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The role of Europe in Bosnia and Herzegovina

REPORT

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

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on the role of Europe in Bosnia and Herzegovina

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1. Adopted unanimously by the Committee

2. *Members of the Committee: Mr Baumel (Chairman); MM De Decker, Horn (Vice-Chairmen); Mr Alloncle (Alternate: Masseret), Mr Beaufays, Mrs Beer, MM Bianchi, Briane (Alternate: Galley), MM Cox, Dees, Díaz de Mera (Alternate: López Henares), Mr Hardy (Alternate: Thompson), Mr Jacquat (Alternate: Jeambrun), MM La Russa, Legendre, Mrs Lentz-Cornette, MM Mardones Sevilla (Alternate: Bolinaga), MM Marten, Medeiros Ferreira, Mota Amaral, Lord Newall, MM Onaindia, Parisi, Pavlidis, Pereira Coelho, Petruccioli, Pottakis, Robles Fraga, Schloten, Sir Dudley Smith, Mrs Soutendijk van Appeldoorn, Sir Keith Speed, MM Speroni, Valkeniers, Vrettos, Woltjer (Alternate: Blaauw), Mr Zierer*

Associate member: Mr Naess

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

Draft Recommendation
on the role of Europe in Bosnia and Herzegovina

The Assembly,

- (i) Welcoming the fact that since the signature of the "Peace Agreement on Bosnia and Herzegovina" in Paris on 14 December 1995, a cessation of hostilities has been established;
- (ii) Convinced that the presence of a robustly armed, well-equipped and extensive multinational military Implementation Force (IFOR) has been an indispensable instrument for keeping the peace in Bosnia and Herzegovina,
- (iii) Noting with satisfaction that the Republic of Bosnia and Herzegovina and the Entities have redeployed their forces in three phases as stipulated in Article IV of the Agreement on the military aspects of the peace settlement.
- (iv) Aware that the 14 September 1996 elections have merely confirmed the ambitions of the nationalist leaders, contrary to the spirit of the Dayton Agreement which envisaged the creation of viable democratic and multi-ethnic institutions;
- (v) Regretting that with a few exceptions, all the indicted war criminals are still at large because neither the parties to the Dayton Agreement nor IFOR has been willing to arrest them and bring them to the International Criminal Tribunal for Former Yugoslavia in The Hague;
- (vi) Convinced that there can be no reconciliation in Bosnia and Herzegovina unless individuals indicted for the appalling war crimes committed have been judged by The Hague tribunal,
- (vii) Aware that more than five million land mines are still causing serious problems for the population and that mine-clearing, a responsibility of the former parties to the conflict, is taking place at a very slow pace, if at all,
- (viii) Noting that IFOR is playing an important and indispensable role in providing additional support to the OSCE for tasks related to the implementation of the sub-regional arms control agreement and the Vienna Agreement on confidence-building measures signed by five parties in former Yugoslavia under the auspices of the OSCE,
- (ix) Noting that the International Police Task Force lacks the human resources and equipment to implement its main task of helping to re-establish the rule of law in Bosnia and Herzegovina,
- (x) Convinced that there is a need for a European-run public security force which should be an armed body, more substantial in size and better equipped but with the same general mandate as the IPTF and able to implement it without the support of an IFOR successor force,
- (xi) Convinced that the results of the equip and train programme under the auspices of the United States may nullify the aim of the Dayton Agreement and that instead of supplying new weapons, the main effort should now be directed at achieving an even balance by reducing arms all round;
- (xii) Noting that the freedom of movement and the return and resettlement of refugees and displaced persons, one of the core objectives of the Dayton Agreement, has by no means been achieved to date;
- (xiii) Considering that, under the present circumstances, the organisation of municipal elections in Bosnia, for which the parties are apparently not prepared, but for which IFOR has a mandate to provide

assistance and support, would severely undermine the position and credibility of IFOR and any successor force;

(xiv) Aware that as a consequence of the slowness with which new civil structures are being set up and of the strong rivalry that still exists between the various ethnic groups, IFOR will have to be replaced by a successor force if Europe and its allies want to make sure that Bosnia is not plunged into war again,

(xv) Convinced that a United States decision not to contribute a substantial contingent of ground troops to an IFOR successor force would put both the implementation of the Dayton Agreement and the future of Atlantic cooperation at risk,

(xvi) Considering that the assistance and support which IFOR is supposed to provide for a multitude of international humanitarian organisations is having an adverse impact on its effectiveness and that more attention should be paid to coordination between IFOR and those organisations in order to improve the use of its precious resources,

RECOMMENDS THAT THE COUNCIL

1. Strongly endorse the establishment of an IFOR successor force with a mandate up to and including the elections in 1998 and with the full participation of a substantial contingent of US ground troops,

2. Seriously examine the issue of mine-clearing in the territory of Bosnia and Herzegovina, giving consideration to the possibility of a WEU mine-clearing operation in that country;

3. Consider the possibility of establishing a successor force to the International Police Task Force (IPTF) which should be an armed body under WEU command, more substantial in size and better equipped, but with the same general mandate as the IPTF and able to implement it without the support of an IFOR successor force;

4. Insist that municipal elections in Bosnia and Herzegovina be postponed until spring 1997 at the earliest, by which time the conditions for their organisation may have improved

Explanatory Memorandum

(submitted by Mr Blaauw, Rapporteur)

I. Introduction

1. After four years of unparalleled atrocities in a conflict which claimed the lives of more than 260 000 people, devastated 60% of property and a large part of the infrastructure of Bosnia, the Dayton Agreement, notwithstanding its recognised shortcomings, has brought relief to all concerned

2. For the population in Bosnia, it has given hope for a future without war and created the basic conditions to enable it to start rebuilding the country and its political institutions

3. For the international community, it has created a framework for realising at least some of its ambitions to help the Bosnians establish a credible state which can enjoy normal relations with other states.

4. A vital part of the Dayton Agreement is the "Agreement on the military aspects of the peace settlement", in which the parties "welcome the willingness of the international community to send to the region, for a period of approximately one year, a force to assist in implementation of the territorial and other military provisions of the agreement" The dedicated efforts of this implementation force, IFOR, have prevented the former warring parties from engaging in further hostilities. Apart from this, IFOR has taken many initiatives to help restore peace and start rebuilding the country.

5. According to its mandate, IFOR is supposed to pull out at the end of 1996. Obviously, Bosnia and Herzegovina is not yet ready to be left on its own. There is general agreement among both the countries participating in IFOR and the former warring parties that an IFOR successor force is needed, since there is still much to be done to implement the Dayton Agreement in full, and also because Bosnia and Herzegovina needs a breathing space.

6. The objective of the present report is to review the achievements of the past year and to assess what Europe and the international

community could do to promote the further implementation of the Dayton Agreement

II. Establishment and mandate of the Implementation Force (IFOR)

7. The Dayton Agreement provided for the creation of a 60 000 strong military force under NATO command to enforce the ceasefire of 5 October 1995 and to help implement a division of Bosnia into two entities sharing a loose political structure

8. This international implementation force (IFOR) was to enforce the withdrawal of former warring factions from a zone of separation and to make them leave an agreed area of land to be exchanged within 45 days. IFOR would also have to oversee and enforce the removal or dismantling of mines and other weapons from the zones of separation and the storing of all heavy weapons in designated places within a period of 120 days after the formal ceremony to sign the Agreement

9. The Dayton Agreement provided IFOR with a fairly extensive mandate which, apart from the abovementioned tasks, also included such tasks as facilitating refugees' freedom of movement and resettlement and the work of humanitarian aid organisations, resolving boundary disputes, creating secure conditions for free elections and responding to violence against civilians

10. A total of 15 NATO member states and 19 non-NATO member states contributed troops for the establishment of IFOR. Iceland participated with non-military means to show solidarity. On 28 November 1995, NATO and Russia agreed to establish a joint "consultative commission" which would allow Russian forces to operate under United States as opposed to NATO command

11. A Russian brigade of around 1 500 men was based near Brcko in an area controlled by Bosnian Serbs. Its commander cooperates with IFOR through the intermediary of General George Joulwan in his capacity as Commander-

in-Chief of US troops in Europe. A Coordinating Committee 16+N was created to ensure smooth implementation of the mandate of IFOR, in which so many nations were cooperating.

12. For the deployment of IFOR, the Bosnian territory was divided into three sectors.

- a US-controlled "sector north" with headquarters in Tuzla and including troop contributions from the United States, Turkey, Russia, Norway, Sweden, Denmark, Poland, Hungary, Latvia, Lithuania, Estonia and Finland;
- a British-controlled "sector south-west" with headquarters originally in Gornji Vakuf but now in Banja Luka, and including troop contributions from the United Kingdom, the Netherlands, Canada, Pakistan, the Czech Republic and Malaysia,
- a French-controlled "sector south-east" with headquarters in Mostar and including troop contributions from France, Italy, Spain, Portugal and Luxembourg.

13. At the top of IFOR's command structure was NATO's Supreme Allied Commander Europe (SACEUR), followed by NATO's Commander-in-Chief South (CINCSOUTH), who established field headquarters in Sarajevo and Zagreb, and the Commander of the Allied Rapid Reaction Corps (COMARRC) based in Sarajevo. Finally, there were three multinational division commanders with headquarters in Tuzla, Gornji Vakuf (now located in Banja Luka) and Mostar.

14. On 18 February 1996, SACEUR (General Joulwan) reported to NATO's Secretary-General, Javier Solana, that IFOR's deployment had been completed.

15. At the end of September 1996, the total strength of the IFOR troops in Bosnia was almost 47 000 including about 39 000 troops, or 83%, from NATO member states and some 8 000, or 17%, from non-NATO member states.

16. IFOR met the first deadline in the implementation of its task on 19 January 1996,

when it announced the establishment of a four-kilometre wide zone of separation between the Muslim-Croat Federation and the Serb entity.

17. In January and February, when Bosnian Serbs living in the suburbs of Sarajevo started leaving their homes and burning their houses, IFOR did not prevent this, arguing that it wanted to maintain its impartiality.

18. On 30 January 1996, former parties to the conflict in Bosnia began to withdraw their heavy weapons, which they had to evacuate from the sectors not assigned to them by the Dayton Agreement by midnight on Saturday, 3 February 1996. These sectors were to remain free of all military presence, except for IFOR troops, up to the transfer of civil authority 45 days later, on 19 March 1996.

19. By the end of February, the former warring factions had already withdrawn both their military forces and their equipment from the separation zone.

20. By 19 March, D+90 of IFOR's operation, a ten-kilometre wide separation zone had been established over a 1 075 kilometre long inter-ethnic boundary line. At the same time, the division of Bosnia and Herzegovina into a Muslim-Croat Federation with 51% of Bosnian territory and a Serb Republic with 49% of the territory took effect.

21. By the D+120 deadline, midnight on 18 April 1996, all the soldiers of the former warring parties were to have returned to their barracks and have placed all their heavy weapons in designated IFOR areas. Generally speaking, SACEUR considered that good progress had been made but felt that, mainly for technical reasons, more time would be needed in order to fully comply with the provisions of the Dayton Agreement. It was thought that between 200 000 and 300 000 soldiers should return to their barracks and that at least some of them should be demobilised.

22. Apart from that, between 5 000 and 6 000 pieces of heavy artillery (including 800 tanks and 1 300 artillery pieces) were to be rounded up.

23. Altogether, after 120 days in Bosnia, IFOR had achieved many positive results. During the D+120 period, 90% of all tanks were

placed in cantonment areas, as were 85% of all artillery and 80-95% of all air defence systems. freedom of movement was ensured in principle, roads were opened, the ten-kilometre separation zone was established, six of the main bridges over the Sava "linking Bosnia to Europe" were repaired, 49 others were rebuilt and numerous engineering projects were approved

24 After having met its D+120 deadline, IFOR, while continuing to consider the implementation of its military tasks a priority, could afford to spend more time in assisting the civil agencies in Bosnia and Herzegovina. It continued to work on the repair or rebuilding of bridges, roads and railways, and helped to restore gas, water and electricity supplies, to rebuild schools and hospitals and restore telecommunications

25 IFOR also provided substantial assistance to the OSCE in preparing and conducting the 14 September 1996 elections. It supported other international and humanitarian organisations in performing their tasks, not only by providing a secure environment, but also by supplying emergency, logistic, medical and other assistance, as well as information.

26. In order to facilitate these various tasks, IFOR adapted its force structure by replacing heavy units with more mobile ones. It also tried to help make freedom of movement a reality, but this has proved to be one of the most difficult tasks

27 The changes in the implementation of IFOR's mandate will be discussed in more detail in Chapter IX of the present report

III. The International Police Task Force (IPTF)

28 In accordance with Annex 11 to the Dayton Agreement, an international police task force was created on the basis of UN Security Council Resolution 1035 of 21 December 1995. The main tasks of this police force, as set out in Annex 11 to the Dayton Agreement, were to observe police activities and the functioning of the judicial system, to promote the creation of a secure and stable environment for elections in Bosnia and to oversee the re-establishment of the Bosnian police force.

29 Deputy Defence Minister, Hasan Gengic of Bosnia and Herzegovina, admitted that the restructuring of police forces was a rather complicated issue and said progress could only be made step by step. First and foremost, the police in the Federation should start to wear one and the same uniform and operate under the same rules. One of the anomalies of the organisation of the police force in Bosnia and Herzegovina is that in the Federation, authority over the police has been decentralised to the cantons, while in the Republika Srpska it is centralised under the Minister of the Interior. Another anomaly is that each of the entities has a Minister of the Interior but that responsibility for justice has been centralised under a Justice Minister answerable to the presidency of Bosnia and Herzegovina. Understandably, local or regional authorities have an interest in controlling the police, whose role is vital in determining the success or failure of the objective of freedom of movement and the return and resettlement of refugees and displaced persons. The Bosnian Government intends to create a three-entity state border police force which should be dependent on the presidency and should not be linked with the civilian law enforcement police forces

30 The IPTF reached more or less full strength in August 1996 with 1688 police officers on secondment from a large number of UN member states such as Germany, France, the Netherlands, the United States, Egypt, Honduras, Ghana, Nepal, Jordan and Pakistan. Of the total number, 531, or 31.5%, were contributed by EU countries and 156, or 9.2%, by the United States. Due to internal problems, the IPTF has until now concentrated on observation tasks, including joint patrols with local police forces and prison visits in order to verify observance of human rights. It is now planning to pay more attention to how the judicial system functions.

31 Bosnian sources have voiced the criticism that the IPTF is not very effective, arguing that the force is too small, that its officers are not armed and that there is no proper coordination between it and IFOR.

32 Although the IPTF was deliberately not armed, it is felt that under the present circumstances in Bosnia, carrying a weapon would definitely increase the likelihood of UN police officers being able to implement their tasks as set out in the mandate

33 Another problem is that the composition of the IPTF is very heterogeneous, with police officers coming from countries with different opinions and practices regarding the role and task of the police in law enforcement and the maintenance of public order.

34 Under its present mandate, the IPTF is supposed to assess threats to public order and advise on the ability of law enforcement agencies to deal with such threats. Inter-ethnic clashes are certainly an issue for the IPTF to deal with but, in its present state, it is neither equipped nor trained for riot control. Until now, IFOR has been requested to intervene in such situations, but this military force also lacks the proper means and training to do the job.

35 Notwithstanding some incidents early on, a good working relationship has now been established between the IPTF and IFOR, including the posting of IFOR liaison officers in all IPTF district headquarters and their dispatch to a number of smaller posts. On several occasions, IFOR has intervened at the request of the IPTF and has now been officially instructed by NATO to come to the aid of IPTF personnel.

36 The IPTF has only just started to monitor the restructuring of the Bosnian police force, including a considerable reduction of its complement of 40 000 personnel.

37 Under the Dayton Agreement, the IPTF was set up to help bring order to Bosnia and to facilitate the elections and the arrest of war criminals for trial at The Hague. It was to encourage the Bosnian police force to assume the main role in law enforcement and inspection. Although the wording of the mandate was kept vague, the IPTF can "assist and advise" local officials to locate and arrest indicted war criminals, which, under the Dayton Agreement, is a task assigned to the signatory parties.

38 According to its mandate, the IPTF has also been given the right to seek support and reinforcement, should it meet with any obstruction or "refusal to comply with an IPTF request".

39 Altogether, it is thought that the general mandate, as formulated in Article III of the agreement on the IPTF, is providing sufficient opportunities to help re-establish the rule of law

in Bosnia. It seems, however, that the IPTF, which was created to implement the mandate, by no means has the staff and equipment to meet its obligations. Almost a year after its official establishment, it has only just started to operate at full strength and many of the tasks mentioned in the mandate have not even been considered for implementation. Whenever there is a real problem, the IPTF needs IFOR support and intervention.

40 Given that the international community, and even more so the European Union, has a direct interest in a peaceful environment in the newly-established independent states in former Yugoslavia, it should be more determined in its ambition to re-establish the rule of law in Bosnia.

41 Obviously, in the present post-conflict situation in which feelings of hate and revenge do not disappear overnight and where the rights of the strongest prevail, there is a need for an internationally-run public security force. This should be an armed body with a remit to maintain law and order, ensure freedom of movement and assist the civilian police in other aspects of law enforcement, including arrests.

42 Such a force should be bigger than the present IPTF, consist of well-trained officers who are familiar with all the issues mentioned in Article III, paragraph 1, of the present agreement on the IPTF and who share common values and a common language as regards the issues to be addressed. This force should be adequately equipped to be able to implement its mandate without the support or assistance of an IFOR successor force.

IV. War criminals

43 The search for and arrest of indicted war criminals has been a particularly sensitive issue since IFOR began its operations.

44 It should be noted that, under the Dayton Agreement, IFOR's tasks do not include setting up search parties to look for indicted war criminals. According to Article IX, paragraph g, of Annex 1-A to the Dayton Agreement, responsibility for arresting indicted war criminals lies with the three signatory parties to that Agreement. IFOR's task is to apprehend indicted war criminals where it comes across them in the course of carrying out its duties.

45. A NATO document published on 14 February 1996, states:

"Our policy remains that IFOR will detain and transfer to the International Criminal Tribunal for Former Yugoslavia (ICTY) persons indicted for war crimes by the Tribunal when it comes into contact with such persons in carrying out its duties. The ICTY is providing HQ IFOR with all available information on the persons indicted for war crimes and this information is being distributed to IFOR personnel."

46. Although, on 16 February 1996, a Memorandum of Understanding between NATO and ICTY was concluded in principle which included arrangements for detaining indicted war criminals who fall into the hands of the troops, it was not signed until 9 May 1996. In fact, the basic policy as defined by the Dayton Agreement had not changed. The MOU clearly defines the procedures now to be followed in such cases.

47. All Bosnian authorities have stressed that a new mandate for an IFOR successor force should include the task of searching for and arresting war criminals and bringing them to The Hague for trial.

48. Despite the fact that international arrest warrants have been issued for certain war criminals, in particular the Bosnian Serbs, Radovan Karadzic and Ratko Mladic, IFOR will not mount specific operations to arrest them. An international arrest warrant places a legal obligation on all states to arrest the accused if they enter the area of their jurisdiction. The Contact Group has confirmed that responsibility for arresting war criminals and bringing them to trial in The Hague rests with the authorities in former Yugoslavia¹.

49. Only recently, the outgoing chief prosecutor for the International Criminal Tribunal for Former Yugoslavia, Richard Goldstone, criticised the nations most closely involved in setting up the Tribunal for their failure to arrest the most notorious war criminals, and called it "pusillanimous"².

1. *International Herald Tribune*, 12 July 1996.

2. *International Herald Tribune*, 19 September 1996.

50. His successor, Mrs Louise Arbour, has appealed for a broader and more binding remit for the arrest of war criminals by any follow-up force in Bosnia, stating that NATO's restrictive interpretation of IFOR tasks was particularly disappointing.

51. A former chief prosecutor at Nuremberg has rightly said that there can be no reconciliation in Bosnia unless individual guilt for the appalling crimes committed during the conflict replaces the pernicious theory of collective guilt on which so much racial hatred hangs³.

52. It is known that war criminals such as Karadzic and Mladic are well protected by heavily armed bodyguards and that any operation to arrest them will cost human lives, including the lives of civilians who may be used as human shields. Political authorities also fear civilian unrest and retaliation by former Bosnian Serb troops against IFOR troops if important war criminals are arrested and brought to trial.

53. IFOR, and its commander, have repeatedly declared that it will arrest the war criminals by any means if the political leadership gives it the order to do so⁴.

54. At present, it seems unlikely that political authorities will instruct IFOR to search for and arrest war criminals for fear of unpredictable consequences. Under the Dayton Agreement, the governments of the signatory states are to hand over those indicted by the International Criminal Tribunal. If they refuse to do so, it is for the Contact Group to decide what measures to take, including the reimposition of sanctions.

55. It does not seem right for the Bosnian Government to point its finger at IFOR for not fulfilling what are, in effect, the Government's own obligations.

V. Mine-clearing

56. The territory of Bosnia is covered with mines. At present, roughly 50% of the estimated 14 500 mine fields have been identified and the data fed into a database. Many fields have not

3. *International Herald Tribune*, 23 May 1996.

4. *International Herald Tribune*, 8 July 1996.

yet been found because battle lines changed very rapidly during the conflict and also because mines were often laid in a haphazard way. Under the Dayton Agreement, mine-clearing is the responsibility of the parties to the conflict and they are indeed trying to help identify the location of mine fields.

57. According to estimates by experts, there are some five to six million mines in Bosnia. It will probably take up to 30 years to complete mine clearance in Bosnia. Although clearance is a task of the former warring factions, IFOR is providing practical support by sharing mine documentation information, assisting civilian agencies with mine awareness training and also providing them with transport assistance whenever possible.

58. Full-time mine-clearing has stopped for different reasons. Not only has demobilisation of large numbers of the armed forces sapped the human resources available for this activity, but the funds needed have also dried up. On the other hand, it should be noted that as far as IFOR is concerned, there is no urgent need to proceed because it has now met its displacement requirements.

59. Although IFOR will certainly insist on mine-clearing when there are overriding reasons for it, it takes the view that its authority to do so should only be exercised sparingly in order to keep it credible. At IFOR, it is also noted that making mine-clearing compulsory strongly erodes the quality of this activity whereas only 100% success is acceptable.

60. IFOR will, however, continue to refine its database and share its information. At the same time, it will deploy mine-marking packs and supervise the re-fencing of critical areas.

VI. Arms control agreement

61. In the Dayton Agreement, it was stipulated that negotiations on disarmament in former Yugoslavia should be completed by 6 June 1996 at the latest and result in a treaty reducing the size of the armed forces and the number of heavy weapons.

62. On 14 June 1996, the representatives of Bosnia and Herzegovina, the Republic of

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

63. The arms ceilings agreed are⁵:

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

64. Under the agreement, starting from 1 July 1996, the parties have 16 months in which to reduce the number of weapons they hold to specific levels. Excess weapons can be exported, destroyed, or put on fixed public display. Excess combat aircraft can be used for training if they are stripped of armaments.

65. After the signing of the arms control agreement, the United Nations Security Council voted on 18 June 1996 to end formally the arms embargo on the states of former Yugoslavia, but the European Union maintained its existing arms embargo. On 19 June, Operation Sharp Guard, the joint NATO-WEU naval blockade of former Yugoslavia was suspended, but not formally terminated.

66. On 2 October 1996, NATO and WEU announced the definitive end of Sharp Guard. During this operation, the naval units of both organisations stopped and questioned nearly 74 000 ships, boarded almost 6 000 and sent nearly 1 400 back to Italian ports. At the same time, WEU announced the end of its Danube

5. Source: *Atlantic News*, 11 June 1996.

operation, during which 6 748 inspections were carried out, leading to the discovery of 422 presumed violations of the embargo

67 Before the end of 1996, artillery, combat aircraft and attack helicopters will have to be reduced by 40% while battle tanks and armoured combat vehicles will have to be reduced by 20%

68 Verification of the implementation of the arms control agreement is in the hands of the OSCE, but IFOR provides information on the size of and reductions in the existing arsenals.

69 The role of IFOR in this framework should not be underestimated, since an important part of its continuing military tasks consists of monitoring arms and armed forces. IFOR verifies barracks and cantonments at a total of 700 sites, while it also continuously inspects arms storage sites. In any average IFOR brigade, one company has a full-time job in arms control.

70 It should also be remembered that IFOR, with its robust and modern armoured equipment, can command respect and as a consequence can more easily enforce verification and inspections if need be. The presence of a foreign military force is certainly providing leverage. Without it, implementation of the agreed arms reduction regime, which is considered important for regional stability, would be undermined.

71 The NATO Permanent Council's decision, on 2 October 1996, that IFOR will provide additional support to the OSCE for tasks related to the implementation of the arms control agreement, is therefore to be welcomed. IFOR will provide the OSCE with information on existing weapons, ensure the transport of any weapons in excess of the ceilings established by the agreement and provide engineering support for the destruction of such surplus weapons.

VII. The Vienna Agreement on confidence-building measures

72. On 2 February 1996, an initial agreement was concluded between the parties to the Bosnian conflict as foreseen in the Dayton Agreement and negotiated under the auspices of OSCE. The agreement involves 16 individual confidence-building measures including

- exchange of military information,
- constraints on certain military activities,
- withdrawal of heavy weapons,
- identification of armaments plants,
- military cooperation programmes,
- establishment of military liaison missions,
- commitments to the non-proliferation of weapons of mass destruction

73. Practice inspections based on the Vienna Agreement have already taken place but, as with the arms control agreement, it is very likely that the presence of IFOR is providing leverage and is an incentive for the signatories to comply with the agreement.

VIII. Rearmament of the armed forces of the Muslim-Croat Federation in Bosnia (equip and train)

74 Fully in line with its earlier policy and not connected with the Dayton Agreement, the United States has taken the initiative of equipping and training the armed forces of the Muslim-Croat Federation of Bosnia. The objective is to bring the Federation's arsenal up to the same level as that of the Serb Republic with a view to IFOR's withdrawal at the end of 1996.

75 The programme should result in an adequately sized, high-quality, well-trained and well-equipped force, not for the purpose of being aggressive, but of sending "an unmistakable message of deterrence to any potential aggressor"⁶. It is said that this programme also has a secondary goal of diminishing the continuing influence of Iran on Bosnia's army and security services.

76. The United States argues that neither entity should be weak to the point of not having a deterrent force in the event of hostilities resuming. It also takes the view that the arms control agreement is not enough to create the

⁶ *Atlantic News*, 8 August 1996.

necessary balance. The United States had offered \$100 million of the \$800 million it estimated would be needed for an "aid and equip" programme

77. At their meeting in Palermo on 9 and 10 March 1996, several European Union Foreign Ministers expressed serious reservations about the rearmament initiative.

78. Notwithstanding opposition from its European allies, the United States pursued its plan to re-arm the army of the Muslim-Croat Federation in Bosnia and on 15 March 1996, the Conference on the rearmament of the Muslim-Croat Federation of Bosnia was opened in Ankara at the initiative of the United States. The European Union was represented only by observers from 9 of its member states, with 11 Muslim countries participating

79. At the conference, the United States did not obtain the commitment of the announced \$800 million for its "equip and train" programme. Only Turkey promised \$2 million funding for training the Federation's officers, while the European Union refused to participate, saying that it gave priority to civil reconstruction

80. Under strong pressure from the United States, Muslim and Croat officials also agreed on the text of a national defence law, adopted by the Federation's Parliament on 9 July 1996. It provides for the integration of the Bosnian army, which is to consist of both Bosnian Croats and Muslims. According to the defence law, integration of the Muslim and Croat forces should be achieved in three years. The future joint armed forces are expected to have 55 000 troops, of which 40 000 will be Muslim and 15 000 Croat

81. The Deputy Defence Minister of the Federation of Bosnia and Herzegovina, Hasan Gengic, was confident that the integration of Muslim and Croat forces would succeed because both parties have an interest in the equip and train programme. The organisational structure of the new armed forces will be based on examples in the West, including arrangements for democratic political control. In the future, the armed forces will be largely professional combined with some degree of conscription

82. Mr Vladimir Soljic, the Defence Minister of the Federation, saw positive aspects in the equip and train programme. He was in favour of the European Union approach to have the lowest

possible level of arms in the region of former Yugoslavia but he argued that at the moment, the US policy was more realistic. The Federation had to acquire arms in order to be able to protect itself against the Serbs, who were still far too heavily armed. As regards the integration of the armed forces of Croats and Muslims in the Federation, he thought there might be budget problems for managing these forces. It would not be possible to have a common military doctrine because he could not imagine that the Croats in the Federation would take up arms if the Federation were attacked by the Republic of Croatia

83. For the United States, the merger of the two armies into one force was a condition for the start of the equip and train programme.

84. Apart from the United States' contribution, funding for weapon acquisition has come primarily from Saudi Arabia, Kuwait, the United Arab Emirates and Malaysia. Apart from the \$100 million in equipment which the United States is contributing, a total amount of \$140 million has been pledged by other states

85. The soldiers of the army of the Muslim-Croat Federation will be trained by Military Professional Resources Incorporated, a private organisation of retired US military officers

86. Poland has meanwhile resisted the United States' request to sell 45 Polish-made T-72 tanks to Bosnia, arguing that it stands by the decision of the Europeans not to arm any side in any way⁷

87. The United States has promised to provide, among other things, 45 M-60 tanks, 15 UH-1 helicopters, M-16 rifles and ammunition⁸. The first US arms shipment arrived on 29 August 1996

88. In June 1996, Turkey, with the support of the United States, started a programme to train Bosnian soldiers

89. It has been rightly argued by one critic⁹ that while the aim of the Dayton Agreement is to create a multi-ethnic nation, the equip-and-train programme almost seems designed to nullify it.

7 *International Herald Tribune*, 4 September 1996

8 *Financial Times* and *International Herald Tribune*, 4 July 1996

9 Frederick Bonnart in the *International Herald Tribune*, 12 September 1996

Opponents of a multi-ethnic nation will consider it to be greater justification of their drive for independence and eventual absorption of their neighbours

90 At the same time, it may well create circumstances in which the long-standing presence of foreign troops would be required to prevent any attempt to instigate a new inter-ethnic showdown. Instead of supplying new weapons, the main effort now should be directed at achieving an even balance by reducing arms all round

IX. IFOR support for the United Nations Transitional Administration in eastern Slavonia (UNTAES)

91 On 15 January 1996, the United Nations Security Council adopted Resolution 1037, establishing the United Nations Transitional Administration in eastern Slavonia (UNTAES), which should enable this region to be peacefully reintegrated in Croatia

92 A few weeks later, on 6 February 1996, the Belgian Government agreed to take over the command of the United Nations peacekeeping operation in eastern Slavonia, setting three conditions for its presence: a clear mandate, NATO military support via IFOR and the guarantee of the engagement of "credible" United Nations troops.

93 By mid-May 1996, UNTAES was almost completely in place. Out of a total of 5 467 persons, there were about 100 UN military observers (UNMO), 254 civilian policemen and 300 employees. The force is led by a Belgian Major-General, Josef Schoups, and is made up of contingents from the following countries: Belgium – 870 men (about 200 of whom are staff officers), including a mechanised infantry battalion (Belbat) of 625 Blue Berets; Russia – an infantry battalion of 949 men (Rusbat); Jordan – a battalion of 860 men (Jorbat); Pakistan – an infantry battalion of 978 Blue Berets (Pakbat); Slovak Republic – an engineering battalion of 588 men; Czech Republic – a medical unit of 39 persons; Ukraine – a heavy tank squadron with 160 men, a squadron of ten anti-tank helicopters with 124 men and a squadron of six transport planes with 150 men (or 434 in all); Indonesia – a medical

company (IndoMedCoy). Argentina – a reconnaissance squadron with 75 men. The United States has dispatched some military personnel, who are attached to the service of the UN administrator, the US diplomat Jacques Klein

94. NATO's Permanent Council decided in January 1996 to assist the peacekeeping force in eastern Slavonia with close air support if requested and with the provision of aid for a possible emergency withdrawal, were the situation to deteriorate. These tasks were to be implemented by IFOR, and since then, the North Atlantic Council has reiterated this commitment

95 Demilitarisation of eastern Slavonia formally started on 21 May, although it was already largely under way before that date. In fact, 85% of the heavy weapons held by the secessionist Serbs had left the region prior to the official start of demilitarisation. On 3 July 1996, the Security Council declared that demilitarisation had been accomplished successfully

96. Other problems remain to be solved such as the return of Croat refugees to their own region in which Serbs, who have always lived there, will also wish to remain. New ethnic tensions cannot be excluded. Furthermore, eastern Slavonia is facing problems similar to those in Bosnia, such as massive destruction of houses and infrastructure, numerous mine fields still to be cleared and a very high unemployment rate

97 Officially, the UNTAES mandate is due to end on 15 January 1997, with a possible extension of a maximum of one year. Croats would agree to an extension of three months, while Serbs would like to have the mandate extended by at least one year. The peacekeeping force is most likely to stay until July 1997 at least

X. Return of refugees and displaced persons

98. Under the Dayton Agreement, all refugees and displaced persons have the right to return to their homes. People should be allowed to move freely throughout Bosnia and the human rights of every Bosnian citizen should be monitored by an independent commission and an internationally-trained civilian police force

99 As a result of the conflict which has raged for four years, over half of the 4.4 million people forming the pre-war population of Bosnia have become refugees or displaced persons. The return and resettlement of so many people has only just started and it will by no means be easy, considering the massive destruction of houses, factories and basic infrastructure, the number of mine fields still to be cleared and the very high rate of unemployment in afflicted areas. This process will take many years, leaving aside the question of whether it will ever be fully accomplished. Until now, fewer than 100 000 out of a total of 2.4 million refugees have returned to their homes.

100 Freedom of movement is a preliminary condition for the return and resettlement of refugees and displaced persons. Although international organisations and IFOR too have made many efforts to promote freedom of movement, this has not yet been accomplished. At the elections of 14 September 1996 for instance, only 13 500 of the expected 100 000 refugees cast their votes in their former areas of residence¹⁰.

101 In the Dayton Agreement, responsibility for freedom of movement was assigned to the signatory parties.

102 However, according to Article VI, paragraph 3, of Annex 1-A to the Dayton Agreement: "IFOR shall have the right to fulfill its supporting tasks within the limits of its assigned principal tasks and available resources, and on request to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person."

103 Experience has also demonstrated that the daily presence of well-organised and neutral foreign forces can create a safe environment and gradually promote trust and confidence between the various ethnic communities which, in the longer term, will help to bring about freedom of movement and, ultimately, return and resettlement. It is obvious that this process cannot stop on 20 December 1996.

XI. Changes in the implementation of IFOR's mandate

104 From the start of operation "Joint Endeavour", both IFOR and NATO have been stressing the importance of implementing their tasks as mandated by the Dayton Agreement. IFOR was not supposed to become a police force or bodyguard. There was an almost paranoid fear of "mission creep", an extension of tasks beyond the original mandate.

105. At the very start of its operations, IFOR tried to concentrate on its main task of ensuring observance of the military provisions of the Dayton Agreement, which consisted in particular in:

- ensuring the separation of the warring parties and respect for the separation zones,
- checking that heavy weapons remain out of these areas

106 As a consequence, however, of increased activity by the ICTY to collect evidence for the indictment for war criminals, there was an urgent need for IFOR support and protection. On 14 February 1996 therefore, a NATO document was published setting out rules for "IFOR assistance to the International Tribunal". This document stated the position of IFOR as follows:

- "IFOR's main contribution is to provide a secure environment, in which other organisations – such as the ICTY – can carry out their mission unimpeded,
- our policy remains that IFOR will detain and transfer to the ICTY persons indicted for war crimes by the Tribunal when it comes into contact with such persons in carrying out their duties. The ICTY is providing HQ IFOR with all available information on the persons indicted for war crimes and this information is being distributed to IFOR personnel;
- IFOR will also provide logistical support to the ICTY case-by-case on request, to the extent that IFOR's primary duties and available resources permit. As an illustration of such support, NATO responded positively to an ICTY request

¹⁰ NRC-Handelsblad, 17 September 1996

to assist in the secure transport of two persons detained as suspects and potential witnesses from Sarajevo to The Hague on 12 February for further investigation by the Tribunal,

- NATO military authorities and the ICTY are continuing to refine the arrangements for IFOR's cooperation with the Tribunal. Given the confidentiality of ICTY's work, IFOR and the Tribunal will not release information on Tribunal requests to IFOR to assist in specific cases,
- the IFOR commanders will do their utmost within their capabilities to assist the ICTY in its work "

107 In March 1996, the NATO Permanent Council adopted political guidelines for SACEUR regarding IFOR assistance to the civilian sector. The Council stated that decisions on requests for aid from civilian organisations and the United Nations High Representative would be taken on a case-by-case basis, according to availability criteria. Such requests would specifically be aimed at

- the rebuilding of civilian society in Bosnia;
- the protection of evidence in and around mass graves.
- aid to refugees,
- aid to ICTY officials and to the International Police Task Force (IPTF).

108 On 13 March, the UN High Representative, Carl Bildt, called on the Alliance to provide more support, notably more transport, better security, more telephones, and asked it to take more of a lead in engineering projects. Furthermore, he requested support for the organisation of elections in Bosnia. This last request in particular was to cause problems for IFOR's exit strategy which, at that time, was planned to start during the summer in order to make sure that all troops could leave before the end of 1996.

109 Nevertheless, Mr Bildt's requests were met in principle by NATO placing at his disposal

- means of transport, especially planes and helicopters;

- communications equipment, including a satellite communications station

110 At the end of March 1996, General Joulwan, SACEUR, declared that IFOR would provide considerable support for the civilian reconstruction endeavour, focusing its efforts on repairing roads and bridges and on mine-clearing in order to help restore freedom of movement within Bosnia and at its borders, a vital condition for the holding of elections. The US Defence Secretary, William Perry, denied that IFOR was extending its role since missions to support civilian reconstruction were provided for by the peace agreement on Bosnia and Herzegovina

111 Later, IFOR Commander Admiral Leighton-Smith suggested making IFOR more mobile and reinforcing the process by means of helicopters and more military police¹¹

112 The North Atlantic Council, meeting in its Defence Ministers' session on 13 June in Brussels, confirmed the prime importance of IFOR's military mission but at the same time recognised the shift of emphasis which had occurred in the implementation of IFOR's tasks. In their communiqué, the ministers stated

"We noted with satisfaction that IFOR is providing increasing support for the civil aspects of the Peace Agreement within the limits of its resources and of the demands of its primary mission, in such areas as the conduct of elections, the return of refugees and displaced persons, and the maintenance of law and order. By continuing to ensure a secure environment and promote freedom of movement, IFOR will also make an important contribution to creating the conditions for free and fair elections. We will also continue to support the work of the International Criminal Tribunal for former Yugoslavia. The apprehending of war criminals and the investigation of war crimes are essential to bring justice and durable peace to Bosnia and Herzegovina."

113. In September 1996, the High Representative, Carl Bildt, asked for IFOR's assistance in setting up institutions after the 14 September elections. The NATO Permanent Council agreed to this in

¹¹ *Atlantic News*, 5 April 1996

principle but requested NATO's military authorities to study the possibilities of assisting the civil sector in Bosnia while asking Mr Bildt what type of assistance he wanted before taking a final decision. The Permanent Council also wanted to be able to determine whether these requests would be in line with IFOR's mission.

114 It should, however, be noted that the military tasks being carried out by IFOR still form the bulk of the workload, as can easily be concluded after a closer look at the following inventory:

- monitor compliance along 1 075 kilometres of the inter-ethnic boundary line (IEBL) and on the 4 300 square kilometres of the zone of separation (ZOS);
- continue to verify faction barrack / cantonments (over 700 sites).
- inspect AD storage sites,
- ensure freedom of movement,
- monitor mine clearance,
- continue joint military commission / military commissions / liaison work,
- surveillance tasks (including ICTY investigation sites),
- maintain 5 000 km of corps / division designated routes;
- security of bridge sites,
- security of routes / traffic control,
- maintain quick reaction forces,
- protect bases;
- sustain the force,
- support elections and civil agencies.

XII. Towards a post-IFOR

115. As a consequence of the slowness with which civil structures were being set up and

hostility between the ethnic groups, which was far greater than predicted, experts and politicians started, early in 1996, to consider and discuss the possibility of extending the peace mission in Bosnia

116 In this context, it is also worth mentioning that according to Michael Steiner, Deputy High Representative in Bosnia, a successor force to IFOR is required in order to provide Bosnia with the breathing space it needs. This force should stay at least until the next elections, to be held in 1998, and should have a mandate similar to the present IFOR mandate

117 Mr Steiner stressed that the results of the 14 September elections would have been far less nationalistic if voters had known that a massive presence of foreign troops after 20 December 1996 was guaranteed. People cast their votes for nationalist leaders because they wanted to be sure of being protected in the event of a fresh outbreak of hostilities after the announced departure of IFOR

118 All the political and military representatives of the Bosnian authorities whom your Rapporteur met during his recent visit to Bosnia and Herzegovina agreed that there will have to be a military successor force present on Bosnian territory if IFOR is going to pull out as planned

(a) The opinion of the European governments

119. On the fringe of the WEU extraordinary session held in London on 22-23 February 1996, Prime Minister John Major expressed doubts about the length of the IFOR mission being sufficient and suggested that alternative solutions should be considered.

120 In fact, the Foreign and Defence Ministers of WEU member states can be quoted as having said that IFOR will have to be followed up by a successor force if Europe and its allies want to make sure that Bosnia is not plunged into war again

121. It was therefore only logical that the Foreign Ministers of the European Union, meeting in Tralee, Ireland, on 9-10 September 1996, declared that they were in favour of European Union involvement in a stabilisation

plan for Bosnia which should last for about two years

122. A remarkable positive change is observable in the attitude of the German Government, which until now has only participated with medical, engineering and logistical units

123. Visiting Sarajevo on 18 September 1996, the German Defence Minister, Volker Ruhe, made it clear that Germany wants to participate fully in the post-IFOR force and that it is prepared to send infantry units with armoured vehicles into Bosnia. It seems likely that they would be part of Eurocorps units sent to Bosnia, which would be the first instance of their operational deployment¹²

124. At Bergen, on 26 September 1996, the Russian Defence Minister, Igor Rodionov, declared that Russia was in favour of continuing its cooperation with NATO in Bosnia because further bloodshed had to be avoided.

(b) The opinion of the United States

125. The United States has for a long time maintained its position that no changes should be made to the final date for the withdrawal of IFOR. Reflecting the US position, General Joulwan stated in March 1996 that the debate on a post-IFOR military presence could sap the current mission of its sense of urgency and that much of the momentum for peace would dry up.

126. According to many observers, this entrenched position is mainly a consequence of the domestic political situation in the United States. President Clinton, wrestling with an unwilling Congress, could only secure approval for sending US ground troops to Bosnia subject to a firm promise that the GIs would come back home within a year, i.e. before Christmas 1996.

127. Before leaving for the informal NATO Defence Ministers' meeting in Bergen, in late September 1996, the US Defence Secretary, William Perry, told the Senate's Armed Forces Committee that retention of a multinational force in Bosnia might not be necessary. He also said that, according to his analysis, a resumption of hostilities

12. *Frankfurter Allgemeine Zeitung*, 19 September 1996 and *Atlantic News*, 20 September 1996

could be prevented by the air force, without necessarily deploying troops on the ground

128. After the meeting in Bergen, however, Mr Perry recognised that support for the important aspects of the Dayton Agreement, such as freedom of movement, would require a substantial ground troop presence. He maintained that, according to the United States, no ground troops would be needed for deterrence.

129. Later, Undersecretary of State John Kornblum confirmed the US Government's position that it is willing to consider participating in a post-IFOR force if the NATO study being done demonstrates that its participation is appropriate and necessary¹³.

130. Meanwhile, the United States is continuing its masquerade to prepare for the withdrawal of all its troops from Bosnia according to the original mandate. At the time of writing this report (early October 1996), about 5 000 US soldiers are being sent to Bosnia in order to prepare for and oversee the withdrawal of IFOR. This new contingent, coming from the 1st Infantry division based in Germany, is to complete its mission in the course of March 1997.

131. The United States will most probably participate in a post-IFOR force, even with ground troops, partly because its international prestige would be at stake if it allowed the Dayton Agreement to collapse but also – and this may be the most important consideration – to secure the future of NATO and its own leading position in that organisation.

132. Europeans should bear in mind, however, that in the not too distant future they will have to face their own responsibilities for security in European territory. It should also be noted that refusal to accept long-term responsibility is a fundamental premise of US policy on former Yugoslavia.

(c) The alternatives

133. In the recent past, various suggestions have been made for solutions other than sending a post-IFOR force including American ground troops to Bosnia.

13. *Atlantic News*, 4 October 1996

134 The most frequently heard idea is that Europeans should establish a smaller force, probably without US ground troops, but supported by assets regarding which the United States has a predominant role, such as intelligence, air surveillance and logistics. This, it is suggested, could be an opportunity for a WEU-led force or a CJTF operation

135. European governments have categorically rejected this suggestion. They recall the UNPROFOR situation where the United States had no ground troops in Bosnia and where European troops had to pay the price of retaliation by warring factions for US air strikes. Europeans have learnt the lesson that unless all the countries involved in peacekeeping have troops on the ground, they take very different views of what can and should be done to keep the peace

136 Moreover, it should be noted that although a start was made in Berlin on working out the combined joint task forces (CJTF) concept, many details are still under discussion and more time is needed to implement it fully. Discussions on NATO's new command structures, which are closely connected with the CJTF concept and also with the Europeanisation of NATO, have not yet been concluded either. Moreover, NATO's Secretary-General, Javier Solana, has rightly stated that the new NATO military structure now being developed, including CJTF, cannot be used in the absence of European unity¹⁴.

137. As regards the question of whether the Europeans would be able to assume their responsibilities in a purely European military operation after the end of the IFOR mission in December 1996, there is little cause for optimism. At the intergovernmental conference reviewing the Maastricht Treaty, no progress has been made on creating a framework for the development of a European foreign and security policy. A common European defence policy, which should be considered a logical consequence of the common foreign and security policy, is therefore still an objective for the future rather than a tangible reality

138. It has also been suggested that the OSCE should be given a more important role, including

the establishment of a lasting peace in Bosnia. Indeed, the arms control agreement and the Vienna Agreement on confidence-building measures, both concluded under the auspices of the OSCE – which is also responsible for supervising their implementation – are important instruments for achieving increased transparency in security matters and could foster a stable regional balance which is vital for a permanent political settlement

139. It should be noted, however, that the OSCE lacks the operational capabilities and strong unified structure that are indispensable for an authoritative role in the sort of sustained operation required in Bosnia. Moreover, it is common knowledge that until now all initiatives and proposals to reinforce the OSCE have been torpedoed by various coalitions of national delegations

(d) NATO activities

140. At their meeting on 13 June 1996, NATO Defence Ministers agreed to conduct an urgent review of future military options in former Yugoslavia immediately after the 14 September elections in Bosnia. At the same time, the US Defence Secretary, William Perry, offered to recommit US forces in 1997 if NATO decided that a fresh mission in Bosnia was needed.

141. At the beginning of August 1996, the North Atlantic Council and SACEUR designated Headquarters Allied Land Forces Central Europe (HQ LANDCENT) as the nucleus of a new headquarters to assume command and control of operation "Joint Endeavour". HQ LANDCENT will deploy forces and take on missions and commitments of both IFOR headquarters, as theatre headquarters, and ARRC headquarters as the land component. When it was designated, HQ LANDCENT was supposed to assume responsibility for organising the IFOR withdrawal, but it is now supposed to become the headquarters of the IFOR successor force, most likely with the current LANDCENT commander, the US General William Crouch, as its commander, one British and one French deputy commander and a German chief-of-staff

142. Meeting informally in Bergen (Norway), on 25-26 September 1996, NATO Defence Ministers noted unanimously that it was

¹⁴ *Atlantic News*, 4 October 1996.

undoubtedly necessary to create a post-IFOR force in Bosnia with a new mandate, and policy guidelines were being drawn up in order to enable the competent military authorities at SACEUR to start contingency planning.

143 Following an agreement between NATO Defence Ministers in Bergen, on 2 October 1996, NATO's Permanent Council decided that IFOR would remain at full capacity until after the municipal elections. Earlier, it had already been decided that IFOR would support the OSCE in preparing for the municipal elections, provided these took place before the end of its mandate.

144 The municipal elections, which are now scheduled for 24 November 1996, will require a huge military effort to protect voters who insist on voting in the towns from which they were expelled.

XIII. Post-IFOR tasks

145 According to NATO Secretary-General, Javier Solana, the objective of a NATO post-IFOR force should be to assist progress towards stability in the region and provide an environment of security while permanent institutions are established and the parties fully assume their responsibilities. German Defence Minister, Volker Ruhe, hoped that the post-IFOR force would receive a mandate to pursue, and not only to detain, war criminals. In his view, an international peacekeeping force cannot cohabit with war criminals.

146 Bosnian authorities have made it clear to your Rapporteur that an IFOR successor force should be given a mandate different from the present one. General Delic called the present IFOR mandate inadequate because it was too weak. He argued in particular that it had forced IFOR to confirm the division of Bosnia rather than promote its integration. The inter-ethnic boundary line had become a symbol of disintegration.

147. According to the Bosnian authorities, the mandate for an IFOR successor force should at least include the following three main tasks:

- guarding and protecting the international border of Bosnia and Herzegovina, while adopting a much

lower profile at the inter-ethnic boundary line.

- enabling the return and resettlement of refugees and displaced persons, including support for the physical protection of those people who wish to return to their homes.
- searching for and arresting war criminals in order to bring them to trial before the International Criminal Tribunal in The Hague.

148. At their informal meeting in Bergen, on 25 September 1996, NATO's Defence Ministers indicated that the purpose of a post-IFOR force would be deterrence and stabilisation.

149 Among the many options for a new post-IFOR force mandate now being examined at NATO, are maintaining a safe environment, guaranteeing freedom of movement, contributing to disarmament and demobilisation, assuming policing tasks, taking charge of military tasks in order to prevent hostilities or attempts to interfere with the safe areas, and continuing to assist UNTAES in eastern Slavonia.

150. It must be clearly understood that the primary task of an IFOR successor force will remain the prevention of a new armed conflict between the three different ethnic entities and ensuring that the parties continue to observe the military obligations of the Dayton Agreement. As a consequence, IFOR II will need to have robust forces at its disposal in order to have a deterrent effect.

151. This apart, there are two difficult issues which will need particular attention when the mandate for an IFOR successor force is decided: the inter-ethnic boundary line and freedom of movement in a broad sense.

152 The inter-ethnic boundary line (IEBL) poses a quandary for which it would seem there is no appropriate solution. On the one hand, Annex 1-A to the Dayton Agreement, setting out the agreement on military aspects of the peace settlement, imposed a zone of separation which had to be controlled and, if need be, enforced by IFOR. It was rightly thought that this would be the best way of preventing a fresh outbreak of inter-ethnic fighting. Justifiably, IFOR consid-

ered this and the implementation of related articles in the agreement to be its main task. As a consequence, the IEBL has been transformed into a geographical border between the former warring parties with a limited number of well-guarded "border passages". On the other hand, the basic idea of the Dayton Agreement was to create a multi-ethnic state with multi- and supra-ethnic institutions, in which the populations on both sides were supposed to live in relative harmony. To all appearances, however, the realisation of this fundamental ideal will take many years.

153. Even an IFOR successor force will still have to be given a primary mandate to guard and patrol the IEBL, and to monitor or enforce compliance with all the articles of the agreement on the military aspects of the peace settlement.

154. What can and should an IFOR successor force do as regards freedom of movement? It should be remembered here that under Article VI, paragraph 3 d, of the abovementioned agreement, IFOR has the right "to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and persons".

155. Although in the Dayton Agreement, Bosnia and Herzegovina was defined as a single, multi-ethnic state, it must be recognised that notwithstanding the many efforts made by the myriad aid organisations and the omnipresence of IFOR, freedom of movement, including return and resettlement, is still only wishful thinking.

156. Should it be a task of the IFOR successor force to impose and enforce freedom of movement? The present commanding officers of IFOR all agree that this is impossible to achieve. It is argued that since the Dayton Agreement came into effect in December 1995, people have – of their own will or under pressure – tended to move from their traditional or temporary homes into zones under the control of their respective national authorities. A *de facto* ethnic division has now been established. Whether one likes it or not, there is no choice but to accept the facts. If people do not feel confident enough to mix with other ethnic entities, they cannot be forced to do so. The most one can hope for is phased integration, which will take many years.

157. Overall, it seems that, compared to the existing mandate, the mandate for an IFOR successor force should not be adapted. IFOR's experience has demonstrated that the present mandate is flexible enough and that it allows for interpretations enabling it to respond to changing circumstances and requirements.

XIV. IFOR and the future of NATO

158. It is no secret that operation "Joint Endeavour", the first large-scale military operation ever mounted by NATO ground forces, is also a litmus test of the solidarity and internal cohesion of the Atlantic Alliance. IFOR has involved France cooperating closely and harmoniously with the military structures of NATO.

159. In a speech at Georgetown University on 20 February 1996, Mr Solana emphasised the importance of the IFOR operation, not only from a military point of view, but also because of its wider significance. He considered IFOR to be a model for the transatlantic partnership of the 21st century. IFOR reflected the new direction NATO has taken since the Gulf war in order to "enlarge our security community to include the new democracies of central and eastern Europe". It reinforced NATO's links with all those countries, including Russia.

160. According to Secretary-General Solana, IFOR will have a profound effect on the future course of European security and on NATO's role in it. He has argued that establishing IFOR, drawn from over 30 countries, has provided a model for future operations and demonstrated the practical value of the Partnership for Peace. Some observers have noted that the CJTF concept is having a trial run in Bosnia, driven partly by the requirements of assembling IFOR from Alliance and non-Alliance troops and asset contributions. At NATO it is thought that the IFOR experience will facilitate intensified bilateral dialogue on enlargement, which NATO will conduct with partners throughout 1996, and will inject fresh momentum into NATO-Russian relations.

161. The United States has clearly understood that if it were to pull out its ground troops, its European allies would do the same. At the same time, the United States is perfectly well aware

that its participation with ground troops in an IFOR successor force is vitally important for the future of NATO. If the United States, as the leading nation in NATO, were to withdraw its troops from the first major NATO ground forces operation ever mounted and leave it to its allies to prolong NATO's military presence in Bosnia, it would severely damage its credibility as the guarantor of security in Europe and seriously jeopardise the future of NATO. A US withdrawal would also have a very negative influence on the attitude France would take and would give it another good reason to insist on thorough NATO restructuring and, in particular, greater Europeanisation of NATO

162. In general, European public support for NATO would diminish while, at the same time, the US public might no longer see any good reason to pledge considerable financial and military contributions to an organisation in which the United States no longer wishes to play a preponderant role.

163. All these considerations have been weighed by the US Government, which at this very moment is emphasising the importance of NATO for Europe's security and insisting on early enlargement of NATO to take in candidates from central Europe

164. For all these and many other reasons, the United States has no other choice than to participate in a post-IFOR force with ground troops and other vital assets in the fields of intelligence, communications and logistics. It will make this clear soon after the presidential elections in early November 1996.

XV. Conclusions

165. IFOR's presence in Bosnia has had many positive effects, not least in that it has kept the peace. On the other hand, it should be noted that some of IFOR's activities, which were strictly based on its mandate, have created a situation contrary to the basic philosophy of the Dayton Accords, which envisaged the creation of viable democratic and multi- or supra-ethnic institutions

166. In practice, it is clear that the inter-ethnic boundary line with its wide zone of separation for security reasons has been transformed into a

geographical border between the former warring parties, at the same time creating the prerequisites for a lasting partition. Under these circumstances, the elections – which in fact took place far too early – were bound to confirm the ambitions of nationalist leaders who had plunged the country into a war resulting in a separation of the various ethnic communities. For the foreseeable future, the elections have merely consolidated the barriers separating the three ethnic enclaves. As a consequence of the nationalistic election results, the requirement for a continued presence of foreign troops has become even more urgent

167. The elections on 14 September might have produced a different result if IFOR had been given the task of policing the country in order to give democratic forces a fair electoral chance and allow greater participation by the refugees who were chased from their original homes. But none of the nations participating in IFOR wants to entrust it with a tough policing mission

168. The main reason for a continued presence of foreign troops in Bosnia is to provide protection and security for the population.

169. The IPTF could have played a useful role in policing missions, but it has until now been rather ineffective because it lacked the numbers, the staff and the equipment to meet its task as formulated in the mandate. If Europe is really serious in its ambition to re-establish the rule of law in Bosnia and Herzegovina, it should send an international public security force to that country. This should be an armed body with a remit to maintain law and order, ensure freedom of movement and assist the civilian police in other aspects of law enforcement, including arrests.

170. Such a force should be bigger than the present IPTF, consist of well-trained officers who are familiar with all the issues mentioned in Article III, paragraph 1, of the present agreement on the IPTF and who share common values and a common language as regards the issues to be addressed. This force should be adequately equipped to be able to implement its mandate without the support or assistance of an IFOR successor force. It seems only logical that this IPTF successor force should be organised under WEU auspices with contributions from member states.

171. A simple pull-out of foreign troops from Bosnia within a year will lead to a partition of the country and a resumption of fighting with the Bosnian Muslims, who are still in the weakest position, both economically and militarily.

172. Continued foreign involvement will at least provide Bosnia with an opportunity to establish the minimum number of constitutional bodies which are necessary for it to be run as an organised and recognised state. Only then will Bosnia be able to work on its future and address the vital question of reconciliation without which no lasting peace is possible.

173. It would be overambitious to draft a new and different mandate for the necessary IFOR

successor force. It has been argued in Chapter XIII of this report that the present IFOR mandate is flexible enough to meet even changing requirements.

174. As regards the size of the post-IFOR force, no figures have yet been given, but it should consist of between 25 000 and 30 000 men, with a core of three brigades, each containing some 6 000 to 7 000 men. Most probably, these forces will be lighter and more mobile, but heavy arms will also have to be included, if only to remind the former warring parties that any attempt to resume hostilities will meet with an appropriate response.

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