Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1301 (1996)[1]

Civilian aspects of the Dayton and Erdut Agreements

Parliamentary Assembly

1. The Dayton and the Erdut Agreements have laid the foundations for sustainable peace in Bosnia-Herzegovina and in Croatia as well as for the stabilisation of the entire region. However, these aims can be achieved only by the full implementation of the agreements, covering the civilian aspects as much as the military ones.

2. While welcoming the fact that the successful implementation of the military aspects of the Dayton Agreements brought an immediate end to the fighting and the massive violations of human rights in the region, the Assembly expresses its grave concern at the delays in implementing the civilian clauses of the agreements.

3. The democratisation of Bosnia-Herzegovina is not progressing at the desired pace. Persons accused of war crimes are still in control of the Republika Srpska (RS) and this represents an insurmountable obstacle to the re-establishment of a pluralist, multiethnic society in the RS as well as to any constructive dialogue with this entity.

4. In spite of the deployment of the Multinational Military Implementation Force (IFOR), freedom of movement between the two entities of Bosnia-Herzegovina does not exist in practice and this has a particularly serious impact on enclaves such as Gorazde.

5. The Assembly is pleased to note that the 1996 objectives for financial pledges from donor countries towards reconstruction in Bosnia-Herzegovina have been realised. However, it notes that, in spite of the large numbers of projects being devised, implementation of these projects has been very slow.

6. Refugees and displaced persons have not yet returned in any significant numbers owing to the lack of guarantees of physical and material safety. The Assembly especially deplores the complete stalemate as regards the return of refugees to areas which underwent "ethnic cleansing".

7. Apart from political factors, the total lack of housing makes any large-scale return of refugees impossible, both for those still living in the country and those returning from abroad. Similarly, the disastrous state of the country's infrastructure and the unemployment level, which varies from 60% to 90% according to the region, are likely to deter those considering returning.

8. The agro-food and forestry sectors can play a crucial role in improving food security, providing materials (timber) for the repair and construction of housing and in creating jobs and are consequently among the priorities of the reconstruction process.

9. The delays in implementing the civilian aspects of the Dayton Agreements are likely to have adverse effects on the conduct of the elections in Bosnia-Herzegovina scheduled for September 1996. In addition to the factors mentioned above, the democratic nature of the elections may be compromised by shortcomings in the freedom of the press and the fact that it will be impossible for the various candidates to run their electoral campaigns on an equal footing.

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1. Assembly debate on 28 June 1996 (24th Sitting) (see Doc. 7588, report of the Committee on Migration, Refugees and Demography, rapporteur: Mr Iwin´ski; Doc. 7590, opinion of the Committee on Economic Affairs and Development, rapporteur: Mrs Verspaget; and Doc. 7591, opinion of the Committee on Agriculture and Rural Development, rapporteur: Mr Lacour). Text adopted by the Assembly on 28 June 1996 (24th Sitting).

10. The Assembly believes that the elections are a key factor in the progress of the peace process and that everything should be done to ensure that they are held under the right conditions. Otherwise, there is a risk that they will reinforce ethnic divisions in the country.

11. Regarding implementation of the Erdut Agreement on the peaceful reintegration of Eastern Slavonia, Baranja and Western Sirmium, the Assembly welcomes the progress which has been made so far and in particular the constructive dialogue which has begun between the Croatian Government and Serbian representatives.

12. Nonetheless, if this promising start is to lead to the restoration of a democratic, multiethnic society in the region, there are crucial obstacles which still have to be surmounted - the return of displaced persons, economic reconstruction, human rights guarantees and the setting up of democratically elected institutions.

13. In the field of economic reconstruction, the Assembly :

13.1. recognises the difficult investment climate in Bosnia-Herzegovina - due in particular to the political uncertainty and the limited geographical extension of government authority - but nevertheless considers it essential for the success of the peace process that reconstruction be accelerated further, in order to show the general population as early as possible the benefits of peace ;

13.2. strongly supports the reconstruction priorities established by the World Bank in close co-operation with the Government of Bosnia-Herzegovina, the High Representative, the European Union, the European Bank for Reconstruction and Development (EBRD) and the international donor community as a whole, and believes that the World Bank should be allowed to continue to play a leading co-ordinating role, together with the host country government, at the present, early stage of reconstruction ;

13.3. considers that particular priority should be given to the rebuilding of homes in accordance with the needs and opportunities of local communities, especially for minorities, including the Roma, since this is a precondition for economic reconstruction ;

13.4. hopes that trade relations, essential for reconstruction and renewed prosperity, can soon be normalised within the whole of Bosnia-Herzegovina and with neighbouring countries.

14. Accordingly, the Assembly recommends that the Committee of Ministers :

14.1. urge the organs of the Social Development Fund of the Council of Europe to reinforce the Fund's potential to act in Bosnia-Herzegovina and in Croatia, including assistance in identifying and drawing up projects ;

14.2. urge the member states to :

a. do everything in their power to ensure that the elections in Bosnia-Herzegovina are held under satisfactory circumstances, meaning among other things that persons accused of war crimes are excluded from politics and summoned before the International War Crimes Tribunal, refugees and displaced persons are allowed to return home, freedom of the media is guaranteed and all candidates for the elections are enabled to run their campaigns on an equal footing ;

b. co-operate fully with the International War Crimes Tribunal and, where necessary, to adopt legislation which is consistent with the guidelines of the tribunal ;

c. support the extension of IFOR's terms of reference until the civilian aspects of the Dayton Agreements have been implemented, creating a stable political and economic context and averting the danger of renewed fighting ;

d. support the extension of the terms of reference of the European Union administration of Mostar, due to end on 22 July 1996, until its tasks can be taken over by democratically elected and respected local organs ;

e. do everything possible to speed up the reconstruction process in Bosnia-Herzegovina and Eastern Slavonia as a matter of urgency ;

f. reschedule the foreign debt of Bosnia-Herzegovina in order to help the new government achieve reconstruction ;

g. make generous contributions to the Selective Trust Account of the Social Development Fund of the Council of Europe and to guarantee and co-finance projects to assist Bosnia-Herzegovina and Croatia ;

h. ensure that a part of the aid for reconstruction is allocated directly to local authorities in the war-stricken areas of Bosnia-Herzegovina and Croatia as well as to non-governmental organisations working in these areas ;

i. give absolute priority to reconstruction projects aimed at housing construction and rehabilitation ;

j. support the World Bank's recently approved Special Political Risk Guarantee Facility Fund for private investors, designed to encourage investment in what are considered high risk regions ;

k. provide urgent assistance in ensuring that the road through the corridor linking Sarajevo to Gorazde is built as quickly as possible, and towards improved road connections from Tuzla to the north ;

l. refrain from repatriating people from Bosnia-Herzegovina who have been granted "temporary protected status" until the appropriate conditions for their return are met ;

m. establish, preferably through the intermediary of the Office of the United Nations High Commissioner for Refugees (UNHCR), adequate social protection for all the people of Bosnia-Herzegovina, including minorities, affected by the war or disadvantaged for other reasons ;

14.3. ask the Croatian Government to :

a. amend the amnesty law so that it satisfactorily guarantees the safety of the Serbian population of Croatia ;

b. support the extension of the initial period of authority of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), established by the Erdut Agreement, for a further twelve months.

15. The Assembly asks the governments of the member states of the European Union and of the European Free Trade Association (EFTA) to grant Bosnia-Herzegovina preferential trade status.