



The evaluation of the return process of refugees and internally displaced persons back to their “home of origin”

The Case of Bosnia and Herzegovina

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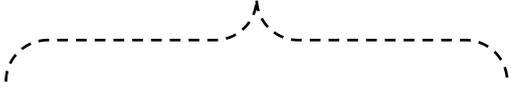
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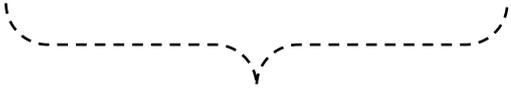
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“Bad things do happen; how I respond to them defines my character and the quality of my life. I can choose to sit in perpetual sadness, immobilized by the gravity of my loss, or I can choose to rise from the pain and treasure the most precious gift I have - life itself”.

Walter Anderson(1885-1962)



To all those
people who
suffered but
never
stopped
dreaming and
waiting the
“Tomorrow”



ABSTRACT

This thesis argues that the return of refugees and internally displaced persons back to their “home of origin” although it was a right legitimized through the Dayton Peace Agreement, which ended the war, was a very complex and demanding task. The return implies that people will be confronted with new circumstances. They will face the integration in a society that has nothing in common with the pre war society. Everything has changed. Return, however, is not an end in itself but it has to be sustainable. There is no meaning in returning “home”, if people cannot build a new and sustainable life. The difficult task is to find the normality of life, which existed before the war. Through this paper we are trying to evaluate the success of the return process. Although success is difficulty measured, the key variables that influence sustainability will be examined. Surely, the achievement of sustainability is not an easy task; there are a lot of parameters. Sixteen years have passed, since the end of the war and the Peace Agreements, and still we talk about the refugees issue in Bosnia Herzegovina.

CONTENTS

CHAPTER 1: BASIC CONCEPTS OF THE RETURN PROCEDURE	6
1.1 INTRODUCTION.....	6
1.2 LITERATURE REVIEW	8
1.3 AN OVERVIEW OF THE RETURN PROCESS; BASIC CONCEPTS	11
1.4 THE INTERPRETATION OF THE WORD “HOME”	15
1.5 CONCEPTUALIZING SUCCESS	17
CHAPTER 2: ASSESSING THE VARIABLES	20
2.1 PROPERTY ISSUES.....	20
2.1.1 COMPENSATION AS PART OF THE RESTITUTION PROCESS	27
2.2 ACCESS TO LABOR MARKET	32
2.3 THE EDUCATIONAL SYSTEM	37
2.4 THE HEALTH CARE SYSTEM.....	42
2.5 ALLOCATION OF PENSIONS	45
2.6 SECURITY	47
2.6.1 LANDMINES	51
2.6.2 POST TRAUMATIC STRESS DISORDER (PTSD).....	53
2.7 COEXISTENCE BETWEEN RETURNEES AND STAYERS	55
2.7.1 RELIGIOUS INTOLERANCE	59
CHAPTER 3: THE FINAL REMARKS OF THE EVALUATION	63
3.1 THE OUTCOME OF THE ANALYSIS.....	63
3.2 CONCLUSION	67
BIBLIOGRAPHY	69

CHAPTER 1: BASIC CONCEPTS OF THE RETURN PROCEDURE

1.1 INTRODUCTION

Although not everyone conceptualized the dissolution of Yugoslavia as a war occurred in Europe, but rather as a “Balkan war”, regardless of how it is called, the tragic results and the loss of thousands of lives are indelible in people’s memory. Apart from the political and socio economic collapse, the war resulted also to the physical dissolution of people. Ethnic cleansing was a systematic practice, used as a war tool. This term can be explained as a policy designed by an ethnic or religious group, in the case of Bosnia Herzegovina Bosnian Serbs, to remove by violent means the population of other ethnic or religious groups from specific areas, in this case Bosniak Muslims and Bosnian Croats. Forcible movement of population was a means of conducting war in order to gain control over territory; thereby it was a strategic objective in itself. Subsequently, during the war in BiH, lots of people died, traumatized, fled abroad and took the refugee status or became displaced persons in the territory of their country. In the last census before the war, in 1991, the population of BiH was 4,377,033 (Federal office of statistics) and after the war, according to UNHCR’s census (though, not official census as the government of BiH refused to recognize it) the population was 3,9 million. (Embassy of Ireland)

The signing of the General Framework Agreement gave an end to the three years conflict, by recognizing two autonomous entities within BiH; the Federation of Bosnia, composed of Bosniak Muslims and Bosnian Croats and the Republika Srpska, composed of Bosnian Serbs. Among the provisions of GFA, there was the right to freely return home of refugees and displaced people. It was the means through which the international community tried to respond to the ethnic cleansing and create the basis for a new multi ethnic state. This Agreement gives precise content to the right to return home, and it clarifies the obligations of the Parties, so as to be the return a successful process. However, return back to the “home of origin” has been proved to be an extremely difficult and complex task. Local authorities,

international community and the returnees themselves had to face a lot of challenges and adapt to new environments.

The purpose of this paper is to analyze the return process of refugees and internally displaced persons (IDPs) back to their home of origin and conclude whether this process was successful or not. Even when return has occurred, there is the need to scrutinize the relations and the circumstances after return, and conceptualize that even if return is the end of one cycle, it may be the start of a new one which can lead returnees to vulnerability. (Black and Koser, 1999: 3) Success is a very controversial and subjective concept that is difficult to be measured. Each person may have different criteria defining the success. In our attempt, to reach a conclusion, we are going to try to find out if returnees managed to reintegrate into the society in a smooth way and gain a normal life. In other words, what will be on the focus of our examination is the sustainability. In a nutshell, we are going to examine the variables that influence the sustainability and at the end, if we conclude that after the return process people gained a normal and sustainable life, then the return process will be characterized as successful.

The analysis could be either quantitative, focused based on the number of returnees or/and qualitative, based on the quality of life. In order to make a quantitative analysis and examine in what way the number of returnees influences the sustainability we would have to analyze the demographic features of specific areas before and after the war. What the percentage of each ethnic group in pre war and post war period was and whether a small number of returnees was more easily integrated in the society or marginalized. However, we cannot be sure about the validity of the data as both the international organizations and local authorities have a tendency to maximize the number of returnees, each of them for its own reasons. Further, we consider that numbers do not represent the reality and the standards of living. Therefore, in this paper, we are going to do a qualitative analysis for the whole region of BiH. The quality of life defines the level of sustainability. The aim is to examine the result of return not only on a personal level by examining individual returnees, but rather on a community basis and to the longer term experience of returnees. For returns to be sustainable, individuals' cases are not enough.

We will refer basically to minority returns, meaning the return of people to an area that a different ethnic group than theirs is dominant. It will be examined whether the ground was fertile enough to support such initiative.

This paper is divided into three parts. In the first one, along with the literature review, a general overview of the return process will be presented. It will be analyzed what is the meaning of the return process and why it is has been analyzed so extensively. In this section some crucial concepts of the procedure as the meaning of “home of origin” and “success” will also be analyzed. As both terms can have different meanings according to the period they are used and by whom, we will clear out in what way they are going to be presented in this paper.

In the second part, we will to analyze the socio economic variables that determine the sustainability of life. Among them there will be property restitution, access to labor market, educational system, health care, allocation of pension, security and last but not least reconciliation.

Eventually, at the third part the outcome of the analysis will be presented. We are going to answer to the research question whether the return process was successful or not. Along with the conclusion, some recommendations will be presented.

1.2 LITERATURE REVIEW

The war in Yugoslavia, and in Bosnia that is examined, drew the attention of the whole international community and the Dayton Peace Agreement has thoroughly been analyzed. In particular, Annex 7, that foresees the return of refugees and internally displaced persons has been scrutinized as it was the first endeavor to reverse what the three years bloodshed has resulted to.

The majority of authors, like Richard Black, Marcus Cox, Dahlman Carl, Gearóid Ó Tuathail, Haider Rhodri, Charless Philpott, Catherine Phuong, Deniz Sert, have focused on the issue of property restitution, creating to the reader the impression that this is the major problem. Of course we can justify this massive analysis by taking into consideration that the property restitution is the basic prerequisite for the return process. Nonetheless, the authors mention that

sustainability cannot be achieved only through the property restitution but social and economic reintegration should be fulfilled.

In the literature, the idea that prevails is that the division of the country into two entities made the return process a difficult task as no cooperation between the two entities existed or the political will. The war has segregated the country not only territorially but also emotionally. Ethnic division is among the factors analyzed as promoting the complexity of the process. Bantekas (1998) for instance, mentions that the country's segregation resulted to people's division and created apathy that might be attributed to the hate of two peoples. According to him, the goals of the international community were more idealistic than realistic, making in this way the repatriation very difficult. Repatriation programmes thus, did not have the desirable effects. The major problem was the alienation between the two entities, considering that the first years there were no communication lines between the two entities.

Except from the hate between people, there was also the political obstructionism, as Catherine Phuong (2000) mentions, which stalled the process. Political leaders were averse to promoting returns. This selfish behavior on the part of politicians and people of the two entities resulted to the failed repatriation process. O' Tuathail and Dahlman (2010) also agree at this statement, that the different ethnic groups are hostile between them and do not want to live together. They acknowledge that return as a way to reverse ethnic cleansing and return to previous demographic distribution was unsuccessful, considering that all but one municipality have population that are 90% of the same ethnic group. They stress out that only sustainable return can have a real positive effect. But even the statistical data are not clear enough so as to be sure about how many refugees and IDPs have returned permanently. They highlight that it is difficult to reach a conclusion whether the return was sustainable as the statistics are usually maximized and unclear.

Haider moves along the same line concerning the fact that statistics are unclear as both, the international community and local authorities, each one for its own reasons wants to give the impression that return process was successful. Franz (2010) having examined the data concludes that, at first glance the endeavor of the international community concerning the return process was successful. However,

this success is limited only to the majority returns, while the rate of the minority returns is disappointing.

Apart from the statistical data representing the number of returnees and the property restitution, the problem of the bad economic situation and the discrimination are highly analyzed. Haider (2009) mentions that return is difficult due to the devastated economic and social infrastructure and points out that, reintegration is necessary for sustainable return but difficult in such circumstances. Huttunen (2009) through a field work she did and some interviews she made, reveals the disappointment of returnees. Their expectations had no relation with the reality. Although the return occurred, the poverty and the highly discrimination marginalized them from the society resulting in this way to a non sustainable return. Subsequently, in such biased environment, the restoration of trust should be among the goals so as to achieve a sustainable return, as Haider mentions. At this point we can mention the statement of Richard Black that reconciliation promotes ethnic reintegration, which as mentioned above is the fundamental factor for a successful return process. This aspect of coexistence and reconciliation of people, in particular between the stayers and the returnees, is also pointed out by Stefansson (2010), who mentions that sustainable democracy and peace cannot be achieved only through rebuilding of damaged houses but rebuilding social relations. Return is meaningless if people cannot live peacefully and harmoniously. He monitors that usually people have typical relations in order to carry on their everyday activities.

Apart from the academic articles, the reports from various organizations involved in the process give the impression that although progress has been made, comparatively to the first years, still there are a lot of problems that bring into question the sustainability of returns. The difference of reports comparing to books and articles, is that provide a chronological picture of any changes having been implemented.

During the research, the feeling that we got was that although every author mentions that the key element to the process is the sustainability, the most of the information was about the property restitution and the numerical data concerning the minority returns. The factors influencing the sustainability are many and we cannot be limited on a restricted analysis of property issues. As Catherine Phuong

(2000) stresses out, success cannot be measured only by the number of returns, but it should be ensured that people do not return to an environment where their human rights are threatened. Further, usually each article is focused on a particular subject influencing the sustainability, or make a short reference to some others factors, and what we tried to do was to collect all the data of different thematic articles in one paper. We tried to give a complete picture of all aspects that define sustainability. It should be though underlined, that we made a choice of variables that will be examined. We based mainly on the variables available on the report of the Development Research Centre (DRC on Migration, Globalization and Poverty, 2004: 18) In the literature there are some authors, like Marita Eastmond (2006) and Huttunen Laura that refer to some other variables like the ability of returnees to move abroad to the host country, in other words transnational returns.

As far the research question of the thesis is concerned, it could be said that there is not a direct answer whether it was successful or not, rather a conjecture that this huge bulk of problems made the return and its sustainability difficult and slow. There are though critics that argue that this desire to reverse ethnic cleansing, lead to a policy emphasis on returns, marginalizing in this way other fundamental factors influencing the sustainability such as poverty reduction, ethnic reconciliation, security issues and the creation of a coherent BiH state as the basis for prosperity and eventual membership within the European Union

A missing point in the literature is the lack of statistical data as regards to the number of people that re-emigrated. Although we addressed to some organizations, requiring their help, we did not manage to find these data. Additionally, during the research we had the feeling that there is not a clear hierarchy of the variables concerning the importance of each of them in the procedure, but in the third part we will present a conceptualization of variable's hierarchy.

1.3 AN OVERVIEW OF THE RETURN PROCESS; BASIC CONCEPTS

Although in 1995, the three years of bloody conflict reached an end and BiH was an independent state, as in every war, there were dramatic consequences encumbering the transition to the new age. The peaceful coexistence of people was

transformed to feelings of hate, fear and discrimination. One of the ample results was the displacement both internally and externally of approximately over two and a half million people. In particular, 92% of the Serbs from the Federation of Bosnia and Herzegovina and 95% of the Bosniaks Muslims and Bosnian Croats from the Republika Srpska had been displaced. At the time of the peace agreements, only 42% of the population remained in their pre-war residences. (Bellard, 2010: 474)

The signing on 14 December 1995 of the *General Framework Agreement for Peace in Bosnia Herzegovina*¹ brought an end to the three years conflict. The Framework Agreement was the means to emend the wrong of the war and the corridor that would lead to a new peaceful age. Among its provisions, GFA foresaw the return of refugees and internally displaced persons back to their home of origin. The return process was planned as the way to reverse ethnic cleansing and set the basis for peace-building. In a nutshell, Annex 7 foresaw:

- The right of refugees and displaced persons to safely return home and regain lost property, or to get just compensation.
- The establishment of a Commission for Displaced Persons and Refugees that would decide on return of real property or compensation, with the authority to issue final decisions.
- All persons are granted the right to move freely throughout the country, without harassment or discrimination.
- The parties commit to cooperate with the International Committee of the Red Cross (ICRC) in finding all missing persons. (PBS, 1995)

Before continuing with the meaning of the return process, it is essential at this point to give a definition about the terms refugee and IDP. **Refugee² from BiH** is

¹ The peace agreements were signed by the Republic of BiH, the Federal Republic of Yugoslavia (FRY) and Croatia. Its 12 annexes were signed by the republic of BiH and the two Entities; the Federation of Bosnia and Republika Srpska. Annex 1-B and 10 were also signed by Croatia and FRY. See:(Bagshaw, 1997: 566)

² *The Convention of 1951* mentions refugees is “the person who, as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that

the person who due to the hostilities that took place, was expelled from his home or left his home in BiH and took refuge in another country, after 30 April 1991. The justification of the refuge is the fear of harassment, persecution on account of race, religion, nationality, affiliation to another social group or political orientation. (MARRI project, 2005: 6,7) **Internally displaced person from BiH**³ is the citizen of BiH who has been forced or obliged to leave his/her residence after 30 April 1991, as a result of or in order to avoid 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. (IDMCa) In some cases displaced person takes a negative social meaning as it is synonym to person impoverished, homeless, with a rural background, has no education and is “uncultured”. (Stefansson, 2006: 126) Finally as **returnee** is considered the person who has expressed to the appropriate body his/her will to return to the pre war residence, or the person who has returned.

Subsequently, the return process is a sign of human rights’ respect. The defense of human rights is a basic prerequisite for a country’s development and the smooth living of people. Refugee policies in 1990⁵ have been extremely focused on the return process and the international community played a catalytic role. The Dayton Peace Agreement among its provisions foresaw the establishment of new international institutions that would help the process. Among the new institutions that have a catalytic role in the return process are: The Commission for Real Property Claims of Displaced Persons and Refugees⁴, the Human Rights Chamber⁵, the Office of High Representative⁶.

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”. See: <http://www.unhcr.org/3b66c2aa10.html>

³ There is no convention equivalent to 1951 for displaced persons, but they are protected under: international human law and domestic law, and the International Guiding Principles on Internal Displacement. See: <http://www.icrc.org/eng/war-and-law/protected-persons/refugees-displaced-persons/overview-displaced-protected.htm>

⁴ Established under Annex 7 of DPA, is the key decision-making body on property rights for dispossessed people in Bosnia and Herzegovina. It determines claims from the hundreds of thousands of people who lost property during the war. See: http://www.law.kuleuven.be/ipr/eng/CRPC_Bosnia/CRPC/new/en/main.htm

The international community paid extensive attention to the return process, basically to minority returns, as a response to the systematic policies of ethnic cleansing and also reflected the desire to promote “durable solutions” for forced migrants. After the ethnic cleansing the demographic map of the country has totally changed, making in this way the living of some ethnic groups difficult or even impossible to some regions. For this reason, the international community prioritized the minority return, in an attempt to counterbalance the composition of the regions. A paradox in international community’s strategy though, is that although it tried to implement the return process and achieve the multi ethnicity of the country, it divided the country into two Entities. However, the return in itself without the reintegration into the society does not guarantee the peace-building. It should also be mentioned that the success of such a process, is an indicator of the well-being and maturity of a state, of a successful political system, and movement in the direction of justice and a Western-style democracy. Unsuccessful return would hamper any new initiatives like the DPA, or limit them in particular countries. On contrary, the success of the process would broaden the right to return under the auspices of the international law. (Eastmond, 2006: 142)

On the part of returnees themselves, return and reintegration is “*a dynamic and contested process*”, which means having to negotiate one’s position in new contexts of power and inequality. Returning back means that people have to recreate in a new environment, with new social relations, identities and data. (Franz, 2010: 55) They have to build a new life and find the pre war normality. Repatriation should be considered as part of refugee protection, while refugee protection is not equal to an immigration path but to human rights’ protection. (Begshaw, 1997: 570)

⁵ It is, a judicial body established under Annex 6 DPA and its role was to monitor violations of human rights as provided in the European Convention for the Protection of Human Rights and the Protocols thereto. The Commission of Human Rights was the successor as the mandate of Human Rights Chamber ended in 2003. See: <http://www.hrc.ba/commission/eng/default.htm>

⁶ The High Representative was created under the provision of DPA and its role is to work with the institutions and people of BiH in order to ensure that Bosnia and Herzegovina is moving towards a peaceful and viable democracy on course for integration into Euro-Atlantic institutions. See: http://www.ohr.int/ohr-info/gen-info/default.asp?content_id=38519

In the case of Bosnia and Herzegovina, the return of refugees and IDPs has been an important policy goal for social reconstruction, and approach to Western standards. In the forthcoming sections of this chapter we are going to analyze two fundamental questions of the return procedure: return where and successful under what conditions?

1.4 THE INTERPRETATION OF THE WORD “HOME”

As the theme of our analysis is the process of returning back to the “home of origin” it is essential to analyze the connotation of the word “home”. It is well known that the meaning of this word varies according to the period of time, the place, the individual. “Home” can be viewed through the concept of identity and memory or territory and place. Home can be made, re-made, imagined, remembered or desired. It can be viewed under two angles; the emotional one, meaning that it refers to customs, traditions, culture and the practical one, meaning the physical places and buildings. *“The myth of return involves an overlaying of an inaccessible home defined as a ‘point fixed in space’ with an abstract or imagined home to which return is possible.”* (Black, 2002: 126)

Subsequently, each person conceptualizes the term in a different way according to his/her experience of life. For some, home is their community, city, and village, the place where their family is from, the place where they were born or they passed the most years of their life. At the same time it can also be the place where people feel that their identity is rooted and have a sense of belonging. (Sert, 2008: 44) These different perceptions of home are not common for all refugees and IDPs. For some home is where they can earn money and have a normal life and for some others, is the place in which their “soul” belongs. For instance, there are refugees that managed to have a new life in the host country, they found jobs and they managed to integrate in the new environment, and in many countries the welfare state was so developed that they did not want to return back. On the other hand, there were refugees that whatever the circumstances were in the host country, they felt that their home was the place from which they had been fled. Richard Black

mentions that the more “distant” the home is and the more difficult the return process is the stronger is the group’s identification with home. (ibid)

Home can represent both the past and the future; the former one through the identity and the sense of belonging and the later one through the chance of a new life and a new identity. In particular, talking about the past, we are referring basically to the loss of resources while talking for the future we are referring to the new opportunities. Whatever the conceptualization of home is, material or emotional, it grounds the identification and gives meaning to people’s lives. (Sert, 2008: 44) Without a home and its surrounding social life, people would be depressed and may disintegrate into numbness.

In the case of BiH the year conflict between the three ethnic groups shaped the particular communities and the sense of belonging. People correlated the place to the history and their identity. So the transition from war to peace and the reinstalling to their “homes” was a difficult task. As the ethnographic map had changed, people returned to areas where they were minority and there was not the same sense of belonging as before the war. In our analysis the conception of “home” will be elaborated in both practical and emotional terms, having on the focus those people who wanted to return back as they felt that their origins were settled there. In the variable of property restitution, the word will have a more practical meaning, taking back the pre war house through legal activities. However, as the scope of this paper it to scrutinize the return process through the prism of the reintegration, we could not elide the social meaning, the bonds with the community and the ability to support and defend their identity. In this paper, home is not viewed only as a building, but as a social environment in which returnees feel comfortable, safe, and equivalent to the rest of the population. In most variables analyzed, “home” will be examined under emotional terms. Nevertheless, returning home is only the start of the process as this return has to be sustainable. According to this view, the political and economic environment, are among the factors that determine the decision to return or not. In the forthcoming sections this sustainability will be examined.

1.5 CONCEPTUALIZING SUCCESS

Trying to evaluate the return process it would be helpful to take into consideration that returning back is not an end in itself, but this return process has to be subtle, smooth and at the end successful. Otherwise, returnees would re-emigrate and the return process would not be considered any more as a way to promote peace building but as a new source for conflicts. Returning back home should imply returning to dignity; some scholars conceptualize the dignity as an inherent characteristic of human beings and the source of human rights, but some others consider it as a good to which everyone has a right. (Bradley, 2007: 7) In order to characterize the return as successful or not it is imperative to find the parameters that determine the success or failure of the process. As mentioned in the introduction, the number of the returnees is not an adequate factor to lead as to the evaluation's result and we are not going to focus on this. Of course as more people return to an area, it is easier for them to deal with the new circumstances as they develop a sense of solidarity between them. However, the qualitative aspects of their life are more useful in the analysis. The point for returnees is to develop all these aspects that will make them feel accepted, able to have a normal life and unwilling to leave again. Sustainability is what can lead to the success of the return. The crucial question is what we mean by the term sustainability and how it can be achieved.

According to international organization for migration (IOM), return can be characterized sustainable when returnees are integrated in the community in such a way that they do not look forward to leaving again. (DRC, Migration, Globalization and Poverty, 2004: 10) Returning to a community altered from the war, with limited economic and social provisions, where discrimination is dominant and renders the personal relations hostile, could leave no other choice to returnees than to emigrate or move to another area. If reintegration is achieved in a successful way so as returnees to have equal opportunities with the "stayers", gain a good quality of life and be part of the society, then there would be no reason to leave the place. People by themselves do not prefer emigration or displacement; this is rather the response to poor living conditions. Sustainability is both more and less than actual return.

More, meaning that physical return is not enough by its own so as to be sustainable, but there should be the necessary conditions that would promote the integration in the society and make people feel welcome and able to sustain themselves. Less as the sustainable return should give the right of choice. Sustainability cannot be achieved when there is no personal choice; choice to return or not to the “home of origin”, to resettle in the pre war house or sell it. (DRC, Migration, Globalization and Poverty, 2004: 3) As an author has said “*strive for the efficiency of return means also to strive for its acceptability*”. (Black and Gent, 2006: 25)

Sustainability can be divided into two categories; the social and the personal. As regards to the first one, it concerns the relations between the returnees and the local community. When social services are ineffective, then the community can provide the returnees with the necessary assistance so as to achieve their integration. However, returnees can be excluded by the community if they are considered that they wasted their opportunity of being abroad. This kind of sustainability influences the relations of people and the level of discrimination. Personal sustainability is connected to the feelings returnees have. The way they feel can promote either their integration or marginalization in the society. Feelings of depression can be an inhibitor of the integration and lead to the isolation and marginalization. In this paper, we are more interested in the social sustainability, on a community basis; however, we cannot be indifferent to the personal one, as the feelings and the wish of the individual to integrate into the society can lead to the social one. Besides, people cannot anticipate from the society to accept them, if they themselves do not pay the minimum effort to be integrated. Personal sustainability is the step for the collective sustainability.

Gaining a sustainable life means that returnees are not marginalized in the society but on contrary they are part of it. They have to be self sustained and not be financially dependent on remittances of relatives living abroad. Absence of economic independence makes the person vulnerable and at the same time sustainability of return questionable. (Huttunen, 2009: 13) It should, however, be clarified that the limited economic opportunities is a general problem for all Bosnians, as the transition to another economic system, this of open market, is a difficult and lengthy task. The economy of Bosnia has not yet recovered. Thus, unemployment is a

scourge that plagues the whole population. What we are trying to stress out is the fact that returnees may be unemployed not only on account of the bad economic situation, but due to discrimination against them as well.

Integration has to be achieved in socio economic and political terms. The goal is to make return sustainable on a community basis and not only for individuals. According to UNCHR, unless integration is attained in a sustainable way, conflict is likelihood to erupt. (Black and Gent, 2006: 24) Apart from the appropriate socio economic environment in the origin country, return is preferable to be “proactive”, meaning well organized with all the necessary information rather than “reactive”, a response to problematic situations in the destination country, without sign of information concerning the origin country. (ibid: 31) In this paper success is going to be analyzed through sustainability and sustainability by its terms is going to be analyzed through some key variables; amongst them the property restitution, the access to the labor market, the access to public and social services, the security and the coexistence of people.

CHAPTER 2: ASSESSING THE VARIABLES

2.1 PROPERTY ISSUES

In the case of BiH, the most common variable used in the discussion over return and its sustainability is the restitution of property issues, and more specifically the pre war house, righting in this way the wrong of the war. *“The term restitution refers to an equitable remedy (or a form of restorative justice) by which individuals or groups of persons who suffer loss or injury are returned as far as possible to their original pre-loss or pre-injury position”*. (Inter-agency Handbook, 2007: 23) However, returning back to the pre war residence could not by itself help us to reach our evaluation result. We have to consider the property’s restitution as the first step of the process. It would be irrational to talk about return, if there was not a “house” to return to. It could be said that repossession of house was a necessary but not sufficient condition. In this attempt, property issue is of pivotal importance. As the first efforts to achieve the return of displaced persons through ad hoc means, meaning mutual commitments by the two entities to accept a proportion of returnees were not successful, there was a new attempt to create a functional system of property restitution by the implementation of new laws so as to promote the return process. (Anderson, 2011: 306)

Property law seemed to be the means that would reverse ethnic cleansing. As during the war, the demographic breakdown was changed, by entire populations leaving a place(for example areas that were dominated by Bosnians Croats, after the war Serbs was the majority), the rationale behind the return procedure was those people that have left, to return back and renew the demographic features. To return, as possible to the pre war demography of the country. However, the process of property restitution was a great challenge both for the international community and for the local authorities and at the same time a great problem for the returnees themselves. (Williams, 2006: 43)

The meaning of property is not clearly defined and can change depending on when, by whom and when it is used. For instance, under the slavery regime, a

person could be conceptualized as one's property and be sold and bought. Later on, under the rationale of feudalism, holding a piece of land in exchange for service shaped the relations among people. Today, property apart from the owning of material things, can also refer to non material things, like ideas, patents, intellectual property rights. As the meaning of home described above, in the same vein, property can be viewed under different perspectives. Although, we give to the word the meaning of inanimate goods, it can also describe relations of persons to things, person-to-person relations based on the exchange of things. (Sert, 2008: 27) In our analysis, we will refer to property issues with a legal and practical meaning, the pre war houses. Repossessing the house that took many years and money to be built is of cardinal importance for Bosnians. Building a house is a life project for them and it is a matter of social status, cultural values and moral standing in the society. Taking it back, could be viewed as a way to gain back the pre-war life. (Stefansson, 2006: 122)

In Bosnia Herzegovina, as happened also in the majority of the republics of Former Yugoslavia there were two types of real property; the private property and the socially owned. As far as the private is considered, it has to do with individual family home, without the intervention of the state. A few apartments of those that had not been nationalized in the Yugoslav period and had not been privatized through the process of privatization, in the pre war, post socialist period were also private owned. (Sert, 2008: 97) The socially one refers usually to residential flats. These flats were in buildings owned by state owned companies or other public bodies and were usually in urban areas. These flats were given in workers and they had extensive residential rights. The occupancy rights holders could convey the house to their children. (Philpott, 2005: 3) In order these houses to be constructed, a part of the salary of the employees of state owned enterprises or state organs withheld and the managers of the enterprises or state organs used this money to build apartments for the employees. In table 1 we can see what the distribution of houses was. What is remarkable is that according to *Law on Housing Relations*⁷ the occupancy right holder could not sell the apartment and had to occupy it. If the individual did not occupy the apartment for six or more months, then his/her

⁷ Socialist Republic of Bosnia-Herzegovina Official Gazette, no. 14/84

occupancy right could be cancelled. They could only lease the house partially. (Slobodanka, 2005: 23)

Table 1. Structure of housing ownership in 1991

	Bosniaks	Croats	Serbs	Others
Socially owned	351,324	142,207	274,761	31,406
Private owned	96,023	38,256	96,370	44,203

Source: Mario Nenadić, et al., 2005

The major problem was that during the war the three political entities passed emergency wartime legislation, the *Law on Abandoned Properties*⁸, and the *Law on Temporary Abandoned Real Property Owned by Citizens*⁹; meaning that they had the right to allocate properties abandoned after April 30, 1991 (of refugees and displaced persons) to other displaced persons. Pursuant to amendments made to the law, if people did not claim and re-occupy their apartment by 6 January 1996, their apartment was declared permanently abandoned and could be given to a new occupant. Usually the favored were the politically well connected people, members of the majority ethnic group, veterans or their family members. Although these actions were justified under humanitarian reasons, in reality it could be viewed a refined form of ethnic cleansing. (Sert, 2008: 102)

After the end of the conflict with the consensus of the Dayton Peace Agreement all refugees and IDPs had the right to return to their pre war houses. In particular, according to Annex 7 of the GFPA:

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.

⁸ Official Gazette of the Republic of Bosnia and Herzegovina, no. 6/92 (as amended in no 8/92, 16/92, 13/94, 36/94, 9/95 and 33/95), 649 (1995)

⁹ Official Gazette of the Republic of Bosnia and Herzegovina, no: 11/93, 231 (1993)

In order to facilitate the process, the international community pressured the Bosnian state to pass new laws that would facilitate the process of repossession. As a result, the FBiH introduced two laws in April 1998; *The Law on Cessation of the Application of The Law on Temporary Abandoned Real Property Owned by Citizens*¹⁰ and *the Law on The Cessation of The Application of The Law on Abandoned Apartments*¹¹. RS followed in December 1998 with the *Law on Cessation of Application of the Law on the Use of Abandoned Property*¹². This new legislation framework gave the opportunity to individuals to repossess their pre war homes that had been characterized abandoned and had been reoccupied.

However, the process of property restitution was problematic. These new cessation laws put an end to the block of return as it gave the right to pre war owners or occupancy right holders to fill an application to their pre war municipality with the aim to achieve the restitution of their property. However the mechanism of property restitution was not functional. The authorities had 30 days to monitor if the claimant was the pre war owner or the occupancy holder, if the property was occupied and second they had to check the status of the current occupant. The problem was that there was a time delay and the decisions were not issued within 30 days and many legitimate claims were rejected on technical grounds. Even worse, the authorities made no effort to observe whether the current occupants were privileged as far the alternative accommodation is concerned and made even less effort concerning the alternative accommodation for those that had the right to it. All this problematic procedure by early 1999 led thousands of refugees and IDPs to an open ended wait as regards their return to their homes. (Philpott, 2005: 4)

Up to 2004 at least 213,239 properties were officially claimed as occupied by others as a result of the conflict: 116,144 private properties and 97,095 socially-owned properties. (Anderson, 2011: 306) In particular, in the Federation, from the total number of applications (115, 671), the 69, 806 were for socially owned properties and 45, 865 for private. In RS, the total number was 90, 579 from which,

¹⁰ Official Gazette of the Federation BiH, Nos. 11/98, 29/98, 27/99, 43/99, 37/01

¹¹ Official Gazette of the Federation BiH, nos. 11/98, 38/98, 12/99, 18/99, 27/99, 43/99, 31/01, 56/01, 24/03 and 29/03

¹² Official Gazette of RS, Nos. 3/96 and 21/96

25, 253 for socially owned and 65,326 for private. Finally in Brck District, we had 6,989 applications; 2, 036 socially and 4,953 for private. (OHR et al. 2004) The politicians were reluctant to the return process as they had given the house to other persons and now they were obliged to carry out the evictions of the current occupants. Obstruction varied between outright harassment, meaning refusal of accepting claims and issuing decisions against their political will, to more passive obstruction like the denial of money supply for the staffing of housing offices that were responsible to collect property claims. (Prettitore, 2003: 16) Among the excuses, authorities used to justify their reluctance for evictions, was the misinterpretation of the term refugee. For instance they rejected their claims on the pretext that they left their country for reasons unrelated to the war; to find new jobs, to visit relatives. By not recognizing them as refugees they stalled the repossession of their pre war homes. The task of eviction was delegated to the local police and although it was not in favor of the procedure at first, finally succumbed as the international community put a lot of pressure and there was no other solution.

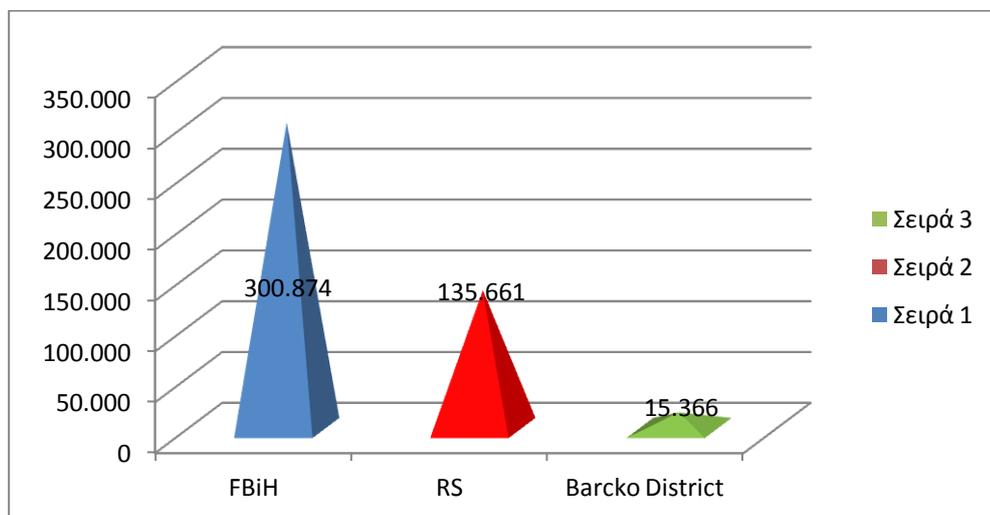
Result of this pressure and of the disagreement between the entities, as each one claimed that there was not reciprocity as regards to the laws' implementation, was the PLIP¹³ (Property Law Implementation Plan), which was implemented in 1999 by the High Representative with the collaboration of international agencies. It was an interagency plan of the international community to support the implementation of the property legislation. It was a political operation providing that all people had the right to exercise their right to property. There would be cooperation between the international bodies and the municipalities on the collection of statistics. It imposed a transparent and professional way of dealing with property claims, marginalizing the ethnopolitical feelings that emerged after the

¹³ It was launched on October 27, 1999 by the High Representative, Wolfgang Petritsch, with the full support of OSCE (Organization for security and Cooperation in Europe) UNHCR (United Nations High Commissioner for Refugees), UNMIBH (United Nation Mission in Bosnia Herzegovina), OHR (Office of High Representative) and CRPS was given an observer status. PLIP passed amendments and instructions to harmonize and clarify RS and FBiH legislation on property repossession, in order to create a consistent legal framework and equal rights and remedies for all refugees and displaced persons across Bosnia and Herzegovina. CRPS was given an observer status.

war. Functioning in a neutral way, this plan led to significant progress of return cases. Although PLIP was a great effort of international organizations, Charles Philpott refers to the fact that the international community was so staunch to the process that they had been skimping on other crucial issues, like social services and employment. As observed in the literature, the main focus was on property repossession, as it was the basic precondition for the return and all the dynamic of the international community was devoted to this, resulting to the marginalization of other aspects. As mentioned above, through the return process, the international community was trying to reverse ethnic cleansing and make people believe that the normality of their live could take place again, and that is why all other social and economic provision came in second place. Hopes, that the positive development of the restitution process would transpose the interest of the international community to other subjects, were let down as UNHCR and OSCE closed their offices in some areas that the PLIP was fully implemented. (Haide, 2009: 95, 96)

Apart from the problem of occupancy of other individuals, it has to be underlined that lots of homes were partly or completely damaged. A proportion of 42% of the housing stock of 1991(1, 1 million houses) was destroyed. Around 100,000 units had small damages, 270, 000 had medium damage and around 800,000 had the highest damage. (Nenadić and Džepar-Ganibegović, 2010: 18) In table 2 the level of houses' damage is represented.

Table 2. Level of Damage to Housing Units in 1995



Source: Mario Nenadić, et all., 2005

The damage of houses was not apparent only during the war period, but also at the post Dayton period. After 1995, 14.000 houses were devastated, of which the majority was in the Federation. A large number of houses has been reconstructed so far, approximately 317,000 (68%) residential units, the majority of them in the Federation (232,000). In all this reconstruction process the international community played a catalytic role, where the less damaged houses were reconstructed with the private funds of owners. However, nowadays there are still 150,000 unreconstructed housing units in BiH, or 32% of all damaged or destroyed housing stock. The rate of unreconstructed houses in the Federation is 26%, in Republika Srpska 48% and in Brcko District 20%. According to requests of return in 2008, there was the need of reconstruction of 45,000 housing units and consequently a financial budget of 300 million euro but the budget was insufficient for dynamic reconstruction and the plans for reconstruction remain in paper. Even more, the legal framework does not guarantees to refugees and IDPs who had their property destroyed that they would have their houses reconstructed under equal conditions. (Inter-Agency report 2011: 23)

A basic problem was that local authorities and administrative authorities stalled and manipulated the restitution process. They had been trying to maintain the new ethnically divided areas, to consolidate ethnic separation and in order to achieve the goal they tried to delay the process so as the returnees to get disappointed and decide to return to areas where they would be part of the majority. (Ballard, 2010: 475) In the same vein, trying to marginalize them, and keep them out of the active life, the authorities tied to resettle returnees to rural areas. In their attempt to make more difficult the repossession of property, a lot of times were reluctant of giving the adequate resources, electricity, water, telephone, to the housing offices. (Prettitore, 2003: 14, 15)

Moreover, local authorities used to request from the returnees to pay an unauthorized fee or even to adduce more documents when they submitted the application for voluntary return. (Phuong, 2000) It has to be clear, that political leadership eager to consolidate the war time gains vehemently balked not all returns but minority returns. In contrast, they promoted the return of displaced and refugees belonging to the same ethnic group than theirs, so as to increase the

numerical strength of this particular ethnic group. For example, the Bosnian Croat leadership was trying to solidify their military efforts without taking into account the refugees' and displaced persons' flee, the Bosnian Serb leadership tried to persuade the Bosnian Serbs who had fled during the war, to stay to the new place where they had settled down and tried to disincline the return of them to areas where they would be a minority (Sert, 2008: 103)

Gaining back the pre war home is a step for the reintegration of returnees in the society and a feeling that those people have a chance to take back what the war took from them. As an elderly woman said *"The best moment in my life was when we, having repossessed our house, for the last time travelled to Sweden and I said 'I'm not a refugee any longer. Look, here is the key to my house!'"* (Stefansson, 2006: 123) Without a house, there is no possibility a person to take the decision to return back. House is the first foundation of the edifice called "return process" However, usually returnees were disappointed as their house was damaged and they had to repair it with their own money. Contrary to the origin country, the host country provided financial resources for the reconstruction and remittances for relatives living in West Europe were also used. Consequently, it is difficult to characterize the return sustainable while the returnees depend on transnational connections and they cannot rely on their own power. Further, the repossession process due to the lack of financial means and of political will was a process too lengthy that discouraged refugees and IDPs. If we want to move forward, in the analysis of sustainability and success we have to take it for granted that repossession return there is no subject of analysis.

2.1.1 COMPENSATION AS PART OF THE RESTITUTION PROCESS

Although the analysis is focused on the return process, and at this part we analyze the restitution process, we could not omit the compensation issue. Compensation is an integral part of the property restitution. When we refer to the refugees' and IDPs' right to return we should not elide the fact that they exercise this right as long as they wish it. The Annex 7 which secures the right to return, apart from the restitution of property implements also the right to compensation, when the property cannot be restored. Many IDPs and refugees preferred not to return

back, return temporarily or return normally but spending lot of time living elsewhere, either because their house was completely damaged, or there was lack of basic infrastructure which was necessary for minimal living conditions and problematic access to social provisions. *“Compensation should be used when restitution is not possible or when the injured party knowingly and voluntarily accepts compensation in lieu of restitution, or when the terms of a negotiated peace settlement or other agreement provide for a combination of restitution and compensation”*.(Inter-agency Handbook, 2007: 92) The right to compensation was also included in the Constitution of BiH¹⁴. Although compensation could be used by people that had rebuilt their lives elsewhere and were unwilling of returning back, at the same time it could be used by people that their house was damaged or destroyed and along with the restitution rights to repossess the house they would like to get a financial assistance in the form of compensation in order to rebuild or restore the house. (Inter-agency Handbook, 2007: 93) Thus, analyzing the return process it is helpful to amplify the compensation regime.

Compensation could take the form of a monetary award or bond. This process led to the creation of the Property Fund in the Central Bank of BiH. Resources for the fund could be found through the purchase, sale, lease and mortgage of real property that had been claimed before CRPC. (Prettitore, 2003: 14) The Parties and the international donors could provide the fund through their contributions. Further, the Property Commission through its trading activities with the properties it received compatible to compensation awards could contribute to the amount of fund. (Cox, 1999: 611)

The compensation could be viewed as the way to reverse the cancelling of property title of the original owner and the allocation of the property to other displaced persons. If it was given to individuals who preferred not to return, then the allocation of property titles between the ethnic groups was promoted. If compensation took the form of bonds, so as individuals to use it for the purchase of

¹⁴ The Constitution of the Federation of Bosnia and Herzegovina was adopted by the Constitutional Assembly of the Federation of BiH, at the session held on June 24, 1994. It was published in Official Gazette of the Federation of Bosnia and Herzegovina 1/1994.

another property from the Property Commission, then the Commission would act as a mechanism for the exchange of property and in this way the distribution of property would reflect the demographic results of ethnic cleansing. (ibid)

According to UN Principles, the compensation should fulfill some basic preconditions in order to be functional. First of all, free and informed acquiescence should typify any compensation system. The second basic precondition is the political will, which in the case of BiH is missing. BiH is a typical example where the international community preferred to promote the repossession process rather than the compensation and as a result there were not established many compensation regimes. This preference of international community was apparent in the legislation framework. The third condition is the existence of the necessary amount of money. There could be two kinds of resources; the first one would be a system where the occupants would pay a rent to the property owners, the second one could be the international donors. (Anderson, 2011: 309-310)

In BiH the process of compensation was problematic and made the return even more difficult. In reality, the fund was never materialized because there were no resources and the bodies entitled to achieve the goal of compensation were not operative. In particular, CRPC never undertook any activities as regards the purchase, sale, lease and mortgage of real property and had no authority to gain possession of the abandoned properties by those seeking compensation in order to trade with them. It had been trying to issue decisions related to repossession of property although the returnees had already expressed their desire to have compensation. Additionally, the international donors preferred funding reconstruction processes of houses to compensating the returnees. (Prettitore, 2003: 14) They considered that the right to return was interwoven with the right to gain back the pre war house. They were against funding the process because in this way the success of ethnic cleansing would be ensured. (Anderson, 2011: 309-310)

Although Commission's role was to solve the problem with property issues, was not functional enough concerning the compensation system. Merely, it validated the property, and the tenancy rights of the immovable property of the refugees and IDPs. Compensation has remained an ideal but theoretical approach and even 16 years after the Dayton Peace Accords, there is still resistance to the

implementation of compensatory mechanisms in Bosnia and Herzegovina. Amongst the reasons of this disapproval is the problematic state budget that would be even worse under a compensation programme. (Inter- Agency report, 2011: 25)

Recapitulating the basic ideas of the restitution process, either the repossession, or the compensation it is obvious that the process was problematic. The process was and still is too lengthy and painful. The basic problem was the lack of cooperation between the international community and local authorities. The desire of local politicians to maintain the war's results, made them to stall the restitution process. Thus, comparing to other countries we could say that BiH's restitution process was more successful. For instance, while BiH did not make any distinction between the socially owned and private houses as far their repossession is concerned, Croatia did. In Croatia the occupants of socially owned flats, obtained the right to privatize the property and immediately they privatized the occupancy rights, making in this way the repossession of houses by returnees impossible; a practice not allowed in Bosnia. The international pressure did not have the same positive effect in Croatia as in BiH. (Moratti, 2010)

By January 2010 the reconstruction rate, meaning the housing units that had been reconstructed, in BiH was calculated 68% (317,000houses) (Nenadić and Džepar-Ganibegović, 2010: 18) and the repossession rate, the percentage of houses that were finally returned to returnees, in mid 2005 reached 99, 5%. (IDMCb, 2007) Undeniably, these are high rates. However it should be taken into consideration that a lot of people had to wait for a very long period until their claim to acquire a positive outcome. So, we have to think that in this case, where an individual waits ten years to repossess his/her house, automatically the repossession process loose a part of its success. It is not only the result that matters, but also the way. There were people that returned to their houses in 1998 and took the reconstruction assistance in 2004 (O' Tuathail and Dahlman, 2004: 453). Returning back is not a straightforward once and for all process but rather a complex and lengthy one. It could be said that the property repossession system through the international aid had very good perspectives but the ground of local society was not fertile enough.

Although we may have some statistical data concerning the restitution process, as O' Tuathail and Dalman mention we cannot conclude whether the

restitution process was successful as we do not have statistical data representing how many of those that returned, did stay permanently. Many of the returnees sold the house, rented it or used it as a summer house. For instance, from the 400,000 refugees that have returned in Srebrenica up to 2005, a percentage higher than 60% stayed there only periodically. Another example is the village Moračići near Zvornik, where around 60 houses belonging to Bosniaks were rebuilt by the year 2005, but by the beginning of November none of the owners moved there. (O'Tuathail and Dahlman, 2005: 18) In table 3 we can see the results of a nationally representative survey conducted in 2005, concerning the use of the house. Further, the compilation of the official return numbers is questionable for its validity. The way of the selection has changed a lot of times. For example, first the UNHCR officers used their own statistics because they considered municipal statistics non reliable. Later, data were collected by the opstina, which required all returnees to register for an official identity card. (Toal and Dahlman, 2011)

Therefore, we end at the conclusion that the variable, of property restitution, as the basic prerequisite for the return process was problematic and made the return difficult and unsustainable. There were people that did return, although their houses were badly damaged, with the hope that soon they would find the needed financial assistance. However, the international community prioritized the reconstruction of houses less damaged, as less money needed, and as a result those people were in a waiting list and lived in a house that was not at all appropriate. Analyzing only the numbers, the percentage of property repossession we could say that the process was successful, thus if we analyze not only the result but the whole process that led to the result we could say that property restitution was very complex. Until reaching the repossession rate of 68%, which is remarkable, returnees were in a waiting list for a long period and this pending made them unable to build their lives. Some of them were more lucky (if their house was not occupied, or if it was not badly damaged) and some others still wait. As mentioned above, numbers are only numbers and intimate nothing about the procedure that led to this rate, how difficult was.

Table 3. What happened when you reclaimed your property? Responses by ethnicity in percentages (n=806)

	Aggregate	Bosniak	Serb	Croat
Returned	63,2%	75,9%	32,6%	86,9%
Sold	12,8%	3,3%	32,2%	3,7%
Waiting to rebuild	10,3%	8,3%	16,9%	3,7%
Partially use	5,9%	6,6%	6,9%	0,9%
Rent	2,4%	2,4%	2,7%	1,9%
Other	5,4%	3,5%	8,8%	2,8%

Source: (Toal and Dahlman, 2011: 301)

2.2 ACCESS TO LABOR MARKET

As expected, the end of the communist regime and the war signed the end of a period and the start of a new one. As regards to the economic field, the transition from a centrally planned economy to an open market was a great challenge. However, the burden of the old regime and the consequences of the war made the transition a very difficult task. There were neither the appropriate institutions nor the political will. The corruption level after the war and still today is very high. In table 4 we can see the rate of corruption from 2003 to date, according to international transparency organization. The measurement scale of corruption is from 1 to 10, with 1 for the most corrupted countries and 10 for the non corrupted ones.

Table 4. Index of corruption

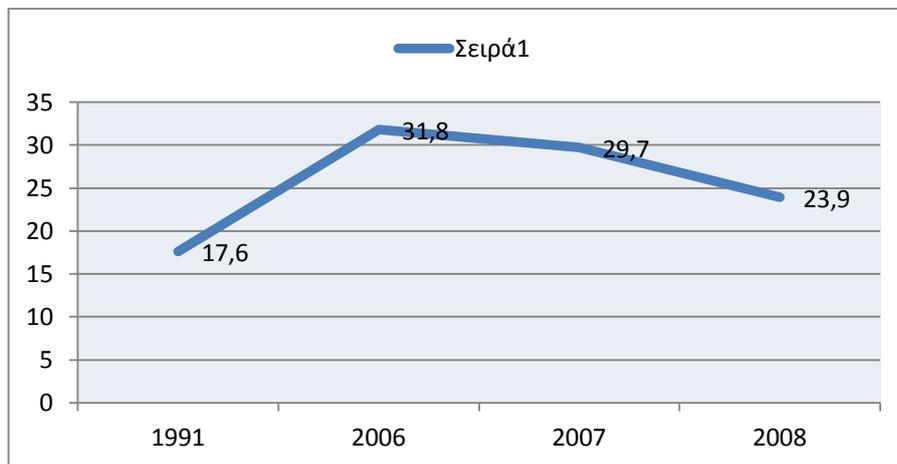
2010	2009	2008	2007	2006	2005	2004	2003
3,2	3,2	3,3	2,9	2,9	3,1	3,3	3,3

Source: http://www.transparency.org/policy_research/surveys_indices/cpi/2003

As the country was ravaged by the war, the corruption flourished and made the democratic values and accountability seemed impossible. The nationalist parties

of the war exploited the collapse of the governmental structures in such a way that took the control of a large part of the country's economy. As was mentioned in a Transparency International Report *“the rampant corruption and profiteering which had flourished during the war, creating criminal centers of power and influence-smuggling organizations and links throughout the region remain intact and busy...”* (Blouhy, 1999: 99) No one doubts that unemployment is a general problem for all citizens in BiH, as we can see in table 5 the unemployment rate is very high; still, as aforementioned, in this paper the aim is to scrutinize if the returnees had equal opportunities.

Table 5. Unemployment rate in Bosnia



Source: <http://www.indexmundi.com/facts/indicators/SL.UEM.TOTL.ZS/compare#country=ba>

One of the most crucial results of the war, was that the war leaders had great power and were able to govern the financial as well as the political level in such a way that their personal interests were served. The grey economy was on the rise, and in local community we could see local mafias dominating black market activities, enhancing the “grey economy” and creating an inhospitable environment. Without a doubt, the presence of this black market is an element existing even today. In BiH, ethnic nationalist elites are blamed for having abused up to \$1 billion from the international aid. (Belloni, 2001: 165) That unstable economic environment made the return process complex. For return to be sustainable, returnees should find job so as to be able to sustain themselves and their family. Apart from the emotional part, meaning that returnees need to feel that the society accept them

and they have the chance of reintegration, the employment has also practical meaning, the financial benefit. Even if returnees managed to repossess their house, it is questionable how could they maintain it without an income.

It has to be underlined that returning back is a risk for those that managed to develop their professional skills in the host countries and gained a high status. Therefore, the resettlement process and in particular in rural areas, where people had no opportunity to develop economic activities and were marginalized, was a very difficult decision. (Heimerl, 2005: 380) At this point, it is worth mentioning that through the program “return of qualified nationals¹⁵”, organized by the International Organization for Migration, skilled personnel could be used in order to improve the level of the current domestic economy. Despite the fact, there was the dilemma for the origin countries whether to welcome these high skilled individuals or train the existent workforce. (Black, 2001: 187) Even worse these persons had the right to be given loans so as to create their own enterprise; however, the bad economic condition as well as the discrimination factor prohibited the supply of this fund.

As the Commissioner has noted, ethnic discrimination is considered a crucial problem as regard to the employment procedure. A large number of minority returnees reportedly faced and still continue facing barriers to employment, as it is often conditioned by ethnic or political affiliation. Moreover, although legislation has passed promoting the equal representation in the public sector, a lot of returnees not belonging to the majority face barriers concerning their access and representation in the public sector. (Council of Europe, 2011) In many municipalities, public and state-owned companies, such as post, telephone, electricity were reluctant to employ members of a minority group. (Haider, 2009: 98) For instance, in 2004, in Ključ in FBiH, no Bosnian Serb returnee was employed in the municipal administration. (Amnesty International, 2006: 20) The minority rights organization also mentions that discrimination towards public participation of minority groups is acute. BiH’ s law foresees that people who belong to the numerical majority in the

¹⁵ The Government of The Netherlands has appointed the International Organization for Migration (IOM) in April 2006 to start a Temporary Return of Qualified Nationals (TRQN) programme. The objective is to help to the reconstruction of a number of countries, among them BiH. Further, the programme aims to transfer knowledge to local professionals. See: <http://www.iom.ba/TRQN.html>

Entity have the priority to apply for certain jobs or be elected for public offices and frequently war veterans or members of families killed in the war are more favorable to be hired over returnees. (www.minorityrights.org/?lid=2471)

Apart from the public sector, however, returnees faced recruitment problems also in private enterprises, where the control is under the majority group. For instance, in 2004 none of the Croat-owned businesses in Stolac in the Federation employed Bosniaks. (Amnesty International, 2006) The UNHCR noted in a recent report: *It is indisputable that a clear pattern of employment discrimination on 'ethnic' and political grounds appears to prevail in post-conflict BiH. The few existing economic opportunities are reserved for those who provide political support to the dominant political parties.* (Un High Commissioner for Refugees, 2001: 23) Another discrimination against returnees was the place of resettlement. Policy makers should have placed returnees to urban areas, so as to promote returnees' interaction in the economy. Urban resettlement would reduce the feelings of isolation, would permit returnees to use the existing infrastructure, would supply them with a market for their production and there would be an interaction with local residents. The presence of returnees in the local labor market should have been promoted, but the political unwillingness was an inhibitor. (Black and Koser, 1999: 192) Furthermore, a practical problem was that returnees did not have the required fund to establish an enterprise. Pursuant to the law, the core capital of a stock company amounts to at least 50.000 KM. Nominal value of shares cannot be less than 10 KM. These high amounts were not available for most of the refugees and displaced persons. (MARRI Project, 2005: 26)

While analyzing the problems that returnees faced concerning the integration in the economic field, it should not be neglected that a lot of the efforts were fruitful. For instance the World Bank's Emergency Demobilization and Reintegration Project (EDRP) aimed to provide the mechanism related to market information, management assistance and finding jobs. The Pilot Emergency Labour Redeployment Project (PELRP) was centered on self-employment in agriculture and small-scale business, institutional education and on-the-job training (Fisher, 2004: 14). Additionally, in order to facilitate the agriculture economy many micro financial institutions were created; among them the UMCOR, Eki, Prizma, Partner, Mikrofin

which funded agriculture activities of 2.000-30.000 KM. (Cicic, 2004: 12) In the period 1996-2005 approximately 50 micro financial institutions were created. (Tiplic and Welle-Strand, 2009: 3) These micro financial institutions helped the more vulnerable groups like the returnees to find the money that would allow them to reintegrate to the social life. The “loans” that were given to them by these institutions were less demanding than the loans of the banks.

Recapitulating, international organizations and non governmental institutions tried to implement programmes that would facilitate the returnees to be part of the economic life; however, the nationalistic feelings were more powerful and made the process difficult. As aforementioned, the discrimination has taken root in the people’s souls. The big problem of unemployment was becoming more acute for returnees due to the unwillingness of entrepreneurs to cooperate with them. It could be argued that economy in Bosnia remains between the socialism and communism and in particular maintains the worst elements of the two regimes. Consequently the democratic values that could promote the equal access of all people to the labor market were and still are shadowy.

Return is difficult to be sustainable when returnees are highly discriminated as regards to the job opportunities. Without economic independence, returnees are unable to start a new life and set the basis for a better future. Not being able to serve their everyday needs automatically make their lives non-sustainable and a lot of them who had a job in the host country end up regretting for having returned back. As aforementioned, unemployment is a general problem in BiH, thus natives also may have a non sustainable life but what is examined in this section is the fact that returnees are in an even more worse situation due to the discrimination factor. We cannot thus compare the standard of living between the “stayers” and the returnees, simply because they are not equally treated and have not the same opportunities. Members of the majority ethnic group, or people highly connected to political authorities are more likely to be hired in an enterprise rather than returnees. So, the biggest the level of discrimination is towards returnees, the less sustainable their lives are.

2.3 THE EDUCATIONAL SYSTEM

Without a doubt, amongst the social benefits of a society that influences the return of refugee and displaced persons and that could be viewed as a criterion determining the success or failure of this return process is the educational system. An educational system that provides equal and fair treatment to all children, ostracizes discrimination and contributes to the creation of a new generation free from nationalistic stereotypes could only promote returns. Education is of pivotal importance concerning the reconstruction and the peace-building of a society as well as the transition to a democratic system. It is difficult, if not impossible, to achieve successful repatriation, if the educational system is segregated and children are categorized according to their ethnicity. As already mentioned, sustainability can be achieved through the integration in all aspects of the society, so the question is, if a segregated educational system, in which children do not communicate between them can lead to real integration and sustainability. When education instead of promoting the dream for a new common future, reminds the war's results like ethnic division and children act as the defenders of this outcome, then peace building seems like utopia.

In BiH before the war, as happened in all the republics of the Former Yugoslavia there was a single educational system, common for all inhabitants regardless of their nationality and the language of instruction was Serb-Croat. Both the Cyrillic and Latin alphabets were taught. The war however, as stigmatized the whole society, in the same way influenced the educational system. Many schools were damaged or used as shelters for displaced persons, many books and libraries were set on fire and very soon became clear that the education was ethnicised.

While the Dayton Agreement resulted to the segregation of the country in two entities as a consequence the educational system was also segregated. The responsibility for it was vested in the two entities. In Republika Srpska the education was centralized at the level of the entity and there was a single ministry, the Ministry of Education and Culture. In the Federation, the competent ministry was the one Ministry of Education and Science along with the ten cantons; each one of them organized the curriculum according to its political preferences. The

ethnonationalistic feelings that had emerged during the war influenced the educational decisions.

The pre war common language was transformed into three languages; Serb, Croat and Bosnian. In a school there was not anymore the chance to be taught to the mother tongue but every child should follow the dominant curriculum according to which community, Serbian, Croat, Bosniak, the school was placed. The ethnic segregation, the offensive stereotyping that existed in the textbooks, the lack of coordination between the two entities made the function of the education problematic. According to a survey conducted in 2006 by ProMenta, an international consultancy and Open Society Fund in Bosnia and Herzegovina, it was revealed that the content of many textbooks was fascist. (Puig, 2000)

The new kind of school that emerged after the war and was observed in the Federation of BiH, named “two schools under one roof”, made the return procedure a difficult task. Although this kind of two in one school was designed at first in order to promote the transitional solution with administrative unification being a further step towards eventual integration, it was not achieved in many areas. On contrary, in many such schools it was observed that children belonging to different ethnic group had no personal contact and their nationality was the criterion that created their social environment inside the school. Moreover, there were different entrances, different breaks for the children and as far the teachers are concerned they could have different rooms. Even in the so called “reformed” schools, where classes were multiethnic, when subjects such as history, religion, geography were raised the division and the tension were inevitable. Thus, it is obvious that school instead of being a place of tolerance it became a place of isolation.

It has to be underlined that as the war divided the country, in the same way the ethnographic features of some areas changed and although returnees before the war were a majority in a particular area, after the war could be a minority meaning that in the educational system the children would either attend the “two schools under one roof” or would follow the curriculum of the majority ethnic group. In a nutshell, returning back was a difficult decision for parents who had to think the future of their children. In particular, a lot of refugees had immigrated to the West Europe where there was a welfare state and a high educational system. The

integration in that kind of education from the one hand, and the hostile, segregated educational environment in the country of origin on the other made the decision very difficult. Some families, preferred to stay in the host countries because their children would have a better education and consequently better job opportunities, while returning back could promote the emergence of a generation of young people prejudiced, motivated by ethnic feelings and therefore mouthpieces of nationalist politicians, as Vedran Zubic, a professor of geography at Sarajevo's Dobrinja Gymnasium and one of the editors of the ProMENTE has mentioned. (Bosnia: No End to 'Two Schools Under One Roof' 2010) The commissioner has noted that one in eight students usually avoids contacting with students of other ethnicities; one in seven students is aggressive towards the students of other ethnicities and one in six students do not want to be in the same class with pupils of other ethnicities.(Council of Europe, 2011)

Though, even in cases that displaced decided to return, some of them refused to send their children to schools run by an ethnic group different from their own. The problem was that when returnees were a minority and the school was serving the majority's preferences, the children had to be taught a different curriculum from the one they had been taught in the previous school. For instance in Republika Srpska, where the population is basically Serbs, the schools do not serve the needs of minority students. The curriculum is taught in Serbian and the Cyrillic alphabet (ibid). Moreover, in some cases students had to sit again exams as their previous school performance was not recognized. As a result, the returnees either chose another school in an area dominated by their ethnic group or as mentioned above they did not return back at all. (Fisher, 2006: 309) As noticed by OSCE, in some cases children were being bussed 15 km in order to attend a school in Dejcici (Federation of BiH), while they had been living near a school in Trnovo (Republic Srpska) which was completely reconstructed and equipped in 1996. This practice of sending children to mono-ethnic schools, placed many kilometers away, as reported by Robert M. Beecroft, Head of OSCE could only hamper the sustainable return and create a financial burden for the municipalities. The money spent for the transformation, 35-40,000 KM was a big financial burden. (OSCE, 2003)

Talking about the problematic educational system, the attempts made to find a solution and improve the level of education should not be neglected. In 1998, under the provision of the Sarajevo Declaration, the Federal Ministry of Education and Sarajevo education officials were in charge of appointing working groups were to be appointed by and *“on issues of curricular content and textbook evaluation ... to develop projects that foster democracy and ethnic tolerance”*. This declaration seemed to be more an indication of good volition rather than a real evident. Continuing the attempts, in 2002 the Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children took place, according to which children were allowed to be taught the curriculum decided by the authorities of their ethnic group. Parents could make their own choice of curriculum as regards the teaching of controversial subjects. (Fisher, 2006: 309)

The OHR in its attempt to ameliorate the educational system, proposed a law in 2003, which would promote the unification of schools. However, the Croatian Democratic Union hampered the implementation of the law, in the areas where it had great influence and as a sanction from the OHR, it was underwent a sanction of 20.000. The minister Nikola Lovrinović was removed and replaced by Greta Kuna. In 2007, the statement she made concerning the function of the *“two schools under one roof”* socked the public when she said: *“The ‘Two Schools Under One Roof’ project will not be suspended because you can’t mix apples and pears. Apples with apples and pears with pears”*. (Bosnia: No End to ‘Two Schools Under One Roof’”, 2010) The laws that do not serve the political interest are often unenforceable. For instance, although there is the provision for religious education, it is not implemented. The law foresees the religious studies in public and private schools by a representative of the religious communities. However, rarely is the law implemented in segregated schools. In 2010 there were 57 *“two schools under one roof”* in the Federation and although the parliament created multiethnic departments inside them and requested the end of this kind of education, changes are unlike to take place even in near future.

Trying to evaluate the return process, below the angle of the educational system we are confronted to the dilemma if segregation is helpful, as in this way children have the chance to be taught in their language. Otherwise they would be

forced to follow different curriculum and consequently they would be forced to endorse different values and beliefs than theirs. In our attempt to answer this question, we would say that although “two schools under one roof” promotes multiethnicity in schools and the right of each one to be taught according to his/her beliefs, creates an even more tense hostility among children. The function of the school is not only to make children educated, but to teach them values like equality, democracy, justice. The important question is whether these values are served, while children are clustered based on the ethnicity and avoid or even hate children of a different ethnic group. And let us not forget that when people point a finger at someone in a social environment, then the individual cannot elaborate his/her skills, let alone when we talk about children that do not have the fortitude to face discrimination.

It is clear that the educational system instead of encouraging the critical thinking, reversing the effects of ethnic cleansing, promoting the integration of returnees into the society and making their return sustainable and successful, leads to the perpetuation of ethnic division and to a high percentage of children that quit the school. A good educational system could form the basis for both personal and collective progress in the society and efface the signs of the war but the ground was not fertile enough. The function of the education was definitely an inhibitor for the return of refugees and IDPs. Either they preferred staying in the exile place or sending their children to schools run by their ethnic group even though it could be far away. And when they decided to adapt to the school dominated by a different ethnic group, the problems were too many and the education was fruitless. When a crucial foundation of the society, like the educational system is fragmented then people are unaware of principal values like democracy, equality, respect and then the human dignity is violated.

Return is difficult to be sustainable, when school acts as an army creating its new soldiers. These children that have learned to categorize people according to their ethnicity, as they grow up their hate is intensified and cannot contribute neither to their personal development nor to the state's. The school should be the place where different people will meet and exchange their views and personal beliefs will be respected. We cannot talk about sustainability when children do not

even exchange greetings with each other. As already mentioned the goal is to achieve sustainability on a community and not on a personal basis. So, the education should not be limited simply to give a lot of information to children and promote personal development. Without a doubt, education is the springboard for the social cohesion.

Therefore, the kind of education provided in BiH was one of the crucial factors that influenced the returnees' decision to return or not. As education prevented some refugees or IDPs to return, or even made their life difficult after return (either because children felt discriminated or had to attend a school that was far away from their house), sustainability was not achieved. The goal of education's reforms should be focused on keeping the educational sector free from political influence and learn to children the crucial values for a democratic and tolerant society. As Ashrid Fisher mentions, education in a democratic system is based on the correlation between education, culture and identity. Thus, the individual as a responsible member of this democratic society should be characterized by the capacity to think critically and be tolerant towards different opinions. (Fisher, 2006: 321)

2.4 THE HEALTH CARE SYSTEM

Health care is, and if not it should be, a fundamental social service to which all people have access so as to guarantee their right to life. Access to the health system is problematic for many Bosnian citizens, but in the case of returnees is even more acute either due to the factor of discrimination and lack of confidence or on account of complex legislation. Without a doubt, what really strains the problem is the lack of confidence between the Entities and the different ethnic groups. As it is observed, those returnees that were settled in areas dominated by different ethnic group than theirs, had the fear that doctors of the existing group could endanger their lives and for this reason they used to visit doctors of their ethnicity in the place of their displacement, even if they had to travel many kilometers away. (Dahlman and O' Tuathail, 2005: 591)

Plethora of complaints concerned the treatment of returnees in hospitals of Republika Srpska. Bosnian clients claimed that Serbs doctors refused to treat them or even charged them with illegal fees. According to ECRI's reports, the mono-ethnic composition of some health services hampered the minority returns and weakened the confidence of people towards these institutions. ECRI has also received some assertions pursuant to which health care services were not equally provided to members of all ethnic groups. (IDMCc, 2007)

Even worse, the legislation framework was one more inhibitor. It could be said, that the complexity of the health system reflected the complexity of the constitutional structure of the country. While in the pre war period there was one single and centralized health insurance system for all citizens, in the aftermath of the war, the segregation of the country into two entities was reflected in the health system. Three different health insurance schemes were established; one decentralized in the Federation, which was supervised by the ten cantons, each of them having responsibility for health provisions, one centralized in the RS, where the management of health system was delegated to the Ministry of Health and Social Welfare in Banja Luka and one in District of Brcko. Each Entity was responsible for the management, organization and financing of health system. There were 13 different health ministries and none of them was operating in state level. As the financing model of health system changed, the lack of funds was among the factors that made the system dysfunctional¹⁶. (Cain et al, 2002: 19-21)

Another inhibitor to the returns, was and is the fact that returnees have access to health services in the area that are registered and if they want to go to a different medical facility from the one that they are insured, because it is closer to their home, they are entitled to cover the expenses by themselves or have to find an institution that will accept their insurance and travel up there by paying the transport's cost. (ECRI's report, 2010: 30) Therefore, returnees usually tend to re-register in different entity in order to have access to the medical system. For

¹⁶ Before the war, the health system was financed by non governmental institutions, called "self-managed community of interest". Through the war the financing was organized by the Ministry of Health. After the war, finance was again based in collection arrangements (Cain J, Duran A, Fortis A, Jakubowski E, 2002:19-21: 39)

instance, In Srebrenica, 30 per cent of the Bosniak returnees have registered as residents of the Federation. Additionally, some other returnees to the RS depend on the voluntary assistance of the medics from the Federation. In 2001 there was an attempt of collaboration between the 2 entities concerning the health system but this initiative remained in papers. (Mustajbegovic, 2007) (IDMCc, 2007), (Inter-agency report to HRC, 2007)

Employment is probably the most crucial factor for the health provisions, otherwise people are not provided with medical care. In particular, in order returnees, and all people in general, to have health insurance they need to show the necessary documents proving that they are employed, or get a certificate from the employment office. However, the employment office will demand the registration documents or the address of the house, but to get this the returnee has to pay taxes. As we understand all the process is a vicious circle and all factors of the socio economic environment we are analyzing are interconnected. (Fisher, 2007: 118)

If we could describe the mental care situation in few words, it could be said that there were neither the appropriate and functional institutions nor the interest of local authorities to address the problem. Professionals or epidemiological record of what was needed in order to create well organized mental health care institutions were also absent. (Hasanović et al, 2009: 464)

As it will be analyzed in following section, a lot of people had the symptoms of Post Traumatic stress Disorder and although they needed psychological aid, they felt helpless. The attempts to put in practice trauma programmes were not fruitful enough as these programmes had not social or social policy components. They gave only a temporary relief and not a meaningful and long term solution to the problem. NGOs, among them CAN and Amica used to be more active and took initiatives as regards to “trauma healing programmes”. The problem is that people, and among them local authorities, tend to consider psychological problems less important, but for an effective trauma work, returnees need to feel that the political leadership acknowledges their problem. Lots of PTSD’s victims did not receive the necessary therapy.

2.5 ALLOCATION OF PENSIONS

Among the social provisions influencing the sustainability of returns is the allocation of pensions, which was also affected by the war. In Yugoslavia, the six Socialist Republics were in charge for the distribution of pensions and its Republic had its own institutions and legal framework. Moreover, there was a common law “*Law on Basic Rights of Pension and Disability Insurance*”, which foresaw the equal treatment of people concerning the minimal rights and the rights to pension. However, the war and the dissolution of the Yugoslavia resulted to legal gaps and confusion concerning the provision of pensions to refugees and IDPs. The facts that the Fund of the Former socialist republic was divided into 2 different Funds and there was not a common legal framework were the factors that prohibited the allocation of pensions. In the FBiH the pension legislation framework was introduced in 1998 with the Pension Disability Insurance¹⁷, whereas in RS the PDI Act was announced in 2000¹⁸(UNHCR, 2001: i-ii), (International Labour Force, 2009: 3, 9)

One of the problems was that there was not enough money to the Funds of the Entities and individuals did not take what they were entitled to.¹⁹ There was a confusion as regards to which governmental budget was used for this scope. More, it could be said that there was not equal contribution of pensioners, with some of them giving more money in order beneficiaries’ pensions to be covered. The second crucial obstacle was the different system of pension calculation, the different amounts of money each Entity gave and the absence of comprehensive legislation. There was a new initiative to improve the allocation of pensions through Agreement on Mutual Rights and Obligations in the Implementation of Pension and Disability Insurance between the two Funds in BiH. Through this agreement pensioners would be able to receive their pension even when moving to a different region but finally it

¹⁷ Official Gazette of the FBiH, 29/98

¹⁸ Official Gazette of the RS, 32/00. Revisions of the Act have been made in the Official Gazette of the FBiH 49/00, 32/01, 73/05 and 59/06, and in the Official Gazette of the RS 106/05, 20/07 and 33/08

¹⁹ In the current pension system, both entities are financed on the pay- as- you- go basis. However, there are some differences. In the FBiH, the expenses are covered by the contributions of the employed. In RS, contributions cover the two thirds of the expenditures and the rest is covered by the transfer of the general budget. See: (International Labour Force, 2007)

did not work. There was the problem that the pension amount and the cost of living were different in the 2 Entities. (UNHCR, 2001: i-ii)

Typical case illustrating the violation of pension rights is the case of Karanovic against BiH. This case refers to the lack of comprehension between the 2 entities. This person lived in the Federation but during the war, was displaced in RS and got his pension by RS Fund. When, the conflict ended he moved again in the Federation and continued receiving his pension by RS. However, some of the pensioners that returned to the Federation continued receiving their pensions by the Federation, where the amount of money was more comparing to the RS²⁰. All pensioners were not equally treated and this led to the accusation of human rights violation. As a result, the Human Rights Chamber ordered on 6 January 2003 the Federation of Bosnia and Herzegovina to take all necessary measures to remedy this difference in treatment. Up to August 2010 the Council of Europe Committee of Ministers was still supervising the adoption of Bosnia and Herzegovina of general measures for the full execution of this judgment. Similar cases followed as the Sekerovic against BiH, where the Constitutional court of Bosnia Herzegovina intervened as the Chamber ceased to exist. (Council of Europe, 2011), (ECHR, 2008), (ECHR, 2011)

The crucial point of this analysis is to understand that by removing the right of pension from elderly people automatically they are unable to sustain themselves and depend financially on remittances from relatives who either live abroad or are employed in the region (the first case is more logic, as employment rates for returnees are low). Pension's allocation has a deep meaning for an individual's life. First of all, it is the reward for all years of work and then a means for elderly people to live based on their own powers. Let us not forget, that in a hostile environment where discrimination against returnees is a severe phenomenon, financial difficulty make life even more difficult. For instance, returnees cannot rely on the assistance of their neighbors for their every day needs. Further, there are families that no

²⁰ In 2007, in the FBiH, the average pension was KM 299.85 (Euro 153), the minimum pension was KM 235.85 (Euro 120), and the guaranteed pension was KM 314.48 (Euro 160). In the RS, the average pension in December 2007 was KM 255.41 (Euro 130) and the minimum pension for 2008 was KM 150 (Euro 77) and was increased to KM 160 (Euro 82) in September 2008. See: (International Labour Force, 2007

member works, and pension could be the only income. Undeniably, it is impossible for a person to live without income. The poverty will make them reach the limits of pauperization. We should not forget though that pension like employment is a criterion for the access to health system.²¹ That means that the individual that loses the right to pension, is likely to experience poverty and also jeopardize his/her life. There is no doubt that the pension's deprivation lead to an unsustainable life.

2.6 SECURITY

Annex 7 foresaw the return process under the perspective of safety. Undeniably, personal safety is fundamental ingredient for a successful return. As the war has ruined personal lives and the dreams for a beautiful future, people were forced to flee due to the fear of persecution. It is ironic thus to talk about sustainable return procedure while the persons who return are abused and forced to leave again. In this section we are going to analyze, at what level safety was guaranteed.

As human beings, all people have the right to "human security", meaning the protection from direct and indirect threats regardless of the form of the threat; internal or external. Being protected is not only a matter of physical protection but at the same time the freedom of fear, threat and danger. Reducing the pain and the suffering of people should be priority for the authorities when accepting back the returnees. Although there is a legal division between refugees and IDPs, with the second ones not being part of an international convention as the refugees, both face the same security problems and both are protected by laws; either international conventions or human laws. (Newman and Slem, 2003: 99-102)

States and local authorities have the power to define the safety interests for their own and for individuals and this is why refugees and displaced persons have no active role concerning security matters and expect the state's assistance. The basic factor that prohibited the return was the unstable political environment and the

²¹ The amendment of the Law on Health Insurance in the Federation, made in 2008, gave the right to persons above 65 years old, and children up to 26 to be insured even if they do not fulfill the requirements. In addition, the 30 days time for registration was extended.

existing ethnic groups that were ready to provoke problems and put the lives of the returnees into danger. It could be said that the Dayton Peace Accord did not manage to reverse the ethnic cleansing and returnees, especially those that were a minority were considered as a threat by ethnic groups. After the war the demographic map has changed and the return to the pre war demographic map was adverse to the interests of local authorities and ethnic groups.

For instance, there was the “look –see” programme through which refugees had the opportunity to visit the origin country in order to observe the current situation before taking the decision to go back. (Black, 2001: 186) However, if these visits were not well organized and protected, ethnic groups, roadblocks, armed forces could constrain the mobility and create serious problems. (Dahlman and O’ Tuathail, 2005: 585) The majority of the examples, in the literature concerns attacks to minority returnees that were not welcome back by the dominant ethnic groups. The attacks were either verbal, by threatening them and calling them traitors of the territory, or physical attacks by beating them, destroying their houses. Usually in the Federation the incidents concerned verbal harassment while in RS, where nationalism was tenser, occurred more serious physical attacks. (Englbrecht, 2004: 104)

It is very important to clarify that these extreme behaviors occurred in the first years of returns when the feeling of the war was still fresh. Over the time and through the active role of the international community these violent behaviors were limited but not vanished. Dreaming the road to EU, democratic values, such as the respect of other human beings and peace-building disincite violent actions. However, the feeling of nationalism is hardly reined and for this reason attacks still take place.

What really contributed to this somber picture of security was the police by acting on behest of politicians and being composed of persons involved in the war. It is a controversial issue at what extent police safeguards the physical safety. We should not turn a blind eye to the fact that during the war, police had a key role to ethnic cleansing and instead of promoting safety, made people suffer and all those victims cannot easily forget. Police structure is as complex as the constitutional structure of the country and there are three police forces, one for each entity and

one autonomous in Brcko District, without sign of collaboration between them. Although Croats and Muslims collaborated and formed a unified police force, RS was opposed to any cooperation. What really makes people suspicious is that police officers, some of them, are the one that had an active role to ethnic cleansing. So, it is questionable whether returnees could feel safe, while the ones that had made them suffer were in the power, and not only in the police sector, but in the political authority in general.

A provision of law restricted the police of the one entity to cross into the territory of the other one. Subsequently, criminals having committed a crime in one Entity could escape by crossing into the other Entity. Any initiatives of collaboration between the two Entities were dumped to failure due to the unwillingness of RS. Carla del Ponte, the tribunal's chief prosecutor, during NATO's Council on November 2004 expressed her concern that all these years, RS's police had not arrested any war criminals, and on contrary accused RS for having supported Radovan Karadzic. Even the VRS (Army of RS) had close relations with criminals, like Mladic. Another accuse towards RS was the hiding of documents that the ICTY had required. (International Crisis Group, 2005: 2)

Returnees did not consider police as protectors of their security, but in many cases as a factor promoting insecurity. Though there were attempts of hiring Bosnian officers in the RS police force, the unequal ethnic composition of officers in the police departments, made minority returnees feel scared.

The Human Rights Institution in Bosnia has stated that the violence against returnees and the incapability, or the unwillingness, of the government to act drastically and effectively towards these incidents, compose the inhuman treatment of people and go against the European Convention for the Protection of Human Rights and Fundamental Freedoms.²²

However, it should be admitted that comparing to the first years after Dayton, there was an improvement in police's role, although it was more for cosmetic reasons rather than real change. In a survey that was conducted by United

²² Open for signature by the members of the Council of Europe, in Rome on 4 November 1950 and implemented on 3 September 1953. See: <http://conventions.coe.int/Treaty/en/Summaries/Html/005.htm>

Nations Mission in Bosnia and Herzegovina (UNMIBH), encouragingly, 72% of the interviewees said that they trusted local police. However, when investigating security incidents, suspects were rarely caught so they mentioned that they would feel more secure if there were in the police department officers of the minority group. (Returnee Monitoring Study, 2002) For this reason initiatives promoting the multiethnicity in the police department were necessary and would promote the compliance with European standards. (Englbrecht, 2004: 105) Among the attempts to promote reorganization of the police, was the European Union Police Mission,²³ whose aim was to establish a sustainable, impartial, professional and multi ethnic police.

Finally the police reform was signed in April 2008, with two new laws; *“Law on a Directorate for Coordination of Police Bodies and Agencies for Support to Police Structure of Bosnia and Herzegovina”* and *“The Law on Independent and Supervisory Bodies of Police Structure of Bosnia and Herzegovina”*²⁴. However, the signing of the agreement is not enough, if they it is not implemented. (Security Council report, 2008: 9) This new reform was set on the basis that there should be exclusive competence for policy matters at a state level, police officers should cease acting on behalf of the politicians, and last but not least, police areas should be defined based on technical and policing considerations, rather than politics. (Returnee Monitoring Study, 2002) The agreement foresees the establishment of new state level police bodies, which will not intervene in the action of the two already forces.

For all the above, it is clear that returnees, felt highly unsafe when returning to their “home”, as the nationalistic feelings that have emerged prohibited any return process. Nationalistic ethnic groups, created a lot of obstacles under the rationale to preserve the war’s effects. This feeling of insecurity on the part of returnees was intensified by the passive role of the police. As already mentioned, as time goes by, the violent incidents are limited. This is surely a positive outcome, but still people feel unsafe. According to O’ Tuathail and Dahlman (2004: 440) the

²³ EUPM was the successor of International Police Task Force and was first launched on 1 January 2003. Although its initial mandate was for three years, it still continues its action.

²⁴ Published in official gazette of FBiH No 36 from 6 May 2008

majority of returns took place between 1996 and 1999 when still the police was dysfunctional and attacks were common practice. Of course, today the situation is ameliorated but today the number of returnees is limited. For some the proof that BiH is more secure is the reduced military force. At the end of the war there were three largely mono-ethnic armies, with approximately 419,000 soldiers and around 60,000 international troops. Nowadays, there is a single army and the number of soldiers has declined. In 2007 the professional soldiers were less than 10,000 and 5,000 reservists under single command. Conscription has also been abolished on 1 January 2006. (Bender and Knaus, 2007: 25)

Security is highly linked to sustainability, as people are unable to have a normal life and move forwards when their life is in danger. Under the shadow of fear, people cannot develop their personality or be part of the community. Fear leads to the isolation, isolation to depression and then definitely we talk about an unsustainable life.

2.6.1 LANDMINES

Apart from the abuse of human rights, another factor rooted in the burdens of the past, that made the return difficult and dangerous was the existence of mines. It is an issue that concerns all people, natives and returnees. During the war there was an extensive use of them in order to safeguard the borders and weaken the enemies, but even after the ceasefire, mines were used to prevent the return process. According to BHM²⁵ (Bosnia Herzegovina Mine Action Center), BiH is the most contaminated country in the Europe; from the total of the country's size (1820km), approximately 3, 6% of the territory was full of mines up to 2007. (Van Beurden, 2007: 4)

Although on 7 September 2007, BiH ratified the Convention on Cluster Munitions²⁶, a corridor leading to the cleanness of the country, the Commissioner expressed his anxiety as far the land mine infection of the territory. (Council of

²⁵ In 1996 BiH asked help from the UN, and the UN Mine Action Center (UNMAC) was established. In 1998 regained coordination of the mine actions and the organization was renamed BHM.

²⁶ Provisions of the Convention were implemented in March 2011 and it was suspected that the contaminated area was 3,79km².

Europe, 2011) As reported, even in 2010 there still existed approximately 11,000 minefields and an estimated 220,000 active land mines throughout the country. From September 2009 up to September 2010, 9 people were killed and 17 injured in 16 landmine accidents. (European Commission, 2010: 20) In table 5 we can see the number of landmine victims from 1992 up to 2010. In its latest surveys BHMACH has noticed that 1631 local communities have been affected by the mines, 2, 85% of the territory, and around 921, 513 lives of people are under risk due to mines and a lot of accidents have occurred. A lot of urban areas have been cleaned and the number of victims is decreasing but the ones near conflict zones, like the suburbs of Sarajevo, continue being dangerous and in this way making sustainability more difficult. (US Department of state, 2011)

Table 6. The Number and Origin of Landmine Victims

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
IDPs	30	11	6	2	1	2	4	2	2	3	-	2	3	-	
Natives	206	85	45	32	34	22	28	24	25	15	15	12	16	1	
Refugees	5	4	4	2	1	2	1	-	-	-	1	-	-	-	
Returnees	14	16	7	4	6	4	2	6	3	2	-	2	-	-	
Unknown	258	209	62	50	49	44	38	33	29	36	34	32	43	27	6
Total	513	325	124	90	91	74	73	65	59	56	50	48	62	28	6

Source: <http://www.bhmac.org/en/stream.daenet?kat=66>

Demining the country is not only a matter of security but at the same time a way to accelerate the economic development. As long as the territory is contaminated, there is a delay concerning the reconstruction of houses, rebuilding the infrastructure; roads, telecommunications, electricity, transport. There is no point for returnees to repossess their home, while the area around them is risky and their life is in danger. Those people left the country due to the fact that their lives were in danger so the return should provide them with a feeling that the circumstances have changed and they are safe. We cannot characterize the return sustainable while those people feel so insecure and are afraid of pressing their foot on the ground.

What could be helpful, is the Law on anti-mine actions that remains to be adopted but the lack of the financial means impede the implementation of the plan and the aim of clearing the entire country by 2019 remains questionable. (European Commission, 2010: 20) In the following map the areas contaminated are presented.

Map 1. DISTRIBUTION OF LANDMINES



2.6.2 POST TRAUMATIC STRESS DISORDER (PTSD)

Talking about personal security, we could not neglect the emotional security which influences our identity, the way we conceptualize the world, and the way we behave. It should be taken into consideration that when returnees have to make a decision whether to return or not to the “home of origin”, their memories emerge and may create a sense of fear and stall the return process. A lot of psychologists have analyzed the syndrome of post traumatic stress disorder (PTSD) that was discovered during 80⁵. Before its final name it had different names like “soldier’s heart”, “shell shock”, “post Vietnam syndrome”, “battle fatigue”.²⁷ It is an emotional

²⁷ Freud has first described how stress works, when he talked about “hysteria”. In the World War, stress reactions were called “shell shock”, after the Second world War, the name was “ battle

illness, a result of a terribly frightening, life-threatening, or otherwise highly unsafe experience like war, death, sexual abuse, living for a long time in camps, generally enduring physical or emotional abuse and some of the symptoms are flashbacks, nightmares, nervousness, depression. People usually avoid places, people that remind them this traumatic experience. Talking about wars, PTSD is more commonly referred to combatants, but refugees, natives or IDPs are not excluded. (<http://www.medicinenet.com>)

In the case of BiH, refugees and IDPs are among the victims of PTSD. They lived the war, were forced to live their place, lost their family, lived in camps where torture was a common practice, so psychological disorder was probably a corollary. Although the return process was about to reverse the war's effects, returning to a place where socio economic opportunities are limited, the repossession of their property problematic and discrimination dominant, can only worsen the bad psychological situation. The awareness of the seriousness of the situation by local authorities is needed, but in reality as usually happens, psychology comes in second place. Trivializing the pain of souls, leave people with too much memory, that cannot face. For people experienced the war, the war does not end with the ceasefire but lasts in their memory for ever. In a survey conducted by Martina Fisher in BiH, 80% of the women returnees had the PTSD symptom; they could not sleep at nights and felt nervous. (Fisher, 2007) In many cases the war memories have become worse upon return. Returnees have to face their past, so as the peace-building of the society to be promoted and sustainability of returns to be achieved.

Sustainability cannot be achieved only through practical actions such as, repossession of property, job opportunities, and physical security but emotional balance is also needed. It is difficult for a returnee to integrate into the society and develop his/her personality when there is emotional insecurity and the place of resettlement revives all the war's fears. Depression leads to isolation and then surely the goal of collective sustainability is doomed to failure. The existing socio economic circumstances have a catalytic role in the process of reintegration but the driving

fatigue", and finally in the Viet Nam War took the name "Post Traumatic Stress Disorder" See: <http://www.psychiatric-disorders.com/articles/ptsd/causes-and-history/history-of-ptsd.php>

force is the will of the individual himself to fight for this integration. Thus, the mental illness described above weakens this desire and sustainable life is rarely, if not never, achieved. We understand though that psychological dimension is a personal issue and a lot of personal effort is needed in order fears to be faced. However, the state can contribute to the restoration of the mental health by the establishment of the appropriate institutions that would provide psychological support. Unfortunately, in BiH there were neither the appropriate institutions nor the political will to address the problem.

PTSD is not a variable by itself that helps us to reach a conclusion whether the return process was successful or not, but gives us the impetus to redefine the meaning of security and think that fear, justified either in terms of body violence or by psychological reasons does not allow people to feel secure and integrate into the society. Ostensibly there may be the appropriate circumstances that can promote a successful reintegration in the society; however, there is also a hidden factor, in this case the returnees' emotional world, which affects the process. PTSD can difficulty be measured either because there is not the interest on the part of local community or due to the unwillingness of the returnees to express their feelings. The truth, however, is that fear is an inhibitor to human evolution. It should not be neglected that although physical traumas can be healed, psychological ones remain indelible in people's souls.

2.7 COEXISTENCE BETWEEN RETURNEES AND STAYERS

Talking about sustainable return we could not exclude the social acceptance of returnees and their interpersonal relations with other people. The idea that refugees and IDPs could return to their place of origin and coexist in a peaceful way with the rest of the population had a romantic and a practical meaning. According to the first, this coexistence would reverse the events of ethnic cleansing and mass atrocities; the second implemented that in this way there would be achieved the stability and political integration. However, in the case of BiH, which was divided into ethno national lines, this coexistence seemed an unrealizable scenario. Apart from the physical dissolution, the war resulted also to the mental dissolution and affected

the interpersonal relations. It victimized communities, friends of the “wrong” ethnicity. Each nationality interpreted in a different way the war, who was the victim, who the victimizer and what was the truth. Sustainable return cannot be secured only through the reconstruction of damaged houses, or the repossession of property but also through the healing of war’s wounds and rebuilding social relations. Building a house is not enough; confidence should be built. **Reconciliation**, connoting “*a process through which a society moves from a divided past into a shared future*” is the basic corridor for the peace-building. (Stefansoon, 2010: 64) People have to rebuild their trust and relationships as well as dealing with the past. Through reconciliation, people can find the redemption.

According to Richard Black, ethnic reconciliation promotes ethnic reintegration and many international organizations have declared that minority returns is a proof of reintegration and reconciliation. However, some crucial points should be stressed out. First of all, minority returns were limited as a lot of the returnees used to sell their property or returned only for a short period of time. Second, returns did not lead to reintegration as for example many of the returnees used to perform their daily tasks in areas dominated by the same ethnic groups as theirs. Finally, people from different ethnic groups seemed isolated and unable to communicate each other. (ibid: 65) Therefore, it is too risky to declare that minority returns was a way fostering ethnic reconciliation.

In stark contrast, minority returnees faced a lot of communication and socialization problems. Mixed societies prevailing before the war, in the post conflict period, seemed problematic and fragile. The war transformed friends to enemies, hospitality to hostility, happy faces to suspicious people; peaceful coexistence was converted to silent tolerance. It is difficult for a person to have good relations with his/her neighbor while the neighbor might have killed a member of his/her family, or intervened in the persecution. Most likely this meeting could either ignite or fuel horrific harms. It was difficult for people to forget and even forgive but as they understood that they had to live together they chose to remain silent, or talk superficially and in a typical manner avoiding issues that could provoke tensions, like politics or religion.

Assuredly, the war forced people to act in a way that they had never imagined before, and created a gap between relatives and friends as during the conflict they were found in rival camps. Further, the war created a social distance between the stayers and the returnees. Feelings of betrayal on the part of the first who lived the war towards refugees and IDPs who fled away made the coexistence difficult. The stayers having suffered during the war could not accept easily back all those who left and later returned back demanding their pre war property back. War memories do not allow people to think rationally and realize how difficult was for those people to immigrate and how hard is not to belonging anywhere. Those people who left away, apart from their home, lost their family and friends.

The basis of the war, ethnic division, was the cause of people's isolation. One returnee from Germany said: *We have all changed. [...] There are not many common themes between us anymore. [...] When there are no common themes to talk about then it is better not to have contact, to stay in your own world.* (Kaya, 2009: 8) Except ethnic division, the war led to the egocentrism and a strong segregation between "we" and "the others". While "the others" is referred to the refugees and IDPs who neither experienced the war nor fought or suffered, "we" is for the stayers who defend the importance of "having been there". They believe that being there give them the right to have more demands, choices and to obtrude themselves.

It is commonly argued that aside from the event of ethnic segregation, another factor that contributed to the isolation of people was the poor economic situation. Economic opportunities could lead to the interaction, cooperation among individuals and in this way they could be conducive to the restoration of interpersonal relationships. As an OSCE advisor has noted, if people are unemployed without resources, trying to survive, they are not eager to be socialized and support coexistence. When people have jobs, nationalism is weakened and reconciliation seems more possible. Therefore, the government should have allocated the resources for employment projects and not in the reconstruction programmes. (Haider, 2009: 98, 105)

Returnees felt nostalgia for the old age and could not adapt to the new environment. In a fieldwork that was conducted by Anders Stefansson, people retraced how they used to leave their doors unlocked and neighbors were always

welcome. Life was characterized by trust, openness and security. (Stefansson, 2006: 116) As Slavenka Drakulic points out, in the pre war period, in the socialist Yugoslavia *“as there is no self sufficient communist household, you depend fatally on your neighbor for all kinds of favors, from borrowing coffee, ... or cursing politics.... To getting your child enrolled in a better school”*. However, this cooperation turned out to be just a memory. (Pickering, 2007: 114)The known Bosnian “folk mentality”, which before the war was synonym to hospitality and neighborliness²⁸ gave its place to locked doors, a sense of insecurity and a feeling that home was a shelter marginalized of the rest society.

A lot of the returnees have mentioned that during their integration they were afraid of moving into the public space. They did it only when there was need, like going to doctor, or necessary shopping. Therefore, Bosnians felt like being compulsively “homed” and values like the freedom of speech and movement were violated. Conceptualizing the house as a form of prison undermined the “normality” of the life. Helplessness (no one will help me) and hopelessness (no one will help me) were strong feelings of returnees which led to depression and seclusion. (Wagner and Winter, 2001)

An illustrative example, showing how the relations among people have changed and how the diversity was not accepted is the percentage of mixed marriages. In 1978 BiH was ranked in third position, after Vojvodina and Croatia with a percentage of 12% of mixed marriages. (Kandido-Jakšić, 2008: 153-155) In some surveys, it is mentioned that around 40 % of the marriages in Serajevo were mixed before the war. (Wagner and Winter, 2001) Mixed marriages were the proof of the absence of national prejudices and the coexistence of different ethnicities. However, after the war, ethnic division clustered people into groups according to their nationality and along with the emergence of astute nationalism the mixed marriages

²⁸ According to Sorabji, 'neighborliness' formed a dominant idiom within which people understood and spoke of life and social relations. 'Neighbors' takes the place of that of 'brothers' in other societies, standing for the strongest possible moral and social tie outside the immediate family. However, some people of the cleansed believe that it was not the war that changed the meaning of neighborliness, but in reality this Bosnian neighborliness was an illusion, and “the good neighbors” had always been waiting to kill those “friends”. See: (Sorabji in Hinde and Watson, 1995: 92)

were a rare phenomenon. After the war, being in a mixed marriage was a serious problem concerning the acceptance of the society and the entrance in the work labor.

From all the above, we understand that the memories of the war did not allow people to live peacefully and the situation was even harder for the returnees. Reconciliation and socialization are imperative procedures for a sustainable return process and in case of BiH were hardly implemented. We cannot talk about sustainability when people do not communicate with each other or they do it only for practical reasons, for their everyday activities. Even if returnees are content with typical relations, they cannot feel happy unless there are confidence and honesty between them and their social environment. People cannot move forwards if they cannot forgive²⁹, and in order to forgive they have to regain their confidence in their community, in a safe and honest environment. Undoubtedly, reconciliation with the past is a hard process but of pivotal importance. There is a Russian proverb: "Dwell on the past and you will lose one eye. Forget the past and you will lose both eyes".³⁰ It is difficult for an individual to have a normal life, when his/her soul is full of pain and hate. Return is not considered successful when people are hiding behind locked doors and are suspicious towards each other. As social beings, people need the social contact; otherwise they will be doomed to misery.

2.7.1 RELIGIOUS INTOLERANCE

Religion is considered to be one of the earliest and most important factors of collective identification. Religious dimension has the power to create the national consciousness. Churches and religious institutions represent social and political entities and as a result have a catalytic role in the formation and existence of a nation. Ethnic cleansing can be justified also in terms of religion; people chosen to be killed or moved in other areas could be chosen based on their religious identity. The

²⁹ As Dr Martin Luther King, Jr., has mentioned "Hate for hate only intensifies the existence of hate and evil in the universe...Somewhere somebody must have a little sense ...and...cut off the chain of hate, the chain of evil" see: Martha Minow, 2003 "Breaking the Cycles of Hatred: Memory, Law, and Repair, p.17

³⁰ Martha Minow, 2003 "Breaking the Cycles of Hatred: Memory, Law, and Repair, p.16

hostility towards different religions could be justified under the rationale *“if our faith is the only right and righteous, the enemy’s is scorned as being false, foreign, heretical, superstitious, and even sacrilegious”*. (Velikonja, 2003: 260) Subsequently, it is rational that the war strained the religious separation and intolerance.

Frequently returnees were victims of religious discrimination. For instance, Laura Huttunen, having done a fieldwork and having interviewed a couple of Bosnians who had immigrated to Finland, reveals how the dream of repatriation was debunked. Although Finland was characterized by social welfare systems provisions, the difficulty for Bosnians to socialize with other people, the inability to speak Finnish, increased their desire to repatriate. However, during the second interview as they had returned, they expressed their disappointment concerning the living conditions in Bosnia. Apart from the poverty, the couple referred also to the bad relations with their neighbors. Typical example is the slogan that was written to a wall. *“Turkish dogs, I will force you to eat pig from my attic! Bring your covered women here so I will XXXX them!”* In areas dominated by Serbs, Muslims people used to hide their religion. For instance, during the interview the women when wanted to say that her husband had his service to the mosque lowered her voice. People did not celebrate their religious holidays in the same way they did it in pre war period, but they tried to be more discretionary and silent. (Huttunen, 2009: 52)

The Constitution of Bosnia and Herzegovina and the entity Constitutions of FBiH and RS provide freedom of religion, but in practice this freedom was and still is limited. The Law on Religious Freedom foresees the religious freedom, the legal status of churches and religious communities, the relation between the state and these communities and prohibits any form of discrimination. However, despite the legal framework and although the number of incidents focused on religious targets is decreased, discrimination and intolerance are still prevalent. And even worse, powerful political parties dominated by an ethnic group are involved in religious matters, serving the interest of this particular group. Religion is used by politics as it has the power to strengthen or weaken the credibility of a political party. Fundamentalism has waned but still the reports of the international community, of high representative talk about religious intolerance. (US Department of State, 2010)

Graffiti on the wall, verbal harassments, and damage to houses of worship were among the incidents that returnees had and still have to face. In 2009, 40% of the incidents were related to religious matters. For instance, attacks against religious officials, damage to churches, bombing of a mosque in Banja Luka and anti-Semitic graffiti on Synagogues in Sarajevo and Doboj. On December 8, 2008 on the eve of a Muslim holiday (Eid al-Fitr) a fire took place in a mosque in the Bosniak returnee village of Kula, in Gacko, a municipality in southeastern RS. And on January 6, 2009, on the eve of Orthodox Christmas the flag of the cathedral in Tuzla was set on fire. Further, the illegal construction of religious buildings, as a message to the minorities concerning the powerful and dominant ethnic group, deteriorated the situation. (Haider, 2009: 102) For instance, there was an illegally constructed Serb Orthodox church on the land of a Bosniak returnee, in the town of Konjevic Polje in the eastern RS, and although the negotiations started in 2004 and finally in 2007 the church official from both entities had agreed to remove the church, up to 2009 had not been relocated. According to police's reports, in 2010 a lot of attacks against Bosnian Croat returnees were recorded in the Konjic and Jablanica region. (Council of Europe, 2011)

Other than material damages, hate speech was and still is widely used in everyday life even from politicians creating in this way an even more inhospitable environment. The criminal code of BiH was modified in January 2010 in order to include the offences of "incitement to national, racial or religious intolerance". However, none of the BiH's criminal codes' content corresponds to the recommendation number 97(20) of the Council of Europe Committee of Ministers as regards to the forms of hate speech. (ibid)

Finally, another section influenced by religion, is the education. As already mentioned, although the Law on Religious Freedom reaffirms the right of every citizen to religious education, this right is not fully implemented. When a sufficient number of children belonging to minority attend a particular school, 20 in RS and 15 in FBiH, the school should provide to them religious classes. However, in rural areas there are not enough religious representatives and consequently children are not provided with that kind of education. (US Department of State, 2010)

Trying to analyze this section, we have to admit that as time passes the incidents are decreasing and have a more symbolic meaning. In other words, the attacks target religious building and not persons. However, the religious freedom that the laws foresee is not functionally implemented and people are still discriminated on account of their religious beliefs. There were people that did return to their home of origin, did repossess their houses but were excluded from the social environment because their religion was not the same with the one of the dominant ethnic group. It is difficult to talk about sustainable return when, not all people are treated in an equal way and some have to hide their beliefs. Religion is part of people's personality, and the disqualification to support this personal choice automatically makes people subservient to the social bias. The lack of religious intolerance is an inhibitor in the reconciliation process, and people based on their religion interpret some key terms such as truth, justice and coexistence in different way. For instance there is a large discrepancy in the conceptualization of justice among the different religions. Wettach (2008: 14), having done a fieldwork and having interviewed people belonging to different religions summarized this variety of interpretations.

Table 7. How religion influences the interpretation of terms

	Catholics	Muslims	Serbian
Orthodoxy			
Truth	Honesty, trust, clarification of war crimes	Culpability, Aggression Serbians	Culpability Muslims, International community
Justice	Punishment of war criminals equality and equal opportunity	Punishment of war criminals. Acceptance of ICTY	Neutrality, Critique of ICTY Forgiving guilt, equality and equal opportunity
Coexistence	Dismantling entities/central state	Dismantling entities/ central state	Status quo Dismantling entities/canton

CHAPTER 3: THE FINAL REMARKS OF THE EVALUATION

3.1 THE OUTCOME OF THE ANALYSIS

Trying to evaluate the return process and reach a conclusion concerning its success, it would be helpful to recapitulate the key points of each variable. In the analysis of the variable of property restitution, which was the first step for the return process, undeniably there were a lot of obstacles preventing the refugees and IDPs from returning. The main problem was that during the war, local authorities have granted abandoned houses to other people and during the return process, the returnees' houses were occupied and the evacuation procedure was not appropriately implemented, as local authorities delayed the procedures. Usually the persons to which the houses had been granted were politically connected and politicians did not want to dissatisfy them. However, the role of the international community as regards to the property issues was catalytic, and programmes like the PLIP was considered successful. Thus, it could be said that BiH had very high reconstruction and repossession rates and comparing to other countries its property restitution was successful. Nonetheless, as mentioned in chapter two, a high percentage of houses reposessed or reconstructed does not give a complete picture of how these rates were achieved; how much persistence, patience and time was needed until we reach to these numbers.

Following, the access to the labor market was analyzed. We could say that the economic situation was and even today is very difficult for all people in the country. The transition from a centrally planned economy to an open market signaled the emergence of the grey economy and the prevalence of specific groups. The devastated economy, however, was not the only problem, but discrimination made the situation even more acute. Usually, entrepreneurs hired person belonging to the same ethnic group of theirs. According to the definition existing in the paper of Richard Black and Saskia Gent (2006: 26) *“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". In this case, returnees had not the same treatment, and we could say that the economic environment was not sustainable.

Concerning the educational system, it is a complex issue. Children of minority returnees had the following choices: either to attend a school organized by the majority ethnic group and follow a school programme opposite to their beliefs, or to go to the "one school under one roof", where children attended different classes and had different teachers. The school was segregated in two parts and ethnicity was the borderline. The third choice was children to go to a school in a different area where they would be a majority. As we understand, the right to education was not easily implemented. Instead of school being the stepping stone for a better future and help people to overcome their past, it contributed to the intensification of hate among people.

It is difficult to talk about sustainability, when school accentuates feelings of hate and nationalism. Only through education people can move forewords and contribute to the society's development. In the pre war period, children of different ethnicity coexisted in the same school and there was no problem. As time cannot go back and tolerance gave its place to intolerance, it would be helpful children to have common textbooks, which will avoid extreme political and ethnic views, but will maintain a spirit of neutrality. Inter-active programmes, with the participation of all children, regardless of ethnicity, would promote a sense of collaboration. Last, it should not be neglected that children have more pure feelings than the adults and have the power to correct adult's mistakes.

Other social provisions like the health care and the distribution of pensions were also problematic in the case of BiH. As far as the health care is concerned, returnees felt highly unsafe when they were examined by doctors belonging to different ethnic group than theirs, and for this reason they were trying to register in regions where they would belong to the dominant ethnic group. The mono-ethnic composition of some health services and the illegal charge of returnees were among the factors that made returnees avoid visiting health services. Health is the most precious commodity in one's life and we cannot talk about sustainability when it is jeopardized. Visiting a doctor should be a common practice and not a threat. Concerning the allocation of pensions, it was also a problematic issue. Pensioners did

not take the amount of money that they were entitled to, either because there was not enough money to the funds or because there was a different calculation system between the two entities. Although it may seem to readers a not crucial variable influencing the sustainability of returnees, we have to consider that elderly persons had no chance to find job in an environment that unemployment was very high, but even if there were job opportunities they did not have the physical strength to work. Additionally, in this bad economic environment there were a lot of families that no member was working and pension was the only income.

The next variable examined in the paper, was the security. It is irrational to talk about sustainability when returnees' lives are in danger. Their security was in danger either due to violent actions against them, motivated by the feeling of nationalism or on account of the existing landmines. Minority returnees were not welcome back and were victims of extreme nationalism. The feeling of fear does not allow people to have a normal life and definitely prevent the integration process. As mentioned in the relevant section, the violent actions were more severe in the first years of the return process, and through time the incidents were rarer and the need for protection was limited. BiH of today and BiH of one decade ago have striking difference as regards to the issue of security, but we cannot turn a blind eye to the incidents that took place in the past. Still a lot of effort is required until we reach at that point where we will speak about a safe place at which returnees are protected. We could say that on the part of security, sustainability was not achieved.

In the last section, the reconciliation and the coexistence among people was examined. It is a variable that difficult can be measured, due to the fact that people may pretend that have no problem with returnees and their neighbors but in reality they might just play a role. The feeling of hate is easily settled in one's soul but difficulty removed. The quality of social relations can promote or stall the process of integration into the society. The reconciliation with the past and with people is crucial for building a better life. Of course, no one says that it is an easy task. Mental strength and magnanimity are needed. In the following table, there is a summary of the analysis's outcome. At this stage we should make a clarification. When Bosnia is on the focus of discussion, lots of people bring in mind the image of Bosnia a decade ago and even more, when the violation of human rights was extensive and violence

against returnees a common practice. Nevertheless, living conditions are not the same with the one of 10 or 15 years ago. The dream for a better future, and approach to European standards promotes values such as respect of human rights, democracy, and freedom of expression. All these variables that were examined in this paper were not static through time. Analyzed in different periods, may give a variation on the level of sustainability.

Finally, having analyzed these key variables of the return process, a question emerged; whether some of these variables are more important. We could say that all these variables are interconnected and each of them has its own catalytic role in the process. For instance, the repossession of house is the first prerequisite, otherwise return cannot take place. Following, the employment is essential so as returnees to be able to cover their needs but also is needed for the health insurance and the right to pension. Each variable influences the others. Although each factor is crucial, if we had to give priority to one of them, we would put first the reconciliation. Although it may be considered for some as the less important factor, we consider that no one can live in a hostile environment where no real relations exist. Even if returnees manage to repossess their house and get a job and have a comfortable life, there is no meaning if they do not have social contact with the rest of the population. Relations based on true confidence, can help people to feel well and overcome their problems. It is true that problems are more easily faced when there is support by friends, relatives.

People are social beings and cannot live isolated. As mentioned in the paper, the aim is to achieve sustainability on a community basis and not on a personal level. Thus, collective sustainability is promoted through social acceptance and real coexistence. Further, if reconciliation is accomplished then discrimination will be limited and people will be easily integrated in the society. They will have equal job opportunities, they will not be afraid to express their beliefs or to visit doctors belonging to a different ethnic group. Life can be sustainable only when human rights are respected and promoted.

In table 8, we are trying to summarize the analysis's outcome. We use an indicator for each variable, and based on the level of this indicator's implementation, we make the assessment. Although we consider that each variable is evaluated

through a sum of indicators, we are trying to use the most representative ones. At this point, it should be implemented that by making the assessment “non-sustainable”, it does not mean that there was no progress, rather than the progress was very slow and rendered the process problematic.

Table 8. The analysis’s outcome

VARIABLE	INDICATOR	ASSESEMENT
Property restitution	Rate of repossession & reconstruction	Sustainable
Access to labor market	Equal opportunities for returnees and stayers	Non-sustainable
Educational system	Learning and respect of principals values	Non- sustainable
Health care	Equal treatment and Sense of confidence	Non-sustainable
Allocation of pensions	Equal treatment of people concerning the right to pension	Non- sustainable
Security	Safety of human life	Non-sustainable
Reconciliation	Sense of true confidence	Non-sustainable

3.2 CONCLUSION

From all the analysis we have done in this paper, the outcome is that Bosnia Herzegovina was a patchwork of past’s relics and at the same time of modernization’s actions. While the international community was trying to aid the country to overcome the problems, that the war has resulted to, the local community, both on the part of politicians and of people was not ready yet. Although the initial goal of Dayton Agreement was to reverse ethnic cleansing and promote the peace-building, at the same time legalized the segregation of the country into two entities. This segregation intensified the sense of nationalism and lead to highly prejudiced behaviors. Ethnicity became the yardstick by which people

determined their behavior towards the others. Analyzing the return process, the feeling that we get, is that the discrimination along with the reluctance of political authorities stalled the return of refugees and IDPs.

Return process was a very complex issue and without the essential support, became a painful and lengthy process. The end of the war signaled the start of a new period; the transition period. As always, in the aftermath of war, the whole society was shocked and devastated, and any new initiatives, like state building, peace building seemed like utopian. The problem was that the return process started very soon, when there were neither the appropriate institutions nor the political will. As observed in the literature, the return process as an attempt to reverse ethnic cleansing was not successful, demographically speaking. From the part of sustainable life it could be said that return procedure was not successful. The problem was that Bosnia was struggling between the legacy of wartime ethnic cleansing and attempts to verge on European standards.

Even today, sixteen years after the signing of the Dayton agreement there are persons who still wait to return back to their “home of origin”. António Guterres, the UN High Commissioner for Refugees, stressed that the Balkans is one of the five priority regions in terms of refugee crises in the world. Under the rationale of solving the problem, the ministers of Serbia, Croatia, Montenegro and Bosnia Herzegovina on November 7, 2011 signed a joint declaration with the aim to find a solution for the remaining refugees and IDPs in the region. (Euractiv, 2011) Although in the past political interests were among the reasons that stalled the process of return, now under the rationale of conditionality, and the perspective of EU enlargement, can be an auxiliary factor for the return. The cooperation between countries and international community as long as the absence of political obstructionism are fundamental for any initiatives are about to be taken and any challenges are about to be faced concerning the return process.

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ANNEX

**RETURNS SUMMARY TO BOSNIA AND HERZEGOVINA
FROM 01/01/1996 TO 30/09/2011**

FEDERATION OF BiH										
Year	REFUGEES					DISPLACED PERSONS				
	BOS	CRO	SER	OTH	TOTAL	BOS	CRO	SER	OTH	TOTAL
1996	76,385	3,144	552	33	80,114	101,266	447	1,179	21	102,913
1997	74,552	33,495	2,849	754	111,650	38,821	10,163	3,971	205	53,160
1998	77,310	22,930	4,307	1,453	106,000	9,041	4,040	6,059	300	19,440
1999	17,359	5,960	4,370	491	28,180	14,320	5,747	9,649	219	29,935
2000	4,815	3,498	5,164	569	14,046	9,638	6,660	13,811	172	30,281
2001	1,966	2,285	9,108	542	13,901	9,058	4,890	24,794	343	39,085
2002	3,341	2,080	18,079	290	23,790	6,791	4,632	21,108	624	33,155
2003	897	1,183	5,430	230	7,740	9,356	1,858	14,963	145	26,322
2004	187	310	936	74	1,507	5,669	955	3,277	56	9,957
2005	70	113	313	3	499	1,320	422	1,177	10	2,929
2006	33	40	144	10	227	1,231	224	713	4	2,172
2007	35	53	119	3	210	684	322	671	1	1,678
2008	11	18	55	8	92	106	12	183	6	307
2009	11		55	1	67	14	5	91	2	112
2010	15	4	11	5	35	28	2	105		135
2011	4		18		22	18	3	40		61
TOTAL	256,991	75,113	51,510	4,466	388,080	207,361	40,382	101,791	2,108	351,642

Source: (UNHCR, 2011)

REPUBLIKA SRPSKA										
Year	REFUGEES					DISPLACED PERSONS				
	BOS	CRO	SER	OTH	TOTAL	BOS	CRO	SER	OTH	TOTAL
1996			7,925		7,925	136	58	61,613	21	61,828
1997	204	73	8,287	66	8,630	626	28	4,481		5,135
1998	1,279	257	2,458	6	4,000	6,765	285	3,080		10,130
1999	1,081	339	1,962	88	3,470	10,587	1,013	1,666	184	13,450
2000	2,818	1,336	139	268	4,561	22,461	456	362	277	23,556
2001	2,676	1,959	47	110	4,792	34,952	471	611	93	36,127
2002	9,119	2,107	134	99	11,459	29,511	351	585	106	30,553
2003	4,343	1,609	50	191	6,193	11,803	123	440	7	12,373
2004	789	140	6		935	7,099	17	602		7,718
2005	735	38	1		774	2,220	15			2,235
2006	1,065	106	14	7	1,192	1,890	9	113		2,012
2007	1,324	1,514	2		2,840	1,980	69	88		2,137
2008	869	5			874	403			5	408
2009	777	33		8	818	186	1			187
2010	851	17			868	139	2		1	142
2011	343	18			361	122	2			124
TOTAL	28,273	9,551	21,025	843	59,692	130,880	2,900	73,641	694	208,115

BRCKO DISTRICT										
Year	REFUGEES					DISPLACED PERSONS				
	BOS	CRO	SER	OTH	TOTAL	BOS	CRO	SER	OTH	TOTAL
2000						4,845	663	2		5,510
2001						4,032	599	329		4,960
2002	132	1,746	7		1,885	5,209	336	1,522		7,067
2003	17	60	2		79	702	286	620		1,608
2004						208	56	9		273
2005										
2006										
2007		12			12	338	227	136		701
2008										
2009										
2010										
2011										
TOTAL	149	1,818	9		1,976	15,334	2,167	2,618		20,119

TOTAL BOSNIA AND HERZEGOVINA										
Year	REFUGEES					DISPLACED PERSONS				
	BOS	CRO	SER	OTH	TOTAL	BOS	CRO	SER	OTH	TOTAL
1996	76,385	3,144	8,477	33	88,039	101,402	505	62,792	42	164,741
1997	74,756	33,568	11,136	820	120,280	39,447	10,191	8,452	205	58,295
1998	78,589	23,187	6,765	1,459	110,000	15,806	4,325	9,139	300	29,570
1999	18,440	6,299	6,332	579	31,650	24,907	6,760	11,315	403	43,385
2000	7,633	4,834	5,303	837	18,607	36,944	7,779	14,175	449	59,347
2001	4,642	4,244	9,155	652	18,693	48,042	5,960	25,734	436	80,172
2002	12,592	5,933	18,220	389	37,134	41,511	5,319	23,215	730	70,775
2003	5,257	2,852	5,482	421	14,012	21,861	2,267	16,023	152	40,303
2004	976	450	942	74	2,442	12,976	1,028	3,888	56	17,948
2005	805	151	314	3	1,273	3,540	437	1,177	10	5,164
2006	1,098	146	158	17	1,419	3,121	233	826	4	4,184
2007	1,359	1,579	121	3	3,062	3,002	618	895	1	4,516
2008	880	23	55	8	966	509	12	183	11	715
2009	788	33	55	9	885	200	6	91	2	299
2010	866	21	11	5	903	167	4	105	1	277
2011	347	18	18		383	140	5	40		185
TOTAL	285,066	86,464	72,526	5,304	449,748	353,435	45,444	178,010	2,802	579,876