

Country/entity	Bosnia and Herzegovina Yugoslavia (former)
Region	Europe and Eurasia
Agreement name	Agreement on the Passage of Humanitarian Convoys (Makarska Agreement)
Date	10 Jul 1993
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes

Agreement/conflict level Intrastate/intrastate conflict

Balkan Conflicts (1991 - 1995) (1998 - 2001)

Former Yugoslavia

The disintegration of former Yugoslavia post cold war saw conflicts which became mediated and produced peace agreements in Slovenia (where the brief independence conflict was mediated by the EC Troika in 1991), Croatia (between Croatian and Serb populations 1991-1995), in Bosnia (between Croatian, Serb and Bosniak populations 1992-1995), in Macedonia (where mediation played a key pre-emptive role in preventing large scale conflict in 2001), in Kosovo (between Kosovar Albanians and Serbian population and the Federal Republic of Yugoslavia (FRY), but also between FRY and NATO, 1998-1999), and a conflict in the Presevo Valley (between Albanians in South Serbia and FRY, 2000-2001). The continued fall-out of the disintegration of former Yugoslavia also saw mediated agreement and ultimate dissolution of the Union between Serbia and Montenegro.

Bosnia-Herzegovina

In 1991, after nationalist parties won the first multi-party elections in the Socialist Federal Republic of Yugoslavia, a violent process of disintegration commenced. With its mixed population, Bosnia-Herzegovina became the centre of the following civil war that began in 1992 between the newly formed army of the Republic of Bosnia and Herzegovina (mostly Muslim Bosniacs), and the parastatal forces of self-declared Bosnian Croat (Herzeg-Bosnia) and Bosnian Serb (Republika Srpska) entities within Bosnia-Herzegovina, supported by Croatia and Serbia, with various, often short-lived, coalitions. The General Framework Agreement (Dayton Peace Agreement), signed in 1995, split the country into two ethno-federal entities, the Bosniak-Croat Federation and the Republika Srpska, and included continued peacekeeping and institutional administration by international actors.

Kosovo

The conflict between Serbs and Kosovar Albanians has a long history and always involved territorial disputes as well as ethno-political, cultural and linguistic factors. The most recent phase of the conflict began in November 1997 when the Albanian Kosovo Liberation Army (KLA or UCK) began their campaign for the independence of Kosovo from the Federal Republic of Yugoslavia (FRY – then Serbia and Montenegro). The subsequent war lasted until the NATO intervention, which undertook bombing campaigns of Belgrade and other places in Serbia during spring 1999. The main agreements solving the conflict were internationally driven and, finally, a UNSC resolution imposed a post-conflict arrangement in the wake of what was essentially a NATO military victory. In February 2008, Kosovo's parliament declared independence, but independence is still internationally disputed.

Close

Balkan Conflicts (1991 - 1995) (1998 - 2001)

Stage

Pre-negotiation/process

Conflict nature	Government/territory
Peace process	Bosnia peace process
Parties	For the Government of the Republic of Bosnia and Herzegovina - Hadzo Efendic; For the Croatian Defence Council- Dr. Jadranko Prlic
Third parties	Witnessed by representatives of the: Government of the Republic of Croatia- Dr. Mate Granic; International Committee for the Red Cross - C. Von Flue; United Nations High Commissioner for Refugees - Anthony C. Land; UNPROFOR- William Veennvliet
Description	This agreement provides for the free passage and distribution of humanitarian aid by the UNHCR and the ICRC. The parties commit to not hindering the delivery, including provision to hold uncontrolled armed elements accountable for any disruption to aid flows.

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Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

Racial/ethnic/national group Groups→Racial/ethnic/national group→Anti-discrimination
Page 1, 2.
To respect the rules of operation of the International Committee of the Red Cross and the United Nations High Commissioner for Refugees and the organization of the delivery and distribution of humanitarian aid, to facilitate the delivery of such assistance to those for whom it is intended without any discrimination on the basis of national origin or religion;

Religious groups Groups→Religious groups→Anti-discrimination
Page 1, 2.
To respect the rules of operation of the International Committee of the Red Cross and the United Nations High Commissioner for Refugees and the organization of the delivery and distribution of humanitarian aid, to facilitate the delivery of such assistance to those for whom it is intended without any discrimination on the basis of national origin or religion;

Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced persons Groups→Refugees/displaced persons→Substantive
Page 2, 5.
To ensure that representatives of the Croatian Defence Council Office for Displaced Persons and Refugees and authorized personnel of the logistical center of the Republic of Bosnia and Herzegovina for Humanitarian Aid on the territory of the Republic of Croatia will jointly control the loading, packaging and distribution planning of humanitarian convoys to the Republic of Bosnia and Herzegovina Within the framework of the Protocol on Logistical Centers and laws of the Republic of Croatia. Representatives of the Croatian Defence Council Office for Displaced Persons and Refugees and authorized personnel of the Logistical Center of the Republic of Bosnia and Herzegovina shall issue documentation that a load has been searched and approved, and that all the important details about the weight, transport and individuals participating in the convoy and the intended path of travel to be marked; (ineligible);

Page 3,
...For the realization of this Agreement will be prepare plans for the initiation of humanitarian convoys, of which the first will be prepared immediately, but will be realized no later than 15 July, 1993. Plans will be prepared by representatives of the Ministry of Commerce, Tourism and Industry of the Government of Bosnia and Herzegovina and the Croatian Defence Council Office for Displaced Persons and Refugees. The ICRC and UNHCR will plan their own convoys independently in agreement with the parties to this agreement...

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

**Independence/
secession** No specific mention.

**Accession/
unification** No specific mention.

Border delimitation No specific mention.

**Cross-border
provision** No specific mention.

Governance

**Political
institutions (new or
reformed)** No specific mention.

Elections No specific mention.

**Electoral
commission** No specific mention.

**Political parties
reform** No specific mention.

Civil society

Page 1, 2.

To respect the rules of operation of the International Committee of the Red Cross and the United Nations High Commissioner for Refugees and the organization of the delivery and distribution of humanitarian aid, to facilitate the delivery of such assistance to those for whom it is intended without any discrimination on the basis of national origin or religion;

Page 2, 9.

To ensure that the Croatian Defence Council and the Army of the Republic of Bosnia and Herzegovina shall ensure the unhindered passage for all international humanitarian convoys as well as convoys of non-governmental organizations, in accordance with the provisions of this Agreement.

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...For the realization of this Agreement will be prepare plans for the initiation of humanitarian convoys, of which the first will be prepared immediately, but will be realized no later than 15 July, 1993. Plans will be prepared by representatives of the Ministry of Commerce, Tourism and Industry of the Government of Bosnia and Herzegovina and the Croatian Defence Council Office for Displaced Persons and Refugees. The ICRC and UNHCR will plan their own convoys independently in agreement with the parties to this agreement...

Page 3

...For the realization of the aforementioned obligations a Joint Commission composed of representatives of the Croatian Defence Council and the Ministry of Commerce, Tourism and Industry of the Republic of Bosnia and Herzegovina. The nomination of representatives for this Commission will be implemented no later than 15 July, 1993, when the Commission will begin with its operations. Representatives of the International Committee of the Red Cross, the United Nations High Commissioner for Refugees and UNPROFOR will be called upon according to the need to participate in meetings of the Commission. The Commission in performing its duties will abide by the principles of equality and proportionality in the distribution of humanitarian assistance to the population.

**Traditional/
religious leaders**

No specific mention.

**Public
administration**

No specific mention.

Constitution

No specific mention.

Power sharing**Political power
sharing**

No specific mention.

**Territorial power
sharing**

No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation Page 1, Untitled preamble
...taking into account the Agreement signed in Geneva, under the auspices of the International Committee of the Red Cross, 22 May, 1992. and all other provisions of international humanitarian law;

Page 2, 4.
To undertake all necessary measures to prevent any violations of international humanitarian law;

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access

Page 1, Untitled preamble

In response to the problems inhibiting the free passage of humanitarian aid to the farthest destination in the Republic of Bosnia and Herzegovina; cognizant of the critical humanitarian situation on the territory of the Republic of Bosnia and Herzegovina, the imperative for the unhindered passage of humanitarian convoys and that all aid arrived to its destination as soon as possible:...

Page 2, 3.

To undertake all necessary measures to guarantee direct access to the beneficiaries and to ensure the safety and security of all personnel involved, which includes full responsibility of the parties for acts committed by so called uncontrolled groups, and to guarantee that no duties are required or imposed;

Page 2, 6.

To ensure that the representatives of the Croatian Defence Council and the Army of the Republic of Bosnia and Herzegovina, in their respective zones of responsibility without stopping and controlling guarantee the movement of humanitarian convoys in the most safe and according to the circumstances along the shortest route possible;

Page 2, 7.

To respect the route of movement of a convoy confirmed in the freight documentation;

Page 2, 9.

To ensure that the Croatian Defence Council and the Army of the Republic of Bosnia and Herzegovina shall ensure the unhindered passage for all international humanitarian convoys as well as convoys of non-governmental organizations, in accordance with the provisions of this Agreement.

Page 3

...With the purpose of the most effective delivery of humanitarian assistance the Army of the Republic of Bosnia and Herzegovina and the Croatian Defence Council shall ensure the free passage of humanitarian assistance along every major traffic route, including major traffic route Capljina-Mostar-Jablanica-Konjic-Tartin...

Protection measures

No specific mention.

Other

No specific mention.

Rights institutions**NHRI**

No specific mention.

Regional or international human rights institutions

No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Development or socio-economic reconstruction

Socio-economic reconstruction→Development or socio-economic reconstruction→Humanitarian assistance
[Summary] The agreement in its entirety provides for the free flow of humanitarian assistance to areas of Bosnia.

Page 1, Untitled preamble

In response to the problems inhibiting the free passage of humanitarian aid to the farthest destination in the Republic of Bosnia and Herzegovina; cognizant of the critical humanitarian situation on the territory of the Republic of Bosnia and Herzegovina, the imperative for the unhindered passage of humanitarian convoys and that all aid arrived to its destination as soon as possible: determined to alleviate any further suffering of the civilian population through the delivery of humanitarian assistance in the Republic of Bosnia and Herzegovina;...

Page 1, 1.

To create the necessary conditions and assumed full responsibility for the safe and unhindered delivery and distribution of humanitarian aid;

Page 1, 2.

To respect the rules of operation of the International Committee of the Red Cross and the United Nations High Commissioner for Refugees and the organization of the delivery and distribution of humanitarian aid, to facilitate the delivery of such assistance to those for whom it is intended without any discrimination on the basis of national origin or religion;

Page 2, 5.

To ensure that representatives of the Croatian Defence Council Office for Displaced Persons and Refugees and authorized personnel of the logistical center of the Republic of Bosnia and Herzegovina for Humanitarian Aid on the territory of the Republic of Croatia will jointly control the loading, packaging and distribution planning of humanitarian convoys to the Republic of Bosnia and Herzegovina Within the framework of the Protocol on Logistical Centers and laws of the Republic of Croatia. Representatives of the Croatian Defence Council Office for Displaced Persons and Refugees and authorized personnel of the Logistical Center of the Republic of Bosnia and Herzegovina shall issue documentation that a load has been searched and approved, and that all the important details about the weight, transport and individuals participating in the convoy and the intended path of travel to be marked; (ineligible);

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Page 2, 9.

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Page 2-3

...Power supply in the service of humanitarian purposes, to be decided by a Joint Commission, will also be treated as humanitarian assistance.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

Police No specific mention.

Armed forces

Page 2, 6.

To ensure that the representatives of the Croatian Defence Council and the Army of the Republic of Bosnia and Herzegovina, in their respective zones of responsibility without stopping and controlling guarantee the movement of humanitarian convoys in the most safe and according to the circumstances along the shortest route possible;

Page 2, 8.

That the Croatian Defence Council and the Army of the Republic of Bosnia and Herzegovina on the territory under their control appoint responsible representatives for the purposes of notification of humanitarian convoys and liaison;

Page 2, 9.

To ensure that the Croatian Defence Council and the Army of the Republic of Bosnia and Herzegovina shall ensure the unhindered passage for all international humanitarian convoys as well as convoys of non-governmental organizations, in accordance with the provisions of this Agreement.

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DDR

No specific mention.

Intelligence services

No specific mention.

**Parastatal/rebel
and opposition
group forces**

Page 2, 3.

To undertake all necessary measures to guarantee direct access to the beneficiaries and to ensure the safety and security of all personnel involved, which includes full responsibility of the parties for acts committed by so called uncontrolled groups, and to guarantee that no duties are required or imposed;

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To ensure that representatives of the Croatian Defence Council Office for Displaced Persons and Refugees and authorized personnel of the logistical center of the Republic of Bosnia and Herzegovina for Humanitarian Aid on the territory of the Republic of Croatia will jointly control the loading, packaging and distribution planning of humanitarian convoys to the Republic of Bosnia and Herzegovina Within the framework of the Protocol on Logistical Centers and laws of the Republic of Croatia. Representatives of the Croatian Defence Council Office for Displaced Persons and Refugees and authorized personnel of the Logistical Center of the Republic of Bosnia and Herzegovina shall issue documentation that a load has been searched and approved, and that all the important details about the weight, transport and individuals participating in the convoy and the intended path of travel to be marked; (ineligible);

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**Withdrawal of
foreign forces**

No specific mention.

Corruption

No specific mention.

**Crime/organised
crime**

No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release Page 3
...Every individual involved with a humanitarian convoy which are unlawfully deprived of their freedom will be released immediately, and unlawfully seized transported goods will be returned to their owners no later than thirty days...

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory Witnessed by: United Nations High Commissioner for Refugees - Anthony C. Land;
UNPROFOR- William Veennvliet

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar

No specific mention.

Enforcement mechanism

Page 3

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Related cases

No specific mention.

Source

ICTY Court Records, Prlic et. al trial exhibit P10264.E
<http://www.icty.org/>
