

2

From Lisbon to Dayton: International Mediation and the Bosnia Crisis

Melanie C. Greenberg and Margaret E. McGuinness

Overview

IN JANUARY 1992, while visiting Sarajevo, United Nations Secretary-General Boutros Boutros-Ghali referred dismissively to the conflict in Bosnia as “a rich man’s war,” unworthy of the international attention it was garnering.¹ Whatever the secretary-general might have felt about Bosnia in the grim hierarchy of post-Cold War conflict, this war has become a paradigm of modern civil war and the failure of international intervention. The war in Bosnia illustrates not only the virulence of nationalism in the hands of unprincipled leaders, but also the challenges of coordinating an effective, principled international response to such conflicts. Bosnia, more than any other conflict, shattered the optimism of the international community and exposed fatal weaknesses in the very institutions that were to have sustained peace and democracy in the new world order.

In answer to the idea that democracy would ultimately bring about a peaceful world, Bosnia demonstrated that the formality of elections and expression of democratic principles were alone not enough to sustain peace and multiethnic ideals. Indeed, Slobodan Milosevic used the Yugoslavian democratic process to drive the engine of his own nationalist agenda, and even the Bosnian Serbs draped themselves in the formal trappings of referenda, assemblies, and elections. Bosnia made embarrassingly clear that, contrary to the exclamation of Jacques Poos, then-president of the European Community (EC), the “age of Europe” had not yet dawned. Despite a series of sustained and concerted medi-

ation attempts, Europe was unable to provide an external military or political solution to the Bosnia crisis. UN peacekeeping forces, whose principles of consent and consensus represented the optimism of post–Cold War international military thinking, were exposed as a poor fig leaf for the Western powers' lack of military and political will to bring about a peace that could be kept. Only when the United States, backed up by the military muscle of NATO, finally took hold of the intervention did the crisis begin to lift in Bosnia.

This chapter examines the causes and nature of the war, then the failed mediation attempts by the European Community and the United Nations, and finally the Dayton Conference and the methods employed by the mediators to bring an end to the immediate conflict. The history of intervention in Bosnia is one of missed opportunities, failure of the international institutions charged with the maintenance of international peace and security, and lack of political will on the parts of the parties and the mediators to enforce agreements. In the end, the case demonstrates how war-weariness of the parties, combined with the political and military clout of the United States and NATO, finally resulted in an end to the fighting.

Timeline

- 1914** Archduke Ferdinand, heir to the Austro-Hungarian throne, is assassinated in Sarajevo by a Bosnian working on behalf of Serb nationalists.
- 1918** The Kingdom of the Serbs, Croats, and Slovenes is established.
- 1929** The Kingdom is renamed Yugoslavia.
- 1941** Germany and Italy invade Yugoslavia. The Ustashe fascists take power in Croatia; a puppet fascist regime is installed in Serbia.
- 1945** Socialist Federal Republic of Yugoslavia is established. Bosnia-Herzegovina is one of the six constituent republics.
- 1980** Yugoslavian President Josip Broz Tito dies.
- 1989** **September:** Slovenian assembly declares independence and autonomy from Yugoslavia.
- 1990** **April:** Franjo Tudjman and Croatian nationalists win elections in Croatia on platform of succession from Yugoslavia. **December:** Slovenes vote for independence.
- 1991** **January:** Slobodan Milosevic announces intent to annex all Serb lands in a greater Serbia, in the event Yugoslavia ceases to exist. **June 21:** U.S. Secretary of State James Baker visits Belgrade. **Dec. 23:** Germany, Belgium, and Denmark recognize Croatia and Slovenia.
- 1992** **Jan. 15:** The European Community (EC) extends formal recognition to Croatia and Slovenia. **Feb. 29–Mar. 1:** Bosnia holds a referendum on independence; 99.4 percent vote for independence (but Bosnian Serbs boycott the referendum). **Mar. 2:** Bosnian Serbs erect roadblocks throughout Bosnia. **Mar. 3:** Bosnian government declares independence. **Mar. 18:** Cutileiro Plan signed (dividing Bosnia into three ethnic cantons); rejected by Bosnian President Alija Izetbegovic on Mar. 25. **Mar. 27:** Bosnian Serbs de-

- clare autonomous Republika Srpska in Bosnia. **Apr. 6–7:** The United States and the EC recognize the independence of Bosnia-Herzegovina; United States formally recognizes Croatia and Slovenia; United States ends financial sanctions against Bosnia, Croatia, Macedonia, and Slovenia. **Sept. 3:** UN and EC peace negotiations begin, with Cyrus Vance as UN representative and David Owen as EC representative. **Sept. 14:** UN Security Council expands UNPROFOR (United Nations Protection Force) mandate to conduct humanitarian aid throughout Bosnia (UNSCR 776). **Oct. 9:** UN Security Council establishes no-fly zone over Bosnia (UNSCR 781).
- 1993** **Jan. 2:** Vance–Owen Peace Plan unveiled (dividing Bosnia into ten provinces). Rejected by Bosnian Serbs. **March:** Muslim–Croat alliance breaks down and fighting starts between the two groups. **April:** U.S. Secretary of State Warren Christopher visits Europe to garner support for “Lift and Strike” policy. **Apr. 2:** Cyrus Vance resigns and is replaced by Thorvald Stoltenberg. **Apr. 16:** United Nations declares Srebrenica as a “safe area” (UNSCR 819); this status extended to Sarajevo, Tuzla, Zepa, Gorazde, and Bihac on May 6 (UNSCR 824). **May:** United States and Europe announce “Joint Action Plan” (never implemented). **May 25:** UN Security Council establishes War Crimes Tribunal (UNSCR 827). **July 30:** Owen–Stoltenberg Plan signed; collapses several days later when Bosnian Serbs break cease-fire.
- 1994** Muslim–Croat war in Bosnia. **Feb. 5:** Sarajevo marketplace massacre. **Feb. 9:** Cease-fire agreement reached on heavy artillery around Sarajevo. **Feb. 23:** Bosnian Muslims and Bosnian Croats sign cease-fire. **Mar. 1:** First NATO air attack in Bosnia. **Mar. 18:** Framework Agreements signed, establishing the Muslim–Croat Bosnian federation and confederation between Bosnia and Croatia and ending conflict between Bosnian Croats and Bosnian Muslims. **April:** Serbs attack Gorazde. **Apr. 25:** Contact Group established (foreign ministers of France, United States, Germany, Russia, and the United Kingdom plus EU and UN representatives). **May 10:** Washington Accords signed: creates Bosnian-Croat Federation. **July 6:** Contact Group peace plan announced, giving 51 percent of territory to Muslim–Croat Federation and 49 percent to Bosnian Serbs. **July 11:** Bosnian Serbs seize control of UN “safe area” Srebrenica. **July 25:** Fall and capture of UN “safe area” Zepa by Bosnian Serbs. **August:** Milosevic slaps embargo on the Bosnian Serb government in Pale. **Nov. 7:** International War Crimes Tribunal issues first indictments. **Nov. 21:** NATO launches “pinprick” air attacks on Serb air bases at Ubdina in retaliation for Serb attacks in western Bosnia in violation of the “no-fly” zone. **Nov. 25:** Ratko Mladic’s forces take 150 UN peacekeepers hostage in retaliation for NATO bombing. Contact Group Plan remains on table. **Dec. 23:** Former United States President Carter negotiates a cease-fire for the winter months.
- 1995** **Feb. 20:** Milosevic rejects Contact Group Plan. **Mar. 7:** Bosnia and Croatia form military alliance against the Serb forces in their countries. **April:** EU

negotiator Carl Bildt takes lead in international diplomatic efforts. **May 1:** Croatian army action against Croatian Serbs in Western Slavonia. **May 25:** NATO bombs Serb positions in retaliation for Serb attacks on Sarajevo and other UN safe areas. **May 26:** Mladic retaliates by taking 350 UN personnel hostage, as “human shields” against further NATO attacks. **June 18:** UN hostages released. EU begins to debate withdrawal of UNPROFOR troops; United States discovers it would be obligated to assist in withdrawal. **July 11:** The fall of Srebrenica; an estimated 8,000 Muslims executed by Bosnian Serb forces. **Aug. 5:** Croatian “Operation Storm” retakes the Krajina after one day of fighting. **Aug. 19:** Three American envoys killed in accident on Mt. Igman during shuttle diplomacy. **Aug. 28:** Serbs mortar the Sarajevo marketplace, leaving thirty-five dead. **Aug. 30:** NATO launches operation “Deliberate Force,” massive air attacks on the Bosnian Serb positions near Sarajevo. **Sept. 8:** Foreign ministers of Croatia, Bosnia, and Serbia come together for peace talks. Milosevic officially agrees to act as negotiator on behalf of Bosnian Serbs. **Sept. 12:** Bosnian-Croat Federation launches massive offensive against Bosnian Serbs. Regains significant Serb-held territory. **Sept. 26:** Parties agree on framework for Bosnian Constitution: the creation of a unitary Bosnia with two autonomous entities—the Muslim-Croat Federation and a Serb republic. **Oct. 12:** Bosnia, Croatia, and Bosnian Serbs agree to cease-fire. **Oct. 30:** U.S. House of Representatives passes HR 247 expressing House’s intent that any peace agreement not require deployment of U.S. ground troops in Bosnia. **Nov. 1:** Dayton Peace Conference begins. **Nov. 21:** Presidents Tudjman, Milosevic, and Izetbegovic initial the General Framework Agreement. **Dec. 4:** First NATO troops arrive in Bosnia. **Dec. 14:** Official signing ceremony of Dayton Peace Accords in Paris. **Dec. 20:** In accordance with the Dayton Accords, United Nations turns over all peacekeeping to the Implementation Force (IFOR).

1996 **Jan. 19:** IFOR completes separation of combatants and weapons. **Feb. 18:** UN and Federal Republic of Yugoslavia (FRY) sanctions on Bosnian Serbs lifted. **Mar. 19:** All of Sarajevo comes under Bosnian government control. **June 19:** UN ends arms embargo on former Yugoslavia. **Sept. 14:** First federal elections in Bosnia. **Oct. 1:** UN ends economic sanctions on the FRY. **Nov. 30:** First conviction at War Crimes Tribunal. **December:** The Stabilization Force (SFOR) succeeds IFOR.

Background

Bosnia represents a difficult case for true believers in mediation. The classic mediation model, in which a disinterested neutral helps the parties reach consensus on their own terms, was ineffective in resolving the Bosnia conflict, as evidenced by the failure of the Vance–Owen peace process and a long string of other agreements and cease-fires that were either rejected outright or signed and subsequently broken. The process that led to the Dayton Accords and ultimately ended the violence imposed a virtual partition of the country, albeit

within a unified internationally recognized state, which could only be enforced through the presence of a multinational military force backed by NATO and the United States. This process was, at least formally, called mediation (some preferred the term “mediation with muscle”). The diplomatic, logistical, and technical aspects of the mediation adhered strictly to the models of shuttle and later proximity talks facilitated by an active third-party mediator, the United States. But here, unlike the Oslo Channel, for example, the mediating party was not a neutral, but a deeply interested and indispensable party to the implementation of the peace itself. The general map of Bosnia and the political implementation agreements reached at Dayton were in large measure determined through the iterative negotiations preceding the conference. Nevertheless, the United States played an indispensable role in bringing the parties together and convincing them not that this peace was the best peace, but that none of them could expect a better outcome.

We include this chapter in the volume on mediation not only because Bosnia is a hallmark of post-Cold War conflict, but also because it illustrates the incompatibility and inherent tension between mediation and military intervention. We will attempt to trace not only why traditional mediation attempts failed, but why more active intervention—introduced within a context of mediation—was successful in ending the fighting.

The violence in Bosnia did not come as a surprise to the international community. Even before the official secession of Bosnia from Yugoslavia, preparation for violence was widespread enough, and an escalation of future violence ominous enough, for the European Community to intervene in the dispute. In 1991, the UN Security Council imposed an arms embargo against Yugoslavia (effective as to all the constituent states that subsequently seceded from Yugoslavia), which remained in place throughout the Bosnian war. The embargo had the unintended effect of strongly favoring the Serbs, who started the war with a huge advantage in arms, and benefited early on from JNA (Yugoslav People's Army) support. The arms embargo followed trade sanctions that had been set in place earlier, as well as cuts in foreign aid from the United States in May 1991 (a decision the United States reversed soon after).

A series of mediation attempts preceded the Dayton Accords, but each of them was plagued by the same flaws that allowed a continuing escalation of violence in the conflict. First, the concept of “ripeness” was turned on its head in the Bosnia mediations. Rather than waiting for a window of opportunity in which the parties might be willing to negotiate, the mediators often worked reactively, pressing forward just after a particularly grisly episode in the war (such as the Serb boycott of the independence referendum, the 1992 mortar attack, or the surrender of Srebrenica and Zepa in 1994) that had captured public attention. Mediation in these instances was spurred not by the demand of the parties, but by public pressure to “do something” about the Bosnian crisis.

Second, the map-drawing aspects of most of the mediation plans threatened the process from the beginning. Apart from the Vance-Owen Plan, none of the mediation efforts attempted to create a multiethnic state in Bosnia, and none of

the plans sought to alter the boundaries of Bosnia to allow for more realistic states. Rather, the plans rewarded Serb and Croat aggression by granting them territory that they had taken by force and “ethnically cleansed” in clear, repeated, and horrific violations of international legal norms. Ironically, this ethnic cleansing made the map-drawing exercises easier by creating chunks of “pure” territory that could be awarded to the victor.

Third, there was no true military muscle or unified political actor to back up mediated agreements. The UNPROFOR troops were strictly a humanitarian force, with orders to be neutral even in the face of blatant Serb aggression. As the conflict escalated, their role became more and more peripheral, until, in a grim metaphor for their own institutional failure, UNPROFOR troops were themselves held hostage. The “dual key” activation system, under which the United Nations would have to approve of any NATO military action in Bosnia (a near impossibility under the leadership of UN Secretary-General Boutros Boutros-Ghali), was another symbol of the West’s reluctance to use force initially. Once the United States made the decision to support NATO air strikes, the dual key system was successfully dismantled.

Finally, none of the early mediation efforts could have been successful without the support of the United States, which during the early years of the Clinton administration had displayed reluctance to commit ground troops to any international humanitarian efforts or to assist in enforcement of any mediated agreements. Even though the United States had no intention to act militarily, it nonetheless intervened in the European mediation efforts by communicating with the Bosnian government and encouraging it, at times, to hold off for a better agreement. Not until 1994, when the United States supported the creation of the Muslim–Croat Federation, took the lead in the Contact Group mediation efforts, and supported NATO air strikes to assist the Federation’s efforts on the battlefield, did the conflict in Bosnia start to make real progress toward peace. No matter how robust and energetic the European mediation efforts might have seemed, American policy played a determinative shadow role that could make or break the mediation efforts. With each description of the European mediation process, we will highlight the American response and its effect on peace-making in Bosnia.

In addition to specific policy and historical issues, Bosnia raises questions about the role of humanitarian assistance and the misapplication of ethical assumptions about humanitarian aid within the context of conflict resolution. One implicit tenet in the conflict resolution and reconciliation literature holds that any conflict resolution process, even a flawed one, is preferable to no process at all. In Bosnia, where some of the processes themselves arguably contributed to worsening the crisis, that tenet cannot be considered absolute. However noble and well-intentioned the goals of the UN/EU mediation process and interim cease-fire agreements may have been, many observers have argued that the long periods of negotiation and mediation between 1992 and 1995 allowed the Bosnian Serbs and Croats enough time to carry out their war goals without a countervailing military threat from the international community.

The international community's adoption of a humanitarian assistance program in Bosnia also complicated the crisis. There is no question that humanitarian aid—from both governmental and nongovernmental sources—provided essential assistance to the civilians under siege during the war. But the inability of UNPROFOR to provide a secure environment for the delivery of aid stymied humanitarian relief. International organizations and UNPROFOR itself frequently were made unwitting accomplices to Serb atrocities and forced ethnic cleansing. The inadequacy of this type of intervention emboldened Serb aggressors and forced the Bosnian government to look to sources beyond the United Nations for military assistance. Viewed cynically, the humanitarian assistance program was a fig leaf that the Western powers used as a substitute for more forceful military intervention.

The Bosnian crisis, accompanied as it was by the worst atrocities committed in Europe since the end of World War II, also raises the difficult question of whether justice was sacrificed in the pursuit of peace. Whether the Dayton Accords can be called a “just” peace continues to be a central theme in analysis of the postconflict state, and will likely continue to be debated for at least a generation. The Dayton Accords may have ended the immediate violence, but they did so at the expense of a strong Bosnian state, which today resembles a partitioned entity, rather than a multiethnic democracy. Furthermore, the agreement consolidated under Bosnian Serb and Bosnian Croat control huge tracts of territory that these parties had ethnically cleansed during the war. The establishment of the International Criminal Tribunal for Former Yugoslavia and its ongoing efforts to indict, arrest, and prosecute war criminals may help ensure that some measure of substantive justice is meted out. But true reconciliation has yet to take hold. Resolution of the current crisis in the Balkans—the war in Kosovo and its accompanying humanitarian catastrophe—will be essential to any lasting and just peace for Bosnia.

Key Interventions and Major Actors

Theories of the Conflict

The Balkans have for centuries been a flash point for conflict, the result of their geographical locus as crossroads between East and West; Europe and the Middle East; Roman Catholicism, Christian Orthodoxy, and Islam; and, historically, the Austro-Hungarian and Ottoman Empires. The spark igniting World War I occurred in Sarajevo, when a Serbian nationalist assassinated Archduke Franz Ferdinand of Austria and his wife, Countess Sophie Chotek.² After World War I, southern Slavs came together as the Kingdom of the Serbs, Croats, and Slovenes, later to be known as Yugoslavia. Vicious partisan fighting between Serbs and Croats during World War II left deep scars upon these groups, even when Yugoslavia was reconstituted under the communist dictator Josip Broz Tito. Tito ruled for over forty years under the motto of “brotherhood and unity,” expertly dividing power among different ethnic groups throughout the six republics of

Yugoslavia³ and prohibiting the expression of nationalist sentiment that might undermine the ideal of Yugoslavia.

Nationalism, in a particularly virulent form, was the poison that killed the federation of Yugoslavia. When Tito died, and the Cold War drew to a close, the multiethnic fabric of Yugoslavia began to unravel. Nationalist leaders in Croatia, Slovenia, and Serbia flexed their muscles, causing the delicate balance in Yugoslavia's exceedingly complex federal presidential system to totter. Theories abound as to why these nationalists were able to lead their constituents into such deadly violence, and why a country in which Serbs, Croats, Bosnian Muslims, and others had lived in peaceful coexistence for two generations (and had been intermarrying for centuries) so quickly disintegrated.

Early in the war, many outside observers fell into the trap of explaining the conflict as the manifestation of "ancient hatreds," dating back for centuries between the peoples of the region.⁴ But this theory is largely dismissed by historians and political scientists, who argue instead that nationalist leaders expropriate images of ancient conflict as propaganda to arouse fear in their constituents for very modern purposes, such as territorial power grabs. "Ancient hatreds" are simply a pretext for modern war aims, and by themselves neither inevitably lead to war nor permanently block efforts for peace. As Richard Holbrooke argues,

Yugoslavia's tragedy was not foreordained. It was the product of bad, even criminal, political leaders who encouraged ethnic confrontation for personal, political and financial gain. Rather than tackle the concrete problems of governance in the post-Tito era, they led their people into war.⁵

Another misleading theory of the conflict claimed that the war in Bosnia was a religious war, between Catholic Croats, Orthodox Serbs, and Muslim Bosnians. While it is true that different religions were involved, and that the religious leaders of each group at times helped fuel the nationalist fires, this war was not about the expression of religion. A survey conducted in 1985 in Bosnia found that only 17 percent of the population characterized themselves as religious believers.⁶ Bosnian Muslims, for example, are among the most secularized Muslims in the world, and even the leaders of the other ethnic groups attended services or used symbols of their faith only when it suited their nationalist aims.

Other explanations more accurately portray the complexities of the conflict's origins, applying economic analysis of Yugoslavia to account for the rise of nationalist leaders who preyed on fears of minority populations.⁷

The most compelling theory of the conflict, however, emphasizes the central role played by the personal and nationalist ambition of Serbian President Slobodan Milosevic and Croatian President Franjo Tudjman. Well before either of the countries broke off from Yugoslavia, each leader had plans for expanding the territory of his republic to include large swaths of Bosnia, and in Serbia's case, significant portions of Croatia. It has been argued that while Tudjman is a true nationalist, enveloping himself in the trappings of Croatian glory, Milosevic

simply played the nationalist card as a way of procuring territory for a Greater Serbia, of which he would be supreme leader.

Ultimately, the conflict in Bosnia became the struggle for the very survival of Bosnia as a separate entity. Serbian forces threatened to annex huge swaths of land into Serbia proper, and President Tudjman intended to engulf most of Western Bosnia into Croatia. While the original goal of the Bosnian government was to keep in place a multiethnic state, as the military situation became more dire, the government simply sought a survivable state. Had Croatia and Serbia recognized their territorial goals, Bosnia would have become a sliver of a country, stripped of its historically multiethnic culture, surrounded by enemies, and of only questionable economic or political viability. Though the rhetoric of multiethnicity was never completely lost in the mediations surrounding Bosnia, the underlying central goal of the mediation attempts was to expand Bosnian territory lost in the war to ensure a viable state.

Slobodan Milosevic set loose the Yugoslavian tempest in April 1987, in his dramatic speech in Kosovo. While Serbs are a minority in Kosovo, they hold a disproportionate share of powerful jobs in the region and consider the area of utmost symbolic and historical significance to Serbian culture. It was there in 1389, at the battle of Kosovo Polje, that the Serbian King Lazar decided to enter the heavenly kingdom rather than fight, allowing the Turks to defeat the Serbs. In his speech, Milosevic invoked history and promised to be the protector of the Kosovo Serbs. Two years later, after further consolidating his power in Serbia and gathering a loyal crowd of demonstrators to follow him, Milosevic delivered an even more powerful speech to the Kosovo Serbs that included ominous foreshadowing of the nationalist battles to come.⁸

The speech allowed Milosevic to demonstrate how quickly he could mobilize a million Serbs from around Yugoslavia; its subtext of Serb nationalist ambitions was clear to the rest of the country.⁹ Between 1987 and 1991, Milosevic outmaneuvered his mentor Ivan Stambolic to become president of Serbia and manipulated the constitutional leadership of Yugoslavia to create more power for Serbia (which built a strong alliance with Montenegro). In 1990, Milosevic, through his agents, provoked a rebellion among Serbs living in the Knin region of Croatia, helping to spark the bloody Serb–Croat conflict, which only ended in 1991, after international intervention in the form of mediation and the stationing of UN peacekeepers. (See the chapter on Croatia in this volume.)

In 1991, convinced that Yugoslavia was collapsing and eager to expand their own republics, Franjo Tudjman and Slobodan Milosevic held a secret meeting in Karadjordjevo, at which they determined to divide up large chunks of Bosnia.¹⁰ The agreement did not last long, however, before Serbia ratcheted up the fighting in Croatia and gained control of over 30 percent of Croatia. When Croatian police attacked Serb police and civilians in Knin and other enclaves in Eastern Slavonia (territory contiguous to, and coveted by, Serbia), Milosevic successfully called in the JNA, confirming that the powerful military had become his pawn. The fighting between Serb paramilitary groups and Croatian defense forces was bloody and brutal. A central goal of the fighting was to clear

out Croatian civilians from Serb-held territory, a practice that became known as “ethnic cleansing.” The siege of Vukovar in September 1991 epitomized the horror of the fighting: Serb irregulars razed the entire Croatian town, executed thousands of Croatian men, and buried bodies in mass graves.

As the Serb–Croat conflict raged, declarations of independence by Slovenia, Croatia, and, later, Bosnia and Macedonia, drew the European Community and the United Nations further into the Yugoslavian drama. Slovenia’s declaration of independence was followed by a quick and relatively bloodless battle with the JNA. Slovenia had no significant Serb minority, and Milosevic was reasonably content to let it slip away from Yugoslavia without a bruising fight. With the secession and subsequent international recognition of Croatia and Bosnia, however, the intensity of the conflict in Bosnia flared dramatically.

Legal Principles Surrounding Secession Contribute to the Escalation of Violence

Croatia’s declaration of independence set off a flurry of international diplomatic and legal activity. Germany was the first country to recognize Croatia, an action that many found precipitous and dangerously premature.¹¹ The independence issue in Bosnia proved as explosive as in Croatia. The Badinter Commission formed to arbitrate the legality of the Croatian secession had ruled that as a matter of international law Bosnia satisfied the primary criteria for sovereignty, but only if all three major political parties (Serb, Bosnian Muslim, and Croat) agreed to independence in a referendum. On February 29–March 1, 1992, Bosnia held the referendum, but the Bosnian Serbs refused to participate. In the referendum, 99.4 percent of the voters supported independence.¹² On March 2, Bosnian Serbs erected roadblocks throughout Bosnia. On March 3, President Izetbegovic announced the independence of Bosnia; fighting broke out immediately between Serbs and members of the de-facto Croat–Muslim alliance. On March 27, Radovan Karadzic declared the independence of “Republika Srpska”—a political entity comprising the ethnically Serb areas of Bosnia—with its headquarters in Pale, less than fifty kilometers east of Sarajevo. On April 7, the United States and the EU officially recognized independent Bosnia-Herzegovina and quickly lifted the economic sanctions against Bosnia, Croatia, Slovenia, and Macedonia, keeping the sanctions against Serbia-Montenegro that had been in place since 1991.

International recognition of Bosnia, which the United States strongly supported (in part to take momentum away from the Germans, who had taken the lead in recognizing Croatia), has been described by some analysts as the first misstep of the international community. By backing full sovereignty for Bosnia, they argue, the United States and Europe gave all three parties the incentive to posture and prepare for war so that the strongest party would be in the best political position at the time of recognition.¹³ Recognition also gave the Bosnian government the expectation that the international community would come to Bosnia’s defense as a sovereign state, with full rights under the UN charter. Such recognition, they hoped, would completely delegitimize the Bosnian Serbs.

Pre-Dayton Mediation Attempts

As early as 1991, politicians and commentators in Europe realized that a holistic approach to the unraveling of Yugoslavia was needed, and that the crisis would not end with Croatia and Slovenia. One commentator wrote, “The European Community should anyway aim to convene as quickly as possible a constitutional conference at which Yugoslavia’s future can be battled over by politicians, not soldiers. Nothing should be ruled off the agenda of such a conference—not even the recreation of a new, looser Yugoslavia. . . [I]f the borders within Yugoslavia are to be rearranged, it is vital that this can happen through bargaining rather than through more bloodshed.”¹⁴ The European Community, in conjunction with the United Nations, set in motion a series of mediation attempts to resolve the crisis in Bosnia. All the agreements reached under these plans followed the classical mediation model, yet they were likely doomed to fail because of the West’s reluctance to provide the ground troops that would have been necessary to implement the plans. The Bosnian Serbs, realizing that the West was unlikely to intervene, became adept at playing along with the process, while at the same time holding on to the 70 percent of the country they had grabbed by 1992 and pushing relentlessly for more. A firm believer in mediation and conflict resolution processes would probably say that any good-faith mediation efforts would have been better than none and that if a consensual process were possible for restoring peace in Bosnia, it should have been sought at all costs. A more cynical view is that mediation processes and limited humanitarian interventions early in the war simply masked the West’s unwillingness to commit its own troops, a lack of will that permitted the Bosnian Serbs more time to commit their program of ethnic cleansing. Whether there were realistic alternatives to the European peace efforts, or whether the war was simply not ripe for political resolution, the fact is that none of these early mediation efforts succeeded.

The Carrington–Cutileiro Mediation, March 1992

Early in 1992, as the Bosnians were on the verge of declaring independence, the European Community stepped in to mediate. José Cutileiro, who had been chairing the EC committee overseeing issues of Croatian and Slovenian sovereignty, extended the committee’s mandate to Bosnia, in conjunction with another EC mediator, Lord Carrington. While this might have been a time to work on creative constitutional ways of keeping Bosnia together as a multiethnic state, the negotiators accepted the political realities on the ground and the parties’ contention that “the internal conflict was ethnically based and that the power-sharing arrangement of the coalition should translate into a triune state in which three ethnic parties divided territorial control among them.”¹⁵ The failure of the negotiators to push for constitutional protections for minorities and creative governing arrangements to mitigate the heat of ethnic conflict was a critical early failure. The Lisbon Agreement, or Cutileiro Plan, was signed on March 18,

1992, but within a week Bosnian President Izetbegovic and Bosnian Croat leader Mate Boban reneged on the terms, both hoping to secure a more profitable agreement at a later time.¹⁶

Out of the range of television cameras, Serb irregulars continued to terrorize Muslim villages along the Drina River in Eastern Bosnia, an important Serb territorial goal because of the region's direct proximity with Serbia. In a breathtaking sweep of the country, Serb forces managed to gain hold of nearly 70 percent of Bosnian territory in only three months, a percentage that did not change significantly until the Muslim–Croat offensive in the summer of 1995. In response to a May 1992 UN Security Council resolution, the JNA withdrew from Bosnia back into the rump Yugoslavia. Rather than stabilizing the military situation in Bosnia, the withdrawal provided the Bosnian Serbs with a windfall in armaments and expertise: the JNA left behind most of its Bosnian-born Serb commanders, and a large cache of artillery and materiel.¹⁷ The Serbs deployed ghastly measures to “cleanse” Bosnians and Croats from Serb-held land. Families were forced from their homes and robbed of all money and valuables, their houses then burned or bombed to make return impossible. Men, women, and children were separated and sent to detention centers. There, women and young girls were repeatedly raped. Men were either killed outright and dumped in mass graves or held and subjected to torture, sometimes to be killed later.¹⁸

In the summer of 1992, television broadcasts of the concentration camp Omarska in the Prijedor region of Bosnia prompted moral outrage in the world at large. Echoes of the Nazi death camps were clear: men with skeletal arms and empty eyes, living in squalor and humiliation, facing imminent death. Around the same time, international aid workers in Bosnia began to feel used as collaborators to Serb aggression, a theme that would repeat itself throughout the Bosnian war. In July 1992, Bosnian Serb leaders assured UNPROFOR and UN High Commissioner for Refugees (UNHCR) workers in Croatia that the Muslims streaming toward the Croatian border were leaving voluntarily.¹⁹ Aid agencies helped the Muslims to safety, only to learn that these people had actually been forced from their homes under horrendous circumstances.²⁰

As the violence raged in Bosnia over the summer of 1992, international intervention was lukewarm. In May 1992 the United Nations imposed strict financial sanctions against Serbia and Montenegro (Resolution 757) in an effort to force Milosevic to rein in Karadzic and Mladic. NATO and the Western European Union (WEU) staged military exercises in the Adriatic, but they had no enforcement power to board ships loaded with contraband. This signaled to Croatia that it could break the arms embargo without consequences and signaled to the Bosnian Serbs that NATO would not take action against them.²¹

Aside from encouraging Bosnia's independence in 1992, the United States' reaction to the conflict was muted. In June 1992, it made more explicit its preference for a solution acceptable to the Bosnian Muslims and multiethnic groups over the Serbs and Croats,²² yet continued to hold back militarily and diplomatically. President George Bush was recovering from huge outlays of military and political capital in the Gulf War and was consumed with the break-up of the

former Soviet Union and the burgeoning Madrid process on peace in the Middle East. His administration was not eager to expend military and political resources on Bosnia. He sent Secretary of State James Baker to Yugoslavia in June 1991 to inform Slovenia and Croatia that the United States would not recognize them if they chose to secede. He weakened this statement, however, by making it clear that the United States would not use force to intervene in the case of a Serbian attack on Slovenia or Croatia. While Baker was clearly concerned about the potential for carnage in the former Yugoslavia, he felt strongly that the United States didn't "have a dog in this fight."²³

The Vance–Owen Peace Plan, September 1992–June 1993

Horrified by the violence in Bosnia, and hopeful that the EC's change to British leadership in the spring of 1992 might galvanize the peace process in the former Yugoslavia, on September 3, 1992, the European Community, in conjunction with the United Nations, established the International Conference on the Former Yugoslavia (ICFY). The chairmen of the conference, former British member of Parliament and Foreign Secretary Lord David Owen (representing the EC) and former U.S. Secretary of State Cyrus Vance (representing the United Nations), were charged with establishing a lasting cease-fire and reversing the effects of ethnic cleansing. The United Nations passed resolutions extending the UNPROFOR mandate to Bosnia and allowing it to deliver humanitarian aid to Sarajevo and other areas of Bosnia under siege.²⁴ The Vance–Owen peace process was an exercise in classical mediation. The mediators caucused with the parties about their aims and concerns, tried to find areas of overlapping interests, and attempted to gain consensus on a common document. The mediators had no leverage or power other than the parties' goodwill (a resource in short supply in the former Yugoslavia at the time). The humanitarian mission set up by the United Nations, for all the help it gave civilians, did not give the mediators the military leverage they might have needed and forestalled more powerful military action by NATO.

During the fall of 1992, Owen and Vance met with the parties, including Milan Panic (a Yugoslavian-born pharmaceutical company magnate from California, hand-picked by Milosevic to be prime minister of Serbia) and Dobrica Cosic (a highly influential Serbian intellectual, appointed by Milosevic to be president of the rump Yugoslavia). Vance and Owen specifically included Milosevic in their discussions, not believing that he would remain long in the shadows of Panic and Cosic.²⁵ One issue of great concern to Lord Owen was the lack of leverage the negotiators held over the parties, especially the recalcitrant Bosnian Serbs. In an effort to stop Serbian air attacks on civilian targets (Serbian forces, with full access to JNA matériel left in Bosnia, far out-gunned Croatian Serbs and Bosnian Muslims, who were also subject to the UN arms embargo), Owen pushed for the UN Security Council to establish a "no-fly zone" over Bosnia, and for NATO to enforce it. Despite the enactment of the zone by UNSC Resolution 781, British and French officials, concerned about the welfare of their

troops on the ground, actively resisted aggressive enforcement of the no-fly zone. The military “stick” that Owen had counted on for leverage turned out to be a mere willow branch until enforcement became more aggressive in 1993.²⁶

Meanwhile, in the fall of 1992, Owen and Vance worked on the principles that would ultimately become the Vance–Owen Peace Plan. Revealed formally in Geneva in January 1993, the plan promised to reverse the trend of ethnic cleansing and partition by creating a country in which interdependence between ethnic groups was the only choice. Under the plan the country would be divided into ten “cantons,” three with a Serb majority, two with a Croat majority, three with a Muslim majority, and one with a mixed Croat–Muslim majority. Sarajevo, the tenth canton, would be governed through power sharing among the three ethnic groups. The Republic of Bosnia would retain a weak central government, with each province keeping a significant degree of power.²⁷

The Vance–Owen Plan, as negotiated, had significant strengths and weaknesses. On the positive side, Bosnia would remain intact as a country and as a multiethnic state (even if divided into seemingly untenable segments), and no international frontiers would need to be changed. More importantly, no country would have been “annexed or obliterated from the map, no state created within a state.”²⁸ On the negative side, the plan would reward the Serbs with more land than they had had before the war, meaning ethnic cleansing would have been rewarded; the plan would have to be enforced by military troops to oversee land swaps and to maintain the peace; and the central Bosnian government would likely be too weak to rule over the divided entity.²⁹

By March 1993, with the help of intense international pressure on the Bosnian government, Owen and Vance had convinced the Bosnian Croats and Bosnian government to agree to the plan. Each side, however, accepted the Vance–Owen Plan, with deep reservations: none of the parties really believed that it stood a chance, but signing the plan would win each of them valuable political points from the West. The Bosnian Croats, led by Mate Boban, accepted the plan almost immediately, because it gave them a wide swath of land with a Croatian majority, directly contiguous to Croatia’s border. If the plan succeeded, the western part of Bosnia could become *de facto* a part of Croatia. If the plan failed, the Croatian military could move to annex the region into Croatia anyway.³⁰

The Bosnian Muslims initially balked at the plan because it did not provide for a strong central government and did not return all of the land occupied by Serb forces. For the Bosnian Muslims, signing the Vance–Owen Plan was a gamble and an admission that they had no other options.³¹ Even though the Bosnian Muslims realized that the Bosnian state would be weak under the plan, they also had faith that the plan would never be enacted because of Serb intransigence (and continued Serb intransigence might lead to at least a lifting of the arms embargo).

The Bosnian Serbs were angered by the plan, which reduced their territory from 70 percent to approximately 43 percent of Bosnia. Furthermore, none of the areas with a Serb majority under the Vance–Owen Plan was directly con-

tiguous with Serbia, and the precious Posavina Corridor (a land bridge between Serbian-held territory in Bosnia and Serbia proper) fell outside their allocated regions.³² To increase pressure on the recalcitrant Bosnian Serbs, who saw victory on the battlefield as preferable to the cantonment idea, Vance and Owen threatened Milosevic's Serbia: If the Bosnian Serbs did not sign the plan by April 26, Serbia would be punished with even longer and tighter sanctions;³³ at the same time, NATO began more aggressive enforcement of the "no-fly zone."³⁴

In response, Milosevic played a cagey game, on one hand seeming to make concessions and agreeing to the plan, while on the other giving assurances to the Bosnian Serbs that the plan would never be implemented. Milosevic calculated that, by signing the plan, he could convince the West to withdraw economic sanctions. He also operated under the certainty that, even if the Bosnian Serbs failed to implement the agreement, the West would not step up its military force. In negotiating with Owen, Milosevic asked for three concessions, concerning the Posavina Corridor, the voting procedures for the interim presidency, and the nationality of personnel policing Serb-held land being turned over to the Muslims.³⁵ While he was convinced that he could avoid sanctions and gain goodwill by signing the agreement, he was also certain that the Serbs could sign the plan, and then obstruct its implementation, much as they had done in Croatia the year before.

Lord Owen makes an astonishing admission in his memoirs regarding these negotiations with Milosevic. Owen writes that, in fact, he realized that the plan would never even reach that stage.³⁶ Owen was able to make these tacit concessions to Milosevic because, even though they were not what the Bosnians thought they had signed, "[i]t was in the nature of the Vance–Owen Plan . . . that it lent itself to radically different—even contradictory—interpretations."³⁷ While some degree of creative ambiguity can often be helpful in peace agreements, the mediator's admission of the *Rashomon* quality of this peace plan illustrates the shaky nature of the consensus and understanding behind the plan and the dubious viability of the plan if not enforced militarily.

Milosevic made a show of persuading Karadzic to accept the Vance–Owen Plan. Karadzic at first refused to sign, insisting that the plan had to be approved by the Bosnian Serb Assembly. Predictably, the plan was voted down by the Assembly. At a high-pressure meeting in Greece, Karadzic was "brow-beaten" by Milosevic to sign. Karadzic did sign, but with the proviso, once again, that the Bosnian Serb assembly ratify the plan.

At this point, Vance announced that he was stepping down from the ICFY process, to be replaced by Thorvald Stoltenberg. Owen proclaimed that it was "a bright, sunny day" for the Balkans.³⁸ But the sunshine quickly turned to thunderstorms when the Bosnian Serb Assembly once again failed to ratify the plan. Almost immediately following the Bosnian Serb rejection, the United States began a public campaign for an alternative process to the Vance–Owen Plan. The Vance–Owen Plan was officially dead, and with it the last hopes for a multiethnic state in Bosnia.

Role of the United States in the Vance–Owen Process

The United States played a critical role in the failure of the Vance–Owen Peace Plan. The negotiation phase of the Vance–Owen Plan took place in the early months of President Clinton's new administration. Whereas Clinton had taken a tough stance on Bosnia during the presidential campaign, his Bosnia policy became more ambiguous after he assumed office. On one hand, Clinton argued that the Vance–Owen Plan was unworkable, yet on the other hand he appointed an envoy—Reginald Bartholomew—to the negotiations and pledged to join with the United Nations and others in enforcing the plan.³⁹ Secretary of State Warren Christopher soon retreated from this pledge of military support, arguing that “[i]mplementation did not necessarily mean deployment of U.S. ground forces.”⁴⁰ In Senate testimony two months later, Christopher argued for a strict test of whether the United States should intervene with force. The criteria were a strong echo of the “Powell Principles”: a clearly stated goal; a strong likelihood of success; an exit strategy; and broad, substantial public support.⁴¹ It was clear to David Owen that, in the eyes of the United States, these criteria were not met and that U.S. military support would not be forthcoming. Rather than openly supporting the Vance–Owen Plan, Secretary of State Christopher instead traveled to Europe to garner support for an alternate strategy proposed by the United States: “Lift and Strike.” This policy aimed to level the playing field by first lifting the arms embargo only for the Bosnian government. The second element of the policy was to launch NATO air strikes against Serb targets. In what was one of the gravest miscalculations of Clinton policy in the former Yugoslavia, “Lift and Strike” was summarily and consistently rejected by the Europeans. Europe was opposed to the plan in part because it so openly subverted the Vance–Owen process, but also because of the fear that it would endanger European peacekeeping forces already on the ground. (The rejection also carried more than an implicit suggestion by the Europeans that the United States, which had committed no troops to the UN peacekeeping effort, was hardly in a position to dictate military strategy.)⁴²

Around the time of the “Lift and Strike” policy debacle, President Clinton fell back on the “ancient hatreds” rhetoric, admitting that the Yugoslavia crisis was intractable. The United States publicly backed off both the Vance–Owen Plan and “Lift and Strike,” settling into several months of inaction on Bosnia. Christopher testified to Congress that the conflict was “a problem from hell”⁴³ and started to talk about “containing” the war, rather than resolving the underlying conflict.⁴⁴ He went so far as to try to equalize the extent of atrocities between the three groups: “There were atrocities on all sides . . . It's easy to analogize [Bosnia] to the Holocaust. . . . But I never heard of any genocide by the Jews against the German people.”⁴⁵ The United States and the United Nations made the choice of describing the conflict as a three-sided civil war, rather than a war of aggression by the Serbs. Rather than calling on the allies and organizing a military force, as the United States had done over Kuwait (where, arguably, more tangible U.S. interests were at stake, as well), the Western allies simply sent out an inadequate

humanitarian force to forestall stronger military action. This strategy had tragic results, as illustrated by the fall of Srebrenica.

Srebrenica and the Failure of UNPROFOR

Events on the ground in Bosnia further compounded the political failure of the Vance–Owen agreement. The most tragic event in the spring of 1993 was the capture of Srebrenica, a Muslim enclave in Eastern Bosnia, by Serb forces. The surrender of Srebrenica set in motion a string of events that would eventually “humiliate the UN Protection Force, destroy the Vance–Owen Peace Plan, fatally undermine the credibility of the UN Security Council, and threaten to split the NATO alliance.”⁴⁶ Srebrenica, a town in the Drina mountains close to the Serbian border, had become home to thousands of Muslim refugees who had been “cleansed” from neighboring towns and villages. Refugees were forced to sleep in the open air, and Serb forces blocked aid convoys from entering the city. Muslim forces in the town sent out raids on Serbian villages, enraging Serb forces and inviting revenge attacks. In March 1993, Serb forces shelled Srebrenica despite an agreement worked out by UNPROFOR Commander Philippe Morillon, who, upon visiting Srebrenica, was held hostage by Muslim citizens until he promised to bring security to the embattled town. At the beginning of April, the Serbs issued a surrender order through the UNHCR, requiring that the Bosnian government surrender within forty-eight hours. Furthermore, they required that the UN forces help in the surrender by evacuating and disarming over 60,000 people under the critical (and gloating) eye of Bosnian Serb military commander Ratko Mladic.⁴⁷

The 1993 surrender of Srebrenica illustrates the untenable position of the UN peacekeeping forces. Not only were they forced to take part in the surrender of the town, but they also bore witness to a horrible scene of Serb violence even after the area was declared “safe.” Under the noses of the few Canadian forces left in Srebrenica, the Serbs lobbed a mortar shell into a group of teenagers playing soccer at the high school. The carnage was indescribable.⁴⁸ Yet while this was clearly a Serb attack, UN officials told the press that the Serbs were firing in response to a Muslim attack (they later retracted the statement since there was no evidence of Muslim aggression).⁴⁹ This manipulation of the truth reflected the lengths to which the United Nations would go not to name Serbian forces as aggressors. To do so would be to shatter the myth of “neutrality” under which the peacekeepers operated, a neutrality under which all parties were equally guilty. This manipulation of the press was also evident in the UN description of the fall of Srebrenica, which never used the word “surrender.”⁵⁰

Srebrenica exposed UNPROFOR for what it was: a poorly planned humanitarian-effort force that was an ineffective substitute for the kind of military force needed to stop the atrocities. Rather than lift the arms embargo so that the Bosnians could fight on a level field, or send in troops to combat Serb aggression, the United Nations sent in peacekeepers with no mandate to make or enforce peace. UNPROFOR’s only mandate was to secure the delivery of food,

medicine, clothing, and other humanitarian aid.⁵¹ This use of peacekeeping forces for these purposes was unprecedented in the absence of a cease-fire and represented the first time that the UN Security Council sent “a neutral military force, a peacekeeping force, into a country where there was not peace to keep.”⁵² (The example was soon followed in Somalia in December 1992, with disastrous consequences.) The Muslims quickly realized that the UN blue helmets lacked both the capacity and mission authority to protect them from territorial incursions by Serbs and Croats. UN peacekeepers often found themselves unwitting aiders and abettors to the Serb ethnic cleansing campaign, while officially clinging to a policy of neutrality vis-à-vis the warring factions. The work of UNPROFOR was constrained by several internal contradictions to the UN mission plan. First, while the Bosnian Muslims and government expected UNPROFOR troops to protect the sovereignty of Bosnia as a UN member state, UNPROFOR’s sole mandate was to provide humanitarian aid under the presumption that all three parties to the conflict were equivalent—equally deserving of humanitarian assistance, and equally culpable in whatever war crimes and atrocities were being committed. Because the Serbs were more heavily armed and had been more aggressive in conquering Muslim territory, the Bosnian Muslims argued that such a declaration of neutrality on the part of the United Nations was tantamount to siding with the Serbs.⁵³ The Muslim position had merit, given that all humanitarian missions operate under the principle of consent: the UN force commanders needed consent from whoever held the territory to permit aid convoys to pass through to needy civilians. The Bosnian Serbs used the consent requirement to humiliate UN forces and, on numerous occasions, used the required procedures of consent as de facto indications of recognition of Republika Srpska’s political authority. Although the Security Council added weapons and funding to UNPROFOR as the war continued, the central humanitarian nature of the mission was not altered. Without the political will—of the parties or the international community—to hammer out a peace agreement, there was no peace to enforce and thus no prospect for adjusting the mission of UNPROFOR from peacekeeping to peace enforcement.

The insufficiency of a purely humanitarian mandate became painfully obvious following the reactive designation of Srebrenica as a “safe area,” by UN Security Council Resolution 819 on April 16, 1993, one day after the surrender of Srebrenica. (The Security Council later extended the “safe area” designation to Sarajevo, Tuzla, Zepa, Gorazde, and Bihac, all towns with majority Muslim populations.) Even though the term “safe area” was politically, militarily, and legally ambiguous, for the first time, “the international community had committed itself—morally, if not in any effective practical sense—to the protection of one side in the war against the other.”⁵⁴ But this commitment exposed dramatically the limitations of the peacekeeping forces: they remained *peacekeeping* forces, not peace enforcement forces, and were never given the mandate or the military equipment to enforce the “safe areas” in any meaningful way. Furthermore, the safe area concept dashed the illusion of UN neutrality and pitted the United Nations against the Serbs.

Yet the United Nations was not willing or able to use force to deter or punish the Serbs. While the resolution on safe areas allowed the United Nations to call for close air cover to counter violations of the safe area, it required two steps of approval, the so-called dual key policy (another bureaucratic obfuscation that kept the West from providing the firepower needed to contain the crisis). First, the UN Security Council would have to approve a request from the secretary-general for military action. Second, the NATO Council would have to approve the use of NATO forces for air support. This created great tension between the United States (who supported air power, largely because it had no troops on the ground and was not willing to send them) and Europe (who wanted to protect their troops from fire and manipulation), and between the UN and NATO.⁵⁵ Boutros Boutros-Ghali initially requested 34,000 troops to police the safe areas, yet member nations only committed 7,000.⁵⁶

The concept behind the safe areas, while never entirely clear, seemed to call for withdrawal of Bosnian Serb military units to create demilitarized areas. These areas, however, were neither demilitarized nor safe. Muslims used these areas as rest and recuperation centers, and as bases for raids into Serb territory. The Serbs, perceiving these areas as military bases for Muslims, had no compunction about attacking them, risking their own exposure to NATO attack.⁵⁷

As if the surrender of Srebrenica and the collapse of the Vance–Owen Peace Plan in the spring of 1993 were not enough fuel to add to the conflagration already raging in Bosnia, the fragile Croat–Muslim alliance disintegrated at about the same time. Encouraged by the “legitimacy” granted to them by the Vance–Owen Plan, the Bosnian Croats began “cleansing” the territory contiguous to Croatia of Bosnian Muslims, committing atrocities against the Muslims similar to those that were carried out by the Serbs. Reacting to the news of Srebrenica with fear of a flood of Muslim refugees, Croat forces captured several Muslim enclaves and murdered dozens of civilians. Forced evictions, murders, and rapes followed, and the Bosnian government realized that it was being squeezed out of existence by the Croats to the west and north and the Serbs to the east and north.⁵⁸ Finally, after years of appealing to Western governments for help, the Bosnian Muslims (aided by weaponry and other support from Islamic countries subverting the arms embargo) took matters into their own hands and fought back.⁵⁹ They recaptured a triangle of territory in Central Bosnia and secured communication lines among spread-out Muslim enclaves. The fighting was brutal, and the violence of the Croat–Muslim conflict led many proponents of “no action” in the West to declare, inaccurately, that “all sides are equally guilty.”⁶⁰

Healing Transatlantic Rifts with the Joint Action Plan

In May 1993, the matrix of international actors and organizations working (or not working) on the Bosnian issue suddenly shifted. The United States, along with Britain, France, Russia, and (later) Spain, introduced the Joint Action Plan (JAP), a program of containment that severely undermined the earlier UN–EC peace efforts. The JAP was an attempt by France and Britain to heal

the transatlantic rifts over the issues of the former Yugoslavia⁶¹ and provided a means for Russia to take a more active role in the peacemaking process. Bringing Spain aboard at a later date added credibility to the claim that this was a legitimate “European” initiative that could rival the EC’s official talks under the ICFY. The irony of the plan was that, despite its name, the Joint Action Plan contemplated no specific “action” on the part of the sponsoring powers.⁶² The JAP’s underlying premise was “containment”—sealing off the Bosnian borders against Serb and Croat incursions, placing a contingent of troops in Macedonia to avoid spread of the conflict, and expanding the safe areas to include six Muslim towns. While the substance of the plan was on its face fairly innocuous, the consequence of yet another plan was to completely kill off what remained of Vance–Owen and any hopes for a multiethnic Bosnia. While the JAP maintained the shell of the Vance–Owen “process,” it gutted the Vance–Owen Plan by approving the Serbs’ territorial gains, setting the stage for a future ethnic partition of Bosnia, and implying once again that no force would be used to impose a plan for peace in Bosnia.⁶³ David Owen was particularly critical of that part of the JAP that called for a UN Security Council resolution to expand the Muslim safe areas.⁶⁴ NATO commanders had similar concerns; NATO Secretary-General Manfred Wörner asked, “What does safe mean? Who defends whom? What are the rules of engagement? Where is the connection to the next step—that of withdrawing Serbian forces? What weapons may be used?”⁶⁵ Owen was also bitter that the United States—in order to renege on an earlier obligation to commit troops to Bosnia—had poisoned what he viewed as a just and workable agreement (his own), gone behind his back to establish a competing plan that killed any hope of a unified Bosnia, abandoned its support of the Bosnian Muslims and the ideal of a multiethnic state, and capitulated to the Bosnian Serbs by allowing them to keep territory they had gained in the war. The most positive and lasting element of the JAP, however, was the establishment of the War Crimes Tribunal at The Hague with a mandate to investigate and prosecute all violations of international humanitarian law in the area of the former Yugoslavia.

*The Last Gasp for European Peacemaking:
The Owen–Stoltenberg Plan, Summer 1993*

Whatever humiliation David Owen might have felt at the ignominious defeat of the Vance–Owen Plan, he agreed to continue the EC mediation efforts with Cyrus Vance’s UN replacement, Thorvald Stoltenberg. Rather than try to create a plan that would appeal to all sides, or that would attempt to impose a just solution, Owen and Stoltenberg agreed to accept proposals from the parties themselves. This mediation strategy exposes the true failure of classical mediation.

Mediation often depends on proposals suggested by the parties involved. The mediator, in face-to-face talks or shuttle diplomacy, finds common ground among the proposals and works out a consensus that is fair and pleasing to both sides. However, mediators are wary of accepting such plans when there are clear

power imbalances between the parties. In these cases, mediators must use great personal leverage to equalize the incentives and gains of each party.

In this case, Owen and Stoltenberg did not have such leverage, and the plan put forth by the Bosnian Serbs and Croats was unfair by any measure. In accepting the plan, Owen frankly stated that he “did not expect to be able to claim that what they achieved was an ‘honorable settlement.’”⁶⁶ Furthermore, Owen severely compromised the Bosnian Muslim delegation by accepting into the negotiations Fikret Abdic, a successful Muslim businessman—and warlord—from Bihac, in the western region of Bosnia. Owen and Stoltenberg declared that they would rather deal with Abdic than with President Alija Izetbegovic,⁶⁷ a position that undermined the negotiating power of President Izetbegovic (who still retained the loyalty of the Bosnian Muslim military), and his negotiating team.

The plans put forward by the Bosnian Serbs and Bosnian Croats (with the full backing of their respective patron governments in Belgrade and Zagreb) allowed only 30 percent of Bosnia for the Muslim population, with no access to the sea or crucial transportation routes. The only principled role for the mediators at this point was to press for arrangements that might be minimally acceptable for the Bosnian Muslims (even as the Serbs were tightening their stranglehold on Sarajevo by mounting weapons on the top of Mount Igman). Eventually, all three parties agreed to a version of the plan they had discussed while sailing the HMS *Invincible*, but, in what was a recurring pattern, Izetbegovic renounced the plan and reneged on his earlier agreement to its provisions.

Despite the failure of the *Invincible* agreement, during the fall of 1993, Owen and Stoltenberg attempted to continue the peace process and to strengthen the leverage of the ICFY. They reached out to the foreign ministers of the major European powers and convinced them to participate in the negotiation process with the parties to the war in Yugoslavia. The exercise was partially fruitful, in that, while still operating primarily within the framework of the Owen–Stoltenberg Plan, it increased the Muslim share of Bosnia to 33.5 percent, with the means of defending its own borders. The plan was nevertheless doomed to fail because the European leaders wanted American support for and involvement in the plan, specifically NATO enforcement of boundaries it established. The Clinton administration, however, despite a growing chorus of voices within the government and on Capitol Hill calling for lifting the arms embargo, stonewalled and refused to engage. Owen felt that the United States’ unwillingness to engage not only prolonged the war in Bosnia, but also gave the Muslims the freedom to back out of any deal—as they had done at one point or another with the four past proposals—without the spirit of compromise.⁶⁸

Key Factors in Shaping the Result

The military situation in Bosnia continued to worsen. By mid-1995, the United States and the Western Europeans were faced with the spectacle of a humiliating withdrawal of the UN humanitarian mission—a withdrawal for which NATO had already committed to provide military support. Confronted with such a

public and humiliating failure of all prior international efforts to mediate a solution to the war, the United States and its allies finally were compelled to make a more effective political and military commitment to resolving the conflict. Several events helped ensure that a comprehensive diplomatic and military effort, when it finally came in September 1995, would succeed. The creation in 1994 of the Muslim–Croat Federation, and the subsequent boost it gave to the Bosnian government forces, was the first crucial step toward eventual peace. The subsequent formation of the Contact Group, in which the United States played a key role, established a more effective mechanism through which the Western powers and Russia could work together. The Contact Group Plan, calling for a 51 percent–49 percent division of the territory of Bosnia between the Bosnian Serb entity and the Muslim–Croat Federation was rejected by the parties but eventually became the blueprint for the Dayton Peace Plan. To get the parties to Dayton, all sides had to reach a point where they could be persuaded that there were no more gains to be made on the battlefield.

The United States was spurred on to deeper involvement by the worsening humanitarian situation and horrific war crimes committed by the Bosnian Serbs against the Bosnian forces and civilians. Domestic opinion had turned to support a unilateral lifting of the arms embargo and military support of Bosnian government troops. Further, the Republican-led Congress that took office in January 1995 supported unilateral action and seemed unconcerned about the international legal ramifications or potential damage to the United States' multilateral commitments from such a decision. The Clinton administration thus had incentive to take a leading role in the mediation and to act more forcefully in its diplomatic efforts to urge the parties toward a final settlement. This section addresses the factors that led to the final diplomatic and military interventions, and which convinced the parties to meet in Dayton.

The Washington Framework Agreement and the Muslim–Croat Federation

In the wake of the latest failure of the Joint Action Plan and the Owen–Stoltenberg map proposal, the United States appointed a new special envoy and focused on Bosnia with renewed vigor. As noted earlier, throughout 1993 and early 1994, war between the Bosnian Muslims and Bosnian Croats (supported by Zagreb and strengthened by the presence of over 30,000 Croatian soldiers) raged in western and central Bosnia, accompanied by reports of Croat atrocities against local Muslim populations and possible war crimes.⁶⁹ In addition to these massive human rights violations, the intense fighting between the Bosnian Muslims and Croats weakened both parties' ability to hold back Serb aggressions and increased the isolation of Muslim strongholds from supply lines. Led by Special Envoy Charles Redman and Ambassador to Croatia Peter Galbraith, the United States worked behind the scenes and apart from the ICFY to broker a cease-fire between the Muslims and Croats and to lay the groundwork for the creation of the Bosnian Federation.

To bring about the cease-fire, which would prove a crucial turning point in

the war, Redman and Galbraith exerted considerable pressure on Tadjman to withdraw Croatian forces on the ground in Bosnia. The United States made clear that in return for this important step, it would recognize and support the international boundaries of Croatia, including areas that were then Serb-occupied.⁷⁰ Two events hastened Croatia's move toward reconciliation with the Bosnian Muslims. On February 5, 1994, a Serb artillery shell hit a Sarajevo marketplace, killing ten civilians. This grisly attack provoked international indignation and led to a NATO ultimatum forcing the withdrawal of Serb heavy artillery from around Sarajevo. At about the same time, the United Nations issued an ultimatum to Croatia, calling on it to pull its forces out of Bosnia within two weeks. The (temporary) success of the NATO ultimatum to the Serbs lent the international peace efforts an air of confidence that gave the Croats a sense that the time was right to seek peace with at least one of its enemies. Furthermore, these developments forced Tadjman and his top leadership to face the stark reality that because of Croatia's behavior, it was threatened with international sanctions and isolation, not the integration and trade with the international community that he envisioned for his newly independent country.

Given the continuing strength of the Bosnian Serb forces, the Bosnian government forces had an incentive to end the battle with the Croats; they could not carry on credibly against two battlefield enemies. At this time, the Bosnian government looked increasingly upon the United States as partisan to its position in the war: Bosnian sovereignty above all else. The stepped-up American diplomatic activities and increasing public outcry in the United States that "something be done" to stop the atrocities being committed against the Muslims led the Bosnian government of President Alija Izetbegovic to trust and rely on the good offices of the United States in ways that continued up through Dayton, but which at times would create a false sense of unity of purpose that caused tension and frustration between American mediators and Bosnian officials. Nevertheless, this sense of trust made it easier for the United States to suggest solutions to the Bosnian government.

Redman's planned federation of the Muslim and Croat elements in Bosnia—based on a cantonment plan proposed earlier by Croat politician Ivo Komsic—and subsequent confederation with Croatia were accepted in principle by the Croatian government. The details were left to be worked out in Washington, where Redman and Galbraith led short, intense proximity talks with the Bosnian and Croat delegations. The agreement, at least on paper, appeared to be an essential first step to a comprehensive resolution. The Federation created one Bosnian entity to represent the interests of both the Muslims and Croats in negotiations with the Serbian parties on behalf of all the other peoples of Bosnia.⁷¹ As long as Washington remained engaged and supportive of the Federation, the paper alliance led to some important changes on the ground: several joint military operations against the Serbs; the shipment of arms to Muslim forces through Croatian territory; and most important, a cessation of battlefield hostilities between the Muslims and Croats.

The Contact Group Plan: The 51 Percent–49 Percent Solution

After convincing the Bosnian Serbs to comply with the NATO ultimatum in February, Russia appeared, finally, to be exercising its influence on the side of peace. Redman and Russian Deputy Foreign Minister Vitaly Churkin hoped to seize the momentum of the Washington Agreement and the ultimatum to the Bosnian Serbs to bring about a comprehensive cease-fire. Their hopes were dashed with the Serb bombing of the UN safe area of Gorazde in eastern Bosnia in early April 1994. The United Nations responded to the attack on Gorazde by approving NATO air strikes. The resulting series of attacks on Serb positions in Gorazde was almost negligible; the press pronounced them mere “pinpricks.” The attacks were effective enough, however, to enrage Serb military commander Ratko Mladic, who took 150 UN personnel hostage during a reprisal attack against the Bosnian-held enclave of Tuzla. The ineffectiveness of the air strikes—and the clear signal that there was no consensus among the NATO countries to do anything more—deflated the peace process, leading the Bosnian government to dig in for a longer war.⁷²

In the next weeks, the Bosnian Serbs would act with such impunity as to shake the international community, which had seemed unable to reach consensus on future use of air power. Significantly, Mladic and Karadzic treated their sponsors in Belgrade and Moscow with the same contempt as NATO and the United Nations, an error that would ultimately cut them out of the final peace process.

With the ICFY peace process and subsequent mediation attempts dead letters, the United States and Russia sought to push the mediation in a new direction. The so-called Contact Group was created, with representatives from the United States, Russia, Germany, France, and the United Kingdom (the latter two the only members of the group with peacekeeping troops on the ground in Bosnia) along with representatives from the United Nations and EU. The Contact Group was an important shift from the EU effort because it included the two powers viewed as indispensable to a lasting agreement: the United States and Russia. David Owen’s insight into the importance of U.S. involvement would apply not only to the Contact Group but also Dayton itself: “You had to find a way where the Americans were involved in the nitty-gritty of negotiations and in dirtying their hands in a settlement which they had then had to go out and support.”⁷³ The Contact Group appeared to reflect the right composition of countries to overcome attempts by either side in the war to exploit divisions within the international community, as had been done during the failure of “Lift and Strike.” But even coordination within a group as small as five countries proved too unwieldy to make it effective in addressing the problems in Bosnia.⁷⁴

Under the strong leadership of Redman and Churkin, the Group did manage to create a new peace plan which would allow Bosnia-Herzegovina to retain its international borders but would allocate internal control of the territory between the Federation (51 percent of the territory) and the Bosnian Serbs (49 percent of the territory). (At the time of the proposal, the Serbs controlled about 70 percent of the territory of Bosnia.)⁷⁵ The maps were drawn up by the Con-

tact Group and not unveiled to the parties until June. Karadzic rejected the map out of hand. But Milosevic, by now fed up with what he saw as Karadzic straying too far from Milosevic's plans for greater Serbia, told the Russians that he would agree with the plan. Bosnian Prime Minister Haris Silajdzic was unhappy with the maps, noting that in awarding certain towns to the Serbs, the Contact Group "rewarded genocide and ethnic cleansing . . . the solution especially in eastern Bosnia has serious deficiencies and some genocide areas like Prijedor are going to be controlled by those who committed those crimes."⁷⁶

Threatened by U. S. statements that it would unilaterally lift the arms embargo, the Group of Seven Industrialized Nations (G-7) hastily endorsed the plan—which was described to the parties and those outside the Contact Group as "take it or leave it"—and dispatched European foreign ministers to the Balkan capitals to negotiate with the parties, including Karadzic. Under serious pressure from Milosevic, Karadzic took the plan to the Republika Srpska Assembly, which, as it had with the Vance–Owen Plan, refused to vote an unqualified yes. As Peter Galbraith described it, "they found it impossible to decide which 20 percent to give up."⁷⁷ Milosevic quickly turned on the Bosnian Serb leadership in Pale, slapping an embargo on them and, at least publicly, distancing himself from Karadzic.

The decision of the Bosnian Serbs to reject the plan excluded them from all further peace negotiations. But the Contact Group had no counterproposals or efforts to add to the plan. For the next months, the plan would remain on the table but with no action on the ground. Milosevic announced the creation of an enforced border between the FRY and Bosnia-Herzegovina, but evidence indicated that the border was "porous." Observers speculated that Milosevic in fact never intended to enforce the weapons embargo and support continued to leak through.⁷⁸

Worsening Violence and an Effective NATO Response: The United States Plans the Endgame

Between late 1994 and the final fall of Srebrenica in July 1995, the situation on the ground in Bosnia remained grim. The Serbs deftly manipulated both the UN and NATO decision-making processes by pushing forward and then withdrawing in the face of threats or pinprick air strikes, only to resume fighting in short order. In December, former President Jimmy Carter negotiated a cease-fire agreement with Karadzic and Mladic, but it lasted only through the winter months. Emboldened by the inability of the United Nations and NATO to reach consensus on the use of force, and counting on continuing U.S. reticence to commit ground troops in the region, the Serbs seized 350 UN peacekeepers as "human shields" in retaliation for NATO air strikes against Serb weapons caches. The event reportedly shook President Clinton, who directed that his national security team examine a new approach, what one National Security Council (NSC) official called "the Endgame Strategy" to bring about a comprehensive settlement, end the atrocities, and terminate the ongoing humiliations of the UN and NATO.⁷⁹

A number of factors influenced the Clinton administration to abandon its reluctant stance in Bosnia and to take the lead in seeking a lasting solution to the conflict. In June 1995, newly elected French President Jacques Chirac increased pressure on the United States by threatening the withdrawal of UNPROFOR troops, whose impotence to stop the fighting had been exposed in the humiliating hostage-taking episode. In Chirac's view, either international intervention had to be stronger, which would require greater participation by the United States, or the international community should withdraw.⁸⁰ Much to the apparent surprise of President Clinton, U.S. officials realized that in the event of UNPROFOR withdrawal, NATO—and thus U.S. ground troops—would be obligated to assist in the pull-out: NATO Op-Plan 40-104 called for the United States to provide 20,000 of the 60,000 troops that would be required for an “evacuation force.”⁸¹ Almost unintentionally, through a series of decisions in Washington and at NATO headquarters in Brussels, the Clinton administration had painted itself into a corner. A troop commitment became inevitable, either as an accompaniment to withdrawal of a failed international peacekeeping force, or as an accompaniment to implementation of a peace plan. The fall of the UN-designated safe area of Srebrenica would leave the United States with no politically or strategically acceptable alternative to the latter approach.

On July 6, 1995, Bosnian Serbs began shelling Srebrenica, which fell to Serbian troops just five days later—a year to the day after the first Serb assault on the town.⁸² Dutch UN peacekeeping troops were held hostage and looked on helplessly as the invading Serb forces separated the men and women who had found refuge at the UN compound, leading the men and boys to mass execution sites. Human rights organizations estimate that over 7,000 Muslims—out of a total population of 30,000—were murdered following the fall of Srebrenica. More than any other single incident in the war, the fall of Srebrenica seemed to provoke a near-unanimous condemnation of the Serbs and a call for a decisive international response.

In late 1994, the United States had opened up a new and direct channel of negotiation with Slobodan Milosevic.⁸³ The channel had been reopened with the approval of the Europeans, who had been playing the lead role in the ongoing international mediation efforts since May 1994 following the failure of the Contact Group Plan. (Former Swedish Prime Minister Carl Bildt served as chief European negotiator.) Richard Holbrooke, who assumed the post of assistant secretary of state for European and Canadian Affairs in late 1994, appointed his deputy, Robert Frasure, as the conduit to Milosevic. The strategy was to keep drumming into Milosevic's head the devastating effects of the economic embargo against the FRY and to try to convince him to exert some control over the leadership in Pale.

As the new White House strategy and the Milosevic channel converged, the events in Srebrenica pushed the administration toward one inexorable conclusion: to achieve peace, the United States would have to make a serious political and, for the first time in the war, military commitment. Two weeks after the slaughter at Srebrenica, the allies and the United Nations changed the “dual key”

policy, to allow UN military representatives on the ground, not UN bureaucrats in New York, to call for NATO air support.

Events gained momentum when Croatia launched “Operation Storm” and in an army offensive lasting less than a week, retook the Krajina and drove over 100,000 Serbs from the area. The United States did not protest the action—despite reports that the Croatian government forces were doing to the Krajina Serbs exactly what the Bosnian Serbs had done in Bosnia, namely ethnic cleansing. (Croatian activities in the Krajina were later investigated by the War Crimes Tribunal.) Spurred on by Croatian success in the Krajina, the Bosnian government troops also began an offensive and began to retake territory from the Bosnian Serbs.

As the gains on the ground provided momentum for Clinton’s new diplomatic initiative, the U.S. Congress was also lighting a fire under the administration. On August 11, both the House and Senate voted to unilaterally lift the arms embargo in the event UNPROFOR withdrew from Bosnia. Such a withdrawal seemed imminent following the hostage taking and the failure of the United Nations at Srebrenica, and although Clinton vetoed the bill, pressure from Capitol Hill added another layer of urgency to the new effort.

Substantively, the administration’s “Endgame Strategy” differed little from the Contact Group Plan, still on the table. It envisioned a 51 percent–49 percent division of the territory between the Federation and the Bosnian Serbs. Procedurally, however, it shifted United States attention away from the concerns of the Bosnian Muslims to a more hard-line approach to Sarajevo. In what became known as the “lift and leave” approach, the United States made clear to Bosnian President Izetbegovic that he would have to come to the final negotiating stage willing to compromise. If the Bosnian government blocked any agreement acceptable to all sides, the United States would lift the arms embargo, but not do anything more—no training, no military support. The United States garnered approval for this new approach from the Europeans, who welcomed the belated arrival of the Americans to a military-political solution and realized that the United States would move forward with the initiative with or without them. Most significantly, the United States was prepared to make Bosnia the highest foreign policy priority. On August 14, the president named Richard Holbrooke as chief U.S. negotiator to the effort and made clear that Holbrooke received the full backing of Secretary Christopher and the president himself.

Mount Igman Tragedy

On August 19, just days after Holbrooke and his team set out on an intense round of shuttle diplomacy between the Balkan capitals, three U.S. officials on the negotiating team were killed when their armored personnel carrier slid off the dangerous Mount Igman road leading to Sarajevo. The effect of this loss of life on the U.S. diplomatic effort in Bosnia cannot be underestimated.⁸⁴ First, the deaths of State Department Deputy Assistant Secretary Robert Frasure, NSC adviser Colonel Nelson Drew, and Advisor to the Secretary of Defense

Joseph Kruzal, marked the first American lives lost in the conflict and spawned even more attention in the U.S. media to American diplomatic efforts in the region. Second, the loss had an enormous personal impact on the surviving members of the negotiating team and on U.S. officials in Washington. Indeed, the deaths lent almost a crusade-like zeal to the American team and appeared to give President Clinton a renewed sense of resolve to find peace, so that their lives would not have been given in vain.⁸⁵ Holbrooke recommenced his shuttle diplomacy efforts just days after the last memorial service for his fallen colleagues.

Almost as if to spite Holbrooke's ongoing shuttle efforts, Bosnian Serbs launched shells into the crowded marketplace in Sarajevo for the second time in as many years, this time killing thirty-seven civilians. The immediate response was a U.S.-coordinated effort to launch NATO airstrikes to take out the heavy weapons and communications sites that once again laid siege to the city and people of Sarajevo. The aim of the shuttle shifted after the bombings, when it became clear to Holbrooke that NATO intervention had considerably accelerated the speed of the process. In order to lay the groundwork for a later, more comprehensive settlement, the Holbrooke team focused the shuttle efforts on obtaining small, limited interim agreements between the parties that would bring them closer together.⁸⁶

The shuttle team—with new replacements for those who had died on Mount Igman—proved more effective than the prior Contact Group arrangement that had required extensive consultations between the national representatives and between the representatives and their own foreign and defense ministries. Drawn entirely from the U.S. government—but representing each national security organ that would be essential to the enforcement of the peace, Department of State, National Security Council, Joint Chiefs of Staff, and the Office of the Secretary of Defense—the group possessed the expertise to handle the broad range of military and political issues at stake and a rare single-mindedness of purpose.⁸⁷ Given the intensity of the negotiations during the early weeks of September 1995, the small size of the shuttle team, the careful balance of military and diplomatic personnel, and Holbrooke's sense of historic opportunity enabled them to endure the physical challenges while keeping focused on the ultimate goal.

In this way, the Bosnia peace process was reduced from the early multinational aspirations of the ICFY to a small cadre of American diplomats and military officials. The Bosnian Serbs tried once again to involve former President Jimmy Carter in the process. But Holbrooke took steps to close off that channel from the U.S. side, and by September, he and his team succeeded in making themselves the sole conduit of negotiations between the three heads of state. At the same time, however, diplomatic efforts maintained at least an air of U.S.–European cooperation; the Contact Group remained in place as a mechanism for consultation; and the United States was acutely aware that whatever progress was achieved through the shuttle would require the blessings of the European Union and Russia.

Bombs Creating "Ripeness" for Conflict Resolution

Holbrooke, a master of the media who recognized that perceptions of progress can have as much effect on a negotiating process as actual substantive steps, moved quickly to capitalize on the NATO air strikes. In rapid succession, he organized a meeting for the foreign ministers of Bosnia, the Federal Republic of Yugoslavia, and Croatia to discuss a general framework for later negotiations. (The same methodology was employed effectively in Oslo and in Northern Ireland.) He performed superhuman shuttle trips—visiting more than four cities in a single day. His team created a sense of inevitable momentum (including a side-trip to Athens to resolve the problem of Greek recognition of independent Macedonia), even when they knew that the parties were far apart.⁸⁸

At the same time, Holbrooke worked feverishly to insure that the United States would remain firm in its support for NATO bombing in the absence of a real cease-fire from the Bosnian Serbs. While he publicly denied that his diplomatic activities and the timing of bombings had any connection,⁸⁹ he worked to ensure that the bombings were continued up through the foreign ministers' meeting. The tactic worked. At the meeting of the foreign ministers, the parties agreed to the crucial basic principles that would form the basis of the general framework agreement signed at Dayton, including the recognition of Bosnia's external border and the adoption of the 51 percent-49 percent territorial allocation of the Contact Group Plan.

Form and Specific Mechanisms of Intervention

As the shuttle talks progressed and the Holbrooke team emerged as the sole mediator (albeit with the "approval" and backing of the Contact Group), the question arose as to where the final peace conference should be held. The Europeans, of course, felt that such a conference should be held in Europe, and Carl Bildt investigated holding it in Sweden. Holbrooke, however, felt strongly that a venue in the United States would best maximize the opportunity for achieving agreement. In a pivotal message to President Clinton, Holbrooke argued:

[W]e had already invested so much national prestige in the [Bosnia] effort that our priority had to be to maximize success, rather than reduce the cost of failure. A meeting site in the United States would give us physical and psychological control of the process; any other site would reduce our leverage dramatically. . . . The American peace initiative, which had already brought a lifting of the siege of Sarajevo and other benefits, had been a powerful signal that . . . "America is back." The choice of venue would be *the* key indicator of how serious and committed we were.⁹⁰

On October 4, President Clinton approved holding the conference in the United States, one day before the formal cease-fire agreement was signed by all the parties. The cease-fire was to take effect on October 10, which gave the Croats and Bosnians five days to consolidate gains on the ground and acquire new territory. The conference was scheduled for November 1, 1995, thus ensuring

that the momentum of the process would be maintained. By November 21, the parties reached agreement on a map and constitutional framework under which the three factions would share power within a unified Bosnian state.

Choice of Parties and Mediators

In the Bosnian crisis, more than almost any other post–Cold War conflict, the international community did not reach a clear consensus as to who the “parties” to the conflict actually were. The complex origins of the dispute and shifting alliances led many to question whether Slobodan Milosevic possessed *de facto* control over the Bosnian Serbs, or if the proper negotiating partners should be Republika Srpska President Karadzic and Serb military leader Mladic. By mid-1995 a consensus was forming, at least on the U.S. side, that despite his protestations to the contrary, and despite the formal embargo and the apparent splits between Belgrade and Pale, Milosevic held the key to stopping Bosnian Serb aggression and ending the war. The United States thus took a firm position that it would no longer negotiate with Mladic and Karadzic, the two men who had agreed to the Carter-brokered cease-fire during the previous winter and who had continued to negotiate temporary pauses with the UNPROFOR commanders in Sarajevo.

By this time, Karadzic and Mladic had been indicted by the War Crimes Tribunal in The Hague, and were being referred to in press accounts as “indicted war criminals.” The dissonance between the purported will of the international community and the rule of international law on the one hand, and the political reality that two indicted war criminals were still calling the shots on behalf of the Bosnian Serbs on the other, had a powerful effect on the Bosnian narrative. The failures of the ICFY process, of the Europeans, and of the United Nations were underscored—indeed, mocked—by the lawless Bosnian Serb leaders who still had the power to cut deals with UNPROFOR commanders and former U.S. presidents.

The United States therefore had at least three reasons to cut Pale out of the direct mediation. First, strategically, the United States held leverage over Milosevic, who was becoming increasingly anxious to end the international embargo against the rump-Yugoslavia and begin rebuilding its domestic economy. Second, morally, and for the sake of preserving international legal norms, it could not be “neutral” as to the question of war crimes and suspected war criminals (this was also a practical consideration, since if Mladic and Karadzic traveled internationally, they would be subject to arrest under the tribunal indictment). Third, Karadzic and Mladic had not acted as rational actors in any of the previous mediation efforts; once they became international outlaws, any remaining incentive for them to act rationally or responsibly would have been removed. By choosing to negotiate officially only with Milosevic, the United States eliminated the potential spoilers to the process and felt that they had achieved maximum leverage over the Serbs in case of backsliding.⁹¹ To lend some “legitimacy” to the selection of negotiators, the official Serb delegation was in name a joint

FRY–Republika Srpska delegating including Pale-based representatives. But Milosevic spoke for the combined delegation.

Croatian President Franjo Tudjman unquestionably represented the interests of Croatia in the Bosnia crisis. First and foremost, he wanted final resolution of Eastern Slavonia and final demarcation of the Croatian international border. His agreement would clearly be needed on any maps delineating Bosnia's international borders. In addition to Tudjman, the Croatian leaders from the Federation were also invited to the talks to negotiate on their own behalf on a host of second-track issues, and, perhaps most importantly, on the allocation of territory within Bosnia between the Muslim–Croat Federation and the Serb entity.⁹²

The Bosnian government was represented by President Alija Izetbegovic, Prime Minister Haris Silajdzic, and Foreign Minister Mohammed Sacirbey. The Washington Accord creating the Muslim–Croat Federation required that the Federation act as one voice in all future peace negotiations. Yet the division of responsibility was unclear and required some discussion at Dayton to determine which levels of the Federation could legitimately speak and on what issues. Izetbegovic's Bosnian government team also benefited from some international expertise, in the person of Richard Perle, a former assistant secretary of defense in the Reagan administration, and several other non-Bosnian lawyers and experts.⁹³

The decision to allow Holbrooke to act as lead mediator and U.S. negotiator, and not a more senior official such as Secretary of State Christopher, was unusual. Earlier mediation models, like Camp David, would have suggested parity between the seniority of the mediator and the representatives of the parties (head-of-state negotiators in Camp David were brought together by a head-of-state mediator). Yet Holbrooke's personal reputation for toughness, tenacity, and "bulldozing bluntness," combined with the fact that he had already spent hundreds of hours dealing with the key figures and understood their strengths, weaknesses, and personal foibles, suggested that he would be effective. Quite intentionally, the United States wanted Holbrooke to be himself: to push, prod, cajole, and, some would say, coerce the parties into agreement. His was not the role of a neutral or disinterested mediator who was there simply to facilitate the talks. The United States wanted an agreement, one that was acceptable to all the parties, but one that also could be enforced through a peacekeeping implementation force on terms acceptable to the United States and NATO. To do so, the United States would need to assert the "psychological control" that Holbrooke had earlier suggested to Clinton. Further, Holbrooke and Christopher felt that Christopher's lack of a formal role would ratchet down expectations. A failure by Holbrooke would not loom as large as a failure by the secretary of state or the president. In addition, by assigning Holbrooke the lead, the United States precluded the Europeans and other nonparty participants and observers to the talks from insisting on higher-level representation.⁹⁴

Representatives of the other Contact Group countries were also present, along with representatives of the organizations that would help implement the agreement, the EU and OSCE. Almost conspicuously absent were representatives of

the United Nations. After the conference got underway, Assistant Secretaries of State John Kornblum and Robert Gallucci handled direct discussions with the Europeans and the Contact Group on a host of second-track issues, including elections, a constitutional framework, and the creation of an international police force to implement the agreement.⁹⁵ The American team included Robert Owens and other lawyers with expertise in international law.

Form of Intervention: Proximity Talks with Muscle

In choosing the site for the peace talks, and the form of the mediation, the U.S. team attended to every detail, including the sleeping, eating, and recreational facilities that would be available to the principal participants during the meetings. Wright-Patterson Air Force Base in Dayton, Ohio, was chosen first for its location. It was isolated, thus ensuring secrecy and security during the talks; it was not near any major media centers, thus reducing the temptation that one or another party would attempt public grandstanding during the talks. Most importantly, Dayton was close enough to Washington to allow Secretary of State Christopher or other American officials to fly in on short notice when personal intervention with one or another of the parties was needed, which Christopher did on several key occasions, including the final forty-eight-hour marathon that led to the final map agreement.

Wright-Patterson also offered the perfect physical configuration. The American hosts transformed visiting officers' quarters into temporary guest houses for each of the delegations. The key delegations—Bosnia, Croatia, and Serbia/Republika Srpska—were clustered together with the American delegation, all within short walking distance of one another. The buildings were so close that from the ground floor rooms, delegations could look out and see who was in their suite at any given time.⁹⁶ The European delegation was housed just off this main cluster.⁹⁷ This arrangement proved key throughout the negotiations, when, for example, during talks with one of the parties, the Americans could suggest a direct conferral with another party—right across the quadrangle. Consciously following the Camp David model, the American team created the perfect setting for proximity talks, which would allow members of the mediating team to shuttle back and forth between the principals, without requiring the principals to meet face-to-face.⁹⁸

By staging the peace talks at a military installation, the Americans were also perhaps sending a not-so-subtle message about the role military might would play in the resolution of (or failure to resolve) the conflict. Also, Dayton sat in the middle of a “middle American” state, one settled heavily by eastern and central Europeans. That the U.S. delegation could point to the people of Ohio as an example of multiethnic harmony contributed to Dayton's appeal.⁹⁹ Most importantly, however, by holding the talks on its own territory, the United States demonstrated unequivocally that there would be no peace without its sanction. The location clearly contributed to the unique dynamic of a peace process that was defined, sponsored, and mediated by a nonparty to the conflict. The isolated

site, combined with Holbrooke's oftentimes combative and overbearing personality, created an atmosphere that convinced the parties that Dayton was the last best chance for peace.

Getting to an Agreement

With the venue chosen, the delegates agreed upon, and a general agenda of the conference established, the parties met at Wright-Patterson Air Force Base from November 1 to 21. Holbrooke describes the process from his perspective in detail in his memoir:

It is a high-wire act without a safety net. Much work must precede the plunge into such an all-or-nothing environment. The site must be just right. The goals must be clearly defined. A single host nation must be in firm control, but it is high risk for the host, whose prestige is on the line. The consequences of failure are great. But when the conditions are right, a Dayton can produce dramatic results.¹⁰⁰

As Holbrooke has noted, the results—an agreement on a map and a framework for implementation—were not foreordained. The day-to-day cajoling, agreeing, backsliding, and frequent bullying that went on gave a unique dynamic to the process. But because the details of the physical environment had been attended to, the American hosts were able to serve not just as facilitators to the talks between the parties, but as active negotiators.

As one example of that control, Holbrooke and Secretary Christopher capitalized on Christopher's absence from the talks to create a "false" sense of urgency and internal deadlines on issues. On November 14, after two weeks of little progress on the main issue of the Bosnia map, Christopher was scheduled to visit the conference site to "check in" with the parties. In a message to Christopher, Holbrooke urged him to use his visit to lay down a "closure or closedown" ultimatum to the parties. "[Your trip] now becomes a last warning to get serious . . . with the clear message that when you return we must have either closure or closedown . . . You can jump-start this conference by a combination of pressure, rhetoric, and direct involvement on some issues where you can break a logjam."¹⁰¹ During his visit, Christopher had strong words for the Bosnian delegation: "[President Clinton] will no longer assist your government if you turn out to be the obstacle to an agreement in Dayton."¹⁰² Christopher noted to all the delegates that he expected progress before his next visit, in two days.

The next day, another example of the American negotiators' ability to push the negotiations forward came when Holbrooke seized on an opportunity in the Officers' Club, where many delegates came to eat their meals. With Holbrooke seated with Milosevic at one end of the dining hall, and his assistant seated with Haris Silajdzic at the other end of the hall, Holbrooke began what he calls "the napkin shuttle." Holbrooke walked across the room and told Silajdzic that "Milosevic is willing to talk about Gorazde." He then returned to Milosevic and said "Silajdzic is ready to discuss Gorazde." With this simple dissembling,

Holbrooke got the two sides to begin sketching out ideas on the back of a napkin that was carried back and forth between the tables. After an hour, Silajdzic agreed to join Milosevic at his table. While they did not reach agreement on any issues that evening, Holbrooke notes it was an important breakthrough—the first time the two sides sat down together to discuss territory.¹⁰³

The U.S. team had a “captive audience” and also used that to its advantage. The Department of Defense representatives set up advanced computer-imaging technology to help the parties visualize terrain and allocations of land corridors, while at the same time sending a message about the reliability of U.S. intelligence sources and reminding all present of the military power it possessed.¹⁰⁴ After “playing” with the mapping computer program for two hours one evening, Milosevic agreed to considerable concessions on the land corridor leading to Gorazde.¹⁰⁵

These scenes were repeated throughout the final days of the conference. As Holbrooke notes, “Negotiations have a certain pathology, a kind of life cycle almost like a living organism.”¹⁰⁶ At one point, when Holbrooke feared the team might lose the momentum necessary to bring the talks to fruition, he attempted to impose a “false deadline” and got caught in a gambit that he himself terms, in retrospect, “pathetic.” On November 19, Holbrooke and Christopher set out to push for agreement before the end of the day. To create the impression that it was “closure or close-down” time, the members of the U.S. delegations packed their bags and had them picked up to be taken to the airstrip. Holbrooke’s staff then set out to collect the bills of the various other parties. No one bought the ruse; the parties refused to pay their bills, and the Americans’ luggage was returned to their rooms.

If nothing else, however, even that failed incident, coming just two days before the actual agreement, demonstrates the creativity (some would say underhandedness) of an aggressive and goal-oriented negotiator. When the agreement did emerge, it was a result of marathon efforts by Holbrooke and Secretary Christopher, who lent the authority and full weight of the United States to the closing rounds in which the final territorial issues were resolved.

The Role of International Law and Nongovernmental Organizations

Out of necessity, Holbrooke’s shuttle team had focused on immediate first-track issues: obtaining a cease-fire agreement and persuading the heads of state to negotiate a framework agreement on the map and constitution.¹⁰⁷ Even as the team was dealing with larger political issues, it realized that the main impediments to negotiation were territorial. The territorial questions were compounded by the growing sense—particularly on the part of the Bosnian Federation—that continued fighting would result in more regained territory and a better result. The negotiating effort did not completely ignore the second-track elements of political and civic reconciliation and discussion of legal forms, but simply chose to allow other parallel efforts to address these in the background. Nevertheless, the second-track issues would emerge to dominate media cover-

age and thus influence the actions of the shuttle team. The issue of war crimes, minority rights, refugee resettlement, and reconciliation in a country that had known nothing but war and hatred for over three years posed difficult substantive and legal issues that had to be addressed to achieve peace.

In tackling these issues and the general need for rebuilding institutions of a civil society, nongovernmental organizations played an important role. Beginning early in the war, the Soros Foundation and other NGOs provided essential humanitarian assistance in the form of life-sustaining aid as well as support for civil institutions (a free press, legal infrastructure, open political dialogue, religious organizations). Assistance to these institutions and participation by larger international organizations dedicated to establishing rule of law, providing resettlement assistance, and rebuilding key elements of the Bosnian infrastructure became even more important during the Dayton implementation phase.

War Crimes, Genocide, and the War Crimes Tribunal

As noted earlier, the events of the summer of 1992 shocked the world's conscience and made clear that for the first time since World War II, war crimes and crimes against humanity were being committed on European soil. To many international lawyers and human rights observers, the Serb "ethnic cleansing" of Muslim areas that they conquered during the war, as well as Croat activities during the 1993–94 Muslim–Croat war represented clear cases of genocide.¹⁰⁸ The United States and many European governments, however, did not publicly refer to the term "genocide."¹⁰⁹ This was not accidental. In addition to wanting to avoid the damaging political image of standing idly by while peoples were being exterminated in the heart of Europe, the Western powers were aware that acknowledgment of genocide would trigger duties and obligations under the Genocide Convention.¹¹⁰

Nevertheless, as human rights organizations and television crews broadcast to the world the details of the atrocities—including mass killings, torture, and mass rape—the international community took measures to address the war crimes. Separate from the process that was being pursued by the increasingly ineffective ICFY, the UN Security Council was seized by the issue, and in accordance with the JAP discussed earlier, finally voted to create the International Criminal Tribunal for the Former Yugoslavia through the adoption of Resolution 827 in 1993. Invoking Chapter VII authority, which lends it the power to take any necessary steps in the face of a "threat to international peace and security," the Security Council created the first international tribunal for prosecution of a range of war crimes and crimes against humanity.¹¹¹ Although the tribunal was plagued with lack of funds and technical cooperation from key Western powers, through the tenacity of its chief prosecutor, Richard Goldstone (who took leave from his position on the newly created Constitutional Court of South Africa), and personnel support from the U.S. government, the Tribunal began to investigate and document the crimes committed in the former Yugoslavia.¹¹²

In September 1994, the Tribunal issued its first indictment and in February

1995, indicted the two top Serb leaders, Radovan Karadzic and Ratko Mladic, for war crimes and crimes against humanity. The indictment had the long-term effect of isolating them from the diplomatic process. Although the indictments proceeded on a track independent of the various mediation efforts, as Goldstone himself acknowledges, the indictments of Karadzic and Mladic had the ultimate effect of ensuring that the Bosnians would finally come to table. As long as those two were recognized by international actors as speaking on behalf of the Bosnian Serbs (as they had been by a string of UNPROFOR commanders who negotiated cease-fires with them), the Bosnian government was unlikely to sit down to negotiate. Izetbegovic and his supporters simply could not stomach making a deal with them. The indictments had the unforeseen consequence of removing these potential “spoilers” from the process.

For the rest of 1995, the work of the Tribunal had an effect on the procedure, and, perhaps most importantly, on the legal substance of all subsequent peace negotiations. Goldstone's work clearly created external pressure to deal with war crimes and other human rights issues in concert with a military solution. In September 1995, while Holbrooke's team shuttled between the warring parties, the Tribunal amended the indictments of Karadzic and Mladic to include command responsibility for the massacre at Srebrenica, a move which some on the negotiating team criticized as reflecting poor timing. Goldstone admits that the prospect of Dayton “certainly spurred us on to investigate Srebrenica with an eye to a second indictment. Had there been no Dayton . . . the second indictment would have come out a month or two later.”¹¹³ Nevertheless, he properly concludes that whether the indictment had come out before, during, or after Dayton, the prosecutor would have been criticized by one side or another for poor timing. What mattered was the investigation and indictment. The sheer magnitude of the horror of Srebrenica demanded that it become a top priority for the Tribunal, regardless of what direction the peace process was taking.

The work of the Tribunal would not be short term. Cooperation by the parties to the conflict with the Tribunal's investigations and prosecutions was essential to any lasting peace agreement. By 1995, it had become clear from the examples of the Truth Commissions in El Salvador and South Africa that a successful transition from civil war to peace and the building of civil society required some form of accounting for the atrocities committed on all sides during the time of conflict. The Tribunal, which was originally viewed with skepticism as a fig leaf for the Western powers' unwillingness to commit to a military solution to the war, emerged as a key element of the Dayton Accords. That it became a key component of peace implementation surprised even Goldstone, who up until the initialing of the final agreement feared “that the Tribunal was going to be sold down the river at Dayton,” a view he notes that was shared generally in the American and European media.¹¹⁴ “I got informal assurances from some of the parties at Dayton [including representatives from the United States] that that wouldn't be so,” Goldstone adds, “but there were sufficient doubts.” Indeed, the announcement by State Department Spokesman Nicholas Burns that cooperation with the Tribunal would “not be a showstopper” sent Goldstone mixed

messages. He took his case to the press and in a late-night interview with the *New York Times*, on the eve of Dayton, made clear his position that there could be no peace without cooperation.¹¹⁵ From Goldstone's perspective, taking the issue to the media made it almost impossible for the parties and mediators to sweep the Tribunal under the rug.

“Ripeness”: Could the War Have Been Stopped Earlier?

The question of whether a conflict is “ripe” for resolution, as traditionally applied by dispute resolution scholars, is enormously complicated in Bosnia. While the William Zartman definition of ripeness occurring at a time of “mutually hurting stalemate” has come to be widely accepted in the scholarship on international mediation, Bosnia appears to defy that ontology. One can point out specific battlefield moments that could be characterized as “mutually hurting” (for example the intense Muslim–Croat fighting in 1993–94), but trying to tie the timing of Dayton to a mutual stalemate on the ground is difficult. This is the case, in part, because the major parties still believed up until the Dayton Accords that they had incentive to continue fighting. While war-weary, the Bosnian government continued to feel aggrieved—by the atrocities committed in the name of Serb nationalism; the destruction and ongoing siege of their once beautiful, multiethnic capital; and the devastation caused by those opposed to a unified Bosnian state. The Bosnian Serbs, emboldened by their battlefield victories and acting with impunity in the face of an apparently impotent international peace process, never reached a point where a cease-fire, much less peace, became a goal.

Most importantly, however, Bosnia represents a case that inverts Zartman's ripeness scenario: In Bosnia, it was the outside intervenors—the mediators themselves—who determined when the situation was ripe for resolution.¹¹⁶ Early mediators primarily responded to pressure caused by media images of atrocities in Bosnia: they considered the conflict “ripe” for resolution not because the parties themselves had grown weary, but because the situation had gone too far for the rest of the world to stomach.

The ultimately successful intervenor was the United States. It was able to influence the situation on the ground sufficiently to create a window of opportunity for conflict resolution. With the power of NATO to back it up, the United States was able to effect change on the battlefield—through the NATO air campaign, the training of the Croatian Army, and explicit and implicit encouragement of the Bosnian-Croat offensive in the late summer of 1995. But the United States also used its leverage to discourage the Federation from taking back any land that exceeded the 51 percent–49 percent division of territory already contemplated in the Contact Group Plan, thus significantly predetermining the substantive outcome.¹¹⁷ So, while the parties may not have fought *themselves* to a “mutually hurting stalemate,” they did realize that outside powers prohibited either side from reaching a better situation on the battlefield.

The hand of the United States was further strengthened when the sanctions

the international community had placed on the Yugoslav rump state in 1991 began to take a serious toll on the Belgrade economy. This gave Slobodan Milosevic the incentive once again to take control over the superficially autonomous Pale leadership, which in turn lent him the unique ability to negotiate (and enforce) an end to the war on behalf of the Bosnian Serbs. In the end, the international community, which for so many years had failed to act decisively or effectively to end a conflict which so clearly threatened regional economic stability and international legal norms, was able to force the “ripeness” of the situation.

This raises an important question about timing: If the international community, led by the United States, was able to create a window of opportunity for conflict resolution in August and September of 1995, could it have done so at an earlier moment? The answer must surely be that the international community could have created the same incentives for each of the parties three years earlier than Dayton. As the last United States Ambassador to Yugoslavia Warren Zimmermann has pointed out:

When war broke out in Bosnia . . . the United States was not so impotent. The Bosnian war confronted two successive American administrations with the first test of their leadership in Europe since the end of the cold war—a test that, until much too late, they failed to pass. The aggression in Bosnia by Milosevic, Karadzic and the Yugoslav army went far beyond the bounds of any Serbian grievances, real or imagined, against the Muslim president, Alija Izetbegovic. Had NATO met that aggression with air strikes in the summer of 1992, I believe that a negotiated result would soon have followed.¹¹⁸

The United States “Lift and Strike” proposal of April 1993 might have achieved the same kind of forced ripeness to a solution—and also would have saved lives. But because the Europeans rejected the formula, and the United States, led by a new administration, was unprepared to press the point by committing large numbers of its own troops to any peacekeeping effort, the opportunity passed.

Others have described this “missed opportunities” analysis as facile. They argue that to demonstrate a “missed” opportunity, one must show that the action to be taken was indeed possible in the first place. The missed opportunity most frequently cited is the failure to deploy NATO air strikes in 1993. Given the domestic political environment in which President Clinton was operating in mid-1993, and the myriad other foreign policy crises demanding his attention and complicating the relationships within the NATO alliance (e.g., Somalia, the Middle East Peace Process), it is too easy to say in hindsight that something could have been done. Nevertheless, the Dayton process teaches that once the United States has decided that an issue lies at the heart of its national interest, and it throws adequate resources and senior-level attention at the problem, its power and credibility can be effective in bringing about a solution. For the United States and its European allies, therefore, the central lesson of Dayton is the continuing indispensability of the United States to security in Europe.

On a more general level, Dayton offers some lessons about the use of persuasion and leverage. Here, the parties with the most leverage were those who had the power to affect the military outcome of the war and to affect the economic

progress of the area over the long term. In the end, this meant that the United States possessed the most leverage. Europe could not act effectively without the United States, which had withheld its support from the earlier peace efforts. Once the United States had made the political decision to apply its leverage, it was able to do so in a way that gave it an enormous power of persuasion over the parties. Perhaps more so than any other postwar conflict, Bosnia was susceptible to an externally imposed solution.

NATO as Peacemaker and Peace Enforcer

NATO's involvement in Bosnia, through the air strikes that helped shift military and political expectations on the ground and through the Implementation Force that was a necessary precondition to a permanent framework for peace, demonstrated that at least in the circumstances of this case, a regional security organization can play an effective role, even where one or more of the parties does not perceive it to be neutral. Indeed, the actions NATO took prior to the cease-fire were not neutral in the sense that UNPROFOR had defined neutrality. Quite the contrary, NATO acted in deliberate retaliation to Serb aggression and to level the playing field—which proved an essential element to the success of the Bosnian offensive in August-September 1995.

As the only security institution that binds the United States to Europe, NATO made it inevitable that the United States would be involved in Bosnia. The ignominy and irony of the vision of American NATO troops intervening to support the withdrawal of European peacekeeping troops was a key factor in U.S. decision making. Further, NATO was an institution in search of a mission. As U.S. Senator Richard Lugar said at the time, NATO had to “Go out of area or go out of business.” In other words, with the collapse of the Soviet Union and the Warsaw Pact, NATO was beginning to seem obsolete.

Although UNPROFOR was partially successful in maintaining the flow of humanitarian supplies during the harshest days of the war, given its dismal failure in maintaining order and its lack of credibility with any of the warring factions, the UN could not have carried out an effective peacebuilding/peacekeeping mission in postwar Bosnia. And in light of the danger of renewed fighting and deep divisions between the parties that would linger long after the hot war had ended, a well-equipped force was required to create a secure environment in which civilian rebuilding could begin. A multinational observer force outside of UN control would therefore also be inadequate.

The composition of the Implementation Force (IFOR) offered the alliance the perfect opportunity to test the capabilities of the U.S.-sponsored Partnership for Peace program (in which states in central and eastern Europe can acquire affiliate status in the alliance as a way station to full membership), as well as to extend the hand of cooperation to Russia when Russia was feeling threatened by NATO expansion plans. An out-of-area peacekeeping/peacebuilding mission combining troops from the United States and Western, Central, and Eastern Europe would send a strong signal about the viability of the Clinton administration's

NATO policy. France's decision in September 1995 to reintegrate with the NATO command structure, twenty years after De Gaulle evicted NATO from France, added further momentum to the idea that NATO could carry off the mission.

Was Dayton a "Just" Peace?

While the Dayton Accords put an end to the immediate fighting (and an earlier intervention might have saved tens of thousands of lives, prevented subsequent war crimes, and saved millions of dollars in destruction and damage), it is not clear that imposing mediation reaches a just result for the parties. Upon agreeing to the final map at Dayton, Bosnian President Izetbegovic said, "It is not a just peace. But my people need peace."¹¹⁹ With those words he summed up the views of many Bosnians, and some non-Bosnian advisers to the Bosnian delegation who believed that Dayton was unjustly forced upon the Bosnians.¹²⁰ Indeed, some observers now argue that Holbrooke pushed the Bosnians too hard, pressing for a cease-fire at a time when the Federation forces could have made further gains on the battlefield and providing them with further leverage against Milosevic. Again, however, hindsight offers few clues about what actually could have happened had a different tack been taken. Questions of justice, as in other postconflict situations, may not be resolved for another generation.

Justice can mean different things for different parties to the conflict, outside intervenors and the victims of perpetrators of atrocities. Prosecutions of international crimes committed during the war is one type of corrective justice that can be achieved. Prosecutions also play an important role in establishing a record of atrocities committed and helping victims achieve a sense of closure. They make sense as a means to enforce the international rule of law and the need for accountability where domestic legal institutions are incapable of supporting a legal process. But the prosecutorial approach is at best an imperfect tool, capable of redressing only a small number of crimes and punishing a small number of perpetrators. The fact that Karadzic and Mladic are still at large, at the time of this writing, more than four years after their indictments serves as a reminder of the weaknesses of the prosecutorial model. Institutional protection for minorities and the establishment of civil institutions are important elements of the internal process of reconciliation and rebuilding. Full exploration of the past is also an element of moving on toward a just future. Arguably, however, leaving the Republika Srpska as an intact political entity may have worked to undermine a sense of justice and actually created an impediment to bringing about full compliance with the arrest warrants of the tribunal.

Conclusion

At this writing, three and a half years after the signing of the Dayton Accords, the multinational Stabilization Force is still on the ground in Bosnia. Hundreds of international NGOs and government-sponsored organizations have set up shop in Sarajevo and around Bosnia to assist in the physical, psychological, and

civic rebuilding of a country devastated by over three years of war. The success of Dayton is thus difficult to measure, as the agreement itself dictated the terms for the elections, governmental structure, and constitutionally enforceable legal norms. There are signs of success in the normalization of daily life and the rebuilding of the economy. There are also political failures, such as the firing of the Serbian president by EU High Representative Westendorp in early 1999. The struggle between the Serb majority and the Albanian ethnic minority in Kosovo and the intervention of NATO in March 1999 to attempt to halt the atrocities certainly point, at a minimum, to the incompleteness of Dayton as a political solution to the overarching problems of political control in the Balkans. The horrors of Kosovo may also provide lessons for future mediations about the cost of failing to address larger looming regional political crises.

Those who crafted the Dayton Accords and the initial implementation of the Dayton cease-fire view the mediation as a success in bringing about an end to the hostilities, which was their primary objective and one that none of the four prior mediation efforts achieved. Former United States Defense Secretary William Perry notes, for example, that Dayton was successful in achieving several immediate objectives that the U.S. government set out. First, the parties were separated and order was restored. Second, the fighting and atrocities were stopped, with a minimum loss of life on all sides. Third, a broad-based multinational force was put in place to create a secure environment in which civilian operations could be carried out. But these were all short-term measures. Whether Dayton ultimately succeeds in bringing a lasting peace to Bosnia—one that will survive the withdrawal of the international security force—requires a closer look at implementation methods and postconflict efforts toward reconciliation.¹²¹