REPATRIATION IN BOSNIA AND HERCEGOVINA

- an Analysis of Institutional Problems in BiH, with Examples from Ilidza
We would like to thank the Swedish Institute that has made this study possible by providing us a scholarship for Minor Field Studies. We would also like to thank each one who has helped us during our stay in Sarajevo, especially our tutor at the University of Sarajevo, Sacir Filandra and the Human Rights Center in Sarajevo.
Repatriation in Bosnia and Herzegovina, an Analysis of Institutional Problems in BiH, with examples from Ilidza

Ehlimana Kilim, Jenny Persson

The aim of this study is to analyse the institutional problems which restrain the repatriation of refugees and displaced persons to and within Bosnia and Herzegovina with examples from the municipalities of Ilidza, Bosnia and Herzegovina. With intention to fulfil the aim of this study we will try to answer what problems that are connected to the Dayton Peace Agreement and how those problems impact the repatriation issue. Further we intend to discern what role the culture, values and norms play in the repatriation process. We also try to answer what formal institutional problems exist in BiH and what importance they constitute on the repatriation process. Finally we are discussing whether it is possible or not to institutionalise the repatriation process. The thesis is based on the interviews we made in BiH during the spring 2001.

During the war in BiH, more than 2,3 million people were displaced from their homes. Each of the wartime regimes allocated abandoned properties and established complex legal and administrative barriers to return, designed to make the separation of the population irreversible. In this way the separation of the population was permanent. Several years of international efforts have achieved a legal framework that recognises property rights as they stood at the beginning of the conflict, and establishes a legal and administrative claims process for the repossession of the
DPA is considered one of the most complicated peace agreements ever constructed and it consists of several objectives, which aim to uphold a tolerant and democratic constitutional state. There are several paradoxes connected to Annex 7 and the fact that both entities were allowed to have their own constitutions, in which they do not recognise each other constitutional rights, may seem peculiar when they at the same time are supposed to constitute one unity, one country. The federal bodies in the country began to develop before the national bodies were functioning. This has created inconsistencies between the different bodies and between the different legal frameworks and DPA still has a long way to go before being completely implemented.

Ethnic nationalist feelings play an important role in political life in BiH and they constitute an effective impediment in the repatriation process. Nationalism has become a common element in the daily life in BiH. Thinking of that the entity constitutions refer to the citizens in the opposite entity as others shows how they perceive each other. After the war each ethnic group seems to concentrate on protecting their own rights, otherwise they will be lost. Citizens in BiH do not have the same constitutional rights in both entities and before this question is solved, a safe minority return is not possible.

The functioning of the judicial system is an important factor in the repatriation process. A problem is that the laws are often contradictory or incomplete. This problem is visible on the local level, where politicians often do not know which law to refer to the result is that the local actors do not know how to interpret the laws and then they often do it arbitrarily or they just ignore the laws. The result is often a situation of passing the buck and the citizen stands powerless to the public officials’ demands. This problem is referred to as the state wall of administrative silence and it is a frequent phenomenon at the local level that severely delays the repatriation process. This attitude reciprocity has been common in both municipalities for a long time, as well as in BiH in general, which has resulted in a slow and inefficient repatriation process.

Post-war Bosnia and Hercegovina finds itself at a crossroads between an antiquated mechanism that protects state authorities on the one hand, and a modern state institution that serves the citizens and protects their rights on the other. In BiH the new institutions imposed by external powers meet the old institutions, which still are powerful. Those are not synchronised in a way they should, i.e. the old structure or the structure leftover from the collapse of Yugoslavia impedes the new structure rather then collaborating with it. The issue of repatriation has been caught in a structural chaos and BiH has a long way to go before a non-political integration can become a reality.

Nyckelord

Keyword
Bosnia and Hercegovina, Dayton Peace Agreement, institutionalism, nationalism and ethnicity
ABSTRACT

The aim of this study is to analyse the institutional problems which restrain the repatriation of refugees and displaced persons to and within Bosnia and Herzegovina with examples from the municipalities of Ilidza, Bosnia and Herzegovina. With intention to fulfil the aim of this study we will try to answer what problems that are connected to the Dayton Peace Agreement and how those problems impact the repatriation issue. Further we intend to discern what role the culture, values and norms play in the repatriation process. We also try to answer what formal institutional problems exist in BiH and what importance they constitute on the repatriation process. Finally we are discussing whether it is possible or not to institutionalise the repatriation process. The thesis is based on the interviews we made in BiH during the spring 2001.

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Keywords: Bosnia and Hercegovina, Dayton Peace Agreement, institutionalism, nationalism, ethnicity, refugees, repatriation, structure and agency.
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ABBREVIATIONS

BiH       Bosnia and Herzegovina
CRPC      Commission for Real Property Claims
DP        Displaced Person
DPA       Dayton Peace Agreement
HDZ       Hrvatska Demokratska Zajednica, Croatian Democratic Union
ICG       International Crisis Group
IF        Ilidza Federation, only called Ilidza in reality
IPTF      International Police Task Force
IS        Ilidza Srpska
OHR       Office of the High Representative
OMI       Odsijek ministarstva za izbjeglice, a local sub-department of the Ministry for Refugees and Displaced Persons of Republika Srpska
OSCE      Organisation for Security and Co-operation in Europe
PLIP      Property Law Implementation Plan
RS        Republika Srpska
SBiH      Stranka za Bosnu i Hercegovinu, Party for Bosnia and Herzegovina
SDA       Stranka Demokratske Akcije, Party of Democratic Action
SDP       Socijalisticka Demokratska Partija, Social Democratic Party
SDS       Srpska Demokratska Stranka, Serbian Democratic Party
SFOR      Stabilisation Force (NATO and UN)
UNHCR     United Nations High Commissioner for Refugees
UNMIBH    United Nations Mission in Bosnia and Herzegovina
1 INTRODUCTION

In 1990 and the beginning of 1991, the Serb minority in Croatia, on Bosnia and Herzegovina (BiH) north-western border, began to fight for independence, since they claimed that they were about to lose their cultural identity in the new nationalist Croatia. This development lead to riots and mobilisation of the military. The Bosnian Serbs instead claimed that they were threatened by ‘Islamic fundamentalists’. As in the other republics the communist party in BiH had disintegrated and nationalist parties had been formed. The Croatian leader Tudjman on the other hand, was convinced that the Bosnian Muslims, the Bosnjaks, were of Croatian origin. Bosnian officials now felt a threat from both Serbia and Croatia of a want to redraw the map. Here is one big difference; Milosevic wanted an alteration of the borders but Tudjman did not, because then his Croatia would be one of the first to suffer. The strong propaganda from Serbia about the imperilment of the Bosnian Serbs brought the Bosnjaks and the Croats somewhat together against the Serbs. Three nationalist parties developed, the Serbian Democratic Party (SDS), the Croatian Democratic Union (HDZ) and the Party of Democratic Action (SDA), the Bosnjak party, of which two, SDA and HDZ fought for the preservation of the current borders.1

In the elections in the end of 1990, the nationalist parties won full majority and together they had 96 percent of the seats in the National Assembly. The general position in politics by this time was very tense. Milosevic actively demolished the federal government and soon he declared that Serbia would no longer obey the federal presidency. The situation of the Serbs in Croatia became more serious and militant and in the middle of 1991, the Bosnian Serbs, with the SDS, claimed the secession of large parts of northern and western BiH. The SDS was following the exact same method as they had done in Croatia the year before. Milosevic and the Bosnian SDS leader Karadzic begun to arrange secret arm deliveries to the Bosnian Serbs. By this time there was a full-scale war in the other parts of Yugoslavia and in June 1991 both Croatia and Slovenia declared independence. Serbs openly began to express their want to incorporate BiH with Serbia, since the Muslims in reality were islamised Serbs. They started to send out troops to protect the borders of the ‘Serb Autonomous Regions’. The Bosnian leader Izetbegovic was caught in the middle when he had to choose between Tudjman and Milosevic, but instead he declared BiH neutral between Croatia and Serbia.2

When the independence of Croatia and Slovenia was recognised, it became necessary for BH to seek for independence, otherwise it would have to remain a part in a rump Yugoslavia, and then under Serbian control. A referendum was held and the majority said yes to independence, it was a majority even if the SDS tried to prevent the ballot boxes to enter the areas of BiH. The Serb and the Serbian politicians and media created a political psychosis, where the defence of the rights of the Serb people was given absolute status and when this was fully established, the step to military action was an easy one to take.3

On the 6th of April 1992, BiH was recognised as an independent state by the EEC. Even if there had been brief moments of quasi-independence a few times before this was the first appearance as an independent state since 1463. Critics argued that BiH impossibly could be an independent state and the history was proof of that BiH only could exist as a part of a larger whole. They argued that BiH never could be an independent state because it consisted

2 Ibid, pp 222
3 Ibid, pp 230
of three different nationalities. History shows that the national hostilities that exists within BiH have reach its point of inter-ethnic violence as a result of outside pressures, that is the ambitions of its larger neighbours, and not from internal tensions. The long process of nationalist competition between Croatia and Serbia has made Bosnia's internal politics more disorderly than it otherwise would have been, when trying to convince the Orthodox and Catholic Bosnians to think of themselves as Croats or Serbs. By the time of the independence day, the war had already begun in north-eastern Bosnia, where Serb paramilitary groups attacked towns with large Bosnjak populations. In the end of April it was estimated that 95% of the Bosnjak population in Zvornik, Foca and Visegrad had fled their homes. At the same time Serb media sent out propaganda that the local Serbs had to defend themselves against their Bosnjak neighbours and after having seen the hostilities in Croatia, the locals were easy to convince.4

The intervention of international actors was at the time equal to zero. The EC made clear to the US that this was a ‘European problem’. The EC and the US were unwilling to defend the sovereignty they had recognised and UN was at the time unwilling to send peacekeeping troops to the area.5 In the beginning of the hostilities, UN was building up headquarters in Sarajevo, but in the beginning of May, most of the UN force was already withdrawn. According to Malcolm the largest failure of the western politicians was that they only looked at the symptoms of the war instead of trying to understand the causes of it. Malcolm means that it seems as if they did not even want to understand the nature of Milosevic’s politics. Instead of treating the war as a political problem, they insisted on treating it as a military problem where all parts were to blame. Eventually it became clear to the international actors that the Serbs had several detention camps in the northern Bosnia, but they still considered the war as a civil war. This was shown when the EEC negotiator treated the Serbs as an equal party in the negotiations with equally valid claims. The Western politicians tried to create a political settlement by dividing the country into autonomous cantons. The problem was that these cantons got an ethnic stamp and this led to a competition between Croat and Bosnjak forces in areas where there before had been mixed populations. Further this led to a break down of the alliance between Croats and Bosnjaks and in 1993 there was a large scale fighting between them.6

Woodward also argues that the Western governments and politicians have failed in several aspects. According to Woodward the most serious failure was their inability to prevent the war and by ignoring the developments within the country and the effects on BiH of actions outside the country, they reinforced the factors leading to war and to ethnic division.7

During the war in Bosnia and Hercegovina, more than 2.3 million people were displaced from their homes. Each of the wartime regimes allocated abandoned properties and established complex legal and administrative barriers to return, designed to make the separation of the population irreversible. In this way the separation of the population was permanent. Several years of international efforts have achieved a legal framework that recognises property rights as they stood at the beginning of the conflict, and establishes a legal and administrative claims process for the repossession of the property.

To date, little attention has been paid to the role public administration and institutional problems play in the repatriation process in BiH. Instead most organisations working in the

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4 Malcolm, pp 234
6 Malcolm, pp 241
7 Woodward, pp 211
area concentrate on the judicial system. The fact that even municipal officials exercise influence on the lives and legal rights of the ordinary citizen has not got the attention the area deserve. Relatively few citizens get in contact with the court system and instead there is a constant flow of individuals at municipal and cantonal level. The citizens often meet a wall of seemingly incomprehensible laws and regulations, which intimidates ordinary people. Direct interaction between individuals and public administration is most common and fundamental at the municipal level and it is on this level the government ministries deal with the majority of individual requests. Therefor we find the municipal level most interesting to focus on, in our thesis.

1.1 Aim and questions

The aim of this study is to analyse the institutional problems that restrain the repatriation of refugees and displaced persons (DPs) to and within Bosnia and Hercegovina with examples from the municipalities of Ilidza.

With intention to fulfil the aim of this study we will try to answer the following questions:

1. What problems are connected to the implementation of the Dayton Peace Agreement (DPA) and what importance do they constitute on the repatriation process?
2. How do culture, values and norms constrain the repatriation process?
3. What formal institutional problems exist in BiH and how do they constrain the repatriation process?
4. Is it possible to institutionalise the repatriation process?

1.2 Delimitations

In this thesis we are focusing on the situation in Bosnia and Hercegovina after the war. We are not trying to find the causes of the war or to discuss the war itself. The subject of our study is the conflict between the Bosnjaks and the Serbs in the entity border area. We have chosen not to discuss the conflict that exists between the Serbs and the Croats nor the conflict between the Bosnjaks and the Croats. We have chosen to leave out these conflicts since we do not find them relevant in the case of Ilidza, where the Bosnjaks and the Serbs are in majority. There are many important factors within the repatriation issue such as for instance work, education and social welfare, but the main focus lies on the primary condition for the repatriation, which is the repossession of lost property. Thus, since we are studying the conditions that have influenced the outcome and not the results themselves, we will not pay any notable attention to the actual outcomes.

1.3 Previous and contemporary fields of research

There are two different aspects of the previous and contemporary research when studying BiH, the aspect of time and the aspect of the writers’ origin. The time perspective considers pre-war and post-war literature (i.e. civil war), while the second classification distinguishes the domestic literature from the rest of the world’s literature. Within the pre-war literature BiH, as a component of former Yugoslavia, is also handled as such. The foreign literature from this period is mostly concerned with the history of Slaves or
the history of Yugoslavia and its peoples during the World War I and II. The domestic literature from this period of time has on the other hand been supervised and thus constrained by the communist regime and is either embellishing the picture of the situation or consists of false information, as the case in several communist societies. The complicating circumstance in the case of Bosnia, besides the communist past, is its multi-ethnicity.

Which view of history that is true or untrue is still a sensitive issue in former Yugoslavia and BiH. The one reason is the multi-ethnicity of Yugoslavia and BiH and different ethnic groups’ opinion about the history of the country. This has not directly been improved by the war, sooner the opposite. The fact is that certain persons, who were political prisoners during the communists, became political leaders after the breakdown of communism, as for instance Alija Izetbegovic and Slobodan Milosevic. Those leaders personified the blossom of the nationalism and authorised the ethnic groups’ endeavour for their own identity, which includes their own history view. Thus the domestic history research has been impacted by this fact. Concerning the post-war research on BiH by Bosnians themselves, we have recognised those researchers, recognised within the international scientific circles. Those are few, for instance there is our tutor at the University of Sarajevo, Sacir Filandra, who has also recently worked as a professor at the University of Yale, USA.

*Bosnia: Faking Democracy After Dayton*, by David Chandler is one book worth mentioning for our research, since it gets closest to the subject compared to the rest of the literature. Chandler points out the involvement of the International Community as too large, in a negative manner, since the people of BiH according to him have relied on the West too long. One of the more important conclusions is that Bosnians have lost the sense of ability to act on their own and so democracy and stability in BiH are faked and enforced by the International Community, and probably even sustainable as long as the International Community is present in the country. One of the biggest issues in BiH, the minorities and their return or non-return are influenced by the requirements of the International Community. Nevertheless, Chandler focuses on the election and the politics on the basis of the party system, which makes his book useful to a certain extent. Additional sources have been reports that among others International Crisis Group (ICG), OSCE and UNHCR compile at intervals in order to highlight current pressing issues.

The post-war literature about Bosnia and Hercegovina mostly reflects on the war, the reasons and inevitably the consequences of it. There is no specific literature written on the refugee and displaced persons’ return to or within BiH. A possible explanation is that the minorities return is non-static, but an ongoing process, and the situation changes rapidly. Secondly, the minority return started seriously during 1998. There are also other difficulties when doing research in BiH such as language skill, since few Bosnians speak English.

### 1.3.1 Material and choice of theories

The theory of structure and agency constitute the theoretical frame of the thesis, i.e. this is the perspective we have chosen as starting point. The thesis is based on the assumption that structure is an important determinant of the behaviour of actors, i.e. we have taken a structuralist starting point. BiH is a country of constant change where old institutions meet new but where the old structure still is powerful and influential. Therefor we find institutionalism an adequate way to tackle the repatriation problem. The theory of structure and agency and institutionalism overlap each other in several areas and they are sometimes
difficult to separate. Nationalism is a phenomenon that permeates the history of and the daily life in BiH, why we also consider this theory as an appropriate explaining factor of the repatriation issue.

In this thesis we are using both primary and secondary sources, where we as primary sources refer to the interviews. Secondary sources are mainly books of theory and method, but also scientific articles and reports. The material collection of the thesis differs and varies in content, character and importance. Since our thesis is based on a case study our research constitute the main part of the empirical section. The emphasis is yet on the interviews. A detailed description of the empirical section is given in the method section. The first part, the introduction is principally based on Noel Malcolm’s book *Bosnia, a Short History*. We chose this book since our mentor in Sarajevo recommended it as one of the most complete, reliable and elaborated literature on the history of BiH. In the theory section we summarise the main parts of the theories, and the space of the theories is based on the certain theory’s relevance for the thesis. In the section of structure and agency we have mainly used Anthony Giddens’ books *The Constitution of Society* and *Central Problems in Social Theory*. We have chosen Giddens since his works are well known in the structure and agency debate. We have also used several other authors to complement Giddens and to widen our understanding. Institutionalism is our main theory and this section is primary based on two works; March and Olsen’s *Rediscovering Institutions* and Powell and DiMaggio’s *The New Institutionalism in Organisational Analysis*. We have chosen these authors since they are considered important contributors to the development of institutionalism. We have in this section also used a number of scientific articles as complement. In the section of nationalism and ethnicity we have both books and articles, for instance by James G Kellas. There are several different branches and variations of these theories and we have chosen to focus on the nationalism and ethnicity that has developed in Eastern Europe and specifically in former Yugoslavia.

1.3.2 Pilot project

The repatriation issue of BiH has gone from being a highly prioritised issue to be more or less neglected the last couple of years. The war and the causes of it mostly concern the literature on the area. There is not much literature on the situation in BiH after the war and neither on the conditions that the repatriation takes place within. This thesis is therefor a pilot study and it is of an exploratory character. A visit to the country was necessary to be able to ascertain the situation in BiH. The interviews and the documentation we have collected in BiH have been crucial for our empirical research. Before the journey we prepared by studying the history and the current political system of the country. We had regularly contact with our mentor in Sarajevo and with the Swedish Embassy and we also established a contact with the UNHCR in Sarajevo. In this way we have tried to minimise the difficulties connected to our research. This is further discussed in the method section.

1.4 Central concepts

Displaced persons - people who have fled within the country.
Refugees - people who have fled outside the country, including the rest of the former Yugoslavia.

*Ethnicity* - in our thesis we will be using term Muslim or Bosnjak in order to describe descendants to those Slavs who during fifteenth century converted to Islam and whom 1971
were recognised as one of the constituted Yugoslavian people. Muslims are also called Bosnjaks, which actually is the proper term, since the term Muslim refers to religious affiliation and not to nationality or ethnicity. The term ethnic Serb or Bosnian Serb will be used to define descendants to those Slavs whom during the seventh century BC got the name Serbs and whose religion is Greek-orthodox, loyal to Constantinople. By terms Serb or Croat one can also express a nationality. For instance persons, who have citizenship in Croatia, are called Croats, even though they perhaps are not Catholics. The term Bosnian refers officially to all Bosnian people and citizens, regardless of affiliation, ethnical or religious. Still, it is common that the terms Bosnian Croat or Bosnian Serb are used in media, and other occasions, concerning Croats and Serbs living in Bosnia. This is because neither Bosnian Serbs nor Bosnian Croats in most cases do not, on grounds of principle, want to be called Bosnians.

International Community - a gathering name for the organisations and governments which are represented by OHR, Office of the High Representative in BiH

Attitudes - we have chosen to define attitudes in a social psychological term. Attitudes are fundamental and they are a predisposition to respond positively or negatively toward a social object. Thus attitudes represent the evaluative or feeling component to any stimulus in the environment.

Norms - in social psychological terms norms provide general prescriptions for behaviours that are accepted and expected in a given culture or society. The influence of norms can range from conventional practices to formal legal codes.

1.5 Disposition

Chapter one is an introduction chapter where the reader is provided a short description of the history of BiH. The chapter is a presentation of the relevance of the research and its aim, problems and other necessary information about the research.

Chapter two is a detailed presentation of the methodological material and problems. We introduce the methods we have used during our research and the problems connected to it. This chapter also consists of a presentation of the interviewees, who constitute the fundamental part of the empirical research. Chapter three presents the theoretical framework, consisting of three blocks; structure and agency, institutionalism, and nationalism and ethnicity.

Chapter four gives a description of the structure and agents of the country and the central legal frameworks. It also discusses the problems connected to the structure and the frameworks.

Chapter five is discussing informal institutions and their influence on the repatriation issue. This means for instance a discussion of the culture and norms in BiH, including nationalism.

10 Ibid, p 107
Chapter six concerns formal institutional problems and their impact on the repatriation issue. The chapter is divided in four sections; legal problems, administrative problems, co-operation and information flow and the chapter is completed with a discussion of the influence of the formal institutional problems on the repatriation process.

Chapter seven is the final chapter of the thesis and it consists of a closing discussion and of our conclusions.
2 METHOD

This thesis is based on a case study on the municipalities of Ilidza Federation (IF) and Ilidza Srpska (IS) in Bosnia and Herzegovina.

According to Robert K Yin, case studies are preferable when you are analysing contemporary processes and when you cannot manipulate with relevant variables. A study like this is non-experimental or descriptive. The researcher cannot separate the variables from the context or from the current situation. Case studies have many similarities with historical research, but where historical research largely is based on material from the passed and where the scientist has to rely on primary and secondary sources, another two sources can be added to the case study; interviews and participating observation. These two case study techniques will be treated as separate parts below. There are several varieties of case studies, e.g. they can deal with a process, an organisation, an institution, an event, a decision and so on, but they still have some common characteristics. A case study is an empirical research that analyses a contemporary phenomenon within its real context, where the boundaries between phenomenon and context are diffuse and where several different sources are being used.\(^\text{11}\)

A case study can be defined by its specific characteristics and Merriam defines case studies in three special features; particularistic, descriptive and heuristic. A case study is particularistic when it concentrate on a particular situation, event, phenomenon or person and it is the case in itself that is important since it illustrates something that is important to the phenomenon at issue. Descriptive means that the case study gives a complete description of the event or entity that is being studied. Case studies include as many variables as possible and portray their interaction. Heuristic means that the study can improve the reader’s understanding of the incident that is being studied.\(^\text{12}\)

About the heuristic feature of case studies Stake says;

> Previously unknown relationships and variables can be expected to emerge from case studies leading to a rethinking of the phenomenon being studied. Insights into how things get to be the way they are can be expected to result from case studies\(^\text{13}\)

Stake means that the knowledge we learn from case studies is different from the knowledge we get from other research methods. He means that case study knowledge resounds more with our own experiences since it is more concrete and sensory than abstract and theoretical. Case study knowledge is also more contextual which refer to that our experiences are rooted in the context in the same way as the knowledge learned from case studies. Finally Stake mentions that case study knowledge is based more on reference populations determined by the researcher. Thus unlike traditional research, the researcher participates in extending generalisation to reference population.\(^\text{14}\)

\(^{12}\) Merriam, pp 29
\(^{14}\) Ibid, pp 35
Table 2. Characteristic features of qualitative case studies

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<td>specific</td>
<td>qualitative</td>
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<td>illuminates signification</td>
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<td>based on silent knowledge</td>
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The case study method can be used to test a theory, but a qualitative case study is often used to create a theory, which however, is not the aim of this thesis. This thesis is of an exploratory character. Even an exploratory case study needs a theoretical base that let the reader know what is being studied, the aim with the study and from which criteria the study is being evaluated. The aim with a case study may also be to explain cause and effect when intervening in real-life situations that is too complex to experimental strategies. The objective may also be to describe the real-life situation within which some form of intervention has been made. Finally the aim may be to illuminate the intervention itself.¹⁵

Case studies can be based on several sources; documentation, archive, interviews, observing participation, participating observation or physical artefacts. Several of these sources are often used as gathering method in case studies.¹⁶ In this thesis we have been using three of the sources; documentation, interviews and participating observation to collect sufficient data. When it comes to the documentation we have used public documents from UNHCR, OSCE and OHR, critical reports from the International Crisis Group, ICG, documents and statistics from the municipalities and legal documents. During the stay in Sarajevo, we have had interviews with local politicians, local and national NGO-leaders and with international actors. Since we have actually been in Ilidza Federation and Ilidza Srpska, we have had the opportunity to look closer into how they work and how they act in different situations.

¹⁵ Yin, p 21, 38
¹⁶ Ibid, p 84
2.1 Qualitative interviews

Most of the empirical material is based on the interviews and the observation that were made in Sarajevo in BiH.

Merriam calls the information that is conveyed by words, qualitative, while the information presented in numbers is called quantitative. Case studies often contain qualitative methods and qualitative data. Qualitative data may consist of thick descriptions of situations, events, people and observed behaviours. They may also consist of direct quotations about a person’s experiences, attitudes, opinions and thoughts. Finally, Merriam says, qualitative data may consist of extracts or entire sections of protocols, letters and case descriptions. Merriam means that the depth and the detailed character of the qualitative information can only be obtained by getting close to the phenomena that is being studied. Merriam reproduces Lofland’s words in this case. The requirement to be close, objective, and descriptive and to quote the sources constitutes the basis of the case study. According to Lofland, the characteristic of the case study is the process of an exploratory character. To be close to the phenomenon you study is something that we have endeavoured in our method. We have lived near Ilidza municipalities for five weeks and we have visited both municipalities several times. We have had the opportunity to see how they work both within the municipalities, how the co-operation is between them, but also the co-operation with the international actors in the area. We have also made several interviews with local politicians, local actors, national and federal actors and with international actors.

Our aim was to interview as many politicians, officials and other local actors as possible in both municipalities. We have also tried to get in contact with actors in other levels. This means that we have not had any specific selection. According to Merriam, a non-probability selection is the best method of selection when doing qualitative studies. We have interviewed a higher number of people in IF than in IS. The reason is that it was far more difficult to get in touch with actors in IS. To be able to get in contact with people at the municipalities at all, you should contact the International Community and ask for help. We tried to get in contact with municipalities on our own in the beginning, but we were just sent around and no one wanted to talk to us. The International Community told us later that the procedure we experienced was common. This characterised both municipalities, but it was most obvious in IS.

The last week when we were supposed to interview some politicians in IS, a problem situation appeared. A district, Dobrinja 1 and 4, situated at the border between the IF and IS, which was taken by the Serbs after the war, was returned to the Federation. This meant that 800 apartments occupied by Serb families were to be left in one day. This led to heavy demonstrations and we were not allowed to go to IS. For this reason we could not make the last interviews we had managed to book in IS. Thus, we have interviewed those responsible for the repatriation in IS, the OMI (Odsijek ministarstva za izbjeglice) employees. We have also interviewed a Serb politician in IF and some other Serb officials, which means that we consequently have both ethnic groups represented. This is nevertheless not a matter of course in IS since the interviewees of IS were difficult to persuade for interview. We were also supposed to interview the former Minister of Refugees and Displaced Persons in RS, but he unfortunately got ill and had to stay at the hospital for a longer period. Yet this was not the only case of a sudden, serious illness among the interviewees. A Serb politician, the Speaker

17 Merriam, 1994, pp 83
of the Municipal Assembly, got a heart attack a few days before the interview. His secretary then, on her own accord, booked a new appointment for us with the Deputy Speaker instead, without letting us know about the circumstances. She was not in the least familiar with our work or us, still she assumed that she knew what information we needed. Some of the interviewees were very suspicious and an employee at OMI, a lawyer, tried to convince us that he was not competent enough to answer the questions. Another, very suspicious person at the same department was certain of seeing one of us two months earlier and that we were lying about being at the municipality of IS for the first time. A possible explanation of IS negative attitude to interviews with us may be that their repatriation numbers were low and then they obviously have not fulfilled the demands of the International Community. If you have not done your homework, you avoid answering the questions. We believe that they were afraid of us as well since we came from abroad and they did not really seem to understand the purpose of our study.

We have chosen not to distribute any questionnaires to the interviewees before the meetings. The reason why we chose not to inform the interviewees of the questions in advance is that we did not want them to discuss the questions with each other or have time to contemplate over the questions before the interview. This would have constrained the spontaneity and variation in their answers. Several of the interviewees wanted us to tell them some of the questions before making an appointment with us which we see as another example of the constant suspiciousness that followed us.

There are several different ways of making interviews, but the most common classification is based on structuration and standardisation. The term structuration refers to two different occurrences. An interview can be completely open, which means that the interviewer ask wide open questions, to which the respondent can answer freely and they can give their opinion on how they perceive a situation or an event. This means that the respondent give his or hers subjective picture of the reality. This type of interview is called unstructured, but an interview may also be completely structured. In this case the interviewer asks questions in advance formulated and the order of the questions is also predetermined. The respondent answers the questions in predetermined answer alternatives. In structured interviews, the context is formally predetermined and in this case, the experience of the interviewee is not relevant. The interview form that is most structured, is the poll.\(^{18}\)

The term standardisation refers to the degree that the questions and the situation are the same to all the interviewees. A high degree of standardisation then means that there are no variations, everything is the same to everybody. This means, for example, that the interviewer shall read the questions with the same intonation, as the questions are formulated and in the same order. A low degree of standardisation means the opposite.\(^{19}\) We have asked the same questions almost all interviewees, with a few exceptions. We have endeavoured to be flexible during the interviews, meaning that we when needed have asked resulting questions or that certain answers have lead to new thoughts and hence new questions. We have asked certain questions the international actors regarding sensitive issues that we have not asked the local politicians. This means that we have had a low standardisation in our interviews.

What kind of interview you should use depends on what degree of structuration you endeavour. You have interviews with strong structure on one side and open-ended interviews

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\(^{18}\) Lantz, Annika, *Intervjumetodik*, Studentlitteratur, Lund 1993, pp 17

\(^{19}\) Trost, Jan, *Kvalitativa intervjuer*, Studentlitteratur, Lund 1993, pp 15
on the other side. In structured interviews, the interviewer decides the questions and the order in advance. Open-ended interviews may be preferable when the investigator does not have enough information of a phenomenon to be able to ask relevant questions. Thus there are no predetermined questions and the interview is basically exploratory.\textsuperscript{20} According to Yin, open-ended interviews are characterised by that the investigator values the respondent’s own opinions as much as the facts that the respondent presents. In the structured interview, on the other hand, the interest is in advance defined phenomena. The interviewer characterises the phenomenon, determines its qualities and delimits the context.\textsuperscript{21}

Our questions can be described as open-ended. There have not been any predetermined answers and the respondents have been free to answer, as they liked. This freedom has yet led to the respondents not always answering within the frames of the questions, but trying to tell us about the issues they considered important. We can think of two reasons to this tendency; either they did not fully understand the question and answered what he or she thought we asked for, or that they had no answer to the question and instead chose to tell us something that he or she believed was important and relevant to our work.

When you are asking questions in qualitative studies, it is important that they are as open-ended as possible. It is important because then the interviewee has the possibility to inform the interviewer about things he does not know. As an interviewer you should not ask more than one question at the time and the question should be clearly formulated to reduce the risks for misunderstandings. A principal rule is also that the questions should be neutral and that the interviewer should avoid leading questions.\textsuperscript{22}

According to Trost questionnaires with predetermined question should be avoided in qualitative interviewing. The point is that the respondent should be able to control the order of the questions. Instead of a questionnaire, the interviewer should write as list over question areas. The list should be short and consist of several major areas. This kind of guide may of course differ between interviewers. They must be comparable but they do not have to be identical.\textsuperscript{23} We wrote down all our questions on cards that made it easier to change the order of the questions when necessary. We wrote all the questions in both English and Serbo-Croatian, since we intended to make interviews in both languages.

Several factors are determining when it comes to make good interviews. According to Merriam, the interviewer should be neutral, respectful and non-judgmental and should be independent to the degree that the respondent’s answers may contradict the interviewer’s own norms and values. A skilled interviewer do not argue, pays attention to the verbal and non-verbal messages being sent and he is a good listener in a contemplating way.\textsuperscript{24} Since all interviews except one have been made in Serbo-Croatian and since only one of us speaks the language, it has been the same who has made the interviews. The exception is one German employee at UNHCR. Still we have both been present at all interviews since you can always take notes on how people react and respond the questions, and how they behave during the interview. The body language and reactions are something that you cannot observe when

\textsuperscript{20} Trost, pp 87
\textsuperscript{21} Yin, p 89
\textsuperscript{22} Jensen, Kjaer Mogens, \textit{Kvalitativa metoder för samhälls- och beteendevetare}, Studentlitteratur, Lund 1991, p 70
\textsuperscript{23} Trost, p 25
\textsuperscript{24} Merriam, 1994, p 90
listening to the tape afterwards or probably not even remember, but which is an important part of the interviews for a general impression.

According to Merriam there are three basic techniques to record interview data. The most common technique is to use a tape recorder and this is according to Merriam, the most appropriate method. By using the tape recording method, the interviewer ensures that everything that is said during the interview is preserved for analysis. By using this method, the interviewer also has the opportunity to look into his own effort and hence he can improve his technique for the other interviews. The disadvantages are the risk for a non-functioning equipment or that the respondent may feel uncomfortable in front of a tape recorder. A second technique to record interview data is to take notes during the interview. This method is usually only recommended when a tape recorder for some reason cannot be used. The reason is that it is impossible to write down everything that is said and therefore important information may be lost. The speed in the interview may also slow down because the respondent may wait for the interviewer to finish writing. This may result in uneasiness for the respondent and the respondent may also try to make the answers shorter to speed up the rate. The third method is to write down as much as the interviewer can remember, directly after the interview and this is the least desirable method.

We share Merriam’s opinion that tape record is the best method to record interview data, even if the method entails both advantages and disadvantages. One of the advantages is that you can listen to the choice of words and the intonation afterwards. The question technique is improved since both mistakes and things that were well done can be looked into closely. During the interview, the interviewer does not have to take a lot of notes, which gives you space to concentrate on the answers. Tape recording has been the main technique in our interviews but we have combined this method with taking notes during the interviews. All interviews were more or less transcribed immediately after the interviews, since memory is an important factor in analysis and interpretation. The drawback with this method is that it is extremely time-consuming to listen to the tape over and over again to be able to write down what has been said. Concerning the treatment of the material, Merriam thinks that a word-for-word transcription of the recorded interviews is the ideal way, since it provides the best database for analysis, while other researchers as Trost, consider this method being too expensive and time-consuming. However, we preferred to write down word-for-word, since only then you can ensure that everything said during the interview is available to analysis. Almost all our interviews took place at the respondent’s office or place of work. We endeavoured to obtain at as quiet place as possible, since the respondent can then feel secure in the safe in well-known environment and it may then be easier to answer the questions in a more open and honest way. Because of ethical reasons, we have chosen not to name any of the respondents in our thesis and we have also within the limits of possibility for fulfilling the aim, promised anonymity to several of them. In BiH, distrust between different ethnic groups, but also towards the international co-workers is common, and this is something that we experienced several times. We had an appointment with an IF-employee who worked with evictions, but when she found out that we were going to tape, she became very angry and she threw us out.

25 Merriam, 1998, p 87
26 Ibid, p 88
27 Trost, p 113
2.2 Observing participation

Observations are an appropriate method in case studies when phenomena are to be studied in their natural context. In observations we use our senses in a more disciplinary and thought-out way than we usually do. Observations may tell you more about what people do, which may differ from what they say. Actions are though not always explanatory themselves, which means that the researcher has to form his own opinion of what he has seen.28

A researcher can choose several ways of being an observer that can stretch from total participation to being a total observer. If the researcher takes the role as a total participant he/she becomes a member of the group or the society that is being studied, but the researcher hides his/her real identity and does not tell anybody about his/her role as an observer. As a participant observer, the group knows the researcher’s role as an observer, but the participating role is more important than the observing role. As an observing participant, the role as the group also knows an observer, which also gives the observer more or less support. The role as a participant is here subordinated the role as an observer. In this way the researcher can gather a lot of information and get in contact with a lot of people. It is, however, the members of the group that determine the level or quality of the information. Finally, a researcher can be a total observer and he is then either invisible, for example behind a one-way mirror or as an anonymous part of the environment. The researcher almost never has the role as either total participant or as total observer. The most common form is the observing participant and then you are a passive participant and concentrate on the actual observations.29

There are some questions that the researcher should have in mind when doing observations. How should you do to create a meaning in what you do study and how should you treat and organise all the information you collect? Are you doing the right thing at the right time and are you talking to the right people? To what extent can the observer influence or control what is being studied? The ideal is that the situation is not influenced in a way that makes the information distorted. When you are interpreting the information it is important to have these possible distorting effects in mind.30

Yin talks about two different observation forms; direct and participating observation. Direct observation may for example be that the researcher is asked to study certain types of behaviour during a certain period. It can concern observations of meetings, of work in a factory, a classroom or anything a like. Direct observations may also be less formal and be done by visits at the place of observation and this then involves the occasions when other information and material are collected, for example from interviews and documentation. By for example study how a respondent has decorated his office you can assume what position or status he or she has in an organisation. In participant observation you are not, according to Yin, only a passive observer. As a participant observer you can adopt several different roles in a case study situation and you can even participate in the situation being studied. If you for example intend to study a society, your role as a participating observer can be everything from having temporary co-operation with different members of that society, to take a specific functional role in the society. This form of observation is mostly used in anthropological studies, but it can also be used in more everyday situations as in an organisation or in some

28 Merriam, 1994, pp 106-107
29 Merriam, 1998, pp 100
30 Ibid, p 103
other minor group. The benefit with this observation form is that you may have access to information that otherwise is hard to obtain to common scientific research. It may even be the only way to collect the information. There are also problems connected to participant observation. The participating role may require too much time and space so that the observing role may suffer. The researcher may not have time to collect the information or take the notes that is necessary to the research. As a researcher you have to consider both advantages and disadvantages and then you have to consider whether you are going to use observations as a collecting method or not.31

We have during nearly five weeks lived in Sarajevo and spent a lot of time in Ilidza. Hence, we have had the role as observing participants. During these weeks we have collected information and we have had the opportunity to meet several officials and assistants. We have studied their behaviour towards each other, towards the international and towards us. We have taken current notes of our impressions and reactions. At first we tried to get in contact with the local authorities ourselves, but the result was null and void. No one wanted to talk to us and instead they sent us further. We realised quite soon that contacts are crucial in BiH and without them you will not get anywhere. When we finally did get in contact with them, they were all quite unwilling to give us information and as an excuse they said that they were not allowed to do that without asking their boss. The international actors told us that we have been very successful in our interviewing. They also said that the local politicians and officials probably would have been more suspicious if we had been men. Another time consuming problem was that everybody seemed to have extremely difficult to remember or care about our appointments. Either they were late or they did not show up at all. When we met them afterwards, there were no excuses or regretting, probably because of disinterest in our work.

Finally, an inevitable issue in this thesis is bias, since one of the writers has her roots in former Yugoslavia. Even if the author may intent to be impartial, the fundamental values are deeply rooted and it might be difficult to be self-critical enough to be able to recognise the bias in you. Therefore we have tried to be extra cautious and thoughtful, which has characterised our work. We have consistently discussed every step, from choice of the literature to each interviewee’s ethnic affiliation and attitude towards us. We have only used the literature and the newspapers, recognised by all three people. We have endeavoured the highest objectivity possible and our sources have been used very restrictively. We always double-checked all our information with UNHCR or other relevant organisation, whether necessary or not.

2.3 Interviewees

This is a presentation of the persons we have made interviews with. The presentation of the interview questions is found in Appendix 1.

Interviewee 1 - Bosnjak male, 52 years old, assistant of the IF Mayor and co-ordinator of the departments that work with the PLIP implementation. He represents the party SBiH.

Interviewee 2 - Bosnjak male, a member of the Mayors Cabinet in IF. He is in charge of the Department for Refugees and Displaced Persons, which is one of the nine departments in the

31 Yin, pp 87
cabinet. He has a Masters degree in political science and he has 20 years long working experience. He is a member of the party Alliansa za promjene\textsuperscript{32}.

Interviewee 3 - Croat male, 51 years old, Deputy speaker of the Assembly of Officers in IF and he is representing the Social Democratic Party (SDP). He has earlier worked for a Bosnjak-French organisation. He is a Master of Engineering and he has 25 years work experience.

Interview 4 - Serb male, 65 years old, the Head of the OMI in IS. He has 40 years working experience of which four years of the work similar to the assignment. He has studied law for three years at the university.

Interviewee 5 - Serb male, 32 years old, lawyer and official at the OMI in IS.

Interviewee 6 - Serb female, 47 years old, official at the OMI in IS. She has finished a senior high school and has 29 years work experience.

Interviewee 7 - Bosnjak female, 48 years old, President of the NGO, which is a network coordinator for all Bosnian NGOs. She is a lawyer and has worked as teacher in economy in high school and college for 20 years.

Interviewee 8 - Bosnjak male, 41 years old, the former Minister of Social Affairs, DPs and Refugees at the federal level. His mandate ended in March 2001 and he was not re-elected. He is an independent candidate, but is supported by the SDA. He is a Master of Business Administration and has worked in the public sector most of his life.

Interviewee 9 - Serb male, 39 years old, director of development and information of the NGO, DISS - Democratic Initiative of the Serbs of Sarajevo. He is also a member of the Parliament in IF and represents the party SDP. He is a PhD in political science. Before the war he worked in the private sector, but he has always in some way been involved in politics. Has been the President of the liberal party in Blazuj.

Interviewee 10 – Serb, male, 47 years old, lawyer, secretary and vice President of the DISS. He provides free legal counselling for those who want to return to Ilidza Srpska and also for those who want to come back to Ilidza Federation.

Interviewee 11 – Bosnjak male, 56 years old, President of a local NGO, Gornji Kotorac, which is also the name of a Serb village in IS. The office lies in IF but the organisation works for repatriation to Gornji Kotorac.

Interviewee 12 - Serb male, 45 years old, Associate Field Officer at UNHCR. He is a Master of Mechanical Engineering. He has earlier worked with R&D in energy issues and he has also worked for Caritas, a Catholic Global Help Organisation.

Interviewee 13 - Serb female, 30 years old, Field Officer at UNHCR. She is a Focal Point for IF and IS. She has earlier worked as an interpreter for IPTF.

\textsuperscript{32} This party may be translated as the Coalition of Change. It is a union of a number of small democratic parties that have gathered, building one single party in order to form an opposition strong enough to win a majority.
Interviewee 14 - German female, Associate Protection Officer at UNHCR, covering canton Sarajevo and Eastern Bosnia. She is a lawyer and has earlier worked as an assistant professor at a university.
3 THEORETICAL FRAMEWORK

In this section we are presenting the theoretical framework of the thesis. We are using the theories in different levels starting at the top and then moving downwards to the theories that are central to the thesis. We begin at a meta analytical level introducing the theory of structure and agency that constitutes the frame of the thesis. This is the perspective we have chosen as starting point. Next we present the theory of institutionalism which constitute the main theory of the thesis and which is used as a concrete analytical tool to fulfil the aim. Finally we present nationalism and ethnicity that play a central role in Bosnia and Hercegovina.

3.1 The duality of structure and agency

Every time we have a political situation, the ideas about structure and agency become present, whether explicitly or implicitly. What model of the political nature are we referring to in our political explanations? Are the actors just helpless products of the institutional settings within which they find themselves or are they intentional and knowledgeable actors who have complete control over these settings? The answers to these questions will probably be different depending on the nature of the settings in which the agency occurs, but the discussion about structure and agency is still very significant. Colin Hay means that you cannot explain an event, an outcome or a situation without referring to both these notions. According to Hay structure and agency logically entail one another - ‘the social or political structure only exists by virtue of the constraints on, or opportunities for, agency that it effects’.

In the passed most of the schools of thought have seen structure and agency as antinomies. Those schools that have been preoccupied with human action have paid little attention to the structures as an influencing factor. Nor have they found a way to relate theory of action to structural change. An author who has been preoccupied with this issue is Anthony Giddens. He has in several works tried to connect human action with structural explanation in social analysis. According to Giddens this requires knowledge about the conditions and consequences of action and an interpretation of the structure, that in different ways is entangled in those conditions and consequences. Giddens means that human action and structure presupposes one another.

Giddens define action as involving; ‘a stream of actual or contemplated causal interventions of corporeal beings in the ongoing process of events-in-the-world’. Most authors refer to actions as rational. According to Giddens there are different kinds of actions; rational actions, motivated actions and reflexive monitored actions. The latter notion refers to the intentional character of human conduct, but it does not imply that actors consciously have definite objectives in mind when acting. It is a chronic feature of everyday action and it involves the behaviour of both the individual and that of others. Giddens distinguish between rational action and reflexive monitoring from motivation. He argues that if reason refers to the grounds of action, motivation refer to the wants, which induce it. This means that motivation

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34 Giddens, Anthony, Central Problems in Social Theory, Macmillan Press, London 1979, pp 49
35 Ibid, p 55
36 Ibid, pp 55
refers to what the actor want to do rather than what he actually does. Giddens also means that most of our day-to-day action is not directly motivated.\textsuperscript{37}

Since action philosophy mostly has avoided questions of the unconscious it has had no interest in the unintended consequences of action. According to Giddens this is one reason why there has been a bridge separating the philosophy of action from institutional theories. Since there are unintended consequences of human action you cannot ignore structure as an explanatory factor, you cannot ignore the fact that structure and agency are interrelated. To Giddens it is the capability of making a difference, that is the main feature of human action.\textsuperscript{38}

The study of structure has in the passed largely been synonymous with the study of function. The study of the structure of the society is to show how it works, to show the functions of society, ie there is a presumed relation between the two concepts. Structure here takes a descriptive form of explanation and this may, according to Giddens, be one of the reasons for lack of interest in the concept of structure. On the contrary, in the theory of structuralism, structure takes a more explanatory form and is here linked to the concept of change. Still structuralism and functionalism have certain common characteristics, both define a clear distinction between statics and dynamics and they also share a concern for both structures and systems. The relation between structure and system is rather vague and they tend to dissolve in one another. The term structure has in later writings been used as a substitute rather than a complement to the notion of system. Structuralism offers that one or the other notion is surplus, since they overlap each other so much. Giddens’ structure refers to structuring property, where properties refer to the rules and resources that are implemented in interaction. Rules and resources are organised as properties of social systems. Hence this means that systems have structures or at least structural properties, but they are not themselves structures.\textsuperscript{39} Giddens refers to institutions as ‘the most deeply embedded structural properties, implicated in the reproduction of societal totalities’.\textsuperscript{40}

Structures are according to Giddens rules and resources that actors draw upon as they produce and reproduce society in their activities. Rules can appear in different shapes, some are more explicit than others are and others are unwritten, ie social rules. Resources can either refer to material objects or non-material factors like status or hierarchical position. Resources generate power. Taken together rules and resources enable people to do things, to make a difference in the social world. What Giddens means is that structures by providing rules and resources generate behaviour.\textsuperscript{41} Rules cannot be separated from resources, since, ‘transformative relations are actually incorporated into the production and reproduction of social practises’. What Giddens means is that different types of power are expressed through structural properties.\textsuperscript{42}

The notion of structuration includes that of the duality of structure and it expresses the interdependence of structure and agency. Giddens says that ‘the structural properties of social systems are both the medium and the outcome of the practises that constitute those systems’.\textsuperscript{43} By this he means that structures are both produced by human action and they are the medium.

\textsuperscript{38} Giddens, 1979, pp 55
\textsuperscript{39} Ibid, pp 60
\textsuperscript{40} Giddens, 1984, p 17
\textsuperscript{41} Giddens, 1979, pp 60
\textsuperscript{42} Giddens, 1984, p 18
\textsuperscript{43} Giddens, 1979, p 69
of human action. The notion structure has a dual nature and it is intrinsically related to action and vice versa and this duality is the core of the structuration theory. The theory rejects that there are any differentiation between statics and dynamics and hence Giddens rejects functionalism. Giddens means that structure is not to be equated with constraint. Structure both enables and constrains action and it is not a barrier to action but involved in its production. Hence Giddens also rejects the objectivist’s idea that structural forces externally constrain and determine behaviour. This does, however, not mean that structure cannot be stretched away in time and space, beyond the control of individual actors. According to Giddens, agency and structure are mutually constituted and they cannot be understood as separate entities.\textsuperscript{44}

The idea of structure and agency are also central in notion of power. The concept of power is connected with the idea of victory of the agent or subject over its structure or object. One person’s agency is another person’s structure. Power is a question of agency and hence having the possibilities to influence the structures, which set the context of others and define the possibilities of others. For example the actions of ministers and governments create the structures of those who live and work in the society underneath them.\textsuperscript{45}

Also Giddens talks about the dual sense of power in the structure and agency debate. His structuration theory provides a framework to rethink the subject by distinguishing between capability, knowledgeable and motivation. Power can be seen ‘as involved institutionally in processes of interaction, and as used to accomplish outcomes in strategic conduct’.\textsuperscript{46} When Giddens talks about power in an action point of view, he refers to the capability to transform that is the ability to reach desired or intended outcomes. Even if agents operate within a structural limited context, they have at least some autonomy and hence they could have chosen to act differently. Giddens means that power must be treated in the context of the duality of structure. As Giddens’ concept of agency is not defined by intention, this also accounts for the notion of power, that is that power does not have any natural connections with intention or will as it has with many other writers, like Weber’s, definition. Giddens refers to power as a transformative capacity. This transformative capacity is ‘harnessed to actors’ attempts to get others to comply with their wants’.\textsuperscript{47} The exercise of power is not itself a type of act, but rather instantiated in action as a common and routine phenomenon. Power in this sense refers to the capability of the actor to secure outcomes, where the realisation of these outcomes is dependent of the actions of other actors. The structuration theory tries to incorporate the force of human ability to make a difference in the social world, while recognising the limitations imposed by the social context.\textsuperscript{48}

The debate about structure and agency can appear in different positions. It can take an agency-centred position, a structure-centred position or a mix between both of them, ie, a strategic-relational position. Critical realism belongs to the latter one. This is an attempt to overcome the duality of structure and agency. This theory has several similarities with Giddens structuration theory but critical realism takes a more structuralist starting point. In this sense critical realism may be seen as a structure-centred approach of the structure-agency relationship.\textsuperscript{49} About the duality of structure the critical realist Roy Bhaskar says; ‘society is

\begin{itemize}
\item \textsuperscript{44} Giddens, 1979, p 69,
\item \textsuperscript{45} Hay, pp 190
\item \textsuperscript{46} Giddens, 1979, p 88
\item \textsuperscript{47} Ibid, p 93
\item \textsuperscript{48} Ibid, pp 88
\item \textsuperscript{49} Hay, p 199
\end{itemize}
both the ever-present condition (material cause) and the continually reproduced outcome of human agency’.  

Jessop says that systems and the structures that comprise them are strategically selective. This means that the structures of the state are more open to certain political strategies than others. Systems tend to favour some actors and some strategies over others. Critical realism seeks to explain and outline the contours of political and social structure and hence it sees structure as a critical guide to political strategy. Hay and Wincott share this view on systems as strategically selective. In their article *Structure, Agency and Historical Institutionalism*, they stress the importance of the relationship between structure and agency. In their view change occurs in the inter-relationship between strategic action and the strategic context within which it is conceived. They see change as the consequence, intended or unintended, of strategic action, which is filtered through perceptions of an institutional context that favours certain strategies, actors and perceptions over others. This means that actors allocate a structured institutional context, which favour particular strategies by strategies they adopt. Those strategies are selected on the basis of a partial knowledge of the structures within which the actors find themselves in.

Critical realists see structure and agency, in contrast to e.g. Giddens, as the two metals in the alloy of a coin, ie you cannot see either of them separately but you can see the product of their fusion. Giddens sees structure and agency, as opposite sides of the same coin, ie you cannot look at both at the same time. Hence critical realists mean that even if structure and agency are theoretically separable, they are utterly connected in practice.

According to critical realists, all human agency occurs in relation to deeply structured settings, which constrain and enable the actors within the structure, ie it determines the range of possibilities of the actors. This does not mean that structures directly determine outcomes, but they define the possible strategies. Since actors only know a part of those structures, this means that they only have access to a part of the strategies. Critical realists also mean that since action occurs within structural settings, actors have the possibilities, at least partially, to transform those structures with their actions. Depending on what vantage point you take, structure may have different meanings. The action of a group of people can represent a structure for a person that is not part of that group. Action occurs in a hierarchy of levels of structure that reciprocate in different ways. Those levels condition and constrain the possibilities of action and hence they set the context within which action takes place. The nature of the structural constraints and possibilities can be either physical or social. Physical factors contain spatial and temporal properties of the action setting and social factors refer to the outputs of previous human action or inaction, ie intended or unintended effects of action on structure.

Hay and Wincott mean that since individuals are knowledgeable and reflexive, they regularly monitor the consequences of their action. In this sense strategic action produces two things; direct effects and strategic learning. The direct effects refer to the effects on the institutional and institutionalised context within which the current and future action takes place. This

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52 Hay, Colin & Wincott, Daniel, ‘*Structure, Agency and Historical Institutionalism*, Political Studies, Dec 98, Vol 46
53 Hay, pp 199
54 Ibid, p 200
produces a partial transformation of this institutional context, though not necessarily the transformation that was intended. The strategic learning refers to the actors involved. As the actors revise their perception of what is feasible, legitimate and desirable, having in mind their own abilities to realise prior goals as they assimilate to new information and as they reorient future strategies. This means that they enhance their awareness of structures and the constraints and opportunities they impose. These perceptions are shaped both by the institutional environment in which they find themselves and by existing policy paradigms and worldviews. It is according to Hay and Wincott, through such cognitive filters that strategic behaviour is conceptualised and assessed.55

3.2 Institutionalism

Early features of institutionalism can be found already, for example, in the writings of Jean-Jacques Rousseau. His criticism of for example Hobbes and Locke in their assume that behaviour of individual in a certain context express the preferences of all human beings, may be seen as an institutionalist claim that behaviour and preferences are not simultaneous.56 Rousseau viewed preferences as products of society, which is as products of the norms and institutions of society. It was law and custom that shaped the behaviour of individuals, the institutional power and privileges.57 Rousseau also argued that organisations in the political process influence the quality and justness of political decisions. In the same manner that individuals’ preferences are the products of particular social and institutional environments, so too do political decisions emanate from a particular set of institutional procedures that may shape or twist those decisions. Depending on how individual wills are polled for collective decisions, the final results may reflect the common good, but it may also be twisted.58

Institutionalism or more specifically the new institutionalism has its starting point in the criticism of behaviourism. Institutionalists reject the claim that the study of behaviour is the basis for political analysis. They do not see behaviour as a sufficient explaining factor of the phenomena in the government for example. Behaviour occurs in the context of institutions and can only be so understood. While behaviouralists argue that true preferences cannot be ascertained and that the only way to find out the preferences is through the behaviour of individuals, institutionalists are interested in just this distinction between expressed and real preferences. They are interested in why individuals choose one particularly alternative and not another. This means that they endeavour to expose or analyse the inconsistency between potential interests and those that come to be expressed in political behaviour.59

There are many different versions of institutionalism, but an important factor of institutions is that they in some way are structural properties of the society and/or a policy. The structure may be formal or informal. Formal structures may refer to legislatures, agencies in public bureaucracies or a legal framework. Informal structures may refer to a network of interacting organisations or a set of shared values or norms. Structures may also refer to some kind of

55 Hay & Wincott
58 Ibid, p 203
stability over time, that is routines. A third feature of institutions is that they in some way must influence individual behaviour. Institutions should (in some way) constrain the behaviour of its members and these constraints may be formal or informal. Finally, most versions of institutionalism argue that there should be some kind of shared values and norms among the members of the institution.60

The term new institutionalism is used to define social phenomena at many different levels. It can be everything from informal codes of behaviour to written contracts or complex organisations, why it occasionally may be confusing. Institutions can sometimes be viewed as collections of interrelated rules and routines that define appropriate actions in terms of relations between roles and situations. On the other hand institutions are also seen as connected to symbol systems, conventions and customs embedded in the organisational structure of the policy. This policy provides the frames of meaning guiding human action. Mule means that institutions sometimes are defined as legal arrangements, procedures, norms and organisational forms, which are shapers of human action. A common core is that institutions enjoy relative autonomy from both social actors and their environments.61

There is a common idea that institutions are relatively autonomous from both social actors and their environments. The individual behaviour in politics is partly based on individual volition, but it is also influenced by the values of structures within which the individuals are embedded. Institutions are often seen as the reflection of the socio-political values that surround them. They are also considered as being conceived of as flexible systems of values and norms rather than as rigid mechanisms of fixity.62

The sociological institutionalism has developed out of organisational sociology. More important contributors to its development are Selznick (1949) and later DiMaggio and Powell. More recent research is done by March and Olsen. It is concerned with the role of values in shaping behaviour within structures. The sociological institutionalism tends to look at organisations both as dependent on the resources of their environment and as tending to be shaped by that environment.63 Sociological institutionalism is structuralist in orientation.64 Institutionalism has been criticised for being overly structuralist but Hall and Taylor argue that institutionalists must remain structuralist at least in the sense that they seek to reveal how institutions shape social and political behaviour. They argue that much of the analytical distinctiveness of institutionalism otherwise will be lost.65

The sociological institutionalism is also value-based. For example Weber argued that there is a direct link between cultural values and formal structures in society, which includes formal institutions. Durkheim talked about a link between social forces and the nature of institutions and in his work the connection between symbols and institutions was more obvious than for Weber. Selznick talks about when institutions begin to embody values as well as merely a

60 Peters, Guy B, Institutional Theory in Political Science, Pinter, London 1999, p 18
63 Ibid
64 Hay, Colin & Wincott, Daniel, ‘Structure, Agency and Historical Ins Political Studies, December 1998, Vol 46
structural form. Institutions often have a capacity to defend their core values even if there would be clear proof of their unprofitability. One version of sociological institutionalism is concerned with the symbolic and evaluative dimensions of institutions, the isomorphic version. This version argues that the best means to comprehend why an institution behaves as it does, is to analyse the manipulation of symbols within the institution. Even if institutions have a goal-oriented character, they also have clear elements that are not rational (in the usual sense of the concept).  

Institutional arrangements could sometimes be seen as an expression of political regimes or antiquated, ideological objectives. As the gradual change of these regimes appears, the existing institutional system becomes eventually unusable and inert at performing its designated tasks within a changed milieu. Therefor institutional change often serves the function of restoring some degree of correspondence between the values inherent in the evolving political regime and the values articulated through the institutional arrangements of the state.

Public institutions have a much higher degree of sustainability and isolation from competitive environments than private sector institutions and organisations do. Institutional arrangements are though not exclusively determined by environment. Rather it is a political process where the exercise of power and authority is indicated in order to create proper organisational tools for the future exercise of political authority. If factors as the relevance and legitimacy of institutions influence the very fate of institutions, this also means that the actors that control the powers evaluate those factors when trying to transform institutions. In this view of institutionalism, institutions are given a strong political role.

3.2.1 March and Olsen's Institutionalism

Peters refer to this form of institutionalism as normative institutionalism, since it reflects the norms and values within organisations, when explaining behaviour. In normative institutionalism, political actors are argued to reflect more closely the values of the institutions with which they are associated, rather than being atomistic individuals that reflect their socialisation or that act to maximise their personal utility. March and Olsen consider institutions as impersonate frames within which the formulation of problems and decisions take place. While environmentalists require mapping of wider social, economic and other preferences that determine inputs and outputs, institutionalists claim that researchers primer focus should be how the institutional arrangements within a society shape human behaviour. Since human activity and thought is bounded within the institution, we should try to explain why a problem or a solution is framed or constructed in a certain way. March and Olsen claim that we have to analyse the development of ideas and interests in their institutional setting. Individuals as rational actors endeavour to make choices based on their levels of information and resources, and values or preferences made by the rules, interests, values and resources that they inhabit.

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66 Peters, pp 98
67 Peters & Pierre
68 Guy & Peters
69 Peters, p 25
70 Parsons, Wayne, Public Policy, Edward Elgar Publishing Ltd, USA, 1999, p 224
March and Olsen argue that institutions shape human behaviour but that they are not essentially transformed by it. They mean that influence on institutions is exerted from extra-institutional sources and not in the institutions themselves. This means that action is not the product of calculated decisions, rather they are embedded in institutional structures of rules, norms, expectations and traditions that severely constrain the behaviour of social actors. With rules, March and Olsen refer to the procedures, routines, strategies, roles and organisational forms around which political activity is created. Rules also refer to the beliefs, codes and cultures that surround, support and contradict those habits and roles. Hence this means that encoded in these rules are impersonal historical forces, which form and fashion preferences. These preferences are not fixed or determined since they develop within the institutional context. Since March and Olsen argue that habits, routines, rules and institutions determine human behaviour, rational behaviour is not the dominant procedure in political action.\(^71\)

The normative institutionalism is concerned with power. It regards the individual personality and will of political actors as less important, while historical traditions as they are recorded and interpreted within a complex of rules, are more important. March and Olsen see institutions as autonomous actors, while the sociological perspective puts institutions less in the centre. Society has a more central role within this perspective. March and Olsen acknowledge that rules may be imposed and enforced by direct coercion or organisational authority. Hence they see power and coercion as an in-built institutional bias that can channel political energies into certain kinds of conflicts and away from others.\(^72\)

Most theories about political action presume that the interpretation of life is depending on action. Values and preferences of political actors are developed within political institutions. Individuals in politics like what is to be liked. Some things are in hers or his interest while others are not, even if that interest is not reflected in a present awareness. In that sense it is possible to say that there still are objective interests. Individuals in politics see what they are expected to see. There are certain expectations linked to every approach, based on structure and beliefs about the world and experience, and those expectations help to control their own realisation. Individuals make choices within a set of values, attitudes and opinions, with factors being substantially fixed. Individuals in politics see what they are expected to see and they like what they are expected to like, which means that the role of social norms is an important phenomena in the interpretation of events and attitudes.\(^73\)

March and Olsen regard political systems as composed of individuals with the following characteristics. They have varying patterns of interaction with each other. The frequency and duration of contacts between any two people may vary. Partly this may reflect choices, partly it may be a result of social and political structure. They also have varying degrees of trust in each other. The confidence in another person’s ability, power and motives vary. There are varying degrees of integration into the political system. Individuals are integrated to the extent, which they accept responsibility for the political system and feel that the actions of that system are fundamentally their own actions or the actions of those they trust. The converse relation with the political system is alienation. We will view individuals as alienated from the political system to the extent to which they do not accept responsibility for it and feel that its actions are neither their actions nor the actions by who they trust. Finally there are varying orientations to events in the phenomenal world. These orientations have four key characteristics.

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\(^72\) Ibid, pp 22, 27, 36

dimensions: the extent to which the event is seen, the extent to which the event is liked, the extent to which the event is relevant to different interpersonal relations and the extent to which an event is seen as controlled by different individuals.\textsuperscript{74}

Institutionalists often argue that institutions create their own environments. The actions of each participant, are part of the environment of the others, and therefore the environment of each participant is partly self-determined as each reacts to the other. This means that the environment adapts to actors at the same time as the actors adapt to the environment. Political leaders adapt to political followers or more specifically, they adapt to each other. There is a tendency for powerful actors to be able to specify their own environments, consequently forcing other actors to adapt to them. Dominant groups create environments to which other must respond, without themselves attending to the others. This is the case of the dominant ethnic or gender groups or of persons with authority in totalitarian regimes. Powerful institutions and individuals in them find it less important to monitor and learn from their experience and thus they become less competent in doing so. The consequence for the powerful institution could be that it could get dependent on its own capability to make its own environment and accordingly be unable to deal with a world in which it does not have arbitrary control. Institutions create their own environment by the way they interpret and act in real life. If actions are taken on the basis of how one perceives the environment, those actions or beliefs may in fact construct the environment.\textsuperscript{75}

Sometimes politics and political behaviour are seen as symbolic actions, where the symbols can be seen as curtains that obscure the real politics or as artefacts, that is an effort to make decisions. The intent of action within the political system is the allocation of scarce resources in the face of conflict of interest. The action is considered being a choice, made in terms of expectations about its consequences, and meanings are organised to affect choices. March and Olsen mean that:

Politics is regarded as an education, as a place for discovering, elaborating and expressing meanings, establishing shared (or opposing) conceptions of experience, values and the nature of existence. It is symbolic, not in recent sense of symbols as devices of the powerful for confusing the weak, but more in the sense of symbols as instruments of interpretative order.\textsuperscript{76}

Symbols and social rituals may be a way of hiding political reality. Symbolic action is often described as a strategic move made by self-conscious political actors. Rituals and ceremonies are defined as a window dressing for real political processes or as instruments by which the clever and powerful exploit the naive and weak. Symbolic action is also seen as a strategic component in political competition. Politicians give promises that they never have any intention to fulfil and they vote for legislation, which they do not intend to implement. Control over the symbols is a basis of power, like control over the other resources and the use of symbols is a part of a struggle over political outcomes. Political actors establish that they are good decision-makers by making decisions in a way that symbolises those qualities that are being valued.\textsuperscript{77}

\textsuperscript{74} Lawrence
\textsuperscript{75} March & Olsen, pp 46
\textsuperscript{76} Ibid, p 48
\textsuperscript{77} Ibid, pp 49
The fundamental relationship between action and social roles implies the possibility of change, as well as reproduction. The legitimacy of roles and practices is dependent on their continual reproduction in social action. Consequently, institutional roles are not fixed and determined, but rather the subject of ongoing formations and transformations by motivated actors. Furthermore, institutional roles create asymmetrical power relations among the actors involved. The roles of membership and standards of practice that structure organisational fields reward particular strategic positions and practices while sanctioning others, motivating those actors less privileged by existing rules to work to overcome or transform them. Thus, roles and standards provide both the motivation and the means for their own transformation.

3.2.2 Powell and DiMaggio’s institutionalism

Powell and DiMaggio maintain that institutions are subject to better-resourced and more powerful organisations. Politicised or not, agendas and problems therefore have an organisational setting which frame the boundaries, within which these problems are defined. Problems have according to sociological institutionalism an organisational setting and consequently some organisations have more control over their environment than others. This means that powerful organisations have the capability to create their own agenda, while less powerful organisations are more dependent on the external environment. Institutions design reality and thus more powerful organisations tend to have a role of dominant elite.

The question of ‘isomorphism’ refers to why relatively similar forms of institutions emerge in very different social and political settings? In the new institutionalism, action is oriented toward habit and produces isomorphism, where pressures for conformity within a field result in sets of homogeneous organizational forms. The new institutionalism has focused on conformity and isomorphism to such an extent that DiMaggio has argued that it:

[...]

DiMaggio and Powell propose that ‘isomorphism is the master bridging process in institutional environments: by incorporating institutional rules within their own structures, organisations become more homogeneous, more similar in structure, over time’, primarily within a particular institutional environment and context.

Isomorphism is a constraining process whereby organisations in a population begin to resemble each other, based in environmental conditions. Powell and DiMaggio recognise two types: competitive and institutional isomorphism. Competitive isomorphism emphasises market competition, niche change, and economic fitness while institutional isomorphism recognises that organisation compete not only for resources and customers, but also for power, legitimacy, and social (in addition to economic) fitness. The institutional isomorphism is further divided into three mechanisms. Coercive isomorphism occurs when the organisation

78 Lawrence
79 Powell & DiMaggio, p 226
81 Ibid
is compelled to adopt structures or rules. It occurs through political influence and the problem of legitimacy. It also occurs via formal and informal pressures exerted by other organisations and through imposition of standard operating procedures and legitimated rules. Mimetic isomorphism occurs when one organisation copies another, often because of uncertainty resulting from standard responses to uncertainty; organisations may tend to model themselves after other organisations. It occurs because of the poorly understood technologies, ambiguous goals and unstable environment. Normative isomorphism occurs when the organisation adopts forms because professionals in the organisation claim they are superior. It is associated with professionalism and can be seen as a direct result of persons trying to control ‘the production

Organizational field is according to Powell and DiMaggio a recognised area of institutional life - groups of organisations that provide similar services or products. The focus lies on the relevant participants as a whole. They recognise the importance of both connectednesses (how they relate to and are influenced by each other) as well as structural equivalence (that they produce essentially the same or similar things).

The process of institutionalisation (structuration) consists of three parts. The first one is increasing in the extent of interaction among organisations. The second is the emergence of sharply defined structures of domination and coalition increases in the amount of information with which the organisations must contend. The last part is the development of a mutual awareness among organisations that they are involved in a common enterprise. A concept of organisational field, as DiMaggio and Powell develop it, has to be introduced at this point. By organisational field they mean those organisations that constitute a recognised area of institutional life. DiMaggio and Powell stress the actors’ belief that efficiency derives from legitimacy, and legitimacy stems from conformity to the ‘general’ rules and norms, and, therefore, it is rational to conform in order to gain efficiency.

According to Powell and DiMaggio you can delimit three essential triggers for institutionalisation: formal organisation, regimes and culture, where the latter two refer to informal organisations. The first is the one that has got the most attention through the years and studies has been carried out for example, on the effects of work organisation from formal organisation. Regimes as a type of institutionalisation refer to when it occurs in some central authority system, more specific, in codified rules and sanctions and then without main embodiment in a formal organisation. In this sense a legal or a constitutional system can function as a regime. In this form of institutionalisation, expectations concentrate on supervising and sanctioning by some collective centre. The third carrier of institutionalisation is culture and by culture, Powell and DiMaggio mean those rules, procedures and objectives that do not fit under the other two triggers, that is those without representation in formal organisation and without supervising and sanctioning by some central authority. These rules are rather conventional or customary in character. This form of institutionalisation creates anticipations about the properties and behaviour of individuals, since it constrains others in the social environment.

According to Powell there are several types of institutionalisation that are not successful. Two of them are what he calls, unsuccessful institutionalisation and incomplete institutionalisation.

83 Powell & DiMaggio, pp 150
The former refers to when routines and forms are transformed across different socio-political contexts, for example from one nation-state to another. There may be cultural differences or different forms of resistance involved that may result in unintended changes or in some local modifications. The result coming from this unsuccessful institutionalisation then may be partial diffusion or hybrid institutional arrangements. The latter type of institutionalisation refers to for example that external pressures or government agencies may only have partial influence to encourage the adoption of new practices or policies. Certain policies or laws may be introduced, but the actual implementation is left unspecified. Certain actors then may have the ability to promulgate ideas for change, but not require them. The result is that the policy or laws only becomes weakly institutionalised.\(^{84}\)

There are many different versions and interpretations of institutionalism and it is impossible and not relevant to present them all. We have chosen to focus on a few main authors; March and Olsen and Powell and DiMaggio since we consider them being adequate and relevant contributors to the aspect of institutionalism we find relevant for our thesis.

### 3.3 Nationalism and ethnicity

Nationalism and ethnicity are central to the subject of politics. Innumerable conflicts and wars have been the result of feelings that nationalism and ethnicity have arisen. Only in Bosnia and Hercegovina, nearly 200 000 people died during the war 1992-95. Nationalism is probably one of the strongest feelings in the political spectrum. It is generally stronger today than those that arisen by religion, class or individual interest.\(^{85}\) There is a lot of literature on this subject, where a lot of a contradictory. We have therefor chosen to focus on the nationalism that has aroused in the former Yugoslavia. In this kind of nationalism, ethnicity is an important factor. James G Kellas has in his book *The Politics of Nationalism and Ethnicity*, tried to develop an integrated theory of the politics of nationalism and ethnicity.

Kellas define nationalism as both an ideology and as a form of behaviour. The nationalism as an ideology is built on people’s awareness of a nation to give a set of attitudes, which can be political, religious or cultural. He says that all nationalism seeks a political expression for the nation. In its strongest form this means independence. However this does not mean that nationalists could not settle for less, some might be content with being a unit in a Federation. Other nationalists, particularly ethnic nationalists, may only engage in pressure group politics with no territorial aim. The aim of this type of nationalism could be simply the protection and advancement of the ethnic group within the nation. The base for nationalist behaviour is the feeling of belonging to a community and those who do not belong to this community are seen as foreigners or as different. In its strongest form this nationalist behaviour means willingness to die for the nation or community, while it in softer forms can appear in prejudices of foreigners and solidarity toward one’s own. This type of nationalism is closely related to ethnocentrism and patriotism. One difference is that when patriotism focuses on loyalty toward the state, ethnic nationalism often seeks disintegration of the state. Ethnicity refers to the state of being ethnic or belonging to an ethnic group. There are both ethnic nations and ethnic groups that do not claim to be nations.\(^{86}\)

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84 Powell, Walter W, ‘Expanding the Scope of Analysis’ in Powell & DiMaggio, p 199
86 Ibid, pp 4
According to Kellas there are both rational and irrational forms of nationalism. When rational, there are strong political motives involved and there are often clear advantages to gain for the winner. When irrational, there are no such advantages to gain. These conflicts result from feelings of frustration and displacement and they are often destructive.  

The idea of nationalism has not necessarily been based on ethnicity, but it has rather stressed the idea of a voluntary coming together of people in a state with a shared culture. By time the notion ethnicity has become more and more important in politics and ethnic nationalism has been a developed form of nationalism. This type of nationalism can be seen as exclusive nationalism, since people that do not share the same ethnicity, are excluded from a membership of the nation. This does often mean that the members of the nation share the same "blood". Ethnic nationalists define their nation mainly on the basis of common descent. Kurds, Serbs and Latvians are example of ethnic groups. This means that you cannot become a Serb just by adopting Serb way of living. Ethnic nationalism makes a threat to any nation that does not share a common ethnicity, culture or identity. The only way to overcome this threat is to create a state that guarantees civil rights for all ethnic groups. This kind of state is based on power-sharing between the different groups within the country.  

According to Kellas, nationalism often is a result of changes in character of politics, economy and culture. What kind of nationalism that will appear is difficult to predict since it depends on the political, economical and cultural context in the society. In the political area, the focus lies on power. Those who have political power, have the ability to change the political structure. If the state is multinational, the nations may compete with each other for the power and this may create a hierarchy of domination, exclusion and discrimination. Such conditions often lead to anti-nation nationalism. Ethnic nationalist parties most often try to achieve maximum power within the state. For nationalism to flourish, the political system must admit nationalist bodies, e.g. parties, to operate within the political system. In a party system with free elections, nationalist parties may develop, but if the system would be a closed non-democratic system, nationalism probably would appear in underground and terrorist activities. Certain developments control the politics of ethnic nationalism and a war or a change in regime or government will liberate expectations and capabilities or cause frustrations and resistance. National parties and leaders play an important role when it comes to developing responses from the ethnic grass roots.  

Culture is an important factor in nationalism and Kellas means that culture and nationality is almost synonymous since they both include a sense of identity, a language, a religion and so on. If there was not a national culture, nationalism would not be possible, and ethnic nationalism certainly would not. Kellas means that when we face conditions of sudden change in the world, people turn to their ethnic and social culture as a defence against loss in politics and material interests. Most minority nations and groups feel that their culture is under attack from the state and this often leads to a sense of cultural deprivation. Cultural deprivation takes place when there is discrimination of a person’s national identity, language, religion or habits.
3.3.1 Nationalism and ethnicity in the former Yugoslavia

The last decade has been characterised by a large transformation of the political and cultural landscape of Eastern and Central Europe. Four states have disappeared, USSR, East Germany, Czechoslovakia and Yugoslavia, and several new states have emerged. While for example the split of Czechoslovakia was relatively painless, Yugoslavia imploded in a series of bloody wars, which gave nationalism a new euphemism, ethnic cleansing.\(^91\) This sudden upset of ethnic nationalism in the former communist states has been surprising for many researchers of the area. In just a few years, national movements have aroused and substantial ethnic violence has taken place, especially in Bosnia and Hercegovina and in Croatia.\(^92\) Nationalism has been seen as both the cause and the effects of the fall of communism and with the fall of communism old ethnic hatred once again came to the surface. Balkanisation was a term that became increasingly familiar.\(^93\)

Until the death of Tito, Yugoslavia was rather authoritarian, especially when it comes to separatist nationalist movements. When Tito died the leadership of the country became much weaker, with one representative from each republic and one from each province, which gives a total number of eight representatives. Since each nation claimed either a language, a religion or a culture and not least a historical memory, this was a solid breeding ground for the emerging nationalism. The competing national ideologies were present already at the creation of the Yugoslav state in the 1920s. It is especially the Serb nationalism that is centralising and that has been intolerant of the other nationalities and nationalisms of Yugoslavia. When the other republics moved toward liberal democracy, the Serb republic was against it. When the Federation of Yugoslavia fell only Serbia and Montenegro continued the Federation. The reaction of Serbia of the other republics’ independence, was direct intervention to stop the secession in Slovenia and Croatia and strong support for the new Serb republic in Bosnia and Hercegovina and in Croatia. The Serb leader Milosevic undermined the new states by supporting the rebel Serb republic with money and arms. The result was wars and ethnic cleansing that has set deep marks on the republic. This has also created a political impasse between Serb communists and Slovene, Croat and Bosnian nationalist democrats.\(^94\)

About the situation in the former Yugoslavia Tim Judah says that you can only understand how the Serbs could be induced to make such catastrophic decision about their future, with solid knowledge of the past. After all, the Serbs could not be manipulated if there was no material with which to manipulate them. Further Judah says that you cannot only blame ill-remembered history for the war. He mean that you have to consider the impact their leaders have had, since they have been able to harness historical memory for their own political ends.\(^95\)

McCrone argue that the problem of Yugoslavia seems to have been strong ethnic and nationalist divisions that have overwhelmed a weak state structure. This has gone so far that there was only a few that actually defined themselves as Yugoslavs. When Yugoslavia was threatened by fission from the ethnic republics, the state had neither demographic nor sociological strength to stop the coming development. Since the civil societies were rather

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\(^92\) Kellas, p 129

\(^93\) McCrone, p 150

\(^94\) Kellas, pp141

strong and since they corresponded with nationality and ethnicity, it was relatively easy for the politicians to mobilise the hopes and grievances relating to ethnicity. What McCrone means is that it was not so much about ethnicity itself as of the politics of ethnicity. Both the Serbs and the Croats have seen Bosnia as a non-nation and rather as a fragment of the other two, hence Bosnia as a nation have had the problem that it could not claim ethnic and religious affinity.\(^96\) It was also impossible to produce a separate language for the state. The other states in the region could and have done so, e.g. Croatia has proclaimed Croatian as a separate language from Serbian and they have also rejected the Cyrillic alphabet of the Serbs.\(^97\)

In 1990 Slovenia, Croatia, Macedonia and Bosnia and Hercegovina held competitive election and in all these countries nationalist parties replaced the communist in power. In Bosnia the Serbs did not vote and this constituted a large problem. The war followed with ethnic cleansing and the different groups fought to establish an ethnic territory of their own at expense of other ethnic groups. Kellas argues that even if national questions in former Yugoslavia have a long history, the intensification in the last decades is a result of recent developments. Among others he mentions the death of Tito 1980 and the constitutional changes in 1974. He also argues that the economic developments that felt uneven for many in Yugoslavia, where Slovenia and Croatia is the richest and Kosovo the poorest, also has had a great impact on the national questions. These uneven regional developments together with cultural divisions provided an easy base for nationalism. Kellas mean that it is the constitutional structure and the political culture that will determine what form nationalism will take. The nationalism in Croatia and Slovenia is linked to the claims for democracy and liberalisation, while the nationalism in Kosovo and Macedonia is linked to ethnic exclusiveness. When Tito died, without a strong leader and his control over the army, it became difficult for the country to resist the awakening nationalistic movements.\(^98\)

Authors have offered different explanations to the resurfacing of the nationalist movements and the ethnic conflict in former Yugoslavia. The structuralists have stressed the importance of the great number of cultural and religious contradictions in the region and they argue that those are reasons for the emergence of the nationalist ideology and the social problems. Ivelin Sardamov argue in his article *Identity’s role in the Serbo-Croatian Conflict* that such structuralist and culturalist explanations pay little attention to the ethnic emotions to which the nationalist leaders have appealed. He further argues that instrumentalists do not either offer a convincing explanation to why people choose nationalism or ethnicity as their vehicle of social advancement instead of religion, class or any other form of group identification. The most important Sardamov says is that they offer no convincible explanation of why so many people are prepared to fight and die for their ethnic community, when these struggles just seem hopeless and self-destructive.\(^99\)

A better explanation is, according to Sardamov, what he calls the East European model, which has a more national character. In this view the conflict is treated as a redemptive historical destiny, that is overshadowing the beliefs, desires and actions of people. The emphasis has been on historical experiences and physical descent, that is blood, is seen as the basis of ethnicity. Sardamov means that this has been the case in many East European countries, especially in the South Slav region. Ethnic groups has used past grievances and suffering as a

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\(^{96}\) McCrone, pp 164

\(^{97}\) Kellas, p 143

\(^{98}\) Ibid, p 145

justification of the need for violence and sacrifice in present conflicts. This firm historical rootedness is most obvious in the Serbian case. A central feature of the Serbian folk tradition was that it posited the fundamental unity and continuity of the Serbian people. It embodied a form of militant historicism and envisaged a world of inescapable and deadly conflict between the communities. This attitude has, according to Sardamov, had a deep impact on the Serbian culture and politics. For the majority of the Serb people, what makes someone a Serb is Serb blood, and the same holds for the majority of the Croat people too. This focus on common blood, does not mean that history, language and politics are of no significance. They are not regarded as constitutive of ethnicity or nationality, but rather as secondary expressions of what is considered a primordial ethnic nature. This ethnocentric understanding has, according to Sardamov, had serious consequences. The attitude has been that it is necessary that the state protects the whole Serbian respective Croatian ethnos for the survival and prosperity of this ethnos. Members of ethnic minorities are then seen as second-class citizens that are guests in the other ethnic group’s state. Both the Serb and the Croatian majority has denied the Bosnian Muslim identity.

In Bosnia many people defined themselves as Bosnians, imprinted by and involved in the history and tradition which is common for all inhabitants. A political community grew gradually during the communist period, and it was closely related to the monopoly of the Communist party and to BiH’s position in Yugoslavia. Still a Bosnian identity, which could equalise the ethnic differences, without a Communist party as common denominator and a common authority for power practising, did not exist. Hence, as a disintegration of Yugoslavia took place, a strong movement, which endeavoured a unified and independent Bosnia did not exist. When the political parties, which represented the Croat respective Bosnian-Muslim communities, raised their voice about a unified Bosnia, this was seen as a most adequate solution at the time period, and not as a link in a common long-term goal objective.

Sardamov argues that even though the contributions of the Serb and Croatian leaders, Milosevic and Tudjman have been significant, they have so to speak, ridden the waves of nationalism that have not only been of their own making. He means that if they had held back, these nationalist waves would have arisen anyway. Sardamov means that many observers have ignored this disturbing truth.

100 Sardamov
101 Nyström, Kerstin, Vill Balkanstater överge Balkan?, i Karlsson Klas-Göran (red), Östeuropa: Länder påskilda vägar, Fontes, Alvesta, pp 198
102 Sardamov
4 STRUCTURES AND AGENTS IN BIH

This thesis has its starting point in a structure and agency perspective. When using a structure and agency perspective, you can choose different starting points. The thesis may have an agency-centred position, a structure-centred position or a mix between them. We have taken a more structuralist starting point in our thesis since we consider the structure being a stronger determinant of the actors than vice versa. In this section we will define the different structures and agents in our empirical work. The focus is on the different structures and what effects they have on the actors in the issue of repatriation. We will begin with defining the agents. We will then define the different administrative levels in Bosnia and Herzegovina and finally we will complete the section with presenting the most important regulations in this issue.

The agents in our thesis are the local politicians and officials who are directly involved in the repatriation and refugee issue in the municipalities of Ilidza, Ilidza Srpska and Ilidza Federation, called only Ilidza. We define everything else as a part of the structure. Hay means that depending on what starting point you take, structure and agents may have different meanings. The action of a group of actors may constitute the structure of a person, who is not part of that group. He means that for example the actions of ministers and governments create the structures of those who work in the society underneath them. This means that if we have chosen to focus on for example international actors, they would have constituted the actors in our thesis. The local actors then would have been a part of the structure. We have chosen to define the local politicians and officials as actors, since they represent the final link in the governmental hierarchy. Hence, they are or should be the actual implementers of policies and laws. One of the interviewees, I9, may be seen as part of both the structure and as an agent, since he is a local politician at the same time as he is the leader of a Local NGO. We find the local level most interesting when analysing how the surrounding structure enables and constrains the actors. It is in this level it may be possible to see whether a well-functioning interaction between the different levels above the local level exists, since these levels set the frames for the local actors and they also create the conditions for the repatriation. Yet, it is on the local level the result will be shown.

To be able to understand the behaviour of the agents, the knowledge and understanding of their institutional environment is required. BiH has a very complex structure and there are several different governing levels. The country is divided into two entities, the Federation, which consists of the Croat and the Bosnjak parts of BiH, and Republika Srpska (RS), the Serb part of BiH. The administrative structure is not the same in the two entities. According to I8 Bosnia has a very complex structure with the highest number of ministers per capita in Europe, but even in proportion to the size of its territory.103

4.1 National level

A three-part presidency, one Bosnjak, one Croat and one Serb share the leading position of the national level and they have a rotating presidency. The responsibilities are divided between a number of joint institutions. There is an executive branch, the Council of Ministers, a legislative branch, the Parliamentary Assembly and a judiciary branch, the Constitutional Court (see Appendix 2). The central government is concerned primarily with external relations. It has no army, no police force, no real means to raise taxes, it does not control its

103 Interviewee 8
borders and it has to rely on the entities for its budget.\textsuperscript{104} The judiciary has very limited responsibilities and it rarely meets and the legislature cannot formulate laws without the entities’ approval.\textsuperscript{105} It has therefore until now proved to be unable to regulate the organisation and functioning of the entities. There is no law on administrative procedures at the state level, which complicate the work and also the ability of others to question their work. The central government should have a mediating role between the entities but it does not and the fact is that the national government plays a small role in the average BiH citizen. The problem is that even if the joint institutions were to function, there is no state level enforcement mechanism to compel the entities to implement state level decisions. Since the joint institutions depend on the entities for funding, these institutions are only as strong as the entities permit.\textsuperscript{106}

4.2 The structure of the entities

BiH is divided into two legal entities, the Federation and Republika Srpska. Each entity has a constitution that establishes different internal governmental structures (see Appendix 5). This means that BiH has three different constitutions; one for the state BiH, one for RS and one for the Federation. The constitution makes the entities de facto mini-states within an almost imaginary central state.\textsuperscript{107}

4.2.1 The Federation

In the Constitution of the Federation, decentralisation is the proposed means by which Croats and Bosnjaks can live together. This decentralisation is embodied through a cantonal system, where each ethnic group controls a number of cantons.\textsuperscript{108} The Federation consists of a federal level, ten cantons and 89 municipalities. Each canton has its own Assembly and its own government. Each municipality also has its own Assembly and it also has a Mayor with a Cabinet, consisting of his assistants. The Law on Administration in the Federation creates the organisational and functional structure of public administration in the entity and according to this law public administration is distributed among different levels, federal, cantonal and municipal.\textsuperscript{109} The general rule laid down in the Constitution of the Federation stipulates that cantons have all responsibilities that are not expressly granted to the Federal Government. The cantons are entrusted by the constitutional responsibilities for policing, housing policy, education, land usage and social welfare.\textsuperscript{110} In many respects cantons act as ‘states within a state within a state’ and they have broad powers.\textsuperscript{111}

\textsuperscript{104} International Crisis Group, \textit{Rule of Law in Public Administration}, ICG Balkans Report No 84, Sarajevo, Dec 1999
\textsuperscript{105} International Crisis Group, Bosnia and Hercegovina, \textit{Is Dayton failing? Bosnia Four Years After the Peace Agreement}, Sarajevo 1999
\textsuperscript{106} International Crisis Group, ICG Balkans Report No 84
\textsuperscript{107} Ibid
\textsuperscript{108} Ibid
\textsuperscript{109} Zakon o upravi Federacije BiH, \textit{Sluzbene novine Federacije BiH}, 28/97
\textsuperscript{110} Constitution of the Federation of BiH, Article 4
\textsuperscript{111} International Crisis Group, \textit{Rule of Law}, ICG Balkans Report No 72, Sarajevo, July 1999
4.2.2 Republika Srpska

The government and the public administration in RS are organised in a relatively straightforward manner. There are two levels, the entity and the municipalities. The Prime Minister and his Cabinet govern through a series of ministerial branch offices at the municipal level. The ministers are responsible for the implementation of the laws and regulations adopted by the RS National Assembly. There are 20 ministers for a population of just over one million. The branches of a ministry are responsible directly to the minister. RS is divided into 63 municipalities and the powers are directly devolved to the municipalities. Authority is also expressed through establishment of ministerial branches in a municipality. This means that branches of a ministry are directly responsible to their Minister, even though they are placed in the municipality. This is the case of Ministry of Refugees and Displaced Persons and the OMI:s in RS.

4.2.3 The municipalities of Ilidza

Ilidza had according to latest pre-war population structure estimation in 1991, about 68 000 inhabitants in total, whereof Serbs 37 percent, Croats 10 percent, Bosnjaks 43 percent, Yugoslavs 8 percent and others 2 percent. As earlier mentioned in the history section, Ilidza was officially divided between RS and the Federation in 1996. This dichotomy occurred already in 1992 when the war started, but this time an administrative line was drawn. This led to that the minority populations of the two municipalities switched sides and those ethnic minorities who stayed in IS and IF after signing the DPA, chose to move to the other side, where they were in majority.

Within the Federation the internal municipal structure is almost identical in all municipalities. The highest authority is the Mayor and he nominates his own Mayor’s Cabinet or Council without having to seek approval of the Municipal Council. It is the Mayor that organises the work of the municipal administration bodies. The most important relation at the municipal level is the one between the Mayor and the Municipal Council, since they in a wide sense represent the functional entirety. It is a relation between the executive-administrative municipal authority, the Mayor and the legislative authority, the Municipal council. The members of the Mayor’s Council function as assistants to the Mayor and they give him/her recommendations in the decision-making.

The department responsible for refugees and displaced persons is The Department for Refugees and Displaced Persons. This department is a part of the Mayor’s Council and it is responsible directly to the Mayor. This department is also termed MHD or MHO and it is responsible for the PLIP implementation.

The two main bodies of the municipal government in the RS are the Municipal Assembly and the Assembly’s Executive Board, where the primer is the legislative and the latter is the executive branch. The President of the Assembly is often, by the International Community

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112 Kujundzic, Enes, “Memoria Bosniaca” - References of BiH, Medjunarodni centar za mir, Sarajevo, 2001, pp 141
113 International Crisis Group, ICG Balkans Report No 84
114 Vracic, Dejan, Relation Between the Executive-Administrative and Legislative Organs of Authority in the Base Unit of Local Self-Governance, OSCE 2001
115 Interviewee 2
described as the ‘Mayor’, which is actually incorrect, since RS municipalities do not have Mayors. The real power in an RS municipality depends more on the power and influence the President of the Executive Board or the President of the Assembly hold in the ruling political party. The power is thus scattered between the President of the Municipal Assembly, the President of the Executive Board and the Municipal Secretary.\textsuperscript{116}

The main difference between the authorities of the municipalities in RS and the Federation is that the Federation municipalities answer foremost to the canton. The Federation does not organise the work of the municipal administration bodies in the same manner as the Municipal Secretary in RS. This is the privilege of the Mayor.

Fig. 4.1 Municipal structure of Ilidza

![Municipal structure of Ilidza](source)

4.3 International actors

In this thesis international actors are seen as part of the structure. As international actors we define OHR, Office of High Representative, OSCE, Organisations for Security and Co-operation in Europe and UNHCR, United Nations High Commissioner for Refugees. Those actors have a collaborative relationship and their authorities in property and return issues are regulated in the Annex 10 in DPA.

\textsuperscript{116} International Crisis Group, ICG Balkans Report No 84
OHR has the highest executive and legislative power in the country and the present High Representative since 1999, Wolfgang Petritch is supposed to monitor the implementation process of the civilian aspects of DPA in BiH. An example of the power the High Representative is that he in one day, together with OSCE Mission Ambassador took the decision of the removal of 22 elected and appointed officials in BiH, because of their ‘obstructive conduct’ when it comes to adopting the principles established by Dayton.\textsuperscript{117} Recently he also dismissed Ante Jelavic from his positions as a Member of the Presidency of BiH and as a President of the HDZ. ‘OHR has replaced a lot of high officials. Only in one day the High Representative dismissed 13 heads of OMI because they had low numbers of returnees.’\textsuperscript{118} OSCE has a four-pronged mandate in Bosnia: it monitors the human rights situation, it promotes a civil society and a democratic government, and it supervises election and it oversees arms reduction.\textsuperscript{119}

UNHCR is the authority, which is the most relevant for the refugee and repatriation issue. Consequently this is the body with which we have mostly co-operated since it has direct connection to our work. UNHCR promotes international refugee agreements and monitors government compliance with international refugee law. In line with the DPA, UNHCR is the lead agency with regard to the implementation of Annex 7, and they are entrusted with providing protection and assistance. UNHCR is involved in facilitating return and reintegration. UNHCR has four regional offices in Banja Luka, Tuzla, Mostar and Sarajevo (the head office), and 20 field offices.\textsuperscript{120}

Within the canton Sarajevo, a lot of organisations have their head offices why those municipalities situated in the county, get more attention from international actors. The international field level actors are called Focal Points (FoP). The FoPs consist of staff from OSCE, UNHCR and to a lesser extent, OHR. We have mostly been in contact with the FoPs of UNHCR because of the simple reason that the repatriation and refugee issue in Ilića community is mostly run by UNHCR. This is also because the interviewees considered FoPs of UNHCR being their most important international contact. To the question - which international actors do you have contact with in your work, and the following question - which international actor do you consider being most important to your work, the interviewees answered homogeneously that UNHCR was their most important international contact.

The FoPs of UNHCR in Ilića, ie interviewee 12 and 13, are recruited locally, and this is not the only example of local people working for the International Community. Several lawyers and other co-workers at OSCE for instance, are local employees. In spite of the fact that they have been recruited locally, they are established co-workers in the international organisations working under the same conditions (with one exception, lower salaries) and by the same rules and regulations. Hence, they will be considered as a part of the structure in the same way as the other members of the staff that have been recruited from the outside of BiH.

\textsuperscript{117}http://www.oscebih.org/pressreleases/november1999/29-11-removed_officials.htm, 2001-03-23
\textsuperscript{118}Interviewee 2
\textsuperscript{120}http://www.unhcr.ba, 2001-04-27
4.3.1 Dayton Peace Agreement

The DPA, a general peace agreement for BiH, the Republic of Croatia, and the Federal Republic of Yugoslavia was initialled in Dayton, Ohio in 1995. The agreement consists of a general framework agreement and 11 Annexes, which regulate among others, sovereignty, displaced persons and refugees, the Constitution, elections, civil implementation. Milosevic, Tudjman and Izetbegovic, the Serb, the Croat and the Bosnjak leader signed the agreement while representatives of the Contact Group nations; the United States, Great Britain, France, Germany, and Russia. The European Union Special Negotiator witnessed the process. The agreement enables Bosnia and Hercegovina to continue as a single state, with full respect for its sovereignty by its neighbours. Annex 7 of the Dayton Peace Agreement secures the right of all citizens of BiH, displaced during the war, to return to their homes.\textsuperscript{121}

4.3.2 The interviewees’ opinion of DPA and Annex 7

A detailed description and analysis of the agreement as such is not the aim of our thesis. It is more important to focus on how local actors perceive and interpret the agreement since their opinions are crucial for the implementation of DPA and hence for the repatriation issue.

A common opinion among the interviewees was that the lack of financial resources created large problems for the implementation. Large amounts of money for this purpose were invested relatively early in 1995 and 1996. Today the money is gone, without anyone knowing exactly how. I\textsuperscript{8} and I\textsuperscript{12} say that the largest problem with the implementation of DPA and Annex 7 has a financial and political character. By political, the interviewees refer to the way that the war ended, that is with an agreement between the different parts, an agreement they never intended to fulfil.\textsuperscript{122} I\textsuperscript{3} says:

\begin{quote}
There is not a single agreement in the world that is complete, and Annex 7 is not either. It is not the best but it was the best solution for the situation at the time and that is well known. Of course it has to be developed, after all we have been isolated for five years. Annex 7 has certain defects and they have to be attended to by the expert groups.\textsuperscript{125}
\end{quote}

I\textsuperscript{7} says that they were happy when the agreement were signed, since everybody has the right to return and to regain his or her property. Thus she criticises that it in DPA never has been specified who is going to implement the agreement. She says:

\begin{quote}
We had no functioning national bodies and at the same time the federal bodies began to develop, even in RS. The sad part was that we did not know who was going to implement all this.\textsuperscript{124}
\end{quote}

I\textsuperscript{10} claims that the International Community has declared the legal rights but they have not developed the institutions or the procedures of how to for example regain your property quickly and efficiently.\textsuperscript{125} According to I\textsuperscript{2}, Annex 7 is feasible and it is the only possible solution for BiH. If the DPA is not implemented, a breeding ground for a new conflict will be

\textsuperscript{121} http://www.state.gov/www/regions/eur/bosnia/bosagree.html, 2001-04-20
\textsuperscript{122} Interviewee 8 and 12
\textsuperscript{123} Interviewee 3
\textsuperscript{124} Interviewee 7
\textsuperscript{125} Interviewee 10
created. Further he says that when Milosevic signed the agreement, he never intended to fulfil it and he means that this policy is still strong in RS. Further he says:

Annex 7 assume that the individual can choose wherever he wants to live, that is he has the right to return to his own property, but also that he can choose where he wants to live. The policy in our municipality is that everybody definitely should be able to return home.126

I6 shares this opinion and he says that everybody should have the right to live where they want as long as they do not occupy someone else’s property. There should be a balance between rights and obligations.127 I14 perceives Annex 7 feasible but she means that it would never have been feasible without the involvement of the International Community.128 I9 means that if Annex 7 is to be implemented at all, you first have to implement Annex 6, which specifies the human rights. He says:

If this basis is missing, the right to return and repossess your property does not matter. You have to have rights as medical care, school, social security, work and exercising of your religion and if they do not exist, Annex 7 does not matter as a declaration.129

4.4 The PLIP

The Annex 7 of the DPA enshrines the right for refugees and displaced persons to return to their homes. This can only be met if the property issue is completely solved. PLIP, The Property Law Implementation Plan, was established to ensure that these property rights are recognised for every individual in BiH. The PLIP is in process in every region and municipality in the country. The PLIP has developed from a co-operation initiative between OHR, UNHCR, OSCE, UNMIBH and CRPC. The strategy is supposed to ensure the implementation of the new laws and the objective is to ensure that all claims to repossess property are resolved.130

The PLIP aims to de-politicise the property issue, ie that repossession is treated as a legal process without political influences. The PLIP also aims to institutionalise the property return process. This means that one of the objectives is to create legal-administrative structures that deal with property claims in a professional and standardised way. This institutionalisation will ensure that the process continues in the future even without the supervision of the international agencies.131

I9 says that there is a lack of alternative accommodation in IF and therefor they have purposely slowed down the implementation of PLIP he says:

We cannot throw 13 000 refugees and DPs out on the streets and then other refugees and DPs cannot move back either. I think that IF has found itself in a situation where we

126 Interviewee 2
127 Interviewee 6
128 Interviewee 14
129 Interviewee 9
131 Ibid
cannot implement PLIP to the extent that we would like to. Do not misunderstand me - we work for repatriation, not against.\textsuperscript{132}

I2 means that the International Community wants them to implement PLIP too fast and if they should implement it as the International Community want, IF would have had a tent camp in the green areas by this summer. He says:

The International Community says that I have to implement PLIP, but where shall I put all these people? The International Community blames the local level, when the problem in reality is on a higher level.\textsuperscript{133}

He further says that he as a local actor may try to do everything in his power to implement PLIP and laws of return and in this invest the entire budget, but if a DP from for example Bratunac cannot return home, then everything is in vain.\textsuperscript{134}

I12 means that the implementation of PLIP in IS proceeds very slow, which he means is the general picture of RS. Further he points out:

It was first in 1999 that RS accepted and began to implement PLIP in that area and the process in strenuous and difficult in most municipalities in RS. The process is very politicised in IS and maybe it is because the entity border is drawn here. This is one of the fundamental principles of PLIP, that we try to de-politicise the implementation of the property laws. Therefor the local authority should not have any influence on this process, administratively and legally speaking.\textsuperscript{135}

He further says that the defective information flow within the municipalities, especially in RS, constrains the implementation process.\textsuperscript{136}

There is a noticeable asymmetry in PLIP progress between the two entities. PLIP decisions rates are more than twice as high in the Federation, 31 percent than in RS, where it is 14 percent. This indicates political obstructionism in the Serb entity. Two key RS municipalities, Banja Luka and Prijedor, had resolution rates only between 7-8 percent, and most eastern RS municipalities have resolved less than 5 percent of property return claims.\textsuperscript{137} Later numbers show similar tendencies.

Table 4.1 Statistics on the implementation of the property laws, February 2001

<table>
<thead>
<tr>
<th>February 2001</th>
<th>Number of Claims</th>
<th>Number of Decisions</th>
<th>Implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ilidza Federation</td>
<td>6024</td>
<td>5194</td>
<td>1448 (24%)</td>
</tr>
<tr>
<td>Ilidza Srpska</td>
<td>1676</td>
<td>553</td>
<td>230 (13.7%)</td>
</tr>
<tr>
<td>Federation</td>
<td>124 088</td>
<td>75 372</td>
<td>38 379 (30.9%)</td>
</tr>
<tr>
<td>RS</td>
<td>120 154</td>
<td>39 365</td>
<td>15 791 (13.1%)</td>
</tr>
</tbody>
</table>

Source: Local Authorities / PLIP Focal Points

\textsuperscript{132} Interviewee 9
\textsuperscript{133} Interviewee 2
\textsuperscript{134} Ibid
\textsuperscript{135} Interviewee 12
\textsuperscript{136} Ibid
\textsuperscript{137} http://www.state.gov/www/regions/eur/bosnia/fs-bosnia_refugees_010110.html, 2001-04-24
4.5 DPA and PLIP- success or failure?

March and Olsen claim that symbols and social rituals may be a way of hiding the political reality, and symbolic action is by them described as a strategic move made by self-conscious political actors. The symbolic action is also seen as a strategic component in a political competition and politicians are, according to them, ready to give promises that they have no actual intention to fulfil. March and Olsen’s exemplify that politicians for instance vote for legislation, which they do not intend to implement. This could be ascribed to the case of BiH and DPA. It is obvious that fulfilling DPA, at least concerning DPs and refugees, has not proceeded as expected. Could the signing of DPA have been a strategic move? Do politicians give promises that they do not intend to keep? With the key in hand we can see that DPA has only been entirely fulfilled in a few areas. Even if authorities are not willing to respect DPA, at least they must appear to support the DPA provisions. Could it be that the politicians signed the agreement primarily because they wanted to end the war at the same time as they had strong pressure from the International Community, which in turn made the time right for signing the agreement. Signing the DPA is though not equal to accepting or respecting it. The result six years after the war shows that the DPA has been implemented not even close to the extent that the International Community expected. As March and Olsen stress, control over symbols and resources are important tools and it is a basis of power. The political leaders, both national and local, have preferences to act in the way do, that is they have the possibility to use their political power to obstruct the repatriation.

The DPA is a legal invention of a number of international agencies. It was designed to create a homogenous legal framework that should be valid in BiH as a whole and that should reconstruct and democratis the country. Isomorphism is a process where institutions for different reasons begin to resemble each other. Sometimes institutions are forced to adopt structures and rules and Powell and DiMaggio refer to this process as coercive isomorphism. It may occur through political influence or by formal or informal pressure of external organisations and the imposition of standard operating procedures and legitimised rules. The DPA was unlike many other peace agreements since it was imposed by powers external to the conflict and many Bosnians have seen the DPA as an external imposition. The International Community has compelled the DPA on BiH and the Bosnian leaders may not have agreed on the DPA in reality. Serbs and Croats made it clear from the start that they plan to eventually incorporate their parts of BiH with their ‘mother countries’. Has BiH, as it was intended by DPA, ever had an honest chance to survive in its existing shape? The Peace Agreement creators have during the whole time maintained the thought of keeping BiH unified at the same time as they have accepted the requirements made by Serbs and Croats. This is to design the agreement in such matter, so that they eventually could leave the union and incorporate their parts of Bosnia to the native countries. The agreement has been questioned since it has authorised the borders settled down during the war. The fact is that DPA was the only possible settlement at the time even if it was not the ultimate peace solution for the parts involved.

Annex 7 about return of the refugees and DPs, is one of the most fundamental directions of the Peace Agreement. This part can only be fulfilled if the property issue is fully solved. There are several factors determining the housing problem and repatriation. The International Community has designed PLIP for this issue. There are three central problems connected to the implementation of the PLIP. The first is the political barriers. The nationalist parties in BiH wants to keep the three communities separated, and in this way ensure their power position in certain municipalities and ensure their economic interests. This has resulted in an
unwillingness to implement the property laws. The second barrier is the formal institutional problems. The institutions and the administrative capacity in BiH are weak and therefor it is necessary to strengthen the local administrative authorities and to build up their capacity. This is discussed in a chapter below. The third barrier is the housing problem. There are not enough houses in many parts of BiH and this has to be solved in order to create the space needed for return. This is also part of the administrative problems, which are discussed below.

It is the intention of the International Community to institutionalise the repatriation process, to make the process completely administrative and legal without any political influences. Hence the International Community have to de-politicise the repatriation process. DiMaggio and Powell distinguish different essential parts in the institutionalisation process, for instance increase of the interaction between different institutions or organisations and creation of a mutual awareness among the different institutions that they are parts of a common enterprise. Hence in BiH, a co-operation between different institutions in the country must be developed. It is also essential to develop awareness among the people in BiH, that they belong to one single country and that they have to live together in this country in peace. The current situation in BiH does not show any significant co-operation between different institutions. The country is divided in two entities where each entity considers itself as a separate state within BiH. Even if they do not share the same constitution or administrative system, they have to regard themselves as one unit, people of BiH. The vantage point of DPA is that BiH is one state and it should function as such. This is not negotiable, but a precondition that must be fulfilled if the peace will be sustainable. If one ethnic group cannot feel safe in its original municipality, the repatriation process is not possible. It is necessary to institutionalise the process and not let the political arbitrariness be decisive in the repatriation process. DiMaggio and Powell stress that efficiency of an institution derives from legitimacy, which in turn derives from adaptation to general rules and norms. Hence they mean that it is rational to adapt in order to achieve efficiency. In BiH there are no general rules or norms accepted by all three people and this is one of the objectives of the DPA, to create common rules and norms or at least to lay down a general outline for those.
5 CULTURE, VALUES, RULES AND RESOURCES

It is not possible to see the demographic change of population between 1995 and 1996 since such large-scaled movements took place in this area, without qualified body monitoring it. Hence, there is a lack of reliable statistics from the period 1992 until 1996, especially in municipalities similar to Ilidza where the largest change actually occurred in 1996. Therefore, we are comparing the statistics from 1991 and 1996, when the UNHCR started making a census of population. This is the only statistics we find reliable since domestic statistics tend to manipulate the numbers of returnees, in order to improve the results. It is of this reason that the International Community started to financially reward those communities, which promoted minority repatriation. Ilidza Federation is one of the municipalities that have received over 90 million KM\(^1\) since 1995. This is a large amount of money compared to the approximate donation per municipality. One of the explanations has been that IF has from the day that war stopped showed good will concerning the repatriation. About this I1 says:

We did not wait for the DPA and Annex 7 to be signed, but we preceded it earlier. With the Mayor in the lead, several Heads of Departments from IF and I went to IS, and also to other municipalities, and got in contact with their Mayors and central figures. We tried to create a friendly atmosphere and show that IF was willing to implement Annex 7, but also to establish different kinds of co-operation. […] In the next step, a new delegation went back, and then when the ice already was broken, they started to discuss those questions, exchange information and create a positive political atmosphere, as a some kind of preparation.\(^1\)

This witness that the leaders of IF has acted wise, since most of the economic resources invested in the country, came during this period, i.e. in 1995 and 1996. Put in another way, the municipalities that did not show a positive attitude to repatriation, missed their financial chance already then. According to the interviewees from IS, the financial resources cause big problems in their work with repatriation. They are not able to implement the property laws, and at the same time the International Community demands them to do so. According to I13 the reason is that:

RS and Federation have more or less same nature and economic potential. RS has been quite closed to the minority return at the period when there were plenty of foreign investors. Of course, this discouraged them. People in RS have in a way missed the donation train.\(^1\)

This has led to that the economy of RS has been left behind and about this I1 and I9 say:

After the re-integration, the mayor appealed to all the employees of municipality IF, public healthcare workers, educational employees and so on to tried to exhort them to stay in the municipality and to not leave. All inhabitants willing to stay were begged to stay. Only a small number chose to stay because the propaganda politics of the SDS is so strong that people were to afraid to stay and were more or less forced to leave by their own government from the opposite entity.\(^1\)

\(^1\) KM – convertible mark, the domestic currency which is convertible to the German currency

\(^1\) Interviewee 1

\(^1\) Interviewee 13

\(^1\) Interviewee 1
The Serb government forced people to leave through heavy mass propaganda that was arranged but there was propaganda on both sides. Serb Television for instance showed different programmes about massacre on Serbs and created a psychosis among the population, so they had to leave Federation. [...] The Serb government has never used direct force to make minorities leave their property, but they created such conditions that people actually did not have any other choice. While leaving Ilidza Federation, Serbs burned down schools, hotels, factories, took away all the machines, destroyed the infrastructure and so on.142

This was yet not only the case in RS. According to I9, a Serb who has lived in IF during the whole time, says that also the Bosnjak President of BiH, who also is leader of SDA has made some odd statements:

Alija Izetbegovic has once said that the civil minorities are welcome to stay in the Bosnjak part of Bosnia, except for the soldiers, who have shot at Sarajevo. They were not welcome to stay and they should be held legally responsible for their actions.143

I9 says that every Serb family has at least one family member who has been active during the war. The military mobilisation was obligatory and thus most of the men were recruited. Naturally most of the families in case of return, were not ready to split and leave one member behind and instead they chose not to return.

In RS the spirit of Milosevic is still alive through the politics of SDS, which symbolises wherever Serbs live, it is Serb domain. Serbian Scientific Academy made this definition already during 80:s. It is a very fascist and racist way of thinking all those nationalistic way of thinking.144

According to I1 there is a nationalistic explanation to the war in former Yugoslavia that has its roots in early history. The political forces that started the war planned to split BiH between Croatia and Yugoslavia. The Bosnjaks wanted and still want BiH to remain entirely. This is because it is obvious that the Serb and even Croatian part of BiH will eventually be incorporated with their native lands, while Bosnjaks have everything to lose, since they have no mother land except BiH. The frequent opinion in RS, on the other hand, is that Bosnjaks fought and fight for a unified Bosnia only because they endeavour to dominate. This confirms that the distrust between the entities is still present. This is why Bosnjaks, according to Serbs, dislike the entity system. During the rule of Tito the Bosnjaks were mostly considered in keeping Yugoslavia as it was. I1 also points out that the definition of war in BiH is a relatively sensitive subject depending on whom you ask. He considers BiH being a victim under the Serbs.145

In the Federation it is a common perception that BiH has been exposed to aggression by the Serbs, the International Community regards the war as a civilian war and the Serbs see it as a conspiracy between Muslims and Croats towards them.

5.1 Nationalism and Attitudes

Answer of I1 to the question how he perceives the co-operation between IF and IS that: ‘It is as clear as a sunny spring day when it comes to IS attitude. We return the property to the..."
Serbs, but we don’t get any feedback.\textsuperscript{146} He says that it is quite obvious that there is a deliberate obstruction of Annex 7 in IS and the longer the obstruction carries on the more are people forced to search for a more permanent living solution. This means that, according to II, IS in the long term do not have to implement Annex 7, because the refugees and displaced persons have got tired of waiting and have resolved their housing situation in some other way.\textsuperscript{147}

The issue of having the possibility to exercise their human rights if they return is essential to the returnees. The problem is that people are more focused on symbols and power of those rights than of the actual human rights themselves. If there is only Serbian language taught out in schools, the Croats and Bosnjaks would not let their child go to school. There are also a lot of religious symbols used by the ruling ethnic group, trying to demonstrate their territory. It is deep-seated that Croats and Bosnjaks refuse to be minority in RS and Serbs in the Federation.\textsuperscript{148}

There are still powerful forces, especially in RS, that are trying to get displaced Serbs to stay in RS in order to gather all Serbs in RS. There is an association in RS called \textit{Ostanak} (Serbo-Croatian - stay) whose policy is that people in BiH today should stay where they are. According to II this association is created politically and represents the attitude of RS government to repatriation.\textsuperscript{149} According to the media in the Federation, the RS government put aside 11 millions KM for repatriation and 20 millions KM to stay through \textit{Ostanak}. II points out that this association is very active and is actually a product of political parties and strategies, which have been in power during and after the war. II stresses that IF has done everything in their power to help all citizens to return. The situation in IS is different. The RS government encourages refugees and DPs to stay in RS and tries to create conditions stimulate the stay. They lend Serbs money, they deal out pieces of land belonging to displaced Bosnjaks and Croats to the Serbs, all in order to help them make a new start. The International Crisis Group has also noticed the condoning of the illegal constructions on land owned by ethnic minorities who were expelled during the war. According to ICG this phenomena exists on both sides.\textsuperscript{150}

Recently there has been an agreement signed between RS and the Federation concerning the implementation of PLIP: the PLIP has to bee implemented at least up to 50 percent. II considers this behaviour being a sign of attempt to ethnic cleansing of political means instead of military ones. Moreover he says that the institutions that should promote repatriation does not exist in RS since their entity wants ethnically cleansed areas. This includes that government does not take into consideration mixed marriages, Bosnjaks, Croats, Gypsies or any other minority. Even though the political changes have occurred, the policy and the purpose are the same. The money given to \textit{Ostanak} is intended to build new houses to the Serb refugees and DPs that are originally from Federation. According to II if you want to find out the real political interests, then you should observe where the money goes. In this case the he says 11 millions KM has been put aside, but only for Serb DPs within the entity of RS. Neither Croats nor Bosnjaks in RS have been provided any help.\textsuperscript{151} In IS we were given

\begin{itemize}
\item \textsuperscript{146} Interviewee 1
\item \textsuperscript{147} Interviewee 1
\item \textsuperscript{148} Ibid
\item \textsuperscript{149} Interviewee 9
\item \textsuperscript{150} International Crisis Group, \textsl{Rule of Law in Public Administration}, ICG Balkans Report No 84, Sarajevo, Dec 1999
\item \textsuperscript{151} Interviewee 1
\end{itemize}
statistics of the implementation of the PLIP that were unclear and difficult to understand. This illustrates that the authorities often are trying to picture the situation better than it is in reality. There are also, according to I1, trying to cover the reality and often are not ready to show the statistics at all, claiming that those statistics are classified.  

There is a distrust between IS and IF, which exemplify the situation in the country as whole. According to I10 the ethnic balance is not present in the canton Novo Sarajevo when it comes to employees who deal with repatriation and refugee issues. His estimation is that only three workers in the canton of Sarajevo were non-Bosnjaks and non-ethnic balance makes it possible for one group, in this case Bosnjaks, to patronise their own. I10 thinks that the ethnic balance should be made according to census of population from 1991. Since the demographic structure of the ethnic balance is not even close to be the same today as in 1991, this statement could be considered as quite non-objective and unrealistic. I10 does not either mention which department, municipality or institution specifically he points out when he claims that there are only three non-Bosnjak workers dealing with refugee and repatriation issue in canton Sarajevo. Taking a closer look at the political composition by ethnicity, the non-Bosnjaks are highly more represented in Federation than I10 claims. At the municipality of IF, which is the object of the study, there are four non-Bosnjak members of the Assembly Officers (out of 17) of which the Speaker and the Deputy Speaker are non-Bosnjaks. Within the Mayor and his Cabinet, there are thus, only Bosnjaks represented. In the IS on the other hand, there are no non-Serbs represented at all, neither in the executive positions, among the assembly officers nor at the OMI.

<table>
<thead>
<tr>
<th>Ilidza Federation</th>
<th>Ilidza Srpska</th>
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<tr>
<td>The political party in majority SDP BiH (36%), SDA (29%)</td>
<td>The political party in majority: SDS(52%)</td>
</tr>
<tr>
<td>Allocation of executive positions and assembly officials:</td>
<td>Allocation of executive positions and assembly officials:</td>
</tr>
<tr>
<td>Bosnjaks: 82%</td>
<td>Serbs: 100%</td>
</tr>
<tr>
<td>Serbs: 14%</td>
<td>Others: 0%</td>
</tr>
<tr>
<td>Croats: 4%</td>
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Source: Our work of OSCE, Elections/Implementation, Data Sheet - Ilidza (131), Sarajevo 2001-04-20

In the most of the municipalities the nationalist parties are governing even if there is a tendency of the increasing support for democratic parties. The degree of nationality among the parties on the local level varies from municipality to municipality in BiH, mostly depending on the Mayor. Some municipalities have a stronger nationalist attitude while others
are more liberal and hence open to the minority return. According to I9, one example is the Mayor of IF:

Even though he is a member of SDA he is quite liberal and he has done a lot in order to promote repatriation in IF. IF has been lucky, since it has had the same Mayor since 1990, i.e. before the war and a lot of staff that deals with refugee issues is originally from Ilidza.156

However, the situation of IF does not reflect the Federation in general. An example is the neighbouring municipality Novo Sarajevo, where SDA is the ruling party. In this municipality there has, according to I9, hardly been any returns in four years. IF has been more open to return than Novo Sarajevo.157

There are many cases in BiH, both in the Federation and RS where DPs and refugees handle the repatriation issues themselves. It is a paradox since DPs and refugees obviously haven’t resolved their own situation yet. It is hard to believe that they are willing to let originals move back when they need jobs and a place to live, and then DPs and refugees occupy those properties. I9 says:

Just because a territory has been given to the Serbs, it does not mean that the property did so as well. People are not ready to move out from other people’s property which Dobrinja 1 and 4 are obvious examples of.158

He indicates that there is a lack of consciousness that one person’s right to stay does not exclude the other person’s right to move back. He says that Serbs have the right to stay in RS, but they do not have the right to occupy houses and apartments. As long as the term stay in RS to Serbs is equal to stay in someone house, it is not possible to even think of a sustainable development. A lot of people are afraid of what is going to happen to them if they return. It is not unusual that refugees are attacked and terrorised in different ways. Recent happenings of this kind were in Visegrad, where the returnees were shot.159

The main problem of repatriation, according to I9, is that the nationalist parties are still in power at municipality level. Also in the municipality there the opposition won the elections, the people from the old (war) structure are having the key positions within repatriation and refugee issue. Those people who occupy often someone else’s property or business and those people want to keep the repatriation at status quo as long as possible. Moreover, a lot of people with influence who have made their hands dirty during the war and those people do not want the witnesses to return. It also hard to convince people why they should live together again, after five years of war, hundred thousands of victims and devastation of the whole country. People are disillusioned, poor and frustrated. The refugees and DPs are rather disinfomed about the current situation and their own rights and obligations than not informed. There is still a large propaganda from each ethnic group towards the other ethnic groups that is strong and controlled by the government.160

156 Interviewee 10
157 Interviewee 9
158 Ibid
159 Pilav, A, Povratnici u 48 satorskih naselja traze pomoc, Oslobodjenje, BiH, 2001-04-18
160 Interviewee 9
The number of Serbs who chose to stay in IF and not leave their property is about ten percent. According to I9, included in this number, most of the Serbs consider them being betrayers towards their own. I1 also points out from his experience that Serbs, who chose to return to the places where they are in minority, are condemned by their own.\textsuperscript{161}

The reason of their stay was that they were not ready to leave their property to someone else. A lot of people lived in mixed marriages and reasoned why they couldn’t live together now after have been living together for so many years. The reason that a lot of people who actually were insecure in whether to leave or stay, left is that they taught they could sacrifice their place of living in exchange for an own Serb state.\textsuperscript{162}

The number of returnees to IF does not mirror the situation of the canton Novo Sarajevo in general. IF is an example of a successful municipality concerning the repatriation. There have hardly been any returns to Novo Sarajevo during the four years during the rule of SDA and it shows. IF has acted democratically and has been open to minority returns and hence achieved positive results.\textsuperscript{163} In IF there is a new department working with refugee and DP issues and there is also a chairman in the Municipal Assembly, who is responsible for these questions. There are no department in IS especially intended for this purpose, but this is the responsibility of OMI.\textsuperscript{164}

The name itself, Ilidza Srpska, might be seen as RS point of view, since the dichotomy could have been indicated in some other way than naming their Serb part of Ilidza, Ilidza Srpska.

5.2 Attitude towards international actors

The war is the United States’ and the International Community’s fault. People in BiH never wanted a war. It was the end of socialism, USA’s endeavour to dominate over the world and create he word order where they will be in charge. Former Yugoslavia was a victim of different interests of powerful forces in the world.\textsuperscript{165} This opinion is very common among Serbs in BiH and former Yugoslavia in general. The possible explanation could be that they could not take the blame for the war, which they actually started. There is also a massive propaganda that has never shown the real picture of Serb actions to the Serb people. After all it takes a great courage to admit. It is much easier to blame someone else, and most of the Serbs are actually truly convinced of the guilt of the International Community. About this I9 says:

\par
It takes too long time before the International Community workers realise what needs to be done. Their representatives who come here have to leave when they finally have the situation under control and when they are able to understand how things work here. Their mandate runs out and they simply leave.\textsuperscript{166}

The answer to the question, what the interviewees believe is the driving force of the local politicians to act the way act, is according to I9 that the politicians are afraid of the

\textsuperscript{161} Interviewee 1
\textsuperscript{162} Ibid
\textsuperscript{163} Ibid
\textsuperscript{164} OSCE, Elections/Implementation, Data Sheet – Ilidza (131), Sarajevo, 2001-04-20
\textsuperscript{165} Interviewee 10
\textsuperscript{166} Interviewee 9
International Community and OSCE. They fear losing their positions in case they do not act as they are supposed to or do not respect the human rights. A lot of politicians are very careful, they have left the houses they have been occupying because this is an ultimatum set by the International Community if they wanted to keep their jobs. Moreover the local politicians are afraid of their own parent parties, ie if they are taking the right choices that they are expected to take. Finally they are also trying to adapt to the voters as well. He points out that they are afraid of both their own leaders and the internationals, and consequently forced to act within certain frames/boundaries.

5.3 The influence of values, culture, rules and resources

In this chapter we are discussing the concept which is by institutionalists called informal structure. According to Peters institutions should in some way constrain the behaviour of its members, constrains that may be formal or informal. What influence do the informal institutions have and what constrains do they have on individual actors?

March and Olsen mean that since human action and thought are bounded within the institution, you have to analyse the development of ideas and interests in their institutional setting. They also say that you should try to explain why a problem is constructed in a certain way. When discussing values and interests and their development in BiH you cannot avoid bringing up the influence that nationalism has on individual behaviour. During the 18th century streams of ideas about a national community influenced the Christians in BiH, ideas which imprinted the opinion of the rest of Slavic speaking groups. The Catholics identified themselves as Croats with national bounds to Croatia, while the Orthodox’ identified themselves as Serbs with bounds to Serbia. In BiH the religion was associated with the ethnic group, the nation. The ethnic community and the family ties and relationships were crucial in social, economic and political life. This tradition was carried on during the communism, and the explanation of this may be found in the political structure. If you have a situation of several different groups sharing the political power, which incidentally do not have the direct responsibility to the people, the relationship of those in power and their subjects becomes a situation of permanent negotiation. As communism fell in the end of 80’s, the nationalist currents could not be held back any longer.

According to Kellas, ethnic nationalism is often a result of sudden changes in the world. When people find themselves in conditions of a sudden change in the world, they turn to their ethnic and social culture in order to defend the setback in politics and material interests. Kellas says that if minorities and ethnic groups feel that their culture is threatened by the state, they start to feel cultural deprivation. If a person’s national identity, language, religion or habits are discriminated, cultural deprivation is a fact. In the case of Ilidza it is important to consider the fact that the municipality was undivided before the war. This was a municipality where all nationalities lived together, as in BiH in general where most of communities were multiethnic. When the war started, the municipality was divided into two parts, one Bosnjak and one Serb part. It became natural for both the ethnic groups to turn to their own people and hence a lot of families were forced to leave their homes. The demographic picture of IS and IF has changed twice, and it is still gradually changing. The first change occurred when the war started while the second was related to the reintegration. It is a fact that oppressed feelings of nationalism gave rise to the displacements.
March and Olsen mean that institutions create their own environment by the way that they interpret and act in real life. This means that the actions of some actors are part of the environment of other actors and actors and their environments tend to adapt to each other. In BiH, the use of nationalism appeared as a form of political mobilisation after 1989. The national consciousness of the multinational groups was intentionally created and the nationality became a tool for legitimating the different forms of political, economical and cultural interests. In BiH the national differences were hidden as link of the communist policy since there is an ethnic mixture, unlike any other republic of former Yugoslavia. The communist regime restrained the nationalist streams with violence and invested a lot of financial resources in creating a sense of Yugoslav community. This was apparently insufficient since the breakdown of the communist regime gradually led to a war.

March and Olsen and DiMaggio and Powell argue that powerful actors such as, for example dominant ethnic groups have the possibility to specify their own environment. Then the actors in their environment must respond to that environment, meaning that they are forced to adapt to the environment. What kind of nationalism that will occur depends on the political and cultural context in the society and in the political area, the emphasis is on power. Also Kellas means that those who achieve political power have the ability to transform the political structure. If the nation is multinational, the different nations may compete with each other in a hierarchy of domination, discrimination and exclusion. Giddens refers to power as a transformative capacity, but he also means that those who are in power are dependent on the actions of other actors, ie they have to recognise the limitations imposed by the social context. Hay means that the power is a question of agency and of having the possibility to influence the structures of others and also define the possibilities of others.

In the case of BiH we may discern three dominant ethnic groups, where each ethnic group is trying to specify their environment. This leaves space for conflicts since each group is more or less forced to uphold one's rights towards the rest. We have already seen that both Croats and Serbs may have interest in incorporation with their native countries, while the Bosnjaks have a lot to lose if BiH is divided, since they have no native land to turn to. Hence, this means that all the groups are fighting for their own interests. In one way or another they still have to adapt to each other at the same time as they are fighting each other. In the case of Ilidza municipalities we have two dominant ethnic groups, Bosnjaks and Serbs, with different attitudes to the repatriation. From the empirical material we can derive that IF has been more open to repatriation than IS that has been promoting the opposite, stay. An example of this is the fact that IS, as RS in general, did not begin the implementation of the property laws until last year. According to I1, RS and hence IS would not have to implement the property laws at all in the long term, by waiting for people to give up. Another example that indicates what kind of refugee and DP policy is taken in RS is that the government is giving away pieces of land. Those two groups, the Serbs and the Bosnjaks, may have different interests, influenced by different government structures as well as the politics of the running parties. The ruling parties in IF are SDP and SDA, while SDS is the ruling party in IS. According to I9 there are different grades of nationalism within nationalist parties, which he considers being a case in IF. He ascribes the Mayor the relatively positive minority returns to IF, regarding the Mayor as quite liberal even though he is a member of SDA. Even if the Mayor is considered being liberal you have to notice the fact that he has only appointed Bosnjaks to his Cabinet, which is the government of the municipality. You cannot avoid wondering why there are no Croats or Serbs in his Cabinet. However, the fact that SDP has the highest number of representatives in IF, hopefully indicates that the nationalist party is losing its grip in IF. This is not the case in IS where the nationalist party SDS still has a considerate majority and there are no non-Serbs
represented at all in the municipality. This shows that the two municipalities seem to work in different directions rather than towards a common goal.

March and Olsen mean that politics and political behaviour sometimes can be seen as symbolic actions, where the symbols may be used to conceal the real politics or as tools to make decisions. Symbolic action is often described as a strategic move of the political actors. It may also be an artefact by which the powerful may exploit the naive and weak. In BiH, symbolic action is a tool frequently used by politicians in order to prevent the repatriation. It has not been explicitly said that the minorities are not welcome, but the conditions that were made have served as obstacles. Both sides have used massive propaganda in order to frighten people of returning. In Ilidza Federation the physical obstacles have been made by Serbs when Serbs had to leave the area to the Federation in 1995. They burned down schools, factories and so on, even though the politicians agreed on this peacefully. The political action is an expression of symbolic action in this case since the parties concerned did not respect the settlements made in Dayton. On the other hand Izetbegovic’s statement that all citizens are welcome to stay in Sarajevo except for those who shot at the city during the war, is ambiguous, since he is well aware that almost all families include a soldier. The co-operation between the Ilidza municipalities may also be seen as a form of symbolic action, since there is a co-operation on a political level, but then the discussions are seldom realised in practise. Several of the local actors have pointed out that they co-operate with the other side of Ilidza, that is that they meet and discuss problems and so on. The international actors meant that that is the problem, that they just discuss and nothing more. Without a closer look, the co-operation may appear good on the surface. This can be seen as symbolic action since nothing apparent happens in real-life. This symbolic co-operation may have the purpose to obscure the real politics but the fact that nothing really occurs in reality may also be of for example financial causes.

Most theories about political action presume that the interpretation of life is depending on action and March and Olsen argue that the preferences and values of actors develop within the institutional setting. They mean that some things are in hers or his interest even if that interest is not reflected in a present consciousness. This is why it still is possible to say that there are objective interests. Depending on how individuals perceive and interpret the world, they make different choices and they see what they are expected to see. The municipalities of Ilidza claim that they work for minority repatriation and they try to emphasise that they welcome minority returns. The difference in number of minority returnees to IF compared to IS is yet noticeable. This may reflect the different attitudes within municipalities. IF has on a number of occasions put aside financial resources from the modest municipality budget for minority repatriation, which is shown in the statistics. In IS however, the employees at OMI have not received their salaries since December and the number of minority returns are very low. Do actors in IF and IS actually believe that they are as successful as you can get within the given circumstances? According to March and Olsen action is embedded in the in the institutional structures of rules, norms and values. These rules may refer to routines and strategies but they may also refer to beliefs and cultures, which may either support or contradict those routines and strategies. This means that for instance impersonal historical forces may shape the individual preferences. The fact is that culture and history have left deep impact, and the differences have also been cemented by the war. Are the actors unconscious of their own subjectivity? I10 says that the municipality of IF is not ethnically balanced and that there are no non-Bosnjaks working with the refugees and DPs in the canton Sarajevo. Hence, the statement of I10 could show a tendency of patronising of his own, as he tries to manipulate the statistics, even though he is an NGO employee. I10 is well aware of that IF is better
ethnically balanced than IS, where non-Serbs are not represented at all. He chooses to give an unclear example of canton Sarajevo as a whole instead of comparing IF with its counterpart IS. The actors may just think of themselves as objective and unbiased towards other national groups when they in reality are affected by the institutional setting, such as culture, values and hence nationalism, which does not makes it possible to act completely unbiased towards the other ethnic groups.

The attitude of actors have several different explaining factors and in this case we should also consider the structural differences within the municipality, since IF has developed an administrative system connected to different departments. IS has only one office, OMI, placed in the municipality building, but that works separately from it. This could be seen as an attitude as well, i.e. to what extent the municipalities are ready to invest resources and intensify the tempo of repatriation. We have to be consequent and state once again that the budget of OMI is determined at the entity level and that the municipality itself may not have the authority to impact the work of it. This is a paradox since a synchronisation their work is essential in achieving positive results.
6 FORMAL INSTITUTIONS

6.1 Legal problems

The complex constitutional structure in BiH and the conditions created by the pre-war and post-war legislation have created a contradictory mix of laws at all levels. The majority of today’s laws are taken from the pre-war Yugoslav statutes and much of the wartime legislation was written under extenuating circumstances that have no rationale in a peacetime environment. The public administration in BiH has also inherited the single party practises that were left over from the previous Yugoslav system. The legislation after the war was created more or less because the DPA and the International Community demanded it. This was done very quickly and little attention was paid to harmonise the new laws with existing ones. This has resulted in that many areas are either unregulated, over-regulated or subject to conflicting regulatory requirements.\textsuperscript{167}

The implementation of the new laws is often delayed since there are a lack of acquaintance with the new legislation. This also includes those laws and regulations that are imposed by the High Representative. The laws are often interpreted and applied as it suits the different bodies that are responsible for the implementation. This creates dissimilarities in legal and administrative procedures and it also creates arbitrariness that may result in violations of basic citizen rights. Another problem is that most new legislation has no detailed instruction and the laws often have a weak terminology which results in that authorities sometimes choose to ignore laws they do not like.\textsuperscript{168}

Bosnians have accused the International Community of a lack of adequate knowledge about the country. This lack of knowledge has resulted in legal and administrative problems since the International Community has the highest legislative power in the country. The intellectuals in BiH have raised their voice several times about this saying:

\begin{quote}
They do not have sufficient knowledge about our constitutional system, the Constitution of the Federation, the Constitution of BiH, and DPA for BiH. They are offering us ad hoc solutions from their own point of view and are always willing to negotiate even the standpoints that are already written in the Constitution of the country.\textsuperscript{169}
\end{quote}

The consequence of this has several times been that the decisions or laws taken by the International Community have not been implemented or just partly implemented. For example I10 says:

\begin{quote}
The International Community has declared the right to return that everybody should have the right to return to their origin homes. At the same time they have not developed institutions, practices and procedures, that is how you, fast and effective will get your property back.\textsuperscript{170}
\end{quote}

This is a problem that most of the interviewees in different ways have brought up. When we asked what problems there were in the institutional structure, I9 said that the state BiH does

\begin{footnotes}
\item[167] International Crisis Group, Balkans Report No 84
\item[168] Ibid
\item[169] Ibrahimagic, Omer, \textit{Bosna i Bosnjaci poslije Dejtona}, Kult-B/Vijece Bosnjackih intelektualaca, Sarajevo, 1998, p 39
\item[170] Interviewee 10
\end{footnotes}
not have any homogenous laws. The entities have created their own laws that are different in many ways. He further says that the opinions of the different laws differ from canton to municipality and then it becomes a question of interpretation of who is going to do what.\textsuperscript{171} I2 says that the law often is fuzzy defined and non-reasonable. He says that there are too many laws that are missing, that have not been adopted on entity level. I2 points out:

\begin{quote}
The High Representative adopts laws at national and Federation level and we have to work in accordance to them at the local level. How should we be able to do that when these laws are not yet complete at the local level? There are often controversies about, for example, who is responsible, and then you have to use the law to define who is right, but then the law does not exist.\textsuperscript{172}
\end{quote}

I2 further says that laws regarding refugees and DPs are mainly legislated at entity level and some at national level. This is something that you have to consider at the local level. You may for example have a situation where the local authorities have returned the property to the original owner at the same time as the rights that make his return possible are not regulated at entity level. This may for example concern the education or the medical care. If a school only teaches Serbian, Bosnjak and Croat families do not want their children to go there. There may also be cases where Bosnjaks are afraid to see a doctor in RS, since there still are no confidence built up.\textsuperscript{173}

I1 means that one of the main problems with the repatriation is that the legal issues still are not solved. He indicates that there are two different constitutions in BiH that favour certain ethnic groups. The Constitution of the Federation says that it is the Constitution of Bosnjaks, Croats and others, while the Constitution of Republika Srpska says that it is for Serbs and others. I1 means that it is essential that all people are equal before the law. This is not the case in BiH and it is very obvious. I1 says: ‘The legal frame is not complete and this is the frame that should make the repatriation possible’.\textsuperscript{174} Bosnjaks and Croats are not constituent people in RS and in a similar fashion Serbs are denied that status in the Federation. This means that all three people are constituent only at the level of the central state.\textsuperscript{175} It is written in the Constitution of BiH, that all people within its territory are equal. I2 points out that this is the condition number one, since the Bosnjak and the Croat refuses to be a minority in RS and the Serb in the Federation. In the Federation there is a House of People, which is the legislating power in the Federation and I2 means that RS should have one too. In RS there is a Constitution Commission, but Croats and Bosnjaks try to get the Serbs to create a House of People even in RS. I2 means that this would stop all the laws at the entity level that concerns nationalistic interests. This is a prerequisite to make the repatriation sustainable and otherwise the minority cannot feel secure.\textsuperscript{176} The Constitution of BiH emphasises that in BiH all three nationalities are constitutional within the territory of BiH. On the other hand the Constitutions of RS and Federation have not been made compatible to the Constitution of BiH yet. The deadline for co-ordinating the constitutions expired the 14 of March 1996.\textsuperscript{177}

\begin{thebibliography}{9}
\bibitem{171} Interviewee 9
\bibitem{172} Interviewee 2
\bibitem{173} Ibid
\bibitem{174} Interviewee 1
\bibitem{175} International Crisis Group, Bosnia and Hercegovina
\bibitem{176} Interviewee 2
\bibitem{177} Ibrahimagic, pp 339-340
\end{thebibliography}
If sustainable repatriation will be possible, it is necessary to deepen the co-operation between the two entities. DPA is based on the securing of the territorial and national sovereignty of BiH. RS has several times been accused by the International Community of not considering itself being a part of BiH, but more as a state of its own. When the Constitution of RS disagrees with the Constitution of BiH, the Constitution of RS is the one that is valid according to paragraph 50. Moreover the paragraph 44 says that the RS is a state of all Serb people and all RS citizens and paragraph 46.1 says that citizens of RS have the citizenship of RS. This may seem strange since pointing out BiH as a supranational government is left out. It is not mentioned anywhere in the Constitution of RS that RS is an entity in BiH, i.e. a part of BiH. The paragraph 44, according to the experts defines RS as a state since the Constitution of BiH does not contain a category of constitutional rules that regulates entities. Sovereignty of RS is not theoretically possible since the sovereignty defines a state’s international relations and only BiH is a subject of sovereignty. The same goes for paragraph 47 that regulates citizenship. The Constitution of RS leaves out an addendum, which should declare that citizen of RS is also citizen of BiH. A change of paragraph 48 is also necessary in order to distinguish obligations and powers between entities respectively the state of BiH. 

In RS there is a problem that the authorities obstruct the repatriation through legislation. According to I9, RS often legislates in a way that indirect obstructs the repatriation and the authorities try to persuade people, that is non-Serbs, to sell their property or to exchange it. This means that they try to make repatriation to concern just regain of the property without returning. The authorities also create bad conditions, so that the returnees will themselves decide not to return. I9 says:

“If you are discriminated in the society in all kinds of ways, you do not have any rights. It is then not surprising that you decide to sell or exchange your property. The authorities want it to look as if it is their own will, when everything actually is already predetermined, and then it is no longer will, but force.”

6.2 Administrative problems

The quality and legality of administrative procedures is heavily influenced by the professional skills of officials. These officials work in poorly equipped buildings for very low pay and without access to proper equipment. This often builds frustration and it also creates low morale among public officials. The lack of a centralised data base system is an important obstacle to an effective work and it is also often used as an excuse to send people back and forth in an endless paper chase. Municipal offices are often located in improvised premises, schools or abandoned buildings. The lack of financial resources is very visible at the municipal level where the buildings and rooms being used often are inappropriate. This is the case in both IF and IS, especially in IS where the municipal building looks like an old garage. The inside is dirty, there is no waiting room for the citizens and the Internet is not even imaginable. It is common to share an office with one or two other officials and this also accounts for IF. In IF the municipal building looks better on the outside, something that we have been told being common in BiH in general, that you repair the façade on buildings but

178 Sluzbeni Glasnik Republike Srpske, Banja Luka, Republika Srpska, No 35, 991206
179 Interviewee 9
180 International Crisis Group, Balkans Report No 84
not the inside. We did not see many computers in either IF or IS.\textsuperscript{181} When it comes to the salary it is lower in IS than in IF. The Head of OMI in IS told us:

\begin{quote}
I am not ashamed to tell anybody this, not to my minister or anybody else, but we can collect more money by begging three days on the street than what we earn here. No one will understand that.\textsuperscript{182}
\end{quote}

He further told us that no one at the OMI in IS has been paid yet this year (in April 2001). I5 says: ‘Considering how poorly paid we are, it is an amazing work we do, I mean nothing stands still but moves forward.’\textsuperscript{183} Then you start to wonder why anything gets implemented at all. If the officials do not get paid, how can one then expect them to fulfil their duties? Do they not get paid because there are no money or is it an intentional move of the higher authorities in RS, that is to provide the OMI:s with a reason not to implement the laws?

Concerning the lack of technical equipment, the situation is also worse in IS than in IF. I13 told us that, since they had no technical facilities, there were no administrative order at all of the documents. I13 says that, ‘it took us two months to go through all the cases and create a database and we hired a woman to do this. At least now we have some overview over all the documents.’\textsuperscript{184} The lack of equipment is a problem in both municipalities and in all municipalities in BiH. There are few computers and instead typewriters are being used. Of course this results in an enormous paper work and also in a severe inefficiency.

There is a concept, ‘the state wall of administrative silence’, that is very common in administrative procedures and which is especially evident when dealing with ethnic minorities. The meaning of the concept is that claims and petitions are often completely ignored by the public administrative bodies. This concept was supposed to be a tool for claimants to use against administrative organs, when for example claiming their property back, and it entails a dead line of 30 and 60 days for the organs to issue a ruling. It has been shown that the administrative organs instead have misused this concept against ethnic minorities and other claimants who try to exercise their rights. It has been used as a rule to wait for the dead line to expire. This has resulted in an overloaded court and the procedure takes far longer time than for the original organ in question. Instead of being a tool for the citizen it has become a weapon for the public officials. In this manner numerous cases just float back and forth between different departments, before ending up back at the organ of the primary jurisdiction.\textsuperscript{185} This problem is something that we get confirmed from the interviewees and for example I7 says that many municipalities use this administrative silence, which means that they remain silent to all claims concerning repatriation. Either they do not answer the claim at all or they send them further to another organ, which in turn will do the same thing. She also means that this has improved in some municipalities, especially where OHR has dismissed officials.\textsuperscript{186}

I9 means that BiH does not have any appropriate executive organ and therefor it is a question of interpretation of who is going to do what. He says that they are very good at decision-making in BiH, but there is no one to implement the decisions. The local authorities execute a

\begin{itemize}
\item \textsuperscript{181} Observing participation
\item \textsuperscript{182} Interviewee 4
\item \textsuperscript{183} Interviewee 5
\item \textsuperscript{184} Interviewee 13
\item \textsuperscript{185} International Crisis Group, Balkans Report No 84
\item \textsuperscript{186} Interviewee 7
\end{itemize}
lot of decisions, certificates and a lot of papers, but when they are to be implemented, there is no one to do that. The only thing you can do is to appeal, but then the problem is that you appeal to the same person that executed the decisions, since there is no other authority to appeal at. Sometimes you may wait one year or more before the first call, the next year you may get the other call and then it is not even sure that the other party appears. The third year you may get a decision. Most people know this and that is why many give up before they have even started.\footnote{Interviewee 9}

In both the Federation and Republika Srpska there are a problem with officials occupying houses. After the war it was common that DPs were appointed to the Ministry of Refugees and Displaced Persons and getting a position in the administration gives benefits, such as housing. Because these officials occupy the houses and apartments of other DPs and refugees, it lies in their interest to obstruct return.\footnote{International Crisis Group, Balkans Report No 84} The problem is that within municipalities, nationalistic parties are still present. Even where the opposition has won the election, people from the old structure still have key positions in repatriation issues. These people either occupy houses themselves or their children do so. This is a problem that is present in both IF and IS even if it is not at the same extent as at entity and national level. I9 tells us that the Head of the Department for Socially Owned Property\footnote{This department is in charge for issues where refugees and DPs want their apartments back and it is a department at the cantonal level, unlike the department in charge of housing issues, which is at the municipality level.} in IF, who is a DP herself, is occupying someone else’s house. He says that this is the case with several others. I9 says:

> It may be hard to attend that they should implement the law when do not respect it themselves. If you have a director in such a position in a situation as this one, that person can obstruct a lot if she wants. This person can hide information, ‘accidentally’ misplace documents and so on.\footnote{Interviewee 9}

I9 means that this has had displeasing effects in IF. It is important that the local authorities treat citizens well and more importantly, the same. How should a citizen have the strength to carry on if they are treated badly from the beginning at the first instance? If they get treated badly from the beginning, many citizens lose their hope even before they have started. I9 says that it is really important that the authorities encourage the citizens to exercise their human rights otherwise they will not have any hope or patience.\footnote{Ibid}

The problem with officials occupying houses is even bigger in RS, where it is very common that people who have leading positions are displaced persons themselves and occupy houses. This problem is worst at the national level, where almost 70 % of the officials occupy someone else’s house. I2 says that he and his department have had the principle that no one working there was allowed to occupy someone else’s house. He also points out that the problem exists in the municipality, which is inevitable, both within the police force and court of justice there are people being occupants.\footnote{Interviewee 2}

I14 also tells us that problem exists in IF and IS, something she finds terrible, because they set such a bad example. They are on the other hand in charge of letting other people return and

\begin{thebibliography}{99}
\footnote{Interviewee 9}
\footnote{International Crisis Group, Balkans Report No 84}
\footnote{This department is in charge for issues where refugees and DPs want their apartments back and it is a department at the cantonal level, unlike the department in charge of housing issues, which is at the municipality level.}
\footnote{Interviewee 9}
\footnote{Ibid}
\footnote{Interviewee 2}
\end{thebibliography}
sometimes they prevent them from returning. She also tells us that in such cases OHR has the authority to dismiss people if they do not leave the house.\textsuperscript{193}

6.3 Co-operation and information flow

This is an area where it seems to be a lot of fundamental problems. Both co-operation and information flow seem to be rather undeveloped. It also seems as if the co-operation and the information flow are better within the municipality than between the two municipalities, but that does not mean that it is satisfying. According to I2 the co-operation within IF works rather well. They have daily contacts and co-operate in all forms. The municipalities within the canton, that is Canton Sarajevo, co-operate, meet regularly and discuss problems. This co-operation is co-ordinated by the ministry at Federation level, which is responsible for these questions.\textsuperscript{194}

I4, who recently entered his duties as Head of the OMI in IS, says that there seems to have been a very vague co-operation between the OMI and the municipal authorities.\textsuperscript{195} As mentioned before, the OMI answers directly to the ministry at the entity level and hence it is not a department at the municipal level, but at entity level. It is maybe not surprising that the co-operation has been bad between the OMI and the municipal authorities, since there has been a lot of people on the positions in IS. Since 1996, the Mayor in IS has been replaced three times and the OMI now has its 7\textsuperscript{th} director.\textsuperscript{196}

The co-operation between the two municipalities, IF and IS, has been disastrous before and it has just begun to develop. I2 says that he is one of the persons that have started this co-operation and then he also means a co-operation between municipalities in the two entities in general.\textsuperscript{197}

I9 says that there seemingly has been co-operation between IF and IS, there has been meetings and discussions and everything seemed fine outwardly, but the truth is that the return to IS has been very slow. He says that about 3 000 Serb families have returned to IF, while only about ten Bosnjak families have returned to IS. I9 says:

\begin{quote}
There have been some discussions about co-operation in education and health care and there have been some visits, but when it came to the point, it all stopped. I think that the co-operation actually has been rather bad. A living proof is Dobrinja 1 and 4, where people are not prepared to leave someone else’s property.\textsuperscript{198}
\end{quote}

Even I10 means that the co-operation between the two municipalities is not even close to be satisfying. He says that even if the co-operation is better than it has been before, there are still a lot of problems.

The problem is that different departments are in charge of the return issues and there is a lack of co-operation between them, between IF and IS. This co-operation has to be

\begin{itemize}
\item \textsuperscript{193} Interviewee 14
\item \textsuperscript{194} Interviewee 2
\item \textsuperscript{195} Interviewee 4
\item \textsuperscript{196} Interviewee 13
\item \textsuperscript{197} Interviewee 2
\item \textsuperscript{198} Interviewee 9
\end{itemize}
improved especially when it comes to the Department of geodesy, property issues and catastra and the Department for socially owned property. Those should be synchronised, meaning that if you apply for your property in IF, you should immediately get response from IS and vice versa. When the occupant leave the property, his own property should be evacuated at the same time. This is the only way to create mutual repatriation.\textsuperscript{199}

According to I14, the co-operation between the two municipalities has not been that good the last couple of years. It was often one municipality that complained that the other municipality does not reply and they also said that, if they do not let their minority return why should we? They compared each other and they always said that the other municipality was not as good as them in terms of minority return. I14 means that this is one of the tasks of the International Community, to act as a mediator and make the two municipalities sit together and discuss problems and make them talk not just blame each other. She says that the situation has improved a little the last year and that the municipalities need to be pushed by the international actors to start a co-operative relation.\textsuperscript{200}

According to I12, the insufficient information flow is the largest problem with the repatriation issue. He means that the information flow in both IF and IS is very slow and very bureaucratic and this leads to a humiliating inefficiency of the local administration. This problem also leads to delays in the implementation of PLIP. The department that shall receive the information from RS is the Ministry for Refugees and DPs. This ministry should then forward this information to departments on local level, which then should react on this information. The information may for example concern which Bosnjak property in RS that has been liberated from the occupant. This does not function or it functions very slow. The reaction does not appear or it appears first after a while. I12 means that there are not enough resources to be able to uphold the information flow. Considering that the centres do not have any database over their own activities, they are often not competent enough to provide the information to the right institution and it is the same problem the other way around. Hence, the main problem is that there is no reply to the information that has been sent, that is the exchange of information is very defective. So what we have is a situation where all parts send information, but no one replies to it. I12 says that the situation is better in the Federation than in RS but it is still far from satisfying.\textsuperscript{201}

Another problem with the information flow is its reliability. This is an issue that is very often brought to its head. There are situations when a municipality in RS, inform a municipality in the Federation about the number of vacated houses for Bosnjaks. This information reaches the federal or cantonal level. The canton starts a procedure where these families who have temporary housing in the Federation, are going to be evicted, since they now can return to their own property in RS. These persons then often questions the reliability of the information, since it often happens that the property in RS is not even inhabitable. How are you supposed to verify all the information that fluctuates between the entities? I12 means that you have to build a mutual confidence of the administrative structure between the entities, so that the information is completely reliable on both sides.\textsuperscript{202}

Also I14 means that the information flow between the municipalities does not function very well, even if it has improved. Before they did not communicate at all. She means that a well

\textsuperscript{199} Interviewee 10  
\textsuperscript{200} Interviewee 14  
\textsuperscript{201} Interviewee 12  
\textsuperscript{202} Ibid
functioning information flow between municipalities in the different entities is crucial, otherwise a two-way return is not possible. If the authorities in IF evict someone from a DPs property, this person has to be informed by the authorities in his present municipality, that is since he has repossessed his house he has no longer the right to occupy the house he is living in anymore. If this information flow function well, you will have a circulation of evictions and repossessions, but for the moment it does not function. The reason is according to I14, simply that there is no interest in communicating between the entities. It is always one side that does not want to co-operate and then it will not function. It203 I2 means that he as a local actor may do everything he can to fulfil the implementation of PLIP and invest money in this, but if a DP cannot go back to his original municipality, everything is in vain. What are we going to do when another municipality will not co-operate?204 About this I13 says:

If we have a demand that a person should return and if there are interest in this from both sides, this process function very well and quite easy. You set up a contact between the municipalities and everything goes quickly, but if there is just a little thing that does not suit one side, then it does not function. Generally I think that if they want to come to an agreement, they most often do so too.205

I5 says that there is a good information flow between the municipalities; ‘There is an information flow since there is a centre in the city where all information is collected and co-ordinated, that is information of all cases that have been solved and this report is sent out monthly.’206 This information flow that he talks about is a monthly statistics report that is put together by the International Community. The municipalities give their statistics to the Focal Points who forward it to the department at the International Community, which then put it together. However, the information flow I5 is talking about does not involve any direct exchange of information between the municipalities.

I3 means that there are problems with the information flow even within the municipality. He means that it has to be more efficient.

You have to synchronise the paper work and computerise the departments. The technology is moving forwards and we are behind. Everything could go much faster, for example I do not have any computer. If we had a computerised system, the information flow would be much more efficient.207

6.4 Formal institutional problems

According to institutionalists, formal institutions or structures may be for example legislatures or legal frameworks. Institutionals also claim that institutions in some way should constitute constraints on their members, constraints that may be formal as well as informal. In BiH, this area consists of not one but several formal institutions. There is for example not one single homogenous legal framework as for example in Sweden. Instead there are several contradictory constitutions and laws. There is one joint national constitution and two other

203 Interviewee 14
204 Interviewee 2
205 Interviewee 13
206 Interviewee 5
207 Interviewee 3
constitutions, one for each entity. The post-war legislation should be incorporated with the pre-war legislation, which has created a lot of problems in all levels. Institutionalists often claim that the values and norms of the structures they are embedded in influence individual actors. For example sociological institutionalism is concerned with how these values shape the behaviour of actors. Institutional arrangements are partly determined by their environment and March and Olsen claim that we have to analyse the rules, norms and traditions that constitutes the institutional structure to understand the human behaviour within this structure. Hence, in this case we have to look at the thoughts and traditions that have made the existing legal framework possible.

The two entities in BiH have their own constitutions, created by different values and norms. Different norms and values origin in ethnic differences and in each group’s endeavour to promote their own interests. The historical and cultural background of the different groups is quite similar, but the reasons of today’s strong ethnic feelings have its starting point already during the Ottoman Empire. The conflict is hence not a sudden, unexplainable conflict between friends and neighbours, but a long process that has gradually grown and finally got a chance to break out. March and Olsen mean that structural rules may have historical forces encoded within them. According to Kellas all nationalism seeks a political expression for the nation and its strongest means is independence. Since the war actually legitimised the existence of differences between the groups, the ambition of self-promoting interests for the own ethnic group has become natural. One way of the political expression could in this case be the different constitutions that are not consistent with each other. RS has been criticised of acting as a state of its own and for not in reality recognising the state of BiH as a supranational power. This is evident through many factors and the legal framework is one of the most obvious. The Constitution of BiH emphasises that all three nationalities are equal before the law, something that the other two constitutions do not. This is a condition that has to be fulfilled to make the return sustainable and secure. If the legal framework is not complete, how should the repatriation then be possible? Kellas points out that ethnic nationalism constitutes a threat to any nation that does not share a common ethnicity, culture or identity. He further says that the only way to overcome this problem is to create a system that is able to guarantee civil rights for all ethnic groups. Power-sharing should be central in the state. This is obviously not the case in BiH, where each ethnic group endeavours to favour their own interests. The constitutions of each entity do not mention the citizens of the other entity, but refer to them as others. Even if the DPA and the Constitution of BiH guarantees all people the same constitutional rights, this is not fulfilled in reality. About this, Interviewee 8 says:

Political reasons to why the DPA is not implemented in certain parts in BiH, for instance in RS, is that the Serbs want to keep the ethnically cleansed picture of RS. This means that only Serbs should have constitutional rights and all other ethnic groups should have minority status.208

Peters argues that institutions often tend to defend their core values, even if there are clear evidence that the institution is not efficient or profitable. He means that even if institutions may be goal-oriented they still may have elements that are not rational. There are a lot of administrative problems in IF and IS and there is also proof that the administrative work is inefficient. In this case we have a situation where inefficiency is obvious, but still there is no change. As we see it, this may have several different explanations. One of the explanations may have a historical character. When studying a country as BiH you must consider its past. BiH has been a part of a communistic regime, Yugoslavia. The state BiH has in all levels kept

208 Interviewee 8
the pre-war legislation, the legislation from former Yugoslavia, at the same time as the International Community has adopted new legislation after the war. This has created an administrative chaos, where the interpretation of who is responsible for what becomes arbitrary. As the war ended, the administrative work has grown rapidly and the administrative system was already large and bureaucratic during the Yugoslavia regime. After the war it expanded and new departments at different levels were created as the need appeared. The old system was preserved without renewing or synchronising it with the new one. Even if the municipalities may have some goal or objective, the fact that they continue to work in their administrative chaos, without a significant improvement, shows certain irrationality.

There may also be a political explanation to the problem. The state wall of administrative silence is a phenomenon, that is a typical political problem. Since the war, a lot of claims has been made of refugees and displaced persons wanting their property back or just exercising their rights. This tool intended to be a mechanism to force the public administration to take responsibility for its own slowness, has become a rule. It is common that the public officials justify their silence by the high number of cases they receive. This phenomenon makes the administrative work very inefficient, with cases floating back and forward and never get solved. This could be seen as a political move made by the public officials themselves, but they may also feel pressure from the local politicians to ignore the citizen’s requests. However this is a phenomenon that the current political establishment allows.

Powell talks about two different types of unsuccessful institutionalisation. The first one they call unsuccessful imitation, which refers to when trying to apply for example routines or forms to different socio-political contexts. Powell calls the other type incomplete institutionalisation, which may refer to policy being introduced but not enough specified in how to implement it. The result then may be that practises and routines only are weakly institutionalised. Both these types may be seen in BiH. After the war, several new policies and laws have been adopted in BiH. The International Community introduces most of them. In this situation it seems as if there are no sufficient instructions of how to implement the new laws, just that it should be done. This has created a problem that permeates all levels. Sometimes the new law exists on the national or entity level, but has not yet been completely implemented on local level. Sometimes the new law exists together with a contradictory old law, which results in that the local actors do not know which one to follow. I2 says:

There are two laws; first there is the law that regulates refugees and DPs, regarding their status and rights, then there are the law that Mr Petritch and the International Community have imposed. They have imposed this law without for example ensuring resources for its implementation. These laws contradict each other – for example, I have to evict someone at the same as the law regulating his status is protected – which law should I then apply to?

When the local actors do not have enough knowledge of how to practice the laws, there is a minimum of chance for the work to be properly done. The result is that the local actors either interpret the law arbitrary or they just choose to ignore it, which is apparent in the whole territory of BiH. This creates a kind of hybrid institutional arrangement, which is neither efficient nor defensible. Naturally if the repatriation will be possible, the legal framework must function. Even if it functions that is not a guarantee for a successful repatriation. But does the repatriation have an honest chance to succeed if the conditions created from the beginning, in form of a legal framework, are not practicable in reality?

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Interviewee 2
As mentioned earlier, IF and IS have more or less exchanged inhabitants with each other during the war. Considering this, it is crucial that there is a well-functioning co-operation and information flow between the two municipalities. Earlier there has not been any co-operation or information flow at all, it has started up step by step but it is still far from satisfying. There seems to be a political co-operation, where for example the Mayors and other politicians meet and discuss problems, but it never goes any further than to discussions. We know that the co-operation and the information flow do not work satisfyingly, but we also need to find out why it does not work. Peters and Pierre argue that individual behaviour is partly based on the will of individuals but it is also influenced by the values of the current structure in the society. They mean that institutions often can be seen as a reflection of the socio-political environment surrounding them.

In this case individual volition is a significant explaining factor of the problem. When the situation is as difficult and complicated as it already is in the whole BiH, the motivation and ambition of resolving it and help people to return to their homes in Ilidza should be even higher. The municipality of Ilidza has certain advantages compared to the BiH as a whole. One of them is geographical, that the two municipalities are originally one. Further the fact that most of the original habitants of the two municipalities actually live in the other part of the municipality, and not across the country. The original habitants are often scattered all over the country, and then it is more understandable that the situation itself in its starting point is more difficult. So why do they not co-operate? Several of the interviewees have said that there is not enough individual will. I13 for example said that everything is really easy when both parts are interested in the co-operation, but as soon as there is anything that does not suit one of the parts, then nothing works anymore. I14 said that there is always one side that will not co-operate and then everything becomes almost impossible. When we are talking about the individual will, you have to consider one thing. There is a significant difference between IF and IS. The OMI is not a municipal organ, but answers directly to the Minister of Refugees and Displaced Persons at the entity level. This is not the case with OMI:s equivalent in IF, the Department of Social affairs, DPs and Refugees, which answer directly to the Mayor in the municipality. This means that if there is a bad communication between the Mayor and the OMI in a municipality, it does not matter if there is a good communication between the Mayors in the municipalities, since the OMI is responsible for repatriation issues. On the basis of the interviews, a lack of communication between the municipal organs and the OMI seems to create a problem in this issue. It is then clear that individual volition is a crucial factor in the co-operation and information flow issue, but is there any other explaining factor?

March and Olsen mean that the individual will is not that important. It is the historical traditions, imbedded and interpreted within a composition of rules in the institutional structure, that are more important. You should remember that the entity border between the Federation and RS divides the municipalities of Ilidza. The war ended recently and the scars from this period are still fresh. This is noticeable in the whole country, and the interviewee’s answers are imprinted by this fact. Besides this, both municipalities also blame each other for not taking their responsibility. They reason that; why should we allow minorities return if they do not? This means that both municipalities have used each other as an excuse not to let people return. March and Olsen bring up certain characteristics for individuals in political systems. One of them is that the different actors have to have trust in each other and the confidence of another person’s ability, motives and power may vary. In this situation it seems as if there is a lack of trust between the two municipalities. Since there is distrust between the actors, this results in no one wanting to take the first step, which is necessary if a co-operation
and information flow is going to exist at all. Could it be that people are not ready to forgive each other yet, and that is why they are not ready to fulfil what is expected of them? The fact is that DPs and refugees have been displaced for at least five years or longer. By this time most of the people have found a temporary accommodation, and to a lot of them, the temporary housing has become a permanent home. According to I9 a lot of refugees and DPs are willing to sacrifice their homes, reasoning that they have fought for a state of their own. They believe that if they want to keep RS in its existing form, a sacrifice of a home may not be a too high price to pay.
7 CLOSING DISCUSSION AND CONCLUSIONS

The Dayton Peace Agreement is considered one of the most complicated peace agreements ever constructed and it consists of several objectives, which aim to uphold a tolerant and democratic constitutional state. The purpose was not exclusively to end the war but also to build institutions and mechanisms to prevent further hostilities. As DPA is constructed, there have been preconditions for a future division of the country since the agreement allowed Serbs to create a quasi-autonomous republic. When DPA was signed the agreement was seen as the best and the only solution to end the war. The agreement consisted of 11 annexes, of which one constitutes the Constitution of BiH. One of the most important annexes for sustainable peace is Annex 7 about the return of refugees and displaced persons. A fundamental question of Annex 7 is whether it is feasible or not. There are several paradoxes connected to Annex 7 and the repatriation results have been so low that the International Community in several occasions has forced the parts to implement what they have undertaken by signing the DPA. The fact that both entities were allowed to have their own constitutions, in which they do not recognise each other constitutional rights, may seem peculiar when they at the same time are supposed to constitute one unity, one country. The federal bodies in the country began to develop before the national bodies were functioning. This has created inconsistencies between the different bodies and between the different legal frameworks.

An important question is whether or not the political leaders intended to implement DPA, entirely, partly or not at all. As March and Olsen claim, political leaders often use symbolic action as a strategic move in the political competition. Could it be that signing the agreement was a conscious strategic move, for instance to get the International Community off their backs? The International Community did demand an immediate end of the war since the negotiations had failed too many times before. Obviously DPA has been entirely implemented in neither of the entities, even if the results are partly better in the Federation than in RS. If there is no will to implement DPA, then repatriation becomes a very difficult task to fulfil. Six years after the war, DPA still has a long way to go before being completely implemented. After talking to different local actors we get the impression that the concepts Annex 7 and repatriation have got a rhetorical meaning without genuine interest or intention. They have become standard expressions and the politicians know that if they act as if they support these issues, the International Community will be satisfied.

DPA was unlike most other peace agreements, since it was compelled on BiH and DiMaggio and Powell refer to this process as coercive isomorphism. Is it possible to force an agreement on parts, in a situation where not all parts might be willing to support it? When a system is forced on a state, what preconditions do exist to create a stable environment for repatriation? According to several interviewees DPA has failed in giving instructions of how to implement the agreement or how to build the institutions necessary for the development of the country and hence for an efficient repatriation. When for instance local politicians do not know how to implement a law, they either do it arbitrarily or not at all. If DPA as a whole is not possible to be entirely implemented, we find it difficult to believe that a fundamental part of the agreement as Annex 7 will be completely fulfilled. Hence all refugees and DPs will then not be able to return to their original homes. Nevertheless, a chain is never stronger than its weakest link.

When talking about the role that culture, attitudes and norms play in the repatriation process, the influence of nationalism becomes a natural starting point. Ethnic nationalist feelings play an important role in political life in BiH. The war resulted in people turning to their own
ethnic groups and nationalist parties aroused and gained a large support among the people. The nationalist parties SDA respectively SDS achieved majority in both IF and IS. In the case of Ilidza and many other municipalities in BiH this meant that neighbourhoods and families were broken up. The nationalist feelings are still strong in BiH and they constitute an effective impediment in the repatriation process. Even if the opposition parties have won majority in IF this year, there are still nationalists in several key positions. In IS SDS is still the largest party in the municipality and there are no opposition parties, only other nationalist parties. Looking at the party composition in the two municipalities we find it difficult to believe that they work in the same direction. It is a conventional idea that RS government and municipalities promote stay prior to repatriation and the fact that very few Bosnjak families have returned to IS show that nationalist feelings still are strong in the municipality. The situation is better in IF but even in this municipality the results should have been better bearing in mind the time passed since the war.

Nationalism has become a common element in the daily life in BiH. The attitude ‘we fought a war against these people and we do not want them back’ is not a foreign attitude in BiH even if no politician would say it openly. However, many Bosnians have an element of this attitude, not unnaturally. Thinking of that the entity constitutions refer to the citizens in the opposite entity as others shows how they perceive each other. After the war each ethnic group seems to concentrate on protecting their own rights, otherwise they will be lost. Citizens in BiH do not have the same constitutional rights in both entities and before this question is solved, a safe minority return is not possible.

Symbolic action may also be a way to obscure the real politics and the negative return results in IS and IF point at that the regular meetings and discussions between the municipalities are probably more symbolic than intentional. As mentioned above most politicians know that they at least must appear to support repatriation, otherwise the International Community will sanction them. This has lead to a permanent negotiating situation in which politicians seek to derive as much benefit as possible from the process while giving as little as possible to return. We will not assert that all public officials in municipalities are nationalists. It may also be that people find it easier to conform to the prevailing political culture than to stand up for a countervailing moral scruple. Even if there are people promoting return it will probably be tainted by a mixture of anti-return attitudes. Those in power in the municipality have a lot of influence on the process and the result may then be an impenetrable forest of bureaucratic barriers to return. For instance it is very common to ‘pass the buck’, that no one wants to take responsibility but send citizens further to another instance or department.

Nevertheless, values and preferences of actors do develop within their institutional setting and it might not even be reflected in present awareness. Is it possible that nationalism has started to develop to an institution? Have the nationalist attitudes been that rooted in people’s minds and routines without themselves even being aware? It took the communist regime over 50 years to create a sense of common identity, an identity built on the same values of socialism, which disregarded the ethnical, religious and certain cultural differences. Today it is apparent that the identity was not as deeply rooted as it seemed and this became obvious during and after the war when people lost every sense of affinity, like if it has never existed. Before the war all different nationalities lived and functioned together as one people without anyone questioning why they should not. The norm has begun to change and it has become legitimate not wanting to live together. It is more accepted not to live together than to do so. Is this a sign of nationalism begin to institutionalise?
What formal institutional problems exist in BiH and what importance do they constitute on the repatriation process? We have earlier discussed whether or not there is a functioning judicial system in BiH and our opinion is that that the current system is not practicable. The solving of the repatriation issue is directly dependent on this, which means that the non-functioning of the judicial system is a direct obstacle for repatriation. Citizens of BiH are only guaranteed the same constitutional rights in the national constitution but not in the entity constitutions and equality before the law is an important prerequisite for the minority return to be possible. Another problem is that the laws are often contradictory or incomplete, which further complicates the repatriation process. This problem is visible on the local level, where politicians often do not know which law to refer to, since the law might not be complete on the local level or maybe it do not even exist on the local level. The result is that the local actors do not know how to interpret the laws and then they often do it arbitrarily or they just ignore the laws. The result is often a situation, mentioned above, of passing the buck and the citizen stands powerless to the public officials’ demands. This problem is referred to as the state wall of administrative silence and it is a frequent phenomenon at the local level that severely delays the repatriation process.

Another prerequisite for repatriation is a well-functioning co-operation and information flow between the entities, an area that complicates the repatriation process considerably. Neither the co-operation nor the information flow between IF and IS is satisfying. Seemingly there are co-operation but the results show that not much happen in reality. With the preconditions that Ilidza actually have, the result should be better and political will is probably an important factor in this connection that also reflects the political environment in the municipalities. As the Focal Points point out, the process is easy if both parts are interested in co-operation. Since these municipalities have exchanged inhabitants, a functioning co-operation and information flow is a crucial factor for the repatriation process. This problem often finds expression in reciprocity. ‘Why should we let minorities come back when our own people cannot? Let the other side show some goodwill, then we can talk about us making a move.’ This attitude or approach has been common in both municipalities for a long time, as well as in BiH in general, which has resulted in a slow and inefficient repatriation process. In cases of reciprocity a stalemate is unavoidable and if no part is willing to take the first step it is impossible to move forward. If the repatriation process is slow and inefficient in municipalities as Ilidza, it is not surprising that the situation is worse in many other municipalities without the same preconditions as Ilidza.

The International Community stresses the importance of institutionalising the repatriation process. Institutionalisation in this matter refer to de-politicise the return process and make it a completely administrative and legal process without any political influences. Is it possible to institutionalise the return process? Institutionalisation of the repatriation process is probably necessary if Annex 7 will be entirely implemented, but in the current situation in IF and IS, as in BiH generally, we do not discern any signs of an institutionalisation of the process. There is no significant co-operation between the different institutions and the people of BiH do not consider themselves as members of the same state. The political influences over the repatriation process in the municipalities are still strong and you have to consider that BiH is not a governmental state. If nationalism is institutionalising and becoming a general norm in the country, the repatriation process will not have the possibility to be institutionalised since nationalism and repatriation are mutually exclusive.

Post-war Bosnia and Herzegovina finds itself at a crossroads between an antiquated mechanism that protects state authorities on the one hand, and a modern state institution that
serves the citizens and protects their rights on the other. In BiH the new institutions imposed by external powers meet the old institutions, which still are powerful. Those are not synchronised in a way they should, i.e. the old structure or the structure leftover from the collapse of Yugoslavia impedes the new structure rather then collaborating with it. The issue of repatriation has been caught in a structural chaos and BiH has a long way to go before a non-political integration can become a reality.
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Appendix 1

Interview questions

1. Background: name, age, education, professional experience, title/position
2. In your opinion, what is the main problem in the repatriation process?
3. What is the refugee policy in the municipality?
4. What is your opinion of the return of Refugees and DPs?
5. In what level are the main decisions about the repatriation taken?
6. How do you perceive the Annex 7 about the return of refugees and DPs in the DPA?
7. Do you see any problems with the agreement?
8. Do you think that the DPA is feasible?
9. What international actors do you have contact with in your work?
10. Who are the most relevant contacts to you?
11. How do you perceive the co-operation within the municipality?
12. How do you perceive the co-operation with the other part of Ilidza?
13. How do you perceive the co-operation with the international actors?
14. Do you see any problems connected to the co-operation?
15. How would you describe the information flow/communication between the different levels?
16. Are there any problems connected to the information flow?
17. Within PLIP, who is/are responsible for the actual implementation?
18. How is PLIP proceeding in Ilidza, that is how far has Ilidza come in implementing the property laws required by PLIP?
19. Are there any problems connected to the implementation process?
20. Are there any problems in the institutional structure in the implementation process?
21. What discretion/influence do you have in the implementation process?
22. What have you done in Ilidza to promote the repatriation?
23. How is PLIP financed?
24. Are the financial resources connected to a positive outcome?
25. What have you done in order to promote a multiethnic community in Ilidza?
26. What do you think about the presence of the International Community in BiH?
27. Are there any problems in Ilidza with public officials occupying houses?

Only to the International actors:

1. Are there any differences in the institutional structure between the entities?
2. According to you, what is the driving force of the local politicians, what is motivating them?
3. Have the donations to the entities been equal?
4. Why does IS have lower statistics for the repatriation?
Appendix 2

Map of Bosnia and Herzegovina

Appendix 3

Map of the Sarajevo canton

Source: http://uk.multimap.com, 2001-08-05
Appendix 4

National Governmental structure of Bosnia and Hercegovina

Executive Branch

BiH Council of Ministers  ↔  Bosnjak  Bosnian Serb
                   Prime
                   Minister
                   Ministers

BiH three part Presidency

BiH Constitutional Court
                   Chairman
                   1/3 International
                   3 Judges
                   2/3 National
                   6 Judges

Judiciary Branch

Legislative Branch

BiH Parliamentary Assembly

House of Representatives
28 Federation
14 RS

House of People
5 B-Croat
5 B-Serb
5 Bosnjak

Source: Our work of NATO/SFOR 2001-04-02
Entity Governmental Structure of BiH

Federation
- President
- Vice President
- Prime Minister
- Minister of Defence
- Minister of Energy, Mining and Industry
- Minister of Justice
- Minister of Finance
- Minister of Trade
- Minister of Social Affairs, DP's and Refugees
- Minister of Interior Affairs
- Minister of Urban Planning and Environment
- Minister of Agriculture, Water Management and Forestry
- Minister of Education, Science, Culture and Sport
- Minister for Issues of War Veterans and Disabled
- Two Ministers without portfolio

Federation Constitutional Court, 9 Judges
- 3 Bosnjak
- 3 B-Croat
- 3 International

Federation House of Representatives, 140 members

RS
- President
- Vice President
- Prime Minister
- RS Prime Minister
- Minister of Defence
- Minister of Interior Affairs
- Minister of Justice
- Minister of Finance
- Minister of Trade and Tourism
- Minister of Energy, Mining and Industry
- Minister of Transportation and Communication
- Minister of Urbanism, Housing, Architecture and Ecology
- Minister of Education
- Minister of Refugees and DP’s
- Minister of Health and Social Welfare
- Minister of Culture and Science
- Minister of Economic Relations with Foreign Countries
- Minister of Sports and Youths
- Minister of Religion
- Minister for Veterans, War Victims and Labour
- Minister of Industry and Technology
- Minister of Management and Local Management

RS Constitutional Court, 7 judges

RS National Assemblies
- 83 members

RS Municipal Assemblies

Federation House of Peoples
- 30 Bosnjak
- 30 B-Croat
- 20 Others

Cantonal Assemblies

Municipal Assemblies

Source: Our work of NATO/SFOR 2001-04-02