



Assembly of Western European Union

DOCUMENT 1467

12th June 1995

FORTIETH ORDINARY SESSION

(Third Part)

The situation in former Yugoslavia

REPORT

submitted on behalf of the Political Committee
by Mr. Fassino, Rapporteur

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1. Adopted in committee by 13 votes to 1 with 0 abstentions.

2. *Members of the committee:* Mr. *de Puig* (Chairman); Lord *Finsberg*, Mr. *Roseta* (Vice-Chairmen); MM. *Alegre* (Alternate: Mrs. *Aguiar*), *Antretter*, Sir *Andrew Bowden*, MM. *Bühler*, *Caballero*, *Capsis*, *Cioni*, *Ehrmann*, *Fassino*, *Irmer*, Sir *Russell Johnston*, Mr. *Kaspereit*, Lord *Kirkhill* (Alternate: *Davis*), MM. *Koschyk*, *Liapis*, *van der Linden*, *de Lipkowski*, *Maass* (Alternate: *Zierler*), Mrs. *Papandreou*, MM. *Pécriaux*, *Pozzo*, Mrs. *Prestigiacomo* (Alternate: *Arata*), MM. *Puche Rodriguez*, *Recoder*, *Rodeghiero*, *Rodrigues*, *Seeuws*, *Seitlinger*, Sir *Keith Speed*, MM. *Vinçon*, *Wintgens Woltjer*, *Zijlstra*, N...

Associate member: Mr. *Godal*.

N.B. *The names of those taking part in the vote are printed in italics.*

Draft Recommendation
on the situation in former Yugoslavia

The Assembly,

- (i) Profoundly shocked by the ease with which the Bosnian Serbs were able to seize United Nations blue berets, hold them hostage and steal armaments and equipment guarded by United Nations personnel in Bosnia-Herzegovina;
- (ii) Dismayed by the apparent powerlessness of the international community to prevent Bosnian Serbs from continuing to massacre civilians in safe areas, particularly in Tuzla, on 25th May 1995, with a toll of more than 76 dead and 150 wounded, surrounding and shelling the town of Sarajevo and disrupting the provision of United Nations humanitarian aid to the civilian population;
- (iii) Noting also the powerlessness of the international community to prevent Croatian forces from resuming hostilities against the Krajina region, in violation of the cease-fire agreed in respect of Croatia on 29th March 1994, and despite present negotiations to find an acceptable political arrangement concerning the status of Krajina;
- (iv) Convinced that the time has come either to take vigorous measures to put an end to action by the Bosnian Serbs, two of whose political leaders are accused of war crimes before the International Court in The Hague, who are continuing to humiliate the United Nations and the entire international community, or to withdraw United Nations forces from the region;
- (v) Recalling that the Presidential Committee, on 23rd September 1991, asked the WEU Council " to invite the United Nations Security Council to set up an effective United Nations force to secure a cease-fire in Yugoslavia " and stated that " WEU stands ready to play its full part in any such proposal ";
- (vi) Recalling that Security Council Resolution 836 (1993) gave a wide mandate to UNPROFOR allowing it to resort to force in order to give effective protection to safe areas in Bosnia-Herzegovina;
- (vii) Recalling therefore paragraphs 2 and 3 of Recommendation 541 inviting the WEU Council to " ensure the strict application of Resolution 836 ... adopted by the Security Council on 4th June 1993 " and " in particular help the adjustment and reinforcement of forces of WEU countries that may be required by the implementation of Resolution 836 " and " consider assigning some of these forces to the support of units responsible for protecting security areas ";
- (viii) Considering in consequence that the decision to create a rapid reaction force for former Yugoslavia taken in Paris on 3rd June 1995 is an appropriate – if belated – measure falling within the framework of the implementation of Security Council Resolution 836, but regretting that the mission and status of this force are somewhat ambiguous;
- (ix) Deeply regretting, nevertheless, the WEU Council's total absence of initiative, despite the undertaking on crisis-management given by member governments in their Petersberg declaration;
- (x) Astounded that, despite operation Deny Flight, the United Nations authorities have recorded, up to the month of April 1995, over 4 290 violations of the ban on military flights in the air space over Bosnia-Herzegovina;
- (xi) Dismayed, moreover, by the blatant contradiction between the WEU Council's affirmation of " the successful results accomplished by the WEU police and customs mission on the Danube " and " the continued positive results achieved in the joint WEU-NATO operation Sharp Guard in the Adriatic " and reports of large quantities of fuel being smuggled into the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) through Albania and the former Yugoslav Republic of Macedonia and also through the territory of neighbouring countries;
- (xii) Considering that the trade embargo Greece has imposed on the former Yugoslav Republic of Macedonia is placing this country in such a difficult economic situation that, in order to survive, it is forced to maintain some commercial relations with the Federal Republic of Yugoslavia in violation of United Nations sanctions against the latter;
- (xiii) Still convinced that the effectiveness of the embargo banning arms supplies to the whole of the territory of former Yugoslavia continues to be one of the essential conditions for achieving a peaceful settlement of the conflict in that region;

(xiv) Disturbed by the contradictory declarations of United States political leaders regarding the policy and rôle of the United States in the conflict in the Balkans;

(xv) Concerned also that the lack of clarity regarding Russia's rôle in its relations with the Federal Republic of Yugoslavia (Serbia and Montenegro) raises problems, but welcoming the meeting between the Minister for Foreign Affairs of Russia and the new European Union negotiator, Mr. Carl Bildt, which will hopefully clarify the situation and lead to a more coherent approach within the contact group and the Z-4 group;

(xvi) Convinced that a peaceful settlement of the conflict in former Yugoslavia is possible only if all international organisations and countries participate in efforts to this end, agreeing on a joint strategy and refraining from isolated and unco-ordinated initiatives;

(xvii) Recalling that the danger of the Yugoslav conflict spreading and escalating into a wider regional conflict is still present,

RECOMMENDS THAT THE COUNCIL

1. Resolutely call upon the Bosnian Serbs to free immediately and unconditionally all the blue berets they still hold hostage;
2. Appeal to all parties concerned to abandon once and for all the illusion of a military solution and rather work to achieve a political solution based on fair negotiations through which the rights of all ethnic and religious communities can be guaranteed;
3. Ask all international organisations, the European Union and all countries involved in the peace efforts – and above all the members of the contact group – to strengthen their cohesion by adopting a joint strategy and to refrain from isolated and unco-ordinated initiatives;
4. Ask the United Nations to strengthen the presence and action of the blue berets and request all governments to make the necessary manpower, resources and means available to the United Nations;
5. Strengthen the operability of the rapid reaction force created on the initiative of France and the United Kingdom by giving its command responsibility for on the spot initiatives required in certain situations that endanger the safety and lives of UNPROFOR troops or of some of its own members;
6. Transform the rapid reaction force into a European multinational unit placed under the authority of WEU in accordance with the arrangements decided at Petersberg and invite all WEU member countries to participate;
7. Take steps in the United Nations to obtain a mandate from the Security Council for WEU to elaborate and implement the tasks of this multinational force within the framework of the guidelines issued by the Security Council;
8. Urge the Security Council to ensure that the task of the European multinational force is to facilitate the implementation of the missions of the blue berets in former Yugoslavia and not to prepare for their withdrawal;
9. Ask the Security Council to provide all the means necessary for supervising more effectively the domestic and international borders of the successor republics of former Yugoslavia, the better to monitor the effectiveness of the arms embargo;
10. Ask the United States to reverse its decision to participate no longer in the embargo against Bosnia-Herzegovina;
11. Ask the Government of Russia to use its influence in conformity with the the proposals of the contact group and with the agreement of its member countries;
12. In co-ordination with NATO, take the necessary measures to prevent any further violation of the flight exclusion zone over Bosnia-Herzegovina;
13. Take appropriate measures to prevent any violation of the embargo on arms supplies to the territory of former Yugoslavia and inform the Assembly of all proven cases of sanctions-breaking;
14. Request Greece forthwith to lift the trade embargo it has imposed on the former Yugoslav Republic of Macedonia;
15. Provide the Assembly with more accurate and detailed information regarding the effectiveness of operations Deny Flight and Sharp Guard and the monitoring of shipping on the Danube;

16. Ask the United Nations and the European Union to offer compensation to neighbouring countries whose economies have been weakened by their participation in the embargo against the Federal Republic of Yugoslavia;
17. Ask the Croatian Government not to undertake further military action against the United Nations safe areas since these areas, which belong to the Republic of Croatia, must be integrated peacefully and given autonomy, as proposed by the Z-4 group;
18. Ask the Government in Belgrade to bring all possible pressure to bear on Bosnian Serb leaders to persuade them to accept the proposals of the contact group;
19. Furthermore ask the Government in Belgrade to recognise the borders of Croatia and, explicitly, Bosnia's right to exist as a sovereign state within its present borders, given that the constitutional framework and territorial organisation of the Bosnian state are to be established by consensus in negotiations on the basis of the proposals made by the contact group;
20. Call on the Government in Belgrade to restore autonomous structures to Kosovo and Vojvodina and review its arrangements for minorities in the Sandjak and elsewhere;
21. Oppose any suspension of sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) until such time as it recognises Croatia and Bosnia-Herzegovina as defined by their international borders;
22. Actively support the resumption of the political dialogue with a view to:
 - achieving a lasting cease-fire over the whole of the territory of Croatia and Bosnia-Herzegovina;
 - reaching a peaceful and political settlement of the conflict as a whole on the basis of the peace plans drawn up by the contact group and the Z-4 group;
 - avoiding the conflict escalating into a wider regional conflict;
 - convening, at the appropriate time, a peace conference with the participation of the political leaders of the Federal Republic of Yugoslavia, Croatia and Bosnia-Herzegovina;
23. While recognising the many contributions made by the international community, ask all governments to step up their efforts in the area of humanitarian aid for civilians and refugees;
24. Ask all governments to support the work of the International War Crimes Tribunal.

Explanatory Memorandum

(submitted by Mr. Fassino, Rapporteur)

I. Introduction

1. The four-month truce concluded on 31st December 1994 between the Bosnian Government and Bosnian Serbs with the help of former United States President, Jimmy Carter, held no hope for an end to hostilities, let alone the war in Bosnia-Herzegovina. Initially, the truce succeeded in halting the fighting. However, as the date of its expiry approached, in particular, from 20th March 1995, fighting was resumed with increased ferocity in nearly all the regions concerned, first around Bihac, then near Tuzla and in the Vlasic mountains.

2. The resumption of Serb attacks against the town of Sarajevo provoked two air strikes (one on 25th May, the other on 26th May 1995) carried out by NATO at the request of the United Nations against Bosnian Serb munitions depots. The Bosnian Serbs reacted by shelling the town of Tuzla, causing many dead and wounded among the civilian population, and by taking some 400 blue berets hostage in several parts of Bosnia. On 2nd June 1995, the Serbs liberated 126 of them, but the same day, an American F-16 was shot down in Bosnia by a Serb missile and Serbs again took United Nations troops hostage.

II. The situation after the creation of a rapid reaction force based in Croatia and Bosnia

3. After the United Kingdom Government decided to send reinforcements to improve the protection of British forces assigned to UNPROFOR in Bosnia, France convened a conference in Paris, on 3rd June 1995, of the fifteen defence ministers of the countries of the European Union and of the Atlantic Alliance participating in the peace-keeping effort on the spot. This conference decided to send to Bosnia a rapid reaction force of some 10 000 men to provide backing for UNPROFOR, prevent the taking of hostages and facilitate the free movement of convoys. On 6th June, the Bosnian Serbs released a further 108 blue berets, while continuing to hold some 150 United Nations soldiers hostage. Although, as from 13th June, Mr. Milosevic and Mr. Karadzic several times announced the liberation of all the remaining blue berets, on 15th June, 26 blue berets and United Nations military observers were still being held hostage by the Bosnian Serbs.

4. The French and United Kingdom Governments, in particular, which have the largest number of blue berets on the spot, believe the new force should not be placed under United Nations command. However, following a compromise, it was decided that it would act under United Nations' authority. It will be based in Croatia and Bosnia – near Sarajevo – under the operational command of the UNPROFOR commander for the whole of former Yugoslavia, the French General Bernard Janvier, with authority delegated to the commander of the blue berets in Bosnia, the British General Rupert Smith. France and the United Kingdom – which already have the largest numbers of blue berets in former Yugoslavia – will provide the majority of the rapid reaction troops, divided into two brigades, as follows:

- (i) A multinational brigade of 1 500 French, 1 500 United Kingdom and some 200 Dutch soldiers (The Hague talks of 170 Royal Netherlands marines).
- (ii) The 5 000-strong United Kingdom 24 air-mobile brigade. France has also a supplementary force of 4 000 men on alert.

5. The United Kingdom has just sent artillery, engineering and communications units and helicopters for the rapid reaction force. The Netherlands marines will be equipped with 120 mm mortars and a trajectory calculation (mortar detection) unit¹. This force will therefore be wholly European; no participation is envisaged by American or Russian forces in the framework of this multinational unit. However, the Americans have sent the aircraft-carrier Theodore Roosevelt with a crack unit of 2 000 marines to the Adriatic and the aircraft-carrier Foch is also off the Bosnian coast.

6. It is still not known exactly what the status and tasks of this new rapid reaction force will be. However, it should be recalled in this connection that, as far back as 19th September 1991, Chancellor Kohl and President Mitterrand had proposed sending an intervention force to Yugoslavia under United Nations' auspices. This proposal was rejected however at the time by the Council of the European Community because the United Kingdom was not then in favour of it.

¹ Le Figaro, 5th June 1995.

7. Moreover, the question arises as to whether this initiative is compatible with the new United Nations thinking on managing the crisis in the Balkans. On 31st May 1995, the United Nations Secretary-General, Mr. Boutros-Boutros Ghali, in his report to the Security Council, presented four options relating to a new rôle for the United Nations Protection Force (UNPROFOR) in Bosnia-Herzegovina. These four options are as follows²:

- (i) withdrawal of UNPROFOR, which would be replaced in Bosnia by a small political mission if the parties concerned so wished;
- (ii) continuation of UNPROFOR's present tasks and methods of achieving them;
- (iii) a change in its mandate, in order to allow greater use of military force;
- (iv) a revised mandate, to cover in future only the tasks that a peace-keeping force can carry out realistically in the prevailing circumstances in Bosnia.

8. The United Nations Secretary-General is clearly in favour of option (iv), but he stipulates that whatever the final decision may be, it will not be effective without real prospects for a negotiated solution, in other words, relaunching and intensifying the peace process through a new and meaningful initiative. The United Nations Secretary-General makes no mention of the rapid reaction force that is the wish of Paris and London and whose creation was decided in Paris on 3rd June 1995. He has never concealed the fact that he is opposed to any offensive rôle for the blue berets or any other force connected with the United Nations' mandate in Bosnia.

9. Several other questions arise, however: the Bosnians' greatest fear is that a change in the mandate and redeployment of the blue berets would simply mean the withdrawal of United Nations forces from particularly dangerous regions. This is how, for example, Mr. Akashi's proposal for the demilitarisation of the Bosnian enclaves of Sebrenica, Zepa and Gorazde is being interpreted.

10. Furthermore, the Bosnians fear that the only task of the rapid reaction force and the additional United Kingdom troops already in the area will be to protect their UNPROFOR colleagues and that protection of the safe areas will finally be abandoned.

11. Above all, one might wonder what was the purpose of the conference of defence ministers convened in Paris on 3rd June 1995 and what

decisions were taken. According to the press³, France invited fourteen ministers and the chiefs-of-staff of the following countries: Belgium, Canada, Denmark, Finland, Germany, Greece, Italy, the Netherlands, Norway, Spain, Sweden, Turkey, the United Kingdom and the United States. A member of the Russian Embassy in Paris represented Russia as an observer. United Nations, NATO and WEU officials were also present. If the aim was to bring together representatives of all the countries which have blue berets in the area, one may wonder why Germany and Greece were invited. It should further be recalled that forces from the Baltic countries and Argentine, Bangladeshi, Czech, Egyptian, Indonesian, Jordanian, Kenyan, Malaysian, Nepalese, New Zealand, Pakistani, Polish, Russian, Slovakian and Ukrainian forces are also involved.

12. It is understandable that the seizure of hostages called for rapid action. It is more than surprising, nevertheless, that Portugal, which occupies the chairmanship-in-office of the WEU Council, was not invited to the conference. Moreover, one has to note, in relation to the Bosnian crisis, that the WEU governmental authorities have been conspicuous for their total silence since the ministerial meeting in Lisbon on 15th May.

13. Sir Dudley Smith, President of the WEU Assembly, alone launched an urgent appeal on 29th May 1995 for all European countries to send troops to Bosnia-Herzegovina on a scale similar to the deployments already undertaken by France and the United Kingdom. "It is now up to the WEU family of twenty-seven nations to show the leadership which has been so sadly lacking where the United Nations is concerned" he said. On 1st June 1995, under the title "WEU must be the hard core of European security", the President of the Assembly of WEU, while welcoming Britain and France's initiative in creating a rapid reaction force to help the United Nations, requested the WEU chairmanship-in-office to "ensure that we take the lead at Saturday's ministerial gathering in Paris as well". He also stressed that it was vital to consult WEU's associate partners.

14. At political level, there is no indication that an arrangement between the Serbs and Bosnians in Bosnia-Herzegovina might be in sight. The rôle of the Belgrade Government remains ambiguous. Despite several encouraging signs from Mr. Milosevic, the latter has so far refused to recognise Bosnia-Herzegovina and Croatia, and there were serious doubts about whether the decision taken by the Federal Republic of Yugoslavia (Serbia and Montenegro) to break off all relations with the Bosnian Serbs and close the frontier between

2. Le Monde, 2nd June 1995.

3. Le Figaro, 5th June 1995.

Yugoslavia and Bosnia is actually being implemented.

15. There remains the problem of the Krajina region in Croatia. The decision of the United Nations Security Council contained in Resolution 981, dated 31st March 1995, to replace UNPROFOR in Croatia by UNCRO, a United Nations Confidence Restoration Operation in Croatia, for a period ending 30th November 1995, which would provide supervision of the international frontiers between the Republic of Croatia, the Republic of Bosnia-Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro), did not obtain the backing of the Krajina authorities.

16. Early in May 1995, the Croats violated the cease-fire agreement of 29th March 1994 by launching a military offensive in the area of western Slavonia, pushing back the line of the Krajina Serb militia in the Pacrac region by some 20 km in order to clear a stretch of motorway linking eastern and western Croatia, which had been cut by the formation of a Serb enclave. The Serbs reacted by shelling the town of Zagreb with Orkan missiles which caused deaths among the civilian population. A temporary cease-fire was concluded with the help of Mr. Akashi, the United Nations representative, but the situation remains very tense and is a cause for concern in the region, even after the agreement signed on 15th May between Croatia and the United Nations on the new status of UNCRO forces. Moreover, tension is evident in Krajina where Prime Minister Mikelic, one of the moderate leaders, has been removed from office.

17. It is still impossible to assess the consequences of the escalation of the Bosnian crisis for the survival of the federation approved between Croats and Bosnians in Bosnia or for the administration of the town of Mostar by the European Union.

18. Regarding the territory of the Federal Republic of Yugoslavia, continued encroachment to the detriment of Albanians, Bosnians, Hungarians and Croats in the Kosovo region, the Sandjak and Vojvodina, offers an insight into the extreme complexity of the situation in this troubled region of Europe.

19. The decision taken by the United States no longer to participate in monitoring the embargo on arms intended for Bosnia and the resolution adopted by the United Nations General Assembly on 3rd November 1994 – at the initiative of the United States – asking for the embargo on Bosnia to be lifted, primarily supported by Islamic countries while European countries and Russia abstained, resulted in the conflict in Bosnia helping to increase the tension that already existed between Europe and Islam in other regions of the world.

20. The lack of coherence that characterises western policy was further aggravated by the initiative taken by the United States to negotiate directly with the Bosnian Serbs despite United Nations Security Council Resolution 942, which, in September 1994, recommended that no form of political negotiations should be conducted with the Bosnian Serbs as long as the latter refused to accept the peace plan for Bosnia proposed by the contact group.

21. Even after the decision to create a rapid reaction force in Bosnia, the future rôle of the blue berets in the region remains uncertain and the lack of coherence in the political strategy followed by the United Nations, NATO, the European Union and WEU and the United States and Russia illustrates how difficult it is to envisage an equitable and lasting solution to the conflict before it reaches proportions far beyond anything yet seen.

22. Slovenia remains the only country to emerge from former Yugoslavia which has managed to stay on the sidelines of the conflict in the Balkans and to establish suitable conditions for ensuring its political stability and economic recovery, despite a difficult period of transition and the large number of refugees the country has had to take in. The imminent signature of a Europe Agreement between Slovenia and the European Union is an encouraging sign of the country's drawing closer to the European Union.

III. The situation on the spot

(a) Bosnia-Herzegovina

23. In Resolution 982, adopted on 31st March 1995, the Security Council of the United Nations decided to extend the mandate of UNPROFOR in the Republic of Bosnia-Herzegovina for a further period ending on 30th November 1995. The Security Council stressed, in this context, "the responsibility of the parties and others concerned" in Croatia and Bosnia-Herzegovina as regards UNPROFOR safety and protection and demanded "all parties and others concerned" to refrain from any acts of intimidation or violence against UNPROFOR.

24. At the same time, it urged the Bosnian parties to agree forthwith on a further extension and on the implementation of the cease-fire agreements beyond 30th April 1995 and to use that period to negotiate an overall peaceful settlement on the basis of the acceptance of the contact group peace plan as a starting point. It further asked the Bosnian Serbs to accept this proposal.

25. However, neither this resolution nor Resolution 987 dated 19th April 1995 had any practical effect. The reality is that, as of 16th June 1995, the

Serbs had still not released all the blue berets they were holding hostage. While fighting continues between the Bosnian Serbs and government forces, tension is rising around Sarajevo since the Bosnian army began to concentrate a large force some 40 miles from Sarajevo for a purpose which is still not clear, although according to several observers, this force seems to be intended to break the Serb encirclement of the Bosnian capital.

26. Among the many areas of tension in Bosnian territory there is another sensitive area in the Brcko region where the Croatian Serbs occupy only a narrow corridor between the Croatian border and the territory of the Bosnian federation established by the Muslims and Croats. There are signs that General Mladic, the leader of the Bosnian Serbs, will try to widen this corridor in order to prevent Serb-occupied territory in Bosnia being divided into two separate parts. In December 1994, the Bosnian Serbs had already expelled all the United Nations military observers from the Brcko region and transferred them to Belgrade to make it impossible to observe directly what was happening in that region⁴.

27. Moreover, quarrels have apparently broken out between Croats and Bosnian Muslims over the organisation of the federation to which they had agreed in Washington on 18th March 1994 thanks to the mediation of the United States and Russia. (The Bosnian Serbs had rejected this federation, with the exception of the Council of "moderate" Serbs around Sarajevo, which supports the Bosnian Government.) Nevertheless, the agreement between the two parties signed in Bonn on 10th March 1995, which provides specifically for granting the federal bodies all the powers embodied in the constitution of the federation, together with the adoption of a plan for the return of refugees and displaced persons, is a positive step according to the report submitted by the United Nations Secretary-General to the Security Council on 22nd March 1995⁵. All problems are still far from being settled, however.

28. These difficulties have repercussions in particular on the administration of the town of Mostar, for which the European Union has had responsibility, with the assistance of WEU, since 23rd July 1994, under the direction of Hans Koschnik, former burgomaster of the town of Bremen. In order to re-establish a common police force in the town for Croats and Muslims, WEU committed itself to assisting the European Union administrator by setting up a multinational police force of approximately 200 officers. However, to date, it is still not clear whether this force has actually been brought up to full strength. Nevertheless, in their Lisbon declaration dated 15th May 1995, the WEU Ministers "welcomed

the agreement between the parties concerned on the implementation of the first phase of the establishment of a unified police force of Mostar (UPFM) and regarding the structure of the future UPFM. They believe that these important steps should lead to the implementation of the UPFM. Ministers agreed to continue to encourage the parties, in particular via the presidency, to secure agreement to the subsequent implementation phases and the establishment of the UPFM. Ministers welcomed the forthcoming participation of Austria, Finland and Sweden in the WEU police element, in addition to the contributions provided by the member states."

29. The re-establishment of an administration in Mostar is regarded as a test of the viability of the Bosnian-Croat Federation. However, the results obtained so far by Mr. Koschnik are not particularly encouraging. In January, he accused the Croats in particular of hindering his task. He noted in a communiqué that the town remained completely divided between the Bosnians who control the eastern part, and the Croats who control the western part. The administration specifically accuses the Croats of holding up the formation of mixed Muslim-Croat-European patrols, which is delaying the re-establishment of free movement throughout the town. Moreover, in early April, Mr. Koschnik stated that he was convinced that the embargo against Bosnia would primarily harm the civilian population while doing nothing to prevent the clandestine importation of armaments into the Balkans⁶. Your Rapporteur will return to the question of the embargo in a later chapter.

30. As to monitoring the prohibition of military flights in the air space of Bosnia-Herzegovina in accordance with United Nations Security Council Resolution 816 (1993), the United Nations Secretary-General reports regularly to the Security Council on information received by UNPROFOR regarding apparent violations. According to the most recent report of which your Rapporteur is aware (9th April 1995)⁷ covering the period 30th March to 2nd April 1995, it would appear that 21 aircraft or helicopter flights took place in the airspace over Bosnia-Herzegovina. According to the report, the total number of flights regarded as apparent violations stands at present (9th April 1995) at 4 290!

31. One may wonder why the WEU Council does not communicate any information on these violations and their implications. It does however emerge from the report of the United Nations Secretary-General dated 22nd March 1995⁸ that NATO, at the request of UNPROFOR, is continuing to monitor and enforce the flight exclusion zone. According to this report "the 'no-fly-zone'

4. The Times, 14th December 1994.

5. Document S/1995/222.

6. Frankfurter Allgemeine Zeitung, 4th April 1995.

7. United Nations document S/1995/Add. 24.

8. United Nations document S/1995/222.

enforcement has successfully prevented the use by the warring sides of offensive air power and the availability of NATO air power has considerably strengthened UNPROFOR's bargaining position in negotiating convoy clearances". The United Nations Secretary-General is keen to "emphasise that, despite regular frequent infringements of the 'no-fly-zone' by helicopters and some occasional fixed-wing activity" he remains "convinced that the deterrent effect of NATO operations has contributed to the effective containment of warring factions' air activity for combat purposes". One may wonder whether such an assessment is still valid, particularly after the Serbs succeeded, on 2nd June, in shooting down an American F-16 aircraft over Bosnian territory.

32. It should also be recalled that, on 4th August 1994, the Federal Republic of Yugoslavia (Serbia and Montenegro) had decided to break off political and economic relations with the "Republic Srpska" representing the Bosnian Serbs, to prohibit the Bosnian Serb leaders from visiting Federal Yugoslav Republic territory and to close its border with Serb-controlled Bosnian territory to all forms of transport except that carrying food-stuffs, clothing and medicines.

33. Following a report submitted on 11th April 1995 by the co-Chairmen of the Steering Committee of the International Conference on former Yugoslavia to the United Nations Secretary-General⁹:

"In light of the foregoing developments during the past 30 days, based on the mission's on-site observation, and based on the advice of the mission co-ordinator, Mr. T. J. Nieminen, and in the absence of any contrary information from the air, whether the airborne reconnaissance system of the North Atlantic Treaty Organisation (NATO) or national technical means, and aside from the reported tracking of helicopters crossing the border, the co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the land border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces. The co-Chairmen also conclude that during the past 30 days there were no commercial transshipments across the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina."

34. For that reason the United Nations Security Council agreed in Resolution 988, dated 21st April 1995, on a partial suspension of the economic sanctions on the Federal Republic of Yugo-

slavia (Serbia and Montenegro) until 5th July 1995. However serious doubts remain about the aims of Mr. Milosevic's policy towards the Bosnian Serbs and even his determination to break with Mr. Karadzic. This attitude has, as yet, had no influence whatsoever on the intransigence of the Bosnian Serb leaders' position.

(b) The situation in Croatia

35. Following the precarious truce established in Croatia since the end of the Croat offensive against the western sector of Krajina in early May 1995, two problems have to be dealt with: first, avoiding a resumption of hostilities and, second, finding a political solution to the future status of the "Serb Republic of Krajina" proclaimed on 19th December 1991 by the Serb minority established on Croatian territory. It should be remembered that Croatia has never relinquished its claim to control this territory. After the end of the Serbo-Croat war in autumn 1991, a peace plan signed by the Croats on 3rd January 1992 provided for the deployment of blue berets to disarm the rebel militia and prepare for the return of refugees. According to Zagreb, these provisions were never implemented and the blue berets served Serb interests by maintaining the status quo in the territories occupied by the secessionist Serbs.

36. The new mandate of UNCRO forces in Croatia, under the terms of United Nations Security Council Resolution 981, dated 31st March 1995, and Resolution 990, therefore includes, inter alia, controlling the movement of military personnel, equipment, supplies and weapons across the international borders between Croatia and Yugoslavia (Serbia and Montenegro) at the border crossings for which UNCRO is responsible; this mandate further provides that UNCRO is to facilitate the delivery of international humanitarian assistance to Bosnia through the territory of Croatia and monitor the demilitarisation of the Prevlaka peninsula. Its aim is also to facilitate implementation of the economic agreement concluded on 2nd December 1994 between the Croats and the Krajina authorities under the auspices of the co-Chairmen of the International Conference on former Yugoslavia.

37. To achieve its objectives, the Security Council approved the implementation plan submitted by the United Nations Secretary-General on 18th April 1995¹⁰, which stated that a complement of some 8 750 troops would be sufficient. It is therefore envisaged that the United Nations forces currently in Croatia can be reduced to the proposed level of 8 750 troops between now and 30th June 1995 and that deployment will be completed on that date.

9. Document S/1995/302, 13th April 1995.

10. United Nations document S/1995/320.

38. The implementation of this new plan has been seriously called into question both by the refusal of the Krajina Serbs to accept it and by the Croatian offensive against the Serbs of western Slovenia in early May 1995. Security Council Resolution 994 dated 17th May 1995 therefore calls upon the parties to complete without delay the withdrawal of all their troops from the separation areas agreed in the cease-fire agreement and refrain from any further violation of these areas; it also calls for the status and mandate of UNCRO to be respected and the safety and protection of UNCRO personnel to be assured.

39. Even if the situation prevailing in Croatia differs from that of Bosnia, principally because the Krajina Serbs have not taken hostages among the blue berets, it is impossible yet to predict the consequences of the creation, agreed in Paris, of a rapid reaction force on the evolution of events in Croatia. The differences that divide the Serb authorities of Krajina are deepening and the departure of the moderate "head of government", Mr. Mikelic, is reinforcing the emerging tendency in Krajina to reject the stationing of blue berets in this territory and initiatives for unifying Krajina and Bosnian Serb territory.

40. Such a development would have serious consequences for the chances of plan Z-4 being accepted, in other words the draft agreement on Krajina, Slavonia, southern Baranja and western Sirmium worked out by the ambassadors to Croatia of the United States and the Russian Federation and certain representatives of the international conference on the former Yugoslavia. This arrangement provides for very wide autonomy for the Serb minorities in Croatia and in particular the right of Krajina Serbs to mint their own coinage and have their own police force, if the Serbs recognise Croatia's sovereignty over that region and over its international borders. If, conversely, a unified Serbian state spanning Bosnian-Croatian borders were to be proclaimed, this would not only be the end of the contact group's peace plan, which is based on the integrity of Bosnian territory, but also that of the Z-4 group.

41. Regarding Croatia's internal policy, it should be noted that the media and independent information means are encountering difficulties in relation to Mr. Tudjman's government which is seeking to control and dominate them.

42. Apart from unresolved problems in other Serb-occupied regions of Croatia such as Slavonia, Croatia has an additional internal difficulty linked to the status of Istria, which has, for some years, been asking for greater autonomy from the government in Zagreb. The region, which has an Italian minority of some 30 000 out of a total of 250 000 inhabitants, was divided into two parts following the creation of the independent states of Slovenia and Croatia after the collapse of Yugo-

slavia. In early February, the Croatian Constitutional Court ruled that Croatian Istria's independent status was largely unconstitutional and repealed several articles, including those relating to the rights of the Italian minority and the right to use the Italian language on a par with Croatian. This decision by the Constitutional Court confirms the centralising tendency of the Croatian Government which is leading it to curtail the autonomy of national minorities and local authorities alike. It is giving rise to acute concern among the population of Istria and the ethnic Italian community.

(c) The situation in the former Yugoslav Republic of Macedonia (FYROM)

43. The relatively small number of Serbs living on FYROM territory (approximately 2.2% of the population) has certainly helped to keep this country out of the fighting and to bring about an agreement between Macedonia and former Yugoslavia in September 1993, establishing the rights of the Serbian minority. It would appear from a report of the United Nations Secretary-General dated 22nd March 1995¹¹ that the government of the former Yugoslav Republic of Macedonia expressed the wish that United Nations forces stationed in that country should be separate from UNPROFOR. The United Nations Security Council therefore agreed, in Resolution 983 dated 31st March 1995, that in the former Yugoslav Republic of Macedonia, UNPROFOR would in future be known as the United Nations preventive deployment force (UNPREDEF) and that its mandate would cover a period ending on 30th November 1995.

44. In the light of Belgrade's equivocal attitude towards Macedonia (and taking account also of that country's differences with Greece), the most widely publicised international effort to prevent armed conflict in the FYROM has undoubtedly been the preventive deployment of United Nations forces. United Nations Security Council Resolution 795 of 11th December 1992 had authorised the deployment of an infantry battalion and observers to monitor the FYROM's border with Albania and the Federal Republic of Yugoslavia. On 18th June 1993, the United Nations Security Council authorised sending reinforcements of 1 000 American troops. At the end of March 1995, the true number of American forces in Macedonia was 540 men, reinforced by a Nordic battalion of 556 troops to which must be added 53 representatives of the command headquarters¹². However the United States has still not opened an embassy in Skopje.

11. United Nations document S/1995/222.

12. Report of the Secretary-General of the United Nations, 29th March 1995, S/1995/222.

45. While this preventive deployment, in which mainly the United States participates (this is the only example of American participation in the territory of former Yugoslavia), has contributed to stability in this region, it should be recalled that, during the Political Committee's visit to Washington in March 1995, an expert from the Centre for Strategic and International Studies (CSIS) nevertheless pointed to the growing risk of conflict breaking out in the FYROM following mounting tension between Macedonians and Albanians. He did not even rule out the possibility of Bulgaria's becoming involved in such a conflict.

46. The United Nations Secretary-General states in his report dated 22nd March 1995¹³ that the government of the former Yugoslav Republic of Macedonia conducted a nation-wide census from 25th June to 11th July 1994, in order to establish accurate estimates of the ethnic composition of the population. This exercise is monitored, financed and partly organised by the Council of Europe and the European Union. In November 1994, the government announced the results which showed that 67% of the population were ethnic Macedonians, 23% were ethnic Albanians and the remaining 10% were formed of Turks, Serbs, Vlachs, gypsies and people of non-identified ethnicity. Ethnic Albanian leaders have disputed the results, proffering a figure of 35% for the ethnic Albanian population.

47. Again according to the report by the United Nations Secretary-General, "some leaders of the ethnic Albanian population have stepped up demands for improvements in their political, economic, social, cultural and educational status, including recognition of Albanian as the republic's second official language". Confrontation occurred on 17th February 1995 during a demonstration in favour of establishing an Albanian language university at Tetovo.

48. Internal political, social and inter-ethnic difficulties continue to be exacerbated by the fragile state of the economy of the former Yugoslav Republic of Macedonia. According to the above report of the United Nations Secretary-General, "the trade embargo imposed by Greece in February 1994, as well as United Nations sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) continue to disrupt severely the country's principal export/import routes on its southern and northern borders".

49. The United Nations Secretary-General notes that the monitoring carried out by the blue berets along the former Yugoslav Republic of Macedonia's borders with the Federal Republic of Yugoslavia (Serbia and Montenegro) and with

Albania reveals no immediate military threat. Yet, there has been no decisive move towards establishing a clear international border between Macedonia and Yugoslavia. There is only "a military administrative boundary" between the two parties. While UNPROFOR has monitored military patrols from both countries crossing the boundary, it has observed no tension between the two sides. However the potential for confrontation still exists in the absence of an international border recognised by both sides.

50. By all accounts, the balance of the situation in the former Yugoslav Republic of Macedonia continues to be unstable and many FYROM politicians are convinced that Belgrade and Athens are co-ordinating their policy against Skopje, since neither Yugoslavia nor Greece is particularly friendly to this small country which neither of them recognises.

IV. The implementation of sanctions against the Federal Republic of Yugoslavia and the effectiveness of the embargo on armaments bound for the territory of former Yugoslavia

51. If information supplied by the WEU Council, in particular in the second part of the fortieth annual report of the Council to the Assembly, is to be believed, it is a fact that the joint Council of WEU and NATO noted in relation to operation Sharp Guard that "the concept of operations remained completely valid, taking into account the adjustments made by the operational commanders". We are also informed that the Planning Cell presents weekly written situation reports to the Permanent Council with the aim of informing the Council about current operations such as Deny Flight, Sharp Guard and the Danube embargo. The presidency, for its part, has regularly briefed the Council on developments in the WEU Danube operation. According to the annual report, the Council has also closely followed the conduct of operation Sharp Guard to strengthen the embargo in the Adriatic.

52. Whereas the Council is giving no concrete information to the Assembly on the effectiveness of the embargo, press reports suggest that arms traders are likely to have a field day throughout former Yugoslavia¹⁴, which is somewhat disturbing. Indeed, is it not to be feared that all the measures to implement the embargo are proving ineffective since arms and fuel are crossing the border by clandestine means that are impossible to control?

53. Referred to primarily are the large arms deliveries to Bosnia from Iran which are supposed to have been made in May 1994. However, an

13. United Nations document S/1995/222.

14. Le Figaro, 15th March 1995.

EU/OSCE Sanctions Assistance Mission exists in Brussels under the chairmanship of the Italian Ambassador Antonio Napolitano which reports regularly on the situation regarding sanctions against the Federal Republic of Yugoslavia. According to press reports¹⁵:

“ The sanctions were first imposed on Yugoslavia by the United Nations in 1992, and from the beginning they have been porous. But controls on the Danube and in Bulgaria and Romania have reduced, although not completely eliminated, trade with Serbia along those routes.

Now, new routes have sprung up, principally through Macedonia and Albania, according to American and European officials throughout the region.

Nearly 5 000 trucks and 1 200 rail cars crossed from Macedonia into Serbia during the first six weeks of this year carrying chemicals, spare parts and metals, according to a 27th February report of the EU sanctions commission.

A return flow of 4 535 trucks and 1 524 rail cars moved from Serbia into Macedonia, according to the report, carrying shoes, copper wire, furniture and tractors, the stuff that brings in foreign exchange so that Serbia can pay for the fuel and other strategic needs being smuggled in.

The United States and the European Union have virtually given up trying to enforce the sanctions in Macedonia because the country is suffering under its own economic embargo by Greece, arising out of a feud over the use of the name Macedonia.

In Albania, a leadership struggling with a feeble economy is reluctant to interfere with the trade that has made the country the major route for fuel into Serbia, providing an income for substantial numbers of Albanians as well as revenue for the government.

The fuel Albanians are smuggling into Serbia is coming from Greek and Italian oil companies. For nine months last year, Greek companies shipped nearly 22 million gallons of gasoline and diesel fuel to Albania, and Italian companies 14 million, according to the commission.

American officials say that, at most, half of that was for domestic consumption, with the rest going on to Serbia, where officials say it is being used not for consumers, who are suffering most from the sanctions, but for Serbia's war machine. ”

15. International Herald Tribune, 12th April 1995.

54. According to American intelligence reports, Greek companies in particular are sending thousands of barrels of fuel to Albania whence most of these consignments are smuggled into Yugoslavia. In March, Albania imported 9 000 more barrels a day than it needed for domestic consumption. In January, the excess came to 3 645 barrels a day. Greek companies have replaced Italian ones as the principal source of fuel, the intelligence reports show. But a Greek official asserted that Italy, not Greece, was the main culprit¹⁶.

55. According to the American press¹⁷, Washington has made repeated overtures to Greece to exercise control over the trade. The response has generally been that there is nothing illegal about selling fuel to Albania. Italy has also answered in similar terms. Another report by the sanctions commission of the Organisation for Security and Co-operation in Europe indicated that, after Albania, the most blatant violations of sanctions could be attributed to Macedonia.

56. Moreover, in their Lisbon declaration of 15th May 1995, the WEU Ministers “ welcomed the successful results accomplished by the WEU police and customs mission on the Danube, which contribute to the full implementation of the relevant United Nations Security Council resolutions ... They also expressed their satisfaction at the continued positive results achieved in the joint WEU-NATO operation Sharp Guard in the Adriatic ”. Bearing in mind all the above information, this declaration seems to have no credibility whatsoever and to be remote from the real world.

57. In this context, it should be noted that on 5th April 1995 the Prime Minister of Bulgaria said that it was urgently necessary to lift the embargo against Yugoslavia which, in his view, constituted an increasingly real threat to the stability of third countries¹⁸. According to the former government of Mr. Luben Berov, Bulgaria suffered direct and indirect losses worth \$6.1 billion as a result of the embargo against Yugoslavia. In April too, China came out in favour of lifting sanctions against Yugoslavia. As matters now stand, the negotiators, endeavouring to offer Belgrade a partial removal of the sanctions against the country in exchange for Yugoslav recognition of Croatia and Bosnia as defined by their international borders are finding themselves in an increasingly weaker position.

58. Other questions arise, however: first, one cannot help but wonder at the reaction of the Security Council when informed of sanctions vio-

16. International Herald Tribune, 2nd May 1995.

17. International Herald Tribune, 2nd May 1995.

18. Agence France Presse, 5th April 1995.

lations. Second, the Council of WEU must be required to give the Assembly specific information about the effectiveness of the embargo, or risk losing all credibility.

V. *The rôle of Belgrade*

59. With regard to the situation in the Federal Republic of Yugoslavia (Serbia and Montenegro), developments in the Kosovo, Vojvodina and Sandjak regions continue to give rise to concern. In Kosovo province, the population of which is 90% Albanian, there seems to be no hope of an agreement being reached between the Albanian community, which is demanding the restoration of the independence it lost in 1990, and Belgrade, which not only takes the view that Kosovo is an integral part of Yugoslavia (Serbia and Montenegro)¹⁹ but furthermore does not recognise any form of autonomy for it. Given this situation, the Geneva talks in the framework of the international conference on Yugoslavia are making no headway whatsoever and, in addition, thousands of ethnic Albanian inhabitants of Kosovo have already left the country for Albania. In any event, the problem remains unsolved and might become a new source of conflict in the Balkans.

60. It seems that for Serbs, Kosovo has an almost mythical significance. This attachment is historically based, for Kosovo was once the seat of a medieval Patriarchate and the centre of early Serbian civilisation. Also, it was at Kosovo Polje (the field of Kosovo), near Pristina, that Serbs fought a much celebrated battle against the Turks in 1389. Serbs see Kosovo as a central and inalienable part of their civilisation.

61. In 1990, having put an end to the independence Tito had granted Kosovo in 1974, Belgrade imposed a harsh political and military régime on the population of the region. Prominent ethnic Albanians lost all the influential political and administrative offices they had formerly held and a 40 000-strong security force was set up in the region. If the number of ethnic Albanian refugees leaving Kosovo for Albania continues to increase apace, the situation might dangerously deteriorate.

62. Also in 1990, Vojvodina, like Kosovo, lost the independent status in Yugoslavia that it had enjoyed since 1974. Serbs are in the majority in this region, where they now account for 57% of the population, followed by 17% ethnic Hungarians, the remainder being divided between Romanians, Croats, Slovaks, Ruthenians and Ukrainians. Not only do the non Serb minorities, particularly the Hungarian minority, feel themselves victims of pressure from Belgrade as a

result of the war in Croatia and Bosnia-Herzegovina, they also believe that Belgrade is promoting the settlement of Serb refugees in Hungarian and Croat-dominated regions of Vojvodina and even encouraging ethnic cleansing to Serb advantage, along with atrocities – of which proof exists – against the Hungarian and Croat populations. Another source of tension is the reluctance of the non Serb minorities in Vojvodina to enlist in the ranks of the army of the Federal Republic of Yugoslavia (Serbia and Montenegro) in order to serve the cause of “Greater Serbia”. Roughly 25 000 Hungarians and 37 000 Croats are believed to have left the area for these reasons. The growing number of refugees leaving Vojvodina for Hungary, violation of Hungarian air space by Yugoslav aircraft and the shelling of the Hungarian town of Barcs have contributed to increasing tension between Hungary and the Federal Republic of Yugoslavia. However the Hungarian Government has, so far, managed to avoid direct involvement in the conflict.

63. With regard to the Sandjak, straddling the border between Serbia and Montenegro and adjoining Bosnia and Kosovo, this impoverished region has a majority Muslim population which identifies with the Muslims of Bosnia-Herzegovina. In a referendum on 25th-27th October 1991, held despite police obstruction and disruption, 98.9% of voters in the Serbian Sandjak expressed themselves in favour of regional autonomy and subsequent integration with another republic, namely Bosnia Herzegovina. Shortly thereafter the Sandjak leaders in Serbia declared their autonomy. This was an obvious challenge to Serb interests. As in Kosovo, rumours abound in the Sandjak to the effect that the Serb authorities in the region are endeavouring to remove Muslims from posts of influence in politics and administration and encroaching on Muslim property. It appears that there is less tension in the part of the Sandjak belonging to Montenegro. However if open conflict were to break out in Kosovo or cross the border from Bosnia-Herzegovina, the Sandjak region would quickly become involved.

64. In a referendum held in March 1992, 66% of the electorate of Montenegro voted in favour of remaining in the Federal Republic of Serbia. Nevertheless, relations with Belgrade are not without tension, as it is feared by some in Montenegro that nationalist Serbs want federal union with Montenegro and they are also hoping to incorporate it into a Greater Serbia. Unlike Belgrade, Montenegro has stated that it is willing to have an OSCE observer mission on its borders with Bosnia-Herzegovina.

65. The closed and highly centralist mentality of the Belgrade authorities was recently confirmed by an article by the leader of the Serbian

19. Neue Zürcher Zeitung, 27th March 1995.

socialists, Miharlo Markovic, which appeared in the newspaper "Borba", in which he argues that the rights of nations and national minorities should be even further curtailed²⁰. He quotes the example of countries such as "Bulgaria, Greece, Macedonia, Romania, Russia and Serbia" which are able to maintain their territorial integrity only through repressive measures against the Chechen, Hungarian, Turk or Albanian separatist movements. As far as the Kosovo Albanians are concerned, he argues that one must start by acknowledging the fact that Kosovo is part of Serbia. These alarming views must be challenged and rejected by the international community.

66. As to the official policy of Belgrade, opinions are divided on the future strategy of President Milosevic. Some foresee a decisive battle between Serbs and Croats in the event of a UNPROFOR withdrawal, others feel that Mr. Milosevic's first priority is likely to be the lifting of sanctions imposed on his country and its return to the international community of states. There are signs to suggest that the thinking in Belgrade is also that it would not be in Mr. Milosevic's interest to become involved in further war with Croatia over the Croatian Serbs. According to this view, Belgrade would not be opposed in principle to Krajina being reintegrated into the Croatian state, although this would not necessarily mean that Belgrade was prepared to recognise Croatia's pre-war borders. For that to happen, Serbia is asking Croatia to recognise it as the sole successor to former Yugoslavia and to settle the status of the Krajina region.

67. Regarding the position of the internal opposition parties in Serbia which hold 123 seats out of 250 in the Belgrade Parliament, it must be noted that these have widely differing views. Among the latter are extreme nationalist elements whose rôle is extremely negative. Other, more moderate tendencies are trying to encourage Mr. Milosevic's government to take a more flexible attitude towards negotiation. It also appears that the pressure exerted by the government in Belgrade on all forms of opposition, especially the independent media, has intensified following the break with the Bosnian Serbs. Many feel that Milosevic has undermined the basis of his own legitimacy by no longer fighting for a solution to the problem of Serbia as a nation, i.e. the creation of a Greater Serbia in which all Serbs would be united, but solely for the lifting of international sanctions at any price.

68. Indeed, there are many signs indicating that Mr. Milosevic is preparing to decide whether or not to recognise Bosnia-Herzegovina. Talks between the Yugoslav Head of Government and Mr. Filipovic, the Bosnian Ambassador to Switzer-

land, held in Belgrade in March 1995, seemed to point in this direction. However, a month later, Mr. Milosevic stated to contact group representatives that there was no question of recognising Bosnia-Herzegovina until the latter was transformed into a union of states that included the Serb-held regions. Mr. Milosevic also asked for sanctions to be lifted as a precondition of any recognition²¹.

69. Since the end of May 1995, there have been many reports to the effect that Mr. Milosevic may have accepted recognition of Bosnia-Herzegovina in principle. In particular, the American representative on the contact group, Mr. Frasure, has negotiated this question several times with Mr. Milosevic. However these rumours have given rise to strong protest from the extreme right opposition in Belgrade, which has denounced any form of recognition as a betrayal of Serb interests. Conversely, other opposition elements have stated that they would support Mr. Milosevic if he were to recognise Bosnia.

70. Nevertheless, it seems that hope largely now rests on Mr. Milosevic. According to a contact group proposal, recognition of the integrity of Bosnia-Herzegovina's international borders might be obtained by a partial lifting of the economic sanctions against Belgrade for a period of 200 days. Arms and fuel deliveries alone would continue to be prohibited. It is hoped by this recognition to further isolate the Serbs in Pale, but it is impossible to foresee the consequences of such recognition.

71. The influence of Mr. Milosevic over Serbs in Pale and Krajina Serbs seems limited and his true intentions are still not known. All the western leaders have put pressure on him to use his influence on the Pale leadership to obtain an immediate release of the hostages. At the same time, they have asked Russia to make representations to Belgrade in this connection. In such circumstances, what will be the effect of the creation of the rapid reaction force which has been decided in Paris? Can Mr. Milosevic survive politically in his own country if he abandons his project for a Greater Serbia once and for all?

72. In this context, one must consider the possible extent of the rôle of the Orthodox Church and the influence it exerts over the official policy of the Federal Republic of Yugoslavia and also over the Serb authorities in Bosnia and the Krajina and Slavonia regions. According to the politicians your Rapporteur met during his talks in Belgrade, the Orthodox Church would appear to be one of the principal advocates of a Greater Serbia. The influence exerted by the Orthodox Church throughout the country is perhaps therefore one of

20. Die Welt, 3rd February 1995.

21. Financial Times, 13th April 1995.

the reasons – or alibis – for Mr. Milosevic's hesitation. The question is therefore how to avoid the Orthodox Church becoming a major obstacle to the peace process.

VI. The possibility of international efforts pacifying the Balkans

73. International activities to bring an end to the war, particularly in Bosnia, are concentrated on two main problems: first, the question of the UNPROFOR mandate and the division of tasks between the United Nations and NATO in the military management of the conflict and, second, the search for a political solution, properly speaking, acceptable to all concerned. Clearly these two problems are closely linked.

74. The unease of the blue berets in the conflict in Bosnia, as in other regions of former Yugoslavia, has been described, inter alia, in a report by the United Nations Secretary-General: Supplement to an agenda for peace: position paper, presented by the Secretary-General on 3rd January 1995 on the occasion of the fiftieth anniversary of the United Nations²². In this report, the Secretary-General recalls that in Bosnia-Herzegovina,

“ Even though the use of force is authorised under Chapter VII of the Charter, the United Nations remains neutral and impartial between the warring parties, without a mandate to stop the aggressor (if one can be identified) or impose a cessation of hostilities. Nor is this peace-keeping as practised hitherto, because the hostilities continue and there is often no agreement between the warring parties on which a peace-keeping mandate can be based. The safe areas concept in Bosnia and Herzegovina is a similar case. It too gives the United Nations a humanitarian mandate under which the use of force is authorised, but for limited and local purposes and not to bring the war to an end. ”

75. It is precisely on this last point that major differences between the United Nations and NATO have arisen. Although the United Nations mandate is in fact as limited as the above paragraph describes, account must nevertheless be taken of Security Council Resolution 836 of 4th June 1993, in which it was decided first:

“ to extend ... the mandate of UNPROFOR in order to enable it, in the safe areas ... to deter attacks against [the latter] to monitor the cease-fire, to promote the withdrawal of military or paramilitary units other than those of the Government of the Republic of Bosnia and Herzegovina and to

occupy some key points on the ground, in addition to participating in the delivery of humanitarian relief to the population as provided for in Resolution 776 (1992) of 14th September 1992; ”

second:

“ ... To make the adjustments or reinforcement of UNPROFOR which might be required by the implementation of the present resolution, and to consider assigning UNPROFOR elements in support of the elements entrusted with protection of safe areas, with the agreement of the governments contributing forces; ”

third, to authorise:

“ UNPROFOR, in addition to the mandate defined in Resolutions 770 (1992) of 13th August 1992 and 776 (1992), in carrying out the mandate defined ... above, acting in self-defence, to take the necessary measures, including the use of force, in reply to bombardments against the safe areas by any of the parties or to armed incursion into them or in the event of any deliberate obstruction in or around those areas to the freedom of movement of UNPROFOR or of protected humanitarian convoys; ”

fourth, the Security Council decided:

“ that ... member states, acting nationally or through regional organisations or arrangements, may take, under the authority of the Security Council and subject to close co-ordination with the Secretary-General and UNPROFOR, all necessary measures, through the use of air power, in and around the safe areas in the Republic of Bosnia and Herzegovina, to support UNPROFOR in the performance of its mandate set out ... above. ”

76. Finally, the Security Council requested the member states concerned, in other words, primarily those of the Atlantic Alliance, and the Secretary-General and UNPROFOR to co-ordinate closely on the measures they were taking over the arrangements to implement the foregoing paragraph. However, bearing in mind what has happened in the “ safe area ” around Bihac, for example, implementation of Resolution 836 has been a complete failure. Implementation of this resolution also failed when the United Nations authorities asked NATO to carry out air strikes on 24th and 26th May 1995 around Sarajevo, since the blue berets were not in a position to defend themselves nor to prevent the Serbs from taking some of them hostage. The decision taken in Paris on 3rd June 1995 to create a rapid reaction force might therefore be considered as a measure which seeks to implement – somewhat belatedly – Security Council Resolution 836.

22. Document A/50/60S/1995/1, 3rd January 1995.

77. Many questions remain regarding the mandate and status of this force. Under what type of command is it to be placed? What will be its relations with the United Nations, NATO or WEU? Quite apart from the problem of the release of the hostages, will this force have the task of ensuring that the blue berets remain in Bosnia or will it facilitate their withdrawal?

78. It appears finally to have been understood, however, that NATO air strikes are useless, indeed dangerous, without land forces that are sufficiently large and well-armed in the field to repel actions taken by those against whom the air strikes were directed and protect the safe areas. What must be avoided at all costs is that the new rapid reaction force should be considered from now on as the unit involved in the war. Consequently, it is important to state clearly that its establishment is fully covered by Resolution 836 and it remains for the members of the United Nations Security Council to reach agreement on a new, more specific mandate. However, the Security Council's decision on the implementation of this mandate has been delayed, the American Congress having opposed American participation in financing the rapid reaction force. Finally, on 16th June 1995, the Security Council voted a resolution authorising the creation of a rapid reaction force of up to 12 500 troops. Russia and China abstained. The resolution does not specify the conditions under which this force will be authorised to use its heavy weapons. Moreover, it merely indicates that a decision on financing will be taken later.

79. One might nevertheless wonder whether this force will be really strong enough to carry out the tasks it will have to shoulder. Moreover, what rôle will be played by WEU, the only European defence organisation involved in this matter? The United States, whose official line changes virtually from day to day as regards whether or not it will be prepared to participate in action on the ground in former Yugoslavia, has eventually given to understand that it would become involved only if a possible withdrawal of the blue berets called for military support. It is now therefore for Europeans to demonstrate whether or not they are able to manage this crisis alone (with of course the backing of the United Nations). Russia's attitude to the Paris decision is the major unknown factor at the present time.

80. However, in attempting to reach agreement on the best way to protect the safe areas, the problems encountered are not only those of co-ordination between the United Nations, NATO and WEU but also the fundamental problem that consensus is as much lacking among the powers represented at the Security Council as in the Atlantic Alliance, the European Union or WEU, over who are the aggressors, who are the aggress-

sed, who are the guilty parties and who are the victims in this war. Preferably, reference is made to "belligerents", thus putting all the parties involved in the hostilities on the same footing. Preferences and sympathies linking those concerned with either the Serbs, Croats or Bosnian Muslims have invariably prevented common positions being taken in regard to this conflict and also when faced with the need to put forward a peace plan acceptable to all concerned. As Mr. Cutileiro, Secretary-General of WEU, observed recently in an address to the Royal Institute for International Relations, Brussels²³:

"Former Yugoslavia does show that in 1991 we had not yet reached a stage where political agreement among us could have led to swift and decisive collective action. But it also shows – and this is more important – that we had already reached a stage where a conflict of that magnitude and closeness to our borders was unable to make us break ranks and come into confrontation with each other. If we look back to history, this is a remarkable achievement."

81. It may be said that we are no further forward in 1995 than in 1991 – and the danger of a wider confrontation is still present. NATO is therefore intensifying its preparation of contingency plans in support of a possible withdrawal of the blue berets. Yet a political solution which makes no provision for supervision by United Nations forces is unrealistic. Must the fighting be continued inexorably until the total collapse of all sides?

82. The pursuit of political efforts to find a solution to the conflict in Bosnia is still based on the peace plan proposed on 5th July 1994 by the contact group of representatives of France, Germany, Russia, the United Kingdom and the United States: this plan allocated 51% of Bosnian territory to the Croatian-Muslim federation and 49% to the Serbs, while envisaging that the state as a whole should continue to exist within its recognised borders. The parliament of the Croatian-Muslim federation accepted this proposal, but the Bosnian Serbs rejected it and demanded new negotiations.

83. At the beginning of January, new initiatives were taken by the contact group with a view to offering the Bosnian Serbs the possibility of amending the lines on the map drawn up on 5th July 1994 for dividing the territory between the populations concerned. The Serbs had specifically laid claim to the Muslim enclaves of Srebrenica and Gorazde together with part of the town of Sarajevo. While the Bosnian Government rejec-

23. Western European Union – myth and reality. Address by Mr. José Cutileiro, Secretary-General of WEU, Palais d'Egmont, Brussels, Thursday, 9th February 1995.

ted any changes to the peace plan, Mr. Karadzic reiterated the demand for the partition of the town of Sarajevo.

84. After a six-month period of diplomatic isolation of the Bosnian Serbs, contact group emissaries resumed negotiations with them to try and persuade them to accept the peace plan. Moreover, the American Government had informed the Bosnian Government on 19th January 1995 that the United States was prepared to resume talks with the Bosnian Serbs, while emphasising that this in no way called American support for the contact group's plan into question²⁴. (This American initiative ran counter to Resolution 942 passed in September 1994 whereby the Security Council prohibited such contacts for as long as the Bosnian Serbs did not accept the peace plan.)

85. Following talks between the Americans and the Bosnian Serbs, the latter appear to have formulated new demands for control over the whole of the town of Sarajevo and the Tuzla industrial centre and the division of the country into two equal parts²⁵.

86. For as long as the Serbs of Pale hold hostages and continue shelling Sarajevo and for as long as they are not willing to accept the existing peace plan as a basis for negotiation, it is scarcely conceivable that they should again be recognised as partners in the negotiations that were broken off on 25th January 1995. Nevertheless, on 5th June 1995, the Greek Government sent its defence minister to Pale to obtain the release of the hostages.

87. One might wonder whether the time has come to take up once again the French proposal made at the end of January 1995 for convening a summit that would bring together Presidents Slobodan Milosevic of Yugoslavia, Alija Izetbegovic of Bosnia and Franjo Tudjman of Croatia under the aegis of the European Union, the United States and Russia in an attempt to take up the threads of the dialogue on the whole range of problems that are still outstanding. On 6th February 1995, the European Union had agreed this proposal, after having specified that such a meeting might have as the first agenda item mutual recognition of these three states. A further aim of the meeting would be to reaffirm acceptance of the contact group's plan on the division of territory between the three Bosnian communities; in exchange, suspension of sanctions against Yugoslavia might be offered to Mr. Milosevic and lastly, the summit meeting might ratify the most recent international proposal for a settlement of the conflict in Croatia between the Zagreb authorities and the Krajina Serbs.

24. *Le Monde*, 24th January 1995.

25. *Die Welt*, 24th January 1995.

88. The offer of a total suspension (rather than lifting) of the sanctions imposed on Serbia by the United Nations in May 1992 (with the exception of the embargo on arms) was a crucial part of the French proposal to revive the process of negotiation over the whole range of conflicts in Croatia and Bosnia, provided that Serbia agrees to recognise the Republics of Croatia and Bosnia within their present borders which would amount to formally renouncing the creation of a Greater Serbia.

89. However, for this offer to be valid, it is necessary to ensure that the embargo really works. It is also absolutely essential to convince the Bosnian Serbs to accept the contact group's peace plan at a time when they feel strong enough to keep by force the 70% Bosnian territory they control at present. Mr. Milosevic's influence over the Bosnian Serbs in this connection cannot be relied upon any more than his political will to exercise it.

90. Several proposals to modify the contact group's peace plan have begun to circulate in the press, either for creating a kind of confederation of all the former components of Yugoslavia²⁶ or persuading the Bosnian Government to accept the present front lines as borders and allow the Bosnian Serbs to form a confederation with Yugoslavia²⁷.

91. Any uncertainty over the determination of the international community to implement the existing peace plan will strengthen the intransigence of the Bosnian Serbs, but would the international community be prepared to implement the peace plan by force? There is no indication whatsoever that the United Nations would be prepared to give such a mandate to any intervention force. Given the United States' reluctance to become militarily involved in the Balkans, the Russian Government's attitude is becoming ever more important.

92. Russia is a member of the contact group but does not always support joint approaches developed in this framework. Moreover, it signed a military co-operation agreement with Belgrade, the content of which is unknown. This pact is due to enter into force only after the lifting of sanctions against Yugoslavia (Serbia and Montenegro) and Moscow strongly supports the lifting of these sanctions. The President of the former Yugoslav Republic of Macedonia has already expressed concern about this pact. It should be noted that Russia did not vote in favour of Security Council Resolution 981, but instead abstained.

93. When Western European leaders pressed the Russian President to use his influence to calm

26. See Flora Lewis, *International Herald Tribune*, 19th May 1995. *Die Zeit*, 31st March 1995.

27. *International Herald Tribune*, 20th May 1995.

the situation around Sarajevo, he agreed to do everything in his power on condition there was a halt to NATO air strikes in Bosnia, but in reality Russia's efforts have been negligible; nor did it react favourably to the creation of a European rapid reaction force. In any event, Moscow wishes to play a key rôle in settling the crisis and its interests are not always the same as those of Europeans.

VII. *The rôle of WEU*

94. WEU's political rôle in the conflict raging in former Yugoslavia may be described as inexistent; the organisation has in fact handed over all responsibility in the matter to the authorities of the European Union. As is clear from the first part of the fortieth annual report of the Council²⁸, the latter has done no more than keep informed of the situation:

“ The Greek Representative, on behalf of the presidency of the Twelve, has regularly briefed the Permanent Council on the activities and démarches of the European Community aimed at reaching a peaceful settlement of the conflict in former Yugoslavia. ”

95. The Council's activities have focused specifically on the implementation of the Danube embargo, operation Sharp Guard and WEU's police contribution to the European Union's administration of the town of Mostar. The extent of WEU's marginalisation in political terms cannot be better described than by the sentence in the annual report stating that “ WEU's involvement is contingent upon the negotiations on Mostar between the European Union's troika and the parties on the spot ”. WEU has not even proved capable, to date, of supplying the promised number of policemen for Mostar, in other words, 200 men!

96. However, the WEU Council of Ministers used its Noordwijk declaration of 14th November 1994²⁹ to present a few political considerations concerning this conflict. Thus, they agreed “ on the need for the United Nations Security Council to consider the appropriate measures ” (against attacks on safe areas). They also stated their conviction “ that the full development of the federation of Bosnia and Herzegovina [was] an essential factor in a political settlement which should be based on the principle of balanced treatment of all the peoples of Bosnia and Herzegovina ”.

97. The ministers welcomed “ the important decision by Belgrade to support the peace plan [which one?] and close the border with Bosnia in

order to make the Bosnian Serbs accept the plan ”. They furthermore asked that the contact group should better inform “ non-contact group members who, through the contribution of troops, military assets or otherwise, contribute to the international effort to restore peace in former Yugoslavia ”. In conclusion, they thought it necessary for appropriate measures to be envisaged for preserving peace once it was restored in the Balkans, without specifying what WEU's rôle should be in such an eventuality, which is still far from imminent.

98. At operational level, there is no longer any question of WEU being involved in drawing up contingency plans and the United Nation's sole interlocutor in this respect is NATO. The Council criticised the measures taken by the United States for withdrawing from participation in the enforcement of the arms embargo in the framework of operation Sharp Guard, but when, in Written Question 328, Mr. De Decker asked specifically about the political consequences of this decision, the Council's answer was very evasive. The clear impression conveyed is that WEU's increasing marginalisation with regard to former Yugoslavia is not confined to political matters but extends also to its rôle in the military management of the crisis.

99. At the close of their meeting in Lisbon, the WEU Ministers published a declaration on former Yugoslavia which made no reference whatsoever to WEU's rôle. Conversely, the Chief-of-Staff of the French armed forces, Admiral Lanxade, stated at the close of the Lisbon meeting that the worsening of the situation in Bosnia and Croatia had been the subject of a mere exchange of views between a few WEU countries. In his view it was not for WEU today to define policy on former Yugoslavia³⁰.

100. Marginalisation of WEU became total when, on 3rd June 1995, France convened the conference of the fifteen defence ministers of the countries of the Atlantic Alliance and the European Union to take a decision on the creation of a rapid reaction force in Bosnia. Apparently, WEU involvement in this undertaking is in no way envisaged. Under such conditions, how can WEU become the armed branch of the European Union? The question is still open, but seems of interest to no one, with the exception of the Assembly.

VIII. *Conclusions*

101. As matters now stand, the main issue to be decided is whether the blue berets should remain in former Yugoslavia and under what terms. Des-

28. Document 1433, 9th November 1994.

29. Document 1443, 18th November 1994.

30. Agence France Presse, 15th May 1995.

pite all the difficulties and the many humiliations the United Nations forces have had to undergo, it must not be forgotten that they have brought and will continue to bring humanitarian aid, both very necessary and irreplaceable, to the civilian population in the areas of the fighting.

102. Even if up to now it has not been possible to protect the United Nations safe areas in Bosnia and Croatia, the psychological aspect of the presence of the blue berets providing a degree of reassurance to the population should not be underestimated. A withdrawal of the blue berets would probably lead to a massive exodus towards the countries of Western Europe.


103. It is therefore necessary to make clear that the purpose of deploying a rapid reaction force on the spot is neither to prepare for the withdrawal of the blue berets nor to allow the international community to side with one or other of the belligerents, but better to protect the safe areas in accordance with the present United Nations mandate and specifically with Security Council Resolution 836. If a new Security Council mandate is necessary for the rapid reaction force, this should primarily serve to place the latter clearly under the existing United Nations mandate, in other words

within the framework of Resolution 836; the wording should specifically state this.

104. It would also be desirable for other WEU member countries to participate in some form or other in the newly-created rapid reaction force and for WEU to take responsibility for this force, ensuring the necessary co-ordination with the United Nations.

105. Apart from the question as to whether there can be a partial suspension of the sanctions imposed on the Federal Republic of Yugoslavia in the event of Yugoslavia recognising Bosnia and Croatia, a lifting of the embargo on armaments and fuel cannot be entertained until all parties have agreed to a peaceful solution of the conflict. Since it is apparent that this embargo is constantly circumvented by illegal supplies through Albania and Macedonia, it is essential to take vigorous measures to strengthen its effective implementation.

106. Once there is a multinational buffer force truly in position between the belligerents, every effort must be directed towards achieving a lasting cease-fire agreement throughout the territory of former Yugoslavia as the precondition of a peaceful and political settlement of the conflict that can be accepted by all the parties concerned.

IMPRIMERIE  ALENÇONNAISE
Rue Édouard-Belin 3^e trimestre 1995
N° d'ordre 35687

PRINTED IN FRANCE

