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When War Won Out: Bosnian Peace Plans Before Dayton

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Abstract. The elements bearing on the prospects for a political settlement in Bosnia-Herzegovina came together in 1995 in a way that made peace possible. These included a forceful US lead in the negotiations, a protracted NATO air campaign, a shift in the local balance of power adverse to the Bosnian Serbs, expulsion of the Serbian population from Krajina, and a readiness of Serbian President Milošević to negotiate a settlement on behalf of the Bosnian Serbs. These elements were not present in 1992–94 when two earlier mediation efforts collapsed before peace plans that had a measure of acceptance from the parties to the conflict could be put into effect. The particular internal features of the three plans and the distinctions between them did not cause two of them to fail and one to succeed. To conclude that the 1992–93 plans would have had a chance of succeeding if the United States or the Europeans had used military force to support them is probably not wrong but it misses an important point. There are moments in a dynamic situation when external inputs produce maximum effects while at other times the cost of intervention to achieve a given result is likely to be higher. In catastrophe theory, the condition when external input produces maximum effect within the system is called metastability. The author urges that in analyzing negotiating situations the notion of ripeness take into account the concept of metastability.

Key words: Bosnia-Herzegovina, metastability, negotiations, ripeness

Introduction

Until November 1995, all efforts to achieve a political settlement of the conflict in the former Yugoslavia failed. Four years of diplomatic efforts aimed at creating a stable political order in Bosnia-Herzegovina were unable to resolve issues of territory and power-sharing among Muslims, Serbs, and Croats. War in the Balkans raged on. Finally, at Dayton, the three parties to the conflict achieved the goal that had eluded them for so long. How lasting

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the accords will be remains to be seen, but potentially the settlement was a giant step out of the Dark Ages that had enveloped the former Yugoslavia. American leadership – especially by Assistant Secretary of State Richard Holbrooke and his team – deserves thanks and honors. A special tribute is owed to those who gave their lives in the cause of peace.

The record of diplomacy and statecraft in the period 1991–95 is far from complete but enough is available to begin the task of extracting lessons from it. Particularly intriguing is whether US diplomatic support for the plans for political settlement advanced by UN and European Union mediators during 1992 and 1993 would have led to an outcome comparable to the Dayton accords. Was a willingness to use military force the main ingredient that was lacking in the years before the negotiating campaign that culminated at Dayton? Did an accumulation of changes in the political and military equation within the former Yugoslavia make the Bosnian conflict ripe for a settlement in late 1995, in a way that had not been the case in earlier years?

At the heart of the debate over Bosnia's future was the problem of reconciling the principles of self-determination and territorial integrity. How could ethnic minorities be guaranteed their legitimate rights without massive population shifts? How could Bosnia survive as a single state with internal arrangements acceptable to the three constituent nations? Through most of the years 1991–95 the governments whose decisions would be most influential in shaping a diplomatic approach to a settlement could not define, collectively or individually, how or why these issues mattered to them. The question of whether a conflict in the Balkans presented a direct threat to the interests of outside powers found governments and publics in the West deeply divided. If the Bosnian disaster was a civil war it was easy to say that outsiders should not intervene. If the war was a blatant act of aggression, a different conclusion might be reached. Naturally, this ambivalence had an effect on the commitment to the peace process of senior Western leaders even though the need for a settlement was unquestioned. The images of Munich and Vietnam and Lebanon were evoked in the Yugoslav crisis as reminders, respectively, of appeasement, quagmires, and a failure to identify clear political objectives to be achieved by military force. Some Western officials found it difficult to accept that Bosnia-Herzegovina was a real state, given the paucity of convincing history on that score. The denouement at Dayton was *not* made possible because all the fundamental questions were answered and a popular consensus achieved. Why was it possible?

In this essay, the notion of ripeness in negotiations will be considered from the perspective of metastability (Zartman, 1985: 232–234; Lachow, 1993). This concept suggests that at certain times in a dynamic, non-linear situation, small external inputs can have large effects on a system. At times of stability

or instability, the same external inputs would not have such a direct and immediate effect. A mutually hurting stalemate, to use Zartman's term, may be a stable situation and the parties to a conflict may be able to live with the situation for a long time. In such a case only massive external inputs could produce a political settlement. Crises that imply impending catastrophe should create conditions conducive to a resolution of the issues under negotiation. But crises may be accompanied by or soon lead to conditions that are highly unstable, where again, only massive external inputs could have an effect on the outcome. Ripeness in negotiations, therefore, may be connected to a fleeting moment of metastability. Recognizing and seizing that moment to encourage or impose a political settlement is the essence of the art of mediation because the resources available to an external mediator are likely to have a greater chance of success at such moments. This essay will use the mediation efforts in Bosnia to illustrate this idea.

Two such efforts, the 1992 Cutileiro plan and the 1992–93 Vance-Owen plan were promising but neither was successfully concluded. Neither had full US backing and conditions were either unstable, as on the eve of hostilities in Bosnia-Herzegovina, or stable, as in late 1992 when the Bosnian Serbs had essentially achieved their territorial objectives and the Bosnian Government was on the ropes.

Proposals succeed or fail in being translated into agreements for a variety of scenario-specific reasons, but to generalize, the explanation for success or failure in negotiations, as in any conflict or competition, can be found in the relationship between available means and the objective being sought. Negotiations succeed when there is a balance between the objectives being sought and the means that are available *and are brought into play* by the main actors. Negotiations fail when available means are insufficient to achieve the objective, as was the case in 1992–93. Special circumstances in the summer of 1995, it is now clear, made that a promising time to drive for a political settlement. The means that were available to the US negotiators became equal to the demands imposed by the negotiating situation as it stood at that time.

Strategic Ideas of the Western External Actors, 1991–95

Four distinct strategic ideas emerged during 1991–95, elements of which were sometimes combined, not only to enhance the effectiveness of policies pursued in Bosnia, but also to co-opt supporters of competing courses of action. Each of the alternative strategies described below was predicated on an assumption that a political settlement was preferable to semi-permanent armed conflict but that all political settlements were not equally acceptable. Outside powers had an interest in the type of settlement that would be con-

cluded. The West sought to create conditions that would make an acceptable settlement possible at some indeterminate date in the future.

1. *Temporize until the situation on the ground favors a political settlement.* This was also the policy of the Bosnian Serbs after they had gained control of nearly 3/4ths of the territory of Bosnia-Herzegovina. A cease-fire in place would have led to a *de facto* recognition of Serbian control over this territory and, therefore, the Bosnian Government always opposed permanent cease-fires without progress towards a settlement. By limiting UNPROFOR to humanitarian assistance, the West simply allowed the war to continue without taking any decisive action to end it. But the help provided, including arms smuggled to Bosnia from Iran, was enough to keep the Bosnian government alive. Croatia also was strengthening its armed forces. This led, in time, to a mutually hurting stalemate.

One of the serious disadvantages of the UN force was that it became hostage to the Bosnian Serbs, literally as well as figuratively. UNPROFOR was not a fighting force and whenever external military forces were used or threats of their use were made even to defend UN-designated safe havens, the Bosnian Serbs retaliated by seizing or threatening to seize members of UNPROFOR. This made it almost impossible to prod along the negotiations on a peace settlement using the military instrument of diplomacy. Although UNPROFOR helped the Bosnian Government survive, it also tended to reduce the incentives for negotiating a peace settlement.

Since negotiations concerning cease-fires and humanitarian aid were not meant to resolve disputes or to inquire into the underlying causes of the conflict, and the UN was not empowered to enforce a peace, the result was a *de facto* policy of temporizing. This policy was perfectly consistent with Western, and probably Russian, views of the situation in the former Yugoslavia during long stretches of time. It was not a policy that was uniformly or consistently supported by all governments, however, and this led to much criticism of the UN and fierce debate among the Western allies and between Russia and the West.

The actions, ideas, and words of the big powers throughout the war in the Balkans were muddled but one important goal was achieved: without the intervention of outside powers a settlement would have been imposed on Bosnia-Herzegovina by Croatia and Serbia. Despite the passivity and confusion of outside powers, that kind of settlement was precluded because the powers did just enough to prevent it. They were not united on more than that, and even on that issue they occasionally wavered.

2. *Use political and economic pressures on the parties to the conflict, especially Serbia and Croatia, to persuade them to exercise influence with the Bosnian Serbs and Croats to end the war.* Political and economic pressures

were a part of the diplomatic scene even when the general policy of the West could only be viewed as temporizing. When these pressures were concentrated on achieving a specific goal, the effect became qualitatively different as, for example, when the Contact Group discussed with Milošević in 1994 the conditions for lifting sanctions. This did not happen in the earlier part of the 1991–95 period because the West could not agree on a diagnosis of the problem, much less agree on a game plan to solve it. Economic sanctions against Serbia directed at a specific outcome influenced the decision of President Slobodan Milošević to represent the Bosnian Serbs at Dayton in 1995. Pressures on President Franjo Tudjman in 1994 to support the Muslim-Croat federation in Bosnia-Herzegovina also made possible the Dayton accords. Until these events, there was no coherent policy that combined goal-directed economic and political pressure, no policy that told the parties to the conflict what their rewards would be if they complied with clearly defined goals.

3. *Strengthen the Bosnian government's armed forces until a balance of power can be created, thus enabling the Bosnian government to defend its territory without outside intervention.* This idea, also supported by the Bosnian government, required lifting the UN arms embargo against Bosnia. Republicans in the US Congress, notably Bob Dole, the Senate Majority Leader, strongly favored this action. The Europeans, who had thousands of troops on the ground in Bosnia-Herzegovina, argued that introducing more arms into the region would only escalate the conflict and endanger their peacekeeping forces. Their troops would not stay in Bosnia-Herzegovina under those conditions. The Clinton administration decided, in the event, to turn a blind eye to shipments of arms from Iran (McManus and Risen, 1996: 1A).

4. *Use NATO forces, including US air power, to defend peacekeepers and help repulse military offensives by Bosnian Serb troops.* Secretary of State Christopher advanced one version of this idea when he proposed a "lift and strike" policy to the NATO allies in the spring of 1993. "Lift" referred to lifting the arms embargo against the Bosnian government, while "strike" referred to air strikes against any forces attacking UNPROFOR or committing serious acts of aggression. US and NATO aircraft were used sporadically to enforce the "no-fly" rule against Bosnian Serb aircraft, to defend UN peacekeepers, and to punish the Bosnian Serbs for attacks on UN-protected "safe havens." The West Europeans were uncomfortable with a division of labor that exposed their peacekeepers to Bosnian Serb retaliation. Their fears were reinforced by the Bosnian Serbs, who seized peacekeepers as hostages and sometimes chained them to military assets they expected NATO to attack.

The Failure of Preventive Diplomacy

The West, and the United States in particular, had hoped that the able Yugoslav Prime Minister Ante Marković could lead the Yugoslav federation through its crisis in 1991. Washington's support for Marković, however, was insufficient to overcome the rise of the nationalists in Serbia and in the other republics, all of whom worked to undermine him. The process of disintegration gathered momentum rapidly and Marković resigned in December 1991. As the federation began to split apart, the Western powers began to consider their interests in a new Yugoslav constitution based on loose ties among the republics. For Serbia, in the absence of border changes, this meant that very substantial parts of the Serb nation would live in states not subject to Belgrade's influence.

The last of the pre-war efforts to save Yugoslavia from disintegration was announced on June 6, 1991, after a meeting of the Yugoslav Collective State Presidency. Put forward by President Izetbegović of Bosnia-Herzegovina and President Gligorov of Macedonia, the idea essentially was to convert Yugoslavia into a loose confederation. It was too little and too late. As the last US Ambassador to Yugoslavia, Warren Zimmermann, has reported: "When Croatia opted for independence in mid-1991, Bosnian President Izetbegović saw the writing on the wall for his republic. . . . He pushed, without success, the dying Izetbegović-Gligorov plan for a loosely connected Yugoslavia." (Zimmermann, 1995: 16). Slovenia and Croatia announced their independence from the Yugoslav federation on June 25, 1991. The first stage of the war began immediately thereafter.

The Brioni declaration of July 7, 1991, brokered by the European Community (later "Union"), recognized that the principle of a Yugoslavia federated as it had been under Tito had to be revised. Later, when bitter fighting was taking place the European Community negotiator, Lord Carrington, suggested a political structure for the republics of the former Yugoslavia that resembled the structure of the European Community. By this time nationalism and the drive for separation had assumed such emotional force in Serbia and Croatia that any constitutional connections between them were impossible. The fate of Bosnia-Herzegovina had to be resolved in the context of a disintegrating Yugoslavia in which that republic's frontiers were challenged by its neighbors, who thought borders were invalid after the end of the federation. After the idea of a loosely confederated Yugoslavia was discarded other approaches to the status of Bosnia-Herzegovina had to be devised. They all faced the problems of minority rights, self-determination, and territorial integrity.

On September 7, 1991, the European Community convened a peace conference in The Hague. It included the leaders of the six republics of Yugoslavia and EC ministers and was chaired by Lord Carrington. Among the proposals advanced by the EC was one to replace the Yugoslav federal structure with a

"free association of republics with an international personality." Guarantees for the rights of minorities would be provided, ethnic enclaves would be disarmed, and programs for economic cooperation would be established. There would be no unilateral changes in borders. Serbia, Montenegro, and Slovenia refused to accept this restructuring plan. On October 7, 1991, after an EC-brokered three-month delay in implementing their declarations of independence, Slovenia and Croatia proceeded to nullify their legal connections with the Yugoslav federal government (Goodby, 1992: 156).

Lord Carrington persisted a bit longer. On October 18, 1991, he issued a document on "Arrangements for a General Settlement." It mentioned the option of "sovereign and independent republics with international personality for those who wish it" (Zametica, 1992a: 62). But by the end of October, President Milošević of Serbia was dismissing the EC plan as a violation of Yugoslavia's federal constitution.

The fourteenth cease-fire between Serbian and Croatian forces, brokered by the UN team, headed by former US Secretary of State Cyrus Vance, lasted long enough for Vance to report to the UN Security Council that it seemed to be working. Thus encouraged, the Security Council on November 27, 1991 unanimously adopted a resolution that would enable Vance to return to Yugoslavia to work out the arrangements for the deployment initially, of up to 10,000 UN peacekeeping troops.

On December 12, UN Secretary-General Perez de Cuellar announced plans for a UN peacekeeping force of more than 10,000 troops. The force would consist of 10 infantry battalions and police units. It would be deployed in regions where Serbs and Croats lived in proximity to one another and would assist in humanitarian work, including resettlement of displaced people. The federal army would be withdrawn from Croatia. But the Secretary-General stipulated that "an effective cease-fire" would have to be in place before the plan could be implemented. The instability of the military and political situation in the former Yugoslavia was not altered by these developments. The position in which the UN peacekeepers were placed when they were deployed was quite ambiguous and left the UN vulnerable to the criticism which was not slow in coming.

At the EC foreign ministers' meeting in Brussels on December 16, prodded forcefully by Germany, the ministers agreed unanimously that they would extend recognition by January 15, 1992, to any Yugoslav republics that asked for it by December 23, provided certain criteria were met:

- respect for human rights, the rights of ethnic minorities, and the democratic process;
- acceptance of border changes only by peaceful means;

- agreement to submit territorial disputes to binding arbitration (Drozdiak, 1991a: A25).

The decision, however, would permit EC members to extend recognition even if standards had not been met (Drozdiak, 1991b: A15). Thus, as the new year dawned, the conflict in Yugoslavia would cease being a civil war and become an international European war. The media speculated that fighting would soon spread to Bosnia-Herzegovina. Just at this point, the first phase of the war of the Yugoslav succession ended with an agreement on the fifteenth cease-fire on January 3, 1992, and the subsequent stationing of UN peacekeeping troops in Croatia.

The Bosnian Muslims watched the conflict between Serbia and Croatia with considerable alarm. As 1991 wore on, the three nations of Bosnia-Herzegovina – Serbs, Croats, and Muslims – began to split apart. The Serbs opposed independence, Croatia armed the Croats in western Herzegovina, and while the Muslims still entertained the idea of ethnic pluralism they expected to be the dominant group (Sudetic, 1991: A6). In January 1992, a legal commission to the EC recommended that a referendum be held by those republics asking for independence and recognition in order to determine whether the citizens really wanted to opt for a status outside the Yugoslav federation (Zametica, 1992b: 39). This exerted enormous pressure on the Muslims and Croats in Bosnia-Herzegovina to seek independence before working out the necessary inter-ethnic conditions for it and before any external support could be obtained. The Bosnian government's decision to conduct a referendum on independence predictably led to a refusal of the minority Serbs to take part in the voting.

The question of whether minorities could safely live in republics dominated by another ethnic group had been at the heart of the question of whether alternatives to a federated Yugoslavia could be created without bloodshed. At the time the voting took place in Bosnia-Herzegovina, the Serbian-Croatian conflict clearly foretold that disintegration of the federation could not proceed without violent conflict. The Bosnian Serbs rejected the results of the referendum and fighting began in April 1992. As the fighting began Vance went to Sarajevo to try to prevent the conflict from escalating. But the UN lacked the resources to mount a second massive peacekeeping operation in the former Yugoslavia. Said Vance in April 1992, "We are not going to put in any additional forces. We simply do not have any resources to do it" (Sudetic, 1992a: A1).

The horrific consequences of a war in Bosnia-Herzegovina were predicted, but some important features were not. It is true that Serbs, Croats, and Bosnian Muslims continued to live peaceably among themselves in Bosnian government-controlled Sarajevo during the siege. Not all Bosnian Serbs held

the extreme nationalist views that Radovan Karadžić championed nor did all Serbs support the extreme positions of Milošević. But all Serbian members of the Bosnian parliament followed Karadžić to Pale and all but two Croats went with the Croatian separatist, Mate Boban. Predictions of a blood-bath were understated, if anything. Not foreseen was the Nazi-like "ethnic cleansing" strategy of the Serbs and later of the Croatians. Vukovar, a largely Croatian city in Croatia, had been subjected to exactly this treatment by Serbia in the first phase of the Balkan War. More was to come in Bosnia. Three major effects of the war were given scant attention in pre-war analysis: the precedental importance of state-sponsored racism in post-Cold War Europe, the destabilizing effect of refugees, and the propensity for the dynamics of the situation to involve other Balkan states.

Alternative Approaches to Dispute Settlement in Bosnia-Herzegovina

During the years 1991–95 several different approaches to the question of how to organize Bosnia-Herzegovina and end the fighting were explored. The main ideas were as follows:

Alternative 1: Partition Bosnia. Without external intervention a settlement in Bosnia would almost certainly have been achieved by *force majeure*. The strongest parties – Serbia and Croatia – would have agreed on partition and imposed it on Bosnia. Probably this was discussed seriously between Serbs and Croats as early as 1990. It is known that on May 7, 1992, the Serbs and the Croats met at Graz, Austria to discuss the future of Bosnia-Herzegovina. The map that resulted from that meeting granted large tracts of land in the north, east and southeast to the Bosnian Serbs, most of Herzegovina to the Bosnian Croats, and the central portion of Bosnia and the Bihać pocket to the Muslims (Harden, 1992: A17). Under this plan the central government of Bosnia-Herzegovina would lose control over most of its territory. Of course, the Bosnian Serbs and the Bosnian Croats would have a right to and would expect to merge with their brethren across the borders. The plan in its various forms was consistently rejected by the Western powers. Condoning the territorial conquests of the Serbs was not possible for the United States and the European Community. The Bosnian government, of course, rejected anything like a solution which would deprive it of control of most of its territory. During the summer of 1993, however, the Bosnians were encouraged to acquiesce in the short-lived Owen-Stoltenberg plan, a concept that probably would have led in short order to a merger of the Croatian- and Serbian-dominated areas of Bosnia with Croatia and Serbia (Woodward, 1995: 311). It was never seriously discussed.

The outside powers were critically important in determining the outcome of the partition alternative: they stood in the way. Perhaps the Bosnian government could have resisted partition even if the Western powers had been completely neutral on the question. Some in the West did hold the opinion that the sides should simply battle it out and let partition be the result. For those who doubted that Bosnia ever could be a viable state, this was a logical position to hold. But most governments were influenced, and strongly so, by the lessons of Munich and by the principle that frontiers should not be changed by force. Had matters been otherwise, and Western governments had actively supported partition on the best terms available, Bosnia probably would have succumbed. Arguably, it was within the power of Croatia and Serbia to produce this result through military means. Western pressure helped to prevent that result, thus leaving the door open to a negotiated political settlement.

Alternative 2: Cantonize Bosnia-Herzegovina. The spring of 1992 witnessed the first attempt at political settlement specifically directed at Bosnia-Herzegovina by the outside powers: the European Community, continuing to take the lead in finding a solution to the fighting, empowered its negotiator, Ambassador Jose Cutileiro of Portugal, to propose separate districts for each of the three ethnic groups with power-sharing arrangements at the central government level. Ambassador Cutileiro made real progress toward establishing the goal of "cantonization" as the basis for the negotiations. Ten rounds of talks with senior representatives of the three Bosnian nations took place under his chairmanship. The high-water mark was reached on March 18, 1992, when agreement was reached in Sarajevo among the three parties on a "Statement of Principles for New Constitutional Arrangements for Bosnia and Herzegovina," and on a map appended to the principles (Cutileiro, 1996). The Bosnian Serbs had accepted the idea that Bosnia-Herzegovina would be divided into three ethnically defined regions but that the country would remain intact and not be divided between Serbia and Croatia (Sudetic, 1992b: A9).

President Izetbegović repudiated his agreement to the plan almost immediately, which undermined whatever prospects the plan had of being applied. Ethnic partition was not possible because of Bosnia's mixed composition, he argued, adding that he had signed because the EC had made his agreement a precondition for diplomatic recognition. The official US position at the time was neutral: whatever the EC and the parties to the conflict could work out would be acceptable to Washington (Zimmermann, 1996).[1]

Additional principles on human rights were agreed to on March 31 but at the same time the Croats reneged on the map. The entire agreement was repudiated soon after (ICFY, 1992a: 1; Sudetic, 1992b: A9; Cutileiro, 1992b: 4). War on a large scale was guaranteed when, on May 19, 1992, the Yugoslav Peo-

ple's Army pulled out of Bosnia-Herzegovina, leaving weapons and Bosnian members of the Army to augment Bosnian Serb forces. By August 1992 the United States was firmly on record as opposed to cantonization. In a statement released by the State Department on August 19, 1992, it is recorded that Acting Secretary Eagleburger "agreed with the [Bosnian] Foreign Minister that 'cantonization' of Bosnia-Herzegovina contradicts CSCE principles, sets a bad precedent for future conflicts, and could well lead to partition of Bosnia-Herzegovina – thus rewarding the use of force" (US Department of State, 1992: 671).

The absence of US support for the Cutileiro plan, of course, was bound to have a negative effect on the outcome. The problems caused by recognition of Bosnia were compounded by the EC requirement for a referendum. Lofty principles unrelated to the problem on the ground were allowed to become the guide to action by the EC; overly ambitious goals by the dominant Muslims in the Bosnian government compounded the problem.

The reluctance of the WEU members to use military force, especially without US cooperation, was put on public display in the fall of 1991. That and the absence of any US or NATO threat of force during the fighting in Croatia certainly encouraged the Serbs to think that the negotiating track could be abandoned in favor of war.

The passivity of the outside powers and the coolness of the United States towards the Cutileiro plan made it impossible for a negotiation aimed at cantonization to succeed. The Bosnian government hoped for US support for a better deal and, so long as that could be held out as a possibility by hard-line Bosnian Muslim politicians, rejection of peace plans based on cantonization was inevitable. Given the serious objections of many top Bosnian Muslim officials to the Cutileiro plan, sustained backing from the European Union and at least tacit support from the United States would have been necessary to make the agreement stick. Probably military forces would have been required to make it work. The massive population shifts that took place in Bosnia-Herzegovina later in the war had not yet taken place. There would have been violent efforts to effect "ethnic cleansing" and population shifts would have occurred. The only question is whether under the Cutileiro plan this might have occurred with less bloodshed and suffering than was actually the case. The situation in the Spring of 1992 was highly unstable however, and would have required an input much greater than any external power was prepared to offer to have helped the Cutileiro plan succeed. A Western response to the Serb attack on Dubrovnik, a course urged by many in the West, almost certainly would not have been followed by any other military action by the WEU or NATO. The Serbs could draw their own conclusions from that.[2]

Alternative 3: Divide Bosnia into Small, Self-Administered Units. A third approach to a political settlement, and the most elaborate, came from the Geneva International Conference on the Former Yugoslavia which replaced the EC Conference on Yugoslavia in August 1992. Cyrus Vance and David Owen were named Co-Chairs of the Steering Committee. Ambassador Martti Ahtisaari, a distinguished Finnish diplomat, later to become president of Finland, was named Chairman of the Bosnia-Herzegovina Working Group. The problem they faced as they began work in Geneva on September 3, 1992, was that the Bosnian government and the Bosnian Serbs had opposite ideas about the future of Bosnia-Herzegovina (ICFY, 1992a). The Sarajevo government advocated a centralized, unitary state arranged for administrative reasons into a number of regions. The Bosnian Serbs wanted Bosnia-Herzegovina divided into three independent states, one each for the Muslim, Serb, and Croat populations. The Croats took an intermediate position.

The Co-Chairmen concluded that the intermingling of the population meant that three separate sovereign territories based on ethnicity could be achieved only through enforced population transfer. Furthermore, the Serb and Croat states could be expected to form ties with Serbia and Croatia, rather than with the Muslim-dominated state. One answer to the problem, a centralized state, would not be accepted by the Bosnian Serbs and Croats who would fear that it would not protect their interests. From this reasoning, Vance and Owen came to the conclusion that the answer to the dilemma lay in *two* cardinal features. One was that Bosnia would have to be a decentralized state. The central government, in the words of the Vance-Owen report, "would have only those minimal responsibilities that are necessary for a state to function as such." (ICFY, 1992b: 5) The other feature was division of the country into several administrative units. Seven to ten (ten, in the final version) autonomous provinces would be established that would independently handle most of the affairs of the republic. Ethnic considerations would not be the only factor determining the boundaries of the provinces. Geographical, historical, economic and other factors also should be taken into account. Their report of October 25, 1992, however, could not avoid noting that "a high percentage of each group would be living in a province in which it constitutes a numerical majority, although most of the provinces would also have significant numerical minorities" (ICFY, 1992b: 6).

By January 30, 1993, Vance and Owen had succeeded in securing the agreement of the three groups to nine principles that reflected the concept of a decentralized state with most governmental functions carried out by the provinces. Other features of the proposed political settlement were not accepted. The Croats accepted the constitutional principles and the map drawn up by the Vance-Owen team defining the boundaries of the ten provinces.

The Bosnian government and the Bosnian Serbs, however, held out against the proposed boundaries for the provinces (ICFY, 1993c: 3). The Bosnian government also would not sign the agreement on Military and Related Issues, believing that UN provisions for the internment and monitoring of Serb heavy weapons were inadequate (ICFY, 1993d).

Another document was presented to the three Bosnian parties on January 29, 1993, entitled "Interim Arrangements for Bosnia and Herzegovina." This was a proposal for establishing an interim central government through a procedure that envisaged each of the parties' nominating three representatives who would be subject to the approval of Co-Chairs Vance and Owen. The existing presidency of Bosnia-Herzegovina would then transfer its powers and authority to the interim central government which would remain in power until elections could be held. There would also be interim governments in each of the provinces. A governor would be nominated by one of the three parties, depending on the ethnic composition of the particular province. The allocation to ethnic groups was designated in the document. This document, too, was rejected by the Bosnian government's representatives.

The Co-Chairs had decided that the Geneva negotiations should be suspended after January 1993 and the negotiation shifted to UN Headquarters in New York. There, the Co-Chairs hoped, pressure could be brought to bear by the Security Council to accept the proposals worked out by the Vance-Owen team. Owen stated at the time, "I hope that by the time we get to the Security Council we will have all the parties signed up. That is why we brought it deliberately to a crunch. We have the feeling it can be resolved in New York." (Binder, 1993: A1) According to aides to Vance and Owen the negotiators hoped to isolate the Bosnian Serbs and to get Belgrade and the Russians to press the Bosnian Serbs to settle the conflict (Lewis, 1993: A10).

The hope entertained by Vance and Owen was dashed in fairly short order, in part by a February 10 declaration by US Secretary of State Warren Christopher on the Clinton administration's policy toward the former Yugoslavia (Goshko, 1993: A1). This made it clear that the Clinton administration found serious flaws in the Vance-Owen plan and thought it could be improved. The administration would not pressure the Bosnian Muslims to accept it. Shortly afterwards, President Clinton sent his Secretary of State to Europe to inquire whether the Europeans would support a "lift and strike" strategy of lifting the arms embargo and using air power to strike at the Serbs. They did not and the strategy was shelved.

Despite these events, on March 3, 1993, President Izetbegović signed the document on separation of forces and cessation of hostilities, and on March 25, 1993, the Bosnian government signed the agreement on interim governmental arrangements and accepted a revised map of the provincial boundaries (ICFY,

1993d). The Bosnian Serb representatives kept their distance from the map and the interim arrangements, asserting that these proposals would have to be sent to their assembly for consideration and decision. To keep up the pressure, the Bosnian government announced that its signature would be invalidated if the other parties did not sign within a reasonable time period, if the international community did not undertake to enforce the agreement, and if the aggression continued. The Bosnian Serbs signed the interim arrangements and the map on May 2, 1993, in a meeting in Athens, Greece but Bosnian Serb leader Karadžić stated that his signature would be void if the Bosnian Serb assembly failed to support the decision in a vote that would take place on May 5, 1993 (Drozdiak,1993: A1). This was as close as the Vance-Owen plan came to becoming the basis for a political settlement. The Bosnian Serb assembly rejected the accord, as did a "popular referendum" among the Bosnian Serb population two weeks later. The Vance-Owen plan expired at that point for all practical purposes. Lord Owen declared the plan officially dead on June 16, 1993, and shifted his support to what amounted to a delayed partition solution (Ottaway, 1993: A1).

Critics of the Vance-Owen plan believed that the proposed political settlement awarded too much to the aggressors and that there was much that was unclear about enforcing it. But the plan clearly would have done more to preserve the multiethnic character of Bosnia than any of the alternatives. The fundamental question that each of the proposed political settlements tried to address was how should ethnic groups be governed, protected, and guaranteed their basic human rights within a single state? In the Vance-Owen plan, ethnic groups were given constitutional recognition, the central government was to be organized along ethnic lines, with power-sharing among the three groups. The constitution would regulate all matters of vital concern to any of the constituent parties and could only be amended in these respects by consensus among the three groups. The leading official of each of the individual provinces would be a member of an ethnic group designated according to the composition of the population. This led critics of the plan to argue that the dominant ethnic group in each province would probably indulge in ethnic cleansing. The deliberately weak powers of the central government led to criticism that it would lack sufficient authority and that even though "Balkanized", some of the provinces would develop stronger ties with Serbia and Croatia than with each other or with the central government. Some supporters of the plan pointed out that Bosnia-Herzegovina had never been an independent, sovereign state and that Vance and Owen were essentially creating a state where none had existed before (Rosenthal, 1993: A19).

It was clear that the plan could not be self-enforcing and that tens of thousands of outside troops would be required, probably for years, to police the

settlement. At the time, the Bosnian Serbs had reached a commanding position militarily within Bosnia-Herzegovina. The United States would provide up to 20,000 troops to help monitor a peace settlement, the Clinton administration pledged, but the Vance-Owen plan needed improvements. Some observers also thought that a civilian-run administrative structure would have to be put in place by the UN to parallel the tripartite central government structure created by the Vance-Owen plan. Bosnia-Herzegovina would be virtually a UN trust territory for many years to come.

Alternative 4: Cantonization Revisited. The fourth alternative proposal for a political settlement was offered up on a take-it-or leave-it basis by the "Contact Group", formed on April 25, 1994, among the United States, Russia, and the European Union, represented by Britain, France, and Germany. From April through early July 1994, the Contact Group worked out a plan for a political settlement that focused on allocation of territory to the three nations of Bosnia-Herzegovina within the current boundaries of Bosnia-Herzegovina. A map devised by this group would give 51% of the territory to a Federation of Bosnian Muslims and Bosnian Croats, and 49% to Bosnian Serbs; the Serbs would be required to hand back areas around Srebrenica, Goražde, and Žepa – the Muslim enclaves in Eastern Bosnia – and lands in the north that would shrink the size of the corridor linking Serb-controlled lands to the west and east. Details regarding constitutional arrangements would be offered once the parties had agreed on the map. The five powers agreed that economic sanctions would be the punishment of first resort if their take-it-or-leave-it plan was rejected. The map was accepted by the Bosnian government and the Croats but was effectively rejected by the Bosnian Serbs (Drozdiak, 1994: A21; Ottaway, 1994: A29; Riding, 1994: A3).

1995–Year of Decision

Just before Christmas, 1994, Former President Jimmy Carter was successful in brokering a four-months truce in the fighting. It was the high-water mark for the Serbs but it was also the lull before the storm. By Spring, 1995, the Bosnian government army and the Croatian army were able to confront the Bosnian and Krajina Serbs from a position of strength. As the Carter cease-fire broke down, fighting erupted all across the region. Event followed event: the Croats recaptured territory in Western Slavonia; the Krajina Serbs launched rocket attacks in May on downtown Zagreb; the Bosnian government forces fought to break the Serb stranglehold on Sarajevo; attacks and counter attacks followed one another in the Bihać pocket; Bosnian Serbs began to step up military pressure against the UN-protected Bosnian Muslim safe havens in eastern Bosnia; the Serbs violated the NATO-imposed heavy-weapon exclusion zone

around Sarajevo. In response to this last challenge to NATO, on May 25 and 26 NATO aircraft attacked ammunition dumps near the Bosnian Serb capital of Pale. The Bosnian Serb response was to seize close to 400 UN peacekeepers, many of them nationals of NATO countries. Extraction of all UN forces became a real possibility. On June 1, the British and French announced their intention to deploy a rapid-reaction force to Bosnia to protect UN forces. On June 28, NATO approved a plan to help in the evacuation of these forces.

General Mladić escalated the assault on the UN by attacking UN safe havens, capturing Srebrenica on July 11 and Žepa on July 25. The next day the US Senate voted to lift the arms embargo against Bosnia; the House followed suit on August 1. On August 4, Croatia launched a lightning strike against Krajina which fell in two days. Nearly all the Krajina Serbs fled the territory for Serb-controlled areas in Bosnia and for Serbia itself. This, of course, relieved the Bihać pocket of the pressure Serbs had been placing on it.

With the military situation dramatically changed, the Clinton administration sent National Security Adviser Lake and Under Secretary of State Tarnoff to Europe on August 9 to discuss a US peace plan. This was the beginning of the Americanization of the effort to reach a political settlement but Deputy Assistant Secretary Robert Frasure had paved the way by patiently negotiating with Milošević all during the summer of 1995. Assistant Secretary Richard Holbrooke took up the mission on August 14, by traveling to the former Yugoslavia. Five days later, three senior American officials traveling with him including Robert Frasure were tragically killed on Mount Igman. On August 28, another Bosnian Serb mortar attack on civilians in Sarajevo killed 37 people. The UN and NATO had been warning the Bosnian Serbs that there would be a retaliation if the Serbs attacked Goražde, a large Muslim safe haven in eastern Bosnia and if the Serbs continued to attack Sarajevo from within the heavy-weapon exclusion zone. By this time, a redeployment of UN peacekeepers had made them less vulnerable to being taken hostage. The NATO retaliation was an air campaign that began on August 30 and ended on September 14. It evidently was highly successful and further contributed to changing the military balance to the Bosnian Serbs' disadvantage.

After the exodus of the Krajina Serbs to Serb-held territories and the NATO air campaign of August-September, 1995, a decision to involve US ground forces in Bosnia became a serious possibility. It is probable that economic distress in Serbia resulting from international sanctions added a powerful argument in favor of a political settlement. On August 30, the Holbrooke-Frasure effort to engage Milošević in peace negotiations paid off: he agreed to speak for the Bosnian Serbs, whose leaders were divided and branded as war criminals, and assumed the mantle of peacemaker. This was a key procedural

break in the negotiations, due to many factors, no doubt, but the economic pressure on Belgrade and Frasure's skillful use of this pressure certainly must have been one of them.

Diplomacy achieved several objectives during the 1994–95 period that made successful negotiations possible. These included the following:

(1) a federation between the Bosnian Croats and the Bosnian Muslims;
(2) an agreement that President Milošević would negotiate on behalf of the Bosnian Serbs;
(3) an agreement on September 8, 1995, that Croatia and Serbia would recognize the territorial integrity of Bosnia;
(4) an agreement with the NATO allies that NATO airpower would be used on a broad scale in response to Bosnian Serb challenges to UN Security Council decisions;
(5) an agreement within the Contact Group on a peace plan that the United States could negotiate with the parties to the conflict.

On the military side of the equation a new power balance was created that made the difference between success and failure in the effort to achieve a peace settlement:

(1) the army of Croatia demonstrated its prowess in its Krajina campaign and, in the process, decisively set back the Bosnian Serb cause in western Bosnia;
(2) the subsequent NATO air campaign significantly disrupted the military effectiveness of General Mladić's forces;
(3) the deployment of a heavily-armed British-French rapid reaction force gave the UN an in-country fighting force that posed a new threat to Bosnian Serb forces around Sarajevo;
(4) UN peacekeepers were withdrawn from exposed positions so that NATO airpower could be used with less threat that the peacekeepers would be seized as hostages;
(5) Bosnian government forces had gradually strengthened their combat capabilities.

Late 1995, for all these reasons, was a time when the situation in the former Yugoslavia was highly fluid. To put it in other terms, the situation had become metastable: the time had come when a *relatively* small input could create *relatively* large results (Lachow, 1993). Faced with the alternative of deploying US troops in the former Yugoslavia to cover an allied withdrawal or a deployment to achieve a political settlement, the latter had more appeal (Dobbs, 1996: C1). This factor, which became a real chip in the negotiations, was another asset that had been, if not absent earlier, then at least less credible.

The Dayton agreement adopted the same territorial formula, in percentage terms, as the 1994 Contact Group plan. As in earlier alternatives, Bosnia-

Herzegovina would remain a single state within its current borders. There would be a central government with defined responsibilities and defined methods of sharing power among ethnic groups. Two "entities" would be created each with its own presidency and legislature: the Federation of Bosnia and Herzegovina and the Serb Republic. Eastern Slavonia would be returned to Croatia. Sarajevo would be reunified within the Federation of Bosnia and Herzegovina and Goražde would be linked to the Federation by a land corridor. Other very important gains were recorded in the areas of human rights, cooperation with the War Crimes Tribunal, right of return of refugees, and democratic elections. Numerous provisions dealt with military aspects of the agreement.

Would the agreement preserve what was left of the multiethnic character of Bosnia-Herzegovina? First answers were not encouraging. Most Serbs left the suburbs of Sarajevo that came under Bosnian government control in the Dayton accords, either out of fear of the Bosnian Muslims or fear of fellow Serbs. Muslims and Bosnian Croats, at least initially, failed to heal the wounds that opened up in Mostar. If these trends continue and are not reversed, the result will be a Bosnia whose fate will not be much different from what it would have been under the Cutileiro plan or even the Owen-Stoltenberg plan.

A metastable situation does not imply that the price an external decision maker has to pay to achieve a settlement has decreased: it is entirely possible that the price may have risen. But the price that a decision maker is ready to pay has a better chance of achieving an acceptable outcome in a metastable situation. This is what happened in the late summer and fall of 1995. Political leaders pay a price in political capital when they abandon points previously described as matters of high principle. Yet ripeness in negotiations usually means that the goal that is suddenly achievable involves an "endgame" in which points of principle are sacrificed – probably on all sides. The US government was uncomfortable with the Cutileiro plan and the Vance-Owen plan, feeling that they rewarded aggression. In broad outline, however, these two earlier alternatives to Dayton would have resulted in a situation not radically different from what is likely to result from the Dayton agreement. The Dayton agreement preserved American points of principle: a multiethnic state within the existing frontiers of Bosnia, a unified Sarajevo, a right to return for refugees, and war criminals to be brought to justice. But aggression seems also to have been rewarded and the principles themselves were badly mauled in the process of implementing the accord.

Conclusions

Two sets of negotiations concerning a settlement in Bosnia came close to a successful conclusion prior to the 1995 effort led by Assistant Secretary Richard Holbrooke. The first was led by Ambassador Jose Cutileiro in the Spring of 1992. Former Secretary of State Cyrus Vance and former British Foreign Secretary Lord Owen led the second negotiation in late 1992 and early 1993. There were differences in approach among them but this can only partially explain why two of the efforts were frustrated while one succeeded. More relevant are the following factors:

- The United States fully supported the 1995 negotiation; it did not endorse the earlier solutions and, in fact, encouraged the Bosnian government to think that it could get a better deal. Although the United States backed the Contact Group's map presented to the parties in 1994 the Serbs rejected it. Obviously, US backing for specific proposals was not the only factor affecting the outcome.

A second element not present in earlier periods was the use of force:

- The United States used air power on a large scale in Bosnia in 1995 and undertook to deploy 20,000 ground troops to support implementation of the Dayton accords; both elements were either absent or highly conditional in the earlier efforts.

Other factors contributed to the success of the American effort:

- The opposing military forces in Bosnia were more nearly in balance in 1995 than in 1992–93.
- Large population shifts had taken place since 1992–93, especially the evacuation of Krajina by the Serbian population there.
- Economic sanctions continued to impair the economy of Serbia.

The United States Government took decisions in 1995 that it had not in 1992–94. The proximate cause for this was that a crisis had arisen in the summer of 1995 that forced hard decisions. The mandate for UN peacekeepers deployed in Croatia was about to expire and the Croatian Government had indicated that it did not intend to renew the mandate. The Bosnian Serbs had brutally overrun Muslim-held towns in eastern Bosnia, humiliating in the process the nations that provided UN peacekeepers. The US Congress had given the Administration a limited time to resolve the conflict before requiring that the arms embargo against Bosnia be lifted. The NATO allies with troops in the former Yugoslavia had declared that they would have to pull their forces out of the area under certain conditions, one of them being the lifting of the arms embargo; the US Administration undertook to use 20,000 US troops to cover an allied withdrawal. Re-deployment of UN peacekeepers from exposed positions in Bosnia made them less vulnerable to hostage-taking by

the Bosnian Serbs in the event of NATO air attacks. In terms of the theory of ripeness in negotiations, a mutually hurting stalemate had been achieved in 1995. The balance of power had shifted adversely from the Bosnian Serbs' standpoint and the economic picture in Serbia was bleak. And a series of events had occurred that presented a crisis bounded by a deadline.

Thus, President Clinton was faced with the Hobson's Choice of using US forces to cover a Dunkirk-like evacuation of NATO forces from the former Yugoslavia or using US forces to support a political settlement. He opted for the latter; vigorous and skillful US diplomacy used this decision to achieve a settlement There was a moment in late 1995 that was clearly not a stable situation. Something was going to change in the not too distant future. On the other hand, the situation was not completely unstable because a certain equilibrium had been achieved. The situation could properly be called metastable. Admittedly, it is easier to see that in retrospect than it was at the time.

The balance between means and ends remains constant in an environment that is essentially linear as, for example, in negotiations on strategic nuclear forces. A wartime situation, as in Bosnia, is dynamic; it is characterized by sudden changes of patterns. It is non-linear, in analytical terms. When a major discontinuity occurs within a system, a straight-line projection of the system's behavior no longer provides an accurate picture of the balance between ends and means. Decision makers must assess whether the dynamics have created (1) a situation that very shortly will change of its own accord to something else – a situation of *instability;* (2) a situation that will remain the same even if prodded vigorously by external forces – a situation of *stability*; or (3) a situation that is temporarily at rest but is susceptible to change if subjected even to modest external pressure – a situation of metastability.

Can decision makers discern those moments in a dynamic negotiating environment when an external input will have maximum effect? Metastability is a condition that is likely to be fleeting and may be difficult to distinguish from conditions of stability and instability in a situation like that in Bosnia. The conditions existing at the time of the Cutileiro negotiations, the Vance-Owen negotiations, and the Holbrooke negotiations in retrospect can be described respectively as instability, stability, and metastability.

This is not to suggest that decision makers thought in these categories. But they were in a position to make fairly accurate assessments of the relation between ends and means; they worried that the infusion of troops into a conflict situation would require large numbers of them and could lead to unacceptable losses. At times, it looked as though the Bosnian Serbs had won the war and were content to sit tight – a stable situation that massive efforts might not change. At other times, the relations between all the parties and

the UN peacekeepers was so fluid that things were changing day by day – an unstable situation where external efforts might have been in vain. Decision makers wisely shrank from intervention when they could not see that available means would have any significant results. They temporized, sometimes by sheer passivity, sometimes by making tactical maneuvers a substitute for a calculated strategy.

Metastable moments afford the best opportunity to prod the situation into a balance between means and ends because the input can be small in relation to the anticipated output. The NATO air campaign of 1995 and the offer to commit US ground forces in support of an agreement were very substantial inputs. But in a situation of instability, the results could not easily be calculated and predicted. In the spring of 1992, the war in Bosnia had not yet begun but the situation was highly unstable. Had the United States backed the Cutileiro plan it might have been put into place but the collapse of the plan in short order was a highly likely prospect. And in a situation that was highly stable, the results hoped for by the NATO and US efforts might not have been achieved. The situation late in 1992 had become relatively stable in Bosnia. The Serbs occupied 3/4 of the territory of Bosnia, had accomplished considerable "ethnic cleansing," and faced little serious opposition. They seemed content to sit it out until the Bosnian government settled the war on Bosnian Serb terms. US and NATO forces introduced into Bosnia at that time would have faced a very difficult situation even if the Vance-Owen plan had been accepted by all parties. A policy of temporizing is advisable in cases of stability or of instability since it cannot be clear that external inputs will decisively affect the situation short of very large investments. This is precisely what US decision makers did in 1992 and 1993, when opportunities for at least paper agreements existed.

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Notes

1. Ambassador Cutileiro recalls that a US view in March 1992 was that four constituent units would be preferable to the three he had worked out.

2. Some Americans directly involved in the diplomacy of this time believe that a US military response to the shelling of Dubrovnik would have had a serious effect on Serbian plans.

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* ICFY stands for International Conference on the Former Yugoslavia.