

Op-ed by High Representative Valentin Inzko: The Right to Return

By Valentin Inzko

Today, Bosnia and Herzegovina will host an international donors conference aiming to achieve one of the most important post-war tasks in the Western Balkans: just, comprehensive and durable solutions for refugees and displaced persons.

More than a million people have returned to their homes. Considerable progress has been made. But there is more to be made.

This conference organised by the governments of Bosnia and Herzegovina, Croatia, Montenegro and Serbia, with the support of the UNHCR, the European Commission, the OSCE and the US will, I believe, make a real difference in relieving the plight of vulnerable refugees and internally displaced persons.

This practical initiative to support sustainable return through a regional multi-year housing programme reflects a new and improved political and social reality in the Western Balkans, where countries are now working sensibly and cooperatively to find solutions to the challenges their citizens face.

Not everyone has grasped that times have changed, however. Earlier this month a case in Bijeljina drew attention when a returnee was evicted from his pre-war home, which had been sold at auction to settle a court judgment for compensation claim made by the temporary occupant of his house for work carried out during the occupancy. The compensation determined

by the Court was far beyond what the returnee could pay, and now he has lost his own home.

The OHR made it clear at the time that the right of temporary occupants to receive compensation for necessary expenses cannot undermine or prevail over the right of return under Annex Seven. The competent authorities at the state and entity level must ensure that the rights of returnees are protected against unreasonable compensation claims.

The rights of all citizens will be protected when the relevant authorities do what they are obliged to do under the law, and – despite the Bijeljina case – the authorities in Bosnia and Herzegovina appear to be emerging from what has been a long and dismal period in which legal provisions were trumped by political considerations.

Turning to the question of internally displaced persons, today, in Bosnia and Herzegovina as many as 100,000 citizens are still displaced. This is an unacceptable number. Under the Dayton Peace Agreement, every citizen should have the opportunity to exercise the right of return.

Annex Seven implementation is not an aspiration. It is a legal obligation. The International Community is working with the authorities in Bosnia and Herzegovina to ensure that this obligation is met. It is doing this with substantial financial support and with sustained political engagement.

I am confident that the political will now exists to further advance this task and thereby for Bosnia and Herzegovina to move forward with its neighbours to a more stable and prosperous future.

That future can only be built on justice. The right of return is enshrined in international treaty and the authorities are under a positive obligation to help realize that right. When these rights and obligations are fully respected, all of the people of this country will be beneficiaries.