

The legacy of ethnic cleansing: The international community and the returns process in post-Dayton Bosnia–Herzegovina

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Abstract

This paper examines the international community's post-war effort to promote the return of persons displaced by ethnic cleansing in Bosnia–Herzegovina. The war itself began as an extreme ethnonationalist project, seeking security through territorial separation. This created a massive displacement with more than half the country's population driven from their homes largely as a result of the terrorism of ethnic cleansing. The peace settlement at Dayton guaranteed the right to return for displaced persons but also effectively divided the country into ethnonationalist homelands. Thus, while the initial security dilemma for the international community was to separate the warring factions and keep the peace, they soon faced an added security dilemma created by the displaced exercising their right to return to homes in what had become hostile ethnonationalist territories. Faced with obstructions to returns put in place by local ethnonationalists who continued to run day-to-day government operations in places of return, the implementation of the right to return forced the international community to overcome its apolitical and accommodating stance. Changes in the international governance of Bosnia enabled a series of policies designed to promote returns—recognized as key to reconstruction—that employed localized spatial strategies of intervention in support of returnees. After a decade of displacement, the legacy of ethnic cleansing endures, forming

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limits to returns and persistent insecurity for returning communities, thus permanently altering Bosnia's human geography and political future.

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Introduction

The Bosnian war ended with the Dayton Peace Accords (DPA), signed in December 1995, but the conflict did not. Though sublimated into mostly non-violent confrontation and struggle, the on-going conflict in post-war Bosnia has occasionally erupted into overt violence. One typical example was a confrontation and brief firefight in April 1996 near the historically Bosniak (Muslim) village of Jusići in northeast Bosnia. Located in what the DPA had determined was the territory of the Bosnian Serb entity, *Republika Srpska*, Jusići was one of many Bosniak communities ethnically cleansed by Serb forces in the summer of 1992. With the cessation of open warfare, however, displaced survivors from settlements like Jusići were anxious to return to their homes to rebuild their lives. Jusići was unusual because, though it was on the *Republika Srpska* side of the inter-entity boundary line (IEBL) delimited at Dayton, it was close to the boundary and within the official demilitarized zone dividing Bosnia's entities (Fig. 1). Organized in exile as a displaced community and encouraged by the Bosniak political party, the SDA (*Stranka Demokratske Akcije* or Party of Democratic Action), Jusići's people decided to return to their destroyed and empty houses.²

They were not welcome back. Their attempt to restore the security of home in their lives was the trigger for an exaggerated bout of insecurity among the Bosnian Serbs in the area. Returnees were harassed by local Bosnian Serb 'police' who declared them 'Muslim extremists' who were trying to restart the war. The local Bosnian Serb media portrayed them as 'war criminals' who were 'occupying' part of *Republika Srpska* in an effort to undermine it. Local Bosnian Serb authorities accused the international community of permitting an attack on 'Serb territory' in an effort to 'erode the borders of the Serb Republic.'³

² Jusići's residents were organized as a displaced persons association, which typically comprised the local community governance structure—*mjesne zajednice* (MZ)—in exile. Jusići's village leaders, however, were rounded up and murdered in April 1992 along with neighboring Muslim village leaders. According to the association members we interviewed, the village residents were represented in their meetings by the male head of each household. Decision making, therefore, reflected the patriarchal rural culture in this part of Bosnia, though not all associations or MZs in Bosnia were structured along patriarchal lines.

³ These representations are those of Colonel Dragomir Vasic of the Zvornik public security center (BBC, 1996a, 1996b; Tadic, 1996). It should be noted that Bosnian Serb 'police' were often ex-military fighters in the VRS (*Vojeks Republike Srpske* or Army of the Serb Republic).



Fig. 1. Study site location, Zvornik *opština* in eastern Bosnia–Herzegovina (*Republika Srpska*).⁴

With tensions mounting over spontaneous returns to Jusići and several other villages nearby, the international community faced a crisis emerging out of the very framework and annexes of the Dayton Peace Accords it had worked so hard to forge. Annexes I and II of the DPA established the IEBL, ended the military confrontation in Bosnia and created an international military Implementation Force

⁴ Maps were produced by the authors using data from GISData of Zagreb, Croatia.

(IFOR) to separate the warring armies in Bosnia and keep the peace. But securing a military border amplified the insecurity of the displaced, even though Annex VII of the DPA guaranteed the right of displaced persons to return to their homes. To the American and Russian forces serving in IFOR near Jusići, the simple action of the displaced Bosniak villagers returning home created a security dilemma. A stand off between returnees rebuilding their houses and local Bosnian Serbs developed and grew tense through the summer of 1996 as police threatened to remove the villagers or arrest them for ‘suspected war crimes.’ Police opened fire on returnees on at least one occasion and local thugs harassed them. Responding to mounting pressure from local Bosnian Serb politicians and hysterical media coverage, IFOR troops and local Bosnian Serb police raided the village in October in an ostensible search for weapons, during which the local police raised the flag of *Republika Srpska* (Tadic, 1996). Though some of the villagers were armed, the United Nations High Commissioner for Refugees (UNHCR) verified the returnees as former village residents who had the right to return to their former residences. The firearms were to protect themselves against the local Bosnian Serb police, some of whom had murdered family and neighbors during the ethnic cleansing of the village in 1992.

To resolve the crisis, the international community in early 1997 brokered an agreement with the Serb authorities to permit the return of non-Serbs to their homes on the Serb side of the zone of separation provided they signed declarations to be law-abiding ‘citizens’ of *Republika Srpska*. Though Jusići’s Muslim residents had been part of the local majority in Zvornik *opština* (county) before they were ethnically cleansed in 1992, their return home was conditional on their submission as a minority in the Bosnian Serb homeland legitimated at Dayton. Returning ‘home’ was only possible by acknowledging the political authority of the Serb ethno-nationalist entity, rendering it, for the residents, not quite home anymore. Instead, the villagers of Jusići returned to a space dominated by the IEBL, Serb police, flags and an exclusively Cyrillic ‘Serb’ language.⁵ It had taken more than a year for the international community to establish the rights of returnees in the one area where it had exclusive military control—the zone of separation—even though the right to return was already included in the DPA and applied to all areas in Bosnia.

The story of the displaced residents of Jusići was not an unusual one in post-war Bosnia. More than half of the pre-war population of Bosnia was displaced by ethnic cleansing and warfare. Living much of the last 10 years in uncertain and unsettled circumstances, their condition has been marked by an insecurity of displacement. Severed from their houses and livelihoods, with family and kinship networks disrupted, most of the displaced had their world turned upside down in an instant, the comfort of home replaced by the uncertainty of exile, the discomfort of refugee

⁵ The common language of Croatia, Serbia and Bosnia–Herzegovina was Serbo-Croatian, of which several regional dialects were spoken, none of them exclusively ‘ethnic.’ After the war, nationalists insisted on different languages, each marked by culturally specific words and pronunciations, derived from both historical and wholly artificial usage. The exclusive use of the Cyrillic alphabet by Serb authorities contrasts with the Latin alphabet which had been common throughout Bosnia but is now associated with Croats and Muslims.

centers and the precariousness of temporary housing. This widespread production of insecurity was undertaken in the name of producing ‘national security’ for each of the constituent peoples of Bosnia through their forced separation during the war. In this way, Bosnia’s residents share a situation in common with others across the contemporary world political map. Displacement is a reality for more than 20 million people today, whose lives have been unsettled by conflict.⁶ In many instances, the forced displacement of large population groups is not a byproduct of war but its very object. In this way, Bosnia is one in a long list of destroyed places including Angola, Abkhazia (Georgia), Cyprus, Nagorno-Karabakh, Sri Lanka, and the Darfur region of Sudan. Yet Bosnia is also an exemplar among the conflicts in these places, providing the master metaphor now used to conceptualize and describe the process of their destruction: ethnic cleansing.

Ethnic cleansing is a distinctive politico-geographic problematic that has not received the attention it deserves from Anglo-American political geographers.⁷ Naimark (2001) is one of the few attempts at a systematic study but uses case study narratives with thin generalization. He argues that ethnic cleansing is not equivalent to genocide though both can and are found together. Genocide, in his usage (not that of the Genocide Convention), is an exterminist activity aimed at the destruction of part or the whole of a population whereas ethnic cleansing is “to remove a people and often all traces of them from a concrete territory” (Naimark, 2001: 3). Besides their removal, ethnic cleansing also targets the cultural and material landscape of the victims, what Porteous and Smith (2001) term ‘domicide’ or the destruction of homes, communities, and sites meaningful to the former residents. Studies on the erasure of Palestine by Israel have relevance for underscoring how ethnic cleansing is a politico-geographic problematic involving place and community destruction, the erasure of ‘other’ cultural landscapes, the renaming of locales and the repopulation of the land by a new group (Benvenisti, 2000; Falah, 1996; Slyomovics, 1998). Ethnic cleansing relies on an extremist discourse of political geography, defined by an aspirant power structure, that maps an exclusionary and idealized political identity onto a particular territory. Put into practice, elements of this aspirant power structure use terror and violence to clear all ‘others’ from the territory in order to realize an idealized convergence of identity and space. For its perpetrators, ethnic cleansing is a means to realize a political geography of security through separation and distinct borders.

How the various institutions of the so-called ‘international community’ respond to the challenge of forced displacement has been the subject of considerable debate over the last decade (Crocker, Hampson, & Aall, 2001; Newman & van Selms, 2003; Power, 2002). Part of what is today a larger discussion on ‘global governance’ and so-called ‘nation-building,’ the sporadic and haphazard efforts by coalitions of

⁶ The UNHCR (2001) estimates 21,800,000 persons of concern, comprising both refugees and internally displaced persons who are currently seeking asylum or who are in the process of resettlement or return.

⁷ Herb and Kaplan’s (1999) excellent study of nationalism and identity, for example, contains no chapter on ethnic cleansing. There are no detailed studies of the process in the journals *Political Geography* and *Geopolitics* though some articles touch upon it. Three studies by political geographers are Dahlman (2004), Ó Tuathail (1999), and Wood (2001).

heterogeneous institutions to reconstitute ‘failed states’ and manage ‘war-to-peace transitions,’ can be characterized as repair work on dysfunctional sectors of the world political map. Guiding these efforts are what [Larner and Walters \(2004\)](#) term ‘global governmentality’, the drive to create standards and conventions for managing our increasingly globalized and interconnected political space. In post-war states, global governmentality is characterized by demographic governance and population management, interventions in support of the displaced and their possible return home ([Dahlman & Ó Tuathail, 2005](#); [Hyndman, 2000](#)). This finds expression in the work of the UNHCR, the International Committee of the Red Cross (ICRC), Refugees International, and a broad array of intergovernmental and ‘non-governmental’ ‘humanitarian’ organizations that get the bulk of their funding from large states and international aid agencies. Furthermore, these efforts are contingent on the reconstruction of the built environment and the reconstitution of place; difficult tasks made more so by the conflict that continues after the war.

This paper examines how this global governmentality of demographic governance and ‘place repair’ unfolds in a localized context by investigating how the international community addressed the legacy of ethnic cleansing in Bosnia–Herzegovina after Dayton. Drawing upon interviews with various actors in Bosnian localities, it provides an account of the evolution of the international community’s role in Bosnia, which shifted from pragmatic acceptance of ethnic cleansing during the war to a post-war effort to reverse it through a sponsored returns process. Throughout our account we foreground the struggle between the international community’s effort to promote returns and the ethnonationalist local authorities who opposed the return of those ethnically cleansed from their homes. This struggle for control over the post-war demographic governance highlights the competing political geographies of security in which ethnonationalists used ethnic cleansing as a means of acquiring national security through separation and the international community encouraged returns to promote security for the displaced. As a result, the effort to put Annex VII of the DPA into effect was a long struggle for the international community requiring a series of military, legal, political, institutional and social interventions sufficient to open up ethnonationalist localities to returns. As an expression of global governmentality, the international community’s returns policy in Bosnia has required considerable investment and effective localized capacity building, yet it cannot be said to have undone the legacy of ethnic cleansing in Bosnia.

The Bosnian war as the pursuit of security through separation

The war in Bosnia arose from competing visions of security and the meaning of the state. The first vision was of an internationally recognized state where all people would enjoy security through a legal infrastructure of ethnic protections and minority rights. The second vision was of a partitioned Bosnia within which its constituent peoples would, after a period of re-organization and movement, find their own ‘national security’ as part of a greater Croatia, a greater Serbia and, possibly, a small Islamic Republic around Sarajevo ([Ó Tuathail & Dahlman, 2004a](#)).

The former vision of an integrated Bosnia was reflected in the republic's drive for independence under the leadership of Alija Izetbegović, whose secular Muslim wing of the SDA embraced a multiethnic Bosnian polity within territorial borders that predated those of Yugoslavia (Burg & Shoup, 1999: 68, 71). In seeking a popular referendum on the matter, the Sarajevo leadership followed the instructions of the European Community arbitration commission, which determined that Bosnia had the right to secede but had to ensure the protection of its minorities. Thus, with Yugoslavia in 'dissolution,' the right of Bosnia to seek its independence was contingent on the presence of a recognizable territorial polity but this right did not recursively extend to its constituent peoples, namely Bosnia's Muslims, Serbs and Croats (Kofman, 2001). The latter vision was held by the Bosnian Serb nationalists who pursued a recursive secession which held that if Bosnia were to secede from Yugoslavia (in the process of becoming greater Serbia under Milošević), then the Bosnian Serbs would secede from Bosnia. In practice, however, the Bosnian Serb political party, backed by Serbia, prepared for a war in Bosnia a year before the referendum on independence, seeking to partition the country along the lines of a plan later anointed by the Yugoslavian and Croatian state leaders Milošević and Tudjman (Fig. 2) (Gow, 2003; Mahmutćehajić, 2000).⁸

For the political entrepreneurs who translated feelings of insecurity into ethnonationalist resentment as Yugoslavia disintegrated, a 'natural' condition of security was the 'national security' of a symmetrically converged ethnic nation and territory, a pure ethnic homeland.⁹ Ethnic cleansing, in this mindset, was a security-producing practice, a necessary founding moment of violent action in order to create the conditions under which 'true security' could be permanently established and achieved. Evoking 'national self-determination,' these ethnonationalist 'war-for-security' entrepreneurs declared autonomous Serb regions in parts of Croatia and Bosnia where Serbs constituted a majority. In November 1991, for example, the leader of the SDS (*Srpska Demokratska Stranka* or Serb Democratic Party) Radovan Karadžić (later indicted as a war criminal) declared in a speech to SDS activists and the self-declared leaders of the areas comprising the Bosnian Serb autonomous region:

No matter what kind of Bosnia we will have, in Serb areas, and in Serb villages, not a single Muslim foundation will be built, because we will issue [a]

⁸ The nature of this deal is part of the trail of Milošević at the Hague and subject to dispute. It has long been established that Milošević and Tudjman met in May 1991 and discussed how to carve up Bosnia. Milošević relayed this plan to his JNA commanders and Radovan Karadžić (Clerc, 2003).

⁹ The term 'ethnic' is a crude construct that developed a highly charged and quasi-mythological significance during the war. On the one hand, the cultural differences that were claimed to distinguish the groups largely related to religious identity, which often had a rather nominal and ambivalent quality in socialist Yugoslavia as elsewhere in modern Europe. On the other hand, the claims to 'ethnic' difference were caught up in the intense nationalist politics preceding the break-up of Yugoslavia, and resonated with powerful mytho-historical narratives of belonging (Bieber, 2002). For the purposes of this study, those promoting exclusionary politics on the basis of 'ethnicity' are termed ethnonationalists as this more accurately reflects their projects (Denitch, 1994). For a discussion of how political entrepreneurs mobilize the 'nation' see Breuilly (1996).

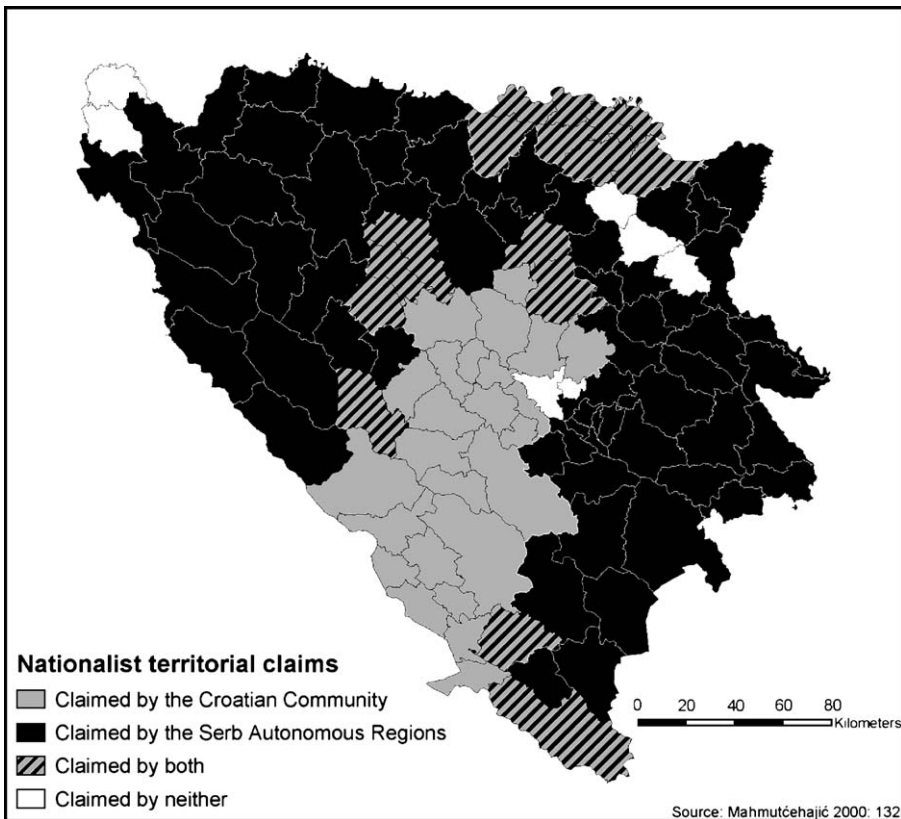


Fig. 2. The Ethnonationalist plan to divide Bosnia.

decree to all Serbs that they must not sell their lands to Muslims (Applause Cheering). [The] first such foundations to be built will be blown up. The world will understand us when we say that we will not let any change of [the] demographic picture either naturally or artificially. No chance for that. Our territories are ours, and we will starve if we have to, but we will remain on our territories. It is not always good to reveal our plans, but it won't hurt if we say that we will not allow this to happen, because we will say openly: You must not sell your lands to Muslims! You must not! Because, we are here leading the life or death struggle, the struggle for living space (Karadžić, 1991 in Ibrahimagić, 2001).

As Bosnia's Bosniak leaders moved towards a referendum on independence, nationalist Croats in southwest Bosnia declared a similar break-away region to the Bosnian Serbs intended for annexation by Croatia. Armed and aided by neighboring states, ethnonationalists launched their war plans to re-arrange Bosnia into territorially discrete and demographically homogenous 'ethnic' spaces that would

provide security through separation.¹⁰ These spaces would overcome the alleged insecurity of a multiethnic Bosnia, where no ethnicity predominated, through the ethnic cleansing of non-Serbs or non-Croats. These new political territories—the *Republika Srpska* (the Bosnian Serb Republic) and *Herzeg-Bosna* (Croat Bosnia)—were envisioned as exclusive and homogenous spaces providing ‘national security’ through border controls, autonomous self-rule, cultural preservation and economic development via integration with the national homeland. The Bosnian Muslims, the largest population in Bosnia, were trapped between these ethnonationalist projects and, together with those Bosnian Serbs and Croats who rejected ethnonationalism, fought to maintain the united independent state the internationally community recognized. Geographically, the Bosnian Muslims were distributed throughout Bosnia and, as also befell some Serbs and Croats where they constituted a minority, were the targets of the war to fundamentally alter Bosnia’s geopolitical landscape through conquest, murder and expulsion.

The ethnonationalist vision of ‘natural security as national security’ contradicted the actually existing fabric of everyday life and ordinary domicile security in a functioning multiethnic Bosnia (Bringa, 1995). The quest for the security of separation fueled the violence of ethnic cleansing and the resultant insecurity of displacement. With its recognition of territorial entities created as a result of ethnic cleansing, the Dayton Peace Accords went some way towards legitimating the ideal of security through separation. While Dayton promised the right to return, it also created a de facto partition of Bosnia dividing what had once been a multiethnic country into ethnonationalist entities that acknowledged and effectively rewarded ethnic cleansing. It was within this context that IFOR operated and faced a dilemma. It could and did separate the armies and supervise an agreed demilitarization of regions and territories. But doing more, like helping the residents of Jusići return home and rebuild their lives, required the political will to implement a peace that would relieve the injustices and insecurities faced by the displaced and dispossessed. It also required institutional capacities that did not exist at the state level. The Bosnian state permitted by the DPA was a ‘thin roof’ on two separate entities, which allowed nationalists in each entity the opportunity to continue the conflict through their entrenched administrative control of the local *opština* that comprise Bosnia’s basic political units.¹¹ The absence of institutions to respond to the insecurities of displacement meant that the international community, if it was to make good on

¹⁰ Campbell (1999) explores the ‘apartheid-like logic’ of Bosnia’s partition through the performative manipulation of identity, territory and politics. In contrast to the exhaustive claims of identity, William Connolly notes the ironic condition of identity defined by its contingency on difference, which points to an ‘abundance of life that exceeds any particular identity’ (Connolly, 1991: 10). It was the very ‘abundance of life’ of a multicultural Bosnia that was attacked in an effort to reduce it to mono-ethnicity.

¹¹ The commonly used term *opština* is typically translated as ‘municipality’ though it refers to an entire township or county unit. This spelling is according to the eastern Serbo-Croat dialect found in predominantly Serb areas of Yugoslavia, and was the spelling commonly used in Bosnia. Another spelling, *općina*, reflects the western dialect of the predominantly Croat areas and is now used in Croatia and Bosnia’s majority Croat counties. Though subtle, these linguistic differences and the alphabet divide reveal a separatism engraved on the very name of local government in Bosnia.

Annex VII, would need to build a positive peace—something more than just ending the war—and confront directly the obstruction by local nationalists, fundamentally challenging the ‘national security’ vision sanctioned by Dayton. This presented the international community with a central security dilemma as it began implementing the Dayton agreement: advancing just and sustainable resolutions to the insecurity of displacement meant risking the peace and confronting the security of separation.

‘Humanitarianism,’ Dayton and negative peace

The war in Bosnia had long created a security dilemma for the international community. From the outset the war in Bosnia projected a horrific and disturbing spectacle of violence to the world. The chaos, anarchy and genocide seemed a rebuke of the promised post-Gulf War ‘new world order’ and instead proof of a ‘new world disorder’ in the wake of the Cold War. International relief and refugee organizations were quickly on the ground responding to the displacement of people and the desperate need for food and basic medical supplies. As the war became front-page news across the world, the major powers were forced to act to address the conflict. In a crucial scripting decision by Britain, France and the United States governments, the conflict was defined as a ‘humanitarian nightmare’ and responsibility defined as taking immediate measures to alleviate this nightmare (Ó Tuathail, 2002). The insecurities created by the war were cast as a problem of human rights by humanitarian relief organizations like the UNCHR, the ICRC and Refugees International (the latter two organizations having high level access in Washington DC). Bosnia as an international security problem was defined in terms of its symptoms—the insecurity of displacement—not its structural causes—the vision of security through separation. The problem was presumed to be a humanitarian one: people were being displaced, people were hungry, without shelter and in need of medical supplies. The presumed solution, therefore, was a short term tactical one: get relief supplies to the displaced, provide shelter for the dispossessed, help those under siege by providing air and land convoys of food and medical aid. Like the agencies that carried out the humanitarian mission, the policy was crafted to be neutral, a deferral of political judgment about the war in favor of the needs of persons affected by the war. It was readily apparent, however, that both the agencies and the policy lacked the capacity to effectively manage the actual dimensions of the humanitarian disaster as the war wore on.

For the combatants in Bosnia, the whole idea of ‘neutral humanitarian intervention’ was absurd as it contradicted the methods of ethnic cleansing and partition in which there was no meaningful distinction between combatant and a would-be humanitarian subject qua civilian. In humanitarian discourse there were no enemies just victims; for Bosnia’s ethnonationalist warlords civilians were the enemy. Humanitarian missions were frequently obstructed by the parties on the ground, who sought to restrict their movement in areas where massive violations would be discovered or on the premise that aid would go to “enemy combatants.” Often, combatants attacked relief convoys, pirating their contents or redirected their

aid to other areas, jeopardizing both the neutrality of their mission and the safety of their staff (Burg & Shoup, 1999: 131, 132; Rieff, 1995; see Mercier, 1995 on the ICRC). In response to the attacks on humanitarian providers, the United Nations Security Council authorized the UN Protection Force (UNPROFOR), already based in Sarajevo during the war in Croatia, to provide convoy support to aid missions.¹² Although the Security Council resolutions were authorized under Chapter VII powers, suggesting robust armed enforcement, the UNPROFOR escorts were limited to peacekeeping rules of self-defense. Though strengthened in numbers and promised safe movement by the *Vojska Republike Srpske*, the Bosnian Serb Army, the missions proved an anemic form of assistance and were continuously stymied by the Serbs' strategic goals. In time, similar operational limitations would befall the safe-havens established by the Security Council in 1993 around cities threatened by the ambitions of the VRS (Sloan, 1998: 19–39).¹³ In the end, these safe-havens were not respected by the VRS, and several fell late in the war resulting in catastrophic civilian loss (Ó Tuathail, 1999).

Why the international diplomatic effort to end the war in Bosnia was largely ineffective during this period is the subject of debate (Halberstam, 2001; Power, 2002; Rieff, 1995). We argue that the failure of the international community in Bosnia was due to the political unwillingness of the leaders of key major powers—Britain, France and the United States, in particular—to move beyond a 'humanitarian' reading of the war. This was, in part, the result of a more basic unwillingness to recognize the war as international aggression, fomented by the Milošević regime in Belgrade and designed to shore-up power and popular legitimacy under conditions where most Communist elites were losing power. By refusing to identify the clear aggressors and to allow the forces representing the clear victims to militarily defend themselves, the international community was de facto allowing ethnic cleansing to triumph. As the reality of this failure set in, however, the killing in Bosnia became a political liability for the United States and its NATO allies, ushering in a second phase of international engagement seeking an endgame to the war. This was achieved in 1995 with the Dayton Peace Accords, signed between Croatia's Tudjman, Serbia's Milošević, and the Bosnian parties to the conflict. But because the international community chose not to choose between the parties, and to bring all of them together—victims and war criminals at the same table—the war to divide Bosnia ended in a negotiated settlement that effectively partitioned Bosnia and left in place many of the ethnonationalist leaders who pursued partition as a means of creating security through separation in three monoethnic spaces (the divide within the Federation was not recognized at Dayton but was real on the ground in Bosnia). Not only had war and ethnic cleansing reordered the human geography of Bosnia but also these gains were effectively given international approval in the map of Bosnia drawn at Dayton, splitting it into two quasi-state entities ruled by the parties that fought the war. The security won by the nationalists

¹² United Nations Security Council Resolutions 761, 770, and 776.

¹³ United Nations Security Council Resolutions 819, 824, and 836.

at Dayton had come at the enormous expense of the country's pre-war population of 4.4 million: an estimated 250,000 people were dead, 1.5 million were refugees, and almost one million persons were internally displaced.¹⁴

In the absence of an effective central Bosnian government, the Dayton agreement legitimated three domains of governance that would determine the character of post-war Bosnia. The first domain was the Bosnian political settlement which encompassed the three nationalist parties in Bosnia, who maintained control over the monoethnic statelets forged through ethnic cleansing. The Bosnian Serb party was given control over one entity, the *Republika Srpska*, which included 49% of the country. The Bosnian Croats and Muslims shared power within a second entity, the Federation of Bosnia–Herzegovina, comprising the other 51% of the country, and which was mostly divided between monoethnic regions of Bosniak and Croat political control. Having chosen their interlocutors from among the nationalists who prosecuted the war, the international community sanctioned the separatist visions of Bosnia with these divisions. Within the entities, the national parties maintained exclusive authority in the counties under their control and thus over the local offices that were charged with cooperating in the implementation effort. In addition, the parties shared power in a very weak central state government, which has remained largely ineffective though its courts have been important sources of necessary reforms. Each of the parties also maintained armies and security forces independent of one another, though subject to a regional arms balancing following the war.

The second domain addressed the cessation of hostilities and was assigned to the NATO-led peacekeeping force or IFOR (later Stabilization Force or SFOR). Though primarily charged with ensuring the separation of the warring parties and conducting weapons inspections, IFOR was also given the authority to support the civilian aspects of the peace, including the support of humanitarian missions and the return of displaced persons. Despite its robust charge, however, the operational mission was constrained by political aversion in member states to soldiers returning in 'body bags' from a region few considered strategic. Military commanders, fearful of 'mission creep' and averse to 'nation-building,' adopted a narrow 'minimalist' conception of their mission and clashed with 'maximalists' who wanted more robust use of force to go after war criminals and advance the agenda of reconstruction and justice (Holbrooke, 1998: 327–339). The 14,000 U.S. peacekeepers deployed in northeast Bosnia, where some of the earliest and heaviest ethnic cleansing occurred, were initially led by U.S. Major General William Nash who took a largely 'neutral' approach and expressed pessimism about the possibility of advancing a more positive peace: 'There are no good guys here... We have to ask ourselves, are we looking for justice or are we looking for peace? I think justice would merely delay the future' (Cohen, 1998: 485–486). Returns, according to Nash, would not be possible

¹⁴ Bosnians seeking asylum in many European countries during the war were often granted 'humanitarian status,' a temporary status providing exile until conditions permitted their return. While some obtained permanent refugee status in keeping with the 1951 Refugee Convention, many others, especially in Germany, were forcibly returned to Bosnia in 1996 despite the unstable political condition and the shortage of basic requirements in Bosnia at the time (Black, 2002).

without international police in every village: ‘In their absence, who is going to sprinkle the love-thy-neighbor dust?’ (Cohen, 1998: 485). IFOR stuck to its core mission of ensuring the pacification of the armies, supervising their return to barracks and counting their weapons. They provided no support for returnees, like those in Jusići or the international agencies charged with helping them. The mission began, therefore, as a further accommodation of ‘security through separation.’ In fact, some Bosnian Serb leaders expressed pleasure at the arrival of peacekeepers who they believed helped legitimate and maintain their new apartheid geography of Bosnia (Allin, 2002: 40).

A third domain created by Dayton provided for the civilian implementation of the peace agreement, and included elections, refugee returns and property claims, the protection of cultural objects and international police observers, each of which was assigned to different multilateral organizations including the Organization for Security and Cooperation in Europe, UNHCR, the United Nations Mission in Bosnia and several commissions made up of Bosnian and international representatives. Coordinating the work of these agencies and the ultimate civilian authority in Bosnia, the DPA created the Office of the High Representative (OHR), a position held by a series of European diplomats and statesmen since 1995. At its inception, however, the OHR was severely under-resourced, with little ability to control the multitude of international agencies and commissions implementing the various aspects of the DPA (Bildt, 1999). This was by design, as the major governments in the international community behind the DPA, especially those sending peacekeepers, were uneasy about ceding too much control to a political officer with potentially wide-ranging powers.

While the Dayton Peace Accords heralded a ‘post-war’ period for Bosnia, the implementation of Dayton would prove to be the pursuit of war by other means. This was not an end to the conflict but merely a significant point on the continuum between political violence and just peace (Cockburn & Zarkov, 2002). Despite the potential for an ambitious international intervention in Bosnia, the international community’s decision to not confront ‘security through separation’ during the war carried over into its plans for implementing the peace accords. The accommodation of ethnonationalists at Dayton, the de facto endorsement of their apartheid map, and tentativeness towards the question of war criminals left the core clash of (in)securities unresolved: would the ‘insecurity of displacement’ be addressed and the apartheid dream of ‘security through separation’ confronted as a consequence?

Dayton’s implementation and capacity challenges, 1996–1997

Because of the tensions on the ground in the spring of 1996, the return of former residents to places like Jusići caught many in the international community by surprise. By their own account, the villagers preferred to take the risk of returning home rather than remaining in Tuzla’s collection centers and sports halls, where they found shelter during the war. The decision to return was taken by the village community association, with the urging and material support of political

personalities in Tuzla who were keen to exercise the right to return contained in Annex VII. Crossing the inter-entity boundary line via back roads was, in the eyes of Bosnian Serb police, an invasion across an international border into what Dayton had declared was the Serb Republic.¹⁵ The group of village males that returned found the homes they fled in 1992 destroyed, looted, and desolate. Taking temporary shelter in the least destroyed homes, they prepared for the return of other villagers. They were soon attacked and beaten by local police and several of the reoccupied houses were blown up. These events forced IFOR to get involved and begin patrols in the remote mountain villages. So-called ‘spontaneous returns’ like those to Jusići and the nearby village of Dugi Dio were not uncommon in other parts of Bosnia. Despite the potential risks to the returnees, they bore witness to not only the power of home but also to the dire straits of many displaced persons. In addition, spontaneous returns created a crisis for the international community, which was not prepared to protect the returnees for fear that ‘taking sides,’ that is, forcing the local nationalists to cede exclusive control over their territory, would lead to renewed fighting with IFOR in the middle.

The international community’s uncertainty over how to deal with returns stemmed from a contradiction in the DPA between the partition of Bosnia into de facto monoethnic spaces and the peace plan’s guarantee that the displaced could return to their pre-war homes. The right to return is provided by Annex VII of the Dayton peace plan, which states ‘All refugees and displaced persons have the right freely to return to their homes of origin [and] to have returned to them property of which they were deprived’ (GFAP, 1995). The exercise of this right is given considerable support through the protection required of the parties to the DPA. While modern international law provides the right of return to one’s country of origin, Annex VII is rather unique in granting the more specific right to return to one’s area of origin or pre-war home (Stavropoulou, 1998). The drafting of these provisions was largely informed by the UNHCR, reflecting the agency’s operational philosophy of voluntary and dignified returns as the preferable solution to displacement. As a result, the Annex does not compel return but rather also provides for the alternative right of the displaced to remain in situ or to return to another destination within Bosnia. UNHCR High Commissioner Sadako Ogata commented after Dayton that “whereas ethnic depopulation was an objective of some parties during the war, ethnic repopulation should not become an objective during peace” (Ogata, 1995). So while it was appropriate that the displaced should not be forced to return, the need to promote returns still required a direct confrontation of the elements that kept would-be returnees away. This was especially

¹⁵ During Dayton there was considerable discussion over the nomenclature of the Bosnian Serb entity. Proclaimed as *Republika Srpska* at the outset of the war, it took on the trappings of a sovereign state, with its own flag, president, assembly and the title ‘Republic.’ The Bosniak negotiators, for whom *Republika Srpska* ‘was like a Nazi name,’ sought to have ‘Republic’ eliminated but, in a concession to the Bosnian Serbs, the term was retained. This continuity between the war-time entity and the post-war entity allowed Bosnian Serb ethnonationalists to cling to the idea that their entity was really a sovereign state. See Holbrooke (1998: 130, 131).

true for those persons, like the villagers from Jusići and Dugi Dio, who would be returning to an area now controlled by an ethnic group other than their own. Though they might have formed a local majority or plurality before the war—as was the case in the Zvornik *opština* where Muslims comprised 59% and Serbs 38% of the 1991 population—the international community conceded to the vision of ethnonationalists and termed such persons ‘minority returns.’ Nevertheless Bosnia saw large returns as refugees granted temporary asylum in Europe and elsewhere were forced to return to Bosnia as peace took hold (Black, 2002). While returning to Bosnia, many could not return to their homes and ended up contributing to the problem of illegal occupancy. With the exception of spontaneous returns like those to Jusići and Dugi Dio, the first years after Dayton yielded little success in promoting ‘minority returns’ as the international community failed to provide the security necessary to combat violence directed at returnees and to the legal mechanisms that would allow them to reclaim possession of their pre-war residences.

The security gap

While the NATO-led IFOR achieved rapid success in separating the military elements, their commanders were unwilling to involve themselves in civil affairs, including the protection of returnees. This was a direct consequence of their refusal to ‘get involved,’ refusing to support the civilian implementation of the DPA, and leaving the task to local police.¹⁶ The local police, however, included war veterans, some of whom had participated in war crimes and considered it their duty to secure their Dayton sanctioned homeland by harassing returnees. Though the DPA created the International Police Task Force (IPTF) to monitor and train the local police, they lacked arrest powers and were unable to combat the mob violence that often appeared during minority returns. What appeared to be spontaneous demonstrations and riots by local residents challenging the return of the displaced were typically mobs organized by ethnonationalist parties, secret police, and influential mafia figures in the locality. Violence that fell below the conventional military force threshold addressed by IFOR yet was beyond the powers of the IPTF constituted what NATO commanders described as a ‘security gap.’

The dimensions of the security gap were not acknowledged as a major problem until March 1996 during the botched transition of authority in the Serb-held suburbs of Sarajevo. While IFOR troops passively watched, Bosnian Serb gangs torched the apartments and buildings being evaluated by Serbs in Grbavica and Ilidza, some voluntarily but others only after coercion and intimidation. The result was a fiasco that starkly foregrounded the ‘security gap’ and exposed the minimalist mandate interpretation prevalent in IFOR headquarters (Cousens & Cater, 2001: 62–64). “IFOR is not a police force and will not undertake police duties” stated an IFOR

¹⁶ At Dayton, American and European negotiators spent hours fighting over how to implement the peace plan. According to Carl Bildt, ‘for the U.S., it was a military operation with some form of civilian annexe, while the Europeans tended to see it the other way round, with the political issues and perspectives in the center, and the military measures supportive within this framework’ (Bildt, 1999: 131).

spokesperson during the crisis (Holbrooke, 1998: 337). Bitter criticism of the passivity of IFOR in the face of such thuggish behaviour pushed NATO troops to begin a more active engagement in aspects of implementing the civilian peace (Lambert, 2002: 462). Yet, the security gap remained across most of Bosnia. When U.S. General Wesley Clark took command of NATO in 1997, he set about dismantling the Ministerial Special Police still tied to Serb nationalist parties and checking the political handlers organizing the mob violence (Clark, 2001: 79). By this time, the peacekeeping mission had been extended as the Stabilization Force (SFOR), and began to focus on the security of returnees, arresting suspected war criminals, and ending propagandistic television broadcasts, among other tasks.

Residential property issues

The provision in Annex VII that the displaced had the right to return to their pre-war homes and recover real property was unique. Its assignment to the UNHCR portfolio was an expansion of that organization's usual protection duties. The desire of more than one million internally displaced persons and regional refugees to return was uncertain, as was the capacity for the UNHCR and assisting NGOs to provide protection and reconstruction assistance. Moreover, the widespread and intense destruction of residences that was part of the ethnic cleansing campaigns, especially in rural areas, also meant that returns were simply not realistic until homes could be rebuilt. In addition, many of the more than 800,000 internally displaced persons were occupying residences belonging to other displaced or missing persons, creating a knock-on displacement problem. Many of the areas where squatting was common had been ethnically cleansed and the local war-time councils had sanctioned the reassignment of what was euphemistically described as 'abandoned property' to co-ethnic persons displaced from other areas. In attempting to normalize property ownership in keeping with Annex VII, the OHR had first to reverse entity or local-level laws, create new laws establishing real property claims procedures, and implement a state-wide process to collect, adjudicate and award claims on the basis of pre-war ownership and occupancy.

This effort was hampered by both the enormity of the outstanding claims and the condition of land and occupancy records. Established in early 1996 under Annex VII powers, the Commission for Real Property Claims involved hundreds of international and local legal and technical professionals who created a computerized database of cadastral and occupancy records. The CRPC began issuing decisions in late 1997 and, after having its mandate extended, finally ended its work in 2003 (Garlick, 2000). The repossession of real property, however, has been fraught with often intense local obstruction. Once the CRPC has issued a decision, the claimant must register the claim with the local *opština* authorities who are charged with its enforcement. Claims filed by minority returnees, however, often go without enforcement as local police are reluctant to evict co-ethnic squatters. Although Dayton does not provide displaced persons the right to illegal occupation, Annex VII offers a 'choice of destination,' including the right to stay put, which has become

a key rationalization encouraging obstructionism by the local authorities. Compounding this is the desire of the local politicians to maintain their constituencies' majority ratio in the face of minority returns.

Besides the security gap and the backlog of property claims, the insecurity of displacement was exacerbated by other conditions limiting the opportunities for returnees. In the first year after Dayton, mobility was constrained by the continued presence of armed forces, roadblocks, and unmarked landmines. The UNHCR organized bus routes across the IEHL on sight-seeing visits for would-be returnees, though these efforts were secondary to dealing with the influx of repatriated Bosnians whose temporary asylum in Germany and several other countries was terminated in 1996 (Black, 2002). In many ethnically cleansed areas, the local authorities included persons suspected of war crimes and hard line ethnonationalist politicians with connections to criminal activities. Some were involved in real estate construction, and controlled the allocation of apartments as patronage systems. Returning home to the place of one's displacement meant confronting a landscape of fear and trauma, and not uncommonly a situation where one's oppressors remained in power. Despite the charge to IFOR to arrest indicted war criminals, NATO's desire to 'stay neutral' meant that it would not search for them, nor would it at first arrest wanted persons who passed through its checkpoints (Williams & Scharf, 2002). Finally, uncertainty over the tenacity of the peace accord, the quality of life in the return area, and the possibility of aid or employment in situ meant many of the displaced remained in their temporary or illegal accommodations. In the first years after the war, at least, the insecurities of return outweighed the insecurities of displacement for many. Better to be dislocated and miserable amongst one's own group than an exposed target in one's original home.

Creating capacity and strategies of return, 1997–2000

Despite the challenges facing Annex VII implementation immediately following the war, various sponsors pursued programs of reconstruction and returns in a few key locations. One such project in Brčko, a strategic *opština* connecting eastern and western parts of the Republika Srpska, involved the multi-million dollar reconstruction of a small Croat village to which residents never returned.¹⁷ The failure of this and other programs was the result of uncoordinated freelancing by agencies in the international community, eager to produce results in the absence of any strategic vision. In turn, this led the international community to begin coordinating programs systematically addressing the insecurities of displacement. In 1997, the UNHCR initiated a program of Open Cities for return, whose governing bodies would promote the protections and assurances for minority returnees required by Dayton.

¹⁷ Bosnian Croats, especially those displaced to Croatia, were extended Croatian citizenship and pensions during the war. Given the material and social securities of resettlement in Croatia, many have been reluctant to return to Bosnia.

Like most of the implementation process, this program used the conditionality of reconstruction assistance in seeking cooperation from local authorities. The limited success of the program in stimulating meaningful returns and the conflicting interests of major donor were compounded by the problem of knock-on displacement in urban areas, which created grid-lock for potential returnees (Cousens & Cater, 2001: 77–78). Even cooperative cities would have a hard time dealing with squatters who would not or could not return to insecure areas or demolished rural villages. The obstructionist practices of local authorities were also to blame for slow implementation of property reposessions and returns. During the period, returns became highly politicized as the local authorities recognized the growing pressures to resolve the insecurity of displacement. For their parts, the Bosnian Croat and Bosnian Serb political parties sought to intimidate and obstruct minority returns to areas under their control. Both parties sought to maintain ethnic majorities and their ‘democratic’ base of support in the face of elections promoted by the international community which permitted displaced persons the choice of voting in their former place of residence thereby potentially threatening local monoethnic voting blocks (Malik, 2000). Both the SDA and the SDP (Social Democratic Party, a nominally multiethnic party with a strong base of support in Tuzla), promoted the returns of Bosniaks into Croat and Serb controlled areas. This represented their desire to reestablish a multiethnic Bosnia where Bosniaks could break the hold of the Croat and Serb nationalists, as well as to relieve the pressure created by the enormous number of displaced Bosniaks living in many cities (Ito, 2001).

Faced with the on-going security problems, administrative challenges, and politicization of the returns process, the OHR and its associated agencies began to build Annex VII implementation capacity and devise strategies to promote returns. First, the international authority for implementing Dayton, the Peace Implementation Council, granted the OHR additional powers in 1997 that permitted the High Representative to impose laws, allowing him to harmonize legal protections between the entities in keeping with the peace plan. The OHR was also given the power to remove obstructionist officials who were not fulfilling the requirements of the DPA, especially protecting returnees and enforcing evictions. After using this power in a number of cases, local governmental officials saw that it was in their interest to at least appear to be non-obstructionist on the issue of returns. The second High Representative, Carlos Westendorp, imposed a series of uniform national laws concerning a common currency, a national flag and automobile license plates. These policies facilitated not only economic recovery but also greater integration. The uniform national license plate was particularly significant in promoting inter-entity mobility as it enabled vehicles to travel without ethnoterritorial identification or markers. Prior to this, all vehicles were required to have ethnic and territorial identification, making them easy targets for harassment and vandalism when moving ‘out of place’ across the inter-entity boundary line (Cresswell, 1996).

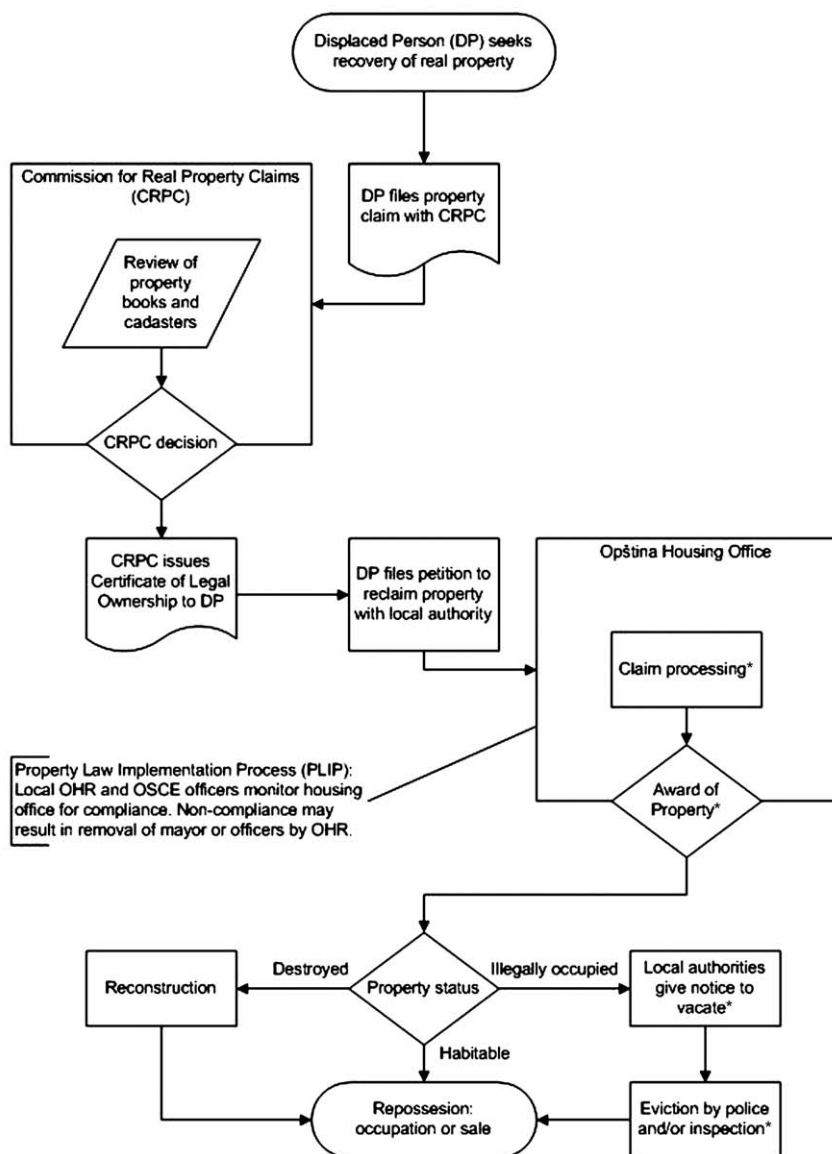
Second, the creation of a uniform and statewide Property Law Implementation Process (PLIP) in 1999 superseded all local, entity and war-time laws on property and housing. A media campaign in 1999 and 2000 organized around the slogan, *Dosta je* (‘that’s enough’), made it clear that illegal occupation of property had to

end and that all those displaced had the right to recover their pre-war property and housing. A clear system of procedures was developed. As noted, claimants first had to establish title through the CRPC, and, with this in hand, travel to their home *opština* and register their claim for recovery of property—handed by an entity level Ministry of Housing (OMI) in *Republika Srpska* with offices in all RS *opština*—and then wait for this recovery claim to be implemented through the eviction of illegal occupants (Fig. 3). The OHR tasked its local offices with the collection of PLIP statistics on a monthly basis from local housing offices which was then rendered as a percentage score (resolved claims out of all claims filed). This enabled the international community and also the entities themselves to see which *opština* were cooperating with the returns process and which *opština* were laggards. PLIP statistics provided the OHR with an accountability mechanism to identify local ‘capacity problems’ (not enough clerks or computers to deal with the claims), ‘uncooperative’ local authorities, and, if need be, to recommend the removal of obstructionist officers. It strengthened the hand of the OHR field officers in negotiating with the local authorities on general returns issues.

Finally, between 1997 and 1999 the international community formed Reconstruction and Return Task Forces (RRTF) throughout Bosnia with manageable, multi-*opština* areas of responsibility. Each task force comprised the local officers from the OHR and other implementing organizations in support of the area UNHCR staff—the agency given responsibility for Annex VII. Through regular meetings, local RRTFs identified obstructions to returns, new returnee movements and coordinated protection and support for minority returns in that area. These meetings were also attended by representatives from SFOR and the IPTF who participated in securing areas for return visits and village reoccupations. Combined with the new OHR powers, the normalization of property laws, and the continuing policy of aid conditionality, the RRTFs were able to organize and promote returns in ways that were not possible in the two years after Dayton. The RRTFs developed locally specific spatial strategies for returns that opened up potential return areas incrementally from the least contested to the most contested spaces (Table 1). This strategy begins with support for spontaneous or ‘break-through’ returns to isolated, marginal or uncontested areas previously closed to returns, as in the case with the villagers from Jusići. When possible, break-through returns are preceded by ‘local diplomacy’ between the OHR officers and local authorities to ensure their compliance in keeping with Dayton. Within a short period of time, the break-through returns to rural areas often reduce local political tension by demonstrating to both local authorities and illegal occupants that returns and evictions are inevitable. Attitudes towards occupied houses and urban apartments also begin to change, especially after the *Dosta je* media campaigns: properties that local authorities once considered ‘owned by right of occupation’ were now grudgingly acknowledged as ‘illegally occupied properties.’

Once an area was opened by break-through returns, the RRTF tended to promote larger number of returns to other areas within the same locality, mostly to uncontested space in rural areas but sometimes next to established ‘majority’ settlements. These returnees were provided with IPTF and SFOR security patrols,

Property Repossession Process



* Processes marked by widespread obstruction by local authorities against minority returns.

Fig. 3. Bosnia's post-war real property reclamation process.

Table 1
Spatial organization of RRTF minority return strategy (1999–present).

Return space	Typical sites	Risk of violence	International community actions
Break-through returns	Depopulated rural areas, zone of separation	Mod to high	UNHCR, organized site visits; OHR, local diplomacy and political pressure; NGOs, major reconstruction and infrastructure; SFOR/IPTF and local police, security. (These returns are often self-organized by displaced persons)
Uncontested-space returns	Destroyed rural villages	Low to mod	See Table 2
Contested-space returns	Illegally occupied urban apartments and villages	High	OHR, political pressure to promote PLIP and enforcement; IPTF and local police, security

material assistance for house reconstruction and infrastructure projects to provide remote villages with passable roads, water, and electricity. UNHCR and other implementing agencies like USAID and Mercy Corps conceptualized ‘uncontested space returns’ as involving a series of discrete steps beginning with demining, followed by secure and organized site visits, home cleaning and finally overnighting in the first habitable community space (usually a school or part of a stable house). Once continuous habitation was established, the aid agencies could be reasonably sure that returnees were going to stay, triggering the provision of building materials to the home sites. Because of the expense of labor costs, home reconstruction was almost exclusively by returnees, often with the assistance of family or neighbors. Different international agencies played important support roles as the process of uncontested-space returns and reconstruction unfolded (Table 2). The reconstruction of destroyed villages and population returns to uncontested areas also meant a loosening of the housing grid-lock and knock-on displacement in urban areas, making possible further returns.

Returns to contested areas, typically urban areas requiring evictions, were inevitably highly-visible and involved direct confrontation with the local ethnic majorities created by the war. Contested-space returns were the last space to be promoted in an area and required a high degree of coordination between SFOR, IPTF and local police as well as considerable local diplomacy, although reconstruction assistance was minimal as many urban areas were reconstructed after an initial bout of fighting unless in frontline regions (the case with Zvornik; by contrast, in the north Bosnian predominantly Croat-Serb town of Derventa, control of the town changed twice and nearly all residences were destroyed as a result). Securing title and ownership over apartments in urban areas is often a marathon exercise for potential returnees, involving long journeys from their place of displacement to the offices of the Housing Ministry in the local *opština* where they used to reside. Here they negotiate long lines, surly officials, sloppy paperwork and a universe of micro-level humiliation and contempt. Even after obtaining title to their apartment they

Table 2

Phases of return, domains of responsibility and obstructionism for uncontested-space returns.

Phase	International community support (RRTF)				Local (opština) authorities	
	UNHCR	Security	OHR/OSCE	NGOs	Official duties	Obstructionism
Site assessment and group visits	Organize secure visits, provide buses for returnees	Mine clearing, security detail	RRTF preparation, local diplomacy	n/a	Local greeting. Local police protection	Organized stoning of buses; roadblocks and demonstrations. Legal slowdown, lack of police protection
House cleaning and overnighting	Prepare basic shelter, supplies for overnighting	SFOR present, IPTF monitors	RRTF monitoring	n/a	Registering returnees as opština 'citizens', local police patrols	Organized home destruction, overt violence, harassment, and intimidation. Refusal of residency permits
Reconstruction	Coordinate aid partnerships	Visible and regular SFOR patrols, IPTF monitors	Assist aid providers, monitor human rights violations, voting rights	Material aid provision, social-case assistance	Provide infrastructure and material aid (usually minimal or non-existent)	Organized home destruction, overt violence, harassment, and intimidation. Difficulty obtaining municipal services
Sustainable return	Monitor employment, health care, education, community services, religious site rebuilding	Regular patrols and follow-up on reported security incidents	Work to highlight key issues for returnees at national level. Pressure municipality to follow-up on promises. Monitor human rights	Promote economic viability, civil society	Provide teachers; access to health care, pensions. Right to vote. Permits for religious site reconstruction	Open discrimination in public services. Continued intimidation and violence. Legal and tax harassment. Confined access to public utilities.

require the good will of the local police to evict the current illegal occupant(s) of the residence. In some instances evictees strips the apartment bare of its infrastructure: toilets, copper pipes, windows, even floorboards.

The dynamics of the returns process was generally boosted by a certain degree of accommodationism in *Republika Srpska* politics and geopolitical changes following the 1999 Kosovo war. The tenure of RS President Milorad Dodik (1998–2001) and the weakening and subsequent fall of Milošević in Serbia altered the poisonous political environment in many parts of Bosnia, and contributed to a greater openness to the possibility of returns in parts of *Republika Srpska*. All together, these changes helped to more than double the number of minority returns between 1999 and 2001 (Fig. 4).¹⁸ Yet, to date, only a few formerly Serb majority *opštini* in the Federation, from which Serbs fled in 1995, have seen the demographic legacy of ethnic cleansing altered by the returns process.

The ‘returns process’ does not end with the reconstruction of housing and the physical return of the displaced to their previous residence. The final phase of returns focuses on the sustainability, both in the momentum of new returns as well as the ability for returnees to pursue livelihoods and build communities in conditions of geographic or social marginalization. Despite the relative success in promoting returns after 2000, the present situation in Bosnia bears witness to the limits of returns (Ó Tuathail & Dahlman, 2004b). Some of those included in the return statistics obtain their property and then promptly sell it to former neighbors or to the displaced living there. Obstructionism and intimidation remain problems in several areas, especially in parts of Serb dominated eastern Republika Srpska and the Croat stronghold of western Herzegovina. In many parts of Bosnia, local schooling has become dominated by nationalist curricula, including religious education reflecting the locally dominant ethnic group.¹⁹ Health services are likewise not trusted by many returnees who fear that doctors from another group may refuse service or endanger their health. Although many of these fears appear to be overfed anxieties, exacerbated by ethnonationalist rhetoric, urban areas remain important sites of livelihood security and culturally sensitive services. Economically viable minority returns are highly problematic in a country whose legacy of recent violence and sudden exposure to world markets increases both the likelihood of job discrimination in production centers and significantly depresses prices for agricultural produce. The uneven distribution of economic activities is reflected in Bosnia’s poverty rates, which indicate that 43% of Serb and 40% of Muslim households have incomes below \$150 per month, while the rate among Croats is less than 10%.²⁰ Measurements of household revenue, including informal economic activities, indicate a poverty rate in

¹⁸ All return statistics are taken from UNHCR reports available at <http://www.unhcr.ba>.

¹⁹ The year 2003 was marked by movement toward a secular and harmonized primary and secondary school curriculum, though implementation remains uneven.

²⁰ The UNDP established the poverty rate at 300KM (convertible marks), or roughly \$150, per month. Poverty rates among Croats are largely explained by their reluctance to return from Croatia, which has extended considerable social assistance, as well as citizenship and voting rights in Croatian elections, to Bosnian Croats (UNDP, 2002).

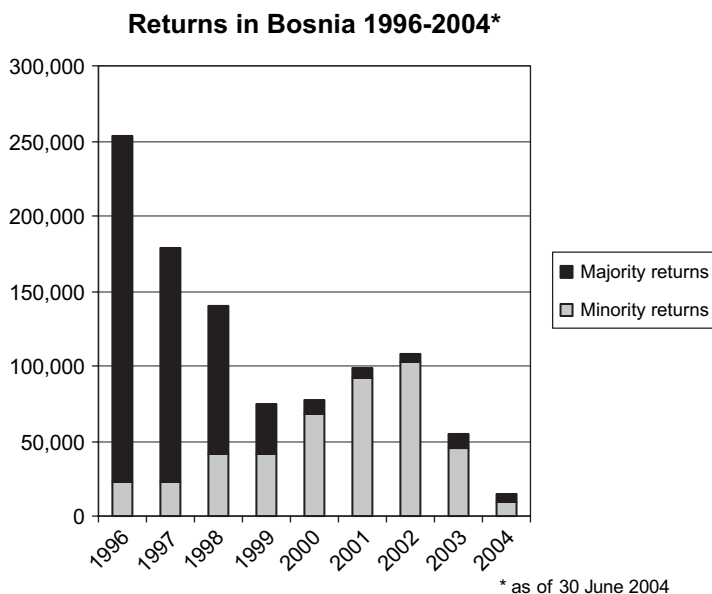


Fig. 4. Total (majority and minority) returns in Bosnia, January 1996–30 June 2004 (source: UNHCR).²¹

the *Republika Srpska* that is more than four times higher than in the Federation, 43% and 9%. Furthermore, 43% of rural households in Bosnia fall beneath the poverty line (UNDP, 2002: 18–20). These factors negatively affect the return of the displaced to those areas of Bosnia suffering from extreme poverty, which include some of the most heavily ethnically cleansed areas of the country.

Finally, it is an illusion to believe that addressing the insecurity of displacement has ameliorated ‘security through separation’ sentiment. The ethnic tensions manipulated and exacerbated by the ethnonationalists who prosecuted the war in Bosnia have not fully abated and are worse in some respects than before the war. In a 1990 survey conducted before the break-up of Yugoslavia and the outbreak of war only about 5% of both Bosnian Muslims and Serbs and almost 15% of Bosnian Croats agreed strongly with the principle that ‘each nation should have its own state’ (Vratusa-Zunic, 1997). According to surveys conducted since the war, about 42% of Bosnian Croats are most interested in gaining their own entity within Bosnia while 65% of Bosnian Serbs declare that their most important interest is independence for *Republika Srpska* or its annexation by Serbia. For their part, about one-third of Bosniaks wish to return to pre-war Bosnia and another 52% support a Bosnia in which its peoples are equal citizens (UNDP, 2002: 46).

²¹ These statistics do not distinguish between Bosniak returns to their pre-war residences in *Republika Srpska* and Bosnian Serb returns to Sarajevo and other places of pre-war residence in the Federation entity. With the exception of Sarajevo and Drvar, the latter numbers are not yet significant.

Conclusion: the (in)security of return

In July 2002 members of the Bosnian Federation Commission for Missing Persons began excavating the largest mass grave in Bosnia ever discovered, just outside the town of Zvornik a few kilometers from the village of Jusići. Over the following three months, excavators uncovered and removed the remains of 629 people—including 11 children—from the *Crni Vrh* site. The victims were local Muslims, bound and then murdered in the frenzy of ethnic cleansing that convulsed the region between April and June 1992. The previous summer forensic scientists had unearthed a mass grave with hundreds of body parts next to the village of Kamenica near Zvornik. Prior to that other mass graves had been uncovered, some later identified by personal effects as missing community leaders from Zvornik's Muslim villages, seized and subsequently murdered in April 1992. The multiple mass graves unearthed around Zvornik are a stark reminder of the brutal way in which the demographic character of that *opština* was altered in the bloody pursuit of security through expulsion and separation. Three and a half years of bloody warfare across a mountainous and heavily mined frontline between ethnically cleansed Zvornik and besieged Tuzla saw the eventual drawing of an inter-ethnic boundary line between the two regions.

Today Muslims are once again living in the Zvornik *opština*, mostly in all Muslim villages in the mountains surrounding the town and close to the IEBL. Some Muslims have even returned to the town of Zvornik itself, reclaiming property and reconstructing their old apartments. But what was once a Muslim majority town is no longer recognizable or familiar to returning Muslims. All of the town's mosques were blown up in 1992. An apartment building was constructed on the ruins of one. A brand new apartment complex has been constructed right next to the bare strip of land where the oldest and most central mosque once stood. The owner of the apartment complex is a founding member of the Serb Democratic Party. He served as chief of police for the few crucial months in 1992 during which Arkan's Tigers and other Serb militias swept into the town, terrorizing, murdering, imprisoning and expelling the town's Muslim population. The town council is still dominated by Serb ethnonationalists though it now has some Muslim representation due to the votes of displaced residents still living in Tuzla and other parts of Bosnia, and to a lesser extent due to the votes of the newly returned (some representatives still live in Tuzla, not Zvornik). Governance of the town's institutions is far from transparent, harmonious or efficient. In the summer of 2002 long lines of former Muslim residents queued outside the OMI office in the town, hoping to meet with the OMI Director to have their paperwork processed (Fig. 5).²² Yet, officially at least, the town is cooperating with the returns policy process put in place by the OHR and monitored by international organizations like the OSCE. Its PLIP implementation rate stands

²² The OMI director at the time was a Bosnian Serb who left Sarajevo with some bitterness in March 1996. Several months after our interview she was replaced after being attacked and hospitalized by a frustrated client.



Fig. 5. Returnees wait every day outside the Republika Srpska office of the Housing Ministry in Zvornik. Some have returned many times seeking enforcement of claims more than two years old.

at 91.03% as of 30 April 2004, which remains below the average rate in the RS and Federation as it has over the last five years. In October 2003, USAID funds helped Zvornik *opština* open an 'all-in-one' municipal service center to help 'citizens' obtain the documents they require.

Besides finding new apartment buildings yet no mosques, returning Muslims find that much of the socially owned land once controlled by the *opština* council has been allocated to displaced Bosnian Serbs who used to live in the Federation. Nominally open to all—Bosniaks as well as Serbs—the process of land allocation has in practice prioritized Bosnian Serb war veterans, widows and victims of ethnic cleansing from other areas. To the north of Zvornik, 500 parcels of land have been allocated to these groups and others with connections to the ethnonationalists dominating Zvornik *opština* council. The area is a vast landscape of construction on the west bank of the Drina river, with displaced Bosnian Serbs investing all their labor and very limited resources into building permanent residences on the land. Located just across the river from Serbia, the building zone lies on a flood plain and lacks basic utilities, internal roads or service provisions (Fig. 6). A Republika Srpska fund for displaced people provides meager resources for construction in the form of sand, bricks and slates. After that, the displaced Serb settlers have to fend for themselves. The practice of land allocation has been banned by the OHR because the process is

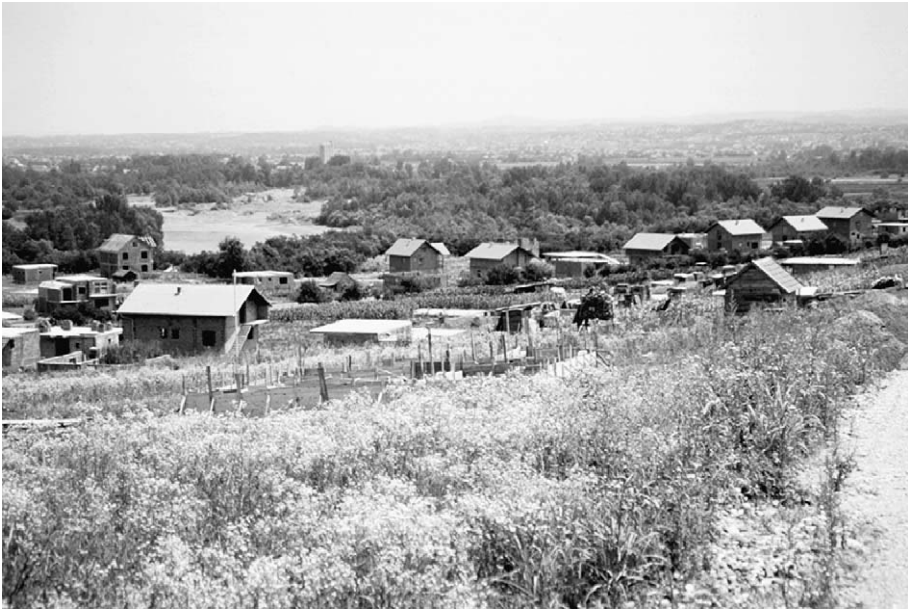


Fig. 6. Displaced Serbs build homes on illegal land allocations near Branjevo, Zvornik, next to the Drina River and Serbia.

discriminatory and far from transparent. To Muslim leaders, the land allocation strategy is a blatant attempt at ethnic engineering by ethnonationalist leaders to discourage Bosnian Serbs from returning to the Federation and to consolidate a permanent majority for themselves in the *opština*. To the settlers themselves, it is another chapter in the suffering of ordinary Bosnian Serbs and an attempt by them to finally find a secure space separate from Muslims and adjacent to Serbia.

The micro-geography of the Zvornik *opština* is distinctive but not unusual for contemporary Bosnia. Many of the victims of ethnic cleansing have been able to reconstruct their houses and return to their pre-war residences, ending the insecurity of displacement. Yet over a million have chosen not to return home, having found durable solutions abroad or in other parts of Bosnia. Some, like the displaced Bosnian Serbs now constructing houses on the west bank of the Drina, have not given up on the dream of security through separation, or at least through overwhelming demographic dominance of all others in what they consider their ethnoterritorial homeland. But this homeland is haunted by dead bodies, destroyed mosques, and living memories of a more prosperous and harmonious past. As a coalition of states led by the United States struggles with 'nation-building' amidst similar specters in contemporary Iraq and Afghanistan, the mixed success of the international community in the face of organized ethnonationalist resistance across Bosnia–Herzegovina is worth noting. Projects to repair destroyed places and dysfunctional sectors of the world political map are seductive temptations for global governmentals, whether imperial unilateralists or UN anointed multilateralists. But without a

sustained deployment of resources, significant localized capacity, and the commitment of a substantial component of the local population, such projects will falter and militant particularism triumph as it has in large parts of contemporary Bosnia.

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²³ This paper is grounded in fieldwork conducted in northeast and central Bosnia by the authors in the summer of 2002. Much of the material was gathered from interviews with local political officials, officers from the various international community agencies and displaced persons. For opinionated analysis of the returns process, in general, see the reports of the International Crisis Group (www.crisisweb.org).

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