

Palestinian Refugees Visit Bosnia-Herzegovina to Learn about Return and Real Property Restitution

“I still have lots of problems. But I am home. I have my freedom.”
(Bosnian Returnee)

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“There are a lot of issues that we need to think about concretely and in detail to make the right of return a reality, from property claims, to employment, education and health. But return is possible just as it is possible here in Bosnia.” This was one of the common observations made by Palestinian refugees and displaced persons following a recent study tour (10-17 June 2002) to Bosnia-Herzegovina (BiH). The study tour focused on refugee return and real property restitution in BiH since the signing of the Dayton Peace Agreement in 1995. During the 1992-1995 war in BiH approximately 1.2 million civilians or around one-quarter of the population was displaced; 65 percent of the housing stock was destroyed.

Over a period of one week, delegation members met with international officials and BiH government officials responsible for the implementation of refugee return and restitution. Meetings and field visits were also held with refugees and displaced persons from the Bosniac, Serb, and Croatian communities in BiH. The study tour took delegation members from Sarajevo in the Federation of Bosnia-Herzegovina, through various villages, to Banja Luka in the Republika Srpska.

Meetings with international organizations included the Office of the High Representative (OHR), and the Commission for Real Property Claims (CRPC), both established under the 1995 Dayton Peace Agreement (DPA). OHR was established to monitor and promote, through direct intervention, successful return and real property restitution. CRPC accepts and decides upon refugee and displaced persons property claims. Members of the delegation also met with the Office of the UN High Commissioner for Refugees (UNHCR), primarily tasked with the repatriation of refugees and displaced persons, and the Organization for Security and Cooperation in Europe (OSCE), which also promotes and monitors return and implementation of property law in BiH.

Delegation members also held meetings with BiH government officials including the Minister for Refugees and Displaced in the Sarajevo Canton, which is still hosting a refugee population of some 60,000 persons, primarily from the Republika Srpska in the north of the country. To date, more than 40 percent of all property claims in the Sarajevo canton have been resolved. In Banja Luka the delegation met with the Deputy Minister for Refugees of the Republika Srpska where there are still about 20,000 Serb refugees from Croatia and some 75,000 displaced persons from the Federation of Bosnia-Herzegovina. Since the end of 2000, the implementation rate for refugee property claims in the Republika Srpska has more than tripled due to successful international and local intervention.

The study visit also included meetings with refugees and displaced persons. In Sarajevo the delegation met with the Association of Refugees and Displaced Persons in Bosnia-Herzegovina, a multi-ethnic, non-governmental organization established in 1992 based on an initiative of various refugee unions. The Association works for the protection of refugees and displaced persons and their right to return to their pre-war homes. In Banja Luka, the delegation spent one day visiting with returnees who had recently repossessed their properties with legal assistance provided by the Norwegian Refugee Council (NRC). Discussions focused on the return process and various problems and obstacles faced by the refugees. Discussions were also held with refugees who are still unable to return due to ongoing secondary occupation of their homes.

The study tour also included site visits to villages that were depopulated and destroyed and then reconstructed after the war. In the village of Grahovo, south-west of Sarajevo, members of the delegation met with returnees who were able to go home following the beginning of a housing reconstruction program in the village. Delegation members also visited with a NRC engineer responsible for pre-reconstruction housing assessment and counseling. The engineer had just completed a draft plan for the reconstruction of another house in the village and provided the returnee family with information about available assistance. In the north of the country the delegation visited the village of Kozarac which was completely leveled during the war. Unlike Grahovo, reconstruction of the village has been largely funded by private investment.

Throughout the study tour, refugees and displaced persons in BiH expressed their solidarity with Palestinian refugees. International and local officials, as well as refugees themselves stressed the importance of enshrining not only principles of international law in any peace agreement but also implementing mechanisms to facilitate return and restitution. Despite the ongoing obstacles faced by refugees and displaced persons in Bosnia-Herzegovina, the study tour demonstrated in concrete terms the double standard applied to Palestinian refugees where the international community has yet to support the basic rights of Palestinian refugees to return to their homes and properties.

Members of the delegation also took note of the many lessons learned in Bosnia and suggestions about what should have been done differently to facilitate more effective implementation of return and real property restitution. When asked about the most important personal lesson about return, one elderly refugee woman who had recently repossessed her home in Banja Luka, replied, "Persistence. You must be persistent. If I hadn't been persistent, I would never have returned to my home. I still have lots of problems. My house needs repairs and the secondary occupants stole all my possessions. But I am home. I have my freedom."

The delegation, organized by BADIL Resource Center, was comprised of 10 Palestinian refugees from the West Bank, Lebanon, Syria, Jordan, and Europe as well as internally displaced Palestinians inside Israel, and hosted by the Norwegian Refugee Council (NRC) in Bosnia-Herzegovina. A preliminary photo gallery of the trip can be viewed shortly on the BADIL website. Further information, including reports and additional photos will be available shortly. A video documentary about refugee return and real property restitution in Bosnia-Herzegovina through the eyes of the members of the study tour will be available later in summer 2002.