



Mission accomplished in Bosnia and Herzegovina

Agreement on Confidence- and Security-Building Measures declared obsolete

Terminating a crucial agreement on confidence-building would normally trigger alarm and conjure up images of resignation, frustration and failure. On the contrary, however, when Bosnia and Herzegovina and its two Entities agreed to terminate their eight-year-old Agreement on Confidence- and Security-Building Measures on 29 September 2004, the event sent a clear signal to the international community that the agreement had achieved its purpose and was no longer required.

September 1998: Under Article II, a German-led inspection team, supported by officers from Republika Srpska, is about to carry out an aerial inspection of a specific area in the BiH Federation.
Photo: OSCE/Emil Schreiber

BY HEINZ VETSCHERA

The Agreement on Confidence- and Security-Building Measures has its roots in the military provisions of the General Framework Agreement on Peace in Bosnia and Herzegovina (the “Dayton Accords”). Signed in December 1995, the Dayton Accords ended more than three years of war in BiH. However, they also left BiH in a unique military situation. BiH was shaped as a federal State,

with a weak central power and two relatively strong Entities — the (Bosniac-Croat) Federation of Bosnia and Herzegovina and the (Serbian) Republika Srpska. Each Entity was allowed to keep the armed forces that it had established during the conflict. In contrast, the State had no military forces of its own nor did it have any control over the Entities’ armed forces.

To stabilize the situation, the Dayton Accords set up the following framework:

ANNEX 1-A: AGREEMENT ON MILITARY ASPECTS OF THE PEACE SETTLEMENT. This called for the deployment of a robust NATO-led peacekeeping force (Implementation Force or “IFOR”, later re-named Stabilization Force or “SFOR”) to separate the two former belligerent parties from one another. SFOR has recently been replaced by an EU-led peacekeeping force (“EUFOR”).

ANNEX 1-B: AGREEMENT ON REGIONAL STABILIZATION. This envisaged a series of negotiations on military confidence- and security-building measures (CSBMs) and on arms control and limitation, to be held under OSCE auspices. The aim was to achieve a certain level of normality between the Parties by helping them to bridge the military division.

The two elements were designed to complement one another. With mutual mistrust still in the air after the conflict, a robust deterrent, as stipulated in Annex 1-A, was needed. It was foreseen that this deterrent would become redundant as co-operation led to greater military stability.

ANNEX 1-B’S ARTICLE II: CONFIDENCE-BUILDING MEASURES IN BIH. Within seven days of the signing of the Dayton Accords, the Republic of BiH, the Federation of BiH, and the Republika Srpska were, under Article II of this Annex, obliged to begin negotiations on confidence-building measures under the auspices of the OSCE. Their goal was to achieve an agreement within 45 days. The negotiations, chaired by Hungarian Ambassador Istvan Gyarmati, were successfully concluded with the signing of the Agreement on 26 January 1996 in Vienna.

The “Vienna Agreement” largely drew on measures developed earlier within the OSCE’s politico-military dimension in the Stockholm (1986) and Vienna Documents (1990, 1992 and 1994) on CSBMs. These included the annual exchange of military information; mutual notification, observation of and constraints on certain military activities, as well as verification; and contacts and co-operation.

But the Agreement also introduced some innovative measures: the exchange of military liaison missions between the two Entities; restrictions on deployments in sensitive areas; prohibition of the re-introduction of foreign forces, which had figured prominently during the conflict; and the monitoring of weapons-manufacturing capabilities.

On 14 June 1996, the Vienna Article II Agreement on CSBMs was complemented by an “Agreement on Sub-Regional Arms Control” under Article IV of Annex 1-B. It aimed at balanced arms limits for BiH and its two Entities, as well as for the Republic of Croatia and the then Federal Republic of Yugoslavia.

The OSCE was also charged by Annex 1-B with assisting the Parties in the implementation and verification of the agreed measures. Both Articles II and IV foresaw a Personal Representative of the Chairman-in-Office (currently Italian Brigadier-General Claudio Sampaolo) who would act on behalf of the OSCE vis-à-vis the Parties. While there had been two separate Personal Representatives in the first years, their functions were merged in 1997.

In addition, when the OSCE Mission in BiH was established in early 1996, a Department for Regional Stabilization — later re-named Department of Security Co-operation — was formed to provide administrative and technical assistance to the Personal Representative in his efforts on the ground.

Implementation of the Article II Agreement got off to a good start on 1 February, when the two Entities’ Military Liaison Missions started to meet on an almost daily basis. On 11 March 1996, two OSCE-led inspections signalled the launch of the verification regime. A French-led inspection team, including six officers from the BiH Federation, entered the territory of Republika Srpska. At the same time, a German-led inspection team, including six officers from the Republika Srpska, entered the Federation.

Despite the fact that hostilities had ended barely a few months earlier, the Parties, after some initial problems, generally complied with the agreed measures. Most of the gaps were due to lack of experience rather than to any lack of good will. This was particularly true for the obligatory measures, such as the exchange of military information and mutual inspections.

The Parties were, however, less forthcoming in implementing the agreed measures



September 1998: An OSCE inspection team and SFOR patrol soldiers (in jeep) cross paths at the Maglay corridor, BiH Federation.

on contacts and co-operation. To address this problem, in late 1996, the Personal Representative initiated a series of seminars focusing on the OSCE’s politico-military dimension. These had a twin objective: to enable representatives of the Parties to get together in a less formal setting, and to raise their awareness of broader issues in the OSCE area, looking beyond the narrow topic of the country’s military division.

The first seminar, in December 1996, presented the OSCE’s Code of Conduct on Politico-Military Aspects of Security, which emphasizes democratic control of the armed forces. This set the stage for later topics: arms control, the Parties’ military doctrines, security co-operation and peacekeeping. With the encouragement of the Personal Representative, the Parties also simulated joint large-scale disaster relief operations involving civilian authorities.

TURNING POINT

Progressive improvements became evident at the four Review Conferences that took place in 1998, 1999, 2001 and 2002. As the implementation of the various measures took on a routine character, the Parties began to feel more comfortable with one another and became more co-operative. These developments, combined with the improved security policy environment of BiH caused by the democratic changes in neighbouring countries, led to a situation where, finally, the basic problem — the military division of BiH — could be addressed.

The international community made it clear to the various parties within BiH that any progress towards integration into wider European and Euro-Atlantic frameworks, including participation in NATO’s Partnership for Peace Programme and membership in NATO or EU, would remain an illusion as long as the country’s military was divided.



(left photo) August 2003: Forces of the two BiH Entities build a mobile bridge on the Bosna river at a spot shared by Doboj in Republika Srpska, and Gracanica in the BiH Federation. This first-ever joint activity was an exercise in responding to disasters, under the auspices of Article II.

(right photo) Spring 1996: Inspectors from Republika Srpska and their British counterparts at barracks in the BiH Federation. Just a few weeks after the Article II Agreement was signed, mutual inspections became a routine event, with the assistance of OSCE.



Ultimately, although the two Entities still insisted on the right to keep their own armed forces, they accepted the establishment of a single defence structure — a State-level command and control over all BiH armed forces. A Defence Reform Commission, set up in May 2003, drew up the new framework. Its recommendations in September 2003, including oversight by the State parliament, and the creation of a State Ministry of Defence and State-level military command structures, were incorporated into a State Defence Law adopted by the State Parliament in December 2003.

This ground-breaking development led the Article II Parties to bring forward their fifth Review Conference by eight months — convening in mid-2004 instead of 2005 as originally scheduled. At the Conference, on 16 June 2004, the Parties agreed that the changed circumstances had made the Agreement obsolete in practice, and that they would immediately cease to apply most of the measures and terminate the Agreement by 29 September 2004.

ASSESSMENT

The Article II Agreement had served its role well. It was an indispensable tool for



coping with the realities of the military situation in post-conflict BiH by enhancing mutual confidence and reducing the recurrence of conflict.

No doubt, good intentions on the part of all sides were crucial. The Parties realized early on that there was more to be gained by adopting a co-operative stance.

The military professionalism of the Parties' representatives also facilitated the process; they found enough common ground on which they could co-operate, while maintaining loyalty to their own Entity authorities.

Yet another advantage was the strong leadership provided by the OSCE Personal Representatives — five so far. They served as brokers of consensus at the political level, ensured the continuous flow of the process, and spared no effort in surmounting obstacles to the Agreement's implementation.

If a major task of confidence-building is to break down enemy images, this was certainly accomplished by the Article II Agreement. It will go down as a rare instance of the results of confidence-building being measurable in real terms.

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The Office of the Personal Representative of the Chairman-in-Office for Article IV, located at Mahlerstrasse 12, 1010 Vienna, continues to provide support and advice to the five Parties to the Agreement on Sub-Regional Arms Control (Serbia and Montenegro, Croatia, Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, and Republika Srpska) in implementing Article IV activities. Key responsibilities of the Office include the verification of military information provided by the Parties during their annual information exchange and the collection and dissemination of all official notifications. Online information: www.oscebih.org