

Unfinished business: IDPs in Bosnia and Herzegovina

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Fourteen years after the war's end, renewed national and international efforts are needed to complete the work of securing durable solutions for IDPs.

In Bosnia and Herzegovina (BiH), UNHCR broke new ground in the early 1990s by broadening its role with IDPs beyond assistance to also work for their protection. With the signing of the Dayton Peace Agreement (DPA) in December 1995, UNHCR was entrusted with assisting the government to implement the Agreement on Refugees and Displaced Persons (Annex VII of the DPA) which stressed that “early return of refugees and displaced persons is an important objective of the settlement of the conflict.”¹

The highest number of returns occurred in the next two years. Overwhelmingly, these were ‘majority returns’, that is, refugees and IDPs returning to an area where

their ethnic group was in the local majority and occupied key positions of political and civil authority. For the first four years following the war, few ‘minority returns’ took place. From 2000 to 2002, however, the rate of minority returns markedly increased. Key to unblocking the deadlock was vigorous advocacy for the right to return, coupled with concerted international, national and local efforts in four interlocking areas:

- facilitating freedom of movement
- improvements in the security situation
- property restitution
- housing reconstruction.

Official figures record that to date more than a million refugees and IDPs have exercised their right to return, including more than 467,000 minority returnees.

Unfinished business

For significant numbers of officially recorded ‘returnees’, return has in fact been relatively short-lived: many have sold, exchanged or rented their repossessed property and opted to live elsewhere, generally in areas where their ethnic group is in the majority. Persistent obstacles to sustainable return, in particular for minority returnees, include:

- ethnic discrimination
- limited livelihoods opportunities
- war-damaged infrastructure (roads, electricity and water systems)

- legal and administrative barriers to accessing health and social services
- security concerns in certain areas
- impunity for a number of suspected war criminals still at large
- lack of reconciliation between communities.

In addition, there remain today some 117,000 registered IDPs without a clear solution even in sight. Of particular concern, some 7,000 IDPs – most of whom are extremely vulnerable persons including the chronically ill, the physically and mentally impaired, older persons without family support, and highly traumatised individuals – still live in ‘temporary’ collective centres established during or just after the war.² For the vast majority of this group, their vulnerability has only increased after upwards of 17 years of displacement and return has become even more remote a possibility.

And yet, as with implementation of the DPA, national efforts and resources for IDPs have been focused almost entirely on return. Indeed, eligibility for IDP status and the limited benefits it affords, including accommodation in a collective centre, are contingent upon an expressed intent to return. Even then, national assistance for returnees has centred on the reconstruction of their pre-war residences. While shelter is undeniably essential, it provides only a partial solution. In the words of one IDP still living in a collective centre: “I would be glad to have my house reconstructed. But my family cannot eat walls.”

...but not business as usual

The challenge facing the international community in the aftermath of ethnic cleansing has been how to strike the right balance in safeguarding and actively supporting the three durable solutions to which IDPs are entitled: return, local integration or settlement elsewhere. In BiH, strong emphasis on the right to return was instrumental to the large number of returns already achieved. And while advocacy of the right to return remains essential, a more comprehensive protection response is now

critically overdue, with a strategic reorientation in two main directions.

First, support for solutions other than return – i.e. local integration – must be available to IDPs, without penalty such as loss of IDP status or of access to reintegration assistance. What is most urgent is to assist the extremely vulnerable IDPs who require critical support in their place of displacement.

Second, for those IDPs and refugees who have returned, or still hope to do so, much greater effort is required to enable their reintegration, including ensuring access without discrimination to employment opportunities, public services and education, and addressing any security concerns.

An historic opportunity to resolve BiH’s protracted displacement situation emerged recently. In a process launched by the government in late 2007, with UNHCR’s support, the authorities at all levels (national, entity, local) along with IDP associations and the international community came together to map out a revised strategy for implementing the DPA’s Annex VII and thus resolving the remaining displacement in BiH. Working groups analysed current obstacles to solutions and produced recommendations to address the priority issues: shelter (reconstruction of homes, closing of collective centres, and social housing); property repossession; electrification; infrastructure; health; social protection; education; labour and employment; security and de-mining; and compensation.

The revised Strategy that emerged from this process was adopted by the BiH Council of Ministers in February 2009 and by Parliament in May. While the right to return continues to be emphasised, the revised Strategy complemented this with the first national policy commitment to begin to support local integration, with priority given to assisting extremely vulnerable IDPs to access dignified living conditions and social protection assistance. In addition to the revised Strategy, there were other encouraging signs of a shift in national approach; national budgetary allocations to support IDPs increased significantly in 2008

and 2009, amounting to more than in all prior years combined. Moreover, in 2008, for the first time national funds were earmarked not only for housing reconstruction but also for other support (e.g. infrastructure) in areas of return and for pilot projects enabling local integration for extremely vulnerable IDPs.

However, in June 2009, the revised Strategy suffered a serious setback when it failed to clear the third and final hurdle of approval by the House of Peoples. Larger political disputes about the future of the country were at play, leaving the Strategy’s lack of final adoption as collateral damage.

Yet it is difficult to envisage a stable BiH in the absence of resolving displacement and the deeper ethno-political divisions it epitomised and exacerbated. The Office of the High Representative, which oversees implementation of the DPA, has repeatedly emphasised, including to the UN Security Council, the importance for the long-term stability of BiH of resolving IDPs’ protracted plight through the revised Strategy.³ What will come of this recent bold initiative by the government and international community to secure solutions for BiH’s remaining IDPs remains unclear. Hanging in the balance is the precarious plight of BiH’s IDPs and vulnerable returnees.

Staying the course in Bosnia... and beyond

Protection for refugees and IDPs hinges on securing a durable solution. This not only requires sustained attention and commitment by national authorities as well as the international community but also, and especially when situations become protracted, reassessing and adjusting approaches to current realities and changing needs of the displaced. After the war, active advocacy and support of the right to return by UNHCR and the broader international community were critical to enabling over a million refugees and IDPs to exercise this right and make the journey home. Today, fourteen years later, vigorous protection advocacy by UNHCR, combined with direct technical assistance to the government, is no less important to ensure durable solutions for BiH’s remaining IDPs and vulnerable returnees.

This requires overcoming not only political resistance in BiH to solutions other than return but also what are persistent gaps in the international institutional architecture for IDP protection. In particular, protracted displacement situations hardly feature in the cluster system, unless these are ongoing or renewed emergency situations. It must be recognised that there also exist 'legacy IDP operations' which pre-date the cluster system, remain unresolved and warrant international attention.

Yet, UNHCR's own engagement in protracted IDP situations is not necessarily assured, even when UNHCR has specific responsibilities under a peace agreement. By 2007, budget cuts and competing priorities elsewhere in the world hit UNHCR's IDP protection work in BiH particularly hard, compelling the closure of the remaining UNHCR field offices which had played a vital role in protection monitoring for IDPs and in areas of minority return.

This does not mean that in securing durable solutions to displacement UNHCR should – or can – do it alone. Indeed, UNHCR's role in protracted IDP situations can often be more that of a catalyst: advocating, mobilising and supporting the comprehensive national and international responses needed. What it does mean is that UNHCR must stand up for IDPs even when they are not a political priority and stand by them until they can secure a solution. National authorities bear the primary responsibility to establish conditions enabling IDPs to secure durable solutions. UNHCR's sustained advocacy with these authorities, coupled with supporting them with technical assistance for instance in developing comprehensive strategies to resolve displacement, can be instrumental to this end.

Supporting national efforts to resolve protracted displacement nevertheless will require a more comprehensive international effort. In BiH, UNHCR has been working intensively to



UNHCR/IR LeMoyné

IDPs from Srebrenica, August 1995.

raise awareness among international agencies, donors and the diplomatic community that displacement still persists and that finding solutions requires international support.

A strong development component is evidently integral to solutions. This requires an active and early role by UNDP alongside other UN agencies and international partners to each support within their area of competence solutions for the displaced in tandem with efforts to support the economic development of the country as a whole. Truly durable solutions ultimately require efforts beyond displacement-specific strategies. For instance, addressing the needs of extremely vulnerable IDPs requires putting in place national social protection policies, including social housing, psychosocial support and geriatric care. Creating solutions for IDPs therefore also entails finding solutions for other groups of vulnerable persons in the country who have overlapping concerns.

In the longer term UNHCR should be able therefore to pass the IDP protection 'baton' on to other actors. However, the UN Human Rights

office closed its operations in BiH in 2007. Faced with this gap, UNHCR not only stepped up its own IDP protection efforts but also worked to mobilise regional human rights bodies, especially the Organization for Security and Cooperation in Europe (OSCE), which has intensified its field-level protection monitoring on IDP issues and integrated IDP concerns into its broader work with the government on social housing, social protection and non-discriminatory education.

Conclusion

Over the years, tremendous progress has been made towards resolving the mass displacement crisis in BiH; what remains to be done is very much the tail-end of this immense task. A two-pronged approach is needed. First, the right to return must continue to be supported, in particular now through efforts to overcome the remaining obstacles standing in the way of sustainable returns.

Second, those IDPs who cannot or do not wish to return must no longer be literally left behind without the support that they too require. The 117,000 registered IDPs in BiH today represent but 10% of the one million IDPs once uprooted by the conflict; the 7,000 extremely vulnerable persons among them constitute a mere fraction. Though relatively small in number, these latter are the least visible IDPs and those most in need of help to access their right to a solution. Moreover, they are among the people, as the BiH experience underscores, at risk of falling through what remain significant cracks in national as well as international responses to protecting and finding solutions for IDPs.

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1. Article I(1) of Annex VII of the General Framework Agreement for Peace, 14 Dec. 1995.

2. See mini-feature on collective centres, pp62-66.

3. UN Security Council, 19 May 2008, <http://www.un.org/Depts/dhl/resguide/scact2008.htm>