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Europe and the evolving situation in the Balkans

REPORT

submitted on behalf of the Defence Committee
by Mr Blaauw, Rapporteur

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TABLE OF CONTENTS

DRAFT RECOMMENDATION

on Europe and the evolving situation in the Balkans

EXPLANATORY MEMORANDUM

submitted by Mr Blaauw, Rapporteur

Introduction

Part I. Implementation of the Dayton Peace Agreement

- 1 The difficult road to common institutions
- 2 Refugees and displaced persons
- 3 War criminals
- 4 International arbitration over Brcko
- 5 Political changes in Republika Srpska
- 6 The transfer of Eastern Slavonia to Croatia
- 7 SFOR and its successor force

Part II The situation in Kosovo

- 1 Kosovo
- 2 Reactions of international and supranational organisations
- 3 The common position of the European Union and the second Contact Group meeting on Kosovo
- 4 The political situation in Serbia

¹ Adopted unanimously by the Committee

² *Members of the Committee* Mr De Decker (Chairman), MM Schloten, Marten (Alternate *Feldmann*) (Vice-Chairmen); MM Alloncle, Baumel, *Beaufays*, Mrs Beer, Mrs Calleja, MM Cioni, *Davis*, *Dees*, Díaz de Mera, *Giannattasio*, Horn, Dhaille, Lemoine, Mrs Lentz-Cornette, MM Magginas, Mardones Sevilla, McNamara (Alternate *Townend*), Medeiros Ferreira, Micheloyiannis, Mitterrand, Mota Amaral, Lord *Newall*, MM Pereira Coelho, Polenta, Robles Fraga, Lord Russell-Johnston (Alternate *Colvin*), Mr Selva, Ms Shipley, Mrs Soutendijk van Appeldoorn, MM Speroni, Valk (Alternate *Blaauw*), Valkeniers (Alternate *Ghesquière*), Verivakis, Zierer

Associate members MM *Sungur*, Yurur (Alternate *Kulahli*)

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

- 5 The risk of the conflict in Kosovo spreading to neighbouring states
 - (a) Albania
 - (b) Bulgaria
 - (c) The Former Yugoslav Republic of Macedonia (FYROM)
 - (d) Greece
 - (e) A regional initiative
- 6 Towards a dialogue on the future of Kosovo

Conclusions

APPENDIX

Letter from Mr Glouchkov, member of the Bulgarian Delegation to the Assembly of WEU
– Joint statement by the foreign affairs ministers of the countries of south-eastern Europe

*Draft Recommendation
on Europe and the evolving situation in the Balkans*

The Assembly,

- (i) Recalling the results of the Peace Implementation Council in Bonn on 9-10 December 1997 which noted that considerable progress had been made in implementing the Dayton Peace Agreement in Bosnia and Herzegovina;
- (ii) Aware, however, that the Peace Implementation Council remained concerned about the lack of progress in many areas, such as insufficiency in operating common institutions, the continuing existence of illegal government structures in the Federation, inadequate protection of human rights and the lack of strong multi-ethnic political parties and of a structured civil society, to name only a few of the many issues mentioned;
- (iii) Welcoming the decision to give the High Representative the authority to make binding decisions in order to facilitate the resolution of difficulties, which has already led to positive results in a number of areas;
- (iv) Regretting that a key issue in the Dayton peace process, the return of refugees and displaced persons to their original homes, still remains largely unresolved, given that out of 400 000 Bosnians who have returned over the past two years, only 35 000 have returned to homes in minority areas, while 600 000 Bosnian refugees remain abroad and over 800 000 remain displaced internally;
- (v) Deploring the setbacks encountered in the return and resettlement of refugees and displaced persons in places such as Drvar, Derventa and Sarajevo, and indeed throughout the territory of Bosnia and Herzegovina;
- (vi) Supporting the UN High Commissioner for Refugees' initiative to promote open cities, which are committed to providing public services for minority returnees and where joint ethnic police forces are to be set up to monitor their safety;
- (vii) Noting that implementation of the results of the September 1997 municipal elections is still running up against serious problems in a number of municipalities.
- (viii) Noting that in Republika Srpska the political and economic influence of Mr Karadzic and his supporters is diminishing;
- (ix) Welcoming the political changes in Republika Srpska where President Plavsic and the new government under Prime Minister Dodik have now shown a willingness to cooperate constructively in implementing the Dayton Peace Agreement;
- (x) Noting with satisfaction that as a result of these political changes in Republika Srpska, an increasing number of Bosnian Serb indicted war criminals have surrendered or been arrested;
- (xi) Understanding the decision of the arbitration panel for Brcko to defer final arbitration on the status of this town and its immediate surroundings to the end of 1998, which may create the conditions for an overall solution acceptable to each of the ethnic communities involved;
- (xii) Worried about the situation in Eastern Slavonia following the recent transfer of control over this enclave to the government of Croatia, in view of the serious doubts about Croatia's commitment to promote and allow the return of refugees and displaced persons to their places of origin in Croatia and throughout the region;
- (xiii) Emphasising that not enough progress is being made on the identification of missing persons, an essential part of the reconciliation process, while noting that exhumations and identifications are currently taking place in the area surrounding Srebrenica under the auspices of the ICTY.

(xiv) Considering that the mine-clearing operations are not making enough progress and that more European funds are needed to accelerate work to demine almost one million mines left on Bosnian territory, while welcoming the readiness of the Republic of Slovenia to organise a special training centre for drilling the international units used for demining operations on Bosnian territory,

(xv) Welcoming the decision of the NATO Permanent Council to continue its operation in Bosnia and Herzegovina after the mandate of the current SFOR expires, initially maintaining the strength of the troops at about 35 000, with the possibility of a reduction after the September elections if the situation permits,

(xvi) Noting that since autumn 1997, United States experts and some Europeans have argued that the Europeans should have a higher profile and more tasks in any SFOR successor force, in particular through the deployment of an armed special police element with specific capabilities in the maintenance of public order, so as to fill the gap between SFOR soldiers and unarmed IPTF officers,

(xvii) Noting that the Operational Plan for the new SFOR was presented to NATO's Military Committee on 20 April but that at that time the detailed arrangements for the armed special police element had not yet been defined, not least because of opposition voiced by several European countries,

(xviii) Recalling that in Recommendation 619, the Assembly recommended the WEU Council to

“Consider the possibility, in the light of its experience with the WEU police force in Mostar and the MAPE in Albania, of establishing a WEU police force which could initially assist the IPTF under that command and later replace it, if need be, under WEU command with the same general mandate and the possibility of implementing it without systematically calling on SFOR – or its successor force – for support, while demonstrating a European determination to fulfil its responsibilities for building and maintaining peace, security and stability in Europe”,

(xix) Regretting that the WEU Council in its reply to Recommendation 619 wrongly considered it “premature to elaborate on the question of the establishment of an SFOR successor force”, in particular because it was perfectly aware of discussions on this issue within NATO, including suggestions to include a European armed military police element.

(xx) Regretting that WEU has not made any effort to coordinate, plan or propose the establishment of an all-European WEU armed special police element and that, as a consequence, SFOR may now incorporate a police element which is not all-European.

(xxi) Extremely worried about the situation in Kosovo where the most predictable Balkans crisis might easily escalate into a fresh outbreak of unacceptable violence.

(xxii) Taking the view that, contrary to President Milosevic's claim – which he considers to have been endorsed by the results of a hastily-organised referendum on 23 April – the problem in Kosovo is not an internal affair in which foreign countries should not interfere, not least because the consequences of armed violence, including a spill-over of armed strife and massive refugee movements, could threaten stability in the region and European security as a whole,

(xxiii) Endorsing the common position of the European Union on the problem of Kosovo, as described in its statement issued on 16 March 1998, as well as the decisions taken by the Contact Group on 9 and 25 March 1998,

(xxiv) Applauding the work of the Sant'Egidio Community which is doing its utmost to reconcile Serbs and Kosovar Albanians,

(xxv) Convinced that political and diplomatic pressure is not enough to contain and solve the crisis in Kosovo and that Europe has a specific responsibility to contribute actively and visibly to a military presence in the area in order to safeguard stability and security in both FYROM and Albania,

RECOMMENDS THAT THE COUNCIL

- 1 Enhance Europe's role and responsibilities in SFOR by urgently and seriously considering the deployment in Bosnia and Herzegovina of an all-European armed special police element with a specific capability to maintain public order,
2. Ask the Planning Cell to draw up contingency plans addressing all possible options for an effective WEU presence in Albania and FYROM which should be able to limit the repercussions of any violent conflict in Kosovo;
- 3 Propose to the European Council, in application of Article VIII.3 of the modified Brussels Treaty and Article J.7.1 of the Treaty of Amsterdam, and on the basis of the Planning Cell's contingency plans, an effective WEU presence in both FYROM and Albania to help keep up the EU's political and economic pressure, designed to prevent a new armed conflict in the Balkans;
- 4 Instruct the Planning Cell, in accordance with Chapter VII of the Charter of the United Nations and Article VIII.3. of the modified Brussels Treaty, to prepare a set of options for possible European intervention in Kosovo in order to stop the violence, restore order and re-establish the rule of law if the situation constitutes a threat to peace.

Explanatory Memorandum

(submitted by Mr Blaauw, Rapporteur)

Introduction

1 The situation in the Balkans is likely to remain on the European security agenda for a long time to come. First and foremost there is Bosnia and Herzegovina, where a peace process has been set in motion by the Dayton Peace Agreement. Its implementation is now well under way although it would appear that progress is being made in fits and starts and permanent external pressure is needed to make the various parties involved fulfil their obligations. In February 1998, NATO's Permanent Council decided to continue its operation in Bosnia after the mandate of the current SFOR expires. The presence of foreign troops was still considered indispensable for the maintenance of a stable security environment and for helping the High Representative and the international organisations involved to conduct their tasks.

2 Unfortunately, Bosnia and Herzegovina is not the only area of concern in the Balkans. In 1997, chaos and anarchy broke out in Albania. Further deterioration of the situation was prevented by international diplomatic intervention and the deployment of a European military force with Italy as the lead nation. Still, the country has not yet fully recovered and sustained efforts, in particular by the European institutions, will be needed to help the country stand on its own feet.

3 Recently, a smouldering crisis erupted in Kosovo and here too, the situation poses a serious security threat to the region. Europe and the United States are making efforts to defuse the crisis and convince both Serbia and the Kosovar Albanians to start negotiations, but so far not much headway has been made.

4. Altogether, there are many reasons for monitoring developments closely, in particular because Europe has a specific responsibility for the maintenance of peace and security in its own region. WEU, being the only European defence organisation which is also supposed to become the defence component of the European Union, has a duty to play a role in the Balkans. The present report endeavours to provide an assessment of the situation in the Balkans and to draw conclusions on Europe's and WEU's role in that region.

*Part I: Implementation of the
Dayton Peace Agreement*

*1. The difficult road
to common institutions*

5 At its meeting in Bonn on 9-10 December 1997, the Peace Implementation Council noted that considerable progress had been made in implementing peace and stability in Bosnia and Herzegovina since its previous meeting in June 1997. It mentioned notable progress in the following areas:

- municipal elections in September and special elections for the Republika Srpska Assembly in November;
- arms control and confidence- and security-building measures;
- restructuring and reform of the police;
- beginning of the return of minorities to the Federation and, to a lesser degree, to Republika Srpska;
- economic revival in the Federation;
- development of non-partisan professional media;
- a doubling of the number of persons indicted for war crimes in the custody of the International Criminal Tribunal for former Yugoslavia (ICTY).

6 On the other hand, the Council published a much longer list of matters of concern. Among them, it cited the following:

- the majority of common institutions are operating insufficiently. Permanent facilities have not been established;
- illegal structures of government in the Federation have not been dissolved or integrated;
- serious problems of local administration, notably in Mostar, continue to exist. The implementation of municipal elections still encounters resistance in several municipalities;
- lack of strong multi-ethnic political parties and a structured civil society;

- lack of legislation on demining and the continuing manufacture of mines,
- human rights are still not adequately protected. Citizenship is not legally defined. There is no Bosnia and Herzegovina passport. Property and housing legislation block the return of refugees and displaced persons to their pre-war homes. The police are still sometimes used to obstruct the implementation of election results, do not deal effectively with politically or ethnically motivated crimes, are responsible for documented cases of abuse of persons in custody, and more generally are not sufficiently obliged by the political leadership to advance the goals of the Peace Agreement. Human rights violations remain endemic, despite improvement in some areas,
- neither Entity has taken the necessary steps to ensure that its laws are compatible with the European Convention on Human Rights. In both the Federation and Republika Srpska, the fair trial standards set forth in the Convention are clearly and routinely violated,
- Bosnia and Herzegovina still has no jointly agreed flag,
- comprehensive plans to facilitate returns have not been implemented;
- there are no functioning Public Corporations,
- Bosnia and Herzegovina has failed to finance its common institutions or service its external debt on time, implement common policies on foreign trade, apply a common customs tariff, issue common bank notes, achieve transparency and good governance in the use of public funds, and establish effective institutions to curb corruption and revenue evasion. The lack of an economic policy framework is preventing an IMF Standby Arrangement and World Bank adjustment lending and renders the country vulnerable to financial crisis;
- full normalisation of Bosnia and Herzegovina's relations with its immediate neighbours has not taken place

7. Exasperated by the apparent lack of progress on a number of issues which it considered vital for the further implementation of the Dayton Peace Agreement, the Council set several deadlines. It demanded that the Draft Citizenship and Travel Document Laws be adopted by 15 December 1997 as endorsed by the Presidency in Bonn. It is to be noted that at the Council's meeting in Bonn, the presidency of Bosnia and Herzegovina agreed on the design of the Bosnian passport and on a new law defining citizenship but that these measures had to be approved by the Federal parliament in Sarajevo¹.

8. Concluding that insufficient action had been taken to establish a uniform system of vehicle registration and obligatory third-party liability car insurance, the Council urged the Council of Ministers and the Entity Governments to agree to the relevant Memorandum of Understanding and the Council of Ministers Regulation immediately. It welcomed the High Representative's intention, after 31 January 1998, to implement the uniform licensing system in cooperation with the IPTF and SFOR.

9. The Council urged the authorities of the Republic of Croatia and the Republic of Bosnia and Herzegovina to agree on a new non-discriminatory visa regime and remove other barriers to free travel by 1 March 1998, including the establishment of normal and non-discriminatory customs and border formalities at all border crossing points.

10. The High Representative was invited to set in train a process leading to a decision on a new flag and symbols if the parties could not agree on their own by 31 December 1997.

11. Deploring the fact that the authorities of Bosnia and Herzegovina had failed to adopt the Law on the Council of Ministers, the Council demanded that the Draft Law be adopted by 15 December 1997, adding that appropriate measures would be taken by the High Representative in the event of non-compliance.

12. The Council considered it unacceptable that the package of essential legislation establishing the common institutions of economic management had not been implemented in full and

¹ *Financial Times*, 10 December 1997

that the state-level legislation, specified in the Sintra Declaration had not been adopted.

13 Among other things, it demanded that the competent authorities in Bosnia and Herzegovina and the Entities

- submit to the printers by 20 December 1997, agreed designs for the common currency coupons and publicly announce the timetable for their introduction;
- adopt the Foreign Investment Law by 20 December 1997,
- apply the interim common customs tariff schedule by 20 December 1997.

14 In order to accelerate the peace implementation process, the Council granted the High Representative, Carlos Westendorp, sweeping powers. In its conclusions, the Peace Implementation Council welcomed the High Representative's intention to use his final authority in order to facilitate the resolution of difficulties by making binding decisions, as he judged necessary on the following issues

“(a) timing, location and chairmanship of meetings of the common institutions;

(b) interim measures to take effect when parties are unable to reach agreement, which will remain in force until the Presidency or Council of Ministers has adopted a decision consistent with the Peace Agreement on the issue concerned,

(c) other measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities, as well as the smooth running of the common institutions . ”

15 The Council concluded that the Federal Republic of Yugoslavia had not complied with the request from the Steering Board to rapidly align the Agreement establishing a Special Parallel Relationship between the Federal Republic of Yugoslavia and Republika Srpska with the Peace Agreement. The alignment of this Agreement was to proceed immediately

16 In November 1997, the Croatian Government unveiled plans for increased cooperation with the Federation, including proposals for a customs union, a monetary union, the establish-

ment of a free-trade zone and cooperation in education, culture and many other fields. Many critics considered this as another initiative to further undermine the Republic of Bosnia and Herzegovina, following repeated Croat accusations that the Muslims were trying to dominate the Federation and were preventing tens of thousands of Croat refugees from returning to their homes

17 The Council declared this proposal for a special parallel relationship with the Federation inconsistent with the Peace Agreement and demanded that the parties proceed immediately with the alignment of the Agreement with the Peace Agreement

18 On 13 December, the Federal Republic of Yugoslavia and the Republika Srpska concluded an agreement on double citizenship which was denounced as illegal by both the President of Bosnia and Herzegovina and the international community. It should be noted that the Republika Srpska and the Federation of Bosnia and Herzegovina are not sovereign states and that, as a consequence, they cannot conclude treaties with other states

19. At its Bonn meeting, the Council had recalled that agreements establishing special parallel relationships must be consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina. The Council further recalled that the Peace Agreement has primacy over previous Agreements between the Parties

20 On 16 December 1997, the High Representative issued a decree in which he imposed a new citizenship law upon Bosnia and Herzegovina after parliament had been unable to adopt a law which had been agreed among the three members of the state presidency. Using his mandate, the High Representative declared the new law valid *ad interim*. This preliminary validity was to end as soon as the Bosnian parliament adopted the law “in its present state and without amendments and additional conditions”

21 At the end of December, the High Representative, Carlos Westendorp, imposed the provisional entry into force of the law on common customs tariffs and the setting-up of the Bosnia and Herzegovina Mine Clearance Committee and a Coordination Centre for Mines, after having concluded that the Council of Ministers of

Bosnia and Herzegovina had been unable to take these two decisions².

22 In January 1998, the two Entities reached an agreement on the introduction of new car licence plates. The existing plates were a major obstacle to establishing freedom of movement and the return of refugees because they clearly indicated the ethnic origin of the car owners. On 4 February, the High Representative decided to impose a new flag upon Bosnia and Herzegovina when the Bosnian Parliament again failed to reach agreement on this matter.

2. *Refugees and displaced persons*

23. In its conclusions after the meeting in Bonn on 9-10 December 1997, the Peace Implementation Council welcomed the return of 400 000 refugees and displaced persons since the signing of the Peace Agreement, including more than 110 000 refugees from abroad in 1997. It noted, however, that over 600 000 Bosnian refugees remain abroad and over 800 000 Bosnians remain displaced internally.

24 The Council further noted that the overall conditions for return had not significantly improved and that large numbers of returning refugees and displaced persons are being relocated against their will to places other than their original homes.

25. The Council demanded that the authorities in Bosnia and Herzegovina act resolutely to remove all barriers to return. Such barriers include lack of adequate security, refusal to facilitate the return of property, levying of so-called war taxes, failure to establish a system of access to personal documents, existing registration processes, uncertainty concerning applicable customs regulations and tariffs, deficiencies in the allocation of temporary housing, and the lack of efficiency of administrative organs. The Council invited the High Representative to transmit to the Steering Board a regularly updated list of barriers and the measures necessary to ensure their removal.

26. On 14 January 1998, the UN High Commissioner for Refugees, Sadako Ogata, asked for NATO's support for the accelerated return of refugees in Bosnia. The post-SFOR foreign military presence should in her opinion also in-

clude a rapid reaction force in order to guarantee the safety of those refugees who return home. According to information provided by the High Commissioner, of the 400 000 Bosnians who have returned over the past two years, only 35 000 have returned to areas where they are in a minority. The High Commissioner expressed the hope that 50 000 more would return by the end of the SFOR mandate, and that a further 200 000 would return home by the end of the year.

27. A recent report³ of the Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe spelled out in detail the problems connected with the consequences of the internal and external displacement of approximately 2.2 million people as a result of the conflict in Bosnia and Herzegovina.

28 The United Nations High Commissioner for Refugees (UNHCR) has already taken a number of initiatives to facilitate the return of refugees and displaced persons, such as incentive packages and repatriation assistance, the shelter programme, the designation of so-called target areas in which investment is concentrated in shelter and infrastructure so as to include absorption capacity, the sponsoring of special intercity bus services and the "open cities" initiatives.

29. It is to be noted, however, that refugees and displaced persons trying to return to minority areas are encountering many legal and other problems. According to the abovementioned report, there is a massive shortfall of funding to provide housing for returning and displaced persons. The latter are occupying the homes of others at the moment. About 80% of returnees find no jobs on their return. Indeed, the unemployment rate in the Federation is about 50%, in Republika Srpska it is between 60% and 90%. The situation is exacerbated by the lack of political will to bring about repatriation.

30 Despite positive measures such as the introduction of common licence plates for cars for the whole territory of the Republic of Bosnia and Herzegovina, there is still a lack of freedom of movement between the two Entities and within

² *Atlantic News*, 31 December 1997

³ *Bosnia and Herzegovina: return of refugees and displaced persons*, Rapporteur Mr Iwinski (Document 7973)

the Federation. Undue restrictions are enforced by an abuse of administrative authority and the re-education of the local police still has a long way to go before it will be able to implement both the letter and spirit of the Dayton Accords, particularly Annex 7, the Agreement on Refugees and Displaced persons.

31. The office of the UNHCR has taken the initiative to promote open cities. In that framework, municipalities that still contained some minorities during the war are committed to providing public services for minority returnees; and joint ethnic police forces are to come into being to monitor their safety. There are eight such cities already, of which two are in Republika Srpska. It is hoped that the idea will spread all over Bosnia, eventually to perhaps as many as 40 cities. These cities should also be demined and the UNHCR has plans to organise multi-ethnic demining groups to help in this.

32. Efforts are concentrated on Banja Luka and Sarajevo, both of which have a tradition of multi-ethnicity. In particular, the capital Sarajevo should set an example to the rest of the country. At a conference in Sarajevo on refugee returns in early February 1998, the High Representative even went so far as to say that aid would stop unless Sarajevo invited back its former Serb residents. Mr Westendorp also promised to excise from the Federation's property law, provisions which block refugees from reclaiming their homes.

33. It is to be noted that in ending ethnic segregation and in helping the return of refugees, a major effort still has to be made not only by the Republika Srpska but also by the Federation as a whole. Mutual concessions in these fields could breathe life into central institutions, improve the functioning of the central bureaucracy and encourage more refugees to return.

34. In the preceding report on Europe's role in the Balkans⁴, it was pointed out that the municipal elections, held on 13 and 14 September 1997 would make little sense if the results were not implemented so as to reflect the multi-ethnic composition of the local population before the war.

35. It was also argued that the newly-elected municipal councils would be of no use if there was no massive return of refugees and displaced persons to their pre-war homes. At present, seven months after the municipal elections, this whole process has gone no further than implementation of the first stage.

36. The situation in Srebrenica is an example. When this town was captured by the Serbs in July 1995, all the Muslim inhabitants were expelled or killed by the Serbs. In the municipal elections, a Muslim coalition won 24 of the 45 seats in the municipal council. One seat is occupied by an independent Muslim and the remaining 20 seats are in Serb hands. Until the end of March 1998, harassment and other objectionable practices by Serb citizens and municipal councillors had prevented the Council from meeting. A mayor and deputy mayor have not yet even been elected. The OSCE, in cooperation with the High Representative, has now decided to put a provisional end to the mandate of the municipal councillors. The High Representative will nominate an administrator who will preside a temporary "executive council" including both Muslims and Serbs.

3. *War criminals*

37. At its meeting in Bonn on 9-10 December 1997, the Peace Implementation Council again confirmed its conviction "that until all persons indicted for war crimes are brought before the ICTY, there will be no normalisation, no reconciliation, and the rule of law in Bosnia and Herzegovina will remain seriously impaired".

38. Since then, important progress has been made in the efforts to bring the indicted war criminals to trial. The recent parliamentary elections in the Republika Srpska, followed by the nomination of a moderate prime minister, have led to a more cooperative government in the Serbian Entity of Bosnia and Herzegovina and to the recognition that a better relationship between the two Entities and a lasting peace will not be possible without a sufficient degree of justice.

39. The Prime Minister, Milorad Dodik, accepts that all those indicted for war crimes should go before the ICTY in The Hague for trial, but he has noted that specific SFOR operations to arrest Serbs indicted of war crimes may, under certain circumstances cause political

⁴ Assembly Document 1589

problems because such a policy may play into the hands of hard-line politicians. The new political climate has provoked the voluntary surrender of a number of indicted war criminals

40 During the night of 17-18 December 1997, SFOR units detained two Bosnian Croats, Vlatko Kupreskic and Anton Furundzija, indicted for war crimes by the International Criminal Tribunal for former Yugoslavia. Russia deplored the arrest which, it felt, was "an action planned outside the SFOR mandate"

41 On 22 January 1998, SFOR acted to detain Goran Jelisic, indicted for war crimes by the ICTY. The action was taken in accordance with SFOR's mandate, which allows it to arrest indicted war criminals when they are encountered in the course of its duties. This was the first time that US army troops acted to capture a suspected war criminal. Human rights groups had criticised the US Administration for refusing to let US troops seize any of these suspects

42. On the other hand, the US Government remains adamant in its policy not to expose its troops to unnecessary risks. The United States Special Envoy, Robert Gelbard, recently declared (25 February 1998) that his country would make an assessment of the suspects who have been indicted by the ICTY. Those whose indictment would be judged too weak to guarantee a conviction would be left at large, but the others would be arrested by the US SFOR contingent.

43 On 14 February 1998, Miroslav Tadic and Milan Simic, Bosnian Serbs indicted for war crimes, surrendered to American diplomats and to SFOR. This leaves 52 "publicly indicted" individuals still to surrender

44 On 24 February 1998, Simo Zaric, a Bosnian Serb indicted for war crimes by the ICTY, surrendered to the Bosnian police in Bosanski Samac. He was then handed over to SFOR and the ICTY

45 These individuals are all indicted for war crimes committed in Bosanski Samac, a town in the so-called Posavina corridor between the eastern and western part of Republika Srpska where the 17 000 Croat and Muslim inhabitants were expelled, an operation which included maltreatment, torture and killings. The other individuals, indicted for war crimes in the same town -

Blagoje Simic, Stevan Todorovic and Slobodan Miljkovic - are still at large

46 The first surrender of Serbian war crime suspects was the result of more than a year of negotiations among officials of the ICTY and a lawyer representing the suspects. Less than a week earlier, the Bosnian Serb Prime Minister, Milorad Dodik, had stated that his government would do everything it could to encourage suspects to surrender.

47 The Bosnian Serb indicted war criminal, Zoran Zigic, declared on 3 March that he was planning to surrender to the ICTY. On 4 March, another Bosnian Serb, Dragoljub Kunarac, indicted for war crimes in or around Foca, surrendered to French SFOR soldiers and was subsequently taken to the ICTY in The Hague. Later, Mr Kunarac openly admitted the crimes for which he had been indicted.

48 On 8 April, SFOR arrested Miroslav Kvocka and Mladen Radic, both charged with war crimes committed while running the notorious detention camp in Omarska, near the town of Prijedor. They have been transferred to the ICTY in The Hague.

49. At the time of writing this report (18 April 1998), 27 persons were in the hands of the ICTY, which had officially indicted 79 persons, of whom three died and three were released.

50 In the media much emphasis is put on the need to arrest the well-known suspects Karadzic and Mladic, but the press tends to overlook the fact that they have been increasingly marginalised by recent political developments and that, as a consequence, their arrest or surrender is now probably only a matter of time and the noose seems to be tightening.

51 Recently, on 2 April, some 100 SFOR vehicles including tanks and armoured personnel carriers and 400-500 SFOR troops carried out an operation in Pale, the traditional stronghold of Mr Karadzic. Deployed around Bosnian Serb government buildings and the house and offices of Mr Karadzic, they inspected compliance by the Bosnian Serb special police and confiscated assault rifles and ammunition. High Representative Carlos Westendorp pointed out that Mr Karadzic's power base has diminished now that he has lost political control while his special police units are under SFOR control. It is said

that Mr Karadzic has contacted lawyers and that he is trying to negotiate his position⁵

52 It should also be borne in mind that the arrest of the main suspects of the Bosnian Serb leadership can only be a justifiable legal objective, irrespective of its destabilising consequences, if the same treatment is meted out to Croat and Muslim leaders during the conflict, who for the time being have been immunised against any indictment

53. The situation of the ICTY has considerably improved since the second half of 1997. Until then, in the four years since its establishment by the United Nations Security Council in 1993, the tribunal had managed to try only one suspect, while holding only seven in custody

54. In The Hague there are 26 indicted war criminals in custody, while one has been allowed to return home for health reasons pending his trial. At the moment, seven trials are under way, with more due in the near future. Out of a total of 79 indicted persons, two have died and three have been released

55. SFOR has demonstrated its determination to use force, if need be, for the arrest of suspects. For 1998, the UN has increased the tribunal's budget by nearly a third to \$64 million, which has enabled the court to hire more lawyers, investigators and translators. The President of the Court wants procedures to be streamlined so that the tribunal can prove that it can hold trials expeditiously and fairly

56 France had systematically refused to let French military officers give evidence to the ICTY. This policy was finally abandoned when the French Foreign Minister visited The Hague on 16 March. The Minister pledged that henceforth French officials and military officers would be authorised to testify before the international court. On the other hand, the Minister insisted that France would avail itself of all the possibilities offered by the rules of the court

4. *International arbitration over Brcko*

57. It will be remembered that according to Article V of the Agreement on the Inter-Entity Boundary line (Annex 2 to the Dayton Agreement), the Parties agreed to binding arbitration of

⁵ *Le Monde*, 10 and 16 April 1998 and *International Herald Tribune*, 10 and 13 April 1998

the disputed portion of the Inter-Entity Boundary Line in the Brcko area. Arbitration was to be the task of one arbitrator appointed by the Federation, one appointed by the Republika Srpska and one to be selected by agreement of the Parties' appointees. If they could not agree, the third arbitrator would be appointed by the President of the International Court of Justice. The proceedings would be conducted in accordance with UNCITRAL (United Nations Commission on International Trade Law) rules and the arbitrators were to issue their decision no later than one year from the entry into force of the Dayton Peace Agreement

58. Before its seizure by the Serbs in May 1992, Brcko had a population which was 44% Muslim, 26% Croat and 21% Serb. After the seizure, virtually all its non-Serbs were expelled or killed. The arbitration decision had already been postponed in December 1996 and in February 1997, when the town was placed under an international supervision team headed by the US diplomat Robert Farrand, who was also to oversee Brcko's ethnic reintegration. Arbitration was again postponed until March 1998. The Municipal Statute was amended in order to establish a multi-ethnic administration, judiciary and police force in Brcko. All the political parties participated in the formation of these multi-ethnic bodies and some progress was made. However, hard-line Serbs have succeeded in blocking most of the efforts to achieve reintegration and the return of refugees and displaced persons

59 In February 1998, the President of the Republika Srpska, Biljana Plavsic, argued that control over Brcko should be given to the Serbs because that would help the moderates to win the September 1998 elections⁶. Prime Minister Dodik said that his government would do everything in its power to ensure that Brcko was returned to the Serb Entity of Bosnia

60 On 15 March 1998, the arbitration panel for Brcko, presided by Robert Owen, decided yet again to defer final arbitration on the status of this town and its immediate surroundings until the end of 1998. Mr Owen argued that general instability in the region and a rapidly shifting political scene in the Republika Srpska justified this further delay

⁶ *International Herald Tribune*, 14-15 February 1998

61 The arbitration committee also explained that it would give the new government of Republika Srpska time to succeed in its reformist policy. It added that if significant changes were to take place in favour of restoring a multi-ethnic community in Brcko, this could have a considerable influence on the final decision⁷. The representatives of the Republika Srpska, Vitomir Popovic, and of the Croat-Muslim Federation, Cazim Sadikovic, who have a consultative vote in the three-member arbitration committee, refused to sign the decision.

62. The Bosnian Serbs have always argued that without control over Brcko, their Republika Srpska would be cut in two, since the town is situated on a narrow neck of land connecting the two halves of Serbian-controlled territory in Bosnia. For the Muslims in Bosnia and Herzegovina, the river port of Brcko provides the only access route to central Europe through the Save and the Danube. It is also an important road and railroad junction.

63 At the moment, it seems most likely that the final arbitration will contain a kind of split-the-difference formula where power would be shared by the various authorities. This solution would have a built-in risk in that it would fail as soon as one side calculated that it could take by force what had not been accorded through elections or mediation.

5. Political changes in Republika Srpska

64 The parliamentary elections held in Republika Srpska on 22 and 23 November 1997 led to a change in the power relations between the different political parties. The Serb Democratic Party (SDS), under the unofficial leadership of Radovan Karadzic, remained the largest party with around 32% of votes. With 24 seats as compared with the 45 seats won in the 1996 elections, however, it lost its overall majority in parliament. The Muslim-led coalition for a Single and Democratic Bosnia and Herzegovina (KCD) won 16 seats, while the Serb Radical Party of the Serb Republic (SRS), an ally of the SDS, won 15 seats, the same number as the recently-established Serb National Alliance (SNS) headed by Biljana Plavsic. The Socialist Party, which has links with Slobodan Milosevic's Soc-

ialist Party of Serbia, won 9 seats and the Social Democratic Party (SDP) and Party of Independent Social Democrats (SNSD) each won two seats in the 83-seat parliament.

65. With the hard-line supporters in the newly-elected parliament of Republika Srpska only holding 39 of the 42 seats needed for a majority, there were considerable difficulties in forming a new government. The High Representative, Carlos Westendorp, warned that he would remove obstructionist hard-line deputies from parliament by mid-February if the wrangling over the formation of a government continued.

66. On 12 January 1998, the newly-elected parliament of Republika Srpska was finally constituted. After a walk-out of 39 hard-line deputies, moderate Serb and Muslim deputies on 18 January voted for Mr Milorad Dodik, leader of the Independent Social Democrat party, as Prime Minister of the new government in which the radical nationalists do not participate. The 21 members of the new Government of Republika Srpska under the Prime Minister, Milorad Dodik, were sworn in on 1 February 1998. The Parliament decided to transfer the seat of government from Pale to Banja Luka. It was also decided to abolish all the laws adopted by the previous parliament which was dominated by radical nationalists.

67 Mr Dodik pledged strict implementation of the Dayton Peace Agreement and promised to accelerate privatisation of the economy. He also pledged to end censorship and to separate the government from the Serbian Orthodox Church, which has supported the hard-liners. Mr Dodik asked the High Representative for US\$ 30 million in start-up funds for his government.

68 European Union ministers immediately agreed on a US\$ 6.6 million aid package, which was to be used to pay the salary arrears of police, teachers and others, consolidating the authority of the new government. This decision was followed on 26 January 1998 by a pledge from the World Bank of US\$ 17 million credit, the first element of a US\$ 65 million programme of reconstruction aid which is now becoming available in its entirety. Mr Dodik has also promised an operational plan to encourage Muslim or Croat refugees to return, which would require action in all parts of the country because so many refugees have taken possession of the

⁷ *Le Monde*, 19 March 1998

homes of other refugees⁸. On 27 January 1998, the Contact Group for Bosnia stated that the international community was ready to back the new government of Republika Srpska under the Prime Minister, Milorad Dodik

69. Once Mr Dodik's new government has drafted a full budget, it will be eligible for a substantial part of the US\$ 1.5 billion in aid pledged by the international community for the reconstruction of Bosnia and Herzegovina. So far, Republika Srpska has only received 5% of the total amount of aid pledged

70. On 16 February, President Biljana Plavsic nominated General Mounir Talic to replace General Pero Colic, a supporter of Radovan Karadzic, as the commander of the armed forces. General Talic is known to support President Plavsic in her power struggle with Karadzic

6. The transfer of Eastern Slavonia to Croatia

71. On 15 January 1998, the United Nations Transitional Administration in Eastern Slavonia (UNTAES) transferred control over this enclave to the government of Croatia. In agreement with the government, a 180-strong United Nations civilian police force will stay in Eastern Slavonia for a maximum period of nine months. The OSCE will maintain a 250-strong monitoring mission until the end of 1998

72. It will be remembered that in the autumn of 1991, Serbian troops took possession of this enclave in a violent offensive which reduced the regional capital, Vukovar, to ruins and forced some 80 000 Croats into exile. Their homes are now occupied by around 60 000 Serb refugees, many of whom were expelled from their homes in the Krajina region by Croats. On the other hand, the Croat administration is not allowing ethnic Serbs to return to houses from which they were driven in other parts of Croatia, despite the promises that were given to the United Nations

73. Contrary to general expectation, there was no massive Serb exodus before the enclave was handed over to the Croatian Government. Out of 150 000 Serbs present in Eastern Slavonia at the end of 1995, only 50 000 have left⁹. On the other hand, only very few of the 80 000 Croats

expelled in 1991 have come back to their original homes. Among the reasons for this extreme reluctance to return are the disastrous economic situation in the region with the unemployment rate between 80 and 90%, very slow reconstruction work with only 1000 homes repaired out of a total of 40 000 declared ravaged and continuing animosity between the ethnic communities.

74. The office of the United Nations High Commissioner for Refugees (UNHCR) has been managing a two-way flow of displaced Croats going back to Eastern Slavonia and Serbs returning to Western Slavonia

75. The Government of Croatia and local administrations have so far followed through on promises to establish police, judiciary and educational systems which reflect the pre-war multi-ethnic composition of the population. The regional police force is more or less split in half between Serbian and Croatian officers. Judicial appointments have also been divided between Serbian and Croatian legal authorities. School books will be available in both the Cyrillic and Latin alphabets. Approximately 40% of public sector jobs have been reserved for Serbs

76. At the beginning of February 1998, the Croatian Government annulled a decree which enabled Croat refugees to evict Serb occupants from state-owned apartments in Eastern Slavonia which the Croats occupied before the war

77. The latest news from Eastern Slavonia, however, is not encouraging. Relief agencies and the OSCE are pointing out that Serbs are being driven out piecemeal because of harassment and administrative ethnic cleansing. It is reported that about half the Serbs living in Eastern Slavonia two years ago have now left while the number of departures is rising daily

78. According to the UN High Commissioner for Refugees, at least 25 000 ethnic Serbs from the region are now in the FRY, while thousands more have gone to Republika Srpska¹⁰.

79. An address delivered by President Franjo Tudjman to the fourth congress of his political party, HDZ, on 21 February 1998, caused concern in many organisations and countries which have an interest in the implementation of the Dayton Agreement. In that address, President

⁸ *Financial Times*, 27 January 1998

⁹ *Le Monde*, 16 January 1998.

¹⁰ *International Herald Tribune*, 20 March 1998

Tudjman stated his opposition to all foreign "interference" in his country's internal affairs. He also confirmed his policy to defend the "existential rights" of Croats in Bosnia and Herzegovina and even hinted that borders would be challenged.

80. The British Presidency of the European Council, reacting in a statement issued on 26 February, stated that the Croatian President's remarks cast "serious doubt upon Croatia's commitment to the territorial integrity of Bosnia and Herzegovina and its willingness to include ethnic Serbs and other minorities as full and equal members of the Croatian society."

81. The North Atlantic Council, in a declaration of 5 March, called on Croatia to promote and allow the return of refugees and displaced persons to their places of origin in Croatia and throughout the region. It also reminded Croatia of its obligations under the Dayton Agreement "the respect of which will be critical for the development of relations between NATO and Croatia".

7. SFOR and its successor force

82. There cannot be the slightest doubt that the presence of foreign military troops in Bosnia and Herzegovina, initially in IFOR and from 20 December 1996 in SFOR, has been vital for keeping the fragile peace and indispensable for helping to implement the Dayton Peace Agreement. Virtually all the states with an interest in lasting peace in Bosnia and Herzegovina and which are also participating in the present SFOR had come to the conclusion at an early stage that a continued foreign military presence would be needed after June 1998.

83. The essence of the prevailing opinion can be found in the conclusions of the Peace Implementation Conference in Bonn on 9-10 December 1997, where it was stated:

"The Council thanked SFOR for providing the secure environment necessary for the civilian implementation of the Peace Agreement and for the increased assistance rendered in this field. The Council recognised and supported the emerging consensus on the need for a military presence to continue beyond June 1998, considering it indispensable for the maintenance of a

stable security environment and, in particular, for helping create secure conditions for the conduct by the High Representative, as well as by the UN, OSCE and other international organisations, of tasks associated with the Peace Agreement

The Council stressed that the presence of IFOR and SFOR has been the greatest single contributor to sub-regional security since the signing of the Peace Agreement and will continue to be in the short to medium term. It welcomed NATO's plans to consider options for a multinational follow-on force to SFOR beyond June 1998. The Council stated that any follow-on force should provide appropriate support to civil implementation while being readily available and effective enough to respond quickly to events on the ground in and across Bosnia and Herzegovina "

84. In November 1997, the High Representative in Bosnia, Carlos Westendorp, had already declared that it would take at least two or three years before foreign troops would no longer be needed in Bosnia. On the 26th of that same month, the military authorities of NATO's Permanent Council submitted a report on SFOR's operations over the first 12 months of its mandate, including an analysis of the current situation on the ground and the tasks yet to be accomplished

85. At that time, the Chairman of NATO's Military Committee described the situation in Bosnia as still "fragile" and "unpredictable" with very slow progress and the strategic goals of the Bosnian parties differing. It was also said that the peace process could collapse in the absence of a prolonged military presence. One month later, on 16 December 1997, NATO's Foreign Ministers, meeting in the framework of the North Atlantic Council in Brussels, approved the politico-military directive on the options for a post-SFOR force in Bosnia.

86. The NATO Council's directive mentioned among other things the desire for the forces to be concentrated in sensitive areas. Any reductions in current forces should be proportional for all contributors. In the case of reductions, there was to be a more flexible and mobile concept of operations

87 Four different options were considered for the successor force

(a) total withdrawal of all foreign troops with no follow-up force,

(b) a purely deterrent force which is mainly deployed outside Bosnia and smaller in number,

(c) a deterrent force of 20 000 to 25 000 men with more muscle-power on the ground;

(d) keeping the force at the current level of SFOR with a slight reduction to some 30 000 men until after the general elections in Bosnia in September 1998.

88. It is to be noted that in the decision-making procedure for the SFOR successor force, it is the planning staff of SACEUR that drafts the options. These options are examined by NATO's Military Committee which presents a memorandum with its own recommendations to NATO's Permanent Council which takes the final decision. Initially, SACEUR had set 1 May 1998 for a decision.

89 United States authorities also brought new elements to the discussion, in particular regarding police forces

90 At the NATO Council meeting on 16 December 1997, the US Secretary of State, Madeleine Albright, called on Europeans to shoulder more of the cost of training and equipping the police in Bosnia and Herzegovina. She said that the flexibility of SFOR could be increased if Europeans took on more tasks of the IPTF by deploying military police such as the French Gendarmes or the Italian Carabinieri. Secretary Albright wondered why the US had provided 90% of the funds for training and equipping of the Bosnian police when the maintenance of law and order is vital to any withdrawal strategy.

91. Defence Secretary William Cohen emphasised that any NATO military involvement beyond June 1998 should include a gradual shift of security responsibilities from regular soldiers to a strengthened international police force in which Europe should assume a greater share.

92. The IPTF, many argue, is hemmed in by a weak mandate and faulty UN recruiting procedures. The new international police force should

fill the gap between armed NATO soldiers and unarmed police trainers. It has been suggested that the armed police should first work alongside NATO troops. As they grow in number and the security issues in Bosnia become increasingly civilian in nature, they could eventually replace NATO forces.

93. US Senator Biden¹¹ has even proposed that the Europeans organise a well-armed paramilitary police force which would enable the bulk of foreign military troops to shift their mission from patrolling the boundary lines between the two Entities to securing the countries' international borders.

94 SFOR has found itself overwhelmed by civil tasks such as supervising elections and helping resettle refugees, because there has not been any support provided by the UN and the other international organisations that were supposed to carry out those jobs.

95 The US Defence Secretary, William Cohen, pointed out that the US is contributing five to six times as many police officers to IPTF as any other country.

96. In discussions with Javier Solana, the UN Secretary-General's Special Envoy for Bosnia, Elisabeth Rehn, has pleaded in favour of the IPTF being allowed to continue with its work. One of the problems discussed was the coordination between the IPTF and the military police of the future post-SFOR. A military police force of some 1000 troops might not be enough to accomplish the tasks envisaged. Retention of the IPTF and cooperation with the new military police force will therefore be necessary.

97 At its meeting in mid-February 1998, the NATO Council discussed the possibility of setting up a Special Force, responsible for assuming a role of public order maintenance in Bosnia. This task could take on increased importance once refugees start to return *en masse* while a vacuum exists between the IPTF and SFOR. Another solution could be a combination of different measures, including strengthening the IPTF, intensified training for the local police force and identification of SFOR elements with experience in maintaining public order.

¹¹ *International Herald Tribune*, 18 December 1997

98. On 17 December 1997, the Russian Foreign Minister, Yevgeny Primakov, declared that Russian troops would participate in a SFOR follow-up force. The next day President Clinton announced that he had decided in principle that US troops should be part of a NATO-led follow-on military force in Bosnia. The President made it clear, however, that the plan for a successor force should meet the following key criteria:

- the mission "must be achievable" and tied to "concrete benchmarks, *not a deadline*", and must have "clear objectives that when met will create a self-sustaining, secure environment and allow us to remove our troops";
- the force has to be smaller but sufficient in number and in equipment to achieve its mission and protect itself in safety;
- the United States must retain command of the force;
- the European allies should assume their share of responsibility;
- the mission's cost must be "manageable";
- the plan "must have substantial support from Congress and the American people"

The High Representative, Carlos Westendorp, said at the beginning of February 1998 that the SFOR follow-up force should remain in place for three more years

99. On 18 February 1998, NATO's Permanent Council decided to continue its operation in Bosnia after the mandate of the current SFOR expired. NATO's Permanent Council adopted the earlier mentioned option (d) with the new force being more concentrated in certain key points and more mobile. This decision was based on the hypothesis that the situation will improve in Bosnia and that peace will be consolidated, at the same time allowing for a gradual transfer of responsibilities to the local authorities¹².

100. Until the elections in September, the new SFOR will have approximately the same number of men (\pm 35 000) and this will then be reduced to 20 000-25 000 if the situation allows. No

precise duration has been included in the mandate, but the NATO Council will undertake a periodic review of the situation on the ground and of the SFOR mission every six months. The reduction between now and June will notably affect 1 500 US military personnel.

101. Suggestions made by the US Government to include military police elements in the new force was taken on board but the practical details have not yet been stipulated

102. It is known that the United Nations needs more resources to enable the IPTF to implement its mandate. This problem can partly be handled through specific national programmes. At the same time, more pressure should be exerted on local authorities to activate their police forces. SFOR also needs more training to handle civil unrest in emergencies

103. It was also realised, however, that the shortcomings in the present police forces cannot always be appropriately dealt with by military forces. There are a number of situations in which this applies, in particular civil disturbances which may occur when new multi-ethnic governments are installed or have their meetings or when refugees are returning to minority areas. For such occasions, specialised units, totalling some 800 troops will be incorporated into and come under SFOR command and will most likely be centrally deployed.

104. The statement of the North Atlantic Council of 20 February 1998 mentions, among other things, the following.

"The new NATO-led multinational force will retain the well-established name SFOR. It will have the mission to deter renewed hostilities and to contribute to a secure environment for the ongoing civil implementation efforts in order to stabilise and consolidate the peace in Bosnia and Herzegovina. It will have an enhanced capability to help promote public security in close cooperation with the Office of the High Representative, the UN International Police Task Force and the authorities of Bosnia and Herzegovina

The force will continue to provide broad support for the implementation of the civil aspects of the Peace Agreement including the promotion of democratic institutions,

¹² *Atlantic News*, 18 February 1998

support for OHR, IPTF, UNHCR, OCSE, ICTY and other international civil agencies and assistance in carrying out humanitarian tasks. As part of a transition strategy, the extent of support over time should be adapted to developments in the political and security situation and to progress in the implementation of the civil elements of the Peace Agreement including the autumn elections in Bosnia and Herzegovina. Force levels will therefore be reviewed later this year and at regular intervals with the aim of achieving both progressive reductions in the size, role and profile of the force as part of the transition, strategy and the transfer of responsibilities to the common institutions, other civil authorities, the UN, the High Representative, the OSCE and other international organisations as appropriate.”

105. SACEUR and NATO military authorities are now preparing an OPLAN (Operational Plan) to be examined by the Permanent Council towards the end of April, in consultation with the other contributing nations. SHAPE works with other contributors through the Coordination Cell Command and rules of engagement will be comparable to the current force, as will military arrangements for incorporation of Russian forces

106. The main activity for the new SFOR is to prevent a resumption of hostilities and maintain the broad support necessary for civil implementation. Key military tasks will include maintaining a deterrent presence in the country and contributing, in a similar manner to SFOR's current approach, to a secure environment in which the international community can implement the Peace Agreement. Key supporting tasks include providing, on a case-by-case basis, support to the High Representative and other principal civil organisations. at the UNHCR this will entail promoting phased and orderly returns of refugees and displaced persons, at the OHR (Office of the High Representative) and OSCE it will involve the monitoring of elections and installation of elected officials, as well as reform of the media; at the IPTF (International Police Task Force) there will need to be efforts directed towards creating a reformed and restructured local police, but without undertaking civil police tasks. the ICTY will have to continue its work concerning

war criminals, implementing vigorously the current policy on their detention¹³.

107. SACEUR is now expected to present its OPLAN to NATO's Military Committee on 20 April. The composition of SFOR will be changed slightly. The United States will reduce its contingent from 8 500 to 6 000 troops. The Malaysian contingent will be reduced, while the Ukrainian contingent will be increased. A 500-strong Belgian/Luxembourg battalion of mechanised infantry will be added, and both the European Corps and Eurofor will participate.

108. The detailed arrangements for the specialised unit of some 800 military police for operations to maintain public order have not yet been defined. Neither have the unit's tasks, composition and its relations with SFOR and the IPTF been decided yet. This unit, it will be remembered, was suggested by the United States in order to make the role of the Europeans in SFOR more visible and it was to be under the command of a French national. Strangely enough, several European countries have voiced their opposition and it is expected that Italy will now provide the main part of this unit, probably with contributions from Spain and Argentina¹⁴.

Part II: The situation in Kosovo

1. Kosovo

109. In the last Defence Committee's report on Europe's role in the Balkans¹⁵, it was pointed out clearly that the situation in Kosovo was deteriorating seriously. Sadly, recent violence in that part of the Federal Republic of Yugoslavia has only confirmed this foreboding.

110. When recapitulating developments in Kosovo, it should be remembered that Serbs look on this province as the cradle of their nation. In the Middle Ages, it was from Kosovo that the Serbs established their Balkan empire which reached its pinnacle under Emperor Stefan Dusan (1308-1355). Before the end of that century, however, in 1389, the Serbs were defeated at the battle of Kosovo Polje by the Turks who soon

¹³ *Atlantic News*, 25 February 1998.

¹⁴ *Atlantic News*, 9 April 1998.

¹⁵ *Europe's role in the prevention and management of crises in the Balkans*, Rapporteur Mr Blaauw, Assembly Document 1589.

occupied a large part of the Balkans, staying there until the 19th century and with varying degrees of success became involved in disputes and battles over territory with Austria and Hungary

111. At the beginning of the 19th century, the Serbs started fighting for independence but this was not recognised until the Treaty of Berlin was signed in 1878. After a victory over the Turks in the first Balkan war, Serbia acquired Kosovo in 1913.

112. The Kosovar Albanians consider themselves to be Illyrians, who have been living in Kosovo since prehistoric times having been conquered by the Serbs. The Serbs, however, argue that the Albanians occupied the Kosovar lands when, at the end of the 17th century, the vicissitudes of the war between Austrians and Turks obliged them to leave their lands in order to settle in what is now Vojvodina.

113. Slobodan Milosevic started his campaign for a "greater Serbia" in 1987 with a fiercely nationalistic speech in Kosovo Polje, generally considered as the prelude to the war in former Yugoslavia. In 1989, the government in Belgrade stripped Kosovo of its autonomy, guaranteed under the Federal Constitution of 1974, dissolved the government and assembly and placed it under martial law. An estimated 40-45 000-strong Serb police force is helping to rule Kosovo with an iron hand.

114. Under the leadership of Ibrahim Rugova, who organised disciplined and non-violent resistance, the Kosovar Albanians set up a shadow government, schools and clinics. They collected their own taxes, and diplomas and certificates were issued by the Republic of Kosovo which is not an officially-recognised republic.

115. In 1992 Ibrahim Rugova was elected by an overwhelming majority as President of the Republic of Albanians in elections which were considered illegal by the government in Belgrade. In recent years, the government in Belgrade has resettled in Kosovo some 25 000 Serb refugees who were expelled from Croatia, Bosnia and Herzegovina and other parts of former Yugoslavia during the armed conflict.

116. At the same time, hundreds of thousands of inhabitants have left Kosovo, some for political, but most of them for economic reasons. In

Germany alone, some 140 000 Kosovar Albanians are seeking asylum.

117. The economy in Kosovo is a disaster. In 1992, the Albanian leaders decided to cancel political and economic cooperation with the Serb authorities. The official economy then almost ceased to exist and what was left suffered heavily from the economic sanctions against the FRY. With an unemployment rate of 85%, an increasing number of people have to earn money on the black market and by smuggling and gunrunning. The Institute for Economy in Kosovo's capital, Pristina, calculates income from regular jobs at not much more than 10%. Albanians abroad are being taxed in order to contribute to the functioning and maintenance of their "independent" Kosovar republic.

118. For a number of years, Kosovar Albanians have followed the advice of Ibrahim Rugova to confine themselves to peaceful protests against Serbia's uncompromising attitude. The failure to win concessions from the central government in Belgrade, combined with the decision at the Dayton Peace Agreement negotiations to ignore the question of Kosovo, left Kosovar Albanians increasingly frustrated and this has resulted in more radical claims.

119. At the beginning, Albanians had hoped to regain their provincial autonomy. Now, it is reported that they are clamouring for the establishment of a Republic of Kosovo within the Federal Republic of Yugoslavia, on an equal footing with the Republic of Serbia and the Republic of Montenegro, but according to many other Albanians the only solution is a completely independent republic or integration into Albania.

120. In 1996, the UÇK (Ushtria Çlirimtare e Kosovës, or Kosovo Liberation Army) started mounting terrorist operations, including not only attacks on Serb police officers and civilians but also on Albanians who were accused of collaborating with Serbs.

121. Since it surfaced in August 1996, the UÇK has claimed responsibility for the killing of more than 50 people. It is not known how many people belong to this shadowy organisation but informed guesses do not exceed hundreds. Some of its members take advantage of their training in the armed forces of former Yugoslavia.

122 Also in 1996, President Slobodan Milosevic and Ibrahim Rugova concluded an agreement under which the Kosovar Albanians could continue to be educated in their own language. When the agreement was not implemented, Mr Rugova, confronted with diminishing support for his moderate policy, had no other choice than to make his demands more radical.

123. Many countries recommended the government in Belgrade to adopt a more flexible attitude on this issue, but President Milosevic persisted in his view that Kosovo is an internal affair for which no outside mediation can be accepted. A majority of Serbs support President Milosevic's opinion that no concessions can be made to grant Kosovo a form of autonomy because this province is the heartland of Serbia's early history and is also the site of most of its important religious monuments. This did not prevent President Milosevic on 4 November 1997 from agreeing with the Albanian President, Fatos Nano, to consult closely on the future of Kosovo.

124. At the end of November 1997, the Foreign Ministers of France and Germany exhorted the political leaders of Serbian and Kosovar Albanians to start a dialogue about Kosovo's future. In December 1997, Bujar Bukoshi, Prime Minister of the self-proclaimed "Republic of Kosovo" declared that the Kosovar Albanian leaders had to abandon their "extreme passivity" because that was "utopic".¹⁶

125 This new radicalism among Albanians in turn provoked a more extreme attitude on the part of the Serb and Montenegrin minority in Kosovo, whose leader, Bogdan Kecman, publicly incited his comrades to take up arms in order to liberate themselves from the "Albanian terrorists".

126 In this atmosphere of mounting unrest, accompanied by an increasing number of terrorist acts, many governments and international organisations, concerned by the situation in the Balkans, repeatedly called for dialogue between the government in Belgrade and the Kosovar Albanians in order to resolve the problems in Kosovo.

127 A Contact Group meeting¹⁷ in Moscow on 25 February 1998 issued a statement on Kosovo, confirming its earlier position expressed in the New York Declaration of Foreign Ministers of 24 September 1997 as well as in the Washington Contact Group Declaration of 8 January 1998. In these statements, the Contact Group outlined its principles for a mutually acceptable solution for Kosovo within the Federal Republic of Yugoslavia (FRY)

128. Among other things, it declared the following in its Moscow statement

"The Contact Group agreed that both sides should be reasonable and flexible and focus on immediate steps to reduce tensions – bearing in mind the overriding need to avoid conflict and violence. It expressed continuing support for full and rapid implementation of the Education Agreement, recognising its importance as a step for the promotion of stability in the region. It called on the authorities in Belgrade and leadership of the Kosovar Albanian community to enter without preconditions into a full and constructive dialogue to deal with the underlying social, economic and status problems.

The Contact Group reiterated that it supported neither independence nor the maintenance of the *status quo*. The principles of the solution of the Kosovo problem should be based on the territorial integrity of the Federal Republic of Yugoslavia, taking into account the rights of the Kosovar Albanians and all those who live in Kosovo in accordance with OSCE standards, Helsinki principles and the UN Charter. The Contact Group supports an enhanced status for Kosovo within the FRY and recognises that this must include meaningful self-administration.

The Contact Group reiterated their view that the FRY needs to address this question urgently, and that making progress to

¹⁶ *NRC-Handelsblad*, 17 January 1998

¹⁷ The International Contact Group was set up in April 1994 in order to coordinate the policy of the countries concerned regarding the situation in Bosnia and Herzegovina. The Contact Group countries are France, Germany, Italy, Russia, the United Kingdom and the United States.

resolve the serious political and human rights issues in Kosovo is critical for Belgrade to improve its international position and relations with the international community. The Contact Group expressed its readiness to facilitate dialogue "

129 After a long period of growing tension between Albanians and Serbs in Kosovo, violence erupted on 28 February 1998 when, according to official statements, masked rebels of the Kosovo Liberation Army attacked a police patrol near the village of Likosane in central Kosovo, killing two policemen. Five rebels were killed by the police. Police reinforcements, supported by helicopters and armoured personnel carriers, sealed off the Drenica area where the KLA has established bases in order to crack down on the guerrilla fighters. During this operation at least 14 Albanians, including women and children, and four Serb policemen were reportedly killed.

130 On 2 March, a mass demonstration of Albanians in Kosovo's capital Pristina against the action of the Serb police again led to clashes between demonstrators and the police, leaving about 300 wounded and one killed.

131 On 5 March, the Serb police carried out another "retaliatory action" in ethnic Albanian villages in which, according to the Interior Ministry, "20 terrorists" and two policemen were killed in the Drenica region. After further operations on 6 March, the Serbian police declared that it had "destroyed the core" of the KLA, killing guerrilla leader Adem Jashari.

132 On 8 March, the Serb deputy chief of Kosovo Province, Veljko Odalevic, declared that "the operation to liquidate the heart of Kosovo terrorism has ended". Altogether, the events that took place early in March resulted in at least 80 fatalities.

133 On 4 March, the US special envoy, Robert Gelbard, threatened President Milosevic with military intervention in the event of a conflict in Bosnia. He condemned the KLA's "terrorism" but said that the Serbs had an "overwhelming" responsibility for the crisis in Kosovo.

134 The British Foreign Secretary, Robin Cook, representing the EU Presidency, told President Milosevic on 5 March to re-establish Kosovo's provincial autonomy and to implement

the 1996 agreement on reintegration of the Albanians in Kosovo's educational system. At the same time, he declared that the EU was opposed to secession or full independence for Kosovo.

135 In a statement on 6 March 1998, the President of the WEU Assembly said that the events in Kosovo constituted a threat to international peace within the meaning of Article VIII of the modified Brussels Treaty.

136 Also on 6 March 1998, the German Foreign Minister, Klaus Kinkel, called among other things for a continued presence of UNPREDEP in FYROM and for a reinforcement of WEU's MAPE mission in Albania.

137 The United States withdrew four concessions recently granted to the FRY to reward it for its cooperation in the implementation of the Dayton Agreement. These concessions were landing rights for Yugoslav airlines, a lifting of the ceiling on the number of Serb diplomats at the United Nations, the opening of a Yugoslav consulate in the United States and an invitation to join the Southern European Cooperation Initiative¹⁸.

138 Also on 6 March, the Russian Foreign Ministry issued a statement in which it condemned any foreign intervention in the conflict in Kosovo as "unacceptable". It also invited the international community to find a solution to the problem under strict observance of the territorial integrity of the FRY.

139 Russia's attitude has been explained with reference to the religious and ethnic background shared by Russians and Serbs. Another important reason for Russia's behaviour may be its determination to show its independence in international politics where the United States is trying to impose itself as the unchallenged leader.

2. Reactions of international and supranational organisations

140 All the neighbouring countries, and also the United States, Russia, the EU, WEU, NATO and the OSCE expressed their fear that the explosive situation in Kosovo could escalate and lead to a Bosnia-like conflict, spreading to other countries in the region. There were numerous calls for dialogue between the government in Belgrade and the Kosovar Albanians.

¹⁸ *International Herald Tribune*, 6 March 1998.

141 On 9 March, the Foreign Ministers of the Contact Group countries met in London in order to discuss the action to be taken in the crisis in Kosovo. Russia, supporting Mr Milosevic's claim that Kosovo is an internal matter, was represented by the Deputy Foreign Minister, Nikolaj Afanasjenko. In its statement, the Contact Group condemned "the use of excessive force by Serbian police against civilians and against peaceful demonstrators in Pristina on 2 March". At the same time, it condemned "terrorist actions by the Kosovo Liberation Army or any other groups or individuals". It called on the Kosovar Albanians to make it clear that they abhorred terrorism and insisted that "those outside the FRY who are supplying finance, arms or training for terrorist activity in Kosovo should immediately cease doing so".

142 The Contact Group condemned the "large-scale police actions ... that further inflamed an already volatile situation" which it considered were "disproportionate methods of control". In its opinion, "government authorities have a special responsibility to protect the human or civil rights of all citizens and to ensure that public security forces act judiciously and with restraint".

143 The Contact Group then took wide-ranging actions to address the crisis. Among other things, this included

- a request for a mission to Kosovo by the United Nations High Commissioner for Human Rights,
- support for the proposal for a new mission for Felipe González as the Personal Representative of the OSCE Chairman-in-Office for the FRY that would include a new and specific mandate for addressing the problems in Kosovo;
- support for the return of the OSCE long-term missions to Kosovo, the Sandjak and Vojvodina;
- support for Sant'Egidio's efforts to secure implementation of the Education Agreement;
- a recommendation that consideration be given to adapting the current UNPREDEP mandate, with support for

the maintenance of an international military presence on the ground in the Former Yugoslav Republic of Macedonia when the current mandate of UNPREDEP expires

144 In order to force the FRY to take action, the Contact Group endorsed the following measures to be pursued immediately

1. UN Security Council consideration of a comprehensive arms embargo against the FRY, including Kosovo,
2. Refusal to supply equipment to the FRY which might be used for internal repression, or for terrorism;
3. Denial of visas for senior FRY and Serbian representatives responsible for repressive action by FRY security forces in Kosovo;
4. A moratorium on government-financed export credit support for trade and investment, including government financing for privatisation, in Serbia

145 The Russian Federation did not agree that the measures under 3 and 4 should be imposed immediately

146. The Contact Group further called upon President Milosevic to take rapid and effective steps to stop the violence and engage in a commitment to find a political solution to the Kosovo problem through dialogue. Specifically, he should within ten days

- withdraw the special police units and cease action by the security forces affecting the civilian population,
- allow access to Kosovo for the ICRC and other humanitarian organisations as well as by representatives of the Contact Group and other embassies;
- commit himself publicly to begin a process of dialogue with the leadership of the Kosovar Albanian community;
- cooperate in a constructive manner with the Contact Group in the implementation of the actions they specified which required action by the FRY Government

147. A new meeting of the Contact Group to assess the response of the Government of the FRY was to take place on 25 March

148. Finally, as regards the core issue involved, it made the following statement.

“We support neither independence nor the maintenance of the *status quo*. As we have set out clearly, the principles for a solution of the Kosovo problem should be based on the territorial integrity of the Federal Republic of Yugoslavia, and be in accordance with OSCE standards, Helsinki principles, and the UN Charter. Such a solution also must take into account the rights of the Kosovar Albanians and all those who live in Kosovo. We support an enhanced status for Kosovo within the FRY which a substantially greater degree of autonomy would bring and recognise that this must include meaningful self-determination.

The way to defeat terrorism in Kosovo is for Belgrade to offer the Kosovar Albanian community a genuine political process. The authorities in Belgrade and the leadership of the Kosovar Albanian community must assume their responsibility to enter without preconditions into a meaningful dialogue on political status issues. The Contact Group stands ready to facilitate such a dialogue.”

149. On 10 March, the Secretary-General of WEU, José Cutileiro, declared

“WEU is extremely concerned by the situation in Kosovo, Federal Republic of Yugoslavia (FRY), in light of the deplorable violence in recent days

Today the Council heard reports on recent EU and NATO activities as well as on the Contact Group meeting held in London on 9 March. WEU supports all efforts to bring an end to acts of repression in Kosovo, condemns terrorism and calls for a peaceful dialogue between the authorities in Belgrade and the leadership of the Kosovar Albanian community

WEU will continue to monitor the situation closely.”

150. On 12 March, the European Conference, a first summit meeting of the heads of state and of government of the 15 EU members and of the 11 candidates for accession, supported earlier declarations on Kosovo made by international bodies and gatherings and issued a statement to emphasise its determination to play a full part in international efforts to promote a solution to the Kosovo crisis. Among other things it was stated:

“Such a solution should be based on the territorial integrity of the Federal Republic of Yugoslavia, and be in accordance with OSCE standards, Helsinki principles, and the UN Charter. It must also take into account the rights of the Kosovar Albanians and all those who live in Kosovo. The EU supports an enhanced status for Kosovo within the Federal Republic of Yugoslavia. They see no prospect of the development of any aspect of the EU’s relations with the FRY, including trade measures, unless Belgrade’s approach to the Kosovo crisis changes to an emphasis on dialogue and a political solution. They call on the Belgrade authorities and the Kosovar Albanian leadership to take a constructive approach in a genuine dialogue.”

3. The common position of the European Union and the second Contact Group meeting on Kosovo

151. Following the declaration of the European Conference on 12 March and the discussions at the informal meeting of the Ministers of Foreign Affairs of the EU in Edinburgh on 13 and 14 March 1998, the European Union issued its common position on restrictive measures against the Federal Republic of Yugoslavia.

152. The declaration noted that the use of force against the Kosovar Albanian community in Kosovo constituted an unacceptable violation of human rights, endangering security in the region. The EU decided to impose the following sanctions.

“1. The embargo on arms exports to the former Yugoslavia established in 1996 is confirmed

2. No equipment which might be used for internal repression or for terrorism will be supplied to the FRY.

3. A moratorium will be implemented on government-financed export credit support for trade and investment, including government financing for privatisations, in Serbia

4. No visas shall be issued for senior FRY and Serbian representatives responsible for repressive action by FRY security forces in Kosovo.”

153. The EU's declaration also noted clearly what the FRY was expected to do, stating the following

“The sanctions set out in the Common Position will be reconsidered immediately if the Government of the FRY takes effective steps to stop the violence and engage in a commitment to find a political solution to the issue of Kosovo through a peaceful dialogue with the Kosovar Albanian Community, in particular by withdrawing the special police units and ceasing action by the security forces affecting the civilian population, allowing access to Kosovo for the International Committee of the Red Cross and other humanitarian organisations as well as by representatives of the EU and other embassies, committing itself publicly to begin a process of dialogue with the leadership of the Kosovar Albanian Community, cooperating in a constructive manner in order to implement the action set out in the Contact Group statement. Failing progress on these points, further measures – and in particular a freeze on the funds held abroad by the FRY and Serbian Governments – would be taken”

154. The European Council finally appointed Felipe González as Special Representative of the EU for the problems in the FRY including Kosovo, recognising that Mr González had already been nominated Special Representative of the acting President of the OSCE Council for the FRY

155. As already mentioned above, at its London meeting on 9 March, the Contact Group had agreed to meet again on 25 March to review developments in Kosovo and to follow up decisions reached at the London meeting

156. Mr Milosevic, an old hand at this kind of game, had been making enough concessions to divide his critics in the Contact Group. He had ordered the Bosnian Serb President, Milan Milutinovic, to go to Pristina for negotiations on certain conditions and he had allowed peaceful demonstrations while the special police units stopped their operations against Albanians. On 23 March, Serbs and Kosovar Albanians also reached an agreement on a separate, but equal educational system. But on 24 March there were renewed clashes between Albanians and Serbian police units with one policeman and two Albanians killed. To put it clearly, the special police units had not been withdrawn and Mr Milosevic had not committed himself to begin an unconditional dialogue with the leadership of the Kosovar Albanian community, as the Contact Group had demanded at its 9 March meeting in London

157. In preparation for the meeting on 25 March, many discussions took place between the governments concerned and Belgrade saw a sequence of diplomatic visits and approaches which is usual under such circumstances

158. Visiting Belgrade on 17 March, Russia's Foreign Minister, Yevgeny Primakov, declared that Russia starts from two principles when addressing issues of national minorities: “the principle of territorial integrity in the resolution of issues within a certain state, and granting wider self-government rights”

159. On the other hand, Russia was still blocking the adoption of a UN resolution on an arms embargo against the FRY which would suspend a US\$ 1.5 billion deal for heavy weapons which had earlier been concluded between Russia and the FRY.

160. On 19 March, the Foreign Ministers of France and Germany, Mr Védérine and Mr Kinkel, went to Belgrade to make a last-ditch effort to persuade President Milosevic to meet the conditions set by the Contact Group in its London meeting. After their meetings with President Milosevic and with the Bosnian Serb President, Mr Milutinovic, the Ministers stated that substantial progress had been made in discussions in Belgrade aimed at ending police attacks on Kosovar Albanians. Minister Kinkel was quoted as saying that “The demands we

made have, generally speaking, been met.¹⁹ On that same day, Italy and Russia suggested that they would oppose taking the hardest line against Belgrade. Only the United Kingdom and the United States had pushed consistently for tough action.

161. Most Western European governments have been reluctant in their reprisals against President Milosevic, because of their fear that a tough policy towards the government in Belgrade would only play into the hands of the ultra-nationalist Vojislav Seselj, who came close to winning the Serbian presidential election in 1997.

162. The meeting of the Contact Group on 25 March in Bonn finally resulted in a one-month extension of the earlier ultimatum to President Milosevic. The existing sanctions, an embargo on equipment for internal repression, a freeze on export subsidies for trade and investment in the FRY and a visa interdiction for Yugoslavian authorities responsible for the violence in Kosovo, were maintained and pledges were made by all, including Russia, to adopt a weapons embargo in the UN Security Council.

163. In its statement, the Contact Group insisted that "an urgent start be made to the process of unconditional dialogue with the leadership of the Kosovar Albanian community, involving federal and republic levels of government". It further considered that "since its meeting in London, there has been progress in some areas of concern, notably some movement in Belgrade's position on dialogue on a range of issues including the autonomy of Kosovo and the conclusion of the long-overdue agreement on implementation of the education accord".

164. Its overall assessment was that "further progress by Belgrade on certain points in paragraphs 6 and 7 of the London statement requiring action by the FRY and Serbian governments is necessary. Therefore we have agreed to maintain and implement the measures announced on 9 March, including seeking adoption by 31 March of the arms embargo resolution currently under consideration in the UN Security Council".

165. The Contact Group agreed to meet again in four weeks time to reassess the situation. It argued that "if President Milosevic takes the

steps specified in London, we will reconsider existing measures including action in the Security Council to terminate the arms embargo".

166. President Milosevic was urged "to cooperate fully with the mission of Mr Felipe González, a personal representative of the OSCE Chairman-in-Office and EU Special Representative".

167. The Contact Group reaffirmed its "strong opposition to all terrorist actions. ... This applies equally to Serbian police and Kosovar Albanian extremists". It welcomed Mr Rugova's "clear commitment to non-violence" and urged others in the leadership of the Kosovar Albanian community to "make their opposition to violence and terrorism both clear and public".

168. It applauded "the work of Sant'Egido and of the 3+3 commission in reaching agreement on measures to implement the 1996 Education agreement".

169. Finally, it once again repeated its fundamental position as follows:

"We support neither independence nor the maintenance of the *status quo* as the end-result of negotiations between the Belgrade authorities and the Kosovo Albanian leadership on the status of Kosovo. Without prejudging what that result may be, we base the principles for a solution to the Kosovo problem on the territorial integrity of the Federal Republic of Yugoslavia and on OSCE standards, Helsinki principles, and the UN Charter. Such a solution must take into account the rights of the Kosovar Albanians and all those who live in Kosovo. We support a substantially greater degree of autonomy for Kosovo which must include meaningful self-administration."

170. A comprehensive weapons embargo on the FRY, Resolution 1160, was adopted by the Security Council on 31 March 1998 with all members in favour except China, which abstained.

4. *The political situation in Serbia*

171. Serbia is likely to remain the troublemaker in the region as long as its political leadership is unreformed and undemocratic, clinging to an unreconstructed socialist economy which it controls to its own advantage. President Milosevic and

¹⁹ *Financial Times*, 20 March 1998.

his cronies still enjoy privileged access to hard currency from the Serbian central bank and benefit from lucrative special deals.

172 Serbia's economy is in very bad shape as a result of international sanctions and pervasive government corruption. Previous sanctions, resulting from earlier FRY measures regarding Kosovo and the war in Bosnia and Herzegovina, have made the FRY ineligible for international loans and aid programmes from the World Bank and the International Monetary Fund.

173. The European Union suspended certain preferential tariffs in January 1988 because of concerns over a number of human rights issues, including Kosovo.

174 The economic sanctions announced by the Contact Group – a freeze on more than \$100 million in state funds believed to be held overseas, and a moratorium on government-financed export credit support for trade investment – will most probably have a moderate effect if imposed. But the threat of such sanctions is holding back foreign investors and ruining business prospects in the FRY, where the economy has shrunk by 60% since 1989.

175 At the moment, President Milosevic's main concern seems to be self-preservation at any cost, and tragically enough, recent elections have shown that there is no credible or acceptable alternative. Domestic opposition remains weak and divided. The opposition Zajedno alliance, consisting of the Serbian Renewal Movement, the Democratic Party and the Civil Alliance which held massive anti-government demonstrations in late 1996 and early 1997, has completely disintegrated, mainly because of personal strife and the ambitions of its leaders. The manoeuvring of Vuk Draskovic, a one-time dissident and Zajedno leader, to form a coalition government with Mr Milosevic's once despised Socialist Party has again demonstrated the chaos of Serbian politics. The 1997 presidential and parliamentary elections demonstrated that Serb voters considered the radical nationalist and former warlord Vojislav Seselj as the only real alternative to Slobodan Milosevic.

176. In July 1997, Slobodan Milosevic was elected unopposed to be President of the Federal Republic of Yugoslavia (FRY). This election was staged because the Serbian constitution

barred him from running for a third term as Serbian President when his second term ended in December 1997.

177 The presidential elections in Serbia turned out to be an extremely complicated affair. A first election in two rounds, in September and October 1997, pitting Milosevic's protégé, Zoran Lilic, against Vojislav Seselj was deemed to have been invalid because the turnout in the second round was less than 50%. The second election in two rounds was held in December 1997 with Milosevic's crony, Milan Milutinovic, against Vojislav Seselj in the second round. This election which the OSCE claimed to be "fundamentally flawed", brought victory to Mr Milutinovic with 59.23% of the vote, against 37.57% for Mr Seselj.

178 The new Serb government, which was established on 24 March in Belgrade after six months of deliberations following the parliamentary elections of September 1997, won a vote of confidence in parliament with 169 in favour and 49 against. The coalition government is composed of representatives of Mr Milosevic's Socialist Party, Mira Markovic (Mrs Milosevic) the Yugoslav United Left (JUL, an alliance of industrial leaders and ideologists) which together have 110 seats, and of Vojislav Seselj's Serbian Radical Party (SRS) which has 82 of the total 250 parliamentary seats.

179 The government, led by prime minister Marko Marjanovic, a Milosevic supporter, includes 35 ministers of which 15 belong to Mr Seselj's party. Mr Seselj and his deputy, Tomislav Nolic, are two of the five vice-prime ministers.

180 The Serbian Renewal Movement (SPO) of Vuk Draskovic, who left the Zajedno opposition coalition in order to make a bid to become prime minister, is not participating in the government coalition.

181 Prime Minister Marjanovic declared that his government was resolved to fight Albanian "terrorism and separatism" in Kosovo with "all legal means". He assured minorities that they could "enjoy all rights, according to the highest international standards", but that "nowhere on earth was there a basis for dividing the territory of a state". He offered Kosovar Albanians "an open dialogue without preliminary conditions for

the best possible solutions in the field of human rights", but he called Kosovo "an inalienable part of Serbia"

182 Notwithstanding the brazenness which he has shown in the pursuit of his political objectives, Mr Milosevic has achieved little. He started the war in former Yugoslavia because he did not want Slovenia and Croatia to become independent. Later he had to resign himself to the secession of Slovenia. Then he lost the war against Croatia, even having to give up the originally dominant Serb regions of Krajina and Eastern Slavonia. Recently he has had to swallow the political defeat of his radical cronies in Republika Srpska. He came to power defending a radical nationalist programme. If he wants to maintain his power base, he cannot give up Kosovo, which is the last trump card he has to show his Serb supporters that he will always protect their historic rights and territory.

183 Most Serbs agree with Mr Milosevic's arguments for not giving up Kosovo but they are not very enthusiastic about joining forces and starting a new war. They have come to the conclusion that they lost the war in former Yugoslavia notwithstanding early success and victories and that economic disaster and grinding poverty in Serbia is the only tangible result of all the fighting.

184. President Milosevic's fanatic pursuit of his nationalist objectives in Serbia, which even after the war in former Yugoslavia is still multi-ethnic, may have consequences for the cohesion of his country.

185. There is a possibility that the call for independence in Kosovo and the nature of Mr Milosevic's reactions will have reverberations in Montenegro and parts of the Serb Republic such as Vojvodina, Sandjak and Sumadija, all of which harbour grievances against the government in Belgrade.

186 The clearest signs of opposition against Mr Milosevic can be discerned in Montenegro, the second of the two republics which together constitute the FRY. In August 1997, the run-up to the presidential elections in that republic caused a struggle between pro- and anti-Milosevic factions, resulting in a split in the ruling Democrat party of Socialists of Montenegro (DPSCG). President Momir Bulatovic and the

Prime Minister, Milo Djukanovic, stood as candidates for the rival factions.

187 In October 1997, Milo Djukanovic, who had voiced opposition to the Yugoslav President and favoured greater independence for Montenegro, was elected President in a second round of elections.

188 President Milosevic's inflexible attitude in the Kosovo crisis has been openly criticised by the President of Montenegro, Milo Djukanovic, who called Milosevic an "autocrat" who "demolishes the Yugoslavian institutions". He also said that the FRY is not being threatened by any separatism, as claimed by Mr Milosevic, but only by the continuation of his political and economic criminality.²⁰

189. Since coming to power, President Djukanovic has been striving to obtain economic independence for Montenegro and he has already started to introduce economic reform.

190 In April 1998, President Djukanovic visited several Western capitals in order to seek support for his policy. On his visit to Paris, he declared that the policy of the FRY "inevitably leads to disaster" and to the "collective suicide" of the country.²¹

191 Out of a total population of 650 000 inhabitants, there are 45 000 Albanians in Montenegro. Mr Djukanovic favours the "greatest possible autonomy" for the Kosovar Albanians and accepts the principle of international mediation.

192 The positions taken by President Djukanovic are relevant for the policy of the FRY because, despite its smaller size, Montenegro has the same weight in votes on matters regarding the policy and constitution of the Federation. Western capitals have therefore set their sights on the President of Montenegro to alter Yugoslav policy in Kosovo.

5. The risk of the conflict in Kosovo spreading to neighbouring states

193 There is a widespread popular belief, especially favoured by the media, that a conflict in Kosovo will lead to a new and even more extensive war in the Balkans. Commentators are in-

²⁰ *NRC-Handelsblad*, 30 March 1998.

²¹ *Le Figaro*, 15 April 1998.

dulging in nightmare scenarios about what will happen if the present crisis escalates into an armed conflict between Serbs and Kosovar Albanians. In their view, such a conflict will first spread to Albania and FYROM and then lead to the involvement of Bulgaria, Greece and Turkey. In your Rapporteur's view, there is little justification for this extended war theory, taking into account the interests and reactions of the different countries mentioned.

(a) *Albania*

194. In Albania, as elsewhere, the outburst of violence in Kosovo at the end of February and beginning of March 1998 did not come as a surprise. Immediately after the first killings, the government of Albania called on Belgrade "to stop the escalation of violence and terror against Albanians in Kosovo", warning that "the deterioration of the situation there carries big risks for peace in the Balkans and beyond". The Prime Minister, Fatos Nano, also asked for Western help in strengthening his beleaguered 15 000-strong army.

195. Albania is still trying to recover from the civil strife which brought about near total chaos in early 1997. The new government, which has been in power since July 1997, knows that it would lose the goodwill and support of the international community for economic and civil reconstruction if it allows the country to be dragged into violence in neighbouring Kosovo.

196. Prime Minister Fatos Nano's government has established a programme of far-reaching economic reform and he is trying to involve the opposition Democratic Party of ex-President Sali Berisha in that effort. At the same time, however, Mr Nano has been carrying out a massive purge among civil servants and the judiciary many of whom obtained their positions with the help of the former government, which resulted in disaffection when the new government came to power.

197. Despite the sustained efforts of both Europeans and Americans to help the government rebuild the nation and re-establish a state of law and order, the country is still plagued by unrest and instability.

198. The security situation in the north of Albania, where the former President, Sali Berisha,

has his power base, is still volatile. In February 1998, the Albanian army was caught in two lengthy skirmishes with bandits attempting to loot barracks in the town of Kukes near the border with Kosovo and KLA involvement was suspected.

199. On 22 February 1998, a group of armed and masked bandits took possession of the city of Shkodër in northern Albania, set the public buildings on fire and looted banks and shops. The next day, rapid intervention forces expelled the bandits from the city, arresting some of them. The government and opposition accused each other of trying to provoke anarchy. In the aftermath of these events, eleven partisans of Mr Berisha, including a former minister, Ali Kazazi, were arrested.

200. Ignoring a police interdiction, Mr Berisha's Democratic Party organised a demonstration in Tirana on 25 February, during which the former President called for massive protests in the whole country to demand new elections.

201. In a recent interview²², Mr Nano stated that there are even fewer outbursts of violence in the north, while admitting that the roads in the south are not always very safe. But he takes the view that overall, the government has the country under control.

202. According to Mr Nano, ethnic cleansing in Kosovo would result in a mass migration of Albanian refugees into Albania and FYROM and lead to widespread solidarity on the part of the Albanian population which would set the region on fire. But in view of the unequal balance of military power between Serbs and Albanians, he considers a Northern Ireland scenario with harassment and attacks as more likely. This would also lead to the involvement of Albanian citizens because of the many existing family ties they have with Kosovar Albanians. Mr Nano rejected rumours of the existence of KLA training camps in the northern Albanian mountains as "propaganda from Belgrade and Moscow".

203. Albania wishes to become a responsible actor on the regional diplomatic stage. Mr Nano argues that his country is a "passionate supporter of temperance and peaceful cohabitation between the peoples of the Balkans". Relations with

²² *Le Monde*, 7 April 1998.

Greece and FYROM have improved and recently contacts have been established with Montenegro for the first time. This behaviour, says Mr Nano, should sufficiently demonstrate that Tirana does not harbour the dream of a Greater Albania. Mr Nano is not in favour of independence for Kosovo. He would prefer it to be an autonomous republic within the FRY, without the right of secession.

204 The NATO Council met with Albanian representatives on 11 March in the framework of the Partnership for Peace programme which allows those countries who feel their security interests directly threatened to convoke an emergency meeting with NATO's 16 members and discuss what remedies can be found without, however, obliging the NATO allies to respond.

205 Albania's Deputy Defence Minister, Perikli Teta, said that his country would welcome a monitoring force similar to UNPREDEP in FRYOM which, he said, showed how preventive deployment could help defuse tensions in a volatile region. NATO approved a plan to help the Albanian Government stem the flow of arms, drugs and guerrilla fighters into Kosovo. It also started to arrange for the provision of food, tents and blankets to help Albania cope with a possible sudden influx of refugees, if violence in Kosovo escalated. It stopped short of deciding to dispatch a NATO-led peacekeeping force to contain the conflict and maintain peace along the border between Kosovo and Albania. NATO experts had concluded that there was no imminent threat to Albania's sovereignty which called for an urgent deployment of NATO troops. In their opinion, sending a NATO rapid reaction force in the absence of any Serbian concentration of troops and equipment near the border would be a premature and possibly provocative gesture which could escalate violence between Serbs and Albanians²³. That same day, WEU also ruled out the option of armed intervention by a multinational force in Kosovo or Albania.

206 On 25 March, NATO's member states approved the individual partnership programme between NATO and Albania which contains practical measures to readapt the Albanian armed forces after the turmoil of 1997 in general

and enable them to deal with consequences of the crisis in Kosovo in particular.

207 NATO is opening a temporary office in Tirana in order to coordinate Alliance assistance to Albania in the context of the individual partnership programme. This office is also coordinating the follow-up to the mission of eight expert teams which have been deployed in Albania since early April 1998 to make an inventory of requirements in different fields. Border security and the control and safety of ammunition and arms depots are considered the highest priorities. Other tasks for the expert teams are the command and control of armed forces, civil emergency measures and assistance for the training and deployment of forces.

(b) Bulgaria

208 Bulgaria has also chosen the road towards political and economic stability. In January 1997, a wholesale collapse of the national economy caused strikes, massive daily anti-government demonstrations and a stand-off between the ruling Bulgarian Socialist party (BSP) and the opposition Union of Democratic Forces (UDF).

209. President Petar Stoyanov (UDF), who took office on 22 January 1997, appointed an interior cabinet and a general election was held on 19 April. This election resulted in a clear victory for the UDF which obtained 137 of the total of 240 seats in parliament. The Democratic Left, including the BSP, obtained 58 seats.

210 In May, the new National Assembly adopted a declaration on national consensus as proposed by the UDF. Later, parliament gave its vote of confidence to a new government under Prime Minister Ivan Kostov, with only the members of the Democratic Left voting against. The government emphasised the need to privatise and restructure the economy, to free prices and to reform the legal system in order to attract increased foreign investment. It declared war on organised crime and corruption. Finally, it said it would make every possible effort to become a fully-fledged member of the EU and NATO.

211 These positive developments resulted in a US\$ 657-million financial package from the IMF to assist Bulgaria's economic recovery, some US\$ 300 million in new loans from the European Bank for Reconstruction and Development

²³ *International Herald Tribune*, 12 March 1998

(EBRD) and a US\$ 40-million World Bank loan for the purchase of goods in short supply

212 Since then, the government has worked energetically. It has amended the law on privatisation to make it less restrictive and a new foreign investment bill removed some important restrictions on foreign investors

213 In view of this policy, the Bulgarian Government has an apparent interest in the prevention of conflicts in the region and its own involvement in such conflicts. From recent experience, Bulgaria knows that it is in the front line, suffering the consequences of an international embargo against Serbia. It is working to improve relations with neighbouring countries. As an example, the visit to Bulgaria of the Turkish Prime Minister, Mesut Yılmaz, in December 1997 should be mentioned, when agreements were signed for increased cooperation in the areas of law enforcement, customs and cultural affairs

(c) The Former Yugoslav Republic of Macedonia (FYROM)

214 In the Former Yugoslav Republic of Macedonia (FYROM), between 22% and 34% of the 2.2 million inhabitants identify themselves as Albanian

215 In the early 1990s, the Government of FYROM made a great effort not to become involved in the violence which has ravaged other parts of former Yugoslavia. At present, it has no interest in being drawn into a new conflict which could threaten its own existence as an independent state. The government has unambiguously asked for foreign help, including an extended mandate for UNPREDEP, the United Nations monitoring mission, to prevent a spill-over of any possible conflict in Kosovo

216 In the Defence Committee report on the Balkans which was discussed at the December 1997 plenary session of the Assembly²⁴, it was said that the mission of the United Nations Preventive Deployment Force (UNPREDEP) was becoming more important for the prevention and management of mounting internal strife and of Albanian secessionist activities. The wisdom of

²⁴ *Europe's role in the prevention and management of crises in the Balkans*, Rapporteur Mr Blaauw, Assembly Document 1589

the Security Council's decision to reduce the UN mission's military component was called into question

217 Nevertheless, the Security Council decided in December 1997 that UNPREDEP's renewed mandate should not be extended beyond the end of August 1998. The Security Council justified its decision on the grounds that there had been a number of positive developments in the overall situation in the area, citing in particular reduced tensions in Albania. The 300-man troop reduction out of a total of 1 050 UNPREDEP troops, decided at the beginning of 1997 but delayed by the chaotic situation in Albania, was finally implemented in November 1997 as the start of a so-called "phased exit" strategy. In November last year, the UN Secretary-General, Kofi Annan, told the Security Council that any strategy should ensure that "proper successor arrangements" are in place to reassure the government of FYROM of the international community's "continued commitment to peace and stability"

218 There are many good reasons for a continued presence of foreign troops in FYROM. Despite huge efforts and positive achievements in the implementation of the Dayton Peace Agreement, the situation in Bosnia and Herzegovina has not yet stabilised enough to permit the withdrawal of foreign troops from that country. In neighbouring Albania, the government is still far from having the whole country under firm control. It is also noted that more than a year after the start of negotiations between the Federal Republic of Yugoslavia and FYROM, no agreement has been reached on the demarcation of several sensitive stretches of FYROM's northern border with Serbia, which are monitored by UNPREDEP troops

219 Moreover, the government's attitude towards minority rights which led to serious clashes with ethnic Albanians during the summer of 1997, may be fertile ground for more radical factions in both main ethnic communities, and could exacerbate domestic tensions in the run-up to a general election in autumn 1998.

220 At the present time, however, the main reason for a further extension of UNPREDEP's mission are the recent violent clashes between Serb troops and ethnic Albanians in Kosovo, because it is generally assumed that a further deter-

ioration of the situation in Kosovo could easily have reverberations in FYROM

221. As regards the present situation of UNPREDEP, it is noted that a 350-member US peacekeeping battalion is patrolling FYROM's disputed border with Serbia, while the 500-strong Nordic battalion monitors the border with Albania and Kosovo.

222. On 9 March, the Contact Group recommended that consideration be given to adapting the current UNPREDEP mandate, supporting the maintenance of an international military presence on the ground in FYROM when the current mandate of UNPREDEP expires in August 1998.

223. The UN Security Council is now expected to extend the mandate of UNPREDEP beyond August 1998

224. FYROM is also worried that an armed conflict in Kosovo might cause Kosovar Albanians to flee to its territory. President Gligorov has suggested creating a "corridor" in the western part of FYROM through which Albanian refugees from Kosovo could be directed to Albania itself without upsetting the fragile inter-ethnic relations in FYROM

225. Apart from the immediate need for a surveillance of its borders, FYROM has also a more general problem with the defence of its territory

226. With a 15 000-strong conscript army and a defence budget of \$70 million, FYROM has no real capacity to defend itself. It is therefore suggested that there must be a long-term foreign commitment to the modernisation and training of FYROM's armed forces which, it is said, could be done under the auspices of NATO or as part of an enhanced Partnership for Peace programme. It has also been suggested that NATO training exercises be organised on FYROM's territory in order to involve the country more closely in Western security structures.

227. FYROM's Defence Minister, Lazar Kitanoski, has asked for the stationing of NATO troops in his country. The Minister agrees with an extended mandate of UNPREDEP but emphasises that the UN troops can only watch and report while NATO troops could provide effective protection of the national territory and avoid a bigger crisis in the Balkans

228. At a recent meeting with Mr Kitanoski, the US Defence Secretary, William Cohen, pointed out that the US supports the prolongation of an international military presence in FYROM after 31 August 1998

229. NATO is considering holding a major Partnership for Peace (PfP) exercise called "Cooperative Best Chance" in FYROM in September 1998 and it may decide to establish a permanent PfP training centre in that country

230. The Albanians in FYROM have close links with the Kosovar Albanians. The Party for Democratic Prosperity, supported by nearly three quarters of FYROM's Albanians, provides economic and humanitarian aid to Kosovar Albanians. There is no evidence that it supplies the army. The Party's leader, Arben Shaferi, declares that he knows nothing about links between the KLA and Albanians in FYROM

231. In early 1998, police stations in the towns of Prilep and Kumanovo were bombed, but no-one claimed responsibility

232. The Albanians in FYROM have political parties, participate in elections, occupy one sixth of all seats in Parliament and hold five government ministries. Still, they are under-represented in daily government, representing no more than 3% of all police forces and no more than 5% of all government positions. In order to achieve their ambitions, these Albanians want more political power and the Party of Democratic Prosperity is seeking autonomy for the Albanian part of the country. They have established a private Albanian university in Tetovo which is not recognised by the government

233. As regards the educational system, Albanians and other Macedonians have divergent opinions. The Albanians consider that a full education in Albanian from primary school to university is a step forward towards full democracy. The Macedonian majority argues that such a system would entail the risk of "ghettoisation" of Albanians. FYROM's Prime Minister, Branko Crvenkovski, underlines that in his country there is a public debate on such issues, without claiming that all inter-ethnic problems have been solved²⁵.

²⁵ *Le Monde*, 10 February 1998

234 The main opposition party, the Internal Macedonian Revolutionary Organisation (VMRO), backed by a quarter of Macedonians, has a close relationship with Bulgaria. It could cooperate with Mr Xhaferi's Party for Democratic Prosperity with the objective of weakening the central government and promoting ethnic separation within the country.

235 FYROM's economy is not in very good shape. Economic growth is being impeded by rampant corruption and continuing Communist habits and the faith of ordinary citizens in their state is being undermined by this lack of economic growth.

236 Still, there are enough foreign countries with an interest in the survival of FYROM as an independent state to help it resist a spill-over from a conflict in neighbouring Kosovo.

237 To name only a few, it should be mentioned that Greece has no interest in FYROM being split between Bulgaria and Albania. Serbia needs FYROM for access to the harbour of Salonika through the Vardar valley and the United States considers FYROM to be a buffer against a regional war in which Greece and Turkey might become involved.

(d) Greece

238. Greece, as a member of the European Union, is concentrating its efforts on joining European Monetary Union, which is without doubt the present government's top priority. It has therefore many reasons to try to prevent any conflict in Kosovo or an extension into neighbouring countries. It is to be noted that there are an estimated 300 000 Albanians in Greece, mostly of them illegal immigrants. The majority are earning money by doing odd jobs in cities or as seasonal workers in the agricultural sector. Most of them expect to return to Albania²⁶. In March 1997, the Greek Foreign Minister, Theodoros Pangalos, paid the first visit by a Greek cabinet minister to FYROM since its independence in 1991, which was an important step towards a badly-needed improvement in relations between the two neighbouring states. Immediately after the outbreak of violence in Kosovo, on 6 March, Mr Pangalos went to Belgrade, calling for a political solution to the conflict.

²⁶ *Kathimerini*, 8 April 1998.

239. In a meeting with the Presidential Committee of the WEU Assembly in Athens on 8 April, Mr Pangalos emphasised Greece's position of relative strength in the Balkans, pointing out that its GNP was equivalent to the GNP of all other Balkan states put together. It therefore had a mission to exert a stabilising influence. Greece was prepared to be a mediator in the present crisis. Its long historical relationship with Belgrade could be useful in these circumstances. It had absorbed its fair share of refugees, but there was a limit to its capacity.

240. In any event, Mr Pangalos argued that it was clear that the problem in Kosovo could not be solved with weapons and required the help of the international community because it was not an internal problem. It had become an international problem because it could develop into a threat to collective security.

241. On 8 July 1997, on the periphery of the Madrid NATO summit, Greece and Turkey signed a "convergence of views" document in which they agreed to respect each other's sovereign rights and to renounce the use of force when dealing with each other. The joint statement signed by the Turkish President, Suleyman Demirel, and the Greek Prime Minister, Costas Simitis, stated that both states were committed to "peace, security and the continuous development of good-neighbourly relations". The document included significant goodwill gestures from both sides, also regarding the disputes over rights in the Aegean sea.

242. It should also be noted that on 7 April 1998, on the occasion of a meeting of WEU Chiefs-of-Staff at Vouliagmeni, the Chiefs-of-Staff of Greece and Turkey held a private meeting. They agreed to hold regular meetings to exchange views and examine bilateral problems. It was said that they discussed ways of avoiding tension in the Aegean. These would include the avoidance of military exercises during the summer season.

(e) A regional initiative

243. Finally, it should be mentioned that on 18 March, after two days of discussions, Albania, Bulgaria, FYROM, Romania and Turkey announced that they had reached a basic agreement to create a multinational rapid intervention force to cope with crisis situations. Greece had de-

clined Turkey's invitation to participate in this force.

244. The agreement allows for participation in this force at a later stage by any country in the region willing and able to do so. The rapid intervention force should not only be considered in a Balkans context, and could be used in crisis-prevention and peacekeeping operations under NATO or WEU command and under a United Nations or OSCE mandate.

245. A future meeting in Bucharest is to decide on the name of the force and the location of its headquarters. Other subjects for discussion will be logistic, administrative and financial questions as well as mechanisms for political and military consultations.

246. In conclusion, it should be emphasised that the main responsibility for preventing a spiral of violence rests with the peoples and governments of the region. But other European governments and their allies also have a responsibility. They have the means to help and should therefore listen carefully to what the countries of the Balkan region consider to be required to prevent the violence spreading. They should not hesitate to supply, within reason, the financial, technical and military tools needed for maintaining peace in the region.

6. Towards a dialogue on the future of Kosovo

247. After the London Declaration of the Contact Group, President Milosevic authorised the Serbian Government to start negotiations with the leaders on what he called the Albanian national minority, ruling out third-party mediation.

248. On 12 March, a Serbian delegation, led by Vice-Prime Minister Radko Markovic, came to Pristina to "open a dialogue without preliminary conditions, but within the framework of the Serbian constitution". The delegation was snubbed by Kosovar Albanian leaders, who said that they had not even seen an official invitation to hold talks. The day before, the Kosovar Albanian leader, Ibrahim Rugova, had declared that "the only acceptable solution for us is an independent Kosovo, not some kind of autonomy". The Serbian Information Minister, Radmila Milentjevic, retorted in public that this position was "completely against our constitution" and

"unacceptable", adding that it did not offer "the possibility of negotiations".

249. Another Kosovar Albanian leader, Adam Demaci, has criticised the concept of a dialogue as interpreted by the Serbs, saying that there had been no "preparation" for the dialogue and that no agreement had been reached on a "framework" for dialogue. He also noted that Serbs had come for a dialogue "as lords to their servants". While Mr Rugova, who condemns terrorist acts, is calling for Kosovo's independence, Mr Demaci, who has shown understanding for the KLA's operations, is advocating a confederation of Serbia, Montenegro and Kosovo as three equal entities. He thinks that this would be acceptable to a majority of Serbs, particularly because it would still enable them to visit their shrines and monasteries in Kosovo without any problem.

250. The Albanian leaders rejected the Serbian offer on account of a number of arguments. They do not consider themselves as a national minority in Serbia, but as a majority in Kosovo. Secondly, they do not accept the Serbian condition that negotiations take place on the basis of the 1990 constitution which abolished Kosovo's autonomous status and which is not recognised by the Kosovar Albanians. Moreover, it is the commonly held view that negotiations do not make sense if Milosevic is not directly involved. Finally, the Kosovar Albanian leadership declared that it was not interested in a dialogue with the Serbian Government without the presence of a representative of the international community. To this end, both the OSCE and the EU delegated Felipe Gonzalez, but President Milosevic has until now refused to accept him as a participant in the negotiations, because he considers Kosovo to be an internal affair.

251. On 23 March, the Serbian Government and representatives of the Kosovar Albanians concluded an agreement establishing the reintegration of Albanians into all levels of education in Kosovo.

252. Under the agreement, Albanian students will return to state educational establishments in phases by 30 June. Since the two sides failed to agree on a joint teaching programme, Albanians and Serbs will be taught in separate shifts in their own languages with different curricula.

253 The agreement notes that there are still unresolved problems regarding matters of finance, management, common language, curricula, diplomas and the status of university employees. The Sant'Egidio Community will remain in Serbia to oversee the implementation of its mediation efforts.

254 It should be noted that a similar agreement had already been signed by President Milosevic and Mr Rugova in September 1996, but it was never implemented because of disagreement over language and curriculum. Serb student leaders and the rector of Pristina University immediately denounced the agreement as "betrayal" of the Serbian people in Kosovo.

255 On 24 March, Mr Rugova nominated a group of 15 "presidential counsellors", charged with preparing a platform of negotiations with the representatives of President Milosevic. Mr Rugova emphasised that at this stage it was a matter of starting consultations, not negotiations. He insisted on the nomination of a mediator to facilitate the discussion and to guarantee results. In an interview, Mr Rugova declared that he had been elected President to secure independence. He thought that a transitional period would be needed, as would the demilitarisation of Kosovo and international protection. But he made it clear that granting Kosovo independence would be the only way to stabilise the region and prevent the situation becoming explosive.²⁷

256 While rejecting every fresh Serbian effort to open a dialogue which did not meet fundamental Albanian conditions, Kosovar Albanians, showing that they intended to pursue their objective, drew up a delegation for negotiations on 6 April. This delegation consists of Fehmi Agami, Counsellor to Ibrahim Rugova, Mahmut Bakali, former party leader of Kosovo, Veton Surroj, editor-in-chief of the Kosovar Albanian newspaper *Koha Ditore*, and Enver Maloku, Chairman of the Kosovar human rights committee.

257 On 7 April, the Serbian Parliament adopted a proposal to hold a referendum on 23 April on the question of whether Serbs accept foreign involvement in the search for a solution of the Kosovo problem.

258 After several fruitless efforts by a Serbian delegation under Vice-Prime Minister Markovic to engage in a dialogue with the Kosovar Albanians, it was the Bosnian Serb President, Milan Milutinovic, who on 7 April headed a Serbian delegation in Pristina, but the Kosovar Albanians refused to negotiate for the tenth time, insisting again that they would only talk to a delegation from the FRY, in the presence of an international mediator, and would not do so until the Serbian special police units withdrew from Kosovo.

259. Since then, no substantial progress towards the opening of a dialogue has been reported, and it is likely that each of the two camps will stick by its position until the results of the Serbian referendum of 23 April become known, just one day before the next meeting of the Contact Group which is to reassess the situation in view of the possible imposition of further sanctions.

260 Is there any possible perspective for a dialogue under such dire circumstances? Indeed, as has been pointed out by one commentator²⁸, a dialogue would only be possible if the current conditions of ghettoisation, political disenfranchisement and deprivation of basic civil liberties ceased to exist.

261 At a later stage, the status of Kosovo could develop into one of a constituent republic of the Federal Republic of Yugoslavia, as suggested by Mr Adam Demaci. It has rightly been suggested by Helsinki Human Rights Committees in Kosovo, Serbia and Montenegro that a Dayton-like process be initiated. This would require large human and material resources, careful preparation, the negotiation of terms and a search for any potential thinking space on both sides in order to leave room for manoeuvre.

262. The minimum solution to the problems in Kosovo at this stage would seem to be to restore its autonomy, giving local power to the Albanians. On the other hand, the human, civil and cultural rights of the Serbs in Kosovo should be recognised. In other words, the majority should have a power which is limited in order to protect the minority.

²⁷ *Le Monde*, 26 March 1998.

²⁸ Aaron Rhodes in the *International Herald Tribune*, 18 March 1998.

263 In view of the poisoned relationship between the two nationalities, it seems that peace will only be possible through foreign involvement, which is an obligation and a right under the circumstances, the more so, because in the light of recent experience, opinions about the right of states to protect their – often collective – security have developed and changed.

264 Since the end of the cold war, the notion of collective security is no longer restricted to that of defence against a possible aggressor. Violent submission of parts of the population of a country accompanied by war crimes and crimes against humanity are nowadays also considered to threaten collective security. In the eyes of many this can no longer be regarded as an internal affair, out of bounds for all other nations

Conclusions

265 Implementation of the Dayton Peace Agreement is slow, cumbersome and painful. Progress has been made on a number of issues, but there are still major shortcomings. The role of the High Representative, who is now using his authority to make binding decisions, is crucial

266 The results of municipal elections are being put into effect but in a dozen municipalities there are still major problems. Common institutions are taking shape, but only at a very slow pace, and here also, the authority of the High Representative is indispensable

267 A major issue of concern remains the return of refugees and displaced persons, a vital part of the Dayton Peace Agreement. All three parties involved are obstructing that return through legal and illegal means. Recent riots and mob violence in Drvar and Derventa have again demonstrated that peace in the country is fragile

268 Altogether, it is only logical that, in accordance with the opinion of the Contact Group, the decision should have been taken to extend the mandate of SFOR so that the Dayton peace process can continue in a secure environment. A new element in SFOR after June 1998 will be the small specialised unit of 600 men entrusted with police tasks, mainly to assist the return of refugees to areas where they are in a minority. According to the present operational plan, this unit will include two battalions mainly formed of Italian carabinieri and Argentinian police.

269 As early as autumn 1997, United States officials and experts had started to suggest the inclusion of an 800-1 000 strong police unit in SFOR which should be all-European. Such a unit would not only be able to fill the gap between the non-armed UN International Police Task Force and SFOR armed military troops, but could also provide tangible proof of an enhanced European commitment to the peace process and of Europe's determination to meet its responsibilities for the maintenance of peace and stability on the continent

270. Your Rapporteur regrets that WEU, which was perfectly aware of these proposals, has not taken up the challenge by establishing the WEU police force the Assembly proposed in Recommendation 619.

271. Apart from Bosnia and Herzegovina, there are other reasons to be concerned about the situation in the Balkans

272. The transfer of control over Eastern Slavonia to Croatia is another step forward in the peace process in former Yugoslavia.

273 The latest news from Eastern Slavonia, however, is not encouraging. Relief agencies and the OSCE are pointing out that Serbs are being driven out piecemeal because of harassment and administrative ethnic cleansing. It is reported that about half the Serbs living in Eastern Slavonia two years ago have now left while the number of departures is rising daily.

274 A recent address delivered by President Tudjman has prompted a critical response from the Presidency of the European Council in which it stated that the Croatian President's remarks cast "serious doubt upon Croatia's commitment to the territorial integrity of Bosnia and Herzegovina and its willingness to include ethnic Serbs and other minorities as full and equal members of the Croatian society". Apparently, Europe will have to monitor developments closely and act when the circumstances require if it does not want to lose control of the situation as it did before

275 In Kosovo, the world is witnessing a crisis which every single expert on the Balkans has been predicting since the beginning of the conflict in former Yugoslavia, without being able to specify exactly when it would erupt. Seen from President Milosevic's point of view, however,

nothing could be more logical than to play this last trump card of his nationalist policy right now

276 He has lost his wars against the Slovenians, Croats and Muslims. His influence on events in Bosnia and Herzegovina diminished after the November 1997 elections in Republika Srpska which resulted in a victory for the moderate Serbs. Even in that part of Bosnia and Herzegovina, a majority of Serbs have understood that the deep economic crisis can only be overcome if they cooperate in the Dayton peace implementation process and deny power to the corrupt leaders in Pale who had the support of the Serb Government in Belgrade.

277. Mr Milosevic has no intention of making the urgently-needed reform of the economy in his own native Serbia, because that would mean the end of the grip on the economy that he and his clique have and, ultimately, the end of his political power. After the last Serbian parliamentary elections of September 1997, his socialist party was obliged to deal with the popular radical nationalist, Mr Seselj, in order to have enough support in parliament for a coalition government, which was established in March 1998 after protracted negotiations. With Mr Seselj breathing down his neck, Mr Milosevic had no choice other than to stir up Serb nationalist feelings over Kosovo in a desperate effort to keep the initiative in politics.

278 This may well turn against him, when, as would appear to be the case, political leaders in Vojvodina, Sandjak, Sumadija and Montenegro

take this opportunity to come up with similar ideas as have now been put forward by the Kosovar Albanians.

279 It is unlikely there will be a fully-fledged armed conflict in Kosovo because of the power balance between the Serb armed forces and police units and the rudimentary equipment and training of the Kosovar Albanians, not to speak of the fledgling Kosovo Liberation Army. On the other hand, a guerrilla-kind of resistance against the Serbs cannot be ruled out if Mr Milosevic remains inflexible. The example of the agreement on the status of Northern Ireland has shown that there are two essential requirements for a successful dialogue between the two parties in Kosovo: international mediation and an open agenda. The consequences of a possible conflict in Kosovo could be serious enough to constitute a threat to peace in that region, justifying international action in accordance with Chapters VI and VII of the United Nations Charter, and WEU action in accordance with Article VIII.3 of the modified Brussels Treaty.

280 As has been said earlier in the present report, the main responsibility for preventing a spiral of violence rests with the peoples and governments of the region. But other European governments also have a responsibility. They have the means to help and should therefore listen carefully to what the countries of the Balkan region consider to be required to prevent the violence spreading. They should not hesitate to supply, within reason, the diplomatic, financial, technical and military tools needed for maintaining peace in the region.

APPENDIX

*Letter from Mr Glouchkov,
member of the Bulgarian Delegation to the Assembly of WEU,
to Mr Blaauw, Rapporteur*

6 May 1998

At the initiative of the Bulgarian Minister for Foreign Affairs, the ministers for foreign affairs of five south-eastern European countries (Bulgaria, Greece, the Republic of Macedonia, Romania and Turkey) signed a joint statement on the situation in Kosovo on 10 March 1998. It called for a solution to be found to the crisis that would fully respect the human rights and fundamental liberties of the ethnic Albanians as well as existing borders.

On 25 March in Bonn, the ministers for foreign affairs of six countries of the region (the five mentioned above plus Slovenia) and the Prime Minister of Albania held a meeting chaired by the Bulgarian Minister for Foreign Affairs and signed another joint statement on the conflict in Kosovo. They declared that the countries of south-eastern Europe were prepared to be directly involved in the search for ways of settling the crisis.

On 23 April, the Bulgarian Minister for Foreign Affairs proposed that the Contact Group countries draw up a set of principles that would promote the start of a substantial and responsible dialogue among the parties to the Kosovo conflict with the objective of arriving at a lasting solution based on an accommodation of the positions of all the interested countries and of those of the international community.

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Meeting of the Ministers for Foreign Affairs of the countries of south-eastern Europe

Joint statement

Bonn, 25 March 1998

The Ministers of Foreign Affairs of the countries of south-eastern Europe – Bulgaria, the Former Yugoslav Republic of Macedonia, Greece, Romania, Slovenia and Turkey – together with the Prime Minister of Albania, met in Bonn on 25 March 1998 to discuss the situation in Kosovo.

The Ministers expressed their high appreciation of the cooperation already established with the Contact Group states in this regard.

The Ministers agreed that the countries of the region should have a direct role in finding the solutions to the crisis in Kosovo. They expressed the readiness of their states to participate in regular consultations with the Contact Group. They also noted the importance of the dialogue on a bilateral basis between countries of the region and the Contact Group states.

The Ministers held a thorough discussion on the recent developments concerning the situation in Kosovo. They noted that there is a progress in the recent days especially in view of the accord to implement the Agreement on Education.

The Ministers listened with particular interest to the intervention of Mr Fatos Nano, Prime Minister of Albania. They expressed their appreciation of the responsible position of the Albanian Government towards the crisis in Kosovo.

They agreed that the solution to the issue of the future status of Kosovo should be found on a mutually acceptable basis within the borders of the Federal Republic of Yugoslavia.

The Ministers believe that international mediation may help the conflicting parties by political means to give up their extreme demands and adopt a reconciliatory and compromising approach

The Ministers expressed a common view that any measures against the Federal Republic of Yugoslavia should take into account the political and economic stability of south-eastern Europe and should not harm the interests of the states of the region. Sanctions, if necessary, should be political rather than economic

The Ministers expressed the view that there should be a balanced approach of measures and incentives in order to convince both conflicting parties to actively pursue their dialogue

The Ministers called for an enhanced international monitoring in Kosovo.

They underlined the importance of the inviolability of the borders of the states in the region including those of the Federal Republic of Yugoslavia. They paid a special emphasis on the final demarcation of the border between the the Former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia.”

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