

EUFOR/NATO HQ Mandate in Jeopardy

DPC Policy Note

*Assembling a Western Policy Strategy for
Bosnia and Herzegovina Series, #1*

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EXECUTIVE SUMMARY

The continued presence of EUFOR/Operation Althea, the successor to the NATO peacekeeping force deployed in Bosnia and Herzegovina (BiH) at the end of the war, is at risk of being vetoed by Russia in the UN Security Council in November as a part of its policy of disruption in the Western Balkans, with potential Chinese support. A vote against EUFOR's Chapter 7 mandate from the UN Security Council (UNSC) to "maintain a safe and secure environment" would also potentially eliminate the Chapter 7 mandate of the NATO Headquarters in Sarajevo. These executive mandates are essential for deterring organized violence, and to retain a legal foothold from which to react to any security threats that may emerge.

Preparations are urgently required this summer for NATO to seize the role of EUFOR in case of a Russian veto, and to reinforce its troop presence, based on NATO interpreting Annex 1A of the Dayton Peace Agreement as an open-ended justification to maintain such a deployment under NATO auspices, as well as ensure ability to control BiH's airspace. Otherwise, NATO and the EU leave BiH vulnerable to Moscow's (and Beijing's) veto – and perhaps unilateral Russian deployment of forces in support of its own agenda in the region.

Recommendations

Preventing a precipitous move by Moscow, and perhaps even deterring a veto (in which it may be joined by Beijing), is within NATO's capability. This would require the following, beginning immediately:

- 1) An explicit and articulated commitment by NATO members, led by the US, to assert the obligation of NATO forces to maintain the Annex 1A safe and secure environment as stipulated by Dayton – irrespective of any Russian veto. This would, in effect, amalgamate and supersede the existing EUFOR force. Such a commitment may indeed deter any Russian veto or precipitous action. Only once the door is closed to Russian direct interference in BiH (at least through direct investment of troops by air) and NATO's posture considerably shored up in BiH should Moscow be informed of NATO's determination to stay put, regardless of Russia's actions in the UNSC. Austrian forces could participate, but the force would need to come under the command of a NATO member, preferably from a country sending operational reinforcements.
- 2) Reinforcement of the current EUFOR force with US/NATO troops, with particular attention to the "hinge" of the Republika Srpska in Posavina, with a deployment to Brčko, effectuated through Tuzla airport. The former Camp McGovern site has had infrastructure largely dismantled, but is still available.¹ Ensuring monitoring and control of BiH airspace would facilitate "area denial," preventing a Russian airborne deployment.
- 3) A long-overdue needs assessment to determine the requirements for a proper NATO-led deterrent mission in BiH, commensurate with the tasks in Annex 1A and the current political and security environment.

¹ Discussion with Brčko official, September 2021.

- a. Over a decade ago, in March 2011, DSACEUR assessed the troop requirement to meet the mandate at brigade-strength (e.g. ~5000 troops),² with a wider deployment footprint in BiH and greater mobility.
- b. While awaiting this needs assessment, current military infrastructure must be maintained to preserve NATO's options to deploy forces by air to Mostar and Tuzla. Of particular note is the Ortiješ airfield complex, which includes Mostar's airport, and is capable of accommodating NATO's C-17 transports and is closer to US forces in Italy.
- c. Washington and other NATO members should give consideration to maintaining a standing NATO presence with US participation, for training and operational purposes, in BiH – as with the remaining US presence in Germany. Tuzla airport and Brčko District – combining the ability to air deploy reinforcements in proximity to one of BiH's most strategic locations – should be assessed.

² See Azinovic, Bassuener, and Weber, "Assessing the Potential for Renewed Ethnic Violence in Bosnia and Herzegovina: A Security Risk Analysis," 2011, op. cit. Cited at page 72. Available at: http://www.democratizationpolicy.org/uimages/pdf/DPC-AI_BiH%20Security_Study.pdf.

Background/Rationale

The EU's EUFOR/Operation Althea, an executive mission which has been tasked since its inception in December 2004 with maintaining a “safe and secure environment” in Bosnia and Herzegovina (BiH) under the Dayton Peace Agreement's Annex 1A as successor to NATO's IFOR and SFOR missions, has long been below credible deterrent capability, with roughly 700 troops in total. In addition to its inability to perform its central task, nearly a decade ago it informed diplomatic missions it could not fulfill an earlier commitment to evacuate their civilian personnel.³ In 2015, Mission members related it was unable to simultaneously defend its main base at Camp Butmir near Sarajevo Airport and the airport itself – one of the airheads required for force reinforcement – and the force has only weakened in the past six years.⁴ EUFOR operates under “Berlin plus” arrangements with NATO – with access to NATO logistics and support, as well as NATO backup *in extremis*. US forces based in Italy, most notably the 173rd Airborne Brigade, are commonly understood to effectively underwrite the deterrent, in addition to EUFOR's own arrangements for “over the horizon” forces. A British reserve unit had been EUFOR's primary “over the horizon” backup until Brexit was effectuated in 2020. The impediment is not that the UK is outside the EU – Turkey provides a strong contingent to EUFOR, after all, but rather that the UK-EU relationship remains up in the air. Follow-on legal arrangements with the EU on UK force participation have not been agreed – and are contingent on the broader UK-EU foreign and security policy relationship.⁵

EUFOR's current weakness should not lead to the conclusion that the presence is in fact not needed. On the contrary, it is imperative that this *necessary foothold* be maintained. Were it entirely withdrawn, it would not be possible to recreate the legal basis for this deterrent force – leaving BiH vulnerable to both internal and external threats. It would also further infect the political incentive structure in the country for the worse.

Since December 1995, the UN Security Council has annually renewed approval of this deployment of NATO, then as of 2004 EU forces, under Chapter 7 of the UN Charter, to maintain international peace and security. NATO maintained its mandate, without an operational mission, pursuant to Annex 1A and the Berlin-plus arrangements with the EU. Since Russia's shift from opportunistic spoiler to aggressive disruptor in the Balkans, following its 2014 invasion of Crimea and inducement of war in eastern Ukraine, concerns of Russia vetoing the extension of the mission sharpened; Russia abstained in the November 2014 extension and has cast vetoes, for example, against declaration of war crimes. In addition, Russia's most vocal ally in the Balkans, Republika Srpska's (RS) Milorad Dodik, who maintains a strong secessionist stance that for years has been subtly yet consistently fed by Belgrade, directed a shift in the RS' posture

³ Vlado Azinović, Kurt Bassuener, and Bodo Weber, *Assessing the Potential for Renewed Ethnic Violence in Bosnia and Herzegovina: A Security Risk Analysis*, Atlantic Initiative and Democratization Policy Council, October 2011. Cited at p. 73.

⁴ Kurt Bassuener, “EUFOR: The West's Potemkin Deterrent in Bosnia and Herzegovina,” Atlantic Initiative-Democratization Policy Council Security Risk Analysis Policy Note 3, October 2015. Cited at page 7. Available at: <http://www.democratizationpolicy.org/pdf/AI-DPC%20BiH%20Security%20Risk%20Analysis%20Paper%20Series%203%20EUFOR%20%20The%20Wests%20Potemkin%20Deterrent.pdf>.

⁵ E-mail exchange with senior Western diplomat, April 2021.

on EUFOR in 2014, which had hitherto supported maintaining the mission.⁶ This shift followed Russia's invasion of Crimea months earlier and Dodik's citing Moscow's encouragement for a secession bid when seeking support from then-Serbian Prime Minister Aleksandar Vučić.⁷ Inexplicably, the 2015 extension of the mandate explicitly tied the NATO Headquarters Sarajevo's Chapter 7 mandate (largely tasked with defense cooperation and intelligence and not composed of operational troops) to EUFOR's annual extension. This has been read legally – even by those who wish to maintain the deployment and mandate – as making NATO's presence vulnerable to Moscow's potential veto as well. Such an interpretation would contradict DPA's Annex 1A, which is open-ended. Since former High Representative Valentin Inzko imposed amendments to BiH's Criminal Code to outlaw genocide denial and glorification of war criminals, a newly energized and radicalized Dodik led RS Serb parties out of government, driving an RS People's Assembly (RSNA) declaration that High Representative orders are null and void and will not be respected.⁸ Such a position is unconstitutional; yet to date there is no Western unity on underscoring the severity of the RSNA position, nor in delivering consequences for these actions.

Moscow's vociferous objection to the selection of now-serving High Representative Christian Schmidt from Germany – the civilian executive instrument for Dayton enforcement – has further highlighted the vulnerability of EUFOR and NATO HQ. The fact that for the first time Moscow and Beijing aligned behind a common policy on BiH – rejecting Schmidt's appointment by the Peace Implementation Council and raising this unsuccessfully in the UN Security Council, raises the stakes.⁹ Russia's suggestion that the HR's appointment must be confirmed by the UNSC, i.e., could be vetoed, has no legal basis – and has subsequently been ignored by the UNSC's Western members. But it cannot be excluded that Moscow will veto the annual extension of the EUFOR mandate in November, and with it NATO's Chapter 7 mandate, based on the 2015 UNSC decision. This would leave the EU and NATO without a Chapter 7-mandated military force in BiH. The High Representative's executive Bonn Powers to a major degree rest on EUFOR/NATO's Chapter 7 mandate; removing it would render the West's intent to reconstruct the HR's authority, announced in the framework of the appointment of Christian Schmidt, moot at the outset.

Preparation for such an eventuality is urgently required. This "Plan B" would entail preparing to replace EUFOR with a credible NATO force, justified on the basis of Annex 1A of the Dayton Peace Accords. Efforts must urgently be undertaken to reinforce the fielded force on the ground well in advance of the November UNSC vote, as well as underscore to Moscow and others that the US, NATO, and the EU read the DPA's

⁶ In a study of Russian influence in Serbia, Ana Dević writes it is Dodik and the RS – not Vučić and Serbia – that are now considered to be akin to a "Piedmont" among the Russian radical right. See Ana Dević, "The Eurasian Wings of Serbia: Serbian Affinities of the Russian Radical Right," in Valery Perry (ed.), *Extremism and Violent Extremism in Serbia: 21-st Century Manifestations of an Historical Challenge*. Ibidem Press/Columbia University Press, 2019.

⁷ See Bodo Weber and Kurt Bassuener, "The Western Balkans and the Ukraine Crisis: A Changed Game for US and EU Policies?," DPC Policy Paper, Democratization Policy Council, September 2014. Cited at page 10. Available at: <http://www.democratizationpolicy.org/pdf/DPC%20Policy%20Paper%20Western%20Balkans%20&%20Ukraine%20Crisis.pdf>.

⁸ See Srećko Latal, "New Bosnian Peace Envoy Inherits Mission Impossible," *Balkan Insight*, August 9, 2021. Available at: <https://balkaninsight.com/2021/08/09/new-bosnian-peace-envoy-inherits-mission-impossible/>.

⁹ Michelle Nichols, "Russia, China fail at U.N. in bid to shut down Bosnia peace envoy," *Reuters*, July 22, 2021. Available at: <https://www.reuters.com/world/europe/russia-china-fail-un-bid-shut-down-bosnia-peace-envoy-2021-07-22/>.

Annex 1A as part of an international peace treaty without an expiration date to mandate continuation of this NATO Sarajevo HQ executive mission so long as Dayton pertains; that is, *indefinitely*. While this plan and legal justification would directly contradict the 2015 UNSC resolution’s conflation of the EUFOR and NATO HQ Chapter 7 mandates, preparing such a plan against the backdrop of deploying additional forces on the ground would likely deter Moscow – and possibly Beijing as well – from casting vetoes in November. One has to assume Moscow would prefer an EU- over a full-fledge NATO-led military mission in BiH. The issue in the end, is one of political will and resolve.

It is of crucial importance that the West, starting with the US, Germany, and the UK joining forces, act preemptively on the issue. The likely default setting among US, EU, and other NATO member state diplomats is for this legal interpretation to be the quiet, passive “back pocket” fallback option to employ should Russia and/or China cast a veto in November 2021 – as Moscow’s diplomats have threatened to Western diplomats since Schmidt’s nomination. But this passive approach would be foolhardy for a number of reasons.

First, it is highly likely that many EU member states would view the UNSC vote as dispositive – with some legal grounding, given the language of the resolutions. Several EU member states, most notably France, might even be *relieved*, having long advocated for an end to EUFOR. There is no guarantee the mission would remain authorized by the EU were it vetoed in the UNSC – or that troop contributing states would maintain personnel in it. The EU Delegation in Sarajevo might even actively advocate EUFOR withdrawal after a Russian/Chinese veto, to further undercut OHR and feed the unconvincing incantation that the EU enlargement process is “the only game in town.” It must also be remembered that EUFOR has been commanded by an Austrian officer for over a decade; Austria is a NATO partner (via Partnership for Peace), but could not command a NATO force.

(UN)Precedented Danger

Furthermore, there is precedent of a P-5 UNSC power casting a veto on a military deterrent force which had dire consequences. China’s veto of UNPREDEP in (then) Macedonia in early 1999, in response to Skopje’s recognition of Taiwan, affected the ground situation in the country during Serbia’s war in Kosovo – less than a month prior to NATO’s Operation Allied Force. This left Macedonia vulnerable in a critical period to potential Serbian incursion, while also affecting the humanitarian effort to assist Kosovar refugees.

Given President Vladimir Putin’s penchant for making deliberate moves to force changes in political dynamics and affect the geopolitical calculus, the idea that Russia could make a unilateral move to fundamentally change the equation is eminently plausible. Russia maintains a foothold in the region with its Russian-Serbian Humanitarian Center in Niš, southern Serbia. Just before Putin began his tenure, Moscow attempted to do this in Kosovo – and would have succeeded had it received permission for overflights of several countries (Hungary and Romania, most memorably). Russia has already made its officially sanctioned presence felt in the RS, including through extremist groups masquerading as

humanitarian workers.¹⁰ The arrival – theatrical or clandestine – of Russian forces in the RS, even in a relatively low number, would be a game changer, potentially facilitating the secession of the RS. This would precipitate considerable violence, without question.

In addition, the shambolic US-initiated withdrawal from Afghanistan did not only sow discord among NATO, EU, and other partner countries which had participated in that 20-year mission. It projected callousness and incompetence to the world at large, supporting a narrative that both Moscow and Beijing – but not only them – had already been pushing: that the US (and the West) are in decline. They cannot be relied upon, regardless of stated commitments. And that now is the time to pursue unfulfilled agendas.

Conclusions

The backbone of NATO and the EU's military capability remains the US, which made the Dayton peace possible. If united behind a common policy, there is no other country in which the West is more structurally empowered to prevent destabilization and violence. EUFOR and NATO HQ's presence, together with OHR, also affects the incentive structure of BiH political actors, limiting their ability to do damage that they are willing to do if they believe it is worth their while. It is also within NATO and EUFOR's power to deter destabilizing action by neighbors or more distant actors – namely, Russia. But this deterrent has been condemned to wither – and the clock is ticking on whether its right to be present will be preserved.

Unity of purpose in BiH has long been proclaimed by Western actors, but hasn't been practiced in more than 15 years. Together, the US, the EU and its members, the UK, and other democracies on the Peace Implementation Council have massive potential leverage to prevent catastrophe and foster real progress – without having to invest major resources. But they need to finally get it together to use it this autumn – or potentially lose it.

A lowest common denominator approach – simply proclaiming the NATO mandate still valid in the event of a Russian (and potentially Chinese) veto – is a dangerously flimsy option, absent actual physical reinforcement and demonstration of Western commitment. It will likely be tested. Following the fall of Kabul, while it will be more difficult to summon the unity of purpose required, it is all the more necessary to demonstrate there is still a trans-Atlantic relationship and shared purpose in Europe.

¹⁰ Sead Turčalo. "Bosnia Must Counter Russia's Cultivation of Far-Right Extremists." *Balkan Insight*. August 26, 2021. Available at <https://balkaninsight.com/2021/08/26/bosnia-must-counter-russias-cultivation-of-far-right-extremists/>.