

The Return and Reconstruction Task Force:
An Effective Model for Coordinating Return?

Thesis

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DEDICATION

I would like to dedicate this paper to refugee field workers, whose sweat and tears are the real backbone of any organization working to alleviate the suffering of those expelled from their homes. I especially wish to remember those who haven't given their lives, they work without weapons to protect themselves - their hearts are their weapons against injustice, and their inspiration guides my pen.

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I would also like to thank Sven Lindholm for his assistance with contextual edits, to my mother for her technical assistance, and to Larry Sampler for his support and encouragement throughout the whole thesis writing process.

6 March 2001

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LIST OF ACRONYMS

| |
|---|
| BiH - Bosnia and Herzegovina |
| CRPC - Commission for Real Property Claims |
| DPA - Dayton Peace Agreement |
| ECHO - European Community Humanitarian Office |
| ESI - European Stability Initiative |
| FBiH - Federation of Bosnia and Herzegovina |
| GFAP - General Framework Agreement on Peace (or Dayton Agreement) |
| HIWG - Humanitarian Issues Working Group of the PIC |
| HR - High Representative |
| HRCC - Human Rights Coordination Center |
| IFI - International Financial Institutions |
| ICG - International Crisis Group |
| ICTY - International Tribunal for the Former Yugoslavia |
| ICVA - International Council of Voluntary Agencies |
| IDPs - Internally Displaced Persons |
| IMG - International Management Group |
| MEC - Media Experts Commission |

NGO - Non-Governmental Organization

OHR - Office of the High Representative

OSCE - Organization for Security and Cooperation in Europe

PIC - Peace Implementation Council

PLIP - Property Legislation Implementation Program

PLIP FOPS - Property Legislation Implementation Program

Focal Points

RRTF - Return and Reconstruction Task Force

RS - Republika Srpska

SFOR - Stabilization Force

SRSB - Special Representative of the Secretary General

UNDP - United Nations Development Program

UNHCR - United Nations High Commissioner for Refugees

UNIPTF - United Nations International Police Task Force

UNMIBH - United Nations Mission in Bosnia

TERMS OF ETHNIC IDENTITY AND CITIZENSHIP

Considerable confusion surrounds the language used to identify nationalities of the former Yugoslavia. The following list is provided as a guide to the terminology of ethnicity and citizenship.

Bosniak - This refers to citizens of Bosnia and Herzegovina who are of the Islamic faith. Muslims in BiH, many of whom did not actively practice the faith, often viewed the term Muslim as derogatory. Muslim is appropriate when discussing the three dominant religions of Bosnia and Herzegovina - Orthodox Christian, Roman Catholic and Islam.

Bosnian - This refers to any citizen of Bosnia and Herzegovina.

Bosnian Croats - This term refers to Bosnian citizens of Croatian ethnicity.

Croatian Serb - This refers to persons of Serb ethnicity who were former or current residents of what is now Croatia.

Bosnian Serb - This refers to persons of Serb ethnicity who are former or current residents of Bosnia and Herzegovina.

Croatian - This term refers to citizens of BiH that are of a particular ethnic background, usually Roman Catholic.

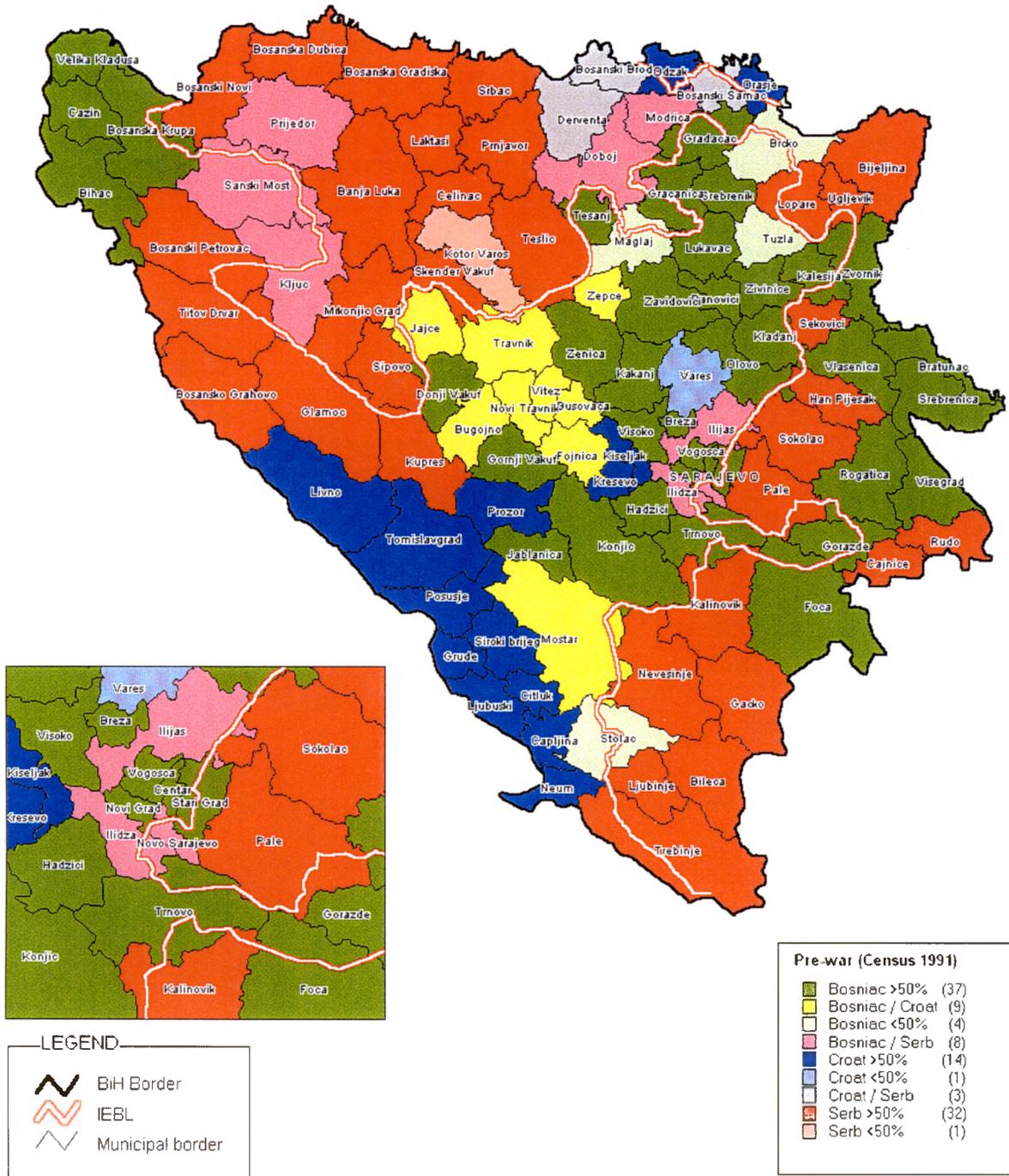
Serbian - This indicates someone who is a citizen of BiH, but is of a particular ethnic background, usually orthodox Christian.

Croat - Citizen of Croatia

Serb - Citizen of the Serbian state within Yugoslavia

ETHNIC MAJORITY: Census 1991

Date: 01.04.2000
 Workspace: Ethnic_Majority_1991.WOR



The boundaries displayed on this map do not imply official recognition by the United Nations



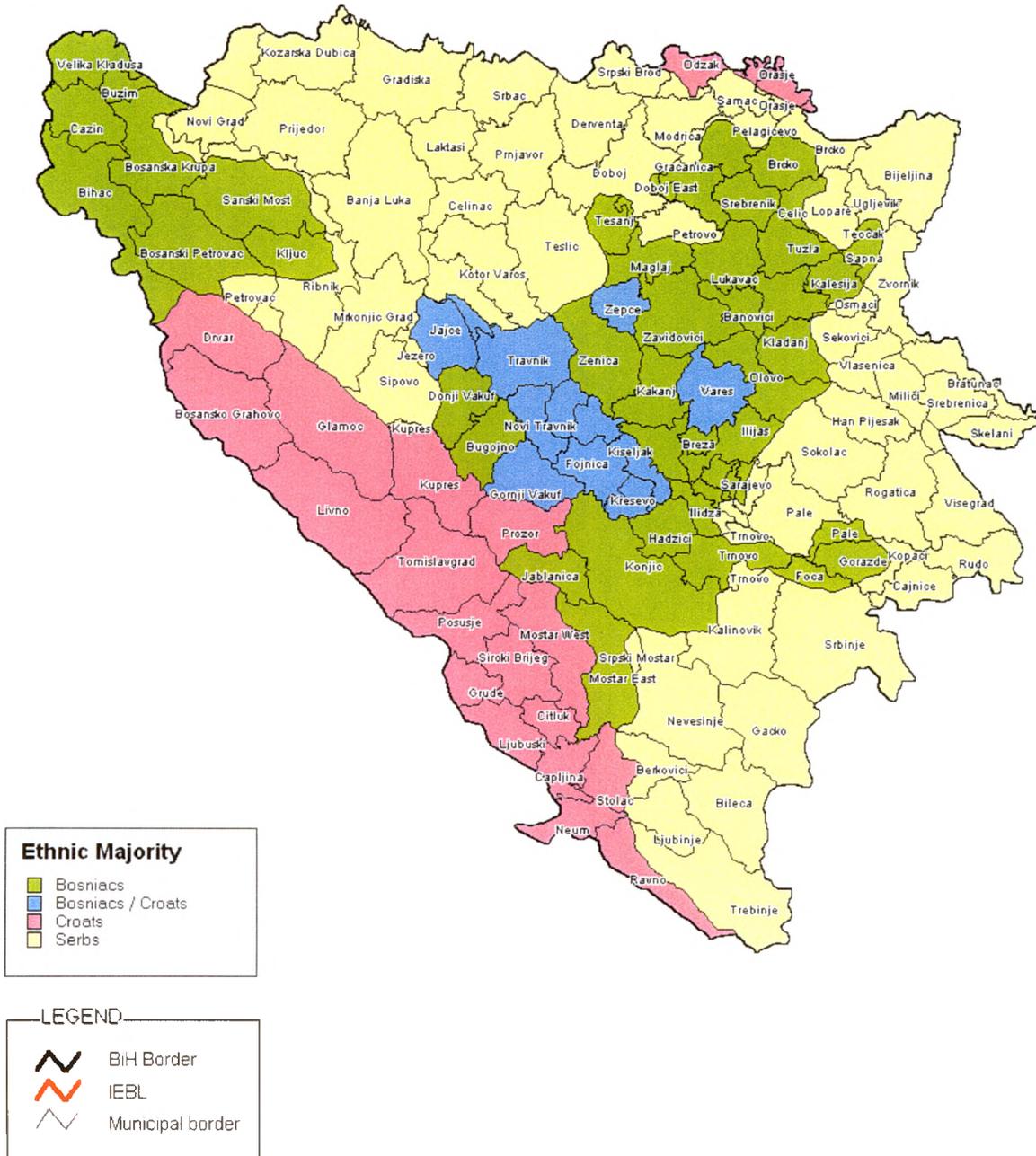
UNHCR GIS Unit
 OCM Sarajevo



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 Data on towns and villages from GISdata

ETHNIC MAJORITY, 1999

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UNHCR GIS Unit
 OCM BiH

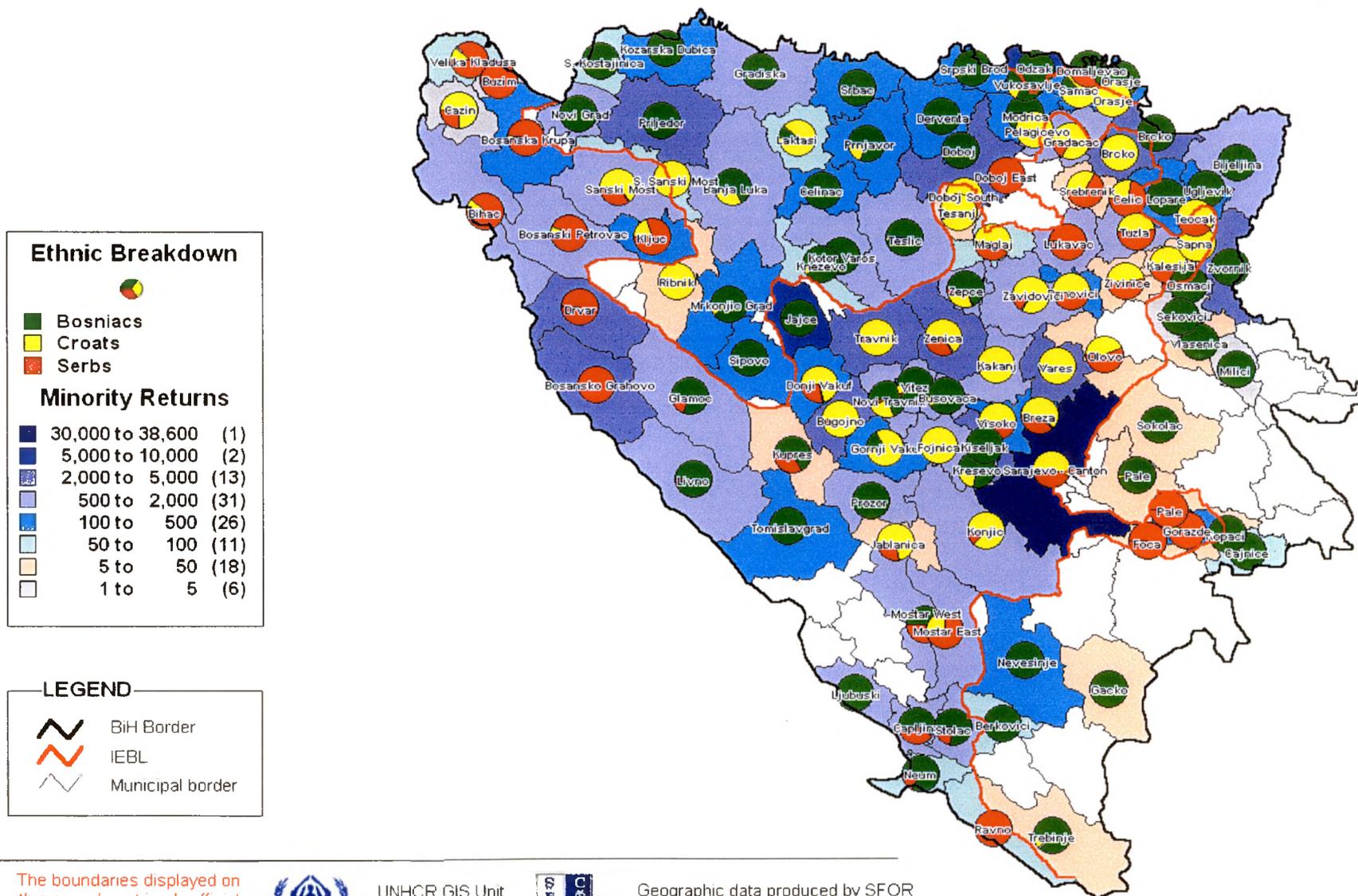


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MINORITY RETURNS TO BIH SINCE DPA TO 29 FEBRUARY 2000

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AIX



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UNHCR GIS Unit
OCM BiH



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FOREWORD

This Thesis will discuss both the returns process and Annex Seven of the General Framework for Peace (or Dayton Accords) in the context of the Return and Reconstruction Task Force (RRTF) model. Furthermore, it will analyze the RRTF as a successful coordination body looking at elements of time, structure, methodology, mandate, and applicability - that is - its possible use in other forums.

Many other areas need to be investigated - such as international response mechanisms to the refugee crises during the war, refugees and displacement during the war, corruption in Bosnia and Herzegovina (BiH) how the money provided for reconstruction was used, and European requirements for reconstruction. However, this thesis will not evaluate the above elements of return in BiH, nor make draw any conclusions regarding the overall success of the return process in BiH.

The Return and Reconstruction Task Force (RRTF), set up by members of the International Community in Bosnia and Herzegovina concerned with refugee return and reconstruction, set out to coordinate and address what were seen as the primary obstructions to return, using traditional actors in a post-conflict peace implementation structure. These actors included local authorities, the United Nations and its specialized agencies, NATO's presence in BiH - SFOR, and the Office of the High Representative (OHR) to promote political intervention using the powers vested in it through the peace agreement. In essence the RRTF functioned as a coordinating body to bring together the different components needed to assure successful implementation of Annex Seven and components of other Annexes from Dayton that were related to return.

Prior to the establishment in 1997 of the RRTF, the international efforts to promote return were seen by international observers and the Peace Implementation Council (PIC) for Bosnia as uncoordinated and poorly managed. With so many organizations working towards promoting return, but doing so without a central coordination body, it is not surprising that the numbers of returns were small. It also not surprising that the money which was invested in return and reconstruction projects

often either focused disproportionately on some areas at the expense of others with legitimate needs, or resulted in housing that remained unoccupied, or in the partial completion of projects. Thus, the RRTF was an attempt by the International Community in Bosnia and Herzegovina to address the problems associated with non-implementation of Annex 7 of the Dayton Peace Accords (DPA).

A NOTE ON RETURN STATISTICS

The statistics used in this paper are all approximate. The numbers used by the international community in Bosnia and Herzegovina and throughout the Balkans are determined through input from local authorities, with a sparse network of field officers corroborating the source. The numbers are often manipulated by the authorities themselves, as well as by the international organizations for whatever goal they might wish to obtain at the time of their release.¹ At times, many different organizations presented differing figures on returns. Having said that, the numbers can act as a guide or benchmark by which to measure

¹ Many of the IOs would exaggerate their figures to show progress - partially due to the enormous credence placed on figures by Governments of the Peace Implementation Council, a council made up of major governments involved in BiH and set up to monitor implementation of the Dayton Peace Accords.

success of the return process, but should be viewed in the context of the entire return process.²

REFUGEE AND RETURN TERMINOLOGY: THE BOSNIA CASE

The traditional definition of a refugee is defined under Article 1 of the 1951 Convention Relating to the Status of Refugees as follows:

A refugee is one who is outside his or her own country of origin who has a well-founded fear of persecution deriving from race, religion, nationality, membership of a particular social group, or political opinion, and is unable or unwilling to avail himself of the protection of that country, or to return there, for reasons of fear of persecution.³

Although Bosnia did not fit the traditional profile of a country where refugee assistance was given, like many other countries, the United Nations High Commissioner for Refugees (UNHCR) was able to assist as a result of UN General Assembly resolutions authorizing the High Commissioner to assist in refugee like situations.

Because those in need of assistance as a result of the Balkan conflicts in the 1990s were for the most part Internally Displaced Persons (IDPs), this was relatively

² For further insight into the politics of refugee numbers, see "Who has counted the refugees: UNHCR and the politics of numbers." by Jeff Crisp, UNHCR Working Paper, June 1999.

³ See an "Introduction to the international protection of refugees," UNHCR Training module 1.

new territory for UNHCR. Since there was no one else to do the job, UNHCR was called upon to deal with this crisis, although the crisis was outside its traditional mandate. It is important to study the RRTF as a possible model to be used in the changing return landscape, as it addresses non-traditional areas of involvement for those working with refugees and IDPs - an area that is of increasing concern to western nations.⁴

⁴ "We All Ask Too Much of the UN Refugee Agency" Shep Lowman
International Herald Tribune Thursday, January 4, 2001

CHAPTER 1

AFTER THE WAR: DEALING WITH RETURNS IN BOSNIA

The Dayton Agreement signaled the end to the Bosnian War and laid the foundation for the beginning of peace and reconstruction in BiH. Although since its promulgation many have criticized the agreement as being too rigid and outdated by the passage of time, it nonetheless remains the principal document by which the international community seeks to assist Bosnian leaders in reconstructing their country. Within the context of this thesis, two Annexes merit particular attention, that is, Annex Seven and Ten. These can be found in the Appendixes. Annex Ten, entitled "Civilian Implementation of Peace Settlement," created the Office of the High Representative and entrusted that office with overall interpretation and implementation of the Dayton Agreement.⁵ Annex Seven, "Refugees and Displaced Persons," outlined the settlement's details on the rights of those forced from their homes during the conflict and a vehicle for enforcement of these rights.

⁵ Discussed in further detail later in this thesis.

The Dayton Peace Agreement in Annex Seven specifically guaranteed the right of all citizens of Bosnia and Herzegovina to a free and informed choice regarding return and to have the right to return in safety and dignity to their place of origin if they so chose.⁶ The Accords also guaranteed the right to property or compensation, and finally instructed the Parties⁷ to work toward sustainable return and freedom from discrimination. The Accords also identified key organizations to implement each of its Annexes.

Dayton charged the United Nations High Commissioner for Refugees (UNHCR), in close consultation with asylum countries and the Parties, with coordinating a repatriation plan to be implemented by the parties, and to assist authorities in setting up a commission for refugees and displaced persons.

⁶ The Dayton Agreement in Annex Seven specifically states, " All refugees and displaced persons shall have the right to freely return to their homes of origin. They shall have the right to have restored to them property of which they were deprived in the hostilities and to be compensated for any property that cannot be restored to them." It further states that, " The Parties shall ensure that refugees and displaced persons are permitted to return in safety, without the risk of harassment, intimidation, persecution, or discrimination." Annex Seven, Chapter 1, Article 1 of the Dayton Peace Agreement.

⁷ "The Parties" in this context refers to the former warring factions of Bosnia and Herzegovina, also the signatories of the GFAP, the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia.

By the end of 1996, it was apparent that many of the tasks laid out in Annex Seven of the Dayton Peace Accords were beyond the ability of the UNHCR to coordinate, and minority return was almost non-existent. It was then noted officially at the London Conference of the Peace Implementation Council (PIC)⁸ in December 1996, that after a full year of peace in Bosnia and Herzegovina, Annex Seven was not being executed.

Implementation was in many respects a complete failure. In 1997, at the Sintra Steering Board Meeting of the PIC, the Council envisioned a special body with the power to address the obstacles that were impeding implementation, most notably non-compliance or lack of political will by the Parties, and the absence of freedom of movement. This body was to work on two levels: strategic and operational. This was a significant change from the former coordination, which did not include the political muscle of the implementation executive body of the Office of the High Representative.⁹

⁸ The Peace Implementation Council is a group of 55 governments and international organizations that sponsor and direct the peace implementation process.

⁹ The Office of the High Representative, headed by the High Representative, holds the final authority in theater regarding interpretation of the Dayton Agreement on civilian implementation of the Peace Agreement, and is responsible for coordination of overall implementation of Dayton, both powers granted to him with the Accords.

The Return and Reconstruction Task Force (RRTF) was set up in 1997 to coordinate reconstruction and return in Bosnia and Herzegovina. The RRTF provided a forum in which to address the policy and practice, creating within its structure a clear set of principles, tasks and priorities, which could be modified according to changes on the ground. Now, almost five years after Dayton, limited success has been achieved in implementation of many aspects of Annex Seven in Bosnia and Herzegovina (BiH).

The following three chapters chronicle the creation, modifications to, and later expansion of the RRTF. The last three chapters of this thesis evaluate its structure and principles, especially problematic, or conversely, exceptionally functional areas of the RRTF. Finally, the RRTF framework is examined in comparison to recent recommendations for effective coordination in conflict recovery environment.

The RRTF is a good model for future engagements in the Balkans and elsewhere. Many of its problems are not unique to the organization itself, such as that of information sharing, poor communication overall, budgetary and donor problems and structural defects. Some are features of a

larger system and will likely not be changed in future missions, such as the utility of having a more unified command structure. With so many competing actors, this hardly seems likely to change. Perhaps, still some compromises can be reached. Greater planning can be achieved, and a more developed system of acquiring and distributing, tracking donor funds both seem realistic options. Such improvement could significantly improve post-conflict recovery and reconstruction operations, still much more needs to be done.

Displacement After the War

At the end of the war in Bosnia and Herzegovina, a full two million persons were left displaced either within Bosnia and Herzegovina's borders or abroad as refugees. Dayton divided BiH into two entities, the Republika Srpska, and the Federation of Bosnia and Herzegovina. Ninety-five percent of the former minority population (Bosniaks and Croats) of the area that is now the Republika Srpska had been forcibly expelled or left voluntarily. Conversely, ninety percent of the Serb population had been expelled or moved from what is now the Federation (The RS was therefore Serb dominated and the Federation was made up of Bosniaks

and Bosnian Croats).¹⁰ At Dayton, it was understood that refugee return was fundamental to peace and stability in BiH. As stated in an early International Crisis Group (ICG) report evaluating return progress in Bosnia,

"Apart from stopping the fighting, silencing the guns and separating forces, the single clearest promise of the Dayton Peace Agreement was that Bosnian refugees and internally displaced persons would be able to return home."¹¹

Without the guarantee of the right to return, the ethnic cleansers would claim victory. The struggle between the nationalists who wanted to see Bosnia remain divided ethnically and those who sought implementation of Dayton has remained one of the single most difficult disputes within Bosnia and Herzegovina even today.

Development, Contents and Initial implementation of Annex Seven

Annex Seven, found in detail at the end of this paper and outlined in Table One, sought to address the most important aspects of the return of refugees and displaced persons in its two chapters and eighteen articles. It

¹⁰ Source of this information is a CRPC/UNHCR study entitled, "Returns, Relocation, and Property Rights: a discussion paper," December 1997, author unknown. It should be noted that local authorities provide any statistics gathered by UNHCR with oversight by UNHCR and other IOs and NGOs involved in the return process in BiH.

¹¹ "Going Nowhere Fast: Refugees and Internationally Displaced Persons in Bosnia and Herzegovina," ICG Report, 30 April 1997, p. 2.

successfully protected many of the rights guaranteed in international humanitarian law in its first article. It also, (as mentioned above), called on the parties to guarantee the rights of refugees and displaced persons to freely return to their homes in safety and dignity, without risk from harassment, and to institute confidence building measures to make such return possible.

The subsequent articles addressed conditions for return, coordination, assistance, missing persons, and amnesty in its first chapter. The framers of Annex Seven outlined in the Annex's second chapter a Commission for DPs and Refugees to deal with property issues. The commission was an independent body, composed of nine members. The Republika Srpska appoints two members and the Federation of Bosnia and Herzegovina appoints four. The President of the European Court of Human Rights appoints the remaining three, and designates one as chairman.¹²

However, Annex Seven didn't provide an appropriate force of implementation, but relied on the parties themselves to implement the agreement, and called on the UNHCR, a humanitarian organization with no political muscle, to compel the parties to comply with all that was

¹² DPA, Annex Seven, Chapter Two, Article Nine.

asked of it in Annex Seven.¹³ The enforcement mechanisms for the civilian provisions were inadequate. In retrospect, it seems obvious that the parties had no intention of complying with a treaty that had no force.

¹³ Stated in Annex Seven, Chapter 1, Article 1 Paragraph 5, "The Parties call on UNHCR to develop in close consultation with asylum countries and the Parties a repatriation plan that will allow for an early, peaceful, orderly phased return of refugees and displaced persons....The parties agree to implement such a plan and to conform to international agreements and internal laws to do so."

Table 1. Annex Seven - Agreement on Refugees and Displaced Persons

| |
|---|
| <p style="text-align: center;">Chapter 1: Protection</p> <p>Article I: Right of Refugees and Displaced Persons</p> <p>Article II: Creation of Suitable Conditions for Return</p> <p>Article III: Cooperation with International Organizations and International Monitoring</p> <p>Article IV: Repatriation Assistance</p> <p>Article V: Persons unaccounted for</p> <p>Article VI: Amnesty</p> |
| <p style="text-align: center;">Chapter 2:</p> <p style="text-align: center;">Commission for Displaced Persons and Refugees</p> <p>Article VII: Establishment of the Commission</p> <p>Article VIII: Cooperation</p> <p>Article IX: Composition</p> <p>Article X: Facilities, Staff and Expenses</p> <p>Article XI: Mandate</p> <p>Article XIII: Proceedings before the Commission</p> <p>Article XIII: Use of Vacant Property</p> <p>Article XIV: Refugees and Displaced Persons Property Fund</p> <p>Article XV: Rules and Regulations</p> <p>Article XVI: Transfer</p> <p>Article XVII: Notice</p> <p>Article XVIII: Entry into Force</p> |

Failure of Annex Seven

UNHCR, as instructed by Annex Seven and in consultation with the parties, drafted an "Operational Plan for Durable Solutions within the Framework of Annex Seven of the GFAP in BiH and related regional return and repatriation movements." The plan was presented to a high level-working meeting on implementation in Oslo on 8 March 1996. The plan focused on three factors for success: sustained security provided by the parties, massive economic and physical reconstruction, and de-mining in areas of return. It also noted the importance of confidence and reconciliation measures.¹⁴

Throughout 1996, the International Community was confronted with a series of problems implementing Annex Seven, both political and systemic difficulties were exacerbated by the gap in the ability of UNHCR to galvanize the authorities. The authorities in BiH remained completely obstructionist to minority returns. "Even where local authorities have shown a willingness to accept DPs, they are usually overruled by higher nationalist authorities, particularly in Serb and Croat held areas," wrote ICG in its April 1996 review of the Bosnia Policy

¹⁴ Report of the Secretary General, pursuant to Resolution 1035 (1995).

framework.¹⁵ Repatriation to place of origin contradicted a key war aim of those who were (and in many areas still are) in power.

There was also the problem that the Commission on Refugees and Displaced Persons (CRPC) was not functioning properly. The Commission for Real Property Claims, as it was renamed, continued to be unable to move forward with getting the authorities to change wartime property laws.¹⁶ Returning property to their rightful owners was a complex and difficult problem, and as time moved on the IC became increasingly aware of just how difficult returning property was to be.

Some 48,000 Serb refugees from the Krajina in Croatia occupied most available housing in the RS (Approximately 40,000 still remained in the Republika Srpska today.¹⁷).¹⁸ All over BiH DPs occupied housing that belonged to refugees or DPs now living elsewhere. At the beginning of 1997, UNHCR estimated that there were still 815,700 refugees from BiH living abroad who had still not found a durable solution - these refugees were located mainly in Germany,

¹⁵ "Bosnia Policy Framework Report," ICG Bosnia Report 30 April, 1997 p. 4.

¹⁶ There was an additional commission set up by the name Commission for Refugees and Displaced Persons in 1999, but the commission remains largely inactive.

¹⁷ UNHCR BiH Statistics Package, July 2000.

¹⁸ "Going Nowhere Fast: Refugees and Displaced Persons in BiH, April 1997 p. 11.

FRY, and Croatia. In addition, although figures vary, the UNHCR estimated that some 866,000 persons were internally displaced.¹⁹ This meant that over 1.6 million persons could possibly put in a claim for repossession of their property.

The Commission was charged in Annex Seven with deciding on any claims for "real" property where property had not been otherwise sold or transferred since April 1992 and where a claimant did not already possess the property.²⁰ According to an ICG report of April 1997, the Commission had only just begun registering claims in August of 1996, and had by April 1997 registered approximately 20,000 claims and processed 2,000 decisions - far too slow to have any substantial impact on the return of property. The report furthermore made a point that will be a recurring theme of this thesis. In order for the actions of the internationally supervised bodies, such as the commission to have force and be effective, the commission needed adequate and appropriate funding, and the actions needed to have more political force behind them.²¹

¹⁹ UNHCR Repatriation and Return Operation Plan, 1997, UNHCR April 1997, Table One, page five and page 10.

²⁰ Compensation was also provided for in Annex Seven. See Annex 2 of this paper details. The commission was authorized to use abandoned property.

²¹ "Going Nowhere Fast: Refugees and Internally Displaced Persons in Bosnia and Herzegovina" ICG Report, April 1997, p. 17-18. The CRPC documented in its 1998 mid-term review the large gap between its budgeted, committed, and received donations. For more, see the 1998 mid-term report at <http://www.crpc.org.ba/>

By the end of 1996, it was apparent that many of the tasks laid out in Annex Seven of the Dayton Peace Accords were beyond the ability of UNHCR to coordinate, and minority return was almost non-existent. The UNHCR set a goal of the return of 500,000 returns²² for the first year, and set up a return "working" group to address problem areas. According to the initial plan, which was developed by UNHCR in accordance with Annex Seven, the UNHCR believed that refugees should only return after DPs had been resettled. However, political pressures from countries with large refugee population resulted in almost all returns for 1996 being returns from outside of BiH to majority areas, with most of the returns emanating from Germany, which had the largest Bosnian refugee population (Germany had 330,000 BiH refugees at the end of 1996).²³ Only some 250,000 persons returned to their homes in 1996, and an additional 80,000 were displaced.²⁴ The ethnic cleansers appeared to be winning the battle - little

²² Report of the Secretary General pursuant to resolution 1035 (1995).

²³ In late 1996, Germany and other western European countries started deporting Bosnian refugees. Some 1000 persons were deported from Germany in 1997 (ICG report 14 May 1998.) Statistics from UNHCR Refworld 1997 statistical overview.

²⁴ This was due to the transfer of territories between the entities. Some of the areas are still disputed, most notably the Dobrinja suburbs in Sarajevo.

property had been returned, few persons had returned to their homes of origin, and the international community was growing frustrated with the slow pace of progress.

Some achievements should be noted, however. The HIWG,²⁵ which had been working since 1992 as a "Humanitarian Issues Working Group", was renamed the HIWG of the Peace Implementation Council (PIC).²⁶ It successfully brought together country representatives and humanitarian organizations to focus specifically on humanitarian issues as they related to implementation of Dayton. The HIWG meetings were high profile events, which brought international media attention to humanitarian problems in BiH. Furthermore, the added backing of the PIC added political muscle to the humanitarian cause, which was very much needed.

Many programs had been implemented, just not with the success that had been anticipated. The UNHCR bus lines were running between key cities across former front lines,²⁷

²⁵ Although created in 1992, The HIWG was later subsumed under an umbrella of the PIC. - source - UNHCR internet doc on HIWG. <http://www.unhcr.ch/world/euro/seo/hiwg>

²⁶ The Peace Implementation Council is a group of 55 governments and international organizations that sponsor and direct the peace implementation process. The PIC met for a conference every six months, in May and December of every year to date, at which time it released a declaration and annexes. The PIC steering board met at other times to discuss various issues.

²⁷ According to UNHCR BiH Statistics, the Bus lines carried almost 350,000 persons in 1996 and some 780,000 in 1997 (source: UNHCR statistics web link at www.unhcr.ba.) The bus lines were an important tool as they provided returnees safe passage to visit their former homes.

target areas had been identified as places where return promised to have the most success,²⁸ and assessment visits were taking place.

And despite the fact that the International Community had not reached their goal of around 500,000 returns to BiH, some 250,000 persons did return, with 164,000 of those returning within BiH. Many homes had been reconstructed as well. The World Bank had estimated that some 500,000 dwellings had been damaged or destroyed during the war. According to the UNHCR 1997 Operation Plan, in 1996 40,000 housing units were repaired with another 88,000 persons benefiting from a shelter repair program.²⁹ This was not a bad beginning to the peace process. Still, it seemed to the PIC that too little had been done in the face of the enormous devastation in BiH.

The London Conference

It was then noted officially at the London Conference of the Peace Implementation Council (PIC) in December 1996, that after a full year of peace in Bosnia and Herzegovina,

²⁸ This program was an attempt to get the IC to coordinate funding to specific areas in light of the fact that 1) there was a limited amount of funding, and 2) that many areas were non-compliant with the DPA and therefore denying aid was seen as an incentive for compliance

²⁹ UNHCR 1997 Operation Plan p. 21 and 22, and from ICG April 1997 report, page 14.

Annex Seven was not being executed successfully.

Implementation as it had been envisioned at the end of 1995 was in many respects a complete failure. Some areas of success were noted and many recommendations were made.

The declaration from the conference commended the efforts of the IC, but noted in several sections the need for greater cooperation among the IC members. The PIC called for a comprehensive action plan to 1) develop local capacity building initiatives in the face of existing structures, 2) provide for healthcare, education, and reconstruction, 3) develop priority areas, 4) allow for refugees the option of local reintegration, 5) expand the Bosnian Women's Initiative (BWI), and finally, 6) to provide advice and information centers in BiH and host countries.³⁰

At the London conference UNHCR was still recognized as the lead organization in return matters. However, the importance of coordination with other agencies and the significance of the OHR was emphasized by the PIC in linking the OHR's economic and political efforts with that of furthering returns. The last part of the PIC document's

³⁰ The Bosnian Women's Initiative is a UNHCR initiated program aimed at assisting war affected vulnerable women to "rebuild their lives and contribute to the long term reconstruction and democratization of their communities and country." - UNHCR BH Web Page, BWI description at www.unhcr.ba

section on returns focused primarily on another area that had been blocking returns in BiH - freedom of movement.³¹

At the end of 1996, there was still very little freedom of movement or return of Bosniaks into the RS, and in many areas roadblocks still were being used. Because there was no common license plate in use in Bosnia,³² it was immediately obvious when a Bosniak family attempted to transverse a Croat or Serb area. Many chose instead to take the UNHCR buses, although limited in their ability to cover all areas the bus lines did succeed in assisting many to go and see their prior homes of origin.³³

The PIC also noted the establishment of the Coalition for Return, a multi-ethnic movement for displaced persons from all over BiH. Early on in the peace implementation process there have been several different attempts at coordination among local DP organizations, as well as among the international organizations, such as the returns working group.

³¹ Other issues which were addressed in the PIC document include 1) the need for a regional approach, although this was not seriously addressed until 1999, with the launch of the Stability Pact for South Eastern Europe, and the need for implementation of new property legislation. The belief was that without a regional approach, returns would still remain blocked.

³² The High Representative finally imposed the common license plate in the spring of 1998.

³³ Some of these bus-lines have developed into regularly running cross entity lines.

However, without the political backing of the OHR and at least some cooperation from the authorities, much effort was made during these initial years in such coordination groups with little progress.³⁴ In order for OHR to take an aggressive stance, the PIC would have to formally recognize this function as a major task for OHR. The PIC had also failed to address the need for return related conditionality to be instituted in BiH with regard to loans and donor support. By the next time the PIC were to meet, however, a blueprint would have been established to allow OHR to take on a leading role in return, much to the chagrin of the UNHCR.

The UNHCR agreed to become involved in the formation of a task force that hopefully would address the political obstacles impeding return, and alleviate some of the criticism that was leveled at UNHCR for failure to succeed in pushing minority returns. The IC worked to create a coordination body that would allow for political pressure on authorities to support return, allow for coordination among organizations to administer reconstruction assistance and return related conditionally, and to focus on longer term goals like creating a secure and sustainable

³⁴ The DP Associations gained more power in later years, and were attributed with organizing many of the successful return movements in late 1999 and early 2000.

environment. That body would come to be known as the
Return and Reconstruction Task Force.

CHAPTER 2

THE RRTF BLUEPRINT

The Return and Reconstruction Task Force was set up to work on two levels - the strategic and operational. That is, the RRTF would not only assess the needs of returnees and hand out reconstruction and return assistance, but also would tie political compliance with Annex Seven to the provision of assistance, thereby working at both levels.

The establishment of the RRTF was a significant change from the former return and reconstruction coordination in the IC, which did not include the political muscle of the implementation executive body of the Office of the High Representative.³⁵

As the idea for the RRTF unfolded, there were objections about how much power the RRTF gave to OHR. In a document obtained for the purpose of this paper, UNHCR voiced clear objections to many aspects of the original

³⁵ The Office of the High Representative, headed by the High Representative, holds the final authority in theater regarding interpretation of the Dayton Agreement on civilian implementation of the Peace Agreement, and is responsible for coordination of overall implementation of Dayton, both powers granted to him with the Accords.

draft for the RRTF. (Among the initial objections were to the scope of the mandate with regard to property legislation and to have both a Secretariat and Central RRTF at the Sarajevo level).³⁶ Finally, in early 1997, a draft document was hammered out, agreed upon and submitted to the PIC.

In the document, the RRTF was envisioned to provide a forum in which to address the policy and practice of return and reconstruction, creating within its structure a clear set of principles, tasks and priorities, which could be modified according to changes on the ground. The RRTF would go through many changes over the years, as will be explained in the subsequent sections of this study. At present, almost five years after Dayton, limited success has been achieved in implementation of many aspects of Annex Seven in Bosnia and Herzegovina. This, however, will be discussed in later chapters. First, an examination of the initial structure is warranted in order to understand the full development of the Return and Reconstruction Task Force.

³⁶ "UNHCR comments on Second Draft," a working paper on the draft outlining the original RRTF, Feb 12, 1997, p.1.

Initial Ideas of Structure

The RRTF was formally established in 1997. The RRTF was set up to operate at three levels, that of the Secretariat and Central RRTF, the Regional level (The RRRTF), and the local RRTF (the LRRTF).

There was, of course, some discussion regarding the make-up of the RRTF, and in the end, each level had different representatives, based on functional necessities, political realities on the ground, and personal preferences.

Initially, the RRTF at the Secretariat level was comprised of the UNHCR, the OHR, the EC, European Community Humanitarian Office (ECHO), the World Bank, the International Management Group, the CRPC, representatives from the Economic Task force, and other specific tasks forces. The original RRTF did not include local government authorities. This was decided because at the time of its inception, the local authorities were viewed as largely obstructive.³⁷ This decision not to include the local authorities has remained the case, as in many areas in BiH the authorities have continued to be obstructive.

³⁷ Taken from an interview with a representative of the European Commission who was previously head of the OHR Regional Office in Drvar, BiH at the time of the development of the RRTF.

Other mechanisms have since been established parallel to the RRTF, most notably the Property Legislation Implementation Group (PLIP),³⁸ which has recently been effective in dealing with obstinate authorities. The PLIP will be examined in greater detail later on in this paper. There was also initially much criticism regarding several other aspects of the structure. As noted above regarding criticisms of the initial plan outlining the structure and mandate of the RRTF,³⁹ there was concern about the necessity of a Secretariat in addition to a Central RRTF structure, and a feeling that this would only serve to duplicate work. This was expressed in detailed comments put forth on the original draft paper for the RRTF as follows:

³⁸ The PLIP was set up to deal with the problem of property legislation and contested space - note space is actually one of the three pillars of the RRTF, but the IC found it necessary to create the PLIP to effectively deal with this issue. It has been suggested that the RRTF was unable to deal with this because the RRTF already encompassed too many different issues to be able to effectively deal with property legislation. Furthermore its members lacked the legal expertise to provide local authorities with the proper guidance. Other observers of the development of the RRTF have pointed to early objections by the framers of the RRTF mandate to incorporating property legislation into the RRTF mandate. Asserting instead that this was an area that should be dealt with by the CRPC or Human Rights Task Force.

³⁹ "UNHCR Comments on Second Draft," internal UNHCR working paper, February 12, 1997, p.2.

We do not see the real difference or need for both the strategic policy level (the Secretariat) and the Sarajevo based 'central' level. It is sufficient for the former to exist, which may then create working groups, if necessary. This should not read as OHR being the only organization to take (sic) policy decisions.

Greater detail regarding the organizational structure, which has largely remained the same since its inception, will be examined in later chapters. The principles of the RRTF remain today substantially similar to the first design.

Principles, Tasks and Priorities of the Original RRTF

There was some initial debate about many of the methods by which policy regarding principles and priorities were to be set. UNHCR, as the lead organization under the Dayton Agreement, voiced concerns about being sidelined in the decision-making process. Again, documents written by UNHCR stated explicitly,

UNHCR is concerned about the overall tone of the document. It does not always reflect activities as those of a united task force, but tend to favor individual members, particularly OHR. It tends to ignore that UNHCR is the mandated lead agency.... Furthermore this (the original RRTF document) should not read as OHR being the only organization to take policy decisions.⁴⁰

⁴⁰

ibid., P.2.

As mentioned earlier, another large concern that is still debated today is the scope of the mandate. What should have been included within the original framework? How much is too much? Whether to include property issues was one of the issues debated initially. In the end it was decided that property legislation would be dealt with by the CRPC, as mandated in Dayton, and would not be dealt with in the RRTF framework. It was acknowledged that issues such as economic development and property would be dealt with as they related to the areas of concern to the RRTF of Space, Security and Sustainability. Other topics that were debated at length include the possibility of including economic development into the framework, different aspects of how to include de-mining, and what type of confidence building should be taken.

It was argued by UNHCR that confidence building was within the scope of the Human Rights Task Force, not the RRTF. UNHCR called for more of a focus early on regarding long term sustainability projects:

Much more emphasis on economic incentives, schools, health facilities, infrastructure, and general community needs should be included...as the real basis of an integrated approach to minority returns is not just to create

conditions for minority returnees but to support and develop the community so that the minority returnees are welcomed and fully integrated into this community.⁴¹

With the benefit of hindsight, many believe that there should indeed have been a greater emphasis on economic restructuring at the early stages of return, and that property legislation should also have been addressed more seriously earlier on.⁴² Both of these, it is argued, could have been managed within the framework of the RRTF, and will be discussed in detail later in this paper.⁴³ The reasons given that these were not included can be attributed to several factors. Among them is the time lag from idea to garnering general support for an idea, as well as lack of experience with such situations.⁴⁴

Conflicting Mandates: The Heavy Weight wins

In the end, the OHR prevailed in many areas, taking control of the Secretariat, and holding onto its desire for a dual structure at the top level. Many of the other issues discussed above such as whom should be included in

⁴¹ *ibid.*, p.3.

⁴² Interview with OHR RRTF representative, Sarajevo, 20 September 2000.

⁴³ Assumption based on interviews with field workers present at the start of the RRTF, who have remained in BiH since 1996 or 1997.

⁴⁴ This lag time can be seen in the example of the need for a regional approach that is mentioned early on in many forums, but only received broad support with the introduction of the stability pact.

meetings and at what level, what the mandate of the RRTF should encompass, and what its priorities should be continue to be debated today.⁴⁵

It should also be noted that another very important dynamic that shaped the policy of individual organizations in BiH were the larger organizational structures which oversaw the Country Operations. For example, UNHCR Headquarters are in Geneva, and the organization has operations in over 100 countries. OHR was created specifically for Bosnia, was given a large and powerful mandate in Annex Ten, and thus was less dependent on external factors such as other international crisis, or conflicting priorities in a world-wide context.

Returning to the Development of the RRTF

Although the RRTF met for the first time on the Fourth of February 1997,⁴⁶ changes continued to be made to its structure and task listing, as members of the IC continued to re-evaluate the successes and failure of implementation of Annex Seven in BiH. Even though the RRTF was set up in 1997, the basis for return policy in BiH remained, and still remains the fundamental principles laid

⁴⁵ It is also unclear in research information available as to the exact time and source from which many of these problems originated.

⁴⁶ RRTF Report, April 1997.

forth in Annex Seven of the Dayton Peace Accords. The RRTF was meant to be the vehicle through which return was to take place. The rest of this paper will examine to what extent this was successful, looking at the return process in BiH chronologically as it relates to the RRTF, as well as functionally, examining changes made to the structure of the Return and Reconstruction Task Force. It will also look at how much of the successes in return and reconstruction in BiH can be attributed to the RRTF, to time, to that to changes in political will, and to the success of other organizations or actors.

CHAPTER 3

THE RRTF PLAN IMPLEMENTED

Returns in 1997 and the Sintra Conference: Promotion of the RRTF Concept

The first RRTF Report of April 1997 presented as the main constraints to return ": i) political and security restraints, (ii) limited absorption capacity in terms of housing, employment, and social and other infrastructure, and (iii) financing constraints."⁴⁷ These were many of the same concerns that had been represented in earlier PIC documents and UNHCR documents, but couched in new language. Although the language of the RRTF documents changed often, the concerns usually fell into the areas of political, economic, social and security concerns. However, with the introduction of this first RRTF report, there was a new focus on financial constraints and the importance of communication with donors.

The issues brought up in the report and the accompanying recommendations did not focus as much on

⁴⁷ RRTF Report, Forward, p.1, April 1997.

creating a safe and secure environment as warranted at the time. Furthermore, it should be noted that even at this time, in the face of the 1997 April Drvar riots against returns, the RRTF still did not formally include either IPTF or SFOR. Although it did still mention the importance of human rights and security, including de-mining, much of the focus of the report was on economic assistance in the form of infrastructure assistance, reconstruction assistance, and other financial assistance.⁴⁸

The RRTF report was divided into two main headings, political and economic issues, with sections addressed under political: 1) property laws and the CRPC, 2) security and human rights, and 3) positive conditionality. Under economic context the report focused on: 1) economic absorption capacity 2) housing reconstruction 3) incentive schemes (also for minority areas) and loan financing 4) prioritized cluster areas 5) employment and 6) social and infrastructure issues. The plan's focus differed from the 1996 UNHCR operations document (mentioned earlier - as mandated by Dayton) in that it attempted to tie political and economic conditions to return. Additionally, the RRTF

⁴⁸ RRTF Report, April 1997, p.1.

drew from a wider resource base and had the power of Annex 10 behind it.⁴⁹

Despite the defined structure, tying other areas of implementation to return and the greater coordination provided by RRTF, return progress failed to improve dramatically in 1997, and even in 1998, as noted in later sections of this paper and in the following table.

Table 2: IDP (minority) returns summary to Bosnia and Herzegovina from 01/01/96 to 31/11/99

| | |
|-------|---------|
| 1996 | 164,741 |
| 1997 | 58,295 |
| 1998 | 29,570 |
| 1999 | 35,835 |
| Total | 288,441 |

Source: IDP Global Database and UNHCR

When the PIC met for the Sintra Steering Board Meeting in May of 1997,⁵⁰ the Council formally could welcome to the

⁴⁹ Annex Ten pertained to implementation of all other Annexes of the Dayton Peace Accords, and can be found in full at the end of this text. Annex Ten also provided for the designation of a High Representative (Head of the Office of the High Representative), who was responsible for overseeing implementation and was, according to Annex 10, "the final authority regarding interpretation of (this) Agreement on the civilian implementation of the peace settlement."

⁵⁰ PIC Steering Board met on the 30th of May 1997.

landscape a special body with the power to address the obstacles that were impeding implementation to return. Obstacles that were cited were most notably non-compliance or lack of political will by the Parties, and the absence of freedom of movement. The RRTF was now officially part of the coordination framework for returns. However, the RRTF was mentioned only once in the Sintra declaration, where it was asked to intensify its coordination role.⁵¹

Several themes remained consistent in the Sintra document nearly as they were in the London document almost five months later. Property legislation remained an important issue, but the PIC still placed the burden of passage of property laws squarely on the governments of the two entities. The PIC declaration emphasized also the need for the conditionality of housing and infrastructure projects on the acceptance of return, and in fact entitled the section of the declaration which dealt with returns, "Conditionality for Refugee Return."

In an effort to promote conditionality and reward compliant behavior, the UNHCR began a program entitled Open Cities, which tried to link funding to cities that were

⁵¹ PIC document from PIC meeting, Sintra, 30 May 1997. (In 2000, the PIC document would put the RRTF at the forefront, almost ignoring the individual organizations of the UNHCR and OHR.)

receptive to minority return.⁵² (This program was also mentioned in the PIC document.)

In the text of the PIC declaration, the RRTF was also formally asked to intensify its coordination role in regard to return related conditionality. A greater focus was placed on returns to specific towns, such as Drvar,⁵³,

Sarajevo, Banja Luka⁵⁴ and Brcko. (This approach was to be expanded in early 1999 with the concept of Axis of Returns, linking specific corridors of return, and putting pressure on those authorities in cities on the axis to facilitate returns.)

Harassment was once again mentioned as an ongoing serious impediment to return. Other continuing problems noted by the PIC were limited freedom of movement, legal, economic and other security barriers to return. The PIC

⁵² An Annex was included in the July RRTF Report reviewing cities currently recognized as open cities and those being evaluated for inclusion in the "Open Cities Program." However, recent data shows that the Open Cities Program was not largely successful in bringing more returns and better compliance with Dayton, although some progress was made. Other notable UNHCR programs at the time were the previously mentioned Bus-lines and Bosnian women's Initiative (BWI).

⁵³ Drvar was mentioned as a result of riots that had taken place when minorities had attempted to return in April of 1997. This prompted special reports by some think tanks on the difficulty of return to Drvar, although it should be noted that at the time of the writing of this report, according to the UNHCR representative in Drvar, returns to Drvar were far above the average of other towns in BiH.

⁵⁴ Banja Luka still has seen very few minority returns, despite the Banja Luka declaration in March 2000 - see minority returns table at the end of this document.

document restated the main themes of the RRTF plan that had come out a month earlier, and gave those themes it deemed most important the political backing and written emphasis in the declaration of the Council.⁵⁵ By mentioning the RRTF, and recognizing OHR as the chair, it was presenting the RRTF as a formidable player in implementation of Annex Seven.

Until the time of the Sintra meeting, return in BiH had been almost solely majority returns, or return to areas where persons were in the ethnic majority. The RRTF hoped to realize a projected 200,000 returns (both minority and majority) in 1997. The RRTF was meeting weekly when the April 1997 report was released. By the time the report was released the RRTF had an established organizational structure (comprised of the members mentioned earlier in this document) main principles and goals (more details regarding the functioning of the RRTF and its organizational structure will be examined in Chapter 4).

Many of the problems with the initial plan that had been debated during the first months of 1997 had been

⁵⁵ Source of the content of the Sintra Declaration is paragraphs 45-49 of the Communiqué by the Steering Board entitled, "Political Declaration from the Ministerial Meeting of the Steering Board of the PIC, Sintra, May 30 1997. The Peace Implementation Council Steering Board met regularly in Sarajevo for consultation with members of the International community on topical issues. Members of the PIC received documents such as the RRTF reports as "guidance" for their declarations.

resolved, or at least some agreement had been made. UNHCR was wary of the mission creep of the OHR into what it viewed as area of its responsibility, which was now becoming more evident. However, UNHCR simply lacked the resources, the support from its Geneva office and political weight it needed to accomplish successful return in BiH as stipulated in Annex Seven. The task was much greater and more difficult than had been anticipated - and with pressure coming from member nations of the contact group, and other members of the PIC, it can be argued that the UNHCR had no choice but to support OHR's RRTF.

Looking Back at 1997 - The Year the RRTF's Role is Defined

The RRTF sought to define its role in the IC and create a niche in which to operate in 1997. During that year, the OHR pushed for a greater role for the RRTF, as the UNHCR saw its budget decrease, and its responsibilities diminish.

By the end of the year, the RRTF had taken over much of the role of pushing returns in BiH, and in dealing with any contentious areas. (In later years there was an ongoing debate at UNHCR headquarters regarding how involved UNHCR should remain in BiH, as globally, UNHCR was under pressure

to focus on other areas where conditions were much worse than in BiH.) OHR, a European creation, and funded primarily by European countries, could focus more on return in BiH, and was under enormous pressure from donor countries hosting Bosnian refugees.

What did returns in 1997 really look like, and did the RRTF achieve the goals (at least partially) set out in its paper for 1997? Statistically, by the end of 1997, only 55,000 refugees returned to their own homes (minority returns), as compared to 165,000 the year before (They returned to their place of origin where they were a minority. The number repatriating was much higher, due in part to pressure from Western Europe.

Many of these were majority returns to areas where the refugees became displaced persons). This can be attributed to the fact that many of those who did return in 1996 returned along the zone of separation, where authorities were less hostile. Also, with regard to return there is generally an accepted philosophy that a greater number of persons will return in the first years after hostilities, but as persons put down roots in other locations they will be less likely to return.

The number of refugees repatriating was around 110,000 in 1997, compared to 90,000 in 1996.⁵⁶ During this time the forced deportation of refugees took place in many western European countries, as mentioned above. In 1997 1,000 refugees were deported from Germany and in the first two months of 1998, some 400 were deported.⁵⁷

Problems with returns in 1997 mirrored many of the same frustrations that returns in 1996 had exhibited. The December 1997 RRTF report treated 1997 as a year of "mixed results" for repatriation and return to BiH.

Success had been made in returns, but not enough, and breakthroughs had been made in Central Bosnia and other areas of the Federation, and even in some municipalities in the RS. However, at the end of 1997, property legislation continued to be a source of great frustration, and the open cities initiative was not as successful as its proponents had hoped.

The RRTF continued to focus on and call for targeted political and economic intervention, sustainability, and requiring clear political and economic progress. The December 1997 plan laid out the following strategy initiatives: "1) large scale repatriation from abroad, 2)

⁵⁶ Sources include UNHCR statistics tables, Amnesty International reports, and the Global IDP database, all reporting similar numbers.

⁵⁷ "Minority Returns or Mass Relocation?" ICG May 1998 Report.

substantial breakthrough in minority returns of repatriating refugees and displaced persons, with priority attention given to politically significant areas and 3) alternative solutions for displaced persons affected by repatriation and return.

The report outlined a three track integrated approach, focusing on the "cluster areas concept based on regions with significant repatriation potential (criteria mentioned above), minority return to strategically important areas such as North-West, Central BiH, Brcko, Sarajevo and existing "Open Cities", and finally through the provision of flexible funding to support unanticipated repatriation or minority return breakthroughs. This last approach came as a result of the realization in 1997 that it was difficult to predict where returns would occur.⁵⁸

No matter how carefully the international community assesses the return potential to different regions of Bosnia and Herzegovina, there may still be positive developments in 1998 which cannot be foreseen with any certainty at this moment. The availability of international resources to support such breakthroughs is crucial.⁵⁹

⁵⁸ The IC adopted a philosophy of "funds following the flow", thereby mitigating criticism stemming from money spent on returns and reconstruction for groups who decided not to return.

⁵⁹ RRTF Report, December 1997. This strategy, like the earlier mentioned "regional strategy concept," would not get full support from countries of the PIC until late in 2000, as countries were reluctant to give up the right to mark funds for specific areas. Many countries were interested in funding reconstruction in Sarajevo, but few had heard of places such as Trnovo.

The First RRTF Action Plan, December 1997

It was with the December 1997 Action Plan that the RRTF really began to define itself and was increasingly recognized as the foremost return structure in the field. The RRTF role was also more explicitly defined in this report than in the April Report, and again reflected similar points stressed in the PIC meeting in that same month. The main role of the RRTF was expressed in the Action Plan as follows:

to provide resource allocation guidance in support of the above tactical approaches and maximize returns for the limited economic resources available from the international community.⁶⁰

The tasks reflected what was listed in the approach, such as providing policy guidance and location specific advice to donors and promoting return in target areas. The new organizational restructuring was also defined, most notably the appointment of the Deputy High Representative to coordinate high level meetings, and the creation of

⁶⁰ RRTF Action Plan December 1997.

specific departments and working groups for the RRTF. The rest of the report reviewed progress, and again laid out future plans using a two tiered approach focusing on the economic and political context of return. Finally, the RRTF made recommendations for 1998. The actual progress made in 1998, however, would fall far short of expectations, in what had been proclaimed, "1998 - the Year of Return."

A quick note on the PIC of December 1997 - The Bonn PIC formally on Dec 10, 1997 extended the mandate of the RRTF.⁶¹ The PIC document directly refers to the RRTF Plan, and generally supports among other things, the restructuring, additional aid, returns to Sarajevo, and additional staffing for the OHR.

Returns in 1998: "The Year of Return"

In 1998, the international community seemed to have the full support of the Contact Group and the PIC members. It seemed that they had finally understood the importance of refugee return and the RRTF's role in return and reconstruction. The Repatriation Information Center was functioning, funding was high, and the PIC had approved the

⁶¹ Bonn PIC agreement and evaluative document by *Management in Confidence*, "Coordination Structures of the Return and Reconstruction Process," 11 Feb 1998.

appointment of a Deputy High Representative for the RRTF. Still the numbers for 1998 did not reflect the effort placed by the International Community on the return process. (See Table 2.)

In March 1998, the RRTF issued a comprehensive action plan for return, which placed in greater detail than past reports the international communities' plans for return in 1998. The return season was just underway,⁶² and the report seemed to address some new important issues. The report, coming only three months after the 1998 Action Plan had been released, further developed some of the same themes that had been announced before, presenting them in new ways with various modifications.

For example, the March report announced that the assistance program would be based on four pillars - political environment and security, economic revival and employment, housing, and local infrastructure. The wording of just these pillars reflects a stronger emphasis on security of returnees, which, with each successful minority

⁶² The "return season" in Bosnia typically runs from approximately March until October of each year, depending on the weather. This time is typically referred to as the "return season", as it is the time when most returns take place, and activities such as reconstruction and de-mining can take place, unhampered by the harsh Balkan winter.

return, was becoming more and more critical as the number of returnees exposed to danger grew.

Another area, which was newly emphasized, was the importance of information sharing. With the expansion of returns into more areas the sharing of information on municipalities, movements, and funding was also seen as increasingly more significant. The role and structure of the RRTF as defined in earlier RRTF documents seemed to remain largely unchanged. However, an added set of principles to guide the RRTF in its implementation was laid out as follows: The RRTF shall:

Promote return through focused intervention....involve beneficiaries, and relevant authorities....provide assistance to all members of society (This was to prevent the resentment of the host community against the returnees), and support movements as they occur.⁶³

Yet, despite the intensified efforts of the International Community, violence occurred again in Drvar in May 1998 (and with little reaction from IC.)⁶⁴ The incident was highly criticized by the outside world, and critics pointed also to the dismal number of returns up until that time. It seemed that all the money pouring in was simply being wasted on a failing implementation program. Others argued that the violence was inevitable, and that more violence would occur

⁶³ March 1998 RRTF report, p.3.

⁶⁴ "Minority Returns or Mass Relocation?" ICG Report, 14 May 1998, p. 4.

as returns moved from majority to minority returns, and into more contentious areas.⁶⁵ After all, the local communities were still under control of hard-liners, which manipulated the communities and whipped up nationalist sentiments. The term "spontaneous organized" demonstration was becoming a commonly used phrase in the humanitarian circles in Bosnia to describe these uprisings against returning refugees.

Some significant progress in certain areas was noted, however, and the Northwest RRTF, the regional arm of the RRTF structure in Northwest BiH, was singled out as a success story. It had been instrumental in bringing about breakthrough returns to Central Bosnia in 1997, and had been very effective in "harnessing the creative energy of displaced persons in supporting minority return" and using an "inter-agency approach."⁶⁶

The Northwest RRTF, according to interviews conducted for this report, is still viewed as the most successful of the regional RRTFs. The progress of the NW RRTF had led to breakthroughs in towns such as Prijedor - an area

⁶⁵ One senior IC official commented that the house burnings were part of the return process, and that, our responsibility was to react and try to contain the violence so that it was limited, although inevitable (This sentiment was echoed by officials of other agencies).

⁶⁶ "Minority Returns or Mass Relocation?" ICG Report, 14 May 1998, p.5

synonymous with ethnic cleansing during the war, and site of the grim Trnopolje and Omarska camps. Some officials argued that if minorities were willing to go back to these places, return should have been possible everywhere.

Other actions following the outlined strategy of the RRTF were also bearing fruit. Successful political intervention by the OHR High Representative (HR) Gerd Wagner after security threats against returnees paved the way for continued returns and inter-agency coordination. Such intervention was now paying off in NW BiH.⁶⁷ However, in Drvar and other areas, the IC failed to react politically, and the politicians seized the opportunity to demand such concessions as reciprocity, relocation,⁶⁸ and aid before return. Furthermore, the violence against returnees continued throughout 1998. Jiri Dienstbier, the Special Rapporteur of the Human Rights Commission on the situation of human rights in BiH, Croatia, and the FRY, noted in his January 1999 report submitted to the UN GA:

violence targeting returnees and potential returnees was widespread in 1998. Incidents were reported from all areas of the country, but the Special Rapporteur must stress his concern over Bosnian Croat controlled areas...large scale destruction of returnees' property and violent

⁶⁷ *ibid.*, 14 May 1998, p.9

⁶⁸ A debate was ongoing between the OHR and UNHCR, picked up at many times over the years.

incidents targeting returnees were almost daily occurrences.⁶⁹

Property legislation was still incredibly problematic and few decisions had been issued. Other developments, however, aided freedom of movement, such as the introduction of the common license plate. However, the year ended with a smaller number of minority returns than in 1997 - 29,570 in 1998 as opposed to 58,295 in 1997.⁷⁰

The PIC in 1998

The PIC met on the 16th of December 1998, in Madrid. The meeting took place just days after the release of the 1999 RRTF plan, but incorporated much of the same terminology. The PIC re-emphasized some of the continuing issues and strategies of the IC, and placed special emphasis on some concerns related to events and lessons learned in 1998. For example, the council noted that the Republika Srpska authorities had been particularly obstructive. It also emphasized the importance of SFOR in securing areas for return, mentioning Brcko and Central Bosnia specifically. It again emphasized the importance of conditionality, regional return, legal obstacles, and return to key cities and priority areas. By using the new

⁶⁹ ECOSOC Report 20 January 1999, E/CN.4/1999/42.

⁷⁰ Statistics Package UNHCR BiH, October 2000.

terminology of the RRTF in its document, the Peace Implementation Council was supporting the RRTF's new direction. OHR was increasing its authority within the RRT, placing Special Envoys in areas of special concern for implementation of the GFAP, and expanding the number and scope of the RRTF.

The 1999 Plan and Axis of Returns: Space, Security and Sustainability

The 1999 plan broke from the previous format of earlier action plans. The role and structure no longer needed to be defined. Operational considerations took the lead, based on restated principles. The Plan focused on regions and a new concept being used - the "Axis of Return" concept.⁷¹ In addition, the pillars or issue areas were simplified. These new revised pillars or policy areas were divided into the concepts of Space (for people to return to), Security (for returnees) and Sustainability (making returns last and providing a viable economic environment for them to live in.)

The operational plan again used principles of 1) following the flows of returns, 2) economic conditionality,

⁷¹ This is explained in further detail later, but basically followed the philosophy that there were Axis along which persons had fled and therefore they could now return along those same axis. By focusing on returns along these routes, delivery mechanisms were deemed to be more effective.

and 3) supporting sustainable returns. It also incorporated the philosophy of using return axis or lines of return. For example, many persons from Tuzla were displaced in Bijelina and many persons from Bijelina were displaced in Tuzla. As the International Community began to focus on the use of contested space, the need for a legal vehicle to reclaim property became increasingly important. Although returns to empty or reconstructed housing was occurring with some success, there was little return to urban areas and contested space.

Other principles of the plan which merit mentioning were: 1) targeting of benefits based on priority axis, 2) incorporating return to vacant/vacated space to unblock housing,⁷² 3) maximize secondary and tertiary flow by monitoring of property issues, 4) preventing relocation, and 5) finally providing information through an information campaign designed to inform returnees of their rights. The new plan did a good job in recognizing the correlation between the implementation of property rights and success of return in Bosnia and Herzegovina.

⁷² The idea was that if returnees moved back to unblocked or vacated housing this would move them out of contested space which would in turn move those persons who were moving back into their housing out of someone else's house, and so on.

The new plan clearly emphasized the realization that with a limited amount of resources, populations would have to move out of space that they were occupying illegally, security would have to be taken seriously by SFOR and UNMIBH, and efforts would have to be made to create a sustainable environment. All this had to be achieved for returns in BiH to be sustainable, and all were dependent upon the others for success.

However, the RRTF simply did not have the resources or expertise to deal with the technical problem of property issues. SFOR was reluctant to risk its forces in civilian implementation, and donor fatigue was beginning to set in. The Kosovo crisis additionally taxed resources. Despite this, several factors added to breakthroughs in both the RS and achievement in the implementation of property legislation. These included 1) dedication and maturing of the RRTFs (especially by the Sarajevo RRTF working in Eastern RS), 2) a thawing of hostilities in key areas partially attributed to the apprehension of war criminals in areas such as Prijedor, 3) creation of the PLIP, and 4) finally, strong, consistent leadership from the High Representative.

Personalities seemed to play a very significant role in the implementation of Dayton from the very beginning.

With offices such as the OHR wielding such immense authorities, having a strong but diplomatic personality in place was crucial to IC effectiveness. With the appointment of a new High Representative, a new head of UNHCR, a new COMSFOR, and a new American Ambassador in place - all highly committed to return, the right combination of personalities were in place to force long entrenched political foes of property implementation, and obstruction of return, from office.

In November of 1999, the High Representative removed twenty-two public officials from office in BiH, primarily for obstructing property legislation implementation. Furthermore, he imposed legislation to force the return of property to their rightful owners, creating with it a strict set of deadlines for adjudication of cases.⁷³

A note on the Kosovo crisis and the Stability Pact

The influx of over 30,000 refugees from Kosovo drew much of the resources for return - UNHCR, with a global mandate to assist refugees had to divert some of its funds to the problem of the Kosovar refugees. In addition, movement by the International Community was restricted in the Republika Srpska during the bombing campaign in neighboring Yugoslavia, thereby almost halting return movements into

⁷³ See OHR/OSCE Press Release, Sarajevo 29 November 1999.

the RS. Unable to escort returns and restricted from working freely in the RS caused a setback in many return projects (such as concerted efforts toward property law implementation, reconstruction efforts and multi-ethnic confidence building projects). Additionally, because funding was drawn away from returns, the future budgets of many of the organizations in BiH was heavily affected, as organizational headquarters diverted funds to aid in Kosovo.

The Stability Pact Summit was held in July 1999, bringing together Heads of State in Sarajevo to endorse an initiative by the European Union to create a framework for stability in South Eastern Europe. In its initiative, the Stability Pact members, including all nations of the EU, many Southeastern European (SEE) states, the United States, IOs, and International Financial Institutions (IFIs), defined priorities, objectives, the role of organizations and regional initiatives, donor mobilization and implementation and review mechanisms. To assess the success of the Stability Pact would take an entire separate study.⁷⁴

However, the Stability Pact (SP) has played some role in the return of refugees in BiH, and inadvertently has

⁷⁴ Stability Pact Cologne and Sarajevo documents, June and July 1999.

affected the role of the RRTF. The Steering Group in the Refugee Return Initiative has served as an additional forum from which to mobilize donor support for regional efforts. The SP has met with limited success in implementing some quick start projects, but has fallen far below initial pledges of member nations (Many nations had pledged "old money" couched as new money under the Stability Pact, so that it looked as if they were providing more aid than they actually were).

The RRTF was not immune to the negative aspects of donor fatigue and the problems associated with the failure of donors to meet commitments. The RRTFs were sometimes forced to fall short of commitments to NGOs for proposed reconstruction projects, causing some returnees who were in effect unofficially promised aid to despair over what they saw as a fallen commitment by the International Community. This also affected credibility of some organizations, which had been advocating that "funds will follow the flow."

1999 in Review

Despite the Kosovo Crisis, by the end of 1999, the new, more operational, practical approach seemed to be bearing fruit. In addition, the CRPC was beginning to function. The CRPC had been under much criticism for

failing to achieve any results. Indeed, an October 1999 report by the ICG was highly critical of the CRPC, asserting that "Nowhere have there been such flagrant violations of the Dayton Peace Agreement as in the parties attitudes in dealing with the Commission." ⁷⁵ Steven Segal, internationally appointed head of the CRPC, acknowledged the lack of political will by the authorities in a 16 September 1999 interview with Dnevni Avaz, stating, "The majority of the decisions (issued by CRPC) are not implemented."⁷⁶

The ICG report, as well as other reports assessing return in BiH, argued that it was not only political will blocking the right to return, but the problem of reclamation of property. Although in much of the country the problem of security was becoming less of an issue, the problem of "space" still remained.

Another problem was that a growing number of houses existed that had been reconstructed, where returnees had indicated their will to return. However, because of the lack of will of the returnee to move back to a place from which he had been ethnically cleansed and the lack of will by authorities to evict him from illegally occupying, for example,

⁷⁵ ICG Report, "Is Dayton Failing? - Bosnia Four Years After the Peace Agreement." 28 October 1999.

⁷⁶ Dnevni Avaz, "Interview with Steven Segal" September 1999.

someone else's home where he was presently living, the returnee sometimes not only had a house rebuilt, but was also now occupying the home of someone else. This created another problem - that of double occupancy.

Again, it was the High Representative (HR) who moved in to force the authorities to accept laws drafted by the CRPC to engender local politicians to accept CRPC decisions. The laws also harmonized legislation regarding property in both entities. The laws included provisions regarding double occupancy, time limits for reclamation of property; provisions regarding socially owned property and many other aspects of property legislation. The HR thus imposed these laws in both entities on 27 October 1999.⁷⁷

Now the legal structure was in place, but still an enforcement mechanism was needed. The RRTF was unable to deal with the technical issues as property legislation, and therefore, a new structure needed to be created. In late 1999, the Property Legislation Implementation Program, or PLIP, was established.

⁷⁷ Because of the complexity of the property laws, this study will not go into details regarding the various laws, but will merely list them here to give the reader an idea of the many laws. Among the laws changed were, 1) the law on cessation of application of the law on the use of abandoned property; 2) the law on further amendments to the law on cessation of application of the law on the use of abandoned property; 3) the law on implementation of the decisions of the commission for real property claims of displaced persons. OHR Press Release, 27 October 1999.

PLIP

The "PLIP cell" was set up within the RRTF Secretariat, and its members, drawn from the principal organizations of the OHR, UNHCR, OSCE, UN, and CRPC, were many of the same persons who also were representatives on the RRTF. However, the PLIP also had as part of its composition a team of lawyers who worked specifically with development of the property legislation, and were able to guide the process of construction and implementation of the law.

In addition, the OHR coordinated an information campaign to explain the legislation to the people, using the UNHCR legal aid centers as outreach centers for the public. In 1999, the OHR also received substantial funding for the information campaigns and was therefore able to obtain adequate resources for the distribution of the information.⁷⁸

The PLIP began with a coordinated structure which shared responsibility among the above mentioned organizations. The PLIP divided up leadership roles among the principal organizations working with property

⁷⁸ Source - Press Conference in which the amount of money available for the campaign was publicly disclosed.

legislation of OHR, UNHCR, UNMIBH and OSCE, creating focal points, called PLIP FOPS, for each municipality or area.

The FOPS then collected data regarding information on decisions taken on property and recorded and shared this information among the international community, ultimately releasing the data to the public in 2000, citing publicly non-compliant municipalities.

Finally, the concept of ownership, mentioned earlier in relationship to the PIC, was adopted in earnest by the International Community in late 1999 and 2000 and was promoted through mass information campaigns throughout Bosnia. The IC called on the citizens to press their local politicians to take "ownership," or responsibility for the fate of the people (One underlying message of the campaign was that the BiH citizens would not be able to rely forever on an international presence in Bosnia.) The OHR together with UNMIBH, UNHCR, and OSCE ran an information campaign that centered on such concepts as "Respect," or "Ownership." ⁷⁹ The campaigns used everything from posters to press conferences to editorials by the High Representative to broadcast its message.

⁷⁹ For additional information on the property legislation public information campaigns see the OHR web site at www.ohr.int

At the same time that the HR was moving forward in pressing the authorities in BiH to reform property laws, breakthrough returns were occurring in the Eastern Republika Surpass, an area that had seen little return up until that time. In addition, the number of minority returns rose substantially during this time. Returns occurred to such areas as Pale (Stronghold of Karadzic) Foca, and Visegrad. Improvements in cooperation between the UNIPTF and local police has also led to increased confidence of returnees regarding local monitoring of return movements during 1999.

RRTF 2000: Minority Return Breakthrough - Donor Fatigue sets in

In the first half of 2000, the number of minority returns more than doubled over the previous year. This can be attributed to several factors. Primary causes were the implementation of property legislation, increased security, and removal of public officials. However, as the number of returns rose, the funding dwindled. Funds that had been pledged often were not received, disbursement of funds that were approved was delayed, and budgets were cut. Because of this, the international community was forced to consolidate its efforts in raising funds and look at other

methods of obtaining funds. Outside BiH, changes were being felt as a result of the election of Stipe Mesic in neighboring Croatia, making a regional approach more feasible.⁸⁰

One of the major results of the need for quick funding to meet expected needs was the institution of flexible funding mechanisms and quick impact funding for return and reconstruction in Bosnia and Herzegovina. As mentioned earlier, the Stability Pact framework and its related meetings was a good forum to discuss the much-needed quick impact programs.

By the Fall of 2000, the situation regarding funding was better in that many stability pact pledges had been met, quick impact and quick support funding had been secured and in many places disbursed, and despite fears that returnees would go back to their place of displacement, many did not carry through with threats to do so.

The Role of the RRTF in Donor Funding and Raising Stability Pact Pledges

Because the issue of donor funding is so complex, I have chosen to deal with this separately from the other

⁸⁰ Stipe Mesic became President after the death of Franjo Tudjman, whose Croatian Democratic Party had kept Croatia from moving ahead democratically.

aspects of return and reconstruction in BiH, and will only briefly focus on this as it relates to the RRTF. The RRTF communicates with its donors in several ways - through donor countries sitting in on Secretariat meetings, through personal contacts of RRTF members with donor countries, through coordinated appeals (such as the Consolidated Agency Appeal or CAP), and through donor pledging conferences.⁸¹ Also, the IMG,⁸² as a member of the RRTF, keeps a database of ongoing return and reconstruction projects in BiH. OHR and UNHCR have both had at times a donor office responsible for tracking donations.

However, as explained in the next chapter, there are problems with information sharing, coordination and competition between the organizations that leads to incomplete information for donors regarding what projects to fund.

Conversely, donors may be presented with conflicting priorities from competing organizations regarding what the most urgent needs for returns in BiH are. This may not be

⁸¹ Much of the Funding for the post-conflict reconstruction in BiH was organized through the Priority Reconstruction and Recovery Program, organized by the World Bank, and raised through formal pledging conferences ("Good Intentions, p.324-325).

⁸² The IMG was established as an intergovernmental organization "dedicated to the rehabilitation of the infrastructure of Bosnia and Herzegovina." - see web site at www.img.org

done maliciously. For example, the different organizations may send a "wish list" of projects up the chain of their internal command, and while possibly approving a project at a local RRTF meeting, it then may not be passed over to the Secretariat once it reaches the BiH headquarters level. Many such examples can be given, but it is sufficient to note that these situations can also depend upon personalities, priorities, and diplomatic and public pressures.

Finally, the RRTF is represented at donor conferences. At the pledging conferences, donors may become confused or indecisive when they are presented with different priorities and projects than have been previously been proposed to them by members of the RRTF such as UNHCR or OSCE. Furthermore, because of this, there have been instances where certain areas have received substantial assistance while other areas receive little or no assistance.

A good example of the difficulties associated with raising funding is the stability pact. Numerous attempts at coordination have ended with little concrete results as mentioned throughout this paper. The RRTF could have played a leading role in coordinating project proposals and encouraging pledges, but without a consistent and defined

role as donor coordinator, this useful forum has been overlooked and underused.

CHAPTER 4

STRUCTURE, METHODOLOGY AND PRINCIPLES OF THE RRTF

At this juncture it is important to examine the functional aspects of the RRTF - its organizational and operational structures, strategic objectives, and to evaluate what has worked and what has not. Chapter Five evaluates particular aspects of the RRTF as they are representative of traditional coordination models, such as the command structure, the method of information sharing used, and the connectivity between local and international bodies.

Finally, the first half of Chapter Six examines recent suggestions for successful conflict recovery mechanisms and strategies. The second half focuses on how this was applied in the case of the RRTF and how the RRTF provides support for or disproves certain aspects of the theories. Based on this, an overall conclusion will be drawn regarding the application of the RRTF structure or parts of the RRTF structure to other post- conflict recovery environments.

The Secretariat and the Central RRTF

The Central RRTF is technically comprised of the OHR, UNHCR, the European Commission, the European Commission Humanitarian Office (ECHO)⁸³, the governments of Germany, the United States and the Netherlands, the World Bank, the UNMIBH, IPTF, OSCE, UNDP, IMG, IOM, the CRPC, and SFOR⁸⁴. This make-up has remained, despite substantial non-attendance by many of the members at times, as well as the inclusion of others at various times. At the time of the interview with a member of the Central RRTF for this study, however, the Central RRTF had not met for over six months.⁸⁵ NGOs are completely underrepresented at this level. The International Council of Voluntary Agencies, or ICVA, could be said to be the closest model to an umbrella organization for NGOs in BiH. However, it does not play a coordinating role among NGOs, rather it acts in an information sharing capacity.

⁸³ The ECHO office formally ceased functioning in BiH at the end of 1999, but is still listed on many RRTF documents, indicative of the misinformation being circulated.

⁸⁴ According to the RRTF Information note found on the OHR web site - www.ohr.int/rrtfinfo.htm

⁸⁵ Based on information given at interviews with OHR and UNHCR representatives and on follow up correspondence with others in Sarajevo.

It should be noted that neither representatives of government agencies, or of any aspect of the government are represented at the Central Coordination level. As noted earlier it was agreed early on, that the decision to include government representatives would be made on an ad hoc basis.

The Secretariat, located at OHR is composed of roughly twelve employees, with a Deputy High Representative heading the Secretariat. He reports directly to the High Representative. The employees at the secretariat level cover topics from donor relations to strategy to organizational management issues.

The RRTF at the Regional Level

There are six regional offices; the RRTF Region North West/ Posavina, RRTF Region South, RRTF Region BIH Central, RRTF Region Sarajevo and Eastern Republika Srpska, RRTF Region Tuzla, and RRTF Region Brcko. At this level, the quality of coordination seems to vary from one regional RRTF to another. In the documents reviewed for this study, the Northwest RRTF was cited frequently for its good level of coordination. Factors given for successes of a regional RRTF include 1) have funding available, 2) have effective personalities at the table and 3) entertain discussions

that are practical and efficient.⁸⁶ These qualities could also be attributed to success at any of the other levels.

According to a representative of the UNHCR Protection Unit for BiH, personality often plays a big factor in the functioning of the Regional RRTFs. Often those who are running the RRTFs at this level are mid level careerists who are looking to get ahead.⁸⁷

The OHR Special Envoys are frequently those that represent OHR at this level of the RRTF Structure. The Special Envoys, created in the 1998 RRTF Plan as mentioned in Chapter Three, were given authority to act in many circumstances without oversight, and as a result, have, on occasion, bypassed the RRTF with regard to matters concerning the RRTF.

In addition to personality, it is often unclear who should be a member at the regional level. Although the members are defined at the Secretariat/Central level, at the regional and local level, many of the above mentioned organizations lack the manpower to be represented at the lower levels. In other cases, some organizations not represented at the Central level are present at the lower levels, such as some NGOs. Since there is not effective

⁸⁶ Based on interviews with representatives from UNHCR and OHR in Sept 2000.

⁸⁷ Based on an interview with UNHCR personnel in September 2000.

NGO umbrella organization, the NGOs are not able to present their views as a unified group, or use leverage with the RRTF to better achieve their goals.⁸⁸ In addition, even at the Central, many vital members, such as the EC or US Government do not always attend meetings.

The Local RRTFs

According to sources interviewed from June 2000 to September 2000, the local RRTFs were cited as the most effective of the RRTF structures in accomplishing goals in an efficient manner. The local RRTF network is quite extensive in BiH, with some seventy local task forces meeting countrywide. According to a UNHCR representative, the local RRTFs are more effective because the members at this level tend to focus on concrete issues, not on political or policy related ones. This is further supported in a February 1998 study on coordination structures in support of the return and reconstruction process which states that the coordination among the RRTFs increases "the further one gets away from policy and the closer one gets to

⁸⁸ The NGOs are reluctant to come together under one system for a several reasons, primary among them overlapping mandates, donor competition and lack of a political force to force them to come together to the bargaining table. (Some organizations in Bosnia such as UNHCR have attempted to address NGOs concerns, organizing meetings for example, to facilitate cooperation.

implementation.”⁸⁹ Although the report was written in 1998, the RRTF has not been able to bring the level of coordination between members at the Secretariat to match the levels found at the lower levels.

Methodology and Principles Guiding the RRTF

The RRTF methodology was adapted to meet change in circumstances in BiH, so there has been no one set of principles that have guided the RRTF throughout its life span. However, some basic elements have remained largely consistent since 1997, with some modifications.

The areas of focus for accomplishing successful minority return have basically centered on the concepts of Space, Security, and Sustainability.⁹⁰ These concepts were formalized in the 1999 RRTF plan, and will be used in this thesis, elaborating on the RRTF's key areas of concern, as they are general enough to encompass all the fundamental issues covered by the RRTF. According to the RRTF Action Plan for 1999, these concepts or concerns must be addressed in order to have successful return.

⁸⁹ Management in Confidence, 12 Feb 1998, p. 8.

⁹⁰ This was drawn from several formal and informal interviews. Although these terms are not always found in the reports of the RRTF, these are the terms that are used on a day to day level in Bosnia and Herzegovina by RRTF members.

Space, Security, and Sustainability as RRTF Concepts Defined

Space

The first area of concern centers on the notion that for returns to take place; housing must be made available for returnees. "Space", as a concept, can be divided into two areas - contested and uncontested space. Contested space, for the purpose of this paper, and in the RRTF 1999 Report, refers to housing currently occupied by someone other than the rightful owner of the property. Uncontested space is defined as damaged or destroyed, and/or unoccupied housing. Returns to uncontested space largely occurred in rural, and contested space largely was found in town centers.⁹¹ The first flow of returns back to any area has been thus far largely to rural areas and uncontested space.

Space has proven to be the most difficult area for the RRTF to deal with, and as mentioned above, the RRTF ultimately had to expand its operations to create a special task force, the PLIP, to deal with the issue of contested space.⁹² In a 1999 European Stability Initiative (ESI) report evaluating the RRTF, ESI describes return to

⁹¹ "Interim Evaluation of the RRTF: Minority Programs in 1999," ESI Report, Sarajevo 14, September 1999, p.2

⁹² Note that the "PLIP cell" is the headquarters level body of the PLIP, and the only PLIP body that was not primarily functioning as an RRTF. (See earlier mention of PLIP.)

contested space as " akin to rule of law and institution building programs."⁹³ Therefore, the RRTF was not prepared to deal with the issue of contested space as it was originally set up. Its members lacked the expertise in property rights and until 1999, this critical issue was not adequately given the level of importance it merited. In fact, it was not until the end of 1999 and 2000 that the RRTF began to successfully address either the issue of return to contested space or sustainability. The ESI report concluded that the RRTF mechanisms were not designed to deal with property issues, and furthermore states that the 1999 Action Plan " fails to set out clearly the extent and nature of RRTF involvement in the difficult area of sustainability of returns."⁹⁴

Security

Security in this framework is defined as preventing threats and violence from being used to intimidate returnees or prevent returnees from returning or remaining in their place of return.

⁹³ "Interim Evaluation of the RRTF: Minority Programs in 1999," ESI Report, 14 Sept. 1999, p.6

⁹⁴ Ibid., p. 6

Security, by and large, has been addressed in BiH more fully than either Space or Sustainability. As the return season in 2000 began, according to UNMIBH, the number of incidents against returnees was substantially fewer relative to the number of returns, as compared to previous years.⁹⁵ Because of this, the focus for security has shifted in many places from concern regarding the destruction of houses and need for SFOR involvement in the protection of returnees, to the need to provide minority policemen in areas of return. This is in a forward looking move to train and enable local authorities to provide a secure environment after the IC leaves Bosnia (The number of minority policeman remains small. Yet, despite this, the behavior of majority policeman has improved substantially with some exceptions in recent years with regard to treatment and protection of returnees).

Sustainability

Sustainability in this context means that returnees should have at their disposal adequate resources to make life in the return area viable. This can be achieved through support to the local economy, income credits,

⁹⁵ Source: UNMIBH source stated that according to their records, the number of attacks against returnees had actually diminished in 2000 over 1999 proportional to the number of returns occurring, despite the fact even as of March of 2000, there had been over 30 incidents against returnees.

capacity building projects, educational and social services support, and infrastructure projects. Developing modes of self-sufficiency for local populations in BiH, including returnees, is vital as part of an international community exit strategy.

Space, Security and Sustainability Reviewed

Up until 1998, security remained the primary threat to return. Success in this area has been achieved in many respects in BiH. This can be measured by the freedom of movement available to BiH citizens, the lower level of incidents that occur in BiH against returnees today, and indirectly through the improvement in confidence and relations between local authorities and returnee communities. Much of the above was achieved through the work of local RRTFs with local authorities, and the adoption of tough policies adopted at the RRTF Secretariat levels such as making the removal of obstructionist officials, the adoption of incentive programs such as "Open Cities" and the apprehension of war criminals. Many different strategies were attempted, but after evaluation through this paper, it can be seen how such a body as the RRTF was vital to coordination of policy decisions at national, regional and local levels.

The problem of primarily uncontested space was finally addressed most recently by the PLIP and property legislation. However, without the existing structure of the RRTF, the networks would not have been available for monitoring implementation of legislation, enforcement of CRPC decisions, the progress of local housing officials, alternative accommodation for illegal occupants, and many other aspects of return to uncontested space.

Sustainability remains one of the most difficult areas to address for the RRTF. In an interview with an OHR RRTF worker, he commented that "sustainability had never been adequately addressed, partially because the definition changed so much - we weren't sure what it was we wanted to do."

And with the decrease of funding in 2000, this became an even more critical issue, as returnees moved back to their places of original displacement, citing an inability to support themselves as the primary reason for the reverse in their return.⁹⁶

Methodology Deciphered

As mentioned earlier, it is difficult to concisely analyze all the principles and tasks that the RRTF has

⁹⁶ This occurred in the municipality of Cajnice on the border of FRY, in the eastern RS, as well as the better-known area of Visegrad.

addressed since it began. One interviewee attributed this to the fact that the RRTF functioned in crisis mode, that is it was designed quickly in order to rapidly address wide criticism of the return process in BiH, leaving little time for planning.

Additionally, the situation in Bosnia was one of the first of its kind in the post cold war era, and planners had few examples of models set up in post-communist post-conflict countries to work with. As mentioned earlier, above all, it was recognized that returns in BiH required a political force behind them - someone who could be responsible for forcing implementation of Annex Seven. The RRTF, with the backing of OHR, was thus the body to do this. All Principles of the RRTF contained a political component, in addition to a humanitarian one. The Principles of the RRTF that have been mentioned in this paper, can be summarized as:

- 1) Security issues such as coordinating SFOR and IPTF support for returns,
- 2) Coordinating donor funding and raising donor support,
- 3) using donor funding to support return and creating return related conditionality,
- 4) coordinating among the donors and the agencies in Bosnia and Herzegovina to use resources efficiently,

- 5) working with local and national authorities to gather support for returns,
- 6) working with return related issues such as economic development to create sustainable returns and,
- 7) Creating an institutional and legal framework to support returns.

These principles served as the mainstay by which the RRTF guided its work. Along with the concepts of Space, Security and Sustainability, the RRTF has used certain functional concepts such as that of the Axis of Returns to try to achieve return in BiH. Below are listed certain problematic areas - some have already been mentioned, while others are expounded upon in Chapter Five, which evaluates what lessons may be learned from the RRTF.

Especially Problematic Areas for the RRTF

Special ongoing problems to note have been 1) de-mining, 2) statistics 3) property 4) spending coordination 5) funding 6) the gap between declarations and reality 7) information coordination and 8) hierarchy or chain of command. Of these, this paper has already addressed funding, statistics and property. In the following chapter on the RRTF as a model, hierarchy, information sharing, and the gap between policy and practice will be discussed.

De-mining has also been an area of concern that has had a substantial impact on the success of returns in BiH. Some have argued that adequate funding has not been available through the RRTF and other forums, such as the Mine Action Center of BiH to de-mine returnee areas. Furthermore, at the end of 1999, UNHCR, due to funding cuts was forced to close its de-mining program. Although mentioned in earlier RRTF documents, the RRTF has not been successful in galvanizing financial support for de-mining in BiH, as it has chosen to focus on other return priorities. Because of its low rank as a priority, many returnees find mined housing (either left over from the war, or in some cases, newly planted mines) as an obstacle to return, and turn to local RRTFs for assistance, which is often unavailable.⁹⁷

⁹⁷ At the time of this writing I was unable to find any documentation on the number of returnees which have noted mining near their homes as a factor hindering return.

CHAPTER 5

THE RRTF REVISITED - A WORKABLE MODEL?

The RRTF is largely viewed as one of the most successful field structures currently operating in BiH. Other structures that have existed are the Media Experts Commission (MEC), the Economic Task Force and the Human Rights Coordination Center (HRCC). None of these have been in existence as long or have as extensive a field structure as the RRTF. As mentioned earlier the initial plans of the RRTF mapped out the RRTF on both a strategic and functional level. Chapter 4 examined the RRTF on a strategic level, looking at its policies, methodology and principles.

On a functional level the RRTF also went through many changes. Although successful in expansion and modification and adaptation of its various task forces, whether it was to add a Deputy High Representative at the Secretariat level or decide to include local officials at a local RRTF, the RRTF exhibited some basic structural and functional problems. These have been illustrated through difficulties with information sharing, chain of command issuance and the

disparity between reality on the ground and declarations at the highest level. Below some of these problems are discussed in the context of their affect on the RRTF as a refugee and return coordination body.⁹⁸

Problems with Leadership in the RRTF

According to interviews conducted for this study (and further supported by previous studies of the RRTF), the way power is shared within the existing structure of the RRTF has been detrimental to the success of the RRTF. This is especially true with regard to the joint lead role of OHR and UNHCR. A study done on the RRTF by Management in Confidence noted the confusion surrounding the leadership on return matters in BiH, stating,

Annex 7 of the Dayton Peace Accords gave the lead on DPRE matters to the UNHCR and yet the PC meeting in Bonn in December 1997 gave the lead to OHR. This has caused confusion as to exactly where responsibilities lie and this needs to be resolved in a clear and unambiguous matter.⁹⁹

The report, written in 1998, then recommended a joint command or power sharing structure. In a subsequent brief analysis of the RRTF by the European Stability Initiative in September 1999, improvement in the area of leadership in the RRTF was noted. ESI wrote, "The effectiveness of the

⁹⁸ "Interim Evaluation of the RRTF" Sept 1999 ESI, p.2.

⁹⁹ Management in Confidence, Feb 12 1998, p. 9.

RRTF has increased as the High Representative has emerged as the strongest political player among the international community.¹⁰⁰ The report then goes on to say, however, that this is effective as long as the other organizations were willing to submit to the guidance of the OHR. Because OHR has never been assigned as the head of the RRTF through the PIC, however, there has remained reluctance from the UNHCR to divulge all final decision making to the OHR on return and refugee related matters.

Furthermore, since UNHCR is mandated as mentioned above, as the lead in Annex 7, without a rewrite of Dayton, it is difficult for the "powers that be" to assign OHR as the implementers of refugee return in BiH until there is a rewriting of Dayton. Politically, this has also been a factor of mission creep among the missions in BiH, as each seeks to protect its mandated area and therefore ensure its continued operation in what each perceives as its field of expertise. Because the PIC members also take into account national and international organizational interests on a larger scale, such decisions as handing over complete authority on any matter from one organization to another is difficult. Without a clear leader, certain issues can become lost, gridlock occurs, and the overall effectiveness

¹⁰⁰ "Interim Evaluation of the RRTF" Sept 1999 ESI, p.6.

of the RRTF suffers. Then, simple issues such as whom to include in meetings cannot be made, or are made on an ad hoc basis, and traditional conflicts such as that between military and humanitarian organizational priorities can remain unresolved.

Information Sharing/Duplications Chaos and a Mixed Message

Also, there continues to be much criticism regarding the information coordination among agencies with regard to return and reconstruction, despite the establishment of the Repatriation Information Center (RIC), as well as the establishment of a shared reconstruction database by the International Management Group. Neither is held within the walls of the RRTF Secretariat, and in fact, the RIC is no longer in use as a primary source for return and reconstruction information. There have been other attempts to share information regarding return and reconstruction but these have not been greatly successful, due to problems with inter-agency rivalry, information overflow, lack of a central database and poor coordination of information available.

This information-sharing problem can be exacerbated by the reluctance of donor nations to provide information about funds. For example, with regard to stability pact

projects, without any idea of how much of the pledged funding was to become available, the RRTF was unable to communicate to prospective returnees whether aid would be made available for reconstruction, should they choose to return home. Other returnees have been living in tents or makeshift shelters for years, patiently waiting promised aid.

Why is information so difficult to obtain? Management in Confidence notes that for many "information is currently regarded by many individuals as a source of power," and do not see information sharing as a wise move for the survival of their organization. Another problem mentioned above that is often cited is that there is no organization or gatekeeper to relay or bookmark important information that may then get lost. Finally, many complain that there is simply too much information. (On the other hand, the military has been chided for keeping some important information classified.) Without a single department for the dissemination of information, the RRTF continues to suffer from gaps in vital information leading to problems in effective coordination and ultimately, implementation of its goals.

Despite these setbacks, coordination in the field has improved remarkably since the establishment of the RRTF.

This was made evident by how well the PLIP network functioned to provide agency head offices with the appropriate information regarding violations of the property legislation implementation in all areas of the country, despite the fact that no agency now has a representative for the RRTF in every municipality. By sharing resources the PLIP was able to cover much more ground than each agency would have been able to do alone. Furthermore, the PLIP Cell at the Sarajevo level coordinated exceptionally well together, minimizing inter-agency rivalry, and leading to breakthrough returns into city areas in 2000.

The Gap between Policy and Practice in the RRTF

Even when coordination and communication are achieved on the ground, without the backing and political will of the member countries and international agencies, RRTF members on the ground can find their task difficult. If better communication could be achieved between field members' experiences and country capitals, funding gaps such as the one experienced in 2000 may not have occurred. Better planning could also be achieved if the gap between policy decisions made at the highest levels and local needs could be better bridged. Too often, headquarters of IOs

must spend their time chasing the latest fire brought to their attention of concerned donors perhaps by the media or local constituents. Motivation for policy decisions can often come from the top down, rather than from the ground up.

CHAPTER 6

A TEMPLATE FOR THE FUTURE?

Recent suggestions for Successful Conflict Recovery Strategies

Although there are many different strategies for the conflict recovery process, here we examine only one. This selection was chosen based on its proximity to the subject of this study, as it reflects the same challenges of coordination and implementation facing the members of the RRTF in their attempt to carry out the Principles of Annex Seven.

Recently, Shepard Forman and Stewart Patrick in *Good Intentions: Pledges of Aid for Post Conflict Recovery* published their suggestions for an effective recovery plan for post conflict countries with international community involvement. Using several different countries (Various chapters were written by area experts.) as case studies, they reviewed different existing plans for successful aspects that could be used in a formula for effective conflict recovery. One of the cases studied was Bosnia and

Herzegovina. Many of the recommendations made by its authors have been incorporated into the framework of the RRTF. This section looks at the suggestions by the authors of "Good Intentions," those aspects reflected in the RRTF and then draws some final conclusions based on the authors' analysis.

Forman and Patrick point out that comparatively speaking, the "Bosnia Case is a positive story of international interest, commitment and delivery."¹⁰¹ While the RRTF is a good example of the commitment mentioned by Susan Woodward in her Chapter on BiH, the RRTF still experienced great difficulties in achieving progress in returns and reconstruction, one of the foremost tasks on the road to recovery in any post-conflict setting. That one of the "successful interventions" experienced such difficulties as the intervention in BiH says much about the difficulties of post conflict recovery operations today and the work ahead for tomorrow. This thesis has already discussed many of the problems that the RRTF had coordinating recovery in BiH. What comparisons can be drawn between what Forman and Patrick determine as the formula for success and the lessons learned from the RRTF? First, however, how do the authors draw their conclusions about post conflict recovery?

¹⁰¹ Forman, Patrick, 315.

Good Intentions does a good job in learning from many of the mistakes made in Bosnia's recovery program and recovery programs in other countries such as Cambodia, El Salvador and the Palestine Territories. The author begins by looking through a broad lens at the context of reconstruction assistance today, but later evaluates the makeup of programs. For example, the Balkans Stability Pact was hailed as the Marshall Plan of the Balkans, yet the context in which these reconstruction programs were put together is very different. As suggested by the authors, the Marshall Plan had a much greater basket of resources, in addition to full political backing and popular support.

By contrast, the Stability Pact has experienced a myriad of problems in implementation. As mentioned earlier, for example, the first table of the Stability Pact,¹⁰² which includes return and reconstruction funding, has yet to be realized. As of the middle of 2000, the overwhelming majority of money pledges still had not been applied to programs in the Balkans. The authors also delineate between the three stages of transition in post conflict peace building, as: 1) the security transition, 2) democratic

¹⁰² The Stability Pact Project Areas are divided into three working tables. These working tables were 1) democratization and human rights 2) economic reconstruction, development and cooperation and 3) security issues.

transition and finally, 3) socio-economic transition.¹⁰³ When one looks at the changing priorities and emphasis of RRTF programs, it is evident that the RRTF could have mapped out its priorities from the beginning to emphasize first security, and then democratic reforms and finally sustainability. This is what happened as a result of regional realities, but as one RRTF Secretariat member pointed out, one of the weaknesses of the RRTF was that it was reactionary, rather than forward looking. Had it been planned well and been forward looking, one might argue, it would be better placed to garner much needed resources to support the appropriate stage of the transition.

Finally, after comparing former models of engagement, *Good Intentions* list the seven challenges that donors or international actors must meet in order to improve aid impact and co-ordination. Improving impact and aid coordination is exactly what the Return and Reconstruction Task Force was set up to do. By achieving better coordination and aid impact, the donor countries can more effectively accomplish their larger goal of peace and stability in the affected region, and in the context of Bosnia, this means achieving what the Dayton Peace Accords set out to do.

¹⁰³ Shepard, Patrick, p. 5.

These challenges, according to Forman and Patrick are:

1) Providing a strategic framework, 2) establishing new mechanisms for mobilizing resources, 3) deepening institutional reforms, 4) adoption of explicit and consistent approaches to placing conditions on reconstruction assistance, 5) coordinating assistance locally 6) enhancing recipient capacity, and finally, 7) ensuring accountability in delivery of aid, and ownership at the local level.

Seven Challenges to Donor Coordination Theory Applied

Lessons for the above can be drawn from the creation and development of the RRTF. The above-proposed model can be applied to the case of the RRTF. Furthermore, the RRTF provides support or disproves certain aspects of the suggestions. Based on this, it can be determined whether the application of the RRTF structure or parts of the RRTF structure to other post-conflict recovery environments is feasible. It should also be noted that the many of the suggestions above are proposals that have been put forth before. The above list of challenges to post conflict recovery methodically addresses or touches upon all facets of the post-conflict recovery.

In Chapter Two of *Good Intentions*, Patrick points out that organizations or donors often do "assessments independently using the resulting data to draft its own self contained assistance strategy, resulting in incompatible projects, gaps, and minimal organizational learning."¹⁰⁴ In the case of Bosnia, many of the donors and organizations have specific requirements for reporting to their respective capitals and headquarters, and therefore one organization's reports were not practical for use by another.

In other cases, because of competing mandates, the organizations were reluctant to share information that they had acquired, because of animosity toward other organizations or mistrust in how information would be used. In addition, because of pressures and diverse interests emanating from those same capitals and headquarters, serious gaps in assistance were experienced in Bosnia. For example, in certain instances, reconstruction would be completed in a village, while in the neighboring village, only infrastructure projects restoring water supplies and electricity would be completed, leaving neither village habitable. Or different countries would invest in different areas because of political interests - the Germans were often accused of concentrating their investments in areas where returnees from Germany were

¹⁰⁴ Forman, Patrick, p. 37.

repatriating. The German Government funded certain municipalities, irrespective of violations by the municipality of other Annexes of the Dayton accords, simply because they had a vested interest in seeing persons repatriate to those areas.¹⁰⁵

With one framework and a unified leadership under one organization, gaps in assistance could be corrected, reporting could be simplified, donor funds could be more easily tracked and incompatible or redundant projects could be avoided. The RRTF, and programs such as the Stability Pact and the PLIP, continue to attempt to obtain a comprehensive "database" of information on commitments, pledges and expenditures, as well as legal information, and related reconstruction and return information. Had this been done from the beginning under one unified structure, much time and effort would not have been wasted.

Second, *Good Intentions* calls for the mobilization of adequate resources. In addition to providing adequate resources, Forman and Patrick call for appropriate resources.¹⁰⁶ For one, donor countries need to honor their

¹⁰⁵ ICG Report, 14 May 1998, 17-20. For example, ICG writes "While most of the German Laender agreed not to repatriate non-Serbs to the Republika Srpska, they pursued a policy of repatriating Bosniaks to originating from Croatian held Western Herzegovina, despite information and please from international organizations, including UNHCR, that the situation was difficult (for returnees).

¹⁰⁶ By appropriate resources, Patrick means those that fit the and properly address the problem at hand.

pledges. Unfulfilled pledges lead to the so-called funding gaps and can lead to a loss of confidence in the International Community. These funding gaps can result when organizations on the ground begin projects and create budgets based on anticipated resources, make promises to municipalities based on expected funds,¹⁰⁷ and design staffing levels and programming based on these pledges. In Bosnia, for example, this caused the RRTF in the Spring of 2000, to make broad urgent appeals to donors, as the funding gap reached 90% in some areas.¹⁰⁸

Third, the need for deepening institutional reforms is called for. This has long been recognized as an area of contention between the United Nations, which has been resistant to reforms, and such member nations as the United States, which has withheld funds in the hope that reforms would take place under such pressures. Problems in management and communication both laterally and vertically in the UN organizations was evident in Bosnia and Herzegovina and in relations between BiH branches of IOs and their headquarters. In Bosnia, workers at the UNHCR often complained of a disconnect between headquarters and the

¹⁰⁷ (By using the carrot and stick approach implementers attempted to get compliance from local politicians).

¹⁰⁸ ICG Report "Bosnia's Refugee Logjam Breaks: Is the International Community Ready," 31 May 2000.

field, and several times decisions to cut budgets in the field were made by the headquarters, with little prior communication between headquarters and field.

The UN Inter Agency Standing Community Mission observed in its June 2000 report, "This also could be alleviated by better coordination among the headquarters level of donors and agencies." This is not to say that all the money requested would be forthcoming, but with better coordination, the money could be received in a more timely fashion, with less waste and substantial lag time between commitment and dispersal. The report notes further the importance of aligned political perspectives at that level.

Stewart Patrick advocates a consistent approach to placing conditions on its reconstruction assistance. He notes in *Good Intentions* that too often "as a result of their diverse mandates and interests, different external actors are apt to formulate aid conditions that are incompatible."¹⁰⁹ This has already been mentioned in the context of the RRTF. Patrick focuses on the conflict between the economic approach to conditionality versus the political approach, which places aid contingent on peace-building activities. This has also been mentioned within this paper, from the perspective of the RRTF. One RRTF

¹⁰⁹ Forman, Patrick, p.47.

member noted that as a result of the lack of coordination and exclusion of such bodies as the Economic Task Force in planning and other RRTF activities, there has been less economic efficiency and sustainable development considerations incorporated in RRTF programs. However, as Patrick notes, the International Financial Institutions (IFIs) have begun conditioning lending on politically sensitive criteria such as good governance, thereby somewhat bridging the gap. Still more coordination needs to be occurring.

Coordinating assistance locally was cited as a task belonging to the local governments, but one that initially cannot be borne by them as they are often disconnected following conflict. Patrick suggests that local coordinating mechanisms should be created immediately - such coordination mechanisms were established in BiH, although not immediately.

However, he also points out the need for the SRSG to be granted authority over the entire UN family - something that had been discussed in BiH. However, this should only be done if it can be assured that the UN local Mission's mandate will not supersede that of the other UN agencies (unless established prior to the establishment of the mission). Otherwise, much resistance will be met by the UN

agencies, as in BiH, out of fear for their survival in country and fear of loss of resources vis-à-vis the other agencies.

Finally, Patrick proposes that enhancing recipient capacity and ensuring accountability in delivery of aid, and ownership at the local level are essential for effective post-conflict recovery programs.¹¹⁰ The desire to support the ability of local governments to be self-sufficient may seem self-evident, but it is often very difficult to obtain the support from donors for the resources to support self-reliance. As "recipients may lack the human, technical, and administrative capacities to make use of large quantities of aid or to coordinate the multiple donors and NGOs that arrive to assist their recovery."¹¹¹

In the case of Bosnia, much of this coordination was taken on initially by the international community, and the IC has only recently begun to relinquish this role to local authorities. In addition, Patrick stresses the reluctance of donors to finance public sector expenditures. He points to a reluctance of donors to participate due to this because of a preference of donors to finance projects relating to their own priorities and service providers of their own

¹¹⁰ Forman, Patrick, p. 52- 61.

¹¹¹ Ibid., 53.

nationality. In Bosnia, donors were reluctant to do this because of their own priorities, but also owing to the level of corruption within the local government. This problem has continued as reporting by think tanks and government observers from other countries point to continued corruption, even five years after the initial engagement of the international community.

**Conclusion: The RRTF as a
Model for Future Engagements?**

Should the International Community use the RRTF as a model for future engagements? Certainly much can be learned from the model of the Return and Reconstruction Task Force, and the recent successes in return and in accomplishing many of the elements set forth in Annex Seven such as the right to one's property show its utility. Some general assumptions can be made - that better information sharing might have improved efficiency, that better, more coherent and clear leadership and an improved management structure might have allowed for quicker reaction to existing problems and faster implementation of projects. Better communication between capitals and the field, between headquarters and subordinate offices, would also have resulted in more appropriate and adequate financing of projects. Finding a way to keep donors interested in funding areas, which

continue to need assistance long after the peace agreements have been signed, will continue to be a struggle that affects coordination on the ground deeply.

Placing conditionality on those funds that are received and forcing the local authorities to either take ownership for the development of the infrastructure of their own countries or face removal from office for incompetence is certainly a lesson learned in Bosnia, and one that should be applied in future engagements. Transparency in all transactions by all parties should be upheld.

Above all, a new overall strategy for dealing with conflicts such as Bosnia and Herzegovina is long overdue. For too long the IC has remained reactive, rather than proactive in its engagements. From the beginning, the inclusion of others should be considered and tried - other sectors need to be employed - from the economic to the civil society builders.

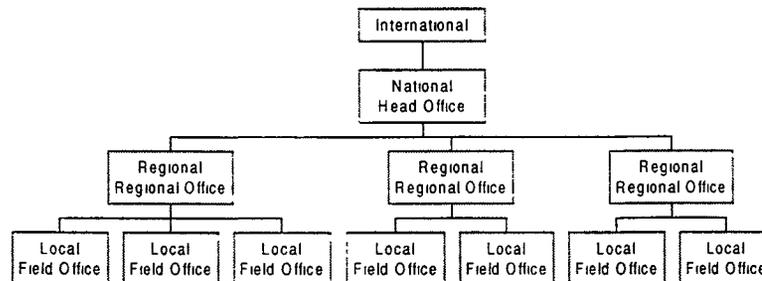
Through broad sweeping institutional reforms, which place the muscle of the politician behind the humanitarian worker a more coherent and constructive plan for coordinating assistance can be achieved. The RRTF's development provides an insight to how success may be achieved, how things may be constructed for success, but it

will be up to the policy makers to implement changes and learn from Task Forces such as this.

APPENDIX ONE

Please find below the RRTF Management Structure proposed in "Management in Confidence", a review of the RRTF. The chart was modified for this paper. The diagram illustrates the basic structure that the RRTF now functions with, including three in-country levels. The second illustration reveals the components that "Management in Confidence" suggested be included in the High Representative's Secretariat, some already present, and many discussed within this Thesis as critical aspects of the RRTF.

1. RRTF Management Structure



2. Office of the Deputy High Representative for RRTF - A Proposal

- Strategic Policy
- Strategic Planning
- Specialist Advice
- Initiative Group
- Information Management
- Liaison
- Intelligence
- Administration

APPENDIX TWO

ANNEX 7

Agreement on Refugees and Displaced Persons

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska (the "Parties") have agreed as follows:

Chapter One: Protection

Article I: Rights of Refugees and Displaced Persons

1. All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them. The early return of refugees and displaced persons is an important objective of the settlement of the conflict in Bosnia and Herzegovina. The Parties confirm that they will accept the return of such persons who have left their territory, including those who have been accorded temporary protection by third countries.
2. The Parties shall ensure that refugees and displaced persons are permitted to return in safety, without risk of harassment, intimidation, persecution, or discrimination, particularly on account of their ethnic origin, religious belief, or political opinion.
3. The Parties shall take all necessary steps to prevent activities within their territories which would hinder or impede the safe and voluntary return of refugees and displaced persons. To demonstrate their commitment to securing full respect for the human rights and fundamental freedoms of all persons within their jurisdiction and creating without delay conditions suitable for return of refugees and displaced persons, the Parties shall take immediately the following confidence building measures:
 - a. the repeal of domestic legislation and administrative practices with discriminatory intent or effect;
 - b. the prevention and prompt suppression of any written or verbal incitement, through media or otherwise, of ethnic or religious hostility or hatred;
 - c. the dissemination, through the media, of warnings against, and the prompt suppression of, acts of retribution by military, paramilitary, and police services, and by other public officials or private individuals;
 - d. the protection of ethnic and/or minority populations wherever they are found and the provision of immediate access to these populations by international humanitarian organizations and monitors;
 - e. the prosecution, dismissal or transfer, as appropriate, of persons in military, paramilitary, and police forces, and other public servants, responsible for serious violations of the basic rights of persons belonging to ethnic or minority groups.
4. Choice of destination shall be up to the individual or family, and the principle

of the unity of the family shall be preserved. The Parties shall not interfere with the returnees' choice of destination, nor shall they compel them to remain in or move to situations of serious danger or insecurity, or to areas lacking in the basic infrastructure necessary to resume a normal life. The Parties shall facilitate the flow of information necessary for refugees and displaced persons to make informed judgments about local conditions for return.

5. The Parties call upon the United Nations High Commissioner for Refugees ("UNHCR") to develop in close consultation with asylum countries and the Parties a repatriation plan that will allow for an early, peaceful, orderly and phased return of refugees and displaced persons, which may include priorities for certain areas and certain categories of returnees. The Parties agree to implement such a plan and to conform their international agreements and internal laws to it. They accordingly call upon States that have accepted refugees to promote the early return of refugees consistent with international law.

Article II: Creation of Suitable Conditions for Return

1. The Parties undertake to create in their territories the political, economic, and social conditions conducive to the voluntary return and harmonious reintegration of refugees and displaced persons, without preference for any particular group. The Parties shall provide all possible assistance to refugees and displaced persons and work to facilitate their voluntary return in a peaceful, orderly and phased manner, in accordance with the UNHCR repatriation plan.
2. The Parties shall not discriminate against returning refugees and displaced persons with respect to conscription into military service, and shall give positive consideration to requests for exemption from military or other obligatory service based on individual circumstances, so as to enable returnees to rebuild their lives.

Article III: Cooperation with International Organizations and International Monitoring

1. The Parties note with satisfaction the leading humanitarian role of UNHCR, which has been entrusted by the Secretary-General of the United Nations with the role of coordinating among all agencies assisting with the repatriation and relief of refugees and displaced persons.
2. The Parties shall give full and unrestricted access by UNHCR, the International Committee of the Red Cross ("ICRC"), the United Nations Development Programme ("UNDP"), and other relevant international, domestic and nongovernmental organizations to all refugees and displaced persons, with a view to facilitating the work of those organizations in tracing persons, the provision of medical assistance, food distribution, reintegration assistance, the provision of temporary and permanent housing, and other activities vital to the discharge of their mandates and operational responsibilities without administrative impediments. These activities shall include traditional protection functions and the monitoring of basic human rights and humanitarian conditions, as well as the implementation of the provisions of this Chapter.
3. The Parties shall provide for the security of all personnel of such organizations.

Article IV: Repatriation Assistance

The Parties shall facilitate the provision of adequately monitored, short-term repatriation assistance on a nondiscriminatory basis to all returning refugees and displaced persons who are in need, in accordance with a plan developed by UNHCR and other relevant organizations, to enable the families and individuals returning to reestablish their lives and livelihoods in local communities.

Article V: Persons Unaccounted For

The Parties shall provide information through the tracing mechanisms of the ICRC on all persons unaccounted for. The Parties shall also cooperate fully with the ICRC in its efforts to determine the identities, whereabouts and fate of the unaccounted for.

Article VI: Amnesty

Any returning refugee or displaced person charged with a crime, other than a serious violation of international humanitarian law as defined in the Statute of the International Tribunal for the Former Yugoslavia since January 1, 1991 or a common crime unrelated to the conflict, shall upon return enjoy an amnesty. In no case shall charges for crimes be imposed for political or other inappropriate reasons or to circumvent the application of the amnesty.

Chapter Two: Commission for Displaced Persons and Refugees

Article VII: Establishment of the Commission

The Parties hereby establish an independent Commission for Displaced Persons and Refugees (the "Commission"). The Commission shall have its headquarters in Sarajevo and may have offices at other locations as it deems appropriate.

Article VIII: Cooperation

The Parties shall cooperate with the work of the Commission, and shall respect and implement its decisions expeditiously and in good faith, in cooperation with relevant international and nongovernmental organizations having responsibility for the return and reintegration of refugees and displaced persons.

Article IX: Composition

1. The Commission shall be composed of nine members. Within 90 days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint four members, two for a term of three years and the others for a term of four years, and the Republika Srpska shall appoint two members, one for a term of three years and the other for a term of four years. The President of the European Court of Human Rights shall appoint the remaining members, each for a term of five years, and shall designate one such member

- as the Chairman. The members of the Commission may be reappointed.
2. Members of the Commission must be of recognized high moral standing.
 3. The Commission may sit in panels, as provided in its rules and regulations. References in this Annex to the Commission shall include, as appropriate, such panels, except that the power to promulgate rules and regulations is vested only in the Commission as a whole.
 4. Members appointed after the transfer described in Article XVI below shall be appointed by the Presidency of Bosnia and Herzegovina.

Article X: Facilities, Staff and Expenses

1. The Commission shall have appropriate facilities and a professionally competent staff, experienced in administrative, financial, banking and legal matters, to assist it in carrying out its functions. The staff shall be headed by an Executive Officer, who shall be appointed by the Commission.
2. The salaries and expenses of the Commission and its staff shall be determined jointly by the Parties and shall be borne equally by the Parties.
3. Members of the Commission shall not be held criminally or civilly liable for any acts carried out within the scope of their duties. Members of the Commission, and their families, who are not citizens of Bosnia and Herzegovina shall be accorded the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.
4. The Commission may receive assistance from international and nongovernmental organizations, in their areas of special expertise falling within the mandate of the Commission, on terms to be agreed.
5. The Commission shall cooperate with other entities established by the General Framework Agreement, agreed by the Parties, or authorized by the United Nations Security Council.

Article XI: Mandate

The Commission shall receive and decide any claims for real property in Bosnia and Herzegovina, where the property has not voluntarily been sold or otherwise transferred since April 1, 1992, and where the claimant does not now enjoy possession of that property. Claims may be for return of the property or for just compensation in lieu of return.

Article XII: Proceedings before the Commission

1. Upon receipt of a claim, the Commission shall determine the lawful owner of the property with respect to which the claim is made and the value of that property. The Commission, through its staff or a duly designated international or nongovernmental organization, shall be entitled to have access to any and all property records in Bosnia and Herzegovina, and to any and all real property located in Bosnia and Herzegovina for purposes of inspection, evaluation and assessment related to consideration of a claim.
2. Any person requesting the return of property who is found by the Commission to be the lawful owner of that property shall be awarded its return. Any person requesting compensation in lieu of return who is found by the Commission to be the lawful owner of that property shall be awarded just compensation as determined by the Commission. The Commission shall make decisions by a majority of its members.

3. In determining the lawful owner of any property, the Commission shall not recognize as valid any illegal property transaction, including any transfer that was made under duress, in exchange for exit permission or documents, or that was otherwise in connection with ethnic cleansing. Any person who is awarded return of property may accept a satisfactory lease arrangement rather than retake possession.
4. The Commission shall establish fixed rates that may be applied to determine the value of all real property in Bosnia and Herzegovina that is the subject of a claim before the Commission. The rates shall be based on an assessment or survey of properties in the territory of Bosnia and Herzegovina undertaken prior to April 1, 1992, if available, or may be based on other reasonable criteria as determined by the Commission.
5. The Commission shall have the power to effect any transactions necessary to transfer or assign title, mortgage, lease, or otherwise dispose of property with respect to which a claim is made, or which is determined to be abandoned. In particular, the Commission may lawfully sell, mortgage, or lease real property to any resident or citizen of Bosnia and Herzegovina, or to either Party, where the lawful owner has sought and received compensation in lieu of return, or where the property is determined to be abandoned in accordance with local law. The Commission may also lease property pending consideration and final determination of ownership.
6. In cases in which the claimant is awarded compensation in lieu of return of the property, the Commission may award a monetary grant or a compensation bond for the future purchase of real property. The Parties welcome the willingness of the international community assisting in the construction and financing of housing in Bosnia and Herzegovina to accept compensation bonds awarded by the Commission as payment, and to award persons holding such compensation bonds priority in obtaining that housing.
7. Commission decisions shall be final, and any title, deed, mortgage, or other legal instrument created or awarded by the Commission shall be recognized as lawful throughout Bosnia and Herzegovina.
8. Failure of any Party or individual to cooperate with the Commission shall not prevent the Commission from making its decision.

Article XIII: Use of Vacant Property

The Parties, after notification to the Commission and in coordination with UNHCR and other international and nongovernmental organizations contributing to relief and reconstruction, may temporarily house refugees and displaced persons in vacant property, subject to final determination of ownership by the Commission and to such temporary lease provisions as it may require.

Article XIV: Refugees and Displaced Persons Property Fund

1. A Refugees and Displaced Persons Property Fund (the "Fund") shall be established in the Central Bank of Bosnia and Herzegovina to be administered by the Commission. The Fund shall be replenished through the purchase, sale, lease and mortgage of real property which is the subject of claims before the Commission. It may also be replenished by direct payments from the Parties, or from contributions by States or international or nongovernmental organizations.
2. Compensation bonds issued pursuant to Article XII(6) shall create future liabilities on the Fund under terms and conditions to be defined by the

Commission

Article XV: Rules and Regulations

The Commission shall promulgate such rules and regulations, consistent with this Agreement, as may be necessary to carry out its functions. In developing these rules and regulations, the Commission shall consider domestic laws on property rights.

Article XVI: Transfer

Five years after this Agreement takes effect, responsibility for the financing and operation of the Commission shall transfer from the Parties to the Government of Bosnia and Herzegovina, unless the Parties otherwise agree. In the latter case, the Commission shall continue to operate as provided above.

Article XVII: Notice

The Parties shall give effective notice of the terms of this Agreement throughout Bosnia and Herzegovina, and in all countries known to have persons who were citizens or residents of Bosnia and Herzegovina.

Article XVIII: Entry into Force

This Agreement shall enter into force upon signature.
For the Republic of Bosnia and Herzegovina
For the Federation of Bosnia and Herzegovina
For the Republika Srpska

Provided by Office of the High Representative

APPENDIX THREE

ANNEX 10

Agreement on Civilian Implementation

The Republic of Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia, the Federation of Bosnia and Herzegovina, and the Republika Srpska (the "Parties") have agreed as follows:

Article I: High Representative

1. The Parties agree that the implementation of the civilian aspects of the peace settlement will entail a wide range of activities including continuation of the humanitarian aid effort for as long as necessary; rehabilitation of infrastructure and economic reconstruction; the establishment of political and constitutional institutions in Bosnia and Herzegovina; promotion of respect for human rights and the return of displaced persons and refugees; and the holding of free and fair elections according to the timetable in Annex 3 to the General Framework Agreement. A considerable number of international organizations and agencies will be called upon to assist.
2. In view of the complexities facing them, the Parties request the designation of a High Representative, to be appointed consistent with relevant United Nations Security Council resolutions, to facilitate the Parties' own efforts and to mobilize and, as appropriate, coordinate the activities of the organizations and agencies involved in the civilian aspects of the peace settlement by carrying out, as entrusted by a U.N. Security Council resolution, the tasks set out below.

Article II: Mandate and Methods of Coordination and Liaison

1. The High Representative shall:
 - a. Monitor the implementation of the peace settlement;
 - b. Maintain close contact with the Parties to promote their full compliance with all civilian aspects of the peace settlement and a high level of cooperation between them and the organizations and agencies participating in those aspects.
 - c. Coordinate the activities of the civilian organizations and agencies in Bosnia and Herzegovina to ensure the efficient implementation of the civilian aspects of the peace settlement. The High Representative shall respect their autonomy within their spheres of operation while as necessary giving general guidance to them about the impact of their activities on the implementation of the peace settlement. The civilian organizations and agencies are requested to assist the High Representative in the execution of his or her responsibilities by providing all information relevant to their operations in Bosnia- Herzegovina.
 - d. Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation.

- e. Participate in meetings of donor organizations, particularly on issues of rehabilitation and reconstruction
 - f. Report periodically on progress in implementation of the peace agreement concerning the tasks set forth in this Agreement to the United Nations, European Union, United States, Russian Federation, and other interested governments, parties, and organizations.
 - g. Provide guidance to, and receive reports from, the Commissioner of the International Police Task Force established in Annex 11 to the General Framework Agreement.
2. In pursuit of his or her mandate, the High Representative shall convene and chair a commission (the "Joint Civilian Commission") in Bosnia and Herzegovina. It will comprise senior political representatives of the Parties, the IFOR Commander or his representative, and representatives of those civilian organizations and agencies the High Representative deems necessary
 3. The High Representative shall, as necessary, establish subordinate Joint Civilian Commissions at local levels in Bosnia and Herzegovina.
 4. A Joint Consultative Committee will meet from time to time or as agreed between the High Representative and the IFOR Commander.
 5. The High Representative or his designated representative shall remain in close contact with the IFOR Commander or his designated representatives and establish appropriate liaison arrangements with the IFOR Commander to facilitate the discharge of their respective responsibilities.
 6. The High Representative shall exchange information and maintain liaison on a regular basis with IFOR, as agreed with the IFOR Commander, and through the commissions described in this Article.
 7. The High Representative shall attend or be represented at meetings of the Joint Military Commission and offer advice particularly on matters of a political-military nature. Representatives of the High Representative will also attend subordinate commissions of the Joint Military Commission as set out in Article VIII(8) of Annex 1A to the General Framework Agreement.
 8. The High Representative may also establish other civilian commissions within or outside Bosnia and Herzegovina to facilitate the execution of his or her mandate.
 9. The High Representative shall have no authority over the IFOR and shall not in any way interfere in the conduct of military operations or the IFOR chain of command.

Article III: Staffing

1. The High Representative shall appoint staff, as he or she deems necessary, to provide assistance in carrying out the tasks herein.
2. The Parties shall facilitate the operations of the High Representative in Bosnia and Herzegovina, including by the provision of appropriate assistance as requested with regard to transportation, subsistence, accommodations, communications, and other facilities at rates equivalent to those provided for the IFOR under applicable agreements.
3. The High Representative shall enjoy, under the laws of Bosnia and Herzegovina, such legal capacity as may be necessary for the exercise of his or her functions, including the capacity to contract and to acquire and dispose of real and personal property.
4. Privileges and immunities shall be accorded as follows:
 - a. The Parties shall accord the office of the High Representative and its premises, archives, and other property the same privileges and immunities as are enjoyed by a diplomatic mission and its premises,

archives, and other property under the Vienna Convention on Diplomatic Relations.

- b The Parties shall accord the High Representative and professional members of his or her staff and their families the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.
- c The Parties shall accord other members of the High Representative staff and their families the same privileges and immunities as are enjoyed by members of the administrative and technical staff and their families under the Vienna Convention on Diplomatic Relations.

Article IV: Cooperation

The Parties shall fully cooperate with the High Representative and his or her staff, as well as with the international organizations and agencies as provided for in Article IX of the General Framework Agreement.

Article V: Final Authority to Interpret

The High Representative is the final authority in theater regarding interpretation of this Agreement on the civilian implementation of the peace settlement.

Article VI: Entry into Force

This Agreement shall enter into force upon signature.
For the Republic of Bosnia and Herzegovina
For the Republic of Croatia
For the Federal Republic of Yugoslavia
For the Federation of Bosnia and Herzegovina
For the Republika Srpska

Office of the High Representative

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