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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. paper	Cessation of Hostilities/Combat Activities and Disengagement (12 pages)	10/25/1995	P1/b(1)
002. briefing slides	Re: [IFOR] [NATO] (2 pages)	10/26/1995	P1/b(1)
003. paper	Strategy for Map Negotiations (2 pages)	10/00/1995	P1/b(1)
004. paper	Territorial Rights of Citizens of B-H [partial] (1 page)	10/25/1995	P3/b(3)
005. paper	The Road to Sarajevo (6 pages)	08/22/1995	P1/b(1)

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Bosnia - Peace Agreement, 1995

2008-0994-F

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

RR. Document will be reviewed upon request.

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PEACE SETTLEMENT ISSUES AND DOCUMENTS

This memorandum describes several important issues addressed in the peace settlement package. The Bosnian peace settlement comprises:

- a simple Framework Agreement among the Republic of Bosnia and Herzegovina, Croatia, and the Federal Republic of Yugoslavia; and
- ten Annexes concluded among the relevant parties (usually the Federation and Republica Srpska).

The Framework Agreement and Annexes could be witnessed by members of the Contact Group and others as appropriate.

Recognition and Peaceful Relations

- In the **Framework Agreement**, the FRY, Croatia, and the Republic of Bosnia and Herzegovina recognize one another, commit to peaceful relations, and agree to support the arrangements for peace in Bosnia.

Cessation of Hostilities and IFOR Authorization

- In **Annex 1**, the Bosnian parties commit to a cessation of hostilities and separation of forces and invite the IFOR. The FRY and Croatia are also obligated to comply with the cessation agreement.

Territorial Arrangements

- In **Annex 2**, the Federation and Republica Srpska agree to internal boundaries.

Elections

- In **Annex 3**, the Federation, Republica Srpska, and the current Republic invite the OSCE to organize and conduct entity and central government elections within six months.

Constitution of the Central Government

- In **Annex 4**, the Federation, Republica Srpska, and the current Republic agree to amend the Republic constitution to establish a new central government, consisting of a unicameral legislature, nine person Presidency, and a constitutional court. The state would be called "Bosnia and Herzegovina."

- The **central government** would have responsibility for:
 - foreign affairs (already agreed by the parties);
 - fiscal and monetary matters (important to obtaining funds from international financial institutions and financing its operations); and
 - other matters on which a single, state policy is desirable (international law enforcement, for example).

After five years, the power of the central government would expand as it assumes the commissions and other bodies already agreed by the Federation and Republica Srpska (on human rights, refugees, national monuments, and arbitration).

- **Secession** is not addressed. The Federation and Republica Srpska may seek "parallel special relationships" with neighbors; these would be subject to review by the Constitutional Court and (for legally-binding relationships) prior consent of the legislature.

Human Rights

- In **Annex 6**, the Federation and Republica Srpska agree to meet internationally recognized standards of human rights; to cooperate with international monitors and a domestic ombudsman; and to comply with decisions of a Human Rights Commission established in this Annex.
- In the **Framework Agreement**, Bosnia, Croatia, and the FRY commit themselves to meet the same standards and to cooperating with international monitors.

Refugees and Displaced Persons

- In **Annex 7**, the Federation and Republica Srpska agree to protect refugees and internally displaced persons (including their right of return) and to comply with a Commission established in this Annex to decide compensation and ownership issues.
- In the **Framework Agreement**, Bosnia, Croatia, and the FRY commit themselves to meet the same standards.
- **Annex 3** provides that refugees and displaced persons will be allowed to vote in elections.

Other Bodies

- **Annexes 5, 8, and 9** establish entities already agreed by the Federation and the Republica Srpska (arbitration tribunal, national monuments commission, and public transportation corporation).

International Political Implementation

- In **Annex 10**, the Federation and Republica Srpska invite, and agree to cooperate with, the Senior Implementation Coordinator (SICOR).

International Tribunal for the Former Yugoslavia

- Through the Framework Agreement, Constitution, and various Annexes, all parties commit themselves to cooperate with entities "authorized by the U.N. Security Council," including the Tribunal. Relevant commissions established by the agreement have similar obligations; this should facilitate the Tribunal's access to important information (governmental records, property transfer documents, medical records, etc.).

- Persons under indictment by the Tribunal are ineligible for public office in the new central government and in our proposed amendments for the Federation and Republica Srpska Constitution.

GENERAL FRAMEWORK AGREEMENT FOR PEACE
IN BOSNIA AND HERZEGOVINA

The Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (the "Parties"),

Recognizing the need for a comprehensive settlement to bring an end to the tragic conflict in the region,

Desiring to contribute toward that end and to promote an enduring peace and stability,

Affirming their commitment to the Agreed Basic Principles issued on September 8, 1995, the Further Agreed Basic Principles issued on September 26, 1995, and the ceasefire agreements of September 14 and October 5, 1995,

Noting the agreement witnessed by the Patriarch of the Serbian Orthodox Church on August 29, 1995, in which the Republica Srpska authorized a joint delegation to sign, on behalf of the Republica Srpska, the part of the peace plan concerning the Republica Srpska, with the obligation to implement the agreement that is reached strictly and consequently,

Have agreed as follows:

Article I

The Parties recognize each other as independent States within their present international borders.

Article II

The Parties shall conduct their relations in accordance with the principles set forth in the United Nations Charter, as well as the Helsinki Final Act and other documents of the

Organization for Security and Cooperation in Europe. In particular, the Parties shall fully respect the sovereign equality of one another, shall settle disputes by peaceful means, and shall refrain from any action, by threat or use of force or otherwise, against the territorial integrity or political independence of Bosnia and Herzegovina or any other State.

Article III

The Parties shall promptly establish diplomatic relations with one another and upgrade existing or planned liaison and representative offices to diplomatic missions.

Article IV

The Parties welcome the arrangements that have been made for a cessation of hostilities and disengagement of forces in Bosnia and Herzegovina, as set forth in the agreement at Annex 1. The Parties confirm that they shall carry out their obligations under that agreement in good faith.

Article V

The Parties welcome and endorse the arrangements that have been made concerning the boundary demarcations between the two entities, the Federation of Bosnia and Herzegovina and Republica Srpska, and the future administration of Sarajevo, all as set forth in Annex 2. The Parties shall fully respect and promote fulfillment of the commitments made therein.

Article VI

The Parties welcome and endorse the elections program for Bosnia and Herzegovina as set forth in Annex 3. The Parties shall fully respect and promote fulfillment of that program.

Article VII

The Parties welcome and endorse the arrangements that have been made concerning the constitutional structures of Bosnia and Herzegovina, as set forth in Annex 4. The Parties shall fully respect and promote fulfillment of the commitments made therein.

Article VIII

The Parties welcome and endorse the arrangements that have been made concerning the establishment of an Arbitration Tribunal, a Commission on Human Rights, a Commission for Refugees and Displaced Persons, a Commission to Preserve National Monuments, and joint public corporations, as set forth in the agreements at Annexes 5-9. The Parties shall fully respect and promote fulfillment of the commitments made therein.

Article IX

Recognizing that the observance of human rights and the protection of refugees and displaced persons are of vital importance in achieving a lasting peace, the Parties undertake to comply with the obligations concerning human rights set forth in Chapter 1 of the agreement at Annex 6, as well as the obligations concerning refugees and displaced persons set forth in Chapter 1 of the agreement at Annex 7.

Article X

The Parties welcome and endorse the arrangements that have been made concerning the implementation of this peace settlement, including in particular those pertaining to the establishment and deployment of a multinational implementation force, as set forth in the agreement at Annex 1, as well as those pertaining to the civilian (non-military) implementation, as set forth in the agreement at Annex 10. The Parties shall fully respect and promote fulfillment of the commitments made therein.

Article XI

The Parties shall cooperate fully with all entities involved in implementation of this peace settlement, as described in the Annexes to this agreement, or which are otherwise authorized by the United Nations Security Council.

Article XII

This agreement shall enter into force upon signature.

DONE at _____ this _____ day of _____, 1995, in the Bosnian, Croatian, English and Serbian languages, each text being equally authentic.

For the Republic
of Bosnia and
Herzegovina

For the Republic
of Croatia

For the Federal
Republic of
Yugoslavia

Witnessed by:

For the United States
of America

For the European
Union

For the Russian
Federation

For the French
Republic

For the Federal
Republic of
Germany

For the United
Kingdom of Great
Britain and
Northern Ireland

ANNEXES

- | | |
|----------|--|
| Annex 1 | Cessation of Hostilities and Disengagement of Forces |
| Annex 2 | Map |
| Annex 3 | Elections |
| Annex 4 | Constitutional Structures |
| Annex 5 | Arbitration Tribunal |
| Annex 6 | Commission on Human Rights |
| Annex 7 | Commission for Refugees and Displaced Persons |
| Annex 8 | Commission to Preserve National Monuments |
| Annex 9 | Joint Public Corporations |
| Annex 10 | Civilian Implementation |

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004. paper	Territorial Rights of Citizens of B-H [partial] (1 page)	10/25/1995	P3/b(3)

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Territorial Rights of Citizens of B-H

- Internal borders are open to unimpeded travel to all citizens of B-H (legal inhabitants of both entities).
- Right to work, own property and engage in commercial activity throughout B-H.
- Right to security of one's person, property and effects.
- Right of all refugees and displaced persons freely to repossess their homes or receive just compensation, as set out in the peace agreement.
- Right of all citizens of B-H to equal, unrestricted access to the Commission for Refugees and Displaced Persons and any other bodies dealing with territorial rights, including any international human rights monitoring mechanisms established for B-H.
- Right to fair property values for citizens seeking compensation for lost property, as determined by the Commission according to fixed rates.
- Right of equal access to public services and utilities.
- Right to political participation in the place of one's legal residence, as set out in the peace agreement.
- Right to freedom of religion, including private and public worship, in the place of one's legal residence.
- Right to develop one's culture.
- Right to protection of the highest level of internationally recognized rights, as set out in the peace agreement.

Bosnian Elections -- The Basics

Goals:

- o Explicitly stated in the draft: to lay the foundation for representative government in Bosnia-Herzegovina,
- o To effectively validate the negotiating process and the resulting peace accords.

Who conducts?

- o The OSCE organizes, conducts, and monitors through the creation of a Provisional National Independent Electoral Commission (PNIEC) of nine officials named by the OSCE.

When?

- o Six months after agreement, with OSCE-sanctioned delay possible only until nine months after agreement.

What bodies will be elected?

- o Parliamentary Assembly,
- o Presidency,
- o House of Representatives (in the Federation),
- o Srpska Assembly,
- o President of Srpska,
- o Local and cantonal offices -- on the same day if the OSCE determines that such elections are feasible, but in any case within two months.

Who votes?

- o All those 18 years old on election day, who are listed in also in the 1991 Bosnia-Herzegovina census,

Note: This includes refugees (outside B-H) and displaced persons (inside B-H),

Note: The PNIEC may declare some persons ineligible to vote because of electoral offense.

Who will vote where, and in which elections?

- o In Bosnia-Herzegovina:
 - a.) where voters now reside, or,
 - b.) where voters were listed in the 1991 B-H census.

- o From outside B-H (for refugees)
 - a.) where voters resided according to the 1991 census
 - b.) to where the voters plan to return.

Candidates/lists:

- o Parties must register with the PNIEC (Note: Our philosophy is to seek a relatively large amount of parties),
- o Any voter can be a candidate, unless under indictment by the War Crimes Tribunal,-
- o There will be party lists for the Parliamentary Assembly elections,

Party lists of candidates can be for both the federation and assembly elections,

Parties can present the same list to both the Federation and Assembly elections,

If parties then win seats in both assemblies, parties can choose who represents which set of voters.

- o The Presidency and Srpska President are directly elected, Independent candidates are acceptable,
 - There will be a "no sore losers clause" (stipulating that anyone who tries and fails to gain a party's nomination and fails cannot then run as an independent.

Financing:

- o State resources may only be used if used on an equal basis,
- o All foreign assistance to political parties must be reported.
- o The PNIEC will report regularly on financing and foreign assistance.

Media Issues/Code of Conduct

- o Fair access to the media guaranteed by PNIEC,
 - Profusion of media encouraged, + "Radio Sloba"
- o No incitement to racial or religious hatred,
- o No intimidation or violence.

ELECTORAL ANNEX

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republica Srpska (the "Parties") shall hold free, fair, and democratic elections to lay the foundations for representative government and ensure the progressive achievement of democratic goals at the Entity and National levels. The Parties further agree as follows:

Article I

Conditions for Democratic Elections

The Parties shall ensure that conditions exist for the organization of free and fair elections, in particular a politically neutral and peaceful environment, the right to vote in secret, without fear or intimidation, freedom of expression and of the press, freedom of association (including of political parties), and freedom of movement.

Article II

Organization of Elections

1. Elections. The Parties request the OSCE, together with other international organizations the OSCE deems necessary, to prepare, organize and conduct elections for a Parliamentary Assembly of Bosnia and Herzegovina; for a Presidency of Bosnia and Herzegovina; for the House of Representatives of the Federation of Bosnia and Herzegovina; for the National Assembly of the Republica Srpska; for the Presidency of the Republica Srpska; and for cantonal legislatures and municipal governing councils.

2. Mandate of the OSCE. The responsibilities of the OSCE representatives shall include:

- (a) organizing the electoral process to ensure that the structures and institutional framework for free and fair elections are in place;
- (b) conducting the elections in accordance with rules established by the OSCE and consistent with the electoral calendar provided in Article III in a manner that ensures the integrity of the ballot and of the counting process;
- (c) enforcing the electoral provisions and other attachments to this Annex;
- (d) monitoring all aspects of the electoral process and coordinating the presence of domestic and foreign observers;
- (e) taking action to remedy a violation of any provision of this Annex or of its attachments. The OSCE may issue sanctions against any person or entity that violates such provisions; and
- (f) establishing, publishing and certifying the definitive results of the elections.

3. Status of OSCE representatives and of observers.

- (a) OSCE representatives shall enjoy the right to establish communications facilities and to engage local administrative staff, and status, privileges and immunities in accordance with the Vienna Convention on Special Missions.
- (b) The Parties shall permit the presence of observers from international organizations and domestic and foreign non-governmental organizations (NGOs) accredited by the OSCE.
- (c) The Parties shall grant OSCE Representatives and accredited observers unimpeded access to observe and report on the electoral process.

Article III

Electoral Calendar

1. Election Timetable. Within 6 months after this agreement takes effect, the OSCE will conduct, on a date that it will determine (hereinafter referred to as "election day"), elections for a Parliamentary Assembly of Bosnia and Herzegovina; for a Presidency of Bosnia and Herzegovina; for the House of Representatives of the

Federation of Bosnia and Herzegovina; for the National Assembly of the Republica Srpska; and for the Presidency of the Republica Srpska.

2. Fulfillment of Conditions. The OSCE shall assess whether conditions exist for an effective electoral process. If, within 30 days of election day, the OSCE determines that such conditions do not exist, the Parties and the OSCE shall take all necessary steps to ensure that elections can be held no later than 9 months after this agreement takes effect.

3. Cantonal and Municipal Elections. The OSCE shall determine the feasibility of its organizing and conducting cantonal and municipal elections on election day. This determination shall take into account whether cantonal and municipal elections would interfere with the effectiveness and timeliness of the elections described in paragraph 1 of this Article. In the event the OSCE determines that it would not be feasible, the OSCE shall specify a date for municipal and cantonal elections no later than two months after the day on which the elections described in paragraph 1 of this Article will have been held.

Article IV

Voting

1. Eligibility. All persons whose names appear on the 1991 census for Bosnia and Herzegovina, including refugees and displaced persons, shall be eligible to vote. An eligible voter shall vote either for candidates for his or her territory of current residence or for candidates for the territory in which he or she resided at the time of the 1991 census as recorded in that census. In the case of refugees, eligible voters shall vote for candidates for the territory in which they resided at the time of the 1991 census as recorded in that census or for candidates for the territory to which they intend to return.

2. Candidates. Any eligible voter can be a candidate in the elections covered by this agreement except persons under indictment by the International Tribunal for the Former Yugoslavia.

Article V

Electoral Procedures

1. Parliamentary Assembly of Bosnia and Herzegovina. The Parliamentary Assembly shall be composed of 36 members elected through direct, proportional voting for party lists. Two-thirds of the members shall be elected from the territory of the Federation, one-third from the territory of the Republica Srpska.

2. Presidency of Bosnia and Herzegovina. The Presidency shall consist of 9 persons directly elected. Two thirds of the members shall be elected from the territory of the Federation, one-third from the territory of the Republica Srpska.

3. Elections for the House of Representatives for Bosnia and Herzegovina. The House of Representatives shall be elected through direct, proportional voting for party lists.

4. Elections for the National Assembly of the Republica Srpska. The National Assembly shall be elected through direct, proportional voting for party lists.

5. Elections for the President of the Republica Srpska. The President of the Republica Srpska shall be elected through direct elections.

Article VI

Other Provisions

1. Conflict. In the event of a conflict between a provision of the Constitution or laws of the Federation or of the Republica Srpska and a provision of this Annex or its attachments, the latter shall prevail.

2. Attachments. The Parties agree to such other provisions as are established in the attachments to this Annex.

DRAFT
ELECTORAL PROVISIONS

As the Parties have agreed, the OSCE will organize and conduct the elections for the Parliamentary Assembly, Presidency, local parliaments in Bosnia and Herzegovina, and the President of the Republica Srpska in accordance with the following provisions:

(I) THE ELECTORAL COMMISSION

(1) Composition. The OSCE Special Mission for Bosnia-Herzegovina will name nine members to a Provisional Independent Electoral Commission. The OSCE will name one of the nine Chairman and Chief Electoral Officer. No person who has been a citizen of former Yugoslavia shall be eligible to serve as a member.

(2) Powers. The Commission will prepare, organize and conduct elections for the offices set forth in Article IV (below). It will have the power to compel any government body, organization or other governmental entity to provide information, documentary records, or resources that it may need. Among the Commission's responsibilities, it will:

(a) draft and enforce electoral rules and regulations, and the separate media guidelines and a code of conduct.

(b) register political parties and issue final, binding decisions as to the eligibility of candidates and voters.

(c) adjudicate all disputes arising in connection with the elections. All decisions will be final, provided that, in its discretion, it may refer any dispute to the Arbitration Commission.

(d) certify whether the elections are free and fair, who the winners are, and be the sole judge of whether any election must be rerun.

(3) Duration. The Provisional Independent Electoral Commission will terminate upon creation of the permanent National Independent Electoral Commission by the Parliamentary Assembly.

(II) ELIGIBLE VOTERS

(1) The Commission will establish a list of those eligible to vote in the elections. The list will contain only the names of persons:

- (a) who are age 18 or older on the day of the election,
- (b) whose names appear on the 1991 Bosnia and Herzegovina census, and
- (c) who have not been determined to be ineligible by the Commission for having committed electoral offenses as defined by the Commission.

(III) ELECTION PROCEDURES

(1) Voting. The electoral rules and regulations will, among other provisions, provide for:

- (a) secrecy of the ballot.
- (b) means by which refugees who are eligible to vote may cast a ballot.
- (c) access to all polling places for qualified party agents and international and domestic observers.
- (d) adequate safeguards to ensure against irregularities and fraud.

(2) Political Parties. The Commission's rules for registration of political parties shall ensure that:

- (a) voters have a wide choice among political parties.
- (b) the registration process should be simple and not burdensome to potential parties.
- (c) groups seeking registration as parties make a written undertaking of support for a free and fair election and a democratic political system, and explicitly subscribe to the principles of the Framework Agreement .

(3) Candidates. Any eligible voter may stand for election for more than one office, provided that no person may be a candidate who is under indictment by the International Tribunal for the Former Yugoslavia.

(4) Financing. The Commission will issue rules and regulations for the financing of the political parties, the campaign and the conduct of the election. Among other things, these rules will include provisions that:

(a) ensure that no party or candidate can use resources controlled by the State or receive contribution, either in cash or in kind, from any State entity except on an equal basis.

(b) require that any campaign contribution from any person, corporation or other entity who is not a Bosnia-Herzegovina person or entity be disclosed.

(c) ensure transparency of all financing, including the periodic public reporting of all contributions.

(d) any financing of parties or candidates by the OSCE must be done on an equal basis.

(5) Campaigning. The Commission will regulate the campaign on the basis of principles which include the following:

(a) equal access to state owned or controlled media.

(b) the elements of Commission-drafted media guidelines which will seek to ensure a well-informed electorate and a vigorous and open debate about campaign issues through a profusion and diversity of uncensored media.

(c) the provisions of a code of conduct for political parties and candidates which will seek to create a neutral political environment free from intimidation in which all can campaign freely.

(IV) OFFICES TO BE FILLED BY THE ELECTIONS

(1) Offices. The elections that the Commission will prepare, organize and conduct will be for a Presidency, Parliamentary Assembly, local parliaments, the President of the Republica Srpska and, at the OSCE's discretion, local offices.

(2) Balloting. Eligible voters who live in the Federation of Bosnia Herzegovina on election day or lived in the Federation when the 1991 census was conducted may vote for members of the House of Representatives of the Federation. Eligible voters who live in the Republica Srpska on election day or lived in the Republica when the 1991 census was conducted may vote for members of the Assembly. A refugee may vote for the members of the local parliament that will govern the territory where he or she lived when the 1991 census was conducted. Alternatively, a refugee who intends to return to a different territory may vote for the members of the local parliament that will govern that territory. An eligible voter will either vote for members of the House of Representatives of the Federation (Federation voter) or for members of the Assembly of the Republica Srpska (Republica voters).

(a) In addition to choosing the members of the House of Representatives, Federation voters will choose two thirds of the members of the Parliamentary Assembly and two thirds of the members of the Presidency.

(b) In addition to choosing the members of the Assembly, Republica voters will choose one third of the members of the Parliamentary Assembly, one third of the members of the Presidency, and the President of the Republica Srpska.

(c) The Commission shall prepare a separate ballot for Federation voters and for Republica voters. Voters will request one or the other on entering the polling station.

(3) Presidency. The Presidency will consist of nine persons directly elected by the eligible voters of Bosnia-Herzegovina.

(a) Six of the nine members will be elected by Federation voters and the other three by Republica voters.

(b) Each registered political party may present up to two candidates to be elected by Federation voters and up to two candidates to be elected by Republica voters.

(c) An individual who has not sought to be a candidate of a political party may run as an Independent.

(d) Candidates may be presented to Federation voters, Republica voters or to both.

(e) Each eligible voter shall be entitled to vote for three candidates. The Commission shall certify the six candidates receiving the largest number of votes cast by Federation voters and the three receiving the largest number of votes cast by Republica voters the winners.

(f) In the event an individual is certified as the winner from the votes cast by Federation voters and by Republica voters, the individual must declare which set of voters he will represent. The Commission will then fill the vacancy created by the declaration with the candidate receiving the next highest number of votes.

(4) Parliamentary Assembly. The Parliamentary Assembly will consist of 36 members.

(a) Two thirds of the Parliamentary Assembly will be selected by Federation voters and one third by Republica voters.

(b) Each voter will cast a single vote for a list of candidates presented by a political party. The Commission will certify the winners based on the proportion of votes each party receives.

(c) Each registered party will present a list containing the names of at least nine individuals. Parties may present separate lists for Federation voters and Republica voters or they may present the same list to both. Parties need not present lists to both Federation and Republica voters.

(d) In the event a party presents the same list to both Federation and Republica voters, the party will determine which of its successful candidates will represent which voters.

(5) House of Representatives (Federation). The members of the House of Representatives will be elected from lists presented by the political parties in proportion to the votes received by each party.

(6) Assembly (Republica). The members of the Assembly will be elected from lists presented by the political parties in proportion to the votes received by each party.

(7) President (Republica). The President will be directly elected by Republica voters.

Attachments: Media Guidelines
Code of Conduct

SEEEYYUG#12107 (BOSELECPROV)
DRAFT:ELECTIONS/STAFF

These "Media Guidelines" are intended to promote both free and fair elections as well as a free and democratic media in Bosnia-Herzegovina. A free and democratic media in Bosnia-Herzegovina will enable the people of Bosnia-Herzegovina to express themselves, without undue restraint, so that they can participate fully in the open selection of their political leadership through the free and fair elections of a Parliamentary Assembly and local parliaments in 1996.

In the exercise of its responsibilities, the Provisional National Independent Electoral Commission (PNIEC) will ensure fair access to the media, including press, television and radio, for all parties contesting the election. The PNIEC will assure all registered political parties the freedom and security to publish, print and broadcast their views.

These guidelines seek not only to promote an environment conducive to the holding of elections, but also to encourage the free flow of information and ideas well into the future.

1. A free and democratic media means public speech, printed material, television and radio broadcasts, film and video productions, which are free from censorship.
2. The people of Bosnia-Herzegovina should enjoy the benefits of freedom of expression and opinion through all media.
3. These guidelines seek to foster standards designed to protect from intimidation or censure anyone who desires to print, publish, speak or broadcast information or comment.
4. An independent and free media should have a diversity of ownership and it should promote and safeguard democracy, while opening opportunities and avenues for economic, social and cultural development.
5. Media outlets should give parties, groups or individuals whose views have been misrepresented or maligned by a publication or broadcast the "right of response" in the same media outlet.
6. The various media should present a balance of views, solicit a wide spectrum of opinion from the people of Bosnia-Herzegovina and publish as much information as possible about the history, finances and platform of a political party or candidate. A democratic media seeks to publish views and counterinterviews at the same time, in order to address all aspects of an issue. When opposing ideas are contained in the same broadcast or article, a "response" may not be necessary.

7. The PNIEC will encourage the development of a free and open media through a diversity of ownership of media outlets in Bosnia-Herzegovina.

8. Existing government structures should facilitate the profusion of publications and broadcast stations by, for example, the processing without undue delay of any necessary applications for registration or assignment of broadcast frequencies.

9. In bona fide pursuit of their professional duties, journalists should have free access to public records and documents.

10. Existing government structures may not restrict distribution, sale or importation of broadcast or printed material, whether produced within or outside Bosnia-Herzegovina, except material that incites hatred or offends public morals.

11. A media outlet may not publish or broadcast any words or images which incite discrimination, hostility or violence by means of national, religious, racial or ethnic hatred. Discrimination means the deprivation of a benefit to which similarly situated people are entitled or the imposition of a penalty not imposed on similarly situated people. Hostility refers to such conduct as criminal harassment or intimidation. Violence refers to physical attack or the threat of physical attack.

12. Media outlets may not harm the reputation or rights of individuals by publishing or broadcasting false material or allegations. In democracies, public figures, however, enjoy less stringent protection. Media outlets may not knowingly disregard the truth in publishing material about public figures.

13. Journalists should protect confidential sources of information.

14. The PNIEC will establish appropriate structures to a) ensure that all political parties have fair access to radio and television, b) address complaints against any media outlet alleged to have published or broadcast any words or images which incite discrimination, hostility or violence by means of national, religious, racial or ethnic hatred, and c) effect the "right of response".

D R A F T
CODE OF CONDUCT

1. All persons, all political parties, their leaders, members and supporters, all political parties, their leaders, members, supporters and candidates, shall abide by this Code of Conduct.

2. All political parties are entitled to and shall enjoy, the fundamental right of a free and fair election, including the freedom to campaign.

3. All political parties shall respect the right and freedom of all other parties to campaign and disseminate their political ideas and principles without fear.

4. In particular, all political parties, officially their leaders, members, supporters and candidates shall obey the following rules:

- a) Intimidation, in whatever form, shall be prohibited, and manuals, instructions and orders of political parties shall reinforce and emphasize this prohibition.
- b) The possession and use of any weapon of any kind, or of any instrument capable of use as a weapon, at any political rally, meeting, march or demonstration shall be prohibited. Parties' manuals, instructions and orders shall reinforce this prohibition.
- c) Parties and candidates shall inform the local PNIEC office of any planned public meetings or political rallies, and shall in good faith take all necessary steps to avoid violent confrontation or conflict between their supporters, and shall comply with all directions, instructions or orders issued by the PNIEC in relation to such meetings.
- d) All parties shall avoid the coincidence, in time or place, of their meetings, rallies, marches or demonstrations with those of other parties, and to this end they shall liaise and cooperate with the PNIEC and with other parties.
- e) All parties, their members and supporters, shall refrain from disrupting the meetings, marches or demonstrations of other parties.

- f) Parties and candidates shall at all times avoid, in speeches, broadcasts, pamphlets, newsletters, press statements, posters, their party platforms, campaign advertisements or otherwise, using inflammatory language or other language which threatens or incites violence in any form against others.
- g) All political parties shall refrain from obstructing persons from attending the meetings, marches or rallies of other parties.
- h) All parties shall refrain from plagiarising the symbols of other parties, and shall not steal, destroy or disfigure the political or campaign material or posters of other parties, or the election information material of the PNIEC and the OSCE.
- i) All political parties, and especially their leaders, shall ensure freedom of access of other parties to all potential voters on public or private property, in camps or reception centers, or wherever they may be. Parties shall ensure that potential voters wishing to participate in political activities are free to do so.
- j) All parties shall consistently reinforce and emphasize to their supporters and to all voters that the ballot will be secret, and that no person will know how any individual has voted, nor can anyone know how any community voted.
- k) All parties shall establish effective communication with one another at the central, provincial and district levels, and shall appoint liaison personnel, to be available for this purpose at all times, to deal with any problem arising during the campaign or the polling.
- l) All parties shall attend, at least once every two weeks, a meeting under the chairmanship of the Chief Electoral Officer, to discuss any matters of concern relating to the campaign. In addition, a standing committee of leaders of political parties shall attend at least every two weeks a meeting under the chairmanship of the OSCE Chairman or his deputy to deal with matters of concern relating to the campaign. The OSCE Chairman will determine the date when the abovementioned meetings shall commence.
- m) All parties shall bring all information or complaints regarding intimidation or other allegations of unlawful conduct immediately to the attention of the PNIEC.

- n) Parties shall not abuse the right to complain, nor make false, frivolous or vexatious complaints.
- o) All parties shall cooperate fully with the (Arbitration Commission???) concerning electoral matters.
- p) All parties shall issue instructions and orders to their members and supporters to observe the Electoral Rules and Regulations, this Code, the instructions of electoral officials, and take all necessary steps in good faith to ensure compliance with the Electoral Rules and Regulations and this Code.
- q) The PNIEC and OSCE and all parties shall publicize this Code and the Electoral Principles throughout Bosnia-Herzegovina by all means at their disposal.

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CONSTITUTION

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republica Srpska have agreed that the Constitution of Bosnia and Herzegovina shall be as follows:

Article I

Bosnia and Herzegovina

1. Continuation. The Republic of Bosnia and Herzegovina, to be known henceforth as "Bosnia and Herzegovina," shall continue its legal existence with its present international borders, shall remain a member State of the United Nations, and shall as Bosnia and Herzegovina maintain its membership in organizations within the U.N. system or apply for membership in other such organizations.

2. Democratic Elections. Bosnia and Herzegovina shall be a democratic state. Free and democratic elections shall be held as provided in Annex 3 to the General Framework Agreement.

3. Composition. Bosnia and Herzegovina shall consist of the Federation of Bosnia and Herzegovina and the Serbian Republic of Bosnia and Herzegovina (hereinafter "the Entities").

4. Human Rights. Bosnia and Herzegovina and both Entities shall ensure the highest-level of internationally recognized human rights in accordance with Annex A.

(a) In particular:

(i) All refugees and displaced persons shall have the right to freely return to their homes of origin.

(ii) All persons within the territory of Bosnia and Herzegovina 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;
 - (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 and 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.
- (iii) All citizens shall enjoy the rights:
- (a) To form and belong to political parties; and

- (b) To political rights: to participate in public affairs; to have equal access to public service; to vote and stand for election.
- (b) The Government of Bosnia and Herzegovina, and all courts, agencies, governmental organs, and instrumentalities of the Federation and of the Republica Srpska shall apply and conform to the rights and freedoms provided in the instruments listed in the Annex to this Constitution.
- (c) All competent authorities in Bosnia and Herzegovina shall cooperate with and provide unrestricted access to: any international human rights monitoring mechanisms established for Bosnia and Herzegovina; the supervisory bodies established by any of the instruments listed in the Annex to this Constitution; and any other organization authorized by the U.N. Security Council with a mandate concerning human rights or humanitarian law.

Article II

General Provisions

1. Capital. The capital of Bosnia and Herzegovina shall be Sarajevo.

2. Symbols. Bosnia and Herzegovina shall have such symbols as are agreed by its Parliamentary Assembly.

3. Citizenship.

(a) Any citizen of either Entity shall be a citizen of Bosnia and Herzegovina.

(b) No person shall be deprived of citizenship arbitrarily or so as to leave him or her stateless.

Article III

The Government
of Bosnia and Herzegovina

1. Parliamentary Assembly. The Parliamentary Assembly of Bosnia and Herzegovina shall be composed of [36] members, two-thirds elected by the citizens of the Federation, one-third by the citizens of the Republica Srpska.

- (a) Members shall be elected as set forth in Annex 3 to the General Framework Agreement.
- (b) Any eligible voter, except a person under indictment by the International Tribunal for the Former Yugoslavia, may serve as a member of the Parliamentary Assembly.
- (c) The terms of members shall be four years. Members shall be eligible for re-election.
- (d) The Parliamentary Assembly shall be convened in Sarajevo not more than 30 days after its election.
- (e) A simple majority of members shall comprise a quorum.
- (f) The Parliamentary Assembly shall by a majority vote of those present select from its members a Chair and adopt its internal rules.
- (g) All decisions of the Parliamentary Assembly shall be by majority of those present and voting provided that the minority votes do not include more than two-thirds of the members elected from either Entity.
- (h) Decisions of the Parliamentary Assembly shall take effect after a decision by the Presidency approving them or, when the Presidency fails to take such a decision within [14] days, upon a vote of two-thirds of those voting in the Parliamentary Assembly.
- (i) Decisions of the Parliamentary Assembly shall not take effect before publication.
- (j) Except in exceptional circumstances in accordance with its rules, the Parliamentary Assembly shall deliberate publicly and publish a complete record of its deliberations and decisions.

2. Presidency. The Presidency of Bosnia and Herzegovina shall consist of [9] persons, two-thirds of whom shall be elected from the Federation and one-third from the Republica Srpska.

- (a) Members of the Presidency shall be elected in accordance with Annex 3 to the General Framework Agreement.
- (b) Any eligible voter, except a person under indictment by the International Tribunal for the Former Yugoslavia, may serve as a member of the Presidency. Members of the Presidency shall have civilian command authority over the armed forces of the Entity from which they were elected.
- (c) The term of members of the Presidency shall be four years. Members shall be eligible to succeed themselves once and shall thereafter be ineligible for four years.
- (d) The members of the Presidency shall appoint from their members a Chair. The Chair shall convene meetings of the Presidency at the request of any member and shall provide adequate and timely notice of all meetings. The Chair shall rotate among the members of the Presidency so that each serves an equal time of the four-year term.
- (e) All Presidency Decisions shall be taken by a majority of those present and voting, provided that if one-third or more of the members present and voting declare a decision to be destructive of a vital interest of the Entity from which the dissenting member(s) were elected, the decision will be referred immediately to the legislature of the appropriate Entity or Entities. If that legislature confirms the declaration by a two-thirds vote within [10] days following the challenged decision, the decision shall not take effect.
- (f) Presidency Decisions refer to decisions taken on matters arising under Article V(2)(a) - (c). Other actions taken by the Presidency shall be regarded as decisions of the Chair, to be taken by majority vote, provided that the minority does not include two-thirds of more of the members elected from either Entity.

3. Constitutional Court. The Constitutional Court of Bosnia and Herzegovina shall have [7] members.

- (a) Two members shall be selected by the legislature of the Federation, two members by the legislature of the Republica Srpska. The remaining three members shall be selected by the President of the International Court of Justice after consultation with the Presidency.
- (b) Judges shall be distinguished jurists of high moral standing. Any eligible voter so qualified may serve as a judge of the Constitutional Court. The judges selected by the President of the International Court of Justice shall not be citizens of Bosnia and Herzegovina or of any neighboring state.
- (c) The term of judges initially appointed shall be ten years, unless they resign or are removed for cause by consensus of the other judges. Judges initially appointed shall not be eligible for reappointment. Judges subsequently appointed shall serve until age 70, unless they resign or are removed for cause by consensus of the other judges.
- (d) A majority of the Court shall constitute a quorum. Decisions of the Court shall be by majority of those voting.
- (e) The Court shall adopt its own rules of procedure. It shall hold public proceedings and shall issue reasons for its decisions, which shall be published.

4. Other Offices. The Government of Bosnia and Herzegovina shall have such other offices as may be agreed by the Parties and as set forth in Annexes 5 - 8 to the General Framework Agreement.

5. General.

- (a) Compensation for persons holding office in the Government of Bosnia and Herzegovina may not be diminished during an officeholder's tenure.
- (b) Persons holding the above offices in the Government of Bosnia and Herzegovina shall have criminal, administrative, and civil immunity for actions taken or remarks made in the course of their official duties.
- (c) Persons under indictment by the International Tribunal for the Former Yugoslavia shall be ineligible for any office in the Government of Bosnia and Herzegovina, and any persons in such office shall be removed immediately upon confirmation of such indictment.

Article IV

Responsibilities of the Government
of Bosnia and Herzegovina

1. Responsibility. The Government of Bosnia and Herzegovina shall have responsibility for:

- (a) Conducting the foreign policy of Bosnia and Herzegovina;
- (b) foreign trade;
- (c) customs administration;
- (d) monetary systems administration; and
- (e) raising revenues to provide for the operations of the Government of Bosnia and Herzegovina and to discharge the international obligations of Bosnia and Herzegovina;
- (f) immigration regulation;
- (g) international criminal law enforcement;
- (h) establishment and operation of common communications facilities; and
- (i) air traffic control.

2. Coordination. The Presidency may decide to facilitate inter-Entity coordination on matters not within the Government's responsibilities.

3. Additional Responsibilities.

- (a) The Government of Bosnia and Herzegovina shall assume exclusive or concurrent responsibility for other matters as agreed by the Entities and in accordance with Annexes 5 - 8 to the General Framework Agreement.
- (b) Within six months, the Parties will begin negotiations with a view to including in the responsibilities of the Government of Bosnia and Herzegovina other matters, including immigration regulation, international and inter-Entity criminal law enforcement, establishment and operation of common communications facilities, utilization of energy resources, air traffic control, and cooperative economic projects.

4. Compliance with Government Decisions. The Entities and any subdivisions thereof shall comply fully with decisions of the Government of Bosnia and Herzegovina on matters within its responsibilities.

5. Responsibilities of the Entities.

- (a) All governmental functions and powers not expressly assigned to the Government of Bosnia and Herzegovina shall be those of the Entities.
- (b) The Entities will have the right to enter special parallel relationships with neighboring countries consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina.
- (c) The Entities may not enter into legally-binding agreements with other states or sub-national entities without a prior, consenting decision of the Parliamentary Assembly.
- (d) Each Entity shall honor the international obligations of Bosnia and Herzegovina, provided that financial obligations incurred by one Entity without the consent of the other prior to the election of the Government of Bosnia and Herzegovina shall be the responsibility of that Entity, except insofar as the obligation is necessary to continuing the membership of Bosnia and Herzegovina in an international organization.
- (e) The Entities shall provide a safe and secure environment for all persons in their respective territories, including by maintaining civilian law enforcement agencies operating in accordance with international standards and with respect for human rights and fundamental freedoms.

Article V

Division of Responsibilities
Within the Government of Bosnia and Herzegovina

1. Parliamentary Assembly. The Parliamentary Assembly shall have responsibility for:

- (a) enacting legislation as necessary to implement decisions of the Presidency or to carry out the responsibilities of the Assembly under this Constitution;

- (b) raising revenues for the operations and international obligations of the Government;
- (c) approving in a timely manner a reasonable budget for the Government;
- (d) deciding whether to approve treaties, which shall not take effect without the consent of the Parliamentary Assembly;
- (e) approving nominations of such ministers as are nominated by the Presidency; and
- (f) such other matters as are necessary to carry out its duties or as are assigned to it by mutual agreement of the Entities.

2. Presidency. The Presidency shall have responsibility for:

- (a) conducting the foreign policy of Bosnia and Herzegovina;
- (b) appointing international representatives of Bosnia and Herzegovina and ambassadors, provided that no more than two-thirds of each may be selected from the Federation;
- (c) seeking membership in international organizations and institutions;
- (d) negotiating, denouncing, and, with the consent of the Parliamentary Assembly, ratifying treaties of Bosnia and Herzegovina;
- (e) considering whether to approve decisions of the Parliamentary Assembly;
- (f) executing decisions of the Parliamentary Assembly once enacted and ensuring that this Constitution and such decisions are implemented;
- (g) nominating such ministers as may be appropriate, provided that no more than two-thirds may be nominated from the Federation, and appointing other officials as appropriate;
- (h) proposing an annual budget to the Parliamentary Assembly;

- (i) reporting as requested, but not less than annually, to the Parliamentary Assembly on Governmental expenditures;
- (j) coordinating as necessary with international and other nongovernmental organizations in Bosnia and Herzegovina; and
- (k) performing such other functions as may be necessary to carry out its duties, as may be assigned to it by the Parliamentary Assembly, or as may be agreed by the Entities.

3. Constitutional Court. The Constitutional Court shall have jurisdiction to decide any dispute among the Parties to this Agreement or the Entities arising under this Constitution, including whether any special parallel relationship between an Entity and a neighboring country is consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina.

Article VI

Amendment

1. Amendment Procedure. This Constitution may be amended by decision of the Parliamentary Assembly.

2. Human Rights. No amendment to this Constitution may eliminate or diminish any of the rights and freedoms set forth in the Annex to this Constitution or alter the present paragraph.

Article VII

Entry into Force

1. Amendment of Republic Constitution. This Constitution shall enter into force as an amendment to the Constitution of the Republic of Bosnia and Herzegovina as provided for in Articles 413 - 418 therein, provided that the Assembly of the Republic of Bosnia and Herzegovina shall include those representatives elected at the 1990 elections.

2. Amendment of Entity Constitutions. The Entities shall amend their respective constitutions to ensure their conformity with this Constitution.

Article VIII

Transitional Provisions

1. Transitional Parliamentary Assembly. Until the Parliamentary Assembly of Bosnia and Herzegovina is convened, its responsibilities under this Constitution shall be carried out by the Assembly of Bosnia and Herzegovina, including all representatives elected at the 1990 elections.

2. Transitional Presidency.

(a) Until the Presidency of Bosnia and Herzegovina first meets, its responsibilities under this Constitution shall be carried out by a [3] person Transitional Presidency representing the Federation and the Republica Srpska.

(b) Each Entity may appoint substitutes for its respective members.

3. Qualifications. No person under indictment by the International Tribunal for the Former Yugoslavia may serve in the Transitional bodies established above, and any person in such offices shall be removed immediately upon such indictment.

ANNEX

**HUMAN RIGHTS INSTRUMENTS TO BE APPLIED
IN BOSNIA AND HERZEGOVINA**

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide
2. 1948 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

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
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

ARBITRATION TRIBUNAL

The Federation of Bosnia and Herzegovina and the Republica Srpska (the "Parties") have agreed as follows:

Article I

Establishment of the Tribunal

The Parties hereby establish the Arbitration Tribunal (the "Tribunal"). The Tribunal shall have its headquarters in Sarajevo and may have offices at other locations as it deems appropriate.

Article II

Composition

1. The Tribunal shall be composed of seven members. Within 90 days after this agreement takes effect, each of the Parties shall appoint two members, one for a term of three years and the other for a term of four years. The President of the International Court of Justice shall appoint the remaining three members, each for a term of five years, and shall designate one such member as the President of the Tribunal. The members of the Tribunal may be reappointed.

2. All members of the Tribunal shall possess the qualifications required for appointment to high judicial office, with prior training or experience as judges or arbitrators.

Article III

Facilities, Staff and Expenses

1. The Tribunal shall have appropriate facilities and a professionally competent staff, generally representative of the ethnic groups comprising Bosnia and Herzegovina, to assist it in carrying out its functions. The staff shall be headed by an executive officer, who shall be appointed by the Tribunal.

2. The salaries and expenses of the Tribunal and its staff shall be determined jointly by the Parties and shall be borne equally by the Parties.

Article IV

Mandate

1. The Tribunal shall have jurisdiction over any dispute arising between --

- (a) the Parties, which is not otherwise within the jurisdiction of the Constitutional Court of Bosnia and Herzegovina;
- (b) private parties that involves matters arising in the territory of Bosnia and Herzegovina, provided that the party petitioning the Tribunal is a resident of the territory of one Party and the party responding is a resident of the other Party;
- (c) a private party and one of the Parties, its political subdivision, or agency or instrumentality, which involves matters arising in the territory of Bosnia and Herzegovina;
- (d) any other persons or entities where they so agree and where at least one of the persons or entities is a natural person residing or juridical entity established in the territory of Bosnia and Herzegovina.
- (e) any other persons or entities where the matter arises under civil or commercial law enacted by the Government of Bosnia and Herzegovina pursuant to Annex 4 of the General Framework Agreement for Peace in Bosnia and Herzegovina.

2. The Tribunal shall exercise its jurisdiction so as not to infringe upon the mandates of the Commissions established by the Parties in connection with the peace settlement.

3. The Tribunal may decide to defer to the jurisdiction of another forum over the matter before it, where in its judgment the interests of justice would be served thereby.

Article V

Proceedings before the Tribunal

1. When any Party, person, or entity seeks arbitration of any specific issue or issues, it shall serve upon the Tribunal and the other side a Statement of Claim(s), which shall be made publicly available and which shall include --

- (a) a statement of the facts supporting the claim(s);
- (b) an identification of the issue or issues as to which a decision by the Tribunal is desired;
- (c) an explanation of the legal or equitable basis of each claim;
- (d) a description of the relief or remedies sought;
- (e) a designation of the representative responsible for prosecuting such claim(s);
- (f) an appendix containing any relevant documents with translations as necessary.

2. Within fourteen (14) days after receipt of a Statement of Claim(s), the other side shall notify the Tribunal and the claiming party whether or not any portion of any claim is to be opposed. If the claim is opposed, the Tribunal shall thereupon fix a date for the presentation of a Statement of Defense, which shall be made publicly available and which shall include --

- (a) a statement of the disputed and countervailing facts;
- (b) an identification of the issues or issues thought to be presented for decision;

- (c) an explanation of the legal or equitable considerations thought to be applicable;
- (d) a description of any relief or remedy sought by such opposing side;
- (e) a designation of the representative responsible for defending; and
- (f) an appendix containing any relevant documents with translations as necessary.

3. Each Statement of Claim and Statement of Defense shall be accompanied by a Procedural Suggestion which shall state --

- (a) whether and when that side will wish to present a further statement of position and/or evidence in addition to any documents attached to that side's Statement;
- (b) that side's views as to (i) whether the Tribunal should convene a hearing for the taking of oral evidence and/or the presentation of oral argument, and (ii) when and where such hearing should be held.

4. After receipt of a Statement of Defense the Tribunal may call upon either side, within a time limit it shall specify--

- (a) to present an additional statement of position (e.g., a reply statement of the claiming side in response to a Statement of Defense);
- (b) to produce documents, exhibits, or other evidence with translations as necessary; or
- (c) to present a summary of the documents or other evidence upon which reliance is being placed.

5. The Tribunal shall make such orders as to the conduct of any hearing (including its time, place and the order of presentations) as the Tribunal shall deem appropriate after taking into account the views of the two sides.

6. If the responding side refuses or otherwise fails to participate in the proceedings of the Tribunal, the Tribunal may proceed consistent with international practice.

7. The Tribunal shall be entitled to consider information other than as supplied by the two sides to the dispute, and to

entrust any individual, body, bureau, commission, or other organization with the task of carrying out an inquiry or giving an expert opinion.

Article VI

Decisions and Awards

1. The Tribunal shall generally apply the law of Bosnia and Herzegovina in reaching its decisions and awards, unless some other provision is agreed by the two sides to the arbitration, or the Tribunal determines that other established principles of law apply to the dispute.

2. The Tribunal shall make decisions and awards by a majority of its members, and shall specify the reasons for its decisions and awards. If a decision or award does not represent in whole or in part the unanimous opinion of the Tribunal, any member shall be entitled to issue a separate opinion.

3. Final decisions and awards of the Tribunal shall be definitive and final, and the Parties agree that they and the residents of their respective regions shall be bound by them.

4. The Tribunal shall make such orders as it deems appropriate, consistent with its decisions and awards, including orders for interim measures pending final resolution of a dispute.

Article VII

Chambers

The Tribunal may establish a chamber or chambers of three or more arbitrators, or designate single arbitrators, for hearing disputes brought before it, as it shall determine necessary.

Article VIII

Rules and Regulations

The arbitration of a dispute described in this agreement shall be governed by the rules of procedure published by the United Nations Commission on International Trade Law (UNCITRAL), unless otherwise inconsistent with this agreement. The Tribunal may also promulgate such additional rules consistent with this agreement as may be necessary to carry out its functions.

Article IX

Transfer

Five years after this agreement takes effect, the Government of Bosnia and Herzegovina shall assume responsibility for the continued functioning of the Tribunal pursuant to this Annex unless the Parties otherwise agree.

Article X

Notice

The Parties shall give effective notice of the terms of this agreement throughout Bosnia and Herzegovina.

Article XI

This agreement shall enter into force upon signature.

For the Federation of
of Bosnia and Herzegovina

For the Republica Srpska

COMMISSION ON HUMAN RIGHTS

The Federation of Bosnia and Herzegovina and the Republika Srpska (the "Parties") have agreed as follows:

CHAPTER I

Article 1
Fundamental Rights and Freedoms

1. The Parties shall secure to all persons within their jurisdiction the highest level of human rights and fundamental freedoms provided in the instruments listed in the Appendix to this Annex.

2. Without prejudice to the foregoing, the parties emphasize in particular that:

(a) All persons within the territory of Bosnia and Herzegovina shall enjoy the rights:

(i) To life;

(ii) To liberty, with arrest and detention authorized only by law;

(iii) To equality before the law;

(iv) To freedom from discrimination based on sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, birth or similar status resulting in a denial of any of the rights provided for in the instruments listed in the Appendix to this Annex;

(v) To fair criminal proceedings;

(vi) To freedom from torture and cruel or inhuman treatment or punishment;

(vii) To privacy;

- (viii) To freedom of movement and residence;
 - (ix) To asylum;
 - (x) To protection of the family and of children;
 - (xi) To property;
 - (xii) 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;
 - (xiii) To education;
 - (xiv) To social protection;
 - (xv) To health;
 - (xvi) To nutrition;
 - (xvii) To shelter; and
 - (xviii) To protection of minorities and vulnerable groups.
- (b) All citizens shall enjoy the rights:
- (i) To form and belong to political parties; and
 - (ii) to participate in public affairs, have equal access to public service, and to vote and stand for election.
- (c) All refugees and displaced persons have the right to freely return to their homes of origin.

Article II
Organizations Concerned with Human Rights

1. The Parties hereby agree to promote and encourage the activities of non-governmental and international organizations for the protection and promotion of human rights.

2. The Parties join in inviting the U.N. Commission on Human Rights, OSCE and other U.N. or regional human rights missions or organizations to monitor closely the human rights situation, including through the establishment of local offices

and the assignment of observers, rapporteurs, or other relevant persons on a permanent or mission-by-mission basis and to provide them with all necessary facilitation, assistance and access.

3. The Parties agree to allow full and effective access to non-governmental organizations for purposes of investigating and monitoring human rights conditions and to refrain from hindering or impeding them in the exercise of these functions.

4. All competent authorities in Bosnia and Herzegovina shall cooperate with and provide unrestricted access to: the organizations established in this Annex to the General Framework Agreement; any international human rights monitoring mechanisms established for Bosnia and Herzegovina; the supervisory bodies established by any of the instruments listed in the Appendix to this Annex; and any other organization authorized by the U.N. Security Council with a mandate concerning human rights or humanitarian law.

CHAPTER II

THE COMMISSION ON HUMAN RIGHTS

Article III

Establishment of the Commission

To assist in honoring their obligations under this agreement, the Parties hereby establish the Commission on Human Rights (the "Commission"). The Commission shall consist of two parts: the Office of the Ombudsman and the Human Rights Chamber. The Commission shall have its headquarters in Sarajevo and may have offices at other locations as it deems appropriate.

Article IV

Facilities, Staff and Expenses

1. The Commission shall have appropriate facilities and a professionally competent staff. The staff shall be headed by an executive officer, who shall be appointed by joint agreement of the Ombudsman and the President of the Chamber.

2. The salaries and expenses of the Commission and its staff shall be determined jointly by the Parties and shall be borne equally by the Parties. They shall be adequate fully to implement the Commission's mandate.

Article V
Human Rights Ombudsman

1. The Parties hereby agree to establish the office of Human Rights Ombudsman (the "Ombudsman").

2. The Ombudsman shall be appointed for a non-renewable term of five years by [the Senior Implementation Coordinator described in Annex 10 to the General Framework Agreement/the OSCE High Commissioner for Minorities/the UN High Commissioner for Human Rights], after consultation with the Presidency of Bosnia and Herzegovina and the Presidency of the two Parties. He or she shall be independently responsible for choosing his or her own staff. Until the transfer described in Article XV below, the Ombudsman may not be a citizen of Bosnia and Herzegovina or of any neighboring state. Ombudsman appointed after that transfer shall be appointed by the Presidency of Bosnia and Herzegovina.

3. Members of the Ombudsman should be of recognized high moral standing and should have competence in the field of international human rights.

4. The Office of the Ombudsman shall be an independent agency. In carrying out its mandate, no person or organ of the Parties or the Government of Bosnia and Herzegovina may interfere with its functions.

Article VI
Office and Powers

1. The Ombudsman shall have its headquarters in Sarajevo and will have at least one additional office on the territory of each Party and at other locations it deems appropriate.

2. Adequate salaries and expenses of the Ombudsman and its staff shall be determined jointly by the Parties and shall be borne equally by the Parties.

3. The Ombudsman shall have access to and may examine all official documents, including secret ones, as well as judicial and administrative files, and can require any person, including a government official, to cooperate by providing relevant information, documents and files. The Ombudsman may attend administrative hearings and meetings of other organs and may enter and inspect any place where persons deprived of their liberty are confined or work.

4. The Ombudsman and its staff are required to maintain the confidentiality of all information obtained, except where required by order of the Human Rights Commission, and shall treat all documents and files in accordance with applicable rules.

5. With full regard for the need to maintain impartiality, the Ombudsman may solicit and receive assistance from any governmental, international, or non-governmental organization.

Article VII
Mandate

1. The Ombudsman may investigate, either on his own initiative or in response to a petition brought by any person, group of persons, or organization, alleged or apparent violations of human rights within the scope of paragraph 2 by the Parties by any official or organ of the Parties, Cantons, Municipalities and the Government of Bosnia and Herzegovina or any individual acting under the authority of such government official or organ.

2. The scope of concern shall be alleged or apparent violations of human rights provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols 1, 4 and 7 thereto and allegations of discrimination on the grounds of sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, birth or similar status resulting in a denial of any of the rights provided for in the instruments listed in the Appendix to this Annex.

3. The Ombudsman shall determine which petitions warrant investigation and in what priority, giving particular priority to allegations of particularly severe or systematic violations and those founded on alleged discrimination on prohibited grounds.

4. The Ombudsman shall issue findings and conclusions promptly after concluding an investigation. A person or entity identified as violating human rights shall within a specified period explain in writing how it will comply with the conclusions.

5. The Ombudsman may also present special reports at any time to any competent government organ or official. Those receiving such reports shall reply within a time limit specified by the Ombudsman, including specific responses to any conclusions offered by the Ombudsman.

6. In the event that a person or entity does not comply with the conclusions and recommendations of the Ombudsman, the matter shall be referred to the Senior Implementation Coordinator described in Annex 10 to the General Framework Agreement, to the Presidency of the appropriate Entity, or to

the Presidency of Bosnia and Herzegovina. The Ombudsman may also initiate proceedings before the Human Rights Commission based on such matter. The Ombudsman may also intervene in any proceedings before the Human Rights Commission.

Article VIII
Human Rights Chamber

1. The Human Rights Chamber shall be composed of seven members.

(a) Two members shall be from the Federation, two from the Republica Srpska, and three shall not be citizens of Bosnia and Herzegovina or any neighboring state. All seven members shall be appointed by the [Senior Implementation Coordinator described in Annex 10 to the General Framework Agreement/President of the International Court of Justice], after consultation with the Presidency of Bosnia and Herzegovina and the Presidency of the two Entities.

(b) All members of the Commission shall possess the qualifications required for appointment to high judicial office or be jurists of recognized competence. The members of the Commission shall be appointed for a term of eight years and may not be reappointed.

(c) Members appointed after the transfer described in Article XV below shall be appointed by the Presidency of Bosnia and Herzegovina.

Article IX
Mandate

(a) The Commission shall receive and resolve or decide on petitions brought for violation of the rights and freedoms provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols 1, 4 and 7 thereto and allegations of discrimination on the grounds of sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, birth or similar status resulting in a denial of any of the rights provided for in the instruments listed in the Appendix to this Annex.

(b) Petitions may be brought by either Party; by the Ombudsman; by any person, non-governmental organization, or group of individuals claiming to be the victim of a violation by either Party of the rights set forth in Article IX(a) or their appointed representatives; or by any person, non-governmental organization, or group of individuals on behalf of alleged victims who are deceased or missing.

Article X
Proceedings before the Chamber

1. The Chamber:

(a) may entertain a petition provided that the petitioner demonstrates that alternative fora would be inadequate or have completed their proceedings. In the latter instance, the petition must be filed within six months from the date on which the proceedings were completed.

(b) shall not address any petition which (i) is anonymous, or (ii) is substantially the same as a matter which has already been examined by the Chamber or has already been submitted to another procedure or international investigation or settlement. The Chamber shall also dismiss any petition which it considers incompatible with this agreement, manifestly ill-founded, or an abuse of the right of petition.

(c) in its discretion, the Chamber may reject or defer consideration of a petition which concerns a matter currently pending before the Ombudsman or before any other Commission established by these Annexes to the General Framework Agreement.

2. The Chamber may decide, either before accepting a petition or at any point in its proceedings, to suspend consideration on, reject or strike a petition on the grounds that (a) the applicant does not intend to pursue his petition; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the petition; provided that the objective of respect for human rights does not otherwise require.

3. The Parties undertake to provide all relevant information to and to cooperate fully with the Chamber.

Article XI
Amicable Resolution of Disputes

1. At the outset of a case or at any stage during the proceedings, the Chamber may attempt to facilitate an amicable resolution of the matter on the basis of respect for the rights and freedoms referred to in this agreement.

2. If the Chamber succeeds in effecting such a resolution, it shall submit for publication a report of the matter to the parties concerned, the Senior Implementation Coordinator described in Annex 10 to the General Framework Agreement, and the Organization for Security and Cooperation in Europe (OSCE). The Report shall include a brief statement of the facts and the resolution reached. The report of a resolution in a given case may, however, be confidential in whole or in part where necessary for the protection of human rights or with the agreement of the Commission and the parties concerned.

Article XII
Formal Resolution of Disputes

1. The Chamber shall develop fair and effective procedures for the adjudication of petitions. Such procedures shall provide for appropriate written pleadings and, on the decision of the Chamber, a hearing for oral argument or the presentation of evidence. The Chamber shall have the power to order provisional measures, to appoint experts, and to compel the production of witnesses and evidence.

2. Except in exceptional circumstances in accordance with its rules, hearings of the Chamber shall be held in public.

Article XIII
Decisions

1. Following the conclusion of the proceedings, the Chamber shall promptly issue a decision, which shall address:

(a) whether the facts found indicate a breach by the Party concerned of its obligations under this Agreement; and if so

(b) what steps shall be taken to remedy such breach, including orders to cease and desist, monetary relief (including pecuniary and non-pecuniary injuries), and provisional measures.

2. The Chamber shall make its decision by a majority of members present and voting.

3. The decisions of the Chamber shall be final and binding.

4. Any member shall be entitled to issue a separate opinion on any case.

5. The Chamber shall issue reasons for its decisions. It shall submit for publication a copy of the decision to the parties concerned, the OSCE and the Secretary-General of the Council of Europe.

6. The Parties shall implement fully decisions of the Chamber.

Article XIV
Rules and Regulations

The Chamber shall promulgate such rules and regulations, consistent with this agreement, as may be necessary to carry out its functions, including provisions for preliminary hearings, expedited decisions on provisional measures, decisions by panels of the Chamber, and review of decisions made by any such panels.

CHAPTER III
OTHER MEASURES

Article XV
Transfer

Five years after this agreement takes effect, the Government of Bosnia and Herzegovina shall assume responsibility for the continued functioning of the bodies established in Chapter II of this Annex unless the Parties otherwise agree. In the latter case, those bodies shall continue to operate as provided above.

Article XVI
Notice

The Parties shall give effective notice of the terms of this Agreement throughout Bosnia and Herzegovina.

APPENDIX

HUMAN RIGHTS INSTRUMENTS TO BE APPLIED
IN BOSNIA AND HERZEGOVINA

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide
2. 1948 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 1967 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

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
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

ANNEX 7

Rev. 5
10/25/95

REFUGEES AND DISPLACED PERSONS

The Federation of Bosnia and Herzegovina and the Republica Srpska (the "Parties") have agreed as follows:

CHAPTER ONE

PROTECTION

Article I

Human Rights of Refugees and Displaced Persons

The Parties shall ensure full respect for the human rights and fundamental freedoms of all refugees and displaced persons within their jurisdiction.

Article II

Right of Return

1. The Parties shall respect the right of all refugees and displaced persons voluntarily to return and repossess their homes of origin, or to receive just compensation for real property owned.

2. The Parties shall ensure that refugees and displaced persons are permitted to return without risk of harassment, intimidation, persecution, or discrimination, particularly on account of their ethnic origin, religious belief, or political opinion. The Parties shall take all necessary steps to prevent activities within their territories which would hinder or impede the safe and voluntary return of refugees and displaced persons.

3. Choice of destination shall be up to the individual or family, and the principle of the unity of the family shall be preserved. The Parties shall not interfere with the returnees' choice of destination. In any case, refugees and displaced persons shall not be compelled by the Parties to remain in or move to situations of serious danger or insecurity, or to areas lacking in the basic infrastructure necessary to resume a normal life. The Parties shall facilitate the flow of information necessary for refugees and displaced persons to make informed judgments about local conditions for return.

4. The Parties call upon the United Nations High Commissioner for Refugees ("UNHCR") to develop a repatriation plan that will allow for a peaceful, orderly and phased return of refugees and displaced persons, which may include priorities for certain areas and certain categories of returnees, and the Parties agree to implement such plan. They call upon States which have accepted refugees to allow return in accordance with the plan. The plan will supersede any prior agreements of the Parties covering these matters.

Article III

Creation of Suitable Conditions for Return

1. The Parties undertake to create in their territories the political, economic, and social conditions conducive to the voluntary return and harmonious reintegration of refugees and displaced persons, without preference for any particular group. The Parties shall provide all possible assistance to refugees and displaced persons and work to facilitate their voluntary return in a peaceful, orderly, and phased manner.

2. The Parties shall not discriminate against returning refugees and displaced persons with respect to conscription into military service, and shall give positive consideration to requests for exemption from military or other obligatory service based on individual circumstances, so as to enable returnees to rebuild their lives.

Article IV

Use of Vacant Property

The Parties, in coordination with the Commission on Refugees and Displaced Persons, UNHCR and other international and nongovernmental organizations contributing to relief and reconstruction, may temporarily house refugees and displaced persons in vacant property, subject to final determination of ownership by the Commission.

Article V

Cooperation with International Organizations
and International Monitoring

1. The Parties note with satisfaction the leading humanitarian role of UNHCR, which has been entrusted by the Secretary General of the United Nations with the role of coordinating among all agencies assisting with the repatriation and relief of refugees and displaced persons.

2. The Parties shall give full and unrestricted access by UNHCR, the International Committee of the Red Cross ("ICRC"), the United Nations Development Program ("UNDP"), and other relevant international and nongovernmental organizations to all refugees and displaced persons, with a view to facilitating those organizations in taking census, tracing, medical assistance, food distribution, reintegration assistance, the provision of temporary and permanent housing, and other activities vital to the discharge of their mandates and operational responsibilities without administrative impediments. These activities shall include traditional protection functions and the monitoring of basic human rights and humanitarian conditions, as well as the implementation of the provisions of Chapter One of this Annex.

3. The Parties shall provide for the security of all personnel of such organizations.

Article VI

Repatriation Assistance

The Parties shall provide, in accordance with a plan developed by UNHCR and other relevant organizations, adequately monitored, short-term repatriation assistance on a nondiscriminatory basis to all returning refugees and displaced persons who are in need, to enable the families and individuals returning to reestablish their lives and livelihoods in the local communities.

Article VII

Persons Unaccounted For

The Parties shall provide information through the Tracing Agency of the ICRC on all persons unaccounted for. The Parties shall also cooperate fully with the ICRC in its efforts to determine the whereabouts and fate of the unaccounted for.

Article VIII

Amnesty

The Parties shall offer an amnesty to all returning refugees and displaced persons, except for serious violations of international humanitarian law as defined in the Statute of the International Criminal Tribunal for the Former Yugoslavia since January 1, 1991, and common non-political crimes unrelated to the conflict. In no case shall charges for non-political crimes be imposed for political or other inappropriate reasons or to circumvent the application of the amnesty.

CHAPTER TWO

COMMISSION ON REFUGEES AND DISPLACED PERSONS

Article IX

Establishment of the Commission

The Parties hereby establish the Commission for Refugees and Displaced Persons (the "Commission"). The Commission shall have its headquarters in Sarajevo and may have offices at other locations as it deems appropriate.

Article X

Cooperation

The Parties shall cooperate with the work of the Commission, and shall respect and implement its decisions expeditiously and in good faith, in cooperation with relevant international and nongovernmental organizations having responsibility for the return and reintegration of refugees and displaced persons.

Article XI

Composition

The Commission shall be composed of seven members. Within 90 days after this agreement takes effect, each of the Parties shall appoint two members, one for a term of three years and the other for a term of four years. The President of the International Court of Justice shall appoint the remaining three members, each for a term of five years, and shall designate one such member as the Chairman. The members of the Commission may be reappointed.

Article XII

Facilities, Staff and Expenses

1. The Commission shall have appropriate facilities and a professionally competent staff, representative of the ethnic groups comprising Bosnia and Herzegovina and experienced in administrative, financial, banking and legal matters, to assist it in carrying out its functions. The staff shall be headed by an executive officer, who shall be appointed by the Commission.

2. The salaries and expenses of the Commission and its staff shall be determined jointly by the Parties and shall be borne equally by the Parties.

3. The Commission may receive assistance from international and nongovernmental organizations, in their areas of special expertise falling within the mandate of the Commission, on terms to be agreed.

4. The Commission shall cooperate with other entities established by the Annexes to the General Framework Agreement, agreed by the Parties, or authorized by the United Nations Security Council.

Article XIII

Mandate

The Commission shall receive and decide real property claims of any person who owned real property in Bosnia and Herzegovina as of April 1, 1992, who has not voluntarily sold or otherwise transferred such property, and who does not now enjoy possession of that property. Claims may be for return of the property or for just compensation in lieu of return.

Article XIV

Proceedings before the Commission

1. Upon receipt of a claim, the Commission shall determine the lawful owner of the property with respect to which the claim is made and the value of that property. The Commission, through its staff or a duly designated international or nongovernmental organization, shall be entitled to have access to any and all property records in Bosnia and Herzegovina, and to any and all real property located in Bosnia and Herzegovina for purposes of inspection, evaluation and assessment related to consideration of a claim.

2. Any person requesting the return of property who is found by the Commission to be the lawful owner of that property shall be awarded its return. Any person requesting compensation in lieu of return who is found by the Commission to be the lawful owner of that property shall be awarded just compensation as determined by the Commission. The Commission shall make decisions by a majority of its members.

3. In determining the lawful owner of any property, the Commission shall not recognize as valid any illegal property transaction, including any transfer that was made under duress, in exchange for exit permission or documents, or that was otherwise part of a systematic program of ethnic cleansing. Any person who is awarded return of property may accept a satisfactory lease arrangement rather than retake possession.

4. The Commission shall establish fixed rates that may be applied to determine the value of all real property in Bosnia and Herzegovina that is the subject of a claim before the Commission. The rates shall be based on an assessment or survey of properties in the territory of Bosnia and Herzegovina undertaken prior to April 1, 1992, if available, or may be based on other reasonable criteria as determined by the Commission.

5. The Commission shall have the power to effect any transactions necessary to transfer or assign title, mortgage, lease, or otherwise dispose of property with respect to which a claim is made. In particular, the Commission may lawfully sell, mortgage, or lease real property to any resident or citizen of Bosnia and Herzegovina, or to either Party, where the person who owned it as of April 1, 1992, has sought and received compensation in lieu of return.

6. In cases in which the claimant is awarded compensation in lieu of return of the property, the Commission may award a monetary grant or a compensation bond for the future purchase of real property. The Parties welcome the willingness of the international community assisting in the construction and financing of housing in Bosnia and Herzegovina to accept compensation bonds awarded by the Commission as payment, and to award persons holding such compensation bonds priority in obtaining that housing.

7. Commission decisions shall be final, and any title, deed, mortgage, or other legal instrument created or awarded by the Commission shall be recognized as lawful throughout Bosnia and Herzegovina.

8. Failure of any Party to cooperate with the Commission may result in the forfeiture of the Party's interest in the property at issue.

Article XV

Displaced Persons Property Fund

1. A Displaced Persons Property Fund (the "Fund") shall be established in [the Central Bank of Bosnia and Herzegovina] to be administered by the Commission. The Fund shall be replenished through the purchase, sale, lease and mortgage of real property which is the subject of claims before the Commission. It may also be replenished by direct payments from the Parties or any governmental, intergovernmental or nongovernmental contributions.

2. Compensation bonds issued pursuant to Article XIV(6) shall create future liabilities on the Fund under terms and conditions to be defined by the Commission.

Article XVI

Rules and Regulations

The Commission shall promulgate such rules and regulations, consistent with this agreement, as may be necessary to carry out its functions.

Article XVII

Transfer

Five years after this agreement takes effect, the Government of Bosnia and Herzegovina shall assume responsibility for the continued functioning of the Commission unless the Parties otherwise agree.

Article XVIII

Notice

The Parties shall give effective notice of the terms of this agreement throughout Bosnia and Herzegovina, and in all countries known to have persons who were citizens or residents of the former Socialist Federal Republic of Yugoslavia.

Article XIX

This agreement shall enter into force upon signature.

For the Federation of
of Bosnia and Herzegovina

For the Republica Srpska

COMMISSION TO PRESERVE NATIONAL MONUMENTS

The Federation of Bosnia and Herzegovina and the Republica Srpska (the "Parties") have agreed as follows:

Article I

Establishment of the Commission

The Parties hereby establish the Commission to Preserve National Monuments (the "Commission"). The Commission shall have its headquarters in Sarajevo and may have offices at other locations as it deems appropriate.

Article II

Composition

The Commission shall be composed of seven members. Within 90 days after this agreement takes effect, each of the Parties shall appoint two members, one for a term of three years and the other for a term of four years. The President of the International Court of Justice shall appoint the remaining three members, each for a term of five years, and shall designate one such member as the Chairman. The members of the Commission may be reappointed.

Article III

Facilities, Staff and Expenses

1. The Commission shall have appropriate facilities and a professionally competent staff, generally representative of the ethnic groups comprising Bosnia and Herzegovina, to assist it in carrying out its functions. The staff shall be headed by an executive officer, who shall be appointed by the Commission.

2. The salaries and expenses of the Commission and its staff shall be determined jointly by the Parties and shall be borne equally by the Parties.

Article IV

Mandate

The Commission shall receive and decide on petitions for the designation of property having cultural, historic, religious or ethnic importance as National Monuments.

Article V

Proceedings before the Commission

1. Either Party, or any concerned inhabitant of the Federation of Bosnia and Herzegovina or the Republica Srpska, may submit to the Commission a petition for the designation of property as a National Monument. Each such petition shall set forth all relevant information concerning the property, including:

- (a) the specific location of the property;
- (b) its current owner and condition;
- (c) the cost and source of funds for any necessary repairs to the property;
- (d) any known proposed use; and
- (e) the basis for designation as a National Monument.

2. In deciding upon the petition, the Commission shall afford an opportunity for the owners of the proposed National Monument, as well as other interested persons or entities, to present their views.

3. For a period of one year after such a petition has been submitted to the Commission, the Party in whose territory the property is situated shall refrain from taking any deliberate measures that might damage the property.

4. The Commission shall issue, in each case, a written decision containing any findings of fact it deems appropriate and a detailed explanation of the basis for its decision. The Commission shall make decisions by a majority of its members.

5. In any case in which the Commission issues a decision designating property as a National Monument, the Party in whose territory the property is situated (a) shall endeavor, insofar as possible, to take appropriate legal, scientific, technical, administrative and financial measures necessary for the protection, conservation, presentation and rehabilitation of the property, and (b) shall refrain from taking any deliberate measures that might damage the property.

Article VI

Eligibility

The following shall be eligible for designation as National Monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of significant value to a group of individuals with common cultural, historic, religious or ethnic heritage.

Article VII

Rules and Regulations

The Commission shall promulgate such rules and regulations, consistent with this agreement, as may be necessary to carry out its functions.

Article VIII

Transfer

Five years after this agreement takes effect, the Government of Bosnia and Herzegovina shall assume responsibility for the continued functioning of the Commission unless the Parties otherwise agree.

Article IX

Notice

The Parties shall give effective notice of the terms of this agreement throughout Bosnia and Herzegovina.

Article X

This agreement shall enter into force upon signature.

For the Federation of
of Bosnia and Herzegovina

For the Republica Srpska

JOINT PUBLIC TRANSPORTATION CORPORATION

The Federation of Bosnia and Herzegovina and the Republica Srpska (the "Parties") have agreed as follows:

Article I

Establishment of the Corporation

The Parties hereby establish the Public Transport Services Corporation (the "PTSC"). The PTSC shall have its headquarters in Sarajevo and may have offices at other locations as it deems appropriate. The PTSC shall not be subject to taxation or regulation by either Party.

Article II

Composition

1. The PTSC shall have a Board of Directors composed of seven members. Within 90 days after this agreement takes effect, each of the Parties shall appoint two members, one for a term of three years and the other for a term of four years. [] shall appoint the remaining three members, each for a term of five years, and shall designate one such member as the Chairman. The members of the Commission may be reappointed.

2. Members of the Board of Directors may not have an employment or financial relationship with any enterprise that has, or is seeking, a contract or agreement with the PTSC or otherwise has interests that can be directly affected by the actions or inactions of the PTSC.

Article III

Facilities, Staff and Expenses

1. The PTSC shall have appropriate facilities and a professionally competent staff, generally representative of the ethnic groups comprising Bosnia and Herzegovina, to assist it in carrying out its functions.

2. The Board of Directors shall establish the nature and number of officers for the PTSC, which shall include at a minimum a President or Chief Operating Officer and a Treasurer fully qualified in accounting. Officers serve at the pleasure of the Board of Directors and may be removed by vote of a majority of the Directors.

3. Officers may not have an employment or financial relationship with any enterprise that has, or is seeking, a contract or agreement with the PTSC or otherwise has interests that can be directly affected by the actions or inactions of the PTSC.

4. The members of the Board of Directors and the officers appointed by them shall not be personally liable for any act done or action taken in their official capacities as members or officers, nor shall they be personally liable for any bond, note or other evidence of indebtedness issued by the PTSC.

5. The PTSC shall establish its own budget in conformity with guidelines to be determined jointly by the Parties.

Article IV

Mandate

1. The PTSC shall construct or acquire, maintain and operate transportation facilities to meet the needs of the residents in the territories of the Parties.

2. In order to carry out this mandate, the PTSC shall develop, adopt and implement one or more plans which shall set forth (a) the specific transportation facilities to be constructed or acquired; (b) the design and location of such facilities; (c) the timetable for the provision of such facilities; (d) the anticipated capital costs; (e) the

estimated operating expenses and revenues related thereto; (f) the means by which any costs are to be met; and (g) any other factors which the PTSC shall consider to be relevant. In formulating such plans or any amendments thereto, the PTSC shall coordinate with the concerned transportation authorities of the two Parties.

3. The PTSC shall cooperate fully with all entities involved in implementation of the peace settlement, as described in the Annexes to the General Framework Agreement for Peace in Bosnia and Herzegovina, or which are otherwise authorized by the United Nations Security Council.

Article V

General Authorities

The PTSC is hereby granted the following authorities for the purpose of performing its functions:

- (a) to adopt and amend bylaws for the regulation of its affairs and the conduct of its business;
- (b) to adopt and amend regulations to carry out the powers granted herein;
- (c) to adopt an official seal;
- (d) to appoint one or more advisory committees;
- (e) to borrow money on a short-term basis and issue from time to time its notes therefor payable on such terms and conditions as it may deem advisable;
- (f) to issue bonds from time to time in its discretion for public purposes, including the purposes of paying all or any part of the cost of acquisition, improvements, construction, and rehabilitation of any real or personal property. Such bonds (i) shall not constitute a debt of either Party, and (ii) may be secured by the PTSC's revenues generally, or exclusively from the income and revenues of certain designated projects whether or not they are financed in whole or part from the proceeds of such bonds;
- (g) to fix, revise, charge, and collect rates, fees, rentals and other charges for the use of its properties;

- (h) to construct, acquire, hold, maintain, operate or dispose of any real or personal property in the exercise of its functions;
- (i) to employ, in its discretion, consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary, and to fix their compensation and benefits;
- (j) to sue and be sued in its own name;
- (k) to construct or permit the construction of commercial and other facilities upon its property on terms established by the PTSC and consistent with the purposes hereof;
- (l) to make and enter into all contracts and agreements necessary or desirable for the performance of its functions;
- (m) to apply for, receive and accept such payments, appropriations, grants, gifts, loans, advances, and other funds, properties, and services as may be transferred or made available to it from any source; and
- (n) to do all acts and things necessary or convenient to carry out the powers expressly granted herein.

Article VI

Capitalization and Funding

1. The Parties shall transfer to the PTSC the following sums of money, within the time periods indicated, to provide an initial operating budget for the PTSC:

[]

2. The PTSC may have outstanding one issue of preferred stock and one issue of common stock, each to have such rights as may be specified by the PTSC.

Article VII

This agreement shall enter into force upon signature.

For the Federation of
of Bosnia and Herzegovina

For the Republica Srpska

CIVILIAN IMPLEMENTATION OF THE
PEACE SETTLEMENT

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republica Srpska (the "Parties") have agreed as follows:

Article I

Senior Implementation Coordinator

The Parties request [] to designate and dispatch to Bosnia and Herzegovina a special coordinator (the "Senior Implementation Coordinator") for the purpose of facilitating the implementation of the peace settlement in accordance with the provisions set forth below.

Article II

Mandate

1. The Senior Implementation Coordinator may:

(a) serve as a point of contact for international agencies and non-governmental organizations which are involved in implementation of the peace settlement or which are otherwise authorized by the United Nations Security Council;

(b) facilitate coordination of the activities undertaken by such agencies and organizations;

(c) promote cooperation between such agencies and organizations and appropriate host government authorities;

(d) facilitate the resolution of disputes in connection with the peace settlement.

2. The substantive areas with respect to which the Senior Implementation Coordinator may exercise his functions may include, but shall not be limited to, human rights, humanitarian operations, democratic elections and institutions, and reconstruction efforts.

3. The Senior Implementation Coordinator shall not exercise authority over any international agencies, non-governmental organizations, or host government authorities, except to the extent that such authority has been specifically entrusted to the Senior Implementation Coordinator. In particular, the Senior Implementation Coordinator shall have no authority over the Implementation Force ("IFOR") established and deployed by NATO nor, unless otherwise agreed by the IFOR Commander, responsibility for matters within the authority of the IFOR Commander.

Article III

Committees

1. The Senior Implementation Coordinator may convene and chair a Senior Coordination Committee, comprised of the senior resident representatives of the principal international agencies and non-governmental organizations involved in implementation of the peace settlement and such other persons as the Senior Implementation Coordinator may determine, for the purpose of consultation.

2. The Senior Implementation Coordinator may provide for such other committees as appropriate, and designate a Chairman for each such committee, to provide assistance in carrying out the functions described.

Article IV

Secretariat

1. The Senior Implementation Coordinator may also establish a Secretariat to provide assistance in carrying out the functions described.

2. The members of the staff of the Secretariat, as well as funds and any other necessary resources, may be provided by such states or organizations as may be requested by the Senior Implementation Coordinator.

3. The Secretariat may establish offices in Sarajevo and in such other locations in Bosnia and Herzegovina as the Senior Implementation Coordinator may determine.

4. The Secretariat shall enjoy, under the laws in Bosnia and Herzegovina, such legal capacity as may be necessary for the exercise of its functions, including the capacity to contract and to acquire and dispose of real and personal property.

5. Privileges and immunities shall be accorded as follows:

5.1 The Parties shall accord the Secretariat and its premises, archives and other property the same privileges and immunities as are enjoyed by a diplomatic mission and its premises, archives and other property under the Vienna Convention on Diplomatic Relations.

5.2. The Parties shall accord the Senior Implementation Coordinator and professional members of the staff of the Secretariat, and their families, the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.

5.3. The Parties shall accord other members of the staff of the Secretariat and their families the same privileges and immunities as are enjoyed by members of the administrative and technical staff and their families under the Vienna Convention on Diplomatic Relations.

Article V

Cooperation

The Parties shall fully cooperate with the Senior Implementation Coordinator and the Secretariat, as well as with the international agencies and non-governmental organizations which are involved in implementation of the peace settlement or which are otherwise authorized by the United Nations Security Council.

7904

REVISED

President William Jefferson Clinton
Talking Points
Meeting with Congressional Leadership
September 12, 1995

THE PRESIDENT HAS SEEN

9.12.95

[Following your opening statement]

BOSNIA

Negotiations

- We passed an important milestone on the road to peace in Bosnia last week in Geneva.
- All three sides for the first time agreed that Bosnia-Herzegovina would continue as a single state, with its present borders, and with ongoing international recognition.
- Consistent with the Contact Group plan, all three agreed that under the terms of a settlement, Bosnia-Herzegovina would consist of two entities: the Federation established under last year's Washington Agreements, and a Bosnian Serb republic.
- I cannot emphasize too strongly that according to the Geneva agreement, Bosnia-Herzegovina remains **a single state**, retaining its seat in international organizations and its bilateral diplomatic relations with other countries in the world, including the U.S.
- We have not partitioned Bosnia, nor do we intend to.
- As President Izetbegovic said publicly yesterday, the Serbs compromised by accepting the state of Bosnia-Herzegovina, and the Bosnians compromised by accepting a Serb republic within that state. The reason for the compromises, said Izetbegovic, was to end the war.
- The Geneva meeting is a significant achievement, but our work is far from done. I have asked Assistant Secretary Holbrooke's team to return to the region tonight for a further intensive round of diplomacy.
- We are pressing to achieve a settlement in the coming weeks. Should this be possible, the U.S. will need to continue to demonstrate the leadership that has made progress possible so far.

- We look forward to further consultations with you on the various aspects of post-settlement implementation, including possible U.S. troop deployments as part of a NATO-led force and U.S. involvement in an EU-led economic reconstruction effort.
- **Air Strikes**
- On the question of air strikes, I wanted to note that the NATO/UN campaign is continuing because of Bosnian Serb refusal to agree to conditions laid down by UN commander Janvier and the NAC.
- The use of cruise missiles Sunday was not an escalation, but reflected a tactical judgment on how best to continue the current mission while minimizing risks to NATO pilots. NATO and UN commanders will make further tactical judgments on next steps if the Serbs continue to reject the UN/NATO conditions.
- The Bosnian government has given clear, public assurances that its forces will not take advantage of the current situation to gain ground around Sarajevo.
- Ultimately, the end of the air campaign will depend on Bosnian Serb behavior.
- **Granic [IF ASKED]**
- Some of you know that Croatian Foreign Minister Granic is in Washington for meetings with various Administration officials.
- Among the subjects we intend to raise are Croatians views toward Sector East, the ongoing Croatian offensive inland from the Dalmatian coast, and of course our evidence of human rights atrocities in Krajina.

BUDGET

- I also want to discuss with you today our thinking regarding the appropriations and reconciliation bills and to hear your thoughts.
- I want to work with you, and I want you to know that I will evaluate each of the appropriations bills separately.

- I expect and hope to sign bills where we have negotiated to narrow our differences before October 1.
- I am committed to a balanced budget and to making the spending cuts needed to get there, but we have different priorities within the budget, and it will take working together to move forward.
- I believe we should begin now to find an agreement on a continuing resolution, so that we avoid the avoidable. It is not in anybody's interest, and certainly not in the nation's interest to go through the dislocation of shutting down the government.
- I would prefer that we pass a continuing resolution of limited duration. And I would expect that this resolution come to me without legislative riders attached.
- I feel the same about the debt limit. We should not get caught up in a political standoff over whether or not to extend the debt limit.
- I would recommend that we pass a debt limit extension to take us into early next year, so that we have the opportunity to resolve our differences on the budget without enormous disruption and dislocation for our citizens.
- I want to re-emphasize my determination to continue fighting for several legislative items that are pending right now in the Congress, which I would like sent to my desk as soon as possible:
 - Counter-terrorism
 - Lobby-gift reform
 - Line-item veto
 - Welfare
 - Chemical Weapons Treaty
 - START II Treaty

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. paper	The Road to Sarajevo (6 pages)	08/22/1995	P1/b(1)

COLLECTION:

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Bosnia - Peace Agreement, 1995

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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]
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- 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]

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

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

TO: Soderberg, Luick, Bayer, Tokunaka
Vasiliu

"U.S. Leadership and the Balkan Challenge"

From: Vere
Or

Remarks by Deputy Secretary of State Strobe Talbott
National Press Club
November 9, 1995 — lunch

Draft jl 2:30 pm 11/8

Thank you, Monroe [Karmin]. And thanks to all of you for the chance to meet with you today. I've benefited from more National Press Club lunches than I can count over the years when it was my business to sit out there with you, notebook at hand. I'm glad to have this chance to return for the first time in my official capacity. I do so to discuss with you the American effort to bring peace to the former Yugoslavia.

Let me begin with an update on the Dayton talks. I was there on Monday to meet with Dick Holbrooke's team, with the Contact Group representatives and with the leaders of the parties to the conflict.

INSERT, A PARA, PLUGGED IN THURSDAY MORNING, WITH AS MUCH AS WE CAN POSSIBLY SAY, CAREFULLY COORDINATED WITH NICK BURNS AND THE DAYTON TEAM.

That's it. The lid is back on until about this time tomorrow, when you can tune in with Nick Burns for your next glimpse into what we're trying, for solid diplomatic reasons, to keep as tightly under wraps as possible.

What I'd like to do now is first step back and look at the larger question of what's at stake in Dayton -- and

in the Balkans. That means, among other things, having a clear sense of what the consequences would be for our country and for the world if the Dayton talks were to fail and the Balkans were to be plunged back into war. Then I'd like to look ahead to the challenge we will face if the Dayton talks succeed.

Many of you have pointed out that the Administration has a tough sales job here on the home front. We know it. It is not self-evident to the American people why a conflict some 4,500 miles from here matters enough to our country to justify a heavy investment of our treasure, prestige and military involvement.

So let me start there. Bosnia matters to Americans because Europe matters to America. War in Bosnia threatens the peace of Europe, particularly (though not exclusively) those parts of Europe that are emerging from Soviet-era dictatorships. And that means it threatens the larger transatlantic community of which we are a part -- and of which we are a leader.

The conflict in the Balkans is a direct consequence of the end of the Cold War. During that nearly half-century-long struggle, we were concerned about the spread of Communist order. Now that it's over, we face a very different threat: the spread of post-Communist disorder. That danger exists in part because of where the former Yugoslavia is -- it's on a fault line between East and West, between Europe and Asia. If warfare breaks out anew and continues unabated, it might draw in other nations to the north, south and east. Albania could intervene to protect the ethnic Albanians who live in the southern Serbian province of Kosovo. Fighting there could cause a massive flow of

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refugees into Macedonia, destabilizing that fragile, newly independent country, and perhaps drawing in, on opposite sides, Greece and Turkey. A widening of the war might also tempt Hungary to come to the rescue of ethnic Hungarians in the Vojvodina region of northern Serbia.

Meanwhile, the entire Islamic world is watching. Muslims everywhere are waiting to see whether their co-religionists in Bosnia will be accorded the same rights and protections as other Europeans. The answer to that question could have an impact on the future of moderate, pro-Western leaders such as Prime Minister Ciller of Turkey and Prime Minister Bhutto of Pakistan. Other forces in the Middle East and Persian Gulf see the Balkans as a target of opportunity. Iran's repeated offer to send "peacekeepers" to Bosnia is hardly motivated by altruism.

A continuation of the war would threaten the viability of NATO. The Alliance can no more ignore the conflagration in the Balkans than an architect can ignore a fire raging in one wing of a building on which he is working. Merely hoping that the fire there will burn itself out, or that someone else will come along with enough buckets of water, is not just wishful thinking -- it would be, if it were the basis of policy, extremely irresponsible and deeply harmful to our interests.

If we were to adopt a posture of standing aside with our fingers crossed behind our backs, we would harm our bilateral relations with Britain, France and other European states who have troops on the ground in Bosnia; we would discredit both the Alliance and our

role in it. If the fighting in Yugoslavia resumes -- and if it escalates and spreads -- it would put increasing strain on relations between the United States and Russia, at a time of ferment and uncertainty in Russian domestic politics. In short, a renewed eruption of fighting in the Balkans would sabotage our twin strategic objectives in Europe. Those are, first, to advance integration between East and West and, second, to restrain post-Communist *disintegration* in the East.

So those are the stakes, and we must recognize them clearly. We must also, of course, be hard-headed in assessing the costs and risks that come with bold action. But all of us must be just as tough-minded in recognizing the costs and risks we'll incur if we choose *inaction* -- particularly *inaction*, or inadequate action, in the face of systematic atrocities.

Reports indicate that Muslims around Banja Luka were forced to wear special white arm bands, and that their homes were marked with white cloth, as a prelude to the "ethnic cleansing" that followed -- that is to say, as a prelude to the same pattern of mass rape, concentration camps, massacres, and forced deportations that we have witnessed elsewhere in Bosnia. This, in a word (and it is the right word), is genocide in our time, genocide on the continent of Europe.

That raises the issue of morality as a factor in American diplomatic and military undertakings. I believe that one of the great strengths of our country's foreign policy is that, when it is at its best, it is rooted as solidly in American idealism as it is in American pragmatism. Far-away peoples

continue to look to us for help with their problems not just because of our economic strength and the power of our armed forces, but because of what we stand for. Despite our historical reluctance to undertake what George Washington warned against as "foreign entanglements," we as a people have, at crucial moments, been willing to do the right thing.

Doing the right thing in the Balkans has been especially difficult. There were, for a long time, severe limits on what the international community could do to make peace until the parties themselves were prepared to do so. But there is no question what doing the right thing means today -- and today is surely a crucial moment.

It means using a combination of diplomatic skill and the credible threat of force to keep the parties at the negotiating table; and that means keeping them from returning to the battlefield -- not to mention the killing fields. It also means putting an end to genocide and, to the maximum extent possible, bringing to justice the perpetrators of crimes against humanity.

With that last goal -- justice -- in mind, we continue to strongly support the work of Judge Richard Goldstone and the United Nations War Crimes Tribunal. We have dispatched 23 officials to work on a full-time basis as prosecutors and researchers for the Tribunal, and we are fighting on Capitol Hill to preserve its funding. We have also made energetic efforts to provide the Tribunal with the information that it needs to do its work. Even when that information comes from intelligence or other classified sources, we're going to find a way to get it to Judge Goldstone. Meanwhile,

Assistant Secretary of State John Shattuck is now travelling across Bosnia, for the fourth time in two months. His mission is to investigate reports of atrocities and gather additional material that will be provided to Judge Goldstone.

Let me add that all of us recognize the crucial, sometimes heroic role that your profession has played in informing the world about the horror in the Balkans. You, like we, have lost colleagues. Covering the conflict remains dangerous. We were all relieved to learn of the release of David Rohde, the Christian Science Monitor reporter who was the first to uncover the Srebrenica massacres. Both President Clinton and Secretary Christopher spoke with Mr. Rohde yesterday, and praised him for his courageous efforts to uncover the

The War Crimes Tribunal has already issued 43 indictments, and Judge Goldstone, who will be in Washington next week, has told us to expect dozens more to come soon. President Clinton and Secretary Christopher have made clear that no indicted war criminals will be involved in negotiations, in the signing of agreements, or in subsequent elections. The peace process will not impede the full investigation of all charges of atrocities, regardless of where in the region they occurred and regardless of where the investigative trail leads. Butchers like Karadzic and Mladic should recognize that we will not offer amnesties or immunities; and if they ever set foot outside of Bosnian Serb territory, wherever they may think they're going, they will get a quick trip to the Hague -- JUSTIN: WE NEED ANOTHER PHRASE, WITH SOME SPECIFIC IMAGERY OF THE TRIBUNAL AS IT WILL BE IN

ACTION WHEN THE TRIAL STARTS.

The unacceptability of "ethnic cleansing" in the Balkans, by that or any other name, is not just an issue of *moralpolitik*; it is also an issue of *realpolitik*. Even when the phrase ethnic cleaning means "merely" mass deportation rather than mass murder, it captures the essence of what is most insidious -- and most contagious -- about the catastrophe that has befallen the former Yugoslavia.

Too many leaders of those republics-turned-independent-states have tried to define statehood and citizenship and international boundaries in terms of ethnic homogeneity and ethnic purity. Hence the dream of Greater Serbia, which is a nightmare for all non-Serbs, whether they live in Serbia proper or amidst ethnic Serbs in neighboring states.

Equally noxious is the dream of an ethnically "pure" Croatia that would deny the legitimate rights of Muslims and ethnic Serbs. We have given President Tudjman a clear, unambiguous message: if Croatia wants the benefits of membership in the community of market democracies -- if it wants to enjoy international respectability -- then it will have to give up irredentist fantasies; it will have to make it possible for non-Croat in its population to be full citizens of Croatia; and Zagreb will have to respect the independence of the Bosnian Federation. [CHECK]

I stress this point because if aggressive nationalism triumphs in the former Yugoslavia, it will not only be devastating in that region -- it will also be ominous for the other regions as well. Throughout the former

Soviet empire, dark forces similar to those that have erupted in the Balkans are vying with those of freedom to fill the partial vacuum left by the collapse of Communist rule. After all, the lethal syndrome we often call Balkanization could just as well be termed Caucasus-ization.

If there is to be a post-Cold War peace in Europe -- and not a cold peace, but a real one -- it must be based on the principle of multiethnic democracy. The United States is one of the first and certainly one of the greatest examples of that principle. Moreover, since the values and institutions associated with pluralism are conducive to peace and prosperity, we have a stake in seeing that they ultimately prevail in Europe and elsewhere.

Can those ideals ever take hold in the former Yugoslavia? There is a lot of skepticism if not cynicism on that point. Many assert, or at least imply, that the conflict among Serbs, Croats and Muslims is, quite simply, insoluble; that the region is a permanent and hopeless quagmire (a word intended to have, in our ears, cautionary echoes of Vietnam). Listen carefully and you will hear in the current debate the suggestion that there's something in the air or the water of the Balkans that dooms those wretched people to slaughter each other. That's often the subliminal message, I believe, of the cliché about "ancient hatreds."

Having lived in Yugoslavia for two years of my life -- and having seen how the South Slavs could live harmoniously with each other -- I find this view wrong-headed in the extreme. It's in the same category of

national stereotyping as the insinuation that Asians are somehow genetically predisposed toward authoritarianism or that Northern Slavs, i.e., Russians, are predestined to dictatorial politics and an expansionist foreign policy.

There was nothing predestined about the horror that has been raging in the Balkans for the past four years. It was foolish politics, local and international, along with short-sighted diplomacy that helped trigger, in the late '80s and early '90s, the Third Balkan war of this century. By the same token, it will take sound, far-sighted diplomacy -- including plenty of American leadership and statesmanship -- to head off a resumption and escalation of that war now.

That task will be hard enough without encumbering ourselves with the excess baggage of historical, not to mention ethnic, determinism. Let's remember, as we put our shoulder to the wheel in the Balkans, that patience and persistence have paid off in other areas that were long believed to be in the "too hard" category: the Middle East, Northern Ireland, and South Africa. There's hope for the former Yugoslavia, too.

Why is that hope realistic today when it seemed so forlorn only a few months ago? President Clinton has pressed for the vigorous use of NATO air power as a necessary component of peacemaking since the early days of his presidency, but it took two and a half years for the pieces of the puzzle to come together in a way that would permit that strategy to work. The murderous Serb capture of Srebrenica in early July was a turning point. It moved the international community to take a quantum leap in what it was willing to do to protect

the United Nations-designated safe areas and to punish continuing Serb aggression. As Secretary Christopher's urging, the London Conference in late July streamlined the mechanism for backing diplomacy with real force: no more "dual key," no more pinprick air strikes.

Seizing the moment, President Clinton undertook a new diplomatic initiative. Secretary Christopher, Tony Lake, and Dick Holbrooke worked the diplomatic front. Meanwhile, U.S. and NATO warplanes, no longer grounded by the dual key, reinforced much more convincingly than before the message that the time had come to stop the killing and start talking about the terms for a lasting political settlement.

Since then, our negotiating team has made real progress. The parties have accepted the continuation of Bosnia-Herzegovina as a single, multiethnic state within its current, internationally-recognized borders. Within that state, the parties have agreed that there will be two constituent entities, to ensure that all communities in Bosnia are faithfully represented, and to help buy time for passions to cool by separating the warring forces.

In Dayton, we've presented the parties with a draft peace agreement as well as with detailed constitutional and territorial proposals for a future Bosnian state. The package includes a separation-of-forces agreement; a proposal for national elections; and an agreement on the return of refugees.

If -- and it's still a big "if" -- the Dayton talks are successful, and the three heads of state agree on a peace settlement, then the tough work of implementation

will begin. There, too, the United States must lead. That means we must be willing to send troops. Let me walk you through the logic of why that is true.

After four years of brutal war, there is, to put it mildly, little trust left among the different communities in Bosnia. Peace will require an armed international presence to give the parties the confidence that they need to carry out the settlement, and to begin the long hard work of rebuilding and living together again.

Only one organization can enforce a peace, and that is NATO. Both the parties to the conflict and our NATO Allies have made clear that they are counting on significant U.S. participation in the implementation force. Without our being there, the force as a whole won't be there, in which case there will be no peace, and we will face the array of consequences I have outlined here.

But let me stress, as President Clinton has, that the implementation force will be deployed only if the parties agree to a real peace. And the force will be militarily formidable; it will be capable not only of defending itself but also of compelling the parties to the peace agreement to live up to the commitments embodied in the peace settlement.

While this will be a NATO-led operation, other nations, not members of the Alliance, will also participate. So far more than a dozen states, including Poland, Hungary, the Czech and Slovak Republics, Ukraine, and Pakistan, have expressed an interest in contributing.

So has Russia. Last month, at Hyde Park, Presidents Clinton and Yeltsin reached a landmark agreement: Russia and the United States will each contribute several thousand soldiers to a Special Operations Unit under the command of General George Joulwan.

Yesterday, Bill Perry and Pavel Grachev, his Russian counterpart, met in Brussels to hammer out more of the details. Already, it's clear that that unit, if deployed, will represent the most concrete example of U.S.-Russian military cooperation in the post-Cold War era. It is welcome in its own right and also as a precedent for the future -- a future in which we hope that Russia and the U.S., and for that matter Russia and NATO, will find numerous ways to work together in building an undivided Europe.

Let me conclude by expanding on that last point:

The conflict in the former Yugoslavia has gone on for far too long; it has been the cause of far, far too much carnage, too much misery, too much frustration, too much tension between our us and our partners, old and new. All of us wish that something like the Dayton talks could have taken place a year ago, better yet two years ago -- better still three or four. But we are where we are, and we must make the best of what we have before us today. And what we have today is an opportunity, far from certain and still fraught with danger but nonetheless real, to turn Bosnia from a synonym for past failures and an evil portent for the future into something positive. Bosnia could yet turn out to be a demonstration, however belated, of international resolve to meet and master the first major challenge to the collective security of post-Cold War Europe.

Taking advantage of that opportunity and passing that test will require steadfastness in our diplomatic efforts and our military commitment. But it will also require public and congressional support. And to muster and sustain that support, we had better have the best possible answers to the toughest possible questions, starting with yours right now.

Thank you very much.

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POINTS ON DAYTON PEACE AGREEMENT:

- Dayton agreement provides solid foundation for establishing durable peace with justice, putting an end to worst fighting and atrocities Europe has seen since WWII.
 - Agreement enables Bosnia-Herzegovina to continue as single state, with full respect for its sovereignty by its neighbors.
 - Provides for effective central government -- Presidency, legislature, Constitutional Court and central bank.
 - Provides for free elections next year, gives refugees right to return, and includes safeguards on human rights.
 - Settles territorial issues over which war was fought, with Bosnian-Croat Federation administering 51%.
 - Reunifies city of Sarajevo under Federation control and provides Federation with solid territorial link to Gorazde.
 - Commits parties to cooperate fully with investigation and prosecution of war crimes.
- Settlement will provide all Bosnia's peoples a real opportunity to rebuild their country and to co-exist as part of a democratic state.
- Parties have made clear they seek strong military implementation force to keep peace, create conditions in which parties will have confidence needed to implement agreement's terms.
- Only NATO can perform this mission. As leader of NATO, U.S. needs to participate.
- This is issue of huge consequence -- for Bosnia, for NATO, and for U.S. leadership.
- Whole world watching not only what parties have achieved at Dayton, but how U.S. government, will deal with biggest security challenge in Europe since WWII. Without American leadership, peace agreement is sure to fail.
- U.S. interests are very much at stake: Instability and conflict in Europe have drawn us in twice in this century. U.S. engagement essential to prevent spread of conflict, achieve lasting peace.
- Negotiators in Dayton have made sure terms of agreement are enforceable. Parties themselves have accepted mission and robust ROE that IFOR must have.
- IFOR will operate under the unitary command and control of NATO.
- U.S. troops will take their orders only from the American general who commands NATO and they will have the authority to meet any threat to their safety or any violation of the peace agreement with immediate, decisive force.
- Bosnians are counting on U.S. role to make settlement work, avoid more human suffering, and prevent a break-up of country that would ratify ethnic cleansing.

- President has indicate that there will be a timely opportunity, before final signature, for thorough consultations before IFOR would be deployed.
- This is an historic moment. Nation has a clear choice before us: to secure this peace, or go back to the human agony in Bosnia -- as in Srebrenica or in the massacre in the market in Sarajevo -- that the American people have seen so vividly over the past four years. Can't let that happen.