

Country/entity	Croatia Yugoslavia (former)
Region	Europe and Eurasia
Agreement name	Joint Commission to Trace Missing Persons and Mortal Remains
Date	16 Dec 1991
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	Croatia negotiation process
Parties	<p>For the Federal Executive Council of the Socialist Federative Republic of Yugoslavia: Dr. Dragoljub Nikolic</p> <p>For the Republic of Croatia; Dr. Vladimir Jonke</p> <p>For the Republic of Serbia: Dr. Krsman Paunovic</p> <p>For the Yugoslav People's Army: Colonel Dr. Miodrag Starcevic</p> <p>For the International Committee of the Red Cross: Mr. Francis Amar</p>
Third parties	-
Description	This agreement provides for establishing a Joint Commission to Trace Missing Persons and Mortal Remains, advised and chaired by the International Committee of the Red Cross. The parties agree to exchange information regarding the identification and gravesites of deceased persons, and the handover of mortal remains.

Agreement document	HR_911216_Joint Commission to Trace Missing Persons and Mortal Remains.pdf (opens in new tab) Download PDF
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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	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.

Other groups No specific mention.

Refugees/displaced persons No specific mention.

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family Page 10, ANNEX, PLAN OF OPERATION DESIGNED TO ASCERTAIN THE WHEREABOUTS OR FATE OF THE MILITARY AND CIVILIAN MISSING, 2. MISSING PERSONS, 2.2. PROCESSING MISSING PERSON FILES
2.2.3 ...Once the case has been resolved, the family shall be informed accordingly by the party on which the missing person depends and the file shall be closed.

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

[Summary] The agreement in its entirety provides for the creation, rules of procedure and function of a Joint Commission to trace missing persons and mortal remains, and extensively refers to the ICRC's modalities for advising and chairing the Commission.

Page 2, PART I. MEMBERS OF THE JOINT COMMISSION, RULE 1 (MEMBERSHIP)

2. In addition to its chief representative, or his substitute, each member shall be allowed up to three other representatives at each meeting (i.e. technical advisers). All Red Cross organizations concerned, and in particular the Yugoslav Red Cross, the Croatian Red Cross and the Serbian Red Cross are designated as permanent advisers to the members of the Joint Commission.

Page 2, PART I. MEMBERS OF THE JOINT COMMISSION, RULE 2 (CHAIRMANSHIP)

1. The International Committee of the Red Cross (ICRC), acting as a neutral intermediary, shall put at the Joint Commission's disposal a delegation which will chair the meetings of the Joint Commission.

2. Following each meeting, the ICRC shall submit for the approval by the Joint Commission the minutes containing the decisions adopted during the meeting.

Page 7, PART III PARTICIPATION BY THE ICRC, RULE 17

1. The ICRC shall participate in the work of the Joint Commission in conformity with its role as defined by its mandate and by international humanitarian law.

2. The ICRC shall act as chairman of the Joint Commission without prejudice to its humanitarian activities relating to the conflict.

Page 7, PART III PARTICIPATION BY THE ICRC, RULE 18 (COMMUNICATIONS, PROPOSALS AND INFORMATION SUBMITTED BY THE ICRC FOR CONSIDERATION BY THE JOINT COMMISSION)

1. The ICRC shall bring to the Joint Commission's attention, on its own initiative, any communication, proposal, plan of work or information which might contribute to the efficiency of the Joint Commission's work. Any such contribution by the ICRC shall be dealt with as a matter of priority in the agenda of each meeting, if the Commission so decides.

2. The Joint Commission may request the ICRC at any time to submit opinions on points of law, to make practical proposals or to intervene as a consulting body to the Joint Commission.

**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, BASIC RULES

Taking into consideration the "Memorandum of Understanding" adopted on 27th November 1991 and in particular the point 8 relative to the tracing of missing persons and mortal remains the parties decide to set up a Joint Commission which will work - in conformity with the Geneva Conventions of 12 August 1949, and in particular

- a) Articles 16 and 17 of the Geneva Convention for the amelioration of the condition of the wounded and sick in armed forces in the field of 12 August 1949 (hereinafter "the First Convention"),
- b) Articles 19 and 20 of the Geneva convention for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea of 12 August 1949 (hereinafter "the Second Convention"),
- e) Articles 118, 119, 120, 121, 122 and 123 of the Geneva Convention relative to the treatment of prisoners of war of 12 August 1949 (hereinafter "the Third Convention"),
- d) Articles 26, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139 and 140 of the Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949 (hereinafter "the Fourth Convention"),

- and in conformity with articles 32 to 34 of the Additional Protocol I, the parties adopt the rules set below.

Page 5, PART II, PROCEEDINGS OF THE JOINT COMMISSION: GENERAL RULES, RULE II (HEARINGS)

The Joint Commission may hear any person whom it considers to be in a position to assist it in the performance of its functions with regard to the Geneva Conventions.

Page 7, PART III PARTICIPATION BY THE ICRC, RULE 17

1. The ICRC shall participate in the work of the Joint Commission in conformity with its role as defined by its mandate and by 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 No specific mention.

Protection measures Rights related issues→Protection measures→Protection of civilians
Page 1, Basic Rules

d) Articles 26, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139 and 140 of the Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949 (hereinafter "the Fourth Convention"),

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.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

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 No specific mention.

DDR No specific mention.

Intelligence services No specific mention.

Parastatal/rebel and opposition group forces No specific mention.

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

[Summary] The agreement in its entirety provides for the creation, rules of procedure and function of a Joint Commission to trace missing persons and mortal remains.

Page 1, BASIC RULES

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Page 2, PART I. MEMBERS OF THE JOINT COMMISSION, RULE 1 (MEMBERSHIP)

1. The members of the Joint Commission shall be representatives of:

- the Federal Executive Council of the Socialist Federative Republic of Yugoslavia
- the Republic of Croatia
- the Republic of Serbia
- the Yugoslav People's Army

Page 2, PART I. MEMBERS OF THE JOINT COMMISSION, RULE 1 (MEMBERSHIP)

2. In addition to its chief representative, or his substitute, each member shall be allowed up to three other representatives at each meeting (i.e. technical advisers). All Red Cross organizations concerned, and in particular the Yugoslav Red Cross, the Croatian Red Cross and the Serbian Red Cross are designated as permanent advisers to the members of the Joint Commission.

Page 3, PART II PROCEEDINGS OF THE JOINT COMMISSION: GENERAL RULES, RULE 3 (MANDATE)

The mandate of the Joint Commission shall be:

- I) the co-ordination of the activities of the Tracing Services,
- II) the intervention in some specific requests and more complex cases, and
- III) the discussion of every unclosed request.

Page 9, ANNEX, PLAN OF OPERATION DESIGNED TO ASCERTAIN THE WHEREABOUTS OR FATE OF THE MILITARY AND CIVILIAN MISSING, 1. INFORMATION ON THE DECEASED

1.1 The parties to the conflict shall provide to the adverse party/parties, through the intermediary of the ICRC and National Information Bureaux and, as rapidly as possible, all available information regarding:

- the identification of deceased persons
- the gravesites of deceased persons belonging to the adverse party/parties.

Page 9, ANNEX, PLAN OF OPERATION DESIGNED TO ASCERTAIN THE WHEREABOUTS OR FATE OF THE MILITARY AND CIVILIAN MISSING, 1. INFORMATION ON THE DECEASED

1.2 At the request of the party on which the deceased depend, the parties to the conflict shall organize the handover of the mortal remains and/or allow the identification of the deceased by the adverse party.

Page 9, ANNEX, PLAN OF OPERATION DESIGNED TO ASCERTAIN THE WHEREABOUTS OR FATE OF THE MILITARY AND CIVILIAN MISSING, 1. INFORMATION ON THE DECEASED, 1.3 PROPOSAL

By mutual agreement, the parties may decide on the participation of foreign medical experts in identifying the deceased.

Page 9, ANNEX, PLAN OF OPERATION DESIGNED TO ASCERTAIN THE WHEREABOUTS OR FATE OF THE MILITARY AND CIVILIAN MISSING, 2. MISSING PERSONS, 2.1. COLLECTION OF INFORMATION ON MISSING PERSONS

2.1.1 Each party is responsible for compiling a list of its reported missing, taking into account:

Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.

Missing persons

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Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source Their Words: Directory of Armed Non-State Actor Humanitarian Commitments <http://theirwords.org/>
