOR, 2 August 2005*).

displacement becomes a *de facto* permanent condition not based on free will, even if the individuals concerned become resigned to remaining in their present location' (Amnesty International, 1998). The last one, **hostile relocation** takes place when the authorities deliberately place groups of people in housing which belongs to other ethnic groups. The main aim in this type is obvious: to secure control over territory and obstruct minority return.

Relocation became one of the political programmes in BiH and the main proponents were the hard line Croat and Serb parties such as HDZ, SDS and SRS (Serb Radical Party). The hardliners argued that the international community should support relocation because Article 1 (4) of the Annex 7 stated clearly that the returning individual or family was free to choose where to return. Thus the political parties had no right to interfere with their choices.

As seen, the hard line parties were continuously using the rhetoric of 'choice' and 'voluntary relocation'. At the same time, they were acting in a contradictory way. While giving incentives like allocating plots of land and constructing new apartments, these parties were intimidating the people, who did not want to obey the rules and neglecting those, who chose to remain in or return to areas which were not under their control. For instance, the SDS succeeded in relocating the Serbs to different parts of the RS following the transfer of Sarajevo suburbs in March 1996. On the Croat side, the HDZ called on the Croats living in Central Bosnia (towns like Vares, Kakanj and Zenica) and the Croat refugees in Croatia to relocate to Hercegovina, the so-called 'promised land' for the Bosnian Croats. The main Bosniac party, SDA, on the other hand, seemed not to be supportive of relocation at the beginning. But with the developments in the Western Europe regarding the future of the Bosnian refugees, the SDA changed its stance. The outcome was that all nationalist parties made use of relocation, particularly the hostile one, in order to maintain their power and inhibit minority return.

The international agencies were opposed to relocation because the form it took in BiH was not voluntary at all. As a Caritas official clearly put it, relocation was a rather tricky issue because if Caritas was involved in relocation, it would have given support to

ethnic cleansing that continued after the war[73]. Looking back, the agency seemed to have done the right thing by not backing the relocation policy. The UNHCR, on the other hand, supported only voluntary relocation: 'Generally speaking the UNHCR fully recognises relocation as one form of durable solution for individual for refugee. If one cannot return to his/her place of origin, then relocation to another part of the country will usually be a legitimate solution to the problem of returning refugees. … In BiH, all those talks about relocation started too early in the process of return when many people were not really able to make a free choice about their future. Our argument was always that people should first be given the choice to return, and only if they did not want return, then they would be relocated' (*Interview with Head of Satellite Office, UNHCR, 31 August 2005*).

In sum, relocation was one of the political means the hardliners used to continue the war in another way. The outcome was that people, who wanted to return to their homes, were faced with problems in repossessing their property and the occupants gave damage while they were evicting. Since the political authorities promised the relocatees that they would be able to stay in the housing they occupied, they had no intention to evict those houses or apartments. Moreover, even though the authorities were supposed to find alternative accommodation for the displaced persons, who had to evict the housing they were occupying, no step was taken to solve the problem. So the authorities continued with their blocking.

Despite the obstructionist policies carried out by the authorities, one could still come across with efforts to promote minority return. Unfortunately none of the regional return plans and schemes developed by the UNHCR such as designating 'target areas' and providing bus services for 'go and see visits'[74] bore satisfactory results. Yet, there was a promising development. Coalition for Return was established towards the end of 1996 in Sarajevo with the support of the Deputy HR Steiner. The movement was multi-ethnic in character and the representatives of DPs all over BiH would 'form a forum to counterbalance the nationalist-separatist political agendas of the ruling political parties' (ICG, 1997: 16). While trying to persuade the local authorities to comply with the

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[73] (*Interview with Head Delegate for BiH Emergency Relief, Caritas Switzerland, 15 July 2005*) .

[74] Five interviewees made use of those bus services.

provisions of the Annex 7, the Coalition concentrated on establishing contacts between the IDPs and the occupants of those people's homes.

Furthermore, the attitude of the international community started changing in spring 1997 and the focus shifted from majority to minority return. The UNHCR schemes aimed at achieving minority return culminated in the so-called 'Open Cities' Initiative launched in March 1997 with the aim of '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' (UNHCR Document - 'Open Cities' Initiative). If the communities showed their willingness and municipality got an 'Open City' flag for making actual return possible, then it would attract international assistance as a 'reward'. However, it was not easy to be considered an Open City. The volunteer community had to fulfil certain criteria. Some of the criteria are as follows: once a community was publicly declared an Open City, the local authorities had to show genuine and consistent political will; the authorities had to confirm that minority returns were already taking place or will occur without the minorities being abused in any form; both the local authorities and the existing community had to be willing to accept and reintegrate minorities into the normal life of the community etc.

At the beginning, three municipalities were recognised as Open Cities. Konjic was the first to be recognised on 1 July 1997. It was followed by Busovaca (2 July) and Vogosca[75] (3 July). There were several others that had the potential. The total number of municipalities that were declared Open City was 11[76]. The US Department of State supported the programme with 5 million USD, and other international donors followed suit. However, the initiative turned out to be a failure at the end. There were many problems. Monitoring the Open Cities was generally weak first of all. Secondly, there were no criteria to evaluate whether the municipality achieved progress beyond the 'open' status. Finally, most of the international donors did not give support to the initiative at all because they had their own priorities when funding was in question.

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[75] Vogosca, which experienced the transfer of authority and Serb displacement simultaneously, was the first former Sarajevo suburb to be selected for such an initiative. It was hoped that Vogosca would be an example for other suburbs (*Interview with Head of Satellite Office, UNHCR, 31 August 2005*).

[76] The other municipalities were Goražde, Kakanj, Bihać, Laktaši, Srbac, Mrkonjić Grad, Šipovo and Zenica.

While ethnic partition in BiH was consolidated with the help of majority return, decisions that would affect the Bosnian refugees' lives were taken in the host countries, with Germany setting the precedent. The common view among the host states was that it was better for the refugees to return. Yet, one could observe divergence in the return policies of those states. For instance, while about 11 EU member-states developed schemes to assist Bosnians in their return, only two – Denmark and Sweden – funded the refugees to make 'look-and-see' visits to decide (Black, 2002: 130). There was a considerable variety of assisted return schemes. Among the schemes, one could come across with provision of direct financial assistance for the return movement itself and projects related to informing the refugees about conditions for return (Walsh, Black and Koser, 1999).

On the other hand, most of the host countries accepted the UNHCR's principle that people should not be returned, if they did not want to return to places, that were not their pre-war homes or to the areas where they would be a minority. Germany was the only member-state which did not conform to this principle. In other terms, ethnic origin was not a criterion Germany used to prioritise return (Koser, 2000: 29)[77]. As known, with some 345,000 by the end of the war (ICG, 1998: 11), Germany had been hosting the largest number of refugees from BiH. Following the first post-war elections in BiH in September 1996, Germany unilaterally lifted 'temporary protection' altogether. The decision was followed by the agreement reached on the starting date for the so-called 'mandatory repatriation' (Bagshaw, 1997) of the refugees from BiH[78]. The repatriation would begin on 1 October, and the first group to leave would be single persons and childless couples. According to the framework, they would have to leave the country by 30 June 1997. Refugees without children would be followed by families. As two interviewees emphasised, single mothers, on the other hand, were allowed to stay longer. They would be among the last to leave the country. Families, traumatised Bosnians undergoing treatment

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[77] According to the ICG (1998), on the other hand, due to the insecure environment in the RS, most of the German Länder had reached an agreement on not returning non-Serbs there. Yet, they did not hesitate about the return of Bosniacs to the Croat-held Western Herzegovina even though they had been warned about the situation in the region.
[78] The agreement was reached among the Regional and Federal Ministers of Interior Affairs (Bagshaw, 1997).

and pupils or vocational trainees, who expect to receive a diploma in the near future, would start returning in May 1997 (ICG, 1998).

While some of the *Lander* governments, such as Berlin, Bremen, Baden-Wurttemberg, Saxony and Bavaria seemed to be rather eager about 'repatriating' Bosnians to their country, western *Lander* like North Rhine-Westphalia, Hessen and Lower Saxony were in favour of waiting till the following spring. Finally, despite the UNHCR's criticisms[79] and warnings, return from Germany began 'as Baden-Wurttemberg ordered around 2000 refugees to return to Bihac until the end of October 1997' (Bagshaw, 1997). It was followed by Bavaria and Berlin's announcements of the first groups which would return.

Germany's policy was not limited with 'mandatory repatriations' since it was followed by 'voluntary-compulsory departures' (Bagshaw, 1997) and finally forcible returns in 1998. At the beginning of 1997, the refugees started receiving notifications that it was better to leave the country voluntarily because they would anyway be sent to BiH at the end. This was 'voluntary-compulsory departures' because the Bosnian refugees left Germany voluntarily just on paper. The German government's 'get-tough policy' bore its results because 57,834 refugees returned to BiH in 1997[80].

Under those circumstances, the degree of voluntariness of the returns from Germany was obviously questionable. But still not everybody left the country involuntarily. Some of the interviewees returned although they did not need to. Here are two opposite examples. One is a Croat returning to a Bosniac-controlled town in Central Bosnia, Vares, and the other is a Bosniac returning to Sarajevo:

> 'The German authorities told us to leave the country right after Dayton [DPA] was signed. So we had to come back in October 1997. Ours was an involuntary return in that sense.' K.K. (Cr, F, 52, Vares/urban, retired)

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[79] According to a spokesperson, the security conditions and the destroyed housing in BiH did not allow mass returns at all ('Fortress Europe?'- Circular Letter 48, November 1996. Retrieved: August 8, 2007. [WWW Document]. URL. http://www.fecl.org/circular/4806.htm). Moreover, majority of the Bosnians in Germany were Bosniac refugees from the areas under Serb control, and it was almost impossible for these refugees to go back to their homes. When the region was still instable, was it 'humane' to start 'repatriating' the Bosnians?

[80] Otherwise stated, for the statistics on return see (UNHCR, Statistics Package. Retrieved: August 2007. [WWW Document]. URL. http://www.unhcr.ba)

> 'We had the chance to return to Bosnia in May 1997. Actually we could have stayed longer but my husband started to complain about living in Germany so we left Germany voluntarily.' R.D. (Musl, F, 45, Sarajevo/urban, salesperson in a shop)

On the other hand, it is to be stressed that the German government tried to encourage voluntary return with financial assistance and incentive packages. The refugees, who returned in 1997, were assisted with their travel[81]. Agencies were providing travel assistance, too. As some of the interviewees paid attention in their narratives, apart from covering the travel expenses, the German government opened bank accounts in the names of the refugees and refugee families, who decided to return in 1997, and put credit in those accounts. It was sort of an incentive to start a new life in BiH. Some interviewees received assistance in this way. The cases below show how German government and agencies helped the returning refugees:

> 'The German government helped the people, who have chosen to return in 1997, in financial terms. So most of those people received money from the German government (like an incentive) to start a new life in Bosnia. When we arrived in Sarajevo, like many other families, we were able to take money from the bank because the German government had put money in an account opened in our name.' D.K. (Musl, M, 22, Konjic/urban, waiter in a coffee-shop)

> 'While we were returning in 1997, we were given 1000 DM to start a new life in Bosnia. Upon return, we received constructive material from a German agency (HELP) for reconstruction of our house, but had to pay for the workers. …. We were given food as well. ...' S.C (Musl, F, 70, Sarajevo/urban [home − Foca/rural], housewife)

While talking about assistance the Bosnian refugees received, not only host states and agencies were helpful. A Bosniac football player of the time helping one of the interviewees was an example of solidarity:

> 'We did not receive any help from any agency. Yet, a football player helped us. As we decided to return to Bosnia, I went to buy the tickets. A problem was waiting for me. Because we did not pay the entry-exit fee since we entered Turkey, I had to

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[81] Some of the returning refugees made use of the Government Assisted Repatriation Programme that provided 'a one-time financial assistance package of 450 DM per adult ad 225 DM per child'. Government Assisted Repatriation Programme, together with the Reintegration and Emigration of Asylum Seekers from Germany, was administered by the IOM (ICG, 1998: footnote 46).

pay 30,000 DM. My cousins called S. B. (a footballer of the time). He helped me get residence permit and my passport stamped so I did not have to pay the fee. S. bought the tickets to Sarajevo as well and did not let us pay for the tickets. He put 300 USD within the tickets.' <u>N.A. (Musl, M, 29, Sarajevo/urban, waiter in a restaurant)</u>

Going back to the voluntariness issue, in some cases the refugees were rather eager to return to their country even though they did not have to do so. Here are three examples, one interviewee returning from Austria and two from Turkey:

'I came back to Bosnia at the beginning of 1996. I returned totally voluntarily because I could not stand the life in Vienna any more. My family stayed there.' <u>D.S. (Musl, M, 26, Bijeljina/urban, working in construction sector but not registered)</u>

'We were able to return to Bosnia in 1996. We did not need to come back but could not wait to return so we left Turkey voluntarily.' <u>S.R. (Musl, F, 50, Sarajevo/urban, owner of a boutique)</u>

'My mother was crying all the time because she could not forget my brother who disappeared during the war. Moreover, as we heard about my uncle's death she was under more stress (1997). She wanted to come to Bosnia because she carried the hope of seeing my brother again. …' <u>N.A. (Musl, M, 29, Sarajevo/urban, waiter in a restaurant)</u>

What kind of an environment was waiting for the returnees, both the war-time IDPs and refugees? Were they able to return to their homes? If not, what were the reasons? How did they resolve their housing problems? In general, what were the major impediments to return in the first two years of the process? Did they receive any kind of assistance? Those are some the questions that may help us understand what the returnees experienced in the period in question.

One of the biggest obstacles in the first year of return was the shortage of housing. The war had left 50 % of the housing stock damaged and 6 % destroyed in the FBiH and 24 % damaged and 5 % destroyed in the RS and the restoration cost was estimated to be between 3 and 4 billion USD[82]. In terms of housing, several interviewees had to settle in

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[82] The ICG Report cites the data published by the World Bank and other organisations providing financial assistance (ICG, 1997: 15, footnote 30). On the other hand, according to the list prepared by the International Management Group, the European Commission including the European Community Humanitarian Office

other places since their properties were either occupied or in need of reconstruction. In order to solve the housing problem, both the international agencies and the Bosnian state were engaged in providing accommodation for both the IDPs and the returning refugees. Collective centres were opened in several regions[83]. Thirteen informants are still staying in these centres. Their lives are examined in the following chapter on reintegration because the fact that so many people living in collective centres ten years after the war ended indicates the extent of reintegration achieved in BiH. Some of the displaced people were able to return to their houses/apartments later on. Here is an interviewee from rural part of a town in the northern Hercegovina, Konjic. He spent about 8 years in a collective centre in an eastern town, Visegrad:

> 'When I returned to Bosnia from Montenegro in 1996, I stayed in a collective centre in Visegrad. It was a school and 800 people were living there. … I stayed there until 2004. I got married and my first child was born in that collective centre. One of German agencies [Help for Children] provided food and clothes. All I could do was farming and earned 10 KM per day – nothing else. …The conditions in the collective centre were really bad – 2 bathrooms for 400 people. ...' <u>R.C. (Srb, M, 50, Konjic/rural, unemployed)</u>

Apart from residing in collective centres, some stayed near their relatives while some others had no choice other than settling in abandoned houses. While one Croat family interviewed in Vares was still waiting for their apartment to be reconstructed at the time of the interview, two Bosniac informants chose to stay in the big cities, one in Tuzla and the other in Sarajevo, even though they repossessed their property later on:

> 'When we came to Vares [our home-town] in May 1997, a refugee from Croatia (with whom we had no relationship) offered his flat to us. We stayed in his flat for 4 years. In 2001, this Croatian guy took his flat back and we had to rent this apartment. We have been waiting for UNDP to do the external repairment of our apartment [UNDP-SUTRA[84] II Project]. Then hopefully we will get donation from

(ECHO), the UNHCR, World Bank, and the governments of the USA, the Netherlands, Norway and Saudi Arabia were among the largest donors for housing reconstruction (ICG, 1998: 7).

[83] It is to be noted that the UNHCR recognises certain collective centres. Those are the ones that were opened during the war and prior to 1998. For the map of the recognised centres see (Collective Centres in Bosnia and Herzegovina. Retrieved: August 15, 2007. [WWW Document]. URL. http://www.unhcr.ba/programme/cc/mapCCMay2006.pdf). Two of the collective centres visited during the field-work are recognised by the UNHCR. The others are regarded as alternative housing/accommodation provided by the Bosnian state (*Interview with a Field Officer, UNHCR Mostar Sub-office, 26 July 2005*).

[84] SUTRA stands for Sustainable Transfer to Return-related Authorities.

UNDP again to do the internal repairment.' <u>J.C. (Cr, F, 49) Z.C. (Cr, M, 58) (Vares/urban, unemployed)</u>

'Since it was impossible to live in our homeland [Zvornik – now in the RS] we [my husband, sons and me] started living in Tuzla in 1997. In 2001, we were able to repossess our flat. During the war, the Chetniks had looted our flat and taken all the furniture. Serbs had occupied it later on. We went to Zvornik after repossession but my husband could not find job in the high school [he is an English teacher] but he found one in Tuzla. So we had to sell our flat in 2002 and we bought a flat here with the credit we took.' <u>A.H. (Musl, F, 53, Tuzla/urban, journalist)</u>

'When we returned to Bosnia in 1996 we had to stay in my mother-in-law's house in Sarajevo because we could not go back to Jajce, which was controlled by the Croat army. I got my apartment back in 2002. It was difficult. I had to go to court. Moreover, it was almost totally destroyed and no agency helped us. There was a restriction of movement and I could not go to my town to deal with the repossession. Only during elections Jajce was secure. In other times, we were told at the border that once we entered the town our security could not be guaranteed. The Croats expelled Serbs and did not want us [Bosniaks] as well. Now we are still living in my mother-in-law's house, working here and visiting our house in Jajce from time to time'. <u>S.R. (Musl, F, 50, Sarajevo/urban, owner of a boutique)</u>

Upon return to her village in a municipality very close to Sarajevo, one Croat interviewee found herself in a situation that might happen rarely. She had to share her house with the occupants, with whom she established friendship later on:

'When I returned to my village, I came directly to my house but it was occupied by refugees from Kiseljak. The occupants gave me one floor so that I could live there. The refugees stayed in my house until their own house was reconstructed. So we spent one month together.' <u>A.D. (Cr, F, 55, Visoko/rural, housewife)</u>

Another informant had to move from one place to another until the occupants finally evicted his house in Zvornik, one of the eastern municipalities in the RS:

'When we arrived at the Sarajevo airport, my brother-in-law was waiting, and he took us to Zivinice [in the FBiH]. We stayed in Zivinice for a short period, and then rented an apartment in Tuzla. The landlady was crazy so we stayed there only for 1,5 months, and then came back to Zivinice again. We had to rent apartments until we finally came to our house in Karakaj.' <u>H.G. (Musl, M, 54, Zvornik/urban [living in rural area], working as a volunteer in the Association of Citizen Returnees)</u>

Bearing in mind the difficulty of going back to the places of origin in the first two years of the return process, one of the interviewees being able to return to her house in Sarajevo is to be regarded as an exception:

> 'We were able to stay in our house when we returned in March 1997 because my brother-in-law had been staying in our house while we were in Germany. The house was of course damaged – 2 grenades had hit the roof.' <u>F.H (Musl, F, 61, Sarajevo/urban, housewife)</u>

Repossessing property was rather difficult, particularly for the returnees going back to the places which are under the control of another ethnic community. As mentioned above, the local housing authorities were obstructing minority return in various ways. The repossession of socially-owned apartments was even more problematic. Under those circumstances, most of the interviewees had to deal with problems until the Property Law started to be implemented in 2000. Here are two examples. In the first case, the family had to wait for about 4 years to repossess their flat. While waiting, they had to rent another one:

> 'We returned to Vares in October 1997 but repossessed our flat in 2001. By the time we repossessed and returned the Muslim refugees occupying our flat had already evicted. She [the occupant] was working in SDA [Democratic Action Party] and had to evict otherwise she would lose her membership. The flat was totally empty and dirty. We got back the garage but not the other premises. In the meantime we stayed in another flat' <u>K.K. (Cr, F, 52, Vares/urban, retired)</u>

In the second example, the informant was still dealing with the issue at the time of the interview. His house is in Serb-controlled part of Foca, one of the divided towns in south-eastern BiH:

> 'Unfortunately I could not return to my pre-war house in Foca-Srbinje because I did not apply for repossession on time. I had a second chance later on, and a guy from Commission (CRPC) came and said 'You cannot repossess the apartment because there is a Serb occupant living at the moment'. So I sued the Serb occupant. At that point, the guy from CRPC told me that he would help if I paid him 10,000 KM. I did not accept this, and the guy decreased the amount to 5,000 KM later on. The apartment costs 30,000 KM (60 m²). The trial still continues [at the time of the interview].' <u>N.A (Musl, M, 29, Sarajevo/urban, waiter in a restaurant)</u>

Not all returnees had problems concerning repossession. In one of the cases, the Bosniac informant might be considered really lucky. Although he returned to a town in the

RS, which is still regarded as a 'suburb of Belgrade' by many groups and where the Bosniacs have been faced with numerous problems, he was able to repossess his apartment with the help of his 'old friends' but interestingly from the other ethnic community. However, after a few years of his return, he was physically attacked. This incident was a clear example of hostility between the Bosniacs and Serbs. The security situation had not improved yet. So the case is interesting for having contrasts in it:

> 'When I returned to Bosnia in 1996, I had to stay near my sister in Zenica. In a short while, I visited my house in Bijeljina, and the guy living there told me not to come again because I did not have anything to do in that house. Then one day I met my Serb friends from school and they asked 'Hey, what is going on?' and I said 'I cannot get into my house!' They told me that they would visit this guy so I did not need to worry. They went to my house and told the guy that if he did not leave the house, they would finish him off. So I was able to get my house back just in 3 days. It was not that difficult, but when he left the house he gave damage. … I was attacked physically in 1999 and my nose was broken. Even though I was told later on that I was not the target and it was a mistake, what they said was just an excuse. The attack was directed against me.' D.S. (Musl, M, 26, Bijeljina/urban, working in construction sector but not registered)

Security problems constituted another important impediment to minority return. House burnings, beatings, attacks, and provocations were some of the primary means for resisting the return of the refugees and IDPs. One could still come across with house burnings and provocations long after the war came to an end. Some of them just wanted to visit their houses but they were faced with problems as well. The returnees in this situation were mostly the Bosniacs going back to the RS and Croat-controlled areas, particularly in the Hercegovina region. Here are two examples from a Croat-dominated area, Capljina:

> 'When we returned to Bosnia in 1997, we could not go back to our house in Capljina. So we came to a village in Konjic ... In 2000, my uncle tried to reconstruct our house but a Croat blew it up with dynamite and we gave up the idea of going back there. My father intends to sell our land there, and we'll settle here.' D.K. (Musl, M, 22, Konjic/urban, waiter in a coffee-shop)

> 'We [my husband and I] returned to Pocitelj in 2000. But we wanted to visit our house when the fightings stopped. We came with an efendija from the *medresa*. When the Croats living in our neighbourhood saw us, they started throwing eggs at us because Tudjman and his men had promised during the war that Pocitelj would be a Croat land. This region was a 'promised land' for all the Croats living in Bosnia, and Western Hercegovina would be cleansed from all the Muslims who

would be sent to Central Bosnia. ...' <u>H.D. (Musl, F, 56, Capljina/rural, selling her fruit and vegetables on the main road)</u>

In two other cases, the Bosniac informants came to visit their houses before returning permanently. One of them, whose house was in the Brcko District[85], had problems with the Serb police. The other came back to Srebrenica at a time when return was not even taking place because of the insecure environment. He was warned by his Serb neighbour:

> 'We came back to our village in Brcko in 2000, but in 1996 my wife and I came to visit our house. It was so much destroyed that my wife could not figure out where our house was before the war. As we were trying to figure out where our house was, we were stopped and questioned by the Serb police about how we crossed the front line without permission. We had an argument with the police and were told not to come back again. My reply was 'Even though you ask me, I will never come again!'' <u>H.U. (Musl, M, 57, Brcko District/rural, retired)</u>

> 'When I first came to Srebrenica (after the war) it was not secure enough to live. I did not know what was waiting for me. I was the only Muslim in Srebrenica. There were only Serbs, nobody else. One of my friends said that I was not normal, even crazy (*budala*) because I was coming back. My brother said 'You won't take your children to Srebrenica, will you?', and I told him that I would definitely take them because they would help me repair the house. ... Moreover, when I first came here, my neighbour told me that he could not say 'hello' to me because SDS ordered them not to communicate with the returnees. So I was prepared for everything. Later on, I did not expect anything from anybody.' <u>A.P. (Musl, M, 57, Srebrenica/urban, owner of a restaurant)</u>

Apart from the provocations and attacks aimed at preventing return, many people, particularly minority returnees were faced with an unwelcoming attitude. Hence, some felt really uncomfortable before returning to their home-towns. They did not have a clue about the reactions awaiting them. There would be newcomers in the neighbourhood and how they would treat the returnees was a big question:

> 'Before returning we had thought about how our neighbours would react when they saw us. Would the relations be same or would they change? The neighbours would mostly be Muslims [unlike in the pre-war period]. We were a little bit afraid because of that …It did not take long to get adapted because real friends helped us.' <u>J.C. (Cr, F, 49) Z.C (Cr, M, 58) (Vares/urban, unemployed)</u>

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[85] The status of the Brcko District was not determined at that time.

In two other cases, the Bosniac informants, one living in Sarajevo and the other in Vares, had quite hard times especially in emotional terms. One found it difficult to bear the reactions of the people, who did not leave the country during the war, while the other had to 'start from zero' and she had problems with the municipal inspectors:

> 'When we came back to Bosnia, nothing was the same. No matter we spent a lot of time at the beginning of the war, some people, who stayed in Sarajevo, blamed us for leaving the country. So I had emotional problems. Moreover, our house was damaged − 2 grenades had hit the roof. ...' F.H. (Musl, F, 61, Sarajevo/urban, housewife)

> 'When I came back to Vares in 1996, I was shocked because when we were in Germany we were treated with dignity. Here I had to start from zero. My apartment was totally destroyed. I had to search for a job. Everything was destroyed and people were living in so poor conditions. It was emotionally shocking for me. But I was forced to overcome that shock. If I had a right to choose, I would immediately choose to go back to Germany. Yet, I had no choice and tried to overcome the shock by working. I opened a shop and started selling basic merchandise for cooking. My shop was working well but the inspectors from the municipality tried to close the shop and they did. Even today I do not know the reason. They did not close other shops. Everybody in the municipality wanted to take bribe but I did not want to give. That may be the reason.' Z.C (Musl, F, 50, Vares/urban, working in a fast food restaurant)

The security problems were not limited with attacks and provocations. Landmines constituted a big obstacle to return. The war left BiH the most heavily-mined country in Europe[86]. Apart from thousands of landmine casualties taking place during the war, the warring parties left large areas of the country heavily mined with both landmines and unexploded ordnance. Land-mines, mostly found along the IEBL and Zone of Separation (ZoS)[87] were planted so that refugees would not be able to return to their homes. In the first two years after the war, there were many mine accidents. The number of victims was 632

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[86] (*Landmine Monitor 2001*. Retrieved: August 17, 2007, [WWW Document]. URL. http://www.icbl.org/lm/2001)

[87] Like the IEBL, the DPA established a four-kilometer-wide Zone of Separation between the two entities. It was a two-kilometer buffer zone on either side of the entities. International troops were heavily deployed along ZoS. The Annex 1A includes specific obligations on the marking, removal and destruction of mines and unexploded ordnance. For more see (The General Framework Agreement: Annex 1A. Retrieved: August 17, 2007. [WWW Document]. URL. http://www.ohr.int/dpa/default.asp?content_id=368).

in 1996 while it decreased to 290 in the following year[88]. If we look at the casualties by origin, we see that the local residents suffered more from the mines compared to the IDPs and returnees. In terms of age, the victims were 412 adults (19-60) followed by 151 children (0-19)[89].

After the war, the de-mining in the whole country accelerated. In accordance with the provisions of the DPA, international security forces were responsible for de-mining activities. One of the Croat interviewees' houses was damaged while the mines were being eradicated, and he was cheated by the security forces later on:

> '… In 1997 the Spanish SFOR was eradicating the mines they have collected on the hill just across our house. As a result, the walls and windows were damaged. SFOR acknowledged the damage and informed me with regret that they could not compensate the damage because they were authorised by the Capljina municipality to eradicate the landmines – nothing they could do. They were supposed to pay approximately 105,000 KM. The estimated damage was 50,400 KM. I had to repair the walls and windows by myself, and I am still waiting for the compensation to be paid. SFOR tried to do everything to avoid paying me the money. ...' <u>M.P. (Cr, M, 55, Capljina/rural, not registered but working as a taxi driver)</u>

What about the issue of reconstruction assistance? Generally coordination was lacking among the agencies and donor countries when reconstruction assistance was in question. It was difficult to find an organisation that was working properly. The returnees mostly complained about this problem:

> 'No organisation helped me when I came back from Germany in 1996. It was too early and you could not find any organisation which worked properly. So I did not even ask for any help. I was able to reconstruct my flat in a very short time. How is that possible? When you are in an emergency miracle helps you.' <u>Z.C. (Musl, F, 50, Vares/urban, working in a fast food restaurant)</u>

In short, the first two years of the peace process were marked by spontaneous majority return. Many problems were awaiting the returnees. Overall, the situation concerning return was not promising. Due to the obstacles explained above, many people

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[88] (*Bosnia and Herzegovina: working for a safer neighbourhood*. Retrieved: January 20, 2008, from International Committee of the Red Cross [WWW Document]. URL.
http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList226/0581C1F4C657F860C1256B66005E7DA0)
[89] (ibid.)

did not show any willingness to return to their pre-war homes despite the expectations and assumptions of the international community. The refugees, who had already been granted permanent status in their host countries, e.g. Sweden, were in an advantageous position. Others, who had to return involuntarily, were trying to immigrate to third countries. The statistics of the first two years of return showed the reluctance to go back. Minority return, on the other hand, took place at an extremely low pace. The total returns and minority returns estimated to be achieved in the first two years of the peace process are shown in the tables below[90].

Table VI.1

Total Returns in 1996 and 1997

	REFUGEES	IDPs	TOTAL
TO FBiH	191,764	156,073	347,837
TO RS	16,625	67,054	83,679
TOTAL	208,389	223,127	431,516

Source: ICG Bosnia Project-Report No. 33, 14 May 1998

Table VI.2

Minority Returns in 1996 and 1997

	1996			1997		
	REFUGEES	IDPs	TOTAL	REFUGEES	IDPs	TOTAL
TO FBiH	N/A	8,354		19,859	12,855	32,714
TO RS	N/A	1,096		347	776	1,123
TOTAL	2,216	9,450	11,666	20,206	13,631	33,837

Source: ICG Bosnia Project-Report No. 33, 14 May 1998

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[90] These figures are based on the number of people who came to the UNHCR offices to register for return. However, it is not exactly known whether they really returned to their homes or not. That is why the figures are rough estimates (*Interview with the Head of Satellite Office, UNHCR, 31 August 2005*).

b. Phase II: Minority Return Becoming a Priority

By the end of 1997, the international community had a new priority regarding return in BiH. In the Bonn PIC Meeting, it was decided that a more direct intervention was necessary since the return results of the first two years were not promising at all. The new priority was nothing more than minority return. Coercive mechanisms would be used to overcome the difficulties caused by the authorities' obstructionist policies. The HR was authorised to make binding decisions and remove public officials, who were violating their legal commitments or the terms for implementing the DPA. In addition, the RRTF was strengthened. It was granted extra resources and a deputy HR was appointed to lead it. From then onwards, RRTF was supposed to follow a coercive policy in terms of minority return.

Why did this policy shift happen? Heimerl (2005) points out two reasons. First of all, contrary to the hopes at Dayton, the voluntary approach to return consolidated the ethnic divisions rather than challenging them. In other terms, majority return had strengthened the hold of nationalist parties, as shown in the results of the first national elections held in September 1996. There was only one way to break this: to urge minority return. Secondly, no matter what kind of policies were followed in BiH, the host states were determined to return the Bosnian refugees back to their country. The UNHCR warned about the possibility that these returns would result in 'relocation to majority areas consolidating ethnic separation and making it more difficult for minority groups to return if their homes were occupied by "relocatees"' (Heimerl, 2005: 382). Again the solution was simple: minority return.

Returns from Germany continued at an increasing pace. Most of the returns were 'voluntary-compulsory' meaning that people returned voluntarily but just on paper. Two Bosniac interviewees left the country in this way while a Croat family left with the idea that they had to leave before being deported:

> 'We [my children and I] returned from Germany in 1998. One day we were called from the registration office for passport check and **the authorities took our passports and gave me a document which I had to sign. In the document it was saying that we agreed to leave Germany voluntarily. Actually we were forced**

to sign this document. I found out later on that we had to declare that we would return voluntarily because otherwise we would not get their passports back. ...' <u>H.S. (Musl, F, 44, Srebrenica/rural [living in Ilijas], unemployed)</u>

'We returned from Germany in 1998. I did not want to extend my visa any longer and we had to come back. Actually we were told by the authorities that it was better if we left Germany voluntarily otherwise we would be sent back to Bosnia. So **we left Germany voluntarily just on paper.** We had no other choice. It was better to leave before we were deported.' <u>V.A. (Musl, M, 41, Bijeljina/rural, unemployed)</u>

'We returned from Germany voluntarily in 1998 but it was emphasised by the German authorities that it was time to leave the country.' <u>A.O. (Cr, F, 23, Zenica/urban, unemployed)</u>

In the first two months of 1998, 400 people were deported, and tens of thousands received warnings that they would be deported if they did not leave by the end of July (ICG, 1998). One Serb informant sued the German government for being deported and won the case, but conditionally:

'In accordance with a new regulation, the refugees had to return to their countries of origin. We [I and my wife] did not want to return because our son was going to school and he was very successful and loved by his friends at school. Therefore nobody at school wanted us to return and they started a petition campaign. In Ludenscheid (where we were living) there were 80,000 inhabitants and 3000 petitions were collected. **The mayor** knew about the campaign as well and she **recommended us to sue the German government for being deported** from the country. We did and at the end won the case but with 3 conditions: first, I had to leave the country immediately. Second, my wife would stay until our son would graduate from the high school. Third my son might continue staying there but my wife had to leave. So I returned to BiH in accordance with the result of the case.' <u>V.B. (Srb, M, 60, Ilidza/urban, manager in a tourism agency) // married to a Muslim – mixed marriage</u>

Return from the host countries in Europe was not limited to returns from Germany. Switzerland followed suit with 4821 organised/assisted returns and Austria with 1601 returns (UNHCR Statistics, January 2001)[91]. Again not everybody came back to BiH involuntarily. Two Bosniac male informants decided to return to their country even though

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[91] Switzerland was the second country from which highest number of returns took place in 1997. 3921 refugees returned to BiH (UNHCR Statistics, January 2001. Retrieved: August 19, 2007, from UNHCR. [WWW Document]. URL.
http://www.unhcr.org/statistics.html).

they did not need to. The elderly one came back in order not to lose his retirement rights whereas the mid-aged informant returned to materialise his plans about opening a concrete producing enterprise. His initiative would have triggering effect on return to his hometown, Prijedor, the area infamous with the Omarska, Trnopolje and Keraterm concentration camps:

> 'We [my wife and I] left Austria voluntarily in 1998. While we were in Austria, we were offered to go to Australia but I did not want to go there because I did not want to lose my retirement rights. I knew that I would receive my pension again in BiH. So I wanted to return here. Before leaving, we received 1000 schillings from the government.' M.H. (Musl, M, 72, Zvornik/rural, retired)

> 'I decided to come back to Bosnia in 1998. My twin brother had come to Kozarac [Prijedor] a couple of months earlier to investigate the market. We had decided to open an enterprise producing concrete. It was a risk but we had decided to take it. The rest of my family stayed in Switzerland for some time, and then they returned as well.' M.J. (Musl, M, 42, Prijedor/rural, private entrepreneur)

While the returns from host countries continued, the international community speeded up its work on promoting minority return. Two conferences were organised in the first half of 1998: the Sarajevo Conference hosted by the OHR, the US government and the European Commission, was held on 3 February 1998. By being both the capital of BiH (and FBiH) and a model of co-existence and tolerance, Sarajevo should help the return process gain momentum. What Sarajevo was supposed to do regarding return was to[92]:

> '… lead the country by example by taking the concrete steps set forth in this Declaration to enable the return of at least 20,000 minority pre-war residents in 1998, as proof of its determination to act as a model for reconciliation, multi-ethnicity, freedom of movement and the unconditional right to return throughout Bosnia and Herzegovina.'[93]

In order to achieve this objective concrete steps had to be taken in certain fields such as legislative, housing, education, employment, and public order and security. As Prettitore

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[92] In order to implement the provisions of the Declaration, Sarajevo Return Commission was established by the HR on 17 February 1998. The Commission was supposed to 'supervise the work of the Employment and Return Committee, the Education Working Group, and the Sarajevo Housing Committee' (*Sarajevo Declaration*,. Retrieved: August 19, 2007, from OHR. [WWW Document]. URL. http://www.ohr.int/ohr-dept/rrtf/key-docs/sa-docs/default.asp?content_id=5453).
[93] (ibid.)

(2006) iterates, in the legislative field, the property legislation and the FBiH Amnesty Law were to be implemented while steps were taken in education sphere in order to reintegrate the minority students. Sarajevo Housing Committee, which would oversee housing issues, was established in addition to the agreement on improving management of the housing available to support returns. In the employment field, on the other hand, the authorities agreed to adopt and implement fair labour standards as well as to provide a secure environment for the people who returned.

The second conference was Banja Luka Regional Return Conference. Organised jointly by the OHR and the UNHCR, the Conference was held on 28 April 1998 and attended by the government representatives of BiH, Croatia and the then Federal Republic of Yugoslavia as well as the members of the Steering Board of the Peace Implementation Council, and interested countries and international agencies. The aim of the Conference was no different than the Sarajevo Declaration: to promote return opportunities, as set out clearly in the Annex 7. It was emphasised that the attitude of the international community towards the Governments of the attending countries and the assistance provided would depend on whether the Governments perform well in creating the required conditions for return or not. Among the steps to be taken, hiring of minority police officers and promoting the freedom of movement were prevalent. The Government of the RS was urged to open the territory of the Entity to return:

> '[W]e stress the need for return movements to the territory of the Republika Srpska to take place now. There is no reason for further delay.
> Banja Luka, as the capital of the Republika Srpska and the traditional centre of the North-Western region with the potential of quick economic revitalisation, has a responsibility to take the lead in this process, starting return to outlying villages and addressing its housing problems.'[94]

The Sarajevo Declaration was successful to a certain extent. Yet the Banja Luka Conference was not able to bear any satisfactory results because most of the commitments remained on paper. The international community was trying hard to promote return. For instance, by using his Bonn powers, the HR introduced a uniform license plate so that

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[94] (*Banja Luka Regional Return Conference, Chairmen's Concluding Statement, 28 April 1998.* Retrieved: August 19, 2007, from OHR. [WWW Document]. URL. http://www.ohr.int/ohr-dept/rrtf/key-docs/reg-ret-bl/default.asp?content_id=5452)

Bosnians could travel throughout the country without making their ethnicity known with the vehicle's plate. The aim was to make freedom of movement easier and safer (OHR Press Release, January 31, 1998). The political authorities in both entities were insistent on applying obstructionist policies. The lack of political will still constituted a big impediment in the path of return.

Security continued to be a big challenge, and finally in 1998 the NATO-led SFOR concentrated more on protecting civilians from political violence targeting particularly the minority returnees[95]. Actually it started doing certain things in the previous year, e.g. inspecting and confiscating weapons from paramilitary special police units. SFOR's activities drew NATO's attention to the paramilitary forces in BiH. Moreover, SFOR, together with IPTF, was engaged in providing security to the returnees in areas such as Croat-dominated Hercegovina and north-western parts of the RS. It was even protecting only one family which returned. Here is an example of a Bosniac family which returned to a Croat-dominated area, Pocitelj in Capljina:

> 'In 1998, we were the only Muslim family to return to Pocitelj and of course were surrounded by Croats here. One day our godfather in the wedding, who is a Croat, came to visit us and brought some mandarines. Some of the Croats living here tried to attack him. He said to them 'What are you doing? Why are you attacking me? I am a Croat!' Their response was 'Because you help those *Balije*[96]'. They beat him up. Not only him unfortunately, they beat my husband, mother-in-law and son who was 1,5 years old then. After that incident, Spanish SFOR came to our neighbourhood and provided security for 45 days. Since we were the only Muslim family in the vicinity they could not leave us. From that day onwards, Spanish SFOR soldiers came to bring food, clothes and they took care of us.
> When Sp. SFOR left, there was constant tension because people, who came to the coffee-shop, were throwing stones at our house. One day as my husband was going out of the house carrying our 1, 5 year-old son, one of the guys in the coffee-shop said 'Now I will kill your baby!' My husband got so mad that as he left our son at home, he took an axe and broke everything in the coffee-shop. After that, the

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[95] SFOR's predecessor IFOR did not do much in terms of protecting the civilians because first its operation was segregated from the implementation of civilian aspects of the DPA and secondly it read its own military responsibilites in a minimalist way. Thus it acted reluctantly in dealing with extramilitary forces falling ambiguously in between 'military' and 'civilian' (Cousens, 2001; Cousens, 2002).

[96] Croats and Serbs call Muslims *Balije*. Like Chetnik and Ustase, which are used to insult the Serbs and Croats respectively, Balija is a term used to insult the Muslims. The use of the term goes back to the WW II when the Croats were accusing the Bosniacs of collaborating with the German forces therefore betraying their country (Personal account based on informal conversations).

provocations stopped and he said 'I should have done this before! That is the only thing they understand.' We did not have any problems since then.' <u>S.D (Musl, F, 35, Capljina/rural, selling a producer's fruit and vegetables on the main road)</u>

The political exercises going on since the end of the war unfortunately did little to foster return, and it became apparent that the nature of displacement in BiH made a breakthrough in minority return definitely necessary. Otherwise, neither return would be completed nor peace would come to BiH. For this breakthrough to happen 'return would have to take place throughout the region at the same time, and under the same conditions' (Prettitore, 2006: 187).

Finally, the international community decided to get more serious because although 1998 was designated as the 'Year of Minority Return', only 35,000-40,000 of about 140,000 returns to and within BiH were minority returns taking place almost exclusively in the FBiH[97]. In other terms, the minority returns again fell far short of the expectations. Overall, approximately 1,2 million refugees and IDPs still did not return by the end of the year. Furthermore, as known, Germany had continued with deportations. Since most of these refugees were from the areas belonging to the RS and the Serb authorities did not allow return to occur in most of the places such as the eastern municipalities, the returnees from Germany unfortunately became IDPs and most of them had to be relocated. Thus, the 'Year of Return' turned out to be a 'Year of Relocation'.

Even though internal displacement and relocation seemed to be the general trend, one could observe Bosniac return to certain areas in the RS. Kozarac in Prijedor, infamous for the mass execution of the Bosniacs and Croats in the concentration camps of Omarska and Trnopolje, is one such place[98]. One of the Bosniac interviewees, with whose initiatives return gained pace, summarised how people returned to his town despite the Serb authorities' obstructions:

'I returned to Prijedor in 1998 because we [my brother and I] decided to open an enterprise producing concrete because it would be the most productive thing to do

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[97] The figures are from the Annex to the Madrid Declaration of the PIC (1998) (*Annex to the Madrid Declaration of the PIC*. Retrieved: August 23, 2007, from OSCE Mission to BiH. [WWW Document]. URL. http://www.oscebih.org/documents/56-eng.pdf).
[98] Kozarac as an area includes the town of Kozarac and the villages of Kozarusa, Kevljeni, Kamicani and Jakupovic (Vandiver, 2001).

(because all the houses in the village were burnt down). We invested 500,000 DM – it was a risk but we decided to take it. It would be production, transportation and we bought a machine that would take concrete up (mortar machine). We thought that if return took place, an enterprise producing concrete would be necessary to reconstruct houses or rebuild the ones which had been completely burnt down.
Return started in Kozarac in 1998 and reconstruction of houses began, as we expected. So, we opened a place to store concrete as well. That year, a couple of guys from an English channel came to prepare a documentary about return to Kozarac. They filmed our enterprise, and it was shown on TVs all over the world. Bosnians, who watched the documentary, decided to return. It was a real trigger in that sense. At that time, Czech SFOR was responsible for the security of Kozarac. They were patrolling at night. So the habitants felt more secure. Since return gained pace, I decided to open another enterprise. In the meantime, my brother had gone back to Switzerland. Families and the elderly continued to return to Kozarac.' M.J. (Musl, M, 42, Prijedor/rural, private entrepreneur)

Bosniac return to Kozarac was an exception. The breakthrough was not still achieved. By the end of 1998, the total number of minority returnees was estimated to be around 79,500[99]. It was much lower than expected and apparently led to disappointment on the side of the international community.

The result was the RRTF 1999 Action Plan, which focused on three pre-conditions required for the breakthrough in minority return the international community had been waiting for. Those pre-conditions were space, security, and sustainability. With regard to space, housing had to be made available so that people could return. It would be through reconstructing the damaged property and implementing the property laws. In the field of security, all kinds of threat and violence hindering return had to be prevented. The security issue played a key role in the decision-making process of the persons who wished to return. And concerning sustainability, the returnees should have access to education, health and social services and of course employment. They should at least get the necessary minimum of income. Unless these minimum requirements for a viable family life in the place of return are not met, we cannot talk about sustainable return in that area. Overall, the 1999 Action Plan was based on a new methodology. As Heimerl (2005) notes, with the help of the HR imposing new property laws and the RRTF stressing the importance of the rule of

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[99] (*European Stability Initiative Interim Evaluation of RRTF Minority Return Programmes in 1999.* Retrieved: August 25, 2007, from OHR. [WWW Document]. URL.
http://www.ohr.int/ohr-dept/rrtf/key-docs/reports/default.asp?content_id=5390)

law, the issue of minority return, which had been highly politicised before, was turned into a question that needed to be adhered to the law[100].

Following the Action Plan, minority return got into motion in 1999. First of all, the Coalition for Return had grown into a big movement of both individuals and organisations most of whom focused on promotion of minority return. Displaced Persons' (DP) Associations had a big role in that sense. For instance, the DP Association of Drvar was one of the successful examples. Drvar is a Croat-controlled municipality in western Bosnia. Serbs, who had constituted the majority of the population before the war, had been expelled by the HVO during the war. Serb return to Drvar started almost with no support from the international community. Established under the leadership of Mile Marceta in early 1996, the Drvar Association worked for Serb return to the town and gained so much support in a short time that it succeeded in winning majority of the seats on the Drvar municipal council in the September 1997 municipal elections.

Another successful DP association was the women's group in Prijedor area, *Srcem do Mira* (Through Heart to Peace), which had been holding conferences since the second year of the war. As well these local groups, umbrella organisations played a key role in return to Prijedor. Fondacija 98 (Foundation for Reconstruction and Return "Prijedor 98") was such an organisation. Established with the first returns to Prijedor, the Foundation contributed a lot in achieving successful return to the area. The vice president of the Foundation explains the key points of the return to Prijedor until late 2001 as follows:

> 'Return to Prijedor started in spring 1998 but it took place more intensely in 1999-2000 so we can separate process into few phases. In the first phase, it was return to totally devastated villages where majority of Bosniacs were living. Return to Kozarac[101] started very slowly in 1998 but what was important was the return to left River Bank in the following year. The international community did not believe in return. We, as 'Fondacija 98', were aware that if people went back to their places of displacement, return process would not start at all. So we tried to provide basic

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[100] The 1999 Action Plan was criticised by some scholars and think-tank organisations. Ito (2001) points to the failure of the Plan to address the political problems that were preventing return while ICG (1999) claims that the Plan had a fatal weakness. It was assumed that the international community could agree return with the authorities by using a mixture of bribes, threats and other available leverage when needed. This would basically not work because, given the lack of will of the authorities, it would be difficult to make an agreement with these authorities who were ready to resist return.

[101] On 18 May 1998, Kozarac was selected as the first area where return could start (Belloni, 2005: 441).

conditions for living and constructed modest collective centres in 6 places … the situation until 2000 was tense because the authorities did not support return at all. But people were determined to return. In terms of security, no serious incidents happened because SFOR and IPTF were patrolling all the time. … The second phase, which began in early 2000, was marked with return to urban areas and housing owned by the Bosniacs but occupied by the Serb DPs. We opened 'tent settlements' in the town with the help of Catholic Relief Services (CRS – humanitarian organisation) and at the same time urged the international community to start reconstruction both in Prijedor and encourage reconstruction in places from where displaced Serbs had come, so that the Serbs could go back to their own places. The second phase passed through without any incidents as well.

The only trigger to make people return was their strong desire to return. The authorities never thought that the Bosniacs were so eager to return and they never provided any assistance. So return took place in Prijedor despite the political authorities.' (*Interview with the Vice-president, Fondacija 98, 30 August 2005*)

As the signs of a breakthrough in minority return were observed both in Croat-dominated areas of the FBiH and the RS, the returnees were still the targets of harassment and intimidation. Here is an example from a village of the Brcko District, which has a self-governing status since 2000. The Bosniac interviewee encountered problems during the reconstruction of his house:

'Arbitration was introduced here in 1999, and my hope of return increased. Our house started to be rebuilt. However, when it was half reconstructed, Serb DPs from other areas came and told the workers to go away. After the workers left, they burnt down the house. The reconstruction was finally completed in 2000.' H.U. (Musl, M, 57, Brcko District/rural, retired)

In some of the municipalities in the eastern RS such as Srebrenica, it was still not possible to talk about Bosniac return. There were exceptions for sure. However, as the example below shows, the returnees were faced with various problems such as not finding handymen for reconstruction:

'Our house was not occupied, it was damaged to a large extent and had to be repaired. I had money but could not find men to hire to repair the house because there was not even any person who would want to work for the money. So I had to bring workers from Tuzla. We [my family and I] started coming to Srebrenica every weekend to do the repairment – it was a gradual reconstruction.' A.P. (Musl, M, 57, Srebrenica/urban, owner of a restaurant)

Towards the end of 1999, important developments took place in the field of property repossession. In October, new property laws were strengthened and harmonised by the HR. On the other hand, the IPTF was exercising its supervisory powers over the local police forces so that the evictions would be carried out as ordered. The Double Occupancy Commissions were working to prioritise evictions of people with multiple dwellings. These positive developments yielded results. The UNHCR figures reflected how eager the refugees and IDPs were about going back home. The returns in the first quarter of 2000 were nearly four times the number recorded during the same period in the previous year. As of return from Germany, mass returns had almost come to an end by the year 2000. The ones, who remained, had already obtained residence status. Nevertheless, some preferred to return. They had their reasons:

> 'We left Germany voluntarily in 2000. We could have stayed there longer because we had residence permit but we chose to return instead. Why? My sister graduated from secondary school and applied to study architecture at university. Yet, she was told to wait until Germans filled the places. If there was any vacant place left, she would have the right to apply. Moreover, my mother made some calculations (we had 400 DM per month) and concluded that if we returned to Bosnia, we would live in the same standards but at least would not have to pay rent. So, we decided to come back to Bosnia.' A.K. (Musl, F, 24, Sarajevo/urban, salesperson in a boutique)

> 'I came back to Bosnia in April 2000. Actually I did not have to return but I was on probation at school and did not have a right to make any kind of offense (even if I was caught without ticket in the bus I would be sent to jail) so I had to return in a way. But I wanted to return as well. Of course avoiding problems was the biggest intention. ...' D.M. (M, 22, Zenica/urban, unemployed) // mixed marriage

Albeit slowly, minority return was finally occurring. However, repossession was still a problematic issue four years after the war. The occupants were determined not to evict the houses or apartments. For some of the interviewees, it took a couple of years to repossess their properties. In the case of socially-owned apartments, it proved to be more difficult. Here is an example from Central Bosnia:

> 'When we came back to Vares in July 1998, our apartment was occupied. I went to the municipality everyday almost for 2,5 years to get our apartment back. In taking my apartment back a Greek officer in OSCE helped me. The refugee living in our flat was Muslim and rich enough to live somewhere else. The officer obtained the

guy's payroll and took it to the municipality, and insisted that the municipality should understand the situation. The refugee had a good salary and could pay for his own flat. So, the municipality was under pressure from OSCE to evict the refugee. I am really thankful to this officer. ...' <u>J.P. (F, 45, Vares/urban, working as an administrative technician in a car insurance company) // mixed marriage (M-C)</u>

The problems were not limited with repossession. One had to be prepared for everything. Here is an example from Banja Luka, the capital city of the RS. The Croat informant is a minority returnee living in the city. Her apartment was not occupied during the war. When she returned, she was faced with a behaviour that could never be expected:

> 'The biggest problem we were faced with upon return (in May 2000) was that our apartment was devastated. A woman had taken our furniture and preserved them when we [my husband and I] were away. She gave a part of the furniture when we came back and said 'If you want to get all your furniture back you should pay 3000 KM'. It was unbelievable. ...' <u>A.M. (Cr, F, 75, Banja Luka/urban, housewife)</u>

As the international community shifted its policy, the donors' reconstruction assistance became tied to minority return. International agencies including the United States Agency for International Development (USAID), UMCOR, IOM and many others concentrated their work on minority return. As stated in its FY2006 Strategy Statement (2005), the USAID provided 890 million USD assistance in the 1996-2000 period, and one of the main aims of the assistance was to repair war-damaged infrastructure so that minority returns could take place and a multi-ethnic BiH could be recreated[102]. In accordance with the division of labour within the RRTF, the USAID focused on electricty and water. One of the Senior Program Coordinators explains the basic approach of the USAID projects as follows:

> 'To have a healthy and secure environment – this is a priority for the USAID. To be honest, nobody wants to go back to an area where there is no security. One of the conditions for security is to have electricity of course. Health is also very important and for that you should have water. If you do not have electricity and water, then you will have problems which are related to each other. ...' (*Interview with Senior Program Coordinator, USAID, 17 September 2004*)

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[102] USAID's initiative aimed at rehabilitating basic infrastructure in BiH is called Municipal Infrastructure and Services Program (MIS). It was a 265 million USD prgramme and ended in December 2000. 845 large and smal scale infrastructure projects were implemented (Internal Document on Refugee Problem, Number of Returns and Number of People Supported Through USAID/MRDO Activities, April 2004).

The European Union, as mentioned in the first section, is one of the key actors in BiH's recovery and peace-building process. Since the war came to an end, the EU has been providing assistance with the aim of giving support to BiH in its road to Brussels. In 1996-2000 period, the European Community Humanitarian Office (ECHO) provided the aid necessary for reconstruction. The Office had two main objectives in the first two years of peace: to continue giving humanitarian aid to the most vulnerable groups such as the elderly, disabled people, female-headed households; and to provide rehabilitation and re-establish essential health-care and social as well as psychological services in order to achieve sustainable return and reintegration (ECHO, 2000). Accordingly, it gave support to the return process through reconstruction of housing and local infrastructure. Over time, it was realised that just reconstructing houses would be insufficient to launch an overall return process. Sustainable approach was necessary. For instance, helping returnees earn a living through income-generation was quite important. Otherwise, returnees would become aid dependent. Moreover, the ECHO funded legal aid and information centres so that both returnees and IDPs could get accurate information on their rights and assistance in obtaining them. Before its departure at the end of 1999, the Office founded a project aimed at supporting and strengthening local NGOs and Civil Associations that play an active role in the return process. ECHO's total funding in the 1996-9 period was 1,190,200,000 € (ECHO, 2000).

Apart from the ECHO's humanitarian aid, the EU provided non-humanitarian assistance to BiH through two programmes: Phare and OBNOVA. Phare was a part of the Regional Approach whereas OBNOVA was developed with the aim of supporting the post-war reconstruction of the country. 'A total of 890 million Euro were allocated in the period 1996 to 2000, out of which almost 90 % had been contracted by July 2001. Projects were identified within the framework of the $5.1 billion "Priority Reconstruction and Recovery Programme" developed through the joint efforts of the World Bank, the EU and other agencies ' (CARDS Bosnia and Herzegovina Support Programme 2001). In the first year of the Bosnian peace, the focus was on responding to the immediate post-war situation. Therefore reconstruction was the priority. Over time, reconstruction assistance was coupled with return assistance. The period 1998-2000 was marked with programmes

focusing on support in the areas of institution building, economic reform and social cohesion and development along with support to return.

The donor countries and international agencies were providing assistance to returnees. To what extent did this assistance reach them? What kind of assistance was given? Were the returnees satisfied with the assistance they received? These are some of the questions that may be helpful in understanding the assistance-related issues.

The Bosnians complain a lot about assistance. Some express their reproach for not having received any assistance whereas some others are not satisfied with what they get. If it is not financial aid what they receive, people have a tendency not to consider it as aid. Most of the complaints are closely related to the criticism of the political system. Hence, these complaints are elaborated in the following chapter on reintegration. Suffice it to note that dissatisfaction comes to fore when the assistance issue is in question. Here are some of the complaints such as malfunction or insufficiency of the aid:

> 'When we came to Pocitelj in 1998, we received reconstruction assistance from UMCOR. However we were completely unsatisfied with the work done. The local guys hired by UMCOR repaired only the roof. Although they promised to finish one more room they never did. We wanted to check while the reconstruction was going on, but the repairmen told us that we were not allowed according to the instructions. Later on, when the authorities from CRPC (Commission) came to deliver the keys, I asked them whether there was such an instruction. The reply was 'No!'. So we were cheated because the repairmen had already taken the money and left. I applied for donation to the Federal government and other agencies for completing the room that was left but received nothing because we had a single right to apply for donation. ...' S.D (Musl, F, 35, Capljina/rural, selling a producer's fruit and vegetables on the main road)

> 'Our house had to be reconstructed and it was done by an Austrian agency. The reconstruction was done with limited funds. I invested for everything extra. For instance, if there were 2 windows before the war, the agency responsible for reconstruction installed only one and I had to pay for the second window. ...' H.G. (Musl, M, 74, Prijedor/rural, retired)

One of the Croat families interviewed in a village in Visoko, a small town close to Sarajevo, was rather disappointed when the agency they had applied for assistance refused to help:

'Since our house was partly destroyed from shelling (grenades had hit the roof and façade) we applied to the municipality for assistance many times. Yet, we did not receive anything thus repaired the damaged parts with our own money. Actually we hoped that the USAID would help us because the agency offered reconstruction assistance both to Croats and Serbs. Serbs refused the offer so the USAID reconstructed 9 houses in the village. But the officials from that agency told us that because only the roof was damaged our house was in liveable conditions, so they did not offer any help.' A.D. (Cr, F, 55, Visoko/rural, housewife)

Two informants, one from a Sarajevo suburb and the other from Vares, consider 'ethnic identity' as the main reason for not getting any help from any agency or institution. However, one of them received assistance later on:

'When I returned in 1998, I applied for assistance to both municipality and humanitarian agencies such as IOM. But I could not get any help at the beginning because I am married to a Muslim woman and I came back to a Muslim neighbourhood. According to me, the agencies in BiH make discrimination among the ethnic groups (ex. Muslim agencies help Muslims, Orthodox help Serbs etc.). ... Later on, I got assistance from World Vision (2000-3000 KM) because I was known to be a cosmopolitan.' V.B. (Srb, M, 60, Ilidza/urban, manager in a tourism agency) // married to a Muslim – mixed marriage

'When we came back, no organisation helped us repair our flat. I think that because I did not decide on which side I was [Muslim or Croat] at the beginning of the war, I did not get any help from either *Merhamet* or *Caritas*[103] (both during the war and afterwards). I asked for assistance only for bathroom but did not receive anything. I will apply again but I do not think that I will get it.' J.P. (F, 45, Vares/urban, working as an administrative technician in a car insurance company) // mixed marriage (M-C)

In short, the second phase of return in BiH was marked by the international community's policy shift. Together with the continuing mass deportations from Germany, the consolidation of ethnic divisions in the country played a key role in the policy shift. Starting with the Sintra and Bonn PICs in 1997, the international community attached utmost importance to minority return. Yet, the rate of return still fell short of expectations. The breakthrough desired and expected was not yet reached because particularly the authorities in the RS were persistent with their obstructionist policies and the minority

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[103] Merhamet and Caritas are humanitarian agencies.

returnees were still the targets of systematic harassment and intimidation. However, the breakthrough finally came in 2000.

Table VI. 3

Total Returns in the 1998-2000 Period

	REFUGEES	IDPs	TOTAL
1998	110,000	29,570	139,570
1999	31,650	43,385	75,035
2000	18,607	59,347	77,954
TOTAL	160,257	132,302	292,559

Source: UNHCR Statistics Package, 31 December 2002

Table VI.4

Minority Returns in the 1998-2000 Period

	1998	1999	2000
TO FBiH	32,605	27,987	34,377
TO RS	8,586	13,020	27,558
TO BRCKO D.			5,510
TOTAL	41,191	41,007	67,445

Source: UNHCR Statistics Package, 31 December 2002

c. Phase III: Minority Return at its Peak

The sharp increase in return came with the breakthrough finally reached in minority return. Significant levels were recorded for the first time since the DPA was signed. The number of refugees and IDPs returning was comparatively modest but it was politically significant since it was an indicator that the political authorities were no longer able to resist the demands of the refugees and IDPs. The ICG (2000) addresses the main reasons for the increase in return as follows:

'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 … 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[104] …' (ICG, 2000: 6).

The IOM official adds satisfactory amount of funding: '… the reason for increase in returns in 2001-02 is that we have had money. The funds were quite satisfactory in other words. Especially regarding minority return, people were coming back to the places dominated by another ethnic community and sending signals to other people so that they could return as well. So the people, who returned first, had a triggering effect in a way' (*Interview with Reintegration Assistant, IOM, 18 August 2005*).

About 17 of the 27 war-time IDPs interviewed were able to return to their houses in this phase. The Serbs, who had to leave the Sarajevo suburbs in February- March 1996, came back to their houses as well. Most of them are living in rural areas in municipalities in such as Konjic, Capljina, Banja Luka and Srebrenica, and they are so-called minority returnees. They returned when reconstruction of their dwellings was complete or they came to rebuild their houses, which were devastated, blown up with dynamite or burnt down during the war. Some received assistance from humanitarian agencies, mostly in the form of constructive material. In one case, the informant, who received assistance from the UNHCR, took part in the reconstruction of his house:

'I returned from the collective centre in Visegrad in 2001. My house needed reconstruction. The UNHCR was responsible for the reconstruction and I took part in it and was able to earn some money. The house was completed in 2003. I was satisfied with the work because I was here all the time and able to check everything. It was reconstructed in accordance with the original form. ' S.C. (Srb, M, 57, Konjic/rural, unemployed)

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[104] In early 2000, parliamentary and presidential elections were held in Croatia. The parliamentary elections resulted in a victory for a coalition of six opposition parties over the governing Croatian Democratic Union (HDZ). Presidential elections were won by an opposition politician, Stjepan Mesic. The nationalists lost power as the results showed (*Croatia*. Retrieved: January 20, 2008, from Encyclopaedia Britannica Online [WWW Document]. URL. http://www.britannica.com/eb/article-9344078/Croatia).

As regards 45 war-time refugees interviewed, the number of returnees to BiH is again 17. They came back from countries such as Norway, Sweden, Switzerland, Turkey, Austria and Germany. Regarding voluntariness, some wanted to return because they felt more comfortable and happy in BiH. They wanted to be with their family and friends. Health concerns prevailed in a couple of cases. Some were, on the other hand, rather unwilling to return. Hence, one comes across with contrasting examples:

> 'I left Germany in 2001 voluntarily because I never intended to stay there permanently and integrate. I always wanted to return so that I can be buried here in Sebiocna because all of my ancestors are buried here. On the other hand, I did not cancel my residence permit because I have permanent visa. So I am going to Germany from time to time to get my pension ' O.S (Musl, M, 62, Milici/rural, retired) [going to Germany from time to time to get pension]

> 'After staying for 3,5 years in Switzerland, we were called from the Berne Commission [dealing with refugees and immigrants] and told to leave the country. The deadline was 1 November 2004. Upon this, I wrote a petition in order to postpone the deadline. The new deadline was 8 March 2005. So we had to return to Bosnia on that day. To be honest, we did not return voluntarily. In fact, we were given the opportunity to go to the USA or Australia. But I did not prefer to go to either of them because it would be difficult to adapt to a new environment and integrate into a new society. …' V.H. (Musl, F, 42, Tuzla/urban, unemployed)

In another case, the interviewee's family was given a choice and they decided to return because it would be better in their own country:

> 'Before the guesthouse we were staying in Kırklareli was closed, we were told that we would either leave the camp and live somewhere else with our residence permits – the Turkish government would pay our rents for 6 months – or we would return to BiH. In a way, we had no chance other than to return and did so in 2002.' N.M. (Musl, F, 22, Sarajevo/urban, tourist guide in a Turkish tourism agency)

Were the refugees still receiving assistance in this last phase? Some of the returns were assisted. It was usually the case that the host states covered the travel expenses. International organisations or humanitarian agencies were providing assistance. IOM was one of them. Among its return programmes, the Voluntary Return and Reintegration of Elderly Bosnian Nationals Residing in Nordic Countries, known as the Elderly Return

Programme (ERP)[105], was quite successful. Three elderly Bosniacs interviewed in Mostar were among the beneficiaries of the Programme. All of them returned from Norway in 2002. The Programme was an extensive one because the beneficiaries were taken care of once they returned. If their houses needed reconstruction for instance, it was funded by the IOM. Here is an example from Mostar:

> 'I participated in IOM's Elderly Return Programme. The repairment of my apartment was done by the IOM. I was not satisfied with the repairment very much because they used the cheapest material. The reconstruction was completed in 20 days. In the meantime I lived in another apartment. In addition, I was entitled to house-care for 9 months. A lady who was paid by the IOM was looking after me. My medicines were paid by the IOM as well. Overall I was satisfied with the programme – problems were mainly about small things ...' M.T. (Musl, F, 76, Mostar/urban, retired)

There were several factors contributing to the momentum gained in return. Yet, perhaps the most important one was PLIP. The HR's imposition of new property laws had a dramatic effect on return. The local officials, whose excuses for not implementing the property laws were accepted to a great extent before, were no longer tolerated. As mentioned above, the HR sometimes behaved aggressively by removing the officials, who refused to implement the new property laws. On the other hand, with the Property Law, people occupying somebody else's property realised that they could not stay in those houses for the rest of their lives and one day they would have to evict those properties.

People were finally able to repossess their property. In some cases, particularly socially-owned apartments are in question, they had quite hard times though. Here are a couple of examples. In one case, the property is a socially-owned apartment in Zenica, one of the industrial towns in pre-war Bosnia. Restitution was difficult because the occupant had strong connections with the owner of the apartment, namely the mine in Zenica. In the other cases, the properties in question were private houses in two SDS-controlled municipalities in the eastern marches of the RS, namely Bijeljina and Zvornik. However, it

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[105] Elderly Return Programme was one of IOM's integrated schemes of direct assistance for elderly Bosnians who returned from the Nordic countries. The main purpose was to support the social reintegration of these elderly Bosnians upon their return. It created a network among the returnees so that they could easily have access to the social assistance schemes available in the target regions. The implementation of the ERP was completed in July 2003 (*Interview with Reintegration Assistant, IOM, 18 August 2005*).

is to be underlined that Bosniacs constitute the majority in the towns to which the interviewees returned, namely Janja in Bijeljina and Kozluk in Zvornik. The Bosniac owners in question were able to repossess their property thanks to the PLIP:

> 'We were able to return to our pre-war apartment (it was socially owned apt- the owner was the mine in Zenica) but it was rather difficult because the occupant had strong connections with the mine. We had to wait for one year to regain the apartment. …' D.M. (M, 22, Zenica/urban, unemployed) // mixed marriage

> 'We were faced with problems in repossessing our house. … The woman (Serb), who occupied our house, was in fact living 500 m away. Since her husband died during the war, she had all kind of support, especially from the municipality, and did not want to leave. However, when the PLIP started to be applied and we submitted the documents indicating that we are the owners, she had no choice other than to evict. ...' R.P. (Musl, F, 59, Zvornik/rural, housewife)

> 'We were able to return to our pre-war house 4 years after we returned to Bosnia. First we rented an apartment in Lukavac (in the FBiH) and stayed there for 2 years. Then we came back to my brother's house and struggled to regain our own house. It was not easy to do so because the refugee living in my house did not want to evict. However, I followed trail like a detective and finally found out that this guy's house in Tuzla had been reconstructed. I took the documents of his house to the housing office so that I could urge the guy evict my house. Finally I got my house back in 2002.' V.A. (Musl, M, 41, Bijeljina/rural, unemployed)

In another case, the apartment was vacant by the time the interviewee returned, but she still had to wait for repossession since it was a socially-owned apartment:

> 'It was not that difficult to regain our flat in the sense that it was vacant when we came back. The refugees had already left. But since it was a socially owned apartment, we waited for 2 years to repossess. When I applied for possession, I did not get it immediately. ...' M.J. (Srb, F, 68, Vogosca/urban, retired)

One of the Bosniac interviewees living in rural part of a municipality in the eastern march of RS, Milici, had to share his house with the occupants for some time:

> 'I had two houses here (Sebiocna village). One was completely destroyed during the war. When I returned from Germany in 2001, I stayed in my other house. Actually it was occupied by Serb IDPs, but I made a deal with them. As a result, I started living in one part of my house while the Serbs were living in another part. It took 1,5 years to evict them.' O.S (Musl, M, 62, Milici/rural, retired) [going to Germany from time to time to get pension]

Evictions were perhaps the most troublesome part of the repossession process. Two informants, one Bosniac in Banja Luka and one Serb in Ilidza, experienced eviction. In some cases, the occupants were in a rather disadvantageous situation because they had no home to return. The houses needed reconstruction but due to the lack of funding they could not be repaired. The outcome was that most of them started living in collective centres. About thirteen of the interviewees were residing in these collective centres at the time of the fieldwork. The durations of their stay in the centres vary. Most of them started living there in 2000-02 period. They also gave information about where they had been staying before they came to these collective centres. It was usually abandoned houses but they had to evict at the end because they had no choice. One of them had to spend a couple of years in a mental hospital. Here are the examples:

> 'I have been living here with my husband since 2001. Before coming here, we were staying in an abandoned house in Hreljevo. We stayed there for 2 years and got eviction order. When we received eviction order, I did not want to leave the house. So the police came and told me that we would get assistance in a collective centre. We had 2 choices: one in Srednje and here [one in Ilijas]. Since the conditions here were better, we decided to come here.' A.C. (Musl, F, 70, Ilijas/CC, housewife)

> 'We [my husband and I] have been here for 2 years. Before coming here, we stayed for 10 years in an empty Muslim house whose owner was in Norway. Then we were evicted and came here.' K.A. (Cr, F, 69, Tasovcici/CC, housewife)

> 'We [my husband and I] have been living here for 2 years (2003). Before that I was first in a mental hospital then stayed in an abandoned Serb house in Ilijas. When I came to Kladanj, I became mentally ill and spent 4 years in a mental hospital in Fojnica municipality. There I met the guy who would be my husband. He had been there for 20 years. We got married. … When released from the hospital, we came to Ilijas and started living in a house abandoned by Serbs (2000). ... We spent 3 years in that Serb house, but before we came there we had to move from one place to another because we were evicted every time.' S.V. (Musl, F, 39, Ilijas/C.C, housewife)

As regards property restitution, almost none of the residents interviewed had any problem since their houses are devastated and need to be reconstructed. One Bosniac informant wants to sell his plot of land so that he can buy a one-room apartment because he is tired of being evicted all the time:

'Our house in Dzipi (in Visegrad) is totally burnt down during the war. That is the main problem we are faced with in terms of housing. Until recently, I was going from time to time to check with the municipality about our house. However, I cannot go any more because I am very ill. ... I know that we won't be able to stay in my house because the truck which is supposed to carry the constructive material cannot reach the place where our house is. So I want to sell the land – just to buy a one-room apartment. That will be enough for us. I want to stay in my own apartment because we have been evicted many times and we can be evicted from this centre any time. I think that we are here on a temporary basis. … I do not want to live with the worry of being evicted.' O.M. (Musl, M, 83, Ilijas/C.C 2, retired)

In another case, the interviewee's flat is a socially-owned one and the municipality has to apply in his name:

'My flat, very close to the Mostar Bridge, was shelled during the war and needs to be reconstructed. Because it is socially-owned I cannot apply for reconstruction on my own. The municipality can apply in my name. However, I do not know whether it has applied or not, and no deadline about application has been announced by the municipality. I still carry the hope that it will be reconstructed because UNESCO is taking care of the Mostar Bridge and houses close to the Bridge might be reconstructed as well.' Z. S. (Musl, M, 54, Mostar/C.C, unemployed but works from time to time)

Did these people get assistance? Almost all of them have received nothing so far even though they did apply for assistance. Some were offered constructive material but it does not mean anything since they do not have any money to pay for the workers. One of the informants complained that nobody visits them and asks how they are doing. They are left to their fate, and nobody is caring about them. It seems to be true because there were no public officials responsible for the collective centres. Another interviewee thinks that giving bribe is the only way to receive assistance. Otherwise nobody cares about who is in need of help:

'We applied for reconstruction assistance many times but I think that we have never been included in the list of people who are in need of assistance. According to me, the only way to get your house reconstructed is to give 2000-3000 KM to the donators. Otherwise, they do not care about who needs assistance. …We hear on TV that huge amount of money has been spent on Srebrenica but thieves have put the money into their pockets and now we cannot return to our house.
On the other hand, the Turkish contingent had helped us a lot so we are very grateful to them. However, we have not received any kind of assistance since they

left and went to Zenica (city centre). The authorities have just given up caring about us.' <u>M.S. (Musl, M, 68, Zenica/C.C, war invalid [retired])</u>

In many cases, the occupants gave big damages while they were evicting the houses. They flooded the houses, destroyed the electricity wires and water pipes, and took away almost everything, even the cables or window frames or the closets in some cases. Some of the houses were so much damaged that they looked like sewerage and the owners had to take trucks of garbage out. Surprisingly, in municipalities like Bijeljina the housing was destroyed as a result of evictions rather than war activity.

> 'There was not much war activity here, only at the beginning. The problem is that when refugees evicted the houses they completely devastated them. So when the owners asked for donation/aid from the international donors, the donors were reluctant to help them (because it did not happen during the war). Houses completely destroyed but not as a result of war. The destruction happened during the evictions.' (*Interview with Executive Director, the Association for Return in Bijeljina, 12 August 2005*)

The director of *Bosfam* (Association Bosnian Family) shares the same views and adds that she cannot understand why people, who were not expelled from their homes, want to give damages to the housing they have been occupying by giving an example from her own flat:

> 'The places, which had not been damaged during the war, were destroyed after the DPA. People gave damage especially when they were evicting the houses they had been occupying for some time. Let me give you example from my own apartment. This office was my flat before the war. The Serb woman, who occupied here, had a one-room apartment and she settled here because it was bigger. I did not want any trouble. So if she had said 'Give me 200 KM and I will leave without giving damage or taking anything', I would accept it. But she gave as much damage as she could while she was evicting the flat. What kind of a mentality is that? It is not revenge because she was not expelled from her house. Then why did she damage my flat? I cannot understand it at all.' (*Interview with Director, Bosfam, 25 August 2005*)

The difficulty in understanding the mentality and behaviour of the occupants during evictions comes to fore in other interviews as well. Here is the narrative of a Bosniac informant working in Sarajevo and living in Vogosca, a former Sarajevo suburb which is under FBiH control now:

'When we returned to Bosnia, our apartment was occupied by a woman from Srebrenica and we had to live in an abandoned house. Later on, with PLIP, I got a call from the municipality to evict the house we were staying but at the same time, we had to wait for 2 months for the occupant to evict our apartment. We were able to move in at the end, yet the house was devastated almost totally. … While the occupant had been living in our house, a Danish agency provided central heating and the front door. When the occupant evicted, she even took the door with her. ... The refugee took even my clothes and says 'These are mine!' How come people can behave like that! I was not disappointed but I cannot understand the mentality. I just want to sit and talk to those people to understand why and how they can behave like this. …' R.D. (Musl, F, 45, Sarajevo/urban, salesperson in a shop)

Repossessing damaged housing seems to be a general problem. However, there were exceptions, too. For instance, a Serb landlady let the Bosniac occupants stay in her house until spring when it was more suitable for eviction. In another case, a Serb preserved his Bosniac friend's house while the informant was a refugee in Germany:

'We [my husband and I] returned to Srebrenica in May 2002. In January, a guy from Srebrenica municipality came and told us that this house (the family house that belongs to our sons) was vacant. The municipality (Vogosca) was informed about the eviction as well (that was the procedure) and we were evicted immediately. Since it was winter we couldn't come back to Srebrenica. So I called the owner of the house to tell her that it was not possible for us to return at that time. The landlady allowed us to stay until spring.' S.D. (Musl, F, 58, Srebrenica/urban, housewife)

'We were able to return to our house because it was already vacant by the time we came back from Germany in 2001. It was not damaged because one of my colleagues from the radio, for which I was working before the war, had been living in the house with his mother during the war. This guy, who was a Serb, was a well-known figure in the 'Mauzer' (paramilitary force subordinate to Arkan's Tigers – actually he was forced to join Mauzer) so nobody could do anything to him. When he left my house, he bought an apartment for himself.' J.T. (Musl, M, 53, Bijeljina/urban, owner of a cafe)

Among the war-time refugees interviewed, some chose not to return until their houses were vacant. They did not have any problems since the host states had given them residence permit. Here is an example from Banja Luka:

'I did not come back to my apartment until it was vacant. So I did not have any problems with the municipality. Since it was a socially-owned apartment and I had the occupancy right, I had to buy the apartment. The Swiss agency provided me the money to buy the apartment. The only problem afterwards was that it needed

reconstruction since it was devastated to a large extent.' <u>N.M. (Musl, F, 73, Banja Luka/urban, retired)</u>

Except the residents of the collective centres, majority of the informants returned, either to their pre-war places, home-towns or at least to BiH. However, there is a small group of people who prefer to live in two countries. As mentioned in the chapter on the re-conceptualisation of return, they are considered to be involved in 'transnational return' (Eastmond, 2006) since they have not returned permanently to BiH. One Bosniac informant, who is veteran, chose to establish a more permanent base in BiH and maintains connections to the USA where he has residence permit, an apartment and part-time job.

> 'I am living both in the USA and BiH. Initially, I spent 8 months in the USA and 4 months in BiH, but from 2002 onwards it is vice versa. In the USA, I have a residence permit, an apartment and part-time job. Here I have my house and receive invalid retirement pension. Actually I can adapt easily to wherever I go but I do not want to leave Sarajevo. I am a *Sarajlje* (Sarajevan). But I have to admit that I like my life in the USA, too. ...' <u>A.K. (Musl, M, 37, Sarajevo/urban, war veteran)</u>

The others regularly visit their country while maintaining their base in the countries where they were granted asylum. Residing abroad does not mean that they have lost their ties. Emotional attachments are still very strong. A couple of them plan to return permanently when they get retired while one Croat interviewee does not intend to return at all because of the unpromising economic situation in her country:

> 'The life in Denmark is good and we do not intend to return. We do not have a retirement pension in Bosnia, unlike the good amount we receive in Denmark. I cannot get any pension because I did not work. Only my husband can get pension but it is so little amount that we cannot live on that. So we prefer to visit our house from time to time.' <u>A.B. (Cr, F, 62, Ilidza/urban, housewife)</u>

In another case, the Serb informant in Vares does not know where she belongs at the moment. Living in Canada is no problem but she refuses to integrate. Furthermore, she wants to come back to her homeland. However, she is not happy with the situation the country is in at the time being because she thinks that nothing is 'normal' in BiH:

> 'I feel like I am living in a limbo right now (in between two lives). Of course I liked my pre-war life. But I have no complaints about living in Canada. On the other hand, I have to emphasise that especially elderly cannot integrate with the Canadian society and culture. For instance, I hate English and do not want to use it

at all in Canada. … Everything is normal there but still it is a foreign country. So we wish to live in our homeland. This summer we have come to decide whether to return permanently or not.' <u>M.S. (Srb, F, 61, Vares/urban, retired in Canada)</u>

Like the returnees, these informants had problems with their property as well. They found their houses devastated and looted. In one case, the Bosniac interviewee was shocked when he first came to BiH after the war. It turned out to be rather difficult to repossess his apartment:

> 'The first time I came to Mostar after war was either 1998 or 1999. I wanted to visit my house but could not even enter because it was occupied by an IDP. Next year, my wife came and knocked on the door of our house. A guy opened and she said 'I am the owner of this house, may I get in?' His response was 'My wife is the owner. Do not ever come here again! In 2002, this guy got eviction order yet he denied and tried every way not to leave the flat. In the meantime, I had to go back to Sweden (2002). When I got there, my cousin called me to say that the occupant had left. This guy got news from the municipality that if he did not evict the police would come. So he had no other choice. In 2003 when I came from Sweden I got the keys from my cousin.' <u>M.M (Musl, M, 47, Mostar/urban, working temporarily in Sweden)</u>

With the implementation of new property legislation playing a key role, the years 2001 and 2002 turned out to be the turning point in the return process in BiH. Minority return reached its peak in this period. Between the period January 1996 and December 2001, the UNHCR recorded 387,269 refugee returns and 435,510 IDP returns of which 287,227 were so-called minority returns[106]. The highest rate of minority return was observed in the Sarajevo Canton, composed of Sarajevo and its former suburbs. It was followed by Doboj in the northern RS with 5,000 - 10,000 returns[107]. The municipalities with the least number were Olovo, Kladanj and a few others in the Tuzla and Zenica-Doboj Cantons, Bihac in Una-Sana Canton and Jablanica in Hercegovina-Neretva Canton of FBiH. In the RS, Gorazde, Visegrad, Cajnice and a couple of municipalities in the south-

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[106] Minority return reached its peak with 92,061 returns in the year 2001 alone. November was the month when minority return peaked with 14,137 returns. The grand total from the beginning of 1999 till the end of 2001 was 200,513. (UNHCR Statistics Package, 31 December 2001. Retrieved: September 1, 2007, from UNHCR Representation to Bosnia-Hercegovina. [WWW Document]. URL.
http://www.unhcr.ba/return/pdf%202001/SP_12_01.pdf)
[107] (ibid.)

eastern RS such as Gacko, Trebinje and Nevesinje were the places where the least number of minority returns were recorded.

In 2002, the total number of returns was 107,909 while minority returns reached 102,111[108]. The months June and September witnessed the highest numbers of return. 'In June of this year, 12,653 returnees were recorded in their respective pre-war municipalities; this figure is higher than the corresponding figures for June 1999, 2000 and 2001 combined' (UNHCR Press Release, 6 August 2002). Again Sarajevo Canton was on the top of the list of municipalities with the highest rate of minority return. Doboj came after Sarajevo. But this time Prijedor, Zvornik in the RS, Bugojno in Central Bosnia Canton and Brcko District were on the list as well. After the creation of Brcko District in March 2000, returns started to be registered by the UNHCR. The total number of Bosniac returns was 8,877 in the years 2000 and 2001, and it consisted only of IDP return[109]. In addition to the Bosniac IDPs going back to Brcko District, the return from Croatia took place. Two Bosniacs interviewed in the rural part of Brcko District returned to their houses in 2000 and 2001 respectively whereas one Croat informant was among the first returnees to the town because he came back right after the DPA was signed.

As regards the municipalities with the least number of minority returns, Olovo, Kladanj and Jablanica in the FBiH, Cajnice and Gacko in the RS were again on the list. On the other hand, there was a slight increase in Visegrad, Nevesinje and Trebinje whereas Bihac and Gorazde witnessed a considerable increase with 1,000 – 5,000 persons[110]. Among the municipalities visited for the present study, Visoko had the least number of minority returns by the end of 2002 while only 500 – 1,000 minority returnees were recorded in Srebrenica. Of five Bosniacs interviewed in Srebrenica, two returned to their houses in 2001 and two in 2002. One female informant was still living in the basement of a house in Ilijas, one of the former Sarajevo suburbs. She had to return from Germany in 1998. Her house is in one of the remote villages in Srebrenica. It was totally destroyed

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[108] (UNHCR Statistics Package, 31 December 2002. Retrieved: September 1, 2007, from UNHCR Representation to Bosnia-Hercegovina. [WWW Document]. URL: http://www.unhcr.ba/return/pdf%202002/SP_12_02.PDF)
[109] (ibid.)
[110] Since Gorazde is one of the divided municipalities, the minorities in question are the Bosniacs in Srpsko Gorazde and Serbs in Gorazde.

during the war and needs to be rebuilt. However, like a couple of other residents of the village, she was cheated by a humanitarian agency and thinks that if somebody wants to get assistance that person should have strong contacts at the governmental level such as relatives or friends working in the municipality:

> 'The first time I came to Osmace, an organisation from Kuwait promised to rebuild a mosque and 10 houses in the village, but later on it was cancelled and we still do not know the reason of cancellation. When we applied to this organisation, they told us that we could not apply to any other organisation but when the promise of reconstruction was cancelled without any explanation we were left without any hope. I feel cheated. ... I applied for assistance many times yet did not receive any because I do not have any relatives working in the municipality.' H.S. (Musl, F, 44, Srebrenica/rural [living in Ilijas], unemployed)

Repossession of property acted as a catalyst in the return process. By the end of December 2002, PLIP statistics indicated that about 169,000 families were able to repossess their property. The RS lagged behind the FBiH in the percentage of claims that resulted in repossession, but still the gap was closing. There was a considerable improvement in the RS's rate of implementation: from 13% at the end of 2000 to 62% by December 2002[111]. On the other hand, the municipal authorities in places like Visegrad, Zvornik and Foca preferred to return socially-owned apartments to their owners. It was done on purpose because people were inclined to exchange or sell their property rather than return to those municipalities where they would be a minority. In addition, there was a failure to return land for farming and business premises at the same rate as housing (ICG, 2002). The outcome was that the possibility of achieving sustainable return was low.

Did the Bosnians really return to their houses or flats after reclaiming or receiving reconstruction assistance? In some cases, refugees or IDPs reclaimed their property in order to get assistance. Actually they had no intention to return at all. Instead they either sold or exchanged their property. This was nothing more than 'return on paper'. However, no precise figures are available as regards the issue. But, as ICG (2002) points out, the

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[111] (Statistics - Implementation of the Property Laws in Bosnia and Herzegovina 31 December 2002. Retrieved: September 4, 2007, from OHR. [WWW Document]. URL. http://www.ohr.int/plip/pdf/plip_12.02.PDF)

practice seems to be widespread and more common in the case of socially-owned apartments[112].

As mentioned above, the international community's insistence on upholding the right to repossess met with reactions of the political authorities. The most common of these was to create incentives for the DPs so that they could be locally integrated in their areas of displacement. Especially the Serb authorities gave support to this policy[113]. In municipalities like Zvornik and Bijeljina thousands of building lots were granted. The Executive Director of the Association for Return in Bijeljina paid attention to this issue: '13,000 Muslim houses in town centre completely destroyed and a new monastery was built in this area. The case is on court now because the monastery was built completely on Muslim land. Moreover, parking lots have been built again on Muslim property'[114].

Return gained pace with the implementation of the property laws. Yet, the funds that had been rising steadily since 1999 started to decline. Accordingly programmes and projects dropped. Some of the bilateral donors such as SIDA (Swedish International Development Cooperation Agency)[115], on the other hand, were able to resist the trend by maintaining or increasing their financial support. The outcome was that the financial burden of reconstruction had to be shared by the BiH's state, entity and cantonal budgets. Accordingly, the Entities allocated about 21 million Euro for reconstruction projects in 2002 (ICG, 2002). In addition, the Cantons and the Brcko District set aside 22.5 million Euro for assisting refugees. It seems that the Entities and Cantons were generous in terms of return and reconstruction assistance. However, in reality, the Cantons were mean when the returnees were in question. For instance, the richest canton of the FBiH, Canton Sarajevo, did not spend more than 3 % of its budget on refugees and returnees (ICG, 2002). Despite this, a couple of returnees interviewed were able to get constructive

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[112] Since HVM collected data about returns to reconstructed property reliable data are available for those houses (*Interview with Project Manager, World Vision-HVM, 5 August 2005*).

[113] In 2001 and 2002, the HRs of the time sacked six mayors and other municipal officials for making illegal land allocations but it was not effective (ICG, 2002).

[114] (*Interview with Executive Director, Association for Return in Bijeljina, 12 August 2005*)

[115] As an official put forth, in the five years after the war, SIDA provided reconstruction and rehabilitation assistance (1995-2000). Starting from 2000, the agency's assistance diversified. The sectors included in the agency's programmes are private, public and social sectors (*Interview with National Programme Officer, SIDA, 18 August 2005*).

material from the state institutions. One Bosniac, who returned to Mostar, got donation from the City of Mostar while another Bosniac returnee to Milici received constructive material from the Federal Ministry for Refugees and DPs.

To what extent was the European Union involved in the assistance issue in the last phase of return? After the ECHO's departure from the country, the European Union decided to provide aid to BiH through a new programme called CARDS (Community Assistance for Reconstruction, Development and Stabilisation)[116]. It was to be managed by the EU's Delegation to BiH. In the period 2001-03, 240.13 million Euro was to be allocated to BiH (CARDS General Information, 2003). The Quick Impact Facility (QIF), which had been set up through CARDS in 1999, provided assistance in the form of grants and loans so that small firms could flourish. In the course of three years the QIF helped 85 firms and created over 2000 new jobs (European Communities, 2005). CARDS Programme continued to be implemented until the end of 2006. In 2007, it was replaced by the Instrument for Pre-accession Assistance (IPA)[117].

What about the Bosnians? Were they able to get assistance upon return? The informants, who were able to return to their houses in the years 2001 and 2002, received reconstruction assistance. However, it was no more than constructive material. So they had to do the rest on their own:

> 'When we came back in 2001, we received constructive material from HELP (German agency) but I had to pay for the workers myself. As soon as the reconstruction of the house was finished, we moved in. Actually I was supposed to receive 1500 KM from HELP but it seems that some guy stole it because we never saw the money.' S.G. (Musl, M, 45, Milici/rural, unemployed)

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[116] Actually CARDS, adopted with the Council Regulation (EC) No 2666/2000 of 5 December 2000, was a new programme designed to assist the Western Balkan countries (Albania, Bosnia and Herzegovina, Croatia, Serbia, Montenegro and the Former Yugoslav Republic of Macedonia) with the aim of supporting their participation in the Stabilisation and Association Process. CARDS replaced the EU's all previous assistance mechanisms such as OBNOVA and PHARE (CARDS. Retrieved: September 12, 2007, from European Commission. [WWW Document]. URL.
http://ec.europa.eu/enlargement/financial_assistance/cards/index_en.htm)

[117] The IPA, whose main purpose is to help BiH face the challenges in the path of integration with Europe, covers the period 2007-2013 (*Financial Assistance – Bosnia-Herzegovina*. Retrieved: September, 12, 2007. [WWW Document]. URL.
//ec.europa.eu/enlargement/financial_assistance/cards/bilateral_cooperation/bosnia-and-herzegovina_en.htm).

'I received constructive material from IRC (International Rescue Committee) but had to pay for the workers. It was the only assistance I received. Our house is still being reconstructed. I managed to finish only the kitchen. I do not have any money to finish the house so we are living in the kitchen right now.' H.A. (Musl, M, 27, Milici/rural, unemployed)

One Bosniac family living in a remote village of Srebrenica, on the other hand, can be considered lucky in the sense that it received more or less satisfactory assistance:

'In 2002, we received an offer from the UMCOR (only constructive material), but when the reconstruction of the house was complete the agency gave compensation money (2700 KM) to pay for the workers but since we reconstructed the house ourselves we kept the money. In addition, we received 8 sheep from the same agency but I replaced them with goats because it was easier to keep goats. I took a cow from the *mjesna zajednica* (local community/district). It is enough to get milk. We are doing agriculture here [in the garden].' H.D (Musl, F, 53, Srebrenica/rural, housewife)

As regards the assistance provided by the municipal administrations, one can come across with contrasting attitudes. Two Serb informants, who both returned to a Bosniac-controlled municipality, Vogosca, were treated very differently:

'We got assistance from Vogosca municipality. It was about 1000 KM for the doors. I was satisfied with the assistance because the doors were expensive. We had to do other repairments by ourselves. But we did not receive any assistance from any agency. Red Cross was delivering food packages, and I asked the people responsible for the delivery whether my name could be put on the list as well. They did not reply, and we did not receive anything from Red Cross.' M.J. (Srb, F, 68, Vogosca/urban, retired)

'When I came to my house in 2002, I saw that the furniture was in good condition apart from the three missing doors. I reported the damage and it was promised that I would receive help. In the first year of my return, I applied for firewood from *mjesna zajednica*. The officials asked me how big my flat was. It is a two-room flat. The reply was 'You can rent one room of your flat and with the rent you can buy firewood'. Moreover, when I applied to get food from the public kitchen, I was rejected as well. The reply is always same 'Your house is big so you can rent it'. ...' V.S. (Srb, F, 82, Vogosca/urban, housewife)

The refugee logjam was broken with the breakthrough achieved in minority return. Yet, some of the impediments were still in place. ICG (2002) addresses the main reasons for not returning as follows: discrimination in a depressed economy; the existence of

mono-ethnic institutions; apartheid in education; legal and practical obstacles in accessing pensions and securing health insurance, and security. For the purposes of the study, the first four reasons are examined broadly in the following chapter. Employment and access to education social services are among the main elements of sustainable return. In order to achieve reintegration, both the returnees and the domicile population have to be satisfied in these spheres. Reintegration in political and social fields is quite important as well. The existence of mono-ethnic institutions and constitutional changes are discussed in this regard.

Security continued to be a challenge in the return process even though the situation improved considerably when compared with the initial years of return. Returnees in different parts of the RS were still targets. Many attacks were directed against returning Bosniacs and Croats. In municipalities like Prijedor, Zvornik, Doboj, Bratunac, Derventa, Modrica bombs were planted under cars or unknown perpetrators threw explosives into returnees' houses and yards (Human Rights Watch, 2003). Security provided to the returnees remained at very low level particularly in the SDS-controlled municipalities in the eastern marches of the RS since the police, prosecutors and courts in these municipalities failed to treat the attacks and arrest the perpetrators in most cases. Demonstrations and vandalism took place following the victory of a Yugoslav national team at the World Basketball Championship in September 2002. The targets were houses and business premises of Bosniac returnees in several municipalities like Prijedor and Bijeljina and surprisingly Brcko District[118]. Attacks on returnees continued in the FBiH, too. But they were much less in terms of frequency and severity.

Unfortunately such vandalism continued in 2003. One of the Bosniac informants in Bijeljina was a target as well. His café was bombed shortly after its opening because it was a meeting point for many Bosniacs. That is why, as another informant explained, the customers prefer to come just for a drink. They do not sit for long chats because they are afraid:

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[118] Security situation improved to a great extent in Brcko after it gained self-governing status in March 2000 (Personal account based on interviews in the District).

'The biggest problem I faced upon return was that my coffee-shop was bombed. It was in 2003. I was afraid very much and rented the café for some time, however took it back some time later. During the period I rented the bar, I worked actively in the Association for Return. ...' <u>J.T. (Musl, M, 53, Bijeljina/urban, owner of a cafe)</u>

While attacks were directed against Bosniac returnees in different parts of the RS, 2003 witnessed the peak of Bosniac return to Srebrenica. The UNHCR recorded 1,455 returns, female headed households comprising a significant percentage (UNHCR, 2006). No single return took place to Srebrenica until 2000. In 2002, the Srebrenica Return Commission was established by the town's Municipal Assembly. Abdurahman Malkic, who was elected as the Mayor in 2002, played a key role in the return process. With his help, many Bosniacs were able to find employment in the municipality. As a result, Srebrenica came first on the list of the municipalities in which minority returnees were employed (UNHCR, 2006). Yet, the economic situation in the town is worse compared to other parts of the country, and it constitutes one of the big obstacles to further returns. Moreover, even today, one can come across with hate graffiti, posters, and signs discouraging return and intimidating returnees. At the time of the fieldwork in 2005, 30 kilogram explosives were found in the Potocari Memorial Centre. It was just before the commemoration and burial of 600 bodies alongside 1300 victims already interred at the Potocari Cemetery on the 10th anniversary of the Srebrenica 'genocide'[119]. In the following year, on the day after the 11th anniversary commemoration, one could still come across with men wearing t-shirts that read 'Republika Srpska - We are all Mladic' (E-mail correspondence with a former Advocacy Project Field Project Manager, 25 July 2006).

Return to Srebrenica seemed to be an exception because the peak in minority returns was followed by a sharp decline in the overall rate of returns in the years 2003 and 2004[120]. Repossession process continued with an increasing pace. However, in some of the

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[119] The International Court of Justice ruled out in February 2007 that the massacre that took place in Srebrenica in mid-July 1995 was an act of genocide. For the judgment see (Case Concerning the Application of The Convention on The Prevention and Punishment of The Crime of Genocide –Judgment. Retrieved: September 20, 2007. [WWW Document] URL:
http://www.icj-cij.org/docket/files/91/13685.pdf)
[120] The total number of returns was 54,315 in 2003 and 20,390 in 2004 (UNHCR Statistics Package, 31 December 2004).

municipalities, people did not return although they repossessed their property. Visoko, a small town close to Sarajevo, was one of them. The implementation of property laws was almost complete with 98 % by December 2003 but people did not return. The municipal official interviewed drew attention to two main problems: many houses were not reconstructed, and people could not find jobs[121].

Despite the decline, 'good' news came from the UNHCR. In September 2004, the refugee agency announced the return of the one million Bosnians to their property and pre-war place with the following words: 'One million former refugees and displaced persons have returned home in Bosnia and Herzegovina. This is a significant milestone in the long process of rebuilding a nation shattered during the 1992-1995 war' (UNHCR, Geneva, 21 September 2004). It was considered to be a 'success' in the eyes of the refugee agency. However, in fact, the number represented slightly more than half of the population displaced with the war. Furthermore, what was really important was to make these returns sustainable. Otherwise could it be a 'success' in real terms?

The decline in the number of returns was an obvious outcome according to some circles. One of the UNHCR officials explains the reasons for the decline as follows: 'The peak came in 2001-2002, especially in terms of minority return. But later on the number of returns started declining. Now the return process is nearly completed. Why? First of all, the property legislation has almost fully been implemented (98-99 %). There are still cases waiting to be decided by the court. Secondly, less and less reconstruction projects have been implemented in the recent years. So, people, who will return to the reconstructed houses, are less in number. The decline was inevitable in that sense'[122]. Accordingly, the donors started cutting off funds for return and reconstruction in BiH. This is mostly because of the 'donor fatigue', which sounds negative for some international officials:

> 'There is far less international donation than there was in the past. At the moment, there are 2-3 really big bilateral donors in the return process. So there's sort of a donor fatigue but the amount of money spent for this country is quite amazing. It is easy to call this donor fatigue, but then you are accusing the donors and do not want to acknowledge what they have done. … And also the post-war reconstruction

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[121] (*Interview with Referent for the Department of Refugees and DPs, Visoko Municipality, 1 September 2005*).

[122] (*Interview with Head of Satellite Office, UNHCR Sarajevo Head Office, 31 August 2005*).

has come to an end naturally. Now the funds are coming through credits. BiH is financed regularly by the International Financial Institutions. So I really do no know whether it is donor fatigue or not because that is the way it developed. … Donor fatigue sounds a bit negative in my opinion.' (*Interview with Senior Advisor on Annex 7, OHR, 2 August 2005*)

The declining number of return seemed to signal the fact that the process was coming to an end in BiH. As of December 2004, 440,857 refugees and 564,536 IDPs returned[123]. This meant that about 1.2 million Bosnians were still away from their homes. About 100,000 of them were in then Serbia and Montenegro whereas some 500,000 had been granted asylum and permanent resident status abroad. Some had even adopted new citizenships in their countries of asylum. About 50,000 people, on the other hand, were living in Western Europe without a durable solution (Heimerl, 2005). Over 300,000 were still internally displaced (IDMC, 2006)[124].

Despite these figures, the government of BiH, together with Croatia and Serbia, decided to close the chapter on return by the end of 2006. Almost ten years had passed since the war came to an end, and the return process had to end though they were all aware of the fact that it would never fully be completed. Therefore, on 31 January 2005, the ministers responsible for refugees of these three countries attended the '3x3 Initiative' Conference in which the representatives of the EU, OSCE and UNHCR were present as well. It was iterated in the Conference that the problems of the remaining refugees in these countries would be resolved in a durable way. It would be either through voluntary return to their countries of origin or local integration in the host countries. As regards the IDPs, their needs were to be assessed and again durable solutions would be found for these people. At the end of the Conference, the three governments signed an eight-point declaration on refugee returns, the Sarajevo Declaration, and 'committed themselves to solve the remaining population displacement by the end of 2006, and to facilitate returns or local integration of refugees in cooperation with UNHCR, OSCE and the EU' (UNHCR

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[123] (Returns Summary to Bosnia and Herzegovina from 1/1/1996 to 31/12/2004. Retrieved: September 23, 2007, from UNHCR Representation to BiH [WWW Document]. URL. http://www.unhcr.ba/return/pdf%202004/SP_12_2004.pdf)

[124] According to MHRR, there were some 295,000 IDPs at the end of December 2004 (MHRR Bulletin 2004).

Press Info, 31 January 2005). It was agreed to form a joint Task Force for implementing the Declaration.

Would it be really possible to close the return chapter at the end of 2006? Several officials interviewed admitted that people, who wanted to return, had already done so. Ten years had passed since the end of the war, and people had settled and established new lives either in their areas of displacement in BiH or countries of asylum. Hence, a certain amount of people would never return. In that sense, return could never be completed. One of the officials in the government of Hercegovina-Neretva Canton emphasised the fact that re-registration, that started in 2004, would show where people really wanted to live from then onwards. At the same time he emphasised that the people in power did not want the return process to be completed because it was a reason to request funds from the international community. However, those funds would never reach the DPs and returnees[125].

As well as revealing the places where people wanted to live, the second re-registration[126] was necessary to specify the number of IDPs. By spring 2005, when re-registration was complete in most of the municipalities, the number of IDPs was roughly 187,000[127]. Of these IDPs, about 13 % were registered for the first time. With this re-registration, a remarkable decrease was observed in the number of IDPs. The reasons for the decline are two-fold: first, there had been a considerable number of returns since the previous re-registration, and second many displaced opted for local integration in their areas of displacement.

Closing the chapter on return is a big burden and requires several things because there are numerous issues waiting to be dealt with. Solving the problem of internal displacement and creating the conditions for sustainable return are two of the main issues. Sustainability is examined broadly in the following chapter. Here the situation of the collective centres and durable solutions for the residents is taken up.

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[125] (*Interview with Deputy Director, Cantonal Ministry for Refugees and DPs, 29 July 2005*).
[126] The MHRR, together with competent Entity Ministries and UNHCR, carried out the first re-registration in December 2000 (MHRR, 2004).
[127] Out of this number, approximately 98,000 are displaced in the FBiH, 86,000 in the RS, and the remainder in Brcko District (IDMC, 2006).

'It is a shame for BiH to still have collective centres ten years after the war' says an official of the Ministry of Human Rights and Refugees[128]. The problem of collective centres is a big one. At the time of the fieldwork, over 7000 people were still living in 'temporary collective accommodation throughout the country' (UNHCR, 2006). They are mostly in the Federation. There are only 3 centres in the RS. The number of residents in the officially recognised ones was 562 at the end of 2005 (UNHCR, 2006b). Most were dragged from one place to another before coming to these collective centres. Several of them have been living in these centres for a very long time, and '[t]he longer people stay in such centres, where they do receive minimum assistance, not only apathy but also dependence takes a firm grip' (Wilkinson, *Refugees*, 2001:20). Among the residents interviewed, one Bosniac family had been living in the centre (the one in Zenica) since 1995. Another family had to stay in many different collective centres before coming to the current one.

As several officials interviewed admit, the residents of collective centres live in deplorable living conditions and receive very little assistance from the Federal Ministry for Refugees and DPs or the cantons and municipalities concerned. Pre-fabric houses, containers, small wooden huts or rooms in an apartment block built for the seasonal workers of the time are used as collective centres. Some of them, like the ones in Mostar, are considered to be alternative accommodation thus not recognised by the UNHCR. One comes across with different regulations among the collective centres. For instance, in the two collective centres regarded as alternative accommodation by the UNHCR, one in Mostar and the other in Ilijas, the residents have to pay for the electricity while there is no need to pay for electricity and water in the centre in Zenica, the one with the biggest number of IDPs according to the UNHCR.

What do the residents interviewed think of living in collective centres? Do they want to go back to their houses or do they prefer to continue staying there? How do they feel? One comes across with different perceptions. While three informants consider the centre as

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[128] (*Interview with Chief of Department for Refugees and DPs, Ministry of Human Rights and Refugees, 3 August 2005*). The Deputy Director, Ministry for Refugees and DPs in Hercegovina-Neretva Canton shares his views.

'waiting centre' or 'temporary settlement place', two are very frustrated because they neither have any money nor get any assistance for reconstruction thus do not have any other choice. For one Bosniac male informant, living in a collective centre is no different than 'living in a prison'.

In short, the conditions of the centres, coupled with the social isolation affect the IDPs in a rather negative way. As some of the officials draw attention, the percentage of social cases, i.e. vulnerable groups such as elderly without support, who can neither return to their places of origin nor rent some place due to low pensions, traumatised, and disabled persons is rather high. There are also female-headed households and 'pre-war sub-tenants, who never had any property, thus nowhere to stay now because they are unable to earn money to rent'[129] in the collective centres.

What kind of durable solutions can be found for the IDPs in collective centres? UNHCR, together with the Swiss Humanitarian Aid Unit (SHA), implemented a project called 'Durable Solutions for the Collective Centre Residents' in the 1999-2004 period. The two agencies helped 1,676 persons return to their homes (UNHCR, 2006). Since the end of 2004, the new partner agency has been Catholic Relief Services (CRS)[130]. At the same time, the refugee agency assisted the BiH government in taking loan from the Council of Europe Development Bank (CEB), with which the project 'Sustainable Return for Residents of Collective Centres and for Spontaneous Return Cases – Housing Stock Reconstruction' would be carried out[131]. At the time of the fieldwork, it was expected that the project would start in autumn 2005 with assisting the first group composed of 300 families. The recent news about the collective centres is that the government of the Netherlands would make donations for the project as well.

In sum, it is to be noted that the turning point in the return process came with the breakthrough achieved in minority return in the years 2001 and 2002. The implementation of property legislation played a key role in this breakthrough because the displaced people

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[129] (*Interview with Head of Satellite Office, UNHCR Head Office, 31 August 2005*).

[130] In the course of 2005, durable solutions were found for 107 persons (UNHCR, 2006).

[131] The project costs about 12 million Euro and 10 million Euro will be spent on reconstruction of 1100 damaged or destroyed houses. The CEB loan will cover 66 % of the total cost while the Entities will cover the rest (MHRR Bulletin, 2004).

realised the fact that it was impossible to occupy somebody else's property for the rest of their lives and that sooner or later they would have to evict the dwellings they occupied. In that sense, property restitution was a crucial element of the return process. However, there is something more important than repossession: to make return sustainable and achieve reintegration.

The focus in this chapter is on the first pillar of the return and reintegration process in a war-torn country: return of refugees and IDPs in the case of BiH. What happened in practice is examined in detail. Before scrutinising the process, the political system in Bosnia and the actors, who play a key role in governing, are elaborated. In that regard, the first thing to underline is that the structure established with the DPA is rather complex. It has two entities, one self-governing unit, and three constitutions. One of the entities is a federation and the other entity acts as if it is an independent state. The international community has a strong presence in the country. Albeit being an ad hoc agency formed to oversee the implementation of the civilian aspects of the DPA, the Office of the High Representative plays a key role in governing of the country because it is the High Representative who has the last word regarding several issues. The plan is to terminate the OHR in mid-2008, but the tasks will be transferred to the EU Special Representative. It means that the international community will continue to be present in Bosnia in the near future. In that regard, it should be emphasised that the EU has gained more importance, and the relations between Bosnia and the EU are shaped by the integration framework.

After drawing the profile of state structure and putting forth the main actors in the Bosnian politics, the legal and political context of return is scrutinised. The issue of return has an important place in the DPA. Apart from several provisions, there is an annex concerned only with return of refugees and IDPs (Annex 7). In accordance with the Annex, the UNHCR was responsible for drawing up a return plan. However, the plan could not be implemented due to the local authorities' obstructionist policies and the lack of political will. The obstructionist policies in question were emphasised in the stakeholder interviews.

The initial years of the return process were marked by the so-called majority return. Despite several initiatives launched by the international community, minority return could

not take place at a desired level. Every year a breakthrough was expected but it did not happen. The efforts did not bear any results because the political will necessary to speed up the process was lacking.

The expected breakthrough finally came after 2000. Property restitution gaining momentum with the implementation of new property legislation contributed a lot to the breakthrough particularly in minority return. The housing authorities tried to impede the restitution process, but the High Representative removed several officials including mayors. The message was clear: property laws would be implemented at all costs. The authorities finally got the message, and overwhelming majority of the claimants was able to repossess their property within a short time. This was a positive aspect of the process. Yet, it was insufficient because the reintegration pillar would be full of problems.

In this chapter, the interviews both with the returnees and the officials help us understand the legal and political context of return in BiH in a better way. As regards the returnees, it is important to listen to their experiences because they are the ones who had to face various problems. What they tell us regarding the first pillar of the return process is quite helpful in the sense of seeing a crucial dimension of the whole process in Bosnia. The dimension in question is the politics of return. The picture is complete with the second dimension, namely sustainability, which is examined thoroughly within the context of reintegration in the following chapter.

VII. THE RETURN IN BOSNIA-HERCEGOVINA:REINTEGRATION?

'Now life is very difficult especially for the young people – as if a frog has fallen down on a hedgehog. ...' R.S (Srb, M, 70, Konjic/rural, retired)

'Everybody is being alienated from each other and that is very bad for us and Bosnia.' Z.C (Musl, F, 50, Vares/urban, working in a fast food restaurant)

For the war-torn societies to recover, return of the displaced persons is as crucial as the reconstruction of the country. Solving the problem of both the internally displaced persons (IDPs) and refugees is at the centre of finding a peaceful resolution of a violent conflict. In that sense, return of refugees and IDPs is generally considered to be the first step in peace-building process. Yet, return is not sufficient in itself. Reintegration is equally important. For return to be complete and sustainable, reintegration of the displaced persons – be they returned refugees or IDPs – is to be fully achieved. In other terms, return and reintegration are the two complementary pillars of the return process. The first pillar, namely return, is examined in detail in the previous chapter. The political and legal context in which return took place is discussed in depth.

Like the first pillar, reintegration has several dimensions which are related to recovery in one way or another. Housing, for instance, is definitely an important issue. Yet, it is not the only problem to be resolved. The whole recovery is obviously much more than that. For example, recovery in economic field is quite crucial. Having sustainable livelihoods is required for the economic situation to improve. How do the Bosnians sustain their lives? Equally important is the recovery in socio-cultural terms. After a violent ethnic conflict, reintegrating the ethnic groups in a peaceful way is an extremely necessary but at the same time a difficult task. Is it possible to bring back pre-war times when everybody was living together peacefully? Can relations be the same as before? Politics is another field in which progress can contribute a lot to recovery. Returnees as well as IDPs should actively participate in the political life. Finally, people should recover in psychological terms. It must be very difficult after witnessing or even experiencing such atrocities. But at least they should try to cope with the after-effects. Overall, recovery achieved in each field

is closely linked to each other and is quite important because recovery itself is one of the determinants of having sustainable return which plays a key role in rebuilding a war-torn society. The extent of recovery achieved is helpful in understanding the level of reintegration. Other issues such as security, present situation of the war-torn country in question, and future are worth examining as well. What do the returnees and the ones, who are still displaced, think about these issues? Their views may give hints about to what extent they feel that they have reintegrated.

The aim of the present chapter is to examine reintegration in Bosnia-Hercegovina. To what extent has reintegration been achieved so far? While doing that, we listen to the Bosnians because it is their voices that should be heard. They tell us the problems they faced and the ones they are still trying to overcome; they give their opinion about the general security situation in the country by commenting on the presence of the international security forces; they evaluate their present lives or the situation BiH is in at the time being by making comparisons with the life before the war; and finally they tell us what they think about the future – both their future and the future of BiH. The interviewees express their anger, reproach, disappointment and hopelessness; they complain about the things that have been going wrong in the country; they criticise the system created with the DPA; they point out what should be done to achieve progress; they tell us about their plans for the future; and they talk about their mistakes as well as successes.

The chapter is composed of four sections. In the first section, the focus is on recovery issue. Starting with recovery in economic field, the section concentrates on the housing issue and life in collective centres and the extent recovery is achieved respectively in socio-cultural, psychological and political fields. Second section is about security situation. What is security for the Bosnians? Do they feel secure? The present economic, social and political situation is evaluated in the third section. By making comparisons between their pre-war lives and the current one, they make assessments. The focus of the last section is future – the future of the Bosnians interviewed and the country in general. What kind of a future is waiting for BiH and the Bosnians? Are the interviewees optimistic or pessimistic about the future? These are some of the questions that may guide us. The basis of each section is the data generated from the fieldwork. Reintegration is examined through the

lenses of the Bosnians interviewed: returnees, the residents of collective centres and the Bosnians living in two countries The governmental and municipal authorities as well as the officials working in the international and local agencies and return associations help us understand reintegration, as well.

VII.1. The Issue of Recovery in Bosnia-Hercegovina

Recovery constitutes the broadest part of reintegration in war-torn countries like BiH. It is not only the reconstruction of the houses or infrastructure in question. Of course it is necessary but the whole recovery is much more than that. It is the necessity of preparing the country and making the ground ready for a sustainable return. In that sense, economic recovery comes first. People should have income to sustain their lives. Secondly, housing is important. People must have houses they can return to. The other fields in which recovery must be achieved are the socio-cultural, psychological, and political fields.

VII.1.1. The Economic Recovery in Bosnia-Hercegovina

Bosnia's economy in the immediate post-war period was in ruins. Half of the population had been displaced by war. Vital infrastructure had been severely destroyed. Both the state and the people had to face several challenges, some of which are examined in the previous chapter. Progress has been achieved in some areas in the past years. Bosnia received enormous amount of financial assistance. Priority Reconstruction and Recovery Programme, led by the World Bank, started to be implemented right after the signing of the DPA. As noted in a ICG report (1999), the international community was supposed to spend

approximately 5,1 billion USD on reconstruction aid over a five-year period that would start in 1996[1].

The impact of donor aid was echoed throughout the country in a short time. Most of Bosnia's growth in Gross Domestic Product (GDP) would not be achieved if it were not for the donor investments in the construction sector such as reconstruction of infrastructure, road network etc. Investment in the manufacturing sector, on the other hand, remained minimal, totalling only 2.3 % of the Priority Reconstruction and Recovery Programme (ICG, 1999). Despite this, BiH's GDP growth would definitely be negative without the financial aid of the donors. However, two things were important. First of all, it was apparent that the donor aid would not continue forever. Over time, the amount of financial assistance coming from the international community decreased remarkably. Secondly, neither injections of foreign reconstruction assistance nor refinancing of a large public debt made any contribution to economic and social development[2].

In the past ten years, the overall economic situation has improved to a certain extent. Yet, recovery is far from complete and there are many things that give serious grounds for concern. The official GDP growth rate (average for past 5 years) was 4.7 % and the GDP per capita 2,235 USD in 2004 (UNDP, 2006). As mentioned above, the growth performance achieved immediately after the war has weakened recently[3]. The main reason for this weakening was the decline in donor aid. But the real disappointment stems from the 'deceleration well before attaining the 1991 level and the ongoing inability of the economy to fully employ BiH's labour force or exploit its existing capital stock' (UNDP, 2006). The production is definitely much less than its pre-war level. Most of the pre-war production capacities such as factories were neither repaired nor replaced. The ones, which did not need repairment, were hardly utilised. They have been working under capacity. The unemployment rate was 21.5 % according to the International Labour Organisation

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[1] Roughly 2.7 billion USD was spent by the end of 1998 (ICG, 1999).

[2] 'While the annual foreign aid of 700 million USD or more each year since 1995 has supported a variety of programs, most international aid goes into wages and services, with material supplies imported from elsewhere' (Toal and Dahlman, 2004).

[3] According to the official statistics, the GDP growth rate rose sharply from 21 % in 1995 to 69 % in 1996 (Stojanov, 2001). But, at the same time, growth was localised since it was concentrated in major urban areas, and there were considerable differences between the entities (Toal and Dahlman, 2004).

statistics while the employment bureau announced it as 43.2 %[4]. The situation in terms of poverty was not promising, either. Despite the decline in absolute (consumption-based) measures of poverty[5], income poverty was still high because nearly 56 % of the population reported that their monthly income was less than 500 KM (approx. 250 Euro). As the indicators make clear, Bosnia has not been able to fully recover the level of prosperity before the war.

Donor investments concerning reconstruction contributed a lot to GDP growth in the initial years of the post-war period. It cannot be denied. However, the international community's aid was not limited to reconstruction assistance. International Organisation for Migration (IOM), United Methodist Committee on Relief (UMCOR), and Swedish International Development Cooperation Agency (SIDA) are three of several international agencies which have been engaged in efforts to provide employment opportunities for returnees[6]. The IOM's Return of Qualified Nationals programme was launched in 1996. Its main aim was to facilitate the return of skilful Bosnians who could contribute to the reconstruction and development of their country. 'This programme provided travel costs, an instalment grant for the returnee, a guaranteed salary at local rates and an equipment grant for the employing institution. By April 2000, it had led to the placement of 829 returnees in jobs in Bosnia ...' (Black, 2002: 134).

UMCOR was another agency that gave importance to economic development assistance to minority return communities. Providing economic opportunities was among the agency's main activities in BiH. Main purpose was to increase household incomes thus to achieve economic sustainability. Economic opportunities were delivered through two types of assistance. Firstly, UMCOR provided 'grants and subsidized loans for qualifying beneficiaries who need support to develop small scale but sustainable economic enterprises' (UMCOR, 2004). Beneficiaries were supposed to use the funds to buy raw materials and equipment for agricultural production, livestock and machinery they would need for metal, wood, and other trades. Secondly, the agency provided Community

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[4] The officials interviewed claim that the unemployment rate is even higher (around 60 %).
[5] It fell from around 19 % to 17 % since 2000 (UNDP, 2006).
[6] UMCOR completed its mission and closed offices in BiH at the end of 2006.

Economic Action Strategies grants to local community-based associations and cooperatives. The grants were in the form of equipment, materials or services. One of the associations that benefited from CEAS Community Grants was a women's association based in Konjic, whose activities were knitting, weaving and sewing. Association "Konjicanke" was provided twenty-four spinning wheels and looms and a delivery vehicle for the raw materials and finished products.

Sida is the last international agency to be examined in terms of economic development assistance. In addition to assistance in the fields of reconstruction, public sector reform, human rights and democracy, and development of agriculture, the agency supports development of private sector. After the war, Sweden co-financed a guarantee scheme for emergency import to BiH through the World Bank. It was Sweden's first support for development of private sector. Later on, it gave support to privatisation of the banking sector and development of financial sources for micro enterprise development, as well[7]. Assistance was given both at governmental and micro level. For example, entrepreneurs were assisted in fields like accounting, marketing and management so that their competences could develop[8].

Not only international agencies were doing something for Bosnia to make economic progress. Some of the local agencies have an important role, as well. Bosfam is one of those local agencies. It is a well-known NGO established with the aim of assisting Bosnian women in their struggle to survive. Bosfam began its activities by arranging get-togethers for the Bosnian women. They would be talking and reconciling while knitting. And, since the products would be sold, it would be occupational therapy, too. As time passed, therapy became an income-generation project. The founder and director of Bosfam gave information about the organisation's activities:

> 'Bosfam was founded during the war. As part of a knitting project, Bosfam arranged occupational therapy for the women, who were victims of the war. The project was first organised in refugee camps, and continued in small workshops.

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[7] Sida took part in financing of the establishment of a local non-profit microcredit organisation, Ekonomska Kreditna Institucija (EKI) (Leaflet about Sida activities in Bosnia-Hercegovina).
[8] Some of the projects were reforming government inspectorate system, providing business advice and training opportunities for small and medium size enterprises, micro finance activities in addition to business advice for increasing job opportunities in the poor areas of eastern RS (Sida, 2005).

Knitting, sewing and embroidering were the basis of the projects. We wanted the Muslim and Serb women to get together and talk. We gave them knitting needles, woollen threads and looms so that they could do knitting and weaving. The products were to be humanitarian assistance to those women because they would be able to earn money. The project has expanded over time, and now women are producing traditional Bosnian carpets (*kilim*) and clothes.' (*Interview with the Director, Bosfam, 25 August 2005*)

a. Economic Disparity as a Structural Problem

Despite all these projects and the enormous amount of assistance Bosnia received in the past decade, economic situation is not promising because the country is faced with structural problems which constitute an impediment to recovery. Economic disparity among regions is one of those problems. Regional disparity is not something uncommon in transition economies, but the differences are particularly apparent in the Bosnia's case. Those differences are the result of a lack of a unified economic space. As Tzifakis and Tsardinidis (2006) note, one can come across with regional disparities at three levels. The first one is entity level. Different rates of macroeconomic indicators have come out of individual policies of the entities. The Federation BiH has been in a more advantaged position regarding reconstruction aid each entity has received. While the Federation BiH has been cooperating with the international community, the RS has paid the price of constant obstructionism. Secondly, there are disparities between large cities and rural areas. Large cities have benefited from the creation of new business activity whereas rural areas have faced depopulation. Lastly, disparities within the entities have to be underlined. The problem stems mostly from each entity's geopolitical features. For example, due to its proximity and close connections with the Croatia proper, the Croatian regions of Western Hercegovina have showed a better performance than the other parts of the Federation. On the other hand, the eastern regions of the RS are in a worse economic situation than the western regions of the country mostly because the RS depends on the weak Serbian market and it has been receiving less reconstruction aid as a result of its politically hard-line stance (Gough, 2002, cited by Tzifakis and Tsardinidis, 2006: 73).

In addition to the disparities between the entities, the special status of Brcko District enhances economic disparity. Since Brcko District was established as a self-governing unit under international supervision in the first half of 2000, it has grown into one of the most developed areas attracting investors. This was mostly because first it is under international supervision, and second, it is not attached to the rest of Bosnia's administrative system which is complex, expensive, and inefficient. When compared to the entities, the District's growth rate in the period 2000-05 was 'nearly a third more than that of the RS and more than twice as high as that of the Federation' (Mustajbegovic, 2007). One of the Bosniak informants tells us how the economic situation in the District differs from that of the entities:

> '[A]s regards the economic situation in Brcko, people who are working in the government administration (beneficiaries of the budget) have a good salary but the others, who have to find job in a private enterprise, have to accept the conditions and work for 150 €or they are unemployed. But at least they have a choice (unlike other parts of BiH). For example, the mayor earns 6000 KM (approx. 3000 €) whereas an ordinary clerk working at a reception desk earns 750€ 450 KM is the minimum level of income (the amount that a four-member family has to pay for food), but in the Federation it is maximum level (300 KM- minimum). In addition, 65 KM paid by the government if the child's attending elementary or secondary school.' Z.S. (Musl, F, 60, Brcko District/rural, housewife)

b. Unemployment

Despite the international efforts to boost the economy, the Bosnians do not seem to have a promising economic situation. They are faced with various problems. What are these problems? What do the Bosnians complain about? In order to understand the extent of economic recovery achieved in the post-war period, we should listen to the Bosnians. As for the interviewees, what is their employment situation? Are they employed, unemployed or retired? How many of them had lost their jobs and were not able to be reemployed? What may be the reasons for that? These are some of the questions necessary in order to draw the employment profile of the interviewees.

Unemployment is the most prevalent problem the Bosnians face. Not only returnees are faced with lack of employment opportunities. Almost everybody is complaining about

the same issue. However, there are exceptions. Among the interviewees, some can be considered relatively lucky because they are employed. In two cases, both couples have jobs:

> 'Now we earn 2000 KM (approx. 1000 €) per month. I am working as a journalist in one of the popular newspapers in BiH, and my husband is an English teacher in a high school.' A.H. (Musl, F, 53, Tuzla/urban, journalist)

> 'I am a professor in high school specialised in tourism management and I run this restaurant. Before the war, I was running this restaurant, which was in town centre then, and I had a catering firm (preparing meals for the workers in 2 companies in Srebrenica and one in Bratunac). My wife is a professor of chemistry in high school (when she started teaching after the war, she was the only Bosniak professor at school but now there are more teachers).' A.P. (Musl, M, 57, Srebrenica/urban, owner of a restaurant)

Three interviewees have at least satisfactory economic situation. One of them is a young returnee from Sweden. She is happy to be able to have almost the same life-standard she had there:

> 'I have a Masters of Political Science and I am working as an Assistant Polical Officer in an international agency. I am not the only person working person in the household but my closest family lives in Sweden. I earn enough money to be able to uphold the life-standard I had in Sweden. It is 1750 KM (approx. 875 €) per month.' N.P. (Musl, F, 24, Mostar/urban, Assistant Political Officer in an agency)

For most of the Bosnians, life is indeed difficult. Yet, some think that they have to be contended with what they have. The young Bosniak interviewee from Pocitelj, a small town of tourism in the Hercegovina region is in such situation. At the time of the interview, he was working temporarily in his friend's souvenir shop, and at the same time involved in another work. He says, 'I am working in this shop temporarily (my friend is the owner). At the same time I am preparing a dictionary. My wife is not working and the salary I get has to be enough' O.T. (Musl, M, 27, Capljina/rural, temporary salesman).

One Bosniak male interviewed in Kozarac can be considered lucky because he has become an important entrepreneur in his town. Even though he lost his pre-war job, he has considerable gains at the time being. He took a big risk with his brother but now he is happy to have taken it. First of all, if they did not open an enterprise producing concrete,

return to their town would be at a much lower rate. Secondly, they would not be able to make that money. Now he is engaged in other projects which might be very important for the town in terms of progress:

> 'I lost my pre-war job. But now I own a gas station and 2 factories producing concrete, one in Kozarac and one in Prijedor. 100 people are employed in these enterprises (50-permanent, 50-seasonal). In addition, I own trucks and construction machines. Our economic situation is good (I graduated from secondary school but now I am in the 2. grade of school of management). … As return started in Kozarac in 1998, reconstruction of houses began as well. So we opened a place to store concrete as well. Since return gained pace, I decided to open another enterprise. Moreover, last year (2004) we started producing mushrooms. Nowadays, I am trying to gather entrepreneurs and have support to proclaim Kozarac a municipality of its own. I want to do that because we would be able to attract foreign investors. ...' <u>M.J (Musl, M, 42, Prijedor/rural, private entrepreneur)</u>

It is good to come across with success stories. Yet, the situation is not promising for the majority of the population in general and the Bosnians interviewed in particular. Unemployment is a very big problem. Many informants lost their pre-war jobs and were not reemployed afterwards. Some are in a desperate situation since they do not have any income at all. Two male interviewees, a Serb from Konjic in central Bosnia and a Bosniak from Milici in eastern Republika Srpska, are trying to find money from somewhere. Compared to the Serb, the Bosniak is in a worse situation since he has a family to look after. Moreover, he got into trouble with the Serb authorities:

> 'I lost my pre-war job and now I am unemployed. My wife is not working, either. I am trying to earn 20 KM from somewhere. When we were living in Jasenica, I had to cut wood from a forest in the Serb area illegally and as a result received summon from the court. Today [9 August 2005] I got the second summon. Unemployment is a very big problem. I do not know how I can provide food to my family and education to my children.' <u>S.G. (Musl, M, 45, Milici/rural, unemployed)</u>

Some, who have lost their pre-war jobs, are trying to earn money by doing temporary job or selling fruits and vegetables on the road in touristic places. The ones, who have livestock, can be considered lucky since they can at least sell dairy products or so. But even that is not easy if the products can only meet their own needs. Some receive remittances from their relatives. Some are employed temporarily in the agricultural sector.

It is seasonal job but it does not matter as long as they can earn some money. What they earn is mostly not sufficient to live on. Some say that they 'try to survive on God's mercy'. As regards the ones, who are employed, most of the jobs they can find are in the 'black market'. They are neither registered nor can benefit from social security services. It does not matter whether you have a university degree or not because you are unemployed, as well. The result is that even the university graduates or professionals are working in the black market because they do not have any other choice. Accordingly, the black-market channels have contributed a lot to the expansion of the so-called gray economy.

What about the Bosnians who are living in collective centres and the so-called transnational returnees? Among the residents of the collective centres, two mid-aged Bosniaks in Mostar told us why they could not go back to their houses. In one case, there is no choice other than farming and the male interviewee does want to continue his life by doing farming. That is why he prefers to stay in the collective centre and work whenever he can find one. So, he works temporarily most of the time. In the other case, the interviewee's family cannot even afford the tickets to go to school and work if they return:

> 'Nobody is working in the family. My husband lost his pre-war job. We do not have any income. I want to return to my house but it is in a remote village. Even if we return, we would have to pay for 3 tickets so that my children can go to school and another ticket for my husband to go to work if he finds a job in Mostar. It is very expensive and we cannot afford it – that is the problem.' Z.K (Musl, F, 35, Mostar/C.C, housewife)

As of the interviewees living in two countries, two Bosniaks are working in the countries where they were granted permanent residence. Both are in Sweden, and, interestingly, they have contrasting views regarding the employment facilities for foreigners. The male informant says, 'The employment conditions are a bit unfair because even though you are at the same level with a Swedish citizen, you cannot get employed before him/her' M.M. (Musl, M, 47, Mostar/urban, working temporarily in Sweden), whereas the lady thinks that it is not difficult to get a job because they have the same rights as Swedish nationals once they get permanent resident status. The male interviewee's opinion on this matter is shared by a young Bosniak returnee. She says, 'Even though we were granted permanent resident status, it took some five years before my parents were

able to find their first jobs due to the discriminatory practices in the job-market' <u>N.P. (Musl, F, 24, Mostar/urban, Assistant Political Officer in an agency)</u>.

c. Ethnic Discrimination

Some of the interviewees, who lost their pre-war jobs and were not reemployed after the war, are very frustrated. They think that it is not fair because they should have got their jobs back. One Serb interviewee from Ilidza, one of Sarajevo suburbs, is fed up with living like that. He is 'bitter with everything that happened':

> 'Before the war, I was working as an electrician in Energoinvest. When the war broke out, I lost my job. I could not get it back after the war because the company does not exist any more. My wife was working in Kosevo Hospital. When the war started, we were living in Serb part of Ilidza and the hospital was in the Federation part. Since there were barricades she could not go to the hospital. So her contract was cancelled and she was not called at all after the war (she was just given her documents back and that was all). Now we are both registered as unemployed in the employment bureau, and are living on my mother's retirement pension. It is a minimum amount and obviously not enough. Actually I do not want to talk any more because I have had enough!' <u>B.K. (Srb, M, 50, Ilidza/rural, unemployed)</u>

In another Serb family, the only person working is the interviewee's wife. Actually she would have probably lost her job long before if she was not an irreplaceable expert:

> 'I have lost my pre-war job and now I am not employed. The only person working is my wife. She is an expert in the production of engines and there is nobody to replace her. Otherwise, she would most probably be unemployed, as well. Her salary has to be enough. Our daughter graduated from secondary school, and she is not working, either.' <u>B.S. (Srb, M, 55, Ilijas/urban, unemployed)</u>

The last example is from Zenica. The Croat lady is very angry because she cannot understand how come she is not reemployed while she has expertise. At the same time, she is disappointed because although she complained to the highest authority in BiH (the High Representative), the result did not change at all. She could not get her job back:

> 'My husband is the only person working in the house-hold. His salary is not enough. I worked in 1971-92 period. However, I was not reemployed after the war. I thought I would get my job back easily when we returned, but it was not the case…I even complained to Petrisch [High Representative before Ashdown] and

other institutions as well but nothing changed. I lost the hope of getting it. Every time I went to this firm they stated different excuses, the most important one is the following: "You cannot get your job back because the company you have worked before does not exist any more." Actually, they had changed only the name – people working there are the same people. I was persistent and went to municipality everyday to get it back. Another explanation was the following: it is better to employ young people. But I cannot accept such an explanation because how come a 25 year-old girl with no experience is valuable while I am the one with experience.' M.V. (Cr, F, 53, Zenica/urban, unemployed) // married to a Serb – mixed marriage

What these three informants imply is actually the same thing: they could not get their jobs back because of their ethnic origins. The municipalities they are living in – Ilijas, Ilidza and Zenica – are all under Bosniak control, and the people employed are predominantly Muslims. During the war, 'As a facet of "ethnic cleansing", members of the "wrong" national group were dismissed from firms and public institutions which came under the control of the nationalist parties, particularly in the RS and HDZ-controlled "Herceg-Bosna"' (ICG, 2002: 14). The discriminatory practices have been widespread in both entities since the end of the war, this time to discourage minority return. Despite the international organisations' contentions that ethnic discrimination in employment is a violation of human rights, discrimination continues to be a big problem in today's Bosnia because it inhibits return. Each ethnic community favours its own people, and members of the so-called new 'minorities' are faced with discrimination because of their ethnic origins. What still counts is not merit but the ethnic background. In that regard, returnees are the most disadvantaged group due to the fact that 'employment laws in both entities discriminate against returnees by giving priority to demobilised soldiers, war invalids and the families of fallen soldiers' (ICG, 2002).

Discrimination in employment was closely linked to the creation of mono-ethnic institutions during and after the war. An important facet of ethnic cleansing was to staff public institutions such as municipal administrations, courts, police, schools as well as public companies by members of the ethnic community controlling that area. There were exceptions, particularly in the FBiH, but the authorities in the RS were quite successful in creating these mono-ethnic institutions by executing or expelling leaders of the other two communities (ICG, 2002). And, since public institutions had the biggest number of

employees in Bosnia, minority returnees had almost no chance of getting jobs in those institutions. That was nothing than ethnic discrimination in employment. Moreover, the minority returnees could any time face antagonism and discrimination in their contacts with the authorities working in the public sector because most of them had been appointed by the nationalist parties during and after the war. In fact, even today this is the case in many areas where minority return has taken place. Discrimination in public institutions is still observed despite the Constituent Peoples Decision of the Constitutional Court in 2000[9] according to which the 'constituent peoples' – Serbs, Croats and Bosniaks – and members of the group of 'others' were to be proportionately represented in public institutions in both entities. The composition of the public institutions such as municipal administrations, police and courts should be in conformity with the profile of the population depicted in the 1991 census.

When we look at the practice, we come across with different implementation. The decision is respected in the Brcko District, whereas it is not the case in both entities. In Brcko District, the government conforms to the Court's decision. The Mayor's advisor told us how the decision was implemented:

> 'The Constitutional Court's decision is used as a model in solving the unemployment problem. There is a formula according to which people are employed. National balance in the pre-war period – 40 % Serb, 40 % Bosniac and 20 % Croat – is reflected. This has been applied for the last four years. Over 50% of the employees in governmental institutions are returnees[10]. The rule of 'national balance' is applied in the hospitals, as well.' (*Interview with the Mayor's advisor, Government of Brcko District, 25 August 2005*)

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[9] 'The implementation of the Constitutional Court's decisions has been cumbersome and slow. Without active engagement of the OHR it is doubtful the process would have taken off at all. In order to implement the Constitutional Court's decisions, both entities needed to amend their respective constitutions substantially, and to this end the OHR established multi-ethnic Constitutional Commissions in January 2001 to draft the necessary amendments. The Constitutional Commissions were also mandated to ensure interim protection against discrimination and could veto laws and policies which they deemed discriminatory in the entity parliaments' (Amnesty International, 2006). The amendments were finally imposed in April 2002.

[10] In police department, for example, 6.4 % Bosniaks are working in the RS and 68.8% in the Federation BiH whereas it is 39.3 % in the Brcko District. Concerning Serbs, it is 92.2 % in the RS and 9.9 in the Federation while 44.8 % of the employees in the Brcko District is Serb (Dnevni Avaz, 21 August 2005. Retrieved during the Interview with the Mayor's advisor, Government of Brcko District).

Unlike the Brcko District, it is not easy to apply the Court's decision in both entities. The situation in Bijeljina, a province in the north-eastern RS, is a good example in that sense:

'According to the 1991 census, more than 30,000 Bosniacs were living here. Less than 50 % of the Bosniac population returned. In the Municipality of Bijeljina, only 36 returnees are employed. Before the war, the number of Bosniak employees was 236. We do not have data about the number of returnees employed in the police but it is no more than 10 %. In the public institutions and private enterprises, only 0.5-1% of the returnees are working but none of them is in a supervisory position. Court and border control service are exceptions since they are under control of the international community (OHR). The message to the returnees is clear: you are not welcomed here any more!' (*Interview with Executive Director, the Association for Return in Bijeljina, 12 August 2005*)[11]

Likewise, Serbs are faced with discrimination both in private and public companies, and it constitutes an obstacle in front of Serb return to Bosniak-held areas in the FBiH:

'The Constitutional Court's decision is neither respected nor implemented. Before the war, the population distribution in Ilidza was as follows: the number of Serbs and Bosniacs was almost equal, 15 % Croats and the rest was like 3 %. Now there are 30 representatives in the municipal board – only one of them is Serb. However, according to 1991 census it should be 13. In municipalities like Vogosca, Hadzici there is no Serb representative at all' (*Interview with Executive Director, Democratic Initiative of Sarajevo Serbs, 8 August 2005*)

Faced with the unemployment problem and discrimination in some cases, the Bosnians feel disappointed and angry. They regret not having left for a third country long before. The Serb interviewee from Sarajevo is very frustrated. He returned from Serbia because he got a job in one of the international organisations. But he was unemployed at the time of the interview:

'I came back in 1999 because I got a job in OSCE but now I am not working. I am very disappointed with the economic and political situation. It was the worst choice I had to make – to stay here in BiH.' M.S (Srb, M, 41, Sarajevo/urban, unemployed)

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[11] The officials working in the return associations of other areas such as Zvornik as well the municipal authorities emphasise the same situation. (*Interview with the Vice – president of the Milici Municipal Assembly, 9 August 2005; interview with the Executive Director of the Association of Citizens "Returnees of Zvornik", 11 August 2005*).

Many youngsters try to go abroad since they cannot find job in their country. You can come across with long queues in front of Swedish, German and many other embassies as you walk around in Sarajevo. While many are trying to find ways to migrate, some of the Bosnians, who are determined to stay, keep their optimism even though it is not easy to do so. The Bosniak youngster from Sarajevo is hopeful about earning more money than he was at the time of the interview. At the same time, he criticises the youngsters for not using job opportunities:

> 'My mother lost her pre-war job. After we returned from Germany, she found job and worked until 2001. But now she is unemployed. I am the only person working in the household (my parents got divorced when we were in Germany in 1993). What I earn from this bar is not enough and I hope I will earn more in the casino [in Skenderija]. So I am going to quit my job here and start working there next month. ... I want to criticise youngsters here in Sarajevo. Young people do not want to work even when they have opportunities in front of them.' A.P (Musl, M, 23, Sarajevo/urban, working temporarily in a bar)

d. Low Pensions

Pensions is another issue the Bosnians complain about. In some cases, the interviewees receive either invalid pension for having been injured or so-called 'martyr money' (*şehit maaşı*) from their husbands or sons who died or disappeared during the war[12]. However, the amount of money received is so little that it is impossible to live on. The ones living in rural areas are trying to do farming as much as their health allow. Solidarity is widespread in the sense that relatives or close friends living abroad help financially by sending remittances or presents. The Bosniak lady from Milici told us that the amount of invalid pension her husband received was only 50 KM (approx. 25 €), and that they would not be able to survive without remittances because, for example, her son, who had epilepsy, had to take medicine costing 70 KM every month. Could it be possible to live on otherwise? The Croat lady from Banja Luka emphasises the same situation:

> 'I am a housewife and receive 150 KM pension from my dead husband. Before it was

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[12] Two of the collective centre residents have been receiving allowance from their sons who were killed during the war.

100 KM but still it is too far away from enough to live on. Sometimes I do not have money even to buy fruit. I receive money from my relatives whenever they visit me. For instance, they bought a TV for me this summer. My brother, on the other hand, sends money from Sweden. If he does not, I would not have survived with the pension I receive from my husband.' <u>A.M (Cr, F, 75, Banja Luka/urban, housewife)</u>

The situation of the retired is not promising, either. They are living in poor conditions as well because the pensions they receive are low. Among the returnees interviewed, seventeen are retired and four females receive retirement pension from their deceased husbands. Two collective centre residents are retired and a couple of them receive welfare payments but these are mostly not enough. That is why the females knit woollen socks in some cases. Among the interviewees living in two countries, two are receiving retirement pension abroad, and one is provided welfare. He thinks that the amount of welfare is enough to live on.

One Bosniak lady from Zvornik, one of the eastern towns bordering Serbia, told us that it was impossible to live without the remittances their children send from Austria because her husband's retirement pension could last for only 15 days, while another elderly from Mostar complains about the current economic situation by referring to the pre-war period:

> 'I was working as a nurse before but now I am retired. My retirement pension is so small that it is not enough to live on at all. Now there is not even a shadow of the pre-war economic situation. I am not happy about the current economic situation. For instance, one day my electricity was cut because I did not pay the bill.' <u>M.T (Musl, F, 76, Mostar/urban, retired)</u>

A Croat informant from Capljina, one of the Croat strongholds in the Hercegovina, still has to work 'illegally' since the invalid pension he receives is really low. His wife's retirement pension is not enough, either. He is not allowed to work while receiving the pension but does he have any choice?

> 'My wife is retired. We live on her pension and what I earn as a taxi driver. But I have to note that I am working illegally because I am receiving 105 KM as invalid pension (I cannot work while I receive this money).' <u>M.P. (Cr, M, 55, Capljina/rural, not registered but working as a taxi driver)</u>

While several elderly interviewees complain about the low pensions they receive, one Bosniak male thinks that people should be grateful for what they have. For instance, he is thankful to God that his son is running the shops they have regained after the war:

> 'I am retired and my wife is not working. From time to time I go to Germany to get my retirement pension. The only person working in the household is my son. My retirement pension is and has to be sufficient. I think that people should be satisfied with what they have and they should be grateful for that. Before the war, we had shops and thank God we have regained those shops.' O.S (Musl, M, 62, Milici/rural, retired) [going to Germany from time to time to get pension]

Apart from the low retirement pensions, returnees were faced with both legal and practical obstacles in access to pensions and health insurance, particularly in the initial stages of return. That is why it continued to be one of the challenges as addressed by the ICG in 2002. Compared to the Federation BiH, pensions were lower and more irregularly paid in the RS. It seems that the Serbs in the FBiH are still in a disadvantageous position because one of the Serb interviewees emphasises the difference in pension levels in the Entities:

> 'We [my husband and I] are both retired. We receive our retirement pension from Banja Luka and it is less than what is received from Federation BiH. It is not enough but we are trying to manage. God is helping us survive.' M.J. (Srb, F, 68, Vogosca/urban, retired)

The problem of access to pensions was not only at inter-entity level. Return between Croat and Bosniak-majority areas in the FBiH was impeded by problems of pension access until January 2002 when the Mostar and Sarajevo-based funds were finally merged (ICG, 2002). Even though the problem was solved within the Federation, there are still three separate pension funds – in the FBiH, the RS and the Brcko District – and it seems that unless the entity pension funds are merged and regulated at the state level, the Bosnian retired population will continue to face problems. Furthermore, the difference between BiH and other former Yugoslav republics such as Serbia in implementing social policies aggrieved people who had been working there before the war. One of the Bosniak interviewees was in such a situation, but the problem was finally solved by an agreement between the two countries:

'I am retired and, in fact, had problems in receiving the pension. I dealt with it when I was in Tuzla. As a result, my pension problem was solved and I started receiving my pension from BiH (even though I worked in Serbia before the war). Later on, the pension problem was solved between the two countries. So I have been receiving my pension from Serbia since 2004 (the pension I received from BiH was cancelled). It is 170 KM per month.' <u>M.H (Musl, M, 72, Zvornik/rural, retired)</u>

e. Recipe for Economic Recovery

The officials working in the local and international agencies share most of the interviewees' views and concerns regarding economic reintegration. There are not many opportunities for the returnees. As an officer working in *Vasa Prava* emphasises, the municipalities do not provide the means returnees can make use of in production, thus they lose the opportunity of contributing to the economic development of their region[13]. It is very difficult for the Bosnians to get jobs. For returnees, the difficulty is doubled because the job-market is rather unfair to them. Private enterprises are not willing to hire them. The situation in public sector is no different. Consequently, returnees are marginalised and do not contribute to the economic development of the country[14]. There are exceptions of the general trend. Economic progress that started to be achieved in the town of Kozarac is a good example. However, progress remains limited to local level. In other words, we come across with a couple of success stories but it is not widespread. Economic development at the country level is still far from being achievable.

Faced with problems like unemployment and ethnic discrimination, how can one expect the returnees to reintegrate in economic terms? How can economic recovery be achieved under those circumstances? There is still a lot to be done to help returnees reintegrate. In fact, problems such as unemployment are not limited to the returnees. Whole country is faced with the consequences of a bad-functioning economy. As noted in an ICG report (2002), huge losses caused by the war, structural handicaps in making the transition from socialism to capitalism, the corrupted privatisation process, and unreformed

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[13] (*Interview with Advocacy and Donor Relations Officer, Vasa Prava - Legal Aid Office, 8 July 2005*).

[14] (*Interview with Head Delegate for Emergency Relief, Caritas Switzerland, 15 July 2005*).

laws, regulations and mentality play an important role in Bosnia's economic travail. The price of experiencing war and transition at the same time has been too much for Bosnia and the Bosnians, and they are still paying for it.

What should be done for Bosnia to achieve development in economic terms? Many suggest the same thing: factories should be opened. One return coordinator from the north-eastern Bosnia complains that the resources are not used in the way it should be:

> 'Bosnia has rich resources. For example, we have this Drina River but it is not used either for tourism or fishing. We are the biggest producers of agricultural products (like pepper and tomatoes) yet there are no factories to process these into final products. The producers are robbed because they sell their products at cheap prices while the final products are more expensive. … We have to open factories for agricultural production. Moreover, about 50,000 houses are in the process of reconstruction. Where does the constructive material come from? Sarajevo and Visoko. Here in Zvornik we have a factory producing cement blocks for reconstruction, but it is closed. When return started, nobody thought about opening this factory so that at least 100 Serbs and 100 Bosniaks could have been employed there and return would have been sustainable. The authorities should put me in charge and I will open the factory in 24 hours and employ both Serbs and Bosniaks. … Either our government or the international community should help us open these factories so that we can employ people' (*Interview with the Head of the Community Kozluk, Zvornik/Kozluk, 26 August 2005*).

A Serb official working in the United Nations Development Programme (UNDP) Sustainable Transfer to Return-related Authorities (SUTRA) Initiative focuses on what the Bosnian State can do to bring back the Bosnians living abroad:

> 'Now you have so many people working in Europe and communities here which are fully dependent on those people working there. Take Livno[15] for example. Half of its population is living abroad. There are no factories, no production. And the city looks rich, thanks to remittances coming from abroad. Only recently, those people living abroad are coming back and investing in the region. In 20 years, it will be more developed even though it seems to have no potential now. Many of those living abroad will decide to return because it is much cheaper to have a company here than in Germany. So, why not transfer the knowledge you have gained in Germany? If you have a private company, why don't you come here and still achieve the market there? In order to bring those people here, the State has to come up with certain laws, lower income and no taxes for a certain period of time. There has to be incentives to bring them back here and boost the economy.' (*Interview with Liasion Officer, UNDP SUTRA, 31 August 2005*)

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[15] Livno is a town in the western RS where minority return has taken place at a low level.

As well as officials and return coordinators, some of the interviewees commented on Bosnia's economic situation and shared their views about what needs to be done to achieve progress. One retired Bosniak from Mostar is critical of the international agencies including the Office of the High Representative. He says, 'Both the High Representative[16] and the officials working in international agencies are earning a good amount of money while our children go abroad to find better jobs – that is not fair!' I.B (Musl, M, 76, Mostar/urban, retired). Another one emphasises the importance of tourism and the need for youngsters to work. How Germany uses Holocaust as a touristic asset is a good example:

> 'What can be done to make economic progress? For example, we have to use Srebrenica for touristic purposes like Germany. During the World War II, everybody knows what Hitler did to the Jews. But Germany accepted what had happened. They even built a genocide monument and now it is attracting tourists. Similar things should be done here … we should do something to make our voice heard on the international arena. Moreover, the elderly should be retired as soon as possible so that youngsters can have the chance to work. Now the ones, who are working, are the elderly and the people from the West. Instead of those people, I want our young people to work.' V.B. (Srb, M, 60, Ilidza/urban, manager in a tourism agency) // married to a Muslim – mixed marriage

The Bosniak war veteran living both in the USA and BiH thinks that there is potential waiting to be used for economic development, and adds that he has friends who will come to Bosnia immediately if they are provided the opportunity:

> 'There is potential waiting to be used and it is going to be used within time. For example, we can get the patent for water and export it. Or we can make use of the mountains around Sarajevo for Winter Olympics again. I guess they have started to get prepared already. On the other hand, I have friends in the USA, who are willing to come to Bosnia if they know that they will get 2000 Euro – it does not matter for them although they earn 30,000 $ there. They want to be in Bosnia.' A.K (Musl, M, 37, Sarajevo/urban, war veteran)

Finally, the Serb interviewee from Ilijas first gives the criterion of a good life in today's Bosnia and then emphasises the need to open factories to achieve progress. There

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[16] The High Representative at the time of the fieldwork was Paddy Ashdown, the former leader of British Liberal Democrats.

are several factories which are working under capacity. They should be open and provide job opportunities to Bosnians:

> 'I think that if a person has good life standards in today's Bosnia then he/she should be working either in a bank or an electric company. Otherwise it is so difficult to live here. How can Bosnia achieve economic progress? Well, new factories should be opened, or at least the ones which are working under capacity should employ more people. For instance, the steel factory in Ilijas is closed. Why? It should be open.' B.S. (Srb, M, 55, Ilijas/urban, unemployed)

In sum, it does not seem likely that economic recovery will take place in the short term. Employment opportunities are scarce in general due to the difficulties stemming from economic transition and post-war reconstruction coupled with a weak economic situation. In many areas, not only the returnees are affected negatively by high levels of unemployment. It is difficult for the domicile population to find jobs, as well. But still it is the returned Bosnians, particularly the members of minority communities, who are affected most by ethnic discrimination. Without employment several returned Bosnians are not able to uphold adequate living standards. Thus they either decide to go back to the area where their own community constitutes a majority or commute there so that they can continue working. Others emigrate to a place where they can find a job.

VII.1.2. The Issue of Housing and Collective Centres in Bosnia-Hercegovina

In the first article of the Annex VII of the Dayton Peace Accords it is clearly stated that refugees and IDPs can freely return to their pre-war homes. As examined in detail in the previous chapter, the return to homes of origin is considered the main step in reversing the ethnic cleansing carried out during the war that continued for more than three years. Making people return to their pre-war homes would mean the beginning of peace-building in Bosnia. That is why the international community attached importance to return to places of origin. However, it was easier said than done. In the initial years of return, many Bosnians were unable to return to their homes. The reasons are put forth in the previous chapter.

After the year 2000, return, particularly the so-called minority return gained momentum. It was mostly due to the fact that property repossession speeded up with the implementation of the new property legislation. More and more people were able to regain their property. At this point, it is to be underlined that not everybody was dealing with property repossession. Tens of thousands of houses that had been destroyed during the war needed reconstruction. Depending on the funding, many were reconstructed. Some of the returnees repaired their houses themselves, some financed reconstruction with their own savings, and some received assistance. Several projects were carried out. Not only returnees benefited from the projects. The so-called stayees were assisted as well.

As regards return to pre-war homes, not everybody was lucky. For many reasons, they were not able to go back. Either they could not repossess their property or they could not find any job. In some cases, returnees were not welcomed in their home-towns. It was particularly the case for the so-called minority returnees. Their houses were destroyed, livestock poisoned, and the returnees themselves were subject to intimidation and harassment. It was a clear sign that they were unwanted especially in the areas where they constituted minority. Faced with such problems, some had to settle in other parts of the country. Examples to such situation are given in the previous chapter. A couple of interviewees had no choice other than establishing a life in a new city or town.

Apart from the ones, who had to settle somewhere else, there are many Bosnians currently staying in collective centres. They cannot return to their homes for various reasons. Either their houses are in remote areas to where almost no return has taken place or they do not have the money to reconstruct their houses. Some think that they will not feel secure if they go back to their villages. They simply cannot return, and have no choice other than staying in those collective centres. The problem is that thousands of people are still living in poor conditions in those centres even though a decade has passed since the war ended. The presence of collective centres does constitute an impediment in front of reintegration in BiH. How can one expect those people to reintegrate when they have no choice other than to live under such circumstances?

In order to see what kind of a life the Bosnian IDPs have in a collective centre, we paid visits to a couple of centres in central Bosnia and the Hercegovina region. Those visits

and the interviews we conducted in these centres help us draw a general picture about life in collective centres. Three of them are in central Bosnia, one in Zenica and two in Ilijas, a small town 20 km in the north of Sarajevo[17]. The one in Zenica[*] is officially recognised by the UNHCR. Currently it has the biggest number of IDPs. The residents are mostly Bosniaks from towns in the RS such as Kotor Varos and Foca. They are living in small wooden huts. A young guy from Visegrad told us about the facilities of the collective centre:

> 'In this collective centre, there are 82 houses but 10 are empty. We are living in a small wooden hut which has a living room, bathroom and 2 sleeping rooms. In town, there is sort of a public kitchen where meals are prepared. We are served one meal per day. If we pay membership fee (2 KM for a person per month) to *Merhamet* we can receive additional food. We have electricity and water and we do not have to pay for them. There is a stove for winter and we have received wood from Pax Christi (International Catholic Movement for Peace) until now. But I do not know whether we will receive in the coming winter, too. The people in this centre are mostly from Kotor Varos and Foca.' S.C (Musl, M, 23, Zenica/C.C, unemployed)

The conditions in the collective centre in question are not satisfactory at all. For instance, the wooden huts they are living in are more or less suitable for winter because it is easier to warm up. Yet, it is very hot and sweltering in summer. It seems that the residents have been left to their fate. As an elderly Bosniak male interviewee told us, nobody cares about them. When the Turkish contingent was deployed very close to the centre-site, the soldiers were taking care of the residents of the centre. They organised football tournaments, visited the centre regularly, and brought food packages. Once the contingent moved to the town centre in early summer (2005), they stopped coming to the collective centre. The Bosnians living there are trying to manage somehow but it is really difficult.

What about the daily activities? There is not much to do. Women are usually smoking, drinking coffee and having chats. Some of them knit socks to earn a little amount of money. It is the worst for the youngsters because most of them are not employed:

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[17] Before the war, it was one of Sarajevo suburbs.
[*] The photo taken in the collective centre is in the Appendix 8.

'There is not much to do. I try to do some agriculture. Everyone is trying to cope with his/her own problems and nobody cares about the others. The ones, who are lucky, go to work and for the residents, who do not go to work, there is a small plot of land to cultivate. My mother knits woollen socks. There was an agency that provided knitting opportunities for women so they could do handcrafts. Now a lady comes from time to time to collect the woollen socks the women knit and takes them to sell in Germany.' <u>S.C (Musl, M, 23, Zenica/CC, unemployed)</u>

The centres in Ilijas are two of the settlements provided by the Bosnian state. The UNHCR regards these settlements as alternative accommodation. Compared to the one in Zenica, the conditions were even poorer. The residents were the Bosniaks. Concerning the daily activities and the relations among the residents, two Bosniak males shared their views. The mid-aged one from the centre that was first visited seemed to be unhappy about the chats and arguments among the women. He thought that men were calmer. So he was keeping sort of a distance with the other residents, especially the women. Another one told us that he was trying to go out as long as his health allowed him. At the same time, he complained about similar problems. The most important one is that nobody cared about them:

'In the morning, I have my coffee when I get up. If the weather is fine, I go out for a walk in the park close to the centre. I like having chats with the retired men in the park. Every Friday, I try to go to the mosque (*camija*) for Friday prayer. I cannot go to the market-place. I spend most of my time in this collective centre. Nobody cares about me because I am an IDP. We do not communicate with the other people living here.' <u>O.M (Musl, M, 83, Ilijas/C.C 2, retired)</u>

Regarding the collective centres in the Hercegovina region, the one in Tasovcici, a neighbourhood (*mjesna zajednica*) in Capljina is officially recognised by the UNHCR. The residents of the centre are displaced Croats from towns in central Bosnia, namely Travnik, Kakanj and Konjic. They are staying in small pre-fabric houses. Unlike the centre in Zenica, they share toilet and bathroom. They are served one meal per day. We conducted one of the interviews inside the house. The Croat lady we talked to had turned the place into a small and pretty house. Once you are inside, you do not feel that you are in a collective centre. That lady told us that electricity had been free of charge before, but they were about to get the first bill at the time of the interview. Nothing we saw in the room was

a donation. The lady and her husband had bought everything on their own. It seems that they were able to manage. Were they satisfied with the conditions in that centre? Another lady's answer showed that they did not have any other choice: 'We think that we have to be satisfied with the conditions here when the ones in our village are taken into consideration' K.A (Cr, F, 69, Tasovcici/C.C, housewife).

The centres visited in Mostar are regarded as alternative accommodation. The residents were again the Bosniaks. The life was no different than the ones in Ilijas: very hard. One of the female interviewees told us how hard the life was in that place:

> 'We have a public kitchen where only one meal is served per day. If we receive humanitarian assistance in terms of food, then no meal is served. The assistance is usually one kilogram rice, and one kilogram salt etc. Eight families are using one bath-room and toilet. We have to pay for the electricity so we set the fire in order to save electricity. The conditions are really very hard.' Z.K (Musl, F, 35, Mostar/CC, housewife)

In sum, it should be emphasised that the existence of collective centres with thousands of IDPs is a problem waiting to be resolved. As well as being a problem, it is an obstacle in front of the reintegration in BiH. More than ten years have passed since the end of the war, and the problem of internal displacement has not been solved yet. As mentioned in the previous chapter, the number of people living in collective centres has decreased considerably. However, it is not enough. Moreover, the IDPs are living in extremely poor conditions. Literally, they are trying to survive. Based on the visits paid to a couple of collective centres and the interviews conducted there, it may be claimed that all collective centres are in the same situation. There are slight differences. Some have relatively better conditions. Yet, it does not change the fact that hard times have not come to an end for some of the Bosnians. Actually, as examined below, hard times continue for the vast majority of the population.

VII.1.3. The Socio-Cultural Recovery in Bosnia-Hercegovina

The war in Bosnia-Hercegovina affected all of its citizens in one way or another. Some lost their homes and became displaced, be they refugees or internally displaced. Some suffered severely from physical or mental damage. Some lost relatives, friends, and members of their family . It was because they belonged to the 'wrong' ethnic community. Perpetrators were identified with one of the two other ethnic communities and committed the crime in the name of that group.

The war not only changed the multiethnic composition of the country dramatically but the relations among the three ethnic communities - Bosniaks, Serbs and Croats - as well. Social fabric was changed. In what ways did the change occur? How were the relations affected from the demographic changes that took place with the war? What do the interviewees think about the relations among the three ethnic groups? What are their attitudes towards the newcomers in their neighbourhoods? Those are some of the questions that the interviewees' narratives help us understand the current social fabric in BiH.

Socio-cultural recovery has several dimensions. Among those, three are examined here since they are considered to be prevalent. Improvement in inter-communal relations is one of them. Is there any possibility that the relations will get better? Or have they already re-built trust and friendship? Are they inclined and ready to forget the war? Or are they determined to continue their lives with the memories of the war? Secondly, the issue of education is to be examined. What is the situation of education in post-war Bosnia? Do returnee children have problems in access to education? If so, what are those problems? What is the 'two schools under one roof' phenomenon? The last one is the issue of religion and mixed marriages. Are the Bosnians faced with problems in practising their religion? Are mixed marriages still possible in a post-war Bosnia? These are some of the questions to which the present study is seeking answers.

a. Inter-communal Relations in a Changing Social Fabric

Regarding the relations among the three ethnic communities, first point to be made is that the Bosnians interviewed have differing views about this subject. Among the ones, who can be considered minority returnees, some keep their good relations with their neighbours or friends while some prefer to be somewhat distant. A lady from a Croat village in Visoko, a small town lying 25 km north-east of Sarajevo, says that she even has good relations with the displaced Bosniaks, who occupied her house. She had to share the house with them for a while when she returned, and now they have very good relations. Another lady from the same village thinks that there is no reason why different ethnic groups cannot live together peacefully:

> 'I had and still have very good relations with my neighbours. People here like to socialise a lot. Even during the war I could not complain about them. It was people coming from other places who caused problems. On the other hand, I won't be a real Catholic if I do not respect other religions. About 95 % of Visoko's population is Muslim but I do not feel unhappy about this. My daughter is in a handball team and has many Muslim friends. She has no problem – they get along well. It is normal and should be like that in fact. Different ethnic groups should be at peace because everybody has his own belief system. Nobody should feel any hatred towards each other.' V.D. (Cr, F, 38, Visoko/rural, housewife)

The Serb lady from Vogosca, one of former Sarajevo suburbs, established good relations with the newcomers. One of them is a Bosniak lady from Srebrenica. It is an example of how members of two communities can get along well despite all those that happened during the war:

> 'The relations with the neighbours are now as good as before the war. The woman living upstairs is from Srebrenica. I really have very good relations with her. When we came back, we noticed that the doors of our apartment were taken. She told us that she knew where the doors were. She lost her son during the war, but never made any provocative remark or anything at all. Moreover, we (old residents and newcomers) are all taking care of the garden in front of our apartment building – we planted flowers in the garden in front of the apartment block.' M.J. (Srb, F, 68, Vogosca/urban, retired)

In another case, a Croat male interviewee from Brcko District – the eldest of all informants – pays attention to the possibility of tension among the communities while

thinking that the relations have not changed with the war. His remark is interesting because he is referring to relations in an area like Brcko District, which is supposed to be advantageous by belonging to none of the entities:

> 'I had a mixed marriage. My wife was a Serb. For over 50 years, I lived with the Muslims. I did not have any problems with anybody. The relations between different ethnic groups are the same as before the war. On the other hand, even though I believe that Serbs will not do any harm, I do not know about how other people (Muslims) feel about Serbs.' <u>M.M (Cr, M, 85, Brcko District/rural, retired)</u>

For many Bosnians, it is difficult to understand what happened to them and why the war broke out because they did not care about nationality before the war. All three communities were mixed and lived together peacefully. A couple of male interviewees emphasised that they could not understand how this war broke out when everybody was getting along well with each other. One of them is a Croat from a village in Capljina. He said, 'I have no problems wit anybody. I have been a taxi driver for 25 years and asked none of my customers their nationality. It is very difficult to understand why this war happened' <u>M.P. (Cr, M, 55, Capljina/rural, not registered but working as a taxi driver).</u> The other is an elderly Bosniak from Bijeljina. He thinks that the war broke out not because of hatred among people but because some people (referring to war-profiteers) wanted to get rich. One of the Serb interviewees from a village in Konjic, a town in central Bosnia, told us that he never liked Bosnians who paid attention to differences because everybody was same for him. That is why he cannot understand what happened to those people who were once living together. His distant relative thinks that war was a stupidity and people acted sheepishly by taking part in this war. The last one is a Bosniak from Brcko District. He said that he never believed such a war could happen. His best friend was a Serb; he was working as a clerk in a post-office in a Serb village; and was participating in Serb religious occasions. But he cannot trust Serbs any more because:

> 'When we first returned, my daughters had problems. They started going to school and were together with the Serb students in the same class. Serbs made demonstrations against joint classes since they wanted to have ethnically clean classes. They even supported the idea of a private Serb school. For 3 days, I forbid my daughters to go to school because it was not secure at all (it was either in 2000 or 2001). The demonstrations lasted for 10 days and it was really a critical period. ... Still today I do not want to let my daughters go to town alone because I cannot

trust anybody, especially the Serbs. A couple of days ago a number of weapons and a cannon were discovered in a nearby Serb village. In these circumstances, I am sure that there would be no conflict from the Bosniak side but I am not sure about the other side.' H.U. (Musl, M, 57, Brcko District/rural, retired)

a.1. Problems in Inter-communal Relations

Some of the Bosnians might have drawn a relatively optimist picture regarding relations among the communities. Yet, in several areas, Bosnians returning to an area dominated by the 'other' community were faced with problems of different kinds such as verbal provocations, physical attacks, and problems related to ethnic origin. Moreover, lack of trust prevents the inter-communal relations from getting better or at least normalising.

Verbal provocations, which the returnees often came across with, constitute an example to fact that they were not welcomed in their neighbourhoods. Returnee children were faced with problems at school. If they belonged to the community that became a 'minority' in that area, teachers or other students from the 'majority' group might have been engaged in verbal provocations or behaved in a rather unwelcoming manner. The Croat couple in Vares told us that one of the Muslim teachers in the high school their son was going tried to provoke by asking questions like "Where have you been?" or "Did you shell Vares too?". Also he gave him the lowest grades but had to change his attitude when the boy's class-mates told him that it was unfair and that he should not have been treated like this because of his ethnic origin. In another case, the Bosniak lady from Banja Luka told us that she had to talk to the principal of the school her youngest son was attending. The reason was that Serb guys in her son's class insulted him with provocative songs.

Secondly, they were targets of *physical attacks*. A Bosniak lady from Tuzla, who is a journalist, told us that she was attacked when she went to the RS for news. She added that she had always been a target for the Serbs. Another Bosniak interviewee, who returned to Banja Luka, the capital of the RS, told us what the Hodza living in their neighbourhood experienced with the Serbs. The anecdote is an example of how the members of the other community can behave in an aggressive, offensive and provocative way in some cases:

'The majority of the people living here are Muslims so the relations are good. But about the relations with the Serbs, let me give you an example. Three months ago an incident happened in front of the recently reconstructed mosque. We [I and my son] were painting the fences around the mosque and getting paid for that. The Hodza came and we stood with him in front of the mosque. Then two young Serb guys came and said to Hodza 'Who are you looking at?'. The Hodza did not pay attention to them but they repeated the question, and Hodza said 'We were not looking at anybody'. Upon this, one of them rushed to the Hodza's direction and punched him in the face and he fell down. We called the police and the guys were arrested. All of us were called first to the police station and then they [Hodza and the guys] were taken to give testimony in front of the judge who decided to fine Hodza (200 KM) and sentence the guy to 20 days and one year conditionally. The guy told the judge that Hodza had threatened him with a gun. The court did not call me as a witness. If I was called, I would tell what had really happened.' I.M. (Musl, M, 48, Banja Luka/urban, unemployed)

Apart from an unwelcoming and unfriendly attitude of members of the 'other' community and even provocations in several cases, some of the young returnees had **problems because of their ethnic origin**. A Bosniak lady from Vares complained that the teachers at her son's school were rather inconsiderate and did not tolerate him at all. She said, 'When my son started attending school upon our return from Germany, he had problems. It was difficult for him because he had learned German. Even though he was supposed to graduate from elementary school, he failed because his teachers do not understand him. Somebody committing crime can easily be ignored, but when your child has two Fs, they fail him immediately. You expect tolerance, but they do not have any at all' Z.C (Musl, F, 50, Vares/urban, working in a fast food restaurant). In another case, the Croat young interviewee was faced with discrimination at school upon her return. She is a minority returnee since her home-town is dominated by the Bosniaks:

'When we came back, I had problems at school. I wanted to register for one department but the principal of the school (Muslim) changed my department without even asking me. It was just because of my Croat nationality. In the initial phases of the return process, it was a regulation that the principals would determine the departments in which returnees would be enrolled, but it was very much criticised so the authorities had to change this regulation. Returnee youngsters were at last free to choose what to study.' A.O. (Cr, F, 23, Zenica/urban, unemployed)

In certain places such as Foca, Srebrenica and Zvornik, which were cleansed of

Bosniaks during the war, one can observe strong ***distrust*** towards the Serbs. Accordingly, the chances of reconciliation decrease. A Bosniak lady from Srebrenica thinks that a certain number of Serbs is not good at all and that they might cause trouble at any time. According to one of the Bosniaks interviewed in Zvornik, the trust between the Bosniaks and Serbs can never be regained because it is gone forever. But she adds that she has no choice other than to keep relations with her Serb neighbours at a certain level because there has to be somebody whom she can ask in case she needs device etc. Another Bosniak lady from Foca accuses Serbs for an attack to her house in winter 2004:

> 'We were not in our house in 2004 winter, and somebody gave damage to the house by firing at it and making holes in the windows. We do not know who did it, but he was most probably a Serb. Also somebody broke into the basement and took the tools. I do not trust Serbs.' S.C (Musl, F, 70, Sarajevo/urban [home – Foca/rural], housewife)

A mid-aged Bosniak lady from Sarajevo is very angry with the Serbs returning to her city. She does not understand how come they do not feel any kind of shame or anything after all the evil things they had done during the war:

> '…I am frustrated about the return of the Serbs to Sarajevo. In particular, I am very angry at the Serb guy who returned to my mother's apartment block. He had been working in the post office. Right after Sarajevo was seized, he cut all telephone lines as an act of sabotage, and then escaped to Serbia. After that, the police searched his house and found many guns and warfare stuff. How come this guy has the right to return to his house? … How can we tolerate their behaviour when everything they did during the war is obvious?' A.P. (Musl, F, 35, Sarajevo/urban, accountant in a firm)

In another case, the Croat lady prefers to stay in a collective centre rather than returning to her village because she witnessed atrocities committed by the Bosniak forces and does not trust her Muslim neighbours any more:

> 'I do not want to go back to my village because none of the inhabitants have returned to the village. We will be alone and I do not want to live like that. Furthermore, we do not trust our Muslim neighbours any more because they attacked us during the war. Anything can happen. I will not feel secure if I live with them again. I prefer to be in that centre rather than living alone in our village. My children do not want to return to our village as well.' J.G (Cr, F, 58, Tasovcici/CC, housewife)

a.2. Inter-Communal Relations: Any Chance of Getting Better?

Under those circumstances, it is not easy to expect three communities to reconcile in today's Bosnia. It might take a very long time or it might not be achieved at all. The Croat official working in the Neretva-Hercegovina Cantonal government and two Bosniak ladies from Capljina[18] point to this reality. The Croat official says, 'We, as different groups (Croats and Muslims), are working together and getting along well at cantonal level. There is no problem among us. But if you are talking about reconciliation among ethnic communities, it is a different story. Do not even mention reconciliation with the people who expelled me from my home. I know them very well. It is not possible for me to reconcile with those people'[19]. The mid-aged one thinks that let alone relations with another community, even the ones among Bosniaks are not good any longer. She says 'Those good relations were in the past, you do not have them any more' S.D (Musl, F, 35, Capljina/rural, selling a producer's fruit and vegetables on the main road). An anecdote that supports the idea that reconciliation is difficult to achieve in Bosnia is from another Bosniak living in Capljina as well:

> 'How are the relations with the Croats? Let me tell you what happened yesterday [26 July 2005]. A Croat guy came to buy water-melon from us. I knew that guy very well from the war. He used to come to our house everyday to tell me that he would kill my son (at that time my son was hiding in the forest or trying to go to Mostar). When I saw him again yesterday, I was so upset that I could not even speak. … I immediately remembered those days. Actually, he has been to our counter 3-4 times, and every time he comes I feel very restless and upset because it is difficult to behave as if nothing had happened. However, **the Croats are trying to reconcile with the Muslims as if nothing had happened, and this makes me more upset**. **We can forgive but we will never forget what they did to us**.' H.D (Musl, F, 56, Capljina/rural, selling her fruit and vegetables on the main road)

Chances for reconciliation decrease even more as three communities rewrite history according to their own understanding. One of the Serb interviewees from Ilijas is critical of

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[18] Capljina is an important town in the Hercegovina region, the so-called 'promised land' for the Bosnian Croats. One of the war's bitterest fighting took place between the Croats and Bosniaks in the Hercegovina region.

[19] (*Interview with Deputy Director of Administration for Refugees and Displaced Persons, Neretva-Hercegovina Cantonal Government, 29 July 2005*).

those who try to impose the history they have rewritten on other communities:

> 'Everybody is trying to rewrite the history according to his own understanding (without knowing the facts). Let me give you an example. A monument was built for the people killed by aggressors from Serbia and Montenegro. Yet, there was no such thing because the people responsible for the atrocities were local Serbs, they were not from Serbia or Montenegro. I was in Ilijas during the war and I know what really happened. Also I believe that the media is poisoning the relations between the people.' <u>B.S (Srb, M, 55, Ilijas/urban, unemployed)</u>

Some of the Bosnians believe that what really happened must be accepted in order to reconcile. In the case of Srebrenica, for instance, the founder of Bosfam thinks that the truth has to be put on the table and understood. She says, 'The problem about Srebrenica is that there are still people who deny what happened here on July 11, 1995. They believe that the town was liberated that day. For them, no such thing as the mass exodus of Muslims and massacre of 7,000 – 8,000 Muslim males took place. That is the truth but they deny it. First they have to change their mind and reconcile with themselves. Otherwise how can we talk about reconciliation between people? It is not possible at all. Second thing is to catch the perpetrators and take them to court. You cannot continue your life and achieve progress unless the people responsible for what happened in Srebrenica are arrested, tried, and imprisoned'[20].

Even though many interviewees think that the trust among the communities is gone and that relations will never be the same again, some of them – interestingly all of them Bosnian Croats and three from the same village in Vares – emphasise that they do not feel any kind of hatred towards other ethnic groups because they are aware of the fact that the people involved in the killings and other atrocities, were only doing what they were ordered to do. They think that one can always come across with 'a rotten apple in every basket' because 'nobody is clean'. For another interviewee, on the other hand, reconciliation is not difficult as it seems. The elderly Croat lady from Banja Luka says, 'There was a war in Germany, too, and the Nazis committed lots of atrocities and war crimes against humanity. Yet, reconciliation was achieved. I think that the same could be done here, too. People should and in fact could put everything behind and look forward'

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[20] (*Interview with the Executive Director, Bosfam, 25 August 2005*).

<u>A.M (Cr, F, 75, Banja Luka/urban, housewife).</u>

There are efforts to make ground ready for reconciliation. In the Brcko District, the governmental authorities changed the street names. It might be considered an important step towards reconciliation:

> 'After the establishment of Brcko District, the government authorities started changing the street names. Before the change, the streets had names of persons important in Serb history. Now the names have equal representation of all three nations, and none of them insult the other community. They are the names of Bosniak, Croat and Serb authors, lawyers and teachers like the famous Bosniak author Mesa Selimovic. These are people who never insulted anybody in their works. Moreover, the statute of Draza Mihailovic[21] in the town centre was removed and the main street named of him was changed, too. This step was important for the process of return.' (*Interview with the Mayor's Advisor, Government of Brcko District, 25 August 2005*)

Such efforts are not widespread though, and in places like Srebrenica, Prijedor and Hercegovina even efforts are not enough. However, in some places there seems to be no need for reconciliation because old neighbours and friends are still the same. The war did not change them at all. A couple of informants put forth this fact. They emphasised that their old friends – be they from the 'other' community or from informants' community – did not change at all. They were as good as before the war and welcomed the interviewees rather warmly. That is why they preferred to continue with their old neighbours instead of socialising with the newcomers. They were selective in that sense. One of the Serb interviewees from Sarajevo told us that he did not know even one person living in the same apartment building with him. What he knew was that he was the only resident who was not Bosniak. He did not care about anybody other than a couple of old friends he had. On the other hand, adaptation was easier with the help of old friends and neighbours. For one of

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[21] 'Draza Mihailovic is a Serbian general. After Yugoslavia was invaded by the German army, Mihailovic '… became head of the Chetniks, a mountain guerrilla movement. The Allies provided military aid to Mihailovic and for a while was willing to work with Josip Tito and his partisans. However, Mihailovic was a traditional monarchist whereas Tito was a communist and it was not long before the two armies were fighting each other… Mihailovic was captured by partisans on 13th March 1946. Convicted of collaborating with the enemy, Mihailovic was executed on 17th July 1946' (Draza Mihailovic. Retrieved: January 21, 2007. [WWW Document]. URL. http://www.spartacus.schoolnet.co.uk/2WWmihailovic.htm).

the informants, a young guy from Zenica, it was not difficult to readapt to his home-town because he still had his old friends. He was happy to be back among them and did not care much about the newcomers. He says '… nobody can separate me from my old friends – be they Serb or Muslim or Croat' <u>D.M. (M, 22, Zenica/urban, unemployed) // mixed marriage</u>. In another case, the Bosniak interviewee was brave enough to return to Srebrenica. He was prepared for everything but was lucky to have Serb friends with whom he continued to get along well:

> 'When I first came back here [Srebrenica], it was not secure enough to live, and I did not know what was waiting for me. I was the only Muslim here. There were only Serbs, nobody else. … I was prepared for everything and did not expect anything from anybody. However, I have some good friends from the pre-war period, who did not change after the war. They remained good friends. I have no problems with my old neighbours.' <u>A.P. (Musl, M, 57, Srebrenica/urban, owner of a restaurant)</u>

Last thing to point out about relations among communities is that unlike a couple of interviewees lucky in not having an adaptation problem with the help of old neighbours and friends, some had hard times because adaptation was not easy for them. They had got accustomed to the life in host country. One Bosniak youngster from Konjic was faced with such a problem upon his return from Germany. It was not easy for him to adapt to living in Bosnia since he had become accustomed to Germany. He was very disappointed in many respects. On the other hand, it was not difficult and even better to establish new friendships in a place where you do not know anybody:

> 'The relations with our neighbours are good since we did not live in Konjic before. 90 % of the stories of the war are almost forgotten. My first friend in the neighbourhood is a Serb. It is easier to adapt here because you do not have a past.' <u>D.K (Musl, M, 22, Konjic/urban, waiter in a coffee-shop)</u>

b. Educational Reconstruction: A Mechanism to Reverse Ethnic Segregation?

Educational reconstruction is crucial for conflict-torn societies since education has 'a critical role to play in the wider reconstruction of the society, from building peace and social cohesion to facilitating economic recovery and getting the country onto an accelerated development path' (World Bank, 2005). There are several principles that need

to be taken into consideration while developing a model for education in post-conflict societies. The World Bank addresses these principles in its report *'Reshaping the Future – Education and Post-conflict Reconstruction'*. First, education must be oriented toward social, economic and political development of the society because it is a development activity. Second, reconstruction in education area should begin at the earliest stages of a crisis. Third, primary concern of post-conflict education is to make sure that education does not contribute to the likelihood of relapse into violence while building social cohesion so that conflict will be prevented. The last principle is that prioritised approach is necessary within a broad sector-wide framework and post-conflict education calls for this approach (World Bank, 2005). The final point to note is that teachers and curriculum are crucial for post-conflict education. One of the issues mostly neglected during conflict is teacher development and training. It creates certain challenges for reconstruction after conflict because there is training backlog and an influx of untrained teachers. The system has to respond to these challenges and since the authorities have limited capacity it becomes a difficult task to respond to challenges as well as to coordinate teacher training initiatives. Curriculum reform is, on the other hand, very important for post-conflict education because curriculum itself is an issue which is open to manipulation. It might be designed in such a way that it includes an assimilationist or separatist approach to dealing with identity thus contributes to conflict by becoming the focus of identity struggles (World Bank, 2005). Thus curriculum reform is even more crucial in states such as BiH which are recovering from a war fought in the names of ethnic identities.

What kind of an education system does post-war BiH have? After the war came to an end, one of the objectives of the political elites was to transform education. Currently, there are three parallel education systems 'each with its own curriculum and textbooks, promoting its own language and version of history, including that of the recent war' (Eastmond and Cukur, 2004). Efforts to create a common curriculum and text books have unfortunately been futile. Moreover, education sector is regulated in an asymmetrical way in accordance with the constitutional arrangement designed in the DPA. The RS is applying the Entity Law while the cantons are responsible for education in the Federation.

Since the Brcko District is a self-governing unit it has its own laws. In short, there are over 40 laws regulating the education in BiH.

The Cantons in the Federation reflect the demography that has been restructured in ethnic terms. Accordingly, five are Bosniak and three are Croat-dominated. The remaining two are the ones in which tension between the ethnically segregated practice at the cantonal level and a federal multi-ethnic policy becomes most apparent. Curricula adopted in the cantons are as follows: three Croat-dominated cantons are using the Croat curriculum while five Bosniac-dominated cantons use the Federal programme. As Eastmond and Cukur (2004) emphasise, minorities, who do not want their children to be taught according to the majority programme in their area, send them to a canton where they constitute the majority. At the beginning, bussing children to mono-ethnic schools was supported by the municipalities as well. But, with the international community's pressure, they had to stop giving support. Now parents, who want to send their children to mono-ethnic schools, do this by their own means[22].

What kind of a policy do the mixed cantons follow? They use both programmes but in a rather different way. What we come across in these cantons is the phenomenon of *'two-schools-under-one-roof'*[23], which may be considered as the clearest example of segregation. In most of these schools, neither the students nor teachers have mutual contact. There are separate entrances for the students and they have separate breaks. Even the teachers do not use the same teachers' room. Zepce is one such town where Muslim and Croat students attend 'two-schools-under-one-roof'. The news that appeared in *The Guardian* shows how deep ethnic division is in Zepce, a small town of 10,000 in Zenica-Doboj Canton. One of the Croat students is in favour of being taught separately and looks stunned when asked whether she had any Muslim friends or not. She says, 'The Bosnians (referring to Bosniacs) want to have the same schools and the same curriculums, so that

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[22] (*Interview with Education Officer, Policy and Coordination Unit, OSCE Mission to BiH, 8 September 2005).*

[23] By March 2005, one could come across with 'two-schools-under-one-roof' in Zenica-Doboj Canton (Canton 4) as well as in the mixed cantons, namely Central Bosnia Canton (Canton 6) and Hercegovina-Neretva Canton (Canton 7). Fifty-four schools located in twenty-six school buildings are considered to fall under that category (*Interview with Education Officer, Policy and Coordination Unit, OSCE Mission to BiH, 8 September 2005*).

they can impose their culture, language and programmes on us. We don't want that. We don't want the same schools and we don't mix outside school either. That's very rare.' (*The Guardian*, November 18, 2005)[24].

While the authorities continue applying three education systems, the international community has been exerting pressure for educational reform with the understanding that reconciliation should start at school. Initially, the OHR called for reform to 'get politics out of the classroom' (Eastmond and Cukur, 2004), but it was soon realised that the authorities were rather hesitant about reform. Therefore, the OSCE took over responsibility in 1999[25]. Moreover, returnee children had been facing various problems at school. The year 2002 was important for the education sector because of two developments. First, the entity ministers of education signed an Interim Agreement on the accommodation of specific needs and rights of returnee children in March. Secondly, in November, Education Reform Agenda entitled 'Reforming Education to Give BiH a Better Future' was presented to the Peace Implementation Council with the aim of depoliticising education and creating the conditions so that all children can have equal access to a high-quality and modern education in integrated multi-cultural schools.

Two points are noteworthy regarding the Interim Agreement. First, it 'calls upon local authorities to hire returnee teachers and to ensure that the national composition of school boards reflects that of the population' (ICG, 2002)[26]. Secondly, according to the Interim Agreement, returnee children are supposed to take all general subjects under the curriculum in force in the area of return, but returnee parents may require their children to be taught the 'national group' of subjects, namely language and literature, history,

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[24] Moreover, the regional education authority in Zenica met with furious reactions of the Croatian parents, students and teachers of Zepce when it tried to introduce a common curriculum (*The Guardian*, November 18, 2005).

[25] Since July 2002, the OSCE Mission to BiH has been responsible for coordinating and facilitating the work in education sector in the name of the international community (*Interview with Education Officer, Policy and Coordination Unit, OSCE Mission to BiH, 8 September 2005*).

[26] For the statistical data on the Implementation of the Interim Agreement see (*Report on the Implementation of the Interim Agreement on the accommodation of specific needs and rights of returnee children.* Retrieved: November 27, 2007, from OSCE Mission to BiH. [WWW Document]. URL. http://www.oscebih.org/documents/2426-eng.pdf)

geography, nature and society and religious instruction[27]. One of the Bosniak interviewees from Janja, a Muslim-dominated village in Bijeljina, told us that the Bosniak and Serb children are separated while they are taught the 'national group' of subjects:

> 'My son was not faced with any problems at school. The curriculum taught is a Serb one, yet the Bosniak curriculum has been adopted regarding the history, religion and language courses because they are called 'national group of subjects'. The Muslim and Serb children are in the same classroom but in these courses they are separated. Let me say a few words on the 'national group' of subjects – if there is a certain number of students belonging to a minority in the class, they are taught in their own curriculum upon the parents' demand.' V.A (Musl, M, 41, Bijeljina/rural, unemployed)

c. Religion and Inter-Ethnic Marriages

The last dimension of the socio-cultural recovery which is worth examining is the issue of religion and inter-ethnic (mixed) marriage. As known, Bosnia is a country where national and ethnic divisions are closely linked with differences in religious identity. In other words, religion is an important element of ethnic or national identity. In general, Bosnian Serbs are regarded as Orthodox, Bosnian Croats as Catholic, and Bosniacs as Muslim. Yet, it is to be reiterated that Muslim is a religious as well as a national identity. Actually, the national and ethnic divisions corresponded to religious differences not only in BiH but in the whole former Yugoslavia. In that sense, the Yugoslav conflict had a religious dimension. If there was no such dimension, then none of the churches or mosques would have been intentionally destroyed or the nationalist leaders would not have appealed to religion in official propaganda. But still it would not be correct to degrade the Yugoslav conflict to a religious one.

Inter-ethnic marriages were, on the other hand, an important element of Bosnian culture. 'From the late 1960s on …social and ethnic barriers began to break down in the urban areas as the number of mixed marriages and the number of those who chose to identify as Yugoslavs increased. … Mixed marriages accounted for 15.3 percent of the total number of marriages in the republic in 1981' (Burg and Shoup, 2000: 42). This rate

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[27] It was reported that teaching was organised for 'national group' of subjects in more than 25 schools throughout the country (ibid.).

increased especially in Sarajevo during the 1980s. However, inter-ethnic marriage was not common among Muslims, particularly among the ones living in rural areas. Thus, most of the mixed marriages were taking place among non-Muslims.

What happened to religion and mixed marriages after the war? Can the Bosnians freely practice their religion? Have the religious buildings been reconstructed? Do the religious leaders encourage or discourage reconciliation? How about inter-ethnic marriages? Do we still come across with them or have they disappeared with the war? The interviewees answer those questions.

Two Bosniak interviewees living in a Muslim village in the Brcko District emphasised that they could freely practise their *religion* in the mosque which was reconstructed by a Saudi Arabia Committee, while another Bosniak living in a suburb of Banja Luka told us that the Hodza had been physically attacked by Serb youngsters and fined at the end because the Serbs had not told the truth in court. Moreover, exercising religious traditions might be problematic in Banja Luka. The Bosniak lady from the Brcko District told us that they could go to a wedding waving the green Islamic flag without any problem, and added that they were not faced with any problems due to the special status of Brcko. However, the male interviewee in Banja Luka says, 'Recently my friend's daughter got married and some members of her family were waving the Bosnian flag (the one with golden lily). The response of the Serbs to that was they pointed 3 fingers under the neck meaning that they have not finished the killings yet' I.M. (Musl, M, 48, Banja Luka/urban, unemployed). Showing three fingers is a Serbian symbol but it might be provocative like in this case. One can wave neither the Islamic flag nor the traditional Bosnian one because the Serbs' response is ready. They react in an offensive and aggressive way, as seen in the example above.

Ethnic divisions in the Bosnian society have deepened after the war. But, it does not mean that everybody attaches importance to religious and/or ethnic issues. Some do not care about different religions because they think that there is only one God at the end; and some have a liberal understanding of religion:

'I think that it does not matter whether you are a Serb, a Croat or a Muslim because there is one God. But religious leaders are trying to separate people.' <u>I.I (Cr, F, 65, Vares/rural, housewife)</u>

'I am very liberal when religion is in question. My son studied both Christianity and Islam at school. I said to my son "You are free to choose any religion you like". He is not circumcised for example. ...' <u>V.B. (Srb, M, 60, Ilidza/urban, manager in a tourism agency) // married to a Muslim – mixed marriage</u>

After the war, religion, particularly Islam, started to be questioned. In a couple of interviews, one of which was informal, there was an emphasis on the distinction between Muslims before the war and Muslims after the war[28]. Muslims before the war are called M-92 and considered 'real' Muslims. These Bosniacs have not changed in terms of religiosity. Some Bosniacs, who had nothing to do with religion before the war, are now trying to show that they are good believers. According to some circles, these Muslims are called M-96. One of the Serb interviewees criticises these 'new' Muslims, who are trying to impose their beliefs on other people:

'The Muslim religious community has a big influence on the people. A new mosque is being built in Ilijas. They are building it despite the fact that Ilijas was dominated by the Serb population before the war (according to 1991 census). There are people who have never gone either to church or mosque before. Now they are trying to show that they are good believers and want to impose on other people.' <u>B.S (Srb, M, 55, Ilijas/urban, unemployed)</u>

One of the Bosniac male interviewees criticises some of his friends for not being sincere when being a Muslim is in question. He thinks that they are behaving in a hypocritical way:

'I have friends who are Muslims 'on batteries'. What does that mean? When they are in public they behave as Muslims but behind closed doors they swear, drink alcohol, and do all kinds of things they are not supposed to do. So they cannot be considered as real Muslims. Because of all these I do not want to get involved in religious affairs.' <u>A.P (Musl, M, 23, Sarajevo/urban, working temporarily in a bar)</u>

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[28] The informal interview was conducted with a Bosniac reporter working in one of the private TV channels.

Another Bosniac is angry with the religious leaders, who use their positions to influence people, because then it becomes rather difficult to achieve reconciliation. He thinks that what they are doing is not correct:

> 'In this country, nothing is in its right place. Both priests and Muslim religious leaders (*hodzas*) are involved in politics instead of religion. I do not approve this behaviour and want to keep my distance. Religion should stay in religious institutions, politicians in their own institutions. Army should deal only with security. Everything should be in its own place.' <u>A.P. (Musl, M, 57, Srebrenica/urban, owner of a restaurant)</u>

About ***mixed marriages***, the Bosnians interviewed have differing views. Some emphasise that there were many mixed marriages because ethnic identity (nationality in the Bosnian case) was not important before the war. The elderly Croat guy interviewed in the Brcko District told us that he was married to a Serb and one of his sons to a Muslim. It is a fact that many mixed marriages broke up after the war, and even if they continue, it is difficult for the couples. One of the Bosniac interviewees says, 'My brother has a mixed marriage. He was in Germany, and in order to preserve his marriage he decided to go to the USA but is planning to return,' <u>F.H (Musl, F, 61, Sarajevo/urban, housewife)</u>. Some think that coming from a mixed marriage is also difficult in today's Bosnia. The lady from Vares complains about coming from a mixed marriage because:

> 'Life is more difficult for me because I am from a mixed marriage. I did not decide on which side I was [Muslim or Croat] at the beginning of the war, so I did not get any help from either *Merhamet* or *Caritas* (both during the war and afterwards). Moreover, when my sons ask "Where should we go for prayer?" I cannot answer. They do not know their nationality but have to decide sooner or later.' <u>J.P. (F, 45, Vares/urban, working as an administrative technician in a car insurance company) // mixed marriage (M-C)</u>

In some cases, inter-ethnic marriage is strongly opposed. The Bosniak male interviewee from Sarajevo told us that one of the brides in his wife's family was a Serb and his mother-in-law did not want to see this bride. She was opposed to mixed marriage. He added that he did not want his son to be married to a Serb, either.

In sum, on the basis of the views and feelings of the interviewees as well as the developments in the socio-cultural field, it may be argued that Bosnians have not still recovered in socio-cultural terms and it seems that it will take longer to do so. Three issues

come to fore regarding socio-cultural recovery. The first one is relations among three communities. The war dramatically changed the social fabric in Bosnia. Will relations be better? In some areas like the Hercegovina region, one gets the impression that it will take long to restore the communal trust, and in some places, it seems that relations have already normalised or nothing has changed. As regards education, we cannot talk about a single, unified system. Each community has its own education system. The entities and the Brcko District have their own laws and regulations. Despite the international community's pressure to achieve progress in the development of education sector, many challenges remain to be addressed. Ethnically divided schools operating on the basis of 'two-schools-under-one-roof' continue to exist. It is still difficult and even impossible to produce a single curriculum that would be taught throughout the country. The problems generate concerns among the returned parents about their children's future. Last issue is the religious affairs and the mixed marriage phenomenon. Concerning religion, the Bosnians have generally no problems in practising their religion, but in some places the religious leaders, i.e. hodzas, are targets of physical attacks or provocations. About the mixed marriage issue, elderly, who have mixed marriages, do not seem to care about anything whereas it is not easy for the young couples. Some prefer and try to go abroad in order not to be faced with criticisms and problems.

VII.1.4. The Psychological Recovery in Bosnia-Hercegovina

The war in Bosnia-Hercegovina not only devastated houses, infrastructure and economy but shattered people's lives into pieces. The life they had before the war was gone forever. Relations among the communities deteriorated. About 100,000 people were killed, 111,000 were estimated to be missing[29], and half of the population became displaced. As mentioned in the previous chapter, big majority of displaced Bosnians were still away from their pre-war homes seven years after the war came to an end. Loss of

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[29] The estimation belongs to the Bosnian Institute of Public Health (Kenney, 2005).

property, difficulty in repossessing property, unemployment, discrimination in employment and insufficient social services are some of the problems Bosnians have been facing since the end of the war. In addition to these problems, 'a large proportion of the population endured extreme hardship during the war and were exposed to, or witnessed others being exposed to, very traumatic events, such as torture or wounding' (Powell, 2004: 18). They lost their relatives, close friends, and neighbours. As expressed in one of the informal conversations, a young Bosniac lady from Sarajevo witnessed one of her closest friends being killed by a Serb sniper. In some cases, entire extended families were wiped out. Tens of thousands were reported missing. A big majority of Bosnians still do not know the exact fate of their loved ones. Among the interviewees, nine were survivors of concentration camps and prisons. In four cases, the survivors were the informants' husbands and children. Some were faced with serious mental problems following the war. All of these traumas have been severely challenging the Bosnians' mental health and psychosocial functioning. One of the male interviewees expresses his worries about the current psychological situation in BiH by referring to the unemployment problem: 'There are too many unemployed. The post-war syndrome is still going on. There are a lot of murders and suicides as a result' H.G (Musl, M, 54, Zvornik/urban [living in rural area], working as a volunteer in the Association of Citizen Returnees). As Bell *et al*. (2004) note, the Bosnians' past traumas are compounded by several stressors that continue in their present lives and which will continue into their future, as well.

a. Factors Impeding Psychological Recovery

During the interviews, it was realised that psychological recovery is impeded by certain factors. Bosnians are ***helpless*** and ***hopeless*** in many cases; they are fed up with uncertainties; they are unable to cope with the problems; and they are indifferent to many issues because they think that they will not succeed in changing things that are going wrong. Typical reaction they give is to shrug. Its meaning is simple: since they cannot do anything to change the system they have no choice other than to endure. What we came across among interviewees quite often was ***poor self-esteem***. In many cases, the informants

feel angry, unhappy, disappointed, and even humiliated, and they are full of reproach. There are various reasons for feeling like that and they tell us about those reasons.

In three cases, *disappointment*, *frustration* and *reproach* are apparent. Two of the interviewees – a Croat lady from a village in Visoko and a Serb male from a village in Ilidza – are very angry about the situation they have been in since the end of the war. The Croat lady feels desperate and ashamed of not being able to provide anything to her children: 'Even if we [my husband and I] are in our best ages to do something for our children, we are not in a position to provide opportunities for them' <u>V.D. (Cr, F, 38, Visoko/rural, housewife).</u> The Serb informant believes that he has been suffering because of his ethnic identity and is fed up with everything that has been happening since the war came to an end: 'I feel cheated because I had security and job before the war, but now I do not have anything. I am rather disappointed because it is 10 years after the end of the war and there is no progress at all. … I am bitter with everything that has happened and it is really enough! I do not want to talk any more' <u>B.K. (Srb, M, 50, Ilidza/rural, unemployed)</u>. In the last case, the Croat lady from Zenica is very disappointed and angry because she has not been able to have a 'normal life'. That is why she thinks that everything is an 'illusion' in today's Bosnia: 'When we came back here, I applied for job and an apartment to have a "normal life" but it was nothing more than illusion. We regained our flat but I could not get my job back' <u>M.V. (Cr, F, 53, Zenica/urban, unemployed) // married to a Serb – mixed marriage</u>.

Unhappiness and disappointment with present life generate from the unpromising situation dominant in today's Bosnia. At the same time, it is difficult and even impossible to return to pre-war times in many respects. The young Croat lady from Zenica expresses her unhappiness as follows: 'I am not happy with my current life because it will take too much time to bring back everything as it was before the war' <u>A.O. (Cr, F, 23, Zenica/urban, unemployed)</u>. In another case, the mid-aged lady from Vares is disappointed with many things. But, deep down, she is angry with the Dutch authorities who did not grant her refugee status. She says, 'I am very disappointed with my present life. It is very difficult to live here. Life in Holland was difficult for us as well because we could not get refugee status**.** The Dutch government did many things especially to refugees. When you

find job, you are independent. But the Dutch authorities did not understand me, and that is why my application was rejected continuously. Even though I had a Croatian passport, it did not mean anything because I did not have any relatives there. If we went to Croatia we would be on the street' J.P. (F, 45, Vares/urban, working as an administrative technician in a car insurance company) // mixed marriage (M-C).

Feeling of humiliation came up during the interviews in the collective centres. Living in conditions of poverty in a collective centre where you do not own a single thing has deep impact on people's nerves, of course negatively. They feel humiliated. An elderly Bosniac lady from the centre in Ilijas expresses this feeling as follows: 'It is very difficult to live here because before the war I had everything, but now when I wake up, I am not in my house – nothing here [collective centre] belongs to me. And I do not know how long it will last like that (*A.C was crying when she was telling us the conditions*)' A.C (Musl, F, 70, Ilijas/CC, housewife). The other example is from the collective centre in Tasovcici. The Croat lady feels ashamed and is very angry at her own community because she is receiving sort of an allowance in the name of her deceased son:

> '[W]e lost the chance to go abroad because my son's corpse was not found until 1998. I could not leave before he was buried. When we found the corpse and buried him, it was too late to go anywhere. ... For me, the most difficult time was when I was told that we would receive pension from our dead son. It is very difficult to accept this – I feel humiliated. It is a heavy burden to carry. I am very frustrated at my own people because I think that we have been betrayed – it is really very sad to be treated like that by the Croats. I wish that my son was alive and working. It does not matter whether I have money or not. It would be enough for me if my son was alive' J.G (Cr, F, 58, Tasovcici/CC, housewife).

In a couple of cases, *health problems* have negative affect on the interviewees' moods. The Bosniac lady from Pocitelj complains that she has health problems as well as her husband, who is a concentration camp survivor. He had a surgery later on, but still suffering from the after-effects of being in a concentration camp. The second example is from a small village in Milici in eastern Bosnia. The Bosniac male informant has problems with his heart and kidneys despite his young age. He was only 27 years old at the time of the interview. He does not feel fit for work but has to earn money to look after his family.

In another case, the Bosniac male interviewee was injured during the war and now he has to wear a hearing device.

Feeling restless is another factor. Three Bosniac interviewees have this feeling. The male one is from a suburb of Banja Luka. He is restless all the time because of his ethnic identity: 'Here in Banja Luka I am even afraid of telling my name. I feel like I am in prison. I feel better when I am sleeping because I sleep in my own house, but my soul is restless all the time' I.M. (Musl, M, 48, Banja Luka/urban, unemployed). The female interviewees are from Sarajevo and Ilijas. The one from Sarajevo is uncomfortable in emotional terms because she has not been able to return to her home-town, Jajce: 'It is good to be here in Sarajevo but my soul is not satisfied because I could not return to my home-town' S.R (Musl, F, 50, Sarajevo/urban, owner of a boutique). The other is from a remote village in Srebrenica. She is in a dilemma in the sense that she is happy and at the same time afraid to be in her village. It may be the case because her husband is one of the Bosniac males who disappeared in Srebrenica, and she does not wish to live there without her husband: 'Whenever I come here, I feel that my soul is at its right place but I still feel afraid for some reason' H.S (Musl, F, 44, Srebrenica/rural [living in Ilijas], unemployed).

The *trauma of losing family members* is perhaps one that can never be healed. Out of ninety-one interviewees, twenty-two lost members of their families[30]. Some were killed and some disappeared during the war, while some died and some committed suicide after the war. One of the Bosniac male informants says, 'I lost my brother and nephew. They were killed in Srebrenica. Their bones were found recently and buried this year' S.B (Musl, M, 54, Milici/rural, unemployed but receiving welfare in the Netherlands). Another Bosniac - lady from a remote village from Srebrenica - lost four members of her family. When the town was about to fall in July 1995, they went to the town centre to wait for the UNPROFOR convoy. The interviewee was separated from her husband, oldest and middle

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[30] Three informants lost relatives and close neighbours while in one of the cases it is estimated from the the couple's narrative that they lost their daughter-in-law. The elderly Bosniac male interviewee spoke in the name of his wife as well: 'Our son is living in the USA. ... By the time we were expelled and taken to concentration camp our son had already gone to Slovenia. ... We were released from the camp in Trnopolje because it was overcrowded. Our grandson was with us. First we stayed near a distinguished Serb and then went to Zenica. ... The houses here have all been reconstructed. But what it is worst is that there has been a casualty from every single house in this village' H.G (Musl, M, 74, Prijedor-Kozarac/rural, retired).

sons and daughter-in-law, and she left with her two daughters and youngest son. Except her middle son, it was the last time she saw them: 'My husband, oldest son with his wife, who was pregnant then, disappeared during the war. We have not heard from them since then' H.D (Musl, F, 53, Srebrenica/rural, housewife). In another case, the informant lost one of her sons during the war and she misses the other so much that it is hard to bear:

> 'I lost one of my sons during the war. The other is alive but living in Germany at the moment. While we were staying in Vogosca, he found out that youngsters were leaving for abroad and decided to go to Hamburg. Now he is in Hamburg trying to get work permit. He got married to a Bosnian girl from Srebrenica. Unfortunately he is still unemployed. What is more, I have not seen him for almost 4 years.' S.D. (Musl, F, 58, Srebrenica/urban, housewife)

The last noteworthy issue regarding the impediments to psychological recovery is the **desire to take revenge**. In some cases, psychological problems are sensed indirectly, and the desire to take revenge indicates that some are still suffering from past traumas. One of the Bosniac male informants wants to take revenge because he was imprisoned and mistreated when he was a young boy. In addition to imprisonment and mistreatment, he lost his father and his brother disappeared during the war: 'In the first year of the war, my father died from cancer. I was imprisoned and mistreated at the age of 15-16. Now I want to take revenge from the general, who mistreated me when I was imprisoned. I know where that guy lives. If I have a lot of money, I will hire a man to kill that guy. … My brother, on the other hand, disappeared as we [my mother and I] were about to escape to Niksic. Just before we got on the bus, he went to buy bread but never came back. I have not heard anything about him since then. It is assumed that he might be in Visegrad but I do not believe this' N.A (Musl, M, 29, Sarajevo/urban, waiter in a restaurant). In the second case, the Bosniac interviewee and his father have different views regarding revenge. Both of them are survivors of concentration camps. Unlike his father, the informant does not think of taking revenge. But he emphasises that they can neither forget nor forgive what has been done to them.

> 'We can neither forget nor forgive one thing: we did not fight on the front. We were collected and taken to concentration camps. 4000 people (90 % of civilians) were killed. Despite all I have experienced, I do not think of taking revenge. However, my father wants to take revenge from the Serbs. The trials of some of the

war criminals are going on in the ICTY (the Hague). One of them was my father's neighbour. This guy saw my father after he was beaten up. My father had a very bad stroke on his head and was in a very bad situation – his head was bleeding terribly. This guy told him to go and wash his face.' <u>M.J (Musl, M, 42, Prijedor/rural, private entrepreneur)</u>

b. Post-Traumatic Stress Disorder and Mental Problems

There are many Bosnians who are still suffering from post-traumatic stress disorder (PTSD). The Croat male informant's young son is one of those persons. He says, 'My children suffered from the consequences of war. For example, my son still has psychological problems because of the Serb shelling and the fear we had during that period. ...' <u>M.P. (Cr, M, 55, Capljina/rural, not registered but working as a taxi driver)</u>. In another case, the elderly Croat lady from Banja Luka cannot recover from depression. Her husband committed suicide a couple of months after they returned to their home. It is another trauma for her and she feels so lonely and depressed that sometimes she thinks of suicide: 'My husband's mental health was not stable after what he had been subject to during the war, and he took a number of tablets and committed suicide after a couple of months we returned to our house. I was so much affected by his death that I did not even think of dealing with the pension issue at that time. … Currently life in Banja Luka is so difficult and unbearable to live because it is totally different. I feel lonely here because there is nobody left either from my family or my husband's family. Everybody was expelled. Sometimes, especially when I am alone, I feel so depressed that I think of committing suicide like my husband' <u>A.M (Cr, F, 75, Banja Luka/urban, housewife)</u>. In another case, the informant from a Serb village in Konjic was taken to a concentration camp during the war, and now he is suffering from mental problems: 'I was injured 5 times in the concentration camp (*logor*). My relatives were killed there. Moreover, I have a piece of grenade in my kidney. After the war, I had mental problems and had to take psychiatric therapy. I still have mental problems and have to take drugs but I do not have money to buy them. And if I do not take those drugs, I just wander around' <u>S.C. (Srb, M, 57, Konjic/rural, unemployed)</u>.

The last examples are from the collective centres in Ilijas and Zenica. A mid-aged Bosniak lady, who is suffering from PTSD, had serious mental problems during the war. She unfortunately ended up in a mental hospital after she heard about the deaths of siblings. She had never smoked before the war, but now she thinks that she cannot bear living without cigarette: 'After the war, I found about the deaths of my brother and sister, who was pregnant when she died. The news drove me to mental illness and I spent 4 years in a mental hospital in Fojnica. Later on, I was able to recover – thanks to God! I never smoked before the war but now I think that I cannot survive without cigarette' S.V (Musl, F, 39, Ilijas/CC, housewife). In the second case, the Bosniac male informant's daughter is still suffering from trauma: 'My daughter, who is deaf and mute, has psychological problems. Being evicted from many places had a very bad impact on her. She starts yelling every time somebody comes to our place because she is afraid that those people are from the municipality and they will evict us' O.M (Musl, M, 83, Ilijas/CC 2, retired).

Regarding the mental health of the Bosnians living in collective centres, what the Bosniac lady from the Zenica collective centre said is rather striking: 'What suffer most in this place are the nerves' S.A (Musl, F, 49, Zenica/CC, housewife). Since the situation is serious, another interviewee's wife is very concerned about the mental health of their children. They are neither employed nor have anything to do all day. Furthermore, they do not have any money to go out with friends:

> 'My wife is worried about the children because they do not have money to go out with friends and socialise. She is afraid that they will be mentally unstable because there are people like that in the centre. They are not working. When they get up in the morning, they do not have anything to keep themselves busy. Under those circumstances, it is not easy for them to keep their mental stability.' M.S (Musl, M, 68, Zenica/CC, war invalid [retired])

Having pointed out the psychological problems the Bosnians suffer, it is to be reiterated that the traumas of war have been posing a big challenge to the Bosnians' mental health and psychosocial functioning. Post-war syndrome is continuing, and recovery in psychological terms will take a long time. May be it will not happen at all. Healing the wounds of war is already a long process. However, in the Bosnian case, several factors impede the recovery. Helplessness, hopelessness, and indifference to issues come to fore.

Common reaction is to shrug because they think that nothing will change in the future and that they do not have the power to change the things they complain about. There are many Bosnians suffering from post-traumatic stress disorder. They are unhappy, angry, they are full of resentment, and the feeling of humiliation is dominant. In short, Bosnia has a long way to go in terms of psychological recovery.

VII.1.5. The Political Recovery in Bosnia-Hercegovina

Politics is perhaps the only field where recovery is achieved least. First of all, the political system created with the DPA is rather complicated. As mentioned in the previous chapter, Bosnia and Hercegovina is a small country with three main constituent peoples, three languages[31], two entities, one self-governing unit, three constitutions (in fact thirteen when we take canton constitutions into account), 29 political parties[32] and 41 ministries[33]. Secondly, Bosnian citizens, particularly the returnees and IDPs, are distant from the political life. Even though there are returnee associations, we do not come across with any political party representing the returnee interests. Activities of return associations remain at local or regional level. The number of Bosnians, who actively participate in politics, is not high. The only thing they do is to vote because it is an obligation. Other than voting and criticising the political system, they do not do much. They are complaining about the nationalist politicians, who led the country to war and are still in power, and want them to leave politics. Yet, they continue voting for them because there is nobody else to vote for. There are efforts to bring novelty to politics but they remain minor.

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[31] Actually all three communities speak the same language with three dialects slightly different from each other. However, after the war, Bosnian Croats have started creating a new language by inventing a new vocabulary. They do not use some of the words (Personal account based on informal conversations).
[32] Out of this number, nine are multi-ethnic, three are Bosniac, nine are Serb and eight are Croat parties (List of Political Parties in Bosnia-Herzegovina. Retrieved: December 17, 2007, from Wikipedia. [WWW Document]. URL. http://en.wikipedia.org/wiki/List_of_political_parties_in_Bosnia_and_Herzegovina).
[33] Out of this number, nine are state ministries. There are 16 ministries in the RS cabinet and 16 in the FedBiH cabinet (Council of Ministers Retrieved: December 17, 2007, from Wikipedia. [WWW Document]. URL. http://en.wikipedia.org/wiki/Council_of_Ministers_of_Bosnia_and_Herzegovina).

a. Politics In the Eyes of the Bosnians

The Bosnians interviewed have a lot to complain about the politics of their country. Some of the recurring themes that came up in the conversations are corruption, favouritism, and nationalist politicians constituting an obstacle in front of Bosnia's progress. We could sense strong distrust of politicians among the informants. One complaint we frequently came across is the disappearance of financial aid the returnees and IDPs were supposed to receive. Since the end of the war, enormous amount of money was poured into the country. Yet, it seems that most of the money was somehow misspent, or at least the Bosnians think in this way. Several interviewees believe that especially the local authorities pocket some of the financial aid because neither returnees nor IDPs in the collective centres 'see the money'. Several interviewees asked the same question: 'Where is the money Bosnia received?' What the mid-aged Bosniak lady from Srebrenica told us is a good example:

> 'Before we returned from Germany, the authorities promised that they would give 10,000 DM per family, but the Bosnian Ministry of Foreign Affairs made an agreement with the German government that it would take the money and give it to the families later on. We have not seen the money at all. ...' H.S (Musl, F, 44, Srebrenica/rural [living in Ilijas], unemployed)

The residents of collective centres are complaining about not having seen the money, as well. The emphasis is on 'false promises'. They are tired of hearing such promises that are never materialised. They are tired of waiting for the assistance that will never come. What a mid-aged Bosniac in Mostar says is representative of the complaints: 'We have applied for donation but have not received anything so far. The municipal authorities just promise but nothing has happened – false promises. Every year the authorities promise that the reconstruction of our house will be finished by the end of the year, but four years have passed like that and we have not seen any progress' E.T (Musl, M, 33, Mostar/C.C 2, working seasonally). One male resident from another collective centre in Mostar refers to corruption and lack of strong rulers like Tito:

> 'Why is Bosnia in this situation? Because the politicians wanted to rob people and told them lies in order to do that easily. The real problem is that when Tito was alive, he was ruling the country with a strong hand. But after his death, people, who

came to power, did not what to do, how to govern, and they divided the country into small parts. Now we are living like that. Tito was the only ruler. The problem is that he did not train anybody who could be his successor. Democracy is good because nobody can stay in power for such a long time, but still Tito era was the best time for us. ...' Z. S. (Musl, M, 54, Mostar/CC, unemployed but works from time to time)

There is only one way to get assistance: there should be no mediator between the donor and the recipient. A Bosniac lady from the collective centre in Zenica points to this: 'I think that it is much better when the humanitarian agency gives the aid directly to us [people who are in need] because if there is a mediator between the agency and the refugee then the aid is gone – you should forget about it!' S.A (Musl, F, 49, Zenica/C.C, housewife).

a.1. Common Complaint: Egoist Politicians

'The politicians do not work for the people!' is one of the recurring remarks in the interviews. In that sense, some interviewees think that it does not matter who is in power because politicians are so egoist that they only care about themselves, not the citizens. One of the Bosniak ladies from the Hercegovina region believes that politicians will not allow another war because they get good salary and food as a result of working together. Yet, people, who elect those politicians, are getting poorer everyday. Accordingly, the gap between the two is getting bigger and bigger. One of the Croat interviewees told us that there were two classes in today's Bosnia: multi-millionaires and the poor who are digging rubbish bins for food. Another lady from a remote village in Srebrenica is not in a position to wish anything other than her sons getting employed. She says, 'I do not have any use or harm from the politicians. If my sons can find job again, and buy machines for agriculture or get any kind of assistance to buy these machines, we would not care about who is in power…' H.D (Musl, F, 53, Srebrenica/rural, housewife). Moreover, those nationalist politicians led the country to a war. They should not be in power any more because they are a big obstacle in front of progress. According to an elderly Serb from Sarajevo, the only political party that can be useful to Bosnians is the one with a cosmopolitan mentality

which has the purpose of serving and helping everybody regardless of their religion and ethnicity. A Bosniac lady from Mostar, on the other hand, underlines the fact that nobody does anything to help Bosnia make progress. Unfortunately politicians are among the first who do not contribute to the country's development:

> 'If the people of Bosnia really want, they can do something good for the country, but nobody wants to do anything better. I do not understand how the politicians can look at the mirror when the salaries and pensions are so low. I do not follow politics. I cannot stand listening to the news on TV because they are lying all the time.' <u>M.T (Musl, F, 76, Mostar/urban, retired)</u>

Another elderly from Zvornik believes that Bosnia cannot exist without three nations. Hence, there is no place for nationalist parties which have created hatred among these nations. A Bosniac informant from Zvornik received offers from several parties. Yet, he refused all of them because he thinks that there is no place for him in the current political system. Bosnian politics is 'dominated by three monkeys and three deputy-monkeys' in his view. One of the Croat male interviewees summarises the Bosnian politics with the following words: 'Politics is a big zero in this country'. Another Croat sees no future for Bosnia as long as the nationalists stay in power. According to this lady, educated youngsters, who have no hate inside, should come to power instead of those nationalists, who think of only getting richer.

a.2. Complaints about the International Community Presence in Bosnia

The political system in Bosnia has an external side as well as an internal one. Presence of international community, particularly the OHR as an ad hoc institution influential in Bosnian politics, constitutes the external side. The existence of foreign powers and the High Representative came up as a discussion issue in the interviews. Some are in favour of their presence while some think that unless foreign powers do not leave BiH, the country will not be able to stand on its feet. According to one of the Bosniac youngsters from Sarajevo, Bosnia will not have the chance to be independent unless the EUFOR, OHR and other international organisations do not leave the country. She adds that the Bosnians are unfortunately unable to solve their problems by their own means. The

elderly Bosniac from Mostar also thinks that all foreign officials should leave Bosnia. He says, 'The EUFOR and other foreign officials working in the agencies should leave BiH. If there is another boss in your house, you cannot be the boss of your house' I.B (Musl, M, 76, Mostar/urban, retired). A mid-aged Serb male from Ilijas considers the creation of the Office of High Representative a mistake because BiH became an international protectorate.

In a couple of cases, the OHR is understood as the whole of foreign powers in the country, i.e. the international agencies and the international troops. Yet, it does not matter because the informants in these cases are also highly critical of the presence of a High Representative and an influence of the international community. The Bosniac café owner in Bijeljina thinks that none of the political parties is powerful according to the framework drawn with the DPA, and that the government cannot take any step without international community's pressure. According to the Croat couple in Vares, even though the HR knows, who are corrupt, he does not remove those officials. For example, there is a big corruption among doctors. Yet, he keeps silent about it. According to another Croat interviewee in Zenica, even though the then High Representative started well, he did not keep his promise about arresting war-criminals. He did nothing other than replacing some of the high-level officials in the RS. As a result, many war-criminals are still at large. A Bosniac male from Zvornik draws attention to this fact by giving an example: 'A couple of days ago a group responsible for planning came and asked me about an enterprise. I did not even know that such an enterprise existed. Later on, I found out that it was supported by one of the war criminals' H.G (Musl, M, 54, Zvornik/urban [living in rural area], working as a volunteer in the Association of Citizen Returnees).

The Bosniak restaurant owner from Srebrenica disapproves what foreign powers are doing. He says, 'Bosnians who fled to the USA, Australia, Germany and Hungary are supported by those countries and stay there. However, those countries could give the resources here so that Bosnians can stay in their country. That is international discrimination. Moreover, even though they send humanitarian aid to BiH, they [foreign countries] send teams made up of their own people who have huge salaries, very nice offices, cars and flats. So great part of the aid they sent has returned to their countries

through salaries and different kinds of payments they give to their employees' <u>A.P. (Musl, M, 57, Srebrenica/urban, owner of a restaurant)</u>.

The last examples of discontent with the presence of international community are from Sarajevo and Tuzla. The Serb male interviewee from Sarajevo claims that, albeit in a different way, the West is still doing 'ethnic cleansing': 'none of the young people prefer to return to Bosnia. International organisations should provide employment to these young people so that they can return. But the West is doing the opposite, taking young people to their countries. That is ethnic cleansing now. The West is doing the cleansing by not preventing the 'brain drain' <u>V.B. (Srb, M, 60, Ilidza/urban, manager in a tourism agency) // married to a Muslim – mixed marriage</u>. According to the Bosniac lady from Tuzla, let alone not caring about Bosnians, foreign powers humiliate them. This is something Bosnians cannot bear because they are educated and do not deserve being humiliated by the Westerners. Furthermore, most of the financial aid has gone back to the donor countries (foreign powers) and Bosnians have seen very little of it.

The interviewees have mostly negative feelings about the HR. However, there are different cases, too. The elderly Bosniac from Mostar emphasises his distrust for the foreign powers while saying that he is in favour of their presence. He says, 'I want the foreign powers to stay, but I do not trust them at all. If they really want, they can catch Karadzic and Mladic. They are here not because they love us – no such thing. They are here because they have certain benefits in Bosnia. I hate remarks like 'We cannot arrest Mladic and Karadzic because we cannot find them'. How come they cannot find them? They know where they are. They just do not want to arrest. That is the point' <u>S.D. (Musl, M, 70, Mostar/urban, retired)</u>.

a.3. Lack of a Strong State and Competent Rulers

The lack of a strong state and competent rulers is an important issue emphasised by several interviewees. While a young Bosniac interviewee from Mostar focuses on the country's inability to cope with crises and the possibility of certain groups resorting to weapons in case of a crisis, two others think that the inability of ethnic communities to

reach a consensus even on small matters definitely leads to inability to govern. Moreover, each community tries to prevent the other's initiatives. For the elderly Bosniac lady from Foca, it is always the Serbs who prevent initiatives of the Bosniac politicians. The Bosniac youngster says,

> 'We cannot govern ourselves since we (3 groups in BiH) cannot reach a consensus even on little matters. For example, we have three police forces in the country. Nobody has the right to intervene with what the others do' <u>N.M (Musl, F, 22, Sarajevo/urban, tourist guide in a Turkish tourism agency)</u>.

A Bosniak restaurant owner from Srebrenica, who was a well-known caterer before the war, emphasises that what Bosnia needs is competent people, who knows how to govern: 'In fact, Bosnia is very rich. But it is not ruled by competent people. If you give Bosnia to Swiss people, they will make a miracle here'. Moreover, he criticises rulers who are ready to do anything to keep their power:

> 'When you give weapon to the fool (*budala*), he becomes the cleverest person in the world. But when you take the weapon from him, he is nobody, a beggar, just like before. So it is good to be in power. You see what they are doing now. They will do anything to keep their positions' <u>A.P. (Musl, M, 57, Srebrenica/urban, owner of a restaurant)</u>.

Two Bosniak males from the same village in Milici point to the necessity of one president in BiH because the political system is very complicated and 'the country is not ruled properly'. They both think that what those nationalist politicians do is only to get votes and money. They know how to get votes, but, once they come to power, all promises are forgotten. Ordinary citizens do not get any benefit. On the other hand, these two Bosniacs have differing views regarding the number of political parties. The mid-aged male thinks that it is better to have many political parties rather than one-party system. The young one is, on the other hand, in favour of one political party. Yet, he adds that he does not care much about politics. He votes in elections because it is obligatory.

A Serb interviewee from Ilijas criticises both the Bosnians and the politicians. He thinks that Bosnians will continue voting for the nationalists because they are 'acting like sheep'. Regarding the politicians, he underlines their hypocrisy. For example, they are talking about Srebrenica only when it serves their interests, for example to get money from

the international community. It is often mentioned during the election campaigns, as well. However, nobody thinks of opening factories and creating job opportunities for the people living there. He believes that current politicians are no good for the country at all. They cannot tackle with the unemployment problem in his home-town, either. Today's Ilijas has nothing to do with the pre-war Ilijas which was a real town in the sense that it had good strategic connections with other towns and a steel factory where many were employed. But now it is only a local community/district (*mjesna zajednica*) – a little bigger than a village. The steel factory is not working, and he believes that the politicians do not want Ilijas to develop.

a.4. Other Complaints

Apart from the common complaint about politicians, the informants emphasise different issues such as the dependency syndrome regarding aid, intimidation strategies used by local authorities, favouritism, and of course corruption. The Bosniak lady from Srebrenica refers to **dependency syndrome** by saying 'The Bosnian people got accustomed to getting aid so even though there are people, who are young and healthy to find a job and work, they prefer to wait for the assistance to come from the organisations. They do not make any effort' <u>S.D. (Musl, F, 58, Srebrenica/urban, housewife)</u>.

Another Bosniac from Capljina points to how authorities make returnees irritated by using different *intimidation strategies*. He gives an example from what he experienced when he finished reconstructing his house:

> 'When the reconstruction of our house was complete and I came back, there was a problem with water. The authorities in the local district (*mjesna zajednica* – Croat controlled) told me to pay 800 KM if I wanted to get connected to the water supply – it was absolutely unnecessary. It was the same thing with the phone lines – cables were brought to the village before the war. However, we were asked to pay 300 KM in order to get connection. In fact, we were forced to pay this money (300 KM). Now we have phone line, but the water is not running. Thank God we have a well, so it is not a big problem. There is no need to pay but I guess that it is a tactic the Croat authorities use to make us [the Muslims living in Capljina] frustrated.' <u>O.T. (Musl, M, 27, Capljina/rural, temporary salesman)</u>

Corruption and *favouritism* are the last issues that are worth noting. Particularly corruption is one of the recurring themes that came up during the interviews. Most of the informants believe that particularly the local authorities are involved in corruption and pocket some of the financial aid because neither the returnees nor the IDPs in collective centres 'see the money'. They were all asking the same question: 'Where is the money we were supposed to receive?' One Croat interviewee from the Hercegovina region points to corruption as follows:

> 'There are people, who did not have anything before the war, have everything now. Where does the money come from? How can that happen? The guy, who was involved in the distribution of constructive materials, was giving the material without any receipt. He had great opportunity to steal the material. ... This guy used to drive the worst car in Yugoslavia, but now he is driving a brand new Mercedes – how can that happen?' M.P. (Cr, M, 55, Capljina/rural, not registered but working as a taxi driver)

Two informants emphasise favouritism and the importance of ethnic identity in getting a job. According to the Serb interviewee from Ilijas, it is necessary to know the people in the government well to find job. He says, 'If you are not a member of any political party, then you do not have the chance to get any help or job – you have nothing. It is the family links that works – even if you have graduated from university it does not matter at all! You should have strong connections with the people in the parties or at the government level.' M.S (Srb, M, 41, Sarajevo/urban, unemployed). The Bosniac lady from Sarajevo shares his view and refers to corruption and lack of rule of law in the country:

> 'Nobody's right is respected. I do not think that a lawyer is capable of defending my rights. In a government agency, either you have to give bribe or you should have personal connections with the officials in order to get your job done'A.P (Musl, F, 35, Sarajevo/urban, accountant in a firm).

In short, the Bosnians have a lot to complain about. They criticise the political system and the politicians because there are several aspects to be criticised. Yet, they are distant from the political life which is dominated by old and nationalist politicians. They do not prefer to participate in the political life. It does not mean that there are no youngsters who are active in politics. These people are struggling for change. A young

Bosniac from Sarajevo is one of those people. He is not happy with the political situation Bosnia is currently in and wants to change some of the things that have gone wrong. That is why he is involved in local politics:

> 'I had an argument with one of our neighbours. He is a SDA member. After that, I decided to join SDU (youth branch of Social Democratic Union) to prevent idiots like our neighbour to rule my city. I do not want position or to come to power. I just want to change something. I am not happy with the current political situation the country is in.' <u>A.P (Musl, M, 23, Sarajevo/urban, working temporarily in a bar).</u>

But, the problem is that there are not many of them. As a result, it is not easy to talk about political recovery in a country like Bosnia-Hercegovina because most of the interviewees are not optimist when politics is in question.

VII.2. The Issue of Security in Bosnia-Hercegovina

Like in any other conflict-torn country, security issue is one of the important aspects of Bosnia's return and reintegration process. The security situation, when the informants returned either to their homes or Bosnia-Hercegovina, is examined in the previous chapter on the politico-legal context of return. Yet, the presence of international security forces indicates that the security issue still keeps its importance. In the immediate aftermath of the war, it was IFOR, then SFOR, and since December 2004 it has been EUFOR. It seems unlikely that the international forces will leave Bosnia in the near future because the state does not show any sign of being fully capable of dealing with the security issue according to the international community. For example, the lack of progress in police reform is one of the issues generating concerns in the field of security. Since the end of the war, each entity has its own police force. Because the police cannot cross the IEBL, it is easy for criminals to commit crime in one entity and flee to the other one. None of the forces has the right to interfere with each other's affairs. The result is that fighting against crime becomes ineffective. The international community proposed the creation of a unified police

that would be free of political influence. Whereas the Federation BiH is in favour of unification of police forces, the Serb authorities do not want to lose their own police force because keeping the territorial and ethnic division is their main objective. Therefore, until today, none of the talks to produce an agreement over police reform bore results[34].

Under these circumstances, security continues to be a prevalent issue. In this section, the interviewees' views concerning security and the presence of international security forces, namely EUFOR are put forth. First thing to note is that we come across with a variety of views. While some of the informants are definitely in favour of their presence some are opposed to it. For some, on the other hand, it makes no difference whether EUFOR stays or leaves. Among the returnees interviewed, thirty-five think that EUFOR should stay because they believe that not only there is a possibility of the re-emergence of conflicts, but the situation may be even worse. There are two main reasons for that. First of all, not all of the war-criminals have been arrested yet. Secondly, extremists are still influential in many areas, particularly in the RS.

VII.2.1 Being In Favour of European Union Force

The interviewees, who prefer EUFOR to stay, underline different reasons for the necessity of international security forces. For example, a Serb male informant from Ilijas emphasises that there are war-profiteers who are ready to start the war at any time. He says, 'I think that EUFOR should stay because the conflicts will start the next month they leave. There are people occupying certain positions who are ready to start war just to keep their positions. They do not care about anything else – to maintain their positions' <u>B.S (Srb, M, 55, Ilijas/urban, unemployed)</u>. Another Serb wants EUFOR to stay as long as possible. Even though another war may not break out, the situation will definitely be nasty according to her. That is why she wishes that all foreign powers, including the HR and

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[34] The lack of progress in police reform constitutes an obstacle to Bosnia's integration with the EU, as well. It blocks the SAA negotiations between the two parties. For more on the issue of police reform see (ICG, 2005).

EUPM as well as EUFOR, will stay. The elderly Croat lady from Banja Luka not only believes that the conflicts will reemerge if EUFOR leaves the country but wants the foreign powers to teach Bosnians an important lesson about how different ethnic communities can live together peacefully:

> 'EUFOR should definitely stay because otherwise there would be war again. I think all foreigners should stay and teach the Bosnians a lesson. When I was in Sweden last year, I saw how different nationalities can live in harmony. But here a lot of bad things and injustice took place. All the big buildings in Banja Luka belong to criminals. May be the biggest criminal organisation in BiH is in Banja Luka. ...'
> A.M (Cr, F, 75, Banja Luka/urban, housewife)

Among the Bosniac interviewees, one could easily sense strong distrust towards the Serbs. In the first case, a mid-aged lady from Sarajevo does not trust anybody and says, 'I do not know whether I feel secure. It is a broad subject. Economic security comes first. You can be fired at any moment. I do not trust the Serbs. I do not trust the police either. In my view, EUFOR did not come here for the people. They have their own interests. Everybody is thinking about the money they can get into their pockets' A.P (Musl, F, 35, Sarajevo/urban, accountant in a firm). According to a lady from Srebrenica, there is a certain number of Serbs, who might cause trouble at any time. Not all Serbs are good for sure. There are many bad Serbs who are waiting for an opportunity to start everything all over again. For a young male from Bijeljina, peace is still very fragile in his home-town. He cannot trust the police. It is not surprising, though. Bijeljina is one of the places where Bosniak returnees have been faced with various problems. At the same time, it is considered a suburb of Belgrade by some extremist circles. Under those circumstances, one cannot expect the Bosniacs to feel comfortable in this town. That is why this youngster wants EUFOR to stay. Another Bosniak from the Brcko District is sure that the Bosniaks will not cause any conflict to break out, but he cannot be sure of the Serbian side. He says, 'I think EUFOR should stay. If they leave, I am sure that there would be no conflict from the Bosniak side, but I am not sure about the other side' H.U. (Musl, M, 57, Brcko District/rural, retired). The last informant, who is in favour of the presence of international forces, is from a suburb of Banja Luka. He definitely thinks of taking his family and leaving the place where they are living in case EUFOR leaves Bosnia:

'I think that EUFOR should stay because I believe that there would definitely be war. Now I feel safe and have not been faced with any direct threat. …There are Serbs, who are swearing, while they are passing by, but I do not pay attention to them. However, if EUFOR leaves tomorrow, we will follow suit. ...' I.M. (Musl, M, 48, Banja Luka/urban, unemployed)

Two Bosniak informants believe that sooner or later the war will break out. The one from Ilidza, who was supposed to start working as a policeman the day after the interview, points to the fact that peace is keeping its fragility and emphasises that the conflict has not come to an end at all. There is still big tension among the three communities[35]. He says, 'The presence of EUFOR is very important since it is a guarantee. I feel secure when it is here. They should stay in the country as long as possible. But whether it leaves Bosnia or not, conflicts will emerge again. The conflict did not come to an end yet. Each group is so different from each other, and the Serbs and Croats want their own country. The Muslims have their own Bosnia only in Central Bosnia. It is a very small place. You can see Bosnian flag neither in Hercegovina nor RS. Hence, one day either my sons or grandsons will be faced with war' M.B. (Musl, M, 35, Ilidza/rural, policeman). The other informant is a concentration camp survivor from Kozarac. He told us that it was enough to look at the Balkan history. Sooner or later, the war will erupt again. In that regard, EUFOR should definitely stay, particularly in all flash-points where peace is fragile.

It is usually the case that the interviewees are in favour of EUFOR because they feel secure. Seven Bosnians interviewed in collective centres and three informants who can be considered as 'transnational returnees', constitute an example to this kind of situation. They prefer EUFOR to stay. However, there are exceptions. Even though some are in favour of the foreign security forces, they have their 'but's as well. One elderly Bosniac from a village in Milici does not trust EUFOR even though he feels secure. He says, 'I feel secure because EUFOR is present here. However, to be honest, I do not trust EUFOR, and

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[35] A Croat lady from Vares also thinks that rage and tension have not come to an end and stresses the possibility of conflicts re-emerging in the future: '... conflicts may re-emerge in the future because the Dayton (referring to the DPA) was imposed but it is not a strong carpet covering the hatred. There is still rage and tension in the country' J.C. (Cr, F, 49, Vares/urban, unemployed).

it does not matter whether they stay or leave because Muslims do not get any benefit from them. Srebrenica was planned in advance. When something was already planned, the soldiers [UNPROFOR] pretended that they did not see anything. Moreover, I do not believe the conflicts will emerge again if EUFOR leaves' O.S (Musl, M, 62, Milici/rural, retired) [going to Germany from time to time to get pension]. Another Bosniak informant believes that international forces could have prevented the war right from the beginning. So, they did not do their job. On the other hand, she personally thinks that there is a lesson to be drawn from the last war, and all Bosnians should have learnt this lesson. In that sense, even if EUFOR leaves, there will be no war. For the last interviewee, who told us that EUFOR should not leave Bosnia, most important thing is to live in peace. But she does not like the soldiers at all:

> 'EUFOR should stay even though I do not like them personally because I do not like to see those soldiers with big rifles. It is important for me to have peace – that is all.' M.V. (Cr, F, 53, Zenica/urban, unemployed) // married to a Serb – mixed marriage

VII.2.2. Being Indifferent to European Union Force

For some of the returnees, it makes no difference whether EUFOR leaves or stays. Yet, they have their doubts as well. According to two mid-aged Bosniak males - one from a village in Milici and the other from Sarajevo - coming to Bosnia was the main aim of the international security forces, and they certainly benefit a lot from being present in Bosnia. For instance, their salaries are very high. The Bosniak from Milici says:

> 'I think that it makes no difference if EUFOR stays or leaves. But I am sure about one thing – they will not leave because it was their aim to come here. Since they are settled, why would they leave anyway?' A.H. (Musl, M, 53, Milici/rural, unemployed but sometimes employed seasonally)

Two Bosniac ladies are rather indifferent to the presence of international forces because as one of them says, they have 'neither use nor harm from EUFOR'. They do not do much to help the civilians. All they do is to patrol. The lady from a remote village in

Srebrenica adds, 'I feel secure, but the males of my family will not feel safe in 100 years because they witnessed so much atrocity' H.D. (Musl, F, 53, Srebrenica/rural, housewife). While these informants think in such a way, some others are indifferent to its presence. About the possibility of conflict re-emerging, they mostly think that war will not erupt again. There is one exception, though. The elderly Croat from the Brcko District says, 'About the presence of EUFOR, it makes no difference for me. But I think that conflict would erupt, if they leave. Personally I can believe that the Serbs won't do any harm but I do not know about how other people feel about the Serbs' M.M (Cr, M, 85, Brcko District/rural, retired). Another interviewee, who feels indifferent, is a Croat lady from the collective centre in Tasovcici. She says, 'It does not matter for me whether they stay or not. But one thing is sure – I do not want another war because I suffered so much that I cannot even think of another. I think that all three sides are equally guilty' J.G (Cr, F, 58, Tasovcici/C.C, housewife). The Bosniac male informant from the centre in Mostar thinks that war will break out anyway. It is enough to look at what happened in history:

> 'I think that it is better if EUFOR stays, but in fact it does not matter whether they leave tomorrow or 10 years later because anyway war will break out again. It is enough to look at the history of the region – every 40 years there is war in the Balkans. ...' E.T (Musl, M, 33, Mostar/C.C 2, working seasonally)

VII.2.3. Being Against European Union Force

Among the returnees interviewed, we came across with a sense of distrust towards EUFOR as well as a pro-EUFOR or indifferent stance. Two Bosniaks - one of them is a male from a remote village in Srebrenica and the other is a lady from Milici - do not trust the international security forces. The male informant's distrust is based on the experience with UNPROFOR. He says, 'About the presence of EUFOR, I do not know what to say because we had a bad experience with UNPROFOR. While I was leaving Srebrenica, I saw UNPROFOR planes flying over the town but they did not do anything to save people' E.D (Musl, M, 47, Srebrenica/rural, producing goat cheese on a small scale). He does not believe that conflicts will reemerge because the Serbs will not dare to attack once more.

The lady's emphasis is on the arrest of war criminals. Although it was a task in their mandate to arrest war-criminals, among whom Karadzic and Mladic are the most notorious, the international security forces have not accomplished this task. The Bosniac restaurant owner in Srebrenica also expresses his concerns about war-criminals and criticises his country for being far from 'normal':

> 'If this was a normal country, we would not need EUFOR, EU Police or OHR. But this is very far from a normal country so we need them. I do not believe that conflicts will emerge again if EUFOR leaves, but there are always people who have walnuts in their pockets. I mean there are people who have done bad things during the war [war-criminals], and unless those people end up in prison there won't be any peace in BiH. The people in this country were really happy when the war stopped, but there is like 25 % of people who were not. These people will be very happy if the war starts again (war-profiteers I mean). ...' A.P. (Musl, M, 57, Srebrenica/urban, owner of a restaurant)

Some of the returnees are definitely opposed to the presence of EUFOR. An elderly Bosniac from Mostar thinks that foreign troops should leave because the Bosnians can live without them. He says, 'EUFOR should leave BiH because we have lived without them before and can go on living without them like in the past' I.B (Musl, M, 76, Mostar/urban, retired). According to a youngster from Zenica, EUFOR soldiers are robbing Bosnians thus they should leave:

> 'EUFOR should leave because they rob the Bosnians. Even many years after the war they are using long barrel rifles and entering the coffee-shops with these rifles. It is so nasty to see this. I am not afraid of the Serbs like I am scared of EUFOR soldiers. On the other hand, I do not think that conflicts will emerge again if EUFOR leave BiH because nobody wants to get involved in another war. It is enough!!!' D.M. (M, 22, Zenica/urban, unemployed) // mixed marriage

Two of the interviewees, who are living in two countries, are not happy about the presence of EUFOR, either. A mid-aged Bosniac male from Mostar points to the psychological aspect by saying 'I think that EUFOR should stay. Actually I did not get any help from them (when I was captured, I did not receive anything - even a cigarette – from the foreign soldiers) but still it is better in psychological terms. In practice, we do not get anything from them – this is to be highlighted. By the way, I do not believe that the conflicts will not re-emerge. But still it is always possible because there is always a rotten

apple in the basket. So if somebody wants to start war, a trigger is always found, it is not difficult at all' <u>M.M (Musl, M, 47, Mostar/urban, working temporarily in Sweden)</u>. Two ladies – a Serb from Vares and a Bosniac from Sarajevo – are strongly opposed to the international security forces. According to the Serb lady, they should not have even come to Bosnia. She believes that the war was caused by external powers. Incompetent rulers played an important role as well because they did not do anything to avoid war. The Bosniac lady says, 'EUFOR should leave because everything that is bad (drugs, prostitution, crime) has come with them. But I think that conflicts will emerge again if they leave. Even today (10 years after the end of the war) I do not feel secure because there are too many criminals' <u>A.M (Musl, F, 45, Sarajevo/urban, working in Sweden)</u>.

In one last case, the young Bosniac returnee interviewed finds it difficult to comment on the presence of EUFOR. It is sort of a dilemma for her:

> 'How do I feel about the presence of international security force/troops (EUFOR)? It is difficult to answer. Considering the fact that EUFOR has no tasks here and doesn't really do anything I would like to say 'go' but then again the situation is still not stable enough that one can, with 100 per cent certainty, say there will be no more fighting. Unfortunately the Bosnian state is too weak to be able to survive any major crises and if faced with crises it is imaginable that certain groups would take to weapons again.' <u>N.P (Musl, F, 24, Mostar/urban, Assistant Political Officer in an agency)</u>

In sum, the security situation in Bosnia has improved compared to the early times when the war ended. But this does not change the fact that international security forces have still not left Bosnia. What does it mean? International community thinks that the Bosnian state is not capable of dealing with the security issue on its own. In that sense, the lack of progress in police reform is a minus and it generates concern. The three communities still cannot agree on a single, unified police force. About the presence of international security forces, on the other hand, there are contrasting views among the interviewees. Some are in favour of the forces while some definitely oppose. One can come across with Bosnians, who are totally indifferent to the issue, as well.

VII.3. Current Life in Bosnia-Hercegovina in the Eyes of the Bosnians

Evaluating life in today's Bosnia is another important issue because it is helpful in understanding to what extent reintegration has been achieved or whether it has been achieved at all. Our guide is again the Bosnians interviewed. What they think about today's Bosnia as well as their lives is the focus of the present section.

The first thing to note is that most of the informants prefer to evaluate their present lives by making comparisons with the lives they had before the war. They make referrals particularly to their pre-war economic situations and relations with the neighbours. The nostalgia they feel about the pre-war period is obvious in many cases. What is depressing for them is the fact that the life they had before the war will never come back.

Among the returnees interviewed, only a couple of them declined from making comparison between their current lives and the ones they had before the war. The ones, who compared the two lives, emphasised the fact that it is either difficult or meaningless or even impossible to compare the pre-war life with the current one, especially in economic terms. The Croat couple in Vares describe their current life in a rather striking way. They say, 'If we have to evaluate the life now with any number then it is definitely below 0, but life before war was definitely 100 (perfect)' J.C. (Cr, F, 49) Z.C (Cr, M, 58) (Vares/urban, unemployed). It is as simple as that. In fact, many informants share the couple's view, yet they did not express it explicitly. The life standards were definitely higher before the war. The Serb informant from Ilijas says, 'Before the war, we had really a good standard of living. We covered the expenses of the household with one salary and with the other we went to vacation and etc. Now the situation is worse because the only person working is my wife' B.S (Srb, M, 55, Ilijas/urban, unemployed). The Bosniac male from a remote village in Srebrenica complains that nobody is willing to donate anything, even a cow or cattle:

> 'The life we had before the war cannot be even compared with the one we now have because we had everything then. I had everything including lawn mower (livestock etc). We had a very good life. Now I want to get another cow or cattle to provide more food to my family, but nobody is willing to donate anything! All I want to do is to survive, nothing else.' E.D (Musl, M, 47, Srebrenica/rural,

producing goat cheese on a small scale)

VII.3.1. Comparison with the Tito Era

Most of the interviewees make comparisons between two lives – the one they had before the war and the current one and emphasise that life before the war was 'definitely better' or that they cannot even compare the two lives. One of the young informants, while stressing that his pre-war life cannot be compared to the current one, says that he does not have any perspective about anything since he did not graduate from high school. He prefers to live daily and seems to be not caring about anything. For example, he has money today but does not know whether he will have the following day. Another interviewee, who thinks that pre-war life was better, is a mid-aged Bosniac lady from Vogosca. She says, 'Definitely the life before the war was better. People, who say that life is better today, are either lying or getting money from somewhere illegally or they have made money during the war (a small percent anyway). Otherwise it is not possible' R.D (Musl, F, 45, Sarajevo/urban, salesperson in a shop). An elderly Serb informant, on the other hand, makes a funny analogy, but, in fact, the situation is tragic: 'It is really impossible to compare my present life with the one before the war. It was so good! Now life is very difficult – as if a frog has fallen down on a hedgehog – especially for the young people. We see only elderly people and they are waiting for their deaths according to me' R.S (Srb, M, 70, Konjic/rural, retired). As a Bosniac lady from Sarajevo stresses, the group, which is in a worst position, is the middle-aged one (40-50 year-olds) because they neither work nor receive retirement pension. Another elderly, a Croat from a very remote village in Vares, complains that there are no young families in his village and adds that they do not receive any health service. He says, 'The life before the war was definitely better than the current one. There were frequent bus lines to Vares, and at least nurse was coming and some other medical facilities were present as well (because there is no hospital in Vares – the nearest

one is in Zenica). Moreover, there were a lot of people – especially children playing around – but now ...' <u>M.N (Cr, M, 65, Vares/rural, retired)</u>.

The basis of comparison in many cases is the ***economic situation***. Some of the informants prefer to compare by making referrals to communism. One of the Serbs from a village in Konjic thinks that the pre-war regime was more humane than the present one. He admits that there are many things to be criticised about that regime, but it was still much better. A Bosniac lady from Sarajevo expresses her longing for the Tito era by saying, 'When Tito was ruling the country, I had a really good life. It was so good that my soul was satisfied in every way. Now we have a good life as well (in material terms of course) but my soul is not satisfied' <u>S.R (Musl, F, 50, Sarajevo/urban, owner of a boutique)</u>. An elderly Serb from Ilidza emphasises that the Bosnians are tired of capitalism and they miss Tito's times because the life was really good then. One of the Bosniac returnees, on the other hand, does not share his views. She does not miss communism and thinks that it should remain in the past. According to her, it does not make any sense to talk about something which does not have any relevance today.

While several returnees interviewed focus on economic conditions and make referrals to the communist era, some draw attention to issues such as relations among different communities and security in the pre-war period. A couple of young informants think that they are not in a position to compare two lives since they were children then. But they underline one thing: they did not know anything about other ethnic groups. The Bosniac young lady from Sarajevo says, 'Life was better before the war because I was a child and did not know anything about the other nationalities. Everybody was same for me and I had Serb and Croat friends as well as Muslim ones' <u>A.K. (Musl, F, 24, Sarajevo/urban, salesperson in a boutique)</u>. One of her peers recalls that life before the war was good because he was not hungry, had clothes to wear, and was playing happily with his friends without knowing who belonged to which ethnic community. Concerning the relations among different communities, one of the Bosniac male returnees, who is a bit older than the others, says something that might be exceptional:

> '[T]here was no fight between the Serb and Muslim children, but they called us "Balija". And when we called them "Gavur (infidel)" their reply was: "You were

infidels as well before the Turks came. You converted to Islam when they came."
<u>N.A (Musl, M, 29, Sarajevo/urban, waiter in a restaurant)</u>

Among the elderly informants, some definitely miss the ***relations***, the friendship they had before the war because 'nobody cared about nationality' then. They also feel sorry because the trust between the communities is gone. One elderly Bosniac from Mostar, showing old photos, told us how three communities were living together peacefully and getting along like brothers and sisters. According to another elderly, the pre-war life is incomparable. He says, 'I cannot forget the atmosphere we had before the war because it will never come back. I miss those days and feel very sad. The people were very close to each other, and the relations were really genuine but those days are in the past now' <u>I.B (Musl, M, 76, Mostar/urban, retired)</u>. The last example is from Banja Luka. The Croat lady finds the current life very difficult and unbearable and feels very lonely. Before the war, everything was totally different: 'Before the war, I could feel the real love because both in my family and my husband's family all three nationalities were mixed. Nobody said anything bad to each other. But currently life in Banja Luka is so difficult and unbearable ...' <u>A.M (Cr, F, 75, Banja Luka/urban, housewife)</u>.

In a last case of returnees' comparisons, the focus is on ***security***. The Bosniac male from the Brcko District draws attention to the difference between the two lives in terms of security. He was working in a Serb village and never had any kind of problem with them. Security was not an issue at all. But everything has changed after the war. He says, 'Before the war, we had a secure and better life. I was working as a clerk in a post-office and this post-office was in a Serb village. I was going to the Serb religious occasions and could sleep easily out in the countryside or on the road because nothing bad could happen. But now everything is different. I do not want to let my daughters go to town alone because I cannot trust anybody' <u>H.U. (Musl, M, 57, Brcko District/rural, retired)</u>.

VII.3.2. Nostalgia for 'Normal Life'

Three ladies – a Bosniac from Capljina and two Croats from Visoko and Zenica – stress that the 'real' or 'normal' life (*normalan zivot*) was the one they had before the war because their economic situations were good. The Croat lady from Zenica says, 'We cannot even compare this life with the one before the war because there is nothing to compare. We had work and security (material), children could go to university. Today you live but it is just trying to survive from day to day. ... Do I miss communism? You can call it however you want – communism or any other regime – but the important thing is that we had a normal life. As long as you have a normal life the regime is not important' <u>M.V. (Cr, F, 53, Zenica/urban, unemployed) // married to a Serb – mixed marriage</u>.

In today's Bosnia, it is impossible to have a 'normal' life in that sense. Employment and social security are the two indicators of a so-called 'normal life' in the informants' understanding. They had work and social security. The principle of self-management was working well. How about today's Bosnia? Unemployment rate is high, it is not easy for returnees to find jobs other than the ones in black market, and pensions are low. It is relatively easier to live in rural areas because at least people can do farming. Yet, many people, especially youngsters do not want to live in the countryside. And the situation is obvious both in rural areas and urban centres. Under those circumstances, how can a Bosnian provide a 'normal' life to his family? In that sense, the life before the war was, as a Bosniac lady from Capljina says, 'thousand times better than now!' because everything was good and they were not faced with a problem of how to provide a normal life and a good future to their children.

VII.3.3. 'Life is Difficult' : Living in Today's Bosnia

'Life is very difficult' ('*Zivot je tesko*') is one of the recurring remarks that came up during the interviews. Five informants express how they find it difficult to live or survive in today's BiH due to the unpromising economic situation. Job opportunities are limited. Big cities like Sarajevo or Mostar are more advantageous in terms of getting employment, but majority of people fit to work are faced with the problem of unemployment. As mentioned above, returnees are more disadvantaged compared to domicile population. Villages and small towns cannot offer a perspective for future. Some of the youngsters living in rural areas cannot even think of marriage. The Bosniak lady from Srebrenica draws attention to this fact by saying, '… whenever I tell my middle son, who is single at the moment, to marry, his reply is 'If I do not have money to support my family how can I get married?' Well, he is right in a way' <u>H.D (Musl, F, 53, Srebrenica/rural, housewife)</u>. The Serb informant from Ilijas, who also thinks that it is rather difficult to survive today, complains that nobody asks them how they are doing and whether they need anything or not. Everybody has to manage by him/herself. Another Serb expresses her concerns for the young population by saying, 'I feel so sorry for the youngsters because I spent most of my good years in Vogosca. I had really good time but now young people cannot go out and enjoy themselves because they do not have money to do that' <u>V.S. (Srb, F, 82, Vogosca/urban, housewife)</u>.

Under these circumstances, how can one feel? Unhappiness, disappointment, and reproach come up quite often in the narratives. Three ladies from Vares express their unhappiness and anger as follows. The Bosniac one complains about people having become very egoist: 'Nobody wants to care about other people and they do not. Everybody is egoist, and they want to make more money, that is all. If everywhere is like in Vares, then I cannot think positively. Before the war, everybody visited each other and respected the other. Now they are all closed in their houses. They just think of how to survive' <u>Z.C (Musl, F, 50, Vares/urban, working in a fast food restaurant)</u>. Another one, who is coming from a mixed marriage, is very disappointed. She cannot see any future and thinks that the

town she is living in is almost dead because there is no job and people do not have any perspective for future. The Croat lady's reproach can be expressed with the following words: 'Our present life does not deserve to be called with any name. There is a huge difference between our current life and the one we had before the war' <u>K.K. (Cr, F, 52, Vares/urban, retired)</u>. The last two informants who complain about life in today's Bosnia are Serbs. The male interviewee was once a famous football player. For him, it is impossible to compare the two lives. What he says is really striking: 'I cannot compare my present life with the pre-war one of course. You rise from death and in 6 years you try to come somewhere from that point of death! That is the comparison I can make between my present life and pre-war life' <u>M.S (Srb, M, 41, Sarajevo/urban, unemployed)</u>. The other is living in two countries: Canada and Bosnia. She emphasises that it is better to wait until Bosnia returns to normality. Yet, she cannot believe that this will happen in the near future: 'I wish to come back, if my sons come, too. But the thing is that I want to return only if they find job and stay here. Otherwise they should stay in Canada. My decision about full return so far is that I want to wait for a better time – normal politicians, normal life and normal economic situation. All I want is to see my pre-war situation again. We could go anywhere without any problems as a Yugoslav citizen' <u>M.S (Srb, F, 61, Vares/urban, retired in Canada)</u>.

Unlike the interviewees who feel unhappy and disappointed, a Bosniac male from Kozarac criticises the current situation in his country. He can be considered really lucky when compared to many others. So he is expected to feel comfortable. Yet, his conscience does not allow him. He says, 'When compared with the pre-war times, life is 90 % worst now. Why is it the case? We do not have a state and a government. 5 % of the population is rich and the rest is unfortunately poor. Bribery and corruption are taking place at extremely high levels. No matter I am among the 5% I feel restless. For example, I feel ashamed of building a villa for myself, when I see those poor people …' <u>M.J. (Musl, M, 42, Prijedor/rural, private entrepreneur)</u>.

As apparent from the narratives, there are many things to complain if you are living in today's Bosnia. However, it is to be noted that not everybody is complaining. It is better to finish this section with Bosnians who are satisfied with their current lives. Two

informants – a mid-aged Bosniac male from Zvornik and an elderly lady from Vares – seem to be content with their current lives. The male interviewee says, 'I am satisfied with my current work. My daughter has a good career. Overall we are happy with our lives' H.G (Musl, M, 54, Zvornik/urban [living in rural area], working as a volunteer in the Association of Citizen Returnees). And the elderly lady seems to be contended with her life even though she has serious health problems. She says, 'I think I have a better life now because before I had to look after my nieces and nephews) but now I do not have to. I have problems with my heart. My economic situation is not good since I cannot work. But still I prefer this life' M.N. (Cr, F, 72, Vares/rural, housewife).

VII.4. Future in the Perceptions of the Bosnians

The last issue to be discussed with regard to reintegration in Bosnia-Hercegovina is the future. What do the informants think about future – their own futures and Bosnia's future? What are their plans and expectations? Are they optimistic or pessimistic about future? These are some of the questions that may be helpful in finding out how they see the future.

Like in the other issues, the views about future are various. Some of the interviewees are very much pessimistic about the future while some think rather positively. In some cases, we come across with informants finding themselves in a dilemma, and some of them just hope that it will be better. It is good to hear positive things because you have a reason to be happy in the name of those people. The problem is that you do not hear them much. The number of Bosnians, who think negatively about both the present situation and the future, unfortunately seems to be higher.

VII.4.1. Being an Optimist of Future in Today's Bosnia

Optimistic interviewees have many reasons to think in that way. According to a mid-aged Bosniac lady from Tuzla, Bosnia needs at least 10 years to fully recover. She is aware of the fact that the current situation is not promising at all but believes that the future will be better because she trusts the young people. Two other Bosniacs evaluate the situation from an economic perspective. One of them is a young girl working as a salesperson in a small boutique in Sarajevo. About her own future, she is rather optimistic. Once she graduates from university, she will find a job. This one is temporary, in other words. Concerning the situation in Bosnia, she says, 'Bosnia is not that bad otherwise so many foreigners would not come to Bosnia to work and live. I am very happy that I have returned' A.K. (Musl, F, 24, Sarajevo/urban, salesperson in a boutique). The other is a mid-aged lady selling fruit and vegetables on the main road of a touristic town in the Hercegovina region, Pocitelj. She is content with the increase in customers coming from other parts of Bosnia and former Yugoslav republics. This lady might be happy at the time of the interview because it was summer then and many tourists were coming to visit the Old Town of Pocitelj (Stari Grad) – a typical Ottoman town with its mosque, medresa, caravansaray and tower-clock, whose reconstruction was completed a couple of years ago. However, the situation is most probably not promising in winter. One of the Serb informants, on the other hand, believes that better future is in the hands of the Bosnians themselves. It has to be better in some way, and the only way to achieve it is to work. This elderly lady from Vogosca says, 'People should turn to work so that it can be better. Otherwise future is going to be very difficult' M.J. (Srb, F, 68, Vogosca/urban, retired). A mid-aged Bosniac living in a remote village in Srebrenica shares her views and draws attention to the necessity of creating a future although there seems to be none for the time being. He says, 'We do not have a future but we have to create one. For myself, I would not want anything else if I had a little bit of assistance. I would not even think of going anywhere' E.D (Musl, M, 47, Srebrenica/rural, producing goat cheese on a small scale). The Bosniac war veteran from Sarajevo thinks positively. He is one of the interviewees

who can be considered as a transnational returnee because he lives both in the US and Bosnia. He is happy with his life and optimistic about the future of his country.

VII.4.2. Being in a Dilemma of Future Expectations

Some of the interviewees have different views concerning their own future and the future of their country. In one case, the Bosniac restaurant-owner believes that bad times are over for his country. However, he cannot be optimistic about his own future: 'I am an optimist about the future of Bosnia because love is much stronger than hatred. I believe that those bad things have to be over. After all of this storm and bad times, there will be good times in our country again. Like the gypsies – they sing and dance in the rain because they know that sunshine is coming after rain. Yet I cannot say anything precise about my own future. I have opened this restaurant, but while sitting here you should have noticed that there are not many people passing by. So I do not know whether I will be able to run the restaurant' A.P. (Musl, M, 57, Srebrenica/urban, owner of a restaurant). Two informants, on the other hand, cannot show optimism for Bosnia while thinking positively about their future. The Bosniac young lady from Sarajevo emphasises that youngsters are trying to leave Bosnia because if they stay, they are faced with the unemployment problem. She says, 'I plan to graduate from the university. I am rather optimistic about my own future. However, I think that if the situation in the country continues like that it will not be any good because the young people are leaving the country as soon as they graduate because of the big and serious unemployment problem. They try to go abroad where they can find job. In addition, the economic situation is getting worse everyday. The import is 3 times bigger than the export' N.M (Musl, F, 22, Sarajevo/urban, tourist guide in a Turkish tourism agency). The mid-aged Bosniac from Zvornik shares her views and adds a couple of other problems: 'About the future, I believe that my future is here in Zvornik. I am satisfied with the job here. I will be retired one day but the future of the country is a big question because the youngsters are leaving BiH. On the other hand, the government

legalised the robbery of the country by privatisation. The unemployment is a big problem. ... The post-war syndrome is still going on. ... What kind of a future can we talk about in these circumstances?' <u>H.G (Musl, M, 54, Zvornik/urban [living in rural area], working as a volunteer in the Association of Citizen Returnees)</u>.

Among the middle-aged and elderly interviewees, some are not sure whether they will live long enough to see a better future. The Serb lady from Vogosca says, 'I do not know what the future will bring. I think that I will not live long enough to see the future but hope that good future is waiting for the young people' <u>V.S. (Srb, F, 82, Vogosca/urban, housewife)</u>. Some, on the other hand, have already lost their hope because they think that 'it is getting worse'. A mid-aged Croat lady from a village in Visoko is concerned about her children. They are all married and it is getting more difficult to provide a good future for their families. She says, 'I hope that it will be better but unfortunately it is getting worse everyday. It is not so important for us [me and my husband] because we have a cow and a plot of land so it is enough. However, it is very difficult for the kids – they all have their families to look after' <u>A.D. (Cr, F, 55, Visoko/rural, housewife)</u>. The last informant thinking similarly is a Bosniac lady from Banja Luka. She complains that everything is going on very slowly thus they cannot notice the progress: 'About the future, I think that everything is going on slowly (there may be progress but it is very slow). We all hope that it will be better everyday but it is getting worse and worse unfortunately' <u>R.C (Musl, F, 42, Banja Luka/urban, unemployed)</u>.

VII.4.3. Being a Pessimist of Future in Today's Bosnia

The interviewees, who think negatively about the future, mostly point to the unemployment problem. They all believe that if the situation does not improve, then the future will not be any better. A male interviewee from Zenica is so fed up with living in Bosnia that he wants to leave the country immediately:

'About my future, I do not have any goals. I want to run away to a place where I can live among normal people. Otherwise I will get sick here. I want to go to Germany again because I still have not got used to living here.

About the future of the country, I think that everyday is worse and worse, and there is no possibility that it can get any better.' <u>D.M. (M, 22, Zenica/urban, unemployed) // mixed marriage</u>

One of the Croat female informants prefer not to think about future because she gets panicked immediately. So it is better to live daily. The Croat couple from Vares thinks that there is no reason to be optimistic. It is as simple as that. They say, 'We do not see a future for our family. It is a complete disaster. We had a life before the war, but the children did not have one and they will not. Life is not the same at all. Future is black in any terms – economic, political and security' <u>J.C. (Cr, F, 49) Z.C (Cr, M, 58) (Vares/urban, unemployed)</u>. Another Croat from the same town complains that everything develops very slowly. The country should have been rebuilt in the past ten years. Yet, one cannot talk about progress in that sense. That is why she does not see any future. Likewise, two mid-aged Serbs are very pessimist. In the first case, the informant says that he does not even dare to think about future. He thinks that staying in Bosnia was the worst choice one could make and he had to do it. The other Serb, who is from a village in Ilidza, believes that there is no future, particularly for his generation. There may be one for his children, but he cannot be sure even about that. The only way out is to provide job opportunities for the people. Unless they are not employed, how can we talk about a future for them?

Two Bosniac ladies focus on different things. The elderly one from the Brcko District thinks that the politicians are responsible for the current situation. In that sense, there is no possibility of improvement until they are removed from power. The mid-aged lady, on the other hand, criticises the Bosnians for having become dependent on aid. According to her view, industry should be revived and factories should be opened. Moreover, she expresses her concerns for the children. She says, '…if there is no industry and no factories are opened, then we will not be able to survive. If we only wait for the humanitarian aid, then we are doomed – no chance at all! We are too old to have any kind of future. Yet, we feel very sorry for our children because they are unemployed and ask for 1 KM so that they can go out' <u>H.A. (Musl, F, 48, Milici/rural, housewife)</u>.

In some cases, the interviewees care only about their children. A mid-aged Croat lady from Zenica does not want to be away from her children. It is enough for her to see them living in prosperity. So, she does not think much about the future. Two Bosniac males find themselves in a rather difficult situation when their children's futures are in question. The mid-aged one from the Brcko District regrets not having gone abroad for the sake of his daughters. He says, 'About the future, I think about my children's future. I am not optimistic at all and regret that we did not go to a third country. They would definitely have better opportunities there. Here the biggest problem is unemployment – the factories are not working. In addition to unemployment, there is corruption. My biggest desire is to see my daughters graduating from university and getting a job so that they can have a better future than I have' H.U. (Musl, M, 57, Brcko District/rural, retired). The other informant, a young father from Pocitelj, has found himself in a big dilemma:

> 'Life in our village is very difficult … I am worried about my daughter's future. She is too young to go to school now, yet she will be the only Muslim in that Croat school when she starts attending. She will have to learn the Croat language and will be educated according to the Croat curriculum and, to be honest, I do not want this. However, I like my village and want to continue living there. So it is a big dilemma for me.' O.T. (Musl, M, 27, Capljina/rural, temporary salesman)

Some of the interviewees think that Bosnia's future depends on the government or international community rather than the Bosnians themselves. The Serb elderly male from Konjic says, 'Future does not depend on us (*referring to the ordinary people*). It depends on the government and it is very difficult indeed' R.S (Srb, M, 70, Konjic/rural, retired). The mid-aged Bosniac from Ilidza thinks in an opposite way. According to him, the important thing is that people should be employed. Rulers are not important, at all. In a last case, the Bosniac informant from Bijeljina emphasises the dependence on the international community: 'The future of BiH depends on the support of the international community. This government will not take any step without the pressure of the international community. Actually the international community does not have to stay if the BiH joins the EU, but certainly it will take a long time' J.T (Musl, M, 53, Bijeljina/urban, owner of a cafe).

What about the collective centre residents and the interviewees living in two countries? Among the collective centre residents, some try to keep their optimism while some are worried about the children's future. One of the Bosniac males in Ilijas collective centre hopes that his house will be reconstructed in the near future and he will be able to return with his wife. A mid-aged Bosniac lady from Zenica centre says that only God knows whether the future will be good or bad. The elderly Bosniac male resident is worried about his single daughters:

> 'I think that I have nearly reached the end of my life and I do not know how long we will be in this collective centre. All I worry about is having a place of our own to live for the rest of my life. I am thinking of my 2 daughters who are not married – what will happen to them when I die?' O.M (Musl, M, 83, Ilijas/C.C 2, retired)

Some of the residents are in such a desperate situation that they cannot think of the future at all. One of the Bosniac informants in Ilijas centre does not even believe that she will live long enough to have a good future. It is sad to hear this from a woman who is 39 years old. Another resident is planning to go abroad. He says, 'I believe that my house will be reconstructed, but I do not see my future in Visegrad, not even here in Zenica. I think that my future is in a place outside Bosnia' S.C (Musl, M, 23, Zenica/C.C, unemployed).

Among the interviewees living in two countries, three of them are pessimistic. The Serb lady from Vares wants to return to Bosnia but with one condition. Her children will come back, as well. However, everything should be normal. For the time being, it does not seem likely. She says, 'I wish to come back if my sons come too. They do have the desire to return but only if they are employed and everything is as it ought to be, otherwise they do not wish. ... If the politicians treat every person in the same way, then no problems will occur. But unfortunately they do not. They favour some people. If the government of BiH goes on like this, I do not see any future for Bosnia' M.S (Srb, F, 61, Vares/urban, retired in Canada). The Bosniac informant from Mostar is one of the pessimists. He complains about the politicians and says, 'I do not see any future for my generation. There may be one for the younger generation but I am not sure about that as well. The politicians do not get any confidence from the public. I am not happy about many things, for instance I can

only get Croat newspapers here in Mostar – I cannot get *Dnevni Avaz* or *Oslobodendje*[36]' M.M (Msl, M, 47, Mostar/urban, working temporarily in Sweden).

VII.4.4. Recipe for a Better Future of Bosnia

If the optimists' views are put aside as exceptional, it is apparent from the narratives that the current situation does not seem to be promising. Nevertheless, the Bosnians should do something to make progress. What is to be done to have a better future? Different themes such as change of mentality and removal of nationalists from power came up during the interviews. One of the Bosniac lady from Vares emphasises that unless mentality is not changed there is no chance to move forward. She says, 'If the mentality of the people does not change, I cannot think anything good about the future. Nobody wants to care about other people and they do not. Everybody is egoist and they want to make more money. That is all. If everywhere is like in Vares, then I cannot think positively' Z.C (Musl, F, 50, Vares/urban, working in a fast food restaurant). Another Bosniac from Kozarac draws attention to the necessity of experts in the government by saying, 'About the future, if we get experts in our government, we can have progress. But, if those nationalists stay in power, no progress can be achieved in this country because they employ people according to nationality, and this mentality won't take us anywhere' M.J (Musl, M, 42, Prijedor/rural, private entrepreneur). An elderly Croat lady from Banja Luka also sees no future for the country if nationalists continue to be in power. According to her, educated youngsters should be ruling instead of these nationalist politicians who think only of themselves. Another informant, an elderly Bosniac from Mostar says, 'I think that there should definitely be some changes because it cannot be any better with those nationalist parties. They should go as soon as possible' H.A (Musl, F, 78, Mostar/urban, housewife). One of the young interviewees, a Bosniac male from Sarajevo, wants all the war-time leaders to die because otherwise they will continue to be in power. But, at the same time,

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[36] Oslobodjenje is known to be left and liberal in terms of political allegiance and Dnevni Avaz is a pro-Bosniac newspaper (Personal account based on informal conversations).

he is sure that Bosnians will have to endure those people for another 20-30 years. May be the next generation will be better and do something for Bosnia. In the last case, the young Bosniac lady from Mostar is sure that the country needs a change but does not know whether it will be good or bad:

> 'About the future of BiH, after these elections [October 2006 elections] with nationalist winning again I think that the Bosnians are living on borrowed time. Some kind of change must happen and I am not always convinced that it will be a positive one' N.P (Musl, F, 24, Mostar/urban, Assistant Political Officer in an agency)

Even though the informants have several suggestions, the focus is on economy. Many people including some of the informants see revival of industry and a well-functioning economy as the only way to make progress thus have a better future. The Serb male interviewee from Ilijas thinks that new factories should be opened or at least the ones, which are working under-capacity, should employ more people. He criticises the municipal authorities for not being capable of solving the unemployment problem. The Bosniac lady from Vogosca draws attention to the importance of industry: 'If there is no industry, you cannot progress. There are shops selling different products, but if we do not start producing ourselves, the future of our country will not be good at all' R.D (Musl, F, 45, Sarajevo/urban, salesperson in a shop). One of the Bosniac informants from Sarajevo believes that Bosnia needs a couple of Titos in order to develop. It is obvious that he misses Tito era because he says that everybody had high life standards at that time. In the last cases, two Bosniac elderly – a female from Zvornik and a male from Bijeljina – think that youngsters should come back. The only way to attract these young people is to provide new opportunities. If they do not come back, we cannot talk about a better future for Bosnia.

In this chapter the focus is on the second component of return process in war-torn countries: reintegration. As mentioned in the chapter on reconceptualisation of return, reintegration is a necessary as well as a crucial element of the peace-building process, and it cannot be considered separate from the return. Being a refugee officially ends by

returning to the country of origin, but the reality is that the process does not come an end because a new chapter opens in the lives of returned refugees. They are expected to reintegrate into their society. Is this easy as it seems? We are talking about reintegration of a group of people, who were blown away and dragged from one place to another as a result of a violent conflict. They became displaced, uprooted, and deprived of their homes. They spent long years away from their homes and neighbourhoods. Is it easy for them to readapt to their place of origin? Even if we assume that they will do it in a short term, it does not depend merely on their wish to readapt. Do the conditions in the country of origin render this reintegration? Are returnees able to return to their houses? Can they get their pre-conflict jobs back? Will the relations among communities be the same as before the conflict? In short, can returnees reintegrate in real terms? There are many problems waiting to be solved.

The discussion on the reintegration issue is based on the narratives of people who experienced the return process and who were not able to return to their houses: the Bosnian returnees and IDPs residing in collective centres. They told us what they lived through in a rather detailed way, and were quite sincere during the interviews because they were more than willing to share their experiences with us. They want their voices to be heard. People should know how they feel, why they are disappointed and frustrated, and why they cannot think positively about the future. It is their words, accusations, complaints and fury that the researcher tries to display.

The return reality in a war-torn country like Bosnia cannot fully be understood unless we listen to returnees. Their voices should be heard because what they tell us is a guide in determining what is to be done in order to help those people reintegrate. What they are passing through is quite hard and it takes time. Without assistance they cannot overcome problems. So, they need assistance. However, if the assistance does not reach people, who are really in need, it does not have any meaning or value. Moreover, these people – be they returnees or IDPs still residing in collective centres – share their opinions about what needs to be done in order to achieve reintegration. They admit that there are positive developments yet emphasise the fact that Bosnia is still far away from being a 'normal' country. The interviewees point out what is going wrong in the country. In that

sense, bearing in mind the contextual differences, what the returnees and collective centre residents tell us might be useful for other post-conflict societies experiencing refugee return.

VIII. EVALUATION AND CONCLUSION

The subject of the present study is one of the complicated phenomena in social sciences: return, in particular return of the forced migrants. The case selected is a country that has experienced war and transition simultaneously: Bosnia-Hercegovina. The purpose of examining the return phenomenon is two-fold: to increase the awareness about the usage of the return-related concepts by putting forth the discussions on the return of forced migrants, and to see and evaluate the reality of return and reintegration in a post-conflict society.

This chapter is composed of two parts. In the first part, the focus is on return of the forced migrants in conceptual terms. The discussions on the phenomenon are evaluated. In the second part, the focus shifts to the process of return and reintegration in Bosnia-Hercegovina. Based on the data generated during the field-work, what is assessed is whether Bosnia constitutes a successful example to the return as an integral element of peace-building process in a post-conflict society or not.

VIII.1. Evaluating Return of The Forced Migrants in Conceptual Terms

The main concepts in the migration studies have acquired new meanings as the political context of international migration changed. In the Chapter II, it was emphasised that new concepts, which reflected the changing realities in the field of international migration, started to be used. New conditions and scenarios were brought about by rapid changes in global dynamics. Starting from the 1970s, these new conditions and scenarios had an important impact on the nature of international migration. The attitude towards immigrants and asylum-seekers from the developing world started to change in the developed West. Neither immigrants nor asylum-seekers were welcome any longer. The

governments began to apply strict policies resulting in the so-called illegal immigration. On the other hand, while the term 'refugee' was defined rather narrowly at the beginning, the scope of the definition had to be extended as the refugee problem became a global one. The outcome was that one cannot distinguish refugees from migrants any longer. The root causes of flight are intricate. It is not easy to know the real motive behind the decision to flee[1]. Consequently the concepts of immigrant, refugee, asylum-seeker, and illegal immigrant became blurred.

As well as having acquired new meanings and dimensions with the changing political context, the return-related concepts have been questioned. Return as a phenomenon and its aspects have been the subject of numerous discussions. In the Chapter III, the debate on return of the forced migrants was taken up. The focus in most of the discussions was on the voluntariness aspect of refugee return. As the attitude towards refugees and asylum-seekers changed in the developed countries of the West, voluntariness of return started to be questioned. In the chapter on reconceptualisation of return, it was noted that the refugee return in question is designated as 'voluntary repatriation' by the UNHCR. The concept of voluntary repatriation is defined as 'voluntary return of refugees to their places of origin with the assistance from the UNHCR', and the voluntary nature of return is quite important. Put another way, if return is organised or facilitated by the UNHCR, then it is called repatriation. In that sense, the displaced persons, who are repatriated, are only refugees. IDPs are supposed to go back to their homes, if they have the chance. Return, on the other hand, refers to a situation in which refugees involuntarily go back to their country of origin. The concepts of 'safe return' and 'imposed return' examined in the Chapter III, point to the involuntariness aspect. Hence, as emphasised in several researches and studies, return is considered as something having negative connotations.

Despite its common usage, it is argued here that the term repatriation has a broader meaning. In etymological terms, the word drives from the Latin word 'repatriare' which means 'restoring a person to his/her homeland'. What does that imply? The person in

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[1] The last issue of the UNHCR's magazine *Refugees* (No. 148, Issue 4) takes up the difficulty in distinguishing between refugees and migrants. For the issue see (Refugees 148 (4), Retrieved: January 24, 2008 [WWW Document] URL: http://www.unhcr.org/refmag/148/index.html)

question is somebody, whose ties to his/her homeland have somehow been broken. Albeit temporarily, the ties between the person and his/her homeland have been broken due to conflict or some other reason, and the person as a citizen has lost some or all of her/his political, economic, social, and cultural rights. In that regard, two points need to be underlined. The first one is that repatriation includes spontaneous return, i.e. the displaced, particularly refugees going back to their homes or just to their country of origin without seeking assistance from the UNHCR, as well as organised or facilitated return[2].

On the other hand, due to its usage in the literature, it is understood as voluntary repatriation and refers to two things. First, refugees go home voluntarily and the bond between the citizen and his/her homeland is restored. If repatriation is the restoration of the bond, then there is no need to underline its voluntary character since it already involves voluntariness. Yet, as discussed in the Chapter III, some repatriation cases reveal that the voluntary nature of repatriation is open to question.

The second point concerns the recovery of post-conflict societies. Return of persons, who have been displaced as a result of conflict, is crucial for the post-conflict societies to recover. The process is known as the return and reintegration process. It refers to repatriation in fact, but it is only the repatriation of refugees which is in question. In the present study the argument related to this point is two-fold. The first one is that repatriation has two intricate elements, namely return and reintegration. Hence, the two should not be separated from each other. Secondly, IDPs need to be repatriated as well as refugees. Even though they are displaced within their country, the bonds are broken due to the conflict and have to be reestablished. In that sense, not only they should return to their homes, but they should reintegrate in socio-economic as well as political and psychological terms. The reintegration issue is evaluated with regard to the Bosnian case in the following pages.

As elaborated in detail in the Chapter III, the approach UNHCR adopted regarding refugee return was minimalist. It was only the immediate consumption needs of returnees the refugee agency focused on. The idea was that once the refugees returned to their

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[2]Apart from repatriation and the return of economic migrants, there are various accounts of return in the migration, refugee, diaspora, and exile literatures. They signify sometimes different and sometimes similar even overlapping experiences. For some of the studies see (Long and Oxfeld, 2004).

countries of origin, they would be taken care of by their home states because they would again be citizens, and the problems would be solved over time. The home states would shoulder the responsibility. Yet, it was soon realised that not all of the governments were capable of taking care of the repatriates. It was a very difficult task to accomplish. Both policy-makers and returnees encountered various challenges. On the other hand, the conditions in most of the counties were rather poor. For instance, the repatriates in many African states had to live in poverty. They were sometimes left to starve. Instead of 'a stable and revitalised "home"' (Black and Koser, 1999: 7), some of the refugees moved to a province in which conflict was continuing, albeit at a low level. Some of them, who returned to their country, had to live in places other than their houses because going back home was not possible. In several cases, the returned populations were simply left to their fate. The problems of being a war-torn country coupled with problems deriving from the return itself made it very difficult for the repatriates to live.

Another aspect of the minimalist approach that is open to criticism concerns the place of return. As the High Commissioner for Refugees stated in the early 1990s, a refugee had the right to return to his/her homeland. But this homeland was not understood as the place the refugee was living before displacement. The homeland in question was the refugee's country of origin. In that sense, is return to country sufficient for restoring that person to his/her homeland? Refugees might return with the help of international agencies or they might go back on their own. But do they really 'return home'? That is the essence of the issue.

Refugee return needs to be questioned on two grounds. First of all, return is not limited to physical journey back to the place from which the displaced person was expelled. It is, at the same time, the effort to return to the life she/he had before expulsion during conflict. This is extremely difficult and even impossible in most of the cases because war changes everything and nothing is ever the same as before the war. In that regard, although the displaced persons – be they refugees or IDPs – go back to their pre-

war places[3], they cannot return to their pre-war lives. Although some are able to go back to their places of origin, they find that many things have changed. For instance, some are not able to get back their pre-war jobs and try to find new livelihoods. Some do not trust their neighbours any more. Problems encountered are three-fold in some post-conflict zones such as Bosnia: problems stemming from being a country in transition, problems of being a post-conflict society and problems deriving from the return process itself. Faced with such problems, do these people reintegrate or start from zero? Is it reintegration or integration returning refugees experience? Is it possible to return to the status quo before displacement?

Secondly, return cannot be regarded as a once-for-all event. The phenomenon of transnational return helps us think in this way. According to the transnational approach to migration, there is no particular place or community that may be considered 'home' because migrants and refugees have multiple attachments. Being based either in the country of settlement (or asylum in the case of refugees) or in the country of origin, they use global transportation and telecommunication technologies and sustain social relations that link their own society to the society of settlement. The ones, who establish a more permanent base in their country, but, at the same time, keep their connections and mobility to the outside, in particular to the country of asylum, become the so-called 'transnationals at home'. Some, on the other hand, prefer to be based in the country of asylum and visit their country of origin regularly. This is called seasonal or temporary return. Residing abroad is advantageous because it is easier for these transnationals to support their families and relatives in the country of origin. When all those are taken into account, refugee return cannot be regarded as a single, definitive move to the country or place of origin. It is a constantly changing as well as an open-ended process.

In evaluating return of the forced migrants, another noteworthy aspect is that there is a problem with promoting refugee return. As examined in the Chapter III, refugee return is an integral aspect of the peace-building and state reconstruction in post-conflict societies. States that undergo rebuilding after war are the so-called transitional states, and returnees

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[3] In some cases, they are not even able to return to their pre-war houses. They either settle in some other town or in collective centres since they do not have any other choice.

can contribute to this rebuilding process. In what ways can returnees do this? Based on the research area observations supported by the literature on refugee return, it is claimed that there are two ways in which returning refugees can contribute to rebuilding of their countries. First, reintegrating returnees is a crucial national objective of states that are undergoing transition because the well-being of returnees show whether transitional states are able to manage development goals or not in the post-conflict era. Second, since most of the returnees come back to places, where houses and infrastructure need to be reconstructed; they have to take part in the rebuilding. In that sense, returning refugees are important human resources for development. Refugees returning to Prijedor in Bosnia constitute an example to the second way.

The last point in evaluating the return of refugees is related to the main refugee agency, the UNHCR. Based on the interviews and observations in the research area, it is to be underlined that the UNHCR has an important role in the whole process. While carrying out its mandate, it has to be in full cooperation and collaboration with both the country experiencing transition and the donor countries. Cooperation with the country in transition is necessary in order to make sure that the country in question can benefit from refugee return in terms of state reconstruction. What about the relations with donor countries? Since the refugee agency is a product of the state system, it is fully dependent on the interests of the donor countries. The result is that the UNHCR has to act in accordance with the interests of the donors. The objective of the donor countries regarding refugee return is to maximize the potential benefits so that it will be to the advantage of the transitional states which are in the reconstruction and recovery process. At this point, there is something that needs to be underlined. While refugee return gained importance in the eyes of the international community in the last two decades, it became an end in itself. As examined in the Chapter III, it has been strongly believed that return would be 'the end of refugee cycle'. Therefore, it has been promoted as the optimal durable solution. The role of return in rebuilding of post-conflict societies cannot be ignored. Yet, one should not forget that while refugee communities are returning to their countries of origin with assistance from the UNHCR, it is not considered whether the return is in their best interest or not and if returnee populations are provided enough support from their countries of origin as well

as from international donors. In some cases, the refugee agency thinks of phasing out as early as possible to reach the quota of return it planned. But then the result is leaving the country without completing projects for returnees. Under such circumstances, how can one claim that return is to the advantage of refugees?

VIII.2. "Life is difficult" : Evaluating The Return to/in Bosnia-Hercegovina

In this section, the reality of return in Bosnia-Hercegovina is evaluated. The focus is on the problematic aspects of reintegration. As elaborated in detail in the previous chapter, these aspects are the main points emphasised in the narratives of the Bosnians interviewed for the present study. The problems of reintegration evaluated in this section come out as the common denominator of most of the interviews. However, differing views are highlighted as well as the similar ones because they all point to different dimensions of reintegration in Bosnia. The interviewees tell us why they think that 'life is difficult' in post-war Bosnia.

The Dayton Peace Accords that brought the bloody conflict in Bosnia to an end in 1995 is believed to have created a 'miracle' (Wilkinson, 2004). Over one million Bosnians have returned to their country since the end of the war. After 2000, the so-called minority return gained momentum. The Bosniaks were able to go back to their houses in towns such as Srebrenica, Prijedor, Bijeljina, and Zvornik in the Republika Srpska. Likewise, the Serbs returned to their houses in the Federation BiH. Progress has been achieved in some fields such as property restitution. It is the bright side of the return reality in Bosnia. But, there is another side, which is unfortunately dark and paves the way for questioning the 'miracle' the Dayton has created. First of all, there were many obstacles that hindered return in the initial years of peace process. As examined in depth in the chapter on politico-legal context of return in Bosnia, the local authorities discouraged the displaced Bosnians from returning; several problems were awaiting the ones who returned; returnees' security was at risk in many areas; and the members of minority communities could not even

return. Over time, some of the challenges were overcome. Yet, as drawn out from most of the narratives, several of them are still in place making the Bosnian interviewees unhappy and frustrated and at the same time helping us understand the level of reintegration achieved in today's Bosnia-Hercegovina.

From the moment they became displaced, the Bosnians interviewed were blown away, and this state of being blown away has been continuing for many of them. Some were able to go back to their houses while some had no choice other than residing in collective centres. As emphasised in most of the narratives, both the returnees and the collective centre residents have been struggling with various problems. In that sense, the state of being blown away has not come to an end for many Bosnians interviewed. They have their reasons to be unhappy, disappointed and even full of reproach. This unhappiness and anger constitute an impediment to reintegration in psychological terms.

What kind of problems have the interviewees been facing? As underlined by both the interviewees and key persons, economic problems seem to be prevalent. Even though the overall economic situation has improved to a certain degree in the past decade, recovery is still far from complete and there are many things giving grounds for concern. Let alone not attaining the growth rate prior to the war (the 1991 level), the current economy cannot even fully employ the labour force in the country. The production is much less compared to the pre-war era. Most of the factories were not repaired. The outdated factories were not replaced by new ones. The ones that were not in need of repairment were hardly utilised. What is worse is that the factories are working under-capacity when majority of the population is faced with the unemployment problem. The situation in terms of poverty does not seem to be promising, either. Income poverty is still high though the absolute poverty decreased. Bosnia has received an enormous amount of assistance in the past decade. But the economic situation is still far from good because the country is struggling with structural problems. Economic disparity is huge between the two entities and urban and rural areas, and even within the entities. Moreover, as discussed in the chapter on reintegration, the growth rate of the Brcko District, which is a self-governing unit with a separate administrative system, is considerably high compared to that of the entities. This adds to the economic disparity among the regions.

Unemployment, on the other hand, seems to be the biggest problem the Bosnians face. It is the common view expressed in almost all of the narratives. Be they returnees or stayees, everybody is complaining about the same problem. However, one cannot ignore the fact that job-market is even more unfair to returnees. As emphasised in many interviews, Bosnians, who lost their jobs with the break-out of the war, were not re-employed afterwards. Some do not have any income at all. Some are employed in temporary jobs or they are selling vegetables and fruits. What they earn is usually not enough. The jobs returnees can find are mostly in the 'black market'. They are working unregistered thus cannot benefit from social security services. Even the university graduates or professionals have to work in the black market since they do not have any choice. The result is the expansion of 'gray economy'. Prostitution has come to have an important place in this gray economy[4].

Ethnic discrimination is an equally important problem. As stressed in the narratives, during the war, the members of 'wrong' ethnic group were dismissed from companies and public institutions which were controlled by the nationalist parties. Let alone the fact that those people were not reemployed after the war, discriminatory practices continued in order to discourage return of the so-called minorities. Unfortunately favouritism is still dominant in recruitment. Since each ethnic community favours its own members, minorities encounter discrimination because of their ethnic origins. In that sense, returnees turn out to be in the most disadvantageous position because the employment laws in both the RS and the Federation BiH give priority to other groups such as demobilised soldiers and war invalids.

While the youngsters and the mid-aged are struggling with the unemployment problem, the situation of the elderly, in particular the retired, is not any better. As emphasised in several narratives, the amount of pensions the retired Bosnians receive is very low indeed. In some cases, the pension can only last for two weeks. Because they receive low pensions, some have no choice other than working 'illegally'. In one case, the

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[4] For more on the trafficking of women and girls for forced prostitution see (HRW, 2002).

Croat interviewee from Capljina said that he was working 'illegally' as a taxi driver. In short, life is very hard for the retired as well.

Faced with unemployment and discrimination, many Bosnian interviewees are disappointed and furious. As highlighted in the interviews, some regret that they have not left for a third country because they are fed up with living in poor conditions. They miss the pre-war times when they had a 'normal life'. Since they cannot get employment, several young Bosnians seek ways to go abroad[5]. Unfortunately they have lost the hope that Bosnia would have a good future. The result is long queues in front of German, Swedish and other embassies of the West European countries. Youngsters - some of them are single and some are couples - are trying to find ways to migrate to Western Europe, America and Australia. As regards the elderly interviewees, even though they wished to return to their country very much, they are not happy about living in current Bosnia and long for communist times more and more.

Another factor playing an important role in the Bosnians' unhappiness is related to the issue of housing. The interviewees point to several problems with regard to the issue. In the initial years of the return process, the so-called domicile return, i.e. going back to pre-war homes, could not take place for various reasons. The houses and apartments either needed reconstruction or they were occupied. Moreover, some areas were not secure at all. For instance, until 2000, it was not possible for a Bosniak to go back to his/her house in Srebrenica. The turning point came in 2000 as property restitution speeded up with the implementation of the new property legislation minority return gained pace. In a relatively short period of time, Bosnians were able to repossess their property. By the time of the field-work, the process was almost completed. Thus it was successful, and, in theory, it might be a model for other post-conflict zones. Implementing the new legislation on property and returning Bosnians their property is the bright side of return in BiH. However, two negative aspects have to be underlined. First, did everybody really return to the houses they repossessed? Or is it 'return on paper'? It was found during the informal conversations that many people were exchanging their apartments in Sarajevo. This could

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[5] The problem of youth unemployment in BiH is taken up in a World Bank report (La Cava et al., 2005).

be seen when the ads in newspapers were checked. Once the returnees repossess their property, they are free to do whatever they want to do with it. They can sell or exchange it. That is why it is not possible to know the number of Bosnians who really returned to their places of origin.

Secondly, not everybody's housing problem has been solved. Many people constitute the most striking example to the state of being blown away because they are still living in poor conditions in collective centres although more than a decade passed since the end of the war. They cannot go back to their homes for a variety of reasons. Some of the houses are in remote areas where one cannot talk about return. In most of the cases, houses need to be reconstructed, but the owners unfortunately do not have the financial means to get their houses repaired or rebuilt. Some, on the other hand, think that they will not feel secure since they do not trust the people who were once their neighbours. The bitter memories of war are still vivid. In short, the presence of collective centres poses a big challenge to reintegration in Bosnia. How can anyone expect these people to reintegrate under such circumstances?

The other factors that play a role in making the Bosnians unhappy concern the socio-cultural, psychological and political fields. To start with the socio-cultural field, it is to be noted that three dimensions come to fore. The first one is the relations among the three ethnic communities. How are the inter-communal relations in a country whose social fabric was dramatically changed by a war which was fought in the name of ethnicity? It is not easy to answer such a question because the Bosnians interviewed have different views concerning the subject. While some of them still have good relations with their neighbours from the other ethnic communities[6], several others emphasise that the so-called minority returnees have encountered various problems. Verbal provocations, physical attacks and problems because of belonging to a different ethnic community are some of them. In certain areas like the Hercegovina region and eastern Bosnia, one can sense that the chances for reconciliation are indeed low. Some of the interviewees underline the fact that

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[6] These interviewees still believe that different ethnic groups can peacefully live together despite all the atrocities committed during the war. They do not understand why the war broke out when everybody was getting along well in an environment where nobody cared about nationality.

the trust between communities is gone. A mid-aged Bosniak female informant from the Hercegovina region thinks that even the relations among Bosniaks are not good any longer. Let alone reconciliation, how can one expect the inter-community relations to get better under these circumstances?

The second dimension concerns education. In today's Bosnia, each ethnic community has its own education system with its own curriculum and text books. Unfortunately, none of the efforts to create a common curriculum and textbooks has borne result. Moreover, the way education sector is regulated is rather asymmetrical. With regard to the entities, the cantons apply their own laws in the Federation BiH while one unit responsible for education in the RS. The Brcko District, on the other hand, applies its own law since it is self-governing unit. Particularly, the system in the Federation is based on segregation in the cantons where neither the Bosniaks nor the Croats constitute the majority of the population. As some of the key persons interviewed underline, pupils are attending 'two-schools-under-one-roof'. In most of these schools, the students and teachers do not have any mutual contact. The entrances for the pupils are separate and the teachers do not use the same teachers' room. Worst of all, the students do not seem to be complaining about this situation. They are prevented from socialising with the members of other ethnic communities and they accept it. Does not this regulation impede social reintegration? Can anyone talk about educational reconstruction as a mechanism of re-mixing ethnic communities under such circumstances?

The last dimension of the socio-cultural field includes the issues of religion and inter-ethnic marriages. They help us understand how the war changed the social fabric in Bosnia. Regarding religion, it may be noted that generally there are no problems in concerning practice. However, in some places, the religious leaders have become the targets of physical attacks or provocations. Furthermore, as emphasised by a couple of interviewees, in cities like Banja Luka, the Bosniaks abstain from waving either the Islamic flag or the traditional Bosnian flag (the one with Golden Lily) because the Serbs may react in an offensive way. As of inter-ethnic marriages, it is to be underlined that such marriages are not tolerated much in today's Bosnia. Young couples may encounter problems. Some have found a solution to preserve their marriages: to go abroad. At least

they are not the targets of criticisms. Moreover, some think that coming from an inter-ethnic marriage is very difficult because they cannot get any help from either community.

The psychological and political fields are the last two fields in which the factors impeding reintegration thus making life difficult for the Bosnian interviewees are at work. With regard to the psychological field, it should be noted that even though the Bosnians have been trying to overcome the traumas of war, post-war syndrome is still continues in various ways. Accordingly, these traumas pose a challenge to the Bosnians' mental health and psychosocial functioning. While healing psychological wounds is already difficult, recovery is impeded by several factors. The psychological health of many Bosnians interviewed is not good, at all. They are hopeless and helpless; they cannot cope with the problems; since they believe that they cannot change anything, they are indifferent almost to everything; and they feel restless. Health problems have a negative impact on their moods. Some are suffering from post traumatic stress disorder. Under such circumstances, can anyone expect those people to be happy?

As of the political field, many factors pose a challenge to reintegration. First of all, neither returnees nor IDPs are participating in politics. There are associations founded by the returnees themselves. Many volunteers are working for the returnees in those associations. Yet, there is no political party representing their interests, and the activities of these associations are at local or regional level. The only political activity in which Bosnians participate is voting. They go to polls because it is obligatory. As the low turnouts in elections show, some even do not care about voting because they think that nothing will change with their votes. None of the interviewees was participating in the political life. Yet, they were complaining about the system. There were many things to criticise: lack of a strong state and competent rulers, nationalist politicians who only think of their own interests and do not work for the Bosnians, corruption and favouritism, disappearance of financial aid the returnees and IDPs were supposed to receive, and the presence of international community. Among the interviewees, the distrust of politicians is obvious. They believe that none of the politicians, who led Bosnia to war, should be in power because they are the biggest obstacle in front of progress.

Regarding the presence of international community in Bosnia, first the views about the High Representative are to be highlighted, and second the relations with the European Union need to be evaluated. The views about the High Representative are mostly negative. The interviewees do not trust the foreign powers. One of the reasons they give is that several war-criminals, including Karadzic and Mladic, have not been arrested yet. They are still at large. Furthermore, some of the interviewees like the elderly Bosniac from Mostar believe that the foreign powers will not ever leave Bosnia because they have many benefits. On the other hand, among the young interviewees, one stresses the fact that Bosnia cannot be fully independent unless the international community leaves the country. An elderly Bosniak shares her views with the following remark: 'If there is another boss in your house, you cannot be the boss'.

The relations with the European Union, on the other hand, need to be evaluated within the context of the EU's approach towards the Balkans. As examined in the chapter on the Bosnian War, the EU was involved in the Yugoslav crisis right from the beginning. It was in favour of resolving the crisis by diplomatic means. Therefore, it preferred not to intervene. With the eruption of war in Bosnia, many people had to leave their homes. As the fighting between three forces intensified, the number of displaced persons increased. Some sought refuge in Europe. At the beginning, the European states were not willing to share the refugee burden. They had to change their attitude with the appeals of the UNHCR and took the decision to provide 'temporary protection' to the persons coming from former Yugoslavia. However, it seems that the Bosnians were not well informed because nearly all of the interviewees said that they were granted refugee status instead of temporary protection status. Furthermore, the practice of applying temporary protection varied from one member-state to another.

When the war in Bosnia came to an end, the international community launched an ambitious project of reconstruction for the war-torn country. With other organisations and agencies, the EU was supposed to play an important role in this project. It would be responsible for making Bosnia a stable as well as a democratic society with a functioning economy in a secure environment. Accordingly, the EU drew a policy framework for

Bosnia. The ultimate aim is to ensure Bosnia's membership. For the time being, it is one of the potential candidate countries.

The EU claims to be a soft power in the international arena, and this situation definitely affects its relations with Bosnia. As emphasised in the section on the presence of the EU in Bosnia, it started assuming crucial responsibilities in the political as well as security field since Bosnia has been moving from the Dayton period onto the path to Brussels. In the first place, the EU replaced NATO by launching EUFOR/Althea mission which is an integral part of its approach towards Bosnia. Secondly, it appointed a Special Representative (EUSR). The High Representative is at the same time the EUSR. This appointment took place in accordance with the transition from the Dayton era to the era of integration with the EU.

Apart from assuming more responsibilities in the political and security fields, the EU is involved in financial assistance. As elaborated in the chapter on the political and legal context of return in Bosnia-Hercegovina, the EU has been providing assistance since the beginning of the Yugoslav crisis. At the beginning, it was through the Humanitarian Office. The EU used Phare and Obnova programmes to assist Bosnia. Later on, these programmes were replaced by CARDS which focused on institutional capacity-building and economic development. CARDS programme was implemented until the end of 2006. Now there is a new instrument: Instrument for Pre-accession Assistance (IPA) designed to restructure the assistance programmes so that they would be in a single framework.

The amount of financial assistance the EU has been providing to Bosnia cannot be underestimated. Having pledged over two billion Euros, the EU has been the largest single donor to the country. However, an issue such as return of the displaced persons was considered as a part of the reconstruction project the international community launched for Bosnia. In other words, the EU did not take further steps regarding return. As a result, the Bosnians, particularly the ones, who were interviewed, do not expect much from the EU. Even in terms of security, some of the interviewees are opposed to EU forces. Based on their previous experiences, particularly with the UNPROFOR during the war, they do not trust EUFOR.

These are the factors that help us understand why the Bosnian interviewees feel unhappy and angry about living in current Bosnia. As seen from the narratives, most of them, particularly the mid-aged and elderly, miss the pre-war era when the life was 'normal', i.e. the standards were higher and nobody cared about ethnicity. They feel depressed because they are aware of the bitter fact that the life they had before the war will not ever come back. Several interviewees think that it is difficult, meaningless and even impossible to compare the two lives, i.e. the pre-war life and the current one. Under these circumstances, it is not easy to come across with optimist views much when future is in question. It seems that most of them do not have any expectations. Some of them even do not want to think about future.

When the situation in Bosnia is obvious, is it possible to talk about successful reintegration? Of course, there are success stories which cannot be ignored. Kozarac, Janja and Kozluk are examples to the places where sustainable return is more or less achieved. Yet, the success is unfortunately limited to certain regions. It remains at micro-level and cannot be spread to the whole country. In that regard, sustainable return in Bosnia is definitely open to question.

What should be done? According to the interviewees, the steps to be taken in order to achieve progress are as follows: mentality needs to be changed; nationalists should not be in power any longer; competent people should govern; industry should be revitalised; a functioning economy is definitely necessary; the authorities should be capable of solving the unemployment problem; and new factories should be opened or at least the ones that are working under-capacity, should employ more people regardless of ethnic origin. The emphasis is definitely on economy. They do not deny that there have been positive developments but cannot abstain from thinking that Bosnia still has a long way to go to be a 'normal' country.

Based on the research carried out to examine return in a post-conflict society, two points need to be underlined as a concluding remark. The first one concerns the phenomenon of return in general terms. As stated in the introductory chapter, return is a complex phenomenon which is better understood if it is conceptualised and even reconceptualised. While making this reconceptualisation, one needs to be cautious and use

the return related concepts such as repatriation with reservations. The main reason is that, as the Bosnian example shows, it may not be possible to talk about repatriation in real terms.

Secondly, both the policy-makers and agencies responsible for refugee protection, including the UNHCR approach the repatriation issue too simplistically. In the case of BiH, return, particularly minority return has become a 'numbers game'. But the return reality in Bosnia is different and cannot be induced to the number of people who returned. Moreover, it is important to have the needs assessed properly for a successful return and reintegration process. In that sense, the returnees should be contacted and given the opportunity to have a word in the process since what their complaints point to the problems that are to be eliminated.

BIBLIOGRAPHY

Abadan-Unat, Nermin. (1988). The Socio-Economic Aspects of Return Migration in Turkey. *Migration* 3, 29-59. Reprinted In: Cohen, Robin (Ed.), *The Sociology of Migration*. the UK and the USA: Edward Elgar Publishing, Ltd.

_____ (2002). *Bitmeyen Göç: Konuk İşçilikten Ulus-Ötesi Yurttaşliğa.* İstanbul: İstanbul Bilgi Universitesi Yayinlari.

Abu-Sitta, S. (2001). The right of return: sacred, legal and possible. In: Aruri, N. (Ed.), *Palestinian Refugees: The Right of Return.* (195-207). Pluto Middle Eastern Studies.

Adelman, Howard. (1999). Implementation of Peace Agreements In Civil Wars The Problem Of Refugee Repatriation. [WWW document]. URL http://www.yorku.ca/crs/Publications/OCEP%20PDFs/H%20A%20Implementation%20of%20Peace%20Agreements%20in%20Civil%20Wars%20the%20Prob.PDF

Allen, Tim & Morsink, Hubert. (1994). Introduction: When Refugees Go Home. In: Allen, Tim & Morsink, Hubert. (Eds.), *When Refugees Go Home: African Experiences.* (1-13). United Nations Research Institute for Social Development (in association with London: James Currey and Trenton: Africa World Press).

Amore, Katia. (2002). Repatriation or Deportation? : When the Subjects have no Choice. *Migration : a European Journal of International Migration and Ethnic Relations,* 39/40/41, 153-171.

Amnesty International. (2006) *Bosnia and Herzegovina: Behind Closed Gates: Ethnic Discrimination in Employment (Including Amendment)* EUR 63/001/2006 [WWW document]. URL http://www.amnesty.org/en/alfresco_asset/23dbbcac-a434-11dc-bac9-0158df32ab50/eur630012006en.pdf

Appelqvist, Maria. (2000). Party Politics and the Bosnian question: the Swedish decision to grant permanent residence. *Journal of Ethnic and Migration Studies,* 26 (1), 89-108.

Arber, Sara. (2001). Designing Samples. In: Gilbert, Nigel (Ed.), *Researching Social Life,* (269-286). London: Sage Publications, II. Edition.

Association Vasa Prava. (2004). Annual Report – 2004. Sarajevo: Association Vasa Prava.

BADIL Resource Center for Palestinian Residency & Refugee Rights (2007). Survey of Palestinian Refugees and Internally Displaced Persons 2006-2007 [WWW document]. URL http://www.badil.org/Publications/Books/Survey2006-2007.pdf

_____ (n.a.) Progress Report of the United Nations Mediator and the Right of Refugees to Return to their Homes and Receive Compensation. [WWW document]. URL http://www.badil.org/Documents/Durable-Solutions/GA/A-RES-194(III).htm

Bagic, D; Cukur, M; Dedic, D.; Magnusson, K.; Molander, J.; Skotte, H. (2005). Returning Home: An Evaluation of Sida's Integrated Area Programmes. Stockholm: Swedish International Development Cooperation Agency 05/18.

Bagshaw, Simon. (1997). Benchmarks or Deutschmarks? Determining the Criteria for the Repatriation of Refugees to Bosnia and Herzegovina, *International Journal of Refugee Law*, 9 (4), 566-592.

Bainbridge, Timothy. (2002). *The Penguin Companion to European Union*. England: Penguin Books (3. Edition).

Bell, Pam; Bergeret, I.; & Oruc, L. (2004). Women from safe heaven: the psychological and psychiatric consequences of extreme and prolonged trauma on women from Srebrenica. In: Powell, S. & Durakovic-Belko, E. (Eds.), *Sarajevo 2000: The Psychosocial Consequences of War – Results of Empirical Research from The Territory of Former Yugoslavia* [WWW document]. URL http://www.promente.org/files/proMENTE_NGO/StevePowell/LMU_projects/2000e.pdf

Belloni, R. (2005). Peacebuilding at the Local Level: Refugee Return to Prijedor. *International Peacekeeping*, 12 (3), 434-447.

Benson, Leslie. (2004). *Yugoslavia: A Concise History*. New York: Palgrave.

Black, Richard & Koser, K. (1999). The End of Refugee Cycle? In: Black, Richard & Koser, K. (Eds.), *The End of Refugee Cycle? Refugee Repatriation and Reconstruction*. (2-17). New York and Oxford: Berghahn Books.

Black, Richard (2001). Environmental refugees: myth or reality? *New Issues in Refugee Research*, Working Paper No.34. Retrieved October 17, 2006 on the World Wide Web http://www.unhcr.org/research/RESEARCH/3ae6a0d00.pdf

Black, R.; Koser, K.; & Munk, K. (2004). Understanding Voluntary Return. *UK Home Office Online Report* 50/04. Retrieved October 27, 2007 on the World Wide Web: http://www.homeoffice.gov.uk/rds/pdfs04/rdsolr5004.pdf

Black, Richard & Gent, S. (2006). Sustainable Returns in Post-Conflict Contexts, *International Migration*, 44 (3), 15-36.

Black, Richard. (2006). Return of refugees: Retrospect and prospect. In: Dumper, Michael. (Ed.), *Palestinian Refugee Repatriation: Global Perspectives*. (20-40). London and New York: Routledge.

Blitz, Brad. K. (2006). New Beginnings? Refugee returns and post-conflict integration in the former Yugoslavia. In: Blitz, Brad. K. (Ed.), *War and Change in the Balkans: Nationalism, Conflict and Cooperation*. (239-266), GB: Cambridge University Press.

Boling, G.J. (2001). Palestinian Refugees and the Right of Return an International Law Analysis [WWW document]. URL http://www.badil.org/Publications/Briefs/Brief-No-08.htm

Bose, Sumantra. (2002). *Bosnia after Dayton – Nationalist Partition and International Intervention*. The UK: Hurst and Company.

Bovenkerk, Frank. (1974). *The Sociology of Migration: A Bibliographic Essay*. The Hague: Martinus Nijhoff.

Boyle, P.; Halfacree, K.; & Robinson, V. (1998). *Exploring Contemporary Migration*. The UK: Longman.

Brekke, J. (2001). The Dilemmas of Temporary Protection – the Norwegian Experience. *Policy Studies*, 22 (1), 5-18.

Brochmann, Greta. (1995). *Bosnian Refugees in the Nordic Countries: Three Routes to Protection*. Nordic Comparative Studies on the Reception of Refugees.

Buchanan, J. (2006). Review of the 4Rs Approach - Independent Report [WWW document]. URL http://www.undp.org/cpr/others/download/recovery/may_06/Review%20of%20the%204Rs%20%20Report%20FINAL.doc

Bulletin 2003: Comparative Indicators on Refugees, Displaced Persons and Returnees (2003). Sarajevo: Bosnia and Hercegovina, Ministry of Human Rights and Refugees.

Burg, Steven L. & Shoup P. (2000). *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention*. The USA: M.E. Sharpe (Paperback Edition).

"Cartagena Declaration" [WWW document]. URL http://www.asylumlaw.org/docs/international/CentralAmerica.PDF

"Case Concerning The Application of The Convention on The Prevention and Punishment of The Crime of Genocide –Judgment" (n.a.) [WWW document]. URL http://www.icj-cij.org/docket/files/91/13685.pdf

Castles, S. & Miller, M.J. (1998). *The Age of Migration: International Population Movements in the Modern World*. New York: Palgrave (2. Edition).

Castles, Stephen. (2003). The International Politics of Forced Migration. Development, 46 (3), 11-20.

Castles, Stephen & van Hear N. (2005). Developing DFID's Policy Approach to Refugees and Internally Displaced Persons - A Research Consultancy by the Refugee Studies Centre for the Conflict and Humanitarian Affairs Department, Department For International Development – UK, Volume I: Consultancy Report and Policy Recommendations. Oxford: Oxford University Refugee Studies Centre.

Centre on Housing Rights and Evictions (COHRE) (2005). "Pinheiro Principles: United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons" World Wide Web: URL http://www.cohre.org/store/attachments/Pinheiro%20Principles.pdf

Cerase, F.P. (1974). Expectations and Reality: A Case Study of Return Migration from the United States to Southern Italy. *International Migration Review*, 8 (2), 245-262.

Cernea, M. (1990). Internal Refugee Flows and Development-Induced Population Displacement. *Journal of Refugee Studies*, 3 (4), 320-339.

Chimni, B.S. (1993). The Meaning of Words and the Role of UNHCR in Voluntary Repatriation. *International Journal of Refugee Law*, 5 (3), 442-460.

_____ (1999). From Resettlement to involuntary repatriation: towards a critical history of durable solutions to refugee problems. *New Issues in Refugee Research*, Working Paper No.2. World Wide Web: URL http://www.unhcr.org/research/RESEARCH/3ae6a0c50.pdf

_____ (2003). Post-conflict peace-building and the return of refugees: Concepts, practices, and institutions. In: Newman, E. & van Selm J. (Eds.), *Refugees and Forced Displacement: International Security, Human Vulnerability, and The State*. (195-220). The USA: United Nations University Press.

Clarke, Alan. (2001). Research and the policy-making process. In Gilbert, N. (Ed.), *Researching Social Life*. (28-42). London: Sage Publications, II. Edition.

Cohen, R. & Deng, F. (1998). *Masses in Flight: The Global Crisis of Internal Displacement*. The USA: Brookings Institution Press.

Cohen, Lenard. (1995). *Broken Bonds: Yugoslavia's Disintegration and Balkan Politics in Transition*. The USA: Westview Press.

Coles, Gervase (1985). Voluntary Repatriation – A Background Study. Prepared for the Round Table on Voluntary Repatriation Convened by the Office of the UN High Commissioner for Refugees in co-operation with the International Institute of Humanitarian Law, San Remo, 16-19 July. Retrieved: April 15, 2006 from Oxford University Refugee Studies Centre.

"Concentration Camps in Former Yugoslavia" (n.a.) [WWW document]. URL http://en.wikipedia.org/wiki/Category:Concentration_camps_in_former_Yugoslavia

"Convention Governing the Specific Aspects of Refugee Problems in Africa" (n.a.) [WWW document]. URL http://www.africaunion.org/Official_documents/Treaties_%20Conventions_%20Protocols/Refugee_Convention.pdf (Retrieved when searched with the keyword 1969 OAU Convention)

Cousens, E. (2001). Building Peace in Bosnia. In: Cousens, E. & Kumar, C. (Eds.), *Peacebuilding as Politics: Cultivating Peace in Fragile Societies*. (113-152). The USA, UK: Lynne Rienner Publishers.

Cousens, E. (2002). From Missed Opportunities to Overcompensation: Implementing the Dayton Agreement on Bosnia. In: Stedman, S.J.; Rothchild, D.; & Cousens, E.M. (Eds.), *Ending Civil Wars: The Implementation of Civil Agreements*. (531-566). Boulder: Lynne Rienner.

Cox, Marcus (1998), The Right to Return Home: International Intervention and Ethnic Cleansing in Bosnia and Herzegovina. *International and Comparative Law Quarterly*, 47 (3), 599-631.

Cox, Marcus & Garlick, M. (2003). The Musical Chairs: Property Repossession and Return Strategies in Bosnia-Herzegovina. In: Leckie, Scott. (Ed.), *Returning Home: Housing and Property Restitution Rights For Refugees And Displaced Persons*. (65-82). Transnational Publishers.

Crampton, R.J. (2002). *The Balkans Since The Second World War*. Great Britain: Longman.

Croatian Defence Council (n.a.) [WWW document]. URL http://en.wikipedia.org/wiki/HVO

"Crossing Borders: The Right to Leave a Country and the Right to Return" (1986). The Netherlands: Dutch Human Rights and Foreign Policy Advisory Committee.

Cuny, F.C.; Stein, B.N.; & Reed, P. (1992). *Repatriation During Conflict in Africa and Asia.* The USA: Center for the Study of Societies in Crisis.

Denzin, Norman K. &. Lincoln, Y. S. (2003). Introduction – The Discipline and Practice of Qualitative Research. In: Denzin, Norman K. & Lincoln, Yvonna S. (Eds.), *The Landscape of Qualitative Research.* (1-45). London: Sage Publications, II. Edition

Donia, Robert J. & Fine, John V.A. (1994). *Bosnia and Hercegovina: A Tradition Betrayed.* London: Hurst and Company.

D'Onofrio, Lisa. (2004). "Welcome Home? Minority return in south-eastern Republika Srpska". Brighton: Sussex Centre for Migration Research Working Paper 19.

Eastmond, Marita & Öjendal, J. (1999), Revisiting a 'Repatriation Success': The Case of Cambodia. In: Black, Richard & Koser, K. (Eds.), *The End of Refugee Cycle? Refugee Repatriation and Reconstruction.* (38-55). New York and Oxford: Berghahn Books.

Eastmond, Marita & Cukur, M. (2004). "Education and the relevance of national identities: Responses to post-war curricula in two local settings in Bosnia-Herzegovina". Sweden: Göteburg University Legacy of Violence and War Project Working Paper 12 (August) [WWW document]. URL http://www.globalstudies.gu.se/digitalAssets/809977_WP12EastmondCukur.pdf

Eastmond, Marita. (2006). Transnational Returns and Reconstruction in Post-war Bosnia and Herzegovina. *International Migration* 44 (3), 141-164.

Ehrenreich, B. & Hochschild, A. R. (2002). Introduction. In: Ehrenreich, B. & Hochschild, A. R. (Eds), *Global Woman: Nannies, Maids and Sex Workers in the New Economy.* (1-13). New York: Metropolitan Books.

Eikaas, Faith. (1979). You Can't Go Home Again? Culture Shock and Patterns of Adaptation, Norwegian Returnees. *Papers in Anthropology*, 105-116.

Englbrecht, W. (2003). Property Rights in Bosnia-Hercegovina: The Contributions of the Human Rights Ombudsperson and the Human Rights Chamber Towards Their Protection. In: Leckie, Scott. (Ed.), *Returning Home: Housing and Property Restitution Rights For Refugees and Displaced Persons.* (83-142). Transnational Publishers.

"Entrenchment of Independent, Financially Sustainable and Effective Human Rights Institution" (n.a.) [WWW document]. URL http://www.oscebih.org/human_rights/institutions.asp#BiHOmbudsman

European Commission (n.a.). CARDS Bosnia and Herzegovina Support programme 2001, from EU Commission. World Wide Web: URL http://ec.europa.eu/europeaid/projects/cards/pdf/bosnia_support_programme_en.pdf

European Community Humanitarian Office (ECHO) (2000). *ECHO in Bosnia-Herzegovina: From Rubble to Life (1992-2000)*, from ECHO. World Wide Web: URL http://ec.europa.eu/echo/pdf_files/leaflets/bosnia.pdf

"European Security Strategy -Bosnia and Herzegovina" [WWW document]. URL http://www.eusrbih.eu/policy-docs/council-docs/1/?cid=1,1,1

"European Stability Initiative Interim Evaluation of RRTF Minority Return Programmes in 1999" (n.a.) [WWW document]. URL http://www.ohr.int/ohr-dept/rrtf/key-docs/reports/default.asp?content_id=5390

European Union Council Secretariat (July 2007). EU Special Representatives: A voice and face of the EU in crucial areas EUSR/4, from EU Council World Wide Web: URL http://www.eusrbih.eu/gen-info/?cid=283,1,1

"European Union Special Representative- Introduction" (n.a.) [WWW document]. URL http://www.eusrbih.eu/gen-info/?cid=1012,1,1

Fagen, Patricia Weiss. (2006). UNHCR and repatriation. In: Dumper, Michael. (Ed.), *Palestinian Refugee Repatriation: Global perspectives*. (41-62). London and New York: Routledge.

"Federation of Bosnia-Herzegovina" (n.a.) [WWW document]. URL http://en.wikipedia.org/wiki/Federation_of_Bosnia_and_Herzegovina

"Federal Republic of Yugoslavia" (n.a.) [WWW document]. URL http://en.wikipedia.org/wiki/Federal_Republic_of_Yugoslavia

"Financial Assistance – Bosnia-Herzegovina" (n.a.) [WWW document].URL: //ec.europa.eu/enlargement/financial_assistance/cards/bilateral_cooperation/bosnia-and-herzegovina_en.htm.

'Fortress Europe?'- Circular Letter 48, November 1996 [WWW document].URL http://www.fecl.org/circular/4806.htm

"4R approach: Repatriation, Reintegration, Rehabilitation, and Reconstruction" (n.a.) [WWW document].URL http://www.undp.org/cpr/we_do/4r_approach.shtml

Frantz, Elizabeth. (2003). Report on the Situation of Refugees in Turkey: Findings of a Five-week Exploratory Study December 2002 – January 2003. [WWW document].URL http://develop.aucegypt.edu/newestfmrs/Reports/TurkeyReport.pdf

Franz, Barbara. (2005). *Uprooted and Unwanted: Bosnian refugees in Austria and the United States*. The USA: Texas A&M University Press.

Frelick, Bill. (1990). OPINION The Right of Return. *International Journal of Refugee Law* 2 (3), 442-447.

"From Regional Approach to the Stabilisation and Association Process, The EU's Relations with the South East Europe – The EU's actions" (n.a.) [WWW document].URL http://europa.eu.int/comm/external_relations/see/actions/sap.htm

Gaillard, Anne Marie. (1994). Migration Return: A Bibliographical Overview. New York: Centre for Migration Studies of New York, Occasional Paper 12.

Gallagher, Dennis. (1989). The Evolution of the International Refugee System. *International Migration Review* 23 (3), 579-598.

Gallagher, Tom. (2003). *The Balkans after the Cold War: From Tyranny to Tragedy*. London and New York: Routledge.

Glenny, Misha. (2001). *The Balkans: Nationalism, War, and the Great Powers, 1804-1999*. the USA: Penguin Books.

Glossary Immigration A-Z. Retrieved: 18 January 2008, from German Federal Ministry of Interior World Wide Web: URL http://www.zuwanderung.de/english/2_neues-gesetz-a-z/de-facto-fluechtlinge.html

Gmelch, George. (1980). Return Migration. *Annual Review of Anthropology*, 9, 135-159.

Gmelch, George & Richling, Barnett. (1986). The Impact of Return Migration in Rural Newfoundland. In: King, Russell (Ed.), *Return Migration and Regional Economic Problems*. (185-197). GB: Mackays of Chatham.

Goodwin-Gill, Guy S. (1989), Voluntary repatriation: legal and policy issues. In: Loescher, G. & Monahan, L (Eds.), *Refugees and International Relations*. (255-291). Oxford: Oxford University Press.

_____ (1996). *The Refugee in International Law*. Oxford: Clarendon Press (II. Edition).

Graham, M. & Khosravi, S. (1997). Home is Where You Make it: Repatriation and Diaspora Culture Among Iranians in Sweden, *Journal of Refugee Studies*, 10 (2), 115-133.

Grigg, D.B. (1977). EG Ravenstein and the" laws of migration. *Journal of Historical Geography*, 3, 41-54.

Habib, L. (1996). The Search for Home. *Journal of Refugee Studies*, 9 (1), 96-102.

Hammond, Laura C. (1999). Examining the Discourse of Repatriation: Towards a More Proactive Theory of Return Migration. In: Black, Richard & Khalid Koser. (Eds.), *The End of Refugee Cycle? Refugee Repatriation and Reconstruction*. (227-244). New York and Oxford: Berghahn Books.

_____ (2004), *This Place Will Become Home: Refugee Repatriation to Ethiopia*. Ithaca and London: Cornell University Press.

Hathaway, J. (1991). *The Law of Refugee Status*. Toronto: Butterworth.

_____ (1997). The Meaning of Repatriation. *International Journal of Refugee Law*. 9 (4), 551-558.

Heimerl, Daniela (2005). The Return of Refugee and Internally Displaced Persons: From Coercion to Sustainability?, *International Peacekeeping*, 12 (3), 377-390.

Hendrickson, Dylan. (1998). Cambodia's refugee repatriation: hostage to a precarious peace [WWW document]. URL http://www.c-r.org/our-work/accord/cambodia/repatriation-comment.php, 1998

Hochschild, A.R. (2002). Love and Gold. In: Ehrenreich, B. & Hochschild, A. R. (Eds), *Global Woman: Nannies, Maids and Sex Workers in the New Economy*. (15-30). New York: Metropolitan Books.

Honig, Jan Willem & Both, N. (1996). *Srebrenica – Record of a War Crime*. The UK and the USA: Penguin Books.

Hornby, AS. (1974), *Oxford Advanced Leaner's Dictionary of Current English*. GB: Oxford University Press.

Human Rights Watch (2002). World Report [WWW document]. URL http://hrw.org/wr2k2/refugees.html#Refugee%20Protection%20Post%20September%2011

_____ (2002a). Hidden in Plain View [WWW document]. URL http://www.hrw.org/reports/2002/kenyugan/kenyugan1002%20ap%20alter-03.htm

_____ (2002b). Hopes Betrayed: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution [WWW document]. URL http://hrw.org/reports/2002/bosnia/Bosnia1102.pdf

_____ (2003). World Report – Bosnia and Herzegovina [WWW document]. URL http://hrw.org/wr2k3/europe5.html

Inda, Jonathan Xavier. (2006). *Targeting Immigrants: Government, Technology and Ethics*. The UK: Blackwell Publishing.

International Committee of the Red Cross (ICRC) (n.a.) "Bosnia and Herzegovina: working for a safer neighbourhood" [WWW Document]. URL http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList226/0581C1F4C657F860C1256B66005E7DA0)

Internal Displacement Monitoring Centre (IDMC) (2006). "Sectarian divide continues to hamper residual return and reintegration of the displaced" [WWW document] URL http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/C8DEEFACFF6821AD802570A7004C6A42?opendocument&count=10000&expand=2&link=7.2&count=10000#7.2

_____ (n.a.) Global Statistics: IDP Country Figures. [WWW document] URL http://www.internal-displacement.org/8025708F004CE90B/(httpPages)/22FB1D4E2B196DAA802570BB005E787C?OpenDocument&count=1000

International Campaign to Ban Landmines (ICBL) (2001) Landmine Monitor 2001. [WWW Document]. URL http://www.icbl.org/lm/2001

International Crisis Group (ICG) (1997). Going Nowhere Fast: Refugees and Internally Displaced Persons in Bosnia and Herzegovina, Bosnia Report No. 23 [WWW document]. URL http://www.crisisgroup.org/library/documents/report_archive/A400152_01051997.pdf

_____ (1998). Minority Return or Mass Relocation?, Bosnia Report, No. 33 [WWW document]. URL http://www.crisisgroup.org/library/documents/report_archive/A400159_14051998.pdf

_____ (1998). Breaking the Logjam: Refugee Returns to Croatia, Balkans Report, No. 49 [WWW document]. URL http://www.crisisgroup.org/library/documents/report_archive/A400712_09111998.pdf

_____ (1999). Preventing Minority Return in Bosnia and Herzegovina: The Anatomy of Hate and Fear, ICG Report, No. 73 [WWW document]. URL http://www.crisisgroup.org/library/documents/report_archive/A400019_02081999.pdf

_____ (2000). Bosnia's Refugee Logjam Breaks: Is the International Community Ready?, Balkans Report, No. 95 [WWW document]. URL http://www.crisisgroup.org/library/documents/report_archive/A400061_31052000.pdf

_____ (2002). The Continuing Challenge of Refugee Return in Bosnia&Herzegovina, Balkans Report, No. 137 [WWW document]. URL http://www.crisisgroup.org/library/documents/report_archive/A400847_13122002.pdf

_____ (2003). Brcko: Getting In, Getting On and Getting Out, Balkans Report, No. 144 [WWW document]. URL http://www.crisisgroup.org/library/documents/report_archive/A400987_02062003.pdf

_____ (2005). Bosnia's Stalled Police Reform: No Progress, No EU, Europe Report, No.164 [WWW document]. URL http://www.crisisgroup.org/library/documents/europe/balkans/164_bosnia_stalled_police_reform_no_progress_no_eu.pdf

International Organisation for Migration (IOM) (2005). World Migration 2005: Costs and Benefits of International Migration [WWW document]. URL http://www.iom.int/jahia/Jahia/cache/offonce/pid/1674;jsessionid=5A3009FBA3955E5249BC168E8328AFBE.worker02?entryId=932

Ito, Ayaki (2001). Politicisation of Minority Return in Bosnia and Herzegovina – The First Five Years Examined. *International Journal of Refugee Law*, 13 (½.), 98-122.

Jacobsen, Karen. (2003). Local Integration: The Forgotten Solution. [WWW document]. URL http://www.migrationinformation.org/Feature/display.cfm?ID=166

Joly, Daniele. (1996). *Haven or Hell? : Asylum Policies and Refugees in Europe*. Basingstoke: Macmillan.

Kett, Maria. (2003). Displaced populations and long term humanitarian assistance [WWW document]. URL www.bmj.com/cgi/content/full/331/7508/98

Kibreab, G. (2002). When Refugees Come Home: The Relationship Between Stayees and Returnees in Post-Conflict Eritrea. *Journal of Contemporary African Studies,* 20 (1), 53-80.

_____ (2005). Belonging, Displacement, and Repatriation of Refugees: Reflections on the Experiences of Eritrean Returnees. In: Ohta, Itaru & Gebre, Yntiso D. (Eds.),

Displacement Risks in Africa: Refugees, Resettlers and Their Host Population. (116-161). Japan: Kyoto University Press.

King, Russell; Strachan, A.; & Mortimer J. (1986). Gastarbeiter Go Home: Return Migration and Economic Change in the Italian Mezzogiorno. In: King, Russell (Ed.), *Return Migration and Regional Economic Problems*. (38-68), GB: Mackays of Chatham

King, Russell (1986). Return Migration and Regional Economic Development: An Overview. In: King, Russell (Ed.), *Return Migration and Regional Economic Problems*. (1-37). GB: Mackays of Chatham

_____ (2000). Generalizations from the History of Return Migration. In: Ghosh, Bimal (Ed.), *Return Migration: Journey of Hope or Despair?* (7-55). Co-published by IOM and UN.

Kirişçi, Kemal. (1995). Refugee Movements in Turkey since the Second World War. İstanbul: Boğaziçi University Working Paper.

Khalidi, Rashid I. (1992). Observations on the Right of Return. *Journal of Palestine Studies*, 21 (2), 29-40.

Klein, M. (1998). Between Right and Realization: The PLO Dialectics of 'The Right of Return'. *Journal of Refugee Studies*, 11(1), 1-19.

Koser, Khalid. (1993). Repatriation and information: a theoretical model. In: Black, Richard & Robinson, Vaughan (Eds.), *Geography and Refugees: Patterns and Processes of Change*. (171-184). London and New York: Belhaven.

Koser, Khalid; Walsh, M.; & Black, R.. (1998). Temporary Protection and the Assisted Return of Refugees from the European Union, *International Journal of Refugee Law*, 10 (3), 445-460.

Koser, Khalid & Black, R. (1999). Limits to Harmonisation: The "Temporary Protection" of Refugees in the European Union, *International Migration*, 37 (3), 521-541.

Kose, Khalid. (2000). Germany: protection for refugees or protection from refugees? In: van Selm, Joanne (Ed.), *Kosovo's Refugees in the European Union*. (24-42). London and New York: Pinter.

Kumar, Radha. (1997). *Divide and Fall? Bosnia in the Annals of Partition*. London: Verso.

Kunz, E.F. (1973). The Refugee in Flight: Kinetics Models and Forms of Displacement, *International Migration Review*, 7 (2), 125-146.

Kümbetoğlu, Belkıs. (2005). *Sosyolojide ve Antropolojide Niteliksel Yöntem ve Araştırma*. İstanbul: Bağlam Yayınları.

La Cava, G.; Lytle, P.; Kolev, A; & Clert, C. (2004). Young People in South Eastern Europe: From Risk to Empowerment Working Paper 30170, from World Bank [WWW document]. URL http://siteresources.worldbank.org/INTSDISEE/Resources/SEE_YOUTH_MASTER_Jan_14_05.pdf

Larkin, Mary Ann ; Cuny, Frederick C. ; & Stein, Barry N. (Eds.) (1991). *Repatriation Under Conflict in Central America*. Washington DC: Hemispheric Migration Project, Georgetown University.

Lavenex, Sandra. (1999). *Safe Third Countries: Extending the EU Asylum and Immigration Policies to Central and Eastern Europe*. Budapest: CEU Press.

Leckie, Scott (2003). Introduction. In: Leckie, Scott. (Ed.), *Returning Home: Housing and Property Restitution Rights For Refugees and Displaced Persons*. (3-61). New York: Transnational Publishers.

Lee, Everett S. (1966). A Theory of Migration. *Demography*, 3 (1), 47-57.

"Legislative Support Programme and Parliamentary Support Programme – A Stronger Parliament [WWW document] URL http://www.oscebih.org/democratization/pspro.asp?d=3

Levitt, Peggy & Sorenson, Ninna Nyberg. (2004). The Transnational Turn in Migration Studies. *Global Migration Perspectives*, 6. Retrieved: December 2, 2007, on the World Wide Web: http://www.gcim.org/gmp/Global%20Migration%20Perspectives%20No%206.pdf

Loescher, Gil. (1993). *Beyond Charity: International Cooperation and the Global Refugee Crisis*. New York: Oxford University Press.

_____ (2001). *The UNHCR and World Politics*. Oxford and New York: Oxford University Press.

Long, L.D. & Oxfeld, E. (Eds.) (2004). *Coming Home? Refugees, Migrants, and Those Who Stayed Behind*. The USA: University of Pennyslyvania Press.

Macrae, J. (1999). Aiding peace … and war: UNHCR, returnee reintegration, and the relief-development debate. *New Issues in Refugee Research*, Working Paper No.14. Retrieved: December 10, 2007, on the World Wide Web URL http://www.unhcr.org/research/RESEARCH/3ae6a0cc0.pdf

Malcolm, Noel. (1994). *Bosnia – A Short History*. Basingstoke and Oxford: Macmillan.

 "Manual for Sustainable Return" (n.a.). [WWW document]. URL http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON5T8D8X/$FILE/Refugees_UNMI K_January03.pdf?OpenElement

Maynard, Kimberly A. (1999). *Healing Communities in Conflict: International Assistance in Complex Emergencies*. New York: Columbia University Press.

McCarroll, K.F. & Zoufal, D.R. (1997). Transition of the Sarajevo Suburbs. *Joint Force Quarterly*, 16 (Summer), 50-53. Retrieved July 3 2007 on the World Wide Web: http://www.dtic.mil/doctrine/jel/jfq_pubs/balkan3.pdf

McKeever, D.; Schultz, J.; & Swithern, S. (2005). Foreign Territory: The Internationalisation of EU Asylum Policy. The UK: Oxfam.

Meilaender, Peter C. (2001). *Toward a Theory of Immigration*. New York: Palgrave.

Mertus, J. ; Tesanovic, J. ; Metikos, H. ; & Boric, R. (Eds.) (1997). *The Suitcase : Refugee Voices From Bosnia And Croatia*. Berkeley: University of California Press.

Morris, Tim. (2005). Chequered progress towards a common EU asylum policy. *Forced Migration Review* 23, 17-19.

Morsink, Hubert. (1992). Social and economic aspects of mass voluntary return movements of refugees from one African country to another. *Background Note on 1992 symposium for French-speaking African countries and 1992 symposium for the Horn of Africa*. UN Research Institute for Social Development.

Mustajbegovic, Saida (2007). Business Insight: Bosnia Gets its First Biofuel Plant [WWW document]. URL http://www.birn.eu.com/en/108/10/5329/?tpl=30&ST1=Text&ST_T1=Article&ST_AS 1=1&ST_max=1

Newland, K.& Meyers, D.W. (1999). Peacekeeping and Refugee Relief. In: Whitman, Jim (Ed.), *Peacekeeping and the UN Agencies*. (15-30). The UK: Routledge.

Office of the High Representative (OHR) (1998). Sarajevo Declaration, from OHR. World Wide Web: URL http://www.ohr.int/ohr-dept/rrtf/key-docs/sa-docs/default.asp?content_id=5453)

_____ (n.a.) Brcko Final Award, from OHR. World Wide Web: URL http://www.ohr.int/ohroffices/brcko/arbitration/default.asp?content_id=5358

_____ (n.a.) Mission Implementation Plan 2006-2007, from OHR. World Wide Web: URL http://www.ohr.int/ohr-info/ohr-mip/default.asp?content_id=37241

_____ (n.a.) Uniform license plates in BiH - OHR Press Release, January 31, 1998, from OHR. World Wide Web: URL http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content_id=4582

_____ (n.a.) PIC Bonn Conclusions, from OHR. World Wide Web: URL http://www.ohr.int/pic/default.asp?content_id=5182

_____ (n.a.) The Mandate of the OHR. from OHR. World Wide Web: URL http://www.ohr.int/ohr-info/gen-info/default.asp?content_id=38612

_____ (n.a.) The General Framework Agreement: Annex 4 Constitution of Bosnia-Herzegovina, from OHR. World Wide Web: URL http://www.ohr.int/dpa/default.asp?content_id=372

Organisation for Security and Cooperation in Europe Mission to Bosnia-Herzegovina (2005) Report on the Implementation of the Interim Agreement on the accommodation of specific needs and rights of returnee children, from OSCE Mission to BiH. World Wide Web: URL http://www.oscebih.org/documents/2426-eng.pdf

OSCE Mission to Bosnia-Herzegovina (n.a.) OSCE and its role in Bosnia and Herzegovina, from OSCE Mission to BiH. World Wide Web: URL http://www.oscebih.org/overview/mandate.asp?d=7

OSCE Mission to Bosnia-Herzegovina (n.a.) UGOVOR Background: Improving Communication and Cooperation – Municipalities and Citizens, from OSCE Mission to BiH. World Wide Web: URL http://www.oscebih.org/democratization/ugovor.asp?d=3

Ogata, Sadako (2005). *The Turbulent Decade: Confronting The Refugee Crises Of The 1990s*. New York and London: WW Norton Company.

Petersen, W. (1958). A General Typology of Migration. *American Sociological Review*, 23 (3), 256-266.

Peers, Steve (2003). EU law on asylum procedures: An assault on human rights? [WWW document]. URL http://www.statewatch.org/news/2003/nov/sp-asylum-nov.doc

Philpott, C. (2005). Though the Dog is Dead, the Pig must be Killed: Finishing with Property Restitution to Bosnia-Hercegovina's IDPs and Refugees. *Journal of Refugee Studies*, 18 (1), 1-24.

Phuong, Catherine. (2000). At the heart of the return process: solving property issues in Bosnia and Herzegovina. *Forced Migration Review*, 7, 5-7.

Pont, Amy. (2006). A Crisis in the Dark: The Forgotten Refugees. [WWW document]. URL http://www.un.org/Pubs/chronicle/2006/issue3/0306p38.htm

Powell, Steve (2004), 'The "psychosocial approach" to the consequences of war: a critical essay' In: Powell, S. & Durakovic-Belko, E. (Eds.), *Sarajevo 2000: the psychosocial consequences of war – Results of empirical research from the territory of former Yugoslavia* [WWW document]. URL http://www.promente.org/files/proMENTE_NGO/StevePowell/LMU_projects/2000e.pdf

Preston, R. (1999). Researching Repatriation and Reconstruction: Who is Researching What and Why. In: Black, Richard & Khalid Koser. (Eds.), *The End of Refugee Cycle? Refugee Repatriation and Reconstruction*. (18-36). New York and Oxford: Berghahn Books.

Prettitore, Paul (2006), Refugee Return in Bosnia and Herzegovina. In: Dumper, Michael (Ed.), *Palestinian Refugee Repatriation: Global Perspectives*. (180-208). The UK: Routledge.

Ramet, S.P. (1996). *Balkan Babel: The Disintegration of Yugoslavia from the Death of Tito to Ethnic War*. The USA: Westview Press.

"Repatriation During Conflict" (1992). Oslo: Norwegian Refugee Council, NRC Report 1.

Richmond, A.H. (1994). *Global Apartheid: Refugees, Racism and the New World Order*. Oxford: Oxford University Press.

Rogge, J.R.& Akol, J.O. (1989). Repatriation : its role in resolving Africa's refugee dilemma. *International Migration Review*, 23 (2), 184-200.

Rogge, J.R. (1994). Repatriation of Refugees: a not so simple 'optimum' solution. In: Allen, Tim & Morsink, Hubert. (Eds.), *When Refugees Go Home: African Experiences*. (14-49). United Nations Research Institute for Social Development (in association with London: James Currey and Trenton: Africa World Press).

Salomon, Kim. (1991). *Refugees in the Cold War: Toward a New International Refugee Regime in the Early Post-War Era*. Sweden: Lund University Press.

Sarantakos, Sotirios. (1998). *Social Research*. London: Macmillan Press, II. Edition.

"Serb Volunteer Guard [SDG / SSJ] 'Arkan's Tigers'" [WWW document]. URL
http://www.fas.org/irp/world/para/sdg.htm

Silber, Laura & Little, Allan. (1995). *The Death of Yugoslavia*. The USA: Penguin Books.

Simmons, Rosemarie. (2001). Questionnaires. In: Gilbert, Nigel (Ed.), *Researching Social Life*. (85-104). London: Sage Publications, II. Edition.

Skran, C.M. (1995). *Refugees in Inter-War Europe: The Emergence of a Regime*. Oxford: Clarendon Press.

Snape, Dawn & Spencer, L. (2003), The Foundations of Qualitative Research. In: Ritchie, Jane & Lewis, Jane (Eds.). *Qualitative Research Practice – A Guide for Social Science Students and Researchers*. (1-23). London: Sage Publications.

"Socialist Federal Republic of Yugoslavia" (n.a.) [WWW document]. URL
http://en.wikipedia.org/wiki/Socialist_Federal_Republic_of_Yugoslavia

Stavropoulou, M. (1998). Bosnia and Herzegovina and the Right to Return in International Law. In: Gisvold, G. & O'Flaherty, M. (Eds.), *Post-War Protection of Human Rights in Bosnia and Herzegovina*. (123-140). The Hague: Martinus Nijhoff.

Stefansson, Anders. (2003). "Under My Own Sky? The Cultural Dynamics of Refugee Return and (Re)Integration in Post-War Sarajevo". University of Copenhagen. Unpublished PhD Thesis.

_____ (2004). Refugee Returns to Sarajevo and Their Challenge to Contemporary Narratives of Mobility. In: Long, L.D. & Oxfeld, E. (Eds.) (2004). *Coming Home? Refugees, Migrants, and Those Who Stayed Behind*. (170-186). The USA: University of Pennyslvania Press.

Stein, Barry N. and Cuny, Fred C. (1991). Repatriation Under Conflict. *World Refugee Survey*. Retrieved December 5, 2007 on the World Wide Web: http://www.msu.edu/course/pls/461/stein/uscr91-98.htm

Stein, Barry N. (1997). Reintegrating Returning Refugees in Central America. In Kumar, Krishna (Ed.), *Rebuilding Societies After Civil War*. The USA and the UK: Lynne Rienner Publishers.

_____ (1997b). "Refugee Repatriation, Return, and Refoulement During Conflict". USAID Conference Promoting Democracy, Human Rights, and Reintegration in Post-conflict Societies, October 30-31, 1997 [WWW document]. URL http://pdf.dec.org/pdf_docs/pnacd092.pdf

Steinberg, D. (2005). Orphans of Conflict – Caring for the Internally Displaced. USIP Special Report, 148. from: US Institute of Peace. World Wide Web: URL http://www.usip.org/pubs/specialreports/sr148.html

Stepputat, F. (1994). Repatriation and the Politics of Space: The Case of the Mayan Diaspora and Return Movement, *Journal of Refugee Studies*, 7(2,3) 175-185.

Stojanov, Dragoljub (2001). Bosnia-Herzegovina Since 1995: Transition and Reconstruction of the Economy. In: Papic, Z. et al. (Eds.), *International Support Policies to South-East European Countries: Lessons (Not) Learned in B-H*. (61-88). Sarajevo: Müller.

Suhrke, Astri. (1997). Uncertain Globalization: Refugee Movements in the Second Half of the Twentieth Century. In: Wang, Gungwu. (Ed.), *Global History and Migrations*. (217-237). The USA: Westview Press.

Şirin, N. Aslı (2003), Balkans in the Post-Cold War Era: Quest for Stability and the European Union. *Turkish Review of Balkan Studies* 8, 87-106.

Tindemans, L. (1996). *Unfinished Peace: Report of the International Commission on the Balkans*. The USA: Carnegie Endowment for International Peace.

Toal, Gerard & Dahlman, Carl. (2004). The Effort to Reverse Ethnic Cleansing in Bosnia-Herzegovina: The Limits of Returns. *Eurasian Geography and Economics*, 45 (6), 439-464.

"The European Convention on Human Rights, the Fourth Protocol" (n.a.) [WWW document]. URL: www.hri.org/docs/ECHR50.html#P4

"The UN International Covenant on Civil and Political Rights" (n.a.) [WWW document]. URL http://www.hrweb.org/legal/cpr.html

Thorburn, Joanne. (1995), Transcending Boundaries: Temporary Protection and Burden-sharing in Europe, *International Journal of Refugee Law*, 7 (3), 459-479.

Traynor, Ian. (2005). 'A country with 14 governments where children refuse to cross ethnic divide'. *The Guardian*, 18 November 2005.

Tzifakis, N. & Tsardanidis, C. (2006). Economic Reconstruction of Bosnia and Herzegovina: The Lost Decade. *Ethnopolitics*, 5 (1: March), 67–84.

Udovicki, J. & Stitkovac, E. (2000). Bosnia and Hercegovina: The Second War. In: Udovicki, J. & Ridgeway, J. (Eds.). *Burn This House: The Making and Unmaking of Yugoslavia*. (175-216). The USA: Duke University Press.

Uehling, Greta. (2004). *Beyond Memory: The Crimean Tatars' Deportation and Return*. The USA: Palgrave.

United Nations Development Programme (UNDP) (1997). Human Development Report, from UNDP. World Wide Web: URL http://hdr.undp.org/en/media/hdr_1997_en.pdf

_____ (2006). Jobs ... And More Jobs. Retrieved: 3 November 2007, from UNDP Bosnia-Hercegovina. World Wide Web: URL http://www.undp.ba/index.aspx?PID=14

_____ (2007), Human Development Report 2007/2008, from UNDP. World Wide Web: URL http://hdr.undp.org/en/media/hdr_20072008_en_complete.pdf

United Nations High Commissioner for Refugees (UNHCR) (n.a.) Statute of the Office of the United Nations High Commissioner for Refugees, from UNHCR. World Wide Web: URL http://www.unhcr.org/protect/PROTECTION/3b66c39e1.pdf

_____ (n.a.) Voluntary Repatriation, UNHCR Executive Committee Conclusions No. 40, from UNHCR. World Wide Web: URL http://www.unhcr.org/excom/EXCOM/3ae68c9518.html

_____ (1993). The State of the World's Refugees: The Challenge of Protection, from UNHCR. World Wide Web: URL http://www.unhcr.org/publ/3ef964df4.html

_____ (1996). Convention and Protocol Relating to the Status of Refugees, from UNHCR. World Wide Web: URL http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf

_____ (1996). UNHCR Presents Bosnia Repatriation Plan – 17 January 1996. Retrieved: April 2006, from Oxford University, Refugee Studies Centre.

_____ (1997). UNHCR's 'Open Cities' Initiative. Retrieved: April 2006, from Oxford University, Refugee Studies Centre.

_____ (1997). The State of the World's Refugees: A Humanitarian Agenda, from UNHCR. World Wide Web: URL http://www.unhcr.org/publ/3eef1d896.html

_____ (1998). Oversight Issues: Reintegration, (EC/48/SC/CRP.15), from UNHCR. World Wide Web: URL http://www.unhcr.org/excom/EXCOM/3ae68cf510.html

_____ (2000). The State of the World's Refugees: Fifty Years of Humanitarian Action, from UNHCR. World Wide Web: URL http://www.unhcr.org/static/publ/sowr2000/toceng.htm

_____ (2002). Return to Afghanistan 2002, from UNHCR. World Wide Web: URL http://www.unhcr.org/afghan-crisis/return2002.pdf

_____ (n.a.). Return to Afghanistan, from UNHCR. World Wide Web: URL http://www.unhcr.org/cgi-bin/texis/vtx/afghan?page=background

_____ (2003). Guidelines on International Protection: "Internal Flight or Relocation Alternative" within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees, from UNHCR. World Wide Web: URL http://www.unhcr.org/publ/PUBL/3f28d5cd4.pdf

_____ (2004). 'Sustainable Reintegration of Returnees and Displaced Populations in Africa', *Dialogue on Voluntary Repatriation and Sustainable Reintegration in Africa*, Discussion Paper No.2, from UNHCR. World Wide Web: URL http://www.unhcr.org/events/EVENTS/403c6f057.pdf

_____ (2006). The State of the World's Refugees: Human Displacement in The New Millenium, from UNHCR. World Wide Web: URL http://www.unhcr.org/publ/PUBL/4444d3bf25.html

_____ (2007). Refugee or Migrant – Why It Matters. Refugees 148 (4), from UNHCR. World Wide Web: URL http://www.unhcr.org/refmag/148/index.html

UNHCR Representation Bosnia and Herzegovina (2000). PLIP Inter-Agency Framework Document. from UNHCR Representation Bosnia-Herzegovina. World Wide Web: URL http://www.unhcr.ba/protection/plip/PLIPFRAM.PDF

_____ (2005). Regional Ministerial Conference on Refugee Returns - Press Info, from UNHCR Representation Bosnia-Herzegovina. World Wide Web: URL http://www.unhcr.ba/press/DOC004.PDF

_____ (2006). Briefing Note Return to Srebrenica. Retrieved: 15 September 2007, from UNHCR Representation Bosnia-Herzegovina. World Wide Web: URL http://www.unhcr.ba/updatemay07/srebrenica.pdf

_____ (2006a). Collective Centres Status (June 2006), from UNHCR Representation Bosnia-Herzegovina. World Wide Web: URL http://www.unhcr.ba/programme/ccentar.htm

_____ (2006b). Durable Solutions for the Collective Centre Residents, from UNHCR Representation Bosnia-Herzegovina. World Wide Web: URL http://www.unhcr.ba/programme/CRS%20PHOTO%20ALBUM-1.pdf

United Nations Mission in Kosovo (2000). On Residential Property Claims and The Rules of Procedure and Evidence of the Housing and Property Directorate and the Housing and Property Claims Commission' Regulation No. 2000/60, from UNMIK. World Wide
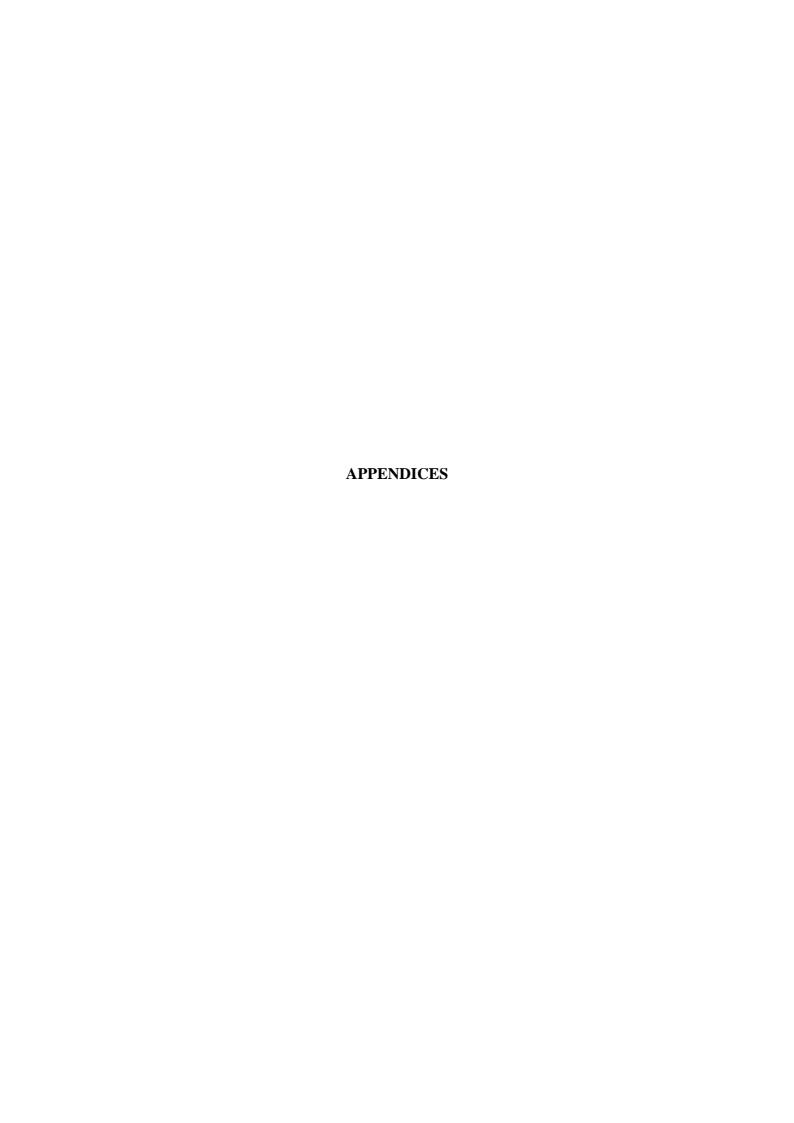
Web: URL
http://www.unmikonline.org/regulations/unmikgazette/02english/e2000regs/RE2000_6
0.htm

United Nations Mission in Kosovo and United Nations High Commissioner for Refugees
(2003). Manual on Sustainable Return [WWW document]. URL
http://www.reliefweb.int/rw/lib.nsf/db900SID/LHON5T8D8X/$FILE/Refugees_UNMI
K_January03.pdf?OpenElement

United Nations Mission in Kosovo (2006) Revised Manual for Sustainable Return, from
UNMIK. World Wide Web: URL
http://www.unmikonline.org/srsg/orc/documents/Manual_ENG.pdf

"United Nations Secretary-General, Special and Personal Representatives and Envoys of the
Secretary-General", from United Nations. World Wide Web: URL
http://www.un.org/Depts/dpko/SRSG/high.htm

United States Department of State. (2005). Distinctions Between Human Smuggling and
Human Trafficking, from Bureau for International Narcotics and Law Enforcement
Affairs, Human Smuggling and Trafficking Ctr, World Wide Web: URL.
http://www.state.gov/p/inl/rls/fs/49768.htm

United States Agency for International Development (2004). Internal Document on Refugee
Problem, Number of Returns and Number of People Supported Through
USAID/MRDO Activities. Retrieved: September 2004, from USAID Sarajevo Office.

_____ (2005) FY2006 Strategy Statement. Retrieved: September 2004, from
USAID Sarajevo Office.

Vandiver, M. (2001). Reclaiming Kozarac: Accompanying Returning Refugees. In:
Sokolovic, D. & Bieber, F. (Eds.), *Reconstructing Multiethnic Societies: The Case of
Bosnia-Herzegovina*. (167-184). England: Ashgate.

van Hear, Nicholas. (1998). *New Diasporas: the mass exodus, dispersal and regrouping of
migrant communities*. London: UCL Press.

van Krieken, P. (1982). Repatriation of Refugees under International Law. *Netherlands
Yearbook of International Law*, 13, 93-123.

Van Metre, L. (1997). Dayton Implementation: The Return of Refugees. The USA: Unites
States Institute for Peace Special Report 26 [WWW document]. URL
http://www.usip.org/pubs/specialreports/early/dayton_imp/refugees.html

van Selm-Thorburn, J. (1998). *Refugee Protection in Europe: Lessons of the Yugoslav Crisis*. The Hague: Martinus Nijhoff.

Venancio Moises, et al. (2004). From emergency to development: assessing UNDP's role in Bosnia and Herzegovina, *Forced Migration Review*, 21, 19-22.

Warner, Daniel. (1994). Voluntary Repatriation and the Meaning of Return to Home: A Critique of Liberal Mathematics, *Journal of Refugee Studies*, 7 (2/3), 160-174.

Weiner, Myron. (1990). Immigration: perspectives from receiving countries. *Third World Quarterly*, 12 (1), 140-165.

Wilkinson, Ray (1998). Home Sweet Home. Refugees, Refugees 112, from UNHCR. World Wide Web: URL http://www.unhcr.org/publ/PUBL/3b81019a4.html

_____ (2005). The "miracle" of Dayton – 10 years later, *Refugees*, 140, Geneva: UNHCR, 4-25.

Williams, R. (2006). The Significance of Property Restitution to Sustainable Return in Bosnia and Herzegovina. *International Migration*, 44 (3), 40-61.

World Bank (2005), Reshaping the Future – Education and Post-conflict Reconstruction, from World Bank. World Wide Web: URL www1.worldbank.org/education/pdf/Reshaping_the_Future.pdf

Zetter, Roger. (1994). The Greek-Cypriot Refugees: Perceptions of Return under Conditions of Protracted Exile, *International Migration Review*, 28 (2), 307-322.

_____ (1999). Reconceptualizing the Myth of Return: Continuity and Transition Amongst the Greek-Cypriot Refugees of 1974, *Journal of Refugee Studies*, 12 (1).

_____ 'More Labels, Fewer Refugees: Making and Remaking the Refugee Label in an Era of Globalisation', Keynote Address for International Summer School on Forced Migration, Refugee Studies Centre, Oxford University, July 2006.

Zieck, M. (1997). *UNHCR and Voluntary Repatriation of Refugees : A Legal Analysis*. The Hague: Kluwer Law International.

Zolberg, A.; Suhrke A.; & Aguayo, S. (1989). *Escape from Violence: Conflict and The Refugee Crisis in The Developing World*. New York: Oxford University Press.

APPENDICES

APPENDIX 1

STAKEHOLDER INTERVIEWS IN BOSNIA-HERCEGOVINA

Community Kozluk, Kozluk

Foundation for Return and Reconstruction in Prijedor (Fondacija 98), Prijedor

Association of Citizens "Returnees of Zvornik", Zvornik

Office of the Democratic Initiative of Sarajevo Serbs (DISS), Ilidza

Office of Association for Return in Bijeljina, Bijeljina

Municipal Department for Social Affairs, Vares

Municipal Office for Social Affairs, Refugees and Displaced Persons, Konjic

Federal Ministry of Refugees and Displaced Persons, Sarajevo

Ministry for Human Rights and Refugees Regional Centre, Mostar

Municipal Office for Return and Reconstruction, Capljina

Hercegovina-Neretva Cantonal Government, Mostar

Ministry of Human Rights and Refugees, Department for Refugees and Displaced Persons, Sarajevo

Municipal Assembly, Milici

Municipal Department of Return, Srebrenica

Republika Srpska Ministry for Refugees and Displaced Persons, Banja Luka

Municipal Department for Refugees and Displaced Persons, Prijedor

Municipal Department for Work and Local Community of Refugees, Sarajevo

Government of Brcko District, Brcko

Municipal Department of Refugees and Displaced Persons, Visoko

United States Agency for International Development, Head Office, Sarajevo

Vasa Prava Legal Aid Office, Sarajevo

Caritas Switzerland Head Office, Sarajevo

United Nations High Commissioner for Refugees Mostar Sub-Office, Mostar

Housing Verification and Monitoring Unit Office, Sarajevo

United Methodist Committee on Relief Bosnia-Hercegovina Headquarter, Ilidza

Office of the High Representative, Sarajevo

United Nations Development Programme Sustainable Transfer to Return-Related Authorities Office, Sarajevo

Swedish International Development Cooperation Agency Office, Sarajevo

International Organisation for Migration Office, Sarajevo

Association Bosnian Family Office, Srebrenica

United Nations High Commissioner for Refugees Head Office, Sarajevo

Catholic Relief Service Office, Sarajevo

Organisation for Security and Cooperation in Europe Mission to Bosnia-Hercegovina, Sarajevo Office

APPENDIX 2.A

QUESTIONS FOR
OFFICIALS IN INTERNATIONAL AGENCIES & LOCAL NGOs

Permission and Explanation

Ms. Nedime Aslı ŞİRİN is a Ph.D. Candidate in the "EU Politics and International Relations" program at the European Community Institute of Marmara University. She completed the must courses and is currently at the phase of writing her Ph.D. thesis.

The main reason of my presence here is to do the fieldwork for my Ph.D. thesis. The subject of my thesis study is the process of return and reintegration of the refugees and IDPs in Bosnia. The data I will generate during the interviews is crucially important and valuable for me since it is going to be the bulk of my dissertation.

OFFICIALS IN INTERNATIONAL AGENCIES & LOCAL NGOs

Name of Interviewer:
Name of Interviewee:
Name of Interview Place:
Date of Interview:
Duration of Interview:
Reason for the rejection of the interview:
Number of cassettes used in interview:

Personal Information of the Interviewee

Name, Surname:
Age:
Name of the Agency:
Duration of the presence of the Agency in BiH (For how long has the agency been there?):
Current Position:
Duration of work (For how long has she/he been working in this agency?):

QUESTIONS

1. How would you define Bosnia in terms of economic, political and social situation? Still a post-conflict country or country in transition or both?

2. How would you define a returnee? Do you have any criteria while making this definition?

3. Could you please make an evaluation of the whole return process? What is your opinion about the general situation of the returnees?

4. Is it possible to make a categorisation between places with **high return rates** and **low return rates**?

5. Is it possible to have **age and sex structure** of the returnees? Is statistical data available?

6. Did this agency take part in the RRTF (Return and Reconstruction Task Force) from the very beginning or did it join later? If so, when did you as an agency join?

7. Since the signing of Dayton Peace Accords, is it possible to divide the period of time into **certain phases** like repatriation, post-repatriation and reintegration or are they intermingled?

8. Why do **not** we observe a **steady increase** in the number of returns? (Instead we have fluctuations, what may be the reasons for that?)

9. What kind of a **repatriation planning** was developed? Did you have any role in the planning or were you responsible only for the implementation?

10. With regard to repatriation planning, was **priority** given to a certain region(s)?

11. In the initial phases of return and repatriation did **relocation** create any kind of problems? If so, what kind of problems can we mention?

12. Would you please give me information about the "minority return" and evaluate it?

13. How do you evaluate the implementation of **Property Law Implementation Plan**?

14. What kind of **assistance** have you been providing to the returnees? Can you make a categorisation?

15. What are the differences between **obstacles** to the return process in the early stages and the ones returnees face now?

16. What kind of returnee **complaints** were you faced with in the past? What about today's complaints?

17. How would you evaluate the situation of the people in **collective centres**?Are there any short-term plans for them? If so, what kind of plans can we point out?

18. Do the returnees feel secure enough?

19. How would you evaluate the presence of EUFOR? Do you think that there is a risk of the emergence of conflicts the day after EUFOR leaves the country?

20. How would comment on the development of the **civil society** in BiH since it is an important part of reintegration?

21. What did the civil society do in the return and reintegration process? May I have your personal evaluation?

22. Do you agree with the view that there has been a donor fatigue in BiH? If so, what may be the reasons and outcomes for that?

23. How would you evaluate the political, economic and social reintegration of the returnees?

24. How are the relations of the returnees with the existing political system?

**QUESTIONS FOR
GOVERNMENT AUTHORITIES**

Permission and Explanation

Ms. Nedime Aslı ŞİRİN is a Ph.D. Candidate in the "EU Politics and International Relations" program at the European Community Institute of Marmara University. She completed the must courses and is currently at the phase of writing her Ph.D. thesis.

The main reason of my presence here is to do the fieldwork for my Ph.D. thesis. The subject of my thesis study is the process of return and reintegration of the refugees and IDPs in Bosnia. The data I will generate during the interviews is crucially important and valuable for me since it is going to be the bulk of my dissertation.

GOVERNMENT AUTHORITIES

Name of Interviewer:
Name of Interviewee:
Name of Interview Place:
Date of Interview:
Duration of Interview:
Reason for the rejection of the interview:
Number of cassettes used in interview:

Personal Information of the Interviewee

Name, Surname:
Age:
Name of the Agency:
Duration of the presence of the Agency in BiH (For how long has the agency been there?):
Current Position:
Duration of work (For how long has she/he been working in this agency?):

QUESTIONS

1. How would you define Bosnia in terms of economic, political and social situation? Still a post-conflict country or country in transition or both?

2. How would you define a "**returnee**"? Do you have certain criteria in calling a person returnee?

3. Could you please make an evaluation of the whole return process? What is your opinion about the general situation of the returnees?

4. Is it possible to make a categorisation between places with **high return rates** and **low return rates**?

5. Is it possible to have **age and sex structure** of the returnees? Is statistical data available?

6. Since the signing of Dayton Peace Accords, is it possible to divide the process of return into **certain phases** like repatriation, post-repatriation and reintegration or are they intermingled?

7. Why do not we observe a steady increase in the number of returns? (Instead we have fluctuations, what may be the reasons for that?)

8. What kind of a **repatriation planning** did the state develop? What was the Ministry's role in this planning? What kind of assistance was taken from the international agencies?

9. With regard to repatriation planning, was **priority** given to a certain region(s)?

10. In the initial phases of return and repatriation, did relocation create any problems for the returnees? If so, what kind of problems were they?

11. How do you evaluate the implementation of **Property Law Implementation Plan**?

12. What kind of returnee **complaints** were you faced with in the past? What about today's complaints?

13. How would you evaluate the situation of the people in **collective centres**?Are there any short-term plans for them?

14. What are the **development objectives** of the state? How are the returnees integrated into the development objectives of the state? Are there any concrete steps taken towards integration? If so, what are these?

15. How would comment on the development of the **civil society** in BiH (it is an important part of reintegration)? What are the criteria for the sustainability of civil society?

16. How would you evaluate the efforts of the **international community** with regard to the return and reintegration process?

17. How would you evaluate the relations with **International Financial Institutions**? What kind of conditions do they put forth?

18. Do you agree with the view that there has been a **donor fatigue** in BiH (donors are tired of assisting BiH)? If so, what may be the reasons and outcomes for that?

19. Compared to other migrants[1], returnees are usually expected to fully re-establish themselves within a shorter time period. Is it the case in BiH?

20. What have been the major **obstacles** to return and reintegration? Which one(s) of those obstacles are still existing?

21. What are the major **deficiencies** in this process? What do you think about these deficiencies?

22. How much time do you think Bosnia needs to **complete** the process of return and reintegration? (Full recovery)

23. Lastly, how do you evaluate "3x3 Initiative" Conference[2]? Is it possible to close the chapter on return by the end of 2006? Would you make a last evaluation?

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[1] Economic migrants,i.e. people who have gone abroad voluntarily because of economic reasons.

[2] The ministers responsible for refugee issues in BiH, Croatia, Serbia-Montenegro attended this conference in Sarajevo in Jan. 2005 and by igning the Declaration on Refugee Returns, the three governments committed themselves to solve the remaining population displacement by the end of 2006, and to facilitate returns or local integration of refugees in cooperation with UNHCR, the EU and OSCE.

MUNICIPALITIES
VISITED

ZENICA
TUZLA
VARES
VISOKO
KONJIC
MOSTAR
CAPLJINA

PRIJEDOR
BIJELJINA
MILICI
SREBRENICA
ZVORNIK
BANJA LUKA

SARAJEVO
ILIJAS
ILIDZA
VOGOSCA

BRCKO DISTRIKT

APPENDIX 3
RESEARCH AREA - MUNICIPALITIES

BOSNIA-HERCEGOVINA

APPENDIX 4
INTERVIEW DATES AND NUMBER OF INFORMANTS IN THE RESEARCH SAMPLE

PRIJEDOR
16&30 Aug.2005
3 informants

BANJA LUKA
15&16 Aug.2005
4 informants

ILIJAŠ
23 Jul. 2005
5 informants

KONJIC
18 Jul. 2005
4 informants

ČAPLJINA
27&28 Jul. 2005
6 informants

MOSTAR
25-28 Jul. 2005
9 informants

SARAJEVO
9 Jul. -14 Aug.2005
14 informants

ILIDZA
9 Jul. - 3 Sept.2005
4 informants

VOGOSCA
3 Sept. 2005
2 informants

VISOKO
1 Sept. 2005
2 informants

VARES
4-14 Jul. 2005
8 informants

ZENICA
11 Jul. 2005
6 informants

SREBRENICA
10&26 Aug. 2005
5 informants

MILICI
9 Aug. 2005
6 informants

ZVORNIK
11 Aug. 2005
3 informants

TUZLA
30 Jun. 2005
2 informants

BIJELJINA
12 Aug. 2005
4 informants

BRCKO DISTRIKT
25 Aug. 2005
3 informants

REPUBLIKA
SRPSKA

FEDERATION
BOSNIA-HERCEGOVINA

APPENDIX 5.A

NUMBER OF INFORMANTS IN THE RESEARCH SAMPLE

THE NUMBER OF INFORMANTS IN THE RESEARCH SAMPLE	
	n
Internally Displaced Persons	13
Returnees	72
Informants Living in Two Countries	6
TOTAL	91

APPENDIX 5.B

GENDER OF INFORMANTS IN THE RESEARCH SAMPLE

GENDER OF INFORMANTS IN THE RESEARCH SAMPLE		
	Female	Male
Internally Displaced Persons	7	6
Returnees	37	35
Informants Living in Two Countries	3	3
TOTAL	47	44

APPENDIX 5.C

ETHNICITY OF INFORMANTS IN THE RESEARCH SAMPLE

ETHNICITY OF INFORMANTS IN THE RESEARCH SAMPLE				
	Muslim	Serb	Croat	Mixed
Internally Displaced Persons	11		2	
Returnees	48	10	12	2
Informants Living in Two Countries	4	1	1	
TOTAL	63	11	15	2

APPENDIX 5.D

AGE DISTRIBUTION OF INFORMANTS IN THE RESEARCH SAMPLE

AGE DISTRIBUTION OF INFORMANTS IN THE RESEARCH SAMPLE			
	20-39	40-59	60 +
Internally Displaced Persons	4	3	6
Returnees	16	34	22
Informants Living in Two Countries	1	3	2
TOTAL	21	40	30

APPENDIX 5.E

EDUCATION OF INFORMANTS IN THE RESEARCH SAMPLE

EDUCATION OF INFORMANTS IN THE RESEARCH SAMPLE					
	n/a	None*	Elementary**	Secondary***	High
Internally Displaced Persons		4	6	3	3
Returnees	9	5	20	26	12
Informants Living in Two Countries	1		1	1	3
TOTAL	10	9	27	30	15

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* Those, who learnt how to read and write by themselves, are included in this group.
** Those, who attended up to 3rd and 4th grades, are included in this group.
*** Those, who are going to high school or university, are included in this group because they are graduates of secondary school.

APPENDIX 5.F

EMPLOYMENT OF INFORMANTS IN THE RESEARCH SAMPLE

EMPLOYMENT OF INFORMANTS IN THE RESEARCH SAMPLE				
	Employed	Unemployed[*]	Retired[**]	Receiving Welfare[***]
Internally Displaced Persons		6	3	4
Returnees	18	26	27	1
Informants Living in Two Countries	1	1	3	1
TOTAL	19	33	33	6

[*] The ones, who are working temporarily, are included in this group.

[**] The females, who receive retirement pension from their deceased husbands, and the males, who receive invalid pension, are included in this category.

[***] The one(s), who receive a certain amount of money – allowance – from their deceased sons, are included in this group.

QUESTIONS FOR RETURNEES

Permission and Explanation

Ms. Nedime Aslı ŞİRİN is a Ph.D. Candidate in the "EU Politics and International Relations" program at the European Community Institute of Marmara University. She completed the must courses and is currently at the phase of writing her Ph.D. thesis.

The main reason of my presence here is to do the fieldwork for my Ph.D. thesis. The subject of my thesis study is the process of return and reintegration of the refugees and IDPs in Bosnia. The data I will generate during the interviews is crucially important and valuable for me since it is going to be the bulk of my dissertation.

RETURNEES

Name of Interviewer:
Name of Interviewee:
Gender   :   F   M
Name of Interview Place:
Date of Interview:
Duration of Interview:
Reason for the rejection of the interview:
Number of cassettes used in interview:

Warm-up Questions

1. What is your name?
2. How old are you?
3. Where were you born?
4. Are you married?
5. Do you have children? If so, how many?
6. Where are your children living now?

7. For how long have you been living in this place? Is this the place where you were living before the war?
8. What about relatives? Do you have any relatives? Where are they living?
9. How many people are living here?
10. What is your level of education?
11. Are you working? If so, what is your job?
12. Are you the only person working in the family?
13. Could you please tell me how much you earn per month?
14. Do your children go to school?

Questions with regard to the PRE-WAR LIFE

1. Could you please tell me what kind of a life you had before the war started?

Questions with regard to THE BEGINNING OF REFUGEE LIFE

1. In what kind of circumstances did you decide to leave your home? And when? How did you feel when you decided to leave your home?

2. Could you please tell what you have passed through between the moment you decided to leave and the time when you arrived at your destination?

Questions with regard to THE REFUGEE LIFE and THE BEGINNING OF RETURN

1. Could you please tell what kind of an experience was being /living as a refugee? How did you feel?

2. Were you given refugee status in that place (country)? Or were you treated as a temporary settler? For how long were you given the right to stay there?

3. Could you please tell about your departure process? What did you live through in that process?

Questions with regard to THE PROCESS OF RETURN

1. Could you go on telling what you lived through while you were returning to Bosnia?

2. Was there any time that you lost the hope /felt desperate (especially when you were faced with difficulties while you were abroad) ? How did you overcome the emotional difficulties?

3. What does return mean for you? When did you feel that you have really returned (when you arrived in Bosnia? When you were given your house?)

4. Could you tell about your observations with regard to people returning to Bosnia? Did males or females return in an easier (relatively) way? Did the elderly or young people return mostly?

Questions with regard to REINTEGRATION

1. When you returned to Bosnia (upon you arrival to the country), did anyone / any institution or agency help you?

2. Where did you stay when you arrived? In a collective centre, near your relatives, friends or neighbours?

3. What kind of problems/difficulties were you faced with upon your arrival?

4. Were you able to return to you pre-war house?

5. How were the relations with your neighbours?

6. Did you participate in any return&reintegration project/programme when you came? If so, could you please tell me what you think about it? (Evaluation of the Project)

7. Did you get help from the agencies in a short period of time or did you have to wait? If so, for how long did you wait?

8. What kind of assistance did the municipality governors provide? Did you easily get yourself re-registered?

9. In what ways did you regain your property? Was it difficult? How long did it last?

10. Did your children have problems in going to school? What kind of problems were they faced with at school?

11. Could you please tell me what you think about your present life? Can you make a comparison with the life you have had before the war?

12. How do you feel about the presence of international security force/troops (EUFOR)? Do you want them to stay or leave the country? Do you think that conflicts will emerge again if they leave?

13. What do you think about the future?

QUESTIONS FOR COLLECTIVE CENTRE RESIDENTS

Permission and Explanation

Ms. Nedime Aslı ŞİRİN is a Ph.D. Candidate in the "EU Politics and International Relations" program at the European Community Institute of Marmara University. She completed the must courses and is currently at the phase of writing her Ph.D. thesis.

The main reason of my presence here is to do the fieldwork for my Ph.D. thesis. The subject of my thesis study is the process of return and reintegration of the refugees and IDPs in Bosnia. The data I will generate during the interviews is crucially important and valuable for me since it is going to be the bulk of my dissertation.

COLLECTIVE CENTRE RESIDENTS

Name of Interviewer:
Name of Interviewee:
Gender   :   F   M
Name of Interview Place:
Date of Interview:
Duration of Interview:
Reason for the rejection of the interview:
Number of cassettes used in interview:

Warm-up Questions

1. What is your name?
2. How old are you?
3. Where were you born?
4. Are you married?
5. Do you have children? If so, how many?
6. Where are your children living now?

7.   For how long have you been living in this collective centre?
8.   What about relatives? Do you have any relatives? Where are they living?
9.   Are there any other people from your family living here?
10. What is your level of education?
11. Are you working? If so, what is your job?
12. Are you the only person working in the family?
13. Could you please tell me how much you earn per month?
14. Do your children go to school?

Questions with regard to the PRE-WAR LIFE

1.   Could you please tell me what kind of a life you had before the war started?

Questions with regard to THE BEGINNING OF REFUGEE LIFE

1.   In what kind of circumstances did you decide to leave your home? And when? How did you feel when you decided to leave your home?

2.   Could you please tell what you have passed through between the moment you decided to leave and the time when you arrived at your destination?

Questions with regard to THE REFUGEE LIFE and THE BEGINNING OF RETURN

1.   Could you please tell what kind of an experience was being /living as a refugee? How did you feel?

2.   Were you given refugee status in that place (country)? Or were you treated as a temporary settler? For how long were you given the right to stay there?

3.   Could you please tell about your departure process? What did you live through in that process?

Questions with regard to THE PROCESS OF RETURN

1. Could you go on telling what you lived through while you were returning to Bosnia?

2. Was there any time that you lost the hope /felt desperate (especially when you were faced with difficulties while you were abroad) ? How did you overcome the emotional difficulties?

3. What does return mean for you?

4. Could you tell about your observations with regard to people returning to Bosnia? Did males or females return in an easier (relatively) way? Did the elderly or young people return mostly?

Questions with regard to REINTEGRATION

1. When you returned to Bosnia (upon you arrival), did anyone / any institution or agency help you?

2. Where did you stay when you arrived? Before coming here did you stay somewhere else?

3. What kind of problems/difficulties were you faced with upon your arrival?

4. What kind of a life do you have here? Could you please tell me about your daily activities?

5. How are the relations with your other people here?

6. Did you participate in any return&reintegration project/programme when you came? If so, could you please tell me what you think about it? (Evaluation of the Project)

7. Did you get help from the agencies in a short period of time or did you have to wait? If so, for how long did you wait?

8. Did you get yourself re-registered? Were you faced with any kind of problems in the re-registration? If so, what kind of problems?

9. Have you regained your property yet? If not, what kind of obstacles are you faced with? Is it totally burnt down, needs to be reconstructed or occupied by someboy else?

10. Do your children have problems in going to school? What kind of problems are they faced with at school?

11. Could you please tell me what you think about your present life? Can you make a comparison with the life you have had before the war, the life when you were away from Bosnia and the life you have now?

12. How do you feel about the presence of international security force/troops (EUFOR)? Do you want them to stay or leave the country? Do you think that conflicts will emerge again if they leave?

13. What do you think about the future? Do you think you will take your property back?

A. Pre-War Life

A.1. *Economic Situation*
A.2. *Neighbourhood*
A.3. *Relations*

B. War Experience

B.1. *'Leaving'*
B.1.1. Leaving Home
B.1.2. Leaving Town/City (Direct Contact With Fighting)
B.2. *Camp Experience*
B.2.1. Concentration Camp
B.2.2. Refugee Camp/Collective Centre
B.3. *Change in Place of Settlement*
B.4. *'Being Blown Away'*
B.5. *Different Destinations*
B.6. *New Conditions and Life in a New Environment*

C. Return and Reintegration (For Returnees)

C.1. *Departure*
C.2. *Voluntariness*
C.3. *Assistance During Return*
C.4. *Who Returns?*
C.5. *Where Do They Return To?*
C.6. *Were They Able to Repossess Their Pre-War Houses? (Housing)*
C.7. *Environment and Circumstances (Old/New)*
C.8. *Assistance Upon Return*
C.9. *Recovery*
C.9.1. Economic Recovery
C.9.2. Social Recovery
C.9.3. Political Recovery
C.9.4. Psychological Recovery
C.9.5. Cultural Recovery

C.10. *Being a Returnee*
C.11. *Security*
C.12. *Evaluation of Present Life / Current Situation in Bosnia*
C.13. *Future*

D. Return and Reintegration (For IDPs in Collective Centres)

D.1. *Duration of Stay*
D.2. *Conditions of Living in a Collective Centre*
D.3. *Daily Activities / Relations Among Residents*
D.4. *Housing / Property Repossession*
D.5. *Assistance*
D.6. *Recovery*
D.6.1. Economic Recovery
D.6.2. Social Recovery
D.6.3. Political Recovery
D.6.4. Psychological Recovery
D.6.5. Cultural Recovery
D.7. *Perception of Living in a Collective Centre*
D.8. *Security*
D.9. *Future*

E. Return and Reintegration (For People Living in Two Countries)

E.1. *Visit (Date and Reason)*
E.2. *Were They Able to Regain Their Houses? (Housing)*
E.3. *Assistance*
E.4. *Environment and Circumstances*
E.5. *Recovery*
E.5.1. Economic Recovery
E.5.2. Social Recovery
E.5.3. Political Recovery
E.5.4. Psychological Recovery
E.5.5. Cultural Recovery
E.6. *Living in Two Countries*
E.7. *Security*
E.8. *Evaluation of Current Situation*
E.9. *Future*

APPENDIX 8

Photo 1
Sarajevo – Shelled Buildings
16 September 2004

Photo 1

Photo 2

Vares – Burnt Apartment Block Waiting
To Be Repaired in The Centre of Town
4 July 2005

Photo 2

Photo 3

Vares – Factory on the Way to Vares
5 July 2005

Photo 3

* All photos by the researcher

Photo 4

Mostar – Front Line
     25 July 2005

Photo 4

Photo 5

Milici - A Village
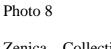   9 August 2005

Photo 5

Photo 6

Srebrenica – Town Centre
     10 August 2005

Photo 6

Photo 7

Photo 7

Kozarac - Prijedor
16 August 2005

Photo 8

Zenica – Collective Centre
1 September 2005

Photo 8

Photo 9

Brcko District – Village in Its Suburb
25 August 2005

Photo 9

CURRICULUM VITAE

Name: Nedime Aslı Şirin

Current Address: Necatibey Caddesi, Dip Sokak, No. 3/5, Maltepe, 06650, Çankaya/Ankara

Place and Date of Birth: İstanbul, 28 April 1977

Education: İstanbul Bilgi University, MA in International Relations, 1999 / 2001
Marmara University, BA in Faculty of Economic and Administrative Sciences, Department of Political Science and International Relations (English), 1995 / July 1999

Work Experience: Teaching Assistant, İstanbul Bilgi University, Department of International Relations (1999 - 2005)

Honours, Awards, Scholarships: European Union Jean Monnet Scholarship 2005-06

Publications and Papers: **Şule Kut and N. Aslı Şirin**, (2002) "The Bright Side of Balkan Politics: Cooperation in the Balkans", in D. Sotiropoulos and T. Veremis (eds.) *Is Southeastern Europe Doomed to Instability? A Regional Perspective*, Great Britain: Frank Cass

N. Aslı Şirin (2003), "Inter-State Cooperation in the Balkans: The Cold War Era", *Turkish Review of Balkan Studies,* Annual 2002, 7, İstanbul: Bigart

N. Aslı Şirin (2003), "The Balkan Cooperation in the Post-Cold War Era", paper presented at METU II. Conference on International Relations: Regional Perspectives, 23-25June 2003

N.Aslı Şirin (2004), "Balkans in the Post-Cold War Era: Quest for Stability and the European Union" *Turkish Review of Balkan Studies,* Annual 2003, 8, İstanbul: Bigart

N. Aslı Şirin (2004), "Secede or Not to Secede: Three Cases of Nationalism from Socialist Federal Republic of Yugoslavia" paper presented at the *Ninth Annual Convention of the Association for the Study of Nationalities (ASN)*, Columbia University, New York City, April 15-17, 2004.

N. Aslı Şirin (2005), "Small But a Successful State: Foreign Policy Of Independent Slovenia", *Turkish Review of Balkan Studies,* Annual 2004, 9, İstanbul: Bigart

ÖZGEÇMİŞ

İsim: Nedime Aslı Şirin

Adres: Necatibey Caddesi, Dip Sokak, No. 3/5, Maltepe, 06580, Çankaya/Ankara
        Ebüzziya Caddesi, Bilgi Sokak, Deniz Apt. No. 3/2, Bakırköy/İstanbul

Telefon: (Ev) 0312 231 69 15 – 0212 583 75 12
            (GSM) 0532 674 43 69

Doğum Yeri ve Tarihi: İstanbul, 28 Nisan 1977

Eğitim Durumu: Doktora – Marmara Üniversitesi, Avrupa Birliği Enstitüsü, 2002 -
Yüksek Lisans - İstanbul Bilgi Üniversitesi, Uluslararası İlişkiler Bölümü, 1999 / 2001
Lisans – Marmara Üniversitesi, İİBF, Siyaset Bilimi ve Uluslararası İlişkiler Bölümü
(İngilizce), 1995 / 1999

İş Deneyimi: Araştırma Görevlisi, İstanbul Bilgi Üniversitesi, Uluslararası İlişkiler Bölümü
(1999 - 2005)

Kazanılan Burs ve Ödüller: Avrupa Birliği Jean Monnet Bursu 2005-06

Yayınlardan Seçmeler: **Şule Kut ve N. Aslı Şirin**, (2002) "The Bright Side of Balkan
Politics: Cooperation in the Balkans" (Balkan Siyasetinin Parlak Tarafı: Balkanlar'da
İşbirliği), İçinde: D. Sotiropoulos and T. Veremis (Derl.) *Is Southeastern Europe Doomed
to Instability? A Regional Perspective*, Great Britain: Frank Cass.

N. Aslı Şirin (2003), "Inter-State Cooperation in the Balkans: The Cold War Era"
(Balkanlar'da Devletler-Arası İşbirliği: Soğuk Savaş Dönemi), *Turkish Review of Balkan
Studies,* Yıllık 2002, 7, İstanbul: Bigart

N. Aslı Şirin (2003), "The Balkan Cooperation in the Post-Cold War Era" (Soğuk Savaş
Sonrası Dönemde Balkanlar'da İşbirliği), ODTÜ II. Uluslararası İlişkiler Konferansı:
Bölgesel Perspektifler'de sunulan tebliğ (Ankara, 23-25 Haziran)

N.Aslı Şirin (2004), "Balkans in the Post-Cold War Era: Quest for Stability and the
European Union" (Soğuk Savaş Sonrası Dönemde Balkanlar'da İstikrar Arayışı: Avrupa
Birliği ve Balkanlar), *Turkish Review of Balkan Studies,* Annual 2003, 8, İstanbul: Bigart

N. Aslı Şirin (2004), "Secede or Not to Secede: Three Cases of Nationalism from Socialist
Federal Republic of Yugoslavia" Columbia Üniversitesi, Milliyetler Çalışması Derneği'nin
Dokuzuncu Geleneksel Kongresi'nde sunulan tebliğ (New York, 15-17 Nisan)

N. Aslı Şirin (2005), "Small But a Successful State: Foreign Policy Of Independent
Slovenia" (Küçük Ama Başarılı Bir Devlet: Bağımsız Slovenya'nın Dış Politikası),
Turkish Review of Balkan Studies, Yıllık 2004, 9, İstanbul: Bigart