

[21 CONFIDENTIAL]

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INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA



Palais des Nations, 1211 Geneva 10
95 MAY 13 14:18

Office of the Co-Chairmen

CZY 46

CGZ 24

CODED CABLE

G/A 5037

To: The Secretary-General

Copy: Goulding/Annan/Gharekan (New York) (ONLY)
Akashi (Zagreb) (ONLY)

From: Stoltenberg *[Signature]*

Date: 13 May, 1995

Subject: Developments in the Contact Group

The Contact Group met in Frankfurt on Friday 12 May, at the level of Political Directors. Members of the Contact Group consider that they are making progress and expect further progress in the coming weeks. The Russians are more and more absent from the work of the Group and Zotov did not participate in the meeting yesterday. The Americans, on the other hand, while participating in it, are forging ahead with direct talks with President Milosevic and the American member of the group, Frasier, is expected to see Milosevic again soon.

On the issue of FRY recognition of Bosnia and Herzegovina there is agreement on the formulations and on format and participation of an eventual meeting at which recognition would be achieved.

On the issue of sanctions, the Contact group approach is to work for the suspension of sanctions on condition that Milosevic recognises B-H, supports the Contact Group plan for B-H, and maintains the closure of the border with the Bosnian Serbs. Should the Bosnian Serbs accept the Contact Group plan, the sanctions now suspended would be lifted. It would be understood that if the FRY goes back on any of its commitments, sanctions would return into force. The approach is being discussed with Milosevic but it is far from clear whether he could accept simply the suspension or limited lifting of sanctions.

On the issue of the closure of the borders of the FRY towards the Bosnian Serbs members of the Contact Group are agreed on the need to strengthen the mission. Lord Owen and I have indicated to members of the Contact Group that we would support arrangements that could relieve us from the time-consuming work with the ICFY Mission in Belgrade. An idea is under discussion with Milosevic to place the border control mission under the auspices of the OSCE were the FRY to be re-admitted to that organisation.



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changes, and that although attempts might be made to please the BH Government it could not demand changes, Neville-Jones reluctantly suggested (i.e. without even a personal endorsement) that consideration might be given to adding to the current procedure a further certification by the Head of Mission to the report he submits to the Co-Chairmen, that the report is true according to all the information available to him. Participants agreed to consider this.

10. Again, as in London, it seemed to be assumed that the Head of Mission be replaced -- but there was never any discussion or explanation of this assumption, or formalization as a proposal.

Next Meeting/Ministerial Meeting

11. For planning purposes it was tentatively agreed that the next Contact Group meeting, apparently again at Political Director level, take place next Friday, 12 May, at the FCO in London, at 10:00.

12. It was originally suggested that the Group might then consider immediately proceeding to the field, i.e. specifically to Belgrade. To this it was objected that if the Group presented to Milosevic another set of proposals that did not yet have Ministerial endorsement, he would merely make some more counter-proposals; consequently, a Ministerial meeting (for which no date was suggested) should precede any visit to Belgrade. No decision was reached.

13. Subject to your agreement, I am prepared to attend next Friday's meeting, if held as scheduled. However, for personal reasons I would have to return to New York that evening.

Communiqué/Press Guidelines

14. The attached draft Communiqué was circulated, which was revised as indicated.

Message from ICFY Co-Chairmen about 100-truck Convoy

15. At the end of the meeting, a request from the Co-Chairmen was read for Contact Group Governments to consider on an urgent basis the authorization of the passage of a 100-truck convoy carrying agricultural products and food to pass exceptionally through Bosnia in view of the current military activities in Croatia. It was agreed that this was outside the competence of the Group, but that the French Government, as host of the meeting, should immediately convey this request to the Chairman of the Sanctions Committee, for urgent action.

W. O. O'Connell
BH CG 5 May 1972

CERTAIN FINANCIAL SERVICES WOULD BE ALLOWED SO THAT PERMITTED TRADE CAN BE CARRIED OUT. NEW ACCOUNTS COULD BE ESTABLISHED TO CONDUCT TRADE. ALL PAYMENTS TO FRY ENTITIES FOR PERMITTED TRADE WOULD BE PAID INTO THESE NEW ACCOUNTS. THESE ACCOUNTS WOULD BE REGISTERED WITH AND MONITORED BY NATIONAL AUTHORITIES. FRY IMPORTS WOULD BE PURCHASED USING FUNDS IN THESE NEW ACCOUNTS OR WITH CASH AVAILABLE TO FRY ENTITIES. EXTENSIONS OF CREDIT, LOANS, TRADE FINANCING, INVESTMENTS IN THE FRY AND OTHER TRANSFERS TO THE FRY OR TO FRY ENTITIES WOULD REMAIN PROHIBITED. (LETTERS OF CREDIT SECURED WITH FUNDS IN THE NEW ACCOUNTS COULD BE OPENED.)

FUNDS AND OTHER ASSETS NOW REQUIRED TO BE FROZEN WOULD REMAIN SO AND WOULD NOT BE RELEASED FOR ANY PURPOSE. FUNDS COULD NOT BE RELEASED FOR HUMANITARIAN PURCHASES BECAUSE SUCH PURCHASES COULD BE MADE THROUGH THE TRADE FINANCING ARRANGEMENTS OUTLINED ABOVE.

CNZ 340 CYZ 325 P1/4

OUTGOING CODE CABLE

'95 APR 29 -4 :14

IMMEDIATE

TO: AKASHI, UNPF, ZAGREB

INFO: STOLTENBERG, ICFY, GENEVA

FROM: ANNAN, UNATIONS, NEW YORK

DATE: 28 APRIL 1995

NUMBER: MSC-1440

SUBJECT: Meeting with Permanent Representatives of Contact Group
Members plus Italy

DISTRIBUTION:
BR
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SRSG\TFC

1. Thank you for your very helpful Z-677 which I used for my meeting with Contact Group plus one on the issue of Sarajevo Airport. I briefed the group on your recent negotiating efforts to re-establish an acceptable regime for the operation of the airport and advised them of your assessment that a strong military approach was not feasible, given the location of the airport in built up areas and its vulnerability to small arms fire. Moreover, in light of the limited options at your disposal, I pointed out that assertive action at this point could risk complicating your negotiations. Hence, a Presidential Statement had to be carefully calibrated and balanced, and had to avoid raising expectations which could not be fulfilled. We also explained that UNHCR's monthly target for Sarajevo was 6,000 tons of humanitarian assistance, of which 3,000 tons each would normally be shipped by air and road. Serb cooperation permitting, UNHCR could increase road deliveries to 4,000 tons. At this point, stock levels in Sarajevo would last until mid-May, which would allow for some time to hold further discussions.

CNZ 340 CYZ 325 P2/4

2. The United Kingdom wondered whether there was any type of leverage UNPROFOR could apply, such as the reduction of aid deliveries to areas controlled by the Bosnian Serbs in retaliation for non-cooperation at the airport. We imagine UNHCR would not welcome such an approach, but would be grateful for your comments on its feasibility.

3. The United States emphasized that Secretary of State Christopher had personally expressed his outrage at the recent Bosnian Serb behaviour at the airport, and urged that in the interpretation of the airport agreement UNPROFOR should not show weakness but insist on continuing the established practice. Germany supported the U.S. position, but acknowledged the practical difficulties UNPROFOR was facing (A letter signed jointly by the U.S and German Permanent Representatives is attached). France agreed that negotiations were the only option and that a Presidential Statement had to be carefully drafted. The Group agreed that France, as the President of Security Council for the month of May, should coordinate a draft.

3. Please find attached a first draft of a statement which has been provided, at France's request, by the U.S. delegation. We have been formally asked to present our comments by Monday. I would, therefore, appreciate receiving your views by 8:30 a.m. New York time, Monday, 1 May.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1995/329
25 April 1995

ORIGINAL: ENGLISH

LETTER DATED 25 APRIL 1995 FROM THE PERMANENT REPRESENTATIVES
OF GERMANY AND THE UNITED STATES OF AMERICA TO THE UNITED
NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instruction from our Governments, we wish to express profound concern regarding the statement of 21 April by the Bosnian Serb liaison officer at the Sarajevo airport that his authorities would neither guarantee the safety of United Nations aircraft if German and United States Contact Group members proceeded to Sarajevo for meetings with the Bosnian Government nor their safety for the transfer from Sarajevo airport into the city.

Our Governments are equally concerned by recent statements of Bosnian Serb leader Karadzic that he may impose conditions on the use of the Sarajevo airport by diplomatic delegations.

Our Governments believe that these threats must be rejected in the strongest terms. To do otherwise would allow the Bosnian Serbs to restrict access to an airport which is under the control of the United Nations and thereby interfere with Contact Group and other diplomatic efforts to achieve a peaceful diplomatic solution.

We therefore support the position of the United Nations Protection Force (UNPROFOR) that recent actions by the Bosnian Serbs to obstruct the normal functioning of the airport are totally unacceptable.

We request that you keep the Council informed of developments related to this issue so that further action can be taken if necessary.

We would be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Detlev GRAF ZU RANTZAU
Ambassador
Permanent Representative of the
Federal Republic of Germany
to the United Nations

(Signed) Madeleine ALBRIGHT
Ambassador
Permanent Representative of the
United States of America
to the United Nations



Draft Presidential Statement On Sarajevo Airport

The Security Council is deeply concerned about the obstruction of the normal operation of Sarajevo airport, including the suspension of the humanitarian airlift, caused by Bosnian Serb threats against United Nations aircraft and humanitarian relief flights. It strongly condemns such obstruction.

The Council reiterates that failure by the Bosnian Serbs to guarantee the safety of all United Nations aircraft, and attempts to impose restrictions on the use of Sarajevo airport by official missions as foreseen in the June 5 agreement, and as implemented since July 1992, are clear violations of the July 5 Airport Agreement. It affirms that obstruction of the humanitarian airlift violates international humanitarian law.

In that context the Council calls on all parties and others concerned to comply fully with the July 5 agreement and create immediately the necessary conditions for unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in the Republic of Bosnia and Herzegovina, including the establishment of a security zone encompassing Sarajevo and its airport.

The Council requests that the Secretary General keep it fully informed of discussions with the Bosnian Serb party on the restoration of the normal functioning of Sarajevo airport so that it might take further action as necessary;

UNPROFOR
COMMUNICATIONS

UNOG Telecomm Unit

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95 APR 24 11:08

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IMMEDIATE

95 APR 24

DISTRIBUTION: 02N-637

BR LO 02G-510

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GHS/C

[Signature]

APR 24 11:13

UNPROFOR
COMMUNICATIONS

ROT
copy/af

TO: ANNAN, UNATIONS, NEW YORK

INFO: GHAREKHAN, UNATIONS, NEW YORK
GOULDING, UNATIONS, NEW YORK
STOLTENBERG, ICFY, GENEVA

FROM: AKASHI, UNPF-HQ, ZAGREB

DATE: 24 APRIL 1995

NUMBER: Z - 649

SUBJECT: Discussions with Some Contact Group Members

This message summarizes my discussions with Mr. Robert Frasure and Mr. Michael Steiner, the US and German members of the Contact Group, during their stay at the Sarajevo airport from 21 April 1995 to 22 April 1995.

On the arrival of the diplomats, I gave a short briefing on the situation with respect to extending the 31 December 1994 Cessation of Hostilities Agreement (COHA). I stated that the Croats desired its extension, but expected to participate in its simultaneous signature as opposed to signing a few days later as took place when the original agreement was finalized. The Bosnian government, while appreciating our efforts, was fearful that extension of the COHA would contribute to freezing an unjust status quo. They also remained disturbed by ongoing fighting in the Bihac area. Finally, the Serbs were aggrieved at government violations of the COHA. They have stated that they are not prepared to extend the COHA unless it results in a permanent end to fighting. They also want sanctions lifted as a precondition.

Remarking that the positions of the parties were in line with my expectations for the first round of negotiations, I stated that an extension of perhaps two months should not be excluded as no party appeared at this moment to be ready for all-out war or convinced of ultimate victory. Both the government and the Serbs, however, are fearful of attack and keeping the war option open.

I asked for the support of the Contact Group, both as a team and bilaterally through their governments, in achieving an extension of the COHA. I also suggested that another Security Council resolution might be necessary and added that some thought should be given to making extension of the COHA more palatable: for the government, accelerating the peace process; for the Serbs, a statement on their constitutional position within the country. In view of an apparent rift between Bosnian Serb civilian and military leaders, I mentioned that I was considering visiting President Milosevic due to his influence over General Mladic, but had not yet

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decided because of the danger of further alienating Dr. Karadzic.

Turning to other matters, I mentioned Mr. Stoltenberg's intention to recommend a feasible mandate for UNCRO without seeking the formal consent of the parties. I also outlined our attempts to convene a joint working group to clarify the modalities for implementing the June 1992 Sarajevo airport agreement. President Izetbegovic, however, has told me that he requires some demonstration of good faith by the Serbs, such as a temporary opening of the airport crossing, before he can agree to send a representative to the working group.

Frasure and Steiner then told me that Vice President Ganic had demonstrated a positive attitude in their discussions of 20 April 1995 in Vienna. The group stated that they had travelled to Sarajevo for private discussions with Izetbegovic, followed by another session with government leaders including Prime Minister Silajdzic. Frasure and Steiner then stated that the group was evaluating the possibility of "serious" sanctions relief for Milosevic, and a clear statement on the "place of the Serbs" in Bosnia and Herzegovina, in exchange for recognition by Milosevic of Bosnia and Herzegovina and stronger border controls.

With respect to the border, Steiner stated that "a lot is going through," and that the strength of the ICFF Mission should be doubled. He was also asked our views on the deployment of United Nations troops along the Serbian and Montenegrin side, in order to ensure that "nothing more than cigarettes gets through." We replied that border control without the consent and cooperation of the FRY government was extremely dangerous; and that, on the other hand, the provision of such consent would make it unnecessary to deploy a large force. We also suggested that Milosevic's "blockade on the Drina" is a very emotional issue among Bosnian Serbs and the right wing in FRY, that participation in it by UNPROFOR could seriously damage our ability to function, and that the negative political impact on the Bosnian Serbs would far exceed that of deployment along the Croatian border.

Frasure stated that the group was working on two approaches: recognition of Bosnia and Herzegovina by Milosevic, and acceptance of the Contact Group plan by Karadzic. Priority was being assigned to Milosevic. Frasure also asked if the COHA could be extended by an "informal understanding." I replied that this could be considered as a fall-back, but that we should for the present work on a formal extension as acceptance of perhaps two months might be achievable, after "bitter complaint" by both parties. Four months, in my view, would be too long for the government; and one month, too short to accomplish anything on the ground.

Steiner asked our views on demilitarizing Sarajevo. I replied that we were pleased that the government had renewed its interest in the proposal, and that the Serbs had shown some interest last autumn. Extending the COHA, however, should be seen as a foundation on which to build new

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initiatives including Sarajevo demilitarization. We are now preparing a formal Sarajevo demilitarization proposal for presentation to the parties. Steiner then asked on the possibility of obtaining a ceasefire in Bihac. I replied that the Knin leadership was divided, preoccupied with resolution 981, and still committed to helping Abdic gain more land. It would therefore be some time before we could expect progress. We would, however, approach Knin immediately after the Security Council decision on Stoltenberg's report in order to obtain clearance for a visit to Bihac by Silajdzic. As the Bosnian Serbs had not commented on this proposal during our visit to Pale, we saw some possibility that they might not interfere with a decision by Knin to grant the necessary security assurances.

In conclusion, we saw no indications of new Contact Group ideas on the way forward. Our discussions engendered, however, a useful exchange of views and further unity of purpose with respect to extending the COHA.

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DD 291300Z GEMIS
FM FCOLN TO PARIS
291203Z MAR
GRS 1028

Deputy Head
- para 3 ignore the square brackets
UNSC are my memory, can
we discuss urgently
para 3 & 4.
Just

RESTRICTED
FM FCO
TO DESKBY 291300Z PARIS
TELNO 191
OF 291203Z MAR 95
AND TO DESKBY 291300Z WASHINGTON, BONN, MOSCOW
AND TO DESKBY 291300Z UKMIS GENEVA
INFO IMMEDIATE UKMIS NEW YORK, UKDEL NATO, BELGRADE
INFO IMMEDIATE ZAGREB, SARAJEVO, ACTOR, WHIRL

CONTACT GROUP : PROPOSALS TO PUT TO BELGRADE, SARAJEVO AND ZAGREB

1. At the Contact Group meeting on 27 March it was agreed that the UK would draft a set of proposals to put to Belgrade, Sarajevo and Zagreb. These are set out below, together with a commentary. Contact Group capitals should pass a copy of both the proposals and the commentary to the respective Contact Group member and ask for comments as soon as possible. In the case of Paris, please pass a copy to Dejammet's as well as Sedouy's office. We understand Sedouy himself is at ICFY in Geneva today. Grateful if UKMIS Geneva could pass a copy to him there. In the light of comments we will decide whether a further Contact Group meeting in London on 3 April is necessary. Begins

CONTACT GROUP PROPOSALS, APRIL 1995

1. Contact Group Ministers called in December 1994 for early mutual recognition between the states of the former Yugoslavia within their internationally recognised borders. They saw this as key to the future stability of the region.
2. The Contact Group proposes that in an act of mutual recognition between the Federal Republic of Yugoslavia and Bosnia and Herzegovina, the Federal Republic of Yugoslavia should recognise Bosnia and Herzegovina, composed of two entities - the Federation of Bosnia and Herzegovina and the Republika Srpska - the Union of which accords with the Contact Group plan, as a state within its internationally recognised borders.
3. The Contact Group underlines the importance of maintenance of the border closure except for humanitarian assistance. The ICFY monitoring mission will be reinforced as necessary.
4. At the time of mutual recognition there should be agreement that negotiations would be held between the

Bosnian parties on the basis of acceptance by both sides of the Contact Group plan as a starting point. Negotiations would be held on the basis that:

- a) Bosnia and Herzegovina would be a Union of two entities, the Federation of Bosnia and Herzegovina and the Republika Srpska.
- b) There would be balanced and equal treatment of the Federation of Bosnia and Herzegovina and the Republika Srpska.
- c) Both entities would have the right to establish parallel special relationships with neighbouring countries, consistent with the integrity of Bosnia and Herzegovina.
- d) The 51/49 parameter of the territorial proposal of the Contact Group would remain the basis for a settlement. This territorial proposal could be adjusted by mutual agreement.
- e) There would be provision in the settlement for refugees and displaced persons to be able to return to their homes of origin.

5. Redeployment to the lines agreed would take place as soon as there was agreement between the two sides on any territorial adjustments and on constitutional arrangements.

6. The cessation of hostilities agreement should be extended by 4 months from 30 April.

7. There should be early mutual recognition between the Federal Republic of Yugoslavia and the Republic of Croatia within their internationally recognised borders. Following the passage of UN Security Council resolution [number], there should now immediately be further normalisation of economic relations and the start of negotiations on a final political settlement between Zagreb and Knin.

8. In the context of mutual recognition between the Federal Republic of Yugoslavia and Bosnia and Herzegovina and between the Federal Republic of Yugoslavia and the Republic of Croatia, and in the context of support by the Federal Republic of Yugoslavia for the other provisions above, the Contact Group Governments are prepared to recommend to the UN Security Council the suspension of all UN sanctions on the Federal Republic of Yugoslavia, to take effect simultaneously. Should the recognition of Bosnia and Herzegovina precede the recognition of the Republic of Croatia, the Contact Group Governments are prepared to recommend a partial suspension of UN sanctions, to take effect simultaneously.

UK COMMENTARY ON THESE PROPOSALS

Paragraph 1. This reference back to the Contact Group Ministerial of December 1994 is designed to set the proposals

in context.

Paragraph 2. The formula in this paragraph would amount to FRY recognition of the existing state of Bosnia. The wording within the second and third commas is a statement of fact which does not affect this. The UK would not expect the formula suggested by France ("a Union composed of two entities ...") to be acceptable to the Bosnian Government since no Union now exists. It would be possible to say: "... composed of two entities - the Federation of Bosnia and Herzegovina and the Republika Srpska - which will form a Union" but Milosevic would then say that this bolstered his argument that recognition was something for the future. The wording which the UK has suggested in the draft includes the concept of the Union but makes the sense deliberately ambiguous.

Paragraph 3. This paragraph contains wording agreed by the EU 3 during a visit to Belgrade but never put to Milosevic. It does not put a time limit on border closure, eg until the Bosnian Serbs accept the Contact Group plan, since we may want to maintain the border closure throughout Bosnia negotiations as a lever on the Bosnian Serbs.

Paragraphs 4 and 5. This language will be familiar to Contact Group colleagues.

Paragraph 6. The UK proposes extension of the cessation of hostilities agreement for 4 months. Given Karadzic's intransigence it now seems unlikely that Bosnia negotiations will start before 30 April, in which case the length of an extension could have been linked to the duration of negotiations. The UK believes that it would be unrealistic to expect an extension to be longer than the period of the original agreement, but that we should try in the first instance for the same again.

Paragraph 7. The second sentence more or less follows the language in the Contact Group press statement of 27 March.

Paragraph 8. This sets out the terms for sanctions relief and the timing (simultaneous with recognition).

Ends

HURD

OCMIAN 4073

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INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

Palais des Nations, 1211 Geneva 10



Office of the Co-Chairmen

FACSIMILE TRANSMISSION

CONFIDENTIAL

PAGE 1 OF 12


TO: Ambassador Charles Thomas
State Department, Washington **FAX NO:** 1 202 6470967

TO: Mr William Ehrman & Mr Michael O'Neill
FCO, London **FAX NO:** 44 71 270 1415

TO: Mr Michael Steiner
MFA, Bonn **FAX NO:** 49 228 172496

TO: Ambassador Jacques-Alain de Sedouy
Quai d'Orsay, Paris **FAX NO:** 33 1 43174218

TO: Ambassador Zotov
MFA, Moscow **FAX NO:** 7 095 2443059

FROM:  Ann-Marie Cox **FAX NO:** 41 22 917 0079

DATE: 6 February 1995

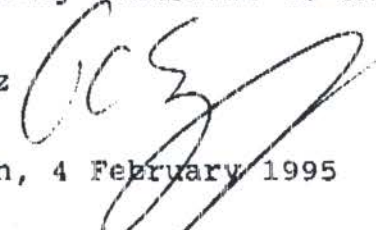
IF TRANSMISSION INCOMPLETE PLEASE TELEPHONE:- 41 22 917 1200

At the request of Mr Paul Szasz, I am transmitting the attached fax.

Regards.



INTERNATIONAL CONFERENCE
ON THE FORMER YUGOSLAVIA

TO: Members of the BH Contact Group
cc: ICFY Steering Committee Co-Chairmen
FROM: P.C. Szasz 
DATE: Germantown, 4 February 1995
SUBJECT: Account of the Development of Proposals Concerning the
Constitution of Bosnia and Herzegovina

1. Attached is the final version of the report I was asked, at the 20 January meeting in Geneva, to prepare.
2. The principal changes from the "Preliminary Draft" that I distributed on 23 January are the additions of Sections I.B and III, and the annotations; there are also a some minor factual corrections.

ACCOUNT OF THE DEVELOPMENT OF PROPOSALS CONCERNING THE
CONSTITUTION OF BOSNIA AND HERZEGOVINA

I. INTRODUCTION

A. Existing Constitution

1. The existing Constitution of the Republic of Bosnia and Herzegovina derives by several amendments from the "Constitution of the Socialist Republic of Bosnia and Herzegovina" promulgated on 25 February 1974. By 31 July 1990, 80 amendments to that instrument had entered into force; in spite of many requests, ICFY has not received the texts of any later amendments (including those providing for the establishment of the existing independent republic), except for a Constitutional Law adopted on 30 June 1994 that has the effect of amending the BH Constitution to take into account the establishment (on 30 March 1994) of the Federation of Bosnia and Herzegovina.¹

2. During the exercise of preparing a new Constitution for BH it appears never to have been suggested that the new Constitution should take the form of a series of amendments to the existing Constitution. However, the BH Government has from time to time insisted that any new Constitution must formally be adopted by the procedures set out in the existing Constitution -- which procedures have also been changed since 1974 -- in order to preserve the continued legitimacy of the state. This requirement, which is not acceptable at all to the Bosnian Serbs, has not been mentioned lately but has probably not been formally abandoned.

B. The Carrington Draft concerning Yugoslavia

1. On 4/5 November 1991 the EC Peace ("Carrington") Conference for Yugoslavia prepared a text titled "Treaty provisions for the Convention"², which would have reconstituted the SFRY as a looser federal state. This proposal was in principle accepted by five of the Yugoslav Republics, but not by Serbia. Though the subsequent recognition of the independence of several of these Republics put an end to that exercise, Chapter II of that text: "Human Rights and Rights of Ethnic and National Groups" continues to inspire the various efforts to establish new constitutional

¹ ICFY has had prepared an English translation of the basic SRBH Constitution (in 145 pages) and of the first 80 amendments (over 80 pages). Each amendment changes one or more provisions of the Constitution; as far as we know, no consolidated text incorporating all these amendments exists, either in English or in Serbo-Croatian.

² S/23159, Annex VII.

structures designed to resolve the conflicts in former Yugoslavia, and in particular the extensive human rights provisions that appear in the several texts referred to in Section II below.

C. Constitutional Options Paper

1. Soon after the establishment of ICFY, the Co-Chairmen of the Steering Committee (hereinafter the "ICFY Co-Chairs") considered the range of constitutional options available for BH:

1. A fully centralized state with minor local functions assigned to a number (10-20) communes whose boundaries would be determined on other than ethnic lines. [BH Government = Muslim draft.]
2. A federal state with significant functions carried by 4-10 "constituent units" whose boundaries would take into account ethnic and other considerations (likelihood that most would have a significant majority of one of the ethnic groups, and all would have significant minorities of the others). [Present apparent position of ICFY.]
3. A loose federal state of three ethnically determined "constituent units". [18 March 1992 "agreed" draft.]
4. A loose federation of three ethnically determined states with significant or possibly even total independence in the foreign relations and defence fields and basically merely co-operative arrangements in most economic ones. [BH Serb draft.]
5. A "rump" Muslim state (possibly with boundaries drawn somewhat more generously than under the federation model), with the Serbs either becoming an integral part of Serbia/Yugoslavia or part of a federal unit of that state, and the Croats becoming a part of Croatia. [Probable real aim of the Serbs and Croats.]

2. As will be shown, all the earlier and later proposals for constitutional solutions can be fitted into one of the these slots or into areas between these.

II. CHRONOLOGICAL LIST OF PROPOSALS

A. Cutileiro Draft: 18 March 1992 Statement of Principles

1. On 18 March 1992 in the 5th "round of talks on future constitutional arrangements for Bosnia and Herzegovina" carried out under the auspices of the Carrington Conference, between the leaders of the SDA, SDS and HDZ parties under the chairmanship of Ambassador J. Cutileiro of Portugal, a 3-page "Statement of Principles for new constitutional arrangements for Bosnia and Herzegovina" were agreed to at Sarajevo.³ At the 6th round, in Brussels on 30-31 March, a 4-paragraph addition on "Human Rights" was also agreed to.⁴ Though informally accepted (apparently nothing was signed), the Statement of Principles was reputedly denounced by Izetbegovic on his return to Sarajevo from the Brussels meetings at the end of March.

2. Under these Principles (generally referred to as the Cutileiro draft), BH would have become a loose federal state of three constituent units (Option 3 above), with limited but still important competencies for the central government; many decisions would have required an 80% majority in a Chamber of Constituent Units in which each constituent unit would have been equally represented, thus giving a veto to each of them.

3. A sketch map of the proposed boundaries of the constituent units was attached to the Principles, showing something of a patchwork of Muslim, Serb and Croat territories. On 31 March 1992 it was agreed that a working group headed by an EC representative would meet promptly and present its recommendations by 15 May 1992 as to the territories of the constituent units; the group was apparently to take as the basis of its work the above-mentioned sketch with amendments thereto having to be justified by specified criteria. I don't know if the working group ever met; it certainly never presented its report, the war having broken out meanwhile.

³ Although the Statement of Principles was never referred to by the Security Council, it several times endorsed the talks -- e.g., in the Presidential Statement of 24 April 1992 (S/23842) and in paragraph 2 of resolutions 752 of 15 May 1992 and para. 20 of resolution 757 of 30 May 1992.

⁴ Apparently none of these texts were reproduced in UN documents or other citeable publications.

B. July 1992 Elements for a new Constitution
for Bosnia and Herzegovina

1. ICFY files contain a 13-page paper with the above title, probably from the files of the late Henry Darwin, with a manuscript annotation: "Given to Serbs, Croats. The Muslims took it but returned it to us the next day." This appears to be an attempt to expand the March 1992 Principles somewhat. It has apparently never since been referred to by any of the parties.

C. Precursor to Vance/Owen Plan

1. After considering the above-mentioned option paper (see para. I.C.1), the ICFY Co-Chairs decided that Option 5 fell outside of their mandate as it would not preserve the "territorial integrity" of BH (as required by the London Conference), and that neither Option 3 or 4 was likely to result in a stable arrangement; consequently, Option 2 was explored further. Accordingly an 11-page (plus Appendix) "Proposed Constitutional Structure for Bosnia and Herzegovina" was prepared, which was presented to the Security Council at the end of October 1992^{*}, the next day to the ICFY Steering Committee and then to the parties.

2. The latter in general declined to comment in detail on that text, each asserting that without seeing a map of the proposed 7-10 "autonomous provinces" they could not give serious consideration to any constitutional arrangements. At some meetings of the BH Working Group (always conducted separately with each of the parties) the Muslims posed detailed questions, mostly concerning the distribution of competencies; the Serbs considered the entire proposal basically unacceptable as creating far too tight a state; and the Croats proposed some amendments to the decision-making procedures so as to assure themselves of extensive veto rights.

D. Vance/Owen Plan:
Constitutional Principles for Bosnia and Herzegovina

1. On 2 January 1993 the ICFY Co-Chairs presented in Geneva to the first joint meeting of the Bosnian parties (plus the Presidents of FRY, Serbia, Montenegro and Croatia) the first two elements of the Vance/Owen Plan (VOP), then consisting of a map showing 10 Provinces, and a set of 10 "Constitutional Principles

* S/24795, Annex VII; it was soon endorsed by para. 1 of SC resolution 787 of 16 November 1992.

for Bosnia and Herzegovina"⁶; a few days later the Bosnian Serbs responded with an 8-Principle list⁷. By the time the VOP was fully developed by end-March, it consisted of:

- (a) 9 Constitutional Principles;⁸
- (b) A slightly revised version of the 2 January map;
- (c) A military agreement;
- (d) An agreement on interim arrangements.

2. The Bosnian Croats (for whom the proposed map was very favourable) immediately accepted each of these proposed instruments and later variants. The Muslims reluctantly accepted all the instruments by end-March in New York.⁹ Finally Karadzic signed on 2 May in Athens, subject to ratification by the Pale Assembly¹⁰ -- but immediately announced he would oppose approval. Some days later the Assembly did turn down the VOP, and this refusal was two weeks later confirmed by a referendum.

3. The Constitutional Principles were derived directly from the Constitutional Structures Proposal (para. II.C.1 above), but were far less detailed. The 9 Principles in the final version, resulted from the combination into Principle (1) of the final set of original Principles (1) and (4), without any substantive change.

E. The Owen/Stoltenberg, "Invincible Package"

1. Some weeks after the collapse of the VOP, the Serbs and Croats informally presented to the ICFY Co-Chairs a revised set of "Constitutional Principles" that were along the lines of

⁶ S/25050, Annex V, Article II.

⁷ S/25100, Appendix II.

⁸ S/25479, Annex II, Article I; the same list already appeared in S/25100, Appendix III.

⁹ The Security Council welcomed these signatures and in effect endorsed the VOP in its Presidential Statement of 25 March 1993 (S/25471); later it did so explicitly in para. 1 of resolution 820 of 17 April 1993 and again in para. 2 of resolution 836 of 4 June 1993.

¹⁰ Welcomed by SC Presidential Statements to the press on 3 and 7 May 1993.

Option 4. The Co-Chairs, however, decided to depart from the idea of developing a set of principles which necessarily could not be detailed enough to elicit sufficiently definitive reactions, and instead presented to the parties, at renewed trilateral talks commencing on 27 July 1993 in Geneva, a draft "Constitution of the Union of Bosnia and Herzegovina", which by 30 July had been tentatively agreed to as the "Constitutional Agreement of the Union of Bosnia and Herzegovina"¹¹. This draft represented an Option 3 approach, and thus constituted a compromise between the VOP and the Serb/Croat proposals mentioned above.

2. The Constitutional Agreement, with relatively minor changes, eventually became Appendix I to the proposed "Agreement on Bosnia and Herzegovina" that was the central instrument of the "Invincible Package".¹² Though most of the provisions directly relevant to constitutional arrangements were set out in that Appendix I, the principal Agreement and parts of six other Appendices (many of which had their own annexes) also set out provisions relevant to constitutional matters; for example, a mechanism for dissolving the Union appears in Article V(b) of the over-all Agreement as supplemented by Appendix V (which set out the 16 September Muslim/Serb Agreement).

3. Although in principle the verbal portions of the Invincible Package were all agreed to on 20 September on the carrier, in practice acceptance of the Package as a whole depended on agreement on the full package -- including the proposed territorial division. This the Muslims (i.e., the BH Government) refused, as they were only offered 30% and insisted on at least 33 1/3%; this refusal was later confirmed by the BH Assembly.

¹¹ S/26260, Appendix I; S/26395/Add.1, Appendix I. The Security Council never specifically endorsed this draft, though it noted this report and urged the parties to continue negotiations under the ICFF Co-Chairs with a view to reaching an early agreement (para. 1 of resolution 859 of 24 August 1993).

¹² The "Invincible Package" itself never appeared in any Security Council documents. Largely it followed the texts that had been set out at the end of August in S/26395/Add.1, and in particular the Constitutional Agreement was only lightly changed subsequently. The constitutional changes that were negotiated after the joint meetings ended early in August appear mostly in the over-all Agreement Relating to Bosnia and Herzegovina, to which the Constitutional Agreement was Appendix I. For some additional texts included in the Invincible Package, see S/26486.

4. The Invincible Plan, in effect, again became the subject of negotiations from late November 1993 to 15 January 1994, consequent on an EU initiative to offer the Serbs some easing of sanctions in return for increasing the Muslim territorial share to 33 1/3%.¹³ On the Constitution the only item that was reopened, principally between the Muslims and the Croats, was the dissolution provision (see end of para. 2 above) and its territorial consequences; no final text of this provision was ever agreed to, either between these parties or with the Serbs.

F. The Constitution of the Federation of
Bosnia and Herzegovina

1. At a meeting in Bonn on 11-12 January 1994, President Tudjman presented to President Izetbegovic a rough plan for the establishment within BH of a Muslim/Croat entity and the confederation of the latter with the Republic of Croatia. Although at that time Izetbegovic showed no interest, this proposal was revived in the negotiations between the BH Government (now denominated as representing the "Bosniacs") and both the Bosnian Croats (Herzeg-Bosna) and the Republic of Croatia that took place under US auspices in Washington and Vienna from 27 February to 18 March 1994.

2. The Federation Constitution that emerged is in effect an Option 2 construct, albeit for only two of the three Bosnian entities;¹⁴ as did the VOP (which required the creation of 10 "provinces"), the Federation required the creation of 8 "cantons" based largely on ethnic lines rather than on any historical or current administrative units. That Constitution entered into force on its approval by the BH Assembly, acting in its capacity as the Constituent Assembly of the Federation, on 30 March 1994;

¹³ S/26922.

¹⁴ A Preliminary Framework Agreement for the Federation, signed on 1 March 1994, is set out in Attachment 1 to an Enclosure to S/1994/255, while Attachment 2 sets out a similar text in respect of the proposed Federation/Republic of Croatia confederation. The final text of the Proposed Constitution of the Federation of Bosnia and Herzegovina and of the Preliminary Agreement regarding the Establishment of a Confederation Between the Federation of Bosnia and Herzegovina and the Republic of Croatia, both signed on 18 March 1994, are not set out in any Security Council document; they are reproduced in the May 1994 issue of International Legal Materials, respectively on pp. 742-781 and 611-618.

it has already been amended once, on 23 June¹⁵ -- but a further amendment, to extend the transitional period that ended on 30 September 1994 (before which all the permanent organs should have been established) has not yet been adopted. Meanwhile, on 30 June 1994, the Republic of BH Constitution (see para. I.A.1 above) was amended to take account of the establishment of the Federation encompassing a large part of the territory of BH.

G. Constitutional Agreement for a Union
of Bosnia and Herzegovina

1. Although the Federation Constitution in principle contains an invitation for the Serbs to join, that invitation was understood not to have been serious (for one thing, it would have required a complete restructuring of the Federation Constitution, which reflects solely a Bosniac/Croat balance) and no-one thought that the Serbs would accept. Instead, it was understood from the beginning that agreements would have to be reached with the Bosnian Serbs concerning:

- (a) A territorial division of BH between the Federation and the Serb entity;
- (b) A constitutional arrangement concerning the interaction between the Federation and the Serb entity.

2. At the time of signature of the Federation Agreement, I prepared for the ICFY Co-Chairs the first draft of an agreement for a "Union of Bosnia and Herzegovina". The starting point of that draft was the draft Constitutional Agreement in the Inevitable Package, though the new text was designed considerably looser in order to make it possibly acceptable to the Bosnian Serbs. It may thus be considered to be something of an Option 3 1/3 exercise.

3. At meetings of the Contact Group in early May I was asked to further "lighten" or "loosen" the draft Union Constitution -- i.e. to move it still further towards Option 4. Then, at the Talloires session of the Contact Group with the parties, I gave, at the request of the Group and of the parties, a brief oral description of the latest draft of a possible Union Constitution. Thereupon I was asked to prepare immediately a brief "elements paper" setting out these proposals without too much detail, and after review by the Group this text was informally handed to both parties on 25 May as "Some Possible Elements for a Constitution

¹⁵ Ibid., pp. 781-783; p. 784 sets out the map showing the several cantons that constitute the Federation.

for Bosnia and Herzegovina". The reactions I received, privately, were:

- (a) The Bosnian Croats would insist that they be represented equally with the Bosniacs and the Serbs, in all Union organs;
- (b) The Bosnian Serbs (Buha) questioned the need for any sort of Union and in any event considered that the entirely minimal functions that would be assigned to it were still too extensive.

4. During June I prepared several more drafts of a Union Constitution, culminating in a text of 5 July. That draft also contained extensive annexes concerning an interim UN regime for Sarajevo and rules for deciding on its final division between the parties at the end of the period, as well as proposed rules governing "protected routes, protected transport centres, cross-overs and fly-overs". That draft was circulated to the members of the Contact Group.

5. On 19 July I prepared, at the request of the Contact Group, a revision of the 25 May "elements paper", taking into account some of the internal reactions to the June and 5 July drafts. The Group considered this text and decided that it (with my name attached) be passed informally to the parties after the meetings on 20 July at which these gave their responses to the Contact Group map.

6. On 20 December I prepared and distributed to the Contact Group, at the request of Lord Owen, a slight revision of the 5 July draft, which differed from that text mostly in:

- (a) Using the formal names of the two Constituent Entities;
- (b) Substituting for the direct reference to "confederation" in para. (3) of Article V.1 a compromise formula derived from para. 2 of the 2 December 1994 (Brussels) agreed Ministerial Guidelines;
- (c) Deleting the annexes relating to the governance and eventual attribution of Sarajevo and to the rules for protected routes, etc.

III. PRINCIPAL ISSUES

1. The principal issues that must be resolved in any constitutional arrangements between the Federation of Bosnia and Herzegovina and the Republica Srpska are the following (with the

solution proposed in the 20 December 1994 draft indicated in bold):

- (a) The division of competencies between the Union and the two Constituent Entities -- which Article I.2 of the 20 December draft allocates almost completely to the latter, a feature that the BH Government will not like;
- (b) The structure of the organs (legislative, executive and judicial) of the Union -- whether to be based on a 1:1 distribution for the Federation and the Republica Srpska (which the Serbs favour) or on 1:1:1 for the Bosniacs, Serbs and Croats (which the latter insist on); Articles III.1-4 of the 20 December draft adopt the 1:1:1 solution;
- (c) The decision-making processes of the Union organs, whether, as is currently provided in Articles III.1-2, consensus or a high majority is to be required in all organs (which makes it easy to block any action) or whether routine decisions should require only normal majorities (as provided in the Federation Constitution);
- (d) The extent of the international relations capacity of the Constituent Entities, and in particular the right-to-confederate issue (which is largely evaded in Article V.1(3) of the 20 December draft);
- (e) The arrangements for dissolving the Union (the "unzipping" provision); Article VII.3 requires the prior agreement of an Entity if the other one wishes to withdraw from the Union (the solution favoured by the BH Government but unlikely to be accepted by the Serbs, who favour retention of the dissolution mechanism agreed to on 16 September 1993 and referred to at the end of para. II.E.2 above).



INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

Palais des Nations, 1211 Geneva 10



Office of the Co-Chairmen

CRYPTOFAX TRANSMITTAL

IMMEDIATE

TO: The Secretary-General PAGE 1 OF 2
COPY: Goulding/Annan/Gharekhan (New York)
Akashi (Zagreb)
FROM: Stoltenberg *[Signature]*
DATE: 26 January 1995
SUBJECT: 1. Implementation of the Economic Agreement
2. Developments in the Contact Group

1. Implementation of the Economic Agreement

The Agreement signed on 2 December provided for the opening of the pipeline passing through UNPA North. After completing inspection and effecting a few repairs, the pipeline through Sector North was declared open this morning. This has been verified by UNPROFOR, and announcements to this effect have been made by the two sides. This means that the highway is now open full-time, the electricity poles have been returned by the Croats to the Serbs as envisaged under the Agreement, and the pipeline through UNPA North is operational. The groundwork negotiations for the establishment of a Joint Commercial Oil Company is well advanced. Following the opening of the pipeline through Sector North, Lord Owen and I issued the following statement today:

"The Co-Chairmen, Lord Owen and Mr. Stoltenberg, welcome the opening of the oil pipeline which was announced today. Coming after the successful re-opening of the highway, the return of the generator poles to the Obrovac power plant and ongoing work on electricity and water projects, the opening of the pipeline marks another important step in the efforts to implement the Agreement of 2 December 1994 and in the search for further negotiated solutions."

2. Developments in the Contact Group

From the reports we have received, the following appears to be the situation at the present time in the activities of the Contact Group:

- a. Between 24 and 25 January, the Contact Group had three meetings with the Presidency in Sarajevo, and two meetings with the Bosnian Serb leadership in Pale. The Contact Group agreed in the morning of 25 January to end the visit. However, just before actual departure from Sarajevo, the American member, Thomas, following discussions with Washington, decided to remain behind. The British and French members, following similar instructions from London and Paris, also decided to remain behind. The German member decided not to remain. The Russian member, who learned of the decision of the American, British and French members to stay behind while he was at the airport to take the plane to Zagreb, opted to keep to his schedule and, therefore, left. In the end result, the American, British and French members of the Contact Group are still in the area.
- b. In the meetings held with the Presidency, and with the Bosnian Serb leadership in Pale, the Contact Group was working on a strategy according to which the Group would issue a statement which would be acknowledged by the Bosnian Serb leadership and would clear the way for the resumption of negotiations. At the base of the two documents were the concepts of "acceptance", "as a basis", and "as a starting point". Dr. Karadzic, however, ruled out any possibility of linking "acceptance" to the Contact Group plan.
- c. The American member of the Contact Group, who had had advance meetings in Sarajevo and Pale before the whole group assembled, had appeared optimistic that the formulations offered would find agreement. The decision for him to stay behind along with the British and French members seems to have been motivated by the belief that further contacts could still produce a positive outcome.
- d. The position taken by Prime Minister Silajdzic when the whole Contact Group had their last meeting with the Presidency was one of anger that the Contact Group was unwilling to set deadlines for the Bosnian Serb leadership, and to indicate penalties for non-compliance which would be applied after the expiration of the deadline. Prime Minister Silajdzic characterised what was taking place as a "sham" because the Contact Group did not accept the approach of deadlines and penalties.
- e. Prime Minister Silajdzic travelled out of Sarajevo on the same plane that the German and Russian members of the Contact Group took. He is en route to North America and it would be interesting to see if he publicly advances the line that the Contact Group procedures were a "sham".



INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

Palais des Nations, 1211 Geneva 10



Office of the Co-Chairmen

CRYPTOFAX TRANSMITTAL

IMMEDIATE

TO: The Secretary-General PAGE 1 OF 5
COPY: Goulding/Annan/Gharekhan
FROM: Stoltenberg *[Signature]*
DATE: 16 January 1995
SUBJECT: Contact Group Meetings in Sarajevo and Pale,
13-14 January

The following is a report on the recent activities of the Contact Group based on a detailed report from Paul Szasz.

A. Meeting with the Bosnian Serbs, Pale, 13 January

1. The meeting was conducted throughout in a business-like and friendly manner, with generally brief discussions of differences. Dr. Karadzic, on a number of occasions, expressed optimism and gratitude at the "change" in the Contact Group's position and at the clarifications that members of the Group had offered.
2. At the start of the meeting, the Contact Group handed over a "Contact Group position paper" which had been developed earlier in Belgrade (Annex 1).
3. The issue of acceptance of the Contact Group Plan. The most important item considered was the formula for the acceptance of the Contact Group Plan. After an extensive discussion the Serb side proposed: **"We accept the basis for negotiations as proposed by the Contact Group"**. The Contact Group agreed to take this back to the BH Government in Sarajevo.
4. The issue of equal treatment. This matter was raised several times by the Serbs including in a strong statement by General Mladic. The Serbs claimed equal treatment and the right to confederate with other Serbs. In general, the Contact Group's response to the claim for equality was that it would not apply a double standard so that whatever applied to one party in the negotiations, as well as in the agreements to be negotiated, would apply equally to the other party. On the issue of confederation, members of the Contact Group indicated, in response to specific questions,

that they considered the principle of equal treatment would apply to this issue and that, generally, each entity would be allowed to establish relations with outsiders that did not threaten the integrity of the Union.

5. The issue of the Map. Although members of the Bosnian Serb delegation referred to the issue of the Map on several occasions, members of the Contact Group preferred not to address the issue of the Map at the meeting.
6. The issue of the legal nature of the Republika Srpska. Dr. Karadzic indicated that the Bosnian Serbs would prefer any future Union not to be "composed of the Federation and the Republika Srpska" but to be "formed by" these two entities. The underlying issue has to do with the long-standing Bosnian Serb contention that the Republic of Bosnia and Herzegovina had never come into being at all, even though it had been mistakenly recognised, because it never had a defined territory or a functioning government. By contrast, the Republika Srpska was a State under international law, having a people, territory and a functioning government -- though admittedly it lacked international recognition.
7. Sanctions. The subject of sanctions was a complaint raised repeatedly by the Bosnian Serbs. The members of the Contact Group did not respond.
8. Memorandum of understanding. During the meeting, the Serb delegation presented a draft memorandum of understanding (Annex 2). The members of the Contact Group indicated they were not interested in discussing such a text and the matter was not pursued further.

B. Meeting in Sarajevo, 14 January

9. The Contact Group considered that the abovementioned formula on acceptance eventually proposed by the Bosnian Serbs was substantially equivalent to its position. It was therefore hopeful that it would be deemed adequate by the BH Government. However, President Izetbegovic's immediate reaction was negative, and Prime Minister Silajdzic was even more critical. After consulting among themselves for one and a half hours, the BH delegation returned with the following proposal for a statement to be made by Dr. Karadzic:

"We accept the map as proposed by the Contact Group. The map may be corrected with the agreement of both sides, within 51:49 proportion.

"If, within thirty days, the agreement on the corrections is not reached, the map, as proposed by the Contact Group, remains valid. In that case negotiations on the constitutional and interim arrangements and guaranties, will continue."

10. The Contact Group consulted for half an hour before responding to this counter-proposal and indicating disappointment that the Pale formula had not found favour with the Government. Silajdzic, in particular, persisted in demanding that the Bosnian Serbs make exactly the same acceptance of the Map as the Government had been required to make on 20 July 1994.
11. Members of the Contact Group replied that the Government's proposal would clearly not be satisfactory to the Bosnian Serbs because acceptance of the Contact Group Map had been specifically rejected by the Pale Assembly and the referendum. Moreover, the Government's proposed formula included procedural details about the conduct of negotiations which the Group considered should not be addressed then or in that manner. At the conclusion of the meeting, the Government delegation was requested not to publish the various proposed formulae under discussion, as that would make agreement less likely. President Izetbegovic said he could, at most, make a very limited commitment in this regard, for matters of that sort could not be kept from the media for long.

C. Future activity

11. The Contact Group is expected to meet in Geneva on Thursday, 19 January, with the OIC Contact Group, and thereafter, to continue with internal meetings to discuss its future activities.

CONTACT GROUP POSITION

1. The Contact Group peace plan provides for a viable, reasonable and realistic solution for all parties and offers the peoples of Bosnia and Hercegovina the prospect of a secure future. On 2 December Contact Group Ministers reaffirmed the plan which must be accepted by all parties.

2. The Contact Group wants to see early negotiations on the basis of acceptance of the Contact Group Plan as a starting point leading to a comprehensive peace settlement. Its members reiterate that the cessation of hostilities agreement must be respected by all parties.

3. The contact Group wishes to make clear the following in relation to its plan:

(i.) The territorial proposal of the Group, with its 51/49 parameter, remains the basis for a settlement, while being open to adjustment by mutual agreement between the parties. During negotiations, the Contact Group is prepared to facilitate rapid agreement on this.

(ii) As regards constitutional arrangements, balanced treatment of the Bosniac-Croat and Bosnian Serb entities will be essential, including the establishment of parallel special relationships with neighbouring countries, provided this is consistent with the integrity of Bosnia and Hercegovina.

(iii) Following agreement on constitutional arrangements and possible territorial adjustments, there will be withdrawal to the lines agreed. The Contact Group will look to the United Nations to make arrangements to ensure the separation of forces and to provide effective monitoring of these lines.

(iv) The settlement should provide for refugees and displaced persons to have the possibility to return freely to their homes of origin.

Rec'd for B. Sub, 13.II.95

ANNEX 2

MEMORANDUM OF UNDERSTANDING

It is understood that Republic of Srpska will resume negotiations under the following circumstances:

1. Republic of Srpska shall be treated equally as the Moslem-Croatian Federation under the Washington accord with respect to legal status and current international economic sanctions against the Serbian peoples.

2. Permanent cessation of hostilities with interposition of U.N. forces at confrontation lines.

3. Resumption of Final Peace negotiations in _____ with the Contact Group proposal as the basis for negotiation of all points, in full cooperation with the Contact Group.

4. Republic of Srpska agrees that all parties shall abide by all applicable international standards for human rights.

5. Final settlement would take into account the following:

a) viability of the two states in possible confederation with each other;

b) roughly equal distribution of natural resources and infrastructure;

c) natural and defensible frontiers;

d) transformation of Sarajevo into two cities;

e) access to the sea for the Republic of Srpska;

f) lifting of the United Nations and Yugoslavian economic sanctions against Serbian peoples during negotiations.

6. In a final settlement all has to be agreed. If all is not agreed, nothing is agreed.



INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

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CRYPTOFAX TRANSMITTAL

TO: The Secretary-General

PAGE 1 OF 5

COPY: Goulding/Annan/Gharekhan (New York)
Akashi (Zagreb)

FROM: Stoltenberg

DATE: 13 January 1995

SUBJECT: Activities of the Contact Group

1. The following is a report on the recent activities of the Contact Group based on reports from Paul Szasz.

A. Meeting with President Milosevic, (11 January 1995)

2. The meeting with President Milosevic took place from 14:00 to 18:00 at the Presidency. The subjects underlined below were the principal ones discussed.

3. General tactics in dealing with the Bosnian Serbs: President Milosevic advised:

- (a) He had been told that the pro-negotiation group in the Assembly now constituted a majority. This group had late last year constituted itself as a formal one within the meaning of the Rules of Procedure of the Assembly, giving it the right to introduce procedural and substantive proposals, etc.; this was done over the opposition of Karadzic and the leadership of the Assembly.
- (b) This group drafted, in consultation with Milosevic and in response to the Contact Group's 21 December Declaration, a draft resolution for adoption by the Pale Assembly; apparently the leadership pretended to accept it, but in the last minute advised the Assembly to adopt only para.1, and the group did not feel strong enough to push for the adoption of the rest.

- (c) The leadership and much of the membership of the group comes from Western BH, and is therefore, unlike Karadzic, less interested in Sarajevo than in a solid northern corridor, and may be willing to trade territory in that sense. Milosevic also suggested that Izetbegovic may be less interested in Western BH, where his support is weak, and may therefore be amenable to such trades. Some group members also come from areas such as Mostar, to which they want to return even though they would be Federation territory -- while Karadzic keeps declaring that no Serb would live under Muslim rule.
- (d) The 4-year term for which the Pale Delegates were elected expired mid-December, and their continuance in office is on the basis of a war-time emergency. It is possible that the group may try to call, within a month for new elections -- from which one could expect a wholly new Assembly some two months later. On being asked who might oppose Karadzic in such an election, Milosevic said General Mladic might, and would get three times as many votes as Karadzic.
- (e) The Contact Group must make use of the 4-month cessation of hostilities period, and work urgently. It must be seen as treating both parties equally, and go to both Sarajevo and Pale.
- (f) Milosevic believes that Karadzic and Krajisnic may be ready to negotiate now -- in part because of increasing pressure from members of the Assembly. However, unlike the members of the Pale group, who are desperate for peace, Karadzic and Krajisnic are basically not, for peace would mean loss of their own positions.
- (g) He advised that after any negotiations with Karadzic the Contact Group should publicly announce the proposals made and rejected, and the reasons given therefore -- so that members of the Pale Assembly might be able to form their own opinion of how Karadzic is carrying out his mandate.

4. BH Constitution:

- (a) Milosevic speculated that although Karadzic is insisting on complete independence for the Serb entity, members of the Assembly group might be willing to accept a loose Union.
- (b) Milosevic again suggested that the Contact Group simply present the Invincible draft Constitutional Agreement, which had been "accepted" by all three parties in 1993, and which should prove acceptable now.
- (c) Milosevic cautioned against letting "small" problems, e.g. names such as "Union", "Republic", "Confederation", etc. get into the way of substantive solutions that may be acceptable.
- (d) He did not express himself clearly on the question of "confederation" with Serbia.

5. Sanctions relief: Milosevic expressed, at some length, though low key, his bitterness that the SC resolution being examined in New York for extending the 100-day period did not call for any further sanctions relief -- e.g., in connection with Danube traffic. He insisted that he was principally concerned with the symbolic effect of some additional relief, and considered the failure to grant it a grave mistake. While he would remain dedicated to peace, the failure to grant him recognition for that might have serious consequences.

6. Mr. Ehrman and other members of the Contact Group pointed out that the political climate in New York would not allow going further at this time. Indeed, in an introductory statement, de Sedouy had said that further relief would require further constructive actions from Milosevic. He called attention to the unanimous support for the delivery of Russian gas, and hoped this would soon have come into effect.

B. Meeting with Members of Pale Assembly, (Belgrade, 11 January)

7. Delegates and an interpreter showed up for the meeting (from 18:30 to 20:45). Their leader explained that there would have been more except for the bad weather.

Ambassador Thomas made the opening presentation, emphasizing, among other points as almost all the other Contact Group members did later -- that under the Contact Group's present interpretation (which had been implicit but not clear at the July meetings) there would have to be no withdrawal by the Serbs to agreed lines until full agreement had been reached, i.e. on the Map and on the Constitution. Consequently, the Serbs risked nothing by accepting the Contact Group Plan now and engaging in negotiations. There was no thought of imposing any peace proposals on the parties by force.

8. Various Delegates made the following points:

- (a) As the Contact Group's July proposal had been rejected by a referendum, before accepting to negotiate on that basis one would have to show some significant differences in the current approach.
- (b) Once they understand that the Contact Group's territorial proposals would under no condition be imposed, Serbs could start negotiating on them. [This assurance, which was requested by several Delegates, was given firmly by Thomas and by others.] At least one Delegate insisted that this assurance be given formally, in writing.
- (c) Probably a swap involving territorial continuity around the Sava against land around Sarajevo could be arranged.
- (d) Bosnian Serbs must have the same right to confederate as the Federation had under the Washington Agreement.
- (e) The Delegates are not politicians, but represent the Serb people directly -- the *vox populi*.

- (f) The international community must realize that the peace plan is not for its own benefit, but for the people in the area, who will have to live with it.
- (g) The Serb people are entitled to the same rights as other people. From that point of view, it was clear that Serbs cannot accept the boundaries proposed by Contact Group. The proposed map would not make it possible for the Serb entity to be viable. It was the deep conviction of the Serbs that the proposal was deliberately one-sided, and was in any event irrational.
- (h) As the Serbs achieved a military victory, they were entitled to some consideration.
- (i) Although the 49/51 ratio may be acceptable, the quality of Serb lands must be improved.
- (j) One Delegate, at present a refugee from Tuzla, asked about how the rights of refugees to return and to live unmolested would be assured. Another Delegate pointed out that unless the right of refugees to return home was assured, many of them would have to emigrate.
- (k) One Delegate declared that there was a deep desire for peace among the Serbs, and probably among the other peoples. For example, now, POWs were being taken, rather than just being killed as at the beginning of the war.
- (l) Listening to Contact Group explanations, one Delegate said he now realized to what extent he had been misled. He was for negotiations leading for a lasting peace.
- (m) It was said that the delegates had come and were consulting with the Contact Group at some personal risk.

C. Meeting with General Rose, (Sarajevo, 12 January)

9. At UNPROFOR Headquarters in Sarajevo, General Rose advised that the Bosnian Serbs were eager to negotiate. The 5th Corps's initially successful forays out of Bihac had been a shock to them, and although they had contained and reversed that attack, there were only a few times they would be able to do so again, because of limitations on their fuel, etc. -- unless they could be resupplied from the Federal Republic of Yugoslavia (Serbia and Montenegro). The Bosnian Government was very suspicious, concerned that the peace process might get stuck in a cessation-of-hostilities mode, leading to a Cyprus-like situation. Rose confirmed that there had been a very low level of hostile incidents during the past two weeks, mostly in Bihac and even there rather few. He complained that the Bosnian Government was causing difficulties about the stationing of UNPROFOR and Serb liaison officers on its territory, as foreseen in, and essential for, the maintenance of the 31 December Agreement. He remarked on the good atmosphere at yesterday's meeting of the top-level military leaders at Sarajevo airport, considering it a good augury for the Contact Group's work.

10. Mr. Andreev confirmed that there was a growing eagerness for peace in the Bosnian Serb leadership, reflecting both strategic considerations and pressures from the population. He thought negotiations should be outside the country, where Karadzic could act more freely.

D. Meeting with Bosnian Government, (Sarajevo, 12 January)

11. The Contact Group met with a 9-member delegation of BH Republic/BH Federation officials, headed by Republic President Izetbegovic, Federation President Zubak, Vice-President Ganic, and Republic/Federation Prime Minister Silajdzic, at the Presidency, from 15:50 to 17:00. The purpose of the meeting was to reassure the Bosnian Government about the continued support of the Contact Group and its Governments for the Contact Group Plan, to explain the purpose of the proposed visit to Pale and to announce that at its conclusion the Group would return to report to the Bosnian Government on the outcome.

12. All the Bosnian Government representatives who spoke, led off by Izetbegovic, reacted very negatively to the proposed visit to Pale. The principal reason for the opposition was that they considered that until Karadzic had not unconditionally accepted the Contact Group's Map, as the Bosnian Government had been required to do, nothing should be done to break its isolation. If the Group chose to go ahead nevertheless, it would be held responsible for any negative consequences on the peace process, on the continuation of the cessation of hostilities, etc. The Pale visit would be fruitless, with no acceptable Serb reaction foreseeable.

13. Silajdzic, was the most negative. He repeatedly demanded whether the Contact Group was ready to set deadlines for a positive Serb response and, thereafter, for a positive outcome of any ensuing negotiations; without such deadlines, and appropriate threats to the Serbs if they missed these, Silajdzic asserted that the Contact Group really had no plan. He concluded by saying that at the end of meeting he was even more discouraged than at its beginning.

14. An interesting point came up about the definition of the Contact Group's Plan or Proposal. Silajdzic asserted that all it consisted of was the 5 July Map, as that was all that the Bosnian Government had been asked to accept and did accept; he did not consider that the several Foreign Minister declarations (those of 13 May, 5 and 30 July, and 2 December 1994), and particularly those that were later than the Bosnian Government's 20 July Statement, were technically part of the Contact Group Plan, as Ambassador de Sedouy and other Contact Group members claimed. However, at the end of this discussion, Izetbegovic appeared to concede that certain points in these declarations as to future constitutional structure might be part of the Contact Group Plan.

E. Next Steps

15. Reassembling after the meeting at the Presidency, the Contact Group considered whether it should go on to Pale in light of: (i) the late hour; (ii) the strongly negative Bosnian Government position; (iii) the difficulties in the blue routes talks. Both General Rose and Mr. Andreev advised that the visit go ahead.

SSN 043

CZG 0055

OUTGOING

SSN 0405

Routine

Priority

Immediate

Most Immediate

UN Classified

UN Restricted

UN Confidential

UN Secret

Only

CODE / CRYPTO FAX

1/10

Date/Time: 13 January 1995	File Ref:	Str. Serial No:		
From: P.C. SZASZ BH COMMAND FWD SARAJEVO	Fax No: VSAT 7239 or INMARSAT 871 144 6502	Route:	No:	TOT
To: MR. RAMCHARAN ICFY GENEVA	Fax No: (41-22)917-0080			
ATTN:				
Subject: ATTACHED		Total Pages: 10		
Releasing Officer: Capt JP Ellis	Dept/Tel: 7208	Signature: [Signature]		
Acc Clk:	Router:	FTx Op:	Check Op:	

MESSAGE

PLEASE FIND THE ATTACHED DOCUMENT.

REGARDS.

ENDALL

CODE / CRYPTO FAX

95 JAN 13 - 9:29

JMOB Telcom Unit
Page 1 of 1

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INTERNATIONAL CONFERENCE
ON THE FORMER YUGOSLAVIA

2/10

TO: Mr. Th. Stoltenberg
Lord Owen

Cc: Mr. B. Ramcharan

FROM: P.C. Szasz

DATE: Belgrade, 11 January 1995

SUBJECT: BH Contact Group Meetings in Zürich and Belgrade, 11
January

1. Today's meetings of the BH Contact Group took place first at a lounge at the Zürich airport in transiting from Paris to Belgrade, and then in Belgrade, at the Presidency with President Milosevic and at a restaurant with members of the Pale Assembly. All meetings were at the usual ambassadorial or expert level, with Michael O'Neill and myself participating throughout.

A. At Zürich Airport

2. During an over 2-hour layover at the airport, the Contact Group reviewed the instructions it had received from the political directors at yesterday's meeting, as set out in the Lignes de Conduite agreed to at the conclusion of that meeting, and made plans for the meetings scheduled for this week, and in particular those set for today. The Group agreed on the following two papers, copies of which are attached, to be used in connection with the meeting with the Delegates to the Pale Assembly:

- (a) "Contact Group Position" consisting of the paper agreed to in Belgrade at the morning meeting on 21 December 1994, stripped of its final two sub-paragraphs (3(v) - (vi), which dealt with sanctions), to be handed to the Delegates;
- (b) Four Talking Points on "Constitution" (paras. 1-3 constituting paraphrases of the first three paras. of the 19 July 1994 non-paper on "Elements for a Constitution of the Union" and para. 4 a paraphrase from para. 2 of the unpublished "Guidelines for the Contact Group" annexed to the 2 December Ministerial-Text) and one on "Sanctions Relief", which are not to be handed over.

3. Other decisions taken are reflected in the statements by Contact Group representatives at the meetings in Belgrade reported below.

3/10

B. Meeting with President Milosevic

4. The meeting with President Milosevic took place from 16:00 to 18:00 at the Presidency. The subjects underlined below were the principal ones discussed.

5. General tactics in dealing with the Bosnian Serbs: President Milosevic advised:

- (a) He had been told that the pro-negotiation group in the Assembly now constituted a majority. This group had late last year constituted itself as a formal one within the meaning of the Rules of Procedure of the Assembly, giving it the right to introduce procedural and substantive proposals, etc.; this was done over the opposition of Karadzic and the leadership of the Assembly. Apparently all votes in the Assembly require only a simple majority.
- (b) This group drafted, in consultation with Milosevic and in response to the Contact Group's 21 December Declaration (published on 23 or 24 December) the attached draft resolution for adoption by the Pale Assembly; apparently the leadership pretended to accept it, but in the last minute advised the Assembly to adopt only para. 1, and the group did not feel strong enough to push for the adoption of the rest.
- (c) The leadership and much of the membership of the group comes from Western BH, and is therefore, unlike Karadzic, less interested in Sarajevo than in a solid northern corridor, and may be willing to trade territory in that sense. (Milosevic also suggested that Izetbegovic may be less interested in Western BH, where his support is weak, and may therefore be amenable to such trades.) Some group members also come from areas such as Mostar, to which they want to return even though they would be Federation territory -- while Karadzic keeps declaring that no Serb would live under Muslim rule.
- (d) The 4-year term for which the Pale Delegates were elected expired mid-December, and their continuance in office is on the basis of the war-time emergency. It is possible that the group may try to call, within a month for new elections -- from which one could expect a wholly new Assembly some two months later; incidentally, this may be a reason why such a maneuver might fail, for many of the Assembly members realize they would not be re-elected. (On being asked who might oppose Karadzic in such an election, Milosevic said General Mladic might, and would get three times as many votes as Milosevic.)

- 3 -

4/10

- (e) The Contact Group must make use of the 4-month cessation of hostilities period, and work urgently. It must be seen as treating both parties equally, and go to both Sarajevo and Pale.
- (f) Milosevic believes that Karadzic and Krajacic may be ready to negotiate now -- in part because of increasing pressure from members of the Assembly. However, unlike the members of the Pale group, who are desperate for peace, K & K are basically not, for peace would mean loss of their own positions.
- (g) He advised that after any negotiations with Karadzic the Contact Group should publicly announce the proposals made and rejected, and the reasons given therefor -- so that members of the Pale Assembly might be able to form their own opinion of how Karadzic is carrying out his mandate.

6. BH Constitution:

- (a) Milosevic speculated that although Karadzic is insisting on complete independence for the Serb entity, members of the Assembly group might be willing to accept a loose Union.
- (b) Milosevic again suggested that the Contact Group simply present the invincible draft Constitutional Agreement, which had been "accepted" by all three parties in 1993, and which should prove acceptable now. [NB. He may not realize that aside from calling for a Union of 3 rather than merely 2 entities, the 1993 draft provided for a considerably more substantive Union than foreseen in any of our current drafts.]
- (c) Milosevic cautioned against letting "small" problems, e.g. names such as "Union", "Republic", "Confederation", etc. get into the way of substantive solutions that may be acceptable.
- (d) He did not clearly express himself on the question of "confederation" with Serbia, and did not seem overly eager that such a possibility be preserved for the Bosnian Serbs.

7. Sanctions relief: Milosevic expressed, at some length, though low key, his bitterness that the SC resolution being examined in New York for extending the SC resolution 943 period did not call for any further sanctions relief -- e.g., in connection with Danube traffic. Again he insisted that he was

5/10

principally concerned with the symbolic effect of some additional relief, and considered the failure to grant it a grave mistake. While he would remain dedicated to peace, the failure to grant him recognition for that might have serious consequences.

8. Mr. Ehrman and other members of the Contact Group pointed out that the political climate in New York would not allow going further at this time; indeed, in an introductory statement, de Sedouy had said that further relief would require further constructive actions from Milosevic. They called attention to their unanimous support for the delivery of Russian gas, and hoped this would soon have an effect.

C. Meeting with Members of Pale Assembly

9. 7 Delegates and an interpreter showed up for the meeting (from 18:30 to 20:45). Their leader explained that there would have been more except for the bad weather.

10. Ambassador Thomas made the opening presentation, inter alia reading the five Talking Points (see para. 2(b) above) verbatim and emphasizing, among other points and as almost all the other Contact Group members did later, that under the Contact Group's present interpretation (which had been implicit but not clear at the July meetings) there would have to be no withdrawal by the Serbs to agreed lines until full agreement had been reached, i.e. on the Map and on the Constitution. Consequently, the Serbs risked nothing by accepting the CG Plan now and engaging in negotiations. There was no thought of imposing any peace proposals on the parties by force.

11. Various Delegates made the following points:

- (a) As the Contact Group's July proposal had been rejected by a referendum, before accepting to negotiate on that basis one would have to show some significant differences in the current approach.
- (b) Once they understand that the Contact Group's territorial proposals would under no condition be imposed, Serbs could start negotiating on them. [This assurance, which was requested by several Delegates, was given firmly by Thomas and by others.] At least one Delegate insisted that this assurance be given formally, in writing.
- (c) Probably a swap involving territorial continuity around the Sava against land around Sarajevo could be arranged.
- (d) Bosnian Serbs must have same right to confederate as Federation had under the Washington agreement.

6/10

- (e) The Delegates are not politicians, but represent the Serb people directly -- the vox populi.
- (f) The international community must realize that the peace plan is not for its own benefit, but for the people in the area, who will have to live with it.
- (g) Serb people are entitled to same rights as other people. From that point of view, clear that Serbs cannot accept the boundaries proposed by Contact Group. Proposed Map would not make it possible for Serb entity to be viable. It is deep conviction of Serbs that proposal is deliberately one-sided, and are in any event irrational.
- (h) As Serbs achieved a military victory, they are entitled to some consideration.
- (i) Although 49/51 ratio may be acceptable, quality of Serb lands must be improved.
- (j) One Delegate, at present a refugee from Tuzla, asked about how the rights of refugees to return and to live unmolested would be assured. [Steiner pointed out that this is also a concern of the Muslims and Croats -- and thus, being a common concern, could certainly be settled in negotiations.] Another Delegate pointed out that unless right of refugees to return home is assured, many of them would have to emigrate.
- (k) One Delegate declared that there was a deep desire for peace among the Serbs, and probably among the other peoples. E.g., now POWs were being taken, rather than just having them killed as at beginning of war.
- (l) Listening to Contact Group explanations, one Delegate said he now realizes to what extent he had been misled. They were for negotiations leading for a lasting peace.
- (m) Delegates had come and were consulting with Contact Group at some personal risk.

12. In general, I felt that many of the statements showed how difficult it will be to conduct successful negotiations with even this group of Delegates who allegedly were the least militant in the Assembly. [Milosevic had cautioned that none of these could risk being labelled as anti-nationalistic.]

13. At the end of meeting the paper described in para. 2(a) was handed over, the value of the meeting was asserted by all, and promises were made to remain in contact.

INTERNATIONAL CONFERENCE
ON THE FORMER YUGOSLAVIA

7/10

TO: Mr. Th. Stoltenberg
Lord Owen

cc: Mr. B. Ramcharan

FROM: P.C. Szasz

DATE: Sarajevo, 12 January 1995

SUBJECT: BH Contact Group Meetings in Zagreb and Sarajevo, 12
January

1. Today's meetings of the BH Contact Group took place first at the Zagreb airport, then at UNPROFOR Headquarters in Sarajevo, then at the Presidency in Sarajevo and finally again at UNPROFOR HQ. All meetings were at the usual ambassadorial or expert level, with Michael O'Neill and myself participating throughout.

A. Briefings in Zagreb and Sarajevo

2. Mr. Akashi and the new UNPROFOR Chief of Staff briefed the Contact Group at the Zagreb airport, from 1045 to 1130. Mr. Akashi was basically optimistic in the wake of the military agreement concluded the previous evening at Sarajevo airport concerning various aspects of implementing the 31 December 1994 Cessation of Hostilities Agreement. He approved of the planned visit to Pale, advising that Karadzic might take an initially hard line but was basically prepared to enter into negotiations. He recalled that after the conclusion of the 31 December Agreement Karadzic had been ebullient, stating that once the initial 4-month period had passed it would be difficult to reopen hostilities; the BH Government representatives had been correspondingly subdued, evidently with the same consideration in mind. Akashi advised the Contact Group to go promptly to work to try to reach a political settlement within the period -- indeed, if possible, within the first two months.

3. Akashi asked the Contact Group to keep him informed of its work, and in particular concerning any military or other matters that would require UNPROFOR actions, such as monitoring; he offered to assign senior level liaison officers to the Group, who could also help on matters requiring expertise, such as on the drawing of boundaries. Mr. Steiner responded that at present the Contact Group was just trying to get negotiations going, but once substantive talks had started the Group would certainly consult with UNPROFOR closely on all matters that might require its participation or on which its expertise could be helpful.

8/10

4. At UNPROFOR Headquarters in Sarajevo, General Rose advised that the Bosnian Serbs were eager to negotiate. The 5th Corps's initially successful forays out of Bihac had been a shock to them, and although they contained and reversed that attack, there was only few times they would be able to do so again because of limitations on their fuel, etc. -- unless they could be resupplied from FRY. The BH Government was very suspicious, concerned that the peace process might get stuck in a cessation-of-hostilities mode, leading to a Cyprus-like situation. Rose confirmed that there had been a very low level of hostile incidents during the past two weeks, mostly in Bihac and even there rather few. He complained that the BH Government was causing difficulties about the stationing of UNPROFOR and Serb liaison officers on its territory, as foreseen in and essential for the maintenance of the 31 December Agreement. He remarked on the good atmosphere at yesterday's meeting of the top-level military leaders at Sarajevo airport, considering a good augury for the Contact Group's work.

5. Mr. Andreev essentially confirmed that there was a growing eagerness for peace in the Bosnian Serb leadership, reflecting both strategic considerations and pressures from the population. He thought negotiations should be outside the country, where Karadzic could act more freely. Andreev reported on the 3 negotiations taking place at the airport today consequent on yesterday's Agreement: (i) Experts meeting on blue routes; (ii) ICRC-chaired meeting on POWs; UNHCR-chaired meeting on medical evacuations.

B. Meeting with Bosnian Government

6. The Contact Group met with a 9-member delegation of BH Republic/BH Federation officials, headed by Republic President Izetbegovic, Federation President Zubak, Vice-President Ganic and Republic/Federation Prime-Minister Silajdzic, at the Presidency, from 1550 to 1700. The purpose of the meeting was to reassure the BH Government about the continued support of the Contact Group and its Governments for the Contact Group Plan, to explain the purpose of the imminent visit to Pale and to announce

Izetbegovic clearly introduced Zubak by that title, and Ganic as Vice-President, even though the 6-month interim term for which these had been elected pursuant to the transitional provisions of the Federation Constitution had expired in mid-December. Mr. Andreev has informed me that the proposed amendment to the Federation Constitution that would have extended the transition period (see para. 10 of my memo of 22 September) had not yet been adopted due to Croatian opposition -- which technically throws into doubt the legality of the entire Federation government, and thus also that of the Republic.

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that at its conclusion the Group would return to report to the BH Government on the outcome.

7. All the BH Government representatives who spoke, led off by Izetbegovic, reacted very negatively to the proposed visit to Pale. The principal reason for the opposition was that they considered that until Karadzic had not unconditionally accepted the Contact Group's Map, as the BH Government had been required to do, nothing should be done to break its isolation. If the Group chose to go ahead nevertheless, it would be held responsible for any negative consequences on the peace process, on the continuation of the cessation of hostilities, etc. (When during our visit news came that the expert talks on blue routes at the airport had allegedly broken down, Izetbegovic was quick to lay the blame on the Contact Group for its ill-advised planned visit. Finally, all our interlocutors agreed that the Pale visit would be fruitless, with no acceptable Serb reaction foreseeable.

8. Silajdzic, no doubt, was the most negative speaker. He repeatedly demanded whether the Contact Group was ready to set deadlines for a positive Serb response and, thereafter, for a positive outcome of any ensuing negotiations; without such deadlines, and appropriate threats to the Serbs if they missed these, Silajdzic asserted that the Contact Group really had no plan. He concluded by saying that at end of meeting he was even more discouraged than at its beginning.

9. An interesting point came up about the definition of the Contact Group's Plan or Proposal. Silajdzic asserted that all it consisted of was the 5 July Map, as that was all that the BH Government had been asked to accept and did accept; he did not consider that the several FM declarations (those of 13 May, 5 and 30 July and 2 December 1994), and particularly those that were later than the BH Government's 20 July-statement, were technically part of the CG Plan, as Ambassador de Sedouy and other Contact Group members claimed. However, at end of this discussion Izetbegovic appeared to concede that certain points in these declarations as to future constitutional structure might be part of the CG Plan.

D. POSTMEETING MEETING AT UNPROSERB Headquarters

10. Reassembling after the meeting at the Presidency, the Contact Group considered whether it should go on to Pale in light of: (i) the late hour (we were advised it would take about 1 1/2 hours to drive one way in the snow, and was very risky); (ii) the strongly negative BH Government position; (iii) the difficulties in the blue routes talks, about which Andreev and others briefed us before and after they had adjourned for the day.

11. Consideration (i) ruled out a visit tonight. As to (iii), both General Rose and Mr. Andreev advised that situation not so serious and in any even not clearly attributable to Serb obduracy; both strongly advised that the visit go ahead tomorrow

1910

- Rose thereby in effect again certifying that the Serbs were not violating or preventing the implementation of the Cessation of Hostilities. A final decision on a visit was postponed to tomorrow morning.

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OUT GOING

SSN 0105

Routine

Priority

Immediate

Most Immediate

1/10

UN Classified

UN Restricted

UN Confidential

UN Secret

Only

CODE / CRYPTO FAX

Date/Time: 13 January 1995		File Ref:		Stn. Serial No:	
From: P.C. SZASZ BH COMMAND FWD SARAJEVO		Fax No: VSAT 7239 or INMARSAT 871 144 6502		Route:	No: TOT
To: MR. RAMCHARAN ICFY GENEVA		Fax No: (41-22)917-0080			
ATTN:					
Subject: ATTACHED				Total Pages: 10	
Releasing Officer: Capt JP Ellis		Dept/Tel: 7208		Signature: [Signature]	
Acc Clk:	Router:	FTx Op:	Check Op:		

MESSAGE

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UNOG Telecom Unit
Palais des Nations

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0915 / A



INTERNATIONAL CONFERENCE
ON THE FORMER YUGOSLAVIA

2/10

TO: Mr. Th. Stoltenberg
Lord Owen

cc: Mr. B. Ramcharan

FROM: P.C. Szasz

DATE: Belgrade, 11 January 1995

SUBJECT: BH Contact Group Meetings in Zürich and Belgrade, 11
January

1. Today's meetings of the BH Contact Group took place first at a lounge at the Zürich airport in transiting from Paris to Belgrade, and then in Belgrade, at the Presidency with President Milosevic and at a restaurant with members of the Pale Assembly. All meetings were at the usual ambassadorial or expert level, with Michael O'Neill and myself participating throughout.

A. At Zürich Airport

2. During an over 2-hour layover at the airport, the Contact Group reviewed the instructions it had received from the political directors at yesterday's meeting, as set out in the Lignes de Conduite agreed to at the conclusion of that meeting, and made plans for the meetings scheduled for this week, and in particular those set for today. The Group agreed on the following two papers, copies of which are attached, to be used in connection with the meeting with the Delegates to the Pale Assembly:

- (a) "Contact Group Position" consisting of the paper agreed to in Belgrade at the morning meeting on 21 December 1994, stripped of its final two sub-paragraphs (3(v) - (vi), which dealt with sanctions), to be handed to the Delegates;
- (b) Four Talking Points on "Constitution" (paras. 1-3 constituting paraphrases of the first three paras. of the 19 July 1994 non-paper on "Elements for a Constitution of the Union" and para. 4 a paraphrase from para. 2 of the unpublished "Guidelines for the Contact Group" annexed to the 2 December Ministerial Text) and one on "Sanctions Relief", which are not to be handed over.

3. Other decisions taken are reflected in the statements by Contact Group representatives at the meetings in Belgrade reported below.

3/10

B. Meeting with President Milosevic

4. The meeting with President Milosevic took place from 16:00 to 18:00 at the Presidency. The subjects underlined below were the principal ones discussed.

5. General tactics in dealing with the Bosnian Serbs: President Milosevic advised:

- (a) He had been told that the pro-negotiation group in the Assembly now constituted a majority. This group had late last year constituted itself as a formal one within the meaning of the Rules of Procedure of the Assembly, giving it the right to introduce procedural and substantive proposals, etc.; this was done over the opposition of Karadzic and the leadership of the Assembly. Apparently all votes in the Assembly require only a simple majority.
- (b) This group drafted, in consultation with Milosevic and in response to the Contact Group's 21 December Declaration (published on 23 or 24 December) the attached draft resolution for adoption by the Pale Assembly; apparently the leadership pretended to accept it, but in the last minute advised the Assembly to adopt only para. 1, and the group did not feel strong enough to push for the adoption of the rest.
- (c) The leadership and much of the membership of the group comes from Western BH, and is therefore, unlike Karadzic, less interested in Sarajevo than in a solid northern corridor, and may be willing to trade territory in that sense. [Milosevic also suggested that Izetbegovic may be less interested in Western BH, where his support is weak, and may therefore be amenable to such trades.] Some group members also come from areas such as Mostar, to which they want to return even though they would be Federation territory -- while Karadzic keeps declaring that no Serb would live under Muslim rule.
- (d) The 4-year term for which the Pale Delegates were elected expired mid-December, and their continuance in office is on the basis of the war-time emergency. It is possible that the group may try to call, within a month for new elections -- from which one could expect a wholly new Assembly some two months later; incidentally, this may be a reason why such a maneuver might fail, for many of the Assembly members realize they would not be re-elected. [On being asked who might oppose Karadzic in such an election, Milosevic said General Mladic might, and would get three times as many votes as Milosevic.]

4/10

- (e) The Contact Group must make use of the 4-month cessation of hostilities period, and work urgently. It must be seen as treating both parties equally, and go to both Sarajevo and Pale.
- (f) Milosevic believes that Karadzic and Krajacic may be ready to negotiate now -- in part because of increasing pressure from members of the Assembly. However, unlike the members of the Pale group, who are desperate for peace, K & K are basically not, for peace would mean loss of their own positions.
- (g) He advised that after any negotiations with Karadzic the Contact Group should publicly announce the proposals made and rejected, and the reasons given therefor -- so that members of the Pale Assembly might be able to form their own opinion of how Karadzic is carrying out his mandate.

6. BH Constitution:

- (a) Milosevic speculated that although Karadzic is insisting on complete independence for the Serb entity, members of the Assembly group might be willing to accept a loose Union.
- (b) Milosevic again suggested that the Contact Group simply present the invincible draft Constitutional Agreement, which had been "accepted" by all three parties in 1993, and which should prove acceptable now. [NB. He may not realize that aside from calling for a Union of 3 rather than merely 2 entities, the 1993 draft provided for a considerably more substantive Union than foreseen in any of our current drafts.]
- (c) Milosevic cautioned against letting "small" problems, e.g. names such as "Union", "Republic", "Confederation", etc. get into the way of substantive solutions that may be acceptable.
- (d) He did not clearly express himself on the question of "confederation" with Serbia, and did not seem overly eager that such a possibility be preserved for the Bosnian Serbs.

7. Sanctions relief: Milosevic expressed, at some length, though low key, his bitterness that the SC resolution being examined in New York for extending the SC resolution 943 period did not call for any further sanctions relief -- e.g., in connection with Danube traffic. Again he insisted that he was

principally concerned with the symbolic effect of some additional relief, and considered the failure to grant it a grave mistake. While he would remain dedicated to peace, the failure to grant him recognition for that might have serious consequences.

8. Mr. Ehrman and other members of the Contact Group pointed out that the political climate in New York would not allow going further at this time; indeed, in an introductory statement, de Sedouy had said that further relief would require further constructive actions from Milosevic. They called attention to their unanimous support for the delivery of Russian gas, and hoped this would soon have an effect.

C. Meeting with Members of Pale Assembly

9. 7 Delegates and an interpreter showed up for the meeting (from 18:30 to 20:45). Their leader explained that there would have been more except for the bad weather.

10. Ambassador Thomas made the opening presentation, inter alia reading the five Talking Points (see para. 2(b) above) verbatim and emphasizing, among other points and as almost all the other Contact Group members did later, that under the Contact Group's present interpretation (which had been implicit but not clear at the July meetings) there would have to be no withdrawal by the Serbs to agreed lines until full agreement had been reached, i.e. on the Map and on the Constitution. Consequently, the Serbs risked nothing by accepting the CG Plan now and engaging in negotiations. There was no thought of imposing any peace proposals on the parties by force.

11. Various Delegates made the following points:

- (a) As the Contact Group's July proposal had been rejected by a referendum, before accepting to negotiate on that basis one would have to show some significant differences in the current approach.
- (b) Once they understand that the Contact Group's territorial proposals would under no condition be imposed, Serbs could start negotiating on them. [This assurance, which was requested by several Delegates, was given firmly by Thomas and by others.] At least one Delegate insisted that this assurance be given formally, in writing.
- (c) Probably a swap involving territorial continuity around the Sava against land around Sarajevo could be arranged.
- (d) Bosnian Serbs must have same right to confederate as Federation had under the Washington agreement.

- (e) The Delegates are not politicians, but represent the Serb people directly -- the vox populi.
- (f) The international community must realize that the peace plan is not for its own benefit, but for the people in the area, who will have to live with it.
- (g) Serb people are entitled to same rights as other people. From that point of view, clear that Serbs cannot accept the boundaries proposed by Contact Group. Proposed Map would not make it possible for Serb entity to be viable. It is deep conviction of Serbs that proposal is deliberately one-sided, and are in any event irrational.
- (h) As Serbs achieved a military victory, they are entitled to some consideration.
- (i) Although 49/51 ratio may be acceptable, quality of Serb lands must be improved.
- (j) One Delegate, at present a refugee from Tuzla, asked about how the rights of refugees to return and to live unmolested would be assured. [Steiner pointed out that this is also a concern of the Muslims and Croats -- and thus, being a common concern, could certainly be settled in negotiations.] Another Delegate pointed out that unless right of refugees to return home is assured, many of them would have to emigrate.
- (k) One Delegate declared that there was a deep desire for peace among the Serbs, and probably among the other peoples. E.g., now POWs were being taken, rather than just having them killed as at beginning of war.
- (l) Listening to Contact Group explanations, one Delegate said he now realizes to what extent he had been misled. They were for negotiations leading for a lasting peace.
- (m) Delegates had come and were consulting with Contact Group at some personal risk.

12. In general, I felt that many of the statements showed how difficult it will be to conduct successful negotiations with even this group of Delegates who allegedly were the least militant in the Assembly. [Milosevic had cautioned that none of these could risk being labelled as anti-nationalistic.]

13. At the end of meeting the paper described in para. 2(a) was handed over, the value of the meeting was asserted by all, and promises were made to remain in contact.

INTERNATIONAL COMMISSION
ON THE FORMER YUGOSLAVIA

TO: Mr. Th. Stoltenberg
Lord Owen

cc: Mr. B. Ramcharan

FROM: P.C. Szasz

DATE: Sarajevo, 12 January 1995

SUBJECT: BH Contact Group Meetings in Zagreb and Sarajevo, 12 January

1. Today's meetings of the BH Contact Group took place first at the Zagreb airport, then at UNPROFOR Headquarters in Sarajevo, then at the Presidency in Sarajevo and finally again at UNPROFOR HQ. All meetings were at the usual ambassadorial or expert level, with Michael O'Neill and myself participating throughout.

A. Briefings in Zagreb and Sarajevo

2. Mr. Akashi and the new UNPROFOR Chief of Staff briefed the Contact Group at the Zagreb airport, from 1045 to 1130. Mr. Akashi was basically optimistic in the wake of the military agreement concluded the previous evening at Sarajevo airport concerning various aspects of implementing the 31 December 1994 Cessation of Hostilities Agreement. He approved of the planned visit to Pale, advising that Karadzic might take an initially hard line but was basically prepared to enter into negotiations. He recalled that after the conclusion of the 31 December Agreement Karadzic had been ebullient, stating that once the initial 4-month period had passed it would be difficult to reopen hostilities; the BH Government representatives had been correspondingly subdued, evidently with the same consideration in mind. Akashi advised the Contact Group to go promptly to work to try to reach a political settlement within the period -- indeed, if possible, within the first two months.

3. Akashi asked the Contact Group to keep him informed of its work, and in particular concerning any military or other matters that would require UNPROFOR actions, such as monitoring; he offered to assign senior level liaison officers to the Group, who could also help on matters requiring expertise, such as on the drawing of boundaries. Mr. Steiner responded that at present the Contact Group was just trying to get negotiations going, but once substantive talks had started the Group would certainly consult with UNPROFOR closely on all matters that might require its participation or on which its expertise could be helpful.

4. At UNPROFOR Headquarters in Sarajevo, General Rose advised that the Bosnian Serbs were eager to negotiate. The 5th Corps's initially successful forays out of Bihac had been a shock to them, and although they contained and reversed that attack, there was only few times they would be able to do so again because of limitations on their fuel, etc. -- unless they could be resupplied from FRY. The BH Government was very suspicious, concerned that the peace process might get stuck in a cessation-of-hostilities mode, leading to a Cyprus-like situation. Rose confirmed that there had been a very low level of hostile incidents during the past two weeks, mostly in Bihac and even there rather few. He complained that the BH Government was causing difficulties about the stationing of UNPROFOR and Serb liaison officers on its territory, as foreseen in and essential for the maintenance of the 31 December Agreement. He remarked on the good atmosphere at yesterday's meeting of the top-level military leaders at Sarajevo airport, considering a good augury for the Contact Group's work.

5. Mr. Andreev essentially confirmed that there was a growing eagerness for peace in the Bosnian Serb leadership, reflecting both strategic considerations and pressures from the population. He thought negotiations should be outside the country, where Karadzic could act more freely. Andreev reported on the 3 negotiations taking place at the airport today consequent on yesterday's Agreement: (i) Experts meeting on blue routes; (ii) ICRC-chaired meeting on POWs; UNHCR-chaired meeting on medical evacuations.

B. Meeting with Bosnian Government

6. The Contact Group met with a 9-member delegation of BH Republic/BH Federation officials, headed by Republic President Izetbegovic, Federation President Zubak, Vice-President Ganic and Republic/Federation Prime Minister Silajdzic, at the Presidency, from 1550 to 1700. The purpose of the meeting was to reassure the BH Government about the continued support of the Contact Group and its Governments for the Contact Group Plan, to explain the purpose of the imminent visit to Pale and to announce

Izetbegovic clearly introduced Zubak by that title, and Ganic as Vice-President, even though the 6-month interim term for which these had been elected pursuant to the Transitional provisions of the Federation Constitution had expired in mid-December. Mr. Andreev has informed me that the proposed amendment to the Federation Constitution that would have extended the transition period (see para. 10 of my memo of 22 September) had not yet been adopted due to Croatian opposition -- which technically throws into doubt the legality of the entire Federation government, and thus also that of the Republic.

that at its conclusion the Group would return to report to the BH Government on the outcome.

7. All the BH Government representatives who spoke, led off by Izetbegovic, reacted very negatively to the proposed visit to Pale. The principal reason for the opposition was that they considered that until Karadzic had not unconditionally accepted the Contact Group's Map, as the BH Government had been required to do, nothing should be done to break its isolation. If the Group chose to go ahead nevertheless, it would be held responsible for any negative consequences on the peace process, on the continuation of the cessation of hostilities, etc. (When during our visit news came that the expert talks on blue routes at the airport had allegedly broken down, Izetbegovic was quick to lay the blame on the Contact Group for its ill-advised planned visit. Finally, all our interlocutors agreed that the Pale visit would be fruitless, with no acceptable Serb reaction foreseeable.

8. Silajdzic, no doubt, was the most negative speaker. He repeatedly demanded whether the Contact Group was ready to set deadlines for a positive Serb response and, thereafter, for a positive outcome of any ensuing negotiations; without such deadlines, and appropriate threats to the Serbs if they missed these, Silajdzic asserted that the Contact Group really had no plan. He concluded by saying that at end of meeting he was even more discouraged than at its beginning.

9. An interesting point came up about the definition of the Contact Group's Plan or Proposal. Silajdzic asserted that all it consisted of was the 5 July Map, as that was all that the BH Government had been asked to accept and did accept; he did not consider that the several FM declarations (those of 13 May, 5 and 30 July and 2 December 1994), and particularly those that were later than the BH Government's 20 July-statement, were technically part of the CG Plan, as Ambassador de Sedouy and other Contact Group members claimed. However, at end of this discussion Izetbegovic appeared to concede that certain points in these declarations as to future constitutional structure might be part of the CG Plan.

D. POSTMEETING meeting at UNPROFOR Headquarters

10. Reassembling after the meeting at the Presidency, the Contact Group considered whether it should go on to Pale in light of: (i) the late hour (we were advised it would take about 1 1/2 hours to drive one way in the snow, and was very risky); (ii) the strongly negative BH Government position; (iii) the difficulties in the blue routes talks, about which Andreev and others briefed us before and after they had adjourned for the day.

11. Consideration (i) ruled out a visit tonight. As to (iii), both General Rose and Mr. Andreev advised that situation not so serious and in any even not clearly attributable to Serb obduracy; both strongly advised that the visit go ahead tomorrow

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-- Rose thereby in effect again certifying that the Serbs were not violating or preventing the implementation of the Cessation of Hostilities. A final decision on a visit was postponed to tomorrow morning.

CZN 0071
CZG 0054
SSN 0103

Palais des Nations

OUTGOING CODE CABLE
UNPROFOR

'95 JAN 12 17:31

UNPROFOR
COMMUNICATIONS

CDV

'95 JAN 12 17:22
IMMEDIATE

TO : ANNAN, UNATIONS, NEW YORK

INFO : STOLTENBERG, ICFY, GENEVA
GHAREKHAN, UNATIONS, NEW YORK

FROM : AKASHI, UNPROFOR, ZAGREB

DATE : 12 JANUARY 1995

NUMBER : UNPROFOR Z- 0076

SUBJECT : Meeting with the Contact Group

1/3	
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<i>[Signature]</i>	

CODED CABLE

1. Together with the Chief of Staff, I met with the Contact Group this morning at Pleso airport following their arrival from Belgrade and prior to their departure for Sarajevo. I used the opportunity to brief them on the current state of the implementation of the Cease-fire and Cessation of Hostilities agreements and informed them that, so far, observance of both agreements had been satisfactory and proceeding extremely well. Even in the case of Bihac, the main trouble spot, there had been some signs of a decrease in activity.

2. I also briefed the group on the results of yesterday's meeting in Sarajevo between General Rose and the military commanders of all three sides. Despite the positive progress made in most areas, one trouble spot remained:- the exchange of liaison officers in Tuzla and Gornji Vakuf. On this issue, I had, I told them, already written to President Izetbegovic and was considering doing so again. I also informed them that UNPROFOR was regularly keeping the Security Council informed of all developments now that we had the mechanisms to monitor compliance with the agreements.

3. On the present attitude of the parties, I noted that following the 31 December agreement, the Bosnian Serb side had appeared happier than the Bosnian side which had, it seemed, some reservations over whether or not they were doing the right thing. I paid tribute to the role of the US Embassy in Sarajevo for their intervention with President Izetbegovic for more flexibility on the part of Dr Ganic. I went on to say that Dr Karadzic had expressed confidence that after a four month cessation of hostilities, it would be difficult for any side to renew hostilities. I had, I said, cautioned Dr Karadzic not to be overly confident and had stressed the need for the Bosnian Serbs to attempt to reach a final political agreement in the coming one or two months given the bad track record of cease-fire agreements in BH. I further asked that the Contact Group take advantage of the current momentum for peace in order to avoid a deterioration in the situation.

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4. Turning to the attitude of the Bosnian government, I said that they had, during my negotiations, wanted to maintain the acceptance of the Contact Group map as a basis for future negotiations. Due to a lack of agreement between the sides on this issue, our original reference to the resumption of political talks had been omitted from the text of our agreement on a cessation of hostilities. It was my opinion, I continued, that the question of constitutional matters could prove tricky in the CG negotiations, not least due to the constant shifting of Dr Karadzic's priorities from the map to constitutional issues. In addition, I warned the group of Dr Karadzic's constant reference to the need for a Serb parliamentary acceptance of their proposals, something which he claimed restricted his freedom of movement, and of his statements that the best solution was an imposed one by the international community, acceptable nonetheless to the Serb parliament. Former President Carter's visit had, I said, been psychologically useful to the Serbs in that it had provided a face saving exit for the Serbs to become more flexible and return to the negotiating table.

5. On UNPROFOR/CG coordination of activities, I stressed the importance I attached to UNPROFOR participation in CG discussions and negotiations, particularly those concerning practical military activities which UNPROFOR would be tasked to implement in the event of a final peace settlement. In this regard, I said that should, as I expected, the CG come up with a new military plan to replace our current agreements, UNPROFOR was ready to provide them with a senior military liaison officer to advise them on the feasibility of their suggestions.

6. Finally, on the issue of Croatia, I told the CG members that tremendous progress had been made on the ICFY sponsored economic talks resulting in, among other things, a round the clock opening of the Zagreb-Belgrade highway. However, I had been informed yesterday of the Croatian government's "virtual" decision not to renew the current mandate of UNPROFOR but to allow us to maintain our theatre HQ and logistic support base in Croatia. I had, I said, warned the government that their decision could have some very grave consequences but they had been adamant that UNPROFOR's continued presence was merely consolidating the present status quo. It was ironic, I noted, that we were being asked to withdraw at the very time when so much progress was being achieved on the economic front. I also flagged with the Group the need to bear in mind the possible negative consequences an UNPROFOR withdrawal from Croatia could have on the Bosnian peace process, not least if it encouraged the unification of the RSK and Bosnian Serbs.

7. Responding to my comments, the Russian, French and British representatives expressed their concern at the Croatian government's decision to terminate UNPROFOR's mandate. Both the British and French said that their governments would make a very strong demarche to the Croatians to rescind their decision while Steiner (German) said that while all recognized the potential dangers of the Croatian decision, they also understood the reality of the internal pressures Tudjman was subjected to. Thomas expressed interest in the response of the Knin authorities to the move and I informed him that while Mikelic had expressed his initial disappointment with the decision, the official reaction was still to come from Martić.

8. On the activities of the CG in BH, Steiner, responding to my comments on the need for UNPROFOR participation in their deliberations, said that the group was still only in the stage of "getting things moving and I don't know if we will achieve anything or not." If the group did arrive at the stage of negotiations, there was no doubt that they would require the assistance and advice of UNPROFOR, particularly on military related matters, but that could

be organised at that stage. He reiterated that the first step was to get the process started and said he was not overly optimistic even on this. While the CG had a reasonable line which made it possible for the Serbs to come "back on board without losing face", they needed both sides to proceed. There was, he continued, no point in getting the Serbs on board on the one hand and losing the Bosnian on the other. It was going to be a delicate balance to get both sides together - "I think we will have a rough time with the Bosnians." He also spoke of the need to take into account international factors and said that the group would need to prove reliable and steady in both directions - internally and internationally. I advised the group that notwithstanding their consultations with Ganic and Silajdzic, they should bear in mind that in the end it would be President Izetbegovic who would make the final decision. They should also bear in mind that he could play Ganic and Silajdzic off against each other. On the Serb side, Dr Karadzic would always insist on a collective decision and was confident of having more support in Parliament than President Milosevic credited him with. Other personalities to watch were Krajisnik and Mladic, the latter being more important than his counterpart Delic. Koljevic, while reasonable, did not have much clout.

10. Following our meeting, the group departed for Sarajevo. During the meeting they informed me that they intended to visit Pale later today (as opposed to tomorrow) and were willing to spend as much time there as necessary, including having dinner with the Bosnian Serb side if so offered! I shall keep you informed of the outcome of their meetings in Sarajevo when they brief me on the same.



INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

Palais des Nations, 1211 Geneva 10



Office of the Co-Chairmen

CRYPTOFAX TRANSMITTAL

MOST IMMEDIATE

To: The Secretary-General (ONLY) PAGE 1 OF 3

Copy: Goulding/Annan/Gharekan (ONLY)
Akashi (ONLY)

From: *f* Stoltenberg *R. Annan*

Date: *f* 10 January, 1995

Subject: Contact Group Meeting in Paris, 10 January, 1995

1. The Contact Group met in Paris today and agreed on the text of a communiqué to be issued by the French. The communiqué would reaffirm the commitment of Contact Group Governments to the peace process and announce the intention of the Group to return to the region immediately to seek acceptance of its plan as the starting point for negotiations pursuant to the decisions reached by Contact Group Ministers at their recent meeting in Brussels.
2. Beyond this public communiqué, the Contact Group has agreed on an internal position paper which we have not yet received officially but which apparently contains the following main points:
 - (a) It is important to re-launch negotiations faced with the risk of a deterioration in the situation.
 - (b) When the Group visits Belgrade on Wednesday it will communicate the position that its activities will be premised on acceptance of the Contact Group plan as a starting point "point de depart". It would re-confirm that there should be acceptance of the Contact Group proposals as a whole "l'ensemble des propositions". The Group would inform President Milosevic that it favours renewal of sanctions relief for another 100 days and the provision of gas from Russia.
 - (c) When the Group visits Sarajevo it would inform the leadership there of the aim of its efforts.
 - (d) It would then go to Pale - if General Rose confirms by Wednesday that there have not been violations of the

cessation of hostilities agreement imputable to the Bosnian Serbs. In Pale the Group would try to obtain acceptance of the Contact Group proposals as a starting point ("point de depart") for negotiations. The Group would also/alternatively try to obtain from Pale a concrete proposal that it could present to Sarajevo as indication of the willingness of Pale to negotiate on the basis of acceptance of the proposals of the Contact Group.

- (e) The Group would go to Sarajevo to present the results of each effort in Pale ("chaque demarche a Pale") and assess on the spot ("sur place") the conditions for engaging in a shuttle between Sarajevo and Pale ("une poursuite de sa navette entre Pale et Sarajevo").
- (f) The Group would go to Zagreb at the first possible opportunity to coordinate its process with that of UNPROFOR.
- (g) When in Zagreb it would impress on the authorities there the importance of their providing petrol to the UNPAs. It would insist that the Government in Zagreb should not oppose the renewal of UNPROFOR's mandate. It would support the efforts of the ICFY Co-Chairmen, after the establishment of a modus vivendi, to promote a political solution in Croatia.

3. Some additional points worthy of note at the meeting were the following:

- (a) Only the Germans seem to be insisting on formal acceptance of the Contact Group plan. The other Governmental representatives seem to be using as their yardstick whether the parties are ready for negotiation.
- (b) The French position now seems to be that the Contact Group proposals include not only the map but the ensemble of the positions adopted by the Group's Ministers and the documents given to the parties. In this regard, there seems to be a growing willingness in the group to pursue discussions of a constitutional document. It should be noted, however, that Holbrooke reported that the two sides were far apart on constitutional questions, with Sarajevo insisting on a unitary State and the Serbs preferring not to join in any State at all with the Bosniacs. Holbrooke reported that, in Sarajevo, Haris Silajdzic now seems to be in the role of the hardliner and President Izetbegovic in the role of the softliner. The UK seems to share this view.
- (c) The isolationist policy towards Karadzic seems to have been abandoned in the Group. In this regard, Holbrooke apparently informed the Group that he had every indication that Karadzic is ready to move on his position. Holbrooke also seems to have cautioned the

Contact Group that if it did not advance the process of negotiations fairly soon, President Carter could be expected to come back into the picture and 'sideline' the group.

- (d) The Group is expected to be in Geneva next Monday for a meeting with the OIC contact Group, after which it will probably continue meeting on its own.




INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

Palais des Nations, 1211 Geneva 10



Office of the Co-Chairmen

CRYPTOFAX TRANSMITTAL

To: The Secretary-General PAGE 1 OF 8
Copy: Goulding/Annan/Gharekan (New York)
Akashi (Zagreb)
From: Stoltenberg 
Date: 9 January, 1995
Subject: Results of Contact Group Meeting, 5 January

Three ICFY personnel were at the meeting of the Contact Group in Bonn on 5 January, which had been called for stock-taking and future planning: Ambassador de Sedouy (Deputy-Co-Chairman), Paul Szasz, and Michael O'Neill. The following were the highlights of the meeting:

Future role of the Contact Group

The Government representatives on the Contact Group firmly advocated that the Group should continue its work and should not be superseded. A tentative suggestion had been made that it should have a rotating chairmanship but this idea was not retained since it was felt that the practice could continue of the host country chairing meetings. Some participants in the Group feel that it is suffering from lack of continuous leadership and that its meetings are almost always too brief to permit any but a cursory examination of the issues immediately at hand.

Tentative schedule of future meetings of the Group

The next meeting of the Group will take place in Paris on Tuesday 10 January, at 11.00, at Political Directors level. Thereafter, the tentative schedule, which is still to be confirmed by the Political Directors, provides for the Group to travel to:

- (i) Belgrade on 11 January, to meet with Milosevic and with the Press, and possibly with representatives of the Pale Assembly;

- (ii) Sarajevo and Pale on 12th;
- (iii) Zagreb on 13th, to meet with with Croatian Government representatives and with Akashi.

Attitude to Carter's activities

The prevailing view in the Group seems to be that while the visit of President Carter may have been useful to the "Cessation of Hostilities Track", it did not advance the "Contact Group Track" (negotiating a lasting peace, and in particular the territorial division of Bosnia and Herzegovina and its future constitutional structure.)

The US member on the Contact Group, Ambassador Thomas, distributed copies of a letter of 27 December from Carter to Milosevic (Annex I). Ambassador Thomas thinks that President Carter would not be averse to being brought back into the process.

Senator Dole's 'Lift' Resolution

Ambassador Thomas distributed the text of the Dole bill (Annex II). He said that the draft so far had only ten sponsors, though more could be expected. He did not believe that the Senators would move for adoption of the bill for some months, but could not be certain about this.

Contacts with President Milosevic

The UK member, Mr Ehrman, informed the Group of recent conversations between their Chargé in Belgrade and President Milosevic. President Milosevic had suggested the following:

- (a) The Contact Group should meet in Belgrade on 11 January with 10 representatives of the Pale Assembly.
- (b) There should be a more prominent meeting perhaps hosted by the ICFY Co-Chairmen, the Contact Group and President Carter, at which the various clarifications of the Contact Group plan would be publicly presented to the Pale representatives and the Press.

The UK supports the first proposal while France sees no need for it. The UK has serious reservations about the second proposal.

Underlying positions of the Contact Group

The Group noted that the Pale Assembly's decision of 29 December did not refer to the Contact Group plan but to the 'agreement with Carter' and that it was later specifically announced that the Assembly's decision did not imply acceptance of the Contact Group map. This, members of the Group noted, underscored the need to clarify the basis of further

negotiations. They also recognised the need to ascertain whether the two sides (the Federation and the Serbs) are really ready to negotiate - a point that had to be explored; hence the reason for the proposed meetings in Sarajevo and Pale. The Contact Group recognises that it should not be perceived as letting matters drift.

Underlying much of the Group's discussion was the question of whether to continue isolating Karadzic in the hope that Milosevic would manage to neutralize him in the Pale Assembly, or whether serious attempts should now be made to draw him into direct negotiations. The general feeling in the Group is that it must be seen as talking to both sides, and that it should not be seen as trying to influence internal Serb politics.

The UK member on the Group said that UK information suggested that, for the present, Dr Karadzic could be expected to adopt a hard line: insisting on more than 49% and that there should be no Union. The UK representative also pointed out that at the 29 December meeting of the Pale Assembly, only about 20 representatives (i.e. those who ultimately abstained or absented themselves) in effect took the Milosevic line.

The approach that seems to be emerging in the Contact Group is that it would take formal note of the Pale Assembly's agreement for the "Bosnian Serb party to negotiate...on the basis of the acceptance of the peace plan...". If Karadzic indicated any willingness to negotiate, this would be deemed to be on the basis of an implicit acceptance of the Contact Group plan (at least for the purpose of such negotiations). However, the Bosnian Government would be assured that if such negotiations failed, the Contact Group would take the position that the original Plan still stood.

Constitutional Aspects

Paul Szasz suggested that map-swaps might be facilitated if the constitutional issues were on the table at the same time, because it could give greater scope for negotiations. The German member, Steiner, thought that this might risk getting stuck on both issues. The UK member said it was time for the Contact Group to devote some time, however, to the constitutional issues.

TEXT OF LETTER:

DECEMBER 27, 1994

TO PRESIDENT SLOBODAN MILOSEVIC

WE ENJOINED OUR ALL-TOO-BRIEF VISIT WITH YOU LAST WEEK, AND APPRECIATE VERY MUCH YOUR HOSPITALITY. YOUR EXPLANATION OF THE SITUATION ON BOSNIA-HERZEGOVINA WAS

HELPFUL, AND YOUR COMMITMENT TO THE PEACE ARRANGEMENT WAS ENCOURAGING.

THERE IS STILL A SERIOUS PROBLEM WHICH YOU ARE IN A STRONG POSITION TO ADDRESS. AS YOU KNOW, DR. KARADZIC HAS SIGNED THE PROPOSALS I PRESENTED TO HIM, AND SO FAR THE BOSNIAN SERBS HAVE HONORED THEIR COMMITMENTS. HOWEVER, THE CONFIDENT GROUP HAVE, EVER SINCE AMMAN, REFUSED TO COMMUNICATE DIRECTLY WITH HIM. WHEN I QUESTION THEM ABOUT THIS, THEY REPLY THAT THEY ARE HONORING A PROMISE MADE TO YOU, THAT DR. KARADZIC IS "ISOLATED."

I RECALL THAT YOU EXPRESSED A WILLINGNESS TO REOPEN

RELATIONS AS SOON AS IT WAS OBVIOUS THAT GOOD FAITH WILL BE DEMONSTRATED. IN ORDER FOR PROGRESS TO CONTINUE AND SO WE CAN SEE AN EARLY LIFTING OF THE ECONOMIC SANCTIONS AGAINST YOUR COUNTRY, I URGE YOU TO REQUEST THAT BOSNIA AND THE EUROPEAN NATIONS JOIN THE UNITED STATES IN PROVIDING "CONTACT" TO BOTH SIDES. OTHERWISE, THERE IS A REAL DANGER THAT THE CAREFULLY NEGOTIATED PEACE PLAN WILL FAIL.

SINCERELY,
/S/
JIMMY CARTER.

BUTLER

CONFIDENTIAL

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1 national arms embargo to the Government of Bosnia
2 and Herzegovina contravenes that Government's in-
3 herent right of individual or collective self-defense
4 under Article 51 of the United Nations Charter and
5 therefore is inconsistent with international law.

6 (2) The United States has not formally sought
7 multilateral support for terminating the arms em-
8 bargo against Bosnia and Herzegovina through a
9 vote on a United Nations Security Council resolution
10 since the enactment of section 1404 of the National
11 Defense Authorization Act for Fiscal Year 1995
12 (Public Law 103-337).

13 (3) The United Nations Security Council has
14 not taken measures necessary to maintain inter-
15 national peace and security in Bosnia and
16 Herzegovina since the aggression against that coun-
17 try began in April 1992.

18 SEC. 3. STATEMENT OF SUPPORT.

19 The Congress supports the efforts of the Government
20 of the Republic of Bosnia and Herzegovina—

21 (1) to defend its people and the territory of the
22 Republic;

23 (2) to preserve the sovereignty, independence,
24 and territorial integrity of the Republic; and

not cash
10/1/95

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DRAFT

S.L.C.

104TH CONGRESS
1ST SESSION**S.** _____**IN THE SENATE OF THE UNITED STATES**

LIESSERMAN
Mr. Dole introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Bosnia and
5 Herzegovina Self-Defense Act of 1995".

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) For the reasons stated in section 520 of the
9 Foreign Relations Authorization Act, Fiscal Years
10 1994 and 1995 (Public Law 103-236), the Congress
11 has found that continued application of an inter-

23 United States Government as of the date of receipt
24 of the request described in subsection (a) pursuant
25 to which approval is denied for transfers of defense

O:\RYN\RYN95.069

S.L.C.

1 articles and defense services to the former Yugo-
2 slavia.

3 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be interpreted as authorization for deployment
5 of United States forces in the territory of Bosnia and
6 Herzegovina for any purpose, including training, support,
7 or delivery of military equipment.

1 (3) to bring about a peaceful, just, fair, viable,
2 and sustainable settlement of the conflict in Bosnia
3 and Herzegovina.

4 **SEC. 4. TERMINATION OF ARMS EMBARGO.**

5 (a) **TERMINATION.**—The President shall terminate
6 the United States arms embargo of the Government of
7 Bosnia and Herzegovina on—

8 (1) the date of receipt from that Government of
9 a request for assistance in exercising its right of
10 self-defense under Article 51 of the United Nations
11 Charter, or

12 (2) April 30, 1995,

13 whichever comes first.

14 (b) **DEFINITION.**—As used in this section, the term
15 “United States arms embargo of the Government of
16 Bosnia and Herzegovina” means the application to the
17 Government of Bosnia and Herzegovina of—

18 (1) the policy adopted July 10, 1991, and pub-
19 lished in the Federal Register of July 19, 1991 (58
20 F.R. 33322) under the heading “Suspension of Mu-
21 nitions Export Licenses to Yugoslavia”; and

22 (2) any similar policy being applied by the

CZU-024

CZG-019

SSN-033

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IMMEDIATE

Page 1 of 1

TO: ANNAN, UNATIONS, NEW YORK
INFO: GHAREKHAN, UNATIONS, NEW YORK
GOULDING, UNATIONS, NEW YORK
STOLTENBERG, ICFY, GENEVA
FROM: AKASHI, UNPROFOR, ZAGREB
NUMBER: UNPROFOR Z - 024
DATE: 6 JANUARY 1995
SUBJECT: CONTACT GROUP

UNPROFOR
COMMUNICATIONS
95 JAN -6 12:20
C03
95 JAN -6 12:39

UNOS Telecom Unit
Paris des Nations

CODED CABLE

Michael Steiner, the German member of the Contact Group, called me on behalf of the Group to inform me of the following:

At its meeting in Bonn yesterday, the Contact Group decided to maintain its formula of the "acceptance by the parties of the CG plan as a starting point for negotiations". They feel that this is a flexible enough formula and the Bosnian Serbs should be persuaded to agree to it.

The Contact Group plans to have another meeting in Paris on Tuesday, 10 January. They plan to go to Belgrade on Wednesday, 11 January and come to see me on Thursday, 12 January. They intend to fly to Sarajevo that afternoon for a meeting with the Bosnian Government, and they may go to Pale on the morning of the next day. They plan to come back to Zagreb on the same day to inform me of the results of their meetings.

The Contact Group intends to take full advantage of the stabilization of the military situation and the positive momentum created by UNPROFOR by the two year-end agreements. Their negotiations with the parties will be conducted "under the aegis of the Contact Group". They will involve the Co-Chairmen of ICFY whose good offices are valuable. The Contact Group agenda will consist of three items: 1. Territorial questions, 2. Constitutional matters, 3. Implementation of the peace agreement.

Steiner feels that UNPROFOR's advice is needed in particular for the implementation phase.

Regards.

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95 JAN -6 12:24
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2/16

INTERNATIONAL CONFERENCE
ON THE FORMER YUGOSLAVIA

TO: Mr. Th. Stoltenberg
Lord Owen

FROM: P.C. Szabo

DATE: Vienna, 6 January 1995

SUBJECT: BH Contact Group Meetings in Bonn, 5 January

1. The most recent meeting of the BH Contact Group took place at a German Foreign Ministry guest house, at the ambassadorial or expert level (Ambassador Thomas was assisted by Mr. Hill), with Michael O'Neill and myself participating throughout. The purpose of the meeting was stock-taking and the development of plans for the immediate future. In particular the topics underlined below were examined.

2. Carter visit: As at our Belgrade meeting on 21 December, it was agreed that while the visit of former US President Carter to Sarajevo may have been of some utility to the "Akasni track" (i.e., negotiating a cease-fire and cessation of hostilities), it did not advance the "Contact Group track" (negotiating a lasting peace, and in particular the territorial division of BH and its future constitutional structure). It was pointed out that even with respect to the former, the really difficult issue of achieving a cease-fire in Bihac had not been addressed by Mr. Carter, as he never established any contacts with Abdic or the Croatian Serbs. As appears from para. 10 below, the French at least have not yet overcome their pique about the Carter mission.

3. Ambassador Thomas distributed copies of Carter's letter to Milosevic of 27 December (text faxed yesterday to Geneva from Bonn). At a later point he indicated that it was his feeling that although President Carter is not now inclined to press Karadzic in respect of the negotiations on the Contact Group Plan, he would not be adverse to being brought back into the process. In any event, the US Administration has to treat the Carter initiative positively, because it has wide public and media support in USA.

4. Proposed new BH legislation: Ambassador Thomas distributed the text of a bill that had been introduced in the US Senate the previous day by Senators Dole and Lieberman, of a proposed "Bosnia and Herzegovina Self-Defense Act of 1995" (text faxed yesterday to Geneva from Bonn). He and Mr. Hill pointed out that up to then this draft had received only about 10 sponsors, though many more could be expected. They thought that the Senators would not move for adoption of the bill for some months, but this could

- 2 -

not be certain, and they admitted that the Administration had been surprised by the early date of this initiative. They declined to speculate about the possibility of a Presidential veto.

5. Milosevic communication to UK Charge: Mr. Ehrman informed the Group of a recent meeting between the British Charge in Belgrade and President Milosevic -- evidently the latest meeting that any Contact Group representative had with the latter. Milosevic had made two proposals:

- (a) The Contact Group should meet in Belgrade with 10 representatives of the Pale Assembly;
- (b) There should later be a more prominent meeting ("mega meeting") perhaps hosted by the ICY Co-Chairs, the Contact Group and President Carter, at which the various clarifications, etc. of the Contact Group Plan would be publicly presented to the Pale representatives and the press.

Milosevic had also indicated that he knew of the proposed meeting between Lord Owen and Messrs. Krajacic and Koljevic next Monday, and saw no harm in that.

6. Mr. Ehrman indicated that while the UK favoured the first proposal, it had serious reservations about the second. That appeared to be the view also of other Group members.

7. Attitude towards Krajacic: Underlying much of the Group's discussion was the question of whether one should continue to isolate Krajacic in the hope that Milosevic would manage to neutralize him in the Pale Assembly, or whether serious attempts should now be made to draw him into direct negotiations.

8. In this connection Mr. Ehrman pointed out that UK information suggested that for the present Krajacic could be expected to adopt a hard line: insisting on more than 49% and on no Union. He also pointed out that at the 29 December meeting of the Pale Assembly only about 20 representatives (i.e. those who ultimately abstained or absented themselves) in effect took the Milosevic line.

9. It was agreed that the Contact Group should stick by and reiterate the statement it had agreed on after the visit with Milosevic on 21 December and which was apparently issued on 23/24 December, but omit from it the final clause of the first condition, i.e. that the Contact Group be formally informed of the Pale Assembly's agreement for the "Bosnian Serb party to negotiate ... on the basis of the acceptance of the peace plan ...". This change would imply that if Krajacic indicated any willingness to negotiate, this would be deemed to be on the basis of an implicit acceptance of the Contact Group Plan (at least for purpose of such negotiations); however, the Bosnian Government

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- 3 -

would be assured that if such negotiations failed, the Contact Group would take the position that then the original Plan still stood.

10. Mr. deSedouy, after telephoning with Paris, said his government opposed meeting with the Pale 10 in Belgrade, basically because it considered that in light of the Carter visit and the Contact Group's present willingness to meet with Karadzic even without an explicit prior acceptance by him or his Assembly of the Contact Group Plan the dump-Karadzic approach had implicitly been abandoned. He indicated that his government might even consider it logical on that basis to abandon the resolution 942 special sanctions and perhaps even the border closing to which resolution 943 relates -- but he did not press this point.

11. Evan Hill appeared to accept the desirability of dealing with Karadzic directly, pointing out that one would not wish to inform the US Congress that instead of so doing one was relying on Milosevic as a tactical ally. He even suggested that the Contact Group might wish to present its position to the Pale Assembly directly, but Ehrman and deSedouy immediately termed that as too risky.

12. The general feeling was that the Contact Group must be seen as talking to both sides, and that it should not be seen as trying to influence internal Serb politics. However, it was also recognized that the BH government must be prepared to go along if Karadzic were to agree to attend negotiations without an explicit prior acceptance; for this the US will have to lean on them.

13. Proposed actions by the Contact Group: It was generally agreed that the Contact Group should not be perceived as letting matters drift, and especially not during the entire 4-month cessation of hostilities. Therefore some actions should be undertaken, and the decision referred to in para. 9 as well as the proposed schedule of meetings set out in para. 24 should be understood in that context.

14. It was, of course, noted that the Pale Assembly's decision of 29 December did not refer to the Contact Group Plan but to the "agreement with Carter" and that it was later specifically announced that the Assembly's action did not imply acceptance of the CGP. This underscores that the differences articulated by the various parties as to the basis of further negotiations were not merely semantic ones -- much as the Contact Group might prefer to pretend otherwise. The real point to ascertain is whether both parties are really ready to negotiate -- a point that might be doubted but must be explored; the visits referred to below would serve that purpose.

15. Mr. Ehrman proposed that the Group might now engage in shuttle diplomacy. This was opposed by Zotov and in particular by Steiner. For example, if Pale and Sarajevo were to be visited next week, there should be only one call on either place, and

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- 4 -

although the party visited first might later be informed of the reactions of the party next visited, this should not be done by a return to the first party but through some less formal mechanism (e.g., a low-level briefing at or a phonecall from the Sarajevo Airport).

16. A number of suggestions were made for attempting to "pre-wire" acceptable answers from some of the principals to proposals that might then be publicly be made by the Contact Group (e.g., in particular that someone -- e.g., Lord Owen -- might ask Karadzic that if the Contact Group makes an announcement along the lines explored in para. 9 above, he simply announce that he is prepared to attend negotiations without at the same time reiterating his non-acceptance of the Group's Plan); however, most such suggestions were dropped on the ground that the parties were generally too unreliable to be trusted to make statements or take actions precisely as agreed.

17. Scope of possible negotiations: I suggested that Map-swaps might be facilitated if the Constitutional issues were on the table at the same time, because it would give greater scope for negotiations -- e.g., territory for increased autonomy.

18. Though Mr. Steiner feared that this might risk getting stuck on both issues, Ebrahim mentioned that it was time that the Contact Group devoted some time to studying the Constitutional proposals.

19. Sanctions: Ambassador Zotov indicated that his government naturally wished the 100-day suspension of certain sanctions to be extended -- and if possible even to be made more extensive. Mr. Steiner warned that the Group could not well go back to Belgrade if the sanctions suspension were to terminate.

20. Ambassador Thomas indicated that the US government saw several positive features, such as the increase in the number of monitors and the cessation of the trans-shipments to the Krajina. However, it was still disturbed by evidence of too much leakage, and also at the recent authorization for 7 tanker trucks to go from Belgrade to the Krajina; as to the latter it was pointed out that if that shipment had gone by the Belgrade-Zagreb highway there was no problem, since then it would have had to have been authorized by the Croatian government -- which would also be in accord with paragraph 12 of SC resolution 820. The US attitude would be determined at a meeting the next day (Friday) of representatives of all offices concerned.

21. Mr. Hill announced that it had been decided that the shipments of Russian gas to Serbia and Bosnia should be authorized as per the long-standing Russian request, with respect to what Hill described as a significant quantity. This decision had taken into account that the BH government had supported the request. A telegram of instructions (presumably to the US representative on the Sanctions Committee) was being sent.

6/16

- 5 -

Ambassador Zotov welcomed this news -- but indicated that the Russian gas company itself might consider this a mixed blessing as payments for the proposed deliveries was not assured, especially from the Bosnian government -- which apparently conditioned its support for the shipment on an understanding that it would not have to pay.

22. Future of Contact Group: Unsurprisingly, the members of the Contact Group felt, when the issue was briefly raised, that the Group should continue its work and should not be superseded by the ICZY Co-Chairmen.

23. As to its internal structure, a tentative suggestion that a formal rotating chairmanship be introduced was turned aside; the present system is satisfactory, whereby the host of a meeting (in a member country or in the embassy or mission of such a country if the meeting takes place elsewhere) assumes the chairmanship, and for meetings with the parties a spokesman is chosen ad hoc. [I did not express my view, except to some members individually, that the Group is suffering from lack of continuous leadership, and that its meetings were almost always too brief to permit any but a cursory examination of the issues most immediately at hand.]

24. Tentative schedule of future meetings and travels:

- (a) Next meeting in Paris on the 10th, at 11:00, at political directors level. Expect to hear briefings from Lord Owen about his meetings the previous day with Messrs. Krajacic and Koljevic, and from Ambassador Thomas on meetings in Sarajevo.
- (b) Thereupon, subject to the approval of the political directors, the Group would travel to:
 - (i) Belgrade on the 11th, to meet with Milosevic and with press, and possibly with the 10 Pale representatives (as to which the French have expressed reservations -- see para. 10 above);
 - (ii) Sarajevo & Pale on the 12th (using an UNPROFOR plane and overnighting in Sarajevo);
 - (iii) Zagreb on the 13th, to meet with Croatian government and with Akasni.
- (c) Tentatively some further meetings, probably the following week, were discussed, including one to study the proposed Union Constitution (see para. 18 above). I indicated that I would have to be back in NYC on Thursday, the 14th, to start the seminar I am teaching.



INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

Palais des Nations, 1211 Geneva 10

Office of the Co-Chairmen



To: The Secretary-General

PAGE 1 OF 8

Copy: Goulding/Annan/Gharekan (New York)

Akashi (Zagreb)

From: Stoltenberg

Date: 9 January, 1995

Subject: Results of Contact Group Meeting, 5 January

Three ICFY personnel were at the meeting of the Contact Group in Bonn on 5 January, which had been called for stock-taking and future planning: Ambassador de Gedeon (Deputy-Co-Chairman), Paul Szabo, and Michael O'Neill. The following were the highlights of the meeting:

Future role of the Contact Group

The Government representatives on the Contact Group firmly advocated that the Group should continue its work and should not be superseded. A tentative suggestion had been made that it should have a rotating chairmanship but this idea was not retained since it was felt that the practice could continue of the host country chairing meetings. Some participants in the Group feel that it is suffering from lack of continuous leadership and that its meetings are almost always too brief to permit any but a cursory examination of the issues immediately at hand.

Tentative schedule of future meetings of the Group

The next meeting of the Group will take place in Paris on Tuesday 10 January, at 11.00, at Political Directors level. Thereafter, the tentative schedule, which is still to be confirmed by the Political Directors, provides for the Group to travel to:

- (1) Belgrade on 11 January, to meet with Milosevic and with the Press, and possibly with representatives of the Pale Assembly;

- 2 -

8/16

- (ii) Sarajevo and Pale on 12th;
- (iii) Zagreb on 13th, to meet with with Croatian Government representatives and with Akashi.

Attitude to Carter's activities

The prevailing view in the Group seems to be that while the visit of President Carter may have been useful to the "Cessation of Hostilities Track", it did not advance the "Contact Group Track" (negotiating a lasting peace, and in particular the territorial division of Bosnia and Herzegovina and its future constitutional structure.)

The US member on the Contact Group, Ambassador Thomas, distributed copies of a letter of 27 December from Carter to Milosevic (Annex I). Ambassador Thomas thinks that President Carter would not be averse to being brought back into the process.

Senator Dole's 'Lift' Resolution

Ambassador Thomas distributed the text of the Dole bill (Annex II). He said that the draft so far had only ten sponsors, though more could be expected. He did not believe that the Senators would move for adoption of the bill for some months, but could not be certain about this.

Contacts with President Milosevic

The UK member, Mr Ehrman, informed the Group of recent conversations between their Chargé in Belgrade and President Milosevic. President Milosevic had suggested the following:

- (a) The Contact Group should meet in Belgrade on 11 January with 10 representatives of the Pale Assembly.
- (b) There should be a more prominent meeting perhaps hosted by the ICPC Co-Chairmen, the Contact Group and President Carter, at which the various clarifications of the Contact Group plan would be publicly presented to the Pale representatives and the Press.

The UK supports the first proposal while France sees no need for it. The UK has serious reservations about the second proposal.

Underlying positions of the Contact Group

The Group noted that the Pale Assembly's decision of 29 December did not refer to the Contact Group plan but to the 'agreement with Carter' and that it was later specifically announced that the Assembly's decision did not imply acceptance of the Contact Group map. This, members of the Group noted, underscored the need to clarify the basis of further

- 3

negotiations. They also recognised the need to ascertain whether the two sides (the Federation and the Serbs) are really ready to negotiate - a point that had to be explored; hence the reason for the proposed meetings in Sarajevo and Pale. The Contact Group recognised that it should not be perceived as letting matters drift.

Underlying much of the Group's discussion was the question of whether to continue isolating Karadzic in the hope that Milosevic would manage to neutralize him in the Pale Assembly, or whether serious attempts should now be made to draw him into direct negotiations. The general feeling in the Group is that it must be seen as talking to both sides, and that it should not be seen as trying to influence internal Serb politics.

The UK member on the Group said that UK information suggested that, for the present, Dr Karadzic could be expected to adopt a hard line: insisting on more than 49% and that there should be no Union. The UK representative also pointed out that at the 29 December meeting of the Pale Assembly, only about 20 representatives (i.e. those who ultimately abstained or absented themselves) in effect took the Milosevic line.

The approach that seems to be emerging in the Contact Group is that it would take formal note of the Pale Assembly's agreement for the "Bosnian Serb party to negotiate... on the basis of the acceptance of the peace plan...". If Karadzic indicated any willingness to negotiate, this would be deemed to be on the basis of an implicit acceptance of the Contact Group plan (at least for the purpose of such negotiations). However, the Bosnian Government would be assured that if such negotiations failed, the Contact Group would take the position that the original Plan still stood.

Constitutional Aspects

Paul Szasz suggested that map-swaps might be facilitated if the constitutional issues were on the table at the same time, because it could give greater scope for negotiations. The German member, Steiner, thought that this might risk getting stuck on both issues. The UK member said it was time for the Contact Group to devote some time, however, to the constitutional issues.

ANNEX 1

10/16

LETTER OF LETTERS

DECEMBER 27, 1994

TO PRESIDENT MILORAD PAVLOVIC

WE WELCOME OUR ALL-TOO-BRIEF VISIT WITH YOU LAST WEEK, AND APPRECIATE YOUR WARM HOSPITALITY. YOUR EXPLANATION OF THE SITUATION ON BOSNIA-HERZEGOVINA WAS

HELPFUL, AND YOUR COMMITMENT TO THE PEACE AGREEMENT WAS ENCOURAGING.

THERE IS STILL A SERIOUS PROBLEM WHICH YOU ARE IN A STRONG POSITION TO ADDRESS. AS YOU KNOW, DR. KARADZIC HAS SIGNED THE PROTOCOLS I PRESENTED TO YOU, AND SO FAR THE BOSNIAN SERBS HAVE HONORED THEIR COMMITMENTS. HOWEVER, THE COMBAT GROUP HAVE, EVER SINCE, REFUSED TO COMMUNICATE DIRECTLY WITH THEM. WHEN I QUESTION THEM ABOUT THIS, THEY REPLY THAT THEY ARE HONORING A PROMISE MADE TO YOU, THAT DR. KARADZIC IS "ISOLATED."

I RECALL THAT YOU EXPRESSED A WILLINGNESS TO RESUME

RELATIONS AS SOON AS IT WAS OBVIOUS THAT GOOD FAITH WOULD BE DEMONSTRATED. IN ORDER FOR PROGRESS TO CONTINUE AND SO WE CAN SEE AN EARLY LIFTING OF THE ECONOMIC SANCTIONS AGAINST YOUR COUNTRY, I URGE YOU TO REQUEST THAT BOSNIAN AND THE EUROPEAN NATIONS JOIN THE UNITED STATES IN PROVIDING "CONTACT" TO BOTH SIDES. OTHERWISE, THERE IS A REAL DANGER THAT THE CAREFULLY NEGOTIATED PEACE PLAN WILL FAIL.

SINCERELY,
/s/
JIMMY CARTER

BTLMH

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SSN- 2725

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94 DEC 16

UNOG. Telecom. Unit
Palais des Nations

TO : ANNAN, UNATIONS, NEW YORK
INFO : GHAREKHAN, UNATIONS, NEW YORK
STOLTENBERG, ICFY, GENEVA
FROM : AKASHI, UNPROFOR, ZAGREB
DATE : 16 DECEMBER 1994
NUMBER : UNPROFOR Z- 1941
SUBJECT : MY MEETING WITH THE CONTACT GROUP

DISTRIBUTION	20
AV	20
BR	20
/ Akashi	

1. Last night, following our return from Bosnia-Herzegovina, the Force Commander and I had a working dinner with the Contact Group (CG). The CG was represented by Ambassador Thomas (USA), Ambassador Zotov (Russian Federation), Mr. Ehrman (UK), Mr. de Sedouy (France) and Mr. Steiner (Germany). The discussion was long and covered a wide range of issues. It also brought to the fore some interesting points, but most significantly it resulted in the CG voicing its support for our plan, and agreeing to make this known to Pale through channels in Belgrade. The CG arrived for dinner after having met with Prime Minister Silajdzic (who was on the aircraft with us from Split). Following is a account of the talks.

2. I began our discussion by disclosing that I had presented our stabilization plan to the parties in Bosnia-Herzegovina. I noted that initially both sides had reacted sceptically to our ideas, which was not unexpected, but with further explanation they calmed down and became more receptive. Ehrman conveyed Silajdzic's verdict that the "package was not unreasonable."

3. Thomas then asked whether Karadzic had mentioned, during the course of our talks in Pale, his intention to call President Carter. I said no, but that during the negotiations he did leave the room to take a call from Washington. We did not ask who it was from. Thomas then enquired about Karadzic's reaction to our initiative. I said that he insisted that the Bosnian Serbs be treated on a basis of absolute equality, and assailed the SCRs for being anti-Serb. Karadzic said he did not, of course, recognize the Bosnian Government and was determined to establish an independent state of his own. I explained to Karadzic that this demand should be presented at the twilight of political negotiations, and not stipulated at the beginning. I cited the letter he himself had sent to the Secretary-General on 27 November, in which he accepted the need for a cease-fire, cessation of hostilities and political negotiations. By the close of our discussions,

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Karadzic did show signs of moderation and even asked for us to return to Pale. Therefore, in spite of all his blustering, he is not totally disinterested with regard to our recommendations.

4. I went on to say that I had also told Karadzic the negotiations on constitutional and territorial issues were not in UNPROFOR's competence and that I had been in regular touch with the CG to gauge its view. I advised that it would not be a bad idea for the CG to establish a dialogue with the Bosnian Serbs, if only to listen to their views and better understand their position and apprehensions. For the time being, I said that UNPROFOR will digest the comments of both parties and re-draft the proposals accordingly, with a view to presenting them again in a few days time. Perhaps by the third round, I ventured, we will be in a position to secure their respective signatures.

5. Steiner dismissed Karadzic's demands for equal treatment in the form of : "We've heard that all before, it's an argument that comes and goes." His deeper concern rested on the present possibility of two tracks developing simultaneously, but independent of one another. In view of the approach now being adopted by the UNPROFOR/CG, could the Carter initiative be at all useful? he asked. I said yes, provided he co-ordinated his intentions and his visit with the American Government, the CG and UNPROFOR, it could be. The region is filled with complex and controversial issues, with numerous pitfalls, and so he would have to be properly briefed.

6. At this juncture in the conversation I distributed copies of the draft agreements used in our negotiations in Pale and Zenica to the CG members. I recapitulated the basic structure of our initiative and stressed that we were only laying the stage for later negotiations on territorial and constitutional matters -- provided for in paragraph 9 of the cessation of hostilities draft -- but added that we should not exclude any venue, including Geneva.

7. Focusing on the provisional texts, Steiner wondered whether there is any the need for a political chapeau to the general cease-fire agreements. I replied that because UNPROFOR operates under a Security Council mandate, its inclusion was thought necessary. However, the Serbs had also objected to its presence and so we would study possible amendments. Ehrman asked if there were other general objections on the part of the Serbs. No, I replied, but on the Government side there was obvious apprehension about the prospect of the agreements freezing the status quo to their disadvantage. Nevertheless, Sarajevo is still calling for a cease-fire in Bihac, although with less vigour than in previous weeks, and that demand cannot be met from the Serb angle without a subsequent cease-fire throughout Bosnia-Herzegovina.

8. On more specific points, I noted that both sides had complained about the distance required for the Zones of Separation, and that UNPROFOR would continue its search for a mutually-acceptable formula. Regarding the question of a suitable time period, I said the Serbs had approved the three months proposed in the cessation of hostilities draft. This assent is obviously at variance with their past position of accepting nothing short of four, if not six, months. It can only be surmised that they now seek to enter into political

negotiations as soon as possible. The Bosnian Government also seems to favour this time frame. Zotov drew attention to Silajdzic's view that if the general cease-fire proved "effective", then that period would be "extendable". It is my belief, I said, that a cease-fire could only be "effective" or "real" if it was a complete cessation of hostilities. Steiner added that there appears to be confusion in Sarajevo as to the exact meaning of the three concepts: cease-fire, cessation of hostilities and end to hostilities. He said that Ganic, in particular, cannot distinguish between the last two.

9. Another major concern on the part of the Bosnians, I observed, centred on our proposal for the demilitarization of the Bihac town area. They were clearly anxious about the prospect of evacuating their forces from Bihac, and leaving the town defenceless; its safety and security guaranteed only by the fact that it is a DMZ. Furthermore, both Ganic and Delic had little time for our plan to reinforce by another Company the Banbat presence in Bihac town; a move they considered "laughable as a means of protection against Serb aggression". I had tried to disabuse them of this view by saying that not only would the DMZ cover the Safe Area but it would also include all the high points and the water reservoir. More significantly, with the 5 Corps out of the DMZ there would be no pretext whatsoever for the Serbs to attack the area.

10. Returning to the purpose of the Carter visit, Steiner postulated the theory that it formed part of Karadzic's strategy to fend off Milosevic. His package of concessions is considerable, reasoned Steiner, indicating that it is more than a tactical gambit. After some discussion on this issue and specifically on the question of freedom of movement, the CG believed that only UNPROFOR was best positioned to verify whether the Bosnian Serbs will make good on their promises to Carter. The Force Commander added that the real problem was supplying the eastern enclaves with fuel. Even with Pale's authorization, the likelihood of the Bosnian Serb military and the local population taking drastic measures to acquire the fuel could not be ruled out, said General de Lapresle.

11. I noted that President Carter will have to understand that his visit will be construed by the Bosnian Serbs as conferring some form of status on them. This, I said, can lead to undesirable delusions. It is for this reason that the Secretary-General decided not to meet the Pale authorities on Serb-controlled territory. However, the same misinterpretation would not necessarily apply to the CG. Zotov said that while it is doubtful that Karadzic will fulfil his promises, a visit by Carter or even by the CG may complicate matters. He believed an overture by a former US President may spawn spontaneous activity that would endanger the CG plan. It could inflate the expectations of the Serbs before they have even accepted the CG plan, therefore "we [the CG] are inclined to abstain from meeting them."

12. "The real question", continued Steiner, "is why the Bosnian Serbs are not ready to accept the map". Silajdzic seems forthcoming enough on the procedural aspects of the current initiative, including the land swaps. No, said Steiner, the reason behind the Bosnian Serb refusal to sign the CG plan is substantive not merely symbolic or psychological. He said that both Zotov and he agreed that Karadzic is not likely to move on substance, and this may prevent movement forward toward political negotiations. Steiner underscored the need to retain the CG plan as presently constituted, should it be diluted the Bosnian Serbs will

begin to sense a new solution in this. That is why, Zotov intervened, the pressure on the Serbs must be given time. The balance of forces is gradually reaching an equilibrium and may in six months reach a point where the Bosnian Serbs will accept the plan as it now stands.

13. The most significant point, I pointed out is not "equilibrium" as such, but "perceived equilibrium". Furthermore, the troop contributing countries have grown impatient with the warring parties and are not willing to expose their soldiers to indignities and dangers for much longer. The French, Spanish, British and French Governments therefore want to see an improvement in the situation.

14. To facilitate our efforts, I wondered whether the CG could inform the parties of its support for the UNPROFOR initiative, as a necessary and preliminary step toward political negotiations. Ehrman agreed. Steiner remarked that this view had already be relayed to Izetbegovic and Silajdzic. It is Ganic, I said, who controls the military, and it is he who has to be made aware of the CG's position.

15. Ehrman subsequently brought up the issue of Milosevic's machinations in Pale, which led Steiner to focus on how superficial our knowledge is of the internal political dynamics that are at work in the Former Yugoslavia. "We don't seem to be able to grasp the undercurrents", he said, adding that he was convinced that, on the basis of a comment made by Silajdzic to Zotov, Sarajevo and Belgrade were communicating secretly. This argument was then narrowed down to a point where the CG representatives themselves complained about their own lack of information and understanding of events on the ground. De Sedouy regretted this: "We have a book we cannot read." I noted that perhaps we all depend too much on Milosevic as a source of information. While I had seen him at work twisting the arms of Mikelic and Martic recently, and of Karadzic and even Mladic at the time of the Gorazde crisis, there are indications that his influence is not always that deep. Moreover, some of his views appear suspect, especially were they concern Mladic and Karadzic.

16. Reverting to military issues, Zotov asked about the presence of HV troops in Bosnia-Herzegovina. I said that this question forms one of the Serb pre-conditions to their approval of our plan and mirrors a demand tabled by the Bosnian Government concerning the "ARSK" troops in the Bihac pocket. Regarding the Croatian forces, I said that our UNMOs have witnessed considerable HV movement across the Croatian/Bosnian border. That this is militarily de-stabilising is beyond doubt, however, if the Croatians are deployed with the consent of the Bosnian Government then it is not unlawful. General de Lapresle subsequently brought up the rift between Ganic and Zubak, which we noticed in Zenica, and highlighted the assertion made by the latter that any general cease-fire agreement would have to include the separate signature of the HVO. Ehrman remarked that this is just what Milosevic wants. "Together with the participation of Abdic and Martic", I added.

17. Continuing with Abdic, I said I noticed how Milosevic holds him in high regard and that he appears to have Belgrade's full support. "What about Tudjman?" asked Steiner. The Croatian President does distance himself from Abdic, but that is far removed from the violent antipathy that Izetbegovic as towards him. Silajdzic's attitude is less hostile, but still

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politicians [the Bosnian Serbs] are absolutely dangerous and unpredictable."

21. In conclusion, despite occasional differences in opinion, there is a growing understanding between the CG and UNPROFOR on how we should proceed. They have agreed to support our position both with regard to the Carter initiative and in terms of sending a message to Pale. The atmosphere was friendly and relaxed throughout the course of the discussion.

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difficult. Steiner believed that one of the fundamental early problems of this conflict was the rapid emergence of provincial politicians into officials with enormous responsibility. I agreed, and commented that the lack of professional experience has fed into the delusions expressed by all sides to the conflict. The Bosnian Government, for example, still believes that the US is 100% behind it, that it has NATO's total air support, and that the Islamic countries will wage an Islamic "Jihad" on its behalf. De Sedouy observed that the OIC meeting in Casablanca was interesting for one reason: while opinions diverged on a whole series of issues, there was complete unanimity on Bosnia. Ehrman agreed this was significant and believed that while the rhetoric may not be benign, the real danger lies in weapons supplies being sent to the region.

18. General de Lapresle also informed the CG that next week UNPROFOR would be holding important talks with NATO, to examine a range of options floated by the NATO defence ministers. I said that it is essential that NATO's desire for "robustness" be balanced by the concerns of the troop contributing countries. The proposed establishment of a protected corridor to Sarajevo would be a major problem, especially without Serb consent. "This sort of thing has been done before", replied Thomas. He cited the siege of Khe Sanh in 1968 as an example of an airlift that was successful, in spite of an aircraft being lost: "It sounds crazy, but it is possible if you're willing to take some hits." In response, the Force Commander noted that the problem in this theatre is not whether an aircraft is shot down, rather it is a matter of which side has greater cause to shoot it down. The Serbs certainly worry about the possibility of an incident being manufactured by the Bosnians, so that the blame is pinned on Pale. From another standpoint, Zotov explained how, on the basis of his own personal experience, "simple" military missions frequently evolve rapidly and uncontrollably into very undesirable situations.

19. Finally, the discussion returned back to my appeal for the CG to visit Pale. This, I said, would be of major psychological importance and would enable the CG to clarify its position on matters of substance and allow it to seek mutual accommodation. Having heard from me ad nauseam, on the need for Pale not to make ambitious demands, the Serbs may respond readily to another source. At the very least, were the CG to issue a communiqué to the effect that it supports UNPROFOR's current initiative, this will be helpful. Steiner believed that this message could be communicated less publicly through Belgrade. However, he underscored the view that: "if we don't insist on a signing we will lose the other side." The Force Commander said that the Serbs often criticise the CG for never making any contact. On the other hand, Steiner responded, the whole plan was meant to be a take-it-or-leave-it affair. It was designed as a one-shot deal and one that could not be re-shuffled, he said.

20. Zotov concurred and added that at least there is a consensus on the CG plan: "here we are united." He noted how the line had been carefully crafted, and emphasised that it is a plan that is not biased. He also stated that there is a long distance to go before the parties split up into their national hues, where individual interests prevail. But he acknowledged that the consensus can be lost. In conclusion, and speaking more as a Russian than a CG member, he said that Pale has made numerous approaches to Moscow, and were he in a position to advise senior officials in Moscow he would be very careful: "these local

17 Nov 1994

Distributed by UN

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TELEPHONE LINK TO FALE

Elements for inclusion in a statement

- In the context of Bosnian Serb acceptance of the Contact Group plan, balanced treatment for the Bosniac Croat and Bosnian Serb Entities will be ensured, including the establishment of parallel special relationships with neighbouring countries, provided this is not inconsistent with the integrity of Bosnia-Herzegovina.
- Mutually agreed land swaps will be possible once the Contact Group map has been accepted by all parties.
- After Bosnian Serb acceptance of the map there will be discussion of constitutional arrangements and of possible land swaps, to be followed by withdrawal.
- The UN and the international community will ensure that there are arrangements to police the disengagement and to ensure effective monitoring of the demarcation lines.

SECRET

(B)

NON-PAPER

CONTACT GROUP COMMON UNDERSTANDING CONCERNING
SANCTIONS RELIEF UNDER THE MULTI-TRACK APPROACH

THE CONTACT GROUP REMAINS COMMITTED TO THE EFFECTIVE USE OF SANCTIONS LEVERAGE TO ACHIEVE CONTINUED PROGRESS TOWARD NEGOTIATED SETTLEMENT OF THE CONFLICTS IN THE FORMER YUGOSLAVIA. SANCTIONS RELIEF IS THEREFORE ENVISAGED ONLY TO REWARD SPECIFIC, CONCRETE STEPS TOWARD LASTING PEACE.

IN VIEW OF THE CONTINUED REFUSAL OF THE PALE SERB PARTY TO ACCEPT THE TERRITORIAL SETTLEMENT PROPOSED BY THE CONTACT GROUP AND ACCEPTED BY ALL OTHERS, THE CONTACT GROUP HAS DEVELOPED AN ALTERNATIVE APPROACH. THE EXISTING CONTACT GROUP PLAN FOR PHASED SANCTIONS RELIEF, NOW TERMED PLAN A, REMAINS VALID. THE PARALLEL ALTERNATIVE, TERMED PLAN B ("EU PLAN"), IS A BROADER APPROACH UNDER WHICH PROGRESS CAN BE ACHIEVED, AND THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) CAN ACHIEVE ADDITIONAL SANCTIONS RELIEF, EVEN WHILE THE PALE SERB PARTY REMAINS INTRANSIGENT.

PLAN B: POLITICAL REQUIREMENTS AND SANCTIONS RELIEF

FIRST PHASE

THE FIRST PHASE OF LIMITED SANCTIONS SUSPENSION, ON THE BASIS OF CONTINUED VERIFIED CLOSURE BY BELGRADE OF THE FRY/BOSNIA BORDER, IS ALREADY IN PLACE AND REMAINS AS UNDER PLAN A.

SECOND PHASE

THE SECOND PHASE OF SANCTIONS SUSPENSION UNDER PLAN B WOULD PROVIDE SUBSTANTIAL SANCTIONS RELIEF ONCE THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) HAS COMPLETED THE FULL RANGE OF MEASURES THAT IT CAN UNDERTAKE TOWARD THE ACHIEVEMENT OF THE NEGOTIATED SETTLEMENT OF THE CONFLICTS IN THE FORMER YUGOSLAVIA. IN PARTICULAR, MILOSEVIC AND THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) WOULD HAVE TO MEET THE FOLLOWING REQUIREMENTS:

SECRET

(I) RECOGNITION OF SLOVENIA, CROATIA, BOSNIA-HERZEGOVINA AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA (FYROM) AND THEIR INTERNATIONALLY-RECOGNIZED BORDERS. WE ASSUME THIS WILL TAKE PLACE IN THE CONTEXT OF MUTUAL RECOGNITION.

(II) CONTINUED ACCEPTANCE OF AND SUPPORT FOR THE TERRITORIAL SETTLEMENT FOR BOSNIA PROPOSED BY THE CONTACT GROUP (WITH THE CONTACT GROUP MAKING CLEAR THAT IN THE CONTEXT OF BOSNIAN SERB ACCEPTANCE OF THE CONTACT GROUP PLAN, BALANCED TREATMENT FOR THE BOSNIAC CROAT AND BOSNIAN SERB ENTITIES WILL BE ENSURED, INCLUDING THE ESTABLISHMENT OF PARALLEL SPECIAL RELATIONSHIPS WITH NEIGHBORING COUNTRIES, PROVIDED THIS IS NOT INCONSISTENT WITH THE INTEGRITY OF BOSNIA-HERZEGOVINA).

(III) ACCEPTANCE OF AND SUPPORT FOR THE ICIFY ("ZAGREB 4") PLAN AS THE BASIS FOR A SOLUTION FOR THE UN PROTECTED AREAS OF CROATIA.

(IV) CONTINUED VERIFIED CLOSURE OF THE BORDER BETWEEN THE FRY AND BOSNIA TO ALL TRADE OTHER THAN SUPPLY OF FOOD, MEDICINE AND CLOTHING TO MEET ESSENTIAL HUMANITARIAN NEEDS AND THE CESSATION OF FINANCIAL AND MILITARY SUPPORT FOR THE BOSNIAN SERB AUTHORITIES AND FORCES, UNTIL THE CONTACT GROUP MAP IS ACCEPTED BY THE PALE SERB PARTY.

(V) VERIFIED AND CONTINUED CLOSURE OF THE BORDER BETWEEN THE FRY AND THE UN PROTECTED AREA IN EASTERN SLAVONIA (SECTOR EAST) TO ALL TRADE OTHER THAN THE SUPPLY OF FOOD, MEDICINE AND CLOTHING TO MEET ESSENTIAL HUMANITARIAN NEEDS, AND THE CESSATION OF FINANCIAL AND MILITARY SUPPORT FOR THE SERB AUTHORITIES AND FORCES IN THE UN PROTECTED AREAS OF CROATIA, UNTIL THE ICIFY PLAN HAS BEEN ACCEPTED BY THE SERB AUTHORITIES IN THE UN PROTECTED AREAS OF CROATIA. ANY TRADE BETWEEN THE FRY AND SECTOR EAST MUST BE IN CONFORMITY WITH APPLICABLE UN RESOLUTIONS.

COMPLETION AND MAINTENANCE OF THE FOREGOING STEPS WOULD BE REWARDED WITH THE FOLLOWING SANCTIONS RELIEF:

SUSPENSION OF ALL UN SANCTIONS MEASURES ON THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) EXCEPT RESTRICTIONS ON TRADE IN "STRATEGIC GOODS" (AS DEFINED IN PARA 9 OF UNSC RESOLUTION 787), FINANCIAL SANCTIONS ON ALL TRANSACTIONS OTHER THAN CASH TRANSFERS FOR PERMITTED TRADE, AND THE REQUIREMENT TO FREEZE SERBIAN/MONTENEGRIN FUNDS, ALL OF WHICH WOULD REMAIN FULLY IN FORCE. ENFORCEMENT MECHANISMS WOULD REMAIN IN PLACE.

EU: under UN resolution
products, coal, oil,
steel & other metals,
as identified in para
9 of 787.

787: include & any
related equipment
chemicals, explosives,
rynes, vehicles &
motors of all types

ICIFY to agree key.

27 July resolution
para 12

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THIRD PHASE

THE THIRD PHASE OF SANCTIONS RELIEF WOULD BE TRIGGERED BY EITHER OF THE FOLLOWING EVENTS:

-- BOSNIAN SERB ACCEPTANCE OF THE CONTACT GROUP PLAN AND WITHDRAWAL OF ALL MILITARY AND PARAMILITARY FORCES TO TERRITORY ALLOCATED TO THE BOSNIAN SERB ENTITY IN THE PLAN,

OR

-- ACCEPTANCE AND IMPLEMENTATION BY THE LOCAL SERB AUTHORITIES IN THE UN PROTECTED AREAS OF CROATIA OF THE ICFY PLAN FOR THE UN PROTECTED AREAS OF CROATIA.

THE THIRD PHASE OF SANCTIONS RELIEF WOULD COMPRISE THE SUSPENSION OF THE REMAINING UN SANCTIONS MEASURES: RESTRICTIONS ON TRADE IN "STRATEGIC GOODS" (AS DEFINED IN PARAGRAPH 9 OF UNSC RESOLUTION 787), FINANCIAL SANCTIONS ON ALL TRANSACTIONS OTHER THAN CASH TRANSFERS FOR PERMITTED TRADE, AND THE REQUIREMENT TO FREEZE SERBIAN/MONTENEGRIN FUNDS. ALL ENFORCEMENT MECHANISMS WOULD REMAIN IN PLACE.

FINAL PHASE

THE REQUIREMENTS OF THE FINAL PHASE WOULD BE MET THROUGH FULL IMPLEMENTATION OF BOTH THE CONTACT GROUP PLAN FOR BOSNIA AND THE ICFY OR "ZAGREB 4" PLAN FOR THE UN PROTECTED AREAS OF CROATIA.

WHEN THESE CRITERIA ARE MET, ALL UN SANCTIONS WOULD BE LIFTED. ENFORCEMENT MECHANISMS WOULD BE DISMANTLED.

SUSPENSION MECHANISM

AT EACH PHASE OF SANCTIONS RELIEF, SUSPENSION IS FOR SUCCESSIVE LIMITED PERIODS (30 TO 45 DAYS), WITH UN SECURITY COUNCIL (UNSC) ACTION REQUIRED TO CONTINUE THE SUSPENSION AT THE END OF EACH PERIOD. THE UN SECRETARY-GENERAL WILL BE ASKED TO REPORT ON COMPLIANCE WITH THE REQUIREMENTS FOR CONTINUED SANCTIONS SUSPENSION PERIODICALLY, (AND AT ANY TIME IF THE REQUIREMENTS ARE NOT BEING MET). SANCTIONS SUSPENSIONS WOULD TERMINATE AUTOMATICALLY ON THE BASIS OF A REPORT INDICATING FAILURE TO CONTINUE TO MEET THE REQUIREMENTS FOR CONTINUED SUSPENSION. IN THE UNSC, CONTACT GROUP MEMBERS WILL DETERMINE THEIR POSITIONS ON CONTINUATION OF THE SUSPENSION ON THE BASIS OF CONTINUED COMPLIANCE

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Page 1

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not to continue

4. Jan

Plan 14

24 Jan 1995

SG report of
no compliance

SECRET

WITH THE CRITERIA FOR SANCTIONS SUSPENSION AND CONTINUED PROGRESS TOWARD THE NEGOTIATED SETTLEMENT OF THE CONFLICTS.

SANCTIONS ON SE/B-CONTROLLED BOSNIA AND THE UNPAS OF

CROATIA

UNSC RESOLUTIONS 942 (1994) AND 820 (1993) IMPOSE TRADE, FINANCIAL AND 'TARGETED' SANCTIONS ON SERB-CONTROLLED AREAS OF BOSNIA. UNSC RESOLUTION 820 (1993) ALSO IMPOSES SOME TRADE SANCTIONS ON THE UN PROTECTED AREAS (UNPAS) OF CROATIA. THESE MEASURES WILL REMAIN IN PLACE UNTIL COMPREHENSIVE SETTLEMENTS HAVE BEEN FULLY IMPLEMENTED ON BOSNIA AND CROATIA, RESPECTIVELY.

Bosnia not under A.

820 - modus vivendi + ERM
restrictions like Kva Plan implement.
Then all off.

~~27 July text
said 1.8t 820 remain
12 when modus
vivendi. Now
achieved. Just
prevent Fey
export file
Kva plan
completed.~~

SECRET

MULTI-TRACK APPROACH

REVISION

The existing Contact Group plan for Bosnia-Herzegovina is termed Plan A and all elements of it remain valid. Plan B offers an additional, wider approach, while not affecting the provisions of the EU Action Plan on Kosovo, Sanjak and Vojvodina.

PLAN B: A WIDER APPROACH

Requirements on Belgrade:

- (i) Recognition of Bosnia-Herzegovina and Croatia within their internationally accepted borders.
- (ii) Maintenance of Milosevic's endorsement of the Contact Group plan for Bosnia (with the Contact Group making clear that, in the context of Bosnian Serb acceptance of the Contact Group plan, balanced treatment for the Bosniac Croat and Bosnian Serb Entities will be ensured, including the establishment of parallel special relationships with neighbouring countries, provided this is not inconsistent with the integrity of ~~the Union of~~ Bosnia-Herzegovina; and also making clear that mutually agreed land swaps are possible once the Contact Group map has been accepted in principle.
- (iii) Endorsement of the ICFY plan, once finalized, as the basis of the solution for the areas of Croatia under UN protection.
- (iv) Maintenance of effective and verified regime whereby exports from the FRY to the Bosnian Serbs are restricted to humanitarian assistance until the Contact Group plan is accepted by Pale; and verified maintenance of the FRY policy that exports to the Krajina Serbs are equally restricted, until the ICFY plan for the areas of Croatia under UN protection, once finalized, is accepted by Knin.

Plan A

Plan B

Requirement

Requirement

Reward for FRY

Bosnian Serb acceptance of Contact Group plan and withdrawal to lines on Contact Group Map

All except "strategic" UN trade sanctions (as defined in the EU Action Plan) suspended.

Bosnian Serb acceptance of Contact Group plan and withdrawal, and Croatia modus vivendi implemented.

Milosevic endorses Plan B and fulfills its requirements.

All UN sanctions suspended.

Recognition of Bosnia and Croatia within their accepted borders by FRY and negotiated settlements being implemented in both.

Implementation of both the Bosnia and Croatia plans.

All UN sanctions lifted.

PLAN B : ELEMENTS

1. Recognition of Slovenia, Croatia, Bosnia-Herzegovina and the Former Yugoslav Republic of Macedonia within their internationally recognised borders. We assume this will take place in the context of mutual recognition.

2. Maintenance of Belgrade's endorsement of and support for the territorial settlement for Bosnia proposed by the Contact Group (with the Contact Group making clear that in the context of Bosnian Serb acceptance of the Contact Group plan, balanced treatment for the Bosniac/Croat and Bosnian Serb Entities will be ensured, including the establishment of parallel special relationships with neighbouring countries, provided this is not inconsistent with the integrity of Bosnia-Herzegovina; and also making clear that mutually agreed land swaps are possible once the Contact Group map has been accepted in principle).

3. Endorsement of and support for the ICFY ("Zagreb 4") plan, once finalised, as the basis for a solution for the UN protected areas of Croatia.

4. Continued verified closure of the border between the FRY and Bosnia in accordance with UNSCRs 942 and 943, until the Contact Group map is accepted by the Bosnian Serb party.

5. Verified and continued restriction of trade between

the FRY and the UN protected areas of Croatia, parallel to the requirements of UNSCR 943 and consistent with UNSCR 820, until the ICIFY plan, once finalised, has been accepted by the Serb authorities in the UN protected areas of Croatia.

By German military advisor.
Distributed by Steiner at BH CG 17.11.94

(E)

Confidential

Translation

Establishment of a Demilitarized Zone (DMZ) SARAJEVO

Requirements to be fulfilled by UN/UNPROFOR in order for the concept to be successful

1. The **Rose** concept is known because of the presentation given to the Contact Group in Zagreb on 5 November 1994. The main points of this concept were that:
 - both sides benefit from the concept and will therefore agree to it;
 - a short-term increase in UNPROFOR's presence (an additional 2 battalions = about 1,000 - 1,500 men) during the initial phase (withdrawal) will be followed by the desired military vacuum;
 - a ring of joint traffic control points will monitor (and stop?) military traffic on the major access routes;
 - the DMZ will comprise the existing Sarajevo exclusion zone (20 km) and the 2 km zone around Pale.
2. Our evaluation included the following main points:
 - the military vacuum is unstable and has the tendency to be filled militarily;
 - the DMZ will not in our opinion have a long-term effect;
 - it will only have a limited lifetime in connection with the lull in fighting typical of winter;
 - therefore, from a military point of view, it can be assumed to have only a limited political effect (e.g. as an opportunity for negotiations and to secure supplies during the cold winter months);
 - the French (5,000 men) and British proposals (15,000 men) for stabilizing the DMZ (enforcement) have already been presented; the latter is preferable, militarily speaking, if only because of the higher figure.

The attractiveness of the Rose plan in foreign policy terms lies in the fact that no additional forces from outside are required, a factor which should greatly accommodate both the UN and potential dispatching countries.

The incentives and disincentives are interrelated. Their temporary effectiveness will be assessed differently by the parties, and this assessment may change over time.

3. Apart from the factor of **troop strength**, however, there are two other major factors influencing DMZ enforcement, if the political will to enforce it - which led to its establishment - is no longer present on one or both sides: A correspondingly **robust mandate** and the **will to enforce it**. The optimum solution is the combination of 15,000 men plus robust mandate plus strong will, while the worst scenario is that of 5,000 men, today's mandate and indifferent behaviour on the part of the UN forces towards military actions by both sides, either against each other or against third parties (e.g. civilians, humanitarian agencies).

4. **Background of mandates:**

- UN Security Council Resolution 824 declared Sarajevo to be a safe area which is basically a loosely-defined term;
- Resolution 836 permits the use of air power to protect the safe areas and for UN forces' self-protection. Air power, according to the resolution, is also meant to promote the withdrawal of non-Bosnian military and paramilitary units (i.e. other than government forces);
- the NATO Council decision of 9 February 1994, implementing UN Security Council Resolution 836, determines an exclusion zone for heavy weapons and threatens air attacks in case of non-compliance (neither withdrawal nor handover) (theoretically both sides are affected, but in practice only the Serb side, as it possesses heavy weapons); if this resolution is effectively implemented, the Serb-Bosnian power balance will be tipped towards the Bosnians, as they have more, better trained and better equipped infantry, which is not affected;
- if the Rose plan were to be accepted, the Bosnians would forgo this advantage in the case of a demilitarization which also included the infantry.

5. **Implementation of the current mandates:**

- UNPROFOR sees itself as playing an impartial role with the task of
 - + impartial peacekeeping

- + making possible humanitarian aid
 - + assisting in cease-fires/armistices;
 - the air attack option is merely a threat, but its use is prevented in practice;
 - there is basically neither the will nor the real capacity to effectively carry out the threat, which would only affect the Serb side.
7. On the basis of the above considerations, **the UN protection force in Sarajevo** must fulfil the following requirements (in this order); it should:
- be already present in Sarajevo prior to the start of demilitarization;
 - assist in troop disengagement (the forces are particularly closely engaged in urban areas);
 - monitor the necessary local cease-fires/surrender of weapons;
 - steer the forces' withdrawal movements;
 - by its presence prevent the creation of a military vacuum;
 - assume and enforce the exclusive right to use force on behalf of the state/administration;
 - protect civilians (Safe Area Function) and ensure the normalization of daily life;
 - protect civilians against attacks from outside and against attempted invasion; bring in air support provided by NATO, also for self-protection (emergency aid and self-defence); the two-key system may be retained, but the decision-making body authorized to request NATO air support for the DMZ must be sited in Sarajevo (not Zagreb);
 - assist in creating a police force for the internal protection of the Sarajevo Safe Area and gradually transfer this function to that force.

8. **Mandate**

These requirements must be contained in a **UN Security Council resolution** specially adopted for the purpose of demilitarizing Sarajevo and specifying a clear mandate.

The **Rules of Engagement** must be correspondingly strongly worded.

If the mandate is sufficiently robust and if the will to enforce it is clearly recognizable, less than 15,000 men will be sufficient for the task of **establishing and enforcing a Demilitarized Zone in Sarajevo**. However, 5,000 men (a brigade and the necessary support for an independent mission) must be the minimum, at least during the initial period; the decisive factor will nonetheless be the will and the real capacity to enforce a robust mandate.