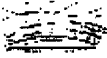


Procedura

između HVO - Armije BiH

o slabljenju poletu humanitarne
pomoci





REPUBLICA HRVATSKA
MINISTARSTVO VANJSKIH POSLOVA
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afa UN - Konf. o liv. Jug.

Klasa:

Ur. broj:

Zagreb, 7. srpnja 1993.

Štovani,

u prilogu dostavljamo Nacrt Sporazuma između Hrvatskog vijeća obrane i Armije Republike Bosne i Hercegovine o slobodnom prolasku humanitarnih konvoja. Tekst je na engleskom zato što je na sastanku održanom 7. srpnja o.g. u Ministarstvu vanjskih poslova s predstavnicima UNPROFOR-a, UNHCR-a i Međunarodnog komiteta Crvenog križa bio predmetom diskusije i njihovih sugestija. Ovaj je tekst samo radna verzija i predložak kojim Republika Hrvatska kao inicijator i domaćin sastanka pokušava olakšati postizavanje Sporazuma. Konačni tekst Sporazuma ovist će naravno o strankama potpisnicama.

Sa štovanjem,

dr. Ivan Šimonović

pomoćnik ministra

Agreement on the Passage of Humanitarian Convoys

In response to the initiative and the invitation of the Republic of Croatia, the representatives of the Army of the Republic of Bosnia and Herzegovina and the Croatian Defence Council met in Makarska (Republic of Croatia) on 9 and 10 July 1993

- determined to alleviate any further suffering of the civilian population through the delivery of humanitarian assistance in the Republic of Bosnia and Herzegovina;*
- taking into account the Agreement signed in Geneva, on May 22, 1992 and all other provisions of international humanitarian law applicable to the parties to the present Agreement;*
- recalling the Protocol on the Co-operation of the Government of the Republic of Croatia and the Government of the Republic of Bosnia and Herzegovina concerning the Establishment of Logistic Centres in the Republic of Croatia for the Acceptance and Distribution of the Humanitarian Assistance Directed to the Republic of Bosnia and Herzegovina, signed in Zagreb, on February 25, 1992;*
- recalling the Medugorje Agreement, concluded on May 18, 1993;*
- according to the relevant United Nations Security Council resolutions;*

have agreed on the following principles for securing the freedom of passage of the humanitarian convoys in the Republic of Bosnia and Herzegovina through the territories under their control:

- 1. The parties to this Agreement shall immediately create the necessary conditions and assume full responsibility for safe and unhindered delivery and distribution of humanitarian assistance.*
- 2. The parties to this Agreement shall respect the rules of operation of the International Committee of the Red Cross and the United Nations High Commissioner for Refugees and their implementing partners in organising the delivery and distribution of humanitarian assistance, and shall facilitate the delivery of such assistance to those for whom it is intended without any discrimination on the basis of national origin or religion.*
- 3. The parties to this Agreement shall undertake all necessary measures in order to guarantee direct access to the beneficiaries and shall ensure the safety and security of all personnel involved, which includes full responsibility of the parties for acts committed by so called uncontrolled groups. Any controls of convoys will be carried out in the shortest period of time by the appropriate authorities. The parties shall ensure that no kind of duties can be required.*

4. *The parties to this Agreement shall undertake all necessary measures in order to prevent any violation of international humanitarian law.*

5. *The parties shall ensure that responsible representatives are identified in the territories under their control for the purposes of notification of humanitarian convoys, liaison and effective implementation of this Agreement.*

6. *The parties shall establish a Commission entrusted with the control of the implementation of this Agreement. Representatives of UNPROFOR, the United Nations High Commissioner for Refugees and the International Committee of the Red Cross shall be invited, as necessary, to attend the meetings of the Commission.*

7. *The parties shall notify the provisions of this Agreement to all appropriate authorities throughout the territories under their control.*

This Agreement shall enter into force upon its signature by the representative of the Army of the Republic of Bosnia and Herzegovina and the representative of the Croatian Defence Council. The Agreement shall be applied upon its entry into force.

This Agreement shall be open for accession of other parties.

Done in Makarska, on July 10, 1993 in two equally authentic texts in Croatian and translated into English.

**FOR THE CROATIAN
DEFENCE COUNCIL**

**FOR THE ARMY OF THE REPUBLIC
OF BOSNIA AND HERZEGOVINA**

The Agreement was concluded in presence of:

- the representative of UNPROFOR*
- the representative of the United Nations High Commissioner for Refugees*
- the representative of the International Committee of the Red Cross*

Dr. Mate Granić, Vice Prime Minister and Minister of Foreign Affairs of the Republic of Croatia, was present at the conclusion of the Agreement.

S P O R A Z U M O PROLASKU HUMANITARNIH KONVOJA

Polazeci od problema koji su se pojavili sa slobodnim prolaskom humanitarne pomoći do krajnjeg odredista u Republici Bosni i Hercegovini, svjesni kritične humanitarne situacije na teritoriji Republike Bosne i Hercegovine, te imperativne potrebe da se prolazak humanitarnih konvoja ne ometa, te da sva pomoć na najbrži način stigne onima kojima je namijenjena:

odlučni da ublaže daljnje patnje civilnoga pučanstva dopremanjem humanitarne pomoći u Republiku Bosnu i Hercegovinu;

vođeci računa o Sporazumu potpisanom u Ženevi, pod okriljem Međunarodnog komiteta Crvenog Kriza, 22. svibnja 1992. i svim drugim odredbama humanitarnog međunarodnog prava;

pozivajući se na Protokol o suradnji Vlade Republike Hrvatske i Vlade Republike Bosne i Hercegovine o uspostavi Logističkih centara u Republici Hrvatskoj za prijem i distribuciju humanitarne pomoći upućene Republici Bosni i Hercegovini, potpisan u Zagrebu, 25. veljače 1993;

pozivajući se na Sporazum iz Medjugorja, zaključen 18. svibnja 1993;

u skladu s relevantnim rezolucijama Vjeca sigurnosti Ujedinjenih naroda;

Vlada Republike Bosne i Hercegovine i Hrvatsko vijeće obrane, uz podršku Vlade Republike Hrvatske, Međunarodnog odbora Crvenog kriza, Visokog komesara Ujedinjenih naroda za izbjeglice i Zaštitnih snaga Ujedinjenih naroda (UNPROFOR) obvezuju se:

1. stvoriti potrebne uvjete i preuzeti punu odgovornost za sigurnu i nesmetanu dopremu i raspodjelu humanitarne pomoći;
2. poštovati pravila djelovanja Međunarodnog komiteta Crvenog kriza i Visokoga komesara Ujedinjenih naroda za izbjeglice - i partnera koji s njima surađuju - u organiziranju dopreme i raspodjele humanitarne pomoći, te olakšati dopremu takve pomoći onima kojima je namijenjena, bez kakve diskriminacije na temelju nacionalne ili vjerske pripadnosti;
3. poduzeti sve potrebne mjere kako bi zajamčile neposredni pristup korisnicima i osigurati zaštitu i sigurnost svega sudjelujućeg osoblja, što uključuje punu odgovornost za djela počinjena po tzv. nekontroliranim elementima, te osigurati da se ne zahtijevaju i ne naplaćuju bilo kakve takse;

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4. poduzeti sve potrebne mjere da sprječe svako kršenje međunarodnoga humanitarnog prava;
5. predstavnici Ureda za prognanike i izbjeglice HVO i ovlaštteni službenici logističkih centara Republike Bosne i Hercegovine za humanitarnu pomoć na području Republike Hrvatske zajednički će vršiti kontrolu utovara, otpreme i planiranja distribucije humanitarnih konvoja u Republiku Bosnu i Hercegovinu u skladu s Protokolom o logističkim centrima i propisima Republike Hrvatske. Predstavnici Ureda za prognanike i izbjeglice HVO i ovlaštteni službenici Logističkog centra Republike Bosne i Hercegovine izdat će dokumente da je tovar bio pregledan i provjeren, sa svim potrebnim podacima o teretu, vozilima i osobama koje sudjeluju u konvoju te naznakom pravca kretanja;
6. da će predstavnici HVO i Armije Republike Bosne i Hercegovine, svatko u svojoj zoni odgovornosti bez zastojevanja i kontrole osigurati kretanje humanitarnih konvoja najsigurnijim i po mogućnosti najkraćim cestovnim pravcima;
7. poštovati pravac kretanja konvoja utvrđen u dokumentima otpreme;
8. da će HVO i Armija Republike Bosne i Hercegovine na područjima koja su pod njihovom kontrolom odrediti odgovorne predstavnike radi obavještanja o humanitarnim konvojima i osiguravanju voza;
9. HVO i Armija Republike Bosne i Hercegovine će osigurati nesmetan prolazak za sve međunarodne humanitarne konvoje kao i za konvoje nevladinih organizacija, sukladno odredbama ovoga Sporazuma.

WADIT DE U SRBIJI I U SVIM DRUGIM STRANAMA.

H.G.
J.N.

Emergenci koji služe u humanitarne svrhe, a čemu odlučuje Zajednička komisija, također će se tretirati kao humanitarna pomoć.

U cilju realizacije ovoga Sporazuma sačinili će se planovi upućivanja humanitarnih konvoja, od kojih će prvi biti pripremljen odmah, a realiziran najkasnije do 15. srpnja 1993. godine. Planove će sačiniti predstavnici Ministarstva robnog prometa, turizma i poduzetništva Vlade Republike Bosne i Hercegovine i Ureda za prognanike i izbjeglice HVO. *HKCR I UNHCR PLANIRAT ĆE SVAKI KONVOJ SA SVIM NEOPHODNIM U DOKUMENTU SA STRANAKA SPORAZUMA.*

U cilju najefikasnije dostave humanitarne pomoći Armija Republike Bosne i Hercegovine i HVO osigurat će slobodan prolazak humanitarne pomoći svim glavnim prometnim putevima, uključujući i glavni prometni pravac Čapljina-Mostar-Jablanica-Konjic-Tarčin.

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Sve osobe iz humanitarnih konvoja koje su eventualno bile nezakonito lišene slobode bit će oslobođene odmah, a nezakonito oduzeta prijevozna sredstva vratit će se vlasnicima najkasnije u roku od 30 dana.

Za realizaciju gore navedenih obveza osnovat će se Zajednička komisija sastavljena od predstavnika HVO i Ministarstva vanjskih poslova, turizma i poduzetništva Republike Bosne i Hercegovine. Imenovanje predstavnika u ovoj Komisiji bit će provedeno do 10. maja 1993. godine, kada će Komisija početi s radom. Predstavnicu Međunarodnog komiteta Crvenog križa, Visokog komesara Ujedinjenih naroda za izbjeglice i UNPROFOR-a pozivat će se prema potrebi da sudjeluju na sastancima Komisije. U svom radu Komisija će se voditi principima pravike i proporcionalnosti u distribuciji humanitarne pomoći stanovništvu.


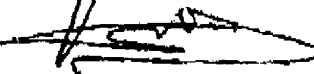


Ovaj Sporazum ne predviđa nikakva politička rješenja.

Sporazum stupa na snagu danom potpisivanja.

Za Vladu Republike Bosne i Hercegovine:

Za Hrvatsko vijeće obrane:

Sporazum je zaključen u Makarskoj, Republika Hrvatska, 10. srpnja 1993. godine, u nazočnosti predstavnika:

- Vlade Republike Hrvatske 
- Međunarodnog komiteta Crvenog križa 
- Visokog komesara UN za izbjeglice 
- UNPROFOR-a 

Agreement on the Passage of Humanitarian Convoys

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;
- 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;
- recalling the Protocol on the Co-operation of the Government of the Republic of Croatia and the Government of the Republic of Bosnia and Herzegovina concerning the Establishment of Logistic Centers in the Republic of Croatia for the Acceptance and Distribution of the Humanitarian Assistance Directed to the Republic of Bosnia and Herzegovina, signed in Zagreb, on 25 February, 1992;
- recalling the Medugorje Agreement concluded on 18 May, 1993;
- according to the relevant United Nations Security Council resolutions;

The Government of the Republic of Bosnia and Herzegovina and the Croatian Defence Council, with the support of the Government of the Republic of Croatia, the International Committee of the Red Cross (ICRC), the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Protection Forces (UNPROFOR), bind themselves:

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

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;
4. to undertake all necessary measures to prevent any violations of international humanitarian law;
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);
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;
7. to respect the route of movement of a convoy confirmed in the freight documentation;
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;
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.

Power supply in the service of humanitarian purposes, to be decided by a Joint

Commission, will also be treated as humanitarian assistance.

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.

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 Čapljina-Mostar-Jablanica-Konjic-Tarčin.

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.

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.

This Agreement shall not prejudice any political resolution.

The Agreement comes into force on the day it is signed.

For the Government of the Republic of Bosnia and Herzegovina - Hadžo Efendić

For the Croatian Defence Council - Dr. Jadranko Prlić

This Agreement was reached in Makarska, Republic of Croatia, 10 July, 1993, and witnessed by representatives of the

Government of the Republic of Croatia - Dr. Mate Granić

International Committee for the Red Cross - C. Von Flue

United Nations High Commissioner for Refugees - Anthony C. Land

UNPROFOR - William Veenvliet