

EU Council conclusions on guidelines for former Yugoslavia (30 October 1995)

Caption: On 30 October 1995, in anticipation of the peace talks on Bosnia-Herzegovina to be held in Dayton, United States, the General Affairs Council of the European Union outlines the Fifteen's long-term policy for restoring peace in the former Yugoslavia.

Source: Bulletin of the European Union. October 1995, No 10. Luxembourg: Office for official publications of the European Communities.

Copyright: (c) European Union, 1995-2012

URL: http://www.cvce.eu/obj/eu_council_conclusions_on_guidelines_for_former_yugoslavia_30_october_1995-en-98e4b1f7-d93a-4a23-9dd2-2b2ec702e687.html

Publication date: 21/10/2012

Council conclusions on guidelines for former Yugoslavia (30 October 1995)

With a view to the peace negotiations to be held in the near future, the Council adopted the conclusions set out below.

1. Introduction

Since the beginning of the conflict in former Yugoslavia, the European Union has spared no effort to promote peaceful and lasting solutions. The Union has also been the principal contributor in the work to relieve the terrible suffering of the civilian population.

The European Union reaffirms its determination to do everything possible to help achieve a successful outcome in the forthcoming negotiations.

The European Union, represented by the European mediator Mr Carl Bildt, will devote special attention both to questions relating to the constitutional framework of Bosnia-Herzegovina and to the solving of territorial issues. The clear definition and implementation of structures for the State of Bosnia-Herzegovina will be essential for the development of relations with the European Union. The Union also calls on the parties to make every effort to agree on all remaining questions relating to the map. It reaffirms its full readiness to help on these important issues.

The European Union will work, on the basis of the agreements reached in Geneva and New York, to achieve the following goals:

1. the continuing existence of Bosnia-Herzegovina as a single State in its internationally recognized borders, consisting of two entities: the Federation of Bosnia-Herzegovina and the Republica Srpska;
2. Bosnia-Herzegovina must be a multiethnic State, a democracy founded on respect for the human person and the rule of law;
3. basic human rights and the rights of minorities as enshrined in international law have to be fully recognized and respected;
4. full respect for the rights of refugees and displaced persons, in particular the right of voluntary return;
5. a framework for early, free and fair elections in Bosnia-Herzegovina;
6. economies based on market principles and regional cooperation;
7. mutual recognition among all the States of the former Yugoslavia, within their internationally recognized borders;
8. the establishment of a process to define arms control, disarmament and confidence building measures.

The European Union will give its full support to the implementation of the peace process, in coordination with other members of the international community. In this context, the representative of the European Union acts in close cooperation with the Presidency and the Commission within their respective competences.

The European Union wishes to confirm its willingness to contribute to the international effort aimed at the reconstruction of the regions devastated by the war, once peace is established. To that end, the European Union will coordinate its action with other members of the international community in order to provide long-term assistance with the objectives of supporting economic development, reinforcement of civil society, reconciliation and regional economic cooperation.

In the perspective of peace, the European Union is developing its long-term policy towards the region, to help build stability and prosperity.

The European Union is concerned that failure to resolve the question of Eastern Slavonia would be a serious threat to hopes of ending the fighting in the region. The EU reminds the parties of their responsibility for reaching a peaceful solution on the basis of respect for the internationally recognized borders of the Republic of Croatia and respect for the rights of the local Serb population. The EU will consider taking part in the future transitional arrangements. Failure to reach a negotiated solution will have serious consequences in future relations with the EU.

The European Union believes it is necessary to create the conditions for the early return of the displaced Serb population from the United Nations protected areas in the Republic of Croatia. The government of Croatia must fully restore them in their civil and political rights as well as their properties.

The European Union remains deeply concerned about the other outstanding issues in the region and considers that success in the efforts to achieve peace in Bosnia and Eastern Slavonia should be exploited to accelerate their resolution. The question of Kosovo has to be solved on the basis of both the granting of a large degree of autonomy and the respect for the internationally recognized borders of the Federal Republic of Yugoslavia (FRY) (Serbia and Montenegro). The EU considers that the immediate and full respect of human rights in Kosovo has to be safeguarded. The rights of the minorities in Vojvodina and Sandzak, as in all other areas of former Yugoslavia, must also be fully respected. A solution to these questions will be essential for the full integration of the FRY (Serbia and Montenegro) in the international community and the stabilization of the whole area. The work in this field carried out by the International Conference on former Yugoslavia (ICFY) must be continued and intensified in an appropriate framework.

2. Humanitarian assistance

The EU reaffirms its determination to provide humanitarian assistance as long as the need exists. This assistance will seek to overcome humanitarian dependence as soon as possible and to assure a 'continuum' with the reconstruction effort. From the beginning of the conflict, the European Union has made a great effort, contributing with ECU 1.6 billion, and will continue to do so.

Humanitarian aid must reach all those who need it throughout the entire territory of former Yugoslavia, impartially and without conditionality. All interested parties should cooperate fully in its delivery.

The European Union will coordinate all different stages of its humanitarian aid with the United Nations High Commissioner for Refugees (UNHCR), which is the lead agency.

3. Refugees and displaced persons

The right of refugees and displaced persons to return freely to their homes throughout the whole territory of former Yugoslavia in conditions of security or to receive just compensation is a fundamental principle. This right must be enshrined in the peace agreement. The practical application of these rights should be ensured in cooperation with the UNHCR as the lead agency and other institutions. The European Union will in any case encourage the return of refugees by the means at its disposal, including the channelling of international aid.

The European Union will seek the commitment of the countries of origin to accept the return of their citizens and those others who have left their territory and have been accorded temporary protection by third countries.

The readiness of the countries of origin to allow the return of all refugees is one of the criteria for participation in the reconstruction and development programmes.

4. High Representative

In order to ensure the overall political coordination and coherence of the implementation of the peace settlement, the European Union considers necessary the designation of a High Representative who should be entrusted by the UN Security Council with the tasks referred to in the peace settlement. In view of the contribution of the European Union in these aspects, the High Representative should come from the EU. The High Representative would report regularly, as required, to the Council of the European Union and to the international organizations involved in the implementation process. The functions of the High Representative should include:

- to assure the coordination of all civil aspects of the implementation of the peace plan, without prejudice to the competences of lead agencies in their respective fields;
- to liaise closely and on a regular basis and exchange information with the IFOR;
- to keep a close contact with the parties, to pursue full compliance with all civil aspects of the peace plan.

5. Constitutional issues and free elections in Bosnia

On the basis of Geneva and New York documents, the EU calls on all parties to continue the negotiations aimed to agree on a basic constitutional framework for Bosnia-Herzegovina.

The future constitution of Bosnia-Herzegovina must contain provisions for:

- a democratic political system based on free and fair elections;
- institutional arrangements at central government level, adequate to ensure effective functioning of the State, *inter alia* with structures responsible for foreign relations and foreign trade. It must have the possibility of concluding and implementing international treaties;
- a functioning market economy.

Free and democratic elections should take place as soon as conditions permit. The signatories of the peace agreement should undertake firm commitments in this regard. In this context, the European Union calls on the OSCE to adopt an early decision to send missions to Bosnia-Herzegovina in order both to evaluate when conditions allow for elections to take place and to monitor the electoral process itself.

When the elections take place the return of refugees should already be under way allowing them to participate in the elections in their places of origin.

The European Union intends to make a major contribution to the electoral process, mainly through ECMM. In this context, the Union will redefine the future tasks of the European Union Monitoring Mission in former Yugoslavia in the perspective of peace. The ECMM has been deployed in the region since 1991 and has a unique experience in dealing with the many different aspects of the conflict. ECMM is already present in the Federation and should deploy when conditions allow throughout the whole territory of Bosnia-Herzegovina.

6. Reconstruction and regional development

A. Reconstruction is a major task for the international community. The European Union is willing to contribute to this task in the context of the widest possible burden-sharing with other donors and in the light of detailed identified needs.

Reconstruction should be concentrated in those areas most affected by war: the whole territory of Bosnia-Herzegovina and certain areas of Croatia.

Reconstruction assistance for Bosnia-Herzegovina depends on the implementation of the provisions of the peace plan.

The granting of reconstruction assistance to Croatia should be linked to the creation of real return options by the Croat Government for the Serbs in the UN protected areas and to strict respect for human and minority

rights, as well as to a constructive attitude to the implementation of the peace plan.

Since the international financial institutions, and in particular the IMF and the World Bank can play a major role in reconstruction, it is important that Bosnia-Herzegovina does become a member of both institutions as soon as possible. To that end, a maximum effort should be made to help Bosnia-Herzegovina to clear its arrears with these institutions.

B. The European Union is convinced of the need to support economic development and the establishment of normal relations among all the States and the peoples of the former Yugoslavia. Only the granting of longer term measures in the region at a later stage will enable it to enjoy a sustained economic recovery.

The objectives of the EU should include:

- the establishment and reinforcement of democratic political institutions which guarantee the rule of law, human rights and fundamental freedoms;
- the reinforcement of civil society and the strengthening of non-governmental bodies and cultural and educational institutions;
- support for economic stabilization and transition to market economies;
- the rebuilding and modernization of energy, water, transport and telecommunications networks;
- the development of the private sector, especially smaller firms and the promotion of investments;
- the establishment of open, free and normal economic relations between the States of former Yugoslavia;
- the participation of the countries concerned in the open international economic system;
- the development of trade and cooperation with the European Union and other international partners.

The granting of longer term measures will be subject to criteria of conditionality which should include the following elements:

- implementation of the terms of the peace agreement;
- respect for human rights, minority rights and the right to return of all the refugees and displaced persons;
- with respect to the FRY (Serbia and Montenegro), the granting of a large degree of autonomy within it for Kosovo;
- respect for the principles of market economy;
- cooperation with the international war crimes tribunal.

C. The Community contribution would be met exclusively from within Category IV of the existing financial perspective. The sources of the Community financing would come from PHARE, from the budgetary lines already existing for former Yugoslavia or lines where limited actions could be envisaged for the same area, and from the amounts not allocated under Category IV of the financial perspective.

These instruments would not modify the budgetary perspective of the Community and would respect the orientations agreed by the European Council with regard to financial assistance to Central and East European countries and Mediterranean third countries. To these sources could be added possible loans from EIB and EBRD.

D. Support for reconstruction will come from many different sources. Efforts would be complementary and mutually reinforcing and coordination at different levels will be essential. Such coordination must respond to certain parameters: the efficient use of the available funds, notably in avoiding duplication and non-coverage of sectors, the use of the expertise and know-how of the fund-raising organizations themselves, the largest possible number of donors, transparency regarding information on needs and actions undertaken and the establishment of structures able to absorb aid in the beneficiary countries.

The European Union will be requested to contribute substantially to this reconstruction effort. Bearing in mind the magnitude of its effort, the coordination mechanism must ensure that the Union will be able to play a role commensurate with its experience in the field of aid and its political interest in the successful development of the region. It should also permit full advantage to be taken of the experience and influence

of the international financial institutions, notably the World Bank.

Finally, the European Union considers that the International Management Group (IMG) should play an important role in the evaluation of needs and local coordination of reconstruction efforts.

7. Future agreements

As a follow-up to the European Union efforts to bring peace and stability to the region, the EU seeks to establish, as soon as conditions permit, a long-term relationship with the countries of the region. These relationships should take the form of agreements in the framework of a regional approach.

The conclusion of these agreements should be preceded by a clear analysis of all problems and possibilities concerning the EU relations with the regions and with each of these countries.

These agreements should include the following objectives:

- the improvement and intensification of relations with the EU, taking into account, as far as possible, the aspirations of the countries concerned;
- the fostering of reconciliation and the establishment of open and cooperative relations among these countries and their closest neighbours;
- the overall contribution of the EU to peace and stability in the region.

The agreements should be based on experience gained from previous agreements with the EU and should have an element of clear political and economic conditionality, including in particular respect for human rights, minority rights, the right to return of displaced persons and refugees, democratic institutions, political and economic reform, readiness to establish open and cooperative relations between these countries, full compliance with the terms of the peace agreement and, with regard to the FRY (Serbia and Montenegro), the granting of a large degree of autonomy within it to Kosovo.

The willingness of the concerned States to engage in regional cooperation and to speed the process of economic and political reform will be determining factors in the future relations with the European Union.

8. Arms control and Confidence-and Security-Building Measures (CSBM) in the region

Following the signing of the peace agreement, the establishment of a stable military balance based on the lowest possible level of armaments will be a necessary element in preventing the recurrence of conflict in the former Yugoslavia.

The European Union considers urgent that a process be started in the context of OSCE to define arms control, disarmament and confidence and security building measures. The EU will seek the commitment of the governments concerned, on signing the peace agreement, to begin constructive and bona fide negotiations on confidence and security measures, arms control and reduction as well as regional security.'