

Annex 7: why are we still discussing it?

María del Pilar Valledor Álvarez

Annex 7 to the Dayton Peace Agreement was designed to address the displacement of 2.2 million people during the Bosnian war of 1992-95. Its job is not yet done.

The clash of separatist and ethnic interests in the Balkans led to a war that began in early 1992 and in which the use of violence against civilians shocked the world. It was during this conflict that the term 'ethnic cleansing' was coined to describe the use of torture, rape, indiscriminate killings, internment in prison camps and the expulsion of thousands of civilians from their homes and towns in order to achieve ethnic 'purity'. It is estimated that 263,000 people died and more than two million people – out of a pre-war population of 4.4 million – were displaced.

Of the displaced, about a million remained in the country and up to 1.2 million fled to other countries. Germany received some 350,000 refugees, Croatia about 300,000 and Austria 80,000, followed by Slovenia with more than 33,000 and Switzerland with almost 27,000. The Netherlands and Denmark took in some 23,000 refugees each, and the United Kingdom and Norway 12,000 and 13,000 respectively. Some 610,000 of the refugees were Bosniaks, 307,000 Bosnian Croats, 253,000 Bosnian Serbs and 23,000 others.

The Dayton Peace Agreement, signed on 21st November 1995, brought the war to an end.

Annex 7 to the Peace Agreement was designed to be key to the future stability of the region as it recognised the right of all displaced people to return to their homes of origin, or to receive compensation for property to which, for whatever reason, they could not return. Furthermore, the parties to the Agreement were required to implement a repatriation plan to be drawn up by the United Nations High Commissioner for Refugees. They had to commit to provide the necessary assistance and take the necessary political, economic and social measures to ensure the voluntary return of refugees and displaced persons. An independent commission, based in

Sarajevo, would be responsible for settling property and compensation claims. But four years of war had left a legacy of distrust that ended the hope that those who had been displaced would easily or readily return to live side by side in peace.

Continuing discrimination and displacement

This climate of mistrust and fear between different ethnic groups continued, and many refused to return home. Of those who did return, many suffered discrimination in trying to access the labour market or other public services such as health or education. The protection of returnees and their homes, especially in the case of minorities, was essential to ensure the initial success of the repatriation, and more active involvement of the multinational peacekeeping force (SFOR) deployed after the war could have been instrumental in increasing the number of returnees at this early stage. To all these difficulties was added the pressure on some European countries to repatriate hundreds of thousands of Bosnian refugees despite the shortage of funds to rebuild damaged homes, build new ones or finance compensation claims.

The limited success of the implementation of Annex 7 has its origin in the Dayton Peace Agreement itself, in the negotiators and signatories who entrusted the security of return of minorities to the same authorities who had ordered their ethnic cleansing during the war. The signing of the Peace Agreement ended the war but after twenty years thousands of people are still displaced and solutions to the legacy of the war are still needed.

María del Pilar Valledor Álvarez
 pvalledora@yahoo.es
 Doctor of Law from the Universidad Rey Juan Carlos.