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Introduction
On 18 July 2001, the twenty States participating in the Negotiations on Regional Arms Control under Annex 1-B, Art. V of the Dayton Agreement the Concluding Document adopted by consensus. It no longer contains any concrete and binding measures but rather highlights the positive developments in the region, underlines the States’ adherence to existing agreements and obligations, and encourages States to undertake, on a voluntary basis and as appropriate, several measures concerning information exchange, expanded military contacts and co-operation, the additional notification and invitation of observers to military activities, additional verification activities, co-operation with respect to tackling Anti-personnel landmines and Small Arms and Light Weapons (SALW), and the establishing of a commission.

The question might arise whether the negotiations should therefore be termed a failure, and what implications their — on the surface — supposedly meagre outcome might have for the peace process under the Dayton Agreement. To answer this question, it might be necessary to counter some stereotypes and misconceptions, and to take a closer look at the negotiations both with respect to their origins, as well as their development. It would further require one to outline some of the problems which confronted the negotiations from the outset, and also the positive developments which have finally overtaken the negotiations both with respect to their very purpose, and their envisaged outcome.

Background and origins
The negotiations have to be seen in the wider framework of the Dayton Agreement which was concluded in late 1995 to end the wars in Bosnia and Herzegovina. Annex 1 to this Agreement regulates the military aspects. While Annex 1-A provides, inter alia, for the deployment of a NATO-led Implementation (now: Stabilization) Force (USFOR), Annex 1-B contains the arms control part under the title ‘Agreement on Regional Stabilization’.

It contains several provisions which provide for a negotiation framework on arms control issues (in the wider sense) between the Parties to the Dayton Agreement, i.e. Bosnia and Herzegovina and its two entities (the Muslim-Croat ‘Federation of Bosnia and Herzegovina’ and the Serbian ‘Republika Srpska’), the Republic of Croatia and the Federal Republic of Yugoslavia. The negotiations

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were to be held, in differing compositions, different time-frames, and differing intensity, in one way or another under the auspices of the OSCE in the widest sense.

Art. II foresaw negotiations on Confidence- and Security-Building Measures between (the State of) Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and Republika Srpska. They were already successfully concluded on 26 January 1996.

Art. III prohibited arms imports during the first phase after the entry into force of the Agreement (90 days for all weapons, 180 days for heavy weapons). Article IV provided the framework for negotiations on Sub-Regional Arms control between (the State of) Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska, as well as Croatia and Yugoslavia. The agreement stated that they should establish numerical limits on holdings of tanks, artillery, armored combat vehicles, combat aircraft, and attack helicopters, as defined in the relevant sections of the CFE Treaty, with the additional understanding that artillery pieces will be defined as those of 75 mm calibre and above. These negotiations were also successfully concluded on 14 June 1996, limiting the forces of the Parties concerned, and leading to the elimination of more than 6,500 pieces of heavy military hardware within 16 months thereafter.

Paragraph 4 of Art. IV further explicitly foresaw that the OSCE will assist the Parties in their negotiations under Articles II and IV of this Annex and in the implementation and verification (including verification of holdings declarations) of resulting agreements.

Finally, Art. V in its original wording and meaning² was aimed at a Regional Arms Control Agreement with the goal of establishing a regional balance in and around the former Yugoslavia. This provision does not contain any time-frame or deadlines for the beginning or duration of the negotiations.

With regard to the purposes and the scope of participation, one could thus see an approach in ‘concentric circles’.

In the first instance, stability was to be achieved within Bosnia and Herzegovina, with negotiations on CSBMs only and with limited participation (BiH, FBiH, RS). In a second step, the participants in the Bosnian War (the parties within BiH and the external actors — Croatia and FRY) should negotiate a stable military balance among themselves, thereby also eliminating the serious asymmetries which had been, inter alia, a major factor in triggering the past wars. As a final step, negotiations between all the States of the Former Yugoslavia and its neighbours should lead to eliminating possible instabilities, and to reintegrating the region into the wider European security space.

Art. V thus served several purposes within the framework of Annex 1-B. First, in its original meaning it should expand the scope of arms and force limitations beyond the original participants in the previous wars. It was primarily in the interest of Yugoslavia to harmonise the limitations expected under Art. IV

² On the changes see below.