Chairmen's Concluding Statement, 28 April 1998

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INTRODUCTION

Government representatives from Bosnia and Herzegovina, Croatia and Yugoslavia (FRY), Members of the Steering Board of the Peace Implementation Council, as well as interested countries and international agencies met in Banja Luka on 28 April 1998, two and a half years after the signing of the GFAP, to address the process of return in and between Bosnia and Herzegovina, and Croatia and from Yugoslavia. We welcome the improvement of the political situation in Bosnia and Herzegovina and Croatia. We stress that, in light of economic revitalisation and the prospect of European integration, the separatist policies of obstructing return are less appropriate than ever.

The prime objective of this Conference has been to promote voluntary return opportunities for refugees and displaced persons to their homes of origin, as is set out in Annex 7 of the GFAP. Clearly, there is a need to bridge the gap between the political level of commitment and the reality on the ground.

We conclude that conditions for safe and dignified return must be fully established in Bosnia and Herzegovina and Croatia

this year. All relevant Government authorities can no longer avoid their responsibility towards this end.

All Governments need to be aware that their performance in finally creating conditions for return will determine the attitude of the international community towards them and the assistance provided, as well as their prospects to take part in the process of European integration.

In view of the most recent events, we strongly condemn the violent incidents in Drvar against returnees and members of the international community on 24 April 1998 which were clearly designed to deter return. We condemn the deliberate attack on the Mayor of Drvar, Mile Marceta and the murders of Mr. and Mrs. Trinic. We also condemn the violence and crowd harassment against visiting refugees and, in particular, the Roman Catholic Archbishop of Vrhbosna, Cardinal Puljic, in Derventa on 23 April, and the injury of citizens in return-related violence in Doboj/Svjetlica on 26 April 1998, and the continuation of incidents in Central Bosnia. These acts of violence, directed against the return of displaced persons and refugees, resulted from shameless orchestrated political manipulation. Those responsible must be brought to justice and action taken against them for their attempts to sabotage the peace process.

DISPLACED PERSONS AND REFUGEE GROUPS

We recognise the important role of Displaced Persons and Refugee Groups in representing those who have been forced from their homes. We heard powerful statements from representatives of such and other civic groups.
Their voice is clear and loud: they are willing to overcome the scars of the past and move ahead from the tragic consequences of flight and exile. They wish to return home in peace and dignity to restart their lives.

The authorities must listen to these voices and respect the

wishes of people to return to their homes. We acknowledge their determination and courage in confronting obstacles, often without the assistance of the authorities. Sometimes these authorities create the very obstacles to return. Government representatives, at all levels, will be judged personally on their efforts to enable returns.

RETURN MOVEMENTS

In Bosnia and Herzegovina

The willingness of individuals to return, notwithstanding political manipulation and intimidation, has already expressed itself in actual and intended return movements. We discussed issues covered in the Conference Background Note on "Actual and Potential Return Movements to, within and from Bosnia and Herzegovina" and encourage the identification of further return axes. Entity, Canton and Municipal authorities, were strongly urged to support these spontaneous and organised return movements, and to enhance return movements along such axes. In particular, the authorities must refrain from further hostile relocation of displaced persons and swiftly and publicly counter any anti-return propaganda.

The authorities and the international community need to offer greater support for displaced persons' communities to enable them to become the driving force behind the process of their own return. The authorities must involve representatives of the potential returnees in planning projects to support both the returnees and the receiving community. Similarly, increased co-operation between the authorities involved in each of the identified axes is essential for improving the confidence of the returnees themselves, preparing the displaced persons in the receiving community for return and ensuring that the overall security and integration frameworks are in place.

We stress the need for return movements to the territory of the Republika Srpska to take place now. There is no reason

for further delay.

Banja Luka, as the capital of the Republika Srpska and the traditional centre of the North-Western region with the potential of quick economic revitalisation, has a responsibility to take the lead in this process, starting return to outlying villages and addressing its housing problems.

We welcome the efforts of the Federation Ministry for Social Affairs, Displaced Persons and Refugees to promote plans on returns to the territory of the Republika Srpska, established under the auspices, and urge the Governments of both Entities to consult on the implementation of such returns in safety and dignity. The Republika Srpska needs to respond to this plan, by the end of May 1998, declaring concrete locations for returns in significant numbers.

Urgent measures must be taken by the Republika Srpska Government to reinstate the 300 to 400 minority families who were evicted from their homes in 1995 but have remained in Banja Luka. They must be given immediate access to their homes. For those who have obtained court decisions confirming the rights to their property, these decisions against illegal occupants must be enforced urgently. All others must have their cases processed as a priority, without administrative delay, and be reinstated.

We are disappointed by the failure of the Prijedor municipal authorities to agree to a phased plan of return. We have agreed that the return process must begin, in a phased and orderly manner to be determined by the Northwest RRTF. We urge the municipal authorities to ensure that security is provided for these returns and to continue to engage in a dialogue with all parties.

In addition to cross-IEBL returns, return movements have also commenced within the Federation of Bosnia and

Herzegovina in areas where returns had so far not happened, such as in the Central Bosnia and Herzegovina-Neretva Cantons, in most cases with preparatory steps such as the clearing of houses and villages and overnight stays, demonstrating that displaced persons and refugees have run out of patience with those who obstruct the right of return. These movements have to be sustained, by both the provision of security and the facilitation of re-integration, as well as material support from local budgets as well as through international donor funding.

Returns to Croatia

Meeting in Banja Luka, we are acutely aware of the fact that Bosnia and Herzegovina hosts some 40,000 to 50,000 Croatian Serb refugees, particularly in the Banja Luka area of the Republika Srpska. We heard statements on the plight of this group of persons – the only group of refugees within Bosnia and Herzegovina – and considered the issues set out in Conference Background Notes on "Return to and from Croatia" and the "Legal and Administrative Framework in Croatia". Efforts are required to facilitate the voluntary repatriation of these refugees with immediate effect. We welcome the announcement of the Government of Croatia and the Croatian Parliament to work towards further improvements. The Croatian Government's Return Procedures of 27 April 1998 have some good points, but there are major concerns. They are not the procedures agreed to by the international community and are neither simple nor transparent. The Government of Croatia needs to undertake speedy action ahead of the special donor meeting on reconstruction in Croatia scheduled for mid-May in Zagreb. The latter meeting will depend, among other things, on progress made in ratifying and implementing an internationally acceptable return plan, in consultation with UNHCR and OSCE. The Government of Croatia must further adopt effective property restitution legislation. The Amnesty Law has to be applied in a fair and transparent manner. Decisive action to promote reconciliation is essential for voluntary return. We remind the Government of

Croatia of the conditionality of the “Regional Approach” of the European Union. The High Representative will, in co-operation with UNHCR and the OSCE, inform the Presidency of the European Union as well as the Council of Europe and the Members of the Steering Board of the Peace Implementation Council on progress on the issue of returns to Croatia.
Early return to empty villages in Kordun, Lika, Dalmatia, as well as Slavonia, is possible and actual and sustainable voluntary return has to be made reality as a matter of urgency. This is particularly important as it would ease the temporary occupation of housing space in the wider Banja Luka area by Croatian Serb refugees, thus opening additional opportunities for Bosnian Croat and Bosniak return to this area. UNHCR, as well as the OSCE Mission to Croatia, will monitor progress on this issue. The member organisations of the Northwest Regional RRTF are ready to identify and support groups of Croatian Serb refugees willing to return to their homes of origin.

We note with concern the continuing presence of some 300,000 Croatian refugees in Yugoslavia, whose voluntary repatriation must be similarly supported.

Returns from Croatia to Bosnia and Herzegovina

There are some estimated 37,000 Bosnian registered refugees in Croatia. The opening of the border crossings at the Sava river in Gradiska, Brod and Brcko to civilian traffic has lead to a significant increase in cross-border traffic over recent months. Numerous Bosnian Croats and Bosniaks, currently refugees in Croatia, have taken the opportunity to pay assessment visits to their homes of origin south of the border. The Government of Croatia is responsible for facilitating returns of the Bosnian Croat community. This responsibility includes the identification and support of refugees willing to return, their de-registration, the elimination of cases of double occupancy by Bosnian Croat refugees as well as an immediate stop to any support of new settlements in Croatia as well as Bosnia and Herzegovina

constructed for the hostile relocation of Bosnian Croat refugees and displaced persons. Relevant member organisations of the international community, particularly through the existing RRTF co-ordination structures centred in Banja Luka and also, in future, on the Doboj/Derventa/Brod region and elsewhere, stand ready to continue their efforts to sustain the actual return of Bosnian Croat and Bosniak refugees and displaced persons to these regions. Additionally, four Open Cities in the Republika Srpska (Sipovo, Mrkonjic Grad, Laktasi, Srbac) offer immediate return opportunities for original residents, including Bosnian Croat refugees. We reiterate that it is high time for the respective authorities of the Republika Srpska to facilitate and sustain such returns.
We call on all authorities to promote significant voluntary return over the next months and energetically to prevent any obstruction or harassment of return movements.

LEGAL, ADMINISTRATIVE AND SOCIAL FRAMEWORK IN BOSNIA AND HERZEGOVINA

We discussed issues covered in the Conference Background Note on the "Legal, Administrative and Social Framework in Bosnia and Herzegovina". While progress has been made in some areas, insufficient attention has been paid to these issues. We fully endorse the demands and recommendations reflected in the Conference Background Note, which will be brought to the attention of the Steering Board of the Peace Implementation Council.
In particular:

- Both Entities must pass and implement legislation on displaced persons and repatriates and accompanying regulations that are consistent with Annex 7 of the GFAP and relevant international standards, in co-operation with UNHCR and OHR. The Ministry of Civil Affairs and Communication is requested to expedite the drafting of framework legislation on the State level. Both the Republika Srpska and State authorities are requested to

pass and commence implementing by 31 May 1998 their draft Instructions on the Method of Organising the Return of Displaced Persons and Repatriates.

- The Republika Srpska Government must pass, by the end of June 1998, as announced at the Conference, new property legislation and accompanying regulations in compliance with Annex 7 of the GFAP, and harmonised with the Federation laws and regulations. The Federation authorities must urgently and before 4 May 1998 pass Instructions on the process for claiming repossession of socially-owned apartments and elaborate and regulate specified criteria for the decision-making process, and ensure the immediate and smooth implementation of its property laws in the spirit of the GFAP. The authorities in both Entities must fulfil their obligations as the temporary managers of property declared or treated as abandoned and ensure that it is returned intact to the possession of the owner/occupier at the time the property was declared abandoned. They must also allow free and unrestricted access to property and occupancy right records to the institutions appointed according to Annexes 6 and 7 of the GFAP, as well as to interested individuals.
- The Federation authorities need immediately to begin and support a wide-scale information campaign to advise refugees, displaced persons and potential claimants of their possibility to claim, before 4 October 1998, the repossession of their property under the recently amended Federation legislation.
- We acknowledge the intention of the Republika Srpska Government to amend its Amnesty Law by 30 June 1998, to grant amnesty to Republika Srpska citizens who have been charged with draft evasion, desertion and refusal to respond to military call-up, and to do so in a manner that also covers those who have been sentenced or are being prosecuted, as well as to cover the last seven days of the conflict.

- Multi-ethnic police forces must be established throughout Bosnia and Herzegovina, particularly, in the first phase of police restructuring in the Republika Srpska and the second phase of Bonn-Petersberg implementation in the Federation. The recruitment and return of minority police officers should commence immediately. The first phase of the Republika Srpska restructuring and its inclusion of several hundred minority police officers should be completed by this summer. Restructuring of Federation police forces will be completed in Canton 10 by 9 May 1998. Restructuring and inauguration of Canton 8 and Federation police forces will promptly follow. The creation of a unified multi-ethnic border police is essential to the freedom of movement required for regional returns. The recent arsons, harassment, and murders of Serb returnees, which culminated in the violent incidents in Drvar on 24 April 1998, highlight the need for immediate police restructuring; the adoption of return-related security plans, the launching of an intensive minority police recruitment programme, and the integration of already identified police officers recruited from the returnee community into joint-police forces. These reforms must be completed without fail according to the negotiated timelines early in the season for returns and prior to the forthcoming elections.
- Both Entities must urgently pass and implement Entity Citizenship Laws consistent with the principles and provisions of the State Citizenship Law, international law and standards relating to statelessness and nationality matters. The Federation should continue to co-operate with the Council of Europe, OHR and UNHCR in this matter, and the Republika Srpska should urgently follow suit.
- The Republika Srpska authorities must issue an Order by 30 June 1998, requiring all municipal authorities to issue Republika Srpska ID cards to all persons who apply

for such ID cards and were registered as permanent residents of the relevant municipality before the conflict, irrespective of their ethnicity, the documentation they currently possess and whether or not they de-registered during the course of the conflict. Both Entity authorities must issue Orders by 30 June 1998, abolishing the requirement for repatriates to provide de-registration papers from other countries or from places where they never resided before they can obtain the relevant Entity ID card.

- Both Entity Governments must urgently address the issue of discriminatory practices in the field of education. This is particularly important for children who have already returned to their homes of origin across the IEBL, be it in the Zone of Separation, particularly in Brcko, or elsewhere. Equal attention needs to be paid to the integration into the education system of children who repatriate from abroad. The Entities also need to address the longer-term challenges of educational reform indicated in the Conference Background Note on the "Legal, Administrative and Social Framework for Return in Bosnia and Herzegovina". The Education Ministers of both Entities should engage in direct consultations on this issue and take advantage of the availability of the High Representative to facilitate and of the Council of Europe, UNESCO, the World Bank, CIVITAS and other international actors to support this effort.

Follow-up to the Bonn PIC Conference

We appreciate that all Cantons of the Federation have drawn up Cantonal plans for voluntary return. We stress the importance of unobstructed return movements being sustained in this crucial phase in order to generate a wider-spread movement into areas to where return has not yet occurred. This is also essential to the freeing of housing space of vital importance to the repatriation of refugees. Progress of the Cantons and the Federation Government actually to realise the return plans

will be carefully monitored by host and donor countries. Voluntary, spontaneous return, outside the framework of these plans, must also be safeguarded and facilitated, as the exercise of a fundamental right under the provisions of the GFAP.
We urgently call upon the Republika Srpska Government to ensure that Eastern Republika Srpska municipalities develop opportunities for return and demonstrate their commitment to uphold and respect the principles of Annex 7 of the GFAP. Immediate steps must be taken by the Republika Srpska Government to develop return plans in line with the relevant Bonn PIC Conclusions, at the latest by the end of May 1998.

We also note the UNHCR update report of March 1998 on "Open Cities" and welcome the commitment of the eleven UNHCR-recognised Open Cities to consistent and equal support for all members of the population for which they are responsible. We hope that the potential Open Cities, as well as many other municipalities, will soon be able to join this initiative and be declared "open".

On 9 April 1998, the Principals of OHR, UNHCR, SFOR and UNMIBH, in a letter to Prime Minister Milorad Dodik, reminded the authorities of the Republika Srpska of the Bonn requirement that the Republika Srpska begin implementation of the decisions of the International Housing Commission on approval of persons eligible to return to the Zone of Separation by 31 March 1998 (to which the Bonn PIC Conclusions refer to in Chapter III, Article 1, paragraph i). When reviewing the progress to date, based on UNHCR's statistical overview of 31 March 1998, out of over 20,000 approved potential returnees, only 1,900 have been able to return since the introduction of the ZOS Return Procedure in October 1996. We are disappointed that the representatives of the Republika Srpska did not reply to this demarche even by the time of the Conference. This cannot remain without consequences.

GENERAL LEGAL AND ADMINISTRATIVE FRAMEWORK IN CROATIA

As is the case in Bosnia and Herzegovina, we recognise the need for a fully functioning general, legal and administrative framework in Croatia in order to facilitate voluntary repatriation. This has been highlighted by the Conference Background Note “General Legal and Administrative Framework in Croatia”.
In particular, Croatia must

- introduce a simple and flexible mechanism to allow refugees to visit their homes in safety and dignity and to freely travel to, from and within Croatia, irrespective of whether the refugees have obtained citizenship documents, by mid-May 1998 at the latest;
- as an interim measure, immediately issue 90-day temporary entry permits, making these documents available at the border as well as at Consulates and Embassies in Bosnia and Herzegovina as well as Yugoslavia (FRY);
- allow the unconditional return to homes of origin in Croatia of all refugees who were long-term residents in Croatia before their departure, as well as regularise their citizenship as a matter of urgency;
- after urgently rescinding the Law on Temporary Take-Over and Administration of Certain Properties and the Law on Renting of Apartments in the Liberated Areas, as the Croatian Government has announced, enact a new comprehensive and non-discriminatory property legislation and create simplified and expedited procedures, i) clearly dealing with restitution of properties to their rightful owners and occupancy right holders, ii) providing alternative accommodation to occupants who must vacate current housing units but who cannot yet return to their homes of origin and, iii) providing just compensation to ex-occupancy right holders through financial means or through the provision

of adequate accommodation from the stock of State owned property or, regulating the provision of alternative accommodation through the Real Estate Agency resources;

- give assurances and demonstrate in practice that the Croatian Government accepts both spontaneous and organised returns equally and assists all returnees in regularising their citizenship status, as well as provide such Governmental assurances publicly through all forms of the media;
- in addition to the procedures established under the Protocol between Croatia and Yugoslavia (FRY), authorise the Croatian Embassies in Sarajevo and Belgrade, as well as all Croatian Consulates in Bosnia and Herzegovina and Yugoslavia (FRY), including the projected Consulate General to be established in Banja Luka, preferably by May 1998, as announced at the Conference by Foreign Minister Mate Granic, to process any of the necessary documentation to facilitate entry into Croatia;
- immediately organise the voluntary return to Croatia of those refugees whose houses are empty and not damaged, and family reunification cases, as well as return to homes made free by the elimination of double occupancy or vacated by repatriating Bosnian Croat refugees;
- take further measures to stabilise the situation in Eastern Slavonia, particularly to ensure the protection of human rights and allow the return of remaining displaced persons.

Discriminatory border regime

We considered issues covered in the Conference Background Note on the “Discriminatory Travel Regime between Bosnia and Herzegovina and Croatia”. The current regime, which discriminates against residents of the Republika Srpska, is impeding freedom of movement and damaging the political, economic and social development necessary for successful returns. We welcome indications by the Government of Croatia that this discriminatory regime will, in any case, cease once

the new passports of Bosnia and Herzegovina come into use, but urge the Government of Croatia speedily to discontinue the effective current discrimination and prepare necessary changes to the legislation for this purpose.
The Governments of Croatia and of Bosnia and Herzegovina must urgently revise the travel regime established by the Zagreb Agreement and Dubrovnik Protocol, as repeatedly demanded by the High Representative. A non-discriminatory regime must be established by the Republic of Croatia forthwith. This non-discriminatory travel regime must also include simple and transparent customs and border formalities. The High Representative will report to the PIC Steering Board on progress by that date. If progress is insufficient, the High Representative will propose appropriate action.

We welcome the announcement, in the course of the Conference, by Foreign Minister Jadranko Prlic of Bosnia and Herzegovina's intention to resolve the visa issue with Croatia, and by Foreign Minister Mate Granic of Croatia's plans to change the current visa regime within the next few weeks.

Finally, we also expect that the Government of Croatia will commence a process, together with Bosnia and Herzegovina and Yugoslavia (FRY) to normalise river traffic on the Sava. Road traffic should be re-opened at the border crossing between Trebinje and Dubrovnik, as a matter of priority.

STEPS TO BE TAKEN TO ENCOURAGE RETURNS FROM YUGOSLAVIA

We considered issues covered in the Conference Background Note on "Returns from the Federal Republic of Yugoslavia to Bosnia and Herzegovina and Croatia" and heard statements by representatives of Yugoslavia (FRY) and Bosnia and Herzegovina on the needs to encourage returns from Yugoslavia to both countries.
We noted that obstacles facing refugees in Bosnia and Herzegovina who wished to return to Croatia were also faced by the far larger number of Croatian refugees in Yugoslavia.

In particular,

- In order to support voluntary repatriation, the Governments of the Federal Republic of Yugoslavia and Bosnia and Herzegovina must immediately work towards normalising relations, to allow for the establishment of diplomatic and consular offices, the exchange of information and public documents between the two States and to improve the access of refugees from Bosnia and Herzegovina to information regarding return possibilities and public documents that will facilitate their actual repatriation.
- In the interim, the competent authorities from the two States, in consultation with UNHCR, should agree on a simple and efficient mechanism for organised return that will involve gathering information from potential repatriates, information exchange and property assessments.
- We welcome the announcement, at the Conference, by Foreign Minister Jadranko Prlic of Bosnia and Herzegovina's intention to establish diplomatic relations with Yugoslavia (FRY).

CONCLUSION

The voluntary return of refugees and displaced persons has to be addressed as a priority by all authorities. More than two and a half years into the peace process, the conditions for return in safety and dignity must now finally be created. Return is both an indicator as well as a prerequisite of normalisation and reconciliation in Bosnia and Herzegovina, and will therefore be taken by the international donor community as a yardstick of good governance by the authorities in Bosnia and Herzegovina in determining the degree of further support to the reconstruction and economic re-vitalisation effort in the country. Similarly, minority return to Croatia is an indicator of a mature democratic state.

While returns are often looked at on a bi-lateral basis, the problems of displacement in the former Yugoslavia are spread

over the whole region and must be resolved as a whole. UNHCR will present a regional strategy for solutions to the Steering Board Members of the Peace Implementation Council on 2 June 1998, thus reinforcing a comprehensive regional approach that addresses return opportunities within and to all parts of the former Yugoslavia.

Given the magnitude of the challenges at hand, the international community will take a resolute stance in order to ensure the effective exercise of the right to return in safety and dignity. It is in the interest of all authorities concerned to demonstrate fully and unconditionally their commitment and willingness to create the enabling framework that allows people to return to their homes of origin of their own free. The gap between pronounced statements and inadequate legal and administrative arrangements, or even outright obstruction, on the ground must be bridged.

Office of the High Representative Reconstruction and Return Task Force