Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1297 (1996)[1]

Implementation of the Dayton Agreements for peace in Bosnia-Herzegovina

Parliamentary Assembly

1. The Assembly reaffirms its commitment to the independence, sovereignty and territorial integrity of Bosnia-Herzegovina, as established by the constitution forming part of the Dayton Agreements signed in Paris on 14 December 1995. Current difficulties must be surmounted in the functioning of the federation, one of the two entities of the state (the other being the Republika Sprska). International programmes and assistance should aim at promoting co-operation between the central state, the entities and the cantons.

2. The Assembly welcomes the role attributed to the Council of Europe in implementing the agreements. It notes that the Committee of Ministers and the President of the European Court of Human Rights have accomplished specific tasks in accordance with the deadlines :

2.1. the Commission on Human Rights, which consists of the Human Rights Chamber and the Ombudsperson's Office, was inaugurated on 27 March 1996 ;

2.2. the future of these institutions (and of the other institutions established by the Washington and Dayton Agreements) will depend on financial support from the international community as well as on the commitment of the authorities of the central state and the two entities to their successful functioning. Wide publicity should be given to their existence, in the context of a campaign for education and information on human rights ;

2.3. meanwhile, there is an urgent need to clarify the relations between judicial and human rights institutions at the level of the two entities, at the level of the central state, and internationally.

3. The Assembly underlines the key role which can be played by local and regional authorities in fulfilling the mission assigned to the Council of Europe; it welcomes the activities undertaken by the Congress of Local and Regional Authorities of Europe and the "local democracy embassies", which are funded by the "confidence-building measures" programme, and based on partnership between European local and regional authorities and a town or city situated in the former Yugoslavia.

4. The Assembly welcomes the new terms of reference established by the North Atlantic Council for the Nato-led Multinational Military Implementation Force (IFOR). It notes that the role of IFOR has not changed: to create a secure environment for implementing the agreements. However, support must now be given to the organisation of the elections, to the return of refugees and displaced persons, and to the work of the International Criminal Tribunal for the former Yugoslavia to track down all indicted war criminals. Plans should now be prepared by all the international institutions mobilised under the Dayton Agreements for circumstances arising on expiry of IFOR's one-year mandate and to give immediate economic aid.

1. Assembly debate on 25 April 1996 (14th and 15th Sittings) (see Doc. 7509, report of the Political Affairs Committee, rapporteurs: MM. Blœtzer and Van der Linden). Text adopted by the Assembly on 25 April 1996 (15th Sitting).

5. The Assembly commends the achievements of the OSCE and the UNHCR in organising, respectively, a plan and programme for elections and a plan for voluntary repatriation and return of over two million displaced persons and refugees (half the pre-war population) :

5.1. progress has been made by the OSCE Provisional Election Commission in preparing the elections. Elections could still be held within the time-limits of the Dayton Agreements: this now depends on the political will to establish conditions for a free and fair campaign by the authorities of the central state and the two entities of Bosnia-Herzegovina, which in turn requires the co-operation of Zagreb and Belgrade ;

5.2. the authorities of host countries of the refugees should provide adequate arrangements for them to register for the elections and to vote _ on the clear understanding that the exercise of the right to vote shall not be interpreted as an intention to return immediately. The policies of member states on the return of those who fled the conflict and to whom they granted "temporary protected status" must be co-ordinated. Only thus can an increase in clandestine migration movements be prevented. In particular, any unilateral decisions by governments to repatriate should be avoided ;

5.3. refugees and displaced persons must have the right to return to their homes or to receive proper compensation. Any attempt to force them to return before their safety and dignity and essential living conditions are assured, in particular in areas where they suffered human rights abuses, will give rise to renewed tension and conflict ;

5.4. the Council of Europe's long experience in the field of transfrontier co-operation, and the development of such co-operation in the region, may help provide new approaches to some of the problems relating to refugees and displaced persons ;

5.5. free movement throughout the country is an essential prerequisite for the elections. In this (as in other regards) the situation in Mostar must be radically improved in order to secure the consolidation of the federation, as a guarantee for the multi-ethnic future of Bosnia-Herzegovina ;

5.6. free access to independent media by political parties is an equally essential prerequisite for the elections. Initiatives taken by the OSCE mission in this regard are warmly welcomed ;

6. The Assembly supports the work undertaken by the WEU police at Mostar, and particularly its efforts to organise a unified local police. The European Union mandate for the administration of Mostar, and the arrangements made by the Western European Union for unified policing, must be extended.

7. The Assembly regrets the delay in establishing the International Police Task Force. It considers that this has been a factor, among others, in the failure to persuade people of Serb origin to remain in the five districts of Sarajevo which have been transferred to the federation. It deplores the incidents of intimidation and violence which have occurred.

8. The Assembly in particular deplores the fact that neither IFOR nor the International Police Task Force were prepared to stop the systematic looting and torching of the Serb suburbs of Sarajevo in March 1996, nor offer effective protection to those wishing to remain, resulting in the mass exodus of Serbs from the city. The international community must develop effective means of pressure to secure compliance with the principles freely accepted by the Parties to the Dayton Agreements, notably in response to clear violations of human rights.

9. The Assembly welcomes the new pledges of nearly 1,3 thousand million US dollars made for 1996 at the Second Donors' Conference for Reconstruction of Bosnia-Herzegovina (Brussels, 12-13 April 1996). It looks forward to the full commitment in the coming years of the 5 thousand million US dollars identified as necessary for reconstruction in the first three post-war years, while recognising that this will depend on the clear prospect of stability and the goodwill of all the former parties to the conflict. These pledges must be honoured. The Assembly also welcomes the co-financing by the Council of Europe Social Development Fund - to the amount of 5 million US dollars of a refugee and war victim rehabilitation project.

10. The Assembly recommends that the Committee of Ministers :

10.1. urge governments of member states to make pledges of increased support for the reconstruction of Bosnia-Herzegovina ;

10.2. urge governments of member states to contribute to the joint Council of Europe/OSCE Voluntary Fund in order to ensure adequate financing for the Human Rights Commission and the other institutions for which the Council of Europe has assumed specific responsibilities under the Washington and Dayton Agreements, and to earmark contributions for this purpose ;

10.3. invite the member states of the Council of Europe Social Development Fund to continue - in addition to their efforts made elsewhere - to support the Fund by contributing generously to the Selective Trust Account and by guaranteeing the financing of projects through this account ;

10.4. confirm arrangements for the Council of Europe to be represented on a regular basis in Sarajevo and to have the means of maintaining regular contacts in Banja Luka, thus strengthening ties with the political leadership of all parts of Bosnia-Herzegovina; and ensure priority funding for its programmes for human rights, democracy, civil society, the media and the rule of law in implementation of the principles of the agreements, taking account also of the cultural and artistic heritage, which is a symbol of the tolerance and multicultural diversity on which the process of peaceful normalisation must be based ;

10.5. continue to support the "local democracy embassies" in the framework of the "confidence-building measures" programme, providing them with the necessary resources to enable them to extend geographically and to network some of their activities, thus giving greater impact to their action ;

10.6. give increased support to the territorial engineering projects which, on the basis of the assessments of needs carried out by the Council of Europe, will - with the co-operation of European local authorities - make it possible to reconstruct municipal infrastructures (schools, town halls, etc.) ;

10.7. urge the governments of those member states which have granted "temporary protected status" to those who fled the conflict, to prolong such protection until they can return in safety and dignity, until essential living conditions are assured, and until the new institutions for democracy and human rights are functioning effectively ;

10.8. provide the financial resources for the projects to be implemented by the Steering Committee on Local and Regional Authorities and the Congress of Local and Regional Authorities of Europe, with a view to developing transfrontier co-operation in the region as a way of helping to solve the problem of refugees and displaced persons ;

10.9. urge all governments to honour their pledges within the United Nations for adequate financing of the International Criminal Tribunal for the Former Yugoslavia, so as to guarantee the effectiveness of its work; and invite the Russian Federation, as the only non-Nato country contributing to IFOR which has not yet done so, to adhere to the "memorandum of understanding" on relations with this tribunal; x.consider future relations with the Federal Republic of Yugoslavia (Serbia and Montenegro) in strict proportion to :

a. its respect for and implementation of Council of Europe values, principles and standards ;

b. its honouring of obligations under the agreements, notably in regard to co-operation with the International Criminal Tribunal for the Former Yugoslavia ;

c. its response to Assembly Resolution 1077 (1996) on Albanian asylum-seekers from Kosovo.

11. The Assembly looks forward to a decision being taken in the near future on special guest status for the Federal Republic of Yugoslavia.