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Political Affairs Committee

Reconciliation and political dialogue between the countries of the former Yugoslavia¹

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- A. Draft resolution
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¹ The Rapporteur uses the term "the former Yugoslavia" to describe the territory that up until 25 June 1991 was known as the Socialist Federal Republic of Yugoslavia (SFRY).

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A. Draft resolution

1. The conflicts that ravaged the territory of the former Yugoslavia, between 1991 and 1995 were the deadliest in Europe since the Second World War. They were characterised by heinous war crimes, including genocide, ethnic cleansing and rape being used as an instrument of warfare, and cost the lives of approximately 140,000 people.

2. The Assembly notes that the conflicts have shaped a new political and institutional panorama and have designed a new human geography with profound demographic transformations: more than 300,000 persons are internally displaced and there are still over 120,000 refugees, unable or unwilling to return to the areas they lived in before the outbreak of war; the identification of missing persons and the discovery of mass graves is still ongoing, and approximately 14,000 people are still unaccounted for.

3. The Assembly supports the efforts of the countries of the former Yugoslavia to reconcile and reconstruct a new relationship among themselves and welcomes their commitment to regional co-operation, which indicates a greater willingness to overcome the legacy of the past. It notes with satisfaction a number of positive examples of people and leaders from the region working together for change:

3.1. co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) has improved markedly over the years and the vast majority of indictees have now been transferred into ICTY custody; the so-called "Palić Process" has promoted inter-state dialogue and judicial co-operation in war crimes proceedings;

3.2. there has been an intensification of relations between Belgrade and Zagreb; heads of state from all the states of the former Yugoslavia attended a memorial in Srebrenica in July 2010 to commemorate the 15th anniversary of the massacre;

3.3. the unearthing of mass graves and DNA assisted identifications have shed light on the fate of many missing persons; in November 2010, President Tadić and President Josipović advocated the opening of all archives without exception;

3.4. Bosnia and Herzegovina, Croatia, Montenegro and Serbia are committed to implementing the so-called "Sarajevo Declaration", signed in 2005, in which they agreed to find a solution to the problem of Internally Displaced Persons (IDPs) and refugees, with the assistance of the international community;

3.5. in March 2010, a number of the countries of the former Yugoslavia launched the so-called "Brdo Process" and agreed to provide each other with mutual support and to invest best efforts in addressing open bilateral issues in a European spirit;

3.6. in the "Istanbul Declaration", signed in April 2010, Bosnia and Herzegovina and Serbia pledged to overcome their historic differences and build a common future based on tolerance and understanding and agreed that regional policy should be based on ensuring security and permanent political dialogue;

3.7. a number of states are beginning to agree to have outside bodies arbitrate over border disagreements, with Croatia and Slovenia setting a positive precedent;

3.8. steps have been taken across the region to adopt measures to combat discrimination, and national minority councils have been established in Bosnia and Herzegovina and Serbia to represent the rights and interests of minorities.

4. The Assembly particularly welcomes the initiative recently taken by a coalition of non-governmental organisations from Bosnia and Herzegovina, Croatia and Serbia to create a Regional Commission for Establishing the Facts about the War Crimes in the former Yugoslavia (RECOM) to document all crimes committed during the wars in order to honour and acknowledge all victims.

5. Although significant progress has been achieved in recent years, the Assembly finds that the situation varies considerably among countries and the effectiveness of policy reforms often falls short of expectations.

6. Furthermore, the Assembly notes with concern that public discourse on the war and its long-term legacy varies from one country to another and can be a potential source of hatred and conflict. It considers that, in the same way in which ethnic conflict and civil war are not natural, but man-made disasters, their

prevention and settlement do not happen automatically either. Leadership needs to be capable, determined and visionary in its commitment to peace.

7. In the Assembly's view, renewed efforts are needed by all governments in the region with a view to their full reconciliation and Euro-Atlantic integration. It therefore calls on the countries of the former Yugoslavia concerned to:

7.1. ensure that the issue of missing persons remains a priority, open their archives and provide appropriate funding for civil society initiatives which seek to create records of victims of the conflicts to address the legacy of the past;

7.2. ensure full co-operation with the ICTY on war crime prosecution, give top priority to tracking and arresting the remaining fugitives and ensure the full protection of witnesses;

7.3. intensify technical co-operation to establish clear statistics relevant to refugee return and local integration and continue providing support for the return and reintegration of refugees in their place of origin or, where appropriate, for integration in the place of displacement, in co-operation with the international community, giving priority to the promotion of access to basic rights, including housing, education, health, employment and social services;

7.4. resolve to settle any outstanding border disputes and, where appropriate, commit themselves to a binding arbitration mechanism;

7.5. step up efforts to ensure the effective implementation of anti-discrimination legislation and the protection of minorities;

7.6. support cross-border, grass-root and civil society initiatives aimed at reconciling citizens across different countries;

7.7. support the establishment of a regional truth and reconciliation commission, with the participation of all countries involved in the conflicts, with a view to reaching a mutual understanding of past events and to honouring and acknowledging all victims.

8. With regard to the situation in Bosnia and Herzegovina, the Assembly regrets that the general elections held on 3 October 2010 were once again conducted with ethnicity and residence-based limitations to active and passive suffrage rights, and that the constitutional deadlock continues to be an obstacle impeding the country from moving ahead towards a fully-fledged democracy that can take responsibility for its own affairs. It therefore reiterates its recommendations to Bosnia and Herzegovina to:

8.1. take urgent steps to respect its commitments as a member of the Council of Europe and undertake comprehensive key reforms, including constitutional reforms, and ensure full compliance with the December 2009 ruling of the European Court of Human Rights in the case *Sejdic and Finci v. Bosnia and Herzegovina*, making full use of the recommendations of the Venice Commission;

8.2. work on strengthening the functioning of its state democratic institutions in order to achieve a fully sustainable state capable of dealing efficiently with the challenges of Euro-Atlantic integration, and make progress towards the closure of the Office of the High Representative.

9. The Assembly stresses that the perspective of European Union integration remains an important incentive for the success of the process of reconciliation in the region. Noting that the states of the former Yugoslavia are in different situations with regard to this process, and that progress made towards EU membership varies greatly, it believes that the European Union can provide the necessary political drive and leverage in favour of dialogue through the European External Action Service, in co-operation with other relevant actors present in the region. It therefore encourages the European Union to:

9.1. promote a region-wide process, decoupled from the accession and pre-accession process, to support the countries' efforts to deal effectively with outstanding issues and persistent challenges to a full normalisation of the region;

9.2. closely co-operate with the Council of Europe, the Organisation for Security and Co-operation in Europe, the United Nations High Commissioner for Refugees and the Regional Cooperation Council, which have the legal instruments and the expertise to address outstanding issues.

10. The Assembly is convinced that inter-parliamentary dialogue at regional level should be supported and stresses the importance of strengthening the role of the national parliaments of the countries of the former Yugoslavia in any endeavours aimed at full reconciliation in the region. For its part, the Assembly resolves to offer a platform for such a dialogue, where appropriate in co-operation with the European Parliament.

B. Draft recommendation

1. Referring to its Resolution ... (2010) on reconciliation and political dialogue between the countries of the former Yugoslavia, the Parliamentary Assembly is of the view that the goal of full reconciliation between these countries is closely intertwined with the successful resolution of a number of pending issues, which still jeopardize efforts for stabilisation in the region, notably missing persons, prosecution of war crimes, refugees and internally displaced persons (IDPs) and border disputes.
2. The Assembly also believes that it is critical to promote and support a public discourse about the war that departs from nationalist rhetoric, in particular in the education of the younger generations.
3. The Assembly therefore recommends that the Committee of Ministers:
 - 3.1. strongly urge all member states of the Council of Europe to continue to provide financial assistance to turn existing action plans aimed at finding a durable solution for refugees and IDPs into concrete action;
 - 3.2. provide all necessary assistance to and support the work carried out by the Council of Europe schools of political studies, notably in Belgrade, Pristina and Sarajevo, in engaging political and other elites in dialogue and intensifying efforts in the region with a view to fostering co-operation on all outstanding issues and strengthening the multi-ethnic character of these circles;
 - 3.3. foster cultural change by supporting the work carried out by local actors, researchers and NGOs aimed at developing a more pluralistic and shared view of past and present events, and consider the possibility of organising a round table with recognised historians from the region around some key dates in history;
 - 3.4. continue to support the relevant work done by the Council of Europe in conflict and post-conflict areas on the revision and development of textbooks and teacher manuals, the organisation of teacher seminars and source material identification, and consider expanding such activities to other areas;
 - 3.5. encourage the governments of Bosnia and Herzegovina, Croatia and Serbia to actively support the establishment of a regional truth and reconciliation commission;
 - 3.6. ensure full and rapid execution of the European Court of Human Rights' judgment in the *Sejdic and Finci v. Bosnia and Herzegovina* case.