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Bosnia and Herzegovina 20 years on from Dayton

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The coming two-and-a-half years represent what is possibly the last window of opportunity to accomplish what the Dayton Peace Agreement's Annex 7 set out to achieve.

The Dayton Peace Agreement ended the war in Bosnia and Herzegovina (BiH) on 14 December 1995, and its Annex 7 on 'Agreement on Refugees and Displaced Persons' established that: "All refugees and displaced persons have the right freely to return to their homes of origin [...] 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."¹ In the following ten years, over one million of the 2.2 million people displaced by the conflict in BiH returned and/or recovered their pre-war property; more than 200,000 properties were restored to their pre-war owners through a Property Law Implementation Plan; and some 317,000 housing units were reconstructed.

Progress then slowed, as most of the remaining population of concern were vulnerable, had no property to reconstruct or were reluctant or too frail to return and unable to achieve solutions without special help. Recognition of this led to the Revised Strategy for implementation of Annex 7, adopted by both houses of the BiH parliament in June 2010, in which for the first time national political stakeholders agreed that extremely vulnerable people who were unable to return should be allowed to find a solution in their place of displacement. This in turn enabled the BiH authorities to start planning projects specifically addressing the needs of the remaining vulnerable households, including rehousing around 8,600 residents from the remaining 156 collective centres by providing non-profit social housing solutions and other specialised types of accommodation.

Now, almost 20 years since Dayton, an array of projects is in place; these projects, however, only have the capacity to assist a maximum of 11,000 families out of the total of 40,000 estimated to be either in need or considered entitled, and can only address

the most acute needs. It is estimated that 84,500² persons still holding IDP status and 47,000 'minority returnees' (those displaced who now found their ethnicity to be in the numerical minority in their areas of origin) are still in need of support to obtain a sustainable solution. The challenge for BiH today is thus to be able to identify and select the families who most need the assistance that is available, and to make sure that assistance does actually go to these people. While this sounds simple enough, five main recurrent problems typically hinder progress:

- fragmentation in the institutional setup of BiH that prolongs decision making and hinders coordination
- the absence of updated information on the persons remaining in need and the severity of the problems they face – information that is necessary in order to facilitate needs-based prioritisation and to counter the widely shared political conviction that members of all three constituent peoples should receive an equal share of assistance
- the lack of readiness and capacity of local authorities to assume responsibility for integration of minorities and for the social-welfare needs of vulnerable IDPs and returnees
- insufficient acceptance of the role that civil society needs to play in securing social justice for the vulnerable by consistently representing their interests to local authorities
- the tendency of administrative bodies to measure impact in terms of numbers of housing units rebuilt, rather than numbers of displaced families gaining access to rights, livelihoods and services.

In the worst-case scenario, these problems could defeat efforts to implement the Annex

7 Revised Strategy. Projects could take too long to implement, could assist people who no longer need help and leave stranded those still in need. The projects could risk building houses that then stand empty, using up the available resources while leaving the problem unsolved. Vulnerable displaced people, women victims of violence and minority returnees could continue to live in destitution and may pass on their marginalised status and sense of injustice to the next generation. Deep-seated accusations would continue to be traded between the entities and among their constituent peoples, and twenty years of progress and investment in reconciliation and restitution of justice could be put at risk.

On the other hand, the substantial projects and resources that are now in place provide a window of opportunity. The challenge is to engage municipalities, reach the neediest beneficiaries and overcome those obstacles that block realisation of rights and normalisation of status.

Stages of response

When the United Nations High Commissioner for Refugees (UNHCR) was called on, through Annex 7, to take the lead in BiH on developing a plan for addressing the problem of wartime displacement, it turned out that not one plan was needed but three in succession – though with the authorities progressively assuming the lead.

The first plan resulted in the return of more than 500,000 people to their places of origin in the first five years (1996 to 2000) after the war. When it was widely recognised in 1999 and 2000, however, that most of these were ‘majority returns’ (people who now found themselves in the ethnic majority in their place of pre-war residence), **the second plan** was drawn up, rallying international efforts behind minority returns. Conditions of return were often far from conducive and in some cases violent resistance by local authorities had to be overcome. Some 470,000 persons returned and/or had their property returned or reconstructed in this phase, including through the mechanism of the Property Law Implementation Plan (PLIP) overseen by the Office of the High

Representative (OHR)³, the Organization for Security and Cooperation in Europe (OSCE), UNHCR, the United Nations Mission in BiH and the authorities.

In some municipalities, returnees were denied access to employment and other basic rights by those opposing return. Almost 14,000 houses, including whole villages, were destroyed a considerable time after the war had ended, often to discourage the new minorities from returning. In some places, where minority returnee communities were left to fend for themselves, life got progressively worse. Many families were unable to stay while many more struggled to survive on subsistence farming.



High Commissioner for Refugees António Guterres visits returnees waiting for reconstruction assistance, Srebrenica, August 2009.

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The third and final plan began with the formulation of the Revised Strategy for implementation of Annex 7, recognising the hard-won acceptance of all stakeholders that many of the most vulnerable remaining displaced families would be unable to return and should therefore be assisted to find a solution in their current place of displacement. This policy shift led to the development of several major projects:

The Sarajevo Process is a regional dialogue initiated by UNHCR in 2005 to look for solutions to protracted problems of refugees and displacement in Serbia, BiH, Croatia and Montenegro – the four countries affected by the 1992 to 1995

conflicts. In BiH this coincided with the end of large-scale return movements. The Process, involving UNHCR, the OSCE, the European Union and the United States, initially made slow headway. It was revived in 2008 by the intervention of UN High Commissioner for Refugees António Guterres who, with specially appointed Personal Envoy for the Western Balkans Anne-Willem Bijleveld, succeeded in garnering donor support and persuading the four countries to sign the Belgrade Declaration in November 2011. This in turn led to a Donor Conference and the birth of the Regional Housing Programme in April 2012 (which raised almost €300 million for housing) to be implemented by the four country governments.

The Regional Housing Programme (RHP) aims to assist 73,600 beneficiaries through providing some 27,000 housing units in the four countries combined, with BiH planning to assist 14,000 persons (some 5,400 families). Challenges for

the RHP include building the capacity of partner countries to manage these major projects, including the selection of beneficiaries. This entails cooperation between the four countries to enable cross-border verification of overall eligibility, vulnerability and intention to return, and persuading municipalities to plan and deliver complementary measures to improve access to roads, electricity, water, livelihoods, basic rights and services – none of which are funded by the RHP itself.

A priority for BiH is to provide permanent accommodation for those in 'alternative' accommodation or in collective centres. Alternative accommodation is temporary housing provided by municipalities to displaced families who had been occupying abandoned houses but had to return them to their owners under the property restitution programme. Collective centres were meant to provide temporary accommodation for internally displaced people driven out of conflict zones and were either purpose-built or were pre-existing structures such as workers' barracks, abandoned offices, apartment blocks or hospital buildings. Most of these 'temporary' dwellings have since deteriorated to the point of being uninhabitable, with their residents among the most destitute in the country.

The solution devised for the remaining residents of collective centres is a project by the name of **CEB II** (CEB: Council of Europe Development Bank), funded by a CEB loan plus the state's own contribution, which formally began in November 2014. Forty-two municipalities submitted schemes to rehouse the residents of all of their collective centres in non-profit social housing. The planned social housing facilities will comprise new apartments for the residents – but will require payment of rent and utilities, which presents a major challenge to vulnerable families with little or no income.

Through the EU's Instrument for Pre-Accession Assistance (IPA)⁴, UNHCR was requested to receive and manage €7 million to support the coordination of the Annex 7 Revised Strategy in an



initial ten priority municipalities through capacity building to local authorities as well as individual assistance. UNHCR co-financed this action with an additional €1.1 million. Related projects run by UNHCR and the UN Country Team cover a further ten municipalities.

Lastly, under a **Joint Declaration** signed in June 2013, BiH's Ministry for Human Rights and Refugees (MHRR), the entity ministries, the EU Delegation, the UN Resident Coordinator and UNHCR committed to a strategy of support for Annex 7 implementation through a three- to five-year process of social inclusion targeting a range of socially vulnerable groups.

Conclusion

The coming two-and-a-half years to the end of 2017 represent what is possibly the last window of opportunity to get solutions on track and move effectively through the completion phase. The five recurrent problems highlighted earlier continue to put this desired outcome at risk. What is needed now more than ever is:

- strong leadership by the new government
- strengthening of existing national-international partnerships (by a

coordination mechanism and problem-solving body currently in formation⁵)

- joint action plans, balancing quality and speed of implementation, centred on greater assumption of responsibility by local authorities and civil society, and focusing on systematically identifying and addressing the most acute of the remaining needs
- continuity of funding to allow the needs-driven approach to be extended to more municipalities and mainstreamed into programmes for social inclusion and development.

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1. Text online at www.refworld.org/docid/3de497992.html.
2. Source: BiH Ministry of Human Rights and Refugees, 31 December 2013; subsequently adjusted by MHRR to 100,300, confirmation pending.
3. The High Representative for BiH and the Office of the High Representative created in 1995 to oversee the civilian implementation of the Dayton Peace Agreement.
4. The means by which the EU supports reforms in countries wanting to join the EU with financial and technical help. http://ec.europa.eu/enlargement/instruments/overview/index_en.htm
5. By the new Minister for Human Rights and Refugees, Minister Semiha Borovac.