Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1116 (1997)[1]

Implementation of the Dayton Agreements for peace in Bosnia and Herzegovina

Parliamentary Assembly

1. The Assembly welcomes the holding of the elections of 14 September 1996 in Bosnia-Herzegovina. They have opened the way for the setting-up of common political structures for the three constituent peoples and the two autonomous entities - the Republika Srpska and the Bosno-Croat Federation of Bosnia-Herzegovina. The Constitution in Annex 4 of the Dayton Agreements can thus come into effect.

2. The next step will be municipal elections. These should be held in 1997, if possible within the next six months. They will open the way for further progress in the setting-up of joint political structures.

3. The conduct of municipal elections in Bosnia-Herzegovina - and, in particular, the possibility for peaceful transfers of local authority following these elections - will be influenced by the security atmosphere which prevails during the election campaign and on polling-day, and also by the respect shown for election outcomes in neighbouring states, notably at municipal level in Zagreb and Belgrade and throughout Serbia.

4. The Assembly reaffirms its view that democracy and the rule of law and respect for international law in the neighbouring states of Croatia and the Federal Republic of Yugoslavia are vital to stability in the region. It condemns all policies, actions and omissions to act by the governments of these states which undermine or put at risk the restoration of an independent sovereign democratic state of Bosnia-Herzegovina, as provided for by the Washington and Dayton Agreements of 1995.

5. The Assembly deplores the annulment of election results in the Federal Republic of Yugoslavia, effectively cancelling opposition victories in the second round of local elections held on 17 November 1996. The Assembly proclaims its solidarity with those who are persistently, peacefully and courageously demonstrating against this manipulation, in Belgrade and in other parts of Serbia. Respect for the integrity of the election process is part of the rule of law. It is the cornerstone of democracy and political pluralism.

6. The Assembly deplores the lack of coverage given to these demonstrations by the state-dominated media in the Federal Republic of Yugoslavia. It condemns without reserve the pressure exerted on the independent media in Belgrade, notably Radio B.92.

7. Experience of the elections held in Bosnia-Herzegovina on 14 September 1996 shows that the state-dominated media in Belgrade and Zagreb, whose programmes reach the citizens of Bosnia-Herzegovina, will be a significant factor in the campaigns of the political parties and have an important influence on the general security atmosphere for the municipal elections in 1997.

8. The time has come for the governments and the broadcasting authorities in Belgrade and Zagreb to determine and announce clear policies and guidelines for media coverage of events and issues in Bosnia-Herzegovina.

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1. Assembly debate 30 January 1997 (6th Sitting) (see Doc. 7733, report of the Political Affairs Committee, rapporteurs: MM. Blœtzer and Van der Linden). Text adopted by the Assembly on 30 January 1997 (6th Sitting).

9. .The Assembly notes the conclusions of the Peace Implementation Conference for Bosnia-Herzegovina (London, 4 and 5 December 1996). The Assembly welcomes the continuation of a Nato-led stabilisation force (SFOR) for a period of eighteen months; the continuation of the mandate of the High Representative, with stronger co-ordination structures, notably for reconstruction; the forthcoming International Donor Conference; and the enhanced prospects for rehabilitation and reconstruction in 1997.

10. The Assembly regrets the lack of progress on all other fronts: free movement between the entities, respect for human rights, transfer of indicted persons to the war crimes tribunal, the return of refugees and displaced persons to their former places of residence, an agreed regulatory framework for the media, arbitration on the Brcko area, and investigation into allegations of police misconduct and of the continued interference of Croatia in the Mostar region.

11. In the light of this lack of progress, and excepting programmes of humanitarian aid and poverty relief, the Assembly calls for the implementation of reconstruction programmes to be made conditional on the compliance of the authorities of the Republika Srpska and the Federation of Bosnia and Herzegovina, as well as the central government, with their obligations under the Washington and the Dayton Agreements.

12. .The Assembly resolves:

12.1. to call for a stronger mandate and additional resources for the Office of the High Representative (further to Annex 10 of the Dayton Agreements), with authority to apply the principle of conditionality, as indicated above, and with powers to recommend to the appropriate state authority the disqualification or dismissal of persons who obstruct the implementation of the Dayton Agreements, notably at local and cantonal levels, and to place restrictions on their possibilities for international travel;

12.2. to call on the authorities of the Federal Republic of Yugoslavia to accept the conclusions reached by the mission of the Organisation for Security and Co-operation in Europe (OSCE), led by the former Spanish Prime Minister Felipe González, which visited Belgrade on 20 and 21 December 1996 at the invitation of the Government of the Federal Republic of Yugoslavia, and thus accept the election victories of the Zajedno coalition candidates in thirteen municipalities of Serbia and Belgrade;

12.3. subject to a satisfactory outcome to the current political crisis, as recommended by the osce mission, to continue dialogue with the Federal Assembly of the Federal Republic of Yugoslavia on the question of implementation of the Dayton Agreements;

12.4. to explore the question of special relations between the Council of Europe and the state of Bosnia-Herzegovina, and to examine the question of special guest status for the parliament of the central state of Bosnia-Herzegovina at the earliest opportunity;

12.5. to examine immediately, under its monitoring procedure, the allegations made by the authorities in Sarajevo about the policies and actions of the Croatian Republic in Mostar and the Mostar region.

13. The Assembly recalls its Recommendation 1301 (1996) on the civilian aspects of the Dayton and the Erdut Agreements, proposing a series of measures designed to accelerate the process of reconstruction in Bosnia-Herzegovina and in Eastern Slavonia and facilitate the return of refugees and displaced persons.