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The peace process in the Balkans

REPORT

submitted on behalf of the Political Committee
by Mr Roseta, Rapporteur

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1. Adopted unanimously by the Committee.

2. *Members of the Committee.* Mr de Puig (Chairman); Mr Roseta (Vice-Chairman), MM Antretter, de Assis, Blaauw, Sir Andrew Bowden, MM Bühler, Caputo (Alternate: *Arata*), MM Cioni, Dias, Ehrmann, Eyskens, Fassino (Alternate: *Benvenuti*), Mrs Fischer, Mr Irmer, Sir Russell Johnston, MM Jurgens, Kaspereit, Lord Kirkhill, MM Liapis, van der Linden (Alternate: *Verbeek*), MM de Lipkowski, Van der Maelen, Martínez Casan (Alternate: *Martínez*), Mr Pottakis (Alternate: *Magginas*), MM Pozzo, Puche Rodríguez, Recoder (Alternate: *Solé Tura*), MM Rippinger, Rodeghiero, Rokofyllos, *Seitlinger*, Sir Keith Speed (Alternate: *Davis*), MM Urbain, Vinçon (Alternate: *About*), Mr Zierer

Associate member: Mr Godal

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

Draft Recommendation
on the peace process in the Balkans

The Assembly,

- (i) Noting with satisfaction that the process for bringing life back to normal is continuing step by step in Bosnia and Herzegovina and in the other successor countries of former Yugoslavia,
- (ii) Convinced nevertheless that Bosnia and Herzegovina will still need substantial external assistance before it can conduct its own affairs unaided,
- (iii) Stressing that, following the elections held on 14 September 1996 in Bosnia and Herzegovina, the essential task now consists of setting up and running the joint political institutions for which the country's Constitution makes provision,
- (iv) Recalling in this connection that it had already expressed its conviction in Recommendation 598 that for the peace process to succeed, it would be vital to ensure that the Republic of Bosnia and Herzegovina could be run smoothly on the basis of a rebuilding of the economy, freedom of movement and a spirit of cooperation between all the various entities and ethnic groups which make up the country,
- (v) Welcoming the conclusion of the agreement on arms control at sub-regional level provided for by Article IV of Annex 1-B to the agreement on regional stabilisation:
- (vi) Noting nevertheless that the main objectives, concerning the military and civil aspects of the peace agreements, have not yet been achieved, in particular,
- mine-clearing,
 - the conclusion of an agreement on arms control at regional level under the auspices of the OSCE, for which Article V of Annex 1-B to the Dayton Accords makes provision,
 - real progress on confidence- and security-building measures in Bosnia and Herzegovina (see paragraph 3 (a) and (b) of Recommendation 598),
 - the return of refugees and displaced persons to their homes,
 - freedom of movement and residence throughout Bosnia and Herzegovina,
- (vii) Welcoming the progress made in demilitarising eastern Slavonia and the promising outlook for a peaceful return of this region to Croatian sovereignty,
- (viii) Strongly desiring a fair arrangement to be reached regarding the Prevlaka peninsula:
- (ix) Concerned, however, that there has been little improvement in the situation in Kosovo, Vojvodina and Sandjak,
- (x) Noting that, subsequent to the lifting of the economic sanctions imposed by the United Nations on the Federal Republic of Yugoslavia and the Republika Srpska, WEU decided to end its Danube monitoring operation and that NATO and WEU ended operation Sharp Guard,
- (xi) Fearing that the WEU Council's decision to end the mandate of the WEU police force in Mostar will seriously impede the smooth running of the town's joint administration,

(xii) Noting the difficulties the United Nations has encountered in establishing an effective international police force in Bosnia and Herzegovina and eastern Slavonia,

(xiii) Mindful that NATO has not yet taken a decision on the possible retention of a military presence in Bosnia and Herzegovina after the expiry of IFOR's mandate,

(xiv) Shocked that many persons indicted for war crimes, including Mr Karadzic and Mr Mladic, have not yet appeared before the International Tribunal in The Hague;

(xv) Convinced that WEU must play an active role in all the efforts made by the international community to apply appropriate pressure on the various interested parties with a view to achieving all the objectives set forth in the peace agreements.

RECOMMENDS THAT THE COUNCIL

1. Make strong representations to the OSCE to press for the early opening of the negotiations on arms control at regional level provided for in Article V of Annex 1-B to the Dayton Accords and, more specifically, for the designation of a special representative responsible for the negotiations and for the establishment of the commission mentioned in that article;

2. Act upon paragraph 6 of Assembly Recommendation 598 by asking the European Union to envisage extended assistance with the reconstruction of Bosnia and Herzegovina and the resettlement of refugees, ensuring that such assistance is shared equitably between the various parts of the Republic,

3. Be represented at the Conference of the Peace Implementation Council to be held in Paris and London, and also at all meetings of the Council of the European Union convened to discuss the peace process in the Balkans;

4. Follow up paragraph 3 (a) and (b) of Assembly Recommendation 598, to which it has not yet replied;

5. Propose that the United Nations partly replace the international police task force (IPTF) by a more substantial WEU police force,

6. Urge NATO rapidly to request the United Nations for a fresh mandate enabling it to set up a post-IFOR military force in Bosnia and Herzegovina, in which an American contingent of ground troops would participate at least until the elections scheduled for 1998

Explanatory Memorandum

(submitted by Mr Roseta, Rapporteur)

I. Introduction

1 Ten months after the cessation of hostilities in all the regions and successor states of former Yugoslavia, the overriding problem to be resolved consists of working out how a new stable and peaceful political order can be made viable throughout this area of Europe in which the sheer diversity of ethnic communities and religions, combined with political systems dominated by successive foreign powers, have been the cause of numerous conflicts down the ages.

2 The main purpose of this report is therefore twofold (a) to assess the political situation in Bosnia and Herzegovina following the elections held on 14 September 1996, and also in all the successor states of former Yugoslavia and (b) to propose, on the basis of that assessment, appropriate political options with a view to accomplishing the extremely difficult task of ensuring lasting peace in the region as a whole

II. An uncertain future for Bosnia and Herzegovina

3. Of the five countries that previously made up former Yugoslavia – Slovenia, Croatia, the Federal Republic of Yugoslavia, the Former Yugoslav Republic of Macedonia (FYROM) and Bosnia and Herzegovina, it is the viability of the latter that raises most concern. With the first elections since the end of hostilities having been held on 14 September 1996 and the expiry date of IFOR's mandate approaching, the architects of the Dayton Accords are faced with the task of continuing to pursue the concept underlying the Accords, namely, a multi-ethnic country consisting of two entities which is supposed to be run on the basis of a complex constitutional structure that is somewhat fragile and artificial

1. The elections of 14 September 1996

4. There is no doubt that the results of the elections held on 14 September confirmed what most analysts had predicted in the light of the

political climate that held sway in the run-up to the elections: in all parts of the country, the "nationalist" parties came in far ahead of all the other political groups. This had immediate consequences on the composition of the country's presidency which, under the Constitution of Bosnia and Herzegovina, is a collective presidency with three members, one Bosnian and one Croat, each directly elected in the territory of the Federation, and one Serb, directly elected in the territory of the "Republika Srpska"

5 The Constitution also stipulates that members of the presidency are to appoint one of their number to act as chairman. But for the first term of the presidency, this appointment falls to the member who obtained the highest number of votes. Thus, according to the results of the elections, which were certified after a two-week delay by the OSCE, which was responsible for organising them, the Bosnian President, Alija Izetbegovic of the Muslim Party of Democratic Action (SDA) became "Chairman of the collective presidency" after coming first in the elections followed by the Serb, Momcilo Krajisnik, and the Croat, Kresimir Zubak.

6. Mr Izetbegovic is perhaps the only person to have fought for the preservation of a multi-ethnic Bosnia and Herzegovina. However, because of the nationalist tendencies of most of the other political groups, the Party of Democratic Action (SDA) – which Mr Izetbegovic founded and which to begin with stood for moderate Muslim nationalism and a secular society – has become increasingly dominated by its nationalist wing. Mr Izetbegovic can nonetheless be considered as the main political player determined to re-unify his divided country.

7. There is very little sign of such determination in the declared positions and intentions of his Serb and Croat fellow members of the presidency, Mr Krajisnik and Mr Zubak. Mr Krajisnik, also known as the "hawk of Pale", played an active part in devising the programme of "ethnic cleansing" and throughout his election campaign advocated a separatist programme in

total contradiction of the Dayton Accords, claiming that "the Serbs want their own state"¹

8 The commitment of Mr Zubak, the Croat member of the presidency, to the proper running of the Republic of Bosnia and Herzegovina also leaves room for doubt in view of his statements during the election campaign urging Croats to strengthen their links with the motherland, Croatia².

9. In view of the above, it will be very difficult for the presidency to take the decisions necessary for establishing a multi-ethnic state along the lines laid down in the Dayton Accords and the problems that lie ahead are further complicated by the shortcomings observed during the preparation and holding of the elections, which were strongly criticised by many observers. Their validity was disputed by, among others, the International Crisis Group (ICG) chaired by former US Senator Mitchell.

10. In this context it should be remembered that, at a meeting in Geneva on 14 August, the US Secretary of State, Warren Christopher, agreed with Presidents Milosevic, Tudjman and Izetbegovic on the conditions for organising democratic, free and fair elections that would lead to the establishment of the joint institutions necessary for the proper running of the state's structures

11. With specific regard to the elections, the participants at the meeting agreed the following provisions *inter alia*.

- "- Conditions for free and fair elections will be assured throughout Bosnia and Herzegovina. In particular, free movement of persons throughout the country and the absence of violence, threats, or intimidation of any kind will be guaranteed by entity and local authorities. The exercise of the right to vote does not affect the fundamental right of refugees and displaced persons to return to their homes.
- Access to media will be improved for all political groups and in all communities. Freedom of assembly, unrestricted

registration and voting, and strict adherence to regulations set forth by the OSCE will also be maintained.

- Authorities at all levels will be instructed to cooperate in every step of the electoral process, including freedom of the domestic and international media to report the elections.
- Persons indicted for war crimes will not participate in the election process in any way. The 18 July agreement to remove all indicted persons from power will be implemented in every respect.

The arrest of all indicted persons remains an important goal and a critical step in the process of implementation of the Dayton agreement as well as reconciliation and renewal

- Taking note of the agreement on media access reached on 2 June 1996, in Geneva, the Parties reaffirm their agreement to support fully the Open Broadcast network project and other media support projects being coordinated through the Office of the High Representative and the OSCE."

12 Notwithstanding the above, special bus services following specific routes, organised by the OSCE, were the only way of ensuring freedom of movement during the elections, particularly across the inter-entity boundary line. But instead of the estimated 100 000 or so Croat and Muslim refugees, only about 13 500 people crossed Serb territory, while of the estimated 20 000 Serbs, only about 1 500 voted in the territory of the Muslim-Croat Federation³. Voters were frightened of moving around because every vehicle heading towards the boundary line between the entities was methodically checked by IFOR, which did not really make for proper freedom of movement. In addition, most Serb refugees did not want to go back to where they had previously lived because they felt more at home in the Republika Srpska. In contrast, it appears that Muslim and Croat refugees were more numerous in wishing to return to their homes even though the

1. *Le Monde*, 19 September 1996

2. *Le Monde*, 19 September 1996.

3. *Frankfurter Allgemeine Zeitung*, 17 September 1996.

postponement of the municipal elections from September to November deterred many Bosnian and Croat refugees from moving into Serb-held territory to vote for the mayor of their choice

13 The right of refugees and displaced persons to return to their homes, together with freedom of movement and residence continue to be important and difficult tasks, which can only be accomplished in the medium term.

14. Progress still has to be made on independent and central media outlets and especially television stations since the transmitters in Sarajevo, Mostar and Pale are almost exclusively under the influence of the respective nationalist parties. It was not until 7 September, just a week before the elections, that "Bildt TV" – an independent television channel supported by the European Union – started broadcasting nationwide

15 Persons sought by the International War Crimes Tribunal were not eligible to vote on 14 September and the 14 August agreement already referred to stated that their arrest by the Tribunal was an important goal in the process of implementation of the Dayton Accords. But neither Mr Karadzic nor Mr Mladic has been arrested to date and it is absolutely scandalous that the former had no problem whatsoever when it came to voting in the elections

16 However, despite all the shortcomings and even the attempts at fraud detected during the preparation, organisation and holding of the 14 September elections, there is no point at this stage dwelling on the question of whether it was too early for them to be held. They took place without major incident and the OSCE declared that the results were "imperfect and debatable but on the whole acceptable"⁴. However, the OSCE decided to postpone the municipal elections to the end of November 1996

17 The international community must now draw all the consequences of what it has and has not decided. It decided to hold elections without voters knowing what would happen after the end of the IFOR mandate. Some people consider that this was the reason why many of them voted for the so-called nationalist parties. On the other

⁴ *Europe* – No. 6822 (n.s.), 30 September and 1 October 1996

hand, the opposition parties obtained quite a large number of votes. Despite the continuing danger presented by centrifugal forces in various parts of the country, the international community has no option other than to pursue the course laid down in the peace agreements and consolidate political resolve to achieve unity. For if the political forces working against the construction of a unified Bosnia and Herzegovina were to get their way, a fresh conflict claiming yet more victims would be inevitable.

2. The difficult task of creating joint institutions in Bosnia and Herzegovina

18 The international community must therefore look upon the elections as a first crucial step in starting the work that needs to be done to set up the joint institutions for which the Constitution makes provision, in particular the presidency, government and parliament. It will have to be unanimous and determined in its resolve to carry out this extremely difficult task if it is to overcome the ambiguities and even contradictions in the Constitution of Bosnia and Herzegovina as set forth in Annex 4 to the peace agreements

19. The Contact Group has given Mr Bildt a remit to draw up a plan of action to this end. The first meeting of the collective presidency, which was held in a motel near Sarajevo, was the result of a laborious compromise reached after protracted negotiations, in particular with the Serb side. But the huge obstacles still to be overcome came to the fore again when Mr Krajsnik, the Serb member of the collective presidency, boycotted the ceremony on 5 October 1996 to inaugurate the new institutions of Bosnia and Herzegovina, at which he was to have sworn an oath to "defend" its Constitution. (According to some observers, the Serbs in Pale could not accept Mr Izetbegovic and Mr Milosevic being convened to a meeting in Paris to establish diplomatic relations between Bosnia and Herzegovina and Belgrade).

20 Another problem area is the division of political powers within central government and the various institutions of the state. This division in fact forces the Muslims to cede certain functions to the other representatives of the ethnic groups and entities

21 A number of arrangements have been made to help overcome the many obstacles to setting in train the joint institutions for which the Constitution makes provision.

- in Sarajevo itself, Mr Bildt and representatives of the member countries of the Contact Group meet daily with the authorities of Bosnia and Herzegovina to study all manner of problems;
- internationally, the European Union has agreed, at France's prompting, to draw up a strategy designed to make an effective contribution to the consolidation of peace in Bosnia over the next two years⁵. The main idea behind this plan is to make progress step by step towards the holding of new elections in two years' time and the establishment of stable institutions⁶;
- the Peace Implementation Council – on which, in addition to the Contact Group countries, Canada, Italy, Japan, Turkey and the European Union are represented – is to meet on 14 November in Paris to decide on the content of the consolidation plan before it is adopted in London early in December

22 Great uncertainty surrounds the purpose the inter-entity boundary line is supposed to serve within Bosnia and Herzegovina. Provision for this boundary demarcation is made in Article III of the General Framework Agreement and in Annex 2 thereto. According to Article III, "the Parties endorse the arrangements that have been made concerning the boundary demarcation between the two entities, the Federation of Bosnia and Herzegovina and Republika Srpska" and Annex 2 stipulates that "the Parties may adjust the inter-entity boundary line only by mutual consent". But the texts do not specify whether this boundary demarcation is simply meant to establish a line separating the armed forces of the former opposing factions in the civil war or whether it is also supposed to delineate territorial responsibilities in administrative terms

23 In any event, only IFOR troops can currently carry out checks along the whole length

of the boundary line and there is no plan to transform it into a frontier proper. On the contrary, the Constitution of the Republic of Bosnia and Herzegovina clearly states that the Republic in its entirety is to continue its legal existence as a state under international law and that there is to be full freedom of movement of persons, goods, services and capital throughout the country. It unequivocally expresses the right to liberty of residence and the right of refugees and displaced persons freely to return to their homes of origin. It formally prohibits the establishment of controls at the boundary between the entities.

24. However, in addition to citizenship of Bosnia and Herzegovina, the Constitution makes provision for a citizenship of each entity (i.e. one for the Federation of Bosnia and Herzegovina and one for the Republika Srpska).

25. Even though the centralised institutions of the Republic of Bosnia and Herzegovina are responsible for foreign policy, such responsibility is not exclusive since both entities of the Republic have the right to establish special parallel relationships provided they are "consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina".

26 In addition, each entity may conclude agreements with states and international institutions with the consent of the Parliamentary Assembly. Furthermore, all governmental functions and powers not expressly assigned in the Constitution to the institutions of the Republic of Bosnia and Herzegovina are to be those of the entities, which considerably reinforces their role.

27 These provisions concern, among other things, the area of defence, which is the responsibility of the entities. There are still three armed forces in the territory of the Republic, which is not conducive to establishing the cohesion the country needs. The only constitutional link between the armed forces is the presidency of the Republic as determined by elections and composed of three members: one Bosnian, one Croat and one Serb. Under the Constitution, each member of the presidency has, by virtue of the office, civilian command authority over armed forces.

28 The Constitution lays down that "neither entity shall threaten or use force against the other

5. *Europe*, No 6824 (n.s.), 3 October 1996

6. *Le Figaro*, 3 October 1996

entity, and under no circumstances shall any armed forces of either entity enter into or stay within the territory of the other entity without the consent of the government of the latter and of the Presidency of Bosnia and Herzegovina. All armed forces in Bosnia and Herzegovina shall operate consistently with the sovereignty and territorial integrity of Bosnia and Herzegovina". It also specifies that members of the presidency are to select a standing committee on military matters to coordinate the activities of armed forces in the country.

29 It is wholly understandable that the provisions referred to above were the result of a compromise worked out just after hostilities in the country were brought to an end. When the Dayton Accords were signed, that compromise was no doubt the most all the interested parties were able to agree to. However, it is hard to imagine that a state can function properly when it has three separate armed forces co-existing in its territory, over which central government has no more than artificial control.

30 It is already proving very difficult to run the Muslim-Croat Federation. Despite the arrangements made to dissolve once and for all the self-styled Croat state of "Herceg-Bosna" within the Federation and disband its administrative structures, the desire of the Croats in Bosnia and Herzegovina to maintain close links with Croatia continues to pose a major problem. Meeting in Washington on 14 May, representatives of the Croat and Muslim forces agreed to unify their armies within three years. The agreement makes provision for a single command and one defence ministry for the Federation as a whole. But it was not until July 1996 that a bill designed to create a joint army was adopted by the Federation's parliament.

31 Another aspect is that the United States and Europe are still at odds over the value of the "equip and train" programme initiated by the United States and some Islamic countries. It consists of providing some 500 million dollars in military aid to the Muslim-Croat Federation for the purpose of promoting regional stability in the face of the Bosnian Serbs' fire power. Europe has misgivings about this programme and considers that restoring the military balance in the country should be done first and foremost through a policy of disarmament. Poland recently supported the European Union position

by refusing to deliver T-72 tanks to the Federation⁷.

32. While the main focus of discussions would appear to be on problems of unifying the armed forces of the Muslim-Croat Federation, the West is perhaps not paying enough attention to developments in the armed forces of the Republika Srpska, until now under the command of General Mladic, who has been indicted for war crimes by the International Tribunal in The Hague. In an interview with the German weekly, *Der Spiegel*, on 22 July 1996, Mr Aleksa Buha – Mr Karadzic's successor as leader of the Serb Democratic Party – said General Mladic would remain in post and that there would never be a unified army of the Republic of Bosnia and Herzegovina.

33 However, according to information appearing in the press in September⁸, the political authorities in Pale tried to remove General Mladic by passing a law to place Bosnian Serb forces under civilian authority. Reports have it that this attempt misfired and that most officers in the Bosnian Serb army continue to receive their salaries from Belgrade.

3. *The roles of Belgrade and Zagreb*

34 The roles of Belgrade and Zagreb in the future of Bosnia and Herzegovina continue to be the subject of a great deal of speculation. Representatives of the Slovenian Government have clearly implied that they were party to specific information about the existence of secret arrangements between Belgrade and Zagreb for the partition of Bosnia and Herzegovina. Many observers do in fact take the view that the country's fate depends to a large extent on the attitude of Belgrade and Zagreb, which re-established diplomatic relations early in September. This, coupled with the anticipated conclusion of a peaceful arrangement between Croatia and the Federal Republic of Yugoslavia on eastern Slavonia, only corroborates suspicion that the presidents of both countries are in agreement about sharing the "booty" – in this case, Bosnia and Herzegovina⁹.

7 *International Herald Tribune*, 4 September 1996

8 *Die Welt*, 16 September 1996.

9 *Neue Zürcher Zeitung*, 31 August 1996.

35. Some analysts would go so far as to consider that President Tudjman's Croatia poses an even greater threat to the unification of Bosnia and Herzegovina because Zagreb would have a far greater hold over the Croat part of the country than Belgrade would have over the Republika Srpska¹⁰

36. It is therefore up to the international community in the first instance, and particularly the Contact Group countries responsible for the architecture of the peace agreements, to show that they are determined to use every possible means to preserve peace. It should not be forgotten that the international community has various means at its disposal to show both Belgrade and Zagreb, but also the entities of Bosnia and Herzegovina, that it is in their own interest to set up the country's joint institutions for which the Dayton Accords make provision.

4. *The lifting of sanctions and the consequences*

37. As far as the Federal Republic of Yugoslavia is concerned, it can have no greater interest than to overturn its estrangement from the international community. Under the peace agreements, the economic sanctions imposed on the Federal Republic (and also on the Republika Srpska) by the United Nations were to be lifted once and for all ten days after certification of the first elections following the end of the war. These were held on 14 September 1996. On 1 October the UN Security Council accordingly decided, by adopting Resolution 1074, to lift the sanctions permanently, as Russia in particular wished it to do. However, the Security Council stated that the situation should continue to be monitored closely and said it would take appropriate measures if any of the parties failed to fulfil its specific obligations under the Dayton Accords.

38. On another front, consideration must also be given to the aspirations of most of the successor countries of former Yugoslavia to move closer to the European Union in order to receive the financial assistance necessary for rebuilding their economies. Croatia in particular has a special interest in not being treated on the same footing as Belgrade and in becoming a

member of the Council of Europe and moving closer to the European Union as soon as possible. To that end, every means should be employed to exert pressure on Croatia to renounce any lingering aspirations to subsume the Croat areas of Bosnia and Herzegovina.

39. The lifting of the arms embargo decreed by the UN Security Council was subject to the conclusion of an arms control agreement between representatives of the Federal Republic of Yugoslavia, Bosnia and Herzegovina and its two entities, and Croatia as part of the regional stabilisation measures provided for in the Dayton Accords. This agreement was signed on 14 June 1996 and the Security Council accordingly lifted the arms embargo.

40. It should however be stressed that the arms control agreement only concerns the application of Article IV of Annex I-B to the Dayton Accords, on *sub-regional* arms control. On the other hand, no progress has yet been made on arms control at *regional* level, the subject of Article V of the Annex. Under the terms of the latter, the OSCE is to assist by designating a special representative to help organise and conduct negotiations under the auspices of the OSCE Forum on Security Cooperation with the goal of establishing a regional balance in and around former Yugoslavia. In addition, the parties agree to establish a commission, together with representatives of the OSCE, for the purpose of facilitating the resolution of any disputes that might arise. So far however, the special representative has not been designated and the commission has not been established.

41. According to information issued by *Agence France Presse* on 18 June, the lifting of the embargo also entailed suspending the Sharp Guard naval monitoring operation that NATO and WEU had been conducting for three years in the Adriatic. However, the German Government's six-monthly report on WEU activities from 1 January to 30 June 1996¹¹ gives the following information:

"WEU continued to carry out the naval monitoring operation Sharp Guard in conjunction with NATO. Following France's withdrawal on 18 June 1996, all the

¹⁰ *International Herald Tribune*, 23 September 1996.

¹¹ *Drucksache* 13/5463, 28 August 1996.

remaining member states decided to continue the operation on a reduced scale until the elections in Bosnia and Herzegovina had been held. Since mid-July 1992, over 74 300 boats have been stopped or challenged. Of these over 5 900 were inspected and more than 1 400 diverted to Italian ports for more detailed inspections. The operation was suspended early in July 1996."

42. With reference to controls along the Danube, the German Government informed the Bundestag that

"Police and customs officers of the WEU member states continued successfully to assist the riparian states of the Danube – Bulgaria, Hungary and Romania – in their task of monitoring and enforcing the arms embargo the United Nations imposed on Serbia and Montenegro in former Yugoslavia and ensuring compliance with it. Since that embargo was lifted in accordance with the terms laid down by United Nations Security Council Resolution 1021 (1995), the operation is continuing with a small contingent of officers, this is intended to keep up pressure so that the Dayton Accords are implemented. Between the start of the operation, in June 1993, and 30 June 1996 more than 6 700 shipping convoys were inspected."

43. It was not until 2 October that WEU publicly announced the end of the operation to enforce the embargo on the Danube

"The WEU Council has decided to end the Western European Union (WEU) Danube embargo enforcement operation following the termination of the UN economic sanctions against the Federal Republic of Yugoslavia

In April 1993, WEU member states proposed to provide assistance to Bulgaria, Hungary and Romania – WEU associate partners – in their efforts to enforce the UN sanctions on the Danube. In June, the three riparian states accepted this offer and agreed with WEU on the setting-up of a police and customs operation on the Danube.

The Danube operation, during which 6 748 inspection checks were carried out and which led to the discovery of 422 supposed

embargo infringements, helped to create the conditions for the Peace Agreement currently being implemented in Bosnia and Herzegovina.

The Danube operation is the first practical example of concrete cooperation between WEU and associate partners "

44. Also on 2 October, WEU and NATO issued a joint communiqué announcing the end of Operation Sharp Guard (considering that this operation, the first they had carried out together, had proved that the two organisations had strengthened their links and increased cooperation)

45. The German Government's report on WEU activities, referred to earlier, provides the following information about the WEU police force in Mostar:

"To support the European Union's administration of the town of Mostar, WEU has maintained a presence in the town with a contingent of some 175 police officers 65 of whom are German. The arrival of about 100 Croat and Muslim officers as reinforcement has made it possible to form the core of a unified police force for Mostar consisting of 117 police officers from the eastern part of the town and 78 from the western Croat sector "

The WEU Council decided to end the remit of the WEU police force in Mostar from 15 October 1996 and to repatriate the respective contingents from its member countries

46. The situation at present can therefore be summed up as follows: efforts to consolidate the joint institutions of Bosnia and Herzegovina and make them viable are only beginning and are running up against strong resistance and major problems, while most of the civilian objectives of the peace agreements have not been achieved and the situation in the country as a whole remains fragile and tense. Yet no decision has been taken on an extension of IFOR's mission, the content of its mandate or the size of forces in Bosnia. While the WEU police force is preparing to leave Mostar, there is nothing to prove that establishment of the United National international police task force, provided for in Annex 11 to the Dayton Accords, will actually be

an effective contribution to the country's stabilisation

III. Search for an appropriate strategy for completing the peace process

1. A common concept to give Bosnia self-sustained stability

47 If it is hoped to establish in the Balkans an order that is stable, peaceful and prosperous, it is important to agree both on a plan and the appropriate means for its implementation. According to information in your Rapporteur's possession, the Contact Group, still the driving force in the overall peace process concept, is pursuing the goal of bringing "self-sustained stability" to Bosnia and Herzegovina, so that in the long run the country will not have to rely on foreign pressure, or aid, in order to put its own house in order. It is universally agreed that this objective is a long way off being achieved this year and that the international community will have to go on providing assistance to Bosnia and Herzegovina next year, without it being possible to predict at this point just when its commitment will cease. The same also holds true for the international community's military involvement.

48 Equally, it is most important that "strategic unity" be maintained within the international community involved in the peace process, particularly among the Europeans, Americans and Russians. For years Bosnia has suffered abominably on account of differences between Europe and America as to what action to take in the Balkans, and the West only began to pull together in strategic terms when the United States decided on a military commitment, by sending in ground troops to put an end to the fighting. This strategic unity has to be maintained in the coming year and it is vital to prevent the Americans from making a wholesale withdrawal of their troops from Bosnian territory.

49. The NATO defence ministers are studying the various options for a new mandate for a post-IFOR force (IFOR Follow-on-Force or FO-FOR) but no decision is to be expected before the American presidential elections. However, according to press reports¹², US troops began

pulling out of Bosnia on 9 October 1996. A protection force of some 7 500 American troops, which is to remain in Bosnia until March 1997, appears to have been given the task of overseeing the withdrawal.

50. There seems, nevertheless, to be agreement within NATO that IFOR numbers should not be substantially scaled down before the municipal elections due to be held in late November 1996. In any event it will be particularly difficult to define a new mandate for a force that is not an occupying force. However NATO ministers asking for a wider mandate for military personnel to arrest those accused of war crimes are still in a minority. The International Commission on the Balkans established by the Carnegie Endowment for International Peace has therefore recently proposed that the International War Crimes Tribunal in The Hague should try those accused of war crimes, if necessary, in their absence¹³.

51 The military presence apart, agreement has also to be reached on other forms of pressure which can be applied if necessary on one or more of the parties involved. Following the permanent lifting of economic sanctions and the arms embargo, it may prove necessary for sanctions to be replaced by a mechanism whereby economic and financial pressure can be applied. For example, it might be possible to set very specific conditions for the payment of large sums allocated to the parties involved by the World Bank and other donor organisations.

52 In view of the considerable influence it exercises over developments in eastern Slavonia, Bosnia and Herzegovina and also in Kosovo, Vojvodina and Sandjak, it has to be brought home, if necessary, to the Federal Republic of Yugoslavia that the lifting of economic sanctions does not in itself mean resumption of foreign investment in the country nor its automatic return to the fold in all the international organisations which have temporarily suspended its membership, but that everything depends on the good will it demonstrates in implementing all the agreements and discharging all the obligations it has entered into.

53. In a different context, Croatia must be made to realise that its accession to the Council

¹² *Le Figaro* and the *International Herald Tribune*, 10 October 1996

¹³ *International Herald Tribune*, 8 October 1996

of Europe and closer links with the European Union will depend on it cooperating constructively in implementing the agreements. All the various components of former Yugoslavia are in sore need of European Union economic aid and have every incentive to establish ties with the Union. The latter thus has an effective lever for applying pressure, especially since economic matters fall within the purview of the two entities of the Republic of Bosnia and Herzegovina. Thus the European Union can, if necessary, impose upon them conditions governing any grant of aid sought.

54. While it would therefore not be realistic to envisage the unification of Bosnia and Herzegovina in military and defence terms in the foreseeable future, economic factors, such as foreign investment, together with an improvement in social conditions and job creation could well have a major part to play in promoting integration and cooperation between the two state entities.

55. Among problems requiring urgent resolution, the following are worthy of particular note. First and foremost, it is essential to create without further delay the conditions that will allow refugees and displaced persons to return to their homes. The financial burden and organisational difficulties those European countries which have taken in the largest numbers of refugees are having to contend with are very great indeed. Nevertheless the refugees cannot be sent back to the country of their birth and abandoned to their fate without the assurance of decent living conditions and unfettered freedom of movement.

56. Another problem is that of pursuing a rational policy in terms of joint administration of the multi-ethnic towns. This arises mainly in Mostar and Sarajevo, but the same principles should apply in other towns such as, for example, Foca, Visegrad, Banja Luka and even Srebrenica.

57. The case of the town of Brcko is more complicated still, since the problem there is not only a matter of setting up a form of arbitration acceptable to all the parties concerned but also of solving the difficulties of joint administration. According to press reports¹⁴, it is hoped to set up

¹⁴ *Die Welt*, 12 September 1996

an international administration for the town, possibly under United Nations auspices, taking Mostar as a model and drawing on experience gained there. Indeed, it is feared that Brcko may continue to be one of the most explosive flashpoints in the whole of Bosnia. As far as the Serbs are concerned, the Brcko corridor is all-important for keeping the two parts of the Republika Srpska together.

58. In this context, the setting-up of the United Nations International Police Task Force (IPTF) provided for in Annex 11 of the Dayton Accords is apparently proving a real headache. There is first the difficulty of establishing a homogenous force because of the large number of countries involved and second, many of them are having difficulty in recruiting and assigning to the force officers who are adequately trained for the sensitive tasks that await them. The police force has not been particularly effective to date because it is unarmed and has no enforcement powers.

59. In the light of the role played by the WEU police force in the administration of Mostar, the WEU Council should give serious and prompt consideration to replacing the IPTF with a more substantial WEU force which could be made available wherever the establishment of a multi-ethnic civilian administration required the formation and training of a unified police force, as in the case of Mostar. This WEU force could moreover be used to protect the civilian administration.

2. Eastern Slavonia and the Prevlaka peninsula

60. As far as the situation in eastern Slavonia is concerned, things seem to be settling down thanks to assistance from UNTAES, which completed demilitarisation of the region on 20 June 1996. Once again, the matter of the return of displaced persons still has to be settled. Furthermore, on 15 August, the United Nations Security Council reminded Croatia of its obligation to adopt a law granting amnesty to all persons having worked in administrative posts in local Serb communities, with the exception of those guilty of war crimes within the meaning of international law. In the normal course of events, the mandate of UNTAES is due to expire on 15 January 1997. It is also interesting in this connection to note the efforts UNTAES has made

to establish a temporary police force which will be responsible primarily for public order maintenance, operating under the authority of the Transitional Administration and supervised by a United Nations civilian police force. In view of the observations made in the foregoing paragraph and current developments in the region, WEU could also offer itself as a replacement for the UN by sending a police force to eastern Slavonia.

61 The situation in eastern Slavonia is also linked to more general developments in relations between Belgrade and Zagreb, which have recently re-established diplomatic relations. Belgrade continues to lay claim to the Prevlaka peninsula. In this connection, reference should be made to United Nations Security Council Resolution 1066 dated 15 July 1996, in which the Security Council reminds both parties of their commitment to demilitarise the Prevlaka peninsula and authorises United Nations military observers to continue to monitor demilitarisation until 15 January 1997.

3. *Kosovo, Vojvodina and Sandjak*

62 The situation in Kosovo, Vojvodina and Sandjak has not improved and the OSCE mission to these areas was suspended when Belgrade was excluded from participation in the organisation's meetings. However, according to some sources, the Federal Republic of Yugoslavia would be prepared to accept a European Union presence in Kosovo, where there is already a United States cultural office. An accommodation must therefore be reached with Mr Milosevic that could lead to his country being readmitted to the OSCE if he agrees to the organisation resuming its mission in the areas in question. For this to happen, he must be persuaded that the aim is not divide the country but to create a true federal republic.

4. *Confidence- and security-building measures*

63 In one particular field, that of the OSCE's attempts to implement confidence- and security-building measures in Bosnia and Herzegovina, your Rapporteur is convinced that a far greater effort is necessary, on the basis of the original agreement signed on 31 January 1996 between the entities of Bosnia and Herzegovina. Such an effort should in particular be directed towards

military cooperation, which includes joint military exercises and training, exchanges of experts, seminars to promote military cooperation, information exchange, reciprocal visits to military bases, etc. In this connection, attention is drawn to paragraph 3 of Recommendation 598, adopted in June 1996 which recommended that the WEU Council

"Actively support OSCE efforts to implement confidence- and security-building measures in Bosnia and Herzegovina by

- (a) asking the WEU Institute for Security Studies to offer its help to the OSCE Centre for Conflict Prevention to organise seminars as provided by the agreements on cooperation between the armed forces of the entities of Bosnia and Herzegovina,
- (b) offering the OSCE and the Government of the Republic of Bosnia and Herzegovina WEU's assistance in developing a programme for cooperation between the armed forces of its entities, with the long-term objective of transferring all defence-related responsibilities to the Government of the Republic of Bosnia and Herzegovina".

64 To date, the Council has not replied to this Recommendation. Yet the issue is all the more important in view of the fact that, according to the latest reports in the press¹⁵, Serb and Muslim-Croat forces are continuing to hide many more weapons than they admit and the process of weapons destruction has not yet begun in earnest. This state of affairs, far from building confidence, further serves to demonstrate that the arms control agreements have not genuinely been implemented.

IV. *Conclusions*

65 After a great deal of dithering and after overcoming many differences of opinion, the international community finally took the decision, under the auspices of the United States and NATO, to enforce peace in Bosnia and Herzegovina and the other parts of former


¹⁵ *International Herald Tribune*, 11 October 1996

Yugoslavia ravaged by the war. In the wake of the elections of 14 September, some observers are asking whether there is any justification for proceeding with peace enforcement.

66 Your Rapporteur considers it would be irresponsible and simplistic to interpret the results of these first elections as a referendum in favour of the partition of Bosnia and Herzegovina. He therefore advocates the continuation of the process that began at Dayton and, in view of the persisting fragility of the situation, favours maintaining a military presence including a contingent of US ground troops. Indeed, their presence is essential if the population is to be given a guarantee that the

civilian aspect of the Dayton Accords can be implemented in a climate of security and trust, devoid of any form of intimidation.

67 As regards WEU, it would be wrong to think that the end of the Sharp Guard and Danube operations, together with the departure of the WEU police force from Mostar, mean that these tasks have now finished in the Balkans. On the contrary, in view of the experience WEU has acquired on the ground and the considerable progress it has continued to make in order to become operational, there is a need for it to play an even more active part in the political solutions and to propose its good offices more insistently in the various areas covered by this report.

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