Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1205 (1993)[1]

Situation of the refugees and displaced persons in several countries of former Yugoslavia

Parliamentary Assembly

1. In order to give immediate effect to OrderNo. 483 (1992) of 5 November 1992 on the crisis in the former Yugoslavia, a delegation of the Committee on Migration, Refugees and Demography visited Slovenia, Croatia and Bosnia-Herzegovina from 24 to 29 November 1992 to study the situation of the refugees and displaced persons uprooted by the conflict. In these countries, the delegation met parliamentarians and representatives of government, of humanitarian organisations, and of peacekeeping agencies. The delegation also visited a refugee centre in each country and witnessed the direct effects of the war at Turanj (Croatia), Sarajevo and Mostar (Bosnia-Herzegovina).

2. The only way to find a lasting solution to the problem of the refugees and displaced persons is to bring about an end to hostilities and to negotiate a peace settlement that fully respects the principles of democracy, human rights and minority rights. The Assembly invites the peace negotiators, in redoubling their efforts to end the present stalemate, not to lose sight of these principles in their future proposals and in particular to safeguard the rights of the Muslim community of Bosnia-Herzegovina.

3. Although the Serbs have been recognised as the instigators and perpetrators of the policy of ‘‘ethnic cleansing", these crimes against humanity are not the monopoly of any one side in the conflict. Those committing these horrible crimes must be sought and brought to justice, playing an active role with the self-proclaimed authorities of the Serbs and Croats of Bosnia-Herzegovina. Moreover, war crimes have undoubtedly been and are continuing to be committed. A register should be kept of such abuses so that those perpetrating them can be judged by an international war crimes court, as proposed in Recommendation 1189 (1992).

4. For the protection of the refugees, the establishment of ‘‘safe havens" under strengthened military protection is an essential way to allay the immediate threat to the lives and security of the displaced persons within Bosnia-Herzegovina. A European initiative within the framework of the United Nations is therefore urgently needed to create an international protection force with the task of setting up such areas by all necessary means, without which hundreds of thousands may very quickly die.

5. As for humanitarian aid, despite the considerable commitment of the Office of the United Nations High Commissioner for Refugees (UNHCR), it is clear that not enough is now getting through and that part of it is being diverted. Not only the supply but the local distribution of aid should benefit from military protection. Humanitarian aid should be massively and immediately increased and co-ordination between the responsible agencies improved. In this regard, the resources of UNHCR are certainlyinadequate.

6. Conditions in the various refugee centres visited vary from the ‘‘barely adequate" to the ‘‘totally unacceptable". Emergency measures must be taken to build and equip acceptable accommodation for those at the worst centres. Every centre should be permanently staffed by experienced humanitarian aid officials. Moreover, measures should be taken to permit those with relatives or friends in third countries to contact them with a view to temporary shelter.

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1. Assembly debate on 3 February 1993 (26th Sitting) (see Doc. 6740, report of the Committee on Migration, Refugees and Demography, Rapporteur : Mr Flückiger). Text adopted by the Assembly on 3 February 1993 (26th Sitting).

7. More offers must be made to receive refugees, in accordance with the recommendations of UNHCR and the International Committee of the Red Cross (ICRC). The governments of member states having agreed in principle to accept refugees in their countriesshould speed up the implementation of their decisions, in co-operation with the humanitarian organisations concerned.

8. The Council of Europe should, in co-operation with other international organisations, clarify the legal status of those in need of temporary protection, including deserters and draft resisters.

9. The Assembly therefore recommends that the Committee of Ministers :

9.1. organise, as a matter of urgency, a conference of the Council of Europe member states, Bosnia-Herzegovina and countries whose parliaments enjoy special guest status, with a view :

a. to creating, by all necessary means, ‘‘safe havens" under strengthened military protection, notably in Bosnia-Herzegovina ;

b. to increasing massively and with immediate effect the humanitarian aid for refugees and displaced persons, with particular attention to women and children victims of rape ;

c. to providing the means for the international humanitarian organisations concerned to co-ordinate the aid more effectively ;

d. to ensuring that the forces protecting the humanitarian aid convoys are given the means to fulfil their task, including the possibility of using direct military action to secure ground and air routes ;

e. ensuring that not only the supply, but also local distribution benefit from military protection ;

f. to examining how to strengthen solidarity between all European states, notably vis-à-vis neighbouring countries, in view of the need to increase reception offers for the refugees ;

g. speeding up the reception of refugees once the decision of principle to accept them has been taken

h. to encouraging the granting of the same educational rights to refugee schoolchildren (at primary, secondary and university levels) as those enjoyed by regular domestic students and to the provision of financial support for their continued education ;

i. to to examining the follow-up to Recommendation 1189 (1992) on the establishment of an international court to judge war crimes ;

9.2. speed up the establishment of the early warning and emergency relief system, now under study, designed to improve assistance to displaced persons, as proposed in Recommendation 1176 (1992) ;

9.3. instruct the competent committee to speed up the work to clarify and harmonise at regional level the legal status of persons fleeing situations of war or generalised violence who are in need of temporary protection, and to examine the particular protection needs of deserters who are faced with a high risk of persecution if returned ;

9.4. study the political, legal and material means of implementing a right of return for populations who have been forced into exodus ;

9.5. invite its specialised committees on education, on higher education and on the cultural heritage to draw up projects for technical assistance in Bosnia-Herzegovina, Croatia and Slovenia, and to implement them as soon as is practicable ;

9.6. invite the governments of the member states to make emergency contributions to the Social Development Fund of the Council of Europe allowing it to make preferential loans specifically for projects submitted by and/or for the countries most directly affected by the conflict having relations with the Council of Europe, notably :

a. for the building and equipping of decent housing for the inmates of the refugee centres in the worst condition ;

b. for the creation of employment or activities designed to occupy usefully the refugees and displaced persons.