

FOREWORD

On 23 August 1995, the Committee resolved as part of its examination of the Annual Report of the Department of Foreign Affairs and Trade for 1993-94 to consider Australia's response to the situation in the former Yugoslavia. At a time when the prospects for peace in the former Yugoslavia appear to be better than they have been for the last four years, the Committee believes that it is timely to review the impact of the war and the needs that have emerged both for reconstruction and for assistance to the beleaguered people who have suffered so much as a result of the conflict.

Despite the obvious complexities of the region and the conflict, the Committee did not intend to conduct a long or exhaustive inquiry. It did not seek to analyse the causes of the war and, particularly, it did not seek to allocate blame. That will be a matter for historians. Some description of the nature of the war was necessary, however, as it caused the huge outflow of refugees and displaced people - over three million in four years. Furthermore, any attempt to bring about a lasting peace will be dependent on an understanding of the depth of bitterness created by the nature of the war.

Recommendations are confined to the capacity Australia has to assist with the reception of refugees, the delivery of reconstruction aid and support for the terms of the peace settlement. The Committee is particularly concerned that those who have suffered most grievously because of the commission of war crimes might be offered some redress and some justice.

The inquiry did not advertise for submissions but sought the attendance at a series of public hearings of relevant individuals and organisations by way of letters of invitation. All ethnic groups from the former Yugoslavia were invited to contribute. All embassies have been kept informed of the progress of the inquiry. Because of the terms of reference and the Committee's interest in directing its recommendations to the most practical response that might be made by the Australian Government at this time, the hearings concentrated on matters of aid, refugees and strategies to consolidate peace. A small number of submissions were supplied to the Committee; however most people also contributed a large number of reports from international organisations which have dealt with the conflict. These were accepted by the Committee as exhibits to the inquiry. The list of these documents is available at Appendices 1 and 3.

The Committee held four public hearings in Canberra and Melbourne. Witnesses are listed at Appendix 2. The Committee is grateful to all those people who contributed to the inquiry, especially those refugees for whom it was extremely painful to retell their stories.

I would like to thank my colleagues on the Committee for their support for this inquiry and also the members of the secretariat staff who assisted in the preparation of the draft report, Ms Margaret Swieringa, the Secretary of the Human Rights Sub-Committee, Mr Cliff Lawson, Ms Helen Lambert and Ms Alison Carson.

ROGER PRICE, MP
CHAIRMAN

CONCLUSIONS

1. The victims of the war in Yugoslavia are the ordinary innocent citizens, Muslims, Croats and Serbs, whose lives have been devastated, whose families have been killed or brutalised, whose homes and villages have been destroyed, all for the ambitions of the Balkans leaders and their pernicious interpretation of the nationalist ideal. What was unleashed on Bosnia in particular was a rule by brutal gangs, largely unrestrained and yet systematic in their venting of ancient grudges and prejudices.

2. The idea that a state has to be a nation, ethnically or racially pure, is both a foolish and a dangerous idea in a world where modern communications and modern travel allow for constant movement and interaction between people. It is an idea based on fear and ignorance and one which both modern political theory and international law seek to counteract. If there were ever any doubt about what untrammelled nationalist theories meant in practice, one need only look at the devastation that is the current day Yugoslavia.

3. The war in the former Yugoslavia presented to the world challenges it was unprepared for and unable to meet. The confusion among the nations of the world, and especially the European powers and the United States, as to what action might be taken is reflected in the 70 or more resolutions passed by the Security Council. These resolutions placed contradictory demands on the UN force, UNPROFOR, which was required to be at once a peace keeping force when no peace had been agreed, deliver humanitarian assistance, ameliorate the conflict and yet, at the same time, remain impartial. The fear of involvement on the part of key powers also ensured that resources provided for these contradictory functions would be minimal in relation to the task.

4. The result as far as the United Nations was concerned was heightened expectations on the part of those needing protection and condemnation for the UN's inability to either resolve the conflict or protect the population. The Committee believes that the evaluation of UN peacekeeping in the light of the Yugoslav experience and the reform process within the UN is vital for the future of the organisation.

5. The humanitarian operation mounted by the international community, which undoubtedly saved lives, was successful within the limits of its aims. It was on a massive scale; it brought together huge numbers of courageous and dedicated people who operated in extreme and distressing circumstances, especially where they were unable to stop the carnage which continued around them.

6. The really difficult task, however, is only just beginning. There is a fragile peace agreement imposed on largely unwilling and uncooperative parties. The level of bitterness and hatred will militate against long term success of the peace agreement unless a number of important factors can be sustained or implemented. These include a program of reconstruction of the physical infrastructure of Bosnia and significant areas of Croatia; the rebuilding of shattered economies; the return and/or resettlement of the hundreds of thousands of refugees and displaced persons (perhaps the most difficult task of all given the determined and violent programs of ethnic cleansing carried out by both Serbs and Croats as the primary aim of the war); the need to locate or at least know the fate of the thousands of

people who have disappeared; and the demand for justice, some punishment to be meted out to at least the leaders and the worst perpetrators of war crimes as a pre-requisite for reconciliation.

7. The peace process is at a sensitive stage as this report is being finalised and the world hopes that it will be a success. Australia, because of its distance and its size will not be a major player in this process; however Australia does have an interest in the peace and stability of the states of the former Yugoslavia. Since World War II over 200,000 Yugoslavs have come to Australia and they are naturally vitally concerned about their relatives and friends caught up in the conflict. These Australians of Yugoslav origin can contribute to the success of the peace process by directing their energies towards reconciliation both at home and in their contacts abroad. Australia is also a multicultural society and therefore feels sympathy for the desires of the Bosnians to preserve the multicultural nature of their state.

8. Australia has so far contributed through its aid programs and its intake of refugees. While the Committee believes this contribution has been important and well targeted, witnesses before the inquiry suggested areas of improvement. These will become increasingly important as the intake of refugees increases sharply in the next twelve months.

9. The Committee has recommended ways of improving the quality and the targeting of services to refugees coming to Australia. The Committee believes that Australia's support of the War Crimes Tribunal which so far has led to implementing legislation, should be followed up with proper and safe procedures for the receipt of and forwarding to the Tribunal of information regarding war crimes.

10. The Committee hopes that the Dayton Peace Agreement signed in Paris on 14 December 1995 will endure; that the now independent states which once comprised Yugoslavia will begin to rebuild themselves within their internationally agreed borders; that territorial ambitions will be permanently put aside in favour of mutual recognition and that the leaders of the individual states will see that it is in their interests to lead their people towards prosperity and mutual understanding rather than an exaggerated sense of their differences.

RECOMMENDATIONS

Chapter One

No recommendations

Chapter Two

The Committee recommends that:

- 1 in order to ensure that Australia play its full part in the reconstruction of Bosnia, the Australian Government offer a police contingent to the Implementation Force (IFOR) and respond positively to a request for a contribution to the peacekeeping requirements or for assistance in the reconstruction of Bosnia.**

Chapter Three

The Committee recommends that:

- 2 the Australian Government**
 - make a significant contribution to the international reconstruction effort in the former Yugoslavia; and**
 - exert pressure on the international community to maintain the momentum of relief operations after the cessation of hostilities, by giving priority and firm commitment to the restoration of civilian populations and infrastructure devastated by years of armed conflict in the former Yugoslavia.**
- 3 in determining the placement of humanitarian entrants from the former Yugoslavia, the Department of Immigration and Ethnic Affairs give priority to settlement in locations which minimise the adjustment problems of the new settlers and ensure access to all necessary support services.**

- 4** the Department of Employment, Education and Training, in conjunction with the Department of Immigration and Ethnic Affairs and the State and Territory Departments of Education, investigate the levels of tension and hostility in Australian schools between children of communities involved in the conflict in the former Yugoslavia and recommend strategies to minimise the problem through appropriate programs.
- 5** the Department of Immigration and Ethnic Affairs in conjunction with relevant State Government authorities develop a package of information detailing the full range of services available to refugees including health, education and language services, employment services and unemployment benefits, child care facilities, trauma counselling and legal advice regarding war crimes. This package should be distributed to refugees on arrival as well as to sponsoring families, mainstream charities, ethnic community organisations and trauma counselling services.
- 6** better access for refugees to health, education and other services be made an agenda item at meetings between relevant State and Federal Ministers and officials; and

in particular, the provision of adequate access to dental services be made an urgent priority.
- 7** the Department of Immigration and Ethnic Affairs be given responsibility to coordinate a committee of all relevant departments and agencies for the planning, delivery and monitoring of integrated programs of assistance to refugees and displaced persons, with particular reference to housing, health, employment, social services and education.
- 8** statistics showing access to programs by refugees and displaced persons be obtained by the inter-departmental committee on a regular basis from State and Territory authorities providing services to beneficiaries on behalf of the Commonwealth.
- 9** evaluation of all Commonwealth-funded programs providing support services to refugees and displaced persons be carried out by the respective agencies, and monitored by the inter-departmental committee on a regular basis; and

the report of this evaluation be provided to the Parliament through the Joint Standing Committee on Foreign Affairs, Defence and Trade.

- 10** the Department of Immigration and Ethnic Affairs consult with ethnic community groups representing the range of humanitarian entrants from the former Yugoslavia, and with the Refugee Council of Australia, in order to:
- determine whether the funds provided under the Grants-in-Aid program need to be increased in light of the changing nature of the intake; and
 - ensure that equitable benefits for all ethnic groups from the former Yugoslavia are achieved.

Chapter Four

The Committee recommends that:

- 11** the Australian Government maintain its commitment to the implementation of the human rights aspects of the Dayton Peace Agreement and that it urges the implementing parties to ensure adherence to these aspects of the agreement.
- 12** the Australian Government urge the Government of the Federal Republic of Yugoslavia to address the grievances of the Albanian people of Kosovo and the minorities in Vojvodina and Sanjak in line with the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.
- 13** the Australian Government urge the Government of Croatia to ensure that the guarantees of minority rights set down in their constitution are fully implemented in accordance with UN human rights treaties and the Dayton Peace Agreements, particularly with respect to the rights of minorities and returning refugees to citizenship and property.
- 14** the Australian Government work within the UN to require all authorities in Bosnia-Herzegovina and the Republic of Croatia and the Federal Republic of Yugoslavia to provide access as needed to the UN Special Rapporteur on Human Rights and representatives of the Commission on Human Rights and of the ICRC; and
- the Australian Government support the provision of adequate financial and personnel resources, through the UN and other recognised agencies, for the investigation into the disappeared, the inspection of detention camps and alleged grave sites, and the exhumation of bodies.
- 15** the Australian Government urge the Governments of the Federal Republic of Yugoslavia and Croatia and the Government of Bosnia to meet their obligations under the Dayton Agreement to 'cooperate fully with the international investigation and prosecution of war crimes' and to surrender suspects in detention whenever the Tribunal requests it.'

- 16** the Minister responsible for the operation of the *International War Crimes Tribunal Act, 1995*, the Attorney-General and/or the Minister for Immigration and Ethnic Affairs, report to the Parliament on this matter on an annual basis for the next three years.