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KLUWER LAW INTERNATIONAL

4. PEACEMAKING IN BOSNIA AND HERZEGOVINA

Editor's Note: To date, there have been at least five Peace Plans to settle the conflict in Bosnia and Herzegovina: the Carrington-Cutileiro Plan, the Vance-Owen Plan, the Stoltenberg-Owen Plan (often referred to as "the Invincible Package"), the European Union Action Plan, and the Contact Group Plan. The Statement of Principles worked out by Lord Carrington and Ambassador Cutileiro with the parties in March 1992 was reproduced earlier. The text of the Vance-Owen Plan and the Invincible Package are reproduced below, as are the European Union Plan and Ministerial Statements of the Contact Group on Bosnia and Herzegovina.

A. THE VANCE-OWEN PLAN

58. AGREEMENT RELATING TO BOSNIA AND HERZEGOVINA*

THE UNDERSIGNED,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights^a and the Declaration on the Rights of Persons belonging National or Ethnic, Religious and Linguistic Minorities,^b

Recalling the Statement of Principles and the Statement on Bosnia adopted by the International Conference on the Former Yugoslavia at its session in London and the Programme of Action on Humanitarian Issues agreed to at that session,

* Signed in Geneva on 30 January 1993 by A. Izetbegovic, R. Karadzic, and M. Boban; and, as witnesses, by C.R. Vance and D. Owen.

^a General Assembly resolution 217 A (III).

^b General Assembly resolution 47/135.

Considering the decisions of the United Nations Security Council relating to the former Yugoslavia,

Reaffirming their commitment to peace and security among the successor States to the former Yugoslavia,

Hereby agree as follows:

I. CONSTITUTIONAL FRAMEWORK FOR BOSNIA AND HERZEGOVINA

Tripartite negotiations shall proceed on a continuous basis in Geneva, under the auspices of the International Conference in the Former Yugoslavia, in order to finalise a Constitution for Bosnia and Herzegovina in accordance with the following principles:

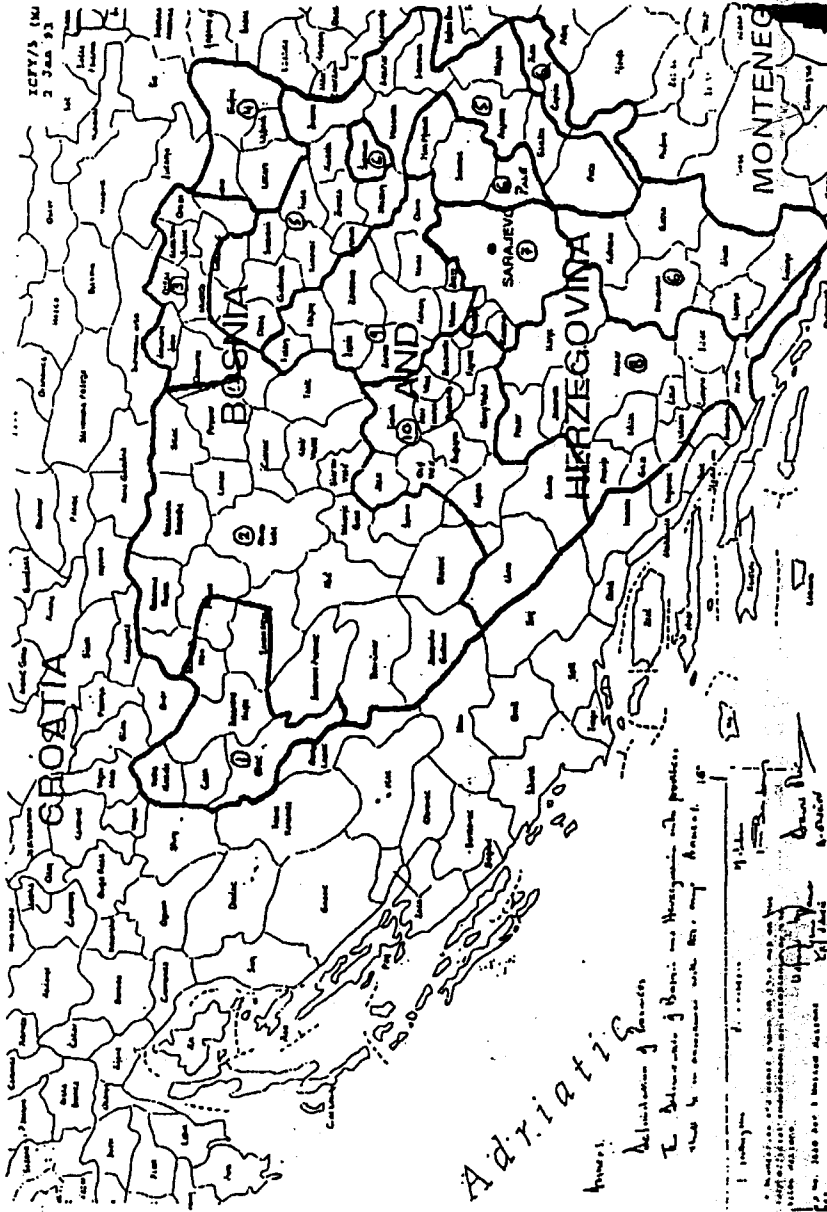
- (1) Bosnia and Herzegovina shall be a decentralized State, the Constitution shall recognize three constituent peoples, as well as a group of others, with most governmental functions carried out by its provinces.
- (2) The provinces shall not have any international legal personality and may not enter into agreements with foreign States or with international organisations.
- (3) Full freedom of movement shall be allowed throughout Bosnia and Herzegovina, to be ensured in part by the maintenance of internationally controlled throughways.
- (4) All matters of vital concern to any of the constituent peoples shall be regulated in the Constitution, which as to these points may be amended only by consensus of these constituent peoples; ordinary governmental business is not to be veto-able by any group.
- (5) The provinces and the central Government shall have democratically elected legislature and democratically chosen chief executives and an independent judiciary. The Presidency shall be composed of three elected representatives of each of the three constituent peoples. The initial elections are to be United Nations/European Community/Conference on Security and Cooperation in Europe supervised.
- (6) A Constitutional Court, with a member from each group and a majority of non-Bosnian members initially appointed by the International Conference on the Former Yugoslavia, shall resolve disputes between the central Government and any province, and among organs of the former.

- (7) Bosnia and Herzegovina is to be progressively demilitarized under United Nations/European Community supervision.
- (8) The highest level of internationally recognized human rights shall be provided for in the Constitution, which shall also provide for the ensurance of implementation through both domestic and international mechanisms.
- (9) A number of international monitoring or control devices shall be provided for in the Constitution, to remain in place at least until the three constituent peoples by consensus agree to dispense with them.

II. COOPERATION IN RESPECT OF HUMANITARIAN EFFORTS

1. Maximum cooperation shall be extended to the High Commission for Refugees, the International Committee of the Red Cross, the United Nations Protection Force, the European Community Monitoring Mission and other humanitarian organisations working to provide assistance to refugees and displaced persons.
2. Full cooperation shall also be extended to the High Commissioner for Refugees in drawing up and implementing programmes for the return of refugees and displaced persons to their homes.

59. MAP OF BOSNIA AND HERZEGOVINA



Peacemaking in Bosnia and Herzegovina

60. AGREEMENT FOR PEACE IN BOSNIA AND HERZEGOVINA*

THE UNDERSIGNED,

Welcoming the invitation of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to participate in talks for the restoration of peace in Bosnia and Herzegovina,

Taking account of the constructive atmosphere of the peace talks held in Geneva from 2 to 5 January and the assistance of the Force Commander of the United Nations Protection Force, Lieutenant-General Satish Nambiar,

Keeping in mind the principles of the International Conference and the Resolutions of the United Nations Security Council, in particular Resolutions 752 (1992) and 787 (1992) pertaining to withdrawal of all outside forces from Bosnia and Herzegovina,

Wishing to bring the conflict in Bosnia and Herzegovina to an end without any further delay and to re-establish peace throughout the country,

Desiring to work out arrangements for bringing about compliance with a cessation of hostilities, and for monitoring it so as to ensure that it is effective and lasting,

Hereby agree on the following:

1. Measures for the achievement of an unconditional cessation of hostilities throughout Bosnia and Herzegovina, as set out in Annex I to the present agreement;
2. Measures for the restoration of infrastructure in Bosnia and Herzegovina, as set out in annex II to the present agreement;
3. Measures on the opening of routes, as set out in annex IV to the present agreement;
4. Arrangements on the separation of forces, as set out in annex IV to the present agreement;
5. Measures for the demilitarization of Sarajevo, as set out in annex V to the present agreement;
6. Measures for the monitoring of the borders of Bosnia and Herzegovina, as set out in annex VI to the present agreement;
7. Return of forces to the designated provinces, as set out in annex VII to the present agreement.

* Signed in Geneva on 30 January 1993 by A. Izetbegovic, R. Karadzic, and M. Boban; and, as witnesses, by C.R. Vance and D. Owen.

Annex I Cessation of Hostilities

Broad Principles

All parties agree to support the broad principles required to support a cessation of hostilities. These broad principles will be translated into concrete action through additional discussion within the Mixed Military Working Group. Several of the principles will be dealt with on a stand-alone basis, although they remain an integral part of the overall framework of the cessation of hostilities.

The broad principles are:

A ceasefire must be put in place and remain effective. This is to be implemented 72 hours from midnight (New York time - EST) of the day on which the Security Council endorses this plan.

Monitoring and control measures are to be put in place to ensure compliance and should include as a minimum:

- Links between Commanders in conflict areas (hot lines);
- Provision of United Nations Protection Force/European Community Monitoring Mission liaison and monitors;
- Establishment of joint crisis management teams;
- Opening of confrontation line crossing-points. For use by the United Nations Protection Force and monitoring agencies.

The separation of forces is to be achieved.

Routes supporting the general freedom of movement of people, commerce and humanitarian aid are to be opened.

The restoration of infrastructure will proceed as a priority. Restoration will not be linked to any negotiations.

Essential Elements

- Security Council endorses the plan - initiates all follow-on action (D-3).
The 72 hours permit passage of information;
- Cessation of hostilities effective (D-Day);
- Declaration of forces - this is to take place in D-1 and should include:
 - Numbers and locations of all heavy weapons,
 - Detailed documentation of mine fields,

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- Locations of front lines (traces),
- Defensive works and positions;
- Establish demarcation line (joint actively);
- Move in United Nations Protection Force forces to establish security (commencing D+1):
 - Monitor lines of conflict,
 - Monitor heavy weapons,
 - Reporting system (all parties);
- Withdrawal of heavy weapons:
 - Of calibre 12.7 mm and above; 5 days for Sarajevo and 15 days for remaining areas;
 - Locations to be determined based on effective ranges of weapon systems.
- All such withdrawals will be supervised by the United Nations Protection Force and subsequently monitored at the designated locations by the United Nations Protection Force in order to prevent their use.
- Separation of forces:
 - Abandon defensive works on confrontation line,
 - Area of separation to be agreed,
 - Distance in which no forces, except police, allowed,
 - Distance within which no defensive works will be manned.

The separation of forces and withdrawal of heavy weapons are linked.

Mixed Military Commission is established to deal with any clarifications and breaches of the cessation of hostilities.

Annex II Restoration of Infrastructure

All parties agree that denial or use of civil utilities as a weapon of war is unacceptable, and all affirm their commitment to the full restoration of the civil infrastructure across Bosnia and Herzegovina, and in particular, Sarajevo.

The provision of humanitarian aid cannot be linked in any way with the military steps of the process of demilitarization or cessation of hostilities. Being humanitarian in nature, its priority is strictly governed by the ability of all three parties to support its implementation.

Restoration will be the first priority. Therefore, immediate efforts must be placed on the restoration of infrastructure. This is equally applicable to the city of Sarajevo as well as the rest of Bosnia and Herzegovina. It includes where applicable:

Power grids;
Power stations;
Bridges;
Gas;
Telecommunications;
Railway lines;
Routes;
Water supply.

Guarantees of security will be requested and must be provided and the restoration of power/water/heat will be fully supported by the warring parties.

A joint committee is already in place in Sarajevo; the work of this committee is to be facilitated with immediate effect to enable early restoration of utilities in Sarajevo.

Assistance will be provided through all the appropriated agencies, including United Nations and civilian expertise. However, within Bosnia and Herzegovina, a joint commission composed of representatives of all sides is to identify the priorities, define the needs and execute the work in conjunction with civil authorities. To this end, vital installations will be identified in conjunction with Bosnia and Herzegovina joint commission:

- Access will be guaranteed after local arrangements are made.
- Forces will be withdrawn from sites consistent with security.
- Warring parties will provide, when necessary, liaison for the repair teams.
- Civil agencies/workers will be assisted.

Parties will work to re-establish infrastructure, including railways/power grids/water supplies, across borders with neighbouring republics.

Respect for infrastructure facilities must be developed and they must remain free from attack or use as defensive positions.

All parties agree to develop a common instruction for passage down chains of command to demonstrate an equal endorsement of support.

Annex III Opening of Routes

The opening of routes is directly related to the political issue which concerns the freedom of movement of all people in the context of constitutional principles. It is equally applicable to Sarajevo as well as all other areas of Bosnia and Herzeg-

ovina.

It is to be achieved through:

- Security guarantees by all parties to ensure non-interference and protection of personnel and material using the routes;
- Non-interference on the route;
- Checkpoints, patrols, and monitoring by United Nations Protection Force/European Community Monitoring Mission, as appropriate;
- Supervised inspection at entry points;
- Freedom of passage of humanitarian aid;
- Absolute freedom of movement of United Nations forces.

The concept of blue routes for Sarajevo is appended hereto. This format is applicable for the establishment of all other similar types of routes within Bosnia and Herzegovina. Additional routes can be negotiated under the aegis of the Mixed Military Working Group.

APPENDIX SARAJEVO "BLUE ROUTE" CONCEPT

The parties have decided to establish three free passage routes with mutually agreed measures to guarantee and ensure safe passage for freedom of movement of civilians, commercial goods and humanitarian aid to and from Sarajevo.

These routes are:

- Sarajevo-Zenica-Sarajevo;
- Sarajevo-Mostar-Sarajevo;
- Sarajevo-Zvornik-Sarajevo.

Outline Plan for Blue Routes

1. Execution 1.1. Prerequisites

The following prerequisites are to be required:

- 1.1.1 Cessation of hostilities.
- 1.1.2 Complete freedom of movement for United Nations Protection Force on the three blue routes.

1.2 Use of the Blue Routes

1.2.1 Timings

Routes will be open during daylight hours for convoys. United Nations Protection Force will use the route 24 hours a day.

1.2.2 Access for Civilians

All civilians, regardless of sex, age, or ethnic origin, and without weapons or ammunition, will be allowed to use the routes. Private and commercial vehicles will also be permitted on each route subject to inspection outlined on paragraph 1.5.1 below.

1.2.3 Access for Humanitarian Aid

All international and local humanitarian aid agencies will be allowed to use the routes. Humanitarian aid includes, but is not limited to, food, water, medical supplies and fuel.

1.2.4 Access for Commercial Goods

Normal commerce will be progressively restored to and from Sarajevo.

1.3 Establishment of Routes

1.3.1 Sarajevo-Zenica-Sarajevo

This route incorporates Sarajevo-Rajlovac-Ilijas-Visoko-Zenica.

1.3.2 Sarajevo-Mostar-Sarajevo

This route incorporates Sarajevo-Ilidza-Hadzici-Tarcin-Jablanica-Mostar.

1.3.3 Sarajevo-Zvornik-Sarajevo

This route incorporates Sarajevo-Bentbasa-Mokro-Sololac-Vlasenica-Zvornik.

1.4 Checkpoints

Checkpoints will be established and manned by United Nations Protection Force forces at the entrance and exit of each route and when crossing a line of confrontation. Each United Nations Protection Force checkpoint will be located near or with the checkpoint of the force controlling the territory involved consistent with the security requirements of the factions. No side will be permitted to erect a new checkpoint.

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1.5 Control Measures

1.5.1 Inspection Procedures

- (a) Inspections will be conducted by United Nations Protection Force forces. Each side is permitted to monitor the events in close coordination with the United Nations Protection Force.
- (b) War-related material, weapons or ammunition are forbidden. If found, the items will be confiscated and subsequently destroyed under control of the United Nations Protection Force and the parties.
- (c) Humanitarian aid convoys may be subjected to inspections.
- (d) Checkpoints will be activated only during daylight hours as a safety measure for civilians and convoys.

1.5.2 Escorts

- (a) Each convoy will be escorted with the appropriate United Nations Protection Force vehicles.
- (b) Convoys and escorts will take priority over military activities.
- (c) The army controlling the territory involved may provide civilian police as an additional means of security.

1.5.3 Patrols

- (a) United Nations Protection Force forces will patrol the blue routes as necessary.
- (b) Patrols will consist of at least two vehicles suitably equipped and will contain an appropriate communications net.
- (c) All United Nations Protection Force patrols will be permitted to cross all checkpoints.

1.6 Implementation

1.6.1 Suggested Timeframe

- D-3 - Security Council endorses the plan
- D+1 - Erecting checkpoints
 - Inspection procedures agreed
 - Routes cleared of all obstacles

- Repairs carried out as required
- Reconnoitre by the United Nations Protection Force
- D+5 - Opening of blue routes for civilians and humanitarian aid

Annex IV Separation of Forces

The parties agree that the separation of forces is an element of the overall cessation of hostilities. An agreement will be based on the steps and control measures and sequence of events outlined below:

Steps

The concrete steps envisaged in the process include:

- An absolute ceasefire.
- Temporary freezing of the military situation, pending agreement in return of forces to designated provinces.
- No forward deployments or offensive action.
- No move of additional forces, explosives and weapons forward will be permitted. Rotation on an individual basis is acceptable.
- Withdrawal of heavy weapons (direct and indirect fire) of all parties from areas of confrontation to areas of range, decided upon by the parties in conjunction with the United Nations Protection Force.
- Physical separation of forces in contact.
- Security and monitoring of the demilitarized zone.

Control Measures

The control measures required include:

- Declaration of forces in being, including location of minefields.
- Monitoring of front lines.
- Declaration of heavy weapons in separation areas.
- Establishing agreed lines in which forces may be located.
- Staged withdrawal of forces culminating in their relocation to designated provinces.

Sequence of Events

- Ceasefire under aegis of the overall cessation of hostilities.
- Establishment and patrol of the demarcation line by United Nations Protection Force personnel.
- Withdrawal of designated weapons systems of all parties.
- Search and clearance of the affected area by joint patrols.
- Conduct of joint and United Nations-only patrols within the area. Composition of the patrols to be negotiated at the Mixed Military Working Group.

UNPROFOR Concept for Heavy Weapons Control

- All heavy weapons 12.7 mm calibre and above are included.
- These weapons will be withdrawn out of effective range to areas decided between the United Nations Protection Force and the parties.
- The withdrawal will be monitored by the United Nations Protection Force.
- Once in location the weapons will be monitored to ensure that they are not used.
- The United Nations Protection Force will not physically take over the weapons.
- Where terrain such as towns preclude moving weapons out of range, they will be gathered in agreed location under United Nations Protection Force control to ensure that they are not used.

Annex V Demilitarization of Sarajevo

The demilitarization of Sarajevo is based on one requirement: an effective cessation of hostilities.

The other elements are:

- Establishment of control on an designated line;
- Restoration of civil utilities;
- Land routes and freedom of movement;
- Separation of forces along lines of confrontation.

Control measures include:

- Patrol and monitoring of the demarcation line;
- Checkpoints at major crossings until confidence is restored;
- Mixed patrols in the demilitarized zone.

A military/civil joint commission as previously proposed should oversee the implementation of the accord.

Appended hereto is a draft agreement covering first stage of a potential agreement on the demilitarization of Sarajevo. This stage covers the airport area as already discussed at the Mixed Military Working Group.

APPENDIX

PROPOSED AGREEMENT ON THE FIRST STAGE OF DEMILITARIZATION OF SARAJEVO

The authorized representatives of all three conflicting sides with the presence of the United Nations Protection Force representative agree on the implementation of an area in the western and southern districts of Sarajevo.

Cessation of Hostilities

The cessation of hostilities will be implemented as follows:

- (a) The freezing of the military situation on the existing lines.
- (b) No offensive action allowed.
- (c) No forward redeployments.
- (d) All heavy weapons will be withdrawn from positions from which they can engage.
- (e) No movement or any additional forces although rotation of personnel on a one-for-one basis shall be permitted.
- (f) No movement or resupply of ammunitions, explosives or incendiary devices.

Freedom of Movement for All Civilians

The agreement on blue routes will re-establish the freedom of movement of all civilians in support of this plan.

Restoration of Civil Utilities

A Joint Commission composed of representatives from each side will identify priorities, define needs and execute the implementation of civil utilities. Details can be found in annex II, Restoration of infrastructure.

Removal of Heavy Weapons

(a) *Area.* All heavy weapons will be withdrawn to designated locations from the following: *Mojmilo, Dobrinja, Lukavica, Gornji, Kotorac, Vojkovici, Hrasnica, Sokolovici, Butmir, Ilidza, Otes, Stup, Nedarici.*

(b) *Joint Commission.* A Joint Commission will be created.

(1) The mission of this Joint Commission will be to execute and implement details of this plan and subsequent phases.

(2) This Joint Commission will be composed of:

- (a) A United Nations Protection Force command and support element;
- (b) A team of each side commanded by an officer senior enough to make decisions and designated as the authorised commander for the troops in the areas affected;
- (c) A joint communications system which includes a command set and the necessary guaranteed communications link to each individual headquarters.

(c) *Time-frame.* From each district the withdrawal of heavy weapons out of the designated area will be carried out in two stages within a period of five days:

- (1) Stage 1 - Withdrawal of all direct fire weapons of 12.7 mm calibre and above (tanks, armoured personnel carriers, anti-tank, anti-aircraft and heavy machine guns).
- (2) Stage 2 - Withdrawal of all heavy indirect fire weapons (mortars, field artillery).

(d) *Control measures.* The following implementation and control measures will be used:

- (1) United Nations Protection Force forces will patrol the area of separation between the conflicting sides.

- (2) United Nations Protection Force forces will be deployed on the confrontation lines and in agreed mixed checkpoints proposed by the Joint Commission.
- (3) All parties are to identify weapons by type and location and will provide the United Nations Protection Force with detailed maps of areas considered to be under their respective control.
- (4) Complete freedom of movement for all United Nations Protection Force personnel and vehicles within the affected areas.
- (5) The Joint Commission will establish mixed patrols as appropriate.

Annex VI Monitoring of Borders

Pursuant to United Nations Security Council resolution 787 (1992), Paragraph 5, to prevent interference from outside the Republic of Bosnia and Herzegovina, the United Nations Protection Force/European Community Monitoring Mission will monitor borders with neighbouring republics.

Principles

United Nations Protection Force/European Monitoring Mission forces will monitor crossings to prevent weapons, munitions, military personnel or irregular forces from entering the country.

Borders with adjoining republics will be monitored.

United Nations Protection Force actions to observe, search and report will be facilitated by the authorities of the Republic of Croatia and the Federal Republic of Yugoslavia.

Annex VII Return of Forces to Designated Provinces

To enable the process of return to normalcy, and as a direct follow-on from the cessation of hostilities and the separation of forces, a return of forces to designated provinces will be conducted. This can start as part of the withdrawal of heavy weapons but, given the winter weather conditions, it is hard to fix a definite date for the completion of this process. We should however aim to achieve the return of forces within 45 days.

This stage will be coordinated with an agreed demobilization of forces in

being.

The United Nations Protection Force/European Community Monitoring Mission will monitor the withdrawal of these forces in conjunction with national and provincial authorities.

The Mixed Military Working Group would be the technical negotiating agency.

61. INTERIM ARRANGEMENTS FOR BOSNIA AND HERZEGOVINA (29 JANUARY 1993)

INTRODUCTION

In 1990, the Bosnian Parliament adopted amendment LXXIII to the Constitution of the Republic of Bosnia and Herzegovina. Following the outbreak of hostilities in 1992, this provision of the Constitution was invoked and the Presidency was expanded from 7 to 10 members with the inclusion of the Prime Minister, The President of the Assembly and the Commander-in-Chief of the Armed Forces. The powers of the Parliament were transferred to the Presidency.

Following the signing of the peace agreement and their endorsement by the United Nations Security Council, it is proposed that each of the three parties represented at the Conference (the "parties") nominate three representatives to serve in an interim central Government. The confirmation of these nine representatives will be subject to the approval of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia (the "Co-Chairmen"). Once the composition of the interim central Government has been confirmed, it is proposed that the Presidency, acting in accordance with its powers under amendment LXXIII, will transfer its powers and authority to this interim central Government.

Those aspects of the existing Constitution which relate to the Presidency will then be suspended. To the extent practicable, the other provisions of the existing Constitution of Bosnia and Herzegovina will continue to apply, in particular those provisions relating to the courts and legal system.

During the interim period, which is defined as the period between the transfer of authority to the interim central Government and the holding of free and fair elections, a new Constitution for Bosnia and Herzegovina will be drafted by the parties with the assistance of the Co-Chairmen and will be the basis upon which the elections will take place.

In each province, there will be an interim provincial government composed of a Governor, Vice-Governor and 10 other members.