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## The Enhancement of Political and Military Stability in the Former Yugoslavia Through the Use of International Law: Annex 1-B of the General Framework Agreement

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# The Enhancement of Political and Military Stability in the Former Yugoslavia Through the Use of International Law: Annex 1-B of the General Framework Agreement

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## **Abstract**

This Essay examines how Annex 1-B on Regional Stabilization of the General Framework Agreement for Peace in Bosnia and Herzegovina (“GFA”) can achieve a political solution to conflicts in the former Yugoslavia through the limitation and transparency of the military forces and conventional weapons of the Parties.

THE ENHANCEMENT OF POLITICAL AND  
MILITARY STABILITY IN THE FORMER  
YUGOSLAVIA THROUGH THE USE  
OF INTERNATIONAL LAW:  
ANNEX 1-B OF THE GENERAL  
FRAMEWORK AGREEMENT

*Bonnie Jenkins\**

I. *THE GENERAL FRAMEWORK AGREEMENT*

In no area is the effect of international law on political stability more recently evidenced than in the events of the former Yugoslavia. The four years of conflict in that region finally culminated in the Bosnian Peace Accords — the General Framework Agreement for Peace in Bosnia and Herzegovina (“Agreement” or “GFA”).<sup>1</sup> This Agreement was negotiated at Wright-Patterson Air Force Base, Ohio, signed in Paris, and entered into force on December 14, 1995.<sup>2</sup> The five parties to the Agreement are the Republic of Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia, the Federation of Bosnia and Herzegovina, and the Republika Srpska.<sup>3</sup>

A major goal of the Agreement is to create and, through the legal commitments made by all five parties, maintain stability in the region. Many would argue that, absent a true commitment by all the parties to the Agreement to make it work, such an

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1. General Framework Agreement for Peace in Bosnia and Herzegovina With Annexes, Dec. 14, 1995, 35 I.L.M. 75 (1996) [hereinafter GFA].

2. See Craig R. Whitney, *Balkan Accord: The Overview; Balkan Foes Sign Peace Pact, Dividing an Unpacified Bosnia*, N.Y. TIMES, Dec. 15, 1995, at A2 (discussing various elements of peace accord signed on previous day in Paris).

3. The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and Republika Srpska are three of the five Parties to the GFA and the Annex 1-B Agreement. However, according to the Constitution of Bosnia and Herzegovina, to which the three above are Parties, the Republic of Bosnia and Herzegovina (“Bosnia and Herzegovina”) continues its legal existence under international law as a state and remains a Member of the United Nations and may maintain and apply for membership in international organizations. The Federation of Bosnia and Herzegovina and the Republika Srpska make up the two Entities of Bosnia and Herzegovina.

international agreement cannot accomplish a lasting peace. Of course, any agreement is only as effective as the parties' willingness to abide by its provisions. Nevertheless, the use of international law to address a situation that politics alone has been unable to settle has provided the most promising effort to combat the instability in the region.

The GFA addresses several aspects of stabilization in the former Yugoslavia. The wide range of issues addressed in the Agreement covers the many areas that will need to be settled before the achievement of peace in the region. These important areas include: the Constitution of Bosnia and Herzegovina, Regional Stabilization measures, the establishment of Bosnia and Herzegovina corporations, the establishment of a commission to preserve national monuments, an agreement on refugees and displaced persons, an agreement on Human Rights, and a commitment by the Federation of Bosnia and Herzegovina and the Republika Srpska to binding arbitration to resolve disputes that arise between them.

As noted, the GFA provides the legal framework for achieving a political solution to conflicts in the former Yugoslavia. This Essay examines how one section of the GFA, Annex 1-B on Regional Stabilization,<sup>4</sup> can accomplish that goal through the limitation and transparency of the military forces and conventional weapons of the Parties.

## II. ANNEX 1-B OF THE GFA

The civil war in the former Yugoslavia posed a very real threat to broader European security and stability and thus was a real concern for many countries, both inside and outside Europe. The many areas addressed in the GFA, as noted above, reflect the view that security and stability, both regional and global, are the result of more than just military factors, but consist also of such elements as human rights and economic stability. Nevertheless, to some degree, Europe has become dependent for its share of security on relationships that are codified in arms control treaties and related international agreements. Annex 1-B of the Agreement, entitled "Agreement of Regional Stabilization," addresses the issue of military stability in the former

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4. GFA, *supra* note 1, 35 I.L.M. at 108.

Yugoslavia. It is an attempt to build a lasting peace for Bosnia and the Balkans and to assist that region in integrating into the broader process of European architecture. More specifically, this Annex obligates the parties to negotiate and agree to arms control and confidence-building measures. Annex 1-B consists of five Articles that obligate the parties to enter into different agreements on regional stabilization. Article I of Annex 1-B sets forth the general obligations of the parties, which are to establish "progressive measures for regional stability and arms control," to create a stable peace in the region, to cooperate in building transparency and confidence, and to work toward avoidance of an arms race in the region. The five parties have agreed to strive for a defense at the lowest military level consistent with each parties' security needs.

Article II of Annex 1-B addresses "Confidence-and-Security-Building Measures in Bosnia and Herzegovina." This Article provides that three of the five parties, the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska, shall enter into an obligation to "agree upon a series of measures to enhance mutual confidence and reduce the risk of conflict."<sup>5</sup> Negotiations for Article II were to: commence within seven days after Annex 1-B entered into force; be completed within forty-five days of entry into force of the Annex II Agreement; be conducted under the auspices of the Organization for Security and Cooperation in Europe ("OSCE"), which is located in Vienna, Austria; and draw fully upon the 1994 Vienna Document of the Negotiations for Confidence- and Security-Building Measures of the OSCE<sup>6</sup> and the Conventional Forces in Europe Treaty ("CFE").<sup>7</sup> In accordance

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5. *Id.* at 109.

6. The Organization for Security and Cooperation in Europe ("OSCE"), formerly the Conference on Security and Cooperation in Europe ("CSCE"), is a multilateral forum of which all European states, the United States, Canada, and several Central Asian states are participants. The original CSCE was formalized in Helsinki, Finland, on August 1, 1975, when 35 leaders from Europe and North America signed the Final Act or Helsinki Accords. Conference on Security and Cooperation in Europe: Final Act, Aug. 1, 1975, 14 I.L.M. 1292. This document is a political commitment composed of three major parts addressing military, economic, and human rights aspects. *Id.* The Vienna Document 1994 contains enhanced confidence-building measures building on the Vienna Document 1992, which encompassed enhanced provisions of the Helsinki Accords.

7. Treaty on Conventional Armed Forces in Europe, Nov. 19, 1990, 30 I.L.M. 1 (1991) [hereinafter CFE Treaty]. The Conventional Forces in Europe Treaty ("CFE

with Annex 1-B, the Article II Agreement was completed within 45 days after entry into force of Annex 1-B.<sup>8</sup> The Article II Agreement entered into force on January 26, 1996.

Annex 1-B provides that the Article II Agreement will address several issues relating to confidence-building, including: restrictions on military deployments and exercises in certain geographical areas, restrictions on heavy weapons, notification of disbandment of special operations and armed civilian groups, identification of and monitoring of weapons manufacturing capabilities, and the immediate establishment of military liaison missions between the Chiefs of the Armed Forces of the Federation of Bosnia and Herzegovina and the Republika Srpska. From this list, one notices the extent to which this legal document will go toward fostering transparency, communication, and arms restrictions among the three parties. It is questionable, as the years before the Article II Agreement have shown, whether political pressures alone, absent a legal commitment by all the parties, could have resulted in the parties agreeing to such intrusive measures.

Article III of the Annex 1-B Agreement addresses "Regional Confidence- and Security-Building Measures."<sup>9</sup> It provides that all five Parties to the GFA will "initiate steps toward a regional agreement on confidence- and security-building measures."<sup>10</sup> Specifically, Article III provides that the parties shall:

- 1) not import any arms for ninety days after Annex 1-B enters into force; and
- 2) not import for 180 days after the Annex enters into force or until the Article IV Agreement of the Annex takes effect, whichever is earlier, heavy weapons ammunition, mines, military aircraft, and helicopters.

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Treaty") entered into force in November 1992. One goal of the CFE Treaty is to enhance stability by ending force disparities and so limit the capability for launching surprise attack or initiating large-scale, sustained, offensive action in Europe. *Id.* These limits have been accomplished through the verifiable and irreversible destruction or conversion to non-military purposes of an unprecedented amount of equipment, by methods that were precisely prescribed by the CFE Treaty. *Id.*

8. The "Article II Agreement" refers to Article II of the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina which was completed in accordance with Annex 1-B, Article II.

9. GFA, *supra* note 1, 35 I.L.M. at 109.

10. *Id.*

These two stipulations are an attempt to limit the influx of arms into the region as soon as the GFA and Annex 1-B entered into force. It is a means to foster quick stability in the region, constituting an interim measure until the arms limitations to be agreed under Article IV of Annex 1-B take effect.<sup>11</sup>

Article IV of Annex 1-B is entitled "Measures for Sub-Regional Arms Control." All five parties to the GFA are to be parties to the Article IV Agreement and are obligated to commence negotiations on Article IV, specifically, on agreed numerical limits on tanks, artillery, armored combat vehicles, combat aircraft, and attack helicopters, within thirty days after the entry into force of the Annex.

The Article IV limitations on conventional armaments will be based, at a minimum, on factors of population size, current military armament holdings, defense needs, and relative force levels in the region. If the five parties are unable to agree on the limitation of conventional armaments within 180 days after entry into force of Annex 1-B,<sup>12</sup> the limit for conventional armaments for the parties will be a 5:2:2 ratio, based on the approximate ratio of populations of the parties. The 5:2:2 ratio refers to the numerical limits of conventional armaments for the Federal Republic of Yugoslavia, the Republic of Croatia, and the three parties to the Article II Agreement, respectively.<sup>13</sup> In addition, the parties agree that within thirty days after entry into force of the Annex, they will begin negotiations on an agreement on voluntary limits on military manpower. Annex 1-B provides that the

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11. Article IV must be agreed to within 180 days after entry into force of the Annex.

12. As noted, these 180 days coincide with the above-mentioned obligation taken by the parties in Article III to the Annex.

13. Regarding a possible 5:2:2 ratio of numerical limits to be applied to conventional armaments, Article IV also provides the following:

- (a) the baseline shall be the determined holdings of conventional armament and equipment of the Federal Republic of Yugoslavia (the "baseline");
- (b) the limits for the Federal Republic of Yugoslavia shall be seventy-five percent of the baseline;
- (c) the limits for the Republic of Croatia shall be thirty percent of the baseline; (d) the limits for Bosnia and Herzegovina shall be thirty percent of the baseline; and
- (e) the allocations for Bosnia and Herzegovina will be divided between the Entities on the basis of a ratio of two for the Federation of Bosnia and Herzegovina and one for the Republika Srpska.

GFA, *supra* note 1, 35 I.L.M. at 110.

OSCE is obligated to assist the parties in the negotiations of Article II and IV agreements and in the subsequent implementation and verification of any such agreements.

Article V of Annex 1-B is entitled "Regional Arms Control Agreement." This Article provides that the OSCE will assist all five parties in organizing and conducting negotiations to establish a regional balance in and around the former Yugoslavia. The phrase "in and around the former Yugoslavia" may necessarily require those states surrounding the former Yugoslavia, states not party to the GFA and Annex 1-B, to take specific actions and assume obligations to facilitate a regional balance; however, it is unclear at the time this Essay is written what states will constitute all the Article V parties. In addition, according to the Article V obligations set forth in Annex 1-B, the five parties will establish a commission to facilitate the resolution of any dispute that might arise among them.

#### A. *The Article II Agreement*

The Article II Agreement<sup>14</sup> is lengthy, covering a wide range of confidence-building measures among the three Parties to that Agreement. The Article II Agreement encompasses many provisions contained in the Conventional Forces in Europe Treaty ("CFE Treaty"),<sup>15</sup> a treaty among the NATO, ex-Warsaw, and former Soviet Union states intended to limit the amount of conventional armed forces on the territory of those states parties.

Article II of the Article II Agreement addresses exchange of military information among the parties to that Agreement. These provisions on exchange of information have their history in prior arms control agreements, most notably the CFE Treaty and the Vienna Documents, where such exchange of information on the conventional armaments of the parties helped to foster openness and transparency among the parties. The information that must be exchanged in accordance with Article II include: (a) demonstration of new types of major weapon and equipment systems; (b) information on plans for deployment of

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14. Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina, art. II, adopted pursuant to GFA, *supra* note 1, Annex 1-B, art. II, 35 I.L.M. at 108 (on file with the *Fordham International Law Journal*) [hereinafter Article II Agreement].

15. CFE Treaty, *supra* note 7, 30 I.L.M. at 1.

major weapons and equipment systems; (c) information of defense related matters; (d) observation of and constraints on certain military activities; (e) restrictions on deployment and exercises in certain geographic areas; (f) restraint on the reintroduction of foreign forces; and (g) withdrawal of forces and heavy weapons from cantonment/barracks.

Article II of the Article II Agreement has other provisions relating to notifications of equipment of the parties to foster stability in the region. The parties are obligated, on an annual basis, to exchange information on specified military organizations, manpower, and major weapons. The information exchanged would include notifications on personnel and organizations with military capability, including national guards, military reserves, military police, the ministry of internal affairs special troops, police, and paramilitary troops with conventional armaments. Data on new weapons are to be exchanged and photographs of the equipment will accompany the information notified. When a new type of weapon is introduced, the party introducing that weapon must arrange a demonstration for the representatives of the other parties. All of the information must be exchanged in an agreed format and the above information must also be provided to the OSCE as well. This elaborate scheme for exchange of information among the parties provides a basis for the verification of compliance with the provisions of the Agreement.

All three parties must also inform each other, and the OSCE, of such things as the training programs for their armed forces and planned changes thereto in the forthcoming years, the size, structure, personnel, major weapons and equipment systems, deployment of their armed forces and the proposed changes thereto, and their realization of the intentions previously notified under this Article II Agreement. The parties must also inform each other, and the OSCE, of changes in command structure or equipment holdings, and such information is to be verified according to the relevant provisions contained in the Protocol on Verification to Article II.<sup>16</sup>

In an attempt to open up to scrutiny other military activities of the parties, Article II provides for information to be given on "unusual military activities" as well as a special category of "notifi-

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16. Protocol on Verification, *in* Article II Agreement, *supra* note 14, at Annex 1.

able military activities.” Many of these provisions have their origin in other arms control agreements.

Unusual military activities must also be reported by the parties. Such unusual activities are not defined in the Article II Agreement, but would consist of any military activity that, by its nature, raises the concern of another party or the OSCE. If a party has concerns about another party conducting an unusual military activity, it may request such party provide information on its activity, and a reply to the request must be made within forty-eight hours of receipt of the request. After considering the reply received, the requesting party may ask for a meeting with the responding party to discuss the issue. If there is no clarification reached that would produce agreement, the OSCE is obligated to issue an impartial assessment of the situation.

The Article II Agreement also encompasses a category of “notifiable military activities,” which consists of those activities that, before such activities can commence, must be notified to the other parties and the OSCE.<sup>17</sup> These notifications not only foster openness among the parties, but also reduce tensions that would normally result from a party witnessing the activity and buildup of the other party’s military. The types of activities to be notified include the engagement of equipment that exceed any of the following categories, at anytime during the activity: 1500 troops (including support personnel); 40 artillery pieces; 40 armored combat vehicles; 25 battle tanks; 5 combat helicopters; or 3 combat aircraft. If such a notifiable activity is reported, the other parties may send observers to the location of those activities.

In addition, the Article II Agreement provides for “constraining measures” for certain military activities. The parties must limit the activities falling within these categories. These activities are limited mainly as the result of the large number of conventional armaments that are involved, and the concern for the potential conflict that could result if such activities were to go unregulated. One of the constraining measures, for example, provides that no party shall simultaneously carry out in 1996 and 1997 more than one military activity involving more than any one of the following: 4000 troops, including support; 100 ar-

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17. The notification is made 42 days or more in advance of the start of the notifiable activity.

mored combat vehicles; 20 helicopters; 80 battle tanks; 15 combat aircraft; or 100 artillery pieces.<sup>18</sup> In addition, the duration of any activity shall not exceed the duration specified in the annual calendar, and such activities cannot be conducted within ten kilometers of an international border, within either side of the Inter-Entity Boundary Line between the Federation of Bosnia and Herzegovina and the Republika Srpska. The parties must notify each other and the OSCE of the conduct of military activities that are subject to constraining measures including preliminary information on the activity, its general purpose, time-frame and duration, area, size, and planned forces involved.

The three parties to Article II of Annex 1-B also agree to notify each other and the OSCE of the status of any foreign military personnel present on their territory. They must also withdraw their forces and heavy weapons to cantonments/barracks; provide notifications of when they are removing heavy weapons or forces from cantonments/barracks; and return immediately after the conclusion of the exercises those forces or weapons that were removed. Those forces or heavy weapons not removed must be demobilized or disbanded. The parties must also commence an investigation of any armed civilian group it becomes aware exists on its territory, and, if such a group does exist, that party is obligated to disband that group not later than forty-eight hours after the conclusion of the investigation. The parties must provide notifications of all weapons manufacturing facilities by name and exact location, and will exchange visits between members of the armed forces at all levels and conduct. On a voluntary basis, the parties may conduct joint military training and exercises. Seminars on cooperation between the armed forces of the parties and the exchange of visits to military bases are also to occur.

The aforementioned provisions are a sample of the obligations contained in the lengthy Article II Agreement. The Article II Agreement clearly strives to create an environment of transparency and trust among the three parties through notifications, observations of military exercises, visits to military sites, and communication among the parties' militaries. The parties' agreement to this type of openness and intrusiveness in all aspects of the military could only have been accomplished through intense

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18. There are provisions for constraining measures for and after 1997 as well.

negotiations followed by a legal document to which all parties are equally bound, again suggesting the importance and force of international law in the accomplishment of political stability in the region.

B. *The Protocol on Verification of the Article II Agreement*

The Protocol on Verification gives further evidence of the intrusiveness the three parties have agreed to in furtherance of stability in the former Yugoslavia. The Protocol is one of five Protocols of the Article II Agreement.<sup>19</sup> The Protocol on Verification sets forth the details, rights and obligations for the baseline validation period,<sup>20</sup> and a residual period for the duration of the Agreement. The OSCE is responsible for assisting the parties in carrying out the inspections by, among other things, sharing reports with the parties, facilitating technical support for those inspections, and having countries provide technical support and inspectors and, on a national basis, cover the costs of the technical support and inspectors.

The Protocol on Verification provides in great detail, what may be done during an inspection.<sup>21</sup> The inspectors, for example, shall be permitted access, entry, and unobstructed inspection within the entire territory of the inspection site, with some exceptions. The inspectors can look into a hardened aircraft shelter to determine whether any conventional armaments are present. If conventional armaments are located, the inspectors may determine their number and type, model, or version. In some circumstances, the inspecting party can conduct helicopter overflight of the inspection site, and the inspectors can take photographs, including video, for the purpose of recording the presence of conventional armaments. These activities are intended to ensure verification of compliance with the provisions of the Article II Agreement.

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19. The other Protocols consist of: the Protocol on Exchange of Information and Notifications, the Protocol on Existing Types, the Protocol on the Joint Consultative Commission, and the Protocol on the Establishment of Military Liaison Missions. There is also an Annex on Communications and a document on Procedures for Accreditation of Journalists Accompanying Observers to Notifiable Military Activities.

20. The "baseline validation period" is the specified time period consisting of the first 120 days following the date of validity of the exchanged baseline data on conventional weapons in 1996.

21. These are the same conventional armaments that are limited in the CFE Treaty. See *supra* note 7 and accompanying text (describing scope of CFE Treaty).

On the other hand, inspectors only have the right of access to conventional armaments and equipment as is necessary to confirm, visually, their number and type, model, or version. During such inspections, the inspectors cannot interfere directly with ongoing activities at the site and shall avoid hampering or delaying operations. The inspected party can shroud individual sensitive items of equipment, and the inspectors cannot enter structures that are not configured for the entrance or exit of heavy weapons but rather are only large enough for the transit of personnel. No information obtained during an inspection can be disclosed publicly without the consent of both the inspecting and inspected parties.

These provisions are further examples of the detail and intrusiveness on military operations of the parties to the Article II Agreement. They also reflect the degree to which the parties want to be assured that no other party is circumventing provisions of that Agreement. The negotiations of other arms controls agreements have demonstrated that the level of intrusiveness contained in the Protocol on Verification is an important part of any international agreement that obligates a state to constrain its military activities or in any way places limits on the use of a state's military forces.

### C. *Other Protocols to the Article II Agreement*

As noted, the Protocol of Verification is one of five Protocols to the Article II Agreement. The Agreement also has an Annex on Communications<sup>22</sup> and a document on Procedures for Accreditation of Journalists Accompanying Observers to Notifiable Military Activities.<sup>23</sup> These documents provide further details on provisions contained in the Article II Agreement text and create additional and necessary legally binding commitments. These additional commitments reinforce the importance of a legal framework for achieving political stability in the former Yugoslavia.

In brief, the Protocol on Exchange of Information and Noti-

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22. Annex on Communications, *in* Article II Agreement, *supra* note 14, at Annex 4.

23. Procedure for Accreditation of Journalists Accompanying Observers to Notifiable Military Activities, *in* Article II Agreement, *supra* note 14, at Annex 6.

fications<sup>24</sup> provides specific details on the way information is to be exchanged between the parties and the OSCE, including provisions for the formats of such information exchanged. The Protocol on Existing Types of Conventional Armaments and Equipment<sup>25</sup> sets forth the types of conventional armaments that are subject to the Article II Agreement.

The Protocol on the Joint Consultative Commission<sup>26</sup> stipulates that the Joint Consultative Commission is composed of one high-level representatives of each party and a representative from the OSCE. An important goal of the Joint Consultative Commission is to "address questions relating to compliance with or possible circumvention of the provisions of the Agreement . . . and to resolve ambiguities and differences of interpretation that may become apparent in the way the Agreement is implemented."<sup>27</sup> The establishment of this Commission was done in the tradition of recent arms control treaties, the majority of which establish such Commissions to address issues related to compliance of those Agreements.<sup>28</sup> They serve an important function in that respect.

The Protocol on the Establishment of Military Liaisons Missions provides general guidelines and details on the procedures of these Missions. Specifically, the Missions are between the Chiefs of the Armed Forces of the Federation of Bosnia and Herzegovina and the Republika Srpska. The Missions are to be composed of one military representative and not more than four assistants and two administrative staff. The parties will exchange Missions and allocate them with associations and working offices near the main military headquarters of the Chiefs of the Armed Forces of the receiving party. The Missions will maintain liaison with the military commands of the party to whom they are ac-

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24. Protocol on Exchange of Information and Notifications, *in* Article II Agreement, at Annex 2.

25. Protocol on Existing Types of Conventional Armaments and Equipment, *in* Article II Agreement, *supra* note 14, at Annex 3.

26. Protocol on the Joint Consultative Commission, *in* Article II Agreement, *supra* note 14 at Annex 5.

27. *Id.*

28. An example is the Joint Consultative Group, which is comprised of representatives of each of the States Parties, and among other things, addresses issues of treaty compliance. Another example is the Joint Compliance and Inspection Commission Established by the Strategic Arms Reduction Treaty ("Start I"). Treaty with the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, Nov. 25, 1991, U.S.-U.S.S.R., S. Treaty Doc. No. 102-20.

credited (normally the receiving party), the OSCE, the multinational military Implementation Force ("IFOR"),<sup>29</sup> and establish direct contacts between the receiving party and the sending party in case of emergency or if so requested by one of the parties.

The Annex on Communications<sup>30</sup> provides information on the form of transmission of information and notification required by the Article II Agreement. Specifically, all communications must be in English as well as the native language of the party concerned. All information and notifications required by the Article II Agreement must also be in written form. Lastly, the document on Procedures for Accreditation of Journalists sets forth the procedures required of journalists that are permitted to attend observed military activities. The OSCE may, if agreed to by the receiving party, request the attendance of international journalists, and each party can decide whom and how many journalists the receiving party shall be requested to accept.

#### D. *Article IV of Annex 1-B*

The Article IV Agreement was in the process of negotiations at the time this Essay was written. As noted earlier, Article IV of Annex 1-B will be among all five parties to the GFA. The provisions that will be in Article IV will reinforce the obligations agreed to in Article II as well as create new obligations for all five parties. Besides notifications and inspections, Article IV will go beyond what has been agreed to in Article II in that it will actually place limits on the amount of conventional armaments each party can possess. These limits will be placed on tanks, artillery, armored combat vehicles, combat aircraft, and attack helicopters.<sup>31</sup> Such limits will likely take the form of actual reductions of such conventional armaments by each of the five parties.<sup>32</sup> To

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29. The Implementation Force ("IFOR") is authorized to consist of ground, air, and maritime units from NATO and non-NATO nations, deployed to Bosnia and Herzegovina to help ensure compliance with the provisions of the GFA. The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska agreed that, for a period of about one year, a force would assist in the implementation of the territorial and other military aspects of the GFA.

30. Annex on Communications, *in* Article II Agreement, *supra* note 14, at Annex 6.

31. The definitions of each type of equipment is identical to that used in relevant sections of the CFE Treaty, with minor additions.

32. As noted earlier, this is similar to what has occurred in the implementation of

verify that the parties are complying with their Article IV obligations, some sort of verification mechanism in the form of inspections will be necessary, as in the Article II Agreement.

Much of what will be agreed to in Article IV, and what has been agreed to in Article II, will be used as a basis for the future agreement of Article V, which is to address the regional balance "in and around" the former Yugoslavia. No date for the negotiations on Article V was set at the time this Essay was written.

### III. CONCLUSION

The GFA is a clear example of the way in which international law can be used as a vehicle to restore and maintain political stability in many parts of the world. It is the legal framework for achieving a political solution to the former Yugoslavia. The parties to the Agreement had to continue difficult negotiations to reach an agreement that, to have any effect on the conflict in the former Yugoslavia, had to be reflected in a legal document, that would continue to obligate the parties once the negotiations were completed. Only through such a legal document in which all parties agree to the steps needed for stability, could any real beginning for that process have a chance. The provisions of the Agreement call for very intrusive measures that will be necessary for peace and stability. There are already positive signs of the parties working toward political stability in the region as they implement and continue negotiations on these Agreements. In March 1996, for example, Bosnian Serb, Muslim, and Croat military traveled to the Multi-Service Center for Arms Verification located in Italy. This Center is normally used to train Italian inspectors for CFE inspections in addition to inspections for other treaties. The three groups traveled to the Center for a four-day course in methods for verifying compliance with the arms control aspects of the GFA. At least twenty-five Bosnian military personnel, divided equally among the three ethnic groups, participated. This was the first time since the conflicts in the former Yugoslavia began that these military groups trained together.

In spite of this, political realities can work against such successes resulting from the legal mechanisms established in the

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the CFE Treaty whereby each State Party to that Treaty has been obligated to, in most cases, reduce each category of their conventional armaments to a prescribed agreed number.

Agreements. As a case in point, Bosnian Serb representatives to the Article IV negotiations in Vienna, boycotted negotiating sessions for one week in early 1996 in light of disputes with NATO and Bosnia's Muslim-Croat Federation over the arrest, on January 30, 1996, of two Bosnian Serb military leaders for alleged war crimes.<sup>33</sup> In addition, in Sarajevo, Republika Srpska representatives did not attend meetings of the Military Liaison Officers in response to the detained Bosnian Serbs. The Republika Srpska also reportedly detained two photojournalists in Grbivica in early February 1996.

Such negative political occurrences will likely continue to have an impact on the negotiations and the implementation of these Agreements. It will be important to make sure that none of the Annex I-B Agreements fall apart during the implementation stage of those Agreements. It may prove difficult to convince parties to begin exchanging notifications; to limit their conventional armaments and military exercises; and to open their military exercises to observers as required by the Article II Agreement.<sup>34</sup> There may be mistrust among the parties that would work against other obligations they have made in the Agreement. However, if the proper political will and deference to international legal obligations does exist, there may be an opportunity for success in obtaining the goals for regional stabilization in the former Yugoslavia that are outlined in these legal documents.

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33. Theresa Hitchens, *Bosnian Arms Talks Make Good Strides*, DEF. NEWS, Feb. 19-25, 1996. Negotiations resumed February 29, 1996, upon the return of the Republika Srpska to the talks.

34. Diplomats and independent observers to the Agreement and the political situation in the region have stated that there are questions as to whether Balkan leaders will live up to their arms control commitments. See *supra* notes 19-20 and accompanying text (describing right of access granted to inspectors of military-related facilities).