Transcript: Deputy High Representative Andy Bearpark, OHR

Coalition Press Information Centre, Tito Barracks

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Aisling Byrne, OHR: Good morning, everyone. Thank you all for attending this morning. As announced, we're holding a special press conference today to respond to questions that many of you have posed in recent days on refugee issues. As promised, Deputy High Representative Andy Bearpark is going to make a statement on a number of the issues which you've asked us to inform you about, in particular progress since the Sarajevo Conference, a preview of the Banja Luka Conference, and more generally on some of the refugee-related incidents that have taken place in recent weeks. He is joined on the podium by Michael Menning from UNHCR. So, I'm going to give the floor to Ambassador Bearpark after which you are welcome to ask questions for both the OHR and the UNHCR. Thanks very much.

Andy Bearpark, OHR: Okay, thank you very much and good morning. I'd like to start by explaining briefly what the reconstruction and return task force which I head is involved in, why it exists and what it is doing, and then I'll come on to the more specific issues which Aisling has raised.
The Reconstruction and Return Task Force was formed in the early part of last year with a view to accelerating the parts of the system that were necessary to ensure more viable, more rapid and more helpful refugee return. Under Annex Seven of Dayton, coordination of refugee activities is quite clearly part of the core mandate of the UNHCR, but in the course of last year it was realized and accepted that if significant numbers of refugees were to return, then there were a

significant number of issues which were not within UNHCR's competence to address, which had to be addressed as well.

And the most obvious ones there are the questions of physical reconstruction and long-term economic development. It is generally accepted that putting a roof over somebody's head is a necessary part of the return process but it is not a complete part of the return process. For that to take place, there must also be more rapid economic development than job creation in Sarajevo and elsewhere. The RRTF structure is therefore designed to bring together all the key actors in the process, such as the World Bank, the European Commission, the IMG, donor governments, such as the United States and Germany, organizations such as the IOM, to bring them along side UNHCR under the chairmanship of myself and under the structure of the RRTF.

I arrived in Bosnia-Herzegovina permanently at the beginning of this year, although I'd been a regular visitor for the last six years. And the first few months of the year have been spent putting together the overall strategy, working out what the structures can be and putting them in place. That is now happening and I'm delighted to say that I was able to discuss with Mr. Kadic earlier this week, how the government authorities here can now be fully involved in the RRTF process rather than it just being a separate club.

And those discussions are continuing and I would hope that in a week or two's time we can make an announcement about a revitalized or re-launched RRTF. But that announcement will be the icing on the cake if you like. The reality is already there in that the RRTF is working alongside the government, with the government, and structures have been developed to ensure that all the participants are able to play their full part.

One of the first jobs of the RRTF at the beginning of February was to organize the Sarajevo conference which was concerned

with refugee return and minority return to Sarajevo. That conference took place on February the 3rd, and since then we have been involved in the follow-up actions which were required by the conference.

I will not hide from you the fact that I am disappointed at the rate of progress in a number of cases, but I can say that progress is being made. After far too long a period, the Sarajevo Housing Committee has been established, and I will be present this afternoon at a meeting of the Sarajevo Housing Board which will be looking at the various issues.

A number of projects are about to be underway, in terms of the reconstruction of housing within Sarajevo, projects which were approved by the European Commission around three weeks ago where the money has now been made available, and where construction will be starting over the next couple of weeks. And, I understand from the government's authorities here that they are confident that 10,000 people will be able to and will have returned in a matter of six to eight weeks.

My concern as the chair of the RRTF is to ensure that that happens. And, we will be keeping a constant oversight of the way in which the housing allocation mechanisms are being used to ensure that they are being used fairly, and that they are being used rapidly, and that returns are taking place.

So far, I am pleased to say, I have had a great deal of cooperation from the authorities with which we are working. But, I would not hesitate to say that if we feel that that cooperation is not sufficient, if we feel that there are indeed officials somewhere in the system who are obstructing the return process, the High Representative would not hesitate to use the powers available to him to have them removed.

I approach this in an air of construction and hope that things will work well, and that the rate of return will now accelerate, but it is an absolute requirement of the

international community as expressed at the Sarajevo Conference that this should happen and we will not to allow obstacles to remain in the way.

The second item I would mention is that the Federation Forum in Mostar last week, reached agreements on initial return there. And, we are now looking to see that that happen straight away. I was down in Mostar yesterday for the preparatory meeting for the RRTF in Mostar to involve all the agencies there in now ensuring that the necessary resources are available to match the needs and to ensure that the plan that was agreed at the Federation Forum can start at once.

Finally, I would like to mention a little bit about the regional perspective. It is absolutely clear that refugee return within Bosnia-Herzegovina is intimately linked with movements within the region. For that reason, the conference which will take place in Banja Luka next Tuesday, will not only be looking at events within Bosnia-Herzegovina, but will be looking particularly at what is happening in Croatia as well, and what can be done to ensure the two-way movement.

The conference has five main objectives. The first is to establish within Bosnia and Herzegovina, and Croatia the unconditional right to return for all displaced persons and refugees, including former habitual residents, and to remove all obstacles to cross-border re-entry.

Second one, looking at Croatia, is to ensure that enabling conditions for sustainable reintegration are created within Croatia, specifically related to subjects such as citizenship, documentation, property rights, and the resolution of the problems which arise from the loss of occupancy rights. Likewise, I very much hope that representatives will be there from the Federal Republic of Yugoslavia with a view to accelerating the return of refugees to their pre-war homes elsewhere in the region.

And then looking slightly more parochially within Bosnia-Herzegovina we particularly want to revitalize and accelerate the movements between the Republika Srpska and the Federation by encouraging and reinforcing the current positive trends, and removing any other barriers. Property legislation is key to this, of course.

Property legislation in the appropriate form has now been passed within the Federation. I will be working hard before, at, and after the conference to ensure that similar laws are passed and applied properly in Republika Srpska. That will be the conference next week.

Thereafter, the role of the RRTF will be to be there throughout the process, bringing the actors together, and in particular, to be present at the donor conference organized by the European Commission and the World Bank when that takes place to ensure that the needs of refugee return, the financial requirements are properly matched with the resources that are available from the donors.

We will then carry on our work on a whole range of subjects, but and I do stress, the RRTF is not an agency. It is not an implementing agency. Our job is to bring together the various actors, including the government here, and ensure that it is the appropriate authorities that do their job to ensure the success for which we are all looking.

Thank you.

Aisling Byrne, OHR: Thank you very much. Are there any questions? Colin.

(Colin Soloway – Washington Post) Q: As a point of detail, on the-if you feel you can answer it, on property-on the property legislation, recently passed in the Federation Parliament, there-excuse me, (*cell phone ringing*), stand by-If you'd like to take Jacky's question, feel free.

(Jacky Rowland – BBC) Q: My question is specifically about the question of Jewish apartments. They were singled out as being a particularly important case in the final declaration after the Sarajevo Conference. Are you satisfied? Have you seen any progress on this particular issue?

Andy Bearpark, OHR: There has been progress, yes. I was assured earlier this morning that the Jewish community here was content that everything had now been resolved and had indeed written to the Bosnian government to that effect. I have asked to see a copy of that correspondence, so that I can check that that's the case, but that's what I was reassured early this morning.

(Jacky Rowland – BBC) Q: So, that means all of the apartments that were identified as being due to be returned to Jewish families, that's all been sorted out? They have been returned? They're going to be returned?

Andy Bearpark, OHR: All I've been told is that the problem has been resolved to the satisfaction of the Jewish community. It is not yet clear to me whether that means the specifics of the declaration have been adopted or whether the goal posts were moved during the process. Until that letter is passed to me, and it has been promised to me for later today, I can't tell you whether it means that everybody has been returned.

(Colin Soloway – Washington Post) Q: Hopefully I'll be able to complete my question on a point of-point of detail. In the housing-in the housing law, the question of temporary residency permits that were handed out during the war, is resolved under the law. These people will have to leave in favor of the people who are returning. But, there's a-there's a-there's an element in the law which says that basically if you were given a permanent residency permit during the war, or in fact up until February 7th 1998, in that case, you are not obliged to leave for the person-for the person whose actually returning and that person may be, possibly given another flat,

something else, a flat based on space, whatever. The people who got permanent residency permits here in Sarajevo tended to be SDA officials, government officials, police, municipal officials. Is this a loophole effectively? Was this a condition for passage of the law that these people, the great and powerful be allowed to keep the flats that they acquired during the war?

Andy Bearpark, OHR: If it was a condition, it was certainly not one which I was made aware of, nor is it one that I on behalf of the RRTF would accept for one minute. There are a number of apparent loopholes which are now becoming clear as the law comes into effect, and the law is operated.

It is for that reason that I have asked for a meeting of the Steering Board of the Sarajevo Housing Committee to take place this afternoon so that we can identify what loopholes are now emerging and how we are going to address them all. That is most certainly one of them. There have been a number of stories in this town which I have heard about people having to move out being given unacceptable accommodation. These things are not acceptable. What we need to do now, though, and quickly is find out which bits of the law need using differently.

(Colin Soloway – Washington Post) Q: What can you do? I mean, the law has now been passed. I'm just curious what is the actual procedure for-can you change law? What can you do to ameliorate this situation cause while it may be illegal-well, the rule may be legal, it's, in terms of returns, it will have the effect of discouraging people from coming back because they won't be getting the flats that they left. They'll be possibly given an inferior flat.

Andy Bearpark, OHR: I think in terms of the law, I mean, one should really say that that question should be addressed at the Bosnian government who are responsible for operating this law. But, what I would say is that the oversight mechanism has

been specifically designed by the international community to enable them to track this sort of point, and if the existing mechanisms are not sufficient then different mechanisms will have to be used.

Aisling Byrne, OHR: Any more questions?

(Zina Babovic – Radio Free Europe) Q: I have two questions for OHR in general. So, the first one is do you have any comment about request coming from Croatia regarding new organizations of Federal Cantons? It can be related also again to refugee returns.

Andy Bearpark, OHR: I don't. That's a pretty good attempt to link a general political question to refugee returns and I admire you for making the attempt, but I am speaking on refugee return and reconstruction. I don't think it would be right for me to answer that question.

(Zina Babovic – Radio Free Europe) Q: Yes, I know, but maybe Aisling can?

Aisling Byrne, OHR: Well, we wanted to focus on refugee return today, but we can come back to that tomorrow.

(Zina Babovic – Radio Free Europe) Q: Okay.

Aisling Byrne, OHR: Jacky, again.

(Jacky Rowland – BBC) Q: You said that the conference that's taking place in Banja Luka next week, one of the main priorities of it is to put pressure on the Croatian authorities to actually sort out there act. Do you think a conference held in Banja Luka is sufficient pressure to do that? I mean, we've seen various envoys-high level envoys going to see President Tudjman and nothing seems to be happening. Is he going to take anymore notice of this conference then he has taken of previous initiatives?

Andy Bearpark, OHR: I am probably no more optimistic than you

on the specifics of a conference in Banja Luka. Where I feel that I do see progress is that we from the RRTF here in Sarajevo, have now engaged the Croatian government in a process of which one part is the Banja Luka conference. So, I myself was in Croatia last week for discussions with their Foreign Minister and their Refugee Minister. The conference in Banja Luka next week is, in my view, an important milestone, but I would not claim that it is the only milestone.

The Croatian government, I believe, is organizing a donor conference for later in the month, at which they hope to raise funding. I made it very, very clear to the Croatian government that I would find it impossible to attend a donor conference to raise funding for the Croatian reconstruction program, unless problems such as this were out of the way. I take your point that this is a process that has not been particularly successful so far, but it's a process where the determination to continue certainly exists.

Aisling Byrne, OHR: Colin, again, in the front.

(Colin Soloway – Washington Post) Q: I wonder if, since you're here, you could update us on actually, the progress towards the various deadlines which were laid out in the Sarajevo Conference. Some of them have been met, but have been met late. I'm just curious if you can tell us what has been met? What has not been met? And also, as I recall, by April 1st, was it, five hundred flats were supposed to be opened up and made available? And what's the status with those flats? And how many people have actually come back, under flats opened up under the return program?

Andy Bearpark, OHR: The information I have is that so far, 351 families have returned, which at the usual multiplier of say, three, would give a figure of about a thousand people. That involves, I believe, something like 150 flats, but I take no responsibility for those figures.

I am quoting figures which belong to the Bosnian governments and which they have given to me. These are not figures of the international community. So, all I can say is that those are the figures as they were reported to me earlier today. A further set of detailed figures will be coming this afternoon. That's one of the points of the Steering Board of the Sarajevo Housing Committee to call for that sort of information which can then be verified.

In terms of the deadlines within the Sarajevo Declaration, the deadlines with regard to process for housing have never been met to the target date, but have all been met slightly thereafter. So, from that point of view, it's possible to argue that the rough spirit of the declaration has been accepted if not the exact detail.

Other parts of the Sarajevo Declaration have certainly not yet been met, and I think particularly of the public information campaigns which were meant to accompany the position on the amnesty laws and on the multi-ethnic policing, and the return security program. Here, I understand, that some actions have been taken that the information campaigns have certainly not taken place yet. And, that is a clear failing of the guidelines.

Slightly more encouraging is the work which has been done by the education sub-group where the Ministry of Education has been attempting a wider dissemination of information on the education system. I understand that the Minister is prepared to make himself available to the media at any stage to explain what is going on. And, a number of the sub-actions of that group are taking place.

So, without giving you the full checklist of points from the Sarajevo Declaration, which I will happily do at another press conference, and bring along, I would say that some have been met, some have been late, and some have not been met. In other words, the progress is good in that it has taken place. It is

not satisfactory and it has not been fast enough.

(Colin Soloway – Washington Post) Q: I'm sorry, will this updated information that you'll be getting at the meeting this afternoon, will that be coming from the Bosnian government as well?

Andy Bearpark, OHR: I'm meeting first of all with members of the international community to collect the information that they've got. Then I will meet with members of the Bosnian government to receive their information. And, what I look forward to seeing is whether the two sets of information are the same.

(Colin Soloway – Washington Post) Q: And, with these 351 families, were these families who were returned to flats that were opened up after the Sarajevo Declaration? Or are these basically follow-ons from before?

Andy Bearpark, OHR: I do not have detail on that point.

(Colin Soloway – Washington Post) Q: I'm just curious, in the future what will be your actual reporting structures in terms of how will you be able to evaluate the progress of the Bosnian government since you are holding essentially the cut-off of aid over their heads, how will you be able to provide evidence one way or the other, in terms of determining whose coming back and-

Andy Bearpark, OHR: This is exactly the function of the RRTF system, that there is a Sarajevo level RRTF which brings together the major actors in this field. UNHCR have an enormous amount of information. There are other bodies who have expertise in this field. What the RRTF structure is designed to do is to see whether that information gathering mechanism is sufficient or whether we need some form of additional body, additional consultancy support, to actually ensure that we do have the accurate information.

(Colin Soloway – Washington Post) Q: I'm sorry, just one more question. You said that government authorities predicted that 10,000 people would return in six to eight weeks to Sarajevo. What's your evaluation of that claim, and do you think-how many of these do you think will be Serbs or Croats?

Andy Bearpark, OHR: As I understand it, the figures work out as somewhere over a half of that would be Serbs, but the figures that I have in front of me do not add up consistently, and I never like using figures when they don't. Do I think that the objective is realizable, yes I do. The construction work which is starting now can proceed very quickly indeed. The building season is here. The funding is here. There is no reason why we should not see that level of rapid progress.

Aisling Byrne, OHR: Vedran.

(Vedran Persic – OBN Television) Q: One of the aims of Sarajevo Declaration was to allow return for 20,000 refugees to Sarajevo. Can you tell us the figure which will be in, let's say, Banja Luka Declaration, how many people? I mean that figure, 20,000 for Sarajevo, and how much will be for Banja Luka?

Andy Bearpark, OHR: The Banja Luka Conference is not, as I think you know, a mirror image of the Sarajevo Conference. As I just explained, it has a much more regional focus as well. Yes, it is my belief that there should be targets in that conference. Yes, it is my intention that there should be targets in that conference. No, I can not tell you today what those targets will be.

Aisling Byrne, OHR: Any more questions?

(Joelle Kuntz – Li Hebdo) Q: There is a mechanism for claiming property which is a very slow process. What is the link between your work which is supposed to be happened, and this law process of claiming the property back? How does it fit together?

Andy Bearpark, OHR: The link is that the function of the OHR and the function of the RRTF is to identify processes like that which are too slow and find means of improving them. We are not there to create a duplicate structure. That would be impossible, but what we are there to do is to say no, this part of the system is not working properly. This is what needs to be done to improve it.

(Joelle Kuntz – Li Hebdo) Q: What is your comment on that signal that the refugees abroad perceived about the incident in Drvar?

Andy Bearpark, OHR: The incident in Drvar was an absolute tragedy. My sympathies are with the families of those concerned. I understand that people might wish to argue that refugees abroad would view this as a bad signal, but I hope that people abroad would also have noticed how quickly, how firmly, and how decisively the international community reacted to that incident, as indeed it will react to any other incident like that. And, I hope that that's the message that the people abroad will get that tragedies have occurred. Tragedies may occur, but the international community is here to respond.

Aisling Byrne, OHR: Okay.

(Daria Sito-Sucic – Reuters) Q: Would you say there is a trend in refugee returns, because you say that Drvar was an incident, but in Stolac we are seeing all the time burnt house, tortures, beating-ups of the people. We see it in Drvar again. So, could you say that there is a trend in refugee returns which is that of negative?

Andy Bearpark, OHR: There have been too many incidents. One incident alone is too many, and there have been more than one. I do not see that as being a deteriorating trend. What I do see is it being a reaction by some people who would like to obstruct the return process and who must understand that they

will not be allowed to obstruct the return process. So, in that sense, no it is not a growing trend.

Aisling Byrne, OHR: One last question here in the front from Colin.

(Colin Soloway – Washington Post) Q: Since they've raised the issue of Drvar, and along these lines, two nights ago, six houses were burned in Stolac. Six refugee houses were burned in Stolac. I'm curious-and we've heard nothing, at least from the international community on it, I'm curious what is being planned for firm action to give a message in Stolac as we've seen in Drvar? Or are there-are there plans under way?

Andy Bearpark, OHR: The answer is yes, there are plans under way. Every action like that will be looked at and discussions are continuing now.

(Colin Soloway – Washington Post) Q: Why were there no public statements about it yesterday?

Andy Bearpark, OHR: I-the exact reaction should be judged on a case by case basis. I do not think it's helpful to introduce identity of response. Firmness of response, yes, but not necessarily identical responses for every individual incident because they do different.

(Colin Soloway – Washington Post) Q: Is it simply a question you can get some things done in Drvar, and you can't things done in Stolac because of who you have to deal with on the guard?

Andy Bearpark, OHR: I wouldn't see a trade-off in that sense. What I would see is that the important thing is the result and the means maybe different in different cases.

Aisling Byrne, OHR: Okay. Thank you all for attending. I just wanted to make a couple of short announcements. First is in connection with the Banja Luka conference. Any members of the

press or media wishing to attend can contact Aida Pobric at UNHCR, who will be dealing with logistics, transport, bookings of hotels, et cetera for anyone wishing to travel from Sarajevo.

Secondly, there is a press release outside from Elisabeth Rehn which the UN has asked me tell you about, about the incidents in Travnik, yesterday.

And finally, there were several questions which came in over the phone about the mine incident in the Jewish cemetery yesterday. As a result of that, there are three representatives here today from UN MAC, from the Norwegian People's Association, and the Cantonal police who are willing to answer any questions on that incident that you might have.

Thanks very much for coming.

OHR Press Briefing
Sarajevo, 23 April 1998