

FOIA MARKER

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Folder Title:

Bosnia - September 1995 [5]

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European Affairs-Vershbow, Alexander

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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. report	Bosnia and Herzegovina. (2 pages)	n.d.	P1/b(1)
002a. agenda	NSC Deputies Committee Meeting on Bosnia, September 18, 1996. Record ID: 9620846. (1 page)	09/13/1996	P1/b(1)
002b. paper	Bosnia Issues Through December 1996. (3 pages)	09/13/1996	P1/b(1)
002c. memo	For Samuel Berger from Ivo Daadler. Subject: Agenda for Deputies Committee Meeting on Bosnia. Record ID: 9620846. (1 page)	09/12/1996	P1/b(1)
003. cable	re: The World According to Cengic. (2 pages)	09/13/1996	P1/b(1)
004. memo	Summary of Conclusions for Principals Committee Meeting, September 10, 1996. Record ID: 9620848. (2 pages)	09/13/1996	P1/b(1)
005a. paper	Bildt's Proposed Transitional Arrangements. (7 pages)	09/06/1996	P1/b(1)
005b. memo	For Ambassador Kornblum from Miriam Sapiro. Subject: Contact Group Meeting. (2 pages)	09/06/1996	P1/b(1)
006. report	Bosnia Elections. (2 pages)	09/13/1996	P1/b(1)
007. report	Bosnia: Elections. (3 pages)	09/13/1996	P1/b(1)
008. report	Bosnia Elections Primer. (13 pages)	08/30/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 851

FOLDER TITLE:

Bosnia - September 1995 [5]

2013-0687-F

vz2746

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

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P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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b(9) Release would disclose geological or geophysical information
concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed
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PRM. Personal record misfile defined in accordance with 44 U.S.C.
2201(3).

RR. Document will be reviewed upon request.

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FAX COVER

Date 13 SEP 96

Number of pages including cover sheet

(7)

TO:

Doug Smith Election Task Force
001-202-647-7094 or 001-736-7627
Ivo Dadler NSC 001-202-456-9150
Josiah Rosenblatt EUR/RPM
001-202-647-0985

Phone

Fax Phone

FROM:

spence s.

UNITED STATES EMBASSY
ALIPASINA 43, SARAJEVO
BOSNIA - HERZEGOVINA

Phone 387 71 667 390

Fax 387 71 659 722

Phone

CC:

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please Comment

Folks:

- ① Today's ~~900~~ decision by the EASC on "the tenor and content" of the SDS campaign follows-- Plavsic must apologize on TV Pale News tonight or the top three SDS candidates are struck.
- ② UNHCR belatedly released this hot spots paper yesterday. Very late, but still interesting.

I'll be on the phone often tomorrow - I'll call the Task Force every two hours (I hope) starting at 1400 local.

All the best -

ss

**The Election Appeals Sub-Commission
Organization for Security and Cooperation in Europe**

**Case number: 96-34-B
13 September 1996**

In the matter of the tenor and content of the SDS Campaign.

Background

The Election Appeals Sub-Commission has again had cause to review the tenor and content of the SDS election campaign. The Sub-Commission has viewed various statements and video recordings of speeches delivered at rallies during the last 72 hours. These include the statements made at the SDS rally in Banja Luka on Wednesday 11 September 1996.

These statements were made shortly after the issuance of a judgment on 10 September in which this Sub-Commission "deplore[d] the general tenor and content of statements ... made by SDS officials at recent party rallies ... which threaten, deny or seek to undermine the territorial integrity of Bosnia and Herzegovina". The Sub-Commission directed SDS candidates and officials, in unequivocal terms, to "refrain from any further statements which challenge in any way the territorial integrity of Bosnia and Herzegovina or which assert the independence of Republika Srpska" and put candidates on clear notice that repetition of such statements would not be tolerated. The judgment of 10 September itself followed an advisory opinion issued on 6 September in which the Sub-Commission put all parties on notice that it considered public statements which undermine or deny the sovereignty and territorial integrity of Bosnia and Herzegovina to constitute serious violations of the General Framework

Opinion

Freedom of expression is one of the essential foundations of a democratic society. The Sub-Commission does not take lightly its responsibility to determine when political speech which is entitled to protection crosses the line and becomes advocacy of lawless action which threatens the constitutional order. After having completed its review of the video recordings and other statements at its meeting this morning, the Sub-Commission has no doubt that statements made at the SDS rally in Banja Luka crossed that line. These statements clearly represent an immediate threat to the sovereignty and territorial integrity of Bosnia and Herzegovina. Many of the people at the Banja Luka rally have fought for territorial separation in the past and many have lost loved ones in that fight. It is hardly idle speculation to suppose that the oratory of today, which flouts the international community as dangerously as it challenges the constitutional foundation of Bosnia and Herzegovina, could lead to violence in the near future. If the SDS is allowed to make these statements with impunity, after having received such a clear warning of the consequences, the unmistakable message that is sent to SDS supporters throughout Republika Srpska, is that they can act in accordance with these statements, with equal impunity.

Decision

1. The tone and content of the SDS Campaign continue to violate the General Framework Agreement and the Rules and Regulations of the Provisional Election Commission.
2. Dr Biljana Plavsic will make an apology on Srpska Television during the evening news on Friday 13th September 1996. The statement will be repeated two more times during the evening of 13th September before 11pm. The text of the statement will be provided by the EASC. Neither Dr Plavsic nor any other SDS official will make any other statements before or after the apology. If there is delay in making the statement, or if the presentation of the statement in any way seeks to change or disown its content, three of the first five candidates will be removed from the SDS Party list for the elections to the National Assembly of the Republika Srpska, and their candidacies for public office terminated.

Judge Finn Lynghjem

*Stence,
info**COS*
Electoral security
UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEESVISOKI KOMESARIJAT
UJEDINJENIH NARODA
ZA IZBJEGLICEUNHCR SARAJEVO
Office of the Special EnvoyTelephone : (387 71) 483-110
Via USA : 1 412 873 4624
1 412 873 4625
Fax : (387 71) 447-868,470-171Unis Building
Fra Andjela Zvizdovica 1
Sarajevo
Bosnia & Herzegovina

To : Admiral Joseph Lopez, COMIFOR
Lt Gen Sir Michael Walker, COMARRC
Mr. Carl Bildt, High Representative
Amb. Michael Steiner, Deputy High Representative
Mr. Iqbal Riza, SRSG
Mr. Peter Fitzgerald, Commissioner IPTF
Amb. Robert Frowick, OSCE

From : Soren Jessen-Petersen

Date : 12 September 1996

Subject :

Please find attached an assessment by UNHCR field staff on potential movements and problems outside the authorised voter routes. This information, probably already known to you, is based on our colleagues direct contact with displaced persons on the ground and might therefore merit your attention.

Best regards.

**FIELD OFFICES' FEEDBACK:
HOT SPOTS/KEY NON-RECOMMENDED ROUTES**

FOs have expressed serious concerns regarding the non-recommended routes. Monitoring will be difficult and even dangerous on some of these roads because of generally poor road conditions and landmines. FOs also note that it will be difficult for individual voters to use these roads for the same reasons. In practice, individuals will also not be able to use alternate routes because to reach their final destination they will have to use a recommended voter route (which does not allow individuals) at some point. FO Banja Luka also notes continued comments by RS authorities that other roads will be closed.

Sarajevo

HOT SPOTS: Dobrinja, Hrasnica, Kiseljak, Airport
Trnovo, Vojkovici, Corridor, Mountain Village
Old Pale Road, Lukavica, Vraca
Zenica Road, Olovo
Mostar Road, Hadzici/Jablanica

ROUTES: Priority non-recommended route is Grbavica to Lukavica, via Vraca hill (route of UNHCR supported bus). Other concerns are not at IEHL, but rather within the entities. Also concern over UNHCR supported bus on Trnovo route (recommended route).

Zenica

HOT SPOTS: Tesanj
Zepce/Maglaj/Zavidovici
Vosuca
Vares
Jajce
Bugojno
Lashva valley (Novit Travnik, Vitez)
Kiseljak/Busovaca/Bilalova, Fojnica, Kresevo

ROUTES: Most people will use recommended routes. Alternate routes are possible (Jajce-Sipovo, Jajce-Banja Luka, Jajce-Skender Vakuf, etc.), but problematic due to road conditions and mines. The non-recommended Zenica-Vitez route (intra-Federation) could be tense.

Bihac

HOT SPOTS: Cazin
Velika Kladusa
Lusci Palanka
Sanski Most
Petrovac
Kljuc
Bihac

ROUTES: Most people will use recommended routes. Two other non-recommended routes (Petrovac-Drinic and Sanski Most-Stari Majdan-Ljubija-Prijedor) are possible, but unlikely due to the poor road conditions.

Tuzla

HOT SPOTS: Brcko
Doboj
Tesanj/Teslic
Celic/Koraj
Kalesia/Zvornik
Gorazde/Srebrenica
Gradacac/Modrica

ROUTES: Crossings possible on following non-recommended routes: Kalesija to Osmaci, Gradacac to Modrica, Sapna to Zvornik (Orahovac and Sedici), Teocak to Ugljevik (an anticipated 60 to 70 people crossing).

Mostar

HOT SPOTS: Stolac
Capljina
Prozor
Jablanica
Drvar
Mostar

ROUTES: FO Mostar notes that there are large numbers of potential non-recommended IEBL crossing points, not to mention the many intra-Federation routes throughout the 19 municipalities in Mostar AOR. Predicting which routes may be used or may cause problems is difficult. Monitoring on all these routes with only seven vehicles is impossible.

Banja Luka

HOT SPOTS: Banja Luka
Prijedor/Sanski Most
Teslic/Doboj
Novi Grad/Otoka
Brođ/Odjak
Jezero/Jajce
Anvil Region

ROUTES: Banja Luka notes that in practice individuals may not be able to use alternate routes because 1) RS continues to announce that alternate routes will be closed, 2) all cross-IEBL roads which are not recommended voter routes are in very poor condition (dirt tracks), and 3) most alternate routes link up with a recommended voter route at some point on which individuals are not allowed.

Non-secure routes of particular concern between Federation and RS:

- (1) Travnik--Knezevo--Jagare--Banjaluka (Clog)
- (2) Mrkonjic Grad--Mliniste--Drvar (Pelican/Bull/Stork)
- (3) Mrkonjic Grad--Zablace--Drvar (Stork)
- (4) Mliniste--Glamoc--Bos. Grahovo (Pelican/Emu)
- (5) Sanski Most--Stara Rijeka--Ljubija--Prijedor
- (6) Sanski Most--Sasina--Bronzani Majdan--Banjaluka
- (7) Sanski Most--Sasina--Cela--Prijedor

(8) Tesanj--Jelah--Kulasi--Prnjavor (Kentucky)

Segments of non-secure routes within RS territory that link the RVRs to probable voter destinations:

- (9) Banjaluka--Kozarac--Prijeedor (Pegasus)
- (10) Loncari--Modrica (Texas)
- (11) Teslic--Maslovare--Kotor Varos (Falcon)
- (12) Derventa--Prnjavor (Arkansas and old route)
less problematic:
- (13) Derventa--Novo Selo--Brod (New Jersey)
- (14) Nova Topola--Srbac

Pale

HOT SPOTS: Semberija
 Birac
 Visegrad, Rogatica, Rudo
 Pale, Sokolac, Han-Pijesak, Vlasenica
 Trebinje, Ljubinje, Bileca
 Nevesinje, Gacko, Foca

ROUTES: Given the poor condition of alternate roads, most people will have to use a recommended voter route at least for part of their journey. Therefore, individual travel will not be possible.

(8) Tesanj--Jelah--Kulasi--Prnjavor (Kentucky)

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~~SECRET~~

~~SECRET~~
NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

20846

September 13, 1996

MEMORANDUM FOR

MR. LEON FUERTH
Assistant to the Vice
President for National
Security Affairs

MR. WILLIAM J. BURNS
Executive Secretary
Department of State

MR. J. BENJAMIN NYE
Executive Secretary
Department of the Treasury

COL. J.N. MATTIS
Executive Secretary
Department of Defense

AMB. RICK INDERFURTH
Office of the Representative
of the U.S. to the United
Nations

DR. GORDON ADAMS
Associate Director for
National Security and
International Affairs
Office of Management and
Budget

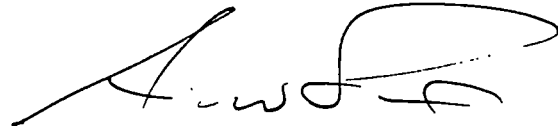
MR. RICK E. YANNUZZI
Executive Secretary
Central Intelligence Agency

MR. AARON S. WILLIAMS
Executive Secretary
Agency for International
Development

COL. F. C. WILSON
Secretary, Joint Staff

SUBJECT: Deputies Committee Meeting on Bosnia, September
18, 1996 ~~(S)~~

There will be a Deputies Committee meeting on Bosnia September
18, 1996 from 11:00 a.m. to 12:30 p.m. in the White House
Situation Room. Attendees are Principals plus one. The agenda
is attached at Tab A. ~~(S)~~



Andrew D. Sens
Executive Secretary

Attachment
Tab A Agenda

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By VZ NARA, Date 7/20/11

2013-0687-F

~~SECRET~~

Classified by: Andrew D. Sens
Reason: 1.5 (a,d)
Declassify On: 09/12/06

~~SECRET~~

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

20848

September 13, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ALEXANDER VERSHBOW *AV*
FROM: IVO H. DAALDER *Q*
SUBJECT: Summary of Conclusions for the Principals
Committee Meeting on Bosnia, September 13, 1996

Attached at Tab A is the Summary of Conclusions from the Principals Committee meeting on Bosnia that was held on September 13, 1996.

RECOMMENDATION

That you authorize Andrew Sens to sign the memo to the agencies.

Approve _____ Disapprove _____

Attachments

Tab I Memo to the Agencies
Tab A Summary of Conclusions

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By *RV* NARA, Date *7/29/2014*

2013-0687-F

~~SECRET~~

Reason: 1.5 (c,d)
Declassify On: 09/13/06

~~SECRET~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

20848

MEMORANDUM FOR

MR. LEON FUERTH
Assistant to the Vice
President for National
Security Affairs

MR. WILLIAM J. BURNS
Executive Secretary
Department of State

MR. J. BENJAMIN NYE
Executive Secretary
Department of the Treasury

COL. ROBERT P. MCALEER
Executive Secretary
Department of Defense

AMB. RICK INDERFURTH
Office of the Representative
of the U.S. to the United
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National Security and
International Affairs
Office of Management and
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Central Intelligence Agency

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Executive Secretary
Agency for International
Development

MR. RICK RUTH
Deputy Chief of Staff
U.S. Information Agency

COL. F. C. WILSON, USMC
Secretary, Joint Staff

SUBJECT: Summary of Conclusions, Principals Committee
Meeting on Bosnia, September 13, 1996

Please pass to Principals the Summary of Conclusions attached at
Tab A. ~~(S)~~

Andrew D. Sens
Executive Secretary

Attachment
Tab A Summary of Conclusions

~~SECRET~~

Classified by: Andrew D. Sens
Reason: 1.5 (c, d)
Declassify On: 09/12/06

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By VZ NARA, Date 7/29/04
2013-0687-F

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. memo	Summary of Conclusions for Principals Committee Meeting, September 10, 1996. Record ID: 9620848. (2 pages)	09/13/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 851

FOLDER TITLE:

Bosnia - September 1995 [5]

2013-0687-F
vz2746

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
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purposes [(b)(7) of the FOIA]
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financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information
concerning wells [(b)(9) of the FOIA]

C. Closed in accordance with restrictions contained in donor's deed
of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C.
2201(3).

RR. Document will be reviewed upon request.

URGENT: PLSE DELIVER TO JOHN KORNBLUM FIRST THING SATURDAY AM
BEFORE HIS DEPARTURE FOR FRANKFURT

UNCLASSIFIED with ~~SECRET~~ attachments

TO: EUR - A/S John Kornblum

FROM: Jim Swigert

SUBJECT: Materials for Contact Group Meeting

John: Here is the packet I promised, including

I. On the Transition Battle

(1) a new concept Miriam and I have worked out which you could table as an alternative to the Bildt transition rules. At a minimum, read that paper as food for thought. I decided to morph the Special Group into the Oversight Body as a facesaver for Bildt and to offer "Five Principles" as an alternative to his 16 (flawed) rules.

(2) Also attached is a devastating legal attack on Bildt's transition rules that Miriam prepared. I discussed it with Jim O'Brien and Bob Owen vetted it. You may wish to waive that in the air at the meeting, and quote from the three page legal brief prepared by the "drafters of the Dayton constitution."

(3) Arguments agst the Bildt plan and potential sops to him.

(4) The Bildt transitional rules, in case Bill hasn't gotten it to you yet.

II. On elections issues to raise with Frowick

(1) Term of office issue

(2) Rerun election issue

(3) Legal argumentation on authority to rerun elections

III. On French 2-yr plan

(1) Memo from Miriam to you.

(2) Revised concept paper

IV. On 1022 Lift

(1) Ideas on a kicker para. (Vetted with Jim O'Brien.) The only idea I could come up with that seemed to work is the vague threat, something for which the Security Council has special talent.

V. Draft Contact Group Statement to Reassure Bosniacs -JIM

FIVE PRINCIPLES FOR THE IMMEDIATE POST-ELECTION PERIOD

1. As of September 14, all governmental authorities other than municipal, including the Presidency of Bosnia and Herzegovina, the Presidency of the Federation, the Presidency of Republika Srpska, the Ministries and agencies of Bosnia and Herzegovina, and the parliaments of Bosnia and Herzegovina, the Federation and Republika Srpska, will assume caretaker status until the newly elected members of these bodies take office. Such status means that these bodies and officials may not take other than purely administrative actions to ensure that existing laws and regulations which are consistent with the Constitution of Bosnia and Herzegovina are carried out.

2. In accordance with paragraph 2 of Annex II of the Constitution of Bosnia and Herzegovina, all laws, regulations and judicial rules of procedure in effect when the Constitution enters into force shall remain in effect to the extent not inconsistent with the Constitution, until otherwise determined by a competent governmental body of Bosnia and Herzegovina.

3. The institutions of Bosnia and Herzegovina will, to the extent practicable, use existing procedural rules as interim rules until such time as new rules are adopted. Until the Chairs of the parliamentary bodies are selected, the oldest member of each body shall be responsible for convening and presiding over meetings.

4. If there is a vacancy in the Presidency of Bosnia and Herzegovina, the presidential candidate with the second highest number of votes from the same ethnic background and from the same Entity shall complete the term.

5. An Oversight Body is established to ensure that the above provisions are complied with fully. It will be composed of representatives of the three ethnic groups and chaired by the Office of the High Representative and the United States, and it will report on its activities to the Peace Implementation Council. In case of a dispute that cannot be settled among the parties, the Chairs will decide.

PROBLEMS WITH NON-PAPER ON TRANSITIONAL RULES

In significant respects, the draft rules appear to contradict the Dayton Peace Agreement. The new institutions, including the Presidency, Council of Ministers and Parliamentary Assembly, were established as a matter of law when the Peace Agreement entered into force on December 14, 1995. (Elections for specific offices, of course, were not to be set for six to nine months afterwards.) Hence the process of bringing the new institutions to life began months ago.

Ensuring the continuity of laws, judicial and administrative proceedings was vital when the Constitution entered into force last year, and it remains as vital to the effective functioning of the government today. Paragraph 2 of Annex II of the Bosnian Constitution provides that "All laws, regulations and judicial rules of procedure in effect . . . when the Constitution enters into force shall remain in effect to the extent not inconsistent with the Constitution, until otherwise determined by a competent governmental body of Bosnia and Herzegovina." This does not mean that, as of September 14, current bodies continue to exercise their authority as before, as described below. But it also does not mean that existing laws are presumptively invalid or that existing bodies must immediately relinquish all authority and be dissolved.

The challenge before us during the immediate post-election period is to ensure that the process continues, namely that the newly elected leaders are duly installed, that the BH institutions convene, that there is an orderly transfer of authority, and that institutions not established by the Constitution or transferred to the entities are dissolved.

The Dayton Peace Agreement does not specify which body should oversee the transitional phase. The Joint Interim Commission, chaired by the High Representative or his designee, has a mandate limited "to discuss practical questions related to the implementation of the Constitution . . . and General Framework Agreement and its Annexes, and making proposals and recommendations." The Commission does not appear to have decision-making authority. While the High Representative is the "final authority in theater regarding interpretation of [the Annex] on the civilian implementation of the peace settlement," Annex 10 of the

Peace Agreement does not refer specifically to transitional arrangements. The August 14 Geneva document states that the "final interpretation of transitional arrangements will be made in strict accordance with the provisions of the Dayton agreement." Its reference to the High Representative was no doubt made to recognize his important contributions to the process thus far, in light of his in-theater role in overall civilian implementation. In light of the above, Geneva appears to state the obvious: any transitional arrangements must be absolutely consistent with the Dayton Constitution and other aspects of the Peace Agreement.

The 16 specific suggested rules in the non-paper are addressed in the points below. With the exception of proposed rule 8, all would require revision or, in some cases, deletion, if they are to advance rather than stall the next phase of implementation.

1. This rule would nullify all legislation adopted by the BH Parliament since the new Constitution entered into force on December 14, 1995. This rule would contradict Dayton's continuity provisions and would leave a dangerous gap. It is also unnecessary, as the new Parliament and the new Constitutional Court can review laws to ensure consistency with the Constitution.

2. There is no basis in Dayton for curtailing the legislative or executive powers of bodies. Although a sunset provision was considered by the drafters of the Constitution, it was rejected. At the same time, once elections have occurred (as opposed to certified), existing bodies should assume care-taker status. This means that they should not take other than purely administrative actions until the newly elected officials are installed.

3. This rule would be acceptable to the extent that it states only that: "These bodies shall perform only care-taker functions."

4. The proposed definition of "care-taker functions" opens loopholes that could be exploited. It would be better not to define the term at this point other than as suggested under Point 2, and to remain vigilant.

5. The legal authority for dissolving the BH Parliament or other bodies -- until such time that the newly elected officials take office -- is unclear. The concern about limiting the powers of these bodies is addressed sufficiently by Rule 2, revised as indicated above.

6. The Presidency assumes "office," not "legal power."
7. Rules 7, 9, 10 and 12 raise the same problem. It will be hard to adopt Rules of Procedures, much less interim rules. A better strategy would be to agree to use existing rules to the extent possible until new rules can be adopted.
8. This rule on filling vacancies in the Presidency is important.
9. See Point 7 w/r/t interim rules. The proposal to let the oldest person convene is helpful.
10. See Points 7 and 9.
11. This proposed rule, like numbers 5 and 6, purports to draw distinctions that are not foreseen by Dayton. As described above, after elections, the current Parliament would have care-taker status. Once the new one is convened, it will exercise full legislative authority in accordance with the Constitution. This point -- valid for all institutions -- could instead be made clear in a revised rule 2.
12. Same problem described in Point 7.
13. This proposed rule essentially restates Dayton, but with less clarity. It is not necessary in light of a revised rule 2.
14. Again, problems here could be addressed by a revised rule 2.
15. The concept of the High Representative retaining an option to ask predecessor bodies "to resume [their] former activities" if "any of the common institutions do not function after a longer period of time," is unclear and fraught with potential problems. In any case, the Peace Agreement does not give the High Representative this authority.
16. Recognizing that there is a need for rapid resolution of constitutional issues during the immediate post-election period, the parties should agree on a mechanism quickly, such as the Special Group. The non-paper proposes giving the High Representative such authority, but it is not in his Dayton mandate and the parties are unlikely to agree.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005a. paper	Bildt's Proposed Transitional Arrangements. (7 pages)	09/06/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 851

FOLDER TITLE:

Bosnia - September 1995 [5]

2013-0687-F
vz2746

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005b. memo	For Ambassador Kornblum from Miriam Sapiro. Subject: Contact Group Meeting. (2 pages)	09/06/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 851

FOLDER TITLE:

Bosnia - September 1995 [5]

2013-0687-F
vz2746

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Bosnia: Concept of A Two-Year Civilian Consolidation Plan

Aims

- o To advance progress towards realizing the vision embodied in the Peace Agreement of a unified, democratic and multiethnic Bosnia.
- o To demonstrate the determination of the international community to help the parties to the Agreement implement it fully.
- o To determine which civilian issues require international attention during the next two years.

General Issues

- o Welcome continuing efforts by the international community to facilitate the parties' own efforts and to mobilize and, as appropriate, coordinate the work of involved organizations and agencies.

Specific Issues

- o Promote effective functioning of governmental structures (such as the Presidency, Council of Ministers, Constitutional Court; Central Bank and Parliamentary Assembly); support for future elections; continued support for full exercise of Federation functions and dismantling of authorities inconsistent with it.
- o Economic Reconstruction: EU and World Bank continue to take lead; need to determine priorities for winter, 1997 and 1998 (e.g., housing, transportation, utilities); emphasize that readiness to contribute remains dependent on the willingness of the parties to fulfill all of their commitments, and that such assistance is available to all cooperating communities; integrate Transportation Corporation and the Commission on Public Corporations (both established by Dayton) with international assistance efforts.
- o Civilian Security: Recognizing the relationship between greater security and the return of people to their homes, investment and reconstruction: continue civilian police monitoring presence of IPTF but consider transferring responsibility for it to another entity; restructure IPTF to include better qualified personnel; enhance IPTF mandate and ROE to authorize greater involvement in facilitating local

law enforcement functions; create armed police force either as part of IPTF or some other entity to provide backup to police monitors, respond to major civil disturbances (riot control), and train local police in civil disturbances management; continue bilateral and multilateral training/equipping programs for federal and cantonal police and justice officials.

- o Human Rights, including Freedom of Movement: Continue support for OSCE international monitoring of compliance with human rights obligations contained in the Constitution, and for the Commission on Human Rights (the Ombudsman and Human Rights Chamber).

- o Refugee/Displaced Persons: Continue support for UNHCR and the property Commission for Displaced Persons and Refugees.

- o Demining: Ensure smooth transfer of Mine Action Center to Bosnian authorities in 1997; seek additional support for effective removal of mines.

- o Missing Persons: Continue support for ICRC and Blue-Ribbon Commission on the Missing.

- o National Monuments: Provide greater support for the Commission to Preserve National Monuments (established by Dayton), stressing the importance of preservation of multi-ethnic cemeteries.

- o Arms Control: Pledge to support OSCE efforts to monitor implementation of the Article IV agreement and the negotiation of other agreements.

- o War Crimes: Reiterate need for greater cooperation from FRY and Croatia.

- o Brcko: Emphasize need for peaceful resolution of dispute.

- o Regional Cooperative and Development: Welcome the efforts underway to foster greater regional cooperation and development, such as the Stability Process launched at Royaumont and the Southeastern Cooperative Initiative by the OSCE, in addition to renewal of regional Ministerial meetings and other initiatives.

20

Bosnia Post-Election Issues

The goals in the post-election period should be to:

- o maintain the continuity of Bosnia and Herzegovina as prescribed in the constitution; and
- o facilitate the establishment of joint structures, which represent all of the Bosnian people, through the process set forth in the constitution with the cooperation of both entities.

An important prerequisite for this process is cooperation by the Parties. This includes the establishment of the Federation and transfer of all appropriate existing central government functions to the Federation; the establishment of the requisite inter-entity links, including railroads and telecommunications; and fully conforming the entity constitutions with the state constitution.

The Special Group for resolving Federation issues, established at the August 14 Geneva implementation summit, has made substantial progress on the establishment of new institutions and the transition of existing institutions. According to the Geneva Agreement final decisions must be taken by August 31.

Dayton is silent on the precise procedures for merging and/or dissolving old institutions following the elections. The intent to provide for state continuity and to avoid a potentially destabilizing vacuum is made clear by the provisions on continuity of legislation and offices. A myriad of practical questions will arise. In particular, transition to new structures and details of participation in new institutions must be carefully organized. Dayton makes clear that the international community must play a sustained role in this process.

Establishment of Transitional Authority

The Geneva Document recognizes the highly political nature of these issues. It calls for a meeting with the Parties without delay but specifically does not say how the meeting should be organized. At the moment the process is being managed by the Special Group. As part of its task to establish Federation structures, the Special Group is also authorizing the maintenance of the transitional state structures. Once these structures have been agreed they will form the substance of a "Transitional Authority" which provides the foundation for cooperation between the Federation partners and the Republika Srpska on central institutions. This framework will allow the Special Group to use its decision-making authority granted by the Federation partners as the foundation for discussion with the Republika Srpska on institutional issues.

These discussions should begin in advance of the elections and continue following the certification of the election results and prior to the full establishment of the Dayton Constitution institutions.

21

General Goals

In the immediate post-election phase the Parties should focus on achieving the following:

- o Acceptance and full implementation of the election results, based on the certification by the Provisional Election Commission.
- o Rapid establishment of political institutions (Presidency, Council of Ministers, Parliamentary Assembly, Central Bank, Constitutional Court), including:
 - Inauguration and installation of newly elected officials;
 - Departure of predecessors;
 - Smooth transfer of authority;
 - Dissolution of institutions not called for in the Constitution, or transfer of their functions to the Entities;
 - Setting of date and location of initial meetings to focus attention on priority tasks.
- o Effective functioning of institutions.
 - Pledge by newly elected leaders to work with one another.
 - Commitment to attend all sessions (barring travel, illness or incapacity).
- o International support for these goals, including the use of leverage where necessary to achieve them.

Key Specific Objectives

Bosnia and Herzegovina institutions have responsibility for foreign policy, foreign trade policy, customs policy, monetary policy, BH finances, immigration policies, international and inter-entity criminal law enforcement, common and international communications facilities, inter-Entity transport and air traffic control. These responsibilities will be divided among the following institutions.

Presidency

The three-person Presidency's responsibilities include conducting foreign policy; appointing ambassadors; representing BH in international organizations; negotiating treaties; proposing annual budget to Parliamentary Assembly; and coordinating with IOs and NGOs in Bosnia and Herzegovina. The Presidency is responsible for:

- o Agreeing on number of Ministers and nominating the Council of Ministers. Dayton specifies only a Chair, a Foreign Minister, and a Foreign Trade Minister, and others as appropriate (ratio must be 2/3 from Federation and 1/3 from Srpska). Council must be approved by House of Representatives. Geneva deadline of October 31 should be presumed to mean approval by this body. Agreement must be reached within the Federation and with the other entity on scope and competency of the Council of Ministers.
- o Appointing members of the Central Bank. Propose also set up by October 31.
- o Determining rules of procedure. Where possible rules of procedure of predecessor bodies should be used; Presidency is new but there may be an appropriate body to draw from.
- o Approving flag and other symbols as decided by Parliamentary Assembly.
- o Determining Number and Appointing members of Standing Committee on Military Matters to coordinate activities of the armed forces in Bosnia and Herzegovina.

Parliamentary Assembly

(House of Peoples plus House of Representatives)

Parliamentary Assembly responsibilities include enacting legislation to carry out Presidency decisions or Parliamentary Assembly functions; deciding upon sources and amounts of revenue for Bosnia and Herzegovina operations and international obligations; approving a budget for Bosnia and Herzegovina; deciding whether to consent to ratification of treaties. These responsibilities will entail:

- o House of Representatives Approving Council of Ministers: Geneva deadline: October 31.
- o Choosing 15 persons to serve in the House of Peoples: propose October 14. Note people are selected by the Federation House of Peoples (which must be selected by cantonal legislatures not later than E (lection day) plus 20 days) and the Srpska National Assembly.
- o Convening of each Chamber in Sarajevo within Dayton requirement of 30 days of its election/selection, i.e., October 14 for House of Representatives: propose same date for House of Peoples.
- o Choosing a Chair and two Deputies: propose October 21 for each Chamber.

- o Developing internal procedures: previous body's rules should be used until new ones can be agreed.
- o Devising arrangements for budget and revenue: immediate needs should be agreed early, with more permanent system later.
- o Deciding upon a flag and other symbols, for approval by the Presidency (could temporarily agree to use a simple symbols -- "BH" as a symbol and an outline of the country against a white background as the flag).
- o Enacting law regarding issuance of passports.
- o Deciding responsibilities of Central Bank (Dayton mandates it is the sole authority for issuing currency and for monetary policy throughout Bosnia and Herzegovina).

Other Issues

The following issues will also have to be addressed as part of the transition process:

- o Establishment of the Constitutional Court, which requires selection by Federation and Srpska legislatures.
- o Because all laws, regulations, and judicial rules of procedure in effect within Bosnia and Herzegovina when the new Constitution entered into force remain in effect to the extent not inconsistent with the Constitution, unless changed by a competent body of Bosnia and Herzegovina, other issues (e.g., salaries, pensions) may be able to be addressed by existing rules.

International Leverage

In the event the Parties do not take the actions necessary for the transition to succeed, the international community may wish to avail itself of the following measures:

- o Conditions on, or in extreme cases, denial of, bilateral or IFI assistance; could include reconstruction assistance, train-and-equip slow-down, others.
- o Refusal by international community to engage with officials who are not duly elected or who are not appointed by such persons; this should also be a commitment of the Parties.
- o Rejection of Ambassadors and other representatives: Bilaterally, a receiving country can reject an envoy, even one already accredited, for any reason. The process for unseating an individual who is accredited or who purports to represent a country in an international organization depends on the rules of each organization.

SUGGESTED LANGUAGE FOR UNSCR ON SANCTIONS LIFT

(Language on lifting sanctions)

followed by:

x. Requests that the Secretary General report to the Security Council in 30 days and again in 90 days on whether, in the course of the establishment of the institutions mandated by General Framework Agreement for Peace in Bosnia and Herzegovina Annex 4, the Federal Republic of Yugoslavia or the Bosnian Serb authorities fail to meet significantly the obligation of the Republika Srpska to participate fully in the Government of Bosnia and Herzegovina, or if the Bosnian Serb authorities attempt secession from Bosnia and Herzegovina through referendum or any other political device. The Security Council shall meet on an urgent basis to consider the Secretary General's report on both occasions and shall consider an appropriate international response in the event the Secretary General's report indicates non-compliance.

SEEEYYUG 14149

UNCLASSIFIED with ~~SECRET~~ attachments

John: Three issues on separate pages for your use as seems appropriate.

Contact Group Statement

Following is draft language in support of Dayton and a unitary Bosnian state for inclusion in a Contact Group statement. The Bosnians pressed for such a statement in a demarche to Contact Group ambassadors September 4 in Sarajevo (Sarajevo 3239).

the continuation of the state of BiH

The Contact Group reaffirms its support for the General Framework Agreement for Peace in Bosnia and Herzegovina and remains committed to ~~a unitary Bosnian state~~ consisting of the two Entities, ~~the~~ the Federation and the Republika Srpska. The Contact Group notes that the Dayton Constitution does not provide for secession by any party, and reaffirms its firm opposition to any steps toward such action. The Contact Group will work with the High Representative and the newly-elected leaders of Bosnia and Herzegovina to ensure the rapid establishment of new common institutions following elections September 14.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. report	Bosnia Elections. (2 pages)	09/13/1996	P1/b(1)

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OA/Box Number: 851

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b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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COLLECTION:

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- P1 National Security Classified Information [(a)(1) of the PRA]
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