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The peace process in the Balkans –
implementation of the Dayton Accords

REPORT

submitted on behalf of the Political Committee
by Mr Roseta, Rapporteur

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Acknowledgements

1. Adopted unanimously by the committee.

2. *Members of the committee:* Mr *de Puig* (Chairman); Lord *Finsberg*, Mr *Roseta* (Vice-Chairmen); MM *Antretter*, de *Assis*, *Blaauw*, Sir *Andrew Bowden*, MM *Bühler*, *Caballero*, *Caputo*, *Cioni*, *Dias*, *Ehrmann*, *Eyskens* (Alternate: *Staes*), MM *Fassino*, *Irmer*, Sir *Russell Johnston* (Alternate: *Marshall*), MM *Jurgens*, *Kaspereit*, Lord *Kirkhill* (Alternate: *Davis*), Mr *Koschyk* (Alternate: Mrs *Fischer*), MM *Liapis*, van der *Linden*, *Van der Maelen*, de *Lipkowski*, *Maass*, *Pottakis*, *Pozzo*, *Puche Rodríguez*, *Recorder*, *Rippinger*, *Rokofyllos*, *Rodeghiero* (Alternate: *Serra*), Mr *Seitlinger*, Sir *Keith Speed*, MM *Urbain*, *Vinçon*.

Associate members: MM *Demiralp*, *Godal*, *Gürel*

N.B. *The names of those taking part in the vote are printed in italics.*

Draft Recommendation

***on the peace process in the Balkans
– implementation of the Dayton Accords***

The Assembly,

- (i) Noting with satisfaction that hostilities have ceased in the whole of the territory of former Yugoslavia and that most of the commitments entered into by the opposing parties in relation to the military aspects of the peace accords concluded in Dayton and Paris have been honoured;
- (ii) Paying particular tribute, both to NATO's vital contribution to this result and its impeccable organisation of the joint operation carried out by IFOR, and to all countries participating in the operation;
- (iii) Concerned nevertheless by the major difficulties encountered in implementing the civilian aspects of the peace agreements and by the persistence of significant tensions between the entities and ethnic communities of Bosnia and Herzegovina and in other Balkan regions;
- (iv) Anxious also about the persistent difficulties which are hindering the smooth running of the Federation of Bosnia and Herzegovina;
- (v) Recalling that the establishment of a lasting order of peace in the Balkans depends in addition on settlement of several matters outstanding such as the dispute over the Brcko corridor, the demilitarisation of eastern Slavonia, the dispute over the Prevlaka peninsula and the problem of giving the provinces of Kosovo, Vojvodina and Sandjak a status which guarantees them a degree of autonomy;
- (vi) Convinced nevertheless that for the peace process to succeed, it is vital to ensure the Republic of Bosnia and Herzegovina can be run smoothly on the basis of a rebuilding of the economy, freedom of movement and a spirit of cooperation between all the various entities and ethnic groups which make up the country;
- (vii) Stressing that the success of the Dayton Accords requires that Europe provide substantial economic aid to the Republic of Bosnia and Herzegovina, to be shared equitably between the various parts thereof and specifically directed towards facilitating resettlement of refugees who cannot return to their place of origin;
- (viii) Noting that the people, and particularly refugees, cannot genuinely be consulted if there is no agreement among the parties establishing the composition of the electorate and voting arrangements;
- (ix) Convinced that the structures of government of the Republic of Bosnia and Herzegovina can function only if the main areas of responsibility, including national defence, are restored in the longer term to central government and if the country's defence rests upon a single unified army;
- (x) Considering nonetheless that this aim can only be achieved if the internal problems of the Muslim-Croat Federation are overcome and if the Bosnian Serbs evince a spirit of full cooperation within the country's structures of government;
- (xi) Insisting that all concerned, Serbs, Muslims and Croats, hand over immediately to the International War Crimes Tribunal in The Hague all persons indicted for war crimes, including Mr Karadzic and Mr Mladic, that IFOR set aside its reluctance to give the Tribunal practical assistance regarding the extradition of such persons and that its mandate be extended in order to cover this problem;
- (xii) Stressing also that the best way of developing a spirit of cooperation among the Bosnian Serbs is to offer them concrete proof that they are not being excluded from the various projects for rebuilding the country;
- (xiii) Convinced furthermore that the appointment of Mrs Haller, former permanent representative of the Swiss Government to the Council of Europe, as ombudsman based in Sarajevo will help to detect past and future violations of basic human rights;
- (xiv) Welcoming wholeheartedly in this context the conclusion – under OSCE auspices and within the framework of the agreement on regional stabilisation – of an initial agreement between the two entities of Bosnia and Herzegovina on confidence- and security-building measures in that country, while regarding this outcome as a first step towards progressive rapprochement of the armed forces of those entities;
- (xv) Desirous equally that the negotiations on arms and troop limitations between Croatia, the Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina, also taking place within the framework of regional stabilisation, produce, within the allotted time span, an equitable agreement acceptable to all the parties concerned;

(xvi) Concerned, on the other hand, about the differences that have emerged between Europeans and Americans with regard to the United States programme for providing the Federation of Bosnia and Herzegovina with aid to “ equip and train ” its armed forces before the IFOR mandate expires;

(xvii) Convinced nevertheless, while appreciating the United States’ concern not to abandon the Muslims in Bosnia and Herzegovina in the face of armed aggression, that priority should be given to ensuring the implementation of confidence-building measures – which look very promising – and to the negotiations on arms and troop limitations throughout the region;

(xviii) Convinced therefore that the time is not yet ripe to consider lifting the embargo on consignments of arms and military equipment imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro), Croatia and Bosnia and Herzegovina;

(xix) Taking this opportunity to express its most sincere gratitude to all the countries which have participated to date in WEU operations on the Danube and in the Adriatic to enforce the embargo, and to the WEU police force in Mostar;

(xx) Taking the view that any consideration of the need to provide help to equip and train Bosnian armed forces or the usefulness of so doing should also take account of the need to avoid any action that might encourage centrifugal tendencies in the Republic of Bosnia and Herzegovina and should do everything possible to facilitate rapprochement of the entities in the country,

RECOMMENDS THAT THE COUNCIL

1. Press the European Union to extend the mandate of the European Administrator of the town of Mostar beyond 23 July 1996, and itself extend the mandate of the WEU police force in Mostar as a consequence;
2. Urge WEU member countries to ensure that the promised number of 200 WEU police officers can be deployed in Mostar;
3. Actively support OSCE efforts to implement confidence- and security-building measures in Bosnia and Herzegovina by:
 - (a) asking the WEU Institute for Security Studies to offer its help to the OSCE Centre for Conflict Prevention to organise seminars as provided by the agreements on cooperation between the armed forces of the entities of Bosnia and Herzegovina;
 - (b) offering the OSCE and the Government of the Republic of Bosnia and Herzegovina WEU’s assistance in developing a programme for cooperation between the armed forces of its entities, with the long-term objective of transferring all defence-related responsibilities to the Government of the Republic of Bosnia and Herzegovina;
4. Make representations within NATO, the European Union and to the member countries of the Contact Group to the effect that the embargo on consignments of arms and military equipment should remain in force at least until:
 - (a) it can be confirmed that all the agreements on regional stabilisation provided for in Annex 1-B to the General Framework Agreement for Peace in Bosnia and Herzegovina have taken effect and are being fully implemented;
 - (b) eastern Slavonia has been completely demilitarised;
 - (c) arbitration on the Brcko corridor is accepted;
 - (d) the dispute over the Prevlaka peninsula has been settled;
 - (e) a mutually agreed autonomous status has been established for the provinces of Kosovo, Vojvodina and Sandjak, and Belgrade has authorised the return of the OSCE mission to Kosovo;
5. Press the United States to agree that the aim of any “ equip and train ” programme for Bosnian forces must be to promote the development of the Republic of Bosnia and Herzegovina as a whole;
6. Ask the European Union to envisage extended assistance with the reconstruction of Bosnia and Herzegovina and the resettlement of refugees, ensuring that such assistance is shared equitably between the various parts of the Republic;
7. Request that it also instruct its High Representative responsible for coordinating the civilian aspects of the peace agreement for Bosnia and Herzegovina to negotiate an electoral settlement with all the parties concerned allowing all former inhabitants of that Republic to vote either by post or in person.

Explanatory Memorandum

(submitted by Mr Roseta, Rapporteur)

I. Introduction

1. When the Political Committee decided in London on 22 February 1996 to submit a report to the June 1996 session on the peace process in the Balkans and the implementation of the Dayton Accords, your Rapporteur agreed to accept responsibility for the task of preparing it through a conviction that the Assembly would be neglecting the responsibilities conferred on it by the modified Brussels Treaty by not seizing the opportunity at its forthcoming session of making a contribution to the search for solutions to the massive problems still to be resolved in order to restore the rule of law, peace, confidence, stability and prosperity to the Balkan regions, which, since 1991, have been devastated by a cruel and murderous war, raging at only a few hours' flying time from the capitals of western Europe. This is a war that has not only cost over 200 000 lives and unleashed unbridled hatred and violence between peoples which had previously lived peaceably together but has also come close to reviving dangerous differences between the principal states of Europe – the consequences of historical alliances – as they nonetheless prepare to establish a common foreign and security policy.

2. Although it has proved possible on this occasion to avoid differences between Europeans on ways of ending the conflict bringing them to the brink of confrontation, it has taken United States intervention to achieve the breakthrough that has brought an end to hostilities and compelled the parties to the conflict to reach agreement on arrangements for re-establishing peace in former Yugoslavia.

3. Nevertheless the task of pacifying the Balkans is still nowhere near being accomplished. One of the bitterest experiences of the war has been that for nearly five years the international community has been unable to decide on appropriate means to prevent the indescribable suffering of the various civilian populations and, more particularly, the waves of "ethnic cleansing", in outright violation of the fundamental principles of human rights.

4. Even after signature of the Dayton and Paris Accords, the problems to be resolved in order to establish a lasting peace in the Balkans are so complicated that it is difficult to ascertain how an Assembly such as our own can make a

useful contribution to their settlement. Presenting this report carries several risks, the first being that the situation on the ground could develop at such a pace that by the time it is submitted at the plenary session, the text adopted by the Committee may, to a large extent, have been overtaken by events. Secondly, there is a risk of the report becoming bogged down in the detail of the highly complex problems arising on the spot and consequently failing to offer the comprehensive overview and general understanding required for overall management of the conflict. On the other hand, matters of detail cannot be overlooked since they often hold the key to the success or failure of the entire peace process.

5. This report therefore has a twofold aim. It should first provide a suitable basis for a quality debate at the plenary session. Such a debate would probably be useful in itself. But it should, as far as possible, lead the Assembly to express a common will to exert strong pressure on all the political leaders involved in the peace process in former Yugoslavia to maintain their efforts to ensure its outcome is a lasting success. A reevaluation of WEU's role in that context will be essential.

II. The situation in the wake of the Dayton and Paris Accords

6. At the time of writing, it would appear that most of the provisions of the Dayton Accords concerning the military aspects of the peace settlement, as set out in Annex 1-A to the General Framework Agreement for Peace in Bosnia and Herzegovina have been implemented. This specifically holds good for the parties' commitment "within 120 days after the Transfer of Authority" (from the UN to IFOR) to "withdraw all heavy weapons and forces to cantonment/barracks areas or other locations as designated by the IFOR Commander" (Deadline "D + 120" of the Dayton Accords, Article IV.5, Phase III).

7. According to information obtained at a press conference given by General Joulwan in Brussels, on 22 April 1996, withdrawal to barracks of the forces of the parties to the conflict and their demobilisation was 90% complete four days after the "D + 120" deadline.

8. However the implementation of the Dayton Accords raises massive difficulties in relation to mine clearance, especially around the Gorazde

pocket and in those regions which were the scene of the heaviest fighting. The parties committed themselves to taking the necessary action, within 30 days of the date on which the Dayton Accords entered into force, to remove, dismantle or destroy all mines, unexploded ordnance, explosive devices etc. and above all to mark their emplacements in accordance with IFOR instructions.

9. This task is proving extremely difficult since the whereabouts of many minefields are not known. The IFOR Deputy Commander told your Rapporteur during his visit to Sarajevo that if a thousand mine clearance experts were employed to carry out the work, they would take some 33 years to complete it. According to some reports, it is also necessary to bear in mind the attitude of some of those holding information on minefields who will often agree to release it to IFOR only in return for financial reward.

10. This difficult situation casts doubt both on the likelihood of economic activity being resumed and of the refugees returning and civilians being allowed complete freedom of movement – all key elements of the peace agreements. It is frequently emphasised that free movement of persons, goods, services and capital and particularly the right to freedom of residence are referred to in the part of the peace accords on civilian implementation and in the Constitution of Bosnia and Herzegovina, the text of which forms Annex 4 to the accords. The same holds good for the right of refugees and displaced persons freely to return to their homes of origin, the details of which are set out in Annex 7 to the framework agreement. According to information released by the United Nations High Commissioner for Refugees, the total number of Bosnian refugees stands at around two million, in other words practically half of the pre-war population¹.

11. However it must not be forgotten that guaranteed freedom of movement also forms part of the *military aspects* of the Dayton Accords and hence falls within IFOR's area of responsibility. By this is meant not only complete freedom of movement along the interim routes between Sarajevo and the Gorazde area, but also, more generally, IFOR's right – within the limits of its principal task and on request – to observe and prevent interference with the movement of civilian populations, refugees and displaced persons and “to respond appropriately to deliberate violence to life and person” (Article VI 3 (d) of Annex 1-A to the Agreement on the Military Aspects of the Peace Settlement).

12. Incidents that occurred at the end of April 1996 in several places in Bosnia and Herzegovina, involving Muslims who wished to take

advantage of a Muslim holiday to visit cemeteries in territory that is now Serb-held and were prevented from doing so by Bosnian Serbs, put IFOR troops in an embarrassing situation. IFOR had set up a road block near Doboij in order to prevent Muslim-Serb confrontation and when Muslims tried to circumvent this in order to enter Serb territory, two were killed and several injured by exploding mines; but according to another report, the Serbs also fired on the Muslims.

13. IFOR faces a dilemma when such incidents occur: it considers it necessary to prevent large groups of Muslims crossing demarcation lines without prior warning in order to avoid skirmishes, but in doing so, it restricts by its own action the freedom of movement of persons guaranteed under the Dayton Accords. Your Rapporteur had occasion during his visit to the Gorazde region to observe just how differently these incidents are viewed by the various groups involved. While there were those that expressed the conviction that “mass” movements of Muslims into Serb-occupied sectors were part of a Muslim policy to provoke the Serbs and denounce them if they failed to comply with the Dayton Accords, the President of Gorazde District, Mr Rascic Rijad, went so far as to tell your Rapporteur that IFOR's behaviour was becoming increasingly like that of its predecessor, UNPROFOR.

14. Moreover, IFOR stresses that maintenance of civil order is not part of its duties but the task of the police forces of the entities, aided by the UN International Police Task Force created under Annex 11 to the Dayton Accords on the basis of Security Council Resolution 1035. However this force is being set up *in situ* only very gradually and has neither arms nor other enforcement means. All it has is the option of negotiating equitable arrangements with the police authorities of the entities in Bosnia and Herzegovina. Your Rapporteur has felt impelled to describe the problem of movement of the civilian population in such detail because it is an example of the enormous difficulties that are bound to arise in guaranteeing the return of refugees and avoiding demarcation lines between the Federation of Bosnia and Herzegovina and the country's Serb territories effectively becoming a frontier.

15. Withdrawal of “foreign forces” from the territory of Bosnia and Herzegovina, should have taken effect within 30 days of the date on which the Dayton Accords entered into force. These are in the main Islamic volunteers, essentially consisting of Iranians and others who fought alongside the Bosnian Muslims; it is not known how many of them are still on Bosnian soil. Furthermore, according to information which has appeared in the press², Bosnian com-

1. *Neue Zürcher Zeitung*, 2 May 1996

2. *Le Monde*, 27 April 1996.

mandos have been trained in Iran. The United States and several of the Arab countries are prepared to provide substantial financial help in equipping and training the Bosnian-Croat Federation army, but such assistance is conditional upon the prior departure of all Islamic foreign combatants from Bosnian territory.

16. The problem of equipping and training the army of the Bosnian-Croat Federation, an idea which originated in the United States and Turkey, is one subject on which there is basic disagreement between the United States and most European Union countries; the latter feel that the new stability in the region should be based primarily on vigorous disarmament and arms control measures. Your Rapporteur will return to this fundamental problem in a later chapter of the report.

17. The problem over the exchange of prisoners was to have been settled just before the start of the second Donors' Conference towards the reconstruction of Bosnia and Herzegovina, held in Brussels, on 12 and 13 April 1996, the General Affairs Council of the European Union having decided at that point that the conference would not take place unless all prisoners of war were first released. However according to information your Rapporteur obtained from General Heinrich, IFOR Deputy Commander, by 29 April prisoner exchange had still not been fully completed.

18. Honouring the commitments entered into by all the signatories of the Dayton Accords to comply with any instructions of the International Tribunal for the former Yugoslavia as regards arrest, detention, and handing over those accused of war crimes to the Tribunal is still a sensitive problem. It is primarily Belgrade that is reluctant to meet the conditions required for handing over war criminals to The Hague, despite the verbal assurances of the Government of the Republic of Yugoslavia that it will cooperate with the International Tribunal'. However another difficulty that arises is that of IFOR cooperation with the International War Crimes Tribunal in The Hague. On 9 May 1996 SACEUR and the Tribunal signed a memorandum of understanding, which has not been made public, defining the practical arrangements under which IFOR will detain and hand over to the International War Crimes Tribunal persons indicted for war crimes and the arrangements concerning the support IFOR will provide to the Tribunal. However, it appears that the agreement reached is confined to confirmation of the decisions taken by the North Atlantic Council last December, whereby IFOR was to detain and hand over to the Tribunal persons indicted for war crimes only where it came into contact with such

persons in the execution of its remit. IFOR is therefore under no obligation to actively seek the persons in question.

19. The division of Bosnia and Herzegovina into its two political entities (the Muslim-Croat Federation (51%) and the Republica Srpska (49%)) came into force on 19 March 1996, in other words 90 days after the start of the peace process ("D + 90"). The two entities are now separated by a demilitarised zone 1 000 km long and 4 km wide. The Government of Bosnia and Herzegovina recovered five districts of Sarajevo but at the cost of severe damage and destruction caused by the Serbs, especially in the Grbavica and Ilidza districts, since almost all the Serbs there moved out so as not to have to live under the authority of the Federation. IFOR troops were unable to prevent the destruction of many houses and offered assistance with the evacuation of the Serb population organised by the Bosnian Serb army despite the fact that this exodus infringed the principle of co-existence among communities throughout the country, which was confirmed in the Dayton Accords and, above all, in the Constitution of Bosnia and Herzegovina.

20. A fundamental element of the Dayton Accords is the agreement on regional stabilisation, the parties to which are the Republic of Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro) and the two entities of Bosnia and Herzegovina, namely the Muslim-Croat Federation and the Republica Srpska (the Bosnian Serbs). This agreement, which forms Annex 1-B to the General Framework Agreement for Peace in Bosnia and Herzegovina provides for two essential measures:

- (a) negotiations between the entities of Bosnia and Herzegovina, under the auspices of the Organisation for Security and Cooperation in Europe (OSCE), to agree upon a series of confidence- and security-building measures in Bosnia and Herzegovina;
- (b) negotiations, again under the auspices of the OSCE, to limit weapons in order to achieve balanced and stable defence force levels at the lowest numbers possible, based on the lowest level of armaments.

Within the framework of these provisions, the parties concerned have also undertaken to commence negotiations on an agreement establishing voluntary limits on military manpower. The numerical limits on equipment and arms were as defined in the relevant sections of the CFE treaty. The two sets of negotiations opened in Bonn on 18 December 1995, under the chairmanship of the German Minister for Foreign Affairs.

3. *Neue Zürcher Zeitung*, 19 February 1996.

21. In terms of confidence-building, it proved possible for the entities of Bosnia and Herzegovina to sign an initial agreement in Vienna on 31 January 1996 on confidence-and security-building measures which had been under negotiation since 4 January 1996 under OSCE auspices. The agreement covers sixteen separate confidence-building measures, in particular, exchange of military intelligence, restrictions on certain military activities, withdrawal of heavy weapons, identification of arms-manufacturing plants, military cooperation programmes, establishment of military liaison tasks and commitments regarding non-proliferation of weapons of mass destruction⁴. Following the conclusion of this agreement, the main task will be to ensure that the application of the various measures envisaged is monitored efficiently.

22. Also in Vienna, negotiations on disarmament in Bosnia and Herzegovina are being conducted under OSCE auspices and the chairmanship of the Norwegian Ambassador, Vigleik Eide; these should lead by 6 June to the conclusion of an arms reduction agreement along the lines of the Treaty on the reduction of conventional forces in Europe (CFE Treaty). In the event of disagreement over weapons ceilings, the Dayton peace plan (articles IV and V of Annex 1-B to the framework agreement) provides that armaments held by the Federal Republic of Yugoslavia will be reduced to 75% of their present holdings or "baseline" and the holdings of Bosnia and Herzegovina and Croatia limited to 30% of the baseline. The 30% allocated to Bosnia and Herzegovina would be divided between the entities on the basis of a ratio of two (2) for the Federation of Bosnia and Herzegovina to one (1) for the Republika Srpska (Article IV.3 (e) of Annex 1-B to the framework agreement).

23. As your Rapporteur mentioned earlier, the question of how weapons held by the respective former belligerents in the Balkans are to be limited has already become a subject of profound disagreement between the United States and most European Union member states. On 16 March 1996, alluding to efforts to disarm Bosnia and Herzegovina being pursued in Vienna under the aegis of the OSCE, the US Secretary of State, Mr Christopher, took the view that armaments control alone could not create the necessary stability and that it was therefore necessary for the Bosnian Government to be provided with further equipment and training⁵.

24. The United States, with Turkey's assistance, therefore organised a conference in Ankara with a view to implementing its project to arm the Muslim-Croat Federation in Bosnia

and Herzegovina by providing a form of military aid called "equip and train". Twenty-nine countries, eleven of them Muslim, attended the conference but Europeans attended only as observers. The Fifteen take the view that the process should be one of "levelling downwards" not upwards" while the Americans want to be able to withdraw their troops from Bosnia and Herzegovina without being blamed, yet again, for abandoning the Bosnian Muslims to their fate. They therefore want the Bosnians to have deterrent means, trained army officers and properly-equipped forces.

25. The United States has therefore offered to provide 100 million of the 800 million dollars it considers necessary for an "aid and equipment programme" for the Bosnian army⁶. However at the conference the United States failed to obtain a pledge for the sum referred to, which it felt was necessary to rearm the troops of the Muslim-Croat Federation in Bosnia and Herzegovina. Turkey alone promised to set aside 2 million dollars for training Federation officers, while the fifteen European Union countries justified their refusal to participate in the "equip and train" programme in the immediate future by emphasising the priority they intended to give to rebuilding the country⁷. However in General Heinrich's view, a sum of around 200 million dollars may already be available for the military programme.

26. The content of the "Common Position on the peace process in Yugoslavia" adopted by the General Affairs Council of the European Union on 26 February 1996, merely widened the gulf separating the European approach from that of the United States. The European Union in fact withdrew its support for the Vienna disarmament negotiations being conducted under Annex I-B to the Dayton and Paris Accords:

"With a view to establishing peace and stability for the people of the region of the former Yugoslavia, and in particular taking into account the need to ensure the safety of the international troops and civilian personnel deployed in Bosnia and Herzegovina and Croatia during the implementation of the peace agreement, the European Union believes that restraint on the part of arms exporting countries will be needed even after the UN arms embargo on the States of the former Yugoslavia is lifted in accordance with UN Security Council Resolution No. 1021."

27. In its "Common Position concerning arms exports to the former Yugoslavia" also adopted

4. *Nouvelles Atlantiques*, No. 2788, 2 February 1996.

5. *Nouvelles Atlantiques*, No. 2801, 20 March 1996

6. *Le Figaro*, 16 March 1996.

7. *Le Monde*, 15 March 1996.

8. *Nouvelles Atlantiques*, No. 2800, 16 March 1996.

9. *Nouvelles Atlantiques*, No. 2801, 20 March 1996