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Washington, Erdut and Dayton: Negotiating and Implementing Peace in Croatia and Bosnia-Herzegovina

Peter W. Galbraith*

Three peace agreements ended the conflict in the former Yugoslavia: the Washington Agreement, which created the Muslim-Croat Federation; the Erdut Agreement, which peacefully reintegrated the last Serb-held territory into Croatia; and the Dayton Agreement, which established a detailed framework for peace in Bosnia-Herzegovina. The United States played the decisive role in all three agreements. Why did we succeed where others failed? Because we correctly identified the cause of the war and backed diplomacy with force.

The war in the former Yugoslavia had its roots in the recent, not the distant, past. Yugoslavia was constituted in the aftermath of World War I as a multinational state. In the aftermath of World War II, it was reconstituted as a communist federal state of six republics. The collapse of Communism and the end of the Cold War dissolved the glue that held these republics together.

In 1990, Slovenia and Croatia tried to renegotiate the terms of the federation. When that failed, because Serbia would not go along, Slovenia and Croatia moved to secede. The Yugoslav People's Army (JNA), which was the only real federal institution remaining after the Communist Party fragmented along national lines, tried to resist any secession by Slovenia and Croatia. But Serbia, after initially aligning itself with the JNA in an attempt to hold the country together, then decided to let the Slovenes and Croats go, as long as it could hold onto the Serb areas of Croatia—the Krajina, in the western part of the country; Slavonia, along the border with Yugoslavia; and an area south-east of the capital, Zagreb. Local Serbs in Croatia, who feared the revival of Croatian nationalism, organized a rebellion in these areas, declared their independence from Croatia, and announced the establishment of an entity called the Republika Srpska

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Krajina (RSK). The JNA intervened on their behalf. The process of ethnic cleansing actually began in the Serb-held parts of Croatia, from which the Serbs expelled the Croat population.

As Yugoslavia descended into war in 1991, the Europeans told the Bush Administration that this was a European problem and that Europe would solve it. In the afterglow of victory in the Gulf War, facing the imminent implosion of both the Soviet Union and the American economy, the Bush Administration was happy to oblige. It did, however, take one very fateful step. On September 13, 1991, it joined the Europeans in the U.N. Security Council by voting for an arms embargo against all of the belligerents in the Yugoslav conflict.

This seemingly sensible step had no impact on the well-armed JNA's ability to attack Croatia. It did, however, have a significant impact on the ability of the poorly-armed Croatians to defend themselves. The arms embargo had even more catastrophic consequences a year later in Bosnia, where the Bosnian Serb forces, which were nothing more than re-labeled JNA forces, rained death and destruction on Sarajevo and other civilian targets from distant locations.

At the end of 1991, U.N. envoy Cyrus Vance negotiated an end to the fighting in Croatia. The Vance Agreement provided for the deployment of U.N. forces to protect the supposedly demilitarized Serb-held areas, which became known as U.N. Protected Areas (UNPAs). In fact, however, these regions were never demilitarized, and low-level fighting continued until April 1994, when the U.S. helped negotiate a cease-fire. The U.N. presence in Croatia preserved the status quo until the summer of 1995, when the Croatians recaptured three of the four UNPAs—all except Eastern Slavonia.

At the end of 1991, in another fateful step, the Europeans also announced the recognition of Croatia and Slovenia. This recognition set the stage for the final peace settlement, because it established Slovenia and Croatia as sovereign entities with internationally recognized borders, and helped thwart the dream of a Greater Serbia by making the eventual annexation of Croatian Serb territory unlikely. Indeed, in May 1992, Serbia and Montenegro reconstituted themselves as the Federal Republic of Yugoslavia, with no stated claims beyond the borders of the republics. But this recognition also forced Bosnia to choose between becoming independent or becoming part of Greater Serbia. It is said that Bosnia's referendum was the disastrous event that precipitated war, but in fact Bosnia had no choice. The option its leaders would have preferred—continuation of Yugoslavia—was impossible, because without Croatia and Slovenia there was no Yugoslavia. This, and not recognition per se, thus set the stage for war in Bosnia.

When the siege of Sarajevo began in April 1992, the Security Council responded by sending peacekeepers to insure the delivery of humanitarian assistance and by imposing sanctions on the Federal Republic of Yugoslavia for its support of the Bosnian Serb aggression. The United Nations and European Union then offered various peace plans. Each plan

became progressively more generous to the Bosnian Serbs, and each plan foundered in the face of Bosnian Serb unwillingness to make concessions.

These plans failed because they suffered from a profound misunderstanding of the causes of the war and of the nature of the enemy. Their premise was that the war in the former Yugoslavia was a civil war—that with the end of communism, ancient hatreds long suppressed had bubbled to the surface. The only reasonable course of action, therefore, was to let the parties fight to exhaustion, while trying to mitigate the humanitarian consequences and attempting to mediate in some neutral fashion. All sides were considered more or less equally culpable.

But all sides were not equally culpable. On one side was the JNA, which had destroyed Vukovar and shelled Dubrovnik, and the Bosnian Serbs, who kept Sarajevo under siege longer than Leningrad, who ethnically cleansed seventy percent of Bosnia, who executed 5,000 men in Brcko and perhaps another 7,000 in Srebrenica, and who kept concentration camps reminiscent of those run by Hitler. On the other side were civilians and their often hapless political and military leaders. One does not have to consider either the Croats or Bosnians saints—and indeed they were not—in order to pin responsibility for the war where it belongs.

The Clinton Administration, recognizing where the responsibility lay, believed that action ought to be taken to stop the aggression. Unfortunately, the most effective action—lifting the arms embargo and striking Serb targets—was impossible. The Security Council would not vote to repeal the embargo and our allies, who had troops on the ground as U.N. peacekeepers, objected that air strikes would expose these troops to retaliation. The Clinton Administration therefore worked to mitigate the effects of the embargo. At our behest, the Security Council recognized the international borders of Croatia and Bosnia-Herzegovina, thus further discouraging Belgrade's hopes of acquiring these territories; it tightened sanctions on the Federal Republic of Yugoslavia and extended them to the Serb entities in Croatia and Bosnia-Herzegovina; and it established an International Criminal Tribunal for Yugoslavia to hold accountable those responsible for atrocities and to deter future human rights catastrophes.

At the same time, the Administration moved to end a Muslim-Croat war in Bosnia that pitted the two victims of Serbian aggression against one other and that threatened to bring sanctions down on Croatia. Through the summer and fall of 1993, we daily warned the Croatian leadership of the consequences for Croatia of its support for the Bosnian Croat separatists who were also committing terrible atrocities—holding prisoners in inhumane conditions, blocking humanitarian aid convoys, ethnically cleansing the territory they controlled, and shelling civilian areas such as East Mostar. Gradually, we produced results. As early as the summer of 1993, prisoners began to be released and humanitarian aid convoys began to get through. This set the stage for our first major diplomatic initiative, a proposal for a power-sharing arrangement in Bosnia between the “Bosniaks” (the Muslims) and the Bosnian Croats that ultimately led to the Washington Agreement.

The Washington Agreement, which established the Federation of Bosnia and Herzegovina, ended the Muslim-Croat fighting and helped create a military alliance. As a result, both Bosnia and Croatia were able to circumvent the arms embargo and over a relatively short period of time—from March 1994 to August 1995—change the military situation. This did not surprise us. The Bosnian and Krajina Serbs had many weapons but few people. Their preferred method of fighting was to fire mortars and artillery shells into defenseless cities and towns. Theirs was never a highly motivated force and, like all military forces that engage in such behavior, it lacked discipline. Once they faced an armed foe, albeit still less well armed than themselves, the Bosnian and Krajina Serb militaries collapsed.

After establishing the Federation, we sought peaceful solutions to the Serb rebellions both in Croatia and in Bosnia. Together with the Russian Federation, the European Union, and the United Nations, we embarked on the effort to reach a settlement in Croatia that became known as the Z-4 Process—Z-4 to reflect the four Zagreb-based mediators. The process produced a cease-fire agreement and an agreement on limited economic cooperation between the rebel Serbs and the Croatian government. It also included a plan for a settlement that proposed greater autonomy for the Serbs in the areas where they were a majority and a transitional arrangement for reversion to full Croatian control in the areas where they were not.

Together with the Europeans, with whom we formed “the Contact Group,” we simultaneously embarked on a similar effort for Bosnia-Herzegovina. The Contact Group’s plan provided for a single Bosnia with a territorial division of fifty-one percent for the Federation, forty-nine percent for the Serbs. It contained incentives for the parties if they accepted the plan and disincentives if they did not. The most important incentive for the Serbs was the lifting of sanctions. After Serbia’s President, Slobodan Milosevic, accepted the plan and agreed to cut off the Bosnian Serbs, he received as his reward a slight lifting of sanctions. Over time, his embargo on the Bosnian Serbs, combined with the growing alliance of the Croats and the Bosniaks, became the factors that changed the balance of power in the region.

Still, neither the Contact Group approach nor the Z-4 approach succeeded. While Croatia accepted the Z-4 Plan as a basis for negotiation, the Krajina Serbs literally refused to touch a copy of the plan put before them. They did not understand the forces arrayed against them. The RSK had a population of 180,000 people living in an area that lacked an economy. It had long lines to defend, and faced a country of 4.5 million that enjoyed the support of the international community. Even though the Z-4 Plan would have given Krajina Serbs virtually complete self-government over their own territory, their leaders continued to insist that the RSK was a sovereign state and that the only acceptable solution was international recognition of their independence.

In a similarly shortsighted and stubborn fashion, Bosnian Serb leaders refused to accept the Contact Group plan. They held seventy percent of

Bosnia, and in spite of the pressures they were under, they found it impossible to figure out which twenty percent to give up. So it continued this way until the summer of 1995, when the Bosnian Serb Army (BSA) overran the enclaves of Srebrenica and Zepa. They tried to take another enclave, Bihac, as well. The Republika Srpska Krajina joined this latter effort, thereby providing the Croats with a pretext for military action.

This was not military action that we sought. But after Srebrenica the calculus became very simple. There were 180,000 people in the Krajina; there were 160,000 people in Bihac. If the Serbs took Bihac, we believed they would commit the same kind of massacres they had in Srebrenica, where they had murdered 7,000 boys and men out of a total population of 30,000. In Bihac, the toll might have reached 60,000 or 70,000. A Croatian attack might save Bihac but would precipitate the departure of the Krajina Serb population. There were no good choices.

On August 4, the Croatian Army attacked the Krajina, launching an offensive that would recapture all Serb-held Croatian territory except Eastern Slavonia and sweep the BSA out of west Bosnia. These military operations had terrible humanitarian consequences for the Krajina Serbs; the population did leave. But these operations also paved the way to the Dayton and Erdut agreements.

The road to Dayton necessarily ran through Eastern Slavonia, for as long as a part of Croatia remained in Serb hands, it would also present an insurmountable barrier to peace in the region. On August 16, Croatian President Franjo Tudjman asked me to resume my mediation efforts, this time to find a settlement for Eastern Slavonia. On September 12, the local Serb leadership agreed to begin negotiations on the basis I had proposed—a settlement within Croatia. At the end of September, U.N. mediator Thorvald Stoltenberg joined me in this mediation effort.

Between September 16 and November 12, we prepared four major proposals for consideration by both sides. The final proposal, the "Basic Agreement on Eastern Slavonia, Baranja, and Western Sirmium," closely resembled the set of basic principles to which the two sides had agreed on October 3. Both parties accepted this final draft on November 12, 1995, and it came to be known as the Erdut Agreement, after the small Eastern Slavonian town in which it was signed. This agreement included: a one to two-year transition period to Croatian rule; demilitarization of the area; extensive human rights provisions, including, above all, the right of refugees and displaced persons to return home; an insistence on non-discrimination so that Croats and Serbs would be treated on the same basis; and local elections.

These local elections, which were held on April 13, 1997, were very important in changing the mentality of the local Serb leadership. Until the elections, they had focused on trying to re-negotiate the Erdut Agreement in order to maintain their autonomy. But when they decided to participate in the elections as candidates for local office, they began to focus on how to win in the region's various municipalities. In order to do so, they had to persuade the local Serb population officially to become citizens of Croatia

so that they could vote. In the end, roughly three-fourths of the area's population—about 80,000 Serbs—participated in these elections. It was a clear sign that they intended to remain in Croatia and that the agreement would do what it was intended to do—reintegrate the territory in a way that permits the Serbian population to stay and permits those Croats and others driven out very brutally in 1990 who wanted to return home to do so.

But one hurdle remains—the right of people to return home. Under the Erdut Agreement, everyone has the right to return home and recover his property. About 40,000 Serbs in Eastern Slavonia, who fled there from the formerly Serb-held parts of Croatia after military action, are now living in the homes of Croats driven out in 1991. In turn, their houses are now occupied by Croats ethnically cleansed from Bosnia. The Croatian Government has taken the position that the Croats who were driven out of Eastern Slavonia are displaced persons who were forced to flee, but that the Serbs who left the Krajina are internal migrants who left of their own free will. Thus, these Serbs are finding it more difficult than the Croats to reclaim their homes. The only way to solve this problem is to permit everyone to return to his own home. The principle of non-discrimination means that the same rules must apply to Serbs as they do to Croats.

As to the Dayton Agreement, which was concluded less than two weeks after the Erdut Agreement, some things have gone quite well: the military forces have been separated and put into cantonments; territory has changed hands; Sarajevo is united; common institutions have been established; elections have been held; and the country has a presidency and a parliament. But on some fundamental human rights issues—freedom of movement, the right of return—virtually nothing has happened, especially in the Serbian entity, the Republika Srpska.

This non-implementation has serious consequences for the Republika Srpska. Compliance with the agreement has brought financial assistance from the international community. Because the Republika Srpska is not implementing Dayton, ninety-eight percent of the assistance so far has gone to Bosnia-Herzegovina's other entity, the Federation. No one is investing in the Republika Srpska. It is producing nothing that anyone wants to buy. Its unemployment rate is seventy percent. As a result, it is beginning to look like the Republika Srpska Krajina in 1995—a hollowed out place where only the mentally and physically infirm, the very old, very young, and the very poor remain. This is not a place with much prospect of long-term survival, and unless it changes its ways, the Republika Srpska will remain under strenuous pressure from those Muslim and Croat refugees who want to return home. This is the biggest problem that now exists in Bosnia.

Experience is a great teacher, and there are lessons to be derived from our experience in the Former Yugoslavia. First, force has a role in negotiating peace. If you are not prepared to take action against aggression through collective security measures, then you will probably not succeed in stopping the aggression. In fact, you may enter into a vicious circle—

making more and more concessions, appearing weaker and weaker, and thus encouraging the very aggression you are trying to stop. That is what happened with the early phases of the Bosnian conflict.

Second, human rights are not a luxury. They are the key to the success of these and many other peace agreements. The Erdut Agreement is working principally because of its human rights provisions. The Croatian government is meeting many of its obligations under the agreement. The international community is engaged to be sure all obligations are met, including those on non-discrimination. The Republika Srpska, on the other hand, is in danger of collapse because it is not honoring the human rights provisions of the Dayton Agreement, particularly those on the recovery of property, return of refugees, and freedom of movement.

Third, there are situations that the world community cannot ignore. Bosnia is a small country with a population of four million. In itself, it is not crucial to our national security. But it became so—it became important to find a solution and not to let it drag on—as it could have become a source of instability in the heart of Europe.

But there is something else about Bosnia, too. The Bosnian Serbs and their supporters were seeking to establish an ethnically pure state under non-democratic, authoritarian leadership. In pursuit of this goal, they employed very brutal methods. This was not something *sui generis*. It was something we thought we had eradicated it fifty years ago. It was, in fact, the classic definition of fascism—an ethnically-based state with strong, authoritarian leadership.

The Second World War taught us the consequences of appeasing aggression. There will be many more crises like Bosnia. We had better learn to deal with them.

