PROPERTY RIGHTS IN RETURN AND RESETTLEMENT OF INTERNALLY DISPLACED PERSONS (IDPs)

A QUANTITATIVE AND COMPARATIVE CASE STUDY

by

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A dissertation submitted to the Graduate Faculty in Political Science in partial fulfillment of the requirements for the degree of Doctor of Philosophy,
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Abstract

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Deniz Sert

Adviser: Professor Susan L. Woodward

This dissertation argues that solving the internal displacement problem is crucial for building peace, and any solution to the problem of internal displacement must include institutionalized property rights for internally displaced persons (IDPs). Granting property rights to IDPs is not only important for creating incentives for them to return home, but also for generating the means to re-establish their lives elsewhere, i.e., to resettle and reintegrate. The methodology followed in this dissertation is both quantitative and qualitative. In the quantitative part, I test the existing hypotheses on IDP return in the literature with a dataset, which I compiled, that comprises all the countries with conflict-induced, internally displaced people. The results of the quantitative analysis show that property rights are an important determinant of IDP return and resettlement. In the qualitative part, a more detailed analysis of individual cases of Bosnia and Cyprus elucidate and confirm the theory proven by quantitative analysis with qualitative data, and uncover the endogenous variables affecting the settlement of the problem of internal displacement that are overlooked by aggregate data.

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List of Abbreviations

AI	Amnesty International
BiH	Bosnia and Herzegovina
BIRN	Balkan Investigative Reporting Network
CRPC	Commission for Real Property Claims of Displaced Persons and Refugees
ECHR	European Court of Human Rights
ESI	European Stability Initiative
EUFOR	European Union Forces in Bosnia and Herzegovina
FAO	Food and Agriculture Organization of the United Nations
HDI	Human Development Index
IACHR	Inter-American Commission on Human Rights
ICG	International Crisis Group
IDD	Internal Displacement Division (OCHA)
IDMC	Internal Displacement Monitoring Center
IDP	Internally Displaced Person
IHF	International Helsinki Federation for Human Rights
IMF	International Monetary Fund
IMG	International Management Group
IOM	International Organization for Migration
IRIN	Humanitarian News and Analysis from Africa, Asia and the Middle East
JNA	Yugoslav People's Army
MHRR	Bosnia and Herzegovina Ministry for Human Rights and Refugees
NATO	North Atlantic Treaty Organization
NRC	Norwegian Refugee Council
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	United Nations High Commissioner for Human Rights
OHR	Office of the High Representative
PLIP	Property Law Implementation Plan
PRIO	Peace Research Institute of Oslo
RRTF	Return and Reconstruction Task Force
RS	Republika Srpska
SFOR	Stabilization Force in Bosnia
SIPRI	Stockholm International Peace Research Institute
SUTRA	Sustainable Transfer to Return-related Authorities
TRNC	Turkish Republic of Northern Cyprus
UNCHR	United Nations Commission on Human Rights
UNDP	United Nations Development Programme
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNFPA	United Nations Population Fund
UN HABITAT	United Nations Human Settlements Programme
UNHCR	United Nations Refugee Agency
UNRISD	United Nations Research Institute for Social Development
UNSD	United Nations Statistics Division
UNSG	United Nations Secretary-General
USCRI	The U.S. Committee for Refugees and Immigrants

CHAPTER ONE
INTRODUCTION: THEORIES AND CONCEPTS

Despite the increasing interest in internal displacement in recent years and the creation of a regulatory framework to help deal with the problem, the number of internally displaced people (IDPs hereafter) in the world has not decreased but has instead continued to increase. What accounts for this trend? Why has the number of IDPs increased from 1.2 million in 11 countries in 1982 to roughly 24 million in 49 countries today?

Approximately half of the peace agreements signed in the post-Cold War era have included provisions on the return of refugees and IDPs displaced as a result of civil conflict (see Table 1.2). In most cases, the provisions proved ineffective. In fact, ten out of fourteen cases still have an enduring internal displacement problem.

If the return of IDPs is the eventual goal of so many peace agreements, then what can be done to facilitate it? This is the question that this dissertation is seeking to answer. Specifically, while analyzing different conditions that the literature cites as affecting the decision of IDPs to return, it will pay particular attention to a new variable, the influence of property rights on the decision to return. The argument here is based on a simple assumption: if IDPs are to return, then they need a place to which they *can* return. Therefore, they not only need to be granted the right to return; they also need their property rights to be restored, or in cases where property rights did not exist prior to conflict, granted. There are two relationships between property rights and the return and resettlement of IDPs. While it is easy to assume that having a place to return to will actually facilitate return, there is also a more complex connection. Property rights not only give people a place to live and/or work, but following Hernando de Soto's (2000)

innovative study of the poor, they are also the key to the creation of capital, and therefore provide the means to build new lives elsewhere. Thus, property rights are important as catalysts for either the return or the resettlement of IDPs as well as being crucial means of reintegration of returned or resettled IDPs.

The rest of this chapter is divided into six sections. The first presents the empirical puzzle driving this project, namely that despite the growing emphasis on the return and resettlement of IDPs in peace agreements, the rates of successful return and resettlement have been low. The second section will summarize the main argument: the success rate of IDP return and resettlement is low because there has not been enough focus on the property rights of IDPs. The third section reviews the major theories on return and resettlement, while the fourth defines the main concepts to be used in this dissertation. In the fifth section, I explain the research methods used to test competing explanations of return and resettlement, and in the final section, I outline the organization of the rest of the dissertation.

The Puzzle

A word-frequency analysis of the concept of return in 455 speeches delivered by six different UN High Commissioners for Refugees since 1978 shows that 92 percent of the speeches addressed the issue of return (see Table 1.1).[1] Moreover, almost 50 percent of the peace agreements signed since 1991 include provisions on the right to return of refugees and IDPs, but 70 percent of the countries involved still have ongoing internal

[1] Although the UNHCR is an organization concerned with the provision of durable solutions for refugees, and the speeches are mostly about refugee return—not specifically referring to IDPs—the number is still important in order to see the importance given by the policy makers to the concept of return as a solution to forced migration.

displacement problems. Therefore, increasing recognition of the issue alone has not brought about its resolution. On the contrary, the global number of IDPs increased from 23.7 million in 2005 to an estimated 24.5 million in 2006. This increase is mainly due to the fact that more people were newly displaced in 2006 than were able to return during the same year. While 4 million people (more than twice as many as in the previous year) were displaced as a result of armed conflict in 2006, only 3.6 million were able to return to their homes.

Table 1.1: Percentages of UNHCR Commissioners' speeches that mention return, 1978 - October 2006

Commissioner		Address return
Hartling	(1978-1985)	85%
Hocké	(1986-1989)	100%
Stoltenberg	(1990)	87%
Ogata	(1990-2000)	93%
Lubbers	(2001-2005)	78%
Guterres	(2005-present)	93%
Total		92%

Source: Bradley, M. (2007). Return in Dignity: A Neglected Protection Challenge. RSC Working Paper Series. Oxford, Refugee Studies Center.

The Argument

"Displacement obstructs access to previous livelihood practices, and new forms of livelihood practices are created—many of which are informal or even criminal and detrimental to liberal economic and social order" (Van Hear 2006: 217). In what follows, it will be argued that restoring property rights of the internally displaced is necessary for

the establishment of order and the creation of an environment conducive to the return and resettlement of IDPs. The argument is as follows:

- Conflict creates displacement.
- In a post-conflict environment, displacement becomes an obstacle to establishing order.
- Return and resettlement are two ways to end displacement.
- Restoring property rights is essential for both return and resettlement because it:
    - Ensures that IDPs have a place to live in case of return.
    - Secures capital (i.e., a means of rebuilding their lives) in case of resettlement.

Thus, the restoration and effective enforcement of property rights of IDPs is an essential factor in the successful return and resettlement of these people, and in the creation of a sustainable peace after violent conflict. The idea that property rights are an important determinant of the settlement of the IDP problem and an element of sustainable peace was inspired by the case of Titina Loizidou, a Greek Cypriot IDP who had been internally displaced since the Turkish occupation of the north of Cyprus in 1974 (see Chapter Four on Cyprus). On December 18, 1996, the European Court of Human Rights agreed that the right of Ms. Loizidou, "to the peaceful enjoyment of (her) possessions'" guaranteed under Article 1 of Protocol No. 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms was violated by Turkey, and in December 2003, Ms. Loizidou received damages of 1.2 million euros from Turkey. The decision of the Court was widely publicized in the Turkish press.

The Loizidou case intrigued me. Before hearing about the case, I was not even aware of the fact that there were internally displaced people in Cyprus. It had been three decades since the island was *de facto* divided in 1974, everybody was settled, and the life was going on. The *de facto* division of the island would someday become *de jure* when the ripe international moment arrived. Moreover, there were many human rights that I could count as violated during conflict, but before the Loizidou case, property rights would not really make it to my initial list. I was born and grew up in a country where the states almost had the right to uproot people, resettle entire villages,[2] and ask for exchange of populations if necessary.[3] Nobody ever mentioned property rights.

None of these were true. First, after more than three decades, there were still 210,000 IDPs in Cyprus, and getting their pre-1974 properties back was almost a precondition for peace on the island. Thus, restoration and effective implementation of property rights was an essential factor in the successful return and resettlement of IDPs of Cyprus, and in the creation of a sustainable peace on the island. Also, although it was not a custom in where I was living, property rights *were* mentioned in peace agreements in other parts of the world.

However, even in cases where property rights (i.e., rights to land and immovable property) have been accounted for in peace agreements (such as in El Salvador and Bosnia and Herzegovina), IDPs have still faced the problem of ineffective implementation of these rights, which has been due to a lack of effective enforcement mechanisms, i.e., lack of effective institutions and/or the economic means necessary to

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[2] Referring to Turkey's policy of resettling entire villages in the southeast as part of its strategy in fighting the Kurdish insurgents.

[3] Referring to Turkish-Greek population exchange after the Lausanne Treaty in 1923.

implement the provisions. Empirical evidence from the case of El Salvador shows that although the Chapultepec Accords dealt with land issues, the peace process has not resulted in return to the extent expected. This is because they did not include property rights in particular, and because there have been financial constraints in the implementation of this part of the agreement. The recognition of the need to establish the property commission in the case of Bosnia and Herzegovina illustrates that once institutional arrangements are in place to deal with problems related to the exercise of property rights, IDP return begins to increase. The focus here on implementation (or enforcement) is important. By underlining the structural problems of enforcement, I hope to show that citing provisions of return in peace agreements alone is not enough to ensure return. There is a need to monitor whether these provisions are being put into effect and whether they are producing results.

Current Theories of Return and Resettlement

Reviewing the major theories on return and resettlement is important for several reasons. The first is to give readers a better sense of how the return or resettlement process fits into the framework of civil war termination. The second is to begin to identify the many variables that are believed to facilitate the return or resettlement of IDPs in the context of civil wars. The final reason is to determine whether property restitution (restitution of houses, land, and other immovable property) plays a critical causal role in the return and resettlement of IDPs, or whether it is merely a result of other conditions of return and resettlement discussed in other theoretical frameworks.

The changing dynamics of the post-Cold War international environment are reflected in strategies undertaken to end civil wars. In *An Agenda for Peace,* former UN Secretary-General Boutros-Ghali recommended that:

> Peacemaking and peacekeeping operations, to be truly successful, must come to include comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well being among people. Through agreements ending civil strife, these may include disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons, repatriating refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation. (Boutros-Ghali 1992: 6).

An Agenda for Peace reflected the change in the character of peace operations in 1990s. These second-generation peace operations have become multidimensional and now include a very extensive list of tasks. As Tschirgi (2004) explains, peace building is a "multi-dimensional enterprise with several pillars" that has political, social, economic, security and legal dimensions.

Within this larger spectrum of peace operations, there was now an opportunity to deal with the issue of internal displacement, and because civil wars are considered one of the main causes of internal displacement, the return and resettlement of IDPs has become one of the tasks to be carried out during post-conflict peace building.[4] The return of refugees and IDPs has indeed been an objective of almost 50 percent of the peace agreements signed in the post-Cold War era (see Table 1.2), and policy-makers and

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[4] Unfortunately, there are not any studies stating what percentage of conflict-induced internal displacement is caused by civil wars, but an initial look at the database of the Internal Displacement Monitoring Center shows that civil wars play a role in almost 70 percent of the cases of conflict-induced internal displacement.

Table 1.2: A List of Peace Agreements with Provisions on Return of Refugees and IDPs

Country	Agreement	Year
BiH	The General Framework Agreement for Peace in Bosnia and Herzegovina (Annex VII: Agreement on Refugees and Displaced Persons)	1995
Burundi	Arusha Peace and Reconciliation Agreement for Burundi (Protocol IV: Reconstruction and Development, Chapter 1: Rehabilitation and Resettlement of Refugees and Sinistres)	2000
Cambodia	Agreement on a Comprehensive Political Settlement of the Cambodia Conflict (Part V: Refugees and Displaced Persons, Article 19)	1991
Colombia	Plan Colombia: Plan for Peace, Prosperity, and the Strengthening of the State (Plan for Democratization and Social Development: Assisting the Internally Displaced)	1999
Georgia	Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons	1994
Guatemala	Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict	1994
Kosovo	Interim Agreement for Peace and Self-Government In Kosovo	1999
Liberia	Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL) and Political Parties (Part VII: Humanitarian Issues, Article XIV: Humanitarian Relief)	2003
Macedonia	Framework Agreement (Annex C: Implementation and Confidence-Building Measures, Article 3: Refugee Return, Rehabilitation and Reconstruction)	2001
Nepal	Comprehensive Peace Agreement concluded between the Government of Nepal and the Communist Party of Nepal (Maoist) (Article 5.2.8: Cease Fire, Measures for the Normalization of the Situation; Article 7.3.3: Compliance to Human Rights, Fundamental Rights and Humanitarian Laws, Right to Individual Dignity, Freedom and Movement)	2006
Sierra Leone	Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (Part V: Humanitarian, Human Rights and Socio-Economic Issues, Article XXII: Refugees and Displaced Persons)	1999
Sudan	Agreement on Permanent Ceasefire and Security Arrangements Implementation Modalities between the Government of the Sudan (GOS) and the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/SPLA) during the pre-interim and interim periods (Part I: The Ceasefire Arrangements, General and Fundamental Provisions, Article 1.10.)	2004
Tajikistan	General Agreement on the Establishment of Peace and National Accord in Tajikistan	1997

Source: The United States Institute of Peace Digital Library at http://www.usip.org.

academics all believe that peace requires refugee repatriation, and that every peace agreement must insist on it (Zolberg, et. al. 1989).[5]

Evidently, bestowing the right to return is not in itself a sufficient condition for successful return, but there are also certain conditions that must be met in order to achieve the result. Unfortunately, the literature on the conditions for IDP return is relatively small and largely idiographic. It consists of many single case studies and a few comparative analyses, all of which are generally lacking in global scope.[6]

However, Deninger et. al.'s (2004) case study, which analyzes the conditions that have affected the desire to return of the displaced population in Colombia, delivers valuable results, and the literature on ending civil wars provides supporting arguments for each of their findings, which are as follows: First, *the desire to return is affected by economic opportunities in the reception and origin sites:* The study demonstrates that economic calculations have a great impact on IDPs' decision to return or resettle. The study shows that possession of assets in the place of origin, especially access to land, creates a strong desire to return regardless of the land size. Based on similar economic calculations, possible employment opportunities at the original site also seem to positively affect IDPs' desire to return. If return is positively correlated with economic opportunities in the origin sites, then the importance of economic recovery and

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[5] In a challenging article, Howard Adelman (2002) reevaluates this conventional wisdom and argues that refugee repatriation is not a necessary or a causal condition of peace. His research shows that successful repatriation is only a marginal factor in the success of peace with different dimensions that can even complicate the peace process. However, he takes refugees, and not IDPs, as his main subject, and the following discussion on the concept of internal displacement will present the differences between the two and the possible implications of these differences.

[6] Interestingly, although very limited, there *are* global studies that look at the etiology of forced migrant flows (Davenport, et. al. 2003).

sustainable development as priorities of successful peace implementation in conflict areas is multiplied (Barakat & Chard 2002; Smoljan 2003; Woodward 2002).

Second, *the desire to return is affected by the socio-demographic characteristics of the household:* The study also reveals that more vulnerable households (defined as households that belong to an ethnic minority, with one parent, with female heads or large dependency ratios, or that have large numbers of members who are younger than 14 years of age) demonstrate less of a desire to return.[7] It is important to note that, as Cohen and Deng point out, "(d)isplacement changes the structure and size of households and changes family patterns and gender roles," and "the number of female-headed households increases significantly" (1998: 26). Thus, the phenomenon of displacement itself affects the motivation to return.

Third, *the desire to return is affected by how traumatic the displacement process was:* When displacement is caused by traumatic events, families are less willing to return.[8] Research conducted among the Madurese IDPs in Indonesia provides information that yields a similar conclusion on the relation between traumatic events and return: those who have lost relatives are less likely to go back to their homes (Turnip 2003). Furthermore, in a country like Bosnia and Herzegovina where ethnic cleansing and war led to the death or disappearance of approximately 100,000, return does not

---

[7] The phenomenon of "minority returns" is a challenging issue in situations where ethnic cleansing is prevalent during a conflict. This issue will be broadly discussed in the chapter on Bosnia and Herzegovina.

[8] Here it is important to be cautious about how trauma is measured in the case of IDPs. Applying the hegemonic Western psychological model of traumatization might provide incorrect assessments, as the researchers fall into the tendency of projecting a sense of pathology onto the respondent (Kagee & Garcia Del Soto 2003).

become the most plausible option (Barakat & Chard 2002; Tyler 2003).[9] Thus, the focus of peace operations on justice is further emphasized in relation to IDP return. As Mendeloff explains, "A sense of justice is often necessary for the personal, psychological healing that allows for reconciliation" (2004: 360). Therefore, a feeling of justice is necessary to help overcome the trauma for the return of IDPs.

Fourth, *the desire to return is affected by the duration of displacement:* Return becomes a less desirable option when periods of displacement are long; households choose to resettle in the new place of residence rather than to confront an uncertain situation in their villages of origin. The findings of the civil war literature on the duration of conflict and return are prolific: conflicts are likely to last longer "when rebel groups are weaker relative to the government, have fewer options for substituting political means for violent ones, and control territory and operate in the periphery" (Gleditsch, et. al. 2005). There are also studies asserting that the most durable settlements are likely to be those that conclude civil conflicts of low intensity that have lasted for extended periods of time (Hartzell, et. al. 2001).[10] Furthermore, the literature also emphasizes that wars in which land constitutes an important factor of conflict between a peripheral ethnic minority and state-supported migrants of a dominant ethnic group tend to last for long periods of time (Fearon 2004a).[11] However, as the following chapters will present, in

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[9] As of the end of June 2007, the *Bosnian Book of the Dead* published as part of the Population Loss Project 1991-1995 of the Research and Documentation Center (IDC) contained 97,207 names of Bosnia and Herzegovina's citizens representing victims of war (Ahmetasevic 2007).

[10] It is important to differentiate between low and high intensity conflicts, because in the same study the authors also argue that their results indicate that settlements are least likely to endure when they follow intensely violent conflicts, and the lesson of their study for third parties is to intervene early to reduce casualty rates.

[11] Borrowing from Weiner (1978), Fearon calls such wars the "sons of the soil" wars. Fearon also identifies four other factors that affect duration of a conflict: (1) Civil wars following a coup or revolution are inclined to be short. (2) Anti-colonial wars, and (3) civil wars in Eastern Europe and the former Soviet

certain cases, like Cyprus, the length of the period of displacement might not have any effect on the desire to return. Similarly, despite their decades-long partition due to the enduring Israeli-Palestinian conflict, permanent separation from home is unimaginable for many Palestinians (Sayigh 2004).

Nevertheless, the research on Colombia and the supporting literature show that people do not make the decision to return just because a peace agreement gives them the right to do so. There are different determinants affecting their decisions. However, among the four factors that the literature deals with (economic prospects, vulnerability, intensity, and time), only economic prospects are likely to be treated as a policy issue within a *post*-conflict reconstruction framework since reversing the other three (which would entail changing socio-demographic characteristics, undoing the wrongs of the conflict, and reversing time) is almost impossible. The results of the Dayton Peace Accord and its implementation are illustrative at this point. The clear objectives of undoing the wrongs of the past and reversing time and the robust efforts to achieve these goals prove ineffective when one considers the increasing nationalistic rhetoric and the slow pace of reforms in the country (see Chapter Three on Bosnia).

Security, or the lack of it, is usually the main reason that people become displaced to begin with. However, in this dissertation, security was not included in the analysis as a determinant of IDP return and resettlement because this study only looks at theories of return and resettlement in post-conflict periods, i.e., it assumed that the end of the armed conflict meant there is no longer a threat of violence. However, as the upcoming

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Union are relatively shorter. (4) Conflicts where rebel groups have funding from contraband such as opium, diamonds, or coca last longer (2004a: 275).

Table 1.3: Theories on Return

Determinant	Theory
Economic Prospects	Economic recovery facilitates the desire to return.
Vulnerability	More vulnerable households are more reluctant to return.
Intensity	The rate of return is lower the higher is the intensity of conflict, i.e., when atrocities/crimes against civilians are in alarming numbers during war.
Time	The rate of return is lower the longer is the wars' duration, i.e., the duration of displacement.

discussion on case studies shows, in many cases, the presence of a peace agreement or at least an agreed ceasefire among the warring parties does not increase people's feelings of security. This assumption was incorrect and security (or insecurity) *does* become a major determinant of the decision of IDPs to remain or return (See Chapter Five).

The gap in the literature

While there is value in the above-mentioned theories of return, there is still a need to look at the more micro-foundational aspects of the issue. Unfortunately, the growing attention to the problem of internal displacement has not produced any systematic global studies with comparative insights. This dissertation will fill in this gap in the literature by studying five conditions that have had an effect on the rate of IDP return in conflict areas (see Table 1.3). The first four (economic prospects, duration of conflict, intensity of conflict, and vulnerability) have already been dealt with in the literature. However, this dissertation seeks to study the effects of these conditions along with a fifth: the existence of post-war property regulations with effective enforcement mechanisms.

Concepts

The purpose of defining the main concepts to be used in this dissertation, which are internal displacement, property, property rights, return, resettlement, and home, is twofold. The first is to provide the reader with knowledge of the evolution of the concepts, and thus a better understanding of the operational definitions that will be utilized in subsequent chapters; and the second is to clarify the complex nature of the interpretations and observations of the case studies made in the following chapters.[12] While the reasons for conceptualizing internal displacement, property, and property rights are self-evident, the need to identify return, resettlement, and home, is rather implicit. The concepts of return and resettlement are important for this project as they link the two main concepts of internal displacement and property rights—the main argument of this dissertation, i.e., IDPs need to have their property rights to a place to *return*, which is typically coupled with the concept of *home*, or as a means to create resources to *resettle* elsewhere.

Internal Displacement: Conceptualization

Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border (Cohen & Deng 1998, 1998a; Deng

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[12] Following Sartori, concepts are important not only as elements of a theoretical system, but tools for fact-gathering or data containers. As he explains, concepts "are the central elements of propositions, and—depending on how they are named—provide in and by themselves guidelines of interpretation and observation" (Sartori 1970: 1044).

1995; Korn 1999; Leckie 2003; Muggah 2003; Vincent & Sorensen 2001; Weiss & Korn 2006). At first, the term "internally displaced" was not appreciated by many who found it unfeeling, but nobody could come up with a more accurate term that did not fail to differentiate people uprooted inside their own country (internally displaced) from those who had crossed a border (refugees) (Stoddard 2004; Weiss 2006).

Stating the root causes of internal displacement is a complicated task as conditions differ in each case (Deng 1995, 2001a). Most of the time IDPs have had to flee their homes because of internal conflicts, communal violence, forced relocation and/or other human rights violations, putting them at risk within the borders of their own countries in a situation where the ability to carry out the responsibility to protect (a task generally associated with state sovereignty) has been compromised or become impossible (Deng 1995). As Cohen explains, "They remained inside their own countries under the domestic jurisdiction of their governments, the very governments that may have caused their displacement in the first place and that were often unwilling or unable to provide for their well-being and security" with "nowhere to run, no place to hide" (2004: 36). This is the main difference between refugees and IDPs. While refugees cross an international border and flee to another state for security and protection, IDPs find refuge within their own countries. Since IDPs have not crossed international borders like refugees, the 1951 Convention Relating to the Status of Refugees does not apply to them, and the UN High Commissioner for Refugees (UNHCR) does not have an automatic mandate to assist them. Realizing this gap in international legislation, on March 5, 1992, the UN Commission on Human Rights called on the Secretary-General to appoint a representative on IDPs who would "seek again views and information from all

Governments on the human rights issues related to internally displaced persons, including an examination of existing international human rights, humanitarian and refugee laws and standards and their applicability to the protection of and relief assistance to internally displaced persons."[13] The same year, Francis M. Deng became the first Special Representative of the UN Secretary-General on IDPs.[14] By this time, based on the statistics provided by the United States Committee for Refugees (which was the first institution making the growing number of IDPs a public issue), while there were at least 9.5 million IDPs at the end of 1985, this number had risen to 25 million IDPs by the end of 1994.[15]

While most writers consider the end of the Cold War and the changing world order to be the conditions that made the IDP issue one of international concern, Astri Suhrke (2003a) argues that the Gulf War was *the* significant event that pushed the IDP

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[13] United Nations Commission on Human Rights resolution 1992/73, "Internally Displaced Persons," 5 March 1992. Here "again" refers to Resolution 1991/25 (5 March 1991) that requested the United Nations Secretary-General to gather the views of governments and of the intergovernmental and non-governmental organizations concerned and to report to the next session.

[14] Francis M. Deng served as Representative of the United Nations Secretary-General on Internally Displaced Persons from 1992 to 2004. He was born in 1938 in his native country of the Sudan. He holds a BA degree from Khartoum University, and LLM and JSD degrees from Yale Law School, making him the first Southern Sudanese to obtain a doctorate in any field. In addition to academic appointments in Khartoum University and in several universities in the United States, Mr. Deng served as Human Rights Officer in the United Nations Secretariat and joined his country's foreign service following the 1972 Addis Ababa Agreement that ended a seventeen year civil war between the North and South of the Sudan. He served as Ambassador to Canada, the Scandinavian countries and the United States of America, and as Minister of State for Foreign Affairs. After resigning from his country's foreign service in 1983, in protest at the Islamic fundamentalist orientation of the government, which triggered the resumption of the civil war, Mr. Deng held academic positions in different institutions including the Woodrow Wilson International Center for Scholars, Brookings Institution, the CUNY Graduate Center, Yale Law School, Johns Hopkins University, and MIT. Mr. Deng is co-recipient with Roberta Cohen of the 2005 Grawemeyer Award for "Ideas Improving World Order" and the 2007 Merage Foundation American Dream Leadership Award. In 2000, Mr. Deng also received the Rome Prize for Peace and Humanitarian Action. Currently, he is the new Special Adviser to the Secretary-General for the Prevention of Genocide and Mass Atrocities. (Source: United Nations Department of Public Information News and Media Division New York.)

[15] See the official website of the United States Committee for Refugees and Immigrants: http://www.refugees.org.

issue onto the UN agenda.[16] Security Council Resolution 688 authorized humanitarian assistance to *all* those in need in Northern Iraq, specifically referring to the urgent critical needs of both the refugees and displaced Iraqi population (Suhrke 2003a). This was a major infringement of Iraq's sovereignty as IDPs in Northern Iraq were internationally supported without regard to the government of Iraq. This was the first sign of the "responsibility to protect."[17] Thus, Suhrke argues that the commencement of an IDP regime was possible with the implicit permission of the US.[18]

In the following years, through the appointment and activities of Francis M. Deng, who had teamed up with Roberta Cohen[19] in 1994, there was considerable focus on the plight of IDPs and the drafting of a legislative framework, *The Guiding Principles on Internal Displacement*,[20] which is a broadly recognized framework of normative standards and institutional arrangements that is intended to alleviate the international

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[16] Some writers, e.g., Weiss and Korn (2006), go further back to the 1989 Operation Lifeline Sudan, while Feller (2006) goes all the way back to the 1972 Sudan crisis when UNHCR first got involved with IDPs.

[17] *The Responsibility to Protect* is the report of the International Commission on Intervention and State Sovereignty, which is a major contribution to the literature on humanitarian intervention. The report argues that states have a responsibility to protect their citizens, and when they are not capable of doing so, international actors must take over this responsibility (2001). The report was widely criticized by the developing countries for paving the way for "too much humanitarian intervention," and the concept of the responsibility to protect was feared to become a Trojan Horse that will be used by the great powers to intervene. For further discussion about the criticisms of the report, see Weiss (2004).

[18] Thus, it can be argued that there was a political agenda (the forces of *realpolitik*; the interests and power concerns) behind the new IDP regime (Adelman 2003).

[19] Roberta Cohen is a specialist in human rights, humanitarian, and refugee issues and a leading expert on the subject of internally displaced persons. She has served as a consultant to governments, the UNHCR, the World Bank, the National Academy of Sciences, Refugee Policy Group, and a variety of non-governmental organizations. During the Carter administration, she served as a deputy assistant secretary of state for human rights in the Department of State and as senior adviser to the U.S. Delegation to the UN Commission on Human Rights and General Assembly. In 1985, she received the United States Information Agency Superior Honor Award for reopening U.S. educational, cultural, and information programs in Ethiopia during a difficult political period. She has also served as Honorary Secretary of the Parliamentary Human Rights Group (United Kingdom) and as Executive Director of the International League for Human Rights (New York). (Source: The Brookings Institution Website at http://www.brookings.edu).

[20] Also called the "Deng Principles" (Muggah 2003).

legal vacuum existing in occurrences of internal displacement.[21] Considered an innovation of international standard setting, *The Guiding Principles* consist of thirty principles related to protection from displacement, protection during displacement, and return, resettlement, and reintegration (Cohen 2004).

Deng explains their decision to develop Guiding Principles rather than a binding treaty as follows: "We decided to develop Guiding Principles rather than a treaty which would have taken 20 years to get approved. By restating what actually exists, but in the form of soft law, we have been able to get the Guiding Principles on Internal Displacement more easily accepted" (2003: 6). However, the effectiveness of this form of soft law is open to debate. On the one hand, regional organizations like the Organization of African Unity (now the African Union), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), the Organization for Security and Cooperation in Europe (OSCE), and the Parliamentary Assembly of the Council of Europe, have supported the Guiding Principles as a useful tool in addressing internal displacement (Kälin 2006). On the other hand, the utilization of the Principles at the state level has been multifaceted. While some governments have chosen to employ the Guiding Principles as the basis for their legislation and policy (see Table 1.4), others have found them difficult to apply or are less knowledgeable about them (2001a; Cepeda-Espinosa 2006; Jayatilaka 2003; Kälin 2006). Some, like Egypt and India, have overtly stated that the Guiding Principles do not

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[21] Some critics consider the increasing concern with IDPs to be part of a larger project to contain forced migration in order to decrease the number of people seeking asylum (Van Hear 2000; Phoung 2004). Thus, they argue that the novel interest in IDPs is not about helping them, but about taking protection away from refugees and making asylum-seeking harder. This was the result of a post-Cold War politics in which refugees were viewed more as a threat than as political pawns of different blocs that were trying to prove the failures of the other side in regards to its treatment of its own citizens.

Table 1.4: Affirmative Country Actions in Relation to the Guiding Principles on Internal Displacement

Country	Action	Year
Afghanistan	Regional Operation Plan, where the Guiding Principles are to be used by the Afghan State to promote and seek permanent solutions for IDPs.	2003
Angola	Norms on the Resettlement of Internally Displaced Persons, where the Guiding Principles establish the general principles regarding the treatment of IDPs (Government Decree 1/01 of 5 January 2001).	2001
Burundi	Creation of an IDP protection mechanism following up on the recommendations of the Framework for Consultation on the Protection of IDPs that was established by several ministries, the UN and NGOs to better solve protection issues in the light of the Guiding Principles.	2001
Colombia	A comprehensive legal framework for IDPs, as well as various Constitutional Court decisions in support of IDPs based on the Guiding Principles.	2000-2001
Georgia	Discriminatory provisions regarding voting rights of IDPs were removed from national legislation.	2001-2003
Iraq	Draft Law on the Ministry of Migration and Refugee Affairs based on the Guiding Principles.	2005
Liberia	Official Adoption of the Guiding Principles by the National Transitional Government of Liberia.	2004
Peru	The Congress adopted a law based on the Guiding Principles, establishing material benefits for IDPs.	2004
Philippines	Incorporation of the Guiding Principles into national legislation.	2000-2006
Sri Lanka	2001 Country Strategy for Sri Lanka and the 2002 Country Operations Plan established by the UNHCR staff based on the Guiding Principles.	2001-2002
Uganda	The Cabinet has adopted a National Policy on Internal Displacement of Persons that is widely consistent with the Guiding Principles.	2004
United States	USAID, the US foreign aid agency, policy document guiding its assistance to IDPs, indicates the Guiding Principles as a "framework for response."	2004

Sources: The Internal Displacement Monitoring Center at http://www.internal-displacement.org; Brookings (2002a). Recent Commentaries about the Nature and Application of the Guiding Principles on Internal Displacement. New York, The Brookings-CUNY Project on Internal Displacement.
(Note: The list shows *all* the cases of positive country responses to the Guiding Principles as of September 2007.)

enjoy government approval and are not binding (Phuong 2004: 71). In many cases sovereignty and the related principles of territorial integrity and non-interference in the internal affairs of a state generate a serious challenge to the resolution of the issue of internal displacement (Cohen & Deng 1998, 1998a).[22] Although most states welcome the Guiding Principles, many are not willing to admit their *de facto* legal character (Kälin 2006). Thus, the system is far from perfect, and the problem of governing IDPs has become the site for the clash between national sovereignties and the responsibility to protect.

Adding to the problems of the effectiveness of the Guiding Principles, there is also no international institution that specifically deals with the IDP situation. The problem of allocating responsibility for IDP protection and assistance is a delicate inter-agency question usually solved by ad hoc restructuring within the UN system (Ogata 2005) (see Table 1.5). In order to address the issue in crisis situations so far, two alternative methods have been utilized: the lead agency method that was practiced in the former Yugoslavia and Tajikistan where UNHCR acted as the lead agency and was mostly successful, and the highly criticized coordinated agency operation method practiced in Rwanda, Burundi, and Liberia, where lack of clear lines of responsibility between agencies caused problems (Cohen & Deng 1998).

To fill the vacuum of not having an institution responsible for IDPs, since 2004, the Office for the Coordination of Humanitarian Affairs, OCHA has been housing the Inter-Agency Internal Displacement Division (IDD) consisting of international staff supported by the UNDP, UNHCR, WFP, UNICEF, OCHA, OHCHR, IOM, the NGO

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[22] In some cases countries are reluctant even to allow monitoring missions, e.g., Turkey and the Russian Federation do not permit the OSCE to deploy international election monitors (Mooney 2005).

community and the Representative of the Secretary-General (RSG) on IDPs. "The main objective of the Division is to promote system-wide improvements in the response to the needs of the internally displaced people (IDPs) as well as to provide targeted support to specific country situations. Main areas of work focus on protection of IDPs, field support, capacity-building/training and advocacy/public information."[23]

In addition, the United Nations High Commissioner for Refugees, UNHCR, also deals with the issue of internal displacement. However, although UNHCR has substantial know-how in the international protection of refugees, this cannot be automatically transferred to the internally displaced.[24] In 1996, the number of IDPs "of concern" to UNHCR was only 4.85 million, less than one quarter of the actual number, and only 1.53 million of this quarter were assisted by UNHCR (Bennett 1998). A report published by the UNHCR Evaluation and Policy Analysis Unit describes UNHCR's use of the existing criteria in operational decision-making as "uncertain, inconsistent, and unpredictable" (UNHCR 1994). Another report depicts "a high degree of polarization amongst the UNHCR staff that are proactive and forceful about engaging in IDP situations and those who view the issue as beyond the mandate" (Mattar & White 2005). Even in cases where UNHCR was actively involved in a policy towards IDPs, such as Bosnia and Herzegovina where UNHCR as the lead agency was spending about $500 million in the region annually, the international civilian administration needed to make further institutional arrangements to tackle the issue—like the Commission for Real Property

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[23] For further information about the division and its activities, visit: http://www.reliefweb.int/idp/

[24] Excessive donor "dependency," excessive impartiality, and excessive flexibility are just a few of the problems that the UNHCR face in relation to the issue of internal displacement (Goodwin-Gill 2001).

Table 1.5: Internal Displacement—Key Events and Documents

Year	Event	Relevance
1972	Crisis in Sudan.	UNHCR's involvement in IDP operations begins with its engagement in Sudan. First international recognition of the IDP problem.
1982	The United States Committee for Refugees published its annual worldwide refugee survey estimating 1.2 million displaced persons within their own countries.	This was the first prominent institution that publicized the growing number of IDPs.
1988	UN Sponsored Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa.	First official meeting that underlined the gap within the UN system regarding the situation of IDPs.
1989	Operation Lifeline Sudan.	Sudanese IDPs were internationally assisted despite the dislike of the Sudanese government.
1990	The Gulf War: Security Council Resolution 688 authorized humanitarian assistance to *all* those in need in Northern Iraq.	A major infringement of Iraq's sovereignty as the IDPs in Northern Iraq were internationally supported without regard to the government of Iraq.
1990	*Introducing Refugee Issues into United Nations Human Rights Agenda.*	Published by the Refugee Policy Group (RPG), Roberta Cohen's work brought the internal displacement problem onto the UN agenda.
1991	Report on Refugees, Displaced Persons and Returnees Prepared by Mr. Jacques Cuenod (UN document E/109/Add.1).	The Cuenod Report underlined the lack of international protection mechanisms for the IDPs.
1991	UN General Assembly Resolution 46/182.	Establishment of United Nations Office for the Coordination of Humanitarian Affairs, OCHA.

Table 1.5 continued

Year	Event	Relevance
1991	Commission on Human Rights Resolution 1991/25 "Internally Displaced Persons."	Requested the Secretary-General to take into account the protection of human rights and the needs of internally displaced persons in the system-wide review and to submit to the Commission at its forty-eighth session an analytical report on internally displaced persons, based on information submitted by Governments, the specialized agencies, relevant United Nations organs, regional and intergovernmental organizations, the International Committee of the Red Cross (ICRC) and other non-governmental organizations.
1992	Commission on Human Rights Resolution 1992/73 "Internally Displaced Persons."	Requested the Secretary-General to appoint a representative to undertake a comprehensive study on the issue of IDPs. Subsequently, Francis Deng was appointed as the first Special Representative of the UN Secretary-General on IDPs. The mandate was extended in the following years in 1998 and 2001.
1997	UN assigned overall responsibility for coordinating the protection and assistance of IDPs to the Emergency Relief Coordinator (ERC), the senior UN humanitarian official.	Under the leadership of the ERC, the UN's Inter-Agency Standing Committee (IASC: an inter-agency forum for coordination, policy development and decision-making involving the key UN and non-UN humanitarian partners) increased its focus on internal displacement.
1998	The Guiding Principles on Internal Displacement.	The soft law on protection and assistance of IDPs.
1998	UN General Assembly Resolution 53/125.	Set out the principal criteria governing UNHCR's involvement with IDPs.
1998	The UN Sub-Commission on Prevention of Discrimination and Protection of Minorities Resolution 1998/2.	Entitled *Housing and Property Restitution in the Context of the Return of Refugees and Internally Displaced Persons* recognized the right of refugees and IDPs to return freely to their homes. The resolution has been affirmed in subsequent years.

Table 1.5 continued

Year	Event	Relevance
1998	The Global IDP Project.	Later renamed as the Internal Displacement Monitoring Center, established in 1998 by the Norwegian Refugee Council at the request of the United Nations. The Center runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.
2002	Internal Displacement Unit (IDU).	Established under OCHA, the main role of the Unit is to assist the ERC to promote better interagency coordination (collaborative approach) in relation to internal displacement problem.
2004	The Inter-Agency Internal Displacement Division (IDD).	Increasing IDU's bureaucratic importance within the UN hierarchy, the IDD was set up to assist in developing more systematic responses to field operations.
2004	Francis M. Deng was replaced by Walter Kälin as the Special Representative of the UN Secretary-General on the human rights of IDPs.	The title of the post was extended to include "human rights" to underline the connection of the mandate with the human rights agenda of the UN.
2005	The cluster approach.	As a move away from the collaborative approach where lines of division of labor between agencies could be problematic, various UN agencies worked together to identify key problem sectors in relation to IDP protection and assistance that needed specific agency accountability, and classified nine clusters of particular concern followed by the emergence of a cluster approach that designated a lead agency for each cluster that had been identified.
2005	World Summit Outcome Document.	Shows that while the Guiding Principles are welcomed by all governments, many are not ready to admit their legal character.

Sources: The Brookings-Bern Project on Internal Displacement at http://www.brook.edu; The Internal Displacement Monitoring Center at http://www.internal-displacement.org; Helton, A. C. (2002). The Price of Indifference: Refugees and Humanitarian Action in the New Century. Oxford and New York, Oxford University Press; OCHA Inter-Agency Internal Displacement Division at http://www.reliefweb.int/idp; UNHCR at http://www.unhcr.org; Un Documentation Center at http://www.un.org/documents; Weiss, T. G., Korn, D. A. (2006). Internal Displacement: Conceptualization and its Consequences. New York, Routledge.

Claims of Displaced Persons and Refugees (CRPC) that was responsible for confirming real property rights for displaced persons and refugees (Weiss & Pasic 1998).

Realizing the problems within the UN system, a new approach has been developed to tackle the internal displacement problem in recent years. In 2005, various UN agencies worked together to identify key problematic sectors in relation to IDP protection and assistance that needed specific agency accountability, and classified nine clusters of particular concern (McNamara 2006). This was followed by the emergence of a cluster approach that designated a lead agency for each cluster that had been identified. Accordingly, while the UNHCR became the cluster lead for protection, emergency shelter, and camp management and coordination in situations of complex emergencies, the UNDP became accountable for early recovery. Although it is not as far-reaching a reform as creating a new UN agency solely responsible for assisting and protecting IDPs, the cluster approach is useful in outlining the division of labor among different UN agencies in cases of emergency and showing the commitment of the humanitarian community to advance the reliability and efficiency of their response to the needs of IDPs (Feller 2006).

In any case, the activities of Deng and Cohen did succeed in arousing international awareness and recognition of the problem of internal displacement as well as reframing the concept of state sovereignty into the responsibility to protect (Weiss 2002; Weiss 2006).[25] However, two problems still remain in dealing with the crisis of

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[25] An interesting aspect of international efforts on IDPs is that the donors could not take part in the process as if the UN structure and the implementing agencies were the only actors within the humanitarian world (Stoddard 2004).

internal displacement.[26] The first is the result of the clash of *realpolitik* with the idea of the responsibility to protect. States are still not ready to acknowledge the legality of the Guiding Principles and/or to accept a binding treaty on internal displacement that would be comprehensive enough to deal with all the needs of IDPs. The second is the institutional problem of not having a specific organization to deal with the crisis. The fact that there have been attempts to solve the problem through reorganization and ad hoc solutions within the UN system has not resolved the issue of accountability among different UN agencies, but has actually worsened it in several cases. The last reason is directly linked to the nature of the Guiding Principles themselves. Although the development of the Guiding Principles followed a "needs based approach" that acknowledged the necessities of IDPs and then studied the degree to which the law sufficiently dealt with those needs, they did not provide enough legal instruments to ease the plight of IDPs in certain important areas (Cohen 2004). Areas that lacked necessary legal instruments were the right to property, recourse (or remedy), and recovery/repatriation (Bailliet 2003). Assessing these rights shows the lack of a necessary framework to assist IDPs in reclaiming their houses, lands, and other immovable property upon return at the end of a war, as well as a lack of clarity regarding what a right to property and to restitution mean (ibid.; Bagshaw 2003).

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[26] Crisis is defined here as a situation where there is a perception of threat, heightened anxiety, expectation of possible violence and the belief that any actions will have far-reaching consequences (Lebow 1981: 7-10). Internal displacement is a complex security threat with multiple facets as a traditional state-centric security issue, a new transnational security threat, and an issue of human security. While it is a foremost ground for "responsibility to protect" against traditional understandings of state sovereignty, it also has the potential for becoming a transnational problem of forced migration. In addition, the whole phenomenon is a prominent example of the human security problem. Thus, internal displacement issue is a crisis with a high potential for violence and other far-reaching consequences.

Property and Property Rights

> *The concept of property is so fundamentally involved in our ordinary life and speech that it is difficult to step back and isolate it for evaluation. We sometimes find it difficult to raise questions as to the justification of this institution precisely because we can't quite see what it would be like not to have this institution.* (Snare 1972: 200).[27]

Property is not a static concept. Its meaning has changed depending on when, where, and by whom it is used. While in its everyday usage it usually refers to inanimate objects or things, it is also understood as relations of persons to things (i.e., relations of ownership), as person-to-person relations settled through the exchange of things, and as a bundle of abstract rights (Verdery & Humphrey 2004; Heywood 2004).[28] These different definitions of the concept are a result of different "realities" of property at different times and places (Thomas Grey cited in Verdery & Humphrey 2004: 21).[29] For example, in the nineteenth century Europe, property was defined as things both to expose the material basis of wealth (ownership rights to material objects such as land and manufactured commodities) and to serve the ideological purpose of a break from the former era of feudalism when property was conceived as webs of relations among persons (Verdery & Humphrey 2004: 21). Today, property also refers to non-material things, such as ideas, creating heated debates over copyrights and patents. Thus, property has been treated differently in different periods and places.

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[27] For indigenous people throughout Pastaza Province of Ecuador, Snare's notion of property may not make any sense, as their culture did not subscribe to the assumptions of private property (Sawyer 2004: 101). Thus, it is important to note here not to take the institution of property for granted within every community.

[28] A "stack of sticks," where each stick stands for an individual right or stream of benefits, is a well-known analogy used for the bundle of rights. The bundle grows as "sticks," or rights, are added, and contracts as sticks are removed. Important landowner sticks are the right to sell, lease, mortgage, donate, and subdivide (Meyer 2000).

[29] In the *Manifesto of the Communist Party*, Marx and Engels also state: "All property relations in the past have continually been subject to historical change consequent upon the change in historical conditions. The French Revolution, for example, abolished feudal property in favour of bourgeois property" (Tucker 1978: 484).

Property Rights in Political Theory

The idea of property has been a concern of philosophers since classical antiquity (Munzer 2001: 1). Citing just a few political thinkers presents the range of different approaches to property in relation to different themes throughout the centuries. In the *Republic*, comparing the weakening Athens of his period to thriving Sparta where a communistic system was established, Plato considered property nothing but trouble, because it corrupted rulers by deluding them not to serve reason but private interests. Therefore, he argued, the only way to erase property's negative effects on politics was to make the powerful property-less and the propertied powerless (Ryan 1987: 8-22). Alternatively, for Aristotle, who may be considered to be the first person to theorize a utilitarian and an economic approach to property, property encouraged hard work and good management (ibid.; Rose 2004: 276; Heywood 2004: 319). The point of property was the maintenance of the family and therefore it was a necessity (Ryan 1987: 8-22). Machiavelli connected property with military effectiveness and political liberty (ibid.: 23-34). For Hume property meant all rights over external objects of value, and justice and property went together (ibid.). If men were spontaneously altruistic, or goods were not scarce, there would be no point to property rights, i.e., there would be no need for rules to assign priority to claims over others, and no need for authority to deter one man from invading the rights of another (ibid.).

It was in seventeenth-century England that property was sanctified, and the term "property" went through a transformation, beginning to stand not only for material objects but also everything that an individual had a natural right to claim (Pipes 2000: 30-38). The power struggle between the crown and the parliament in the first half of

seventeenth-century England was ended by the execution of Charles I who was succeeded by the Commonwealth that confiscated the royal estates, a major source of revenue for the crown. The end-result was a country without a king whose land was sold to private persons. This novel situation motivated new political ideas in which property and freedom were examined together (ibid.: 30-38, 121-158). Thus, in *Two Treatises of Government,* Locke paid a lot of attention to economic production and appropriation of land. For Locke, property was not created by government, but was the source of government. As Verdery and Humphrey point out, "he theorized property as a particular relation between state and citizens, a form of subjection to which property entitlements were central" (2004: 3). Government was there to protect man's life, liberty, and property, and people had the right to overthrow it in case it could not perform these functions.[30]

Locke did not treat property just as material objects, i.e., land ownership, but as each man's person, i.e., self-propriety.[31] For Locke,

> God, who had given the world to men in common, had also given them reason to make use of it to the best advantage of life, and convenience. The earth, and all that is therein, is given to men for the support and comfort of their being. … Though the earth, and all inferior creatures, be common to all men, yet every man has a property in his own person: this no body has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his (Locke in Barker 1960: 17).

Thus, Locke conceptualized the world in deeply religious terms, in a hierarchy with God at the top, men next, and the creatures of the earth below men, in which God enjoined

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[30] Locke can also be interpreted in a negative fashion: his consideration of America in a state of nature disregards the rights of aboriginals, ignoring Amerindian political organization and dispossessing them of their traditional lands. Thus, Locke's political theory is justifying English settlement in America, discounting the first nations and imposing European concepts against their traditions (Tully 1993).

[31] "To Descartes' 'I think, therefore I am,' Locke, as it were, added 'I am, therefore I own:' I own myself, that is, and all that I create" (Pipes 2000: 36).

men to use for their survival (McClure 1996). For Locke, men, by placing any of their labor on the creatures of the earth below them (this included appropriation of land), acquired propriety in everything below them. It is via Locke's propriety concept that the moral implications of his property theory are realized.

The following centuries witnessed more innovative ideas on property. In *What is Property?* (1840), referring to the landowner or capitalist who he believed robbed profits from laborers, Proudhon declared, "Property is theft." Proudhon showed that every argument supporting property is also in opposition to it (Pipes 2000: 49). For Proudhon, if property was a fundamental right, as had Locke argued for example, then everybody should have access to it; however, equality was the refutation of property (ibid.). Proudhon was not against private property, but private property under capitalism that was exploitation of those who created it, but could not own it (ibid.: 50).

Marx was against capitalism, which was by definition an economic system based on private property. Following the Hegelian dialectic, he defined private property as the antithesis between labor and capital where labor and capital are the thesis, private property is the antithesis, and communism is the synthesis (Marx 1978: 81-93). Private property represented the essence of alienated labor both as the cause and the effect of that alienation. According to Marx, private property was the power of the capitalists in the means of production, which allowed them to exploit the labor-power of workers in order to maximize surplus value, i.e., unpaid labor where the workers receive less value than they produce. While some writers consider this Marxist approach to private property as a search for a just and equitable system, others interpret Marx's criticism of private

property as a basis for a principle of freedom, individuality and personality (Brenkert 1979).

Property Rights as a Key to Economic Development

Today, especially with the end of the Cold War, it seems that such moral criticisms of private property have been replaced by a more strictly economic perspective that underlines the importance of property rights to scarce economic resources.[32] In this view, "property rights do not refer to relations between men and things but, rather, *to the sanctioned behavioral relations among men that arise from the existence of things and pertain to their use"* (Furubotn & Pejovich 1972: 1139). The norms of behavior with respect to things are defined through property rights that a person must respect in his or her interactions with others, or accept the costs of non-compliance (ibid.). Thus, "(p)roperty rights are an instrument of society and derive their significance from the fact that they help a man form those expectations which he can reasonably hold in his dealings with others. … An owner of property rights possesses the consent of fellowmen to allow him to act in particular ways" (Demsetz 1967: 347).

In line with these economic conceptions of property rights as relations among men, some theorists consider private property rights as a key to a stable market democracy.[33] As North explains, "the economic theory of property rights suggests that economic growth requires a government to establish property rights so that economic

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[32] There is also a mix of political and economic approaches to property under the concept of neoliberalism. For an extensive critique, see David Harvey (2005).

[33] Along these lines, Eleanor Leacock's memoir on *The Montagnes "Hunting Territory" and the Fur Trade* confirms that "there was a close relationship both historically and geographically between the development of private rights in land and the development of commercial fur trade" (Demsetz 1967: 351).

agents can contract with minimal transaction costs and thus increase economic wealth for citizens of that country" (1981; cited in Norton 1998: 233). The basis of the argument can be traced back to seventeenth-century England, where the development of markets was heavily influenced by the extent to which rulers abided by the rules that governed economic exchange (North &Weingast 1989). If rulers could arbitrarily change rights or rules on property based on their own interests, economic growth was reduced. If property rights were secure, then economic growth increased. As Weingast asserts, "(t)hriving markets require not only an appropriately designed economic system, but a secure political foundation that limits the ability of the state to confiscate wealth" (1995: 1).

Rodrik (2003) also states the importance of institutional design and property rights for development. He argues that first-order economic principles, e.g., protection of property rights, market-based competition, appropriate incentives, sound money, and so on do not map into unique policy packages, and reformers have substantial room for creatively packaging these principles into institutional designs that are sensitive to local opportunities and constraints. Rodrik argues that successful countries are those that have used this room wisely.

Looking at the issue from a rather different perspective, based on an empirical analysis using Gwartney and Lawson's measures of property in the *Economic Freedom of the World: 1997* and the Human Poverty Index developed by the United Nations, Norton argues that property rights clearly affect human well-being (1998: 239). In most cases strong property rights decrease deprivation and in several cases weak property rights intensify human deprivation (ibid.).

Along the same lines, in his innovative study of the poor, Hernando de Soto (2000) argues that property rights are the key to the creation of capital, therefore to the development of capitalism in the West.[34] While the assets of the majority of citizens of poor countries wait as dead capital stuck in the extralegal sector (the informal economy), in the West, formal property systems serve six effects that are important for economic development: (1) fixing the economic potential of assets, (2) integrating dispersed information into one system, (3) making people accountable, (4) making assets fungible, (5) networking people, and (6) protecting transactions (ibid.). In short, De Soto and his advocates argue that with a clear definition of property rights and mechanisms for guaranteeing them, transaction costs are reduced for the economic agents, and thus, produce a matured environment for investment capital and economic development.[35]

Property Regimes in Transitions

Although the recipe for creation of capital and economic development may seem easy, the actual task is difficult. As Katherine Verdery (2003) explains in her study of the privatization of land in Romania, changes in property regimes are highly political and transformational social processes. Verdery demonstrates that the political system of

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[34] Basing their argument on the case of Ekuthulani in South Africa where property ownership has never been exclusive to one person, but always shared by a changing number of family members, Cousins and Hornby criticize De Soto's policy prescriptions for oversimplifying the complexities of informal economy and land rights, and ignoring certain features of extra-legal property regimes found in South Africa's informal settlements and communal areas that provide a key to people's survival (2007).

[35] The findings of different studies on the effects of land titling are ambiguous. Empirical results from a more recent case study in Argentina that compared treated households that possess formal land titles with control households that occupy similar tracts of land without titling show that while "moving a poor household from usufructuary land rights to full property rights substantially increased investment in the houses," "reduced the fertility of the household heads (especially when treated being young), and the presence of extended family members," and increased investment in the education of their children; there was only a "modest but positive effect of land titling on access to mortgage credit, and no impact on access to other forms of credit" (Galiani & Schargrodsky 2005: 30).

implementation was as important as the method of land privatization chosen, which in the case of Romania, was restitution. Institutions that were supposed to provide the predictability and stability necessary to overcome the burdens of the uncertainty created by land reform instead themselves created unpredictability. These institutions were designed at the top, and applied—and changed—at the bottom. This failure had a variety of consequences for state-society relations, from the delegitimation of the system (corruption) to a "new subjectification" (the state received new means of control). Also, as a result of the Romanian government's choice of restitution, the highly egalitarian social setting was ruined, and new political cleavages emerged along ethnic and economic lines.

These changes can take more drastic forms in conflict settings, and disputes over housing, land, and other immovable property can be a factor in prolonging conflict in the long run. Disputes over land and other immovable property in civil wars (i.e., disputes over governance, access, security, and distribution) become especially acute as an end to armed conflict drives land issues to the fore for large numbers of people over a short period of time (Daudelin 2003; Shipton 1994; Unruh 2003). Why is this so? Collier and Hoeffler (1998) identify poverty as one of the strongest factors of civil wars. From one angle, "poverty and dependence on agriculture are also very closely related: most poor live in rural areas; the poorest countries of the world are the most rural and they depend massively on agriculture to ensure the survival of their population" (Daudelin 2003). It is also a fact that conflicts cause people to move, to run away from violence. Thus, conflicts cause a majority of people to abandon their houses (their shelter for living) and farms (their source of livelihood within the agriculturally based economic system of their

country). Multiple tenure claims, unjust distribution of land, etc. can be a hindrance upon an incipient peace.

In such a conflict setting, not only the choice of property rights, but the system of implementation also becomes crucial in dealing with these problems. To illustrate, in El Salvador, despite the attention of policy makers to addressing the issue of land, the economics of implementation were simply ignored: the basic principle of economics that land and labor are not enough, but that capital is also an essential factor of production was overlooked. Foley, et al. explain that "the Land Reform programs of the 1980s and the Land Transfer Program (PTT) implemented after the signing of the Peace Accords reduced the concentration of landholding by redistributing about 30 percent of the country's cropland, and increased substantially the number of individuals who own small plots or share in the ownership of cooperative lands" (1997: 3). While such changes tackled the issue of inequality and reduced the political tension in the countryside, they have not fundamentally changed the economic insecurity of rural life in El Salvador (ibid.). Those who had received land from the programs could not become viable farmers and create a source of income for themselves as many of them had the burden of land debt, housing debt or short-tem debt for productive inputs (Murray 1997: 25).

> In mid-1996, the government offered to forgive 70 percent of the land debt of agrarian reform and PTT beneficiaries, provided that they could pay off the remaining 30 percent within one year. Farmers with relatively small amounts of debt, including most PTT beneficiaries, looked favorably on the offer, but few of the agrarian reform cooperatives could hope to come up with 30 percent of a debt that had been accumulating interest since the early 1980s. They would have to sell off their most valuable land to make such a payment, and many saw the offer as a sophisticated attempt to get the best land back into the hands of wealthy Salvadorans. (ibid.)

Thus, the Salvadoran state was in a simultaneity problem of pursuing two often-contradictory policies: the economic policies of the international financial institutions, and the social policies that the peace process identified via the agreement and the UN peacekeepers' mandate, e.g., the land-for-arms program (de Soto & Castillo 1995).[36] Overlooking such problems may cause states that are already weak – a major cause of conflict in the first place – to get even weaker.[37]

Property and Its Rights: Implications for this research

The literature suggests a range of meanings for property (see Table 1.6). In the field, the word property gains further connotations. Largely in line with Radin's personality theory of property that elaborates the notion that ownership is bound up with self-constitution or personhood, i.e., persons can become bound up with external objects (1993),[38] for some people their land, housing, and other real estate represent an important part of their lives. For example, in Cyprus, where land is the major mode of savings and investment, and in Bosnia, where people has invested their lifetime savings into their houses, the word "property" implies status in society identified via material wellbeing. Thus, for many, getting their property rights means more than regaining lost resources, but also reclaiming their past status and identity.

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[36] For a detailed assessment of the relation between macroeconomic policy and peace building in El Salvador, see Boyce and Pastor (1997).

[37] Similarly, the recent push for cultural property rights worldwide (a hugely expensive task) is creating a financial burden for many governments while undermining their capability and responsibility to protect their citizens. Therefore, while the focus on property rights is important, it is also important to produce policies that do not impose such burdens on governments that may contribute to the further weakening of states and an ability to enforce any rights.

[38] In *The Gift*, Marcel Mauss, also take a similar stance when he treats the gift as more than a simple commodity or memento changing hands, but "a total prestation," which stands for every aspect of the society it is part of; thus, the gift is economic, political, kinship-oriented, legal, mythological, religious, magical, practical, personal and social (2001).

Table 1.6: Different Definitions of Property

Property as:
Person-to-person relations settled through things.
Bundle of abstract rights.
A social institution defined by custom, convention and usually law.
An established and enforceable right to an object or possession.
A key to capital formation.
A mechanism reducing the transaction costs in the market.
Anchor of civic personality.

Although the academic literature, as well as the IDPs, have attributed an extensive range of meanings to property, the policy world's treatment of the concept has been rather narrow and partial that treats property as a thing to be physically restored or materially compensated for rather than as a relationship that needs to be reestablished. The case studies discussed below, especially in the case of Bosnia, will show that seeing property in this way proves ineffective: people regain their property, i.e., houses, apartments, and/or other immovable property, but they cannot necessarily reestablish their prewar social relationships that are necessary to cooperation and peace. Instead, they choose to resettle somewhere else where they see the potential for establishing such social connections are higher (see Chapter Three).

The concept of property rights constitutes an important part of the argument of this research. Property rights are not treated only as ownership of material things, i.e., lands, housing, and other real estate that people had to abandon in conflict, but also as means for new lives and opportunities. It will be argued here that as either granting

homes that IDPs could return to, or as means by which they could accumulate capital to resettle elsewhere, property rights are important in dealing with the IDP problem.

IDPs and Property Rights

The Universal Declaration of Human Rights states, "Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property." Principle 21 of the Guiding Principles reiterates the same right, but still, the legal framework regarding the property rights of IDPs is not very concise. As Bailliet writes, "there is disagreement over whether the right to property is a civil and political right covering registered property, as opposed to a socio-economic right applicable to the customary claims of indigenous people/farmers who link the land to their rights to food, housing and the right to life itself. General human rights instruments do not set forth a right to restitution of property and the soft law is vague" (2003: 10). Furthermore, Paragraph 2 of Principle 29 of the Guiding Principles declares:

> Competent authorities have the duty and responsibility to assist returned and resettled internally displaced persons with recovery, to the extent possible, of the property and possessions they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall assist these persons in obtaining appropriate compensation or other forms of just reparation or shall themselves provide such recompense.

On the face of it, this bold statement tackles the problem of uncertainty that IDPs face in relation to their right to property at the time of return or resettlement. An examination of the case law of the general human rights instruments shows that the right to restitution or compensation was usually decided in the affirmative (Kälin 2000). In reality, Principle 29 confers the choice of the possible forms of reparation upon the state without any

guarantees that land will be returned (Bailliet 2003). This can become a major problem for IDPs in cases such as Colombia where, as Pettersson argues, civilians are constantly faced with threats of violence meant to displace them from their homes and lands, while the government shows a lack of willingness to respond to IDP demands for resettlement or compensation (2000).[39]

However, the picture does not have to be so bleak. Resolution 1998/26 of the UN Sub-Commission on Protection and Promotion of Human Rights, "housing and property restitution in the context of the return of refugees and internally displaced persons," reaffirms "the right of all refugees, as defined in the relevant international legal instruments, and IDPs to return to their homes and places of habitual residence in their country and/or place of origin, should they so wish." Similarly, the UN Economic and Social Council is making a continuous effort to outline principles on housing and property restitution for refugees and displaced persons.[40] In the "Foreword" to the *Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the 'Pinheiro Principles,'* the heads of OCHA/IDD, UN HABITAT, UNHCR, Food and Agriculture Organization (FAO), OHCHR, Norwegian Refugee Council (NRC), and the Internal Displacement Monitoring Center (IDMC) reiterate their commitment to promoting durable solutions for IDPs and refugees, "including their right to return to the homes and properties from which they fled or were forced to leave due to

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[39] We now know that the civilians in Colombia faced a double threat (1) from left-wing rebels, i.e., the Revolutionary Armed Forces of Colombia (FARC) funded by kidnapping and extortion of rich Colombians as well as drug trafficking, and (2) from the right-wing paramilitaries that were organized in the 1980s to help defend rich Colombians. Moreover, government officials are known to collude with paramilitaries against civilians. Members of President Alvaro Uribe's congressional coalition have been jailed this year for backing right-wing paramilitary groups that were involved in a massacre of civilians in the northern hamlet of La Rochela.

[40] The United Nations Economic and Social Council (E/CN.4/Sub.2/2005/17).

armed conflict and human rights violations" (2007). There is a growing realization of and increased attention to the idea that resolving housing and property claims is an important element of post-conflict reconciliation and rehabilitation (Leckie 2000, 2000a). Setting up institutions such as the Commission on Real Property Claims (CRPC) in Bosnia, the Housing and Property Directorate (HPD) in Kosovo, and the Land Claims Court in South Africa indicate a different, and a better, approach (Leckie 2000, 2000a; Lewis 2001). Still, in many cases, thousands of IDPs cannot return to their original homes or get their property rights because of a lack of enforcement mechanisms (Chimni 2002).

Return

Coming from a family of Palestinian refugees, Edward Said states in his memoir that "as any displaced and dispossessed person can testify, there is no such thing as a genuine, uncomplicated return to one's home."[41] Post-conflict return is complex, and in many cases, extremely politically charged as well.[42] Like the international promotion of minority returns in Bosnia and Herzegovina, in many cases return is used as a political tool in efforts to reverse the wrongs of the war, and in this case, to recreate ethnically heterogeneous communities, i.e., to have ethnically mixed spaces (villages, towns, neighborhoods, cities).

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[41] Quoted in Oxfeld and Long (2004). There was a controversy over Said's early life questioning the refugee status of his family at the end of the British Mandate in Palestine (Weiner 1999).

[42] Forced displacement by its nature is entirely politically manipulated; see Stedman and Tanner (2003). For example in Bosnia & Herzegovina, during the war, dislocating people was a means of creating ethnically homogeneous territories; and in the post-conflict period some local officials resisted the return of displaced people who were from ethnically different backgrounds.

IDP return is an important concern in policy circles, but the academic literature on the concept is rather limited. It extensively borrows from the literature on diasporas that underlies the importance of homeland in relation to return, and the migration literature that depicts different kinds of spatial movements involved in returning.[43] The general presumption about IDP return is that IDPs always want to return to their homes and that return is the best attainable solution.[44] While many IDPs certainly do want to go home, the assumption that the needs and experiences of IDPs are homogeneous is mistaken (Sorensen 2003, 2003a). IDPs, like all other social groups, contemplate their alternatives based on their interests, *and* sentiments, and behave accordingly.

Thus, return is the best possible solution when it is voluntary. Recently, the concept of voluntary return began to entail more than the lack of physical oppression or open threats, but "the consultation/participation of displaced people in the process of making decisions about their return, resettlement and reintegration" (Santini 2004: 53). There is a growing need to address the issue of agency as well as the problem of the lack of enforcement mechanisms. As stated earlier, an increasing number of peace agreements hold provisions on the return of the displaced, but face implementation problems (problems of structure) in the post-conflict phase. At the same time, the basic assumption in almost all of these agreements is that the best solution for the displacement problem is return. Moreover, there has been an increasing emphasis on voluntary return and that IDPs should have the choice (the problem of agency).

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[43] For a more extensive overview of the diaspora and migration literatures on return, refer to Oxfeld and Long (2004) and Stefansson (2004).

[44] Chimni (2003) criticizes this current focus on return that is "driven by the objective of not promoting the goal of protection but of ensuring early return."

Table 1.7: Challenging the Conventional Wisdom on Internal Displacement

Stereotypes About IDPs	And the Reality
IDPs are victims and beneficiaries.	They are people and rational actors.
IDPs are a homogeneous group.	They have different identities based on religion, ethnicity, gender, age, occupation, etc.
All IDPs want to return home.	They make rational calculations, and then decide to return or resettle.
All IDPs are traumatized.	The Western psychological models of measuring trauma might not apply to IDPs.
All IDPs see displacement as a tragedy.	Some IDPs might consider displacement as an opportunity for change.

However, IDPs do not *always* want to go back home. As Walter Kälin, who took over the UN mandate as Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons in 2004 asserts, "Authorities are sometimes anxious to promote return as a symbol of normalization after the chaos brought on by a disaster. However, they should respect IDPs' right to choose whether to return to their place of origin or to resettle elsewhere, and in either case are expected to assist them to reintegrate (Guiding Principle 28)" (2005: 23). Sorensen tells us, "While we tend to think of displacement as a temporary deviation from normal life, a disruptive event to be corrected, the possibility also exists that some people see displacement as an opportunity for change. People do not only look back; they also look to the future and try to plan for it" (2001: 8). Thus, IDPs do not always return home, but sometimes resettle based on strategic calculations of interest. Although conventional wisdom about IDPs considers them as "living in limbo" or feeling that they are "neither here nor there," such

stereotypes about IDPs are substantially challenged by the literature (Holtzam & Nezam 2004) (see Table 1.7).

Resettlement

Maybe the most important contribution of this dissertation to the literature on internal displacement is its focus on resettlement. Both conceptually and theoretically, the literature on the resettlement of conflict-induced IDPs largely borrows "from a combination of conceptual models in the 'refugee' and development fields" (Muggah 2003: 12). One reason for the lack of a resettlement literature is that unlike return, resettlement is mostly a secondary concern in policy circles that, with some noteworthy exceptions, usually concentrate more on "aid delivery and implementation than on reflection and research" (ibid.). Resettlement can be defined as "actions necessary for the permanent settlement of persons dislocated or otherwise affected by a disaster to an area different from their last place of habitation" (Corsellis & Vitale 2005: 414). Unfortunately, this definition does not address the problem of agency, that the act of resettlement must also be voluntary. As with return, IDPs weigh their options based on future benefits and act accordingly.

Furthermore, as with return, resettlement can also become a political tool. As one of the foremost scholars on resettlement noted in the 1960s, resettlement constitutes a form of "planned social change that necessarily entails population movement, population selection and most probably population control" (Chambers quoted in Muggah 2003: 10). For example, in post-conflict Rwanda the government saw the policy of collective resettlement sites or "villagization" (*imidugudu*)—that required tens of thousands of rural

families to relocate into newly established settlement sites scattered throughout the northwest of Rwanda as opposed to their traditional dispersal in hillside abodes—as a permanent solution to insecurity, as a tool of population control, and as a limit to the accommodation of insurgents (Kleine-Ahlbrandt 2004: 106). In a similar security policy, the Turkish security forces expelled and resettled the villages whose inhabitants refused to become village guards to fight against the Kurdish insurgents, whose security could not be provided, or who were thought to aid the Kurdish insurgents (Kurban, et. al. 2007: 81). Similarly, in line with their political interests, Russian authorities have pressured IDPs to return to Chechnya by dismantling their camps to forbid them from resettling (Santini 2004).

Home

The notion of home is central in the discussion of displacement and resettlement, and it is an important part of the analysis of return. Home has different meanings for different people. For some people home is their community, village, the place where their family is from, the soil where their identity is rooted and where they have an almost natural sense of belonging (Sorensen 2001). Home can be a personalized object or a symbol of identity (Skotte 2004). Research shows that these different perceptions about home are not necessarily common and collective conceptions held by all IDPs (Sorensen 2001). For many, home is a representation not only of past experiences, but also of opportunities in the future; thus, home is always in the course of being transformed (ibid). An internally displaced Uzbek woman in western Afghanistan defines home as follows: "wherever I can earn money and get food, there is my home" (Stigter 2004: 37).

Furthermore, it is possible to talk of home in terms of home "here" and home "there." While home here can be the present and "the actual place of lived experience where contestations and negotiations take place," the home there can be the past, "a metaphorical space of personal attachment, an exemplar of 'how things used to be' and a space for negotiating the former order" (Achieng 2003: 17). Thus, home can have different material and symbolic meanings in relation to past and future (see Figure 1.1). Symbolically, home can represent a sense of belonging and identity in the past as well as a new life in the future with new relations and identities. Materially, home can represent the loss of resources and wellbeing of the past as well as an economic opportunity in the future. This is best illustrated in Cyprus, where property is the major mode of savings and investment, and implies status in society. For the IDPs of Cyprus, "home" connotes both the loss of a desirable personal history and material interests (see Chapter Four on Cyprus).

Figure 1.1: Different Meanings of Home[45]

	Symbolic	**Material**
Past	Sense of belonging, identity	Loss
Future	New life	Economic opportunity

Realizing these diverse perceptions of the concept of home is also important because of its policy implications. Unfortunately, the world of emergency relief planning seems to be far from being able to take these differences into account. There is a

[45] The symbolic meanings of home are very complex with cultural, social, political, and individual implications. The cases in this study will show that all these distinct elements matter in civil war.

tendency to use certain words like house, housing, dwelling, home, residence, and/or shelter as if they are synonyms, leading to the implementation of inadequate policies that have negative results for IDPs, and that are full of prejudice and political bias (Skotte 2004).

Research Methods

Two different methodologies, quantitative analysis and comparative case studies, are employed in this dissertation. While the former initiates an aggregated, large-N study, the latter lets me look at the micro-foundations of the theory. Statistical analysis provides correlations, but not every significant correlation means that there is causation: there can be other factors, possible intervening variables, which might be missing in the statistical analysis. To illustrate, although statistics can facilitate an assessment of the global conditions of IDPs in relation to their return to their former properties, the numbers do not and cannot accurately reflect the difficulties that many returnees face in going home. The narrative is as important as the numbers (the original idea of this dissertation did not emerge from aggregate data, but from reading detailed historical analyses of case studies for Bosnia-Herzegovina and Cyprus), and there is a general trend in the literature of civil wars to advocate combining statistical and case study work (Sambanis 2004). This integration of macro-theories of structural analysis with micro-foundations is the method that will be employed in this study.

Organization of the Dissertation

In this chapter I have tried to achieve the following three goals. First, I have tried to define concepts of internal displacement, property, return, resettlement, and home as precisely as possible in order for them to be of value as tools of analysis. For example, as was discussed above, home is not just another word for house. It entails different meanings both symbolic and material in relation to past experiences and future possibilities. Home is not just a type of property, but also an expression of identity. Second, I have attempted to challenge certain conventional wisdoms such as "all IDPs want to go home." Finally, I tried to reiterate the twofold problem of return and resettlement. On the one hand, there is the problem of structure in the world of humanitarian intervention with its lack of enforcement mechanisms due to the unwillingness of states and/or a lack of resources. On the other hand, there is the problem of agency, or whether IDPs decide to return or resettle based on their strategic calculations. Most of the time, the two problems are interrelated.

The next four chapters examine the conditions under which these two problems are overcome and where there is a settlement of the IDP problem. While the next chapter analyzes the issue quantitatively in global terms, the subsequent chapters analyze it in terms of micro-foundations. Accordingly, Chapter Two introduces the dataset used to test the theories summarized above and explains how each of the variables specified is measured. The theories are also quantitatively tested in this chapter. Chapters Three and Four supplement these tests with in-depth case studies of Bosnia-Herzegovina and Cyprus. Chapter Five reviews the theory and the findings presented in this dissertation to determine whether the theory is substantiated by different cases. It ends by outlining the

implications this study may have for scholars interested in questions of conflict-induced internal displacement and for policymakers pursuing more effective solutions to the problem of internal displacement. Attempting to fill in an important gap in the literature, this project does not simply analyze "why" and "how" IDPs have gotten into their current situation, but what happens next.[46] If the positive relationship between restoring property rights and return and resettlement of IDPs is validated, and the micro factors that facilitate this connection are highlighted, this project will not only have academic merit, but will also make a contribution to policy.

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[46] Inspired by Sorensen (2001; 2003a; 2003b).

CHAPTER TWO
DATA AND QUANTITATIVE ANALYSIS

The growing attention to the problem of internal displacement has not produced any systematic global studies with comparative insights. Although competing hypotheses about return and resettlement of IDPs are developed, broad patterns are not identified in the literature. In order to fill in this gap in the literature, this chapter subjects the competing hypotheses identified in the introduction about return and resettlement to an aggregate statistical test. The aim is twofold. The first one is to detect those variables that affect the patterns of return and resettlement in the entire universe of countries with internal displacement problem, and the second is to test my theory on property rights and return against existing propositions. Accordingly, in order to test the competing hypotheses quantitatively, I have compiled a new dataset incorporating all the countries with problems of conflict-induced internal displacement.

The chapter consists of three sections. The first gives details about the dataset employed to test the hypotheses, the sources of the data, possible problems with the data, and possible solutions to alleviate these problems. The dependent and independent variables are defined and the modes of measurement explained. The second section introduces the methods used to analyze the data and presents the statistical results, while the final section summarizes the findings and is followed by a brief conclusion.

Measuring the Variables

This section gives details on the sources of data and case selection, exposes potential problems with the data, and explains how the independent (economic prospects,

vulnerability, intensity and duration of conflict, and the presence of effective property rights) and dependent (rate of return and resettlement) variables were operationalized. The purpose of the section is to present the way by which these abstract concepts were converted into concrete tools for statistical analysis. The quantification of abstract concepts is at best an inexact and unsatisfactory method, and it is important to remember that while some of the indicators named here are close to being exact measures, others are necessarily estimates.

Case Selection

Responding to the growing focus on the problem of internal displacement, in 1998 the UN Inter-Agency Standing Committee endorsed the outsourcing of the development of an IDP database to the Norwegian Refugee Council (NRC) with the objective of creating an authoritative source of information on internal displacement. The online Global IDP Database was launched in 1999.[47] Managed by the NRC's Geneva-based Internal Displacement Monitoring Center (IDMC), by the end of 2002, the database began to provide comprehensive and regularly updated information and analysis on the entirety of the global, conflict-induced, internally displaced population (Danevad & Zeender 2003). IDMC is a non-governmental organization whose major donors are the Department for International Development (DFID) of the United Kingdom, the Ministry of Foreign

[47] The initial Global IDP Project website www.idpproject.org has recently changed to http://www.internal-displacement.org and was renamed the Internal Displacement Monitoring Center.

Affairs of Norway, the United Nations Refugee Agency (UNHCR), Australia's AusAID, and the Swedish International Development Cooperation Agency (SIDA).[48]

The list of cases used in this study was compiled based on information provided by the IDMC's global IDP database in 2005. There are forty-nine countries in the list (see Table 2.1), including cases in which the problem still exists (as of February 2006).[49] Since the concern of this dissertation is to explain how the problem of internal displacement can be solved, their inclusion requires some explanation. There are three reasons for including these cases. The first is the lack of data in relation to the number of already resolved cases. As discussed in Chapter One, recognition of internal displacement as an international problem is a recent phenomenon and the data on the subject are rather new. The second is to avoid systematic bias in favor of cases in which the problem had been relatively easy to resolve. And the third reason is the author's belief that internal displacement is better understood as a process rather than a static occurrence, and continuing cases of internal displacement offer a variety of necessary information.

Data Collection

Comprehensive data on most of the variables included in this study have not previously been collected. No existing datasets include information on rates of IDP return and

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[48] The donors and their contributions since 2000 are posted on IDMC's website at http://www.internal-displacement.org. I think it is important to know who the donors are, in order to avoid possible criticisms about the objectivity of the data.

[49] IDMC's Global IDP Database includes fifty-two countries in five regions with total number of internally displaced reaching 23,700,000. These are the latest figures available at IDMC's website dated March 2007. It is important to note that the number of IDPs in the world continually changes causing frequent and necessary updates to the database.

resettlement, conflict duration, property rights mechanisms, GDP per capita, and battle related deaths. This information had to be collected by researching every country on the list using primary and secondary sources. The result is the IDP Dataset. Variables were coded using multiple sources, the most useful of which were the United Nations Development Programme's (UNDP) *Human Development Report 2006*, the World Bank, the Uppsala Conflict Database, the United States Institute of Peace's *Peace Agreements Digital Collection*, and the IDMC's Global IDP Database.

Potential Problems

There are three potential problems with the data. The first two are general criticisms of research on forced migration to which research on internal displacement is also susceptible, while the third is specific to internal displacement.

The first (and fundamental) potential problem is related to the unit of research. There are so many categories of forced migration that even a single household contains several or all categories. For example in Sri Lanka, a particular district may include a blend of households of which each might contain a number of categories of forced migration like asylum seekers, returning refugees, IDPs and/or others affected by war (Van Hear 2000). Although the global IDP database does offer valuable data on particular countries, it is not disaggregated enough to provide information on specific districts or households.

The second potential problem is that of methodology. Some have argued that the existing research on forced migration cannot be trusted. For example, Castles argues that earlier sociological approaches, which were based on the principle of relatively

autonomous national societies, were missing the fact that forced migration is a social process in which human agency and transnational social networks play a major part, and therefore generated misinformed policies (2003). Similarly, Jacobson and Landau claim that "much of the current research on forced migration is based on unsound methodology, and that the data and subsequent policy conclusions are often flawed or ethically suspect" (2003: 185). They underline "non-representativeness and bias, issues arising from working in unfamiliar contexts including translation and the use of local researchers, and ethical dilemmas including security and confidentiality issues and whether researchers are doing enough to 'do no harm'" as the main problems of the current research on forced migration (ibid.). These authors criticize modest and small-scale qualitative approaches while advocating a more transnational and interdisciplinary undertaking.[50] However, the data presented by the IDMC are trying to do exactly this by offering a global and interdisciplinary approach.

The third potential problem is specific to internal displacement. There are two main reasons for the general difficulty in tracking the number of internally displaced. To begin with, as Holtzman and Nezam point out, IDP "statistics are often inherently political, with a range of incentives on the part of various actors to inflate or deflate numbers" (2004: 8). Similarly, Stoddard explains that "aside from the inherent difficulties of counting populations that are often on the move, aid agencies, donors, host countries and countries of origin all have interests at different times in either

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[50] In an article reacting to these recommendations, Rodgers (2004) supports what he calls the "hanging out approach," or "modest and small-scale qualitative approaches, generated largely through intensive informal and interpersonal interactions between researchers and forced migrants." He argues that such research is still important and relevant.

exaggerating or downplaying the estimates" (2004: 88). More specifically, Rasmusson tells us that:

> [while] governments may try to hide an IDP crisis which they fear could expose and draw unwanted international attention to human rights violations, unresolved conflicts or erosion of state authority… other governments may wish to inflate numbers to attract more humanitarian aid or to mobilize international opinion against an internal or external adversary accused of being responsible for the displacements (2006: 17).

Such criticisms are answered by the IDMC database team as follows: "Having gained substantial experience in the politics behind IDP figures in various countries, the database team (of IDMC) is able to critically assess the reliability of the various sources and chose in most cases the most conservative figure among available estimates" (Danevad & Zeender 2003: 9).

In fact, it is not only IDP statistics that are inherently political or biased. As Ward states, "Many population questions are bound up in national cultures, local laws and customs, religion, and even languages; each of these factors affect the technical measurement of populations… Demographic studies, however neutral they may be in any auditing or accounting sense, are invariably political in the wider meaning of the term" (2004: 192).

Another complication in tracking the number of IDPs is the problem of when a person ceases to be internally displaced. Whether people who were displaced but were capable of carrying on their activities in another place can continue to be called "displaced" is a recurring and problematic question of resource allocation (Deng 1995; Bailliet 2003). Accurate numbers are necessary in devising programs and policies that deal with the needs and vulnerabilities of the IDPs; and it is important to know when internal displacement ends in order to know when to reallocate resources and change

focus from displacement to other issues (Mooney 2003, 2003b). Unfortunately, there are no agreed-upon standards by which to judge, but only *ad hoc* and/or inconsistent determinations of cessation of IDP status which sometimes cause arbitrary decreases in the number of IDPs, and which poses the risk of premature or wrongful withdrawal of protection (Fernandez & Vidal 2003; Bonoan 2003).

The existing literature on the subject offers four possible solutions to the problem of recording the cessation of IDP status. The first one is to apply the IDMC-OCHA-IDD inter-agency guidelines on the profiling of IDP populations that are currently field-tested (Rasmusson 2006).[51] The second solution is to apply UNHCR standards meant for refugees to IDPs based on the assumption that "many of the circumstances that lead to internal displacement are similar to or identical to those that cause individuals to develop a 'well-founded fear of persecution' and seek international protection as refugees" (Bonoan 2003). The third solution is for countries to apply national legislation if they can ensure that these measures are not arbitrary (Beau 2003: 17).[52] The last solution is to integrate cause-based, solutions-based, and needs-based criteria (Mooney 2003, 2003b). The cause-based approach considers termination of the causes of IDP flight as a point of reference to declare an end to internal displacement (ibid.). The approach did not work in Bosnia and Herzegovina and Afghanistan, and even though the immediate causes of displacement ended, a durable solution to internal displacement did not come about (ibid.). The solutions-based approach, which refers to the physical return or resettlement of IDPs used in Guatemala and Sierra Leone, is also problematic because issues such as

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[51] As the major data employed in this study are from the IDMC global IDP database, the problem of cessation of IDP status is resolved by these inter-agency guidelines.

[52] Like Bosnia-Herzegovina's Law on Refugees from Bosnia and Herzegovina and Displaced Persons in Bosnia and Herzegovina dated 23 December 1999.

lack of safety, property compensation, voting rights and access to public services were not dealt with (ibid.). Finally, while assessing whether or not vulnerabilities specific to IDPs continue to exist, the needs-based criteria tend to fail to notice the long-term needs of IDPs as a specific group (ibid.). Therefore, there is a need for an integrated approach (ibid.).

As this dissertation was being completed, in 2007, the Brookings Institution – University of Bern Project on Internal Displacement published a booklet called *When Displacement Ends: A Framework for Durable Solutions,* which outlines the conditions under which IDPs attain a durable solution and no longer need to be the focus of specific attention (Brookings 2007). Mainly, the Framework determines the point "when IDPs no longer have needs that differ from the population around them" (ibid.: 5). Although the intention of developing a framework to identify these conditions is praiseworthy, there is a problem with comparing the needs of the IDPs with the population at large. For example, applying such a criterion in a poor country like Guatemala (one of the poorest countries in the world) would lead to IDPs being treated as just another group of poor people instead of a special category. At least in terms of restituting property rights, IDPs should be treated differently from someone arguing with his neighbor over a fence between their farms. Subjecting IDPs, who had to leave their homes because of the threat of violence, to the same property rights mechanisms as non-IDPs is simply unjust. Similarly, applying such an approach in Cyprus would simply cause 210,000 IDPs to lose their IDP status, ignoring the conditions that caused them to become IDPs in the first place. Even after three generations, the property problem in Cyprus is still a potential source of conflict. In cases like Cyprus, regardless of how long the IDP problem is

outstanding, no end to the conflict can occur until IDPs' special property rights are addressed. Thus, cases like Cyprus bring about the need to engage the time issue within a framework of justice.

Measuring the Dependent Variable

Although there has been abundant confirmation of IDP return globally, measuring return has always been difficult (Oxfeld & Long 2004: 2). As early as 1885, Ravenstein observed in *Laws of Migration* that the data for estimating counter-stream migrants were scarce (ibid.: 225). In order to see whether the theories presented in Chapter One predict the conditions under which the internal displacement problem can be settled either through return or resettlement, I have created a single dependent variable called "Rate of Return and Resettlement" (RATE hereafter). RATE is calculated based on the following formula:

$$\text{RATE} = \frac{\text{Number of IDPs}_{2000} - \text{Number of IDPs}_{2005}}{\text{Number of IDPs}_{2000}}$$

For each case in the dataset, the number of IDPs in 2005 is subtracted from the number of IDPs in 2000, giving us the number of IDPs that are no longer in IDP status.[53] The difference is divided by the number of IDPs in 2000 in order to obtain a ratio for each case. Accordingly, the RATE for each country listed in the Internal Displacement Monitoring Center (IDMC) database in February 2006 is displayed in Appendix I.A. While the main source of data for the numbers of IDPs in 2000 and 2005 was the IDMC,

[53] In some cases where the number of IDPs increased, the result is negative.

in some cases, UNHCR, the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), the U.S. Committee for Refugees and Immigrants (USCRI) and government sources were also used in order to ensure their accuracy. In cases where there were large discrepancies between the sources, their average was used.

Measuring the Independent Variables

Following from the previous chapter, there are five hypotheses to be tested in this section, requiring us to operationalize at least five independent variables: intensity of conflict, duration of conflict, economic prospects, vulnerability, and property rights mechanisms (see Table 2.1).

Table 2.1: Hypotheses and determinants

	Proposition	**Determinant**
H_1	Economic recovery facilitates the desire to return.	Economic Prospects
H_2	More vulnerable households are more reluctant to return.	Vulnerability
H_3	The rate of return is lower the higher is the intensity of conflict, i.e., atrocities/crime against civilians are in alarming numbers during war.	Intensity
H_4	The rate of return is lower the longer is the wars' duration, i.e., duration of displacement.	Time
H_5	The rate of return is higher where there are effective property repatriation mechanisms.	Property Rights

Inspired by the model developed by the Hartzell et. al. study, the intensity-of-conflict variable is measured by the total number of war-related deaths during the course of each conflict (2001). For each case, the number of war related deaths is divided by the

duration of the conflict in years and then logged to reduce variance. In the majority of the cases, the Uppsala Conflict Database (UCD), which includes 122 armed conflicts in the period 1989-2006, and which is updated on a yearly basis, is the source of information on both the number of war related deaths and the duration of the conflict. Despite the fact that the UCD is updated every year, in cases that were still too recent to have been included in the database, the IDMC database and case study material were used to identify the number of war related deaths and the dates of conflict.

Gross domestic product (GDP),[54] in purchasing power parity (PPP)[55] terms in US dollars divided by midyear population, is the main economic performance measure in the IDP database. In the majority of the cases, the GDP per capita is obtained from the *Human Development Report 2006* whose data are available online at the official website of the UNDP. In other cases, the *CIA World Factbook* is utilized as the main source of data. In order to reduce variance in the GDP per capita (PPP US $) measures,[56] a GDP index was calculated following the UNDP model of formulation. The UNDP rationale in formulation of a GDP index is that in the UNDP Human Development Index "income serves as a surrogate for all the dimensions of human development not reflected in a long and healthy life and in knowledge. Income is adjusted because achieving a respectable level of human development does not require unlimited income" (UNDP 2006).

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[54] GDP is the value of all final goods and services produced within a nation in a given year.

[55] PPP is the sum value of all goods and services produced in the country valued at prices prevailing in the United States. The measure is difficult to compute, as a US dollar value has to be assigned to all goods and services in the country regardless of whether these goods and services have a direct equivalent in the United States; as a result, PPP estimates for some countries are based on a small and sometimes different set of goods and services. In addition, many countries do not formally participate in the World Bank's PPP project that calculates these measures, so the resulting GDP estimates for these countries may lack precision.

[56] An important point to note here for future discussion is that Israel, Cyprus, and Croatia are outliers in the data of GDP per capita (PPP US$).

Accordingly, a logarithm of income is used where $40,000 is the highest goalpost (maximum income identified by the UNDP needed to achieve a respectable level of human development) corresponding to 1 in the index, and $100 is lowest goalpost (minimum income) corresponding to 0 in the index (ibid.). For example, Algeria, with a GDP per capita of $6,603 in 2005, had a GDP index of .70.

$$\text{GDP Index} = \frac{\log (6{,}603) - \log (100)}{\log (40{,}000) - \log (100)}$$

Due to criticisms received from colleagues in the field who argued that GDP is not a good measure to represent the actual situation of the people but only of the countries, other indicators such as the UNDP human development index, HDI,[57] and the Gini coefficient index [58] were also utilized to measure economic prospects. The UNDP was the main source used to code these variables.

GDP, HDI, and the Gini coefficient index are not specific data of economic opportunities available for the IDPs, but measures of economic recovery in general. The shift from economic prospects to economic recovery in general was mandatory. It was a result of lack of specific data on the economic situation of IDPs, and was based on the assumption that the average achievements in a country would definitely reflect also on its

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[57] Published annually by the UNDP, the HDI measures the average achievements in a country in three basic dimensions of human development: (1) A long and healthy life, as measured by life expectancy at birth, (2) knowledge, as measured by the adult literacy rate (with two-thirds weight) and the combined primary, secondary, and tertiary gross enrollment ratio (with one-third weight), (3) a decent standard of living, as measured by the log of gross domestic product (GDP) per capita at purchasing power parity (PPP) in USD.

[58] The Gini coefficient is a measure of inequality of income distribution or inequality of wealth distribution. It is defined as a ratio with values between "0" and "1" where "0" corresponds to perfect equality (e.g. everyone has the same income) and 1 corresponds to perfect inequality (e.g. one person has all the income, while everyone else has zero income). The Gini index is the Gini coefficient expressed as a percentage.

IDPs. Measuring economic prospects for IDPs by national figures can be unstable, e.g., in cases where there are ethnic minorities, and the government discriminates against (or favors) them with respect to the living standards of the majority, countrywide figures would not reflect the situation of the IDPs. Thus, the results of the quantitative analysis should be treated accordingly.

As stated earlier, specific data on internal displacement are hard to find. Thus, data on vulnerable internally displaced households defined by Deininger et. al.[59] as households that belong to an ethnic minority, with one parent, or with female heads or large dependency ratios that have large numbers of members who are younger than 14 years of age is almost impossible to measure as such specific information on IDPs is not available for each country. The IDMC report of *Global Overview of Trends and Developments in 2004* identifies 17 countries (35 percent of the cases) with a high proportion of households headed by women. In the IDP dataset this information is turned into a nominal measure where "1" represents cases with a large proportion of households headed by women and "0" represents the cases without such information. Realizing that this is not a perfect measure, and inspired by the Deininger et. al. study, in this dissertation vulnerability is also operationalized by the measure of the percentage of the population below the age of 15. The data were taken from the UNDP and checked against other sources such as the database of the United Nations Population Fund and the *CIA World Factbook*. Although this is not a specific measure of the IDP population but the whole country, the assumption here is that the general figure of the population below

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[59] Refer to Chapter One for details of the Deininger et. al. study.

the age of 15 that represents the dependency ratios in each country could also be demonstrative of the IDP population.

The most difficult determinant to measure was property. The crucial problem here was to assess whether there were *effective* mechanisms to deal with property issues in any given country. Thus, the question revolves around the problem of implementation. Implementation is the carrying out of an authoritative decision, the "missing link" between policy input and output (Berman 1978: 158, 160). As Berman defines it, "(i)mplementation analysis is not about whether a policy's goals are fit and proper, which is a matter of values; nor does it concern itself with how they were chosen, which is a study of policy-making. … Implementation analysis is, in short, the study of why authoritative decisions (policies, plans, laws, and the like) do not lead to expected results" (1978: 160). In a more recent article, underlying the increasing attention paid to policy *effectiveness*, Barrett identifies four factors that contribute to "implementation failure:"

- Lack of clear policy objectives; leaving room for differential interpretation and discretion in action;
- Multiplicity of actors and agencies involved in implementation; problems of communication and co-ordination between the "links in the chain;"
- Inter- and intra-organizational values and interest differences between actors and agencies; problems of differing perspectives and priorities affecting policy interpretations and motivation for implementation;
- Relative autonomies among implementing agencies; limits of administrative control (Barrett 2004: 252).

For each country in the IDP dataset, the first two factors of Barrett's list were utilized to assess the presence of effective property rights mechanisms (the latter two factors in the list are employed in the following qualitative chapters). Accordingly, a two-tier evaluation was conducted: first, documents reflecting policy objectives (in this case mostly peace agreements) were reviewed; and second, a survey of responsible actors and agencies was taken. Consequently, a nominal measure of the presence of effective property rights mechanisms was created. Countries that officially refer to property issues and designate accountable actors and agencies are represented with a "1", while others are represented with a "0". Only 29 percent of the cases in the dataset met the two criteria for effectiveness (see Table 2.2).

In addition, two more measures of property rights, the Wall Street Journal and the Heritage Foundation's[60] Property Rights Index (PRI hereafter) and Gwartney and Lawson's measures of property in *the Economic Freedom of the World: 2005 Annual Report* (GL hereafter) were incorporated into the IDP dataset as a check on the accuracy of the measurement of the property determinant discussed above. Due to the fact that the PRI and GL data were positively correlated and the correlation was very significant (with a Pearson correlation coefficient of .721 at significance level of .000), the GL data were removed from the dataset in order to avoid a problem of multicollinearity. The main reason why the GL data, and not the PRI, were removed is that the PRI covered more of the country cases in the IDP dataset (covering 37 cases in comparison to the GL's 34). In

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[60] "Founded in 1973, the Heritage Foundation is a research and educational institute - a think tank - whose mission is to formulate and promote conservative public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense" (http://www.heritage.org/about/).

Table 2.2: Measuring Property Rights Mechanisms

Country	Agreement	Accountable Actors / Organizations	Value
Afghanistan	Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions	None	0
Algeria	None	None	0
Angola	Lusaka Protocol	None	0
Azerbaijan	None	None	0
Bangladesh	Chittagong Hill Tracts Peace Accord (Articles B and D)	Hill District Council	1
Bosnia and Herzegovina	General Framework Agreement for Peace (Annex 7)	Commission for Displaced Persons and Refugees	1
Burundi	Arusha Peace and Reconciliation Agreement (Article 8)	Sub-Commission on Land	1
Central African Republic	None	None	0
Colombia	Plan Colombia General	Government	1
Côte d'Ivoire	Linas-Marcoussis Agreement (Article 4)	Government of National Reconciliation	1
Croatia	Erdut Agreement (Article 8)	Transitional Administration	1
Cyprus	None	None	0

Table 2.2 continued

Country	Agreement	Accountable Actors / Organizations	Value
Democratic Republic of Congo	None	None	0
Eritrea	Agreement Between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea (Article 5)	Claims Commission (The Hague)	1
Ethiopia	None	None	0
Georgia	None	None	0
Guatemala	Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict (Articles 8 and 9)	Government	1
Guinea	Agreement between the government of Guinea-Bissau and the self-proclaimed military junta	None	0
India	None	None	0
Indonesia	Aceh Peace Agreement	None	0
Iraq	None	None	0
Israel	None	None	0
Kenya	None	None	0
Lebanon	None	None	0
Liberia	Comprehensive Peace Agreement Between the Government of Liberia and the Liberians United for Reconciliation and Democracy (LURD) and the Movement for Democracy in Liberia (MODEL)	None	0
Macedonia	Ohrid Framework Agreement	None	0
Mexico	None	None	0
Myanmar (Burma)	None	None	0
Nepal	12-Point Agreement Article 5	None	0
Nigeria	None	None	0
Pakistan	None	None	0

Table 2.2 continued

Country	Agreement	Accountable Actors / Organizations	Value
Palestinian Territories	None	None	0
Peru	Truth and Reconciliation Commission Report[61]	Government	1
Philippines	None	None	0
Republic of the Congo	Ceasefire Agreement	None	0
Russian Federation	None	None	0
Rwanda	Protocol on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons	Commission for Repatriation	1
Senegal	None	None	0
Serbia-Montenegro	Agenda for Regional Action	Steering Committee on Refugee Matters (Stability Pact)	1
Somalia	Addis Ababa Agreement Article 3	Ad Hoc Committee	1
Sri Lanka	None	None	0
Sudan	Comprehensive Peace Agreement	National Land and Southern Sudan Land Commissions	1
Syria	None	None	0
Togo	None	None	0
Turkey	Law on Compensation for Damage Arising from Terror and Combating Terror (Law 5233)	Damage Assessment Commissions	1
Uganda	None	None	0
Uzbekistan	None	None	0
Zimbabwe	None	None	0

[61] Although there is no peace agreement in Peru, in June 2001 President Paniagua created the Truth and Reconciliation Commission, CVR, which acknowledged civil war crimes and called for compensation as part of a national reconciliation process.

three cases (Côte d'Ivore, DR of Congo, and Myanmar) where GL had data, and PRI did not, the GL measures are integrated into the data.

The PRI ranks each country based on (1) the degree to which private property rights are protected, (2) the degree to which the government enforces laws that protect private property, (3) the possibility that private property will be expropriated, (4) the independence of the judiciary, (5) the existence of corruption within the judiciary, and (6) the ability of individuals and businesses to enforce contracts.[62] The PRI variable is incorporated into the IDP dataset as a ranking of 1 to 10 where the more the legal protection of property, the higher the score; and similarly, the smaller the chances of government expropriation of property, the higher the score (see Table 2.3).

The PRI is treated as a nominal variable in the IDP dataset for two reasons. First, it is not possible to know if the distance between the ranks is equal or not. In other words, a country with a rank of 3 is not necessarily two ranks higher than a country with a rank of 1. Second, the IDP dataset includes data for only 37 of the 161 countries in the PRI, causing gaps in the rankings of the countries in the IDP dataset, i.e., there are no countries in the dataset with rankings of 6 or 7 (see Table 2.4). Therefore, it is more appropriate to treat the PRI variable in the IDP dataset as nominal. Accordingly, as with any nominal variable in regression analysis, the PRI variable is recoded into a set of dummy variables, each of which has two levels: 0 and 1.[63]

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[62] For more information on the PRI, visit the Heritage Foundation's web page on the Index of Economic Freedom at http://www.heritage.org/research/features/index/index.cfm.

[63] A polytomous explanatory variable like PRI can be entered into a regression by coding a set of 0/1 dummy regressors, one fewer than the number of categories of the variable, which is in the case of the PRI variable is 10-1=9. The omitted category, coded 0 for all dummy regressors in the set, serves as a baseline, which is pri= =1.

Table 2.3: The Ranking Methodology of the Property Rights Index

Rank	Definition	Explanation
100%	Private property is guaranteed by the government.	The court system enforces contracts efficiently and quickly. The justice system punishes those who unlawfully confiscate private property. There is no corruption or expropriation.
90%	Private property is guaranteed by the government.	The court system enforces contracts efficiently. The justice system punishes those who unlawfully confiscate private property. Corruption is nearly non-existent, and expropriation is highly unlikely.
80%	Private property is guaranteed by the government.	The court system enforces contracts efficiently but with some delays. Corruption is minimal, and expropriation is highly unlikely.
70%	Private property is guaranteed by the government.	The court system is subject to delays and is lax in enforcing contracts. Corruption is possible but rare, and expropriation is unlikely.
60%	Enforcement of property rights is lax and subject to delays.	Corruption is possible but rare, and the judiciary may be influenced by other branches of government. Expropriation is unlikely.
50%	The court system is inefficient and subject to delays.	Corruption may be present, and the judiciary may be influenced by other branches of government. Expropriation is possible but rare.
40%	The court system is highly inefficient, and delays are so long that they deter the use of the court system.	Corruption is present, and the judiciary is influenced by other branches of government. Expropriation is possible.
30%	Property ownership is weakly protected.	The court system is highly inefficient. Corruption is extensive, and the judiciary is strongly influenced by other branches of government. Expropriation is possible.
20%	Private property is weakly protected.	The court system is so inefficient and corrupt that outside settlement and arbitration is the norm. Property rights are difficult to enforce. Judicial corruption is extensive. Expropriation is common.
10%	Private property is rarely protected, and almost all property belongs to the state.	The country is in such chaos (for example, because of ongoing war) that protection of property is almost impossible to enforce. The judiciary is so corrupt that property is not protected effectively. Expropriation is common.
0%	Private property is outlawed, and all property belongs to the state.	People do not have the right to sue others and do not have access to the courts. Corruption is endemic.

Source: Beach, W. W., Kane, T. (2007). Methodology: Measuring the 10 Economic Freedoms. 2007 Index of Economic Freedom. T. Kane, et. al. Washington D. C. and New York, The Heritage Foundation and The Wall Street Journal.

Table 2.4: Frequency of the Property Rights Index variable in the IDP dataset

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	4	8.3	10.0	10.0
	2	3	6.3	7.5	17.5
	3	24	50.0	60.0	77.5
	4	2	4.2	5.0	82.5
	5	5	10.4	12.5	95.0
	7	1	2.1	2.5	97.5
	9	1	2.1	2.5	100.0
	Total	40	83.3	100.0	
Missing	System	8	16.7		
Total		48	100.0		

Table 2.5: Operationalizing the determinants

Determinant	**Measurements**
Economic Prospects	GDP Index (based on the GDP per capita [PPP US$]), Gini Index, HDI Index.
Vulnerability	Female-Headed IDP Households, Population Under 15 (%)
Intensity	Conflict Intensity (based on the number of battle related deaths and conflict duration)
Time	Conflict Duration in Years
Property Rights	Property Rights Mechanisms (existence of a policy objective and a designated institution for implementation), Property Rights Index

Like the measures of economic prospects (GDP, HDI, and the Gini coefficient), and the measure of vulnerability (population below the age of 15), PRI is also not a specific measure of the IDP population but the whole country. The assumption here in including

the PRI in the analysis is based on the fact that although they comprise a special category, IDPs are also subject to the same property rights mechanisms with the rest of the population. However, like the national economic figures, the measure is unstable.

In the end, there are nine final measures that can be used to operationalize the five independent variables to be tested in the next section. Table 2.5 displays determinants and their operationalization. In order to identify potential multicollinearity problems in the future, the nine variables are correlated (see Table 2.6). Analyzing Table 2.6 in detail shows that the Human Development Index and GDP Index are significantly positively correlated, with a Pearson Correlation of .91 and a significance level of .00 (denoted by double stars in the table). At the same time, the Property Rights Index (PRI) is also significantly correlated with the Human Development Index (.46 with significance level of .00) and the GDP index (.56 with significance level of .00). The percentage of population under 15 is significantly negatively correlated with both the Human Development Index (-.81 with significance level of .00) and the GDP index (-.79 with significance level of .00). Conflict duration in years is significantly correlated with the Human Development Index (.31 with significance level of .040) and with the Property Rights Index (.36 with significance level of .02). Finally, the variable of female-headed IDP households is significantly correlated with conflict intensity (.30 with significance level of .04).

Table 2.6: Correlations

		Conflict Duration in Years	Conflict Intensity	Female Headed IDP Households	GDP Index	Gini Index	Human Development Index 2004	Population Under 15 (%)	Property Rights Index 2007
Conflict Intensity	Pearson Correlation	-.05							
	Sig. (2-tailed)	.72							
Female Headed IDP Households	Pearson Correlation	-.10	.30*						
	Sig. (2-tailed)	.51	.04						
GDP Index	Pearson Correlation	.23	-.10	-.25					
	Sig. (2-tailed)	.12	.52	.09					
Gini Index	Pearson Correlation	.27	-.09	-.23	-.02				
	Sig. (2-tailed)	.14	.62	.21	.92				
Human Development Index 2004	Pearson Correlation	.31*	-.09	-.22	.91**	-.12			
	Sig. (2-tailed)	.04	.55	.16	.00	.51			
Population Under 15 (%)	Pearson Correlation	.01	.10	.11	-.79**	.33	-.81**		
	Sig. (2-tailed)	.93	.50	.47	.00	.07	.00		
Property Rights Index 2007	Pearson Correlation	.36*	-.26	-.27	.56**	.00	.46**	-.30	
	Sig. (2-tailed)	.02	.11	.09	.00	1.00	.00	.06	
Property Rights Mechanisms	Pearson Correlation	-.02	.21	.10	.03	.10	-.02	-.09	-.07
	Sig. (2-tailed)	.91	.16	.50	.86	.58	.92	.55	.68

*. Correlation is significant at the 0.05 level (2-tailed).

**. Correlation is significant at the 0.01 level (2-tailed).

Quantitative Tests

Multiple regression is the method used to identify the observed variability in the rate of return and resettlement in different countries and to study the effects that individual independent variables (economic prospects, vulnerability, intensity, time and property rights) have on this phenomenon. Using the Statistical Package for the Social Sciences, SPSS, I tried to establish a model that is both explanatory and statistically significant.

The overall model consisting of the predictors of the PRI, property rights mechanisms, the Human Development Index, the Gini index, female-headed IDP households, and conflict duration in years is statistically significant ($p < .01$), and explains 64 percent of rate of return and resettlement (dependent variable) variance (R square of .64). The regression equation for the model is:

$$\text{rate} = \alpha + \boldsymbol{\gamma}\,\text{pri} + \beta_1\,\text{property} + \beta_2\,\text{hdi} + \beta_3\,\text{gini} + \beta_4\,\text{femalhed} + \beta_5\,\text{confdura}$$

where **PRI** is a matrix of indicator variables for each level of PRI; α is the intercept, and $\boldsymbol{\gamma}$ is a vector of coefficients for **PRI**; β_i, i = 1,2,…5, is the coefficients for the predictors of PROPERTY, HDI, GINI, FEMALHED, and CONFDURA, respectively.

The variables of GDP index and population under 15 are not included in the final formula due to the problem of multicollinearity that was predicted in the previous section. Since the GDP index, population under 15, and Human Development Index are all highly correlated, only the Human Development Index is incorporated into the final model. To overcome the criticism from colleagues that was mentioned earlier, I preferred the Human Development Index to the GDP index because it gave a more articulate picture of

the actual situation of the people, and not only of the countries. Similarly, because conflict intensity was correlated with female-headed households, and because it corrupted the overall model (see Appendix II), only the latter variable is included in the final model.

When the coefficients of the model are analyzed more closely (see Table 2.7), it can be seen that the sign of both conflict duration in years and the Gini index variables are negative, implying negative (and negligible) relationships with the dependent variable (with respective t-values of -.87 and -.70). The variables of female-headed IDP households, property rights mechanisms, the Human Development Index, and the PRI all have positive, significant effects on the dependent variable. It is important to be careful about the interpretation of the categorical PRI variable where the coefficient of each level is the difference between the effect of that level and the baseline level, which is pri = =1. An initial look at the coefficient of the dummy variables shows that those countries that are ranked higher in the PRI have higher rates of IDP return and resettlement.

Results

The results of the above statistical analyses are interesting and controversial. To begin with, although the measure of the GDP index proved to be highly correlated with other determinants, and was thus taken out of the model, the economic measure of the Human Development Index *does* prove the hypothesis that economic recovery facilitates the desire to return. Accordingly, the higher the Human Development Index of a country, the higher the rate of return and resettlement. The other economic measure included in the model (the Gini index) has a negative effect on the dependent variable, which means that

in countries where there is greater income inequality (where the Gini index is higher) the rate of return and resettlement is lower. However, the relationship is insignificant at a significance level of .49.

The measure for vulnerability (the percentage of population below age 15) was a problematic indicator as it was highly correlated with the other explanatory variables, but the second measure for vulnerability (female-headed IDP households) has a positive and significant relationship with the RATE variable, which indicates that the hypothesis that the more vulnerable IDP households (i.e., those that are female-headed) are more reluctant to return may be proven to be false. However, this hypothesis could be better evaluated if there were more specific demographic data on internally displaced households *and* on the separate figures of resettled and returned IDPs.

Although not included in the final model, the hypothesis that the higher the intensity of conflict, the lower the rate of return could not be quantitatively supported. Statistical analysis shows that there is a positive (a higher intensity of conflict explains a higher rate of return and resettlement), but insignificant correlation between conflict intensity and rate of return and resettlement (see Appendix II).

The correlation between conflict duration and rate of return and resettlement is negative, proving the hypothesis that rate of return decreases the longer the war continues, though the correlation is insignificant at a significance level of .39.

The final hypothesis that rate of return and resettlement is higher where there are effective property rights mechanisms is statistically proven by both measures of property rights mechanisms and the PRI. The relationship between the property rights mechanisms variable and the RATE variable is positive and significant, showing that the

existence of a policy objective and a designated institution for implementation of property rights does increase the rate of return and resettlement.

Table 2.7: The Linear Regression Model

Variables	Estimate	Std. Error	t-value	Sig.
(Constant)	-43.54**	11.72	-3.71	.00
Conflict Duration in Years	-.14	.16	-.87	.39
Female Headed IDP Households	7.01**	3.28	2.14	.04
Gini Index	-.13	.18	-.70	.49
Human Development Index 2004	21.69**	9.87	2.20	.04
Property Rights Mechanisms	7.91**	3.28	2.41	.02
pri==2	44.04**	11.02	4.00	.00
pri==3	29.78**	6.11	4.87	.00
pri==4	29.55**	8.16	3.62	.00
pri==5	32.67**	7.30	4.47	.00
pri==7	34.09**	11.81	2.89	.01

**· significant at 1% N 32 R Square .64

Along the same lines, the PRI variable shows that the higher a country is ranked in the PRI (i.e., the higher the degrees to which private property rights are protected, the government enforces laws that protect private property, and the judiciaries are independent, while the lower the possibilities that private property will be expropriated, that corruption exists within the judiciary, and that individuals and businesses can enforce contracts) the higher the rate of return and resettlement.

Conclusion

Although the results of the quantitative analysis support the main argument of this dissertation, i.e., the rate of return is higher where there are effective property rights mechanisms, the results should be treated with caution for many reasons. First of all, the IDP dataset suffers a "many variables / small-N problem." As in the case of this analysis, the more complex the hypotheses the more variables are involved, and a comparison with a small number of cases (small-N) seems to provide too few degrees of freedom to mount a reliable test. Although the IDP dataset includes the entire universe of the cases of conflict-induced internal displacement, the N is still small. A potential way to overcome the problem and increase the N could be to make a yearly formulation of the RATE variable, meaning instead of just conducting a study between the years 2000 and 2005 over the entire period of 5 years, for each country case, a study of the periods 2000 to 2001, 2001 to 2002, 2002 to 2003, 2003 to 2004, and 2004 to 2005 could be conducted. However, the lack of accurately updated yearly data remains a problem.

Furthermore, the problem of missing data in the independent variables also limits the number of cases involved in the analysis. To illustrate, while there are 48 countries in the IDP dataset, the PRI involved only 40 of them. The same problem is also true for the Gini coefficient variable as the data were available only for 32 countries within the IDP dataset. Even the Human Development Index of the UNDP, a yearly-calculated index of human development by an organization with an extensive web of resources, did not have data on 5 of the countries in the IDP dataset.

The theory arguing that rate of return is higher where there are effective property rights mechanisms quantitatively tests better against existing propositions on IDP return.

Although the statistical results presented in this chapter are encouraging for the argument being made, the explanation and confirmation of the theory still require further analysis with qualitative data, a task that will be pursued in the case study chapters to follow.

Table 2.8: Results of the Quantitative Analysis

	Proposition	Determinant	Measurement	Results
H_1	Economic recovery facilitates the desire to return.	Economic Prospects	HDI index	Proved (GDP index omitted due to multicollinearity; and Gini index has an insignificant effect.)
H_2	More vulnerable households are more reluctant to return.	Vulnerability	Female-Headed IDP Households	Disproved (Population below age 15 omitted due to multicollinearity.)
H_3	The rate of return is lower the higher is the intensity of conflict, i.e., atrocities/crime against civilians are in alarming numbers during war.	Intensity	Conflict Intensity (based on the number of battle related deaths and conflict duration)	Positive (Disproved), but insignificant relationship
H_4	The rate of return is lower the longer is the wars' duration, i.e., duration of displacement.	Time	Conflict duration in years	Negative (Prove), but insignificant relationship
H_5	The rate of return is higher where there are effective property rights mechanisms.	Property	Property Rights Mechanisms (Existence of a policy objective and a designated institution for implementation), Property Rights Index	Proved by both measures

CHAPTER THREE
THE PROPERTY RIGHTS OF BOSNIA'S IDPs

The quantitative analysis presented in the preceding chapter confirmed the positive relationship between property rights and the rate of return and resettlement of IDPs proposed in Chapter One. A positive relationship between economic recovery and rate of IDP return and resettlement was also confirmed. While the hypothesis that more vulnerable households were more reluctant to return was disproved, any possible relationship between conflict intensity, time, and the settlement of the problem of internal displacement was statistically insignificant. The next step in this investigation is to conduct a more detailed analysis of individual cases to elucidate and confirm the theory proven by quantitative analysis with qualitative data, *and* to uncover any possible endogenous relationships between the above-mentioned variables and settlement of the problem of internal displacement that could be overlooked by aggregate data.

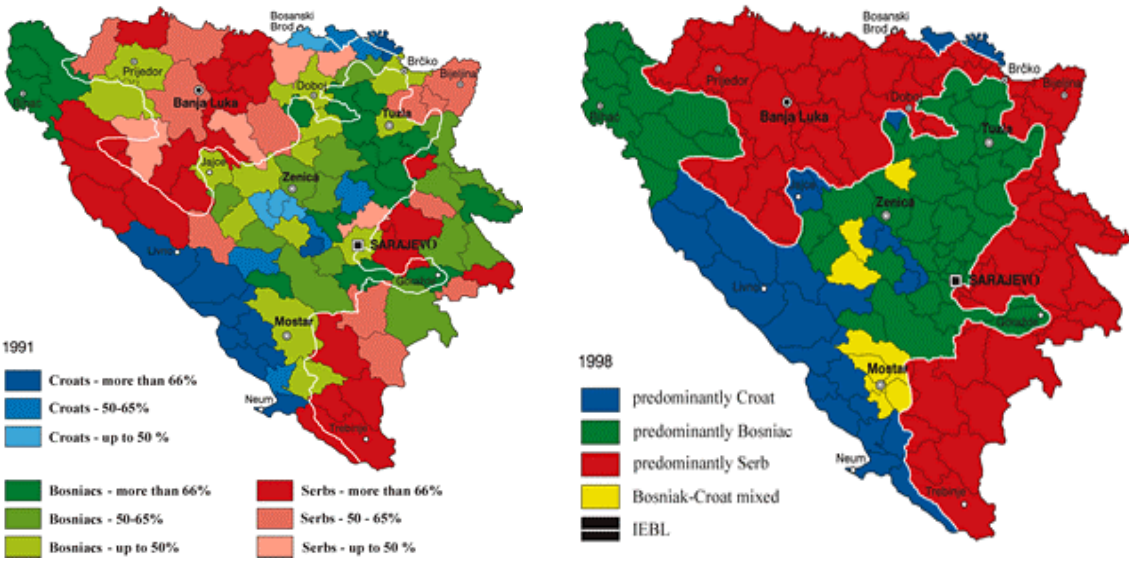
The methodology of this dissertation, to use case studies to expand the theory, is largely inspired by the argument of Sambanis that a comparative case study design can "refine formal-quantitative models of civil war, expanding them to highlight political processes that lead to civil war" (2004: 259). Therefore, I turn to case studies (the main ones being Bosnia-Herzegovina and Cyprus where I have conducted field work, as well as others based on secondary source research) to supplement the results of the statistical analyses discussed in the previous chapter, developing them to specify more carefully the role property rights play within any possible solution to the internal displacement problem. It will be argued again that property rights are important not only as a means of providing a place to return, but also to improve the economic prospects of IDPs that would assist them in case they choose to resettle elsewhere.

Following the breakup of the Socialist Federal Republic of Yugoslavia, the war in Bosnia and Herzegovina (*Bosna i Hercegovina*, *BiH*, henceforth *Bosnia*) from 1992-1995 resulted in the displacement of large numbers of people in order to create ethnically pure territories (see Map 3.1). Concomitant to the conflict, over half of the 4.4 million people of Bosnia were displaced. While an estimated 1.3 million became internally displaced, 500,000 became refugees in neighboring countries, and another 700,000 in Western Europe (UNHCR; MHRR 2005). The latest re-registration exercise initiated by the Ministry for Human Rights and Refugees of Bosnia, the Ministry for Refugees and Displaced Persons of Republika Srpska, and the Federal Ministry for Displaced Persons and Refugees and Government of the District of Brčko that took place in 2005 reveals that there are still 186,138 IDPs (59,892 households) who have applied for Displaced Person (DP) status (MHRR 2005: 81-119). A decade after the General Framework Agreement for Peace, also known as the Dayton Accords, enshrined the right of displaced populations to return to their homes of origin, this decrease is considered a success.

Meanwhile, approximately 99% of the property repatriation claims made by the displaced (both refugees and IDPs) had positive outcomes (UNHCR 2006g). It was assumed in the Dayton Accords that those whose housing was returned to them would resettle permanently in their former homes. The fact that there are still almost 60,000 internally displaced households tells us that this is probably not the case. This chapter traces the truth behind the assumption that property restitution (restitution of housing, land, and/or other immovable property) would cause people to physically return home and eventually reverse the effects of wartime policies of ethnic cleansing. The argument made here is based on documentary research and an extensive literature review on the

property restitution process in Bosnia as well as surveys and ethnographic studies of refugees and IDPs. Semi-structured interviews with policy-makers in the federal government of Bosnia, different UN bodies, and representatives of local and international NGOs are also used as tools of research. It will be argued that while property restitution is of the utmost importance as part of a solution to the problem of internal displacement, the assumption that property restitution will guarantee that IDPs will return to their former home is naïve.

Map 3.1: Ethnic Composition of Bosnia in 1991 and 1998



Source: The Office of High Representative at http://www.ohr.int. (IEBL stands for the Inter-Entity Boundary Line that divides Bosnia into two entities, the Republika Srpska and the Federation of Bosnia and Herzegovina.)

Historical Background

> *The years 1992 and 1993 will be remembered as the years in which a European country was destroyed.*[64] *It was a land with a political and cultural history unlike that of any other country in Europe. The great religions and great powers of European History had overlapped and combined there: the empires of Rome, Charlemagne, the Ottomans and the Austro-Hungarians, and the faiths of Western Christianity, Eastern Christianity, Judaism and Islam.* (Malcolm 1996: xix)

> *Some observers have portrayed the Bosnian conflict as a renewal of age-old mutual hatreds that inexorably resurfaced after the collapse of Tito's communist regime. In contrast, we assert that the current Bosnian crisis is, in the context of Bosnia's history, an historical aberration, albeit with a single important historical precedent: the interethnic slaughter of the World War II era.* (Donia & Fine 1994: 220)

It is beyond the scope of this project to give an extensive survey of the very rich history of Bosnia.[65] However, it is necessary to understand the pre-war dynamics of the former Socialist Federal Republic of Yugoslavia (SFRY) in order to evaluate better the causes of the Bosnian war, for "(t)here would have been no war in Bosnia and Herzegovina if Yugoslavia had not first collapsed" (Woodward 1999: 75).[66] Despite the generally held belief that ethnically heterogeneous states are less stable and durable,[67] until the death of Josip Broz Tito in 1980, multiethnic Yugoslavia enjoyed a relative stability and prosperity. There are three explanations for the success of Yugoslavia. Many praise Tito's charismatic leadership as a factor in ethnic unity, and consider his death the beginning of the collapse. For others, the repressive tactics and centralized control of the

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[64] Whether Bosnia was ever a country, or whether there would be a war in Bosnia if it had been a country make interesting questions.

[65] For a history of Bosnia see Malcolm (1996), Donia and Fine (1994); for an extensive review of pre-war political stability of Bosnia during the former Socialist Federal Republic of Yugoslavia see Woodward (1995); for a more literary account of the war in Bosnia see Sudetic (1999).

[66] The former Socialist Federal Republic of Yugoslavia consisted of the six republics of Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia, and the two autonomous regions in Serbia, Kosovo and Vojvodina.

[67] A conventional belief that is disproved by the empirical findings of Fearon and Laitin (2003).

communist regime were compelling people to exist together, and with the collapse of communism came the end of the former Yugoslavia.

The two explanations together yield two different conclusions: (1) all multiethnic states will inevitably break up and the solution is ethnic partition,[68] and (2) Yugoslavia was an exceptional case. Moreover, these conclusions give way to two arguments on the causes of the war in Bosnia: that the war was a result (1) of the re-emergence of ethnic hatreds repressed by the communist regime,[69] or (2) of predatory leaders exploiting and utilizing nationalism and war to protect their bases of power in a time of economic hardship.[70] However, both arguments are factually baseless (Woodward 1999: 80).

A third and a more convincing explanation for the stability of the former Yugoslavia is that it "was held together not by Tito's charisma, political dictatorship, or repression of national sentiments, but by a complex balancing act in the international arena and a mixed economy and political system that provided governmental protections of social and economic equality and of shared sovereignty among its many nations" (Woodward 1995: 21-22). Thus, to understand the causes of the war in Bosnia, one needs to examine the bases of prewar stability, which were SFRY's (1) international position, which changed sharply with the end of the Cold War regime when Yugoslavia's special relationship with the West became outmoded, (2) constitutional order defining governmental powers and property rights, and (3) social order and conception of

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[68] The belief that ethnically homogeneous states are more stable leads scholars and policy-makers to advocate partition as a solution to ethnic war. Based on empirical findings, Nicholas Sambanis challenges this assumption and argues that "partitions do not help prevent recurrence of ethnic war and that they may not even be necessary to stop low-level ethnic violence. Although it may seem like a clean and easy solution, partition fares no better than other outcomes of ethnic civil war" (2000: 439).

[69] See Kaplan (1994), the most well-known example of this argument, and Donia and Fine (1994) as a counter argument with historical facts.

[70] A view usually associated with Gagnon (1994-1995).

citizenship. All three elements were largely jeopardized when "(a) new round of economic reforms to westernize, liberalize, and promote manufactured exports in the changed international conditions of the 1980s required fundamental changes in the country's hybrid system of rights and sovereignties, leading first to increasing austerity and individual insecurity and then to quarrels between the federal and the republican governments over economic assets and constitutional jurisdictions" (Woodward 1995: 45-46).

The War

The first crack in the unity of the former SFRY came in June 1991 when Slovenia and Croatia declared their independence a year after the first multiparty elections in the six republics (see Table 3.1). In order to defend the territorial integrity of the country, the Yugoslav People's Army (JNA) intervened in Slovenia. The Slovene war of independence lasted only ten days because the European Community intervened and brokered peace talks.

The experience of Croatia was more deplorable. The prolonged conflict between Croatia and its Serbian minority that had been going on since August 1990 intensified and became an open war between Croatian and JNA forces in August 1991. The war continued for six months causing many deaths, the creation of refugees and IDPs, and massive destruction until United Nations (UN) mediator Cyrus Vance negotiated a ceasefire, and the UN sent a peacekeeping force to Croatia.

Table 3.1: Bosnia: Chronology of Key Events 1990-1995

Date	Event
1990	First multiparty elections in the six republics of the former Socialist Republic of Yugoslavia.
June 1991	Slovenia and Croatia declare independence. Yugoslav army tries to prevent Slovenian independence, fails and withdraws in July after the Brioni Agreement creates a moratorium. A prolonged conflict between independent Croatia and its Serbian minority becomes an open war between Croatians and Yugoslav army in August 1991.
September 1991	UN Security Council imposes an arms embargo against all former Yugoslavia (Resolution 713).
December 1991	Serbian minority in Croatia (Krajina Serbs) declares independence in the Krajina region, almost one-third of Croatia. Serb minority in Bosnia-Herzegovina holds unofficial referendum opposing separation from Yugoslavia, while local Serbs declare a new republic separate from Bosnia.
January 1992	European Community (now the European Union) recognizes Croatia's and Slovenia's independence. Signing of the ceasefire in Croatia that UN mediator Cyrus Vance negotiated in November. UN sends peacekeeping troops to Croatia in March (UN Security Council Resolution 743, 749).
February - March 1992	Lisbon Conference: introduction of the idea of ethnic partition called cantonization (the Swiss model). Referendum for independence in Bosnia: A turnout of about 64% of eligible voters almost unanimously votes for independence; vote boycotted by Bosnian Serbs.
April 1992	EU and US' recognitions of Bosnia. Siege of Sarajevo begins.
June 1992	Sarajevo airport reopens for humanitarian purposes under the control of the UN via UNPROFOR whose mandate is extended over the conflict (UN Security Council Resolution 758, 761, 764, 776, 779, 786, 815, 836, 844, 869, 870, 908, 914).
July 1992	Official declaration of independence by Bosnian Croats.
August 1992	UN acknowledges the "ethnic cleansing" that takes place in Bosnia (UN Security Council Resolution 771).
October 1992	Ban on military flights in the airspace of Bosnia (UN Security Council Resolution 781).
March 1993	War erupts between Muslims and Croats of Bosnia.

Table 3.1 continued

Date	Event
May 1993	Sarajevo, Tuzla, Žepa, Goražde, Bihać, and Srebrenica declared safe areas (UN Security Council Resolution 824). Establishment of an international tribunal for war crimes (UN Security Council Resolution 827).
November 1993	Croat shelling destroys centuries-old bridge in Mostar—an important Ottoman monument.
February 1994	A Bosnian Serb attack killing 68 civilians in a Sarajevo marketplace results in a NATO ultimatum of air strikes.[71]
March 1994	A US brokered agreement between the Bosnian Government, Bosnian Croats, and the Government of Croatia to establish a Federation between Muslims and Croats in Bosnia. Fighting between the two sides ends.
April 1994	First NATO air strikes against the Bosnian Serb forces to halt a Serb attack on the eastern enclave and UN safe area of Goražde.
November 1994	NATO action against Serb airfield on Croatian-Bosnian border .
December 1994	Four-month cessation of hostilities. Fighting resumes at the end of the period.
May 1995	U.N. orders Serbs to return heavy weapons to U.N. control and remove all heavy weapons around Sarajevo. Serbs ignore U.N. order. NATO attacks Serb ammunition depots.
July 1995	Srebrenica massacre.
August-September 1995	NATO air strikes against Serbs.
November 1995	Peace talks begin, reaching the General Framework Agreement for Peace, also known as the Dayton Accords; signed in Paris on December 14, 1995.

Sources: Donia, R. J., Fine, J. V. A. Jr. (1994). Bosnia and Hercegovina: A Tradition Betrayed. New York, Columbia University Press; Malcolm, N. (1996). Bosnia: A Short History. London, Papermac; The New York Times at http://www.nytimes.com; The U.S. Department of State at http://www.state.gov; Sudetic, C. (1999). Blood and Vengeance: One Family's Story of War in Bosnia. New York, Penguin; Woodward, S. L. (1995). Balkan Tragedy: Chaos and Dissolution After the Cold War. Washington, D. C., The Brookings Institution; Woodward, S. L. (1996). Implementing Peace In Bosnia and Herzegovina: A Post-Dayton Primer and Memorandum of Warning. Washington, D. C., The Foreign Policy Studies Program, The Brookings Institution; Woodward, S. L. (1999). Bosnia and Herzegovina: How Not to End Civil War. Civil Wars, Insecurity, and Intervention. B. F. Walter, J. Snyder. New York, Columbia University Press.

[71] There were also rumors / reports that Bosnian Muslims kept staging self-inflicted massacres in order to gain sympathy of the Western media and to push the West to enter the conflict on their side. For a summary of the case with reference to different sources, see the U.S. Senate Republican Policy Committee Report, "Extended Bosnia Mission Endangers U.S. Troops: Clinton-Approved Iranian Arms Transfers Help Turn Bosnia Into Militant Islamic Base," January 16, 1997 (http://www.senate.gov).

In the meantime, Germany persuaded the rest of the European Community to recognize Slovene and Croatian independence. Arguing that the main cause of the conflict was Serbian aggression and that international recognition of the two states would signal international protection based on the right to self-determination, Germany was hoping to deter Serbia and end the war (Woodward 1995: 147, 183-189).[72] Later, the United States followed the same logic in the case of Bosnia.[73]

Finally, the experience of Bosnia was by far the worst. The fact that Bosnia was the only Yugoslav Republic where there was no ethnic national majority proved to be particularly problematic.[74] The 1990 election results read more like a census of national identities in the socialist period. Three national parties—the Party of Democratic Action (SDA, Muslim, 33.8%), HDZ (Croat, 18.3%), and the Serbian Democratic Party (SDS, 29.6%)—formed a grand coalition and agreed to govern in a trilateral power-sharing arrangement (Woodward 1995: 122; Ito 2001: 100). Thus, to become an independent state, besides (1) international recognition that Slovenia and Croatia had already gained, Bosnia also needed (2) a new constitutional arrangement among its three nations, each with a right to self-determination without undermining the rights of the others, as well as

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[72] Another explanation can be that Germany (especially the Bundesnachrichtendienst, the Federal Intelligence Service of Germany, BND) had been promoting Croatian independence since early 1970s, and they found an acceptable excuse in 1991 to recognize Croatian independence. For details on the BND and its operations, see Schmidt-Eenboom (1995).

[73] However, "(b)y accepting the principle of national self-determination for the independence of states—without regard to the Yugoslav conditions of multinationality and the shared rights to national sovereignty of the Titoist system, or a willingness to enforce their unilateral decision on borders—Western powers were making war over territory inevitable. The struggle to create new states out of the Yugoslav federation was a struggle to get international recognition; the fight for international opinion had been and would continue to be as important as the fight on the ground" (Woodward 1994: 198).

[74] In 1990, Bosnia's population included approximately 43% of Bosniacs, 31% of Serbs, and 17% of Croats.

(3) protection against external aggression by Croatia and Serbia, the two motherlands of its two minority nationalities (ibid: 191).

The first was easier to achieve than the other two. Following a referendum for independence, in which a turnout of about 64% of eligible Bosniac and Croat voters almost unanimously voted for an independent Bosnia, the European Community and the U.S. recognized Bosnia in April 1992.[75] The consequences of independence were dramatic. Although the JNA withdrew from Bosnia, Bosnian Serb irregular forces and then Bosnian Croats began a systematic policy of "ethnic cleansing" against Bosniacs as well as against each other. As the war continued, members of all three communities were victimized. At least 97,207 Bosnians (Bosniacs, Croats, Serbs, and others) out of a population of 4.4 million died (Ahmetasevic 2007). Some 174,000 were injured and 2.5 million people were deported or forced to flee their homes, while 1.1 million found refuge abroad; 60% of all houses in Bosnia and 28% of roads were badly damaged.

The Peace

> *The war is over. I guess.*
> *At least that's what the morning paper says.*
> *On the front page there is a picture of the factory*
> *that until yesterday produced only flags.*
> *It is starting to make pajamas today.*[76]

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[75] The Bosnian Serbs, who had already announced their intention of an independent republic within Bosnia, boycotted the referendum. Against the advice of the Arbitration Commission of the EC (EU), also known as the Carrington Peace Conference on the Yugoslavia (commonly known as Badinter Arbitration Committee, which was a commission set up by Council of Ministers of the European Community in 1991 to provide the EC Peace Conference on the Yugoslavia with legal advice) that the independence referendum would be valid only if reputable numbers from all three nations approved it, the EC still recognized Bosnia as an independent state (Woodward 1995).

[76] From the poem "The War Is Over, My Love" by Goran Simic (2004), *Immigrant Blues*, Ontario: Brick Books.

> *With respect to Bosnia, the Dayton settlement is inherently contradictory: It accepts the status quo of ethnic territorial lines achieved by force, yet tries to protect and restore the multi-ethnic character of Bosnia. The latter is a very difficult task; with Bosnian Serbs gravitating toward Serbia and Bosnian Croats toward Croatia, the Bosniacs alone of the three constituent peoples will be left with a vital interest in preserving the new state.* (Tindemans 1996: xix)
>
> *On paper, Dayton was a good agreement; it ended the war and established a single, multiethnic country. But countless peace agreements have survived only in history books as case studies in failed expectations. The results of the international effort to implement Dayton would determine its true place in history.* (Holbrooke 1998: 335; also cited in Bose 2002:1)
>
> *A Bosnian journalist recently listed the positive achievements of the 1995 Dayton peace agreement on Bosnia-Herzegovina: '1. It brought the war to an end; 2. … there is no 2.'* (Mulalic & Risaluddin 2000: vii)

The war in Bosnia ended with the 1995 Dayton Peace Accords.[77] The Dayton Accords established a rather complex structure for the new Bosnian state, consisting of two entities: the Federation of Bosnia and Herzegovina (hereafter the Federation), and the Republika Srpska (RS)[78] (see Figure 3.1). It entrusted the responsibility for implementation of this structure to an international body by establishing the Office of the High Representative (Annex 10, Article I. 2), an international police force (Annex 11), and a multinational Implementation Force (Annex 1A).[79]

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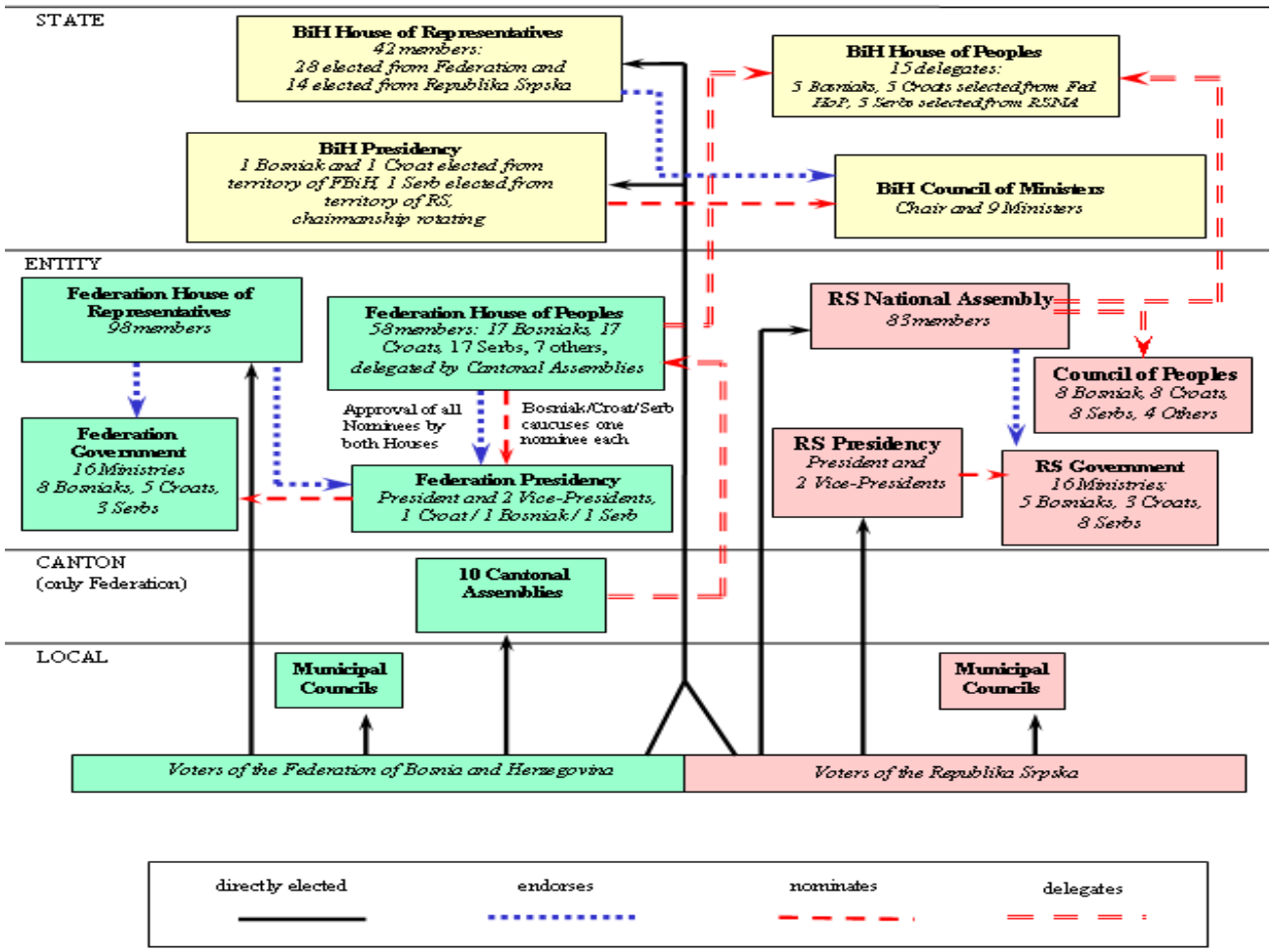
[77] Whether the war actually ended with the NATO bombings, with the launch of the NATO-led Implementation Force (IFOR—Operation Joint Endeavor), or the sweeping military advance of the Bosniac/Croat army against the weakened Serb forces is questionable. For critiques of the Dayton Accords, see Kumar (1999), Bose (2002), Mulalic & Risaluddin (2002), Tindemans et. al. (1996), Woodward (1996, 1999).

[78] Although it is just an acronym for Republika Srpska, RS, a term which is less ethnically conscious, i.e., not referring to an identity with ethnic connotations, seems to me more politically correct than Republika Srpska as there are still a significant number of non-Serbs in the area who consider it their home.

[79] The NATO-led Implementation Force (IFOR—Operation Joint Endeavor) functioned from 20 December 1995 to 20 December 1996, then left its place to the NATO-led Stabilization Force (SFOR), the Alliance's first peacekeeping operation that lasted almost nine years. SFOR ceased to exist on 2 December 2004 with the launch of EUFOR—European Union Force in Bosnia and Herzegovina (NATO at http://www.nato.int, EUFOR at http://www.euforbih.org).

Figure 3.1: Executive and Legislative Bodies of Bosnia



Source: The Office of High Representative at http://www.ohr.int.

Moreover, the Dayton Peace Agreement overtly positioned property issues at the core of the return process and of the overall peace framework for Bosnia (Annex 7). "For the first time it was stated that not only refugees should be able to repatriate to their country of origin but also that IDPs should be able to return to their pre-war homes" (Phuong 2000: 5). Besides, the agreement not only established rights, but also a Commission for Real Property Claims of Displaced Persons and Refugees, and obligated the parties to ensure the return of people. The literature cites several reasons that return became such a high post-war priority:

1) The numbers (Charbord 2005): the number of IDPs in the world has been increasing drastically from 1.2 million in 11 countries in 1982 to 20 million in 35 to 40 countries in 1997, to the current figure of 25 million in 49 countries (IDMC 2006);
2) The crises that generate internal displacement are seldom confined to a single country, and may extend and destabilize entire regions, which is, in the case of Bosnia, the European Union (Charbord 2005);
3) Self-interest of asylum countries (Woodward 2001): Displacement puts a burden on both the displaced and the host communities that are dealing with the task of refugee protection and assistance (Koser & Black 1999, cited in Black 2002);[80]
4) Repatriation is not only about economics, but it is also a means to return to the natural order that is disturbed by displacement, as the "territorializing of identity—roots, soils, trees, seeds—are washed away" (Malkki 1995: 15, cited

[80] For an extensive review of repatriation of refugees to Bosnia, see Bagshaw (1997).

in Black 2002: 125-126). Particularly in Bosnia, return was seen as a tool to reverse ethnic cleansing, and recreate a multi-ethnic society.[81] Such a perception of return was extensively supported by the Bosniac leadership who pursued a political strategy of regaining territorial control and reversing the war gains of Croats and Serbs in peaceful terms (Woodward 2001: 8);[82]

5) The fear of "refugee warriors": the belief that if displaced people did not return to their pre-war homes, they would become the source of a new army mobilized by Bosniac leaders to begin a war against the Dayton territorial settlement that cramped them in the center (ibid.).[83]

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[81] In some cases, like Kosovo, there is a negative side to the emphasis on multi-ethnicity and return. The vision of "multi-ethnic society" can be viewed as "conditionality" and increase distrust, and/or returns programming can increase divisions between different ethnic groups *and/or* between returnees and remainees (Chigas 2006). Also, there is a difficulty in framing a precise, universal definition of the right to return. Some authors argue that the right has not been applied equally in Bosnia and Croatia, where the displaced (especially cases of minority returns) in Bosnia enjoyed extensive international support in their efforts to return, the Serbs displaced from Croatia had virtually no support (Black, et. al. 2006). Despite everything, in the case of Bosnia, where the post-war situation and the Dayton architecture can be seen as the beginnings of the secession of the Croat and Serb areas and the eventual destruction of Bosnia, it is important to emphasize and rebuild a multi-ethnic society to avoid a snowball effect in the entire region and a new war that could be started by the Bosniacs who would feel betrayed (Jean 2001: 17).

[82] The Bosniac leadership also approached the issue from the perspective of justice. "As argued by president Izetbegović at Dayton, the accord is not a just peace, and there will be no peace without justice. If Bosnian citizens are not persuaded that there is a universal standard of justice beyond Bosnia, which the international community is willing to enforce, however belatedly, they will take revenge into their own hands. … In addition to the international demand for accountability for war crimes, the Bosnian government demanded the immediate 'liberation' of Sarajevo and the right of all Bosnian citizens to return to their pre-war homes and to vote in their localities of residence in 1991" (Woodward 1996: 7-8). The relation between justice and return via property restitution can be controversial within post-conflict reconstruction, as property restitution and material compensation can be almost entirely sidelined in favor of programs focusing on justice and community reconciliation (Bradley 2005: 15). For example, in Rwanda, the budget of the International Criminal Tribunal equals almost one third of the country's entire budget, infuriating genocide survivors who struggle in poverty, without the relief that land restitution and financial compensation programs might bring, while the accused held in Arusha where the Tribunal is taking place are held in luxurious conditions by local standards (ibid.).

[83] The phenomenon of "refugee warrior" was first identified by Astri Suhrke in Afghanistan, then in Rwanda and East Timor.

Furthermore, Dayton also reaffirmed the co-ordination role of the UNHCR in the post-war return and repatriation process, which included protection and assistance work as difficult as the wartime emergency work (Ogata 2005: 170-171). During the war, UNHCR acted as the lead agency to alleviate the suffering not only of refugees, but via its humanitarian action, also covered all categories of people in need: refugees, IDPs, and affected civilians (Ogata 2005; Weiss & Pasic 1998).[84] With such large numbers of the displaced at hand, international responses to internal displacement throughout the war ranged from preventive protection to delivery of humanitarian assistance and creation of safe areas (Phuong 2004).[85] Since the signing of the Dayton Peace Agreement, UNHCR invested more than $500 million in its programmes in Bosnia. UNHCR activities included establishing bus lines between regions (that initiated visits to areas of origin by potential returnees), reconstruction assistance, support to returnees upon return to their homes, livelihood assistance, free legal aid, and property repatriation (UNHCR).[86]

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[84] UNHCR is not immune to criticism. "Historically, UNHCR was founded as an independent, non-political actor to represent the interests of refugees and displaced people, but … in the former Yugoslavia, UNHCR was thrust into perceived political roles that challenged its operational effectiveness. This process was compounded in three ways: the absence of international political will; the financial and political pressure imposed upon UNHCR's operational environment; and the blurring of humanitarian and military operations" (Cunliffe & Pugh 1997: 134). Thus, in the case of Bosnia, UNHCR seized the opportunity to increase the limits of its mandate and entitlement, which, in a sense, came back to haunt them in Rwanda later. Their aid strategy backfired, when with their decision to allow everybody in, the refugee camps became safe havens for the genocideres. Moreover, this new role in situations of armed conflict has drawn UNHCR "into a new (and particularly problematic) form of 'numbers game' of determining the relative amounts of assistance to be provided to the different parties involved in a vicious communal conflict" in which fighting parties exploited the numbers to further their political and military objectives (Cutts cited in Crisp 1999).

[85] There were three main actors supporting the creation of safe areas: (1) the humanitarian world—the proposal of establishing safe areas was first mentioned by the ICRC (Phuong 2004: 171); (2) Slovenia, Croatia, and Germany, i.e., states which wanted to prevent inflow of more refugees from Bosnia; (3) Bosniacs who saw the safe areas as a war strategy to tie down the Serbs.

[86] With the closure of its field offices in June 2007, UNHCR reduced its presence in Bosnia, but maintains its activities through its main office in Sarajevo.

Managing the Properties of the Displaced

Property repatriation in Bosnia proved to be a highly complex, sensitive, and politically charged issue for several reasons. First, there is the massive scale of the displacement and vast amount of land and assets involved in the process. Second, the policies pursued by all three parties during the war in the administrations they controlled created a postwar legal uncertainty in which people without prewar legal titles were said to be unlawfully occupying properties of the displaced. Furthermore, the fracturing of a formerly federal socialist legal system and the destruction of many pre-war title records added to this uncertainty (Garlick 2000: 66). Third, property has psychological, cultural, economic, and political implications.

It is not difficult to understand the psychological aspects of property. "From a personal perspective, displaced people forced to leave homes, villages, jobs and people which were central to their lives, were also traumatized by the loss of all of the physical and psychological security which a 'home' entails" (ibid.). Besides, in a socialist country without much scope for private investment, people put their money into their houses, and acquiring a "home" is a long-lasting process. "For many (if not the most) people building a new house was a life project. This was what men (and women) worked for years to obtain, working long, hard shifts locally, in Sarajevo, or by migrating abroad to central Europe or the Middle East. It often took ten to 20 years to finish a modern house" (Bringa 1995: 85-86; also quoted in Stefansson 2006: 122).

The cultural implication of property becomes clear in the way national identity and nationalist debates prior to the war emphasized the concept of home. Occupation of a homeland is an important indicator of identifying a human community as a nation

(Smith 2001). Accordingly, "(t)he essential association between national rights and territorial control was already apparent in the political language of cultural nationalism in the 1980s and the electoral campaigns of 1990, in which the most commonly used word politically, from Slovenia to Serbia, was *hearth*" whereas "(t)he focal point of a home or homestead, hearth became the metaphor for property, community, citizenship, and patriotism, all in one" (Woodward 1995: 237). Thus, property also was a prime marker of a cultural identity (ibid.).

Economically, property rights in land prove to be an essential asset, especially in a country where infrastructure, industry, agriculture, and other income sources are severely destroyed by war (Garlick 2000:67). Finally, during a war whose major goals are occupation of territory through ethnic cleansing, land becomes a crucial political tool both during and after the war. After the war, people continue to vote where they live and a return to pre-war locations will reverse the demographic changes and political outcomes resulting from ethnic cleansing.

The next section surveys the management of the property problem in Bosnia chronologically (see Table 3.2). Beginning with a short description of the pre-war property system, the section continues with a brief analysis of the wartime politics of property and of property restitution during the post-conflict reconstruction process.

The Pre-War Property System in Bosnia

The pre-war property system of Bosnia was fundamentally the Yugoslav system, with two major types of property: private and socially owned (PricewaterhouseCoopers 1999; Philpott 2006; Hastings 2001; Prettitore 2003; Williams 2005). Private property was

Table 3.2: Chronology of the Management of the Property Problem in Bosnia

Date	Event	Relevance
1992-1993	The Law on Temporary Abandoned Real Property Owned by Citizens and the Law on Abandoned Apartments.	Legislation regulating the redistribution of property in the Socialist Republic of Bosnia and Herzegovina during the war and granting temporary occupancy rights in Bosniac-held areas.
December 1995	Dayton Accords (Annex 7).	Established the right of return and right to property of the displaced of Bosnia as well as the Commission for Real Property Claims (CRPC).
March 1996	Commission for Real Property Claims, CRPC, is established.	CRPC is the key decision-making body on property rights for dispossessed people.
February 1997	Return and Reconstruction Task Force, RRTF is established.	In accordance with the conclusions of the London Peace Implementation Conference of December 1996, RRTF is established to co-ordinate the international support for the return of displaced persons and refugees to their pre-war homes with the aim of ensuring successful and sustainable return and reintegration of these people.
December 1997	The Office of High Representative, OHR, receives the "Bonn Powers".	In accordance with the conclusions of the Peace Implementation Conference in Bonn, the High Representative is authorized to remove from office public officials who violate legal commitments and the Dayton Peace Agreement, and to impose laws as he sees fit if Bosnia and Herzegovina's legislative bodies fail to do so.
February 1998	The Sarajevo cantonal authorities[87] adopted the Sarajevo Declaration.	Setting Sarajevo as a model for reconciliation, multiethnicity, freedom of movement and the unconditional right to return throughout Bosnia and Herzegovina via enabling the return of at least 20,000 minority pre-war residents in 1998. A similar document, the Banja Luka Declaration was adopted in April 1998.

[87] The "authorities" were the High Representative, the United States Presidential Envoy Ambassador, and European Commission External Relations Principal Adviser, members of the Presidency of Bosnia and Herzegovina and other senior government officials, members of the Peace Implementation Council Steering Board, diplomatic and consular representative offices in Sarajevo, the Special Envoy of the United Nations High Commissioner for Refugees, other representatives of the Reconstruction and Return Task Force and other key international and local organizations and institutions (Sarajevo Declaration 1998, www.ohr.int).

Table 3.2 continued

Date	Event	Relevance
April 1998	Law on the Cessation of the Application of the Law on Temporary Abandoned Real Property Owned by Citizens and Law on the Cessation of the Application of the Law on Abandoned Apartments.	All decisions terminating the pre-war occupancy rights of refugees and displaced persons are declared null and void.
October 1999	Creation of the Property Law Implementation Plan, PLIP.	PLIP gathered the whole range of property-related activities of different agencies into a coherent, goal-oriented strategy for securing implementation of the new laws.
December 2001	OHR Decisions amending the property laws.	Amendments made chronological processing an explicit legal obligation binding on housing authorities in both Entities. Chronology was important as it decreased corruption, i.e., officials could not demand bribes to accelerate or delay the processing of claims.
September 2002	A New Strategic Direction.	Emphasis of the rule of law approach underlying chronological processing of claims to limit discretion of authorities and corruption in a time of decreasing international donor resources.
May 2003	OHR Decisions amending the property laws.	Corrective technical amendments to prevent unnecessary administrative proceedings.
December 2003	End of CRPC's mandate.	Transfer of CRPC activities to local authorities
January 2003	SUTRA (Sustainable Transfer to Return-related Authorities) is established.	A joint project of EU, UNDP and the Bosnia Ministry for Human Rights and Refugees, in cooperation with entity line ministries, Brčko District, and the Bosnia Return Fund, aiming at strengthening the local authorities on central and municipal level. The main objective of this initiative is enabling the local authorities to effectively coordinate, strategically plan and successfully manage the return, preparing them for full ownership of the process.
November 2003	A new State-level Law on Amendments to the Law on Refugees from BiH and Displaced Persons in BiH (Official Gazette of BiH No. 33/03).	This Law strengthened three State institutions, Commission for Refugees and Displaced Persons of Bosnia and Herzegovina, Return Fund, and the Ministry for Human Rights and Refugees of Bosnia and Herzegovina, for the successful realization of refugees and displaced persons return process in Bosnia.

Table 3.2 continued

Date	Event	Relevance
March 2006	Property repossession process reached 92.78% implementation rate.	Implementation Ratio = Total number of Closed Cases / Total number of claims, expressed in percentage form.

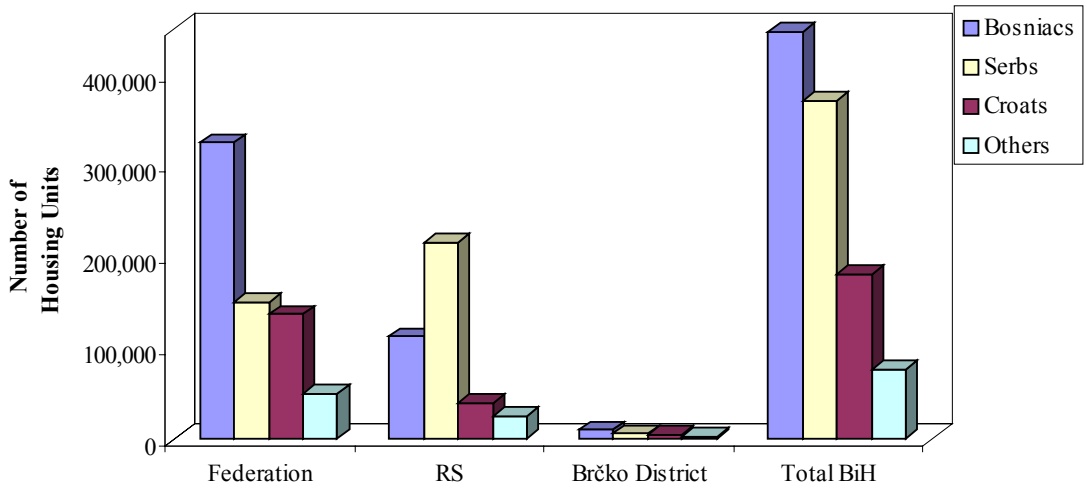
Sources: The Commission for Real Property Claims at http://www.law.kuleuven.ac.be); Hastings, L. (2001). "Implementation of the Property Legislation in Bosnia Herzegovina." 37 Stanford Journal of International Law 221; The Office of High Representative at http://www.ohr.int; Philpott, C. B. (2005). "Though the Dog is Dead, the Pig must be Killed: Finishing with Property Restitution to Bosnia Herzegovina's IDPs and Refugees." Journal of Refugee Studies 18 (1); Philpott, C. B. (2006). "From the Right to Return to the Return of Rights: Completing Post-War Property Restitution in Bosnia and Herzegovina." International Journal of Refugee Law 18 (1): 30-80; SUTRA at http://www.sutra.undp.ba; UNHCR at http://www.unhcr.ba.

comprised principally of individual houses and small-scale businesses located on socially owned land, though the user would have free use of it. A few apartments (those that had not been nationalized in the Yugoslav period and those that were privatized as part of the privatization process in the pre-war, post-Socialist period) were also privately owned.

Socially owned property mainly consisted of residential apartments which were owned by municipalities, public sector companies, or other public bodies, and were subject to tenancy rights for the occupants for an indefinite period of time. These occupancy rights were also transferable upon the death of the rights holder. However, based on the last *Law on Housing Relations,*[88] occupancy rights did not grant the user the right to sell, and the user could lease the property only in part. Also, the rights could be cancelled: an occupant could not leave the apartment for more than six months without a good reason (article 47), and nobody could have more than one occupancy right or another residence in the same locale (ibid.).

[88] *Law on Housing Relations*, Socialist Republic of Bosnia-Herzegovina Official Gazette, no. 14/84. art. 27.

Figure 3.2: National and Regional Distribution of Housing Units in Bosnia, based on 1991 figures



Source: MHRR (2005). Comparative Analysis on Access to Rights of Refugees and Displaced Persons. Sarajevo, Bosnia and Herzegovina Ministry for Human Rights and Refugees.

According to the BiH Ministry of Human Rights and Refugees (MHRR), based on the 1991 census, the housing stock of Bosnia consisted of more than a million housing units in 6,823 settlements where the average housing unit area was 60.45 m^2 per household or 6.68 m^2 per inhabitant (2005).[89] Figure 3.2 displays the national (Bosniacs, Serbs, Croats, and others) and regional (based on postwar divisions) distribution of housing units in Bosnia in 1991. In general, Bosniacs occupied the majority of the housing units in the Bosnia, followed by Serbs, Croats, and others. It is important to include per capita numbers here in order to give a more precise idea of housing distribution, especially in terms of distribution of wealth. Accordingly, based on the

[89] The Yugoslav Statistics Bureau had high standards and 1991 census is considered excellent in terms of gathering data, but there was a problem with the reporting of them. In many municipalities the portions of the forms that indicated the specifics of the informants were not separated from the data, making it possible to the identify individuals, which was against international census rules of anonymity. This provided a really accurate listing of exactly who was what and where, a roadmap of ethnic cleansing (Personal correspondence, expert on Bosnia, October 2007).

1991 census, while Bosniac and Croat per capita housing ownership was 0.24, Serb per capita ownership was 0.27.[90] Thus, per capita distribution of housing between the three groups is not as unequal as the total distribution displayed in Figure II. Still, looking at Figure 3.2, it is rather startling to see how the postwar regional/political divisions anchored by Dayton overlap with the national distribution of housing units, e.g., while Bosniacs largely dominated the housing stock in the Federation, Serbs were the majority occupants in the RS.

Figure 3.3 displays the structure of 1991 Bosnia housing stock ownership. In general, the number of privately owned housing units (rural) was much higher than the number of socially owned units (urban). The main reason for this rather unexpected distribution for a post-socialist country is that most of agriculture, and all small-scale agriculture (which is what Bosnia had) in Yugoslavia was private (Woodward 1995a). Therefore, the distribution is really a reflection of urban-rural breakdown. In this setting, Bosniacs owned more than one third of the privately owned housing stock of Bosnia (exact figure of 351,324 privately owned houses), followed by the Serbs (274,761), the Croats (142,207), and others (31,406). In the case of socially owned housing stocks Bosniacs and Serbs enjoyed almost an equal number of occupancy rights (almost 100,000) followed by much lower numbers of Croats and others.

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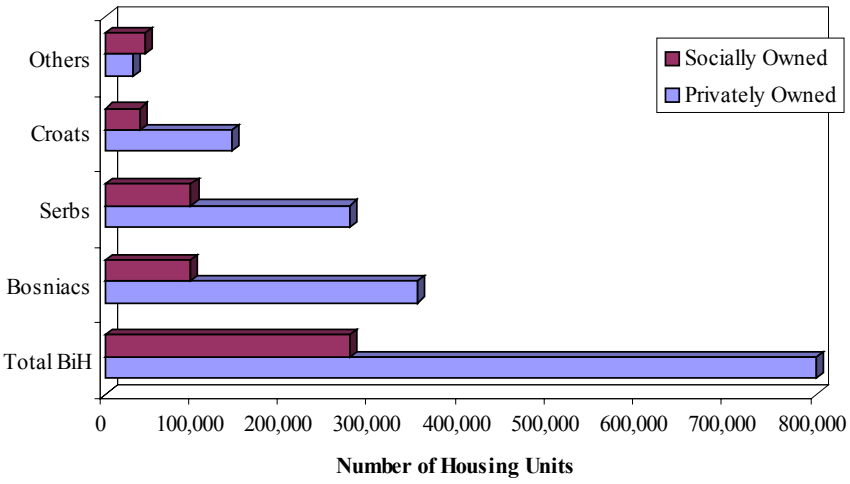
[90] "Others" per capita ownership was 0.72, but these are just approximate figures, as the 1991 census also registered 242,682 people (5.54% of the population at large) who had defined themselves as Yugoslavs.

Figure 3.3: Structure of 1991 Housing Stock Ownership in Bosnia



Source: MHRR (2005). Comparative Analysis on Access to Rights of Refugees and Displaced Persons. Sarajevo, Bosnia and Herzegovina Ministry for Human Rights and Refugees.

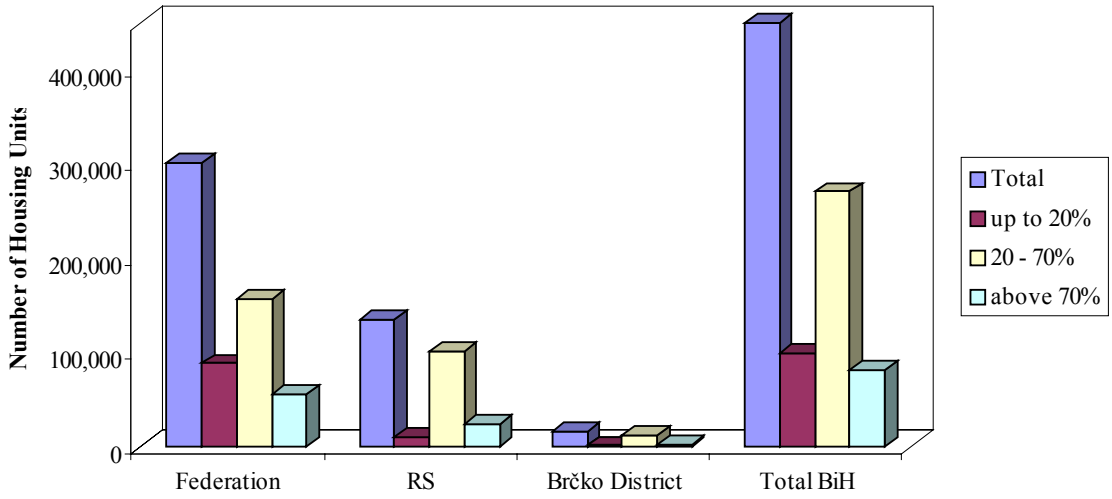
The War: Destruction, Entity Laws and Reallocation of Property

The consequences of the war for the housing situation were severe. Between 1992 and 1995, approximately 450,000 housing units (almost half of the pre-war housing stock) were damaged or completely destroyed (see Figure 3.4). While almost sixty percent of these (270,550 housing units) sustained damage ranging from twenty to seventy percent, twenty-two percent (99,281 housing units) were mildly damaged (up to 20% damage) and eighteen percent (82,070 housing units) were more severely damaged (above 70% damage).

Damaged housing stock in the Federation is almost double that of the RS (see Figure 3.4). This is largely a result of the fact that there were four different wars taking place in the area now within the Federation territory, which were (1) the Bosniac-Croat war of 1992-1994, (2) the Bosniac-Serb war, (3) the Serb-Croat war, and (4) the war between the Federation alliance of Croats and Bosniacs built in March 1994 and the

Serbs, especially the massive flight-inducing onslaught in the summer of 1995. However, there was much less fighting and thus much less damage to housing units in the areas now under the RS administration.[91]

Figure 3.4: Level of damage to housing units in Bosnia in 1995



Source: MHRR (2005). Comparative Analysis on Access to Rights of Refugees and Displaced Persons. Sarajevo, Bosnia and Herzegovina Ministry for Human Rights and Refugees.

Besides these dramatic levels of destruction, temporary settlement of IDPs in the majority of inhabitable abandoned housing units was another problem. During the war, all three separate political entities that emerged at the outset of the conflict passed emergency wartime legislation to temporarily allocate apartments and houses abandoned by departing displaced persons to incoming displaced persons. In the Republic of Bosnia and Herzegovina, according to the *Law on Temporary Abandoned Real Property Owned*

[91] For a comprehensive account of the war in Bosnia, see Burg and Shoup (1999).

by Citizens[92] and the *Law on Abandoned Properties,*[93] apartments and private property abandoned after April 30, 1991 (the date war broke out in Croatia and population movements began), could be temporarily given to a new occupant for one year after the cessation of the war (Hastings 2001: 4).[94] In theory, the legislation served the humanitarian cause of providing shelter to those who needed it. In reality, it became a partially non-violent tool of ethnic cleansing (Philpott 2006; Cox & Garlick 2003; Hastings 2001).[95] As a result, more than 200,000 housing units, almost half of the post-1995 habitable housing stock, had changed inhabitants (MHRR 2005).

The Post-War Property Restitution Process

Immediately after the Dayton Peace Agreement was signed, local authorities passed post-war legislation that tried to consolidate the rights acquired by temporary wartime occupants while also trying to cancel the rights of displaced persons to socially owned apartments. In December 1995, Bosniac authorities amended the Law on Abandoned Apartments. Accordingly, if the holder of occupancy rights did not return within a week of the official declaration of the end of the state of war, the law declared apartments

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[92] Official Gazette of the Republic of Bosnia and Herzegovina, no: 11/93, 231 (1993).

[93] Official Gazette of the Republic of Bosnia and Herzegovina, no. 6/92 (as amended in nos. 8/92, 16/92, 13/94, 36/94, 9/95 and 33/95), 649 (1995).

[94] Similarly, in the Croat administered area of Herzeg-Bosna, authorities announced the *Decree on the Use of Abandoned Apartments* (Official Gazette of the Croatian Community Herzeg-Bosna, no. 13/93. 249, article 1 (1993). In the RS, it was the municipalities that regulated property redistribution during the war, and legislation, the *Law on the Use of Deserted Property of the Republika Srpska*, came much later, on February 27, 1996 (Official Gazette of the Republika Srpska, no.3/96, 47 (1996).

[95] I call it partially non-violent because although in most cases people were forcefully displaced by brutal force, in some cases there was "bureaucratic violence;" e.g., in 1992, "in Bosanski Brod the mayor had organized a convoy of buses and cars to expel four thousand Muslims and had provided them with documents to show that they had given up their properties as 'gifts' and were leaving 'voluntarily'" (Ogata 2005: 66).

permanently abandoned, which allowed temporary wartime occupants to have permanent rights over the property that they inhabited.[96]

The politics of restitution and return did not change much during the first five years of the postwar period during which the legacy of war continued to dictate the course of peace building in Bosnia and Herzegovina (Ito 2001: 121).[97] Five years after Dayton, authorities were pursuing their own interests in the restitution and return process, either trying to regain their wartime losses and/or keep their wartime gains. While the Bosniac authorities fully supported the return of displaced Bosniacs both for humanitarian and political reasons such as regaining numerical strength, the Bosnian Croat leadership was trying to consolidate their military gains without regard for the exodus of displaced Bosnian Croats to the areas outside its "Herzeg-Bosnia," and the return of the original non-Croat population to "Herzeg-Bosnia" (ibid.). Like their Croat counterparts, the Bosnian Serb authorities encouraged Bosnian Serbs to stay where they had sheltered during the war as they resisted the return of non-Serbs to places under Serb control (ibid.). Thus, while "(t)he Bosniac authorities, who retained a broad political commitment to a multi-ethnic Bosnia, fought for the right of Bosniac displaced persons to return to Republika Srpska—but made no effort to support the return of Serbs to Sarajevo and other Bosniac-majority urban centers—the Serb and Croat regimes engaged in aggressive campaigns to encourage their own populations to settle permanently in areas under their control, so as to cement their territorial claim" (Cox & Garlick 2003: 69).

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[96] BiH President Alija Izetbegović announced the cessation of war on 22 December 1995. Thus, IDPs had only until 29 December to return and reclaim their apartments while those who were abroad (refugees) had until 6 January.

[97] As Woodward asserted, "Neither the Dayton accord nor war have altered the political goals of the three ruling parties of Bosnia-Herzegovina" (1996).

Furthermore, political obstruction functioned at different degrees: "… the administration not following the correct procedures, local firms not employing returnees, public services not made available to them or with hidden charges, and especially eviction of illegal occupants not being carried out" (Phuong 2000a: 169-170).[98]

Besides the problem of political obstructionism, people returning to property already occupied by others needed readily accessible title records. However, "(d)ue to a combination of 50 years of neglect, registry records lost in wars, the separation of the ownership of a building from the land on which it stands, disincentives to register, and discrepancies between the register and the cadastre [among other things] the land registry system [was] generally not functioning" (PricewaterhouseCoopers 1999).[99] It was in this difficult political environment that the peacemakers pursued the aim of granting all refugees and IDPs "the right freely to return to their homes of origin," as the Dayton Peace Agreement states:

> 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. (Dayton Accords, Annex VII)[100]

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[98] Sometimes it was the enforcers themselves, the police and the judicial staff, who were illegally occupying properties belonging to IDPs (Aursnes & Foley 2005: 8; Hastings 2001).

[99] Based on the PricewaterhouseCoopers/OHR study, besides the problem of uncertainties in ownership and other property rights, there were also problems of: (1) a non-functioning real estate market (no standard purchase and sale contract, urban planning lag, high positional tax and building permit fees, etc.); (2) lack of a national practice of valuation; (3) inadequate banking system; (4) inadequate regulatory framework for secure lending; (5) over-complex zoning and planning (1999).

[100] "This provision appears to be the first of its kind in an international agreement, as a provision which states in such specific terms the entitlements of individual refugees and displaced persons to return to their actual 'homes of origin,' interpreted to refer to residence or real property" (Garlick 2000: 68). Garlick notes that there was a debate in Bosnia about the exact meaning of "home of origin." Some argued that it

The Commission for Real Property Claims

As stated earlier, the Dayton Peace Agreement also established a Commission for Real Property Claims of Displaced Persons and Refugees (CRPC). The mandate of the Commission was to "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" (ibid.).

The CRPC consisted of three international members appointed by the President of the European Court of Human Rights, and six national members (two Croats and two Bosniacs from the Federation and two Serbs from the RS) working with a staff of 300 in the Executive Office in Sarajevo and in a network of regional offices in Mostar, Brčko, Banja Luka, Tuzla, and Bihać, as well as international offices of Belgrade, Novi Sad, Slavonski Brod, Požega, and Zagreb.[101] It was a public international institution working in close partnership with the Office of the High Representative, the Commission on Human Rights, and the UNHCR.[102]

If a person wanted to claim his or her property, he or she could do so at any of the regional offices, where information on property rights and procedures for making an official property or apartment claim was available. Claims were entered into a specially designed computer database and then researched and verified by a team of legal experts

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did not mean return to one's actual previous residence, but to another home of a comparable kind, while others—the prevailing view—argued that "home of origin" referred to the specific property occupied before the war (2000: 68, ft. 7).

[101] Past tense is used here as the CRPC no longer exists; it began with a five-year mandate that was later extended for three years to the end of 2003.

[102] For a detailed description of the operation framework of the Commission, see Van Houtte (1999).

from a range of ethnic groups that prepared draft decisions for the approval of the Commissioners in a plenary session.[103] In cases of successful claims, the claimant received a decision certificate that confirmed his or her property rights.

The process had its successes as well as its shortcomings. On the one hand, a CRPC decision certificate represented an authoritative confirmation of rights in the form of a legally binding document which could be used in the future just as a decision of domestic courts and other administrative bodies would be. Thus, receiving a CRPC decision certificate was an important first step in regaining possession of one's home. On the other hand, although the CRPC issued decisions, it did not have any implementation powers and was dependent on local authorities for execution of its decisions. It was mainly after the October 1999 OHR amendments, which put in place a uniform legal structure across the two entities with regard to the repossession of property, that the CRPC began to enjoy local administrative support (Williams 2006: 45). Before this date, only three percent of its decisions could be implemented (Phuong 2000a: 169; International Crisis Group 1999).

For some, the CRPC was "an attempt to bypass domestic institutions, which were seen as dysfunctional or implicated in ethnic cleansing" (Cox & Garlick 2003: 72). For others, it offered "an original and efficient formula for settling real property claims in post-war societies" (Van Houtte 1999: 638). Despite its flaws, which were mostly the result of a political agenda that it was born out of (e.g., the CRPC not being able to offer compensation, because the donors would not provide the resources as they had agreed on

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[103] As the CRPC was required to base its decision-making on domestic property laws applicable at the outbreak of the war and take into account the subsequent (wartime and post-wartime) legislation unless it was inconsistent with Annex 7 and relevant human rights standards, most of the legal experts were of Bosnian origin.

return as the only real option), the CRPC "was the main defender of restitution rights at a time when the domestic authorities were intent upon consolidating and legalizing post factum the wartime ethnic-cleansing" (Hastings 2000; Philpott 2006: 40). Also, with its "cadastral database project, the CRPC had built the most comprehensive and technologically advanced database of land information in the region" (Garlick 2000: 74).

Return and Reconstruction Task Force

> *Without doubt, the RRTF is the most effective international field structure currently operating in Bosnia, both through its experienced staff and its inter-agency co-ordinating mechanisms. It has developed considerable expertise in brokering returns, and a substantial knowledge base on local political and social conditions affecting the returns process. It offers an important service to donors and reconstruction agencies, enabling them to target their activities efficiently* (ESI 1999).

The Return and Reconstruction Task Force (RRTF) originated at the London Peace Implementation Conference in December 1996.[104] The RRTF was established to co-ordinate the international support for the return of displaced persons and refugees to their pre-war homes with the aim of ensuring their successful and sustainable return and reintegration.[105] This was partly a move to fill in the vacuum left by the CRPC's lack of implementation power. RRTF gave policy and resource allocation guidance and provided advice on actions in support of sustainable return. The priorities of RRTF were

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[104] Following the Dayton Peace Agreement, a Peace Implementation Conference was held in London on December 8-9, 1995, to mobilize international support for the Agreement. The meeting resulted in the establishment of the Peace Implementation Council (PIC) that comprised different countries and agencies supporting the peace process in many different ways—by assisting it financially, providing troops for SFOR, or directly running operations in the Bosnia (http://www.ohr.int).

[105] The RRTF comprised the OHR, the United Nations' High Commissioner for Refugees (UNHCR), the European Commission, the European Commission's Humanitarian Office (ECHO), the governments of Germany, the United States and the Netherlands, the World Bank, the European Union Police Mission (EUPM), the Organization for Security and Co-operation in Europe (OSCE), the United Nations Development Program (UNDP), the International Management Group (IMG), the International Organization for Migration (IOM), the Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) and SFOR (Office of High Representative, www.ohr.int).

spontaneous return, sustainability, regional return, and implementation of property legislation. Accordingly, RRTF activities ranged from working with donors to target funding towards return movements and creating timely and adequate funding, to supporting the targeted recruitment and training of minority-ethnicity police officers and prioritizing reconstruction for returning police officers and nationwide recruitment campaigns. Access to employment, health, education and basic utilities and services, and creating economic opportunities for returnees were also within the activities of the RRTF.[106]

In an interview, the head of RRTF between January 1998 and August 2000 underlined the fact that despite this extensive mandate, RRTF did not have any resources. It was not an allocator of resources, but a facilitator trying to persuade its members to allot their resources. Basically, in the beginning (in 1998), the task of the RRTF was to run a network comprised of competing agendas. On the one hand, there were the governments of Germany and USA that had prioritized the issue of return in their political agendas albeit for different reasons. While Germany wanted return to be prioritized in order to decrease the burden of refugees within its borders, the US pursued the dream of recreating multiethnic communities via promotion of minority returns. On the other hand, there were the UNHCR and the military, SFOR, which emphasized the issue of protection in relation to, and against, return. Especially for SFOR, protection of the status quo in the resumed fighting and the avoidance of short-term instability were

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[106] UNDP-SUTRA experts describe the RRTF as a very event-driven project. When asked about the "success" of RRTF, they state that the RRTF lacked the important link of coordination between agencies (Personal correspondence, May 2006). On the other hand, a former deputy high representative considers RRTF a success story, especially emphasizing its presence all over the country (Personal correspondence, July 2006).

more important than the long-term stability of the country where people would resume their lives.[107]

Office of High Representative and the Bonn Powers

At the December 1997 annual meeting of the Peace Implementation Council held in Bonn, it was requested that the High Representative take decisive action in order to overcome obstruction to the implementation of Dayton. Acting upon the decisions of the Council, the OHR began to take measures against political obstruction. According to these new "Bonn powers," the High Representative could decide to remove even democratically elected officials seen to be violating legal commitments and Dayton from public office. The High Representative did use its power to remove obstructive officials, e.g., the Croat mayor of Stolac who would not allow Muslim families to return to his municipality, accusing them of undermining the democratization process in the country (Phuong 2000, 2000a, 2004; International Crisis Group 1999).[108] In a personal correspondence, the former Deputy High Representative between 2001 and 2005 told me that in Bjeljina, he removed three mayors in a row to show that the OHR would not tolerate any political obstruction of the return and repatriation process, and that it was only then that the process began to accelerate in Bjeljina (August 2007). A former OSCE officer also underlined the Bonn Powers as the key to accelerating the process of property repatriation (May 2006).

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[107] Personal correspondence, former head of RRTF, September 2007.

[108] The OHR could also use its power and discretion to amend the property laws whenever it was found necessary, and did so in 1999, 2001 and 2003 (see Table 3.2) (www.ohr.int).

Property Law Implementation Plan

Within the RRTF structure, the Property Law Implementation Plan (PLIP) was a special operation to overcome the main obstacles to property restitution—of houses, land, and/or other immovable property: political obstructionism, institutional problems (lack of implementation), and housing problems (extensive wartime destruction). Unlike earlier return strategies that focused on selected return locations mainly in rural areas (target areas, destroyed villages and empty space) or modalities of return (political declarations, reciprocal agreements and return quotas), PLIP presented a uniform approach and was universally applied, promoting the neutral application of the law across the country (PLIP 2000).[109] Accordingly, it served the aims of (1) de-politicization of the property issue—the more that repossession was treated as a legal process of deciding and implementing individual return claims, the more it could be insulated from undesirable political influences, and (2) institutionalization of the property return process (ibid.; IMG 1999):

> The objective of the PLIP is to ensure that all outstanding claims by refugees and displaced persons to repossess their properties are resolved. It aims to do this by building domestic legal processes, which apply the laws neutrally, processing property claims as efficiently as possible until all claimants are able to exercise their rights under Annex 7. By treating repossession of property as a question of rule of law, the PLIP promotes respect for civil rights over political interests and opens enormous possibilities for the overall return of DPs and refugees. (PLIP 2000)

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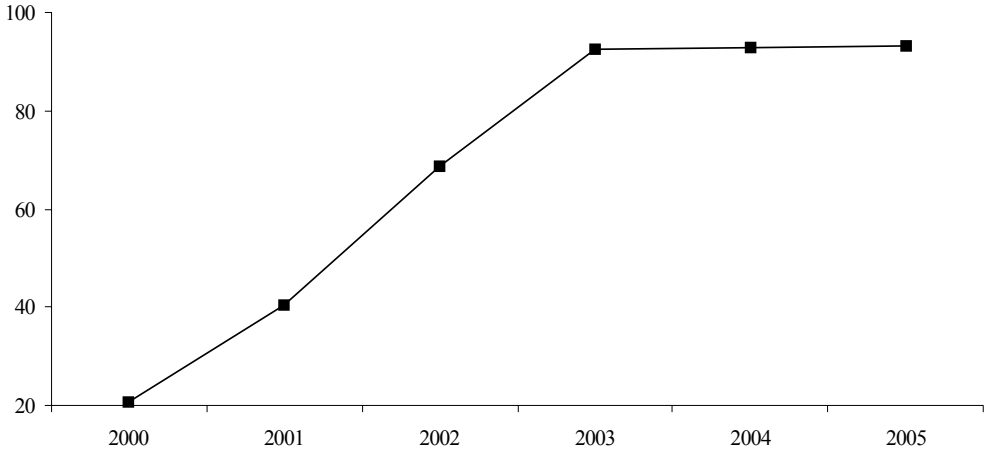
[109] An example of the earlier return strategies of the international actors involved in the return process is the pilot projects sponsored by UNHCR that targeted ensuring the return of Muslims and Croats within the Federation. Although some of these projects were successful, key projects such as the return of 200 Muslims to the Bosnian Croat-controlled town of Stolac failed as a result of obstruction and violence by the Bosnian Croat authorities (Amnesty International 1997).

Figure 3.5: The Implementation of PLIP 2000-2005



Source: The Office of High Representative at http://www.ohr.int/plip.

The philosophy behind PLIP was to focus on individual rights and the rule of law. Thus, it represented a shift from a return-based approach to a rights-based approach to restitution in Bosnia (Williams 2005; Philpott 2006). And it worked. At the time PLIP was launched in 1999, only twelve percent of property claims had been solved. From mid-2000 onwards the proportion of claims began to increase steadily, reaching an implementation ratio of 93 percent in the entirety of Bosnia in 2005 (see Figure 3.5).[110]

Although PLIP, the Bonn Powers, RRTF, and the CRPC have been presented here as if they are four different explanations of success in the property repatriation process in postwar Bosnia, the reality is that none of them could have succeeded without the others. They are really complementary to each other, and all of them are end-results of the different political agendas of different actors. It is important here to point out these different and sometimes competing agendas on return: (1) those of states that were

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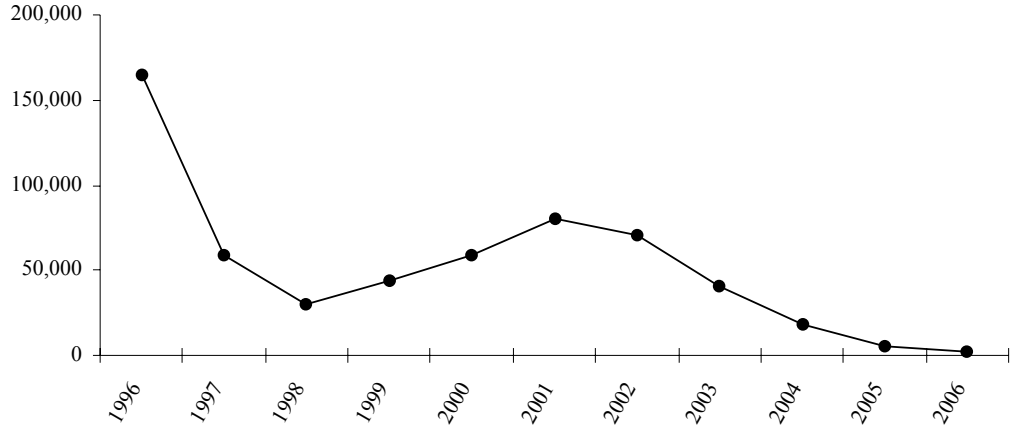
[110] An important development by PLIP in relation to implementation was "the publication of monthly self-reported 'PLIP Statistics,' including data on implementation at both the aggregate and municipal levels, which both fostered a competitive dynamic, accelerating implementation, and gave the psychological sense of a tangible end to the process" (Williams 2006: 46).

bearing more of the burden of the refugee influx in their territories, e.g., Germany, (2) the US with its focus on minority returns as part of their strategy of recreating multiethnic communities, (3) UNHCR with its protection mandate, and (4) the military, SFOR, with an interest in preventing destabilizing violence. Within this setting, the original feeling of the peacemakers (especially of Germany that pursued a "rebuild-and-send-them-back" policy against the Bosnian refugees in Germany) in relation to return was that if people received enough aid in the framework of postwar reconstruction, they would eventually return. There were two problems with this assumption. First, the facts on the ground proved otherwise. After the initial major return movement in 1996 immediately after peace, the number of returns began to decline (see Figure 3.6). Second, there was simply not enough money.

Figure 3.6: Returns Summary of the IDPs in Bosnia



Source: UNHCR Bosnia at http://www.unhcr.ba.

Thus, there emerged a new focus on property rights as a key to return. The CRPC was founded in March 1996 based on the Dayton Accords, but the fact that it had no implementation power and it was dependent on uncooperative local institutions for the

execution of its decisions was a major setback. The RRTF was formed almost a year later, in February 1997. It provided a partial solution to the problem of implementing CRPC decisions with its capacity to mediate between different agencies and direct their resources in certain ways, e.g., to be sure people could return to their pre-war homes, the RRTF entrusted SFOR with security. At the same time, the return-versus-protection tension between different actors began to decrease. A solution to political obstructionism came in December 1997 with the Bonn Powers of the OHR. However, in 1998, both the number of IDP returns and the implementation rate of property restitution were very low, which highlighted the shortcomings of the system.

PLIP was the ultimate international effort to accelerate the process of property restitution. It took the peacemakers four years to see that there was a need for a PLIP-like structure, and it took PLIP another six years to finalize the restitution process. The timeline between the formation of the CRPC and the end of PLIP reflects much on-the-job-learning done by the internationals. They got it right, but whether the success of property restitution—of houses, land, and/or other immovable property—materialized into the physical return of the people still remains a question that needs to be further investigated.

Realities: The relation between property return and physical return?

> *If the aim of the Bosnian return process was to re-establish [sic] property rights, then it can be judged as a success, with the vast majority of claims for property restitution resolved. If it was to address the humanitarian need for shelter, then it was a partial success—though it could have achieved greater impact at lower cost with better targeting. But if it was to reverse ethnic cleansing, it seems largely to have failed. When 67% of beneficiaries who did not return to their reconstructed houses remain displaced within the borders of B&H, the evidence so far, suggests that, even with the*

> *strongest commitments of donors, it may not even be possible to reverse ethnic cleansing*. (Hughes-Komljen 2004: 22)[111]

Ideally, return would have meant that *all* refugees and displaced persons would have the right to freely *return to their homes of origin*.[112] However, in reality, it meant different things at different stages (Black 2001). At the very beginning of the post-conflict phase, there was an emphasis on majority returns. Heimerl named this stage "ethnic consolidation" during which territorial wartime gains and losses were demographically consolidated (2005). Charbord defines the same stage as the "pragmatic approach," signifying the first two years that the Dayton accords were in effect, during which the internationals was involved in negotiating with nationalist leaders and using a carrot and stick policy through reciprocity and conditionality (2005: 318). There were two problems with this approach: (1) it created the impression that acceptance of returns was negotiable or optional, and (2) it did not tackle the property issue (ibid.).

This period was followed first by a focus on the return of refugees from overseas, and then a prioritizing on the return of minority IDPs (ibid; Black 2001). There were two reasons for the change in focus: (1) voluntary return institutionalized ethnic divisions rather than challenging them as expected (by the peacemakers), and (2) there was pressure from host countries to accelerate the process (Heimerl 2005). Basically, the change in focus was a result of the conflicting political agendas of the outsiders on the

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[111] Since Hughes-Komljen is referring to private property and a real estate market, and not to property rights of the socialist system, the usage of the verb "re-establish" is rather wrong, unless she is specifically referring to a very short period of time between the end of socialism and the beginning of the war in Bosnia.

[112] It is important to note here that "there are other ways for refugees to return and maintain a presence in the home country other than a permanent, one-time event typically assumed in repatriation policies—such as being a transnational at home, having a dual citizenship and the option of re-emigration, maintaining dual homes and return seasonally" (Eastmond 2006: 156-157).

issue of return. The frustration with the refugees in Germany caused the German government to pursue a "rebuild-and-send-them-back" policy against the Bosnian refugees, a policy that met with much negative reaction from the rest of the international actors involved in the peace process, causing increased RRTF pressure on different actors to pursue a more aggressive policy on minority returns.

This latter stage of minority returns also corresponds with a more principled rule of law approach in terms of property return, which demonstrated to local authorities that return was not negotiable or optional (Charbord 2005: 319). As time passed, the local resistance to return of property decreased. Even opponents of return understood the importance of restoring property rights as "the essential pre-condition not only to return, but also the successful resettlement of those who chose not to return' (Cox & Garlick 2003: 77).

The Numbers

Regardless of which meaning of the word return is used, the reality is that not *all* IDPs and refugees returned, and not *all* those who returned went back to *their homes of origin*. According to statistics made available by the UNHCR, as of May 2006, the total number of returnees in Bosnia was 1,014,122, and the number of internally displaced returnees was 571,820.[113] Figure 3.7 displays a yearly and ethnically based distribution of returnee IDPs.

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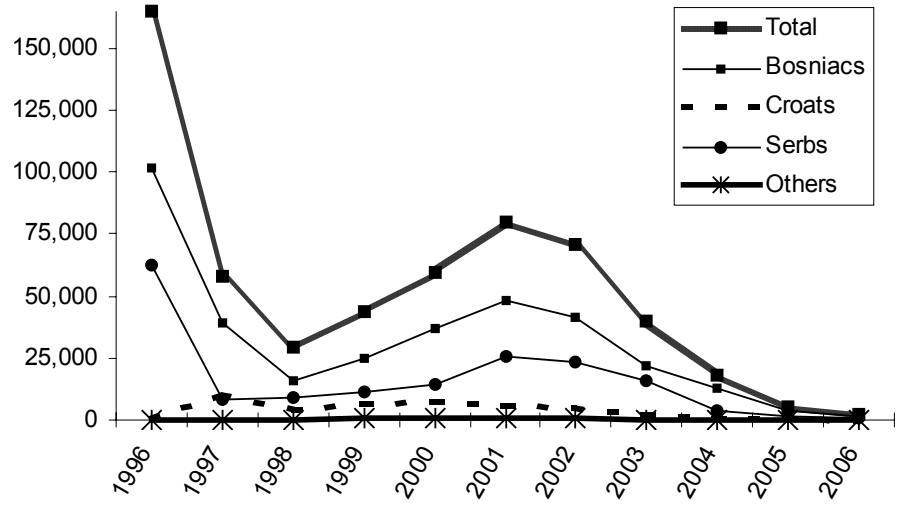
[113] Half of the 1,014,122 returnees returned to areas where they are now a minority. Since Dayton, most of the international organizations chose the minority returnees as the beneficiaries of their aid programs. To illustrate, based on its 2004 performance overview, USAID facilitated the resettlement of 100,000 minority citizens to their pre-war homes. Its activities were being implemented in areas identified as priority minority-return areas and focused on supporting the establishment of basic services such as water,

Figure 3.7: Ethnic-community-based Returns Summary of the IDPs in Bosnia



Source: UNHCR Bosnia at http://www.unhcr.ba.

Looking at this summary of IDP returns in Bosnia, it can be observed that besides the large numbers of returns in the initial two years, there was also an increasing return movement after 2000, which corresponds to the increase in the implementation rate of property restitution. As discussed in the previous section, this was the result of the increased willingness of the international actors involved in the post-conflict reconstruction process to use the Bonn Powers to remove obstructionist officials and implement property restitution, as well as to create uniform legislation facilitating return. However, there were also other explanations for the general increase in the return movements of both refugees and IDPs that took place around the same time. In addition to the success of property restitution, Heimerl adds three more factors that account for the

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electricity and transportation that would positively impact minority returns, and the provision of the income generation opportunities to sustain returns (Personal correspondence, head of USAID, June 2006). Along the same lines, in 2005, Malteser International, a German aid agency in origin, was maintaining its presence in Bosnia through a "Sustainable Return Grants" project, which supported return of minorities and encouraged promotion of small businesses and small agricultural projects—a radically different approach than the initial German policy on returns (Personal correspondence, Malteser representative, 2006). For an overview of sustainable return grants for minority returnees see Hrasnica and Makhmurian (2003).

upsurge: (1) refugee impatience, (2) changes in the psychology of the population at large, and (3) regime changes in Croatia and the Federal Republic of Yugoslavia (2005: 382). It is also important to note that in 1998 and 1999 a lot was on hold in Bosnia because of the general elections in the country and the NATO air strikes next door, against Serbia, to end the repression against Kosovo's Albanian majority. It is also possible to include the change in the attitude of the military (SFOR), which went from focusing on short-term stability concerns to the return issue, as a factor in the increase in returns.[114] One might call this the Wesley Clark effect, as he was the Supreme Allied Commander Europe (SACEUR) of NATO from 1997 to 2000, though the change was also largely a result of the lobbying efforts of the head of RRTF at the time who tried hard to increase SFOR's positive involvement in the return process (ibid.).

The statistical data show that by 2005, 93 percent of all property claims had been solved and that almost 86 percent of IDPs no longer held IDP status in Bosnia (MHRR 2005).[115] Unfortunately, the exact number of physical returns is unknown. According to ICG:

> No international organization or government agency has precise figures on how many Bosnians, after reclaiming their houses or flats—or receiving reconstruction assistance—then decide to sell or exchange them and relocate elsewhere. Both anecdotal evidence and classified advertisements in the newspapers suggest that the practice is widespread, as well as being more common in the cases of socially owned flats [mainly urban] than private houses [rural]. Reliable data are available only for returns to reconstructed (as opposed to repossessed) property because the international Housing Verification and Monitoring Unit (HVM) systematically

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[114] Personal correspondence, former head of RRTF, September 2007

[115] Based on my interviews, most of the pending cases are complex cases that can be categorized into three groups: (1) Socialized apartments utilized by certain state institutions such as the army; (2) Condominiums and apartment buildings that could not be reconstructed as a result of lack of funding; (3) Apartments belonging to refugees that are enjoying double benefits (especially Croat refugees now residing in Croatia) and did not take their keys (Personal correspondence, representative of MHRR, May-June 2006).

> collects this information for donors interested in knowing what impact their assistance has had. (ICG 2002: 11)[116]

HVM has physically verified about one-third of the reconstructed housing units in Bosnia, and the results showed that about three-quarters of pre-war occupants have physically returned to their pre-war homes, while in one third of these cases only a part of the family did so (ibid.). Similarly, field research conducted by some non-governmental organizations like the Helsinki Committee for Human Rights in Bosnia and Herzegovina and the Union of Associations of Refugees and Displaced Persons in Bosnia indicate that only a third of the total number of displaced persons and refugees actually returned to their homes (Mikic & Bubalo 2007: 6). In almost twenty percent of HVM's verified cases, reconstructed houses and apartments were empty, and only less than four percent were sold or rented out (ICG 2002: 11).

These figures can be interpreted in different ways. On the one hand, the low percentage/rate of the selling or renting of reconstructed houses and apartments may not mean that there is a lack of interest in return, but that there may be a need on the part of the displaced to keep their options open (ibid.). However, this "glass half full" interpretation was not verified during my correspondence with policymakers in Bosnia. According to an official from the Ministry of Human Rights and Refugees dealing closely with return and reconstruction issues, in minority returns, people usually sold or

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[116] According to the EC, "Under the OHR umbrella, the Housing Verification and Monitoring Project originated from a pilot project implemented by World Vision and co-funded by ECHO and US Bureau of Population, Refugees and Migration Affairs (BPRM). The goal of the project was to create a system of verification for housing units reconstructed with international donor funding along with a database to store and process the gathered information. The HVM project succeeded in creating a highly effective [by European Commission measures?] system of verification [by the OHR], which identifies empty reconstructed housing units and the beneficiaries of reconstruction projects who are double occupants. A double occupant refers to a reconstruction project beneficiary who is illegally utilizing alternative properties and thereby preventing the return of the pre-war owner or usage right holder" (EC 2001).

exchanged their property. This official also underlined that although there are no accurate numbers on such activities, but just estimates, the country did change in terms of ethnic demography.[117] On the other hand, the figures also show that restoring property rights has not facilitated large numbers of physical returns (only one-third), and therefore has not really reversed ethnic cleansing (the aim of Annex VII). As verified in my interviews, those who returned were mostly the elderly, or as Heimerl puts it, those who physically return are usually the poorest and most vulnerable people who did not have many options except to return (2005: 386).[118] Moreover, the fact that there are more classified advertisements in the newspapers for socially owned flats (which are mainly located in urban areas) than private houses (which are usually sited in rural areas) might be proof that physical return is a more common phenomenon in rural areas than in urban areas, i.e., people who get their homes back in rural areas are less willing to sell or exchange them, and it is assumed that they *actually* restart living in them.

Facts on the Ground

It is not only the numbers that portray mixed results; qualitative research also reveals different findings in relation to return. The experience of return and property restitution differs from region to region and town to town. Looking at the major towns in Bosnia (see Map 3.2), we see that success stories of the re-creation of multiethnic communities are only partially true, and that there are, in fact, more failures than successes. For example, while Prijedor, a seemingly hopeless victim of ethnic cleansing, has become an example of minority returns, Mostar is still a divided city despite the intensive

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[117] Personal correspondence, representative of MHRR, May 2006.

[118] However, there is also a cultural aspect to the elderly-return-phenomenon, as old people from the rural areas tend to "go home" to the village or farm "to die."

international commitment long before Dayton. Similarly, Drvar and Foča (two "black holes" of ethnic nationalism) show mixed results (as does Goražde), while Banja Luka is very much ethnically cleansed and the re-creation of a multiethnic society in Sarajevo has been only partially successful. In a striking contrast to 1991, when only twenty percent of the municipalities had a population structure in which one ethnic community made up more than fifty percent of the total number of the population, the non-governmental organization, the "European Movement," from Banja Luka has verified that in only two municipalities in Bosnia, Tuzla and Sarajevo Center, do minorities make up more than ten percent of the population (IDMC 2006).

Banja Luka

There are two narratives of Banja Luka, the administrative capital of the RS. Being rather bleak, the first one states that Banja Luka was very much ethnically cleansed during the war and has become a completely Serbian city as efforts to reintegrate have been strongly resisted by local authorities. To illustrate, as stated earlier, one of UNHCR's post-war activities in Bosnia was to begin a free bus service for the displaced persons so they could visit their pre-war homes. Bosnian Serb authorities in some areas, Banja Luka being an extreme case, opposed and blocked the bus service on the grounds that it had not received prior authorization, that the drivers were not licensed in the RS, and that the buses were uninsured (ICG 1997). It is reported that the resistance became so tense that at one point, a British IFOR commander in Banja Luka had to send armored

Map 3.2: Map of post-war Bosnia and Herzegovina

Source: The United Nations Department of Peacekeeping Operations Cartographic Section 2007.

vehicles to an especially troublesome Bosnian Serb checkpoint "with orders to attach hooks to the police cars and drag them away," which proved to be the only effective measure against harassment by Serb authorities (ibid.).

This negative narrative continues by stating that ethnic extremists in Banja Luka are against anybody who is a non-Serb. Croats, Bosniacs, and Roma all face ethnic segregation of one sort or other. To illustrate, in Banja Luka, while unknown culprits, in 2002, stoned the reading room and headquarters of the Croat humanitarian-cultural association "Danica," there was a violent demonstration by Serb nationalists in May 2001 that disrupted a cornerstone laying ceremony on the site of the destroyed Ferhadija Central Mosque where many people were injured, and Bosniac-owned businesses and other property were destroyed (IDMC 2006). Also, although Roma holidays are celebrated in other parts of the country, it is not the case in Banja Luka (ibid.). Furthermore, the property law implementation rate in Banja Luka is 85.27 percent, below the total implementation ratio of 93.86 percent, and the lowest in the entire RS (UNHCR 2006g; MHRR 2005). Although Banja Luka was declared an Open City in order to encourage minority returns, it is one of the municipalities with the highest number of unresolved claims as a result of inadequate staffing and resources, and most importantly, a lack of political support (IDMC 2006).[119]

The second narrative displays a completely different picture. To begin with, in contrast to the above-mentioned extremism, the main reason why the OHR, IFOR and US

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[119] In April 1998, Banja Luka was declared an Open City at the Banja Luka Regional Return Conference, attended by officials of Bosnia, Croatia and Yugoslavia where recommendations were made that Bosnia officials would adopt and implement legislation consistent with Dayton's Annex 7, and take steps to promote return and reintegration, including the hiring of minority police officers and promotion of the freedom of movement (http://www.ohr.int).

had worked hard to move the RS capital from Pale to Banja Luka in the first place was that the moderates were, and still are, in Banja Luka. Furthermore, although incidents such as Ferhadija *did* take place, in October 2002, though after many delays, fourteen Serb nationalists who were involved in the violent demonstration at the Ferhadija Central Mosque received sentences of two to thirteen months in prison for their roles in the incident (IDMC 2006). Also, in late 2005 war crime prosecutions began to gain momentum in the RS, and a court in Banja Luka convicted a total of four ethnic Serbs on war crimes charges (ibid.).

Moreover, another explanation of Banja Luka's low PLIP record (besides inadequate staffing and resources, and the lack of political support that were mentioned earlier) is that the city faced the bigger practical problem of gridlock on housing than other places due to an influx, in 1995, of almost 200,000 Serb refugees from Croatia who did not have many prospects of return because of Croatia's refusal to allow returns. In addition, it is rather wrong to analyze the failure of the Open City Declaration in Banja Luka without also looking at the hidden political agendas behind it, i.e., that the declaration was an OHR effort to pressure Sarajevo authorities who were at the time a much bigger obstacle to return and largely responsible for its failure.

Drvar

Drvar is a town within the borders of the Federation, close to the Croatian border, well known for its extreme Croat nationalism and ethnic cleansing of Serbs during the war. Drvar was a majority Serb city until almost all fled the assault of the Croatian Army in

1995. The town has again become majority Serb (ICG 2002; IDMC 2006). The rate of compliance with property laws is a high 98.1 percent (UNHCR 2006g).

Still, Drvar has a mixed record in terms of multiethnic blending. On the one hand, continuous international pressure on the recalcitrant authorities, including the successive removal of three interior ministers, has finally paid off, with Serb returnees now comprising 44 percent of the police force including a Serb chief (IDMC 2006). Returning Serbs have also succeeded in securing political power in Drvar and representation in the municipal administration despite the efforts of the Croat-dominated cantonal government to aggravate or hold this process (ICG 2002).

On the other hand, there are still incidents of ethnically motivated hate crime. For example, in November 2002, vandals sprayed the walls of Saint Joseph's Catholic Church in Drvar with insulting graffiti (IDMC 2006). Also, the unemployment rate among Serb returnees in Drvar is high and being able to find work has proven difficult (IHF 2003). Typically, Serb returnees have gone from exile to unemployment (Donais 2005: 22). In short, although politically motivated ethnic cleansing against Serbs has been more or less reversed in Drvar, "economic" discrimination persists as a result of a Bosnian economy that is "a sorry combination of decaying socialism and dysfunctional capitalism" (ibid. 23-24).

Foča

Foča was a majority Bosniac city before the war until the emergence of ethnic Serb extremism, which is not totally gone even today. With the coming of peace, Foča became a territory of the RS, and Bosniacs now only constitute a minority of the

population of the city. Unlike the Serbs of Drvar, Bosniacs returning to Foča have not been able to re-establish themselves as a majority. Moreover, returning Bosniacs have faced physical as well as political isolation (Donais 2005: 25). The property law implementation rate in Foča is 84.99 percent, almost ten percent lower than the total implementation rate of the RS (UNHCR 2006g). Although Foča is one of the places that had the highest number of minority returns in 2006 (UNHCR 2006f), "most returnees have gone back not to the town of Foča, but to the remote villages in the municipality's environs, and are thus effectively segregated from the dominant Serb majority" (Donais 2005: 25).[120] This choice of the returnees fits well with the preferences of the local authorities (ibid.).

The case of Foča, and all of eastern Bosnia, proves the importance of economics in relation to return even better than the previous case of Drvar. Eastern Bosnia is frequently cited as an area of non-return, but it would be wrong to cite political obstruction as the only reason for this. In reality, the poverty and lack of employment in the area is the major reason for non-return, a situation which was only partly created by political obstruction.[121] The whole state of affairs was a vicious cycle where political opposition to return in the first two years caused the internationals to enforce sanctions on the area as a punishment for this political position, which created an economic situation to which people did not want to return.

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[120] "Large numbers of returnees fail to register because they want to maintain their pensions or health benefits in the places from which they have returned, because they have gone home only provisionally or part-time, or because they do not trust the local authorities" (ICG 2002).

[121] Personal correspondence, UNHCR representative, June 2006.

Goražde

Goražde's population before the war was minority Serb (twenty-five percent) and majority Muslim. During the war, it was one of the three Bosniac enclaves in eastern Bosnia, along with Srebrenica and Žepa, and became a UN safe area in 1993, though this did not prevent a Serb offensive against the city in 1994. Still, Goražde held out until the end of the war, and became the only city in eastern Bosnia that the Serbs could not ethnically cleanse. With the Dayton accords it became an administrative part of the Federation, completely bordered by the RS.

Goražde is only a half-hour drive from Foča, and both cities reflect the reality of ethnic separatism, though from different perspectives. Like the Serbs of Foča, the Bosniacs of Goražde were skeptical about the return of the minority population from whom they had completely opposing perceptions of the war (Jones 2004). Things slightly changed in Goražde in 1997 when it was declared an Open City, committing the municipality to facilitate the return of non-Bosniacs (ibid: 147). This was a pragmatic move taken to secure more international aid and a solution to the housing problem (ibid: 148). Still, the perceptions regarding ethnic separatism did not change much (ibid.). Unlike the early years of the peace when political obstructionism against return was quite common, today the property law implementation rate in Goražde is 96.05 percent. However, even now, Goražde's population is 99 percent Bosniac, virtually without a trace of its pre-war Serb minority (UNHCR 2006).[122] Apparently, although the property law implementation rate reached 96 percent, and most of pre-1991 minority Serb

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[122] Normally, one would assume that in a place with a PLIP rate of 96 percent, there would at least be some minority return, but in the case of Goražde there is no trace of the 25 percent prewar Serb population implying that the Serb minority either chose to sell or barter their prewar properties.

population (twenty-five percent of Goražde's pre-1991 population) got their property rights back; they chose not to return to the city.

Mostar

Despite the early international commitment, the case of Mostar is the biggest failure in Bosnia in terms of recreating a multiethnic society. The efforts began in July 1994 as a result of the Washington Agreement of March when the European Union agreed to put into position a civilian city administration to replace the United Nations peacekeepers and provide a massive infusion of financial and administrative assistance and a multinational police force (Woodward 1996: 41). The plan was to use economic incentives and reconstruction to bring Croats and Muslims back together (ibid.). "During its two and a half years in Mostar, the EU administration poured three hundred million German marks of donor money into the reconstruction of the city" (Bose 2002: 107). Although the infrastructure of the city was rebuilt, schools repaired, medical services provided, and new apartments built to attract refugee return, the city remained as divided as before (Woodward 1996: 41). All this happened on the basis of segregation, and reconstruction efforts have been more superficial than structural, not providing a basis for real recovery and a sustainable economy (Bose 2002: 108).

Even the rebuilding and opening of the Mostar Bridge (which has been physically uniting the east and west of the city for centuries) in 2004 after its destruction during the war in 1993 was not enough to break the psychological barriers separating the two communities of the city.[123] Croats regard Mostar as the capital of their *de facto* but

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[123] A Bosnian hip-hop group Dubioza Kolektiv describes Mostar in their song "Open Wide" as the only divided city of Europe, divided along the green Neretva, after the collapse of the Berlin Wall. Although it

unrecognized Croat state. Despite its record of a 94.01 percent property law implementation rate, and its high number of minority returns (Bosniacs, Croats, and Serbs)—the highest in all of Bosnia in the first quarter of 2006—the city is still divided (UNHCR 2006g). However, since Bosniacs and Croats live for the most part on opposite sides of the Neretva river, returnees whose repossessed property is located on the side inhabited by the other ethnic group usually decide to sell their property or exchange it for property located on their own side (IDMC 2005).[124]

During my visit to Mostar in 2006, I observed that the city is very much reconstructed, looking much better than Sarajevo, where one can still see bullet holes in the walls of the buildings. With its new old bridge, renovated mosques, churches, and old bazaar, the city is hosting large numbers of tourist groups. Everything looks normal, but there is still a sense of segregation that an outsider would realize only by looking more closely and chatting with the locals (in my case those who speak English and Turkish).[125] For example, all the minarets of the mosques are on the west bank of the Neretva while a huge new cathedral is built on the east. Also, there is the shadow of the gigantic cross (the symbol of Croat Catholicism) installed by the Croat political parties on Mount Hum overlooking the entire city, especially the "Muslim" Mostar.

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is not true that Mostar is the *only* divided city of Europe—e.g., there is Nicosia and Belfast—it is true that there is a noticeable division in Mostar along the green Neretva…

[124] The division is also observed during soccer (football) matches in Mostar during which there are almost always incidents at the games between members and supporters of the two teams of the city, Zrinjski and Velez. Competition between the two teams is based more on ethnic divisions than on sportsmanship. For a sociological analysis of soccer in Bosnia, see Ozkan (2007).

[125] Apparently, a substantial amount of aid was sent to rebuilding and renovation of mosques of Mostar from Turkey. Most of the gatekeepers of the mosques, usually young men in their twenties, could speak some Turkish.

Prijedor

During the war, Prijedor was noted for its extremist Serb population, mass killings and detention camps. As time passed, it turned from a hopeless case of ethnic extremism to a success story of foreign intervention in which thousands of Bosniacs returned to their pre-war homes, mosques were rebuilt, and hard-line Serb nationalists lost much of their influence (Belloni 2005). However, although the international actors involved in the peace building process regard Prijedor as an example of successful intervention, Belloni argues that "contrary to the perception of international agencies, successful return home was in large part due to the autonomous organizing of local displaced people" (2005: 435).

Today, after Banja Luka, Prijedor is the second largest town in the RS. Before the war it was almost 40 percent Serb and 39 percent Bosniac. Today, it is a majority Serb town despite a property law implementation rate of 95.2 percent, partly showing Bosniacs' lack of will of return despite receiving their property rights (UNHCR 2006g). What has really happened in places like Prijedor "where individuals involved in running concentration camps or leading paramilitary formations are known to work in the courts, schools and police," and "the natural tendency of returnees to avoid dealings with the authorities is all the greater" is that "returnees have usually formed parallel institutions, led by returnee associations, serviced by token representatives in municipal government and sustained by a largely separate economy" (ICG 2002). Thus, it is almost impossible to speak of a full-scale re-integration.[126]

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[126] According to the US Department of State, in 2002 there were still incidents directed at Bosniacs, like the desecration of two Muslim tombstones in a graveyard and a bomb attack against a mosque, which demonstrated the lack of total re-integration (IDMC 2005a).

Sarajevo

Sarajevo felt like home to me. Just like Istanbul, it is a European city embracing different cultures. Although its multiethnic demographics have changed a lot since the war, one can still feel a sense of cosmopolitanism, at least in its architecture. As stated earlier, Sarajevo is one of the two municipalities in Bosnia, besides Tuzla, where more than ten percent of the population are members of minority groups. This is still a low figure considering the prewar ratio of fifty percent.

The international actors involved in the post-conflict reconstruction phase chose Sarajevo, the capital of Bosnia, as a model for their efforts in recreating a multiethnic society. On 3 February 1998, the OHR, the US Government and the European commission hosted a high-level conference during which they unveiled the Sarajevo Declaration that set Sarajevo as a model for reconciliation, multiethnicity, freedom of movement, and unconditional right to return throughout Bosnia. Furthermore, future economic aid to the Sarajevo Canton would depend on the return of at least 20,000 minorities in 1998. The conference was vastly publicized in order to pressure Sarajevo authorities to welcome minorities back, but the target was not reached.[127]

Today, the Canton of Sarajevo still has the highest numbers of unresolved property claims in the Federation. In fact, its property law implementation rate of 87.66 percent is the lowest among the ten cantons of the Federation. Also, incidents of

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[127] The authorities were being extremely non-cooperative on evictions of those people who got apartments as political bribes, and such a public declaration seemed a clever tactic by the RRTF at the time, but unfortunately, it did not work to the level expected.

discrimination and ethnic violence are not uncommon.[128] To illustrate, "(s)everal associations of returnees to Sarajevo recently complained that their members are being systematically discriminated against in seeking health care, citing the examples of hundreds of returnees who sought the associations' help after a recent outbreak of flu" (IDMC 2006). Also, "Roman Catholic Church authorities in Sarajevo reported vandalism to cars belonging to church workers and other church property, the overturning of gravestones in Catholic cemeteries, and church entrances stained by urine," and "(i)n April 2002, stone throwers attacked the St. Anthony Church in Sarajevo during Easter week services (ibid.).

Analyzing Return

When the first comprehensive official registration of IDPs took place in Bosnia in 2000, 556,214 people (183,355 families) registered as displaced (MHRR 2005). In March 2004, on the basis of the legal framework for displaced persons laid down in the *Law on Refugees from BiH and Displaced Persons in BiH* (BiH Law),[129] the *Law on Displaced Persons and Returnees in the Federation of Bosnia and Herzegovina and Refugees from BiH* (Federation Law)[130] and the *Law on Displaced Persons, Returnees and Refugees in the Republika Srpska* (RS Law),[131] in accordance with the Strategy of BiH for Implementation of Annex VII of the Dayton Peace Agreement, the MHRR, responsible Entity Ministries, the Brcko District, and in co-operation with UNHCR, signed the

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[128] Just like the increase in Catholic churches and crosses in Mostar, there are an increasing number of new mosques in Sarajevo.
[129] Official Gazette of BiH, No. 23/99, 21/03 and 33/03.
[130] Official Gazette of Federation, No. 19/00, 56/01 and 18/03.
[131] Official Gazette of RS, No. 33/99 and 65/01.

Protocol on the Implementation of the Revision of the Number and Status of Displaced Persons in BiH, which regulated the update of the database on IDPs, the determination and cessation of IDP status and identifying the needs of the remaining IDPs for the purpose of finding durable solutions.

In March and May 2005, the Federation and the RS (the Entities) harmonized their IDP laws (with each other and with the BiH law) regulating the acquisition and cessation of status and access to rights that enabled a Bosnia-wide approach to the resolution of the issue of displacement. Accordingly, an IDP in Bosnia:

> is a citizen of BiH residing within BiH who has been expelled from his habitual residence as the consequence of the conflict or left his habitual residence after 30 April 1991, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership to a social group or political opinion, and who is neither able to return in safety and dignity to his former habitual residence nor has voluntarily decided to take up permanent residence elsewhere. (UNHCR 2006a)

The re-registration exercise set out in the *Protocol on the Implementation of the Revision of the Number and Status of Displaced Persons in BiH* was conducted based on this new IDP definition. Accordingly, there were still more than 180,000 IDPs in Bosnia in 2005 (MHRR 2005). It is important to note, however, that due to the bureaucratic approach to its interpretation by some responsible authorities, the wording of this narrower definition of an IDP[132] sometimes causes the cessation of IDP status of those who are still displaced and in need of protection (ibid.).[133] The UNHCR states that as of July 2007, a final review of IDP registration applications established the number of IDPs at 134,200.

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[132] Narrower than the internationally accepted definition, see Chapter One.

[133] The authorities tend to interpret the term "habitual residence" as a property over which an IDP has ownership rights, causing IDPs without property to lose their status exclusively on that basis despite the existence of other important reasons for not returning to the former place of residence; this creates a new vulnerable group without any status or basic rights (UNHCR 2006). As a remedy, responsible bodies signed the *Guidelines for revising and recognition of the status of a displaced person in Bosnia and*

Assuming that these numbers are accurate,[134] between 2000 and 2007, almost 330,000 IDPs either returned or resettled and were reintegrated into their communities. The problem is that although the latest re-registration exercise in Bosnia provides data on those people who are still considered IDPs, it is almost impossible to know what happened to the 330,000 former IDPs. There has not been a census in Bosnia since 1991; therefore, there is not enough current information on the whereabouts of former IDPs.[135]

Still, it is possible to make certain analytical assumptions in relation to the theories discussed in Chapter One and quantitatively analyzed in Chapter Two (see Table 3.3). To begin with, an initial look at a summary of IDP returns in Bosnia in the ten-year period from 1996 to 2006 (see Figure 3.6) shows that there is no relation between the time determinant and IDP return. While some people chose to return immediately after the peace in 1996, others waited until 2000. Thus, people do not make the decision to return based solely on time, but also for other reasons.

Moreover, despite the alarming numbers of atrocities/crimes against civilians (who were victimized because of their ethnicity) during the war, the fact that there were still minority IDP returns disproves the assumed negative relationship between intensity

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Herzegovina that "provide broader interpretation of the cessation clauses contained in the relevant IDP laws, explaining how and in what cases protection and humanitarian concerns should be taken into account" (ibid.). Refer to Chapter Two for the problem of cessation of IDP status.

[134] There are almost always hidden political agendas behind the numbers; for further details, see Crisp (1999) and the discussion on the problem of collecting accurate data in relation to IDPs in Chapter Two.

[135] When I asked about the possibility of having a census in postwar Bosnia, I got the same answer from people in different positions: "not for another decade." Although some cited technical obstacles as a reason for not having a census sooner, the reality is that there is political reluctance as census results can be very controversial. However, this position is not unique to authorities in Bosnia, e.g., for a very long period of time, there had not been a census in Lebanon "for fear that taking one would reveal such changes in the religious composition of the population as to make the marvelously intricate political arrangements designed to balance sectarian interests unviable" (Geertz 1963: 126). Likewise, in Bosnia, Croats and Bosniacs do not want to have a postwar census for fear that taking one would expose the "open secret" of changes in the ethnic composition of the population (Personal correspondence, expert on Bosnia, October 2007).

of conflict and IDP return. Approximately one in every forty-five persons was dead, one in every twenty-five persons was injured, and one in every sixty women was raped during the war in Bosnia (Burg & Shoup 1999).[136] Thus, the assumption can easily be made that there was not a single person who was not victimized in one way or another in Bosnia, either as direct targets, relatives of victims, or witnesses to horrible incidents that were largely based on ethnic differences. However, even with the knowledge that they would be a minority, people still chose to return.

Table 3.3: Hypotheses and determinants

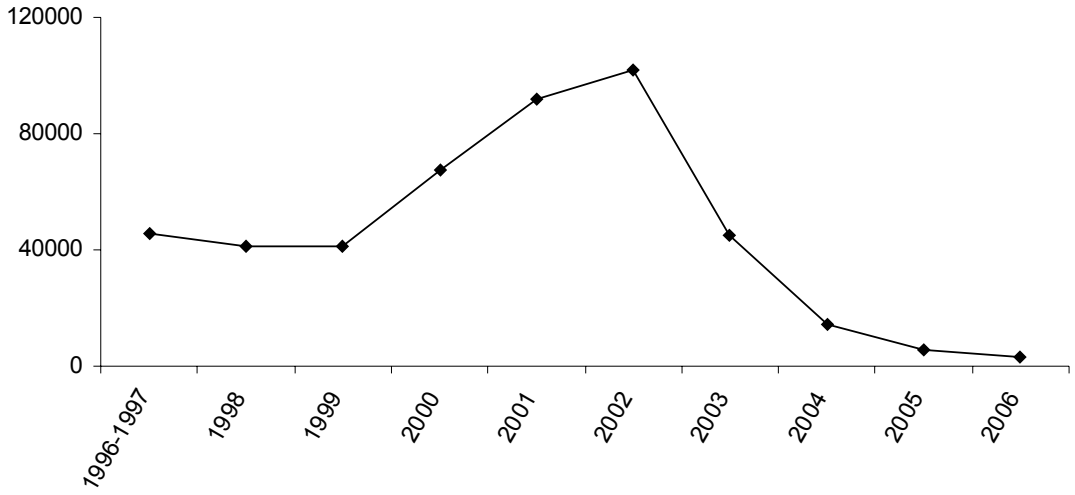
	Theory	Determinant
H_1	Economic recovery facilitates the desire to return.	Economic Prospects
H_2	More vulnerable households are more reluctant to return.	Vulnerability
H_3	The rate of return is lower the higher is the intensity of conflict, i.e., atrocities/crime against civilians are in alarming numbers during war.	Intensity
H_4	The rate of return is lower the longer is the wars' duration, i.e., duration of displacement.	Time
H_5	The rate of return is higher where there are effective property repatriation mechanisms.	Property Rights

The hypothesis that more vulnerable households are more reluctant to return also seems to be disproved in the case of Bosnia. As stated earlier, the returnees were mostly the elderly, the poorest and most vulnerable people who did not have many options but to return. The IOM and UNDP representatives explained the phenomenon of elderly returns as a choice of convenience. Simply put, older people seem to find it easier to go back to

[136] The victims-population-ratios were calculated by the author based on the estimates cited in Burg & Shoup (1999).

their former habitats than trying to adapt to a new place. Moreover, the material expectations of the elderly are much lower than those of the young, who need to generate higher levels of income for a better future for their families, and thus usually choose to move to the cities.[137] However, based on the figures of the latest re-registration exercise, 18 percent of the re-registered IDPs are above the age of sixty-five, which shows that not every elderly person chose (or was able to?) return (MHRR 2005).

Figure 3.8: Minority returns



Source: UNHCR Bosnia at http://www.unhcr.ba.

According to the latest re-registration exercise, the property of approximately 82 percent of IDPs was still destroyed, which was considered a major obstacle to return (MHRR 2005). This shows that granting property rights is useless unless the conditions for exercising them are also provided, i.e., in this case, providing funds for the reconstruction of IDPs' houses. Thus, the case of Bosnia shows that the hypothesis that

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[137] Thus, there seems to be a positive correlation, and a possible endogenous relationship, between the elderly return phenomenon and return to rural areas.

return is higher in places with effective property rights mechanisms is a plausible argument—people asserted that they cannot return, because their houses were destroyed—, but the lack of data on the physical return of IDPs at large remains a problem in fully proving the theory.

Finally, the positive relationship between economic prospects and IDP return that was proven by quantitative analysis is also confirmed in the case of Bosnia. As the discussion on Drvar, Foča, and Goražde demonstrated, employment opportunities were an important determinant of sustainable return. Moreover, it was stated above that physical return home was a more common phenomenon in rural than urban areas, which is also closely related with economic opportunities, as life in rural areas is easier to sustain, at least at a subsistence level, especially when housing is not a problem, e.g., with opportunities for small-scale farming.

Table 3.4: Results of qualitative analysis of Bosnia in relation to theories on return

	Theory	Determinant	Results
H_1	Economic recovery facilitates the desire to return.	Economic Prospects	Proved. No jobs, so no return. (Also rural/urban divide.)
H_2	More vulnerable households are more reluctant to return.	Vulnerability	Disproved. Returned are usually the vulnerable without other choice.
H_3	The rate of return is lower the higher is the intensity of conflict, i.e., atrocities/crime against civilians are in alarming numbers during war.	Intensity	Disproved. Despite alarming numbers of atrocities/crimes against civilians during war based on ethnicity, considerable number of minority returns.
H_4	The rate of return is lower the longer is the wars' duration, i.e., duration of displacement.	Time	No relation. No return during war, and return movements were observed over time in the post-conflict phase.
H_5	The rate of return is higher where there are effective property rights mechanisms.	Property	Positive correlation, but causation needs further analysis as not enough data on physical returns.

Table 3.4 summarizes the results of the qualitative analysis of Bosnia in relation to theories on return. The next section analyzes the triangular relationship between return, property rights, and economic opportunities in more detail.

What kind of a return policy?

The answer is simple: like any other policy, there is a need for a policy of return that can actually be implemented. Annex VII set out the right to return, but did not contain a specific mechanism with which to implement return. Fortunately, Dayton provided "for adequate monitoring and participation by the international community, which did allow for enforcement" in the end (Annex VII). However, in similar situations where a strong international presence to apply pressure is lacking, there would be a need to have a more detailed peace agreement that establishes enforcement mechanisms (Prettitore 2003: 16).[138]

Thus, first of all, return must be institutionalized to anchor the process within a very tight set of rules and procedures to avoid political resistance and secure collaboration (Cox & Garlick 2003: 80). Also, return should be driven by individual rights. Remembering that people must enjoy freedom of choice, instead of imposing a return-based approach, a rights-based approach should be pursued. This has not been the case in Bosnia. Institutions that provided funding for returnees (both internal and from abroad) such as the International Organization of Migration (IOM), the MHRR, the UNHCR, and Malteser did so only if the returnees wanted to return to their pre-war

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[138] It is important to underline the case of Commission for Real Property Claims. Although rightly established by Dayton, it lacked the implementation powers necessary to enforce its own decisions (see section on CRPC).

homes.[139] However, it is important to understand that "(i)t is ironic that in talking to many Bosnians today, and especially younger people, it is not so much the ability to 'return home' that is seen as most important, but the chance to 'get out,' to seek a new life elsewhere in Europe or the United States" (Black 2001: 196). Thus, people do not necessarily seek return, but are looking for the freedom of choice and the means to make choices. Establishing property rights creates this freedom of choice and the means to enjoy it (Cox & Garlick 2003: 80).

How to restore property rights?

> *One central lesson that might be drawn from the experience of property restitution in Bosnia is that property rights, particularly related to return, should be addressed early, systematically, and from a rule of law perspective* (Black, et. al. 2006: 12).

Based on the case of Bosnia, the recipe to restore property rights in post-conflict situations is complex, but not impossible to achieve. The two necessary components of a successful restitution process are time and resources. "It took four years to achieve significant progress in property repossession in Bosnia—two to get the legislation passed, and another two for implementation to begin in earnest" (Hastings 2001). Besides, Bosnia received annual foreign aid of $700 million or more each year since 1995. Also, although their numbers have been decreasing with the closure of many field offices, a large number of international personnel have been actively involved in the process, especially in monitoring implementation (Prettitore 2003). Briefly, for any restitution process to succeed, the sponsors of the peace process must be ready to be realistic in their expectations and commit the necessary time and resources (Hastings 2001).

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[139] Personal correspondence, representatives of IOM, MHRR, UNHCR, and Malteser, May-June 2006

However, the question remains on how to allocate the time and resources. Thus, improved coordination and an effective division of labor between the actors involved in the process are of the utmost importance (Hastings 2001). In the case of Bosnia, establishment of the Return and Reconstruction Task Force to co-ordinate international support for the return of displaced persons and refugees to their pre-war homes with the aim of ensuring successful and sustainable return and reintegration was a move in the right direction.[140]

The final and perhaps most important element of a successful property restitution process is to set the rules of the game. A comprehensive framework of legislation based in international human rights law that will provide regional compliance mechanisms is necessary to ensure that people can exercise their full rights (Prettitore 2003: 16). Having a comprehensive framework of legislation, i.e., setting the rules of the game, reduces the transaction costs among different actors. Once the rules are known and there are mechanisms to oversee the compliance of different actors, the chances of political obstructionism based on bureaucratic maneuvers will decrease. Thus, "(i)t is also necessary to provide adequate review mechanisms to ensure the laws are complied with by the local officials" (ibid.). The facts that Bosnia is subject to the European Court of Human Rights and that its Ombudsman and Human Rights Chamber have the mandate to review mechanisms to ensure that local officials comply with the laws has made positive contributions to the process (ibid.).[141]

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[140] See section on RRTF.

[141] For a detailed evaluation of the Human Rights Ombudsperson and the Human Rights Chamber, see Englbrecht (2003).

It is the economy, stupid!

> *Although repossession of pre-war housing perceived by the displaced as important for reasons of morality, justice, and economic rehabilitation, sustainable return usually also demanded access to jobs and other sources of livelihood* (Stefansson 2006: 115).
>
> *The lesson here is that property restitution is a necessary, but not a sufficient condition for sustainable return* (Black, et. al. 2006: 10).

However, setting the rules of the game is not enough in itself. There is also a need to build a playground where the game can be played. In the case of Bosnia, the most important criticism in relation to the processes of return and repossession of pre-war property is the failure to develop a viable economy. People can get their property back and physically return to their homes, but if they cannot sustain a living the choice of remaining there becomes dubious. In a personal correspondence in 2006, a former Deputy High Representative illustrated the economic problems that displaced persons face in rural areas upon return in the following anecdote: During one of his visits to a village to assess the return process, some returnees asked him when the bus would come. The deputy did not understand which bus the returnee was referring to. Apparently, the returnee was asking about the factory service bus that used to come and take the villagers to a nearby factory for work everyday. The factory did not exist anymore.

Similarly, in a personal correspondence, a leader of Sarajevo's Jewish community defined Bosnia as "one country, two entities, three constituent people, four religions, and hundreds of problems, the biggest being unemployment" (May 2006). While the forty percent registered unemployment rate exaggerates the true state of joblessness, recent studies show that unemployment is in the range of eighteen to twenty-two percent, still making it a major concern (World Bank 2007). The discrepancy in the numbers is overwhelming for several reasons: (1) unofficial employment rates in the sizable black

market are not fully known, and (2) subsistence farming is not counted as employment while agricultural employment in general is accounted for differently in the official data.[142] In short, not all income can be counted. These dynamics as well as the fact that there is a large flow of remittances make some believe that the economic situation is much better than it seems, and that there is really a "myth" of economic problems in Bosnia resulting from the problems of formal economy.[143]

Economic problems also affect policies of return. To begin with, some writers consider Bosnia's economic transition as being "anti-return," where, while there is an extensive focus on return itself in the country at large, the need to focus more on the free movement of people to where employment opportunities exist was largely overlooked (Donais 2005: 29.).[144] Second, different reports have mentioned the need to reform the real estate market; people should be able to easily sell, exchange or rent their property, and the fact that there were no standard purchase, sale or rental contracts in use for real estate transactions was problematic (PricewaterhouseCoopers 1999: 40; Rabenhorst 2000). PLIP was formulated against this background with the objective of ensuring that those displaced people who chose not to return had an opportunity to sell or rent their property under fair circumstances set out by law. Although there has been a lot of progress in creating a working property market, the system was still far from perfect by

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[142] According to official data provided by the Ministries of Agriculture of the RS and the Federation only 3.1 percent of employees is employed in agriculture; the figure includes only those employees employed in former state-owned big firms and cooperatives. As private ownership is the dominant form of ownership in agriculture, research indicates that the share of the sector in total employment is much higher, counting to 18.1 percent on the state level, and an impressive 39 percent in the informal agricultural sector (CEECAP 2005).

[143] Personal correspondence, former Deputy High Representative of Bosnia, July 2006.

[144] The argument can go further: "Rather than dealing with the issue of displacement and ethnic cleansing, international policy could address more directly the fundamental difficulties associated with liberalization and democratization of socialist economies—problems that are hardly unique to Bosnia" (Black 2001: 197), and problems that caused the war in the first place.

2006. For example, cadastre and land registration reform in the country to facilitate the orderly development of transparent land markets was still a work-in-progress (The World Bank).

Today, very few people in Bosnia regard return and property restitution as issues that need to be resolved. For those who have been involved in the process, these two problems have already been solved, and the general problem nowadays is the economy.[145] Besides freedom of movement and creating a working real estate market, it is also important to raise funds for reconstruction.[146] In an environment where the international presence and funding are drastically decreasing, the lack of funding for housing reconstruction still constitutes a problem. According to the latest re-registration exercise, by 2005 there were still displaced people who wanted to return, but while there were forty thousand families who had applied for housing, only seven thousand housing units per year had been repaired by then (ibid.).

Furthermore, there seems to be a vicious circle. On the one hand, people need a feasible market economy in which they can turn their property into capital. On the other hand, one reason that the economy is not improving is the inability to solve the problem of property rights in certain areas. To illustrate, despite the aid that has been poured into Bosnia, the level of foreign investment in the country is very low. The recent "Doing Business 2008" report, prepared by the World Bank and the International Finance Corporation (IFC), shows that Bosnia is falling further behind the rest of the region. One reason is that the privatization of socialized property and determination of ownership of

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[145] In May-June 2006, during my interviews in with representatives from the UNDP-SUTRA, the OSCE, the UNHCR, Malteser, the USAID, and the MHRR, the same phrase was repeated over and over again.
[146] Personal correspondence, representative of MHRR, June 2006.

this property has been a slow, time-consuming process.[147] Whether the municipalities, or the pre-communist era owners have the right over certain properties is still a problem. When Carlos Westendorp, during his time as High Representative between 1997 and 1999, stepped up the process of privatization by inaugurating a Privatization Monitoring Commission designed to resolve political deadlock and examine social issues raised by privatization, he received separate open letters from leaders of Bosnia's Jewish and Muslim communities criticizing the proposals to sell off socially-owned property (Sullivan 1999). Both communities argued that property confiscated by the pre-World War II Kingdom of Yugoslavia, as well as property stolen by the wartime Nazi puppet regime and property nationalized by the former communist regime, should not be put up for sale until provisions were made to compensate the original owners (ibid.).[148] Thus, as Gould also explains, there is a need to invest more resources into determining current ownership status prior to privatization in order not to deprive people of their property without due process or adequate compensation, which would be a human rights violation (2007).[149] Ensuring property rights is both the end and the means of creating a feasible market economy.

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[147] For an extensive review and critique of the privatization process in Bosnia, see Donais (2002).

[148] "The Jewish community completed an extensive survey, including legal documentation, of properties formerly owned by Jewish institutions and organizations in May 2005. The community is prepared to file claims as soon as a state-level restitution law is passed. Most Jewish families with individual claims are waiting for the legal framework to be established before deciding how to pursue their claims" (US Department of State).

[149] There are different cases where the owners of big state enterprises were unable to be identified such as the state-owned aluminum plant in the city of Mostar, one of Bosnia's biggest employers before the war; the plant has been operating, but federal officials in Sarajevo did not know who owned it (Dempsey 1998).

Lessons

Perhaps the biggest lesson from the case of Bosnia is that once you compromise something, it is impossible to get it back. Dayton institutionalized the outcome of the military contest allowing a division along ethnic lines. The peacemakers then tried to mend it in Annex VII by encouraging the return of all displaced people to their prewar homes by restoring their property rights to rebuild multiethnic communities. However, the numbers and the facts on the ground show that this strategy did not work. Although the PLIP implementation rate is greater than ever, and the increasing number of minority returns after 2000 is regarded as a success, the reality is that people did not physically return to their former homes, and Dayton's ideal of recreating multiethnic communities in Bosnia did not materialize.

The second lesson, which is more closely related to the general focus of this project, is that aiming at a "return only" policy is not the correct method for solving the problem of displacement. As was stated earlier, IDPs make choices rationally, calculating their gains and losses before taking action. Therefore, different options must be open to them. Providing the means to regain their property rights to their houses, land, and other immovable property is a good beginning, but it is not enough.

The third lesson from Bosnia is that property restitution *is* possible. A decade after Dayton, almost all property claims in Bosnia have been resolved except for the most complicated cases. The process in Bosnia has proceeded on a trial-and-error basis, but the final result can serve as a recipe for the resolution of this problem in other conflict zones.

Finally, Bosnia is a showcase of the consequences of not rebuilding a viable economy. Despite the success of property restitution in Bosnia, actual return was an unfeasible option for many IDPs, mostly as a result of misguided economic policies. However, the number of IDPs *did* decrease—most of the time not as a result of sustainable returns to prewar homes, but because they chose to resettle elsewhere.

Conclusions: Can Bosnia be a model?

Weiss and Pasic identify six characteristics of Yugoslavia's wars suggesting limits for the lessons from this case: (1) the region's proximity to Europe; (2) the precipitous unraveling of the economic and social fabric of an industrialized country into unspeakable living conditions and chaos; (3) an extreme instance of politicization of displacement; (4) involuntary displacement that was not always inhumane or unwelcome, was also sometimes an alternative to outright extermination; (5) the prevalence and salience of international organizations; and (6) UNHCR's novel approach of moving away from categorizing the vulnerable to a more extensive humanitarian operation (1998). However, of these six characteristics, at least three of them are common in almost all civil wars. Although most civil wars do not take place in industrialized countries, all of them destroy the economic and social fabric and create terrible living conditions and chaos. Moreover, displacement is a politicized process everywhere, violent or not. Nevertheless, as Weiss and Pasic also confirm, the Yugoslav case could at least be instructive.

Although one case cannot make a general theory, the property restitution process in Bosnia can produce a model for future cases. The possible objection to this assertion

that the property restitution process did not result in the *actual* return of IDPs to their pre-war homes does not change the fact that the process itself was an achievement in terms of giving people property rights over their houses, apartments, lands, and other immovable property, and the freedom of choice that emanates from these rights, which is a measure of success in itself. This was possible mostly because of the "prevalence and salience" of the international commitment to the peace process, which was largely a result of the "region's proximity to Europe." The next chapter will analyze the case of Cyprus, which is also in close proximity to Europe and has been enjoying a strong international presence.

CHAPTER FOUR
THE PROPERTY RIGHTS OF CYPRIOT IDPs

The past came to visit again last night,
wrapped her arms round my neck
and whispered: It's me. Don't forget.
I knocked at a door which a woman opened.
She said in Turkish: Come in. Welcome.
Hoşgeldiniz. Hoşgeldiniz.
She handed an album of photos of me,
my husband, our children, this house,
pre-1974. The blue album. My living room.
I kept these for you, she said.
I thanked her in Greek. Efcharisto poli.
A tiny space the size of a pinhead
between each word stung the air, the moment,
the dream. She offered coffee and sweets.
One of us was guest, the other hostess- but which?
Oh, there are some dreams which make no sense.
Turn over the cup, she said. I will tell you
your fortune, and we will learn the future.
Yes, I said, yes. We leant like two friends over a secret
and the patterns of the future on the walls of the cup,
made us weep on each other's shoulders
all those thirty year old tears, finally, belatedly;
two sisters who were mothers, wives, daughters,
so long ago. Then the past came and sat between us
and woke me with a whisper:
It's me. Don't forget. ("Don't Forget" by Nora Nadjarian in Hanne (2004))

The analyses in Chapters Two (quantitative) and Three (qualitative) both: (1) confirmed the positive relationship between economic prospects and the rate of IDP return and resettlement; (2) disproved that more vulnerable households were more reluctant to return; (3) found no relationship between the duration of conflict and the settlement of the problem of internal displacement; (4) determined that the relationship between conflict intensity and rate was statistically insignificant, which was also further disproved by the qualitative data on Bosnia; (5) found that the Bosnian case only partly supports the quantitatively confirmed hypothesis that the rate of return and resettlement is higher in places with effective property rights mechanisms—as measured by a high PLIP (property law implementation plan) rate. The PLIP rate in Bosnia was high and the number of

IDPs in the country decreased, but having property rights did not facilitate physical returns of IDPs.

In this chapter, I will further investigate these hypotheses, this time in the case of Cyprus, which exhibits most of the characteristics of the Bosnian case as identified by Weiss and Pasic and discussed in the preceding chapter. Again, these are: a proximity to Europe; the politicization of displacement; involuntary displacement (not always inhumane or unwelcome and sometimes an acceptable alternative to outright extermination); the disintegration of the economic and social fabric of the country as a result of war; the extension of UNHCR's mandate from refugees to IDPs; and the prevalence and salience of international organizations (1998). However, there are also important differences between Cyprus and Bosnia. First, while Cyprus is regarded as a successful case of peacekeeping, it has been an absolute failure in terms of peace building.[150] Yet, Cyprus is *de facto* divided into two states: the Republic of Cyprus and the Turkish Republic of Northern Cyprus, which makes it a comparative study in itself. Second, unlike Bosnia with the Dayton Accords, no peace agreement could be reached in Cyprus despite the continuing efforts of the United Nations, making it a failure in terms of conflict resolution and a good example of "conflict perpetuation" (Holsti 1996: 196).[151] Still, although Cyprus does not have a peace agreement, keeping in mind that every new peace agreement in Cyprus builds on the previous one, the former UN

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[150] When it was first deployed to the island, the peacekeeping force in Cyprus could hardly be considered as a success, as it could not stop the violence. For a critique of the United Nations peacekeeping mission in Cyprus, see Sambanis (1999).

[151] With few exceptions (Farr 1997; Taki 2003), most of the literature focuses on the "Cyprus problem," and exemplifies it as either a regional problem between Greece and Turkey (Saleem 1992), an international case of conflict perpetuation (Haass 1990; Joseph 1997; Richmond 2002; Williams 1996; Drath 2003; Hampson 1996; Camp 1998), an extension of colonial politics (Pollis 1973, 1998; Richmond 2002), or a new issue area for the European Union (Diez 2002; Nugent 2003; Vassiliou 2003; Dundas 2004; Theophylactou 1995; Bahcheli 2001).

Secretary-General Annan's Plan for Cyprus, which had raised many debates on the Cyprus question in general and the property issue in particular, is an important point of reference in this dissertation in terms of understanding the differing perceptions of the two sides. The data compiled from the results of the referendum on the Annan Plan provide an important tool of analysis on the factors affecting IDP return.

There are approximately 210,000 IDPs (both Greek and Turkish) in Cyprus, which means that one third of the island population had to uproot themselves and leave behind their houses, lands, and other immovable property between 1963 and 1974 as a result of inter-communal strife or military action. These people have been internally displaced for at least three decades, generating the longest-standing internal displacement situation in Europe (IDMC 2005). In contrast to the considerable majority of the protracted displacements in the world, those displaced in Cyprus have resettled and resumed their lives and so no longer have pressing humanitarian needs, though a large majority of them, especially the Greek Cypriots, have articulated a strong desire to return to their property (ibid.). As this chapter will demonstrate, Greek and Turkish Cypriots have completely contrasting views on the property issue, which has created a serious obstacle to a peace settlement on the island. The long duration of displacement further complicates the property problem in Cyprus: over time there have arisen conflicting (Greek v. Turkish) claims for the same land, and this is a common phenomenon rather than an aberration on the island.

Like the chapter on Bosnia, this is also based on documentary research and an extensive literature review as well as semi-structured interviews with (1) lawyers who had been following important cases in the European Court on IDP properties, (2) local

academics researching the subject, (3) policy-makers on both sides, (4) IDPs, and (5) locals. It also includes material from my involvement in the research conducted by the Cyprus Center of the Peace Research Institute of Oslo (PRIO) on the property provisions of the Annan Plan during the summer of 2005.[152] In the case of Cyprus, in contrast to the results confirmed in the previous chapters, the factor of time proves an important determinant of IDP return home.

Historical Background

> *Cyprus was destined to be a battlefield of the Near East and the prey of contending faiths and rival empires; hence it has ever been a meeting-place of races and tongues as it had already become a meeting-place of gods* (Luke 1957: 17).

> *"Heaven bless the Isle of Cyprus," cried Othello's herald, and all lovers of the once enchanted, now bewitched Island can say Amen to that. No country needs Heaven's blessing more* (Luke 1957: 192).

Although it is beyond the scope of this study to analyze the history of Cyprus in detail, it is important to touch on the key events that represent the bases of the differences between the Greek and Turkish communities at large (see Table 4.1). Greek Cypriots and Turkish Cypriots have totally different interpretations of the history of Cyprus. They fail to agree not only on recent history, but also on the ancient history of the island. While Turkish Cypriots emphasize the Islamic and Ottoman past, Greek Cypriots underline the Greek and Christian Roman aspects of the island's history. As Drath explains:

> Settled by Mycenaean and Achanean Greeks between the 13th and 11th centuries B.C., the island reflects their language and culture. Yet, according to the historic

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[152] Further information about the project can be found at the official website of PRIO at http://www.prio.no/cyprus. The report of the project is published and downloadable online; see Gurel and Ozersay (2006).

> scenario of Turkish Cypriots, the first settlers, dating to the Stone Age between 7000 and 3900 B.C., arrived from Anatolia and Syria. The parties almost agree on the end of the Hellenistic period, when Cyprus became part of the Roman Empire, and although Turkish Cypriots emphasize the Byzantine Empire, 330-1191, with reference to the foundation of Islam [it was during the Byzantine period that the first Muslims appeared in Cyprus in 632 under the leadership of Abu-Bekir, the father-in-law of the Prophet Mohammed], Greek Cypriots dwell on Richard the Lionheart's conquest of Cyprus in 1191 and his handover of the island to his French vassal and counterpart, Guy de Lusignans [signifying the end of Byzantine, and beginning of Latin rule on the island]. (2003: 306)[153]

The rule of Lusignans ended with the takeover of the island by the Venetians in 1489, which lasted until 1571, when the Ottomans conquered the island. There are two characteristics of this Latin period which are relevant for our purposes: (1) the Greek Orthodox Church was subordinate to the Church of Rome, and (2) there was a feudal system, in which subjects were just serfs who were not permitted to own land.

It was during the Ottoman period that feudalism was abolished and the Greek Orthodox Church regained influence on the island. In line with the *millet* system[154] of the Ottomans, the archbishop of the Church of Cyprus became the leader of the Christian population, also representing it in secular matters (Katsiaounis 1996).

With the decline of the Ottoman Empire in 1878,[155] Great Britain took over and administered the island under the provisions of a British-Ottoman defense agreement.[156] British rule brought with it formal equality (rights *and* obligations *vis-à-vis* the state) for

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[153] Also see Canefe (2001, 2002, 2002a, 2004) and Papadakis (2005).
[154] In the Ottoman Empire, subjects were divided into different *millets* based on religious affiliation, where minorities had cultural autonomy and substantial powers over the administration of their own religious communities, i.e., separate legal courts pertaining to personal law, as long as they remained loyal to the Empire.
[155] The decline is marked with the first time that the Ottoman Empire lost territory, which was with the Treaty of Karlowitz (1699) signed at the end of the Battle of Vienna. From this date onwards, the Empire continued losing territory, the most important for the sake of this argument being a result of Greek independence in 1832, which was a spur of Hellenic national consciousness also among the Greeks of Cyprus.
[156] The island formally remained under Ottoman rule until 1914 when the British annexed the island after the Ottoman Empire entered World War I allied with Germany.

each inhabitant of the island, an elementary electoral system (for a legislative council of locals), a greater freedom of expression (at least initially), and new grievances (between poor and rich, and between different ethnic communities), while also encouraging the growth of nationalism[157] (ibid.).

In the 1930s, with the growth of nationalism and rising anti-colonial sentiments, Greek Cypriots began to ask for *enosis*, the integration of the island with the Greek mainland. In 1955, the guerrilla movement EOKA (*Ethniki Organosis Kyprion Agoniston* or National Organization of Cypriot Fighters) began their struggle against British rule with the aim of annexation of the island to Greece. The British response against the uprising was harsh, partly increasing the support of ordinary Greeks for EOKA.[158]

Although EOKA made it clear that their struggle was not aimed against the Turkish Cypriots but only against the alien colonial power, the Turkish Cypriots were still against EOKA as they were concerned about increasing violence and the possibility of being a minority in a Greek-controlled state (Akgun, et. al. 2005). The British used these Turkish Cypriot concerns to their advantage and formed an Auxiliary Police Force made up entirely of Turkish Cypriots to fight EOKA, which further increased tensions between the two communities (ibid.).

In the meantime, the Turkish Cypriots began to develop the political goal of *taksim*, the division of the island between Greece and Turkey; and in order to withstand the threat from EOKA and back up this goal with force, they organized an armed

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[157] From 1923 onwards, with Ataturk's grand project of creating a Turkish nation, nationalism also found roots among Turkish Cypriots, although the island was not a part of the new Turkish Republic.
[158] For those who are interested in the period under British rule just before independence, two very controversial accounts by Durrell (1957) and Montis (2004) would be of interest.

underground organization of their own, Volkan, which later became TMT (*Türk Mukavemet Teşkilatı* or Turkish Resistance Organization) (ibid.).

Thus, an anti-colonial movement made nationality an important question for both Greek and Turkish Cypriots (and for the mainland Greeks and Turks as well). In 1959, the two motherlands along with Britain and representatives of the two Cypriot communities signed the Zurich-London Agreements which formalized and endorsed an independent Cyprus state in which Greek and Turkish Cypriots would share power, and both *enosis* and *taksim* would be banned.

The agreements gave Cyprus its independence,[159] and the 1960 constitution of independence provided, and still provides, for a bi-communal structure of government that anticipates the peaceful coexistence of the Greek and Turkish communities. The structure proved hard to implement, however, as neither side trusted the other. Disputes began to emerge between Greek and Turkish Cypriots within the government on a wide variety of issues including (1) foreign policy, (2) military, (3) taxation, (4) community quotas for public service posts, and (4) legislation regarding municipalities (Akgun, et. al. 2005). In November 1963, in order to facilitate the functioning of the state, the Greek Cypriots presented a series of amendments that could easily be interpreted as an attempt to change the internal balance of power in favor of the Greek Cypriots, which would open the way to a unitary and majority Greek state without bi-communal principles. Thus, the political crisis turned into inter-communal violence when:

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[159] The same agreements also bestowed Turkey, Greece and the United Kingdom special rights as Guarantor Powers. Article IV of the Treaty of Guarantee stated that: "In the event of a breach of the provisions of the present Treaty, Greece, Turkey and the United Kingdom undertake to consult together with respect to the representations or measures necessary to ensure observance of those provisions. In so far as common or concerted action may not prove possible, each of the three guaranteeing Powers reserves the right to take action with the sole aim of re-establishing the state of affairs created by the present Treaty."

> an angry Turkish-Cypriot crowd surrounded an armed and nervous Greek-Cypriot police patrol in Nicosia. Accounts of the confrontation differ between the Cypriot communities. … Greek Cypriot leaders characterized the fighting following 21 December as an insurrection of Turkish-Cypriot extremists against the Republic to achieve partition, and of justified counter-measures by government forces to contain violence and rout the rebels. The Turk-Cypriot version of these same events is that the inter-communal fighting was initiated by a Greek-Cypriot offensive, in accordance with the Akritas Plan,[160] as a result of which the main Turkish-Cypriot centers were to be occupied as a precursor to a Greek-Cypriot renouncement of the 1960 treaties and constitution, and a declaration of *enosis*. (Patrick 1976: 45)

The whole incident resulted in the withdrawal of Turkish Cypriots from common institutions and Turkish Cypriot abandonment of their quarters in the 72 mixed villages and 24 wholly Turkish Cypriot villages, at which point they began living in enclaves (Patrick 1976).[161]

In response, the United Nations sent a peacekeeping force to the island in 1964 with the following mandate: "in the interest of preserving international peace and security, to use its best efforts to prevent a recurrence of fighting, and as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions."[162] The United Nations Peacekeeping Force in Cyprus (UNFICYP), whose mandate was initially for a period of three months, has now been functioning with the same basic goal since 1964.[163]

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[160] On 21 April 1966 a pro-Grivas (founder and leader of EOKA) Greek newspaper *Patris*—whose aim was to show the mishandling of the Greek "national cause" by Archbishop Makarios and his associates—published a top secret document, the famous Akritas Plan, written by Greek Cypriot leaders and Greek Army officers in 1963, consisting of the exposition of a method by which *enosis* was to be pursued (Stravnides 1976). The document was, and still is, treated by Turkish Cypriots as the true face of the Greek Cypriot leadership.

[161] Enclaves were safe-havens in Turkish Cypriot villages or town quarters protected by the TMT forces.

[162] Security Council Resolution 186 (1964), Paragraph 5.

[163] UNFICYP is not immune to criticism. "Gen. Greindl, ex-UNFICYP commander, stresses 'the inherent problem of peacekeeping. Stability creates the impression of security, and the urgency of a solution is less.' The net result of UNFICYP peacekeeping is thus, ironically, an unintended decrease in the chances of a peaceful settlement" (Camp 1998: 150).

As the inter-communal violence continued, Turkey began to consider the idea of intervention to ensure the security of the Turkish Cypriot population, one of its rights as a Guarantor Power granted by the Zurich Agreement. While its first attempt at intervention in June 1964 was stopped by the United States with a harsh diplomatic letter from President Johnson,[164] it did not stop Turkish jets from flying over the island—first firing warning shots into the sea and then bombing the island (Akgun, et. al., 2005). Although a ceasefire was established and peace talks began between the two communities, between 1964 and 1967, the Cyprus crisis became one of the main sources of tension between Greece and Turkey (see Table 4.1). Violating the provisions of the Zurich-London agreements that limited the size of the Greek and Turkish military contingents stationed in Cyprus, Greek armed forces moved onto the island and inter-communal tensions intensified, while, feeling left out of the Republic's administrative, legal and political organs, the Turkish-Cypriot community set up its own institutions.

The situation began to improve in 1967 and 1968, when, following the agreements reached between Greece and Turkey, most of the Greek armed forces stationed on the island were sent back, Makarios lifted the restrictions on the Turkish Cypriot community, and inter-communal talks began. However, around the same time, the junta in Greece that came to power in 1967 in a military coup began to support

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[164] The letter dated 5 June 1964 stated that the Turkish military intervention would lead to a clash with Greece, cause violent repercussions, ruin any hope of UN assistance in settling the island crisis, and cause the slaughter of tens of thousands of Turkish Cypriots (Ball 1983). President Johnson also threatened Turkey by stating: "I hope you will understand that your NATO allies have not had a chance to consider whether they have an obligation to protect Turkey against the Soviet Union if Turkey takes a step which results in Soviet intervention, without the full consent and understanding NATO allies. And unless I can have your assurance that you will not take such action without further and fullest consultation, I cannot accept your injunction to Ambassador Hare [the US ambassador in Ankara at the time] of secrecy, and I must immediately ask for emergency meetings of the NATO council and the UN Security Council…" (ibid.).

EOKA-B[165] in its efforts to annex the island to Greece. Accordingly, in July 1974, Nikos Sampson of EOKA-B, an avowed advocate of *enosis* who enjoyed the open support of the military junta, planned a coup against President Archbishop Makarios, who was perceived as taking a soft stance on reaching the ideal of *enosis*. Reacting against this evident attempt at *enosis*, Turkey conducted a military intervention/invasion[166] invoking its rights as a Guarantor Power granted by the Zurich Agreement, and justified it on the basis of protecting the Turkish Cypriot population. In a two-part operation, taking place in July and August, Turkish military forces occupied almost 37 percent of the island and settled in the northern part of Cyprus.

The ethnic clashes of 1963-1964 and the subsequent Turkish invasion of 1974 caused significant population movement across the cease-fire line (the so-called Green Line, or buffer zone monitored by the UNFICYP) that is still controlled by the UN. Almost one third of the population of the island had to move, leaving their land and property behind. After thirty years, about 200,000 Greek Cypriots in the South and about 65,000 Turkish Cypriots in the North are still internally displaced.

The Turkish strategy resulted in the *de facto* partition or *taksim* of the island into northern and southern parts. The southern part is governed by the Greek Cypriots under the internationally recognized name of the Republic of Cyprus, while the northern part has been governed by the Turkish Cypriots under the name of the Turkish Republic of

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[165] EOKA-B was formed by General Grivas as a reaction to Archbishop Makarios' deviation from the goal of *enosis*.

[166] While the Turks and Turkish Cypriots would argue that the 1974 military operation was an intervention undertaken on humanitarian grounds (actually many call it a peace operation), the Greeks and most of the international literature on the subject calls it an invasion. Also, when Greek Cypriots refer to the North of the island, they call it the "occupied territories."

Northern Cyprus (TRNC) since its declaration in 1980.[167] The TRNC has been recognized only by Turkey, which still has 30,000 troops stationed on the island. The international actors has brokered many peace negotiations since 1974, either in the form of high level talks, proximity talks, framework agreements, confidence building measures, sets of ideas, or peace plans (see Table 4.1). The UN Secretary-General Kofi Annan's Plan for Cyprus (the Plan hereafter) is the most recent, detailed, and comprehensive attempt to resolve the Cyprus conflict (the main text totaling 141 pages plus 9,000 pages in annexes), which is an important point of reference throughout this chapter in providing data to analyze different perceptions of the relationship between property and return.

Table 4.1: Cyprus: Chronology of key events

Date	Event and Relevance
1192-1571	Latin Period: Repression of Orthodox Church; feudalism.
1571-1878	Ottoman Period: *Millet* system allowing cultural autonomy; restoration of power of Greek Orthodox church.
1821	Independence of Greece: Expansion of Greek nationalism; first signs of *enosis* (union with Greece) in 1833.
1878	Cyprus Convention: Ottoman Empire assigns the island to British occupation and administration.
1882	First constitution: Establishes Legislative Council and its elections.
1914	World War I: Ottoman Empire sides with Germany against the Allies causing formal British annexation of the island; Greece turns down British offer of Cyprus in 1915.
1922	Turkey defeats Greece; large population transfers are conducted between Greece and Turkey.

[167] In the meantime, the leaders of the two communities met at least four times to discuss possibilities of a peace agreement, refer to Table 4.1 for details.

Table 4.1 continued

Date	Event and Relevance
1923	Lausanne Treaty: The newly established Turkish Republic renounces all claims to the island.
1930	Primary education put under direct British control: Growth of Greek (and later, Turkish) identity; beginning of split between economic and cultural elites.
1931	Civil riots against British colonial rule; constitution suspended.
1941	AKEL, the Cypriot Communist Party, formed, which is still an important political force in the island.
1955	EOKA begins armed violence against British; Turkish Cypriots' "National Union Party" changes its name to "Cyprus is Turkish Party"; London Conference; Istanbul riots.
1956	Radcliffe Plan for self-governance rejected; first official reference to partition..
1957	British conciliation policy; EOKA cease fire; demand for *taksim*; rise of TMT; demand for Turkish army base.
1958	MacMillan Plan for self-government postponed sovereignty issue, therefore rejected by Turkey; Turkish Cypriots riot for partition; EOKA ceasefire ends; inter-communal violence.
1959	Zurich and London Treaties bestowing Cyprus independence, and Greece, Turkey and the UK guarantor power status.
1960	First constitution of the Republic of Cyprus.
1961	Disputes over certain basic articles of separate municipalities, public service and Cypriot army ratio, taxes.
1963	Akritas Plan showing how Makarios and companions were pursuing *enosis*, and Makarios' 13 points, i.e., constitutional amendments presented by Makarios to Turkish Cypriots (Vice President Kucuk) intensifying tensions and re-emergence of inter-communal violence.
1964	British and US efforts to create a NATO force rejected by Makarios; attacks against Turkish Cypriot civilians; UNFICYP; Turkish threats of invasion; President Johnson's letter to Inonu deterring invasion (June); Acheson Plan for "double *enosis*" proposed and rejected (August); arming of both sides intensifies; Greek Cypriot attack on and capture of Turkish Cypriot villages in the Tylliria area in effort to control the coastline led to Turkish bombing; ceasefire arranged.

Table 4.1 continued

Date	Event and Relevance
1965	UN mediator Galo Plaza's report finding Greek-Cypriot longings for *enosis* credible, while criticizing the Turkish-Cypriot demand for federation because it would necessitate the exchange of populations; the report found controversial and Mr. Plaza withdrawn from post.
1967	Military coup in Greece.
1968	Reelection of Makarios; he acknowledges that *enosis* is not realistic; restrictions on Turkish Cypriots lifted; inter-communal talks begins.
1971	Talks deadlocked on local autonomy issue; EOKA-B terror against the Greek Cypriot left and supporters of independence.
1973	Inter-communal talks resumed and expanded.
1974	Death of Grivas; Greek junta takes control of EOKA-B; near breakthrough in talks; negotiators agreed on proposal for local autonomy; Turkish PM Ecevit statement stipulating federation; talks broken off by Clerides; Greek junta supports EOKA-B coup (July); Turkish military intervention/invasion; democratic government returns to Greece; ceasefire declared; peace talks in Geneva (August); negotiations collapse: second Turkish military intervention/intervention.
1975	Turkish Cypriots declare Turkish Federated State of Cyprus (TFSC); inter-communal talks in Vienna; Vienna III agreement (partial implementation).
1977	Framework Agreement between Makarios and Denktash setting parameters for a bicommunal federation; death of Makarios; Kyprianou becomes president of Republic.
1979	Ten-point agreement between Kyprianou and Denktash; priority to be given Greek Cypriot resettlement of Varosha.
1980-1983	Military coup in Turkey.
1981	Guidelines for the Constitution of the TFRC; Committee on Missing Persons established with ICRC.
1983	Unilateral declaration of the Turkish Republic of Northern Cyprus (TRNC).
1985	Proximity talks on Draft Agreement, to be finished and signed at high-level meeting between Kyprianou and Denktash in January 1985; draft initialed, not signed; in April, Kyprianou agreed to a slightly altered draft, rejected by Denktash.
1986	Denktash agreed to a new altered draft, rejected by Kyprianou.

Table 4.1 continued

Date	Event and Relevance
1987	European Union protocol initialed.
1988	Vasiliou elected president; direct negotiations begun under UN auspices.
1989	Péréz de Cuéllar's summary of ideas for the basis of a comprehensive settlement; Vasiliou agreed to ideas as basis for negotiations; rejected by Denktash.
1990	UN negotiations resumed, but talks abandoned because Denktash insisted on a "separate right to self-determination for these two peoples" in contradiction to the 1977 and 1979 agreements; formal application to the EU membership.
1991	High-level meeting planned also including Greece and Turkey, but canceled due to lack of basic agreement on territory, return of refugees, and sovereignty.
1992	UN Secretary-General, Boutrous Ghali's "Set of Ideas" (a draft settlement) accepted as basis for negotiation by Vasiliou but rejected by Denktash.
1993	Vasiliou loses to Clerides in runoff presidential election; confidence-building measures (CBMs) proposed, with negotiations for implementation to begin, talks resumed, but canceled when Denktash declined to respond to UN proposals.
1994	UN begins proximity talks to negotiate implementation of CBMs following confirmation of acceptance by both sides; disagreement over terms dooms effort.
1995	Agreement to open accession talks with Cyprus (South); Denktash reelected in second round of voting; successful bicommunal events at Ledra Palace—open house on UN's 50th anniversary drew over 5,000 people (more than half were Turkish Cypriots), bicommunal friendship concert (over 1000 attending).
1996	UN special representative met with leaders of both communities; bikers' demonstration on Green Line; two Greek Cypriots were killed.
1997	Crisis over Russian S-300 missiles (Turkey makes threats against deployment); bicommunal concert draws 3,000; protest by a few Greek Cypriots became violent; Clerides and Denktash meet for 5 days of UN-sponsored talks in Troutbeck, NY; meetings in Glion, Switzerland; further talks canceled after dispute on UN proposals, and Denktash objections to application to join EU.
1998	EU accession negotiations begin; Denktash said that TRNC would unite with Turkey if Cyprus joins EU; formalized association accord signed in 1997; joint economic zone announced; Clerides wins second term in elections, agrees not to deploy Russian missiles (sent to Crete instead).

Table 4.1 continued

Date	Event and Relevance
1999	Earthquakes in Turkey and Greece lead to warming of relations between countries; UN-sponsored indirect talks in NY end without progress, but will continue; Turkey given candidate status for EU; must change its relations with Cyprus to achieve full membership.
2000	Negotiations continued without result; Denktash re-elected in disputed process; reunion of hundreds of former Greek Cypriot and Turkish Cypriot villagers at Pergamos; talks end in November with no progress.
2002-2003	UN Secretary-General Kofi Annan and his Special Representative Alvaro De Soto present a peace plan (the Annan Plan) for the island's partial reunification; both sides essentially reject the Plan.
2003	The Green Line is opened by the Turkish Cypriot administration and the Greek side also allows unfettered access between north and south—some 2 million people pass across the line during the remainder of 2003 without incident
2004	The Annan Plan for reunification is rejected in the south, with 70% voting against; in the Turkish north, 65% vote in favor of the plan despite official opposition; the Republic of Cyprus enters the European Union.

Source: The Cyprus Conflict: An Educational Website at http://www.cyprus-conflict.net.

Displacements

Cyprus has the longest standing internal displacement problem in Europe. Depending on the source, the number of total IDPs is anywhere from 210,000 to 265,000. According to the UNHCR, there were 265,000 IDPs in Cyprus in 1999 comprised of about 200,000 Greek Cypriots displaced in the south of the island and about 65,000 Turkish Cypriots displaced in the north. Since 1999 Cypriot IDPs have not been included in UNHCR IDP statistics, and the IDPs on the island are considered to have resettled within the country. The UNHCR figure is confirmed by the government of the Republic of Cyprus, which reports a total population of 265,000 IDPs. However, according to UNFICYP estimates, by the end of the year 2000, the total IDP population in Cyprus was 210,000 persons comprising 45,000 IDPs in the north, and 165,000 in the south. With a recent

amendment to the Refugee Law, the Republic extended national IDP status to those children of displaced persons who were born *after* the displacement crisis, and the discrepancy between the sources is largely explained by this fact.[168] The IDMC database uses the figures estimated by UNFICYP, which have remained constant since 2001 (2005).

The *CIA World Factbook* estimate of the total population of Cyprus is 788,457, of which 77 percent are of Greek origin, 18 percent are Turkish, and the remaining 5 percent is made up of Maronite, Armenian, and other minorities (2007). Hence, the seemingly small difference of 55,000 IDPs among sources equals 7 percent of the entire population of the island, a significant figure.

The causes and context of internal displacement in Cyprus can be analyzed in two chronological phases: (1) internal displacement caused by the inter-communal violence of 1963-1964, and (2) dislocation produced by the Turkish invasion/intervention of 1974 and the concomitant events (see Table 4.1 for chronology of events).

1963-1964 Displacements

When an incident took place in Nicosia between angry Turkish Cypriot group and the Greek Cypriot police patrol, the inter-communal tensions were already at a climax with the political crisis over the 1960 constitution. During the concomitant street fighting, a few thousand Greek Cypriots were internally displaced, but the majority were able to return to their homes in a matter of days (Patrick 1976: 340). Also, 3,378 Armenians living in the Turkish quarter of Nicosia (the entire Armenian population of the quarter)

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[168] Republic of Cyprus Official Gazette, 26 July 2002 (IDMC website). UNHCR data are largely dependent on the government sources (ibid.).

were internally displaced by Turkish Cypriots who discovered a conspiracy between some Armenians and armed Greek-Cypriot irregulars (ibid.). However, of the displacements caused by the inter-communal conflicts of 1963-1964, an overwhelming majority of the IDPs were Cypriot Turks (ibid.). In 1970, about 20,000 Cypriot Turks were registered as displaced with the Turkish-Cypriot welfare authorities (ibid: 343). Taking into account non-registered IDPs, the United Nations estimated the number of Turkish Cypriot IDPs to be as high as 25,000, of which a very large majority were still displaced in 1974 when the Turkish invasion/intervention took place (ibid.). This is almost 24 percent of the entire Turkish Cypriot population at that time. Thus, by 1970 it was already possible to talk about a *de facto* secession by the Turks, who were mostly living in armed enclaves (Loizos 2004).

Displacements of 1974 and After

The exodus following the events of 1974 was massive. 201,000 Greek Cypriots, one third of the entire population of Cyprus, were displaced as an *immediate* result of the Turkish invasion. While many of these people could return to their homes by 1977, 167,000 Greek Cypriots remained displaced. At that time there were still about 13,000 Greek Cypriots living in the Turkish-army-occupied North, and approximately 36,000 Turkish Cypriots living in the South.

During the peace talks that took place in Vienna in July and August 1975 between the representatives of the two communities, "Mr. Denktash [the founder and former president of the later declared TRNC] reaffirmed, and it was agreed, that the Greek Cypriots at present in the North of the Island are free to stay and that they will be given

every help to lead a normal life, including facilities for education and for the practice of their religion, as well as medical care by their own doctors and freedom of movement in the North."[169] The agreement also stated that those Turkish Cypriots who were left in the South would be free to move to the North. Despite the Vienna III Agreement, the migration of Cypriot Greeks from north to south continued until the 1980s due to discrimination, harassment and intimidation, and the number of Cypriot Greeks in the north declined to a negligible 500 (ECHR 1976; Gurel & Ozersay 2006: 3).

The Turkish Cypriot population living in the Greek Cypriot South also decreased significantly due to transfers carried out by the UN or the ICRC immediately after the conflict[170] and following negotiations in Vienna in July and August 1975. In total, 45,000 Turkish Cypriots moved to the North at the end of 1975.

Overall, almost a quarter of the inhabitants of the island, 210,000 Cypriots, *both* Greek *and* Turkish, have been internally displaced for over 30 years (IDMC 2005). Thus, the ethnic demography of Cyprus is totally different than it was in the 1960s and 1970s, reflecting the *de facto* division of the island into two ethnically homogeneous communities of Greek and Turkish Cypriots.

The island has also undergone other demographic changes. To begin with, the population density in different areas has been significantly altered. For example, once a prosperous holiday resort, the Greek Cypriot city of Varosha in the district of Famagusta

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[169] The Vienna III Agreement, 2 August 1975, Article 2, UN Document S/11789. For a detailed description of the Cypriot Greek position during the negotiations, see Clerides (1992). Clerides was the Cypriot Greek negotiator in Vienna at the time as well as the President of the House of Republic of Cyprus. For a detailed description of the Cypriot Turk position during the negotiations see Denktash (2000). Denktash is the founder of the TRNC, and was the Cypriot Turk negotiator in Vienna.

[170] These people were mostly prisoners of war who were informed by the UN at the end of the war in 1974 that their protection could not be guaranteed if they stayed in the South. I met a few such people during my field trip in summer 2005.

in the North remains as a ghost city.[171] Also, the population density of the southern part of the island is twice as high as the density in the north due to displacement (IDMC 2005). Second, the ratio between rural and urban populations has also been transformed, because although about 75 percent of the displaced population had a rural background, the displaced Greeks did not occupy the villages abandoned by the Turkish Cypriots, but settled in the main cities of Nicosia, Larnaca, and Limassol (ibid.). Finally, as a side effect, the ethnic demography of the island has also changed considerably due to Turkish migrants from Anatolia, who were brought into the North and immediately provided with citizenship rights as part of a policy of *Turkification* in the North.

Managing Displacement

The mass exodus of populations in and after 1974 was managed very well by the humanitarian relief operation coordinated by the UNHCR (Wolff 2004: 21). The $22 million in emergency relief in 1974 was followed by $18 million in 1975 and $30 million in 1976. This figure decreased to less than $10 million by 1997 when UNHCR officially ended its involvement on the island (ibid.). From 1974 until 1997, the focus of UNHCR activities changed from emergency relief to a series of projects aimed at assisting IDPs in achieving self-sufficiency (ibid).

Although much of the literature focuses on Bosnia as the case where UNHCR extended its activities from refugees to other vulnerable groups, i.e., IDPs, and affected civilians (see Chapter Three on Bosnia), UNHCR was already very active in assisting

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[171] Around 50,000 urban displaced came to the South mainly from the district of Famagusta, and the Turkish Cypriots did not resettle in the area, as, if the negotiations succeeded, they intended to return the area to the Greek Cypriots. Thus, the Turkish Cypriot authorities keep Varosha as a political card.

IDPs in Cyprus in 1974, two decades before Bosnia. Two separate but rather related factors can explain such involvement. Even though they are internally displaced in Cyprus—the Green Line is not an internationally recognized state border so they are considered to be dislocated within the borders of their own country—these IDPs are usually referred to as "refugees" in both of the local languages. The academic literature and policy pieces on Cyprus also usually refer to the problem of "refugees" but not IDPs. From a technical standpoint, this could be a result of the fact that IDP is a new term without much common usage in daily language, and that it has only recently been translated into other languages (see Chapter One). From a political viewpoint, however, referring to IDPs as refugees can be treated as a political tactic used by leaders of the two sides to attract resources to assist them with an acute internal displacement problem. It could be that in a period when IDPs did not yet exist as a category of forced migration, presenting the issue as a refugee problem would attract more international aid. Consequently, as the money continued to come—the UNHCR involvement lasted for almost two decades—there was no need to change the terminology.

The administrations of the two sides also took measures to assist emergency relief and to help the IDPs to achieve self-sufficiency. In the South,

> a number of welfare-socialist measures were rapidly made law, reminiscent of Britain in the Second World War: empty houses and rooms were requisitioned, rents fixed at low levels, ration-food given free to the refugees, small cash allowances, and later loans, made to farmers and businessmen to get them restarted. Refugees were permitted by the government to squat in abandoned Turkish houses and cultivate Turkish fields … (Loizos 1981: 136).

In later stages in the South, the government also began a housing program that:

> consists of construction of some 13,600 government estate houses, 11,600 self-build-houses financed by government loans and grants on government sites and services projects, 12,000 self-build-houses similarly financed on privately owned

> plots and some smaller initiatives. … In all, by 1993, some 43,000 units had been constructed and the entire 'eligible' refugee population (some 150,000 of the original 180,000) housed in permanent structures. Housing is also provided for second generation refugees (Zetter 1994: 310).[172]

Moreover, the state also granted Greek Cypriot IDPs the right to free health care and subsidized the costs of secondary education, as well as assisting with re-housing costs (Loizos & Constantinou 2007).

In the North, resettlement was pursued "through the distribution of land and property to people who had left their homes, thereby providing jobs and security for them" (Morvaridi 1993: 222). As time passed, the standards of living for both displaced communities began to improve. However, mostly as a result of the embargo on the North, the Cypriot Greeks had an easier time in increasing their quality of life than their Cypriot Turk counterparts (Wolff 2004).[173] "The national economy of the unoccupied 64 percent of Cyprus, helped by several externalities, proceeded to develop rapidly, and with the passing of the years the refugees were able to live with reasonable dignity" (Loizos & Constantinou 2007: 90).

Perceiving Displacement

Although members of both ethnic communities were displaced in Cyprus, their experiences of displacement were quite different, resulting in different definitions of

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[172] This extensive program had several results: (1) it reinforced "refugee" as a label and identity [for a different argument on reinforcement of refugee identity, see Hadjiyanni (2002)]; (2) these nuclear family accommodations altered the pre-1974 extended family structure; and (3) refugee housing became a leading sector in the shattered economy. For further details of the effects of this housing program in the South, see Zetter (1991).

[173] Thubron (1985) describes the situation as the north as falling into neglect, and the situation in the south as over-exploitation.

displacement, different policies of resettlement, widely divergent expectations for the future, and conflicting ideas about a solution to the property issue.

To begin with, the word "refugee" connotes very different experiences for the two communities. Based on their experiences from 1963 to 1974, for the Turkish Cypriots, being a refugee means living under conditions of extreme danger, being exposed to the enemy's nationalist agenda to gain territory, and thus, having to leave their unsafe and insecure homes in order to go to a safe place (Anastasiou 2002: 585).

In contrast, for the Greek Cypriots, being a refugee means: "living a life of safety and prosperity and then being forced to leave one's home overnight, and, having lost all one's belongings, being placed under conditions of complete uncertainty, insecurity, and exposure to physical danger in the face of an advancing army" (ibid.). They left their safe homes and found themselves in absolute ambiguity. For the Greek Cypriots, everything was fine until the Turkish army arrived and created disorder in their lives. For the Turkish Cypriots, everything was uncertain until the Turkish army arrived and put an end to that uncertainty.

Thus, for the Turkish Cypriots who had been displaced since 1963 and who had been living in enclaves under harsh conditions, the move to the North was seen as a gate to a new beginning (Canefe 2002a). Some of these people had already tried to return to their houses in the South even before 1974, but they were mostly deterred by the threat of political violence and terror, by seeing their damaged, ruined or occupied houses, as well as by discouragement of the Provisional Turkish Cypriot Administration (ibid: 13). Therefore, when the conditions in the North were developed enough for resettlement and to provide opportunities for a new life, most Cypriot Turks saw it as a better option.

Based on interviews with Turkish Cypriot officials, it is more likely to assume that they were anticipating such a movement, and that they were getting ready to be able to provide opportunities for the newcomers. According to Kliot and Mansfield, "during the 1960s when the Turkish Administration evolved in the Turkish held enclaves, a survey of all Turkish property in both abandoned and non-abandoned villages was carried out. Accordingly, the whole inventory of farming land, livestock, shops and houses was well documented in order to assign to each village community a village in the North as similar as possible to the original one in the South" (1994: 348).

Unlike their Turkish Cypriot counterparts who had already been displaced for a decade by 1974, for the Greek Cypriots, displacement was sudden (ibid.). Following Kunz's categorization, while the Turkish Cypriots were "event-alienated anticipatory refugees"[174] who regarded their relocation to the North as permanent, the Greek Cypriots became "acute refugees"[175] as a result of the 1974 invasion and expected to go back home once the issue was settled (1973, 1981; Kliot & Mansfeld 1994). Interviews with Greek Cypriot IDPs immediately after 1974 as well as the narratives of the time stress their expectation to return home (Loizos 1981; Pierides 1998; Layoun 2001). Kliot and Mansfeld summarize how these different experiences with displacement produced the different policy trajectories of the two administrations:

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[174] Event-alienated anticipatory refugees are "those who either because of events immediately preceding the refugee situation, or because of past discrimination are ambivalent or embittered in their attitude to their former compatriots. The ambivalence of those in this group derives from their original desire to be identified with the nation, and their subsequent realization of their rejection by the nation as a whole, or by a section of its citizens. They are people whose marginality was latent or suppressed but came to the fore in a sequence of events" (Kunz 1981: 43).

[175] "Acute refugee movements arise from great political changes or movements of armies. The refugees flee either in mass or, if their flight is obstructed, in bursts of individual or group escapes, and their primary purpose is to reach safety in a neighboring or nearby country which will grant them asylum. The emphasis is on the escape and at the time of passing through the border few refugees partaking in acute movements are aware that later further migration will become a necessity" (Kunz 1973: 132).

> The event-alienated anticipatory Turkish Cypriot refugees and their leaders consider their migration to the North as a permanent movement. Because of this position, all the measures and policies adopted in the North by Turkish Cypriots aimed at a quick and permanent solution for the Turkish refugees. The Greek Cypriot refugees and the *de jure* Government of Cyprus emphasized the temporary nature of the process, namely, the myth of return was reinforced hence delaying integration of the Greek Cypriots. (1994: 328)

Since 1974, the Republic of Cyprus has emphasized that the problem of internal displacement on the island is temporary. For the Greek Cypriots an ideal solution to internal displacement is the return of *all* IDPs to their pre-1974 properties. Thus, in peace negotiations, Republic of Cyprus officials seek a realization of this "myth of return," and the sooner more IDPs return, the better. In contrast, in the TRNC, there is almost a complete denial of the mass displacement of Greek Cypriots caused by the events of 1974 and the consequent demographic mayhem is usually seen as a result of the creation of casualties of war on both sides (Canefe 2002a: 16). For TRNC officials the problem of internal displacement of Turkish Cypriots was solved in 1974 when the Turkish army saved the inter-communal-conflict-induced IDPs of 1963-64 from their enclaves. They consider the current division of the island along ethnic lines desirable for security and recognition of the Cypriot Turkish administration, and in case of peace, the lower the number of Greek Cypriots that moved to the North, the better.

These two entirely opposite views of return, and of the nature of the problem in general, have also produced two very different approaches to the property problem in Cyprus, which is closely related with the phenomenon of IDP return.

The Property Situation in Cyprus

As in Bosnia, property in Cyprus is a complicated and sensitive issue for quite a few reasons. First of all, resolving land disputes on the island is essential to resolving the overall political crisis. Disputes over access and claims to land and the use and security of land have been a dominant issue throughout the Cyprus conflict, and not addressing these disputes hinders the maintenance of a delicate and emergent peace (de Soto and Castillo 1995). As in the case of Bosnia, due to a political numbers game on both sides of inflating and reducing the numbers based on different political agendas, there are no accurate data, neither on the actual numbers of the displaced (see the previous section on displacement), nor on the quantity of land and property involved in the peace negotiations (see the next section). However, the property issue is a great concern to the approximately one-third of the island's population that had to uproot as a result of civil strife and Turkish invasion.

Second, there is the economic aspect to property. The broad agricultural sector, despite the reduction of its contribution to the gross domestic product (GDP) and total employment due to development of other industries like tourism and real estate, continues to be a fundamental sector of the economy. Agricultural exports (raw and processed) make up 30.7 percent of total domestic exports in Cyprus.[176] Thus, land is an important economic asset.

The land that the Greek Cypriot IDPs abandoned in the North is considered an even more important economic asset when weighed against the other parts of the island. In the 1970s, the North of Cyprus was not only fertile and rich in agricultural land

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[176] See http://www.cyprus.gov.cy. The figure only relates to Southern Cyprus. Northern Cyprus had been under an embargo since 1974.

resources, but also well developed from the residential, tourist and industrial points of view (Karouzis 1977: 125). It is estimated that in 1972 about seventy percent of total gross output from all sources, originated from the land occupied by the Turkish army and the adjacent affected area (ibid.).

Third, land in Cyprus has a sentimental or psychological value as well as an economic one.[177] Like their Bosnian counterparts, many Cypriots do not see land and property simply as an economic tool, but also as a symbol of status and wealth and as a connection to a past that they have lost. Property in Cyprus, especially land ownership, has traditionally been "a principal criterion of status and differentiation" (Zetter 1994: 308; Karouzis 1977: 65). Conducting fieldwork in Cyprus in the 1960s, Loizos asserts that when villagers described a man's economic position, they typically did so in terms of his land holdings and the number of children he had (2004: 310). Thus, loss of land takes an additional psychological toll on the displaced for it also represents a loss of status.

Finally, as in the case of Bosnia, there is also a cultural aspect to property. Although identity is not the real cause of either the Bosnian or Cypriot conflicts, they have both evolved as problems of national identity.[178] Once civil wars involve national identity, they also become about territory. As was also stated in the previous chapter on Bosnia, occupation of a homeland is an important element of nationalism (Smith 2001). Thus, in the case of Cyprus, the cultural implication of property becomes clear in the ways that national identity and nationalist debates have evolved, especially in terms of the Greek Cypriot rhetoric about the myth of returning "home."

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[177] Nora Nadjarian's poem at the beginning of the chapter is one among many examples of Cypriot literature that address the sentimental value of land and property for the Cypriot populations.

[178] In Bosnia the genuine cause of the war was economic, and in Cyprus it is about sharing administrative power.

The next section describes the property problem in Cyprus. Beginning with a short description of the pre-1974 distribution of property in Cyprus, the section continues with a brief analysis of the changes that came in 1974, which is followed by a survey of the politics of IDP property on the two sides after 1974, and the current implications of these politics in light of the Annan Plan and the reactions to it.

The Pre-1974 Property Situation in Cyprus

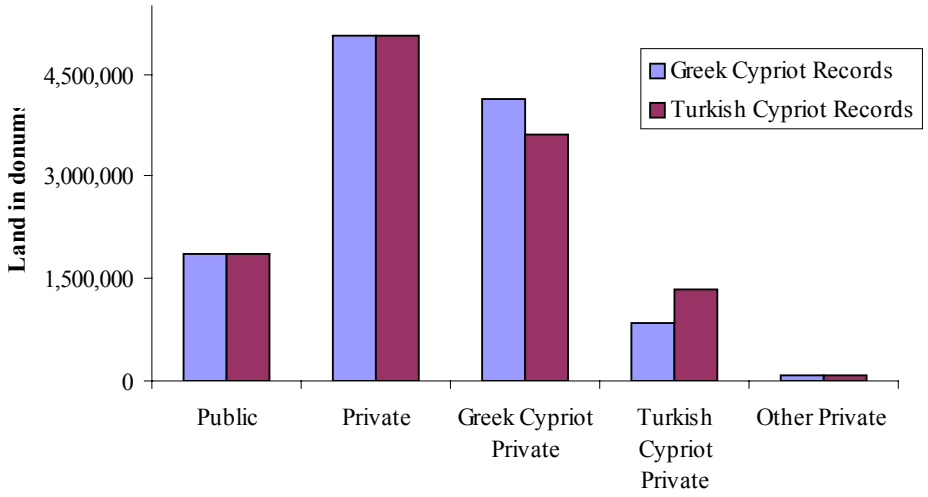
Studies regarding land ownership in Cyprus go back as far as *Neolithic* times, but the confirmation of private property in land came in the late nineteenth century with British colonial rule (Katsiaounis 1996).[179] The move was a result of British fiscal reforms that eliminated communal responsibility for tax payments, which had been the common practice in the Ottoman Empire in line with its *millet* system, and thus effectively amounted to the institutionalization of private property (ibid.).

Similar to the case of Bosnia, finding accurate data was also a problem in the case of Cyprus. Both sides to the conflict amplify or reduce the numbers of IDPs and the land belonging to the IDPs of different ethnic groups, in line with their political arguments in the peace negotiations. Thus, there is quite a discrepancy among different sources about the distribution of land in Cyprus before 1974. Figure 4.1 displays the pre-war distribution of land in Cyprus in 1960—along both the public-private dimension and according to ethnic divisions—based on the data provided by the Statistics and Research Department of the Cyprus Government's Ministry of Finance (dominated by Greek

[179] For such a historical analysis of the land ownership in Cyprus see Karouzis (1977).

Cypriots at the time) and by the Planning Department of the Provisional Turkish Cypriot Administration.

Figure 4.1: Pre-1974 distribution of land in Cyprus



Sources: Halil Giray (a former director of the Turkish Cypriot Cartography Department), Numerical Information Concerning Cyprus, unpublished report, 1993, in Gurel, A., Ozersay, K. (2006). The Politics of Property in Cyprus Conflicting Appeals to 'Bizonality' and 'Human Rights' by the Two Cypriot Communities. Nicosia, PRIO Cyprus Center; Karouzis, G. (1977). Land Ownership in Cyprus: Past and Present. Nicosia, Cosmos Press; Patrick, R. A. (1976). Political Geography and the Cyprus Conflict: 1963-1971. University of Waterloo, Department of Geography Publication Series, No.4.
(Notes: (1) Both Greek and Turkish Cypriot sources count the properties of the Orthodox Church as Greek Cypriot private property and *Evkaf* properties as Turkish Cypriot private property; (2) in sets of data, the category of "other" refers to the minority communities of Armenians and Maronites; (3) public land includes state forests, state lands, roads, and rivers.)

An initial look at Figure 4.1 shows that while there is no discrepancy between the sources on the distribution of public versus private lands, information from the very same sources on the distribution of land based on ethnic divisions differs. The difference between the Greek and Turkish Cypriot data with regard to the shares of the two communities of private ownership amounts to about 500,000 donums (669 square kilometers),[180] or 10 percent of all private lands in 1974 (Gurel and Ozersay 2006). In an

[180] 1 donum=1338m^2=14,400ft^2=0.33 acres=0.133 hectare.

island with a total area of 9,250 square kilometers, this is equal to 0.7 percent of all the land in Cyprus.

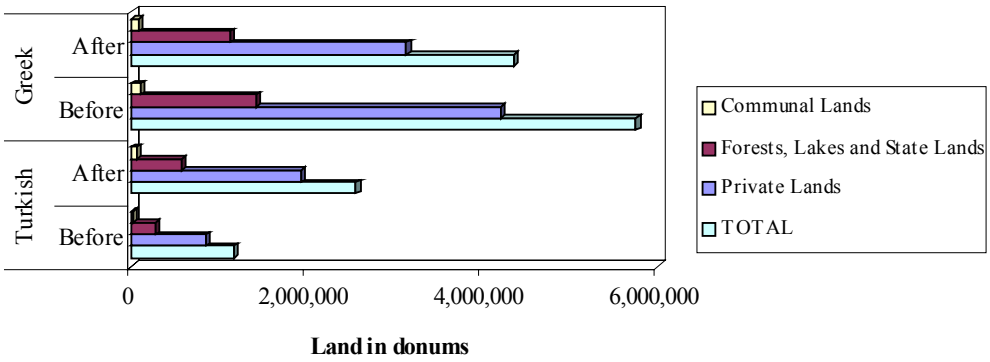
Many Turkish Cypriots had to abandon their private property during the inter-communal conflicts in the pre-1974 period, and the economic disadvantages to Cypriot Turks began as early as 1963 when much of the agricultural produce could not be harvested due to the mass exodus resulting from inter-communal tensions (Patrick 1976: 110). If they could harvest the crops, it was difficult for them to sell their produce, or they sold at cut-rate prices (ibid.). As a result, by 1966, about half of the farmland abandoned by Cypriot Turks was leased to their Greek counterparts often at unfairly low rates (ibid.). While it is not possible to calculate the loss of Turkish-Cypriot-owned private property caused by the inter-communal conflicts during the period between 1963 and 1974, based on the above figures, it can be estimated to be approximately 415,000 donums (Garlick 2005).

Post-1974 distribution of land in Cyprus

With the events of 1974, the distribution of land in Cyprus turned noticeably in favor of the Turkish Cypriots (see Figure 4.2). The percentage of private land under Turkish Cypriot control increased from 12 percent to 28 percent, and the percentage of Greek private ownership fell from 61 percent to 45 percent. The post-1974 records of the Greek Cypriot Department of Lands and Surveys and the Planning Bureau and the Turkish Cypriot Mapping Department differ in the estimates of loss of Cypriot Greek property in the north. While the former estimates a loss of 1,463,382 donums, which is equivalent to

78.5 percent of all privately owned land in the north, the latter's estimate is 1,228,838 donums, or 63.9 percent (Gurel and Ozersay 2006).

Figure 4.2: Post-1974 distribution of land in Cyprus



Sources: Halil Giray (a former director of the Turkish Cypriot Cartography Department), Numerical Information Concerning Cyprus, unpublished report, 1993, in Gurel, A., Ozersay, Kudret (2006). The Politics of Property in Cyprus Conflicting Appeals to 'Bizonality' and 'Human Rights' by the Two Cypriot Communities. Nicosia, PRIO Cyprus Center; Karouzis, G. (1977). Land Ownership in Cyprus: Past and Present. Nicosia, Cosmos Press; Patrick, R. A. (1976). Political Geography and the Cyprus Conflict: 1963-1971. University of Waterloo, Department of Geography Publication Series, No.4.
(Note: The category of "Communal Lands" in the figure includes communal, village commissioned, public corporation lands, roads, and rivers.)

Managing IDP Properties

Almost one-third of the island's population had to leave behind their properties either as a result of the inter-communal conflicts of 1963-64, or following the events of 1974. What happened to these properties? Largely in line with their differing perceptions of the issue of internal displacement, the two constituent states have followed quite distinct paths in their management of IDP properties.

The Trajectory in the North

In the north, *the Law for Housing, Allocation of Land, and Property of Equal Value*[181] considered such lands "abandoned," and the Turkish Cypriot administration adopted an exchange system based on points in their management, which was based on the assumption that the "abandoned" lands in the North and South were equal in value. The administration allowed Turkish Cypriot owners to apply for and receive "abandoned" property in the north in exchange for the property that they left behind in the south, based on the condition that the owners agreed to assign all rights relating to their properties in the south to the Turkish Cypriot administration. Figure 4.2 displays this process in a simplified fashion.

There are four problems with the point system that create grievances among Turkish Cypriots and that reflect their concerns about the property problem on the island at large. First, the current values of these properties were calculated based on the information and economic realities of the 1970s. Thus, although factors pertaining to location, e.g., proximity to commercial centers, fertility, and access to water were considered in the calculation of value, these changed substantially over time, and in many cases, the economic centers themselves have changed. For example, once the most prominent tourism resort, Varosha is a complete ruin today, while the once-seaport of Larnaca is developing as a tourism center with its post-1974 airport. Thus, many Turkish Cypriots complain that they did not receive property equal in value to that which they left in the south.

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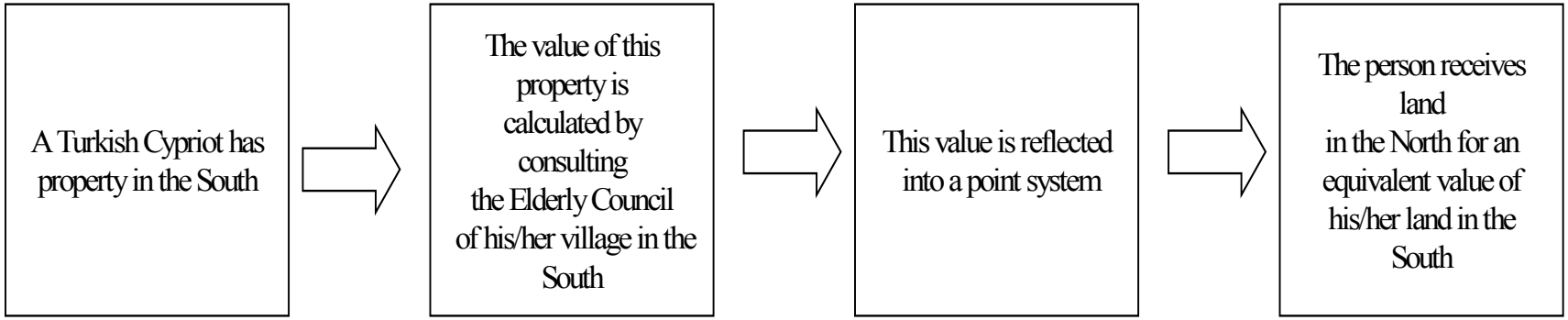
[181] *İskan, Topraklandırma ve Eşdeğer Mal Yasası* (ITEM law, No. 41/1977).

Figure 4.3: The Point System in the North



Source: Based on a short lecture given by Kudret Ozersay, a specialist on international law and property regulations at Eastern Mediterranean University, August 2005.

Second, although the system was originally designed to provide for (1) Turkish Cypriot IDPs, (2) farmers whose average annual income was below a specified minimum, and (3) relatives of people who became martyrs during the conflict with housing and land to sustain their living in the north, the range of beneficiaries was later broadened. The system became a tool of accommodating political patron-client relationships in the north: points began to be distributed to those who did "service to the state" as well as to the post-1974 Turkish mainland population on the island for political gains, i.e., votes in the elections.

Third, the system can be manipulated and be a source of unjust enrichment. One such case is that of Turkish Cypriot Arif Mustafa who sold the property he had received through the point system (Greek Cypriot IDP property in the north in exchange for the property that he had left behind in the south), while also trying to regain his pre-1974 property in the south in the courts of the Republic of Cyprus. Arif Mustafa's case is instructive: He was displaced as a result of the post-1974 population movements. Upon his arrival in the north, the Turkish Cypriot administration allocated him Greek Cypriot property in exchange for the property that he had left behind in the south. As time passed, he fell into economic hardship, sold the Greek Cypriot property that was allocated to him, in 2003 moved back to the south, and opened a case against the Republic of Cyprus to regain his house in the south to which in 1974 he had agreed to assign the Turkish Cypriot administration all rights. In 2006 the court in the Republic of Cyprus granted him the key to his house in the south. Although some commentators applaud Arif Mustafa's case as a success story for the possible unification of the island—that Cypriots can live together in spite of everything (Uludag 2005)—his motive seems to

be more about unjustly making a profit. In Arif Mustafa's defense, it can be argued that the papers he had signed with the Turkish Cypriot administration in 1974 did not have any *de jure* meaning, but then the argument can come back to haunt him for selling a Greek Cypriot property that did not *de jure* belong to him.

Finally, at the beginning, the system only allowed possession of these properties. Therefore, the allocated land could not be sold or rented, but was only for personal use. As time passed, these rights of possession went through substantial changes, partly causing the current problem of multiple claims on the same property. Following the foundation of the TRNC and declaration of independence in 1983, a new constitution was put into effect in 1985 by referendum, and was similar to the 1975 constitution of the Turkish Federated State of Cyprus except for a number of new provisions regulating the needs of the new Republic. Article 159 of the new constitution paved the way to full ownership of these lands.[182] In an interview in 2005, the former Turkish Cypriot leader Rauf Denktash explained that this change was designed to ensure that Turkish Cypriots could freely buy, sell, lease and otherwise deal with this property in order to facilitate economic development in the northern part of the island. Along the same line, Marvoridi talks about "irresponsible farming practices" where land was only rented out for short periods of time instead of granting full ownership (1993: 234).

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[182] Article 159 reads, "All immovable properties, buildings and installations which were found abandoned on 13 February 1975 when the Turkish Federated State of Cyprus was proclaimed or which were considered by law as abandoned or ownerless after the above-mentioned date, or which should have been in the possession or control of the public even though their ownership had not yet been determined … and … situated within the boundaries of the TRNC on 15 November 1983, shall be the property of the TRNC notwithstanding the fact that they are not so registered in the books of the Land Registry Office; and the Land Registry Office shall be amended accordingly."

The change from possession to ownership of properties that are typically owned by Greek Cypriot IDPs allowed the selling of such properties to third parties, and the consequent emergence of multiple claims over the same property. An anecdote can explain this in simpler terms: A Greek Cypriot property under Turkish Cypriot administration is given to a Turkish Cypriot (with actual titles provided by the TRNC, an internationally non-recognized entity) in exchange for his land that he had to abandon in the south (based on the point system explained above). After some years, the Turkish Cypriot decides to sell this land to a developer. Since he has the title provided by the TRNC, the exchange takes place without any legal complications in the north. The developer builds summer villas on this land. A British couple buys one of these villas and they also acquire a title. However, the land that the villa is built on is still owned by a Greek Cypriot who has a title from the Republic of Cyprus, an internationally recognized legal entity. Thus, several claims can be made for the same land. This and similar stories are a part of everyday reality in Cyprus. Recently, a Greek Cypriot IDP, Meletios Apostolides, opened a case against a retired British couple, Linda and David Orams, under similar circumstances to those in the story.[183]

The trajectory chosen by the TRNC in its treatment of IDP properties abandoned in the north has been the source of more than 2,000 applications by Greek Cypriot IDPs to the European Court of Human Rights, ECHR, with claims that their property rights have been violated. On December 18, 1996, ECHR agreed that Cypriot national Titina Loizidou's right "to the peaceful enjoyment of (her) possessions" guaranteed under Article 1 of Protocol No. 1 of the European Convention for the Protection of Human

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[183] For details see (2006) Orams v. Apostolides.

Rights and Fundamental Freedoms was violated by Turkey (Klarevas 1999; Oxman & Rudolf 1997; Bagshaw 2003).[184] In December 2003, Turkey paid damages of 1.2 million euros to Ms. Loizidou.

In response to the adverse ruling against Turkey in the Loizidou case, and in order to avoid similar judgments in thousands of similar applications to the ECHR, in 2003 the Turkish Cypriot administration established a "Property Commission" to which Greek Cypriots and other "foreigners" or owners of "abandoned property" could apply. In line with the TRNC's general stance on return, the commission initially presented either compensation or property exchange as options available to potential applicants. In a recent case, *Xenides-Arestis v. Turkey,* the ECHR, while not dismissing the commission altogether, indicated certain deficiencies in its operation, such as the absence of any form of restitution (ECHR 2004, 2006). Following the decision of the court, the TRNC amended its law on abandoned properties to make restitution a possible option for applicants.[185] The commission has received almost 200 applications from Greek Cypriot IDPs. In September 2007, there was a heated public discussion in the south when a Greek Cypriot IDP, Mike Tymvios, applied to the TRNC Property Commission, and the Commission granted him $1.2 million in compensation as well as a large plot of land in

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[184] The court considers Turkey with its 30,000 troops stationed in the island as the effective jurisdiction in the north of the island. The court cases are filed against Turkey, and not the TRNC that is neither an internationally recognized *de jure* state, nor a party to the relevant human rights covenants.

[185] The Law for the Compensation, Exchange and Restitution of Immovable Properties, which are within the scope of sub-paragraph (b) of paragraph 1 of Article 159 of the Constitution regulates the necessary procedure and conditions to be complied with by persons in order to prove their claims in respect to movable and immovable properties within the scope of this Law, as well as, the principles relating to restitution, exchange of properties and compensation payable in respect thereof, having regard to the principle of and the provisions regarding protection of bizonality, which is the main principle of 1977-1979 High level Agreements and of all the plans prepared by the United Nations on solving the Cyprus Problem and without prejudice to any property rights or the right to use property under the Turkish Republic of Northern Cyprus legislation or to any right of the Turkish Cypriot People which shall be provided by the comprehensive settlement of the Cyprus Problem (TRNC Law 67/2005 passed in December 2005).

Larnaca as part of a property exchange. Greek Cypriots were afraid that the case could set a precedent if the ECHR accepted the deal made through the TRNC Property Commission as an adequate domestic remedy. This would mean international recognition of a TRNC institution, and could eventually cause thousands of ECHR applications by Greek Cypriot IDPs being forwarded to the commission in the north for settlement of property issues. Moreover, in case the ECHR accepts the Property Commission's proposed deal to Mr. Tymvios, it will also have implications for the legitimacy and validity of the Greek Cypriot institutions that are managing the Turkish Cypriot IDP properties left in the south.

The Greek Cypriot Trajectory

In the south, the Greek Cypriot administration followed a rather different path in dealing with the IDP properties. After 1974, the Greek Cypriot minister of the interior was named "custodian" of all Turkish Cypriot property in the area controlled by the Republic of Cyprus—including movable and immovable property owned by Turkish Cypriot individuals, companies, or the Turkish Cypriot religious foundation Evkaf—"for the duration of the abnormal situation."[186] As long as the abnormal situation created as a result of the Turkish "invasion" continued, the Greek Cypriot minister of the interior could administer Turkish Cypriot properties and a Turkish Cypriot Property Fund into which all sums due to Turkish Cypriot owners should be paid. In addition, the interior minister could collect and dispose of the produce grown on these properties, pay for

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186 "Turkish Cypriot Properties (Administration and Other Matters) (Temporary Provisions) Law of 1991, No. 139/1991, as subsequently amended (succeeding Orders under Laws of 1962 and 1966 relating to Requisition of Property: Greek Cypriot Official Gazette, Not. No. 14202 of 18 August 1975 and Not. No 1218, 11 September 1975)" in Garlick (2005).

obligations concerning them such as repairs, improvements and cultivation, and lease them.

There are two main problems with this custodial system. First, although the law banned the transfer of ownership of Turkish Cypriot property to avoid further complications regarding claims to the land, in exceptional cases where it would be beneficial for the owner or in the public interest, the ownership rights of Turkish Cypriot IDPs can simply be declared null and void by the minister of interior. In effect, many Turkish Cypriot properties were allocated to Greek Cypriots—mainly internally displaced ones—for use, under nominal rental rates. However, the "exceptional cases beneficial to the public interest" allowed for the acquisition of Turkish Cypriot land for public purposes, such as building roads and airports. For example, two Turkish Cypriots, Huseyin Helvacioglu and Behlul Sutcu, claim that Larnaca airport in the south was built on their lands that were unfairly acquired by the Republic of Cyprus in exchange for trivial compensation packages to be paid, based on the Greek Cypriot law on IDP properties, only after the solution of the Cyprus problem.

Second, within the custodial system, the ministry of the interior of the Republic of Cyprus is the *only* recognized authority endowed with the power to return land to Turkish Cypriots. The trick is that such restitution can only take place if a Turkish Cypriot IDP who applies for his or her property has been residing in the Republic for six months or more. If the ECHR accepts the Turkish Cypriot Property Commission's property exchange offer to the Greek Cypriot IDP Mr. Tymvios as a valid domestic remedy, it might put the custodial system at an impasse. Mr. Tymvios will be claiming Turkish Cypriot land that the ministry of interior cannot legally give as the Turkish Cypriot owner

did not live in the Republic. Thus, the legitimacy of the entire custodial system in the south can be challenged by such an ECHR decision.

Annan: Solving Internal Displacement Problem by Property Rights

The Annan Plan came about in the circumstances described hitherto. To summarize, the Greek Cypriot government has been pursuing the ideal that more than 200,000 IDPs in the south will return to their properties in the north, while managing the Turkish Cypriot IDP properties left in the south in a manner that emphasizes the temporary nature of the division of the island. On the other hand, the Turkish Cypriot administration in the north has engaged in making the *de facto* division of the island along ethnic lines permanent via (1) ignoring the refugee problem altogether, (2) reallocating the Greek Cypriot IDP property left in the north, and (3) forming a Property Commission that, although it presents restitution as an option, nevertheless promotes solutions along the lines of compensation and global property exchange.

Against this background, and realizing the close relationship between property and IDP return, the Annan Plan did not take on the issue of return *per se*, but presented solutions to the property problem. The Plan underlined freedom of movement and freedom of residence as fundamental rights throughout Cyprus though it did not emphasize the right to return but the right to property, which was in accordance with the lesson learned in the Bosnian case that a "return only" policy is not the correct method for solving the problem of displacement, but there is a need for a "rights-based" policy that will endow IDPs with different options. Accordingly, there were three main property

provisions of the Annan Plan, and all caused many reactions among members of both of the island's communities.

(1) Territorial Adjustments

Since the commencement of inter-communal negotiations, in line with their aim of the "return of all refugees," the Greek Cypriot side has claimed territorial adjustments to allow the maximum number of internally displaced people to return to their former homes. In response, the Plan provides territorial adjustments that would facilitate return of more than half of the Greek Cypriots who were displaced in 1974 and their descendants to their former homes. Accordingly, they would "get their properties back and live in them under Greek Cypriot administration, in areas handed over between 3½ and 42 months after entry into force of the settlement."[187] According to UN estimates, 54 percent of Greek Cypriots who were displaced in 1974 (around 86,000 people; the number is around 120,000 today with their children included) would be able to return to their property if the Plan were accepted (see Map 4.1).

The time frame of the provision (3½ and 42 months after entry into force of the settlement) became a major point of public criticism by Greek Cypriots. Regarding the fact that the Plan did not institute any guarantees regarding the implementation of the provisions, the Greek Cypriots argued that the execution really depended upon Turkish good will. There was a fear that as a result of the completely different approaches of the two sides to the issue of return, there was the potential for political obstruction of the process in the post-conflict phase.

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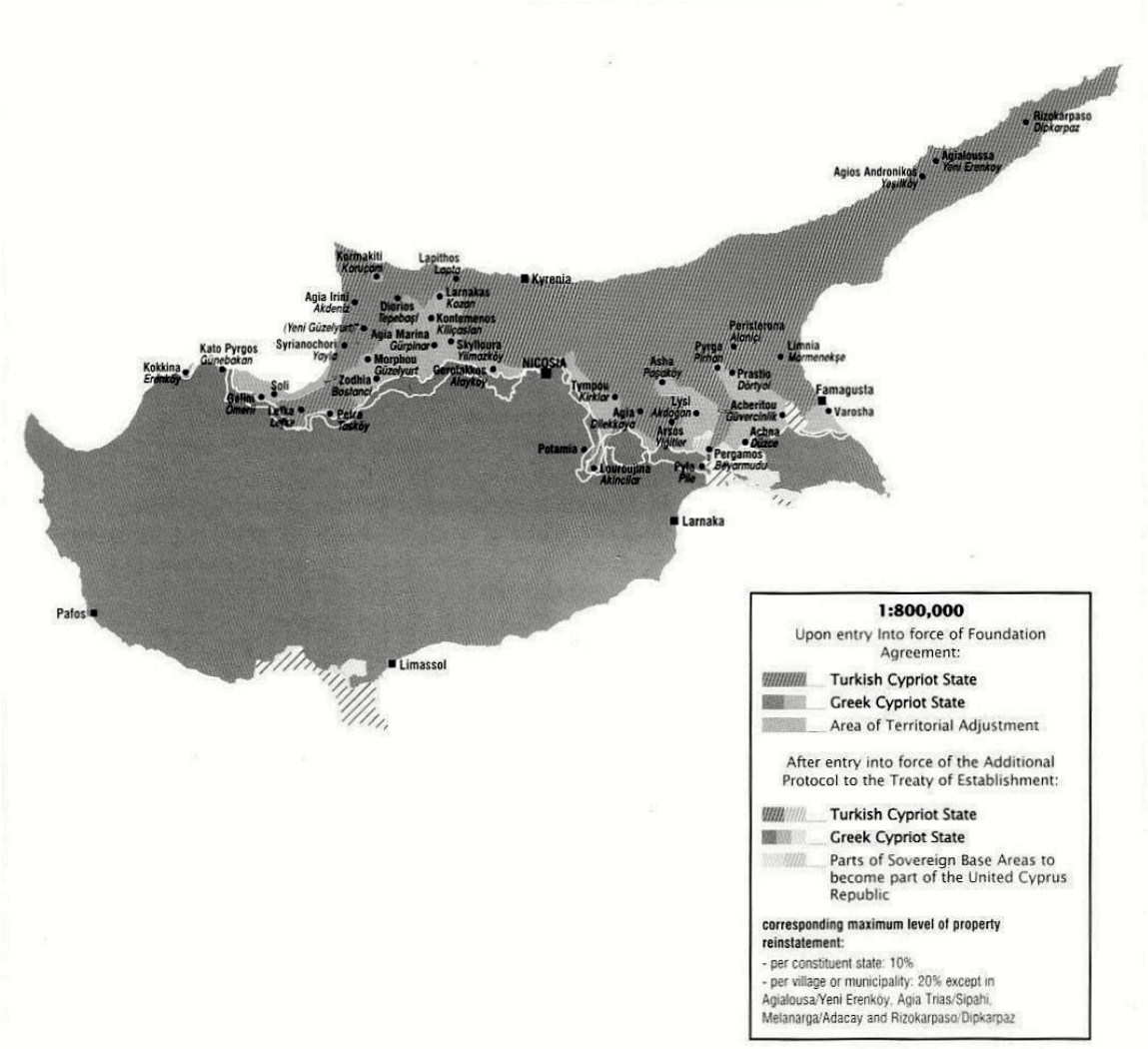
[187] Annan Plan, Annex VII, Attachment IV.

Map 4.1: Territorial adjustments based on the Annan Plan



Source: PRIO (2004). The Annan Plan for Cyprus: A Citizen's Guide. Nicosia, Peace Research Institute of Oslo Cyprus Center.

(2) The One-Third Rule

The one-third rule applies to people (both Greek Cypriots and Turkish Cypriots) who have lost property and cannot enjoy full restitution under the territorial adjustments: those "who lost property located in the other constituent state [of the to-be-built federal state of United Cyprus] could get back up to one-third of their property (in value and area) and be paid compensation for the rest in guaranteed bonds and appreciation certificates that are

backed up by real property assets and are likely to appreciate considerably over time."[188] However, there are certain conditions to getting back the one-third. For example, in order to reinstate one-third of any land that a person had in 1974, one-third of that person's lands must be equal to at least 5 donums, i.e., the person must have owned at least 15 donums in 1974. If the person had land with access to water to irrigate, then the condition is 2 donums. Also, the one-third rule does not apply to houses: provided that the person built the house himself or herself and/or lived in it for 10 years before 1974, the person is eligible to full restitution.

There was a general discontent about the ambiguous one-third rule, as nobody seemed to understand the logic behind it. In a personal correspondence with a former UN senior political officer in Cyprus who is a specialist on property issues in conflicts, she explained to me that one-third was not an arbitrary figure but was based on the relationship between return of people, property, territory, bizonality, and administration (August 2005). In line with the negotiations on the principle of bizonality and territorial divisions between the two administrations, by restituting only one-third of the property remaining (after the territorial adjustments) under the administration of the opposing side, the one-third rule aims to control the percentage of the number of IDP returns to the other side. In fact, the rule was a proposal of the Turkish side who wanted the percentage of the Greek Cypriots returning to the north reduced from 21 percent (based on earlier negotiations) to 18 percent (Palley 2005).

A former UN officer defines the general intention behind these strict provisions as being to enable property owners to regain possession of homes that are of particular

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[188] Annan Plan, Annex VII, Article 16.

emotional and historical importance to them, while also recognizing the economic and practical interests at stake (Garlick 2005). Thus, the proposal that grants full restitution of those houses that are *actually* built by their former owners, and/or that former owners lived in for 10 years before 1974, is considered as adequately measuring people's emotional and historical attachment to their property.

A lawyer who has a house left in the North with a particular emotional and historical importance to him defines the general intention behind the one-third rule as not to let anyone repossess his or her property (Personal correspondence, July 2005). He claims that there were very few people in 1974 with 15 donums of land, or 6 donums of land near a water resource (measures of eligibility for one-third restitution). Moreover, he posed the questions of how many people actually built their houses themselves, and how many could have lived in them for at least 10 years before 1974 when there was an internal communal conflict going on? Therefore, he argues, with these provisions nobody will get his or her property back, and the Turkish Cypriot side that is eager to control the Greek Cypriot returns to the north will achieve its aim (ibid.; Palley 2005).

(3) Significant Improvement

The return of property to the former owner could be prohibited if the current user had significantly improved the property during the period of displacement. If the property had undergone construction or work greater in value than the value of the property in its original state, then the current owner could pay compensation for the property as it was in its original state and keep it, given that the improvements had been made before December 31, 2002.

The interpretation of this provision could be problematic. Palley, in her extensive critique of the Plan, sees this provision as the reason that the Plan has become a "property developer's charter" (2005). There is substantial truth in this critique. As every peace plan in Cyprus has been built on the previous one, even if the sides do not accept a plan, its legacy remains, and the negotiations restart from where they had been left during the previous peace process. Both sides accepted the significant improvement provision in the Annan Plan. Thus, with any new peace plan, the provision will be kept, while the cut-off date of December 31, 2002 will simply be extended to a future date. Knowing this many property developers exploit the provision and start building summer villas everywhere in the north of the island with the motto of "build as much as possible as soon as possible!"

Analyzing Return via Annan

On April 24, 2004, Cypriot voters on both sides were asked whether they wished to accept the provisions stipulated in the Annan Plan. While 75 percent of Greek Cypriots voted against, 65 percent of Turkish Cypriots voted for the plan.[189] Map 4.2 displays the voting patterns of the referendum where the percentages of "YES" votes in different districts are showed in a color scale from red to green—i.e., the greener an area, the higher the percentage of "YES" votes, and the more red an area, the lower the percentage

[189] Some commentators claimed that the results were a reversal of fortune for Turkish (they argue that by voting for the Plan the Turkish Cypriots showed their commitment to peace and willingness to live with their Greek counterparts, increasing their standing in the eyes of the international actors involved in peace efforts that has been treating them as spoilers in peace negotiations, and maybe ending their decades-long isolation) and Greek Cypriots (the argument continues, by voting against the Plan the Greek Cypriots showed counter evidence to their commitment to a solution that comprise two communities) (Gorvett 2004). This is a debatable assessment as none of the promises given to the Turkish Cypriots were kept (no ending of their isolation, no international aid), but the Greek Cypriots became EU members a month later. For detailed analyses of the results, see Argerious (2005), Webster and Christophorou (2005), Webster (2005), and Christophorou (2005).

of "YES" votes—and the double green line in the middle represent the territorial adjustment areas. An initial look at the map draws an informative picture about the importance of the property provisions as a possible motive that steered people's voting decisions. As the map demonstrates, while the majority in most of the districts in the north voted "YES" on the referendum (see the green areas in the map), in areas where Greek Cypriots were given the right of full restitution (see Karpass in northeast), less people voted "NO" (see the red areas in the northeast). These were mainly the people who would have to move somewhere else in case the plan succeeded.

The same pattern is also seen along the territorial adjustment areas (see the area in between the double green line)—except for those places like Morphou, an area known as a "given" in terms of supporting peace initiatives. Although some commentators consider Morphou's "YES" vote as a strong desire for unity in the island (Uludag 2005), I see it as a reaction of people who have been frustrated with their decades-long temporary situation and just wanted a solution.[190] Turkish Cypriots—20 percent of the population of the island—occupy 37 percent of the territory in the north as the Turkish army invaded 37 percent of the island in 1974. Thus, the division of the island is not based on an ethnic demographic balance, and both sides acknowledge that there will be territorial adjustments to fix this population-territory disparity. Accordingly, people living in Morphou have long known that Morphou will be given back to Greek Cypriots in case of any peace plan and have been living with this uncertainty with frustration.

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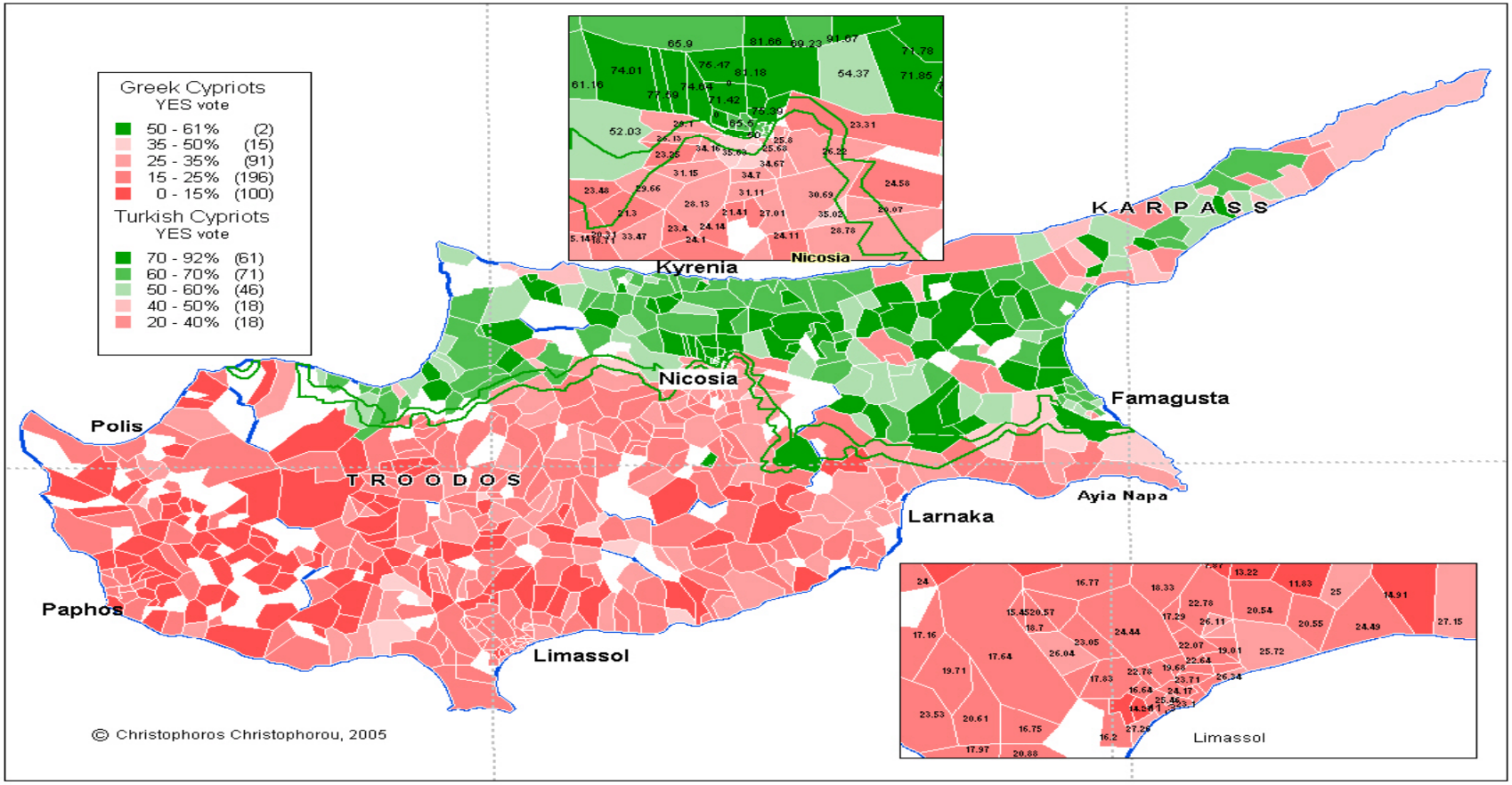
[190] Personal observation, Focus Group, Morphou, July 2005.

Map 4.2: Map of Voting Patterns in the Referendum on Annan



Source: Courtesy of Christophoros Christophorou (Personal correspondence, July 2005).

Furthermore, Kotsiatis (the only green dot in the map in the south, south of Nicosia) is a former Turkish Cypriot village now inhabited by the Maronite minority.[191] Minorities are given an unlimited right of return and establishment of residence by the Annan Plan (Annex VII, Article 16.8), which substantially explains why majority of the people in Kotsiatis voted "YES" to the Plan.

Certainly, these should not mean that everybody who voted in the referendum made their decisions based on the property provisions. Despite the fact that more than half of the IDPs in the south could go back to their pre-war homes if the plan was accepted, there was only a majority of "YES" votes in nine out of 1,415 poll stations in the south (ibid.). Furthermore, surprisingly, research based on the data from a study commissioned from CYMAR Market Research Ltd., a Cyprus-based market research firm that also conducts Eurobarometer surveys in the Republic of Cyprus on behalf of the European Union, shows that there is no relationship between the IDP status of Greek Cypriots and their preferences for a solution (Webster 2005). Therefore, there must be other factors explaining the voting behavior of Cypriots that can provide important evidence in relation to the different hypotheses on return that were presented and were both quantitatively and qualitatively analyzed in the previous chapters.

"After the outcome of the 24th April referendum, the initial reaction of the various intermediaries to the Greek Cypriot "No" was to claim that the Greek Cypriots did not really understand the proposal which they had in front of them… In a similar vein, it was argued that the Greek Cypriots let themselves get carried away by their President's speech against the Plan…" (Lordos 2004: 29). In his declaration regarding the

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[191] Personal correspondence, Christophoros Chritophorou, August 2007.

referendum, the President of the Republic of Cyprus, Mr. Tassos Papadopoulos, stated the following as reasons why his citizens rejected Annan:

> The return of our occupied land will take place in the period between three and a half months and three and a half years from the moment the solution is signed with no guarantees whatsoever that this shall be implemented. Our proposal to place these areas under the control of the UN Peace Keeping Force and not the Turkish army has been rejected.
>
> The soonest the acquisition of properties or compensation could take place is within three years after the signing of the solution and five years or more, upon a decision of the Property Board and through a complicated procedure with many ambiguities and adverse financial provisions for our side. The Greek Cypriots shall be called upon to pay the largest part of compensation. …
>
> It is provided that the return of refugees under Turkish Cypriot administration within such timetables and quotas that do not create conditions of security so that our refugees could exercise this right with certainty, and be certain that they would be safe or have schools for their 3, 10 or 20 children. And unfortunately not all of our refugees acquire the inalienable right to return. … (Papadopoulos 2004).

Papadopoulos was highly critical of the Annan Plan in general, and these were only a selection of his concerns that applied to the provisions regarding property and IDP return. To recapitulate, for the president:

- The territorial adjustments provision was an empty promise without any evidence of a credible commitment by the Turkish side. The "lack of enforcement provisions to ensure implementation of Turkey's promises to restore territory and to return homes of refugees" was also emphasized elsewhere as a reason for the "swaying majority of Greek Cypriot voters to reject the plan" (Palley 2005: 226).[192]

[192] Palley was the constitutional consultant to the President of Cyprus between 1980 and 2004, when the Annan negotiations and the referendum were taking place.

- The financial burden created by the provisions regarding acquisition of properties and compensation (namely the one-third rule and significant improvement provision) was to be borne by the Greek Cypriots.
- Not *all* IDPs were granted the right to return.
- And finally, for those who could return, there were not enough guarantees of security.

President Papadopoulos' concerns were largely shared by his electorate, and can be analyzed under three main headings of security, economics, and justice in relation to the hypotheses on return that were analyzed in the previous chapters.

(1) Security

As Call and Stanley point out, there is a general gap in peace implementation efforts in terms of security for the mass of civilians (2002). One lesson that is learned from former peace-building operations is that there is a great need for protection measures for returnees (Lewis 2004). As the 1994 *Human Development Report* of the UNDP emphasized, the legitimate concerns of ordinary people who want security in their daily lives has been largely overlooked as the concept of security has been interpreted too narrowly in both policy circles and the political science literature. With the change from interstate to intra-state warfare, the concept of security is changing, and what is at issue in relation to property, return, and reconciliation is "human security," defined by Roland Paris as "a label for a broad category of research in the field of security studies that is *primarily* concerned with nonmilitary threats to the safety of societies, groups, and individuals " (2004).

At the same time, Cyprus has an especially difficult environment in which to achieve civilian security and reassure IDPs that return to their former property is safe. In 1998, it was ranked as one of the most militarized countries in the world. There are approximately 35,000 Turkish mainland troops and 4,500 Turkish Cypriot security forces in the north; in the south, there are 2,000 Greek officers providing training to the Republic of Cyprus army of 19,500 soldiers plus a reserve force of 100,000 (Borowiec 2000). The United Kingdom also has 3,500 troops stationed at its military bases, while the UNFICYP consists of 1,226 peacekeepers (ibid.).

Security was definitely a factor shaping people's voting behavior in the referendum. For many Greek Cypriots, especially those whose property was left out of the territorial adjustment areas, a heavily militarized environment exacerbated their security concerns about returning to the North, where they would have to live under a Turkish Cypriot administration. "They insist on the eventual withdrawal of all Turkish troops from Cyprus, including the 650 strong contingent that is supposed to stay on the island indefinitely under the current version of the Plan. They neither trust the Turkish army nor do they feel safe to live under its shadow, however small in numbers" (Lordos 2004: 57).

In a recent island-wide poll asking the question "How secure or insecure do you feel living in Cyprus today," over half of Greek Cypriots responded that they feel somewhat or very insecure (UNFICYP 2007).[193] In line with the findings of Lordos'

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[193] "In February 2007, an island-wide poll, commissioned by UNFICYP, was conducted with a sample of 1,000 Turkish Cypriots and 1,000 Greek Cypriots, who were interviewed in their respective languages, face-to-face. In addition, a special sample of 100 Turkish Cypriots and 250 Greek Cypriots, all resident within the UN Buffer Zone, was selected for comparison with the general population. For purposes of this project, UNFICYP retained the services of a Greek Cypriot and a Turkish Cypriot expert consultant, whose

survey, the major source of *insecurity* for Greek Cypriots was the presence of the Turkish army (ibid.). In contrast, the Turkish army was the source of *security* for Turkish Cypriots, who almost unanimously responded to the same question that they feel somewhat or very secure (ibid.).

Security was a concern also shared by the Turkish Cypriots, albeit for different reasons. The potential consequence of the property provisions, i.e., once again living with Greek Cypriots, worried them. Especially for the older generation, three decades have not been enough time to erase bad memories of the past. Remembering the atrocities they had witnessed and been victims of, and stressing their security concerns, the majority said they did not want to live with Greek Cypriots, and confirmed their desire for division and bizonality. I posit two explanations for the intransigence of this approach. The first is related to the nature of their displacement. As stated earlier, many of the Turkish Cypriot IDPs had been displaced as a result of inter-communal strife, and had been living in the enclaves for almost a decade before the events of 1974. Thus, the arrival of the Turkish army and the resulting status quo means security for them, and they are apprehensive of change. Second, the political rhetoric in the island is based on keeping the memory alive, and neither side is trying to create a ripe environment for reconciliation.

The feelings of Cypriots on the issue of security can be related to the hypothesis that *the rate of return is lower when the intensity of conflict is higher, i.e., atrocities/crime against civilians occur in alarming numbers during war*. According to

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task it was to assist with preparation of the questionnaire and interpretation of the results. In addition, two well-established polling companies, CYMAR Market Research and Prologue Consulting, were selected through a tendering process to carry out the fieldwork" (UNFICYP 2007).

SIPRI Yearbook, while the number of victims in the events of 1963-1964 varied from 100 to 1,000, the number of victims resulting from the events of 1974 varied from 1,500 to 5,000. Table 4.2 displays the estimates of different sources on the number of dead following 1974.

Table 4.2: Number of dead following 1974

Source	Total
Michael Clodfelter, *Warfare and Armed Conflict: A Statistical Reference to Casualty and Other Figures, 1618-1991.*	6,800 - 9,300
William Eckhardt in *World Military and Social Expenditures 1987-88* (12th Ed., 1987) by Ruth Leger Sivard.	5,000 (1975-1985)
Jacob Bercovitch and Richard Jackson*, International Conflict: A Chronological Encyclopedia of Conflicts and Their Management 1945-1995.*	5,000 (1974-1978)
John J. Mearsheimer, *Atlantic Monthly*, August 1990.	1,500 - 5,000
Melvin Small and Joel David Singer, *Resort to Arms: International and Civil Wars 1816-1980.*	1,500
Charles Lewis Taylor, *The World Handbook of Political and Social Indicators.*	917

During the inter-communal conflicts in 1963 and 1964, approximately 350 Turkish Cypriots, and about 200 Greek Cypriots and mainland Greeks were killed. As Patrick points out:

> The period from 21 December 1963 to 10 August 1964 was the most violent phase of the Cypriot conflict. Both communities estimate that several hundred of their members were wounded. In addition, several hundred were kidnapped and temporarily held hostage until exchanges were arranged. Official records show that 191 Turk-Cypriots were known to have been killed and 173 are still missing and now presumed dead. On the Greek-Cypriot side, 133 are known to have been killed and 41 are still missing and presumed dead. It is probable, however, that the figures for Turkish-Cypriot deaths include some who were killed accidentally by their own hand or by other Turk-Cypriots. Greek-Cypriot deaths are probably understated. There are indications that some casualties, for propaganda reasons,

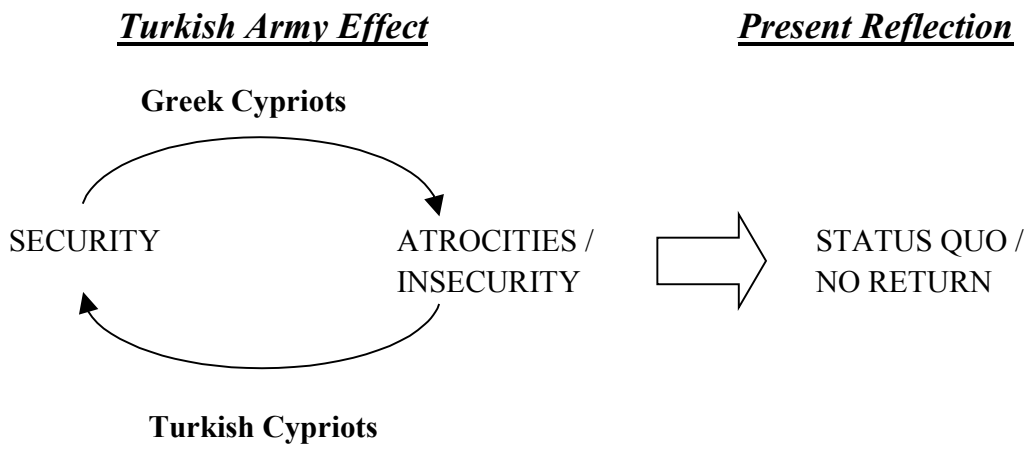
> were never publicly announced. Also, casualties among Greek Army soldiers in Cyprus are not included in the Cyprus Government's figures. It may be more prudent therefore to accept that approximately 350 Turk-Cypriots were killed in this period while about 200 Greek-Cypriots and mainland Greeks were killed. (1976: 47)

Although the number of dead resulting from the inter-communal conflicts in 1963 and 1964 cannot be considered high, both communities on the island regard the atrocities that their own community had to bear as occurring in alarming numbers, i.e., they regard the intensity of the conflict as high.

However, their reactions are rather different when intensity is treated as a factor of return. For Turkish Cypriots, the bad memories of the past cannot be erased, thus they oppose return of Greek Cypriots to the north and advocate their desire of bizonality on almost every occasion. On the other hand, while intensity for the Greek Cypriots seems to have almost no effect on their desire to return, i.e., they pursue return despite past atrocities and state this desire publicly, their feelings of insecurity became an important factor in rejecting a plan promoting the return of a large majority though *not all* Greek Cypriot IDPs.

Thus, in the case of Cyprus, the exogenous factor of security, that evolves around the presence of the Turkish army, has an effect on the relation between intensity of conflict and desire to return. Figure 4.4 displays this relationship between intensity, security, and return.

Figure 4.4: Intensity-Security-Return Relation



In line with their different attitudes on displacement (see previous section), for the Turkish Cypriots who were facing atrocities in the 1960s, the intensity of the conflict was high before the arrival of the Turkish army. Thus, the Turkish army is a source of security. The reflection of this relationship for the Turkish Cypriots is to maintain the present status quo division of the island by rejecting return. On the other hand, for the Greek Cypriots whose lives were shaken by the arrival of the Turkish army, the Turkish army is a source of atrocities, *the* reason for the intensity of the conflict *and* their insecurity. The reflection of the "negative" presence of the Turkish army decreases the Greek Cypriots' desire to return.

The Greek Cypriots genuinely feel insecure, and mistrust the Turkish side that comprises the main source of their insecurity. Within this background, the Annan Plan lacked the necessary mechanisms for the implementation of the peace agreement. Thus, not trusting that the Turkish side was credibly committed to the peace, the Greek Cypriots considered the provisions of territorial adjustments or refugee return just as empty promises and rejected the plan.

(2) Economics

It was confirmed both quantitatively and qualitatively in the case of Bosnia that economic recovery facilitates the desire to return. It is also true in the case of Cyprus that economy is a very important variable in the settlement of the IDP problem, though on a different level. Cyprus is performing much better economically than Bosnia, and it is not economic recovery *per se* that is a problem in Cyprus. Greek Cypriot IDPs have already resettled elsewhere with relatively high standards of living (much better off than many other IDPs in the rest of the world). Their desire for return is high and economic calculations definitely affect their decisions, but it is not really a matter of life or death (or of sustaining a livelihood) as may be true in other cases.

In the case of Cyprus, the financing of the property provisions is what makes economics an important variable. As properties will change hands, people will move again, and relocation is a costly process. For example, the return of Greek Cypriot IDPs to their homes in Morphou and other areas (excluding Varosha) would require the evacuation of these properties by Turkish Cypriots. Based on the assumption that not all Turkish Cypriots will want to return to their original places of residence in the Greek Cypriot Constituent State, it is estimated that the move would result in 47,000 Turkish Cypriots being re-housed in 12,000 new residences to be built in the north (Vassiliou, et. al. 2003). "The total cost of these residences, not including the cost of land, is estimated to be around CYP450 million [approximately 1.1 billion US dollars], at today's prices" (ibid.: 23). Thus, there is a need of funding for (1) the restoration and rebuilding of thousands of IDP houses, (2) the building of new houses for the relocation of Turkish Cypriot citizens who will have to move out of the territorial adjustment, but refuse to go

back to their property in the South, and other "given" areas,[194] (3) compensation for property claims that will not be reinstated,[195] and (4) incentives for mainland Turkish immigrants to return to Turkey.

Different reports confirm that the financial burden created by the provisions regarding acquisition of properties and compensation (namely the one-third rule and significant improvement provision) was to be borne by the Greek Cypriots (Vassiliou, et. al. 2003; Eichengreen, et. al. 2004). If it is assumed that this fact had an effect on people's voting behavior during the referendum, it can still be argued that the hypothesis that economic recovery facilitates the desire to return is confirmed in a different way: the idea that their economic well-being can be threatened by the very process of return made the Greek Cypriots vote against a plan that proposed return.

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[194] The plan assured that those who had to be relocated as a result of territorial adjustments would receive alternative accommodation with reasonably adequate living standards, i.e., at least 70 square meters for a household of up to two persons with public utilities (PRIO 2004). Likewise, those people who were not Cypriot citizens and would have to be relocated—implicitly referring to the Turkish settlers (the post-1974 immigrants from mainland Turkey)—could seek housing or financial assistance from the constituent state in which they enjoyed permanent residence (ibid.). These and similar provisions in the plan showed that there was at least some consideration for the needs of people to be relocated, but that they were neither convincing nor satisfying. People doubted the reality of such promises because the problem of finances is not addressed by the plan. Also, those people who would have to give up the large houses (that they currently live in) and move into 70 square meter apartments (that the Plan allocates them) expressed great dissatisfaction.

[195] A report on the economic aspects of the Annan Plan prepared by independent experts and presented to the government of the Republic of Cyprus seriously criticizes the plan for threatening the financial viability of the federal government in the presupposed federal state (Eichengreen, et. al. 2004). The main criticism is that the plan's basis for assessing compensation is uncertain, and as the price at which the Property Board will sell all non-restituted properties and pay compensation to dispossessed owners is not known *ex ante* while the Annan Plan fully guarantees the amounts to be paid to dispossessed property owners, the entire burden of this risk is shifted onto the federal government (ibid.). The report proposes to link overall compensation to earnings from property sales of the Property Board in order to protect the federal government from a very real risk of bankruptcy by transferring some of the risk onto dispossessed property owners (ibid.). "In practice, instead of issuing government-guaranteed bonds, the Property Board would issue shares to be distributed to dispossessed property owners. The Board will manage and sell all properties before a set date and will then pay out the shares. This ensures that the Property Board will transfer payments from buyers to dispossessed owners rather than from taxpayers to dispossessed owners. Shares will be tradable, allowing their holders to cash them in as they wish" (Ibid: vi). While other analyses also point out similar concerns, they also underline the fact that the funding problem arising from the property provisions of the plan is only a one-time event (Vassiliou, et. al. 2003).

Figure 4.5: Economic Recovery-Return-Annan Relation

	YES to Annan	**NO to Annan**
Desire	Return	Economic Recovery
Fact	Economic Loss	No Return

Figure 4.5 displays the argument. The Greek Cypriots desire both return and economic recovery on a personal level. A "YES" vote on Annan would have made return a possibility, but it would also bring with it economic loss in general (fact). Therefore, the Greek Cypriots voted "NO" on the referendum, choosing to keep the status quo of economic well-being while losing the option of return (fact).

(3) Justice

Despite the caution of some writers, and the skeptical view that peace is about who rules at the end of the war and that it should not be confused with justice—as the act might place a higher premium on legitimacy than peace—justice remains critical in the implementation of any peace plan (Betts 1994; Hampson 1996; Lederach 1997). The perception of justice in peace building is often related to reconciliation. A sense of justice is often an indispensable part of the personal and psychological healing process that allows for reconciliation (Mendeloff 2004). Reconciliation within post-war societies is important to overcome the animosities created as a result of the conflict, and also to overcome further divisions that take place during the post-conflict reconstruction phase.

Property problems can be a source of further divisions. Due to the different trajectories taken by the two sides, especially as a result of the Turkish Cypriot side's reallocation policy towards the property of Greek Cypriot IDPs (especially regarding ownership) in the north, and further complicated by the factor of time, there are multiple claims to the same land by people from different ethnic groups. This remains a potential source of future conflict between Turkish and Greek Cypriots, and therefore, specific care must be taken not to pit individuals against each other. In a recent report, the Secretary-General asserts that:

> On the island, the benefits of Cyprus' EU membership are becoming manifest. However, in the area of property, it has opened up new fronts of litigation and acrimony. Already hundreds of Greek Cypriot claims against Turkey for the loss of property rights in the north are pending before the European Court of Human Rights in Strasbourg. Additionally, in 2005, Greek Cypriots approached courts in the south for EU arrest warrants against foreigners buying or selling Greek Cypriot property in the north. In this regard, Turkish Cypriot authorities have warned that they would arrest and detain those attempting to serve court summons. *The prospect of an increase of litigations in property cases on either side poses a serious threat to people-to-people relationships and to the reconciliation process*. (UNSG 2005, emphasis added)

However, justice in the case of Cyprus is not only about reconciliation, but requires a solution to the property problem, i.e., justice in reparations. Land tenure at its most fundamental level is a system of rights and obligations in human relationships (Unruh 2003: 355). In the case of Cyprus, these rights and obligations are in flux. Evidently, rights for one group in Cyprus have been purchased at the expense of the rights of the other group (Bryant 2001: 916). Therefore, to answer the question "who gets what?" becomes especially important in places like Cyprus where resentment runs deep.

The Greek and Turkish Cypriots are also divided on the nature of reparations. The Greek Cypriot IDPs think that everybody should get everything back, i.e., *all* IDPs should return and get their properties back. Thus, they request full restitution of their pre-1974 properties. One of the major points on which Greek Cypriots criticized the Annan Plan was that it did not make it possible for *all* IDPs to return, and those who could, could only do so in a restrictive timeframe.

The Turkish Cypriots also believe in some kind of justice in reparations, but their proposal for achieving it is rather different. They advocate two proposals that would maintain the status quo of the island where there is an almost complete ethnic division with Greek Cypriots living under the government of Republic of Cyprus in the south (Greek), and Turkish Cypriots living under the administration of the TRNC (Turkish). Turkish Cypriots' first proposal is global exchange of lands and houses between IDPs in both sides—through which the Greek Cypriot IDPs in the south could exchange the land they had to abandon in the north for Turkish Cypriot IDP land in the south, and the Turkish Cypriot IDPs in the north could exchange the land they had to abandon in the south for Greek Cypriot IDP land in the north. The second Turkish Cypriot proposal is compensation that is justice received in payments.

Hence, in Cyprus, the relationship between return and property rights must also be analyzed in relation to justice. For the Greek Cypriots, a just solution would be for all IDPs to return to their property, i.e., restitution, which is gains-based recovery. For the Turkish Cypriots, a just solution is global exchange and/or compensation, i.e., loss-based recovery.

Kukathas argues "that the pursuit of justice by making reparation for past wrongs, and particularly for wrongs done more than a generation ago" is morally justifiable only in cases where it is "possible to identify two kinds of agents: the victim of injustice, to whom the reparation is owed, and the perpetrator or beneficiary of injustice who can be held accountable for the wrong or liable for the cost of restitution" (2006: 330). In the case of Cyprus, the line between victim and perpetrator is very much blurred mainly as a result of the factor of time.

Factor of Time

The longer the war's duration, i.e., duration of displacement, the lower the rate of return. The case of Cyprus shows that there is no relationship between the factor of time and the desire to return. Despite the decades-long displacement of both communities, while the desire to return is still very high among Greek Cypriot IDPs (the myth of return), their Turkish Cypriot counterparts do not show the same level of desire to return.

However, Cyprus is a case that proves the importance of time as an exogenous variable. A prolonged conflict complicates tenure claims. In Cyprus, the different policy trajectories of the two sides regarding the land and property of IDPs have resulted in tenurial legal pluralism that brings about claims over the same property by different owners, usually from different ethnic groups of the island, and over the long course of not reaching a solution in the island, determining the rightful owners of certain properties is getting harder. With a booming real estate market in the island, people began to sell their properties to developers, new houses are being built and sold to completely new owners,

e.g., British retirees, resulting in multiple claims over the same land (remember the discussion on managing IDP properties).

Conclusions

The analysis of the case of Cyprus has yielded different results than the analyses in Chapters Two (quantitative) and Three (qualitative). First, Cyprus does not provide any information on the quantitatively and qualitatively (case of Bosnia) disproved relationship that more vulnerable households are more reluctant to return. Second, although it was confirmed in the case of Cyprus that there is no relationship between duration of displacement and the desire of return, the time factor is important as tenure claims, an important post-conflict issue, are further obscured over time.

Third, the statistically insignificant and qualitatively disproved relationship between conflict intensity and return is explained in the case of Cyprus by looking at it through the lens of security and insecurity. Both communities on the island regard the atrocities that their own community had to bear as occurring in alarming numbers, i.e., they regard the intensity of the conflict as high. However, while the Turkish Cypriots regard the arrival of the Turkish army as the end of conflict intensity, and its presence as a cause of security, the Greek Cypriots consider it as the source of conflict intensity, and its presence as a reason for their insecurity. Therefore, they turn down return proposals while its presence continues.

Fourth, the quantitatively and qualitatively confirmed positive relationship between economic prospects and rate of IDP return and resettlement is also confirmed in the case of Cyprus, where believing that the financing of the provisions of IDP return and

resettlement will affect their economic well-being negatively, the Greek Cypriots chose to reject return. Fifth, while also confirming the positive relationship between the settlement of the internal displacement problem and property rights, the case of Cyprus also identified justice as an exogenous variable affecting this relationship. On a personal level, a sense of justice is necessary to overcome the criticisms of property provisions that would pave the way for return and resettlement of IDPs.

Cyprus and Bosnia are close in proximity to Europe, enjoy a strong international presence, and in both, displacement is a highly politicized phenomenon where property restitution is treated as a key to its resolution. In both cases, a rights-based policy of return for IDPs is being pursued, and attempts are being made to institutionalize the policy, but economic realities in implementing the policies are mostly overlooked. Based on secondary source research, the next chapter will look at cases from different regions, and give a final evaluation of the effect of property rights on the solution to the problem of internal displacement in view of the preceding analyses.

CHAPTER FIVE
FURTHER CASES AND CONCLUSION

This dissertation has argued that solving the internal displacement problem is crucial for building peace, and any solution to the problem of internal displacement must include institutionalized property rights for IDPs. Granting property rights to IDPs is important not only for creating incentives for them to return home, but also for generating the means to re-establish their lives elsewhere, i.e., to resettle and reintegrate. Fifty percent of the peace agreements that *have* included provisions on the return of refugees and IDPs displaced as a result of civil conflict have failed to address the issue of property rights. By neglecting an important means of achieving return and resettlement, they have not succeeded in solving their IDP crises, which is an important issue of peace building and post-conflict reconstruction.

This dissertation has also tried to demonstrate that property issues in post-conflict settings, as in other transitional settings, are complex and embedded in social, political and economic processes. Writing about post-socialist Romania, Verdery describes property restitution as being:

> …like Kundera's proverbial struggle of memory against forgetting, a struggle of certain groups and persons to tie property down against others who would keep its edges flexible, uncertain, amorphous. It is a struggle of particularization against abstraction, of specific clods of earth against aggregate figures on paper, and of particular individuals and families… The story of property restitution is a story of forming (or failing to form) potentially new kinds of persons, along with new social identities based in property and possessing. This story is part of the larger drama of transforming Romania's class structure, economy and system of state power. (1996: 135)

Post-conflict property restitution exhibits the same characteristics: the problem of multiple claims over the same property, the changing social landscape as a result of different exercises of property rights, and the politics behind property rights.

There are four aims in this chapter. The first is to revisit the findings and discuss any unexpected results that were revealed in the analysis. The second is to extend the findings beyond the cases of Bosnia and Cyprus in order to see whether they apply to cases from regions other than Europe. The third is to analyze the implications of this research for the field of comparative politics in general and for the post-conflict reconstruction literature in particular. The final task of this chapter is to offer specific recommendations to policy-makers who must tackle the difficult problem of solving the global internal displacement crisis.

Findings

Quantitative Analysis

The quantitative analysis in chapter two showed that the rate of return and resettlement is higher where there are effective property rights mechanisms, i.e., the existence of policy objectives and designated institutions for the implementation of property rights *does* increase the rate of return and resettlement. Along the same lines, the higher a country is ranked in the Property Rights Index—i.e., the higher the degrees to which private property rights are protected, the government enforces laws that protect private property, and the judiciaries are independent, while the lower the possibilities that private property will be expropriated, that corruption exists within the judiciary, and that individuals and businesses can enforce contracts—the higher the rate of return and resettlement.

The quantitative analysis also revealed that other factors also play a crucial role in accelerating the rate of return and resettlement, and are thus equally necessary for the solution of the IDP problem. Economic opportunities, i.e., means to sustain a living, are important determinants of IDPs' desire to return. Due to lack of specific data on economic opportunities available for the IDPs, a measure of economic recovery in general, Human Development Index, HDI, was used to operationalize the variable of economic prospects. HDI measures the average achievements in a country in three basic dimensions of human development of (1) a long and healthy life, (2) knowledge, and (3) a decent standard of living (see Chapter Two). The choice was based on the assumption that the average achievements in a country would definitely reflect also on its IDPs. On the other hand, the quantitative analysis found no relation between IDP return and resettlement and the other variables proposed in the literature, which were (1) intensity of conflict, (2) duration of conflict, and (3) vulnerability of IDP households (see Table 5.1).

The findings presented in chapter two, however, told only part of the story. Whether any of the other potentially important causal variables, and any endogenous determinants (like feelings of security in the Cyprus case) were affecting IDP decisions to return or resettle could not be observed in the quantitative analysis. Moreover, as the IDP dataset only had aggregate data on the IDPs and, for example, could not differentiate between resettled or returned IDPs due to lack of specific data, the effect of property rights on return or resettlement could not be accurately inferred from the quantitative analysis.

Case Studies

The statistical analysis showed us which variables were significantly related to the settlement of the IDP problem. It could not, however, demonstrate the causal mechanisms at work. We still did not know, for example, *how* property rights could affect IDP decisions to return or resettle. It was assumed that if IDPs chose to return, then they needed a place that they *could* return to. Could there be a more complex causal mechanism underlying this relationship?

In order to depict the causal mechanisms that property rights have on IDP decisions to return or resettle, I examined the results of, and reactions to, the property provisions of the Dayton Accords in Bosnia and the Annan Plan in Cyprus. A close analysis of these two cases confirmed that property rights *did* actually affect IDP desires to return or resettle, but also confirmed the results of the quantitative analysis that economic concerns were also always in effect. In addition, in line with the results of the quantitative analysis, the case studies disproved or found no relationship between IDP return and resettlement and the other variables of (1) intensity of conflict, (2) duration of conflict, and (3) vulnerability of IDP households (see Table 5.1).

In the case of Bosnia, two causal mechanisms were at work simultaneously. While property restitution allowed mainly elderly IDPs to physically return to their homes in rural areas where they could work in subsistence farming, it also generated a lively real estate market in urban areas:

> After the High Representative decreed an end to the two-year moratorium on re-sale in the Federation in July 2001, applications for repossession from persons in the FR [the Federation] shot up. The cancellation of this rule also resulted in large numbers of apartment sales in municipalities such as Croat-majority Kupres, where RRTF officials claim most Serbs have repossessed property only to sell it. Sarajevo media report that as many as 10,000 repossessed apartments in Sarajevo

Table 5.1: Findings

	Theory	Determinant	Quantitative Measures	Quantitative Results	Bosnia Results	Cyprus Results	Conclusions
H_1	Economic recovery facilitates the desire to return.	Economic Prospects	GDP Index, Gini Index, HDI Index.	Proved (GDP index omitted due to multicollinearity; and Gini index has an insignificant effect.)	Proved. No jobs, so no return. (Also rural/urban divide.)	Proved. Economic variable is important also for executing the peace agreement.	PROVED
H_2	More vulnerable households are more reluctant to return.	Vulnerability	Female-Headed IDP Households, Population Under 15 (%)	Disproved (Population below age 15 omitted due to multicollinearity.)	Disproved. Returned are usually the vulnerable without other choice.	Not applicable.	DISPROVED
H_3	The rate of return is lower the higher is the intensity of conflict, i.e., atrocities/crime against civilians are in alarming numbers during war.	Intensity	Conflict Intensity (the number of battle-related deaths)	Positive (Disproved), but insignificant relationship	Disproved. Despite alarming numbers of atrocities/crimes against civilians during war based on ethnicity, considerable number of minority returns.	Proved due to endogenous variable of security.	DISPROVED
H_4	The rate of return is lower the longer is the war's duration.	Time	Conflict Duration in Years	Negative (Proved), but insignificant relationship	No relation. Return movements were observed over time.	No relation. Greek Cypriots want to return despite protracted conflict.	DISPROVED
H_5	The rate of return is higher where there are effective property rights mechanisms.	Property	Property Rights Mechanisms (existence of a policy objective and a designated institution for implementation), Property Rights Index	Proved by both measures	Positive correlation, but causation needs further analysis as not enough data on physical returns. Proved (resettlement).	Proved in Greek Cypriot rhetoric, but disproved by survey and referendum data; economic and security concerns before return.	PROVED (Economy)

> Canton remain empty, which, if true, would represent about half the properties repossessed in the canton. (ICG 2002: 11)

Many repossessed apartments were also rented out by the IDPs (ibid.). Accordingly, IDPs could generate income through the sale and rental of their repossessed properties. Thus, although many IDPs (the actual numbers are unknown) did not physically return to their pre-war homes, the fact that they regained their rights over their property implicitly assisted them during resettlement, making the property restitution process in Bosnia a success if measured on a level different than number of physical returns.

In the case of Cyprus, the fact that there was a protracted conflict and no post-conflict phase, i.e., the attributes of conflict such as fear and lack of security were still present, generated the necessity to consider possible endogenous variables in my analysis. Despite the rhetoric of return popular among Greek Cypriot IDPs, their act of rejecting the Annan plan, which largely granted them the right to return, showed that there were other factors that contributed to their decisions. A possible economic hardship that could emerge if the Annan Plan were accepted certainly caused apprehension among the Greek Cypriots. Conversely, the economic prospects that would emerge with unification pushed Turkish Cypriots to largely accept a plan that proposed the return of Greek Cypriots to the north (which would mean having to live side by side with them), which had always been opposed by the Turkish side.

Besides economic variables, security was also a concern affecting IDP decisions in Cyprus. Especially for the Greek Cypriot IDPs, the presence of 30,000 Turkish troops caused a feeling of insecurity. Consequently, Annan's lack of overcoming these economic and security concerns on the part of the Greek Cypriots by not proposing

acceptable implementation mechanisms caused the collapse of the most comprehensive peace effort on the island to date.

There are other findings that were only partially discussed in earlier chapters. First, in both cases, property proved to carry multiple meanings for the IDPs. In line with the literature that considers property rights as key to economic development, property has an economic importance for those IDPs who can turn it into an economic asset (De Soto 2000; Hoskins & Eiras 2003; Beach & O'Driscoll 2003; Albright & De Soto 2007; Keefer & Knack 2000; North 1981, 1989; Furubotn & Pejovich 1972; North & Weingast 1989; Rodrik 2003; Norton 1995; Feder & Feeny 1991). However, property is also about identity and status, as well as loss of the past. In Cyprus where status in society has been very much related to land ownership, leaving their property behind was a big blow for the Greek Cypriot IDPs who, unlike their Turkish Cypriot counterparts, could not anticipate the permanent nature of their exodus. The same phenomenon was also observed in Bosnia, where many people in the socialist period invested their entire lifetime earnings in their houses and lost them overnight due to displacement. While in Cyprus the relationship between property and identity is more explicit and seen at an individual level, in Bosnia it was also observed within definitions of different nationalisms via land and territory, especially before the war.

Second, in both cases, post-conflict problems in relation to property proved to be identical. Problems of access, legal titling, and multiple claims were commonly cited. In Bosnia the problems materialized in the form of the occupation of property by secondary users (who were also commonly IDPs) and was consequently solved via forced eviction.

This proved to be more complicated to solve in Cyprus due to the factor of time during which multiple actors could claim ownership rights over the same property.

Third, the cases showed that while IDP status brought with it new opportunities, it also created new societal divisions. In the case of Greek Cyprus, maintaining one's IDP status also means keeping the state benefits that come with it such as housing, health insurance, and educational opportunities for children. Thus, although many Cypriots may not like being identified as IDPs, they nevertheless enjoy the benefits that come with this identity. In the case of Bosnia, in line with the discussion in chapter one on seeing displacement as an opportunity, many IDPs used displacement as a chance to move permanently from rural to urban areas, which created tensions between old-time urbanites and the resettled IDP population. For example, "(m)any original Sarajevans describe Sarajevo as 'one big village,' due to invasion of 'peasants' or 'mountaineers' from rural areas who have brought with them their 'village manners' and transformed the former sophisticated cosmopolitanism of Sarajevo into a place plagued by garbage, mafia-style criminality, corruption, nepotism, Muslim nationalism, cultural primitivism, improper language and so on" (Stefansson 2004a: 179).

Fourth, both cases showed how particular choices in terms of policy on restitution could serve different political agendas. In the case of Cyprus, while global exchange and compensation are pursued by the Turkish Cypriots to keep the status quo in property distribution and legitimize the *de facto* state in the north, full restitution readily serves the all-will-return policy of the Greek Cypriots. Similarly, in the case of Bosnia, different sides to the conflict exploited the property restitution process in line with their demographic aims. Despite its rhetoric about creating a multi-ethnic Bosnia and the

Sarajevo Declaration, the property restitution process in Sarajevo was slow, and the Bosniac leadership obstructed the return to the open city of Sarajevo. Croat leadership in Mostar and Serbs in Banja Luka also followed a similar pattern.

Finally, the problem of finding accurate data was recurrent throughout my research. The problem can be analyzed on three levels. On the global level, Internal Displacement Monitoring Center's (IDMC) data on the world's IDPs were aggregates for each country and were not stratified demographically, which did not allow me to analyze the factors of age and/or gender more thoroughly. On the state level, the numbers were either inflated or reduced, based on the political agenda of the source. This was true for both Cyprus and Bosnia, where the sides to the conflict had the tendency to play around with numbers. On the individual level, the IDPs themselves also contributed to the inaccuracy of the numbers. In the case of Cyprus, having IDP status brought with it a package of benefits. Thus, although many IDPs were already resettled and were not in a vulnerable situation, they not only kept their IDP status, but also supported state policies that made this status almost hereditary. In the case of Bosnia, the two-year moratorium mentioned above did not allow sale of repossessed property unless the owner had lived there for at least two years. This partly inflated the numbers on physical returns in Bosnia, as, although people registered as returnees in their pre-war municipalities to be able to sell their properties at the end of two years, they did not actually physically return.

Were these conclusions specific to Bosnia and Cyprus that share a common historical locale within their proximity to Europe? Or are they also observed in other regions? The next section will look at further cases to assess whether these conclusions are applicable to other parts of the world.

Further cases

Fearon and Laitin cite five methodological standards for case selection and analysis (2005): (1) the literature on Mill's principle of similarity and difference, which is highly susceptible to selection bias problems; (2) choosing cases that are off the regression line, which is rooted in the wrong assumption that cases on the regression line will confirm the theory at hand and possibly offer new variables, while those off it will falsify the theory; (3) investigator expertise, which is based on the Benthamite criterion of propinquity, i.e., the closer one is to the material, the more utility one will derive from it, a method that is prone to the philosophy of science problem; (4) Elster's alternative to the goal of seeking a non-biased case selection that is based on the argument that knowing the values on the dependent variables is not the same thing as knowing the mechanisms that map values on significant independent variables to particular values on dependent variables; (5) simple random selection. Although I do not have investigator expertise on either of the cases, it can be argued that the cases of Bosnia and Cyprus were initially chosen on the third criterion, based on the fact that I was coming from a country (Turkey) that has been explicitly or implicitly involved in both of the conflicts. In order to avoid the philosophy of science and selection bias criticisms, I have chosen four more cases for further analysis via simple random selection to test my theory that property rights *do* have an effect on IDP return and resettlement.

Following Fearon and Laitin's slightly modified form of random selection of cases, I have stratified my random sampling on two variables. I took the 48 countries in the IDP dataset, and organized them (1) by region, and (2) within region, by whether the country had a peace agreement, i.e., it is in a post-conflict stage. As explained by Fearon

and Laitin, "the rationale for stratifying by region is to ensure an even distribution across a factor that is correlated with common historical experience, religion, and level of economic development" (2005: 3). More specifically, this was also to avoid the criticism that my selection of the main cases of Bosnia and Cyprus were Euro-centric. As a result of random selection, I have chosen four cases: Burundi (Africa, the Arusha Peace and Reconciliation Agreement for Burundi), Guatemala (Americas, the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict), Lebanon (Middle East, The Document of National Understanding, known as the Ta'if Agreement), and Nepal (Asia-Pacific, 12-Point Agreement). The research on these cases is based on secondary sources, and in large part on the database of the Internal Displacement Monitoring Center.

Burundi

Burundi is a small, landlocked, resource-poor country in Central Africa bordering Rwanda in the north, Tanzania to the east and south, and the Democratic Republic of Congo to the west. According to the *CIA World Factbook*, 85 percent of the population is Hutu, 14 percent is Tutsi and 1 percent is Batwa (pygmy). Although Hutu and Tutsi are used here as ethnic identities, they were also historically associated with the class structure of the Burundian society where Tutsis represented the upper class and the Hutus the lower class (UN Commission on Human Rights, cited in IDMC 2007). However, despite this significant correlation between class and ethnicity, it did not mean that all Tutsis were upper class or all Hutus were lower class (ibid.). Both class and ethnic

correlations were dynamic, and a Hutu could rise economically and socially and become a Tutsi (ibid.). Thus:

> Despite the popular conception of the conflict as a Hutu-Tutsi struggle, most scholars agree that the protracted conflict is structural in nature, though articulated in ethnic terms. The roots of the conflict lie in unequal distribution of economic resources and political power. Governance practices by successive regimes galvanized political power and state control in the hands of a small elite group within the Tutsi community from particular parts of the country, who have since sustained their hold on power through repressive policies. Efforts by the Tutsi elite to retain political control and associated patronage networks, and violent counter-strategies of the Hutu political and armed groups have precipitated ethnic massacres and retaliatory radicalism marked by acts of genocide. (Kamungi et. al. 2004: 1)

After gaining independence from Belgium in 1962, Burundi was dominated by a Tutsi military dictatorship for 25 years and lived through four massacres in 1965, 1967, 1972 and 1988, all triggered by Hutu discontent over Tutsi dominance and poor governance (see Table 5.2 for the historical background of the conflict). Displacement caused by these massacres was intensified following the civil war that broke out in the country between Hutus and Tutsis, when Burundi's first democratically elected Hutu president was assassinated in October 1993. Hundreds of thousands of Burundians were internally displaced or became refugees in neighboring countries as a result of the war.

In August 2000, in Arusha, Tanzania, Hutus and the Tutsi-dominated government signed a peace agreement that included a power-sharing deal, without participation of the two main armed Hutu rebel groups, the Forces for the Defense of Democracy (CNDD-FDD) and the National Liberation Forces (FNL). Thus, the Arusha Peace and Reconciliation Agreement for Burundi did not end the war immediately, but Tutsis and Hutus formed a three-year transitional government based on the arrangements made in Arusha. It was the Pretoria Protocol signed between this transitional government and the

CNDD-FDD in 2003 that opened the way for a real transition process that led to an integrated defense force, established a new constitution in 2005, and elected a majority Hutu government in 2005. In September 2006, the new government, led by President Pierre Nkurunziza, leader of the former Hutu rebel group CNDD-FDD, signed a ceasefire with the country's only remaining armed rebel group, the FNL, but there have been problems with implementation, and the security situation in some parts of the country remains precarious (IRIN website).

Table 5.2: Burundi: Chronology of key events

Year	Event
1889-1918	German Colonial Rule
1918-1962	Belgian Colonial Rule
1962	Independence: A kingdom run by Ganwa (those of princely origin).
1965	Massacres
1966	Elections followed by violent incidents. Prime Minister Michel Micombero, a Tutsi, overthrew the monarchy and declared a republic, concentrating power in the army. The next 25 years was the transition period from a Ganwa-run kingdom to a Tutsi-dominated military dictatorship to the exclusion of Hutus that saw more violence.
1967	Massacres
1972	Massacres triggered by Hutu militants from the Burundian refugee community in Tanzania. Hundreds if not thousands of Tutsi were killed. Instant Tutsi retaliation and repression followed.
1976	Micombero was overthrown by his deputy chief of staff, Colonel Jean Baptiste Bagaza, also a Tutsi. Reforms and return of refugees, but no addressing of massacres. Nepotism and corruption towards the end of his rule.
1980	Creation of the Party for the Liberation of the Hutu People (Palipehutu) by activists from the Burundian Hutu refugee community in refugee camps in Tanzania.

Table 5.2 continued

Year	Event
1984	Bagaza won the country's first presidential elections based on universal suffrage.
1987	Bagaza was overthrown by a group of army officers and a cousin of his and nephew of Micombero, Major Pierre Buyoya, became President.
1988	Massacres triggered by frustrated Hutu hopes for an improvement.
1993	Melchior Ndadaye, the first Hutu president, elected in June, was assassinated in October.
1994	Ndadaye's successor, Cyprien Ntaryamira (another Hutu) was killed in April at the same time as then Rwandan president Juvenal Habyarimana died under suspicious circumstances when his plane was shot down over Kigali, sparking the genocide of up to a million Tutsis and Hutu moderates in Rwanda.
1996	Ntaryamira's successor, Sylvestre Ntibantunganya, also a Hutu, was overthrown in a non-violent coup in July, and Buyoya returned to power.
1998	Buyoya reformed the constitution to create a transition government and began peace talks with Hutu and Tutsi opposition groups.
2000	In August, Arusha Peace and Reconciliation Agreement for Burundi, a peace agreement including a power-sharing deal was signed in Arusha, Tanzania, but the two main armed rebel groups refused to participate in the talks. Civil war continued.
2001	In November, Buyoya took over as transitional leader for a period of 18 months, seconded by a Hutu vice-president whose signature is required on all presidential texts pertaining to security and the armed forces. A 26-member power-sharing government was also sworn in to oversee the three-year transition.
2002	In December, a ceasefire agreement was signed by the transitional government and the main Hutu rebel movement, the Forces for the Defense of Democracy (CNDD-FDD).
2003	In May, Buyoya was succeeded by his vice president Domitien Ndayizeye, who is seconded this time by a Tutsi vice-president, Alphonse Marie Kadage. In November, the Pretoria Protocol on power sharing was signed between the then rebel CNDD-FDD and the transitional government led by President Domitien Ndayizeye; CNDD-FDD entered the government.

Table 5.2 continued

Year	Event
2005	In February, a new constitution was established. In June-August, elections took place marked an end to the transitional government that was established by the Arusha Accords. A majority Hutu government, first democratic government since 1993, was elected. In August, Pierre Nkurunziza, the leader of CNDD-FDD inaugurated as the president.
2006	In September, the National Liberation Forces (FNL), the only active rebel movement in Burundi, signed a ceasefire agreement with the government, but the details of implementation have not been resolved.

Source: IDMC (2007). Burundi: Long-term IDPs still wait for durable solutions despite improved security (A profile of the internal displacement situation). Geneva, Internal Displacement Monitoring Center.

Besides establishing a partial peace and a transitional government, the Arusha Peace and Reconciliation Agreement for Burundi also provided a road map for post-conflict reconstruction via five protocols, each dedicated to a particular theme: (1) the nature of the conflict; (2) democracy and good governance; (3) peace and security; (4) reconstruction and development; and (5) guarantees on the implementation of the agreement. The issue of rehabilitation and resettlement of refugees and *sinistrés*—the term that designates all displaced, regrouped, and dispersed persons and returnees—is addressed within Protocol IV, the protocol on reconstruction and development, which states, "The Government of Burundi shall encourage the return of refugees and *sinistrés* and resettle and reintegrate them. It shall seek the support of other countries and

international and non-governmental organizations in carrying out this responsibility" (Article 2.1).[196]

According to the estimates of the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) that are based on a national IDP survey conducted by OCHA in 2005 and visits to IDP camps in 2006, there were 100,000 IDPs in 160 camps in Burundi, which had decreased dramatically from 281,628 displaced persons living in 230 sites in 2002 following significant improvements in the political and security situation in the country (IDMC 2007). The main causes of displacement in Burundi are (1) military operations in which people were forced to move, (2) displacements organized by local authorities in order to protect specific populations or to bring them nearer to their lands, and (3) spontaneous displacements of people fleeing from real or perceived dangers. While some IDPs have remained displaced since 1993, and even 1988, others have repeatedly fled as security conditions changed.

Accordingly, in southern and southeastern Burundi where people feel that the security situation has improved, there is a continuous trend of return. In contrast, in the northern and central provinces where about 58 percent of the total IDP population in Burundi are living in camps, the news of raids by the FNL still compel people to stay at the displacement site (OCHA 2005, also cited in IDMC 2007). The findings of 72 focus-group discussions conducted by OCHA in a sample of 30 sites across Burundi also

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[196] Until 1998 the humanitarian community used different labels to describe the country's uprooted population: (1) "displaced" indicated ethnic Tutsi who have fled to camps or villages; (2) "regrouped" indicated ethnic Hutu whom the Government required to move into regroupment camps based on claims of protection; (3) "dispersed" indicated an unknown number of mostly ethnic Hutu who have fled from their homes to remote areas scattered throughout the countryside. To a certain extent, these different categories reflected the different humanitarian needs of the uprooted populations calibrating assistance to affected populations on the basis of a series of semantic categories. In 1998, the practice was abandoned in favor of more objective criteria for assistance such as vulnerability and capacity for sustainable reinstallation (Inter-Agency Standing Committee-Working Group February 1999: 69-70; cited in IDMC 2007).

highlight the importance of security in influencing IDP household decisions (ibid.). Accordingly, those IDPs who express a willingness to return to their place of origin, but remain meanwhile in sites, cite insecurity (fighting, banditry, looting), lack of a protection force, mines, the presence of armed groups, and fear, distrust and lack of reconciliation among communities in their place of origin as the main reasons preventing their return. Likewise, IDPs that express a definitive desire to remain in the IDP camps where they currently reside state similar concerns over security (banditry, absence of protection force, and fear, distrust and lack of reconciliation among communities in their place of origin) as affecting their decision to stay in the camps. They cite the sense of solidarity, community cohesion, and protection in the site as the principal factors influencing their decision.

The results of OCHA's national IDP surveys touch upon three factors other than security that affect IDP decisions to return to zones of origin or remain in the camps for the displaced. The first is the factor of time. The families who have lived for more than 10 years under conditions of displacement, thus developing new social, family, and economic ties in the camps for the displaced, seem to be keener on staying than returning. During their long stays in the IDP camps, these people form new family units and semi-urban social ties, customs, and lifestyles, and they feel a closer association with the camps than their place of origin. Furthermore, unlike the majority of the population who are dependent on subsistence farming for their livelihoods, people who have spent such a long time in the camps usually have little direct dependence on agricultural activity and have created other means or sources of revenue in the site over time. Thus, the factor of time does not really have a direct effect on IDP decisions to return or remain, but is just

an endogenous factor impinging on other dynamics like the creation of new networks, economic opportunities, and means of livelihood.

The second dynamic is related to access to land and housing. Where ready access to land is higher, there is a more rapid return to zones of origin. Similarly, those IDPs who do not own a house or land in their place of origin tend to remain in the IDP camps where they already have shelter. Based on the data provided by OCHA, in the central and northern provinces of Burundi, where the desire of IDP households to remain permanently in IDP camps is the highest in the country (on average 69%), the presence of a house in the place of origin is the lowest in the country (only 1-2%) (OCHA 2005, also cited in IDMC 2007). Furthermore, quality of housing also seems to have a strong relationship to the willingness to return (ibid.). While IDPs who currently live in a relatively good quality house in a camp (as evidenced by a galvanized steel roof) are the ones who express the strongest desire to remain permanently in the site, the provinces where the percentage of IDPs living in a house with a steel roof is the lowest are the ones in which IDPs express the strongest desire to return to their place of origin (ibid.). However, there can be a two-way relationship between the desire to return and quality of housing, as the IDP households that express a desire to remain permanently in the camps can be consequently investing in their housing in the site more than those IDPs that express the greatest willingness to return to their place of origin and therefore are not making an investment in the quality of housing in the site (ibid.). There are also examples of families that are dismantling their roofs in order to rebuild their house in their place of origin, or families that have sold roofing material that was distributed or donated in the camps in order to have money to use for other purposes (ibid.).

Finally, there is the factor of vulnerability. There seems to be a close negative relationship between the percentage of female- and child-headed households and willingness to return. While high percentages of female- and child-headed households tend to be found in the camps where most households want to remain definitively in the sites, low percentages of female- and child-headed households are found in sites where the desire to return to the place of origin is the strongest. Female-headed and child-headed households together comprise over one-third of all displaced households in Burundi and are considered among the most vulnerable and most likely to remain in the IDP camps. However, the vulnerability of female- and child-headed households is also closely related with their lack of access to land, as they do not have the legal and traditional right to access family land (IDMC 2007).[197] Moreover, some female and child heads of households have cited their inability to construct a house also as a factor in their decision not to return (ibid.). Thus, the fact that they do not have anywhere else to go better explains the real reason for their decision to remain in the IDP camps than the demographic characteristic of their households that identifies them as vulnerable.

Unlike the cases of Bosnia and Cyprus, where gaining property rights was more about enhancing the capacities of IDPs than addressing their immediate needs of shelter and/or livelihood, in the case of Burundi, IDPs are in real need of shelter and land for sustaining their lives. In an economy that is predominantly agricultural with more than 90 percent of the population dependent on subsistence agriculture, issues relating to land become crucial for sustaining a living. In view of that, Protocol IV of the Arusha Accords also addressed issues related to land and other property, and stated that,

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[197] A *project* of law allowing women to inherit land had been submitted to the parliament only in 2006 (Ministry of National Solidarity; cited in IDMC 2007).

> (a) Property rights shall be guaranteed for all men, women, and children. Compensation which is fair and equitable under the circumstances shall be payable in case of expropriation, which shall be allowed only in the public interest and in accordance with the law, which shall also set out the basis of compensation; (b) All refugees and/or *sinistrés* must be able to recover their property, especially their land; (c) If recovery proves impossible, everyone with an entitlement must receive fair compensation and/or indemnification" (Article 8).

Issues related to land and property in Burundi are complex and multifaceted, though they are not so different from the problems in Bosnia or Cyprus. The first issue is related to claims. As also observed in Bosnia and Cyprus, in some cases IDPs in Burundi can occupy land abandoned by those who fled conflict. As in the case of Cyprus, the phenomenon can get more complex as the duration of conflict increases. Over a long period of conflict, the IDP sites in Burundi have developed into village-like settlements, which are built on state-owned, private or church-owned property, and have insufficient land for cultivation (IDMC 2007). The status of the IDPs on these properties remains unclear, and IDP decisions to settle on the displacement sites for good have led to conflicts with original owners (either other returnees or the state) (ibid.).

It is rather ironic, but the pressures on land and problem of claims have increased with refugee return. Many returning refugees from Tanzania who had left Burundi in 1972 found their homes and land occupied, as in their absence, the government had reallocated their property to IDPs or designated it for public use (IRIN 2006).

Interestingly, while access to their property can be a challenge for returning refugees, IDPs do not seem to have any problems with land access resulting from disputes over land ownership. Based on the information from the national surveys by OCHA, 74 percent of IDP households state that they have "easy access" to their land of origin, and the percentage of IDP households having easy access to their land is at least

60 percent in all provinces (OCHA 2005, also cited in IDMC 2007). Those IDP households that report having no access to their original land either had lands in an area still affected by ongoing conflict, or they were forced to sell their land for economic reasons (ibid.). In general, most IDP camps are close enough to their original homes that IDPs can access and cultivate their lands during the day, and return to the camps to sleep at night (ibid.). Proximity of the place of origin to the displacement site is an important element in determining an IDP household's level of vulnerability. Access to land is so important for sustaining one's livelihood in Burundi that even in regions where IDP households believe that the security situation is not conducive to return, a large percentage of IDPs still access and cultivate their land (ibid.).

However, having easy access to land does not necessarily mean an adequate agricultural production to sustain a living. This is true for several reasons: (1) theft of crops by neighbors who had stayed in their place of origin; (2) stealing by armed groups or bandits in areas of ongoing insecurity; and (3) the limited time IDPs can spend on the farm due to the distance of land from displacement site that prevents them from adequately maintaining or protecting their land (ibid.). "The distance that IDPs have to travel from the site to reach their land is in direct proportion to their ability to adequately manage and protect their land. Therefore, despite easy access to land, compromised productivity results in an erosion of livelihood capacity and decreased food security for many IDP households" (ibid.).

Moreover, the dual land system in Burundi also complicates property issues *and* the return process. As in many countries, there are both customary and modern land tenure systems operating in parallel in Burundi (creating a hybrid system) that are in

contradiction with each other. To illustrate, the 1986 Land Tenure Code recognizes the legitimacy of traditional claims, but demands that all land and all land transactions be registered with the state. However, land is often sold in areas under indigenous tenure systems, and is not registered with the state. Thus, traditional tenure systems are still very influential, especially in rural areas, complicating tenure claims on the part of the state.

There are two main reasons for the predominance of the traditional tenure system: First, the state lacks the financial resources to publicize and execute the Land Tenure Code. Therefore, only less than 5 percent of the land is registered, and traditional tenure systems that are based on orally made ownership claims resume weight in the rural areas. Second, the title deeds hold little value as endemic corruption in the Ministry of Lands—e.g., allocating expropriated land to influential political and military figures without adequate compensation to real owners—has undermined the legitimacy of such documents. Partly due to the dual land tenure system, which has created loopholes that can be exploited, irregular allocation of state land to individuals in positions of influence in government, the military, and the civil service became a common phenomenon.

The Arusha Accords emphasized three ways to address problems relating to land and property. First, the Arusha Accords underlined the role of traditional methods of arbitration in reconciliation. In the pre-colonial period, a local council of elders called the "Bashingantahe" acted as judges and advisors at all levels of power, and thus, also mediated land tenure conflicts. The institution weakened with colonial rule when (1) the missionaries prohibited the Bashingantahe from interfering in matters concerning Christian couples, (2) the Belgian colonial rulers reduced the Bashingantahe to the status

of a consultative voice, and with the introduction of customary courts, to mere executors of orders of colonial administration, and (3) the traditional educational system was changed. However, the institution remained alive in Burundian society and the Arusha Agreement emphasized its role in reconciliation, at the local community level.

Second, it was stated in the Arusha Accords that the land code of the country must be improved. Accordingly, the land code is in the process of being revised, and the revisions seem to be largely influenced by the World Bank and the Food and Agricultural Organization that advocate the concepts of land tenure security and the need for land markets where the customary property regime is to be "replaced" with a modern system of universal land registration (Kamungi, et. al. 2004). "The value of land has gone up following the improvement of security, and rich individuals have expanded the size or number of plots, while the land available to returning IDPs and refugees is getting less" (ibid.). However, the revisions in the Land Code do not encompass land redistribution, but predict that the invisible hand of the land markets will level out these imbalances (ibid.).

Finally, the Accords envisioned establishment of a national land commission, with the mandate of (1) addressing the disputes related to land and other assets involving victims and third parties or public or private agencies, (2) identifying and recovering state lands that have been improperly allocated, (3) hearing all cases submitted to it by victims who seek to recover their property, (4) providing technical and material assistance to help victims exercise their property rights, (5) assigning new lands to victims who have none, and (6) studying the possibilities and methods of compensation for victims who have not recovered their lands and other assets (IMF 2007).

Guatemala

> *The present status of the indigenous peoples in Guatemala is the result of a long process of colonial subjection of the Maya people starting in the sixteenth century, which was reinforced during the liberal period in the nineteenth century, when a governing class was formed that based its power and its privileges on large rural estates and the exploitation of indigenous labor, under authoritarian and property-based regimes.* (UNCHR 2003: 6)

Although the root causes of the conflicts in Bosnia, Cyprus, and Burundi are not really ethnic divisions, these conflicts were wrongly treated as ethnic conflicts mainly due to the existence of different ethnic groups and the fact that these ethnic groups made up the opposing sides. The case of Guatemala is different. The causes of the conflict in Guatemala have been economic and have been recognized as such from the beginning. Moreover, unlike the other cases, in Guatemala, issues over property (specifically land) are not just outcomes of the conflict, but also a direct cause of the conflict.

As a result of the colonial concentration of wealth and power, Guatemalan society is divided along socio-economic lines between: (1) an elite of European descent, "criollos," who have abused the structural inequalities that emerged during the colonial period to stay in power and have kept the majority of the wealth for the few by controlling state institutions, particularly the army (approximately 9 percent of the population); (2) the largely Mayan indigenous population that makes up 60 percent of the total Guatemalan population of 12 million; (3) people of mixed European/indigenous descent, "Ladinos," who make up around 30-40 percent. The inequality of distribution of land and agricultural resources reinforces the socio-economic divisions of Guatemalan society. While 1.5 percent of the large farms, which are farms of roughly 45.7 hectares owned by non-indigenous elite, occupy approximately 60 percent of the land, 94 percent of small farms where the majority of the indigenous people and hundreds of thousands of

poor "Ladinos" work as subsistence farmers occupy only 20 percent of the land (AI 2006, UNCHR 2003, IDMC 2006).

Guatemala gained its independence from Spain in 1821. Independence was followed by a succession of dictatorial regimes and the democratic regime of 1944 that introduced social and agrarian reforms, but it did not last long due to a US-backed military coup (see Table 5.3 for the historical background of the conflict). As a result of subsequent authoritarian regimes and the prevalence of the exclusion of the indigenous majority from wealth and power (mainly land), war broke out in the early 1960s between the regime (armed forces and their paramilitary allies) and the guerilla forces fighting for economic and political reforms.

Table 5.3: Guatemala: Chronology of key events

Year	Event
1821	Independence from Spain followed by a succession of dictatorial rulers.
1944	Democratic regime, introduction of social and agrarian reforms.
1945	A new constitution codifying respect for civil liberties and acknowledging ideological pluralism; the communist Guatemalan Workers' Party (PGT) participating in politics; government had started implementing land reforms by distributing unused portions of the vast holdings of the US-based company United Fruit to landless peasants.
1954	Authoritarian rule as a result of US-backed military coup; until 1986 a series of military and one civilian (*de facto* military) government in Guatemala; the army became the dominant political force as well as the most powerful economic actor, establishing its own bank, credit institutions, publishing house, and the means to take over productive resources; high-ranking officers became large landowners protecting the economic interests of the traditional oligarchic elites *and* themselves.
1962	Fighting began with the emergence of the Revolutionary Armed Forces (FAR), the first guerrilla force in Guatemala; the Guerrilla Army of the Poor (EGP), the Revolutionary Organization of the People in Arms (ORPA), and others followed in 1970s. Decree 1551—the Law of Agrarian Transformation, which was designed to demobilize demand for action on land reform by relocating the rural poor to idle (and ecologically fragile) areas, later became a tool for members of the military to gain control over lands intended for poor and landless beneficiaries via stating land of the displaced as voluntarily abandoned.

Table 5.3 continued

Year	Event
1978	The military government began a "scorched earth" policy known as "La Violencia" to defeat the guerrillas and its supporters. Policy continued until 1985, and resulted in over 200,000 dead or disappeared, between 500,000 and 1.5 million IDPs and refugees, more than 75,000 widows and 250,000 orphans.
1982	Unification of different guerrilla groups under the Guatemalan National Revolutionary Unity (URNG).
	The army established militarized villages where indigenous people were organized in Civil Defense Patrols (PACs) to fight the insurgency, forcing indigenous people to kill and commit atrocities against other indigenous people, contributing effectively to the destruction of social cohesion, and undermining collective action against the regime.
	Those who refused to take part in fighting uprooted, i.e., became IDPs, and organized in Communities of People in Resistance (CPRs); regarded as collaborators of the guerillas, many were persecuted by the army during the war.
1986	Civilian (de facto military) government with a new constitution.
	Government established a Special Commission for the Assistance of Repatriates (CEAR).
1987	Esquipulas II, Central America peace plan that identified internal displacement as a priority area.
1988	The mandate of CEAR broadened to include IDPs.
1989	The government recognized the involuntary nature of displacement and repealed Decree 1551.
1994	The Commission for Historical Clarification (CEH) set up to investigate human rights violations during the conflict.
	Accord on Resettlement of the Population Groups Uprooted by the Armed Conflict was signed.
	The UN Human Rights Verification Mission in Guatemala (MINUGUA) was established to strengthen human rights organizations and end impunity
1996	Peace Agreement

Source: IDMC (2006). Guatemala: Ten years after peace accords, key provisions benefiting the displaced remain unimplemented: A profile of the internal displacement situation. Geneva, Internal Displacement Monitoring Center.

After decades of fighting, and as the prospects for a military victory declined, the warring parties initiated peace talks in the mid 1980s, which ended in the signing of the 1996 Peace Agreement. During the 30 years of fighting, thousands of Guatemalans were killed or disappeared, and millions were displaced. Besides the commitments to

reconciliation, education, and documentation, the final peace accord included 13 agreements with provisions for land rights, restitution of property, and distribution of land to poor farmers. Land, being one of the main causes of the conflict, and displacement, being one of the main results of the conflict, were the main issues covered by the accord.

The latest official survey of the people uprooted by the conflict in Guatemala, conducted in 1997 by the UN Population Fund and some national institutions, declared the total number of IDPs at 242,386 (IDMC 2006). This figure represented dispersed IDPs excluding the 15,000 IDPs organized under the Communities of People in Resistance (CPRs) (ibid.). There has been no official counting of IDPs in Guatemala since then, but the experts consider the figure of 242,386 still valid since IDPs are still not able to reclaim their lands and have not successfully reintegrated elsewhere (ibid.).

On the other hand, UNHCR, IOM, USAID, and USCRI officially take the stance that there is no longer an IDP problem in Guatemala, but only extreme poverty (Bailliet 2000). According to this view, IDPs no longer face threat of persecution and are not prevented from returning home by conflict, but only for political and economic reasons, i.e., the government's lack of will and resources to provide the displaced with the land and assistance they need to return home (ibid.). Thus, this view advocates a "holistic form of protection to provide socio-economic assistance to marginalized communities composed of diverse groups rather than focus on one category to the exclusion of others" (ibid.).

The Guatemalan government takes the same stance arguing that IDPs are not a special category, but fall into the same general situation as the rest of the population

facing extreme poverty (ibid.). Accordingly, although the government facilitated the resettlement of returning refugees and those IDPs organized under CRPs, it did not grant dispersed IDPs restitution rights and took the position that people who had returned, reintegrated or resettled in urban areas such as Guatemala City could no longer be considered displaced and thus fall into the category of "poor" (Bailliet 2002, also cited in IDMC 2006).

Bailliet argues that dropping the IDP label simply allows those who appropriated IDP property, i.e., army officers and elites, to retain the property without providing restitution or compensation (ibid.). She states that by reviewing the data of the Technical Commission for the Execution of the Accord on Resettlement of the Populations Uprooted by the Armed Conflict (CTEAR), of the various land institutions that have lists and the files of the IDPs and additional investigations, a more accurate determination of the actual number of IDPs dispossessed of land could be made, but that it is not a priority of donors or other actors. Treating a substantial number of IDPs as part of the poor in general, and granting no entitlement to property or a right to restitution, allows the military and powerful non-state actors to remain on IDP lands taken during the war and to appropriate additional property through forced evictions in a country where the root of violence and displacement was structural inequality related to land in the first place (ibid.).

There are other more technical and less political reasons for the lack and uncertainty of data on Guatemalan IDPs. First, although between 500,000 and 1.5 million people were dislocated (both IDPs and refugees) at the height of the conflict, the majority of IDPs returned to their homes shortly after they fled. For the large number of

IDPs who remained displaced throughout the country, the main difficulty has been to differentiate between conflict-induced IDPs and economic migrants. While many IDPs found refuge in the shantytowns of Guatemala City, working in informal sectors as street sellers and domestic or factory workers, others found work as seasonal laborers on large land holdings, or became economic immigrants in the US (CONDEG 2006 cited in IDMC 2006). Moreover, most IDPs chose to be anonymous to avoid massacre and persecution, and never registered for identity documents or government assistance, exposing the apparent inadequacy of the peace agreement in providing sufficient measures of security guarantees for these people (ibid.).

For those IDPs who would like to be identified, the only identity available seems to be "poor." The 1994 agreement on resettlement of the population groups uprooted by the armed conflict referred to refugees and the displaced, including the CPRs, and provided a series of guarantees for the security of resettled populations, most significantly with respect to land rights. However, the lack of government will and resources, and international indifference to the particular situation of these IDPs, seem to have narrowed their choices.

Problems related to the implementation of the peace agreements, especially in relation to the provisions on land, have had further negative effects on the already precarious situation of the IDPs.

> The Peace Accords propose that the land market functions as the central mechanism for promoting transformation of landholdings and increased efficiency and productivity. Proposals for the land market include; strengthening of property rights (regulation policies), registration and a Cadastre, implementation of taxes, improvement of financial mechanisms to facilitate access to land (land purchase), technical assistance and capacity building, complimentary social and economic investment, as well as protection of the environment. (Garoz & Gauster 2005: 2-3).

However, the implementation of the provisions was problematic. To begin with, the traditional ruling elite that have been benefiting from the extreme inequalities, are gaining from the status quo, and do not have many incentives to sell the land that many gained during the war in the land market. Thus, transformation of landholdings is not taking place.

The second biggest implementation problem is funding. To illustrate, the Presidential Office for Legal Assistance and Dispute Settlement in Land Matters, which was an important actor in peacefully resolving some of the country's nearly 2,000 registered land disputes, was not given any funds in 2003 (IDMC 2006). The Land Trust Fund, Fontierras, which is an autonomous decentralized state body created in 1998 as endorsed by the peace agreement, also did not get the necessary budget allocation, and had to depend mainly on multilateral loans and foreign aid, and thus could make only modest progress in securing land for needy populations (ibid.). Contierra, the Guatemalan land-conflict resolution commission that was also endorsed by the peace agreement, also lacked the resources necessary to enforce decisions (ibid.).

Furthermore, the absence of a national land registry system has increased the problems of implementation. Due to registration problems, IDPs face difficulty in providing evidence of landholding. As is also stated in the 1994 agreement on resettlement:

> The Parties recognize the existence of a general problem, which particularly affects the uprooted population. One of the principal manifestations of legal insecurity is the difficulty of producing evidence of landholding rights. This situation stems, *inter alia*, from problems concerning registration, the disappearance of the files of the Instituto Nacional de Transformación Agraria [National Institute of AgrarianTransformation] (INTA), the institutional weakness of specialized bodies and municipalities; the existence of rights based on customary systems for the holding and surveying of land; the existence of

> secondary occupants or the annulment of rights on the basis of the improper application of provisions concerning voluntary abandonment. (Article 2.8)

As for the IDPs in Bosnia and Cyprus, and for the refugees of Burundi, secondary occupants comprise a serious obstacle to legal security of IDP land in Guatemala. Based on the premise that IDPs had left their land voluntarily, Decree 1551 of 1962 (see Table 5.3) annulled their land rights on the basis of the improper application of the "abandonment" criteria, and allowed the state to confiscate the so-called "voluntarily abandoned land," which it later sold to new owners through the INTA. By the time the government committed to taking legal measures to ensure that land abandoned by IDPs during the conflict could not be considered "voluntarily abandoned," and to compensate the victims accordingly, several people already had several titles to the same land, which of course created disputes and further complicated the return process.

Even if the problems of land titling and multiple claims were to be solved, there are still inherent flaws in the Peace Agreement, such as a market-assisted land reform, which has proven inefficient in a country where wealthy landowners keep away from selling land to smallholders "for fear that these actions could augment the demand for land redistribution, or the invasion of properties" (Hernández Alarcón 1998 cited in Grandia 2006: 216). Therefore:

> Currently, very little land goes on sale and what is sold happens by word-of-mouth, not in a neutral land market. Highly arable plots will rarely enter the general market; if sold, they usually go first to family, friends or acquaintances; usually it is lesser quality land that gets sold to a broader public. Because of the threat of kidnappings, fewer and fewer landowners are willing to advertise their sales. High real estate transaction costs (lawyer fees plus a twelve percent sales tax on the total) impede formal land sales among the poor. (Grandia 2006: 216)

Thus, many of the wealthy landowners have few incentives to sell land and are deliberately over-pricing it adding to the budgetary problems of Fontierras, which is

supposed to give credit to land-seeking peasants. As a result, in 2005, only 4,000 hectares of land were redistributed to 600 families within the scope of the Fontierras land acquisition program, while an estimated 500,000 families remained landless or did not have enough land to meet their basic needs (IDMC 2006). "At this pace, it would take more than 800 years to ensure access to land for the landless and land-seeking families in Guatemala" (ibid.: 9).

Even in cases where landless people could acquire land via a certain kind of credit scheme, the chances of losing the land are high given the burden of paying the debt:

> …in a country like Guatemala where the economic elite have used coercive debt to enslave the indigenous population since the colonial period, the outcomes of many credit programs remain ambiguous. The burden of responsibility with any credit program lies with the farmer, and not with the outside agent who has promoted the project. Were the staff of development agencies or the agencies themselves held accountable for failed loan programs, there would be likely fewer schemes foisted on the poor. Throughout my fieldwork, a common refrain in the migration stories was loss of land after a failed or coercive credit endeavor… (Grandia 2006: 226)

Problems related to land are not the only obstacles faced by IDPs who pursue return. Although one of the principles of the 1994 Resettlement Agreement was to promote reconciliation between returnees and receiving communities, people who never fled and some local communities have resisted the return of IDPs (IDMC 2006). The reluctance to receive returning IDPs is largely a result of elite efforts to stigmatize those who fled as guerrilla supporters or instigators of the civil war (IACHR 2001):

The principal challenge for many communities is reintegrating those who have returned or resettled into local life, and establishing a viable situation of coexistence. The disintegration of community life, manifested in the phenomenon of internal displacement,

was pursued by the State as part of its counterinsurgency policy during the early 1980's and beyond (ibid.).

Ten years after the signing of the Peace Agreement, there are still reports of social conflict and land disputes in the countryside, a result partly of the failure of successive governments to implement the Peace Agreement, and partly of the worsening economic situation that particularly affects poor rural areas (IDMC 2006). When indigenous and landless people who were discontent with the government's policy to implement the commitments of the Peace Agreement occupied large land holdings, the government reacted by violently evicting them (AI 2004; IDMC 2006). This added to the social unrest and animosity against the ruling elite, and to the criticisms that the government protects the private property of transnational companies at the expense of the labor rights and land rights of the poor (ibid.).

Thus, the government, in favor of protecting the interests of the elite, largely overlooks the real causes of the land conflicts. These conflicts are not only about sustaining a living or economic benefits. As in the cases of Cyprus and Bosnia, land also has a cultural meaning in Guatemala:

> The implications of being landless or unable to produce corn goes beyond economic aspects for most indigenous people in Guatemala. Without a territorial claim in a community of one's ancestors and the means to secure part of one's own food supply, an indigenous Guatemalan has great difficulty in retaining his or her identity as a member of that indigenous group" (ILO 2000, cited in IDMC).

Thus, as well as being a crucial to economic subsistence, land for the indigenous Guatemalan represents a vital ancestral link and a site of religious communion, and therefore, a trait of cultural identity (Sieder 1997).

Lebanon

Although Israeli military operations in Lebanon following the clashes between Israeli security forces and the Lebanese militant and political organization Hezbollah caused a new wave of displacement in the summer of 2006, this section focuses only on those IDPs who remain displaced as a result of the Lebanese civil war of 1975-1990 and Israeli military operations in Lebanon between 1978 and 2000. The Lebanese civil war was about more than just inter-religious strife between Muslims and Christians. Religious sectarianism, leftist ideology, diverse nationalistic inclinations (see Table 5.4), and the involvement of Israel, Syria, and the Palestine Liberation Organization (PLO) also divided Lebanese society and turned the conflict into a multifaceted war.

Table 5.4: Various Lebanese Factions in the Civil War

Group	Description
Phalange (Kataeb)	Christian, under the leadership of Bachir Gemayel.
Lebanese Forces	Christian, founded in 1977, Phalange included, came under the leadership of Samir Geagea in 1986.
Guardians of the Cedars	Christian, smaller, extremist faction
Marada Brigades	Christian, private militia of the Franjieh family and Zgharta in the North.
Shi'a Militias	Initially supporters of Palestinian Movement and Lebanese Communist Party, later in 1974-1975 Musa Sadr's Amal Movement attracted the urban poor with its moderate Islamist ideology
Hezbollah	A hardliner Shi'a faction broke away to join with Shi'a groups fighting Israel, they formed Hezbollah guerillas, and are still active
Al-Mourabitun	Movement of Independent Nasserists, Sunni, Arab Nationalist
Tawhid Movement	Sunni, Islamist

Table 5.4 continued

Group	Description
Progressive Socialist Party	No natural alignment, ideologically secular and officially non-sectarian, but served as an effective Druze militia
Lebanese Communist Party	Non-religious, leftist group
Communist Action Organization	A more radical and independent non-religious group
Syrian Social Nationalist Party	Ideal of Greater Syria, in contrast to Pan-Arab or Lebanese nationalism, but did not ideologically approve of Hafez al-Assad's Ba'thist regime.
Competing Baath party factions	Two competing factions: (1) a nationalist, known as "pro-Iraqi" under Sunni Abdul-Majeed Al-Rafei, and Greek Orthodox Christian Nicola Y. Firzli, and (2) a Marxist, known as "pro-Syrian" headed by Shiite Assem Qanso.

Source: BBC News (http://www.bbc.co.uk).

The first wave of internal displacement took place when the civil war began in 1975 and Beirut was divided into Muslim and Christian quarters as a result of sectarian violence and civilian killings (see Table 5.5 for chronology of events). Based on the estimates, at the height of the civil war, up to one million people were displaced (IDMC 2006a). A second wave of internal displacement occurred as a result of the Israeli military invasions of Lebanon in 1978 and 1982 (ibid.), and Israeli air raids and rocket attacks on Beirut and southern Lebanon caused a further wave of displacement in 1996 (ibid.).

The civil war in Lebanon has been continuous since 1975, and Lebanon has been *de facto* divided between two governments, one mainly Muslim in West Beirut and the other Christian in East Beirut, led by the Maronite Commander-in-Chief of the Army,

General Michel Awn. In 1989, the fighting between Awn's forces and Syrian troops and between the militias themselves led to a third wave of displacement.

Lebanese parliamentarians signed the 1989 Document of National Understanding, also known as the Ta'if Agreement, which was drafted following extensive negotiations between the different Lebanese militias along with Syria (whose troops remained in the country until 2005) in an attempt to reach a consensus on internal political reform. By the time the Ta'if Agreement was signed, it was estimated that approximately 450,000 - 500,000 people were internally displaced in Lebanon (UNDP 2002, cited in IDMC 2006a).

Although the civil war ended, Israel remained in the south of Lebanon, where an estimated 24 percent of the IDP population originated (IDMC 2006a). During the decade-long Israeli occupation, many Lebanese had to leave their homes in the occupied south, or were ejected for suspected or admitted participation in attacks on Israeli military personnel (ibid.). Some of these people returned home following the withdrawal of Israel from southern Lebanon in 2000, but the landmines planted in the South have continued to kill and injure civilians while the continued cross-border fighting between Israeli forces and Hezbollah guerrillas in the 2000s has compromised security and has negatively affected return.

Table 5.5: Lebanon: Chronology of key events

Year	Event
1920	With the end of the Ottoman Empire at the end of World War I, the League of Nations grants the mandate for Lebanon and Syria to France, and France proclaimed the State of Greater Lebanon that included the former autonomous province of Mount Lebanon, plus the provinces of north Lebanon, south Lebanon, and the Biqa, historically part of Syria.
1926	France declared the Lebanese Republic.

Table 5.5 continued

Year	Event
1943	Independence during World War II. Power-sharing arrangements favored Lebanese Christians.
1948	Lebanon took part in Arab-Israeli war; with the defeat of the Arab side, accepted armistice with Israel.
1957	Pro-western President Kamil Sham'un (Christian) accepted the Eisenhower Doctrine, which offered US economic and military aid to Middle Eastern countries to counteract Soviet influence in the region.
1958	President Sham'un did not break diplomatic relations with the Western powers that attacked Egypt during the Suez Crisis, divisions between Lebanese Muslims and pro-western Christians intensified, President Sham'un asked the United States to send troops to preserve order in Lebanon. The United States, mindful of Iraq's overthrow of its monarchy by Muslim rebellion, sent marines to re-establish the government's authority.
1967	Lebanon played no active role in the Arab-Israeli war but was to be affected by its aftermath when Palestinians use Lebanon as a base for activities against Israel.
1969	Front for Progressive Parties and National Forces was formed by Muslims and secular left wing groups against the Christian domination of government, calling for the taking of a new census (the last one had been conducted in 1932) and the subsequent drafting of a new governmental structure that would reflect the shifts in the actual population balance.
1975	Civil war erupted when Phalangist gunmen (Christian) ambushed a bus in the Ayn-al-Rummanah district of Beirut, killing 27 of its mainly Palestinian passengers (Muslim). The Phalangists claimed that guerrillas had previously attacked a church in the same district.
1976	Syrian troops entered Lebanon to restore peace but also to curb the Palestinians. Following Arab summit meetings in Riyad and Cairo, a cease-fire was arranged and a predominantly Syrian Arab Deterrent Force (ADF) was established to maintain it.
1978	In reprisal for a Palestinian attack into its territory, Israel launched a major invasion of southern Lebanon. The United Nations Security Council passed Resolution 425, calling on Israel to withdraw from all Lebanese territory, and establishing the United Nations Interim Force in Lebanon (UNIFIL) to confirm the Israeli withdrawal, restore peace, and help the Lebanese government re-establish its authority in the area. Israel handed over territory in southern Lebanon not to UNIFIL, but to its proxy, mainly Christian Lebanese militia.

Table 5.5 continued

Year	Event
1982	Following the attempted assassination of the Israeli ambassador to the United Kingdom, Israel launched a full-scale invasion of Lebanon, "Operation Peace for Galilee."
	President-elect, Bashir al-Jumayyil, was assassinated. Israeli forces occupied West Beirut, and the Phalangist militia killed Palestinians in Sabra and Shatila refugee camps in West Beirut.
	Bashir's elder brother, Amin al-Jumayyil, is elected president.
	The first contingent of a mainly US, French, and Italian peacekeeping force, requested by Lebanon, arrived in Beirut.
1983	Israel and Lebanon signed an agreement on Israeli withdrawal, ending hostilities and establishing a security region in southern Lebanon.
1985	Most Israeli troops withdrew but some remained to support the mainly Christian South Lebanon Army (SLA) which operated in a security region in southern Lebanon.
1987	Lebanon abrogated the 1969 Cairo agreement with the PLO as well as officially canceling the 1983 agreement with Israel.
	Prime Minister Rashid Karami was killed when a bomb exploded in his helicopter; Salim al-Huss became acting prime minister.
1988	When no candidate was elected to succeed Karami, outgoing President Amin al-Jumayyil appointed a six-member interim military government, composed of three Christians and three Muslims, though the latter refused to serve. Lebanon now had two governments—one mainly Muslim in West Beirut, headed by Al-Huss, the other, Christian, in East Beirut, led by the Maronite Commander-in-Chief of the Army, General Michel Awn.
1989	Awn declared a "war of liberation " against the Syrian presence in Lebanon.
	The Ta'if Accords: The National Assembly, meeting in Ta'if, Saudi Arabia, endorsed a Charter of National Reconciliation, which reduced the authority of the president by transferring executive power to the cabinet. The National Assembly now had an equal number of Christian and Muslim members instead of the previous six to five ratio.
	President-elect Rene Mu'awwad was assassinated and immediately succeeded by Ilyas al-Hirawi. The following day, Salim al-Huss became Prime Minister and General Emile Lahud replaced Awn as Commander-in-Chief of the Army.
1990	The Syrian air force attacked the Presidential Palace at B'abda and Awn took refuge in the French embassy, marking the end of the civil war.
	Umar Karami headed a government of national reconciliation.

Table 5.5 continued

Year	Event
1991	The National Assembly ordered the dissolution of all militias, but Hezbollah was allowed to remain active and the South Lebanon Army (SLA) refused to disband. A Treaty of Brotherhood, Cooperation, and Coordination was signed in Damascus by Lebanon and Syria, and a Higher Council, co-chaired by their two presidents, was established. The National Assembly granted an amnesty for all crimes committed during the civil war, 1975-1990. Awn received a presidential pardon and was allowed to leave for France. Lebanon participated in the Middle East Peace Conference launched in Madrid.
1993	Israel attempted to end the threat from Hezbollah and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC) in southern Lebanon by launching "Operation Accountability," the heaviest attack since 1982.
1996	The start of "Operation Grapes of Wrath" in which the Israelis bombed Hezbollah bases in southern Lebanon, the southern district of Beirut and the Biqa. The United States negotiated a truce and an "understanding" under which Hezbollah and Palestinian guerrillas agreed not to attack civilians in northern Israel, and which recognized Israel's right to self-defense but also Hezbollah's right to resist the Israeli occupation of southern Lebanon. Lebanon and Syria did not sign the "understanding" but the Israel-Lebanon Monitoring Group (ILMG), with representatives from the United States, France, Israel, Lebanon, and Syria, was established to monitor the truce.
1998	Israel's inner cabinet voted to accept United Nations Security Council (UNSC) Resolution 425 of 1978 if Lebanon guaranteed the security of Israel's northern border. Both Lebanon and Syria rejected this condition
2000	Israeli withdrawal from southern Lebanon; the day became a national holiday of Resistance and Liberation Day in Lebanon.
2005	Following the assassination of Prime Minister Rafik Hariri, Syria also withdrew its troops under national and international pressure.

Source: IDMC (2006a). Lebanon: Displaced return amidst growing political tension (A profile of the internal displacement situation). Geneva, Internal Displacement Monitoring Center.

Displacement in Lebanon was both temporary and permanent, occurred at different times, and was caused by different events over a long period. Therefore, there are considerable discrepancies in estimates of the number of remaining IDPs (see Table 5.6).

Table 5.6: Estimated Figures of Internal Displacement in Lebanon

Organization	Year of publication	Estimated IDP figure
US Department of State	2002 - 2006	600,000
US Committee for Refugees	2005	300,000
	2004	50,000 - 500,000
	2003	300,000
	2002	250,000 - 350,000
United Nations High Commissioner for Refugees (UNHCR)	2003 - 2004	600,000
Lebanese Government Sources	2006	16,750
	2004	68,000
	2001	300,000
	1975 - 2000	470,510

Source: IDMC (2006a). Lebanon: Displaced return amidst growing political tension (A profile of the internal displacement situation). Geneva, Internal Displacement Monitoring Center.

While the US Department of State estimates the number of IDPs in Lebanon to be 600,000, the government in Lebanon declares the figure as 16,750. There are also inconsistencies in the figures published by the US Committee for Refugees, USCR. While the USCR estimate for 2002 changed from 250,000 to 350,000, it was 300,000 in 2003, changed from 50,000 to 500,000 in 2004, and decreased to 300,000 in 2005. The problem arises from the fact that there was not a single institution measuring the number

of IDPs during the period of the civil war and that the methodologies of different sources in estimating these figures are unknown (IDMC 2006a).[198]

For those remaining 16,750 or 600,000 IDPs, the Ta'if Agreement acknowledged their right to return to their place of origin. The agreement stated that:

> The problem of the Lebanese evacuees shall be solved fundamentally, and the right of every Lebanese evicted since 1975 to return to the place from which he was evicted shall be established. Legislation to guarantee this right and to insure the means of reconstruction shall be issued (Part II, Article 4).

Accordingly, the government states that 470,510 people have been able to return to their areas of origin with financial assistance from the state (IDMC 2006a). However, according to NGO and news reports, in many areas only 20-30 percent of the displaced have returned (ibid.). A survey conducted by the NGO Caritas in 2001, of the entire population in 110 villages, found that of 28,400 displaced families, only 5,396 people had returned (ibid.). The survey reports that many IDP families have lost hope of returning due to lack of adequate socio-economic conditions, i.e., employment, health, and educational facilities in their region of origin (ibid.).

There are many obstacles to return for the remaining Lebanese IDPs. The first reason is budgetary problems. The Lebanese Minister of the Displaced declares that lack of resources is the main reason for the delay in returns (IDMC 2006a). In the mid-1990s, the Lebanese Parliament endorsed a law granting the ministry LL680 billion (approximately 450 million US dollars), to be paid by 2000, but the ministry claims not to have received this sum (ibid.). However, the real problem seems to be the mishandling

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[198] The 2006 conflict also adds to the problem of accurate data. With the 2006 bombing of Beirut, the distinctions between those people who fled to the south during the Israeli occupation before 2000 and moved to the southern suburbs of Beirut and the new Shiite displaced communities are distorted (IDMC 2006a).

of the funds. Although the ministry does not accept the accusations of corruption, i.e., use of funds for electoral or other personal purposes, the whereabouts of the funds are unknown, and many displaced people state that they have only received partial or no compensation (IRIN website; IDMC 2006a).

The problem of funding also contributes to almost all of the other obstacles to return. The problem of lack of suitable economic and social conditions in rural areas, such as lack of job opportunities and basic infrastructure in affected areas, and uninhabitable housing are both related to the funding problems (IDMC 2006a). The IDPs state that they are unable to return permanently because their homes are uninhabitable, and they do not receive the funding to rebuild their homes because of political corruption and rivalries between government officials (ibid.).

As was also observed in every other case, occupation of properties by other displaced people added to the problem of permanent return home in Lebanon. However, according to Shadi Masaad, Director of the Central Fund for the Displaced:

> The problem is not [only] with the houses and their reconstruction, it's much more complicated than that. It would be naïve to expect people to move back overnight after being away from their villages for over 25 years and after having become part of a new "social context". We can't expect people to give up their work, their children's schools, and go back to what would be a new environment, especially since *we haven't provided any employment alternatives for them*. (IDMC 2006a, emphasis added.)

Moreover, as in Guatemala, the problem of reconciliation between the displaced and host communities in certain areas—caused by sectarian divisions created by the civil war—also creates difficulties in terms of return. According to the Lebanese NGO Forum, common distrust between Christian and Druze populations, in which the former

were forced by the latter to leave their home region, has been an important problem in return (ibid.).

The case of Lebanon shows that none of the problems obstructing return are really culture, or context, specific. Problems of funding (real or caused by political corruption), housing, infrastructure, and economic and social conditions were also prevalent in Bosnia, Cyprus, Burundi, and Guatemala.

Nepal

The Nepalese Civil War between the government forces and the Maoist rebels caused more than 13,000 deaths and displaced up to 200,000 people. Following three decades of the "panchayat" (non-party) system of government, in which prohibited political parties were completely controlled by the king, a democratic constitutional monarchy was reinstated in Nepal in 1990. However, Nepal's political order continued to be dominated by the same elite, who demonstrated little desire to improve the lives and livelihoods of the majority of the rural poor, and largely failed to address the systemic inequality of Nepalese society. It was against this background that the Maoists launched the Nepalese Civil War in 1996, which they called the People's War, the aim of which was the overthrow of the constitutional monarchy and the establishment of a socialist republic.

In 2001, King Gyanendra became the new monarch of Nepal. That same year the monarchy declared a nationwide state of emergency and employed the Nepal Army in attacking the Maoists, which extremely intensified the conflict. In 2005, the king dissolved parliament, granting himself absolute power and effectively suspending all civil liberties, i.e., banning all news reports, arresting senior political leaders, journalists,

Table 5.7: Nepal: Chronology of key events

Year	Event
1846	Nepal under sway of hereditary chief ministers known as Ranas, who dominated the monarchy and cut off country from outside world.
1923	Treaty with Britain affirmed Nepal's sovereignty.
1935	Praja Parishad established, first political party in Nepal
1950	Anti-Rana forces based in India formed alliance with monarch.
1951	End of Rana rule. Sovereignty of crown restored and anti-Rana rebels in Nepalese Congress Party form government.
1959	Multi-party constitution adopted.
1960	King Mahendra seized control and suspended parliament, constitution, and party politics; imprisons party leaders.
1962	New constitution provides for non-party system of councils known as "panchayat" under which king exercises sole power. First elections to Rastrya Panchayat held in 1963.
1972	King Mahendra dies, succeeded by Birendra.
1980	National Referendum supports *panchayat* system, but also follows agitation for reform. Small majority favors keeping existing panchayat system. King agrees to allow direct elections to national assembly - but on a non-party basis.
1985	NCP begins civil disobedience campaign for restoration of multi-party system
1986	New elections boycotted by NCP.
1989	Trade and transit dispute with India leads to border blockade by Delhi, resulting in worsening economic situation.
1990	Pro-democracy agitation co-ordinated by NCP and leftist groups. Street protests suppressed by security forces resulting in deaths and mass arrests. King Birendra eventually bows to pressure and agrees to new democratic constitution.
1991	Nepali Congress Party wins first democratic elections. Girija Prasad Koirala becomes prime minister.
1994	Koirala's government defeated in no-confidence motion. New elections lead to formation of Communist government.

Table 5.7 continued

Year	Event
1995	Communist government dissolved. Radical leftist group, the Nepal Communist Party (Maoist), begins insurrection in rural areas aimed at abolishing monarch and establishing people's republic, sparking a conflict that would drag on for over a decade.
1997	Prime Minister Sher Bahadur Deuba loses no-confidence vote, ushering in period of increased political instability, with frequent changes of prime minister.
2000	GP Koirala returns as prime minister, heading the ninth government in 10 years.
2001	King Birendra, Queen Aishwarya and other close relatives killed in shooting spree by drunken Crown Prince Dipendra, who then shoots himself. Prince Gyanendra crowned King of Nepal after Dipendra dies of his injuries. Maoist rebels step up campaign of violence. Prime Minister GP Koirala quits over the violence; succeeded by Sher Bahadur Deuba. Truce between Maoists and government. Maoists end four-month old truce with government, declare peace talks with government failed. Launch coordinated attacks on army and police posts. State of emergency declared after more than 100 people are killed in four days of violence. King Gyanendra orders army to crush the Maoist rebels. Many hundreds are killed in rebel and government operations in the following months.
2002	Parliament dissolved, fresh elections called amid political confrontation over extending the state of emergency. Sher Bahadur Deuba heads interim government, renews emergency. King Gyanendra dismisses Deuba and indefinitely puts off elections set for November. Lokendra Bahadur Chand appointed as PM.
2003	Rebels and government declare ceasefire. Lokendra Bahadur Chand resigns as PM; king appoints his own nominee Surya Bahadur Thapa as new premier. Rebels pull out of peace talks with government and end seven-month truce. The following months see resurgence of violence and frequent clashes between students/activists and police.

Table 5.7 continued

Year	Event
2004	Royalist Prime Minister Surya Bahadur Thapa resigns following weeks of street protests by opposition groups.
	Gyanendra reappoints Sher Bahadur Deuba as prime minister with the task of holding elections.
2005	King Gyanendra dismisses Prime Minister Deuba and his government, declares a state of emergency and assumes direct power, citing the need to defeat Maoist rebels. King lifts the state of emergency amid international pressure.
	Maoist rebels and main opposition parties agree on a programme intended to restore democracy.
2006	King Gyanendra agrees to reinstate parliament following weeks of violent strikes and protests against direct royal rule. GP Koirala is appointed as prime minister. Maoist rebels call a three-month ceasefire.
	Parliament votes unanimously to curtail the king's political powers. The government and Maoist rebels begin peace talks, the first in nearly three years.
	Rebel leader Prachanda and PM Koirala hold talks (the first such meeting between the two sides) and agree that the Maoists should be brought into an interim government.
	The government and Maoists sign a peace accord, declaring a formal end to a 10-year rebel insurgency. The rebels are to join a transitional government and their weapons will be placed under UN supervision.
2007	Maoist leaders enter parliament under the terms of a temporary constitution. Violent ethnic protests erupt in the south-east; demonstrators demand autonomy for the region.
	Former Maoist rebels join interim government, a move that takes them into the political mainstream but Elections for a constituent assembly pushed back to November.
	Three bombs hit Kathmandu in the first attack in the capital since the end of the Maoist insurgency.
	Maoists quit interim government to press demand for monarchy to be scrapped.

Sources: BBC News (http://www.bbc.co.uk); Country Studies, Federal Research Division, Library of Congress Digital Collection (http://www.loc.gov); IDMC (2006b). Nepal: IDP return still a trickle despite ceasefire (A profile of the internal displacement situation). Geneva, Internal Displacement Monitoring Center.

trade unionists, human rights activists, and civil society leaders (IDMC 2006b). The same year, the Maoists and the main political parties agreed on a 12-point agreement in which they approved a common platform of action for ending the king's absolute rule and restoring sovereignty to the people through the reinstatement of Parliament, the formation of an all-party government, and elections to a constituent assembly (ibid.).

On November 21, 2006 the Government of Nepal and the Communist Party of Nepal (Maoists) signed the Comprehensive Peace Agreement that states:

> Both sides express commitment to allow without any political prejudice the people displaced during the armed conflict to return voluntarily to their respective places of ancestral or former residence, to reconstruct the infrastructure destroyed as a result of the conflict and to honorably rehabilitate and reintegrate the displaced people into the society. (Article 5.2.8)
>
> Both sides shall respect and protect the citizens' right to freedom of movement and the right to choose the location of one's residence in a manner acceptable under prevailing laws, and express their commitments to respect the right of individuals and families displaced during the conflict to return to their original places of residence or to settle in any other places of their choice. (Article 7.3.3)

As in all other cases, lack of accurate data on IDPs is also a problem in Nepal. Neither national authorities nor any international organizations had a comprehensive registration of IDPs, or systematically monitored population movements during the conflict in Nepal (IDMC 2006b). Therefore, there are no accurate estimates on the total number of people displaced since the conflict started in 1996. Based on several studies and other available information, the IDMC in 2006 provided an estimate of between 100,000 and 200,000 IDPs. This figure does not include displacement to India, where the majority of the displaced have fled since 1996 and where a 1,500 km-long open border has made the monitoring of movements extremely difficult. The *2005 UNHCR Statistical Yearbook* does not report these people as refugees (UNHCR website). Thus, whether these people receive any aid remains unknown.

Another problem in assessing the number of IDPs in Nepal emerged from different approaches to IDP definition. The government defined only people displaced by Maoist actions as IDPs and applied very selective assistance provision, in which assistance was given only to well-connected IDPs (ibid.). Many IDPs did not register as IDPs to avoid ending up on a government IDP list, which could stigmatize them as government collaborators in the eyes of the Maoists (ibid.). Thus:

> the majority of those displaced by the Maoists remained either unaware of their status or preferred to remain unidentified. They moved quietly to safer destinations, relying on family networks or traditional migration routes to cope with their situation. While those displaced by Maoist actions had little incentive to register as IDPs, those who fled abuses by the security forces had absolutely none as they did not even qualify for assistance. (IDMC 2006b)

The state's treatment of IDPs has turned the label into a negative one, and this has had consequences in terms of determining the actual number of IDPs, but also for the post-conflict return process as the Maoists are opposed to the return of some IDPs whom they see as state collaborators, or as "bad or anti-revolutionary" (OHCHR 2006). UNHCR reported that in many areas of the country, IDPs that "would clearly fit within the international IDP definition, such as youths fleeing forced recruitment or people fleeing extortion and abuses, were not considered as IDPs by the Maoists, the local authorities or by the IDPs themselves" (IDMC 2006b). Although former Maoist rebels joined the interim government, the peace building process is yet in a very early stage to observe any changes in the IDP definition and its negative connotation.

Categorizing IDPs also emerges as a problem in terms of property restitution in post-conflict Nepal. Maoists continue to control IDP lands and are reported to hand over

land and property only to returnees not considered "feudal/exploiters," i.e., state collaborators (IDMC 2006b).

Also, there are many disparities among IDPs regarding their property rights. In some cases, Maoists took over the houses of landowners and members of the local elite, and forced them to leave, distributing such property to poor people (ibid.). As a response to this problem, the Comprehensive Peace Agreement asserts:

> Both sides agree to keep records and return immediately the government, public and private buildings, land and other property seized, locked up or forbidden for use during the armed conflict. (Article 5.1.8)

In places where the Maoists forbade the trade of land, IDPs were not able to sell the land before they left and turn their property into cash (ibid.). Other IDPs were luckier in that they could make arrangements for their land, like leaving the land in the care of relatives who stayed behind and paid them 50 percent of the income, which would also make it easier for the returnees to reclaim the land and property upon return (ibid.). Another Maoist policy that complicates the restitution process is their endorsement of secondary occupation of land by the poor in line with their land redistribution aim.

The security environment created by the 12-point agreement has encouraged some timid IDP return, but obstacles to return remain. According to a 2005 report of the World Food Programme that had surveyed a sample of IDPs:

> Over half of households that primarily left for conflict-related reasons say that they would return if peace and security prevailed in their districts of origin. A little less than half have no plans or intentions to return—regardless of what happens. The small remaining fraction would be motivated to return if they were provided with land and/or income and employment generation opportunities. Slightly more than half of the households that primarily left due to earning constraints have no plan or intention to return home. Thirty-seven percent would return home if they were provided with land and/or income and employment generation opportunities, and ten percent if there was security and/or peace. (IDMC 2006b)

Thus, Nepalese IDPs do not seem to differ from their counterparts in Bosnia, Cyprus, Burundi, Lebanon, and Guatemala in identifying the main factors that affect their decisions to return: security, economic opportunities, i.e., employment and income generation opportunities, and the possibilities of having land are emphasized as common and recurrent themes.

Comparing the Cases

Table 5.8 displays a summary of the comparison of Bosnia, Burundi, Cyprus, Guatemala, Lebanon, and Nepal. Overall, data was a problem in all the cases. The main causes are that: (1) there was not a single institution to count the number of IDPs during conflict, and (2) states tended to adopt different definitions of IDPs that, caused either inflation (Cyprus) or reduction (Bosnia, Guatemala, Nepal) of the number of IDPs. Furthermore, all of these cases involved peace agreements with provisions on IDP return and property issues, but the biggest obstacle to implementation of the provisions was lack of funding.

A common problem associated with the return process is the lack of reconciliation of the returnees with the populations that remained during the conflict. In most cases, return and resettlement exacerbates the divisions in the society. Property issues, such as access and multiple tenure claims that become more complicated as the duration of conflict increases, are two problems common to every case. Finally, the overall analysis shows that the factors affecting IDP return, in order of importance, are: security, housing, the ability to sustain livelihoods and economic prospects where property rights are important for providing shelter, land for subsistence farming, and financial means, i.e., capital. However, the ability of IDPs to turn their property into an economic asset

Table 5.8: Comparing the cases

Country	Number of IDPs (rounded)	Peace Agreement	Return Provision	Property Provision	Problems
Bosnia	180,000	The Dayton Accords	YES	YES	No physical returns due to limited economic prospects for returnees.
Burundi	100,000	The Arusha Accords	YES	YES	Security; housing; sustainable livelihood; corruption; creating a land market not solving inequalities.
Cyprus	210,000	The Annan Plan	YES	YES	Nature of reparations, Greek Cypriots' concerns over security and possible economic problems rising from the financing of the provisions blocked peace.
Guatemala	242,000	The 1996 Peace Agreement	YES	YES	Security; sustainable livelihood; funding of provisions; creating a land market not solving inequalities.
Lebanon	50,000-600,000	The Ta'if Accords	YES	YES	Funding; corruption.
Nepal	50,000-70,000	The Comprehensive Peace Agreement	YES	YES	Security; peace agreement very recent to make further conclusions.
Common problems	No single institution to count the number of IDPs during conflict; different IDP definitions cause inflation (Cyprus) or reduction of numbers (Guatemala, Bosnia, Nepal)	The biggest implementation problem: funding.	Return problems: no reconciliation, but further divisions.	Property problems: access; multiple tenure claims (more complicated with longer duration of conflict—Cyprus, Burundi).	Overall, factors affecting IDP return in order of importance: (1) security; (2) housing (property rights); (3) sustainable livelihoods (property rights); (4) economic opportunities (effectiveness of property rights as source of capital depends on the overall economic system—e.g., land market approach not worked in Guatemala or Burundi).

depends on the overall economic system, e.g., the cases of Guatemala and Burundi show that leaving the sorting of imbalances to market forces does not work for the majority of their populations. Thus, granting property rights is useless unless the conditions for exercising them are also provided.

However, we also see in each case that property is more than an economic resource, a house or a plot of land. Property also has symbolic and political significance. In Bosnia and Cyprus, property defines national territories, and therefore also implies a national identity—where people live pretty much give a clue about their nationalities. In Guatemala and Burundi, property, i.e. land, defines people's class identity: having a large plot of land can move people up in the class hierarchy, from being a Hutu to Tutsi (Burundi), or from being a poor Ladino to a large landowner (Guatemala). Land, housing, and other real estate in Nepal also implies class structure, and Maoists use redistribution of such property to pursue their political aim of creating an egalitarian society based on their leftist ideology. For the indigenous populations in Guatemala, the Greek Cypriots in Cyprus and the old Bosnians returning to their rural villages in Bosnia, property is home, their ancestral link, a trait to their cultural identity. Thus, granting IDPs their property rights does not only endow them with shelter or economic resources, but gives them a chance to regain their lost identity or, as some people told me in the field, to find their soul.

Building on the Scholarly Literature

The theory presented in this dissertation differs from other theories on IDP return and resettlement primarily in its assertion that solving property problems in the post-conflict

reconstruction phase is important to solving the problem of internal displacement. Solving the property problem is no guarantee that people will physically return to their pre-war locations, but it provides them with the means to resettle and to reintegrate at the end of the conflict if they so choose. Thus, solving the property problem is a necessary but not a sufficient condition for return, though it is definitely an important factor in resettlement. As different cases have shown, property implies housing opportunities (Burundi, Nepal, Lebanon), land for subsistence farming (Burundi, Guatemala, Bosnia), or means of capital to build lives elsewhere (Bosnia).

The argument presented here also has implications for other displaced populations. Reestablishing, or in cases where they did not previously exist, granting property rights would also benefit refugees, development-induced IDPs, and IDPs in situations of natural disasters. For example, in a working visit to Asia, the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons "noted the importance of addressing problems related to property, as the loss of property was a problem common to all countries affected by the tsunamis" (Kälin 2005: 23). He states:

> Even where IDPs are willing and otherwise able to return home, property issues may pose an additional barrier. Property claims may compete over particular plots, particularly where a natural disaster has wiped out landmarks used for demarcation. In some areas, it is rare for residents to have obtained formal title or other evidence of land ownership in the first place. Where they are used, property records, both individual and those maintained by authorities, may have been destroyed as a result of the disaster. (ibid.)

Thus, other categories of displaced populations also find themselves in similar situations to conflict-induced IDPs. Displaced persons, refugees, or IDPs are all deprived of their property for reasons beyond their control. Solving their property rights issues would not

only provide them a physical space to return to, but would also give them the means to resettle and reintegrate.

The ideas presented here, however, also address other larger debates in political science. First, this dissertation attempts to show that combining quantitative methods with qualitative analysis improves theory building, with the former helping to identify significant relationships and the latter emphasizing the causal mechanisms between variables. Thus, the synthesis of quantitative and qualitative methods ought to be developed further if the goal in the field is to produce studies of greater depth.

Second, the findings here are also relevant for the civil war literature since they make a distinction between greed theory, which concentrates on economic causes of civil war, and grievance theory which focuses on ethnic and religious divisions, political repression, and inequality. Property is both a significant economic asset, and as the case studies show, in societies where certain caste and ethnic divisions exist, it is also an important determinant of identity, social status, and horizontal inequality. Thus, investigation of property in conflict environments could provide a means to synthesize these two main theories of civil war into one where both greed (property as an economic asset) and grievance (property as a determinant of identity) develop around different conceptualizations of property.

This leads to a third related observation relevant to the literature on peace building and post-conflict reconstruction where liberal transformation strategy is currently the focus of much academic research and criticism. Although each country case is culture-specific and proposing a single strategy for the entire universe of post-conflict situations *is* problematic, as this dissertation has demonstrated in almost every case,

securing property rights, an important Washington consensus principle, does have positive consequences for one part of peacebuilding, that of IDP return or resettlement and the ability of that part of the population to get on with their lives.[199] However, there is still a need for more globally comparative studies to extend the research here and investigate the effects of securing property rights in post-conflict environments in the long term for other parts of the population—especially women whose property rights are in continuous violation or completely disregarded in many parts of the world. At the same time, further investigation is also necessary into existing alternatives to Western concepts of private property—i.e., largely based on Roman law—such as local customary rights, so as to avoid this bias in the dominant liberal approach to peacebuilding and yet succeed on IDP return.

Fourth, the lack of accurate data on IDPs paves the way for new research. As stated earlier, the problem can be analyzed at the global, state, and individual levels, and it is not specific to Bosnia and Cyprus. The problems exposed in the case studies of Bosnia and Cyprus also applied to Burundi, Guatemala, Lebanon, and Nepal, where there was a lack of a global methodology and a single international standard for counting displaced populations (Lebanon); numbers were either inflated or reduced on the state level based on different political agendas (Nepal and Guatemala); and, on the individual level, people often avoided the identity of IDP in order not to be discriminated against (Nepal) or persecuted (Guatemala).

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[199] There is a specific reason why all three words are emphasized. *Securing* property rights via (1) laws that protect private property, (2) an independent and uncorrupt judiciary, and (3) means to enforce contracts, i.e., means to turn property into capital are as important as granting property rights.

Finally, the problem of internal displacement is also a case of global governance. While the proponents of humanitarian intervention generally justify their support of breaching state sovereignty where states fail in their responsibility to protect their citizens, others still question whether the emerging regime of global governance will do more good than harm. In some cases, governments find themselves under pressure to keep up with global standards, the basis of which are often biased towards Western philosophy—e.g., protection of cultural rights—that impose financial constraints on them and weaken their capacities to meet more crucial needs of their citizens.

Implications for Policy-makers

Since the end of the Cold War, considerable time and international resources have been committed to peace building and post-conflict reconstruction in which return of displaced populations to their prewar homes is an important priority. This dissertation puts forward five suggestions on how best to focus these efforts to achieve success.

The main finding is that outsiders should not be lured into the false belief that all IDPs are victims waiting for the right moment to return home. Not all IDPs want to return. For many IDPs, displacement brings with it new opportunities for establishing lives elsewhere. Thus, policy should not follow a return-based but a rights-based approach, because granting people rights over their property provides them with choice. Instead of pushing them into something they would not choose themselves—we see in the case of Bosnia that return-based policies often promote undesirable, on-paper returns alone—a rights-based policy endows people with the ability to choose their future. Thus, as the Guiding Principles also highlights, the focus should not be on return *per se*, but on

allowing IDPs different choices such as resettlement and reintegration by institutionalizing their rights over their property.

Second, there is a contrast between how the policy world measures return and resettlement and the empirical reality, and there is a need to overcome these differences in order to create better policies. For example, a registration exercise cannot reveal the true nature of return and resettlement. In some cases, registering with the authorities does not necessarily mean that people physically intend to return home (as in Bosnia), while in other cases people specifically choose not to register with the authorities for fear of persecution or discrimination (as in Guatemala and Nepal). One solution for policymakers could be to rely on expertise from the academic world. There are many scholars who are doing field research and analysis on internal displacement in specific countries and who focus on problems of return and resettlement, yet who are unlikely to have established regular relationships with those in the policymaking world.

This leads to a third and related observation that has come up frequently throughout this study: that the lack of accurate data is a result of the lack of internationally accepted standards of definition and measurement of IDPs. Empirical results show that the category of IDP can be manipulated by political actors with different agendas, e.g., to define who can be included or excluded from receiving benefits specifically available for IDPs (Nepal, Guatemala, Cyprus, Bosnia). The problem is difficult to overcome, as authority on the issue of internal displacement finally resides with the sovereign state and not with an international decision-making body. It is this author's opinion that a binding international treaty with a standard definition of IDPs might partially resolve these difficulties. However, such a binding treaty is not likely to

become an international priority in the near future, and so even if a standard definition is created, its effectiveness would be limited. Moreover, this author is also critical of the latest developments in the policy world in its efforts to redefine the category of IDP. As stated earlier, in 2007, the Brookings Institution–University of Bern Project on Internal Displacement published a booklet called *When Displacement Ends: A Framework for Durable Solutions,* which outlines the conditions under which IDPs can be seen to have attained a durable solution and no longer need to be the focus of specific attention (Brookings 2007). Mainly, the Framework determines the point "when IDPs no longer have needs that differ from the population around them" (ibid.: 5). Although the efforts to create a standard framework to decide the temporal limits of internal displacement are welcome, there is a problem with comparing the needs of the IDPs with the population at large. As was seen in the case of Guatemala, treating IDPs just like any other group of poor Guatemalans instead of a special category. At least in the case of restituting IDP property rights, subjecting IDPs (who had to leave their homes because of a threat of violence) to the same property rights mechanisms with a normal citizen is unjust. Similarly, applying such an approach in Cyprus would cause 210,000 IDPs to lose their IDP status, ignoring the conditions that caused them to become IDPs in the first place. Thus, although the Brookings-Bern criterion might be practical in certain cases for peace building or conflict termination, it is definitely a setback for bringing about post-conflict justice.

Next, and related to the previous point, this study suggests that there is a need to change the perception of justice in peace building as simple reconciliation to include reparation as well. Reconciliation within post-war societies is important not only to

alleviate the animosities created as a result of the conflict, but also to overcome further divisions that can be created during the post-conflict reconstruction phase (as in the cases of Sarajevo, Lebanon, and Guatemala). Addressing issues of justice only through reconciliation is not enough. Wars create loss, and IDPs are both the first hand observers (unlike refugees who are out of the country during war, IDPs remain in proximity of the violence) and the immediate losers. They leave behind their material belongings—their land, houses, their lifetime investments, the symbols of their status in the eyes of their society. They also leave behind their past—their photo albums, the tree that they planted when their first child was born, their homes, their neighbors, their social network. It is impossible to recreate their homes of the past, but there is a need to create at least a sense of justice in the form of reparations for such losses, e.g., means to build new homes and lives.

The cases of internal displacement analyzed here suggest that at least one final lesson can be drawn from past experience. Addressing internal displacement, return, reconciliation, and property issues in peace agreements is important, but if outsiders truly expect such provisions to be put into practice, they must consider how the institutional parameters of any post-conflict government shape implementation. Peace agreements may be crucial for ending civil wars, but implementing provisions for return and property restitution matter far more in the long run for creating a lasting peace. Endorsing the right to return or granting property rights is useless unless the conditions for exercising them are also provided.

EPILOGUE

When I began to develop the idea for this dissertation, the Internal Displacement Monitoring Center was called the Global IDP Project, and there were 49 countries with conflict-induced internal displacement in their database (today there are 50 and some of the countries have been replaced by others); Francis Deng was the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons (until Walter Kälin received the post in 2004), the Guiding Principles were not translated into many languages (the list is growing everyday), and the literature on internal displacement was rather narrow (it is fast developing across disciplines). Thus, as time passed, the task of updating the materials presented here began to be enormous. Even as I write these sentences, I have received yet another update on the profile of Cyprus!

However, although all of these developments have been rather frustrating for me as a PhD candidate, they are hopeful signs that things are changing for the better for the IDPs of the world. The issue is as alive as ever. Many might object to this rather optimistic attitude with the argument that the number of IDPs in the world is also as high as ever. I agree with them, and I also hope that one day displacement can be prevented before it occurs.

However, at least for the time being, it seems that people will continue to become displaced for one reason or another. They can sometimes cross borders and gain protection as refugees, but they are often stuck in their own countries. They leave their homes (not houses, homes), they fear persecution, death, violence, and so they run away. Their parents' graves are left behind, their harvest, the garden where their children used

to play. Sometimes the exodus is so sudden that the food is left in the oven, the tea in a cup on the breakfast table.

My attitude is straightforward: people *are* displaced. There are almost 24 million IDPs in the world. What can be done to end their predicament, to facilitate their return or resettlement? As this dissertation has argued, granting them property rights is definitely an important step forward. However, there is a bigger purpose that this dissertation is trying to serve. My hope is that the arguments presented in this work can stimulate discussion on internal displacement and open new doors for research. The fact that there is an ever-increasing awareness of the issue is a hopeful sign for the increasing number of IDPs, and I hope that this work will be another small but significant contribution to this awareness.

Istanbul

December 21, 2007

APPENDIX I: THE IDP DATASET

A. Dependent Variable RATE

Country	Number of IDPs in 2005	Number of IDPs in 2000	RATE	Sources
Afghanistan	157,000	350,000	.55	UNHCR; Government; (IDMC)
Algeria	1,000,000	150,000	-5.67	EU (IDMC); USCRI
Angola	91,240	3,000,000	.97	UN (IDMC); USCRI
Azerbaijan	575,000	625,000	.08	State Committee on Statistics (IDMC)
Bangladesh	500,000	500,000	.00	Chittagong Hill Tracts Commission (IDMC)
Bosnia and Herzegovina	183,400	555,000	.67	Government (IDMC)
Burundi	117,000	327,506	.64	OCHA (IDMC)
Central African Republic	212,000	200,000	-.06	IDMC
Colombia	3,563,505	1,900,000	-.88	CODHES[200] (IDMC)
Côte d'Ivoire[201]	500,000	1,000,000	.50	CAP[202] (IDMC)
Croatia	4,900	49,000	.90	UNHCR (IDMC)
Cyprus	210,000	210,000	.00	UNFICYP[203] (IDMC)
Democratic Republic of the Congo	1,664,000	1,800,000	.08	UN OCHA, IDMC
Eritrea	50,509	1,100,000	.95	UN OCHA (IDMC)

[200] La Consultoría para los Derechos Humanos y el Desplazamiento (Consultancy for Human Rights and Displacement).
[201] Due to the fact that the conflict in Côte d'Ivoire began in 2002 and there were not any figures of internal displacement available before this date, the number of IDPs in year 2000 actually belongs to year 2002.
[202] Consolidated Appeals Process.
[203] United Nations Peacekeeping Force in Cyprus.

Appendix I.A continued

Country	Number of IDPs in 2005	Number of IDPs in 2000	RATE	Sources
Ethiopia	265,000	349,837	.24	UNCTE[204] (IDMC); Government (IDMC)
Georgia	240,000	272,100	.12	OCHA (IDMC); USCRI
Guatemala	242,000	300,000	.19	UNFPA[205] (IDMC), IDMC
Guinea	82,000	60,000	-.37	Government, UNFPA (IDMC); USCRI
India	600,000	507,000	-.18	IDMC, USCRI
Indonesia	342,000	800,000	.57	NHRC[206], SIDA (IDMC); USCRI
Iraq	1,200,000	700,000	-.71	UN Country Team (IDMC), USCRI
Israel	200,000	200,000	.00	IDMC
Kenya	381,924	100,000	-2.82	UN OCHA (IDMC); USCRI, IDMC
Lebanon	600,000	375,000	-.60	US DOS[207]; IDMC
Liberia	48,000	100,000	.52	UNMIL[208] (IDMC); IDMC
Macedonia	770	70,000	.99	Ministry of Labor and Social Policy (IDMC); UN OCHA (IDMC)
Mexico	11,000	16,000	.31	ICRC[209]; Center for Human Rights Fray Bartolomé de la Casas (IDMC); USCRI

[204] United Nations Country Team Ethiopia.
[205] United Nations Population Fund.
[206] National Human Rights Commission.
[207] The U.S. Department of State.
[208] United Nations Mission in Liberia.
[209] International Committee of the Red Cross.

Appendix I.A continued

Country	Number of IDPs in 2005	Number of IDPs in 2000	RATE	Sources
Myanmar (Burma)	540,000	800,000	.33	Thailand Burma Border Consortium (IDMC); USCRI (Average estimate)
Nepal[210]	200,000	500,000	.60	UN/NGO IDP Survey; IDMC
Nigeria	200,000	70,000	-1.86	West Africa CAP (IDMC); IDMC
Pakistan	50,000	2,000	-24.00	IRIN[211] (IDMC); USCRI
Palestinian Territories	50,000	17,000	-1.94	NGO BADIL (IDMC); USCRI
Peru	60,000	60,000	.00	ICRC (IDMC); IDMC
Philippines	60,000	210,000	.71	UNDP (IDMC); Department of Social Welfare and Development
Republic of Congo	125,000	800,000	.84	UN OCHA, IDMC
Russian Federation	339,000	350,000	.03	IDMC; UN
Rwanda[212]	180,000	600,000	.70	IRIN (IDMC); USCRI
Senegal	64,000	5,000	-11.80	IOM[213] (IDMC); USCRI
Serbia & Montenegro	247,400	230,000	-.08	UNHCR; USCRI
Somalia	385,000	300,000	-.28	UN OCHA (IDMC); USCRI

[210] The figure 500,000 in year 2000 includes forced migration to India.

[211] Integrated Regional Information Networks (part of the UN OCHA).

[212] Although the Rwandan government and the UN consider the problem of internal displacement as a closed chapter, as of 2004 there were still 180,000 families of internally displaced living under precarious conditions. The number of IDPs in 2005 in the table is an approximate figure of such people based on the statistics provided by the government, and published by IRIN of OCHA.

[213] International Organization for Migration.

Appendix I.A continued

Country	Number of IDPs in 2005	Number of IDPs in 2000	RATE	Sources
Sri Lanka	341,175	800,000	.57	UNHCR/MRRR[214] (IDMC); IDMC
Sudan	5,355,000	4,000,000	-.34	IDMC; UN
Syrian Arab Republic	305,000	200,000	-.53	Government; IDMC
Togo[215]	1,500	11,000	.86	OCHA (IDMC)
Turkey	1,000,000	1,000,000	.00	US Department of State
Turkmenistan[216]	Undetermined		---	
Uganda	1,740,498	610,000	-1.85	UN OCHA (IDMC); UNHCU[217] (IDMC)
Uzbekistan	3,400	3,000	-.13	IFRC[218] (IDMC); USCRI
Zimbabwe	569,685	10,000	-55.97	UN (IDMC); USCRI

[214] Ministry of Rehabilitation, Resettlement and Refugees.

[215] The political crisis in Togo that displaced 11,000 people erupted only in 2005. Therefore, while the figure 11,000 in year 2000 actually belongs to 2005, the figure of 1,500 belongs to year 2006.

[216] A variety of organizations from Amnesty International and Human Rights Watch to OSCE, IOM, and ICG report Turkmenistan's authoritarian President-for-life Saparmurat Niyazov's use of forced relocation as punishment for certain crimes committed by civilians, i.e., for the displacement of political opponents and ethnic minorities (www.idmc.org). However, no data are available about the scale of displacement as the entire communications network of the country is under state control. Thus, due to lack of data on the dependent variable, the case of Turkmenistan is omitted from the final dataset.

[217] United Nations Humanitarian Coordination Unit.

[218] The International Federation of Red Cross and Red Crescent Societies.

B. Measures of Vulnerability

Country	Female-Headed IDP Households (femalhed)	Population Under 15 (%) (popbl15)
Afghanistan	0	46.6
Algeria	0	30.4
Angola	1	46.6
Azerbaijan	1	26.8
Bangladesh	0	35.9
Bosnia-Herzegovina	1	16.9
Burundi	1	45.5
CAR	0	43.1
Colombia	1	31.4
Côte d'Ivory	0	42.1
Croatia	0	15.8
Cyprus	0	20.4
DRCongo	1	47.2
Eritrea	0	44.8
Ethiopia	1	44.8
Georgia	1	19.5
Guatemala	0	43.5
Guinea	1	43.8
India	0	32.5
Indonesia	1	28.6
Iraq	0	41.4
Israel	0	27.9
Kenya	1	42.9
Lebanon	0	29.1
Liberia	1	47.0
Macedonia	0	20.1
Mexico	0	31.6
Myanmar	0	30.1
Nepal	0	39.5
Nigeria	0	44.5
Pakistan	0	38.9
Palestinian Territories	0	45.7
Peru	0	32.7
Philippines	0	35.7
Republic of Congo	0	47.0
Russian Federation	1	15.7
Rwanda	1	44.1
Senegal	0	43.0
Serbia-Montenegro	0	18.6
Somalia	1	44.1
Sri Lanka	0	24.5
Sudan	1	39.5
Syria	0	37.4
Togo	0	43.7

Appendix I.B continued

Country	Female-Headed IDP Households (femalhed)	Population Under 15 (%) (popbl15)
Turkey	0	29.5
Uganda	1	50.4
Uzbekistan	0	34.0
Zimbabwe	0	40.5

C. Duration / Intensity

Country	Conflict Duration in Years (confdura)	Battle Related Deaths (deaths)	Conflict Intensity (intensity)
Afghanistan	25	31,800	7.15
Algeria	24	125,000	8.56
Angola	27	500,000	9.83
Azerbaijan	3	15,000	8.52
Bangladesh	17	1,170	4.23
Bosnia-Herzegovina	3	40,000	9.50
Burundi	23	250,000	9.29
CAR	2	400	5.30
Colombia	40	44,299	7.01
Côte d'Ivory	2	1,254	6.44
Croatia	4	1,250	5.74
Cyprus	42	5,000	4.78
DRCongo	9	7,850	6.77
Eritrea	3	100,000	10.41
Ethiopia	3	100,000	10.41
Georgia	3	107	3.57
Guatemala	36	46,300	7.16
Guinea	2	1,170	6.37
India	25	28,100	7.02
Indonesia	29	15,000	6.25
Iraq	20	300,000	9.62
Israel	40	16,000	5.99
Kenya	12	2,000	5.12
Lebanon	2	131,000	11.09
Liberia	14	150,000	9.28
Macedonia	2	100	3.91
Mexico	2	110	4.01
Myanmar	56	17,600	5.75
Nepal	10	7,773	6.66
Nigeria	3	52	2.85
Pakistan	10	325	3.48
Palestinian Territories	40	15,000	5.93

Appendix I.C continued

Country	Conflict Duration in Years (confdura)	Battle Related Deaths (deaths)	Conflict Intensity (intensity)
Peru	20	28,000	7.24
Philippines	30	43,338	7.28
Republic of Congo	11	12,900	7.07
Russian Federation	12	71,000	8.69
Rwanda	12	6,000	6.21
Senegal	20	1,400	4.25
Serbia-Montenegro	3	3,500	7.06
Somalia	20	64,000	8.07
Sri Lanka	20	17,500	6.77
Sudan	21	54,000	7.85
Syria	40	1,500	3.62
Togo	1	450	6.11
Turkey	23	30,500	7.19
Uganda	18	6,000	5.81
Uzbekistan	5	270	3.99
Zimbabwe	6	20,000	8.11

D. Property Rights Measures

Country	Property Mechanisms (property)	Property Rights Index (pri)	Property Measure by Gwartney and Lawson (propergl)
Afghanistan	No Implementation	.	.
Algeria	No Implementation	3	2.7
Angola	No Implementation	2	.
Azerbaijan	No Implementation	3	.
Bangladesh	Implementation	3	2.7
Bosnia-Herzegovina	Implementation	1	.
Burundi	Implementation	3	1.6
CAR	No Implementation	2	3.5
Colombia	Implementation	3	3.2
Côte d'Ivory	Implementation	3	2.9
Croatia	Implementation	3	5
Cyprus	No Implementation	9	7
DRCongo	No Implementation	1	1.1
Eritrea	Implementation	.	.
Ethiopia	No Implementation	3	.
Georgia	No Implementation	3	2.6
Guatemala	Implementation	3	3
Guinea	No Implementation	3	1.9
India	No Implementation	5	6
Indonesia	No Implementation	3	4.5
Iraq	No Implementation	.	.

Appendix I.D continued

Country	Property Mechanisms (property)	Property Rights Index (pri)	Property Measure by Gwartney and Lawson (propergl)
Israel	No Implementation	7	6.8
Kenya	No Implementation	4	4.2
Lebanon	No Implementation	3	.
Liberia	No Implementation	.	.
Macedonia	No Implementation	3	2.6
Mexico	No Implementation	5	3.9
Myanmar	No Implementation	2	2.2
Nepal	No Implementation	3	2.5
Nigeria	No Implementation	3	3.4
Pakistan	No Implementation	3	2.3
Palestinian Territories	No Implementation	.	.
Peru	Implementation	4	4
Philippines	No Implementation	3	3.8
Republic of Congo	No Implementation	1	1.9
Russian Federation	No Implementation	3	4.7
Rwanda	Implementation	3	1
Senegal	No Implementation	5	4.3
Serbia-Montenegro	Implementation	.	.
Somalia	Implementation	.	.
Sri Lanka	No Implementation	5	4.1
Sudan	Implementation	.	.
Syria	No Implementation	3	5.1
Togo	No Implementation	3	3.1
Turkey	Implementation	5	5.3
Uganda	No Implementation	3	4.5
Uzbekistan	No Implementation	3	.
Zimbabwe	No Implementation	1	2.8

E. Economic Measures

Country	Human Development Index 2004 (hdi2004)	Gini index (ginindex)	GDP Index (gdpindex)	GDP per capita (PPP US$) (gdppc)
Afghanistan	.	.	0.35	800
Algeria	0.73	35.30	0.70	6,603
Angola	0.44	.	0.51	2,180
Azerbaijan	0.74	19.00	0.62	4,153
Bangladesh	0.53	31.80	0.49	1,870
Bosnia-Herzegovina	0.80	26.20	0.71	7,032
Burundi	0.38	42.40	0.32	677
CAR	0.35	61.30	0.40	1,094
Colombia	0.79	58.60	0.72	7,256

Appendix I.E continued

Country	Human Development Index 2004 (hdi2004)	Gini index (ginindex)	GDP Index (gdpindex)	GDP per capita (PPP US$) (gdppc)
Côte d'Ivory	0.42	44.60	0.46	1,551
Croatia	0.85	29.00	0.80	12,191
Cyprus	0.90	.	0.91	22,805
DRCongo	0.39	.	0.33	705
Eritrea	0.45	.	0.38	977
Ethiopia	0.37	30.00	0.34	756
Georgia	0.74	40.40	0.56	2,844
Guatemala	0.67	55.10	0.63	4,313
Guinea	0.45	40.30	0.51	2,180
India	0.61	32.50	0.58	3,139
Indonesia	0.71	34.30	0.60	3,609
Iraq	.	.	0.56	2,900
Israel	0.93	39.20	0.92	24,382
Kenya	0.49	42.50	0.41	1,140
Lebanon	0.77	.	0.68	5,837
Liberia	.	.	0.37	900
Macedonia	0.80	39.00	0.70	6,610
Mexico	0.82	49.50	0.77	9,803
Myanmar	0.58	.	0.48	1,800
Nepal	0.53	47.20	0.45	1,490
Nigeria	0.45	43.70	0.41	1,154
Pakistan	0.54	30.60	0.52	2,225
Palestinian Territories	0.74	.	0.45	1,500
Peru	0.77	54.60	0.67	5,678
Philippines	0.76	46.10	0.64	4,614
Republic of Congo	0.52	.	0.38	978
Russian Federation	0.80	39.90	0.77	9,902
Rwanda	0.45	28.90	0.42	1,263
Senegal	0.46	41.30	0.47	1,713
Serbia-Montenegro	.	.	0.62	4,000
Somalia	.	.	0.30	600
Sri Lanka	0.76	33.20	0.63	4,390
Sudan	0.52	.	0.50	1,949
Syria	0.72	.	0.60	3,610
Togo	0.50	.	0.46	1,536
Turkey	0.76	43.60	0.73	7,753
Uganda	0.50	43.00	0.45	1,478
Uzbekistan	0.70	26.80	0.49	1,869
Zimbabwe	0.49	50.10	0.51	2,065

F. PRI Dummies 1-4

Country	Property Rights Index (pri)	pri==1 (pri01)	pri==2 (pri02)	pri==3 (pri03)	pri==4 (pri04)
Afghanistan	.	.	.	.	.
Algeria	3	0	0	1	0
Angola	2	0	1	0	0
Azerbaijan	3	0	0	1	0
Bangladesh	3	0	0	1	0
Bosnia-Herzegovina	1	1	0	0	0
Burundi	3	0	0	1	0
CAR	2	0	1	0	0
Colombia	3	0	0	1	0
Côte d'Ivory	3	0	0	1	0
Croatia	3	0	0	1	0
Cyprus	9	0	0	0	0
DRCongo	1	1	0	0	0
Eritrea	.	.	.	.	.
Ethiopia	3	0	0	1	0
Georgia	3	0	0	1	0
Guatemala	3	0	0	1	0
Guinea	3	0	0	1	0
India	5	0	0	0	0
Indonesia	3	0	0	1	0
Iraq	.	.	.	.	.
Israel	7	0	0	0	0
Kenya	4	0	0	0	1
Lebanon	3	0	0	1	0
Liberia	.	.	.	.	.
Macedonia	3	0	0	1	0
Mexico	5	0	0	0	0
Myanmar	2	0	1	0	0
Nepal	3	0	0	1	0
Nigeria	3	0	0	1	0
Pakistan	3	0	0	1	0
Palestinian Territories	.	.	.	.	.
Peru	4	0	0	0	1
Philippines	3	0	0	1	0
Republic of Congo	1	1	0	0	0
Russian Federation	3	0	0	1	0
Rwanda	3	0	0	1	0
Senegal	5	0	0	0	0
Serbia-Montenegro	.	.	.	.	.
Somalia	.	.	.	.	.
Sri Lanka	5	0	0	0	0
Sudan	.	.	.	.	.
Syria	3	0	0	1	0

Table I.F continued

Country	Property Rights Index (pri)	pri==1 (pri01)	pri==2 (pri02)	pri==3 (pri03)	pri==4 (pri04)
Togo	3	0	0	1	0
Turkey	5	0	0	0	0
Uganda	3	0	0	1	0
Uzbekistan	3	0	0	1	0
Zimbabwe	1	1	0	0	0

G. PRI Dummies 5-9

Country	Property Rights Index (pri)	pri==5 (pri05)	pri==6 (pri06)	pri==7 (pri07)	pri==8 (pri08)	pri==9 (pri09)
Afghanistan	.	.	.	.	.	.
Algeria	3	0	0	0	0	0
Angola	2	0	0	0	0	0
Azerbaijan	3	0	0	0	0	0
Bangladesh	3	0	0	0	0	0
Bosnia-Herzegovina	1	0	0	0	0	0
Burundi	3	0	0	0	0	0
CAR	2	0	0	0	0	0
Colombia	3	0	0	0	0	0
Côte d'Ivory	3	0	0	0	0	0
Croatia	3	0	0	0	0	0
Cyprus	9	0	0	0	0	1
DRCongo	1	0	0	0	0	0
Eritrea	.	.	.	.	.	.
Ethiopia	3	0	0	0	0	0
Georgia	3	0	0	0	0	0
Guatemala	3	0	0	0	0	0
Guinea	3	0	0	0	0	0
India	5	1	0	0	0	0
Indonesia	3	0	0	0	0	0
Iraq	.	.	.	.	.	.
Israel	7	0	0	1	0	0
Kenya	4	0	0	0	0	0
Lebanon	3	0	0	0	0	0
Liberia	.	.	.	.	.	.
Macedonia	3	0	0	0	0	0
Mexico	5	1	0	0	0	0
Myanmar	2	0	0	0	0	0
Nepal	3	0	0	0	0	0
Nigeria	3	0	0	0	0	0
Pakistan	3	0	0	0	0	0

Appendix I.G continued

Country	Property Rights Index (pri)	pri==5 (pri05)	pri==6 (pri06)	pri==7 (pri07)	pri==8 (pri08)	pri==9 (pri09)
Palestinian Territories	.	.	.	.	.	.
Peru	4	0	0	0	0	0
Philippines	3	0	0	0	0	0
Republic of Congo	1	0	0	0	0	0
Russian Federation	3	0	0	0	0	0
Rwanda	3	0	0	0	0	0
Senegal	5	1	0	0	0	0
Serbia-Montenegro	.	.	.	.	.	.
Somalia	.	.	.	.	.	.
Sri Lanka	5	1	0	0	0	0
Sudan	.	.	.	.	.	.
Syria	3	0	0	0	0	0
Togo	3	0	0	0	0	0
Turkey	5	1	0	0	0	0
Uganda	3	0	0	0	0	0
Uzbekistan	3	0	0	0	0	0
Zimbabwe	1	0	0	0	0	0

APPENDIX II: STATISTICAL RESULTS OF DIFFERENT MODELS (TRIALS AND ERRORS)

Dependent Variable: RATE	**Model 1**	**Model 2**	**Model 3**	**Model 4**
R Square	.64	.64	.63	60
Sig.	.010	.006	.003	.003
(Constant)	-49.05 -3.37	-54.39 -4.86	-49.03 -5.66	-47.95 -5.48
Conflict duration in years	-.18 -1.04	-.22 -1.46	-.19 -1.30	Excluded
Conflict intensity	.61 .66	.70 .77	Excluded	
Female-headed IDP households	6.23 1.76	6.59 1.93	7.57 2.40	7.37 2.31
Gini index	-.11 -.59		Excluded	
Human Development Index	21.86 2.18	22.54 2.30	22.48 2.32	20.64 2.12
Property mechanisms	7.60 2.27	7.52 2.28	7.86 2.43	6.58 2.10
Pri= =2	45.17 4.00	43.12 4.07	41.41 4.04	40.61 3.91
Pri= =3	31.60 4.66	32.20 4.88	30.21 5.03	28.21 4.78
Pri= =4	31.41 3.59	31.00 3.61	28.75 3.60	26.58 3.35
Pri= =5	34.48 4.36	35.25 4.60	33.29 4.65	30.36 4.40
Pri= =7	36.58 2.91	38.22 3.17	35.65 3.11	28.82 2.79

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(http://www.heritage.org)

Human Rights Index of United Nations Documents
(http://www.universalhumanrightsindex.org/en/index.html)

Human Security Report Project
(http://www.hsrgroup.org)

Humanitarianism & War Project
(http://hwproject.tufts.edu)

IDP Action
(http://www.idpaction.org)

IDP Voices
(http://www.idpvoices.org)

Index of Economic Development
(http://www.heritage.org/index)

Internal Displacement Monitoring Center (IDMC)
(http://www.internal-displacement.org)

International Crisis Behavior Data
(http://www.cidcm.umd.edu/icb/dataviewer)

International Crisis Group
(http://www.crisisgroup.org)

International Helsinki Federation for Human Rights (IHF)
(http://www.ihf-hr.org)

International Household Survey Network
(http://www.internationalsurveynetwork.org/home)

International Land Coalition (ILC)
(http://www.landcoalition.org/index.htm)

IOM—International Organization for Migration
(http://www.iom.int)

IOM in Bosnia and Herzegovina
(http://www.iom.ba)

IRIN—Humanitarian News and Analysis from Africa, Asia and the Middle East
(http://www.irinnews.org)

Landrightswatch.net
(http://otto.idium.no/desotowatch.net)

The Library of Congress
(http://www.loc.gov)

Malteser International
(http://www.malteser-international.org)

NATO
(http://www.nato.int)

The New York Times on the Web

(http://www.nytimes.com)

Office for the Coordination of Humanitarian Affairs Inter-Agency Internal Displacement Division
(http://www.reliefweb.int/idp)

Office of the High Representative Bosnia and Herzegovina
(http://www.ohr.int)

Peace Agreements Digital Collection Library of the U.S. Institute of Peace
(http://www.usip.org/library/pa.html)

The Republic of Cyprus Government Web Portal
(http://www.cyprus.gov.cy)

Research and Documentation Center Sarajevo (IDC)
(http://www.idc.org.ba)

Research Surveys for a Comprehensive Settlement in Cyprus
(http://www.cypruspolls.org)

SFOR—Stabilization Force
(http://www.nato.int/sfor/index.htm)

SIPRI—Stockholm International Peace Research Institute
(http://www.sipri.org)

South East European Refugee Assistance Network
(http://www.see-ran.org)

Southeast European Politics Online
(http://www.seep.ceu.hu)

SUTRA—Sustainable Transfer to Return-related Authorities
(http://www.sutra.undp.ba)

TESEV—Turkish Economic and Social Studies Foundation
(http://www.tesev.org.tr)

Transitions Online
(http://www.tol.cz)

UNDP—United Nations Development Programme
(http://www.undp.org)

UNDP Human Development Reports
(http://hdr.undp.org)

UNFICYP—The Peacekeeping Force in Cyprus
(http://www.unficyp.org)

UNFPA—United Nations Population Fund
(http://www.unfpa.org)

The United Nations Cartographic Section
(http://www.un.org/Depts/Cartographic/english/htmain.htm)

UN HABITAT—United Nations Human Settlements Programme
(http://www.unhabitat.org)

UNHCR—The UN Refugee Agency
(http://www.unhcr.org)

UNHCR Representation in Bosnia and Herzegovina
(http://www.unhcr.ba)

UNRISD—United Nations Research Institute for Social Development
(http://www.unrisd.org)

UNSD—United Nations Statistics Division
(http://unstats.un.org)

Uppsala Conflict Database
(http://www.pcr.uu.se/database)

The U.S. Committee for Refugees and Immigrants
(http://www.refugees.org)

The U.S. Department of State
(http://www.state.gov)

The U.S. Senate
(http://www.senate.gov)

The World Bank
(http://www.worldbank.org)