

POLITICAL

A Case of International Mediation

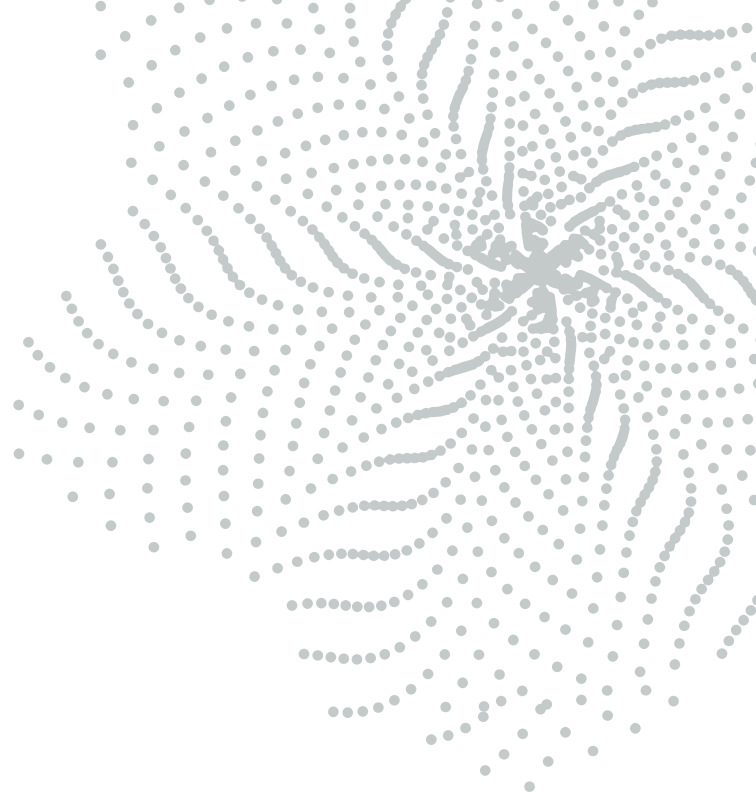
Bosnia-Herzegovina Peace Process



Funded by
the European Union



CYPRUS
DIALOGUE | REPORTS
FORUM



POLITICAL

A Case of International Mediation

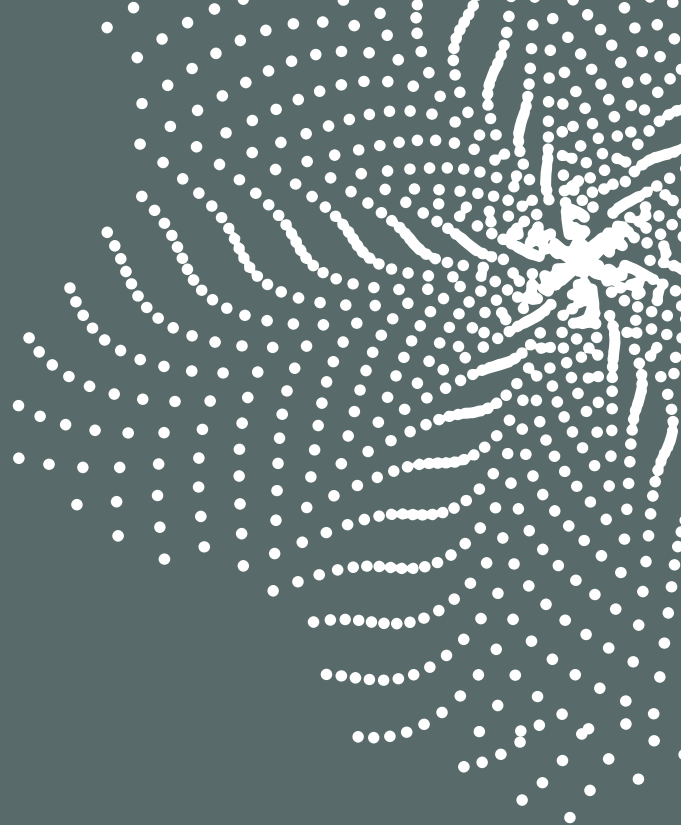
Bosnia-Herzegovina Peace Process



Funded by
the European Union



CYPRUS
DIALOGUE FORUM
REPORTS



Contents

| | |
|--|-----------|
| Introduction | 01 |
| Roots of the conflict: <i>A chronology</i> | 02 |
| European Community Conference on Yugoslavia | 05 |
| International Conference on the former Yugoslavia | 09 |
| Contact Group | 14 |
| US Takeover: <i>The Dayton Conference</i> | 17 |
| Dayton: <i>The Legacy</i> | 23 |
| Conclusion | 25 |

Introduction

The Bosnian War stands as one of the most tragic chapters in European history since World War II. Fuelled by ethnic tensions and nationalist aspirations, the conflict ravaged Bosnia and Herzegovina, resulting in widespread destruction, loss of life, and massive displacement of civilians. The roots of the Bosnian War trace back to the dissolution of Yugoslavia and the rise of nationalist movements advocating for the creation of independent states along ethnic lines. In Bosnia and Herzegovina, which had a complex demographic makeup comprising Bosnian Muslims (Bosniaks), Serbs, and Croats, these tensions quickly escalated into open conflict following the country's declaration of independence in 1992.

The peace process leading up to the Dayton Peace Accords was marked by diplomatic efforts, negotiations, and international interventions aimed at resolving the conflict. Various initiatives, such as the European Community Conference on Yugoslavia and International Conference on Former Yugoslavia, were undertaken to address the escalating violence and humanitarian crisis. Amidst the chaos, diplomatic efforts to broker a peace agreement gained momentum, leading to the Dayton Peace Accords in November 1995 which were negotiated under the auspices of the United States. The agreement brought an end to the fighting and established a framework for peace in Bosnia and Herzegovina.

ABBREVIATIONS

| | | | | | |
|-------|---|---|----------|---|--|
| ARBiH | : | Army of the Republic of Bosnia and Herzegovina | OIC | : | Organization of the Islamic Conference |
| BiH | : | Bosnia and Herzegovina | SDA | : | Party of Democratic Action |
| CSCE | : | Conference on Security and Cooperation in Europe | SDS | : | Serbian Democratic Party |
| EC | : | European Community | SFRY | : | Socialist Federal Republic of Yugoslavia |
| HDZ | : | Croatian Democratic Union | UN | : | the United Nations |
| ICFY | : | International Conference on the Former Yugoslavia | UNPROFOR | : | the United Nations Protection Force |
| JNA | : | Yugoslav People's Army | UNSC | : | the UN Security Council |
| NATO | : | North Atlantic Treaty Organization | US | : | the United States |

Roots of the conflict: A chronology

Yugoslavia emerged after World War I from remnants of the Austro-Hungarian and Ottoman Empires, evolving after World War II into the Socialist Federal Republic of Yugoslavia with six constituent republics (Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia) under Josip Tito's leadership. Tito brought stability and economic growth, but his death in 1980 led to political turmoil and a resurgence of nationalism, paving the way for its disintegration. Bosnia and Herzegovina saw the rise of nationalist parties amid ethnic polarisation, setting the stage for conflict.

THE BIRTH OF A MULTINATIONAL STATE: YUGOSLAVIA

From the ashes of the Austro-Hungarian Empire and Ottoman Empire, Yugoslavia emerged as a state after World War I in Eastern Europe under the name of *the Kingdom of Serbs, Croats and Slovenes*. International recognition of the Kingdom was granted in 1922. The official name of the state was changed to Kingdom of Yugoslavia in 1929. The first decades of Yugoslavia were marked by conflict between Orthodox Serbs and Catholic Croats which was then intensified after the country was invaded by the Axis Powers in April 1941. The Kingdom was partitioned where a large part of the country was ruled by the pro-Nazi Independent Croatian State, which set up concentration camps where many thousands of Serbs, Jews, Roma and other opponents of the regime were killed. The state recruited some Bosniaks but many others joined Josip Broz Tito's Partisans. During this period, intercommunal violence was prevalent, resulting in massacres in every community.

It was under Tito that Yugoslavia recovered. Being ideologically multi-ethnic and supported by a range of communities, Tito's Partisan movement inspired supporters of the "Yugoslav" idea and proclaimed *the Democratic Federal Yugoslavia* in 1943. After the monarchy was abolished in 1945, a communist government was installed, and Yugoslavia was renamed *the Federal People's Republic of Yugoslavia*. After a second name change in 1963, Yugoslavia became *the Socialist Federal Republic of Yugoslavia* (SFRY). After disputes with Stalin in the late 1940s, Tito decided to pursue autonomous policies from the Soviet Union, making Yugoslavia an independent communist state. The Warsaw Pact and NATO were both criticised by Tito, and, with India and other countries, he founded the Non-Aligned Movement in 1961. This balancing act between the West and the East continued until the dissolution of Yugoslavia and as such, Yugoslavia was able to request and receive financial aid from the West due to its geo-strategic location in the height of the Cold War. In the 1950s and 1960s, Yugoslavia had one of the fastest-growing economies.

Under Tito's rule, tensions between ethnic/religious communities were suppressed and nationalist ideas were banned. The state ideology favoured federalism and opposed ethnic unitarism and hegemony. The state sought to promote ethnic diversity and "Yugoslavism". In any case, Yugoslavia had little chance of developing into a nation state; the new state was home to a number of ethnic/religious communities that co-existed for centuries under imperial rule. Even though the state was secular in nature, unlike other socialist states of the time, the Catholic Church and the Serbian Orthodox Church, though actively discouraged, remained active. State policies were seriously threatened by the connections between religion and nationality as well: The majority of Bosniaks define themselves as Muslims, Croats as Roman Catholic, and Serbs as Orthodox Christians.

In terms of state structure, the SFRY was a federation, consisting of six republics: Bosnia and Herzegovina (BiH), Croatia, Macedonia, Montenegro, Serbia, and Slovenia. Serbia had two Socialist Autonomous Provinces, Vojvodina and Kosovo. All republics except Slovenia were ethnically mixed: BiH had no majority community. The majority of the population in Croatia was Croat, but there was a significant Serb minority. In Serbia, there was a large Serb majority, but two million Serbs lived outside the republic. Although a province of Serbia, Kosovo had an Albanian majority of almost two million. Albanians, Muslims, and Serbs also lived in Macedonia and Montenegro.

THE DECLINE AND THE DISINTEGRATION OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

Political, economic, social, and ethnic factors contributed to the SFRY's decline and disintegration. The country fell into a political and economic crisis after the death of Tito in 1980. A power vacuum resulted from his death, resulting in the central government's authority being weakened. Over the following years, subsequent leaders failed to maintain unity or to resolve pressing issues. Nationalism and ethnic tensions resurfaced and increasing ethnic divisions and rivalries led to demands for more autonomy and independence. As a result, nationalists filled the voids in the political arena, such as Slobodan Milošević in Serbia and Franjo Tuđman in Croatia. The Serbs and the Croats aspired to the unification of their "territories" outside their respective republics into a "Greater Serbia" or "Greater Croatia". These ambitions naturally targeted BiH, which had a large Serb and Croat population. Therefore, except in Slovenia, nationalist goals were almost impossible to achieve without redrawing borders and moving people.

Furthermore, following the oil price shock and the East-West détente restricting access to Western aid, the Yugoslav economy stagnated in the 1970s and after Tito's death, rapidly declined in the 1980s. The country was plagued by economic disparities, rising foreign debt, inflation, and high unemployment. Corruption, mismanagement, and the failure to implement effective economic reforms worsened these problems. Disintegration of Yugoslavia was also accelerated by external factors and major geopolitical changes in the late 1980s and early 1990s. The breakup of the Soviet Union, the end of the Cold War, and changing international dynamics created opportunities for nationalists and foreign powers to exert influence on Yugoslavia's internal affairs.

BIH: A CONSTITUENT REPUBLIC OF THE SFRY

Socialist Republic of Bosnia and Herzegovina was one of the six constituent republics of the SFRY. As part of the federal structure of the state, the republic had its own political institutions. BiH was home to many ethnic/religious groups, including Bosniaks, Croats, Serbs, and others. Its population consisted of 43% Muslims, 31% Serbs, and 17% Croats, according to the 1991 census. Relations between ethnic groups were generally peaceful, but tensions and grievances also existed. As economic and political challenges intensified towards the end of the SFRY period, nationalist sentiments began to emerge and in the early 1990s, BiH entered a period of turmoil.

BiH's political landscape changed dramatically in 1990 when the communist leadership agreed to hold the country's first free election. Elections took place in BiH on 18 November 1990 and had a significant

impact on ethnic divisions and the political atmosphere, in which Bosnians organised themselves into three main nationalist parties: Party of Democratic Action (SDA), led by Alija Izetbegović, predominantly representing the Bosniak population received 39% of the votes. Serbian Democratic Party (SDS), led by Radovan Karadžić, with significant support from the Serb population in BiH received 30% of the votes. Croatian Democratic Union (HDZ), led by Mate Boban, mostly supported by the Croat population in BiH, received 24% of the votes. SDA was committed to protecting Bosniak interests and a unified BiH; SDS defended Serbian interests and advocated for the establishment of a separate Serb entity within BiH; and HDZ sought to protect Croatian interests and advocated for the creation of a separate Croat entity within BiH.

It is important to note that the 1990 elections were a reflection of the growing ethnic polarisation in BiH. Results of the election indicated a fragmentation in society based on ethnicity. There was a strong tendency for each ethnic group to vote for the party that represented its ethnic group's specific interests. With free elections held for the first time, BiH transitioned from a single-party communist system to a multiparty democracy between 1990 and 1992. A collective presidency was established, operating on a rotating basis and consisting of three members, each representing one of the three constituent nations (Bosniak, Serb and Croat) and elected through a national vote. However, as ethnic polarization in the political structure increased, institutions at the national level began to disintegrate. There were challenges with reaching consensus and making effective decisions by the presidency and the assembly, resulting in political instability.

European Community Conference on Yugoslavia

The European Community Conference on Yugoslavia was convened following Slovenia and Croatia's declarations of independence. Chaired by Lord Carrington, the conference aimed to facilitate peace talks in Bosnia, along with working groups focused on minority rights, economic relations, institutions, and state succession issues. After its declaration of independence, Bosnia and Herzegovina faced escalating violence, eventually resulting in the Bosnian War and UN intervention for humanitarian aid and peacekeeping efforts.

HOUR OF EUROPE?

Due to the failure of attempts to renegotiate the federal state structure, Slovenia and Croatia declared independence from the SFRY on 25 June 1991 and the glue holding together the SFRY began to dissolve. After only ten days of confrontation and skirmishing with the Yugoslav People's Army (JNA) dominated by Serbs, Slovenia emerged from the conflict with little damage. The conflict in Croatia, however, deteriorated into a full-scale warfare, as Serb forces occupied Serb-dominated regions in Croatia, killing and expelling Croats in those areas.

In view of the developments, the European Community (EC) decided upon an embargo on armaments and military equipment applicable to the whole of Yugoslavia on 5 July. Furthermore, the EC Ministerial Troika met with representatives of all parties directly concerned by the Yugoslav crisis on 7 July 1991 at Brioni. As per the Brioni Declaration, the parties agreed to secure the cease-fire and enable negotiations on the future of Yugoslavia. The parties agreed (a) on further modalities in preparation of negotiations; and (b) for a monitoring mission to become operational as soon as possible in order to help stabilise the cease-fire and to monitor the implementation of the remaining elements of the agreement reached between Yugoslav parties which later became known as the EC Monitoring Mission.

As the violence continued, the EC decided to take further steps. At an extraordinary European Political Cooperation (EPC) Ministerial Meeting on 27 August 1991, the Declaration on Yugoslavia was adopted which resolved to convene a peace conference and establish an arbitration procedure. At the next extraordinary EPC Ministerial Meeting on 3 September 1991, another Declaration on Yugoslavia was adopted which expanded upon the details of the conference / arbitration commission and on the principles which the conference will operate with.

EUROPEAN COMMUNITY CONFERENCE ON YUGOSLAVIA

Structure

The EC Conference on Yugoslavia was chaired by Lord Carrington, who was also the spokesman for the Conference. The Deputy Chairman had special responsibility for minority rights and conducted

negotiations aimed at political settlement for Kosovo, Sandjak (a region of Serbia with Bosniak majority), Vojvodina, Krajina (a region of Croatia [then] with Serbian majority) and Macedonia. Three Conference Coordinators (ambassadors) were Lord Carrington's principal advisers on policy matters. An Executive Secretary and a Secretariat organised the day-to-day activity of the Conference. The Conference initially had four Working Groups: a) Minority Rights; b) Economic Relations; c) Institutions; and d) State Succession Issues. Talks on Future Constitutional Arrangements for BiH were conducted under the chairmanship of Ambassador Cutileiro.

Conference Activity

The opening ceremony of the EC Conference on Yugoslavia was held in The Hague on 7 September. In total 13 plenaries took place between 12 September 1991 and 14 August 1992 in one or two-day sessions. The Working Groups met sessionally and intersessionally, up to a dozen times each. On 4 and 5 November 1991, five of the six ex-Yugoslav Republics (except for Serbia) agreed on a text titled "Treaty Provisions for the Convention", which would have reconstituted the SFRY as a looser federal state. Though the subsequent recognition of the independence of several of these Republics put an end to that exercise, Chapter II of that text: "Human Rights and Rights of Ethnic and National Groups" continued to inspire the various efforts to establish new constitutional structures designed to resolve the conflicts in former Yugoslavia. Working Groups worked essentially on the details of the relevant sections of the draft Convention.

Arbitration Commission

The Arbitration Commission of the EC Conference for Peace in Yugoslavia or the Badinter Commission was established within the framework of the EC's Conference on Yugoslavia and pursuant to the EPC's Declaration on Yugoslavia dated 27 August 1991. Accordingly, the relevant authorities would submit their differences to an Arbitration Commission of five members chosen from the Presidents of Constitutional Courts existing in the Community countries. Members of the Commission selected Robert Badinter to be their chairman. Public international law was the basis for the Arbitration Commission's opinions, including references to the peremptory norms of general international law (*jus cogens*). The Arbitration Commission has issued ten opinions. Opinions 1 to 3 and 8 to 10 were in response to specific questions fashioned (not merely facilitated) by Lord Carrington. Opinions 4 to 7 considered the applications for international recognition submitted by four constituent republics of the former SFRY.

CONCURRENT DEVELOPMENTS IN BOSNIA

Road to Independence

The declaration of independence by Slovenia and Croatia triggered the ethnic tensions in BiH. In November 1991, with fighting escalating in Croatia and BiH on the brink, Bosnian Serbs held a referendum in which they affirmed their intention to remain a part of the SFRY. The government of BiH declared this referendum illegal. On 9 January 1992, the Bosnian Serbs proclaimed the Republic of the Serb People of Bosnia and Herzegovina.

With the issuance of the negative opinion of the Arbitration Commission on BiH's independence, a referendum for the future of BiH was organised by Bosniaks and Bosnian Croats, anticipating that the combined population of these two ethnic groups would ensure a majority for those seeking independence from the SFRY. During the period of 29 February and 1 March 1992, the referendum was held, in which Bosniaks and Bosnian Croats voted overwhelmingly (99.7%) in favour of independence, while the Bosnian Serbs boycotted it. On 3 March 1992, BiH declared its independence from the SFRY. Around a month after the declaration of independence, an armed conflict broke out between Bosnian Serb forces and the Bosnian government.

Peace Talks under the EC Conference and the Carrington-Cutileiro Plan

At the initiative of Lord Carrington and within the framework of EC Conference on Yugoslavia, talks on future constitutional arrangements for BiH began on 13-14 February 1992 under the chairmanship of Ambassador Cutileiro. In total, ten rounds have been held between three parties. In the course of the talks, the political situation varied greatly.

At the fifth round of talks, held in Sarajevo between 16 and 18 March, an outline agreement, *Statement of Principles for New Constitutional Arrangements for Bosnia and Herzegovina*, also known as the Carrington-Cutileiro Plan, was reached and at the sixth round of talks on 31 March, a 4-paragraph addition on "Human Rights" was also agreed to. Under this plan, BiH would have become a loose federal state of three constituent units, with limited but still important competencies for the central government; many decisions would have required an 80% majority in a Chamber of Constituent Units in which each constituent unit would have been equally represented, thus giving a veto to each of them. A sketch map of the proposed boundaries of the constituent units was attached to the plan, showing something of a patchwork of Bosniak, Serb and Croat territories. However, the proposals included in the plan were conclusively refused by the Bosniak leader Izetbegović.

BiH: The War, the United Nations (UN) Involvement and the Alliances

Whilst the peace talks continued, the fighting on the ground escalated into a full-scale war. The EC recognized BiH's independence on 6 April 1992. The following day, the Republic of the Serb People of Bosnia and Herzegovina declared independence, later changing its name to Republika Srpska. The government of BiH established the Army of the Republic of Bosnia and Herzegovina (ARBiH) as its armed forces in April 1992. Supported by the JNA and later transformed into the Army of Republika Srpska (VRS), the armed forces of Bosnian Serbs captured approximately 70 percent of the country early in the war. Following the initial Serbian offensive, it was not until 1995 that the situation on the ground changed much. The UN arms embargo imposed on all of the former SFRY in September 1991 severely hampered Bosniak forces from fighting or growing to counter stronger Bosnian Serb forces. Sarajevo, the capital of BiH, became the centre of the conflict. For nearly four years, it was under siege by the Bosnian Serb forces. Also, with the declaration of independence of Slovenia and Croatia in June 1991, Macedonia in September 1991, and BiH in March 1992, the SFRY consisted solely of Serbia and Montenegro who then reconstituted themselves as the Federal Republic of Yugoslavia in May 1992 (FRY consisting only of Serbia and Montenegro).

The UN played a significant role in addressing the humanitarian crisis. Once the war broke out and the situation on the ground worsened, the UN Security Council (UNSC) extended its existing peacekeeping

operations in Croatia, the United Nations Protection Force (UNPROFOR), to BiH in August 1992. UNPROFOR's mandate for BiH was initially to take "all measures necessary" to facilitate humanitarian assistance to Sarajevo and elsewhere. In addition to providing protection to humanitarian organisations such as the Red Cross, UNPROFOR also organised convoys and negotiated safe passages. In the course of time, the mandate of UNPROFOR has evolved to include the protection of "safe areas", where people can seek refuge from the fighting.

When the Bosnian War began, Bosniaks and Bosnian Croats formed an alliance against Bosnian Serb forces. The aim was to defend their shared interests and territories and combat Bosnian Serb aggression. As the war progressed, their relations frayed due to territorial and political disagreements and a separate Croat entity was sought within BiH. The seeds of these attempts were planted in late 1991 and early 1992 when the Bosnian Croats established a self-proclaimed entity known as the Croatian Community of Herzeg-Bosnia (later renamed the Croatian Republic of Herzeg-Bosnia), aiming to control Croat-populated areas in BiH and the Croatian Defence Council (HVO) was formed as its official military. The tensions between Bosniaks and Croats increased in late 1992, and a Croat–Bosniak War started in early 1993. Following these developments, Bosniaks and Bosnian Croats fought over the remaining 30 percent of BiH during the conflict, known also as a "war within war".

International Conference on the former Yugoslavia

Due to the inactivity of the EC Conference and the need to address tensions within international diplomacy regarding Bosnian War, the London Conference in August 1992 marked the inception of the International Conference on the Former Yugoslavia, jointly organised by the UN and the EC. It aimed to establish a negotiated settlement and create a structured framework for negotiations. In relation to BiH, the Vance-Owen Plan, Owen-Stoltenberg Plan, the HMS Invincible Package, and the EU Action Plan emerged from these negotiations, aiming to establish a new state in BiH.

THE LONDON CONFERENCE

In the early summer of 1992, the EC Conference was all but inactive, and the process was made more challenging as a result of the divergent positions taken by EC member states. In August, in part to address the range of tensions within international diplomacy regarding BiH, a new joint initiative between the EC and the UN was established. The opening conference was held in London between 26 and 28 August and the London Conference instigated the joint EC and UN process, creating the International Conference on the Former Yugoslavia (ICFY).

There were two reasons why the London Conference was important. First, the conference saw a change of guard: Lord Carrington retired, and he was replaced by another British former secretary, Lord David Owen, who became the EC mediator. The chair of the UN team was Cyrus Vance, an American lawyer, and former United States (US) Secretary of State. Second, the London conference was also instrumental in establishing the framework for further negotiations as it sought to establish a series of principles to serve as the basis for a negotiated settlement. The conference adopted eight papers. Of those, the Work Programme of the Conference established the structure of the negotiations and that the ICFY would go into permanent session in Geneva until talks had been settled, as well as clarifying the roles of the key players, and creating a series of working groups. The Statement of Principles and the Statement on Bosnia established the basis of discussions that took place in Geneva at the end of 1992, which would culminate in the Vance-Owen Peace Plan.

BIH AND THE ICFY

Structure

The ICFY was an initiative undertaken by the UN and the EC, as well as other international organisations such as the Conference on Security and Cooperation in Europe (CSCE) and the Organization of the Islamic Conference (OIC), using active preventive diplomacy, peace-making, peacekeeping, and a potential peace enforcement component. ICFY was established to “remain in being until a final

settlement of the problems of the former Yugoslavia has been reached” and to “build on the work already done by the EC Conference on Yugoslavia, especially the documents already produced”.

The Permanent Co-Chairmen of the ICFY were (a) the Head of State/Government of the Presidency of the EC; and (b) the Secretary-General of the UN. The Steering Committee of ICFY managed the operational work and it was co-chaired by (a) a representative of the Secretary-General of the UN ([1] Cyrus R. Vance, 26 August 1992 - 1 May 1993; [2] Thorvald Stoltenberg, 1 May 1993 - 30 January 1996); and (b) a representative of the Presidency of the EC ([1] Lord David Owen, 26 August 1992 - 9 June 1995; [2] Carl Bildt, 9 June 1995 - 30 January 1996). The Co-Chairmen were tasked with directing the Working Groups, preparing the basis for a general settlement and associated measures, and meeting as necessary with representatives from the former Yugoslavia. The Co-Chairmen of the Steering Committee were assisted by the Chairmen of the Working Groups, working in continuous sessions at the Office of the UN in Geneva.

The Steering Committee included: a) permanent Members of the UNSC; b) EC Troika; c) CSCE Troika; d) a rotating representative of EU Neighbouring States; e) a rotating representative of Non-EC Neighbouring States; f) a representative of the OIC; and h) Lord Carrington. The members of the Steering Committee and members of the UNSC received information notes twice weekly on developments. The Expanded Steering Committee, consisting of permanent missions of the conference countries and international organisations, also conducted meetings occasionally.

ICFY had six permanent working groups: a) Humanitarian Issues; b) Ethnic and National Communities and Minorities; c) Succession Issues; d) Economic Issues; e) Confidence and Security-building and Verification Measures; and f) BiH. The Working Groups worked in continuous sessions at the Office of the UN in Geneva. The Chairpersons were responsible for their own method of work as flexible representation for relevant countries was deemed better than fixed patterns. Expert opinions were encouraged to be sought as and when needed. The Chairpersons attended the Steering Committee meetings and briefed the Committee on their activities.

The Secretariat of ICFY was established at the Office of the UN in Geneva, headed by an Executive Director and staffed by personnel from the UN and from the EC. Participants in the London Conference agreed to bear the costs related to the administrative implementation of the Work Programme and the provision of the Secretariat, with a scale of contributions approved by the Steering Committee. In addition, the Conference sought the continued assistance of the Arbitration Commission, which issued a further five opinions in 1993 under the auspices of the ICFY.

Working Group on BiH

The Working Group was chaired by Mr Martti Ahtisaari and had a dual task: (a) to promote a cessation of hostilities and (b) a constitutional settlement in BiH. ICFY assigned the continuation of the negotiation of a constitutional settlement to the BiH Working Group as left off from the talks held under the auspices of the EC Conference on Yugoslavia.

Continuous formal and informal meetings between the Chairman and the representatives of one or another of the parties were held. As a starting point, the Chairman distributed a number of papers to the parties who have given their oral or written reactions to the papers. All of these were communicated to the other delegations with the consent of the submitting delegation. The parties have also submitted,

on a no-distribution basis, their respective positions regarding the constituent units or regions into which they consider BiH should be arranged. On the basis of the positions of the three parties derived from these meetings and conversations and from their close consultations with the Chairman of the Working Group, the Co-Chairmen have presented to the parties with "Proposed Constitutional Structure for Bosnia and Herzegovina", which envisioned a federal state with significant functions carried by 7-10 "constituent units" whose boundaries would take into account ethnic and other considerations (likelihood that most would have a significant majority of one of the ethnic groups, and all would have significant minorities of the others). This proposal eventually evolved into the Vance – Owen Plan.

Vance-Owen Plan

For the first time since the beginning of ICFY, the three sides to the conflict had sat down together around the table for peace talks at Geneva from 2 to 4 January 1993. The delegations were represented at the highest political and military levels. Also present with delegations were President Cosic of FRY (consisting only of Serbia and Montenegro) and President Tuđman of Croatia. After the opening session, the talks continued in two sub-working groups: a) Working Group 1, chaired by Ahtisaari, considered the draft map on the provincial structure and the constitutional principles; and b) Working Group 2, chaired by UNPROFOR Commander Nambiar, discussed issues related to the observance of a cessation of hostilities. The conclusions were discussed later in plenary sessions.

The peace talks resumed between January and May 1993 partly in Geneva and partly in New York and the sides agreed on constitutional principles and on military related matters whilst the agreement on interim arrangements and the provisional provincial map remained the focus of discussions which was also agreed between Bosniak and Bosnian Croat sides. On 2 May, Karadžić finally signed the agreement on interim arrangements and the provisional provincial map. At this stage, all focus was being diverted to the implementation of the peace package as all parties have signed it. However, the signatures of the Bosnian Serb delegation were consequently annulled by the Bosnian-Serb assembly meeting at Pale and by a subsequent referendum.

The Co-Chairmen decided to forge ahead with the implementation of the Vance-Owen Plan in the absence of agreement by the Bosnian Serbs. However, the prerequisite for this was the continuation of cooperation between the Bosniaks and Croats which was greatly affected by the break-out of major fighting in central Bosnia between these parties by the second week of May. It became increasingly evident that the cooperation between the Bosniaks and the Croats, which had lasted with varying degrees of commitment since the referendum in March 1992, no longer existed.

Owen-Stoltenberg Plan

After the failure of the Vance-Owen Plan, proposals for the organisation of BiH into a confederation of three constituent republics had been aired by the Croat and Bosnian Croat side. Bosniaks came up with constitutional proposals of their own, based on a federal concept. A new round of peace talks was held in Geneva in late July. All sides submitted working papers, which were distributed and discussed. A consolidated working paper was then discussed and examined article by article, with all sides participating in an open and constructive manner. After intensive discussions, they agreed on a Constitutional Agreement for a Union of Republics of BiH to form part of an overall peace settlement which later became the basis of Owen-Stoltenberg Plan. This structure represented a structure similar

to that offered by the Carrington-Cutileiro Plan (a loose federal state of three ethnically determined "constituent units"), and thus constituted a compromise between the Vance-Owen Plan and the Serb/Croat proposals on a confederation of three constituent republics.

The Co-Chairmen have given three sides a package containing the constitutional papers and a map reflecting the discussions and adjourned the meeting for the parties to consult with other stakeholders until 30 August. The parties arrived in Geneva on 30 August – Bosnian Serbs and Bosnian Croats accepted the package whereas Bosniaks requested changes granting the Bosniak majority republic additional access to the Adriatic Sea and some more territory. However, even though Bosnian Serbs and Bosnian Croats accepted both the original package and the collateral agreements, the Bosniak side refused to sign the documents.

HMS Invincible Package

Following this setback, bilateral meetings took place between parties to resolve the territory issue. Eventually, an all-parties meeting took place on the HMS Invincible in the Adriatic Sea on 20 September where a constitutional agreement was reached providing for a Union of Republics of Bosnia and Herzegovina. Elaborate provisions for the promotion and protection of human rights were reconfirmed, as were arrangements for implementing and monitoring a cessation of hostilities. Agreements were also worked out providing the Muslim-majority Republic with access to the Adriatic Sea. The three sides informed the Co-Chairmen that they would submit the "Invincible Package" to their respective assemblies for ratification. The Bosnian Croat and the Bosnian Serb sides subsequently informed the Co-Chairmen that their assemblies had ratified the Invincible Package. The Bosniaks reported that their expanded assembly did not.

European Union (EU) Action Plan

With the failure of the Invincible Package, the French and German governments launched a joint initiative in November 1993 to increase international pressure on all three parties to reach a political solution to the conflict and to avert a humanitarian catastrophe of even larger proportions, aggravated by the winter. This initiative became known as the EU Action Plan. The package proposed by the mediators on HMS Invincible was defined as a starting point for renewed negotiations. But the Europeans now proposed to explain clearly to the Bosniaks the likelihood that international support for them would decline if they rejected a proposal that gave them most of the territories they sought. The Europeans also agreed to offer incentives for the Serbs to give up territory to the Bosniaks, including suspension of sanctions, international recognition, and assistance for reconstruction. In effect, there was agreement among all three sides that: (a) BiH should be organised as a Union of three republics; (b) the Muslim-majority Republic should have 33.3 percent of territory and the Croats should have 17.5 per cent. However, territorial delimitation was the real issue.

The Co-Chairmen tried a number of avenues to get the parties to move towards agreement on the territories still under dispute, such as: (a) whether the number of disputed areas could be reduced; (b) whether it might be possible to move to a peace agreement by arranging for some of the areas to be treated as protected areas, while a few of them could be placed under international administration; (c) the establishment of an International Joint Control Commission whose tasks would be to ensure that nothing was done in any of the disputed areas to alter their character or status, or which could be

prejudicial to their eventual allocation while the arbitration procedure functioned; or (d) the referral of the disputed areas to the UNSC or to a group of members of the UNSC. The parties were asked to suggest other possible procedures for reaching agreement on the outstanding territorial issues but there was an impasse. As a result, negotiations on the EU Action Plan failed in February 1994 due to the unenthusiastic response of all three parties.

The Washington Agreement and the Establishment of the Federation of Bosnia and Herzegovina

At a meeting in January 1994, President Tuđman presented to Izetbegović a rough plan for the establishment within BiH of a Bosniak/Croat entity and the confederation of the latter with the Republic of Croatia. Although at that time Izetbegović showed no interest, this proposal was revived in the negotiations between the Bosniaks and the Bosnian Croats/Croatia that took place under the US auspices in Washington and Vienna from 27 February to 18 March 1994. As a result, the creation of a new Federation of BiH was agreed, made up of the territories under the control of the two groups. On 1 March 1994, under the auspices of the US, the following agreements (also known as the Washington Agreement) were signed between Bosniaks, Bosnian Croats and Croatia: a) Framework Agreement establishing a Federation in the Areas of the Republic of Bosnia and Herzegovina with a Majority Bosniac and Croat Population; b) Outline of a Preliminary Agreement for a Confederation between the Republic of Croatia and the Federation.

The Federation required the creation of 8 "cantons" based largely on ethnic lines rather than on any historical or current administrative units. The constitution of the Federation of BiH was subsequently approved by the Assembly of the Republic of BiH, acting as the Constituent Assembly of the Federation; consequently, the constitution entered into force. Follow-up agreements were signed at Vienna on 11 May. The Washington Agreement in effect ended the Croat-Bosniak conflict and established a ceasefire and cooperation between Bosniak and Bosnian Croat forces against Bosnian Serb forces.

Contact Group

The establishment of the Contact Group marked a pivotal moment in efforts to resolve the conflict in BiH, as major powers sought to play a more active role in negotiations. Comprising representatives from key global players and regional entities, the Contact Group aimed to facilitate discussions and reach a comprehensive settlement amidst escalating tensions and shifting power dynamics on the ground.

STRUCTURE

To facilitate further negotiations among parties, discussions were initiated regarding the creation of a Contact Group. This group was intended to collaborate with the involved parties in achieving a comprehensive settlement. The co-chairs of the ICFY proposed establishing this Contact Group to involve the US more actively in seeking a political solution while also ensuring European participation. This proposal also mirrored the trend, observed since February, of major powers engaging in negotiations among themselves rather than through the ICFY. During a meeting of US, Russian, European, and UN officials, an agreement was reached regarding the distribution of responsibilities: the Russians were tasked with persuading the Serbs, while the Americans were assigned the responsibility of bringing the Bosniaks back to table.

The Contact Group consisted of the representatives of the US and Russia; the designees from ICFY, representing both the UN and the EU (representatives from France, Germany, and the United Kingdom); the Co-Chairmen of ICFY; the EU Commissioner for Foreign Affairs; a legal adviser from the secretariat of ICFY and an assistant to the Co-Chairmen. The members of the Contact Group have been guided by: (a) the past work done within the ICFY; (b) the resolutions of the UNSC; (c) the EU Action Plan; and (iv) the communiqué issued by the Foreign Ministers of Belgium, France, Germany, Greece, Russia, the and the US, who met at Geneva on 13 May 1994 (the “**Communiqué**”). The host of a meeting (in a member country or in the embassy or mission of such a country if the meeting takes place elsewhere) assumed the chairmanship, and for meetings with the parties, a spokesman was chosen ad hoc.

CONTACT GROUP IN ACTION

The Contact Group did not attempt to conduct direct, multilateral negotiations among the warring parties. Representatives of the group met with each of the parties separately for consultations. These meetings provided yet another forum in which the warring parties would present their demands. The Communiqué set out key points on the strategy of the Contact Group on peaceful settlement of the conflict. It called on the parties to conclude a comprehensive cessation of hostilities and to resume in parallel, without preconditions, serious efforts to reach a political settlement.

The Contact Group held its first round of discussions with representatives of the parties on 25 and 26 May 1994 and has concentrated on: (a) the preparation of a map for the allocation of territory on the basis of 51% for the Bosniak-Croat Federation and 49% for the Bosnian Serbs; (b) discussion of future constitutional arrangements; and (c) the development of incentives and disincentives to encourage

acceptance of a peace package and to discourage rejection thereof. The territorial proposals of the Contact Group, together with indications of incentives and disincentives, were communicated to Bosniaks and Bosnian Serbs on 6 July at Geneva and have been asked to give their response within two weeks. Incentives were also outlined: (a) for the Bosniaks they were ready to assist in the implementation of a territorial settlement and to help with reconstruction; (b) for the Serbs, sanctions would be suspended geared to their pullback to the lines indicated on the map. As a disincentive, they were told that if the parties did not agree they could expect more pressure to be applied, and that in particular, existing UNSC resolutions concerning safe areas would be rigorously enforced. They conveyed to parties that as a last resort, a decision in the UNSC to lift the arms embargo would become unavoidable which would have consequences for the presence of UNPROFOR. The Bosnia-Croat Federation accepted the proposed map as did Croatia. The Bosnian Serb leadership rejected the map, but leaders of FRY (consisting only of Serbia and Montenegro) urged the Bosnian Serb leadership to accept the Contact Group map. Among the efforts of the Contact Group, this attempt came closest to reaching an agreement.

The Contact Group conducted ambassadorial or expert level meetings with the parties separately on regular intervals between May 1994 and May 1995. The discussions mostly focussed on the conditions necessary for the resumption of negotiations; so basically, these were “talks about talks” meetings. They issued a ministerial text on 2 December 1994; a press communique on 19 January 1995; a statement on 29 May 1995; and a further joint statement on 8 September 1995.

ICFY AND THE CONTACT GROUP

The formation of the Contact Group acknowledged the leadership of the peace process by the US and, indirectly, by the Russians. This action effectively bypassed the ICFY and concluded its role as the focal point for mediating a settlement in BiH. However, ICFY continued to support the efforts of the Contact Group to bring about acceptance of the Contact Group map by the Bosnian Serb leadership. Between January and June 1995, the activities of the ICFY had three major objectives in view: to generate international humanitarian assistance; to promote acceptance by the Bosnian Serb leadership of the Contact Group plan; and to support the activities of the International Conference Mission monitoring the closure of the border between FRY (consisting only of Serbia and Montenegro) to the Bosnian Serbs. In June 1995, following the appointment of Carl Bildt as the new EU Co-Chairman of the Steering Committee, the Co-Chairmen undertook a review of forthcoming activities and decided that, in order to give enhanced focus to their efforts, one would spearhead peace-making efforts concerning BiH while the other would spearhead peace-making efforts concerning Croatia. Pursuant to this arrangement, Bildt focused on peace-making in BiH, while Stoltenberg, focused on peace-making in Croatia.

BIH: CONCURRENT DEVELOPMENTS IN THE WAR

By 1995, the UN tightened sanctions against the Bosnian Serbs, while easing sanctions against FRY (consisting only of Serbia and Montenegro) as long as the latter applied its own sanctions to the Bosnian Serbs. As a result of the new sanctions regime, there was an escalation in tension between the Serb leadership and the Bosnian Serbs, which weakened their overall position over time. On the other hand, with the support of the US and the Muslim World, ARBiH quietly transformed into Bosnia's most powerful

fighting force, and at last, the Bosniaks could capitalise on the Serbian overstretch on the battlefield. Also during this time, the Bosnian Croats built their strength and prepared a counter-offensive with the Croatian government against the Serbs. The embargo on the Bosnian Serbs, coupled with the growing alliance and strength of Bosniaks and Bosnian Croats, changed the power balance in the region between March 1994 and August 1995.

Instead of waiting for their enemies to become stronger, the Bosnian Serbs increased the pressure on the Bosniaks and tightened the siege of Sarajevo. The second objective was to undermine UNPROFOR and the international aid mission, which enabled Sarajevo to resist the siege. Aside from this, Bosniaks and Croats were preparing an offensive of their own. As the Bosniak forces grew stronger, they refused to accept the little territory they had gained and were determined to end the siege of Sarajevo. With Bosnian Croats' strategic assistance, Zagreb was about to launch its offensive against the Croatian Serbs across the border in Croatia. Due to these different reasons, all three sides believed they needed to go on the offensive.

NATO occasionally used air strikes to retaliate for violations by Bosnian Serbs of ceasefire agreements. First NATO aircraft strike on ground targets occurred in April 1994 when UNPROFOR requested air strikes to protect the Gorazde safe area. UN and NATO had a special "dual-key" agreement that required both parties' consent prior to NATO airstrikes at the time. In May 1995, as a result of violations of the exclusion zones and shelling of safe areas, NATO aircraft struck Bosnian Serb ammunition depots. To prevent further air strikes, Bosnian Serbs took 370 UN peacekeepers hostage and used them as human shields at potential targets. The international community was alarmed by this; to support UNPROFOR, the British, French, and Dutch announced their intention to form a Rapid Reaction Force in June 1995. In July 1995, Bosnian Serb troops under the command of General Ratko Mladić entered Srebrenica, which was at the time a UN-designated Safe Area. Mladić ordered that Bosniak men and boys be separated from the group. A few days later, it was revealed that 8,000 Bosniak men and boys were massacred. Just over a week after the Srebrenica massacre, major international powers called the London Conference to discuss Bosnia's future. The Conference resolved that military action would be taken against any further acts of Serbian aggression. A further decision of the Conference was allowing the UN military commander on the ground to request NATO airstrikes directly without consulting civilian UN personnel, thus removing political considerations from the process.

The situation unfolded very quickly. Operation Storm was launched by Croatia at the beginning of August, destroying Croatian Serb forces within a few days. Afterward, Croatian forces crossed into Bosnia and advanced into territories held by Bosnian Serbs. In the wake of the London Conference, NATO planned a new, aggressive air campaign against Bosnian Serb forces who fired a mortar shell at the Sarajevo marketplace on 28 August 1995, killing 37 people. International intervention was now justified, as decided at the London Conference. In conjunction with UNPROFOR on the ground, NATO launched Operation Deliberate Force on 30 August 1995. As a result of UNPROFOR's bombardment of Serb artillery and air defence around Sarajevo, NATO aircraft were able to attack Serb targets close to the city. On 2 September, the siege of Sarajevo was finally broken. With Croatian forces, UNPROFOR-NATO, and Bosniak forces all on the offensive, Serbian forces were attacked from all sides over the following weeks. Bosniak and Croatian forces advanced, conquering the towns without further fighting, increasing the joint Bosniak-Croat holdings in Bosnia to more than 50 percent. Bosnian Serbs were on the verge of collapse by late September 1995, having lost much of the land they had taken since 1992.

US Takeover: The Dayton Conference

Amidst escalating tensions and the failure of previous mediation attempts, the US embarked on a decisive initiative to lead the mediation process in the summer of 1995. Spearheaded by Richard Holbrooke, the US adopted a comprehensive framework strategy. Holbrooke's team employed shuttle diplomacy, engaging with all parties involved, and strategically used coercive diplomacy, including the threat of military intervention, to advance negotiations. This strategic approach paved the way for the Dayton Conference, held at Wright-Patterson Air Force Base near Dayton, US aiming to secure a comprehensive peace agreement and end the prolonged Bosnian War.

US INITIATIVE – FRAMEWORK STRATEGY AND PREPARATORY SHUTTLE DIPLOMACY

After years of unsuccessful mediation attempts, the US decided to exclusively lead and take charge of the mediation process for the first time in the summer of 1995. Richard Holbrooke, Assistant Secretary of State for Canadian and European Affairs, was assigned to lead the diplomatic effort to end the Bosnian conflict. Holbrooke brought extraordinary drive and a dealmaker's approach to the situation as a diplomat with Wall Street experience.

Holbrooke's team followed a framework strategy that was developed through extensive inter-agency consultations and a two-day meeting between President Clinton and his top foreign policy advisers. The framework strategy was comprehensive and flexible enough for Holbrooke and his team to move around, containing the below seven items:

1. A comprehensive peace deal consistent with the principles of the Contact Group Plan;
2. Recognition of one another by Bosnia, Croatia, and FRY (consisting only of Serbia and Montenegro);
3. Revision of the map produced by the Contact Group Plan based on recent territorial changes;
4. A framework for the long-term constitutional arrangements of a united Bosnia, including the possible scope of the "parallel special relationship" of the two entities with Croatia and Serbia;
5. Easement of sanctions against FRY (consisting only of Serbia and Montenegro), including suspension of sanctions once an agreement is signed and complete lifting of sanctions after the agreement is implemented;
6. A plan to resolve the situation in Eastern Slavonia, a part of Croatia bordering Serbia; and
7. A comprehensive plan for regional economic integration, to be assisted through an international monetary plan.

Tony Lake, the national security adviser, and Peter Tarnoff, the undersecretary of state for political affairs, presented this framework strategy to the European governments ahead of shuttle diplomacy. Americans

were reportedly committed to their strategy and did not seek input from the Europeans, a position consistent with Holbrooke's preference for leading the negotiations independently.

From mid-August to the end of October 1995, Holbrooke and his team engaged in shuttle diplomacy, soliciting views from all parties, and presenting numerous proposals, which prepared the groundwork for the Dayton Conference:

Mid-August: Kick-off visits – stops in Belgrade, Zagreb and Sarajevo.

August 31: Milošević presented Holbrooke the “Patriarch Paper” (as it was signed as witnessed by the apostolic patriarch of the Serbian Orthodox Church and the bishop of Vojvodina) which empowered him to lead a six-person negotiating team consisting of members from both FRY (consisting only of Serbia and Montenegro) and Republic of Srpska. The paper asserted that in the case of a tie vote in that team, Milošević would cast the deciding vote, indicating that Milošević was the negotiator and the ultimate decision-maker on behalf of Bosnian Serbs.

September 8: Foreign Ministers of Serbia, Croatia and BiH met in Geneva, announcing the *Joint Agreed Principles* – the international recognition of the borders of BiH and the existence of two distinct entities within Bosnia, the Bosniak-Croat Federation and the Serb Republic (the former being a concession from Serbs and the latter from Bosniaks). The “connective tissue”, i.e. the design of a central government structure between the two entities, and the internal borders in Bosnia remained to be addressed.

September 14: Negotiations with Bosnian Serb leadership and Milošević resulted in a ceasefire in Sarajevo.

September 26: Foreign Ministers of Serbia, Croatia and BiH met in New York. This time, the goal was to find a constitutional arrangement that would work for Bosnia. By advocating cooperation and constitutional creativity, Holbrooke hoped to avoid an arrangement reminiscent of Korea or Cyprus. In the end, the parties agreed on a further set of principles, grafting “the connective tissue” between the two entities: A three-person “collective” presidency, a parliament, a constitutional court, and other important aspects of a post-war national government.

October 5: A newly negotiated ceasefire was announced and went into effect on 10 October 1995. It was also announced that an all-party conference would be held in the US.

At this point, Holbrooke admitted that shuttle diplomacy did not work in certain areas, most notably the territorial issue, as the apportionment of territory between Bosniak/Croat Federation and Bosnian Serbs via shuttle diplomacy was not possible. It was therefore necessary to hold an all-party conference due to the territorial issue alone. Furthermore, he argued that bringing the Presidents together would lead to better progress on issues such as the constitution, elections, and refugee return.

The success of the shuttle diplomacy was also a result of the use of coercive diplomacy. Holbrooke's team took advantage of the threat and implementation of NATO airstrikes to achieve diplomatic goals. Indeed, events on the ground were rapidly changing during shuttle diplomacy and negotiations gained tremendous momentum in the aftermath of Operation Deliberate Force. In Holbrooke's view, the bombing had no bearing on the negotiations, but if it affected them, then so be it.

DAYTON: SETTING THE SCENE

Overview

After more than three years of war, the peace talks to end the Bosnian War began on 1 November 1995 at the Wright-Patterson Air Force Base near Dayton, Ohio, in the US. US Secretary of State Warren Christopher led the peace conference, and negotiator Holbrooke was in charge. Carl Bildt, the EU Special Representative, and Igor Ivanov, the First Deputy Foreign Minister of Russia, served as co-chairmen.

There were, however, numerous barriers to reaching a negotiated settlement. In the first place, there was the psychological factor arising from this bitter conflict, which led to extremely high levels of mistrust between the parties. Furthermore, devising the negotiation structure itself posed a barrier since a large and diverse group of parties was involved. In addition, there was a broad array of issues to be addressed, including governance and enforcement mechanisms, most important being the question of how the territory of Bosnia would be divided between the warring parties. There had to be a division that was acceptable to all parties and would not result in further violence, or Bosnia's partition.

Despite the similarities between Dayton and Camp David, Holbrooke himself pointed out significant differences that made Bosnia's case more difficult. At Camp David, there were only two countries and one negotiating country (Egypt, Israel and the US) whereas in Dayton, there were three countries and five negotiating partners which alone made it infinitely more complicated. The negotiations at Camp David began after five years of peace, whereas in Bosnia, the war was still raging.

Parties – Simplification of the Structure and Organising Coalitions

The more parties involved in a negotiation, the more complicated the negotiations become: there are more issues to deal with, more relationships to manage, more information that must be processed, and more coordination challenges to resolve. There were approximately 800 attendees at the Dayton Conference. Those directly affected by the conflict were represented by nearly 200 representatives: the Bosniaks, the Bosnian Croats, Croatia, the Bosnian Serbs and Serbia, and the Croatian Serbs. In addition to hundreds of US officials (among them support personnel), representatives of the Contact Group (UK, France, Germany, and Russia) and Carl Bildt, the EU representative, attended the conference as mediators.

Unifying the mediators was the first step toward simplifying the party structure. When the US sought to play the leading role in mediation, the Europeans and Russians welcomed this move. Instead of cutting them off completely, Holbrooke included them in the Dayton process but kept them at arm's length. While he did not want to include too many powerful participants in the negotiations due to the potential for additional participants in lead roles complicating decision-making, he could not totally exclude them since they would still play an essential role during the implementation phase. The US could not bear the costs of implementation alone, and the Contact Group's support was crucial; for instance, NATO and the EU assumed responsibilities for implementing the Dayton Accords. Nevertheless, Holbrooke capitalised on the US leadership role and effectively controlled the negotiation process with a small group of people.

The warring parties were divided into three delegations, led by the Presidents of Bosnia (Izetbegović), Croatia (Tuđman) and Serbia (Milošević). The Bosnian Croat leadership was present but operated under

Tuđman. Even though the Bosnian Serb leadership was present at the conference, unable to take on Milošević, they accepted that in all negotiations the interests of the Bosnian Serbs would be represented by Milošević himself as stipulated in the "Patriarch Paper". It was through this formula that the Serb front was unified.

The newly formed Bosniak-Croat Federation also assisted Holbrooke in simplifying the structure. There were many disagreements between Bosnian Croats and Bosniaks, which made this coalition highly fragile. However, Holbrooke urged its continuation because a united opposition was essential to level the playing field with the Serbs.

Location and Policy on Press – *Negotiating in a Cocoon*

Based on his analysis of Camp David, Holbrooke was convinced that selecting the right location was a crucial factor in the success of negotiations. As Holbrooke stated in his media briefing shortly before the conference, for the negotiations to be successful, they had to "negotiate in a cocoon, in a vacuum, outside daily press flow". Thus, it is not by chance that the Dayton Compound in Ohio, US was chosen. A place outside of Europe was chosen specifically to deter the parties from walking out and choosing a military base provided necessary seclusion to allow the parties to focus on the issues without the distractions of a large city. The Dayton Compound was large enough to accommodate all negotiating teams and was structured so that the rooms of the delegations were close to each other. Holbrooke strategically placed the delegations in different buildings, with Bosnians on the left, Croatians on the right, and Serbians and Bosnian Serbs directly across from the US delegation. As a result, Holbrooke was able to perform his "shuttle diplomacy by foot" or "proximity talks" by moving between rooms / parties without the counterparties meeting face-to-face. He usually dined with leaders who refused to communicate with each other, and he presented them with proposals written on napkins - in what became known as the "napkin shuttle".

Negotiations in a cocoon had another significant rule: no press contact. It has been demonstrated in previous negotiations that allowing the media to interview the parties and analyse their statements can harm the process. Due to the propaganda fuelling the Bosnian War, it was incredibly important to isolate the parties from the media so they could negotiate with one another instead of positioning through the media. Therefore, US State Department Spokesman Nick Burns was chosen to be the only authorised spokesman at Dayton, providing one point of contact for the media and controlling the flow of information.

Prep, Prep, Prep

Holbrooke's team prepared extensively for alternative scenarios and set additional goals for each round of negotiations. Many experts, including representatives from the White House, Pentagon, and State Department, also worked extensively on the Dayton process. Based on these efforts, Holbrooke's team was able to develop specific strategies that were used throughout the negotiations to achieve its objectives. In the days before the conference, they conducted a "dress rehearsal," preparing a draft of the agreement. In a press briefing before the conference, Holbrooke admitted that they were going into the conference "with a comprehensive Contact Group coordinated set of plans". As soon as the leaders arrived in Dayton, they were presented with a comprehensive Framework Peace Agreement, including appendices covering military issues, elections, the constitution, human rights, and the establishment of

an international police task force. This expedited the process as there was a skeleton on which intensive negotiations could be finalised.

Objectives and the Governing Principle

Holbrooke and his team's primary objective was to end the war and establish an independent, multi-ethnic Bosnian state by concluding a comprehensive peace agreement as rapidly as possible. Holbrooke's agenda was governed by a simple principle: What was not negotiated at Dayton would not be negotiated later. All previous peace efforts resulted in short and vague agreements; this time it was crucial to put everything on paper and lock in agreement on all issues that could be resolved by the leaders. The goal of Holbrooke and his team at Dayton was ambitious and achieving any lesser goal would have likely led to larger problems in the future. Holbrooke's primary concern was closing the deal, rather than focusing on long-term sustainability and his approach, therefore, was transactional, pragmatic, and targeted. Since the reputation of the US was at stake, what exactly was contained in the settlement did not matter as long as the deal was made. Despite the difficulties involved in implementing the final settlement, this approach was effective in achieving the overriding objective.

DAYTON: TACTICS OF THE MEDIATOR

Split-and-Sequence

As Holbrooke realised it would be difficult to negotiate divisive issues, he used a split-and-sequence strategy, dividing the agenda into subsets and then negotiating them sequentially and sealing each gain one at a time. At Dayton, he divided the negotiations into six clusters based on the issues concerned:

1. **First Cluster:** Negotiations on a more robust Federation agreement between Croats and Bosniaks;
2. **Second Cluster:** Negotiations on constitutional and electoral issues;
3. **Third Cluster:** Negotiations on the military annex;
4. **Fourth Cluster:** A two-track negotiation on Eastern Slavonia – one in Dayton, the other in the region;
5. **Fifth Cluster:** Negotiations on the business internal to the Contact Group (the role of the international police task force and the mandate of the senior civilian in implementation);
6. **Sixth Cluster:** Negotiations on the territorial issues / the map - deferred until progress is made on other issues.

Deferral or Subtraction of Deal-Breakers

Deferring or subtracting deal-breaker issues from negotiations was another strategy employed by Holbrooke and his team. The map defining new Bosnia's internal and external borders, for instance, was considered too difficult to negotiate on as the parties were too far apart to come to a compromise. Pre-

conference shuttle diplomacy was not considered as an apt process to handle the issue, and at Dayton, the issue was deferred for later stages of the process until they had sorted out other issues first.

One example of the issue subtraction strategy was Holbrooke's decision not to include Kosovo on the Dayton negotiation agenda. His concern was that this issue, due to its divisive nature, would stall the negotiations if it were included. The status of Brcko, a city connecting Republika Srpska and Serbia, was another example - three weeks into the talks, Izetbegović demanded Brcko's return to Bosnia, threatening the entire peace process. Under pressure from Holbrooke, Izetbegović and Milošević agreed that the issue should be settled separately by arbitration. This approach helped to reduce the likelihood of a breakdown in the talks.

Holbrooke and his team had to navigate a very delicate situation, and a mistake could have been catastrophic - a fundamental issue like the map could have caused the negotiations to collapse at the last minute. This strategy also created the risk of unresolved issues becoming more critical and potentially explosive in the future. For instance, the issue of Kosovo has subsequently arisen as an area of conflict leading to another round of intervention by NATO and a negotiation process.

Carrots and Sticks

As part of Holbrooke's effort to broker peace in Bosnia, using "carrots and sticks" was a key strategy for ripening the process. Holbrooke used incentives, "carrots", such as increased economic aid and diplomatic recognition to convince the parties to come to an agreement. He also used pressure tactics, "sticks", such as the threat of military intervention and sanctions to encourage them to make concessions as he had the powerful support of the US and NATO behind him. As sticks, Serbs (and particularly Bosnian Serbs) were threatened with continuation of NATO bombing, lifting of arms embargo against BiH; and continuation of equipment support to and training of ARBiH. In return, they were promised the lifting of sanctions against FRY (consisting only of Serbia and Montenegro). On the other hand, with the situation on the battlefield shifting after NATO intervention, Bosniaks and Croats believed they could acquire more territory if they continued fighting. Furthermore, those who wanted retribution and revenge against the Serbs opposed a peace deal. As a result of Bosniaks' reluctance to negotiate, Holbrooke made it clear to them that NATO airstrikes would cease, and arms and training would not be provided to ARBiH if they refused to do so.

Reminding the Parties of their Weak “Best Alternative to a Negotiated Agreement” (BATNA)

At Dayton, the parties had three options: return to war, negotiate directly with each other, or work with a mediator. Holbrooke repeatedly reminded the warring parties that their best alternative to a negotiated settlement was weak, lowering the value of no-agreement alternatives and that the Dayton negotiations offered the best chance to reach a settlement. Holbrooke wanted them to understand that their continued fighting was not only futile, but also costly, in terms of human suffering. He also wanted them to understand that the US was not willing to provide further assistance if the negotiations failed. Via this tactic, Holbrooke and his team eventually convinced each leader to give up some land in order to resolve the territory issue. Holbrooke's territorial arrangement at Dayton created a new map of Bosnia, with the Federation of Bosniaks and Croats in the West, and the Republic of Srpska in the east.

Dayton: The Legacy

The Dayton Peace Accords was initialled on 21 November 1995 in Dayton, by the presidents of BiH, Croatia, and the FRY (*consisting of Serbia and Montenegro*). The agreement was then formally signed on 14 December 1995 in Paris, entering into force as an international treaty. The signing was witnessed by senior representatives of the US, the UK, France, Germany, Russia, and the EU, who, while not formal guarantors, played central roles in the political and military implementation of the agreement.

The Accords brought an end to the war but has faced enduring questions about its domestic legitimacy. In BiH, the agreement was neither ratified by the Parliamentary Assembly nor subjected to a referendum, and it has neither been officially translated nor published in the country's Official Gazette. As a result, the implementation and interpretation of the agreement — including its Annex 4 that serves as the current Constitution — have depended heavily on international oversight, particularly through the Office of the High Representative.

Created by Annex 10 (Agreement on Civilian Implementation) of the Accords, appointed by the Peace Implementation Council – an international body charged with implementing Dayton Peace Accords, comprised of 55 countries and agencies that support the peace process – and endorsed by the UNSC, the High Representative holds a unique position in BiH: formally outside the constitutional framework yet exercising authority above all domestic institutions. Although not part of the country's executive, legislative, or judicial branches, the High Representative has extensive executive powers granted by the Peace Implementation Council — known as the Bonn Powers — enabling them to impose laws, remove officials, and ensure compliance with the Dayton Agreement — powers derived from international mandates rather than domestic law. The High Representative functions as the final interpreter of the Accords and acts as a de facto supervisory authority over the state, its entities, and its institutions – which makes it a foreign oversight mechanism, and not a constitutional organ of BiH. This places the High Representative at the apex of the political hierarchy, with a role designed to be temporary but which has, in practice, become a prolonged feature of post-war governance. The Peace Implementation Council outlined a set of requirements — known as the "5+2 Agenda" — that must be fulfilled before the Office of the High Representative can be closed; these conditions remain unmet. So far, all of the High Representatives named have been from the EU countries, and their principal deputies have typically been from the US.

The Dayton Peace Accords delineated the country's territorial boundaries, established a complex system of governance, and outlined mechanisms for the return of refugees and displaced persons. The agreement also paved the way for the deployment of international peacekeeping forces, including NATO troops, to enforce the ceasefire and maintain stability in the region. Whilst the Dayton Peace Accords included provisions for amnesty and pardon, the International Criminal Tribunal for the Former Yugoslavia (ICTY) was also established to prosecute individuals responsible for serious violations of international humanitarian law during the conflicts in the Balkans, including the Bosnian War. The ICTY, established by the UNSC in 1993, played a crucial role in holding war criminals accountable for their actions. Over the years, numerous individuals, including political and military leaders from various factions involved in the Bosnian War, were indicted, prosecuted, and convicted for war crimes, crimes against humanity, and genocide. Some of the notable figures who were tried and convicted by the ICTY include Karadžić and Mladić.

The Dayton Peace Accords have faced criticism and encountered several significant problems. The peace agreement solidified BiH's division along ethnic lines, establishing a complex system of governance based on ethnic representation. This system entrenched ethnic divisions and institutionalised ethnic politics, hindering the development of a cohesive national identity and perpetuating tensions between Bosniaks, Serbs, and Croats. Despite the formal end of hostilities, deep-seated ethnic animosities persist in BiH fuelled by unresolved grievances and historical injustices. The Dayton Accords did little to address the root causes of ethnic tensions or promote genuine reconciliation between communities, leaving unresolved issues that continue to undermine social cohesion and trust. Tensions between the different ethnic and political groups within BiH continue to persist, and there are occasional discussions and movements advocating for greater autonomy or even secession, particularly from Republika Srpska. The agreement also created a decentralised system of government with limited powers vested in the central authorities. As a result, BiH has struggled with almost permanent political gridlock, bureaucratic inefficiency, and challenges in implementing meaningful reforms at the national level.

Conclusion

What is often described as the peace process in Bosnia and Herzegovina was, in reality, a succession of fragmented international interventions rather than a continuous or a locally driven process. Over the course of the war, international actors—driven by a combination of strategic concerns, humanitarian imperatives, and the need to uphold international norms—sought to bring an end to the violence. The scale of atrocities and the threat of regional instability demanded a response. Rather than emerging from a sustained process of reconciliation or dialogue, peace was achieved through strategic leverage and coercive closure. While Dayton succeeded in ending the war, it did so by freezing rather than resolving the core political disagreements at the heart of the conflict. By formalising wartime divisions and establishing a complex system of governance, the agreement embedded ethnic separation into the political structure.

The absence of a genuine and internally led peace process has left reconciliation incomplete and key structural reforms elusive. For almost three decades, the continued presence of international oversight—most notably through the Office of the High Representative—reflects both the challenges of post-conflict transition and the extent to which external actors remain part of the constitutional landscape. Though intended as a stabilising support, its persistence raises questions about the balance between international responsibility and democratic legitimacy. The legacy of Dayton is therefore twofold: war can be stopped through diplomacy and international mediation efforts, but a durable peace requires more than the signing of an agreement—it demands a process of genuine domestic engagement that has yet to take place.

Bibliography

BOOKS, JOURNALS, PERIODICALS

Bass, W. (1998). The Triage of Dayton. *Foreign Affairs*, 77(5), 95–108.

Camisar, A., Diechtiareff, B., Letica, B., & Switzer, C. (2005). An Analysis of the Dayton Negotiations and Peace Accords.

Curran, D., Sebenius, J. K., & Watkins, M. (2004). Two Paths to Peace: Contrasting George Mitchell in Northern Ireland with Richard Holbrooke in Bosnia-Herzegovina. *Negotiation Journal*, 20(4), 513–537.

Galbraith, P. W. (1997). Washington, Erdut and Dayton: Negotiating and implementing peace in Croatia and Bosnia-Herzegovina. *Cornell International Law Journal*, 30(3), Article 2. [Source Link](#)

Harland, D. (2017). Never again: International intervention in Bosnia and Herzegovina (Working paper). UK Government Stabilisation Unit. [Source Link](#)

Hartwell, L. (2019). Conflict Resolution: Lessons from the Dayton Peace Process. *Negotiation Journal*, 35(4), 443–469.

Holbrooke, R. (1995). America, a European Power. *Foreign Affairs*, 74(2), 38–51.

Holbrooke, R. (1998). *To end a war: The conflict in Yugoslavia—America's inside story—negotiating with Milosevic*. Random House.

USEFUL WEBSITES

UN Archive on ICFY - [Source Link](#) (The ICFY archive holds documents reporting key diplomatic and operational updates to senior UN officials and relevant headquarters).



This publication was funded by the European Union. Its contents are the sole responsibility of the Cyprus Dialogue Forum and do not necessarily reflect the views of the European Union.



CYPRUS
DIALOGUE
FORUM