

Country/entity	Croatia Yugoslavia (former)
Region	Europe and Eurasia
Agreement name	Agreement Relating to the Establishment of a Protected Zone around the Hospital of Osijek
Date	27 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>Dr. Ljiljana Stojanovic, Federal Secretariat for Labour, Health, Veteran Affairs and Social Policy</p> <p>Col. Dr. Miodrag Starcevic, Federal Secretariat for Defense</p> <p>Mr. Dragan Knezevic, Expert on International Humanitarian Law for the Yugoslav People's Army</p> <p>Col. Dr. Darko Ropac, Representative of the Croatian Army</p> <p>Prim. Dr. Kresimir Glavina, Director of the General Hospital in Osijek</p> <p>Prof. Dr. Antun Tucak, Representative of the General Hospital in Osijek</p> <p>Dr. Sava Novakovic, Ministry of Health, Serbia</p>
Third parties	Chaired by Mr Thierry Germond, Delegate General for Europe of the International Committee of the Red Cross (ICRC)
Description	Agreement to declare the hospital of Osijek and a zone around it as drawn on the annexed map, a protected zone under the supervision and control of the ICRC. Provides for mechanisms and principles of the protected zone.

Agreement document	HR_911227_Agreement Relating to the Establishment of a Protected Zone.pdf (opens in new tab) Download PDF
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Groups

Children/youth	<p>Groups→Children/youth→Substantive</p> <p>Page 2, 4. (1) Access to the protected zone is restricted to the following categories of persons:</p> <p>...</p> <p>- children under 15, expectant mothers and mothers of children under seven, taking no part in the hostilities;...</p>
Disabled persons	No specific mention.
Elderly/age	<p>Groups→Elderly/age→Substantive</p> <p>Page 2, 4. (1) Access to the protected zone is restricted to the following categories of persons:</p> <p>...</p> <p>- persons aged over 65 years,...</p>
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 Page 2, 4.
(1) Access to the protected zone is restricted to the following categories of persons:
...- expectant mothers and mothers of children under seven, taking no part in the hostilities;...

Men and boys No specific mention.

LGBTI No specific mention.

Family Page 2, 4.
(1) Access to the protected zone is restricted to the following categories of persons:
...- family members visiting patients recovering in the hospital;... expectant mothers and mothers of children under seven, taking no part in the hostilities;...

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 establishing the hospital of Osijek and a zone around it as a protected zone under the control and provision of the ICRC.]

Page 1, 2.

- (1) The protected zone will be placed under the supervision and control of the ICRC.
- (2) There will be ICRC delegates permanently present in the zone.
- (3) The ICRC may engage, as ICRC local staff, any civilian or group of civilians it considers suitable and reliable to assist it in supervising and controlling the protected zone.
- (4) Parties to the agreement shall take every measure to ensure free entrance to and exit from the protected zone for the ICRC delegates and the local staff.

Page 2, 4.

- (1) Access to the protected zone is restricted to the following categories of persons:

...

- ICRC delegates and ICRC local staff.

- (2) The ICRC may extend admission to the protected zone to other civilians not taking part in the hostilities and seeking refuge in the protected zone...

Page 2, 5.

- (1) The ICRC shall control that only persons of the above-mentioned categories shall be present or enter into the protected zone.
- (2) The access of any person not corresponding to the above-mentioned categories is subject to the authorization of the ICRC.

Page 3, 12.

The protected zone will continue to receive the necessary food, water and power supply as well as the necessary medical supplies to ensure its functioning. It will also be entitled to humanitarian assistance by the ICRC or any other humanitarian organization.

Page 3, 13.

The competent authorities of the parties of this agreement will take all necessary measures to enable the functioning of the protected zone. They will in particular give all necessary collaboration to the ICRC and the staff in charge of administering the protected zone in order to implement the present agreement.

Page 3-4, 17.

- (2) Should a party to the present agreement or the ICRC witness or allege any acts or situations which it considers contrary to the stipulations of the present agreement, it shall at once draw the attention of the ICRC and the party governing the protected zone to these acts or situations, and shall demand an immediate rectification of the matter.
- (3) The ICRC shall examine the matter and report, as quickly as possible at the latest within 48 hours, to all parties on its findings on the alleged or witnessed acts or situations. The party which alleged acts or situations contrary to the present agreement may request the ICRC to convene, within five days, a meeting of the parties chaired by the ICRC which will discuss the matter. If no agreement can be reached at this meeting, the party which alleged acts or situations contrary to the present agreement may then declare that, within 24 hours, it is no longer bound by the present agreement.
- (4) The ICRC may at any time, after consultation with the parties, terminate its involvement in the implementation of the present agreement by written advance notice of five days.

Traditional/ religious leaders	No specific mention.
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Public administration	No specific mention.
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Constitution	No specific mention.
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Power sharing

Political power sharing	No specific mention.
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Territorial power sharing	No specific mention.
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Economic power sharing	No specific mention.
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Military power sharing	No specific mention.
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Human rights and equality

Human rights/RoL general	No specific mention.
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Bill of rights/similar	No specific mention.
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Treaty incorporation	Page 1, 1. Accepting an initiative made by the ICRC under its right of initiative, the parties declare the hospital of Osijek and a zone around it as drawn on the annexed map, a protected zone according to the principles of Article 23 of the First Geneva Convention of 1949 and of Articles 14 and 15 of the Fourth Geneva Convention.
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	Page 3, 16. (1) Nothing in this agreement shall be interpreted as diminishing the obligations of the parties under International Humanitarian Law and their Memorandum of Understanding of 27 November 1991.
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Civil and political rights	No specific mention.
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Socio-economic rights	No specific mention.
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Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	<p>Page 1, 2.</p> <p>...(4) Parties to the agreement shall take every measure to ensure free entrance to and exit from the protected zone for the ICRC delegates and the local staff.</p> <p>Page 2, 4.</p> <p>(1) Access to the protected zone is restricted to the following categories of persons:</p> <ul style="list-style-type: none">- sick and wounded civilian and military personnel;- family members visiting patients recovering in the hospital;- persons aged over 65 years, children under 15, expectant mothers and mothers of children under seven, taking no part in the hostilities;- medical and administrative personnel of the hospital of Osijek;- ICRC delegates and ICRC local staff. <p>(2) The ICRC may extend admission to the protected zone to other civilians not taking part in the hostilities and seeking refuge in the protected zone.</p> <p>(3) The parties shall permit and facilitate at all times the access of the above-mentioned persons to the protected zone.</p> <p>(4) Persons whose permanent residence is within the protected zone shall have the right to stay in the zone if they take no part in the hostilities.</p> <p>Page 2, 5.</p> <p>(1) The ICRC shall control that only persons of the above-mentioned categories shall be present or enter into the protected zone.</p> <p>(2) The access of any person not corresponding to the above-mentioned categories is subject to the authorization of the ICRC.</p>
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.

Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Humanitarian assistance
Page 3, 12.
The protected zone will continue to receive the necessary food, water and power supply as well as the necessary medical supplies to ensure its functioning. It will also be entitled to humanitarian assistance by the ICRC or any other humanitarian organization.

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

[Summary: The agreement in its entirety provides for establishing the hospital of Osijek and a zone around it as a protected zone.]

Page 1, 1.

Accepting an initiative made by the ICRC under its right of initiative, the parties declare the hospital of Osijek and a zone around it as drawn on the annexed map, a protected zone according to the principles of Article 23 of the First Geneva Convention of 1949 and of Articles 14 and 15 of the Fourth Geneva Convention.

Page 1, 2.

- (1) The protected zone will be placed under the supervision and control of the ICRC.
- (2) There will be ICRC delegates permanently present in the zone.
- (3) The ICRC may engage, as ICRC local staff, any civilian or group of civilians it considers suitable and reliable to assist it in supervising and controlling the protected zone.
- (4) Parties to the agreement shall take every measure to ensure free entrance to and exit from the protected zone for the ICRC delegates and the local staff.

Page 1, 3.

The protected zone is clearly delimited and marked by means of red cross of as large dimensions as possible. The red crosses shall be made visible at night by means of appropriate illumination.

Page 2, 4.

- (1) Access to the protected zone is restricted to the following categories of persons:
 - sick and wounded civilian and military personnel;
 - family members visiting patients recovering in the hospital;
 - persons aged over 65 years, children under 15, expectant mothers and mothers of children under seven, taking no part in the hostilities;
 - medical and administrative personnel of the hospital of Osijek;
 - ICRC delegates and ICRC local staff.
- (2) The ICRC may extend admission to the protected zone to other civilians not taking part in the hostilities and seeking refuge in the protected zone.
- (3) The parties shall permit and facilitate at all times the access of the above-mentioned persons to the protected zone.
- (4) Persons whose permanent residence is within the protected zone shall have the right to stay in the zone if they take no part in the hostilities.

Page 2, 5.

- (1) The ICRC shall control that only persons of the above-mentioned categories shall be present or enter into the protected zone.
- (2) The access of any person not corresponding to the above-mentioned categories is subject to the authorization of the ICRC.

Page 2, 6.

The parties to this agreement shall take all necessary measures to prohibit access to all persons who have no right to reside in or to visit the protected zone.

Page 2, 7.

- (1) No weapon is allowed inside the protected zone and military material will be removed from the zone-
- (2) Only the military medical personnel accompanying ambulances may retain their light personal weapons when bringing in sick or wounded persons for emergency treatment to the hospital. They must leave the protected zone immediately after conveying the sick or wounded persons to the hospital.
- (3) Armed hospital guards must remain at the border of the protected zone

Ceasefire	No specific mention.
Police	No specific mention.
Armed forces	Page 3, 14. The parties to this agreement will take all necessary measures to make sure that the provisions of this agreement are made known to all persons under their command, control or political influence and to paramilitary and irregular units not formally under their command, control or political influence.
DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	Page 3, 14. The parties to this agreement will take all necessary measures to make sure that the provisions of this agreement are made known to all persons under their command, control or political influence and to paramilitary and irregular units not formally under their command, control or political influence. Page 3, 15. The parties to this agreement undertake to respect the present agreement in all circumstances and to ensure its respect by any paramilitary or irregular units not formally under their command, control or political influence.
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	No specific mention.
Vetting	No specific mention.
Victims	Page 2, 4. (1) Access to the protected zone is restricted to the following categories of persons: - sick and wounded civilian and military personnel;...
Missing persons	No specific mention.
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/
