

**NO EARLY EXIT:
NATO'S CONTINUING CHALLENGE IN BOSNIA**

22 May 2001

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BOSNIA AND HERZEGOVINA



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EXECUTIVE SUMMARY

NATO-led troops have played a vital part in securing the peace in Bosnia and Herzegovina (Bosnia) since their arrival in December 1995. Although authorised by the Dayton Peace Agreement to assist civilian implementation, the military is not obliged to do so. Yet, by evolving in response to developments, the mission has contributed - albeit belatedly and inconsistently - to international civilian efforts to construct a viable state. This shift was reflected in the change of the mission's name in 1996 from Implementation Force (IFOR) to Stabilisation Force (SFOR).

At the same time, the size of the force has shrunk from over 60,000 troops in 1995-96 to some 22,000 today. The contribution of the United States has fallen from 20,000 troops at the outset to 3,300 - from roughly one-third to one-sixth of the total, despite the facts that America spearheaded the intervention in 1995, and continues to exercise overall command of SFOR. On the other hand, the U.S. still provides the single largest national contingent. In Kosovo, by contrast, the American contribution of some 7,000 troops to KFOR is twice as large, but constitutes just 14 per cent of the total.

The Bush Administration wants to reduce U.S. military commitments in the Balkans. Some 750 troops were withdrawn earlier this year, and the Pentagon is believed to seek cuts in SFOR of between 5,000 and 10,000, with U.S. troop levels dropping to 2,000. In this context, the German, Russian and Czech governments announced they would reduce or withdraw their SFOR contingents in the near future. Comments in the British press about the United Kingdom's military over-extension have been common for some time.

This apparent rush to reduce SFOR and/or KFOR flies in the face of needs on the ground. With a general election scheduled in Kosovo for 17 November - and Albanian insurgencies near Kosovo's southern borders still erupting - there is little scope for force reductions there.¹ NATO governments may thus see Bosnia as the only place from which troops can be extracted. This would be an error. Contrary to assertions by U.S. Defence Secretary Donald Rumsfeld, the job of the military in Bosnia is far from 'done'.² Reductions now would also disregard the fact that the improvements to SFOR's strategic reserves, intelligence structure and policing capacity which were promised in spring 2000 in justification of the last force reduction (from 30,000 to 20,000) are far from having been made.

¹ The question of international troop drawdown in Kosovo will be considered in a future ICG report.

² Thomas E Ricks, 'Possible Military Overhaul Outlined', *The Washington Post*, 18 May 2001.

Although the Dayton Agreement is five and a half years old, only in the last 18 months has the international community shown much muscle in challenging hard-liners who had previously stymied the peace process. This new resolve, reinforced by changes of government in Croatia and Serbia and by the emergence of a multiethnic, pro-Dayton, coalition government in Sarajevo following the November 2000 elections, means that prospects for building a stable Bosnia and a self-sustaining peace are better than ever.

The battle, however, is far from won. A period of robust implementation, focusing on concrete benchmarks, is necessary. Abandoning the full Dayton agenda now would mean consigning the country to a state of simmering unrest requiring near-permanent foreign military occupation or, at worst, to a renewal of hostilities following its desertion by the international community. NATO would then have to return in circumstances far less propitious than today's. The over-riding lesson of the past decade in Southeast Europe must be that an ounce of prevention is worth a pound of cure.

As the civilian international agencies and local democratic forces continue to tackle obstructionist elements, the presence of SFOR to provide a 'safe and secure' environment is more crucial than ever. Recent rioting by Dayton's Bosnian Serb and Croat enemies in Banja Luka, Trebinje and Mostar - and the increasing incidence of attacks on refugees seeking to return to their homes - demonstrate that radical elements have become more desperate and dangerous. Experience has shown that the credible display of force by SFOR is necessary to deter such violence. In addition, more arrests by SFOR of persons indicted by The Hague Tribunal would improve the political and security situations, while making it clear that individuals, not nations, bear responsibility for wartime atrocities.

The United States and its allies should make no significant reductions in SFOR's strength or equipment until the benchmarks set out in this report are met. The reasons are several:

- Such force reductions are self-reinforcing. U.S. cuts could call into question the commitments of other contributors. This trend jeopardises SFOR's ability to support civilian implementation, so risking the whole peacekeeping effort since 1995.
- Compared to some of their European partners, the U.S. and Britain have been more ready more often to cut to the core of issues in Bosnia, and put pressure on faint-hearted or uncooperative local and international authorities. Without their lead in supporting Dayton's full implementation, the international community may lack the will to see the job through. This role has been sustained in the case of the U.S. by its leading military position in both NATO and SFOR.
- Any significant cuts in SFOR levels now would strengthen Bosnia's hard-liners and encourage extremists throughout the Balkans. Their long-time belief that they can wait out the international community would seem justified. A U.S. draw-down, in particular, would undermine confidence in the security environment, swaying electoral support behind extremists at a time when they are losing both votes and legitimacy.
- Perceptions that U.S. and other contingents were growing ever weaker in manpower and resources could encourage attacks on international civilians or on SFOR itself.

- It is far from obvious that replacing front-line infantry battalions by smaller numbers of military police or special forces (Military Specialised Units, or MSUs) would or could make up for the loss.
- Regional sources of instability require a credible NATO presence. Yugoslav President Vojislav Kostunica and Republika Srpska Premier Mladen Ivanic have stated that an independent Montenegro or Kosovo would cast doubt on Republika Srpska's future in Bosnia. In the absence of a NATO deterrent backed up by the U.S., any such move to redraw borders would probably spark new conflict.
- SFOR's success or failure has implications for NATO beyond the region. U.S. reductions below credible levels in the Balkans would add weight to arguments for a European Rapid Reaction Force independent of NATO, and risk fragmenting the very alliance whose salvation made U.S. intervention in Bosnia essential by 1995.

RECOMMENDATIONS

1. The NATO Council of Ministers should resist arguments in favour of force reductions in Bosnia at this sensitive time.
2. NATO should resolve to maintain a credible military presence and accept publicly its forces' duty to support civilian implementation tasks until Bosnia is ready to exercise the responsibilities now entrusted to the international community, as measured against the benchmarks on the rule of law, security and democratic institutions set out in this report.
3. SFOR must fulfil its own conditions for the force reductions agreed last year regarding the provision of strategic reserves, enhanced intelligence capacity and MSU deployment before further cuts can be contemplated.
4. SFOR contingents should pursue indicted war criminals more assiduously, even if that means modifications in the doctrine of 'force protection'.
5. The U.S. and UK, in particular, should not undermine the NATO mission in Bosnia by continuing to make disproportionate cuts in the size or capacity of their forces.

Sarajevo/Brussels, 22 May 2001



NO EARLY EXIT:

NATO'S CONTINUING CHALLENGE IN BOSNIA

I. THE STATE OF DAYTON IN 2001

Washington's belated assertion of leadership in putting an end to the war in Bosnia during 1995 led both inexorably and haphazardly to proximity talks in Dayton, Ohio, in November and to the signature in Paris in December of the General Framework Agreement for Peace in Bosnia and Herzegovina. Although the Dayton Agreement put an end to the fighting, Annex 4, containing the constitution of Bosnia and Herzegovina, was seriously flawed as a model for successful post-war government. Its main shortcoming was to make it possible for the parties that had fought the war to form the post-war state government, as well as the administrations of the two entities, while providing them with more than enough scope to obstruct the functioning of all these levels of government.³

In the case of the Federation, the five years of 'power sharing' between Bosniaks and Croats that followed in fact meant a tacit agreement between the SDA (Party for Democratic Action) and the HDZ (Croatian Democratic Union) to split political and economic control down the middle. The effect of this policy, and its reinforcement of increasingly corrupt nationalist regimes, is most dramatically illustrated in the divided city of Mostar.⁴

The second major flaw in the Dayton Agreement was that it legitimised Republika Srpska, an ethnically exclusive mini-state established through an attempted genocide, and embodying the separatist war aims of the SDS (Serb Democratic Party). The leaders of Republika Srpska have fought every attempt to realise the integrative potential of Dayton. So far, they have usually won.

The result of endowing Bosnia with two asymmetrical and antithetical entities is that it continues to have three armies, three police forces, three intelligence services, at least two sets of paramilitary commands, and no central government worthy of the name.

³ For a fuller analysis of the implications of the Dayton structure and the role of the international community in creating a sustainable peace, see ICG Balkans Report No 108, *After Milosevic: A Practical Agenda for Lasting Peace in the Balkans*, Chapter 7, 'Bosnia and Herzegovina', 2 April 2001.

⁴ In Mostar the Croats and Bosniaks have separate bureaucracies, budgets, police forces, school systems, pension funds, phone companies, etc, so demonstrating the way that ethnic division lines the pockets of the political elites, while stifling the overall capacity of the economy. For a fuller analysis, see ICG Balkans Report No 90, 'Reunifying Mostar: Opportunities for Progress', 19 April 2000.

Finally, the Dayton constitution introduced the concept of collective rights, termed 'vital interests', but failed to define these interests and the institutions competent to protect them. The implication, however, was that ethnically exclusive political parties would always represent and defend 'their' nations' interests.

It would, however, be premature to conclude that the Dayton Agreement has failed because of these shortcomings, especially since the international community has only recently begun to use the reserve powers provided under Dayton to push those aspects of the treaty which undermine the aims of Bosnia's wartime elites. These include the integrative aspects of the agreement, such as the latent powers of the common state and Federation institutions, as well as the right of all Bosnians to return to their pre-war homes. Just as significantly, the international community has also been slow to ensure the professionalism and political independence of the judiciary and law-enforcement agencies, or to bring transparency to the economic structures which have heretofore kept the nationalist elites in power. As the author of an internal UNMIBH (UN Mission in Bosnia and Herzegovina) report noted fourteen months ago, '[f]our years since the Dayton Peace Accords, an objective assessment of the overall situation in Bosnia and Herzegovina is that the international community is at the beginning, not the middle, of self-sustaining peace implementation.'⁵

The international community must recognise that, under Dayton, many of the functions of the state are at the mercy of the two (or, in reality, three) entities, and that it will require continuing intervention by a proactive High Representative if the state is to begin to work. Obstructionist elements remain strong in many parts of the country, depriving the international community of partners in power who would be honestly interested in finding better solutions than those devised at Dayton. Therefore, a robust period of enforcement by the High Representative - backed up by SFOR - is required to support the return of minorities, to empower the organs of the central government, and to tackle the endemic links between the rejectionist political parties and organised crime. Only when anti-Dayton elites have been marginalised will amendments to Dayton itself prove possible in order to confirm the existence of a viable democratic state and sustainable peace.⁶

II. THE CONTINUING NEED FOR SFOR

IFOR's core tasks, related to the separation of forces, supervising the collection and concentration of heavy weapons and ensuring freedom of international movement, were defined so modestly in the Dayton Agreement that they were completed within six months or so. Thereafter, the international force was ineluctably if haphazardly drawn into performing a wider range of security-related

⁵ UNMIBH Report, 9 March 2000.

⁶ Although some leaders of both the HDZ and the SDS have begun to employ more moderate rhetoric and to claim to support human rights, the most telling proof of the real intentions of these parties has been their continued obstruction of the implementation of Annex 7, the right to return. Due to concerted pressure on the basis of the internationally-backed PLIP (Property Law Implementation Plan), about 20 per cent of claims for the return of pre-war property have been resolved. Still, in certain areas, such as SDS-controlled municipalities in eastern Republika Srpska and HDZ-controlled areas in Herzegovina, compliance with the law by local housing authorities is appallingly low. This is a measure of the poor capacity of local institutions, the unwillingness of municipal authorities to protect minority rights, and the generally slow progress in the implementation of Annex 7.

tasks. The purpose of this shift from 'implementation' to 'stabilisation' is well described in NATO'S own language: 'By successfully accomplishing [its] principal military tasks, SFOR will contribute to a secure environment within which civilian agencies can continue to carry out the process of economic development, reconstruction, political institutions, and an overall climate of reconciliation for BH and its citizens. ... SFOR will work closely with the High Representative, the International Police Task Force, the UN High Commissioner for Refugees, the OSCE, and the International Criminal Tribunal for the Former Yugoslavia (ICTY) ... to assist their efforts ... which are essential to the long-term consolidation of peace in BH.'⁷

The entrenchment of anti-Dayton parties in many areas, wielding control over local police forces and maintaining links to paramilitary organisations, has meant that the civilian international agencies working in Bosnia cannot operate effectively without SFOR support. Nor can ordinary Bosnians necessarily go about their lawful business. The rioting and violence aimed at Muslim clerics, pilgrims and international officials which took place in Trebinje and Banja Luka in early May - and the intimidation of local citizens and the taking of international hostages that accompanied the raids on Hercegovacka Banka during April - demonstrate this fact all too clearly. In these cases, the absence of adequate SFOR security permitted what ought to have been predictable and minor demonstrations of dissent by Serb and Croat chauvinists to get out of hand, the local police showing themselves to be not only unwilling to prevent these disturbances, but complicit in them.

Perhaps more importantly - if less spectacularly in the absence of television cameras - the failure of local police to do their jobs in too many municipalities threatens to halt one of the key peace-making processes: the return of refugees and displaced persons. Such returns have finally begun to achieve real momentum in many parts of the country. UNHCR reported on 9 May an increase of 100 per cent in minority returns in the first three months of 2001, compared to the corresponding period of 2000.⁸ Yet the simultaneously increasing incidence of attacks on minority returnees by extremists and politically manipulated refugees (who have been settled in towns and villages 'cleansed' during the war) could reverse this breakthrough. So long as the police cannot be relied upon, only SFOR can fill the security gap, creating and maintaining a climate favourable to return.

A. Support for international organisations: The case of Hercegovacka Banka

When the HDZ-led Croat National Congress (HNS) declared a rogue government in March 2001 in reaction to the implementation of the November election results,

⁷ Supreme Headquarters Allied Powers Europe (SHAPE), *Information Booklet on NATO, SHAPE and Allied Command Europe*, September 2000, p. 42. The SFOR website says: "For lasting peace in Bosnia and Herzegovina, full implementation of the civilian aspects of the Peace Agreement is crucial. By continuing the implementation of the military aspects of the Dayton Agreement, NATO is helping to ensure a secure environment conducive to civil and political reconstruction." (<http://www.nato.int/sfor/docu/d981116a.htm>)

⁸ UNHCR Press Release, 9 May 2001. The figures were 15,593 and 7,654, respectively. However, half the returns were by Serbs to the Federation.

Croat members of the army and police were torn between allegiance to the Federation and their newly-proclaimed 'Croat self-government'. SFOR took the necessary steps to ensure that separatists did not remove weapons from major storage facilities in areas where they had popular support. At that time, one high-ranking international official expressed concern to ICG that elements of the HVO (Croat Defence Council) might go underground as a paramilitary organisation.⁹ ICG also learned that many Croats in the Federation army, police, judiciary, and other parts of the bureaucracy were being dragooned into supporting the 'self-government'.¹⁰

These fears were partially confirmed on 6 April, when international officials from OHR, banking specialists contracted and flown in from the U.S., and Federation tax inspectors attempted to conduct a surprise audit of Hercegovacka Banka at its headquarters and several of its branches. Besides serving as the main financial institution of the HDZ-run parastate, the bank was believed to hold accounts deriving from illegal activities on the part of the HDZ and some of its godfathers. OHR co-ordinated the mission with SFOR command (COMSFOR) in Sarajevo, where it was agreed that SFOR would provide all necessary security.

In Orasje, Vitez and Tomislavgrad, American, Danish and Canadian units provided full security for the auditors of the bank's branch offices. Although these operations were met by groups of angry protestors, a review of documents in the banks was successfully completed without major incident. In these areas SFOR provided a significant show of force, as well as an outer perimeter of security, known as a 'green box', around the banks. However, at the main office in Mostar, as well as at a number of branches in Herzegovina (including offices in Mostar, Grude, Medjugorje and Posusje), the auditors were confronted by well-organised mobs that beat international officials and Federation authorities. In the worst case, in Grude, hostages were taken and threatened with execution, unless and until materials taken from the bank were returned. This blackmail worked.

All the towns in which the mobs were successful in frustrating the auditors' access to bank documentation are located in that part of Bosnia under the control of SFOR's French-led division. Participants in OHR's operation, both expatriates and Bosnians, expressed bitterness over SFOR's failure, despite its previous assurances, to extend adequate security cover to civilians from the start of the operation. However, having assessed the security risk as low, French SFOR in these areas did not provide the 'green box' of wider protection, sending only a few Italian Carabinieri to each building, including even the headquarters of the bank.¹¹ In subsequent press briefings, SFOR lamely explained that it had failed to assess the security risk correctly. (This may well be so, since SFOR's intelligence capacity is reported to be only 55 per cent of what was agreed when the spring 2000 force review approved the last major round of cuts.)¹² Yet this does not

⁹ ICG interview with an informant who wishes to remain unnamed. The HVO is the Croat component of the divided Federation army.

¹⁰ Based on extensive interviews with international and Bosnian officials.

¹¹ Account based on interviews with international and Bosnian participants in operations at a number of different branches.

¹² ICG interview with a senior international official, 15 May 2001. Other information made available to ICG suggests that the planning staff at Allied Military Intelligence Battalion headquarters at Butmir may have been reduced by more than two thirds during the past eighteen months.

explain why SFOR then also failed to send in forces to rescue the international and local civilians trapped in the banks, who reportedly called for help as the crisis unfolded over the course of several hours. On the other hand, security at the French base in Ortijes, miles away from the trouble, was beefed up markedly during these events.

Aside from the failure of French-led SFOR units to control the crowds or to provide timely assistance to the beleaguered civilians, the local police in Mostar, Grude and other towns signally failed to restore order. In fact, local police officers in plain clothes were present among the rioters. The most prominent of them was Dragan Mandic, the minister of the interior of Canton 7 (where Mostar is located). It was he who led protests in front of the Mostar office of OHR in which international vehicles were set on fire, rocks thrown and shots fired. Although SFOR and OHR issued a puzzling press statement commending the local police for doing 'a good job', the High Representative later sacked Mandic for failing to control the rioters.

The events of 6 April illustrated a number of important lessons about SFOR support for civilian implementation tasks.

- They highlighted the nexus of crime and corruption that underpins Bosnia's entrenched nationalist parties. One of the most violent incidents since Dayton was provoked by an attempt to audit the accounts of a political party long accustomed to running a party-state and commercial fiefdom.
- They suggested desperation within the extreme wing of the HDZ, and indicated that the international community's more robust strategy was having an effect.
- The involvement of local police in organising and leading the riots showed that it was naive to assume that they would, on their own, uphold the rule of law or provide the requisite level of protection if the perceived interests of 'their' nationality were at risk.
- Finally, the success of the operations outside the French sector demonstrated that a credible show of force by SFOR remains an effective deterrent, notwithstanding SFOR's regular refrain that it is not a police force - or more recent arguments that what SFOR needs is not infantry and armour, but lightly armed MSUs (Military Specialised Units).

In Bosnia it seems that fully-equipped troops still have more clout than carabinieri or gendarmes, especially when the latter are deployed in inadequate numbers and under the same rules of engagement as apply to normal SFOR units. In other words, the potential benefit to be had from military police trained in dealing with civil disorder has yet to be realised, more especially as only about half the MSU detachments promised a year ago have materialised.¹³ MSUs can contribute to closing the security gap, but only if they are available and provided with

¹³ The spring 2000 SFOR review, which authorised a 10,000-man force reduction, also envisaged the deployment of nineteen MSU platoons. In fact, only eleven have been provided (by France, Italy and Spain). MSUs are in very short supply. Information provided to ICG by senior international officials, 15 and 17 May 2001.

appropriate orders. Until that happens, claims by NATO that MSUs are up to twice as effective as infantry should be treated with scepticism.

The Hercegovacka Banka operation also points to a failure of co-ordination and political will: both among the various national contingents making up SFOR and inside the international civilian organisations. The fact that different armies provided significantly different levels of security not only poses the question of whether the U.S. commander of SFOR, General Michael Dodson, has effective control over the other national units ostensibly under his command, but also invites speculation about the extent to which OHR is itself united in seeking to create a unified Bosnian state. High-ranking French officials in OHR have in the past expressed considerable scepticism about the whole Dayton agenda, contending that Bosnia is not a 'real' country and that it will, in time, have to be partitioned.¹⁴

B. Security for returning refugees and displaced persons

Under the Dayton Agreement, SFOR has authority to provide security in support of the 'free movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person.'¹⁵ Unfortunately, prior to 1999, SFOR refused to assume a significant measure of responsibility for protecting returnees. Since then, co-ordination between international organisations dealing with returns and SFOR has improved markedly, through the work of both the joint Return and Reconstruction Task Force (RRTF) and the Property Law Implementation Plan (PLIP). This is one of the reasons why 2000 saw significant minority returns throughout the country, including 'breakthrough' returns to areas of eastern Republika Srpska where some of the worst war crimes had been committed and which were, as a result, considered impervious to return.¹⁶

Although local authorities and police in a good many areas have proved willing and able to protect returning minority groups, other regions have presented systematic problems. Last year, over 400 hostile acts against minority returnees were reported to the UN's International Police Task Force (IPTF). The incidence of attacks has continued to increase in 2001, even though IPTF's admittedly incomplete figures show significant monthly variations, whether in terms of the number of incidents reported, the nationality of the victims, or the venues. Hostility towards returnees has been greatest in Croat majority regions of Herzegovina, the mixed Bosniak-Croat Canton 6 (central Bosnia) and, above all, in parts of eastern Republika Srpska, particularly this year in the municipalities of Rogatica, Visegrad and Zvornik. (Nearly half of the 59 incidents reported in April took place in Zvornik.)¹⁷ The nature and seriousness of the incidents also varies,

¹⁴ See Chuck Sudetic, 'The Reluctant Gendarme: Why is France Protecting Indicted War Criminals in the Sector of Bosnia it Controls?', *The Atlantic Monthly*, April 2000.

¹⁵ General Framework Agreement for Peace in Bosnia and Herzegovina, Annex 1A, Article VI, paragraph 3d.

¹⁶ For an in depth analysis of the breakthrough in minority returns last year, see ICG Balkans Report No 95, 'Bosnia's Refugee Logjam Breaks: Is the International Community Ready?', 30 May 2000.

¹⁷ Incidents of persecution of returnees increase in response to events. The anti-Muslim riots in Trebinje on 5 May and in Banja Luka on 7 May were followed by an upsurge in attacks on Serb returnees to the Federation, particularly in Sarajevo and Zenica. In April, 60 per cent of the victims of

ranging from attacks on property to beatings and - in one case last year in Bratunac - to murder. Last spring and summer, Bosniak returnees to Janja in the Bijeljina municipality were the targets of angry mobs, with over 30 houses torched or destroyed while a Russian SFOR detachment looked on. The vast majority of such attacks do not result in apprehension and prosecution of the perpetrators. Moreover, local housing officials who seek to obey the law and do their jobs are also subjected to intimidation and reprisals.¹⁸

It is often argued, not least by SFOR itself, that the local authorities should be providing security to returnees, policing evictions of illegal occupants, and supporting other Dayton tasks. While this is obviously true, it must also be acknowledged that it is not yet possible in a number of areas, owing to the complicity of these same authorities in orchestrating opposition to returnees. Moreover, the UN process of certifying police officers in Republika Srpska is not complete. Nor has much yet been done in the way of subsequent background checks of police. As a result, some individuals who led or participated in wartime ethnic cleansing remain in the police.¹⁹

While there are many examples of SFOR units successfully providing security to returnees, it must be recognised that SFOR support is inconsistent, and that there are striking differences in the willingness of SFOR's various components to make use of their authority under the DPA. The Russian and Italian troops who stood by as mobs attacked Bosniaks in Bratunac and Janja last summer are cases in point. On the other hand, the opening of a small U.S. SFOR base in Bratunac in April this year sent a signal of encouragement to would-be returnees that SFOR would secure their right to return. Until such time as the local police and judiciary can be counted on to protect minorities throughout Bosnia, SFOR will need to underwrite both their human and Dayton rights.

The increasing incidence of attacks on minority returnees is a matter of serious concern which SFOR and IPTF must make ever-greater efforts to counter. But it is also a measure of the extent to which the refugee logjam has broken and the enemies of Dayton are resorting to desperate and violent strategies to stem the flow. As is the case with so many other aspects of Dayton implementation at present, the situation is fraught equally with promise and menace.

C. Other civilian tasks requiring SFOR security

If the lesson offered by SFOR's provision of security for both the raids on Hercegovacka Banka and returnees to eastern Republika Srpska is that much

attacks were Bosniaks, 25 per cent were Serbs, and 15 per cent were Croats. Information supplied to ICG by UNMIBH, 10 May 2001.

¹⁸ 'Waiting on the doorstep: minority returns to eastern Republika Srpska', Amnesty International, 11 July 2000. The arrival of U.S. SFOR units did, after two days, at least put an end to the destruction in Janja.

¹⁹ In researching a relatively small number (eighteen) of municipalities in Republika Srpska, ICG found evidence linking over twenty current police officers to wartime ethnic cleansing. Five had received provisional certification from UNMIBH. Although certification can and has been withdrawn on numerous occasions, UNMIBH does not aim to complete its two-phase investigation of police officers until 2002. See ICG Balkans Report No 103, 'War Criminals in Bosnia's Republika Srpska: Who are the People in Your Neighbourhood?', 2 November 2000.

more of it is necessary, there is no shortage of other areas in which SFOR can and should assist in securing the peace. These include:

- Helping to control Bosnia's frontiers. Bosnia's porous borders allow for a relatively free flow of goods and persons, especially between Yugoslavia and Republika Srpska and between Croatia and 'Herzeg-Bosna'. This traffic includes weapons, paramilitary groups, contraband of all sorts, would-be asylum seekers, and women being sold into prostitution. Also, a number of indicted war criminals pass frequently across the border between Yugoslavia and Bosnia, including Ratko Mladic and Radovan Karadzic.²⁰
- Assisting UNMIBH in integrating police forces and ensuring their professionalism. UNMIBH has the authority to decertify police officers, thereby barring them from carrying out police functions; but IPTF officers are not armed and cannot physically prevent disqualified policemen from working. In Multinational Division Southwest (the British-Canadian-Dutch zone embracing Canton 10), however, SFOR has intervened to stop such defiance.
- Providing security for the full integration of Bosniak-Croat institutions in the Federation. This is particularly needful in regard to the Federation army. During the recent defiance in Herzegovina, SFOR had to secure heavy weapons sites in areas supporting Croat 'self-government'. It has subsequently guaranteed access to barracks to loyal soldiers.
- Raiding sites suspected of housing illegal weapons, rogue intelligence agencies, or armaments and equipment of paramilitary groups. For example, SFOR's 'Westar' raid in west Mostar in October 1999 uncovered links between the Croatian and Bosnian Croat intelligence services, espionage directed at international community officials, and proof of overt criminal activity.²¹
- Guiding the process of unifying the command structures of Bosnia's three armies so that they can begin to participate in international missions and permit Bosnia, one day, to enter NATO's Partnership for Peace programme.
- Assisting in making the Bosnian armed forces more professional and less susceptible to political influence. The office of the Inspector General screens the officers of the local armed forces to ensure that they do not meddle in politics. Two U.S. Army officers sit on this body, with six officers from the three Bosnian armies. Recent events in HVO-controlled areas

²⁰ Frequently local and occasionally international media report on Karadzic's movements within eastern RS and into Serbia and Montenegro. A recent report alleges that Karadzic crosses the Drina River by boat near Janja, and that local officials and Russian SFOR are aware of this, an allegation that Russian SFOR firmly denies. 'Karadzic u Srbiju prelazi camcem preko Drine kod Janje', *Dnevni avaz*, 23 April 2001.

²¹ On the other hand, SFOR's capacity either to analyse or to make effective public use of the incriminating evidence seized on this occasion has been questioned by a senior UNMIBH official. Correspondence with ICG, 13 May 2001.

have shown that SFOR must carry out this function if party-political control over the armed services is to be minimised.

- Stepping up arrests of persons indicted by The Hague Tribunal (ICTY). Although some SFOR contingents have made numerous arrests (notably the British), others (including the Americans and the French) have not. Until such time as the local authorities, particularly in Republika Srpska, improve their co-operation with The Hague and begin to arrest indictees, SFOR will have to carry the main burden of supporting the ICTY. (An estimated 26 indictees are currently at liberty in Republika Srpska.) U.S. and French forces must play a more active part in arresting indicted war criminals within their zones, including the most notorious among them, Mladic and Karadzic. SFOR's mixed performance to date in pursuing, arresting and extraditing indicted war criminals is a prime example of how the U.S. doctrine of 'force protection' is compromising the effectiveness of SFOR and delaying the creation of conditions which will eventually permit withdrawal.²²

These examples are not comprehensive, since it is impossible to predict all of the security issues that may arise as hard-liners throughout Bosnia lose their stranglehold on power. The Benchmarks section of this report describes the basic tasks that the international community and local officials must complete before more SFOR reductions will be feasible.

III. WHY A U.S. PRESENCE REMAINS VITAL

As noted, the complement of 3,300 U.S. troops currently stationed in Bosnia is less than half the size of that in Kosovo. Moreover, these soldiers may face less risk of physical harm than their counterparts in other parts of the Balkans. During the five and a half years of U.S. engagement in Bosnia, the only American casualties have been the result of traffic accidents and one suicide. But if the size of America's contribution to SFOR is small in comparison to other outposts of U.S. military power, its local impact remains disproportionately great. In fact, the maintenance of U.S. troops in Bosnia at something like their current strength allows the U.S. to play an essential role in both setting the agenda for consolidating peace and creating the conditions that will permit an honourable withdrawal when the job is done. At present, the entire SFOR command structure and operational system are organised according to U.S. military practices and standards, as is the NATO norm. The departure of U.S. forces would put the operational viability of a mixed bag of NATO and non-NATO contingents to a serious test, for the U.S. is the only SFOR participant to provide either the heads or members of staff for each and every operational unit in the SFOR command.

²² 'The Bosnia deployment [by the U.S.] resembles nothing more than the moon landings, with the principal objective being to send men far away and bring them back safely.' Gideon Rose, 'The Exit Strategy Delusion', *Foreign Affairs*, January-February 1998, p. 66.

A. Ensuring regional stability

Given the crucial part played by the United States in ending the Bosnian conflict and brokering the Dayton Peace Accords, many Bosnians see the U.S. as their champion in opposition to some European political currents which appear to favour the re-partition of Bosnia. Whether or not any such risk exists, any perception that the U.S. is preparing to withdraw will send a message to hard-liners in Bosnia - and to recidivists in Serbia and Croatia - that the U.S. is also likely to prove indifferent to another partition. While the new Croatian government fully supports a sovereign and unified Bosnia, Yugoslav President Kostunica and members of his administration have actively supported the war aims of the SDS in the past and continue to back separatist elements in Republika Srpska (RS) today. Both Kostunica and RS Prime Minister Ivanic have linked the final status of Montenegro and Kosovo with that of Republika Srpska, floating the notion that the latter might provide 'compensation' for Belgrade's possible loss of the former.

Any attempted carve-up of this sort could incite serious conflict in Bosnia, as the 200,000 Muslim refugees and displaced persons from the eastern RS would certainly seek to fight the permanent loss to Bosnia of the towns and villages from which they were expelled during the war. The Bosniak component of the Federation army could not and would not stand aside. Now much stronger than the Republika Srpska army, it would also find it impossible to resist the temptation to wrest other lost territories from the RS. Whatever the result of such a rematch, one outcome would be certain: there would be a new mass outpouring of refugees in several directions.

Bosnian Muslims still support overwhelmingly a multiethnic society and the principle of peaceful return. But any recrudescence of the wartime partition plans that would have relegated Bosniaks to a mini-state around Sarajevo will radicalise Muslims. Existential fears will undoubtedly result in stronger ties between Bosniaks and Islamic countries and terrorist groups.

A major U.S. force reduction at this time would offer a significant fillip to those in Southeast Europe who continue to dream of 'greater' states. Yet, as the ongoing Macedonian crisis has shown, NATO troops can play an important role in preventing an escalation of conflict. With the effective detachment of Kosovo and the formal separation of Montenegro from Yugoslavia likely in the mid-term, NATO must be prepared to calm potential new conflicts before they begin. To withdraw now would be to ignore the key lesson of Bosnia: preventing conflict is infinitely less time consuming, costly and painful than coping with the effects of war.

B. Fighting separatist wrecking

The November 2000 Bosnian elections led to the formation, for the first time since the war, of non-nationalist, multiethnic, coalition governments at the state and Federation levels. In Republika Srpska, however, the separatist SDS re-emerged as the strongest party, winning the presidency and vice-presidency, even if it was unable to form the government. In the Federation, the HDZ retained its grip on Croats' votes, even as it was being manoeuvred out of office

by changes to the election rules and successful coalition-building on the part of the Social Democrat-led Alliance for Change. Wounded by this turn of events, the HDZ has since been testing the resolve of the international community, a process its anti-Dayton counterparts in the RS have been watching with satisfaction bordering on glee. Initial U.S. hesitancy over involving NATO in resolving Albanian insurgencies in southern Serbia or northern Macedonia may have influenced the HDZ's decision to push for Croat 'self-government' in late February.²³

Although perhaps justified from a strictly military perspective, the withdrawal of 750 troops from Bosnia by the Bush Administration early this year sent the wrong signal at the wrong time. Corresponding German and Russian withdrawals of some 10 per cent of their respective SFOR contingents have since been notified, while the Czechs have proposed to leave Bosnia entirely. More reductions of this sort must be avoided if the long overdue erosion of the extremists' influence in Bosnia is not to be reversed.

C. Keeping NATO together

The success of the SFOR mission in Bosnia will be a test of NATO's ability both to ensure stability in Europe and to operate 'out of area'. The U.S. played a lead role in the NATO mission to Bosnia in the days of UNPROFOR and IFOR in 1995-96, and continues to do so today in SFOR. It remains the single largest contributor to SFOR and provides the force commander and headquarters structure. In the worst-case scenario, an attempted re-partition of Bosnia and the renewal of hostilities could follow a complete U.S. withdrawal. Such a turn of events would validate the view that NATO has outlived its usefulness. It would also be a humiliation of the first magnitude. But even a phased draw-down of U.S. forces would lend support to those in NATO who argue that America has become an unreliable ally. In particular, it would sustain the French view that the proposed European Rapid Reaction Force must be capable of operating outside the U.S.-dominated NATO command structure and, in effect, form the nucleus of an independent European army. Given that the principal reason why the United States came to the rescue of Bosnia, UNPROFOR and its NATO allies in 1995 was to save the Atlantic Alliance from disintegrating, this would be an ironic coda to Bosnian peace-making and peace-keeping.

D. Making sure SFOR does its job

While the contingents of the 30 NATO and non-NATO states which contribute to SFOR are all subordinate to COMSFOR and operate according to common rules of engagement, some national units appear to interpret these in line with the different priorities of their respective governments and military traditions. For example, when the deployment of KFOR was announced following the 1999 bombing of Yugoslavia, part of the Russian SFOR contingent from Ugljevik in eastern Bosnia dashed to Pristina Airport to establish Russia's military and political influence in Kosovo. As noted above, certain SFOR units have remained impassive in the face of violence directed against people seeking to reclaim their homes in

²³ Interview with high-ranking diplomat in Bosnia and anonymous international intelligence source.

areas from which they had been 'cleansed'. Nor have all SFOR units responded with equivalent rigour or effectiveness when called upon - and agreeing - to assist in other peace-implementation tasks. The failure to provide sufficient security for OHR's raids on Hercegovacka Banka branches in the French sector not only highlighted problems of co-ordination within and between SFOR units, but also raised questions about France's commitment to Dayton. French representatives in Bosnia's Peace Implementation Council (PIC) reportedly opposed taking any tough measures against the HDZ following the 6 April violence, one of them asking out loud, 'Who will protect SFOR?'²⁴ A subsequent and technically successful operation in west Mostar to seize hard disks from the bank for auditing purposes was - significantly - led by a British SAS unit.

In addition to problems of co-ordination, varying national priorities and capacities, and perhaps natural rivalries among SFOR contingents, connections between SFOR units and local political and economic structures can also compromise the force. The Sarajevo press has recently reported on correspondence between the Federation Ministry of Defence and SFOR regarding the Spanish SFOR contingent in Medjugorje and a contract it signed with the HVO in Citluk in 1993 for use of a camp. It appears that the Spanish battalion has been paying two unknown representatives of the Citluk municipality DM 171,000 per month, in cash, for eight years.²⁵ SFOR is not supposed to pay for premises, let alone in such an irregular manner.

Commentators have also remarked on the 'pro-Serb bias' in the French army and intelligence services, as well as on reputed links between French troops in Bosnia and local power elites in Republika Srpska.²⁶ The French sector in Bosnia was infamous in 1997-98 as an area where indicted Serb war criminals could go about freely, without fear of arrest. Suspected ties between French and Serb intelligence services seemed to be partially confirmed in 1998, when a French officer in SFOR was court-martialled for leaking secrets to Belgrade,²⁷ and later when a French officer admitted passing NATO target plans to Yugoslavia in advance of the 1999 bombing.²⁸ In addition, a French intelligence officer in Bosnia reportedly compromised a joint mission to apprehend Karadzic by tipping him off about the operation.²⁹

Following the arrest by French SFOR of the SDS leader Momcilo Krajisnik, some of the criticism levelled against the French subsided, but sources in British intelligence are said to claim that the French continue to oppose Karadzic's arrest.³⁰ The killing in obscure circumstances of the war crimes suspect Dragan

²⁴ The query by the French representative was reported to ICG by an informant who wishes to remain anonymous. The PIC is the inter-governmental body established by and comprising the 55 states, international organisations and agencies that attended the December 1995 London Peace Implementation Conference. The PIC nominates and, in effect, mandates the High Representative in Bosnia.

²⁵ 'U Spanskom Bataljonu ne znaju imena ljudi kojima su platili 20 miliona maraka', *Dnevni avaz*, 18 April 2001.

²⁶ See especially, Sudetic, 'The Reluctant Gendarme'.

²⁷ 'UK: Raid to snatch Serb also aimed to silence French critics', *The International Herald Tribune*, 5 April 2000.

²⁸ 'NATO spy leaked bombing raid plans to the Serbs', *The Guardian*, 9 March 2000.

²⁹ Sudetic, 'The Reluctant Gendarme'.

³⁰ 'France puts block on SAS's Karadzic Snatch', *The Daily Telegraph*, 14 August 2000.

Gagovic by French SFOR near Foca has also raised suspicions. Gagovic had reportedly begun negotiations to turn himself in before being shot by French soldiers as he attempted to run a roadblock. The French subsequently refused to show the videotape of the operation to their U.S. SFOR commander.³¹ Sources who spoke with Gagovic a few days before his botched arrest told ICG that Gagovic feared he would be killed before he got to The Hague if he turned himself in to SFOR.

Although the French government has denied reports that French troops purchased fuel in Republika Srpska from associates of Karadzic,³² other evidence has emerged of questionable commercial links between French companies and the Milosevic regime during the years when sanctions were in force.³³ A scandal involving the alleged recruitment of Serb mercenaries by French intelligence to fight for the former Zaire dictator Mobutu Sese Seko raised more eyebrows about pro-Serb bias in the French intelligence services.³⁴

Whatever the reasons behind the varying agendas and policies of the SFOR contingents in Bosnia, it is clear that the continuing influence of the U.S. and UK is needed to ensure that SFOR stays the course in helping to create a stable and unified Bosnia. Diplomatic representatives of Britain and America have played an important role in pushing the international community towards a more robust implementation of the Dayton Accords over the last two years. This has included recent moves to dismantle parallel financing mechanisms and illegal governing structures in the Federation. Continued pressure will be required to ensure that the international community completes the task of implementing Dayton and setting the stage for an international withdrawal. As noted above, this process requires closer and more effective co-operation between SFOR and civilian international agencies. SFOR must provide the requisite security for the international organisations working to create the political, economic and institutional conditions that will preserve the peace. Force reductions at this stage will put this effort at risk.

E. Facilitating Bosnia's European future

The panoply of international civilian advisers, officials and pro-consuls will not be able to complete their jobs in Bosnia unless and until SFOR adopts and implements a broader and more proactive view of its security mission. The current security gap militates against the establishment of Bosnian institutions capable of ensuring the rule of law, apprehending war criminals, facilitating refugee return, creating a common market, depriving separatist elements of their political and economic power, and winning the support and trust of the majority of Bosnians - let alone taking part in the process of European integration. Bosnia's future lies in Europe, but no real start can be made along this road so long as Bosnian governments cannot exercise the basic competencies of a sovereign and legitimate state. Representatives of the international community must, meanwhile, avoid falling back on the excuse that the local authorities are

³¹ See Sudetic, 'The Reluctant Gendarme'.

³² 'French envoy denies Karadzic supplying fuel to NATO's French troops', *BBC Monitoring International Reports*, 25 March 2000.

³³ Sudetic, 'The Reluctant Gendarme'.

³⁴ *Ibid.*

invariably to blame when progress falters or things go wrong. Whatever the weaknesses of the latter, they and the international community know all too well whom it is that still calls the shots. When, with SFOR's help, the security situation has been stabilised, it will be time to hold local politicians to account and to send SFOR home. Then, too, can Bosnia begin the process of integrating into European institutions and making the further transformations necessary to consolidate an effective democracy and market economy.

IV. BENCHMARKS FOR COMPLETION OF THE SFOR MISSION

The time for SFOR withdrawal will not have come until the following benchmarks have been met. Any force reductions or reconfigurations mooted in the meantime must be carefully calibrated to reflect the progressive attainment of these benchmarks.

A. Institutionalising the rule of law

- The UN Mission must have completed its certification of all police forces in Bosnia to ensure their professionalism and commitment to upholding the law. This process must have included extensive background checks on the wartime activities of serving officers.
- The Bosnian police and judiciary must have established a track record of operating independently of locally entrenched political and commercial elites and without ethnic bias. In particular, they must have demonstrated a serious resolve to investigate and prosecute those engaging in violence and intimidation against minority returnees and their property.
- State, entity, cantonal, and municipal authorities throughout Bosnia must be showing respect for minority rights, including providing equal access to employment, social services and the privatisation process. In particular, local housing officials must have processed a substantial majority of claims by refugees and displaced persons for the return of their pre-war properties.

B. Enhancing the security environment

- Local authorities and police in all parts of Bosnia must be arresting indicted war criminals of their own nationality for extradition to The Hague or for trial in Bosnian courts - including those in the 'other' entity.
- Paramilitary forces must have been eliminated from the entire territory of Bosnia and prohibited from operating from across Bosnia's borders.
- Bosnia's three armies and three intelligence services should have been brought under a unified command and provided with a single budget - or else they must have been disbanded. Any surviving state army must have been depoliticised and professionalised, so permitting Bosnia to join NATO's Partnership for Peace.

C. Building Bosnian institutions

- The capacity and competence of the state Ministry of Refugees and Displaced Persons - and its counterparts at the entity and cantonal levels - must have been enhanced to the point that these institutions are operating effectively and without either ethnic bias or undue political influence.
- A unified state customs service and effective border service must be in place, so permitting the state both to benefit from revenues collected and to control its heretofore porous frontiers.
- Parallel Bosniak and Croat administrations in the Federation must have been dismantled. A specific test would be the long-delayed reunification of Mostar.
- The Constitutional Court decision on the equality of the constituent peoples of Bosnia must have been implemented in full, thereby removing discriminatory clauses in the entity constitutions and legislation and paving the way for institutional reform.
- A permanent election law must have been adopted by parliament, and Bosnia must have demonstrated its ability to hold free, fair and secure elections without the tutelage of the OSCE.
- Bosnian state institutions must have taken over primary responsibility for facilitating economic development and ensuring the operation of a common market

Sarajevo/Brussels, 22 May 2001

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Director, Campaign for Good Governance, Sierra Leone

Alan Blinken

Former U.S. Ambassador to Belgium

Emma Bonino

Member of the European Parliament; former European Commissioner

Maria Livanos Cattai

Secretary-General, International Chamber of Commerce

Eugene Chien

Deputy Secretary General to the President, Taiwan

Wesley Clark

Former NATO Supreme Allied Commander, Europe

Jacques Delors

Former President of the European Commission

Uffe Ellemann-Jensen

Former Foreign Minister of Denmark

Gernot Erlar

Vice-President, Social Democratic Party, German Bundestag

Mark Eyskens

Former Prime Minister of Belgium

Yoichi Funabashi

Journalist and author

Bronislaw Geremek

Former Foreign Minister of Poland

I.K.Gujral

Former Prime Minister of India

Han Sung-Joo

Former Foreign Minister of Korea

El Hassan bin Talal

Chairman, Arab Thought Forum

Marianne Heiberg

Senior Researcher, Norwegian Institute of International Affairs

Elliott F Kulick

Chairman, Pegasus International

Joanne Leedom-Ackerman

Novelist and journalist

Todung Mulya Lubis

Human rights lawyer and author

Allan J MacEachen

Former Deputy Prime Minister of Canada

Graça Machel

Former Minister of Education, Mozambique

Barbara McDougall

Former Secretary of State for External Affairs, Canada

Matthew McHugh

Counsellor to the President, The World Bank

Mo Mowlam

Former Secretary of State for Northern Ireland

Christine Ockrent

Journalist

Timothy Ong

Chairman, Asia Inc magazine

Wayne Owens

President, Center for Middle East Peace and Economic Co-operation

Cyril Ramaphosa

Former Secretary-General, African National Congress; Chairman, New Africa Investments Ltd

Fidel Ramos

Former President of the Philippines

Michel Rocard

Member of the European Parliament; former Prime Minister of France

Volker Ruhe

Vice-President, Christian Democrats, German Bundestag; former German Defence Minister

Mohamed Sahnoun

Special Adviser to the United Nations Secretary-General

William Shawcross

Journalist and author

Michael Sohlman

Executive Director of the Nobel Foundation

George Soros

Chairman, Open Society Institute

Eduardo Stein

Former Foreign Minister of Guatemala

Pär Stenbäck

Former Minister of Foreign Affairs, Finland

Thorvald Stoltenberg

Former Minister of Foreign Affairs, Norway

William O Taylor

Chairman Emeritus, The Boston Globe

Ed van Thijn

Former Minister of Interior, The Netherlands; former Mayor of Amsterdam

Simone Veil

Former Member of the European Parliament; former Minister for Health, France

Shirley Williams

Former British Secretary of State for Education and Science; Member House of Lords

Grigory Yavlinsky

Member of the Russian Duma

Mortimer Zuckerman

Chairman and Editor-in-Chief, US News and World Report