Rebuilding Lives: Regional Solutions to Displacement in the Western Balkans

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Cover Photo: Becic Muharem, a Bosnian Muslim, left, gets some help rebuilding his house from his pre-war neighbor Samojlo Damjanovic, a Bosnian Serb, in the village of Brodusa, Bosnia-Herzegovina. AP Photo/Amel Emric.

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Foreword

In my function as Chair of the Human Dimension Committee of the Organization for Security and Cooperation in Europe (OSCE), I felt that the issue of displacement within the OSCE area deserved more attention. According to the United Nations High Commissioner for Refugees (UNHCR), there are more than five million refugees and internally displaced persons (IDPs) within the area from Vancouver to Vladivostok. This is a shockingly high number. Obviously much more must be done to ensure that these people can return home, or integrate into the communities to which they have fled.

For many years, Switzerland has been actively promoting the human rights of IDPs and refugees, including through the mandate of the UN Special Rapporteur on IDPs. To bring this issue onto the agenda of the OSCE, in May 2011, I hosted a special thematic event on refugees and internally displaced persons. This coincided with the 60th Anniversary of the 1951 *Convention Relating to the Status of Refugees* and the 50th Anniversary of the 1961 *Convention on the Reduction of Statelessness.*

One of the issues that was raised in that meeting was the need to learn the lessons of how states have dealt with displacement issues within the OSCE area. The experience of the Western Balkans was highlighted as an example of how several countries that had experienced Europe's worst refugee crisis since the Second World War were eventually able to find a regional solution to their displacement problems.

Together with UNHCR, we decided that it would be a good idea to find out and record what elements had contributed to that successful outcome. We therefore invited senior government representatives of Bosnia and Herzegovina, Croatia, Montenegro, and Serbia, as well as international actors (from the EU, the OSCE, UNHCR, and the United States) who had helped to steer and support the process, to an informal meeting at the IPI office in Vienna.

The aim of the meeting was to enable the participants to reflect on what factors contributed to success, how and why their policies evolved, and to identify what aspects could be transferable to other parts of the OSCE area, or other parts of the world. The point was also to facilitate the institutional memory and organizational learning of all the parties involved.

While the meeting was off the record, we felt that the observations of the participants could be useful to others. I am therefore grateful to Walter Kemp for compiling this report, which synthesizes the main issues and conclusions. I hope that this report can be used as a reference for those interested in the successful case study of the Western Balkans and provide inspiration to other regions dealing with protracted displacement challenges.

I would like to express my thanks to UNHCR, in particular the liaison office in Vienna, for their cooperation and to IPI for hosting the event. Most of all, I would like to thank the representative of the four countries who were so forthcoming about their experiences. Such a constructive and cooperative spirit is essential for implementing the regional housing program, which can create durable solutions to the region's refugee problems.

H.E. Mr. Thomas Greminger

Permanent Representative of Switzerland to the OSCE, the United Nations, and the International Organisations in Vienna

Preface

In the fast-changing world of international relations, there is seldom time to stop and reflect on what went right or wrong, and to analyze and write down lessons that were learned from a particular process or event. That is why IPI was happy to respond to the request by Switzerland and UNHCR to host a meeting and write a report on the regional response to displacement in the Western Balkans.

This report outlines a remarkable transformation, showing how countries that were enemies between 1991 and 1995 became partners a decade later, and how they found regional solutions to ensure that refugees and internally displaced persons could rebuild their lives. This is a manifestation of what Fridtjof Nansen—scholar, polar explorer, Nobel Prize winner, and first High Commissioner for Refugees—meant when he said that "governments must stand shoulder to shoulder, not in a battle line, but in a sincere effort to achieve a new era."

Of course, more should be done to prevent displacement from occurring in the first place. That is why, for more than four decades, IPI has been promoting the prevention and settlement of conflicts between and within states. Such work is essential to prevent armed violence and humanitarian disasters that can uproot large numbers of people and cause so much human suffering as well as instability.

This report highlights the need for effective mediation, constructive dialogue, and precise focus on the plight of the most vulnerable. By drawing on this IPI publication, perhaps others can learn from the factors that led to success in dealing with displacement in the Balkans in order to resolve their own issues relating to IDPs and refugees.

I would like to thank Switzerland for its long-standing support of IPI, and in particular for making this publication possible. I also appreciate the partnership that IPI is building with UNHCR on a wide range of issues related to displacement, and for approaching us to take part in this lessons learned exercise.

Terje Rød-Larsen

President, International Peace Institute

Introduction

As a consequence of armed conflicts in the 1990s, more than 3 million people were displaced both within and beyond the borders of Bosnia and Herzegovina, Croatia, Montenegro, and Serbia. Lives were turned upside down. Homes were damaged or destroyed. This was the largest refugee crisis in Europe since the Second World War.

But in the past few years, former adversaries have worked together as partner countries to strengthen regional cooperation in order to find durable solutions for refugees and internally displaced persons (IDPs).

As a result, twenty years after wars in the Balkans caused ethnic cleansing and massive displacement, the four affected countries have worked together to ensure the voluntary return and reintegration, or local integration, of the most vulnerable refugees and internally displaced persons.

How and why did this transformation take place? What lessons can be learned for the parties and institutions involved? And can this experience, and some of its good practices, inspire or even be applied to other parts of the world?

These issues were addressed at a meeting that took place at the Vienna office of the International Peace Institute (IPI) on May 25, 2012. The meeting brought together senior government representatives from Bosnia and Herzegovina, Croatia, Montenegro, and Serbia, who had been involved in finding a regional solution to the problem of displacement in the Western Balkans, as well as international actors from the Office of the UN High Commissioner for Refugees (UNHCR), the Organization for Security and Cooperation in Europe (OSCE), the European Commission, and the United States, who had helped to steer and support the process. The event was initiated by the UNHCR with the support of the government of Switzerland. The meeting itself was significant insofar as it enabled the parties to reflect on and acknowledge the progress that has been made. As one participant put it, "the very fact that we can have such a meeting shows how far we have traveled."

This report draws on the main findings of that meeting, interviews with some of the key actors, and other background information. It is designed to help improve institutional memory and organizational learning for those involved or interested in dealing with protracted displacement and complex postconflict transitions. It is also hoped that the experience of dealing with displacement in the Western Balkans can open up other areas of cooperation among the countries involved, and inspire other countries facing similar challenges to overcome their differences in order to ensure that refugees are safe and protected, and given the opportunity to rebuild their lives.

A Priority Refugee Situation

After the Dayton Agreement of November 1995, the international community—principally the OSCE and UNHCR—worked with the governments of the countries of the region (particularly Bosnia and Herzegovina, Croatia, and what was then Serbia and Montenegro) to ensure durable solutions for refugees and IDPs in the Western Balkans, either by enabling the safe return of refugees to their homes, or by integrating them into the communities that they had fled to during the war. In the postwar period, hundreds of thousands of displaced persons returned home and tens of thousands of dwellings were rebuilt. Yet, a decade after the end of the war, many people (estimates range as high as half a million) were still living in limbo: not able to return to where they came from and not at home where they were. Furthermore, the issue remained a bone of contention within and between states of the region, straining interethnic and bilateral relations.

The outbreak of war in Kosovo in 1999 created new displacement problems, compounding the human misery and the challenge faced by the affected states and the international community. In order to enable a manageable caseload, it was agreed that the issue of refugees and IDPs (at least in the context of relations between Bosnia, Croatia, and Serbia) would focus only on those who had been displaced in the period between 1991 and 1995, thereby excluding Kosovo. When Montenegro became independent in June 2006, it was agreed that an exception would be made to include displaced persons in Montenegro from 1999.

Despite bilateral disagreements between Croatia and Serbia, as well as simmering tensions within

Bosnia and Herzegovina, the three countries agreed to meet in Sarajevo at the end of January 2005 to try to make progress on the refugee issue. In the *Sarajevo Declaration* of January 31, 2005 (see Annex), the ministers responsible for refugees and IDPs of the three countries said they would solve the remaining displacement issues by the end of 2006. But this did not occur due to disagreements over occupancy and tenancy rights (OTRs)—particularly compensation for OTRs that had been terminated—pensions, and social security, and even arguments about the very number of persons affected. Furthermore, there was little coordination of national action plans in a joint, regional implementation strategy. As a result, in 2008 UNHCR still listed the Balkans as one of its five priority refugee situations (namely, situations that had lasted longer than five years involving more than 20,000 people). The Sarajevo Process, which followed up on the *Sarajevo Declaration*, was failing.

Breakthrough: A Needs-Based Approach

To reinvigorate the process, on March 25, 2010, the foreign ministers of Bosnia and Herzegovina, Croatia, Montenegro, and Serbia (the "Partner Countries"), as well as representatives of the European Commission, UNHCR, the OSCE, and the Council of Europe, met in Belgrade. In their joint communiqué, the four foreign ministers acknowledged that "the problem of refugees and internally displaced persons has not yet been fully resolved in any of these states and therefore it is necessary to intensify regional cooperation in order to achieve just, comprehensive and durable solutions, primarily for the most vulnerable ones, aware that it would contribute to the further promotion of good-neighbourly relations and stability in the region, including mutual support in the European integration process."[1]

This statement gives a few indications of the shift in policy of the four countries. First, it shows a move toward an approach designed to protect the most vulnerable. Indeed, later in the communiqué there is an explicit reference to the need, "as a matter of priority, to solve a problem of accommodation of and assistance to refugees and internally displaced persons still living in collective centres." These collective centers—which were often decrepit buildings—were originally intended only for temporary accommodation. Yet more than fifteen years after the war, they were still being inhabited by several thousand people, particularly in Bosnia and Herzegovina. This was hardly a durable solution. The parties understood that this humanitarian tragedy had to be resolved.

In order to help the parties to focus on the needs of the most vulnerable, UNHCR came up with vulnerability criteria. Individuals who fulfilled one or several of the criteria (for example, households that had low income or were living in undignified conditions, old people living on their own, people with disabilities, women or young people at risk, single parents with dependents) were to be prioritized for assistance programs.

The second point of interest in the text is that the parties were not only aware of the need to address the plight of the most vulnerable, they also realized that it was in their self-interest to work toward a regional solution both as an end in itself and as part of the European integration process. To help move the parties toward that end, it was agreed that an international donors' conference would be organized within a period of nine months to discuss the creation of a multi-donor fund to assist in the process of return or local reintegration of refugees and IDPs.

To spur the four countries into action, the EU, the OSCE, and UNHCR issued a "Joint Discussion Paper" at the Belgrade meeting. It identified some of the outstanding issues, and listed five actions that should be carried out. Among the outstanding issues mentioned were disagreements over statistics; civil status; employment and socioeconomic integration (particularly of minorities); occupancy and tenancy rights; housing and property; and the validation of years of service for pension purposes. As next steps, the international community stressed the need for intensified technical cooperation on data in order to measure the magnitude of the problem and the scope of the assistance necessary; parameters and criteria for a comprehensive needs

1 *Joint Communiqué*, Belgrade, March 25, 2010 (see Annex).

assessment in all countries; the creation of bilateral and regional working groups to address the outstanding issues; an action plan addressing the specific needs to be resolved (including timelines, budgetary commitments and methodologies); and a joint information campaign to inform remaining refugees on conditions for durable solutions.

To follow up the meeting, it was agreed that cooperation should be intensified by holding regular expert-level meetings. One of the most pertinent issues that the experts were asked to look at was data concerning refugees.

Signs of progress came at a meeting on November 24, 2010, in Zagreb between President Boris Tadić of Serbia and President Ivo Josipović of Croatia. Compromise was reached on the issue of occupancy and tenancy rights. Croatia finally agreed to talk about the issue albeit in relation to needs (rather than rights), while Serbia agreed to focus on OTRs for those most in need of housing. The two presidents also agreed to cooperate more closely on the issue of missing persons, and to support each others' EU accession processes. They both underlined the importance of an international donors' conference on the refugee issue.

Why the thaw in relations? One factor was personalities. Presidents Tadić and Josipović both seemed to calculate that there was more to be gained by working together and by resolving outstanding differences—even in the face of some domestic opposition—than to continue nationalistic interethnic and bilateral policies. They therefore demonstrated the political will to depoliticize the refugee issue.

Another key factor was the European integration process. The OSCE (particularly through its field missions) was active on the ground working in all four countries of the region to help defuse tensions and to promote reconciliation. UNHCR provided the normative framework for dealing with displacement, and the expertise to help the governments live up to their commitments. But in terms of a "game changer" that could provide the leverage to move the parties closer to a solution, the prospect of EU accession was clearly the strongest pull factor.

Croatia (which applied for EU membership in 2003) knew that as part of its accession process it would have to live up to the EU *acquis*, including in relation to the judiciary and fundamental rights.

Serbia—which applied for EU membership in December 2009—also wanted to demonstrate goodwill and cooperate with the international community. This was manifested, inter alia, by delivering Ratko Mladic to the International Criminal Tribunal for the former Yugoslavia in The Hague.

In short, the Sarajevo Process became integrated into the wider EU accession conditionality process. All four countries knew that their relations with the EU would be reviewed, inter alia, in the context of progress made in the Sarajevo Process.

The United States also frequently stressed to the parties that it wanted to see a successful resolution of the displacement issue.

Nevertheless, the EU does not have specific expertise on refugee issues, nor is that part of its mandate. Furthermore, its approach was mostly bilateral—working individually with the interested states, either through stabilization and association agreements or as part of the accession process to bring national legislation in line with the EU *acquis*.

Therefore, while the EU was a powerful pull factor, an additional actor was needed to work with the four countries (nationally and regionally) on the specific issue of refugees. Enter UNHCR's personal envoy.

The Personal Envoy and Speaking with One Voice

UNHCR, like other international actors, had been frustrated for some time at the lack of progress in finding durable solutions to the problem of displacement in the Western Balkans. As noted, it listed the Balkans as one of its five priority refugee situations.

To try to push things forward, High Commissioner António Guterres, decided to appoint a personal envoy. In January 2011, he called on the retired UNHCR official, Anne Willem Bijleveld of the Netherlands to take the job. Although Bijleveld was originally not available, he nevertheless agreed and began work on February 1st. From the beginning he had the full confidence of his boss, and could operate independently without constantly seeking instructions. "Having the

unequivocal support of the high commissioner and the freedom to operate was crucial for a positive outcome of the process," admitted Bijleveld.[2]

Bijleveld immediately began to travel throughout the region, soliciting the views of the four governments concerned as well as representatives of the international community. His staff was limited: he was assisted by one UNHCR staff member from the region (whose language skills, contacts with the parties, and knowledge of the topic were invaluable).

For Bijleveld, transparency was vital. In a rather unusual move, he shared his reports with all parties. "I played with open cards," said Bijleveld. If his views changed as he travelled from one country to the next he would keep all the parties informed. Furthermore, after returning from the region he would bring the ambassadors from the four partner countries together in Geneva to debrief them on his observations and recommendations. This had the double benefit of increasing transparency and building confidence among his interlocutors and between them and the personal envoy. It also underlined that the issue had to be addressed by all four countries together. "As had been said since the *Sarajevo Declaration*, this was a regional problem that required a regional solution," said Bijleveld.[3]

Bijleveld was not surprised at the discord among the four countries, but was concerned about the cacophony of voices within the international community. "Sometimes when I visited representatives of the US, EU, OSCE, and UNHCR in the four countries, I heard sixteen different opinions on the same issue," he said at IPI during the May 25th meeting in Vienna.

He therefore decided to try to unify the international community, and to narrow the differences among the parties. "It was vital that the international community spoke with one voice," said Bijleveld.[4] Otherwise the parties could play one organization off against another, or the parties would be confused about what the international community expected of them. He quickly found an ally in Pierre Mirel, director for Western Balkans in the European Commission Directorate General for Enlargement. The two communicated regularly in order to share views and harmonize their positions. Effective use was made of video-conferencing to have regular meetings involving representatives of the relevant organizations throughout the region as well as in Brussels and Geneva. This ensured that everyone was in the loop and pulling in the same direction. It also significantly reduced the number of meetings.

Once the international community came up with a common position, Bijleveld encouraged them to convey the message together to demonstrate unity and resolve. Furthermore, Bijleveld gained the confidence of his peers to the point that he soon spoke on behalf of the international community and not only UNHCR. This increased his leverage, and also made it easier for the parties to interact with him. "We knew that when we were speaking to the personal envoy we were being listened to by the international community, so it was good to have one clear point of contact," said a representative of the countries concerned during the IPI meeting.

Now that the international community was speaking with one voice, it was important for the four countries to do the same. Practically speaking this was easy, since all four countries share a similar language (or at least understand each other). Politically, it was more difficult.

For Bijleveld, the key was to get the parties to start talking to each other. This would help to identify the outstanding issues, build confidence between the parties and create momentum within a shared process. Once he got them talking, he tried to narrow their differences. Usually he was able to gain the support of two or three countries for an idea. That raised the reputational cost for those who were still holding out. No one wanted to appear to be sabotaging the process. "We didn't want to be the odd man out," said one of the negotiators. Therefore they had a vested interest in keeping the process moving forward.

The Process

While high-level contacts were used to keep the parties talking and to work in the spirit of the *Belgrade Joint Communiqué* of March 2010, the

2 Interview with Anne Willem Bijleveld, Geneva, Switzerland, May 7, 2012.
3 Ibid.
4 Ibid.

details were hammered out in several working groups. Two bilateral working groups, involving Serbia and Croatia, focused on the thorny issues of data exchange and pensions. One regional working group covered the issues of the civil status of documents, another developed a public information campaign to explain the process to the public—particularly the beneficiaries—a third was responsible for drafting the joint ministerial declaration, while a fourth worked on the Joint Regional Multi-Year Program. A fifth group—which was eventually merged with the latter—looked at how to set up a trust fund mechanism for managing the funds that would be donated at the donors' conference. Each working group was chaired by one of the four countries.

The international community steered the process and provided advice (for example, on drafting the joint declaration and the multi-year program), but it left the parties to themselves. They were responsible for convening and running the meetings. This gave them a strong sense of ownership and made them stakeholders in the process.

Every few months the four governments together with representatives of the donors and international organizations met in one of the headquarters of the respective partners (Brussels, Vienna, Paris, Belgrade, Zagreb, and then Paris again) for so-called technical meetings to report on progress that had been made in the working groups. This created an incentive structure, but also provided pressure to report to the donors based on a joint report.

As a result of these meetings, positions were articulated, proposals were made, and needs were identified. In the process, the negotiators got to know each other better and gradually toned down political rhetoric and point-scoring in favor of seeking joint solutions to concrete, and often shared, problems. They truly became partner countries. As one participant put it, the "Working Groups provided the glue for the whole process."

The incentive to reach compromise was strengthened by the prospect of a donors' conference. This was a sizeable carrot that kept the parties working together. It also created time pressure. Furthermore, the four governments had to work together to ensure complementarity between their national strategies, and to devise a joint proposal. This began to work well, to the point that the parties were soon drafting common funding requests. The fact that the four countries conveyed such requests together made a favorable impact on the donors.

The first draft of the Joint Multi-Year Program, presented to the international community in the autumn of 2010, was considered too modest, not only in terms of funding but in terms of scope. The parties were told by the international community to be "more comprehensive." It was not clear to all exactly what this meant. As a result, the next draft, which was tabled in February 2011, ballooned to over €1 billion. Pierre Mirel of the European Commission asked the parties to be reasonable, not least in the context of major international assistance that was needed for North Africa and the Middle East after the uprisings of early 2011. A reasonable yet comprehensive compromise package was finalized in the spring of 2011 for a total of €584 million.

Throughout the process there was considerable pressure on the negotiators. On the one hand, there was pressure from the international community. On the other hand, dealing with people whose lives have been uprooted can be emotional. "Of course we felt for the human suffering of those affected, but the only way that we could deal with this was to be as detached as possible," said one negotiator at the meeting. At the same time, lobby groups representing the refugees and IDPs often petitioned the relevant ministries and returned again and again with new demands. "We had to listen, and to separate what was reasonable from what was not. But we also tried to explain to these people that they had obligations as well as rights, and that they had to make use of the opportunities available to them," said one official involved in the process. They also appealed to the remaining refugees and IDPs to decide whether to return or to opt for local integration.

Political parties sometimes politicized the plight of refugees, particularly around election time. And there were often debates between different levels of government, as well as between, or even within, ministries about displacement-related policies. "It was often easier to deal with my counterparts from neighboring states than with some of my colleagues at home," said one senior official, expressing a view shared by officials from the other countries concerned.

Nevertheless, in the end the four governments displayed the political courage and leadership needed to move the process forward. It helped that senior officials—including ministers—were personally involved in drafting the joint political statements. This made them stakeholders in the process, as well as hostages to it. It also sped up the negotiating process at crucial moments: "we didn't have to call the capital for instructions: the minister was right there," recalled one senior official.

Building rapport among the negotiators was helped by including social elements into the program of long meetings. After a full day of discussions, participants would unwind—sitting, talking, eating, and drinking together. This helped to reduce tensions and increase understanding. At one meeting in Tara, Serbia, in the spring of 2011, the parties spent several days together in an isolated location and worked through a number of outstanding issues in a collegial way. In retrospect, many of the participants consider this as the final ice-breaker that enabled the completion of the Joint Regional Multi-Year Program and the joint declaration.

Another key breakthrough was agreement on data. For years the parties had disputed each others' data concerning the number of refugees and IDPs. This made it difficult to gauge the number of potential beneficiaries. It also created the possibility of abuse: if they could not keep track of who was displaced, people could collect benefits twice (i.e., "double-dipping") by applying both for local integration and for reintegration projects. To rectify the situation, the four governments drew up country needs assessments. On the tricky issue of former OTR holders, particularly in Croatia, the International Organization for Migration (IOM) in the spring of 2011—supported by the United States—produced a needs assessment based on a survey carried out in all four countries. Armed with this information, the four countries and the international community were able to have a more accurate picture of the number of refugees and IDPs as well as their needs.

THE BELGRADE DECLARATION

Sufficient progress was made to hold a meeting in Belgrade on November 7, 2011, among the foreign ministers of Bosnia and Herzegovina, Croatia, Montenegro, and Serbia.

At the meeting, the ministers agreed on a *Joint Declaration on Ending Displacement and Ensuring Durable Solutions for Vulnerable Refugees and Internally Displaced Persons* (see Annex). In it, the ministers declared their conviction that "achieving just, comprehensive, and durable solutions for refugees and internally displaced persons in the region will contribute in a crucial manner to deepen our good-neighbourly relations and stability in the region." They recognized that "the successful resolution of these issues is vital to the further enhancement of positive and productive relations among our countries and citizens and the underpinning of our respective bids to join the European Union."[5]

They recalled the principles that had been made in past agreements (the *Sarajevo Declaration* of 2005 and the *Belgrade Joint Communiqué* of 2010), "in particular full respect for the rights of refugees and internally displaced persons and the mutual obligation to closely co-operate and synchronise our activities in order to ensure durable solutions for them, either through voluntary return and reintegration or local integration."[6]

The four ministers announced that they had developed a regional working plan outlining the actions being taken to remove remaining obstacles and to achieve durable solutions. Among the issues that they listed as being resolved included ensuring adequate housing for all refugees accommodated in collective centers; a regional framework for addressing the housing needs of vulnerable persons; accelerated procedures for civil documentation, including recognition of genuine documents already in the possession of refugees and IDPs; and ensuring continued regional data exchange to avoid the multiplication of assistance and to ensure that no one is excluded. The ministers also declared that they had agreed to a Joint Regional Programme on

5 *Joint Declaration on Ending Displacement and Ensuring Durable Solutions for Vulnerable Refugees and Internally Displaced Persons*, Belgrade, November 7, 2011, para. 1.

6 Ibid., para. 2.

Durable Solutions for Refugees and Displaced Persons. This was presented to the International Donors' Conference in Sarajevo on April 24, 2012.

FROM NEGOTIATION TO IMPLEMENTATION

Around €300 million was pledged at the International Donors' Conference. While this was short of the target of €584 million, it enables the beginning of the implementation of the *Regional Housing Programme*, which is designed to provide durable and sustainable housing solutions to some 74,000 individuals, or 27,000 households. The money will be disbursed through a fund managed by the Council of Europe Development Bank. The program is expected to last for five years. The states are now under pressure to show results in order to live up to the expectations of the donors and potential beneficiaries.

Furthermore, it should not be forgotten that there are still thousands of people living in unsatisfactory and undignified conditions, like IDPs in Bosnia and Herzegovina and Kosovo. The plight of the Roma is also dire, although this is not unique to the Western Balkans.

Nevertheless, significant progress has been achieved, and this should be acknowledged. Furthermore, the process of finding regional solutions to displacement in the Western Balkans has generated political goodwill and cooperation. As one participant observed, "the climate in the region has changed. Reconciliation is tangible." This positive spirit should be channeled into other outstanding regional issues, like missing persons and borders.

Factors of Success

To summarize, in addressing displacement in the Western Balkans among the main factors of success were the following:

CONTEXT

- **A regional approach:** this transformed the issue from a bilateral problem into a regional solution.
- **The draw of the EU:** the prospect of EU accession as well as EU funding were powerful incentives for the parties to resolve their differences.
- **Postconflict situation:** the fact that the war was over meant that a climate could be created where refugees and IDPs could either return home or become integrated into the communities to which they had fled.

ACTORS

- **High-level buy-in:** involving political leaders in the process made them familiar with the issues at stake, put their credibility on the line, and generated the political will needed to move forward.
- **Personal envoy:** having one trouble-shooter with strong support from his boss and the ear of his peers and the parties facilitated the negotiation process considerably.
- **Complementarity of positions/mandates:** with the international community speaking with one voice, the parties had to listen. The fact that the EU, UNHCR, and OSCE had complementary mandates also helped to smooth interaction and enable everyone to pull in the same direction.
- **International community on the ground:** the fact that the OSCE and UNHCR had been on the ground for fifteen years and had accumulated considerable local experience and contacts helped to facilitate the process.

PROCESS

- **Limiting the caseload:** by focusing on the housing needs of the most vulnerable displaced from the period of 1991–1995, the issue was "ring-fenced" to a manageable size.
- **A vulnerability/needs-based approach:** putting the interests of the people first focused the debate on the humanitarian needs of individuals rather than the political interests of groups.
- **Transparency:** the fact that the personal envoy was transparent in his activities enabled him to build confidence among the parties, strengthened trust among the parties themselves, and made it harder to defect from the process.
- **Ownership by the parties:** the parties became stakeholders in the process through their participation in the working groups, drafting of joint political statements, and the elaboration of a regional program of action.
- **Donors' conference:** the prospect of a donors' conference created a major incentive as well as time pressure that obliged the parties to work together.

- **Process:** the process was as important as the output, since, as a result, the parties got to know and understand each other better, narrowed their differences, and developed joint strategies. Such an approach not only helps to deal with the specific issue of displacement: it can also build confidence among the parties that can facilitate progress in other areas.
- **Addressing specific issues:** focusing the discussion on practical problems and realistic solutions de-politicized the debate and enabled a results-oriented approach.
- **Speaking the same language:** the fact that representatives of the four partner countries all spoke a similar language made it easier to communicate formally and informally.
- **Data:** overcoming disagreements about data—including by involving third parties as "honest brokers"—created a shared assessment of the situation on the ground, identified the number of refugees and IDPs, and, in the process, helped to identify needs.

Conclusion: An Example for Others?

The experience of the Western Balkans in dealing with displacement after the wars of 1991 to 1995 can be considered a success story although, as noted, the process is not over yet. But is this experience transferable to other parts of the OSCE area and beyond?

Few other regions could provide incentives akin to EU membership, but this could be substituted by the leverage of conditional donor support from development banks, international financial institutions, and individual states working under the umbrella of a like-minded group of international and regional organizations.

An important lesson from the Western Balkans is that it is essential to ensure complementarity between a high-level political process, expert-level negotiations, and a set of clear and shared objectives that, if fulfilled, will result in tangible benefits for the countries concerned and the people in need.

While displacement issues are often bilateral, refugees and IDPs can also usually be found in other neighboring countries. Taking a regional approach can help to defuse bilateral tensions, it can address the concerns of a wider pool of refugees, and it can potentially create momentum for resolving other outstanding issues.

Taking a vulnerability-based approach proved successful. Similar vulnerability criteria that were used in the Western Balkans could be applied elsewhere, albeit adapted to the local conditions. The challenge is to identify who is vulnerable, and how many of them there are. Agreeing on the numbers can be contentious, but this should not derail the process. As in the case of the Western Balkans, an independent third-party evaluation, drawing on existing data, can help to de-politicize the issue.

The example of the working groups could be duplicated. However, if the parties speak different languages and are less cooperative than the countries of the Western Balkans turned out to be, then it may be necessary for the international community to play a more intrusive role in the process. This runs the risk of reducing the sense of ownership among the parties and makes it easier for them to blame those trying to facilitate the process rather than being forced to take responsibility themselves. It also makes it harder for the negotiators to socialize.

The key is to get the parties to focus on, and try to resolve, specific issues. Focusing on specific issues strips away political and nationalistic arguments and obliges the parties to identify and resolve concrete problems. This can help to de-politicize the process.

The mixture of incentives and pressure that was used in the Western Balkans is a good model that could be followed elsewhere.

There is no reason why the example of appointing a personal envoy could not be applied elsewhere. Of course success depends on the suitability of the person chosen and his or her ability to win the confidence of the parties and the international community. But the experience of the Western Balkans demonstrates how important such an actor can be, not least in ensuring the international community speaks with one voice.

Is it essential that the conflict be over before displacement issues can be addressed? Perhaps not, but it certainly helps, since people would then be more likely to feel that they have somewhere safe to

return to. That said, the voice of displaced populations should be heard in the settlement process. Indeed, trying to resolve displacement issues can promote cooperation and contribute to peace.

One hopes that in other parts of the world the process could move faster than it did in the Western Balkans. It need not take fifteen to twenty years to resolve displacement issues. The trauma of displacement is bad enough. It is even worse if it takes a generation to rebuild lives.

In conclusion, nearly twenty years after the end of the war in the Western Balkans, regional solutions are being found to deal with a legacy of displacement. As a result of internationally facilitated regional cooperation, former enemies have become partners in helping people to rebuild their lives. This process can not only help thousands of refugees and IDPs to live in dignity. It can act as a catalyst for regional cooperation in other issues. Hopefully it can also provide a positive example for other parts of the world where people are vulnerable due to displacement.

Annex

SARAJEVO DECLARATION (2005)

Regional Ministerial Conference on Refugee Returns

We, the ministers responsible for refugees and internally displaced persons in Bosnia and Herzegovina, Croatia, and Serbia and Montenegro, met today in Sarajevo to identify our individual and joint activities that should be undertaken in the forthcoming period with the assistance of the international community in order to ensure a just and durable solution to refugee and IDP situation in our countries;

Considering that a just solution to this important issue must primarily be in the interest of safety, dignity and well-being of individuals and peoples, and should also contribute to peace and stability in Southeastern Europe, as well as to the efforts our countries are making to join the EU;

Aware of the fact that getting over the legacy of the war falls within the full normalization of relations between our countries;

Confirming our commitment to implement international conventions on refugee protection, notably the 1951 Refugee Convention and its 1967 Protocol, along with the 1995 General Framework Agreement for Peace in Bosnia-Herzegovina and especially its Annex VII as well as the existing bilateral agreements;

Taking into consideration the Programme for returns of and care for refugees and internally displaced person - Republic of Croatia, 1998; the Agreement on Cooperation between the future Government of the Republic of Croatia and the Independent Democratic Serb Party delegates to the Parliament of Croatia, 2003, the Strategy of Bosnia and Herzegovina for the implementation of Annex 7 to the Dayton Peace Agreement (BiH, 2002), the National Strategy on solving the issues of Refugees and Internally Displaced Persons (Serbia, 2002) and the National Strategy for Durable Solutions of Refugees and Internally Displaced Persons (Montenegro, 2005-2007);

Taking into consideration the progress made over the years in returns between our countries, and aware that outstanding challenges in refugee returns require our cooperation; and fully aware that all refugees have the right to return in safety and dignity;

Reaffirming that all refugees have an undeniable right to opt for their permanent residence, and fully resolved to undertake all the necessary national and administrative actions to allow the implementation of their decisions and to ensure a just solution to refugee situations in our countries,

We have agreed as follows:

1. Pursuant to our country programmes, we are committed to solving the remaining population displacement by the end of 2006, to facilitating returns or local integration of refugees and internally displaced persons in our countries, depending on their individual decisions, without any discrimination, and providing assistance and support to refugees and internally displaced persons in cooperation with UNHCR, the EU and OSCE;

2. Access to all rights and entitlements, including the right to accommodation, shall be ensured in a fair and transparent manner, while all social, legal, procedural or any other requirement for the implementation of the above-said shall be met in the spirit of the present Declaration.

3. Without prejudice to the precedence of the right to return, refugees who have chosen not to return will be assisted by their new host countries to locally integrate in accordance with their national legislation.

4. UNHCR, as well as the EU and OSCE are invited to assist our governments in the return process and local integration and to raise financial and other support and assistance from the international community;

5. Upon return or local integration, all refugees shall enjoy the same rights and shall have the same responsibilities as all other citizens, without any discrimination;

6. The above mentioned principles and goals shall serve as a basis for the development of individual action plans ("Road Map") in our countries, including a comprehensive list of all the tasks that must be undertaken and each country shall bear the individual responsibility for the implementation. Those individual plans of activities shall be unified in a joint implementation matrix;

7. Each country shall prepare its own action plan within the next three months. During the same timeframe UNHCR is invited to assist in creating the necessary databases.

8. We commit ourselves to appointing the representatives of the responsible ministries and other relevant bodies, and we invite UNHCR, as well as the European Union and OSCE to appoint their representatives to the Task Force. The Task Force shall meet at least four times a year to:

   - unite individual action plans in a joint implementation matrix;
   - review the data base referred to in paragraph 7 herein;
   - review the remaining challenges from (i) repatriation programmes and access to the rights, (ii) economic development in the areas of returns and integration, (iii) exchange of data on durable solutions, and (iv) possible issues of local integration, including, *inter alia*, issues related to social protection of vulnerable groups, such as the elderly, patients and single mothers;
   - monitor the implementation of the joint implementation matrix;
   - prepare ministerial meetings which will take place at least once a year.

This Declaration is done in three original copies in the official languages of Bosnia and Herzegovina, the Republic of Croatia, and Serbia and Montenegro.

Done at Sarajevo, on January 31, 2005

Mirsad Kebo
Minister for Human Rights and Refugees of Bosnia and Herzegovina

Božidar Kalmeta
Minister of Maritime Affairs, Tourism, Transport and Development of Republic of Croatia

Rasim Ljajić
Minister for Human and Minority Rights of Serbia and Montenegro

BELGRADE JOINT COMMUNIQUE (2010)

The Ministers of Foreign Affairs of Bosnia and Herzegovina, Republic of Croatia, Montenegro and Republic of Serbia: H.E. Mr. Sven Alkalaj, H.E. Mr. Gordan Jandroković, H. E. Mr. Milan Roćen and H.E. Mr. Vuk Jeremić met today, on 25 March 2010 in Belgrade, at the International Conference "Durable solutions for refugees and internally displaced persons: cooperation between the states of the region". Also present at the Conference were the representatives of the following international organizations: the European Union, United Nations High Commissioner for Refugees, Organization for Security and Cooperation in Europe and the Council of Europe.

The Ministers have stated that the problem of refugees and internally displaced persons has not yet been fully resolved in any of these states and therefore it is necessary to intensify regional cooperation in order to achieve a just, comprehensive and durable solutions, primarily for the most vulnerable ones, aware that it would contribute to the further promotion of good-neighbourly relations and stability in the region, including mutual support in the European integration process.

They have confirmed the respect, enjoyment and access to rights for all refugees, regardless of their current status, their decision to return or integrate locally, in accordance with international standards. Reaffirmed in particular were also the principles embodied in the Sarajevo Declaration, adopted by these states in January 2005, implying the respect for the rights of the refugees to individual decisions regarding the country of their permanent settlement in respect of their return or local integration, including free access to the rights they are entitled to.

Guided by the goals and obligations of the major international documents in this field, the Ministers have agreed to intensify mutual cooperation in the coming period through regular meetings of the relevant national expert services. The purpose of the cooperation would be to determine the relevant data concerning all categories of refugees for whom it is necessary to ensure durable solutions which is at the same time a prerequisite for defining the necessary measures and activities to develop projects whose implementation would be supported by the international community. The national expert services will meet, for the purpose of regular and continued cooperation, twice a year and more frequently, as appropriate.

The Ministers have agreed that it is necessary, as a matter of priority, to solve a problem of accommodation of and assistance to refugees and internally displaced persons still living in collective centres, including the persons who are in a particularly difficult social position.

At the same time, they have agreed on the need to carry through and make more transparent the ongoing programmes in all countries covered by the process of return or local integration and establish mechanisms with defined time-frames and measurable goals.

Within a framework of agreed cooperation consultations with the international community will also be continued for the purpose of organizing, within a period of nine months, an international donor conference to discuss the setting up of a multi-donor fund to assist in the process of return or local integration of refugees and internally displaced persons, closing of collective centres and providing assistance to the neediest.

It was further agreed to convene a regional review conference at the beginning of 2011 to appraise the results achieved.

Belgrade, March 25, 2010

JOINT DECLARATION ON ENDING DISPLACEMENT AND ENSURING DURABLE SOLUTIONS FOR VULNERABLE REFUGEES AND INTERNALLY DISPLACED PERSONS (2011)

1. We, the Ministers of Foreign Affairs of Bosnia and Herzegovina, Croatia, Montenegro and Serbia declare our conviction that achieving just, comprehensive and durable solutions for refugees and internally displaced persons in the region will contribute in a crucial manner to deepen our good-neighborly relations and stability in the region. We recognize that the successful resolution of these issues is vital to the further enhancement of positive and productive relations among our countries and citizens and the underpinning of our respective bids to join the European Union.

2. We recall the principles established in the Sarajevo Declaration of 31 January 2005 and elaborated in the Belgrade Joint Communique of 25 March 2010, in particular full respect for the rights of refugees and internally displaced persons and the mutual obligation to closely co-operate and synchronise our activities in order to ensure durable solutions for them, either through voluntary return and reintegration or local integration.

3. We met today in Belgrade, to review the significant progress achieved with regard to assuring durable solutions for refugees and internally displaced persons remaining from the 1991-1995 displacement in the region, including IDPs in Montenegro from 1999, and to identify the final scope of needs as well as to reaffirm our commitment to overcoming remaining obstacles for these still in need of durable solutions.

4. Taking into account relevant legislation, strategies, programmes and action plans of each country, as well as international norms and standards, we recommit our Governments to co-operate in a spirit of good faith to protect and promote the rights of refugees, returnees and internally displaced persons, including existing individual rights, and to provide all necessary political, material, legal, social and other support required to end their displacement and enable them to live as equal citizens in our countries, free from any form of discrimination.

5. To this end, our Governments have developed a regional working plan outlining the actions we are taking to remove the obstacles and to achieve durable solutions. Further, our Governments have agreed upon a Joint Regional Multi-Year Program to secure durable solutions for the most vulnerable refuges and internally displaced persons. The Joint Regional Multi-Year Program is an integral part of this Joint Declaration and the Program will be presented at a Donor Conference in early 2012, for support. We agree that at the Donor Conference the remaining needs will be presented and pursued individually in parallel by each government, according to need, with the aim to bring this protracted 1991-1995 displacement to an end in a dignified, suitable and lasting manner.

6. With this, we are also pleased to state that outstanding issues related to the regional aspects of 1991-1995 displacement have been solved between our countries such as:

   – Ensuring that all refugees accommodates in collective centres will be provided with adequate housing solutions;

   – Establishing a regional framework for addressing the housing needs of vulnerable persons, including vulnerable ex-Occupancy/Tenancy Rights holders, and taking into account concrete national programmes;

   – Ensuring that facilitated and accelerated procedures are in place to provide guarantee to civil documentation for all refugees, returnees and internally displaced persons, to enable them to fully and effectively enjoy their rights and achieve durable solutions; this entails that genuine documents already in their possession shall be given particular attention in these procedures;

- Guaranteeing a free and informed choice of durable solutions for the refugees and internally displaced persons;
- Managing donated funds through a Trust Fund Mechanism to ensure that donated funds will benefit the agreed upon priority population in the region;
- Ensuring continued regional data exchange to avoid multiplication of assistance and to ensure that no one be excluded.

7. We hereby express our deep appreciation for the active role of the international community over the past years, particularly for its persistent efforts and support in seeking permantent solutions for refugees and internally displaced persons in the region. We welcome the Donor Conference as the international community's final collective effort to close the chapter of the refugee population from 1991-1995 in the region.

8. The Regional Program provides for durable solutions to outstanding issues on the regional aspects of displacement. We remain committed to pursuing efforts at the respective national levels with the view to reach the final resolution of the refugee situations.

Belgrade, November 7th 2011

H.E. Mr. Sven Alkalaj
Minister of Foreign Affairs
Bosnia and Herzegovina

H.E. Mr. Gordan Jandroković
Deputy Prime Minister and Minister of Foreign Affairs and European Integration
Republic of Croatia

H.E. Mr. Milan Roćen
Minister of Foreign Affairs and European Integration
Montenegro

H.E. Mr. Vuk Jeremić
Minister of Foreign Affairs
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