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MASTERS IN DEFENCE STUDIES  
RESEARCH PAPER

**RESOLVING THE CONFLICT IN BOSNIA:  
THE HOW AND WHY OF PARTITION**

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## Abstract

*This paper argues that if conflict resolution theory had been applied as a tool it would have led to partition as the best mechanism to resolve the conflict in Bosnia.*

*The conflict in Bosnia posed new and difficult challenges for the international community. Many misunderstand the conflict and attempts to solve the Bosnia problem frequently resulted in failure. The main reason for the failures was that the root cause of the conflict was not being addressed. By studying the history of Bosnia from the Second World War to 1995, as well as, key events that took place during the war, the Bosnian puzzle become clear. If conflict resolution theory had been applied it to assist in finding a solution, the result would have been the partition of Bosnia.*

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# CHAPTER 1

## INTRODUCTION

Life is lived forward, but understood backward.<sup>1</sup> – Soren Kierkegaard

In the period from 1991 to 1995, as the former Yugoslavia fragmented and war ravaged the region, many in the international community were left struggling to find a solution, and wondering what went wrong. Once viewed as a model of tolerance and civility, Yugoslavia was frequently held up as an example of how people from different religions and ethnic groups could live in harmony.<sup>2</sup> The economy of Yugoslavia was a leader amongst communist countries, and its non-Stalinist government drew praise from western leaders.<sup>3</sup> Relatively prosperous, multicultural and effectively balancing communist and capitalist worlds, Yugoslavs were the envy of many eastern Europeans.<sup>4</sup> However, in the first half of the 1990s, instead of the quality of life improving, the country erupted into a brutal war that left the world with images reminiscent of the Second World War.

The fighting was particularly harsh and protracted in Bosnia where images of ethnic cleansing and Nazi-type concentration camps in Omarska, Trnopolje and Manazca, were flashed across the world media.<sup>5</sup> The United Nations, European powers and the United States all openly condemned the fighting, yet all seemed at a loss for what to do.

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<sup>1</sup> Richard Holbrooke. *To End A War*. (New York: Random House, 1998) p. 54.

<sup>2</sup> Warren Zimmermann. *Origins of a Catastrophe*. (Toronto: Random House, 1999) p. 4.

<sup>3</sup> *Ibid.* p. 3.

<sup>4</sup> Susan L. Woodward. *Balkan Tragedy: Chaos and Dissolution after the Cold War*. (Washington DC: Brookings Institute, 1995) p.1.

<sup>5</sup> Minton F. Goldman. *Revolution and Change in Central and Eastern Europe*. (Armonk New York: M.E. Sharpe, 1997) p. 346.

It was the first large-scale conflict in Europe since the Second World War, and the first major test for the international community to resolve conflict in Europe in the post-Cold War period.<sup>6</sup> The tragedy that ensued, and the fact that the conflict in Bosnia remains unresolved, demonstrates shortcomings in the international community's performance during this first test.

The war in Bosnia resulted in more than half of the pre-war population being displaced from their homes<sup>7</sup> and casualty figures estimated at 25,000 to 60,000.<sup>8</sup> In the end, three different peace agreements put an end to the fighting in the former Yugoslavia. The Washington Agreement, signed in March 1994, created the Muslim-Croat Federation and halted open fighting between these two groups. Named after the small Slovenian town where it took place, the Erdut Agreement was signed on 12 November 1995. Erdut placed the Serb-held region of Eastern Slavonia back into Croatian hands and was a major step forward in Serbian/Croatian relations.<sup>9</sup> Lastly, the Bosnia Proximity Peace Talks, held at Wright-Patterson Air Force base near Dayton Ohio, led to the General Framework Agreement for Peace in Bosnia and Herzegovina.<sup>10</sup> Initialed on 21 November and formally signed in Paris on 14 December 1995, the agreement came to be known as the Dayton Accord.

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<sup>6</sup> Steven L. Burg and Paul S. Shoup. *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention*. (New York: M.E. Sharpe, 1999) p. 388.

<sup>7</sup> "Humanitarian Cost of the Fighting in the Balkans," unclassified CIA memorandum, (25 November, 1995)

<sup>8</sup> Kenney, George, "The Bosnian Calculation," *New York Times Magazine*, (April 23, 1995) pp. 42-43.

<sup>9</sup> Peter W. Galbraith. "Washington, Erdut and Dayton: Negotiating and Implementing Peace in Croatia and Bosnia-Herzegovina." *Cornell International Law Journal*, (Vol 30, 1997) p. 643.

<sup>10</sup> Peter H.F. Bekker. "Current Developments: Protecting Human Rights Through the Dayton/Paris peace Agreement on Bosnia," *American Journal of International Law*, Vol 90, Issue 2 (1999) p. 300.

The Accord itself, "...consists of a uniquely complex set of instruments whose intricacy...mirrors the somewhat devious processes that led to their formation..."<sup>11</sup> Complex and ambitious, Dayton was based on five basic principles that all sides had agreed upon as a start point for settlement in Bosnia. First, was the recognition that Bosnia would be preserved as a single state. Second, the territory would be divided with the Muslim/Croat Federation receiving 51 percent and the Bosnian Serbs the remaining 49 percent of Bosnian territory. The last three principles were comprised of an agreement on constitutional structures, free and fair elections and respect for human rights. The coercive diplomacy that led to the eventual signing demonstrated the power the U.S. had over the process and Dayton accomplished what other settlement attempts could not. It stopped the fighting.

The U.S. led the process within the framework of the Contact Group<sup>12</sup> and publicly heralded Dayton as a success. At the initialing ceremony, Secretary of State Warren Christopher implied that the conflict in Bosnia could now be resolved as the conditions were set to build peace with justice.<sup>13</sup> The belief was that the U.S. and the Contact Group had succeeded where others had failed because they had, "...correctly identified the cause of the war and backed diplomacy with force."<sup>14</sup> Conversely, while trumpeted as a success in some corners, the Dayton Accord also received considerable criticism, both at the time of the signing and during the years that followed. Even those

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<sup>11</sup> Paul C. Szasz. "The Dayton Accord: The Balkan Peace Agreement." *Cornell International Law Journal*, (Vol 30, 1997) p. 759.

<sup>12</sup> Formed primarily as a means to bring a united international community approach to the Bosnian problem, the Contact Group consisted of representatives from the United States, Great Britain, France, Germany, Russia and the European Union

<sup>13</sup> Szasz. p. 759.

<sup>14</sup> Galbraith p. 643.

most intimately involved in the process knew that the agreement was a forced compromise and only the very beginning of the peace process.<sup>15</sup>

The conflict in Bosnia, with its numerous different, difficult, and contradictory component parts, posed a new and highly complex problem for the international community. Although the actual fighting did not spread outside of the region, the war in Bosnia inflicted diplomatic and political wounds to the leading world powers, the United Nations and NATO. From the outbreak of the fighting in Slovenia to the weeks immediately preceding Dayton, the international community was rocked by a series of failures as it attempted to find a solution to the Bosnian puzzle. By virtue of the fact that the solution found at Dayton Accord was agreed to by the three warring parties, and stopped the open warfare, it was a vast improvement over previous peace efforts.<sup>16</sup> However, the Dayton Accord was more a convenient, U.S. driven forced settlement than a plan to resolve the conflict. Instead of addressing the root cause of the conflict, Dayton attempted to hold Bosnia together with a plan to reverse ethnic cleansing, and join three ethnic groups/nations into two entities to form a unified, multi-ethnic state. Although there were many factors at play in November of 1995, an important question remains. Was a better solution possible? This paper will argue that if conflict resolution theory had been applied to Bosnia it would have led to partition as the best mechanism to resolve the conflict.

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<sup>15</sup> Carl Bilt. *Peace Journey: The Struggle for Peace in Bosnia*. (London: Weidenfeld and Nicolson, 1998) p.160.

<sup>16</sup> Warren Bass. "The Triage of Dayton," *Foreign Affairs*, (Sep/Oct 1998), p 95.



## Road Map To The Partition Argument

The ultimate aim of Dayton was to unite the three ethnic communities into one democratic nation. The general concept was for NATO to impose and maintain the cease fire while other international organisations were to rebuild the social and economic infrastructure, allow displaced persons to return to their homes, and bring war criminals to justice.<sup>17</sup> Today, more than seven years since the end of open warfare, Bosnia is far from a normal democracy or functioning state. Bosnian Serbs have demonstrated no desire to form a nation with Muslims and Croats, the Federation itself barely functions and low-level violence between all groups prevails. Leaders in Bosnia have yet to display a concerted effort to make national government or national institutions function. Moreover, nationalism appears to be regaining momentum with the three main nationalist parties gaining clear victory, and a four-year term, in the October 2002 national elections.<sup>18</sup> The economy of Bosnia is in extremely poor shape and crime, corruption and intimidation runs rampant through all aspects of society. Even when violence is not visible, exclusion and oppression occur at lower levels and refugees have been slow to return to their pre-war home. Ethnic cleansing still occurs and is simply varied in severity and visibility.<sup>19</sup> Therefore, while there is no war, there is also no peace and Bosnia is still a long way from normalcy.

Peace, as defined by the International Peace Academy, exists when there is an absence of violence (direct or indirect) or the threat of violence. The foundation of peace

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<sup>17</sup> David Bercuson. "Pull Our Soldiers Out Of Bosnia", *National Post*, 4 March 2003.

<sup>18</sup> Gordana Katana and Janez Kovac. "Bosnia: Nationalists Prevail in Elections," *Institute for War and Peace Reporting: Balkan Crisis Report* (October 2002).

<sup>19</sup> Hugh Griffiths, "A Political Economy of Ethnic Conflict, Ethno-nationalism and Organised Crime," *Civil Wars*, Issue 2.2 (summer 1999) p. 57.

is a just environment.<sup>20</sup> Conflict, on the other hand, can be much broader in scope. Defined as a situation in which violence is either manifested or threatened, conflict can exist on many different levels. These levels can range from war to low-level violence, intimidation and discrimination. Simply put, conflict is a clash or struggle between contending aims or wishes.<sup>21</sup> Bosnia is therefore clearly still in a state of conflict. From this, one can conclude that the settlement at Dayton did not go very far in resolving the conflict in Bosnia. The main reason for this is the fact that it did not address the root cause of the conflict.

As a start point, from both a practical and theoretical perspective, it is important to understand the origins of a conflict if there is to be any hope in stopping it from recurring.<sup>22</sup> Gaining a sound comprehension of the complex factors that combined to form the Bosnian puzzle is not an easy task. To help understand the origins of the conflict, Chapter Two is devoted to examining the overall situation, from the Second World War up until the events at Dayton in 1995. The situation was comprised a complex combination of history, ethnicity, politics and territory. The pure complexity of the problem led to a general misunderstanding of the conflict and these misperceptions are also addressed in Chapter Two. By examining the recent history of Bosnia it becomes clear that the conflict is based around the concept of national self-determination. The fighting, vying for territory, and inflamed ethnic hatred were all important issues; but, are more bi-products of the push for national self-determination than causes of

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<sup>20</sup> Robert M. Hayden. *Blueprints for a House Divided: The Constitutional Logic of the Yugoslav Conflicts*. (Ann Arbor: The University of Michigan Press, 2000) p.165.

<sup>21</sup> Great Britain, Ministry of Defence. *Operations*. (London: Ministry of Defence, 1994) p.1-3.

<sup>22</sup> Carl Bilt. *Peace Journey: The Struggle for Peace in Bosnia*. (Weidenfeld and Nicolson, 1998) p.119.

conflict. Understanding this root cause is the first step on the road to finding a viable resolution to the conflict.

Chapter Three builds upon the basic understanding of the situation in Bosnia by examining a number of important issues raised and events that occurred in the period from 1990 to 1995. Studying these issues and events not only enhances overall understanding of the conflict, but also outlines the key factors that needed to be addressed in the resolution process. The challenge then turn to finding a construct or method by which the resolution process could have taken occurred. With Bosnia, as described earlier, the conflict in Bosnia posed a new a difficult problem for the international community. As such, a useful tool to aid in the search for a solution could have been conflict resolution theory. Chapter Four outlines the elements of conflict resolution theory that most apply to a situation like Bosnia.

Chapter Five describes how conflict resolution theory could have been applied to deal with the various issues that combined to make the Bosnian problem so difficult. By providing and framework and tools, conflict resolution theory could have helped guide the process from defining the problem, setting goals for the solution and bridging the gap between the two (problem and solution). By drawing on information and an understanding of the Dayton Accord, and the process that led to all parties signing the agreement, it becomes clear what was feasible in 1995. With conflict resolution theory applied to the complex problem that was Bosnia in 1995 partition was not only possible but also would have been the best mechanism to resolve the conflict in Bosnia.

## CHAPTER 2

### THE BOSNIAN PUZZLE

“Nothing is simple in the Balkans.  
History pervades everything and the complexities  
confound even the most careful study.”<sup>23</sup> - Lord David Owen

Break-up and war in the former Yugoslavia has driven academics, statesmen and military professionals alike to search for causes and ways to explain the horrors that took place. Volumes of material have been written about the region but the challenge, as with all historical and political events, is to sift through in sufficient detail and with some semblance of objectivity.

The overall situation in the Balkans is, and always has been, complex and multifaceted. As the world struggled to comprehend the situation in the 1990s a number of common misconceptions and perceived causes of the conflict prevailed. This chapter will begin by looking at some of these popular “theories” to illustrate how many people, including politicians and diplomats, generally misunderstood the conflict. This misunderstanding led those attempting to resolve the conflict to begin their efforts from a slightly skewed perspective. Although useful, understanding the conflict in Bosnia does not have to include detailed historic knowledge of the region. The roots of the conflict lie in the recent not the distant past. Therefore this paper will examine only the period from the Second World War to 1995. This historical background is aimed at gaining an understanding of the key aspects related to the most recent conflict. The historical overview presented will demonstrate the fallacy in the popular “theories” that prevailed

in the 1990s and set the stage for a detailed analysis of the key issues and events that will be examined in more detail in Chapter Three.

Although complex, the factors and events that caused and perpetuated the conflict are not impossible to grasp. Unfortunately, many in the international community misread the situation and it was a generally misunderstood conflict. In spite of the vast amount of material written and scholarly knowledge available, diplomats and outsiders tended to label the conflict as either a civil war based on age-old hatreds, a war of Serbian aggression, or a war caused by power hungry nationalist leaders.<sup>24</sup> Understanding these general “theories” highlights what many in the international community were thinking at the time. These different schools of thought invariably shape approaches to resolve the conflict.

Labelling the fighting in Bosnia as a civil war, rooted in ethnic hatred and a history of violence, is defining the war as being culturally based. It implies that Bosnia was, and had always been, doomed to perpetual conflict. Explanations in this regard have ranged from the well-reasoned, scholarly approach to the more convenient, less researched and broad-brush explanation.<sup>25</sup> Sabrina Ramet’s 1992 work entitled *Balkan Babel: Politics, Culture and Religion in Yugoslavia* is an example of the scholarly level approach.

Yugoslavia has always been a Tower of Babel, with its builders not only speaking different languages but talking past each other. In many ways, the diverse peoples of Yugoslavia have failed to comprehend each other’s cultures. Disintegration seemed to be sewn into the very fabric of the state.<sup>26</sup>

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<sup>23</sup> David Owen. *Balkan Odyssey*. (New York: Harcourt Brace and Company, 1995) p.1.

<sup>24</sup> Woodward. p. 147.

<sup>25</sup> Hayden. *Blueprints*...p. 2

<sup>26</sup> Ramet, Sabrina. *Balkan Babel: Politics, Culture and Religion in Yugoslavia*. (Boulder CO: Westview Press, 1992) p.175.

There is credence to Ramet's analogy, and the fragility of Yugoslavia was well recognized by Josip Broz Tito and the other communist leaders who structured post-World War II Yugoslavia to manage the ethnic division.<sup>27</sup> Yugoslavia, and especially Bosnia with its three ethnic groups, was always viewed as a powder keg.

The other, less scholarly yet simple and popular, approach to explain the conflict in terms of culture and history is exemplified by writers such as Robert Kaplan and his 1993 best-seller *Balkan Ghosts: A Journey Through History*. In what is essentially a travel book, Kaplan leaves the distinct impression that the Balkan situation of the 1990s was hopeless. Moreover, it implies that there was nothing the international community could do to solve a war based on age-old hatreds and "ghosts" of the past.<sup>28</sup> Of considerable interest is the fact that U.S. President Bill Clinton and members of his administration are reported to have been influenced by Kaplan's work.<sup>29</sup> If one were to perceive the problem as hopeless, or at a minimum too difficult to confront, conflict resolution may not even be attempted.

Both these approaches seek to define civil war in Bosnia as being based on ethnic and cultural differences. The assumption is made that the country was a bad marriage of incompatible peoples who had been fighting for centuries and held together only by Tito the charismatic communist dictator.<sup>30</sup> It assumes that communism could force people with intense differences to live together in peace when in reality all it did was suppress the various peoples' right to freely express themselves. As well, this argument does not

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<sup>27</sup> Christopher Bennett. *Yugoslavia's Bloody Collapse: Causes and Consequences*. (New York: New York University Press, 1995) p. 52.

<sup>28</sup> Kaplan's book is focused more on Greece and Romania and in the preface he condemns the ethnic cleansing done by Bosnian Serbs.

<sup>29</sup> Holbrooke. p.22.

<sup>30</sup> Hayden. *Blueprints*...p. 2.

account for the fact that Serbs, Croats and Muslims lived together in many communities and intermarried in large numbers.<sup>31</sup> Those who believe in the ethnically based, civil war “theory” will attempt to resolve the conflict by focusing on ethnicity as the key issue while a more detailed study of the region would show that ethnicity and culture were a factor in the conflict and not the main issue to be addressed.

The second common explanation for the conflict is to view it as a war of Serbian aggression. The aggression was supposedly fuelled by power-hungry political elites who subsequently drove a series of violent events throughout the former Yugoslavia. The convenient villain to find “guilty” is Slobodan Milosevic. The reasoning is as follows: Milosevic ignited Serb nationalism that threatened the other republics and forced them to secede; then, with the break-up of Yugoslavia, he tried to create a Greater Serbia by invading Croatia and Bosnia and engaging in ethnic cleansing.<sup>32</sup> By defining the conflict as being the result of Serbian aggression, and branding the Serbs as the aggressors, those

*get a Yugoslavia, believe* the problem will focus on ensuring one side, the Serbs, and their leader get as little as possible from the final outcome.

A third popular view of the conflict was to place the blame on individual nationalist leaders — Warren Zimmermann, the last United States

Yugoslavia, believe

aggression and caused the break-up and war. Zimmermann considered Tudjman as the Croatian Hitler and Milosevic as the Serbian Stalin.<sup>33</sup> This is a view many, particularly in the U.S., carried throughout the conflict. It was the belief that, "...quarrels in the region were not really about age old religious differences but rather the result of many unscrupulous and manipulative leaders seeking their own power and wealth at the expense of ordinary people."<sup>34</sup> Therefore if one were to believe that the root cause of the problem lie with the actions of manipulative leaders, efforts to resolve the conflict would be directed at that group.

Although the conflict may have evolved into a civil war between ethnic groups, with Serbian aggression and unscrupulous leaders playing important roles, neither actually speaks to the real root of the conflict. As a result, attempts to resolve the conflict based on these basic beliefs were unlikely to succeed. The start point for understanding the reality of the Bosnian problem is to examine the recent history of the former Yugoslavia. The aim of the historical overview is to introduce the complex and fragile nature of the former Yugoslavia and to assert that the root cause of the conflict lies in the peoples' drive for national self-determination.

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<sup>33</sup> Zimmermann p. 171.

<sup>34</sup> Wesley K. Clark. *Waging Modern War*. (United States: Public Affairs, 2001) p. 68.





Figure: 1 – The Former Yugoslavia.<sup>35</sup>

### Historical Overview

In 1941, Nazi Germany overran Yugoslavia and the country was divided between Germany and other Axis countries. During the occupation, a bitter civil war was fought

<sup>35</sup> Map taken from Holbrooke. p. 25.

among: the Axis occupying forces, a revolutionary Croat organisation called the Ustasha, Bosniak supporters of the Axis, Josip Tito's communist partisans, and Serbian monarchists. The Second World War cost Yugoslavs nearly 1.8 million lives, or 11 percent of its pre-war population. The fighting was centred in Bosnia and most of the deaths were attributed to the civil war and not the occupation.<sup>36</sup> Nationalist leaders in the 1980s and 1990s often used the atrocities committed during the 1940s as a means to further their cause (nationalism) and to inflame ethnic division.

The communists emerged from the Second World War as the sole rulers of Yugoslavia, with Josip Broz Tito as the head of government. Based largely on events immediately before and during the war, Tito and other communist leaders knew that success in post-war Yugoslavia depended largely on the ability to deal with the politics of ethnicity. The challenge they faced was to form a state out of divided separate nations. The Socialist Federal Republic of Yugoslavia was established in November of 1945 and Tito set about creating a country where nationalism would be eliminated in favour of socialist unity. Based loosely on geography and historical precedent, the leadership regime created six federal republics and two autonomous provinces. The republic of Serbia included the autonomous provinces of Vojvodina and later (1945) Kosovo. The other five republics were Bosnia and Herzegovina, Croatia, Slovenia, Montenegro, and Macedonia. The republic's borders were largely administrative divisions and did not reflect the boundaries of Yugoslavia's diverse ethnic and religious groups. Nonetheless, in spite of the government's complex decision-making process, Yugoslavia prospered in the period following 1945. Living standards improved, illiteracy rates dropped

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<sup>36</sup> Bennett. p. 45.

dramatically and general health and life expectancy improved.<sup>37</sup> However, Yugoslav unity depended on complicated constitutional arrangements and balancing the demands of the various republics. From the very beginning Yugoslavia was a precarious and fragile endeavour.

While the Communist Party of Yugoslavia held principal power, each republic had its administration. In the late 1960s and early 1970s general discontent with the economic situation combined with rising nationalism to spark political protest. Inter-ethnic rivalry was seen by some leaders, mainly in the more ethnically homogeneous republics, as an opportunity to advance their own nationalistic cause. The Croatian League of Communists, among others, built a large base of public support based on increased nationalism and the conditions were set for others to do the same.<sup>38</sup> Tito's response to the citizens initial steps towards national self-determination was to amend the constitution and grant more powers to the republics. The 1974 Constitution, an unwieldy document and the world's lengthiest constitution at the time, granted extensive political and economic powers to each republic and autonomy to Kosovo.<sup>39</sup> The constitution also allowed the republics to create cultural institutions to promote the identities of the different nations each republic supposedly represented. Therefore, as early as 1974, the ambitious project that was the Socialist Federal Republic of Yugoslavia was gradually fragmenting along ethnic lines as the republics demanded more autonomy. The post

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<sup>37</sup> Ibid. p. 18.

<sup>38</sup> Lenard J. Cohen. *Broken Bonds: Yugoslavia's Disintegration and Balkan Politics in Transition*. (Boulder CO: Westview Press, 1995) p.51.

<sup>39</sup> Robert K. Schaeffer *Power to the People*. (Boulder CO: Westview Press, 1997) p.190.

1974 period was about to see the progressive confederalization of most federation-wide structures.<sup>40 41</sup>

With Tito's death in 1980, it became increasingly difficult to keep the country united as fault lines between the republics, and hence ethnic groups, grew. By the late 1980s, deteriorating economic conditions and demands for political reform further increased tensions throughout Yugoslavia. Socialism was crumbling, but the successor was not democracy but rather the drive to create nation-states for the ethnically defined local majority.<sup>42</sup> Serb nationalism in particular, by the late 1980s powered by Slobodan Milosevic, grew and was mirrored by nationalist movements in the other federal republics. A longstanding fear of Serb domination was becoming a factor as independence movements in Slovenia and Croatia gained momentum.

In June 1991, Slovenia declared its independence. The Slovene authorities were well prepared to defend their country, and the fact that they had no significant ethnic minorities made their succession relatively easy. The largely Serb Yugoslav People's Army (JNA) was sent to Slovenia to quell what was considered an internal dispute. The war in Slovenia was over in ten days and after losing a number of small skirmishes the JNA was ordered to withdraw.<sup>43</sup> The Republic of Slovenia was recognized by the European Union (EU) in January 1992 and by the United States on 7 April 1992. The people of Slovenia had exercised their right to national self-determination and the

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<sup>40</sup> Spyros A. Sofos. "Culture, Media and the Politics of Disintegration and Ethnic Division In Former Yugoslavia," *The Media of Conflict*. Edited by Tim Allen and Jean Seaton. (London: Zed Books Ltd, 1999) p.164.

<sup>41</sup> For a good overview of constructs and complexities of the Yugoslav see Susan Woodward's book, *Balkan Tragedy: Chaos and Dissolution After the Cold War*.

<sup>42</sup> Hayden. *Blueprints*...p.15.

<sup>43</sup> Holbrooke. p. 29.

international community accepted it even though it would change the borders of Yugoslavia.

Croatia also declared independence in June 1991; but, due to the significant Serb population within its borders, the road to independence was not nearly as smooth as it was for Slovenia. The result was a protracted conflict during which Croatian Serbs seized control of approximately 30 percent of Croatia's territory and proclaimed the Republic of Serb Krajina. After the JNA agreed to withdraw from Croatia at the end of 1991, United Nations forces moved in to help stabilize the contested areas. As with Slovenia, Croatia was recognized by the EU in January 1992 and the United States in April of that same year. However it was not until 1995 that Croatia re-established control over all the territory it had been allotted by Tito's communists. Exerting control over this land took a combination of military action in western Slavonia and the Serb Krajina, and the Erdut Agreement for eastern Slavonia.<sup>44</sup>

Starting with the first free elections in 1990, Bosnians began to divide along ethnic lines. In early March 1992, Bosnia voted for independence in a referendum that was boycotted by the Bosnian Serbs. Comprising approximately 32 percent of the pre-conflict population in Bosnia, the Serbs proclaimed their own Serb Republic of Bosnia and Herzegovina (Republika Srpska). Enlisting the vast majority of the ex-JNA in Bosnia into the Bosnian Serb Army, and using equipment pre-positioned by Belgrade, they began a methodical effort to seize as much territory in Bosnia as possible. This action should not have come as a surprise as the Serbs had made it clear that they did not want to be part of an independent Bosnia. Their efforts were focused mostly on the

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<sup>44</sup> Laura Silber and Allen Little. *The Death of Yugoslavia*. (London: Penguin Books, 1995) This is an excellent book that describes, in detail, events in Yugoslavia in the early 1990s.

eastern part of Bosnia with the ultimate aim being a union with Serbia proper. JNA backed gangs that included criminal elements used terror tactics to drive Muslims, and in some cases Bosnian Croats, from their homes. By the end of summer 1992 close to 70 percent of Bosnian territory was in Serb hands.

Further complicating the situation, the Bosnian Croats also expressed their will to secede from Bosnia as well. Comprising 17 percent of the population, the Croats organised themselves as the Croat Community of Herceg-Bosna and vied for control of territory with the Serbs and Bosnian Muslims. With 44 percent of the population, the Bosnian Muslims were the largest single ethnic group and were represented by the recognized government of the Republic of Bosnia and Herzegovina. However, after Croatian forces attacked and seized various areas in central Bosnia, the Muslims were reduced to living mainly in the larger urban centers. By the end of 1992 the Bosnian Serbs had made considerable gains in territory and the issue became whether or not they could hold them while facing Croat, Muslim and United Nations opposition.

From January 1993 to January 1994 all three sides in the conflict followed a strategy that balanced fighting with negotiations to advance their cause. At the crux of the fighting was the desire to control key geographical regions and terrain that would be required if Bosnia was to eventually be partitioned along ethnic lines. International involvement was stepped up and the first major attempt to internally partition Bosnia was attempted. Named after UN special envoy Cyrus Vance and European Community mediator Lord David Owen, the Vance-Owen plan proposed retaining Bosnia as a single state but partitioning it along ethnic lines. The concept, to separate the different factions and thus end the fighting, was unacceptable to the Muslims and criticized, particularly by

the U.S. as accepting the results of Serb aggression. The failure of Vance-Owen also highlighted a fact that had been evident since the conflict began. The world's most powerful countries, some as individual countries and certainly as a group, were struggling to formulate a coherent policy and approach on Bosnia. Primarily as a means to bring a unity international community approach to the problem, the U.S. Britain, France, Russia, and Germany formed the Contact Group. It was within the framework of this group that the U.S. that would eventually push through the final settlement at Dayton. However, by pushing their own agenda, the Contact Group became a fourth party in the conflict.

Following the collapse of Vance-Owen other plans were attempted that built on whatever consensus remained from Vance-Owen. With considerable pressure building from the international community, Milosevic, who wanted to end the war and the severe economic crisis it was causing him in Serbia proper, was able to persuade the Serbs to accept partition plans that gave them 50 to 52 percent of the land. The Muslims resisted a settlement and followed a plan to build on their favour in the international media. They began to receive more aid and the UN designated the cities of Sarajevo, Tuzla, Bihac, Zepa, Srebrenica, and Gorazda as "safe areas". By the beginning of 1994, the situation in Bosnia was at a stalemate with the worst yet to come.

In March 1994, the United States brokered the Washington Agreement between the Muslims and Croats and the Bosnian Federation was established. The agreement marked the end of open war between the two ethnic groups and the situation seemed to becoming at least marginally more stable. However, the Serbs continued to shell "safe areas" and quarrelling among the Contact Group over the use of military force allowed the Serbs to go unpunished. When air strikes were launched in May of 1994, the Serbs

responded by taking UN peacekeepers hostage. Midway through 1995, it was clear that the UN in Bosnia had completely folded and all sides were preparing for renewed warfare. Events through the summer of 1995 were to be the climax of the war.

In July, Serb forces attacked the UN declared “safe areas” of Srebrenica and Zepa and some of the worst massacres of the war took place as these two Muslim towns were occupied. It is likely that the ineffective efforts of the international community during the fighting in 1994 led the Serbs to assume that the response to these atrocities would be treated the same way. However, despite friction among the Contact Group nations and NATO regarding the use of force, and the threat that the larger troop contributing nations would withdraw their forces, firmer action was taken. Bosnian Serbs leaders Radovan Karadzic and General Ratko Mladic were indicted as war criminals by a UN tribunal, and NATO developed plans for a robust rapid reaction force to deploy to the area. At the end of the summer of 1995, Croatia attacked into the Serb-held Krajina, while Muslim and Croat forces began pushing Serbs out of Bihac and much of western Bosnia. When the fighting stopped, the Croat-Muslim Federation was in control of just over half of Bosnia and, with Milosevic failing to intervene, the Bosnian Serbs were isolated and strategically vulnerable. Conditions were set for the events and decisions at Dayton to unfold.<sup>45</sup>

As this historical overview has outlined, the conflict was not based on age-old ethnic hatred, Serb aggression or the acts of individuals. Nor did it occur overnight with the death of Tito and the fall of communism. The Federal Republic of Yugoslavia began to crumble long before the fighting began in the 1990s. Yugoslavia dissolved and war erupted because the people of the region were willing to go to great lengths in their drive

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<sup>45</sup> The first four chapters of Burg and Shoups' book *War in Bosnia-Herzegovina* give an outstanding account from WWII to Dayton.



for national self-determination. The common theme throughout the conflict was the fact that the three ethnic groups each had a different vision of what the future of Bosnia should be. Beginning when the Serbs boycotted referendum on independence through to the end of the fighting in 1995 the basic positions of the three parties did not change. The Muslims wanted a single centralized state organized into a number of regions holding only administrative functions. The Serbs wanted to be united with their national motherland. When it became clear that the international community was going to resist union with Serbia, the Serbs were willing to accept the Bosnia being divided into three states, Muslim, Serb and Croat, each with its own legal status. In the beginning the Croats were also pushing to unite with their national home of Croatia. As events of the war unfolded they revised their aims to something in the middle that would leave them enough independent Croat territory that they could one day join their ethnic homeland.<sup>46</sup> For various reasons, the international community recognized Bosnia as an independent state, and stuck to that position, even when it was clear that people in Bosnia wanted otherwise. The war was characterized by violent and incomprehensible acts of inter-ethnic fighting as the various groups vied for territory on which they could base their mini “nation-state”. Along the way some key events took place that when, analyzed, greatly enhance understanding the conflict and how it might be resolved.

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<sup>46</sup> Document STC/2/2, International Conference on the Former Yugoslavia. (October 1992) p. 4.

## CHAPTER THREE

### UNDERSTANDING THE CONFLICT

Ethnic cleansing had nothing to do with ethnicity but rather with securing rights to land.<sup>47</sup> – Susan Woodward

Brutal<sup>48</sup> and savage methods of war, portrayal of villains, and an exaggerated media profile made the conflict in Bosnia a highly emotional issue. Combined with the complex and apparently impotent nature of international community attempts to resolve the situation, the conflict in Bosnia carried on for three and a half years. However, in the course of the struggle there were some milestone events which, when examined, help in understanding the conflict and could have been exploited during the search for resolution.

The Helsinki Final Act of 1975 provided a legal framework for ensuring peace in Europe but was open to a degree of interpretation. The problem with Helsinki was the contradiction between the issue of inviolable European borders (borders could only be changed with the consent of all affected parties) and peoples' right to national self-determination. In interpreting Helsinki, one has to also examine the question regarding Bosnia as a nation and state as well as the desire being expressed by the three ethnic groups involved. One of the major events in the course of the conflict was the Vance-Owen plan. An analysis of this plan, and the negotiations surrounding it, provides a clear picture of what the three warring parties wanted and how involved and fragmented the international community was at the time. The Contact Group was formed as a means to unify the efforts of some of the leading world powers, but in doing so it solidified them as

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<sup>47</sup> Woodward, p.237.

the fourth party to the conflict. The Washington Agreement was not only a major step in finally getting to Dayton but also demonstrated the leverage the international community, specifically the U.S., had if they chose to exploit it. Understanding these five issues and events provides a sound basis from which one could go about resolving the conflict in Bosnia.

### Interpreting the Helsinki Final Act

The Helsinki Accords, which came to be known as the Helsinki Final Act, was the final act of the Conference on Security and Cooperation in Europe that had begun in 1972 and ended on 1 August 1975. The conference included the U.S., Canada, the U.S.S.R., as well as thirty-five European countries.<sup>49</sup> As the former Yugoslavia was dissolving, Europe looked to the Helsinki Final Act and the Paris Charter of 1990 as the principle conflict management mechanisms.<sup>50</sup> The problem was that two of the main provisions in Helsinki were clearly contradictory when applied to the Yugoslav problem. The aim of Helsinki was to set the conditions upon which European peace, security, justice and co-operation would be based. One main principle was that state borders were inviolable and could only be changed through peaceful means and agreements. At the same time, another provision guaranteed the right of self-determination. Specifically, Helsinki affirmed peoples right to determine their external and internal political status and to pursue their political, economic and cultural development.<sup>51</sup> Could one Yugoslav republic unilaterally declare their right to self-determination thereby changing the borders

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<sup>49</sup> *The New Webster's International Encyclopedia*. (Napels Florida: Trident Press International, 1996) p.489.

<sup>50</sup> Woodward. p.152.

<sup>51</sup> Conference on Security and Co-operation in Europe, "*Final Act – Helsinki August 1975*," Hellenic Resources Network, <http://hri.org/docs/Helsinki:75.html>.

of their state if the other people within the state are not in agreement? What happens if a national minority within a republic wants to exercise their right to national self-determination? Does this mean that they have the right to change internal borders? The problems were recognized very early in the conflict but never fully resolved.

As early as July 1991, just eighteen days after the Slovenian and Croatian declarations of independence, the European Community (EC) Presidency realized that redrawing Yugoslavia's internal borders may have to be considered as an option. In a letter from the Dutch government, the EC Presidency at the time, it was recognized that the inviolable borders and right to self-determination provisions of Helsinki were in contradiction and needed to be reconciled. The letter specifically stated that selective application of the Helsinki principles had to be avoided.<sup>52</sup> However, selective application was unavoidable, not only in Yugoslavia but anywhere ethnicity could be a political and security issue.

Independence declarations by Slovenia and Croatia posed a serious dilemma for all Western powers as they struggled to interpret the Helsinki Accords. Championed by Germany, these first two cases clearly allowed the right to self-determination to prevail. In the nearly mono-ethnic Slovenia accepting secession was relatively easy. However, Croatia with its large Serb population and strategic borders with Serbia and Bosnia posed a more difficult problem. The belief at the time was that if Croatia was recognized it would lead to Bosnia requesting the same.<sup>53</sup> Germany, fresh from its own success in recognizing the will of the people, was under considerable domestic pressure to accept

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<sup>52</sup> Owen p. 31-32.

<sup>53</sup> Holbrooke. p. 31.

the independence of Croatia.<sup>54</sup> Looking for a means to forge a stronger position in the post-cold war Europe, the Germans threatened to recognize Croatia unilaterally if the other nations did not want to follow their lead. Not wanting to show a public break in European unity, the other countries yielded to Germany's plan.<sup>55</sup> By doing so the international community was accepting the peoples' right to national self-determination, as expressed in Helsinki, and presumably that this would mean the borders of Yugoslavia would have to be changed by peaceful means. The fact that it took concerted military action in 1995 to reclaim the Krajina demonstrates that borders did not change peacefully.

If interpreting the Helsinki Final Act posed problems with Slovenia and Croatia, it proved to be even more problematic with Bosnia. In Bosnia no ethnic group formed a majority and the three groups were distributed throughout the territory.<sup>56</sup> The recognition of Bosnia as an independent state in 1992, and how it transpired, raised questions about the nation of Bosnia and the will of the people to form an independent Bosnian state. Therefore, to understand Bosnia and how the Helsinki Final Act could have been applied, it is necessary to examine the meaning of nation, state and how Bosnia came to be recognized.

#### Nation, State and The Will of the People

American statesman Henry Kissinger argued in 1996 that Bosnia had never existed as an independent nation and therefore the international community should not try

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<sup>54</sup> Walter N. Anderson. "Peace With Honor: Enduring Truths, Lessons Learned and Implications for a durable Peace in Bosnia," *The Land Warfare Papers* (September 1999) p. 2.

<sup>55</sup> Holbrooke. p. 31.

<sup>56</sup> Bennett. p. 180.

and create one.<sup>57</sup> There is significant value to Kissinger's argument when the concepts of nation, state and national self-determination in Bosnia are examined. Constitutional structures, a failing economy and the fall of communism pushed and allowed people to challenge the existence of Yugoslavia. A complex combination of ethnicity, history and territory then fuelled the fighting as the people sought to carve out new independent states. Brutal ethnic war, ambitious political leaders and vicious fighting for territory garnered the attention of the world. Yet these aspects of the conflict were more outgrowths, results or characteristics than root causes. The real problem lay in the interpretation of nation, state and national self-determination. These three concepts and how they apply, or were applied, to Bosnia are necessary for both understanding the conflict and mapping out a solution.

A basic definition of nation is, "a community of people of mainly common decent, history, language etc. forming a State or inhabiting a territory."<sup>58</sup> This definition may be slightly misleading as it implies that a nation must be a state or have territory. A better basic definition is to describe a nation as, "An identity shared by a large number of people based upon, but not reducible to, objective factors such as common race, language or religion."<sup>59</sup> In the Balkans ethnicity and religion were what the people associated with as their nation. Based on this definition, Bosnia was made up of three nations and this fact was acknowledged in various versions of their constitution. Bosnia was not recognized as a single nation like the other republics.<sup>60</sup> Both the 1974 and 1990 versions of the Constitution of the Socialist Republic of Bosnia and Herzegovina recognized the

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<sup>57</sup> Holbrooke. p. 365.

<sup>58</sup> *Oxford Dictionary*. (New York: Oxford University Press, 1996) p. 591.

<sup>59</sup> Mark Dickerson, and Thomas Flanagan. *An Introduction to Government and Politics: A Conceptual Approach*. (Toronto: Methuen Press, 1982) p. 26.

nations of Bosnia and Herzegovina as Muslim, Serb and Croat. None of these nations were a majority and the constitutions referred to them as equal citizens.<sup>61</sup> This is not to say that the three nations could not form a state. However, to logically do so would mean that the criteria for a state would have to be present, and the people would have to demonstrate the desire to form a state.

A state, in its most basic terms, is defined as, “political community under one government.”<sup>62</sup> In recognizing Bosnia the international community defined a state as, “A community which consists of a territory and a population subject to an organized political authority.”<sup>63</sup> This description is in lin

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As the republics of the former Yugoslavia moved toward independence in the late 1980s and early 1990s the emphasis was increasingly placed on the definition of a nation being ethnically defined.<sup>67</sup> The fact that in most republics there was a single majority nation who could claim sovereignty made it easier for the will of the people to be linked to, and accepted as, the will of the republic. In these cases, the majority nation was contained within the borders of the republic and everything fit in to nice boxes. The majority nation/ethnic group could win a vote for independence and secede, with little or no change to internal borders, thus creating a nation-state. Slovenia, as described in Chapter 2, is a good example of this. However, comparing Slovenia's relatively easy move to independence with the conflict that unfolded in Croatia highlights the degree in which a large minority population can impact the situation. For Bosnia, with three nations scattered within the republic's borders, the difficulties were magnified.



Figure: 2 – Ethnic Majorities in Bosnia by *Opština* (County) - 1991<sup>68</sup>

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<sup>66</sup> *Ibid.* p. 267.

<sup>67</sup> Hayden *Blueprints...* p. 88.

<sup>68</sup> Burg and Shoup. p. 28.



With the exception of Bosnia, constitutions in the former Yugoslavia were designed on the idea of the nation-state. That is to say that the state, a territory with a government, belongs to the majority nation.<sup>69</sup> Following this logic, the converse would mean that where there is no majority nation there could be no state. Moreover, even if there is a majority nation it still requires a territorial base.<sup>70</sup> In Bosnia, where there was no majority nation, the first free elections in 1990 partitioned the electorate along ethnic (national) lines. Voting largely on ethnic lines resulted in the Muslim party winning 35.8 percent of the available seats, a single Serb party taking 30 percent and a single Croat party winning 18.35 percent of the seats.<sup>71</sup> Considering the fact that at the time the Bosnian population was 43.7 percent Muslim, 31.3 percent Serb and 17.5 percent Croat the election was essentially an ethnic census.<sup>72</sup> The first clear indication of what the people of Bosnia wanted for their future was seen in the Referendum on Independence that took place in February/March of 1992.

The impetus for recognizing Bosnia began with Germany's recognition of Croatia. The belief was, if Croatia was recognized as an independent state, it would cause Belgrade to stop the fighting because it would have become an international war. If Belgrade continued the war, Serbs could be viewed as an invader and thus international forces could move in, force the Serbs out, and thus stop the war.<sup>73</sup> The E.U., with a strong push from the U.S. who were concerned about being at odds with its Western Alliance and being the odd man out on pre-emptive recognition, urged the Bosnians to

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<sup>69</sup> *Ibid.* p. 141.

<sup>70</sup> A.D. Smith. "States and Homelands: The Social and Geopolitical Implications of National Territory," *Millennium: Journal of International Studies*. (Vol 30, No 3) p.187.

<sup>71</sup> Results listed are those from the Republican Election Commission, 19 December 1990.

<sup>72</sup> Hayden. *Blueprints*...p. 92.

<sup>73</sup> Woodward. p. 192.

declare independence.<sup>74</sup> For Bosnia, the EU chose to adopt the procedures Germany had used in its own experience. The Bosnian government had to prove, by holding a referendum, that its people wanted Bosnia to be recognized as an independent state.<sup>75</sup> However, it was clear that the Serbs and Croats in Bosnia were already moving in another direction.

The majority of Bosnian Serbs and Croats had already begun expressing that they did not want to be included in a Bosnian state. The election in 1990 had shown that Serbs, Croats as well as Muslims had elected parties that had conflicting goals. The Serbs boycotted the referendum on independence and the overall voter turn out was very low. Although it could hardly be seen as reflecting the will of the people, the referendum passed and the international community succeeded in forcing Bosnia to independent state status.

Bosnia was not recognized because its population showed a desire to have an independent state but rather because so many refused to be included in such a state. In fact by April 1992 neither a Bosnian state nor a Bosnian nation existed, but it was just that reason that the independent country was recognized. The desire to compel the creation of both.<sup>76</sup>

When considering the key issues of nation, state and the right to self-determination, little had changed from the outbreak of the war to the time of Dayton in 1995. A nation of Bosnia did not exist, nor had it ever. The three ethnic groups could not agree to form a state of Bosnia and each pursued their own drive for national self-determination. The fact that the international community recognized Bosnia did little to solve the problem because it was primarily a fictitious state. The Serbs and Croats each seeking to form either a “mini state” or to join their ethnic brethren, needed territory to

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<sup>74</sup> *Ibid.* p. 196.

<sup>75</sup> *Ibid.* p. 292.

<sup>76</sup> Hayden. *Blueprints...*p. 152.

claim as their own. The Muslims, trying to keep the fictitious Bosnia alive as a state also vied for territory. The result was a war for terrain that brought ethnic groups into conflict while the international community struggled for what to do. Intervening powers had created the false state and were forced to deal with the consequences. By accepting the Bosnian borders of Tito, and forcing the recognition of Bosnia, they had created the inviolable boundaries described in Helsinki. At the same time the international community failed to provide the Bosnian people with a forum in which to express their desire for national self-determination as defined as a right in the Helsinki Final Act. The major peace efforts that followed were a series of attempts to compromise for this original failure.

#### Attempting Internal Partition and the Vance Owen Plan

Of the efforts to deal with the conflict in Bosnia in the period leading up to Dayton, the Vance-Owen plan was the most fully developed. It was, in effect, the last chance to save a single unified Bosnian state. The dynamics of the negotiations and the eventual rejection of the Vance-Owen plan demonstrated three important facts. First, it emphasized the distinctly different views the three warring entities held concerning the future of Bosnia. Second, the success of the plan was hampered by divisions in the international community on how to deal with Bosnia. Third, Vance-Owen trailed approaches to dealing with the conflict that were built upon in later resolution efforts.

The plan itself would have divided Bosnia into ten highly autonomous ethnically based regions (known as cantons) under a confederated central government in Sarajevo. None of the regions were to be ethnically pure. The Muslims would have been predominant in three, the Serbs in one, and power shared between either Muslims and

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Croats or Muslims and Serbs in five other cantons. The tenth was to be Sarajevo with its traditional ethnic mix.<sup>77</sup> After weeks of haggling and negotiations, with Milosovic urging the Bosnian Serbs to accept the plan and the U.S. stating publicly that they were against it, the Bosnian Serb assembly eventually rejected the final version of Vance-Owen in May of 1993.<sup>78</sup>

Although each of the regions would have had considerable power, under the Vance-Owen model there would have been a viable central government with representation from the various regions. The proposed central government was weaker than the Muslims wanted, while the Serbs opposed any central government provisions that encumbered political and territorial linkages to areas under their control. Due to the fact that they had a stronghold on the mainly Croat regions that bordered Croatia in western Bosnia, the Croats were not as concerned about the constitutional and political structures.<sup>79</sup> Their hold of these areas was viewed as a stepping-stone to their lands eventually joining Croatia. However, disagreements over the political and constitutional arrangements were only one of the contentious issues. The three sides clearly expressed different views concerning what they wanted in Bosnia.

In 1993, the Serbs held the majority of Bosnian territory and resisted both giving up these gains and being ruled by what they perceived to be a Muslim-Croat dominated state government. The division of territory proposed on the Vance-Owen map was particularly troublesome for the Serbs. It split Serb controlled territory into several different administrative regions and it cut off the major land corridor that linked Serb parts of Bosnia with Serbia. Therefore the land allocation did not allow them a

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<sup>77</sup> Goldman. p. 350-351.

<sup>78</sup> Bekker. p. 302.

predominantly Serb controlled portion of Bosnia, nor did it make it easy for an eventual union with Serbia.<sup>80</sup>

The Muslims viewed Vance-Owen from a more pragmatic point of view. Although they accepted that it was unlikely to lead to a viable central government, it did counter any Serb or Croat plans for an outright three-way, or even two-way, partition of Bosnia. As well, the Muslims knew that if the Serbs rejected the plan it would be they who would be viewed disapprovingly by the international community.<sup>81</sup> In effect the Muslims agreed with Vance-Owen because they believed it was the best deal they could get at the time.

The Croats were the only group who agreed with Vance-Owen right from the start. In fact, Croatian leaders in both Zagreb and in western Bosnia were quite content with the proposed map as it not only granted them control over the areas they occupied at the time, but also territory where Muslims had been the majority.<sup>82</sup>

main reason the plan ultimately failed. The international community could not agree on aspects concerning implementation of the plan.

Although much of the international community squabbled over various parts of the Vance-Owen plan, it was the U.S. who emerged as the biggest opponent. The newly elected Clinton administration's early opposition to the plan was focused on their belief that it legitimized ethnic cleansing and the partition of Bosnia.<sup>84</sup> While the U.S. made their criticism of Vance-Owen clear, they did not offer a viable alternative and were very reluctant about becoming militarily involved. Lord Owen himself stated, after the fact, that Russia and the European Community countries backed the plan but the U.S. destroyed the plan after the Serbs had rejected it. The U.S. feared getting bogged down and potentially embarrassed with the implementation of the plan.<sup>85</sup> However, even if Owen's statement about the U.S. was true, the European countries and Russia also had divergent views on key issues as well.

Throughout the Vance-Owen negotiations there were times when the lead nations appeared to be pulling in different directions. The U.S. had clearly centered their efforts on representing the Muslim interests and wanted to force the Serbs to accept the plan. Their primary means was to tighten economic sanctions against Serbia. At the same time, the French were urging Milosovic to accept the Vance-Owen map in return for the economic sanctions being lifted. The Russians were opposed to any action against the Serbs, and were concerned that it would serve as a catalyst to strengthen Russian nationalist opposition to their own upcoming constitutional referendum. Vance-Owen

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<sup>83</sup> Berg and Shoup. p. 405.

<sup>84</sup> *New York Times*, April 4, 1994. p. 1.

<sup>85</sup> Cohen. p. 282.

therefore provided a clear example of the key international players all wanting to do something about the Bosnian crisis, but unable to agree on the methods to use.

While Vance-Owen failed on its own it put in motion a number of subsequent events that ultimately set the stage of the meetings at Dayton. It brought all of the key Bosnian parties to the table and acknowledged that Croatia and Serbia would have to be involved in the process. In the period 1993-94 important constitutional and territorial issues were worked out after the failure of Vance-Owen. The Washington Agreement that brought about the Muslim-Croat federation and the acceptance of territorial division, with 51 percent of the territory going to the Muslim-Croat federation and 49 percent for the Serbs, were important steps on the road to Dayton. Moreover, these subsequent events, which built upon Vance-Owen, highlighted the power of the international community when they backed a united negotiating front with coercion.

The failure of the Vance-Owen plan was primarily caused by two main factors. First was the fact that it did not address what the warring parties ultimately wanted for the future of Bosnia. As a result, the parties were in effect negotiating in bad faith. The second key fault was that the entire process demonstrated what the leading world powers were willing, or not willing, to do about the Bosnian problem.<sup>86</sup> It was therefore clear that, after the collapse of the Vance-Owen plan, the conflicting long-term goals of the three warring parties needed to be addressed in any final resolution. As well, the aims and desires of the intervening nations also needed to be dealt with in any future plans as these nations, as a group, had become the fourth party in the conflict.

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<sup>86</sup> Burg and Shoup. p. 256-257.

## The Fourth Party

When the United Nations agreed in 1992 to send the second largest peacekeeping force in history<sup>87</sup> to Croatia it was hard to imagine how well intentioned intervening nations could become so deeply embroiled in the conflict. From the time war broke out in Bosnia until the final agreement in Dayton the international community met with continual setbacks as it struggled to find a solution to the crisis. Horrific event after horrific event kept Bosnia in the public eye and imposed a degree of urgency upon the key international players. Throughout the struggle the lead nations of the United States, Great Britain, France, Germany and Russia followed their own conflicting national interests. The friction during the time of the Vance-Owen plan highlighted these differences. Acting in concert at times and divided at others, the fact that these nations were so deeply entrenched in the Bosnian problem made them the *de facto* fourth party in the conflict.

Disunity among the lead nations, coupled with apparently uncoordinated efforts by other international actors, was often exploited by the warring parties as they manipulated negotiations to further their own causes.<sup>88</sup> The situation needed to have the fourth party united, while at the same time accept that the nations involved would invariably have differing views on some issues. In an effort to get the U.S. more involved in finding a political solution, and to keep a central role for the European nations, the International Conference on the Former Yugoslavia (ICFY) proposed forming a “Contact Group” consisting of the U.S., British, French, German and Russian representatives. The hope was that this group could work out a solution that all could

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<sup>87</sup> Holbrooke. p. 33.

<sup>88</sup> Burg and Shoup. p. 315.



support, and all were willing to implement<sup>89</sup> However, even with the Contact Group representing the fourth party, any plan to successfully resolve the conflict would still have to contend with the aims and goals of the individual nations or the fourth party would be in unmanageable internal conflict itself.

Events had forced the U.S. to become more deeply involved in the Bosnian crisis but it was never considered an essential part of their foreign policy. From the beginning the U.S. attempted to distance itself from the conflict in the former Yugoslavia. Former Ambassador to Yugoslavia, and later Secretary of State, Lawrence Eagleburger publicly stated in 1992 that nothing could be done until the three warring parties chose to stop killing each other.<sup>90</sup> The belief in Washington was that, “It was time to make the Europeans step up to the plate and show that they could act as a unified power. Yugoslavia was as good a test as any.”<sup>91</sup> Even after the rejection of Vance-Owen, and with NATO and the U.S. becoming more involved in the conflict, the Clinton administration was still unwilling, or unable, to formulate an effective Bosnian policy. They were only prepared to use military force to deal with issues that threatened serious national interests and Bosnia was simply not a high priority.<sup>92</sup>

As the situation deteriorated in 1994, and the first half of 1995, the U.S. was finally pushed into a more assertive role. Events in Srebrenica, and other bombings of civilians, eventually led the U.S. to take action. However, although the pain and suffering that was broadcast on the news had touched many Americans, the U.S. government still could not find an identifiable national interest at stake. What mattered

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<sup>89</sup> *Ibid.* p. 300.

<sup>90</sup> Holbrooke. p. 22-23.

<sup>91</sup> James A. Baker. *The Politics of Diplomacy*. (New York: New York University Press, 1994) p 483.

<sup>92</sup> Cohen. p. 283.

more for the nation's leaders was to find a place for American leadership in the post-Cold War era. Bosnia was considered a second tier regional problem, but it was threatening peace in Europe and putting a strain on NATO and the Atlantic Alliance. When Richard Holbrooke was selected to lead the U.S. team in the Contact Group he knew that the fate of Bosnia was not as important as exercising American leadership.<sup>93</sup> Simply put, Holbrooke wanted to lead a process that would get an agreement to end the war.<sup>94</sup>

The lead European nations were divided on some of the method to be used but they too wanted to end the problem as quickly and painlessly as possible. A common element of the European approach to the conflict was to find a negotiated political solution. This way they could avoid placing their troops in harms way for a problem that their respective nations did not see as overly important.<sup>95</sup> They avoided any form of large military operation and shunned the idea of forcing a settlement on warring parties. Britain, France and Germany were similar to the U.S. in that they were balancing politics at home with exerting their influence on a European security issue. The Contact Group balancing act was further complicated by having Russia involved in European issues for the first time since the end of the Cold War.

As a key member of the Contact Group, the Russians were principally expected to bring the Serbs into any future agreement.<sup>96</sup> Russian leader Boris Yeltsin knew that, in spite of the strong pro-Serb lobby in Moscow, he could use the crisis in Bosnia to establish his country as a leading world power. With his claim to having special links to

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<sup>93</sup> Stephen S. Rosenfeld. "Imperial Shrewdness," *World Policy Journal*. (Vol 15, Issue 2 1998) p. 94.

<sup>94</sup> Clark. p. 53.

<sup>95</sup> Burg and Shoup. p. 314.

<sup>96</sup> *New York Times*, February 23, 1994, p. A8.

the Serbs, Yeltsin was included in numerous discussions directly with Serbia throughout the early years of the war in Bosnia. However, after the publicity garnered by various acts of ethnic cleansing, the Russians wisely chose to distance themselves from the Serbs. After the formation of the Contact Group, Moscow was content with the symbolism of being part of the Bosnian peace effort, rather than the actual outcomes of the negotiations.<sup>97</sup>

There were both positive and negative aspects of having the world's leading powers involved in conflict intervention. Together they had the power to guide, with a strong hand if required, the warring parties to a resolution. At the same time, their involvement also served to make the problem more complex. Regardless, by being so deeply involved, the Contact Group indirectly became a party to the conflict when it came to finding an acceptable resolution. As such their own nations' aims had to be taken into consideration. As will be explained in Chapter Five, the differences between the Contact group nations were overcome by the fact that the U.S. took direct control over the situation in the period leading up to Dayton. Therefore, the aims of the U.S. became the driving factor to be considered in the resolution process.

#### The Washington Agreement (1994)

A major turning point in the conflict was the Washington Agreement that joined Croats and Serbs in the Bosnian Federation. Tudjman and Izetbegovic first began discussing an alliance in May 1992 but it was never implemented.<sup>98</sup> The major stumbling block was the fighting between Bosnian Croats and Muslims in central Bosnia. Throughout the last months of 1992 and into early 1993 the international community

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<sup>97</sup> Cohen, p. 309.

<sup>98</sup> *Washington Post*, February 21, 1994, p. A18.

made repeated attempts to get a cease-fire between the two sides. The fighting was causing both Croats and Muslims to lose credibility in the eyes of the world, while enabling the Serbs to gain almost seventy percent of Bosnia.<sup>99</sup> Nevertheless, each time the cease-fires failed to hold as the two sides could not agree on control of key territory in the ethnically mixed region of central Bosnia.

Efforts by the international community to bring the two sides together continued through 1993 and into January 1994. By January 1994 the Muslims found themselves in a very difficult position. They were fighting a two front war in Bosnia at the same time as Croatia and Serbia were increasing political dialogue and improving relations between them. The still newly independent Croatia was losing international credibility, and with much of its land still under Serb control, was looking for a way to get out of the Bosnian quagmire. Succumbing to the urging of Germany, Tudjman and Izetbegovic agreed to meet in Bonn on 9 January. At the meeting Tudjman proposed a union between Croats and Muslims in Bosnia and the formation of what would in effect be a separate state. Izetbegovic rejected the offer and, yet again, could not accept the territorial division.<sup>100</sup> It was not that both sides did not agree on the fact that joining forces would improve their respective situation. The stumbling block of territorial division re-enforced the fact that the two sides were aiming at different long-term goals for Bosnia as a state.

While Zagreb was discussing a union with the Muslims, the Croats were also in negotiations with Serb leaders in Belgrade aimed at improving Serb-Croat relations.<sup>101</sup> Failures to negotiate boundaries between Croats and Muslims, and the fear that Croatia and Serbia may be joining forces on the diplomatic front, made the situation worse for the

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<sup>99</sup> Burg and Shoup. p. 292.

<sup>100</sup> *Ibid.* p. 292.

intervening powers. This led the U.S. to consider the possibility of getting around the issue by pushing for a formal federation between the Croats and Muslims. Although central Bosnia was still split as a result of the fighting in 1993, a formal federation would at least provide a temporary solution.<sup>102</sup>

Under intense pressure from the U.S., an agreement on the basic principles of the Croats and Muslims forming a Bosnian Federation was initialled and became known as the Washington agreement.<sup>103</sup> The Washington agreement also included a preliminary agreement on a confederation between the Bosnian Federation and Croatia. Tudjman stated publicly that the U.S. pushed him into reaching an agreement with the Muslims, however he could hardly be upset with the final outcome. Not only had Tudjman secured economic and political support from the Americans, but the fact that a confederation between the Federation and Croatia was being considered also allowed him to come one step closer to controlling the parts of Bosnia he desired.

The Washington Agreement and the manner in which it came about demonstrated three key factors that could be exploited in future attempts to resolve the conflict in Bosnia. Firstly, although the constitution adopted by the Federation in March of 1994 reaffirmed the integrity of Bosnia, the agreement showed that it was possible for the international community, and in particular the U.S., to accept the partition of Bosnia. It also provided a clear example of how the U.S. could use its power and influence to force a solution if that is what the U.S. wanted to do. Thirdly, it demonstrated that in spite of the vicious fighting between Croats and Muslims, the two sides were willing to co-exist if the problem of territory in Bosnian could be solved. Moreover, the Washington

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<sup>101</sup> *Ibid.* p. 293.

<sup>102</sup> Burg and Shoup. p. 292.

Agreement was an acknowledgement that the federation offered both parties some added protection against the Serbs.

### Conclusion – The Issues and The Facts

While Chapter Two is designed to piece together the Bosnian puzzle, and in doing so demonstrated that the root cause of the conflict lie in the peoples' drive for national self-determination, Chapter Three is aimed at enhancing the understanding of the conflict. By examining five key issues and events (Helsinki, Bosnia as a nation and/or state, Vance–Owen, the “fourth party, and the Washington Agreement) a deeper knowledge of the conflict is gained. More importantly, a study of these issues and events presents the facts that needed to be considered when attempting to find the best possible solution to the Bosnian problem.

The Helsinki Final Act was open to interpretation when it came to the contradiction between the inviolability of borders and the right for nation self-determination. This was demonstrated by the differences between how it was applied to Slovenia and Croatia, and how it was interpreted for Bosnia. A study of the concepts of nation and state makes it clear that Bosnia was not a nation nor did it ever meet the definition of a state. It became an artificial state, created by the international community, without the consent of all people in Bosnia. The failure of the Vance-Owen plan reinforces the underlying cause of the conflict (national self-determination), but also was a key event which led to the formation of the Contact Group and later the Washington Agreement. The detailed involvement of outside powers had indirectly made them the fourth party in the conflict and, as such, with their own aims and goals for Bosnia, added to the complexity of the situation. Lastly, the Washington Agreement demonstrated what

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<sup>103</sup> *New York Times*. March 2, 1994, p.1.

could be done, and that Croats and Muslims could form a union, if the U.S. was involved in pushing the process.

This facts and issues all needed to be addressed, and could have been exploited, during the final resolution process in 1995. However, the challenge was to not only understand these facts and issues, but also use them in such a way as to lead to a resolution to the conflict. As previously discussed, the situation in Bosnia was highly complex and posed a significant, and new, challenge for the international community. It is for these reasons (new and complex) that the use of theory could have been a useful tool to help resolve the conflict.

## CHAPTER 4

### THE UTILITY OF CONFLICT RESOLUTION THEORY

Scholarship could not provide the answer to which course politicians should take, but it can and should provide the information to permit the choice to be taken.<sup>104</sup> – Robert M. Hayden

Theory, by definition, is a system of ideas and knowledge that can be used to help explain or understand something.<sup>105</sup> It is often derived from empirical study and can be useful in providing possible solutions to various types of problems. Conflict, a clash of opposing goals and desires, should be viewed, in its most simple terms, as a *problem*. Therefore, just as it is used to help solve other complex problems, theory can be used as tool in resolving the problem of conflict. The problem in our case is the conflict in Bosnia as it stood in November of 1995.

The aim of this chapter is to present a theoretical foundation that might have been useful to the Contact Group (primarily the U.S.) as it worked through the difficult issues at Dayton. This is not to say that the members of the Contact Group were ill equipped or lacking in knowledge or approach. In fact, quite the opposite is true. The group consisted of intelligent, knowledgeable and highly skilled diplomats who brought unity of international effort to the situation. However, what was missing was a theoretical framework, or set of tools, to guide and structure the conflict resolution process. Richard Holbrooke, the lead U.S. negotiator, stated at the start of his involvement in Bosnia that his intent was to improvise.<sup>106</sup> Therefore, by his own admission, Holbrooke had no formal structure that he would use to guide the resolution process. There is no doubt that the new and complex problem Bosnia posed would require a degree of innovation and

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<sup>104</sup> Hayden. *Blueprints*...p. 164.

<sup>105</sup> *Oxford*. p. 946.



improvisation to resolve. For the very fact that the problem was new and complex, conflict resolution theory could have been a very useful tool.

Conflict resolution theory is a broad and evolving subject area on its own, and people could, and have, devoted their life's work to studying it.<sup>107</sup> Nevertheless, one does not have to be an expert on the theory and its development to effectively apply it. Hence there are two general groups of people who get involved with conflict resolution theory. The first group approaches conflict studies as an academic field, and their work adds to the development of the theory.<sup>108</sup> Drawing from the modern social sciences, this group researches, studies and observes issues related to the nature and source of conflict.<sup>109</sup> The second group of people are the practitioners. This group employs conflict resolution theory as a part of their various, and often, different professions. This practicing professional group includes diplomats and military strategists who use the academic knowledge of the first group to assist them in dealing with specific cases.<sup>110</sup> The Contact Group meets the definition of the practicing professionals, but they did not draw heavily upon the work of the first group. An important, and useful, start point for the Contact Group would have been to look at what, theoretically, conflict resolution entails.

Most theoretical definitions of conflict resolution are similar in intent but somewhat different in wording. For the purposes of this paper, the Mitchell-Banks definition will be used as it succinctly captures what was required in Bosnia. According

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<sup>106</sup> Clark. p. 54.

<sup>107</sup> James A. Schellenberg. *Conflict Resolution: Theory, Research and Practice*. (Albany University of New York Press, 1996) p 7.

<sup>108</sup> *Ibid.* p. 11.

<sup>109</sup> Christopher Mitchell and Michael Banks. *Handbook of Conflict Resolution*. (London: Wellington House, 1996) p. 1.

to conflict study specialists Christopher Mitchell and Michael Banks, resolution has occurred when the issues that gave rise to the conflict are dealt with through a solution which is:

- mutually acceptable to all parties;
- self sustaining in the long run; and,
- produces a more positive relationship between the parties.<sup>111</sup>

The above definition is clearly theoretical and as such the premise is that meeting these three conditions is near perfect conflict resolution. The real world operates in less than perfect conditions, and therefore fully meeting all three conditions is extremely difficult, if not impossible. Applying the Mitchell-Banks definition could have been useful if their three conditions (mutually acceptable, self-sustaining, and promote better relations) were viewed as a goal for all parties in Bosnia. However, the three ethnic groups, and the Contact Group, would have to accept, or be forced to accept, that a degree of *balance* would be required, and the solution would not be perfect.

An essential element in resolving conflict from a theoretical, as well as a practical point of view, is to develop a clear understanding of the problem, and the issues involved. As explained in Chapter Two, and expanded upon in Chapter Three, the conflict in Bosnia was rooted in three peoples' drive for national self-determination. However, the conflict also included other important factors, such as ethnicity, history, and the aims of the intervening powers, which compounded the problem. Attempts to wade through the issues could have been aided by two components of conflict resolution theory that focus

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<sup>110</sup> Schellenburg. p. 13.

<sup>111</sup> Mitchell and Banks. p.xvii.

on the people involved. The first concerns the people directly involved in the conflict and the second relates to those attempting to intervene.

Conflict and violence is a problem that is created by the parties themselves. As such, those same parties must play an active and important role in resolving it. Those not directly involved in the conflict have two choices. They can either let the parties fight it out to solve their differences, or intervene to assist in finding a solution.<sup>112</sup> There are those who believe that conflict resolution is only possible if the violence is allowed to pass through a culminating phase.<sup>113</sup> Although the Croat and Muslim offensives in 1995 changed the military balance in Bosnia, it does not necessarily mean that the war had culminated. In fact, as the Croats and Muslims pushed Serbs from the Bihac pocket, they halted their advance at the request of the U.S.<sup>114</sup> Permitting the parties to fight until there was a clear military victory was not an option for the international community. As Carl Bildt has argued, “peace based on a victory for one side or the other was a humanitarian impossibility – peace must be based on a compromise, sooner or later.”<sup>115</sup>

The important point to be derived from the “fight it out” concept is that it speaks to the issue of de-escalation as a necessary step. The conflict must be de-escalated to a certain point before other resolution approaches and measures are undertaken. The importance of de-escalation in the process is a common theme throughout conflict resolution theory.<sup>116</sup> Although there was a cease-fire in place at the time of Dayton, the

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<sup>112</sup> *Ibid.* p. 5.

<sup>113</sup> Edward N. Luttwak. “Give War a Chance,” *Foreign Affairs*, (July/August 1999)

<sup>114</sup> Rosenfeld. p. 95. After President Clinton announced on 5 October, 1995, that a cease fire would take effect in five days, Holbrooke told Tudjman that he had five days left to win on the battlefield.

<sup>115</sup> Bildt. p. 51.

<sup>116</sup> Ronald J. Fisher. *The Social Psychology of Intergroup and International Conflict*. (Harrisonburg VA: R.R. Donnelly and Sons, 1990) Fisher’s contingency theory of conflict resolution is an excellent example of the need to de-escalate the tensions prior to the use of negotiation and other means.

Contact Group still faced the problem of “maintaining the de-escalation” (stopping the war) while finding a way to resolve the conflict through other means. According to conflict resolution theory, before the intervening parties apply the “other means” it is necessary for them to first assess their own aims.

As soon as the intervening parties become embroiled in trying to solve the problem they become a party in the conflict. As described in Chapter Three, this is what happened with the Contact Group nations as they became the fourth party. Conflict resolution theory states that, if the parties intervening have dramatically different goals than the warring factions, finding a solution is more difficult. In fact, in some cases a divergence in aims between those involved and those intervening can serve to make the situation worse.<sup>117</sup> The problem is exacerbated if the intervening parties do not understand the root cause of the conflict. If the parties intervening do not understand the root causes and factors at play, and have different aims, there is potential that they believe their actions are working when really they are not. For example, the intervening parties believe they are a positive influence when they are a negative, or neutral when they are biased. This is a likely scenario if the intervening parties have sufficient leverage (through coercion or reward) to force the combatants to accept a certain proposal. In effect, the intervening authority can force the others into a settlement that meets their own aims, but not meet those of the parties directly involved in the conflict. An example of this was the international community’s push for Bosnia to become an independent state when a great many citizens of Bosnia were aiming for something

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<sup>117</sup> Mitchell and Banks. p. 3.

different. Although it may be possible to force a settlement, settlement does not necessarily lead to resolution, or even represent resolution.

From a theoretical standpoint, a forced settlement is not likely to succeed because it does not address the cause of the conflict, nor is there much scope for the belligerents themselves to be part of the resolution process. Conflict resolution theory supports the involvement of all parties in the search for a viable solution.<sup>118</sup> Settlement is not a victory for the intervening authority but rather a defeat for the goals of the conflicting parties.<sup>119</sup>

Applying this aspect of conflict resolution theory (involving the belligerent parties) to Bosnia would have meant that the Contact Group stepped away from trying to force a settlement. Instead they would allow/force the people of Bosnia, as well as the leaders of Croatia and Serbia, to take more responsibility in deciding what they wanted in terms of a resolution. At the same time, the Contact Group nations themselves would have had to assess their goals and to have understood that a balance of all parties' aims would have been required in order to arrive at a solution which was mutually acceptable to all.<sup>120</sup> The challenge then shifts to finding methods that could help strikes the required balance. Again, conflict resolution theory offers some useful tools.

There are various methods and approaches available to the intervening parties, and each has specific characteristics. The difficult part for the professional practitioner is to find how, and when, to use each theoretical approach. Coercion, negotiation, mediation and arbitration are all effective means to resolve c 12.00121 357.9317 157.01794 0 09829 157.01

effective, the intervening authority must understand each of the approaches and decide which one to use at any given point in the resolution process.

Coercion occurs when the disputing parties are forced to a particular solution by the intervening authority. In many cases the forced solution may not meet the goals of the parties in conflict, and can make the situation less manageable in the long-term. On the other hand, coercion can be very effective in dictating a temporary solution, or be used to push one of the belligerents past a sticking point in negotiations.<sup>121</sup> At the time of Dayton, the Contact Group had enough leverage to use coercion as a tool and, as will be covered in Chapter Five, did.

Negotiation is the process where the parties involved enter into discussions aimed at bringing them to a voluntary agreement. It is most effective when the emphasis of all parties is on solving the problem and less on who is winning or losing.<sup>122</sup> Negotiation requires a degree of compromise and is most effective if the conflict has been de-escalated to the point where all parties are willing to discuss the key issues. The intervening party must keep the disputing parties focused on the problem and may have to use varying degrees of coercion and mediation to help the negotiations to progress. Mediation involves a third party intervening to help the disputing parties come to a mutually satisfactory resolution.<sup>123</sup> Although mediation can be an effective method when used in conjunction with other approaches, it is less likely to be used in international disputes due to the high level of mistrust and win/lose that can be associated.<sup>124</sup>

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<sup>121</sup> Schellenburg p. 134.

<sup>122</sup> *Ibid.* p. 154.

<sup>123</sup> *Ibid.* p. 192.

<sup>124</sup> Fisher. p. 244.

At Dayton, and throughout the conflict, a combination of negotiation and mediation were applied. The problem was that they were not applied in a structured manner. For example, based on the above-mentioned definitions and possible uses for negotiation and mediation, issues best handled through negotiations were handled with mediation and vice-versa. In the early stages of the war, mediation was the central plank of the international community's efforts to resolve the conflict.<sup>125</sup> With the violence and mistrust between the parties at the time, this method was unlikely, and in fact did not succeed. Due largely to the fact that there was not really a structured plan for the process at Dayton, Holbrooke himself admitted that he was unsure if he was negotiating or mediating.<sup>126</sup> Therefore, by not understanding the different methods found in conflict resolution theory, negotiating and mediation efforts did not meet their full potential.

Arbitration combines aspects of mediation, negotiation and coercion. It occurs when it is mutually accepted that an outside party will decide the outcome of the dispute.<sup>127</sup> Although some theorists doubt its effectiveness in international conflicts, arbitration can be effective if the disputing parties are in a position where they are determined to find a solution and see some benefit for their side. Considering the leverage the Contact Group had at the time, and the fact that Serbs, Croats and Muslims agreed to allow this outside party to drive the process, a degree of arbitration was possible at the time of Dayton. However, in their desire to keep the process moving, and get an agreement quickly, the U.S. did not exploit this method.

### Conclusion

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<sup>125</sup> Bennett. p. 237.

<sup>126</sup> Clark. p. 66.

<sup>127</sup> Schellenburg p. 205.

As we have seen in earlier chapters, the conflict in Bosnia was very complex and posed many new problems for the international community. It is an understatement to say that defining and solving the problem was a difficult task. In the face of a problem of this magnitude, use of theory could have been a useful tool to help guide the resolution process. From both a theoretical, and practical point of view, the problem needs to first be clearly defined. Then by attempting to find a solution that is, on balance, mutually acceptable, self-sustaining, and sets the conditions for better relations between the parties, a structure would be in place for the conflict to be resolved. In striving towards this aim, the parties in the dispute have to play an active role in deciding what they want in terms of a solution. The intervening parties then apply a variety of approaches and methods to arrive at a solution. Through it all, the parties have to accept that the perfect solution appears only in theory. The real outcome may be less than all parties, including the intervening authority, originally desired, but it also may be the best one could hope for.

The aspects of conflict resolution theory described throughout this chapter are only a small part of the overall theory. However, they do have particular relevance to the situation in Bosnia. In the next chapter, using the same information and setting that was made available by the work of the Contact Group leading up to Dayton, elements of conflict resolution theory will be brought together to demonstrate how they could have aided in resolving the conflict in Bosnia.



## CHAPTER FIVE

### FROM PROBLEM TO PARTITION

If you force the United States to choose between unity and democracy, we will choose democracy.<sup>128</sup> –  
Warren Zimmermann

Preceding chapters have outlined the complexity of the Bosnian puzzle and examined key issues and events during the conflict. From this, one can appreciate that the problem was highly complex and involved numerous, often conflicting, factors. The complexity of the problem lends support to the argument that conflict resolution theory could have been a useful tool for the Contact Group. The stage is now set to present a different approach to solving the Bosnia problem. This approach uses conflict resolution theory as a tool to provide the framework for the resolution process, and demonstrates that partition was not only possible in 1995, but also the best mechanism to resolve the conflict. However before explaining this approach, it is necessary to analyse the Dayton Accord and the process that led to it. The intent is not to critique Dayton, or question the competency of its architects, to demonstrate what was possible in 1995.

#### Analysing at Dayton

The Dayton Accord can be viewed as the culmination of efforts to resolve the conflict in Bosnia. It used the knowledge gained by prior attempts to get peace in the Balkans, and dealt with (or simply worked around) issues that had hampered previous international community efforts. More importantly, the process and final Accord reveals three main facts that are critical when proposing any alternate solution. The first fact that Dayton demonstrated was that new and unique conflict resolution methods were possible

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<sup>128</sup> Warren Zimmermann. “The Last Ambassador.” *Foreign Affairs*, 74, No 2 (1995) p. 12.

in 1995. Second, Dayton showed the power of the U.S. and how their aims would have had to be considered in any attempt to resolve the conflict in Bosnia. Lastly, Dayton demonstrated that all parties were willing to, or could be forced, to compromise in order to get an agreement.

First of all, Dayton demonstrated that unconventional methods, which produce dramatic results, were possible in 1995. Up until the time of Dayton most “traditional” conflict resolution processes followed a similar pattern. The process would begin with a cease-fire and arms reduction. Negotiations, aimed primarily at arriving at boundary demarcation agreements, would take place and an international force would move in to enforce these agreements.<sup>129</sup> As presented in previous chapters, the complexity and number of factors at play in Bosnia did not permit the employment of traditional resolution methods. The situation demanded a more innovative and comprehensive approach that would address the difficult and intricate nature of the problem. The process at Dayton was original, and the result was the unique and complex Dayton Accord.

With five, previously agreed upon, basic principles as the start point, (single Bosnian state, 51/49 percent territorial division, constitutional structures, free elections, and human rights) the twenty-one days of concerted discussions, and diplomatic wrangling, at Dayton resulted in the General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP). With its accompanying annexes, the GFAP is what came to be known as the Dayton Accord. The GFAP itself is an international treaty between Croatia, what was known at the time as the Federal Republic of Yugoslavia (FRY), and the

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<sup>129</sup> International Crisis Group Report. *Is Dayton Failing? Four years After the Peace Agreement*. ICG Report, 3 November, 1999. <http://www.nyu.edu/globalbeat/balkan/ICG110399>.

Republic of Bosnia and Herzegovina. The treaty is general in nature while the twelve annexes<sup>130</sup> contain the details of the agreement. The annexes consist of a series of agreements, principally between the central government of Bosnia and the two entities (the Republika Srpska and the Bosnian Federation.<sup>131</sup> The fact that the agreements are between the two entities of Bosnia is odd considering they were not really represented at Dayton. Milosovic represented Bosnian Serbs while Tudjman spoke for the Bosnian Croats. As Carl Bildt has acknowledged, the negotiations at Dayton were, "...between a Greater Croatia, a Greater Serbia and a Muslim Little Bosnia."<sup>132</sup> This peculiarity will be expanded upon later in this chapter. Nevertheless, the twelve annexes of the Dayton Accord articulate the agreed upon settlement, and map out a future for the state of Bosnia.

Four of the annexes combine to layout arrangements that give formal approval for NATO, and other international organizations, to conduct specific functions in Bosnia. The other eight annexes are constitutional in nature and cover details for the Bosnian constitution itself, as well as agreements on elections, human rights, and the right of refugees and displaced persons to return to their pre-war homes.<sup>133</sup> The scope and breadth of issues covered in the twelve annexes demonstrates the extent to which Dayton went beyond the aims and constructs of a traditional peace agreement and in many ways broke new ground. As an example, the democratic power-sharing arrangements

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<sup>130</sup> Numbering of Annexes goes from one to eleven; however, the total of twelve stems from the fact that there is an Annex 1A and Annex 1B.

<sup>131</sup> Szasz. p. 760.

<sup>132</sup> Bildt. p. 162.

<sup>133</sup> *The Dayton Peace Agreement*. Released by the Office of the Spokesman (December 1995) <http://www.1.umn.edu/humanrts/icty/dayton/daytonoc.html>.

envisioned for the central government of Bosnia were unprecedented.<sup>134</sup> The actual negotiating process was also unique and an interesting study on its own. The manner in which Richard Holbrooke pushed the process<sup>135</sup> was a classic example of *realpolitik*, and the accomplishments, in terms of the final results were significant.

There is little doubt that process at Dayton produced dramatic results. First and foremost, it stopped the open warfare. The fact that all parties were brought together and, in a relatively short period of time, signed an agreement is a significant accomplishment on its own. As well, with the U.S. leading the process, the Contact Group nations and the international community not only agreed on the details of the Accord, but also were willing to expend resources to see the plan implemented. It can therefore be said that, by November 1995, the three warring parties and the international community were willing to accept an unconventional process and unique results. Moreover, even if the parties were not overly willing to accept the results, Dayton demonstrated that they could be forced to accept what the U.S. wanted. The power of the U.S. is the second main fact to be derived from Dayton.

In any analysis of Dayton it is important to understand the powerful role the U.S. played. Throughout the events leading up to Dayton, and during the final talks, the U.S. was in direct control of the process, while the other Contact Group members were relegated to supporting roles.<sup>136</sup>

The U.S. negotiator, (Holbrooke) supported by a very large team, ...organised the agenda and ran the negotiation as he wished, with the acquiescence of the rest. They were informed but not consulted, and their primary role was to assist so far as needed, witness and ratify the outcome. But

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<sup>134</sup> New York Times, April 4, 1994.

<sup>135</sup> Holbrookes memoirs, *To End A War*, provide an interesting and chilling insight into the process at Dayton, and say much about Holbrooke himself and U.S. policy making.

<sup>136</sup> Berg and Shoup. p. 361.

they were not to interfere.<sup>137</sup>

While the other Contact Group members may have not totally agreed with the U.S. agenda, they also did not pose any significant objections. Therefore, the aims and procedures employed at Dayton need to be viewed through the U.S. lens.

As a nation, the U.S. wanted the Bosnian situation to be solved as quick and painless as possible. Along with the five principles that all parties had agreed to prior to Dayton, U.S. actions were guided by the following aims:

- demonstrate U.S. leadership in the post-Cold War era,<sup>138</sup>
- prevent the collapse of Europe's security structure (NATO, Helsinki Final Act etc.) and keep the war from spreading,<sup>139</sup>
- avoid a large and protracted military commitment,<sup>140</sup>
- do not legitimize Serb aggression and ethnic cleansing,<sup>141</sup>
- keep Bosnia as a single state (unless all three ethnic groups agree to partition),<sup>142</sup> and
- get a solution as quickly as possible.<sup>143</sup>

The fact that Dayton did not fully meet all of these aims demonstrates that the “fourth party” in the conflict was willing to compromise to get an agreement. The willingness of

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<sup>137</sup> Pauline Neville Jones. “Dayton, IFOR and Alliance Relations in Bosnia,” *Survival* 30, No 4 (Winter 1996-97) p. 48.

<sup>138</sup> Walter N. Anderson. “Peace With Honor: Enduring Truths, Lessons Learned and Implications for Durable Peace in Bosnia,” *The Land Warfare Papers* (Sept 1999) p. 4.

<sup>139</sup> *Ibid.* p. 4.

<sup>140</sup> Holbrooke. p. 219. The Pentagon was reluctant to use force at any time during the conflict and were set on avoiding another Viet Nam scenario when it came to implementing a peace plan in Bosnia.

<sup>141</sup> *Ibid.* p. 97. Considering that the U.S. had clearly been viewing the Serbs as the aggressors in the war it is not a surprise that one of their aims was to ensure the Serbs did not receive too much in the final agreement

<sup>142</sup> *Ibid.* p. 96.

<sup>143</sup> *Ibid.* p. 338. Mentioned, but not emphasised, in Holbrooke's memoirs, most other writings on the Dayton process state that, with an election coming in 1996, there was considerable pressure to get a quick win for the Clinton Administration.

the three warring parties to compromise will be discussed in a later section of this chapter.

Through coercive diplomacy, the U.S. demonstrated their power by taking hold of the entire process, stopping the war, and forcing a solution that the three warring parties begrudgingly accepted.<sup>144</sup> NATO agreed to deploy a large and robust force to implement the military aspects of Dayton, and provide a secure environment for the international community to work in.<sup>145</sup> By doing so, NATO, as a key part of the European security structure, was playing an important role in a threat to European security. Dealing with the contradictory aspects of the Helsinki Final Act were avoided at Dayton and the decision to recognise Bosnia as an independent state was not seriously questioned.

The U.S. (and Contact Group) aim to keep Bosnia as a single state was met in theory; however, the state was comprised of two separate entities, a weak central government, and three armies. Dayton had provisions to slowly amend these shortcomings, but a state constructed along these lines was a precarious endeavour from the start. The fact that the U.S. still, in 2003, has forces deployed in Bosnia speaks volumes about the security of the situation Dayton created, and shows that the aim for a short military deployment was not met. As well, by internally partitioning Bosnia, and recognizing the Republika Srpska as a distinct entity, it is difficult to state that Serb aggression and ethnic cleansing were not, at least to some degree, legitimized. Therefore, while the U.S. could claim that the majority of their aims were met at Dayton, others were not, thereby indicating that the U.S. was willing to compromise to get an agreement. The willingness to accept a degree of compromise is the third main fact to be derived

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<sup>144</sup> Bildt. pp. 162-163.

<sup>145</sup> *Dayton- Annex 1A and 1B.*

from Dayton. However, this willingness to compromise was largely driven by the last U.S. aim. Get a solution as quickly as possible. The urgency placed on solving the Bosnian problem was a driving force, and a key reason, for the “forced compromise” that was the Dayton Accord.

Dayton can, and was, viewed as more of a start-state for creating a stable Bosnia than a resolution to the conflict. In spite of the obvious successes, many who knew Bosnia recognised from the outset that Dayton was less than perfect.<sup>146</sup> In his memoirs Richard Holbrooke acknowledges the Accord as only the initial step when he states, “The results of the international effort to implement Dayton would determine its true place in place in history.”<sup>147</sup> Carl Bildt’s memoirs make clear reference to there being no euphoria or victory celebration at the conclusion of Dayton. “We (the Contact Group) knew better than anyone else that this (the signing of Dayton) was just the beginning of a long and arduous peace journey.”<sup>148</sup> Considering the aims of the U.S., along with the fact Dayton did not address the root cause of the conflict, it comes as no surprise that the “journey” would be long and difficult. Members of the Contact Group, as well as outside observers, simply accepted time that, although imperfect, Dayton was the best available solution at the time.<sup>149</sup> This therefore begs the question. Was another approach and different/better solution possible?

### Theory and a Resolution to Conflict in Bosnian.

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<sup>146</sup> Rosenfeld. p. 97.

<sup>147</sup> Holbrooke. p. 335.

<sup>148</sup> Bildt. p. 160.

<sup>149</sup> Stephen S. Rosenfeld. “Imperial Shrewdness,” *World Policy Journal*. Vol 15, Issue 2 (1998) p. 97.

According to conflict resolution theory, an important initial step in the process is de-escalation.<sup>150</sup> By November 1995 the conditions were set for a conflict resolution process to take place in Bosnia. Although the situation was still volatile, and a clear military victor had not emerged, a cease-fire was holding. Croat and Muslim offensives had “cleaned up the map” to the point where battles for territory could be done during negotiations<sup>151</sup> and the Erdut Agreement had given Eastern Slavonia back to the Croats. The three warring parties agreed to come together for peace talks, and the U.S. was fully engaged and anxious for a solution. Therefore, although a measure of hostility remained, the conflict had been de-escalated to a point where the resolution process could begin. The difficult, and more important, remaining part was to find a solution that was both feasible at the time, and would be viable in the long-term.

As explained in Chapter Four, conflict resolution theory could have been applied to provide structure to the complex problem of Bosnia. The application of theory could have clarified the *problem* and set the goals for a viable *solution*. Theory could then have been applied to help deal with the issues necessary to *bridge the gap between the problem and the solution*. This construct is shown graphically in Figure 3 and is described below.

The first stage of the process needed to involve defining, in the most basic of terms, the problem. The basic problem in Bosnia lay in the fact that the external perspective of the situation did not meet the internal realities. The three ethnic groups were pursuing mutually antagonistic goals with respect to the existence of Bosnia as a state, while the international community was attempting to create and maintain the

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<sup>150</sup> David M. Last. *Theory, Doctrine and Practice of Conflict De-Escalation in Peacekeeping Operations*. (Cornwallis Park Canada: The Peacekeeping Press, 1997). Last’s work explains the importance of de-escalation, and how it can be achieved, through different stages of a conflict.

<sup>151</sup> Bildt. p. 112.



state.<sup>152</sup> As described in earlier, the root cause of the conflict was the peoples' drive for national self-determination; but the international community struggled with this concept as it applied to Bosnia. The result was a brutal war for land as the ethnic groups turned to violence to achieve their goals in Bosnia. The solution to this problem therefore needed to address the opposing and conflicting aims of the parties.

Figure 3 - Bosnia and Conflict Resolution Theory



The Mitchell-Banks definition of conflict resolution, as outlined in Chapter Four, provides a good set of criteria, and end-state goals, for the process. According to Mitchell and Banks, the most viable solution begins with the outcome being mutually acceptable to all parties. Events leading up to the discussions at Dayton made it clear that a solution that fully met the aims and desires of all parties was near impossible. Compromise, and a balance of the opposing aims, would have been required in order to come out with the most mutually acceptable solution. However, as Dayton demonstrated, it was possible to arrive at an agreement, even if all aims of all parties were not met. The other two Mitchell-Banks criteria build upon the first.

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<sup>152</sup> Haydon p. 153.

In theory, if the problem is correctly defined, and on balance the solution is mutually acceptable to all parties, the chances of the agreement being self-sustaining increases. Applying this to Bosnia, the three ethnic groups would have less reason to continue the conflict if the desire for national self-determination had been adequately addressed. A reduction in the level of conflict would, in time, lead to better relations between the warring parties. With the problem broadly defined, and a goal for the solution set, the next requirement would have been to bridge the gap between problem and solution.

Figure 4 shows the different component parts that combine to form the *bridge to resolution*. The requirements are based on conflict resolution theory, and provides the framework for the key issues, factors and events to be analyzed. In accordance with conflict resolution theory, the selected *requirements* should follow the order they are listed in Figure 4. However, when attempting to work out a solution, the issues, factors and events do not need to be dealt with in the order in which they occurred. In fact the opposite is true. One of the main reasons the conflict in Bosnia was so complex was because the key issues, factors, and events were inter-woven and linked. Therefore, using the conflict resolution theory requirements as a guide, and by analysing and addressing the key issues, factors and events related to the conflict in Bosnia, the bridge from problem to solution could have been formed. The issues, factors and events listed in Figure 4 have been defined and dealt with in Chapters Two and Three. The selected requirements of conflict resolution theory were explained in Chapter Four. The challenge would then have turned to combining the two sides of the *bridge* (requirements and

issues, factors and events) to determine if a more viable solution than Dayton was possible in 1995.

Figure 4 BRIDGE TO RESOLUTION

REQUIREMENTS	ISSUES, FACTORS, and EVENTS
Understanding the conflict and its cause	- history of Bosnia from WWII to the collapse of Yugoslavia - interpretation of Helsinki Final Act of 1975
Determine what the parties desire in terms of resolution (their aims)	- Bosnia as a nation and/or state - elections of 1990 and referendum on independence in 1992
Force/allow the warring parties to be involved in determining the solution	- the aims and goals of the three ethnic groups - Vance-Owen Plan - will and aims of international community
Apply conflict resolution methods (coercion, negotiation, mediation, and arbitration)	- Washington Agreement - people of Bosnia were not given the opportunity to voice their wishes with respect to the future of Bosnia - territorial division

Understanding the Conflict and its Cause

As explained in Chapter Two, many within the Contact group, and in throughout the West, generally misunderstood the conflict in Bosnia. Looking for an easy explanation, the war tended to be viewed as either a civil war based on age-old hatreds, the result of Serbian aggression, or caused by a few individuals. A study of history from the Second World War through to 1995 demonstrated that none of these views speak directly to the root of the problem. The Socialist Federal Republic of Yugoslavia was a fragile from the time it was established in 1945 and its history marked with events driven by the peoples’ desire for national self-determination.

When the U.S. took the lead in solving the crisis it became clear that Richard Holbrooke and his team failed to understand the conflict and its root cause. Holbrooke was an ambitious and effective diplomat but in no way an expert on the region. His career was never focused on the Balkans and the majority of his experience was with East Asian issues and as the U.S. Ambassador to Germany. However, this does not mean that grasping the real cause of the fighting was not possible at the time. There was sufficient

literature written, and experts in the region available, that if accessed, would have given Holbrooke and his team a better understanding of the conflict and what its root cause.

Therefore understanding the root cause of the conflict was possible.

The process at Dayton was centred on the decision to make Bosnia a single, multi-ethnic state. This decision, as explained in Chapter Three, was somewhat flawed from the start, as Bosnia had never in its history met the definition of a state, and certainly never a nation-state. Throughout the conflict the international community was reluctant to allow the Bosnian state it had recently recognized, and admitted to the UN, to be destroyed by partition.<sup>153</sup> Nevertheless, by 1995 with the U.S. immersed in the Bosnian quagmire, Holbrooke was willing to consider the partition of Bosnia.<sup>154</sup> Considering the power the U.S. had over the process (as demonstrated by Dayton), if partition could have been accomplished, while still satisfying the majority of U.S. aims, it was a possible option in 1995. This option, partition, could have been exploited if the next two *requirements* in Figure 4 (determine what the parties want, and include the warring parties in the search for a solution) had been applied.

#### Determine What the Parties Want

A fundamental reason the conflict was difficult to solve was the contradictory aims of the four parties involved. According to theory, determining and understanding these aims is an important step in finding the balance for a mutually acceptable solution. By 1995 the U.S represented the “fourth party” and their aims were outlined earlier during the analysis of Dayton. The aims of the Serbs, Croats and Muslims had not fundamentally changed since the start of the conflict; however, going into Dayton,

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<sup>153</sup> Berg and Shoup, p. 407.

<sup>154</sup> Holbrooke, p. 96.

Izetbegovic, Tudjman and Milosovic were showing signs that they were willing to give in some areas in order to get a resolution.

In November 1995 the Muslims wanted a democratic and united, centralized Bosnia, as well guarantees that refugees and displaced persons could return to their homes, and war criminals would be punished.<sup>155</sup> As the Dayton process unfolded a split emerged between Bosnian Prime Minister Haris Silajdzic and Izetbegovic. Silajdzic was steadfast in the idea of a centralized, multi-ethnic state while Izetbegovic was willing to compromise state unity in exchange for a compact territory for Muslims.<sup>156</sup> This split weakened the overall position of the Muslims, and was an indication that perhaps the aims of the Bosnian Muslim people were not being clearly expressed.

Throughout the conflict, the Serbs were consistent in their desire to have no part of a common state with Muslims and Croats. However, by the start of Dayton, Milosovic, speaking on behalf of the Bosnian Serbs, was content with the recognition and territory of the Republika Srpska as this set the conditions for future annexation.<sup>157</sup> The Croats, with the Washington Agreement, Eastern Slavonia, and the Serb Krajina in hand were, for the most part, content by November 1995. Croats were willing to agree to a single Bosnian state as long as it was weak, highly decentralized, and split into three near pure ethnic entities.<sup>158</sup> Like the Serbs, Croats were willing to accept conditions at Dayton as long as they did not hamper their long-term annexation plans. Simply put, Serbs and Croats were using the negotiations at Dayton as a stepping-stone for their real aims of creating larger Serb and Croat states for their people. The Muslims were trying to hold

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<sup>155</sup> Szasz. p. 762.

<sup>156</sup> Burg and Shoup. p. 362.

<sup>157</sup> Bildt. p. 120.

<sup>158</sup> Szasz. p. 762.

on to the concept of a single Bosnian state in which they (with 44 percent of the population) would be the predominant ethnic group. Therefore, any viable final solution needed to balance the aims of all four parties. Clearly, with the divergence between the Serb and Croat “split” of Bosnia and the Muslim united country, some group(s) would have to give more than others to achieve any sort of balance. Understanding these facts, the next question would have been to determine “how” to strike the required balance of aims to get a mutually acceptable solution.

### Involving the People

The Vance-Owen plan demonstrated the utility of including Milosovic and Tudjman in discussions involving Bosnia. Considering the leverage these two leaders had over their people in Bosnia, dealing directly with them was the only real option for Holbrooke and other international negotiators. However by doing so, not only is the peoples’ desire for national self-determination difficult to validate, but the idea of a democracy in Bosnia could be viewed as suspect.

To help work through this issue a useful start point could have been the component of conflict resolution theory that states the people engaged in the actual conflict should be part of the resolution process. Although Serb and Croat forces were involved in some of the fighting, most of the killing was being done by Bosnians themselves. Moreover, it was the people of Bosnia who had the most at stake and would have to live with the final solution. A useful, and possible, approach would have been to have the international community supervise a referendum, in 1995 or early 1996, on the future of Bosnia.

Richard Holbrooke stated that he would have considered a partition of Bosnia if all three ethnic groups had agreed.<sup>159</sup> Without asking the people of Bosnia, this was not going to happen. Muslim leaders had made it clear that they wanted a single Bosnian state and Milosovic and Tudjman were speaking for Bosnian Serbs and Croats. In order to keep the process moving, Holbrooke defaulted to allowing the key voice determining the future of Bosnia to be the group perceived to be the primary victims, the Muslims.<sup>160</sup> With the help of the international media, the idea that the Muslims were the primary victims had been implanted in the minds of many “fourth party” (U.S. and Contact Group) citizens. Thus, a solution which ran counter to the aims of the Muslims would needed to have been based on a value, such as democracy, that U.S. and other Western people held dear. What could be more democratic than a referendum?

#### A Referendum, Dealing With the Results and Completing the *Bridge*

Even though, theoretically, a referendum would have helped fulfill the *requirements* of determining what solution the warring parties wanted, and forcing/allowing them (the warring parties in Bosnia) to be involved in the search for a solution, a referendum would also have had to be possible. It is likely that Muslim leaders, knowing that with only 44 percent of the population they could be defeated by a combined Serb and Croat vote, would not have agreed with holding a referendum. At Dayton, the U.S. was able to push the process through a number of difficult issues and sticking points.<sup>161</sup> There is therefore no reason to believe that they could not do the same with a referendum. To assist in dealing with this contentious issue (the referendum)

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<sup>159</sup> Holbrooke. p. 96.

<sup>160</sup> *Ibid.* p. 97.

<sup>161</sup> Burg and Shoup. p. 362. Although the media focused on issues related to the map, most of the time at Dayton was spent working through difficult and complex military and governance issues.

certain methods of conflict resolution theory (the fourth *requirement* as proposed in Figure 4) could have been a useful tool.

The conflict resolution theory methods of coercion, negotiation, mediation, and arbitration explained in Chapter Four have different characteristics and uses. Throughout the Dayton process the U.S. had the leverage (mainly through coercion) to decide what issues could be negotiated and/or mediated, and which would be dictated by arbitration. A referendum could have been one of the issues that was not considered for negotiation or mediation. If a referendum was deemed to have been important, as this paper argues it was, the U.S. could have used arbitration as a method to ensure that one took place. As the NATO Implementation Force (IFOR) demonstrated following Dayton, it would not be an overly difficult task to ensure that the environment was secure enough to hold an international community supervised referendum. Therefore, not only would a referendum in Bosnia have addressed issues in the search for a viable solution, it was also possible in 1995/96.

Considering the fact that the root cause of the conflict was the people's drive for national self-determination, the wording of the referendum would have had to be such that three clear questions were asked. Do the people of Bosnia want: an independent multi-ethnic state within existing borders; the option to unite with either Serbia or Croatia; or to form independent states within the existing Bosnian borders. A referendum such as this would have allowed the people of Bosnia to voice their vision of Bosnia, while also validating the root cause of the conflict. Considering the results of elections in 1990, the first referendum and how it transpired, and events during the war itself, (Chapters Two and Three) it is not hard to postulate what the outcome of a referendum



would have been. Muslims likely would have voted for a single, multi-ethnic Bosnian state. Serbs and Croats would have voted to join Serbia and Croatia respectively. In effect a referendum would have given the people of Bosnia a forum in which to exercise their right to national self-determination. However, the end result would likely have meant the dissolution of the Bosnian state that the international community created in 1992. This would have raised two important issues. What to do with the Muslims? Was it possible that the international community, in 1995, would accept the partition of Bosnia?

Whenever the partition option for Bosnia was discussed the question always turned to what do to with the Muslims.<sup>162</sup> The best answer would have been to let the Muslims decide for themselves. If the referendum spelled the end of a multi-ethnic Bosnia, the Muslims could then have be given the opportunity to negotiate what type of future state they wished to live in. The choices would have been clear. Muslims could either to live in a week, isolated mini-Bosnia, or unite with either Serbia or Croatia. It is difficult to conceive a small, fragmented and isolated Muslim Bosnia ever being a viable option for the people of this ethnic group. Moreover, for military, economic, and territorial reasons (Chapter Three), it would be a stretch to consider a purely Muslim Bosnia even meeting the definition of a state. An independent Muslim Bosnia could only have survived with massive outside military and economic support. Considering the aims of the U.S., it is highly unlikely that they would have agreed to the type of open-ended commitment this would entail. Moreover, the division of territory would have been a nightmare for the Contact Group and the people of Bosnia. Therefore, although the

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<sup>162</sup> Christopher Bellamy. "Reflections on the Civil War in Bosnia and Foreign Intervention," *Civil Wars*, Issue 1.2 (Summer 1998) p. 22.

people of Bosnia would have had the opportunity to exercise their right to national self-determination, an independent mini-state for Bosnian Muslims was not a viable option. The answer would have had to be a union with either Serbia or Croatia.

Based on the events of the war, it is extremely unlikely that the Muslims would have chosen to join Serbia, nor would the U.S. have allowed this to happen. The more likely outcome, which is supported by the Washington Agreement, would have been for the Muslims to form a union with Croatia. Croatia would have accepted this union for territorial reasons alone as well as the fact that Tudjman frequently stated that Bosnian Muslims were simply Croats of Islamic faith.<sup>163</sup> However, even if in the construction of the *Bridge to Resolution*, the best solution to the conflict in Bosnia (driven by the aims of the three warring parties) was pointing towards a two-way partition, three important issues would have still needed to be dealt with. First were the aims of the “fourth party”, second was the interpretation of the Helsinki Final Act, and third was the issue of territorial division. Like the difficult issues addressed at Dayton, dealing with these last three pieces of the *bridge* would not have been easy, but were possible.

A constant throughout the conflict was that the Western powers all wanted peace in Bosnia, but did not want to expend extensive resources to achieve it.<sup>164</sup> Although not explicitly stated, the “minimal effort” theme was implied in the U.S. aims, and can be seen as a constant throughout the Dayton process.<sup>165</sup> However, as described earlier, it was the aims of the U.S. that mattered most if a two-way partition was to be considered

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<sup>163</sup> Cohen. p. 278.

<sup>164</sup> John J. Mearsheimer and Robert A. Pape. “A Partition Plan for Bosnia,” *The New Republic*. (14 June, 1993) p. 22.

<sup>165</sup> A good example of the desire to minimise the effort in Bosnia was the reluctance on the part of Western governments, including the U.S., to commit military forces for an extended mission. This fact is described well in both Holbrooke’s and Bildt’s memoirs.

possible. Upon examination, and considering the willingness of the U.S. to compromise on some of these aims at Dayton (ie legitimizing Serb aggression), partition driven by the Bosnian people would have met U.S. aims.

For the U.S. the final outcome for Bosnia was not as important as the role the U.S. played in the process. Holbrooke had stated that the U.S. was willing to consider the partition of Bosnia if all three parties agreed to it.<sup>166</sup> If the partition was driven by a free and fair referendum, even though the Muslims would have had the most to lose, it is not inconceivable that the U.S. would accept the referendum results. For Holbrooke and the U.S., domestic and other international political concerns,<sup>167</sup> as well as their desire to exert leadership on the world stage, were more important than the annoying problem of Bosnia. Therefore, if Bosnia was leaning toward partition, instead of leading a process that resulted in the Dayton Accord, the U.S. could have been seen as leading a process for peaceful partition. Even with a “peaceful” partition there still would have been the need for a NATO deployment. As a key part of Europe’s security structure, NATO could have played a role in European security by ensuring that the referendum took place peacefully. As well, NATO could have filled many of the other tasks (ie monitoring prisoner exchanges<sup>168</sup>) as they did with Dayton.

Serb aggression and ethnic cleansing (pending the final territorial division) would have been no more legitimized with partition than it was with Dayton. If partition had led, as this paper argues, to a more self-sustaining solution it would have helped prevent the long-term military commitment the U.S. finds itself in today. Lastly, the most

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<sup>166</sup> Holbrooke. p. 146.

<sup>167</sup> Not only were the U.S. Presidential Elections looming on the horizon (1996) but the U.S. was also concerned about relations and issues with Russia.

<sup>168</sup> *Dayton*. Annex 1A.

difficult U.S. aim to meet through partition would have been the desire for a quick solution, In this regard the U.S. would have had to compromise. Partition, especially if driven by a referendum, would have taken more time before the final solution could be reached. However, if the partition process was seen to have been moving forward, and was not a problem for the Clinton Administration, it is likely this would have been acceptable. Therefore, on balance it can be said that the aims of the U.S. could have been met by partition.

As described in Chapter Three, the interpretation of the Helsinki Final Act posed a problem for the international community. In the case of both Slovenia and Croatia, it was determined that conflict could best be avoided, and the security of Europe best served, by allowing the right of national self-determination to trump the inviolability of borders. When dealing with Bosnia in 1992, the international community decided that security in the region would be best dealt with by selecting the inviolability of borders over the right for self-determination. It is difficult to assess the degree to which the decision to recognize Bosnia, with it existing borders, limited or staved off conflict in other European hot spots such as Kosovo, Hungary, and Albania. However, deciding to champion the inviolability of borders clearly did not prevent a brutal war from occurring in Bosnia. Therefore if the people of Bosnia chose, through a referendum, to exercise their right for national self-determination, and it would lead to a resolution of the conflict, it is reasonable to believe that the signatories to the Helsinki Final Act would recognize this decision as it had with Slovenia and Croatia.

The last piece to complete the *Bridge to Resolution* would have related to the division of territory. Exactly what this division would have been is difficult to guess.

However, considering that Dayton proved a two-way partition of Bosnia was possible, a similar division could have been accomplished for partition. The only difference would have been that the external Bosnian borders would have been erased.

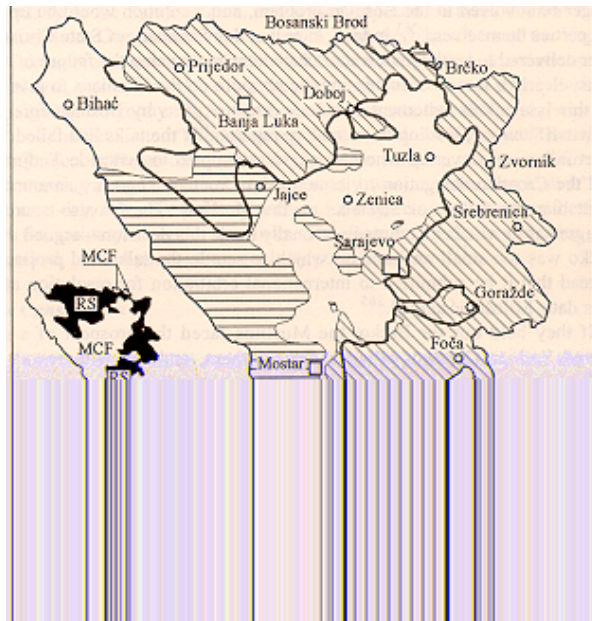


Figure. 5 – Areas of Control and Dayton Inter-Entity Boundary Line, 27 November, 1995<sup>169</sup>

### Conclusion.

With the territorial issue solved the *bridge to resolution* could have been completed, and the gap between *problem* and *solution* linked. The mechanism to make this link, and the final outcome of the process, would have meant the partition of Bosnia. For many, the most difficult aspect regarding partition would have been, and is today, the fact, of all parties involved, the Muslims would have been the farthest from meeting their desired aims. This is especially difficult considering the amount of suffering Muslims endured during the war. However, difficult decisions would have had to be made if the

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<sup>169</sup> Burg and Shoup. p. 365.

conflict was to be truly resolved. When attempting to strike a balance in finding the most mutually acceptable solution, that was also self-sustaining, and in the future would promote better relations between the groups, not all parties can win.

Bosnia was never a state, but the international community created without the full consent of the people. The three ethnic groups in Bosnia each had a different vision of Bosnia, and were in conflict as they each attempted to exercise their right to national self-determination. Given no other options by the international community, they turned to war to accomplish their goals. Therefore the *why* of partition as the best mechanism to resolve the conflict becomes clear. It is the only option that addresses the root cause of the problems in Bosnia. If this root cause is not dealt with, the three ethnic groups will continue to push their aims through other means (such as the constant obstruction to the implementation of Dayton).

The *how* of partition is found in the application of conflict resolution theory. This theory would have been a useful tool for the Contact Group in 1995 as it could have provided structure and clarity to the complex problem they were facing. As presented in this paper, a possible framework for the process would have been to identify the problem, determine what was required in terms of a solution, and then work to bridge the gap between the two. In the course of completing the bridge it would have become clear that *partition* was not only possible, but also the best mechanism to resolve the conflict in Bosnia.

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