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Europe's role in the prevention and management
of crises in the Balkans

REPORT

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

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¹ Adopted unanimously by the Committee.

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

Associate members: MM *Kirathoglu*, *Sungur*.

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

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APPENDIX

Contribution by Mr Jelincic, Delegation of the Republic of Slovenia

*Draft Recommendation**on Europe's role in the prevention and management of crises in the Balkans*

The Assembly,

- (i) Aware that the implementation of the Dayton peace agreement is obviously a long drawn-out process which cannot be accelerated by force,
- (ii) Satisfied that the Agreement on Military aspects of the Peace Settlement is being implemented without major friction or delays;
- (iii) Noting that the OSCE is reported to be satisfied with the implementation of the June 1996 sub-regional arms control agreement;
- (iv) Increasingly worried, however, that the US-sponsored equip and train programme for the Federation of Bosnia and Herzegovina, possibly in combination with a parallel unofficial acquisition and training programme, may provide the Bosnian Muslims with a qualitative military edge and create an imbalance which the June 1996 agreement sought to rectify,
- (v) Noting that implementation of the civilian part of the Dayton peace agreement is making only very slow progress, as can be seen from the long list of shortcomings mentioned in the 30 May political declaration by the ministerial meeting of the Steering Board of the Peace Implementation Council in Sintra;
- (vi) Recalling that implementation of the right of all refugees and displaced persons freely to return to their homes of origin, as stipulated in Article 1 of Annex 7, is a fundamental element of the Dayton Agreement's objective of reinstating the pre-conflict multi-ethnic society of Bosnia and Herzegovina,
- (vii) Noting that at present, out of a total of around 500 000 refugees and displaced persons who are entitled to return to their own homes in minority areas, fewer than 30 000 have actually done so,
- (viii) Convinced that the local elections of 13-14 September 1997 cannot be considered as having been successful unless they are followed by a return, albeit gradual and over time, of all refugees and displaced persons to their original homes, but aware that this can only happen if a substantial number of foreign ground troops remain in Bosnia and Herzegovina for some time to come in order to guarantee a secure environment,
- (ix) Convinced that western Europe and other states having an interest in peace and security in the Balkans should do everything possible to actively support the democratisation and transformation of oligarchic, dictatorial and nationalist power structures in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia,
- (x) Convinced that the identification of missing persons is an essential part of the reconciliation process, but aware that local authorities are often obstructing such identification,
- (xi) Reconfirming its conviction that there can be no reconciliation in Bosnia and Herzegovina unless all individuals indicted for war crimes committed during the conflict in former Yugoslavia have been judged by The Hague tribunal,
- (xii) Convinced that the balanced reconstruction and economic development of Bosnia and Herzegovina require financial and economic aid to be evenly distributed to both entities,
- (xiii) Aware, however, that in certain parts of the country foreign aid will not go to those sectors of the society which need it most as long as the economy is in the stranglehold of a few individuals holding the reins of power,
- (xiv) Considering that the pace at which mine-clearing operations – partly funded by the EU – are currently being conducted in Bosnia and Herzegovina by the Bosnians, Croats and Serbs under SFOR

supervision is so slow that clearing the one million or so mines still remaining will take around 30 years at the present rate,

(xv) Taking into account paragraph 1 of the Council's reply to Recommendation 604 according to which a role is envisaged for WEU in the European Union's joint actions on anti-personnel mines,

(xvi) Noting that the re-establishment of the rule of law in Bosnia and Herzegovina with the help of the IPTF is essential if the Dayton peace agreement is to have a lasting effect;

(xvii) Convinced that the IPTF could implement its mandate even more effectively with the assistance of a substantial, additional unit of well-trained, well-equipped and experienced police officers from WEU countries, drawing on the experience of earlier operations – in particular the task force in Mostar, the Danube embargo operation and the continuing work of the Multinational Advisory Police Element (MAPE) in Albania;

(xviii) Noting that such a unit from WEU countries should be able to continue its task under WEU command if, for financial or other reasons, the United Nations decided not to prolong the mandate of the IPTF;

(xix) Noting that the establishment of democratic structures will never be successful if there are no independent media and if freedom of expression is not guaranteed;

(xx) Noting that the need for a substantial SFOR successor force including United States and Russian ground forces after June 1998 is beyond any doubt;

(xxi) Convinced that this SFOR successor force can only be effective if it meets the following criteria.

- a mandate covering a period of at least three to five years, including six-monthly reviews of the situation,
- an initial strength of 25 000 to 30 000 troops, to be reduced if circumstances allow;
- high mobility and a structure with smaller and more flexible units,
- effective distribution over the whole territory of Bosnia and Herzegovina, concentrating on areas which are known to be potential troublespots,
- assertiveness under all circumstances,

RECOMMENDS THAT THE COUNCIL

1 Strongly endorse the establishment of an SFOR successor force under NATO command with a mandate covering a period of at least three to five years with the full participation of contingents of US and Russian ground troops,

2 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,

3 Ask the Planning Cell to follow closely developments not only in Albania, where the MAPE is engaged in an important task, but also in Kosovo and FYROM where worsening inter-ethnic relations are far from reassuring, and to draw up contingency plans in coordination with NATO, including the use of combined joint task forces in order to be prepared for the deployment of a European force for crisis prevention and management on the spot;

4 Endeavour to intensify humanitarian mine-clearing operations on the territory of Bosnia and Herzegovina, among other things, by developing more local training capabilities and disseminating more information on landmine detection and clearance.

Explanatory Memorandum

(submitted by Mr Blaauw, Rapporteur)

I. Introduction

1. In autumn 1996, your Rapporteur prepared a report on "The role of Europe in Bosnia and Herzegovina" which provided an assessment of the implementation of the Dayton Agreement. The report focused in particular on the Agreement on Military Aspects of the Peace Settlement and on the role of the Implementation Force (IFOR) which was supposed to pull out at the end of 1996.

2. It concluded that an IFOR successor force was needed to facilitate further implementation of the Dayton Agreement and also to provide Bosnia and Herzegovina with a breathing space. The Assembly's Standing Committee endorsed this conclusion by adopting Recommendation 600 on 17 October 1996.

3. In accordance with a general agreement among both the countries participating in IFOR and the former warring parties in Bosnia and Herzegovina, it was decided that IFOR would be succeeded by a Stabilisation Force (SFOR) which was to withdraw completely by the end of June 1998

4. The present report provides an up-to-date assessment of the situation in Bosnia and Herzegovina and the implementation of the Dayton Agreement. It also reviews the situation in other parts of former Yugoslavia and Albania and attempts to draw some conclusions about the role of Europe in connection with peace and security in the Balkans.

II. Implementation of the Dayton Agreement

5. The ministerial meetings of the North Atlantic Council and the Peace Implementation Council Steering Board in Sintra, Portugal, at the end of May 1997, provided an appropriate opportunity for a serious assessment of the situation in Bosnia and Herzegovina. These meetings appear to have been a turning point since none of the authorities involved saw any good reason to conceal the truth any longer.

6. In their final communiqué of 29 May, Ministers of the North Atlantic Council first

made mention of some progress in the implementation of the Dayton Agreement, stating:

"We recognise that important and demonstrable progress has been made in the overall effort to implement the Peace Agreement since we last met. Municipal elections are scheduled, the sensitive Brcko decision is being implemented, and there have been positive developments in the initiation of joint institutions, the return of refugees and displaced persons and in economic reconstruction. We are greatly encouraged by the effective cooperation between SFOR and the High Representative and the international organisations and agencies."

7. In the following paragraph, however, the Ministers made it crystal clear that in fact there was little reason to be satisfied, and mentioned a whole list of items in respect of which the parties had failed to meet their obligations, expressing their opinion as follows:

"Nevertheless, significant challenges remain and the failure of all the parties to the Peace Agreement to comply fully with their commitments cannot be tolerated. Reaffirming our commitment to the full implementation of the Peace Agreement, we express our serious concern at the lack of determination by the authorities in Bosnia and Herzegovina to honour their obligations and strongly urge them

- to establish functioning central institutions;
- to ensure freedom of movement, freedom of communication and freedom of the press;
- to respect human rights, the rule of law and the right of all refugees and displaced persons to return freely,
- to cooperate fully with the international community in preparing, conducting and implementing the municipal elections,
- to cooperate with the International Criminal Tribunal for the former

Yugoslavia in The Hague in the apprehension and bringing to justice of war criminals;

- to implement fully the provisions of the arms control agreement;
- to adopt and implement the economic measures needed for the functioning of Bosnia and Herzegovina as a single state; and
- to develop democratic, restructured police forces.”

8. The final communiqué of the ministerial meeting of the Steering Board of the Peace Implementation Council (PIC) was even more outspoken in expressing discontent with the situation. The Steering Board “unanimously agreed that all the authorities of Bosnia and Herzegovina are failing to live up fully to their obligations under the Peace Agreement, and that this is unacceptable”.

9. As a result of the PIC meeting in Sintra, Bosnia and Herzegovina’s political leaders were given a checklist of laws to be passed, with deadlines set and the threat of penalties for any failures.

10. The first deadline, 1 August, has already caused a showdown. The central government had been told to agree on the appointment of joint ambassadors, common citizenship and passports, and the reopening of airports by that date. When the deadline was not met, a number of countries suspended relations with the embassies of Bosnia and Herzegovina. At the time of writing this report, an agreement has been reached on the appointment of ambassadors and relations that were suspended have been restored (see paragraph 19), but the other problems have not yet been satisfactorily resolved

11. After the negative assessment of the implementation process, with the September municipal elections in sight and a difficult decision to be taken on what to do after the end of the SFOR mandate, the United States realised that it was vital to step up pressure on the three parties. Since then, progress has been made but at far too slow a pace. In June and July, the Foreign Secretaries of the United States and the United Kingdom each visited Bosnia and Herzegovina and each of them read the riot act to the political

leaders of the country in very straightforward and undiplomatic language.

12. At the beginning of August, it was the turn of Richard Holbrooke, the US envoy, to visit the signatories of the Dayton Agreement to try to accelerate the process and keep it moving forward. At the request of the United States, the Presidents of Croatia and Bosnia and Herzegovina met on 6 August in Split where they promised to cooperate in order to promote peace, establish a cooperation council, create border controls according to international standards at their common border and facilitate the return of refugees.

13. The Dayton Agreement was never intended to be perfection incarnate. All the parties involved in its genesis are aware of this, as well as of the fact that its signatories are no saints. Under the given circumstances, however, with each party pursuing different objectives, it was probably the best possible solution. But it should be remembered that the Agreement is an intricate jigsaw puzzle in which all the pieces are interdependent. If the civilian parts are not implemented, there is little doubt that the fragile peace will collapse as soon as the foreign military peace implementation forces have left. It would seem that, in one way or another, both the Croats through President Tudjman and the Muslims through President Izetbegovic could be persuaded, if they are not already, of the importance of implementing the civilian provisions of Dayton, among other things by promises of badly-needed economic aid if they comply

14. The main obstacle remains the obstructive leaders in Republika Srpska, in particular Radvan Karadzic, and other suspected war criminals indicted by the Tribunal in The Hague who are not only still at liberty, but are also running towns, villages and police forces. In fact, none of the joint institutions as stipulated in the Dayton Agreement is working and many are not even being established.

III. The Constitution

15. Some hard-won progress has been made on implementation of the Constitution of Bosnia and Herzegovina which was agreed upon as Annex 4 to the Dayton Agreement

16. On 30 November 1996, after nine earlier meetings on this issue, the three members of the joint Presidency reached agreement on the formation of a twelve-member central government as provided for in Article V.4 of the Constitution. It was agreed that the Council of Ministers would be led jointly by two presidents, one Serb and one Muslim, assisted by a Croat vice-president. It would further be comprised of a Croat minister for foreign affairs, a Muslim minister for external trade and a Serb minister for civil affairs and communications, each to be assisted by two deputy ministers. The new Council of Ministers was confirmed by Parliament on 3 January 1997.

17. On 20 June 1997, the Parliament of Bosnia and Herzegovina passed laws to create a central bank, common currency, customs union and common external tariffs. The central bank may, however, consist of two or three units with each holding its own reserves and no deadline has been set for the introduction of a common currency.

18. On a visit to Sarajevo on 23 June 1997, the NATO Secretary-General, Javier Solana, admitted that there had been little progress so far and that there was scant political will to establish the truly unified state which was the ultimate objective of the Dayton Agreement. The planned signing of an agreement between the three parties on civil air traffic control did not take place because of last-minute Bosnian-Serb objections.

19. In a show-down over a new list of ambassadors to represent Bosnia abroad in which the United States and several European countries severed contacts with the Ambassadors of Bosnia and Herzegovina, the Bosnian collegial presidency finally concluded an agreement at the beginning of August 1997. Under the agreement, there will be 13 Muslim ambassadors (including one to the United Nations in New York and one to the OSCE), 11 Serbs (including one to the United States and to the United Nations in Geneva) and 8 Croats (including one to the European Union). This agreement led to the lifting of the abovementioned sanction.

20. During that same meeting, the collegial presidency agreed on the creation of a Standing Committee on Military Matters to coordinate the activities of armed forces in Bosnia and Herzegovina as stipulated in Article V 5 of the Constitution (Annex 4 to the Dayton Agreement).

According to the the NATO Secretary-General, Javier Solana, this Standing Committee will be a military interlocutor for NATO and SFOR in Bosnia.

21. On 12 September, Bosnian government authorities signed a memorandum of understanding on the opening of the airports of Tuzla, Banja Luka and Mostar to commercial air traffic.

22. Political leaders in Pale failed to agree on a new Bosnian citizenship and passport law as stipulated in Article I.7 of the Constitution of Bosnia and Herzegovina (Annex 4 to the Dayton Agreement) by a new 31 August 1997 deadline which was an extension of the earlier 1 August deadline set by the PIC declaration in Sintra on 30 May last.

IV. Refugees and displaced persons

23. Of all the annexes to the Dayton Agreement, Annex 7, the Agreement on Refugees and Displaced Persons, may well be the most difficult to implement. The basic principles of this agreement are formulated in Article I of this Agreement which stipulates:

“All refugees and displaced persons have the right freely to return to their homes of origin.”

The Agreement further contains many guarantees for a return in safety and without any risks.

24. A look at the figures as known by SFOR at the beginning of August 1997 makes it clear how little progress has been made in this field.

25. It should be noted that refugees are persons who went to another country after leaving their home or having been expelled from them. Displaced persons are those who left or were expelled from their homes but stayed within the borders of Bosnia and Herzegovina. According to SFOR, there are now an estimated 800 000 refugees and 800 000 displaced persons. Around 400 000 refugees are in western Europe, with the vast majority in western Germany. An estimated 70% or 1.12 million of the total 1.6 million should – according to the Agreement – return to areas where their ethnic group is in a minority. For most of these persons, there is little or no chance of returning to their original homes. Many of those returning are being “relocated”

26. In 1996 and from January to July 1997, a total number of 153 039 refugees returned to Bosnia and Herzegovina. Of these, only an estimated 27 000 returned to a minority area, with 78% going to the Bosnian-controlled part of the Federation, 18% to the Croat-controlled part of the Federation and 4% to Republika Srpska.

27. According to figures from the Office of the Special Envoy of the United Nations High Commissioner for Refugees only 1% returned to minority areas in Republika Srpska in the period 1 January to 31 July 1997.

28. In its Declaration of 30 May, the PIC rightly stated that unless and until a process is set in train to facilitate the return of refugees and displaced persons to their pre-war homes in a peaceful, orderly and phased manner, there will be continued instability in Bosnia. The Declaration further mentioned that steps had to be taken to permit them to return to Drvar, Sarajevo, Brcko, Banja Luka and numerous other cities. It insisted that current property laws place insurmountable legal barriers in the path of anyone returning to his home and called for the Federation and Republika Srpska to amend their property laws.

29. On 2 and 3 August 1997, a number of violent incidents in and around the town of Jajce again demonstrated that the return of refugees to their own homes is one of the most thorny issues. The series of incidents started when a threatening crowd of Croats besieged the headquarters of the UNIPTF of the region. Following this event, a total number of around 1 000 Muslim refugees were expelled from their homes to which they had returned one week before in accordance with the Dayton Agreement. Both the United Nations and SFOR stated that they had information suggesting that the local Croat police force had played a role in these events. After these incidents, the Croat and Muslim authorities, under strong international pressure, signed an agreement to set up a joint police force in the area by 30 August.

V. Missing persons

30. Today in Bosnia and Herzegovina some 20 000 individuals are still missing. They may have been killed or assassinated and their bodies buried or incinerated, but their families have no

certainty about their next of kin and often mass graves have not yet been opened, or sometimes only partially, for the exhumation of war victims. After the conclusion of the Dayton Agreement, it was realised that the issue of missing persons is one of the stumbling blocks hindering reconciliation.

31. In the summer of 1996, an International Commission on Missing Persons (ICMP) in former Yugoslavia was established under the chairmanship of the former US Secretary of State, Cyrus Vance. The objective of this Commission is to assist the families of persons listed as missing as a result of the conflict in former Yugoslavia and to persuade the governments concerned to intensify their efforts to solve cases of missing persons. The Commission is financed by donations. An ICMP office under the direction of a permanently based Chief-of-Staff was opened in Sarajevo in autumn 1996 and the governments of the region have designated officials as their representatives to the ICMP.

32. At one of the Commission's meetings, the government representatives presented their views on how the process of determining the fate of missing persons could be accelerated. The ICMP has also organised a forum in which the government representatives and members of missing person family associations from all parts of former Yugoslavia discuss matters of mutual concern. A family fund allows the Commission to help the families of missing persons throughout former Yugoslavia to improve communication among themselves by covering travel costs and providing facilities for meetings. Specific projects submitted to the ICMP by international organisations and NGOs working on the missing persons issue are being examined with a view to raising funds for such projects.

33. Many different methods are being used in the efforts to identify exhumed bodies. Exhaustive post-mortem and ante-mortem data are collected and compared and, when necessary, DNA technology is used – both mitochondrial DNA, demonstrating a link between mothers and children, and nuclear DNA which can prove a link with either parent. It should be pointed out, however, that even using the most advanced scientific methods, relatively few exhumed bodies will be identified.

34. According to the ICMP office in Sarajevo, which your Rapporteur visited in early August 1997, not much progress has been made since the end of the war on the exhumation and exchange of bodies.

35. The programme of the International Committee of the Red Cross was suspended in 1996 and efforts to restart it have not made much progress. A programme of the office of the High Representative has been blocked since April 1997 and an agreement on continuation is still a long way off. The International Criminal Tribunal for Yugoslavia (ICTY) has performed around one thousand exhumations to support evidence of war crimes, but financial problems hamper further progress.

36. Political power struggles between the two entities of Bosnia and a general lack of cooperation on the part of the political authorities of Republika Srpska in particular are the most obvious stumbling blocks in the efforts to make real progress on the issue of missing persons.

37. The ICMP has noted that international organisations should press local politicians to stop obstructing the identification process and convince local authorities to support the professionals committed to carrying out this work.

VI. War criminals

38. When SFOR took over from IFOR, its mandate did not include setting up search parties to go after indicted war criminals. According to Article IX.9 of Annex 1-A to the Dayton Agreement, responsibility for arresting indicted war criminals lies with the signatory parties to that Agreement. SFOR's task was to apprehend indicted war criminals when it came across them in the course of carrying out its duties.

39. This reluctance on the part of the foreign forces, whose main task is to ensure a secure environment for the further implementation of the Dayton Agreement, has understandably met with increasing criticism. Many of the indicted war criminals openly continue to wield political and economic influence with impunity. With their shameless and illegal activities, including extortion and blackmail, they hamper implementation of the Dayton Agreement while denying large parts of the population any role in economic dev-

elopment, which is essential for the reconstruction of the country.

40. After many hesitations and objections, even the members of the Peace Implementation Council became convinced that a more active policy had to be adopted. In its political declaration of 30 May 1997 at Sintra, it confirmed that cooperation of all the signatories of the Dayton Agreement with the ICTY remained a key part of the peace implementation process.

41. It expressed particular concern over the situation in Republika Srpska, "where Mr Radovan Karadzic continues to influence the political decision-making of the Entity in violation of both the letter and the spirit of previous undertakings". The declaration noted that persons cooperating with, or condoning the role of, indicted persons should be denied visas to travel abroad. It supported the High Representative's recommendation to deny further economic assistance to those municipalities which continued to tolerate indicted persons working in a public capacity and said it would follow this up.

42. Finally, it reminded the Federal Republic of Yugoslavia and the Republic of Croatia to honour their obligations as regards war criminals. They were also reminded of their obligation to use their close ties and economic support to help obtain the surrender of indictees, especially in Republika Srpska and the predominantly Croat areas of the Federation.

43. By the end of June 1997, only 8 out of 75 publicly indicted war criminals had surrendered or been arrested. Only one guilty verdict had been given, while two more trials had just started.

44. Soon after the more energetic approach agreed at Sintra was made known on 29 June 1997, the indicted war criminal, Slavko Dokmanovic, was arrested in Eastern Slavonia. Mr Dokmanovic was mayor of the Croatian town of Vukovar in November 1991, when the Yugoslav army troops and Serbian paramilitaries allegedly abducted and killed 260 personnel and patients from the local hospital. A few days later, on 10 July, SFOR troops mounted an operation against other indicted war criminals in Prijedor, in which Milan Kovacevic was arrested and transferred to The Hague and Simo Drljaca was killed when he opened fire on SFOR sol-

diers. Mr Drljaca was forced to step down as Prijedor's police chief in 1996, but he continued to wield political influence. He took part in the black market which enables Radovan Karadzic to finance his unofficial authority and was in charge of cloaking other indicted war criminals by providing them with false documents and safe houses. Mr Kovacevic was the political chief of Prijedor during the war and upon his arrest was a hospital director. Both men were the subject of sealed indictments issued by the war crimes tribunal and were accused of participating in genocide. The tribunal's Chief Prosecutor, Louise Arbour, recently announced that she planned to keep indictments secret in the future to avoid tipping off suspects about possible arrests.

45 Political leaders in Republika Srpska and the Federal Republic of Yugoslavia immediately protested fiercely over the operation in Prijedor, which was followed by bomb and grenade attacks against Western targets in Bosnia and harassment of SFOR troops. The Russian Foreign Minister, Yevgeni Primakov, criticised the firmer attitude SFOR was taking towards Bosnian Serbs. He called it "counterproductive" and said he would prefer not to see similar operations in the future¹. When in Sarajevo on 30 July, SACEUR Wesley Clark declared that reprisals by Bosnian Serbs following the more active operations would not deter SFOR from continuing its new policy.

46. Notwithstanding these operations, SFOR and NATO officials insisted that the SFOR mandate had remained unchanged. Apparently, however, the interpretation of the mandate has been widened and there is more willingness to exercise it fully. It has been made clear, however, that in weighing future similar operations, several important factors will be considered, such as the probability of success in capturing suspects with minimal civilian casualties, the possibilities of deterring Bosnian Serb retaliation and the value of any operation in destroying the power base of the hard-line leadership in Pale.

47 On 15 July, the ICTY sentenced the Bosnian Serb war criminal Dusan Tadic to 20 years' imprisonment. He was the second person to be sentenced for war crimes and crimes against humanity. Bosnian Serb authorities

criticised the verdict as unjust and said it proved an anti-Serb bias on the part of the court.

48 After heavy pressure had been exerted by the United States, ten indicted Bosnian Croat war criminals, including Dario Kordic, one of the most wanted suspects, were turned over to the ICTY in The Hague on 6 October 1997. They had surrendered in exchange for assurances that they would not have to wait for more than five months before going on trial. This leaves only one known indicted Croat war criminal, Ivica Rajic, at large.

49. The few spectacular arrest operations which have now taken place since June will have to be followed by others. Now that the Bosnian Government has in fact handed over all the publicly indicted Muslims and Croatia has more or less acted in the same way, Serbs must realise that the ICTY in The Hague is not an international conspiracy against them.

50 The Dayton peace process, which aims at a unified Bosnian state, has stalled mainly because of the continuous sabotage and opposition of the Bosnian Serbs, in particular Mr Karadzic and his supporters. The only way to make progress is to remove Mr Karadzic and his clique if only to break their stranglehold on the economy of Republika Srpska, which is denying decent living conditions to the majority of its inhabitants.

51. It has been pointed out repeatedly by Western authorities that arresting Mr Karadzic is an option, but not necessarily the only one. There is also a possibility that he will be marginalised by new political developments. In particular, Mrs Plavsic's emergence as an alternative is seen by some as a more attractive way of removing Mr Karadzic from power.

52 On a visit to Sarajevo on 30 July 1997, the NATO Secretary-General, Javier Solana, declared that all indicted war criminals will be brought to The Hague before the international community leaves Bosnia. The only conclusion can be the earlier the better.

VII. Local elections

53. The local elections which should have taken place on 14 September 1996 have been postponed several times for a number of reasons

¹ *NRC-Handelsblad*, 15 July 1997.

54. In November 1996, the political leaders of the Croat-Muslim Federation asked the OSCE to supervise the local elections in 1997, which at the time were still being rejected by the political leaders of Republika Srpska. However, on 1 December, the OSCE announced that the President of Republika Srpska, Biljana Plavsic, had formally agreed to local elections, requesting the OSCE to prolong its mission in order to supervise them.

55. After many complaints, calls to boycott the elections, requests to postpone them and other attempts to undermine the process, municipal elections finally took place on 13 and 14 September 1997 in the whole of Bosnia and Herzegovina. President Slobodan Milosevic had convinced the SDS leaders of Republika Srpska not to boycott the elections, saying that "Nobody may meddle with the legitimate right of the citizens to vote for their representatives". The OSCE sent 2 450 observers. In order to be able to ensure maximum security, SFOR increased its strength from 30 000 to 36 000 troops, while the United States sent six F-16 aircraft to the Italian air base at Aviano for reinforced surveillance of Bosnian territory during the elections. On the eve of the elections, NATO's Secretary-General, Javier Solana, made it clear that SFOR would "not tolerate any violence or threat of violence" and he warned the media "whose output is in persistent and blatant contradiction of either the spirit or the letter of the Dayton Peace Agreement"²

56. The OSCE proclaimed the elections a success and a major milestone in the peace process. It recognised that there had been minor irregularities but these had not had a significant influence on the overall process. It was said that more than 70% of the 2.5 million registered voters went to the polls.

57. Three weeks after the elections, the results of 10 of a total of 136 municipalities were still not known. The results as known on 11 October showed that the three nationalist parties – SDA (Muslim), SDS (Serb) and HDZ (Croat) – still have the largest number of votes, but both in the Federation and in Republika Srpska their popularity is waning and there is a shift in favour of a heterogeneous opposition.

58. In Banja Luka, the SDS won only 7 of 70 seats, while a number of parties which had pledged their support for Mrs Plavsic won 45 seats. In Brcko, the Serbs held the majority in the municipal council but in Srebrenica, Muslims won 25 seats against 20 for the two main ultra-nationalist Serb parties. The current mayor of Srebrenica has rejected the results. The main problem will now be to implement the results of the elections, in particular in those municipalities where the majority is a result of the votes of refugees who cast their votes elsewhere. The OSCE has announced that independently of the results of the vote in each community, a multi-ethnic administration will be established in order to control the tension that still exists. There will, however, be little chance for Muslims to return to such towns as Srebrenica or for Serbs to return to Drvar as long as these remain "occupied" by Serb and Croat extremist nationalists respectively.

59. Theoretically, much depends on the political will of the foreign countries committed to the peace process and to the election results to implement the results and use the means at their disposal. It is not quite clear what this would mean in practice. The OSCE can of course try, with the assistance of SFOR, to enforce the election results in those municipalities where the elected municipal council does not have the same ethnic composition as the current inhabitants, but that would lead to a splendidly artificial situation. It will certainly not lead to the establishment of democracy, which was one of the objectives of the Dayton Agreement.

60. If the newly-elected municipal councils are to make sense, the elections will have to be followed up by a massive return of refugees and displaced persons to their pre-war homes. This massive return will remain a pure illusion. Of roughly 2.1 million Bosnians forced out of their homes during the war, fewer than 30 000 have returned to them in areas where they are in a minority. Only some 30 000-35 000 people crossed the line between the Serb and Muslim-Croat parts of Bosnia to vote in the elections, even though they were aware of the heavy protection provided by SFOR.

61. Establishing democracy involves a long learning process. In the Balkans, elections have long been considered as a means to legitimise the

² *Atlantic News*, 17 September 1997.

power of the rulers. The main parties in power at present have a nationalist and ethnic stance and are in control of the media, employment, housing and the economy. In the West's view, democratic elections can never lead to the unbridled exercise of power by the winner. Real democracy means being elected to exercise power while allowing others to hold that power in check.

62 Democratically elected bodies are supposed to represent and govern the people or the population of the country, region or municipality where they have been elected. This is by no means the case in many municipalities in Bosnia and Herzegovina where the composition of the population before ethnic cleansing was the basis for the electoral lists.

63 The ethnic cleansing that has taken place is totally unacceptable to any civilised society and there is no way of ever justifying it. The ultimate objective of the Dayton Agreement is to undo the results of ethnic cleansing and restore the multi-ethnic society which existed in Bosnia and Herzegovina before 1991. This is a laudable objective but it cannot be attained through the holding of elections based on the 1991 situation, which in many cases have led to a total mismatch between the current local population and their local rulers. This bottom-up approach is unlikely to be effective. What is needed first and foremost for the implementation of the Dayton Agreement is the return of refugees. This is a process which will take many, many years and will require the prolonged presence of foreign military and police forces which can be the only guarantee of a return to a civilised society in which democratic elections alone, not violence, determine who holds the reins of power.

VIII. International arbitration over Brcko

64 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 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 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 Jus-

tice. 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 Agreement.

65. At the beginning of December 1996, Republika Srpska decided not to participate in the international arbitration over Brcko. It accused the Chairman of the Arbitration Committee, Robert Owen, of not respecting UNCITRAL rules and of exceeding the powers of the Arbitration Committee by proposing to establish an international administration to govern Brcko.

66. It should be remembered that before its seizure by the Serbs in May 1992, Brcko had a population which was 44% Muslim, 26% Croat and 21% Serb. With its present 100% Serb population, it is temporarily ruled under Serb authority. The Serbs consider it a strategic position, controlling a narrow corridor which links the eastern and western parts of Republika Srpska. Its return to Bosnia and Herzegovina would cut Republika Srpska in two, while continued Serb rule blocks the Federation's access to the Sava river and the Danube basin. On 14 February 1997, the International Arbitration Committee announced its decision to maintain the *status quo* in Brcko for another year. As a consequence of this ruling, the town will remain in Serb hands and will be administered by the Serbs for another year under the authority of an American supervisor, in fact providing the Serbs with an opportunity to consolidate their position. The final decision on the status of Brcko has been postponed until 15 March 1998.

67. Meanwhile, an international conference on the implementation of the decision of the Arbitration Committee was held on 7 March. Arrangements for the return of Muslim and Croat refugees to Brcko and the establishment of democratic institutions were among the subjects discussed. It was decided to increase the strength of the international police force in that area and to extend its field of action.

IX. Financial and economic aid for reconstruction

68. The foreign donor countries and also the Croats, Muslims and Serbs agree that economic

integration and a strengthened relationship with the international business community is the only possibility for lasting peace and development in Bosnia and Herzegovina. Undoubtedly, the country needs foreign aid for reconstruction, but this aid can only be effective if there is an administration with enough know-how and a satisfactory framework of legislation to guarantee the smooth running of the state and its economics. As long as these are lacking because of the reluctance of the different entities to inject energy into the establishment of government machinery which they were forced to accept under the Dayton Agreement, foreign aid can only be moderately effective.

69. The fragile political situation is putting off foreign private investors for whom the alternatives in neighbouring countries in central Europe are less complicated and more attractive.

70. In April 1997, the Council of the European Union declared that its commercial relations with Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia, and FYROM were subject to certain conditions. It stated that bilateral relations, the granting of commercial preference and exchanges, economic cooperation and financial aid would only be possible with countries respecting democratic principles and the rule of law, human rights and the rights of minorities, the principles of a market economy and regional cooperation.

71. The lack of internal agreement in Bosnia and Herzegovina has caused the repeated postponement of the international donor conference. The United States insisted on postponement until the Serbs agreed on legislation which would facilitate investments in the country. This legislation was to comprise laws on the payment of foreign debt, the creation of a central bank, a common currency, customs arrangements and a privatisation programme³. Europeans wanted this conference to take place on the condition that aid to Republika Srpska would be blocked until they agreed to the new legislation.

72. The central Bosnian Government announced on 15 April that it had agreed to establish a central bank and a common currency. No sooner was this agreement concluded than the Bosnian Serbs withdrew their approval, bringing

everything back to square one. In June, the parliament passed laws to create a central bank and a common currency (see paragraph 17) but their implementation appears to be causing problems.

73. Finally, the international donor conference on Bosnia took place on 23-24 July 1997, under the auspices of the European Union and the World Bank, with 30 organisations participating. The participants pledged a total of \$1.22 billion in aid to support industry, repair the infrastructure and get the local economy moving. The conference chairman, Hans van den Broek, said that aid could not be justified to parties who "oppose and frustrate" the goal of post-war reconstruction in Bosnia and Herzegovina. He added that humanitarian assistance to Republika Srpska would be continued, but that the overall political and economic influence of indicted war criminals in the republic "is such that it would be irresponsible to continue spending public funds for reconstruction purposes"⁴.

74. The conference issued a declaration in which it denounced the critical situation in Republika Srpska, noting the anti-democratic climate, terrorist actions and violations of the authority of the police. The granting of non-humanitarian aid was not excluded, but as long as the Republic did not meet its obligations under the Dayton Agreement, it would only concern aid which would promote its integration into Bosnia and Herzegovina without ending up in the pockets of indicted war criminals.

75. It should be pointed out, however, that this denial of reconstruction aid will have little or no effect on the final objective – to terminate the political and economic influence of indicted war criminals and make the Republic meet its Dayton obligations – unless the population is given the information which would help it understand the reasons and unless the war criminals are arrested or otherwise eliminated from the political and economic scene. Pressure to implement Dayton will only have effect if it is accompanied by abolition of the information monopoly of the SDS in all parts of Republika Srpska while, at the same time, promoting independent media and not replacing one monopoly by another one.

76. In 1997, the United States blocked two World Bank and International Monetary Fund

³ *Le Figaro*, 12 May 1997

⁴ *The International Herald Tribune*, 24 July 1997

loans to Croatia and threatened it with diplomatic isolation if it did not comply with the obligations of the Dayton Agreement

77. Fortunately, there are still many successful smaller-scale reconstruction programmes. Your Rapporteur was able to visit the Hrasno district in Sarajevo where, after the end of hostilities, only 2 200 apartments out of a total of 3 705 were still habitable. A project has now been established at the initiative of the city of Amsterdam to reconstruct the district and rehabilitate the apartments with financial contributions from the city of Amsterdam, the city of Bradford, the Netherlands Government, the European Commission and private companies and individuals. A few apartment blocks have already been rehabilitated and further work is still in progress

X. The WEU police task force in Mostar

78. In July 1994, the European Union took on the responsibility of administering Mostar with the objective of reunifying the town and making the Croat and Muslim communities live together. In that framework, the European Union asked WEU to deploy a European police task force which was to help transform the separate Croat and Muslim police forces into a common structure.

79. Since July 1994, this WEU police force, which consisted of 182 policemen from ten WEU countries as well as from Sweden and Austria, has helped to promote comprehension and cooperation between the Croat and Muslim population and has trained 380 local police officers.

80. The European Union's administration of Mostar ended in July 1996 when authority over the city was transferred to a Croat mayor and a Muslim deputy. According to a decision of the WEU Council of 8 October 1996, authority for the police in Mostar was transferred to the Minister of the Interior of the Federation of Bosnia and Herzegovina on 15 October 1996

81. In February 1997, Croats opened fire on a group of Muslims who were attempting to travel through the Croat-controlled part of Mostar in order to visit a Muslim graveyard. One Muslim was killed and some 20 to 30 people wounded. Following this incident, a number of Muslim families were expelled from the Croat-controlled part of the city. As a result of these violent inci-

dents, several hundred French and Spanish troops were mobilised in order to prevent further clashes between Croats and Muslims. It also led to the collapse of the joint Croat-Muslim police force in the city, with each side withdrawing its officers to its own part. Later, the Croat police chief of west Mostar was suspended from duty for obstructing an investigation into the incident, while three Croat police officers were given suspended sentences for allegedly shooting into the unarmed Muslim crowd. The joint Croat-Muslim police force has in the meantime been reestablished through mediation by the United Nations International Police Task Force.

XI. Public security and the task of the United Nations International Police Task Force (IPTF)

82. Democratic and restructured police forces are essential for the Dayton peace process to succeed. In its Sintra political declaration of 30 May 1997, the Steering Board of the Peace Implementation Council therefore expected both Republika Srpska and the Federation to accelerate the process of restructuring their police forces in line with the principles and plans prepared under the guidance of the IPTF. It stated that Republika Srpska, in particular, was behind in its commitments to restructuring. The Steering Board also expected the relevant authorities in Bosnia and Herzegovina to take further measures to provide the necessary control and security, based on democratic procedures, to address smuggling, terrorism and crime along its international borders.

83. In order to improve the investigation of human rights violations, the UN Security Council has authorised the deployment of an additional 120 monitors. The Steering Board has encouraged the IPTF to deploy these monitors to identify individual violators, particularly members of police forces, and to recommend appropriate action.

84. In the preceding Defence Committee report on Bosnia and Herzegovina (Assembly Document 1541), there was criticism of the shortcomings which prevented the IPTF from effectively performing its tasks. Now, one year later, considerable progress has been made. The IPTF is better equipped and the IPTF Commissioner

confirms that it has all the communications and transport means it needs. Of the maximum agreed number of 2 027 staff members, almost 2 000 are now deployed. The quality of the IPTF's human resources has improved considerably and new candidates are being tested as to their suitability, if possible in their own countries, before being sent to Bosnia and Herzegovina. The IPTF staff is divided into four main categories: monitors, trainers (\pm 200), investigators of human rights violations (\pm 200) and managers on all different levels.

85. The IPTF stresses that the implementation of its mandate to help the country build a fully integrated, well organised, modern police force able to cope with all the police tasks in a democratic state will take time. The IPTF Commissioner clearly indicated to your Rapporteur that the IPTF cannot fulfil its present mandate without the cooperation and occasional support of SFOR or a similar multinational armed force. A show of force is occasionally inevitable, but this should preferably come from SFOR because the IPTF can only implement its basic task if it manages to establish a relationship based on trust that will enable it to help the national and local police adopt a new attitude.

86. The IPTF is fairly satisfied with the progress made in implementation of its mandate in the Federation of Bosnia and Herzegovina. In both Mostar and Sarajevo, Croat and Muslim police officers are now fully integrated. Elsewhere, this integration process is under way. The cantonal police, which also includes border police, is now also being integrated, with an ethnic mix based on the results of the 1991 census. The customs service of the European Union is monitoring the organisation of the Bosnian customs service in coordination with the IPTF.

87. The response by police forces in Republika Srpska is said to be non-existent. They are used by political leaders to enforce and maintain their political and economic power and have been given clear orders not to cooperate with the IPTF. The new SFOR policy for the control and restructuring of the Specialist Police Forces, which was announced on 8 August last (see paragraphs 118-123) may, in time, lead to a more cooperative attitude on the part of these and other police forces in Republika Srpska

88. There can be little doubt that the IPTF's work to help re-establish the rule of law, including democratically-controlled police forces, will still take many years. In its present composition, it cannot implement its mandate without support from SFOR or its possible successor force. A reduced presence of foreign military forces in Bosnia and Herzegovina after June 1998 could seriously hamper implementation of the IPTF mandate. It has therefore been suggested that the IPTF be strengthened by greater European involvement through the deployment of a substantial WEU police force.

XII. Arms control and rearmament – the equip and train programme

89. On 14 June 1996, the representatives of Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia and the two Bosnian entities – the Federation of Bosnia and Herzegovina and the Serb Republic – signed an agreement on sub-regional arms control which was negotiated under the auspices of the OSCE in Vienna. The agreement included limitations for all parties in the following categories of heavy armaments: battle tanks, armoured combat vehicles, artillery over 75 mm, combat aircraft and attack helicopters. For each of the parties, ceilings were set at the lowest possible level, following the model of the Treaty on the reduction of Conventional Forces in Europe (CFE).

90. According to this Agreement, the following arms ceilings are in force⁵

	Tanks	Armoured combat vehicles	Artillery	Planes	Helicopters
FRY	1 025	850	3 750	155	53
Croatia	410	340	1 500	62	21
Bosnia	410	340	1 500	62	21
Serb. Rep	137	113	500	21	7
Federation	273	227	1 000	41	14

91. The Agreement stipulated that starting from 1 July 1996, the parties had 16 months in which to reduce the number of weapons they held to specific levels. Excess weapons could be exported, destroyed, or put on fixed public display. Excess com-

⁵ Source: *Atlantic News*, 11 June 1996

bat aircraft could be used for training if they were stripped of armaments

92. In its declaration of 30 May 1997 in Sintra, the Steering Board of the Peace Implementation Council noted that the Entities still had a long way to go to comply with the Agreement. It was greatly concerned by the failure of Republika Srpska to implement its commitments to reduction in full, as well as by the failure of the Federation to produce the required plan for this purpose.

93. It seems, however, that major progress has recently been made in the implementation of the arms control Agreement. According to data from the OSCE, a total of 4 220 items in the equipment categories mentioned in the Agreement have now been demolished by the four signatories. OSCE authorities have been quoted as saying that the organisation was satisfied that all parties had provided reasonably accurate reports on their holdings and they expected that both entities of Bosnia and Herzegovina would meet the official deadline for the demolition of equipment⁶.

94. However, as was mentioned in the Committee's 1996 report on Bosnia and Herzegovina (Assembly Document 1541), the United States took the initiative of equipping and training the armed forces of the Muslim-Croat Federation of Bosnia and Herzegovina. The objective of the programme was to bring the Federation's arsenal up to the same level as that of Republika Srpska. A secondary objective was to diminish the influence of Iran on Bosnia's army and security services, which resulted from the presence of several hundred mujaheddin fighters and the provision of Iranian military aid during the conflict in former Yugoslavia.

95. It will be remembered that the United States had set certain conditions for the implementation of the equip and train programme. The most important condition, the merger of the Croat and Muslim armed forces of the Federation, is now gradually being met. In early 1997, the Muslim and Croat Presidents Izetbegovic and Zubah agreed on the structure of the new federal army and its joint command. This was followed by the adoption by the Croat and Muslim Minister and Deputy Minister for Defence on 4 February of the structure of the federal Defence Minis-

try. Both decisions have now been implemented. Since December 1996 a federal army academy has been operational. There are, however, continuing differences between Croats and Muslims over the composition of their respective forces and the ratios for joint units. The United States has suggested observing a ratio of 10 Bosnians to 4 Croats in the army. For joint units and for the Ministry of Defence and the Joint Operations Command, they suggested a 70:30 ratio. Another condition, the resignation of the Muslim Deputy Minister for Defence, Hasan Gencic, whom the Americans accused of being too close to Iran has also been met.

96. In the framework of the equip and train programme, the following equipment was donated to the Federation:

(a) United States' donations:

- 1 000 M60 machine guns with ammunition;
- 46 100 M16A1 rifles with ammunition;
- 45 M60A3 main battle tanks including refurbishment, machine guns and ammunition;
- 80 M113A2 armoured personnel carriers including machine guns and ammunition;
- 15 UH-1H helicopters;
- 840 AT-4 light anti-tank weapons;
- 116 (M114) 155 mm howitzers;
- 51 D-30 122 mm howitzers, to be manufactured in Bosnia;
- 400 trucks including tank transporters;
- a large number of handheld and man-pack radios, tactical telephones and other minor equipment.

(b) United Arab Emirates' donation

- 36 (M56) 105 mm howitzers, ammunition and spare parts

(c) Egyptian donations.

- 12 (M59) 130 mm field guns;
- 12 D-30 122 mm howitzers;
- 18 ZU23 23 mm anti-aircraft guns with spare parts and ammunition

⁶ *International Herald Tribune*, 25-26 October 1997

97. The Federation is also being equipped with a combat simulation centre and the Multiple Integrated Laser Engagement System (MILES) II, providing a computer-generated battlefield for brigade and battalion-level simulated exercises. The United States has pointed out that the equipment provided falls within the limits of the 14 June 1996 agreement on sub-regional arms control, which was based on Article IV of the Dayton Agreement

98. A full strength army of the Federation will consist of four corps with 14 manoeuvre brigades and a "Federation reaction brigade" composed of one Muslim and one Croat combined-arms battalion. The Federation will have a total of 30 000-35 000 professionals. The current training programme is being implemented by a United States civilian contractor with 185 ex-military US personnel in Bosnia⁷.

99. On the occasion of the visit of a US delegation to Banja Luka on 6 September 1997, President Biljana Plavsic expressed the opinion that NATO should help the army of Republika Srpska to equip itself in the same way as the Croat-Muslim Federation, arguing that all the legal military structures in Bosnia and Herzegovina should be treated in the same way by the international community. Such an assistance programme, she said, would be a "real guarantee of peace" and it would strengthen the Serb population's confidence in NATO forces in Bosnia

100. Earlier, the American representative for military stabilisation in the Balkans, James Pardew, had declared that the equip and train programme could be extended to Republika Srpska on the sole condition that its leaders apply the Dayton Agreement to the letter⁸.

101. Strictly speaking, the armed forces ratio between the Federation and Republika Srpska is 2:1, but the United States argues that in a theoretical conflict between the two parts, Republika Srpska would still have superiority because it would be able to rely upon the armed forces of the Federal Republic of Yugoslavia.

102. As it is, Republika Srpska is worried about the military build-up in the Federation, especially since its own military forces have been imploding as a result of the power struggle going on between political adversaries in Banja Luka and Pale, while at the same time they are demoralised, inadequately trained and are suffering from a lack of funds and training, a severe shortage of spare parts and high desertion rates

103. The former UN High Representative, Carl Bildt, recently pointed out that the present trends in training and equipment acquisition are leading to a situation in which the Serbs will be "significantly outgunned". This is not only caused by the abovementioned 2:1 ratio in troops and heavy weaponry, but also by the qualitative edge, which he called the most important effect of the equip and train programme. He countered the argument of support for Republika Srpska from the Federal Republic of Yugoslavia arguing that, based on their track record of recent years, the armed forces of Croatia were more likely and willing to march into Bosnia than the Yugoslav military.

104. Mr Bildt's concern – shared by the World Bank – was, however, that current increased military spending was far in excess of what was needed to foster an atmosphere of security. In particular, he claimed it was impeding civilian reconstruction, economic growth and poverty reduction⁹.

105. Senior NATO officials have contended that apart from the equip and train programme, the Muslim-led part of the Federation is intensifying a clandestine programme to arm and train its forces which will enable them to mount a crushing offensive against Republika Srpska. It was noted that an Egyptian freighter sailing under the Ukrainian flag and carrying ten T55 tanks which were to be delivered as part of a secret shipment to the Muslims, was quarantined under NATO guard off the Croatian port of Ploce. Weapons have also arrived in the Croatian port of Rijeka which is not guarded by NATO. Officials also mentioned that a general at the Iranian embassy is working out deals with the Croats to smuggle more weapons through Croatia to the Bosnian Muslims. The existence of a secret ac-

⁷ *Jane's International Defence Review*, August 1997, page 58 ff.

⁸ *Atlantic News*, 10 September 1997.

⁹ *Defense News*, 1-7 September 1997

quisition and training programme in parallel with the official equip and train programme has been formally denied by Muslim government officials in Sarajevo¹⁰.

XIII. SFOR (Stabilisation Force)

106 The growing consensus over the need for a successor force to IFOR was described in outline in Chapter XII of the previous report¹¹. This consensus became even stronger when the head of the OSCE electoral mission, Robert Frowick, announced on 22 October 1996 that the municipal elections in Bosnia and Herzegovina, scheduled for November after having been postponed several times, were postponed until spring 1997. Among the reasons for this fresh delay were the irregularities noted during enrolment on electoral lists, and the lack of freedom of movement which was closely connected with the activities of nationalist leaders to promote separation.

107 On 7 November 1996, General William Crouch, head of the Allied Land Forces Central Europe (AFCENT) took over the command of IFOR. Elements from headquarters LANDCENT were deployed to form the nucleus of a new headquarters for the command and control of IFOR. Although the main mission of the new headquarters was to assume responsibility for organising the IFOR withdrawal, it was no secret that it might also become the headquarters of the IFOR successor force.

108. Later, on 27 November, the NATO Permanent Council agreed on most of the political directives for the military authorities to plan for an IFOR successor force, named SFOR. After having replaced IFOR on 20 December, SFOR was, in principle, to stay for a period of 18 months until 20 June 1998. It was also agreed, in principle, that the initial contingent of 31 000 troops would be reduced as soon as possible, depending on the circumstances, and that the definitive duration of its mandate would depend upon reviews of the situation after six and twelve months of its mission.

¹⁰ *The International Herald Tribune*, 4-5 October 1997

¹¹ Assembly Document 1541, *The role of Europe in Bosnia and Herzegovina*

109 SFOR was to provide assistance in the municipal elections planned for the summer of 1997 and the possibility of sending more troops during the election period was kept open. Like IFOR, SFOR was not to perform any police tasks and, as a consequence, it was not to pursue war criminals indicted by the International Criminal Tribunal for Former Yugoslavia (ICTY). SACEUR emphasised that SFOR would concentrate on the main military tasks and provide a safe, secure environment and that it would have the same rules of engagement.

110. After the adoption of UN Security Council Resolution 1088, which gave NATO a mandate to carry out operation Joint Guard on the basis of Chapter VII of the UN Charter, NATO's Defence Ministers approved the operational plans for SFOR on 17 December 1996. SFOR became operational on 20 December, having taken over from IFOR.

111. Operation Joint Guard, as implemented by SFOR, was to have four phases.

- I: transition a period from 20 December 1996 to 3 February 1997, to fully deploy SFOR with 32 participating countries,
- II: stabilisation. from February to June 1997, the aim being to prevent further hostilities until after the municipal elections planned for June 1997 - this was SFOR's main task,
- III: deterrence from June 1997 to spring 1998, during which time SFOR, with a reduced strength would still have to dissuade parties from starting a fresh conflict,
- IV: end of mission, with the complete withdrawal of forces at the end of June 1998

112 In spring 1997, soon after the full deployment of SFOR, it became increasingly clear that the implementation process of the Dayton Agreement had come to an almost complete standstill in many respects. Both the NATO Council and the Steering Board of the Peace Implementation Council, meeting in May 1997, decided to take decisive action as explained in Chapter II of the present report. Inevitably, this

approach would only be effective if accompanied by a more assertive stance on the part of SFOR which was reinforced for this purpose.

113. In preparation for the municipal elections in Bosnia and Herzegovina, SACEUR called for a temporary reinforcement of SFOR with six battalions from 20 August to 20 October in order to guarantee an environment of security and provide logistics and communications support which was accordingly authorised. The NATO Council discussed the first six months' review of the SFOR mission on 27 June in consultation with the 20 non-NATO countries contributing to SFOR.

114. A statement on the six-month review noted in particular the following

- "The review confirmed that SFOR is accomplishing its mission successfully, enforcing military compliance, firmly but fairly, contributing to the secure environment for the overall implementation of the Peace Agreement and providing significant support to the organisations responsible for implementing its civil aspects "
- "While the Parties remain in general compliant with the military provisions of the Peace Agreement, there are still serious concerns about the deficiencies remaining in the overall implementation of the Peace Agreement. NATO and non-NATO contributors to SFOR associate themselves fully with the declaration following the ministerial meeting of the Steering Board of the Peace Implementation Council in Sintra on 20 May, calling on all the Parties to implement it fully and without delay "
- "With the exception of this force adjustment [for the municipal elections], no other significant changes to the size and capabilities of SFOR will take place until the NAC, in consultation with the non-NATO-SFOR contributors, has undertaken a thorough assessment of the security situation in Bosnia and Herzegovina after the elections "

115. When, on 10 July 1997, SFOR took steps to detain two persons indicted for war crimes at

Prijedor, both the Secretary-General of NATO and SACEUR emphasised that this operation was not the result of a change of policy or a change of SFOR's mission. The action was "undertaken under SFOR's mandate which authorises it to detain war criminals when encountered in the course of its duties." They recalled that according to the Dayton Agreement, it was up to the three parties in Bosnia to go after the suspects.

116. At its meeting at the end of July, the Permanent NATO Council called on its military authorities to study several options for transition from Phase II (stabilisation) to Phase III (deterrence), which in the original plan entailed a considerable reduction in troop numbers - from 30 000 to less than 20 000. At the same time, the Secretary-General of NATO, the SFOR Commander and a number of Western governments issued firm warnings to political leaders in Republika Srpska that more terrorist attacks against SFOR and other international personnel in the Republic could lead to punitive action.

117. During August and September, SFOR had to intervene repeatedly with a show of force in clashes which were the consequence of a power struggle between supporters of Mrs Plavsic and Mr Karadzic.

118. Following acts of violence against elements of the UN International Police Force and SFOR troops in Brcko, the NATO Permanent Council, meeting in special session on 30 August 1997, adopted a statement "condemning recent violence and confirming that SFOR will continue to carry out its mission firmly but fairly and will not tolerate the use of force or intimidation". The statement continues "The Council responded positively to a request by the High Representative to authorise SFOR to provide the necessary support to suspend or curtail any media network or programme in Bosnia and Herzegovina whose output is in persistent and blatant contradiction of either the spirit or the letter of the Peace Agreement, in accordance with the Sintra Declaration." The statement adds that "in addition, the Council reaffirmed that SFOR will not hesitate to take the necessary measures including the use of force against media inciting attacks on SFOR or other international organisations."

119. SACEUR General Wesley Clark later stated: "We will use all means including lethal means to protect our forces and continue our mission"¹². These new rules of engagement gave SFOR more muscle at a crucial juncture in its mission, but it should be noted that it also increased the risks of it becoming involved in violent clashes with extremist nationalists.

120. The second area in which SFOR recently has recently taken a firmer line concerns the Specialist Police Forces which are heavily armed and exist in large numbers in Republika Srpska. On 8 August, SFOR Commander General Eric Shinseki announced a new policy for the control and restructuring of the Specialist Police Forces of the entities, with the objective of assisting, accelerating and ensuring police restructuring and reform. These police forces will now be brought into line with the police forces standard recognised by most democratic nations

121. The Specialist Police Forces, which have not been duly certified by the UNIPTF, will become subject to the provisions of Annex 1A to the Dayton Agreement – the Agreement on Military Aspects of the Peace Settlement. Those Specialist Police Forces that are undergoing certification will remain under the IPTF unless they fall behind in their restructuring programme. Specialist Police Forces subject to the provisions of Annex 1A will be given the same treatment as applies to the Entity Military Forces

122. Among many other things, Article IV.6 of Annex 1A gives SFOR the right "to compel the removal, withdrawal or relocation of Specific Forces and weapons from, and to order the cessation of any activities in, any location in Bosnia and Herzegovina whenever [SFOR] determines such forces, weapons or activities to constitute a threat or potential threat to either the [SFOR] or its mission or to another party. Forces failing to redeploy, withdraw, relocate or cease threatening or potentially threatening activities following such a demand by the [SFOR] shall be subject to military action by the [SFOR], including the use of necessary force to ensure compliance, consistent with the terms set forth in Article I, paragraph 3"

123 SFOR made it clear that the Presidents of the Entities and the Presidency of Bosnia and

Herzegovina had been given formal notification of new "Instructions for Specialist Police" and of the requirement that they restructure those forces in accordance with principles and plans prepared under SFOR and IPTF guidance. It further noted that these letters of notification reinforced their obligation to provide a safe and secure environment for all persons under their jurisdiction by operating civilian law-enforcement agencies in accordance with internationally recognised standards.

124. The Specialist Police Forces are in fact private armies belonging to the various factions. In Republika Srpska they have often been instrumental in enforcing the policy of the SDS political leaders, while they have also played a role in the protection of indicted war criminals, such as Radovan Karadzic, who are still at large.

125. SACEUR General Wesley Clark recently told the Permanent NATO Council that SFOR is actively watching the Specialist Police Forces, which are heavily armed and exist in large numbers in Republika Srpska. When meeting their leader, General Clark clearly told him that, according to the terms of the Dayton Agreement, these forces are illegal and must be dismantled¹³.

126 At an informal meeting of NATO's Defence Ministers in Maastricht on 1 and 2 October 1997, no formal decisions were taken on SFOR, but consensus was reached in favour of an ongoing SFOR presence in Bosnia and Herzegovina at its current strength of 36 000 troops over the coming months, with the possibility of a small reduction of 4 000 to 5 000 troops at the end of 1997. It was noted that not a single minister was in favour of a transition to Phase III (deterrence) with a considerably reduced number of troops (less than 20 000), which in December 1996 had been scheduled for June 1997. A new element which had to be taken into consideration was the increased tension in Republika Srpska (see Chapter XV), where parliamentary elections and new elections for the President of the Republic may take place later this year or in 1998

127. General Naumann, Chairman of NATO's Military Committee, pointed out that SFOR should not be given police tasks, which are the

¹² *Atlantic News*, 5 September 1997.

¹³ *Atlantic News*, 10 September 1997

strict responsibility of the three Bosnian entities and the civil authorities. At the same time, ministers thought that as SFOR is currently at its maximum strength, this situation must be used to support the pro-Dayton forces and make maximum progress in stabilising Bosnia and Herzegovina.

XIV. Post-SFOR

128. In spring 1997, the Clinton Administration, acknowledging that the Dayton peace process was in danger, started to advocate and take more aggressive steps to make parties meet their obligations. The President had pledged that United States ground forces would leave Bosnia and Herzegovina at the end of the SFOR mandate in June 1998. He realised full well that without the presence of foreign military forces, progress in the implementation of the Dayton Agreement would be almost non-existent. Both the Secretary of State, Madeleine Albright, and the craftsman of the Dayton Agreement, Richard Holbrooke, were sent to the region in order to give fresh impetus to the peace process.

129. SFOR was instructed to become more actively engaged while, at the same time, it was reinforced with extra troops. It very soon became clear, however, that even this more active foreign involvement in getting the Dayton Agreement implemented would never result in a situation which would allow foreign troops to leave Bosnia and Herzegovina by June 1998 without any risk of a resumption of hostilities between the parties.

130. In recent meetings with NATO in Brussels, both the UN High Representative, Carlos Westendorp, and the Head of the OSCE Mission, Robert Frowick, stressed the need for a long-term international commitment while pointing out that substantial progress had already been made in implementing the Dayton Agreement. Mr Frowick even made it clear that it was absolutely essential for the international community to remain in Bosnia for an unspecified length of time, including a "significant and credible commitment, especially by the United States"¹⁴.

131. Although for some time, the United States Government has tried to maintain the impression

that it is determined to withdraw its ground troops from Bosnia and Herzegovina in June 1998, a reconsideration of this objective is apparently taking place in the light of developments in that country and in NATO.

132. The shift in opinion is clearly apparent in the attitude of the US Congress. In June 1997, the House of Representatives adopted an amendment to cut off funds for United States peacekeeping troops in Bosnia after June 1998. Members of the House said that this deadline provision should serve notice on European allies to be prepared to take on greater responsibility in Bosnia by that time¹⁵. In a July vote on this subject, the Senate strongly urged, but did not require, the United States to pull its troops out of Bosnia by next June, providing the Administration with more flexibility. On 24 September, the Congress was even more accommodating by authorising President Clinton to maintain troops in Bosnia beyond the end of the SFOR mandate in June 1998 via a draft bill which would enable SFOR to pursue its mission if that were "in line with the security interests of the United States"¹⁶.

133. In September 1997, several United States authorities started to prepare the public for a continuation of close US involvement in Bosnia. Sandy Berger, President Clinton's National Security Adviser, criticised those politicians and analysts who had argued in favour of giving up the peace process under the Dayton Agreement. Admitting that progress in the Dayton peace process was painfully slow, he said there was nevertheless positive change and that the conditions were being created for a lasting peace. He added that a failed Dayton would almost certainly result in a new conflict which could extend into south-eastern Europe. This would undermine NATO's credibility at a critical moment. The United States, he concluded, had an important interest in the establishment of a lasting peace in Bosnia¹⁷.

134. In Maastricht on 1 and 2 October, the US Defence Secretary, William Cohen, emphasised the need to keep to deadlines in order to prevent both civilian agencies and the Bosnians them-

¹⁴ *Atlantic News*, 17 September 1997.

¹⁵ *The Washington Post*, 25 June 1997.

¹⁶ *Atlantic News*, 26 September 1997

¹⁷ *Atlantic News*, 26 September 1997 and *NRC-Handelsblad*, 24 September 1997.

selves from becoming too attached to the presence of NATO troops. He agreed on the other hand with those who said that the Alliance must sustain its military involvement in Bosnia because a sudden pull-out would leave a security void and precipitate a slide towards violence.

135 In preparation for the meeting of NATO Defence Ministers in Maastricht on 1 and 2 October, NATO Secretary-General, Javier Solana, declared that the priority for SFOR is not to concentrate on full implementation of the Dayton Agreement. As regards the end of the SFOR mission in June 1998, Mr Solana affirmed that the international community would not abandon Bosnia but said it was too early to discuss a follow-up to SFOR in concrete terms. He did not think that any country, including the United States, would leave Bosnia completely but what form any follow-up force takes remains to be seen.

136. The Western European NATO allies have all expressed the opinion that in any post-SFOR configuration, United States ground troops will have to participate on the territory of Bosnia and Herzegovina. Most of them have also declared that their troops would leave the country if the United States forces were to do so.

137 As regards the nature of a new successor force, an important consideration for all European governments with troops involved in SFOR was expressed by the British Defence Secretary when he said that if a new follow-on force in Bosnia were agreed "it will have to be NATO-led, with NATO-led credibility, and with all the major players sharing the risks on the ground"¹⁸.

138 Theoretically, implementation of the combined joint task forces (CJTF) concept would provide Europeans with the possibility of deploying an SFOR successor force under the responsibility of WEU and under a European command. Most NATO and WEU officials have rejected this option as being beyond WEU's capabilities. In principle, WEU is capable of mounting a military operation of the Petersberg-type, involving no more than 10 000 troops. Recent developments, which resulted in the decision to maintain SFOR at its reinforced level until an unspecified date, clearly indicate that the situation

in Bosnia and Herzegovina requires the presence of a substantial force, even after June 1998.

139. There is, however, another reason why Europeans will not deploy a successor force to SFOR on their own. The purpose of a foreign military presence in Bosnia and Herzegovina is to ensure the secure environment which is needed for full implementation of the Dayton Agreement. This complicated Agreement, even if its theoretical framework is based on earlier European peace initiatives, was drafted by the Americans, who have also made great efforts to convince the warring parties that they had no choice other than to sign. The United States will therefore at least have to assume its full co-responsibility to ensure there is a secure environment for implementation of the Agreement.

140. Apart from the abovementioned reasons, there are developments in NATO which make the continued involvement of US ground troops inevitable.

141. Bosnia is a testing ground for cooperation between NATO and other countries which are, or as the case may be are not, candidates for membership of NATO in its future enlargement. Of particular importance is the cooperation between the 1 500-strong Russian unit and NATO troops. If any serious trouble with this cooperation were to arise in Bosnia, this could be a bad omen for Russian acquiescence to NATO's enlargement to take in central European countries. The very broad range of recent SFOR operations against war criminals and TV transmitters in Republika Srpska, which led to Russian complaints and criticism in the NATO Permanent Council, have shown that SFOR is walking a narrow tightrope.

142 In the United States, some members of Congress see the cost of the US mission in Bosnia as a barometer of the Administration's reliability in projecting expenditures for NATO's enlargement. They point out that, in the beginning, the Administration put a \$2.5 billion price tag on the operation in Bosnia, which is now expected to cost at least \$6.5 billion.

143. Finally, the NATO enlargement process itself may well be the most compelling reason for US troops not to leave Bosnia and Herzegovina. It should be remembered here that the United States in particular has argued most intensely in favour of enlargement. Whatever may be said in

¹⁸ *The Financial Times*, 5 September 1997.

official declarations about wishing to belong to the family of Western democratic nations and other high, idealistic concepts, there is only one real reason why central European nations want to become members of NATO. It will provide them with US security guarantees against any foreign threat. The promise of such guarantees will not have any credibility if the United States military forces leave Bosnia and Herzegovina before the job is finished because Congress does not want to spend more money on it or because it is afraid that American soldiers will be killed.

144. An American commentator has noted that the United States has no exit strategy for Bosnia, but just a determination to get out before it gets sucked in too far and Americans are killed. He rightly concluded that fear of suffering casualties is not a strategy and that it cannot be the sole basis for making policy¹⁹.

145. There is a danger that as the debate over NATO enlargement in the US Senate approaches, the Administration is likely to ward off any possible problems for US troops in Bosnia, with the consequence that it will most probably force SFOR troops to keep their heads down and not take any risks at a juncture when an assertive SFOR posture is vital for the success of the Dayton peace process.

146. NATO military commanders have told the Defence Ministers that for planning purposes a decision on what policy is to be followed after June 1998 will have to be taken by February 1998. If a force is to stay on after June 1998, new objectives will have to be set which should encompass more than the obvious task of preventing the situation sliding back into war.

XV. The internal power struggle in Republika Srpska

147. Since March 1997, a struggle for power has been pitting the President of Republika Srpska, Biljana Plavsic, against Radovan Karadzic and Momcilo Krajisnik, the Bosnian Serb member of the co-presidency of Bosnia and Herzegovina.

148. The split became apparent when the parliament of the Republic ratified an agreement

between Republika Srpska and the Federal Republic of Yugoslavia on economic and military cooperation. This agreement had been signed by President Milosevic and Mr Krajisnik. According to Mrs Plavsic, who was informed only after the signing had taken place, Mr Krajisnik did not have the right to sign on behalf of Republika Srpska, while the agreement itself was not consistent with the Dayton Agreement.

149. In April Mrs Plavsic launched a campaign against high-level corruption by ordering an enquiry into two companies which were not paying taxes. The companies concerned were Centrex, which has a monopoly on imports and on sales of fuel, tobacco, alcohol and building materials, and Selkt-Impex, which uses part of the profits from Centrex to pay bounties to police officers in Republika Srpska. The owners of these companies are Mr Karadzic and Mr Krajisnik. At the end of June, Mrs Plavsic sacked the Minister of the Interior, Dragan Kijac, a supporter of Karadzic who had undermined the enquiry and who, against Mrs Plavsic's wishes, had withdrawn a police brigade from Banja Luka. The government in Pale then reinstated the Interior Minister and the ruling SDS (Serbian Democratic Party) then asked the Bosnian-Serb Parliament in Pale to draw up a procedure to depose President Plavsic, upon which Mrs Plavsic ordered the dissolution of parliament. On 20 July she was expelled from the SDS and told to step down as President of the Republic. It should be noted here that according to the Constitution, the President can only be removed by a referendum.

150. It should be borne in mind that Mr Karadzic is an indicted war criminal who still wields great economic and political influence in Republika Srpska. His supporters, faithful to his leadership, have obstructed every effort to unite the Serb Republic with the rest of Bosnia and Herzegovina. With a few exceptions, Muslims and Croats have not returned to their homes in the Serbian part and the Serbs have blocked the formation of a single central bank, failed to meet arms control limits, and signed the abovementioned economic and military agreement with the Federal Republic of Yugoslavia, all in violation of the Dayton Agreement.

151. Mrs Plavsic is no less a staunch nationalist who has always defended an ethnically pure Republika Srpska, calling ethnic cleansing a

¹⁹ Richard Cohen in *The International Herald Tribune*, 12 September 1997.

“natural phenomenon”. She contends that Serbs can only be judged by Serbs and has repeatedly stated that she is opposed to the extradition of indicted Serb war criminals to the ICTY in The Hague. On the other hand, she claims that widespread corruption is destroying the viability of the Serb Republic.

152. The Republic’s refusal to meet the obligations of the Dayton Agreement has turned it into the pariah of reconstruction aid and economic development. Since the end of the war in 1995, the economic output of the Croat-Muslim Federation has doubled and is expected to reach half its pre-war level by the end of 1997, while development in Republika Srpska is still almost at a standstill. Unemployment in the Federation has dropped from 90 to 50%, while it still stands at 90% in Republika Srpska. Barely 3% of the \$1.36 billion official reconstruction aid granted in 1996 went to the Serb Republic. Most government workers have not been paid for months and more than 10% of the Republic’s 800 000 citizens depend on soup kitchens set up by the Red Cross.

153 Mrs Plavsic has now created her own political party, the Serbian Popular Alliance (SNS). Its basic objectives are to create a national Serbian state, renounce the communist heritage and fight against criminality and corruption.

154 In August, rumours of a coup against Mrs Plavsic, organised by Pale, caused a raid by SFOR troops on a number of police stations including a specialist police barracks which were in the hands of Karadzic supporters and to the seizure of large numbers of unauthorised weapons. Later that month, SFOR troops helped supporters of Mrs Plavsic to break Mr Karadzic’s monopoly over the information flow by temporarily taking control of TV transmitters. Meanwhile, since the end of August, supporters of Mrs Plavsic have started television broadcasts from Banja Luka. SFOR also intervened in clashes over transmitters and police stations between Plavsic and Karadzic supporters in Banja Luka, Brcko, Bijeljina, Doboj and Prnjavor.

155 At a NATO preparatory meeting at ambassador level on 11 September 1997, the Russian Permanent Representative to NATO criticised the new aggressive Western approach to the SFOR mission, saying that it was incompatible

with the agreed rules of engagement. In particular, Mr Vitali Churkin complained that by threatening Bosnian Serbs and pursuing indicted Serb war criminals, the Western SFOR participants were not acting in an even-handed way²⁰

156. The International High Representative, Carlos Westendorp, declared that the international community was not going to allow the division of the Serb Republic. He added that the present problems should be solved by peaceful means, “by going to the polls and voting”²¹.

157. Finally, on 24 September 1997, Mrs Plavsic signed an agreement with Mr Milosevic and Mr Krajisnik with the aim of preventing the division of Republika Srpska. It was agreed that parliamentary elections would be held on 15 November, followed by elections for the Bosnian Serb presidency – now held by Mrs Plavsic – and for the Serb member of the joint Bosnian presidency – currently Mr Krajisnik – on 7 December. Bosnian Serb television will broadcast the views of each side in turn on alternate days and both sides will take all necessary measures to stop confrontations that could lead to a division of Republika Srpska. The presidential elections have already been postponed to next year because Western organisers declared that it would be logistically impossible to organise them earlier. The date of the parliamentary elections is still subject to discussion.

158. Even if the agreement seems to have removed the immediate danger of an undesirable split in Republika Srpska, the prospects are by no means very clear or bright. It would seem that there is still a long way to go before there is a really free and independent press in the Republic. The outcome of the presidential elections is uncertain. If they were to result in a Karadzic supporter as President, the position of the extremists would again be reinforced and prospects for further implementation of the Dayton Agreement would be extremely bleak. If Mrs Plavsic were to maintain her position, the situation may improve but the unified multi-ethnic Bosnian state may remain a dream.

159 On 1 October, SFOR troops seized the four television transmitters in Trebevic, Udriogovo, Leotar and Duge Njive which were

²⁰ *Atlantic News*, 17 September 1997

²¹ *The Financial Times*, 27 August 1997.

used by the Serb nationalists in Pale for their political propaganda campaign. The operation was mounted at the request of the International High Representative, Carlos Westendorp, after Pale's television station ignored repeated warnings to behave. Later, Momsilo Krajisnik was given to understand that Pale would have to abide by a set of conditions if it wanted its television station back. These conditions included a Western-appointed station director from abroad, dismissal of the three SDS members on the board of directors, including Mr Krajisnik, and re-writing the station's charter.

160. SFOR transferred control over these transmitters to supporters of Mrs Plavsic, but although she called the SFOR operation justified, she also recalled the agreement of 24 September 1997 according to which programmes from Pale and Banja Luka would alternate on the electronic media of Republika Srpska. In the "interest of Republika Srpska" she did not wish to have an information monopoly²²

161. It seemed that in this matter the UN High Representative, in cooperation with SFOR, is pursuing a dangerous course. In a democratic state, free and independent media are part of the freedom of expression which is also stipulated in Article II of the Constitution of Bosnia and Herzegovina (Annex 4 to the Dayton Agreement). A government monopoly on information cannot be tolerated, but replacing a government monopoly with an opposition monopoly is not an improvement if the objective is freedom of expression. Even-handedness is an important element in peacekeeping activities. It is vital for the preservation of SFOR's authority.

162. Mr Westendorp is therefore now proposing a transitional measure to assure non-partisan television coverage. He has asked the Contact Group to approve the creation of a panel of judges and journalists – partly international, partly local – to set editorial standards and enforce them until Bosnia creates a similar system of its own.

163. No agreement has yet been reached about parliamentary elections in Republika Srpska. The United States is in favour because, like Mrs Plavsic, it thinks they may reinforce the position of the relatively moderate politicians and improve

prospects for implementing the Dayton Agreement. France, Germany and the United Kingdom are only lukewarm about such elections, believing they will not change the political scene decisively. Russia will only allow parliamentary elections to take place if there is a commitment to hold presidential elections at a later date. Mr Krajisnik has even said that he would not cooperate if parliamentary elections were held and that he could not guarantee the safety of election monitors. A decision to hold elections will have to be taken before the end of October 1997.

XVI. Eastern Slavonia

164. Municipal and regional elections took place in Eastern Slavonia on 13 and 14 April 1997, at the same time as in the rest of Croatia. The Head of the United Nations Transitional Administration in Eastern Slavonia (UNTAES), Jacques Klein, declared the elections, in which 85% of Serb voters participated, a success. According to a joint declaration by UNTAES and the Croat authorities in Zagreb, 15 650 Croat and 14 136 Serb votes were cast. In Vukovar and 16 other municipalities, non-Serbian parties won the majority of votes, while in 11 municipalities the majority was won by the Serbian Independent Democratic party.

165. At the end of April, Eastern Slavonia's reintegration into Croatia began with the return of the Croatian public services and banking activities and a start was made on restoring the judicial system.

166. The return of refugees to Eastern Slavonia is still a problem that must be solved. An estimated 70 000 Croat refugees are still living elsewhere. Many of the Serbs living in Eastern Slavonia fled their homes in other Serb-held areas in Croatia during the Croatian offensive against rebel Serbs in Krajina in August 1995. Full reintegration of Eastern Slavonia into the Republic of Croatia should be accomplished by 15 January 1998, at the end of the prolonged UNTAES mandate. The problem of the return of Croats to their homes can only be resolved if the Croatian Government also authorises Serbs to return to the homes from which they were expelled in 1996.

167. On 8 June 1997, President Tudjman declared that all ethnic Serbs who recognised

²² *NRC-Handelsblad*, 2 October 1997

Croatia as their home and obtained Croatian documents were welcome to stay in Croatia. He added, however, that not all of Croatia's 150 000-200 000 Serb refugees could return home because that would lead to discord and war.

168. In Resolution 1120 of 14 July 1997, the United Nations Security Council noted that a lack of the necessary conditions prevented the return in any substantial numbers of those displaced persons seeking to return to Eastern Slavonia from other parts of Croatia. It therefore asked the Government of Croatia to promptly eliminate the administrative and legal obstacles to the return of refugees and displaced persons and to create the necessary conditions of security, safety and social and economic opportunity for those returning to their homes in Croatia. At the same time, the Security Council extended the mandate of UNTAES until 15 January 1998 and endorsed the proposal for achieving the withdrawal of the UNTAES military component by 15 October 1997.

169. In early October, the UN Secretary-General, Kofi Annan, presented a report to the Security Council on the situation in Eastern Slavonia. The report argues that Croatia has made no efforts at reconciliation with the Serbs living in Croatia. If the Security Council adopts the Secretary-General's recommendation, Croatia will not be given control over Eastern Slavonia until early 1998. The last phase of withdrawal of the UNTAES military force started on 15 October, but the 400-strong UN civilian police force and the 100 UN military observers will have to stay at least until 15 January 1998.

170. In his report, Mr Annan concluded that the action taken by Croatia in recent months shows considerable shortcomings and a lack of political will. Progress has been made on the building of constitutional bodies but, according to the report, not enough has been done to gain the confidence of the Croatian Serbs in the region, to prevent harassment and to achieve a smooth transition.

XVII. The Former Yugoslav Republic of Macedonia (FYROM)

171. As is so often the case in the Balkans, the political problems in FYROM have their roots in the complicated history of the region.

172. Historical Macedonia was three times larger than the present-day FYROM. After five centuries of Ottoman rule, Macedonia was integrated in the new Bulgaria in 1873. In 1913 the Treaty of Bucharest divided Macedonia among Bulgaria, Greece and Serbia. The People's Federal Republic of Yugoslavia, proclaimed in 1945, included the Serbian part of Macedonia and officially recognised its language. Finally, this republic proclaimed its independence in September 1991 and was recognised by the United Nations in 1993 under the provisional name of FYROM.

173. Since 1991, Greece has been adamant in its opposition to recognise the new republic under the name "Macedonia" and imposed an economic blockade on FYROM in February 1994. After FYROM agreed to alter its flag, the blockade was lifted in October 1995. Under an interim agreement signed in September 1995, FYROM and Greece agreed to negotiations on a permanent name. These negotiations are still under way and no progress has been reported since then. During the armed conflict in former Yugoslavia, the UN Security Council dispatched a small observation force to FYROM's northern border in recognition of the potential threat to peace and security in the new republic. In 1995, Serbia mounted a series of provocative and manipulative operations, including border incidents, with the aim of destabilising FYROM internally. The presence and mediation of UN troops have prevented further escalation. In April 1996 a treaty between the Federal Republic of Yugoslavia and FYROM, in which FYROM was recognised, set up a joint committee to define the country's borders once and for all. It also refers to the rights of Serbs in FYROM and those of Macedonians in the Federal Republic of Yugoslavia.

174. For the first time in its history, and at the request of the President of the Republic of FYROM, the United Nations has sent peacekeeping troops to a country on a deterrent mission. The first units arrived in January and February 1993. They consisted of a Nordic battalion of 700 soldiers from Denmark, Finland, Norway and Sweden. In June 1993, with the consent of the Governments of FYROM and the United States, the United Nations Security Council adopted Resolution 842 (1993) on the deployment of a contingent of 300 US soldiers in FYROM as part of the UNPROFOR mission.

175. In Resolution 983 (1995), the Security Council declared that UNPROFOR within FYROM would be known as the United Nations Preventive Deployment Force (UNPREDEP). UNPREDEP became an independent mission reporting directly to UN Headquarters in New York. The peacekeeping troops have a preventive role which consists in observing and in conveying information on any developments which may endanger the security, stability and territorial integrity of FYROM. The UN force is deployed to monitor the northern border, particularly on the Kosovo side. UNPREDEP's mandate was originally scheduled to end on 30 November 1995.

176. Security Council Resolution 1027 (1995) extended UNPREDEP's mandate until 30 May 1996 when the mandate was again prolonged until 30 November 1996 (Resolution 1058).

177. In the light of the possible destabilising effect on FYROM of serious unrest in neighbouring Albania, a Resolution of 9 April reaffirmed the extension of UNPREDEP's mandate (originally deployed to prevent conflicts in former Yugoslavia spilling into FYROM) until 31 May 1997. Another six-month extension until 30 November 1997 was decided by Resolution 1110 (1997). Until recently, the force consisted of two 500-man mechanised infantry battalions, a Nordic composite battalion and a US army task force and an additional 50-man Indonesian engineering platoon, but the Security Council has decided on a two-month phased reduction of the mission's military component by 300 men of all ranks, starting on 1 October 1997.

178. The presence of a sizeable Albanian minority in FYROM has been a possible source of tension from the beginning of the Republic's existence and tension has recently started to rise without any real prospects for improvement.

179. According to the 1994 census, 66.5% of the country's population of two million are "Macedonians". Albanians constitute 22.9% and the remaining 10.6% are Turks, Roms, Serbs, Vlachs and others. Albanians claim that they constitute 30% of the population and demographers say that if the present birth-rates and migrations from Albania and Kosovo continue, Albanians could become a majority within 15 years. The Constitution guarantees the rights of all citizens of the Republic, but Albanians say

that its preamble reduces them to second-class citizens and they are demanding the status of "constituent nation". From the outset, the Government of FYROM has always tried to steer a course between its fear of Albanian secession and the creation of a "Greater Albania" and there is both internal and external pressure to grant more rights to Albanian citizens, who are represented in the parliament and whose moderate wing is a partner in the governing coalition.

180. Many incidents have taken place. In 1994, the parliament rejected a draft law to grant the Albanian language official status, but allowed the teaching of the Albanian language in the teacher-training department of Skopje University. In the same year, Albanians formally established an ethnic Albanian university in Tetovo, which was condemned as illegal by the Government. The clandestine Tetovo University has repeatedly been the scene of violent clashes between students and the police. In 1996, ethnic Albanians became much more vociferous in making their political demands and this led to a secession in the moderate Party for Democratic Prosperity (PDP), which is a coalition partner in the government. The newly-formed and far more radical Party for Democratic Prosperity of the Albanians in Macedonia (PDPA) won the autumn 1996 local elections in a number of important municipalities such as Gostivar and Tetovo. This development has led to a more radical position being taken by the PDP whose leader, Ismet Ramadani, has been quoted as saying that his party "can only envisage remaining in the government coalition if the Albanian language is recognised and if the Albanian community officially has a university"²³.

181. The most recent incidents took place in Gostivar and Tetovo in July 1997, when the PDPA mayors hoisted the Albanian flag in defiance of a new law. There were violent clashes with the police, with three ethnic Albanians killed and over 300 arrested, including the mayors who were later sentenced in court. Tetovo's mayor said he was in favour of a multi-ethnic state, but that the idea of joining a Greater Albania would become a necessity "if government repression of Albanians continues"²⁴.

²³ *Le Monde*, 31 May 1997.

²⁴ *The Financial Times*, 22 July 1997.

182. The OSCE's High Commissioner for Minorities is playing a useful role in mediation efforts between the two ethnic groups. On the other hand, it would appear that the presence of United Nations forces on a deterrent mission is now becoming more important for the prevention and management of mounting internal strife and of Albanian secessionist activities. Under these circumstances, one is prompted to ask whether the Security Council took a wise decision in reducing the UN mission's military component. Europe and its transatlantic allies must remain involved in this unique crisis-prevention effort, with both civilian organisations and military forces on the spot, and follow developments closely from day to day so that they are not taken by surprise and confronted with a difficult situation in which it might be too late to take any action.

XVIII. Mounting unrest in Kosovo

183. Kosovo, the heartland of medieval Serbia and a historic battleground of the Serbs against the Ottomans, continues to be a dangerous source of tension in the Federal Republic of Yugoslavia which deserves close attention. The population of this province consists of 90% Albanians and 10% Serbs. Under Tito, Kosovo was granted the status of an autonomous province of Serbia and the Albanians were given considerable local power and cultural rights. When Slobodan Milosevic came to power with his strongly nationalist ideas, his first actions were directed against Albanian dominance in Kosovo. He virtually removed all the Albanians' political and cultural rights, including their control of the Albanian language library and their administration of the school system. The presence of Serbian police and military forces was reinforced and violation of the Albanians' human rights was accompanied by a regime of ruthless repression. Serbians used every possible method to prevent the Albanian population using the confused situation of the war in former Yugoslavia to gain independence. Terrorist actions and political killings continued to keep tensions near fever pitch. Both the United States and the European Union warned President Milosevic repeatedly not to overplay his hand in Kosovo and used economic sanctions to try to convince the Serb Government to re-establish the human and political rights of the Albanians.

184. In January 1997, the Chairman-in-Office of the General Affairs Council of the European Union, Hans van Mierlo, declared that the EU could not negotiate with Belgrade until the situation in Kosovo improved. When the United States Secretary of State Madeleine Albright met with Ibrahim Rugova, leader of the Albanian Democratic League of Kosovo (LDK), she issued a statement in which, among other things, she said: "Ethnic Albanians in Kosovo are still denied their most basic human and political rights and suffer repeated abuses at the hands of Serbian authorities, particularly the police and the courts. Real progress on improving the situation in Kosovo remains a central element of the Outer Wall of sanctions against Serbia. There will be no relief from sanctions until Belgrade has taken concrete steps to address the legitimate grievances of the Kosovo Albanian community."

185. Neither the United States nor the European Union supports independence for Kosovo and they argue that a solution to the problems of Kosovo can and must be found within the framework of Serbia and the Federal Republic of Yugoslavia.

186. Recent developments in Kosovo have not been encouraging. In September 1996, an agreement on education was concluded between Slobodan Milosevic, the President of Serbia, and Ibrahim Rugova, political leader of the Albanian community in Kosovo. Since then, however, no real progress has been made to implement the agreement. The preliminary protocol envisaged the return of primary and secondary school pupils and university students to public establishments for an education in the Albanian language. The committee set up to fix a date for this return has not yet taken a decision which, according to the Albanian leaders, is the result of a lack of cooperation on the part of the Serbs.

187. Albanian leaders maintain that negotiations with the Serbs, which are taking place through the mediation of the Roman Catholic Sant'Egidio community, are not completely blocked. At the end of September 1997, students in Pristina started to hold demonstrations, demanding full recognition of their linguistic and educational rights and on 1 October, a demonstration of a few thousand students led to violent clashes when it was broken up by a police force. Also in September 1997, 11 Serb police stations

were overrun in a coordinated attack by members of a movement which calls itself the Kosovo Liberation Army (KLA). Since the beginning of 1997, some 20 Albanians have been killed in Kosovo through terrorist activities, some of which have been claimed by the KLA. A number of the Albanians who were killed were known for their relations with the Serb Government. Twenty presumed members of the KLA have been sentenced to imprisonment for "terrorist activities".

188. It is doubtful whether the moderate Albanian leaders will continue to be able to control the population, which is tired of not seeing any progress in negotiations. There are signs that the massive support in Kosovo for the non-violent civil disobedience campaign led by Ibrahim Rugova is crumbling. The more radical movement of Adem Demaki, which has emphasised the risks involved in the emergence of terrorist groups, is building up support. This may cause the moderate leaders to adopt a more intransigent attitude towards the Serbs in order to avoid being accused of betraying the Albanian cause

189. It should be noted that at the same time, the economic and political situation in Serbia has caused a return to radicalism and nationalism, as was clearly demonstrated in parliamentary and presidential elections held in September and October 1997. The second round of the presidential elections, held on 5 October last, was declared void because of a turnout just below the legal threshold of 50% and the date of new elections has not yet been fixed. Both candidates for the presidency, Zoran Lilic and Vojislav Seselj, left no doubt over their nationalist convictions with Mr Seselj declaring that he opposed any arrangement with the ethnic Albanian majority in Kosovo.

190. This leaves little hope for an improvement in the situation in Kosovo. If the European Union and Western European Union continue to declare that they have an interest in peace and security in Europe, they are obliged to follow developments in Kosovo closely, not least in order to be ready for action if need be. Events in Albania have demonstrated how badly Western Europe is prepared to cope with a crisis in a country which has consistently been high on the list of areas of instability and possible outbreaks of violence. Its reactions came late and reluctantly. This should

not happen again if Europe continues to affirm that it has a vital interest in peace in the Balkans.

XIX. Albania and WEU's Multinational Advisory Police Element (MAPE)

191. Developments in Albania in the first half of 1997 demonstrated how, even in a closely monitored European country with a widely recognised potential for internal instability, the situation can rapidly deteriorate and get out of control.

192. A volatile situation with increasing social unrest developed in early 1997 when a number of pyramid finance schemes collapsed. Income from these schemes which had accumulated an estimated total of \$1 billion in investments had become important for a large proportion of the deprived population.

193. In 1996, the Albanian Government started to take legal action in response to warnings from international financial institutions, but it was too late and insufficient to prevent a financial disaster and violent demonstrations. In particular, in the southern part of Albania the demonstrations escalated into a rebellion. Large quantities of weapons, including heavy weapons such as tanks and anti-aircraft guns, fell into the hands of rebellious groups consisting of an exotic mixture of civilians, the military, policemen and criminals.

194. At the beginning of March, the government proclaimed a state of emergency, imposed a nationwide curfew and sent in troops to take control of the rebellious southern towns, but all this was to no avail. After mediation by both the EU and the OSCE, President Berisha agreed to the demands of the opposition to form a broad-based government of national reconciliation.

195. Immediately after its formation on 12 March, the new government of Prime Minister Bashkim Fino appealed for outside military assistance to restore order in Albania. NATO made it known that it did not plan any military intervention. The Assembly of WEU, meeting in Athens on 13 and 14 March 1997, through its Standing Committee adopted a recommendation urging that the Council:

"1. Monitor very closely the development of the situation in Albania in order to be prepared to act if requested to do so;

2. Instruct the WEU Satellite Centre in Torrejón to provide ongoing assessments of the situation in Albania for use by both the Council and the Planning Cell and provide it with the means to accelerate its working procedures;

3. Ask the Planning Cell to draw up contingency plans for possible operations in Albania covering the full range of Petersberg operations from humanitarian and rescue tasks to peacekeeping tasks and peacemaking, including control over the restitution of arms and munitions.”

196. The EU Foreign Ministers discussed the Albanian crisis at their meeting in Apeldoorn (The Netherlands) on 15 and 16 March. Since no consensus could be reached to dispatch a military force as asked for by the Albanian Government, it was agreed to send a small military and police advisory force. An EU Foreign Ministers' meeting in Rome on 25 March did not result in anything more substantial

197. At an OSCE meeting on 26 and 27 March, a willingness to meet an Albanian request for assistance was shown. Finally on 29 March, the UN Security Council adopted Resolution 1101 which allowed individual states to help the Albanian Government to restore order. The mandate for such an operation, as formulated by the UN Security Council, was to “facilitate the safe and prompt delivery of humanitarian assistance, and to help create a secure environment for the missions of international organisations in Albania, including those providing humanitarian assistance”

198. A multinational protection force in Albania (MPFA) was then established with Italy as the lead nation. The following states participated: Italy (3006 troops), France (963), Greece (802), Turkey (774), Romania (399), Spain (341), Austria (113), Denmark (59) and Slovenia (23). In particular Italy had an interest in the restoration of order in Albania because Albanians had started to flee their country by crossing the Adriatic Sea and seeking refuge in Italy.

199. Operation ALBA – as it was called – started on Albanian territory on 14 April 1997 and finished in mid-August 1997 after an extension of the original three-month mandate by 45 days. The multinational force was deployed to

provide humanitarian aid, protect observers and oversee the 29 June elections, but regrettably it did nothing to recover the hundreds of thousands of guns and other weaponry ransacked from state armouries when state authority collapsed in March 1997.

200. The main political parties in Albania then agreed on a new electoral law and elections were held on 29 June with a second round on 6 July 1997. The elections were monitored by some 500 OSCE and Council of Europe observers, backed by the MPFA. In early June, the chief of the OSCE's monitoring operation resigned, accusing the OSCE of “planning a whitewash of elections to give the multinational force an excuse to go home”. Although the elections certainly did not go without incident, the head of the observers' mission, in accordance with your Rapporteur's proposal, later declared them to be “adequate and acceptable at this stage”. The opposition Socialist Party of Albania (PSS) together with its allies won 118 seats out of the 155. The PSS leader, Fatos Nano, was later elected President to succeed Sali Berisha who had resigned after the defeat of his Democratic Party of Albania (PDS)

201. Italy is still grappling with the consequences of the exodus of a total 16 000 Albanians across the Adriatic Sea. Of this number, around 2 500 have returned voluntarily. Another 3 500 were sent back upon arrival or have been expelled, while an estimated 3 000 have gone into hiding. According to an agreement between the governments of Italy and Albania which is connected with a three-year HFL 250 million aid programme, the remaining 7 000 refugees will have to return to Albania before 1 December 1997. Meanwhile, a steady stream of illegal immigrants from Albania is still flowing into Italy.

202. Although – at their meeting of 15-16 March 1997 in Apeldoorn – the EU Foreign Ministers could not agree to send a military force to Albania, they eventually agreed to dispatch a military and police “advisory force” to help the new government restore order. A fact-finding delegation with the participation of two officers from the WEU Planning Cell, visited Albania in mid- and late March.

203. Among other things, this delegation concluded that the events in early 1997 had led to

virtually total disintegration of the Albanian police force. Not only had many policemen left the force, but also much of its equipment had been lost through looting, while what remained of the force was poorly educated and trained. All in all, there was an obvious need to restore the Albanian population's trust and confidence in their police.

204. As a consequence of the findings of this mission, the WEU Council decided on 2 May 1997 to establish a Multinational Advisory Police Element (MAPE) in order to provide both advice and training to the Albanian police authorities.

205. The main missions of the MAPE are to:

- advise the central echelon on law and order, frontier policing and the reconstitution of the Police Academy;
- organise training programmes.

206. A MAPE advance party was deployed to Tirana on 13 May 1997, but the deployment of the main element could not begin until after the signature of the Memorandum of Understanding with the Albanian authorities on 24 June. Due to the election process and its aftermath, which required a concentrated effort by the Albanian police, the MAPE short-term programme only started in mid-July.

207. Apart from recommendations and advice to the Albanian police during and after the election process, the short-term programme consists of:

- advice to the Ministry of the Interior on an early restructuring of the Albanian police force and on reorganisation within the Ministry itself. To this end, a MAPE office has now been established within the Ministry of the Interior which facilitates frequent contacts between the MAPE Senior Advisor and the officials in charge of the Albanian police;
- training consisting of instruction and advice on patrol organisation, checkpoints and community policing and training for the management of public order,

- support for border police. training programmes are being conducted concentrating on border police responsibilities and customs liaison;
- support for the Police Academy: a workshop course has been started to retrain the 25 key Academy instructors. A basic training syllabus has been developed and is ready for implementation

208. In September 1997 the WEU Council decided to extend the mandate of the MAPE for an initial period of six months from 12 October 1997 to 12 April 1998 with the option of further extensions thereafter. At the same time, the Council approved the concept for a long-term programme, taking note that the MAPE's personnel strength in the initial phase would be no greater than some 60 officers.

XX. Conclusions

209. Beauty is in the eye of the beholder²⁵ In many ways, this saying also applies to the various assessments of the present situation in former Yugoslavia and in particular in Bosnia and Herzegovina.

210. A wholly objective assessment does not exist; that would be a *contradictio in terminis*. Authorities who have an almost personal interest in the success of the Dayton peace process, tend to take an optimistic view. Richard Holbrooke, architect of the agreement, sees "significant signs of progress" Samuel Berger, US National Security Adviser, says that "peace is beginning to take root". President Alija Izetbegovic declares that "the situation is better" and that "there is hope for the future" Many commentators and analysts take a more negative view. They say that optimistic views are based on theology and not on the facts. A number of them have bluntly proposed a partition of the country which, they say, will allow foreign troops to leave.

211. Your Rapporteur will provide his own personal assessment, partly based on visits to Bosnia and Herzegovina and Albania during the summer of 1997.

²⁵ Margaret Hungerford (1855-1897).

212. The ministerial meeting of the Steering Board of the Peace Implementation Council in Sintra on 30 May 1997 was a turning point. The concluding political declaration which was published after the meeting stated in diplomatic language that the signatories of the Dayton peace agreement made a mockery of its implementation. No less than 94 paragraphs were needed to denounce the many issues where no or little progress had been made. Deadlines were set for further implementation, ministers and other high authorities toured the region to read the riot act to all political leaders and threaten them with the denial of reconstruction aid and other sanctions. At the same time, SFOR adopted a more assertive attitude, officially without any change in its mandate

213. All this activity did lead to some further progress because a number of political leaders understood that a total failure to act might stop the flow of foreign aid money which was not unwelcome. Others, however, especially many leaders in Republika Srpska, continued to block any significant progress, partly because they did not care about foreign aid money, having complete control over the republic's economy to their own profit

214. With the exception of the Muslim leaders, who are the only ones to gain from it, few of the political leaders in power in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia seem to be in a hurry to implement the Dayton peace agreement. In fact, many seem to think it is only a matter of time before the foreign troops leave, enabling them to settle the final account with their adversaries

215. There has not yet been a fundamental breakthrough in the deadlock which was acknowledged in the Sintra Declaration of 30 May. In the public debate this has resulted in proposals to proceed with a partition of Bosnia and Herzegovina into a Croat, a Muslim and a Serb part. The UN, OSCE and SFOR, or its successor force, would have to supervise such a process but this would not take long and would enable foreign troops to leave fairly soon

216. It should however be noted that for many reasons this proposal does not provide a solution. Partition would mean official endorsement of ethnic cleansing and would encourage racism and

extremist nationalism elsewhere in the Balkans where similar problems still remain unresolved

217. But apart from this fundamental consideration, there are also practical reasons for excluding partition as a solution. Secret talks between the leaders of the ethnic communities have been held to discuss a redrawing of the map, but they have not been able to come close to an agreement. Any partition would have to include massive migration since half the Croat population, which is now dispersed across central Bosnia, would wish or would have to be moved to western parts. Not one of the new mini states would be economically viable as a separate state. The new Muslim state would be landlocked, surrounded by uncooperative, if not hostile, neighbours.

218. The equip and train programme, combined with a secret rearmament schedule is giving the Muslims a clear qualitative military edge which, in the event of partition, might induce them to take advantage of the mood of demoralisation of the population, the qualitative weakening of the armed forces in Republika Srpska and the political crisis in Serbia to try to establish a more viable Muslim state, including the exchange of groups of people and territory by force.

219. If Serbia succeeded in surmounting its present political crisis by reinforcing the extremist nationalist position, this could also lead to a scenario in which Croats and Serbs divided Bosnia and Herzegovina between themselves, leaving an independent Muslim state with no chance of survival.

220. The foreign countries involved in a solution of the Bosnian crisis apparently have no choice other than to stick to the implementation of the Dayton peace agreement. This can only be done successfully if they are also prepared to maintain military forces in Bosnia and Herzegovina beyond June 1998. These forces should include a substantial element of United States ground troops. The main reasons for a prolonged commitment are the fundamental responsibility of the United States for the establishment of the Dayton Agreement, continued solidarity with its allies in a military operation which they started together and the credibility of its confessed interest in European security at a juncture when NATO enlargement is a priority issue

221. For how long will foreign troops have to stay? Experience has sufficiently demonstrated that no miracles can be expected as regards the implementation of Dayton. The establishment of an integrated multi-ethnic state will take time. Time is also needed to heal the wounds of a savage war which tore a country apart. Historically, such wars have always ended in the victory of one of the parties followed by dictatorship of the victor. Since the international community did not allow that to happen, it must now assume its responsibility to see a different and fundamentally more civilised solution through to its completion.

222. Under the present circumstances, giving an SFOR successor force a 12 or 18 month mandate would not make sense. As happened with SFOR immediately after its establishment, a debate would start between supporters and opponents of an extension of the mandate. Moreover, it is important to remember that further implementation of the Dayton Agreement will still be a long drawn-out process. Many problems remain to be solved: fewer than 30 000 out of a total of more than 1.5 million refugees and displaced persons have returned to their homes; the establishment – with the help of the IPTF – of modern, democratically-controlled law-enforcement agencies is as yet in its infancy; the enigma of implementing local election results in municipalities where the winners are no longer living looms large; a number of important indicted war criminals have still not been brought to The Hague and freedom of movement is still not a reality. In addition, there is a need to eradicate corruption and other common practices that are hampering the development of a healthy economy including a prosperous middle class with a personal interest in ensuring that the process of democratisation con-

tinues. Obviously, an SFOR successor force cannot enforce solutions to all these problems, but it can maintain the secure environment which is vital for further implementation of the Dayton Agreement and provide assistance where possible or needed. Such a force would have its hands full for another few years. It therefore seems that the mandate for such a successor force will have to cover a period of at least 3 to 5 years, with 6-monthly reviews of the situation. Leaving earlier, if circumstances allow, would be seen as a positive sign.

223. What size should a successor force be? It is difficult to provide exact figures but experience with SFOR has demonstrated that there is no reason to be too optimistic. SFOR's original schedule included reducing the initial 31 000 troops to less than 20 000 troops in June 1997 in what was called a "deterrence mode". In view of the situation, SFOR was reinforced to a strength of 36 000 troops in August and will maintain this strength until further notice. It is thought here that a SFOR successor force should start with around 25 000 to 30 000 troops. This successor force should be highly mobile and structured in smaller and more flexible units. Its distribution over the territory should be different and in particular it should be concentrated in areas which are known to be potential troublespots

224. There is a need for recognition that only an assertive attitude can help to make progress towards lasting peace in Bosnia and Herzegovina. A sensible policy cannot be held hostage to the possibility of casualties. It should also be borne in mind that the Russians must be consulted on operations in Bosnia and that they cannot be pushed into a role of water carriers

APPENDIX

*Contribution by Mr Jelincic, Delegation of the Republic of Slovenia,
following a visit to Kosovo from 16-21 October 1997*

1 The situation in Kosovo is again deteriorating due to the reactivation of radical movements amongst the Kosovo Albanians. The movement of so-called passive resistance, whose official leader was Ibrahim Rugova, is slowly being pushed into the background as a result of rising tension even in his own party

2. In the years following the collapse of former Yugoslavia, Kosovo Albanians tried to form a body of parallel government which it was thought would be more successful in keeping the Kosovo Albanians in isolation. They are trying to show the international community what "the problem" is and are pushing the centres of world power to intervene in this part of Yugoslavia. An illegal (or "shadow") state has been formed and controls with varying degrees of success the movement of goods and money as well as life in the community of Kosovo Albanians. The authorities of this state have been set up in the form of government bodies, ministries, parallel schools, a university and financial associations. Special emphasis has been placed on setting up a tax-collection body which has collected a considerable amount of money in Kosovo and a great deal more from Albanian workers (*Gastarbeiter*) in western Europe and the United States. Rugova was unable to control all the political movements established among Kosovo Albanians

3 Now the situation has changed. While this mode of organisation has not brought concrete results, Rugova's idea of an independent Kosovo has been compromised. The international community is increasingly taking the view that Kosovo is an internal matter for Serbia, that no border changes should be made and that Albanians should be treated more and more as a minority community in Serbia

4 This has inflamed the radical Albanian movements whose talk about more serious forms of struggle very soon turned into a political reality in Kosovo in the form of terrorism. Over the last two years, Albanian terrorists have killed about 50 police officers and civilians in Kosovo. The illegal organisation behind such acts of ter-

rorism is the *Oslobodilacka vojska Kosova* - "the Liberation army of Kosovo". It is organised along the lines of other European terrorist organisations (such as the IRA and ETA) and uses all the means at its disposal in the fight against Serbians and Kosovo Albanians who are loyal to the state. Albanian sources state that the headquarters of this organisation are in Switzerland and that it has other big centres in Germany and Sweden. Almost all the members of this terrorist organisation are trained at military bases in Albania. They are recruited for such training by the illegal government of the so-called *Republic Kosovo*. Its leader, Bujar Bukoshi, as well as the majority of members of this government, live in Ulm, Germany. Bukoshi appropriated a large part of the money collected from Albanians working abroad by *Republic Kosovo* and because of this quarrelled with Ibrahim Rugova. What started as disagreement between them developed into open hostility, prompting Bukoshi to found a new political movement consisting of dissatisfied students who have successfully organised demonstrations in Pristina to try to show the international community that their standpoint is the only justified one.


5 All these terrorist attacks and student protests, combined with instability in the Albanian border areas (every day there are attacks by robbers from Albania in the region of Kosovo where people from the border villages are being molested), are very dangerous signals that the situation in Kosovo might become much worse. Albanians are bringing large quantities of weapons into Kosovo. About 650 000 AK-47s in different versions and a large number of heavy armaments have been stolen from depots in Albania this year. On the black market in Albania an AK-47 can be bought for as little as DM 10 and many such weapons are being smuggled into Kosovo where they are now in the hands of Albanian terrorists. Terrorism has now become the greatest single danger to peace in this region.

6 Quite a number of Albanian parties are increasingly endorsing the radical methods of struggle employed by Kosovo independence movements. One has the feeling, and there is

also a certain amount of tangible evidence, that some international diplomats are supporting the Kosovo Albanians in their course of action. In the first place there is Albania, which is giving the separatists every possible support. The Albanian media, especially the state television authorities, are contributing to the national feeling of impatience and are also inciting anti-Serb hate among the Kosovo Albanians. Indirectly, this terrorism is receiving support from some European states. For example, the terrorist organisation *Oslobodilacka vojska Kosova* has formed the foundation *Domovina zove* – “the Fatherland calls” – in Sweden, Switzerland and

Germany. This foundation is collecting funds for the organisation. According to Albanian sources, it has the status of a humanitarian organisation in Germany and donors benefit from tax exemptions. This is also a way of supporting terrorism in Kosovo.

7. Kosovo Albanians think that by intensifying terrorist attacks and increasing tension by holding all kinds of demonstrations, they will force the international community to create a special status for Kosovo and that the creation of an independent state will then be the next logical step.

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