

35 final reports dealing with 154 individual cases and issued 13 special reports on more general human rights issues. The SR recalled that no explicit enforcement mechanisms exist and stated that there had been a serious lack of cooperation by authorities frustrating the implementation of most decisions and recommendations. Authorities in the RS have made the most effort to cooperate, implementing three of the 17 final decisions of the Chamber and responding to almost half of the requests from the Ombudsperson for information in cases in which the RS was a respondent party. The rate of compliance with decisions of the Federation Ombudsmen is also still low, with the authorities having implemented recommendations in approximately 30 per cent of the cases.

The reports refer to inter-entity judicial cooperation and the May 1998 memorandum of understanding on the regulation of legal assistance between institutions of the Federation of Bosnia and Herzegovina and the Republika Srpska. The agreement addresses some of the most urgent problems concerning the functioning of the judiciaries in both entities, such as the service of subpoenas across inter-entity boundary lines, immunity for witnesses testifying in courts of the other entity, and the admissibility of members of each bar to practise before courts throughout Bosnia and Herzegovina without restriction. The reports note that, in July 1998, the High Representative imposed a Law on Courts on Hercegovina-Neretva Canton in response to the failure by Cantonal authorities to agree on a law to replace the previously controlling legal regimes of the so-called "Croat Republic of Herceg-Bosna" and the Republic of Bosnia and Herzegovina. According to the new law, there will be one common court for the canton at Mostar, and the ethnic composition of judges in the Canton shall reflect the results of the 1991 census.

The SR stressed the importance of the interrelation of civil and political rights with economic, social and cultural rights. The SR stated that non-discriminatory education, for example, will be crucial to support the sustainable return of refugees and displaced persons, as well as for tolerance and reconciliation generally. The reports note that education now operates almost exclusively along ethnic lines and a uniform curriculum that satisfies all national groups has not yet been created.

The SR stated that the extent of the problem of missing persons in Bosnia and Herzegovina is huge and the ongoing lack of information on the fate of the thousands who had disappeared in the course of the conflict continues to cause great suffering to their relatives. The reports note that it is generally acknowledged that an overwhelming majority of the missing have died and allegations of hidden detentions, in nearly all cases, have been proven to be unfounded. The SR stated that the process of exhumation and identification will be the only way of resolving cases of missing persons.

In the conclusion of the main report, the SR stated that the representatives of the dominant political parties among the three ethnic groups in Bosnia and Herze-

govina are more interested in strengthening a sense of collective identity among those who share their ethnic background than in establishing a genuine system of civic society. The SR recommended, *inter alia*, that:

- ♦ the qualifications of International Police Task Force (IPTF) monitors be examined more closely to ensure the best possible use of the IPTF mandate; more careful attention be given to gender issues in all IPTF activities, in particular in the restructuring and training of the national police; the human rights training for IPTF monitors be expanded to reach all personnel of the United Nations Mission in Bosnia and Herzegovina and of the IPTF;
- ♦ appropriate steps be taken in the apprehension, prosecution and punishment of war criminals since this remains a precondition for improvement of the human rights situation, the return of refugees and displaced persons to their pre-war homes, and reconciliation;
- ♦ the authorities implement in full the decisions and recommendations of the human rights institutions that have been established; a comprehensive process of reform of the judicial and legal systems be undertaken;
- ♦ local authorities and the international community fully support the work of the Federation Ombudsmen; the RS authorities adopt a law on the establishment of an ombudsman institution in the RS;
- ♦ in order to create conditions for free and democratic elections, steps be taken to ensure full freedom of movement and ensure that the main media are not controlled by nationalist parties; the international community continue support for local NGOs;
- ♦ appropriate responses be devised aimed at developing a concerted effort to address gender issues, including organized prostitution, trafficking and domestic violence;
- ♦ stronger support be given to families of missing persons and their social, economic and psychological needs be addressed; and
- ♦ steps be taken to ensure that the return of refugees from abroad occurs only when conditions exist for them to return in safety to their homes of origin.

Resolution of the General Assembly

The 1998 session of the General Assembly adopted by recorded vote a consolidated resolution on the situation of human rights in the territory of the former Yugoslavia (A/C.3/53/L.60). The resolution was adopted with 132 in favour, none opposed, 20 abstentions.

In the section on general considerations and concerns, the GA, *inter alia*: fully supported the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"); expressed disappointment at the continuing evi-