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002a. paper	Draft Speaking Note. (3 pages)	09/29/1995	P1/b(1)
002b. draft	Letter to EU Ministers. (7 pages)	09/28/1995	P1/b(1)
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RESTRICTION CODES

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P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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]
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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]
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*For Sandy
Vershbow*

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**DRAFT AGREEMENT ON EASTERN SLAVONIA, SOUTHERN
BARANJA AND WESTERN SIRMIMUM**

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DRAFT AGREEMENT ON EASTERN SLAVONIA, SOUTHERN BARANJA AND WESTERN SIRMIMUM

The representatives of the Government of the Republic of Croatia and the representatives of the Governing Regional Council of Eastern Slavonia, Southern Baranja and Western Sirmium,

Hereby Agree as follows:

PART ONE: GOVERNANCE OF EASTERN SLAVONIA, SOUTHERN BARANJA, AND WESTERN SIRMIMUM

Chapter I Governance of Eastern Slavonia, Southern Baranja and Western Sirmium

Article I.1 General

The area consisting of Eastern Slavonia, Southern Baranja, and Western Sirmium known under United Nations Security Council Resolution 981 as UNCRO Sector East in Croatia and herein "the Eastern Area," shall be subject to governance by the Government of the Republic of Croatia in accordance with the provisions set out or referred to in this Agreement.

PART TWO: TERMS OF THE TRANSITION

Chapter II Establishment of the Transition

Article II.1 General

Upon entry into force of this agreement, there shall be established a two-year transition period, unless another period is determined by the Security Council of the United Nations, during which time the Eastern Area shall, subject to the approval of the Security Council, be administered by the United Nations in accordance with the provisions of this Agreement.

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Chapter III Establishment of the Office of Administrator

Article III.1 Appointment of the Administrator

The Secretary-General of the United Nations shall, after consultation with the parties hereto, appoint an Administrator for the Eastern Area, whom the Secretary-General may replace at any time.

Article III.2 Responsibilities of the Administrator

1. The Administrator shall exercise all executive functions in respect of the Eastern Area, in addition to such other functions as are specified herein.
2. The Administrator shall establish, and may from time to time change, the boundaries of local administrative districts, as well as the system of local governance, including courts and administrative agencies, taking account as far as he considers appropriate the relevant provisions of the Constitution and legislation of the Republic of Croatia.
3. In addition to ensuring the peaceful governance of the Eastern Area and the implementation of the transitional arrangements in this agreement, the special task of the United Nations Administrator shall be to:
 - (a) Encourage and facilitate the return of persons who were forced to leave their homes in the Eastern Area after 1 July 1991;
 - (b) Arrange for elections of officials and legislators who will, in accordance with the law of the Republic of Croatia, govern or represent the Eastern Area after the end of the special transitional period specified in paragraph 1.

Chapter IV Establishment of Civil Authority

Article IV.1 Establishment of Regional Advisory Council

The administrator shall establish an Advisory Council, to which he may initially appoint local officials functioning in the area and the representatives of refugees and displaced persons from the area, which shall be replaced, as soon as feasible, by persons elected according to a procedure that the Administrator shall determine. He shall consult with such Council in carrying out his responsibilities.

Article IV.2 Application of Croatian Law

Except as otherwise determined by the Administrator, the law applicable during the period of UN administration shall be that applicable in other parts of the Republic of Croatia.

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Article IV.3 Establishment of Croatian Institutions

1. The administrator shall, in consultation with the Regional Advisory Council, facilitate the establishment of Croatian institutions in the Eastern Area. These institutions shall include, but not be limited to HPT, electric utilities, water utilities, gasoline stations, pension and social service offices, and citizenship and passport offices. The administrator shall have the authority to review and approve or reject plans for the establishment of these institutions in the Eastern Area.

2. The international border of the Eastern Area shall during the period of UN administration be monitored by Croatian customs officials working in cooperation with military and police forces under the control of the Administrator. The Eastern Area shall receive for expenses of administration and services its per capita share of customs revenues.

Article IV.4 Taxation

The costs of any international elements of the UN administration shall be borne by the United Nations. All other costs of governance shall be borne by the Republic of Croatia or by the resources of the Eastern Area, for which purpose the Administrator may raise appropriate taxes and other revenues. During the period of UN administration, the Republic of Croatia may raise, with the consent of the Administrator, taxes in the Eastern Area and from its domiciliaries, for the expenses of the Eastern Area and for other purposes, provided that the proportional tax burden in the Eastern Area and on its domiciliaries does not exceed that in other parts of the Republic of Croatia. The Republic of Croatia shall provide services in the Eastern Area in a manner that is at a minimum proportional to the amount of taxes paid.

Chapter V Presence of Military Forces

Article V.1 International Forces and Monitors

1. Subject to decisions of the Security Council of the United Nations, or the competent organs of other international organizations acceptable to the Government of the Republic of Croatia and the Governing Regional Council of Eastern Slavonia, Southern Baranja and Western Sirmium, United Nations Confidence Restoration Operation (UNCRO) Forces or other international forces, as well as civilian monitoring units, shall be stationed in all or parts of the Eastern Area for a transitional period of at least five years, for the purpose of ensuring the full and faithful implementation of this agreement.

2. The Government of the Republic of Croatia shall cooperate fully with the international forces referred to in paragraph 1, for the purpose of facilitating the accomplishment of their functions.

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Article V.2 Demilitarization

1. During the transitional period specified in Article II.1 of this Agreement, the Eastern Area shall be demilitarized, except that military forces of the Republic of Croatia may be stationed within 5 kilometers of international borders, and may use access routes to such borders in agreement with and under the supervision of the international forces referred to in Article V.1. No military forces except those of the United Nations or of any other international agency invited by the Security Council shall be in the Eastern Area. Any military forces in the Eastern Area at the time of the establishment of the UN administration shall immediately be disbanded.
2. The demilitarization of the Eastern Area shall start no later than one month after the entry into force of the present Agreement, and shall be completed no later than three months after such entry into force. All weapons removed from the Eastern Area shall be destroyed by or under the supervision of the international forces referred to in Article V.1

Chapter VI Police Forces

Article VI.1 Establishment and Monitoring of the Police

1. The Administrator shall organize and control a uniformed police force comprised of individuals presently residing in the area and representatives of refugees and displaced persons from the area. He may in this respect be assisted by police forces or advisers made available at the request of the United Nations.
2. The composition and operations of the police force operating in the Eastern Area shall be monitored by a police component of the international forces referred to in Article V.1.
3. The police force shall be equipped with arms and vehicles of the same or equivalent types customary for police forces in European states.

Article VI.2 Ethnic Composition of the Police

The Administrator shall strive to establish as soon as possible an ethnic composition of the police force referred to in Article VI.1 as follows:

- (a) In regions determined by the Administrator to have a significant population of individuals who are neither Serb nor Croat, the ethnic composition of the police shall include an appropriate percentage of those ethnic communities and have equal percentages of Croats and Serbs.
- (b) In all other regions in the Eastern Area, the ethnic composition of the police shall be 50% Serb and 50% Croat.

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PART THREE: ADMINISTRATION FOLLOWING THE TRANSITION

Chapter VII Census

Article VII.1 Census

The Administrator shall carry out a census in the Eastern Area during the last six months of the transition period. This census will count the number of residents of the region who meet the criteria for Croatian citizenship or legal residence and determine their declared ethnicity.

Chapter VIII Special District

Article VIII.1 Establishment and Boundaries of the Special District

1. Following completion of the census referred to in Article VII.1, the Administrator shall, in consultation with the Government of the Republic of Croatia and the Regional Advisory Council, establish the boundaries of a special district comprising the areas in the Eastern Area where Serbs or other members of an ethnic national community or minority who are citizens or legal residents of Croatia comprise over 50% of the population.
2. Those areas in the Eastern Area who do not form part of the special district shall have the same status as all other areas in the Republic of Croatia, following termination of the transition referred to in Article II.1 of this Agreement.
3. Disputes concerning the boundaries of the special district shall be resolved by the Guarantee Commission referred to in Article XII.1 of this Agreement, while that body maintains its functions.

Article VIII.2 Competence of the Special District

1. The special district shall have the authority inter alia to make independent decisions in the following areas:
 - (a) Optimal use and planning of land and urban development within the district;
 - (b) Promotion of development of economic activity;
 - (c) Construction and maintenance of communications networks and other utility services;

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- (d) Environmental protection;
- (e) Cultural affairs, including the preservation and protection of cultural heritage for national and ethnic communities or minorities, promoting cultural and scientific activities, and founding and maintaining museums, libraries, theaters, and musical groups;
- (f) Administration of health and social welfare programs, as long as such administration is in compliance with Government of Croatia regulations;
- (g) Science and the use of modern technology;
- (h) Procedures and methods to protect human, civil and ethnic rights of all inhabitants of the district, as well as special protection for the inhabitants ethnically and nationally different from the majority national and ethnic communities and minorities;
- (i) Establishing services and institutions within the special district to perform the activities listed in this article.

2. Municipalities within the special district may be autonomous in deciding and administering affairs that are the original competence of the district, should the district assembly delegate this power to the municipalities.

Article VIII.3 Special District Governing Bodies

Governance of the special district shall be carried out by the following bodies: a district assembly, the President of the district assembly, and district courts.

Article VIII.4 Ethnic Composition of the Special District Governing Bodies and the Judiciary

1. Members of the district assembly and municipal assemblies shall be elected in accordance with the principle of proportional representation of citizens with regard to their national and ethnic or minority affiliation.

2. The ethnic composition of the judiciary in the municipal and district courts shall reflect the ethnic composition of the Eastern Area. Specifically, the membership of the special district district court shall reflect the ethnic composition of the special district; the ethnic composition of the municipal courts shall reflect the ethnic composition of the municipalities over which the courts have jurisdiction.

Article VIII.5 Special District Assembly

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The district assembly shall have the following responsibilities:

- (a) Consider and decide all important questions of political, economic, cultural, and social life and development of the district;
- (b) Adopt developmental, urban planning, and other special plans; establish the district budget; establish district funds; make or confirm district funds, financial plans and balances;
- (c) Establish public enterprises and institutions of interest to the district;
- (d) Establish health, cultural, scientific, and school institutions of significance to the district;
- (e) Elect, appoint, and release, the President of the district assembly and his deputy, heads of working bodies, director and managers of public companies, and other officials as required by law;
- (f) Establish district services and organizations performing services of interest to the district.

Article VIII.6 President of the District Assembly

The President of the district assembly shall be elected and recalled by the district assembly, upon confirmation by the Government of the Republic of Croatia. He shall represent the special district and be the representative of the authorities of the Republic of Croatia in the special district.

Article VIII.7 District Courts

1. Municipal and District courts shall be established in the special district. The municipal courts will be established for the territory of one or more municipalities, and the district court for the entire district.
2. Municipal courts shall make decisions in cases regarding involving issues that are the original competence of the district.
3. District courts shall decide cases on appeal involving issues that are the original competence of the district.

Article VIII.8 Government Commissioner of the Republic of Croatia

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1. The Government of the Republic of Croatia shall appoint a Commissioner for the special district. The Commissioner shall represent the Government of the Republic of Croatia before the special district's authorities and inform the Government of the application of the laws, regulations, and decisions of the Republic of Croatia in the special district.
2. At the request of the Government of Croatia, the President of the Republic of Croatia can dissolve the district assembly of the special district if they by their decisions or other actions violate:
 - (a) the Constitution and the laws of the Republic of Croatia, especially if by this the realization of the constitutional and statutory rights of citizens are disrupted, or they are placed in a position of inequality;
 - (b) the sovereignty and territorial integrity of the Republic of Croatia.
3. The district assembly can initiate within 48 hours a procedure for the review of the constitutionality and legality of the decision of the President of the Republic of Croatia with the Constitutional Court of the Republic of Croatia. Until the Constitutional Court has made a ruling, the district assembly can only make decisions in areas which cannot be delayed or for which there would be harmful consequences if a decision has not been made.
4. If the district assembly is dissolved, new elections for a district assembly shall be held within three months of the decision of the Constitutional Court.

Chapter IX Special Educational System

IX.1 Special Education System within the Special District

1. Ethnic Serbs and members of other ethnic and national communities of minorities living in the special district shall be educated in kindergartens and schools which utilize their own language and alphabet. Such schools will also have separate programs to present the history, culture, and science of these minority communities.
2. Ethnic Croats will receive instruction in separate kindergartens and schools or education departments of the schools described in paragraph 1 of this article, which provide instruction in the Croatian language and Latin alphabet.
3. Education in areas not related to the students' ethnic affiliated shall be that established by the competent authorities of the Republic of Croatia.
4. The special educational system within the special district will be financed in the scope and by the criteria valid throughout the Republic of Croatia.

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Chapter X Police Forces

Article X.1 Police Administration in the Special District

1. A police administration shall be established within the special district that will perform all the duties regarding the protection of public order and peace on the territory of the special district, including the security of traffic, keeping of public records, and the issuance of certificates and transcripts from those records.
2. The head of the police administration shall be appointed and released by the Government of the Republic of Croatia, upon the proposal of the district assembly of the special district. Other officials and officers of the police administration shall be appointed and released by the Ministry of Internal Affairs, following suggestions from the district assembly of the special district.

Article X.2 Ethnic Composition of the Special District Police

The ethnic composition of the special district police administration must correspond to the ethnic composition of the population residing in the special district.

PART FOUR: GENERAL PROVISIONS

CHAPTER XI Human Rights and Fundamental Freedoms

Article XI.1 General

The application of the highest level of internationally recognized human rights and fundamental freedoms provided in the Constitution of the Republic of Croatia, in the Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia, and in the instruments listed in Annex B shall be ensured throughout Croatia. In particular:

1. All persons within the Republic of Croatia shall enjoy the rights:
 - (a) To life;
 - (b) To liberty, with arrest and detention authorized only by law;
 - (c) To equality before the law;
 - (d) To freedom from discrimination based on race, color, sex, language, religion or creed, political or other opinions, and national or social origin;

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- (e) To fair criminal proceedings;
- (f) To freedom from torture and cruel or inhuman treatment or punishment;
- (g) To privacy;
- (h) To freedom of movement;
- (i) To asylum;
- (j) To protection of the family and of children;
- (k) To property;
- (l) To fundamental freedoms: free speech and press; freedom of thought, conscience, and belief; freedom of religion, including private and public worship; freedom of assembly; freedom of association, including to form and belong to labor unions and the freedom not to associate; and freedom to work;
- (m) To education;
- (n) To social protection;
- (o) To health;
- (p) To nutrition;
- (q) To shelter; and
- (r) To protection of minorities and vulnerable groups.

2. All citizens of the Republic of Croatia shall enjoy the rights:

- (a) To form and belong to political parties;
- (b) To participate in public affairs;
- (c) To have equal access to public service; and
- (d) To vote and stand for election.

Article XI.2 Return of Refugees and Displaced Persons

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All refugees and displaced persons have the right to return freely to their homes of origin and reside there in conditions of security. There shall be no time limit on the exercise of this right.

Article XI.3 Restoration of or Compensation for Lost Property

All persons shall have the right, to be implemented in accordance with legislation of the Republic of Croatia, to have restored to them any property of which they were deprived in the course of ethnic cleansing or other unlawful acts and to be compensated for any property which cannot be restored to them. Persons who fled imminent or actual military hostilities shall have the right to recover their property or receive compensation for property that cannot be restored to them. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land or property, shall be treated as null and void.

Article XI.4 Non-Discrimination

The right to return to Croatia, to recover property, to receive compensation for non-recoverable property, and to receive assistance in reconstruction of damaged property shall be equally available to all Croatian citizens and persons eligible for Croatian citizenship, without regard to ethnicity.

Article XI.5 Use of Cyrillic Alphabet and Serbian Language

1. Serbs and members of other ethnic or national communities in Croatia are entitled to the free use of their language and alphabet, both publicly and privately.
2. In those municipalities where Serbs or members of another national or ethnic community or minority represent the majority of the total population, the alphabet and language of that national or ethnic community or minority will be officially used together with the Croatian language and the Latin alphabet.

Article XI.6 Human Rights Treaties

1. The Republic of Croatia shall as soon as possible become a part to each of the international treaties listed in Annex A.
2. All governmental organs and administrative agencies of the Republic of Croatia shall cooperate with any supervisory bodies established by any of the instruments listed in Annex B.

Article XI.7 Ombudsmen

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The Government of the Republic of Croatia shall provide for the appointment of Ombudsmen to assist in implementing the rights and freedoms specified in this Chapter. For an initial period of at least three years and as long as is deemed appropriate by the Guarantee Commission established in Article XII.1. The provisions relating to the initial appointment and functions of the Ombudsmen shall be as set out in Annex B.

Article XI.8 Establishment of the Croatian Court for Human Rights

The Government of Croatia shall establish as soon as possible the Court for Human Rights referred to in Article 60 of the Constitutional Law of Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia. This Court shall begin operations no later than 3 months after entry into force of this agreement.

Article XI.9 Education of Ethnic and Minority Communities outside the Special District

1. Ethnic Serbs and members of other ethnic and national communities of minorities outside the special district will be educated in their own language and alphabet, with programs that adequately present their history, culture, and science, if such a wish is expressed to the competent authorities of the Republic of Croatia.
2. In towns and other populated areas outside the special district where national and ethnic communities or minorities represent a relative majority of the population, and if the number of students allows for it, separate educational institutions or school departments will be established with classes held in the language and alphabet of the particular national or ethnic community or minority, if such a desire is expressed to the competent authorities of the Republic of Croatia. In cases when such schools cannot be established due to a small number of students, the instructions of the subjects which are related to the national affiliation of the students (language, literature, history, etc.) will be carried out within a separate school department by teachers of the same national affiliation as the students, if such a wish is expressed by the students' parents to the competent authorities of the Republic of Croatia.

CHAPTER XII Guarantee Commission

Article XII.1 Establishment of the Guarantee Commission

Upon expiration of the transition period referred to in Article II.1 of this agreement, there shall be established a Guarantee Commission, comprised of representatives of the United States of America, the Russian Federation, the Federal Republic of Germany, the United Kingdom, France, and the European Union, subject to the approval of those nations and this organization.

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Article XII.2 Responsibilities of the Guarantee Commission

The Guarantee Commission shall be responsible to monitor the implementation of this Agreement, with particular emphasis upon the provisions concerning human rights and the treatment of ethnic communities and minorities in Croatia. The Guarantee Commission will be empowered to investigate any alleged violation of this Agreement, to report to the nations and organization that are represented on it, and to make recommendations for corrective action.

Article XII.3 Termination of the Guarantee Commission

The Guarantee Commission will cease functions upon Croatia's entry into the European Union.

**PART FIVE:
FINAL CLAUSES**

CHAPTER XIII Entry Into Force and Implementation

Article XIII.1 Entry into Force and Implementation

1. The present Agreement shall enter into force one month after its signature on behalf of both parties.
2. Issues relating to the timetable and implementation of the present Agreement shall be decided by the Guarantee Commission, as established in Article XII.1 of this agreement.

CHAPTER XIV Languages

Article XIV.1 Languages

The present Agreement shall be concluded in the English, Croat, and Serb languages. In cases of inconsistencies, the English text shall prevail.

DONE THIS _____ day of _____ 1995,

at _____, in three copies.

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ANNEX A

**LIST OF HUMAN RIGHTS INSTRUMENTS TO BE INCORPORATED INTO THE
PRESENT AGREEMENT**
(Article XI.6)

1. 1940 Convention on the Prevention and Punishment of the Crime of Genocide
2. 1940 Universal Declaration of Human Rights
3. 1949 Geneva Conventions I - IV on the Protection of the Victims of War, and the 1977 Geneva Protocols I - II thereto
4. 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Protocols thereto
5. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto
6. 1957 Convention on the Nationality of Married Women
7. 1961 European Social Charter and the Protocol 1 thereto
8. 1961 Convention on the Reduction of Statelessness
9. 1965 International Convention on the Elimination of All Forms of Racial Discrimination
10. 1966 International Covenant on Civil and political Rights and its 1966 and 1989 Optional Protocols thereto
11. 1966 International Covenant on Economic, Social and Cultural Rights
12. 1979 International Convention on the Elimination of All Forms of Discrimination against Women
13. 1981 [UN] Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief
14. 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
15. 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

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16. 1989 Convention on the Rights of the Child
17. 1990 Convention on the Rights of Migrant Workers and Members of their Families
18. 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Part IV
19. 1990 Council of Europe Parliamentary Assembly Recommendation on the Rights of Minorities, paras. 10 - 13.
20. 1992 [UN] Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
21. 1992 European Charter for Regional and Minority Languages

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ANNEX B

INITIAL APPOINTMENT AND FUNCTIONS OF THE OMBUDSMEN

(Article XI.7)

I. GENERAL PROVISIONS

Article 1 Functions of Ombudsmen

1. The Ombudsmen are to protect human dignity, rights and freedoms as provided in any constitutional or other legal provision of the Republic of Croatia relating to human rights or fundamental freedoms, including those in the present Agreement or in any of the instruments listed in Annex B hereto, and in particular shall act to reverse the consequences of the violations of these rights and liberties and especially of ethnic cleansing.
2. In carrying out their functions, the Ombudsmen must be guided by law and by the principles of morality and justice.

Article 2 Individual Functioning

Each Ombudsman shall exercise his functions individually, except as otherwise provided herein. Two or more Ombudsmen may cooperate in carrying out any of their functions.

Article 3 Independence

The Ombudsmen are independent in carrying out their functions and no governmental organ or any other person may interfere with such functions.

Article 4 Appointment

1. There shall be three Ombudsmen: one Serb, one Croat, and one for other national or ethnic communities or minorities. Until the Croatian Sabor adopts, with the concurrence of the Serb Caucus of the Sabor, a law relating to the appointment and functioning of the Ombudsmen, these shall be appointed and may be removed by the Chairman-in-Office of the Organization on Security and Cooperation in Europe (OSCE).
2. Each of the Ombudsmen shall, with the approval of the High Judiciary Council of Croatia, appoint one or more deputies.
3. The terms of service of the Ombudsmen and their deputies shall be the same respectively as those of the President and of Judges of the Supreme Court of Croatia.

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4. Each Ombudsman shall also appoint additional staff within the framework of the budget approved therefor by the High Judiciary Council of Croatia.

II. THE COMPETENCE AND THE POWERS OF THE OMBUDSMEN

Article 5 Organs and Entities Subject to Monitoring

The Ombudsmen may follow the activities of any organ of the Government of Croatia, or of any governmental units subordinate thereto, as well as of any other institution or person by whom human dignity, rights or liberties may be negated or ethnic cleansing may be accomplished or its effects preserved.

Article 6 Powers

In the course of carrying out his functions, an Ombudsman may examine all official documents, including secret ones, as well as judicial and administrative files, and require any person (including any official) to cooperate, in particular by transmitting relevant information, documents and files. Ombudsmen may also attend court and administrative hearings, as well as meetings of other organs and enter and inspect any place where persons deprived of their liberty are confined or work.

Article 7 Maintenance of Confidentiality

The Ombudsmen, their deputies and any other person who carries out inquiries pursuant to article 6 above, are required to maintain the secrecy of whatever they learn in the course of such inquiry, and must treat all documents and files in accordance with the applicable rules.

III. REPORTS OF THE OMBUDSMEN

Article 8 Annual and Special Reports

1. Each Ombudsman shall present an annual report to the President of the Republic of Croatia, the Guarantee Commission, the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, and the Chairman-in-Office of the OSCE. These reports shall be published.
2. An Ombudsman may also present at any time special reports to any competent authorities.

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IV REGULATIONS OF THE OMBUDSMEN

Article 9 Adoption of Regulations

Each Ombudsman shall draw up, or the Ombudsmen may collectively draw up, regulations that specify their organization and the method of exercising their functions, which shall be promulgated in the Official Journal of the Republic of Croatia. These regulations may be changed by a law adopted by the Croatian Sabor with the concurrence of the Serbian Caucus of the Sabor.

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Introduction

After four years of war and destruction, the peace process in the former Yugoslavia is now well underway. It is, therefore, timely to consider how the European Union, and the international community as a whole, can best contribute to the reconstruction of this war-torn region. The prospect of a major international effort to help in rebuilding the areas concerned should reinforce the peace process. The present Communication, which applies to all the states of the former Yugoslavia except Slovenia, stresses the need for continuing humanitarian assistance and outlines the main elements which could be included in an overall response to the challenge of reconstruction.

Humanitarian assistance

The need for humanitarian assistance will continue until well beyond 1996. Humanitarian assistance should remain impartial and free of political conditionality. Sizeable population movements are taking place and may increase further. In all, up to four million refugees, displaced and homeless persons, and those seeking voluntarily to return to their areas of origin, may require emergency assistance. The European Union, which already has provided 1.6 billion ECUs in humanitarian assistance, of which more than 1 billion has come from ECHIO, will continue to be the main donor. This will continue to require a substantial financial commitment in the years to come. Over time humanitarian assistance should be adapted to ensure a smooth transition from emergency aid to rehabilitation. The continuing commitment of the United Nations High Commission for Refugees, as the principal field agency, will be needed.

Objectives of international support for reconstruction

Beyond humanitarian assistance, a wider effort is needed to support the creation of stable political and economic systems, reconstruction and development, and the establishment of normal relations among all the states and peoples concerned. For the economies of the former Yugoslavia will not only be recovering from the distortions of war but will also be moving towards a fully fledged market system. Careful phasing of assistance, taking into account changing needs, will, therefore, be needed.

The objectives of an international effort to support reconstruction in the former Yugoslavia should, thus, include:

- the establishment and reinforcement of democratic political institutions, which guarantee the rule of law, human rights and fundamental freedoms
- the reinforcement of civil society, through the strengthening of non-governmental bodies
- support for economic stabilisation and transition to fully fledged market economies
- the development of the private sector, especially smaller firms, and the promotion of investment

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- the establishment of normal economic relations between the states of the former Yugoslavia
- the rebuilding and modernisation of energy, water, transport and telecommunications networks
- the participation of the countries concerned in the open international economic system
- the development of trade and cooperation with the European Union and other international partners

The coordination of assistance

The needs of the countries of the former Yugoslavia for assistance are hard to quantify at present. It is certain, however, that they will be on such a scale that support will be required from the international community as a whole. The European Union, the United States, Japan, the other members of the OECD, Russia, members of the Islamic Conference Organisation and the international financial institutions will all have their contribution to make. Neighbouring countries in central and eastern Europe may also wish to participate in the provision of assistance.

Support from these different sources should be complementary and mutually reinforcing, on the basis of an agreed evaluation of needs. To this end, the European Union should consider convening a pledging conference with the participation of all the parties concerned at the appropriate time, when circumstances permit. It should be accompanied by the establishment of a framework for coordinating assistance and monitoring progress, drawing on experience with the G24.

This should be an ad hoc structure, bringing together the different providers of assistance. Coordination should take place both in the design and programming of assistance and in arrangements for its delivery on the spot. The providers of assistance should also hold a coordinated dialogue with the administrations of the beneficiary countries, each of which should be encouraged to designate a principal interlocutor for this purpose. The European Commission is ready to make available its experience both in the provision and the coordination of assistance.

Conditionality

One of the purposes of international coordination will be to agree on the conditions to be attached to assistance, with a view to consolidating the peace process and ensuring political and economic freedom. In addition to specific conditions for macro-economic assistance, which may be formulated by the international financial institutions, the providers of assistance should insist that the beneficiaries

- respect the rule of law, human rights and fundamental freedoms, including the rights of minorities

- permit the voluntary return of refugees and displaced persons

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- create the conditions for a functioning market economy
- make a sustained and verifiable effort for disarmament and the dismantling of war industries
- cooperate fully with the International Criminal Tribunal for the former Yugoslavia
- establish normal political, economic and cultural relations with the other states of the former Yugoslavia

Arrangements for monitoring compliance with these conditions should be agreed by the providers of assistance. As noted above, such conditions do not apply to humanitarian assistance.

Assistance from the European Union

Both the institutions of the European Union, notably the Commission and the European Investment Bank, and the Member States, will be called upon to provide assistance. The European Bank for Reconstruction and Development (EBRD) will also have an important role to play.

To a certain degree, resources provided for under heading IV of the financial perspectives can be mobilised for reconstruction, taking into account the decisions of the Cannes European Council on aid for countries in central and eastern Europe and the Mediterranean region. Assistance should take the form both of grants and of loans. Loans should be provided by the EIB and the EBRD, with the former concentrating on investment in infrastructure and the latter on productive investments. These activities should be closely coordinated with those of the other international financial institutions.

Problems over arrears in debt repayments including the reimbursement of EIB loans will need to be overcome rapidly in order to permit the international financial institutions to mobilize new finance. These institutions will have the principal role in agreeing priorities for macro-economic policy and structural adjustment. But the Union should be associated with these efforts.

In view of the magnitude of the task ahead, efforts additional to those referred to above may well be necessary.

Trade and cooperation agreements

At the moment, economic relations between the Union and the states of the former Yugoslavia, with the exception of Slovenia, are based on the European Community's agreement with the former Yugoslavia. Negotiations have taken place with Croatia for a new trade and cooperation agreement. The Union should now consider the possibility of negotiating a network of agreements, designed to reinforce the peace process, to strengthen democracy and the market economy, and adapted to the particular circumstances of each partner.

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Conclusions

The Council is invited

- to take note of the need for continued financial support for humanitarian assistance for refugees and other displaced persons
- to approve the principle of European Union participation in an international effort to support reconstruction in the former Yugoslavia, in the context of the peace process, on the basis of the objectives, procedures and conditions set out in this Communication
- to ask the Commission to examine appropriate arrangements for the coordination of assistance
- to approve the principle of the negotiation of a network of trade and cooperation agreements with the states of the former Yugoslavia, other than Slovenia, designed to reinforce the peace process, economic reconstruction and the transition to market economies

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002a. paper	Draft Speaking Note. (3 pages)	09/29/1995	P1/b(1)

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European Affairs (Alexander Vershbow)
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FOLDER TITLE:

Bosnia - September 1995 (Late) [2]

2013-0687-F
vz2767

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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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002b. draft	Letter to EU Ministers. (7 pages)	09/28/1995	P1/b(1)

COLLECTION:

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RESTRICTION CODES

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**Talking Points for Congressional Testimony on
An Implementation Force for a Peace Settlement in Bosnia
29 September 1995**

Neither the peace plan nor the plan for an implementation force is yet completed. Today's testimony reflects the current thinking as the situation continues to develop.

The nature of the peace plan will determine the mission of the implementation force. The basic principles we are pursuing in a peace settlement are:

- A 51/49 allocation of territory between the Muslim-Croat Federation and the Bosnian Serbs.
- A single state with joint institutions and substantial autonomy for the component parts.
- Territorial adjustments, with substantial pullbacks by the Serbs and probably some by the Croats and Muslims.
- A narrow zone of separation between the forces.
- Lift the arms embargo for all FRY states and end sanctions on Serbia, ^{suspended} w/ lift after settlement implemented
- Special arrangements will probably be necessary for specific problems such as Sarajevo, the Gorazde enclave, the Posavina corridor (area around Brcko) in Bosnia, and possibly Eastern Slavonia (UN Sector East) in Croatia.

The basic principles of the implementation force (IFOR) are therefore:

- The implementation force is an international organization for implementing the military aspects of the peace plan.
- Its presence is essential for the acceptability of the plan to the warring parties and the feasibility of a settlement.
- The force will be led by NATO, with NATO rules of engagement. There will be no dual key with the UN.

- The force will operate primarily--but not exclusively--on Federation territory. It will function in an even-handed fashion and is not at the disposal of any party. But it will not be passive in the face of non-compliance with the peace plan or attacks on the implementation force.
- The force will be well-equipped to defend itself and deal with violations. It will be backed by NATO air power.
- The implementation force will build on the concept of the European Rapid Reaction Force, which is concentrated combat potential rather than units scattered over wide areas.
- The objective of the implementation force will be to ensure compliance with the military aspects of the peace plan over the period of approximately one year during which we believe the peace can become self-sustaining.
- At the same time the implementation force is operating, there will be several other entirely separate efforts to carry out a series of tasks I'll return to in a few minutes.

The concept for the structure and command and control of the implementation force is still being worked out, but it will be based on the existing NATO structure, in which authority flows from the North Atlantic Council through the Supreme Allied Commander Europe, General Joulwan, to the Commander of Armed Forces South, Admiral Leighton Smith, who will actually command the implementation force.

- The commander of the present UN Protection Force (UNPROFOR), General Janvier, will be the deputy implementation force commander and the commander of the ground forces.
- The commander of the IFOR ground component will be the commander of the ACE Rapid Reaction Corps, a UK general.
- The size of the force has not yet been determined, but we believe it should be substantial. An ample force should be promptly deployed, and it may then be gradually reduced as the settlement takes hold. It will be backed by NATO air power, commanded by General Ryan.
- Many of the existing units of the UN Protection Force will be transferred to the implementation force. This will mean participation by non-NATO forces,

no page 2

including the Russians, and there will be command and control questions that we will have to resolve.

The compelling reasons for a significant US Contribution are:

- The long-standing Administration commitment, with Congressional support, to participate in a NATO-led, UN-authorized implementation force.
- US involvement is crucial to obtaining a peace settlement. Without US engagement we risk nonconcurrence by the warring parties, especially the Bosnian Government.
- The Europeans cannot or will not solve this issue without US participation.
- This is a necessary demonstration of US leadership and credibility. Working through NATO we can make a peace work.
- The Administration will seek Congressional approval before an actual deployment. The President is discussing with Congressional leaders what form this approval will take. Congressional approval is also an important demonstration of national unity in support of this mission, without prejudice to anyone's constitutional prerogatives, as it was in Desert Storm.
- The size of the US contribution is still under discussion but is likely to be about a division. This will mean about 20,000 troops on the ground in Bosnia, with air, naval, and logistics support from outside the country.
- The cost depends on the size of the force and other details, but we expect it to be substantial--in the range of \$1 billion.

The UN's main role is to pass a Security Council resolution authorizing the implementation force. We do not envision a continuing UN role in the military operations of the implementation force.

- The UN may appoint a special coordinator or a coordinating committee of nations or institutions, but it will not have oversight or control over the implementation force.
- NATO may also name a senior official to provide political advice and information to the implementation force commander.

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The mission of the implementation force, like so many aspects, is still evolving. But a key theme is to keep the mission simple and workable.

- The NATO-led force should deploy quickly, which can be accomplished by basing it on the existing Rapid Reaction Force. US units will have to move quickly, and preparatory action are likely to be needed soon.
- The implementation force will operate with strong rules of engagement.
- The forces main task will be ^{to} oversee the withdrawal of the Federation and Bosnian Serb forces to their respective territories as laid out in the settlement.
- The implementation force will do whatever is necessary, including the use of force, to assure its own security and freedom of movement.
- The implementation force will enforce the cease-fire and, after an agreed period, the withdrawal of the forces to their respective territories.
- If the parties do not comply with the territorial provisions of the settlement, the first response will be to negotiate through a joint commission that will be established for this purpose. The North Atlantic Council (NAC) will provide authorization to use force in the event of isolated noncompliance. If there is widespread noncompliance, there will need to be a NAC decision to authorize the use of force to push the violating forces back. If there is total noncompliance, the activities of the implementation force will be suspended, and the force may be withdrawn.
- Once the warring parties have moved to their designated areas, there will be a narrow zone of separation and some form of monitoring of the zone.
- The implementation force will complete its mission in approximately 12 months and withdraw.

(If asked): If there is a large scale breakdown of the peace, and armed attacks are mounted across the new frontiers between the Federation and the Bosnian Serb Republic, diplomatic negotiations will be attempted, but if necessary, force may be used. If the Bosnian Serbs attack the Federation, the implementation force may be used to assist in the Federation's defense. If Federation forces are the aggressors, we probably would not use force against them, but we would cease our various civilian and military aid programs and withdraw the implementation force.

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DEPUTES?
DECISIONS
ASYMMETRY
DEPENDENCE
ON WHOM IS
RESPONSIBLE
FOR
BREAKDOWN

Functions the implementation force does NOT have:

- Escorting humanitarian convoys
- Police functions, including investigation and prosecution of war crimes and human rights violations.
- Control the weapons of or disarm the Muslim, Bosnian Croat, or Bosnian Serb forces.
- Economic reconstruction, although some of its necessary work, such as road repair, will be a contribution to rebuilding the country.
- Security for elections.
- Assuring the right of refugees to return to their homes.
- Equipping and training the Federation forces.

← ?
Yes & No

The implementation force's relation to the civil authority will be to cooperate with, rather than replace, the government of Bosnia.

- Many international organizations other than NATO will also be working in Bosnia, and NATO should avoid the temptation to take on their work, however admirable the cause.

Parallel Activities. With the IFOR in place to contribute to a secure environment, a series of other efforts will be mounted in parallel to begin the country's return to normalcy. These parallel tasks will be conducted by various organizations and coordinated by a "Special Coordinator" whose duties will be outlined in the peace agreement. These activities could include:

- **Political implementation** efforts (elections, establishment of legislative and judicial entities, etc.) overseen by the OSCE.
- **Humanitarian relief** efforts to relieve suffering led by the UN High Commissioner for Refugees in concert with NGOs and PVOs.
- International **economic reconstruction** efforts to begin rebuilding the nation's economy led by the European Union.

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- Possibly **limited arms control measures** (caps on a few categories of weapons; simple limitations on military activities) to prevent an arms race and limit offensive capabilities, probably mounted by OSCE.
- An **"Equip and Train"** effort to improve the Federation's self defense capabilities, carried out by a coalition of willing nations, completely separate from the IFOR.

Equipping and training of the Federation forces, will allow the Federation to defend itself.

- Such a boost to the Federation's post-war security is an important incentive for participation in the peace.
- Outside assistance is necessary because of the Bosnian Serbs' superiority in heavy weapons.
- We intend to provide only defensive weapons and training on a modest scale.
- Our assistance is conditional on there being no role in the effort to equip and train for Iran.
- This will be an international effort, but it will not be part of the implementation force.
- The next step will be to send in a team to assess the Federation's needs. We understand that this is a sensitive step, and we will coordinate it closely with the ongoing diplomatic effort.
- For the long term, we believe there should be an arms control agreement for the Balkans that should include confidence building measures and a regional agreement to limit conventional forces.

Assistant Secretary of State Holbrooke is now in the area pursuing the next phase of the diplomatic effort for a negotiated settlement. His main goals are:

- Achieve agreement on a cease-fire throughout Bosnia
- Open the road to Gorazde and pursue further measures to normalize the situation in Sarajevo

- **Begin serious negotiations on the territorial settlement.**
- **Lay the ground work for a summit of Muslim, Croat, and Serb leaders to finalize an agreement and an international conference to bless the settlement and launch the reconstruction effort.**

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DRAFT RESPONSE TO DOLE LETTER

Below are draft answers to specific questions raised in the Dole letter as well as some introductory language on the status of planning that applies to all the questions. This language and these answers are to be incorporated into a more formal response to be prepared jointly by OSD and the NSC staff.

As you know from our regular congressional briefings to members and staff, NATO planning for possible implementation of a peace agreement in Bosnia began in earnest in the last several weeks as prospects increased for a peace agreement and the likely character of such an agreement took form. NATO military authorities, led by General George Joulwan (SACEUR), will shortly begin to develop a concept of operations for an implementation force (IFOR) that will address deployment issues in greater detail. NATO political advisors are also working to develop more detailed political guidance on such issues. The US is leading that process and is working to ensure that the operation is planned and conducted to the satisfaction of our political and military leadership. As this work continues, we will have more detailed answers to your questions.

Q#1. What specific commitments regarding US troop participation have been made by your administration to our NATO allies?

A#1. As I have outlined before, I am prepared, after consulting with Congress and if asked by the parties, to use US troops as part of a NATO force to assist in implementing a peace settlement that the parties are carrying out in good faith. While the US has made no specific military commitments, I stand by my previous commitment that US participation on the ground would be substantial but no more than one-half of the overall force.

2/93
] still true?

Q#2. What specific commitments regarding US troop participation have been made by your administration to the Bosnian government?

A#2. We have made no commitments to the Bosnian Government regarding US forces.

] ? Told them A#1

Q#3. What is the range of total NATO ground force levels, related to enforcement of a Bosnian peace settlement, being considered in the administration and at NATO headquarters? What would the US contribution of forces be? What is the estimate of the number of reservists that would need to be called up? What is the estimated impact of such a deployment on readiness?

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A#3. The necessary range of NATO ground force levels will be determined by NATO military planners. No estimate has been made, but NATO political authorities will shortly task military planners to an initial estimate. We expect the force level estimate to be based on past planning estimates for OPLANs 40103 and 40104 and an initial analysis of the current situation. Of the total, the US contribution is envisioned as being no more than half. The final requirement will be based on the specific tasks assigned and an analysis of the potential threats to participating forces.

The number of US reservists that might be required for the peace implementation operation has not yet been identified. Based on the force list for OPLAN 40104, which is still under development, the number of reservists will likely be about 500 personnel.

We expect some degradation in readiness of deployed combat units in relation to their wartime capability. Units engaged in contingency operations sometimes lose the opportunity to conduct the full range of wartime training. This is a normal cost of doing business and once the units have redeployed, they regain their warfighting readiness after a period of retraining. In addition, our readiness to respond to other potential hot spots could be somewhat impacted by the increased demand on strategic lift and support forces. Finally, ongoing operations can impact on Service Operations and Maintenance accounts with corresponding readiness degradations. Timely reimbursement in the form of supplemental appropriations are the surest way to avoid this type of readiness degradation.

Q#4. Would this be a NATO-only operation or would Russian troops and/or other troops, from Islamic countries for example, also be a part of that total force enforcing a settlement?

A#4. We expect Non-NATO forces will participate in the operation. We view a constructive Russian role as particularly important not only to sustain a comprehensive peace but also given our broader efforts to promote NATO-Russian cooperation. Other forces that may participate include former UNPROFOR units which remain to become part of the peace implementation force, and possibly PFP nations as well.

Q#5. Would NATO be in complete command of all forces involved in an enforcement operation? Or would Russian forces and non-NATO forces be under different command arrangements? If so, how would these varied command arrangements be ultimately integrated in order to achieve unity of command? Is there to be another dual-key command?

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A#5. The NATO theater commander will have command or control of all forces participating in the IFOR. Specific arrangements have not yet been determined, but the NATO force will not be under UN command or control, nor will they operate under any "dual key" command structure. We envision a NATO-led force capable of implementing the terms of the peace agreement under NATO ROE.

Q#6: When would NATO forces be deployed -- immediately after an agreement is signed or after Bosnian government and Bosnian Serb forces withdraw to lines of demarcation? What if the fighting does not stop after an agreement is signed?

A#6: . The US is working with our Allies to develop a series of planning considerations dealing with the level of compliance by the signatories to a peace agreement. We and our Allies expect some level of compliance with a peace agreement by the warring parties. We also plan to move quickly and decisively following a peace agreement to preclude deterioration into renewed conflict. Additional planning terms address the need for necessary capabilities and robust Rules of Engagement (RoE) to accomplish the mission. In the event of a major breakdown in compliance, the North Atlantic Council would assess the situation in consultation with NATO military authorities and authorize any necessary changes in RoE. Allies also agree that the NATO force should be withdrawn in the event of a total breakdown in compliance.

Q#7. Is there a timetable for UNPROFOR withdrawal? Would some of these UN units, from NATO contributing countries, remain as part of the new force?

A#7. It is expected that the majority of the current UNPROFOR will remain as a part of the IFOR. This would include the UN Rapid Reaction Forces. No timetable has been established for the withdrawal of the remaining UNPROFOR forces. As a matter of principle it is envisioned that the deployment of IFOR units will have precedence over withdrawal of UNPROFOR units.

Q#8: When would the "dual key" be eliminated? Would there be any other UN input into the command arrangements?

A#8: A minimum condition for US participation in a NATO implementation force is that the operation be conducted under NATO command and control with no United Nations "dual key". We have therefore insisted to Allies that all UN forces in theater would immediately come under NATO command and control upon initiation of deployment, including both those forces that will be transferred to the NATO operation and UNPF units withdrawing from the theater. This requirement

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will ensure that there is no "dual key" on ground forces at any time during the transition from UN to NATO operations. UN coordination on NATO air operations will cease upon transfer of theater OPCON to NATO.

Q#9. What would the rules of engagement for NATO forces be?

A#9. NATO rules of engagement have not yet been formally established. They are expected to be based on those developed for OPLAN 40104. These ROE are robust and were designed to ensure that NATO forces will have an inherent right to self defense. There will be no "dual key".

Q#10. Where would NATO troops be deployed? In Bosnian Serb controlled territory?

A#10. The deployment concept for NATO forces is still under development. However, it is envisioned that most IFOR forces will be deployed in and operate principally from Federation Territory. The IFOR is expected to operate on both sides of the zone of separation. Some participating Non-NATO forces could be based in Bosnian Serb territory.

NO
NOT
NATO/Non-NATO
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Q#11. Would Bosnian government forces be supplied with additional arms during this enforcement period so that Bosnia can better defend itself against aggression after NATO forces leave? If so, what types of weapons would be provided and by whom? Has a commitment to provide military assistance -- to include arms and/or training -- to the Bosnian government in a post-settlement period been made by Assistant Secretary Holbrooke, or any other administration officials to Bosnian government officials?

We can
A#11. I am prepared to support an international effort to provide military assistance to the Federation so it can develop a more viable self defense. The detailed list of types of weapons and training the Bosnian-Croat Federation forces need will require a detailed assessment.

add
Separate
from
IFOR

We envision the establishment of a security assistance arrangement with the Federation to maintain the long-term security needs of the Federation, so that it can continue to defend itself against aggression after NATO forces leave.

Q#12: How long would NATO troops be deployed? What is the exit strategy?

A#12: NATO's preliminary agreement is that the IFOR mission will be complete when the peace agreement has been implemented but no later than 12 months from

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its initial deployment. As NATO political and military authorities continue to develop the terms and concept of the operation, we will address in more detail the criteria and conditions of mission completion and the parameters of our 12 month deadline. It is the strong US preference that the mission be defined in limited and measurable terms in order to ensure the soonest possible withdrawal.

Q#13: What are the estimated costs of such a NATO deployment? What would the US share be, and how does the Administration plan to pay for it?

A#13: The Administration's ability to estimate the costs of any NATO deployment to Bosnia in support of a negotiated settlement is limited. This is because such an estimate is heavily-dependent on the terms and conditions under which the force would be introduced. For example, the mandate under which the force would operate -- United Nations, joint UN and NATO, or exclusively NATO -- would affect any potential United States contribution in men or materiel. Likewise, factors such as force composition, scope and type of mission, operating environment, force sustainment and duration of assignment, among many others, would all contribute to determining the costs participants would have to pay. Additionally, the United States would seek equity and balance with European and other participants in any funding arrangement or materiel support we provided to such an operation. A detailed estimate or projection of such costs is therefore difficult to determine (and of limited utility) before all the facts are placed before the United States government for consideration. Under any plan or arrangement which the United States would become party to in support of a peace settlement in the former Yugoslavia, the Administration would share information with the Congress on the terms, developments and support requirements affecting our commitment.

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Withdrawal/Redaction Marker

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FOLDER TITLE:

Bosnia - September 1995 (Late) [2]

2013-0687-F
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RESTRICTION CODES

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P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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RR. Document will be reviewed upon request.

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

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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Issue for Decision: Venue for Balkans Proximity Peace Talks

This memorandum contains the unanimous views and recommendations of all Interagency principals on the Bosnia Delegation.

Background: Holbrooke delegation has completed four shuttle diplomacy trips throughout region. Notable progress so far:

- Agreed basic principles on governmental superstructure at Geneva and New York meetings of Foreign Ministers.
- Ended shelling of Sarajevo, and obtained withdrawal of most heavy weapons.
- Reopened Sarajevo airport and now trying to expand use to non-UN flights.
- Ground routes to Sarajevo opening in stages now.
- Delegation now discussing country-wide cease-fire for Bosnia-Herzegovina and reopening of Gorazde-Sarajevo route, and greater freedom for Sarajevo.

Basic Concept:

- Shuttle diplomacy has produced a rough framework for a single B-H state. However, shuttle diplomacy is unlikely to be able to complete the job. Map discussions have defined wide differences that can only be addressed in "proximity" setting under U.S. pressure.
- Convene proximity peace talks bringing three Balkan Presidents together to tackle remaining issues. Aim should be about two weeks of intensive negotiations in which maximum pressure can be brought to bear.
- Summit of Contact Group nations with the parties could follow to sign final agreement. Offers option of U.S. President's (and Vice President's) participation. If desired, Foreign Ministers could be substituted.
- NATO implementation begins immediately with the reflagging of the RRF and will be well underway within 30 days following the signing.

Key Constraints:

- European ambivalence and Russian neuralgia about U.S. role.
- Presidential contact with Milosevic will be politically sensitive; with Bosnian Serbs it is unacceptable--but can be avoided. No decision or commitment, real or implied, need be made now.

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Proximity Peace Talks Venue:

- Option 1: Hold in Europe.
 - ⇒ Preferred European option (although there is increasing in-fighting among countries competing for the honor) but would give U.S. least amount of control and lower chances of success.
 - ⇒ Reduces availability of senior USG officials for "drop-ins" to move process forward if necessary.
- Option 2: Hold in non-Washington U.S. venue, possibly outside New York or other Northeast U.S. location.
 - ⇒ Higher-level U.S. participation more possible, if and when necessary.
 - ⇒ Easily linked to UN. Reduced downside risk for U.S. If conference succeeds, U.S. takes more visible role.

Level of U.S./Contact Group Representation

- Option 1: Political Directors.
 - ⇒ Political Director (Holbrooke for U.S.) level. Most consistent with a longer negotiation, but might sacrifice clout for staying power.
 - ⇒ Keeps focus on regional players.
 - ⇒ Absence of senior U.S./European officials means less political risk if negotiations go badly.
- Option 2: Foreign Ministers.
 - ⇒ Hold at Ministerial level. Higher profile enhances political pressure on parties.
 - ⇒ Involves more political risk and could tie up Secretary's time for a prolonged period. From U.S. perspective, U.S. venue would make this more palatable.
- Option 3: Mixed.
 - ⇒ Begin at Political Director level (Holbrooke U.S. chair/Bildt EU Co-Chair/ Ivanov as Russian "Co-Chair")

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- ⇒ Allows for longer negotiation with Ministers brought in at an agreed point where they can bring maximum pressure to bear.
- ⇒ Less demanding of Ministers' time.

Signing Summit

- Option 1: Hold in Washington.
- Option 2: Hold at UN in New York.
- Option 3: Hold in Europe (Geneva or Paris):
 - ⇒ Preferred by Europeans, although Milosevic, Tudjman and Izetbegovic all strongly prefer Washington.
 - ⇒ Would be in keeping with European nature of conflict and European contributions to UNPROFOR.
- Option 4: Hold in Moscow.
 - ⇒ Yeltsin's strong desire Contact Group summit is Yeltsin idea, which he has pressed for more than a year.
 - ⇒ Welcome gesture to Russians which could help in summit follow-up in Balkans and in U.S.-Russian relations.
 - ⇒ Not clear other Contact Group members would support. Could be perceived as giving Russians more than their due, generating domestic political criticism.

Recommendation:

- Venue:
 - ⇒ Option 3. Hold Proximity Peace Talks in Northeast U.S. beginning on _____. Exact location TBD. Need controlled environment that is isolated and can be sealed off from press; each delegation needs its separable area.
- Level of U.S. Representation:
 - ⇒ Option 3. Holbrooke/Bildt (EU)/Ivanov Co-Chair Proximity Peace Talks with three Balkan Presidents and Contact Group Political Directors.

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- Signing Summit:

⇒ (Decide later: Hold in Washington if proximity talks ^{produce} ~~produce~~ agreement. If talks fail to produce ^{comprehensive} ~~comprehensive~~ deal, proclaim that talks are step in peace process and U.S. efforts continue.)

Gameplan

- Holbrooke delegation continues shuttle diplomacy in region this week (and perhaps next) seeking cease-fire and further agreement on territorial issues.
- If cease-fire agreement agreed, President announces in Washington that cease-fire has been achieved and proximity peace talks will begin in the United States on _____.

THE WHITE HOUSE

Schedule Proposal WASHINGTON date 9 / 29 / 95

 ACCEPT REGRET PENDING

TO: Billy Webster
Director of Scheduling and Advance

FROM: Anthony Lake

REQUEST: Award Presentation

PURPOSE: Presentation of the Presidential Citizens Medal to the families of Nelson Drew, Joe Kruzel, and Bob Frasure

BACKGROUND: The President approved the award of the Presidential Citizens Medal to the men who died in Bosnia. It was felt that an award ceremony would be appropriate at a date not too long after the funeral services.

PREVIOUS PARTICIPATION: None

DATE AND TIME: Recommend early October 1995

BRIEFING TIME: TBD

DURATION: 30 minutes

LOCATION: Oval Office and Rose Garden

PARTICIPANTS: Families of the three men who died and appropriate Administration officials

OUTLINE OF EVENTS: Families meet with the President in the Oval Office followed by the award presentation in the Rose Garden

REMARKS REQUIRED: To be provided by NSC

MEDIA COVERAGE: WH photographer in Oval office; open press in the Rose Garden

FIRST LADY'S ATTENDANCE: As desired (it would be an appropriate gesture)

cc: Stephanie Streett

VICE PRESIDENT'S ATTENDANCE: As desired (it would be an appropriate gesture)

RECOMMENDED BY: NSC

CONTACT: Sandy Vershbow, x69151

ORIGIN OF THIS PROPOSAL: NSC

SECOND LADY'S ATTENDANCE: As desired (it would be an appropriate gesture)