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## The OSCE Mission to Bosnia and Herzegovina

Even before commencement of the October-November 1995 negotiation at Dayton that produced the General Framework Agreement for Peace in Bosnia and Herzegovina, an OSCE Task Force was created on the initiative of Hungarian Foreign Minister Kovács, in his capacity as OSCE Chairman-in-Office, to begin preparations for OSCE's anticipated responsibilities for consolidating the peace. The Task Force included a cross-section of officials representing OSCE Permanent Staff, the OSCE Troika and Contact Group countries. I represented the United States.

### *Task Force*

Led by then OSCE Secretary General Höynck, the Task Force held intensive consultations to prepare for OSCE's assigned roles in postwar Bosnia and Herzegovina, developed a conceptual framework for the Mission-to-be, fashioned an initial budget and prepared to consult with leaders of the Parties to the conflict - Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia - as soon as the Dayton negotiations concluded. In fact, the Task Force was ready for talks in Sarajevo on 21 November, the day the Agreement was initialed, but agreed to a Bosnian request to defer arrival in the region for 48 hours in order to give President Izetbegovic, Prime Minister Silajdzic, Foreign Minister Sacirbey and others time to return home from the exhausting negotiations at Dayton. Useful initial talks were held with the Bosnian leadership on 24 November. Task Force members consulted also in Zagreb and Belgrade, where initial contacts were made with Republika Srpska. The OSCE officers established to support Federation Ombudsmen led by then-Acting Director Roderick Bell, provided exceptionally outstanding support in helping launch the OSCE Mission.

### *Tasks Assigned to OSCE*

The General Framework Agreement for Peace, subsequently signed and put into effect at Paris on 14 December, called upon OSCE to take responsibility for three key tasks: supervision of the preparation and conduct of elections within six to nine months from the signing of the Agreement; democratisation initiatives and monitoring and reporting on human rights issues; and

extending the auspices of OSCE to negotiations on, and implementation of, Confidence- and Security-Building Measures and arms control. Of these responsibilities the pivotally important elections - generally regarded as the heart of the peace process - would represent the Mission's highest priority in the near term. The Peace Agreement called for the holding of elections to: a collective Presidency of Bosnia and Herzegovina; a House of Representatives of Bosnia and Herzegovina; a House of Representatives of the Federation of Bosnia and Herzegovina; a National Presidency of Republika Srpska; a National Assembly of Republika Srpska and, "if feasible", cantonal governing bodies in the Federation and municipal assemblies across the entire country.<sup>1</sup> Organising all seven of these elections simultaneously in the early aftermath of the horrific warfare that had devastated the country from 1992 to 1995 has posed the greatest challenge in OSCE experience since the events leading up to the Paris Summit of 1990.

#### *Electoral Assessment Team*

In early December, the Task Force decided to create an Electoral Assessment Team - a group of experts from OSCE participating States with extensive experience in internationally monitored elections - to visit the region, engage in research in its traditional electoral practices, and offer recommendations on how the Mission might best prepare the electoral process.

By late January, the team led by Ron Gould of Canada, had twice visited Bosnia and Herzegovina and completed its work. It produced a comprehensive "Final Report" with several trenchant recommendations. For example, it called for the creation of an Election Appeals Tribunal to enforce compliance with electoral Rules and Regulations to be adopted by a Provisional Election Commission establishment of which the Peace Agreement mandated. The team also advocated establishment of an Electoral Advisory Group, a Mission Elections Component with a Voter Registration Division, Political Parties Division and Electoral Services Division. Those of us involved in OSCE's supervision of the elections have closely followed the team's advice.

#### *Establishment of the Mission*

Meantime, a few of us arrived in Sarajevo on 29 December to begin the laborious effort of establishing a Mission capable of meeting its formidable

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<sup>1</sup> See General Framework Agreement for Peace in Bosnia and Herzegovina, Annex 3, Article II.2., in: The Dayton Peace Accords, <http://www.state.gov/www/current/bosna/bosagree.html>.

tasks. Upon our arrival, we held a well attended press conference, organised by Senior Adviser for Public Policy, Elizabeth Pryor, in which we emphasised that OSCE would seek to accomplish its assigned responsibilities in a manner capable of strengthening the hope of the people for a lasting peace with justice.

We began an intensive seven-day per week work schedule in the small Ombudsman facility. Infrastructure damages during the war had left the city with frequent power outages, requiring utilisation of a small generator. We had an erratic water supply and minimal central heating. Our offices included wood-burning stoves. Lodging proved generally better than any of us had anticipated, but utility problems made for a long and cold winter. Particularly difficult was the lack of running water.

Our Administrative Officer, Col. Britsch from France, brought the Mission's first good news when he located an excellent, centrally located building to serve as our Head Office. I found it fascinating that our Mission, meant to bring peace to late 20th Century Bosnia and Herzegovina, was to be located alongside the Miljacka River, only a short distance from the corner where Archduke Franz Ferdinand's assassination precipitated the outbreak of World War I in the early years of the century.

The building had suffered only limited bomb damage and was occupied by Bosnian Army personnel when we found it. A hard-working and efficient local construction crew was able to make repairs, install new windows, paint and generally bring the premises into a condition satisfactory for our utilisation within relatively short order. We acquired access to the structure on 15 January, the first seven Offices were ready for occupancy by 21 January and an OSCE Troika Ministerial session was held in a newly refurbished Conference Room on 30 January.

### *Organisational Structure*

I decided to name four Senior Deputy Heads of Mission - for Elections, Human Rights, Regional Stabilisation and Operations. The first three would lead Mission efforts to accomplish the tasks assigned to OSCE under the Peace Agreement. The Senior Deputy for Operations would have substantive responsibilities in overseeing the flow of reporting to and from field officers and management responsibilities as well. In selecting senior officers for these important posts, as well as for our staffing generally, we wanted to maintain a balance reflecting the diversity of OSCE's 54 participating States. We were fortunate to acquire the services of Sir Kenneth Scott of the United Kingdom as Senior Deputy for Elections, William Stuebner of the United States for Human Rights, General Per Skov-Christiansen of Denmark for Regional

Stabilisation and Vladimir Ivanov of the Russian Federation for Operations. As Mission infrastructure became available, we proceeded to build up our organisational capabilities. We decided to establish six Regional Centres and 25 Field Offices in a manner calculated to strike a balanced presence throughout the country. The Regional Centres were to be set up in Sarajevo-Gorazde, Tuzla, Mostar, Bihac, Banja Luka and Sokolac. These facilities were to coordinate the work of the Field Offices in their respective areas of responsibility.

The Mission was authorised an overall complement of 233 International Staff Officers. In time, we acquired an additional 75 officers from a Swiss Army logistical support team. 40 ECMM (European Community Monitor Mission) officers and over 50 IFOR liaison personnel assigned to strengthen our ability to supervise the elections. An impressive, steady build-up of communications, transportation and other logistical support was required to ensure the effectiveness of our large International Staff, supported by about 250 locally-hired personnel, located in all parts of the country.

#### *Cooperation with ECMM*

During the first visit of the Task Force to Zagreb, a useful dialogue developed with the leader of the European Community Monitor Mission, Ambassador Franchetto-Pardi. Shortly thereafter, an OSCE-ECMM Memorandum of Understanding was negotiated as a basis of ECMM support for the OSCE Mission. As early as 15 January, the Mission was able thereby to begin deploying ECMM teams to open the first ten Field Offices. In Sarajevo, close working relationships have subsequently prevailed.

#### *Budgetary Considerations*

In late 1995, an initial budget of 25 million US-Dollars was decided upon to enable the Mission to get underway. The Electoral Assessment Team advised early on, however, that OSCE's electoral expenses alone would likely amount to about 50 million Dollars. After thorough analysis of our requirements, especially by Secretary General Höynck in Vienna and our Strategic Planning Director, Pat Ewashko, in Sarajevo, decisions were taken to establish a Voluntary Fund of 47 million Dollars, mainly for meeting electoral costs. At first, contributions to this Fund were slow in coming. After 12.5 million Dollars were raised, former Danish Foreign Minister, Uffe Elleman-Jensen, was asked to drive the fund-raising effort through to a conclusion. Remarkably he did so within the space of only three weeks.

In addition to these OSCE fund-raising endeavours per se, of course numerous states involved in the electoral process were obliged to expend substantial sums. Within Bosnia and Herzegovina financing had to be found *inter alia* for hiring staff for 140 Local Election Commissions, establishing 4,400 polling stations, and fielding approximately 40,000 personnel on election day.

Also, the host countries to which Bosnia's estimated 1.4 million refugees fled would incur substantial expenses in facilitating the registration and voting of over 800,000 refugees eligible to vote.

Related expenses were involved in establishing two major media development projects aimed at levelling the playing field during the electoral campaign. These were creation of an Open Broadcast Network Television System, open to all independent stations in Bosnia and Herzegovina, and a Free Elections Network Radio System. The former involved a successful 17 million Dollars fund-raising effort, led by the High Representative, Carl Bildt. The latter radio network was conceived, funded and established by the government of Switzerland.

### *Democratisation and Human Rights*

From the beginning, it was clear that Mission efforts to strengthen respect for democratisation and human rights would be directly related to its responsibilities for supervising the electoral process. We viewed the 1996 elections as the first major step toward democratic institution-building, and our democratisation and human rights efforts have been seen as a means to that end.

In this context, I decided in February that the Mission needed a democratisation strategy to help shape internal progress toward a situation in which reasonably democratic elections could take place. The Peace Agreement calls for "free and fair and democratic elections". With so many deep-seated inter-ethnic problems in the country, I early on decided that free and fair elections, as understood in democratic societies, could not realistically be attained. But it seemed that a reasonably democratic electoral process could be achieved and this became the Mission's goal. We simply had to apply a rule of reason.

In creating a democratisation strategy, I drew upon both the substantive and administrative criteria set forth in Annex 3 of the Agreement for holding the elections. I synthesized the 14 points involved into twelve specific goals and outlined strategies for OSCE coordination with the High Representative, IFOR, IPTF (International Police Task Force), UNHCR and other relevant authorities to reach each of these goals.

I note my own efforts in this regard because it proved difficult to persuade some of the Mission's Human Rights Officers to embrace my democratisation

concept. They were focused strongly on perceived responsibilities under Annex 6 of the Peace Agreement, where OSCE, various UN agencies, international organisations, non-governmental organisations and others were called upon to monitor and report on human rights conditions. Our human rights cadre distinguished itself by developing the strongest and most respected monitoring and reporting capability in Bosnia and Herzegovina. But some appeared to distrust our democratisation strategy on grounds that participation in it might be seen as a rather direct contribution to preparations for elections which they thought might not be justified under conditions of human rights violations that they were encountering.

Gradually, the democratisation dimension of the Mission began to take shape, however, and now we have a Senior Deputy for Democratisation and Human Rights, rather than for Human Rights alone. The incumbent is Craig Jenness, a Canadian lawyer. After William Stuebner resigned in May, his two portfolios - as Senior Deputy and Chief of Staff - were divided. Tim Stanning of the UK has since been serving as Chief of Staff. The respective democratisation and human rights personnel are led by separate Directors General under the direction of Mr. Jenness.

### *Regional Stabilisation*

An important aspect of Mission activity which commands too little public attention is its far-reaching work on Confidence- and Security-Building Measures (CSBM) and arms control. OSCE initiatives in this area of regional stabilisation will prove very important over the long haul.

The German government provided an immediate stimulus to OSCE's work in this regard by hosting a meeting of experts in Bonn within days of the Paris signing ceremony. By the end of January, Ambassador Gyarmati led the way to negotiation of an excellent CSBMs Agreement, as called for in the Peace Agreement. Throughout the spring, the OSCE Mission was active in orchestrating implementation of the CSBMs, including through establishment of Military Liaison Missions bringing together officers from the Bosnian and Bosnian Croat military forces within the Federation and from Republika Srpska. The Mission also supported an intensive series of on-the-ground inspections that took place in fits and starts but generally moved the process of implementation forward rather well.

By June, the negotiations under Article IV of Annex 1-B on sub-regional arms control measures between Bosnia and Herzegovina, the Federal Republic of Yugoslavia and Croatia, under the direction of General Eide, succeeded in producing an agreement. Subsequently, General Eide has been di-

recting efforts toward a broad arms control regime for the entire South Eastern European region.

Following the elections, the two pillars of OSCE Mission activity in Bosnia and Herzegovina will be sustained democratisation and human rights work on one hand and monitoring of the military stabilisation measures on the other.

### *The Electoral Process*

The early months of the Mission, however, have required unrelenting, accelerated efforts to meet the paramount challenge of supervising the preparation and conduct of the elections. I have often stated that these are the most complex elections in history. Why is this so?

Here are but a few reasons: at the highest levels, we are orchestrating elections to five institutions of governance, the Presidency of Bosnia and Herzegovina and National Presidency of Republika Srpska with respect to executive authority; and House of Representatives of Bosnia and Herzegovina, House of Representatives of the Federation of Bosnia and Herzegovina, and National Assembly of Republika Srpska as regards legislative authority. We will be thereby simultaneously bringing into being ruling bodies for a loose central government at the overall Republic level as well as new such bodies for the two Entities, the Federation and Republika Srpska, which make up the Republic. OSCE has decided to proceed with all the cantonal elections on the Federation side (there are no cantons in Republika Srpska) and the, wherever feasible, municipal elections across the entire country. The municipal elections are exceptionally problematic because the Inter-Entity Boundary Line that resulted from the war effectively divided 49 of the 109 prewar municipalities.

Adding to the complexity is the fact that "ethnic cleansing" during the conflict resulted in the exodus of over 1.3 million refugees, 800,000 of whom are eligible to register and vote. They are scattered across many countries, each of which applies its own laws and regulations to these refugees. In some cases, as in Germany where 320,000 refugees are located - the largest number outside the former Yugoslavia - both federal and lesser level laws must be applied. There are also hundreds of thousands of displaced persons within the country.

The immediate context for organising the elections is the early aftermath of the all-out warfare that tore the country apart from April 1992 until September 1995. The inter-ethnic passions of that historic struggle will take years to subside. But OSCE has been asked to take the leading role in putting together effective elections within only a few months time.

A particularly troublesome factor is the continuing presence in the country of wartime leaders indicted for war crimes by the International Tribunal for the Former Yugoslavia who refuse to comply with orders to appear before that Tribunal at The Hague. These individuals epitomise the extreme nationalism that brought on the war and exacerbates the endeavour to restore inter-ethnic harmony to Bosnia and Herzegovina through implementation of the Dayton Agreement.

The broader historical context for the elections must take into account the national, cultural, and religious differences of the Bosnian Muslims, Roman Catholic Croats, and Orthodox Serbs now called upon to join together in a democratic electoral process. Sarajevo is where traditions of Western Europe, Eastern Europe and the Levant have met and co-mingled for over five hundred years.

For these and many other substantive and administrative reasons, this year's elections in Bosnia and Herzegovina, in my judgement, are the most complex ever.

#### *Provisional Election Commission*

The Peace Agreement called upon the OSCE Mission to establish a Provisional Election Commission to adopt Rules and Regulations for an orderly electoral process. At the superbly organised International Expert Meeting on Elections in Stockholm in mid-January 1996, I announced that the Mission would seek to create this Commission by the end of that month and to adopt initial Rules and Regulations by mid-February. In fact, the Commission was launched on 30 January and the first Rules and Regulations were adopted on 22 February.

The membership of the Commission is comprised of representatives from: each of the Parties, i.e. Dr. Begic, a Bosnian; Dr. Boskovic, a Croat; and Dr. Kovac, a Serb; the designee of the High Representative, Eugene Hutchinson of Ireland; OSCE Mission Senior Deputy Head of Mission Sir Kenneth Scott; former Canadian Minister the Honourable John Reid; and myself, as ex-officio Chairman. The members are to be commended for pulling together to produce a vast range of Rules and Regulations that are tantamount to an electoral law for the challenging and idiosyncratic elections of 1996.

On 22 April, the Commission approved key texts on Voter Registration that preserved the voting rights of citizens enshrined in the Peace Agreement. These texts repeated verbatim formulations in the Agreement stating that "as a general rule" the refugees and displaced persons "are expected" to vote either in person or by absentee ballot in the municipalities where they resided in 1991, before the start of the war. They also reiterated the right stipulated in



the Agreement that such citizens could apply to the Commission to vote elsewhere. This latter formulation provoked widespread criticism from the Muslims that it would "legalise ethnic cleansing". For my part, I have held firmly to the ruling on the premise that the individual citizen must have the right to decide where to reside and vote, taking into account the positive realities across the country.

#### *Political Parties Consultative Council*

Opposition political parties objected to inclusion of only representatives of the parties in power in the Provisional Election Commission. Many international visitors supported the objections despite being informed that the OSCE Mission was maintaining an ongoing dialogue with leaders of all the parties. At length, a decision was taken to establish a Political Parties Consultative Council to bring together Commission members with representatives of the opposition parties for discussions of virtually all aspects of the electoral process. This combined inter-ethnic effort which includes frequent meetings in both Sarajevo and Banja Luka has been a signal success and a noteworthy contribution to the Mission's democratisation programme.

#### *Media Experts Commission*

The Provisional Election Commission, taking account of the need to ensure reasonable objective media reportage during the campaign, has created a Media Experts Commission. This group is chaired by the Mission's Senior Adviser for Media Development, Mr. Dimitrov of Bulgaria. It includes OSCE Human Rights Officers, professional journalists and designated authorities from the government bodies. It has organised systematic monitoring of the media throughout the country and procedures for enforcing compliance with its decisions. Media Experts Sub-Commissions led by OSCE Human Rights Officers have also been established at the Mission's Regional Centres.

#### *Elections Appeals Sub-Commission*

Accepting the advice of the Electoral Assessment Team the Mission has established an Elections Appeals Sub-Commission to enforce compliance with Rules and Regulations adopted by the Provisional Election Commission. The Sub-Commission is chaired by Judge Lyngheim of Norway and includes

distinguished jurists from the three Parties as well as the international community. It has issued many decisions on complaints brought to its attention, and in some cases has forced the resignation of those found guilty of non-compliance. Perhaps its most celebrated case involved punishment of local political figures in Cazin, near Bihac, for the brutal attack on former Prime Minister Silajdzic at a rally of his party.

#### *Election Supervisors*

In order to ensure a hands-on, strong OSCE oversight of the voting on election day, the Mission has decided to field 1,200 OSCE Supervisors. They will be formed into 600 mobile teams with two Supervisors, an interpreter and driver in each team. Wherever possible the interpreter will serve as driver. Each team will be responsible for the balloting at approximately seven of the 4,400 polling stations. Each will arrive in the country three weeks before the elections, undergo several days training and ensure close scrutiny of the polling stations over the last fortnight up to and including election day. The Supervisors will come under the chain of command below the Provisional Election Commission and will be organised by the United Nations Volunteers under a contractual relationship negotiated with OSCE.

#### *International Monitors and Observers*

Separately, an OSCE Co-ordinator of Monitors and Observers, former Netherlands' Minister of Interior and Mayor of Amsterdam, Edward van Thijn, is organising some 1,200 to 2,000 monitors from the international community that will be scrutinising the conduct of the elections. The organisations dispatching these individuals will be required to provide for their logistical support. But Co-ordinator van Thijn will offer them briefings, accredit them to visit polling places and generally assist them in their monitoring activities.

#### *Toward the Elections*

Under the Peace Agreement, OSCE was called upon "to certify whether elections can be effective under current social conditions in both Entities". At the OSCE Ministerial Meeting in Budapest on 7-8 December 1995, a decision was made that the OSCE Head of Mission should recommend whether to

proceed with the elections and the Chairman-in-Office, Federal Councillor Flavio Cotti of Switzerland, should decide on their certification.

It was manifestly impossible to prepare for elections within the six-month period stipulated in the Peace Agreement. In June, pressures mounted to decide whether the elections should take place within the outer limits of the timeframe agreed at Dayton - i.e. by 14 September, nine months after the Paris signing ceremony at the latest.

At the Florence Mid-Term Assessment of the Peace Implementation Council on 14 June, I made a positive recommendation on the basis of three considerations: a start had been made on the substantive criteria in Annex 3, and all the administrative criteria were being met; it was essential to exploit the limited time period during which both IFOR and OSCE would be present in Bosnia and Herzegovina in maximum strength; and it was clear that virtually all political parties wished to hold the elections and participate in the institution-building involved.

On 25 June, Federal Councillor Cotti issued his certification in an eloquent statement of concern over electoral conditions, which he viewed as both half full and half empty. Minister Cotti and I agreed at this juncture that a major effort was needed to remove Dr. Karadzic, indicted for war crimes by the Hague Tribunal, from his Presidency of the ruling Bosnian Serb party, the Serb Democratic Union (SDS). Indeed, a crescendo of international appeals for action to remove Karadzic from public office arose in late June.

When the SDS defiantly re-elected him President on 29 June and we learned the next day that the High Representative had succeeded in emasculating Karadzic's powers as President of Republika Srpska, but Pale insisted that he was still occupying the office of the Presidency, I decided to assert my prerogatives as Chairman of the Provisional Election Commission. I was determined to press for his resignation from the SDS Presidency; otherwise the Commission would effectively disbar the SDS from the campaign. Over the next fortnight, I consulted with all concerned in the Contact Group, the High Representative, COMIFOR Admiral Smith, President Milosevic and the leadership in Pale to orchestrate Karadzic's departure before commencement of the campaign. I decided to postpone the start of the campaign from 14 to 19 July to give the SDS added space and time to resolve the situation. In discussions with Acting President Plavsic, Assembly President Krajisnik, Mr. Buha and others at Pale, I called attention to the suggestion of an anonymous Russian diplomat in the press who suggested that Karadzic should take the decision himself to step aside for the good of his own people. I thought this was the wisest approach. If he failed to do so, I warned that the SDS would not be able to participate in the campaign and Republika Srpska would be unable to achieve the legitimacy that only the OSCE supervised elections could permit.

At the last minute, the principal architect of the Dayton Agreement, former Assistant Secretary Holbrooke, made a brief visit to the region, repeated the hyper-intensive diplomacy that had worked so effectively at Dayton, and late on 18 July produced the agreement that removed Karadzic from further involvement in political life in Republika Srpska. This dramatic development enabled the campaign to commence on schedule on 19 July with the integrity of the electoral process greatly enhanced.

#### *Coordination with IFOR*

From early in 1996, the Mission developed a close working relationship with IFOR. In late winter, IFOR Commanders agreed to forego the commencement of downsizing their forces from June until after the elections in September. Liaison officers were assigned to the OSCE Mission from its very beginning. Some contributed importantly to the Mission's Strategic Planning Unit. Others were assigned to the Elections Component, both in Sarajevo and the field. In the approach to elections on 14 September, in-depth coordination will be concentrated in a Joint Elections Operations Centre, which will also include officers from ECMM, the International Police Task Force, UNHCR and others. IFOR support for the OSCE Mission has been exceptionally outstanding.

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In sum, the OSCE Mission took shape rapidly in the early months of 1996 to meet the extraordinary challenges requested of it at Dayton. In close concert with others in both the military and civilian aspects of the peace process, the Mission has made prudent preparations for supervising the electoral process. Unprecedentedly complex substantive and administrative challenges will face the Mission through the election campaign and beyond. But OSCE is doing its best to contribute to the consolidation of peace and democracy in Bosnia and Herzegovina.