

Opening Remarks by the High Representative, Carl Bildt at the meeting of the Human Rights Task Force

The history of the conflict in Bosnia – as well as in all of former Yugoslavia – is the history of the most flagrant violations of human rights we have seen in recent European history. And the setting up of institutions and mechanisms to safeguard human rights in the future is one of the most crucial elements of the peace process that we are now embarking on.

At the London Peace Implementation Conference, the High Representative was charged with the setting up of a Human Rights Task Force to coordinate the activities of all the different organizations involved in this field. Although we have already had meetings on the working level in Sarajevo, and addressed part of these questions at the meeting of the Major Implementation Agencies here in Brussels January 17, this is the first meeting to start to address which structures and methods of coordination we are going to need.

One principle applies to this area of implementation as well as to others. We will not be there in Bosnia forever in the way that we will be there during this year, and it must accordingly be our primary objective to set up and support those national structures that will have to have the main responsibility for the monitoring and safeguarding of human rights during coming years and decades.

The standards for human rights agreed upon in the Peace Agreement are very high. The European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols is the most comprehensive international instrument for the protection of human rights that exists. It will now apply directly in the courts of Bosnia and Herzegovina, thus on paper assuring its citizens a better system of protection than that in operation in several other European countries.

To sign documents is one thing, but to live up to them is sometimes something rather different. And it can never be done if not society as a whole knows and understands the commitments that their country has entered into.

There is, in my opinion, a need for a comprehensive campaign to bring information to the peoples of Bosnia and Herzegovina, and not least to its police forces and legal systems, on the nature of the commitment their country has entered into by signing up to the European Convention. It is only by making people aware of their rights, and informing them on how they can exercise them, that these commitments start to change the realities of society.

The Peace Agreement set up the Human Rights Commission – consisting of the Ombudsperson and the Human Rights Chamber – as the mechanism to safeguard and protect human rights. The Ombudsperson has already been appointed by the OSCE Chairman-in-Office and is in the process of setting up her operation, while the nominations to the Human Rights Chamber shall be ready no later than March 14. As you know, the eight members of the Chamber shall be appointed by the Council of Ministers of the Council of Europe. The Commission will work for an initial period of five years before being turned over completely to the national authorities.

In accordance with the principle mentioned, I believe that we shall make support for the Commission – the Ombudsperson as well as the Chamber – the cornerstone of our long-term human rights efforts in Bosnia and Herzegovina. The more we can inform about the European Convention, and the more we can support and help the Commission, the firmer and more significant will be our long-term impact on the human rights situation.

But while we all know that this must be the solution for the coming years, and never must lose sight of this in our work, we know that the realities that we will have to face immediately will be very different. During this year there will be the need for very substantial further and complementary efforts.

A central part of the process of reconciliation that is crucial to the long-term peace is the work of the International Criminal Tribunal for Former Yugoslavia. By taking care of what is often referred to as war crimes, and thus determining the guilt of individuals, we avoid a situation in which guilt is attributed to whole nations or whole communities.

With war behind us, ICTY will work with the past, although its work is of great importance for the future. We have

discussed the setting up of mechanism for coordination and contacts between the ICTY and the Office of the High Representative both in Sarajevo and here in Brussels, and there has also been agreed arrangements between the ICTY and IFOR that I believe are to the satisfaction of both sides.

Central to the political and civilian implementation during this year will be the possibility for refugees and displaced persons to start returning home, and the holding of free and fair elections within less than eight months. In both cases, the safeguarding of elementary human and political rights will be central.

It is here that the work of international human rights monitors, as well as the International police Task Force (IPTF), will be so important. In addition to informing the wider public as well as the relevant authorities about the commitments that are there in the European Convention and the function of the Human Rights Commission, the presence of international monitors will be of great importance when it comes to creating a climate of confidence and respect for human rights.

This can only be done if the activities of the international human rights monitoring organizations are closely coordinated. We must avoid overlapping as much as we must prevent gaps from developing in our system. We must avoid all rushing to the scene of where the media attention of the day is, so as to ensure that the daylight of human rights monitoring also reaches also the darkest corners of an often very dark reality.

The main purpose of this meeting is to target the areas in the field of human rights where there is a need for co-ordination and to start building a common framework for the necessary action.

I very much welcome the initiative taken by the UN Commissioner for Human Rights in the field of training of human rights personnel, and the efforts by their office along with the OSCE and the Council of Europe to co-ordinate this. In my view this is not an area which needs to be co-ordinated by the HRTF, although I am sure there will be exchange of information and views on this subject in the day to day work. I look forward to hearing the report from this morning's meeting concerning the Human Rights Training Programme.

I also welcome the very good idea of the ODIHR to assist the NGO's which are active in Bosnia and to establish a NGO centre where their activities can be coordinated. We plan to arrange a meeting with interested NGO's here in Brussels in the near future in order to establish channels for cooperation in the field and to invite the relevant organizations to take part in the HRTF.

The main objectives of the overall human rights action in Bosnia and Herzegovina is to help facilitate the process which would make the implementation of the Human Rights structures of the Dayton Agreement possible, and to support initiatives aimed at the reconstruction of civil society.

One area where the coordination of the HRTF is needed in order to facilitate these goals is the coordination of Human Rights Monitoring. Several organizations will be carrying out the task of human rights monitoring in Bosnia, and it is important that they operate under a common understanding of what the mandate for the monitoring is, and which guidelines, procedures and channels should be used for reporting.

Concerning the mandate for the human rights monitoring, there is some guidance to be found in the Dayton Agreement, which says the Parties invite the UN, the OSCE and "other intergovernmental or regional human rights missions or organizations to monitor closely the human rights situation in Bosnia and Herzegovina." This implies that the mandate should aim at monitoring and reporting on current human rights violations, and seek to avoid elements of investigations of previous crimes. My proposal for a common mandate is the following:

- to monitor closely the human rights situation throughout the territory of Bosnia and Herzegovina
- to emphasise the protection of human rights through a visible presence
- to discuss human rights abuses with the current authorities
- to support the local authorities in activities promoting and protecting human rights
- to report on current human rights violations

The coordination of the reporting is another crucial issue to be addressed if the monitoring is going to have any effect.

First there must be agreed guidelines for the reporting from the monitors in the field. There are already several

documents containing such guidelines, and I am given to understand that the office of the High Commissioner for Human Rights are preparing an adaptation of some of these existing documents into a comprehensive manual for guidelines for reporting on human right in Bosnia. This is indeed a welcome contribution to the efforts of coordination of this part of the monitoring.

Second, there must be a body to receive, evaluate and coordinate action in response to the reports. The High Representative not only has the task of coordination through the Human Rights Task Force. He is also the authority the Ombudsperson or the Chamber reports to if there is a need for political action to be taken. He also has certain powers when it comes to judging the over-all implementation of the Peace Agreement, in which human rights is central, and to take certain actions if necessary.

It is accordingly my intention to take responsibility for a regular over-all assessment of the situation concerning human and political rights, since this is of central importance to my over-all tasks. As part of the Human Rights Task Force, we will set up an Evaluation Unit to be responsible for a central assessment based on the reports and assessments that will come from the different organizations involved in the monitoring of human rights.

A first such major report will be prepared for the review meeting of the Peace Implementation Conference planned to be held in Italy in June. It will be important in judging not only the situation prior to the elections, but also as one of the elements in the considerations we have to make concerning the economic reconstruction aid that we are prepared to give. Although such major assessments will be issued by me, I will rely on the monitoring and reporting activities of all of you, and without in any way wishing to restrict the independent and separate assessment that you would wish to make.