

The Dayton Agreement: Progress in Implementation

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This research paper reviews progress in the implementation of the military and civil wings of the General Framework Agreement for Peace in Bosnia and Herzegovina (the 'Dayton Agreement'), signed in Paris on 14 December 1995 (Cm 3154).

The military side of the Dayton Agreement is also discussed in the recent Defence Committee Fifth Report, *British Forces in Bosnia* (HC 423, Session 1995-96).

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Contents

	Page
I Introduction	5
II Progress in implementation	5
A. Peace Implementation Conference	5
B. First deadline (D-Day + 30)	7
C. Second deadline (D-Day + 90)	8
C. Third deadline (D-Day + 120)	9
III Arbitration in Brcko	9
IV Outstanding obligations	11
V Difficulties in the functioning of the Muslim-Croat Federation	12
VI Efforts to shore up the Muslim-Croat Federation	16
A. Federation Agreement	16
B. Federation Forum	16
VII Progress in reconstruction	17
VIII Arms control measures	18
A. Arms embargo	18
B. Disarmament Talks	19
IX Sanctions against the former Yugoslavia	22
A. Sanctions imposed	22
B. Sanctions suspended	22
X The Bosnian elections	23
XI Recent Developments	25
XII Dayton Review Conference	26
XIII IFOR and Post-IFOR	29
XIV Conclusions	32
Appendix I - Main Provisions of the Dayton Agreement	34
Appendix II - Map of Areas of Control and IEBL	42

I Introduction

The peace plan signed in Paris on 14 December 1995 had been initialled by the warring parties at the US airbase in Dayton, Ohio on 21 November, following three weeks of intensive negotiation and diplomacy.¹ The agreement maintains a single unitary Bosnian state within internationally recognised borders with Sarajevo as the capital.² It establishes a central three-man presidency with representatives from each of the three ethnic groups, a Council of Ministers and a central Parliament. Underneath those central structures are two entities: the Muslim-Croat Federation and the Republika Srpska (Serb Republic), which enjoy substantial autonomy. Territorial issues were the most difficult to negotiate, but the settlement meets the contact group proposal of a 49-51% split between the Republika Srpska and the Federation. The Republika Srpska covers the east of Bosnia, bordering the Federal Republic of Yugoslavia and the north, bordering Croatia; the two constituent parts are joined in the north-east by the narrow Posavina corridor. The Muslim-Croat Federation covers the rest of the country.³ Within the Federation, the Bosnian Croats are concentrated primarily in the south-west along the border with Croatia and the Bosnian Muslims are in central Bosnia. The peace agreement was signed by Serbian President Slobodan Milosevic on behalf of the former Republic of Yugoslavia⁴ and the Bosnian Serbs, President Izetbegovic on behalf of the Bosnian government and President Tudjman on behalf of the Republic of Croatia.

II Progress in implementation

A. Peace Implementation Conference

A peace implementation conference was held in London on 8-9 December 1995 in order to ensure co-ordination between the military and civil wings of the peace agreement. European Union mediator Carl Bildt was appointed the High Representative in charge of the implementation of the civil wing of the peace agreement and co-ordination between the civil and military roles. Michael Steiner of Germany was appointed deputy High Representative. The Conference concluded that, with the signature of the peace agreement, important objectives of the International Conference on the Former Yugoslavia (ICFY) had been met and that a new structure was required to manage peace implementation. It was therefore decided that the ICFY would be subsumed by a Peace Implementation Council (PIC), composed of all those states, international organisations and agencies attending the Conference. As Chairman of the G7 in 1996, it was decided that France would play a specially strong co-ordinating role. It was decided that the border mission and working groups

¹ For the main provisions of the peace agreement see Appendix I

² Under the control of the Muslim-Croat Federation.

³ For a map defining the boundaries between the two entities see Appendix II.

⁴ Serbia and Montenegro.

Research Paper 96/80

on state succession and humanitarian issues would continue their work with their present terms of reference for as long as necessary.

A Steering Board of the PIC was established under the chairmanship of the High Representative, composed of representatives of Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, the United States, the Presidency of the European Union and the Organisation of the Islamic Conference (OIC). The Steering Board usually meets on a monthly basis and is tasked with providing the High Representative with political guidance on peace implementation. The PIC met in Florence on 13-14 June 1996 to review progress in the implementation of the peace agreement.⁵

The Conclusions of the Peace Implementation Conference stated:

"The Conference agrees that, while the implementation force will bring about the territorial settlement, longer term stability in Bosnia and Herzegovina and the region will only be secured if underpinned by confidence-building and arms control measures on the model of agreements developed successfully elsewhere in Europe under OSCE auspices. Such measures will encourage the creation of a balance of forces in the region, at the lowest levels consistent with security, thus contributing to lasting peace."⁶

The Conference strongly urged the parties to observe the deadlines set out in the peace agreement. The difficulty from the very beginning has been that failure at any one of the stages was likely to lead to a slippage of all subsequent deadlines and to retaliatory delays from the opposing sides. As Malcolm Rifkind argued in a statement to the House of Commons on 22 November 1995:

"It would be foolish to underestimate the size of the task that the international community now faces. The first requirement is that the parties live up to their commitments. Unless they abide by what they have agreed and work to make the settlement a success, the documents initialled at Dayton are just pieces of paper. The history of this conflict is one of broken agreements. Now, as never before, promises must be kept."⁷

The transfer of authority (D-Day, 20 December 1995) from UNPROFOR to the NATO Implementation Force (IFOR)⁸ proceeded smoothly. Bosnia is now divided into US, British and French military zones, known as Sector North, Sector West and Sector South East.

⁵ See Section XII for details of the review conference.

⁶ *Conclusions of the Peace Implementation Conference Held at Lancaster House, London, on 8-9 December 1995, paragraph 11.*

⁷ HC Deb, 22 November 1996, c.660

⁸ Which deployed 60,000 troops.

B. First deadline (D-Day + 30)

Most of the actions stipulated by the Dayton Agreement to be completed by the first deadline of 19 January 1996 were completed on time, but peace was still fragile. In Sarajevo the Bosnian Serbs were endangering the peace plan by continuing to advocate a division of the capital. In a referendum on 13 December the Sarajevo Serbs had massively rejected the status of Sarajevo under the administration of the Muslim-Croat Federation. Some Croat communities, for their part, were attempting to sabotage the Muslim-Croat Federation by refusing to allow the reunification of Mostar.⁹

On the military front, IFOR had been largely successful, however: the cease-fire was respected, roads were re-opening and shortly before the 19 January deadline the parties withdrew troops and heavy weaponry 2km behind the designated demarcation lines. Other stipulations for D-Day + 30 were the disarming of all civilian groups, the release of all prisoners of war and the departure of all foreign troops except IFOR. The deadline for the exchange of prisoners was not met. The Bosnian government refused to sanction the release of Bosnian Serb prisoners until it received information about thousands of Bosnians missing in Serb-held areas. Many prisoners have now been released, although some still remain in custody. Another outstanding matter was the fact that there were still 120 mainly Iranian and Afghan *mujahedin* fighters in the Bihac area. Under the Dayton Agreement all foreign troops other than IFOR were to have left by 13 January. Following the discovery of a large arms cache on the outskirts of Sarajevo in February, there were fears that rogue Islamic terrorist cells were still operating in central Bosnia.

As a result of the difficulties arising from what US mediator Richard Holbrooke termed "ambiguities" and "undeniable shortcomings"¹⁰ in the Dayton Agreement, a meeting was convened in Rome in mid-February to paper over some of the cracks that had begun to appear. During the course of this meeting, Serbian President Slobodan Milosevic gave a commitment that the Bosnian Serbs would rejoin military and civilian commissions set up to implement the peace agreement.¹¹ Agreement was reached for the reunification of Mostar and the transfer of the Serb suburbs of Sarajevo to Bosnian government control on 20 March, as stipulated in the Dayton Agreement. There was also agreement on the immediate release of prisoners of war and economic redevelopment.

⁹ For difficulties in the functioning of the Muslim-Croat Federation, see Section V.

¹⁰ *International Herald Tribune*, 21 February 1996

¹¹ The Bosnian Serbs had withdrawn co-operation following the arrest of two military commanders wanted by the International Tribunal at the beginning of February.

C. Second deadline (D-Day + 90)

Wednesday 20 March was the 90th day deadline of the peace agreement, marked by the transfer of sovereignty in several zones between the Muslim-Croat Federation and the Republika Srpska.¹² This deadline also heralded the beginning of the second phase of the peace plan and signalled a change in the nature of IFOR's role to monitoring the zone of separation between the two entities. In March there were still 430 disputed points between the Federation and the Republika Srpska as to the exact demarcation of the zone of separation.¹³

On 19 March the last Serb suburb of Sarajevo, Grbavica, came under the control of the Muslim-Croat Federation.¹⁴ This marked the reunification of Sarajevo, one of the crucial tests of the Dayton Agreement, and brought an end to the four-year siege of the city. Although this was an important hurdle to overcome, the success of the operation was qualified. The handover of Grbavica was characterized by violence and destruction, despite an intensification of IFOR patrols and an exodus of the Serbs living in Grbavica who felt that they could not live in an area under Bosnian Muslim control.¹⁵ This pattern mirrored an exodus in other parts of Bosnia which had been transferred from the control of one of the parties to that of another and brought into question the main principle embodied in the Dayton Agreement, namely that of multi-ethnicity. The departure of the Serbs damaged international efforts to reconstitute Sarajevo as the multi-national capital of a united Bosnia. Sarajevo is seen as a microcosm of the country as a whole and the context in which the Bosnian government took control over the whole of the city did not augur well for future inter-community coexistence in Bosnia. In *The Guardian* on 20 March 1996, Julian Borger observed:

"... the new Sarajevo has little in common with the pre-war city - a truly cosmopolitan capital, whose residents identified more with each other than with their ethnic roots. The jigsaw pieces have been put back together, but they have been so mangled by the war that the picture is unrecognisable."

Since March, the focus of implementation has been on the civil wing of the accord. Under the High Representative, Carl Bildt, various organisations have begun tasks, such as organising democratic elections which are now due to take place on 14 September under the overall supervision of the OSCE¹⁶ and overseeing the return of refugees, which is being done by the United Nations High Commissioner for Refugees (UNHCR). A major obstacle facing these organisations is the inability of the three ethnic entities to agree on major issues.

¹² The areas that were transferred from one side to the other had to be cleared of all troops by D-Day + 45.

¹³ *Le Monde*, 20 March 1996

¹⁴ The other Serb suburbs had come under the control of the Muslim-Croat Federation at the end of February, following a mass exodus of Serbs living there.

¹⁵ By March, an estimated 50,000 Bosnian Serbs had reportedly left Sarajevo since the conclusion of the Dayton Agreement (*Le Monde*, 20 March 1996).

¹⁶ See Section X

Progress has been mixed due to a lack of co-operative spirit between both the Republika Srpska and the Federation and within the Federation itself. Deep divisions within the Muslim-Croat Federation have been a cause for concern. One of the main hurdles in this area has been the failure to reunite Mostar: the city is still divided, federal institutions are not working and no joint army has been created, despite the fact that this was one of the provisions of the Washington Agreement concluded in March 1994. Croat and Muslim forces have also reportedly come close to confrontation in western Bosnia and checkpoints have appeared between Muslim and Croat pockets in central Bosnia. Difficulties such as these are already raising questions as to whether IFOR will indeed be able to pull out after twelve months, leaving behind a workable peace settlement.

D. Third deadline (D-Day + 120)

The three former warring parties had until midnight on 18 April to remove all their troops to barracks and their heavy weapons to storage sites. This was the last of the military deadlines to be met. British General Sir Michael Walker, the ground troops commander of IFOR, reported that the three parties had made "substantive progress" in the third phase of military implementation.¹⁷ Although not all forces had been demobilised or pulled back by the deadline, General Walker attributed the delay largely to 'technical problems' rather than 'intent'.¹⁸ At a press conference held by NATO Secretary-General, Javier Solana, and the Supreme Commander Allied Forces Europe, US General George Joulwan, the former reported that he was satisfied with compliance so far, with General Joulwan adding that the parties had met 80-95% of their military obligations.¹⁹ Both Solana and Joulwan stressed that the focus was now on maintaining overall security, dealing with the civilian aspects of the mission and preparing for elections.

III Arbitration in Brcko

Brcko is the only unresolved territorial issue of the peace agreement. Since no agreement could be reached during the negotiations at Dayton, Article V of Annex II²⁰ provides for the establishment of an arbitration commission to decide the future status of the Brcko area comprising one arbitrator from each entity and one nominated by the international community. Arbitration is scheduled to begin some time after D+180²¹ and the arbitration commission

¹⁷ *Agence France Presse International*, 20 April 1996

¹⁸ *Agence France Presse International*, 20 April 1996. This thesis was echoed by other IFOR officials who suggested that the delay in demobilisation was due primarily to logistical reasons, including the lack of fuel, lack of staff organisational experience and the scarcity of adequate barracks.

¹⁹ *Agence France Presse International*, 22 April 1996

²⁰ Agreement on inter-entity boundary line and related issues.

²¹ mid-June

must reach a decision by 14 December. The Dayton Agreement stipulated that the Republika Srpska and the Muslim-Croat Federation had until 14 June to name their arbitrators and that they then had one month to agree on the international arbitrator. The Muslim-Croat Federation appointed a member of the constitutional court, Cazim Sadikoic, in May and the Bosnian Serbs named Vitomir Popovic, professor of international economic law at Banja Luka University as their arbitrator at the Florence review conference on 14 June.

Brcko is situated at the narrowest point of the Posavina corridor connecting the western and eastern parts of the Republika Srpska and links the Republika Srpska to Serbia proper. The Bosnian Serbs therefore believe that it is strategically vital that Brcko comes under their control. The Muslim-Croat Federation is equally keen to see displaced Muslims and Croats being allowed to return to the area. The Federation wants the commercially valuable Posavina corridor because it provides a deep water port on the Sava river. Local Serbs fear that an influx of Muslims and Croats would tip the ethnic balance and jeopardise Serb control of the town. Although Brcko had a pre-conflict majority Muslim population, the town was captured by the Bosnian Serbs in May 1992. The future of Brcko is considered a 'powder-keg issue' which could rebound on the Dayton accord if tensions erupt into violence.²²

On 22 June the Bosnian newspaper *Oslobodjenje* reported that Bosnian Serb authorities were moving Serb families from all over Bosnia into former Muslim homes in the zone of separation around Brcko in order to sway the arbitration decision.²³ Carl Bildt has described Brcko as the most difficult test for the success of the peace agreement and has criticised Serb authorities for moving refugees into the area prior to arbitration. Tension is already mounting among Serb inhabitants of Brcko and Muslims returning to visit graves in the area. An indication of the difficulties of reconciliation in this area and Bosnia as a whole was provided by the Serb mayor of Brcko who said that Serbs and Muslims would never be able to live together again:

"It's impossible after this war. We can build a good life next to each other, we can trade and co-operate, but we cannot live together."²⁴

²² *Agence France Presse International*, 18 April 1996

²³ *Agence France Presse International*, 22 June 1996

²⁴ *Agence France Presse International*, 18 April 1996

IV Outstanding obligations

The Dayton Agreement's request for each party to comply with any order or request from the International Tribunal for the Former Yugoslavia has not been fully complied with, nor has the demand which requires the parties to grant access to graves, as well as the recovery and evacuation of bodies. Lack of compliance applies particularly to the Republika Srpska. The most serious breach of the Dayton Agreement is the failure to hand over for trial at the International Tribunal in The Hague of Radovan Karadzic and Ratko Mladic and Karadzic's removal from political office.²⁵ At the review conference in Florence in mid-June, the Peace Implementation Council made clear to the leadership of the Republika Srpska that the continuation in public authority of Radovan Karadzic was unacceptable. The G-7 meeting in Lyon at the end of June also discussed the possibility of reimposing sanctions against both the Federal Republic of Yugoslavia and the Republika Srpska if Karadzic did not step down from office. The matter is now coming to a head, since Karadzic was reappointed leader of the Serb Democratic Party (SDS) on 28 June, having already been nominated on 20 June to run for president of the Republika Srpska in the September elections.

The return of refugees is proving an immense problem. *International Security Review 1996* argued that the real magnitude of the promise to return refugees is clear from the following figures, as held by the UNHCR at the end of 1995:

Table 1-Displaced People in the Former Yugoslavia

Bosnia Herzegovina	2,702,000
Croatia	463,000
Macedonia	15,000
Yugoslavia	449,000
Slovenia	26,000
Total	3,655,000

²⁵ The International Tribunal at The Hague began a hearing into charges against Karadzic and Mladic, both of whom have been charged with genocide and crimes against humanity. The hearings are expected to lead to the issuing of international arrest warrants for both men.

Table 2- Displaced People in Bosnia-Herzegovina, By Area

Bihac	46,000
Banja Luka	223,000
Eastern Bosnia	208,000
Mostar	115,000
Sarajevo	140,000
Tuzla	282,000
Zenica	286,000

It was further argued that no refugees were likely to return to their original homes and that, indeed, in the first few months after the IFOR deployment, the number of refugees would increase, as divided families seek to be reunited.²⁶ In an interview with *The European* on 27 June 1996, Carl Bildt admitted that there had been a 'negative flow' of refugees since the signing of the Dayton Agreement: while 70,000 refugees had returned home, the peace agreement had created 100,000 new refugees.²⁷

Some issues relating to the agreement on the inter-entity boundary line (IEBL) and the zone of separation (ZOS) remain outstanding. A report by the International Crisis Group (ICG)²⁸, which has been monitoring the non-military aspects of the Dayton Agreement since the beginning of 1996, maintains that although more than forty adjustments have already been made, several hundred issues, albeit minor in nature, remain on the table. The requisite joint commissions have been formed and negotiations are ongoing, continuing beyond the D+180 deadline.

V Difficulties in the functioning of the Muslim-Croat Federation

One of the keys to peace in Bosnia is a strong Muslim-Croat Federation. The prevailing view is that if this falls apart, there is scant chance of the Federation and the Republika Srpska knitting together. The Federation has, however, been described by one UN official as a "fiction" that exists "only in the minds of the international community".²⁹ More than two years after the creation of the Federation³⁰, there has been virtually no reintegration of Muslim and

²⁶ *International Security Review 1996*, p. 124

²⁷ Roughly 70,000 Serbs have left Sarajevo and 30,000 Serbs have left other areas.

²⁸ *The Dayton Peace Accords: A Six Month Review*, June 1996

²⁹ *Economist*, 2 March 1996

³⁰ In March 1994

Croat populations. A project agreed at Dayton to strengthen the Federation, which allowed for refugees to return to four Federation-held towns to restore their pre-war ethnic mix, has also foundered because of local SDA (Party of Democratic Action (Muslim)) and HDZ (Croatian Democratic Union) resistance.

Mostar is seen by some as a miniature version of the Dayton Agreement. When the European Union assumed its two-year administration of Mostar in July 1994 its aim was to stop the fighting, separate the combatants, inject aid³¹, foster reconciliation and reunite the city. The final stage of this plan has so far proved unworkable. The main reason for this is the unwillingness of the participants, particularly the Croats, who appear to have no interest in Mostar becoming a mixed community again. This is also the main reason for the lack of progress in advancing the Muslim-Croat Federation. As such, Mostar can be seen as a microcosm of the underlying difficulties which lie ahead in implementing the Dayton Agreement.

Hans Koschnik, the German EU administrator in Mostar announced his resignation on 26 February. Koschnik had drawn up an administrative plan to reunite the city, which had called for a division of Mostar into seven sectors, three for each community and one large 'neutral zone' in the city centre. The map was changed at the Rome summit meeting in mid-February, however, to reduce the size of the proposed neutral zone. The European Union's case for agreeing to reduce the size of the neutral zone in Mostar was that it was a necessary compromise that had won two important concessions from the Croats - namely freedom of movement between the two parts of the city and joint Muslim-Croat police patrols.³² There is still no freedom of movement between the two halves of the city, however; different versions of the Serbo-Croat language are spoken in both parts and a different currency is in use.

The difficulties experienced in Mostar are partly attributable to the complexity of the situation there. Mostar is the heart of the state called Herceg-Bosna that was carved out during the war. West Mostar with its breakaway hinterland has been described as 'a virtual annex of Croatia'.³³ On 15 June the leaders of Herceg-Bosna appointed a new cabinet in violation of the Dayton accords. The nationalist leaders of this 'state' come from families linked to big business who had profited from the division of Mostar and are more interested in consolidating what is in effect their own state of Herceg-Bosna, with Mostar as the capital, than in reunifying Mostar and making the Muslim-Croat Federation work. Commentators believe that if this power is not curbed, the Dayton Agreement will collapse along the Muslim-Croat fault line. An article in the *Times* on 9 February argued:

³¹ The European Union has provided \$166m in reconstruction aid.

³² *The European*, 29 February 1996

³³ *Reuters*, 1 July 1996

"If these two cities (Sarajevo and Mostar) become Balkan Berlins, permanently divided, all bets are off for lasting peace in Bosnia. Sarajevo's reunification is the prime symbol and test of the readiness of Bosnia's separate Serb and Muslim-Croat "entities" to coexist in a federal Bosnian Republic...Mostar is equally critical, for different reasons. If the city remains divided between Croats and Muslims, the Muslim-Croat Federation will collapse and with it, the entire Dayton plan. Because the federation's Muslim and Croat cantons form a patchwork that could not physically be separated were Bosnia to split in three, the federation's collapse would mean war."

One area where pressure can be brought to bear by the international community is on President Tudjman of Croatia, who is seen as the key to the fate of the local Croat power structure in Mostar. One positive step that has been taken in this direction has been the suspension of negotiations between Croatia and the European Union on a trade agreement, although this was done in connection with a different matter.³⁴ One important development in this regard is the change in Germany's attitude towards Croatia. Traditionally a patron of Croatia within the European Union, German Foreign Minister Klaus Kinkel is holding Croatia to account for the so-called 'gangster politics' taking place in Mostar. Another recent example was the unprecedented decision taken by the Committee of Ministers of the Council of Europe to defer Croatia's accession to the Council of Europe as a result of various concerns as to the democratic nature of the Tudjman administration. On 2 July the Committee of Ministers agreed to admit Croatia, but not immediately and on the strict condition that it adheres to the stipulations of the Dayton Agreement and provided it does not seek to interfere in the Bosnian elections. The case will be reviewed again by the Council of Europe in October.

Municipal elections in Mostar, intended to consolidate the reunification of the city, were held on 30 June under the aegis of the European Union. They were seen by the new EU administrator, Ricardo Perez Casado, as the first step towards the normalisation of political and social life in Mostar. The 120,000 registered as living in Mostar in the 1991 census were authorized to vote, whereas the 40,000 refugees who arrived in Mostar during the course of the war were not. Before the vote, the anti-nationalist parties denounced the elections as a total failure, partly because the electoral system is based on ethnicity: there are three Croat "municipalities" and three Muslim, with one tiny "central district" reflecting Mostar's multi-ethnicity. The anti-nationalist parties also attributed presumed failure in the elections to the fact that none of the conditions for a free and fair election campaign existed: the democratic opposition was systematically denied access to the media and some opposition candidates withdrew from the election because of death threats they had received.³⁵

³⁴ In 1995 the European Union suspended aid and stopped negotiations on a trade agreement after evidence emerged of massacres of Serb civilians during the Croatian offensive to recapture the *Krajina* in August 1995.

³⁵ *Le Monde*, 30 June-1 July 1996

The elections were for a "city council" which will elect a mayor. Mostar currently has two mayors: a Croat on the west bank, Mijo Brajkovic, and a Muslim on the east bank, Safet Orucevic. Brajkovic led the nationalist Croat HDZ list (Democratic Union of Croatia)³⁶ and Orucevic led the Muslim SDA list (Party of Democratic Action)³⁷. Both parties are considered nationalist, although the SDA advocates the reunification of Mostar, whereas the HDZ campaigned on a platform of separation.³⁸ As well as both mayors, there were four other candidates from opposition groups, although they were believed to have little chance of success since the HDZ and SDA control the media, the army and the police.

The elections were described as a success, mainly because they were peaceful. EU officials said that the results of the elections demonstrated the deep ethnic divide and legitimised the division of Mostar.³⁹ Unofficial results showed a large victory for the two nationalist parties, which took more than 90% of the vote. The Muslim Party of Democratic Action (SDA) won 48.14% and the Croatian Democratic Union (HDZ) won 45.05% of the vote.⁴⁰ The only significant list of candidates from all ethnic groups which ran on a multi-ethnic reunification platform received 3% of the vote. Two right-wing extreme Croat parties garnered most of the remaining ballots. The announcement of the final results was delayed due to a protest lodged by the HDZ, claiming that there had been voting irregularities in Bonn, one of the four European capitals where refugees were able to vote.⁴¹

The Dayton Agreement allotted 16 council seats apiece to Croats and Muslims and the remaining five seats to Serbs, reflecting the city's pre-war ethnic balance. EU spokesman Dragan Gasic said that the SDA will probably get 19 seats and the HDZ 18 in the city's unified council.⁴² Since the other parties fared so badly, all 37 seats on the council will in effect be occupied by the nationalist parties. The official goal of the SDA is reunification of the city, but most analysts believe that a lead of one seat on the council is not a clear enough mandate for the SDA to force unification. The Croat mayor reassured Croats on the west bank of Mostar that the results 'did not imply any practical changes'.⁴³ The EU's mandate in Mostar expires on 23 July and it is likely that the new administrator will seek an extension.

³⁶ Tudjman's party

³⁷ Izetbegovic's party.

³⁸ *Le Monde*, 30 June-1 July 1996

³⁹ *Agence France Presse International*, 2 July 1996

⁴⁰ *Associated Press*, 1 July 1996

⁴¹ The other European capitals where refugees could vote were Bern, Oslo and Stockholm.

⁴² *Reuters*, 1 July 1996

⁴³ *ibid.*

VI Efforts to shore up the Muslim-Croat Federation

A. Federation Agreement

On 30 March 1996, deputy High Representative Michael Steiner unveiled a detailed plan of measures to strengthen the Muslim-Croat Federation. The Federation had come into existence as a result of the Washington Agreement in March 1994, but the continuing conflict had prevented the implementation of Federation structures. At the end of January 1996, the Bosnian Muslims and Croats took a major step towards making the Federation a functioning reality by confirming a government of 15 ministries. The Federation is headed by president Kresimir Zubak (Bosnian Croat), Vice-President Ejup Ganic (Muslim) and Prime Minister Izudin Kapetanovic (Muslim). By the end of March it was evident that assistance was needed to shore up the Federation.

The Federation Agreement provides, *inter alia*, for a customs union⁴⁴, a single state budget, a unitary banking system and a new federation flag, combining Croat red and Muslim green. It also undertook specific obligations, such as the submission to the Federal Assembly of the constitutional amendments necessary to harmonize the Federation constitution with the constitution of Bosnia and Herzegovina. It also sets target dates for the implementation of key policies, such as the preparation of a budget and the establishment of a banking system. The new agreement was greeted as a welcome initiative, but the international community remains cautious since so many other agreements have foundered due to local resistance. It is, however, different from previous agreements in that it imposes sanctions for non-compliance or failure to meet deadlines. Towns and regions in Federation territory that do not comply with the agreement will also be deprived of reconstruction aid.

B. Federation Forum

At the instigation of the United States, the Federation Forum was established in order to strengthen the Muslim-Croat Federation and facilitate more intensive regular consultations with the Bosnian Croats and Muslims on Federation issues. Its first meeting was held in Sarajevo on 2 April 1996. The purpose and mission of the Federation Forum include:

- To build tolerance, cooperation and the will to succeed
- To concentrate US efforts on the practical realization of the Federation;
- To assist in the full establishment and functioning of governmental structures;

⁴⁴ Including the abolition of all internal checkpoints and customs controls by 1 April.

- To achieve consistent implementation of Federation structures and relevant agreements at local and regional levels;
- To use the Federation Forum to find mechanisms to resolve possible areas of disagreement at an early stage.⁴⁵

The Forum held its second meeting in May. At this the participants agreed to unite the Muslim and Croat forces under one defence ministry and a joint command structure within three years. To do this, a new Federation defence law had to be approved and implemented. The passage of the defence law was held up by the nomination of the Federal Defence minister as a minister of Herceg-Bosna on 15 June, the separatist Bosnian Croat state, which was seen as a blow to the creation of federation structures. At a meeting of the Federation Forum on 27 June, however, agreement appears to have been reached on adjusting the text of the defence law by 5 July. This is a prerequisite for the United States to begin arming and training Federation forces. The May Forum meeting also agreed measures on economic recovery and integration, including the creation of a Federation Banking Agency and a Federation Privatization Agency.

Although the review conference held in Florence on 13-14 June concluded that "Gradual progress was being made in strengthening the Federation"⁴⁶ there was a lack of major results at the end of the third meeting of the Forum at the end of June, which US assistant secretary of state, John Kornblum, attributed to the lack of political will on the part of the parties involved.⁴⁷

VII Progress in reconstruction

Reconstruction and restoration of normal civilian life is supposed to move in parallel with military disengagement, but has fallen behind schedule. The first international conference on reconstruction was held by the European Union and the World Bank in Brussels on 20-21 December 1995. This resulted in approximately \$500m being freed up for priority reconstruction projects in the first four months of 1996, although the World Bank estimates that \$5bn will be required over the next four years to repair infrastructure and lay the basis for sustained economic growth. The World Bank estimates that the priority programmes in the areas of infrastructure, transport, energy and health will require \$5.1bn.⁴⁸ At the donors' conference the European Union pledged \$100m, the United States \$63m and the World Bank

⁴⁵ *European Wireless File, USA/USIS/EFW*, 15 May 1996, p. 9

⁴⁶ *Chairman's Summary Conclusions of the Conference of the Peace Implementation Council, Florence, 13-14 June 1996*

⁴⁷ *BBC Summary of World Broadcasts*, 29 June 1996

⁴⁸ *Le Monde*, 23 December 1995

\$150m. France, which insisted on an equal distribution of the financial burden⁴⁹, pledged \$4m. The US also stated that it was prepared to pledge a donation package of \$600m over the next few years, although this is dependent on congressional approval.

The \$500m of initial financial support was earmarked to be spent on a number of emergency projects, including critical imports (such as seeds, drugs and construction machinery), payment of government salaries and a social fund to help groups such as the elderly and orphans. Other emergency projects include help for agriculture, power, transport infrastructure and water and gas supply.⁵⁰ In all these projects, the international community is deliberately pursuing cross-entity structures, in order to foster reconciliation and co-operation.

In a meeting hosted by the World Economic Forum in Davos, Switzerland in February, outgoing Undersecretary of State Richard Holbrooke warned participants that the money must be found to implement the civil wing of the peace accord, since without resources, police, housing and jobs there will be no reconciliation and any delay could have severe consequences for sustaining peace. Improvement in the lives of ordinary Bosnians is seen as the most effective way of reinforcing the Dayton Agreement, since most experts believe that economic progress will soften ethnic bitterness.

A pledging conference for reconstruction aid in Brussels on 12-13 April raised the remaining \$1.2bn needed for this year's \$1.8bn joint World Bank-EU programme. The EU pledged \$260m, the US \$219m, the World Bank \$160m and Japan \$130m.⁵¹ At this conference, Europe and the United States underlined their determination that little of the aid pledged would go to the Bosnian Serbs as long as Karadzic and Mladic remained in office.

VIII Arms control measures

A. Arms embargo

UN Security Council Resolution 713⁵² imposed a complete embargo on deliveries of weapons and military equipment to the republics of the former Yugoslavia in an attempt to stem the violence accompanying the break-up of the Yugoslav federation. UN Security Council Resolution 1021 of 22 November 1995 lifts this progressively. The embargo was scheduled

⁴⁹ France wanted the burden to be divided into three: the first falling on the US, the second on Europe and the third on Japan and other donors.

⁵⁰ *Financial Times*, 6 February 1996

⁵¹ *Financial Times*, 15 April 1996

⁵² 25 September 1991

to terminate finally 180 days after 14 December 1995 and after the submission of a report from the UN Secretary-General on the implementation of the agreement on regional stabilisation.⁵³ The UN Security Council subsequently lifted the arms embargo on 18 June. The naval surveillance operation in the Adriatic, Operation Sharp Guard, was duly suspended on 19 June.

In a common position agreed in the Foreign Affairs Council on 26 February 1996, the European Union decided to maintain the EU embargo on arms, munitions and military equipment towards Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia for the duration of the international peace-keeping operation.⁵⁴ At the same time the EU decided that export licence applications to Slovenia and the former Yugoslav Republic of Macedonia (Fyrom) shall be considered on a case-by-case basis, bearing in mind the EU's common criteria for arms exports.

B. Disarmament Talks

As stipulated by the Dayton Agreement, disarmament talks for the former Yugoslavia began under the auspices of the OSCE in January 1996. The negotiations had to be completed by 10 June or the parties would face an imposed solution as laid out in Article IV, paragraph 3 of Annex IB. Negotiations went into extended session following a disagreement over the wording of the preamble: the Bosnian Muslims feared that the wording⁵⁵ would kickstart diplomatic recognition of the Bosnian Serbs.⁵⁶ An agreement was reached at the Florence review conference on 14 June, which involved both entities being mentioned in the preamble. The agreement restricts the number of heavy weapons allowed in Bosnia, Croatia and the Federal Republic of Yugoslavia under five categories: tanks, other armoured vehicles, artillery pieces of at least 75mm; fighter aircraft and helicopter gunships. It also fixes a balance between the two entities. NATO has offered to help the OSCE monitor observance of the heavy weapons ceilings. Article IV of the Agreement on Sub-Regional Arms Control sets out the numerical limitations on the parties. These are as follows:

Article V

Section I. Limitations of Armaments

1. In recognition of the importance of achieving balanced and stable defence force levels at the lowest numbers consistent with the respective Parties' security, the Parties agree that the establishment of a stable military balance based on the lowest level of

⁵³ Annex 1B of the peace agreement for Bosnia-Herzegovina

⁵⁴ *OJL* 58, 7 March 1996

⁵⁵ The Bosnian Serbs had insisted that the Republika Srpska be treated equally in the preamble with Croatia, the Federal Republic of Yugoslavia and Bosnia-Herzegovina.

⁵⁶ *Agence France Presse Internationale*, 11 June 1996

armaments will be an essential element in the establishment of peace and security and the building of confidence.

2. All battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters, as defined in Article II, within the area of application and in the possession of or belonging to the Parties shall be subject to the numerical limitations and other provisions of this Article, except as provided for in Articles III, VII and XII.

3. Within the area of application, as defined in Article II, each Party shall limit and, as necessary, reduce its battle tanks, armoured combat vehicles, artillery, combat aircraft and attack helicopters, so that 16 months from 1 July 1996 and thereafter, the armament holdings of any individual Party do not exceed the following ceilings:

The Federal Republic of Yugoslavia

- (1) 1025 battle tanks;
- (2) 850 armoured combat vehicles;
- (3) 3750 pieces of artillery;
- (4) 155 combat aircraft; and
- (5) 53 attack helicopters.

The Republic of Croatia:

- (1) 410 battle tanks;
- (2) 340 armoured combat vehicles;
- (3) 1500 pieces of artillery;
- (4) 62 combat aircraft; and
- (5) 21 attack helicopters.

Bosnia and Herzegovina:

- (1) 410 battle tanks;
- (2) 340 armoured combat vehicles;
- (3) 1500 pieces of artillery;
- (4) 62 combat aircraft; and
- (5) 21 attack helicopters.

of which:

The Federation of Bosnia and Herzegovina:

- (1) 273 battle tanks;
- (2) 227 armoured combat vehicles;
- (3) 1000 pieces of artillery;
- (4) 41 combat aircraft; and
- (5) 14 attack helicopters.

The Republic of Srpska:

- (1) 137 battle tanks;
- (2) 113 combat vehicles;
- (3) 500 pieces of artillery;
- (4) 21 combat aircraft; and
- (5) 7 attack helicopters.

The arms control agreement was seen as an important contribution to transparency of military holdings, control of heavy weapons, confidence-building and long term regional stability.

The United States decided to rearm the Bosnian Muslims in an effort to afford military parity to the Muslim-Croat Federation. US military support guarantees were widely discussed at Dayton and this is generally believed to have been the key motivation for the Bosnian government's acceptance of the peace plan, although it was not written into the peace agreement itself.⁵⁷ This decision has caused several problems with America's European partners. Europe believes that supplying one of the protagonists with weapons can only compromise the semblance of impartiality that the international community must have. Another concern is that this may trigger a fresh arms race in the region and encourage opponents of the Dayton Agreement to resume fighting. The main concern of countries such as the UK and France, which have troops on the ground, is that arming the Muslims and Croats could place alliance forces in danger.

The US programme of military aid, codenamed Equip and Train, is conditional on the adoption of an integrated defence law by the Federation. The other condition is the departure from Bosnia of all foreign Islamic fighters. Although these conditions have not yet been met⁵⁸, the first shipments of US military equipment⁵⁹ have reportedly already arrived. On 14 May over 200 Bosnian soldiers went to Turkey⁶⁰ to learn how to use new NATO-style tanks and artillery weapons. The Bosnian government is also reportedly negotiating with an American consulting firm, Military Professional Resources, on a contract to improve the Federation army's command.⁶¹

⁵⁷ *Associated Press*, 23 May 1996

⁵⁸ Although Islamic fighters from Iran and other countries have been mostly removed from the Bosnian army and a statement issued by the White House on 27 June said that there were no "organised" foreign units left in Bosnia. containing M-16 rifles, machine guns, field phone systems and military radio equipment.

⁶⁰ As an American ally and friend of the Bosnian government, Turkey has a leading role in Equip and Train.

⁶¹ *Associated Press*, 23 May 1996

IX Sanctions against the former Yugoslavia

A. Sanctions imposed

Acting under Chapter VII of its charter, the United Nations imposed a wide range of mandatory economic sanctions against Serbia and Montenegro on 30 May 1992 in what Douglas Hurd described as "one of the most comprehensive series of measures ever adopted by the United Nations".⁶² UN Security Council Resolution 757 banned all exports from and imports to Serbia and Montenegro, except 'supplies intended strictly for medical purposes and ... foodstuffs'.⁶³ UN Security Council Resolution 787 of 16 November 1992 tightened the procedures for implementing the mandatory sanctions established in UNSCRs 713⁶⁴ and 757. It gave the international naval force in the Adriatic, for example, the right to forcibly stop and search suspect ships rather than simply monitor them. The ships participating in the naval embargo against Serbia and Montenegro were permitted to use 'such measures commensurate with the specific circumstances as may be necessary'.⁶⁵

Sanctions against Serbia and Montenegro were tightened again on 17 April 1993 following continued Serb aggression around the Muslim enclave of Srebrenica. These new sanctions were based on a package prepared by the then European Community at the instigation of the United Kingdom. In his statement to the House of Commons on 19 April 1993, Douglas Hurd told the House of Commons:

"We are looking to turn sanctions into a blockage. These new sanctions are wide in scope and effectively close down Serbia's border. We must ...ensure the tightest possible enforcement in four ways - by sea, by river, on land and against financial services."⁶⁶

UN Security Council Resolution 820⁶⁷ froze Serbian and Montenegrin financial assets overseas, cracked down on embargo violations via the Danube, banned the transshipment of goods across former Yugoslavian territory and closed all border crossing points.

B. Sanctions suspended

Sanctions were partially eased following Serbia's fulfilment of its commitment to seal its border with the Bosnian Serbs, which it had undertaken to do in August 1994. The UN mission monitoring compliance with this undertaking concluded in September 1994 that Serbia was meeting its commitment. This led to the partial easing of sanctions on 23

⁶² HC Deb, 2 June 1992, c. 714

⁶³ *S/RES/757*, para 4(c) and 3(c) respectively

⁶⁴ arms embargo

⁶⁵ *S/RES/787 (1992)* para. 12

⁶⁶ *HC Deb*, 19 April 1993, c. 21

⁶⁷ 17 April 1993

September 1994. UN Security Council Resolution 943 welcomed the decision by the authorities of the former republic of Yugoslavia to support the proposed territorial settlement for Bosnia and to invite international assistance with regard to the passage of supplies for essential humanitarian needs through the border. In view of that, it was decided to suspend for an initial period of 100 days the sanctions imposed under UNSCRs 757 and 820, concerning air traffic at Belgrade airport, the Bar-Bari ferry service and participation in sporting events and cultural exchanges. The UN Sanctions Committee was also invited to simplify its procedures for considering applications concerning humanitarian assistance.

Following the initialling of the Dayton Agreement in November 1995, the UN Security Council suspended sanctions against Serbia and Montenegro indefinitely and with immediate effect.⁶⁸ UNSCR 1022 stipulated that the suspension of sanctions would not apply to the measures imposed on the Bosnian Serbs 'until the day after the commander of the international force to be deployed in accordance with the peace Agreement ... informs the Council .. that all Bosnian Serb forces have withdrawn behind the zones of separation established in the Peace Agreement'. Sanctions against the Bosnian Serbs were duly suspended on 27 February 1996 after NATO commanders concluded that the Bosnian Serbs had complied with the military terms set out in the Dayton Agreement.

UN Security Council Resolution 1022 warned that sanctions could be automatically reimposed if the former Yugoslavia or Bosnian Serbs fail 'significantly to meet their obligations under the peace agreement'. Sanctions can be reimposed automatically within five days on reception by the Secretary-General of a report from the High Representative Carl Bildt on non-compliance with the Dayton Agreement, unless the UN Security Council decides otherwise. Bildt's power to call for the automatic reimposition of sanctions runs out ten days after the holding of the Bosnian elections, however.⁶⁹ The commander of IFOR also has the power to call for a reimposition of sanctions. Following the failure of Serbia or the Bosnian Serbs to hand over Radovan Karadzic and Ratko Mladic for trial at the International Tribunal at The Hague, the president of the International Tribunal, Antonio Cassese, called on 6 June for a reimposition of sanctions against the Bosnian Serbs. Carl Bildt and the United States are opposed to any reimposition of sanctions at this stage, however.

X The Bosnian elections

The Bosnian elections are seen as one of the keys to an enduring peace in Bosnia. The agreement on elections makes up Annex III of the Dayton Agreement. The Organisation for Security and Co-operation in Europe (OSCE) is in charge of monitoring the preparation and conduct of elections that are specified to take place within six months of the agreement entering into force, or if the OSCE determines that a delay is necessary, no later than nine months after entry into force. The elections will be for the House of Representatives of Bosnia and Herzegovina; the Presidency of Bosnia and Herzegovina; the House of representatives of

⁶⁸ UN Security Council Resolution 1022, 22 November 1995

⁶⁹ Due by mid-September

the Federation of Bosnia and Herzegovina; the National Assembly of the Republika Srpska; the Presidency of the Republika Srpska and, if feasible, for cantonal legislatures and municipal governing authorities. The OSCE is charged with establishing a Provisional Election Commission (PEC) whose mandate is to adopt electoral rules and regulations regarding, *inter alia*, the registration of political parties and independent candidates, the role of international and domestic election observers and ensuring an open and fair electoral campaign. Any citizen over the age of 18 and whose name appears in the 1991 census is eligible to vote.⁷⁰ Anyone is allowed to vote in the municipality in which they were registered in the 1991 census, although they can apply to the Commission to vote elsewhere.

There have been varying views as to how soon Bosnia will be ready to hold free and fair elections. Although the Dayton Agreement stipulates that these should be held no later than September, there was a difference of opinion between the United States and the PEC on this issue. According to the conclusions of an internal report by the OSCE, it would be impossible to meet the international definition of free and fair elections because the complex administrative process cannot be completed in time.⁷¹ According to western diplomats, there is little hope that refugees will have been allowed to return by September. Since people are allowed to vote in the municipality in which they were registered in the 1991 census, thousands of Muslims displaced during the war want to return to vote in what are now parts of the Republika Srpska. Bosnian Serb leaders oppose their return, fearing that they would lose control of areas that formerly had a Muslim majority and also fearing the election of Muslims to political office. Theoretically, for example, Srebrenica, which had a Muslim majority of almost 75% before the war, but which fell to the Serbs in the summer of 1995, could vote in a Muslim leadership. Other OSCE reports make it clear that further obstacles to the holding of free and fair elections include the fact that there is no freedom of association or of the press.⁷² Robert Frowick, US OSCE representative, has been trying to expand election coverage and set up new broadcast outlets to enable moderate candidates a chance, but his efforts have not yet produced any tangible results.⁷³

The position of the United States is that the elections should be held on schedule, irrespective of the PEC's concerns. US envoy John Kornblum said on 23 May, "The Dayton Agreement does not say that we have to have a perfectly functioning democracy in place. In fact, the elections are there to lay the framework for a functioning democracy".⁷⁴ Bosnian officials and human rights group believe, however, that pushing ahead with elections by September could be disastrous and, according to the International Helsinki Federation, "...would only cement the dominance of nationalists who caused the war and seal the results of ethnic cleansing."⁷⁵ Many fear that if elections are held on schedule, their main effect will be to consolidate what many see as an already *de facto* partition into three national zones.⁷⁶

⁷⁰ The 1991 census is being used so as not to recognise the ethnic cleansing which took place during the war.

⁷¹ According to the report the electoral administration will not be completed before November.

⁷² The nationwide television networks are controlled by the nationalist parties and moves to create an independent national channel in the Muslim-Croat Federation appear to have been blocked.

⁷³ *International Herald Tribune*, 6 May 1996

⁷⁴ *Associated Press*, 23 May 1996

⁷⁵ *ibid.*

⁷⁶ *Independent*, 25 May 1996

At a meeting of the permanent council of the OSCE in Vienna at the beginning of May, Mr Frowick said that the elections were going to be difficult and imperfect and "...the most difficult elections in history."⁷⁷ It was hoped that a date for the elections could be fixed at the review conference of the Dayton Agreement in mid-June, but Flavio Cotti, president of the OSCE, waited until 25 June to announce that elections will go ahead on 14 September.

The deadline for the registration of parties was 14 June. The PEC stipulated that 10,000 signatures were required as a condition for party registration. According to an OSCE report released on 21 June, 48 parties and 33 independent candidates will compete in the elections.⁷⁸ This list includes the three main parties: the Party of Democratic Action (Muslim), the Serbian Democratic Party and the Croatian Democratic Union. On 29 May the OSCE announced that the registration of voters and the drawing up of electoral lists would take place from 3 June to 19 July.⁷⁹ It is estimated that as much as 40% of the electorate will vote from abroad.⁸⁰

XI Recent Developments

On 15 May Radovan Karadzic, who retained the Bosnian Serb Presidency despite provisions in the Dayton Agreement barring from political office those sought by the International Tribunal in The Hague, announced that he had sacked the prime minister of the Republika Srpska, Rajko Kasagic. This came as a blow to the international community, since Kasagic was generally regarded as a moderate who was prepared to implement the stipulations of the Dayton Agreement. Both the international community and President Slobodan Milosevic of Serbia described Kasagic's removal from office as null and void. Interviewed earlier in the week, Karadzic had hinted that he may defy the international community and run for election later in the year. Kasagic, who has a power base in Banja Luka, later announced that he planned to form a new government in competition with Karadzic's stronghold in Pale.

Karadzic's re-emergence, possibly emboldened by the reluctance so far of the international community to arrest him for trial in The Hague, has created several problems, which are now coming to a head. Although he handed over power to Biljana Plavsic, who is very close to Karadzic's nationalist policies, Karadzic is still very much in the picture. His removal is now seen as one of the most important priorities, although there is uncertainty as to how to effect his removal. The only certain thing is that there will be no room for moderate, rational politics to emerge in the Republika Srpska as long as Karadzic and Mladic are not removed.

⁷⁷ *ibid.*

⁷⁸ *Associated Press*, 21 June 1996

⁷⁹ *BBC Summary of World Broadcasts*, 30 May 1996

⁸⁰ *Financial Times*, 13 May 1996

XII Dayton Review Conference

On 13 and 14 June, six months after the signature of the Dayton Agreement, the representatives of 45 countries⁸¹ and 15 organisations met in Florence to review progress in the implementation of the peace agreement for Bosnia and Herzegovina. For the first time, the conference was attended by a complete delegation from Bosnia and Herzegovina, which was seen as exemplifying the progress made since December. The main aim of the review conference was to breathe new life into the peace process, notably by confirming the holding of elections and reaching agreement on development aid. The international community wanted to set a date for the holding of elections, which is seen as a prerequisite for the withdrawal of IFOR, whose mandate ends on 20 December. It was not possible to do this, so the Florence conference limited itself to reaffirming the wish of the international community to see the holding of elections in September.

The Peace Implementation Council came to the following conclusions:⁸²

"It reviewed the considerable progress that had been made in the first six months of implementation. Everyday life was improving all the time at an accelerating rate for the vast majority of people of Bosnia and Herzegovina. This achievement insufficiently recognised, was due in great part to the immense efforts made by the international bodies (IFOR, EU, UN, OSCE, IFIs and others) and by the High Representative, Mr Carl Bildt ...The Council noted that:

- The country was at peace, the opposing forces separated and a background of secure conditions created.
- The Arms Control Agreement signed in Vienna and Florence were important contributions to transparency of military holdings, control of heavy weapons, confidence-building and long term regional stability.
- Through the commissions set up under the Peace Agreement, the High Representative had promoted dialogue between the Parties.
- The Parties had come to agreement on the rules and regulations for elections ... and a multi-party political system was emerging in both entities.

⁸¹ Including the leaders of the signatories and the foreign ministers of the countries which sponsored the peace agreement.

⁸² A copy of the *Chairman's Conclusions of the Conference of the Peace Implementation Council, Florence, 13-14 June 1996* can be obtained from the International Affairs and Defence Section desk in the Members' Library.

- Gradual progress was being made in strengthening the Federation.
- The international community had pledged substantial funds for the first year of reconstruction and disbursement had begun.
- There had been extensive rehabilitation at the local level."⁸³

The conference also underlined at the same time that the parties were still erecting obstacles in the way of co-operation between themselves, with the international community and in the way of achieving a single, democratic and pluralistic Bosnia and Herzegovina. The situation was reported as being burdened by fear and mistrust and a continuing trend towards separation. The PIC identified the following action points as being integral to success:

Elections

Under the Peace Agreement the Parties agreed that elections should lay the foundation for the progressive achievement of democratic goals throughout Bosnia and Herzegovina. Elections are the basis for setting up all the institutions of the country which are an essential element in reversing the trend towards separation and giving the country a future. Accordingly, the Council attaches great importance to the elections taking place according to the timetable of the Peace Agreement.

The Council expressed its strong support for the determination of the OSCE to ensure that under their supervision and with the help of IFOR, effective conditions existed for the holding of elections on time. They did not consider that postponement would help and risked prejudicing the institutional process. The Council noted that the occurrence of free and fair elections would result in the termination of sanctions.

In the light of the statement made by the Head of the OSCE Mission in Bosnia and Herzegovina, the Council recommended to the Chairman-in-Office of the OSCE, Mr Cotti, that elections take place on 14 September in accordance with the timetable of the Peace Agreement. Mr Cotti indicated his intention to convene the Permanent Council of the OSCE before the end of the month for discussion before taking a decision on certification.

In line with democratic standards, and in accordance with the agreed measures announced in Geneva on 2 June, the Council called on the Parties to allow opposition parties access to public media, grant the necessary licences to independent media and refrain from negative propaganda perpetuating the division of the country.

⁸³ *Chairman's Summary Conclusions of the Conference of the Peace Implementation Council, Florence, 13-14 June 1996*

The Council agreed on the urgency of starting preparatory work for the installation of the most important institutions - the Presidency, the Council of Ministers, the Houses of Parliament and the Central Bank. -and called on the Parties to co-operate in this with the High Representative.

Refugees and displaced persons

The Council reminded the Parties that they themselves had insisted in the Peace Agreement on the right of return to their homes of refugees abroad and displaced persons. In view of this, the Council warned them that it was unacceptable to continue to put obstructions in the way of those who wished to return and to harass individuals who attempted to visit their properties.

Members of the Council agreed that temporary protection of refugees should not be lifted for as long as it was genuinely needed but that they expected them to return home as soon as possible to make their badly needed contribution to the reconstruction of their country. To accelerate the rate of return, local authorities in Bosnia and Herzegovina should adopt policies designed to make them feel secure and welcome and further thought must be given on how this can be encouraged.

Human Rights

The Council deplored the reports of continuing and frequent violations of human rights throughout Bosnia and Herzegovina.

In particular, policies such as the continued unwillingness to determine the fate of missing persons and the arrest and detention without charge of individuals crossing the IEBL, were incompatible with international standards, damaged confidence and freedom of movement, and should cease forthwith. All Parties should adopt and implement amnesty laws meeting the requirements of the international community.

Brcko

The Council welcomed the fact that both the Federation and the Republika Srpska had appointed arbitrators. They requested the arbitrators to agree on the third arbitrator as soon as possible. The Council attached great importance to their work being completed well before the deadline of 14 December and called for the earliest possible start.

Economic reconstruction

The Council drew attention to the fundamental importance of a strong economic reconstruction programme. They drew attention to the considerable

effort made by the international community in pledging USD 1.8 billion for the first year's needs within the framework of the Priority Reconstruction Programme.

The Council urged all authorities of Bosnia Herzegovina to adopt policies and administrative practices which would accelerate the reconstruction work of the international agencies and donor governments. Attention should be paid to the immediate needs of the population.

Reconstruction will be a medium term process. Council members undertook to ensure good donor co-ordination in line with the Priority Reconstruction Programme and accelerate to the extent possible disbursement of funds.

Conditionality

The Council noted that the international community had made a huge investment in the future of Bosnia and Herzegovina and that it intended to continue to remain involved. Assistance would be given to both entities in light of their needs and on a fair basis but not unconditionally. The Council intended to continue the existing policy of withholding economic assistance in cases of non compliance and violation of obligations. In the forthcoming period there would be particular focus on improvement in the human rights situation.

Sanctions

The Council saw sanctions as a measure to which resort should be had only if other ways of achieving the main goals of the Peace Agreement had failed. This was not the case at present. The Council agreed that re-imposition would nevertheless occur if in the judgement in their respective spheres of the High Representative or COMIFOR, circumstances arose which made this unavoidable and either of them so informed the UN Security Council. In any event, the Security Council is in a position to take action on sanctions.

XIII IFOR and Post-IFOR⁸⁴

Eight months on, the NATO peace Implementation Force (IFOR) has been hailed as a major military and, in some respects, international political success. Military forces from 32 states were deployed or organized under NATO command relatively efficiently and have co-operated well together. Politically, IFOR has served as a laboratory for the skills demanded of 12 contributing Partnership for Peace countries. The particular experience of the Russian contingent may have assisted in persuading Moscow in the advantages of co-operating with

⁸⁴ This section by Tom Dodd

NATO in European security. On both counts, IFOR could thus be said to have assisted the process of NATO enlargement. Within NATO, the inclusion of French forces under NATO operational command has provided further evidence of the warmer attitude of the Chirac regime to NATO; a development which could result in France eventually rejoining NATO military structures.

The contradiction between the relative success of the military implementation of the Dayton Agreement and the relative lack of success in the implementation of the civil wing of the agreement gives rise to consideration of the future of the western military presence in Bosnia. It seems, though, that such was the haste to deploy IFOR in the wake of the Dayton Agreement, less time was given to contemplating the terms of its withdrawal. The original US position was that the US deployment of some 20,000 ground troops would be for a calendar year: i.e. all US forces would be pulled out by 20 December 1996. The British position, and one held by other NATO members, was that British forces would be deployed for a defined twelve month period and then be withdrawn at the same time as those of the USA.⁸⁵ In order to withdraw NATO and other US forces by December 1996, a withdrawal would need to begin after the elections planned for September, i.e. two to three months in advance.⁸⁶

The US thesis has been that peace in Bosnia after the end of 1996 would be maintained by a new Bosnia-wide administration and a general commitment by all parties to peace. However, this would also be secured in part by raising the military capabilities of the Bosnian Muslims to the level of the Bosnian Serbs to achieve military parity. In practice, though, as has been seen, perhaps more idealistic visions of a united and peaceful Bosnia have not been realised. Although the warring factions have more or less stuck to the letter of the Dayton Agreement, they have not entered into its spirit. While the war has ceased, there is little freedom of movement, actual or even desired, between the three ethnically defined areas of Bosnia. Sarajevo remains divided between Muslim and Serb and Mostar between Muslim and Croat. In this context, as early as March there was discussion as to whether some form of international military presence might need to remain in Bosnia into 1997. This was reflected in comments by both the British and French local commanders.⁸⁷ In April US officials admitted that IFOR would be fully manned up to the end of the current IFOR mandate and thus inevitably a large contingent of US peacekeepers would remain in Bosnia beyond the 20th December deadline.⁸⁸ In June Lt. Gen. Sir Michael Walker, the land commander of IFOR, stated that "There is going to have to be something around to show that the international community is still determined to prevent the war from breaking out again ... So at some stage the international community is going to have to allow a debate, which I suspect is going on behind locked doors, to come into the open".⁸⁹ John Kornblum, the US Assistant Secretary of State for European Affairs, has commented that it was "possible, even likely", that US troops would continue to have a role after December 1996.⁹⁰ William Perry, the US Defence Secretary, has declared that he would recommend that US troops remain in Bosnia

⁸⁵ see the Statement on the British Role in IFOR HC Deb, 12 December 1995, c.835-846

⁸⁶ *Atlantic News*, 24 April 1996

⁸⁷ *The Economist*, 30 March 1996 and *The International Herald Tribune*, 1 April 1996

⁸⁸ *International Herald Tribune* 27 April 1996

⁸⁹ *Independent*, 12 June 1996

⁹⁰ *The Independent*, 12 June 1996

in 1997 if NATO decided that a new ground force was necessary to prevent a return of the conflict.⁹¹

In a wide ranging report on British forces in Bosnia, the House of Commons Defence Committee recently concluded that a multi-national peacekeeping force would be needed there after December 1996 and that UK forces would be likely to be involved. The Committee also noted that any follow-on force should be under NATO command and include US involvement. It recommended that the House should debate the matter of future UK involvement in peacekeeping in Bosnia before the summer recess.⁹²

Current proposals appear to centre on a less heavily equipped, but still mobile IFOR-II of perhaps 20,000 military personnel, although it would not be as lightly armed as UNPROFOR. This would be built around a British and perhaps a French brigade with support from the forces of other NATO countries.⁹³ The British 20th Armoured Brigade, based in Germany, has apparently been warned for possible service in Bosnia in 1997.⁹⁴ Despite this, HMG has remained unwilling to comment on the future of IFOR beyond restating the 'all in together, all out together' position of 1995. The reason may be related to the debate within the Atlantic Alliance as to the status of US participation in any IFOR II. In theory, it would be possible for a small-scale military operation of purely European NATO states, perhaps under a WEU rubric, and including contributions from the UK and France to operate in Bosnia in 1997 provided that it received logistical, communications and intelligence support from US bases in Croatia, southern Hungary and Italy. This would be consistent with the philosophy of the Combined Joint Task Force which was most recently enunciated at the NATO Berlin Council in June. However, it would seem likely that European capitals would be unwilling for IFOR-II to be established in Bosnia outside NATO command and without some form of US military presence, possibly of brigade size, on the ground. Without such a presence, international peacekeeping in the region could return to the situation of 1992-1995 which is widely seen as having provoked NATO's worst internal crisis since the 1960s. On the one hand, Britain and France found themselves playing a leading and difficult role in UNPROFOR which they then defined as more of a peacekeeping than peace-enforcing operation. On the other hand, the US government was advocating a policy of lifting the UN arms embargo and using air power against the Bosnian Serbs without facing the possible consequences of these policies for its nationals on the ground. A NATO IFOR-II without US ground contingent could find itself in a similar position. The USA would have political influence over the operation via NATO structures and could continue to be rearming the Bosnian Muslims with British and other forces potentially caught in the middle of these actions.⁹⁵

⁹¹ *The Guardian*, 13 June 1996

⁹² Defence Select Committee Fifth Report, *British Forces in Bosnia*, HC 423, Sess. 95-96, Paras 65-81. A half day's debate on the political and military situation in Bosnia is to be held on 16 July.

⁹³ A British contingent might be envisaged as a brigade group of a squadron of tanks, some artillery, two battalions of infantry with support services, including helicopters, and an additional built in non-UK battalion. This might produce a notional UK contingent of IFOR II of around 5-6,000 depending on the constitution of any force headquarters element.

⁹⁴ *The Daily Telegraph*, 7 June 1996

⁹⁵ HMG has stated "We are not opposed to the train and equip programme, but we believe that the most effective way of achieving long-term stability in the region is through the arms control negotiations provided for in the peace agreement and recently agreed upon by the parties. That is why we will not participate in the programme. (HL Deb 25/6/96 c 848)

Research Paper 96/80

The British government has not been drawn on its policy towards post-IFOR policy which remains under discussion.⁹⁶ In the Commons, in response to a question on withdrawal contingency plans, the Defence Secretary replied: -

"IFOR's mandate expires at the end of the year and we intend to withdraw UK forces at the same time as our NATO allies."

He added in reply to Jack Thompson: -

"... 20 December is the date on which the IFOR mandate ends. He should not read into that that the forces will be home on that date. That is the day that the operation ends. I anticipate that the ending of IFOR will lead to a withdrawal of troops over weeks, and possibly months, after that.

The hon. Gentleman is right to say that many aspects of the Bosnian situation do not bode well. What is important is that the international community develop an overall political strategy to deal with the many parts of that problem - humanitarian problems, the need for reconstruction, the need to rebuild the economy, the need to prop up the Croat-Muslim federation, and the need to provide police forces and training. As a small part of that we need to consider what, if any, need there may be for a military presence in 1997. It would, however, be premature to reach conclusions about that now."⁹⁷

He later commented : -

"I cannot conceive of any operation in Bosnia of a military sort that is not a NATO operation. I believe that it is essential that in any NATO operation in Bosnia, the United States should be involved alongside, and on the same terms as, her allies in the alliance."⁹⁸

The current IFOR UN sanctioned mandate expires in December, six weeks after the next US Presidential election. Given the political sensitivities about US military deployments overseas and the continuing uncertainties surrounding the implementation of the peace agreement in Bosnia, final decisions on any future international peacekeeping force are unlikely to be taken until after the success or otherwise of the Bosnian elections and possibly not until after the subsequent US elections.

XIV Conclusions

When IFOR took over from UNPROFOR on 20 December 1995, there was a certain amount of scepticism as to whether the timetable set out at Dayton would be adhered to. Apart from

⁹⁶ see brief Lords debate on Bosnia HL Deb 25/6/96 c 845-846

⁹⁷ HC Deb, 11 June 1996, c.106

⁹⁸ HC Deb, 11 June 1996, c.107

a brief interlude in February when the Bosnian Serbs severed communication with IFOR over the extradition of two generals to the International Tribunal in the Hague, the military implementation of the Dayton Agreement has been largely successful. The transfer of authority outlined in the Dayton Agreement has now taken place and IFOR is effectively monitoring the zones of separation between the parties, which have also been demilitarised. Apart from isolated incidents, the cease-fire⁹⁹ has been respected, hundreds of check-points have been dismantled and demobilisation has begun. The vast majority of prisoners of war have been exchanged, although thousands are still reported as missing. In short, the numerous deadlines imposed by the Dayton Agreement have more or less been met.

There has, therefore, been a notionally successful implementation of the peace agreement so far, but the ingredients for a resumption of hostilities still exist. Reconstruction and the return of refugees have been very slow. A few displaced persons have returned to places where their own ethnic kin are in control, but, arguably, more refugees have been created by the Dayton Agreement than have returned home. One of the main ingredients for a resumption of hostilities is the success of nationalist elements in all three ethnic entities. A discrepancy has developed between the success of the military implementation of the peace agreement and the lack of success in the implementation of the civil side.¹⁰⁰ This lack of political success has been attributed to the lack of desire among the parties to overcome divisions and build the cross-community institutions envisaged by the Dayton Agreement. In an article in the *International Herald Tribune* on 9 May this discrepancy was explained by a structural contradiction at the heart of the Dayton Agreement:

"The cease-fire holds because each of the Bosnian factions is led by authoritarian-nationalist figures who can give an order to halt the fighting and it will be obeyed right down the line. The reason why the political clauses are not being implemented is because they threaten the power bases of many of these same leaders, who have an interest in keeping Bosnia divided and the conflict defined in nationalist terms to ensure their hold on power."

⁹⁹ Agreed on 5 October 1995

¹⁰⁰ Reconstruction, reintegration and reconciliation

Appendix I - Main Provisions of the Dayton Agreement

Annex I A: Military Aspects of the Agreement

Article I: General Obligations

The parties accept the dispatch to the region for a period of approximately one year of the multinational military Implementation Force (IFOR) under the authority, direction and political control¹⁰¹ of NATO which will contribute to the implementation of the military and territorial provisions of the agreement. IFOR will begin the implementation of the military aspects upon the transfer of authority from UNPROFOR to IFOR.¹⁰² The military aims are as follows: to establish a durable cessation of hostilities, with IFOR permitted to resort to the use of force to implement the provisions of the agreement and to establish lasting security and arms control measures aiming at promoting a permanent reconciliation between the parties and facilitating the achievement of the political arrangements.

Article II: Cessation of Hostilities

The parties undertake to respect the cease-fire concluded on 5 October 1995 and to refrain from all offensive operations by "all personnel and organizations with military capability under its control or within territory under its control, including armed civilian groups, national guards, army reserves, military police and the Ministry of Internal Affairs Special Police (MUP)".

Article III: Withdrawal of Foreign Forces

All forces in Bosnia which are not of local origin have to withdraw within 30 days of the entry into force of the agreement. Article III specifies that, in particular, its stipulations apply to "individual advisors, freedom fighters, trainers, volunteers and personnel from neighbouring and other States."

¹⁰¹ Under the aegis of the North Atlantic Council (NAC)

¹⁰² Until the transfer of authority, UNPROFOR will continue to exercise its mandate (which runs until 31 January 1995).

Article IV: Redeployment of Forces

The parties are to redeploy their forces in three phases:

Phase I

When the agreement enters into force, all parties will begin withdrawing their forces behind a 2 km zone of separation which will be established on either side of the cease-fire lines. This withdrawal must be completed within 30 days after the transfer of authority from UNPROFOR to IFOR. Article IV contains specific provisions for Sarajevo and Gorazde. In Sarajevo, the width of the separation zone will be approximately 1km on either side of the cease-fire line, although this may be adjusted by the IFOR commander. A two-lane, all-weather road will be constructed to link Sarajevo to Gorazde and until its completion, the two existing routes will be used by both entities.

Phase II

Phase II applies to those locations where the Inter-Entity Boundary Line does not follow the Agreed Cease-Fire Line and which will then be transferred from one entity to the other, such as the Serb areas of Sarajevo. All the forces in these zones will have to evacuate within 45 days and the forces of the other entity will not be able to take up their positions for another 45 days. In the interim, IFOR will assure the security of these zones.

Phase III

Under the heading of "confidence-building measures", phase III provides for the demobilization or withdrawal of all heavy weapons¹⁰³ and forces to areas designated by the IFOR commander within 120 days of the transfer of authority.

The following articles (V-XII) deal with the deployment of IFOR and the withdrawal of UNPROFOR; the liberation of civilian and military prisoners within 30 days (apart from those indicted by the International War Crimes Tribunal); and the establishment of a Joint Military Commission to serve, *inter alia*, as the central body for all parties to bring any military complaints, questions or problems and a consultative body for the IFOR commander.

¹⁰³ 'Heavy weapons' refers to all tanks and armoured vehicles, all artillery 75mm and above, all mortars 81mm and above and all anti-aircraft weapons 20mm and above.

Annex I B: Agreement on Regional Stabilization

Agreeing that the establishment of progressive measures for regional stability and arms control is essential to creating a stable peace in the region, the Parties approved elements for a regional structure for stability. These elements include negotiations under the auspices of the OSCE to agree upon a series of measures to enhance mutual confidence and reduce the risk of conflict. The Parties will be drawing fully on the 1994 Vienna Document of the Negotiations on Confidence and Security-Building Measures of the OSCE. The aim was to reach agreement within 45 days on, *inter alia*, restricting military deployments and exercises and establishing military liaison missions between the chiefs of the armed forces of the Federation of Bosnia and Herzegovina and the Republika Srpska.

Part of the regional confidence and security-building measures include the commitment by the Parties not to import any arms for 90 days and not to import for 180 days, or until an arms control agreement comes into force, heavy weapons or heavy weapons ammunition, mines, military aircraft and helicopters.

Thirty days after the agreement entered into force the Parties agreed to start negotiations under the auspices of the OSCE to agree on levels of armaments and military holdings and establish voluntary limits on military manpower. If agreement is not reached within 180 days ceilings will be imposed on several categories of weapon.

Annex II: Agreement on inter-entity boundary line and related issues

This contains a map delineating the boundary between the Federation of Bosnia and Herzegovina and the Republika Srpska. The Parties may adjust the inter-entity boundary line only by mutual consent and any agreed adjustment must be notified to the IFOR commander, following consultation with the latter.

No agreement was reached on the Brcko area. As a result, Article V provides for the establishment of an arbitration commission comprising one arbitrator from both entities. Annex II also provides for a transitional period of 45 days for areas transferring from one entity to the other.

Annex III: Agreement on elections

The OSCE is in charge of monitoring the preparation and conduct of elections that are specified to take place within 6 months of the agreement entering into force, or if the OSCE determines that a delay is necessary, no later than nine months after entry into force. The

elections will be for the House of Representatives of Bosnia and Herzegovina; the Presidency of Bosnia and Herzegovina; the House of Representatives of the Federation of Bosnia and Herzegovina; the National Assembly of the Republika Srpska; the Presidency of the Republika Srpska and, if feasible, for cantonal legislatures and municipal governing authorities. The OSCE is charged with establishing a Provisional Election Commission whose mandate is to adopt electoral rules and regulations regarding, *inter alia*, the registration of political parties and independent candidates, the role of international and domestic election observers and ensuring an open and fair electoral campaign. Any citizen over the age of 18 and whose name appears in the 1991 census is eligible to vote. Anyone is allowed to vote in the municipality in which they were registered in the 1991 census, although they can apply to the Commission to vote elsewhere.

Annex IV: Constitution of Bosnia and Herzegovina

The preamble proclaims respect for human rights, dedication to peace, justice, tolerance and reconciliation in a pluralist society committed to the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina in accordance with international law.

Article 1: affirms the continuation of Bosnia and Herzegovina within its internationally recognized borders as a democratic state composed of two entities (the Federation of Bosnia and Herzegovina and the Republika Srpska). It provides for freedom of movement of goods, services, capital and persons throughout Bosnia and Herzegovina and states that "Neither Entity shall establish controls at the boundary between the Entities" (*Article I, paragraph 4*). It states that the capital will be Sarajevo and that citizens will have dual citizenship: that of Bosnia and Herzegovina and that of their Entity.

Article II: establishes a Human Rights Commission and asserts that the rights and freedoms set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its associated protocols shall apply directly in Bosnia and Herzegovina and that these shall have priority over all other law. It also gives refugees and displaced persons the right to return to their homes of origin and if their property cannot be restored they should receive compensation.

Article III: defines the responsibilities and the relationship between the central institutions and the institutions of the Entities. The institutions of Bosnia and Herzegovina are responsible for foreign policy; foreign trade policy; customs policy; monetary policy; finances of the institutions and the international obligations of Bosnia and Herzegovina; immigration, refugee and asylum policy; international and inter-Entity criminal law enforcement, including relations with Interpol; establishment and operation of common and international communications facilities and air traffic control. The Entities are responsible for all governmental functions and powers not expressly assigned to the central institutions.

Research Paper 96/80

Each Entity has the right to establish special parallel relationships with neighbouring states consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina. Each Entity is also allowed to enter into agreements with states and international organizations with the consent of the Parliamentary Assembly.

Within six months of entry into force the Entities shall begin negotiations with a view to including in the responsibilities of the institutions of Bosnia and Herzegovina other matters, including utilization of energy resources and co-operative economic projects.

Article IV: defines the Parliamentary Assembly. This will have two chambers: the House of Peoples and the House of Representatives. The House of Peoples shall comprise 15 delegates, ten from the Federation (five Croats and five Bosnians) and five from the Republika Srpska, elected by the assemblies of the Entities. Nine members of the House of Peoples shall comprise a quorum, provided that 3 Croats, 3 Serbs and 3 Bosnians are present. The House of Representatives shall comprise 42 members, two-thirds elected from the territory of the Federation and one-third from the territory of the Republika Srpska. A majority of all members shall comprise a quorum. All legislation shall require the approval of both chambers. All decisions in both chambers shall be by majority, provided that the dissenting votes do not include two-thirds or more of the members elected from either Entity.

Article V: provides for a three-member presidency: one Bosnian and one Croat directly elected in the Federation and one Serb elected in the Republika Srpska. The term of the members of the Presidency elected in the first election shall be two years, whereafter the term of office shall be four years. The members of the presidency shall appoint a Chair, the first Chair going to the member who received the highest number of votes. Thereafter the method of selecting the Chair, by rotation or otherwise, shall be determined by the Parliamentary Assembly. Decisions shall be made by consensus or by two out of the three members; a member is allowed to veto any decision which he/she perceives as running contrary to the interests of his/her people. The presidency shall be responsible *inter alia* for: conducting foreign policy; appointing ambassadors (no more than two thirds of whom may be selected from the territory of the Federation); representing Bosnia and Herzegovina in international and European organizations; proposing an annual budget to the Parliamentary Assembly. The presidency shall also nominate the head of government (Chair of the Council of Ministers) who in turn shall appoint ministers, no more than two-thirds of which may be from the territory of the Federation.

Each member of the presidency shall have civilian command authority over the armed forces. Article V stipulates: "Neither Entity shall threaten or use force against the other Entity and under no circumstances shall any armed forces of either Entity enter into or stay within the territory of the other Entity without the consent of the government of the latter and of the Presidency of Bosnia and Herzegovina. All armed forces in Bosnia and Herzegovina shall operate consistently with the sovereignty and territorial integrity of Bosnia and Herzegovina. The members of the Presidency shall select a Standing Committee on Military Matters to coordinate the activities of armed forces in Bosnia and Herzegovina. The Members of the Presidency shall be members of the Standing Committee."

Article VI: describes the composition of the constitutional court. It shall have nine members and shall have exclusive jurisdiction to decide any dispute that arises under the constitution between the Entities, for example whether an Entity's decision to establish a special parallel relationship with a neighbouring state is consistent with the constitution.

Article VII: provides for a central bank, the first governor of which shall be appointed by the International Monetary Fund. The Central Bank of Bosnia and Herzegovina shall be the sole authority for issuing currency and for monetary policy.

Article VIII: stipulates that the Parliamentary Assembly shall each year adopt a budget covering the expenditure required to carry out the responsibilities of the institutions of Bosnia and Herzegovina and its international obligations. The Federation shall provide two-thirds of the revenue required by the budget and the Republika Srpska shall provide one third.

Article IX: decrees that "No person who is serving a sentence imposed by the International Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any appointive, elective, or other public office in the territory of Bosnia and Herzegovina."

Annex V: Arbitration

The Federation of Bosnia and Herzegovina and the Republika Srpska agree to honour the following obligations as set forth in the Agreed Basic Principles adopted at Geneva on 8 September 1995:

Paragraph 2.4. "The two entities will enter into reciprocal commitments ... (c) to engage in binding arbitration to resolve disputes between them."

Paragraph 3. "The entities have agreed in principle to the following ... 3.5 The design and implementation of a system of arbitration for the solution of disputes between the two entities."

Annex VI: Agreement on Human Rights

A Commission on Human Rights, comprising the Office of the Ombudsman and the Human Rights Chamber, shall consider alleged or apparent violations of human rights as provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms. The

ombudsman shall be appointed for a non-renewable term of five years by the Chairman-in-office of the OSCE. The Human Rights Chamber shall comprise four representatives from the Federation and two representatives of the Republika Srpska. The Council of Europe will appoint the remaining eight members, who shall not be citizens of Bosnia and Herzegovina or any neighbouring state.

Annex VII: Agreement on Refugees and Displaced Persons

This stipulates that "All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them. The early return of refugees and displaced persons is an important objective of the settlement of the conflict in Bosnia and Herzegovina. The Parties confirm that they will accept the return of such persons who have left their territory, including those who have been accorded temporary protection by third countries." The Parties undertake to ensure that refugees and displaced persons are permitted to return in safety, without risk of harassment, intimidation, persecution or discrimination. The Parties call upon the UNHCR to develop a repatriation plan that will allow for an early, peaceful, orderly and phased return of refugees. To encourage refugee return, the Parties shall grant an amnesty to any returning refugee or displaced person charged with a crime, other than a serious violation of international law.

There is provision for the establishment of an independent nine-member Commission for Displaced Persons and Refugees, which will be based in Sarajevo. The mandate of the Commission is to decide property and compensation claims.

Annex VIII: Agreement on Commission to preserve national monuments

Establishes a five-member Commission to Preserve National Monuments, which will be based in Sarajevo. The Commission shall receive and decide on petitions for the designation of property having cultural, historic, religious or ethnic importance as national monuments.

Annex IX: Agreement on establishment of Bosnia and Herzegovina public corporations

Establishes a five-member Commission on Public Corporations to examine establishing Bosnia and Herzegovina public corporations to operate joint public facilities, such as for the operation of utility, energy, postal and communications facilities for the benefit of both Entities.

Annex X: Agreement on civilian implementation of the peace settlement

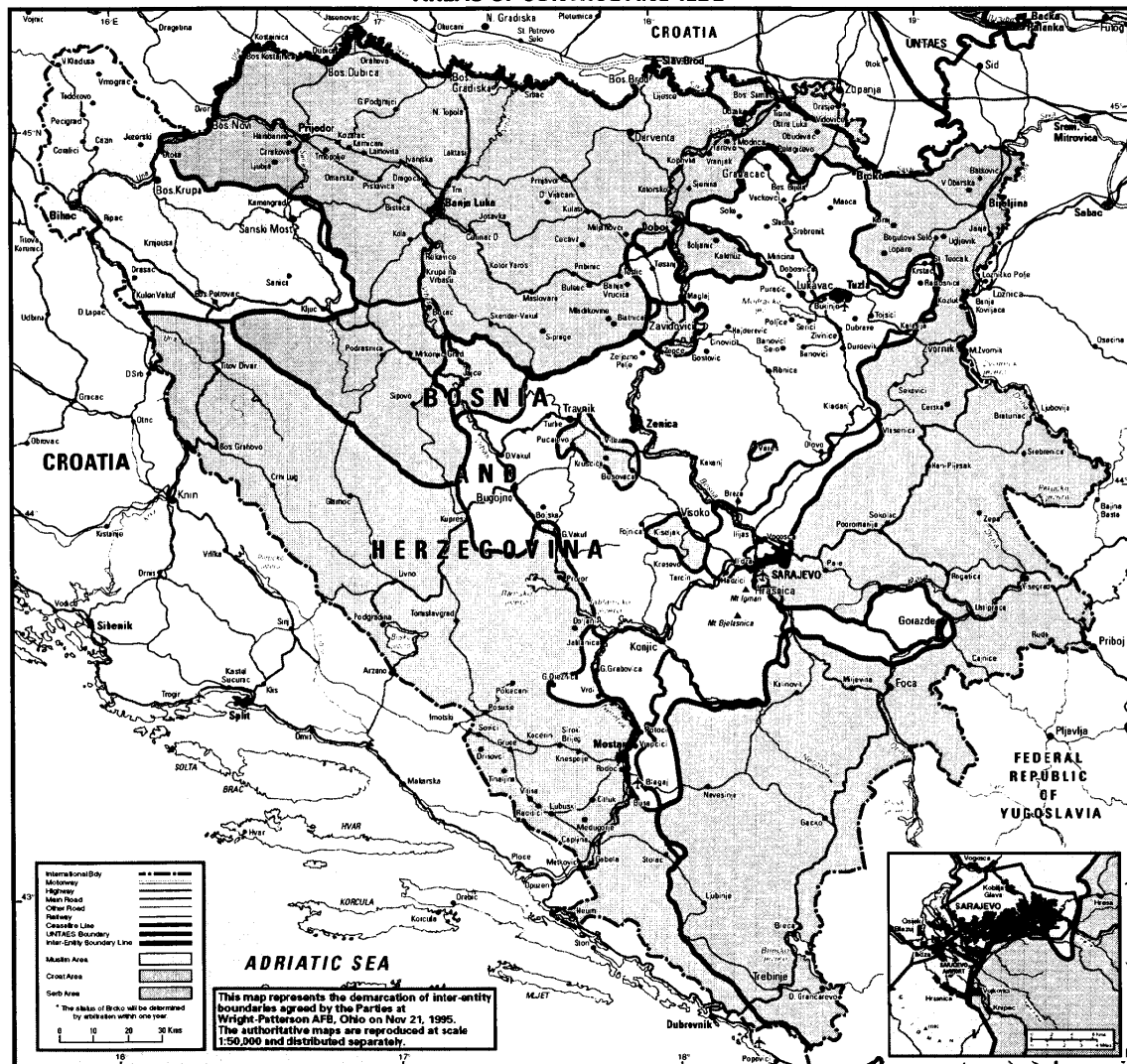
Requests the designation of a High Representative to mobilize and co-ordinate the activities of the organizations and agencies involved in the civilian aspects of the peace settlement. The Parties agree that the implementation of the civilian aspects of the peace settlement will entail a wide range of activities including continuation of the humanitarian aid effort for as long as necessary; rehabilitation of infrastructure and economic reconstruction; the establishment of political and constitutional institutions; promotion of respect for human rights and the return of displaced persons and refugees; and the holding of free and fair elections.

Annex XI: Agreement on international police task force

The Parties request that the United Nations establish by a decision of the Security Council, as a UNCIVPOL operation, a UN International Police Task Force (IPTF) to carry out a programme of assistance, including monitoring law enforcement activities, advising and training law enforcement personnel and forces. The IPTF shall have a commissioner appointed by the Secretary-General of the United Nations.

Appendix II

AREAS OF CONTROL AND IEBL



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Boundary representation is not necessarily authoritative

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