

Return to Prijedor: politics and UNHCR

by Ayaki Ito

As Yugoslavia disintegrated, the town of Prijedor in northwest Bosnia and Herzegovina witnessed one of the worst examples of ethnic cleansing during the 1992-1995 war.

Tens of thousands of Bosniaks (Bosnian Muslims) and Croats in the area were expelled from their homes by Serb military, paramilitary forces, police and, often, neighbours. Some were killed while others were sent to camps in the area, where many were tortured or even killed. The survivors of this pogrom became refugees overseas or IDPs in various parts of the country.

The signing of the Dayton Agreement in December 1995 put an end to the bloody conflict. Annex 7 of the agreement enshrines the right of refugees and IDPs to 'freely return to their homes of origin'.¹ It also clearly stipulates the obligations by the 'Parties' to the agreement, that is, Bosnian Serbs represented by the Federal Republic of Yugoslavia, Bosnian Croats by Croatia and Bosniaks by the Sarajevo government. Article 1 paragraph 2 of the Annex calls for refugees and displaced persons to be 'permitted return in safety, without risk of harassment, intimidation, persecution or discrimination'. Article 1 paragraph 3 requires the Parties to 'take all necessary steps to prevent activities within their territories which could hinder or impede the safe and voluntary return of refugees and displaced persons'.

By signing the Dayton Agreement, the warring factions and their leaders committed themselves to removing obstacles for voluntary, safe and dignified return of those displaced. The international community expected the Dayton Agreement to bring a quick end to the conflict and reversal of ethnic cleansing. Most importantly, refugees and IDPs themselves had a heightened hope to exercise their right to return. Both the displaced people and the international community were too optimistic. Parties to the agreement have blatantly ignored their pledges.

In the spring of 1996 UNHCR began to negotiate with the Serb authorities of Prijedor to allow 50 displaced Bosniaks to visit their homes for the first time since their flight. UNHCR's interlocutor on the Bosniak side was a survivor of an internment camp and a card-carrying member of the Party for Democratic Action (SDA), the Bosniak nationalist party led at the time by Alija Izetbegovic. He stood accused by Serbs of launching attacks against Prijedor's Serb population at the beginning of the war. He enjoyed full political and financial backing from the SDA and was determined that the visit should go ahead.

On the Serb side, UNHCR's main contact was the mayor, a medical doctor by profession and a staunch supporter of Radovan Karadzic's Serb Democratic Party (SDS). Though always cordial, he constantly avoided giving a straight answer to our request. UNHCR staff kept emphasising the principles of freedom of movement and right to return as enshrined in the Dayton Agreement. UNHCR also pressed for sufficient security coverage from the local police. Both the mayor and the chief of police were key members of the 'Crisis Committee' of Prijedor created in 1992 ostensibly to deal with the volatile situation in the municipality at the time of disintegration of the former Yugoslavia. In reality, however, the committee existed to coordinate deportation of non-Serbs from Prijedor.² UNHCR thus found itself negotiating with the very individuals previously in charge of ethnic cleansing to arrange the return of the same people they had expelled four years earlier.

After months of negotiations, the mayor allowed a short visit by 50 Bosniak IDPs to an outlying village in Prijedor. Apart from a group of stone throwing Serbs,

the two-hour visit on a cold December day in 1996 went relatively well, guarded heavily by the NATO-led Implementation Forces (IFOR) and followed by a procession of white vehicles carrying numerous foreign observers. That evening over 90 destroyed Bosniak houses were further dynamited to make them even more uninhabitable. The huge amount of TNT used indicated the level of hatred. Only a scattered collection of bricks remained. Given the organisation required for such systematic destruction, it was inconceivable that the Prijedor authorities had not been involved or known in advance. News of the destruction dashed any glimmer of hope for early return of non-Serb residents during the early days of the post-Dayton period.

Repatriation in politicised settings

The Prijedor experience confirms the global trend in the 1990s. UNHCR is increasingly involved in implementation of repatriation in highly politicised settings where the fundamental causes of displacement remain unaddressed. In post-Dayton Bosnia and Herzegovina, many of the leaders and politicians who fought for ethnic separation during the war are still in power. All parties (Bosniaks, Serbs and Croats) continue to try to maintain their ethnically-based political control over their territories by using their own displaced populations. The displaced people themselves in turn support their own nationalist leaders, fearful of potential dominance by the other ethnic groups and fuelled by propaganda.

In the case of Prijedor, Bosniak IDPs, led by a nationalist politician, pressed ahead with the agenda of return without consideration of the safety of potential returnees. In the early post-Dayton period it was unclear how many Bosniak IDPs had been objectively informed on the implications of visit or return to such a hostile environment. For their part, the Serb leaders, having expelled non-Serbs from their area, had no intention whatsoever of allowing ethnic cleansing to be reversed. Displaced Serbs occupying property belonging to



expelled non-Serb residents were often told that they would be killed by ‘mujahedin’ should they return to the Bosniak-administered area. Similarly, displaced Serbs were frequently intimidated by their own leaders into not pushing to return to their communities, for if they did so it would imperil the nationalists’ goal of maintaining ethnic purity in the Serb-controlled area of the country. In this highly charged political environment, the basic principles of refugee return – voluntariness, safety and dignity – were relegated to a secondary concern at best.

The international community in Bosnia and Herzegovina was not immune to the general trend of politicisation of return. ‘Minority return’ has become a catchphrase for an elusive political goal as major powers have grown frustrated with the slow pace of Dayton implementation. A May 1997 communiqué from the Steering Board of the Peace Implementation Council (a political body overseeing the implementation of the Dayton Agreement) announced that:

“refugees and displaced persons have the right to return to their homes in a peaceful, orderly and phased manner. Unless and until

there is a process under way to enable them to do so, there will be continued instability in Bosnia.”³ These words encapsulate the politicisation of the approach taken towards return of refugees and displaced persons in Bosnia and Herzegovina during the first years of the post-conflict period. One

would logically suppose that stability in the country would entice refugees and IDPs to return. Returning refugees and IDPs to a volatile situation would not create stability. Is this not a complete reversal of the cause and effect relationship?

One of the consequences of the politicisation of minority return is that the success and failure of ‘minority return’ was measured in terms of the number of returnees without clearly defining who the returnee is. Playing a numbers game, the international community asked ‘how many have returned’ rather than ‘how have they returned’ (voluntarily, in safety and in dignity).

A linkage was created between the numbers of minority returns and funds provided to areas where minority returns took place. Levels of reconstruction assistance have been tied to acceptance of ‘minority return’, a formula often described as ‘conditionality’. Based on the belief in ‘conditionality’, prompted by the political exigency to

increase the number of minority returns, UNHCR began its Open City initiatives in 1997. While UNHCR set up an elaborate mechanism to measure

compliance, major donors joined the numbers game and urged UNHCR to increase the number of minority returns. The Open City was a useful fundraising mechanism for UNHCR and brought benefits to financially deprived local authorities. However, while paying lip service to the principle of minority

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return, authorities in many of the recognised Open Cities made only cosmetic changes, did not remove fundamental causes of displacement and did not genuinely invite former residents to return.⁴ The initiative gave us an invaluable lesson: money alone cannot remove fundamental causes of displacement.

UNHCR’s three options

Bosnia and Herzegovina is just one example of numerous repatriation operations where political pressure undermines the principles of voluntariness, safety and dignity. UNHCR also faces similar dilemmas in many other operations, such as the repatriation of Rwandan Hutu refugees from the Democratic Republic of Congo, Afghan refugees from Iran, Burmese Rohingya refugees from Bangladesh and return of ethnic Serbs to Kosovo, to name but a few. How can UNHCR be effective in a highly political environment? How can a non-political organisation be engaged in repatriation operations which require political solutions? How can a non-political organisation remove political causes of displacement in order to ensure voluntary repatriation in safety and dignity? The seeming dilemma between UNHCR’s non-political mandate and the politicised impetus for repatriation constitutes one of the major challenges that UNHCR faces today.

Presented with these realities, UNHCR has three options:

First, UNHCR could yield to externally determined, prevailing political imperatives. This approach would certainly frustrate UNHCR’s efforts to uphold the basic repatriation principles of voluntariness, safety and dignity, where effective intervention is often left to the ingenuity of the field staff. In the end, however, unable to remove fundamental political obstacles, UNHCR often finds itself in an intractably compromised position, running the risk of being seen to condone the violations of principles. Returning refugees and IDPs would suffer while UNHCR staff struggled with their own moral dilemma.

Second, UNHCR could refuse to be engaged when principles are seriously violated. However, what would be the effect of total disengagement on those refugees and IDPs involved? In order for UNHCR to choose to pull out, there has

to a rigorous balancing act between the magnitude of violations of the repatriation principles and UNHCR's ability to remedy the situation. UNHCR aptly expresses its own dilemma in the *State of the World's Refugees*:

'Humanitarian assistance can inadvertently prolong conflict, sustain the perpetrators of human rights violations, and undermine local institutions of self-reliance. And yet the price of suspending assistance to avoid these unintended consequences may be paid in the suffering and death of innocent people. UNHCR is increasingly called upon to make fine judgments about when it is appropriate to continue operating in less than ideal circumstances, and when persevering in the attempt to do so may actually contribute to the suffering of the intended beneficiaries in the long run. These are inherently political decisions.'⁵

A **third** option is for UNHCR to be bolder in recognising the increasingly politicised nature of humanitarian activities and in improving its capacity for political lobbying. UNHCR should be able to engage more actively in galvanising political support for non-political purposes. We can learn lessons from experience in Prijedor in the early post-conflict days. Because of the political pressure to bring about rapid minority returns, UNHCR was driven into the situation of having to negotiate with expellers to bring home the expelled. A logical step would have been to first remove these political figures. Ideally UNHCR should have been able to convince influential governments to take a more proactive role in removing indicted war criminals and war-time leaders from the political scene, thus neutralising their political influence and helping to foster democratically accountable institutions.⁶

This kind of political support from governments is as vital as their financial contribution to UNHCR. In the face of humanitarian crises, governments provide generous contributions to UNHCR and other humanitarian actors with the expectation of a quick end to refugee crises. However, money is only a small

part of the overall solution. Political will is the key to the solution to any humanitarian crisis. UNHCR could better position itself to entice more effective political support from governments to remove fundamental causes of displacement.

UNHCR: catalyst for political action

Consider the following, not uncommon, scenario for humanitarian workers on the ground. You are asked to accelerate the pace of refugee/IDP return because of political imperatives. You are well aware that the reasons behind displacement are still there - including the leaders who participated in expulsion of the population. Since those responsible for expulsion are still in power, you often find yourself negotiating with them in order to make repatriation happen. It is hardly a surprise when you run up against political obstacles. Up against the wall, you have neither a ladder to go over it nor a hammer to chip away at it. You may see returnees violently attacked or incarcerated by a hostile ethnic group while local authorities cheer or turn a blind eye. Despite all that is going on before your eyes, the prevailing political imperatives still tell you to increase the number of returnees.

UNHCR staff face this situation on a daily basis. To translate the principles of voluntariness, safety and dignity into practice, it is necessary to remove the fundamental causes of displacement. These causes are of a political nature. For any repatriation programme to succeed UNHCR has to urge governments not just to provide financial contributions but to mobilise actors. This proposition, that removal of the fundamental causes of displacement must precede rapid repatriation, is strikingly obvious; unfortunately, experience in the past decade suggests sheer lack of common sense. As humanitarian action - ie repatriation - has taken precedence over political action, basic principles have been sidelined.

In the increasingly politicised climate of many repatriation operations, UNHCR can play a catalytic role in galvanising political support for the ultimate non-political goal, safe and dignified voluntary repatriation. UNHCR staff on the ground witness the plight of

individuals and the erosion of principles. Their dilemmas and frustrations should be harnessed to a movement for positive and fundamental change. UNHCR should take a bolder approach by calling on political actors to commit themselves to the removal of political obstacles. UNHCR has been active in mobilising financial human and material resources; it should mobilise the same effort to maximising political resources. Generous financial contribution from governments will not let them off the hook. Money has to be matched by political commitment. Without 'matching political commitment', political obstacles for repatriation will remain.

Bolder lobbying for political action in order to fulfil its humanitarian mandate would not constitute derogation of UNHCR's non-political mandate. UNHCR should not hide within the cocoon of its mandate. The challenge before UNHCR is to creatively re-interpret its non-political mandate in today's rapidly politicising humanitarian milieu.

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The views expressed herein are those of the author and do not necessarily reflect the views of UNHCR or the UN.

- 1 Article 1-1, Annex 7, the Dayton Agreement
- 2 For detailed background of the process of expulsion of non-Serbs and the work of the Crisis Committee in Prijedor, see Human Rights Watch, 'The Unindicted: Reaping the Rewards of "Ethnic Cleansing"', Vol 9, No 1 (D), 1 January 1997. (www.hrw.org/hrw/summaries/s.bosnia971.html)
- 3 Para 45, *Political Declaration from Ministerial Meeting of the Steering Board of the Peace Implementation Council*, 30 May 1997.
- 4 For example, see *The Konjic Conundrum: Why Minorities Have Failed to Return to Model Open City*, International Crisis Group, 19 June 1998, (www.crisisweb.org/projects/balkans/bosnia/reports/A400163_19061998.pdf)
- 5 *The State of the World's Refugees*, Oxford University Press, 2000, p283. (available online at: www.unhcr.ch/sowr2000/toc2.htm)
- 6 Today, Prijedor is considered one of the major 'minority return' areas in Bosnia and Herzegovina if numbers are used as a means of measurement. SFOR's strong stance against suspected war criminals contributed greatly to this gradual opening of the municipality, coupled with major political changes within the leadership of the Serb Entity, Republika Srpska, in 1997. The process has been slow and painful, however. More robust political actions at the onset of the return efforts would have eased the process. In addition, success of 'minority return' should not be measured only in a quantitative sense. The quality of return has to be equally measured with the same rigour. For such an effort, see *Returnee Monitoring Study Monitoring Returnees to the Republika Srpska - Bosnia and Herzegovina*, UNHCR Sarajevo, June 2000. (available online at: www.unhcr.ch/world/euro/seo/protect/retmon0006.pdf)