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The peace process in the Balkans –
implementation of the Dayton Accords

REPORT

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

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Acknowledgements

1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr *de Puig* (Chairman); Lord *Finsberg*, Mr *Roseta* (Vice-Chairmen); MM *Antretter*, de *Assis*, *Blaauw*, Sir *Andrew Bowden*, MM *Bühler*, *Caballero*, *Caputo*, *Cioni*, *Dias*, *Ehrmann*, *Eyskens* (Alternate: *Staes*), MM *Fassino*, *Irmer*, Sir *Russell Johnston* (Alternate: *Marshall*), MM *Jurgens*, *Kaspereit*, Lord *Kirkhill* (Alternate: *Davis*), Mr *Koschyk* (Alternate: Mrs *Fischer*), MM *Liapis*, van der *Linden*, *Van der Maelen*, de *Lipkowski*, *Maass*, *Pottakis*, *Pozzo*, *Puche Rodríguez*, *Recorder*, *Rippinger*, *Rokofyllos*, *Rodeghiero* (Alternate: *Serra*), Mr *Seitlinger*, Sir *Keith Speed*, MM *Urbain*, *Vinçon*.

Associate members: MM *Demiralp*, *Godal*, *Gürel*

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

Draft Recommendation

***on the peace process in the Balkans
– implementation of the Dayton Accords***

The Assembly,

- (i) Noting with satisfaction that hostilities have ceased in the whole of the territory of former Yugoslavia and that most of the commitments entered into by the opposing parties in relation to the military aspects of the peace accords concluded in Dayton and Paris have been honoured;
- (ii) Paying particular tribute, both to NATO's vital contribution to this result and its impeccable organisation of the joint operation carried out by IFOR, and to all countries participating in the operation;
- (iii) Concerned nevertheless by the major difficulties encountered in implementing the civilian aspects of the peace agreements and by the persistence of significant tensions between the entities and ethnic communities of Bosnia and Herzegovina and in other Balkan regions;
- (iv) Anxious also about the persistent difficulties which are hindering the smooth running of the Federation of Bosnia and Herzegovina;
- (v) Recalling that the establishment of a lasting order of peace in the Balkans depends in addition on settlement of several matters outstanding such as the dispute over the Brcko corridor, the demilitarisation of eastern Slavonia, the dispute over the Prevlaka peninsula and the problem of giving the provinces of Kosovo, Vojvodina and Sandjak a status which guarantees them a degree of autonomy;
- (vi) Convinced nevertheless that for the peace process to succeed, it is vital to ensure the Republic of Bosnia and Herzegovina can 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;
- (vii) Stressing that the success of the Dayton Accords requires that Europe provide substantial economic aid to the Republic of Bosnia and Herzegovina, to be shared equitably between the various parts thereof and specifically directed towards facilitating resettlement of refugees who cannot return to their place of origin;
- (viii) Noting that the people, and particularly refugees, cannot genuinely be consulted if there is no agreement among the parties establishing the composition of the electorate and voting arrangements;
- (ix) Convinced that the structures of government of the Republic of Bosnia and Herzegovina can function only if the main areas of responsibility, including national defence, are restored in the longer term to central government and if the country's defence rests upon a single unified army;
- (x) Considering nonetheless that this aim can only be achieved if the internal problems of the Muslim-Croat Federation are overcome and if the Bosnian Serbs evince a spirit of full cooperation within the country's structures of government;
- (xi) Insisting that all concerned, Serbs, Muslims and Croats, hand over immediately to the International War Crimes Tribunal in The Hague all persons indicted for war crimes, including Mr Karadzic and Mr Mladic, that IFOR set aside its reluctance to give the Tribunal practical assistance regarding the extradition of such persons and that its mandate be extended in order to cover this problem;
- (xii) Stressing also that the best way of developing a spirit of cooperation among the Bosnian Serbs is to offer them concrete proof that they are not being excluded from the various projects for rebuilding the country;
- (xiii) Convinced furthermore that the appointment of Mrs Haller, former permanent representative of the Swiss Government to the Council of Europe, as ombudsman based in Sarajevo will help to detect past and future violations of basic human rights;
- (xiv) Welcoming wholeheartedly in this context the conclusion – under OSCE auspices and within the framework of the agreement on regional stabilisation – of an initial agreement between the two entities of Bosnia and Herzegovina on confidence- and security-building measures in that country, while regarding this outcome as a first step towards progressive rapprochement of the armed forces of those entities;
- (xv) Desirous equally that the negotiations on arms and troop limitations between Croatia, the Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina, also taking place within the framework of regional stabilisation, produce, within the allotted time span, an equitable agreement acceptable to all the parties concerned;

(xvi) Concerned, on the other hand, about the differences that have emerged between Europeans and Americans with regard to the United States programme for providing the Federation of Bosnia and Herzegovina with aid to “ equip and train ” its armed forces before the IFOR mandate expires;

(xvii) Convinced nevertheless, while appreciating the United States’ concern not to abandon the Muslims in Bosnia and Herzegovina in the face of armed aggression, that priority should be given to ensuring the implementation of confidence-building measures – which look very promising – and to the negotiations on arms and troop limitations throughout the region;

(xviii) Convinced therefore that the time is not yet ripe to consider lifting the embargo on consignments of arms and military equipment imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro), Croatia and Bosnia and Herzegovina;

(xix) Taking this opportunity to express its most sincere gratitude to all the countries which have participated to date in WEU operations on the Danube and in the Adriatic to enforce the embargo, and to the WEU police force in Mostar;

(xx) Taking the view that any consideration of the need to provide help to equip and train Bosnian armed forces or the usefulness of so doing should also take account of the need to avoid any action that might encourage centrifugal tendencies in the Republic of Bosnia and Herzegovina and should do everything possible to facilitate rapprochement of the entities in the country,

RECOMMENDS THAT THE COUNCIL

1. Press the European Union to extend the mandate of the European Administrator of the town of Mostar beyond 23 July 1996, and itself extend the mandate of the WEU police force in Mostar as a consequence;
2. Urge WEU member countries to ensure that the promised number of 200 WEU police officers can be deployed in Mostar;
3. 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;
4. Make representations within NATO, the European Union and to the member countries of the Contact Group to the effect that the embargo on consignments of arms and military equipment should remain in force at least until:
 - (a) it can be confirmed that all the agreements on regional stabilisation provided for in Annex 1-B to the General Framework Agreement for Peace in Bosnia and Herzegovina have taken effect and are being fully implemented;
 - (b) eastern Slavonia has been completely demilitarised;
 - (c) arbitration on the Brcko corridor is accepted;
 - (d) the dispute over the Prevlaka peninsula has been settled;
 - (e) a mutually agreed autonomous status has been established for the provinces of Kosovo, Vojvodina and Sandjak, and Belgrade has authorised the return of the OSCE mission to Kosovo;
5. Press the United States to agree that the aim of any “ equip and train ” programme for Bosnian forces must be to promote the development of the Republic of Bosnia and Herzegovina as a whole;
6. Ask 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;
7. Request that it also instruct its High Representative responsible for coordinating the civilian aspects of the peace agreement for Bosnia and Herzegovina to negotiate an electoral settlement with all the parties concerned allowing all former inhabitants of that Republic to vote either by post or in person.

Explanatory Memorandum

(submitted by Mr Roseta, Rapporteur)

I. Introduction

1. When the Political Committee decided in London on 22 February 1996 to submit a report to the June 1996 session on the peace process in the Balkans and the implementation of the Dayton Accords, your Rapporteur agreed to accept responsibility for the task of preparing it through a conviction that the Assembly would be neglecting the responsibilities conferred on it by the modified Brussels Treaty by not seizing the opportunity at its forthcoming session of making a contribution to the search for solutions to the massive problems still to be resolved in order to restore the rule of law, peace, confidence, stability and prosperity to the Balkan regions, which, since 1991, have been devastated by a cruel and murderous war, raging at only a few hours' flying time from the capitals of western Europe. This is a war that has not only cost over 200 000 lives and unleashed unbridled hatred and violence between peoples which had previously lived peaceably together but has also come close to reviving dangerous differences between the principal states of Europe – the consequences of historical alliances – as they nonetheless prepare to establish a common foreign and security policy.

2. Although it has proved possible on this occasion to avoid differences between Europeans on ways of ending the conflict bringing them to the brink of confrontation, it has taken United States intervention to achieve the breakthrough that has brought an end to hostilities and compelled the parties to the conflict to reach agreement on arrangements for re-establishing peace in former Yugoslavia.

3. Nevertheless the task of pacifying the Balkans is still nowhere near being accomplished. One of the bitterest experiences of the war has been that for nearly five years the international community has been unable to decide on appropriate means to prevent the indescribable suffering of the various civilian populations and, more particularly, the waves of "ethnic cleansing", in outright violation of the fundamental principles of human rights.

4. Even after signature of the Dayton and Paris Accords, the problems to be resolved in order to establish a lasting peace in the Balkans are so complicated that it is difficult to ascertain how an Assembly such as our own can make a

useful contribution to their settlement. Presenting this report carries several risks, the first being that the situation on the ground could develop at such a pace that by the time it is submitted at the plenary session, the text adopted by the Committee may, to a large extent, have been overtaken by events. Secondly, there is a risk of the report becoming bogged down in the detail of the highly complex problems arising on the spot and consequently failing to offer the comprehensive overview and general understanding required for overall management of the conflict. On the other hand, matters of detail cannot be overlooked since they often hold the key to the success or failure of the entire peace process.

5. This report therefore has a twofold aim. It should first provide a suitable basis for a quality debate at the plenary session. Such a debate would probably be useful in itself. But it should, as far as possible, lead the Assembly to express a common will to exert strong pressure on all the political leaders involved in the peace process in former Yugoslavia to maintain their efforts to ensure its outcome is a lasting success. A reevaluation of WEU's role in that context will be essential.

II. The situation in the wake of the Dayton and Paris Accords

6. At the time of writing, it would appear that most of the provisions of the Dayton Accords concerning the military aspects of the peace settlement, as set out in Annex 1-A to the General Framework Agreement for Peace in Bosnia and Herzegovina have been implemented. This specifically holds good for the parties' commitment "within 120 days after the Transfer of Authority" (from the UN to IFOR) to "withdraw all heavy weapons and forces to cantonment/barracks areas or other locations as designated by the IFOR Commander" (Deadline "D + 120" of the Dayton Accords, Article IV.5, Phase III).

7. According to information obtained at a press conference given by General Joulwan in Brussels, on 22 April 1996, withdrawal to barracks of the forces of the parties to the conflict and their demobilisation was 90% complete four days after the "D + 120" deadline.

8. However the implementation of the Dayton Accords raises massive difficulties in relation to mine clearance, especially around the Gorazde

pocket and in those regions which were the scene of the heaviest fighting. The parties committed themselves to taking the necessary action, within 30 days of the date on which the Dayton Accords entered into force, to remove, dismantle or destroy all mines, unexploded ordnance, explosive devices etc. and above all to mark their emplacements in accordance with IFOR instructions.

9. This task is proving extremely difficult since the whereabouts of many minefields are not known. The IFOR Deputy Commander told your Rapporteur during his visit to Sarajevo that if a thousand mine clearance experts were employed to carry out the work, they would take some 33 years to complete it. According to some reports, it is also necessary to bear in mind the attitude of some of those holding information on minefields who will often agree to release it to IFOR only in return for financial reward.

10. This difficult situation casts doubt both on the likelihood of economic activity being resumed and of the refugees returning and civilians being allowed complete freedom of movement – all key elements of the peace agreements. It is frequently emphasised that free movement of persons, goods, services and capital and particularly the right to freedom of residence are referred to in the part of the peace accords on civilian implementation and in the Constitution of Bosnia and Herzegovina, the text of which forms Annex 4 to the accords. The same holds good for the right of refugees and displaced persons freely to return to their homes of origin, the details of which are set out in Annex 7 to the framework agreement. According to information released by the United Nations High Commissioner for Refugees, the total number of Bosnian refugees stands at around two million, in other words practically half of the pre-war population¹.

11. However it must not be forgotten that guaranteed freedom of movement also forms part of the *military aspects* of the Dayton Accords and hence falls within IFOR's area of responsibility. By this is meant not only complete freedom of movement along the interim routes between Sarajevo and the Gorazde area, but also, more generally, IFOR's right – within the limits of its principal task and on request – to observe and prevent interference with the movement of civilian populations, refugees and displaced persons and “to respond appropriately to deliberate violence to life and person” (Article VI 3 (d) of Annex 1-A to the Agreement on the Military Aspects of the Peace Settlement).

12. Incidents that occurred at the end of April 1996 in several places in Bosnia and Herzegovina, involving Muslims who wished to take

advantage of a Muslim holiday to visit cemeteries in territory that is now Serb-held and were prevented from doing so by Bosnian Serbs, put IFOR troops in an embarrassing situation. IFOR had set up a road block near Doboij in order to prevent Muslim-Serb confrontation and when Muslims tried to circumvent this in order to enter Serb territory, two were killed and several injured by exploding mines; but according to another report, the Serbs also fired on the Muslims.

13. IFOR faces a dilemma when such incidents occur: it considers it necessary to prevent large groups of Muslims crossing demarcation lines without prior warning in order to avoid skirmishes, but in doing so, it restricts by its own action the freedom of movement of persons guaranteed under the Dayton Accords. Your Rapporteur had occasion during his visit to the Gorazde region to observe just how differently these incidents are viewed by the various groups involved. While there were those that expressed the conviction that “mass” movements of Muslims into Serb-occupied sectors were part of a Muslim policy to provoke the Serbs and denounce them if they failed to comply with the Dayton Accords, the President of Gorazde District, Mr Rascic Rijad, went so far as to tell your Rapporteur that IFOR's behaviour was becoming increasingly like that of its predecessor, UNPROFOR.

14. Moreover, IFOR stresses that maintenance of civil order is not part of its duties but the task of the police forces of the entities, aided by the UN International Police Task Force created under Annex 11 to the Dayton Accords on the basis of Security Council Resolution 1035. However this force is being set up *in situ* only very gradually and has neither arms nor other enforcement means. All it has is the option of negotiating equitable arrangements with the police authorities of the entities in Bosnia and Herzegovina. Your Rapporteur has felt impelled to describe the problem of movement of the civilian population in such detail because it is an example of the enormous difficulties that are bound to arise in guaranteeing the return of refugees and avoiding demarcation lines between the Federation of Bosnia and Herzegovina and the country's Serb territories effectively becoming a frontier.

15. Withdrawal of “foreign forces” from the territory of Bosnia and Herzegovina, should have taken effect within 30 days of the date on which the Dayton Accords entered into force. These are in the main Islamic volunteers, essentially consisting of Iranians and others who fought alongside the Bosnian Muslims; it is not known how many of them are still on Bosnian soil. Furthermore, according to information which has appeared in the press², Bosnian com-

1. *Neue Zürcher Zeitung*, 2 May 1996

2. *Le Monde*, 27 April 1996.

mandos have been trained in Iran. The United States and several of the Arab countries are prepared to provide substantial financial help in equipping and training the Bosnian-Croat Federation army, but such assistance is conditional upon the prior departure of all Islamic foreign combatants from Bosnian territory.

16. The problem of equipping and training the army of the Bosnian-Croat Federation, an idea which originated in the United States and Turkey, is one subject on which there is basic disagreement between the United States and most European Union countries; the latter feel that the new stability in the region should be based primarily on vigorous disarmament and arms control measures. Your Rapporteur will return to this fundamental problem in a later chapter of the report.

17. The problem over the exchange of prisoners was to have been settled just before the start of the second Donors' Conference towards the reconstruction of Bosnia and Herzegovina, held in Brussels, on 12 and 13 April 1996, the General Affairs Council of the European Union having decided at that point that the conference would not take place unless all prisoners of war were first released. However according to information your Rapporteur obtained from General Heinrich, IFOR Deputy Commander, by 29 April prisoner exchange had still not been fully completed.

18. Honouring the commitments entered into by all the signatories of the Dayton Accords to comply with any instructions of the International Tribunal for the former Yugoslavia as regards arrest, detention, and handing over those accused of war crimes to the Tribunal is still a sensitive problem. It is primarily Belgrade that is reluctant to meet the conditions required for handing over war criminals to The Hague, despite the verbal assurances of the Government of the Republic of Yugoslavia that it will cooperate with the International Tribunal'. However another difficulty that arises is that of IFOR cooperation with the International War Crimes Tribunal in The Hague. On 9 May 1996 SACEUR and the Tribunal signed a memorandum of understanding, which has not been made public, defining the practical arrangements under which IFOR will detain and hand over to the International War Crimes Tribunal persons indicted for war crimes and the arrangements concerning the support IFOR will provide to the Tribunal. However, it appears that the agreement reached is confined to confirmation of the decisions taken by the North Atlantic Council last December, whereby IFOR was to detain and hand over to the Tribunal persons indicted for war crimes only where it came into contact with such

persons in the execution of its remit. IFOR is therefore under no obligation to actively seek the persons in question.

19. The division of Bosnia and Herzegovina into its two political entities (the Muslim-Croat Federation (51%) and the Republica Srpska (49%)) came into force on 19 March 1996, in other words 90 days after the start of the peace process ("D + 90"). The two entities are now separated by a demilitarised zone 1 000 km long and 4 km wide. The Government of Bosnia and Herzegovina recovered five districts of Sarajevo but at the cost of severe damage and destruction caused by the Serbs, especially in the Grbavica and Ilidza districts, since almost all the Serbs there moved out so as not to have to live under the authority of the Federation. IFOR troops were unable to prevent the destruction of many houses and offered assistance with the evacuation of the Serb population organised by the Bosnian Serb army despite the fact that this exodus infringed the principle of co-existence among communities throughout the country, which was confirmed in the Dayton Accords and, above all, in the Constitution of Bosnia and Herzegovina.

20. A fundamental element of the Dayton Accords is the agreement on regional stabilisation, the parties to which are the Republic of Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro) and the two entities of Bosnia and Herzegovina, namely the Muslim-Croat Federation and the Republica Srpska (the Bosnian Serbs). This agreement, which forms Annex 1-B to the General Framework Agreement for Peace in Bosnia and Herzegovina provides for two essential measures:

- (a) negotiations between the entities of Bosnia and Herzegovina, under the auspices of the Organisation for Security and Cooperation in Europe (OSCE), to agree upon a series of confidence- and security-building measures in Bosnia and Herzegovina;
- (b) negotiations, again under the auspices of the OSCE, to limit weapons in order to achieve balanced and stable defence force levels at the lowest numbers possible, based on the lowest level of armaments.

Within the framework of these provisions, the parties concerned have also undertaken to commence negotiations on an agreement establishing voluntary limits on military manpower. The numerical limits on equipment and arms were as defined in the relevant sections of the CFE treaty. The two sets of negotiations opened in Bonn on 18 December 1995, under the chairmanship of the German Minister for Foreign Affairs.

3. *Neue Zürcher Zeitung*, 19 February 1996.

21. In terms of confidence-building, it proved possible for the entities of Bosnia and Herzegovina to sign an initial agreement in Vienna on 31 January 1996 on confidence-and security-building measures which had been under negotiation since 4 January 1996 under OSCE auspices. The agreement covers sixteen separate confidence-building measures, in particular, exchange of military intelligence, restrictions on certain military activities, withdrawal of heavy weapons, identification of arms-manufacturing plants, military cooperation programmes, establishment of military liaison tasks and commitments regarding non-proliferation of weapons of mass destruction⁴. Following the conclusion of this agreement, the main task will be to ensure that the application of the various measures envisaged is monitored efficiently.

22. Also in Vienna, negotiations on disarmament in Bosnia and Herzegovina are being conducted under OSCE auspices and the chairmanship of the Norwegian Ambassador, Vigleik Eide; these should lead by 6 June to the conclusion of an arms reduction agreement along the lines of the Treaty on the reduction of conventional forces in Europe (CFE Treaty). In the event of disagreement over weapons ceilings, the Dayton peace plan (articles IV and V of Annex 1-B to the framework agreement) provides that armaments held by the Federal Republic of Yugoslavia will be reduced to 75% of their present holdings or "baseline" and the holdings of Bosnia and Herzegovina and Croatia limited to 30% of the baseline. The 30% allocated to Bosnia and Herzegovina would be divided between the entities on the basis of a ratio of two (2) for the Federation of Bosnia and Herzegovina to one (1) for the Republika Srpska (Article IV.3 (e) of Annex 1-B to the framework agreement).

23. As your Rapporteur mentioned earlier, the question of how weapons held by the respective former belligerents in the Balkans are to be limited has already become a subject of profound disagreement between the United States and most European Union member states. On 16 March 1996, alluding to efforts to disarm Bosnia and Herzegovina being pursued in Vienna under the aegis of the OSCE, the US Secretary of State, Mr Christopher, took the view that armaments control alone could not create the necessary stability and that it was therefore necessary for the Bosnian Government to be provided with further equipment and training⁵.

24. The United States, with Turkey's assistance, therefore organised a conference in Ankara with a view to implementing its project to arm the Muslim-Croat Federation in Bosnia

and Herzegovina by providing a form of military aid called "equip and train". Twenty-nine countries, eleven of them Muslim, attended the conference but Europeans attended only as observers. The Fifteen take the view that the process should be one of "levelling downwards" not upwards" while the Americans want to be able to withdraw their troops from Bosnia and Herzegovina without being blamed, yet again, for abandoning the Bosnian Muslims to their fate. They therefore want the Bosnians to have deterrent means, trained army officers and properly-equipped forces.

25. The United States has therefore offered to provide 100 million of the 800 million dollars it considers necessary for an "aid and equipment programme" for the Bosnian army⁶. However at the conference the United States failed to obtain a pledge for the sum referred to, which it felt was necessary to rearm the troops of the Muslim-Croat Federation in Bosnia and Herzegovina. Turkey alone promised to set aside 2 million dollars for training Federation officers, while the fifteen European Union countries justified their refusal to participate in the "equip and train" programme in the immediate future by emphasising the priority they intended to give to rebuilding the country⁷. However in General Heinrich's view, a sum of around 200 million dollars may already be available for the military programme.

26. The content of the "Common Position on the peace process in Yugoslavia" adopted by the General Affairs Council of the European Union on 26 February 1996, merely widened the gulf separating the European approach from that of the United States. The European Union in fact withdrew its support for the Vienna disarmament negotiations being conducted under Annex I-B to the Dayton and Paris Accords:

"With a view to establishing peace and stability for the people of the region of the former Yugoslavia, and in particular taking into account the need to ensure the safety of the international troops and civilian personnel deployed in Bosnia and Herzegovina and Croatia during the implementation of the peace agreement, the European Union believes that restraint on the part of arms exporting countries will be needed even after the UN arms embargo on the States of the former Yugoslavia is lifted in accordance with UN Security Council Resolution No. 1021."

27. In its "Common Position concerning arms exports to the former Yugoslavia" also adopted

4. *Nouvelles Atlantiques*, No. 2788, 2 February 1996.

5. *Nouvelles Atlantiques*, No. 2801, 20 March 1996

6. *Le Figaro*, 16 March 1996.

7. *Le Monde*, 15 March 1996.

8. *Nouvelles Atlantiques*, No. 2800, 16 March 1996.

9. *Nouvelles Atlantiques*, No. 2801, 20 March 1996

on this occasion, the European Union states that: "during the period of the deployment of IFOR and UNTAES¹⁰, as well as other operations including IPTF, the EU embargo on arms, munitions and military equipment will be maintained towards Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia".

28. In tackling this important subject dividing Europeans and Americans, we need first of all to ask ourselves to what extent the WEU Council has been or is involved in the European decision-making process. Was WEU invited to take part in the Ankara conference? Did the European Union consult WEU before reaching its common position, referred to above? The issues of disarmament, arms control and rearmament of Bosnia and Herzegovina lie at the heart of WEU's area of jurisdiction, both by virtue of its Treaty and of the responsibilities assigned it by Title V of the Maastricht Treaty.

29. The problem remains on the table as the Americans have said that they will pursue their plan despite opposition from Europeans. The issue is closely linked to other as yet unresolved problems, in particular the way the situation in all of the regions concerned evolves, but above all, whether or not it is possible to bring the necessary political stability to a Republic of Bosnia and Herzegovina made up of two such widely differing components.

30. The agreement on the creation of a United Nations International Police Task Force (IPTF) for monitoring, observing and inspecting law enforcement in Bosnia and Herzegovina (Annex 11 to the framework agreement) was conceived as a further stabilising factor in the situation. Thus the United Nations Security Council decided in Resolution 1035 dated 19 December 1995, to create – for a period of one year as reckoned from the transfer of UNPROFOR's responsibilities to IFOR – a United Nations civilian police force, charged with the tasks set out in Annex 11 to the peace agreement.

31. Recruitment of the 1 721 police officers envisaged by the United Nations has run into some difficulty but, according to unofficial information your Rapporteur obtained in Sarajevo at the end of April 1996, approximately 700 police officers had been dispatched to their postings. Their task is complicated by the fact that as well as having no executive powers and not carrying arms, their success depends on the goodwill and cooperation of local police forces. The experience of the WEU police detachment in Mostar illustrates that such goodwill cannot always be relied on.

10. United Nations Transitional Administration for eastern Slavonia, Baranja and western Sirmium.

III. Problems liable to compromise efforts to establish a lasting peace in the Balkans

1. Peace, stability and the viability of the Republic of Bosnia and Herzegovina

32. Many issues remain which have not been settled – or were only partially settled – by the Dayton Accords, but finding solutions will be decisive for the success of a new permanent order of peace in the region concerned.

(a) The Brcko area

33. The agreement on the demarcation line between the components of the Republic of Bosnia and Herzegovina did not settle the problem of the Brcko area, an extremely narrow corridor running between the eastern and western parts of the Republika Srpska (the Serbian part of Bosnia and Herzegovina) in the north of Bosnia and Herzegovina. The Bosnian Serbs, who seized control of the corridor in 1992, wanted it to be widened; the Muslims, however, objected on the grounds that before the war the Brcko region was inhabited by a Muslim-Croat majority.

34. In accordance with Article V of Annex 2 to the Dayton framework agreement, the parties concerned agreed to arbitration regarding the disputed area. No later than six months after the entry into force of the agreement, in other words by June 1996, the Muslim-Croat Federation and the Republika Srpska are each to appoint one arbitrator. A third arbitrator will be selected by agreement of the parties within the following thirty days. If they do not agree, the third arbitrator will be appointed by the President of the International Court of Justice. The arbitrators are to give their decision no later than one year from the entry into force of the agreement, in other words in late 1996. Although the parties are agreed that the arbitrators' decision will be "final and binding" it may be anticipated that the resulting arrangement will be difficult to implement in view of the strategic importance of the area in question to both parties concerned. Most of those to whom your Rapporteur spoke in Sarajevo confirmed failure to settle the question of the Brcko corridor could become the trigger for a further war.

(b) The problem of Gorazde

35. Under the terms of the peace accords, the Bosnians were required to cede the whole of eastern Bosnia and Herzegovina, a region where, before the war, the Muslims made up the majority of the population, to the Bosnian Serbs. The sole exception is the town of Gorazde, which the Serbs never managed to take. The town of Gorazde is therefore a Muslim enclave within the Republika Srpska territory, linked by a 5 km wide corridor to Muslim-Croat Federation territory.

36. According to the peace accords, " the Parties understand and agree that a two-lane all-weather road will be constructed in the Gorazde Corridor " (to link the town with Sarajevo). It was also agreed that " until such road construction is complete, the two interim roads will be used by both entities ". One of these routes is a narrow mountain road crossing the Mount Igman range and accessible only to military all-purpose vehicles. However the peace accords do not include an obligation to build a more accessible road during IFOR's mandate and the Bosnians were satisfied with a verbal promise from the United States to participate in this very difficult task¹¹. It is not known at present when the necessary work will begin, who will pay for it and when it is likely to be completed. IFOR currently escorts three convoys a week across Serb territory, but what will happen when IFOR pulls out?

(c) *Difficulties of coexistence between the various components of the Republic of Bosnia and Herzegovina*

37. To guarantee the viability of the Republic of Bosnia and Herzegovina, various problems still have to be resolved regarding specific issues such as the status of the town of Sarajevo and the administration of Mostar, as well as the implementation of the Constitution of the Republic of Bosnia and Herzegovina and the agreement establishing the Muslim-Croat Federation in Bosnia and Herzegovina, the bases for which are still extremely precarious.

(i) *The status of Sarajevo*

38. According to the Constitution of Bosnia and Herzegovina, drawn up in Annex 4 to the framework peace agreement, the capital of Bosnia and Herzegovina is Sarajevo. However major disputes still have to be settled concerning the town's administrative structure. But at the close of the conference organised in Petersberg, near Bonn, in late April, between representatives of the Muslim-Croat Federation, an agreement seemed to emerge in favour of a " three-tier " administrative structure for Sarajevo. According to this model, the Sarajevo region, as a canton of Bosnia and Herzegovina, would form part of the Federation. The city would have its own district administration in which the Croats would be involved. Sarajevo would be at one and the same time the capital of the Republic of Bosnia and Herzegovina and of the Bosnian-Croat Federation. It remains to be seen whether, despite their complexity, these arrangements form a sound enough basis for a viable administration.

(ii) *The status and administration of the town of Mostar*

39. As far as the administration of the town of Mostar goes, the difficulties which the German administrator, Mr Koschnik encountered, will also bear down upon his Spanish successor, Mr Perez Casado. It should be recalled in this connection that the European Union mandate for the administration of Mostar runs out on 23 July 1996 but the Muslim and Croat parties have already asked for it to be extended until the end of 1996. Indeed there is a very long way to go in applying the Dayton Accords concerning the joint Muslim-Croat status and administration of the town. Mostar will perhaps be the acid test of the viability of the Muslim-Croat Federation. Your Rapporteur was able to obtain a clear idea of the problems posed by reunification of the two parts of Mostar when he visited the town on 13 April 1996 with Sir Dudley Smith, President of the Assembly and Mr de Puig, Chairman of the Political Committee.

40. On that occasion the ad hoc committee of the Assembly was briefed on the situation by the assistant European Union administrator and senior officers of the WEU police force on the spot. In a written report dated 7 March 1996, the outgoing European Union administrator, Mr Koschnik, had summarised the situation as follows:

" At the high-level meeting in Rome on 18 February, a new agreement on Mostar was signed by President Zubak and Vice-President Ganic. By this agreement the Croat and the Bosnian sides finally agreed upon a suggestion for the internal municipal boundaries of Mostar. I adopted this solution, thus changing my decision on arbitration because arbitration with six city municipalities and a central zone would not have been necessary at all if both sides had come to an agreement earlier. A consensus should always be preferred to arbitration in this politically still over-sensitive region.

I was able to pursue this path even more readily because both sides made a binding declaration that their suggestion can only be implemented if there is complete freedom of movement for all citizens in the city, unification of local police units – with the support of Croat and Bosnian non-regional police officers – to form a ' unified police force Mostar ' and an agreement on the return of refugees to their old apartments which at the moment are vacant or will become vacant.

Now, all those measures were put into effect on Tuesday, 20 February, at 14.00 hours. The *interim statute of the city of Mostar* containing the boundaries for the six city municipalities and the ' central

11. *Le Monde*, 10 April 1996.

zone ' came into force together with the *decree on municipal elections* (scheduled for the end of May 1996).

So, we have a unified city with a differential administrative organisation as agreed in Dayton. We created indispensable preconditions for participation of citizens in making decisions concerning their city and, on the basis of Dayton, put into force the legal foundation for the realisation of democratic elections.

Since 1 March we have a *unified police* on duty in the 'blue zone' of Mostar, that is, in the area of the city for which the EU Administration is responsible. In this respect we received very valuable support from the Republic of Croatia as well as from the Bosnian police of central Bosnia. The assistance of these police officers changed the climate in Mostar for the better.

Freedom of movement for everybody in the city has been in force since Tuesday, 20 February at 14.00 hours. Removal and demolition of blockades and checkpoints took longer than previously planned. Nevertheless, it is now done."

41. However, addressing the Parliamentary Assembly of the Council of Europe¹² on 25 April 1996, Mr Koschnik also stressed that implementation of the agreement had to be negotiated daily as the Croat leadership of the town of Mostar did not want reunification, still had visions of amalgamating with Croatia and relied on heavily armed gangs to lay down the law using strong-arm tactics. Again according to Mr Koschnik, the same was also true of the Muslims of central Bosnia and Herzegovina and it was no easy matter to break down the civil war mentality, even though in certain areas nationalist passion was now running less high.

42. In Mostar, the European Union initially asked WEU to assist the European administrator in his task by dispatching a WEU police force, whose main responsibility was to pave the way for unification of the town's two separate police forces. On 28 February 1996, the German Government presented a report to the Bundestag on WEU's activities for the period between 1 July and 31 December 1995¹³, which summarised the activities of the WEU police force as follows:

"Some 180 police officers have been sent to Mostar, ... in the framework of the WEU police detachment which is to provide sup-

12. Official Report of the 14th sitting, Thursday, 25 April 1996, AS (1996) CR 14; see also Recommendation 1297 (1996) of the Parliamentary Assembly of the Council of Europe, 25 April 1996.

13. *Drucksache*, 13/3827.

port for the European Union administration of Mostar. Since summer 1995, Finland, Austria and Sweden have also contributed to this force. The planned reorganisation of the two local police forces is proceeding slowly and gradually, largely because of entrenched resistance on the Croat side. On 18 September 1995 the parties signed an agreement on moving to the second stage of the process of bringing the two police forces together, which provides specifically for joint patrols consisting of Croat, Muslim and WEU police officers and recruitment and training of local police forces".

43. Unlike the United Nations international police force, the WEU police force in Mostar is lightly armed and has the right of legitimate self-defence and certain coercive powers necessary to enforce and maintain law and order. In spite of this, it cannot be denied that the WEU police force in Mostar was unable to protect the European administrator when he was attacked, on 7 February last, by a crowd of demonstrators protesting against his arbitration of how the cantons of the municipality were to be divided. The protection afforded by IFOR is necessary in extreme situations such as these.

44. It seems hopeful that municipal elections in Mostar, planned for the end of May, will contribute to normalisation of the region, but it is primarily on the revival of economic activity and the creation of jobs that the population is pinning its hopes for better living conditions after the end of hostilities.

(iii) *Implementation of the Constitution of Bosnia and Herzegovina*

45. For the Republic of Bosnia and Herzegovina as a whole to become a viable unit, internally and externally, not only must its Constitution, the text of which is set out in Annex 4 to the Framework Agreement for Peace in Bosnia and Herzegovina, be given effect, but equally the Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995.

46. Under this latter agreement, it is planned to separate the responsibilities and the organisation of the Government of the Federation (Muslim-Croat) and the Government of the Republic of Bosnia and Herzegovina in order to avoid any conflict between areas of competence. It is important to note that according to Articles II.5 and II.6 of this agreement the responsibilities of the Muslim-Croat Federation include *defence*, internal affairs, justice, finance and also refugees and displaced persons and social policy. However, the Government of the Republic as a whole is responsible for *foreign policy*, foreign trade, customs policy, common monetary policy and *civilian coordination of the activities of the armed forces*

in the whole territory of Bosnia and Herzegovina. It is also agreed that the division of responsibilities described above " shall not diminish the military authority of the ARBiH (army of the Republic of Bosnia and Herzegovina) or the HVO " (Croat militias).

47. It is not difficult to imagine the difficulties involved in such a system of divided responsibilities which relates only to relations between the Republic of Bosnia and Herzegovina and the Muslim-Croat Federation but does not govern their institutional relations with the Serb area of Bosnia and Herzegovina, namely the Republika Srpska.

48. These matters are dealt with in the Constitution of Bosnia and Herzegovina, which stipulates that Bosnia and Herzegovina consists of two entities, the Federation of Bosnia and Herzegovina (Muslim-Croat) and the Republika Srpska (Serb part of Bosnia and Herzegovina). The Constitution clearly states that foreign policy is the responsibility of the institutions of Bosnia and Herzegovina but is silent on the matter of defence responsibilities. If, in the long term, defence remains the exclusive responsibility of each of the two entities of the Republic of Bosnia and Herzegovina, which were engaged in fighting one another until IFOR put an end to hostilities, it is hard to imagine that that state could once again become a stable and homogenous entity.

49. However there is no reason to give way to pessimism while there is still a possibility of creating the political will among the various factions of the Republic of Bosnia and Herzegovina to help establish a stable and viable state. The general elections that are planned for September could be a crucial factor in this respect. It is the OSCE which has the main responsibility for the extremely difficult task of ensuring, in cooperation with the High Representative responsible for coordinating the civilian aspects of the peace agreement, that all the necessary conditions are met to enable all the inhabitants and refugees to vote in the elections. Holding genuinely free elections also implies doing away with intimidating and violent methods and ridding the country of the political influence of those Bosnian Serb leaders, such as Mr Karadzic and Mr Mladic, indicted for war crimes. It is therefore essential to actively support all the efforts being made to hold the elections on schedule. In this connection it should be stressed that the constructive role some of the country's religious authorities, notably the Cardinal Archbishop of Sarajevo, have recently been playing has done a great deal to help create the climate of trust that is indispensable.

50. Nevertheless, during his visit to Sarajevo and Gorazde on 29 and 30 April 1996, your Rapporteur was able to gauge the extent to which the views of the persons with whom he spoke differed

as regards their interpretation of the Dayton Accords in relation to Bosnia and Herzegovina and the conditions to be met for holding elections and creating the political will necessary to make the country viable.

51. The High Representative responsible for coordinating the civilian aspects of the peace agreement, Mr Carl Bildt, informed your Rapporteur that the parties concerned were interpreting the civilian aspects of the Dayton Accords in two different ways: some regarded them as a means of achieving a real separation between the entities of Bosnia and Herzegovina in the framework of a confederation, while others saw them as working towards the integration of those same entities within a federation. According to Mr Bildt, it was becoming increasingly clear that the Muslims and Croats in the Bosnian Federation were moving in different directions and neither group was prepared to allow itself to be governed by others. In particular the Croat-occupied parts of the Federation could be considered an extension of Croatia, a fact confirmed by flags similar to the national flag of the State of Croatia being flown in a number of public places. According to Mr Bildt there was still considerable tension between the various communities.

52. Settlement of the difference over the Brcko corridor will be crucial to maintaining peace in Bosnia and Herzegovina. The return of the refugees, preparations for the elections to be held in September and securing aid to generate economic recovery are the most important tasks to be accomplished and it will be necessary to ensure that, as far as possible, all the civilian aspects of the peace agreement are implemented while IFOR troops are still in the country.

53. However on the subject of organising general elections in Bosnia and Herzegovina, Mr Esad Suljic, Deputy Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina, emphasised to your Rapporteur that the overriding condition was the prior return to the country of the refugees, who would otherwise have no means of voting. He therefore expressed some reservations about whether that condition would be met by September. Moreover he referred to economic aid as another essential condition for normalising life within the country. In his view, it was necessary first to find jobs for the hundreds of thousands of displaced persons.

54. According to the Deputy Minister, the European Union and the international community should exert far stronger pressure on the Croats to persuade them to support the implementation of the Muslim-Croat Federation. As far as the chances of cooperating with the Serb part of the Republic of Bosnia and Herzegovina were concerned, he remained convinced that so long as Mr Karadzic and Mr Mladic continued to

influence Bosnian-Serb policy, there was no prospect of cooperation. In point of fact, according to press reports¹⁴, there were divisions between the Serb leaders in Banja Luka and those in Pale over which town should have the status of capital city of the "Serb Republic" of Bosnia. Although the Banja Luka leaders seemed more moderate than those of Pale, their aim was not to become involved in any rapprochement with the Bosnian Muslims or Croats. In their view, cooperation between the two entities of Bosnia and Herzegovina should be limited to rebuilding the country's infrastructure.

55. In an interview with *Le Monde* on 3 May 1996, Mr Rajko Kasagic, Prime Minister of the Serb Republic of Bosnia and Herzegovina, invoked the principle of reciprocity in the matter of the return of refugees. "The Muslims insist on returning to their villages but they will not allow a single Serb to enter their territory" he said. According to Mr Kasagic, living side by side would mean another war. As regards the aim of bringing together all the Serbs of former Yugoslavia in a single state, Mr Kasagic answered "we cannot make that dream come true yet" and said he was satisfied with the status of the Serb entity created in Bosnia and Herzegovina. He observed, however, that he felt close to Mr Milosevic. As to whether the war was over, he thought that when people had found work, they would forget about politics and allow their hatred to fade.

56. During the conversation your Rapporteur had with General Heinrich, Deputy Commander of IFOR, the General referred, *inter alia*, to the difficulties involved in implementing the Federation of Bosnia and Herzegovina. The Bosnian Serbs were reasonably satisfied with the Dayton Accords which recognised them as an entity and they still had in mind some sort of association with the Federal Republic of Yugoslavia. The Croats of Bosnia and Herzegovina, on the other hand, tended to place more emphasis on economic matters.

57. Mr Rasuiz Rijad, President of Gorazde District, raised the specific problems of guaranteeing freedom of movement between Gorazde and other parts of Bosnia and Herzegovina, in the absence of any indication to date as to when the new road through the Sarajevo corridor might be built. However, most of all, he emphasised the many major difficulties linked to the organisation of general elections, owing to the large numbers of refugees, the absence of electoral registers, the fact that many people had no identity documents and so on. The outcome of the elections was entirely uncertain, but most to be feared, according to Mr Rasuiz Rijad, was the fact that the Bosnian Serbs might not accept the result of the ballot if it

did not suit them. The electorate would still want to know what instruments were available to the international community to ensure observance of the election results.

58. These are the main impressions your Rapporteur gained from his visits to Mostar, Sarajevo, Rogatica and Gorazde, which gave him some idea of the wide range of problems arising from the implementation of the peace accords and the amount of work that still remains to be done to consolidate peace and rebuild normality in this war-torn country. The situation requires permanent negotiations and many additional arrangements have already been concluded to fill the many gaps in the peace accord provisions. The North Atlantic Council meeting in Berlin on 3 June 1996 and the review conference on the peace process, scheduled for 13 and 14 June 1996 under European Union chairmanship, will be major forums for making an overall assessment and taking decisions on the course to be followed.

2. Problems outstanding between Croatia and the Federal Republic of Yugoslavia

59. In accordance with the Dayton Accords, the Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina have mutually recognised one another as independent sovereign states. Belgrade's recognition of the Former Yugoslav Republic of Macedonia (FYROM) in April paved the way for recognition of the Federal Republic of Yugoslavia (Serbia and Montenegro) by the majority of European Union member countries, while the United States is still waiting for Belgrade to make a firm commitment to put an end to repression of the Albanian population in Kosovo before recognising the Federal Republic of Yugoslavia in its turn.

60. To date there is no mutual recognition between Belgrade and Zagreb, although the two countries have established official contacts with a view to normalising relations and resolving matters outstanding between them.

(a) Eastern Slavonia

61. Eastern Slavonia, a border region close to the Federal Republic of Yugoslavia is, together with the Baranja and western Sirmium regions, the last Croat region still in the hands of break-away Serbs, after having been the scene of some of the bloodiest fighting during the war that followed Croatia's declaration of independence in 1991. It is planned gradually to reintegrate these areas into the Republic of Croatia on the basis of UN Security Council Resolution 1025 dated 30 November 1995, which reaffirms that the above-mentioned territories form an integral part of the Republic of Croatia.

¹⁴ *Le Monde*, 3 May 1996.

62. In an agreement concluded on 12 November 1995 between the Croatian Government and the local Serb authorities, it was agreed to demilitarise the region and place eastern Slavonia under UN international control and administration for a transitional period of 12 months. The parties requested the Security Council to authorise deployment during the transitional period of an international force tasked with maintaining peace and security and guaranteeing refugees and displaced persons the possibility of returning to their homes. The transitional administration was given the responsibility, *inter alia*, of helping to set up and train temporary police forces with a view to making them more professional and building confidence between the various ethnic communities.

63. A decision was therefore taken (UN Security Council Resolution 1037 dated 15 January 1996) to end the mandate of UNCRO, which at that time had some 1 600 to 1 700 "blue berets" deployed on the territory of eastern Slavonia, and to replace it, for an initial twelve-month period by a United Nations transitional administration for eastern Slavonia, Baranja and western Sirmium (UNTAES). The military component of UNTAES will consist of a force of approximately 5 000 troops (instead of the 9 300 originally proposed by the United Nations Secretary-General) and the provisional administration, led by the retired American General Jacques Klein.

64. The new operation will have NATO air support in the event of attack, and military backing from IFOR. The specific tasks of the military component of the administration are:

- to supervise demilitarisation of the region;
- to supervise the return of refugees;
- to contribute to maintaining peace in the region.

The civilian component should *inter alia* make a contribution to: establishing a temporary police force, human rights enforcement, reconstruction of the region and organising elections no later than thirty days prior to the end of the transitional period.

65. The United Nations force in eastern Slavonia has been placed under the command of the Belgian General Joseph Schoups with demilitarisation of eastern Slavonia scheduled to start in May. The Belgian General took up his duties on 14 March 1996 and demilitarisation began with a wholesale withdrawal of anti-aircraft missiles and 60% of the tanks in the region. The UNTAES force could be declared operational around 15 May and demilitarisation could begin officially within a period of thirty days¹⁵.

15. *Nouvelles Atlantiques*, No. 2811, 26 April 1996

66. However General Schoups had previously warned the Belgian Government that if financial resources, additional forces and police officers were not dispatched more quickly, the United Nations risked further failure and it would probably be the last time it mounted an operation of this nature¹⁶. In order to stabilise the situation in the region and reassure the UN troops that its support would be forthcoming, IFOR has opened a communication line which is to link Hungary and Bosnia and Herzegovina via eastern Slavonia. The military component of UNTAES will be made up of Argentine, Belgian, Czech, Jordanian, Pakistani, Russian, Slovak and Ukrainian units.

67. Reference was made, in a debate which took place in the Belgian Senate on 8 February 1996, to the range of risks involved in implementing this new peace operation, under NATO auspices, in the Balkans, when a member of the Senate pointed out that if it proved impossible to obtain significant results, particularly in terms of demilitarisation and the return of refugees, at an early stage, it would be necessary to withdraw UN forces immediately because otherwise their presence would, once again, give the (Serb) aggressor an advantage, and constitute a final endorsement of Serb army conquests. Moreover he felt that if demilitarisation did not make headway and the refugees did not return home, Croatia would have the right to intervene militarily to recover the territory.

68. Belgium's Minister for National Defence, Mr Poncelet, observed on this occasion that:

"In the event of a Croat attack, the use of force to prevent such action will not be envisaged. The military component, designed to act in the framework of an agreement between the parties and hence of voluntary demilitarisation, does not have adequate means to resist a large-scale attack from either the Serb or Croat side.

...

It is true that the United Nations Secretary-General had initially ... estimated UNTAES as a force of some 9 300 men. However ... this estimate was dependent on the entire mission being executed within the framework of Article VII of the United Nations Charter and hence envisaged enforced demilitarisation against the will of one or other of the parties, which is not the case with the mandate which is to be applied.

Other than the threat to which I have just referred, this UN force would, if necessary, have to repel any external attack mounted either by Zagreb or Belgrade. Our approach was different ... and was founded on the principle that UN action should be based on

16. *Nouvelles Atlantiques*, No. 2807, 11 April 1996

agreement between the parties. However we should have no illusions: past events in former Yugoslavia have shown us that this agreement often exists more on paper than in practice. This was why we agreed that Article VII should be applied for the sake of the security and freedom of movement of our troops. Armed means can therefore be used to this end."

69. It must therefore be recognised that the basis of this new mandate, namely an agreement between the Croatian Government and the regional Serb authorities – not the Belgrade Government – is somewhat precarious. The new force will admittedly be better armed and able to defend itself than the former UNCRO, but it cannot make demilitarisation effective nor, should the case arise, prevent a resumption of hostilities. Therefore it can only be hoped that implementation of the agreement between Croats and Serbs on eastern Slavonia will take place without difficulty. Given, however, that in the event of difficulties, there is a risk of a repetition of the UN/NATO "dual-keys problem" in eastern Slavonia, one might wonder why it was not possible for the peace settlement for this region to be included within the general framework of the Dayton Accords.

70. Bearing in mind the fairly modest scale of the operation in eastern Slavonia as compared with that of IFOR in Bosnia and Herzegovina, other solutions could even have been envisaged, for example that of a European force acting under a UN mandate under the political control of WEU. As to help in setting up and training a police force in the region, consideration might also have been given to inviting WEU to assist on the basis of its experiences in Mostar. However it does not seem that such matters were even discussed in the Council of WEU.

(b) *The Prevlaka peninsula*

71. Another obstacle to mutual recognition of Zagreb and Belgrade is the Prevlaka peninsula, situated at the entry to Kotor Bay in the Adriatic, possession of which is claimed by Belgrade. A joint declaration signed in Geneva on 30 September 1992 between the Republic of Croatia and Federal Republic of Yugoslavia reaffirms the agreement of both countries to demilitarisation of the peninsula, but there has been no resolution of the underlying dispute to date.

72. In Resolution 1038 dated 15 January 1996, the Security Council authorised the UN military observers tasked with verifying demilitarisation of Prevlaka to continue their work, while stressing the need for Croatia and the Federal Republic of Yugoslavia to come to an agreement for the peaceful resolution of their differences over the peninsula. The Resolution provides for two options:

namely extension of the mandate or tasking another international organisation with verifying demilitarisation. Furthermore, the United Nations Secretary-General is asked to report on progress made by the two countries involved towards a peaceful settlement of the dispute, which is one of the most important factors for re-establishing peace in the Balkans.

3. *Problems in the provinces of Kosovo, Vojvodina and Sandjak*

73. Recommendation 581 on the situation in former Yugoslavia, based on the report submitted to the Assembly by Mr Fassino in June 1995¹⁷, specifically requested the WEU Council to "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". In its reply to the Recommendation, the Council made no comment on these particular aspects.

74. This silence is the more regrettable in view of the deterioration in the situation, particularly in Kosovo, since late April 1996. Several armed confrontations which caused seven deaths in a single week have occurred, with Albanians fighting both Serb law-enforcement officers and Serb civilians¹⁸. After the signature of the Dayton Accords, it would seem that the Kosovo Albanians feel they can no longer count on support from the West. There is therefore a possibility that the policy of passive resistance advocated by the Kosovo Democratic League might be replaced by a more offensive strategy.

75. Washington has made settlement of the Kosovo question one of its priorities since the signature of the Dayton Accords on Bosnia and Herzegovina. Thus Mr Christopher recently pressed Mr Milosevic about the adoption of a statute guaranteeing the rights of the population of Kosovo. However now that Belgrade has been recognised by the European Union countries, the Government of the Federal Republic of Yugoslavia seems confident that no-one will be prepared to make a commitment to autonomy for Kosovo¹⁹. The situation worries the leadership not only in Albania but also in the Former Yugoslav Republic of Macedonia (FYROM). Mr Carl Bildt, the High Representative responsible for coordinating the civilian aspects of the Dayton Accords, stressed early in May 1996 that it was important to find a solution acceptable both to Belgrade and to the Kosovo Albanians and that a form of autonomy would be necessary for the region²⁰. Furthermore

17. Document 1467, 12 June 1995.

18. *Le Monde*, 3 May 1996.

19. *Le Monde*, 3 May 1996.

20. *Europe, Agence internationale*, No. 6720, 2-3 May 1996.

the NATO Secretary-General, Mr Solana, felt that the return to Kosovo of the OSCE mission, expelled in July 1993 after condemning growing repression by the Serb authorities against the ethnic Albanian population, was necessary.

76. The President of the Former Yugoslav Republic of Macedonia (FYROM), Mr Gligorov, also said he was very concerned by developments in Kosovo and felt that any escalation might even lead to another major war in the Balkans. He therefore asked for the opening of direct negotiations between Albanians of the province and the Government in Belgrade²¹. However it is high time for an evaluation of the situation by the appropriate international authorities which have undertaken to restore and maintain peace on the territory of former Yugoslavia.

IV. What are the strategic options for guaranteeing lasting peace, stability and security in the Balkans after the end of hostilities?

77. Several questions arise: agreement must first be reached on those problems for which a solution is considered a matter of priority as far as the large majority of those responsible are concerned. Admittedly, objections might be made to such an approach on the grounds that all the problems are interrelated and therefore of equal importance. However your Rapporteur is convinced that the key issue on which peace in the Balkans depends is whether the Republic of Bosnia and Herzegovina can be made viable and how long it will take.

78. The leaders of the various entities of the Republic of Bosnia and Herzegovina and the authorities of the international community responsible for implementing the civilian aspects of the Dayton Accords appear to agree on one point, namely that one of the most important ways of reconciling opposing factions and pacifying the country is to rekindle hope among its various communities that peaceful coexistence will bring them definite prospects of an improvement in their economic and social situation and their living conditions. There is therefore general agreement that the economy must be revived quickly and jobs created.

79. However, to achieve this, it is necessary to ensure that economic and financial aid is not frittered away in the process and that part of it does not fall into the hands of Mafia groups, which are making substantial efforts to turn the desperate plight in which most regions of the country find themselves to their own advantage. But it is equally necessary for an effective strategy to be

put in place in order to convince the recipients of such aid that it must be subject to compliance with certain conditions – for example reconstruction assistance might be awarded only to those districts allowing refugees and displaced persons to return unhindered to their homes. Economic aid could also be made conditional upon production by the respective authorities of the entities of Bosnia and Herzegovina of concrete proof that they were working actively towards compliance with the fundamental principles on which both the existence of the Muslim-Croat Federation and the viability of the Bosnian state as a whole depend.

80. Pointers in this direction are to be found in the agreement concluded in Sarajevo on 30 March 1996 between the representatives of the Muslim-Croat Federation and of the Republic of Bosnia and Herzegovina and the Assistant to the High Representative responsible for coordinating the civilian aspects of the peace agreement, but for the most part they concern matters internal to the Federation.

81. As far as revival of the economy of the town of Gorazde is concerned, it is absolutely essential for a start to be made without delay on constructing a two-lane, all-weather road along the corridor linking Gorazde with the other parts of the Muslim-Croat Federation, as provided by the Agreement on the Military Aspects of the Peace Settlement. Your Rapporteur, who had the opportunity of travelling along one of the interim routes to Gorazde, with the assistance of the Portuguese battalion deployed at Rogatica, north of Gorazde, reached the conclusion that a resumption of economic activity in the town is wholly unthinkable without a road-link other than the two interim routes. Even if construction of the new road began immediately – assuming that the matter of finance and the problem of mine clearance were solved – it would take some time to complete the work.

82. Your Rapporteur is convinced that if Bosnia and Herzegovina is to be made viable, it is also absolutely essential to create the necessary conditions for organising general elections in the country, since these are essential for the implementation of its Constitution, which for the time being exists only on paper. To this end, the international community, but also the populations which have a profound desire to see a lasting peace established in the country as a whole, will have to keep up pressure on the political leaders of the entities in Bosnia and Herzegovina, the Federal Republic of Yugoslavia and Croatia to ensure that all of them undertake to implement the peace accords. It is obvious that elections will only be useful if the entire population – including refugees and displaced persons – is able to vote.

83. Elections are in fact essential if it is hoped to make certain adjustments and amendments to

21. *Frankfurter Allgemeine Zeitung*, 2 May 1996.

the Constitution of Bosnia and Herzegovina and in the provisions of the Dayton Accords on implementing the Federation of Bosnia and Herzegovina specifically concerned with apportioning defence responsibilities within the Republic of Bosnia and Herzegovina. At present there are three different armed forces in the country: the Croatian militias and the Muslim forces, which are to merge within the framework of the Muslim-Croat Federation, and the Bosnian Serb forces. On 14 May 1996, the leaders of the Muslim-Croat Federation in Bosnia and Herzegovina agreed in Washington to unify their forces within three years²².

84. However, neither the Constitution as adopted at Dayton nor the agreement on implementing the Muslim-Croat Federation in Bosnia and Herzegovina makes provision for the Central Government of the Republic of Bosnia and Herzegovina to have responsibilities in defence matters. It seems that Dayton took as its point of departure the idea that defence responsibilities should remain with the two entities of the Republic, which implied the existence of two different armies – in fact there are three at present – operating side by side within the country.

85. Your Rapporteur is convinced that such a solution can only be regarded as temporary and it will be necessary in the longer term – despite the enormous difficulties that would have to be overcome to achieve it – to envisage creating a united army for the entire country, under a single defence minister within the Government of the Republic of Bosnia and Herzegovina. The allocation of responsibility for internal affairs raises a similar problem on account of the fact that two (or three) different police forces coexist within the country, but this problem is less worrying than the issue of whether the will exists to unite the armed forces and whether or not it can be done.

86. The agreement on confidence- and security-building measures signed in Vienna on 31 January by the entities of Bosnia and Herzegovina and the OSCE might constitute the point of departure for a process leading in the long term to the creation of a united army for Bosnia and Herzegovina. This agreement provides, *inter alia*, for military cooperation and joint training and exercises for the armies of the entities of Bosnia and Herzegovina, and for exchanges of specialists, the organisation of seminars on military cooperation and information exchanges on the agreements, military contacts and cooperation with other parties. On the basis of this incipient cooperation, it will therefore be necessary to work towards progressive rapprochement of the armed forces in Bosnia and Herzegovina, with the long-term aim of unification.

²² *Le Monde*, 16 May 1996.

87. In the context of such a policy, the “equip and train” programme introduced by the Americans for the Bosnian forces, must be rethought and reconciled with the negotiations on disarmament in Bosnia and Herzegovina, which are taking place in Vienna under the auspices of the OSCE. According to information that has appeared in the press²³, these negotiations are progressing satisfactorily and stand a good chance of ending as scheduled by 6 June 1996. The whole policy directed towards implementation of the agreements on regional stabilisation reached at Dayton must not be jeopardised by the expiry of IFOR’s mandate in Bosnia and Herzegovina provided for in those agreements.

88. According to Pentagon representatives, it would be unwise to deal too early with the question of extending IFOR’s mandate, given the need to keep up pressure on the parties and urge them to implement all the provisions of the agreements while the IFOR troops are still in Bosnia and Herzegovina. However it is clear, even now, that implementation of the civilian aspects of the agreements will take far longer than a year. Hostility, distrust and tension between the various communities are still so acute that they will disappear only with time. The question at issue is whether such developments will be possible without an IFOR or other reduced form of military presence.

89. According to information which has appeared in the press²⁴, the Pentagon now seems prepared to extend the stay of at least some of the American troops to one month beyond the 20 December 1996 deadline. Some of the people your Rapporteur spoke to on 29 April in Sarajevo considered that it would be necessary to maintain a smaller force in Bosnia and Herzegovina after that date. The size of the force could be reduced on the basis of a number of options but, in the opinion of some experts, the following conditions would have to be met:

- (a) a credible organisation should be made responsible for management of this smaller force. In the light of the experience of IFOR, which has won the respect of all sections of the population, NATO alone could take on this new task;
- (b) the smaller force should be given a very clear mandate;
- (c) an American troop presence, even if only symbolic, on Bosnian soil would be absolutely essential for without a presence, albeit symbolic, such a force would have no credibility.

²³ *Frankfurter Allgemeine Zeitung*, 30 April 1996.

²⁴ For example in the *Neue Zürcher Zeitung*, 27 April 1996.

90. These observations would appear to be in line with information to the effect that neither the WEU Presidency nor the Secretariat-General are considering the possibility of entrusting the command of a post-IFOR force to WEU. Even cooperation on a smaller scale than that organised through IFOR would not be possible for WEU²⁵. Moreover, Mr Cutileiro, Secretary-General of WEU, said on 2 May 1996²⁶ that WEU would not replace IFOR at the head of a peace force in Bosnia and Herzegovina if the United States decided to withdraw its forces ahead of those of its European allies. Although WEU was the only European organisation with responsibility in defence matters, it was still not equipped to take on a task of that magnitude.

91. Your Rapporteur tends to take the view that the basic problem is more of a psychological nature than one of WEU's actual capability: it concerns the credibility of an all-European force led by an organisation which is virtually unknown. The situation in Bosnia and Herzegovina is in fact too sensitive to be used as a testing-ground for WEU's capabilities. This does not, however, mean that WEU must be excluded from the peace process in the Balkans. Your Rapporteur will deal in greater depth with some ideas on the subject in the following chapter.

V. Conclusions as regards the course to be followed and WEU's future role in the peace process in the Balkans

92. The ministerial meeting of the WEU Council held in Birmingham on 7 May 1996, the meeting of the North Atlantic Council to be held in Berlin on 3 June and the review conference on the peace process in the Balkans, to be held in Rome on 13 and 14 June, are all opportunities for evaluating progress to date and drawing up an agreed programme of work for the organisations and states involved in order to complete the many tasks remaining to be accomplished to achieve a lasting peace in former Yugoslavia.

93. More specifically with regard to WEU's role in this context, the WEU Council should make an approach to the European Union requesting the latter to extend the mandate of the European administration of Mostar – on which extension of the mandate of the WEU police force in Mostar also depends – beyond the 23 July 1996 timeframe. As Sir Dudley Smith, President of the WEU Assembly, stressed in a letter dated 19 April 1996 to the British Chairmanship-in-Office of the Council, the WEU police force in Mostar has already made encouraging progress towards reunification of local police forces but its task is

nowhere near completed. Moreover, WEU's experience in Mostar might possibly encourage the Council to offer WEU police assistance in other contexts where such help might prove necessary.

94. As regards WEU's future duties in relation to monitoring the embargo on the Danube and in the Adriatic, these will largely depend on the outcome of the negotiations on disarmament in Bosnia and Herzegovina which are currently taking place in Vienna under OSCE auspices and which are due to end by 6 June 1996. It should be recalled in this context that the United Nations Security Council decided in Resolution 1021, adopted on 22 November 1995, that the embargo imposed on arms and military equipment consignments in Resolution 713 (1991) would end under certain conditions. These include the following: once the Secretary-General submits a report by 12 June 1996 on the implementation of Annex I-B (regional stabilisation, agreement on disarmament) as agreed by the parties, all provisions of the embargo on armaments will cease to apply, unless the Security Council decides otherwise. Similar provisions were agreed in Resolution 1022 with regard to the lifting of sanctions imposed on the Bosnian Serbs.

95. The situation thus created provides the opportunity for an assessment of the results of operations carried out by WEU in relation to monitoring and enforcing the embargo on the Danube and in the Adriatic. The German Government's report on the activities of WEU for the period between 1 July and 31 December 1995, submitted to the Bundestag on 28 February 1996, summarises these operations as follows:

“Police and customs officers of the WEU member states continue successfully to assist the riparian states of the Danube – Bulgaria, Hungary and Romania – in monitoring and controlling enforcement of the arms embargo the United Nations decided to impose on Serbia and Montenegro, and the trade embargo on former Yugoslavia. Since the start of the operation in June 1993, more than 6 300 shipping convoys have been monitored. Controls relating to the application of economic sanctions imposed on Serbia and Montenegro were temporarily suspended as from 23 November 1995 in pursuance of United Nations Security Council Resolutions 1021 and 1022 (1995).

The implementation of sanctions imposed by the United Nations in the framework of Operation Sharp Guard, conducted jointly by NATO and WEU in the Adriatic, has been adapted, in accordance with Security Council Resolutions 1021 and 1022 (1995). Between the time the embargo in the Adria-

25. *The Independent*, 3 May 1996.

26. *Agence France-Presse*, 2 May 1996.

tic was enforced on 22 November 1992 and 22 November 1995, over 64 100 ships were identified and/or questioned. Of these, over 4 900 were inspected and 1 200 were instructed to sail to Italian ports for further investigation.”

96. It should be noted in this connection that notwithstanding Resolution 1021, the European Union decided late in February 1996 to maintain the embargo on arms, ammunition and military equipment bound for Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, for as long as IFOR, UNTAES and the United Nations International Police Task Force (IPTF) were deployed.

97. Moreover, the Americans have launched their “equip and train” programme; this is intended exclusively for the Bosnian army, which not only risks running into conflict with European policy as described above but also counteracts efforts to establish regional stability in Bosnia and Herzegovina based on confidence-building and disarmament measures as set out in Annex I-B to the Dayton Accords.

98. WEU, which has links both with the European Union and the Atlantic Alliance and all of whose member countries are also members of the OSCE, is very well placed to launch a political initiative within NATO to harmonise European and American thinking and avoid political differences between Americans and Europeans over Bosnia and Herzegovina becoming even more pronounced. In this connection, it should be borne in mind that the question of whether or not to maintain the embargo is more the province of the United Nations, as Security Council Resolutions 1021 and 1022 set specific criteria under which it might be lifted.

99. One of the key questions in bringing the European and American positions closer together is how the Bosnian Serb entity, the Republika Srpska, should be treated in future. Following the crisis summit in Rome on 16 and 17 February 1996, it was decided to lift economic sanctions imposed on the Bosnian Serbs; however, for as long as they continue to refuse to allow Mr Karadzic and Mr Mladic to be brought before the International War Crimes Tribunal in The Hague, it will be difficult to cooperate with the Serb entity of Bosnia and Herzegovina. The utmost therefore needs to be done to consolidate the moderate political forces in Banja Luka, as the ultimate goal must be to involve the Serb faction in all schemes to re-establish conditions allowing the whole Republic of Bosnia and Herzegovina to function properly – this also applies to security and defence matters especially as the agreement on confidence-building measures provides, *inter alia*, for joint exercises between the armies of the different entities making up Bosnia and Herzegovina.

100. It would therefore be preferable to delay the American project until the disarmament agreement has been concluded – which is expected to be in June – and substantial progress has been achieved in terms of confidence-building measures. In addition, contact will have to be made with the Russian Government to persuade it to delay its plan to lift the embargo on arms bound for successor countries of former Yugoslavia until such time as the negotiations on disarmament and the confidence-building measures have yielded positive results.

101. WEU member countries will have an opportunity at the North Atlantic Council meeting in Berlin, on 3 June 1996, to take a joint initiative to that effect. In another area, that of the CJTF, an agreement seems imminent and will probably be presented to the public at that same North Atlantic Council meeting. Mr Solana, the NATO Secretary-General, said in an article which appeared in the March 1996 issue of the *NATO Review*, under the title “NATO’s Role in Bosnia: charting a new course for the Alliance” that in many ways the CJTF concept was having a trial run in Bosnia and Herzegovina, “driven ... by the requirements of assembling the IFOR from Alliance and non-Alliance troop and asset contributions”.

102. He also went on to say: “we will also need to develop the CJTF concept to serve as a means by which a WEU (or European)-led operation could make use of Alliance assets, if it were to be decided that a WEU (or European) rather than a full NATO response was warranted in a future contingency”. Even if replacement of IFOR by a European WEU-led force is not envisaged, peace enforcement in the Balkans is a problem that will continue to be a heavy burden for the security of the European countries especially after the expiry of the IFOR mandate. WEU, as the only European organisation with responsibility for security and defence matters, is therefore very well placed to present NATO with proposals, based on an agreement on CJTF, which would (a) set out to establish the conditions and scope for any deployment in the territory of former Yugoslavia of a small international force in which the United States would participate with ground troops following the expiry of the IFOR and UNTAES mandates and (b) make provision for the possibility of NATO and WEU sharing responsibilities for controlling the operations envisaged. Such responsibilities shared in accordance with the CJTF concept could, for example, be exercised in eastern Slavonia if the situation so required. Moreover, WEU should examine the possibility of proposing to the United Nations that military observers be sent to monitor demilitarisation of the Prevlaka peninsula, in accordance with Resolution 1038 of the Security Council.

103. The WEU member countries should also seize the opportunity offered by the meeting of

the North Atlantic Council to ask for an evaluation of the results of the conference on security in the southern Balkans, held in Tirana, at Albania's initiative, on 1 and 2 April 1996, and attended by the defence ministers of Albania, Bulgaria, Italy, Macedonia, Turkey and the United States, and representatives of the OSCE. Greece had refused to take part, taking the view that all the other Balkan countries, such as Romania and the successor countries of former Yugoslavia, should have been invited²⁷. It is important to have an assessment of the aim and usefulness of a regional initiative such as this in order to be able to study, as necessary, the prospects for pursuing such projects under the auspices of a European organisation, for example WEU.

104. Finally, in the context of the conference to review the peace process in the Balkans scheduled to take place in Rome on 13 and 14 June 1996, WEU should place the emphasis on follow-up action to the initiative taken by the European Union at Royaumont for setting in train a process promoting stability and good-neighbourly relations in south-eastern Europe along the lines of the Pact on Stability in Europe, and proposing that in due course it take the form of a regional round table for strengthening stability, good-neighbourly relations and cooperation in south-eastern Europe, at which all the states in the region would be represented. It should furthermore insist on being invited as an observer to the "identification meeting" announced in the declaration of the General Affairs Council of the European Union on 26 and 27 February 1996.

VI. Conclusions

105. Six months after the signature of the Dayton and Paris Accords which put an end to hostilities in Bosnia and Herzegovina, it is still too soon to be able to state with certainty that a lasting order of peace and security can be established on the territory of Bosnia and Herzegovina and in eastern Slavonia. Although it has been possible to implement the military aspects of the accords relatively quickly and without insurmountable difficulty, practical implementation of the civilian aspects continues to raise many problems.

106. There are many encouraging signs to suggest that it will be possible to overcome these various problems, but there are also major uncertainties, especially as regards the need to fire the Croat, Bosnian and Serb entities and communities with the political will to coexist peaceably once again in their war-torn country and thus lay the foundations that are essential to make it a viable and stable country. In this connection, how the situation develops will largely depend on what can be achieved, particularly on the basis of general elections, in terms of replacing arrangements which have been imposed on parties that are hostile to one another by a spirit of cooperation, accompanied by a desire on the part of those involved to see public affairs taken in hand by the authorities of the country.

107. All the international organisations involved in this process are duty-bound to help develop this frame of mind so that the country can be rebuilt on the basis of the free will of its people, without which military protection and economic aid cannot serve any real purpose.

108. Moreover it should not be forgotten that the Balkan region as a whole belongs to Europe; it is therefore primarily the responsibility of the European institutions to help turn this part of Europe into a region as prosperous as the other European countries. Although Europe needed United States aid to bring an end to the war, it now has the opportunity, and a duty, to make an important contribution to restoring peace.

109. What must be avoided at all costs is this difficult task becoming a bone of contention between Americans, Europeans, Russians and Muslim countries. This is a test case not only for developing a proper CFSP but also for a joint transatlantic policy. WEU, though its close relations with the European Union and the Atlantic Alliance, has a particular responsibility in this connection. It has made important contributions to the management of the conflict in the Balkans, within the limits of the remits assigned to it. In future, it should be less modest and more prodigal in offering its capabilities and good offices for the advancement of the peace process and the prevention of any resumption of hostilities.

27. *Nouvelles Atlantiques*, 3 April 1996

APPENDIX

Acknowledgements

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The visit programme was as follows:

13 April 1996

Visit to Mostar, accompanied by Sir Dudley Smith, President of the Assembly of WEU, and Mr de Puig, Chairman of the Political Committee

talks with:

- Ambassador Klaus Metscher, (former) Acting European Administrator for Mostar
- Sir Martin Garrod, Chief-of-Staff, European Union Administration of Mostar
- Colonel Pieter Lambrechtse, WEU Police Commissioner
- Colonel Heinrich Parusel, WEU Deputy Police Commissioner
- Mr Pedro Azevedo, WEU Assistant Liaison Officer
- Superintendent Jordan, WEU Head of Planning Section, WEU Police Element

29 April 1996

Sarajevo:

talks with:

- Mr Carl Bildt, High Representative responsible for coordinating the civilian aspects of the peace agreement for the former Yugoslavia
- Mr Esad Suljic, Deputy Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina
- General Heinrich, Deputy IFOR Commander

30 April 1996

Rogatica: talks with the Commander of the Portuguese Battalion

Gorazde: talks with the President of the Canton of Gorazde, Mr Rascic Rijad

meeting with humanitarian organisations at the office of the United Nations High Commissioner for Refugees.

