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Reversing Segregation? The Property Restitution Process in Post-war Bosnia

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ABSTRACT Following the breakup of former Yugoslavia, the war in Bosnia from 1992 to 1995 resulted in the displacement of large numbers of people in order to create ethnically pure territories. A decade after the Dayton Accords enshrined the right of displaced populations to return to their homes of origin, and most of the property repatriation claims made by the displaced had positive outcomes, it was assumed that property restitution would cause people physically to return home and eventually reverse the effects of wartime policies of ethnic cleansing. It is argued here that although property restitution is important as part of reversing ethnic segregation, the assumption that it will guarantee that the displaced will return to their former home is naïve.

Introduction

Following the breakup of the Socialist Federal Republic of Yugoslavia, the war in Bosnia and Herzegovina (*Bosna i Hercegovina* (*BiH*), henceforth *Bosnia*) from 1992 to 1995 resulted in the displacement of large numbers of people in order to create ethnically pure territories. Concomitant to the conflict, over half of the 4.4 million people of Bosnia were displaced. While an estimated 1.3 million became internally displaced, 500,000 became refugees in neighboring countries, and another 700,000 in Western Europe (MHRR, 2005a). The latest re-registration exercise initiated by the Ministry for Human Rights and Refugees of Bosnia, the Ministry for Refugees and Displaced Persons of Republika Srpska, and the Federal Ministry for Displaced Persons and Refugees and Government of the District of Brčko that took place in 2005 reveals that there are still 186,138 internally displaced peoples (IDPs) (59,892 households) who have applied for Displaced Person (DP) status (MHRR, 2005a, pp. 81–119). A decade after the General Framework Agreement for Peace, also known as the Dayton Accords, enshrined the right of displaced populations to return to their homes of origin, this decrease is considered a success.

Meanwhile, approximately 99% of the property repatriation claims made by the displaced (both refugees and IDPs) had positive outcomes (UNHCR, 2006a). It was

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assumed in the Dayton Accords that those whose housing was returned to them would resettle permanently in their former homes. The fact that there are still almost 60,000 internally displaced households tells us that this is probably not the case. This article traces the truth behind the assumption that property restitution (restitution of housing, land and/or other immovable property) would cause people physically to return home and eventually reverse the effects of wartime policies of ethnic cleansing. The argument made here is based on documentary research and an extensive literature review on the property restitution process in Bosnia as well as surveys and ethnographic studies of refugees and IDPs. Semi-structured interviews with policy-makers in the federal government of Bosnia, different UN bodies, and representatives of local and international non-governmental organizations (NGOs) are also used as tools of research. It will be argued that although property restitution is of the utmost importance as part of reversing ethnic segregation, the assumption that property restitution will guarantee that displaced will return to their former home is naïve.

Accordingly, the article is composed of three main sections. The next section provides a brief background to the conflict. The following section cites the importance of managing the properties of the displaced, explaining the reasons behind the focus on the property issue. The fourth section analyzes the relationship between property return and physical return, looking for evidence for whether property repatriation actually reversed segregation in the country. Here, a comparative approach is followed by looking at the major towns in Bosnia. This analysis reveals that success stories of the recreation of multiethnic communities are only partially true, and there are, in fact, more failures than successes. The final section is composed of a brief conclusion, underlining the lessons learned from the property restitution process in post-conflict Bosnia.

Background

During the breakup of the former Socialist Federal Republic of Yugoslavia (SFRY), the experience of Bosnia was by far the worst of any of the Republics. The fact that Bosnia was the only Yugoslav Republic where there was no ethnic national majority proved to be particularly problematic. In 1990, Bosnia's population included approximately 43% of Bosniacs (Muslim), 31% of Serbs (Orthodox) and 17% of Croats (Catholic), and the 1990 election results read more like a census of national identities in the socialist period, with three national parties forming a grand coalition and agreeing to govern in a trilateral power-sharing arrangement (Woodward, 1995, p. 122; Ito, 2001, p. 100). Thus, to become an independent state, besides international recognition, Bosnia also needed a new constitutional arrangement among its three nations, each with a right to self-determination without undermining the rights of the others, as well as protection against external aggression by Croatia and Serbia, the two motherlands of its two minority nationalities (Woodward, 1995, p. 191).

The first was easier to achieve than the other two. Following a referendum for independence, in which a turnout of about 64% of eligible Bosniac and Croat voters voted almost unanimously for an independent Bosnia, the European Community and the USA recognized Bosnia in April 1992. The consequences of independence were dramatic. Bosnian Serb irregular forces and then Bosnian Croats began a systematic policy of 'ethnic cleansing' against Bosniacs as well as against each other. As the war continued, members of all three communities were victimized. At least 97,207 Bosnians (Bosniacs, Croats, Serbs,

and others) out of a population of 4.4 million died (Ahmetasevic, 2007). Some 174,000 were injured and 2.5 million people were deported or forced to flee their homes; 1.1 million of those who were displaced found refuge abroad; 60% of all houses in Bosnia and 28% of roads were badly damaged.

The war in Bosnia ended with the 1995 Dayton Peace Accords. The Dayton Accords established a rather complex structure for the new Bosnian state, consisting of two entities: the Federation of Bosnia and Herzegovina (hereafter the Federation), and the Republika Srpska (RS). It entrusted the responsibility for implementation of this structure to an international body by establishing the Office of the High Representative (Annex 10, Article I. 2), an international police force (Annex 11) and a multinational Implementation Force (Annex 1A).

Moreover, the Dayton Peace Agreement overtly positioned property issues at the core of the return process and of the overall peace framework for Bosnia (Annex 7). 'For the first time it was stated that not only refugees should be able to repatriate to their country of origin but also that IDPs should be able to return to their pre-war homes' (Phuong, 2000a, p. 5). Besides, the agreement established not only rights, but also a Commission for Real Property Claims of Displaced Persons and Refugees, and obligated the parties to ensure the return of people. The literature cites several reasons that return became such a high post-war priority. First, the crises that generate internal displacement are seldom confined to a single country, and may extend and destabilize an entire region, which is, in the case of Bosnia, the European Union (Charbord, 2005). Thus, countries in the EU that were receiving a high number of refugees were eager to promote returns, which led to the second reason: self-interest of asylum countries (Woodward, 2001). Displacement puts a burden on both the displaced and the host communities that are dealing with the task of refugee protection and assistance (Black, 2002). Third, repatriation is not only about economics, but it is also a means to return to the natural order that is disturbed by displacement, as 'in uprooting a metamorphosis occurs: The territorializing metaphors of identity—roots, soils, trees, seeds—are washed away in human flood-tides, waves, flows, streams, and rivers. These liquid names for the uprooted reflect the sedentarist bias in dominant modes of imagining homes and homelands' (Malkki, 1995, pp. 15–16). Particularly in Bosnia, return was seen as a tool to reverse ethnic cleansing and recreate a multiethnic society. Such a perception of return was supported extensively by the Bosniac leadership, who pursued a political strategy of regaining territorial control and reversing the war gains of Croats and Serbs in peaceful terms (Woodward, 2001, p. 8). Finally, the fear of 'refugee warriors': the belief that if displaced people did not return to their pre-war homes, they would become the source of a new army mobilized by Bosniac leaders to begin a war against the Dayton territorial settlement that cramped them in the center (*ibid.*).

Why Focus on Property?

Property repatriation in Bosnia proved to be a highly complex, sensitive and politically charged issue for several reasons. First, there is the massive scale of the displacement and vast amount of land and assets involved in the process. Second, the policies pursued by all three parties during the war in the administrations they controlled created a post-war legal uncertainty in which people without pre-war legal titles were said to be unlawfully occupying properties of the displaced. Furthermore, the fracturing

of a formerly federal socialist legal system and the destruction of many pre-war title records added to this uncertainty (Garlick, 2000, p. 66). Third, property has psychological, cultural, economic and political implications.

It is not difficult to understand the psychological aspects of property. 'From a personal perspective, displaced people forced to leave homes, villages, jobs and people which were central to their lives, were also traumatized by the loss of all of the physical and psychological security which a "home" entails' (Garlick, 2000, p. 66). Besides, in a socialist country without much scope for private investment, people put their money into their houses, and acquiring a 'home' is a long-lasting process. 'For many (if not the most) people building a new house was a life project. This was what men (and women) worked for years to obtain, working long, hard shifts locally, in Sarajevo, or by migrating abroad to central Europe or the Middle East. It often took ten to 20 years to finish a modern house' (Bringa, 1995, pp. 85–86).

The cultural implication of property becomes clear in the way national identity and nationalist debates prior to the war emphasized the concept of home. Occupation of a homeland is an important indicator of identifying a human community as a nation. Accordingly, '(t)he essential association between national rights and territorial control was already apparent in the political language of cultural nationalism in the 1980s and the electoral campaigns of 1990, in which the most commonly used word politically, from Slovenia to Serbia, was *hearth*', whereas '(t)he focal point of a home or homestead, hearth became the metaphor for property, community, citizenship, and patriotism, all in one' (Woodward, 1995, p. 237). Thus, property was also a prime marker of a cultural identity.

Economically, property rights in land prove to be an essential asset, especially in a country where infrastructure, industry, agriculture and other income sources are severely destroyed by war (Garlick, 2000, p. 67). Finally, during a war whose major goals are occupation of territory through ethnic cleansing, land becomes a crucial political tool both during and after the war. After the war, people continue to vote where they live and a return to pre-war locations will reverse the demographic changes and political outcomes resulting from ethnic cleansing.

Especially with this last point in mind, immediately after the Dayton Peace Agreement was signed, local authorities passed post-war legislation that tried to consolidate the rights acquired by temporary wartime occupants while also trying to cancel the rights of displaced persons to socially owned apartments. The politics of restitution and return did not change much during the first 5 years of the post-war period during which the legacy of war continued to dictate the course of peace-building in Bosnia and Herzegovina (Ito, 2001, p. 121). Authorities were pursuing their own interests in the restitution and return process, trying to regain their wartime losses and/or keep their wartime gains. While the Bosniac authorities fully supported the return of displaced Bosniacs for both humanitarian and political reasons such as regaining numerical strength, the Bosnian Croat leadership was trying to consolidate their military gains without regard for the exodus of displaced Bosnian Croats to the areas outside its 'Herzeg-Bosnia', and the return of the original non-Croat population to 'Herzeg-Bosnia' (*ibid.*). Like their Croat counterparts, the Bosnian Serb authorities encouraged Bosnian Serbs to stay where they had sheltered during the war as they resisted the return of non-Serbs to places under Serb control (*ibid.*). Thus, while '(t)he Bosniac authorities, who retained a broad political commitment to a multi-ethnic Bosnia, fought for the right of Bosniac displaced persons to

return to Republika Srpska—but made no effort to support the return of Serbs to Sarajevo and other Bosniac-majority urban centers—the Serb and Croat regimes engaged in aggressive campaigns to encourage their own populations to settle permanently in areas under their control, so as to cement their territorial claim' (Cox & Garlick, 2003, p. 69). Furthermore, political obstruction functioned at different degrees: '... the administration not following the correct procedures, local firms not employing returnees, public services not made available to them or with hidden charges, and especially eviction of illegal occupants not being carried out' (Phuong, 2000b, pp. 169–170).

Besides the problem of political obstructionism, people returning to property already occupied by others needed readily accessible title records. However, '(d)ue to a combination of 50 years of neglect, registry records lost in wars, the separation of the ownership of a building from the land on which it stands, disincentives to register, and discrepancies between the register and the cadastre [among other things] the land registry system [was] generally not functioning' (PricewaterhouseCoopers, 1999). It was in this difficult political environment that the peacemakers pursued the aim of granting all refugees and IDPs 'the right freely to return to their homes of origin', as stated in the Dayton Peace Agreement, which was very specific in defining the entitlements of individual refugees and displaced persons to return to their actual 'homes of origin', interpreted to refer to residence or real property (Garlick, 2000, p. 68). Garlick notes that there was a debate in Bosnia about the exact meaning of 'home of origin'. Some argued that it did not mean return to one's actual previous residence, but to another home of a comparable kind, whereas others—the prevailing view—argued that 'home of origin' referred to the specific property occupied before the war (Garlick, 2000, p. 68, ft. 7).

Within this context, it is important to concentrate more on the concept of return. In the words of the Palestinian intellectual Edward Said: 'As any displaced and dispossessed person can testify, there is no such thing as a genuine, uncomplicated return to one's home' (Oxfeld & Long, 2004, p. 15). Post-conflict return is complex, and in many cases extremely politically charged as well. Like the international promotion of minority returns in Bosnia and Herzegovina, in many cases return is used as a political tool in efforts to reverse the wrongs of the war, and in this case, to recreate ethnically heterogeneous communities, i.e. to have ethnically mixed spaces (villages, towns, neighborhoods, cities).

Return is the best possible solution when it is voluntary. Recently, the concept of voluntary return began to entail more than the lack of physical oppression or open threats, but 'the consultation/participation of displaced people in the process of making decisions about their return, resettlement and reintegration' (Santini, 2004, p. 53). There is a growing need to address the issue of agency as well as the problem of the lack of enforcement mechanisms. An increasing number of peace agreements hold provisions on the return of the displaced, but face implementation problems (problems of structure) in the post-conflict phase. At the same time, the basic assumption in almost all of these agreements is that the best solution for the displacement problem is return.

People, however, do not *always* want to go back home. As Walter Kälin (2005, p. 23), who took over the UN mandate as Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons in 2004, asserts, 'Authorities are sometimes anxious to promote return as a symbol of normalization after the chaos brought on by a disaster. However, they should respect IDPs' right to choose whether to return to their place of origin or to resettle elsewhere, and in either case are expected to assist them to reintegrate (Guiding Principle 28).'

Realities: Property Return and Physical Return?

> If the aim of the Bosnian return process was to re-establish property rights, then it can be judged as a success, with the vast majority of claims for property restitution resolved … But if it was to reverse ethnic cleansing, it seems largely to have failed … the evidence so far, suggests that, even with the strongest commitments of donors, it may not even be possible to reverse ethnic cleansing. (Hughes-Komljen, 2004, p. 22)

Ideally, return would have meant that *all* refugees and displaced persons would have the right freely to *return to their homes of origin*. However, in reality it meant different things at different stages in the post-Dayton period (Black, 2001). At the very beginning of the post-conflict phase, there was an emphasis on majority returns. Heimerl (2005) named this stage 'ethnic consolidation', during which territorial wartime gains and losses were demographically consolidated. Charbord (2005, p. 318) defines the same stage as the 'pragmatic approach', signifying the first 2 years that the Dayton Accords were in effect, during which the internationals were involved in negotiating with nationalist leaders and using a carrot and stick policy through reciprocity and conditionality. There were two problems with this approach: first, it created the impression that acceptance of returns was negotiable or optional; and second, it did not tackle the property issue.

This period was followed first by a focus on the return of refugees from overseas, and then a prioritizing of the return of minority IDPs (Black, 2001; Charbord, 2005). There were two reasons for the change in focus: (1) voluntary return institutionalized ethnic divisions rather than challenging them as expected (by the peacemakers); and (2) there was pressure from host countries to accelerate the process (Heimerl, 2005). Basically, the change in focus was a result of the conflicting political agendas of the outsiders on the issue of return. The frustration with the refugees in Germany caused the German government to pursue a 'rebuild-and-send-them-back' policy against the Bosnian refugees, a policy that met with much negative reaction from the rest of the international actors involved in the peace process, causing increased RRTF (Reconstruction and Return Task Force) pressure on different actors to pursue a more aggressive policy on minority returns.

This latter stage of minority returns also corresponds with a more principled rule of law approach, which demonstrated to local authorities that return was not negotiable or optional (Charbord, 2005, p. 319). As time passed, the local resistance to return of property decreased. Even opponents of return understood the importance of restoring property rights as 'the essential pre-condition not only to return, but also the successful resettlement of those who chose not to return' (Cox & Garlick, 2003, p. 77).

Regardless of which meaning of the word return is used, the reality is that not *all* IDPs and refugees returned, and not *all* those who returned went back to their homes of origin. According to statistics made available by the UNHCR, as of May 2006, the total number of returnees in Bosnia was 1,014,122, and the number of internally displaced returnees was 571,820. Half of the 1,014,122 returnees returned to areas where they are now a minority. Since Dayton, most of the international organizations have chosen the minority returnees as the beneficiaries of their aid programs. To illustrate, based on its 2004 performance overview, USAID facilitated the resettlement of 100,000 minority citizens to their pre-war homes. Its activities were being implemented in areas identified as priority minority-return areas and focused on supporting the establishment of basic services such as

water, electricity and transportation that would positively affect minority returns, and the provision of the income generation opportunities to sustain returns (personal correspondence, USAID, June 2006). Along the same lines, in 2005 Malteser International, a German aid agency in origin, was maintaining its presence in Bosnia through a 'Sustainable Return Grants' project, which supported return of minorities and encouraged promotion of small businesses and small agricultural projects—an approach radically different from the initial German policy on returns (personal correspondence, Malteser representative, 2006).

At the same time, the statistical data show that by 2005, 93% of all property claims had been solved and that almost 86% of IDPs no longer held IDP status in Bosnia (MHRR, 2005a). However, unfortunately, the exact number of physical returns is unknown.

> No international organization or government agency has precise figures on how many Bosnians, after reclaiming their houses or flats—or receiving reconstruction assistance—then decide to sell or exchange them and relocate elsewhere. Both anecdotal evidence and classified advertisements in the newspapers suggest that the practice is widespread, as well as being more common in the cases of socially owned flats [mainly urban] than private houses [rural]. (ICG, 2002, p. 11)

The International Housing Verification and Monitoring Unit (HVM) has physically verified about one-third of the reconstructed housing units in Bosnia, and the results showed that about three-quarters of pre-war occupants have physically returned to their pre-war homes, while in one-third of these cases only a part of the family did so (MHRR, 2005a). Similarly, field research conducted by some NGOs such as the Helsinki Committee for Human Rights in Bosnia and Herzegovina and the Union of Associations of Refugees and Displaced Persons in Bosnia indicate that only a third of the total number of displaced persons and refugees actually returned to their homes (Mikic & Bubalo, 2007, p. 6). In almost 20% of HVM's verified cases, reconstructed houses and apartments were empty, and only less than 4% were sold or rented out (ICG, 2002, p. 11).

The figures can be interpreted in different ways. On the one hand, the low percentage/rate of the selling or renting of reconstructed houses and apartments may not mean that there is a lack of interest in return, but that there may be a need on the part of the displaced to keep their options open (ICG, 2002). However, this 'glass half full' interpretation was not verified during my correspondence with policy-makers in Bosnia. According to an official from the Ministry of Human Rights and Refugees dealing closely with return and reconstruction issues, in minority returns, people usually sold or exchanged their property. This official also underlined that although there are no accurate numbers on such activities, just estimates, the country did change in terms of ethnic demography. On the other hand, the figures also show that restoring property rights has not facilitated large numbers of physical returns (only one-third), and therefore has not really reversed ethnic cleansing (the aim of Annex VII). As verified in my interviews, those who returned were mostly the elderly, or as Heimerl (2005, p. 386) put it, those who physically return are usually the poorest and most vulnerable people who do not have many options except to return. Moreover, the fact that there are more classified advertisements in the newspapers for socially owned flats (which are mainly located in urban areas) than private houses (which are usually sited in rural areas) might be proof that physical return is a more common phenomenon in rural areas than in urban areas, i.e. people who get their

homes back in rural areas are less willing to sell or exchange them, and it is assumed that they *actually* restart living in them.

Qualitative research also reveals different findings in relation to return. The experience of return and property restitution differs from region to region and town to town. Looking at the major towns in Bosnia, the success stories of the recreation of multiethnic communities are only partially true, and that there are, in fact, more failures than successes. For example, while Prijedor, a seemingly hopeless victim of ethnic cleansing, has become an example of minority returns, Mostar is still a divided city despite the intensive international commitment long before Dayton. Similarly, Drvar and Foča (two 'black holes' of ethnic nationalism) show mixed results (as does Goražde), while Banja Luka is very much ethnically cleansed and the recreation of a multiethnic society in Sarajevo has been only partially successful. In a striking contrast to 1991, when only 20% of the municipalities had a population structure in which one ethnic community made up more than 50% of the total number of the population, the NGO the 'European Movement', from Banja Luka, has verified that in only two municipalities in Bosnia, Tuzla and Sarajevo Center, do minorities make up more than 10% of the population (IDMC, 2006).

Banja Luka

There are two narratives of Banja Luka, the administrative capital of the RS. Being rather bleak, the first one states that Banja Luka was very much ethnically cleansed during the war and has become a completely Serbian city as efforts to reintegrate have been strongly resisted by local authorities. To illustrate, as stated earlier, one of UNHCR's post-war activities in Bosnia was to begin a free bus service for the displaced persons so they could visit their pre-war homes. Bosnian Serb authorities in some areas, Banja Luka being an extreme case, opposed and blocked the bus service on the grounds that it had not received prior authorization, that the drivers were not licensed in the RS, and that the buses were uninsured (ICG, 1999). It is reported that the resistance became so tense that at one point a British Implementation Force (IFOR) commander in Banja Luka had to send armored vehicles to an especially troublesome Bosnian Serb checkpoint 'with orders to attach hooks to the police cars and drag them away', which proved to be the only effective measure against harassment by Serb authorities (IDMC, 2003).

This negative narrative continues by stating that ethnic extremists in Banja Luka are against anybody who is a non-Serb. Croats, Bosniacs and Roma all face ethnic segregation of one sort or other. To illustrate, in Banja Luka in 2002, unknown culprits stoned the reading room and headquarters of the Croat humanitarian-cultural association *Danica*. In 2001, there was a violent demonstration by Serb nationalists that disrupted a cornerstone laying ceremony on the site of the destroyed Ferhadija Central Mosque and many people were injured and Bosniac-owned businesses and other property was destroyed (IDMC, 2006). Also, although Roma holidays are celebrated in other parts of the country, it is not the case in Banja Luka (IDMC, 2006). Furthermore, the property law implementation rate in Banja Luka is 85.27%, below the total implementation ratio of 93.86%, and the lowest in the entire RS (MHRR, 2005a; UNHCR, 2006a). Although Banja Luka was declared an Open City in order to encourage minority returns, it is one of the municipalities with the highest number of unresolved claims as a result of inadequate staffing and resources, and most importantly, a lack of political support (IDMC, 2006).

The second narrative displays a completely different picture. To begin with, in contrast to the above-mentioned extremism, the main reason why the Office of the High Representative (OHR), IFOR and US had worked hard to move the RS capital from Pale to Banja Luka in the first place was that the moderates were, and still are, in Banja Luka. Furthermore, although incidents such as the Ferhadija Central Mosque protest *did* take place, 14 Serb nationalists who were involved in the violent demonstration received sentences of 2–13 months in prison for their roles in the incident, admittedly in late 2002 after many delays in the process (IDMC, 2006). Also, in late 2005 war crime prosecutions began to gain momentum in the RS, and a court in Banja Luka convicted a total of four ethnic Serbs on war crimes charges (IDMC, 2006).

Moreover, another explanation of Banja Luka's low property repatriation record (besides inadequate staffing and resources, and the lack of political support) is that the city faced the bigger practical problem of gridlock on housing than other places due to an influx, in 1995, of almost 200,000 Serb refugees from Croatia who did not have many prospects of return because of Croatia's refusal to allow returns. In addition, it is rather wrong to analyze the failure of the Open City Declaration in Banja Luka without also looking at the hidden political agendas behind it (i.e. that the declaration was an OHR effort to pressure Sarajevo authorities who were at the time a much bigger obstacle to return and largely responsible for its failure).

Drvar

Drvar is a town within the borders of the Federation, close to the Croatian border, well known for its extreme Croat nationalism and ethnic cleansing of Serbs during the war. Drvar was a majority Serb city until almost all fled the assault of the Croatian Army in 1995. The town has again become majority Serb (ICG, 2002; IDMC, 2006). The rate of compliance with property laws is a high 98.1% (UNHCR, 2006).

Still, Drvar has a mixed record in terms of multiethnic blending. On the one hand, continuous international pressure on the recalcitrant authorities, including the successive removal of three interior ministers, has finally paid off, with Serb returnees now comprising 44% of the police force including a Serb chief (IDMC, 2006). Returning Serbs have also succeeded in securing political power in Drvar and representation in the municipal administration despite the efforts of the Croat-dominated cantonal government to aggravate or block this process (ICG, 2002).

On the other hand, there are still incidents of ethnically motivated hate crime. For example, in November 2002 vandals sprayed the walls of Saint Joseph's Catholic Church in Drvar with insulting graffiti (IDMC, 2006). Also, the unemployment rate among Serb returnees in Drvar is high and being able to find work has proved difficult (IHF, 2003). Typically, Serb returnees have gone from exile to unemployment (Donais, 2005, p. 22). In short, although politically motivated ethnic cleansing against Serbs has been more or less reversed in Drvar, 'economic' discrimination persists as a result of a Bosnian economy that is 'a sorry combination of decaying socialism and dysfunctional capitalism' (*ibid.*, pp. 23–24).

Foča

Foča was a majority Bosniac city before the war until the emergence of ethnic Serb extremism, which has not totally gone even today. With the coming of peace, Foča became a

territory of the RS, and Bosniacs now constitute only a minority of the population of the city. Unlike the Serbs of Drvar, Bosniacs returning to Foča have not been able to re-establish themselves as a majority. Moreover, returning Bosniacs have faced physical as well as political isolation (Donais, 2005, p. 25). The property law implementation rate in Foča is 84.99%, almost 10% lower than the total implementation rate of the RS (UNHCR, 2006). Although Foča is one of the places that had the highest number of minority returns in 2006 (UNHCR, 2006), 'most returnees have gone back not to the town of Foča, but to the remote villages in the municipality's environs, and are thus effectively segregated from the dominant Serb majority' (Donais, 2005, p. 25). This choice of the returnees fits well with the preferences of the local authorities (*ibid.*).

The case of Foča, and all of eastern Bosnia, proves the importance of economics in relation to return even better than the previous case of Drvar. Eastern Bosnia is frequently cited as an area of non-return, but it would be wrong to cite political obstruction as the only reason for this. In reality, the poverty and lack of employment in the area are important reasons for non-return, a situation that was only partly created by political obstruction. The whole state of affairs was a vicious cycle where political opposition to return in the first 2 years caused the internationals to enforce sanctions on the area as a punishment for this political position, which created an economic situation to which people did not want to return.

Goražde

Goražde's population before the war was minority Serb (25%) and majority Muslim. During the war, it was one of the three Bosniac enclaves in eastern Bosnia, along with Srebrenica and Žepa, and became a UN safe area in 1993, though this did not prevent a Serb offensive against the city in 1994. Still, Goražde held out until the end of the war, and became the only city in eastern Bosnia that the Serbs could not ethnically cleanse. With the Dayton accords it became an administrative part of the Federation, completely bordered by the RS.

Goražde is only a half-hour drive from Foča, and both cities reflect the reality of ethnic separatism, though from different perspectives. Like the Serbs of Foča, the Bosniacs of Goražde were skeptical about the return of the minority population, from whom they had completely opposing perceptions of the war (Jones, 2004). Things changed slightly in Goražde in 1997 when it was declared an Open City, committing the municipality to facilitate the return of non-Bosniacs (*ibid.*, p. 147). This was a pragmatic move taken to secure more international aid and a solution to the housing problem (*ibid.*, p. 148). Still, the perceptions regarding ethnic separatism did not change much (*ibid.*). Unlike the early years of the peace when political obstructionism against return was quite common, today the property law implementation rate in Goražde is 96.05%. However, even now, Goražde's population is 99% Bosniac, virtually without a trace of its pre-war Serb minority (UNHCR, 2006). Apparently, although the property law implementation rate reached 96%, and most of the pre-1991 minority Serb population (25% of Goražde's pre-1991 population) got their property rights back, they chose not to return to the city. Normally, one would assume that there would at least be some minority return, but in the case of Goražde there is no trace of the 25% pre-war Serb population, implying that the Serb minority chose either to sell or to barter their pre-war properties.

Mostar

Despite the early international commitment, Mostar is a disappointment in Bosnia in terms of recreating a multiethnic society. The efforts began in July 1994 as a result of the Washington Agreement of March when the European Union agreed to put into position a civilian city administration to replace the United Nations peacekeepers and provide a massive infusion of financial and administrative assistance and a multinational police force (Woodward, 1996, p. 41). The plan was to use economic incentives and reconstruction to bring Croats and Muslims back together (*ibid.*). 'During its two and a half years in Mostar, the EU administration poured three hundred million German marks of donor money into the reconstruction of the city' (Bose, 2002, p. 107). Although the infrastructure of the city was rebuilt, schools repaired, medical services provided and new apartments built to attract refugee return, the city remained as divided as before (Woodward, 1996, p. 41). All this happened on the basis of segregation, and reconstruction efforts have been more superficial than structural, not providing a basis for real recovery and a sustainable economy (Bose, 2002, p. 108).

Even the rebuilding and opening of the Mostar Bridge (which has been physically uniting the east and west of the city for centuries) in 2004 after its destruction during the war in 1993 was not enough to break the psychological barriers separating the two communities of the city. Croats regard Mostar as the capital of their *de facto* but unrecognized Croat state. Despite its record of a 94.01% property law implementation rate, and its high number of minority returns (Bosniacs, Croats and Serbs)—the highest in all of Bosnia in the first quarter of 2006—the city is still divided (UNHCR, 2006b). However, as Bosniacs and Croats live for the most part on opposite sides of the Neretva River, returnees whose repossessed property is located on the side inhabited by the other ethnic group usually decide to sell their property or exchange it for property located on their own side (IDMC, 2006).

During my visit to Mostar in 2006, I observed that the city is very much reconstructed, looking much better than Sarajevo, where one can still see bullet holes in the walls of the buildings. With its new old restored bridge, renovated mosques, churches and old bazaar, the city is a popular tourist destination. Everything looks normal, but there is still a sense of segregation that an outsider would realize only by looking more closely and chatting with the locals (in my case those who speak English and Turkish).[1] For example, all the minarets of the mosques are on the west bank of the Neretva, while a huge new cathedral has been built on the east. Also, there is the shadow of the gigantic cross (the symbol of Croat Catholicism) installed by the Croat political parties on Mount Hum overlooking the entire city, especially the 'Muslim' Mostar.

Prijedor

During the war, Prijedor was noted for its extremist Serb population, mass killings and detention camps. As time passed, it turned from a hopeless case of ethnic extremism to a success story of foreign intervention in which thousands of Bosniacs returned to their pre-war homes, mosques were rebuilt, and hard-line Serb nationalists lost much of their influence (Belloni, 2005). However, although the international actors involved in the peace-building process regard Prijedor as an example of successful intervention, Belloni (2005, p. 435) argues that 'contrary to the perception of international agencies, successful return home was in large part due to the autonomous organizing of local displaced people'.

Today, after Banja Luka, Prijedor is the second largest town in the RS. Before the war it was almost 40% Serb and 39% Bosniac. Today, it is a majority Serb town despite a property law implementation rate of 95.2%, partly showing Bosniacs' lack of will of return despite receiving their property rights (UNHCR, 2006b). What has really happened in places such as Prijedor 'where individuals involved in running concentration camps or leading paramilitary formations are known to work in the courts, schools and police' and 'the natural tendency of returnees to avoid dealings with the authorities is all the greater', is that 'returnees have usually formed parallel institutions, led by returnee associations, serviced by token representatives in municipal government and sustained by a largely separate economy' (ICG, 2002). Thus, it is almost impossible to speak of a full-scale reintegration. According to the US Department of State, in 2002 there were still incidents directed at Bosniacs, such as the desecration of two Muslim tombstones in a graveyard and a bomb attack against a mosque, which demonstrated the lack of total reintegration (IDMC, 2006).

Sarajevo

Sarajevo is a European city embracing different cultures. Although its multiethnic demographics have changed a lot since the war, one can still feel a sense of cosmopolitanism, at least in its architecture. Sarajevo is one of the two municipalities in Bosnia, besides Tuzla, where more than 10% of the population are members of minority groups. This is still a low figure considering the pre-war ratio of 50%.

The international actors involved in the post-conflict reconstruction phase chose Sarajevo, the capital of Bosnia, as a model for their efforts in recreating a multiethnic society. The Sarajevo Declaration of 1998 set Sarajevo as a model for reconciliation, multiethnicity, freedom of movement and unconditional right to return throughout Bosnia. Furthermore, future economic aid to the Sarajevo Canton would depend on the return of at least 20,000 minorities in 1998. The Declaration was widely publicized in order to pressure Sarajevo authorities to welcome minorities back, but the target was not reached.

Today, the Canton of Sarajevo still has the highest numbers of unresolved property claims in the Federation. In fact, its property law implementation rate of 87.66% is the lowest among the 10 cantons of the Federation. Also, incidents of discrimination and ethnic violence are not uncommon. To illustrate, '(s)everal associations of returnees to Sarajevo recently complained that their members are being systematically discriminated against in seeking health care, citing the examples of hundreds of returnees who sought the associations' help after a recent outbreak of flu' (IDMC, 2006, p. 97). Also, 'Roman Catholic Church authorities in Sarajevo reported vandalism to cars belonging to church workers and other church property, the overturning of gravestones in Catholic cemeteries, and church entrances stained by urine', and '(i)n April 2002, stone throwers attacked the St. Anthony Church in Sarajevo during Easter week services' (*ibid.*, p. 160).

By Way of Conclusion: Lessons

There are two lessons to be learned from the case of Bosnia. First, once you compromise something, it is virtually impossible to get it back. Dayton institutionalized the outcome of the military contest allowing a division along ethnic lines. The peacemakers then tried to mend it in Annex VII by encouraging the return of all displaced people to their pre-war

homes by restoring their property rights to rebuild multiethnic communities. However, the numbers and the facts on the ground show that this strategy did not work. Although the property repatriation implementation rate is greater than ever, and the increasing number of minority returns after 2000 is regarded as a success, the reality is that people did not physically return to their former homes, and Dayton's ideal of recreating multiethnic communities in Bosnia did not materialize. The second lesson from Bosnia, which can be applicable to other post-conflict situations, is that the focus should be on property restitution *per se*, not reversing ethnic segregation via physical returns to repatriated property. The example of Bosnia shows that the property repatriation program could be implemented only after a focus on granting property rights, rather than enforcing returns.

Consequently, one might ask why? Why is it that people did not choose to return? There are three main reasons. First, as Sorensen (2001, p. 8) tells us, 'While we tend to think of displacement as a temporary deviation from normal life, a disruptive event to be corrected, the possibility also exists that some people see displacement as an opportunity for change. People do not only look back; they also look to the future and try to plan for it.' Thus, people do not always return home, but sometimes resettle based on strategic calculations of interest. If we remember the previous discussion on returns in Bosnia, it was mostly the elderly and the most vulnerable groups in Bosnia who chose to return, because they did not have many other options. However, for the younger population, war created the opportunity to resettle abroad, or move to urban areas in the new Bosnia.

The second reason why people did not return is more about feelings than rational calculations about the future. As mentioned before, the war in Bosnia victimized all main nationalities in the country where many people became subjects and/or objects of ethnic cleansing. Thus, trust was an important issue in the post-war Bosnia and people were reluctant to go back to places that reminded them of their suffering. It is important to note that home entails both physical and psychological security where trust is a key to this security. Although property can be restored to its previous owner(s), this is not the same as restoring a 'home'. Agency is an important factor. For example, the example of Prijedor indicates that despite an inhospitable environment some people have been able to rebuild associational life, and thus make the city feel more like 'home'. The example of Prijedor also indicates, however, that the rebuilding of 'home' is taking place within a segregated society, rather than challenging this form of social division.

Finally, the post-war Dayton system has imposed a major structural constraint on the return of the displaced. Through institutionalizing the wartime gains and losses, the Dayton Agreement has made it harder for people to take the decision of becoming a minority under the jurisdiction of the opposite party. All in all, people got their property back, but did not go back.

Note

1. Vetters (2007) presents a more optimistic opinion on the city.

References

Ahmetasevic, N. (2007) *Justice Report: Bosnia's Book of the Dead* (Sarajevo: Balkan Investigative Reporting Network).

Belloni, R. (2005) Peacebuilding at the local level: refugee return to Prijedor, *International Peacekeeping*, 12(3), pp. 434–447.

Black, R. (2001) Return and reconstruction in Bosnia-Herzegovina: missing link, or mistaken priority? *SAIS Review*, 21(2), pp. 177–199.

Black, R. (2002) Conceptions of 'home' and the political geography of refugee repatriation: between assumption and contested reality in Bosnia-Herzegovina, *Applied Geography*, 22, pp. 123–138.

Bose, S. (2002) *Bosnia after Dayton: Nationalist Partition and International Intervention* (London: Hurst & Company).

Bringa, T. (1995) *Being Muslim the Bosnian Way: Identity and Community in a Central Bosnian Village* (Princeton: Princeton University Press).

Charbord, A. (2005) *Human Rights of Internally Displaced Persons in Bosnia and Herzegovina* (Wien: Verlag Osterreich).

Cox, M. & Garlick, M. (2003) Musical chairs: property repossession and return strategies in Bosnia and Herzegovina, in: S. Leckie (Ed.), *Returning Home: Housing and Property Restitution Rights of Refugees and Displaced Persons*, pp. 65–83 (Ardsley: Transnational Publishers).

Donais, T. (2005) A tale of two towns: human security and the limits of post-war normalization in Bosnia-Herzegovina, *Journal of Southern Europe and the Balkans*, 7(1), pp. 19–33.

Garlick, M. (2000) Protection for property rights: a partial solution? The Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) in Bosnia and Herzegovina, *Refugee Survey Quarterly*, 19(3), pp. 64–85.

Heimerl, D. (2005) The return of the refugees and internally displaced persons: from coercion to sustainability? *International Peacekeeping*, 12(3), pp. 377–390.

Hughes-Komljen, E. (2004) Putting right the wrongs of war? Housing in Bosnia and Herzegovina, *Global Future, Fourth Quarter*, pp. 21–22.

ICG (1999) *Preventing Minority Return in Bosnia and Herzegovina* (Sarajevo/Brussels: International Crisis Group Report No. 73).

ICG (2002) *The Continuing Challenge of Refugee Return in Bosnia & Herzegovina* (Sarajevo/Brussels: International Crisis Group Balkans Report No. 137).

IDMC (2003) *Profile of Internal Displacement: Bosnia and Herzegovina* (Geneva: Global IDP Database).

IDMC (2006) Profile of internal displacement: Bosnia and Herzegovina, Global IDP Database, available online at: http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/560E20B7FCCB0555C1257212003CA532/$file/Bosnia%20and%20Herzegovina%20-October%202006.pdf

International Helsinki Federation for Human Rights (IHF) (2003) *International Helsinki Federation Annual Report on Human Rights Violations: Bosnia and Herzegovina*, 24 June, available online at: http://www.unhcr.org/refworld/docid/469243bf0.html

Ito, A. (2001) Politicisation of minority return in Bosnia and Herzegovina: the first five years examined, *International Journal of Refugee Law*, 13(1/2), pp. 100–122.

Jones, L. (2004) *Then They Started Shooting: Growing up in Wartime Bosnia* (Cambridge and London: Harvard University Press).

Kälin, W. (2005) *Protection of Internally Displaced Persons in Situations of Natural Disasters: A Working Visit to Asia by the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons Walter Kälin* (Geneva: Office of the United Nations High Commissioner for Human Rights).

Malkki, L. (1995) *Purity and Exile: Violence, Memory, and National Cosmology among Hutu Refugees in Tanzania* (Chicago: Chicago University Press).

MHRR (2005a) *Comparative Analysis on Access to Rights of Refugees and Displaced Persons* (Sarajevo: Bosnia and Herzegovina Ministry for Human Rights and Refugees).

MHRR (2005b) *Manual on Procedures in Implementation of Reconstruction and Return Projects in BiH* (Sarajevo: Bosnia and Herzegovina Ministry for Human Rights and Refugees).

Mikic, L. & Bubalo, R. (2007) *A Study on Access to Pertaining Rights and (Re) integration of Displaced Persons in Croatia, Bosnia and Herzegovina and Serbia in 2006: National Political-Legal Frameworks and their Implementation in Practice* (Belgrade: The OSCE Mission to Serbia).

Oxfeld, E. & Long, L.D. (Eds) (2004) *Coming Home? Refugees, Migrants, and Those Who Stayed Behind* (Philadelphia, PA: University of Pennsylvania Press).

Phuong, C. (2000a) At the heart of the return process: solving property issues in Bosnia and Herzegovina, *Forced Migration Review*, 7, pp. 5–7.

Phuong, C. (2000b) Freely to return: reversing ethnic cleansing in Bosnia-Herzegovina, *Journal of Refugee Studies*, 13(2), pp. 165–183.

PricewaterhouseCoopers (1999) *Study on Reform of Bosnia and Herzegovina's Property System for the Office of the High Representative* (Budapest: PricewaterhouseCoopers).

Santini, T. (2004) North Caucasus: upholding IDPs' right to 'voluntary' return, *Forced Migration Review*, 21, pp. 53–55.

UNHCR (2006a) *UNHCR Global Appeal 2006: Bosnia and Herzegovina* (Geneva: The UN Refugee Agency).

UNHCR (2006b) *Statistics Package* (Sarajevo: The UN Refugee Agency).

Vetters, L. (2007) The power of administrative categories: emerging notions of citizenship in the divided city of Mostar, *Ethnopolitics*, 6(2), pp. 187–209.

Woodward, S.L. (1995) *Balkan Tragedy: Chaos and Dissolution After the Cold War* (Washington, DC: The Brookings Institution).

Woodward, S.L. (1996) *Implementing Peace in Bosnia and Herzegovina: A Post-Dayton Primer and Memorandum of Warning* (Washington, DC: The Foreign Policy Studies Program, the Brookings Institution).

Woodward, S.L. (2001) Labours of Sisyphus? A framework for considering the return of refugees to Bosnia and Herzegovina and Croatia in the coming period, in: G. Vergottini & R.H. Evans (Eds), *Strategies for the Future of Bosnia-Herzegovina and Croatia* (Torino: G. Giappichelli Editore).