

THE SITUATION IN BOSNIA

Mr. LEVIN. Mr. President, I recently returned from a trip to NATO headquarters, to the headquarters of the United States European command, in Stuttgart, and Senator JACK REED of Rhode Island joined me for a trip to the former Yugoslavia. While in Bosnia we visited Sarajevo, Tuzla, Simin Han, Hajvazi, and Mostar. We also visited Zagreb in Croatia and Belgrade in Serbia. I want to share the impressions and conclusions that I gained during the course of this trip.

The situation within Bosnia is relatively stable. The forces of the NATO-led Implementation Force that ended its deployment in December 1996, accomplished its mission of separating the forces of the former warring factions, overseeing the placing of heavy military equipment in cantonment areas, and generally creating an environment in which civilian aspects of the Dayton Peace Agreement could be carried out. The NATO-led stabilization force, which is scheduled to remain in Bosnia for 18 months from December 1996, is essentially continuing the mission of keeping the peace and creating a secure environment.

I was heartened that some institutions of the Government of Bosnia and Herzegovina have been formed. In our separate meetings with the three Presidents and two Prime Minister of Bosnia and Herzegovina, I was struck by their avowed intention of working together to implement the Dayton agreement. There will, of course, be problems and frustrations as they seek to work together, but I believe that these day-to-day problems can be overcome if the immediate and middle term challenges I am about to discuss can be satisfactorily addressed.

IMMEDIATE CHALLENGES

The next year is going to see many significant challenges to peace in Bosnia, and here are two:

First of all, a ruling of the international arbitration tribunal provided for in the Dayton agreement is due to be handed down on February 14, this year, concerning the disputed portion of the Inter-Entity Boundary Line in the Brcko area. Brcko was the scene of ethnic cleansing by the Bosnia Serbs of Bosnian Moslems, who were the majority there prior to the war. Brcko is located in the narrowest area of the Posavina corridor that separates the Serb Republic from the territory of the Bosniac-Croat Federation and which essentially also divides the eastern and western portions of the Serb Republic. In view of Brcko's strategic location, Bosnian Serb Premier Gojko Kljickovic recently told reporters that Serbian forces were prepared to launch a Bosnia-wide war if the Serbs lost control of the city in the arbitration process.

Brcko is located in the United States sector of Bosnia and Herzegovina. Having visited with Maj. Gen. Montgomery Meigs and his troops, I know that they are prepared to handle any military

contingency that might arise. It would be suicidal for the Bosnian Serbs to resort to force in view of the overwhelming advantage that the SFOR forces have, but emotions run very high over this issue. Even if the Bosnian Serbs did not resort to force, the lack of cooperation that would surely result from an adverse arbitration ruling would complicate further the implementation of the civilian aspects of the Dayton agreement.

A second immediate challenge relates to Eastern Slavonia, a strip of land in easternmost Croatia that borders on Serbia and northern Bosnia and Herzegovina.

A United Nations peacekeeping force has been administering Eastern Slavonia as it transitions back to the full control of the Government of Croatia. The mandate of the United Nations Transitional Administration in Eastern Slavonia ends on July 15, 1997. There are presently about 120,000 Croatian Serbs in Eastern Slavonia, half of whom were driven out of their homes in other parts of Croatia, particularly the Krajina. If the Croatian Serbs determine that they are unable to live in peace in Eastern Slavonia, their only alternatives are to go to Bosnia or Serbia. Neither place has the resources to absorb the Croatian Serbs and their departure, forced or voluntary, to either place would be highly unsettling.

It is important for the international community to clearly notify the Croatians that they must reassure the Croatian Serbs that their rights will be respected so they will remain in Croatia. It must be made clear to the Croatian Government that its relationship to the West and its access to western institutions will depend upon its treatment of the Serb minority within its borders.

MIDDLE TERM CHALLENGES

Mr. President, our visit to Bosnia and the region have convinced me that there will be a need for an outside armed force in Bosnia beyond the 18 months mission of the stabilization force.

That is the most important, significant conclusion that I reached, which is that at the end of this 18-month period there still will be a need for an outside armed force in Bosnia. I base that conclusion on the following factors:

RESETTLEMENT OF REFUGEES

The Dayton agreement provides for the early return of all refugees and displaced persons to their homes. There are an estimated 1.2 million refugees and displaced persons in Bosnia and another 900,000 elsewhere, primarily Western Europe. There are an estimated 330,000 refugees, mostly Bosnian Moslems, in Germany alone.

The homes that these approximately 2.1 million people have the right to return to are either destroyed or are presently occupied by other refugees or displaced persons. As reconstruction lags, the problem remains acute.

Additionally, the animosities that gave rise to the war and the horrible

atrocities committed against civilians have not disappeared and serve to discourage people from returning to their homes of origin.

These obstacles to resettlement were dramatically brought home to me during a visit to U.S. Observation Post Rock located in the vicinity of the former Bosnian Muslim town of Hajvazi that is now just within the Serb area of Bosnia. Across the ravine from the observation post one can see a house occupied by the Bosnian Serb police. The police are determined first to prevent Bosnian Muslims from returning and second to bring Bosnian Serbs in to occupy the houses in the town. The Muslim mosque lies in rubble.

Most dramatic of all, however, is the interior of the observation post itself. A pillar in the middle of the observation post contains the bloody handprint of a young child and the cement floor of the structure had to be covered with wood flooring because the blood stains were so ingrained they could not be cleaned. The United States commander described the building as a slaughter house where Muslims were put to death. It is difficult to imagine Muslims and Serbs living peacefully side-by-side in the shadow of such recent atrocities, even putting aside their previous history.

We also visited Mostar, a city in which both Bosnian Muslims and Bosnian Croats have lived since pre-war days. Mostar was the site of heavy fighting between Muslims and Croats prior to the so-called Washington Agreement which brought an end to Muslim-Croat fighting and enabled them to join forces against the Bosnian Serbs. Subsequent to the Washington Agreement, Mostar sustained heavy damage from punitive shelling by the Bosnian Serbs who controlled the high ground surrounding the city. Despite extensive construction efforts funded by the European Union which sought to make a model of Mostar for Muslim-Croat cooperation, the terrible scars of the fighting are still visible in Mostar, particularly in the Muslim section of the city which sustained most of the damage, bearing witness to the cruel shelling and small arms fire that indiscriminately targeted civilians there.

Another complicating factor as to why it is going to be impossible to leave without some kind of a follow-on force after 18 months from last December, has to do with war criminals.

WAR CRIMINALS

Article IX of the General Framework Agreement, which with its several annexes make up the Dayton Agreement, specifically recites "the obligation of all Parties to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law." The authorities of the Serb Republic have refused to hand over former President Radovan Karadzic and former military chief General Ratko Mladic, both of whom

have been indicted by the International Tribunal for the Former Yugoslavia at the Hague. In a January 2, 1997, letter to new U.N. Secretary General Kofi Anan, Serbian Republic President Biljana Plavsic challenged the legal foundation of the international tribunal and stated that "It is our firm belief that if we were to hand over Dr. Karadzic and Gen. Mladic for trial, this would, in fact, threaten the existing peace."

NATO policy established first for the implementation force and continued for the stabilization force is not to search for indicted war criminals and to apprehend them only if they are encountered by the NATO-led force as it carries out its duties and only if apprehending them would not put the SFOR troops at significant risk. This policy decision is influenced no doubt by the lesson the international community learned during the U.N. operation in Somalia when United States and allied troops conducted a manhunt for General Aided with disastrous results.

The United Nations has distributed posters with the photos of the indicted war criminals so that the stabilization force troops will be in a position to apprehend them if they are foolish enough to attempt to pass through a checkpoint or otherwise come in contact with those forces. In early January, one such indicted war criminal, a Bosnian Croat who was the former police chief in Vitez and has been indicted for overseeing the inhumane treatment of Bosnian Muslim civilians, did encounter an SFOR patrol. He was not apprehended because the patrol members were not carrying a U.N. poster and were unsure that he was a suspect, although they thought he might well be. They should have detained him until they were able to make sure whether he was or was not a suspect but they did not.

It should be noted that General Mladic, an indicted war criminal, while at large still is not really a free man. His location, where he is surrounded by heavily armed loyal troops, is known and his movement is restricted because of his fear of making contact with our troops. He is in a sense already in prison. Nevertheless, Mladic and former President Karadzic have not been turned over to the international tribunal and there are no signs that they will be turned over during the 18-month timeframe in which SFOR is operating.

In an attempt to address the problem of apprehending war criminals, former Secretary of Defense Perry and Chairman of the Joint Chiefs of Staff General Shalikashvili proposed the creation of a special paramilitary police force to our NATO allies in December. The proposal reportedly did not resonate well with our allies.

The next complicating factor for why the 18-month period is not going to prove sufficient for the Dayton accords to be fully implemented is the lack of reconciliation.

RECONCILIATION

With dim prospects for the return of refugees and displaced persons to their homes, with the refusal of the Serb Republic authorities to hand over Karadzic and Mladic, the most prominent of the indicted war criminals, with the ever visible physical scars and undoubtedly even more long lasting internal scars of this terrible conflict, and with the absence of a free and independent media, as I will discuss a little later, I am convinced that reconciliation of Muslims, Croats, and Serbs will not occur sufficiently during the 18-month mandate of the stabilization force and that the Dayton accords will not be fully implemented during that period. A final complicating factor was to do with police forces.

POLICE FORCES

The NATO-led forces have been extraordinarily successful in implementing the military aspects of the Dayton agreement. The subregional arms control agreements, although poorly respected by the Bosnian Serbs, coupled with the American organized equip and train program for the Bosniac-Croat Federation, will result in rough military parity between the Federation and Bosnian Serb armies. Many of the former military troops have been demobilized and returned to civilian life and those who remain in uniform are tired of war. The police forces of the three entities are, however, not subject to the military aspects of the Dayton agreement and thus not expressly controlled by the stabilization force.

In Annex 11 to the Dayton agreement, the parties expressly requested the U.N. Security Council to establish a U.N. International Police Task Force [IPTF]. The IPTF, a force of approximately 1,600 unarmed officers, unlike the NATO-led force, was not granted enforcement authority and was and is limited to functions such as monitoring, observing, inspecting, advising, and the like. These functions were based upon the reasonable expectation that the police forces of the parties would possess limited capabilities. Unfortunately, many Bosnian police elements are relatively heavily armed and are trained and equipped to operate as small military units. Based upon their suspicions of their counterparts, they are reported to have secretly stockpiled huge amounts of weapons and ammunition. In November, joint surprise inspections of police stations by implementation force troops and the IPTF resulted in the confiscation and destruction of a large number of unauthorized weapons, mainly small arms and ammunition although numerous mines and light mortars were also discovered. Since that time, the New York Times reports that local police units have hidden their military equipment.

For the many reasons cited, and others, I am convinced that there will be a need for an armed outside force in Bosnia as a follow-on force after SFOR's 18-month mandate expires. Before I discuss such a follow-on force further, I

want to address other pressures that bear on Bosnia.

OTHER PRESSURES

Mr. President, the parties to the General Framework Agreement for Peace in Bosnia and Herzegovina, the long title of the Dayton agreement, include the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia—hereafter referred to as Serbia. The Governments of Croatia and Serbia were wisely included because of the influence they have over the three factions in Bosnia and because events within their territories could have a spillover effect in Bosnia.

SERBIA

While in Belgrade, we were able to witness first hand the daily demonstrations being mounted by the students and the opposition coalition named "Together." The specific catalyst for the demonstrations in Belgrade and the democratic demonstrations in other cities throughout Serbia was Serbian President Slobodan Milosevic's attempt to deny the opposition the victories they achieved in municipal elections in Belgrade and 13 other Serbian cities last November. But the demonstrations are fueled also by dissatisfaction over an economy wrecked by mismanagement, corruption, and international sanctions, by distortions and lack of reporting of events by the government controlled television stations, and by the recognition that Milosevic's supernationalism was the major cause of the war that helped unravel Yugoslavia. Milosevic is doing all that he can to buy time but he is likely to be devoured by the nationalistic tiger he unleashed. Accordingly, for better or worse, Milosevic specifically and events in Serbia generally do not have the influence or impact that they previously had on Bosnia.

CROATIA

President Franjo Tudjman's poor health and the accompanying succession puzzle are distracting Croatia over virtually all other concerns. Additionally, Croatian authorities realize that they must have Western approval if Croatia is to have any chance of economic assistance and trade. These factors hopefully will prevent Croatia from using a heavy hand in its dealings with the Croatian Serbs in Eastern Slavonia. I remain cautiously optimistic that common sense will prevail and Croatian policies will not cause a mass exodus of Croatian Serbs when the U.N. mandate expires there on July 15.

THE MEDIA

As in Serbia, the government controlled media, particularly television, in Bosnia continuously presents a drumbeat of propaganda that fuel ethnic stereotyping and hatred. While this is most vitriolic in the Bosnian Serb stronghold in Pale, it is unfortunately echoed in Sarajevo and Mostar.

A free and independent media, especially television modeled after CNN and the British Sky News, along with

good entertaining programs and objective, fair news presentations, would be very helpful. Only a small minority of people who have satellite dishes receive objective news. It is only through a free and independent media that Muslims, Croats and Serbs can understand the atrocities that were committed. Such an understanding would be the first step towards reconciliation and ultimate survival of a multi-ethnic Bosnia and Herzegovina.

ACCOMPLISHMENTS OF NATO-LED FORCE

Mr. President, as I have already noted, the NATO-led implementation force and its successor, the stabilization force, have been extraordinarily successful in implementing the military tasks of the Dayton agreement. This first ever NATO peace enforcement mission is an unqualified success so far. It is a particularly important achievement because it also involves the forces of non-NATO nations.

During our stay at Multinational Division North, the United States sector headquarters in Tuzla, we were able to travel to Simin Han where the Russian airborne battalion is located. It was wonderful to observe the excellent relationship between the U.S. commander, Maj. Gen. Monty Meigs, and his Russian counterpart. The Russian commander, his subordinate officers and troops were extremely proud of their role in the U.S. sector. I spoke to a number of U.S. soldiers who have been conducting joint patrols with the Russian troops and they were unanimously upbeat about the Russians whom they described as excellent soldiers.

In our visit to the French sector headquarters of the Multinational Division Southeast in Mostar, we were briefed by the French Commander, his German Chief of Staff, and his Spanish, French, Italian, and German staff officers. It was encouraging to see how easily these NATO allies work together. It was one of the best military briefings I have ever received and the graphics they used were among the best I have seen. The ability of our European NATO allies to work together so professionally, in this case under a French commander, gives me hope for the success of NATO's European Security and Defense Identity initiative, particularly once France returns to NATO's integrated military structure.

The participation of the forces of members of NATO's Partnership for Peace and their smooth integration into the NATO-led IFOR and SFOR mission are testament to the success of Partnership for Peace. Despite early criticisms of that program as a stalling tactic to gain time while NATO enlargement could be worked out, Partnership for Peace, with its emphasis on peacekeeping, has been a major success in leading the way to the participation of a host of nations in international peace operations.

The success of the NATO-led multinational peace enforcement mission, both during IFOR and now SFOR, is ex-

traordinarily important for the future. The United States cannot be the world's policeman but the world needs a trained, equipped, and ready force to respond at the early stages of a crisis that threatens international peace and security. Events might have been very different in former Yugoslavia if such a force could have been deployed to Croatia in the summer of 1991 when the fighting between the Croatian Army and the Croatian Serbs backed by the Yugoslav People's Army first began. Such a deployment could have served to nip the crisis in the bud, saved tens of thousands of lives, and set the stage for a negotiated settlement before nationalist fervors were fanned beyond control.

FOLLOW-ON FORCE FOR BOSNIA

Mr. President, I am convinced that the SFOR mission duration of 18 months will not be sufficient for peace to gain a firm enough foothold in Bosnia and I fear that, in the absence of an outside armed force, the conflict will reignite.

I believe that the participation of United States combat troops on the ground in Bosnia should terminate with the end of SFOR's 18 month mandate. The United States is the only nation in the world with global commitments and the capability to meet those commitments. Only the United States can defeat aggression in the Persian Gulf or on the Korean peninsula or wherever it might threaten our vital interests. But the United States cannot afford to have its forces tied down indefinitely in Bosnia where our interests are real but not as vital as for the Europeans. The United States had to take the lead in negotiating and implementing the Dayton peace agreement because our European allies and friends were not ready to do so. Our participation in IFOR and now SFOR will have given our European allies 2½ years to become ready. It is time for them to start preparations now to fulfill that role to ensure that peace does not unravel in their neighborhood after SFOR's mandate ends 18 months after December 1996. The United States can and should still remain involved with logistic, intelligence, and other support activities.

Fortunately, NATO is now developing a European Security and Defense Identity [ESDI] within the Alliance to permit the European NATO nations, with NATO consent, to carry out operations under the political control and strategic direction of the Western European Union [WEU] using NATO assets and capabilities. This initiative is tailor-made for a follow-on force to SFOR. And there is no reason why the Partnership for Peace nations should not be included as they have been in IFOR and SFOR. It will not happen, however, without firm pressure from the U.S. Congress and the administration and notice of our intent now to give our European friends plenty of time to prepare to take over leadership of the follow-on force to SFOR after 18

months, should such a force be needed as I predict it will be.

CONCLUSION

Mr. President, the end of the cold war has unleashed the forces of nationalism, ethnic hatred, and religious fanaticism. In Bosnia, this has led to the death of approximately 210,000 people, including about 150,000 civilians. More than 2.5 million Bosnians out of a pre-war population of 4.4 million were forced to flee their homes, 2.1 million Bosnians are still refugees or displaced persons.

The NATO-led IFOR and SFOR have done and are doing an extraordinary job in implementing the military tasks of the Dayton peace agreement. Civilian implementation and reconstruction lag behind, however. While there are encouraging signs with the formation of central government institutions, they are still fragile and reconciliation among the Bosnian Muslims, Croats, and Serbs has barely begun.

There will be a need for a follow-on outside armed force in Bosnia once SFOR's 18-month mandate is finished. United States combat forces should not remain on the ground in Bosnia beyond that time. The European Security and Defense Identity initiative within NATO provides a mechanism for a follow-on force to sustain the peace there. Our European NATO allies and European friends, particularly those participating in NATO's Partnership for Peace Program, need to begin planning now to provide the follow-on force.

IFOR and SFOR have been extremely successful multinational peace enforcement missions. The international community needs to be able to field trained, equipped, and ready forces to nip crises in the bud. Hopefully, IFOR and SFOR and a Western European Union follow-on force for Bosnia can provide the model for the international community in other regions of the world.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF ANDREW CUOMO

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 9:30 a.m., on Wednesday, January 29, the Senate proceed to executive session to consider the nomination of Andrew Cuomo to be Secretary of the Department of Housing and Urban Development; further, that there be 30 minutes of debate on the nomination, equally divided between the chairman and ranking member, with a vote to occur on the nomination at the expiration or yielding back of that time; further, immediately following the vote