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## **From returnees to citizens?**

The case of minority repatriations to Bosnia and Herzegovina

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## List of abbreviations

BiH	Bosnia and Herzegovina
CRPC	Commission for Real Property Claims of Displaced Persons and Refugees
DNS	Democratic People's Alliance of the Serb Republic
GDS	Civic Democratic Party
GFAP	General Framework Agreement for Peace
HDZ	Croat Democratic Union
HRW	Human Rights Watch
ICTY	International Criminal Court for the Former Yugoslavia
IDP	Internally displaced person
IEBL	Inter-Entity Boundary Line
IFOR	Implementation Force
IPTF	International Police Task Force
NATO	North Atlantic Treaty Organisation
NGO	non-governmental organisation
ODA	Overseas Development Agency
OHR	Office of the Higher Representative
OSCE	Organisation for Security and Cooperation in Europe
PEC	Provisional Election Commission
PIC	Peace Implementation Council
PLIP	Property Law Implementation Plan
RRTF	Reconstruction and Return Task Force
RS	Republika Srpska
SBiH	Party for Bosnia and Herzegovina
SDA	Party for Democratic Action
SDS	Serb Democratic Party
SNSD	Serb Independent Social Democrats
UN	United Nations
UNDP	United Nations Development Programme
UNMIBH	UN Mission in Bosnia-Herzegovina



# 1 Introduction<sup>1</sup>

After armed conflict has been settled or has waned forced migrants are expected to return ‘home’. Today, in the authoritative policy toolkit of the international refugee regime that outlines three ‘durable solutions’, repatriation has become the ‘preferred solution’ (United Nations High Commissioner for Refugees (UNHCR) 2006: 24f; United Nations Secretary-General 2011: Par. 4). Compared to local integration in the host state or resettlement in a third state, return to the state or area of origin has also been the most significant solution to situations of displacement in numerical terms. In the previous decade, for every refugee who resettled, about fourteen repatriated; for every refugee who locally integrated, about nine repatriated (UNHCR 2008: 36, 39). This distribution for refugees has been by and large stable. During the past twenty years, 18.2 million refugees have returned to their countries of origin altogether (UNHCR 2015: 20). While total numbers for returning refugees have declined since 2004, reported numbers for returning internally displaced persons (IDPs) have increased over the same period (UNHCR 2011: 21). In fact, the return of displaced persons has become an integral part of the post-conflict reconstruction agenda. The return of displaced persons is often seen as consolidating post-conflict orders and supporting peace processes. Furthermore, governments have become increasingly weary of hosting or resettling refugees. As a consequence, repatriation is likely to remain the most important and realistic solution to mass displacement.

The term ‘repatriation’ invokes the idea of return to a ‘patria’, a homeland, in which the displaced person’s identity, rights, and obligations are rooted. However, in reality, repatriation appears to be far more complex. Perhaps the most intriguing case is Bosnia and Herzegovina (hereafter Bosnia), where the war displaced nearly half the country’s population of 4.4 million citizens. More than twenty years later, after its formal end, access to effective citizenship for those who returned is patchy across the country. Particularly, reintegration outcomes display considerable variation across municipalities and within municipalities over time for those who return to where they always had been or have subsequently become an ethnic minority, or so-called minority returnees. While some returnees have been able to regain a foothold in their municipalities, others live in semi-destitute conditions, excluded from political and economic life. Access to effective citizenship has also fluctuated over time, as some incipient reintegration drew to a standstill or was reversed. As a consequence, the research question that guides my study is: under what conditions is reintegration after mass displacement possible?

The existing theoretical scholarship on repatriation insufficiently explains this puzzle. The essentialist premise underlying the popular understanding of repatriation has received substantial criticism; and notions of an unproblematic ‘homecoming’ have been challenged, most notably by anthropological and sociological research (Warner 1994; Hammond 2004; Long and Oxfeld 2004; Markowitz and Stefansson 2004). In the field of forced migration studies, as well as in policy discourses (UNHCR 2004, 2008), there is now largely a common understanding that repatriation goes beyond a mere physical return and constitutes a process of reintegration. Nonetheless, the theoretical framework that underlies this process has received very little systematic attention (cf. Bradley 2013: 8). Recent theoretical scholarship on repatriation by Bradley (2013) and Long (2013) argues for its possibility and desirability, thereby offering a corrective to more pessimistic theoretical scholarship by Arendt (2004) or Agamben (1998), which has theorised repatriations to be largely unattainable. Nevertheless, theoretical research continues to be ill equipped to account

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<sup>1</sup> I would like to thank Professor Alexander Betts for his comments and support throughout the process of conducting this research. I would also like to extend my thanks to all of my interviewees for their time and for sharing their insights and experiences with me. Finally, I am very grateful for the Ronald & Jane Olson Scholarship in Refugee Studies, which supported my studies at the University of Oxford.

for variance in repatriation outcomes across time and space. The main caveat of these theories is that they display two weaknesses: first, drivers and mechanisms of change are not accounted for; second, the meaning of the process of repatriation in concrete terms is not unpacked. Likewise, they consider the state as a cohesive and uniform actor. As a result, local dynamics of repatriation are insufficiently addressed. For these reasons, a theory of the process of repatriation that accounts for drivers of change and causal mechanisms has yet to be developed. In this study I attempt to fill this theoretical lacuna.

## **Methods and methodology**

This study uses a qualitative, inductive-iterative approach to develop a theory that can explain different reintegration outcomes across the local level and fluctuations within local level units over time. In a single case study, it traces the process of reintegration of displaced persons in the municipality of Prijedor, which experienced a relatively large number of minority returns. Additionally, a case study of Prijedor enables the exploitation of a significant in-case variation over time. The chosen method of tracing the process through a single case is well suited to generate theory. It allows for identification of new variables and causal mechanisms, which gives it a clear-cut advantage over statistical methods. My analysis is based largely on semi-structured elite interviews with representatives from the returnee community, civil society, and international organisations that I conducted during two weeks of fieldwork in March 2016 in Prijedor and Sarajevo.<sup>2</sup> While some key actors were identified and contacted prior to my arrival in Bosnia, a large number of my interviewees were identified through snowball sampling on the ground. In addition to the interviews, data was collected through document analysis, which included policy reports and news articles.

## **Argument and contribution**

Based on my field research, I develop a political-economy approach of repatriation in this study. The central argument that I posit is that reintegration constitutes a process of redistributing political and economic power to the benefit of returnees. Mass displacement frequently entails seizing political and economic power from the displaced and concentrating it in the hands of a small elite. Contexts to which returns take place are also often characterised by powerful, competing informal institutions. The structural conditions and elite incentives that arise in the process of mass displacement and thereafter determine the very mechanisms of change facilitating reintegration. I argue that the key mechanisms of change are intra-elite competition, international coercion, and an erosion of the power base. This political-economy approach of repatriation focuses on who gets what, or in other words, who wins and who loses.

While the existing theoretical approaches neglect the micro level, I argue that local dynamics matter in explaining reintegration outcomes. It is commonly assumed that peace agreements, for example, exert a trickle-down effect, yet implementation may falter when it comes to the local level (Manning 2003; Autesserre 2014). Although local political actors may not be able to challenge externally sanctioned political agreements directly, they can do so indirectly by non-compliance (Manning 2003: 34). The return of seized or occupied assets will have to be implemented on the local level, as formal or informal local governance institutions typically provide most services as well as security to citizens. Redistribution of political and economic power thus takes place predominantly at the local level. However, local power brokers often are motivated by incentives to obstruct this process. This is likely to be compounded when central political authorities are ill equipped to enforce compliance.

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<sup>2</sup> In order to protect the identity of the interviewees, who spoke to me under the condition of anonymity, I will only reference their role throughout this study.

Moreover, micro-level dynamics of conflict may be different from those on the macro level (Justino et al. 2013; Autesserre 2014). As Autesserre (2010) argues, in the case of the Democratic Republic of Congo, local-level tension over land and power between individuals, households, groups, and communities created critical instability and violence. While such tensions fed into the larger civil war violence, they remained unaddressed by the resolution of violent power struggles between the government and various opposition groups. The label ‘post-conflict society’ is thus often a misnomer, as it is premised on the achievement of peace on the national or international level. Nevertheless, ‘mandatory repatriations’ of displaced persons all too often take place in ‘post-conflict’ contexts (Chimni 2002), which corroborate the necessity of studying the local level.

Building on the outlined literature on micro-level dynamics of conflict and peacebuilding, I argue that local-level dynamics inform my proposed approach to reintegration in two regards. First, the seizure or the concentration of political and economic power as well as the power of competing informal institutions after mass displacement will differ across local level units, such as municipalities. Second, the salience of different mechanisms of change facilitating reintegration after mass displacement, such as coercion, intra-elite competition, and erosion of the power base, are equally likely to differ across local-level units.

The political-economy approach to repatriation that I advance in this study has implications for both repatriation theory and policy. The approach offers a corrective to the existing theoretical scholarship on repatriation that fails to account comprehensively for sources and causal mechanisms of change. In addition, its insights challenge approaches that consider the state as a cohesive and uniform actor, and point to the importance of more systematic micro-level research of repatriation processes. Moreover, this approach challenges the assumption that eradicating the causes of flight and restoring some form of protection against their re-occurrence will suffice to facilitate reintegration. My approach also emphasises that redressing for past injustices and restoring refugees to their former life does not necessitate reintegration. Critically, both assumptions assume that the key to reintegration lies in addressing developments prior to displacement. Instead, I argue that the dramatic changes in the distribution of political and economic power after mass displacement are highly consequential for reintegration and require addressing in repatriation theory and policy.

## **Structure**

This study is divided into two parts. The first chapter discusses the existing theoretical literature on repatriation and develops the political-economy approach to repatriation. The second chapter turns to the case study of Prijedor. This chapter is subdivided into three subsections that examine three critical junctures: 1) tentative acceptance of minority repatriations, 2) incipient reintegration, 3) halting and partial reversal of reintegration. Tracing the process of returnees’ reintegration in the municipality of Prijedor illustrates and evidences the political-economy approach’s mechanisms of change. The study concludes with a discussion of alternative explanations and the implications of my findings for repatriation theory and policy.

## 2 The political economy of repatriation

This chapter sets out to discuss the existing theoretical scholarship on repatriation, which I broadly divide into the ‘bare-life’ and the ‘liberal social-contract’ approach. While the bare-life approach is defied by empirical evidence, I argue that the liberal social-contract approach displays two weaknesses. First, drivers and mechanisms of change are not accounted for; second, the meaning of negotiating a new relationship with the state of origin is not unpacked. In response, I will develop a political-economy approach to repatriation that seeks to rectify these weaknesses.

### ‘Bare-life’ versus the ‘liberal social-contract’ approach

The meaning of repatriation differs across contexts. In policy terms, repatriation is predominantly understood as a technocratic exercise of returning people to their places of residence, which includes, among other things, restoring livelihoods of returnees, promoting co-existence, or removing mines and unexploded ordinances from their destinations. In academic terms, it is often conceived of in relation to state sovereignty. As Malkki (1995) has argued, the refugee subverts the ‘national order of things’ and has to be reinserted into an order premised on the citizen–state–territory, thereby reinforcing the order’s normality. The refugee and the sovereign state system are therefore mutually constitutive (Haddad 2008). In this context, the three traditional ‘durable solutions’ – local integration, resettlement, and voluntary repatriation – comprise the authoritative policy toolkit in the refugee regime. Each of the three durable solutions crucially entails a provision of citizenship that re-attaches the displaced person to a sovereign state and thereby re-establishes ‘the proper subjectivity of citizenship’ (Soguk 1999: 11). In the absence of a transnational polity and the pervasiveness of the citizen–state–territory in structuring social order, it holds that ‘[s]tates may be part of the problem, but they remain an essential part of the solution’ (Hurrell 2011: 95). Neither conceiving the meaning of repatriation in relation to the sovereign state system nor in more technocratic terms, however, captures its essential meaning. Becoming a forced migrant signals a breakdown in the assumed bond that exists between the individual and a political community (Shacknove 1985). Essentially, repatriation thus means the reintegration into a political community. The individual repatriation process thus represents a transition from being a returnee to becoming a citizen in the state of origin.

The possibility to re-make this bond has been most notably critiqued by Arendt (2004), who depicts refugees as being effectively stateless and ergo rightless. As Arendt argues:

*[t]he calamity of the rightless is not that they are deprived of life, liberty, and the pursuit of happiness, or of equality before the law and freedom of opinion – formulas which were designed to solve the problems within given communities – but that they no longer belong to any community whatsoever’ (Arendt 2004: 375).*

Repatriation is illusive, as there is no *patria* to which return is possible (Arendt 1994; Arendt 2004: 360). Without ‘the right to have rights’ the refugee is reduced to naked life (Arendt 2004: 376). Subsequent scholars have drawn on Arendt’s ideas. Adelman and Barkan (2011: 231), for example, have posited a ‘dissonance between the rhetorical force of human rights and the political reality abrogated by politics and history’. Most notably, in practice, the prerogative of states to self-determination and sovereignty trumps a right to repatriate, especially for unwanted minorities. As a result, they argue that a right of return for minorities has proven to be largely unattainable, unless international actors exerted a considerable amount of force. This reading, however, precludes any changes in ideological and material forces that could unravel the state of origin’s exclusionary political order and enable a reintegration of the refugee.



Building on Arendt's work, Agamben (1998) has theorised the figure of the refugee as the paradigmatic victim of sovereign power. Following a Schmittian definition of sovereignty, whereby sovereignty lies with '[him] who decides on the exception' (Schmitt 1985: 5), the 'sovereign' decides on 'homo sacer', the 'human victim who may be killed but not sacrificed' (Agamben 1998: 83). As Agamben (1998: 187) argues, the classical distinction between the biological and the political body, *zoe* and *bios*, has become interlaced (cf., e.g., Foucault 1990). The figure of the refugee represents this form of life: trapped in the space of exception of the camp, the refugee is neither included nor excluded, but reduced to 'bare life' that is subdued by the sovereign (Agamben 1998: 135). As a result, and in contrast to contractarian theorists, such as Hobbes and Locke, sovereign power 'is founded on the submission of naked life to the protection of the sovereign' (Owens 2011: 141). As a result, the refugee is powerless in the face of sovereign power; and even forms of resistance, such as hunger strikes or lip sewing 'are reduced to expression of "bare life"' (Owens 2011: 140). The Agambian account, however, does not evidence 'the reasons, forces, interests, struggles, movements, strategies, and actors that were and still are involved in the unfolding of bio-sovereign politics' (Kalyvas 2005: 112). This ambiguity results in a fatalistic, teleological reading of political history, the end state of which is the 'camp', and yet again precludes the possibility for changes in the distribution of power.<sup>3</sup>

Rejecting Arendt and Agamben's depiction of the refugee, Bradley (2014) has argued that structural changes in the international system and the refugee regime, as well as increased refugee agency, have opened up possibilities for re-making the bond between refugees and the state of origin. Bradley (2014: 16) reasons that refugees are not stateless, as posited by Arendt, but remain citizens of the state that has exiled them, notwithstanding the improvement that is required for effective state protection in many situations of state fragility. Contrary to Arendt and Agamben's bare-life approach, Bradley argues that the repatriation process can challenge and re-negotiate sovereign power:

*Particularly when a conflict has ended and the state of origin has been fundamentally reformed, refugees may actively desire the opportunity to return to their country of origin, and may use the repatriation process as an opportunity to renegotiate their relationship with their state of origin by asserting their rights claims and challenging the state's prerogative in deciding which citizens can participate in the political community of the state (Bradley 2014: 17).*

Bradley (2013) argues that repatriation is possible, given the change in norms regarding a right to return as well as some form of redress. This is indicated by the fact that UN resolutions and peace agreements frequently mention provisions for return and redress (Phuong 2005: 2f, 5). Furthermore, national and international institutions have been increasing efforts to implement these norms (Bradley 2013: 92f). While she acknowledges that this shift implicates geopolitical consequences, as it serves the powerful states that are fundamentally interested in reducing the 'burden' of providing asylum, Bradley (2014: 22f) argues that 'safe, dignified, and durable voluntary returns' uphold some degree of state responsibility for displacement and enable refugees to become political actors in their own right.

Long (2008) has brought forward the notion of 'empatriation' that involves the creation of a new relationship between state, citizens, and nation(s). Congruent with Bradley, she argues that return should constitute the restoration (or construction) of the liberal social contract that has been broken (Long 2012, 2013). Long (2013: 42), however, emphasises that the persecution experienced

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<sup>3</sup> As Owens (2011: 130) argues, Arendt 'never abandoned the possibility of a democratic-republic of interlinked polities' that could enable refugees to retain political rights, which crucially distinguishes Agamben from Arendt.

by refugees is frequently linked to competition between refugees' distinct cohesive identity, be that ethnic, religious, or social, and the identities of other groups that lay claim to the 'legitimate exercise of state power' (Long 2012: 381). In recognising the political capacity of these group-based identities, Long (2013: 43) argues that a just repatriation should include the re-making of three different contracts: between citizens to form a nation; between the collective will of the nation and the state as it regards the form of the latter; and between citizens and the state to determine reciprocal rights and duties.

As opposed to the bare-life approach, the liberal social-contract approach conceives repatriations not only as possible but also as desirable, given that refugee agency is respected and asylum is granted until conditions in the country of origin permit the meaningful restoration of the social contract (Long 2013: 231). The increasing focus on repatriation in the international refugee regime, the acceptance of a right to return for displaced persons, and the capacity of refugees to be political actors, lend some support to the propositions of the liberal social-contract approach. This approach is premised, however, on a liberal concept of citizenship that might not easily translate to contexts beyond the 'liberal democracy', as it presupposes some form of popular sovereignty and a respect for equal rights and duties for all citizens. Most importantly, however, the liberal social-contract approach displays two major weaknesses. First, it inadequately theorises the process of repatriation. It does not evidence the drivers and mechanisms of change that can facilitate repatriation. In other words, it does not account for *why* and *how* a re-negotiation of the social contract takes place. Second, the model fails to explain in concrete terms what the re-making of the social contract entails. It lacks a full picture of the distribution of power, as well as what duties and rights arise from the new social contract.

### **The theoretical framework**

Having presented the difficulties inherent in the existing approaches to reintegrating displaced persons, I will develop an alternative approach to theorise reintegration in the aftermath of mass displacement. The approach focuses on the prevalent political and economic conditions in societies after mass displacement and the particular challenges these pose for reintegration. Specifically, this approach will look at the distribution or contestation of powers between different groups and the incentive structures this creates for reintegration. I argue that structural drivers and elites' incentives determine variations in the reintegration of displaced persons in the aftermath of mass displacement. The approach builds on political economy accounts of migration that view it in larger processes of social transformation, i.e. power relations resulting in the inclusion of some and the exclusion of others (e.g. Castles 2001, 2003). The political economy approach to repatriation that I develop in this chapter crucially rests on three observations.

First, mass displacement often entails dramatic changes in the distribution of political and economic power in the state of origin. Assets of the displaced, such as land or housing, are often seized or occupied. Some form of representation in politics may be lacking as a result of conflict and time in exile or a change in political authority. Ethnic cleansing, for example, involves seizing assets of the persecuted group as well as consolidating political power in a new ethno-territorial order. Second, and related to the first observation, while violent conflict and displacement disrupt established patterns of economic activity and thus have negative economic consequences for the majority, they create economic opportunities for a small minority of 'the well-connected, the powerful, and the ruthless' (Griffiths 1999; Donais 2005: 31). At a general level, therefore, mass displacement often results in a concentration of political and economic power in the hands of a small elite. In the case of Bosnia, for example, the ethno-nationalist party elites, who consolidated their power in the process of ethnic cleansing, are fundamentally interested in preventing the reversal of ethnic cleansing that would entail the redistribution of at least some of their political and economic power.

Third, the political economy of the contexts to which return takes place is frequently characterised by powerful, competing informal institutions. Institutions are the ‘underlying rules of the game’ that organise social, political, and economic relations (North 1990: 4). Formal institutions are openly codified, which means that they are ‘established and communicated through channels that are widely accepted as official’ (Helmke and Levitsky 2003: 8f). Conversely, informal institutions comprise ‘socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels’ (ibid.). As Helmke and Levitsky (2003: 11) argue, informal institutions can have either a complementary, substitutive, accommodating, or competing relationship to formal institutions. Competing informal institutions ‘structure actors’ incentives in ways that are incompatible with the formal rules’ (Migdal 1988: 38-58; Helmke and Levitsky 2003: 13).

Clientelism, as a pertinent, competing informal institution, is characterised by highly personalised and exclusive relations. It can be defined as a ‘vertical dyadic alliance ... between two persons of unequal status, power, or resources each of whom finds it useful to have as an ally someone superior or inferior to himself’ (Landé 1977: xx, cited in: Stokes 2011: 649). The powerful patron is likely to choose the path of least resistance in order to hold onto power and maximise rent-seeking activities. In the case of vote buying, for example, targeting core and swing voters with material goods in order to sustain their support is the most economical way of working (Stokes 2011: 668). The elite’s incentives to defect from this pattern and to distribute some material goods to returnees are likely to be small, especially if they form a minority group. In addition to this, clientelistic relationships are typically embedded in social networks that enable patrons to gain knowledge about the loyalty and cooperation of clients (Stokes 2011: 657). Returnees are likely to have been excluded from these social networks as a result of their displacement, which may also decrease their chances to be part of a quid pro quo relationship with ruling elites. In addition to this, the ruling elite may leverage patronage to sustain their power, proffering public resources, such as public employment or public services, to key followers in exchange for loyalty. Even if representatives from the returnee elite are included in these transactions, it is likely to impede a redistribution of political and economic power to the larger returnee population. This is exemplified by the case of Bosnia, in which clientelism impedes returnees’ equal access to basic rights they are legally granted as citizens. Powerful ethno-nationalist elites allocate public resources, for example, largely to key followers, for the purpose of securing loyalty and cooperation. Distributing public resources for the benefit of returnees, especially for minority returnees, is associated with a social cost. As a result, rights that are formally granted to returnees are not effectuated.

Before proceeding, it is important to emphasise that this approach should not be interpreted as treating these contextual factors in situations of mass displacement equal to the causes of displacement in the first place. Often, a complex interaction of proximate causes forces people to migrate, and a single proximate cause is difficult to identify (Betts 2013: 16). Acute crises, such as civil war, may trigger displacement, yet, in some instances may be difficult to detach from structural drivers of displacement, such as weak governance or structural inequities. Treating these causes of displacement as the main obstacles to reintegration, however, is a mistaken notion. Critically, it assumes that the key to reintegration lies in addressing developments prior to displacement. Instead, I argue that the above-outlined dramatic changes in the distribution of political and economic power in the process of mass displacement or following thereafter are highly consequential for reintegration.

Additionally, my theory commits to a constructivist-instrumentalist ontology. It views social identity categories, such as Bosnian–Serb and Bosniac, as being mobilised by individuals or groups

for the purpose of political and economic gains (Griffiths 1999; Gagnon 2004) and becoming saturated with social significance as a result of this process (Anderson 1991; Hobsbawm and Ranger 1992). In other words, social identity categories become social facts, yet are not fixed and essentialised, as posited by primordialist accounts (e.g. Huntington 1996). Moreover, this approach does not reduce ideology to a residual variable in explaining elite incentives; rather, I argue that ideological variables are strongly complemented by material variables.

### **Mechanisms facilitating a reintegration of displaced persons**

In the most abstract of terms, reintegration after mass displacement constitutes a process of redistributing political and economic power. As the case of Bosnia illustrates, the return of displaced persons, especially minority returns, challenged the monopolistic power structures controlled by wartime leaders (Ito 2001: 99). The issue of redistributing political and economic power may be compounded in the aftermath of conflicts with ethnic dimensions. However, it may also be salient to the relationship of returnee and stayee populations. This might be the case, for example, in countries where there is a shortage of land and common property resources (Kibreab 2002). Stayees have strong incentives to oppose any redistribution of these resources due to their scarcity; elite domination of these resources is prone to become a powerful mechanism of social control.

Existing theoretical approaches insufficiently account for the mechanisms of change that facilitate a redistribution of political and economic power to the benefit of returnees. The particular challenge faced by returnees is their ruptured relationship with informal and formal institutions of governance in the state of origin as a result of conflict and exile (cf. Eastmond and Öjendal 1999: 53). As Heimerl (2005: 385) indicates in the case of Bosnia, 'where large-scale return has taken place, returnees have usually formed parallel institutions, led by returnee associations, serviced by token representatives in municipal government and sustained by a largely separate economy.' Because returnees are often effectively sidelined, I argue that explanations for reintegration of displaced persons are thus likely to be attributable to changes of structural conditions or elite incentives. The three key mechanisms of change that I posit are: 1) intra-elite competition, 2) coercion, and 3) erosion of the power base.

### **Intra-elite competition**

In cases where the elite form a cohesive group, incentives to bid for returnee support, and thereby facilitate some redistribution of political and economic power, can be expected to be low or non-existent. In order to explain the effects, I will draw from the literature on ethnic conflict. As it regards intra-group competition, there are two prevailing views. On the one hand, intra-ethnic elite competition, for example, is held to have a radicalising effect, as it increases outbidding by more extreme factions who rely on antagonisms in the mass population. Consequently, centrifugal forces are unleashed that make it difficult for moderate factions to sustain themselves (Sisk 1996: 17). On the other hand, it is argued that intra-ethnic splits may also facilitate inter-ethnic alliances between moderate forces (Sisk 1996: 16; Horowitz 2000: 358f). Yet, as Caspersen (2004: 1) posits, the mass population may not be the only audience of intra-ethnic elite competition, and the resources available to elites to repress or surmount challengers are also determinative. In return contexts, the international community may become an important audience, providing resources to more moderate forces in dominant elite groups. The position of moderate forces may thereby be strengthened, and the effects of outbidding abated. Intra-elite competition can thus contribute to breaking the monopoly on the political and economic power of elites by creating incentives to engage in coalition-building with returnee representatives or to bid for the support of the returnee population.



### **International coercion**

Changes in elite incentives or structural conditions that facilitate the redistribution of political and economic power may also be enforced, most notably from outside actors. In the wars that emerged during the breakup of Yugoslavia, return emerged as a ‘righting of wrongs’, and post-conflict reconstruction and the return of refugees has become ‘almost inseparable’ (Black and Gent 2004: 10). The international community has gone to great lengths in Bosnia, for example, to enforce the return of assets and the representation of returnees in political institutions. The Office of the High Representative (OHR), for example, which is tasked to oversee the civilian implementation of the 1995 General Framework Agreement for Peace (GFAP), was vested with powers to impose laws and to dismiss public officials. This capacity of enforcement proved to be important in facilitating some redistribution of political and economic power to the benefit of the returnees, most notably as it regards the return of property (Heimerl 2005; Dahlman and Toal 2011). Coercion from outside actors, however, always bears the risk of creating institutions that lack legitimate authority and accountability (cf. Chandler 2006), and as result may in fact undermine a sustained redistribution of power. Acknowledging the potential for this outcome, I argue that coercion and reintegration are most appropriately imagined to form a concave relationship rather than a positive relationship. In other words, the greater the force of coercion from outside actors, the higher the chances that a sustained reintegration of displaced persons will be undermined. That being said, the use of coercion at critical junctures may indeed contribute to the reintegration of displaced persons.

### **Erosion of the power base**

An erosion of the power base that sustains the dominance of elites may also open up possibilities for a redistribution of power to the benefit of returnees. This may be the result of a weakening of competing informal institutions that sustain the distribution of power. Clientelistic politics depend on the elite’s availability of material goods to distribute to clients and the ability to sustain inflated government spending for patronage. If revenue slumps, clientelistic politics are likely to be difficult to sustain. Alternatively, an increase in voter income may reduce the power of clientelism as vote buying becomes more costly (Pfütze 2014) or voters’ reliance on the distribution of material goods declines (Helmke and Levitsky 2003: 22). Consequently, the dominant elite’s ability to hold onto power can be described as a function of available funds for discretionary spending as well as the costs of buying loyalty from key followers.

The return of displaced persons could also yield opportunities for rent-seeking activities. The inflow of resources for reconstruction, such as rehabilitating or rebuilding houses or infrastructure of returnee communities, may create opportunities to siphon off money, thereby sustaining clientelistic politics. When returning displaced persons are able to leverage their transnational networks, this may contribute to investment or open up increased aid provision of external actors. Thus, if the ruling elite’s revenue decreases, it might increase elite incentives to allow some reintegration in order to generate revenue for sustaining clientelistic politics. This could prove consequential in instigating a process of incremental redistribution of the political and economic power available to returnees. At the same time, however, it could also place reintegration in lockstep, thereby conditioning each step towards reintegration with disproportionate benefits for the ruling elites.

This chapter has set out to discuss the existing theoretical scholarship on repatriation and develop a theoretical approach that can rectify its weaknesses. First of all, I have posited that the essential meaning of repatriation constitutes a reintegration into the political community. I have argued, however, that existing approaches to repatriation have two major weaknesses. First, they lack an account of drivers and mechanisms of change that can facilitate a reintegration into the political

community. Second, they fail to explain in concrete terms what reintegration into the political community entails. I have observed that mass displacement is characterised by the seizure of political and economic power from the displaced, the concentration of these powers in the hands of a small elite, and powerful, competing informal institutions. Therefore, I have argued that repatriation after mass displacement necessitates a redistribution of political and economic power to the benefit of the returnees. Regarding mechanisms that can facilitate such change, I have argued for the decisiveness of intra-elite competition, international coercion, and an erosion of the power base.

### 3 The case of repatriations to Prijedor

Although being hailed as a relatively successful example of return in Bosnia, Prijedor shows considerable fluctuations in the reintegration of displaced persons over time. Namely, incipient reintegration took place between the years of 2000 to 2004, yet halted and was reversed in subsequent years. In order to make sense of this aberration, this chapter analyses Prijedor's political economy after mass displacement and traces the process of repatriation from its beginnings to its current status.

#### **The impacts of mass displacement on Prijedor's political economy**

After the complete Serb takeover of multi-ethnic Prijedor<sup>4</sup> on 30 April 1992, the municipality became the site of intense Serb ethnic cleansing campaigns, which violently changed its ethnic composition as Bosniac and Croat inhabitants were displaced, killed, and detained. While the 1991 census showed a population of 112,470 people of whom 44% were Muslims, 42.5% Serbs, and 5.6% Croats, a population count in 1993 disclosed a reduction of the non-Serb population by 52,811 (Greve 1994).<sup>5</sup> Considering Prijedor in the larger context of the Bosnian War, it was one step away from creating an ethnically homogenous area in Bosnia that would be subsumed into an enlarged Serb territory. This project was advanced and led by Serb nationalist figures like Ratko Mladić and Radovan Karadžić, the leader of the ethno-nationalist Serb Democratic Party (SDS), who enjoyed the backing of Slobodan Milošević's government in Serbia.<sup>6</sup> Being 'clearly located inside any corridor that Serbs could want to clear between Serbia proper and the Serbian-occupied Croatian Krajina [the Serb parastate in Croatia]', Prijedor had major strategic value (Greve 1994: 4). In Prijedor, ethnic cleansing was coordinated and implemented by the so-called 'Crisis Committee', which comprised the local SDS leadership, the local military commanders, the chief of police, and Serbian deputies who duplicated the existing positions of authority. The newly created local authority, which received its orders from the SDS leadership, effectively replaced the existing formal institutions.

The new local authority dramatically altered Prijedor's political economy. Prijedor housed three concentration camps, Omarska, Keraterm, and Trnopolje, in which non-Serbs were tortured,

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<sup>4</sup> Prijedor municipality consists of the town Prijedor, two smaller towns, Ljubija and Kozarac, and numerous villages.

<sup>5</sup> This figure is derived from comparing the 1991 census with figures from a population count of June 1993 that was published in Serbian-controlled media (Greve 1994).

<sup>6</sup> In 1990 the first free multi-party elections in BiH saw the rise of three nationalist parties: the Party for Democratic Action (SDA) (Bosniac), the Croat Democratic Union (HDZ), and the Serb Democratic Party (SDS). Altogether they won 202 out of 240 seats in both chambers of the Bosnian legislative system. The HDZ and the SDS received support from Franjo Tuđman's government in Croatia and Slobodan Milošević's government in Serbia respectively.

raped, and killed. As found by the UN Expert Commission, ‘... the main objective of the concentration camps, especially Omarska but also Keraterm, seems to have been to eliminate the non-Serb leadership’ (Greve 1994; cf. Wesselingh 2005). Traditionally, Serbs had already held almost all key positions in Prijedor (Greve 1994). However, the ‘eliticide’ (Maass 1996; Gratz 2007) that took place after the complete Bosnian-Serb takeover exacerbated this distribution of power. The local SDS and members of the Crisis Committee accumulated and strengthened their economic and political power in the process of expropriating businesses, homes, and other assets of non-Serbs. In order to secure loyalty and support, expropriated or abandoned housing and land, as well as employment, was re-distributed to Bosnian-Serbs in Prijedor, especially war veterans, families of dead soldiers, municipal employees, court and prosecutor office employees, and SDS party members (Gillingham 2011: 141f). Consequently, war-time leaders also effectively seized power and authority from moderate Serbs in Prijedor (Oberschall 2000: 986). Moreover, being in control of a lucrative criminal smuggling economy, the SDS generated financial resources for its war efforts and secured a source of revenue in post-war years (Bojić and Kaldor 1997; Ito 2001; Andreas 2004).

The war formally ended with the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP), which was concluded in Dayton, Ohio, United States, between the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia that signed on behalf of the newly emerged Republika Srpska (RS). By recognising RS as a constitutional and legal entity of BiH and by creating a complex system of government, the GFAP legitimised and preserved the country’s ethno-territorial division. At the same time, however, the GFAP contained provisions for a reversal of ethnic cleansing. Freedom of movement throughout BiH is guaranteed in Article I (4), Annex IV. Annex VII, Chapter 1, provides for the protection of refugees and displaced persons, most notably Article I (1) granting refugees and displaced persons the rights to return to their ‘homes of origin’<sup>7</sup> and to the restoration or compensation for their property, which might have been expropriated or occupied upon return. In order to realise these rights, Article XI Chapter 2, Annex VII, establishes a commission to ‘receive and decide any claims for real property’.<sup>8</sup> As it regards political reintegration, Article IV, Annex III, provides for any displaced person to vote in the municipality of residence from 1991, either in person or by absentee ballot.<sup>9</sup> The inconsistencies of the GFAP lay in its demand on the parties to facilitate the return and reintegration of displaced persons, yet ‘[C]onditions of immobility and insecurity in post-war Bosnia bolstered the political and economic foundations of the new ethno-territorial order’ (Dahlman and Toal 2011: 164). This also applied to Prijedor, where the new social elite had

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<sup>7</sup> Article I (1), Chapter 1, Annex VII, GFAP: ‘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.’

<sup>8</sup> Article XI, Chapter 2, Annex VII, GFAP: ‘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.’

<sup>9</sup> Article IV, Annex III, GFAP, states: ‘A citizen who no longer lives in the municipality in which he or she resided in 1991 shall, as a general rule, be expected to vote, in person or by absentee ballot, in that municipality, provided that the person is determined to have been registered in that municipality as confirmed by the local election commission and the Provisional Election Commission. Such a citizen may, however, apply to the Commission to cast his or her ballot elsewhere. The exercise of a refugee’s right to vote shall be interpreted as confirmation of his or her intention to return to Bosnia and Herzegovina.’

a fundamental interest in continued displacement and in preventing any challenges to its structures of political and economic power.

### **The process of repatriation**

This section traces the repatriation process in Prijedor from its beginnings to its current status. It is divided into three subsections, each representing critical junctures. The first subsection analyses the development in the immediate post-war years when the SDS elite initially consolidated its dominance and rejected non-Serb returns yet began to tentatively accept some minority repatriations in later years. The second subsection examines a shift marked by large-scale return and incipient reintegration. The third subsection traces the halt of incipient reintegration and its partial reversal. I argue that increased intra-elite competition, mounting international pressure, and a partial erosion of the power base, which had sustained SDS dominance, accounted for this variation over time.

### **The consolidation of ethnic cleansing and early battles over its reversal**

The power structure that emerged in RS, as well as in Prijedor, during the war, was characterised first and foremost by the dominance of the SDS elite that proffered an ‘aggressive ideology of isolation’, including the refusal of any minority returns (ESI 1999(a): 12). If return was attempted, non-Serbs were confronted with violence. Violent Serb mobs repeatedly stopped buses, throwing stones and waving clubs and handguns; in May 1996, at least three civilians were killed and a dozen wounded while trying to return to Prijedor (The New York Times 1996). When the first returnees came back to Prijedor the violence continued as they were assaulted with stones, or live bullets were fired at their houses from surrounding shrubbery or forests (Returnee Representative (1), 30 March 2016; Returnee Representative (2), 29 March 2016). Soon after the United Nations handed the Mayor of Prijedor, Milomir Stakić, SDS party member and former member of the Crisis Committee, a list of ninety-six families who wanted to visit their villages, the families’ houses were all destroyed. The UNHCR commented on the demolition of houses: ‘It tells you what sort of local leadership and what sort of obstacles you’re up against here . . . We are dealing with the people who fought the war, and are trying to follow the same policies of ethnic division in peace’ (cited in: O’Connor 1996). Similarly, NATO officials made the police chief, Simo Drljača, former member of the Crisis Committee, along with the mayor, responsible for violent obstructions of minority returns (Cohen 1996; O’Connor 1996). International coercion to implement Annex VII of the GFAP remained limited. Fearing a resurgence of conflict, as well as resistance to the GFAP and to the presence of foreign troops, NATO forces avoided any direct confrontation. They did not strictly enforce freedom of movement, especially across the Inter-Entity Boundary Line (IEBL), or arrest indicted war criminals (Cohen 1996; Hodge 2006: 137).

Although foreign aid was limited in the immediate post-war years, a few donor agencies were active in Prijedor, such as the British Overseas Development Agency (ODA) (Belloni 2006: 437).<sup>10</sup> Human Rights Watch (HRW) (1997) reports that humanitarian aid and reconstruction assistance was easily misused in Prijedor, as the local leadership controlled virtually all economic sectors, including those in which contracts were awarded, such as infrastructure, construction, or humanitarian aid. ‘Only 30 per cent of humanitarian aid reaches the people’, reported an international source quoted in the HRW’s report. In the immediate post-war years the local Red Cross faced serious corruption allegations and was accused of refusing aid to non-Serbs (Greve 1994). Private business owners without SDS affiliation were threatened or removed, and SDS

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<sup>10</sup> The ODA funded a sizeable number of reconstruction projects that were implemented by the British contingent of the NATO-led Implementation Force (IFOR) with the aim of ‘improving its image in the local community’ (Hodge 2006: 135).



representatives controlled the local media, thereby effectively marginalising any moderate or opposition voices (HRW 1997). However, as one Western observer opines:

*[T]he economy is in ruins. It is inconceivable that outside capital will come in. I believe that after the elections, the power structure of the nationalist parties in control will collapse. It will be either from the top or the bottom. But it will collapse' (cited in: Gutman 1996).*

In other words, the dire state of the economy and reliance on external financial support contained the possibility for factional disputes within the SDS and public discontent in those social groups that were served by the SDS (cf. ESI 1999(a): 6). As sources of revenue diminished, clientelistic politics were difficult to sustain. Consequently, the SDS elite's incentive to prevent return and reintegration of minority returnees was likely to falter with an increasing erosion of the party's power base and intra-party competition.

In September 1996, as set out by the GFAP, national and entity-level elections were held. Before the day of the elections, Prijedor police chief, Simo Drljača, warned that he could only guarantee the safety of those Muslims who were to leave and arrive by bus to designated 'Muslim' polling places (Gutman 1996). An election observer describes the atmosphere in which Bosniacs voted in Prijedor:

*Around 2 P.M., two buses arrive at high speed, escorted by two IFOR jeeps. Four-wheel drive vehicles from the international police monitors, local police, the U.N. refugee agency and a leading U.S. human rights group follow in a convoy. News crews from Independent Television News (U.K.) and the SDS-controlled Republika Srpska television also arrive. A mere 53 frightened but brave voters disembark. . . . None of the Muslims have any intention of returning to their former homes. They desired only to see for themselves that the fighting had really stopped. They do not intend for their voyage to be interpreted as a political statement against Serb control of the area. The Muslims exit the building and once again become visibly nervous. Without any trace of emotion, a Serb policeman suggests to the group that they should return to the buses for their own safety (Purvis 1997).*

On the day of the election only 14,700 out of more than 150,000 IDPs who did not register for absentee voting crossed the IEBL to cast their votes. This indicated the lack of freedom of movement and a high level of fear for personal safety and intimidation that displaced persons still experienced (International Crisis Group (ICG) 1996: 53). The three ethno-nationalist parties, SDA, HDZ, and SDS, which gained the largest shares of votes, dominated the elections. In RS, the two coalitions of parties that constituted the principle opposition to the SDS were subject to harassment, intimidation, and physical violence, casting serious doubt about the freeness and fairness of the elections.<sup>11</sup> SDS-affiliated local authorities obstructed rallies, and party members were threatened with losing their jobs if they did not switch allegiance to the SDS (ICG 1996: 23f).

In July 1997 the international military forces in and around Prijedor began to take a more assertive stance. In 'Operation Tango', NATO forces attempted to arrest Milan Kovačević, former mayor of Prijedor, and Simo Drljača, former police chief, who were both sought after by the International Criminal Court for the Former Yugoslavia (ICTY) in a sealed indictment with charges of genocide. While Kovačević was successfully arrested, Drljača was shot after a shootout with the British

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<sup>11</sup> In addition to this, ICG (1996) raised fraud charges, namely discrepancies between the ballot count and the number of possible voters. The Organisation for Security and Cooperation in Europe (OSCE) concurred that the number of ballots was suspicious and recommended recounting them (O'Connor 1996). Nevertheless, Western officials from the 'Contact Group', which included the United States, United Kingdom, Russia, Germany, and the European Union, certified the results (ibid.).

NATO forces. The ICTY's indictments and the new activism on the part of NATO 'marked the beginning of a period in which a "promise of justice" grew slowly but steadily among victims [former residents of Prijedor]' (Hodžić 2010: 119). The arrests proved to be consequential in at least two regards. First, they positively contributed to a relative sense of security for displaced persons willing to return (Returnee Representative (3), 28 March 2016). Second, they led to the resignation of mayor Milomir Stakić, who fled to Belgrade fearing his arrest by NATO forces (ICG 2002: 26f; Belloni 2006: 440; Gillingham 2011: 166).<sup>12</sup> Borislav Maric (SDS), who succeeded Stakić as mayor of Prijedor, proved to be relatively moderate and tolerated, albeit rhetorically, minority returns.

The first post-war municipal elections in Prijedor were held in October 1997. A coalition of Bosniac parties gained 35% of the votes – a relatively substantial share.<sup>13</sup> Votes were nearly all cast by absentee ballot.<sup>14</sup> The SDS, however, was the single party with the most votes and obtained the post of mayor with the support of the other Serb parties, gaining altogether 65% of the votes. International agencies played an important role in facilitating concession of some municipal posts to the minority parties. If the Organisation for Security and Co-operation in Europe (OSCE), which chaired the Provisional Election Commission (PEC), found that minority representatives were 'not proportionally represented among the executive officers, council officers or council committees' (ICG 1997), it had the discretion, among other reasons, to deny final certification of the election results. In Prijedor, the SDS offered the Bosniacs three 'politically insignificant positions', the deputy president of the executive board and two out of six department heads, which the OSCE urged the Bosniacs to accept (Gillingham 2011: 156).

In the years 1996–1998, in order to consolidate ethnic homogeneity and to maintain clientelistic networks, Prijedor's local authorities redistributed non-Serb property and publicly owned land to displaced Serbs, of whom 30,000 to 40,000 resided in Prijedor, according to municipal records (Gillingham 2011: 142). Bosniac representatives whom I interviewed corroborated this policy (Returnee Representative (2), 29 March 2016; Returnee Representative (3), 28 March 2016). As one of them indicated:

*The Serbs received land and building materials, like bricks, in order for them to build homes and to stay. That is to say, 17,000 Serbs from the Federation and 3,000 from Croatia did not want to return. It was a Serb goal that these people stayed, as it increased their share of the population. . . . I believe, 3,000 to 4,000 plots of land were allocated to these people in two to three different parts of Prijedor, which were empty spaces, and they built themselves beautiful houses (Returnee Representative (2), 29 March 2016, author's translation from German).*

Throughout the years 1996–1998, return almost exclusively took place to areas where the returnees' own ethnic group held the majority; 250,000 displaced persons returned in 1996, followed by declining numbers through the years 1997 and 1998 (Heimerl 2005: 379). The SDS RS leadership welcomed displaced Serbs yet blocked the return of any non-Serbs (Dahlman and Toal 2011: 175). Above all, the SDS elite had strong incentives to block minority returns, as they feared

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<sup>12</sup> Milomir Stakić was arrested in 2001. In 2003, he was sentenced by the ICTY to a life jail term, being found guilty of crimes against humanity, such as persecution, murder, and extermination (International Criminal Tribunal for the Former Yugoslavia 2003).

<sup>13</sup> Bosniac parties formed the Coalition for Unity and Democracy, consisting of the Party of Democratic Action (SDA), the Party for Bosnia and Herzegovina (SBiH), the Liberal Party (LIBERALI), and the Civic Democratic Party (GDS) (ibid.).

<sup>14</sup> Out of the 25,825 votes for the coalition, 92.3% were cast outside the municipality (Central Election Commission BiH 1997).

this would lead to increased international interference and demands for political participation (ibid.). However, as international coercion gradually mounted and returnees amassed in neighbouring Sanski Most in subsequent years, some return of minorities appeared to be inevitable. Therefore, the ruling majority in Prijedor attempted either to delay the return process or condition returns on the provision of permanent accommodation for displaced Serbs in Prijedor. Prijedor's SDS-dominated municipal assembly officially endorsed a *quid-pro-quo* approach in its return plan in 1998, despite the protest of the Bosniac representatives (Gillingham 2011: 145f). Capitalising on minority repatriations, however, represents a defection of the local elite from its dominant strategy that was categorically opposing them. This apparent change in elite incentives suggests an erosion of the local elite's power base, which is likely to have been critically induced by the dire state of the local economy. In other words, sustaining clientelistic politics necessitated allowing some minority repatriations in order to obtain material goods – in this case permanent accommodation – for redistribution to protégés and key followers.

At the end of 1996 Western European host countries lifted temporary protection, which most Bosnian refugees had been granted, and commenced returns to Bosnia. The UNCHR estimated that up to 200,000 refugees might return who had been displaced from their homes in territory now within RS (Heimerl 2005: 382). Unable to return to their pre-war residences, many of these early returnees became IDPs. The majority of those Bosniacs unable to return to Prijedor gathered 20 miles south across the IEBL in neighbouring Sanski Most. In June 1997, 8,000 to 9,000 IDPs from Prijedor resided in Sanski Most, and another 12,000 refugees were expected to be deported from Germany (Dragicevic 1997). They found destitute living conditions: people were packed in overcrowded apartments or accommodated in abandoned Serb houses without basic amenities; and out of a population of 70,000, only 20,000 lived in their pre-war homes (Hedges 1997).

Bosniac returnees set up a Prijedor government-in-exile in the municipality. This was encouraged by Sanski Most's mayor, Mehmed Alagić, a former general and SDA member, because returnees attracted foreign aid (Gutman 1996) and were relatively well off (Gillingham 2011: 293). Additionally, return supported the SDA strategy of consolidating controlled territory or regaining lost territory (International Organisation Representative (1), 25 March 2016; International Organisation Representative (2), 25 March 2016). The returnee leadership in Sanski Most was very effective in mobilising the returnee community. A monthly newspaper, which was distributed in countries hosting significant numbers of refugees from Prijedor, and local radio broadcasts were used to spread information about organised visits to Prijedor, aid distributions, and the voting process. These media were also employed to preserve the identity and homeland orientation of the Bosniacs from Prijedor abroad (Gillingham 2011: 293f). Prominent leaders like Muharem Murselović, later the municipality executive board's deputy president, and Saed Jakupović, director of the local NGO Fondacija, mobilised the returnee community and skilfully garnered support from donors for reconstructing their houses (Wesselingh 2005: 97). Moreover, individual families' capacity to return also varied, as stated by one of my interviewees:

*Within that [return to minority areas] there was quite a bit of variation. If you look at the more able families who went back first... they had more time, they were more pioneering in their approach and better able to negotiate terms, form organisations and pressure groups that could give them a better deal and negotiate (International Organisation Representative (1), 25 March 2016).*

Furthermore, the returnee community in Prijedor, especially returnees to Kozarac, were relatively well organised (NGO Representatives (1-2), 31 March 2016; NGO Representative (3), 29 March 2016; International Organisation Representative (3), 22 March 2016; Human Rights Activist, 16 February 2016). Above all, however, the large number of displaced persons willing to return in Sanski Most, in concert with their determination, formed a critical mass that was hard for the

‘international community’ to ignore<sup>15</sup> (Dragicevic 1997). Finally, in 1998, after displaced Serbs in Prijedor and displaced Bosniacs in Sanski Most had lobbied their respective municipalities, Kozarac was selected as the first returnee site in the Prijedor area (Belloni 2006: 441). Kozarac, a secondary town in the municipality of Prijedor, had an overwhelmingly Bosniac population of 27,000 before the war (Lippman 2007). By mid-1999, 90 families had returned to Kozarac; 200 then returned the year after. Nevertheless, large-scale return and reconstruction in the Prijedor area did not take place until 2000 (Wesselingh 2005: 98).

### **The resistance against reintegration falls apart**

In the municipal elections of 2000 SDS dominance in Prijedor was formally broken. Nada Ševo, a member of the Serb Independent Social Democrats (SNSD), was elected as mayor of the municipality by and large with votes of the Bosniac representatives. The relative share of votes for Bosniac parties decreased due to a reduction in the number of absentee ballots for Bosniac parties relative to 1997 (Central Election Commission BiH 2000); nevertheless, Bosniac support tipped the scale in favour of Ševo’s election and remained crucial during her mandate. Relying on Bosniac representatives’ support contributed to incipient reintegration. The mayor upheld a degree of accountability to some Bosniac demands (Returnee Representative (1), 30 March 2016; Returnee Representative (3), 28 March 2016). As one Bosniac interviewee argues: ‘she [Nada Ševo] opened many doors for us [Bosniac returnees]’ (Returnee Representative (1), 30 March 2016, author’s translation from German). This is indicated by significant municipal funds being allocated to projects in return areas during the years 2001 and 2002 (Belloni 2006: 444).

Changes in the political party landscape in RS that had begun three years earlier had weakened SDS dominance and subsequently paved the way for the SDS to lose the mayoral office in Prijedor. In mid-1997, SDS intra-party competition led to the party splitting into two factions. One SDS faction supported Karadžić’s ‘ultranationalist and isolationist path’ (Ito 2001: 110). The other faction supported Biljana Plavšić and defected to her newly founded party, the Serb National Alliance (SNS). In 1998, after early elections, the SNS, the Socialist Party of Republika Srpska (SPRS), and SNSD gained enough votes to break SDS dominance in the RS parliament and form a coalition. Plavšić was then elected as RS president. Caspersen (2006: 11) argues for three audiences that provided Bosnian-Serb political elites with resources for intra-party competition: first, the party, e.g. the financial resources, media control, or the military; second, the kin-state, i.e. Serb political leaders in Belgrade; and third, the general population. After the SDS formally split into two factions, however, international authorities became an important fourth audience that was leveraged by SNS leader Plavšić, who carefully staged her break with the SDS leadership. In the power struggle with the SDS, NATO-led peacekeeping forces provided critical security, and international donors provided aid packages. While these developments resulted in a formal SDS split, they did not actually entail substantive programmatic differences between the two parties. Caspersen (2006: 222) notes, ‘the differences between the SDS and the SNS were limited’, as was the case with the other SDS splinter parties. This was indicated by the remarks of SNS vice-president, Ostoja Knežević, who argued that he decided to leave the SDS, ‘because the program of the SDS was not implemented in practice although it is good’ (cited in: Caspersen 2006: 220). Nevertheless, as the case of Prijedor demonstrates, Serb intra-elite competition crucially paved the way for informal coalition building with Bosniac returnee representatives.

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<sup>15</sup> In the case of Bosnia, the ‘international community’ refers to a complex governance structure that crucially included: the Peace Implementation Council (PIC), the multinational military Implementation Force (IFOR), led by NATO and authorised by the UN Security Council; the UN Mission in Bosnia-Herzegovina (UNMIBH), e.g. the International Police Task Force (IPTF); the Office of the High Representative (OHR); the OSCE; and various UN agencies, e.g. UNHCR.



In addition to the intra-elite competition, sources of revenue that could sustain the power base of the SDS's clientelistic structures had been eroded. In 2000 when large-scale return and reconstruction began, 'Prijedor was on its knees economically', a Bosniac representative argued (Returnee Representative (1), 30 March 2016, author's translation from German). A report by the United Nations Development Programme (UNDP) observes a rising negative balance in the municipality's budget, a steady increase in unemployment, and an unfriendly investment climate in Prijedor (UNDP 2004: 30-37). Moreover, the privatisation process that was supposed to depoliticise economic life and lead to a path of economic recovery and growth lacked success in both (Donais 2002). Given that the voucher-based privatisation system functioned with very little fresh capital, it created disincentives for investment. At the same time, the privatisation process enabled elites to misuse privatisation agencies to strip assets of state-owned companies or distribute a disproportionate number of vouchers to their protégés, such as war veterans (ICG 2001: 18; Donais 2005: 120f). Elites were able to acquire entire companies for very little money by buying off vouchers, which were highly overvalued, from their recipients (ibid.). In the long run, however, privatisation contributed to overall dire conditions in Bosnia's formal economy.

Additionally, international aid had largely bypassed Prijedor because of the presence of indicted war criminals and the obstruction of the return process. Prijedor was not included in the UNHCR's 'Open Cities' programme that aimed to promote minority returns through positive conditionality. The US placed Prijedor under an aid embargo in 1998 according to the so-called 'Lautenberg Amendment', which prohibited the provision of reconstruction aid to municipalities that harboured indicted war criminals or failed to cooperate with the ICTY. The municipalities Prijedor Pale and Foča were excluded from a three-year programme that was launched by the US in 2000 to support minority returns with 70 million USD (Gillingham 2011: 272).

Given these outlined economic conditions, the foreign currency that was brought into the municipality by returnees could buy a great deal (Returnee Representative (1), 30 March 2016; Returnee Representative (2), 29 March 2016). Moreover, the increase in demand for building materials to reconstruct houses stimulated the local economy, as businesses selling building materials sprang up in the municipality (Returnee Representative (1), 30 March 2016). A Bosniac interviewee in Prijedor argues, 'We came back with money. The Serbs noticed it. It was beneficial for them to have someone in their community with money who needs things and invests' (Returnee Representative (3), 28 March 2016). In addition to the investment that was made by returnees in Prijedor, aid by foreign donors for the reconstruction of Bosniac homes was not affected by the embargo. Most crucially, however, Ševo's relatively moderate position enabled her to effectively change the international community's perception of Prijedor during her mandate, and international aid to the municipality began to flow. In 2002, for example, the mayor managed to persuade the US ambassador to finally lift the aid embargo on Prijedor (UNDP 2004: 13). The international community thus critically functioned as a fourth audience for the new mayor.

Incipient reintegration in Prijedor in the early 2000s, however, was also aided by an increase in international coercion with regard to minority repatriations (NGO Representative (4), 22 March 2016; International Organisation Representative (2), 25 March 2016). Beginning in the late 1990s this crucially included coercive measures in order to push for the implementation of Annex VII. First, the Reconstruction and Return Task Force (RRTF), the coordinating body for all major agencies involved in the return process, shifted its policy to follow the movement of returnees, rather than requiring displaced persons to follow its activities. Second, and most importantly, the Office of the High Representative's (OHR) powers were significantly broadened. The 1997 OHR intervention that broke Karadžić loyalists' control over public broadcasting in RS proved that an assertive OHR was effective in the eyes of Peace Implementation Council (PIC) members. It was therefore granted more extensive powers at the 1997 PIC Bonn meeting (European Stability

Initiative (ESI) 1999(b): 4). The OHR's so-called 'Bonn Powers' included the powers to impose laws and to dismiss public officials. Vested with these powers, the OHR began to remove public officials who obstructed the implementation of Annex VII, GFAP and started to change or reject legislation that inhibited return of property to displaced persons. The Property Law Implementation Plan (PLIP), created by the OHR, UNHCR, OSCE, UNMBiH, and Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) in 1999, established a uniform approach across BiH. At the beginning of 2004 the PLIP reported that in Prijedor 7,439 cases had been resolved, 97% of which were positively decided for the claimant (Belloni 2006: 443). Returns to Prijedor peaked in the early 2000s. In 2004, it was estimated that half of the pre-war Bosniac population had returned (UNDP 2004: 13).

Nonetheless, Ševo's term as mayor was characterised by ambiguity, and her power was challenged throughout her time in office. Her ambiguous positioning is vividly exemplified, for example, in the struggle over Prijedor's symbolic landscape. The eradication of any Bosniac traces in the public space, which included, among other things, the destruction of mosques and the proliferation of Serb ethno-nationalist ideology in the public sphere, had continued in post-war years. Across from the municipal building in Prijedor, the local authority erected a memorial commemorating the suffering of RS soldiers; a working group, which predominantly consisted of SDS party members, was set up to write a historical monograph on Prijedor (Gillingham 2011: 165f). Under Ševo's rule, construction of Serb monuments proliferated, despite her claim she would reduce them (Wesselingh 2005: 80). When the first reconstructed mosque in RS opened in Prijedor in late 2000, the mayor objected to the reconstruction, stating that 'the required authorisation had not been granted' (cited in: Agence France Press 2000).<sup>16</sup> Wesselingh argues:

*It seems what she really fears above all else is to have to confront the veterans, the nationalist, certain Serb politicians who would not fail to make their feelings known were she to get in the way of one of their monument projects (Wesselingh 2005: 80).*

In fact, the mayor largely lacked the clientelistic structures that the SDS leadership had established to buy loyalty and cooperation. Thus, in light of her dearth of informal networks of power, Ševo's fears were not unfounded. Ševo's recall as mayor was attempted in thirty-two out of thirty-four municipal assembly sessions (Belloni 2006: 444), indicating her lack of support from other Serb parties and the local administration (Gillingham 2011: 177). In 2002, after the general elections, in which the SDS regained the presidency on RS entity level, Ševo was further weakened. She had always lacked a solid support network in the RS political leadership, yet now she faced opposition (Gillingham 2011: 177). In 2003, this came to the fore when the RS government decided to reclassify the municipality as 'developed', which resulted in a revenue cut of 20% (UNDP 2004: 31f). The RS government's discretion to determine the development category of municipalities was often employed for political purposes, as opposition-held municipalities were 'promoted' and party-affiliated municipalities downgraded (UNDP 2004: 33).

### **The incipient reintegration comes to a halt**

In 2004 Marko Pavić, member of the Democratic People's Alliance of the Serb Republic (DNS),<sup>17</sup> succeeded Nada Ševo as mayor. This marked the end of a period of incipient political reintegration of Prijedor's Bosniac minority, as the social elite that had gained power during the war was also formally reinstated. Pavić was part of the SDS elite that controlled the municipality in the war

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<sup>16</sup> The mosque was rebuilt in the town of Kozarac. Reconstruction costs totalled 61,350 Euros, which were mainly gathered by Bosniac returnees in Prijedor (Agence France Press 2000).

<sup>17</sup> The DNS was established in 2000 by SNS party members after they had failed to oust the SNS party leader Plavšić (Lansford 2014: 170).

years; previously he had been mayor of Prijedor and worked for the police and federal security services. The Final Report of the United Nations Commission of Experts that was established pursuant to Security Council Resolution 780 (1992) notes:

*Marko Pavić was alfa [sic] et omega in the SDS... At the time when the Serbs took power in Opština Prijedor, he was director of the post, telephone and telegraph in the district. Allegedly, he played a pivotal role in the power change. Reportedly, Serbian de facto control of the post was used to facilitate financial transactions needed in this period. Apparently, the post office under the leadership of Marko Pavić was used, among other things, to channel and launder money during the advent of the Serbian takeover, and in the time following the power change (Greve 1994).*

Additionally, Pavić was arguably well connected to higher segments of the Serb elite in RS, given his previous position of minister for the interior under Plavšić's presidency.

The new mayor maintained the rhetoric of toleration towards return when face to face with the international community yet did little to match his words with action (Returnee Representative (1), 30 March 2016; Returnee Representative (2), 29 March 2016). First and foremost, the allocation of municipality funds to returnee communities in Prijedor became increasingly limited (Returnee Representative (1), 30 March 2016; Returnee Representative (2), 29 March 2016; Returnee Representative (3), 28 March 2016; International Organisation Representative (1), 25 March 2016). Moreover, as one observer argues, 'the mayor [Pavić]...is in denial to keep his power' (NGO Representative (5), 31 March 2016). Pavić, for example, systematically refused to allow the erection of memorials for non-Serb victims of war crimes in Prijedor's public sphere (Hodžić 2010: 129). If memorials were erected in Muslim-only communities they were tentatively accepted, yet only Serb memorials have been financed from the municipality's budget (Hodžić 2010: 129). Dissenting voices were silenced. In 2012, for example, the mayor prohibited public commemorations for the twentieth anniversary of mass atrocities (OHCHR 2012: 5). Additionally, the local authorities announced that the use of the term 'genocide' when referring to crimes at the Omarska camp would entail prosecution (ibid.).

Unlike his predecessor, Pavić exclusively catered to the interests of his core constituent groups and key followers. Formal decision-making processes such as the legislative power of the municipal assembly were undercut by informal deal making between the mayor and his key supporters, thereby effectively excluding Bosniac representatives (Returnee Representative (1), 30 March 2016; Returnee Representative (2), 29 March 2016). At the same time, the Bosniac diaspora's engagement in local politics decreased (NGO Representative (3), 29 March 2016; Returnee Representative (2), 29 March 2016). This is indicated by a decline in absentee ballot voting that reduced the share of votes for Bosniac parties. Furthermore, reconstruction activities in returnee communities also dropped and, in turn, resulted in reduced investment for and by returnees in Prijedor (Returnee Representative (1), 30 March 2016). In this period, the force of international coercion that critically aided reintegration also began to diminish significantly. In 2004, the presence of peacekeeping troops was reduced greatly (Wood 2004); since 2002 the OHR's closure had been imminent (ICG 2009: 1)

The clientelistic structures that incentivised, for example, disproportionate amounts of public resources to the Serb majority and key followers proved rigid. According to an 'unwritten rule', businesses opened by Bosniac returnees had to hire a Serb in order to avoid facing 'gratuitous inspections and fines' (Lippman 2007). Employment of Bosniacs in the public sector continued to be negligible (Returnee Representative (2), 29 March 2016; Returnee Representative (3), 28 March 2016). Bosniac returnee communities faced difficulties in provision of public services, such as roads or water (ibid.). The beneficiaries of Prijedor municipality's scholarship programme for high

school and university students, for example, are awarded disproportionately to children of Serb war veterans (Returnee Representative (1), 30 March 2016). While civil rights are increasingly tolerated and political rights are formally adhered to, social rights of minority returnees have proven to be extremely difficult to establish (Returnee Representative (1), 30 March 2016; Returnee Representative (3), 28 March 2016; International Organisation Representative (1), 25 March 2016; International Organisation Representative (3), 22 March 2016; NGO Representatives (1-2), 31 March 2016). An international organisation representative corroborates this general pattern in the distribution of social services:

*Municipalities don't have lists of communities with needs and problems. They don't have lists of families who are having recurrent needs and for whom there is no current solution. The lists they do have are very limited in terms of information, and they are just political lists (International Organisation Representative (1), 25 March 2016).*

In the absence of economic opportunities, minority returnees, especially those in younger generations, reverted to different livelihoods, such as seeking employment outside the entity or the country, as well as continuing to access social benefits in the Federation (cf. Donais 2002: 134). Many of those without access to mobility are discernibly worse off: their houses are crude, and they engage in subsistence activities (cf. International Organisation Representative (1), 25 March 2016).

### **Explaining variation in repatriation outcomes in Prijedor**

Tracing the process of repatriations to Prijedor has underscored three key turning points: 1) tentative acceptance of minority repatriations, 2) incipient reintegration, 3) halt and partial reversal of reintegration. The following section summarises both the sources of change and the key evidence that substantiates them.

The turn from outright rejection to tentative acceptance of minority repatriations was decisively facilitated by the interplay of international coercion and erosion of the SDS elite's power base. First, the more assertive stance of NATO forces, especially the arrest of indicted war criminals in 1997, led to the resignation of mayor Stakić. The new mayor Maric tentatively accepted minority repatriations. At the same time, violent obstructions of minority repatriations diminished. While the mobilisation and the leadership of the returnee community were strong, they arguably constituted a sufficient rather than a necessary condition for minority repatriations. This was particularly the case given the high level of violence that minority returnees had experienced before the increase in international coercion. Second, the dire state of the local economy had eroded the local SDS elite's power base. In 1998, the local elite began to capitalise on minority repatriations by officially conditioning them on the provision of permanent accommodation for displaced Serbs. This change in elite incentives is indicated by the defection of the local elite from its dominant strategy of categorically opposing minority repatriations.

As intra-elite competition and international coercion increased, and the erosion of the local elites power base continued, incipient reintegration began to take place. In Prijedor, SDS dominance was broken in the 2000 municipal elections, as Ševo from the SNSD was elected mayor. Ševo, however, faced strong opposition. The mayor's recall was attempted in almost all municipal assembly sessions, and the RS government significantly cut her revenue base. Given Ševo's apparent lack of informal networks, she availed herself of the international community and the Bosniac representatives' support. In 2002, she was able to negotiate the lifting of the US aid embargo on Prijedor. Additionally, Ševo's term in office coincided with reinforced international coercion, such as the OHR's Bonn Powers, which critically facilitated the return of seized assets. Furthermore, as sources of revenue to sustain the local elite's clientelistic structures continued to erode, minority



repatriations began to be accepted, as reconstruction and investment by and for returnees yielded opportunities for the local elite to engage in rent-seeking activities.

The halt and partial reversal of reintegration occurred as the former SDS elite was formally reinstated following the 2004 municipal elections, and the level of international coercion began to diminish. Competing informal institutions regained strength and obstructed returnees' access to basic rights, especially social rights. Moreover, as reconstruction in returnee communities declined, the level of public spending for returnee communities became increasingly limited. In other words, reintegration was effectively placed in lockstep, thereby conditioning each step towards reintegration with disproportionate benefits for the ruling elites.

## 4 Conclusion

In this study, I have sought to explain temporal and spatial variations in reintegration outcomes for minority returnees in Bosnian municipalities. Consequently, I have considered under what conditions reintegration after mass displacement is possible. First of all, I have posited that the essential meaning of repatriation constitutes a reintegration into the political community. I have observed that mass displacement is characterised by the seizure of political and economic power from the displaced, the concentration of these powers in the hands of a small elite, and powerful, competing informal institutions. Therefore, I have argued that repatriation after mass displacement necessitates a redistribution of political and economic power to the benefit of the returnees. Regarding mechanisms that can facilitate such change, I have argued for the decisiveness of intra-elite competition, international coercion, and an erosion of the power base. Hence, circumstances under which these mechanisms of change are present are likely to see a greater degree of reintegration. This concluding chapter will have a two-fold purpose. First, I will discuss alternative explanations that could explain reintegration. Second, I will outline the implications of my theoretical approach for repatriation theory and policy.

### Alternative explanations

When reflecting on alternative explanations, the power-based account of repatriation after mass displacement that is presented in this study is most obviously challenged by a norm-based account. Instead of focusing on interests and power, this theoretical account posits the importance of either rules of appropriate behaviour (March and Olsen 1995) or arguments (Risse 2000).

According to a logic of argumentation, the issues concerning the distribution of power could be resolved in a process of interaction in which a reasoned consensus about principles and norms is reached (Risse 2000). It is thus argued that interests and identities are not fixed but malleable by challenges and interrogation. This account, however, is premised on power being absent, or at least not decisive, in determining the outcome of deliberative processes. Yet, in the case of repatriation after mass displacement, the distribution of power is heavily skewed in favour of a small elite or social group. First, this impedes access to forums in which deliberative processes could take place, such as legislative bodies or informal networks (cf. Risse 2000: 16f). Congruently, all the decisive mechanisms of change that are evidenced by my case study, international coercion, erosion of the power base, and intra-elite competition, implicate a shift in power relations. Second, power itself affects what counts as a 'good argument' (ibid.). The sequencing in my case study suggests that the logic of argumentation was inconsequential. Even though returnees were represented in the Prijedor municipal assembly as early as 1996, incipient reintegration only took place after 2000, once the dominant elite was weakened. Furthermore, on epistemological grounds, the logic of

argumentation proves very difficult to falsify, given the inability to prove actors' 'true' motives (cf. Hanrieder 2011).

As it concerns the logic of appropriateness, a redistribution of political and economic power may be facilitated through socialisation and learning processes. It is stipulated, for example, that dialogue and personal contact can (re)build positive reciprocal relations and overcome societal divisions (cf. Amir 1969). The effect of repeated interaction or transitional justice processes in facilitating positive reciprocal relations should not be discounted; yet it is important to note the scope of their conditions. For my case study, the logic of appropriateness has two major shortcomings. First, while it may explain the ebbing of violence against returnees in Prijedor over time as contact between the ethnic groups increased steadily, it is ill suited to explain the fluctuations in reintegration outcomes. Second, the case of Prijedor corroborates a discrepancy between the local elite and the general population. Namely, positive reciprocal relations in the general population, such as increased inter-ethnic cooperation within and across civil society organisations, are unmatched by similar developments in the local elite (cf. Porobić and Mameledžijaelma 2014). As a result, the behaviour among the dominant local elite is more forcefully explained by material incentive structures.

### **Implications for repatriation theory**

Beyond explaining the case of minority returns in Bosnia, the political-economy approach that I have advanced and evidenced in this study has broader implications for how we understand the process of repatriation and why it takes place. I have offered a corrective to the existing theoretical scholarship on repatriation that lacks a comprehensive account of sources and causal mechanism of change. Rather than solely referring to the evident effects of international force, such as Adelman and Barkan (2011), I have evidenced and theorised a wider set of mechanisms. As a result, I have also offered a possible third theoretical approach beyond the bare-life and liberal social-contract approach. Most importantly, this power-based account, which emphasises the explanatory force of structural drivers and elite incentives, challenges recent repatriation scholarship that has advanced a norm-based research agenda (cf. Bradley 2012; Bradley 2013).

The analysis in this study also highlights the importance of local dynamics in explaining repatriation. Its insights challenge the existing theoretical approaches that consider the state as a cohesive and uniform actor, and point to the importance of more systematic micro-level research of repatriation processes. Given the limited scope of this study, I have exploited in-case variations. The theoretical insights I have offered, however, would ideally be tested in a systematic micro-level comparative analysis. Additionally, the insights from this micro-case study need further testing in different repatriation contexts. Studying the case of Bosnia, I have focused on minority repatriations. However, I have argued that the changes in the distribution of political and economic power after mass displacement and the mechanisms of change may be at play, albeit to varying degrees, in a wider array of contexts. These contexts could be, for example, countries with a shortage of land and common property resources (cf. Kibreab 2002). Moreover, contexts of armed conflict in general – with or without an ethnic dimension – exacerbate inequality. On the one hand, they create opportunities to accumulate wealth for a small elite who are able and prepared to exploit wartime shortages and cope with heightened risk (cf. Cramer 2006). On the other hand, such contexts yield opportunities for accumulation for those who are well connected to the state and can engage in rent-seeking activities (ibid.). Consequently, in order to corroborate arguments about representativeness and possibly to refine or advance the theoretical approach, it needs to be tested in different contexts.

### **Implications for repatriation policy**

The proposed approach to repatriation also challenges paradigms in repatriation policy. First, it challenges the assumption that eradicating the causes of flight and restoring some form of protection against their re-occurrence ensures reintegration after mass displacement. This assumption frequently underlies UNHCR's tripartite agreements, for example, that are signed between the country of origin, the host country, and UNHCR to provide formal guarantees for the safety of returning refugees and set out the modalities of repatriations. Second, my approach also emphasises that more developmental-oriented approaches, such as redressing for past injustices or restoring refugees to their former lives through re-establishing their livelihoods, do not necessitate reintegration. Both these approaches assume that the key to reintegration lies in addressing developments prior to displacement. Instead, I argue that the dramatic changes in the distribution of political and economic power that occur in the process of mass displacements or thereafter need to be addressed, as they constitute the primary obstacle to effective citizenship. Leveraging international coercion to enforce compliance or conditionality to erode the power base of dominant elites at the micro-level, for example, is likely to represent an effective tool in contributing to repatriations after mass displacement. Additionally, I have demonstrated the importance of micro-level dynamics in repatriations. Collecting knowledge about the local level that includes patron–client relationships or elite structures is likely to make policies more effective. At the same time, however, the insights from this study also caution against repatriation policies that do not heed power relations and local dynamics. A failure to do so may exacerbate dramatic changes in the distribution of power and seriously impede returnees' access to effective citizenship.

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