Voting with your feet in Bosnia and Herzegovina: the role of minority returns in the restoration of a multiethnic state

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Preface

"Ignorance has many forms, and all of them are dangerous. [...] As each new subject has developed a specialist vocabulary to permit rapid and precise reference to its own common and rapidly growing stock of ideas and discoveries, and come to require a greater depth of expertise from its specialists, scholars have been cut off by their own erudition not only from mankind at large, but from the findings of workers in other fields, and even in other parts of their own."[1]

In order to overcome this isolation in one's own world common to virtually all fields and typical of Western scientific knowledge, R.I. Moore proposes, in his preface to Gellner's *Nations and Nationalism,* a series where authors "discuss problems simply as problems, and not as 'history,' or 'politics,' or 'economics.'"

Despite having heard innumerable times throughout my study of human rights about the "multidisciplinarity" of this field, it is only through writing this thesis that I fully understood the meaning of this human rights catchphrase. As Habermas' constructivist theory suggests, human rights are answers to problems, and to deal with such problems, they use all the means available. Human rights are indeed not merely a series of laws and declarations, they are the concept that has inspired them, they are an idea and a mentality, a principle and a cause. This concept finds its expression in law as well as politics, philosophy and sociology, and in each individual's perceptions of and relations to other human beings.

The idea of human rights can be put into practice, realised and fought for at all levels, in every context, from the demonstration on the street to courts and tribunals, from the international economic order to local schools, from social and community work to international relations. Human rights are about survival and security, but also about justice and equality, and about allowing peaceful coexistence in situations of diversity. Human rights can be practical, theoretical, spiritual, revolutionary: as they are concerned with humanity, they necessarily touch every sphere of human existence and every discipline which has studied it.

Paradoxically, now that human rights have developed into an autonomous discipline, it is also showing a tendency towards isolation, with the creation of its own jargon accessible only to initiated human rights experts and the increasing specialisation of "human rights

officers" who are often not aware of what their colleagues in the development or democratisation department next door are doing. However, as the concept of human rights naturally infiltrates so many different disciplines, it should perhaps be seen rather as a point of view applicable to all problems through all the different fields rather than a closed field of its own. Such a point of view is the point of view of humanity, and of the dignity, expressed through freedom and equality, of the human being. Human rights are the perspective which takes into account the dignity and humanity of every individual, in every area of life.

Thus, in addressing the challenge of restoring multiethnicity in Bosnia and Herzegovina, I will take Moore's advice and address the problem simply as a problem, using every perspective which can be useful without being restricted to the approach of one particular discipline. And, as I will deal with problems regarding human beings and their coexistence, I will look at them from the point of view of humanity, relying on psychology and anthropology as well as theories from the social and political sciences in order to understand how the dignity of every human being, as expressed in human rights, can be preserved in the present situation in Bosnia and Herzegovina.

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[1] R.I. Moore, Preface to E. Gellner, *Nations and Nationalism,* Oxford, Blackwell, 1988, pp.vii-viii.

Introduction:

The Dayton balancing act and the future of Bosnia and Herzegovina.

Admittedly, if I had to go through a terribly complicated bureaucratic process involving an enormous amount of long lost documents to register as a voter, in order to be able to choose from the candidates of 57 different parties for the parliamentary elections, while being restricted to voting for a Serb candidate to the Presidency when living in the Republika Srpska (RS) or a Bosniak or Croat when residing in the Federation, after already having had to vote every other year for the past eight years, always knowing that whoever is elected in the end can be removed by a non-elected international official anyway, I would not feel extremely motivated to go and cast my ballot. Considering the turnout of 54% of registered voters in last October's elections, most Bosnians probably did not either.[2] However, the results of these elections, which brought back to power the same three nationalist parties that led Bosnia-Herzegovina[3] to war, have largely been interpreted by the media as a failure of the international community to restore a viable multinational Bosnian state, and have led many to suggest that the international community should give up on its multiethnic experiment in Bosnia and accept the country's definitive partition.[4]

The General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP), known as the Dayton Peace Agreement (DPA), by proclaiming a unified state while effectively acknowledging its separation into two entities created as a result of ethnic cleansing, by creating a state of three equal "constituent peoples" while in fact assigning a territorial entity only to one of them leaving the other two to share, and by declaring democracy while giving sovereignty to ethnic groups rather than to the citizens of the state, has created an unstable, contradictory state, which is presently still wavering between multiethnicity and ethnic partition in the attempt to keep its balance. Because of the inherent

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[2] Of a total population of 3.7 million, 2.4 million are registered voters, which means that the results of the elections reflect the will of about one third of the population. Citizens voting for the BiH State presidency are limited in their electoral choice based on ethnicity and their place of residence: citizens voting for the RS may only vote for a Serb, while citizens voting for the Federation may only vote for a Bosniak or Croat. For more information see: OSCE ODIHR, *BiH General Elections 5 October 2002 Final Report*, 9 January 2003.

[3] Henceforth "Bosnia". The state created at Dayton was renamed „Bosnia *and* Herzegovina" to differentiate it from the previous Yugoslav Republic as well as from the state that declared its independence in 1991, which both were named "Bosnia-Herzegovina."

[4] The October 2002 elections brought to power the SDS (*Srpska Demokratska Stranka,* Serb Democratic Party), the HDZ (*Hrvatska Demokratska Zajednica,* Croat Democratic Union) and the SDA (*Stranka Demokratske Akcije,* Bosniak Party of Democratic Action).

imbalance that the "three peoples, two entities" model of the Dayton Agreements has given to the Bosnian state, it must necessarily be pushed in one of two possible directions in order to achieve stability: either towards full and consolidated partition, including a third Croat entity, in order to effectively recognise equal rights to all three constituent peoples, or towards making the two existing entities truly multinational.

The recent victory of the nationalist parties appears to have given the wavering Bosnian state a push in the direction of disintegration rather than integration. But can this be the solution that will allow the international community to disengage from its responsibilities in the Bosnian balancing act? The views of the High Representative suggest it is not, considering that he has described such a solution as turning Bosnia into "an island of squabbling refuseniks that the international community cannot leave because of its dangerous instability- although it has lost patience and interest in it."[5]

Even without adopting such a cynical position as Paddy Ashdown's, it becomes clear that this solution is not politically viable: not only would it officially condone ethnic cleansing to an even greater extent than the existence of the Republika Srpska already does, but, as the putative three statelets would not be ethnically homogenous, it would also enhance the potential for further conflict by turning former constituent peoples of Bosnia into minorities, the consequences of which have already been experienced during the war. Indeed, ethnically defined political nations seeking to form a state automatically define minorities as second class citizens, as we will see when we examine nationalist ideology more closely. Furthermore, partition could create a dangerous precedent by constituting the first impulse in a domino effect of claims to self-determination or secession following a "why should I be a minority in your country when you can be a minority in mine?" principle, which has a highly dangerous potential in the Balkan region. In most cases, national groups are far too mixed for a fit between borders and the national distribution of population to be possible, leading to the inevitable presence of minorities on either side of new borders who will be relegated to second class status over night, thus becoming ticking bombs in situations of high instability and increased potential for conflict.

Although the disintegration of the Bosnian state is thus not a viable alternative, the results of the elections have definitely brought Bosnia closer to a situation of "multi-nationalism" than to multinationality, supplying an ethnonationalist content to the framework of institutionalised ethnicity already provided by the Dayton Agreements, thus completing the division of Bosnian society along insurmountable ethnic lines.

However, other signs from within Bosnia suggest that another solution might be possible. Although they might not have cast their ballots- the birth certificate necessary to be registered as a voter might be hard to come across when you have fled your home in the midst of a war- hundreds of thousands of refugees and displaced persons (IDPs) have "voted with their feet" for a multinational Bosnia, returning to their pre-war homes in areas where they now represent a minority.[6] In the Bosnian context, the very fact that an individual lives as a minority can be seen as a political statement in favour of a multinational Bosnia, opposing the divided state advocated by the nationalists in power. And such statements are already making a difference: minority returns have dramatically increased since the year 2000[7], rendering partition an increasingly impossible option.

Thus, minority returns can be seen as a test to determine whether Bosnia will be able to evolve as a viable multinational state. Will returns lead to political stability by contributing to the creation of a truly multinational Bosnian state or will they bring Bosnia back to its 1991 situation, creating potential for its "squabbling refuseniks" to create further conflict? How can minority returns lead to reconciliation and to a truly multinational Bosnia given the current political situation?

In order to determine whether returnees can counter nationalist forces and successfully push Bosnia back towards a multinational reality, it is necessary first to understand what returns actually entail. In fact, returning to one's home can mean reclaiming one's property only to sell it, living in a minority enclave engaging in least possible contact with the majority, or attempting to reintegrate oneself in the community, and each of these situations has different implications for the future of Bosnia. In order to determine whether returns lead to reintegration or merely accentuate fragmentation and ethnic differences, in the first chapter I will identify the obstacles to the successful reintegration of returnees. I will focus only on minority returnees, i.e. refugees and displaced persons who return to an area where their ethnic group represents a minority, as their return changes the ethnic distribution in Bosnia and thus is the most important for the creation of a multinational society.

Identifying the main obstacles to return is not intended here to serve the purpose of determining how likely refugees are to return to Bosnia or how to increase the flow of returns; my interest focuses rather on the situation after returns have taken place, to see what is behind the numbers in the statistics that are so frequently praised. Indeed, in order to assess whether

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[5] P. Ashdown, *Inaugural Speech to the BiH State Parliament,* May 7, 2002.

[6] International Crisis Group (ICG), *The Continuing Challenge of Refugee Return in Bosnia and Herzegovina,* ICG Balkans Report no.137, 13 December 2002.

[7] See Return Statistics in Annex 1 below.

returns can actually lead to reintegration and to a multinational Bosnia, it is necessary to determine whether people actually stay in their place of origin after reclaiming property, whether they remain isolated or have relations with the majority ethnic group and how they go about overcoming the obstacles they encounter and reintegrating in such difficult circumstances.

Having identified the main obstacles, I will briefly illustrate the most important recent developments in the international community's efforts to overcome such difficulties, and see how they can contribute to the improvement of the situation.

1. OBSTACLES TO RETURN

> "Since 1995, in this country of 3.7 million people, more than 800.000 refugees have returned; and 300.000 have gone back to parts of the country where they now represent an ethnic minority. In many places, ethnic cleansing has been reversed. A new human right has been developed in Bosnia and Herzegovina. The right of refugees to return to their homes. This is unique in European history. Ethnic cleansing has taken its toll, but Serbs, Croats and Muslims still live intermingled."[8]

Although the right to return to one's country has been part of the international human rights system from the very beginning, with its inclusion in the 1948 Universal Declaration of Human Rights,[9] Annex 7 of the DPA innovatively gives refugees and displaced people the right to return to their homes of origin, including the repossession of property of which they have been deprived as a result of the war.

Despite it being specified in the DPA that Annex 7 entails the creation of the "political, economic and social conditions conducive to the voluntary return and harmonious reintegration of refugees and displaced persons"[10], international efforts to support returns have concentrated mainly on ensuring that returnees can effectively reclaim and/or rebuild their property. To this aim, the main international bodies working in Bosnia[11] have co-operated to develop the Property Law Implementation Plan (PLIP), a legal framework designed to institutionalise the process of repossession of property, while the Return and Reconstruction Task Force (RRTF), co-chaired by the Office of the High Representative (OHR) and the United Nations High Commissioner for Refugees (UNHCR) has taken up the task of co-ordinating reconstruction assistance and other economic incentives to return. According to the Property Legislation Statistics, property law implementation reached 82% at

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[8] P. Ashdown, *Peacemaking in Bosnia,* International Herald Tribune, 16 October 2002.
[9] Universal Declaration of Human Rights, Art.13/2.
[10] See: Annex 7, General Framework Agreement for Peace in Bosnia and Herzegovina.
[11] OHR, UNHCR, OSCE, CPRC (end of mandate December 2003), UNMIBH (end of mandate December 2002).

the end of May 2003,[12] and international bodies working in the PLIP expect that virtually all claims will be processed and properties returned by the end of this year.[13]

These numbers are considered an "absolutely astonishing, huge success by Bosnians and the international community that has gone unrecognised,"[14] but do they actually bring Bosnia any closer to a multinational state? This depends largely on what such returns actually entail. By a multinational, multiethnic state, I understand a state in which tolerance for diversity allows people of different ethnic backgrounds to live together peacefully without fear of being discriminated against because of how they define themselves or are defined by others, a state where everyone's rights are respected independently of ethnic backgrounds and where there is interaction between different groups as well as the possibility to define oneself along non-ethnic lines. The return of refugees and displaced persons can thus only lead to a multinational Bosnia if it also entails reintegration within the community of origin. The successful repossession of property is no doubt a precondition for return, and the PLIP is definitely an extremely significant innovation, but returns must also be sustainable, i.e. returnees must also be able to stay in their places of origin, earn means to live, have access to social security, adequate health care, and education, and finally the conditions for reintegration must be in place to avoid the creation of isolated minority enclaves.

Thus, in order to understand whether the return process is really as successful as it seems, it is necessary to first determine whether returns entail reintegration or are limited to legal repossession of property. Which obstacles must be overcome for true reintegration to follow physical return?

1. 1. What are the current obstacles to return?

As we have seen that to be effective returns must entail the successful reclaiming of property, sustainability and reintegration, I will examine which are the main obstacles to each of these aspects. Not all obstacles are present throughout Bosnia: there are significant differences between the two entities, between rural and urban areas, and between municipalities, depending on the pre-war situation and on the level and character of violence experienced during the war. Indeed, a state which is divided into two regions, two entities, 10

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[12] Statistics on the Implementation of Property Laws in Bosnia and Herzegovina, 31 May 2003. Statistics are updated monthly. See Annex 2 below.
[13] Although this position represents the official line, international officials working with the PLIP admit that it is more realistic to expect a partial implementation by the end of 2003. Also, the claims left unprocessed by the CRPC, whose mandate ends in December 2003, will be transferred to the domestic institutions and dealt with after the remaining pending claims are duly processed. For details on the structure and capacities of organisations and institutions responsible for the implementation of Annex 7, see: OHR, UNHCR, BiH Ministry for Human Rights and Refugees, *Annex 7 (GFAP) Strategy*, January 2003.

cantons, 99 municipalities and a district, each with their own ministry or department dealing with returns, clearly defies any possibility of generalisation. However, I will attempt to highlight the main obstacles to return throughout Bosnia, keeping in mind that the organisation of the state itself represents a significant challenge to multiethnicity.

1. 1. a) Obstacles to the repossession of property

According to the International Crisis Group (ICG), local authorities have collaborated to permit such large numbers of returnees to repossess their property because they have also had the possibility to pursue other policies that discourage real minority return.[15] As nationalist authorities' hands are officially tied by the powers of the High Representative, they tend to comply with the property law and internationally imposed policies on the surface while doing everything they can to hamper their functioning and pursue their own goals under the table. Strategies to implement property laws in a way that will result in a minimum of sustainable minority returns can take a variety of different forms. Particularly in the RS, nationalist authorities have replaced ethnic cleansing with "demographic engineering," creating incentives to return for displaced persons belonging to their own ethnic group through the distribution of land, construction materials and business premises, while at the same time creating obstacles to the return of minorities. A telling example of this practice is that in the municipality of Zvornik, in the RS, 5000 KM have been set aside in the budget for the return of Bosniaks,[16] and 100.000 KM for the stay of Serb refugees and IDPs.[17] Moreover, the property law is implemented selectively: priority is given to claims of minority returnees who are more likely to sell their property than actually return to it, and judges, politicians, and war veterans of the majority are allowed to illegally occupy potential returnees' homes. This leads to corruption often being the only way for minorities to return to their homes, with bribes amounting even to 2000 KM being demanded from non-Serbs for their return to Zvornik. The lack of transparency in the process allows local authorities to hide behind the complexity of bureaucracy while effectively allocating land and housing in a way designed to discourage minority return or limit its demographic and political effects, for example by

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[14] P. Ashdown, quoted in J. Glover, *King Paddy,* The Guardian, 11 October 2002.

[15] ICG, *The Continuing Challenge of Refugee Return in Bosnia and Herzegovina*, cit., p.11.

[16] Following a 1993 vote by the Congress of Bosniak Intellectuals to return to what they termed the old name– Bošnjak–for the Bosnian Muslim nation, *Bosniak* is the term now used to indicate Bosnian Muslims, as opposed to *Bosnian* which refers to a citizen of the state of Bosnia and Herzegovina, independently of ethnic background.

[17] Helsinki Committee, *Report on the State of Human Rights in Bosnia and Herzegovina*, Analysis for January to December 2002 period, p.10. 1KM (*Konvertibilna Marka,* convertible Mark) was worth 1DM=0,51 Euro.

surrounding minority returnees with settlements of displaced persons belonging to the majority.

Such practices are found primarily in the RS, as the different nationalist political parties have different attitudes towards return. While the SDS seeks to maintain its Serb state within Bosnia by discouraging minority returns both to and from the RS, the SDA accepts the return of Bosniaks to the RS, who, in virtue of their numerical majority at state level, can bring the party more votes in the other entity, thus increasing its influence throughout Bosnia.

1. 1. b) Obstacles to the sustainability of returns

> *"The parties undertake to create in their territories the political, economic and social conditions conducive to the voluntary return...of refugees and displaced persons, without preference for any particular group."*
>
> (Annex 7, DPA)

One main obstacle to the sustainability of return comes from within the property law itself, which does not insist on the return of business premises and land plots as it does for residential property, thus making the repossession of former business premises and land essential for providing returnees with a sustainable living largely unsuccessful. International agencies' figures on implementation of the property law do not include this type of property, and as the ICG reports, "while the PLIP agencies have truly achieved an amazing success in pushing for the return of residential properties, the pressure to paint a rosy picture and justify quick disengagement has meant that returnees can be given a place to stay but denied a means to live."[18]

Nationalist authorities also rely on their ability to deny work, public services, access to pensions, education and health care to persuade minorities who have succeeded in repossessing their homes to sell their property and relocate.

Discrimination in employment is widespread; although there are laws guaranteeing the restitution of jobs or compensation to those who have been dismissed from firms during the war because of their ethnicity, in practice the law is ignored by employers.[19] Employment laws themselves institutionalise discrimination by giving priority to demobilised soldiers, war invalids and the families of fallen soldiers- categories which exclude minority returnees by definition. As a result of ethnic cleansing, Bosnia's partition at Dayton and the election of nationalist parties, many public institutions such as schools, police, public companies etc. are

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[18] ICG, *The Continuing Challenge of Refugee Return*…, cit., p.3. However, this situation will improve as a result of the implementation of the PLIP New Strategic Direction, as claims to land plots and business premises are also included in the principle of Chronology, see p. 10 below.

[19] *Ibidem,* p.14.

staffed almost exclusively by members of the majority group. A blatant example of the extent of discrimination in employment in public institutions is the presence of parallel institutions led by returnee associations in areas where large scale returns have taken place. Considering that the private sector accounts for a mere 35% of Bosnia's GDP, this significantly decreases returnees' chances to find employment in an already dire economic situation. Furthermore, the privatisation process in Bosnia has largely been controlled by nationalist establishments with financial ties to their "mother countries," who have ensured that the few viable enterprises remain "ethnically pure," such as Bosnia's biggest exporter Aluminij Mostar, which has an all-Croat management and a workforce coming exclusively from the western Croat part of Mostar.[20] Thus, although the dire state of the Bosnian economy and high unemployment make economic insecurity a constant for most people in Bosnia, minority returnees in particular face the additional obstacle of discrimination.

This situation is all the more difficult to change as the legacy of the communist regime leads people to accept discrimination in employment as normal: although previously gaining a certain position was linked to one's position in the party, while now it is linked to ethnicity, the mechanism remains the same, as the comment of Katica, a Serb returnee interviewed by Paula Pickering, illustrates: "Look what we replaced Communism with! Nationalism is the same. If you don't belong to the ruling party, you cannot reach the highest positions."[21]

The sustainability of returns is also endangered by the difficulties in accessing pensions, health care and other social services. The fragmentation, complexity and lack of transparency of the current system allows plenty of room for discriminatory practices which affect the most vulnerable people who are not informed about their rights. As the provision of social welfare is the responsibility of the entities and not of the state, each entity has its own pension and health care scheme, which results in significant discrepancies not only between the entities but also between the cantons of the Federation. The harmonisation of the system throughout the country is needed to ensure that the social rights of all Bosnian citizens are equally respected, and to avoid decisions on return having to depend on the level of health care available in the different areas. The inter-cantonal and inter-entity agreement on health signed in November 2001 has improved the access to health care for returnees by allowing health insured people to be treated in the entity where they are not insured, provided they register in the place of return. However, field monitoring shows that the implementation of the agreement faces numerous obstacles related to the attitudes of returnees, authorities, and

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[20] S. Bose, *Bosnia after Dayton*, London, Hurst & Co., 2002, p.132.
[21] P. Pickering, *The Choices Minorities Make about Diversity. Migration and Negotiation in Post-war BiH,* unpublished PhD dissertation, p.66. This aspect will be further analysed in chapter 2.

the critical financial situation of health funds in general, and furthermore the agreement only benefits people who are insured in the first place. As the general cost and standard of living are higher in the Federation than in the RS, it is very difficult for example for a returnee who receives a pension from the RS to survive in the Federation.[22]

There are no precise figures on how many returnees decide to sell the house they have reclaimed in order to relocate because they are not able to stay as a result of discriminatory policies or lack of adequate living conditions, although anecdotal evidence shows the practice to be widespread. Although many people also relocate because of economic or other more personal reasons, these examples do show that the implementation of Annex 7 cannot be reduced only to ensuring the repossession of residential property, and that a lot still needs to be done to create the conditions for effective and sustainable return.

1. 1. c) Obstacles to reintegration

> "*The parties shall ensure that refugees and displaced persons are permitted to return in safety, without risk of harassment, intimidation, persecution, or discrimination, particularly on account of their ethnic origin, religious belief or political opinion.*"

<div align="right">(Annex 7, DPA)</div>

It is hard to talk about reintegration when Bosniak parents get beaten up at schools in the RS when enquiring about the enrolment of their children, fans go to football matches wearing t-shirts with Karadzic's face on them and waving banners invoking another Srebrenica, religious symbols continue to be attacked and cemeteries desecrated, while authorities just stand by and watch. The threats and intimidation that many returnees have to face in their daily lives can range from local shops refusing to sell them groceries to being spat upon or verbally abused on the street.[23]

The international organisations who repeatedly affirm that the security situation of returnees has significantly improved during 2002 refuse to make their figures on return-related violence public, while human rights organisations maintain that attacks against returnees show no sign of decreasing, especially in the RS, and provide pages of examples in their reports. The Helsinki Committee paints a bleak picture of last year's situation:

> "*In 2002, no progress was made in the area of protection of human rights and freedoms in Bosnia, either concerning the responsibility of authorities at all levels of government or the international peace mission. To the contrary, the pressure of nationalists, linked with criminals, upon the most vulnerable*

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[22] For additional information see: UNHCR, *The situation of Health Care in BiH in the context of refugee and IDP return.*

[23] UNHCR, *Minority Returnees to the Republika Srpska- BiH,* UNHCR Returnee Monitoring Study, March 2000.

groups, especially minority returnee groups, was heightened, with local authorities tolerating all this and thereby confirming their participation in maintaining ethnic divisions in Bosnia and tensions between ethnic and religious communities."[24]

According to SFOR, a Bosniak returnee to Bijeljina (RS) is ten times more likely to become a victim of violent crime than a local Serb.[25]

The problem is made worse by the climate of officially sanctioned impunity, exemplified by the comment of the RS interior minister following acts of vandalism against returnees' homes after Yugoslavia's victory in the basketball championship last year: according to him, they were just "having fun."[26] Lack of accountability is not only a problem regarding crimes against returnees: many potential indictees for war crimes, including people who have worked in detention camps or participated in massacres such as Srebrenica not only have not been brought to justice, but still retain positions of power in local administrations, police forces and schools (despite the posters set up by the international community advertising the Hague, displaying a picture of the airport in the Hague with the words: "Book a trip to The Hague, alone or accompanied!")

Given that the scars left by the war necessarily come between Bosnians in their relations with each other, it would be natural to have hope in the younger generation's ability to change this situation of inter-ethnic tension, but a multinational future for Bosnia certainly does not look very bright if we attempt to imagine what kind of society might result from the present education system. In Bosnia, three different versions of history are taught in three different languages, thus creating an artificial diversity and separation between ethnic groups right from the start. To get an idea of the situation and of the consequences it can have for Bosnia's future, it is enough to compare extracts describing the Bosnian conflict from three history books used in different areas of Bosnia:

> For students in Bosnian Serb-controlled areas: *"Muslims, with the help of mujahedeen fighters from Pakistan, Iraq and Iran, launched a campaign of genocide against the Serbs that almost succeeded."*

> For students in Bosnian Croat-controlled areas: *"Croatian forces in the 'homeland war' fought off Serbian and Muslim aggressors."*

> For students in Bosniak-controlled areas: *"The Serbs attacked our country, starting the war."[27]*

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[24] Helsinki Committee, *op. cit.*, p.26.
[25] ICG, *The Continuing Challenge of Refugee Return…*, cit.
[26] *Ibidem,* p.18.
[27] Cited in P. Pickering, *op. cit.*, p. 97. For more information see: R. Donia, *The Quest for Tolerance in Sarajevo's Textbooks,* in <<Human Rights Review>> vol.1, no. 2, Jan-March 2000, pp.38-55.

This situation can rightly be described as "education apartheid," with nationally exclusive curricula taught by teachers of the correspondent ethnic background.

The kind of education which is available in different areas is clearly an important factor influencing decisions to return, and many potential minority returnees decide to relocate to an area where their children will not be taught that their group is to blame for the war and consequently be isolated or discriminated against. A slight change to this situation might be brought by a recent entity agreement[28] allowing returnee children to opt for a different curriculum of their choice in the "national group" of subjects (language and literature, history, geography and religion). However, implementation of the agreement has so far not been very successful to say the least, and although it might facilitate returns, it will not change the segregation which in too many schools still remains virtually complete, with some school buildings even having separate areas for different ethnic groups: each group has its own rooms, learning facilities, and sometimes even toilets.

Furthermore, discrimination within schools is not limited to the alienation of minorities: returnees are often unwanted even by their own ethnic group, who see the decision to flee as treason or lack of loyalty to their people, as this interview of a Bosniak returnee illustrates:

> *"A couple of day's ago, my friend's youngest son came home crying. He speaks Bosnian with a German accent. Well the Efendija—the teacher of Islamic religion—had singled him out and asked him where he was during the war. He made him stand up and count out loud to his classmates, over and over again… So my friend went to the school and signed a form indicating that her son didn't want to attend religion class; she gave as the reason, 'the teacher."[29]*

Finally, the fact that not only schools but many other public institutions remain mono-ethnic allows for discrimination at all levels against minority returnees. The tendency towards the formation of parallel institutions run by returnee associations where large-scale return has taken place clearly demonstrates the lack of an environment conducive to true reintegration.

Thus, although this is only a brief illustration of the main problems faced by minority returnees trying to rebuild their lives in places that once were their homes, it is clear that reintegration does not as of yet naturally follow return. International efforts have greatly facilitated returns through the PLIP, but declaring Annex 7 a success once the property law is implemented would leave the job half done, and would risk reversing the progress made up to

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[28] Interim Agreement on the accommodation of specific needs and rights of returnee children, March 2002.
[29] Interview by P. Pickering, *op. cit.*, p.100.

now, as many returnees would be forced to leave their reclaimed homes because of lack of adequate living conditions. Annex 7 and the PLIP are not the same thing, and declaring the implementation of Annex 7 complete would thus play in the hands of Bosnia's nationalists, allowing them to continue pursuing their segregationist policies under a façade of legality. The fact that funds at the disposal of international organisations in Bosnia are rapidly decreasing presses them to declare the end of their mandate, and it is of course tempting to use the completed implementation of Annex 7 rather than lack of funds as the official reason for their disengagement. The international community must resist the temptation of "redefining the continuing challenge out of existence"[30] and address the remaining problems if potential returnees are to be able to make a real choice about return. However, as of yet there is no consensus among international agencies as to when and how Annex 7 is to be considered fully implemented.[31]

1. 2. Steps taken by the international community to overcome such obstacles

An illustration of all the aspects of the international community's involvement in the issue of returns in Bosnia would definitely be beyond the scope of this paper; however, I would like to highlight a few recent developments in the international community's policies which are of particular importance for the situation of returnees, and which might significantly contribute to its improvement. I will briefly illustrate the most relevant recent changes in policies for each of the aspects of return: property repossession, sustainability and reintegration. I have chosen the ones which most specifically address the obstacles that I have so far identified.

1. 2. a) The PLIP New Strategic Direction

To tackle the problem of corruption, discrimination and arbitrariness in the processing of property claims by local authorities, the property law was amended following the High Representative's 4 December 2001 Decisions, which make the chronology requirement that was always implicit in the law an explicit legal obligation binding on housing authorities in both entities. This means that all property claims, including land plots and business premises, must be processed and implemented by the authorities in the order in which they were received, thus preventing manipulation of the order of claims for political purposes. To adapt existing PLIP tactics to the chronology requirement, a "New Strategic Direction" has been

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[30] ICG, *The Continuing Challenge of Refugee Return…*, cit., p.40.
[31] The main responsibilities of the RRTF and of the PLIP are to be transferred to Bosnian institutions by the end of 2003. See: OHR, UNHCR, *Annex 7 (GFAP) Strategy,* January 2003.

given to the PLIP in September 2002.[32] Of the many aspects of this new policy direction, particularly important is the focus on increasing the transparency of the whole implementation process. Public Information Campaigns play an important role in increasing public awareness of the laws and returnees' rights, thereby countering systematic misinformation by the authorities. Also, the publication of lists showing where all cases stand will keep claimants as well as temporary occupants of the claimed property informed of what stage their case is at, thus enabling them to organise themselves accordingly and reducing the possibility of manipulation by the authorities.[33]

Intensified monitoring of the chronology requirement coupled with an increase in the transparency of the claims process can significantly reduce housing authorities' capacity to obstruct the PLIP and to continue their practices of demographic engineering.

1. 2. b) The Stability Pact New Agenda for Regional Action AREA II

A new Agenda for Regional Action was launched in June 2002 as part of the Stability Pact for South Eastern Europe, which shifts the focus from emergency aid to the sustainability of returns. This shift entails a gradual transition from humanitarian driven programmes to developmental activities and seeks to include the issue of the sustainability of returns in the general social economic recovery process of the region. Thus, within the framework of the Stability Pact, a range of initiatives directly or indirectly relevant to sustainability will be undertaken, such as a major housing development programme, and efforts to facilitate access to employment.

This shift of focus is important at this moment, as the problems of economic retardation and refugee returns are closely linked, and any strategy to address one must also take the other into account.

1. 2. c) The Constitutional Court's "Constituent Peoples" Decision

Another significant step towards a multinational Bosnia has been taken with the historic ruling of the Bosnian Constitutional Court in July 2001, requiring both entities to amend their constitutions to ensure the full equality of Bosnia's three constituent peoples as well as "others." The provisions in the constitutions of the Federation, where Bosniaks and Croats were recognised as the only constituent peoples, and of the RS, where Serbs were

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[32] For more detailed information on the PLIP, see: UNHCR, OHR, OSCE, UNMIBH, CRPC, *Property Law Implementation Plan Inter-Agency Framework Document,* October 2000.
[33] Unfortunately such public lists have also led to an increasing amount of new-born "agencies" who contact the next temporary occupants to be evicted on the list to offer to postpone their eviction in exchange for significant amounts of money, with which they then promptly disappear.

declared the only constituent people, were deemed by the Court to violate the state constitution's ban on national discrimination, as they relegate "non constituent peoples" living in each entity to second class citizenship. The Court also maintained that the special status accorded to certain peoples violated the guarantee of the right to return and the pledge of the entities to "create the economic, social and political conditions conducive to return," as specified in Annex 7.

Following the Court's decision, Serbs, Croats, Bosniaks and others who belong to minority groups or refuse national categorisation must be represented in the entity and cantonal governments, their legislatures and their judiciaries in a manner which reflects the 1991 census. Quotas for representation will be based on the pre-war census until Annex 7 has been fully implemented, as a transitional incentive to counter the institutional legacy of ethnic cleansing, (another reason why it is dangerous to prematurely declare the full implementation of Annex 7.) Positions in the public sector will also be subject to such national quotas in order to tackle the problem of mono-ethnic institutions. If implemented, these changes could play a crucial role in reducing discrimination against returnees and in assuring potential returnees that they will not be treated as second-class citizens should they decide to return.

However, the High Representative and other organisations have been attempting to persuade the entities to implement the court's decision since January 2001, and only after intensive bargaining and negotiations was the Sarajevo Agreement reached in March 2002. The fact that the RS leaders who had signed the Agreement then returned to Banja Luka only to pass a series of amendments in the RS national assembly which violated the Sarajevo Agreement in several places, suggests that the difficulties in the actual implementation of this agreement have only just begun.[34]

1. 3. The symbolic obstacles

These specific initiatives, as part of the wider process of institutional and judicial reform undertaken by the international community in Bosnia, will surely contribute to facilitate returns and improve the situation of returnees. However, considering that Dayton has created the most advanced legal system for the protection of human rights world-wide and that it is also evolving and adapting to new obstacles and difficulties, one cannot but ask how the situation can still be as grim as NGOs report it to be. How can there be such a gap between theory and practice? Implementation and enforcement cannot be such an impossible

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[34] For more detailed information see: ICG, *Implementing Equality: the "Constituent Peoples" decision in BiH,* ICG Balkans Report No. 128, 16 April 2002.

task in a country where all the institutions are ultimately controlled by the very international community who has imposed the human rights system. But how is this system helping the man who is being spat upon on the street only for returning to the home he was once forced from, to seek reintegration rather than revenge? Can this system give that man the means to deal with such a situation in a way that will allow him to live peacefully again with the people who have killed his family and still retain positions of power in his town? If the legal system is so complete, and constantly improved to face new challenges, how can the real situation be so far from the one envisaged, nearly ten years after the end of the war? What more could be done to allow Bosnians to live together again and promote a harmonious multinational society?

Many answers can be found in the words of George Schöpflin, which seem to have been written to explain exactly this situation:

> *"Institutional provision on its own will not solve identity-driven conflicts. The finest, most elegant legal system in the world will be useless in such situations and reliance on a legal discourse is a waste of time unless the prior non-legal assent to be ruled is already there."*[35]

Here we find two important ideas that can be applied to the Bosnian situation in order to understand why Dayton does not appear to be taking Bosnia significantly closer to its multinational goal. Firstly, considering the Bosnian conflict as an identity-driven conflict leads to a change of approach.

In its efforts to foster a multinational Bosnian state, the international community has largely concentrated on institutional reform, which surely is needed, but is not enough when dealing with problems of identity. All politics involves conflict, in the form of a contest for power on the institutional level, but when political conflict is identity-driven, the contest for power also takes place on a symbolic level, which is much more difficult to regulate as it appeals to the emotions and to the affective dimension of collective existence. Nationalist authorities in Bosnia not only create obstacles to reintegration on the institutional level, as we have seen, but also on the symbolic level, by actively contributing to the formation of peoples' identities along ethnic lines, and this level too must be addressed if a multinational society is to be achieved. The creation of a multinational state is indeed not merely the result of multinational institutions, but also of the way people perceive themselves and others and of how they interact as a result of this.

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[35] G. Schöpflin, *Individual and Collective Rights*, in *International models of Peace and Reconciliation,* http://cain.ulst.ac.uk

Extensive literature deals with the difficulty of shifting from the idea and institutions of the virtually extinct nation-state to adapt to the different requirements of multinational states while avoiding the total disintegration that risks following the claims of nationalist secession movements. The debates mostly focus on determining which institutional framework best protects minority rights and how to reconcile the conflicting interests of different nations within the same state. Although these are fundamental problems that must be addressed as the nature of the state is transforming, peaceful coexistence of different nations within a common state also involves other aspects.

In post-conflict societies in particular, as Reychler's research on sustainable peace has shown, the emotional, psychological and socio-psychological issues involved in the peace building process are all too often neglected in favour of institution building and reform. The creation of what he defines as an integrative political psychological climate,[36] involving multiple loyalties, reconciliation, absence of sentimental and mental walls, is nevertheless just as important for a sustainable peace than the rebuilding of institutions. It is the individuals forming the different nations and ethnic groups who must live together, and therefore their perception of themselves and others is crucial in determining how they will engage in relations with other groups and whether peaceful coexistence will be possible. If the symbolic, identity-related socio-psychological aspects of the Bosnian situation are not adequately addressed as the institutional ones are, Dayton will have stopped the violence without actually attempting to solve the underlying conflict, thus making a sustainable peace very difficult to achieve.

Thus, in the next chapter the problem of multiethnicity will be addressed primarily from a socio-psychological perspective, to examine how peoples' identities and perceptions also can function as obstacles to reintegration or contribute to the creation of a multinational community. First I will attempt to illustrate why the Bosnian conflict is an identity-driven conflict, and then see how this definition of it leads to the need to consider the symbolic aspects of it as well, in particular the symbolic obstacles to reintegration and multiethnicity created by nationalism through the fostering of exclusive ethnic identities.

The second important idea in Schöpflin's statement is that the Dayton legal system will not be able to change the situation in Bosnia as long as the "non-legal assent to be ruled" remains absent from Bosnian society. This raises the issue of political identity. Such a non-legal assent indeed presupposes a certain sense of citizenship, of loyalty to the state and of

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[36]See: L. Reychler, *Democratic Peace Building: the Devil is in the Transition,* Leuven, Leuven University Press*, 1999.

responsibility to the community that leads to a belief in its rules and laws and to abide by them not only out of fear of sanctions but because they are recognised as legitimate. The difference between a political identity based on ethnicity, as nationalist leaders have created, and a political identity based on citizenship, which should constitute the basis for the democratic state envisaged at Dayton, will be examined in order to understand why there exists such a gap between the human rights legal system and the protection of these rights in reality, and consequently why Dayton fails to address the symbolic obstacles to return.

II.   THE PROBLEM OF IDENTITY

II. 1. Ethnic Identity

II. 1. a) The Bosnian conflict as identity-driven conflict

> *"Ethnic identity was the key dimension in the war in the former Yugoslavia in the first half of the 1990s. Years after the end of the war people's ethnic identity had lost none of its meaning. People no longer die for it, but they continue to live for it. No small number of people live off it."[37]*

Although many different underlying causes of historical, political and economic nature led to the explosion of violence in Bosnia, insofar as these causes found expression in a conflict between different ethnic groups, the conflict can be seen as identity-driven.

In socialist Yugoslavia, the communist ideological system served as a basis for identity, including all under one principle, one political organisation, one leader. The socialist order substituted itself to the existing primarily traditional, agrarian society, creating a common identity for all through symbols, myths and unquestionable common values and ensuring loyalty to the system through processes of political socialisation and different forms of repression. However, national identities were always present alongside communist identity, as a characteristic of the Yugoslav system. It was understood that national homogeneity could not be imposed on Yugoslavia, and thus the Federation was based on a concept of multiethnic coexistence, which guaranteed citizens "the right to opt for a nation or nationality, to express their national culture, and the right to use their language and alphabet freely."[38] This choice of nationality was expressed in the census, where parents could choose a nationality for their children until they were old enough to decide for themselves.

As part of their policies to legitimise national identifications, the League of Yugoslav Communists introduced an elaborate official vocabulary to describe nationality: a distinction

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[37] D. Kecmanovic, *Ethnic Times. Exploring Ethnonationalism in the Former Yugoslavia,* Westport, Connecticut, Praeger, 2002, p.171.
[38] Art.170/1 1974 Constitution of the Socialist Federal Republic of Yugoslavia.

was made between "nations"(*narodi)*, the Slavic nations having only Yugoslavia as their mother state (Serbs, Croats, Slovenes, Montenegrins, Macedonians, and Muslims) and "nationalities"(*narodnosti)*, national groups living in Yugoslavia but having a mother state outside of Yugoslavia, i.e. minorities, such as Albanians, Hungarians, Italians, etc. At the time, the significance of this distinction was more symbolic that practical, but its role would become dangerously important with the disintegration of the Federation. The census also included the possibility of choosing "Yugoslav" nationality, which however was considered more a "lack" of clearly defined nationality rather than a statement expressing a rejection of such a classification or multiple identities.

While each Yugoslav Republic had one official constituent nation and also other nations and nationalities on its territory, Bosnia was the only state which was composed of three constituent nations (as of 1968, when Muslims were recognised as a nation) and after 1974 was headed by a collective presidency, divided among the three national groups and including a single representative of "other" groups.

The formula of equal rights to all nations within the Yugoslav Federation was, however, intended to be transitional and to ultimately lead to a state where, with the final ascension of communism and economic development, national affiliations would lose importance and be relegated to a matter of lifestyle rather than politics. Indeed, every attempt to advocate or protect the interests of one's national group was seen as dangerous nationalism and as an attack on the communist party, and traditional nationalist groups were kept out of the political arena by all means. Nationalism was considered Yugoslav communism's most dangerous enemy, and the principle of equality of all nations and legitimisation of national identities, combined with efforts to prevent the political mobilisation of national groups, was aimed at maintaining the stability of the Federation without endangering the communist regime. Thus, Serbs, Croats, and other nations and nationalities were all meant to be Yugoslav citizens with different national identities but with an even stronger commitment to the Yugoslav communist state, which would eventually eclipse the importance of national affiliations.[39]

This strategy, which restricted the formation of political consciousness exclusively to political socialisation by the party, combined with the absence of a market economy, resulted in a society based on an ideological rather than an interest-based structure. The communist ideology was to constitute the sole content of politics, the defence of personal or national

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[39] See: G. Massey, R. Hodson, D. Sekulic, *National Tolerance in the former Yugoslavia,* in <<American Journal of Sociology>>, vol.99, no.6, May 1994, pp.1534-1558.

interests through self-representation was considered a threat to the one-party system. The breakdown of the political system therefore also brought the downfall of the ideological system that constituted the basis for identity and loyalty with it, and after the security and coherence of the communist state disappeared, the main identity on which people could rely was ethnicity. As the Croatian writer Slavenka Drakulic has expressed it,

> *"In turbulent times, times of dramatic social and political change, people tend to fall back on what they know. Before, the only identification one was allowed was with the working class, yet, underneath that lid there was one's own nationality, language, religion and culture to identify with. Nationality and religion became props, sticks people could not walk without, something known and secure to give them the new identity they needed."[40]*

The lack of political choice inherent in the one-party system combined with institutionalised power-sharing among ethnic groups politicised ethnicity to such a degree that it became the strongest institution after communism. However, the sudden projection of ethnicity into the public sphere took place without there being appropriate understanding or experience of dealing with diversity: given the speed with which the communist regime collapsed, there had been no time or opportunity for the development of democratic politics, and thus there were few readily available political conceptions on how to organise a society other than the communist one.

It is difficult to determine whether the incapacity to develop democratic politics after the collapse of the socialist system led to the rise of ethnonationalist surrogates or whether the projection of ethnicity in the political arena excluded any possibility of a development of democratic politics. Bogdan Denitsch offers a good interpretation of this chicken and egg dilemma by describing the communist prevention of the development of any autonomous political culture as creating an "intellectual and moral man-made desert [which] became a happy hunting ground for charlatans, adventurers and demagogues, who came to prominence overnight when the familiar political system collapsed. […] Quite naturally the new politicians did not build their programs from the ground up. They used whatever political materials were available in the consciousness of the electorate."[41]

What was available in the consciousness of the electorate was a strong aversion towards communism, which was now seen as responsible of all the ailments of society, and thus a readiness to vote for whichever alternative claimed to be most hostile to communism. Also, many people saw elections simply as a first chance to vote against the regime rather

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[40] S. Drakulic, *Café Europa, Life after Communism,* London, Abacus, 1996, p.105.
[41] B. Denitch, *National Identity, Politics and Democracy,* in <<Social Science Information>>, vol.35, no. 3, 1996, p. 467.

than a chance to choose from different political platforms. Moreover, the inheritance of decades of authoritarianism was the conviction that elections didn't make any real difference anyway: "one could say anything and pass any resolution or vote for any lunatic because it would not affect real society; there would be no serious consequences."[42]

Nationalist leaders thus engaged in what Bogdan Denitsch calls a "theatre of politics," which had little to do with a democratic debate between differing opinions or a representation of interests. Indeed, communism had not given people the skills to deal with diversity, conflict and contest, and there were thus no criteria for recognising reasonable or unreasonable demands, and no culture of self-limitation or compromise.[43] Indeed, compromise is seen as treason and betrayal not only in the communist politics of ideology, but also in the politics of identity which replaced it. Ethnic identity, as communist ideology, is not something that can be negotiated: it is something which is ascribed, not chosen and that cannot be subject to negotiations, concessions and compromise as interests are.

Considering the materials they had to construct a new order, it is not surprising that the nationalist parties which replaced communist rule were not able to keep a complicated, modern multinational federation together. As a result, each ethnic group saw the others as a threat to its own survival, and looked for ways to defend itself. The declarations of independence of Slovenia and Croatia in 1991 led each group to fight for its identity as a nation: while the existence of the Yugoslav Federation guaranteed equal rights to each of its constituent nations, its disintegration turned constituent nations into minorities overnight. The Krajina Serbs became a minority in an independent Croatian state, in Bosnia Muslims and Croats feared oppression in a Serb-dominated rump Yugoslavia, while the Bosnian Serbs were determined not to become a minority in an independent Bosnia.[44]

Thus the conflict was not primarily a contest for power on the institutional level, which would have taken place in the form of a negotiation of interests in the political arena leading up to a compromise and a division of power, but rather an identity-driven conflict, which sees the contest for power taking place also on a symbolic level, with each group, fearful of becoming a nationality, fighting for its own identity as a nation. Indeed, according to Schöpflin, when groups perceive their existence as being in danger, they appeal to the affective dimension of their identity: they rely on their symbols, rituals and ceremonies to

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[42] *Ibidem.,* p.464.
[43] See: G. Schöpflin, *Individual and Collective Rights*, cit.
[44] See: S. Woodward, *Balkan Tragedy,* Washington D.C., The Brookings Institution, 1995.

ensure their survival through what is called "cultural reproduction."[45] This brings us to the importance of the symbolic dimension of identity.

II. 1. b) The symbolic dimension of ethnic identity

Most of the people of the former Yugoslavia are ethnic Slavs: they share a common ancestry, a common language and a similar culture as expressed in dress, food and lifestyle.[46] In addition to Slavic peoples, there are also Roma, Jewish and other non-Slavic national groups present in the former Yugoslavia. The only fundamental difference between what are now defined as the three "ethnic groups" is one of religion, which is the result of a personal choice or a process of socialisation rather than something you are born with.

The overlap between the nation and membership in a specific religious community in Bosnia is the historical legacy of the Ottoman *millet* system: the organisation of the Ottoman state in *millets*, a series of self-contained non Muslim religious communities, each with a spiritual leader at its head, contributed significantly to the creation of collective cultural identities based on membership in a religious community. Interestingly, Tone Bringa's research has shown that in rural areas of Bosnia before the war, the terms indicating religious identification, such as *katolik* (Catholic) and *pravoslav* (Orthodox) were used when referring to other villagers rather than the official national terms "Croat" and "Serb." The importance of this distinction becomes clear in the comment of a Bosnian Muslim interviewed by Bringa at the start of the war:

> *"All the Catholics here put up Croatian flags, (…) they all insist they are Croats now and there is no place for Muslims. Even my friends do this. I am very disappointed in them. I tell them there are Catholics everywhere in the world. Isn't this so? You can be a Catholic and live in Italy or Germany, you do not have to live in Croatia. You can be a Catholic and a Bosnian. My friends never lived in Croatia, their great-granddad was born in this village and his dad before him. He was born in Bosnia. I think that as long as our Catholics insist they are Croats and our Orthodox insist they are Serbs, there cannot be a Bosnia." [47]*

This statement illustrates one of the most important features of ethnic identity: the common myth of descent. Many authors concur in seeing this as the *sine qua non* of ethnicity. An ethnic group can thus essentially be defined as a group of people whose members believe

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[45] G. Schöpflin, *Individual and Collective Rights*, cit.
[46] G. Massey, R. Hodson, D. Sekulic, *National Tolerance in the former Yugoslavia*, cit.
[47] T. Bringa, *Nationality Categories, National Identification and Identity Formation in "Multinational Bosnia"*, in <<Anthropology of Eastern Europe Review>>, vol.11, no.1-2, 1993.

they are ancestrally related and share an intuitive sense of their group's separate origin and evolution. As Walker Connor suggests,

> "Such a sense of one's nation must rest upon a presumption that somewhere in a hazy, pre-recorded era there existed a Japanese, German, or Thai Adam and Eve. But logic operates in the realm of the rational and conscious; convictions concerning the singular origin and evolution of one's nation belong to the realm of the non-rational and subconscious."[48]

Indeed, a genealogical myth with content, that can be historically determined or in any way proven is not essential to ethnic identity: because its roots lie in the subconscious rather than in reason, the idea of common descent is immunised against contrary fact. This is how the catholic and orthodox villagers could suddenly perceive themselves as Croats and Serbs. The mere fact of being Catholic or Orthodox, as the previous quote shows, is indeed not sufficient for belonging to an ethnic group: the myth of common descent requires that the villagers perceive themselves as *related* to Croats or Serbs, independently of factual history.

According to Jungian psychology, the subconscious has a personal level as well as a collective level. While the personal subconscious is constantly formed by the experiences and perceptions of the individual, the collective subconscious has contents that are largely common to all human beings: as human beings have the same physical structure, they also have a common psychic structure which is expressed in the collective subconscious. The contents of this part of the psyche are not elements which from the conscious level have been relegated to the subconscious, but innate forms common to all individuals in every place and time, which Jung calls archetypes. Archetypes do not necessarily become conscious in every individual, but when the occasion presents itself, they function more or less in the same way in every human being. They can be seen as instinctive tendencies to form representations according to fundamental models present in every human being. It is these archetypes which are the basis for the myths, religions and philosophies which have influenced entire peoples and eras, and which can all be traced down to common models and symbols, such as for example the mother earth or mother nature symbol, the notion of catharsis, rebirth or resurrection.[49] If we think for example of the extension of Islam today, this helps to explain how the same idea or belief can be held by people with radically different experiences, cultures and environments.

This also helps to explain how Bosnian Catholics can come to see themselves as Croats: the myth of common descent, of belonging to a group because one is born into it, can

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[48] W. Connor, *The Nation and its Myth,* in A. Smith, *Ethnicity and Nationalism,* Leiden, Brill, 1992, p. 49.
[49] See: C.G. Jung, *Archetypen,* München, Deutscher Taschenbuch Verlag, 2001.

be seen as an archetype which has often linked people to their tribe, clan, community, or nation as to a family, and which is at the basis of the existence of different populations. This does not mean that every individual can be manipulated into believing he or she is the product of some ancient dynasty or is related to any national group, that this archetype must necessarily find its expression sooner or later in peoples' lives, or that it is sufficient to create a nation. It is rather a potential, a natural tendency, a readiness to accept certain ideas rather than others, and in this case can be seen as facilitating the formation of ethnic identity.

Myths of descent thus provide communities with explanations of their origins, growth and destiny and of why they necessarily belong together and share the same traditions and ways of life. They provide an overall integrative framework of meaning for the community, allowing it to define itself to itself and to others. This is the basis of what Anthony Smith has called the *mythomoteur* of the ethnic community, the quartet of "myths, memories, values and symbols" which constitutes the "core" of ethnicity.[50] This is what is transmitted from generation to generation and shapes individual experience within the group.

Given the nature of the myth of descent, it must indeed be transmitted and kept alive in the community through symbols. Indeed, to quote Jung again, symbols put our minds in contact with ideas whose meaning is beyond rational comprehension. Symbols are constantly used to represent concepts that we cannot rationally define or fully comprehend, and something subconscious, inaccessible, which cannot be fully explained is always implicit in their use.[51] Again, this is why all religions rely on a symbolic language to ensure their transmission and survival. In a similar way, symbols are crucial for the transmission of myths of common ancestry that cannot be rationally explained by factual history or by the existence of an ethnic Adam and Eve. They act as constant reminders of a common heritage and fate, they teach new generations the traditions and customs of their ancestors, and bind shared experiences and values in a feeling of group belonging and security. They express the ties that people feel with the rest of the community, which belong to the world of the imaginary and not to reality.

Indeed, Benedict Anderson has defined the nation as an imagined community, as "the members of even the smallest nation will never know most of their fellow members, meet them, or even hear of them, yet in the minds of each lives the image of their communion."[52]

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[50] A. Smith, *The Ethnic Origins of Nations,* Oxford, Blackwell, 1986, p.15.
[51] C.G. Jung, *Der Mensch und seine Symbole,* Freiburg im Breisgau, Walter Verlag, 1968.
[52] B. Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, London, Verso Books, 1983, p. 6.

Expressions of this idea can be experienced in many situations of daily life, as illustrated by Kecmanovic:

> *"It's interesting to observe then what happens among people who have never met before and most likely will not in the future- people who are connected by the same or similar professions, by class or family ties, or the same hobby. When these people, who have absolutely nothing in common except the same ethnonationality meet by chance at the same party, or on the same train, in line, or anywhere, they address and treat one another like old acquaintances and old buddies. In a twinkling they find a common language, find that they have the same interests and views, complete spiritual and mental kinship, and even identity. The biological identity seems to go without saying."[53]*

In this sense, the ethnic community embodies the sense of being a large family, with members feeling tied to each other in virtue of their "family inheritance," even if they have never come into contact and maybe never will. This emphasises the fact that belonging to an ethnic community is something ascribed, that cannot be achieved or chosen just as one cannot choose one's parents. Ethnic identity is thus inherited, not self-constructed, and exclusive, creating an insurmountable distinction between the in-group and the out-group. Indeed, most ethnic groups have a sense of the uniqueness of their group, and the attitudes and sentiments of their members are focused on the group itself to the exclusion of outsiders.[54]

The sense of belonging to an ethnic group as to a family also leads to a strong sense of solidarity and loyalty to the community, similar to the unconditional loyalty one can have towards family members. But as the sense of common kinship does not extend beyond the ethnic group, the sense of compassion and loyalty which is characteristic of family relations does not extend to members of other groups. Indeed, it is the intuitive conviction of common descent that makes ethnic identity more deeply rooted than other identities rising from common class, common language, or common citizenship.

This type of group mentality can be considered one of the basic conditions for engendering a specific type of behaviour and way of thinking that in the right historical circumstances takes on the features of ethnonationalism.[55] The behavioural pattern which constitutes the psychological basis on which ethnonationalism grows is characterised by the *we-they* syndrome, expressed by partiality and an uncritical attitude towards those who belong to the same group, and excessive criticism, animosity and even hostility towards those who do not belong to the group. This readiness to act in accordance with the principle of "amity inside-enmity outside" is an inclination all people have: "sectional self-interest and

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[53] D. Kecmanovic, *Ethnic Times*, cit., p.113.
[54] A. Smith, *The Ethnic Origin of Nations,* cit.
[55] D. Kecmanovic, *Ethnic Times,* cit., p. 68.

xenophobia are anthropological constants which predate every rationalisation. Their universal distribution indicates that they are older than all known societies."[56] Indeed, as George Orwell has noted: "The nationalist's loves and hatreds… are a part of the makeup of most of us, whether we like it or not."[57] External circumstances and, to a lesser extent, individual personal characteristics will induce people to express this potential more or less explicitly. Thus, the inclination towards group mentality is given the stamp of ethnonationalism through suitable external conditions and through the manipulation of myths and symbols so as to transform a national group into a nationalist group.

Before examining how this process comes about, we must ask whether this transformation necessarily entails aggression or violent conflict between different ethnonationalist groups. Would it not be possible for each group to display the characteristics of its ethnonational identity while living side by side with other groups, just as families do in every society? According to Kakar "the self-assertion of 'We are', with its potential for confrontation with 'We are' of other groups, is *inherently* a carrier of aggression, together with the consequent fears of persecution, and is thus always attended by a sense of risk, a potential for violence."[58] From a psychological point of view, Kecmanovic further suggests that the interaction of feelings of dissatisfaction and the need for someone to blame for such feelings, with the rise of people who stop at nothing to defend their ethnic group as role models leads to an increase in the aggressive potential of people who embrace ethnonationalism. Thus, unlike ethnic identity, ethnonationalism hastens aggression and entails an increase in people's aggressive potential, allowing ethnonationalist leaders to convert latent tensions and oppositions between groups into open inter-ethnic hostility and violence in times of instability, competition and social strain.[59]

II. 1. c) The creation of ethnic identity: symbolic obstacles to reintegration

The symbolic aspect of ethnic identity described above is important because it was largely this aspect to which nationalist political leaders appealed to gain power after the collapse of the communist regime. To gain support, they appealed to peoples' ethnic identities, using their most powerful myths and symbols to mobilise them against other groups. The classical themes of nationalist paranoia were resorted to: creation of feelings of being wronged, of being a victim of other groups, identification of enemies who are

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[56] H. Enzensberger, *Civil Wars: from L.A to Bosnia,* New York, The New Press, 1994, p.106.

[57] G. Orwell, *Notes on Nationalism,* in S. Orwell, S. Angus (eds.), *Collected Essays: Journalism and letters of George Orwell,* vol.3, New York, Harcourt Brace Jovanovich, 1945, p.346.

[58] S. Kakar, *The colours of violence,* Chicago, University of Chicago Press, 1996, p.189.

[59] D. Kecmanovic, *Ethnic Times,* cit., p.130.

attempting to destroy the community in a demonic conspiracy against it; the selective interpretation of history, stressing the myths and legends that glorified the group while eliminating its internal clashes and moments of division[60], and tapping the "reservoir of traumatic memory" left by the communist policy of suppressing atrocities committed by all groups during World War II.[61] The media was filled with nationalist chauvinistic language and used extensively to create fear of other groups and ethnic hatred. Bogdan Denitch remembers seeing exactly the same horrifying scene of dug up corpses being used both by Croatian and Serb televisions to denounce the monstrous crimes of the other side.[62] Differences were highlighted and similarities downplayed, people were encouraged to rediscover their ethnic roots and defend their people and their land.

This was not only massive propaganda, but a real creation of perceptions, of an exclusive identity. The nationalist project, as Hayden argues, "has not only been a matter of imagining allegedly 'primordial' communities, but rather of making existing heterogeneous ones unimaginable."[63] This was achieved by taking control of the myths of the collectivity. By controlling and invoking these myths, the nationalists could mobilise people, define a group and exclude others, establish solidarity within the group and loyalty to themselves, screen out certain memories while creating others, unite people through the creation of a sense of danger and fear that could lead them to do just about anything to save themselves and ensure the survival of their group.[64]

Through myths and symbols, communication within the community is intensified, making it simpler to transmit the messages from the ruler to the ruled and enhancing solidarity, and thus trust, between the two parties. The way in which Miloševic used the myths of the Serbian past to gain power is but one example of a successful instance of this.[65] The permeation of political discourse by symbolic politics hardens ethnic boundaries, as symbolic language and myths are devised for communication and creation of solidarity within a given group, not across ethnic boundaries.

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[60] "*Or l'essence d'une nation est que tous les individus aient beaucoup de choses en commun, et aussi que tous aient oublié bien des choses.*" E. Renan, *Qu'est-ce qu'une nation? Œuvres Complètes 1* . Paris, Calmann-Levy, 1961, p.892.
[61] B. Denitch, *Ethnic Nationalism: the Tragic Death of Yugoslavia,* Minneapolis, University of Minnesota Press, 1994.
[62] B. Denitch, *National Identity, Politics and Democracy*, cit., p. 460.
[63] R. Hayden, *Imagined Communities and Real Victims: Self-Determination and Ethnic Cleansing in Yugoslavia,* in <<American Ethnologist>>, vol.24, no.2, 1996, p. 783.
[64] Indeed, many authors concur in seeing the rise of ethnic nationalism as the result of the manipulation of private national and religious feelings by politicians for their own gain. See: R. Holbrooke, *To End a War*, New York, Random House, 1998, p. 232. See also S. Woodward, *Balkan Tragedy*, Washington D.C., The Brookings Institution, 1995, p.380; and W. Zimmermann, *Origins of a Catastrophe*, New York, Times Books, 1996, p.151.
[65] See: G. Schöpflin, *The Functions of Myth and a Taxonomy of Myths,* in G. Schöpflin, D. Hoskins (eds.), *Myths and Nationhood,* London, Hurst, 1997, pp.19-35.

In ethnically divided societies, the use of myths in political discourse enhances this division and creates a dynamic and imitative process in which when one group relies on its collective myths to ensure its survival, other groups feel they must do likewise. An illustration of this mechanism is the explanation of a Bosnian Muslim woman regarding why she voted for the Muslim nationalist party:

> "*In 1990 I didn't feel like a Muslim. I knew I was, but the Serbs and Croats were lining up with the SDS and HDZ. I had no choice. For survival, I had to vote for SDA. It wasn't out of love.*"[66]

This process is hard to break once it has started, and it also constitutes an example of what Kecmanovic defines "reactive ethnonationalism," where people blame rival groups for turning their own group into nationalists, and maintain they never would have thought or acted the way they do if it weren't because the rival group had started doing so. This behaviour indicates a lack of individual responsibility and a strong group mentality which does not account for individual differences within a collectivity, and constitutes a solid support for nationalist leaders in the spread of their mentality:

> "*Were they not certain that a large number of people would start to think, feel and act like ethnonationalists simply because 'those other' ethnonationalists think, feel and act that way, the planners of ethnonationalistic ideologies and movements would never muster the courage to use ethnonationalism as a means to achieve the goals that are so important to them.*"[67]

By mobilising emotions and connecting to the subconscious, symbolic discourse is thus an extremely strong means in the hands of nationalist leaders to assert their legitimacy and strengthen their power and authority. The attitudes and perceptions that are shaped through these symbolic forms are very hard to change by appealing to rational arguments, and can be easily mobilised and manipulated.

If such nationalist propaganda had not been successful enough to make people think along ethnic categories, the war in many cases was. Many Bosnians saw their formerly friendly neighbours turn into enemies overnight, suddenly threatening them or attacking them because of their ethnicity. Even for those who managed to escape such situations it was difficult to avoid thinking in ethnic terms, knowing of the atrocities that had been committed against people of their ethnic group, and in many cases being part of a group was the only way to gain any protection. Understandably, a situation in which one is under constant threat of being attacked and harmed because of one's alleged ethnicity leaves very profound traces that cannot be easily thought away.

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[66] Interview by Paula Pickering, *op. cit.,* p. 70.
[67] D. Kecmanovic, *Ethnic Times,* cit., p.166.

Although violent conflict has ended almost ten years ago, minority returnees in Bosnia often still live in such a situation as we speak. The political situation has not altered significantly either, with the same three parties which led Bosnia to war still in power, working on the consolidation of ethnic identities and the creation of fear and hatred among different groups. They create symbolic barriers for potential returnees, inducing perceptions of danger and insecurity to encourage relocation rather than return. By creating and now consolidating such fixed ethnic identities, nationalist leaders have created cleavages in society that cannot be mended only through legal provision and institutional reform. As we have seen, this type of ethnic identity is exclusive, loyal only to the in-group and not open to negotiation or compromise. Clearly, no process of reconciliation or multinational society can rest on such a concept of identity, as we will see in the next chapter, so for the reintegration of returnees to be possible and to lead to a multinational Bosnia, the symbolic obstacles of ethnic identity and nationalist mentality must also be addressed and overcome.

Having defined the Bosnian conflict as an identity-driven conflict and illustrated what the symbolic aspects of identity and the symbolic obstacles to return entail, we can now examine why the Dayton human rights system has not yet achieved its goal to create a multinational Bosnia where refugees and IDPs can effectively return to their homes and be reintegrated into their communities without fear of being threatened, attacked or being relegated to isolated ethnic enclaves. We will attempt to understand why the most sophisticated legal system for the protection of human rights in the world, coupled with the wide ranging institutional reforms undertaken by the international community, is not enough to overcome the obstacle of exclusively ethnically defined identity on the symbolic level, and try to determine how these symbolic obstacles to reintegration can be overcome.

II.   2) MULTIPLE IDENTITIES AND THE CULTURE OF HUMAN RIGHTS

II. 2. a) Traditional and modern forms of identity

> *"If a person possesses any tolerable amount of common sense and experience, his own mode of laying out his existence is the best, not because it is the best in itself, but because it is his own mode."* (John Stuart Mill)[68]

In liberal democracies it is now regarded as normal for everyone to have the right to freely choose a concept of the "good life" and attempt to live accordingly, thus expressing themselves and their identity. However, Charles Taylor reminds us that "it was not always so,

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[68] J.S. Mill, *On Liberty*, Oxford, Oxford University Press, 1998, chapter 3.

and our ancestors of more than a couple of centuries ago would have stared at us uncomprehendingly if we had used these terms in their current sense."[69]

Indeed, modernity brought about a new understanding of individual identity, an individualised identity, seen as being particular to and defined by the individual. Taylor sees the starting point of the development of this new notion of identity in the eighteenth-century notion that human beings are endowed with a moral sense. They have an intuitive feeling of what is right and wrong, and being in touch with this inner feeling in order to express it in the actions of daily life is considered essential to be a true human being. In other words, the individual's true humanity is expressed when his or her actions or way of life correspond to his or her own inner sense of morality. This way of being true to oneself is the background to the modern ideal of authenticity.[70] At the basis of this notion is the idea that every human being has an original way of being human, and thus is called upon to live life in his or her own way. Being fully human thus becomes expressing one's inner nature, following one's path, realising one's own human potential. Only within themselves can individuals find what it is to be human for them, what is their own way. By discovering and articulating their own originality, they define their own identities as human beings.[71]

This modern view of identity is at the basis of the concept of human rights: it is the universal human potential that every individual has within him or herself which makes each person worthy of equal respect. Human rights aim to allow individuals to express their own human potential to the full, through the definition of their own identity and the pursuit of their idea of "the good life." They are a social practice that aims to realise a particular moral vision of human dignity and potentiality: in the words of Jack Donnelly, "human rights say: treat a person like a human being and you will get a human being."[72]

Freedom and equality are the two main values which express this vision of human nature: human beings are seen as free to make moral choices to shape their lives and identities according to their potential, and are all of equal worth in virtue of the universal human potentiality within them. The institutionalisation of this conception in the form of rights leads to the human rights legal system, (in fact, as Donnelly has pointed out, virtually the whole list of human rights can be logically derived from the values of freedom and equality[73]) and is expressed in its political form in liberal democracy.

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[69] C. Taylor, *The Politics of Recognition,* Princeton, Princeton University Press, 1992, p.26.
[70] See: L. Trilling, *Sincerity and Authenticity,* New York, Norton, 1969.
[71] See also: C. Taylor, *Sources of the Self. The Making of Modern Identity,* Cambridge, Cambridge University Press, 1989.
[72] J. Donnelly, *Universal Human Rights in Theory and Practice,* Cornell University Press, 1989, p.19.
[73] *Ibidem.*

Thus, in modern liberal democracies, it is quite normal to think of identity as something particular to each human being, which each individual defines for him or herself and constructs through the expression of his or her personal values and beliefs, and it is also normal to think that every individual is entitled to pursue his or her own concept of the good, as long as this freedom is limited by the concept of equality so as not to be harmful to others.

However, in pre-modern, communitarian, traditional societies, the understanding of these concepts is radically different. According to Nenad Popovic, the meaning of freedom which is dominant in the collective consciousness of the people of the Balkans is that of freedom of the community from external rule.[74] As long as the survival of the community is seen as being in danger because of threats by a hostile group, freedom will be defined primarily as the absence of coercion from without. The development of the idea of individual freedom requires a situation of relative prosperity and a certain level of security from outside threats, which allow the individual's relationship to the community to be one of choice rather than necessity. The internal, liberal concept of freedom has systematically been neglected in the Balkans and thus never fully mastered and recognised, primarily because of the permanent feelings of being endangered and the long years of foreign rule which have made freedom primarily an asset of the community.

Indeed, in traditional communities, it is quite normal not to be free to choose one's identity: identity is seen rather as something one is born with, which is defined by the community one belongs to. Thus, authenticity takes up an entirely opposed meaning to the liberal one we have examined: being authentic in a non-liberal community means not having an individual identity, but rather being a genuine representative of one's community. An authentic individual thus becomes an embodiment of the virtues and values of his or her community, an image of his or her nation. As Popovic writes, "if you are a Serb, you must be an Orthodox Christian, use the Cyrillic script and worship Radovan Karadzic, or you are not a Serb and do not deserve any respect or protection."[75] This shows how respect is not something owed to every human being in virtue of his or her equal worth, but rather something dependent on belonging to a community and conforming to its values. Thus an individual's identity is seen as defined by his/her belonging to a community: if he/she is not "ours", he/she must be "theirs", but he/she cannot be his/her own, for no such pattern exists in this way of thinking.

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[74] N. Popovic, *Human Rights: Standards and Values,* in M. Todorovic, *Culture of Human Rights,* Belgrade, Human Rights Centres Network, 2002, p.139.
[75] *Ibidem*, p. 141.

This illustrates how the modern conception of identity represents the recognition of the rights of the individual vis-à-vis the community. Consequently, in the liberal concept of individual freedom, freedom also means autonomy: when the community ceases to exclusively define the values and goals of the individuals which compose it, individuals must determine their own goals and values. With the right to set their own norms to live by and to define themselves, they also inherit from the community the responsibility for the choices and actions deriving from their own values and goals. The absence of shelter and security from the community forces individuals to develop a different sense of responsibility, not directed only towards the community, but also for their own way of being and for their relations with others. In fact, if others are seen as autonomous individuals as well, their worth will no longer have meaning only in relation to the community, and this will also change the understanding of the concept of equality.

In traditional societies, equality is intuitively perceived as identity, in the sense of two people being the same rather than of equal worth, and only those belonging to the same community are considered the same. According to Nenad Popovic, to claim in such communities that what is different can at the same time be equal would cause insoluble problems, as they have not yet formed a basis for the concept of equality of the different.[76]

Although this clearly derives from the notions of identity and freedom described above, Popovic suggests that it is also due to the fact that in societies where the separation of the public from the private has not been completed, people have no experience of equality before the state and before the law. In liberal democracies, the concept of each human being having an equal, irreducible, moral worth is translated in equality before the state: following Dworkin,

> *"Government must treat people with equal concern and respect. It must not distribute goods or opportunities unequally on the ground that some citizens are entitled to more because they are worthy of more concern. It must not constrain liberty on the ground that one citizen's conception of the good life is superior to another's."*[77]

Thus, independently of differences in private life, in public life each person constitutes a subject, a vote, and is treated identically before law and government. This is the basis for the concept of citizenship: all citizens of the state are equal, their political identity as citizens is not determined by or dependent on their personal identities. Similarly, the personal identities

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[76] *Ibidem,* p.137.
[77] R. Dworkin, *Taking rights seriously,* Cambridge, Mass., Harvard University Press, 1977, p.272.

of the ruling elite must not influence their public actions, their decisions should be taken for the common good of the society and not out of personal interest.

In societies where the private sphere is not completely divided from the public sphere, there is no experience of equality before the state and the law as specific separate entities. The state is identified with the rulers, who have the power to apply the laws at their discretion. Thus laws are not generally applicable to all citizens, but have almost a personal relationship with individuals: they apply to different people to different degrees and it is quite normal to demand privileges and immunities for oneself or one's group and still maintain that the law should apply to others. This leads to rights being seen as rights of one community against the rights of other communities: in this view people from other groups can be validly denied their rights because they are believed to be determined to destroy one's own. Rights are seen rather as favours that can be obtained from the rulers, thus the individual is seen as the object rather than the subject of the elite in power.[78] Also, loyalty is directed not to the state but towards one's own group, and solidarity not towards every citizen but only to members of the group.

In the light of this distinction between the traditional and modern concept of identity, the Bosnian conflict can also be seen as an extreme expression of the conflict between these two styles of culture and deriving concepts of identity.

II. 2.b) Nationalism and the politicisation of traditional, ethnic identity

According to Anton Pelinka, after the collapse of the communist system, central and eastern European societies began discovering western style democracy and the absence of political oppression, but "instead of reshaping their political systems according to the experience of west European states since 1945, central and eastern European countries seem to be falling back into the Europe which existed at the start of the century (…) characterised by nationalism, ethnic tension and wars, justified by nationalistic interests and typified by a lack of ethnic and religious tolerance."[79]

In Yugoslavia, communism imposed itself on predominantly traditional, agrarian societies, replacing the traditional identity defined by the community with an identity still defined by the collectivity, thus inhibiting the development of individual identities by forcing

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[78] See also W. Benedek, *For a Culture of Human Rights in the Balkans,* in M. Todorovic (ed.), *Culture of Human Rights,* cit.

[79] A. Pelinka, *The Issue of Multiple Identity and Multiplicity of Identity: the Balkans and the European Context,* in M. Couroucli (ed.), *The Balkans- Ethnic and Cultural Crossroads,* Council of Europe Publishing, 1995, p. 42. According to Šiber, the beginning of the century means the 19th!: *"After the collapse of socialism they found themselves back where the developed countries of the West had started off in the early 19th century."* I. Šiber, *Psychological Approaches to Ethnic Conflict in the Territories of Former Yugoslavia,* in D. Junjic (ed.), *Ethnic Conflict Management: the Case of Yugoslavia,* Ravenna, Longo Editore, 1997, p.97.

people into what Taylor calls "nobody's mould," a homogenous mould that was alien and untrue to all.[80] Thus, modernisation did not fully replace the original communitarian culture and concept of identity, and after the breakdown of the communist regime democracy arrived without any citizens or political culture to make it function. The collapse of a collectivity united by a common ideology left individuals with a newly acquired freedom, but without any individual values to guide it: once the community no longer controlled the individual, people were left with freedom, but without the skills to be able to use it. As Slavenka Drakulic rather directly put it:

> "The values of a civic society must be created by its citizens, and one or two generations of peasants living in cities under a totalitarian regime had no opportunity to become citizens in either the political or the cultural sense."[81]

According to Ivan Šiber,[82] this situation produces a psychological feature which Fromm and Adorno have defined as the authoritarian personality structure,[83] characteristic of individuals who look for safety and security in an authority as a result of a loss of values and alienation from their individual potential and creativity. Authoritarianism is a psychological syndrome that can help explain the psychological premises of manipulation, prejudice and anti-democratic orientation. Having lived in a society where identity and political consciousness were provided by a higher authority and were not developed by the individual, individuals become dependent on such an authority to guide them and lack the sense of responsibility necessary to choose their own values, create their own identity and pursue their own interests. Indeed, research has shown the dominant presence of an authoritarian personality structure in the post-communist countries of Central and Eastern Europe. An authoritarian personality looks for an authority to trust, and is characterised by a non-critical approach which accepts everything coming from the trusted authority as legitimate and reliable and also blindly trusts all those who are under the same authority while distrusting others. This authoritarian nature lends itself to various forms of manipulation, as it is able to adjust uncritically to new authorities that can give it a new identity and feeling of belonging.[84]

The presence of this psychological condition facilitated the manipulation of religious and national feelings by nationalist leaders rather than the development of individual identities and values which could have formed a political culture after the downfall of the

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[80] C. Taylor, *The Politics of Recognition,* cit*.,* p.43.
[81] S. Drakulic, *Café Europa,* cit., p. 37.
[82] I. Šiber, *Psychological Approaches to Ethnic Conflict in the Territories of Former Yugoslavia,*cit*.,* p.100.
[83] T.W. Adorno, *The Authoritarian Personality Structure,* New York, Norton, 1950.
[84] A good illustration of the links between the authoritarian personality and nationalism is to be found in D. Kecmanovic, *The Mass Psychology of Ethnonationalism,* New York, Plenum Press, 1996, pp. 150-161.

authority of the communist ideology. Indeed, ethnic nationalism provided yet another collective identity, which acted as a powerful magnet in a moment when old universalisms were collapsing, and a replacement of ideologies was facilitated by its shared characteristics with communism, with both perceiving identity as collective and fixed and both being based on glorifying "us" while demonising "them."

As communism, nationalist ideology is in fact largely collectivistic, and as such it shares many of the characteristics of mass behaviour: anti-individualism, call for uniformity, a low tolerance threshold for any different attitude or view, the degradation of the rational, and diminished personal responsibility.[85] Moscovici effectively describes the transformation of the individual that mass behaviour entails:

> *"People who constitute a crowd are capable- once the crowd has swallowed them up and immersed them in a shared emotion- of excesses of joy and panic, enthusiasm or cruelty. Deeds are done which the conscious mind condemns and which run counter to personal interests. Everything happens as if a collective soul had subjugated the individual soul by wholly transforming Man and making a different being of him."[86]*

It is this "collective soul," in the form of communalism, communism and then nationalism, which did not allow the formation of equal, individual, independent, politically aware, responsible citizens in Bosnia.

As a consequence of the absence of a full separation between the public and private sphere, as soon as the public sphere ceased to be controlled by the communist regime and people had the opportunity to influence it through democratic politics, their private sense of belonging to a community, intensified and manipulated by the new politicians, permeated the public sphere, becoming the sole content of politics. Thus ethnic identity was equated to political identity, parties represented not interests or opinions but private identities, precluding the development of any sense of citizenship. Having examined in the last chapter what the symbolic aspects of ethnic identity entail, "ethnic politics" might seem like an oxymoron, something like inviting three families to a vote in order to determine whose son is going to be killed. Not everything can be subject to debate and negotiation, and ethnicity should be a private part of one's identity, such as religion or sexual orientation, and not something that can constitute the primary content of politics.

Nevertheless, with the rise of ethnic nationalism, ethnicity became the only officially available criteria to define identities, be they public or private. As Gret Haller, the former

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[85] D.Kecmanovic, *The Mass Psychology of Ethnonationalism,* New York, Plenum Press, 1996, p. 103.
[86] S. Moscovici, *Social Collectivities,* in A. Deutsch, *Essays in Honour of Elias Canetti,* New York, Farrar, Straus and Giroux, 1985, p.46.

ombudsperson in Bosnia, has written, it was as if people had been made to wear coloured glasses that made them see everything in blue, red or yellow, depending on ethnicity. So not only did people on the street suddenly become red, blue or yellow, and not only the houses they lived in, but even the tree in the neighbour's garden was no longer green but blue, as long as a person of a certain ethnic group used the house and the tree. When that person moved out and someone from a different ethnic group moved in, then the tree would become red, or yellow.[87]

Thus, following the nationalist project, any trace of identities other than the ethnically defined were to be eliminated, individuals were to be seen as having worth exclusively as members of an ethnic group, not as individuals, and ethnicity was to become the sole criteria to judge people and the basis for a monolithic identity.

II. 2. c) Dayton and the politicisation of modern identity

This was the ground on which in 1995 the Dayton Peace Agreements intended to build a new state based on the liberal democratic model. The concept of citizenship was of course no more developed in Bosnian society in 1995 than it was in 1991, so a Constitution was assigned, the international human rights system was imposed, elections based on the exclusive predomination of the national factor were organised, and a non-elected High Representative was put in charge of maintaining this very democratic organisation of the state.

Unsurprisingly, although the DPA ended the war and drastically improved the conditions of physical security in Bosnia, it has often been criticised as a flawed plan for a stable and democratic Bosnia. In the light of Bosnia's past of foreign rule, the High Representative and the international community he stands for can indeed easily be seen as simply taking the place that first the communists and then the nationalists had occupied, leaving the Bosnian people in the same situation of impossibility to determine their own fate and organise their own state.

As Massey, Hodson and Sekulic have written,

> "To establish a new, ethnically diverse state it is seen as critical that the people adopt a common identity as citizens of that state, as members of a unified political system composed of groups otherwise diverse in language, religion, customs, ethnicity, or historical experience."[88]

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[87] G. Haller, *Die Grenzen der Solidarität,* Berlin, Aufbau Verlag, 2002, p.26.
[88] G. Massey. R. Hodson, D. Sekulic, *Who were the Yugoslavs? Failed Sources of a Common Identity in the Former Yugoslavia,* in <<American Sociological Review>>, no. 59, February 1994, p. 84.

As we have seen, in Bosnia the process that leads to a "citizen society" never took place, there was no possibility for civil society to develop or for the formation of a liberal political culture, and identities were largely ethnically determined. It is thus not surprising that Slavenka Drakuli□ writes that "most people have the wrong notion of democracy as a kind of natural calamity that has descended upon us, not something one has to understand, develop and work for."[89] Indeed, Dayton attempted to impose a controlled democracy from above on a society that has no established experience of citizenship, civil society or equal rights, and which is still composed of Serbs, Croats and Muslims rather than Bosnian citizens. It imposed what should be the end product of a long process of transformation of perceptions, identities and mentalities, hoping that this process would then take place to catch up with the institutional framework. But it is difficult to imagine that the institutional framework itself will help the process of the development of citizenship, considering that the political system decided at Dayton in fact institutionalises ethnic division, through a tri-ethnic Presidency representing a state divided in entities based on ethnicity, in which the Serb entity votes for a Serb representative and the Muslim-Croat entity votes for the Muslim and Croat representatives.[90] Indeed, Hayden sees the Bosnian Constitution as a "blueprint for a house divided,"[91] and in fact it is hard to find incentives for inter-ethnic co-operation in a structure which is largely based on the predomination of the ethnic factor.

An interesting analysis of the concept of multiethnicity upheld by the negotiators of the Dayton Agreement is David Campbell's. Campbell notes that the presuppositions of fixed identity, in the form of ethnically produced cantons, constituent republics, or entities, governed all options for peace envisaged by the international community during negotiations, reflecting a peculiar notion of multiethnicity:

> *"Vance and Owen's claim that their ethnic provincialisation of Bosnia was designed to defend a multiethnic society, and the public presentation of the Dayton Agreement as being an instrument for the restoration of a multiethnic Bosnia strongly suggest that international diplomats have been working with a notion of multiethnicity rather different from one that would contest de facto or de jure division along ethnic lines. Seemingly the sheer presence of more than one ethnic group within the external borders of the state, even if those groups were in their own spaces, is sufficient for the polity to qualify as multiethnic."*[92]

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[89] S. Drakulic, *Café Europa,* cit., p.37.

[90] For an analysis of the capacity of the structure of the Bosnian state decided at Dayton for the realisation of human rights, see: N. Milicevic, *The Structure of the State of BiH and its Capacity for the Realisation of Human Rights and Fundamental Freedoms,* and Z. Pajic, *A Critical Appraisal of the Dayton Constitution,* in W. Benedek (ed.), *Human Rights in BiH after Dayton. From Theory to Practice,* The Hague, Nijhoff, 1999.

[91] R. Hayden, *Blueprint for a House Divided,* Ann Arbor, University of Michigan Press, 1999.

[92] D. Campbell, *National Deconstruction. Violence, Identity and Justice in Bosnia*, Minneapolis, University of Minnesota Press, 1998, p. 161.

If Dayton is based on such a concept of multiethnicity, it is hardly surprising that fostering inter-ethnic co-operation and minimising ethnic identity are not among its priorities, and that the creation of a citizen identity in Bosnia is proving to be such a difficult process.

Similarly to the introduction of democracy, the human rights system was imposed without the prior development of a culture of human rights, where the law would be observed not as a result of the threat of sanctions but out of respect for the values it protects, following the Kantian maxim that it must be possible to obey laws not because they are compulsory but because they are legitimate.

The gap between theory and practice in human rights protection is thus a gap between institutions and identity, between a political system and the society it should be representing, between the values represented and protected by the state and the values which are important to the people.

In other words, the multiethnic, liberal democratic state based on the rule of law and the respect of human rights that Dayton sought to create is based on a concept of identity that does not appear to be the one prevailing in Bosnian society. Rather than the values represented by the political system contributing to a development of a citizenship identity and a culture of human rights, it seems that rather the opposite has happened, with ethnic identity having defined the political structure of the state. As the type of state envisaged at Dayton is based on the consent to be ruled and the respect for common values, and not on imposition from above or rule through coercion, for Bosnia to become a viable multinational state the identity and mentality of people must change significantly in order to constitute an adequate basis for a true democracy and a culture of human rights. People must consent to the values which are at the heart of the human rights system and of democracy, and abide by their rules because they believe in them for such systems to work. This entails the recognition of the dignity of all human beings and the equality of all citizens, respect for the rights of others and a sense of responsibility for one's actions, as it is only through the tacit consensus and co-operation of all citizens that the system can continue protecting common values.

This does not necessarily require the elimination of ethnic identity altogether, but the relegation of ethnic identity as one of many, multiple identities of the individual rather than as one's primary defining characteristic, and most importantly the separation of ethnic identity from political identity. Indeed, as Gret Haller has concluded from her experience as Human Rights Ombudsperson for Bosnia, when identities of origin, i.e. based on the nature of the person and not on free choice, become political identities, human rights are in danger:

> *"When the identity of origin becomes a political identity, this phenomenon is always combined with populism. Populism is a political method that wants to*

make people believe in so-called 'natural' differences between persons belonging to different groups, thus leading people automatically to believe in the inferiority of other groups. And this is totally incompatible with the concept of all human rights."[93]

Therefore, although ethnic identity can be very important for people, it must be a cultural rather than a political identity for a democracy based on human rights and the rule of law to exist. Non-exclusive, multiple identities and a political identity based on citizenship are thus the precondition for democratic societies and the respect for human rights, as they allow for overarching bonds to be created between people with differing ethnic identities, thus creating a sense of solidarity that is not confined to the ethnic group and constituting a first step towards multiethnicity.

Thus, attention must be paid to the creation of non-ethnically defined identities that can overcome the rigid boundaries of inherited group belonging if institutional measures are to work and if Bosnia is to become a truly democratic, multiethnic state. As long as people tell the Ombudsperson that their human rights as Croats, as Serbs, or as Bosniaks have been violated, no state based on human rights can exist, as human rights can never belong only to one group or another.

Clearly the creation of a culture of human rights entails a gradual change of mentality through a process of developing such inclusive identities and internalising values, a process which takes time. Where is this process to start and how is this change to come about? What can be done to promote such a development? Many authors have stressed the importance of human rights education and civil society in building a culture of human rights, but once again these are provisions at the institutional level. A change of identity can be encouraged and supported by such institutional measures, but the real impulse towards change must come from within Bosnian society itself, and, as we have seen, cannot be imposed from the outside. Is there any sign of the presence of such an impulse in current Bosnian society? Is there a starting point within Bosnian society from which this process of change of identity can start?

Before addressing these questions it is inevitable to be drawn for a moment in the central and forever unsolved human rights debate between cultural relativism and universalism; indeed we cannot avoid asking ourselves whether it is at all legitimate to impose a human rights system which appears to be so foreign to the identities of the Bosnian people. Why should an "international community" composed of a random group of states,

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[93] G.Haller, *The Human Rights Regime in Bosnia and Herzegovina in the European Context,* in W. Benedek (ed.), *Human Rights in BiH after Dayton*, cit., p.28.

some with questionable human rights records themselves,[94] engage in endless efforts to change identities and mentalities in order to make their pre-packaged system fit a different society and culture?

A plausible answer to such seemingly unsolvable questions is to be found in the constructivist theory of human rights developed by Habermas and Rawls,[95] which suggests that the traces of communal identity on which ethnic identity is based will necessarily give way to a more individualised identity in Bosnia as in the rest of the world. Indeed, modernisation brings individuation, the separation of individuals from a communal context, and as all societies partake in the same social developments, such a development of identity is likely to take place in most societies. Human rights are a response to the challenges of modernisation, and as every society increasingly faces the same challenges, and individuation, as an unavoidable feature of social modernisation, is occurring everywhere in the world, a rights based approach is needed and increasingly appropriate to face such challenges globally.

This theory suggests that globalisation and its consequences will bring the process of individuation to completion in Bosnia as well, thus contributing to the creation of individualised, citizenship identities and to overcome communal, ethnic identities. However, as Popovic has written, the skill of living in an "individualised" society implies the presence of a human rights culture, if newly acquired individual freedoms are not to create a situation of war of everyone against everyone else in which all feelings of loyalty and solidarity, which were of great importance for the survival of the community, are erased.[96] As individual freedom must be combined with the respect for others as free and equal beings, the development of individualised identities must go hand in hand with the development of a human rights culture.

Thus, although collective, exclusive identities are likely to develop into individualised, self-determined identities as a result of the forces of globalisation and modernisation, a civic culture, or human rights culture must exist for individuals with different identities to coexist peacefully and for the human rights legal system to effectively function. We must now examine whether possible starting points for the creation of multiple identities and a culture of human rights can be found within Bosnian society.

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[94] The Peace Implementation Council (PIC), responsible for overseeing the implementation of the Dayton Peace Agreement, comprises 55 countries and agencies, including for example Albania, Egypt, Pakistan, Turkey and the Russian Federation.

[95] See: J. Habermas, *Remarks on Legitimation Through Human Rights,* in <<Philosophy and Social Criticism>>, vol.24, no.2-3, 1998, pp.157-171.

[96] N. Popovic, *op. cit*., p.142.

III. THE ROLE OF MULTIPLE IDENTITIES IN OVERCOMING OBSTACLES TO REINTEGRATION

> *"The war in the Balkans was a product of that 'us', of that huge, 20 million-bodied mass swinging back and forth in waves, then following their leaders into mass hysteria. Individuals who were against that war, who saw it coming, where could they turn? To what organisation or institution? There was no organised political alternative. The individual citizen had no chance to voice his protest or his opinion, or even his fear. He could only leave the country- so people did. Those who used 'I' instead of 'we' in their language had to escape. It was this fatal difference in grammar that divided them from the rest of their compatriots. (...) So in Eastern European countries, the difference between 'we' and 'I' is to me far more important than mere grammar. 'We' means fear, resignation, submissiveness, a warm crowd and somebody else deciding your destiny. 'I' means giving individuality and democracy a chance."*[97]

In order to find a starting point within Bosnian society for a possible process of change of identity and mentality, we must determine how successful nationalist propaganda and the consequent events in Bosnia have been in shaping exclusive ethnic identities and in incorporating individuals in the mass, collective ethnonationalist mentality. Slavenka Drakulic suggests above that those who resisted the collective, nationalist way of thinking and managed to keep their own, individual, self-determined identity and opinions, had no choice but to leave the country. Why would these people, ten years later, return to a country which is now officially divided along ethnic lines and largely run by nationalists? And why would the displaced people, who always remained in contact with the nationalist propaganda within Bosnia, return to their homes knowing the consequences of being a minority there?

Supposing nationalist efforts had been successful in inducing every Bosnian to wear the ethnic glasses previously mentioned by Gret Haller, refugees would do all they can to avoid returning, while IDPs would want to return or relocate to an area where their group forms the majority, to be with their in-group and not to be disadvantaged or discriminated against because of their ethnicity. Indeed, IDP returns are more numerous than refugee returns, and when returns first started, majority returns greatly outnumbered minority returns (while now the situation has reversed.)[98] However, thousands of refugees and IDPs are now returning to areas where they will be a minority, which leads us to ask *why* these people decide to return, knowing that they will face so many obstacles and such difficult circumstances. Are they truly "voting for a multinational Bosnia" or are they simply forced by

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[97] S. Drakulic, *Cafe Europa,* cit., pp. 3-4.
[98] See Return Statistics in Annex 1below.

circumstances? Do they have a choice at all or are they forced to return because they have no where else to go?

Very helpful to answer these questions is the research project undertaken by Paula Pickering at the University of Michigan, who has spent years in Bosnia observing and interviewing returnees to determine the reasons behind minority returns. With the help of her interviews, various surveys and polls, and theories from the political and social sciences that can be applied to migration to help explain decisions to return, in this chapter I will attempt to determine firstly whether returnees have a choice, and then which reasons lead them to return, in order to understand whether minority returns can indeed be seen as a political statement against nationalism, as a sign of a rejection of the ethnonationalist mentality in Bosnia, and thus as a possible starting point for the formation of a different mentality which could be at the basis of the development of a culture of human rights.

III.   1. Reasons for Return

Clearly the choice of a refugee or displaced person whether to return to his or her home will to a certain extent be influenced by external circumstances, such as the presence or absence of the obstacles mentioned in chapter 1. Important economic factors for example can include one's personal financial situation, conditions in the place of displacement and employment possibilities in the place of return, as well as incentives of the international community to return, such as repossession of property and aid for reconstruction. The security situation will also play an important role, along with local authorities' policies towards return and the history of the area of return, i.e. the relations between groups before the war as well as the character of wartime violence in the locality. The availability of adequate health care and education possibilities for children also plays an important part, as we have seen.

III. 1. a) Differences to be taken into account

Certain differences have to be taken into account when considering the external circumstances within which potential returnees make their choices. Firstly, return to rural areas must be distinguished from return to urban areas: return to rural areas can initially be more sustainable, as returnees are able to support their own needs through working their land, while unemployment continues to constitute a significant obstacle to sustainability in urban areas. However, as repossessed houses in rural areas are often isolated, and in small villages everyone is bound to know which family from which ethnic group has returned, reintegration can be easier in urban areas, where returnees blend in more easily and people of different

groups are necessarily in closer contact with each other through living in apartment buildings, meeting at their workplace, etc. The sudden and massive urbanisation brought by the war thus can be seen as having positive consequences, such as promoting tolerance by increasing contact between different groups,[99] but it also entails the negative consequence that people who fled from the country to the city have now grown accustomed to the better living conditions and opportunities in the city, and do not want to go back to their homes and rural lifestyles, thus illegally occupying other displaced people's property indefinitely. This has also brought tensions because of socio-economic differences and differing levels of education within the same ethnic group, as will be discussed below. Also, the lack of employment and other opportunities in rural areas demotivates young people to return there, and thus returnees in rural areas are prevalently elderly people.

Intra-ethnic tensions do not only take place along socio-economic lines, but are also present between those who fled during the war and those who stayed. Refugees and IDPs can be considered traitors or cowards, having left others to "do the dirty work" and only coming back when all is over, or simply as not being able to understand what those who stayed have been through, as this testimony of a returnee interviewed by Pickering illustrates:

> *"Can you believe that they [displaced people living in Republika Srpska] had food…and had water! We had nothing. Young people were dying. One young boy living not far from me was killed while bringing a container of water home…One 14-year-old girl in this apartment building was killed making tea on the balcony; my mother saw her brains fly. They [those who were not in Sarajevo during the war] will never understand what we went through!"[100]*

Another returnee shows a much more strict approach:

> *"No matter your ethnicity, if you fled your town when it was under attack and then returned, you cannot expect to be heartily welcomed."[101]*

As has briefly been mentioned previously, the differences between the two entities can also influence decisions to return: the cost and standard of living is higher in the Federation than in the RS, which also brings many people to work in one entity while living in the other, and creates incentives or disincentives to return depending on one's financial possibilities. The fact that the ruling parties in the two entities have different attitudes towards return also

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[99] The fact that the word "civilisation" comes from the latin word *civis*, city, seems to support the modernisation theory, according to which urbanisation, breaking the closed, pre-urban group based on the family or clan, brings more contact and mixing between people of different backgrounds, thus leading to more tolerance on the basis of common citizenship. Moreover, as under socialism housing was mostly provided by the State, people could not choose where they would live in the city, with the result that people of different ethnic backgrounds would live arbitrarily mixed.
[100] P. Pickering, *op. cit.,* p. 200.
[101] *Ibidem,* p. 198.

can influence decisions: while the only returns that the SDS encourages are those of Serbs to the RS, the SDA's policy is to accept returns of Bosniaks in order to gain more power in the RS through Bosniak returnee votes.

Differences are not only important between the entities, the situation is quite different from municipality to municipality depending on the situation before and during the war. As Tone Bringa reports, in pre-war Bosnia there were many different ways in which people from different ethnic, religious, and socio-economic backgrounds would live together or side by side, varying between towns and country, from one village to the next, from neighbourhood to neighbourhood, and even from family to family. In mixed villages people from different ethnic backgrounds would either live side by side and have close interaction, although rarely intermarrying, or live separately, having little contact with each other. In towns, intermarriage would be quite common, and socio-economic factors were more important than ethnic background in determining relationships.[102]

The war largely destroyed these patterns of coexistence, creating different situations in every locality: in one village, the Serbs would have expelled the Bosniaks and Croats, while in the next town Croats kicked out Serbs and Bosniaks, with Bosniaks attacking Croats and Serbs a few kilometres away. Considering that all possible combinations of hostilities between groups took place, the post-war dynamics between ethnic groups differ consequently from area to area.

III. 1. b) Economic incentives

Can the choice to return to a minority area thus be explained by external circumstances, which in reality can leave potential returnees with little choice? It seems obvious that people would base their decision to return on external factors such as having a roof over their heads, the possibility to gain income to sustain themselves, and the best situation for their children. This is indeed how rational choice theory explains individual choices to migrate: choice is seen as determined by objective, external factors, and follows utility maximisation, that is to say that when confronted with an array of options, a person chooses the one he or she believes best serves his or her objectives.[103] This rational model is thought to apply equally to all individuals: this way of making choices is seen as stable over time and similar among people. The factors that *pull* people to migrate to a different place are seen as generally the same for all people, such as better living conditions, economic

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[102] T. Bringa, *Being Muslim the Bosnian Way,* Princeton, Princeton University Press, 1995, p. 4.
[103] For an illustration and criticism of rational choice theory, see: D.P. Green, I. Shapiro, *Pathologies of Rational Choice Theory,* New Haven and London, Yale University Press, 1994.

incentives, or increased power, and according to this theory, individuals who do not move to places where economic conditions are better do not do so only because of lack of resources.

In her dissertation, Paula Pickering evaluates the role of economic factors, which are an essential element of the rational choice framework for explaining minority returns, through statistical analysis of data resulting from an IOM survey of around 30.000 returnees.[104] Her findings reveal that neither income, employment status, pensioner status, nor ownership of property served as statistically significant predictors of whether minorities return or relocate.[105]

Pickering's interviews with returnees confirm that economic factors do not influence decisions to return in a consistent way. For example, the testimony of Nela, a self-described Bosnian with Serb parents, who returned to Sarajevo from Belgrade, seems to contradict rational choice theory. Although she could not go back to her home and had no secure alternative accommodation, Nela returned to Sarajevo, and explained her choice:

> "*No one in Serbia treated me badly. But I'm closer to people here. I could have gotten some kind of apartment in Serbia and I already had a job. But I didn't want to. I'm a Bosnian. I want to live where people of all ethnicities live. I didn't think about it before, but as I was leaving Sarajevo during the war, I realised that virtually all of my friends were Muslim, and that I had only one Serb friend. I can't live in a place that is ethnically pure. I don't think that way. I raised my son to think as a human. I could also obtain a job in Republika Srpska, but I can't see that as a possibility. I couldn't live in the Republika Srpska or in Serbia.*"[106]

The explanation illustrates a decision-making process in which individuals *interpret* economic incentives in considering whether to move: although Nela did not fail to take economics into consideration, she used her multiple social identity, which includes identification as a supra-ethnic Bosnian and attachment to an ethnically diverse place, to judge whether objective economic incentives allowed her to live in the community to which she felt she belonged. Because she felt closer to the people in Sarajevo than in Serbia, and preferring to live in an ethnically mixed area, she decided not to remain in her job in Serbia or pursuing what she believed to be job prospects in the RS, and also rejected following up on obtaining an apartment in Serbia. Thus, Nela is not in Sarajevo because she is forced by external circumstances, or because the objective economic conditions are better for her in Sarajevo, as

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[104] International Organisation for Migration, *IOM Returnee Questionnaire*, Sarajevo, IOM Mission to Bosnia and Herzegovina, 1999.
[105] P.Pickering, *op.cit.*, p.126.
[106] *Ibidem,* p.133.

rational choice theory would expect. She made a conscious decision to move, interpreting external factors according to her individual point of view.

Another example of how economic factors can be interpreted according to identity is the testimony of Rajko, a Serb who fled from a Serb-dominated suburb of Sarajevo just before its re-incorporation into Bosniak-dominated territory at the end of the war. Rajko, a pensioner, abandoned a five-bedroom private home in Sarajevo for a collective center in a village in Serb-majority territory, and did not consider returning home. In fact, he predicted that Serbs would never return to Sarajevo, because "each person wants to be among people belonging to his own ethnicity."[107] As Rajko identified his in-group ethnically and assumed that others did as well, he was willing to suffer a drastic decline in living standards to live in an area where his group constituted the majority. Similarly, Desimir, a Serb who fled a Bosniak-majority town for the RS, told fellow displaced persons that he considered clarifying the borders of Republika Srpska as more important than improving his living conditions. Although he was unemployed, married with one child, and living with his parents, Desimir believed that "economic issues are important now, but not so much as borders."[108]

These are only a few examples of many cases in which people interpret economic factors in different ways, thus contradicting rational choice theory's view that external factors determine people's choices in a consistent way. Contradicting the expected utility framework, it seems that an individual's personal values may act as a filter through which external, objective information about that individual's present location and potential destination passes. This suggests that the problem of minority choice may better be explained by a "thin rational choice" theory, which sees rationality as relative to individual attitudes and beliefs,[109] and particularly by social identity theory.

According to social identity theory, people interpret objective factors according to their social identity, i.e. **"that part of an individual's self-concept which derives from his knowledge of his membership in a social group (or groups) together with the value and emotional significance attached to that membership."[110]** Thus, under the same external circumstances, the decision to return will significantly differ depending on one's feeling of

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[107] *Ibidem,* p.134.
[108] *Ibidem,* p.135.
[109] J. Ferejohn, *Rationality and Interpretation,* in K. Renmick Monroe (ed.), *The Economic Approach to Politics: a Critical Reassessment of the Theory of Rational Action,* New York, Harper Collins, 1991.
[110] H. Tajfel, *Social Categorisation, Social Identity and Social Comparison*, in H. Tajfel (ed.), *Differentiation between Social Groups: Studies in the Social Psychology of Intergroup Relations,* New York, Academic Press, 1978, p.63. See also: H. Tajfel (ed.), *Social Identity and Intergroup Relations,* Cambridge, Cambridge University Press, 1982.

belonging –or not belonging- to a certain ethnic group, as we have seen in the interviews above.

III. 1. c) Personal security

This can be seen also in returnees' attitudes towards personal security, an apparently external and objective factor which however is interpreted differently depending on social identity. International officials in Sarajevo claim that the personal security situation for returnees is improving and can no longer be considered a real obstacle to return, while many nationalist authorities still attempt to discourage return through the creation of fear, as one humanitarian worker confirms:

> "*Croat displaced persons are very ill informed. They are told [by Croatian extremists] that if they return to Central Bosnia their women will be raped and they'll never get jobs.*"[111]

However, people react differently to this sort of propaganda, and surprisingly enough Pickering's research shows that it is majority returnees who are more concerned about the security situation than minority returnees. When asked whether their relationships with neighbours from the majority had changed after the war, a typical answer of minority returnees would be: "No, not really…well, only in a few individual cases." Or: "I never experienced unfriendliness because of my nationality…. Maybe two examples."[112] Many returnees relegated negative inter-ethnic experiences to individual, extraordinary instances, without associating these incidents immediately with a situation of danger for themselves or seeing the majority group as a whole as a threat to their own group:

> "*You have good people and bad people everywhere. Not all people belonging to any one nation are bad. I think only a small percentage of Serbs knew [about preparations for war]. The rest are victims of narrow ideology, like our people.*"[113]

In contrast, people who relocate to an area where their group is a majority interpret negative inter-ethnic experiences as confirming that one can only be safe among people of one's own ethnic group. An example of how minorities interpret differently their concrete experiences with ethnic "others" is to be found in the testimony of a Serb relocatee, who claimed in an interview that her new neighbours' hostility toward her attempt to rebuild her house convinced her family to reverse their decision to return:

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[111] P.Pickering, *op.cit.,* p.152.
[112] *Ibidem.,* p.144.
[113] *Ibidem.,* p.145.

"We found a donor and supplied our own money for reconstruction of our house. We started reconstruction, but our new neighbours (displaced Bosniaks from eastern Bosnia) confronted us. They shouted: 'What do you think you are doing?!' So we stopped the reconstruction."[114]

Those who reject the nationalist idea of a collective threat of one group for another show an individual sense of security rather than letting their security be determined by group perceptions or by the pressures of nationalist leaders:

"I am a Serb, but I have never felt insecure here. I have never felt like a minority…Muslim extremists also operated where I lived. After a Serb mortar destroyed my apartment, I was removing some items from it and one of the [extremist] units was operating around my apartment building. But I held my head high. And they didn't bother me. I have always held my head high in Sarajevo. And I have never felt insecure. I believe that security is something that you hold inside of you. There can be externally difficult situations. But if you pull yourself together and are proud of who you are and what you're doing, then you carry with you a sense of security that is internal. Unless you do that, you'll never feel secure."[115]

Internally defined notions of security point out the role that psychological outlooks and identity play in people's decisions to return, and show that personal security is largely subjective rather that an external factor forcing people to relocate or allowing them to return.

Having examined the influence that external, allegedly objective factors such as economic incentives and personal security have on decisions to return, it appears that although there are cases where minorities are forced to return or to relocate because of external factors, and such factors certainly do play a role in decision making, they are mostly interpreted differently according to the individual's social identity, and thus lead to individual, conscious choices.

III.   2. Minority returnees' social identity

Having seen that minority returnees mostly do have a choice in deciding whether to return, and that identity significantly influences this choice, we must determine how this happens, and whether a pattern can be identified linking the decision to return to a minority area to a certain type of social identity.

In explaining why they were not concerned about their personal security, many minority returnees interviewed by Pickering referred to the fact that they felt secure because they were among members of their in-group, be it neighbours, work colleagues or friends:

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[114] *Ibidem.,* p.143.
[115] *Ibidem.,* p.148.

> *"I don't feel insecure. It's normal. I have my own community. I have colleagues from the primary school, where I taught. We are all mixed. We meet once a month to share cakes and drink coffee."*[116]

Indeed, many returnees see their sense of belonging to a community and loyalty to their neighbours as one of the main reasons for return to minority areas, as the testimony of Petar, who asserted that he stayed in Sarajevo partly because he "did not want to run away from his neighbours—Muslims and Croats" illustrates. The fact that community and security are often considered more important than economic incentives as reasons for return is confirmed by a study that found that displaced persons prioritised the following factors from most to least important as their conditions for return: the return of pre-war neighbours, local authorities' guarantee of safety, job opportunities, and home reconstruction.[117] Another more recent survey confirms that the desire to return to one's home and neighbours is the most important reason for minority return (53%), followed by the desire simply to return home (22%), and being pushed into returning by the immediate prospect of expulsion (13%).[118]

The presence or absence of community ties in the place of return has proven to be an important factor in the decision-making of minority returnees as well as relocatees, although an important factor that distinguished minority returnees from those who relocated was their better relations with people of diverse background and their identification of their in-group as like-minded persons, not as ethnically identical persons. Not one of the people interviewed by Pickering who returned to a minority area defined ethnically the group with which he or she felt the strongest sense of community, and many actually emphasised that they preferred and felt they rather belonged to multiethnic groups:

> *"I've never felt that ethnic groups were important. Neither religious groups. I feel better in a mixed group. For example, with those at my workplace. Or at my apartment building. I wouldn't like to be in an exclusive group. Even if I were to live in Belgrade. If I had been an extreme Serb nationalist, it would have been easier for me not to return to Sarajevo."*[119]

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[116] *Ibidem.,* p. 146.

[117] See: M. Cox, *Strategic Approaches to International Intervention in Bosnia and Herzegovina,* Sarajevo, Centre for Applied Studies in International Negotiations, 1998.

[118] See: A. Sweeney, *Community Bonds Lead Refugees Home to Bosnia and Croatia,* Washington D.C. Department of State Office of Research, 2001, p.2.

[119] P. Pickering, *op.cit.,* p. 162. This view is consistent with Tone Bringa's view that multiethnicity is an integral part of the Bosnian identity: "For the Bosnian post-war generation, as for the generations before them, the essence of being Bosnian was growing up in a multicultural and multi-religious environment, an environment where cultural pluralism was seen as intrinsic to the social order." T. Bringa, *Nationality Categories, National Identification and Identity Formation in "Multinational Bosnia",* cit.

Common definitions of in-groups also included people who adhere to the same political ideals, such as tolerance, non-nationalism, individualism or progressivism. Compare this outlook to the testimony of a Serb from Bihać who decided to relocate to Banja Luka (RS):

> "I can't live with Muslims. Even in World War two we [Serbs] were victims. [...] It only takes one crazy person to kill me. Will the IPTF [International Police Task Force] be in my home? No. I don't believe in return."[120]

As we have seen when examining ethnic identity and ethnonationalist mentality, strong identification to one ethnic group leads to greater intolerance of "others." As Pelinka writes:

> "The exclusiveness of one element of identity is likely to lead to a simplistic view of social reality; an oversimplification, which pictures society in a fundamentalist 'black or white', 'either/or' framework. (...) Religion, class, nation, ethnicity, and gender can be seen as objective factors. It is up to the persons, living with such objective terms, to define their relative importance."[121]

The recognition that belonging to an ethnic group is only one of many identities facilitates the tolerance of diversity and allows for the formation of interpersonal ties on bases other than ethnicity, such as shared experience or common interests or opinions. Minorities who do not define themselves primarily ethnically, who have multiple identities and consequently heterogeneous social networks minimise concerns about personal security and are more likely to return than those who define themselves exclusively ethnically, and thus lack ties to mixed networks and only feel secure within their own group. Indeed, multiple identities also enable individuals to create more ties and use multiethnic networks in the place of return to better face the obstacles created by nationalist local authorities.

The rejection of ethnic labels and the refusal of seeing through Haller's "ethnic glasses" also entails a self-definition of identity, an affirmation of one's individual way of seeing things as opposed to the way imposed by the nationalist collectivity:

> "I can't think in this way. I just don't want to be worried about the names of the people that I associate with. It is a primitive way of thinking. Almost all those that didn't think this way have already left Bosnia."[122]

Here we find again the idea suggested by Slavenka Drakulic that the only way to affirm one's individual identity without succumbing to mass nationalist ideology was to leave the country. Another interviewed returnee stated that an essential aspect in her decision-making was her

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[120] *Ibidem.,* p. 157.
[121] A. Pelinka, *The Issue of Multiple Identity and Multiplicity of Identity*, cit., pp.42-43.
[122] P.Pickering, *op. cit.,* p. 159.

change of attitude towards majority extremists: she decided not to allow them to impose on her the status of minority:[123]

> "During a meeting with the Republika Srpska ministry of displaced persons and refugees, a clerk said to me, 'I don't want to go back to Jajce, because I am a minority,' But I said, 'I am a minority here and I do not accept that category."[124]

Individuals who refuse to be defined by the collectivity oppose their own values to the prevailing ideology. Moral values thus replace ethnicity as the lens through which to see others and as the factor guiding decisions and determining interpersonal relations:

> "I don't view people in this way [in ethnic terms]. But, I guess I prefer to be with people who believe in good and that good will prevail. And with people who are honest. People who look at other persons as humans, regardless of their political party or their religion. The war uncovered these types of people. This group of people helped me during the war."[125]

Indeed, it is often also moral values that lead minorities to return, such as the moral correctness of being in one's own home as opposed to occupying someone else's. Even minorities who had other options than returning to their own private homes expressed the idea that it is immoral to be in someone else's property:

> "If you are a good person, it is unthinkable to be comfortable in someone else's home. We say: "God give me a rag rug rather than someone else's hand-woven carpet."[126]

As we have seen previously with the internal sense of security, independent of the context, and the feeling of responsibility and of obligations towards one's self-defined community, such as neighbours or family, attitudes and responses to difficult situations can bring out human values, aspects of humanity that are independent from contextual situations, and important for the individual in every circumstance.

Although there are certainly cases where the decision to return is forced by circumstances, and there surely are many minority returnees who maintain a strong ethnic identity, Pickering's research sustained by surveys and polls leads to the conclusion that there is indeed a connection between the decision to return to a minority area and a particular social identity. Minority returnees tend to reject ethnic labels, refusing to be defined by their ethnicity, and have multiple identities based on interests, opinions, values, and other

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[123] Could this kind of change of attitude be part of the "shift in the psychology of minority populations" that the ICG mentions as one of the reasons behind the sudden increase in minority returns in 2000? ICG, *Bosnia's Refugee Logjam Breaks: is the International Community Ready?* ICG Balkans Report no.95, 30 May 2000, p.6.
[124] P. Pickering, *op. cit.,* p. 160.
[125] *Ibidem.,* p.162.
[126] *Ibidem.,* p. 153.

individual factors. This leads them to define their in-group as like minded persons rather than ethnically identical persons, and to have interpersonal relations with people of different ethnicities. Their views and actions are largely a result of values that go beyond ethnic and group divisions, values that they determine individually, but that they view as morally valid and common to all human beings. They interpret external circumstances in the light of these aspects of their identity, and consequently prioritise responsibility and attachment to their multiethnic community to economic incentives and tend to minimise concerns about personal security, as being with their multiethnic in-group gives them a sense of safety.

Those who relocate to majority areas, on the other hand, tend to be concerned about security because they define themselves ethnically and assume others do as well, thus constantly fearing threats from other groups and seeking security among their ethnically defined in-group. Individual acts of hostility thus are seen as threats from another group to their own, and others are defined not as individuals but as representatives of their ethnic group.

It may seem obvious that people who have multiple identities and are tied to multiethnic social networks are more likely to return where they are a minority while those who have no contact with and fear other ethnic groups would rather relocate. However, the finding that minorities do not only return because they have no choice, and that they interpret external factors and incentives which might seem constraining according to their non-ethnically defined identity, is important, as this means that their return can indeed be seen as a political statement in favour of multiethnicity, and thus as a way of voting for a multinational Bosnia.

Furthermore, the characteristics of their identity that have emerged from the interviews clearly correspond more to the modern concept of identity which is consistent with human rights rather than to ethnic identity as we have examined it in the previous chapter. By seeing people as equal human beings rather than as representatives of a group, by defining their own identities and relations individually, and by letting their moral values guide them through different contexts rather than allowing the contextual situation transform their values into ethnic prejudice, minority returnees think in individual rather than collective terms and express a mentality which goes against the collective nationalist ideology. Thus it is precisely minority returnees themselves who could represent a starting point for a change of mentality in Bosnia and a resistance to the symbolic obstacles created by nationalist politics.[127] But how

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[127] According to Pickering's research, the same identity and mentality are also characteristic of people who decided to *stay* in minority areas throughout the war and after, so all those who consciously decided to become or stay a minority could represent the starting point for a change of mentality.

is this process of change to come about? How can minority returnees influence Bosnian society to start this process?

III. 3. How can minority returnees influence Bosnian society?

As research in the social sciences has shown that tolerance is greatest where heterogeneity is the highest,[128] minority returns, by changing Bosnia's ethnic distribution, can play an important role in promoting tolerance and multiethnicity. Indeed, Gordon Allport's analysis of group contact and prejudice found that contact and interaction between members of differently identified groups are critical to recognising similarities and to the knowledge of the "other," which lead to greater tolerance, whereas where different groups are isolated in enclaves there is less opportunity to create crosscutting identities and interests to mitigate ethnic intolerance.[129]

The presence of minorities appears to support higher levels of tolerance, but, as we have seen, not only the mere fact that they return can help enhance ethnic tolerance, but also their mentality. Indeed, their non-ethnically defined identity creates opportunities for forming ties around identifications that cut across ethnic lines, thus providing a potential for influencing other people's mentality as well. How can this be achieved?

III. 3. a) The creation of inter-ethnic ties

Blau's findings that tolerance is greater among minorities confirm the conclusions drawn from Pickering's interviews, while the interviews seem to offer an insight on the reasons behind such findings:

> *"If intergroup relations have these psychological consequences (extensive associations with persons who have different backgrounds and experience are likely to make people more tolerant), the theorems imply that structural conditions promote tolerance, widen perspectives, and stimulate intellectual activities among members of small minorities while having opposite influences on members of large majorities."[130]*

In addition to being a consequence of the kind of identity examined above, the higher tolerance and openness to inter-ethnic contact displayed by minorities can also be explained by their situation. Minorities have more to gain from inter-ethnic contact than do members of

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[128] See: H.M. Blalock, *Towards a Theory of Minority-Group Relations,* New York, John Wiley and Sons, 1967; P.M. Blau, *Inequality and Heterogeneity,* New York, Free Press, 1977; G. Massey, R. Hodson, D. Sekuli□, *Ethnic Enclaves and Intolerance: the Case of Yugoslavia,* in <<Social Forces>>, vol. 78, no. 2, December 1999, pp. 669-691.
[129] G. Allport, *The Nature of Prejudice,* Garden City, NY, Doubleday, 1954.
[130] P.M. Blau, *op. cit.,* p.22.

the majority: once a returnee decides to live as a minority rather than to relocate to a majority area, he or she realises the necessity to interact and have good relations with ethnic "others" with whom he or she will have to share neighbourhoods and workplaces. One interviewed returnee expressed a somewhat drastic view of such a necessity:

> "If minorities stayed among themselves, they wouldn't be able to survive. I help them [people from the ethnic majority] and they help me. I'm forced to do this. I have no other choice."[131]

Many other interviewed minorities suggested that the everyday steps they take to increase their sense of security revolve around building and strengthening ties to ethnic "others." For example, Serb returnee Dragan spoke of "communication with Serbs, Croats, and Muslims" as bolstering his security. Another returnee replied that he "constantly" contacted neighbours and acquaintances, rather than family and close friends.[132]

Those who relocated to majority areas, on the other hand, tended to define their security almost solely in financial terms. Although some did express concern about their physical security, they did not feel they had the ability to influence the environment for their personal security, and believed only international peacekeepers were able to improve their physical security situations. Moreover, as members of the majority, they did not have to be concerned about integrating into a potentially hostile environment and hence did not express a need to reach out to "others" in their surroundings.

The creation of inter-ethnic ties is thus also a strategy that minorities adopt in order to better cope with hostile authorities and distrusted institutions. The lack of confidence in the rule of law and in the ability of institutions to protect them leads to the necessity of seeking protection through ties in the neighbourhood and workplace. The creation of networks of family and friends for mutual help is characteristic of the Balkans and has been kept alive throughout communist rule: during socialist times people often relied on personal connections, such as neighbours, to address their needs while at the same time to keep a distance from distrusted and/or dysfunctional authorities, as Slavenka Drakulic confirms:

> "Because there is no such thing as a self-sufficient communist household, you depend fatally on your neighbour for all kinds of favours, from borrowing coffee…or cursing politics…to getting your child enrolled in a better school."[133]

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[131] P. Pickering, *op. cit.,* p. 171.

[132] *Ibidem.,* p.185.

[133] S. Drakulic, *How We Survived Communism and Even Laughed,* New York, Harper Perennial, 1993, p.183.

Indeed such ties are largely based on reciprocal favours and services, such as mending, small household repairs, minding children, help in finding employment and the like. This is consistent with Granovetter's social network theory, which sees "weak interpersonal ties" such as the ones mentioned above as the most conducive to integration, as they facilitate contact among persons with diverse backgrounds and viewpoints. Strong ties like friendship, on the other hand, generally connect persons who are similar in background and views, and thus can lead to isolation from "others."[134]

Tone Bringa's anthropological research suggests that the relations allowing peaceful coexistence in mixed villages in pre-war Bosnia also relied on a similar logic, as one Bosniak woman's description of her relations with Croat villagers reveals:

> *"We get along well and have a good time together, but this is one thing; it is another thing to have somebody from a different religion together with you in the kitchen. When two people who prepare different foods and keep different holy days share the same house many problems arise."[135]*

This is certainly not to say that inter-ethnic friendships are not possible or are negative for reintegration; however, as the problem is clearly not raised by people who have such friendship ties but rather by those who refuse to have inter-ethnic relations, the aim is to determine how to include such people in multiethnic networks. Weak ties seem to be a good starting point, as they are based on reciprocal interest and subsequently bind people to their community, thus creating a "supra-ethnic" loyalty to the community, which was a crucial element in ensuring peaceful coexistence in pre-war Bosnia.

III. 3. b) Reciprocity

How do minorities go about creating such ties? It cannot be easy to approach neighbours of a hostile majority knowing that they don't accept your return and would want you to go back to where you came from. How do minorities overcome the fear and intimidation? Many returnees interviewed and observed by Pickering stated that their belief in reciprocity helped them overcome such fears. Serb returnee Nikola said that he increased his sense of security by approaching everyone with trust and the belief that they will reciprocate:

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[134] M.S. Granovetter, *The Strength of Weak Ties,* in <<American Journal of Sociology>>, vol.78, no.6, 1973, pp.1360-1380. Research in the U.S. strongly suggests that individuals seek out as friends those similar to themselves (culturally, socio-economically, and ideologically). See R. Huckfeldt, *Social Contexts, Social Networks, and Urban Neighborhoods: Environmental Constraints on Friendship Choice*, in <<American Journal of Sociology>>, vol. 89, no. 3, 1983, pp. 651-1983; E.O. Laumann, *Bonds of Pluralism: the Form and Substance of Urban Social Networks,* New York, John Wiley and Sons, 1973, p. 73.
[135] T. Bringa, *Nationality Categories, National Identification and Identity Formation in "Multinational Bosnia,"* cit.

"At first, I was scared… I was scared because I was a Serb and I thought no one would help me. But then I came to believe that there must be other people who exist that think like me. That if I show others that I'm sincere, that I don't hate, then they will respond in the same way."[136]

Again, the belief in reciprocity confirms that minority returnees see others as their equals, as people like them who have the same capacity to recognise similarities and overcome ethnic boundaries, and not as different people who can mean only harm because they belong to another group. Another returnee described how he attempted to overcome the fear that he experienced upon his return by reaching out to persons who shared his belief in reciprocity and by using reciprocity as a means to try to negotiate relationships with the initially hostile majority in his immediate environment. A practical example of how this approach can work is his story about the person who occupied his home after the war and who then became his next door neighbour:

"This man attacked my mother in front of the Municipality building, when she was submitting the claim for the return of our home. I took the initiative to connect with him. I told him that I would not press charges for the attack. And I have been successful; he later approached me and apologized. Now he greets me."[137]

The fact that in this case an initial sign of co-operation succeeded in changing relations from hostile to polite, brings to mind similarities between this type of behaviour and Axelrod's game-theory, which examines the conditions under which co-operation can emerge in a world of egoists without central authorities.[138] As with players in the prisoner's dilemma game, minorities' actions in the "game" of inter-ethnic interaction are initially not motivated by friendship. They realise that they will have to live side by side with hostile neighbours and they do what they can to maintain peaceful relations with them. Like winners of the prisoner's dilemma game, minorities realise that they have a large enough stake in future interaction with the majority to engage in co-operative behaviour. In this context, a "tit for tat" strategy, in which one co-operates on the first move and then does whatever the other "player" does on the next move, can be a starting point leading to repeated interaction and friendly relations. For example, one Croat returnee took the initiative in co-operating with two single Bosniak mothers by offering them necessary services, and each of these "players" responded reciprocally, through provision of other necessary services, thus starting regular relations.

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[136] P. Pickering, *op. cit.,* p. 149.
[137] *Ibidem.,* p. 194.
[138] R. Axelrod, *The Evolution of Co-operation,* New York, Basic Books, 1981.

Considering that, according to Axelrod's theory, whatever move is successful in this game is likely to appear more often in the future,[139] reciprocity can be seen as a key element in the multiplication of weak interethnic ties that can lead to increased tolerance. It is not excluded that such weak ties later on develop into closer ties or friendships, but they essentially serve the purpose of initially bridging the gap between isolated groups permeated with resentment and distrust. Starting from such situations, it seems realistic that relations based on mutual interests and needs would constitute an effective first step in gradually bringing people closer, rather than attempting to rationally convince people that they should live in peace and harmony with other groups. Indeed, all Bosnians of every ethnicity now face common problems such as coping with unemployment and the difficult economic situation, and ties can be formed to better face problems which do not take ethnicity into account. As we have seen, such ties appear to develop spontaneously from Bosnian society itself, and might represent a first step towards a change of mentality resulting from the influence of minority returnees on the majority. Indeed, once established, such every day ties may not only allow people to increase their knowledge of the "other," which diminishes fear and distrust, but also serve as an example to the rest of the community, giving confidence to others who share the same mentality and influencing the rest of the majority's behaviour, and thus harbour the potential for ordinary people to work together to bring about a local reality that diverges from the nationalist dictates.

III. 3. c) Facilitating inter-ethnic co-operation

What can be done to facilitate the formation of such inter-ethnic ties and promote inter-ethnic co-operation? The main environments within which weak ties can be created are voluntary organisations, the neighbourhood and the workplace.

Many scholars of civil society focus on voluntary non-governmental organisations as the key to building diverse and democratic post-conflict societies. Of the hundreds of NGOs that arrived in Bosnia with the war, those still operating definitely do play an important role in advocacy, attempting to hold officials responsible for their actions, and in providing aid and services such as legal advice or psychosocial assistance. However, Pickering's research suggests that when organisations offer not only services but also the possibility of active participation, which could provide opportunities for the creation of ties and for common work based on common objectives and interests that go beyond ethnicity, minorities tend to accept the aid while turning down the participation. There appear to be many different reasons for

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[139] *Ibidem,* p. 69.

this behaviour, one of the main ones being the lack of civic engagement which persists in Bosnia as a legacy of the communist system. There is a general belief that voluntary organisations are not capable of making an impact in the face of concerted opposition from majority authorities, and, as one returnee explained: "citizens here don't realise that they have the power to organise, just as the nationalists do."[140]

The communist system left a widespread distrust of institutions in general, with many people still seeing national NGOs as formed by the government or created by individuals for their own personal gain and international ones as too dependent on the international community and their objectives. This is a clear sign of the lack of a democratic culture that has been discussed in chapter 2, which sees people as objects rather than as participant subjects of the political system, a situation which is not surprising if most people agree with Serb returnee Milan's view that "It's not important that ordinary people influence politics. But it *is* important that politics doesn't influence ordinary people and their lives!"[141]

Also, interviews show that, understandably, people who are focused on scraping together money to make ends meet do not feel that adjusting their schedule to make time for participation in local organisations is worth it. Consequently, voluntary organisations tend to link people who are already committed to civic activism, and have difficulties involving ordinary people with no experience of such participation.

Although generally speaking civil society is still a new-born concept in Bosnia which needs to be further developed and the mentioned shortcomings need to be taken into account, there are many successful instances of inter-ethnic co-operation within NGOs. In particular women's NGOs have been the most successful, thanks to their ability to take up issues of immediate interest to their constituents such as economic, political and social concerns common to women of all backgrounds and ethnicities.[142] This is another case in which common problems can bring different people together out of necessity.

If ordinary people rarely approach voluntary organisations for the formation of inter-ethnic ties and co-operation, where do they turn to? As people generally have low confidence in the rule of law and in institutions, as we have seen above they tend to rely more on their personal networks to fulfill their needs. This would suggest that the neighbourhood is the most adequate environment for the creation of inter-ethnic relations. Although it can be seen as a starting point, there are many difficulties to be taken into account.

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[140] P. Pickering, *op. cit.,* p. 206.
[141] *Ibidem.,* p. 205.
[142] This is consistent with Carothers' assertion that women's voluntary organisations have often been the most successful sector of advocacy NGOs operating in transitional societies: T. Carothers, *Aiding Democracy Abroad,* Washington, DC, Carnegie Endowment for International Peace, 1999, p.217.

Firstly, wartime experiences still greatly influence neighbourly relations: many neighbours who had friendly relations before the war are now divided by resentment because of what happened during the war, while those who helped each other maintain closer ties. Reconciliation with a neighbour who has pillaged your apartment after you fled will understandably be difficult, but this does not necessarily mean that it will prevent the formation of new ties with other neighbours of different ethnic backgrounds. A more general problem is the demographic change that the war brought prevalently in urban areas: the influx of displaced people from rural areas to the cities replaced the intellectuals who had fled abroad, thus creating new tensions along cultural or socio-economic rather than ethnic lines: "my wife and I don't associate with the displaced persons; they don't have our upbringing."[143] Long-term urbanites frequently agree about placing the blame for the decline in cosmopolitanism on the influx of displaced persons from the countryside, and their difficulty in communicating with them seems to be common to people of all ethnic groups:

> *"Officially our relations are good with the displaced persons, but we aren't close…We say hello, but that's it. There are two kinds of people, and the displaced persons are peasants who want you to live as they do, according to their traditions. For example, they say 'merhaba' and they observe religious holidays. They dress differently; women wear headscarves. They don't like urban lifestyles. I believe that if we were to do things together, this would create an opportunity for conflict."[144]*

The lack of common interests is seen as a fundamental dividing factor in this case, and although this does not necessarily hinder polite relations and exchanges of services, it does prevent such weak ties from evolving into something deeper.

A more neutral context in which such tensions are less felt is the workplace, which provides a more individualist-oriented environment that allows ethnic identity to be placed alongside professional and other identities. The workplace offers the opportunity for close contact with people of different ethnic backgrounds, and through working together ties can be formed around common opinions or interests, leading to deeper relations than the weak ties created in the neighbourhood. Also, it is an environment in which people are expected to interact as professionals, thus eliminating pressures from one's own ethnic group that discourage contact with other groups: for example, within the neighbourhood, a Bosniak might avoid contact with Serbs for fear that other Bosniaks might condemn such an act. Moreover, unlike voluntary organisations, which only bring together people with specific interests who have the time to engage in voluntary activities, working is obviously a necessity

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[143] *Ibidem.,* p.217.
[144] *Ibidem.,* p.217.

for all Bosnians, and thus workplaces offer a much wider scope of opportunity for inter-ethnic contact.

Indeed, Pickering's research suggests that, particularly in urban areas, minority returnees turn to their workplace rather than to voluntary organisations or the neighbourhood as a context within which to create inter-ethnic ties, and that often such everyday interaction leads to relations that go beyond the workplace. This suggests that a more fruitful pathway for rebuilding inter-ethnic trust in Bosnia is through support of heterogeneous workplaces and the opposition of monoethnicity and discrimination in employment.

In a situation where wounds created by the war are still fresh, or being kept open by nationalist leaders, it seems that the rebuilding of inter-ethnic trust must go through inter-ethnic contact first, so that knowledge of the "other" might decrease the perception of difference, fear and distrust, then through the creation of weak ties, which can subsequently lead to deeper relations if this process is accompanied by a change of mentality which transforms Bosniaks, Serbs or Croats into colleagues, baby-sitters, or citizens. It appears that this process is most effectively started in situations where inter-ethnic contact is a necessity, such as the need for mutual services and personal networks to fulfill everyday needs, the working environment, or the need to face common problems and challenges.

Minority returnees in particular, with their need for ties with the majority and their generally non-nationalist mentality, can thus play a very important role in the process of changing mentalities that could constitute the basis for the development of a culture of human rights. No distinction has so far been made between refugees and IDPs who return, but it has to be noted that the few refugees who return could play a particularly significant role, as their mentalities and identities have been influenced by their experiences abroad and they have been able to judge the conflict from the outside, more isolated from nationalist propaganda than IDPs.

Indeed, the creation of a culture of human rights, as defined by Wolfgang Benedek, "has to start with small steps, in daily practice with the respect of the rights of others, by using human rights as a basis for the solution of public as well as private problems."[145] Although legally the responsibility for the protection of human rights lies with the state, and the development of a culture of human rights also depends on the ability of the state to show its commitment to human rights in practice, we have seen that laws and institutions are not enough to ensure the protection of rights if the values on which they are based are not

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[145] W. Benedek, *For a Culture of Human Rights in the Balkans,* cit., p.130.

internalised by the citizens. In other words, if people don't go around killing each other on a daily basis it is not primarily because they are afraid of the punishment that would follow. Thus, the very roots of human rights are to be found precisely in people's perceptions of others and relations to one another: who is my neighbour and what is my attitude towards him or her? At this very basic level the core of human rights is seeing "others" as human beings, and thus as similar and equal to ourselves, and worthy of the same respect that we deserve. It is only on this basis that notions of citizenship and civil society, as well as institutions and the legal and political organisation of the state can be constructed in a stable way. As long as people perceive others as Serbs, Croats, Albanians, Roma, black, handicapped or homosexual before they perceive them as human beings, no legal system or enforcement mechanism will be able to enforce the respect for human rights.

Indeed, it is precisely this difference which was repeatedly underlined by minority returnees in describing the inter-ethnic relations which survived the war:

> *"The war showed who was a human and who wasn't." "I don't view people in this way [in ethnic terms]. But, I guess that I prefer to be with people who [...] look at other persons as humans, regardless of their political party or their religion. The war uncovered these types of people. This group of people helped me during the war."[146]*

The mentality and attitude of most minority returnees, who see themselves and others primarily as human beings rather than as ethnically defined, and who interact with others accordingly, could thus represent a first step towards the creation of a culture of human rights in Bosnia.

Conclusions and implications for policy makers

According to the chief negotiator of the Bosnian peace agreement, "the central premise" of Dayton was the "re-construction of Bosnia as a single multiethnic country."[147] The return of refugees and IDPs has always gone hand in hand with the realisation of this goal, and consequently set as a priority by the international community in its "reconstruction" of the Bosnian state. For the first time, the return of people to their homes was systematically organised, for the first time it is possible to actually cross people off the list once they have reclaimed their property, ensuring that every single person who wants to return has the legal

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[146] P. Pickering, *op.cit.,* p. 162.
[147] R. Holbrooke, *To End a War,* cit., p. 362.

right and the effective possibility to do so. Not only was a legal framework created expressly to allow this, return is also further encouraged by economic incentives such as reconstruction aid for those who need their houses rebuilt or by making essential funding for municipalities conditional on their support for returns. Also, the direct applicability of international human rights law in Bosnia should ensure that returnees do not experience discrimination or threats to their personal security, with various human rights institutions monitoring implementation.

In the effort to promote and ensure return, in addition to the difficulties inherent in the task, the international community has also had to counter obstruction by nationalist authorities who do what is in their power to hinder returns and keep Bosnia divided. In this context, supporting minority returns in particular is all the more important, as they represent an opposition to the nationalist agenda and the only way that Bosnia can survive as a united, multiethnic state. The international community's policies towards return seem to have borne fruit, as returns have been increasing to unexpected levels and the majority of property claims has been settled. However, it is difficult to determine whether this success actually does bring Bosnia closer to a truly multiethnic state, and although relations between minority returnees and the majority differ significantly throughout Bosnia, NGO reports suggest that return does not necessarily mean reintegration and that violations of returnees' human rights continue to be widespread.

The aim of this paper was to determine why such a complete and sophisticated system for the protection of human rights and the promotion of returns such as Dayton has not yet succeeded in achieving its aim of "re-constructing a single multiethnic country," and what more can be done so that return actually entails reintegration and thus can become the basis for a peaceful and stable multinational state. Surely many different factors contribute to create the situation as it is now, and the prevailing literature and debate on the future of Bosnia focus on aspects such as the need for accountability through the ICTY, legal and institutional reform, capacity building, and economic development, which should give Bosnia the tools it needs to form itself as a democracy based on the rule of law and the respect for human rights and thus to allow the international community to finally withdraw from its tasks.

In order to give a new perspective to the problem and to address a side of the issue that appears to have been neglected, I have focused not on how laws and institutions can promote multiethnicity but rather on the importance of individuals' perceptions of themselves and others for the creation of a multiethnic state. Indeed, multiethnicity means not only equal rights for all groups but also tolerance of diversity of the individuals forming the groups that live together. Ultimately, it is the individuals of different ethnic groups who must live side by

side, and although the legal and institutional order is an important framework to allow this, it is the identity and mentality of the single individuals that will determine their interaction with others and thus the possibility of peaceful coexistence.

This aspect has proven to be particularly important in the Bosnian context, as nationalist politicians actively create mental barriers between ethnic groups and promote exclusive ethnic identities, thereby creating cleavages in society that cannot be mended by institutional provision only. In fact, we have seen that, as ethnic identity is closely linked to the affective and subconscious dimension, it can create obstacles to the reintegration of returnees and to multiethnicity on a symbolic level, which is much more difficult to deal with than obstacles and conflicts on the institutional level.

It has emerged from this study that exclusive ethnic identity is one of the most important obstacles for two main reasons: firstly, as a type of identity which is practically the opposite of the idea of identity consistent with the concept of human rights, it significantly hinders the formation of a culture of human rights in Bosnia. The democratic state based on human rights and the rule of law envisaged at Dayton is indeed based on the consent to be ruled, not on coercion, and consequently requires that citizens comply with the laws because they consider them legitimate and believe in the values that they uphold, and not merely out of fear of sanctions. As exclusive ethnic identity is irreconcilable with the notion of the freedom and equality of all human beings or even of the citizens of a state, the institutional measures introduced by the international community will not be fully effective in restoring multiethnicity until exclusive ethnic identities will give way to multiple identities and ethnonationalist mentalities to more tolerant mentalities which believe in the human rights system and its values.

Secondly, another important finding is that in making the decision whether to return, it is the social identity of refugees and IDPs which defines and interprets external factors such as economic incentives or personal security. While people with exclusively ethnically defined identities tend to relocate to areas where their group constitutes a majority out of fear of threats from other groups, people with non-ethnically defined, multiple identities tend to return as minorities, prioritising ties and responsibilities to their multiethnic community and minimising economic or security concerns. This confirms that incentive structures alone cannot engineer ethnic co-operation, and suggests that policy makers seeking to promote minority return and to support multiethnicity should also give importance to the creation of circumstances that allow individuals to nurture identifications other than ethnic ones if economic incentives are to have the desired effect.

Also, a focus on the perceptions and identities of ordinary people who return, rather than only on institutions and politicians dealing with return related policies, is important because, as nationalism is viewed by so many Bosnians as a manipulation from above, it is likely that the return of inter-ethnic trust will happen first between ordinary people, as a result of their interaction in daily life.

As we have seen, the main initiatives to favour the reconstruction of a multiethnic state through return undertaken by the international community revolve around legal and institutional measures and economic incentives. Addressing the problem from the point of view of the identity of ordinary Bosnian people has shown that the success of both these strategies is fundamentally influenced by people's identity. This leads to the conclusion that a specific focus on the promotion of multiple, non-ethnically defined identities is crucial to the functioning of institutional provisions seeking to create a stable multiethnic, citizen society based on human rights and the rule of law, and also of external incentives aimed at facilitating return. This aspect has not only been neglected, as the Dayton framework does not prioritise the creation of opportunities for inter-ethnic co-operation or the encouragement of inter-ethnic relations, but, as we have seen, the structure of the Bosnian state decided at Dayton further institutionalises ethnic divisions in the political sphere, encouraging the correspondence between ethnic and political identity.

Despite the apparent contradiction, the international community has recognised the fundamental importance of the development of political consciousness and civic engagement for the formation of citizen identities that could overcome ethnic identities and constitute the basis for a stable Bosnian state, and has been supporting the consolidation of civil society and democratic institutions. However, a wider perception of the concept of civil society is needed, which does not stop at the promotion only of institutions, NGOs and voluntary associations, but goes deeper within society to reach all citizens. As we have seen, trust in institutions is still rather low in Bosnia, and although the support of organisations is needed in order to develop this trust, ordinary people who are not likely to participate in such associations also need to be taken into account.

Although the international community should support and encourage the development of multiple identities, the necessary change of mentality is a gradual process which must come from within Bosnian society itself. Having found that those who consciously decide to stay in or return to areas where they represent a minority generally do so as a result of their non-ethnically defined identity, I have suggested that it is precisely this group of people who could represent a starting point for such a process of change by influencing Bosnian society through

the formation of inter-ethnic ties. The outcome of the analysis of the strategies used by minority returnees for the creation of such ties suggests that there are various ways in which inter-ethnic co-operation can be assisted.

As it has emerged from this study that minority returnees are more likely to turn to the workplace for the creation of inter-ethnic ties, a useful way to promote inter-ethnic co-operation could be through increased support of multiethnic workplaces, not necessarily through quota systems but rather through supporting employers who truly assign positions independently of ethnic considerations. Indeed, although quotas ensure equal representation, they transmit the message that ethnicity matters, as opposed to an employment policy which avoids discrimination by employing on the basis of merit rather than ethnic background. As we have seen, for the creation of a culture of human rights it is not only important that different groups have institutionalised equal rights, but most importantly that all human beings have equal rights as such, if they are to perceive themselves and others as human beings rather than as representatives of a group.

When addressing the problem of multiethnic coexistence from the perspective of identity, it is important also to recognise that different groups within Bosnian society will need different approaches. Indeed, identity changes from generation to generation, and those who have lived as adults under communism and through the war have a consolidated identity which is partly the product of their experiences. The fact that such consolidated identities are extremely difficult to change suggests that the most realistic approach for encouraging inter-ethnic tolerance and co-operation within this group is to start inter-ethnic contact in situations where it is a necessity. The formation of relations out of mutual interest and to face common problems can be a first step towards overcoming ethnic barriers. Indeed, although certain scars and experiences and the identity and perceptions that they have created cannot be changed, the recognition of the necessity of inter-ethnic co-operation creates possibilities for the knowledge of the "other" and the distinction of the individual from his or her ethnic group, leading to the perception of others as colleagues, baby-sitters or seamstresses rather than Serbs, Croats or Bosniaks.

Clearly, the real hope for overcoming exclusive identities and mentalities is in the future generations, which is why the reform of the present divisive education system so that all children have the same curriculum is one of the most pressing needs and important tasks of the international community in Bosnia. This goes hand in hand with the development of

political awareness and civic responsibility in the younger generation, which can constitute future Bosnian citizens who can help create a different Bosnia.[148]

Addressing the problems raised by the challenge of restoring a peaceful, multiethnic state in Bosnia from a socio-psychological point of view, focusing on individual identities and perceptions, is not only important for the reasons mentioned above and for the future of Bosnia. This approach has a wider significance because it no longer allows us to consider such problems as regarding only other people, in other states, in other circumstances, far away from the world we live in. Analysing problems from a macro perspective leads us to think that they are caused by a specific set of circumstances which are unique in space and time: no other state has had the same history as Bosnia, and the problems the country is now facing are the result of a series of connected historical events and external circumstances. Looking at the same problems from the point of view of the individual, on the other hand, shows us that the psychological mechanisms which lead to certain types of behaviour are to be found in every human being, and that certain potentials are present in all of us.

We all form in-groups and out-groups, and define our identity by differentiating ourselves from others, and most of us act quite differently when we are alone and when we find ourselves in a group or in a crowd. The tendency to fear those who are different and to assume that this difference corresponds to a difference in worth, and the consequent potential for aggression associated with this fear, is widespread, and although it does not always find its expression in nationalism or lead to civil war, its negative effects can be found everywhere, and most likely include prejudice and discrimination. In fact, almost every single difference between human beings, be it natural or man made, has been distorted into inequality and resulted in the alleged inferiority and consequent oppression of a group: from physical differences to differences in beliefs, language or culture, from the invention of races to ethnic groups; one can even go back to Adam and Eve to find the same mechanism: the only difference between them was already understood as expressing inequality.

Thus, analysing the Bosnian situation from the perspective of individual identities and mentalities can be useful for dealing with diversity in many different situations. In every context, the recognition of equality in difference is crucial for the respect of the freedom and equality of human beings, and consequently for the respect for human rights. Differences are necessary for change, for progress, for development, and for the expression of human

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[148] Also, research by Hodson, Sekulic and Massey has shown that there is a positive correlation between education and tolerance of cultural diversity. See G.Massey, R. Hodson, D. Sekulic, *National Tolerance in the Former Yugoslavia*, cit., p. 1549.

freedom. Equality is but the other face of the same coin, balancing this freedom so that everyone can benefit from it: one cannot exist without the other. It is easy to understand this in theory, but in practice every one of us often falls into prejudice without even realising, giving more importance to differences than to our common humanity.

Therefore, if societies are to adapt successfully to increasing diversity, human rights can no longer be seen as only a legal system, but must be translated into a mentality, a way of perceiving others, a part of daily life. The concept of freedom must be translated into the ability to influence external circumstances according to one's moral values, rather than letting the circumstances influence one's principles, and equality must be realised in the ability to accept differences while recognising oneself in others. Many returnees whose comments have been quoted probably knew little about human rights, but their way of seeing others as human beings rather than representatives of ethnic groups and their loyalty to their moral values allowed them to resist nationalist propaganda, staying true to themselves even in the most difficult situations, and to preserve inter-ethnic solidarity and ties through the war and after. Such a way of understanding human rights can be developed by every individual, and needs to be realised in every context if peaceful coexistence is to be possible in diverse societies, in Bosnia and throughout the world.

Abbreviations

BiH	Bosnia and Herzegovina
CRPC	Commission for Real Property Claims
DPA	Dayton Peace Agreements
GFAP	General Framework Agreement for Peace
HDZ	Hrvatska Demokratska Zajednica
ICG	International Crisis Group
ICTY	International Criminal Tribunal for Yugoslavia
IDP	Internally Displaced Person
IOM	International Organisation for Migration
KM	Konvertibilna Marka
OHR	Office of the High Representative
OSCE	Organisation for Security and Co-operation in Europe
PIC	Peace Implementation Council
PLIP	Property Law Implementation Plan
RRTF	Return and Reconstruction Task Force
RS	Republika Srpska
SDA	Stranka Demokratske Akcije
SDS	Srpska Demokratska Stranka
SFOR	Stabilisation Force
UNHCR	United Nations High Commissioner for Refugees
UNMIBH	United Nations Mission to Bosnia and Herzegovina

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Helsinki Committee BiH   http://www.bh-hchr.org
Institute for War and Peace Reporting   http://www.iwpr.net
International Crisis Group   http://www.crisisweb.org
International Organisation for Migration   http://www.iom.ba
Office of the High Representative   http://www.ohr.int
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ANNEX 1
Return Statistics

According to UNHCR the total number of people displaced by the war in Bosnia and Herzegovina is around 2.5 million, more than half of the then 4.4 million population of the country.[149]

Information on refugee returns is collected primarily by three different agencies: United Nations High Commissioner for Refugees (UNHCR), Office of the High Representative's Reconstruction and Return Task Force (RRTF), and the NATO-led Stabilisation Force (SFOR). Each utilises a different methodology for gathering data on returns, and each readily admits that its numbers are inaccurate. Some figures are based on the number of returnees that actually register in the place of return, while others are estimates taking into account that substantial numbers of returnees do not register, and as a result they all provide differing figures. Given the difficulties of accurate statistical collection in Bosnia, none of these numbers should be taken as precisely accurate, but rather as general indicators of trends.[150]

Furthermore, it is estimated on the basis of official data on the number of remaining refugees from Bosnia in Croatia and in Serbia and Montenegro, published by their respective governments, that the real number of returns is significantly higher.[151]

Here data from the statistics package on return published by UNHCR will be used.[152]

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ANNEX 2
Property Law Implementation Statistics

- These statistics are collected every month by the staff of OSCE, UNHCR and OHR in the field on the basis of information provided to them by the municipal housing authorities.

- The number of claims stated is equal to the total number of properties on which a claim and/or request for enforcement of a CRPC decision was filed with the municipal housing authorities.

- The number of decisions stated is the number of decisions issued on contested/occupied property by the municipal authorities.

- The implementation ratio is the total number of closed cases divided by the total number of claims, given as a percentage.

- These statistics do not include information on claims, decisions and cases closed on uncontested/unoccupied property.