Interpretations of Annex 7: assessing the impact on non-returnees in the UK

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Emphasising the crucial role of refugee returns to the future of Bosnia and Herzegovina risks minimising the agency of those who choose not to exercise their rights under Annex 7.

The majority of people from Bosnia and Herzegovina (BiH) living in the United Kingdom (UK) today made the decision to leave their home country and make a temporary or permanent new home in the UK as a direct result of the 1992-95 war in BiH. Those coming to the UK in the 1990s would have been part of one of three groups: those arriving as a part of the UK government's Bosnia Project (a group made up of 1,000 people who had been identified by the United Nations High Commissioner for Refugees or the Red Cross as being particularly vulnerable, many of whom were former concentration camp detainees); those making their journey independently; or medical evacuees.

The reliability of quantitative data on migration to the UK prevents any accurate estimates on the numbers of people from BiH

still resident in the UK, although community representatives estimate the number to be approximately 10,000. Many of those who fled the conflict will have since returned – and it is of course entirely appropriate that, following a violent conflict, those who want to return 'home' should be able to exercise the right to do so. However, the question of choice or agency on the part of those who have had so much taken from them already is one which is interesting to explore, especially given the wider rhetoric on migration and asylum in the European (and wider) context.[1]

Insistence on return

There are many who argue that the 'success' of Dayton rests on the implementation of Annex 7 and refugee return, and indeed the international community is keen to emphasise the importance of the return of IDPs and refugees. But it is interesting to consider the potential motivation(s) behind the insistence on the importance of refugee return.

Is such insistence, as some have pointed out, motivated by the desire to emphasise that the practice of 'ethnic cleansing' is not to be rewarded with territorial gains?[2] Could part of the desire for 'successful' refugee return be an attempt to assuage any residual guilt over the catastrophic results of the collective failure of the international community to intervene positively in BiH at an earlier stage in the war?

There is increasing reluctance on the part of many European governments to offer permanent refuge to those fleeing conflicts, and the practice during the 1990s was to offer 'temporary protection' to refugees from the Bosnian war (Germany and the UK being two examples). The international community presents return as crucial not only for the long-term success of the peace treaty but also for the eventual emotional well-being of those who were displaced. Is there a possibility, however, that the increasingly unforgiving immigration legislation of some European governments is contributing to the rhetoric around the importance of refugee return?

It is inevitable that discussions around reconciliation will be, to say the least, politically and emotionally charged, in a country where so many of those responsible for causing so much pain have not been brought to justice. In that sense, the insistence on refugee return as being the lynchpin of a successful Dayton,[3] while ostensibly aiming to ensure the protection of returning refugees, could be interpreted as having a more subtle and insidious sub-text. In post-conflict BiH and its neighbours, where meaningful reconciliation measures on the part of the perpetrators are few and far between, Annex 7 places the weight of expectation on the victim. Survivors of the war are already very familiar with the guilt of the living. In placing such an emphasis on their return and the return of others like them, there is the danger of increasing the emotional burden on those who may have already had their resilience tested not only by the horror of the war itself but also by the sometimes considerable stresses of the experience of migration.

Of those refugees from BiH whom I interviewed during the course of my research,[4] the average length of wait for a decision on their migration status was seven years, with the longest wait being thirteen years.[5] Interviewees spoke of the feeling of intense physical and emotional displacement on realising that, after leaving homes shelled or burned to the ground or having been forced to renounce any rights to their properties, what was on offer in the country of 'refuge' was temporariness and uncertainty; they faced years in limbo without the right to work or the documentation necessary to facilitate temporary return without potentially jeopardising the outcome of their asylum claim.

It could be argued that the belief that refugee return is essential for the future of BiH paradoxically risks overlooking the rights of some of those most vulnerable refugees. It would after all be difficult to underestimate the accumulated and corrosive effect on the mental and emotional health of a refugee who, after surviving the war and its aftershocks and the UK immigration system, is then subjected to the emotional guilt-trip which the pressure of the 'refugee return is essential for Bosnia' argument could trigger.

While implementation of Annex 7 is crucial for the protection of the rights

of those refugees and IDPs who do wish to return, it is also important that the rights of those who have chosen to make their homes elsewhere are recognised. Acceptance of the decision of these refugees not to return would be a positive step towards recognising and celebrating that refugee 'agency' so often lamented as missing in studies of forced migration.[6]

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The content of this article does not necessarily reflect the position of The Salvation Army.

1. See *Forced Migration Review* issue 51 (forthcoming December 2015) on 'Destination: Europe'. www.fmreview.org/destination-europe

2. Dahlman C and Tuathail G Ó (2005) 'The legacy of ethnic cleansing: The international community and the returns process in post-Dayton Bosnia-Herzegovina', *Political Geography* 24(5): 569-599. www.sciencedirect.com/science/article/pii/S0962629805000223

3. For example, see 'Albright urges Bosnian refugee return', BBC News, 31 August 1998 http://news.bbc.co.uk/1/hi/world/europe/161970.stm and 'Bosnia: Dayton will collapse unless refugees return', November 1997 http://refugeenews.tripod.com/nov97bosnia.htm

4. The research on which this article is based was carried out in 2008-13 while the author was a doctoral candidate at University College London's Department of Geography. Research participants had been living in the UK for an average of 15 years at the time of the project; the vast majority had arrived between 1990 and 1995.

5. Some were granted refugee status while others had their temporary protection extended and then were eventually given leave to remain permanently.

6. Turton D (2003) 'Conceptualising Forced Migration', *RSC Working Paper* No 12, Refugee Studies Centre, University of Oxford. www.rsc.ox.ac.uk/publications/conceptualising-forced-migration