

# **Housing, Land and Property Rights; the impact of the UN Peacekeeping Operation on economic recovery in Bosnia and Herzegovina**



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**Declaration**

I hereby declare that this submission is my work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person nor material which to a substantial extent has been accepted for the award of any other degree or diploma of the University or another institute of higher learning, except where due acknowledgement has been made in the text.

## Abstract

This research investigates the relationship between the United Nations Peacekeeping Operations (UNPKO) policies on housing, land and property rights (HLP) issues and the economic recovery in post-conflict countries by looking at the case of Bosnia and Herzegovina (BiH). The HLP issues and related economic trends have received little attention in the current literature. The thesis presents a theoretical argument where addressing the HLP issues promotes economic recovery, through the conditions set by the presence of the mission in a given country. The presence of the UN troops should have a positive effect on the number of the claims and the property repossessions, the return of the refugees and, as a consequence, improvement in economic conditions. In order to test this proposition, I collect a new dataset based on archive information regarding the involvement of the UN with HLP issues in BiH. The data contains information on the number of claims and repossessions of properties in BiH based on the activities of the Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) and the coding of the activities of the UNPKO mission in Bosnia and Herzegovina (UNMIBH) during the duration of the mandate from 1996 until 2003. The newly built dataset presents information on 142 municipalities in BiH. The results of the statistical analysis show that, by providing security, the presence of the mission leads people to reclaim their properties. However, when it comes to the relationship with economic recovery, the simple presence of the mission is not significant.

*To my grandparents*

*To the memory of my mama Lola who gave all the love in the word.  
To the memory of papa Pena who taught me how to read and write.*

*With love*

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## List of Abbreviations

<b>BD</b>	Brčko District
<b>BHAS</b>	Agency for Statistics of Bosnia and Herzegovina
<b>BiH</b>	Bosnia and Herzegovina
<b>CRPC</b>	Commission for Real Property Claims of Displaced Persons and Refugees
<b>DPA</b>	Dayton Peace Agreement
<b>ICG</b>	International Crisis Group.
<b>IEBL</b>	Inter-Entity Boundary Line
<b>FBiH</b>	Federation of Bosnia and Herzegovina
<b>HLP</b>	Housing, Land and Property Rights
<b>MHRR</b>	BiH Ministry of Human Rights and Refugees
<b>NLD</b>	Night light data
<b>OCI</b>	Open Cities Initiative
<b>ODI</b>	Overseas Development Institute
<b>OHR</b>	Office of the High Representative
<b>OSCE</b>	Organisation for Security and Co-operation in Europe
<b>PLIP</b>	Property Law Implementation Plan
<b>RDP</b>	Refugees and Displaced people.
<b>RS</b>	Republika Srpska
<b>TARR</b>	Target Areas for Return and Rehabilitation
<b>UKAID</b>	United Kingdom Aid Direct
<b>UN</b>	United Nations
<b>UNHCR</b>	Office of the United Nations High Commissioner for Refugees
<b>UNPROFOR</b>	United Nations Protection Force
<b>UNIPTF</b>	United Nations International Police Task Force
<b>UNMIBH</b>	The United Nations Mission in Bosnia and Herzegovina
<b>USA</b>	United States of America
<b>VRS</b>	Vojska Republik Srpska
<b>WB</b>	World Bank

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# 1 Introduction: Questions, Definitions, Case Study and Research Design

## 1.1 The Question

After a civil war, refugees and internally displaced people (IDP) often want to return, but most of their houses have been destroyed or are under illegal occupation. Refugees and IDP rarely have any evidence to prove their ownership or to exert their property rights. Approximately 3000 people were murdered in Srebrenica; others had to hide from former friends to avoid being murdered or taken to concentration camps. Many fled to Prijedor, close to Srebrenica: The wry joke is that the empty houses are holiday homes<sup>1</sup>. Armin was 11 when his family fled from Prijedor municipality Bosnia and Herzegovina (BiH) in November 1992; as the Serbian army took the region, they were forced to leave their family home. Armin's Mother was a hairdresser; when they left, another woman who is Serb, came and took the salon. All those who were not ethnically Serb had to leave. Armin and his family were accepted as refugees in the Netherlands and later gained citizenship. In another town, near Sarajevo, Serbs escaped the violence of Muslims<sup>2</sup> and Croats, so they went to Prijedor where they took possession of a house vacated by those who were forced to leave. When the war was over, Armin's parents attempted to return. There was some hesitation before initiating the reclaiming of the properties. His father had to talk to the mayor of the town and other people about the possibility of returning. They spoke with the people living in their old home. The Serbs accepted and acknowledged that they were not the owners of the house and they negotiated with Armin's father to let them stay for a year, while they finished building another home in the same town. His father accepted as long as

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<sup>1</sup> Drawn from the interview with Armin [Sarajevo, April 2015]

<sup>2</sup> Armin is using the word "Muslims" to refer to Bosniaks. I use the word as this is taken from the transcription of my interview with Armin.

they agreed to leave the house in one year. Armin's family were lucky as the occupants did not leave the house bare.

His parents got back their property but, in the event, they stayed in the Netherlands. Armin says, in his opinion, this is the case with 80% of the properties in Prijedor. 50% of the mostly Muslim homes are abandoned: the houses are there, but the people who fled them decided to stay in other European countries.

Armin's family were among the lucky ones as they were able to strike an agreement with the occupants of their old home, and because their house was in the city centre where the level of destruction was less and where the ethnic mix was more diverse. In the villages surrounding Prijedor, most of the Muslim villages were completely destroyed. However, after the war, when the villagers came back, they built new houses, bigger than the ones where they lived before. Armin says, "My town was now part of RS. You cannot trust the people, as there are still people who tortured our neighbours. [...] It took nearly a year to my parents to feel safe to return to the town. My parents and I only visit the town during the day.

"After the war, we felt the more international presence of the UN in our hometown and country: buildings, trees, rivers, and your house. We still think it is ours. Nobody can take it away from you. The return did not happen because of other reasons, such as the lack of jobs, the lack of good companies and feasible chances to be employed. Back then the times were good but people were afraid to return; people decided to wait. People went to these homes with the idea these now will belong to them until the end of time."

The case of Armin's family and their circumstances during in the aftermath of war represents a window into the experiences of many Bosnians (Bosniaks, Croats and Serbs) trying to take back, in some ways, possession of their homes. Armin's experiences touch on security elements, how the UN interacts or not with the local population, and how

victims of conflict are affected directly or indirectly in all their activities by the presence of the mission. Although his parents decided not to present a formal claim on their property to the respective organisations, this does not detract from the meaning of what getting the house back meant to his parents. Even though Armin's family did not return to live in the property, other families did return, and there were other circumstances that aided or prevented individuals from recovering their homes. Armin's narrative of his family experience, dealing with housing issues and getting back their property, allows me to present a clear example of the importance of HLP matters in a post-conflict setting, and to set further questions about what are the results of the repossession of properties in locations affected profoundly by conflict.

More than ever before, there is an emphasis on the importance of housing, land and property rights in the aftermath of conflict as a mechanism to reverse the violations endured by the victims, as well as an economic element for recovery. Apart from the 97,000 civilian deaths attributed to the war in BiH between 1991 and 1995, there were approximately 2.3 million refugees and IDPs. Illegal occupation of housing and the forced occupation of properties were part of the attempt to change the demographics of certain areas across BiH. The war created a situation where a lack of housing was one small part of the daily struggle of many returnees and refugees, in addition to enduring the consequences of ethnic cleansing practices.

When listening to Armin's narrative, questions emerge related to several topics in post-conflict studies. The topics can be classified into two broad categories; one is how land and property rights link to economic recovery? What type of policies should be implemented, taking into consideration that, in a post-conflict setting, who is going to implement and/or guarantee the implementation of the given policies? The second category relates to United Nations Peacekeeping Operations (UNPKO) beyond their



peace-keeping role by looking at what and how they work on the ground. These questions underscore the need for a more practical, broader and more practical study of housing repossession and property rights in post-conflict areas. The study of economic recovery through focussing on HLP issues is limited in several aspects: there is no specific theoretical, conceptual or empirical review of the relationship between economic recovery and recovering/returning to one's home.

This research aims to contribute to filling this gap by focussing on three elements. The first contribution is to explain the link between secure property rights and economic recovery. The second is to look at particular policy implication where the UNPKO implements actions to remedy HLP issues and its further implications for economic recovery. The third contribution is the original dataset collected from unpublished archive files, documenting in detail UNPKO policy implementation and HLP aspects in BiH. The remaining sections of this chapter will set out the framework for a broader academic conversation on economic recovery, a brief discussion on the role of restitution of property rights and housing, the role of the UNPKO and how its activities can contribute to economic recovery in post-conflict contexts.

I offer two main explanations for our understanding of post-conflict reconstruction. First, I develop a theoretical framework explaining how the UNPKO presence – specifically, in combination with the implementation of HLP policies – could facilitate economic recovery. This thesis assesses the importance of addressing HLP issues in the aftermath of conflict by considering their impact on economic recovery. It argues that, when the United Nations Peacekeeping Operation (UNPKO) put in place policies that

focus on solving HLP, this sets in motion a process that promotes the reconstruction of human capital and the reduction of horizontal inequalities<sup>3</sup> between groups.

The mechanism set in motion by the presence of the mission encourages people to file claims on properties. Successful and enforceable claims on property lead to closed cases – i.e., repossession of the property. In my theoretical framework, this translates, in turn, into a secure return of refugees and IDPs to a former war zone, aiming to repossess their former houses; these properties are assets which can be exploited economically. Second, guided by my theoretical framework, I empirically assess the causal relationship between the presence of the mission, policy implementation and economic recovery using newly collected, municipality-level data in BiH. This thesis uses a disaggregated approach addressing the impact of the actions of the peacekeeping mission by examining economic performance across the Bosnian municipalities. Figure 1.1 presents the argument.

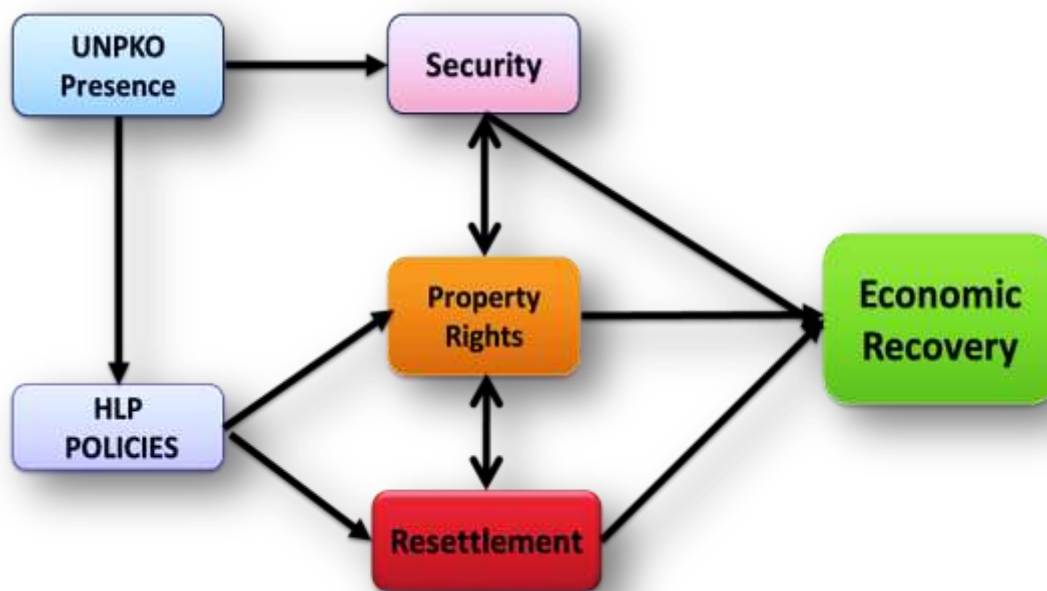
The value of assessing the impact of the particular policies executed on these issues is apparent in two particular ways. First, it is to frame a different – perhaps a more practical perspective – on how the reconstruction of houses and the clarification or restitution of property rights over housing units can stimulate or create mechanisms leading to a more stable economic recovery. Second, it is the conspicuous lack of quantitative studies focussing on HLP aspects; second is the need to integrate further into the field of peace studies and international relations concepts currently entangled in the economic literature.

Statistical analysis is used to answer the question of whether the UNPKO policies on property rights and housing reconstruction have an impact on the economic recovery in a post-conflict phase. The question unfolds in two ways. One is to look at the relation between the presence of the mission and the number of claims presented in the given

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<sup>3</sup> (Stewart, 2008), (Stewart, 2005) (Stewart, Brown, & Langer, 2007; Stewart & Langer, 2007)

location. Second, it looks at the impact of the particular policies on the economic recovery across the country.



**Figure 1.1: Theoretical Path between HLP resolutions towards Economic Recovery**

The third contribution is the newly collected data set needed to answer the question. The research encompasses the activities/policies of the UNPKO and other UN organisations on HLP issues after the conflict ends. The study examines BiH during the presence of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) from 1996 to 2003. This thesis employs quantitative analysis of a data set encompassing the numerical information on houses claimed and repossessed in BiH between 1996 until 2003. The statistical analysis identifies the relation between the presence of the UNPKO across the country, the number of claimed and repossessed properties, the implementation of different policies targeting HLP matter, and night light emission as a proxy measure for economic recovery.

In contrast to research on political economy and economic development,<sup>4</sup> HLP are not necessarily the main focus of most UNPKO literature<sup>5</sup>. I propose to remedy this omission by identifying policies and or case studies addressing, in some form, housing reconstruction, land compensation and restitution, and land titling systems. Bosnia, as a case study, is salient because it represents all the complex elements that could make reconstruction challenging at every level. The high occurrence of violence and destruction in the country, regardless of rural or urban location (observed to be significant in other civil conflicts), and the execution of ethnic cleansing activities, including property dispossession and illegal housing occupation, shaped and influenced HLP policies. Even if specific HLP activities were not identified in the initial mandate, it was vital for the mission to address HLP as a priority.

The dataset is original and represents an innovative way to study case studies in post conflict zones as there is no previous study using a specific dataset, focussing exclusively on property rights at the national disaggregated level by municipality. The data presents a more direct way of coding information on the activities of the mission in Bosnia, but also it is presenting activities associated with HLP matters and the different policies implemented by the mission and different UN organisations on the ground.

## **1.2 Economic recovery in post-conflict**

The research participates in the broader academic conversation on economic recovery in post-conflict reconstruction over more than three decades. The debate was initially divided between three main arguments. The first relates to the construction of a new, more modern, industrial sector. The second is the transition from peace to a war economy and back to a peace economy. Third is the connection between changes to patterns of labour and

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<sup>4</sup> (Acemoglu, 2003)

<sup>5</sup> (Di Salvatore & Ruggeri, 2017)

economic reactivation in the immediate aftermath of the war – the way that economic devastation leads to a redistribution of traits and income among other social groups, e.g. women, who engage in the labour economy because of the war.

Alternative explanatory arguments explaining economic recovery after a civil war might include the phoenix effect identified by Kugler and Organski<sup>6</sup>. This is where countries devastated by major international wars rebuild their economies and grow faster than might be expected, given pre-war growth rates. They found that while war-losers suffer high cost in the short term, within twenty years these countries show few effects of the war regarding economic performance. If the principles of the phoenix factor hold true for civil wars, countries that experience intra-state conflict should recover at a faster rate after the war, and then indicators of public health would be expected to return rapidly to a pre-war trend<sup>7</sup>. Regarding the application of the phoenix effect on civil wars, Kang cautions that the idea of a devastated nation rebuilding itself might not be realistic: most countries that experience civil war are already severely underdeveloped and cannot absorb or utilise new technologies<sup>8</sup>.

This observable trend notwithstanding, the question of economic recovery after the civil and international war, set out by Olson in *The Rise and Decline of Nation*, offers a different explanation of how economic growth in countries which experience war will happen faster. According to this theory, recovery is grounded on the collective goods argument, explaining that destruction of distributional coalitions in the wake of war increases economic competition, and therefore economic growth. The explanation offered by Olson<sup>9</sup> for the decline of stable societies is that the number and influence of distributional coalitions are prone to increase and might be further enhanced by

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<sup>6</sup> (Organski & Kugler, 1977)

<sup>7</sup> (Prins & Karakaya, 2011, p. 3)

<sup>8</sup> (Kang & Meernik, 2005)

<sup>9</sup> (Olson, 1982)

consanguinity or shared ethnicity<sup>10</sup>. Olson's key point is that technological innovation is less prominent when elite commands the distribution of goods: he reasons that technological innovation can be perceived as a threat to the establishment as it promotes new competing coalitions. In other words, war represents a threat to those political and societal alliances in power.

Olson notes that, in the aftermath of war, the vacuum of power allows other groups to take control, reinvigorating economic distribution. However, he warns that this rapid economic recovery is short-lived, as new coalitions take control of resources to secure advantageous regulations for the groups they represent. The empirical evaluation of Olson's arguments was tested by Kugler and Abertman who found, contrary to Olson, that economic recovery is related to the level of destruction, thus supporting the phoenix factor as a result of war. While these authors do not disregard completely the role of political efficiency rather than political destruction, they found no evidence supporting the role of domestic political structures<sup>11</sup>.

Olson's work needs recognition as it provides theoretical consideration of disputes that might occur among political elites or ethnic groups, leading to internal conflict and how they relate to major economic recovery. However, in the BiH context, it should be noted that this major study did not include explicitly Communist economies or internal armed conflict. The emphasis on housing and property rights occurs in the broader discussion about aspects driving economic recovery in an internal-post conflict context.

### **1.3 Restitution in a post-war context**

The link between the restitution of properties and economic growth is elusive. The two most notable examples are from WWI and WWII. In the First World War, the outcome

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<sup>10</sup> Explained by (Kugler & Arbetman, 1989)

<sup>11</sup> (Kugler & Arbetman, 1989)

brought about economic depression, which ultimately generated the political conditions for the Second World War. In contrast, after the Second World War defeated countries presented an unprecedented level of recovery, prosperity and peace<sup>12</sup>. The parameters set compensation for violation with the restitution or adjudication of properties, initially aimed to reverse the violation of refugees demanding restitution.

Restitution has been implemented in former Communist or Socialist countries and in other countries that have undergone fundamental political changes, such as South Africa, As a concept, restitution has evolved to include housing and property rights. It has developed due to the inclusion and expansion of the need to address refugees' and returnees' issues. During the last two decades, housing and rights to accommodation issues have been linked to the discourse over the return of refugees - not only to their country or land but also to their original homes. This significant development consists of the enforceable right to return to, recover, repossess, and re-assert control over lost assets<sup>13</sup>. The recognition of restitution of housing and property rights as a core principle of human rights extends the scope set in terms of international law.

In principle, restitution restores victims to the condition they would have enjoyed had no violations of their rights that occurred within the framework of transitional justice's mechanisms. Restitution, compensation, and other forms of satisfaction were seen as legal remedies in inter-state disputes<sup>14</sup>. The revision of most prominent examples of restitution in war history can be traced in countries which experience mass deportation before and during the Second World War. An example is the Czech Republic, which experienced three different sets of property restitution. In 1989 at least three significant groups of victims existed with recognisable restitution claims derived from different

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<sup>12</sup> (Kang & Meernik, 2005)

<sup>13</sup> (Leckie, 2003)(Leckie, 2003)

<sup>14</sup> For a comprehensive summary of the evolution of restitution in a post-war context see (Williams, 2007)

periods of the Czech Republic's prior history. The earliest claims belong to the Jewish victims of persecution: in Nazi Germany (1939–1945) the German jurisdiction took over homes, businesses, and communal property and transferred them to Germans then living in the republic. At the end of the war former Jewish properties taken by Germans were confiscated by the Czechoslovak state in the course of its expulsion of the German minority, the second set. With the Communist takeover of Czechoslovakia in February 1948, the trend towards nationalisation increased, and the confiscation of Jewish properties became effectively permanent. As a result, Jewish properties were absorbed into the bulk of German properties confiscated by the Communists at the end of the war<sup>15</sup>. Thirdly, under the Communist regime, forced expulsion led to further displacement and appropriation (confiscation) of dissidents' property. Although there are important distinctions between the above four categories of restitution claimants—Jewish victims of the Nazis, expelled Sudeten Germans, Czechs impacted by nationalisation and expatriates—a common thread uniting most of their claims has been the passage of time<sup>16</sup>.

The context for the development of a theoretical approach to restitution has evolved together with the development of the human rights law and international humanitarian law. Therefore, HLP should be integrated into the conflict and reconstruction framework, beyond the mere consequences of war and conflict. The Czech Republic and, later on, post-Apartheid South Africa illustrate the complexity of these process but, at the same time, present a compelling case for approaching HLP matters from other disciplines. The restitution applies to all, regardless of their condition, as it was aiming to address land disposition over up to nearly two hundred years. The processes came with different

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<sup>15</sup> (Hochstein, 1996)

<sup>16</sup> (Williams, 2007) The author describes in great detail some of the procedures and mechanism used by the authorities in turn, as well as the situations experienced by the recipients of these policies.



complications, assuming that compensation would be awarded before return when - in reality - claimants often expected monetary compensation.

The similarity between the Czech and the South African cases rests on the impulse to address intergenerational wrongdoings pre-dating conflict, Communism or apartheid. In contrast, BiH presents the first example of successfully implemented mass restitution in the wake of a full-blown conflict.

In more restitution cases, where ethnic cleansing took place, it was common practice to evict ethnic minorities from their homes and land, at the same time that other ethnic groups were relocated into locations to change the ethnographic balance. The main aim was to ensure ethnic separation and the enforcement of ethnically homogeneous territories<sup>17</sup>. Further, the discussion can be extended to the question: Restitution for whom? Restitution of HLP, as in the case of Bosnia or South Africa aims reverse ethnic cleansing practices or systematic discrimination. It might even consider these as straightforward cases<sup>18</sup> However, in other cases complicates further as it needs to address multiple categories 'layers' of claimants and a large number of occupiers and/or dispossess individuals with no alternative place for residence, one extreme case is East-Timor or Czech Republic. In BiH most countries responded by seeking means by which to guarantee that repatriation could be made sustainable (Chapter Four). As consensus emerged that facilitating return to homes of origin was a central element of both durable solutions for IDPs and sustainable repatriation of refugees, it also became clear that international law alone was insufficient to ensure achievement of this goal: providing a context in which the law could be executed is also essential.

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<sup>17</sup> (Rosand,1997)

<sup>18</sup> (Fitzpatrick, 2009)

#### 1.4 UNPKO operation and its role beyond keeping the peace

The research originates from the need to understand the long-term effects of the UNPKO mission in post-conflict phases, following on from the discussion set out by Bigombe, Collier, and Sambanis regarding the role of the UNPKO. This takes up the idea of conflict as development in reverse, noting that “strategies are required to break free from the conflict trap and to explore alternative activities and policies that a mission implemented”<sup>19</sup>.

The research is also a response to the former UN Secretary-General Boutros-Ghali, in *An Agenda for Peace*<sup>20</sup> when he outlined what is needed for the post-conflict and peacebuilding, advising that

Peace-making and peacekeeping operations, to be truly successful, must come to include comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people. Through agreements ending civil strife, these may include disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons, repatriating refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation. 1992: paragraph 52

The pre- and post-war context of a country is a major consideration. Ethnic diversity can be a major obstacle, as well as biases of the mission concerning whom and under which conditions the mission assists. In the case of BiH, the characteristics of the country before the conflict might play a significant role in this study, i.e., the Communist system, ethnic diversity, government structure.

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<sup>19</sup> (Bigombe, Collier and Sambanis, 2000)(Collier & Hoeffler, 2002)

<sup>20</sup> (Boutros-Ghali, 1992)

On the other hand, there are additional theoretical explanations related to how the mandate is set and executed, and the way the mission's presence and activities are perceived by the local population.

In parallel, the political situation on the ground and the relationship between a local government and the mission – if any – lead to aspects related to incentives for cooperation or the willingness to do so, the interest of the organisations – the UN and others – to pressure the local authorities/political leaders in return for investment. In the case of BiH, local actors' cooperation was considered a determining factor in the implementation of different HLP initiatives. For example, Republika Srpska, where the majority of the population are Serb-Bosnian, authorities and political figures were put under pressure by mission representatives, due to their reluctance to cooperate with the UN ethnic quotas in the number of police officers.

Regarding the implementation of the mandate, it is essential to be aware that the reports of missions could be biased, overly emphasising what they are doing rather than explaining the obvious challenges. The missions tend to go where they are needed, to provide security, humanitarian assistance or both. It is not reasonable to assume that there are any easy cases when it comes to HLP: issues are similar across all cases, as discussed in Chapter Three and summarised in Table 3.1, but there can be additional challenges (e.g., ethnicity, natural resources) depending on the nature of the local conflict or the context of the country itself (Afghanistan, Iraq, Cambodia) where colonial systems and ancient legal practices influence the implementation or modernisation of the legal system deeply – and therefore property rights. I will discuss further how the fact that the missions go where they are needed most relates to the results of this research and the execution of the mandate in Chapter Six.

HLPs can have both negative and positive effects on post-conflict situations. In post-conflict contexts, land disputes, land scarcity, displacement, and disputed ownership can be a source of further grievances. HLP can provide the means to approach compensation for war-affected populations, and a path to reconstruction and development at the micro and the macro level<sup>21</sup>. Wars and conflict force people to abandon their land and farms, often their only source of livelihood in an agriculturally based economic system, and their houses, which can be their only asset. Forcing out a population is also instrumental in impeding collective action, damaging social networks as well as intimidating and controlling the civil population<sup>22</sup>. These conditions are common characteristics of post-conflict settings but have been most relevant in cases such as Rwanda, Liberia or Cambodia, where the number of displaced persons and refugees represented a daunting challenge.

In the case of Palestine-Israel, HLPs can be seen as the source of conflict; in other cases, such as CRC Congo, HLPs can be a factor in prolonging the conflict. For BiH, The systematic practice of ethnic cleansing forced Bosniaks, Croats and Serbs to seek shelter in areas of Bosnia and Herzegovina, where their ethnic group was in the majority, or to seek refuge abroad. More than half the 4.5 million pre-war population of BiH fled their homes in search of safety during the war<sup>23</sup>. In all cases, disputes over land, destruction of housing and other immovable property become central to the attention of the affected population in the aftermath of armed conflict. As poverty is identified as one of the most influential factors leading to conflict and civil war<sup>24</sup>, it is also clear that rural areas highly dependent on agriculture were the poorest, and at greatest risk from conflict.

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<sup>21</sup> See Chapter Two for more on this literature.

<sup>22</sup> (Heno Delgado, 1998)

<sup>23</sup> (Van Houtte, 1999)

<sup>24</sup> (Collier, Hoeffler, & Söderbom, 2008)

Regardless of the context, institutional reconstruction of property rights is an immense task, requiring significant resources; for example, personnel well-trained on all aspects of HLP – both at the local and national level, the establishment of a minimum level of security to guarantee the safety of the returnees, and a further serious degree of commitment and cooperation with the recovery processes from the local authorities.

Research into the re-establishment of HLP aspects in a post-conflict/peacebuilding context is still in its early stages. Civil wars represent an enormous cost to societies in every single aspect. Civil wars curtail economic growth, destroy human and physical capital and limit GDP growth<sup>25</sup>. In the peacebuilding post-conflict process, property rights, land and housing issues reflect the extent of the damage<sup>26</sup>. Although these are associated with the humanitarian response, they form the basis for further long-term recovery. Hence, HLP issues must be addressed earlier in the peacebuilding process. The differences across countries that experience conflict regarding these issues are challenging to address: clearly, it is not appropriate to assume that how some African countries organise land tenure and property rights will be similar to South Asian or Balkans contexts. The remarkable differences between the political systems, economic structures, levels of development, and conditions which lead to conflict, are going to set the conditions under which the policies are going to be implemented.

The size of the displaced population and the political sensitivity of land conflicts will determine whether addressing land issues might be one of the most critical aspects of post-conflict stabilisation<sup>27</sup>. For example, in the case of East Timor, faced the challenge of recognition of customary land tenure system, an issue characteristic of many post-colonial conflicts. HLP matters were at the heart of the main challenges to achieving initial

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<sup>25</sup> (Rodrik, 1998) (Collier, 1999) (Cerra & Saxena, 2008)

<sup>26</sup> (Pantuliano, 2009b)

<sup>27</sup> (Leckie, 2013)

stability. The case of East Timor includes common post-conflict issues: mass population displacement, widespread housing damage and systematic failure of institutions. The primary source of further instability was the massive destruction of housing stock as a consequence of all previous waves of violence. As a result, there was an overwhelming urgency to occupy habitable houses when IDPs and refugees returned to seek accommodation.

The UN presence in the form of the United Nations Transitional Authority in East Timor (UNTAET), because of political conflicts, was unable to create an entity in charge of registering uncontested titles. As a result of this decision, UNTAET Land and Property Unit<sup>28</sup> was authorised only to record property claims, but it was not allowed to create a land registration function, nor to deal with private property rights disputes. The main issue of ownership remains, despite the new constitution which includes rights to housing, private property and protection against expropriation. The lack of clarity about who owns the land, where, and under what title (e.g., colonial legacies) has not been resolved<sup>29</sup>. East Timor case is a sorry but good example of the importance of HLP and how difficult it is to face these matters. The lack of restitution policies – and the absence of even the slightest attempt to address them – raises the question of restitution for whom? Policies aiming to deal with HLP differed in Bosnia in the sense that they aimed to “reverse” ethnic cleansing or, in the case of South Africa, aimed to address systematic racial discrimination.

Studies including HLP issues are linked primarily to the return of refugees, either from an International Law perspective<sup>30</sup> or as part of a Human Rights<sup>31</sup> approach<sup>32</sup>, with

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<sup>28</sup> To see more on Timor East Timor (Fitzpatrick, 2012)

<sup>29</sup> (Fitzpatrick & Monson, 2009)

<sup>30</sup> (Litchfield & Justino, 2004)

<sup>31</sup> The legal dimension is linked to the understanding of property rights, land and housing as part of the economic and social rights.

certain exceptions such as Barakat and Zyck<sup>33</sup>. None of these studies uses quantitative methods. On the other hand, studies of property rights as part of the economic recovery are scarce. Research on the effects of UNPKO performance on land and property issues is even more limited. HLP issues are essential to several aspects of livelihood, macroeconomic recovery, governance or reintegration of former combatants. Studies focus on civil wars, predominantly in Africa and South Asia, but also in the Balkans and Latin American countries. The strategies implemented and objectives affecting property rights, land and housing issues vary from case to case, showing uneven records of success.

Much effort has put into studying the ups and downs of the UN peacekeeping operations, to what is referred to as peacekeeping and peacebuilding, and to what extent the mission is effective in addressing peace<sup>34</sup>. Within the literature of the study of UNPKO, housing, land and property rights (HLP) are one policy aspect which has been largely ignored. This research aims to contribute to filling this gap. Can scrutiny of policies regarding housing reconstruction, land and property rights help us understand/improve the chances for economic recovery in post-conflict zones? Alternatively, to put this in other words, can policies on property rights, housing reconstruction and land issues, implemented by the UNPKO, increase the chances for economic recovery in post-conflict countries?

## 1.5 Definitions

The main concepts that unfold in this research are housing, land, property rights, economic recovery and post-conflict. Here it might be useful to identify and conceptualise HLP in the context of war and post-war studies. The literature on housing, land and property rights

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<sup>32</sup> (Leckie, 2013)

<sup>33</sup> (Barakat, 2010) and (Barkat & Chard, 2010), (Barakat & Zyck, 2011)

<sup>34</sup> See (Fortna, 2008) (Clayton et al., 2017)

in the context of post-conflict and peacebuilding is scarce. However, these concepts are covered extensively in other disciplines, like law and economics (cf Chapter Two).

Civil wars represent an enormous cost to societies in every single aspect. Civil wars curtail economic growth, destroy human and physical capital and limit GDP growth<sup>35</sup>. Among other challenges can be identified property rights; return of land to original owners; redistribution issues; transitional justice; natural resources<sup>36</sup>; incentives for foreign investment; de-mining land and - last but not least - levelling inequalities within the titling process<sup>37</sup>. In the research, for *economic recovery*, I do not refer to how Collier and Hoeffler use it as an indication of progress to pre-war conditions. Instead, I understand economic recovery as the restoration of physical infrastructure and the provision of public goods and social services. This definition responds to the implementation of policies addressing HLP issues as a means of re-establishing essential structural reforms to ensure stability at the micro and macroeconomic level. The differences across countries that experience civil conflicts regarding these issues are challenging to address. It is not possible to assume that how some African countries organise land tenure and property rights is similar to the South Asian or Balkan context.

Economically, property rights in land prove to be an essential asset, especially in a country where infrastructure, industry, agriculture, and other income sources are severely destroyed by war<sup>38</sup>. Voting behaviour is not within the scope of my research, but I recognise that actors can look for ways to attain properties with political purposes; during

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<sup>35</sup> (Rodrik, 1998) (Collier, 1999) and (Bigombe, Collier, & Sambanis, 2000) and (Collier et al., 2003) (Cerra & Saxena, 2008)

<sup>36</sup> There is an increasing attention from the Humanitarian organization and NGO regarding women and access to ownership of land and property rights. particularly severe situation for female headed households and widows, who typically account for 20 to 25 % of all households in post conflict situations, and for orphans, whose land access is particularly insecure not only because they lack formal documents, but also because they originally accessed land only indirectly, for example, through the head of the household (Klaus Deininger, 2004). See for example (Atuahene, 2007, 2009) and (Mohan, 2011).

<sup>37</sup> (Graf, Kruckow, & Gemperle, 2013)

<sup>38</sup> (Garlick, 2000, p. 67)



a war whose major goals are the occupation of territory through ethnic cleansing, the land becomes a crucial political tool, both during and after the war. After the war, people continue to vote where they live and a return to pre-war locations will reverse the demographic changes and political outcomes resulting from ethnic cleansing. In the research *property rights* is defined as “rights that are associated with immovable property associated with urban and peri-urban areas”, and land rights are defined as the rights “of ownership associated with it”<sup>39</sup>. Following de Soto’s argument that, by strengthening institutions related to ensuring the protection of property rights at the individual level, secure and well-defined property rights transform assets from “dead capital” into resources that can be used to generate additional capital and obtain credit<sup>40</sup>. Although land and property rights in the legal definition can be used interchangeably, for this thesis they are going to be differentiated. The definition of property understood as housing and land (immobile and fixed assets) permits the definition of rights, understood as control over assets with the capacity of buy-sell and to demonstrate ownership.

In this regard the definition of *land* used here derives from the one used by Klaus Deininger, with a clear emphasis on economic related activities defining land as a “key asset” for both the rural and the urban poor as “it provides a foundation for economic activity and the functioning of market (for example, credit) and nonmarket institutions (for instance, local governments and social networks) in many developing countries”<sup>41</sup>. To clarify, although land rights are discussed in a practical/transactional sense, this perspective does not *deny* conceptual implications of land and ethnic relationships within the framework of ancestral land cultural\religious links to territory/land.

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<sup>39</sup> The definition is set based on the one proposed by (Unruh & Williams, 2013, p. 5) §

<sup>40</sup> (de Soto, 2000)

<sup>41</sup> (Deininger, 2003,p. XVII)

I use the term *post-conflict* to refer to the moment when the conflict is over, and the mission commences the activities set out the mandate. For the research, I will consider a post-conflict stage the moment the peace agreement has been signed. When it comes to the interaction between post-conflict and the deployment of the UNPKO mission, I take into consideration the moment when the mission is made official by the Security Council and all the time the mission is deployed in the county. I also refer to UNPKO missions with a multidimensional approach, which not only comprises military personnel but also with police and a civilian component.

Despite the theoretical discussion of property rights from a political economy perspective<sup>42</sup>, further studies are needed to fully understand the relation between HLP issues and economic recovery in a post-war context. There is variation among scholars regarding what needs to be achieved as part of the post-conflict process. Barbara Walters<sup>43</sup> argues that, in order to prevent countries from relapsing into war, what is needed are political and military interventions, rather than economic ones. However, the need for economic assistance after periods of violence and the decrease in economic growth cannot be handled solely by political reconstruction strategies.

The research is original in the sense that it identifies a logical and coherent mechanism seeking to provide the conditions for economic recovery in a post-conflict context. This research uses the definition of HLP in a way that allows a practical approach to examining these matters.

## **1.6 Bosnia as a case study**

In 1995, it was not expected that BiH would recover quickly after three and a half years of war and ethnic cleansing, with 2.3 million people displaced from their homes and the

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<sup>42</sup> (North, 1987) and (North, 1992) (Bates, 2001) and (de Soto, 2000))

<sup>43</sup> (Walter, 2004)

population divided among ethnic groups. During the cease-fire, differences became more explicit, and the mass dispossession of property generated conflict. Despite this, against all expectations, the armed confrontation stopped, and ground for an ethnic co-existence emerged. By 2002, large-scale infrastructure and housing repaired, which become an incentive for the refugees to return to destroyed villages; more than 600,000 refugees and IDPs have been able to recover possession of their homes before the war. As the UNMIBH focused on the return of refugees and IDP the CRPC was created to process and to deliver options to solve most of the issues related to land claims, secondary occupation, housing, and reconstruction, among others. In BiH, HLP was used as a mechanism to address segregation and ethnic division, and as a crucial instrument to achieve significant tasks such as security, the rule of law and institutional reconstruction<sup>44</sup>.

The strategies implemented in BiH illustrate that, by tackling HLP, it is possible to achieve some levels of stability regarding security. Bosnia encompasses all the challenges that might be present in any other civil war. It is possible to establish that land and property issues brought to the social level include the possibility of return, reconciliation and integration; at the political level, giving the opportunity to compromise regarding the previous accords and to enforce an agreement regarding the land. Hence, it reflects that the struggles in BiH were not only based on ethnic struggles, but it was also at the end, a territorial dispute. BiH sets the condition to study the performance of the mission regarding HLP aspects.

The performance of UNMIBH is considered a success in contrast to its predecessor, the United Nations Protection Force (UNPROFOR). UNPKO, in cooperation with all the UN organisations, implemented and supported a system to address property rights and housing issues. So far, the literature on peacebuilding and post-conflict reconstruction has

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<sup>44</sup> See for example (Unruh, 2004) and (Cox & Garlick, 2003)

focused on aspects such as elections, disarmament demobilisation and reintegration processes, rebel groups, policing and military reconstruction. Legal approaches focus on the legitimisation of legal institutions concerned to re-establish the rule of law. Therefore, my research contributes to the debate on the relevance of UNPKO and the evidence of their most effective engagement while deployed.

Regarding HLP issues and the performance of the UNPKO, where the UN engaged and supported – considerably and significantly – the Commission for Real Property Claims of Displaced Persons and Refugees (CRPC). The Commission was an organisation created under the direction of the Dayton Peace Agreement, entirely and uniquely dedicated to land and property issues<sup>45</sup> as a mechanism to comply with the Annex 7 on the issue of refugees and IDPs in Bosnia<sup>46</sup>. The Commission is relevant to the process of property restitution, as the number of claimants represents nearly 40% of the displaced population who accessed or presented these claims. Over 2.2 million displaced during the war, and more than 240,000 claims were filed, but these claims accounted for 840,000 people. This case sets the scope of the study with the Commission's activities that make BiH different from other post-conflict countries, as it is one of the few examples where there was a comprehensive effort to design a restitution policy aiming for the return of refugees.

The CRPC model offers some invaluable lessons for the future in considering the scope for creating and establishing new systems that deal with post-conflict property issues, such as security. In contrast to other missions, return to abandoned houses was the main incentive to provide security and safety for those integrating into differentiated ethnic areas. The land was part of the political motivation to address segregation and address past grievances. Thus, it is evidence of how land and property interact with local dynamics.

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<sup>45</sup> Kroc Institute for International Peace Studies (2014)

<sup>46</sup> See Chapter Four.

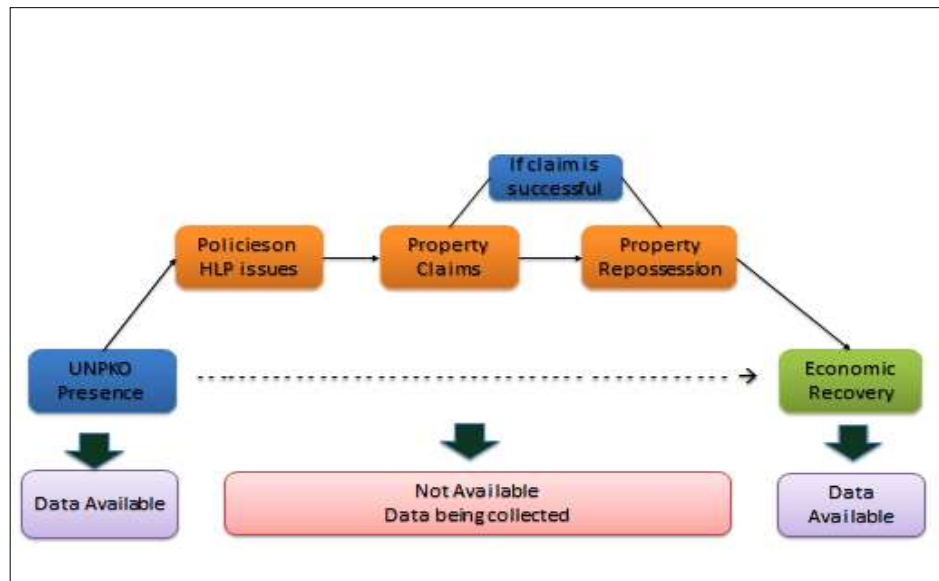
So far, the multidimensional UNPKO does not have a specialised body to address HLP issues. The practice has been that the United Nation High Commission for Refugees (UNHCR) would deal with some HLP aspects to solve refugee and IDP issues. Nevertheless, as was mentioned above, this has not been a comprehensive, holistic approach to tackling HLP challenges during and after the conflict. In BiH, the mission made significant effort by putting in place three strategies: (1) the creation of a mixed domestic/international property claims tribunal; (2) to put in place an extensive campaign for legislative reform repelling discriminatory laws, and to establish an administrative property claims process at the municipal level, under close international supervision. Lastly, (3) to put in place a robust plan for the reconstruction of destroyed villages and clearing landmines<sup>47</sup>.

An essential point throughout my research has been the need to collect original data needed to test the theoretical argument. Figure 1.1 below illustrates how this theoretical argument required a specific type of information. The empirical analysis relies on a cross-sectional dataset with original information collected from two field-research trips to BiH. Additionally, the coding exercise of 36 UNPKO missions' reports on the United Mission in Bosnia and Herzegovina (UNMIBH) and the systematisation of circa 14,000 photographs taken of the archived records from the Commission Real Property Claims of Displaced Persons and Refugees (CRPC) reporting on the number of properties claimed during the six years of the Commission's activities. This original dataset contains detailed information regarding the implementation of HLP policies by the Mission and other UN bodies, information on levels of destruction, ethnic fractionalisation based on the 1992 census, and the recently (late 2016) released census which was conducted – supported by

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<sup>47</sup> In addition to seven years of military engagement, civilian police monitors and a US \$ 5.1 Billion reconstruction programme (Cox & Garlick, 2003, pp. 65-66)

the World Bank – in 2013 and information on night-light data as proxy economic activities. I used Night-light data information from 1992 to 2012.



**Figure 1.2:** Research design and data availability

The research design allowed me to study the importance of what the mission is doing on the ground, and thus it allows us to investigate whether multiple and different approaches/policies dealing with HLP issues across the country are more likely to have an impact on the economic recovery of the country. This thesis proposes that when the UNPKO addresses HLP rights issues in the aftermath of conflict, there is a positive impact on the economic recovery in post-conflict countries. The presence of the mission on the ground is associated with the deployment of troops as well as civil components, which can translate into more secure conditions and other improvements for the affected societies.

What happened in BiH set the opportunity to question the importance of HLP for post-conflict reconstruction and the peacebuilding process? Land and property issues play a significant role in post-conflict reconciliation and economic rehabilitation, as agrarian

reform has played an important role in many insurgent and revolutionary agendas<sup>48</sup>. In the peacebuilding process, land issues do not receive the necessary attention, despite its relevance for economic recovery, in contrast to strategies geared toward democratisation or security. The lack of focal strategies to deal with difficult and challenging HLP aspects makes economic recovery a weak point within the peacebuilding process. In some cases, putting aside those challenges might be the difference between peace and the recurrence of violence.

Deliberate attacks on civilians seek to depopulate territory in order to loot or to reduce the fighting capacity of the enemy. In some African countries, the raiding of civilians has been used by the state as a substitute for fighting<sup>49</sup>. Wars and conflict force people to abandon their land and farms, often their only source of livelihood in an agriculturally based economic system, and their houses, which can be their only asset. One of the most influential factors leading to conflict and civil war is poverty<sup>50</sup>; it is also clear that rural areas highly dependent on agriculture are the poorest and therefore they are at the most significant risk of conflict and the economic consequences of it. Figure 1.2 illustrates the theoretical path explaining the possible mechanism by addressing HLP issues leading to economic recovery.

In all conflicts, violence creates waves of IDPs and/or refugees, homes are destroyed, and housing becomes scarce. In desperate times, illegal occupation of available/abandoned houses is probable, illegal allocation of new property titles (BiH), either imposed by partisan groups or as an option for the homeless, for those who lose their property and refuse to return or are unable to return to their houses/properties (Kosovo). Past disputes over land ownership emerge, creating further confrontation

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<sup>48</sup>Information on foot note (Cox and Garlick, 2003: 65-66) about a report from the World Bank in Bosnia and Herzegovina, Boone (2014), Deininger (2003a), Deininger (2004), Bigombe et al. (2000), Collier and Sambanis (2005a).

<sup>49</sup>(Azam & Hoeffler, 2002)

<sup>50</sup>(Collier et al., 2008)

(Cambodia)<sup>51</sup>, and access to arable land becomes scarce (Rwanda/Burundi or DR Congo)<sup>52</sup>. These conditions are common characteristics of post-conflict settings but have been most relevant in cases such as Rwanda, Liberia or Cambodia, where the number of displaced persons and refugees represented a daunting challenge. Table 2.1 shows a brief sampling of some of the more prominent HLP challenges evident in countries enduring or emerging from conflict, revealing the extent to which these are linked to conflict and post-conflict recovery.

In contrast to research on political economy and economic development,<sup>53</sup> HLP are not necessarily the main focus of most UNPKO literature<sup>54</sup>. I propose to remedy this omission by identifying policies and or case studies addressing, in some form, housing reconstruction, land compensation and restitution, and land titling systems. Bosnia, as a case study, is salient because it represents all the complex elements that could make reconstruction challenging at every level. The high occurrence of violence and destruction in the country, regardless of rural or urban location (observed to be significant in other civil conflicts), and the execution of ethnic cleansing activities, including property dispossession and illegal housing occupation, shaped and influenced HLP policies. Even if specific HLP activities were not identified in the initial mandate, it was imperative for the mission to address HLP as a priority.

## **1.7 The organisation of the thesis**

*Chapter Two* provides a review of the literature, beginning with a discussion of economic recovery in post-conflict settings. The chapter will discuss HLP issues as (a) source for conflict and the role that HLP matters play during the conflict, fuelling additional disputes,

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<sup>51</sup>(Williams, 2009)

<sup>52</sup>(Unruh, 2004), (Leckie & Huggins, 2011); (Zevenbergen & Burns, 2010) Unruh (2004: 6)

<sup>53</sup>(Acemoglu, 2003)

<sup>54</sup>(Di Salvatore & Ruggeri, 2017)



and (b) as providers of alternatives for reconstruction and therefore stability. I trace the literature on HLP in a pre-war context to present a more comprehensive explanation of how HLP is relevant for post-conflict economic recovery. The last section acknowledges gaps in the literature and how I intend to address these gaps by presenting a theoretical path to test the impact of HLP policies by the UNPKO and economic recovery.

*Chapter Three* presents the theoretical argument drawing the path between the presences of the mission, the implementation of HLP policies to economic recovery. This chapter focuses on the latter, acknowledging the relevance of the local conditions and how these interact with an implementation of the policies. In sum, this research aims to present a policy evaluation perspective on one of the few missions which implemented policies to address HLP issues in the aftermath of the conflict. This thesis proposes that when the UNPKO addresses HLP rights issues in the aftermath of conflict, there is a positive impact on the economic recovery in post-conflict countries. The presence of the mission on the ground is associated with the deployment of troops as well as civil components, which can translate into more secure conditions and other improvements for the affected societies.

To investigate the effects of HLP policies by the UNPKO, *Chapter Four* introduces the case study of Bosnia. The general conditions of HLP in Bosnia before and after the war; a brief description of the war and the explanation of the activities and different policies implemented in Bosnia after 1996. *Chapter Five* introduces the dataset used to test the hypothesis derived in Chapter Three and explains each of the variables that I used for the models. The chapter gives details of the data collection process, the sources of the data, possible problems with the data, and possible solutions to tackle these problems.

*Chapter Six* presents the description of the data in statistical terms; explaining the model and the different variables with the results of bivariate statistics, the models for the hypotheses. *Chapter Seven* concludes this thesis with a discussion of the research

findings in the implementation of HLP policies for UNPKO in post-conflict; providing policy recommendations with further development of the concept, in particular regarding its implementation; the development of tangible recommendations for political decision-makers and personnel in peacekeeping missions, and the presentation of avenues for future research.

## 2 Housing, Land and Property Rights Matter for Economic Recovery

### 2.1 Introduction

In 2005 the UN report from the Secretary General to the General Assembly outlined – yet again – a situation which continually recurs in post-conflict countries: ‘roughly half of all countries that emerge from war lapse back into violence within five years.’<sup>55</sup> The observation highlights the unrealistic expectations of donor countries and donor organisations, anticipating that countries which are war-torn, politically unstable, insecure, running under inadequate polices and mismanaged can smoothly transform into liberal democracies with free-market economies. Policies implemented by the World Bank (WB) and the International Monetary Fund (IMF), targeting reconstruction of war-torn countries, have improved but, despite their efforts to co-ordinate with the UN, recovery remains elusive and certainly underachieves<sup>56</sup>. The question about what is, then, the best strategy to address economic recovery remains open. As the conditions for reconstruction and recovery are not set, the need to understand and to address local conditions is relevant. In this research, I will look at recovery in economic terms, focussing primarily on housing, land and property rights (HLP) issues. In other words, I aim to look at the relevance of HLP issues to economic recovery in post-conflict contexts.

Post-conflict societies face three issues regarding HLP: land grabbing, destruction of housing, destruction of property ownership records or redistribution and changes in the property rights legislation. The massive destruction of housing units is the cause of both displacement during the conflict and failure to return once the conflict is over. Land grabbing and land disputes are also related to conflict and confrontation, and the causes of further grievances in post-conflict contexts; for instance, the inability to return due to the

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<sup>55</sup> (UN, 2005 p. 31)

<sup>56</sup> (del Castillo, 2015)

loss of title to a property. Resource scarcity intensifies these types of disputes and could further perpetuate conflict.

The chapter is organised into five sections providing a review of the literature. I start with economic recovery in post-conflict settings, moving on to the importance of broad HLP issues to economic recovery before and after the conflict has ended. This leads to a discussion of the impact of each component (housing, land and property) before, during and after the conflict, which sets the path – maybe the foundation – for economic recovery. The chapter further discusses research on the impact of the UNPKO on economic recovery, in the countries where they are deployed, finishing with a consideration of how much the UNPKO has done regarding HLP matters.

## **2.2 Economic Recovery in Post-conflict countries**

Most of the research on international conflict has focused on those conditions indicative of the escalation of the low-level conflict to war. The focus in the literature on economic reconstruction in post-conflict countries mostly begins after the end of the Cold War. In the field of economics, the effects of war on an economy have been widely studied; especially what aspects incentivise economic growth<sup>57</sup>. Research on post-conflict economic recovery and civil wars is still rare, except the work instigated by Collier and colleagues and his research with the World Bank<sup>58</sup>. Characteristics of countries experiencing war have raised further questions, as the majority of wars occur primarily in developing economies. Kang and Meernik state accurately that, just as civil wars derive from domestic circumstances, so the outcome of these wars is also internally oriented. In practice, there are no external actors – victors – who will take the lead aiming to overcome

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<sup>57</sup> (Van Raemdonck & Diehl, 1989) present a very illustrative literature review on the topic.

<sup>58</sup> I refer to the set of articles and working papers in addition to Breaking the conflict trap: Civil War and Development Policy (Collier et al., 2003)

and mitigate the effects of conflict on an economy (unless there is outside intervention)<sup>59</sup>. Their research is important to this thesis as, distinct from Doyle and Sambanis<sup>60</sup> who consider the effects of the presence of the mission in general, Kang and Meernik recognise the effect of the presence of the UNPKO mission on economic growth, arguing that countries benefiting from this type of assistance signal peace and security to the international community. The presence of the mission thus might provide a secure and stable environment essential for economic recovery. The statistical research from their study measures the presence and deployment by square kilometre of the civil war state: the higher the size of the mission, the higher the increase in economic growth<sup>61</sup>. However, they clarify that the effect derives from the economic assistance that comes with the deployment of the mission; simultaneously, that mission acts as a signal of commitment to peace by the actors previously at war.

Theoretically, when the discussion on post-conflict economic recovery is considered to derive from economic growth, it focusses on technological progress and human capital indicators. On the other hand, when economic recovery is considered to be based on institutional factors, it concentrates instead on property rights<sup>62</sup> and the type of financial systems. Economic reconstruction tends to be approached as if it were synonymous with economic development, and there has rarely been a strategy for effective reconstruction in the context of countries impoverished by civil wars.

Flores and Nooruddin explore the question regarding the relative factors that make some countries' economies recover from conflict sooner than others. Debating the type of conflict, type of political transition, how it ended, and the type of peace agreement<sup>63</sup>, they

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<sup>59</sup> (Kang & Meernik, 2005)

<sup>60</sup> (Doyle and Sambanis, 2000)

<sup>61</sup> (Kang & Meernik, 2005)

<sup>62</sup> See more on the relation between property rights and economic recovery with (Besley & Ghatak, 2010)

<sup>63</sup> (Flores & Nooruddin, 2009)

argue that credible commitments to peace increase productive economic investments. Their main conclusion is that the type of political transitions plays an important role in economic recovery — their statistical findings highlight many important theoretical and empirical considerations for further research. The impact of international aid and the timing of its implementation might speed recovery.

Additionally, countries recovering from conflicts fought over territorial concerns experience recurring violence. The last point highlights the question of dynamics that develop on the ground before or during the conflict. Later in this chapter I will discuss territorial conflicts associated with land access and/or ownership.

### **2.3 HLP in post-conflict: The foundations for economic recovery**

In post-conflict societies, the risks of renewed conflict are usually higher during the first decade after the conflict has ended. In the bulk of the literature on post-conflict and economic recovery, HLP issues are barely mentioned, with a few exceptions which look solely at how property rights secured by strong institutions can contribute to economic development. The consensus of this small group<sup>64</sup> is that secure and stable title to property rights accelerates economic recovery and increases the chances of sustainable peace. From an economic perspective the aim is to escape “the conflict trap” because, where the economy recovers, recurrence of armed confrontation is less likely<sup>65</sup>. The reconstruction of institutions, governance, and policy reform are the main components to peace and stability, and Collier commends releasing resources for economic priorities, such as the promotion of private investment and restitution of property rights.

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<sup>64</sup>(Pantuliano, 2009a, 2009b) (Flores & Nooruddin, 2009, 2012 ) and Besley extensive work on Property Rights and financial development. m

<sup>65</sup> (Bigombe et al., 2000) (Collier et al., 2003; Collier & Hoeffler, 2004) (Collier, 2006; Collier & Sambanis, 2005a)

The exercise of HLP policies requires the development of land and property rights, land titling (cadastral systems), and the creation of property rights awareness, land administration and dispute resolution<sup>66</sup>. Besley and Ghatak found statistical evidence that property rights as an institution promote growth<sup>67</sup>. For instance, there is evidence relating secure property rights to the increase of credit, which in turn promotes higher income per capita<sup>68</sup>. On the other hand, the role of the state formalising and protecting property rights can be relevant to economic performance<sup>69</sup>. Property rights and economic recovery studies look at market and value assets; public and private aspects; the relation of property rights as a reflection of a functional rule of law structure; incentives for investment, trade, and productivity. The HLP might be crucial to accelerate recovery through the re-activation of the local economy, thus attracting international investors.

Deininger<sup>70</sup> focuses on how conflict can alter and worsen HLP issues, although his analysis is based on economic arguments rather than looking at the effects of these matters on peace or stability. In post-conflict contexts, property rights, mainly, are crucial in accelerating recovery through the re-activation of local economies which might also attract international investors<sup>71</sup>. This security must rely on the authority of institutional frameworks that reinforce the legality of property rights. For the smallest and largest holder communities, this legality makes it possible to negotiate communal uses of land, e.g. schools, roads, or wells<sup>72</sup>.

The importance of a fair, transparent, and effective property rights policy, as an element of post-conflict recovery and development, can hardly be overstated. Not

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<sup>66</sup> For an example of HLP challenges in post-conflict context in Uganda see (Rugadya, Nsamba-Gayiyi, & Kamusiime, 2006)

<sup>67</sup> (Besley & Ghatak, 2010)

<sup>68</sup> (Acemoglu & Robinson, 2000) and (Keefer & Knack, 2002)

<sup>69</sup> (Acemoglu, Johnson, & Robinson, 2005; Acemoglu, Johnson, & Robinson, 2012; Acemoglu & Robinson, 2000)

<sup>70</sup> (Deininger, 2003; Deininger, 2004; Deininger & Castagnini, 2006)

<sup>71</sup> See the argument of (Bates, 1988, 2001) (North, 1992) on Economic performance.

<sup>72</sup> (Deininger, 2003)

addressing these issues might exacerbate violence and instability, as is happening in Northern Iraq. Das' recommendations<sup>73</sup> are in line with those made by Barakat et al.<sup>74</sup>, highlighting the intricate relation between the restoration of property rights, return of refugees, the rule of law and economic recovery as a fundamental base for more comprehensive recovery strategies. This research will take into account these topics, but its focus is primarily on the relationship between HLP and economic recovery. There are cases such as El Salvador where, despite the attention of policymakers addressing the issue of land, the economics of implementation was ignored: the basic principle of economics suggests that land and labour are not enough – that capital is also an essential factor of production was overlooked. This is fundamental to economic development<sup>75</sup> and thus very important to take into account when studying conflict dynamics.

In the matter of land dispossession and restitution, researchers agree on the importance of the process of land restitution itself. Accesses to information and proper channels for complaining or lodging an appeal are also relevant. Societies must establish institutions capable of settling land tenure and legitimise property rights over the land. Regarding property rights, they need to be secure in the long term. HLP need to be enforced by a legitimate authority and strong institutions to establish property rights which would otherwise be ineffective. In reviewing the property rights literature in connection to economics aspects, Besley and Ghatak detail how well-defined and secure property rights over land can impact economic outcomes<sup>76</sup>. First, tenure security can increase investment incentives, and it can also increase the use of land as collateral in accessing credit<sup>77</sup>.

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<sup>73</sup> (Das, 2004)

<sup>74</sup> (Barakat & Chard, 2010)

<sup>75</sup> (Deininger, 2003)

<sup>76</sup> (Besley & Ghatak, 2009)

<sup>77</sup> (Besley, Burchardi, & Ghatak, 2012)



Furthermore, there is evidence that land tenure is a source of political power used by politicians to control the local economy.

Fransen and Vargas's work<sup>78</sup> tests empirically how economic outcomes differ among returned refugees in Burundi. Their results indicate that returnees tend to engage in low-income economic activities, and they emphasise the importance of allowing refugees to acquire and participate in economic activities while away and after their return. Although they admit there are gaps in the results, they suggest returnees need to close the gap between their previous economic activities and the idle time, while they were away. As was discussed before, most of the refugees come from rural locations, inviting the assumption that land issues will be pivotal to the reactivation of the economy by returnees. Hence, HLP issues represent the acquisition of capital and assets, enabling participation and reactivation of the economy.

Fundamental components of problems during a peace process include both awareness of the different sets of tenure issues and their role in conflict and recovery, and the need to embrace engaging strategies for local post-conflict realities, as the building blocks in new property rights laws. Unruh classifies the problem of land tenure process in three steps in a peace process: i) those that may have contributed to the initial cause and conduct of the conflict, ii) those - usually volatile - land and property issues that emerged during a conflict, and iii) a set of tenure-related issues necessary for effective recovery<sup>79</sup>.

In cases where these cannot be resolved, there is a risk of jeopardising the rule of law more broadly<sup>80</sup>. In El Salvador, Foley, Vickers and Thale note that “the Land Reform programmes of the 1980s and the Land Transfer Programme (PTT) implemented after the

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<sup>78</sup> For further studies on economics of returnees and refugees see (Fransen, 2017), (Fransen, Ruiz, & Vargas-Silva, 2017) (Unruh, 2004)

<sup>80</sup> Deininger does not emphasise specifically on post-conflict scenario. However, he explores the broader impact base on the different components within land and property right to achieve economic growth (Deininger, Klaus, 2003, 2004)

signing of the Peace Accords reduced the concentration of landholding by redistributing about 30% of the country's cropland, and increased substantially the number of individuals who own small plots or share in the ownership of cooperative lands"<sup>81</sup> While such changes tackled the issue of inequality and reduced the political tension in the countryside, they have not fundamentally changed the economic insecurity of rural life. Those who had received land from the programmes could not become viable farmers and create a source of income for themselves.

In their economic analysis Haggard and Tiede state that it is hard to separate property rights from the "cluster of institutions" that affect investment and economic growth<sup>82</sup> as there are several measures constituting part of the rule of law, such as security and the enforcement of rights at different levels<sup>83</sup>. There is a consensus regarding the aggregated level of analysis; nevertheless, it is still important to find the same relationship in the within-country analysis<sup>84</sup>. In other words, the importance of HLP issues is acknowledged in theoretical discussions, but there is still much to prove empirically, due to a lack of data on properties and the particularities of each case. In sum, there remain questions about how to apply these findings to countries where institutions have been weakened or destroyed because of war or internal conflict. The literature indicates that aid is effective up to a degree, taking into account strategies for development and recovery. However, aid can decrease or stagnate growth if the economy creates dependency. In contrast, my research looks at how looking at HLP from a policy-oriented perspective – with the acknowledgement that aid is needed. The premise that the threshold of measurement is set at the pre-war levels does not always apply.

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<sup>81</sup> (Foley, Vickers, & Thale, 1997, p. 3)

<sup>82</sup> (Haggard & Tiede, 2011) (Haggard & Tiede, 2014)

<sup>83</sup> In the economic literature there is differentiation between developed and developing economies. For example, (Radeny & Bulte, 2012) state that the predominance of institutions in determining growth falls away when a smaller, more homogeneous sample of countries in Africa are analysed alongside other factors such as geography and history.

<sup>84</sup> Suggestion made by (Green & Moser, 2013)

## 2.4 HLP in the short term in post-conflict

In countries such as DRC Congo, collective ownership over land encompasses a challenge itself as there are customs which regulate the validity of the ownership, such as ancestral traditions, ethnic or clan rule systems<sup>85</sup>. In other cases, like Cambodia, there are colonial systems in place which might have created tensions among the population and which are required to change, to adapt or – even – be eliminated, given the post-conflict circumstances of the country<sup>86</sup>. It is an expensive and time-consuming task, reconstructing or creating from scratch cadastral records and land - property ownership systems. The significance of the number of resources needed to address cadastral systems can delay the recovery of property rights systems significantly, hence delaying the process for the adjudication or reacquiring of property title.

HLP issues, after the conflict is over, are important because they can provide a foundation for recovery not only at the individual level but because they can also reactivate the economy at the regional and national level. Boone, Unruh and Williams have notably addressed the importance of treating HLP issues as “local”/ “internal” issues rather than as a broader problem across different countries either before or after the conflict, relegating them to a concern to be handled by the local institutions rather than by international organisations. Their studies focus on different conceptual analyses and case studies across different countries. They have integrated different perspectives to understand the dynamics between HLP issues within societies, conflict and economic performance. The research differentiates from these studies as it will evaluate empirically the impact of the policies implemented to address HLP matters in post-conflict. A novelty as it is difficult to get specific information on property rights and land in post-conflict.

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<sup>85</sup> (Autesserre, 2010)

<sup>86</sup> (Williams, 2009)

Swift and Hamilton assert that, during times of conflict, the dynamics of violence compromise and diminish the legitimacy of institutions. It might take a considerable amount of time for a “new” post-conflict government to restructure institutions formulating, implementing and reinforcing complete new national land tenure systems and establishing a functional property rights system, even if it is done with the aid of external organisations<sup>87</sup>. Nevertheless, they warn that the role of land, natural resources, and property rights in the aftermath of the war must not be underestimated. It is understandable that considering the complex context of most post-conflict countries, where there are multiple practical matters to resolve, the identification of “priority” issues is elusive, pushing HLP matters back to a later stage.

It is also important, when dealing with land issues, to address the lack of law enforcement and presence by the state in certain areas<sup>88</sup>, for instance, housing/village destruction structures; secondary occupation of properties; non-legal profit and management of natural resources and the clearance of landmines from actual or potential agricultural land. Actions taken to address HLP are linked to the reconstruction of institutions, the rule of law and governance aspects. HLP issues are important because they can provide a foundation for recovery not only at the individual level but because they can also reactivate the economy at the regional and national level.

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<sup>87</sup> (Swift, Hamilton, Devereux, & Maxwell, 2001)

<sup>88</sup> There is rapid increase in the frequency and extent of land disputes, which often constitute about two-thirds of the civil case load of a judiciary that is unable to cope with the demands, a situation that is often complicated by the direct involvement of the military or representatives of other state organs; and (f ) a contamination with landmines and difficulties in physical movement.(Deininger, 2003)

### 2.4.1 *Post-conflict housing reconstruction*

HLP issues are linked to the sustainability of the return of refugees. In the period following the immediate aftermath of armed conflict, the return of refugees and IDPs can help in the reconstruction of the social fabric. In most cases, a significant number of the affected populations will seek to return to their abandoned houses, to look for the restitution of their stolen properties, or the reallocation of land - difficult and important tasks for governments, international and local organisations in a post-conflict context<sup>89</sup>. The protection or restoration of property rights is closely linked to the return of refugees and displaced persons, the protection of human rights and the restoration of the rule of law. In post-conflict scenarios, houses or/and property become fixed assets. I argue that they might be the only possession of the affected population, understanding that housing [as house and land] becomes capital, essential to stimulate economic recovery.

Barakat and Zyck, who study housing reconstruction as a trigger for socio-economic recovery and state building in Lebanon, suggesting that supporting housing reconstruction programmes if implemented early in the aftermath of conflict, has the potential to encourage a rapid return to home communities and the activation of local economies<sup>90</sup>. These effects can vary, as well, depending on who are the donors (e.g., countries, INGO, private companies) and what their interests are; the variation affects the capacity of the state to recover in terms of legitimacy and capability to provide services. The most interesting finding focuses on the impact of owner-driven reconstruction. On the negative side, Barakat also highlights that housing reconstruction assistance - or the lack of it - comes with further problems, such as poor planning and lack of building risk assessments, enhancement of corrupt power dynamics, and fewer possibilities for women's

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<sup>89</sup> This is a well-accepted premise among the literature. For a good review of the literature refer to the book edited by (Unruh & Williams, 2013, p18)

<sup>90</sup> (Barakat & Zyck, 2011)

empowerment. De Waal<sup>91</sup> criticises and acknowledges, at the same time, that the responses to tackling urban displacements and housing issues are short-term, which might create further problems with urban housing and land rights.

Their findings can be linked to Bosnia and Herzegovina (BiH) in the sense that it was not the government that addressed HLP issues but the international organisations in charge of the process. The CRPC received and processed property claims of lost properties. The UNHCR and World Bank and USAID implemented, across BiH, programmes where families applied for building materials or small funding for the reconstruction of destroyed houses. That was the case of in the villages of Podkraj and Djelilovac, abandoned during the war. USAID<sup>92</sup> provided power to 150 homes reconstructed by Croat returnees. In other cases owners could apply for building materials: some families managed to get hold of brick and cement, but not enough to rebuild the house<sup>93</sup>. This approach was somewhat unsuccessful, resulting in delays in the provision of funding, worsening displacement, and an increase in poverty levels. When basic services are not available, such as housing, education and public services, there are further implications for reintegration and recovery.

#### ***2.4.2 Land Ownership and the incentives to return***

The empirical studies examining the link between property rights and the return of refugees, such as Deniz Sert's<sup>94</sup> research, show how restoring institutional property rights can help to mitigate the problem of the return of refugees and IDPs. Sert argues that one possible way is restoring property rights; doing so encourages the return process and resettlement. She does not mention the long-term effects of these measures; nevertheless,

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<sup>91</sup> (De Waal, 2009)

<sup>92</sup> (USAID, 1999)

<sup>93</sup> Part of the narratives of the interviews conducted during the field work.

<sup>94</sup> (Sert, 2008) She uses the indicators provided by The Heritage Foundation on Property Rights. The component is an assessment on the ability of individuals to accumulate private property, secured by clear laws that are fully enforced by the state. For a further description of this particular dataset visit <https://www.heritage.org/index/property-rights>

she acknowledges the difficulties of measuring how to secure<sup>95</sup> property rights across countries are, and how the existence of war conditions can weaken the institutions in charge of property rights. An alternative would be the study of how the return of refugees and IDPs affect economic activities.

On the other hand, there are alternative aspects to consider when encouraging the return of refugees and IDP. The return of refugees can trigger further conflicts, the perpetuation of inequalities or violations of rights under hard economic conditions. Black and Gent<sup>96</sup> accentuate that, although refugee issues are a peak concern, there is still more to understand what happened to refugees, whether their return is sustainable, and what contributes to sustainability. They stress the importance of looking beyond the return of individuals, rather than looking at how the returning individuals fit into a society under construction. Hence, the relevance of strong economic reconstruction processes, which address the core needs of returnees and refugees.

Clear and undisputed property title plays a fundamental role in the economic recovery from conflict and is a prerequisite to attracting foreign investment<sup>97</sup>. Das emphasises that property rights have been at the centre of many of the problems that individuals face in the aftermath of armed conflicts<sup>98</sup>. However, his research is not necessarily taking into account other aspects of the implementation and enforcement of HLP policies can evaluate differently, also, that his focus relies only on international humanitarian law perspective.

The mishandling of HLP issues can exacerbate displacement and increase the disintegration of already affected communities. In the case of Mozambique, land tenure

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<sup>95</sup> By strong she refers to the protection of ownership rights.

<sup>96</sup> (Black & Gent, 2006)

<sup>97</sup> (North, 1987) and (Collier, 2006)

<sup>98</sup> (Das, 2004)

policies and implementation created a mixed result, giving legitimacy to property rights institutions. The results benefitted those who had investments but breached social and communal traditions<sup>99</sup>. Unruh points out that populations, other actors - including ex-combatants, opportunists, state actors, and individual or entities with claims dating back to previous regimes - may also pursue access to new lands<sup>100</sup>. Rightfully, that refugees and internally displaced people attempting to return to their lands of origin, dislocates who cannot or do not wish to return to their areas of origin, and those who were displaced well before the conflict and who view the post-conflict period as an opportunity to regain long-lost lands. Ethiopia for instance, after the conflict in 1997, sets a positive example: specific customary institutions of elders and leadership were provided with state legitimacy as a way to resolve a variety of societal issues, including those involving land<sup>101</sup>. By doing this, elders could arbitrate and settle land disputes allowing returnees and new habitats to start farming<sup>102</sup>.

Todorowsky et al., in their preliminary research, emphasised the need to ensure that land issues are put on the agenda of the international community and that they are tackled in the peace treaty document or national land policies of states emerging from conflict<sup>103</sup>. All of these features must be embraced by new laws that support what people are doing on the ground, which eventually provides the opportunities and tools to move from a post-conflict situation to a more solidified and peaceful social environment. Land and property rights are factors that both contribute to instability and have the potential to promote re-engagement of the affected population with familiar/known land-use practices which further agricultural production, food security and trade opportunities. Unruh focuses on

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<sup>99</sup> (Unruh, 2004)

<sup>100</sup> Foot Note on (Unruh and Williams 2013, p. 3)

<sup>101</sup> (Unruh, 2010)

<sup>102</sup> (Black, 2003)

<sup>103</sup> (Todorovski, Zevenbergen, & Van Der Molen, 2012)



post-conflict land disputes,<sup>104</sup> based on a geopolitical approach -emphasising the presence or lack of natural resources in regions where conflict occurs, for example, Mozambique<sup>105</sup> or Sierra Leone<sup>106</sup>. International organisations –UN and INGO-organisations - must confront their ignorance of local land and property rights tenure systems<sup>107</sup>.

The limited focus on HLP bestowed by organisations does not excuse the need for further involvement; the existing strategies do not resolve issues of the displaced in lasting ways. Wily<sup>108</sup> emphasises that organisations and bodies dealing with post-conflict reconstruction need to “dig a little bit deeper” into HLP issues, taking into account those individuals who have experienced war, looking for the best way to bring them to a stable environment, looking towards recovery and reconstruction. Along with them, Wily<sup>109</sup> identifies HLP issues as a trigger for conflict as well as a challenge for post-conflict societies. I would agree with Pantuliano, who states that, if organisations responsible for the process of post-conflict recovery have not adequately addressed issues related to HLP and further beyond, or created or rebuilt institutions supporting property rights [*as it is defined in this research*], they might be considered to have missed an opportunity<sup>110</sup>.

Armed conflicts deprive institutions of both legitimacy and the ability to perform effectively. The reconstruction of institutions and public services systems represents a major challenge in areas such as the rule of law. The most relevant finding related to those cases where previous conflicts occurred, where there were disputes over land or property issues, is that the most likely scenario during the conflict would be that structures for land

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<sup>104</sup> His work studied different aspect of post-conflict property rights.

<sup>105</sup> (Unruh, 1997, 2001)

<sup>106</sup> (Unruh, 2005)

<sup>107</sup> (Leckie & Huggins, 2011); (Leckie, 2006); (Leckie, 2009)

<sup>108</sup> (Wily, 2009)

<sup>109</sup> (Wily, 2009)

<sup>110</sup> (Pantuliano, 2009a, 2009b)

tenure distribution and property rights were altered or destroyed<sup>111</sup>. With limited land access in pre- and post-conflict situations, the causes of struggles over land might become a trigger for more violence. An ability to deal with several requests and demands by women, other refugees, the use of land as an incentive within DDR programmes and to solve conflicts over tenure and claims will significantly increase the opportunity to achieve reconciliation and the recovery of the productive sector, hence, the seed for economic recovery.

In the economic literature arguments regarding the distribution of property, including women and children, are overwhelming. Efforts to address women's and children's property rights are considered. Women and children are more vulnerable than other groups, as the policies and strategies do not necessarily recognise the particular needs of specific groups. In the absence of a male head of household wives/widows and children have been given limited access to the title to land management<sup>112</sup>. When women do have access to land, it can be used to grow food and, by extension, generate a source of income<sup>113</sup>. When women do not hold control over economic assets, such as their spouse's land and property, it means that women cannot use them as capital; on the contrary, women are thrown into low-income activities with no way out, widening poverty conditions. Finally, the World Bank drew attention to the importance of women enjoying economic security –even more relevant in post-conflict context – as they can invest in the education and welfare of their children, and eventually rebuild rural economies.

## **2.5 HLP matters in pre-conflict conditions**

HLP issues are essential to understanding the interaction between local dynamics and conflict. In agricultural areas, property rights and land tenure are the main elements of

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<sup>111</sup> (Boone, 2014; Unruh, 2004)

<sup>112</sup> (Lastarria-Cornheil, 2005)

<sup>113</sup> (World Bank, 2005)

social cohesion. In some cases, the land is at the core of political-economic institutions that determine the variation and characteristics of local politics. Many countries have faced a diverse set of HLP issues. The primary source of example is countries in Africa and how HLP can be the source of conflict or perpetuate the one already in progress.

In Africa, in particular, the diversity of land issues and property rights settings have called the attention of scholars and practitioners looking for connections between HLP and conflict dynamics. From the perspective of empirical studies, Africa's property rights disputes and land-related conflicts are not well understood, as a whole, due to the lack of homogeneity across countries on land's administrative structures and institutions which makes a cross-country analysis challenging to perform. Those regional differences require location-specific solutions and may be why property rights and land-related conflicts are frequently considered to be of local rather than international concern. A local variation might illustrate how land and property issues contribute to conflict. In the way that land regimes vary, so do forms of land-related conflicts; hence the need of research aiming to clarify further the dynamics and role played by HLP issues, as this research aims to do.

Rwanda illustrates the challenges and difficulties related to HLP issues - illegal occupation, lack of housing, and title registration problems. Also, there are the dynamics of the conflict itself, such as dealing with a vulnerable population (women and children) who endure further challenges regarding economic reactivation and inclusion in the aftermath of a conflict or war. The staggering example of Rwanda, regarding the extent of resources needed to resolve issues of housing, land grabbing and property rights allocation, speaks volumes about the importance of considering HLP issues. The scale of destruction of property and displacement of the Tutsi population after the 'Revolution of 1959' illustrates the importance of HLP issues for post-conflict recovery. The government allocated Tutsi land to Hutus in 1966 by a presidential decree. Later, in 1990, those displaced Tutsi

refugees, grouped as the Rwanda Patriotic Front (RPF), invaded the north of the country, representing a significant population displacement. This was the seed of the horrific genocide of 1994.

The fear of retaliation by the RPF, aiming to remove the former government, generated further displacement. The result was that nearly two million Hutu refugees moved into DRC and Tanzania. At the end of the 1990s Hutus refused to return, fearing retaliation, and about 600,000 Tutsi refugees returned to settle the eastern province of Umutara. Some of the returnees relocated legally to land with titles, but others occupied the land vacated by fleeing Hutus. In 1996, Rwandan troops entered the Hutu refugee camps in DRC to dismantle insurgent militarised groups. These actions and the number of refugees expelled from Tanzania created a wave of nearly 1.3 million refugees returning to Rwanda in the space of thirteen months. Preparation for the return of refugees and reallocation of land was paltry, and there was no centralised response. The implementation of land restitution policies varied across the country: in some regions land restitution was offered but in others was set up with insufficient regulation. In some regions, decisions on land issues were handled by local/traditional assemblies or, in the north, the process was handled by RPF military courts<sup>114</sup>.

For the case of Rwanda, we can argue that land and property rights can be the link to or the trigger of civil unrest, ethnic mobilisation and political dynamics. Boone's research examines how local and national politics are intertwined with land rights and subsequently with land-related conflicts, showing the important connection between land tenure systems, institutions and the local politics and conflicts at the heart of political competition in Africa. Boone's focus is on countries where land-related conflicts have links to national political stages, and she examines why the development of private property in land turns

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<sup>114</sup> (Huggins, 2009)

out to be such a deeply politicised and contested process, even without a civil war. Her findings suggest that, in rural contexts, property rights systems define how communities relate, understand and have access to higher levels of the state apparatus or its institutions. Furthermore, her findings point out the variation in ways politicians exploit these property rights and land structures for their interests: from rural political mobilisation to the recruitment and the organisation of rebel groups for electoral gain<sup>115</sup>.

Land ownership, in particular, is at the heart of rural life and, in many war-torn societies, violations of land property rights affect most likely people living in the countryside. In matters of livelihood, land is usually the most valuable asset to rural people, the centre of their livelihood. In simpler, non-political versions of livelihood analyses, rural people's strategies when responding to a crisis revolve around retaining access to their land. In Congo, for example, many of the displaced settle on land abandoned by others who had also been forced to leave, and started to cultivate the land; this usurpation of the land created further conflicts between the returning, previous owners and the wartime land appropriators. Subsequent violence led to a series of mutual expropriations and forced displacement by various armed groups. As in many other regions, livelihood and economic activities were bound to land-related activities. Land-related issues created as a result of the conflict added a layer to the complexities of the conflict<sup>116</sup>. For my research HLP, in pre-conflict conditions can affect how the different policies are implemented and therefore, the success of these.

At the local level, in agricultural areas, property rights and land tenure are part of the main elements of social cohesion. In some cases, the land is the core of political-economic institutions that determine the variation and hallmarks of local politics. Land concerns are

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<sup>115</sup> (Boone, 2013, 2014)

<sup>116</sup> (Autesserre, 2010, p. 150)

identified as a critical gap in international response capacities and logistic and political responses in post-conflict societies<sup>117</sup>. Land issues are a primary factor in accounting for instability, but also for the secure re-engagement of populations with familiar land usage and the resulting agricultural production, food security, and trade opportunities that are so important to recovery<sup>118</sup>.

Learning from the different experiences in Africa has proven a difficult task, especially in cases where there is a mixture of traditional-colonial owner systems, the legal system is non-existent, or there are no legal instruments to determine who owns the land, or in some instances, where the legal system works in combination with traditional settling-systems based on traditional or tribal costumes<sup>119</sup>. Regarding land records, the situation can vary from case to case; in cases where there are land records, these are not administrated efficiently. In other cases, these have not been created, or they are destroyed. Both Unruh and Deininger agreed that it is a priority to focus on how to incorporate and give legitimacy to customary land tenure regimes, already in place, will restore legitimacy<sup>120</sup>.

## **2.6 United Nations Peacekeeping Operations literature**

The literature on peacekeeping is extensive and diverse – both in perspectives and methodologically. It is not my intention to present a complete review; nevertheless, I will narrow down the discussion to three main areas: what the missions do, how research is looking at what the missions do, and how researchers evaluate what they do. This research

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<sup>117</sup> (UN Document E/CN.4/Sub.2/2005/17)

<sup>118</sup> (Unruh & Williams, 2013) ;(Unruh, 2004)

<sup>119</sup> Pinheiro Principles are confirmation of HLP issues as part of the Human Rights principles. The aim of these principles is to provide guidelines for governments and international bodies, looking at the protection of HLP issues for refugees in a post-conflict period. The aim is to enhance the human rights protection. (COHRE, 2006) and (Inter-Agency, 2007)

<sup>120</sup> See the analysis of Unruh on Mozambique (Unruh, 2001) and (Deininger, 2003, p. 29)

does not focus on an evaluation of the mission's effect on peace. The intention is to introduce an alternative way to measure the effect of the mission's *policies*.

Nevertheless, I acknowledge the importance of the existing diverse and vast literature on UNPKO effects through different evaluation indicators. This section will consider the most relevant studies, covering aspects such as what the missions are expecting to do. The section finishes by discussing the mission's impact on economic aspects. In the latter part of this section, I will focus on those studies taking into account HLP matters.

In the late 1990s, the studies on peacekeeping operation shifted from a descriptive to more systematic evaluation. Paul Diehl<sup>121</sup> set a criterion based on the mission's ability to bring peace by limiting conflict under certain conditions. Doyle and Sambanis<sup>122</sup> found that UNPKO had a significant impact on increasing the probability that peace is established after a civil war. Later, Sambanis expanded the approach by looking at how the UNPKO contribute more to the "quality of peace"<sup>123</sup>, looking beyond the absence of violence and looking at how the missions promote or develop institutions and policies that generate economic growth. In this subsequent research, Sambanis finds the missions' activities are more likely to provide long-lasting results and – therefore - positive peace when economic rehabilitation activities are included as part of the mandate. Bigombe, Collier and Sambanis suggested later that activities could be enhanced<sup>124</sup>. They recognised that UNPKO "can do better" because there are still issues to address during implementation. For example, the UN can help by providing assurances through monitoring and policing and by supporting institution-building efforts by providing technical assistance, as was the case in BiH. The UN needs to keep peace in the early

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<sup>121</sup> (Diehl, 1988) and (Diehl, 2008)

<sup>122</sup> (Doyle & Sambanis, 2006) and their original article from (2000).

<sup>123</sup> (Sambanis, 2008)

<sup>124</sup> (Bigombe et al., 2000)

stages of the peace process; at the same time, it must take necessary actions to improve institutional development and economic growth.

Other relevant studies have focussed on the duration of peace under different conditions such as the length of peace after a ceasefire<sup>125</sup>, the size of the mission and the military personnel deployed<sup>126</sup>, type of personnel deployed<sup>127</sup>, or alternative aspects that can contribute to peace, meaning alternative measures of peace. Further ways of evaluating and measuring peace are those studies looking at what the missions are doing and how these activities or “policies” take effect. For instance, Hultman looks at the impact of protection of the civilian population during conflict<sup>128</sup>. It is worth mentioning that, among different ways of measuring the effects of the missions on peace, the research agenda has moved from country years to a disaggregated, monthly and subnational analysis looking at governance, local response and cooperation<sup>129</sup>, or onset and duration of local armed conflict<sup>130</sup>.

Recent studies are focused on elements or characteristics of the mission that can improve the quality of the peace such as democratisation, human rights, sexual exploitation and economic and social development. The shift responds to the concerns raised by Sambanis in his report for the World Bank to expand and to explore broadly other aspects of the mission. As the main question is related to economic recovery, the next sub-section presents and discuss the relevant literature in this area.

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<sup>125</sup> (Fortna, 2003); (Fortna, 2004)

<sup>126</sup> (Hegre, Hultman, & Nygård, 2016)

<sup>127</sup> (Hultman, Kathman, & Shannon, 2013)

<sup>128</sup> (Hultman, 2010)

<sup>129</sup> (Dorussen & Gizelis, 2013)

<sup>130</sup> (Ruggeri, Dorussen, & Gizelis, 2017)



### 2.6.1 *The economic impact of the UNPKO*

Although the body of literature related to the economic dimension of UNPKO is diverse has been very little analysis of the extent to which mission policies and choices can affect the longer-term economic development of the places where they are deployed. The study if the economic impact of the mission has produced mixed results and it remains one of the less explored topics. One of the studies that systematically explore the economic impact of peacekeeping<sup>131</sup> was published in 2006 and its follow-up in 2010<sup>132</sup> looking at the amount of money expenditure on the mission determined there is an immediate upsurge in economic activity associated with restoration of underlying security and the international staff allowances, local procurement and on national staff wages provides a stimulus to the local economy. Nonetheless, the study finds negative economic impacts derived from the difference between the location of the mission and the economic conditions of these locations. These studies are based on indicators of the mission expenditure; in contrast, my research looks at the economic impact of specific policies.

Systematic research on whether UN peacekeeping missions contribute to the economic stabilisation process in a special report for the WB<sup>133</sup>, find little evidence for growth as a result of the presence of the mission, the authors warn that some countries included in the analysis have UN missions but are not classified as post-war countries. Thus, there is no distinction between a general and a post-war effect. Therefore, the need for case studies to provide better insight into the relationship between UNPKO and economic aspects. More recent studies on peacekeeping economies<sup>134</sup> in a cross-country micro-level data from Liberia finds that UNPKO mission –in this case United Nations Mission in Liberia

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<sup>131</sup> (Carnahan, Durch, & Gilmore, 2006)

<sup>132</sup> (Durch, 2010)

<sup>133</sup> (Hoeffler, Ijaz, & von Billerbeck, 2010)

<sup>134</sup> (Beber, Gilligan, Guardado, & Karim, 2016)

(UNMIL)- creates demand and until certain extent activates the local economy; their conclusion shows that the mission is associated with economic growth, but when the mission withdraws there is an unintended economic disruption.

The main emphasis is on the dynamic of expenditure of the mission, but there is no systematic analysis of the economic effect of specific policies carried out by the missions. Hence, the need to look at different economic impact dimensions by the missions. I make the case in this research to argue that contrary to other arguments you can show that UN missions can make an economic difference beyond the distortionary effects on local economies. In the long term, the presence of the mission can represent an increase of local and foreign investment, better infrastructure, humanitarian assistance, and better access to basic needs such as hospitals, schools, and legal centres. At the same time, that it can drive the reactivation of the local and national economy. On the other hand, there is the counter-effect on how the local economies can develop a dependency on the mission's expenditure at the micro level. Hence, the importance of this research aims to show how the UNPKO can make an economic difference –based on long-term policies for reconstruction and recovery- beyond the distortionary effects that the presence of the mission can bring while deployed.

Therefore, I follow Collier and Sambanis<sup>135</sup> suggesting that a mission should include and pay attention to economic institutions, secure property rights as an element in escaping “the conflict trap”, hence reducing the probability of conflict recurring. However, they did not expand, not explain further how the UN for this instance can work towards the strength of property rights and its institutions. As the effects of the mission diminish, therefore the base for a sustainable peace relies on economic growth and development. In this way, there is a need to implement economic reforms to close the gap

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<sup>135</sup> (Sambanis, 2008)

between peacekeeping, humanitarian assistance and development. In this way, for the UNPKO implementation matters the “what” and the “how” of their policy/strategies implementation. In this way, the contribution of my research is to introduce an alternative way to measure the impact of the mission based on what they do. Therefore, the research is original as it is using policies addressing property rights to measure the impact on economic recovery.

### **2.6.2 UNPKO and HLP issues**

The current literature provides insights into ways in which the HLP issues were addressed and disregarded in several post-conflict situations (e.g. East Timor<sup>136</sup>, Bosnia and Herzegovina<sup>137</sup>, Kosovo<sup>138</sup>, Angola<sup>139</sup> and Mozambique<sup>140</sup>). The studies illustrated how difficult and challenging HLP issues are, not only in a post-war context but also when there are old and complex property rights and land distribution problems, such as communal costumes or colonial legacy. For example, Unruh and Williams<sup>141</sup> conclude that, while HLP programmes are indeed context-specific and require technical expertise, the issues themselves are deeply political. Experience shows that failure to address them, or well-intentioned but inadequate international programmes, can exacerbate tensions and jeopardise the long-term viability of many efforts to foster security and development. The studies agreed on that it is necessary to understand the local dynamic in HLP issues and to fill this gap is necessary that International Organizations, donor and UN organisations must increase the awareness and attention towards HLP aspects, before-during-and after the

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<sup>136</sup> (Fitzpatrick, 2012)

<sup>137</sup> (Cox, 2003); (Belloni, 2005); (Williams, 2013); (Bisogno, 2002);(von Carlowitz, 2005);(von Carlowitz, 2004)

<sup>138</sup> (von Carlowitz, 2004) ; (Eyre, 2002); (von Carlowitz, 2005);(Cordial, 2009); (von Carlowitz, 2004)

<sup>139</sup> (Cain, 2007)

<sup>140</sup> (Unruh, 1997, 2001)

<sup>141</sup> (Williams, 2013)

conflict<sup>142</sup>. Notably, none of these studies focuses on the importance of HLP towards economic recovery in a comprehensive way.

The most important point of reference on the literature about UN Peacekeeping Operations and HLP issues in post-conflict is the compilation by Scott Leckie<sup>143</sup>. The compilation examines the extent to which various UN organisations and selected missions have (or have not) incorporated HLP competencies within the design of the operation and in the implementation of the relevant peace agreements. The author presents a general evaluation of the mission's performance on HLP aspects based on the compilation of 11 mission cases studies.

Regarding the HLP sector, there are different ways in which the UNPKO has addressed them. From the UN official reports, in post-war contexts, HLP issues are related to the problem of the massive flow of refugees and IDPs. There are different ways in which the missions have addressed HLP matters; it can vary from one mission to another. The way is determined by the mission's mandate and what is established by the peace agreement. Nevertheless, the missions have to face and address multiple and challenging situations which are not related exclusively to refugees or humanitarian assistance. The complexity of dimensions that the reconstruction of property rights and land are extensive, going from the rule of law, policy making, structural and practical aspects Table 2.1 list all the challenges that most of the UNPKO mission must face regardless if those are part of the mandate or not.

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<sup>142</sup> NGO's reports and guidelines are valuable source of data regarding HLP issues and an "objective" critic to UNPKO and International Organizations performance in the field, and for some of the most comprehensive reports see (Hurwitz, Studdard, & Williams, 2005), Pantuliano (Pantuliano, 2009, and 2009a) (Pons-Vignon & Lecomte, 2004); (Wily, 2009) and (USAID, 2004)

<sup>143</sup>(Leckie, 2009)

**Table 2.1: List of UNPKO's challenges related to HLP issues**


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- The return of refugee and IDP
- Secondary occupation of abandoned properties
- Destruction and damage of housing and land
- HLP disputes
- Lack of impartial housing disputes and resolution mechanisms
- Pre-conflict ownership and tenancy disputes
- Discriminatory HLP laws
- Lack of clear abandonment laws
- Destruction of property and tenancy records
- Mid-Conflict housing privatisation by different actors
- Homeless and landless
- Insecure housing and land tenure for all affected population
- Un-administered public/social housing units
- The lack of appropriate land administration frameworks and policies
- Land grabbing either by conflict 'actors or displaces
- Parallel HLP systems within a single legal jurisdiction (traditional/western)

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*(Housing, Land, and Property Rights in Post-Conflict United Nations and other peace operations: a comparative survey and proposal for reform, 2009, p. 6)*

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Leckie evaluates the results as insufficient given the challenges due to a combination of factors: the lack of understanding on HLP aspects – particularly in post-war-, the lack of personnel qualified to deal with HLP issues, the lack of commitment with the topic and few capacities within the mission's mandate to address HLP challenges. As Leckie<sup>144</sup> points out, “depending on the size of the displaced population and the political sensitivity of land conflicts, addressing land issues can be one of the most important aspects of post-conflict stabilisation”. The tendency is to use “practical initiatives” with the shape of the quasi-judicial mechanism to address HLP rights in some national context. However, at the UN institutional level, there is not a well-developed framework with clear policies concerning HLP rights in post-conflict environments, in comparison to those adopted to address other Human Rights and Rule of Law issues<sup>145</sup>.

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<sup>144</sup> (Leckie, 2009)

<sup>145</sup> (Cordial & Røsandhaug, 2009) and (Cordial & Rosandhaug, 2009)

Leckie's argument is the result of his reflexion about the implementation of the Pinheiro Principles, advocating that the main problem and –possibly the main solution- lie on those who are engaged in the process. In 2005, the Human Rights Commission created the Pinheiro Principles (PP) as a comprehensive guideline to address the refugee and IDP issues<sup>146</sup>. Pinheiro Principles - a consolidated international instrument generated by the United Nations in 2005 to provide a robust normative framework on housing and property restitution in the context of the return of refugees and internally displaced persons. The principles present the framework of the states' legal duties and the international community. The principles are a remarkable effort from the UN and its different bodies to include strategies and possible solutions to the challenges associated with HLP issues. The ultimate goal of these is to which outlines the rights of refugees and displaced persons to return not only to their countries when they see fit to do so but to their original homes and lands as well.

## 2.7 Conclusion

During the last two decades, it is evident there is an effort to understand how housing, land and property rights issues can lead to conflict, as well as the urge to solve more efficiently the challenges associated with those in a post-conflict and peacebuilding context. The research uses qualitative and analytical approaches, mainly talking from the international humanitarian law, a more theoretical approach to the implications, with no statistical research on this specific aspect, related to conflict.

The gap in the literature makes pertinent to ask can policies –implemented by UNPKO - on property rights, housing reconstruction and land issues, increase the chances

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<sup>146</sup> (UN Document E/CN.4/Sub.2/2005/17) The Pinheiro Principles named after the former Special Rapporteur on Housing and Property Restitution, Paulo Sergio Pinheiro, were approved by the United Nations Sub-Commission on the Promotion and Protection of Human Rights on 11 August 2005. They provide practical guidance to governments, donors, UN agencies and other international organizations on all aspects of property restitution for IDPs and refugees. To access the principles, see: <http://www.unhcr.org/50f94d849.html>

for economic recovery in post-conflict countries. The chapter presented and discussed research and literature on HLP issues from different academic perspectives. The remarks point out there is a growing literature on the importance of land access and land ownership and that these are linked to development and legal structures –at the international level and the national level<sup>147</sup>. The aim was twofold, one to highlight the relevance of HLP matters beyond humanitarian assistance and more as a crucial institutional approach to economic activities; and second by highlighting the lack of quantitative research analysis is discussing the further need to present alternative ways to evaluate the impact of HLP matters, UNPKO and economic recovery.

The task of compiling empirical information across the board of cases has proven highly challenging because of the nature and particularities of each case. Lack of homogeneity between land and property rights institutions makes it difficult to create a template of actions and strategies to fit all cases. Differences in HLP policies and conditions in each country make it difficult to compare across various contexts, but that variability is also interesting. Undoubtedly, land and property rights are directly associated with economic stability and growth. This chapter presented accounts of UNPKO policies that focus on HLP as part of post-conflict strategies, and whether these produce a positive impact on economic recovery. This research contributes to the literature on post-conflict studies considering how dealing with aspects related to HLP impacts the economic recovery and peacebuilding process in post-conflict settings. The following chapter is going to elaborate on the theory explaining the causal mechanisms of UNPKO policies leading to economic recovery.

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<sup>147</sup> (FAO, 2005) and (COHRE, 2006) Pinheiro Principles. The literature on transitional justice, development and political economy confirms the importance of these for economic and development aspects.

### **3 Property Rights and Economic Recovery in Post-Conflict Societies**

#### **3.1 Introduction**

In the previous chapter, I reviewed the literature on housing, land and property rights (HLP) issues and economic recovery in post-conflict contexts. The existing literature presents a wide range of views regarding the importance of these matters to the reconstruction of affected societies. Post-conflict societies are discussed extensively, explaining the multidimensional challenges that need to be addressed insofar as they affect the return of refugees but, significantly, only incidentally as regards the mechanisms to establish reconstruction and recovery of the affected economies. In the literature on post-conflict reconstruction, there is a lack of empirical studies regarding the importance of HLP and how these can contribute to economic reconstruction after a conflict or civil war is over. This omission reflects the gap in understanding of how policies on property rights, housing reconstruction and land issues (as implemented by the UNPKO) increase the chances for economic recovery in post-conflict countries. In order to fill in this gap in the literature, this chapter examines competing hypotheses on the impact of the UNPKO actions on the economic recovery in Bosnia and Herzegovina (BiH). The bulk of the literature is primarily based on qualitative analysis of case studies, practitioner reports from NGOs, or very much focused on legal considerations.

In this chapter, I propose a theory to explain what occurred when the UNPKO put in place policies focussing on HLP as a part of its post-conflict strategy, and I suggest how these effects might be applied to other regions. The chapter is organised into two major sections. The first considers the challenges of economic recovery in post-conflict countries: how the UNPKO should do more than keep the peace, and why HLP matters in a post-conflict. In the second section, I present a general overview of the argument, which considers, first, how the presence of UNPKO provides conditions of security, in addition



to the implementation of HLP policies, and can provide the conditions for economic recovery. Following this, I discuss how HLP policies contribute to resettlement and hence to economic recovery and, furthermore, how HLP policies contribute to the strengthening of property rights as an economic institution which contributes to economic recovery.

## **Section I**

### **3.2 Post-conflict Conditions and Economic Recovery**

Studies of post-conflict economic recovery focus on the conditions necessary to reach the outcomes set by the mandates, including security issues, disarmament, demobilisation and reintegration programmes, reconstruction of the rule of law, and democratisation through electoral processes. This research addresses the gap in the literature and focuses on UNPKO engagement with HLP issues, contributing to broader aspects as it is the main cause of how UNPKO's actions affect economic recovery. My contribution to literature is original as it illustrates the importance of looking beyond the presence of the UNPKO, focusing more on the effect of what the mission is doing on the ground.

Civil wars, as Collier put it, are “development in reverse”<sup>148</sup> curtailing economic growth, destroying human and physical capital and limiting GDP growth. HPL issues may not have been the central cause of a conflict but will undoubtedly feature on the long list of consequences which might impede recovery after a conflict is over. According to UNHCR, the civil war in Sierra Leone left an estimated 300,000 houses destroyed<sup>149</sup>. In Sri Lanka, 26 years of conflict led to the destruction of 290,615 houses<sup>150</sup>. In El Salvador<sup>151</sup>, despite the attention policymakers gave to the issue of land, a fundamental principle of economics as property rights and property as assets (as well as the need to

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<sup>148</sup> (Collier & Hoeffler, 2004)

<sup>149</sup> (Barkat & Chard, 2010)

<sup>150</sup> (Seneviratne, Amaratunga, & Haigh, 2017)

<sup>151</sup> (Deininger, 2003)

incentivise agricultural production and how this benefits the economy) was ignored: land and labour were insufficient<sup>152</sup>. The understanding of HLP as a representation of capital, also an essential factor of production and economic recovery in post-conflict societies explains how HLP reactivates the economy and reconstructs the rule of law and institutions (cf Chapter Two). By focussing on this particular aspect, the research contributes to a broader concept of economic recovery in post-conflict societies, providing an option to the methodological and theoretical conversation of Collier and associates.

### 3.3 UNPKO beyond “keeping the peace.”

Since 1990, the UN and other Multidimensional UNPKOs have been active in Western Sahara (MINURSO), Cambodia (UNTAC), Guatemala (MINUGUA), El Salvador (ONUSAL), Haiti (MICIVIH), Georgia (UNOMIG), Mozambique (ONUMOZ), Rwanda (HRFOR), Bosnia and Herzegovina (UNPROFOR/UNMIBH), Kosovo (UNMIK), East Timor (UNTAET), Democratic Republic of Congo (MONUC), Eritrea and Ethiopia (UNMEE), Sierra Leone (UNAMSIL), Afghanistan (UNAMA), Iraq (SRSG/CPA) and elsewhere. Housing reconstruction has important implications for the re-establishment of the rule of law, and an extension to the legitimacy and stability of the state<sup>153</sup>. It is a means to address issues of displacement and relocation of conflict victims who, in many cases, do not want to return or are unable to do so (as was also the case in Liberia)<sup>154</sup>.

However, in many cases, the multidimensional UNPKO do not have a specialised body to face HLP issues<sup>155</sup>. UN Peacekeeping Missions on the ground are usually involved in multiple activities. The presence of most of the mission is associated with the

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<sup>152</sup> If a legal and practical approach to HLP issues had been established, many of the grievances of war might have been addressed.

<sup>153</sup> (Barakat & Zyck, 2011)

<sup>154</sup> (Land and Post-Conflict Peacebuilding, 2013)

<sup>155</sup> (Leckie, 2009)

deployment of troops; however, civil components of the mission can also translate into more secure conditions. Different missions have failed to address comprehensively the challenges presented by HLP in the aftermath of conflict; for example, Burundi (ONUB) did not involve personnel specialising in judicial and legal reforms and the funded rule of law and civil affairs branch only sparsely. This contrasted to the mission in Ivory Coast (ONUCI) which included the rule of law experts with the capacity to assess property rights issues<sup>156</sup>. The approach and policies implemented vary from mission to mission or, in the worst cases, are entirely ignored or disregarded. This is exemplified in the case of DRC (MONUC), where access to disputed land is the root and consequence of violence in northern areas of the country; the responsibility to address HLP issues was assigned to locally-rooted peace-making strategies without any legal or theoretical framework<sup>157</sup>.

Across the missions, housing destruction, illegal occupation, destruction of property and tenancy records, unequal distribution of land and disputes over access are common issues in any post-conflict context. It might be expected that missions would consider – and treat – as a priority the reconstruction of housing units, clarification and restoration of property rights, and the redistribution of land<sup>158</sup>. It might also be expected that HPL would be an essential part of the mission’s mandate. However, the tendency has been that United Nation High Commission for Refugees (UNHCR) would deal only with specific aspects of HLP, concentrating on solving refugee and IDP issues. As discussed in Chapter Two, in practice, there is no significant mention of HLP aspects of missions, nor are HLP issues integrated as a priority within reconstruction activities.

To represent a summary of the scale of the HLP’s complexities that missions have to handle once they are deployed, Table 3.1 presents a compilation of the more common

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<sup>156</sup> (Mitchell, 2014)

<sup>157</sup> *ibid*, page 212.

<sup>158</sup> Distribution of land can be look at from two perspectives: one as reparation/reward elements or as mechanism to encourage economic reactivation in rural areas.

HLP challenges that emerge in countries enduring or emerging from conflict, revealing the extent to which these are linked to conflict and post-conflict economic recovery. The table presents the issues in the three main areas of housing, land and property rights. The scope of the challenge goes from the destruction of properties, homelessness and landlessness, insecure housing due to structural damage, inequalities in land distribution due to colonial legacies; constraints in the freedom of movement and access to land due to landmines; destruction cadastral and ownership records; the lack of or weak land administration regulations among others. Hence, the mission must set the necessary provision to face these challenges and complex context.

**Table 3.1: HLP issues in the post-conflict context**

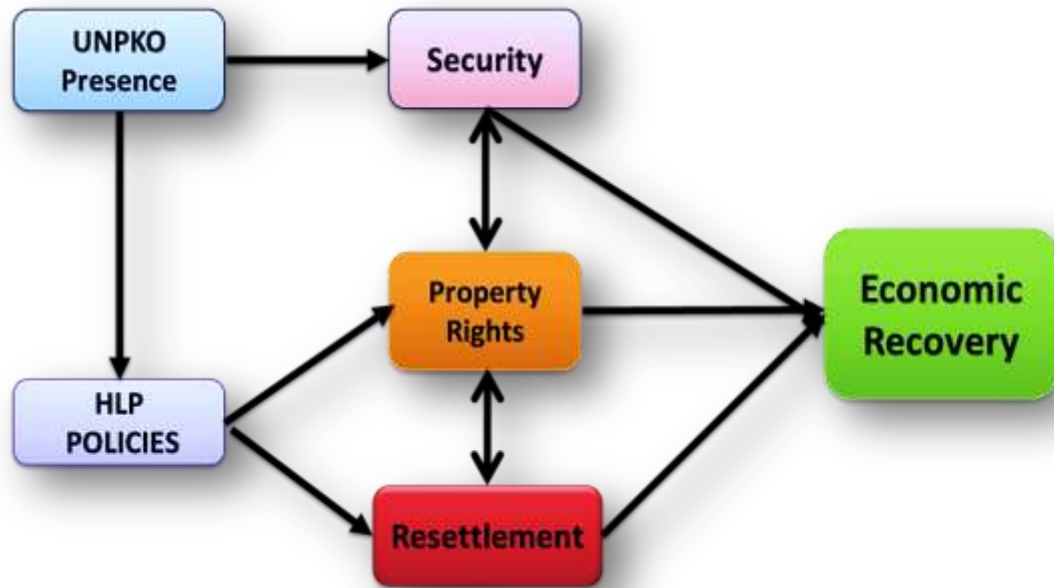
<i>Housing</i>	<i>Land</i>	<i>Property Rights</i>
<ul style="list-style-type: none"> <li>• Destruction of property</li> <li>• Secondary occupation</li> <li>• Abandoned houses</li> <li>• Special cases for orphans, widows/all-female households</li> <li>• Homeless and landless</li> <li>• Insecure housing</li> <li>• Un-administered public/social housing units</li> </ul>	<ul style="list-style-type: none"> <li>• Inequalities in land distribution from colonial legacies</li> <li>• Changes in land tenure relations</li> <li>• Territorial disputes/claim based on ethnic-religious or geographic identities by armed groups</li> <li>• State involvement in local (natural) resources struggles</li> <li>• The political scope and scale at which land-related distribution cause conflict</li> <li>• Abandoned land</li> <li>• Insecure land tenure</li> <li>• Breakdown of traditional village structures</li> <li>• The increase in the frequency of land disputes unresolved by a weak government</li> <li>• Landmines and constraints on freedom of movement and access to land</li> <li>• Use of land for DDR programmes</li> </ul>	<ul style="list-style-type: none"> <li>• Pre-conflict ownership and tenancy disputes</li> <li>• Discriminatory HLP laws</li> <li>• Abandonment laws</li> <li>• Destruction or loss of property and ownership records</li> <li>• The lack of appropriate land administration</li> <li>• Inequalities in gender ownerships</li> <li>• Special cases for orphans' and widows' households</li> <li>• Inequalities in gender ownerships</li> <li>• Weak state land and property administration institutions</li> </ul>

## Section II

### 3.4 The argument: Housing, land, and property rights: the key to economic recovery

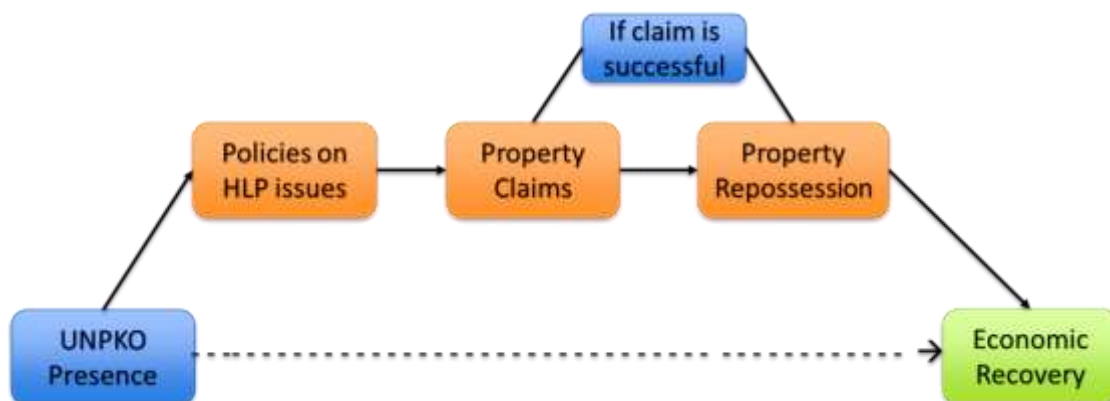
The current argument considers how the presence of the mission and the implementation of HLP policies contribute/impact on economic recovery. The argument is presented in three different sections as a way to explain the causal mechanisms explaining the connection between HLP issues and economic recovery. Figure 3.1 graphically presents the theoretical path of the argument. The figure presents two paths: 1) how the presence of UNPKO a) provides conditions of security, in addition to the implementation of HLP policies, and b) can provide the conditions for a higher economic recovery; 2) HLP policies contribute to a) resettlement, reconstruction, and hence to economic recovery and b) HLP policies contribute to the strengthening of property rights as an economic instrument which contributes to economic recovery.

The way in which the argument has been set is two-fold: one is to emphasise the importance of HLP issues to reinforce any efforts on economic recovery in a post-conflict context. The second is to emphasise how important it is for the UNPKO to include and to act upon any HLP aspects – as a priority, rather than depend on the direction set by its mandate. The reasoning behind this is the need to find alternative mechanisms –strategies – to tackle the economic downturn as a result of conflict and to provide policy recommendations to the organisations in charge of implementing, administrating and delivering HLP policies. The following sections will explain in detail the mechanism that sets the path between HLP issues and economic recovery.



**Figure 3.1: The Theoretical path between HLP issues and economic recovery**

Figure 3.2 Causal Mechanism presents the structure of the argument regarding how the presence of the UNPKO and the implementation of different policies addressing HLP issues can be linked to economic recovery – the causal mechanism. There are two phases: the first phase is how the presence of the mission can explain economic recovery across a country. The second phase is how the presence of the mission can explain the economic recovery when HLP policies are implemented.



**Figure 3.2 Causal Mechanism**

### **3.4.1 (Path 1) UNPKO Security Provision, HLP Policies**

The first path of this argument considers how the presence of the mission provides a secure environment, which can provide the conditions under which HLP issues might be resolved. The presence of the mission implies the presence of accompanying agencies working in cooperation to establish a secure and stable environment. Stability is founded on confidence that there is somewhere to return to, to recover the human capital lost during the war; this confidence underpins the incentive to settle and to promote investment in the future in different ways<sup>159</sup>. By creating secure conditions for the return of refugees and IDPs, the overall implementation of the policies can have an impact on the economic recovery at the local level.

So far, the first step is to understand whether the presence of the mission has any impact concerning the implementation of policies addressing HLP matters, as it is a reflection of the performance of the mission on the ground and how the displaced population perceives what the mission is doing. Given that the presence of a mission can, in the long term, contribute to more substantial investment, better infrastructure, more humanitarian assistance and better access to basic needs such as hospitals, schools and legal centres, the mere presence of a mission might motivate or encourage a person/family to return to their property or home from prior to the war. Overall, as was said before, the expectation is that the mission will design and implement policies targeting HLP; however, the missions are tied to what is set out in the mandate. In other cases, the accompanying UN organisations on the ground (UNHCR, UN-HABITAT, UNDP or UNICEF) are the ones addressing some of the related aspects.

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<sup>159</sup> (de Soto, 2000) and ((DFID) UK Department for International Development, 2014)



For example, in Liberia, the national transitional government led by Gyude Bryant, with the support of the international community, prepared and provided the framework to set up a “Community Resettlement and Reintegration Strategy”. Thanks to improvements in security in the areas of origin and the IDPs’ desire to finally return to a normal life after 14 years of civil war, the return and resettlement process was completed within 18 months, faster than initially planned<sup>160</sup>. Although the UNHCR reported the successful implementation of the programme by 2007<sup>161</sup>, for many, the return was unaccompanied by any of the UN bodies, who had neither the resources nor the capability to support the return of refugees. The returnees encountered a challenging situation upon return: their houses were illegally occupied by government forces looking for political and economic control of the area or, in other cases, they found their houses destroyed. The return occurred in many cases without access to economic support or provision of social services in a context of high gender-based violence and increased communal conflicts over land and property rights<sup>162</sup>. This was the case in Nimba, a region with high levels of violence during the civil war and where there were frequent clashes between rival ethnic groups over land and property ownership.

On a different dimension, there are ongoing ethnic tensions developed in the refugee camps between ethnic Mandingo groups on one side, and Gio and Mano people on the other, engendered by Charles Taylor during the 1990s in his quest for economic and political power. The tensions have developed into more violent clashes since Mandingo people have returned from camps within Liberia and across the sub-region to find their homes occupied<sup>163</sup>.

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<sup>160</sup> Cited on (IDMC, 2007)

<sup>161</sup> (Wright, Savage, & Team, 2007)

<sup>162</sup> Cited on (IDMC, 2007) using a UN country report UN SC, 15 March 2007)

<sup>163</sup> (IRIN, 2007)

When there are no strategies in place to promote and support the return of refugees, the consequences can be devastating while, in contrast, policies addressing HLP issues help to mitigate negative experiences for returnees. As evidenced by the return of some IDPs to their former camps, there is a severe lack of essential services and infrastructure in key areas of return. Lofa County, which was once home to many of Liberia's IDPs, was almost entirely devastated in the war. Almost two-thirds of communities in Liberia do not have adequate shelter. Liberia is an example of how the gap in human capital widens by not addressing PR issues, leaving women and children<sup>164</sup> without opportunities to find sources of income and little or no access to education and job opportunities<sup>165</sup>.

For refugees and IDPs taking the decision to return conflates multiple considerations: the state of the house or property; whether the property is habitable, and the extent of the damage; the presence of possible sources of income for households to provide a minimum income; a local provision of services such as hospitals or schools, or – given the context of the war – grievances and traumatic experiences. Not only is it difficult to go back “home”, but return to a post-war conflict can contribute to a spiral of decline, whether through perpetuating inequalities, through re-igniting the conflict or through economic hardship, all of which can create more displacement and maintain the economic conflict trap. Such considerations can prevent or discourage displaced people from returning or trying to getting back ownership of their property/house. Economic hardship can also encourage illegal economic activities and perpetuate conditions of poverty and inequality.

The presence of the mission provides secure conditions and – indirectly – economic resources for the sustainability and applicability of further policies addressing HLP aspects.

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<sup>164</sup> The author is aware of how war impacts negatively on education and schooling performance. At the same time the research does not focus on the differences between the impact of education on gender or child soldiers, nor is it the concern of this research to look at the maximum levels of education achieved differentiated by gender or circumstances. The magnitude and direction of the effects might vary from context to context and from country to country based on the pre-existing economic conditions, the type of conflict and its duration and the context of country.

<sup>165</sup> (Colletta & Cullen, 2000) and (Justino, 2010, 2011a, 2011b)

The mission is not directly responsible for the design or implementation of HLP procedures, as the missions depend on the directions set in the mandate. On the ground, the mission and other UN bodies can work on different projects within their areas of responsibility, eg, refugees, security, reconstruction of infrastructure, education and/or development. The expectation is for the mission, up to a certain degree, to articulate these organisations' activities working for the ultimate aim, which is the stabilisation of the recipient country. Additionally, other external organisations (NGO and international donors) can aid through separate activities, again focusing on what "they" consider might be of benefit. For example, United States Agency for International Development (USAID) established its own reconstruction programme from 1996 until now with four main priorities: restoring private sector productivity to generate immediate employment; reviving the market economy; repairing war-damaged infrastructure to facilitate refugee return and reactivate the local economy and strengthening democratic institutions that promote a multi-ethnic society<sup>166</sup>.

Coming back to the role of the mission, the security element is at the core of its responsibilities, either as a guarantor for peace or the provision of security elements, permitting other activities/policies to be implemented. The extent of the intervention of the mission in HLP aspects varies across the cases; however, this also applies to other organisations as they might not have the capacity, either monetary or political, to address or to consider these issues. To clarify the argument set out in this research, there is a difference between endeavours for housing reconstruction and infrastructure reconstruction, just as there is a practical difference based on the intentions of these policies. In practical terms, housing reconstruction and reparation of property rights is linked to return and reparation to refugees and IDPs, whereas the re-construction of public buildings, hospitals

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<sup>166</sup> (USAID, 1999). It is also possible to access Fact sheets files on the performance of the programme on <https://www.usaid.gov/bosnia/newsroom/key-documents>

and/or schools fit within development aspects. The political discourse changes the approach and the implementations of these policies, showing that there is still plenty to do when it comes to integrating HLP issues as a priority, beyond reparations, and understanding recovery as a foundation for development<sup>167</sup>.

It is important to clarify the difference between reconstruction efforts and development in the aftermath of war. These differences can be tackled from two aspects: one is the level of destruction or lack of development in the country. Post-conflict countries do not experience the same level of infrastructure destruction or, even before the conflict, their infrastructure levels may have been at a lower point, reflecting the lack of governance capacity. It is difficult, therefore, to present a template scenario where HLP are and should be at the centre of the intervention<sup>168</sup>. Second is the temporal approach, where the definition of reconstruction is linked between humanitarian assistance – relief – and development. The change comes after 1992 with the renowned *Agenda for Peace* by Boutros-Ghali, which identified a more holistic approach to peace and security. He suggested that preventive diplomacy must be supported by peacebuilding, which is defined by him as “actions to identify and support structures which tend to strengthen and solidify peace in order to avoid a relapse into conflict”<sup>169</sup>. The change in paradigm of post-war reconstruction shifted from relief activities towards better development. On the ground, the different UN agencies do not necessarily integrate their efforts, rather they tend to focus on specialised tasks creating competency for resources and prioritising of needs. In the case of BiH, the design of strategies addressing HLP were comprehensive, including the reconstruction of health

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<sup>167</sup> There are several authors discussing the difference between humanitarian assistance and development and the different ramifications for the theoretical understanding what economic recovery and the role of the UN bodies in a post-war role; see for example (MacGinty & Williams, 2009), (Richmond & Mac Ginty, 2015), (Barakat & Wardell, 2005) or (del Castillo, 2015).

<sup>168</sup> (Leckie, 2009)

<sup>169</sup> (Boutros-Ghali, 1992)

services and schools, and assistance programmes for food security and economic reactivation.

The establishment of a minimum level of security to guarantee the safety of the returnees and a further serious degree of commitment and cooperation with the recovery processes from the local authorities. The absence or presence of these conditions can represent the difference between deciding to return or otherwise. An important first step in determining the impact of the presence of the mission and the implementation of HLP policies on the number of claimed properties. The number of claimed properties can be an indicator of the success of these policies, as it can reflect the willingness to return to the properties or to assert ownership of the property. In the causal mechanism, this is the first step, aiming to secure property rights towards economic recovery. The implementation of these policies is accompanied, in principle, with the presence of the mission. The number of claimed properties and closed cases indicates both short and long-term, the influence on the overall performance of the organisations in charge of implementing these policies. Based on this logic I derived the following hypothesis:

*H 1.1: If a mission is present in a municipality, **the number of claimed properties** will be higher.*

The role of the mission in the multidimensional operations is not only to provide security throughout monitoring DDR programmes, reduction of violence, or monitoring of electoral activities. Although it is not a norm, the mission coordinates and works in cooperation with judicial branches in the country. Despite having a degree of political pressure over the host country, the missions do not have nor exercise judicial powers; instead, they can act as a bridge between local and national authorities. The exception to this case is the United Nations Transitional Authority in East-Timor (UNTAET), which in 1999 was granted by the Security Council all legislative and executive authority concerning the

country. The mission was to administer any government and administrative activities under the figure of Transitional Administrator, with the condition that it will consult and cooperate closely with former local authorities<sup>170</sup>. In other cases, the mission could implement training programmes for the different bodies within the judicial branch or reach out for economic resources to provide the salaries of judges and courts. Ultimately, the coordinated activities between the national authorities and the mission create confidence and trust in the legal system and its functionality. The establishment of legal security must rely on the legality and authority of institutional frameworks that reinforce property rights. For the smallest and the largest holder communities, this legality makes it possible to negotiate communal uses of land; e.g. schools, roads, or wells<sup>171</sup>. Furthermore, post-conflict recovery calls for secure and protected property rights as these are crucial in accelerating recovery through the re-activation of local economies which might attract international investors<sup>172</sup>.

For instance, HLP strategies must create appropriate socio-economic conditions for the returnees to start over. Then, in cases where the mission acted for the reconstruction and resolution of HLP, it has proved to be critical, providing a stable context where societies can settle and engage with the reconstruction process. Stability is founded on confidence that there is somewhere to return to and recovery of human capital lost during the war is possible. Confidence underpins the incentive to settle and to promote investment in the future in different ways<sup>173</sup>. Once strategies and policies are in place the presence of the mission must help to reinforce the implementation of the HLP policies, either by its role as aid in reconstruction efforts, based on the security and safety aspects, or by direct interventions set out in the mission's mandate. This is reflected in the resolution of the claims giving the

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<sup>170</sup> (Fitzpatrick, 2009)

<sup>171</sup> (Deiningner, 2003)

<sup>172</sup> See the argument of (Bates, 1988, 2001) and (North, 1987, 1992) on Economic performance.

<sup>173</sup> See (de Soto, 2000) and ((DFID) UK Department for International Development, 2014)

claimants the possibility of engaging and using freely the assets secured by the resolution of the cases.

One way to measure return levels and how the mission reinforces these policies is the information on the repossession of houses and properties. This commission was created by a coalition of UN organisations including the UN International Police Task Force (UNIPTF), UNHCR and the mission force itself. The activities carried out by the Commission involved not only practical but also legal aspects of the claims. Decisions made by the Commission regarding the state of the claims needed to be valid under the law of the country and executed by the respective authorities. The task of monitoring the implementation of decisions by the Commission was performed by the Property Law Implementation Plan (PLIP)<sup>174</sup> and ensured claimants could take possession of their property under the law. The PLIP was a coordinated effort between the Commission, UNMIBH, UNHCR, and two other organisations set by the Dayton Peace agreement<sup>175</sup>.

The activities of this particular programme required the presence of police and judicial officers and constant monitoring by the UNMIBH and other UN body officials who were implementing the judicial order set by the Commission and the statutory bodies over a property, making sure the claimant regained possession of his/her property. The logic of the argument regarding how the presence of the mission would lead to more closed cases, first, lies in the indirect effect of the mission – via security, political pressure, police training programmes, and execution of judicial orders – on the resolution of repossession cases. Second, the direct effect of the participation of the mission, as part of PLIP efforts to execute property resolutions expedited by the commission and the judicial authorities, leads to the

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<sup>174</sup> See more about this specific policy on Chapter Four.

repossession of properties by claimants<sup>176</sup>. The following hypothesis is particularly important, as a ‘closed’ case indicates that an individual is in legal and legitimate possession of a given property. In practical terms, the person possesses an asset, which in turn represents capital and the reverse of ethnic cleansing practices, if the return occurs. Following this logic, given all the conditions are met, the number of closed cases is a measurement of the effectiveness of the policies, at least, looking from the perspective of the implementation. This logic leads to the second hypothesis:

*H 1.2: If a mission is present in a municipality, the number of property-related **closed cases** will be higher*

In brief, the first step of my theoretical path argues that, in the short term, the presence of the mission can have a positive effect on the number of claims submitted to a given municipality. In the long term, the presence of the mission can represent an increase of local and foreign investment, better infrastructure, humanitarian assistance, and better access to basic needs such as hospitals, schools, and legal centres. At the same time, it can drive the reactivation of the local and national economy. Arguably, the presence of the mission guarantees a basic level of security which can motivate or encourage (or enable) a person/family to present a claim to the property they held before the war. This logic takes a different direction from other research as it looks at the economic impact of the UNPKO policies implemented – in this case regarding the claims of property titles. Therefore, I present an argument where UNPKO missions can make an economic difference beyond distortionary effects on local economies. Observation of this long-term effect is in contrast to recent findings from Beber et al. on the positive effects of the presence of the mission on the local economies<sup>177</sup>, as was discussed in the previous chapter.

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<sup>176</sup> A clarification point is relevant here: in Bosnia presenting a claim for a particular property did not necessarily translate into the return of the claimant.

<sup>177</sup> (Beber et al., 2016)



Furthermore, I distance my argument from those studies suggesting that foreign aid has little no effect on growth<sup>178</sup> or that it has a positive effect only in “good policy environments”<sup>179</sup>. This leads me to the second part of my theoretical argument.

### **3.4.2 (Path 2) *Securing property rights has a positive impact on economic recovery***

As was discussed in the previous chapter and the introductory chapter, from an economic perspective the most important factor in productive HLP relations is “security of tenure,” or the definition of publicly guaranteed and enforceable relationships between specific individuals or groups and the particular properties they own or use. This follows Soto’s<sup>180</sup> argument that secure and well-defined property rights transform assets from “dead capital” into resources that can be used to generate additional capital and obtain credit. This gains empirical support from Sert<sup>181</sup>, who argues that secure property rights are important for the return of IDP and refugees not only for providing a place to return, but also to improve economic prospects that would assist them in case they choose to resettle elsewhere. These two issues are deeply connected. Property rights and economic recovery studies look at market and value assets; public and private aspects; the relation of property rights as a reflection of a functional rule of law structure plus incentives for investment, trade and productivity. Armed conflicts deprive institutions of both legitimacy and the ability to perform effectively requiring the reconstruction of institutions, public services systems and in more challenging areas, such as the rule of law. Furthermore, the challenges consist of achieving legal and legitimate ways of functioning in order to address the population’s needs.

Tenure security encourages long-term investment in the productivity of land and might be a precondition for sustained development. Basic tenure security can be provided through

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<sup>178</sup> (Boone, 1996; Easterly, 2003)

<sup>179</sup> (Burnside & Dollar, 2000)

<sup>180</sup> (de Soto, 2000)

<sup>181</sup> (Sert, 2008, p. 78)

informal means. Some degree of formalisation through “titling,” or registration of land rights, is generally thought to be required in order to allow land to be used as collateral for credit, facilitating the development of financial markets. Tenure security also allows for freer transactions, fostering efficient use and enhanced access to land and property<sup>182</sup>. Securing property rights is part of the task of incentivising macroeconomic stabilisation, which requires robust and enforceable legal procedures which can ultimately attract foreign investment<sup>183</sup>. Structured property rights can reassure farmers and landowners that their assets are a means of capital or livelihood, which can be protected or somehow reclaimed in the case of a post-conflict situation. HLP policies can re-establish security regarding the tenure of the house or property for the returnees, at the same time that they can incentivise the investment of capital to those areas affected.

HLP aspects cover different scenarios which potentially can impact economic activities. In the literature on post-conflict and economic recovery, HLP issues are barely mentioned, with few exceptions which look solely at how strong institutions secure property rights by contributing to economic development<sup>184</sup>. HLP issues play different roles in multiple processes, including economic reparation (Colombia); stabilisation of security conditions<sup>185</sup>; furthermore, certain aspects of HLP can aid other processes of reconstruction and peacebuilding such as disarmament, demobilisation and reintegration (DDR) processes or economic reactivation. For example, giving former soldiers access to fertile land as a means of compensation, or by giving them the land and property for the relocation of their

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<sup>182</sup> (Hurwitz et al., 2005, p. 4)

<sup>183</sup> ((USIP) & (PKSOI), 2009)

<sup>184</sup> (Bates, 1988, 2008; Keefer & Knack, 2002)

<sup>185</sup> The opposite may occur if security conditions can also provide the framework to address PRs post-conflict.

families can help reduce the number of IDPs. Similar cases include Sierra Leone<sup>186</sup> and Liberia<sup>187</sup>.

Additional examples can be found in Mozambique. The government could only achieve the quick resettlement of about 5 million people after the peace agreement because, instead of drawing up elaborate plans, it relied on local institutions to mediate and resolve the conflicts that emerged. Once this had been accomplished, the right to occupancy by rural families, as well as an active role of local institutions, was enshrined in the new Land Law, which was subjected to elaborate public discussion and debate involving 200 NGOs and 50,000 individuals<sup>188</sup>. Locals and outsiders recognise that the new Land Law made a major contribution to social and economic stability<sup>189</sup>. Similarly, in Ethiopia, the ability to redistribute land quickly made an important contribution to the rapid reintegration of demobilised soldiers into the economy<sup>190</sup>. Recognition of land rights acquired through mere occupation and rapid resettlement of displaced people were critical in Cambodia, where calls for land users to register their claims resulted in the lodging of almost 6 million initial claims. Observers have repeatedly identified the ability to deal with claims quickly as an important element of post-war reconstruction<sup>191</sup>, or the rapid implementation of land reforms such as were established in El Salvador and Rwanda<sup>192</sup>.

On the other hand, HLP can be used as a form of reparation providing a sense and an opportunity for a “new start”. Economic recovery in a post-conflict environment should not be approached exclusively from the humanitarian or assistance perspective; instead, it has to

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<sup>186</sup> (Unruh & Turray, 2006)

<sup>187</sup> (NCRR, 2001)

<sup>188</sup> (Negrão, 2002) cited in (Deininger, 2003, p. 159)

<sup>189</sup> (Tanner, 2002) cited in (Deininger, 2003)

<sup>190</sup> (Ayalew, Dercon, & Pramila, 2000) cited in (Deininger, 2003)

<sup>191</sup> (Zimmermann, 2002) cited in (Deininger, 2003)

<sup>192</sup> (Bruce, 2007)

integrate development practices<sup>193</sup>. Setting programmes aiming to access ownership of land and encouraging agricultural activities represents a twofold-approach: firstly, as a provision of income for the victims (mostly women and families) and, secondly, as a mechanism to encourage a return to areas where displacement and dispossession were high. This is particularly pressing in cases where agriculture represents a significant part of the economy, as occurred in Mozambique<sup>194</sup>, with the land sharing approach<sup>195</sup> that was discussed in the previous chapter.

Property rights, land disputes and access to arable land are complex situations which need to be addressed in the context of post-war where the rule of law and institutions cannot re-establish or enforce and protect the rights of the citizens. Also, high corruption and the legacies of previous rulers, which may include colonial powers or authoritarian regimes, can add further challenges to issues related to HLP issues. From the humanitarian perspective and of NGOs dealing with refugees and return, the path to recovery starts by encouraging the return of refugees and IDPs. In this sense, it is not only a question of how to encourage the return itself, but how to make it sustainable in a way that addresses the socio-economic concerns on a community-wide basis looking toward economic stabilisation. Presumably, in the case where no policies are addressing these major concerns, such as housing, IDPs and refugees might opt to stay in their current place of displacement<sup>196</sup>.

In pre- and post-conflict situations where land access is scarce, the absence of legitimate institutions that can enforce law and order mean struggles over land might become a trigger for more violence. An ability to deal with several requests such as demands by

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<sup>193</sup> This term is used by (Del Castillo, 2008) when discussing reconstruction in post-conflict transitions: lessons for the democratic republic of Congo

<sup>194</sup> (Unruh and Williams, 2013, p. 18) (De Waal, 2009) (Pantuliano, 2009b) and (USAID, 2004)

<sup>195</sup> (Huggins, 2009, p. 203-205)

<sup>196</sup> (Justino, 2011a) Sussex research found that respondents had a “staged” approach to decision making with one or more issues (usually security) being of prime importance followed by other issues such as the economic situation or incentives to return only where the initial concern was resolved. Among key conditions for sustainability, returning migrants arguably need employment, housing, access to public and social services, education, public utilities and security.

women refugees; the use of land as an incentive within DDR programmes<sup>197</sup>; resolution of conflicts over tenure and claims will significantly increase the opportunity to achieve reconciliation and the recovery of the productive sector and hence, the seed for economic recovery. In cases where these cannot be resolved, there is a risk of jeopardising the rule of law more broadly<sup>198</sup>. The importance of land and property rights during and after conflict reflects the significant role that agrarian reform has played in many insurgent and revolutionary agendas.

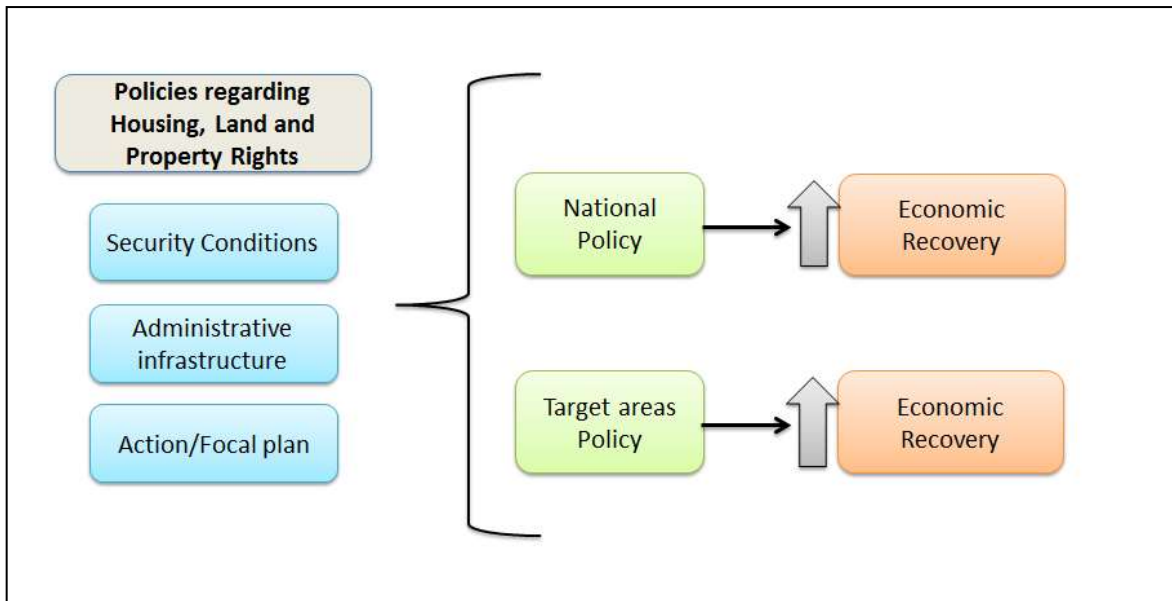
Economic conditions – pre- and post-war – are essential in order to adopt a more comprehensive approach to economic recovery. The need is to ensure that land issues are put on the agenda of the international community and that they are tackled in the peace treaty document or national land policies of the states emerging from conflict<sup>199</sup>. All of these features must be embraced by new laws that support what the international community is doing on the ground, which eventually generates the opportunities and tools to move from a post-conflict situation to a more solidified and peaceful social environment. The presence of the mission brings a combination of elements which, by targeting HLP issues, can set the conditions for the reactivation and recovery of the economy. These elements are the presence of secure conditions to return, of a functional administrative structure capable of providing goods and services to the affected population, the implementation of local and national strategies, at the same time as targeting specific locations (Figure 3.3). Thus, economic recovery is the result of the combination of these elements which might trigger return. With the return of population, the mission simultaneously provides resources for reconstruction.

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<sup>197</sup> (Rincon, 2010)

<sup>198</sup> (Deininger, 2003) does not emphasise specifically on post-conflict scenario. However, he explores the broader impact base on the different components within land and property right to achieve economic growth.

<sup>199</sup> (Todorovski et al., 2012)



**Figure 3.3: Effect of the policies on economic recovery**

To reinforce my theoretical argument, I return to Barakat and Chard,<sup>200</sup> who present a compelling argument for the importance of housing reconstruction. Their argument emphasises the need to move further from the dominant culture of “relief” and short-term perspectives towards the adoption of actions designed to strengthen national capacity, and, based on Zetter<sup>201</sup> in the same volume, restoration of the full and just exercise of property rights is fundamental to the restoration of social rights, the rule of law and, therefore, economic recovery.

In practical terms, the presence of the mission could signal security at different levels – both from violence and the provision of means for assistance, assuming that all necessary conditions are present in the place initially refugees fled: the war is over, there are no security fears, and the possibility of returning to their reconstructed home is guaranteed, as well as assets such as housing, access to public and social services and employment<sup>202</sup>. Refugees would then have the option to return and reintegrate. Therefore, it is reasonable to

<sup>200</sup> (Barkat & Chard, 2010)

<sup>201</sup> (Zetter, 2005)

<sup>202</sup> (Black & Gent, 2006)

expect that if they decide to return to a given municipality they would start to reactivate the economy of the region<sup>203</sup>. As they returned to their previous activities, re-establishing ordinary commerce and daily life, restoring a mix of generations, the returnees would start to create some sort of normality. Should that be the case, their return would trigger the ongoing recovery of the local economy<sup>204</sup>.

*H 2.1: If a mission is present in a municipality, economic recovery is likely to be higher.*

Again, as these hypotheses are based on the BiH case, it is relevant to say the mission, and other UN organisations implemented additional policies using housing reconstruction, and monetary assistance for reconstruction, as a way to encourage the return of the displaced population<sup>205</sup>. The policies were Open Cities Initiative (OCI)<sup>206</sup> and Target Areas for Return and Rehabilitation Assistance (TARR), which I will explain in detail in the following chapters, Four and Five. To set the path of the argument and the causal mechanism, the presence of the mission, plus the implementation of specific policies, takes account of different areas interacting with one another. These policies were implemented at the same time or in conjunction with the activities carried out by the Commission, which was in charge of collecting claims over properties. Therefore, economic recovery is the product of the accumulation of the present of the mission and the implementation of the policies. Thus, the main hypothesis regarding the links between policies dealing with HLP matters on economic recovery is:

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<sup>203</sup> Municipality is the main administrative unit in Bosnia and Herzegovina. The number of pre-war municipalities was 109, after the war the number of municipalities increased to 143. Please refer to Chapter Four and Five for a detailed description of the administrative division of the country.

<sup>204</sup> (Justino, 2009) (Justino, 2011a) (Justino, 2011b) presents an overview on the impact of violent conflict on human capital. She sustains her ideas on the extended damage on human capital especially among children, due to the destruction of school infrastructure, displacement, deterioration of economic conditions, and destruction of family structures among others.

<sup>205</sup> Here, it is imperative to clarify this research does not intend to measure nor operationalise the return of refugees, nor it is possible to integrate this argument as a key element for the explanation. Nevertheless, I am aware this could represent an important explanatory argument improving the explanation of the connection between HLP policies and economic recovery.

<sup>206</sup> (UNHCR, 13 June 1996)

*H 2.2: If the mission implemented HLP policies, the level of Economic recovery is likely to be higher.*

### **3.5 Conclusion**

This argument differs from others in the literature that examines economic recovery after a civil war, recognising that the impact of the mission on economies can be improved when the mission implements policies that address HLP matters. The research is original in the sense that it identifies a logical and coherent mechanism which seeks to provide the conditions for economic recovery in a post-conflict context. I discussed the importance of housing reconstruction, addressing land and property issues as a means to incentivise the return of refugees, thereby laying the foundations of economic recovery policies that aim to bring stability, and I consider how these might affect a country during its post-conflict phase.

The following chapter presents why BiH, as a case study, contains the ideal combination of strategies to address HLP issues, plus the fact that previous the war period a different type of property rights system was in place<sup>207</sup>. BiH is a relevant case not only because it encompasses all the challenges related to HLP issues, but, most importantly, because the mission and other UN organisations implemented strategies and policies aiming to address and to solve property rights and housing needs, combining previous and modern property rights systems. The analysis of this case is possible using newly collected data from BiH; I perform a systematic analysis of the long-term effects of UNPKO's actions on HLP and its contribution to establishing economic viability in post-conflict areas. Policies to this effect were implemented in the case of BiH, and the extensive empirical data provides evidence of their effect. The characteristics of the UNMIBH deployed in BiH, and what the mandate set out to contribute to the formulation of this theoretical argument. The evaluation of the policies implemented in BiH and the test of the hypotheses set in the current chapter is

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<sup>207</sup> See more about the Property rights system in BiH in Chapter Four.



possible due to a new-collected dataset – fully explained in Chapter Five – organised and structured on a cross-sectional level, with a municipality as a unit of analysis. This original dataset covers the deployment of the UNPKO in the country and the implementation of the different HLP policies.

## 4 UNPKO in Bosnia and Herzegovina: addressing HLP matters

### 4.1 Introduction

By 1995 - after three and a half years of war and ethnic cleansing, with 2.3 million people displaced from their homes and the population divided among ethnic groups - it was clear that the people of Bosnia and Herzegovina (BiH) faced a myriad of difficulties. During the cease-fire, differences became more explicit, and the mass dispossession of property generated and exacerbated further conflict. Despite this, against all expectations, the armed confrontation was halted, and the possibility of ethnic co-existence seemed to emerge. By 2002, infrastructure and housing had been repaired, which became an incentive for refugees to return to their destroyed villages; more than 600,000 refugees and Internal Displaced People (IDPs) have been able to recover possession of their pre-war homes. As the UNMIBH focused on the return of refugees and IDP the Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) was created to process and deliver options to solve most of the issues related to land claims, the secondary occupation of premises, housing and reconstruction among other concerns. In BiH, housing, land and property rights (HLP) were used as a mechanism to address segregation and ethnic divisions and were crucial in re-establishing major elements of post-conflict stability such as security, the rule of law and institutional reconstruction<sup>208</sup>

The mission in cooperation with other UN organisations and other international donors worked together to support the Commission for Real Property Claims of Displaced Persons and Refugees (CRPC)<sup>209</sup>, an organisation dedicated to processing claims and delivery options to solve most of the issues related to land claims, secondary occupation, housing, and

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<sup>208</sup> (Cox & Garlick, 2003) and See for example (Unruh, 2004)

<sup>209</sup> See Chapter Four for a detail description of CRPC activities.

reconstruction, among others. In Chapter Four, I will explain in detail the purpose and functioning of the Commission and other HLP policies aiming to address HLP issues. In BiH, HLP issues were at the core of the peace agreement and used as a mechanism to address segregation and ethnic division created as a consequence of the conflict.

Simultaneously, it had to achieve success in major concerns such as security, the rule of law and institutional reconstruction<sup>210</sup> under the scope of reconciliation and collaboration among the three main ethnicities – Bosniaks, Serbs and Croats – in the country.

BiH encompasses all the challenges present in any other civil war: high levels of destruction across the territory, a large number of refugees and IDPs, the political and economic transition from a socialist to a capitalist system, duration of the conflict, territorial disputes and, last but not least, the tension between ethnic groups. The mission implemented a comprehensive approach to putting in place three strategies: (1) The creation of a mixed domestic/international property claims tribunal; (2) to establish an extensive campaign for legislative reform, repealing discriminatory laws, and to establish a process for administrative property claims at the municipal level, under close international supervision, and (3) to put in place a robust plan for the reconstruction of destroyed villages and de-mining land<sup>211</sup>. BiH represents the fullest condition in which to study the performance of the mission regarding HLP aspects. It might be claimed that HLP issues are tied to the possibility of return, reconciliation and integration; at the political level, HLP issues created the opportunity to compromise on previous accords and to enforce the agreement regarding the divisions of the country between the Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS). Furthermore, BiH reflects that the struggles were not only

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<sup>210</sup> See for example (Cox & Garlick, 2003; Unruh, 2004)

<sup>211</sup> In addition to seven years of military engagement, civilian police monitors and a US \$ 5.1 Billion reconstruction programme (Cox & Garlick, 2003, pp. 65-66)

related to the destruction of houses, rather, how ethnic struggles involving territorial disputes link to displacement.

Bosnia exemplified all the challenges that might be present in any other civil war. It is possible to identify that land and property issues brought to the social level included the possibility of return, reconciliation and integration; at the political level HLP opened the door to compromise on previous accords and to enforce agreements regarding the land. Hence, HLP reflects that the struggles in BiH were not only based on ethnicity: it was, ultimately, a territorial dispute.

The experience of BiH allows us to evaluate the importance of the various elements of HLP for post-conflict reconstruction and the peace-building process. Land and property issues play a significant role in post-conflict reconciliation and economic rehabilitation, just as agrarian reform has played an important role in many insurgent and revolutionary agendas<sup>212</sup>. In the peace-building process, in contrast to strategies geared toward democratisation or security, HLP issues rarely receive the necessary attention, despite their relevance to economic recovery. The lack of strategies addressing difficult and challenging HLP aspects undermines economic recovery within the peacebuilding process. Addressing those challenges might make the difference between peace and the recurrence of violence.

This chapter is divided into three major sections. In the first section, I present the case of BiH, comprised of a brief description of the country with an overview of Tito's Yugoslavia and the then-extant property rights' characteristics. In the second section I cover relevant aspects of the Bosnian war, covering aspects such as the presence of the UN peacekeeping operations; and finally, in the third section, I present and describe the main policies implemented in the country addressing HLP matters.

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<sup>212</sup> Information on foot note (Cox & Garlick, 2003: 65-66) about a report from the World Bank in Bosnia and Herzegovina, (Boone, 2014), (Deininger, 2003, 2004), (Bigombe et al., 2000), (Collier & Sambanis, 2005b)

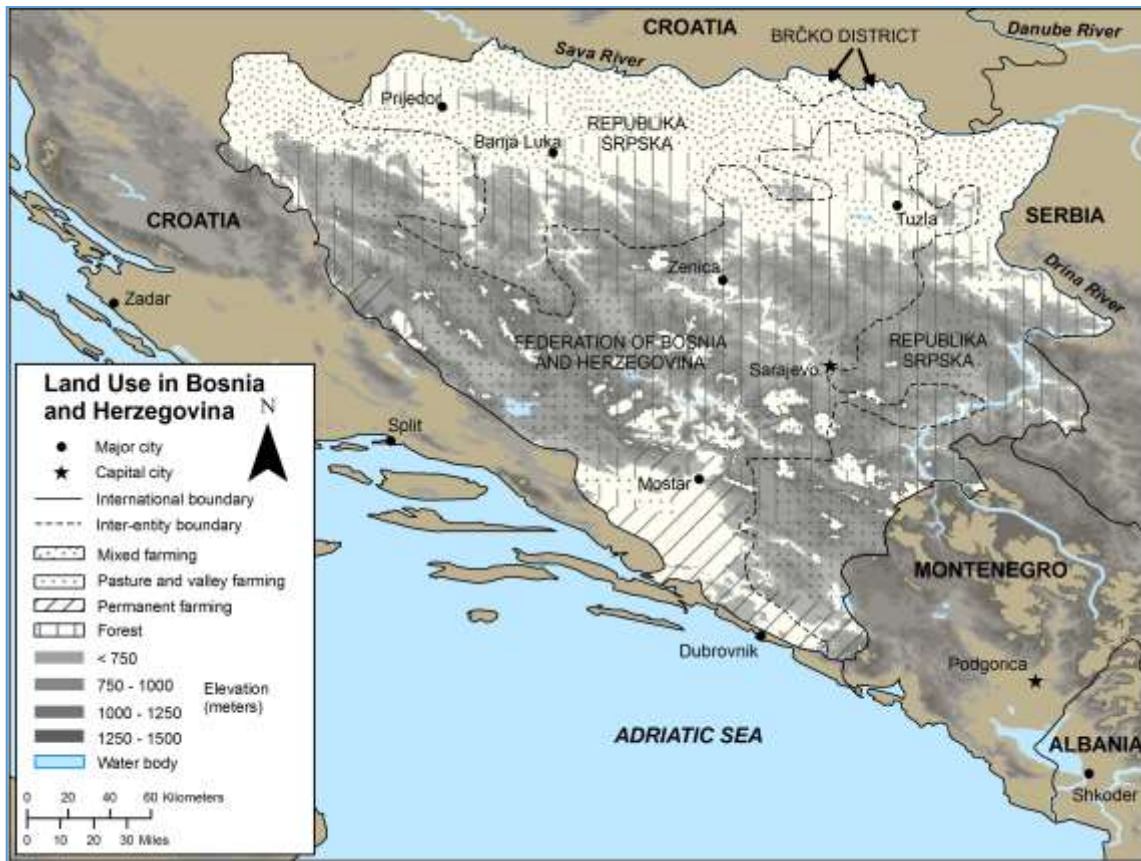
## 4.2 Tito's influence on the pre-war property rights system

Bosnia is located at the heart of the Balkan region and, even though it is a small country, it shows significant variation regarding climate and topography. It is characterised by mountainous and hilly terrain, with both rural and urban activities and settlements located near river valleys and low lands. The far north of the country, which borders on the Sava River, is a flat and fertile part of the Pannonian plain. This region, 40% of the country's territory, comprised 70% of cultivated land and was home to over 40% of the Bosnian population before the 1992-1995 war<sup>213</sup>. Before the war, activities such as forestry, mining and animal husbandry played an important economic role. Until the death of Josip Broz Tito in 1980, multi-ethnic Yugoslavia enjoyed relative stability and prosperity. There are three explanations for the success of Yugoslavia<sup>214</sup>. Many praise Tito's charismatic leadership as a factor in ethnic unity and consider his death the beginning of the collapse. For others, the repressive tactics and centralised control of the communist regime were compelling people to exist together, and with the collapse of communism came the end of the former Yugoslavia.

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<sup>213</sup> By JLZ cited on (Land and Post-Conflict Peacebuilding, 2013)

<sup>214</sup> Or an extensive review of pre-war political stability of Bosnia during the former Socialist Federal Republic of Yugoslavia see (Woodward, 1995a) and (Woodward, 1995b)



**Figure 4.1: Map elevation and predominant land use in Bosnia.**

As so often in conflicts centred on cultural differences, remote history seems active in current affairs. It is important to consider the chequered history of the legal framework relating to property rights. In the early sixteenth century Bosnia was incorporated into the Ottoman Empire, but in the late seventeenth century, after territorial disputes, it was incorporated into the Austro-Hungarian Empire. As the Ottoman Empire receded, the Austro-Hungarian Empire took over the administration of Bosnia from 1878 until the empires broke up in 1918<sup>215</sup>. The worldwide crisis of the 1930s hit Bosnia greatly, affecting the already vulnerable 80 % dependent on agriculture. During the Second World War,

<sup>215</sup> (Williams, 2013)

Bosnia was devastated but emerged as part of the newly constituted Socialist Federal Republic of Yugoslavia (SFRY), created in 1945 under the leadership of Josip Broz Tito<sup>216</sup>.

Bosnia suffered great devastation during the Second World War but emerged as one of the constituent republics of the SFRY - what is known as The Second Yugoslavia - created in 1945. Stalinist centralised control initially informed the shaping of the administrative land system. However, despite similarities to the Soviet system, the system that was finally established did not eliminate private property rights; rather, they were transformed<sup>217</sup>. Under the new system, private property was not eliminated but was instead regulated. Agricultural ownership was limited to ten hectares, and residential property was limited to “(1) one family house, i.e. a house with two apartments or with three small apartments; (2) a maximum of two apartments as separate residential unit; (3) two family houses composed of maximum two apartments and a third small apartment; (4) one family house and one apartment as a separate part of a building.”<sup>218</sup>. After Tito’s rift from the Stalinist system, a different approach gave more power to individuals leasing properties and the decentralisation of power distributed more power from the central government to the republics. As a consequence, in 1970 the central planning system of “self-management” was replaced by an intricate system of agreements between the users of public beneficiaries of properties which were not economically productive, such as hospitals or universities. The most important component of self-management was the institution of socially owned property, the income from which provided the means of funding investment in public assets<sup>219</sup>.

The self-management system encouraged industrialisation, with scant attention to agricultural development even in those places suitable for abundant crops, and disregarded

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<sup>216</sup> (Williams, 2013) on his Chapters about HLP matters in Bosnia.

<sup>217</sup> *Ibid.* Page 52

<sup>218</sup> (UN-HABITAT, 2005)

<sup>219</sup> (European Stability Initiative, 2004)

rural smallholders. Transitions between collectivisation and self-management did not necessarily improve roads or communication infrastructure to allow farmers to take their produce to market. By the end of the 1970s, in most of Yugoslavia, workers commuted long hours to factory jobs, while other members of their family used the land for household subsistence, supplementing the household income from the factory salary. Heavy industrialisation led to urban development outside municipalities, with the construction of blocks of apartments and household units maintained by the national housing fund where most urban land and housing stock became socially owned property with the introduction of self-management<sup>220</sup>. The system regulated the allocation of housing to the company or factory nearby, under a waiting list system. The tenant would be granted occupancy rights over the socially owned apartments, as long as the holder did not leave the property for more than six months without justification.

During the rule of Tito, Bosnia was structured as the centre of the economy of Yugoslavia. The main economic projection –based on Tito’s vision- was the mass transformation of peasants into industrial workers, and the programme implemented was led by the industrialisation of Bosnia, with the transfer of a large part of the labour force from the village into industrial production and other economic activities<sup>221</sup>. The structure of the project was to make Bosnia his defence centre, buffered against possible attack by Hungary and Bulgaria. The topography characteristics - high mountain range and extensive woodland - provided the perfect location in which to build the military industries. The later break-up – Tito’s move away from the Soviet model - brought an increase in defence-related investment by the United States.

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<sup>220</sup> (UN-HABITAT, 2005)

<sup>221</sup> (Woodward,1995b)



In a way the later difficulties for economic reactivation came about as a result of the economic specialisation on military industries: Bratstvo in Novi Travnik (howitzers, multiple rocket launchers), Slobodan in Vitez (explosives), Soko in Mostar (jet aircraft), Famos in Sarajevo (engines for tanks and armoured personnel carriers), Slavko Rodic in Bugojno (fuses for mines and grenades), Pobjeda in Gorazde (detonators), Cajevac in Banja Luka (radar and electronics) and many others. The largest production centre was located in Sarajevo supplying the main military elements for the Yugoslav army and other countries, including Iraq, Saudi Arabia, Libya, Kuwait, Burma and Algeria. As reported by the USAID, the dividends amount nearly US\$20 billion in hard currency during the 1980s. On the eve of Yugoslavia's collapse, 55% of this industry, one of the largest in Europe, was located in Bosnia and Herzegovina. Bosnian military contractors fulfilled state orders of over US\$700 million in the year before the war<sup>222</sup>.

Growth was not equivalent among the republics in Yugoslavia, with mixed consequences. Because of the volume of investment, Bosnia was treated as a "developing republic" and was not prioritised to receive the same level of public investment awarded to Serbia, Macedonia and Montenegro. Comparatively, Bosnia was poorer in contrast to the other republics, focusing on the mobilisation of farmers into factory towns and military industry activities<sup>223</sup>. The industrialisation of Bosnia worked at several levels. The development of road infrastructure and communications across the country was necessary as the military industry was developing. The downside was that these industries were heavily linked with other processes carried out in Serbia or in Croatia. As early as the late mid-

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<sup>222</sup> USAID, "Sector Survey: Metalworking", May 1998, p. 87.

<sup>223</sup> (European Stability Initiative, 2004)

eighties the central government in Belgrade began the mobilisation of army manufacturing into Serbia, leaving Bosnia without any option for further development<sup>224</sup>.

The seventies are considered the boom time for economic growth and industrialisation, with a considerable increase in wages across the country and the diversification of workers and the integration of women in the labour force. The projections on industrialisation focus on military activities primarily, and left agricultural development unattended. The counter element of these policies was the need to bring more workers into the factories. ESA's description illuminates the relationship between the state and those working on land and farming:

*Socialist authorities viewed the seljaci (peasants) as backward and ideologically suspect, prone to religious and national sentiment. They were long excluded from social benefits such as pensions and health insurance unless they took jobs in the social sector. Peasants and rural areas, in general, were also poorly represented in the political structures. The solution to the problem of rural development implicit in official ideology was the disappearance of the peasant class altogether, through the creation of industrial jobs and mass urbanisation.*<sup>225</sup>

Even before the war, unattended fields and farms were left as a result of owners heading to work in factories as a result farming was an activity for the elderly and women left at home, on a small scale for personal consumption or to sell in the local market. Also, the lack of infrastructure, focussed away from isolated areas, discouraged those producing enough to sell in other markets. The economic revenues from agriculture amounted just to 22%, even before the war<sup>226</sup>.

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<sup>224</sup> Ibid, page 12.

<sup>225</sup> Ibid, page 28

<sup>226</sup> Ibid, page 30



Figure 4.2 Bosnia and Herzegovina source UNPKO maps archive

### 4.3 The end of Yugoslavia and the Bosnian war

After President Tito died in 1980, the presidency rotated among the leaders of the six republics (Serbia, Montenegro, Bosnia and Herzegovina, Croatia, Slovenia and Macedonia) and two autonomous regions (Kosovo and Vojvodina). The collapse of the Soviet Union and

the transformation of the last decade of the century brought multiple economic and political challenges to Yugoslavia. By the end of 1989, rifts between nationalist identities started to appear among the different nations within the SFRY. The Yugoslavia of Tito was the reflection of an ethnoterritorial logic, hosting and giving legitimacy to what would be a single nation for Slovenes, Croats and Serbs, inviting them to commit to “brotherhood and unity to realise a social communist community<sup>227</sup>. The Socialist Republic of Bosnia and Herzegovina” reflected a different understanding, recognising three ethnic identities or, as the constitution termed them, “constituent peoples”. Bosnia was the most multi-ethnic republic of the Yugoslav Federation. According to the 1991<sup>228</sup> census, there were Bosnian Muslims (1.902.956 (43,5 %)) Bosnian Serbs (1.366.104 (31,2 %)), and Bosnian Croats (760.852 (17,4 %)). The ethnic distribution was the trigger for conflict to erupt later in 1992.

Opportunities to gain power came from the vacuum of political authority left by Tito’s death, including the possibility for affiliative ethnic politics to gain control, thus accelerating economic collapse, and exacerbating the long-lasting failure to resolve ethnic grievances or establishing institutions capable of containing them. However, Serbia’s interests meant they were reluctant to let BiH gain full autonomy from Belgrade. Milosevic moved quickly to fill the vacuum to gain more power during the transition. However, his Serbia First agenda led other regions to reconsider their position in SFRY. The results of the election triggered the beginning of the separation from Yugoslavia. By the end of 1991 BiH was on the path to independence. In the space of two years, six of the republics that constituted the SFRY asserted independence and statehood (Slovenia, FY of Macedonia, Croatia, Montenegro and then Bosnia), in addition to the province of Kosovo, which declared independence in the middle of controversial conditions. Kosovo received 117 statements of diplomatic

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<sup>227</sup> (Toal & Dahlman, 2011, p. 4)

<sup>228</sup> (BHAS, 2018)

recognition as an independent state. Serbia has still not recognised the independence of Kosovo.

Furthermore, Bosnia was the one region in the country where the three “ethnic” lines were present. Ethnic tensions were the trigger of the war, with divisive and discriminatory narratives between Bosniaks-Serb politicians. The illusion of a democratisation process and the threat of an economic and constitutional crisis enabled ethnic-nationalist parties representing the three dominant groups in BiH to outweigh the ruling Communists in December 1990. Despite promises made to work together, soon a clear division was visible between each dominant political party and ethnic alliances. While the Tudjman government in Croatia helped to establish the Bosnian HDZ (*Hrvatska Demokratska Zajednica, Croat Democratic Community*), the Milosevic government funded the Serb Democratic Party (SDS), headed by Radovan Karadžić before he became a prominent political leader. Karadžić had set out principles where each ethnicity should own a territory which would be its “historical homeland”. The outbreak of hostilities between Croatia and Serbia fuelled further confrontations between the main political parties in BiH. Multiparty elections were held in BiH in November 1990. In the midst of political pressure from Serbia and SDS public statements regarding the creation of greater Serbia, in 1992 the people in BiH held a referendum. The referendum showed overwhelming support for independence from Yugoslavia, leading BiH to declare its independence on March 1992, recognised by the USA and the European Union but rejected by Serbia.

Alija Izetbegovic, the Muslim Bosniak head of the Party of Democratic Action, became the first president of the fledgling country but the tension between the Muslim and the Serb communities was increasing by the day. The Serbs in BiH declared their own Serb Republic - Republika Srpska - with Radovan Karadžić leading the movement. Following the declaration of independence, several major cities were blockaded by Bosnian Serbs, and in

some instances, the Serb-controlled Yugoslav National Army extended its control over nearly 70% of the territory. Serbian militias and local forces advanced fiercely through BiH, carrying out what would be later acknowledged as ethnic cleansing of Muslim Bosniaks in the taken municipalities. Radovan Karadžić opened the first session of a separatist parliament announcing the formation of an independent territory with six strategic goals for the army as *Vojska Republik Srpska* - the army of Republika Srpska (VSR), previously known as Yugoslav People's Army that would unite all Serbs across the territories of the former Yugoslavia. Its first commander was Ratko Mladić, a Serb Bosnian veteran, loyal to Milošević and the executor of the strategy set out by Karadžić for the new Serbia. It would be later that ethnic cleansing was recognised as the overt purpose of the new directions aiming for the geographical separation of the Bosnian ethnicities. It was intended that there should be three separate "unmixed" Bosnian communities. Sarajevo would be divided between Serbs and Muslims. The other five instructions would set the principles for the creation of what would become RS, alleging a historical conceptualisation of its borders, claiming most but not all of Bosnian space, setting the border on the Una and Neretva rivers. The ultimate goal was the creation of similar homogenous Serb spaces in Croatia, all linked to Serbia and granting a territorial identity to all Serbs<sup>229</sup>.

The advantage in weapons and military strategy, thanks to the support from Milosevic, made it difficult for Bosnians (Croat-Muslims) to repel the advance of the VRS. By May 1992, 70% of BiH was under the control of the Serb army and its militias. The war went on for another three years. The centre of the country witnessed fierce competition between the Muslim Army and the Croatian army, each trying to establish their own territorial enclaves, both leaving in their wake the destruction of cultural and religious buildings as a way to assert the dominance of the victorious group. Another legacy was the occupation of those

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<sup>229</sup> (Toal & Dahlman, 2011)

houses and properties, deserted by displacees, by a population transported from other areas in Bosnian. Four main points of confrontation were the battle of Mostar, the three year siege of Sarajevo by the Bosnian-Serb army, the military operation by Croat groups during Operation Storm and Mistral, and the largest massacre during the war of 8,000 Muslim men and boys in the Srebrenica Municipality. The massacre triggered a series of events which proved the tipping point to end the war.

The massacre of Srebrenica happened in areas under the protection of UNPROFOR and is considered one of the major failures in the history of the different missions. The mission was originally deployed to Croatia aiming to help stabilise the situation on the ground and was later extended to be deployed in BiH in September 1992<sup>230</sup>. UNPROFOR's mandate was extended to Bosnia to support the distribution of humanitarian aid, and to protect convoys of released civilian detainees and UN personnel<sup>231</sup>, guaranteeing that the airport in Sarajevo would remain open<sup>232</sup>. In addition, the Force monitored the "no-fly" zone, banning all military flights in Bosnia and Herzegovina, and the United Nations' "safe areas"<sup>233</sup> established by the Security Council around five Bosnian towns Tuzla, Bihac, Srebrenica, Gorazde and Zepa, and the city of Sarajevo. UNPROFOR was authorised to use force in self-defence in response to attacks against these areas and to coordinate with the North Atlantic Treaty Organization (NATO) the use of air power in support of its activities. Similar arrangements were subsequently extended to the territory of Croatia. Also, UNPROFOR monitored cease-fire arrangements negotiated between the Bosnian Government and the Bosnian Serb forces. To this day, this mission is considered the most important example of what the UNPKO should not do when deployed<sup>234</sup> and the contradiction between the

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<sup>230</sup> S/RES/776/1992

<sup>231</sup> S/RES/776/14 September 1992

<sup>232</sup> S/RES/770/13 August 1992

<sup>233</sup> S/RES/819/16 April 1993 and S/RES/824/6 May 1993.

<sup>234</sup> (Durch & Schear, 1996)

mandate and the reality on the ground<sup>235</sup>. In Srebrenica, although the city was theoretically under the protection of both the mission and NATO forces, the Bosnian-Serb forces entered the compound to murder more than 7,000 Muslim men and boys, without intervention or prevention from the Dutch blue helmets or air strikes from NATO. In early March 1995, the Security Council decided to restructure UNPROFOR, replacing it with three separate but interlinked peacekeeping operations. In Bosnia, it was replaced by UN Mission in Bosnia and Herzegovina (UNMIBH), with a police and civilian component, deployed according to the specification of the peace agreement signed in Dayton Ohio in November 1995.

#### **4.4 UNPKO in Bosnia: a brief introduction**

The UNMIBH was a civilian mission established in December 1995 as part of the post-war peace-building mechanisms. It was the first UN mission primarily composed of a police force. The mission was mandated to assist and monitor BiH law enforcement agencies. Initially, the mandate of its main component – the International Police Task Force (UNIPTF) - was defined by the Annex 11 on the Dayton Peace Agreement (DPA)<sup>236</sup>. The main task was to assist in the stabilisation of BiH police force according to international standards and to the principles of the DPA. The Security Council established the second mission with a new mandate in line with the provision of the DPA. Initially, the mission was established for an initial period of one year<sup>237</sup>, with a civilian component and the UNIPTF. The mandate was renewed on several occasions until its successful conclusion on December 31 2002<sup>238</sup>. The overall view of the mission's tasks was not different from other missions in regards to the re-establishment of the rule of law, monitoring institutions, observing and implementing legal and security organisations; the training of law enforcement personnel and monitoring security across the territory, setting the conditions for free and fair elections. At the same time, it

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<sup>235</sup> (Tardy, 2015)

<sup>236</sup> S/1995/1031

<sup>237</sup> S/RES/1035/1995

<sup>238</sup> S/RES/1423/12 July 2002



worked jointly and in support of all the agencies working on the country<sup>239</sup>. Further, the mission was in charge of coordinating other UN activities related to humanitarian and relief tasks plus rehabilitation of the infrastructure and economic reconstruction<sup>240</sup>.

Forced evictions, the destruction of houses, and population transfers transformed the country into ethnic enclaves where the divided population would live in homogeneous areas. In February 1994 the Bosniaks and the Croats signed a cease-fire agreement. By August 1995, after the bombing of Belgrade and the fall of Srebrenica, Milosevic decided to agree to sit at the negotiation table. He was negotiating on behalf of Karadžić and the SDS/VRS forces. The General Framework Agreement – Dayton Peace Agreement (DPA) – settled the division of 49/51 of BiH. The division of the country was agreed in 1994: Republika Srpska (RS) would not be part of the already designated Federation of Bosnia and Herzegovina (FBiH), predominantly inhabited by Muslims and Croat Bosnians. The core of the negotiation focused on the border between the RS and FBiH. The negotiation of internal “inter-entity boundary line” (IEBL<sup>241</sup>) would settle ethnic divisions and homogeneous territories<sup>242</sup>.

The negotiation over the boundaries between the two entities was intense; Sarajevo and Doboj were at the centre of it. Initially, Doboj was intended to be part of the Federation, but Karadzic had declared Doboj, Ozren and the Posavina as the heart of the Serbian state<sup>243</sup>, as is illustrated in the figure 4.3 illustrating a clearer separation between the entities. The issue over Brčko was so complicated that it was postponed, and the region was given autonomous jurisdiction within Bosnia. The peace agreement provided both the RS and FBiH with

<sup>239</sup> UNMIBH mandate available at <http://www.un.org/en/peacekeeping/missions/past/unmibh/mandate.html> last access September 28 2018.

<sup>240</sup> See S/1995/222/Corr.2; S/1995/222/Corr.1 and S/1995/222

<sup>241</sup> The Inter-entity boundary line will be discus again in Chapter 5.

<sup>242</sup> (Toal & Dahlman, 2011)

<sup>243</sup> For a comprehensive description of the discussion on the final draft of the map of Bosnia see Holbrook. For a good description of the political process of the formation of the two entities see (Toal & Dahlman, 2011, pp. 160-166)

sovereign powers, simulating two independent states, a situation which would prove an obstacle for the reconstruction of the country across all the components of the peace agreement. Both entities were entitled to their constitutions, assemblies, presidents, citizenship, police and armies. However, BiH needed a central government: this would be considered an unorthodox federal state. The autonomy of each entity would become a political obstacle for certain stages of the reconstruction and ‘reunification’ process, as more often than not, political forces within the RS would not cooperate, as had been agreed, with the steps and actions required for full implementation of the peace agreement.



**Figure 4.3 Inter-Boundary Map**<sup>244</sup>

The agreement contained a total of ten annexes for separate issues, the organisation of the state, arbitration, human rights, refugees and displaced persons, national monuments, public companies, civilian implementation, and the deployment of international advisory police. The implementation of the DPA would be under the supervision of the Office of the

<sup>244</sup> Source University of Texas Library Map Collection [retrieved on 31 April 2019]

High Representative (OHR), coordinating the activities of all civilian organisations. The position of the OHR in BiH was weak in contrast to the mission or interest countries;

#### **4.5 Dayton Peace Agreement, Annex 7, and the Return of Refugees**

The DPA was the first international agreement to provide for the “right to return home,” not merely the right to return to one’s own country<sup>245</sup>. The Agreement is comprised of 11 annexes, dedicated to the reconstruction of the county. Annex 7: Agreement on Refugees and Displaced Persons, which set out the procedures designed to set in motion the return of refugees to their pre-conflict homes, is the one connected to the topic of this research but not necessarily the focus of it. It promised not only the possibility of a return for those forcibly displaced during the war but also the return of their pre-war homes as a property right. The first paragraph reads:

*All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them the property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them.*<sup>246</sup>

Under the directions of the annex, it was established the creation of The Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) as the instrument created to impartially and independently resolve property issues for an estimated 2.3 million refugees and displaced persons (RDPs) who lost their homes during the war<sup>247</sup>. I will cover in more detail the policies and role of the CRPC later in the chapter.

Early in the post-conflict process, return and return-related reconstruction was entrusted to agencies with non-political mandates, in particular, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Bank, focusing on

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<sup>245</sup> (Phuong, 2000)

<sup>246</sup> Dayton Peace Agreement

<sup>247</sup> See S/2002/1314 p.1

immediate relief activities, while the CRPC dealt with long-term solutions on the restitution of properties and legal aspects. The agencies and implementing partners focused on the most straightforward tasks - helping displaced persons to return to areas in which they belonged to the majority ethnic group - and worked closely together with local authorities, which often were reluctant to encourage or to allow the return of refugees and IDPs. This policy shifted during 1997. Led by the Office of the High Representative (OHR), international agencies abandoned a deferential approach to Bosnia's nationalist leaders and, instead, began to take them on. Within five years the policy had already borne fruit and, among other advances, led to the appointment of Milorad Dodik, a moderate Prime Minister in The RS.<sup>248</sup> Although the post-conflict land tenure debates focused on humanitarian and human rights issues associated with the immediate post-conflict phase, many of the outcomes were determined by governance and economic reforms, factors typically associated with longer-term development.

The outlook and emphasis for the mission and the international organisations and their emphasis on HLP issues were based on the importance of help to return Bosnia to a multicultural and multi-ethnic society. This represented a practical approach by the mission, which wanted to focus their efforts on housing reconstruction and the resolution of property rights. It is possible to say that, in this case, although the main issue was the large number of RDP, HLP issues were utilised as a mechanism to solve the problem. In these ways, it was a logical solution as, by addressing HLP issues, it created the willingness to return and reintegrate. Nevertheless, the impact of HLP policies had the potential to reach beyond return because it set the foundations for a long-lasting political solution by binding legal, political and economic mechanisms to the issues of property and ownership. Ultimately, houses are the primary form of capital, as discussed in Chapter Two.

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<sup>248</sup> (International Crisis Group, 1998)

A different challenge is the reconstruction of cadastral systems, which holds the records of ownership titles. In Bosnia during the war, local cadastral archives were burned, as a way to deprive families of their properties. The different international agencies, UNMIBH, UNHCR, OHR among others, present at that time in Bosnia, and the Commission had to work simultaneously creating the cadastral archive –in some cases from scratch - and working closely with government institutions to validate the information collected. These processes were necessary to decide over the rightfulness of property claims of refugees and returnees. The reconstruction of the cadastral system required copious resources from international donors, plus more than six years of systematic verification of land and property distribution. Bosnia is also a hallmark example as there were mixed property right systems, discussed below. The example of Bosnia reflects the link between practical matters but also the need for an institutional framework that can handle property ownership records, as well as a legal institution which can reinforce the validation and legality of these titles in post-conflict settings.

#### **4.6 Main HLP Policies**

The trend has been that the United Nation High Commission for Refugees (UNHCR) deals with some HLP aspects to solve refugee and IDP issues. Nevertheless, as was mentioned above, this did not prove to be a comprehensive, holistic approach to tackle HLP challenges during and after the conflict. In BiH, the mission in coordination with other OHR and UNHCR implemented a comprehensive approach by putting in place three strategies: (1) the creation of a mixed domestic/international property claims tribunal; (2) the establishment of an extensive campaign for legislative reform repelling discriminatory laws and to establish an administrative property claims process at municipal level under close international supervision. Lastly, (3) to put in place a robust plan for the reconstruction of destroyed

villages and de-mining land<sup>249</sup>. The implementation of these strategies was channelled into three main policies and/instruments: The Commission (CRPC), Target Areas for Reconstruction and Return (TARR), and Open Cities Initiative (OCI), and a final enforcement policy, The Property Law Implementation Plan (PLIP), for the decision on property rights and ownership.

The main challenge for the mission and policy evaluation was the lack of homogeneity regarding the context and conditions under which these policies are implemented, and BiH is no exception, as the country implements a system mixed between private and socially owned property rights, a legacy of the Tito era. This system created further challenges and obstacles for the restitution of properties and the clarification of the property rights mechanisms. Despite these obstacles, the way in which the different organisations and the UN mission itself approached HLP matters can provide a basis for understanding the implications for economic recovery and reconstruction policies. Ultimately, the aim is to establish a link between these policies and economic recovery.

#### **4.6.1 *Commission for Real Property Claims of Displaced Persons and Refugees (CRPC)***

The CRPC model offers invaluable lessons for the future when considering the scope for creating and establishing new systems that deal with post-conflict property issues. The Commission, which started its activities in March 1996, may offer interesting features for future mass claims resolution mechanisms in post-war societies. In contrast to other peace agreement and other UNPKO, the incentive to return to abandoned houses was the main drive to provide security and safety for those integrating into differentiated ethnic areas. Another example is that land issues informed political motivation to address segregation and past

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<sup>249</sup> In addition to seven years of military engagement, civilian police monitors and a US \$ 5.1 Billion reconstruction programme (Cox & Garlick, 2003)

grievances. Thus, the outcome of this policy is evidence of how land and property interact with local dynamics. CRPC was established as a fast-track mechanism that took a single-party administrative approach to resolve claims. For the Commission, the return of property “would assist the goal of restoring a multi-ethnic society” by permitting the claimant to return to possession of the claimed property<sup>250</sup>. The Commission was in charge of implementing a strategy set by Annex 7, aiming to encourage the return of the 1.2 million refugees living abroad of BiH by focusing on the facilitation of repossession and reconstruction of housing properties.

Initially, the Commission worked from 1996 until 1999 but, due to the complexities of building a cadastral system in place, in addition to receiving and processing property claims, it was necessary to extend its mandate on a yearly basis until 2003. Some of the challenges presented to the Commission were due to the logistics of collecting claims related to refugees’ access to information and the resources necessary to present claims; hence, there was an information campaign in place in various media – radio, television, posters – providing detail on claim procedures. While the Commission was active, it was necessary to open 23 regional offices in the country, six offices in Europe (Denmark, Germany, Netherlands, and Norway) and six offices in Serbia and Montenegro. The Commission is relevant to the process as nearly 40% of the displaced population accessed or presented these claims. During the almost seven years’ implementation, the CRPC had the responsibility of collecting potential claims from over 2.2 million RDPs, and by the end of the period, the Commission received a total of 240,233 claims for 319,000 properties, benefiting approximately a total of 840,000 people. In the peak period from 1998 to 1999, the CRPC received on average 5,500 applications per month<sup>251</sup>.

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<sup>250</sup> (CRPC, 2003a)

<sup>251</sup> (CRPC, 2003a) (CRPC, 2003b)

The challenges to address HLP issues go in both directions for refugees: more often than not they found themselves with no possessions, let alone official documents proving their ownership rights. Compounding this problem, cadastre and property records had been destroyed or in some cases did not conform to the regulations. In many cases, records were difficult to access by those who had been displaced or dispossessed of their properties. Particularly in BiH, destruction and dispossession of property by means of illegal occupation was recurrent as a result of the conflict. During its operation, on numerous occasions, local or regional authorities prevented the Commission from accessing cadastral information or delayed access to it. At the organisational level, the major challenge to the CRPC and by any UNPKO and international organisations was the lack of personnel with the necessary knowledge of local laws and policies.<sup>252</sup>

In addition to the implementation of the necessary logistic and legal procedures to deliver decisions over ownership of the claimed properties, CRPC created and unified the cadastral information of the country, as it was a necessary step to carry out the in-house verification of the claims related to properties in 86 of the 109 pre-war municipalities. The intricacies of the process are numerous, not only because of the consequences of war and the nature of the property rights system in BiH but also because of the creation of procedures and regulations to process the claims and deliver a decision. For example, many properties were never registered in the property books located in the courts, even before the war. In other cases, properties were registered in the municipal cadastres, but not registered under the national system, which demanded the creation of a unified cadastral system<sup>253</sup>. By creating a unified and unique registration system, the court could accept CRPC decisions as valid legal evidence in ownership decisions.

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<sup>252</sup> The time of training varied according to the stage of the implementation. I found detailed information regarding issues of personal training requirements in the internal reports from the Commission as well as the internal correspondence between it and the international donors.

<sup>253</sup> (World Bank, 2012). To address this the commission created a project founded in cooperation with WB to improve the registration system and to looking forward a viable real estate market



Although the first decisions over ownership were delivered as early as 1997 – approximately 706 – it was not until 2000 that CRPC started to deliver responses to over 62,521 claims<sup>254</sup>. By 2001-2003, 80% of the decisions had been implemented. The decisions delivered confirmed claimants' property rights as of 1 April 1992. Once a decision was secured, claimants could legally pursue four options: return to their pre-war homes; sell or exchange their property; rent their property; or preserve their claims to be exercised at a later date. In this way, it became possible for claimants to access a solution.

There was a clear system to determine the extent of the property and its ownership status. Further considerations were necessary, given the existence of socially owned blocks of apartments, which housed public employee/workers of public companies. With the end of the Yugoslav system after the war – and with no means of transition between public and private ownership – it was necessary to implement strategies to determine property ownership of the apartments. For a study of the Commission, from the International Humanitarian Law perspective, it is interesting to see von Carlowitz<sup>255</sup>. He is comparing what he termed “internationally-supervised (quasi-) judicial bodies at a time when each institution has or is about to, resolve its mandate” in both BiH and Kosovo. von Carlowitz's analysis aims to highlight the contribution of the mandates of the institutions in charge of the peacebuilding process of both, BiH and Kosovo. My research differentiates from his as it used primary data (reports and interview) to perform a statistical analysis. The aim is not to look at the institutions as such, but rather to evaluate holistically their implementation of policies looking for HLP issues in BiH, all under the umbrella of the deployed UNPKO UNMIBH.

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<sup>254</sup> (CRPC, 2003a)

<sup>255</sup> (von Carlowitz, 2005, p. 548)

Part of the collective efforts of the UNHCR and UNMIBH to implement strategies/policies to encourage the return of refugees to their pre-war properties focussed on Target Areas for Return and Rehabilitation (TARR) and Open Cities Initiatives (OCI). The means to achieve this was to resolve the lack and destruction of housing, at the same time that the different organisations endeavoured to work in cooperation with local authorities and politicians. The two following sections outline the TARR and OCI policies which targeted the return of RDPs primarily, with special attention to minority return areas across the country. It was clear that RDPs were returning to pre-war properties in areas controlled by the armed forces of the ethnic group to which they belong<sup>256</sup>.

#### **4.6.2 *Target Areas for Returns and Rehabilitation Assistance Policy***

By 1996, it was clear that major investment was needed if the mission, the international organisations and the international donors wanted to make BiH a multi-ethnic integrated country again. By the end of the year the UNHCR had identified 22 priority areas (Municipalities) where the number of destroyed properties was higher and which were in more need of assistance regarding provision of humanitarian assistance and shelter facilities (See Chapter 5 for the description of the data). The TAAR policy aim was to create the conditions for the return of RDPs to their pre-war homes, with one particular characteristic, which was that in these locations – in the assessment of the UNHCR – the main obstacle for return was the level of destruction and damage of the houses, rather than security or political concerns<sup>257</sup>. In this case, the agency was setting the scene to include other locations as part of the project, as it was categorising and “compensating” those local authorities cooperating with the international organisations. In the case of this policy, the UNHCR did not include other municipalities. Importantly, it was the acknowledgement that reconstruction and return

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<sup>256</sup> (International Crisis Group, 1998)

<sup>257</sup> (UN Department of Humanitarian Affairs, 1996) and (UNHCR, 13 June 1996) Additional see chapter five for the description of the variable related to this specific policy.

alone does not guarantee recovery, the creation of opportunities for employment and income generation and repair and start-up of local schools is critical for people to return permanently.

This policy was in many ways criticised by INGOs such as the International Crisis Group and they expressed the concerns of the US Committee for Refugees: some saw it as a potential source of more grievances and divisions between the different ethnic groups adding to the already deep division of the country between RS and FBiH. The main question was the capacity of the international organisations to handle the complexities related to national politics and how to “force” those local politicians attempting to disrupt the work of the international organisations looking for the return of RDPs and the mandate established as part of DPA back in 1995. The estimation of the UNHCR on the return, either to a majority or minority areas, was not encouraging. For example, in 1997 few minorities returned to municipalities in the RS: the figures recorded 1,123 during the year (968 Muslims; 155 Croats)<sup>258</sup>. The following policy, Open Cities Initiative, had a different approach, as it was not targeting the reconstruction of properties directly but rather by providing further economic and reconstruction assistance by encouraging the return of minorities.

#### **4.6.3 *Open City Initiative Policy***

The Open City initiative (OCI) was created as a strategy to encourage ethnic minorities to return to their homes. By the second anniversary of DPA, the numbers of returnees did not reach the desired point; it was clear that further strategies were needed. According to UNHCR figures of the time, around 400, 000 Bosnians returned to the country, but most returned to areas controlled by their ethnic group<sup>259</sup>. In March 1997, UNHCR announced the initiative as “*a commitment to reward with increased international assistance local*

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<sup>258</sup> (United States Committee for Refugees and Immigrants, 1998)

<sup>259</sup> (UNHCR, 25 June 1998)

*communities that demonstrated openness to minority return*<sup>260</sup>. OCI was a policy aiming to subscribe *municipalities voluntarily* to promote and integrate RDPs minority returnees. One of the most important criteria to adjudicate the status of “Open City”, for the UNHCR, was that municipalities would show “genuine commitment” by the local authorities to encourage RDPs to return and to prove that returns could occur without any abuse or harassment. The municipalities which declared their openness to minority return would receive additional funding for reconstruction not only from the organisation on the ground but also from international donors.

The initial budget for 1998 was 87m US\$ to expend on the initial eight municipalities declared as Open Cities<sup>261</sup>. Initially, six cities in the FBiH were recognised as OCI and an additional two in the RS. One of the many criticisms of the policy was based on the “voluntary” aspect of it, as UNHCR would not carry a pre-categorisation assessment to determine the viability of the Municipality to participate in the programme. Nor were there appropriate mechanisms in place to evaluate whether the local authorities had encouraged or eliminated any obstacles, preventing minority returns. Furthermore, the figures presented by UNHCR were not clear enough to assess whether minorities were returning either before or after the Municipality was declared an Open City. The following and last policy was designed as a mechanism to ensure the procedures and decisions made regarding property rights and ownership were enforced, giving some “closure” to the issues of displacement and house dispossession.

#### **4.6.4 *The Property Law Implementation Plan***

In line to accomplish what was set on DPA and the Annex 7, it was necessary to enforce the recognition and enforcement of property rights decisions without any political consideration.

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<sup>260</sup> (UNHCR, 25 June 1998)

<sup>261</sup> (International Crisis Group, 1998)

The Property Law Implementation Plan (PLIP) is the “last step” for the return of RDPs in BiH. PLIP was necessary, as the bridge between the recognition of legal ownership and the execution of the decision would be straddling multiple challenges. The war made one in two Bosnians either a refugee or IDP; nevertheless, the circumstances under which the displacement happened were diverse and complex in themselves.

In some cases, during the war, one side would bring in more of their own kind to occupy the abandoned properties as a way to increase ethnic control over the area. In other cases, secondary occupation took place out of necessity as the population would try to move away from hostile neighbours to areas where they will be part of majority ethnic areas; therefore they would occupy the abandoned properties. Other cases cover families who have recovered their pre-war properties but continue to occupy others people’s properties. The challenges extended up to the point that local authorities also set barriers to either complicate the enforcement and recognition of property rights or to prevent completely the return of refugees designed to make the separation of the population irreversible.

For circumstances like these, in 1999, CRPC saw necessary to advocate for the creation of a mechanism which would enforce and implement the Commission’s decisions; at the same time, it became a founding member of the PLIP, which worked as collaboration project of five international organisations involved in HLP issues: UNMIBH, UNHCR, CRPC, The Office of the High Representative (OHR)<sup>262</sup>, and The Organisation for Security and Co-operation in Europe (OSCE)<sup>263</sup>. PLIP became official by October 2001 with the goal-oriented strategy for securing implementation of the new HLP laws and regulations. As

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<sup>262</sup> The Office of the High Representative (OHR) is an ad hoc international institution responsible for overseeing implementation of civilian aspects of the Peace Agreement ending the war in Bosnia and Herzegovina. The position of High Representative was created under the General Framework Agreement for Peace in Bosnia and Herzegovina, usually referred to as the Dayton Peace Agreement.

<sup>263</sup> The Organisation for Security and Co-operation in Europe (OSCE) Mission in Bosnia and Herzegovina principal aim is to promote stability and reconciliation while assisting Bosnia and Herzegovina on its path to regional political, economic and social integration. Mission activities seek to foster systems of governance, justice and education that uphold human rights and the rule of law for all citizens. Moreover, the Mission supports the development of an effective, responsive, and inclusive security sector in Bosnia and Herzegovina, in keeping with international standards. [official statement].

four years passed, there came to be in place a legal framework that recognised property rights as they were before the war, and established a legal and administrative claims process for the repossession of property. In practical terms, it was a specialist operation designed to ensure that all citizens of BiH who were dispossessed of their property in the course of the conflict could repossess it, at which point they recognised contested property was the most immediate obstacle to the return of RDPs<sup>264</sup>.

One of the most remarkable characteristics of PLIP was the ability to monitor each municipality, due to cooperative efforts regarding personnel and economic resources<sup>265</sup>. By doing so, it addressed the three main obstacles to full implementation of the property laws: political obstruction, institution capacity, and housing shortage abuse. The mechanisms were implemented by interagency cooperation, including political intervention strategies, close monitoring and statistical reporting on the implementation of CRPC decisions, encouraging local security bodies to protect and to enforce those legislations.

#### **4.7 Conclusions**

In this chapter, I presented the most important and relevant aspects of BiH as the case study for my research describing how the characteristics of the country before the war determine or affect the implementation of post-conflict reconstruction policies. The information describing the different policies – CRPC - OCI – TARR and PLIP provides a prelude to the following chapter (five) where I will describe the newly collected dataset and the statistical information for each one of the policies. The CRPC model offers some invaluable lessons for the future in considering the scope for creating and establishing new systems that deal with post-conflict property issues, such as security. In contrast to other missions, return to abandoned houses was the main incentive to provide security and safety for those integrating

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<sup>264</sup> Property law implementation plan (PLIP) inter-agency framework document (online access)

<sup>265</sup> (CRPC, 2003)

into differentiated ethnic areas. The land was part of the political motivation to address segregation and address past grievances. Thus, it is evidence of how land and property interact with local dynamics.

## **5 Dataset on Peacekeeping and House, Land and Property Rights policies in BiH**

### **5.1 Introduction**

The overall aim of the research is to test empirically the effect on economic recovery of the HLP policies implemented by the UN peacekeeping mission in Bosnia and Herzegovina (BiH) during the post-conflict phase. The chapter presents an original new dataset constructed based on information collected during my field research in BiH with interviews and archive research, in addition to the coding of six years' UNPKO reports. The dataset allows me to evaluate whether policies addressing HLP (housing, land and property rights) issues in a post-conflict phase affect economic recovery. This chapter aims to describe the dataset.

The chapter consists of five sections. The first gives details of the data collection process, the sources of the data, possible problems with the data, and possible solutions to tackle these problems. The second describes the coding process on UNMIBH reports and policy implementation. The third examines the specifics of the property implementation plan. The fourth section describes the Night-time Lights data and, finally, the conclusion highlights the links between different data, closing with the links between the information with the arguments and research objectives.

Chapter Three discussed plausible mechanisms linking HLP policies to economic recovery. HLP policies are seen to potentially stimulate the return of refugees, to increase economic investment, and to create stability in a post-conflict phase. Previous research has shown an improvement in the economy of countries where missions are present<sup>266</sup>, but little attention is paid to specific actions regarding HLP issues. HLP issues are important because they can provide a foundation for recovery not only at the individual level but because they

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266 (Carnahan et al., 2006)



can also reactivate the economy at the regional and national level. This thesis proposes that when the UNPKO addresses HLP issues in the aftermath of conflict, there is a positive impact on the economic recovery. The presence of the mission on the ground is associated with the deployment of troops as well as civil components, which can translate not only into more secure conditions but can also promote confidence in the economic future. In BiH, the Commission for Real Property Claims of Displaced Persons Rights and Displaced Persons (CRPC) was in charge of receiving, processing and delivering decisions on property claims. The Commission operated between 1996 and 2003 (for more detail see Chapter Four).

In this instance, I argue, the presence of the mission guarantees a basic level of security which can motivate or encourage (or enable) a person/family to present a claim to the property they held before the war. In the short term, the presence of the mission can have a positive effect on the number of claims submitted to a given municipality. In the long term, the presence of the mission can represent an increase of local and foreign investment, better infrastructure, humanitarian assistance, and better access to basic needs such as hospitals, schools, and legal centres. At the same time, it can drive the reactivation of the local and national economy. On the other hand, there is the counter-effect on how the local economies can develop a dependency on the mission's expenditure<sup>267</sup> at the micro level. This research shows how the UNPKO can make an economic difference – based on long-term policies for reconstruction and recovery – beyond the distortionary effects that the presence of the mission can bring while deployed.

Specifically, this chapter presents a new dataset aiming to evaluate the impact of UNPKO policies targeting HLP issues. It was necessary to gather information from different sources such as UNPKO UNMIBH reports to identify the strategies implemented and the location; the archives of the Commission for Real Property Claims of Displaced Persons and

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<sup>267</sup> (Beber et al., 2016) See more about the discussion on UNPKO economies in Chapter Two

Refugees (CRPC) which provide information on the number of claims by location; the BiH National Agency of Statistics<sup>268</sup> for information on 1992 and 2013 census, and Night-time Light data<sup>269</sup> as a proxy measure of economic recovery.

This chapter presents a new database with information collected through archival research carried out in the National Bosnia and Herzegovina Archives, where the CRPC transferred all its documentation and records on about 231,000 individual claims. The data on the number of claims, repossessions and the policies implemented in the BiH, as presented here, represents a unique effort to systematically collect and examine the effects of the policy on the economic recovery in BiH. There are no other similar data sets with information on HLP policies – specifically using information from the CRPC and the Ministry of Refugees on BiH from 1996 to 2003 – with the purpose of evaluating the impact of HLP policies empirically.

In the case of BiH, the characteristics of the country prior to the conflict did play a significant role in the way HLP were set up and are therefore relevant to this study. For instance, the Communist system of the former Yugoslavia, the location of the main factories sustaining the economic development of the country, and the degree of ethnic fractionalization across different municipalities all influenced post-conflict conditions. External factors also played a significant role: the international community, including the US, devoted serious attention to BiH at the time of the conflict, and this also affected the way in which the UNPKO approached its activities in the country. Notwithstanding these effects, the policies implemented, (OCI) and (TARR)<sup>270</sup>, did influence housing reconstruction and the return of refugees and IDPs. Henceforth, I want to use this newly collected dataset to explore the implementation and effect of HLP policies in BiH. The way

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<sup>268</sup> (BHAS, 2016)

<sup>269</sup> ("Version 4 DMSP-OLS Nighttime Lights Time Series. Image and data processing by NOAA's National Geophysical Data Center. DMSP data collected by US Air Force Weather Agency.,")

<sup>270</sup> For more details, see Chapter Four.

to explore this impact is to look at how these policies strengthen the effect of UNPKO deployment, taking into consideration the way in which the planning and execution of the mandate are affected, and how the mission's activities/policies affect economic recovery. This research acknowledges the relevance of local conditions, and how these interact with the implementation of policies. In sum, the research aims to present a policy evaluation perspective on one of the few missions, which addressed HLP issues in the aftermath of the conflict.

## 5.2 Data collection

Conflict massively increases the complexity of HLP issues, as discussed in Chapter Two. This makes it essential, but at the same time daunting, to prepare for the post-conflict phase. The reason is there might not be clarity regarding property rights associated with the rule of law, or there are difficulties in establishing the legal ownership of a property. The level of destruction that took place can make it difficult to determine the best way to integrate legal aspects with the reconstruction of infrastructure. In the BiH case, looking at the overall property rights measures proposed by the Index of Economic Freedom<sup>271</sup> is not sufficient for this case, as it is necessary to address levels of destruction, the approximate number of refugees and IDPs, the numbers of property claims, plus how many of these properties were returned to their former owners, and how different activities of the international organisations improved the overall situation related to HLP issues.

The Ministry of Refugees holds all documentation related to CRPC, which is stored in the Bosnia and Herzegovina National Archive. I drew mainly on the files deposited in the Archives containing all the information from the CRPC from 1995 to 2003 (cf Chapter Four). None of this information was available in a digital form. Hence, it was necessary to

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<sup>271</sup> The definition of Index of Economic Freedom (Miller, Kim, & Holmes, 2015) available at (<http://www.heritage.org/index/>) indicates two ways the ability of individuals to accumulate private property, and how the government/state protect and enforce these rights.

compile and transfer all that information (circa 13,000 photographs) to a digital format. The CRPC documentation consists of folios of documentation covering every single aspect related to the implementation of the Commission's mandate and everything related to its functioning. There is information on budgeting, personnel recruitment, and logistics; resource requests to different country donors; internal reports on the mission's activities and in cooperation with other UN bodies; annual plans, and monthly reports on the collection of claims. BiH recognised three official languages: Bosniak, Croat and Serbian. Recognition of all three languages was later confirmed in the constitution by the year 2000. The three languages are understood by all the population, which were previously known solely as variation of one language, Serbo-Croatian. Since the war, the distinction between the languages has been used as a way to mark ethnic identity. All documentation, reports, internal correspondence and visual material –including maps –from the first two years of the Mission and the CRPC were available in English; in later years –from about 1998 –the documents were also available in the different versions of local languages. The documentation used for this research is all in English.

The most salient information is related to the location and number of claims received by the Commission from 1996 until 2003. Information for each of the municipalities is presented on a monthly basis, and is available for 1996 and the following six months of 1997. After July 1997, the Commission established permanent offices across the country (Banja Luka, Bihac, Brčko, Lukavica, Mostar, Sarajevo, Trebinje, Tuzla and Vitez). The Commission decided to present the information on the number of claims collected in these permanent offices, instead of indicating the location of the property claimed. Due to the change of format, it is not possible to access the information on the number of claims on a monthly basis by municipality. This way of presenting the number of claims continues until 2000, after which time the Commission no longer received claims. The information of the

total number of claims by municipality is available in the Commission's final report, presented before permanently concluding their activities and prior to the transfer of responsibilities to the MHRR later in 2003. In practical terms, for the collection and organisation of the dataset, this means that information on the number of claims by municipality between 1997 until 2003 was unavailable. Lack of information by month/municipality made a significant difference to the organisation of the information and therefore the final organisation of the database, making it impossible to organise the information on a time-series or even a panel data approach.

By 1998 the UNHCR, in cooperation with the Commission and the UNPKO mission, decided that, in order to implement the process of the Commission in a better way, it was necessary to open offices outside Sarajevo, allowing refugees from other localities to present their claims. Ultimately, the objective was to encourage the return of refugees, providing alternatives for housing and legalisation of property rights. Again, there was no information on the property location.

### **5.2.1 *Municipality as Unit of Analysis***

In order to study the impact of HLP policies by the UNMIBH<sup>272</sup>, the structure of the data set is cross-sectional, using the Municipality as the unit of analysis. The dataset contains 143 observations, although the total number of municipalities is 142. The additional number of observations is due to the merging process: some of the information relates to municipalities that were combined, and the information could not be disaggregated. Therefore, it is not possible to allocate the number of claims for each municipality.

The decision of organising the dataset as cross-sectional has its challenges, as there were changes in the administrative organisation of the country. As a result of the Dayton

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272 It would have been ideal to analyse the data on a monthly basis. However, due to limitations on the number of claims it was not feasible to use municipality/month as the unit of analysis between the years of 1997 to 2000.

Peace Agreement (DPA)<sup>273</sup>, the country was initially divided into two entities by the Inter-Entity Boundary Line (IEBL) that divided the country into the Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS). Due to these boundary delimitations, the coding exercise was complex as it was necessary to identify, first, which ones were divided and, second, to assign and create a specific ID code for those municipalities divided by the inter-entity line.

Until 1992, BiH had been divided into 109 Municipalities but, because of this division, some of the original municipalities became divided between the two entities. The number of municipalities increased to 142: 78 in the FBiH and 64 in the RS. For example, the Inter-Entity Boundary Line (IEBL) split some areas of the Dobož municipality creating two new municipalities: Dobož-Jug (south) and Dobož-Istok (east). An additional fraction of the Dobož and Tešanj was fragmented to create the Usura municipality located in FBiH. Table 5.1 lists the municipalities that were divided or created out of the division between the two major entities. In the majority of the cases, the part of the municipality that was divided in the FBiH kept its original name. Hence, the new municipality in the RS received a new name. The only exceptions are Kupres, Trnovo and Dobož which kept their original names but are identified with their name followed by the entity name.

At the time of the signing of the Dayton Accord, Brčko Municipality was divided between FBiH and RS; later, in 2000, the territory of Brčko became an independent entity within BiH. Brčko District was formed of the former Brčko municipality, of which 48% (including Brčko city) was in the RS, while 52% was in the FBiH See Figure 5.1 See the appendix of this chapter for the complete list of Municipalities divided.

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<sup>273</sup> (Miller et al., 2015)

### 5.3 Data organisation and Structure

For the structure and presentation of the dataset, each municipality has a unique code. The assignment of the code reflects the location of the municipality: 1 for BiH and 2 for RS, and whether if the IEBL divided the municipality: 1 for not divided and 2 for the divided municipality. Finally, I assigned a number from 001 to 142 organising the municipalities alphabetically; for example, Bonsanka Kupra (ID 12007) and Kupres-RS (ID 22065). See Table 5.1 below for exemplification and see Table 5.2 as an example for the Municipality ID. By organising the dataset by the municipality as a unit of analysis, it is possible to carry out comparative analysis among the municipalities and between the different entities.

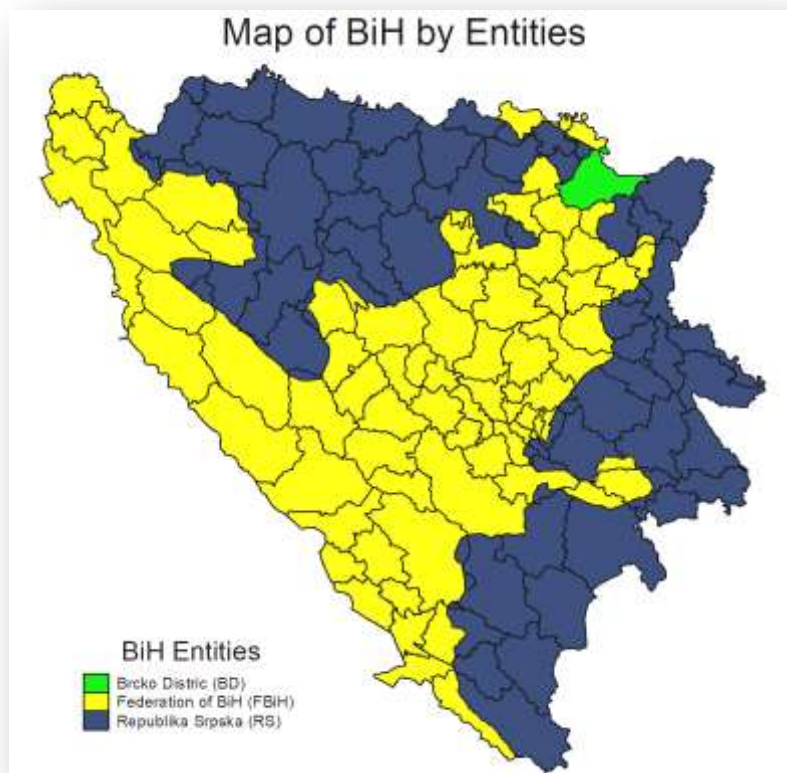
**Table 5.1: Keynote for ID coding**

<i>Bonsanka Kupra 12007</i>		<i>Kupres-RS 22065</i>	
1	Municipality is in the FBiH	2	Municipality is in the RS
2	Municipality was divided	2	Municipality was divided
07	Location on the list	065	Location on the list

**Table 5.2: Municipalities ID**

<i>Municipality</i>	<i>Mun_ID</i>	<i>Entity</i>
Banja Luka	21001	RS
Banovici	11002	FBiH
Berkovici	21003	RS
Bihac	11004	FBiH
Bijeljina	21005	RS
Bileca	21006	RS
Bosanska Krupa	12007	FBiH
Bosanski Petrovac	12008	FBiH
Konjic	11060	FBiH
Kostajnica	22125	RS
Kotor Varoš	21061	RS
Kozarska Dubica	21062	RS
Kreševo	11058	FBiH
Krupa na Uni	21063	RS
Kupres	12064	FBiH
Kupres-RS	22065	RS

Overall, the information linked for each municipality includes the number of claims, and total number of confirmed claimed decisions; whether the UNMIH was present or not in the municipality; the length of the mission's presence at the municipality; the total number of claimed properties, the total number of closed cases in relation to the claim, information on the application of the different policies (Target Areas for Return and Reconstruction/Open Cities Initiative) including the timing for the policy implementation; the intensity of nightlight in each municipality by year between 1992 to 2013, and information on the majority ethnic group in the municipality based on the 1992 census.



**Figure 5.1: Map of Bosnia and Herzegovina by entities**



### 5.3.1 *Peacekeeping presence and HLP Policies*

I collected and coded data concerning the peacekeeping presence in the municipalities from 36 UNPKO mission (UNMIBH) reports from 1996 to 2003<sup>274</sup>, and the Secretary General's reports on the situation of the country. The reports give a regular, fairly extensive and systematic account of the mission's activities, which make these a credible source of information used in other studies<sup>275</sup> to compile information on the activities of the mission on the ground. The mission online archive provides all the reports online, which makes it easy to access<sup>276</sup>. The reports contain comprehensive information about the different organisations working with the mission on the field, information on resources invested, violent incidents, police training procedures, military activities, and requests for further economic and personnel resources<sup>277</sup>. The caveat of the UNPKO reports lies in the possibility that the mission will report on activities that are considered successful or appear to benefit the mission profile. This is important since, arguably, the UNMIBH reports may be biased towards presenting the mission's activities in a particularly favourable way which have been discussed in other research<sup>278</sup>. For this reason, it was important to cross-reference information with other agencies on the ground such as United Nation Refugee Agency (UNHCR), International Crisis Group (ICG) and the United States Committee for Refugees and Immigrants.

The coding exercise for the UN mission's reports recorded all the incidents, actions and strategies implemented by the mission from 1996 until 2003. The database includes a

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<sup>274</sup> See Appendix II for the complete list of reports for the UNPKO

<sup>275</sup> (Dorussen & Gizelis, 2013; Ruggeri, Gizelis, & Dorussen, 2012)

<sup>276</sup> See <http://www.un.org/Depts/DPKO/Missions/unmibh/unmibhDrp.htm> [accessed on September 28 11th 2018]

<sup>277</sup> The emphasis on topics varies from year to year. Some years are focussed on policing, others on enforcement of UN decisions on the ground.

<sup>278</sup> (Ruggeri, Gizelis, & Dorussen, 2011)

wide variety of events and reports about the activities of other UN organisations in BiH<sup>279</sup>; for example, deployment of security assets on specific municipalities; actions focused on refugees, opening of UNHCR centres and resources allocated to programmes for return and reconstruction of housing units. Further, I assigned a category describing the type of activity and how it contributed to the broader success of the mission. There are four major activities: assistance, monitoring, reporting, and implementation. The majority of the areas focus on police reform and training programmes, national campaigns on several ranges of issues, schools reconstruction, monitoring return of refugees and report on incidents preventing the return of refugees or IDPs. For example, I consider the next statement from the report:

“Six Bosniak officers, working in the Croat-majority municipality of Capljina in Canton 7 Mostar, have returned the home that was reconstructed with bilateral assistance from the US”<sup>280</sup>.

I categorise this as *Reconstruction of Houses; Return of minorities; Report*. The actor is the mission UNMIBH and US, as this was a programme financed by them and place *Capljina*. Although I did not use some of the information resulting from this particular coding exercise, in the statistical analysis, it was extremely useful. I could study and explore in detail the mission activities, as well as to understand how HLP issues, along with reconstruction policies, were considered part of the activities of the mission even those where consider part of the efforts to encourage return and ethnic reintegration –as it was discussed previously in Chapter four.

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<sup>279</sup> My coding mirrored the database of the Peacekeeping Operation Location and Event Dataset (PKOLED), developed at the Department of Government of the University of Essex. This dataset has coded all events reported by the troops involved in the UN peacekeeping missions to intra-state conflicts in the post- Cold War period (1989-2005). In regards to the war in the Balkans, the datasets cover the missions of UNCRO (95-96), UNTAES (96-98) –both in Croatia-, and UNPROFOR (92-95) in for Former Rep. of Yugoslavia. However, this particular mission of UNMIBH is not part of PKOLED dataset.

<sup>280</sup> S/1999/670. See Appendix III for complete list of UN Security Council Report on the Mission UNMIBH

### 5.3.2 UN Peacekeeping Presence

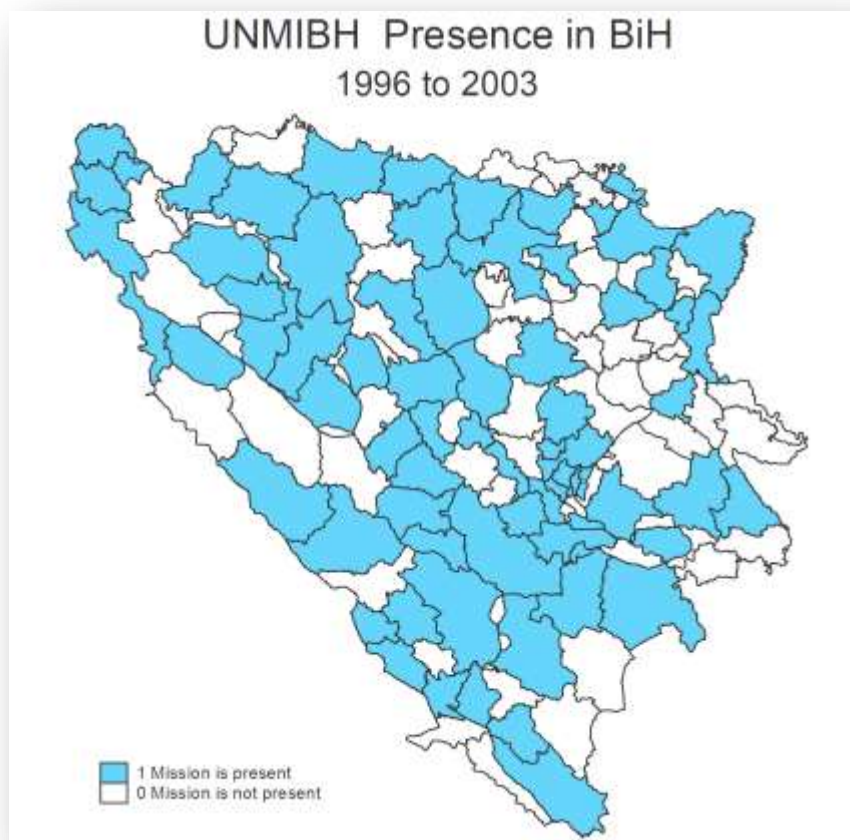
For the analysis, however, the most relevant information concerns the presence of the mission in a specific location and the length of the stay of the mission in the given municipality and the location where the policies were implemented. For the location of the mission, the variable was transformed into a dummy variable value 1 when the mission is present and 0 when it is absent. Regarding the length of the presence, the information was collapsed and shaped into a numerical variable presenting the number of years in which the mission was present in the given municipality. The values of the variable range from 0 years (no presence) to 6 years. Table 5.3 describes the range of values (year) that UNMIBH was present in relation to the municipalities. The variable UNPKP presence by years (*PKOP\_Years*) shows that the mission was present in 72 of the 142 municipalities. This indicates the mission was present in half of the country. In 38 municipalities the mission was present for six years, which translates to an active presence in nearly 27% of municipalities. The mission was present for five years in 15 municipalities translating in 10.56% of active presence. Table 5.3 illustrates the variation in the year of the UNPKO presence in BiH.

**Table 5.3: Years of UNPKO deployment**

<i>Years</i>	<i>Number of Municipalities</i>	<i>%</i>
0	70	49.3
1	5	3.52
2	7	4.93
3	6	4.23
4	1	0.7
5	15	10.56
6	38	26.76
Total	142	

The variable indicating the presence of UNMIB and implementation of policies is (*PKOP\_du*) dummy variable when 1 is the presence of mission. I used the information from the dataset to construct a dummy variable that equals 1 when a peacekeeping mission

(troops, police station/officer, and civilian offices) is present in a given municipality. It is important to note that the presence of the mission is not random, which has further implications for the analysis. The UNPKO was present in 72 out of 142 municipalities (or 50.7%). Figure 5.2 (Map of BiH shows the locations where the mission was present, blue colour indicates the presence of the mission and in white where there was no present during the time the mission was deployed.



**Figure 5.2: Presence of the Mission UNMIBH by Municipality**

Base on the distribution of UNMIBH presence among the Entities, from Table 5.4 we can infer the presence was more prominent in FBiH, covering 59.3% of the Municipalities, in contrast to a 37.21% presence in RS, looking at the total number of the municipalities in BiH. However, RS has 62 municipalities, which in this case the presence of the mission

accounts for more than 50%. For the case of FBiH, it is 79 municipalities covering the nearly 64.5 % of presence in this Entity.

**Table 5.4: Mission's presence by Entity**

	<i>Mission's presence</i>	<i>No. of Municipalities</i>
Brčko District	1 (100%)	1
Federation BiH	51 (64.6%)	79
Republika Srpska	32 (51.6%)	62
Total		142

Note: Row percentages in brackets

### 5.3.3 Policies: Open Cities Initiative and Target areas of return and reconstruction

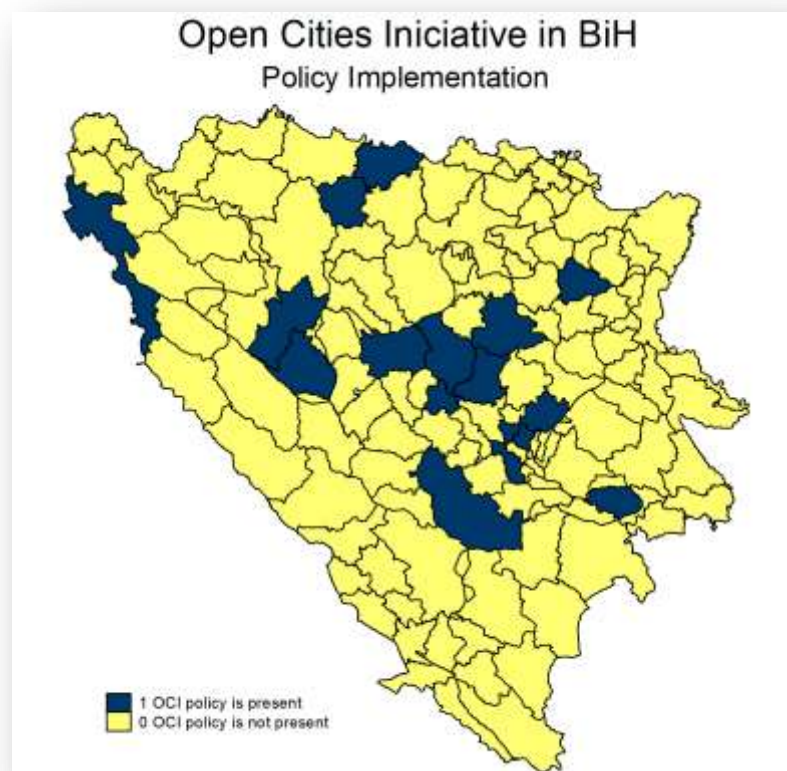
Throughout the coding exercise, it was possible to identify three major programmes/policies involving HLP issues, which are described extensible in Chapter Four. The Open Cities Initiative (OCI) policy OC\_Du is a dummy variable where 1 is equal to the implementation of the policy in the given municipality. It is important to note that this policy/programme was adopted on a voluntary basis: a municipality that took up open city status had to ensure prevention of obstacles to the return of refugees and IDPs Figure 5.3 illustrates the location where the policy was implemented of the 142, only 16 municipalities decided to participate in the programme. From the map, we can observe the implementation of OCI policy was predominately in FBiH.

Table 5.5 presents the location of the implementation at the Entity level. OCI policy was more prominent – considerably - in FBiH with twelve cities executing the policy in contrast to only four in RS. The second variable associated with OCI policy is the sum of the total number of years that the policy was adopted in the given municipality. The longest time for implementation is three years, followed by two and one years. Figure 5.3 presents the visualisation of the implementation of OCI policy.

**Table 5.5: OCI's implementation by Entity**

	<i>Policy Implementation</i>	<i>Number of Municipalities</i>
Brčko District	1 (100%)	1
Federation BiH	12 (15.1%)	79
Republika Srpska	4 (6.4%)	62
Total		142

Note: Row percentages in brackets



**Figure 5.3: Open Cities Initiative**

The variable *TARR\_Du* relates to Target Areas for Return and Rehabilitation Assistance (TARR) policy. This is a dummy variable where the value of 1 equals the implementation of the policy in the given municipality, and 0 equals no implementation of the policy. Table 5.9 represents the places where this policy was implemented. In contrast to the OCI, this policy was implemented on a wider range. Again, FBiH accounts for the larger presence with 28 municipalities and only six in RS.



**Figure 5.4: Implementation of TARR policy**

Table 5.6 presents the location of the implementation at the Entity level. TARR policy was more prominent – considerably - in FBiH with 28 cities benefiting from the additional assistance of the policy in contrast to only 6 in RS.

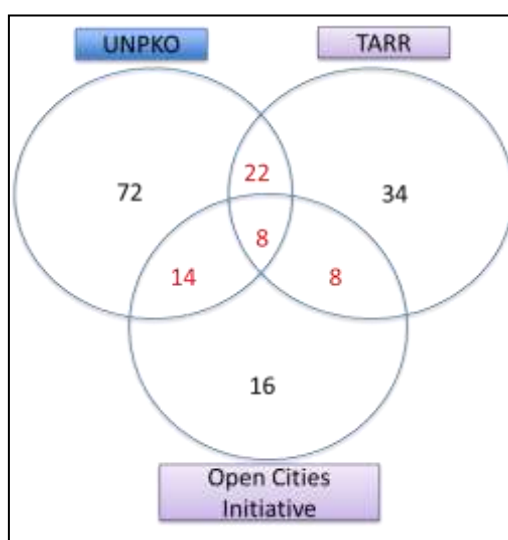
**Table 5.6: Target Areas for Return and Rehabilitation by Entity**

	<i>Policy Implementation</i>	<i>Number of Municipalities</i>
Brčko District	0 (0%)	1
Federation of BiH	28(35.4%)	79
Republika Srpska	6(9.7%)	62
Total	34(24%)	142

Note: Row percentage in brackets

Figure 5.5 along with Table 5.7 shows the interaction of the presence of the mission and the implemented policies and how they did overlap. The UNPKO was present in 72

municipalities; from these Municipalities 22 received the benefits of TARR policy; and 14 municipalities volunteer to benefit from OCI policies. For the interaction between TARR and OCI policies, 8 municipalities allocated these policies; seven of them in FBiH: Bihac, Konjic, Sarajevo-Ilijaš, Sarajevo-Vogošca, Travnik, Goražde, and Sarajevo-Ilidža and one is the RS with Šipovo. Table 5.9 shows the percentage of coverage in the country. For these eight Municipalities, the mission was also deployed.



**Figure 5.5: Interaction between policies**

The reason behind this set of the combination is to illustrate how the presence of the mission overlaps with the implementation of the other two policies.

**Table 5.7 Interaction between UNPKO Presence and Policies**

	<i>Number of Municipalities</i>	<i>Percentage of coverage</i>
UNPKO Presence	72	50.70%
Open City Initiative	16	11.26%
Target Areas for Return and Rehabilitation	34	23.94%
Presence of UNPKO and both Policies	8	5.63%
UNPKO presence and Open City Initiative	14	9.85%
Open City Initiative & Target Areas for Return and Reconstruction	8	5.63%
Target Areas for Return and Reconstruction	22	15.49%

*Note: Row percentage in brackets*



#### 5.3.4 *Data on Claimed properties*

The variable *NewCl\_pro* is a continuous variable. The variable contains the total number of claimed properties by municipality between 1996 and 2003. It was not possible to get monthly information for all the years on the number of claims per municipality. Monthly information is available from 1996 to 1997. From 1997, the information is presented by the number of claims submitted at the collection points established by the CRPC across the country and abroad. Originally, the variable has 112 observations (*Claim\_prop*), as the Commission decided to present the data on 112 original municipalities as they were before the war. Therefore, it was necessary to address the missing information for the new municipalities.

The number of closed cases as reported by PLIP provides information on 142 municipalities (plus information about Skelani, which is a village in the municipality of Srebrenica). However, information on claimed property variable is only available for 109 municipalities, because 17 of these municipalities were later divided to create a further 20 (new) municipalities. We do not have information on claimed properties for these individual municipalities. Fortunately, all of the new municipalities were subdivisions of the original 17 municipalities, making it easier to interpolate data on claimed properties.

For the interpolation, I examined the data on the 17 municipalities which were divided after the war and looked at the proportions of the new municipalities. From this, I was able to apportion the data on claimed properties proportional to the number of closed cases. For example, consider Sapna, which before was part of the Zvornik municipality –located now in RS. As part of the agreement and the IEBL (Inter-Entity Boundary Line), Zvornik was divided, and Sapna became a new municipality located under the administration of the FBiH

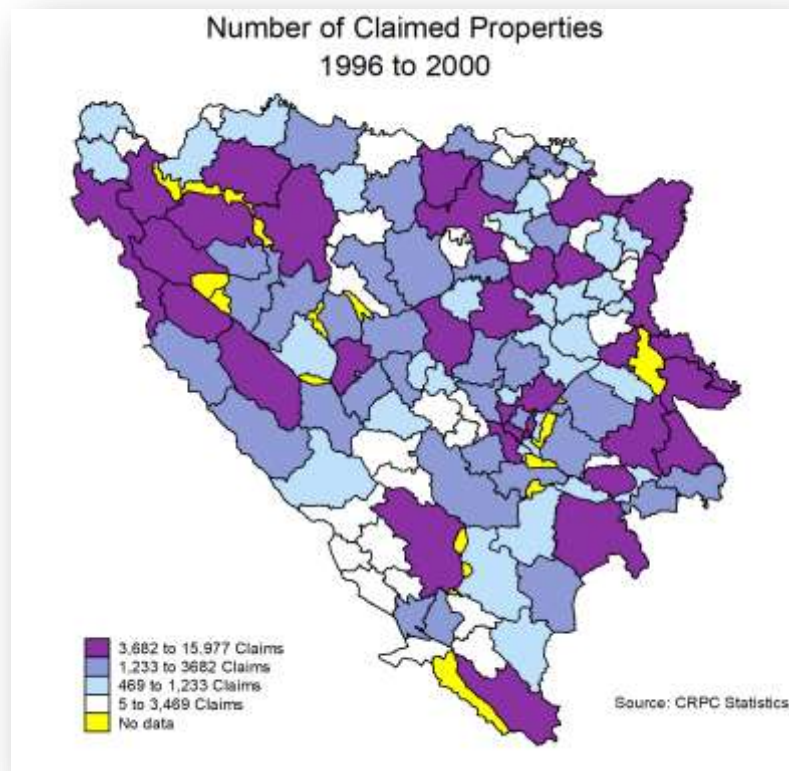
entity. This means that there is no direct information regarding how many properties claimed are located in Sapna as well as Zvornik (excluding Sapna).

From the information of the Property Law Implementation Plan (PLIP) –describe later in this chapter-, I took the information on the total number of claimed properties from the municipality (Zvornik) *T\_Claims* 4904 and added the number of *T\_Claims* 71 for the municipality of Sapna. The result is 4,975. Then I divided the number of *T\_Claims* 71 for the municipality of Sapna by the result of the sum 4,975 and then multiplied by *Claim\_prop* 9,855 in the data for the municipality of Zvornik from the CRPC information. The result is 140 which gives the estimate for a number of claimed properties in Sapna. Then I subtract this number from the original number of claimed properties in Zvornik, providing a new estimate of 9,715 claimed properties for Zvornik.

$$\begin{aligned} 4,904+71 &= 4,975 \\ 71/4,975 * (9,855) &= 140 \\ 9,855-140 &= 9,715 \end{aligned}$$

This proportion calculation was applied to try to compensate the relevance of missing data on the “new” created municipalities, as the number of claimed properties is one of the main independent variables hence it could affect the statistical results later on. After the “imputation” of the missing information for the new municipalities, now there is information for 130 out of the 142. The descriptive statistics of the variable shows that the minimum number of claims is 3, and the maximum is 15,977. On average, the number of claims per Municipality was 2,414. Municipalities such as Bosanko Grahovo, Kakanj, Sarajevo-Vogošća, Sarajevo-Trnovo and Travnik in FBI. For the RS the closest to this number are Modrica and Pale. The municipality/entity with the largest numbers of claims was Brčko District with 15977 claims in contrast to Buzim (FBiH) with only five claims.

The map in Figure 5.6 illustrates the quintiles for the number of claims. Based on the map, we can observe that a large number of claims, in dark purple colour, are located in municipalities with the boundaries of the RS. There are not a significant number of claims in central Bosnia, which are municipalities' part of FBiH mainly light purple.



**Figure 5.6: Total number of Claimed Properties.**

Table 5.8 list the municipalities where there are no data by Entity showing eight municipalities in RS and two in FBiH. For the statistical analysis is important to acknowledge any missing data as the number of observations can be considered small given the number of Municipalities.

**Table 5.8: Municipalities with no information on Property claims by Entity**

<i>Republika Srpska</i>	<i>Federation of Bosnia and Herzegovina</i>
Istocni Drvar	Ravno
Istocni Stari Grad	Dobretici
Istocni Mostar	
Jezero	
Krupa na Uni	
Milici	
Oštra Luka	
Petrovac	

### 5.3.5 *Property Law implementation plan*

The Property Law Implementation Plan (PLIP) was a programme, working as multi-agency cooperation, between the UN agencies and other international actors present in the country, to enforce the decisions regarding the lawful property of properties, designed to enforce the decisions made by the CRPC regarding the repossession of properties across BiH. The PLIP was a specialist operation designed to ensure all citizens who were dispossessed of their property during the war can repossess it (See Chapter Four). PLIP data contains 12 variables. From these 12 the most relevant for the research is the total number of Closed Cases, a continuous variable, with information on the total number of repossessed properties. The information is presented on a monthly basis from May 2000 until September 2004. The PLIP was implemented across all municipalities in BiH, wherever there was the need for the authorities to intervene in the repossession of a given property<sup>281</sup>. The information presents the number of repossessed properties documented through official channels. The data contain a variable recording the number of claims; the difference between PLIP and CRPC is that CRPC represents the total number of properties on which a claim and request was made whereas PLIP indicates where individuals had to request enforcement of a decision filed with

<sup>281</sup> (PLIP, 2000, p. 5)

the municipal housing authorities<sup>282</sup>. The authorities acknowledge that in many cases, individuals interchange properties or privately arrange property ownership documents, without the intervention of any of the international bodies.

Also, it is important to differentiate between closed cases and repossessed properties. The variable *Confirm Decisions*, *Claimed properties* and *Closed Cases* are continuous variables with information on the total number of decisions regarding the total number of claimed properties presented in each municipality. The number of observation per variable is 129. Table 5.9 presents the summary statistics of the variables. This set of information provides a legal differentiation between the type of ownership – as described in previous Chapter Four- between socially and public ownership. The characteristic of the ownership types is not a concern that this is research is concern about. The main information taken from is related to the total number of closed cases. The variable reflects on the efforts of the different organisations in charge of the programme to carry the decision made by the CRPC and the legal authorities.

**Table 5.9: Property Law Implementation Plan Variables**

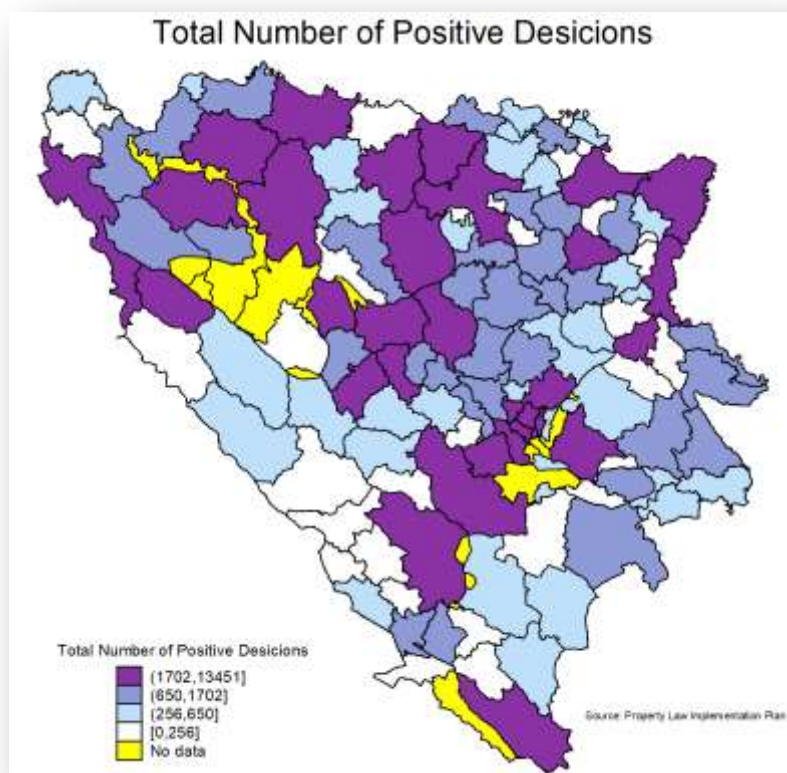
<i>Variable</i>	<i>Obs</i>	<i>Mean</i>	<i>Std. Dev.</i>	<i>Min</i>	<i>Max</i>
Total Number of Claims	129	1641.736	2428.501	1	15,734
Total N. of Positive Decisions	129	1511.566	2197.185	0	13,451
Total N. of Negative Decisions	129	97.96899	239.8605	0	1,723
Total N. of Closed Cases*	129	1532.388	2196.431	0	13,417
N. Decisions Socially Owned P	129	744.1628	1567.802	0	9,553
N. Decisions on Private Prop.	129	888.6434	1274.775	0	7,875

*\*This is the variable used for the analysis and test of the different hypotheses.*

From Figure 5.8 it is possible to observe that the majority of closed cases are in those municipalities borderline to the IEBL. This can have further implications for the analysis of

<sup>282</sup> (PLIP, 2004, p. 2(September))

the results. Initially, it can reflect the political context of these municipalities and how the pressure for stabilising the ethnic presence of certain groups.

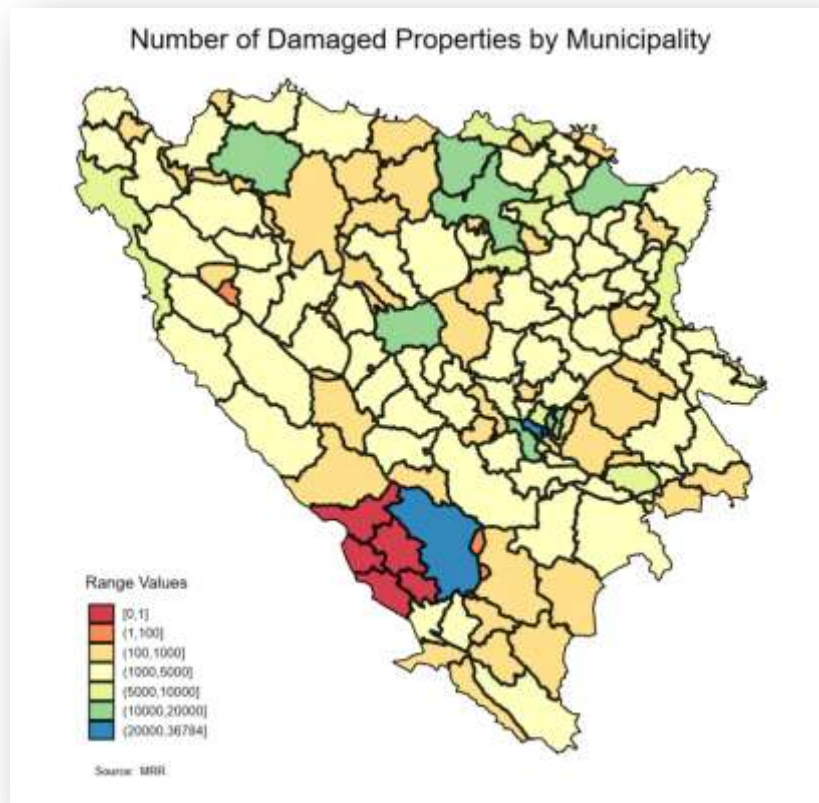


**Figure 5.7: Total number of Positive Decisions**

### 5.3.6 *Housing Destruction Measurement*

The collection of information on levels of destruction happened under the umbrella of the UNHCR during its presence in BiH. The presentation of the data is available in a collection authored by the. There are no missing values in the variable, with 143 observations. The maximum number of destroyed properties range goes from 0 to 36,784. The mean of the variable is 3,160, and the median is 1,674 destroyed houses. Municipalities with no damaged properties are located solely in FBiH: Citluk, Grude, Ljubuški, Posušje, and Široki Brijeg, represented in colour red in Figure 5.9 Municipalities with the larger number are

Novo Sarajevo (23,173) Mostar (24,348) and Novi Grad Sarajevo (36,784) represented in blue.



**Figure 5.8: Damage properties by municipality.**

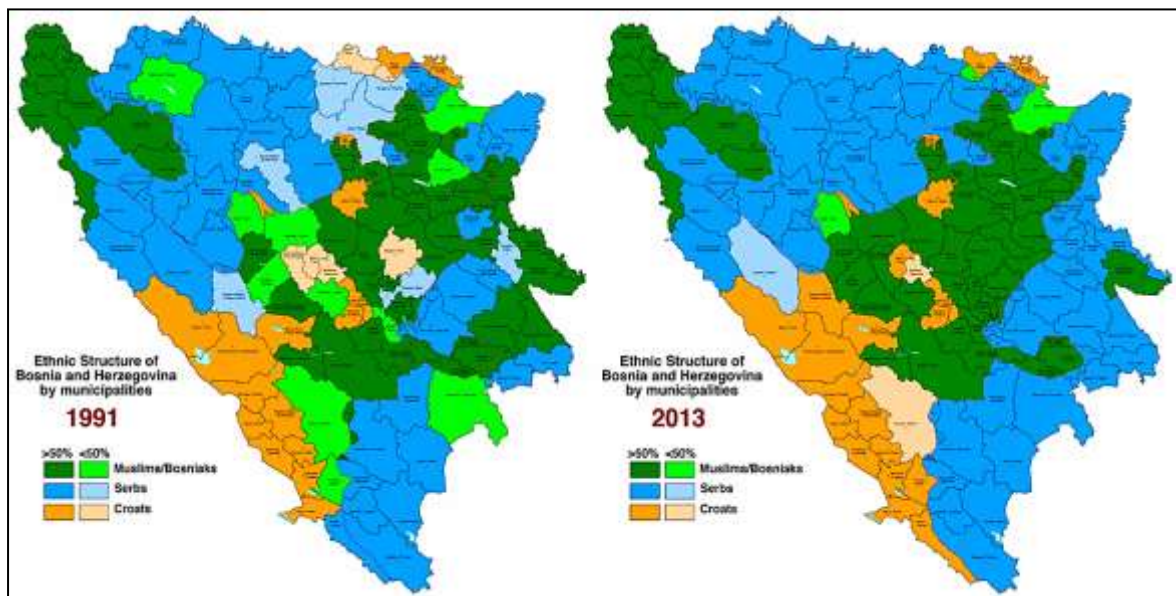
### 5.3.7 Ethnic Fractionalisation

The fractionalization index is commonly used to describe the ethnic structure of a society. Ethnic fractionalisation is used as a way to control for the variation in ethnic presence in the municipalities, as well as to control for the demographical changes. It is not the intention of the research to consider ethnic fractionalisation as a key component of the study as is the case in other studies<sup>283</sup>. The information of ethnic fractionalisation is used in multiple studies focusing on the relationship between ethnic diversity and conflict. An excellent

<sup>283</sup> For conflict studies: (Fearon & Laitin, 2003), (Montalvo & Reynal-Querol, 2005)\*; For Economic aspects (Alesina & Ferrara, 2005) (Collier, 1998) (Baldwin & Huber, 2010)\* the political economy of Ethnicity, Ethnic diversity and economic development (Montalvo & Reynal-Querol, 2005) just as examples.

summary of the literature using Ethnic fractionalisation and all its description is Esteban et al.<sup>284</sup> I will not replicate that discussion here.

This dataset uses the information on the ethnic diversity of the municipalities using data from the census in Yugoslavia in 1991, before the outbreak of the war, which recorded (self-assigned) ethnic identities of respondents (Bosniak, Croat, Serb and others). To control for the ethnic identity of the population in municipalities after the war, I use the final report (released in late 2016) on the census in Bosnia conducted in 2012<sup>285</sup>. For illustration<sup>286</sup>, I present a comparison between the fractionalisation before and after the war in **Figure 5.9**



**Figure 5.9: Comparison of Ethnic fractionalisation**

### 5.3.8 Measuring Economic Recovery: Night-light data

Night-time Light data (NTL)<sup>287</sup> (DMSP-OLS), an important remote sensing product, reflects the use of public and commercial lighting, which is strongly associated with the state of the

<sup>284</sup> (Esteban, Mayoral, & Ray, 2012)

<sup>285</sup> (BHAS, 2016)

<sup>286</sup> The official administrator of the data is the Agency for statistics of Bosnia and Herzegovina at the level of the state.

The maps are produce using the information system platform in <http://www.statistika.ba/?lang=en> [access 6<sup>th</sup> July 2018]

<sup>287</sup> “Version 4 DMSP-OLS Night-time Lights Time Series. Im-age and data processing by NOAA’s National Geophysical Data Centre. DMSP data collected by US Air Force Weather Agency.”



economy and can indicate the development of urbanisation, population, and industry. Night-time Light data have been used for simulation, dynamic monitoring, and comparative evaluation of regional populations, GDP, and other key socio-economic indicators. NTL has also been used as a proxy for infrastructure. The data come from the National Geophysical Data Centre of National Oceanic and Atmospheric Administration (NGDC-NOAA). Elvidge et al. provided an excellent account of the data collection and a technical explanation about the collection of the data<sup>288</sup>. This type of information is an alternative to looking at economic activity into a local/regional level within a country. NTL data provides a spatial analysis of economic activity by capturing measures of light intensity. Hence, it can facilitate economic analysis of growth and the impact of policies and events on cities or regions where it is not easy to get economic data<sup>289</sup>. There are many ways in which NTL data can improve the understanding of economic activity and performance, and several studies have used this information for this purpose, such as the article on the impact of the presence of US military forces in Baghdad on the level of violence<sup>290</sup>. NTL is very useful as not all governments can, or have the capacity, to collect census data, the amount of data required, or years needed. Sometimes economic indicators are not available, or data are not collected consistently, as is the case for BiH.

Mellander, et al. researched to examine if light can function as a proxy for economic activities at a finer level. They found the correlation between NTL and economic activity is strong enough to make it a relatively good proxy for population and establishment density<sup>291</sup>. The importance of their study using data from Sweden set an example so that NTL came to be seen as a very good indicator of urban expansion and distinct urban activities. They also argue that the information is better used in developing regions where the population is

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<sup>288</sup> (Elvidge et al., 1997)

<sup>289</sup> (Henderson, Storeygard, & Weil, 2012)

<sup>290</sup> (Agnew, Gillespie, Gonzalez, & Min, 2008) and (Henderson et al., 2012)

<sup>291</sup> (Mellander, Lobo, Stolarick, & Matheson, 2015)

expanding and by extension increasing economic activity. Another example is Weidman and Schutte, showing that light emissions are highly accurate predictors of economic wealth estimates even with simple statistical models, both when predicting new locations in a known country and when generating predictions for previously unobserved countries<sup>292</sup>.

In the case of Bosnia and this research, I intend to use the NTL data as an indicator of economic activity, following the logic that, when a house has been claimed and successfully repossessed, individuals/families are effectively returning to the property, and that contributes to the extensive reactivation of the local economy. The data present the intensity of night-light from 1992 to 2012. The data is appropriate as it covers different levels of analysis from national to municipality level. The data had to be intercalibrated as the format can capture light intensity in Digital Numbers (DNs). Because of 6-bit quantisation, the DN values range from 0 to 63. There is a caveat: saturation is due to a limitation in the sensor itself. The sensor is only able to record light up to a reported value of 63 (with zero being the absence of light). All remote sensing products derived from the OLS sensor have this limitation<sup>293</sup>. The range should be 0-63, but there were values outside this. Any value less than zero had to be changed to zero, and any value over 63 had to be changed to 63. The data set for the 141 municipalities are covered in the analysis. The dataset treats the information on Tešanj and Usora as one municipality instead of two separate ones, explaining the difference in the number of observations across the different year groups.

Additionally, information on Kupres- RS is available for some of the years, which affects the number of observations for the groups of years from 1992 to 2000. For the analysis, I decided to create variables with the average measures between the intensity of the light from the years of 1996 to 2012. Table 5.10 shows the descriptive statistics for the

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<sup>292</sup> (Weidmann & Schutte, 2017)

<sup>293</sup> (Mellander et al., 2015)

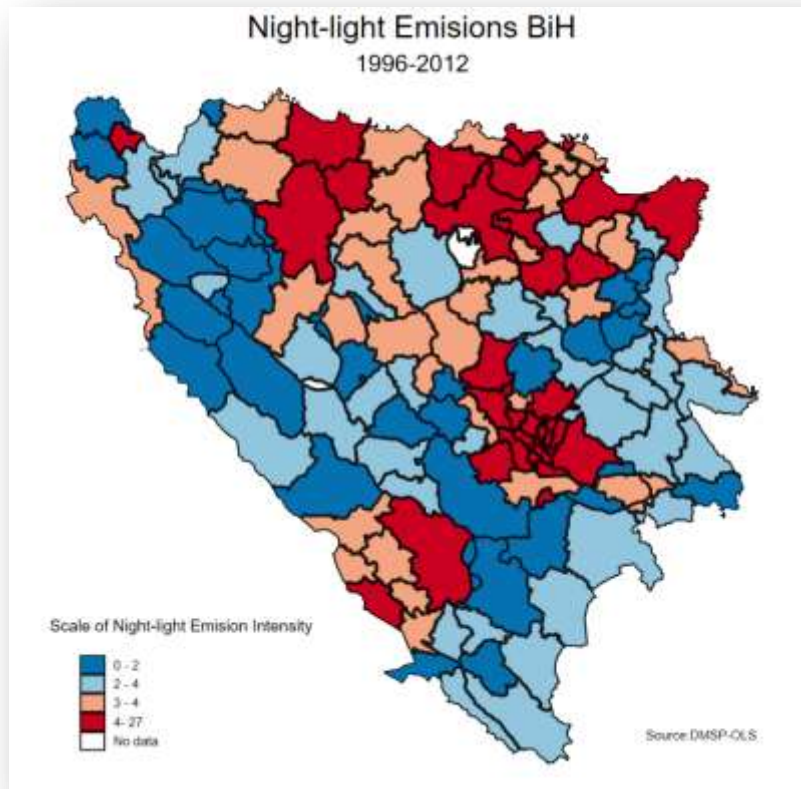
variables created from the dataset. The decision to create these new variables was motivated by the need for coherence between the historical time frameworks, as the war ended on December 1995. There are five variables in total. Each variable represents the difference in light intensity from the recent year to five years before; four of those are groups of five years, starting from 1992 until 2012. The fifth variable *rec96\_12* shows the difference between the light's intensity from 2012 to 1996 as a way to measure the changes, from the moment the war was over until the year 2012, which is the last year available. Hence, it should be possible to measure economic recovery throughout the light's intensity on two moments in time, giving us a point of comparison. The variable used for the measurement is the result of the difference between the light's intensity of the years 2012 and 2006.

**Table 5.10: Descriptive Statistics on Night-light intensity**

<i>Variables</i>	<i>Obs</i>	<i>Mean</i>	<i>Std. Dev.</i>	<i>Min</i>	<i>Max</i>
Economic Recovery 96_12	139	4.33735	4.092813	-0.0069542	27.93669
Economic Recovery 92_95	140	1.912965	2.487434	0	11.22396
Economic Recovery 96_00	140	2.748644	3.080327	0.1254	22.34001
Economic Recovery 01_05	141	1.45604	1.547778	-2.071945	8.553144
Economic Recovery 06_12	140	2.356028	1.751447	-0.1118062	10.35878

\*The variable used in the main analysis

Figure 5.10 illustrates the variation of nightlight intensity. An interesting feature is the location of the greatest brightness, as expected in the capital, Sarajevo, but also in many areas surrounding the capital.



**Figure 5.10: Night Light data by Municipality**

## 5.4 Conclusions

The previous sections presented the majority of information collected during the fieldwork trips to BiH, and an introduction to the distribution of the variables. Furthermore, I explained why it was necessary to collect and use different sources to measure the impact of HLP issues on the economic recovery process. The information collected from the UNPKO's reports provides information on three different features the UNMIBH carried out during its presence: the description of the CRPC data set and the way in which the data was handled in order to find the missing values and increase the number of observations; the PLIP dataset and finally, the Night-light dataset as a proxy measure for economic recovery.

The new dataset presents information that might influence the implementation of HLP policies but which is not necessarily related directly to matters such as security, policing or electoral and governmental activities, as part of peacebuilding efforts. The information as a whole will allow evaluation of the impact of different activities of the mission on the economic recovery of the country. Until now, we can say that the presence of the mission in BiH was extensive, covering more than half of the municipalities in the FBiH and half in the RS in a constant presence while the mission was deployed in the country. It is not possible to suggest that the mission is deployed across the country in a random pattern<sup>294</sup>, as we know that the mission goes where is needed.

The chapter consists of five sections. The first gives details of the data collection process, the sources of the data, possible problems with the data, and possible solutions to tackle these problems. The second describes the coding process on UNMIBH reports and policy implementation. The third examines the specifics of the property implementation plan. The fourth section describes the Night-time Lights data and, finally, the conclusion highlights the links between different data, closing with the links between the information with the arguments and research objectives.

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<sup>294</sup> (Costalli, 2014)

## 6 Empirical Analysis: Results and Implications

### 6.1 Introduction

In previous chapters, I discussed the importance of addressing issues concerning housing reconstruction and land and property rights (HLP) as a mechanism to incentivise the return of refugees, thereby laying the foundation for the reactivation of the local economy in combination with reconstruction policies. Land and property rights are crucial elements of post-conflict recovery: wars and conflict frequently force people to abandon their properties or homes, generating the later need for durable HLP solutions in a post-conflict period. HLP issues are addressed indirectly by other UN (UNHCR or UNHABITAT) or NGO organisations when looking to address refugees' problems. If considered at all, HLP are typically handled without having comprehensive resources for their implementation. Addressing HLP issues facilitates recovery not only at the individual level but also in motivating the reactivation of the economy at the regional and national level.

Based on the theoretical discussion in Chapter Three, I test how the presence of the mission affects the outcomes of some of the HLP policies at their different implementation stages. I then test the relationship between the presence of the mission and economic recovery, controlling for the implementation of HLP policies. Bosnia and Herzegovina (BiH) are one of the few cases, if not the only one, where in which the UNPKO have addressed HLP, with a mandate for the clarification of property rights to encourage the return of refugees and involuntarily displaced persons (IDPs) as an attempt to reverse in some way the consequences of ethnic cleansing actions. In BiH, the Commission for Real Property Claims of Displaced Persons (CRPC) created the mechanism to address HLP issues. These mechanisms focused on housing reconstruction and legalisation of property ownership.

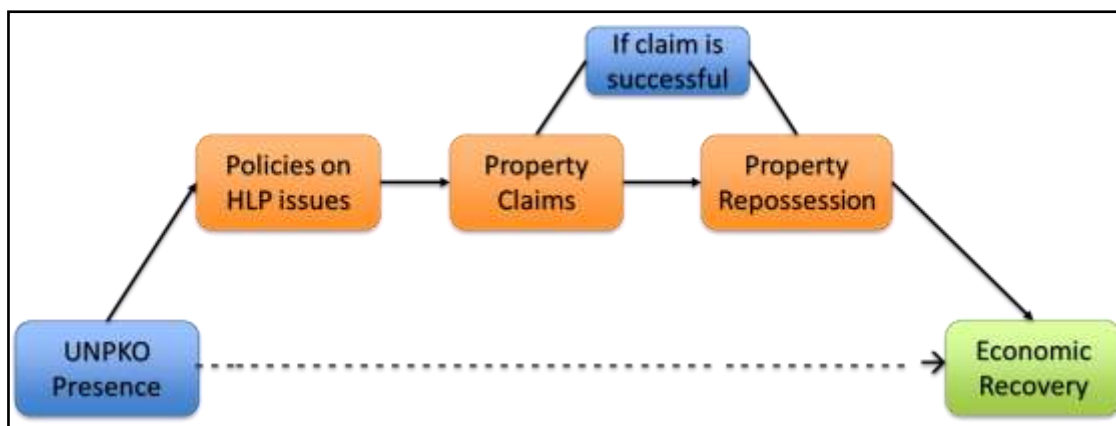
This chapter has three sections. The chapter starts with a summary of the theoretical argument and a brief description of what the mission did in Bosnia. The following section presents the variables and methodology describing the dependent (DV), independent (IV) and control variables. The final section presents the statistical results.

## **6.2 Theoretical Expectations and Hypotheses**

This thesis proposes that, when the UNPKO addresses HLP rights issues in the aftermath of conflict, there is a positive impact on the economic recovery in post-conflict countries. The presence of the mission on the ground is associated with the deployment of civil and police personnel, which can translate into more secure conditions and other improvements for the affected societies. In the case of BiH, the CRPC was in charge of receiving, processing and delivering decisions on property claims. The Commission operated between 1996 and 2003<sup>295</sup>. The operation of the CRPC was possible because there was a certain level of security and protection, which could motivate, encourage or enable a person/family to present a claim to the property they held before the 1990s war. Hence, in the short term, the presence of the mission could have a positive effect on the number of claims submitted to a given municipality; more security on the local level; provision of humanitarian assistance to different groups and the reactivation and provision of essential services. In the long term, the presence of the mission could represent an increase in investment; better infrastructure, and better access to basic needs such as hospitals, schools, and legal centres. Figure 6.1 illustrates the causal pathways for the different steps between the presence of the mission and economic recovery.

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<sup>295</sup> See Chapter Four.



**Figure 6.1: Effects of UNPKO and HLP Policies on Economy Recovery**

An element to highlight is that in this argument, the influence of the mission on economic aspects can vary depending on the context of the country, i.e. presence of natural resources; substantial international assistance; the level of destruction, and the country's previous development status. In the case of BiH, the characteristics of the country before the conflict did play a significant role in this study. The Communist system of the former Yugoslavia, the location of the main factories sustaining the economic development of the country, and the degree of ethnic fractionalization made a difference when it came to determining the organisation of property rights. This combination affected the transference of ownership from communal to private, exacerbated by the reorganisation of the geographical boundaries of the country divided by the Inter-Entity Boundary Line (IEBL), based on ethnic identity. The change in the so-called "factory economies" as these ceased to exist, meant that the economic incentive to return was no longer valid. Notwithstanding, there was the expectation that Open Cities Initiative (OCI) and Target Areas for Return and Rehabilitation Assistance (TARR)<sup>296</sup> have an influence housing on reconstruction (see Chapter Four on UNPKO in BiH), the return of refugees and IDPs, and therefore in economic recovery.

<sup>296</sup> (UNHCR, 1997) (United States Committee for Refugees and Immigrants, 1998) and (UNHCR, 13 June 1996)



As a reminder of discussion in previous chapters, there are only a few studies that explicitly examine the impact of housing policies on economic recovery. Examining the aftermath of the Lebanese civil war, Barakat and Zyck<sup>297</sup> demonstrate that the effect of housing reconstruction, using owner-driven models on economic recovery, varies depending on the socio-economic status of the targeted population. The conclusion from the surveys is that, without external assistance, slow housing reconstruction delays the return process for refugees, increases structural vulnerability to future disasters and erodes cultural heritage and identity<sup>298</sup>. Other INGOs, such as UKAID<sup>299</sup> and ODI,<sup>300</sup> have presented case studies highlighting the importance of these matters for economic recovery (See Chapters Two and Three). In both cases, institutional perspectives on land management is the approach used to study HLP issues in post-conflict situations. As was highlighted in the previous chapters, the lack of empirical studies on HLP issues in post-conflict settings makes it difficult to compare the results of this study. However, the literature on UNPKO promoting peace is extensive and well-grounded<sup>301</sup>.

This thesis represents the only study, to the knowledge of the researcher, attempting to examine and test the relationship between the presence of the mission, what they are doing on HLP issues, and economic recovery in a post-conflict context. In order to empirically test the argument, I collected and coded original information from the national archives in BiH. The dataset contains information on the location of the mission and those places where the mission implemented HLP policies. I acknowledge that the number of studies focusing on BiH and UNMIBH is extensive, using both quantitative and qualitative approaches<sup>302</sup>, but these do not relate to the impact of HLP policies and their impact on economic recovery. In

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<sup>297</sup> (Barakat & Zyck, 2011)

<sup>298</sup> Ibid page 149

<sup>299</sup> ((DFID) UK Department for International Development, 2014)

<sup>300</sup> (Locke, 2013)

<sup>301</sup> (William, 1993); (Greig & Diehl, 2005); (Gilligan & Sergenti, 2008); (Fortna, 2008); (Fortna & Howard, 2008); (Doyle & Sambanis, 2006)

<sup>302</sup> See Chapter Four

brief, the results of the statistical analysis showed that, in itself, the presence of the mission did not have a significant impact on economic recovery; however, when the mechanisms/policies were implemented in combination or the presence of the UNPKO, there was a positive impact on economic recovery.

The main argument focusses on how the presence of the mission provides a secure environment and, thus, the basis for economic stabilisation and economic progress. Implementation of HLP policies could incentivise the return of refugees and IDPs, leading to economic recovery. Furthermore, the implementation of these policies strengthens property rights systems and therefore strengthens the conditions for economic recovery.<sup>303</sup> The hypotheses reflect the different stages of the mechanism for the establishment of property rights: a) the presence of the mission's effect on the number of claims presented; b) the presence of the mission's effect on the number of closed cases; and c) the presence of the mission's effect on economic recovery controlling for the implementation of HLP. The hypotheses in Table 6.1 (below) reflect the discussion presented in the theoretical argument discussed in Chapter three.

**Table 6.1: List of Hypotheses**

<i>H 1.1</i>	If a mission is present in a municipality, the number of claimed properties will be higher.
<i>H 1.2</i>	If a mission is present in a municipality, the number of cases closed will be higher.
<i>H 2.1</i>	If a mission is present in a municipality, economic recovery is likely to be higher.
<i>H 2.2</i>	If the mission implemented HLP policies, the level of economic recovery is likely to be higher.

<sup>303</sup> Chapter Three offers a theoretical explanation for these hypotheses.

### 6.3 Research Design: Variables and Methodology

To test the hypotheses, I constructed a database in cross-sectional format, with the municipality as a unit of analysis. The data contain information on the location of the the UNPKO mission, location of the implementation of HLP policies, the total number of property claims submitted to the Commission, in addition to the total number of resolved claims (closed cases) by co-operative work between the Commission and the Mission. The lack of monthly/yearly data at the municipality level, between 1997 and 2003, denied me the possibility of using a different model to test the relationship and variation of the presence of the mission with economic recovery, across time and between municipalities (see Chapter Five). The statistical method used to test the hypotheses is cross-sectional OLS regression analysis. The decision to use this particular regression is due to the limitations on the structure and the size of the data, as BiH only has 142 municipalities. The dependent variables for all the models are continuous, which fits better an OLS model.

#### 6.3.1 *The Dependent Variable*

For the main question addressed in the dissertation, the dependent variable is *economic recovery*. To construct the variable, I used Nightlight Data<sup>304</sup> emissions as a proxy measurement for economic activity. The data present the intensity of night-light from 1992 to 2012. The data are appropriate to cover different levels of analysis from national to municipality level; therefore, the benefit of using this data set is that it illustrates economic recovery at a highly disaggregated level. The variable I constructed to measure economic recovery is the difference between the light intensity of the years 2012 and 1996. I chose this particular threshold as 1996 was immediately after the end of the war, and was the beginning

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<sup>304</sup> See Chapter Five for a comprehensive description of the dataset

of the mandate for the UNMIBH mission. The variable is going to be used to test hypotheses 2.1 and 2.2 corresponding Tables 6.5 and 6.6.

In the preliminary stages of this research project, I considered using the Living Standards Measurement Survey carried out by the World Bank<sup>305</sup> between 2001 until 2004, but this option was discarded as it covers only a portion of the territory – approximately 30 municipalities – and there is a limitation on the years for which information is available<sup>306</sup>. Additionally, I could not structure the data as a panel because some of the main explanatory variables, namely those related to the number of claimed properties, were not available every year. The Agency for Statistics of Bosnia and Herzegovina (BHAS)<sup>307</sup> did not provide detailed information at the municipal level for the period between 1993 and 2008.

For the test of Hypothesis 1.1 and 1.2, I will be using different variables. In hypothesis 1.1, the dependent variable is *claimed properties* a continuous variable. For hypothesis 1.2 the dependent variable is *closed cases*. The variable is the total number of closed cases reported by the Commission and the Mission on what made a case considered to be closed. A case was closed when the Commission decided on the legal ownership recipient of the property; then it was returned to its owner<sup>308</sup>. The variable is relevant as it accounts for the number of repossession of properties or/and possibly the return of refugees to their former properties. These two variables represent a step or stage in the implementation of HLP policies. The first hypothesis looks at how the presence of the mission affects the number of claims. The second hypothesis looks at the relationship between the presences of the mission with the resolution of those claims.

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<sup>305</sup> <http://iresearch.worldbank.org/lsmssurveyfinder.htm> [retrieved on 14 March 2018]

<sup>306</sup> See Chapter Five for a detail explanation of the data set and its variables. The dataset presents the information of Tešanj and Usora as one unit or municipality. Additionally, information on Kupres- RS is available for only some of the years, which affects the number of observation for the groups of years from 1992 to 2000. See Chapter Five for a detailed explanation of these variables

<sup>307</sup> Agency for Statistics of Bosnia and Herzegovina access on <http://www.bhas.ba/?lang=en>

<sup>308</sup> The role of the CRPC and PLIP is discussed in detail in Chapter Four.

### 6.3.2 *Independent Variable*

There are three different independent variables. For the first two models in tables 6.3 and 6.4, the main independent variable is *UNPKO mission*. For hypothesis 2.1 and 2.2 in tables 6.5 and 6.6, the main independent variable will include two additional variables *the number of claimed properties*, and *the number of closed cases*. For the late models *number of claimed properties*, and *the number of closed cases*, now pass to test the relationship with economic recovery. As it was explained before, the presence of the mission is a dummy variable, number of claimed properties and closed cases both are continuous variables.

The variables measuring the implementation of policies, Open Cities Initiative (OCI) and Target Areas for Return and Rehabilitation Assistance (TARR), are used as a way to control for what the mission is doing regarding HLP issues. Table 6.2 list the main DV and IV for each of the models.

**Table 6.2: List of Dependent and Independent Variables by Hypothesis**

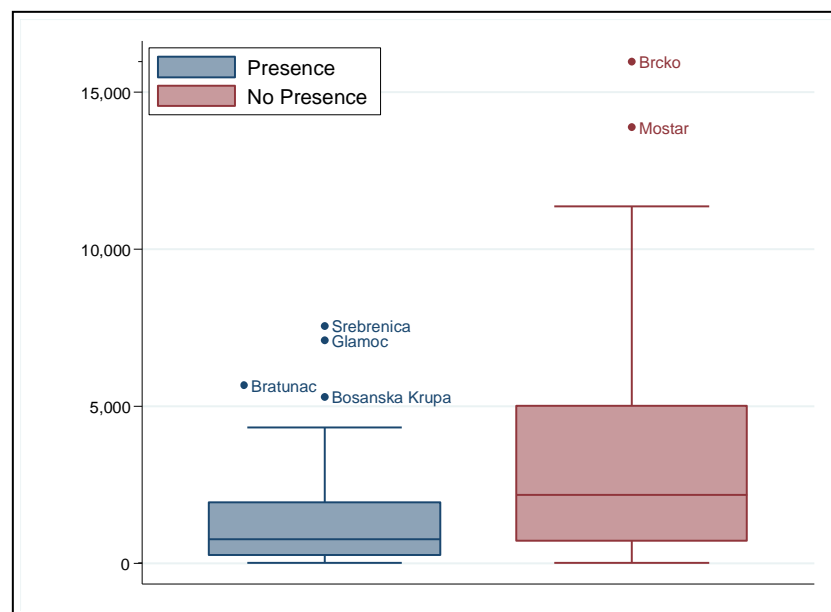
<i>Hypotheses</i>	<i>Dependent Variable</i>	<i>Independent Variable</i>
H 1.1	Number of Claimed Properties	Presence of UNPKO
H 1.2	Total number of closed cases	Presence of UNPKO
H 2.1	Economic Recovery	Presence of UNPKO
H 2.2	Economic Recovery	Implementation of HLP policies

## 6.4 Models and Statistical Results

### 6.4.1 *Exploratory statistics between independent variables and dependent variables*

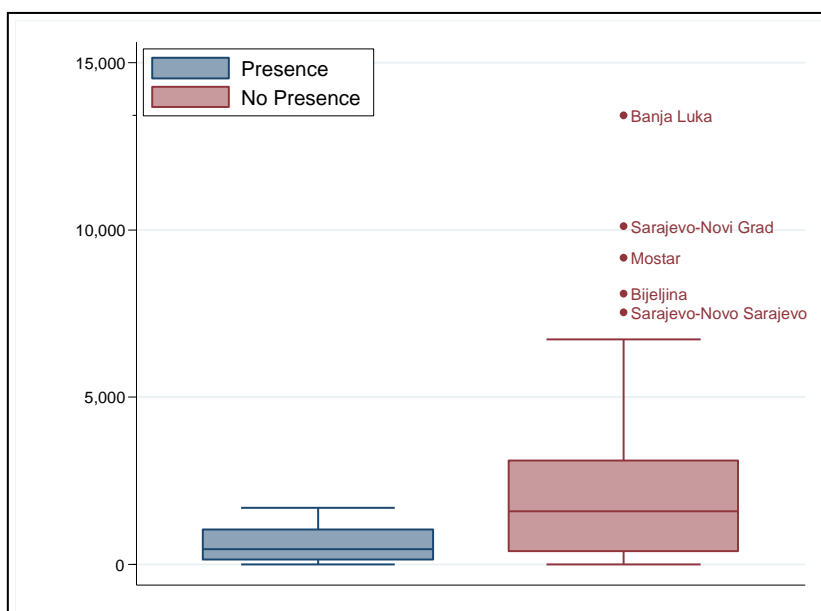
The current section presents box-plot graphs illustrating the mean difference between the main variables based on the presence or absence of the mission. I have performed a t-test for each of the graphs. The order of the graphs corresponds to the order of the hypotheses.

Graph 6.2 compares the means in the *number of claimed properties*. The X-axis represents the presence or absence of the mission. The median of the number of claims is higher when the mission is absent, in contrast to when the mission is present. An interesting point here is that, in Mostar Srebrenica, for example, the level of violence during the war was higher. The range between the boxes is different. Srebrenica, Glamoc, Bratunac and Bosanska Krupa, Brčko and Mostar are outliers. I include as part of the regression those outliers, as their exclusion would reduce the number of observation significantly. The t-test with unequal variances on the number of claimed properties shows that those municipalities where the mission was absent had a statistically significant lower number of claimed properties ( $1.4 \pm 0.2$  claims) in comparison with those municipalities where the mission was deployed ( $3.3 \pm 0.4$  claims),  $t(109) = -4.08, p = 0.001$ . These findings go against the first hypothesis, where the expectation was that there would be more (not less) claimed property when a Mission was present.



**Figure 6.2: Comparing the effect of UNPKO presence on claimed properties**

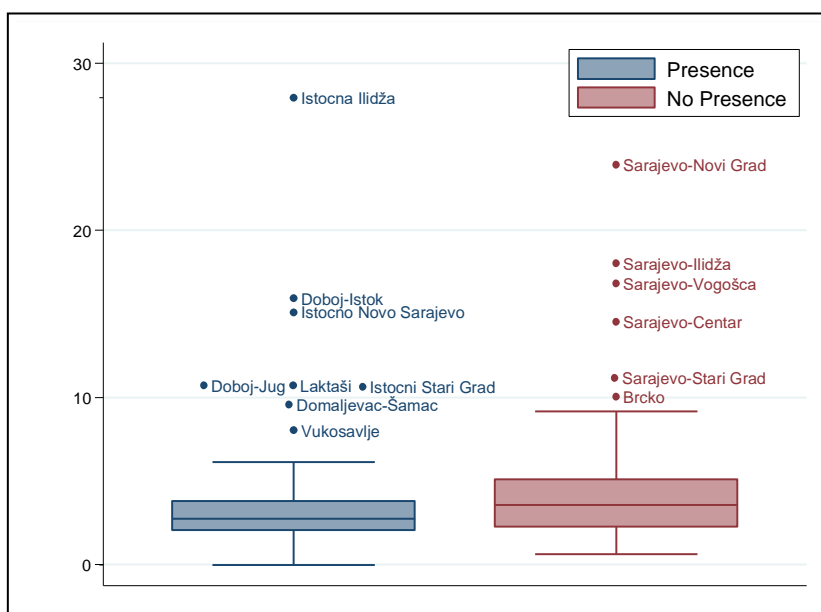
Graph 6.3 (below) compares the distribution of the number of *closed cases* over the presence or absence of the mission. The x-axis represents the absence or presence of the Mission. The median of the number of closed cases is higher when the Mission is absent, in contrast to when the Mission is present. In both categories, there are outliers. We have as outliers Banja Luka, Mostar, Bijeljina and Sarajevo -Novo Sarajevo. As before, the t-test with unequal variances shows statistical significant results at  $t(79) = -5.08$ ,  $p = 0.000$ . for claimed properties.



**Figure 6.3: Effect of the UNPKO presence on the number of closed cases**

Graph 6.4 (below) compares the variation of the measures for night light over the presence or absence of the Mission. The X-axis represents the presence or absence of the Mission. The median of the night-light measurement is slightly higher when the Mission is not present, in contrast to when the mission is present. The t-test with unequal variances on the number of claimed properties shows that those municipalities where the Mission was absent had a non-statistical significance. Municipalities without the presence of the Mission ( $4.0 \pm 0.5$  units) in comparison with those municipalities where the Mission was deployed

( $4.5 \pm 0.4$  units),  $t(134) = -0.72$ ,  $p = 0.469$ . There are outliers, in total 13, which is notable given that the total number of municipalities is 142. The outliers are Istocna Ilidza, Dobož-Istok, Dobož-Jug, Istcno Novo Sarajevo, Istocni Stari Grad, Domaljevac-Samac, Vukosavlje, Sarajevo-Novi Grad, Sarajevo-Ilidža, Sarajevo-Vogošća, Sarajevo-Centar, Sarajevo-Stari Grad and Brcko. The outliers are municipalities with city status and highly populated, and the data suggest that these municipalities had a comparatively sizeable economic recovery.

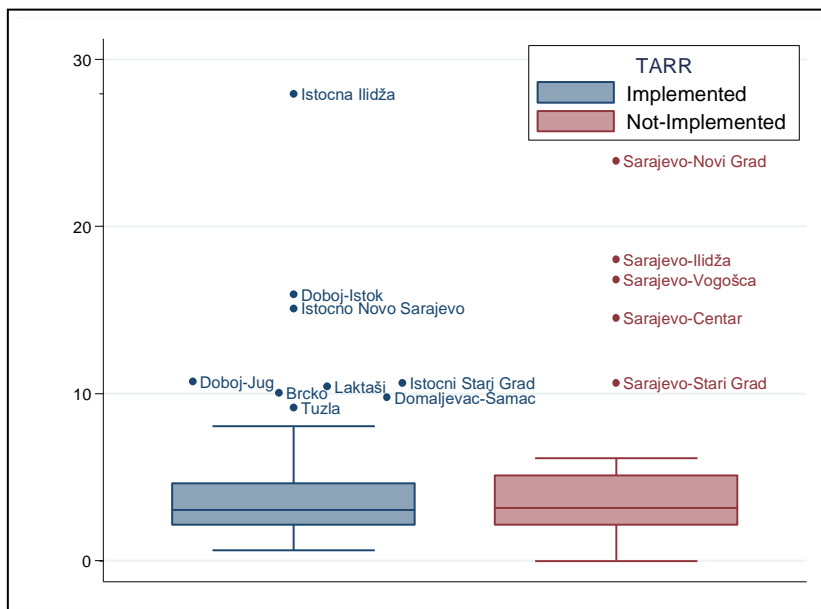


**Figure 6.4: Effect of the UNPKO presence on the measurement of night-light data**

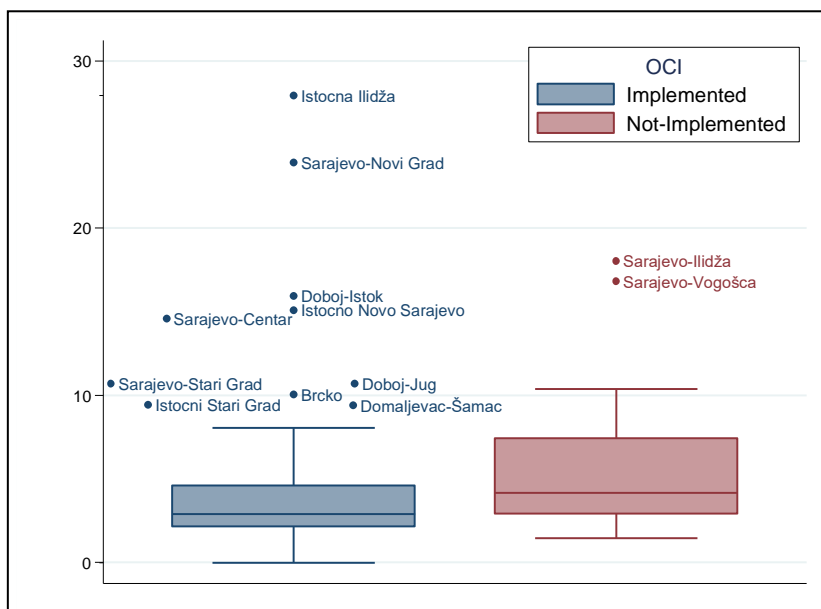
Figure 6.5 (below) compares the effect of TARR policy on the measures for night light as a proxy of economic recovery. The x-axis is the implementation of the policy. TARR was implemented in 32 out of the 142 municipalities. The t-test with unequal variances on the variance of economic recovery, measured by light intensity, shows that the difference of means between municipalities with and without the implementation of TARR policy is not statistically significant. Municipalities without the policy ( $4.0 \pm 0.3$  units) in comparison with those municipalities with the policy ( $5.3 \pm 0.9$  units),  $t(38) = -1.22$ ,  $p = 0.228$ . There are 14 outliers, which is again notable given that the total number of municipalities is 142. The outliers are Istocna Ilidza, Dobož-Istok, Dobož-Jug, Istcno-Novo Sarajevo, Brcko,



Istocni-Stari Grad, Domaljevac-Samac, Tuzla, Domaljevac-Samac, Sarajevo-Novi Grad, Sarajevo-Ilidza, Sarajevo-Vogošca, Sarajevo-Centar, and Sarajevo-Stari Grad. The outliers are municipalities with city status and highly populated.



**Figure 6.5: Effect of TARR policy on the measurement of night-light data**



**Figure 6.6: Effect of OCI policy on the measurement of night-light data**

Figure 6.6 compares the effect of OCI policy on the measures for night light as a proxy of economic recovery. 16 out of the 142 municipalities volunteered to take part in the OCI policy. The difference between the median for implementation and non-implementation is again not significant. The t-test with unequal variances on the variance of economic recovery, measure by light intensity, shows that the difference of means between municipalities with and without the implementation of OCI policy is not statistically significant. Municipalities without the policy ( $4.1 \pm 0.3$  units) in comparison with those municipalities with the policy ( $6.0 \pm 1.2$  units),  $t(17) = -1.46$ ,  $p = 0.161$ . The findings suggest that the implementation of this policy does not relate to economic recovery. There are 12 outliers; namely, Istocna Ilidza, Dobož-Istok, Dobož-Jug, Istcno-Novo Sarajevo, Brcko, Istocni-Stari Grad, Domaljevac-Samac, Sarajevo-Novi Grad, Sarajevo-Ilidza, Sarajevo-Vogosca, Sarajevo-Centar, and Sarajevo-Stari Grad. As before, the outliers are municipalities with city status and highly populated.

#### **6.4.2 Control Variables**

In the previous section, I presented descriptive statistics between the independent, dependent and specific –relevant– control variables. The information from the graphs hints at the possibility that the implementation of HLP policies might not necessarily promote economic recovery.

In addition to the main explanatory variables, I control for confounders that might affect the relationship between UNPKO presence and policies on economic recovery. I control for the presence of the Mission during the war with a variable taken from Costalli on his study of the impact of the presence of the mission during the war on peace<sup>309</sup>. The reason for using this variable is that, during the war, the UN deployed the Mission to specific

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<sup>309</sup> (Costalli, 2014)

locations. It is relevant to emphasise that mission deployment was under a different mandate from its predecessor, which was focused on the protection of civilians and to keep the peace.

I am additionally controlling for the location of the municipalities, by creating a dummy variable indicating if the Inter-Entity Boundary Line (IEBL) did or did not divide the municipality. The IEBL would divide specific municipalities, based on the negotiation before the Dayton Peace Agreement. RS was created to compound the territory capture by Serb ethnic forcers during the war. The FBiH will contain all those municipalities which were under the control of Croat or Bosniak forces. The location of the municipality matters because the administrative and political context varies between the entities, mainly related to ethnic identity and political administration. I control for the location of the municipalities, indicating whether if they are in the Republika Srpska (RS) or in the Brčko District, to compare with municipalities within the Federation. In this case, there are three different dummy variables for each entity.

To control for ethnicity, I used information from the census in Yugoslavia in 1992, before the outbreak of the war. The census recorded information on (self-assigned) ethnic identities of respondents (Bosniaks, Croat, Serb and others). To control for the ethnic identity of the population in municipalities after the war, I use the final report (released in late 2016) on the census in BiH conducted in 2012<sup>310</sup>. I created a variable on ethnic fractionalisation for both censuses. One is *Ethnic fractionalisation in 1992* and *Difference of ethnic fractionalisation*, which is the difference between the ethnic fractionalisation between 1992 and 2013 data census. Ethnic fractionalisation is used as a way to control for the variation in the ethnic presence in the municipalities, as well as to control for the demographical changes. It is not the intention – in either my theoretical argument or the statistical research – to consider ethnic fractionalisation as a critical component of the study,

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<sup>310</sup> (BHAS, 2016)

as it is in the case of other authors' studies<sup>311</sup>. To assess the level of damage, I include information on the number of houses destroyed by 1995, a continuous variable. The following section presents the tables with different models and results.

## 6.1 Findings

The way the models are presented aims to follow the logic of the argument. The first step is to see whether the presence of the Mission increases or decreases the number of claimed properties. The second step is to look at whether the presence of the Mission – plus the implementation of policies – affects the number of claimed properties. Once this is established, we can consider the impact of the presence of the Mission, as reflected in the total of closed cases. We might then deduce from this information whether the total of closed cases reflects the effectiveness of the policy and actions as a whole. The aim was to establish if the presence of the Mission and policies can have an overall effect on the resolution of property claim cases. The third part of the analysis looks at whether the presence of the Mission impacts upon economic recovery and the last step considers the impact of 1) the presence of the Mission or 2) HLP policies on economic recovery.

*(Hypothesis 1) H 1.1: If a mission is present in a municipality, the number of claimed properties will be higher.* The first models focus on the first stage of the implementation of the policy, which is the presentation of a property claim. The main explanatory variable is *UNPKO presence*. The presence of UNPKO is a dichotomous variable: 1=present, 0=not present. The dependent variable *Number of claimed properties* is a continuous variable, which captures the total number of claims presented by a municipality. Model 6.3.1 (Table 6.3) focusses on our core explanatory variable, *UNPKO presence* on all control variables. Model 6.3 2 constitutes the full model with the inclusion of

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<sup>311</sup> For conflict studies: (Fearon & Laitin, 2003) (Montalvo & Reynal-Querol, 2005)\*; For Economic aspects see (Alesina & Ferrara, 2005) (Collier, 1998) (Baldwin & Huber, 2010)\*; for the political economy of Ethnicity, Ethnic diversity and economic development (Montalvo & Reynal-Querol, 2005) just as examples.

*TARR policy* as part of the explanatory variable with all control variables. For these models, I included all the cases; however, I must clarify that the analysis was performed both with and without influential cases: the final results include all municipalities. The reason to keep the influential cases in the models is that these are municipalities with city status where we can expect to find more cases as larger cities/municipalities were subject to heavy fighting and bombings.

In Model 6.3.1, *UNPKO presence* has a positive and statistically significant effect on both models. The coefficient estimate suggests that the presence of the Mission increases the number of claims by 709 and 706 with significance at  $p < 0.05$ . On Model 6.3.2 *UNPKO presence* coefficients does not changed significantly from model 6.3.1, where the inclusion of *TARR policy* suggests a somewhat smaller impact with a 706 increase on the number of claims at a  $p < 0.05$ . In model 6.3.2, I do not observe that the implementation of TARR policies has a significant impact on the number of claimed properties (when controlling for the presence of UN peacekeepers).

**Table 6.3: Impact of the presence of UNPKO on the Number of Claimed Properties**<sup>(1)</sup>

<i>Variables</i>	<i>Model 6.3.1</i>	<i>Model 6.3.2</i>
UNPKO presence	0.709** (0.349)	0.706** (0.356)
TARR Policy Implementation		0.0935 (0.489)
Destroyed Properties /1000	0.253*** (0.0510)	0.250*** (0.0510)
Municipality is in Republika Srpska	0.648 (0.744)	0.670 (0.762)
Municipality is in BD	8.913*** (0.856)	8.975*** (0.860)
Difference of Ethnic Fractionalization	-2.104* (1.203)	-2.117* (1.220)
Ethnic Fractionalization 1992	1.583 (1.233)	1.613 (1.295)
Municipality divided by IEBL	0.160 (0.559)	0.149 (0.574)
Presence PKO during war	1.295*** (0.486)	1.290*** (0.490)
Constant	0.318 (1.100)	0.285 (1.134)
Observations	129	129
R-squared	0.538	0.538

Robust standard errors in parentheses

\*\*\* p&lt;0.01, \*\* p&lt;0.05, \* p&lt;0.1

Note: The variable UNPKO Presence -No Policies- indicates the presence of the mission but without policies in place. A zero value indicates either the mission but with policies or no mission at all.

(1) Variable divided by 1000

The level of destruction is of considerable importance as, in practical terms, it reflects the extent of what was needed to be done by the UNPKO. The variable *Destroyed Properties* shows as positive and statistically significant, p<0.01, accounting for an increase of 253 claimed properties when the Mission is present. The variables controlling for the location of the municipalities are coded as a dummy variable 1=municipality is BD and RS, 0=Municipality not in RS or in BD. From these two variables for this particular group of models, BD is statistically significant at p<0.01, accounting for a large number of claims: 8.913, omitting comparison of those municipalities located in the FBiH. The following

models will not include BD as a control variable. During the test of the models, I ran the test omitting this variable, but this did not change the results<sup>312</sup>.

The *difference of ethnic fractionalisation* coefficient indicates that, in cases where the fractionalisation index increases (meaning those municipalities have become less diverse), the number of claimed properties decreases showing a negative relationship that is, however, only statistically significant at the 10% level. I account for the change in the index by including the variable *Ethnic fractionalisation in 1992*. The presence of the Mission during the war, along with the two models, is significant and positive (*Coeff* +1.295 and +1.290 significant at  $p < 0.01$ ), indicating that in those municipalities where the Mission was present during the war, there were more claims than in those where the Mission was not deployed, presenting a possible indication that the presence is a signal of commitment and security for those aiming to get their properties back. Both models present similar  $R^2$  results with a margin explaining 54% of the variation in the number of claimed properties<sup>313</sup>.

Table 6.4 presents the results for ***H 1.2: If a mission is present in a municipality, the number of cases closed will be higher.*** The models in this table focus on the second step capturing whether the claim has been resolved. Table 6.4 differs from the models on the previous one by representing TARR and OCI policies as a way of controlling for what the mission is doing on HLP matters taking into account, affecting the number of *closed cases*.

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<sup>312</sup> The reader can find additional versions of Table 6.4 and others in Appendix I

<sup>313</sup> In the appendix there are additional tables, with different sets of models.

**Table 6.4: Impact of the presence of UNPKO on the number of closed cases** <sup>(1)</sup>

<i>Variables</i>	<i>Model 6.4.1</i>	<i>Model 6.4.2</i>
UNPKO presence	0.901*** (0.307)	0.846*** (0.315)
OCI Policy Implementation		0.362 (0.478)
TARR Policy Implementation		-0.568 (0.389)
Destroyed Properties /1000	0.228*** (0.0313)	0.246*** (0.0335)
Municipality is in Republika Srpska	0.529 (0.420)	0.466 (0.432)
Difference of Ethnic Fractionalization	-0.874 (0.845)	-0.815 (0.848)
Ethnic Fractionalization 1992	0.847 (0.956)	0.787 (0.969)
Municipality divided by IEBL	-0.534 (0.394)	-0.444 (0.399)
Presence PKO during war	0.856*** (0.323)	0.865*** (0.324)
Constant	-0.343 (0.691)	-0.261 (0.707)
Observations	125	125
R-squared	0.512	0.522

Standard errors in parentheses

\*\*\* p&lt;0.01, \*\* p&lt;0.05, \* p&lt;0.1

(1) Variable divided by 1000

The second hypothesis reflects the part of the process where the presence of the Mission is reaching an end as well as some of the implementation of some of the policies. The total number of closed cases indicates the number of claims which have been resolved and, to some extent, it accounts for the number of possible repossession of properties or/and return of refugees. Again, the main explanatory variable is the *Presence of the Mission*. The *UNPKO presence* is a dichotomous variable: 1=present, 0=not present. The dependent variable *Total number of closed cases* is a continuous variable, which captures the total number of claims presented in a municipality.



Model 6.4.1 (Table 6.4) focusses on our core explanatory variable, *UNPKO presence* on all control variables. Model 6.4.2 constitutes the full model in the inclusion of *TARR policy* and *OCI policy* as part of the explanatory variable with all control variables. The multiple regression model with all four predictors produced a value of  $R^2=0.512$  accounting for 51% of the variation in the number of closed cases. As was indicated by the previous table (6.3) the results are similar as for the presence of the Mission after the war. The presence of the Mission has a positive and statistically significant effect on both models. The coefficient estimate suggests that the presence of the Mission accounts for 901 closed cases (*Coeff* + 0.901  $p<0.01$ ), in comparison to those municipalities where the Mission was not deployed. As in the previous models, the presence of the Mission during the war is a significant and relevant predictor for the number of closed cases; in all models – 6.4.1/6.4.2 – the coefficients (0.856/0.865/) are significant at  $p<0.01$ . The difference from the previous table is that *Ethnic fractionalisation* is no longer significant, telling us something about demographic composition and the variation of the ethnic presence across the country. Although the results are not significant, they are indicating situations on the ground that could have influenced the outcomes of these policies. Initially, we might assume that individuals would refuse to return to municipalities where now their assigned identity is in the minority.

Table 6.5 and 6.6 present the core models of the dissertation test ***H2.1: If a mission is present in a municipality, economic recovery is likely to be higher and H 2.2: If the Mission implemented HLP policies, the level of economic recovery is likely to be higher.*** The first models focus on the final stages looking at the effect of the presence of the Mission and HLP on economic recovery. The main explanatory variable is *UNPKO presence* which is a dichotomous variable: 1=present, 0=not present. The dependent variable, for the models in

tables 6.5 and 6.6 is *Economic recovery*, a continuous variable constructed from the difference between the light intensity of years 2012 and 1996.

Model 6.5.1 (Table 6.5) focusses on our core explanatory variable, *UNKPO presence* on all control variables. Model 6.5.5 constitute the full model in the inclusion of *TARR policies* and *OCI policies* and the *Total number of closed cases* as part of the explanatory variable with all control variables. Table 6.5 suggests that, at the end of the mandate, the presence of the Mission plus the implementation of policies have little or no impact on economic recovery. In contrast to the results in the previous models/tables (6.3/6.4), economic recovery decrease in relationship with *UNKPO presence* and the effect is statistically significant (*coeff* -1.125 significant a  $p < 0.1$ ). In Model 6.5.5 the level of destruction (*coeff* + 0.405 significant a  $p < 0.01$ ), OCI policy is significant (*coeff* + 2.184 significant a  $p < 0.1$ ) as well as difference of ethnic fractionalisation (*coeff* + 3.216 significant a  $p < 0.1$ ).

Turning to the control variable, I find that the significance of *Ethnic fractionalisation in 1992* varies across the models, while the change in fractionalisation is generally positive and significant. Overall, the patterns of these findings show that more (and increasingly) homogenous municipalities experienced an increase in economic recovery. The *Destroyed properties* variable confirms the phoenix effect<sup>314</sup>: in those places where the destruction was higher, the recovery provoked significant effort and resources were invested in rebuilding those places. The variable *UNKPO presence during the war* (*coeff* + 1.343 significant at  $p < 0.5$ ) shows that, through the presence of the Mission, economic recovery increased by one unit. Although the results are not necessarily strong, due to different model specifications and limitations, that the results of this model are better after including *Percentage of closed cases*, confirms that, up to a point, what the Mission is doing on the ground matters in the

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<sup>314</sup> (Organski & Kugler, 1977) (Kugler & Arbetman, 1989) \* (Prins & Karakaya, 2011) and (Fisunoglu, 2014) \*

long term (cf Appendix II). The overall result of the model  $R^2 = 0.402$  explains 40 % of the variation for economic recovery<sup>315</sup>.

Table 6.6 uses a different (arguably better) baseline. The main explanatory variable is *UNPKO presence* but controlling for the simultaneous presence of HLP policies. The variable is dichotomous with value 1=present, 0=not present. The dependent variable, for these models in 6.6 is, also *Economic recovery* — a continuous variable constructed from the difference between the light intensity of years 2012 and 1996. Model 6.6.1 (Table 6.6) focusses on our core explanatory variable, *UNPKO presence (no policies)*, *Percentage of closed cases* and on all control variables. Model 6.6.4 constitutes the full model in the inclusion of *TARR policies* and *OCI policies* and a total number of closed cases as part of the explanatory variable with all control variables. Across all the models on this table, the results suggest that at the end of the Mission's mandate, the impact of the Mission on economic recovery disappears.

In Table 6.6, the results are in Model 6.6.4  $R^2 = 0.393$ , explaining 39% of the variation for Economic Recovery<sup>316</sup>. Similarly to the previous models in Table 6.5, the control variables show significant and positive coefficient results. Again *Levels of destruction*, *UNPKO presence during the war*, *Location of the municipality* in a specific entity provide a better explanation for the variation in economic recovery. The additional variable *Light in 1995* is statistically significant (*coeff* positive 0.202,  $p < 0.05$ ). Tables 6.5 and 6.6 present interesting results, suggesting the efforts of the mission have not had the desired effect on economic recovery, with the exception of OCI policy (*coeff* positive 1.996,  $p < 0.05$ ) Here, there is the question of what type of policies and what type of elements these policies were seeking to improve. Across all the models testing *Hypotheses 2.1 and 2.2*, based on these

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<sup>315</sup> In the appendix there are additional tables, with different sets of models.

<sup>316</sup> In the appendix there are additional tables, with different set of models.

results we understand that the presence alone of UNPKO has no effect. A note on the result would be the control used for the models; here, *Ethnic fractionalisation* is positive and significant. Nevertheless, when it comes to the effect of OCI initiative on economic recovery, there is a small but positive and significant effect.

At this point, questions arise regarding selection bias when it comes to the deployment of the Mission<sup>317</sup>. We know the missions go where they are needed in most the cases – depending on the possibilities and facilities for deployments – but there is the risk of underestimating the “real effects of what they do”. In this way, we can assess the effect of the presence of the Mission in contrast to the effect of the policies. So how do we know that there is not only a localised effect but rather a more spread impact?

As a way of robustness checks for the previous models, I present a test for selection bias, in the form of bivariate probit regression. The coefficients give the effect of the independent variable concerning the presence of the UNPKO and economic recovery. This additional model is accurate here, as the (*main*) independent variables: *UNPKO presence* and the implementation of HLP policies is coded in a dichotomous way. This model supports the decision to use multiple regressions as a way of analysis.

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<sup>317</sup> (Dorussen & Gizelis, 2013) (Ruggeri et al., 2012) and (Costalli, 2014)

**Table 6.5: Impact of the presence of UNPKO & policies on economic recovery**

<i>Variables</i>	<i>Model 6.5.1</i>	<i>Model 6.5.2</i>	<i>Model 6.5.3</i>	<i>Model 6.5.4</i>	<i>Model 6.5.5</i>
UNPKO presence	-0.839 (0.594)	-0.809 (0.581)	-1.125* (0.581)	-0.372 (0.506)	-0.697 (0.488)
TARR Policy Implementation		-0.682 (0.662)			-0.960 (0.636)
OCI Policy Implementation			1.730 (1.136)		2.184* (1.194)
Percentage of Closed Cases				-0.0113 (0.0198)	-0.0106 (0.0202)
Destroyed Properties /1000	0.396*** (0.0946)	0.416*** (0.0944)	0.398*** (0.0977)	0.373*** (0.1000)	0.405*** (0.103)
Municipality is in Republika Srpska	0.807 (0.635)	0.668 (0.631)	1.064* (0.635)	0.443 (0.527)	0.607 (0.533)
Difference of Ethnic Fractionalization	4.287*** (1.620)	4.398*** (1.628)	4.058** (1.616)	3.333** (1.667)	3.216* (1.666)
Ethnic Fractionalization 1992	-4.024** (1.722)	-4.230** (1.723)	-3.543** (1.690)	-2.545 (1.675)	-2.161 (1.577)
Municipality divided by IEBL	-0.344 (0.817)	-0.253 (0.812)	-0.155 (0.829)	-0.206 (0.857)	0.138 (0.858)
Presence PKO during war	1.161* (0.617)	1.201* (0.611)	1.098* (0.618)	1.402** (0.622)	1.343** (0.624)
Constant	3.509*** (1.036)	3.711*** (1.065)	3.097*** (1.013)	3.595* (2.133)	3.224 (2.090)
Observations	137	137	137	123	123
R-squared	0.243	0.247	0.259	0.364	0.402

Robust standard errors in parentheses

\*\*\* p&lt;0.01, \*\* p&lt;0.05, \* p&lt;0.1

**Table 6.6: Impact of the presence of UNPKO & HLP policies on economic recovery**

<i>Variables</i>	<i>Model 6.6.1</i>	<i>Model 6.6.2</i>	<i>Model 6.6.3</i>	<i>Model 6.6.4</i>
UNPKO Presence (No Policies)	-0.490 (0.566)	-0.684 (0.664)	-1.002 (0.714)	-0.366 (0.626)
Percentage of Closed Cases	-0.0153 (0.0280)			-0.0130 (0.0276)
OCI Policy Implementation		1.333 (0.968)		1.996** (0.849)
TARR Policy Implementation			-0.331 (0.901)	-0.633 (0.792)
Destroyed Properties /1000	0.330*** (0.0565)	0.269*** (0.0658)	0.284*** (0.0734)	0.351*** (0.0619)
Municipality is in Republika Srpska	0.775 (0.761)	1.728** (0.867)	1.557* (0.879)	0.873 (0.759)
Light1995	0.223** (0.0868)	0.428*** (0.0978)	0.423*** (0.100)	0.202** (0.0874)
Difference of Ethnic Fractionalization	1.149 (1.132)	0.931 (1.259)	0.904 (1.267)	1.268 (1.115)
Municipality divided by IEBL	0.0573 (0.739)	0.289 (0.849)	0.234 (0.863)	0.302 (0.742)
Constant	3.198 (2.958)	1.316 (1.090)	1.711 (1.110)	2.676 (2.933)
Observations	123	137	137	123
R-squared	0.363	0.322	0.313	0.393

Standard errors in parentheses

\*\*\* p&lt;0.01, \*\* p&lt;0.05, \* p&lt;0.1

Note: The variable UNPKO Presence -No Policies- indicates the presence of the mission but without policies in place. A zero value indicates either the mission but with policies or no mission at all.

Table 6.7 compares *UNPKO Presence* versus *Economic recovery*. The results suggest that location matters for the deployment of the Mission, as the coefficient of the model when the municipality is in the RS is positive and significant. On the ground, this represents that, in comparison to BD and FBiH, the Mission attends the hard cases and goes where needed. A relevant point to make here is that, in comparison to other countries in more difficult terrains, the Mission did not have difficulties when deployed. I draw this observation based on the reports, as there is no mention of any difficulties for the mission, either civilian and

police personnel - in reaching locations across the country. The result confirms some already well-accepted research that the missions go where they are most needed<sup>318</sup>. In some ways, this is quite positive, as results they set in motion, firstly some elements of security and stabilisation, are essential to further work on stability and recovery. For the second column of Economic recovery, the results show that economic recovery is more likely depending on the locations. Programme evaluation requires an explicit assumption that the treatment is randomly assigned across participants. This randomisation enables causal inference but, in most social science or public policy settings, experiments are typically infeasible.

**Table 6.7: Test for Selection Bias \* bivariate probit regression**

<i>Variables</i>	<i>UNPKO presence</i>	<i>Economic Recovery</i>
Destroyed Properties /1000	0.120 <sup>*</sup> (2.31)	
Municipality is in RS	0.185 (0.57)	0.968 <sup>**</sup> (2.89)
Municipality is in BD	3.913 (0.00)	6.192 (0.00)
Ethnic Fractionalization 1992	0.403 (0.66)	
UNPKO presence		-0.200 (-0.20)
Closed Cases/1000		-0.0876 (-1.22)
Difference of Ethnic Fractionalisation		-1.024 (-1.81)
Constant	-0.584 (-1.05)	0.438 (0.75)
Observations	122	
Chi2	41.32	
Rho	0.18	
Chi2 (Rho =0)	0.09218	

Standard errors in parentheses

\*p < 0.05, \*\* p < 0.01, \*\*\* p < 0.001

<sup>318</sup> (Fortna, 2008) and (Doyle and Sambanis, 2007)

## 6.2 Further Analysis

To ensure a robust analysis, I run seemingly unrelated regressions as a way to test the validity of the models. Table 6.8 tests the validity of the first set of hypotheses. At the same time, the previous models used the number of claims as DV. Therefore it is necessary to test the validity of both models. I used seemingly Unrelated Regression (SUR) for Hypothesis 1.1 and 2.1. I used (SUR) for comparing results of the equations looking at the effect of the UNPKO on the number of claimed properties and economic recovery. The aim is to set the difference between the two models and their coefficients.

**Table 6.8: Comparison between OLS and SUR Models \*Claimed Properties<sup>(1)</sup>**

<i>Variables</i>	<i>Model 6.8.1</i>		<i>Model 6.8.2</i>	
	<i>OLS Claimed Properties</i>	<i>OLS Economic Recovery</i>	<i>SUR Claimed Properties</i>	<i>SUR Economic Recovery</i>
UNPKO Presence	1.003** (0.416)	-1.014 (0.739)	0.758* (0.410)	-1.182* (0.712)
OCI Policy Implementation		2.082* (1.055)		1.980** (1.004)
Claimed Properties/1000		-0.137 (0.150)		-0.205 (0.148)
Destroyed Properties /1000	0.310*** (0.0429)	0.444*** (0.0853)	0.294*** (0.0413)	0.434*** (0.0816)
Municipality is in Republika Srpska	0.00256 (0.590)	1.212 (0.962)	0.166 (0.533)	1.588* (0.895)
Municipality Divided by IEBL	-0.0428 (0.567)	-0.0261 (0.964)		
Difference of Ethnic Fractionalization	-3.325*** (1.185)	1.388 (1.442)	-1.575* (0.815)	1.604 (1.382)
Ethnic Fractionalization 1992	2.162 (1.320)			
Presence PKO During War			1.307*** (0.437)	1.351* (0.756)
Constant	1.061 (0.935)	2.319* (1.269)	1.362* (0.707)	1.825 (1.203)
Observations	129	127	127	127
R-squared	0.434	0.240	0.454	0.258
Chi2			105.68	44.26

Standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

(1) The variable Claimed Properties is divided by 1000.



For this test, the procedure is to compare the coefficients' results for each variable. The comparison between the coefficients shows a minimum variation in all the variables used in the OLS for Claimed Properties in the Models of Economic Recovery. This test takes into consideration the cross-equation correlation between the two. For the analysis, I look at the effect on the number of claimed properties and economic recovery based on the presence of the mission and the implementation of the policies. Comparing the OLS models with SUR ones, in each of the variables, we can establish there is no significant variation in the coefficient results. This table shows more clearly that, in principle, the fact that the mission is in a particular municipality can indicate that it might be safe to return, or at least, to present claims for the property, which is similar to what Armin's family experience.

Table 6.9 tests the validity of the second set of hypotheses, as in the previous table I used (SUR) for comparing the results of the equations looking the effect of the UNPKO on Closed Cases and Economic recovery. Closed Cases are used as an indicator of the number of property claims resolved, i.e. the claimants (supposedly) have taken legal possession of the property. In the second test for the second set of hypotheses, just as before, for these equations, the OLS results are similar to the SUR regression results.

**Table 6.9 Comparison between OLS and SUR Models \*Closed Cases<sup>(1)</sup>**

<i>Variables</i>	<i>Model 6.9.1</i>		<i>Model 6.9.2</i>	
	<i>OLS Closed Cases</i>	<i>OLS Economic Recovery</i>	<i>SUR Closed Cases</i>	<i>SUR Economic Recovery</i>
UNPKO Presence	1.080*** (0.307)	-1.014 (0.739)	0.958*** (0.304)	-0.428 (0.556)
OCI Policy Implementation		2.082* (1.055)		1.979** (0.778)
Claimed Properties/1000		-0.137 (0.150)		-0.359*** (0.111)
Destroyed Properties /1000	0.248*** (0.0311)	0.444*** (0.0853)	0.228*** (0.0302)	0.472*** (0.0625)
Municipality is in Republika Srpska	0.304 (0.422)	1.212 (0.962)	0.669* (0.390)	0.990 (0.692)
Municipality Divided by IEBL	-0.541 (0.404)	-0.0261 (0.964)		
Difference of Ethnic Fractionalization	-1.119 (0.861)	1.388 (1.442)	-0.312 (0.599)	1.344 (1.073)
Ethnic Fractionalization 1992	0.822 (0.980)			
Presence PKO During War			0.922*** (0.322)	1.708*** (0.585)
Constant	0.0762 (0.689)	2.319* (1.269)	-0.194 (0.519)	1.630* (0.930)
Observations	125	127	122	122
R-squared	0.483	0.240	0.504	0.386
Chi2			124.5	88.16

Standard errors in parentheses

\*\*\* p&lt;0.01, \*\* p&lt;0.05, \* p&lt;0.1

(1)The variable Claimed Properties is divided by 1000.

The number of closed cases increased by the Presence of the Mission by 1,080 claims (Coeff 1.080 p<0.01) the OLS regression and by 958 closed cases (Coeff 0.958 p<0.01) in the SUR regression, both being significant. Again, there are no major differences between the results of the two models. When it comes to economic recovery, similar to previous models, the presence of the mission, based on the statistical results, does not have a positive impact. Instead, the policies, show positive coefficients of 2.082 p<0.1, for both the OLS and

the SUR regressions. Therefore, the OLS models results and its variables are fit for the analysis.

From the regression results, the most important conclusions are: first, the presence of the mission can have an initial impact on the ground, signalling conditions of security and protection; therefore, individuals are likely to present a claim on their property. In retrospect, during these initial stages, policies do not have a substantial impact. Second, when it comes to the presence of the mission, the relationship between the presence of the mission and the policies has an impact on the number of closed cases. The implementation of HLP policies has an impact on economic recovery but, with the presence of the mission on its own, the effect disappears, suggesting that what the mission does could potentially have a long-term effect on how the economy recovers. Finally, it is pertinent to highlight the context and circumstances of deployment. For Bosnia, identity and locations are a contributing factor to whether people either present the claim or return to their pre-war homes.

## 7 Conclusions and Policy Implications

The research explored and brought together different academic perspectives to build on the argument that consistently and robustly addressing HLP issues is significant for achieving recovery and therefore gaining stability. I have been puzzled by the fact that HLP issues and policies are not at the front of post-conflict reconstruction efforts, despite seeming an evident and logical focus for the UN and its different bodies, and other international organisations. Nor are HLP issues evident in the discourse of policymakers and influential figures when giving victims of war a starting point from which to move forward and to engage in actions of peace reconstruction and recovery. The lack of prominence given to these matters sustained my motivation to find convincing evidence drawing attention to what the missions are doing on the ground, and what focus is most productive while they are deployed.

The research presents the case of Bosnia and Herzegovina as a single case study. Bosnia, as a case of civil war, shares common characteristics with other cases when it comes to levels of destruction, military intervention, number of refugees and issues of displacement. The structural conditions previous to the war meant the former Yugoslavia was on the road to economic stagnation, with low infrastructure investment and political power centred on the monopoly of the Communist Party dominated by Serbia as a centralised government structure. At this level, Bosnia is no different from other countries which experience civil wars. On the other hand, Bosnia as a case study, presents two main unique features which make this case unique: one is the undeniable occurrence of ethnic cleansing activities between the three main actors; second is the emphasis that the UN and all its bodies, with support of the international organisations and countries, put on the resolution of HLP matters aiming for the return of refugees. BiH, as a case study, is generalizable as it shares with other cases the same challenges when it comes to HLP issues. What makes it unique is how

the organisations in charge aimed to address these challenges, making BiH an example, not only of good and bad practices but also of intervening factors which can interfere with the implementation of HLP policies in post-war context. These might be a cause of war or a consequence which damages the prospect of successful reconstruction.

In the previous chapters, I presented examples supporting my argument about the importance of including HLP issues in the discussion on what is needed to understand conflict dynamics, and also to include these among broader strategies and policies seeking the reconstruction and recovery of countries affected by conflict. I also discussed the importance of incentivising housing reconstruction and addressing land and property issues as a mechanism to provide inducements for refugees to return. I argue that their return then lays the foundation for economic recovery policies, in the expectation of bringing stability and positive peace. The results and conclusions drawn from the case study indicate that HLP is a good starting point if not necessarily a magical solution to all conflict-related outcomes.

A shortcoming of the research is related to the availability of data over time. The amount of data gathered during the field research in Bosnia, in a combination of archival research and interviews, does not provide sufficient consistent empirical data for me to perform additional statistical tests. Between 1993 and 2000 there is a prominent lack of economic information regarding economic indicators. In order to construct a fuller picture of the changes of the economy during that time it was necessary to acquire alternative data on economic indicators, hence the use of data relating to night light emissions. Although I could not run a time series analysis, the transformation of the information into cross-sectional shape allowed me to test different points in time after the war. This analysis allowed me to see the long-term impact of the activities and policies implemented during the mission presence from 1995 to 2003. The dataset made it possible to conduct an OLS

regression analysis to test the theoretical model to explain why addressing property rights and housing issues in post-conflict environments matter for economic recovery.

The results discussed in Chapter Six open the space for further discussion and debate. The research results can be discussed in the following based on some of the narratives of interviews conducted during two fieldwork trips- with returners and INGO personnel, although these were not coded as part of the dataset. From the results, I am discussing theoretical implications applicable to other research' areas. They illustrate some of the challenges when it comes to claimed lost properties and all the complexities of the claimed process itself by those who were expelled from their homes during the conflict. These interviews provide additional context to interpret the results of this study by adding contextual references explaining further issues or location, ethnicity for the case of BiH.

From the earliest stages of the theoretical path, the presence of the mission seems to have a significant and positive impact on the number of claims and, to a certain extent on the resolution of these claims. Nevertheless, the results suggest that conditions of location, ethnicity and UN presence during the war are influential factors on the decision-making process of a claimant on a particular property. The second stage of the theoretical path, looking at the relationship between the presence of the mission, HLP implementation and economic recovery, indicates that the presence of the mission loses significance, with other explanatory variables providing a partial explanation for economic recovery. In other words, the statistical results do not show that the presence of the mission in combination with the implementation of HLP has a direct and significant impact on economic recovery.

The results merit more attention regarding policy implications. The UN mandate and the Dayton Peace Agreement originally intended to deliver the reconstruction of Bosnia as a multi-ethnic country despite the division between RS, Federation and BD. Ultimately these

policies achieved a different, unintended, outcome: people reclaimed property but preferred to live separately. Based on information collected from the narratives of the interviews, return to the municipality/property was not necessarily the first option. Instead, the adjudications and resolution of property rights – property titles over housing as economic assets – gave the claimants the power to buy/sell/interchange properties and relocate elsewhere. This was confirmed by the long awaited results of the World Bank funded census in 2013, released in 2016, indicating that Bosnia was no longer the multi-ethnic country that it once was. Policy evaluation aspects must – in future – include further incentives to return, accompanying the restoration of property rights. Economic incentives must surely provide for possible employment as a base line for secure conditions of return. Therefore, in the case of Bosnia (and others), these unintended consequences indicate the need for policies which – without disregarding HLP policies – also address the issue of sustainable growth, reconciliation efforts, democratic participation, and justice for victims of war.

That the presence of the mission influenced the number of claims suggests the security it provides does matter. This was reflected in Armin's interview when his father decided to start the procedures to get their family property back. It is important to notice that HLP issues were tackled in Bosnia with relative success; indeed, BiH sets a positive example for other missions and other contexts. The context and historical circumstances that created the displacement play a particular part, influencing decisions to return to these places<sup>319</sup>. The results support some of the arguments made by von Carlowitz<sup>320</sup> (discussed in Chapter Four). His analysis suggests that institutions' performance achieved not necessarily the return, but did achieve its primary objective - to support the legal viability of refugees' return to re-establish multi-ethnic societies.

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<sup>319</sup> (Klaus Deininger, Ibáñez, & Querubin, 2004)

<sup>320</sup> (von Carlowitz, 2005, p. 549)

Although one case cannot support a general theory, the property restitution process in Bosnia could be a model for future cases. It is not possible to assert all possible explanations which might lead to the decision not to return to repossess or take up permanent residency in the former municipality. It is pertinent to question whether there was something specific about those displaced to other European countries and whether those people did not want to return because of the economic benefits of living in much wealthier countries. A further question might be, what were the reasons for not returning for those who could not claim refugee status abroad? It is difficult to determine with complete confidence the reasons behind these decisions.

In the case of Armin and Selma –two of my interviewees – both their parents decided to stay in other European countries, although their children decided to go back, taking possession of the family properties. In the case of Armin’s family, he lives in Sarajevo and their family home in Prijedor is now a holiday home for his parents to visit. Because of this trend, during the last stages of the Commission donor countries such as Germany set up a funding programme for those families willing to return, with mixed results. In other cases, people decided against return as the perpetrator(s) of violence were still living in the municipalities. For those where justice has not been delivered, returning is too painful. In many cases, people interchanged their properties in their former municipality for others where they are now living. There are cases where this interchange was done by word of agreement and then legalised.

The process of answering the research question highlights that the deployment and execution of UNPKO is a messy business and never a straightforward activity. Despite its mandate, too many factors and variables intervene in UNPKO activities and therefore how effective they are on the ground. Regardless of the specific context, institutional reconstruction of HLP issues is a significant task requiring significant resources: personnel



well-trained regarding property rights at the local and broad level; the establishment of a minimal level of security to guarantee the safety of the returnees, and a further serious degree of commitment and cooperation with the recovery processes from the local authorities. In cases where previous conflicts had occurred, where there were disputes over land or property issues, the most likely scenario during the conflict would be that structures for land tenure distribution and property rights were further altered or destroyed<sup>321</sup>. The UN – and especially the UNPKO – needs to accommodate and integrate strategies that not only provide immediate assistance but which lay the foundation for a sustainable transition from post-conflict to recovery.

The possible objection to this assertion is that the property restitution process did not result in the actual return of IDPs to their pre-war homes; this does not change the fact that the process itself was an achievement in terms of giving people property rights over their houses, apartments, lands, and other immovable property, and the freedom of choice that emanates from these rights, which is a measure of success in itself. This was possible mostly because of the “prevalence and salience” of the international commitment to the peace process, which was mostly a result of the “region’s proximity to Europe.”<sup>322</sup>

The results gathered from this research establish that post-conflict reconstruction goes beyond material considerations. The evaluation of UNPKO missions needs to be based on their circumstances of deployment and on what they are tasked to do<sup>323</sup>. Implementation of housing reconstruction strategies is not a straightforward process. At the same, deployment of the mission is costly and can grow more expensive with the demand for reconstruction of houses, aiming to provide sustainable aid-free support, at the same time that it needs to be accompanied by social and reconciliation programmes.

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<sup>321</sup> (Boone, 2014) and Unruh (2001, 2004, 2005)

<sup>322</sup> (Van Houtte, 1999, p.145)

<sup>323</sup> (Dorussen & Gizelis, 2013)

In a broader theoretical discussion, the research supports and contributes to the ongoing debate on what the multidimensional UNPKO should be doing, including specific aspects such as what mechanisms should be adopted to help the mission personnel face all the inherent challenges of a post-war contexts, such as keeping the peace, and development that moves beyond humanitarian assistance. On the other side, there is the question of what happens in those post-conflict cases where the UNPKO operations are not deployed, as could be in the case of Ukraine, Yemen or Syria. How will these new political structures face a significant amount of reconstruction and the recognition of property rights to those affected by those conflicts? Alternatively, looking further ahead, there is the question of what will happen when the different UN bodies, e.g., UNHCR, UNDP, or UN-HABITAT do not have direct access to policy-making decisions within their dedicated institutions, as might be the case in Colombia and as was in El Salvador and Peru.

Much of the theory proposed here would and could apply to other countries where conflict has recently ended, on the assumption that these policies are implemented. The strategies implemented in BiH illustrate that, by tackling HLP, it is possible to achieve a degree of stability regarding security, which ultimately can lead to return. Still, there remains the question of return to where, and under what conditions. In the case of BiH, characteristics of the country before the conflict did play a significant role in this study, such as the Communist system of the former Yugoslavia, the location of the main factories sustaining the economic development of the country, and the degree of ethnic fractionalization across different municipalities. Refugees and IDPs usually belong to a specific and identifiable group (e.g. ethnic, gendered or regional). Hence they have other concerns in addition to the devastating effects of the ethnic cleansing carried out by the different actors during the conflict.

In order to evidence to refugee policies which were indicative of efforts to encourage return, the mission had to put in place different security measures that, eventually, would protect the returning population from an attack. At the same time, it was necessary to work with the local authorities to provide a political solution and to gain their cooperation. During my field trip research in BiH, I learned that one way in which people were prevented from returning was by the setting up of check-points, holding cars with number plates from one entity or the other. In this way, local authorities could identify individuals attempting to return<sup>324</sup>. In other cases, local communities attacked the buses transporting returners trying to visit their properties<sup>325</sup>.

I come back to Diehl and Druckman<sup>326</sup> to consider how to implement policies without being able to estimate the full consequences. Evidently, the implementation of policies also has unintended consequences. The implementation of the final policy Property Law Implementation Plan (PLIP) generated further displacement because, when a property was repossessed legally, the people living in the property had to go to another place. This was not an issue common to all cases; there were exceptions: not all the “temporarily-illegal habitants” of the properties had the economic resources to find additional accommodation. At a more political level, unequal distribution of resources across the country possibly made a significant difference in the long term as the distribution of economic investment implies that there are regions more develop than others.

At the time of implementation of these policies, many resources were provided not only on the basis of humanitarian need in the municipality, but also on the level of cooperation from the local authorities. In the country, politicians and local authorities showed little interest in cooperating with international organisations or responding to the petitions of

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<sup>324</sup> Interview with Rassim Tulomovic April 2015

<sup>325</sup> See list of UNPKO UNMIBH reports

<sup>326</sup> (Diehl & Druckman, 2010)

external governments. A good example is OCI policies which were designed to be implemented in those municipalities nominated on a voluntary basis. In the RS only four municipalities were part of the programme, in contrast to twelve municipalities in the FBiH<sup>327</sup>. Furthermore, even though the Commission and the additional policies helped to give back the legal right of properties (houses, lands and apartments) to individuals and families, they to some extent deepened the separation of Bosnia along ethnic identities with a visible geographical territory. In other words, it gave peoples' houses back, but it did not help in the reconstruction of a multi-ethnic society.

There is still much to do when it comes to aligning HLP policies to help/compensate the most vulnerable population – women (widows) and children whose inability to get access to land compensation, land restitution or housing reconstruction is at far from acceptable levels. In some ways, HLP matters show how unequal and un-accessible something as basic as a house can be, difficult to reach or to acquire. For the case of Bosnia, especially for women who, in the post-war market economy system, are more often unemployed (44% of women in Bosnia and Herzegovina are unemployed, and 80% of the 300,000 persons working in the grey economy are women) and accordingly without sufficient financial means to secure adequate housing. Furthermore, widows and women with missing husbands have problems accessing pre-war property and have the double burden of taking care of their children and generating an income. Alternative criticisms of these policies, in war in underdeveloped and developing (and previously war-ravaged societies), reduce an already low level of development and capacity for growth and scares off potential investors. Civil wars would seem to exercise few positive economic effects for most nations of the world; this is the case for BiH.

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<sup>327</sup> See Chapter Four and Five.

In order to expand the discussion of UNPKO, the statistical results are not necessarily strong enough to support without doubt the connection between HLP policies and economic recovery, hence opening a broader set of questions for further research on the UNPKO in relation with its definition, activities and purpose. The main call is to increase awareness of the characteristics of the country where the mission is deployed. First, it is a priority to include HLP actions as part of a multidimensional peacekeeping operation, where all the UN bodies have a part on addressing the needs of IDPs and refugees. If organisations responsible for the process of post-conflict recovery do not fully address HLP issues, it might be said that the UNPKO and other UN organisations are missing an opportunity to overcome legacies of conflict through reactivating the development processes<sup>328</sup> or, in some instances, to overcome those areas of sensitivity created by it.

International agencies specialising in the coordination of humanitarian aspects acknowledge and recommend the need to broaden the scope of HLP matters in conflict and post-conflict responses. The agencies have begun to integrate the use of land and land compensation into a long-term scope. Their emphasis on land issues is related – at some level – with economic socio-economic aspects; for example, land redistribution as a tool for compensation can provide sources for sustainable livelihood for different groups inside societies, including demobilisation of combatants, widows or female-headed households<sup>329</sup>. Fighting and confrontation between different groups or on ethnic lines can create further displacement, which leads to the occupation of land left vacant by a population largely consisting of displaced families from other communities or refugees from other clashes in different locations.

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<sup>328</sup> (Pantuliano, 2009a); (Pantuliano, 2009a)

<sup>329</sup> The particularity and savageness of the situation is worse for female-headed households and widows, who typically account for 20% to 25% of all households in post conflict situations, and for orphans, whose land access is particularly insecure not only because they lack formal documents, but also because they originally accessed land only indirectly, for example, through the head of the household.

The restriction on resources and the lack of clarity regarding HLP are common challenges in any post-conflict context as well as the need to deal with major flows of IDP and refugees. These two issues are deeply connected. After the peace agreement is settled, one of the main concerns is the return of refugees and internally displaced people and the reconstruction of infrastructures. Land and property rights are challenging to address because of the inherited complexity and intricate relationship with the nature of social relations regarding land tenure and how societies attach to it. The main results support and reinforce the claims and recommendations drawn by another researcher, Unruh, asking to include HLP matters as part of the peace agreement as it would then be compulsory to address them. Also, this has to go beyond making HLP matters part of the broader and compulsory activities that any reconstruction organisation must integrate.

In some cases, ignoring or disregarding those challenges might be the difference between peace and the recurrence of violence. An example of what happens when these policies are not addressed is El Salvador. The agrarian reform played an important role in many insurgent and revolutionary agendas<sup>330</sup>. In the peacebuilding process, land issues did not receive the necessary attention - despite their relevance for economic recovery - in contrast to strategies geared toward democratisation or security. The lack of focussed strategies dealing with difficult and challenging HLP aspects made economic recovery a weak point within the peacebuilding process. Foley et al., in their policy evaluation of World Bank (WB) agrarian policies, explain that in El Salvador “the Land Reform programs of the 1980s and the Land Transfer Program (PTT) after the signing of the Peace Accords reduced the concentration of landholding by redistributing about 30% of the country’s cropland, and increased substantially the number of individuals who owned small plots or shares in the

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<sup>330</sup> Information on foot note (Cox and Garlick, 2003: 65-66) about a report from the World Bank in Bosnia and Herzegovina.

ownership of cooperative lands”<sup>331</sup>. While such changes tackled the issue of inequality and reduced the political tension in the countryside, giving partial success to the WB supporting governmental policies, they have not fundamentally changed the economic insecurity of rural life. The authors suggest the Bank’s approach did not sufficiently take into account the requirements of the consolidation of the peace process in El Salvador or needs related to the successful reintegration of ex-combatants. Those who had received land from the programmes could not become viable farmers and create a source of income for themselves as many of them had the burden of paying for the land and its maintenance<sup>332</sup>. El Salvador is an example of how the policies implemented required further consideration and understanding of the conditions on the ground and the need to expand policymakers’ understanding of housing issues.

Bosnia is a positive example of a model to address HLP matters. The complexity and demands of the process can produce different outcomes, making it necessary to focus more on the design and implementation of these policies, and the further implications for countries that experienced conflict. The need to provide shelter and to encourage return is a primary need and creates or exacerbates pre-existing conditions of inequality, potentially benefiting one group over the other. By so doing, this approach can and should incentivise the consolidation of practices that focus on the construction of a nation’s ownership and capacity<sup>333</sup> for economic growth.

For the foreseeable future, there is the case of Syria. When the war in Syria ends, one of the principal tasks will be effecting the entire reconstruction of cities. The figures are alarming. According to 2015 figures, at least 3 million buildings have been affected: 1.2 million homes destroyed and 9,000 industrial facilities are destroyed. It is also alarming that

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<sup>331</sup> (Foley et al., 1997, p. 3)

<sup>332</sup> (Foley et al., 1997)

<sup>333</sup> ((USIP) & (PKSOI), 2009) and (Haughton, 2002)

50% of the cities in Syria are reduced to rubble, with Aleppo darker at night - reduced by 91% - and Damascus 35% darker at night<sup>334</sup>. There are 3.8 million refugees, and 7.1 million people are internally displaced. Syria is, without doubt, an instance where reconstructing housing, land and property rights issues will be a priority. As we have not witnessed this level of destruction before, the challenges for the UNPKO and other UN organisations will be more difficult than ever. This case, in particular, raises multiple questions: if not the UNPKO or UN agencies, is the government – Assad’s or another -going to monitor or implement HLP policies? Who is going to provide the multiple resources needed to carry out the task?

Further: there are questions regarding equal implementation and access to these policies, and as to how the conflict’s dynamics will interfere with any form of reconstruction activities. Understanding and evaluating previous cases where the UNPKO dealt with HLP issues is a major priority. The outcomes of my research also open several possibilities when it comes to alternative research questions on different topics. One is the ongoing understanding of what are the necessary conditions to make the transition between post-conflict recovery and development. Second is approaching the question of citizens’ perceptions of governance and political responsibility to understand post-conflict governments’ actions.

To conclude, this thesis represents an early contribution to the research of HLP matters by showing that by helping refugees and IDPs gain rights over land or houses can contribute - not only to the start of land recovery - but also to return to the victims of war a sense of security and economic stability and, in the best cases, a sense of home. In the broader picture, this is a contribution to the broader debate on how best to contribute to the concept

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<sup>334</sup> (Aljazeera, 2018)



of 'positive peace'<sup>335</sup>, where economic recovery and further economic development heighten the process of social recovery.

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<sup>335</sup> (Galtung, 1967) and (Goertz, Diehl, & Balas, 2016) (Ruggeri et al., 2011)

## Appendix I: Additional Statistical Models

This table below without the presence of the UNPKO during war/Municipality divided and with BD in control variables

### 6.3 A1 Impact of the presence of UNPKO on the Number of Claimed Properties\*

<i>Variables</i>	<i>Model 6.3.1</i>	<i>Model 6.3.2</i>	<i>Model 6.3.3</i>
UNPKO Presence	1.120** (0.442)	0.954** (0.419)	0.923** (0.407)
TARR Policy Implementation	0.642 (0.730)		0.177 (0.502)
OCI Policy Implementation		0.635 (1.545)	0.180 (0.608)
Policy UNPKO Presence & OCI Policy		-0.495 (1.672)	
UNPKO Presence & TARR Policy	-0.763 (0.928)		
Destroyed Properties /1000	0.286*** (0.0451)	0.285*** (0.0409)	0.279*** (0.0443)
Municipality is in Republika Srpska	0.275 (0.548)	0.242 (0.537)	0.297 (0.553)
Municipality is in BD	8.942*** (2.269)	8.948*** (2.246)	9.089*** (2.269)
Difference of Ethnic Fractionalisation	-2.336** (1.152)	-2.475** (1.144)	-2.483** (1.145)
Ethnic Fractionalization 1992	1.482 (1.268)	1.617 (1.262)	1.656 (1.269)
Constant	0.830 (0.881)	0.921 (0.866)	0.867 (0.886)
Observations	129	129	129
R-squared	0.503	0.501	0.501

Standard errors in parentheses  
 \*\*\* p<0.01, \*\* p<0.05, \* p<0.1  
 \* Variable divided by 1000

**6.3 A2: Impact of the presence of UNPKO on the Number of Claimed Properties\***

<i>Variables</i>	<i>Model 6.3.1</i>	<i>Model 6.3.2</i>	<i>Model 6.3.3</i>
UNPKO Presence	0.986** (0.462)	0.811* (0.437)	0.745* (0.428)
TARR Policy Implementation	0.456 (0.765)		-0.201 (0.518)
UNPKO Presence & OCI Policy		-1.197 (1.728)	
UNPKO Presence & TARR Policy	-1.097 (0.965)		
Destroyed Properties /1000	0.295*** (0.0465)	0.278*** (0.0432)	0.285*** (0.0459)
Municipality is in Republika Srpska	0.318 (0.599)	0.381 (0.599)	0.353 (0.607)
Difference of Ethnic Fractionalization	-2.703** (1.178)	-2.980** (1.166)	-2.929** (1.171)
Ethnic Fractionalization 1992	1.866 (1.310)	2.188* (1.304)	2.101 (1.314)
Municipality divided by IEBL	-0.0890 (0.562)	-0.00564 (0.558)	0.0176 (0.564)
Presence PKO during war	1.329*** (0.443)	1.339*** (0.446)	1.320*** (0.446)
Constant	0.440 (0.950)	0.394 (0.955)	0.501 (0.965)
Observations	129	129	129
R-squared	0.479	0.474	0.473

Standard errors in parentheses

\*\*\* p&lt;0.01, \*\* p&lt;0.05, \* p&lt;0.1

\*Model without BD as a control variable

\*Variable divided by 1000)

### 6.4 A1 Impact of the presence of UNPKO on the Number of Closed Cases\*

<i>Variables</i>	<i>Model 6.4.1</i>	<i>Model 6.4.2</i>	<i>Model 6.4.3</i>
UNPKO Presence	1.184*** (0.345)	1.049*** (0.328)	1.013*** (0.317)
TARR Policy Implementation	-0.175 (0.573)		-0.524 (0.399)
OCI Policy Implementation		0.559 (1.196)	0.442 (0.490)
UNPKO Presence & TARR Policy	-0.470 (0.740)		
UNPKO Presence & OCI Policy		-0.310 (1.299)	
Destroyed Properties /1000	0.268*** (0.0345)	0.248*** (0.0313)	0.265*** (0.0336)
Municipality is in Republika Srpska	0.187 (0.433)	0.351 (0.434)	0.263 (0.436)
Difference of Ethnic Fractionalisation	-0.956 (0.876)	-1.160 (0.870)	-1.079 (0.865)
Ethnic Fractionalisation 1992	0.608 (0.997)	0.923 (0.998)	0.800 (0.994)
Municipality divided by IEBL	-0.547 (0.413)	-0.509 (0.410)	-0.447 (0.410)
Constant	0.191 (0.705)	-0.0213 (0.709)	0.124 (0.710)
Observations	125	125	125
R-squared	0.491	0.485	0.492

Standard errors in parentheses  
 \*\*\* p<0.01, \*\* p<0.05, \* p<0.1  
 \*Variable divided by 1000

**6.5 A1: Impact of the presence of UNPKO & HLP Policies on Economic Recovery (pre-correction)**

<i>Variables</i>	<i>Model 6.5.1</i>	<i>Model 6.5.2</i>	<i>Model 6.5.3</i>	<i>Model 6.5.4</i>	<i>Model 6.5.5</i>
UNPKO Presence	-0.566 (0.668)	-0.915 (0.682)	-0.0904 (0.567)	-0.424 (0.572)	3.461 (5.377)
TARR Policy Implementation	-0.615 (0.855)				
OCI Policy Implementation		1.831* (1.025)		2.054** (0.847)	
Percentage of Closed Cases			-0.00871 (0.0289)	-0.00899 (0.0283)	0.00759 (0.0379)
UNPKO Presence & Percentage of Closed Cases					-0.0376 (0.0566)
Destroyed Properties /1000	0.441*** (0.0746)	0.423*** (0.0688)	0.405*** (0.0567)	0.407*** (0.0556)	0.401*** (0.0572)
Municipality is in Republika Srpska	0.436 (0.907)	0.826 (0.880)	0.138 (0.737)	0.441 (0.732)	0.152 (0.739)
Difference of Ethnic Fractionalization	4.024** (1.899)	3.723** (1.878)	2.974* (1.626)	2.743* (1.596)	2.923* (1.632)
Ethnic Fractionalization 1992	-4.139** (1.995)	-3.468* (1.973)	-2.563 (1.803)	-1.981 (1.783)	-2.525 (1.809)
Constant	4.132*** (1.382)	3.510** (1.349)	3.947 (3.027)	3.460 (2.972)	2.397 (3.828)
Observations	137	137	123	123	123
R-squared	0.230	0.246	0.333	0.366	0.336

Standard errors in parentheses  
 \*\*\* p<0.01, \*\* p<0.05, \* p<0.1

**6.6 A1 Impact Of The Presence Of UNPKO (No Policies) & HLP Policies On Economic Recovery (Pre-Correction)**

<i>Variables</i>	<i>Model 6.6.1.</i>	<i>Model 6.6.2</i>	<i>Model 6.6.3</i>	<i>Model 6.6.4</i>
UNPKO Presence (No Policies)	-0.613 (0.556)	-0.791 (0.668)	-1.151 (0.715)	-1.159 (5.923)
Percentage of Closed Cases	-0.0166 (0.0274)			-0.0287 (0.0380)
OCI Policy Implementation		1.156 (0.968)		
TARR Policy Implementation			-0.482 (0.893)	
UNPKO (No policies) % Closed Cases				0.00429 (0.0624)
Destroyed Properties /1000	0.297*** (0.0571)	0.250*** (0.0678)	0.265*** (0.0742)	
Municipality is in Republika Srpska	1.078 (0.726)	1.842** (0.843)	1.716** (0.859)	1.007 (0.808)
Light1995	0.207** (0.0852)	0.418*** (0.0973)	0.409*** (0.100)	0.348*** (0.0909)
Difference of Ethnic Fractionalization	1.498 (1.118)	1.122 (1.265)	1.145 (1.271)	1.276 (1.243)
Presence PKO during war	1.268** (0.575)	0.763 (0.677)	0.929 (0.682)	2.058*** (0.617)
Constant	2.701 (2.887)	1.062 (1.095)	1.377 (1.121)	4.433 (3.857)
Observations	123	137	137	123
R-squared	0.389	0.328	0.322	0.245

Standard errors in parentheses

\*\*\* p&lt;0.01, \*\* p&lt;0.05, \* p&lt;0.1

\*The variable UNPKO Presence -No Policies- indicates the presence of the mission but without policies in place. A zero value indicates either the mission but with policies or no mission at all.

### 6.6 A2: Impact of the presence of UNPKO (NO Policies & Policies on Economic Recovery)

<i>Variables</i>	<i>Model 6.7.1</i>	<i>Model 6.7.2</i>	<i>Model 6.7.3</i>	<i>Model 6.7.4</i>
UNPKO Presence (No Policies)	-0.490 (0.566)	-0.684 (0.664)	-1.002 (0.714)	-1.625 (6.250)
Percentage of Closed Cases	-0.0153 (0.0280)			-0.0302 (0.0397)
OCI Policy Implementation		1.333 (0.968)		
TARR Policy Implementation			-0.331 (0.901)	
UNPKO Presence (No policies) % Close Cases				0.0110 (0.0658)
Destroyed Properties /1000	0.330*** (0.0565)	0.269*** (0.0658)	0.284*** (0.0734)	
Municipality is in Republika Srpska	0.775 (0.761)	1.728** (0.867)	1.557* (0.879)	0.575 (0.866)
Light1995	0.223** (0.0868)	0.428*** (0.0978)	0.423*** (0.100)	0.405*** (0.0935)
Difference of Ethnic Fractionalization	1.149 (1.132)	0.931 (1.259)	0.904 (1.267)	0.664 (1.287)
Municipality divided by IEBL	0.0573 (0.739)	0.289 (0.849)	0.234 (0.863)	0.457 (0.845)
Constant	3.198 (2.958)	1.316 (1.090)	1.711 (1.110)	5.650 (4.017)
Observations	123	137	137	123
R-squared	0.363	0.322	0.313	0.174

Standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

\*The variable UNPKO Presence -No Policies- indicates the presence of the mission but without policies in place. A zero value indicates either the mission but with policies or no mission at all.

### 6.7 A1 Comparison between OLS and SUR Models \*Closed Cases\*

<i>Variables</i>	<i>Model 6.10.1</i>		<i>Model 6.10.2</i>	
	<i>OLS Closed Cases</i>	<i>OLS Economic Recovery</i>	<i>SUR Closed Cases</i>	<i>SUR Economic Recovery</i>
UNPKO presence	1.087*** (0.308)	-0.780 (0.586)	1.093*** (0.306)	-0.780 (0.567)
OCI Policy Implementation		2.063** (0.834)		2.063** (0.806)
Closed Cases/1000		0.279* (0.162)		0.279* (0.156)
Destroyed Properties /1000	0.245*** (0.0309)	0.348*** (0.0697)	0.239*** (0.0325)	0.348*** (0.0674)
Municipality is in RS	0.438 (0.399)	0.533 (0.715)	0.450 (0.394)	0.533 (0.692)
Municipality is in BD	1.809 (1.709)	1.518 (3.046)	1.899 (1.693)	1.518 (2.944)
Difference of Ethnic Fractionalisation	-0.475 (0.623)	1.785 (1.107)	-0.465 (0.618)	1.785* (1.070)
Constant	0.197 (0.520)	1.554* (0.923)	0.196 (0.513)	1.554* (0.892)
Observations	125	122	122	122
R-squared	0.476	0.383	0.442	0.383
Chi2			96.67	75.68

Standard errors in parentheses  
 \*\*\* p<0.01, \*\* p<0.05, \* p<0.1



**Impact of the presence of UNPKO & Policies on Economic Recovery Various years**

<i>Variables</i>	<i>1996/2012</i>	<i>1996/2000</i>	<i>2001/2005</i>
UNPKO Presence (No Policies)	-0.471 (0.621)	-0.150 (0.390)	-0.0600 (0.318)
TARR Policy Implementation	-0.817 (0.770)	0.351 (0.483)	-0.384 (0.395)
OCI Policy Implementation	1.657** (0.835)	0.338 (0.524)	0.256 (0.428)
Percentage of Closed Cases	-0.00926 (0.0273)	-0.0224 (0.0171)	0.0122 (0.0140)
Destroyed Properties /1000	0.345*** (0.0632)	0.198*** (0.0397)	0.0870*** (0.0324)
Municipality is in Republika Srpska	0.801 (0.746)	0.355 (0.468)	0.625 (0.382)
Difference of Ethnic Fractionalization	3.040* (1.555)	1.024 (0.976)	0.585 (0.798)
Ethnic Fractionalization 1992	-2.337 (1.732)	-0.917 (1.088)	0.206 (0.889)
light1995	0.186** (0.0862)	0.250*** (0.0541)	0.104** (0.0442)
Presence PKO during war	1.170** (0.577)	0.329 (0.362)	0.451 (0.296)
Constant	2.940 (2.881)	3.232* (1.809)	-0.975 (1.478)
Observations	123	123	123
R-squared	0.423	0.496	0.223

Standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

\*The variable UNPKO Presence -No Policies- indicates the presence of the mission but without policies in place. A zero value indicates either the mission but with policies or no mission at all.

## Appendix II: Claim Property Form

Interviewer: \_\_\_\_\_  
Date: \_\_\_\_\_

### REGISTRATION FORM

1. Status of claimant:
- displaced person  
 refugee  
 other person with a legal interest
2. Claim was submitted:
- in person  
 by a representative

#### Information about the representative:

First name:	Surname:
Address:	
Telephone:	Fax:

#### 3. Information about the claimant(s):

First name:	Surname:
Maiden name:	Name of one parent:
Street & No:	Place:
Telephone – home:	- at work:
UBCN: <input type="checkbox"/> I.D. <input type="checkbox"/> Refugee ID	Unique birth cert. number:
<input type="checkbox"/> Paseport <input type="checkbox"/> Driv. licence	Part of right: /

First name:	Surname:
Maiden name:	Name of one parent:
Street & No:	Place:
Telephone – home:	- at work:
UBCN: <input type="checkbox"/> I.D. <input type="checkbox"/> Refugee leg.	Unique birth cert. number:
<input type="checkbox"/> Paseport <input type="checkbox"/> Driv. licence	Part of right: /

First name:	Surname:
Maiden name:	Name of one parent:
Street & No:	Place:
Telephone – home:	- at work:
UBCN: <input type="checkbox"/> I.D. <input type="checkbox"/> Refugee leg.	Unique birth cert. number:
<input type="checkbox"/> Paseport <input type="checkbox"/> Driv. licence	Part of right: /

First name:	Surname:
Maiden name:	Name of one parent:
Street & No:	Place:
Telephone – home:	- at work:
UBCN: <input type="checkbox"/> I.D. <input type="checkbox"/> Refugee leg.	Unique birth cert. number:
<input type="checkbox"/> Paseport <input type="checkbox"/> Driv. licence	Part of right: /

First name:	Surname:
Maiden name:	Name of one parent:
Street & No:	Place:
Telephone – home:	- at work:
UBCN: <input type="checkbox"/> I.D. <input type="checkbox"/> Refugee leg.	Unique birth cert. number:
<input type="checkbox"/> Paseport <input type="checkbox"/> Driv. licence	Part of right: /

## 4. Claimant wishes to confirm:

- ownership  
 co-ownership  
 joint ownership  
 lawful possession  
 occupancy right

## 5. Information about person who is holder of the right to the property according to the property records, but is not a claimant:

First name:	Surname:	Place:
Street & No:		
Reason why the person is not a claimant:	<input type="checkbox"/> died <input type="checkbox"/> inheritance <input type="checkbox"/> sale	<input type="checkbox"/> missing <input type="checkbox"/> gift
Relationship to claimant:		
First name:	Surname:	Place:
Street & No:		
Reason why the person is not a claimant:	<input type="checkbox"/> died <input type="checkbox"/> inheritance <input type="checkbox"/> sale	<input type="checkbox"/> missing <input type="checkbox"/> gift
Relationship to claimant:		
First name:	Surname:	Place:
Street & No:		
Reason why the person is not a claimant:	<input type="checkbox"/> died <input type="checkbox"/> inheritance <input type="checkbox"/> sale	<input type="checkbox"/> missing <input type="checkbox"/> gift
Relationship to claimant:		

## 6. Information on the real property claimed

## a) Buildings

Unit 1	Code - category of real property	Code - type of real property
	Description (if it is "other")	
Municipality:	Entity: <input type="checkbox"/> Fed <input type="checkbox"/> RS	Place:
Address:		No:
Old address:		No:
Square metres:	( Business premise m <sup>2</sup> : )	<input type="checkbox"/> Water and sewage <input type="checkbox"/> Electricity
Type of material:	<input type="checkbox"/> hard <input type="checkbox"/> wood <input type="checkbox"/> other	
Present condition of building:	<input type="checkbox"/> intact <input type="checkbox"/> destroyed <input type="checkbox"/> damaged <input type="checkbox"/> unknown	<input type="checkbox"/> Telephone <input type="checkbox"/> Central heating Heating
Year of constr.	No. of floors:	
Only for apartments	No. of rooms:	
Name of the person who gives the apartment for usage:		
Only for garages	Location	<input type="checkbox"/> Gas <input type="checkbox"/> Basement
	<input type="checkbox"/> in a building <input type="checkbox"/> separate building	

Real property - category	Real property - Type
1. Residential and residential - business buildings	a) residential b) residential- business c) cottages
2. Support and other buildings	a) summer kitchen b) work shop c) warehouse
3. Apartments	
4. Garages	
5. Business buildings and business premises	a) business building b) business premise
6. Support business and other business buildings	a) storage b) warehouse c) support work shop d) stand e) other
7. Barns, stables and other agricultural objects	a) barn b) stable c) produce drying shed d) silo e) other

#### Codes for Evidence

<p><b>Ownership</b></p> <ol style="list-style-type: none"> <li>extract from the property book that is not more than six months old from the day when the claim is submitted</li> <li>valid sale contract for the claimed real property concluded before 1 April 1992</li> <li>valid gift contract made before 1 April 1992</li> <li>inheritance decision with legal validity</li> <li>valid court decision on ownership right over claimed real property, that was verified (stamped) prior to 1 April 1992</li> <li>valid decisions made in administrative procedures on the bases of which the agrarian based ownership right is acquired</li> </ol> <p><b>Lawful possession</b></p> <ol style="list-style-type: none"> <li>property book extract more than six months old</li> <li>cadastral extract (transcript of the possession document) over the claimed real property issued before 1 April 1992</li> <li>construction license issued before 1 April 1992</li> <li>contract on current maintenance of joined premises concluded prior to 1 April 1992 in the building where, by statement of the claimant, there is an ownership by floors</li> </ol>	<ol style="list-style-type: none"> <li>decision on presentation and determining right on the real property</li> <li>other decision issued by administrative bodies that are concerning claimed real property</li> <li>court inheritance decisions or court decisions that are constituting right on real property</li> <li>records on payment of: tax on transfer of real property, tax on incomes from real property, tax on real property.</li> </ol> <p><b>Occupancy right</b></p> <ol style="list-style-type: none"> <li>contract on use of the apartment concluded before 1 April 1992</li> </ol> <p><b>Cancellation of contract</b></p> <ol style="list-style-type: none"> <li>contract which is the subject of the claim</li> </ol> <p><b>Other documents</b></p> <ol style="list-style-type: none"> <li>personal ID</li> <li>passport</li> <li>refugee status document</li> <li>power of attorney</li> <li>extract from the register of births, deaths and marriages</li> <li>other</li> </ol>
--	--

## Unit 2

Code - category of real property		Code - type of real property	
Description (if it is "other")			
Municipality:	Entity: <input type="checkbox"/> Fed <input type="checkbox"/> RS		Place:
Address:			No.:
Old address:			No.:
Square metres: _____		( Business premise m <sup>2</sup> : _____ )	
Type of material:	<input type="checkbox"/> hard	<input type="checkbox"/> wood	<input type="checkbox"/> other
Present condition of building:	<input type="checkbox"/> intact	<input type="checkbox"/> damaged	<input type="checkbox"/> destroyed <input type="checkbox"/> unknown
Year of constr.:	No. of floors:		<input type="checkbox"/> Water and sewage
<i>Only for apartments</i>	No. of rooms:		<input type="checkbox"/> Electricity
Name of the person who gives the apartment for usage:			<input type="checkbox"/> Telephone
<i>Only for garages</i>	Location	<input type="checkbox"/> in a building	<input type="checkbox"/> Central heating
		<input type="checkbox"/> separate building	<input type="checkbox"/> Gas
			<input type="checkbox"/> Basement

## Unit 3

Code - category of real property		Code - type of real property	
Description (if it is "other")			
Municipality:	Entity: <input type="checkbox"/> Fed <input type="checkbox"/> RS		Place:
Address:			No.:
Old address:			No.:
Square metres: _____		( Business premise m <sup>2</sup> : _____ )	
Type of material:	<input type="checkbox"/> hard	<input type="checkbox"/> wood	<input type="checkbox"/> other
Present condition of building:	<input type="checkbox"/> intact	<input type="checkbox"/> damaged	<input type="checkbox"/> destroyed <input type="checkbox"/> unknown
Year of constr.:	No. of floors:		<input type="checkbox"/> Water and sewage
<i>Only for apartments</i>	No. of rooms:		<input type="checkbox"/> Electricity
Name of the person who gives the apartment for usage:			<input type="checkbox"/> Telephone
<i>Only for garages</i>	Location	<input type="checkbox"/> in a building	<input type="checkbox"/> Central heating
		<input type="checkbox"/> separate building	<input type="checkbox"/> Gas
			<input type="checkbox"/> Basement

## Unit 4

Code - category of real property		Code - type of real property	
Description (if it is "other")			
Municipality:	Entity: <input type="checkbox"/> Fed <input type="checkbox"/> RS		Place:
Address:			No.:
Old address:			No.:
Square metres: _____		( Business premise m <sup>2</sup> : _____ )	
Type of material:	<input type="checkbox"/> hard	<input type="checkbox"/> wood	<input type="checkbox"/> other
Present condition of building:	<input type="checkbox"/> intact	<input type="checkbox"/> damaged	<input type="checkbox"/> destroyed <input type="checkbox"/> unknown
Year of constr.:	No. of floors:		<input type="checkbox"/> Water and sewage
<i>Only for apartments</i>	No. of rooms:		<input type="checkbox"/> Electricity
Name of the person who gives the apartment for usage:			<input type="checkbox"/> Telephone
<i>Only for garages</i>	Location	<input type="checkbox"/> in a building	<input type="checkbox"/> Central heating
		<input type="checkbox"/> separate building	<input type="checkbox"/> Gas
			<input type="checkbox"/> Basement

## b) Land

Category	Class	Square m.	Municipality	Cad. Municip.	Place	Entry
Cultivated land						
Gardens						
Orchard						
Vineyard						
Meadow						
Pasture land						
Forests						
Swamps and reed land						
Barren land						
Construct. land -built						
- unbuilt						

## 6. Claimant wishes to dispose of his right:

- a) by returning into possession  
 b) by retaining the rights to the real property in order to dispose with the real property in the manner in which he/she will decide later on  
 c) by giving authorisation to the Commission to take all necessary actions in his/her name to provide terms for transfer of the right over the claimed real property to the Commission or third person in order to receive fair compensation in lieu of return of real property

In addition to the above options, claimant wishes to revoke a contract on transfer of the rights to real property concluded after 1 April 1992 in order to confirm his/her rights to the real property that was the subject of the contract.

## 8. Attached evidence

Code:		Date of issue:		Number:	
Municip:			Cad.Munic:		
Issued by:					
If document type is 'other', give description of document					
Code:		Date of issue:		Number:	
Municip:			Cad.Munic:		
Issued by:					
If document type is 'other', give description of document					
Code:		Date of issue:		Number:	
Municip:			Cad.Munic:		
Issued by:					
If document type is 'other', give description of document					

Note:

## Documents Presented with Property Claim

Documents Presented	Total Documents
English of Pravosna`na	
Passport	7
Contract on current maintenance of joined premises concluded prior to 1 April 1992 in the building where, by statement of the claimant, there is an ownership by floors	9
Personal ID	15
Contract which is the subject of the claim	17
Power of attorney	20
Valid court decision on ownership right over claimed real property, that was verified (stamped) prior to 1 April 1992	26
Extract from the register of births, deaths and marriages	61
Valid decision made in administrative procedures on the bases of which the agrarian based ownership right is acquired	75
English Odobrenje	78
English Kopija	109
Records on payment of: tax on transfer of real property, tax on incomes from real property, tax on real property.	133
Court decision with full power	165
Other	199
Valid gift contract made before 1 April 1992	206
Valid sale contract for the claimed real property concluded before 1 April 1992	293
3. valid gift contract made before 1 April 1992	453
Construction license issued before 1 April 1992	539
Court inheritance decisions or court decisions that are constituting right on real property	553
Inheritance decision with legal validity	582
Cadastral extract (transcript of the possession document) over the claimed real property issued before 1 April 1992	597
Census extract number	1005
Extract from the property book that is not then 6 month old from day when the claimant is submitted	1015
Property book extract more than six months old	1021
Decision on presentation and determining right on the real property	1030
Copy of cadastral plan	1061
Contract on use of the apartment concluded before 1 April 1992	1451
Cadastrer extract	1539
Other decision issued by administrative bodies that are concerning claimed real property	2080
Land Register extract	2326
Decision of competent municipaliti authority	4524
Stamped contract of sale	4526
Other	19975
<b>Total:</b>	<b>45690</b>

### Appendix III: UNPKO Reference List

This is the complete list of the reports for UNPKO mission: UNMIBH from 1995 to 2002.

<b>S/2002/1314</b>	2 December 2002 Final report
<b>S/2002/618</b>	5 June 2002 For the period from 29 November 2001 to 5 June 2002
<b>S/2001/1132</b>	29 November 2001: For the period from 7 June to 29 November 2001
<b>S/2001/571</b>	7 June 2001 For the period from 30 November 2000 to 7 June 2001
<b>S/2000/1137</b>	30 November 2000 For the period from 2 June to 30 November 2000
<b>S/2000/529</b>	2 June 2000 For the period from 15 March to 2 June 2000
<b>S/1999/215</b>	15 March 2000 For the period from 17 December 1999 to 15 March 2000
<b>S/1999/1260</b>	17 December 1999 For the period from 17 September 1999 to 17 December 1999
<b>S/1999/989</b>	17 September 1999 For the period from 12 June 1999 to 17 September 1999
<b>S/1999/670</b>	11 June 1999 For the period from 16 March 1999 to 11 June 1999
<b>S/1999/264</b>	16 March 1999 For the period from 16 December 1998 to 15 March 1999
<b>S/1998/862</b>	16 September 1998 For the period from 10 June 1998 to 16 September 1998
<b>S/1998/491</b>	10 June 1998 For the period from 12 March 1998 to 9 June 1998
<b>S/1998/227</b>	12 March 1998 For the period from 10 December 1997 to 11 March 1998
<b>S/1997/966</b>	10 December 1997 For the period from 8 September 1997 to 1 December 1997
<b>S/1997/694</b>	8 September 1997



	For the period from 16 June 1997 to 8 September 1997
<b>S/1997/468</b>	19 June 1997 For the period from 15 March 1997 to 19 June 1997
<b>S/1996/1035</b>	9 December 1996 Report of the Secretary-General pursuant to Security Council Resolution 1035 (1995)
<b>S/1996/1017</b>	1 October 1996 For the period from 21 June 1996 to 1 October 1996
<b>S/1996/460</b>	21 June 1996 For the period from 29 March 1996 to 21 June 1996
<b>S/1996/210</b>	29 March 1996 For the period from 14 December 1996 to 21 June 1996
<b>S/1995/1031/Add.1</b>	15 December 1995 Addendum to the 13 December 1995 report of the Secretary-General
<b>S/1995/1031</b>	13 December 1995 Report of the Secretary-General relating to the UN role in implementation of the peace agreement for Bosnia and Herzegovina
<b>S/1995/987</b>	23 November 1995 Report of the Secretary-General regarding the arrangements for eventual transfer of responsibility from UNPROFOR to IFOR
<b>S/1995/444</b>	30 May 1995 Report of the Secretary-General containing analysis of UNPROFOR's mandate in Bosnia and Herzegovina
<b>S/1995/222/Corr.2</b>	17 April 1995 Corrigendum 1 to the 22 March 1995 report of the Secretary-General
<b>S/1995/222/Corr.1</b>	29 March 1995 Corrigendum 2 to the 22 March 1995 report of the Secretary-General
<b>S/1995/222</b>	22 March 1995 Report of the Secretary-General proposing that UNPROFOR be replaced by the three separate but interlinked peacekeeping operations

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