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LETTER DATED 8 JULY 1993 FROM THE SECRETARY-GENERAL ADDRESSED
TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached report addressed to me on 6 July 1993 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.

The report refers only to Bosnia and Herzegovina, without entering into other questions within the purview of the Conference.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

Report of the Co-Chairmen of the Steering Committee of the
International Conference on the Former Yugoslavia

INTRODUCTION

1. The activities of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia were last reported to the Security Council in document S/25709. The present report covers events concerning Bosnia and Herzegovina since early May 1993.

I. DEVELOPMENTS AFFECTING THE VANCE-OWEN PEACE PLAN

2. It will be recalled that, up to the first week of May 1993, the efforts of the Co-Chairmen of the Steering Committee, with the support of the Security Council, had been directed towards completing signature by the three Bosnian sides of the Vance-Owen peace plan, consisting of constitutional principles, a military agreement, a provisional provincial map and an agreement on interim arrangements. Signature of the peace plan was completed on 2 May when Mr. Karadzic signed the provisional provincial map and the agreement on interim arrangements. However, Mr. Karadzic's signature was annulled almost immediately by the Bosnian-Serb assembly meeting at Pale (5 May) and the subsequent "referendum" (15 and 16 May), despite President Milosevic and Prime Minister Mitsotakis intervening in favour of it. Immediately after the assembly meeting, the Federal Republic of Yugoslavia (Serbia and Montenegro) announced that it was cutting off all but humanitarian supplies to the Bosnian Serbs.

3. One of the prerequisites for forging ahead with the implementation of the Vance-Owen peace plan in the absence of agreement by the Bosnian Serbs was the continuation of cooperation between the Muslims and Croats. Unfortunately, by the second week of May, major fighting broke out again between the Croats and Muslims in central Bosnia. The Co-Chairmen immediately left New York on 14 May in order to travel to central Bosnia for meetings with President Izetbegovic, Mr. Boban, President Tudjman and their military advisers. This meeting took place on 18 May in Medugorje, near Mostar. At the meeting, the Co-Chairmen sought to achieve the following objectives:

(a) A cessation of hostilities between the Muslims and the Croats;

(b) Cooperation between the Muslims and the Croats in the implementation of the peace plan in the six predominantly Muslim or Croat provinces;

(c) Further meetings of the Coordination Body to pursue the implementation of the peace plan;

(d) The organization of regular meetings of the Presidency of Bosnia and Herzegovina;

(e) The formation of a Government with agreed allocations of ministries and diplomatic posts.

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4. President Izetbegovic and Mr. Boban reached understandings on all of these points and it was agreed to hold a follow-up meeting in Sarajevo to pursue the implementation of these decisions. On 20 May the United States and Russian Foreign Ministers met to discuss the situation in Bosnia and were joined by their United Kingdom, French and Spanish colleagues on 21 May, with a joint statement being published on 22 May. Unfortunately, the perception was conveyed during these meetings in some press reports that the roll-back of the Bosnian Serbs was no longer a priority issue on the international agenda.

5. The Co-Chairmen travelled to the follow-up meeting of the Coordination Body scheduled to be held in Sarajevo on 3 June. While there, they met Mr. Karadzic, who had welcomed the Washington statement, and his colleagues in Pale in order to see if it would be helpful to invite him to join the Coordination Body. However, they found that Mr. Karadzic had interpreted the Washington statement as meaning the Bosnian Serbs no longer had to negotiate about the Vance-Owen peace plan. He was insistent on the need for the "Republika Srpska" to be recognized, and the Co-Chairmen did not feel it appropriate to pursue the question of inviting him to designate representatives on the Coordination Body. Unfortunately, the meeting planned between President Izetbegovic and Mr. Boban in Sarajevo on 4 June could not be held. The helicopter in which Mr. Boban was flying to Sarajevo was shot at and received two direct hits, one near the fuel tank. He returned to Split. The Co-Chairmen met with President Izetbegovic and then immediately travelled to Split for discussions with Mr. Boban. The objectives of the Co-Chairmen remained the same, namely the progressive implementation of the peace plan to the extent possible in the circumstances.

6. Meanwhile fighting in central Bosnia increased between the Muslims and the Croats as each tried to contest as much territory as possible. It became increasingly evident that the cooperation between the Muslims and the Croats, which had lasted with varying degrees of commitment since the referendum in March 1992, no longer existed. The Co-Chairman visited Belgrade and Zagreb over the period 9 to 11 June. In Belgrade, President Milosevic informed them that Mr. Karadzic was ready to negotiate on the basis of the Vance-Owen peace process. In Zagreb, Mr. Boban indicated that he was willing to meet President Izetbegovic only if Mr. Karadzic also participated in the discussions. This, combined with the fighting on the ground, made it abundantly clear that a new stage had been reached in the conflict in Bosnia and Herzegovina.

7. At the invitation of the Co-Chairmen, the Presidency of Bosnia and Herzegovina met in Geneva on 13 and 14 June. This was the first time that the full Presidency had met for nearly 14 months. The Presidency has since held several meetings in Geneva, Zagreb and Sarajevo.

8. The Co-Chairmen brought together for discussions in Geneva on 15 and 16 June Presidents Bulatovic, Milosevic, Tudjman and Izetbegovic. Mr. Karadzic and Mr. Boban were not present at the discussions with President Izetbegovic, but were available for consultations. President Izetbegovic listened carefully over several hours to a proposal that Bosnia and Herzegovina should be a confederated State, and asked that he should be provided with further elements which he could put before his people. He did not negotiate. At the conclusion of the talks on 16 June, it was decided that all the participants should meet again on 23 June, after Mr. Karadzic and Mr. Boban had met to work out their ideas.

9. During their meetings with the Presidency of Bosnia and Herzegovina, the Co-Chairmen emphasized to them the need for all parties involved in the conflict in Bosnia and Herzegovina to engage in a constructive negotiation process, especially because of the deterioration in the situation on the ground politically and militarily and in humanitarian terms. Some members of the Presidency themselves emphasized that the situation could not be allowed to continue because of the suffering of the people on the ground.

II. CONFEDERATION PROPOSALS

10. Presidents Milosevic and Tudjman informed the Co-Chairmen at their meeting on 23 June that consultations had taken place between Mr. Boban and Mr. Karadzic and that a draft providing for the organization of Bosnia and Herzegovina into a confederation of three constituent republics had been prepared. The constitutional principles already agreed upon as part of the Vance-Owen peace plan had been the basis for this document. The Co-Chairmen discussed the draft put forward and suggested additional elements designed to foster the cohesiveness and integrity of Bosnia and Herzegovina as a State Member of the United Nations. These included:

(a) The establishment of a Confederated Council of Ministers whose Chairman would be Prime Minister, rotating at agreed intervals among the three Republics, with a similar rotation for the Foreign Minister;

(b) The referral of disputes that cannot be settled in the Constitutional Court by consensus for binding arbitration by a Chamber of five drawn from judges of the International Court of Justice;

(c) The international monitoring of throughways so as to ensure freedom of movement.

11. The Co-Chairmen felt that the draft principles were of sufficient importance to give them to the members of the Presidency of Bosnia and Herzegovina for their information (see appendix I). The Co-Chairmen themselves took no position on this document, seeing their role as one of clarifying the issues. The Co-Chairmen then arranged for the Presidency of Bosnia and Herzegovina to meet with Presidents Milosevic and Tudjman so that the two Presidents could explain their thinking. The meetings, throughout, had the character of an exchange of views.

12. Following the conclusion of the meeting between the Presidency of Bosnia and Herzegovina and Presidents Milosevic and Tudjman, the Co-Chairmen had a further meeting with the Presidency. The Presidency met again in Zagreb on Friday, 25 June. It went to Brussels on Saturday, 26 June for meetings with the European Community troika and returned to Geneva for further discussions with the Co-Chairmen on Monday morning, 28 June. By then both President Izetbegovic and seven members of the Presidency had met with Presidents Milosevic and Tudjman and the European Community troika.

13. In the afternoon of 28 June the Co-Chairmen also had discussions with Mr. Boban and Mr. Karadzic. During those discussions, the two leaders largely reconfirmed their acceptance of the Vance-Owen plan's military agreement subject

to reference to the Mixed Military Working Group for updating and consequential amendment. They also agreed on texts that maintained key parts of the Vance-Owen agreement on interim arrangements, including arrangements for the protection of human rights (see appendices II and III). The texts were distributed to all members of the Presidency of Bosnia and Herzegovina, including President Izetbegovic. The Co-Chairmen again did not take any position on these texts.

14. In the light of their discussions with the Co-Chairmen, all members of the Presidency of Bosnia and Herzegovina met in Sarajevo on 29 June. They decided to appoint a group of three of their members to make policy suggestions for the Presidency in reacting to the proposals of the Serbs and the Croats mentioned above. The Presidency announced its intention to pursue this matter and indicated that it would wish to meet again with the Co-Chairmen.

III. MEETING OF THE STEERING COMMITTEE OF THE INTERNATIONAL CONFERENCE

15. The Co-Chairmen convened a meeting of the Steering Committee of the International Conference on the Former Yugoslavia on 1 July.

The Co-Chairmen stressed the following points:

(a) The deteriorating security situation facing the United Nations Protection Force (UNPROFOR), the Office of the United Nations High Commissioner for Refugees (UNHCR) and humanitarian workers;

(b) The lack of resources for humanitarian operations;

(c) The lack of troops in UNPROFOR to fulfil the various mandates entrusted to it by the Security Council;

(d) The importance of continuing the search for negotiated solutions;

(e) The dangers of escalation of the conflict if the parties turn their backs on the search for negotiated solutions.

16. The Co-Chairmen circulated to the Steering Committee the revised constitutional principles, military agreements and interim arrangements put forward by the Serbs and Croats (see appendices I-III). During the meeting, they gave a detailed presentation on how, as a result of their clarification meetings, they thought a confederation of three Republics in Bosnia and Herzegovina might look in terms of territorial boundaries. They stressed that no specific map had been put forward but that the Serbs and Croats were offering to negotiate directly along the lines they had already explained to President Izetbegovic and the collective Presidency. The Co-Chairmen indicated what elements they had stressed on behalf of the Muslim people during their discussions on the Serb-Croat proposals:

(a) The importance of any republic with a predominantly Muslim population being given an equitable and economically viable share of territory, with guaranteed access to the Sava river and Adriatic Sea;

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(b) The need to ensure road and rail access routes for Sarajevo;

(c) The need for contiguous territorial links for Srebrenica, Zepa and Gorazde, the three "safe areas" in eastern Bosnia;

(d) The need to ensure that the Bihac area was of sufficient size to be viable and to have guaranteed road access to central Bosnia, and also out to Croatia;

(e) The importance of extending a republic with a predominantly Muslim population as far south as possible so as to make credible any guarantee of access to the Croatian port of Ploce.

IV. THE CHALLENGES AHEAD

17. In Bosnia and Herzegovina not only is there currently widespread fighting but the humanitarian operations of international organizations are obstructed or sabotaged for military purposes, while the personnel of UNPROFOR, UNHCR and other organizations are increasingly targeted deliberately by members of the armed forces. While all of this is going on, the support of the international community for humanitarian operations is dwindling, with a wide gap between the needs of humanitarian operations and the sums actually received. There is therefore a serious challenge of role and of means affecting the United Nations and other organizations in Bosnia and Herzegovina.

18. The following facts vividly bring out the situation on the ground.

A. The humanitarian situation

19. UNHCR has funds for humanitarian operations for only a few more weeks. The winter of 1992-1993 was mild in Bosnia and Herzegovina. The chances are very high that the coming winter will be more severe, taking into account the usual kind of winter in the country. The problem facing UNHCR and other humanitarian organizations now is that they can hardly meet the needs of this summer, much less the needs of the coming winter. Since there is no sign of abatement of the conflict, it must be assumed that there will be a continued need for humanitarian relief in the winter. How to meet this need is difficult to foresee.

20. There is clear evidence of the deliberate targeting of humanitarian personnel. Aid convoys are deliberately blocked as part of the military strategies of all three sides. Humanitarian relief is diverted for military purposes. UNHCR and other humanitarian organizations are unable to operate in some parts of the country.

B. The peace-keeping situation

21. The focus of the military conflict has shifted from a relatively localized Serbian-Muslim confrontation in the east to a wide-ranging Croat-Muslim confrontation in the centre. This phase of the conflict has disrupted UNHCR and

commercial traffic to the point where food has become scarce in the area. Refugee populations are swelling. Humanitarian agencies advise that many civilians, having exhausted their savings and food stocks over the last winter, are destitute.

22. In Bosnia and Herzegovina UNPROFOR has been given the tasks of protecting humanitarian convoys and deterring attacks against the safe areas. With the deployment of United Nations military observers to Gorazde, UNPROFOR has a presence in each of the safe areas that enables it to monitor the situation. However, the stark realities are that there is little prospect for implementing the safe areas policy before new resources arrive and that the civilian population will face devastating hardship next winter unless UNPROFOR focuses on efforts to restore utilities and humanitarian relief deliveries.

23. At the same time, there is concrete evidence that members of UNPROFOR are becoming the targets of deliberate attacks with a resulting rise in the casualty rates. UNPROFOR has now incurred 548 casualties, including 51 fatalities, in the former Yugoslavia. The casualty rate has significantly increased recently.

24. UNPROFOR's resources and equipment are badly strained. UNPROFOR has an urgent need for more troops and for armoured vehicles, medical evacuation capabilities, night vision and other surveillance equipment, signals equipment and communications equipment.

CONCLUSION

25. Members of the Security Council will wish to consider the deteriorating situation on the ground against the prospects for a negotiated settlement. While it is obviously of paramount importance to sustain the humanitarian effort for as long as possible, there is a real risk that, if the present downward spiral continues, it will be impossible for the United Nations to remain in Bosnia and Herzegovina.

Appendix I

Constitutional principles for Bosnia and Herzegovina

1. Bosnia and Herzegovina shall be a confederation, the Constitution shall recognize three constituent peoples, as well as a group of others, with most governmental functions carried out by its Republics.
2. The Republics shall not enter into agreements with foreign States or with international organizations if it can damage the interests of other Republics.
3. Full freedom of movement shall be allowed throughout Bosnia and Herzegovina to be ensured in part by the maintenance of internationally monitored thoroughways.
4. All matters of vital concern to any of the constituent peoples and their Republics shall be regulated in the Constitutions of the Republics and the tripartite constitutional agreement of confederation which, as to these points, may be amended only by consensus.
5. The Republics shall have democratically elected legislatures and democratically chosen chief executives and an independent judiciary. The Presidency of the confederation shall be composed of the three presidents of the Republics. There shall be a Confederal Council of Ministers composed of nine members, three from each of the Republics. The Chairman of the Confederal Council shall be Prime Minister. The Confederal Council shall include a Foreign Minister. The posts of Prime Minister and Foreign Minister shall rotate at agreed intervals among the three Republics. the Confederal Parliament shall be indirectly elected by the legislatures of the three Republics. The initial elections are to be United Nations/European Community/Conference on Security and Cooperation in Europe supervised.
6. A Constitutional Court, with a member from each Republic, shall resolve disputes between the Republics and the Confederation, and among organs of the latter. In the event that the Constitutional Court cannot settle disputes by consensus, they shall be referred for binding arbitration by a Chamber of five drawn from judges of the International Court of Justice.
7. Bosnia and Herzegovina is to be progressively demilitarized under United Nations/European Community supervision.
8. The highest level of internationally recognized human rights shall be provided for in the Constitution, which shall also provide for ensuring implementation through both domestic and international mechanisms.
9. A number of international monitoring devices shall be provided for in the Constitution, to remain in place at least until the three Republics by consensus agree to dispense with them.

Appendix II

Agreement for peace in Bosnia and Herzegovina

Provided that there is agreement on the constitutional principles and on a new map of the boundaries of the republics within Bosnia and Herzegovina, the Serb and Croat sides accept the document "Agreement for peace in Bosnia and Herzegovina", subject to reference to the Mixed Military Working Group for updating and any consequential amendments, for example in relation to the agreed map.

Appendix III

Interim arrangements

A. Coordination Body

A Coordination Body for the implementation of peace in Bosnia and Herzegovina (hereafter the Coordination Body) will be established to do its utmost to bring the conflict in Bosnia and Herzegovina to an end and to work for reconstruction and full respect for human rights within the framework of the Vance-Owen peace process and the continuing work of the International Conference on the Former Yugoslavia.

The Coordination Body shall be composed of nine members, three each to be appointed from time to time by the parties representing respectively the Muslim, the Serb and the Croat peoples of Bosnia and Herzegovina.

The Coordination Body shall take its decisions by a consensus of nine, or by a qualified majority of seven, or by a simple majority of five, depending on whether the decision relates to a constitutional principle, to a specially important question or to normal business of the Coordination Body. The precise mechanism is to be laid down in the rules of procedure, which will be adopted by consensus.

The Coordination Body shall be chaired by the Co-Chairmen until the start of the interim period. The Coordination Body shall at the start of the interim period elect from its number three Presidents, who shall hold the chairmanship of the Coordination Body on a monthly basis, during which time they shall exercise the functions of Head of the Confederation of Bosnia and Herzegovina.

The Coordination Body shall elect a person to be Foreign Minister and this post will rotate every four months. The Foreign Minister shall be answerable to the Coordination Body.

B. Boundary Commission

A Boundary Commission shall be set up by the Secretary-General in consultation with the Co-Chairmen. The Commission shall receive and, if necessary, hear evidence from those affected by the proposed provisional boundaries of the Republics and advise on the demarcation of the Republics to be specified in the new Constitution. The Commission shall consist of five persons: one each to be recommended by the three parties and two, one of whom shall be the Chairman, to be recommended by the Co-Chairmen. The Commission shall use as its basic document the provisional map of the Republics. It shall be empowered to consider only marginal changes to the provisional boundaries. The decisions of the Commission shall be adopted by consensus. Any disagreements shall be referred to the Coordination Body.

C. International borders

International border crossing-points are to be the responsibility of the Republics; initially, until the new Constitution comes into effect, in accordance with United Nations Security Council resolution 838 (1993), international observers shall be deployed to monitor effectively the implementation of the relevant Security Council resolutions.* Monitors shall be drawn from the United Nations and, if appropriate, from Member States acting nationally or through regional organizations. Customs and excise arrangements shall be the responsibility of the Republics. The Coordination Body will establish the quota for funding the confederal budget.

D. Police forces

All uniformed police shall be controlled by the Republics and shall reflect the proportions of the constituent peoples in the respective Republics. Any necessary coordination shall be the responsibility of the Coordination Body.

E. Protection of human rights and the reversal
of ethnic cleansing

1. During the interim period, all persons in Bosnia and Herzegovina shall be entitled to all rights provided for in the existing Constitution and in applicable legislation in force, as well as to all rights provided for in specified international instruments on human rights (set out in document S/24795, annex VII, appendix). To the extent that there are any discrepancies, the provision providing the greater protection of human rights shall be applied. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land or property, shall be treated as wholly null and void.

2. The implementation of the above-mentioned human rights shall be ensured through:

(a) The courts of the Republics of Bosnia and Herzegovina, to which all persons shall have unimpeded access;

(b) An Interim Human Rights Court for Bosnia and Herzegovina, to be established immediately along the lines of that proposed by the Co-Chairmen for inclusion in the new Constitution; a/

(c) The immediate appointment of four ombudsmen, supported by adequate staff and facilities. b/

3. In addition, there shall be an International Human Rights Monitoring Mission, to be established by the Secretary-General and to be headed by an Interim Human Rights Commissioner for Bosnia and Herzegovina, to be based in Sarajevo. Deputy Commissioners are to be based in various parts of the country.

* The Serbs have entered a reservation on international observers.

The Commissioner is to be supported by international human rights monitors, deployed throughout Bosnia and Herzegovina; in order to provide protection in urgent cases, they shall be allowed to intercede with the Coordination Body and the governments of the Republics and, with UNPROFOR; they may refer issues to the ombudsmen and to other human rights agencies as needed and are to work closely with UNHCR, the International Committee of the Red Cross (ICRC) and other humanitarian agencies. The Commissioner is expected to submit regular reports to the Secretary-General, who is to report periodically to the Security Council and to other international bodies, including the United Nations Commission on Human Rights and its Special Rapporteur.

4. The Coordination Body and the governments of the Republics shall be required to make certain that all authorities give the fullest access, in respect of all relevant persons and places, to the Interim Human Rights Commissioner, the Deputy Commissioners and the human rights monitors, as well as to UNHCR, ICRC and other international humanitarian organizations.

5. It is understood that as part of the UNPROFOR deployment in Bosnia and Herzegovina there will be a large civilian police element, whose principal task would be to monitor the police of the Republics so that each: has an appropriately balanced ethnic composition (see sect. D above); does not oppress members of minority ethnic groups; contributes positively to the reversal of "ethnic cleansing" by protecting persons returning after having been forced to flee; carries out the judgements of courts, in particular the Human Rights Court (see sect. E.2 (b) above); and assists the Interim Human Rights Commissioner, the Deputy Commissioners and the human rights monitors (see sect. E.3 above). All of these monitors would be responsible to the United Nations Secretary-General's Special Representative.

F. International access authority

1. Principle 3 of the agreed constitutional principles states that "full freedom of movement shall be allowed throughout Bosnia and Herzegovina, to be ensured in part by the maintenance of internationally controlled thoroughways". In order to implement this principle, the Coordination Body shall establish an International Access Authority:

(a) To have sole responsibility for all railway lines in Bosnia and Herzegovina that traverse more than one Republic;

(b) To have responsibility, in cooperation with UNPROFOR, for those roads which are declared to be internationally controlled thoroughways;

(c) To regulate, where necessary, the operation of port facilities on the River Sava.

2. The essential purpose of the International Access Authority will be to guarantee full freedom of movement between and within the Republics and also to and from the Republics to the Republic of Croatia and to the Republic of Serbia. It is intended that the Authority be in operation as soon as possible during the interim period. Following the conclusion of the peace package, all designated thoroughways shall come under the responsibility of UNPROFOR; thereafter there

will be a period of overlapping responsibility of UNPROFOR and the Authority, during which UNPROFOR's involvement will be phased out and its responsibilities assumed by traffic police employed by the Authority. This transfer of responsibility requires the agreement of all members of the Authority.

3. The Coordination Body shall appoint the Interim Access Authority.
4. The Authority shall have its headquarters in Sarajevo.

Notes

- a/ See S/24795, annex VII, sect.VI.B.3.
- b/ Ibid., sect. VI.B.2.
