

"Not peace, but a big step forward": Bosnia in October 1995

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These were the words used by US peace envoy to the former Yugoslavia, Richard Holbrooke, to describe the cease-fire agreement that was announced on 5 October 1995 and came into effect on 12 October. This paper reviews the diplomatic progress that was made over the summer months which enabled this latest cease-fire to come about and assesses the prospects for a peace settlement. This paper complements Research Paper 95/100, *War and Peacekeeping in the Former Yugoslavia*.

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Introduction

Following intense shuttle diplomacy between Sarajevo and Belgrade by US envoy to the former Yugoslavia, Richard Holbrooke¹, President Clinton announced on 5 October that the warring factions had agreed to a cease-fire which was to come into effect at one minute past midnight Sarajevo time on 10 October. There were several conditions attached to the agreement, including the restoration of water, gas and electricity to Sarajevo. The cease-fire came into effect two days later than the designated date as a result of a lack of progress in the restoration of these public utilities. William Eagleton, UN envoy in charge of reconstruction, has commented that the problems in the restoration of utilities were more of a technical than political nature. UN engineers first had to clear thousands of mines placed around electrical plants and pylons before installations could be repaired. The cease-fire agreement built on diplomatic progress that had been made over the previous few weeks, namely agreements on future constitutional principles reached in Geneva and New York on 8 and 26 September respectively.

These agreements were, in turn, the culmination of almost three months of intense diplomatic activity on the part of the United States in an effort to stave off the implementation of legislation voted by Congress on 26 July 1995 which would lift the arms embargo against the Bosnian Muslims unilaterally. The diplomatic efforts continued even amid the NATO air strikes, which had been called in following the shelling of a busy Sarajevo street on 28 August, which killed 37 people and wounded 88. The diplomatic efforts which have now brought about these further steps towards a negotiated settlement were determined by the particular nature and sequence of events since the beginning of July.

I The Fall of Srebrenica and Zepa

On 11 July Bosnian Serb forces overran the safe area of Srebrenica in eastern Bosnia, prompting a stream of refugees to the Dutch UN base at Potocari and to the other safe area of Tuzla. The Srebrenica enclave had been under fierce Bosnian Serb attack for several days and there had been sporadic attacks by both sides for the previous three months. On 8 July a Dutch UN peacekeeper was killed by Bosnian government forces while fleeing a Bosnian Serb attack on a UN observation post. NATO planes were called in by the French Brigadier-General, Hervé Gobillard, acting UN commander in General Rupert Smith's absence, and two Serb tanks were destroyed. On 11 July the Bosnian Serbs launched a mortar and tank attack on the Dutch UN position, prompting the Dutch to withdraw from their by then undefendable compound. By the end of the day the Bosnian Serbs were effectively in control of the whole enclave.

¹ Who replaced Robert Frasure following the latter's death in a road accident on Mount Igman in August.

Srebrenica, which is located strategically in the Drina valley running along the border with Serbia, was the first safe area established by the United Nations in April 1993². The move to protect Srebrenica followed a Bosnian Serb siege of the town, one of the central war aims of the Bosnian Serbs being to gain control of areas contiguous with Serbia proper. At the time Srebrenica, which is a comparatively small town (although its population at one point swelled to 60,000 with the influx of refugees from the surrounding area) assumed significance beyond its size as it became the focal point of the UN's protective efforts in Bosnia. UN Security Council Resolution 819 demanded that "...all parties and others concerned treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act."³ 819 also demanded free passage for the wounded and permission from the Serbs to allow 150 Canadian peacekeepers into the town to monitor a cease-fire. Shortly after the passage of Resolution 819, agreement was reached between Bosnian Serb and government commanders (on 17 April 1993) to demilitarize Srebrenica. It was the failure of both sides to implement this agreement that Foreign Secretary Malcolm Rifkind identified as the root of recent events.⁴ Another contributing factor outlined by the Foreign Secretary was the failure of UN member states to contribute troops to ensure the implementation of the safe areas concept. Mr. Rifkind told the House of Commons:

"In June 1993 the UN suggested that up to 36,000 troops could be necessary to implement the safe areas concept. The United Kingdom, France and the Netherlands responded well, but many others did not. The total committed amounted to only 7,500 - a significant shortfall. This has had substantial implications for the safe areas policy."⁵

In his report of 14 June 1993⁶, the Secretary-General of the United Nations had informed the Security Council that approximately 34,000 additional troops would be required if deterrence through strength was to be obtained, but said that it would be possible to start implementing UN Security Council Resolution 836 with a "light option" of about 7,600 troops as an initial approach with limited objectives which assumed the consent and co-operation of the parties involved. In UN Security Council Resolution 844 (18 June 1993) the Security Council opted for this 'light option' as an initial approach to carry out the mandate related to the safe areas.

Meeting in emergency session on 12 July 1995, the United Nations Security Council adopted a resolution⁷ demanding, *inter alia*, that the Bosnian Serb forces cease their offensive and withdraw from the safe area of Srebrenica immediately. The new French President Jacques Chirac announced that France was prepared to intervene militarily to restore the integrity of

² By UN Security Council Resolution 819, 16 April 1993

³ S/RES/819 (1993), p. 2

⁴ HC Deb, 12 July 1995, c. 947.

⁵ HC Deb, 12 July 1995, c. 947.

⁶ S/25939

⁷ UN Security Council Resolution 1004, 12 July 1995

the Srebrenica zone, although the possibility of a military response was played down by other members of the contact group⁸. Mr. Rifkind told the House of Commons:

"Clearly any military operation would be complex. Srebrenica is 170km from central Bosnia and therefore any forces going by land would have to continue along a very long stretch of road, most of which is controlled by Serb military forces. Within Bosnia at the moment, there are no helicopters of a kind able to transport such military force."⁹

The fall of Srebrenica forced western governments to re-examine their objectives in Bosnia. Since UNPROFOR is not configured to fight a war, its main objectives are three-fold: to alleviate the consequences of the war through the provision of humanitarian aid; to contain the conflict and mitigate its consequences by imposing constraints on the belligerents through the establishment of such arrangements as the no-fly zone, safe areas and exclusion zones; and to promote the prospects for peace by negotiating local cease-fires and providing support for measures aimed at an overall political settlement.¹⁰ The objective of protecting the designated safe areas came under serious threat when a second safe area, that of Zepa, fell to the Bosnian Serbs on 25 July. On 19 July the Bosnian Serbs also issued an ultimatum for the surrender of Gorazde and bombed the other safe areas of Tuzla and Sarajevo.

Evaluating the success of the safe area policy in a report issued on 30 May 1995, Boutros Boutros-Ghali wrote:

"UNPROFOR has had mixed results in carrying out its responsibilities in the safe areas. When the consent and co-operation of the parties has been forthcoming, it has achieved considerable success. The presence of observers and patrols has enabled the Force to monitor cease-fires, stabilise confrontation lines and improve security by resolving localized disputes or outbreaks of fighting. Its military and civilian staff have also assisted in arranging medical evacuations, delivering and reporting on humanitarian aid and brokering local agreements to improve the population's living conditions. Finally the presence of even limited United Nations forces has enhanced security for international humanitarian workers and provided a capacity to promote and supervise local withdrawals and other confidence-building arrangements."¹¹

UNPROFOR's ability to carry out its safe area mandate and particularly to deter deliberate attacks on the areas has, however, been severely limited by the inherent deficiencies of the safe area regime. In a report on the implementation of the safe areas concept, Boutros-Ghali concluded that "in short, UNPROFOR found itself in a situation where many safe areas were not safe, where their existence appeared to thwart only one army in the conflict, thus

⁸ The United Kingdom, the United States, Germany and Russia.

⁹ HC Deb, 12 July 1995, c. 951.

¹⁰ S/1995/444, 30 May 1995.

¹¹ *ibid.*

jeopardizing UNPROFOR's impartiality...".¹² UNPROFOR's capacity to carry out its safe areas mandate has also been affected by the Bosnian Serbs' denial of freedom of movement to and from Srebrenica, Zepa and Gorazde, which has resulted in the re-supply of UNPROFOR personnel by road becoming virtually impossible. The experience of Gorazde and Bihac illustrated that in the absence of consent and co-operation, the 'light option' was not effective in protecting the safe areas. The use of air power to defend the safe areas also has several technical constraints which have limited its effectiveness. In order to carry out close air support or air strikes, clearly identifiable targets are required and it has proved difficult to identify suitable targets for possible air action.

In recent months these difficulties have increased as relations have deteriorated between the parties and the safe areas have been drawn into the intensifying conflict. In recent months, Bosnian government forces have increased their military activity in and around most of the safe areas and many of them, including Sarajevo, Tuzla and Bihac have been incorporated into the broader military campaigns of the Bosnian government side. The headquarters and logistics installations of the Fifth Corps of the government army are located in Bihac and those of the Second Corps in Tuzla. The Bosnian government also maintained a substantial number of troops in Srebrenica¹³, Gorazde and Zepa, while Sarajevo is the location of the General Command and other military installations.¹⁴ The Bosnian government has increasingly used the safe areas to launch attacks and the requirement of the UNPROFOR mandate to deter attacks, irrespective of whether the Serbs are responding to offensives launched by the Bosnian Muslims, has meant that it has been increasingly difficult to maintain the requisite impartiality.

II International Response to the fall of the safe areas

A. London memorandum

At a meeting in London on 21 July the contact group and other troop-contributing countries agreed that:

"The current Bosnian Serb offensives, and the continuing seizure of Sarajevo, must be met with a firm and rapid response...The meeting therefore warned that in order to deter any attack on Gorazde, any such action will be met with a substantial and decisive response....There was strong support for this to include the use of air power..."¹⁵

¹² S/1994/1389, 1 December 1994

¹³ In violation of the demilitarization agreement

¹⁴ S/1995/444, 30 May 1995.

¹⁵ London Meeting, 21 July: Chairman's Statement. For full text of the London memorandum see annex I.

B. New NATO guidelines

On 1 August, NATO ambassadors agreed to broaden the scope for air strikes to protect Bihac and other UN safe areas in Bosnia against Serb attacks. On 10 August, the Commander of NATO's southern Forces, General Leighton Smith and the commander of UNPROFOR in the former Yugoslavia, General Janvier, agreed on procedures for the "execution of NATO air operations for protection of UN-designated safe areas within Bosnia" and "to deter attacks, or threats of attacks, against safe areas and to be ready, should deterrence fail, to conduct operations to eliminate any threat, or defeat any force engaged in an attack on a safe area."¹⁶ Following this agreement, UN spokesman Alexander Ivanko said that 'Any threat or attack on a safe area will be met by a firm and rapid response by NATO air power that will not necessarily be proportionate, nor will it be limited to the immediate area under threat or attack.'¹⁷

III NATO air strikes

On 28 August 1995 a 120mm mortar shell hit a busy street in Sarajevo killing 37 people and injuring 88. This was the worst atrocity in Sarajevo since the shelling of the Markale market in February 1994. The UN investigated the attack and attributed blame to the Bosnian Serbs, although the belief has persisted in some quarters that the attack could have been carried out by agents of the Bosnian government in an attempt to trigger western intervention.¹⁸ The subsequent air and ground action launched on 30 August was the biggest combat mission undertaken by NATO since its foundation and was hailed as a 'defining moment' in the Bosnian conflict. In accordance with its newly defined guidelines (see above) NATO carried out strikes on air defence missile and radar sites, communications facilities, ammunition depots and local command posts, not only around Sarajevo, but also around Gorazde, Tuzla and Mostar.

The NATO campaign was designated as ongoing until the threat to the safe areas had been removed.¹⁹ The Bosnian Serbs accused the UN and NATO of crossing the so-called 'Mogadishu line' between peace-keeping and participating in the war on the side of the Bosnian Muslims. After several suspensions and resumptions of air strikes, following the failure of the Bosnian Serbs to comply with UN ultimatums to withdraw their weapons from

¹⁶ *Atlantic News*, 17 August 1995

¹⁷ *Reuters*, 17 August 1995

¹⁸ Conversations with author, Sarajevo, October 1995.

¹⁹ For more information on the military aspects of this see Research Paper 95/100, *War & Peacekeeping in the Former Yugoslavia*, p. 18.

a 12km exclusion zone ringing Sarajevo²⁰, agreement was reached on 14 September to withdraw weaponry which it was hoped would clear the way for a general cease-fire by the end of September. In an unexpected development, it was understood that Russia, which had condemned the NATO air strikes, had agreed to deploy Russian troops inside the exclusion zone to reassure the withdrawing Bosnian Serb forces that they would not be attacked by Bosnian government forces. Nothing came of this proposal, however.

IV The US diplomatic push and the 'Holbrooke plan'

On 26 July 1995 the US Senate voted 69 to 29 to lift the arms embargo against the Bosnian Muslims unilaterally. This was followed in the House of Representatives on 1 August with a vote of 298 to 128 in favour of lifting the embargo. The vote was on a proposal introduced by the Senate Republican Leader Bob Dole who argued that UNPROFOR could defend neither itself nor the Bosnian Muslims, so the arms embargo should be lifted to allow the Muslims to defend themselves. The proposal would direct President Clinton to cease US participation in the UN arms embargo if Bosnia requested such action, if UN peacekeeping forces withdrew from Bosnia or 12 weeks after Bosnia asked UN forces to leave. The votes in favour exceeded by eight the two thirds majority required theoretically to override a presidential veto. President Clinton imposed his presidential veto nonetheless on 11 August. Due to the summer recess, however, Congress was not in a position to debate the matter further until it reconvened in mid-September.

The United States had been reviewing the option of lifting the arms embargo against the Bosnian government for over two years. In March 1993 President Izetbegovic maintained that the Bosnian government agreed to accept the Vance-Owen plan on the basis of assurances "...that the United States will do everything...in their power to help lift the arms embargo if the aggression continues."²¹ Shortly afterwards, US Secretary of State Warren Christopher announced that he might soon ask America's allies to lift the embargo if the Bosnian Serbs continued to reject the Vance-Owen plan, stressing that the main thing would be "to level the playing field."²² To this, the then Foreign Secretary Douglas Hurd, retorted that lifting the arms embargo in favour of the Muslims would be a counsel of despair - "the policy of the level killing field."²³

Following the imposition of President Clinton's veto and amid rumours that congressmen would proceed regardless, President Clinton embarked on a diplomatic marathon to try and

²⁰ Which had been created following the first market place massacre in February 1994. See Research Paper 94/33, *Bosnia, the UN and the NATO Ultimatum*.

²¹ *The Times*, 26 March 1993.

²² *The Guardian*, 13 April 1993.

²³ *ibid.*

pave the way for a negotiated settlement before Congress reconvened. The United States was eager to use the after-shock created by Croatia's lightning attack on Krajina to generate momentum for a negotiated settlement, hoping to reap diplomatic dividends from the creation of a new balance of power on the ground. US Secretary of State for Defence, William Perry, spoke of a window of opportunity that had been created, with the Serb leadership divided and psychologically weakened. On 10-11 August US envoys made a shuttle tour to Europe to discuss various US peace initiatives with their contact group counterparts. The US administration appeared to be in favour of the Bosnian government accepting a territorial division which was more reflective of the military realities on the ground in Bosnia, while still being accorded roughly 51% of territory (as in the contact group plan). One possibility canvassed, for example, was the renouncement of the safe area of Gorazde in the east in return for more territory around Sarajevo.²⁴ At the insistence of the Bosnian government, this possibility has now been abandoned, however.

According to a report in *Le Monde* on 12 August, US ideas were premised on three axes: (i) seeking a negotiated settlement based on the mutual recognition of Serbia, Croatia and Bosnia; (ii) using the fruits of negotiations over the past three years in a 'flexible' manner (i.e. not excluding modifications to the contact group map); (iii) using a system of incentives and disincentives to make the parties involved accept the peace proposals. One of the incentives envisaged by the United States was the possibility of a reconstruction plan for the region and the suspension of economic sanctions against Serbia and Montenegro. Among the disincentives the US envisaged was the unilateral lifting of the arms embargo in favour of the Bosnian government, accompanied by the possible use of air strikes, or the dispatch of a multilateral intervention force to fight alongside the Bosnian government forces under article 51 of the UN Charter.²⁵

A follow-up report in *Le Monde* (13-14 August 1995) suggested that the US was proposing a multinational force comprised of soldiers from Muslim countries. Although this has no chance of being endorsed by the UN Security Council, some commentators viewed it as a means of at least offering something to the moderate Muslim countries which have become increasingly frustrated at the perceived failure of 'christian' western policy in Bosnia. This was echoed by a press release issued by the French Presidency on 11 August calling for the Organisation of the Islamic Conference (OIC) to be involved in discussions with the contact group to find a diplomatic solution.

Shuttle diplomacy and efforts to find a negotiated settlement continued amidst the NATO air strikes. By this time the Bosnian Serbs were militarily weakened. The main catalysts of this were the successful Croatian offensive in Krajina and the fact that the NATO strikes had inflicted a considerable amount of damage on the Bosnian Serb war machine.

²⁴ *Le Monde*, 12 August 1995.

²⁵ Article 51 invokes the right of collective self defence.

V Events in the Krajina

A. Croatia and the Krajina Serbs

On 29 July Croatian President Franjo Tudjman had warned that Croatia would retake the self-proclaimed Republic of Serbian Krajina (RSK)²⁶ and intervene to defend the safe area of Bihac unless the Serb leadership engaged in serious peace talks. This warning came three months after the successful recapture of western Slavonia by the Croats. On 1 May 1995, in the first serious fighting in Croatia in over two years and biggest recapture of territory since war broke out in 1991, the Croatian army crossed cease-fire lines in the RSK and launched an offensive to recapture the sector.²⁷ When the UN peace-keeping force was reconfigured in March 1995²⁸, President Tudjman had promised not to use a reduction in UN forces as a signal to take offensive action. At the time of the offensive in western Slavonia, the Croatian government stated that the action was of limited scope and that it did not wish to "...jeopardize its policy of peaceful reintegration of the temporarily occupied areas and of normalizing relations."²⁹ President Tudjman added the proviso, however, that if Zagreb was attacked again by the rebel Serbs, Croatia would 'know how to establish its authority in all the territory within its internationally recognised borders.'³⁰

President Tudjman had argued for some time that the delay in reaching a political settlement had merely legitimised the Serbs' breakaway republic. Previous talks seeking to resolve outstanding differences regarding the issue of the RSK's political status within the framework of the International Conference on the Former Yugoslavia (ICFY) had failed: the Croatian government maintained that Krajina was an integral part of the Republic of Croatia and the Serb leadership insisted on independence. The basis for negotiation was the so-called 'Z-4' plan. This was presented by the two co-chairmen of the ICFY³¹ and the US and Russian Ambassadors to Croatia (known as the 'Zagreb 4') on 30 January 1995.³² It was believed that this plan sought a compromise by emphasizing Croatia's territorial integrity, while seeking to reassure the Serbian minority of its rights. It was believed to offer the rebel Serbs a broad measure of autonomy in two parts of the territory where they formed a majority. Serbs living in other parts of the RSK would be expected to reintegrate into Croatia and the government in Zagreb would be forced to observe strict human rights legislation to protect the Serbian minority. The autonomous Serbian region would consist of a continuous L-shaped territory along the north-western border with Bosnia. The Serbs would have had control over taxation,

²⁶ The territory that was seized by Serb forces in the 1991 war.

²⁷ For further details of the Croatian offensive in May, see Research Paper 95/69, *Bosnia: update and supplementary information*, pp. 11-14.

²⁸ For fuller details on this, see Research Paper 95/55, *Bosnia and Croatia: the conflict continues*, pp. 18-19.

²⁹ *BBC Summary of World Broadcasts*, 2 May 1995.

³⁰ *Daily Telegraph*, 4 May 1995.

³¹ Then Lord Owen and Thorvald Stoltenberg. Lord Owen has since been replaced by former Swedish Prime Minister Carl Bildt.

³² "Draft agreement on the Krajina, Slavonia, Southern Baranja and Western Sirmium", S/1995/222, p. 4.

the police, education, tourism, housing and public services and Zagreb would have acted for foreign affairs, defence, trade, transport and communications. Krajina would have been demilitarised and the border with Bosnia monitored.³³

The Krajina Serbs rejected negotiations with Zagreb on the basis of the 'Z-4' plan unless it was amended to guarantee them independence. Milan Babic, 'foreign minister' of the RSK maintained that the RSK would accept nothing less than negotiations to 'legalise the political situation already existing on the ground.'³⁴ The Croatian government also rejected the 'Z-4' plan, a move which was not deemed acceptable to the European Union, since, according to a BASIC³⁵ report in March 1995, the plan contained nothing more than "the basic principles for a meaningful autonomy of Serb majority areas" to which Croatia had committed itself in winter 1991-1992 as a "precondition for recognition by the EU."³⁶

B. Croatian offensive in western Bosnia

On 28 July Croat forces, in conjunction with their Muslim allies, captured the towns of Glamoc and Bosansko Grahovo in Serb-held western Bosnia in a cross-border strike to relieve pressure on Bihac, which had been subjected to a combined Serb offensive a week earlier, and isolate rebel Serbs in Krajina.³⁷ This push in western Bosnia put the Croats within artillery range of Knin and cut the main supply route from Knin to Banja Luka. In response to the capture of these two towns, Bosnian Serb leader Radovan Karadzic declared a state of martial law and ordered a full mobilization of forces, triggering fears of all-out war. Following the fall of the UN-designated safe areas of Srebrenica (on 11 July) and Zepa (on 25 July), the Bosnian government issued a warning that Bihac might be the next to fall. In a flash offensive, Croatian Serbs using tanks and artillery had blitzed their way almost to the centre of Bihac on 26 July. On 29 July the UN reported that Croat forces and Bosnian Croat forces were heading for the central Bosnian towns of Jajce and Donji Vakuf which lie on a road leading north to the major Serb-held town of Banja Luka.³⁸ This shifted the military balance in Bosnia against the Bosnian Serbs and resulted in an estimated 12,000 - 14,000 Bosnian Serb refugees.³⁹ On 7 August, government troops, joined by Croat forces fresh from victory in Krajina, completed the liberation of the Bihac enclave, capturing Velika Kladusa, stronghold of the rebel Muslims supporting Fikret Abdic.⁴⁰ Bihac had been under siege for

³³ *Reuters*, 1 February 1995.

³⁴ *Reuters*, 9 February 1995.

³⁵ British American Security Information Council.

³⁶ *BASIC Reports*, No. 43, 15 March 1995.

³⁷ Bosansko Grahovo is on the main supply route to the RSK capital of Knin.

³⁸ *Reuters*, 29 July 1995.

³⁹ S/1995/650, 3 August 1995, para. 6.

⁴⁰ Roughly 22,000 so-called 'Abdic Muslims' subsequently fled to Vojnic in Croatia, where they have formed a camp. Their situation is extremely tenuous. The Croatian government does not recognise them as refugees and does not want them in Croatia and they are too frightened to return to Bosnia. As such they are designated displaced persons, with no rights and are completely dependent on aid agencies for their survival. Source: visit to Vojnic, October 1995.

1,201 days.⁴¹ The joint battle for the Bihac enclave was the first concrete result of the Muslim-Croat federation created in March 1994 in Washington, which was reinforced by a military co-operation agreement on 22 July 1995.

C. The Croatian offensive against Krajina

Following the failure of talks on 3 August in Geneva between the Croatian government and the leaders of the Krajina rebels, an estimated 100,000 Croat soldiers, who had been massing on the border of the RSK for several weeks⁴², launched an attack to reconquer the Krajina on 4 August, despite an appeal by the UN Security Council for restraint. In a presidential statement issued on 4 August, the UN Security Council announced that it:

"... strongly deplores the decision by the Croatian Government to launch a broad military offensive, thereby unacceptably escalating the conflict, with the risk of further consequent attacks by whatever party, and demands that all military action cease immediately and that there be full compliance with all Council resolutions including resolution 994 (1995).

The Security Council condemns any shelling of civilian targets. It demands that no military action be taken against civilians and that their human rights be fully respected. It reminds the parties of their responsibilities under international humanitarian law and reiterates that those who commit violations of international humanitarian law will be held individually responsible in respect of such acts."⁴³

The UN presidential statement went on to call upon the Croatian Government to return to the talks, reiterating that there could be no military solution to the conflict in Croatia. The Croatian offensive was not totally unexpected. Failure in negotiations between the two parties had led the United Nations to fear that the Croatian army would attack the Knin region possibly as early as the end of the summer.⁴⁴ These fears were based on a warning from President Tudjman on 9 June that Croatia would retake Krajina unless the rebel Serbs rejoined Croatia voluntarily by the time the UNCRO mandate comes up for renewal on 31 October.

By the afternoon of 5 August the capital of the self-styled Republic of Serbian Krajina, Knin, had fallen and the Croatian army pushed on to capture more main towns in the RSK. The main focus of attack was the Udbina airbase⁴⁵ and the town of Gracac, north-west of Knin.

⁴¹ *Le Monde*, 8 August 1995.

⁴² The UN had expressed concern on 4 July at a build-up of Croatian troops around Krajina, similar to the build-up before the Croats retook western Slavonia in May (*Reuters*, 4 July 1995).

⁴³ S/PRST/1995/38

⁴⁴ *Reuters*, 4 July 1995.

⁴⁵ The only military airbase in the RSK and the subject of NATO bombardment in November 1994.

In reprisal, the rebel Serbs bombed several Croatian cities, including Zagreb and Dubrovnik on the Adriatic coast and Bosnian Serb forces reportedly shelled Mostar in south-central Bosnia.

During the offensive, Croatian troops used Danish UN peace-keepers as human shields and shelled UN observation posts. Two Czech and one Danish peace-keepers were killed during the attack. This prompted the following warning from the UN Security Council:

"The Security Council strongly condemns attacks by Croatian Government forces on personnel of the United Nations peace-keeping forces which have resulted in casualties, including the death of one member of the peace-keeping forces. It demands that such attacks cease immediately and that all detained personnel be released. It also reminds the parties, and in particular the Croatian Government, that they have an obligation to respect United Nations personnel, to ensure their safety and freedom of movement at all times and to enable UNCRO to fulfil its mandate in accordance with the relevant Security Council resolutions."

Reports have subsequently filtered through since the recapture of Krajina of atrocities committed by HV troops against the Krajina Serbs.

There was a certain degree of surprise at the lack of resistance shown by the rebel Serbs, which fuelled speculation of a secret deal between Tudjman and Milosevic. Milosevic's refusal to help the Krajina Serbs was also seen as possible evidence of a trade-off that would return Krajina to Croatia while Serbia retained eastern Slavonia. Following the swift recapture of Krajina there were concerns in the international community that Croatia would go on to launch an offensive against eastern Slavonia, on the border with Serbia, which could ignite a much wider conflict by drawing in Belgrade. Despite a build up of Croatian troops and Serbian tanks, Croatia's UN envoy insisted on 8 August that Croatia would not attack the region.

According to *Jane's Intelligence Review*, Croatia turned out to have more heavy weapons than was estimated by NATO and the United Nations. There were also indications that the Croatian army had benefited from western intelligence, since the pattern of attack seemed to indicate that Croatia was informed of the exact nature and strength of the Krajina forces. The journal claimed that over the last two and half years the Croatian armed forces (HV) have been systematically re-organizing and strengthening their forces, with the eventual ambition of fielding forces capable of regaining the Krajina from the Serbs.⁴⁶ Although Croatia has been subject to the UN arms embargo, it was suggested that the Croats have been conducting a major covert arms buying campaign, with one Croat source estimating that some US\$400

⁴⁶ *Jane's Intelligence Review*, Volume 7, No. 1, January 1995, p. 29.

million has been spent annually to purchase arms and equipment on the black market.⁴⁷ According to the report, this has largely been spent in eastern Europe on former Soviet military equipment which can be easily assimilated with equipment inherited from the Federal Yugoslav Army (JNA). The conclusions of this article warned that Croatia was at a turning point, with its armed forces now considerably stronger and that unless the international community succeeded in bring peace to Bosnia soon and then resolving the Krajina question, the Croats might decide to take matters into their own hands.⁴⁸

A recent report of the UN Secretary-General also noted that both sides had improved their qualitative and quantitative military capabilities. Boutros-Ghali reported that both Croatian and Krajina Serb forces "...are believed to have acquired new and more numerous military equipment and arms. The Croatians have acquired a minimum of 12 Mig-21 aircraft, are able to deploy a minimum of six armed Mi-24 helicopters and have displayed a number of new types of small arms and military vehicles. The quantity of locally developed military equipment indicates a significant increase in Croatian capabilities."⁴⁹

VI The Geneva Declaration of Principles

On 28 August 1995, perhaps in a (vain) attempt to avert NATO air strikes following the shelling of Sarajavo on the same day, the Bosnian Serb Assembly in Pale accepted the broad thrust of Richard Holbrooke's peace proposals. On 29 August the Serbs and Bosnian Serbs agreed to co-ordinate their approach to the peace process. They agreed to form a six-member delegation, led by Serbian President Slobodan Milosevic and empowered him to cast the decisive vote in the event of a split.⁵⁰ Thus the responsibility for negotiating on behalf of the Bosnian Serbs was effectively taken over by Serbia. In a phase dubbed the 'diplomatic endgame' by some commentators, foreign ministers of Bosnia, Croatia and the joint Serb delegation met in Geneva on 8 September and agreed on the following set of basic principles.

1. Bosnia and Herzegovina will continue its legal existence with its present borders and continuing international recognition.
2. Bosnia and Herzegovina will consist of two entities, the Federation of Bosnia and Herzegovina as established by the Washington Agreements, and the Republica Srpska (RS).

⁴⁷ *ibid.*

⁴⁸ *ibid.*

⁴⁹ S/1995/650, 3 August 1995, para. 13.

⁵⁰ *BBC Summary of World Broadcasts*, 1 September 1995

- 2.1 The 51:49 parameter of the territorial proposal of the Contact Group is the basis for a settlement. This territorial proposal is open for adjustment by mutual agreement.
- 2.2 Each entity will continue to exist under its present constitution (amended to accommodate these basic principles).
- 2.3 Both entities will have the right to establish parallel special relationships with neighbouring countries, consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina.
- 2.4 The two entities will enter into reciprocal commitments (a) to hold complete elections under international auspices; (b) to adopt and adhere to normal international human rights standards and obligations, including the obligation to allow freedom of movement and enable displaced persons to repossess their homes or receive just compensation; and (c) to engage in binding arbitration to resolve disputes between them.
3. The entities have agreed in principle to the following:
 - 3.1 The appointment of a Commission for Displaced Persons authorized to enforce (with assistance from international entities) the obligations of both entities to enable displaced persons to repossess their homes or receive just compensation.
 - 3.2 The establishment of a Bosnia and Herzegovina Human Rights Commission, to enforce the entities' human rights obligations. The two entities will abide by the Commission's decisions.
 - 3.3 The establishment of joint Bosnia and Herzegovina public corporations, financed by the two entities, to own and operate transportation and other facilities for the benefit of both entities.
 - 3.4 The appointment of a Commission to Preserve National Monuments.
 - 3.5 The design and implementation of a system of arbitration for the solution of disputes between the two entities.⁵¹

At the time, the members of the contact group stressed that although the statement constituted an important step towards peace, significant differences remained between the sides which would require continued intense negotiations.⁵²

⁵¹ A/50/419; S/1995/780, Annex II, 8 September 1995

⁵² *ibid.*

VII The New York agreement

On 26 September, all three sides agreed a future constitutional framework, perceived as a 'landmark' accord, although diplomats warned that it was not a legal document in itself and that there was still a great deal of work to be done, including the negotiation of a cease-fire and a division of territory. The main provisions of the agreement call for the holding of free and direct elections throughout the country once international monitors, who will be sent to the country immediately, deem that there is peace. A federal parliament and presidency would be elected on the basis of two thirds from the Muslim-Croat federation and one third from the Serb entity (reflecting the current population distribution). A constitutional court would also be created.

The New York agreement is based on the territorial division proposed by the contact group plan in July 1994, namely that the Croat-Muslim federation will cover 51% of Bosnian territory and the Serb entity, which is to be known as the Republica Srpska, will be allocated 49% of territory. In the past the Bosnian Serbs have refused to negotiate on the basis of this territorial division. At the beginning of the conflict in Bosnia the Bosnian Serbs overran and occupied roughly 70% of territory. Muslim and Croat offensives in northern and western Bosnia since the beginning of September have, however, meant that the amount of land now occupied by the Bosnian Serbs has dwindled considerably. In fact, the Bosnian Serbs now occupy roughly the amount of territory allocated to them by the international peace plan (approximately 49%).

VIII Cease-fire agreement

On 5 October President Clinton announced that the parties had reached agreement on a cease-fire to come into force on 10 October. The agreement included a proviso that gas and electricity had to be restored to Sarajevo before the cease-fire would come into effect. The cease-fire is due to last 60 days or until the completion of further proximity talks to be held in the United States and compliance is to be monitored by UNPROFOR. The accord calls for an end to all offensive operations, sniper fire and the laying of mines. It also included a provision for the opening of a route to Gorazde for civilian and UN traffic and arrangements for the exchange of prisoners of war. The text of the cease-fire agreement, as released by the US embassy in Zagreb, reads:

1. Commencing on the effective date defined in Paragraph 2 below, the parties will implement a ceasefire throughout all territory within the borders of Bosnia-Herzegovina by terminating all hostile military activities and by implementing the other provisions of this agreement.

2. The cease-fire will become effective at 0001 hours on 10th October, provided that at that time full gas and electrical utility service shall have been restored in the city of Sarajevo. Otherwise the ceasefire will become effective at 0001 hours on the day following such restoration.
3. In order to allow for the negotiation and the commencement of the implementation of a peace agreement, the cease-fire will last for 60 days or until completion of proximity peace talks and a peace conference, whichever is later.
4. Pursuant to the cease-fire obligation on the effective date all parties will immediately assure that all military commanders issue and compel compliance with clear orders precluding:
 - (a) all offensive operations,
 - (b) control and reconnaissance activities forward of friendly positions,
 - (c) all offensive weapons' firing including sniper fire,
 - (d) the laying of additional mines,
 - (e) the creation of additional barriers or obstacles.
5. Upon the effective date all parties will immediately ensure
 - (a) that all civilians and prisoners will be treated humanely and
 - (b) that all prisoners of war will be exchanged under Unprofor supervision.
6. Commencing on the effective date the parties will cooperate with the cease-fire monitoring activities of Unprofor and will immediately report violations to appropriate Unprofor authorities.
7. Commencing on the effective date all parties will provide free passage and unimpeded road access between Sarajevo and Gorazde along two primary routes (Sarajevo-Rogatica-Gorazde, Belgrade-Gorazde) for all non-military and Unprofor traffic.
8. During the period of the cease-fire, the undersigned will fully honour the obligations undertaken through the Geneva Agreed Basic Principles of 8th September 1995, and the Further Agreed Principles of 26th September 1995 [in New York], including without limiting the generality of the foregoing the

obligation to afford all persons freedom of movement and all displaced persons the right to return home and repossess their property." ⁵³

There are many who believe that there is a real chance that this cease-fire might work as a result of various different factors: all sides are war-weary, the Bosnian Serbs have lost roughly 20% of the territory they have occupied since the beginning of the conflict, bringing the amount of territory they hold broadly in line with the amount allocated to them by the peace plan and, perhaps significantly, this was the first cease-fire agreement to be signed by the heads of state of the warring parties. The agreement was signed by both Karadzic and Mladic (and witnessed by Milosevic) and Izetbegovic. The Croats were not direct parties to the agreement, but Izetbegovic signed on behalf of the Bosnian-Croat Federation, so the Croats are also considered to be bound by it.

IX Conclusion

Even if the cease-fire holds, there remains the daunting task of bridging the gap between a cessation of hostilities and a durable peace settlement. Proximity talks are to begin in the United States on 31 October to discuss the myriad problems which still need to be solved, including, *inter alia*, the problem of Gorazde and how to link it to the rest of government-held territory; and the problem of Sarajevo (the Bosnian government wants a unified city; the Croats want two districts of their own and the Serbs want to partition the city along the frontline). Another problem will be the fact that Karadzic has said that the Serbs would not accept a map based on gains made by the recent Muslim-Croat offensive in north-west Bosnia.

There also remains the question of how the constitutional principles will work in practice, including the division of authority between the centre and the regions. Furthermore, there is the potential problem of eastern Slavonia, which Richard Holbrooke has said could "overshadow and undermine the peace process."⁵⁴ There are general elections in Croatia at the end of October 1995 and the Croatian government has stipulated that it wants firm dates by then for the restoration of Croatian sovereignty in eastern Slavonia and an agreement on the return of Croatian refugees. Talks are ongoing, but President Tudjman has repeated his threat to retake the region militarily if these fail, which could bring with it the danger of triggering intervention by regular Serbian troops.

⁵³ *BBC Summary of World Broadcasts*, 7 October 1995

⁵⁴ *Independent*, 7 October 1995.

If the proximity talks go well, they are intended to be followed up by a full peace conference in Paris. There may also be an implementing conference in London to be attended by the warring parties, troop-contributing countries, international financial bodies, the United Nations, NATO, the OSCE and the EU. As the international community is readying itself for this potentially final negotiating stage, however, a pall is being thrown over the whole peace process by the continuing Muslim-Croat offensive in north-west Bosnia, with the recent capture of Mrkonjic Grad and Sanksi Most. This part of Bosnia saw many atrocities and ethnic cleansing perpetrated against the Muslims by the Serbs at the beginning of the conflict in 1992 and therefore is of great importance to the Bosnian government. It is inevitable that the cease-fire will be breached, however, and the main test is whether the negotiating process is strong enough to resist the impact of cease-fire violations.

One of the core issues which needs to be addressed at any future peace conference is that of economic aid for the reconstruction of the former Yugoslavia. This is one of the issues highlighted by Sir Fitzroy Maclean, who headed the British military mission to Tito's partisan forces in Yugoslavia, in an article in the *Times* on 28 September 1995. Sir Fitzroy writes:

"I have no doubt that by far the most useful contribution we can make is massive economic help, something on the lines of the Marshall Plan, which did so much for Europe after the Second World War....When one considers the colossal sums, at present amounting to \$3 million a day, expended by all concerned on the deployment of largely unavailing "peacekeeping" forces, it should surely be possible to find funds for a project which, if successful, could help to bring some measure of stability to the Balkans."

Annex

The London Memorandum, 21 July 1995

Subject: COYUG London Meeting, 21 July : Chairman's Statement

Partners may like to have the text of the statement made by the British Foreign Secretary after the meeting in London on 21 July:

1. I would like to begin by making a Chairman's statement on the outcome of the meeting held in London today.
2. The Prime Minister, John Major, opened a meeting in London on 21 July of representatives of Bangladesh, Belgium, Canada, Denmark, France, Germany, Italy, Netherlands, Norway, Russia, Spain, Sweden, Turkey, Ukraine, the United States, the European Union, United Nations and NATO as well as the United Kingdom. I chaired the discussion.
3. The meeting recalled UNPROFOR's mandate to save lives, to deter attacks against safe areas and underpin the political process. Soldiers and civilians have given their lives for the principles on which this work is founded.
4. The situation in Bosnia and the future of the UN mission is now at a turning point. The meeting underlined the urgency and importance of obtaining a political settlement, it welcomed the progress made by Carl Bildt in his negotiations concerning mutual recognition between Belgrade and Sarajevo, and gave its full support to completion of the negotiation and implementation of its provisions as soon as possible.
5. The meeting further condemned the Bosnian Serbs' seizure by force of the safe areas of Srebrenica and Zepa, as well as the current offensive against Bihac and the threats made against Gorazde. Bosnian Serb behaviour is a flagrant violation of the human rights of the inhabitants of the enclaves and of the values for which the international community stands.
6. The meeting condemned the abhorrent practice of hostage-taking, and was pleased to hear that the Dutch battalion had been permitted to leave the Srebrenica area today. It emphasised that threats to the safety of UN personnel in Bosnia engaged the national interest of the troop contributing countries. The meeting warned that Bosnian Serb leaders would be held individually responsible for any harm done to UN personnel, which would have severe consequences.

7. And I must say the meeting was also equally concerned at the recent threats that have been made to Ukrainian personnel in the Zepa area by soldiers of the Bosnian government's army.

8. The current Bosnian Serb offensives, and the continuing seizure of Sarajevo, must be met with a firm and rapid response. They defy international law and opinion. The meeting therefore warned that in order to deter any attack on Gorazde, any such action will be met with a substantial and decisive response.

9. There was strong support for this to include the use of air power, but there was also great concern expressed. Countries are conscious of the serious risks involved in this course of action. We emphasised that the United Nations must not go to war, but needs to support realistic and effective deterrence.

10. The meeting also made clear that steps will be taken, as necessary, to reinforce or resupply UNPROFOR's contingents, including by use of the Rapid Reaction Force. It reaffirmed the importance of UNPROFOR's mandate and the presence in the city of Sarajevo, and welcomed the decision of the British Government to make available a battalion from theatre to the UN Commander for peacekeeping duties there. It underlined its determination to ensure access to Sarajevo for delivery of provisions to the civilian population and resupply of the UN forces, and support for the early use of the Rapid reaction Force to protect UNPROFOR in maintaining access for these deliveries. It welcomed the intention of the French Government to provide the Rapid Reaction Force units already deployed, with suitably reinforced capabilities to that end.

11. Over the last three years the UNHCR, supported by UNPROFOR, have cared for 2.7 million displaced people in Bosnia and provided essential humanitarian assistance to the needy, including those driven from their homes. The meeting condemned in the strongest terms the odious practice of ethnic cleansing, it strongly reaffirmed its support for the vital work of the UNHCR and International Committee of the Red Cross and other humanitarian agencies in addressing the urgent need of the civilian population who have suffered the consequences of a brutal war and been exploited and used as tools by the Bosnian Serbs.

12. It insisted on immediate access for UNHCR and the Red Cross to the male detainees from Srebrenica. And it called on all parties, particularly the Bosnian Serbs, to commit themselves to cooperate with the humanitarian effort and to honour their obligations and commitments under international humanitarian law.

13. UNPROFOR's departure would have tragic consequences for Bosnia and the region as a whole. The meeting supported UNPROFOR continuing its role in Bosnia, despite the difficulties it faces. It noted, however, that if the arms embargo were lifted, UNPROFOR would have to withdraw. The departure of UNPROFOR would involve activating NATO plans to protect such a withdrawal.

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14. If UNPROFOR is to operate effectively, the parties must cooperate with it, end all attacks on its personnel and cease obstructing its operations, in particular the deployment of the Rapid Reaction Force. They should also agree to a ceasefire.

15. In view of the need for rapid progress in the political process, I mentioned earlier that the meeting gave full support to the efforts of Carl Bildt and Thorvald Stoltenberg in the political process, stressed the urgency of negotiations between parties on the geographical and constitutional aspects of a Bosnian settlement, based on the Contact Group plan, and reiterated that mutual recognition between Belgrade and Sarajevo, when it happens, will be a first step towards recognition between the Federal Republic of Yugoslavia and all the republics of former Yugoslavia. And the meeting called on Presidents Izetbegovic and Milosevic, on the basis of mutual recognition between Belgrade and Sarajevo, to make decisive efforts to promote a political settlement.

16. Of course it follows that any action elsewhere that may be required following this meeting will have to be taken forward according to established procedures.

17. And can I say finally that the meeting noted that the creation to the Federation was a valuable contribution to political stability and the search for a lasting settlement.

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