

# **Bosnia: The Dayton Agreement - Two Years On**

**Research Paper 97/110**

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It is almost two years since the signing of the Dayton Agreement. This Research Paper reviews progress in the implementation of the peace agreement and highlights areas where there continues to be non-compliance. With the mandate for NATO troops expiring in June 1998, it outlines nascent thinking in the international community regarding the need for a continued troop presence beyond this deadline.

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## I Introduction

It is almost two years since the Dayton Agreement, was signed.<sup>1</sup> In his report to the Secretary-General of the United Nations in December 1996, former High Representative Carl Bildt, noted that the first year of peace implementation was, overall, a success, but that each step forward had demonstrated how many more were needed for the peace process to become self-sustaining and stable. The International Crisis Group, which monitors the peace process in Bosnia, said of the first year of the Dayton Agreement that "Unless the international community undertakes immediate and resolute action, the Dayton Agreement could go down in history as a very expensive cease-fire and not as the foundation of a durable peace."<sup>2</sup> Carl Bildt's reply to this criticism was that if there was any mistake in the Dayton Agreement it was to think that everything would be settled in one year.<sup>3</sup> Carl Bildt has now been replaced as High Representative by Carlos Westendorp, who took charge of the Office of the High Representative (OHR) in June.

In a report in April 1997 Carl Bildt noted that, despite numerous difficulties, the peace process had moved in a defined direction since the beginning of 1997 and that there had been a number of positive developments. Notwithstanding these, there remain numerous obligations and commitments set down by the Dayton Agreement that have not been met. Only a fraction of refugees and displaced persons have returned to their pre-war places of residence; there continues to be paralysis in some of the joint political institutions; there continues to be lack of agreement on several key issues, including a common flag and certain financial agreements; there has been an ongoing political crisis in the Republika Srpska<sup>4</sup> with President Plavsic dissolving the Bosnian Serb Assembly at the beginning of July and a stand-off between supporters of Plavsic and those of the Karadzic camp; there are continuing tensions in Brcko and several other areas; and despite the shooting and successful arrest of two war criminals in Prijedor in July, there continues to be lack of movement on the arrest of other indicted war criminals, notably Radovan Karadzic and Ratko Mladic.

The Steering Board of the Peace Implementation Council (PIC) met in Sintra in Portugal on 30 May 1997 to review progress in the implementation of the Dayton Agreement. The political declaration that was issued following this meeting stated:

"...The Steering Board unanimously agreed that all the authorities of Bosnia and Herzegovina are failing to live up fully to their obligations under the Peace Agreement and that this is unacceptable."<sup>5</sup>

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<sup>1</sup> For information on the Dayton Agreement and progress in the first year of implementation see Research paper 96/80, *The Dayton Agreement: Progress in Implementation*

<sup>2</sup> *Le Monde*, 15 November 1996

<sup>3</sup> *ibid.*

<sup>4</sup> The Bosnian Serb entity

<sup>5</sup> *Sintra Declaration*, point 5

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Most commentators prefer to refer to an 'absence of war' in Bosnia rather than 'peace' as such, since progress has been so slow in implementing the Dayton Agreement and so many commitments remain unfulfilled. In an effort to speed up implementation, the Sintra meeting set out a series of specific deadlines covering various areas to be met by the parties to the agreement. In almost all areas, a redoubling of efforts was called for.

## **II Implementation of the Dayton Agreement: areas of progress**

### **A. Building joint political institutions**

The Dayton Agreement of December 1995 establishes a central three-man presidency with representatives from each of the three ethnic groups, a Council of Ministers and a central Parliament. Underneath these central structures are two Entities: the Muslim-Croat Federation and the Republika Srpska which enjoy substantial autonomy. The agreement proposed a territorial split of 49-51% between the Republika Srpska and the Federation respectively. The two Entities are separated by the Inter-Entity Boundary Line (IEBL). The Republika Srpska covers the east of Bosnia, bordering the Federal Republic of Yugoslavia (Serbia and Montenegro) 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. 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.

Annex 4 of the Dayton Agreement provides for the establishment of six common institutions covering the whole of Bosnia and Herzegovina.<sup>6</sup> These are: the tripartite Presidency; the Council of Ministers; the Parliamentary Assembly; the Constitutional Court; the Central Bank; and the Standing Committee on Military Matters. Despite sporadic boycotting and other problems, significant progress has been made in the setting up and initial operation of most of the common state institutions, although at Sintra the Steering Board noted its concern that this was only possible due to the efforts of the Office of the High Representative.

#### **1. 1996 elections**

One of the main steps in the process of building common institutions was the holding of elections, which makes up Annex III of the Dayton agreement. The Organisation for Security and Co-operation in Europe (OSCE) was tasked with supervising the preparation and conduct of the elections for the House of Representatives of Bosnia and Herzegovina; the three-man 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 cantonal legislatures and municipal governing authorities. Towards the end of August 1996, US Ambassador Robert Frowick, head of the OSCE mission in Bosnia Herzegovina, announced that the municipal elections were to be postponed initially until

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<sup>6</sup> For an organigram of the political structure of Bosnia and Herzegovina see Appendix I

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November.<sup>7</sup> The OSCE was charged with establishing a Provisional Election Commission (PEC) whose mandate was 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 appeared in the 1991 census was eligible to vote. Anyone was allowed to vote in the municipality in which they were registered in the 1991 census, either in person or by absentee ballot, although they were also able to apply to the PEC to vote elsewhere.

There were differing views regarding the timetable of the elections. 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."<sup>8</sup> Bosnian officials and human rights groups believed, 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."<sup>9</sup> Many feared that if the elections were held on schedule, their main effect would be to consolidate what many see as an already *de facto* partition of the country into three national zones.<sup>10</sup>

The OSCE certified the elections on 29 September 1996 amid allegations from some quarters of massive vote rigging and reports by international observers of widespread voting irregularities. One of the main criticisms was of ballot stuffing, since statistics after the poll showed that there were some 600,000 more votes cast than number of voters. The OSCE concluded that, while some irregularities had occurred, these had not affected the overall results. The certification of the elections paved the way to the formal lifting of UN sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).<sup>11</sup>

## 2. Election Results

As predicted, the elections were dominated by the same parties that prevailed the last time there was an election in Bosnia (1990) and continued in leadership throughout the war. These are the Party of Democratic Action (SDA-Muslim), the Serbian Democratic Party (SDS) and the Croatian Democratic Union (HDZ).<sup>12</sup>

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<sup>7</sup> These were finally held on 13-14 September 1997.

<sup>8</sup> *Associated Press*, 23 May 1996

<sup>9</sup> *ibid.*

<sup>10</sup> *Independent*, 25 May 1996

<sup>11</sup> The UN still maintains some sanctions against the Federal Republic of Yugoslavia that prevent it from getting loans from international financial institutions as long as it harbours indicted war criminals and does not respect the rights of the Kosovo Albanians.

<sup>12</sup> For more information on the main political parties in Bosnia and Herzegovina see Appendix II



*Presidency of Bosnia and Herzegovina*

The election for the three man presidency of Bosnia and Herzegovina saw the victory of Alija Izetbegovic (Muslim (SDA)), Momcilo Krajisnik (Bosnian Serb (SDS)) and Kresimir Zubak (Bosnian Croat (HDZ)). Izetbegovic received most votes and therefore assumed the chair of the presidency.

*House of Representatives of Bosnia and Herzegovina<sup>13</sup>*

In the 42-member House of Representatives, two-thirds of the representatives were allocated to come from the Federation and one third from the Republika Srpska. On the Federation side the SDA won 16 seats, the HDZ seven seats and two opposition parties (the Party of Bosnia and Herzegovina led by former Prime Minister Haris Silajdzic and the Joint List) won two seats each. In the Republika Srpska, the SDS won nine seats and the SDA secured three seats through absentee ballots, with the remaining two seats going to the opposition People's Union for Peace and Progress (UPP). The SDA therefore secured a total of 19 seats by winning 55.7% of the vote in the Muslim-Croat Federation and absentee ballots giving it 17% of the vote in the Republika Srpska.

*National Assembly of the Republika Srpska*

The Bosnian Serb ruling party, the SDS, won 45 seats out of 83 in the National Assembly of the Republika Srpska. Previously the SDS had held 76 seats in the Serb parliament. There were also 18 non-Serb deputies (17 Muslim and one Croat) representing parties from the Muslim-Croat Federation who fielded candidates in the polls and were voted for by refugees now living abroad or in the Federation. Izetbegovic's Party of Democratic Action emerged as the second largest party with 14 seats. Two other Federation parties, the Party of Bosnia and Herzegovina and the opposition Joint List won two seats each. The Serb opposition People's Union for Peace and Progress is the third largest party with ten seats, the Radical Party has six and the Democratic Patriotic Block has two seats. The Serb Patriotic Party and the Krajina Serb Party won one seat each.

The loss of its two-thirds majority means that the SDS lost an important lever by which it could block the work of the Bosnian presidency. Under the Bosnian constitution as laid down in the Dayton agreement, the three-man presidency must make decisions on the basis of consensus but can decide with a majority of two out of the three members. However, decisions which are judged to be harmful to one of the two entities can be referred to that entity's parliament and

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<sup>13</sup> For tables showing the results of the elections for the Parliamentary Assembly and Entity assemblies see Appendix III

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overturned with a two-thirds majority. The SDS no longer has that majority, even with the support of its traditional ally, the Radical Party of the Republika Srpska.

### *Presidency of the Republika Srpska*

This was won by Biljana Plavsic with over 60% of the votes. Mrs Plavsic had taken over as acting president when Radovan Karadzic was forced to step down earlier in 1996.

### *Assembly of the Muslim-Croat Federation*

In the 140-member assembly, the SDA received a majority of 78 seats, the HDZ 36 and two main opposition parties (Party of Bosnia and Herzegovina and the Joint List) won 21 seats between them. Two further parties, the Democratic People's Union and the Croatian Rights Party won three and two seats respectively.

## **3. The functioning of the joint institutions**

### *The Presidency*

The Presidency met for its first preliminary session on 30 September 1996. At sessions held between 22 October and 1 December the Presidency adopted the Provisional Rules of Procedure, decided on the structure of the Council of Ministers and created several working groups. Specific tasks and deadlines set by the Steering Board of the Peace Implementation Council in Sintra in May 1997 injected a new lease of life into the work of the Presidency, prompting it to reach agreement on the laws on the central bank and the budget and set up a working group for a common flag and symbols for Bosnia and Herzegovina.

### *Council of Ministers*

One of the main initial tasks of the Presidency was the nomination of a government, the composition of which proved to be problematic. Agreement was finally reached on the structure of the central government on 30 November 1996. It was agreed that the government would be co-presided by a Muslim and a Bosnian Serb, who would have a Croat deputy. The three ministries would be distributed between the three groups, with a Muslim in charge of external trade, a Croat in charge of foreign affairs and a Serb in charge of civilian affairs. Each minister would be assisted by two vice-ministers representing the other two communities. The structure

of the central government is extremely complex, although it is not as powerful as the entity governments. The Council of Ministers (CoM) met for its first session on 3 January 1997, after receiving approval from the House of Representatives. One of the more difficult issues was the adoption of the Council's provisional Rules of Procedure, which were eventually signed on 20 February 1997. The main point of contention concerned the role of the Deputy Ministers and whether they should be full members of the Council, with the accompanying decision-making powers. A compromise was reached through provision for consensual decision-making within each Ministry, with differences of opinion forwarded to the full Council. On this the Office of the High Representative (OHR) noted that "...While cumbersome, these procedures should assist in overcoming residual mistrust and suspicion and are designed to ensure fully participatory decision-making."<sup>14</sup>

The Council of Ministers has recently been the most active of all the common institutions. The OHR has worked intensively with the CoM to push through the adoption of the Quick Start Package of essential legislation, culminating in its passage through Parliament on 20 June 1997.

### *Parliamentary Assembly*

The Parliamentary Assembly comprises the House of Representatives (directly elected) and the House of Peoples (nominated by both Entities). The House of Representatives had an inauguration ceremony on 5 October 1996, but the failure of the majority of deputies from the Republika Srpska to participate prevented the House from electing its own bodies and starting functioning in a normal way. The constitutive session of the House of Representatives was held in Sarajevo on 3 January 1997, during which the Verification Committee verified the mandate of all deputies elected in the September elections. The House also adopted its Provisional Rules of Procedure and selected from its members one Serb, one Muslim and one Croat to serve as its Chair and two Deputy Chairs. According to the Rules and Regulations, the Chair will rotate every eight months between them. The House of Peoples was also constituted on 3 January 1997. At their third session on 20 June 1997 both Houses adopted seven laws of the Quick Start Package of essential legislation on: the Central Bank; foreign debt, foreign trade, customs policy, customs tariffs, immunity and the budget.<sup>15</sup>

### *The Constitutional Court*

The nine-member Constitutional Court has now been appointed: the three international judges were appointed by the President of the European Court of Human Rights.<sup>16</sup> The two judges from the Republika Srpska were appointed at the session of the RS National Assembly on 16 March

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<sup>14</sup> *Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations*, 14 April 1997

<sup>15</sup> See Section B on Economic Progress

<sup>16</sup> The judges come from Sweden, France and Austria

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1997 and the House of Representatives of the Federation elected two Muslim judges on 24 January and two Croat judges on 18 March 1997. The OHR organised the first session of the Constitutional Court on 23 May. A working group comprising several of the Court's members including one of the international judges, is meeting regularly to draft the rules of procedure of the Court.

### *The Central Bank*

The Parliamentary Assembly approved the central bank law on 20 June 1997. The Board of Governors of the Central Bank has been appointed and meets regularly under the chairmanship of the international Governor, the Frenchman Serge Robert. The Board has worked intensively on a draft law on the new Central Bank of Bosnia and Herzegovina and has resolved most technical problems relating to the establishment of the Central Bank.

### *The Standing Committee on Military Matters*

The Steering Board at Sintra called on the parties to make operational the Standing Committee on Military Matters (SCMM). The SCMM is the last of the Dayton joint institutions to meet and has an important role to play in the long-term security and stability of Bosnia and Herzegovina and in facilitating dialogue with the international community on security arrangements. A meeting of the joint BiH Presidency on 12 September 1997 decided to hold the first meeting of the SCMM in Sarajevo on 15 September. At this first meeting the SCMM ratified its rules of procedures, was addressed by the OSCE on arms control issues and held an initial discussion on the question of defence attaches.<sup>17</sup> The meeting also established a secretariat for the SCMM which will develop a six-month strategy for the committee.

## **B. Economic progress**

The Steering Board of the PIC meeting in Sintra said:

"Without fundamental economic reform which moves away from the practice of a bureaucratic, socialist economic system, the economic and social issues of Bosnia and Herzegovina can never be solved and conditions for the return of refugees will remain problematic."<sup>18</sup>

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<sup>17</sup> *OHR Bulletin, No. 60, 22 September 1997*

<sup>18</sup> *Sintra Declaration*

The European Commission has proposed a package of legislation to help to rebuild the Bosnian economy. The "Quick Start Package" includes draft bills on customs laws, foreign investment, external trade, public debt, budgetary regulations and the creation of a unified payments system between the two entities. The Quick Start Package (QSP) of essential legislation which included emergency economic laws was formally presented to the Council of Ministers on 16 January 1997 and working groups were established to study the various laws. These cover foreign trade, external debt, the central bank, the budget, customs policy and tariffs. The Council of Ministers agreed the QSP on 29 May and this was then passed by parliament on 20 June. It took a great deal of pressure exerted by the international community for the parties to agree to the package. The legislation was initially opposed by the Bosnian Serbs and Bosnian Croats who are using the currencies of neighbouring Serbia and Croatia in their respective areas and have maintained separate customs service. Passage of the package was a precondition for the convening of the 1997 international donors' conference.<sup>19</sup>

The Board of the Central Bank (two members from the Federation and one from the Republika Srpska) has been appointed, as has a governor. It was agreed that for the first six months the governor of the Central Bank would be a foreigner. The IMF appointed the Frenchman, Serge Robert. The Central Bank opened on 11 August backed by 150 million D-Marks in national reserves, but without an agreement on a common currency. The bank's head office is in Sarajevo with branches in Mostar and Pale. Its principle task will be to issue a new currency, the convertible Mark (KM) and guarantee its convertibility into D-Marks on a one-to-one basis. Since there is as yet no agreement on the design of the common currency, the bank is working with electronic money for the time being. It is expected that market forces will push the convertible mark into circulation. In the meantime, four currencies will continue to be used: the D-Mark, the Bosnian Dinar, Croatian Kuna and Yugoslav Dinar. What is needed, however, is the introduction of a common currency to replace foreign currencies. Failure to agree on a design for a common currency has delayed an agreement with the IMF, which in turn is needed for rescheduling existing debts and securing new grants and loans.

### **C. 1997 Municipal elections**

Municipal elections were held on 13-14 September under OSCE supervision. This was seen as a key step in the slow process of rebuilding a multi-ethnic, unified country. These elections were initially supposed to be held together with the other elections in September 1996, but were postponed due to lack of finances and manipulation of voter registration. By the end of the registration process around 2.5 million Bosnians had registered to vote.<sup>20</sup> Over 4,800 seats were contested in 136 municipalities by over 90 political parties, nine coalitions and 150 independent

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<sup>19</sup> For more information on the donors' conference, see page 32

<sup>20</sup> *OSCE Municipal Election Primer*, 7 August 1997

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candidates. Despite threats by the SDS and HDZ to boycott the elections, all the main parties took part.<sup>21</sup>

In pre-war Bosnia, municipal councils tended to be large and unwieldy. The OSCE has worked to reduce the number of council seats, making these dependent on the size and populations of the district. The municipal councils now vary in size from 15 to 70 members, with an average of 35 seats. Seats are allotted according to a system of proportional representation formulated by the OSCE's Provisional Election Commission (PEC). On 10 September the PEC decided by consensus to extend the term of office for newly elected officials to two years, instead of the original one year.

The initial reaction was that the municipal elections had been free and fair. Preliminary assessments by the OSCE and other international representatives indicated a high turnout, over 90% in some places, while the voting itself had been carried out without any major incidents and with only minor irregularities. In a press conference held after the elections, Robert Frowick, head of the OSCE mission to Bosnia and Herzegovina, said that an "adequate integrity in the voting" had been achieved.<sup>22</sup> The new High Representative, Carlos Westendorp, said of the elections:

"Of course, these elections are not the final word in democracy. These elections are simply necessary for the peace implementation process, but not sufficient. These elections have been better than last year's, but next year's and coming elections will be even better. For that, we have to go on working on having the fundamentals of democracy; that is to say, democratic police and free media. I wouldn't consider elections to be free, fair and fully democratic until all political parties, even the most important political parties, are really pluralistic and include all the ethnic groups in this country."<sup>23</sup>

Due to a large absentee vote, estimated at around 40%, it took some time for the results of the elections to be announced. The first results for 15 councils were released on 2 October, showing that nationalist parties confirmed their control of municipalities across Bosnia. Results show that a coalition led by the SDA won control of five municipalities in Sarajevo. The results for the sixth had yet to be declared by 2 October.

The election process will not be complete, however, until elected officials have been installed. The implementation of the elections results is seen as a 'formidable challenge' and preparations have been underway for some time: the OSCE and the Office of the High Representative have

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<sup>21</sup> There were fears that the HDZ would boycott the elections. The Croats are the smallest ethnic group in Bosnia (17%) and the HDZ apparently feared that the small number of Croats would mean that they would have to share or relinquish power in towns they controlled.

<sup>22</sup> *OHR Bulletin, No. 60*, 22 September 1997

<sup>23</sup> *ibid.*

drawn up an Implementation Plan for Elected Officials. Since people were allowed to vote in the municipality (*opstina*) in which they were registered in the 1991 census, thousands of people displaced during the war voted by absentee ballot for municipalities in what are now parts of the other Entity. It is forecast, for example, that Srebrenica, which had a Muslim majority of almost 75% before the war, but which fell to the Serbs in the summer of 1995, will vote in a Muslim (SDA) local leadership. Voter registration figures show that this pattern may be repeated in several other areas. An example of this that has been confirmed by the results so far is the case of the north-western Bosanski Petrovac municipality in the Muslim-Croat Federation where moderate Serbs won control.<sup>24</sup> Petrovac was 75% Serb before the war and illustrates the power of the absentee vote.

The Contact Group has also pledged strong support for efforts on the ground to implement the results of the election and has said that measures will be taken against those who seek to block implementation. The OSCE has said that it will not issue a final certification of the elections<sup>25</sup> until every municipal council with all members has convened. It is accepted that enforcing the results of the municipal elections on the ground will be extremely difficult. In Mostar, for example, where pilot elections were held in June 1996, progress has been slow in persuading Muslims and Croats to work together and the city remains divided. Although there will inevitably be resistance, the international community has said that it plans to use sanctions to ensure compliance: if a municipality does not allow winning candidates to enter, it will be cut off from international aid. As one OSCE spokesman put it, "Economic well-being is the key to change in this country."<sup>26</sup> The OSCE will be holding local training seminars for new councillors on local democracy, good governance and public ethics.

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<sup>24</sup> *Reuters*, 2 October 1997

<sup>25</sup> Which is due in December

<sup>26</sup> *Independent*, 13 September 1997

### III Obstacles to the implementation of the Dayton accord

#### A. Difficulties in the functioning of joint institutions

In the High Representative's most recent report to the UN Secretary-General, the new High Representative Carlos Westendorp noted:

"The Presidency, Council of Ministers and Parliamentary Assembly... continue to meet regularly, but, owing to the lack of an administrative structure and the still outstanding decision on a final location, with minimum output. Little is achieved without prompting by, or support from my Office."<sup>27</sup>

Under the Dayton Agreement, most responsibilities have been devolved to the two entities, but joint institutions are responsible for some common areas, including trade, finance and foreign policy. The joint governing institutions have to operate by national consensus. Analysts believe that, with the constitution allowing the three parties to block measures they deem inimical to their vital interests, this is a prescription for political gridlock.

Problems for the presidency, for example, became apparent immediately when agreement could not be reached on where it should meet, how long the term of the presidency chair should be for and the wording for an oath of office. These difficulties were overcome, however, and the Presidency began meeting twice weekly, alternating between venues in central Sarajevo and Republika Srpska territory. In July Momcilo Krajsnik the Bosnian Serb member of the Presidency began boycotting sessions of the Presidency. He notified Presidents Izetbegovic and Zubak that he would not be participating in the work of the Presidency until the situation in the Republika Srpska was settled. This coincided with a Bosnian Serb boycott of all the joint institutions. As a result of this non-co-operation the High Representative said that the RS authorities could face sanctions as the obstructing party on important issues. Krajsnik finally ended his boycott on 12 September.

The work of the Council of Ministers has been slow to get started. In a report to the Secretary-General of the United Nations in April 1997, former High Representative Carl Bildt noted that:

"Despite an increasingly co-operative atmosphere between the Council members, few decisions have been forthcoming."

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<sup>27</sup> *Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations*, 11 July 1997



Although it went on to point out that there was evident progress, a slowness in developing the requisite administrative structures have slowed down progress. In the first report of the new High Representative, Carlos Westendorp noted:

"In the absence of administrative structures, the Council remains, effectively, little more than an extended working group. Despite a decision on 15 April to create a limited secretariat-like group consisting of representatives from the staffs of each of the Chairs, there is still no effective co-ordination, and much time is consumed at each session discussing agendas and meeting mechanics. My priority will be to change this situation and to work to ensure that this institution is equipped to deal effectively with its pressing agenda. Many of the Sintra commitments require immediate action of the Council, including citizenship and passports, border openings, inter-entity telecommunications, civil aviation and the presentation and adoption of the next package of essential legislation (quick start package II)."<sup>28</sup>

The Bosnian Serbs boycotted the inaugural session of the Bosnian parliament on 5 October 1996, refusing to set foot in the heart of Sarajevo<sup>29</sup> to sign an oath of loyalty to Bosnian statehood. Serb unwillingness to compromise makes it hard to believe how joint institutions are going to be able to function. There is also a fundamental difference between the outlook of the Muslims and Serbs. The Muslims support the idea of a unified Bosnian state, as laid down in the Dayton agreement, whereas the Bosnian Serbs favour seceding and joining up with Serbia.

The Sintra Declaration of the PIC Steering Board laid out a clear set of guidelines and goals which has injected some impetus into the work of the common institutions, which the international community is keen to maintain. It is hoped that the passage of the Quick Start Package in June will provide an impetus to establish the staff and structures necessary to support and implement the decisions of the joint institutions.

## **B. Return of refugees and displaced persons**

The Steering Board of the PIC meeting in Sintra in May reiterated the right of return set out in the Dayton Agreement:

"Refugees and displaced persons have the right to return to their pre-war homes in a peaceful, orderly and phased manner. Unless and until there is a process under way to enable them to do so,

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<sup>28</sup> *Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations*, 11 July 1997

<sup>29</sup> The Bosnian parliament is in the national theatre in Sarajevo.

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there will be continued instability in Bosnia. Although all the authorities have agreed to support these returns, none have abided by it in practice."<sup>30</sup>

By the time the Dayton Agreement was signed in December 1995, more than one million Bosnians remained displaced within the country's borders and at least two million more were living as refugees in some 25 countries, primarily in the neighbouring republics of former Yugoslavia and western Europe. Under the Dayton Agreement UNHCR is responsible for the return of refugees and internally displaced people (DPs) to their original homes or areas of their choice. UNHCR began a repatriation programme in the spring of 1996 and under this scheme, an estimated 250,000 refugees and DPs returned to their homes in 1996.<sup>31</sup> The OHR noted in its report to the UN Secretary-General in April 1997 that most of these returns were on a spontaneous and individual basis and overwhelmingly to areas of their own ethnic domination. The report continued:

"...The scene for 1997 promises to be more complex. Some host countries in Europe have started to lift temporary protection status and have begun large-scale organised repatriation. This is likely to create further disruption; the influx of returnees in 1996 has already used up much of the housing capacity in Bosnia and Herzegovina, additionally, the homes of the refugees are, by and large, either destroyed or occupied by internally displaced people."<sup>32</sup>

UNHCR has said that some 200,000 refugees and DPs are expected to return in 1997. In the first six months of 1997, more than 40,000 refugees from host countries in Europe were repatriated. There are more people returning to parts of the Federation than the Republika Srpska: only 3% of people who fled Serb-held areas have been able to return.<sup>33</sup>

There are various schemes in place to encourage the return of refugees and displaced persons to their former place of residence. These include a UNHCR project known as the "Open Cities" project whereby priority in reconstruction aid is given to those municipalities that are receptive to returns. The OHR also established the Reconstruction and Refugee Task Force (RRTF)<sup>34</sup> in January 1997 which has been increasing its co-ordinating role in this area. The Task Force has sought to develop links between economic reconstruction and the return of refugees to maximise the impact of limited resources in supporting sustainable returns. Among the conclusions of the Task Force have been the need to focus resources in areas where there is both economic potential and expected refugee return and the need to identify loan mechanisms to overcome the major financing gap in the housing and relevant infrastructure sectors.

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<sup>30</sup> *Sintra Declaration*, paragraph 45

<sup>31</sup> *UNHCR News*, March 1997

<sup>32</sup> *Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations*, 14 April 1997

<sup>33</sup> *Associated Press*, 23 July 1997

<sup>34</sup> Composed of the OHR, UNHCR, EU, World Bank, IMF and the Property Rights Commission

Another mechanism in operation is a procedure for return and reconstruction in the Zone of Separation.<sup>35</sup> This is run in co-operation with UNHCR, SFOR and IPTF and "allows for returns that are limited in number, but have great political importance for the effective realization of the right to return and the right to property, as well as for turning this sensitive zone into an area of normality and stability."<sup>36</sup> The international community has also been supporting the Coalition for Return, a movement of displaced persons and refugees of all nationalities and from all parts of Bosnia. This has continued to grow, with a number of refugee associations joining its ranks and is now becoming a 'significant political force at the grass-roots level.'<sup>37</sup>

Nonetheless, only a small fraction of refugees and DPs have returned. The reasons for this are obviously fear of harassment and intimidation and the prospect of living as a minority, coupled with active attempts to block returnees from settling in their pre-war place of residence. The lack of political will by authorities in both Entities has been the most serious obstacle to their return, coupled with insufficient efforts to ensure the political, economic and social conditions necessary for voluntary and safe return. There are examples of families being turned away all over Bosnia: A recent example of this was the initially unsuccessful attempt by around 700 Muslims to return to their pre-war villages in Jajce in central Bosnia, which ended in violence and arson. As a result of this well-publicized incident, the return of these DPs became the focus of international efforts and on 21 August it was announced that their return to the villages around Jajce had now been completed.<sup>38</sup>

Progress on several related areas is essential to smooth the way for an increase in the number of refugee and DP returns. One such area concerns Bosnia's property laws. The current laws place insurmountable legal barriers in the path of return in that they do not provide for refugee return. At a meeting of the Federation Forum on 20 August the commitment was given that the Parliament would consider and adopt the required changes to property laws in order to ensure that the basic right of return to pre-war homes was fully respected.

A second related area concerns the formation of cantonal police, which is a vital step in establishing a stable security environment to create the conditions for return. For example, local police failed to assist Muslims attempting to return to Jajce at the beginning of August. As a result, according to an IPTF report on the incidents, "... some 400-550 Bosniaks were forced to leave their homes as a result of police inaction in the face of intimidation, violence, arson and one murder".<sup>39</sup> This coincides with concerns about patterns of discrimination and harassment of ethnic minorities throughout the country. At Sintra, the Steering Board found that the police not only frequently condone violence on ethnic and political grounds, they are often responsible for

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<sup>35</sup> The Zone of Separation is an area four kilometres wide which spans the former front lines where NATO has wide-ranging authority under the Dayton Agreement

<sup>36</sup> *Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations*, 10 December 1996

<sup>37</sup> *Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations*, 14 April 1997

<sup>38</sup> *OHR Bulletin No. 58*, 26 August 1997

<sup>39</sup> *OHR Bulletin, No. 60*, 22 September 1997

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violations themselves. The Steering Board went on to find that the legal system remains inadequate to meet this challenge and that efforts must be made to ensure adherence to the rule of law.

### C. Freedom of Movement

Freedom of movement is a key provision of the Dayton Agreement and the constitution of Bosnia and Herzegovina. The Freedom of Movement Task Force, mandated at the London Conference and consisting of representatives of the OHR, IPTF, SFOR and interested countries was established on 20 December 1996. This Task Force is exploring various ways of promoting freedom of movement for people, goods and mail. In a report of the High Representative in April 1997, it was noted:

"...freedom of movement is severely restricted by inappropriate policing practices and the lack of telecommunications and infrastructure."<sup>40</sup>

The report went on to outline that police practices in both Entities were the single greatest obstacle to freedom of movement. It noted that:

"The police engage in conduct that tends to make the IEBL a boundary, especially along the major cross-IEBL arteries. Checkpoints, the confiscation of documents and arbitrary fines, act as a deterrent to the movement of individuals."<sup>41</sup>

In his July report, the High Representative said:

"In the longer term, police restructuring and retraining according to democratic principles, remains a priority and will make a significant improvement to freedom of movement. Some progress has been made in the Federation, but the Republika Srpska has failed to meet its commitment to start the process. The Sintra Declaration called upon the parties to accelerate the process. But progress continues to be blocked by political interference in both entities. Efforts have to be made by the international community to loosen the grip of political leaders and parties on the local police if significant progress is to be achieved."<sup>42</sup>

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<sup>40</sup> *Report of the High Representative for the Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations*, 14 April 1997

<sup>41</sup> *ibid.*

<sup>42</sup> *ibid.*

In the same report, it was noted that, although there has been a gradual improvement, more has to be done to create confidence in travelling throughout Bosnia and Herzegovina.<sup>43</sup> Areas of improvement include the UNHCR cross-inter-entity boundary line bus programme, which is now used by some 11,500 people a week, including 5,000 journeys a week in Sarajevo alone. There have also been over 100 successful graveyard visits and since the signing of the customs administration agreement between the Entities, over 700 trucks transporting imports and exports have crossed the IEBL.<sup>44</sup> Freedom of movement is also slowly improving in the Brcko area in northern Bosnia. At the beginning of May 1997 two UNHCR bus routes across the IEBL were opened and on 1 June the Brcko road bridge was opened to private citizens and commercial traffic.

A revised checkpoint policy introduced by IPTF and SFOR on 15 May was designed to improve freedom of movement by reducing the number of static checkpoints. The RS government and Assembly formally rejected the new policy and the RS Interior Minister instructed his police not to co-operate with the policy, which in the view of the High Representative is a breach of commitments made in Annex II of the Dayton Agreement.

#### **D. Freedom of the media**

The promotion of an independent media is an essential step for developing democratic institutions and political pluralism. The Steering Board of the PIC in Sintra stated its concern that the media had not done enough to promote freedom of expression and reconciliation. The July report of the High Representative stated:

"The media climate in Bosnia and Herzegovina remains far from perfect, especially in the Republika Srpska and Western Herzegovina. It is widely accepted that there is a close relationship between control of the media and political activities, also indeed with the will to the comply with the Peace Agreement."<sup>45</sup>

In May the PIC gave the High Representative the right to curtail or suspend any media network or programme whose output is 'in persistent and blatant contravention of either the spirit of the letter of the peace agreement'.<sup>46</sup> This right was exercised on 1 October when, at the request of the High Representative, the Secretary-General of NATO and SACEUR<sup>47</sup> authorised SFOR to occupy and control a number of Bosnian Serb television transmitters after they had been consistently used to disseminate propaganda against Bosnian Serb President Biljana Plavsic and

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<sup>43</sup> *Report of the High Representative for the Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations*, 11 July 1997

<sup>44</sup> *ibid.*

<sup>45</sup> *ibid.*

<sup>46</sup> *Sintra Declaration*, point 70

<sup>47</sup> Supreme Allied Commander Europe

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the Dayton Agreement. The High Representative had already written to the Bosnian Serb member of the tripartite Presidency, Momcilo Krajisnik, in August expressing his dissatisfaction with the performance of Serb Radio and Television (SRT), which he said continued to include "deliberate misinformation, inflammatory commentary, insulting language and highly biased reportage."<sup>48</sup> The specific incident which sparked this action was the 'grotesque distortion' of the press conference with Judge Louise Arbour of the War Crimes Tribunal, which was broadcast on SRT on 28 September.<sup>49</sup> Secretary of State for Defence, George Robertson, described the television take-over as "part of a calibrated and progressive tightening of the screws on those who want to destroy the peace process."<sup>50</sup> The transmitters are to be put under the control of an SRT studio in Banja Luka which broke away from Pale's control in August because of the hardliners' systematic campaign to undermine President Plavsic. It is now hoped that there will be more open coverage in the run-up to parliamentary and presidential elections in the Republika Srpska in November and December.

### E. War Crimes

Although co-operation has improved, the failure to hand over indicted persons remains a matter of grave concern, since the presence of these people is seen as a threat to the peace process. Of particular concern is the situation in the Republika Srpska where Radovan Karadzic continues to influence decision-making. The refusal of the RS to arrest and surrender indictees to the Tribunal is based on a provision of its constitution, but this is legally superseded by the constitution of Bosnia and Herzegovina and the Dayton Agreement. The OHR has called on the Republika Srpska to amend its domestic laws accordingly. At Sintra the Steering Board noted the proposal of the High Representative that people co-operating with, or condoning the role of indicted persons should be denied visas to travel abroad. The Steering Board supported the High Representative's recommendation in his recent report to the UN Security Council to deny new economic assistance to those municipalities which continue to tolerate indicted persons working in a public capacity. Hopes of arrests were boosted on 10 July when two men on a secret list issued by the War Crimes Tribunal in The Hague at the end of March were arrested (and one shot and killed in the process) in Prijedor.

On assuming the presidency of the European Union on 1 July 1997 Luxembourg made co-operation with the War Crimes Tribunal a basic condition for progress in the development of bilateral relations with the EU. At a meeting in Maastricht on 1 October a NATO official said that NATO was planning on arresting more suspected war criminals, similar to the operations carried out in Prijedor in July. In October the Croatian Foreign Ministry announced that ten Bosnian Croats accused of war crimes would appear voluntarily before the War Crimes Tribunal. They are accused of ordering attacks on a dozen villages in the Lasva valley, in Vitez and in the village of Ahmici.<sup>51</sup>

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<sup>48</sup> *OHR Bulletin, No. 58*, 26 August 1997

<sup>49</sup> *OHR Press Release*, Sarajevo, 1 October 1997

<sup>50</sup> *Agence France Presse International*, 1 October 1997

<sup>51</sup> *Agence France Presse International*, 2 October 1997

## **IV Sintra deadlines**

The Steering Board of the Peace Implementation Council meeting in Sintra in May reviewed progress in implementation and set out the international community's strategy for the coming months. The meeting strongly endorsed the principle that emerged from the PIC conference in London in December 1996 that international assistance should be conditional upon full compliance with the provisions of the Dayton Agreement. The Sintra meeting issued a 94-point declaration calling on the Bosnian authorities to live up to their responsibilities and included a number of specific tasks and deadlines:

### **A. Arms reduction**

The Steering Board at Sintra noted that there had been less than full compliance with the arms reduction agreement within the Dayton Agreement. Although more than 1,800 heavy arms have been destroyed under the arms control agreement, more than double that number must be eliminated by the end of 1997. The Steering Board noted its particular concern that the Republika Srpska has failed to fully implement its commitment to reduction and the Federation's failure to produce the required arms reduction plan. On arms in general, the Steering Board said that it remains concerned about the level of armaments and military spending in Bosnia, noting that high levels of military and military-related spending in the region imposes a heavy burden on the country and diverts financial means from economic reconstruction. The Steering Board therefore called for a significant reduction in military expenditure.

### **B. The appointment of ambassadors**

The Sintra meeting laid down a deadline of 1 August 1997 for the appointment or confirmation of Bosnian ambassadors. When this was not met, the High Representative Carlos Westendorp wrote to members of the Steering Board of the PIC recommending that they suspend relations with the ambassadors of Bosnia and Herzegovina until a solution was reached. This pressure in part contributed to a breakthrough on 7 August on this issue: an agreement was reached which envisaged 33 embassies and permanent missions. Of these 13 ambassadorial posts will be nominated by Presidency Chairman Alija Izetbegovic, 11 by Momcilo Krajsnik and 9 by Kresimir Zubak.

### C. Civil aviation, telecommunications

The Steering Board asked the High Representative to proceed speedily with the preparation of the second package of essential legislation to be presented to the authorities. This includes legislation on: radio frequency management and telecommunications; airspace management; a permanent election law; an immigration law; and permanent legislation on customs and customs tariffs. The authorities were urged to adopt the package before the meeting of the Peace Implementation Council in Germany in December 1997.<sup>52</sup>

There has been recent progress in some of these areas. In particular, A deadline of 15 July 1997 had been set for the integration of telephone systems. On 7 August the Presidency agreed that Bosnia would have a single telecommunications code and telephone area code. On 12 September the Council of Ministers (CoM) ratified the establishment of the Bosnian Department of Civil Aviation (DCA) and approved three Memoranda of Understanding on the opening of Tuzla, Banja Luka and Mostar airports for civilian traffic. The CoM also approved an agreement on inter-Entity telecommunications as well as an agreement on the structure of the delegation for the annual assembly of the World Bank and IMF. After this particular meeting of the Council of Ministers, senior deputy High Representative Gerd Wagner (who was killed in the helicopter crash in Bosnia on 17 September) said that he was satisfied with the "new impetus" being shown by the CoM.<sup>53</sup>

### D. Laws on citizenship and passports

As part of the Quick Start Package, the High Representative, in co-operation with the Council of Europe, presented proposals for laws on citizenship and passports based on the peace agreement and international practice. The Steering Board called for the speedy approval of these laws and set a deadline of 1 August 1997. Although this deadline was not met, the Presidency considered the HR's proposals on 19 September and sent them to the Council of Ministers with its suggestions. The Bosnian Serbs had already vetoed the draft law on citizenship and passports during a Council of Ministers meeting on 16 August.

The Constitution of Bosnia and Herzegovina states that there is a citizenship of Bosnia and Herzegovina to be regulated by the Parliamentary Assembly, as well as a citizenship of each of the Entities to be regulated by each Entity. It is therefore essential that the Entity laws are identical to the largest extent possible and are fully in line with the Bosnia and Herzegovina law on citizenship. Of particular concern in this regard is the Republika Srpska's decision to extend citizenship of the RS to residents of the former Yugoslavia provided they register residency by the end of June 1998.

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<sup>52</sup> *Sintra Declaration*, paragraph 44

<sup>53</sup> *OHR Bulletin*, No. 60, 22 September 1997



## E. Common flag

The Steering Board said that it expected a quick decision on the common flag for Bosnia and Herzegovina and that "After 1 September, the Steering Board will recommend to all countries and organisations that existing flags and symbols will not be recognised as the flags and symbols of the country unless so decided as laid down in the constitution."<sup>54</sup> As yet there has been no agreement on the design of the common flag.

## F. Police Forces

The Republika Srpska and the Federation need to speed up the restructuring of their police forces in line with the plans prepared under the guidance of the UN IPTF. Sintra noted that the RS in particular is behind in its commitments to restructuring. The Steering Board insisted that the RS immediately implement a restructuring programme in co-operation with IPTF. In relation to this, on 7 August, the Special Representative of the UN Secretary-General, Kai Eide of Norway, came to an agreement with SFOR on the status of the paramilitary forces known as "special police". SFOR confirmed that under the terms of Annex 1A of the Dayton Agreement, such forces would be treated as military units, subject to SFOR control. IPTF set a target date of 31 August for completing negotiations with RS authorities on police restructuring and indicated members of the special police forces could be included in the regular police in the restructuring process. This target date was not met because of the political crisis in the Republika Srpska.

In addition, IPTF and SFOR agreed that, with effect from 31 August, any police force that was still operating in a canton of the Federation where restructuring was complete and that had not been certified by IPTF was illegal and would be dealt with by SFOR.<sup>55</sup> At a Federation Forum meeting on 20 August it was announced that all police within the Federation would be integrated and restructured by 9 September.<sup>56</sup> Although this deadline was not met, a UN spokesman said that police reform had been complete in about half of the Federation and the process was "well under way" in the other half.<sup>57</sup>

On 26 September President Plavsic and Prime Minister Klicovic sent letters to the UN confirming their intention to respect the police reform plan, which foresees a reduction of the RS police force from 20,000 to 8,500.<sup>58</sup>

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<sup>54</sup> *Sintra Declaration*, paragraph 29

<sup>55</sup> *Report of the Secretary-General on the UN Mission in Bosnia and Herzegovina, S/1997/694*, 8 September 1997

<sup>56</sup> *OHR Bulletin*, No. 58, 26 August 1997

<sup>57</sup> *Associated Press*, 26 September 1997

<sup>58</sup> *ibid.*

## V Developments within the Entities

### A. The Muslim-Croat Federation

A functioning Muslim-Croat Federation, which is based on the Washington Agreement of March 1994 and subsequent Federation Agreement of March 1996, is one of the cornerstones of the successful implementation of the peace agreement.<sup>59</sup> Towards the end of 1996 there was a certain amount of progress in making the Federation's political, economic and social structures operational: the Federation Supreme Court has now been constituted and in October 1996 all Cantonal Assemblies were constituted and delegated their members to the Federation House of Peoples. On 25 October agreement was reached on the future organisation of Sarajevo. This opened the way for the constituent session of both Houses of the Federation Assembly on 6 November, where the members adopted a Federation flag and coat of arms.

There remain structural problems that impede full implementation of the Washington and Federation Agreements, however. The first months of 1997 were characterised by continuing mistrust between the Federation partners, typified by the HDZ freezing its participation in the Federation Government and Federation Assembly until some unsettled issues were resolved, notably the formation of new municipalities. At a Federation Forum in February agreement was reached on the establishment of an Advisory Commission to address the question of municipalities. The Federation Forum also agreed new dates for the formation of the Federation police, although none of the deadlines could be kept due to renewed violence in Mostar. Mostar is seen as a microcosm for the functioning of the Muslim-Croat Federation as a whole. OHR and UN IPTF reports into the violence in Mostar in February sum up the major problems facing the Federation as a whole when they say: "... neither the political authorities, nor the police of Mostar, have reacted appropriately to the human rights and security situation in the city" and outline the consistent police failure to respond to incidents involving victims of an ethnicity other than their own.<sup>60</sup>

In March the HDZ returned to the Federation Assembly and both Federation Houses elected the new Federation President, Vladimir Soljic and his Deputy Ejup Ganic. Shortly afterwards, the government adopted the Federation budget.

On 27 March leaders of the parties represented in the Sarajevo Canton Assembly signed a comprehensive agreement on the implementation of the Sarajevo Protocol. This outlined precise steps to establish the City Council, elect a mayor and to amend the Federation and canton

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<sup>59</sup> For further information on difficulties in the functioning of the Muslim-Croat Federation see Research Paper 96/80, *The Dayton Agreement: Progress in Implementation*, pp. 12-16

<sup>60</sup> *Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations*, 14 April 1997

constitutions, guaranteeing the rights of Muslims, Serbs and Croats in the governance of the city. The OHR said of the Sarajevo Protocol:

"If implemented, this would constitute a significant step towards ensuring the multi-ethnic character of Sarajevo, facilitating return, improving the climate in the Federation and ultimately providing the possibility for all peoples and citizens of Bosnia and Herzegovina to identify with their capital."<sup>61</sup>

The report by the High Representative in July 1997 noted, however, that the Sarajevo Protocol has still not been established. Although the amendments to the Federation constitution regarding Sarajevo and Mostar were adopted by both Houses, they have been stalled at the cantonal level. The Mostar HDZ in particular was still not prepared to enshrine the principles of a unified city in the Canton constitution.<sup>62</sup> At a Federation Forum meeting on 20 August, it was announced that amendments to the Constitution of the Sarajevo Canton would now be adopted and the City would be established immediately thereafter.<sup>63</sup>

The US Train and Equip programme continues. On 5 September 1997 the Federation announced the signing of a further one-year contract with the US firm Military Professional Resources Inc (MPRI) for training the federal army.

## **B. Political problems in the Republika Srpska**

There has been an ongoing power struggle in the Republika Srpska between followers of RS President Biljana Plavsic based in Banja Luka in the west and followers of Radovan Karadzic, headed by Bosnian Serb representative on the tripartite Presidency, Momcilo Krajisnik based in Pale in the east. The struggle between Plavsic and Krajisnik, who until recently were both vice-presidents of the ruling Serb Democratic Party (SDS), started over the agreement signed between the Republika Srpska and the Federal Republic of Yugoslavia. This was signed without Plavsic by Krajisnik "on her behalf" in Belgrade at the end of February 1997 and Plavsic was then prevented from questioning the validity and constitutionality of this. This agreement established a "special parallel relationship" and contains similar elements as those included in the agreement between Croatia, Bosnia and Herzegovina and the Federation. The High Representative is, however, concerned that several parts of the agreement are in violation of the Dayton Agreement. This was emphasized by the Steering Board of the Peace Implementation Council in Sintra, which stated:

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<sup>61</sup> *ibid.*

<sup>62</sup> *Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations*, 11 July 1997

<sup>63</sup> *OHR Bulletin*, No. 58, 26 August 1997

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"Bosnia and Herzegovina will remain as a united and sovereign country, consisting of two multi-ethnic Entities. The international community will not tolerate tendencies, in either of the Entities, to develop patterns of co-operation with neighbouring countries which are inconsistent with the sovereignty and territorial integrity of Bosnia and Herzegovina....The international community will not tolerate any attempts at partition, de facto or de jure, by anyone."<sup>64</sup>

Concern regarding politics within the Republika Srpska was voiced by the High Representative in a report in April 1997:

"The Republika Srpska continues the pretence of statehood; a number of its laws are filled with references and terminology to this effect. The continuation of the Ministry for Foreign Affairs is contrary to the Peace Agreement, as is the reference to crucial issues of foreign economic policy in the newly adopted Law on the Senate of the Republika Srpska. A Law on Foreign Exchange, while short on specifics, give wide powers to the National Bank of Republika Srpska to legislate the operation of the foreign exchange market and refers to "new dinars" as the domestic currency. The recent amendments to the Law on Citizenship, will further retard the process of agreeing on the Quick Start Package."<sup>65</sup>

Non-compliance in implementing the peace agreement, especially in view of the principle of conditionality laid down by the Peace Implementation Conference in London in December 1996, has meant that 99% of reconstruction aid has so far gone to the Federation rather than the RS. As a result, Carl Bildt expressed the following concern about the economic situation in the RS:

"While such legislative posturing continues, the Republika Srpska economy is slipping further into decay. The initial boost from the return to peace was short-lived and there is still large scale unemployment, low income levels and a severely limited ability to care for the elderly and poor. My Office has made strenuous efforts to redirect the flow of international aid to the Republika Srpska in order to revitalise the economy and prevent inevitable social tensions. At the same time, such aid must be conditioned to co-operation with the peace process. The authorities in the Republika Srpska must be convinced that their activities could lead to a severe reduction in planned economic aid and an increase in social turmoil which would, ultimately, be to their own disadvantage and that of the people they purport to represent."<sup>66</sup>

The current political crisis was sparked by the suspension by Plavsic of the Minister of the Interior Dragan Kijac on 28 June owing to allegations of corruption. Kijac's dismissal was rescinded by Krajisnik a day later and on 2 July the Karadzic/Krajisnik wing of the SDS demanded Plavsic's resignation. On 3 July, President Plavsic dissolved the Bosnian Serb

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<sup>64</sup> *Sintra Declaration*, points 17 & 18

<sup>65</sup> *Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations*, 14 April 1997

<sup>66</sup> *ibid.*

Assembly and called for new elections, a move that RS Prime Minister Klicovic declared unconstitutional and invalid. This was the culmination of weeks of protracted struggle between Mrs. Plavsic and hardliners in the Assembly. Although co-founder of the SDS and very much an ultra-nationalist alongside Karadzic during the war, Mrs. Plavsic is now succumbing to the realistic viewpoint that the only way forward for the Republika Srpska, primarily initially in terms of economic aid, is to comply with the international community.

Having been expelled from the ruling Serb Democratic Party on 19 July, Mrs. Plavsic established a new political party, the Serb National Alliance, which was inaugurated on 15 August. Several leading Bosnian Serb officials, including one of the four deputy premiers and the ruling Serb Democratic Party chairman, Ostoja Knezevic, resigned in support of Mrs. Plavsic. In an interview with Mrs. Plavsic on Bosnian Serb television on 15 August, she said that the new party would do its best to transform the Republika Srpska into a 'law-governed state, devoid of corruption and crime.'<sup>67</sup> In an address to the Banja Luka committee of the Serb National Alliance on 23 September, Mrs Plavsic emphasised that the new party would work on radical democratic changes and would strive for the Republika Srpska to be taken into Europe.<sup>68</sup> It was, however, too late to register the new party for the municipal elections.

The founding of the new party coincided with the ruling by the RS Constitutional Court that Plavsic's 3 July order dissolving the National Assembly and calling new elections was unconstitutional. The legal position taken by Carlos Westendorp was that Mrs. Plavsic had acted fully in accordance with the RS constitution and the High Representative said the ruling was 'clearly a decision taken under political pressure'<sup>69</sup> The international community backed Plavsic's call for early elections and also put pressure on Slobodan Milosevic to back Mrs. Plavsic. The United States reminded Milosevic that he had signed the Dayton Agreement on behalf of the Bosnian Serbs and warned him of further isolation unless he worked to ensure respect for the peace agreement.

On 17 August pro-Plavsic special police took over the police headquarters in Banja Luka with the support of SFOR which provided armoured units in order to discourage retaliation by pro-Karadzic forces. It was later confirmed that IPTF officials had "unequivocal evidence of serious criminal activity being conducted in the main Banja Luka police station, which included bugging of the President' communications."<sup>70</sup> On 19 August key police and security commanders in Banja Luka were replaced by people loyal to Plavsic. Towards the end of August the power struggle spilled over into what was seen as orchestrated violence against SFOR and the IPTF in Brcko and Bijeljina, where SFOR had deployed to prevent violence between rival factions. The UN said on 30 August that the riots were politically arranged by Pale.<sup>71</sup>

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<sup>67</sup> *BBC Summary of World Broadcasts*, 18 August 1997

<sup>68</sup> *BBC Summary of World Broadcasts*, 25 September 1997

<sup>69</sup> *OHR Bulletin*, No. 58, 26 August 1997

<sup>70</sup> *ibid.*

<sup>71</sup> *Agence France Presse International*, 30 August 1997

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On 24 September Plavsic and Krajisnik agreed in talks mediated by Slobodan Milosevic in Belgrade that elections for the National Assembly will take place on 15 November. Plavsic later put the poll back a week till 23 November to allow more time for preparation. A report in the *Washington Post* said:

"If they are carried out, the new elections could go a long way toward determining the future of the Serb-held region...In the meantime, they could calm the struggle for influence among the divided para-state's rival police forces, television systems and town halls."<sup>72</sup>

Under the agreement, there will also be an election on 7 December for Bosnian Serb President and for the Bosnian Serb member of the tripartite presidency. This was demanded by Krajisnik and other hardliners loyal to Radovan Karadzic. The date for the presidential elections is in doubt, however, since the presidential election would have to be organised by a parliamentary committee of the new parliament and OSCE officials have said that it is 'very unlikely' that the elections could be organised within two weeks of the parliamentary polls.<sup>73</sup>

On 27 September the vice-chairman of the Serb National Alliance (SNS), Ostoja Knezevic, announced that the SNS would be taking part in the parliamentary elections and that the SNS would be nominating Mrs. Plavsic in the presidential elections.

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<sup>72</sup> *Washington Post*, 25 September 1997

<sup>73</sup> *Agence France Presse International*, 30 September 1997

## VI Brcko

Brcko is situated in the north-eastern Posavina corridor and is seen by both Entities as vital to their interests. For the Serbs the corridor, which is 8km wide, links the territory of eastern Bosnia (Pale) and western Bosnia (Banja Luka). If they lose Brcko, the Republika Srpska will be split. For the Federation, Brcko offers the only possible access to central Europe via the Sava and Danube. As a result of the sensitivity and complexity of the Posavina corridor a special arbitration committee headed by the American diplomat Roberts Owen was set up to decide its future.

On 14 February 1997, Roberts Owen announced that Brcko will remain nominally under Bosnian Serb control under international supervision for one year, with a final decision being announced by 15 March 1998. The ruling stipulates that a supervisor with wide-ranging powers will be appointed to oversee the town, help with the resettlement of refugees and assist with economic reconstruction. The international supervisor will have the power to issue regulations and orders that override local laws. He may also set up an advisory council comprising local representatives and officials of international organisations such as the OSCE, UNHCR, SFOR and the IMF. He will also be charged with allowing for free and fair local elections to be held under international supervision within one year and ensuring that all sides respect the results. The American Robert Farrand was appointed as international supervisor on 7 March. The period of supervision started in early April.

The arbitration committee's decision was welcomed by the United Nations Security Council and the European Union. Senior Muslim and Croat officials expressed reservations, however, stressing that the ruling fell some way short of justice. President Alija Izetbegovic said at a press conference after the announcement of the decision, "The only just solution was to give back Brcko to the Federation."<sup>74</sup> The Serbs, for their part, interpreted the decision as a move to leave Brcko under Serb control and therefore welcomed it. Serb police chief, Zarko Cosic, said, "Brcko must be Serb. It is the link between the two halves of this (Bosnian Serb) Republic. If you look at this map, no state in the world has been cut in two and survived."<sup>75</sup>

Brcko is seen as a miniature of Bosnia. A 'good' decision by the arbitration committee could be an impetus for reintegration elsewhere in the country and lead to the return of refugees. A 'bad' decision, on the other hand, can only fan the desire for separatism and exacerbate the anger of refugees who have been waiting to return to Brcko for five years now.

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<sup>74</sup> *ibid.*

<sup>75</sup> *ibid.*

## VII Economic reconstruction - compliance and conditionality

Economic conditionality is the international community's main leverage over the parties to the Dayton Agreement. The Office of the High Representative concluded from the experience of 1996 that a toughening of the conditions placed on the delivery of economic aid was needed. As a result, the Peace Implementation Council meeting in London in December 1996 imposed the principle of conditionality - ie the dispersal of pledged funds dependent on progress towards fulfilment of obligations under the peace agreement. The World Bank's mission in Bosnia continues to support the economic reconstruction of the country through implementation of the reconstruction programme approved by the international community at the Brussels conference in December 1995. A total of \$325 million in World Bank funds has been mobilised in 13 specific projects to date. In addition, a fund of \$120 million is being managed by the Bank for co-financing these projects. The value of the projects is about \$1 billion. The World Bank has made a major effort to help co-ordinate the work of donors participating in the reconstruction programme.

Two donor conferences in Brussels raised \$1.8 billion for 1996 and \$5.1 billion for 1996-1999. Of the \$1.8 billion pledged<sup>76</sup>, by the end of October \$720 million had been disbursed, with almost all the money going into projects in territory controlled by the Muslim-Croat Federation.<sup>77</sup> Only \$100,000 had been given to areas in the Republika Srpska. Bildt's team maintained that the reason for this was that the Bosnian Serbs had suffered less destruction during the war and also because of their repeated violations of the Dayton Agreement. Most donor governments have warned that they will not hand over funds until they are assured that the Bosnian Serbs have abandoned their secessionist aspirations.

In the second quarter of 1997, 11 grant agreements on reconstruction projects were signed with the Bosnian authorities. Now that the Quick Start Package has been passed, which has established a minimum legal framework for a viable integrated economy, the World Bank is now expected to approve five projects with a total cost of \$325 million. Infrastructure continues to be at the centre of the reconstruction effort, with a strong emphasis on employment generation. There are, however, significant funding gaps, exacerbated by the delay in the 1997 donors' conference and political constraints on the ground which impede project implementation in telecommunications and railways.

An international donors conference for 1997, finally held on 23-24 July, raised \$1.2 billion in pledges.<sup>78</sup> The international community, in particular the European Union which donates half of the reconstruction aid, used the conference to warn the Bosnian Serbs that vital funds for

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<sup>76</sup> Although only \$1.4 billion had actually been committed.

<sup>77</sup> *Agence France Presse International*, 30 October 1996

<sup>78</sup> The donors' conference had been delayed for months until agreement was reached on joint government institutions and emergency economic legislation was passed



redevelopment will be withheld until suspected war criminals are brought to justice. EU External Relations Commissioner Hans van den Broek told the conference:

"Humanitarian assistance will be continued, but the overall political and economic influence and power held by people indicted for war crimes is such that it would be irresponsible to continue spending public funds for reconstruction purposes."<sup>79</sup>

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<sup>79</sup> *ibid.*

## VIII Missing Persons

The issue of missing persons remains a vexed issue. There are still thousands of people missing, mainly Muslims, including between 6,000 and 8,000 from the Serb capture of Srebrenica in July 1995. The International Committee of the Red Cross (ICRC), which is in charge of tracing missing people, presumes them dead. The exact number of total missing persons is uncertain: the ICRC has received tracing requests for more than 19,300 persons, although the Muslim authorities estimate the number of missing to be closer to 30,000. To date, the status of approximately 1,100 missing persons has been clarified.<sup>80</sup>

During the talks that led to the Dayton agreement the leaders of all parties promised to co-operate with the ICRC and there has been a degree of co-operation in that Muslim, Serb and Croat representatives have designated four priority sites (two in the Republika Srpska and two in the Muslim-Croat Federation) where exhumation work is now underway. The International Commission on Missing Persons chaired by former US peace envoy Cyrus Vance met in Geneva at the beginning of October 1996. Tracing missing persons is a crucial element in the process of reconciliation that is needed if the Dayton Agreement is going to work. Cyrus Vance said at the meeting of the commission, "The end of shooting alone does not mean full peace has been achieved. Peace is a psychological as well as a physical state. Only when we have helped the grieving will we be able to say that full peace has truly arrived."<sup>81</sup>

At a meeting on 21 March 1997 the International Commission on Missing Persons announced that it has established a fund to aid family associations of missing persons. The Commission has also indicated its willingness to support aspects of the exhumation process such as the de-mining of exhumation sites and the provision of equipment for exhumations and identification. The Commission has also supported the creation of an ante-mortem database. In his most recent report, the High Representative noted:

"Although beneficial, these projects cannot by themselves resolve the many issues relating to missing persons. Additional resources, security for exhumation sites and substantial political will are required if this issue is to be addressed effectively."<sup>82</sup>

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<sup>80</sup> *Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations*, 11 July 1997

<sup>81</sup> *Financial Times*, 14 October 1996

<sup>82</sup> *Report of the High Representative for Implementation of the Bosnian Peace Agreement to the Secretary-General of the United Nations*, 11 July 1997

## IX The NATO Stabilisation Force

The role of the NATO-led Stabilisation Force (SFOR) in Bosnia is to support the implementation of the Dayton Agreement under the mandate of UN Security Council Resolution 1088. The Force began operations on 20 December 1996, taking over from its predecessor the Implementation Force (IFOR). The SFOR commander is an American Gen. Eric Shinseki, with a headquarters in Sarajevo. SFOR, also known as Operation Joint Endeavour, inherited IFOR's three multinational division structure: MND (North) under US Command; MND (South West) under British command; and MND (South East) under French command. British officers also hold the important positions of SFOR Chief of Staff and Deputy Commander Operations. SFOR has a strength of about 36,000 military personnel. Units from all 16 NATO members are represented, with Iceland, which has no armed forces, contributing a civilian medical team. Some 7,000 troops are drawn from non-Alliance countries.<sup>83</sup> The French division includes a German combat unit, the first front-line German military unit sent to an operational theatre since 1945. The UK land contingent of SFOR numbers some 5,300 military personnel.<sup>84</sup> SFOR also includes an air component, Operation Decisive Edge, which is based in Italy and which also contains an RAF contribution.<sup>85</sup> The cost of Britain's military contribution to SFOR, both ground and air, was estimated to be "something over £200m" in the 97/98 financial year.<sup>86</sup> The estimated cost of SFOR as a whole for 1997 is some \$4bn.<sup>87</sup>

Since summer 1997, SFOR has become much more proactive in enforcement of the Dayton Agreement, particularly in respect of the apprehension of war criminals. It has also become more involved in Bosnian Serb politics in indirect support of the Plavsic faction. One indicted Bosnian Serb war crimes suspect was arrested and one shot dead during arrest by the SAS in July. Following a change in its rules of engagement in September, SFOR has intervened to seize broadcasting equipment, controlled by the Karadzic faction, which it felt was presenting a biased account of the Dayton Agreement and the international community's role in Bosnia.

SFOR was originally intended to exist for an eighteen-month period and to end in June 1998. The mission had been divided into four phases: transition, stabilisation, deterrence and withdrawal. The transition phase was completed in February 1997. SFOR was to have entered its third stage, entailing a halving of Force numbers, from this autumn. This has not now occurred. Indeed, SFOR briefly expanded in size during the Bosnian municipal elections in September, reaching 40,000 strong. The question of the future of SFOR was discussed at the informal NATO Council, held at Maastricht in October. The Council decided not to move to

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<sup>83</sup> IISS, *The Military Balance 1997/97*, p. 284

<sup>84</sup> This includes an augmented brigade HQ, 1 armoured regiments, 1 armoured infantry battalion, 1 armoured reconnaissance squadron, 2 heavy (AS90, 155mm) and 1 light (105mm) artillery batteries, 1 engineer regiment, support and communications units and RN, RAF and Army helicopters. (Cm3781, p. 16)

<sup>85</sup> The RAF detachment includes about 14 Jaguar strike aircraft, tankers and AWACs aircraft, which are supported by about 350 personnel.

<sup>86</sup> This would be about 1 per cent of the overall defence budget (HC Deb 29/7/97 c 76-77w).

<sup>87</sup> IISS, *The Military Balance 1997/97*, p. 284

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phase three but to delay any decision until the December Council. In the meantime, a report was commissioned to examine various options: maintaining the force at about the current level i.e. 36,000; reducing it by 4,000 with the removal of some French, Spanish and US units; or reducing to a force of about 15,000 more lightly-armed men, able to call on a heavily-armed reaction force based outside Bosnia.<sup>88</sup>

The most important question facing SFOR and its international contributors is not what occurs after December 1997 but what happens after June 1998 when the SFOR mandate ends. Both the High Representative in Bosnia, Carlos Westendorp, and the head of the OSCE mission in the country, Robert Frowick, have supported the continued presence of an international military force.<sup>89</sup> European contributors are also so minded, but are adamant that they will only remain if US ground troops stay in Bosnia as well. The Foreign Secretary was recently quoted as saying: "If British troops and other forces leave Bosnia next summer" ... "the good work achieved should be undone" ... "we will remain if American troops remain too. We need the American presence for our presence to be safe".<sup>90</sup> Certainly, it might be possible for European forces to take sole charge of ground operations in Bosnia, perhaps as a part of a Combined Joint Task Force with support from US air power and logistics. However, European political leaders and military commanders feel that without active US units on the ground, such a force would lack the same deterrence value as SFOR. In addition, whatever the broad current transatlantic accord on diplomatic policy towards Bosnia, disagreements could return on the scale of the UNPROFOR period, when the US government, without troops on the ground, and European governments, with thousands of soldiers in Bosnia, were at loggerheads.<sup>91</sup>

After a period of administration evasion on the question, in recent months the US Secretary of State, Madeline Allbright, Sandy Berger, the National Security Advisor, and Richard Cohen, the Secretary for Defense, have all spoken in favour of US forces remaining in Bosnia after the June 1998 deadline. However, the key to this occurring lay in Congress, where many legislators have been pressing Clinton to withdraw the 8,500 US troops in Bosnia as originally scheduled. The FY98 US Defence budget, passed by both Houses in September, contains a provision which will cut off funding for US forces in Bosnia after June 1998. However, this could be waived by the President by next May, if he explains to Congress why a US presence in Bosnia should continue, in what form and how US forces should leave.<sup>92</sup>

Although there is now no legislative obstacle to the continued involvement of US troops in Bosnia, the bulk of Congress remains opposed to this. Many Congressman see the Dayton Accord as a failure, with partition the inevitable fate of a deeply fractured country. They add that any redefinition of the US role in Bosnia is 'mission creep' and should be avoided. Peace support should be left to the European allies. Secondly, many US legislators feel deceived by

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<sup>88</sup> AN 3/10/97

<sup>89</sup> AN 10/10/97

<sup>90</sup> AN 17/9/97

<sup>91</sup> *The Daily Telegraph* 2/10/97

<sup>92</sup> *Congressional Quarterly Weekly* 27/9/97

President Clinton, who first declared that US forces would remain in Bosnia for a year only and then returned to ask for a further year and a half's mandate. Thirdly, many Republicans would welcome the opportunity to defeat or damage the President over the issue.<sup>93</sup>

Separately, the US government continues to support a programme to train and equip a joint Muslim-Croat Federation Army. This has involved the insertion of teams of US military experts, who assist with training, and the supply of much surplus US equipment, including helicopters and main battle tanks. Total US aid has amounted to \$400m. Other funding and equipment has been forthcoming from Muslim states friendly with the Bosnian Muslims. The Train and Equip programme has been opposed by many of Washington's NATO allies, who fear that it may merely promote the prospect of renewed fighting if, and when, international peacekeeping forces are withdrawn.<sup>94</sup> There are also reports that the Federation has been secretly arming and training its force, outside the US-led programme, and contrary to the Dayton Agreement. Some experts have suggested that this military operation, coupled with official US military aid, has given the Federation a military superiority over its Bosnian Serb rival. One NATO commander was recently quoted as declaring, "The question no longer is if the Muslims will attack the Bosnian Serbs, but when. The only way to prevent such an attack at this point is for the peacekeeping mission to extend its mandate."<sup>95</sup> On the other hand, regardless of the possibility of secret arms caches, there is some evidence of compliance on behalf of all parties with the arms control elements of Dayton. According to the OSCE, 4,220 tanks, helicopters, artillery guns and other pieces of heavy equipment have been destroyed over the last 16 months. Equipment reduction should be below the ceilings, required by Dayton, by the end of October. It is the case, though, that, due to the Train and Equip programme, the Bosnian Federation's equipment will be far more modern than the Soviet-pattern equipment of the Bosnian Serb Army which was largely inherited from the Yugoslav armed forces.<sup>96</sup>

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<sup>93</sup> *The Economist* 25/10/97

<sup>94</sup> See 'The Train and Equip Programme in Bosnia: Siding with the Federation', *RUSI Newsbrief*, December 1996 and 'And, Meanwhile, the Game is Continuing in Bosnia', *RUSI Newsbrief*, May 1997

<sup>95</sup> 'NATO sees Muslim Attack in Bosnia: Secret Arms Build-up, it Says, is Shifting the Military Balance', *International Herald Tribune* 4/10/97

<sup>96</sup> *International Herald Tribune* 25/10/97

### X Conclusion

Although gradual, there has been an improvement in compliance with the stipulations of the Dayton Agreement in 1997. With SFOR's mandate expiring in June 1998, there will inevitably be an increase in diplomatic activity and pressure on the parties to fulfil the remaining commitments of the peace agreement. Although the United States was initially adamant that American troops would withdraw in June 1998, recently there has been a perceived softening of this position. In June, new US Secretary of State Madeleine Albright left open the possibility that some US troops could remain in Bosnia beyond June 1998. This idea was reinforced by President Clinton's national security adviser Samuel R. Berger in a speech on 23 September. In this speech, which was billed by White House officials as a major statement of US policy, Mr. Berger said that nearly two years after the US military arrived in Bosnia, the country remains "on a tightrope" and that preventing a return to war will require a prominent US role in Bosnia's future long after the June 1998 deadline for withdrawal.<sup>97</sup> In a recent article in the *Washington Post*, Richard Holbrook, the architect of the Dayton Agreement, argued that a continued US-led military presence in Bosnia can be sustained and at a progressively lower cost to the United States.<sup>98</sup>

Defence Secretary George Robertson has also suggested that it may be necessary for there to be a continued troop presence beyond next summer. The reasoning behind this is that there has been insufficient progress on the implementation of the civilian side and premature withdrawal of NATO forces could trigger a resumption of hostilities. Earlier in 1997 a NATO military commander commented:

"It would be a mistake to say there is peace in Bosnia. We have only the absence of war...The moment we pack up and leave next year the war could well start all over again."<sup>99</sup>

The likelihood is that a NATO-led peace support force, perhaps to be known as the Deterrence Force (DFOR), will remain in Bosnia after June 1998. It will include a US contingent but this contribution, and those of other states, will be substantially smaller than before.<sup>100</sup> Beyond the immediate rationale of hindering a re-ignition of conflict, NATO has wider security reasons for remaining active in Bosnia. The apparent success of NATO in implementing and maintaining a cease-fire in the country since 1995 has been important to the organisation's prestige. In addition, it would prove embarrassing if the conflict recommenced in the approach to the first round of NATO enlargement, scheduled for 1999. However, a concern may be that, after a presence of three and a half years, a NATO force in Bosnia beyond June 1998 may become permanent. This may prove costly to the various troop contributors, including Britain, and may

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<sup>97</sup> *Washington Post*, 24 September 1997

<sup>98</sup> *Washington Post*, 28 September 1997

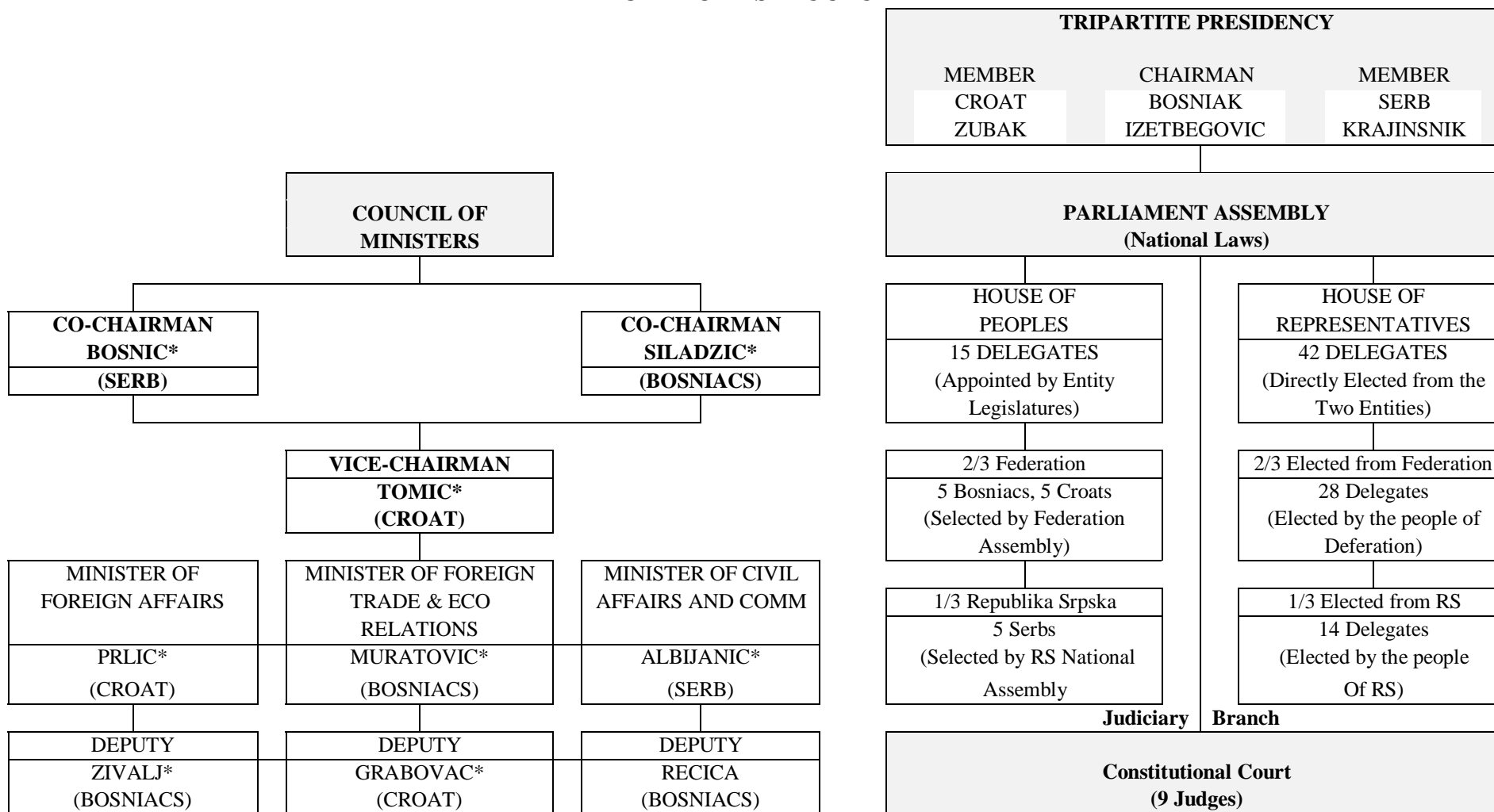
<sup>99</sup> *International Herald Tribune*, 19 May 1997

<sup>100</sup> AP 11/10/97

also be used as a longer term excuse for the various factions to avoid reaching a lasting settlement. Decisions on a force to follow SFOR will need to be taken by February or March 1998 at the latest in order to give sufficient time to make preparations.

Appendix 1

NATIONAL GOVERNMENT OF BOSNIA and HERZEGOVINA  
POLITICAL STRUCTURE





DEPUTY BOZANIC (SERB)	DEPUTY BOGIC (SERB)	DEPUTY KRIZANOVIC (CROAT)	1/3 International 3 Judges (1 Sweden, 1 France, 1 Austria)	2/3 International 6 Judges (1 Croats, 2 Serbs, 2 Bosnians)
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Appendix 2 (Reproduced with the kind permission of the Eastern Adriatic Department. FCO.)

### POLITICAL PARTIES IN BOSNIA AND HERZEGOVINA

1. 93 political parties have registered for the municipal elections in Bosnia and Herzegovina which are to be held on 13-14 September 1997. 48 of these parties contested the September 1996 national elections; the remaining 45 are new. The main parties and coalitions are:

#### The Federation

1. COALITION FOR A WHOLE, UNITED, DEMOCRATIC BOSNIA (known as "THE COALITION FOR BiH")

A four-party (Bosniac) coalition formed, led and dominated by the SDA, who will provide 80% of the candidates. Its partners are Silajdzic, s Party for Bosnia and Herzegovina (SBiH), the Citizens' Democratic Forum (GDS) and the Liberal Party. The coalition's stated aim is to "oppose the partial implementation of the Dayton Agreement". Its more likely objective is to shore up the Bosniac nationalist (predominantly SDA) vote against the non-nationalist opposition parties (UBSD, SDP) & the Croat HDZ.

(i) SDA - PARTY FOR DEMOCRATIC ACTION

Despite their claim to speak for all the people of Bosnia, the SDA are the main Bosniac (Muslim) nationalist Party. Led by the immensely popular Alija Izetbegovic, pre-war President of Bosnia and now Chairman of the three member collegiate Presidency. The governing party throughout the war in the old Republic of Bosnia-Herzegovina, the SDA is still struggling to come to terms with having to share power at two levels in the structures created at Dayton - with the Bosnian Serbs and Bosnian Croats in the common institutions (Presidency, Council of Ministers) and with the Bosnian Croats at Entity level in the Federation.

The SDA swept the board in the September 1996 elections, helped in no small measure by their domination of the media and powers of patronage. The party captured 19 of the 42 seats in the Bosnia and Herzegovina House of Representatives (including 3 in the Republika Srpska) and 78 of the 140 seats in the Federation House of Representatives; won overall majorities in 6 of the 10 Federation cantons; and came second (thanks to a large refugee vote) in the RS Presidential and National Assembly elections.

## Appendix 2

They face a tougher challenge in the municipal elections, particularly in areas of continuing economic deprivation - eg Bihac, where they are under pressure from Abdic's DNZ in certain municipalities - and some urban centres, especially Tuzla and Zenica, where the civic parties are well established and could score well. But Bosniac displaced persons - if they can be organised to vote en masse in their pre-war places of residence - could ensure a substantial Bosniac representation in administrations for towns such as Srebrenica which are now in the RS and populated by Serbs (which opens the question of how Bosniac representatives can take their seats and function effectively and safely).

## (ii) SBiH - PARTY FOR BOSNIA AND HERZEGOVINA

Founded in April 1996 (and totally dominated by Haris Silajdzic, Bosnian Prime Minister during the early part of the war and now co-chairman of the Council of Ministers, after his resignation from the Government and the SDA in protest at the SDA's drift towards a more nationalist stance. He believes that the war and the Peace Agreement have divided Bosnia, and his job is to bring it back together. The SBiH's electoral strategy in September 1996 was ambiguous: despite claiming to reject the SDA's nationalism, the SBiH campaigned alone, spurning overtures to join the Joint List of opposition civic parties, but allying with the SDA in the Mostar municipal elections (June 1996). The party lacked organisation and funding and in essence was little more than a platform to raise Silajdzic's profile in the political manoeuvring with his erstwhile SDA colleagues for Izetbegovic's ear. Despite his reputation as a passionate and honest man, Silajdzic (and his party) suffered at the hands of voters who balked at splitting the "Muslim" vote: Silajdzic won only 14% of the Bosniac vote (against Izetbegovic's 80%) in the election for the Bosniac seat on the B&H Presidency, which was nevertheless double the share of the vote registered by his party in the national and Federation polls. Silajdzic's (unilateral) decision to ally the SBiH with the SDA is further indication that the party is little more than a vehicle for his personal ambition. It has cemented his position at the front of the queue to succeed Izetbegovic but has left the SBiH demoralised and in some disarray.

## (iii) GDS - CITIZENS' DEMOCRATIC PARTY

A new party formed shortly before the September 1996 elections at which they gained little support, the GDS candidate winning only 0.45% of the vote in the elections for the Bosniac seat on the B&H Presidency. Largely made up of Bosnian intellectuals, the party targets the moderate nationalist vote but has thrown its lot in with the SDA in the Coalition for Bosnia to avoid electoral oblivion. Led by Ibrahim Spahic (who is close to the SDA), the party includes in its ranks Nedjelko Despotovic, the only Serb in the Federation Government (as Minister without Portfolio).

### Appendix 2

#### (iv) LIBERAL PARTY

Led by Rasim Kadic, who founded the party from the Alliance of the Socialist Youth in FRY in 1990. Appeal is limited to younger voters. A coalition partner of the ruling UBSD in Tuzla city, but disillusioned with the terms of the alliance and drifted into the SDA camp, allying with them (successfully) in the June 1996 Mostar municipal elections. Fought the September 1996 elections alone, which guaranteed electoral suicide: the Liberal candidate for the Bosniac seat on the central Presidency won less than 0.4% of the vote. No parliamentary or cantonal representation. Kadic's acceptance of a post in the Federation Government as Minister for Refugees further blurred the Liberals' profile, and his decision to join forces with the SDA once more in the municipals has not gone down well with some sections of the party: the Tuzla and Zenica branches have condemned the alliance.

#### 2. HDZ - CROATIAN DEMOCRATIC COMMUNITY

Sister party to the ruling party in Croatia (the Bosnian Croat HDZ has 12 seats in the Croatian Parliament, representing the diaspora vote), has benefited from the strength of Croat nationalist feeling and the figurehead appeal of Croatian President Tudjman, the "father" of the Croat nation. Led by Bozo Rajic, the HDZ is a broad church of nationalist views: the Herzegovinian lobby believe that the self-styled "Croat Republic of Herceg-Bosna" (which should have been abolished long ago under numerous Federation agreements) should be formally recognised as a third (and purely Croat) Entity or that the Croat populated lands should join Croatia proper; the more moderate central Bosnia Croats favour working within the Bosniac-Croat Federation as the best way of defending Bosnian Croat interests.

The party has no serious rival for the Croat vote: Kresimir Zubak, the HDZ candidate, won 89% of the Croat vote in the elections for the central Bosnian Presidency; the party also won absolute majorities in 4 cantons, including Neretva (Mostar) and West Hercegovina (where the HDZ polled 90% of the vote).

The HDZ is likely to lose control of a number of municipalities in central Bosnia currently in Croat hands by dint of their military success during the war but where previously Bosnian Croats were outnumbered by other ethnic groups: eg Stolac and Capljina, where significant numbers of displaced Bosniacs want to return and will vote accordingly in absentia; towns in the Western Federation between the Anvil and Bihac (eg Drvar, Glamoc, Sanski Most) which were seized from the Serbs in the last days of the war; and, most emotively, 4 of Mostar's municipalities (including the Central District) will be lost to the Bosniacs, if the HDZ cannot attract Serb support in the town. Crass ineptitude may compound HDZ losses: eg attempts at fraud in Zepce (central Bosnia) led to a number of HDZ candidates being struck off the list and leaves them precariously placed there. It has registered in

## Appendix 2

the RS, but with little hope of significant gains (displaced Bosnian Croats are encouraged to vote in their new places of abode, often Central Bosnian marginals) except in Bosanski Brod and other towns near the Posavina corridor (Northern Bosnia, near Brcko). With this background, an HDZ boycott of the elections is still possible.

### 3. JOINT LIST 97

The Joint List 97 is a loose coalition of five Federation-based non-nationalist parties - Union of Bosnian Social Democrats (UBSD), Republican Party (RS), Croatian Peasants' Party (HSS), Muslim-Bosniac Organisation (KBO) and the Party of Economic Prosperity (SPP) - put together by the UBSD. It will contest municipalities in both Entities (although in some, the parties will stand individually). Weakened by the replacement of the Social Democratic Party (SDP) - along with the UBSD, the major player in the 1996 Joint List, by the insignificant SPP.

The 1996 version of the Joint List performed respectably at the September 1996 elections, given the domination of the nationalist parties in terms of organisation, funding and media access. Third behind SDA and HDZ in Federation House of Representatives (11 seats, 8% of vote); 2 seats in the RS National Assembly; strong performances in Tuzla-Podrinje (UBSD power base) and Sarajevo cantons with 17% of the vote in each. Similarly well placed this time round, although the SDP running alone may split the anti-nationalist vote.

#### (i) UBSD - UNION OF BOSNIAN SOCIAL DEMOCRATS

Born of the reformist tradition of the old Yugoslav Prime Minister Ante Markovic and politically almost indistinguishable from the SDP. Led by Selim Beslagic, the popular and respected Mayor of Tuzla, the party's power-base and the only municipality in the Federation not under SDA or HDZ control. The party is playing an ever more prominent role in the coalition - Beslagic is leader of the Joint List's 11 members in the Federation House of Representatives, and his Deputy, Sejudin Tokic, leads the opposition "shadow government". Faces a battle to hold Tuzla against an SDA onslaught (the SDA control the canton). Some in the party are looking to merge with the SDP.

#### (ii) HSS - CROATIAN PEASANTS' PARTY

Appeals mainly to the moderate Croat vote but unable to make more than a tiny dent in HDZ dominance in 1996. Led by Ivo Komsic, former member of the Bosnian Presidency, who won 10% of the vote as Joint List candidate against Zubak for the Croat seat on the B&H Presidency.

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#### (iii) RS - REPUBLICAN PARTY

Centre right party, formed by Stjepan Kljuic (Croat, former member of Bosnian Presidency) after he split from the HDZ, and dominated by him and his friends. Partners the UBSD and HSS in the "shadow government".

#### (iv) MBO - MUSLIM-BOSNIAC ORGANISATION

Formed by SDA dissidents who broke with the main party two months before the 1990 elections due to a philosophical dispute about the nature and identity of the Bosniac Muslim people. Their leader, Adil Zulfikarpasic, is a millionaire who has lived in Switzerland for years, and their appeal is mainly among older people who respect him.

#### (v) SPP - Party of Economic Prosperity

#### 4. SDP - SOCIAL DEMOCRATIC PARTY

Former communists, now centre-left and strong proponents of multi-ethnic Bosnia. Running independently in the municipal elections, it formed part of the Joint List coalition in the September 1996 elections. Led by Zlatko Lagumdzija, one of the Joint List's two representatives in the B&H House of Representatives, they are the largest non-nationalist party in Bosnia and are particularly rich in distinguished Bosnian Serbs who reject the nationalist view (eg Bogic Bogicevic, one of the Bosnian representatives in the pre-war Yugoslav Presidency, Miro Lazovic, former speaker of the Bosnian Assembly). Despite (or because of) this, the SDP has failed to break through in the Republika Srpska. Still respected and with an established track record in local government. Contesting 72 seats, including Banja Luka and Brcko, and is claiming it could win 15-20% of the vote. Slogan: "BiH could be better with us".

#### 5. DNZ - DEMOCRATIC NATIONAL UNION

Though registered in (Croat) West Most&t, DNZ is essentially a regional party with its power-base in the Bihac region (north-west Bosnia). Led by Fikret Abdic, the renegade Bosniac leader whose supporters sided with the Serbs in the fight for Bihac. Though he is reviled by the SDA as a traitor and denounced as a war criminal (he lives in exile in Zagreb), Abdic - who won the 1990 Bosnian Presidential election (with more votes than Izetbegovic) - came third behind Izetbegovic and Silajdzic in the election for the Bosniac member of the B&H Presidency with almost 3% of the vote. Despite violent intimidation which made it virtually impossible for the DNZ to campaign, the party won 3 seats in the Federation House of Representatives and 6 in the Una Sana canton where it won 12% of the vote. The severe deprivation round Bihac and the complete ostracisation of his supporters by the SDA authorities should guarantee that Abdic's bedrock support holds solid. Abdic has said the party will contest only two municipalities, Velika Kladusa (on the Croatian border) and Cazin, both of which (particularly the former) it could win - which which would cause problems for the installation of post-election authorities.

## Appendix 2

### 6. HSP - CROATIAN PARTY OF RIGHTS

Extreme nationalist party to the right of the HDZ. Support concept of autonomous Croat Entity within Bosnia, with strong confederal links to Croatia. Gained 2 seats in the Federation House of Representatives and is represented in the West Herzegovina Canton. The main (though still distant) challengers to the HDZ hegemony in Herzegovina.

### 7. LBO - LIBERAL BOSNIAC ORGANISATION

A splinter off the MBO, led by Muhammed Filipovic, the Bosnian Ambassador in London until last summer. The LBO command little electoral support, although Filipovic remains a respected intellectual in Bosnia. Joined the Coalition for Bosnia but left one day later in a dispute over power-sharing. Standing in 40 municipalities, including 5 in the RS where it will join the Coalition to demonstrate its support for a single Bosnia.

### 8. SZD - PARTY FOR DRVAR

One of two key Serb parties standing in the Federation, the SZD was formed, and is led, by Milan Marceta. It are standing in western Bosnia, in the Croat-controlled region of the Federation which was traditionally Serb dominated (Drvar, Glamoc, Bosanski Petrovac, Sanski Most) but has been largely unoccupied since Croat forces drove the local Serbs out. Stands a strong chance, particularly in Drvar, where Marceta has promised actively to seek the return of Serb displaced persons if he is elected Mayor.

### 9. ZAVICAJ ("HOMELAND")

The other key Serb party standing in the Federation, Zavicaj is made up of Banja Luka based socialists (many of them from the SPRS and SLS - see below) and is also likely to do well amongst absentee voters.

### 10. ZBIH - WOMEN/S PARTY OF BOSNIA

Formed in May 1996 by Mrs Omersoftic (formerly of SDA), the Director of BiH television. The party stood in the September 1996 elections but came nowhere. No structures or links with women's movements in other countries. Unlikely to win any representation.

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### Republika Srpska (RS)

The political scene in the RS is more confused, due to the plethora of small opposition parties (many of which form different coalitions in different towns) and the power-struggle between the hard-line SDS members and more moderate Serbs led by the RS President, Biljana Plavsic (see below).

## Appendix 2

### I) SDS - SERB DEMOCRATIC PARTY

Leading Serb party in the 1990 (pre-war) elections, consolidated its position during the war and confirmed its hegemony at the September 1996 elections: Momcilo Krajisnik, the SDS candidate for the Serb seat on the B&H Presidency, won more than twice as many votes as his nearest challenger, Mladen Ivanic, the combined opposition candidate; Biljana Plavsic (then SDS) won 60% of the vote in the RS Presidential election; SDS took 45 of the 83 RS National Assembly seats. Nationalist in outlook, the SDS relished the role of "victim" and defender of the Serb nation (1996 campaign slogan: *We have succeeded and we will continue to succeed*). Managed to define the political battleground on its terms (all RS opposition parties publicly supported the partition of Bosnia and an independent Bosnian Serb state) and played on the deep seated fear (however unfounded) of Muslim domination. Nominally led by Aleksa Buha, the RS Deputy Prime Minister and "Foreign Minister", the party is riven with internecine rivalry made worse by the current situation and by defections to the SNS.

The old-style hardline nationalists, represented by Krajisnik and prompted from behind the scenes by Radovan Karadzic (former party leader and RS President, now wanted for war crimes), continue to peddle a minimalist interpretation of Dayton, keeping co-operation to a minimum and promoting the creation of an independent RS state. This faction, based in Pale and with particularly strong support in Eastern RS where many disgruntled refugees have settled, is again playing the nationalist card, using Pale TV to castigate Plavsic for being a pawn of the West. Difficult to assess their chances: even pre-crisis, some thought SDS would poll only 30-40%.

### II) SNS - SERB NATIONAL ALLIANCE

Formed in August 1997 by RS President Plavsic after she was expelled from the SDS for challenging the authority of hardliners in Pale. Herself a strident nationalist during the war (her party has been dubbed "new SDS"), Plavsic considers co-operation with the Bosniacs and Croats (and the international community) to be the best way of securing the future of the Bosnian Serbs, and in particular of addressing the parlous state of the RS economy (GDP fell in 1996 in contrast to a rise of some 50% in the Federation). This view predominates in Banja Luka (where Plavsic is based) and Western RS which has traditionally looked West to Croatia for trade. Has already attracted some prominent SDS defectors - RS Vice-President Dragoljub Mirjanic, Finance Minister Ranko Travar - and the loyalty of some local Banja Luka journalists (who have refused to take directions from Pale). Mrs Plavsic has focussed on the corruption of the Pale leadership and taken her message to the people at Presidential-style public rallies. She has the support of most RS non-nationalist opposition parties who see this as opportunity to weaken the SDS, but her desire to form a "clean" nationalist party may result in her losing non-nationalist backing.



## Appendix 2

The SNS' creation came too late for the party to be registered for the municipal elections, leaving the confusing prospect of Plavsic supporters standing as SDS candidates.

### III) SPRS - SOCIALIST PARTY OF THE REPUBLIKA SRPSKA

Dominant partner in the centre-left "Alliance for Peace and Prosperity" which fought the 1996 national elections. Led by Zivko Radisic and backed by its sister party in Serbia, President Milosevic's Socialists. Radisic - with 16% of the vote - came third behind Plavsic and Djozic (SDA) in the RS Presidential election; the "Alliance" coalition won 10 seats in the RS National Assembly (also third behind the SDS and SDA). Running independently in the RS but contesting some Federation municipalities in coalitions (eg with Zavicaj). Likely to target the absentee vote in the FRY.

### IV) SRS - SERB RADICAL PARTY

An off-shoot of Vojislav Seselj's Serbian Radical Party, led by Nikola Poplasen, Vice-President (Deputy Speaker) of the RS National Assembly. Ultra-nationalist, have established solid base of support and entered into a pact with the SDS for the September 1996 elections: they declined to run a candidate against Mrs Plavsic for the RS Presidency and benefited from an inexplicably large amount of (expensive) access to the state-run media. Consequently, performed strongly, gaining 7% of the vote and 6 seats in the RS National Assembly (the fourth largest party). No pact with the SDS for the municipals (although they have sided with Pale vs Mrs Plavsic). Should do fairly well, despite a recent split over whether to support royalist aspirations in Serbia (the split gave birth to the Democratic Party for Banja Luka & Krajina).

### V) SNSD - INDEPENDENT SOCIAL DEMOCRATS

A member of the SPRS-led "Alliance" in 1996. Led by Milorad Dodik, a dissident SDS politician from Banja Luka. Links with the UBSD and participant in the "Shadow" Government (where Dodik is "Minister for Reconstruction and Development"). Backing Plavsic at the moment. Part of a four party "Coalition for Banja Lukall - with Nikola Spiricls Democratic Party for Banja Luka and Krajina, Radoslav Brdjanin's People's Party of the RS and the monarchist Radical Homeland Front "Nikola Pasic".

### VI) SLS - SOCIAL LIBERAL PARTY

Led by Miodrag Zivanovic, the only opposition figure to campaign openly during the war.

### VII) JUL Movement

A loose grouping of left wing bodies, including the League of Communists and the Workers Party of the RS. Close links to the JUL Movement (led by President Milosevic's wife) in Serbia.

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#### VIII) DPS - DEMOCRATIC PATRIOTIC PARTY

The party of Predrag Radic, ex-SDS and former Mayor of Banja Luka. Radic led the "Democratic Patriotic Bloc", a grouping of centre-right (soft nationalist) parties, in the September 1996 elections (election slogan: *Srpska above all*). The Bloc performed disastrously: Radic polled just 4% in the RS Presidential election; and the bloc gained only 2 seats in the RS National Assembly (the same as the SBiH and Joint List). The DPS is standing only in the Banja Luka region, where Radic is popular.

#### IX) SSJ - PARTY OF SERB UNITY

The party of Arkan, who led a force of Serbian irregulars during the war. Very much an unknown quantity. Made no impression at the national elections but likely to poll very well in those localities where Arkan's forces shored up Bosnian Serb defences during the war.

#### X) SCC - SERB CIVIC COUNCIL

A citizens' group (non-political) of Serbs who stayed behind in the Federation once the war started. Led by Mirko Pejanovic, who joined the Bosnian Presidency when the two SDS members walked out in 1992. Did not stand in the 1996 elections but backed Radisic in the RS and the United List (which they joined in the Mostar municipals) in the Federation.

Eastern Adriatic Department  
Foreign & Commonwealth Office

## Appendix 3

### Political Structures

Bosnia and Herzegovina: Institutional Structure and Results of the 14 September 1996 Elections (Excluding Cantonal Election Results);

<b>Tripartite Presidency of Bosnia and Herzegovina</b>			
(Elected - Representing the Muslim, Croat and Serbian Communities)			
<i>Name and Candidate (Name of Party)</i>			<i>Votes Won</i>
Alija Izebegovic	(Party of Democratic Action)	SDA	730,592
Kresimir Zubak	(Croat Democratic Action)	HDZ	330,477
Momcilo Krajsnik	(Serb Democratic Party)	SDS	690,646

<b>Parliamentary Assembly</b>					
Comprising two chambers <b>House of Representatives</b> and <b>House of Peoples</b>					
<b>House of Representatives</b>					
42 seats elected: two thirds from the Territory of the Federation of Bosnia and Herzegovina and one-third from the Republika Srpska					
<b>Federation of Bosnia and Herzegovina</b>			<b>Republika Srpska</b>		
Party of Democratic Action	SDA	16	Serb Democratic Part	SDS	9
Croat Democratic Union	HDZ	8	Party of Democratic Action	SDA	3
Party of Bosnia & Herzegovina	SBiH	2	People's Union for Peace and Progress	UPP	2
United Party List of Bosnia and Herzegovina (SDP BiH, UBSD, HSS, MBO, Republikanci) JOINT LIST		2			
<b>Total:</b>		<b>28</b>	<b>Total:</b>		<b>14</b>
<b>House of Peoples</b>					
15 seats designated: 5 x Croat, 5 x Bosniacs, i.e.,: two-thirds from the Territory of the Federation and 5 Serbs from the Republika Srpska, i.e.,: one-third					

Appendix 3

<b>Federation of Bosnia and Herzegovina</b>	<b>Republika Srpska</b>
<b>Presidency</b> (Designated by House of Representatives)	<b>Presidency of Republika Srpska</b> (Elected)
Kresimir Zubak (Croat Democratic Union) HDZ	Biljana Plasic (Serb Democratic Party) SDS 633,654
<b>Federation Assembly</b> (Comprising <b>House of Representatives</b> and <b>House of Peoples</b> )	<b>National Assembly of</b> <b>Republika Srpska</b> (Elected)
<b>House of Representatives of</b> <b>Federation of Bosnia and Herzegovina</b> (Elected)	
Party of Democratic Action                      SDA    78	Serb Democratic Party                              SDS    45
Croat Democratic union                              HDZ    36	Party of Democratic Action                      SDA    14
United List of Bosnia and Herzegovina (UNSD, SDP, BiH Republikanci, HSS, MBO) Joint List                      11	Peoples Union for Peace and Progress    UPP    10
Party of Bosnia and Herzegovina    S BiH    10	Serb Radical Party of Reublika Srpska    SRS    6
Democratic Peoples Union                              DNZ    3	Party of Bosnia and Herzegovina    S BiH    2
Croatian Rights Party                                      HSP    2	Democratic Patriotic Block of Republika Srpska                                      DPB    2
	United List (SDP, BiH, UBSD, MBO, HSS) Joint List                                      2
	Serb Patriotic Party                                      SPAS    1
	Serb Party for Kranjina                                      SSK    1
<b>Total:    140</b>	<b>Total:    83</b>
<b>House of Peoples</b> (Selected by Cantonal Assemblies)	
<b>Ten Cantonal Assemblies</b> (Elected)	

Information taken from OSCE Newsletter Vol. 3 no. 9, dated September 1996

Appendix 4

**List of acronyms**

OHR	Office of the High Representative
PIC	Peace Implementation Council
SFOR	(NATO) Stabilisation Force
IEBL	Inter-Entity Boundary Line
IPTF	International Police Task Force
UNHCR	United Nations High Commissioner for Refugees
ICRC	International Committee of the Red Cross
OSCE	Organisation for Security and Co-operation in Europe
PEC	Provisional Election Commission
DP	Displaced Person
FRY	Federal Republic of Yugoslavia



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