

# Spirit of Bosnia / Duh Bosne

An International, Interdisciplinary, Bilingual, Online Journal  
Međunarodni, interdisciplinarni, dvojezični, online časopis

## The Dayton Agreement

Ivo Komšić

### Preface

After the Vienna talks about the cantons and the final organisation of the Federation of BiH that took place from 8 to 11 May 1994, I stopped keeping a journal about the events that I was participating in. I had made a firm decision to no longer write out the history of Bosnia and Herzegovina, believing that it had survived both as a state and as a community. I only kept daily notes about my own activities – meetings and contacts – without further explanations, elucidations or interpretations. I kept my word and did not address the contemporary history of my country or turn my fears into its reality.

When it became clear that a new peace conference to end the war and to create a final peace agreement for BiH would take place, and knowing already that in these kinds of situations practically no one notes anything down (apart from foreigners), I decided to go back on my word and to keep a journal about the course of the talks, the atmosphere surrounding them and the final agreement that was to be reached. I believed that these talks would be the most important event in the contemporary history of our country. They seemed like the final episode of the bloody war and of our efforts to create a lasting peace.

After our experience in Washington, I was convinced that the American administration had efficient methods for attaining set goals. This Dayton manuscript was created with this thought in my mind. It does not contain the uncertainty, fear and wavering characteristic of my previous manuscripts. It could be called casual – even more casual than what the circumstances allowed. Perhaps this is because the Dayton Conference itself clarified events that had preceded it, revealing things that we either had not known or had not taken sufficiently into account. The conference showed that history consists of retroactive events that are clear only in hindsight. It seems that we have confirmed the truth of Hegel's thesis about "reason in history" – history can be known through reason only at the level of its systematic completion.

Therefore, the Dayton Agreement did not originate in Dayton. It was completed there and inappropriately given the name of the city where the conference was held. The talks in Dayton did not result in any new agreements, but rather previously arranged agreements were revealed there. All the trade-offs, delays, haggling, all the demands, pressures, refusals and acceptances were only the delayed labour pains for something

that had already been born.

All the participants at this event arrived with goals that had already been achieved. The talks were just a rehashing of a history that had already taken its toll on individuals and nations, on the fate of a country that the participants had left behind wounded and bleeding.

The first thing that had already been agreed upon - that could not be challenged in any way during the talks - was the general agreement between Milošević and Tuđman. It does not matter whether this agreement was reached in Karadžorđevo or somewhere else. It was in Dayton that it was disclosed in its final systematic completeness, revealing the full extent of its power and consistency. It could no longer be masked as a "shrewdness of reason" secretly determining the fate of peoples, compelling them to go to war against one another, expelling them, relocating them, killing them and scattering them - all while blaming chaos, misfortune, and evil human nature. Milošević announced the agreement in front of everyone, as a definite and undeniable fact, a solution that needed only to receive its final form in the talks.

The agreement was revealed in connection to the Bosanska Posavina region, and Milošević admitted to this directly. Posavina was the third point in the agreement reached on 6 May 1992 in Graz between Karadžić and Boban. These two executors were set the task of enforcing a "partitioning" while "taking care to preserve the integrity of the territories and the communication routes." But who could have believed this? Here in Dayton, this "partitioning" and "integrity" were to receive a final form, thus becoming historical facts written down in an international agreement and denoted on the map. There was no going back. Therefore, the issue was not up for discussion. Only those of us who believed that the secret agreements had been exaggerated by the media were surprised. The others were unfazed. Milošević's public statements about the agreements and Tuđman's substantiations sounded more like small talk about the weather. In the wake of all this, thousands of properties built up by generations were destroyed, the bridge over the Sava River between the two Brod towns was destroyed, tens of thousands were expelled from their homes and thousands were killed or wounded. The humiliation of the HVO, which had successfully defended Posavina from the aggression, was particularly tragic and memorable. The army had already reached Rudanka by Dobož, and it was only three kilometres away from the other side of Dobož where the Army of BiH was located, when Tuđman ordered it to retreat and to "recuperate." He brought in "his own" military forces to take over their positions before suddenly ordering them to retreat across the Sava River. This was such an unexpected move that not all of the Croatian Army managed to retreat and they ended up crossing the river, in a panic, together with the civilian population.

Dayton also revealed the agreement between Milošević and Tuđman through other important civilian and military projects.

Tuđman liked maps; he liked to map out his political ideas. This speaks to his lack of imagination. That summer, shortly after Operation Storm, I received an interesting map. It was a map of the solution for the "crisis in BiH," as Tuđman liked to call the aggression against our country. The map came from his desk. At first glance, it seemed that the map had no connection to the existing situation in BiH or to its future

because it did not depict any of the solutions that had already been proposed. It even went against the Contact Group's suggestion to unify the Bosanska Posavina region into a single canton that would join the Federation of BiH. The only problematic aspect of this suggestion was the question of whether there would be a corridor through Posavina to Banja Luka and, if so, how large it would be. The map also disregarded the existing cantonal structure of the Federation, incorporating into the so-called Croat territories in the Cazinska Krajina region (where there was no Croat population) and a part of the Dubrovnik hinterlands (that were under the control of Karadžić's army). The map especially disregarded the state of affairs after Operation Storm, which was the starting point for the talks in Dayton and for the military partitioning of the territory.

However, as the talks went on, "our" military advantage started to disappear on the map and slowly Tuđman's long-ago predictions began to materialise. In the end, he returned to Milošević everything that the HVO and HV had conquered during Operation Storm: he ordered the army to retreat from Banja Luka, Mrkonjić, Šipovo, Manjača, Jajce. He kept Drvar, Glamoč and Grahovo - places he had marked on his map as Croatian long before the Dayton conference. Thus, the liberation of territories seized by Karadžić (with the help of the so-called JNA and later Milošević's forces) received new connotations. These areas had not, in fact, been liberated but rather temporarily occupied only to be handed back. This context illuminates the "small incident" (as Jadranko Prlić, the Defence Minister of the Federation of BiH, called it) during Operation Storm when Dudaković's forces attacked Manjača. The Croatian Army stopped him with heavy artillery - there were a few killed and wounded - and Dudaković had to retreat towards Prijedor and Ljubija. Tuđman was actually protecting the territory of Republika Srpska from the Army of BiH, and in Dayton, before our very eyes, he handed it back to the Serbs.

The second important agreement that received its final form in Dayton was the agreement between Holbrooke and Izetbegović about the legalisation of "Republika Srpska." The legalisation itself was carried out by Muhamed Šaćirbegović, the Minister of Foreign Affairs of BiH, in Geneva, on 8 September 1995 (less than two months before Dayton) at a meeting of Foreign Ministers of BiH, the Republic of Croatia, and Yugoslavia, organised by the Contact Group. Before that, Holbrooke had visited Sarajevo several times, always after first visiting Zagreb and Belgrade. The day before the Geneva meeting, late in the afternoon, I was called into Izetbegović's office. I was surprised to see Šaćirbegović and Silajdžić there. The other members of the Presidency were not present because they were abroad as part of the Serb Civil Council delegation. Kljujić was also not present because at that time of day, he was already in his shelter.

When I arrived, they were already discussing a document that was in front of them. The document was written in English and I was told that it was the basis for the agreement that was supposed to be signed the next day in Geneva. The document was troubling. It made no mention of Bosnia and Herzegovina as a state. Instead it stipulated the existence of entities - the Federation and Republika Srpska - but now written without quotation marks, etc.

Šaćirbegović kept asking what he should do, and he presented the Geneva meeting as

a source of pressure and a done deal that he could not stop. I tried to make corrections on the paper itself and to insist on a clear definition of BiH as a state, with state institutions and their competences, although this proved difficult, as my English is not fluent. Izetbegović was very calm and collected. We parted after giving Šaćirbegović very clear instructions: he must not legalise Republika Srpska at any price and if he is pressured, he is to leave the meeting and inform the Presidency.

We did not receive any calls. The next day, Kljujić and I travelled with the HNV delegation to London where we were supposed to meet with the Serb Civil Council delegation at a conference organised by Branka Magaš and her nongovernmental organisation.

It was only when we met in London that we found out that an agreement had been signed in Geneva legalising Republika Srpska. It is certain that Šaćirbegović could not have done this without Izetbegović's approval.

The only real political fact that resulted from the war was the legalisation of RS. It was the sole undisputable point in Dayton. It is a Serb entity occupying 49% of the territory of BiH, with guaranteed autonomy, legalised constitutionality in regards to BiH, and open parallel relations with Yugoslavia.

Instead of going back to Sarajevo, we travelled from London to Washington with the intention of putting pressure on the American administration and undermining the Geneva document. We made a press release, met with numerous American officials, and were reassured that the US would not allow the division of BiH, that at the next peace conference they organised, Bosnia and Herzegovina would again be granted statehood, the competences of the entities would be reduced and state institutions (presidency, parliament and government) would be established. All of this was achieved in Dayton, but Republika Srpska could not be dislodged from the position it was granted by the Geneva document. Also, that whole arrangement was an extension of the agreement that Izetbegović had signed with Krajišnik in Geneva, on 16 September 1993.

The third important agreement that was legalised and consolidated in Dayton was the agreement between the American administration and the Contact Group. Up until Dayton, we believed that the American administration would insist on the principles of the Washington Agreement and the promises we had received about preserving the state of BiH. The Contact Group kept insisting on the legalisation of Republika Srpska, its territorial integrity and legitimate statehood. The Washington Agreement was a big step forward in terms of all this because it was based on the idea of federalising the whole of BiH, thus maintaining the integrity of the state and its institutions. Before the signing of that agreement, Miro Lazović asked the American representatives what was to be done with the Serbs after the Federation was established. This question haunted the Washington Agreement because representatives of Karadžić's Serbs had not participated in the talks. We were told that the Serbs would be included in the Federation of BiH, and that it is strategically important to first establish the Federation as a constitutional framework. We were also told that the American administration would take care of this as the Secretary of State had promised before the beginning of the talks in Washington.

However, the Dayton conference went in the opposite direction. It was obvious that the federal concept for structuring the state had been abandoned in favour of the entity concept. Entities were granted legitimate constitutionality with the state receiving only those powers that the entities were willing to transfer. At the same time, the entities were created as asymmetrical both in their constitutional and ethnic structure – the Federation was made up of cantons, with sovereignty for two peoples, while Republika Srpska was created as a unified structure with sovereignty for one people. The territory was divided among the entities according to a 51:49 ratio, as the Contact Group had mapped out. Every time we managed to move beyond the framework set up by these facts, Holbrooke would drive us back. This framework for the talks was as solid as the tall iron fence surrounding the pavilion where we were staying and the paths that we walked down at the Wright-Patterson military base.

The Dayton talks were not only limited by previous agreements made by the participants and the guarantors at Dayton, but also by other “arrangements” ensuring their success. These “arrangements” were also fully revealed in all their might only later, as part of the “final peace agreement.” Otherwise, they would have been regarded as mere subterfuge.

It all began with my trip to Dayton. Instead of travelling together with our entire delegation, I was invited by the Secretary of State Christopher to arrive three days earlier in order to participate in the preparations for the conference. For the first time, we had a unified delegation at the peace talks representing the legal bodies of the state of BiH and the Federation: Izetbegović and I as members of the Presidency of the Republic of Bosnia and Herzegovina, Miro Lazović as the Speaker of the Parliament of the Republic of BiH, Haris Silajdžić as the Premier of the Republic of BiH, Muhamed Šaćirbegović as the Minister of Foreign Affairs of the Republic of BiH, Krešimir Zubak as the President of the Federation of BiH, Jadranko Prlić as the Defence Minister of the Federation of BiH. Also, we held a mutually agreed upon position that Posavina must be integrated into the Federation of BiH, and that the existence of a Serb entity in BiH must be brought into question. As a federal canton, Posavina would divide the Serb entity into two parts. This was to be the key achievement of our delegation, considering what we were up against: the legalisation of “Republika Srpska” that Šaćirbegović had signed in Geneva in agreement with Izetbegović and Holbrooke.

At the invitation of the State Department, I set off on my trip. I was supposed to take an American military flight to Frankfurt from where I would travel to Washington on a civilian flight. I had to travel on my own, without any company, which made me insecure and depressed. But what else could I do?

The flight from Sarajevo was supposed to depart between 9 and 10 a.m, so I arrived at the airport an hour early. According to already standard procedure, the French soldiers ushered me into the VIP lounge – an improvised, wartime lounge but still different from the waiting room reserved for other passengers. The polite soldiers served me coffee and a snack. I was already expecting to make my way to the runway to board the huge cargo plane when another passenger entered the lounge with his bags. Although we knew each other by sight, he introduced himself as Daniel Serwer (we had crossed paths before because he worked at the US Embassy in Sarajevo). We

quickly agreed to speak in French because we both knew the language equally well: the common frustration that accompanies talking to a more fluent speaker was absent. After the usual questions about travel plans, it became clear that he knew a lot about me, my political role, my contributions to the peace talks, etc. He said that he was also travelling to Washington, and he obviously knew all about the preparations for the upcoming talks in Dayton. We continued talking and the French soldiers did not enter the lounge or call us to board the airplane. I looked at my watch and saw that it was already noon. I did not comment because the flight schedule was always determined in accordance with changing circumstances. A French officer came in and informed us that there was to be a delay, which was also commonplace. My interlocutor was interested in hearing my thoughts about the upcoming talks – who would advocate for what and how the final agreement might turn out. As usual, I spoke openly, confident that his administration was also interested in seeing the talks succeed and would be on our side, as was the case during the talks in Washington.

At one point, he asked me out of the blue whether the Hague indicting Prlić, Kordić, Blaškić and Rajić before the Dayton talks would have any negative political consequences on general political relations in BiH and how it would impact the course of the peace talks. I was surprised by this question, as such things had not been mentioned before. Also, Prlić was a member of our delegation for the talks and Blaškić was the HVO commander in the joint command of the federal army that was just being established. I said that the only problem would be the indictment of Blaškić because of his role in establishing the federal army, while the other indictments were to be expected and thus would not have any consequences. I tried to convince him that Blaškić is cooperating with Delić in the Army of BiH and that this partnership should not be compromised considering that they are working on a very important task for the establishment of the Federation of BiH.

He listened to my suggestions and explanations dispassionately, without comment. The conversation lasted for quite some time. We didn't board the plane until approximately 2 p.m. I expected his company during the second flight to Washington, a flight I generally do not look forward to. However, he disappeared at the military airport in Frankfurt and I didn't see him again. I flew to Washington on my own.

The significance of this conversation became clear only later, just as other events became clear only in hindsight. The same day that the talks began, Hague issued the indictments. Prlić was not on the list but Blaškić was. The reasons why Prlić was spared became clear only during the phase of the talks when Zubak disputed the peace agreement because of Posavina and told Tuđman that as the President of the Federation of BiH, he would not sign the agreement. In the end, Prlić signed the agreement in the name of the Federation and the "Bosnian Croats."

After further "convincing," Zubak agreed to sign the Dayton Peace Agreement as the President of the Federation of BiH. This happened in Paris where the agreement was officially signed and received international backing.

I had another important conversation with Steiner, the German representative at the peace talks. This conversation was more a display of duplicity than a serious conversation between serious people, but it also became clear only later in the same

context as the previous example.

During the same phase of the talks about Posavina and my activities towards organising protests in Croatia, Steiner asked to speak with me privately via his interpreter and as a representative of the “international community” (in his own words), not in his own name. (We already knew each other well because he had been participating in peace talks concerning BiH for a long time, knew all of us personally and was particularly amicable towards me and supportive of my ideas.) I agreed to the meeting under the condition that Sven Alkalaj, our Ambassador in Washington, act as the interpreter and that Miro Lazović be present because I trusted him as a witness. That is how it was. Steiner excused himself for having the conversation in the first place, saying that this was not his own doing and that he had been given this “dirty job” (that is the term he used). He made a long introductory speech peppered with incessant, polite Germanic excuses. In the end, it all boiled down to him asking me to step down as a member of the Presidency so that a new personnel structure in line with the new peace agreement and the balance of power in BiH could be created. Prlić would take my place and I was to express my “wishes” which would be fulfilled etc. He emphasized that this would meet some of the demands of President Tuđman and also some of the demands of the “international community” towards him. Despite our friendship and the gratitude I felt towards this man, I protested against such an arrangement energetically, perhaps even harshly. I told him that no one had the right to ask me to do something like this, that I was not up for sale and that problems with Tuđman could not be solved at my expense.

With further apologies, Steiner left my room red-faced, with long and ungainly steps. After that, Šaćirbegović resigned as the Minister of Foreign Affairs of Bosnia and Herzegovina. Jadranko Prlić was appointed in his place. Šaćirbegović became the BiH Ambassador to the UN. The agreement did secure peace, but it was unjust and full of contradictions. Our delegation did not act in a unified manner. In the end, Izetbegović asked us to declare our individual opinions on the agreement. Zubak and I were against signing it. The others were for it. As a result, our delegation signed the Agreement.

### **The Talks in Dayton 1 November 1995**

The atmosphere today was formal. The peace conference has more or less begun. After a brief conversation this morning with Christopher, Holbrooke and Menzies (they also had similar conversations with Tuđman and Milošević in the presence of the American Ambassadors in their respective countries), the first plenary session was held in the afternoon at 2:30 p.m. Christopher presided over the session, with Holbrooke and members of the Contact Group seated next to him. Also, Izetbegović, Tuđman and Milošević sat at the same round table. Behind them, representatives from their respective countries, that is, the three delegations that would participate in the negotiations, sat in a circle.

Some of the principles that would underline our talks were repeated at the plenary session, as they had been during the morning conversation. Christopher presented the American position and their expectations for the negotiations. He emphasised that the US and its President support preserving BiH both as a state and as a unified

internationally recognised territory. He also repeated their position that the state of BiH should be a multiethnic society, with equal rights for all. He particularly emphasised that his country is interested in preserving the integrity of Sarajevo ("so it can be the kind of city it was during the Olympics") and in enabling the return of all refugees.

Izetbegović more or less repeated what he had said that morning, except he also made an impassioned appeal calling on the leaders of the world to immediately do something to stop the expulsion of the non-Serb population in Krajina and to enable international organisations to examine the crimes committed in Srebrenica. He publicly called on Milošević to stop further crimes against civilians and asked for him to cooperate with the Hague Tribunal. A brief debate broke out between Milošević and Izetbegović in which Milošević tried to equate the victim and the aggressor in this war and to present "all the sides in this civil war" as equal and equally guilty of crimes. However, this attempt was unsuccessful: Milošević and his delegation were left in an obviously defensive position. This could also be seen in his speech, which was brief and contained no demands. He simply expressed his support for what had already been agreed upon in Geneva and New York. However, it is also possible that he did not want to reveal his true position. Or perhaps he was already looking for a way out? No one knows yet.

Tuđman spoke mostly about Croatian interests in eastern Slavonija, but he also emphasised the importance of establishing the Federation when it came to BiH. (Later, Izetbegović interpreted this as a very good sign.) However, Tuđman also attempted an unsuccessful intervention into the debate between Izetbegović and Milošević. He said that this was not the time for assigning blame or for discussing who is the aggressor and who the victim, and that a global agreement should overcome all this. With this, he showed that he did not understand the essence of the debate since Izetbegović was not blaming Milošević for things that had happened in the past but rather for events that were transpiring as we were sitting at the table and talking. Tuđman's attempts to be self-righteous were obvious from the very beginning and thus unsuccessful. From the point of view of the political moment and the immediate situation in which he reacted, it is obvious that he lacks political intuition.

The real problems were not apparent at this plenary meeting that had both an open and a closed session (representatives of the media had to leave the hall before the three presidents gave their speeches). Problems that could jeopardise the entire conference are lurking in the shadows of this meeting, masked by its formal tone. This became apparent immediately after this official part of the proceedings was over and we returned to our rooms.

At these talks, BiH has a unified delegation with its own living and working spaces, separate from Serbia and Croatia, which was not the case during the talks in Geneva. However, beneath this superficial federal love, the Croats and the Muslims have different opinions on how to establish a joint state with the Serbs. Although the material concerning the constitutional structure was drawn up jointly and by experts, differences that had already begun to surface at that stage had not been worked out. Zubak told me that "they" would be forced to present their own proposition. (The Serbs, of course, are eagerly awaiting this rift within our delegation.)

In short, the problem is the principle underlying the future organisation of the joint state.

Muslims are insisting on proportionality, which will be difficult to achieve under the circumstances. We Croats (and I believe the same goes for the Serbs) can only accept parity. (I am including myself here because this is both the position of the HNV and my personal position. BiH cannot survive without the complete equality of its peoples.) Over dinner, I tried to convince Izetbegović and Silajdžić of this. Izetbegović did not state his position, while Silajdžić was unwavering in his opinion. Silajdžić did not want to accept that the right to a state is not a quantitative but rather a qualitative right, and that it does not depend on the population size of a sovereign people. The proportionality principle would grant more rights to Muslims than to other peoples. I realised during this conversation that they would insist to the Americans that they must ensure these rights. I advocated that we discuss this problem within our delegation while presenting a unified front to the Americans and Serbs. We parted company last night amid this contentious atmosphere.

### **3 November 1995**

Yesterday was devoted to bilateral talks. In the morning and the afternoon, our delegation spoke with the Croatian delegation. We were in a rush because Tuđman was leaving for Zagreb in the afternoon to form a new government of the Republic of Croatia (following the recent elections). No one mentioned the elections or congratulated him because we are not sure whether he would take this as a well-meaning act or as cynicism.

I did not attend the talks in the morning but was present at the afternoon talks as an observer. I was interested to see how close or far apart the positions would be. I did not hear anything particularly interesting because no one wanted to openly discuss the problems.

Everyone tried to provide the mediators (Americans and Germans) with enough information for them to draw their own conclusions.

After these negotiations, while we were all still in the hall, I spoke with Holbrooke (Ambassador Galbraith was also present). I told him that there was only one problem that needed to be solved: protecting the national interests of all the peoples and establishing mechanisms for ethnic equality. The more power the state has over the entities, the stronger and safer those mechanisms must be. Otherwise, BiH cannot exist. He asked me how I would do this. I told him that the legal experts are better versed in this kind of thing, but that the simplest mechanism is parity in key institutions. His reaction was strange. He told me that, in that case, there would be no Bosnia and Herzegovina and that it would fall apart. According to him, parties should determine the composition of the institutions through free elections. I tried to explain to him that the two ideas are not mutually exclusive, that parties should be granted this power but that they should also make sure to implement the aforementioned mechanism. As far as the Federation and its functioning is concerned, I warned him that it could not function as long as it was exclusively in the hands of SDA and HDZ as these two parties do not unanimously support the federal solution. He said that this

was our own internal issue and that this was not the time to address it. Instead, according to him, this was the time to create a general agreement and to establish peace, while other problems should be solved through elections.

I noticed that he was somewhat anxious and restless, despite the fact that he rarely exhibited such emotions. Up to now, he had seemed like a man of endless energy and patience. It is obvious that he is more aware than most of the complexity of the problem and he could not hide this fact during our conversation, which had taken on a more private character.

I knew of the complexity of the problem from my conversations with our delegation and our team of experts. The delegation is completely divided on the issues: the "Herceg-Bosna" representatives are on one side and the Muslims are on the other. I am in between, as is often the case in these situations, and it seems that I am the only one interested in truly solving these differences and acting as a unified delegation. I suggested to both sides that we apply to the future state of Bosnia and Herzegovina everything that we had planned for the Federation, including all the mechanisms for protecting national interests. Thus, we would simply be including the Serbs in the Federation. Everyone agrees with me when we speak in private but no one is willing to speak up in public. It seems that I will again have to break the ice.

Last night Milošević visited Izetbegović and they spoke for a long time. I still do not know what they discussed.

## **6 November 1995**

During the past two days, the delegations have not met to discuss the issues that have brought us here. Talks were unofficial or, in the case of our delegation, they only concerned the Federation. It is obvious that the mediators at this conference want to reach a joint position from the BiH and Croatian delegations before beginning serious negotiations with Milošević. In fact, it is only here that the real struggle for the Federation - for its actual nature, for the union of Croats and Muslims - is being waged. It seems that the relationship with the Serbs will not be resolved until this matter is taken care of. Therefore, during the past two days, the mediators mostly worked on two fronts.

The Americans brought us drafts of the final peace agreement without opening them up for discussion but rather asking for our objections so that they could determine everyone's position. Meanwhile, the Germans, as representatives of the Contact Group, are focusing their efforts on solving the problems in the functioning of the Federation. They are trying to reach a joint position of the two delegations. This is, in fact, a strategic question both for the way the negotiations will be carried out and for the final peace agreement and structure of BiH. Of course, it is all very difficult as the starting positions are quite different and the initial differences in the conception of the Federation have been resurfacing.

This can be seen primarily in the way we work: Zubak, Prlić and their experts are no longer cooperating with the BiH delegation, which is unified. They are completely independent and consult mostly with Šušak and Granić: they mark their objections

and suggestions on the documents that we receive and hand them directly back to the mediators. The principal disagreements became apparent at yesterday's meeting of the two delegations, organised by Steiner as a representative of the Contact Group, providing us with a document on making the federation a reality. It is clear from what the representatives of the "Croat delegation" said that they do not support the existence of BiH as a state separate from the Federation. This dates back to their initial idea following the Washington Agreement about dividing BiH by way of the Federation. They do not want the Federation to transfer powers to a joint state with the Serbs, not even powers that would enable the preservation of BiH as a state within its own borders. They are against BiH having any sort of competences through which it could function as a state. They are using the federal constitution as an argument: holding on to it for dear life and onto its guarantee that the Federation will function with the full capacity of a separate state. Of course, it is impossible to oppose this now, because the Federation was conceived of as a state and it was believed that the Serbs would simply join it. However, they are insisting on the complete federation of only "two peoples" so that there is nothing left for the joint state with the Serbs (they have only agreed to joint foreign affairs). It is clear that the Serb entity in BiH will have the same competences as the Federation. Therefore, two states - wielding all the powers of almost completely independent states - will be created within BiH. The connection will be loose or non-existent, which may facilitate their eventual separation. The mediators understand this and it was apparent during yesterday's meeting of the two delegations: it was apparent from all the talk of BiH as a "union" of two entities, two fully empowered "states."

Surprisingly, neither Šušak, nor Prlić, nor any of them are thinking about what will happen to the Croat population on the territory of the Serb entity. No one is thinking about establishing strong mechanisms for the return of those expelled from Banja Luka, Prijedor, Doboj, Derventa, etc. They are more interested in the independent functioning of the future government than in the fate of these people. That is why they do not want to do the only thing that could help these poor people: surrender some competences to the future state. They are truly the real traitors to BiH and to most of our people.

Last night, Milošević came by again, this time to visit Silajdžić. Izetbegović joined the conversation, which lasted for more than three hours. Afterwards, I passed Silajdžić in the hallway and saw that he was in good cheer (which has not been the case up to now).

They say that it snowed in Sarajevo. It is our fourth winter since the beginning of the war. As much as this makes me anxious about what might happen if we do not achieve peace, it also humbles me. Winters in Sarajevo used to be beautiful. When there is a big snowfall, the city somehow grows smaller, withdraws into itself - like a man who is cold - and begins to breathe with a single soul, a single warm exhale escaping it.

## **November 1995**

Early this morning, as soon as I woke up, I tried to determine new principles that could further the peace process. I did this mostly for my own benefit and to clarify my own position in the talks. From the beginning, it was clear to me that we were going

around in circles, together with the mediators, because we were trying to organise BiH according to two different principles (one valid for the Federation, the other for “Republika Srpska”). The only way out is to establish a single principle for constructing BiH and in the meantime the “Serb entity” can have special status (with a greater level of autonomy than the cantons in the Federation). Today I will try to justify my position to Izetbegović and, if necessary, to others as well. The talks should follow these principles instead of becoming bogged down in exhausting discussions about the competences of the entities and their union in some completely new creation. I do not expect much understanding, especially from the mediators who will see this as going back to square one (while, in the meantime, they have used up a lot of energy and paper). But if we were to accept the principles I have outlined, we would soon reach a final peace agreement.

In any case, the negotiations are still going on mostly behind the scenes rather than out in the open among the delegations. This seems to be the tactic of the Americans allowing them to pare down the delegations to two or three people and to focus on negotiating with five or six people, instead of twenty. For them, it must be easier that way, but they are not making any progress. They have not advanced significantly and already rumours are circulating that they are thinking about declaring the conference a failure and instead reaching some limited goal before issuing a postponement and continuing the conference somewhere else. They are negotiating with people they deem to be very powerful, as if power and reason were directly proportional. Thus, a great number of people who came here have been left out of the talks. Izetbegović and Silajdžić are continuing their daily meetings with Milošević, and they claim that there is no progress, that their positions and ideas are very different. Milošević is against making any definite decisions at this point and against drafting a new BiH constitution. Instead, he wants to ensure peace, arrange elections and leave the structuring of the state to the new people and powers after the elections at some later date. He is claiming that it is impossible to talk to the Bosnian Serbs (led here by Krajišnik) because they are “madmen” (these are his own words).

Yesterday morning, Zubak met with me for the first time. He tried to convince me that the Serbs would not accept a joint state and that they would just use it as an excuse to finally withdraw from BiH. He insisted that the Federation must not be undermined but should instead retain state-level competences with only a little power transferred to the joint state. I agreed with him as far as the Federation was concerned, but I could not sanction the intentions of the Serbs. That is exactly why we should establish mechanisms to prevent this.

Yesterday the mayors of Mostar - Koschnick, Brajković and Oručević - joined the talks. It is believed that a final agreement on Mostar will create a new atmosphere for the Federation.

## **November 1995**

Yesterday was the most taxing day for me since arriving here: direct negotiations have begun, similar to the ones in Geneva - exhausting, difficult and at times painful. However, yesterday we achieved something that should be a source of satisfaction even if we do not achieve anything else: we finalised an agreement strengthening the

Federation. The Germans, led by Steiner as the representative of the Contact Group, have been working on this agreement the whole time. They made five different versions of the agreement before we could agree on everything. Most of the adjustments were made through separate negotiations presided over by Steiner's group, but last night we all sat down together and looked over the text one more time. There were no major objections. The agreement will be signed today at 10 a.m. Tuđman should be present at the signing.

Minister Granić contributed greatly to finalising the agreement. At one moment, I was afraid we would not only be left without a final peace agreement, but also that the Federation would fall apart. The sides were in disagreement and uncompromising. "My" side was not in the least interested in a joint state with the Serbs or its institutions. Silajdžić (with much support from the experts) insisted on centralising these institutions to an extent that the functioning of the Federation could have been brought into question. Luckily, the Germans took it upon themselves to coordinate this problem, while applying a great deal of pressure. It was also fortunate that Izetbegović decided to compromise on this issue and that he wanted a definitely finalised package of agreements about the implementation of the Federation. The whole time, he kept insisting on this during our meetings. Yesterday, I advised Zubak to ignore Silajdžić's harsh reactions and statements - and the same goes for the reactions and statements of the experts - because they are just creating a negative atmosphere. I told him that he should simply speak to Izetbegović directly. Izetbegović was bound to be more open. Last night, when we received the most recent version of the agreement, the experts immediately gathered around it, like doctors around a patient. They became irritated and started looking for mistakes, but Izetbegović warned them that he only wants to hear crucial objections because he deems this agreement to be important. There were no crucial objections and quickly it was harmonised with Zubak and Prlić as well as the delegation of the Republic of Croatia. For the first time since my arrival, I noticed that everyone was in good cheer. Not only has the Federation been saved but it has also been significantly strengthened. It is only now that we can breathe easy. We just need to agree on staffing issues.

It seems that the Americans have been waiting for this agreement before having our delegations confront Milošević. It is also good that a new agreement on Mostar has been reached together with this agreement on the Federation (Koschnick and the two other mayors have agreed to it).

Yesterday afternoon, we had our first serious negotiations with Milošević and his team. We discussed the maps and Sarajevo. In truth, we only stated our positions and intentions but could not agree on anything. Krajišnik and his group not only annoyed the mediators with their ideas about dividing Sarajevo, but they also annoyed Milošević with their pathetic stories and lamentations over history. At one point, while one of them was talking, Milošević got up and walked around the hall and afterwards he asked Holbrooke not to allow such "pathetic Serb stories." We parted company after deciding that Krajišnik should propose their map of the partition. As far as Sarajevo is concerned, Holbrooke made it very clear that the Contact Group wants a united city with district status. He said that this would be their proposal to both sides and that we should comment on it. It is important to note that during the meeting, Milošević stated openly that he had made arrangements with Tuđman "a long time ago" that the Bosanska Posavina region would belong to "RS." No one reacted. When I

whispered to Zubak what Milošević was saying, he said that Milošević is just bluffing. This did not reassure me. I was still upset.

Last night, we met again to discuss the maps. No conclusions have been reached and we have just been looking at ideas for Sarajevo. We are hoping that the Serbs will suggest a partition of the city that both our side and the mediators can reject. Then only the district idea will be left. This suits us. The only issue with this solution is the security of the district and its defence. We have already alerted the mediators to this.

### **9 November 1995 (night)**

Today was also very taxing. Yesterday, we had a short formal meeting with the Croatian delegation and we signed the Federation Agreement. Tuđman arrived last night. He and Izetbegović, among others, signed the agreement. Holbrooke and Steiner gave short introductory speeches. Also, they asked us not to discuss this Agreement for 24 hours so that it can be revealed tomorrow when Christopher arrives.

Immediately after the signing, Holbrooke continued the negotiations. We were supposed to have a joint meeting with the Serbs, but Holbrooke has changed his tactics. There will be no more joint meetings because, according to him, he does not want to listen to pathetic stories about history, as was the case yesterday. From now on, the negotiations will take place in separate rooms. That is why he held separate meetings with us. The meetings lasted until just now (with some breaks).

Today, our delegation achieved another important agreement. Namely, we agreed on establishing mechanisms for securing national interests in the joint (state) parliament.

Izetbegović and Zubak disagreed for a short while, but Holbrooke intervened to say that we must have a joint position to present to the Serbs. After that, we agreed on securing national interests in one of the houses of parliament. Other issues were easy to agree on.

Holbrooke's negotiations with the Serbs yielded no results. We received a map from them where they are asking for even more territory than they held before their most recent military losses. They have still not commented on issues surrounding the constitution or on Sarajevo.

We again insisted on the Contact Group's plan and asked the Serbs to note down their objections so that the differences would become apparent. I was interested to know what Zubak had arranged with Tuđman concerning how we can get Posavina back. Zubak told me that everything is all right and that Posavina will be requested in exchange for newly occupied regions in Krajina. If that is true, everything is all right. I fear what Milošević has already publicly stated several times here - that he arranged with Tuđman for Posavina to belong to "Republika Srpska." No one has denied this or publicly protested his statement. I believe that Zubak is firm in his position on Posavina. Even if I am alone on this issue, I will insist on Posavina. No one has the right to sell out those people and that territory.

### **November 1995**

Christopher's visit and the formal signing of the Federation Agreement marked the

last two days. Yesterday, at 1:30 p.m., in accordance with their sense for ceremony, the Americans arranged an official signing of the agreement with Christopher, Holbrooke, Steiner and their associates present.

Christopher opened the proceedings, and Holbrooke closed them. The signatories held speeches, and so did the German ambassador Wolfgang Ischinger. (This made it clear that the US and Germany were the patrons of the Federation.)

Zubak did not prepare any remarks, but his speech was clear and to the point: the crucial issue in BiH is the national equality of all three peoples. As the least numerous people, the Croats are in a particularly difficult position and so it is necessary to remove all the obstacles that compel them to constantly fight for the rights that others take for granted. Izetbegović spoke briefly, but he made it clear that words are futile if we do not act on them. He left it up to others to judge the importance of this moment and this event because they will certainly be compelled to do so based on what has transpired. He was obviously holding back but this did not diminish the importance of the agreement and the signing ceremony.

Tuđman had prepared his remarks, like Izetbegović, but his speech was not memorable. It was vague and full of platitudes.

While they sat at the official table and gave their speeches, I thought about the entire history of the conflict between the Croats and the Muslims, and the role that each of them had played. The table was impressive: from left to right sat Oručević, Brajković and Koschnick from Mostar, Tuđman, Christopher, Izetbegović, Zubak, Silajdžić and Prlić.

First, I thought about how most of them had not played a positive role in creating the Washington Agreement in general and the federal concept for BiH in particular. I remembered the days in the State Department when Silajdžić and I more or less dictated the Washington Agreement through Radman. At that time, Granić was the only one to support the federal structure for BiH. Everyone else in the delegation of the Republic of Croatia was against it, with Šušak, who was on the telephone line with Zagreb, leading the way. (Now Granić was sitting in the audience next to Šušak.)

The men seated at the table had garnered the attention of the world: the Americans and the Germans were complimenting them and commending them in accordance with diplomatic custom. I kept trying to see the connection between these men and the ceremony, to remember the basic facts regarding these people. I thought about their biographies and especially about their role during the war. These were the thoughts going through my head and mixing with apprehension, because our fate depended on them, peace in our region depended on them, and the whole world was celebrating them as a new hope.

## **November 1995**

It is Sunday and we spent the day summarising what has been achieved thus far. We already had all the proposed documents - probably the penultimate versions - that will make up the future agreement, and today we had to give our final comments. It was only once we began discussing the documents that it became clear how many issues

are still unresolved. For example, Šaćirbegović made a surprising comment about the entire project. He said that the EU countries are making no promises regarding the implementation of the future agreement (especially when it comes to the implementation and organisation of future elections) and also that the US cannot guarantee the presence of troops in BiH, the lifting of the embargo, etc. To make matters worse he asked, "What are we gaining by signing an agreement that legalises and legitimises „Republika Srpska," its army, police force and other bodies?" He was acting as if he had just arrived on the scene, when in fact it was he who had created the preconditions for these negotiations in Geneva and New York. Lazović even said this outright.

It seemed to me that Šaćirbegović wanted to go back to the beginning, that he was scared.

In general, I think that some of these people are very scared of signing a peace agreement, of ending the war. I am afraid that during the war, because of their victimisation, Muslims have identified with BiH to such an extent that they will have a hard time dealing with the fact that they will have to share the country. Their fear of losing solid ground beneath their feet is greater than their readiness to trust others. After all, not everyone is conspiring against them or against BiH. I am afraid that they consider anyone who does not see BiH in the same way as they do an enemy.

Also, today we finally resolved some misunderstandings, and our delegation can be united in front of the mediators and the Serbs. Zubak made some crucial observations about the division of power between the Parliament, the Government and the Presidency of BiH. It has been agreed that the Parliament will have two houses and that one of the houses will have mechanisms for protecting national interests. Also, it has been agreed that the Presidency would relegate some of its powers to the Parliament and the Government. We discussed the issue of citizenship for a long time: who should have jurisdiction over it and how to make sure that it cannot be misused in future elections. We reached a compromise on the issue making sure that citizenship gained during the war through various channels cannot be misused.

This meeting proved that it is possible to reach agreements about everything, if only we agree to meet and speak openly.

Today we had an important meeting with Schwarz-Schilling. Izetbegović, Lazović and I were present at the meeting. Schwarz-Schilling gave his opinion on the whole situation and predicted possible future developments. He insisted that we must not let our desire to create sovereign institutions and to transfer power to them incapacitate the Federation. It is his opinion that the conditions on the ground will differ from the conditions on paper for a long time and that Serbs will block the joint institutions. If the Federation is not given enough room now, it might become paralyzed. It is his position that the Federation should be enabled to function in its full capacity and that, in time, it can take over the powers reserved for the state and reintegrate "RS." This is, almost to the letter, the position that Izetbegović has already stated several times and that I also stand for.

Schwarz-Schilling stated that Silajdžić's position is especially problematic because Silajdžić is advocating a strong, centralised government. He tried to convince

Izetbegović that Muslims have to share power with the Croats in the Federation instead of monopolising most of the functions. As far as the central government is concerned, loyal Serbs should fill those positions until the EU can confirm that "RS" is enforcing European standards on human rights and national rights, and until it creates a compatible economic system. Schwarz-Schilling was not an optimist in this regard. He focused on the Federation and suggested that as far as federal competences are concerned, foreign affairs should be the main institution to provide for the international continuity of the state. He was even expressly against a central bank and a centralised monetary system because he perceives in them a potential danger of blocking the Federation and slowing down the reconstruction of BiH.

Izetbegović suggested that Schwarz-Schilling present his conclusions to our entire negotiating team. In the meantime, Schwarz-Schilling arranged to have dinner with Silajdžić and of course accepted Izetbegović's invitation for tomorrow.

Tonight there was another politically important and indicative dinner: Tuđman was the host while the guests were members of our delegation - Izetbegović, Šaćirbegović, Zubak and Prlić. This dinner was scheduled to take place before the meeting with Schwarz-Schilling.

### **November 1995**

The Americans are trying to speed up the negotiations. They have upped the pressure by sending masses of documents and asking for quick solutions for unresolved and contentious issues (our experts are working around the clock). Also, they have increased the number of meetings and their frequency. They are combining the meetings with the Contact Group conferences, so that we are almost constantly in session. The Americans are also showing their impatience by almost always holding separate meetings (especially with Izetbegović, Silajdžić, Zubak, Šaćirbegović). It is as if they expect more compromise when they hold separate negotiations than when the entire negotiating team is present.

An open battle over territory has been raging since yesterday and it has continued tonight. With some compromises, the arrangements concerning the constitution have almost reached the final version that each side can accept. However, territorial issues remain very problematic. Even the question of Sarajevo could be solved because the Americans, with the support of the Contact Group, are insisting on the district and this document is already in its final phase. We have no information regarding Milošević's readiness - or rather the readiness of the Serbs from Pale - to accept this solution. (There are indications that Milošević has made up his mind in favour of this solution.)

The territorial issues complicate things. There are a number of contentious matters. Serbs are not willing to surrender all the territory demanded by the Contact Group plan for Goražde, which includes a corridor to Višegrad. Also, they do not want to discuss the surrender of Doboje and Brčko. Furthermore, they are asking for the Brčko corridor to be expanded and they want all of Posavina. The biggest problem is that Tuđman has decided to support this option, and he is trying to convince Izetbegović and Zubak to accept it.

Zubak is under a lot of pressure. This morning, he informed me that last night he met

with Tuđman to discuss the issue. He asked me to remain firm on the issue of Posavina and to ask Izetbegović not to back down. (There is a possibility that Izetbegović will accept Tuđman and Milošević's plan in exchange for Srebrenica and Žepa.)

This morning, I visited Izetbegović before his meeting with Tuđman, and I warned him not to back down on the Posavina issue. I told him that if he surrendered Posavina, the Croat members of our delegation would make a scandal.

When I spoke with Izetbegović yesterday, I tried to convince him that Posavina was of paramount strategic interest for the preservation of a united BiH and for its reintegration. I asked why the Serbs were insisting on Posavina and not on their areas in Krajina (why they were surrendering Glamoč, Drvar, Grahovo, etc.). Because with Posavina, they stand to gain a homogenous, continuous territory, with a wide corridor of land bordering Serbia. This is a precondition for keeping alive the idea of a Greater Serbia among Bosnian Serbs. Greater Serbia cannot be created in Banja Luka, and especially not in Grahovo, without the large Posavina territory. Therefore, Posavina is a strategic issue for the future of BiH. That is why we have to insist on reducing the corridor and not allow for it to be increased. Without a link to the Sava River, the Federation - and thus also BiH as a state - will be blocked and blackmailed. It seemed that Izetbegović accepted my arguments. This morning's conversation between Tuđman on one side, and Izetbegović, Zubak, Silajdžić and Šaćirbegović on the other confirmed that Tuđman had made an arrangement with Milošević that Posavina would be surrendered to the Serbs. Tuđman again insisted on this issue.

I received more information about the conversation Tuđman had at dinner last night with Zubak, Prlić and Tadić. He pressured them to give up on Posavina: he was loud and banged his fists on the table. Zubak remained firm on the issue and said that he would not sign any agreement of that sort. Tuđman said that the agreement would be signed, with or without him.

I am afraid that Zubak will not go any further - that he will fight for Posavina only by refusing to sign the agreement - and this will have no effect. There has already been talk, even among our delegation, that Zubak should not sign anything. Instead, only Milošević, Tuđman and Izetbegović should be signatories. (Fortunately, I objected to this in time.) Zubak should actively object instead of being passive in his resistance. I have to do something about this.

The meeting with Christopher also ended on a negative note. Before the meeting, I visited Izetbegović and asked him to warn Christopher that we came here after being promised that the Contact Group's plan would be the basis for territorial demarcation, that Milošević agreed to this, and that as a result, some of the sanctions were lifted. Now, we are being pressured by the Americans to give up on this plan (and this is detrimental to us). Izetbegović then showed me a letter he had prepared for Christopher and the members of the Contact Group in which he already made note of all this.

However, this did not help in speaking to Christopher. He said that Posavina is no longer an issue and that it has been settled. (Izetbegović thinks that this may have something to do with the agreement that was signed in eastern Slavonija, which the Americans also presided over.) They say that Zubak went as pale as a ghost upon

hearing this. (Silajdžić and Šaćirbegović were also present at the meeting.) At lunch, Šaćirbegović confirmed to me that the Posavina issue is settled and that the Americans have accepted Tuđman and Milošević's agreement. Therefore, if an agreement is signed, Posavina will certainly not be in the Federation.

In the afternoon, we spoke with representatives of the Contact Group, under the leadership of Carl Bildt. They wanted to talk about arrangements for the constitution and means for implementing the agreement. However, we raised the issues surrounding the map.

Izetbegović gave them a copy of the letter he had given Christopher this morning. I asked them to inform their governments that we are being pressured into abandoning the Contact Group's map. The French representative warned me that the Americans had made claims that the issue was settled, that they had taken it upon themselves to deal with it and that we had supposedly agreed. It is obvious that the Americans want to keep the Contact Group far away from the maps. We warned them that the negotiations may fail because of this issue and that we cannot sign an agreement that deviates significantly from the Contact Group's plan. We told them that Zubak would not sign such an agreement. We did not discuss the matters on the agenda; they gathered their papers and left after promising they would inform their governments about these developments.

This evening, Christopher visited Izetbegović again. I still do not know what his intentions were. This will be a difficult night for me - the most difficult yet. During these kinds of moments, I always think of my Marija. I think it would be easier if she were here with me.

## **November 1995**

Christopher visited Izetbegović several times and stayed past midnight. When I went this morning to check if any progress had been made, I saw that Silajdžić and Šaćirbegović were already there. Izetbegović said that everything hinges on Posavina and that we have to make a decision. We have to decide: do we surrender Posavina to the Serbs or do we go back to Bosnia and continue the war (without the help of IFOR, without the help of the Americans and, of course, without Tuđman)? This is the dilemma that we are facing. Americans are on our side regarding other things but not when it comes to Posavina. In the case of Posavina, they support the agreement between Tuđman and Milošević to exchange territories. After this conversation, I went to see Zubak and Prlić and told them about the decision we are faced with making. In truth, Izetbegović said that the BiH delegation should be united on this issue and that they (meaning he, Silajdžić and Šaćirbegović) would stand by our decision (this also includes Lazović).

Therefore, the responsibility rests on our shoulders. Zubak showed me the letter that he has sent to Holbrooke, which is similar to the one Izetbegović sent to Christopher, except that Zubak is clear on the matter of his refusal to sign documents if the Posavina solution stands. He also showed me the letter he received from Mostar giving him full support on this matter.

In the afternoon, we spoke again with Bildt and the members of the Contact Group.

Izetbegović informed them that no progress had been made since yesterday. For the first time since our arrival, he spoke about how the negotiations had failed. He also told them that all the agreements should not be thrown out and that the peace conference should not be declared a total failure. After all, some compromises have been reached concerning previously unresolved issues and there have been some positive results that should be retained. In that case, a ceasefire should go into effect and this process should be continued after some time. The meeting with Holbrooke was postponed several times because he was in negotiations with Milošević. This lasted for approximately five hours. We still do not know whether an agreement was reached and whether Milošević accepted our position on the map.

Today the agreement on the cooperation of the Republic of Croatia and the Republic of BiH and the Federation was supposed to be signed at an official ceremony. There was no ceremony, and the agreement was simply signed. Holbrooke is against signing the agreement here because this could have a negative impact on the course of the talks and antagonise the Serbs (!).

The Germans had their own reasons: they did not want to attend the signing or participate in it because Tuđman has "promoted" Tihomir Blaškić, a commander of the Croatian Defence Council, after he was indicted for war crimes by the Hague.

In the afternoon and the evening, there was a lull in the activities. Our hallway, usually filled with the bodyguards of our visitors, was no longer crowded. There was peace and quiet in our working quarters, and people sat down for coffee without the usual hustle and bustle. I noticed that only the map experts were hard at work with maps piled in front of them and on the table, strewn all over the floor and tacked up on the walls. (They were working out the details for Sarajevo, Goražde, Foča, Doboј, Bosanski Novi and some other locations.) They told me that they saw the map that the Americans had brought over and that Posavina was not in the Federation. The corridor would remain within the current borders with a narrow belt around Orašje from the north. This area is completely isolated and appended to Croatia. The Sava River meanders around Brčko and here the territory of Croatia folds into Bosnia. This area is the same size as the area around Orašje, which also folds into Croatia, again at a river. What a strange symmetry in the topography and size of these areas! When you draw the border at Orašje through that part of Croatia, the width from the south part of the front to that imagined line through Croatia is exactly 20 kilometres (the width of the corridor requested by the Serbs).

This evening, Tuđman returned to Croatia with most of his team. We have still not been informed about what Holbrooke has arranged with Milošević.

I heard that Zubak resigned from his post in the Federation, but I still do not believe that this is true. This would be a negative development given the situation.

Today I sent information via a secure source to Ivan Lovrenović, who is in Zagreb, about the pressure that we are under. I asked him to publicise this and to have no qualms, especially when it comes to making public the agreement on Posavina between Tuđman and Milošević. I also asked that they hold a meeting of the HNV and that they issue a stern reaction.

## November 1995

The pressure continues. Lake, the man responsible for US homeland security, visited yesterday, while today William Perry came, as did Christopher, who has just returned from a trip to Japan. They are still holding separate meetings, not only with each delegation individually but also within our delegation. They are mostly focused on Izetbegović and Silajdžić and are talking with them separately. When I spoke with Izetbegović and Silajdžić, they claimed that there was no progress and that neither Milošević, nor the Americans are letting up.

However, efforts are still being expended on the constitution and on the map. Problems are being resolved and the experts claim that only a few contentious issues remain. The problem of the map has boiled down to the problem of the Goražde corridor. Posavina is no longer being mentioned. Milošević agreed that Sarajevo should remain a united and open city in the Federation, but in return he received Doboј, Mrkonjić and Posavina (no one mentions Žepa and Srebrenica anymore). The Contact Group is tackling the problem of the future elections and is looking into ways to implement the agreement. In Zagreb, Tuđman is announcing another "victory for Croatian politics and its leadership."

Zubak showed me the written statement where he says that he does not want to conduct Croatian state politics because it is against the interest of Croats in BiH. Surprisingly, he has received the support of Mostar in this. Izetbegović is worried about the possible course of events if Zubak goes ahead and submits his resignation.

After a meeting with the Contact Group, our delegation stayed on to discuss matters further. Izetbegović asked us what we thought about the development of the talks and what we should do if they offer us an agreement saying, "Take it or leave it." Zubak, Prlić and I did not state our opinions, while the others were in favour of signing the agreement. For the first time, Izetbegović said that we should have a referendum after all and let the people decide. This might be the only chance to buy some time.

In Zagreb, everyone is already up in arms. I was in contact with the HNV and members of the opposition and I insisted that they must put pressure on Tuđman and also organise the Posavina people. After the meeting of the delegation, I stayed on with Izetbegović. I warned him that our position on Posavina has not changed and that he should not ask us to state our opinions. He can do as he pleases, but he cannot ask us to accept this agreement as it is. He really is under a lot of pressure. It seems to me that Silajdžić has backed down and is ready to accept this kind of arrangement. He is putting a lot of faith in the foreseen elections, trusting they will bring new people onto the political scene to organise things differently in the future. Izetbegović is still unsure and he is considering the strengths and weaknesses of the whole arrangement. I think he has not yet decided what to do. I told him about the position of the HNV relayed to me from Zagreb.

Professor Banac called me tonight. He asked us to persevere, not to back down and not to sign anything.

## November 1995

Everything is rushed. The Americans would like us to solve all the unresolved issues by midnight and to basically reach an agreement. It has even been announced that Clinton will arrive tomorrow. This adds to the pressure. Christopher is still here. The whole day, he has been walking back and forth from our building to Milošević's quarters. Still, outstanding issues remain unresolved. We are still faced with the problem of Goražde and the Goražde corridor.

Izetbegović was clear: there is to be no compromise on Goražde, the Federation must retain a part of the Drina River and Goražde must have a secure link with the rest of the Federation. He reiterated his resolve on this matter to the members of the Contact Group. For his part, Zubak explained to them the absurdity of this map: if we take the 1991 statistics, the Serbs will not be an absolute majority within the proposed borders of the Serb entity, while in the Federation they will be just as numerous as the Croats, but will not be a constituent people. However, they were not overly concerned about this, and Bildt said that ensuring peace was the most important issue at hand.

These are not the only problems. Constitutional issues have also not been resolved in a satisfactory manner. It seems that what Izetbegović said to me the other day is coming true: I should not leave the negotiations over Posavina, because the agreement will fall flat on other issues. Now that we are two hours away from the end of the negotiations, I can see that many issues are still unresolved and it will not be easy to reach an agreement.

I have received information from Zagreb that the situation is becoming more volatile. The reasons are Posavina and Prevlaka. Tuđman tried to justify his decision but was obviously unsuccessful.

Tonight I spoke to Zubak about everything. We absolutely agree that Tuđman's decisions are wrong. Posavina was the only area that could have stopped the encroachment of Serbia into Bosnia. Furthermore, Serbs are in complete control of the Drina and the Sava rivers and part of the Una river (where the railroad is). Croatia is still sharing an extensive border with the Serbs.

Also, with the Federation's loss of Posavina, the Croats have been weakened as a people in BiH. For the Croats, the Federation will boil down to western Herzegovina where they did not even want the Federation. Both of us were surprised by Tuđman's inability to see this. What is his interest in trading Posavina for the passive Serb territories in western Bosnia?

## **Epilogue**

The final four days went by in a blur. After the calm of the two preceding days, the storm hit. Meetings were constantly in session and were being carried out on two fronts, with the Americans and the Contact Group. Our team of experts was swamped trying to formulate the annexes for this agreement (there are eleven in total) and trying to draw up the map, which was changing by the hour. Our delegation had to keep track of all of these changes and to make decisions regarding all the outstanding issues. We would go to bed at approximately 4 a.m.

It was easier to reach an agreement on institutional issues than on territorial matters.

Everything started going smoothly the moment we formulated a joint position within our delegation on the competences of the central government. We had the support of the mediators, and they put pressure on Milošević. It was difficult reaching an agreement within our delegation, and this often resulted in tense and explosive situations. I had the impression that it could all fall apart at any moment. The issues we were dealing with were the central bank and the centralisation of the monetary system, as well as citizenship, customs and the financing of the central government. There were two concepts: one that everything should be centralised and relegated to the entities from the central government, or that the entities should transfer some of their competences to the central government. In particular, we discussed the question of the central bank at length, because some were afraid that the government could be paralysed and the functioning of the Federation brought into question. After a long and at times heated debate, we agreed that the central government should have jurisdiction over foreign policy, foreign trade policy, customs policy, monetary policy, finances of the central institutions, citizenship, international and inter-entity criminal law enforcement, communication and roads, transportation and air traffic control. Also, we spent a lot of time trying to agree on the structure of the parliament, the make-up of the presidency and the format for the elections. The problem was in establishing mechanisms for the protection of national interests, while also making sure that these mechanisms did not paralyse the institutions. There were two concepts at play here as well: one was establishing a parliamentary system, the other entailed establishing a presidential system. This means that one side insisted on power being focused in the parliament and the government (with these mechanisms built into the parliament), while the other side wanted them to be integrated into the presidency. The first concept prevailed, and we agreed on a bicameral parliament with mechanisms for the protection of national interests.

As far as the presidency is concerned, we discussed the structure for a long time, debating whether there should be two, three or more members. A multi-person presidency would be more democratic but in the end we settled on a pared down presidency with three members: a Muslim, a Croat, and a Serb.

Elections presented a major problem. Our delegation easily agreed on a joint position.

The Serb side presented a problem: they did not agree on direct elections to either the presidency or the parliament. They wanted the members of the parliament and the presidency to be delegated from the entities. We were firm in our position and did not back down. With the help of the mediators, a system of direct elections prevailed. However, we did not manage to obtain elections across the entire territory of BiH. Instead, the two entities will be separate electoral districts. This makes the elections less democratic.

Another major issue was the voting of displaced persons. Our delegation insisted that displaced persons vote in the electoral districts from which they were expelled regardless of where they currently resided. In a way, we were refusing to make peace with ethnic cleansing, and trying to make sure that displaced persons could elect (and be elected into) the government of the region from which they were expelled. This also provides them with a hope of returning home. The Serb side did not want to accept this system and instead insisted on displaced persons voting in the electoral district

where they reside. The issue was not resolved until the last day.

The mediators suggested a compromise: displaced persons should be allowed to decide for themselves where they want to vote. The compromise was accepted.

The main problem during the final days and hours of the negotiations was the map. Several unresolved issues remained: Sarajevo, Goražde, the corridor, Brčko, and Posavina.

As far as Sarajevo is concerned, it is very interesting that once we had agreed on and finalised the district project, Milošević decided to give up on it and to let the Federation have the city. We discussed this act for a long time, trying to understand its significance. In the end, the only reason could be some future partition of BiH. A future partition of BiH is the only possible explanation for why the Serbs do not want to participate equally in the city government and do not want the city to be an integrated whole - a third entity in the state - under the control of a common, central government. They took Lukavica and Pale for themselves, thinking that they could leave the union with that and be satisfied. There is no other rational explanation. However, they were under a lot of pressure from the mediators that the city must not be divided, that it must be united and open. Right before the signing of the agreement, a rumour was circulating in Dayton that the Pale Serbs were informed of the solution for Sarajevo only an hour before the signing and that Koljević fainted as a result. In any case, the signing was delayed for an hour.

Goražde was much more difficult to agree on than Sarajevo. First, Milošević did not surrender all the Goražde territory, as the Contact Group had planned. He agreed to the current military borders and a corridor to the city. We asked that the Contact Group's plan be adhered to, except that we wanted to have Foča and a road through Kalinovik in exchange for Višegrad. (The Americans also proposed a "northern solution" through Rogatica, but Milošević rejected it.)

We discussed the solution for Goražde for a long time. Silajdžić had to bear the brunt of these negotiations (and the negotiations for Sarajevo). He spent hours debating with Milošević. There are some interesting stories, even anecdotes, about this. We were willing to pare down our demands for Goražde and the proposal included the Drina River from Goražde to Ustikolina.

Silajdžić was insisting on Ustikolina as a means to an end - twenty kilometres of the Drina riverbank. In the end Milošević asked him, "Haris, why are you so intent on Ustikolina? It's a godforsaken village with nothing in it." Silajdžić replied, "The oldest mosque in Bosnia is there." "There's no mosque left - our savages destroyed it," Milošević continued. "There's the land where the mosque stood. It's holy ground for us Muslims and we can rebuild the mosque," Silajdžić replied. Finally, Milošević said, "Haris, I thought you were a civilised man and here you are talking about holy ground. You're just like Karadžić - he keeps talking about holy Serb lands!"

Still we managed to secure a territorial connection to Goražde and not just a corridor. The Americans promised to build a road to Goražde through this territory.

Posavina, the corridor, and Brčko presented the biggest challenge to the negotiations.

Although it was part of the Federation according to the Contact Group's plan, Posavina was taken away from us courtesy of the agreement between Tuđman and Milošević. The Americans kept using this arrangement between Tuđman and Milošević to apply pressure on us. To avoid being blamed for the failure of the conference and the continuation of the war, we settled on a different tactic: we demanded that the quantitative 51:49 ratio be changed on account of the lost qualitative characteristics of Posavina, Brčko and the existing military positions along the corridor. We drew up a new map, which included all the newly occupied territory in the Federation - from Sanski Most, through Ključ and Mrkonjić, to Jajce and Bočac. Also, the whole of Ozren and the railroad junction in Doboj were in the Federation. The quantitative ratio was approximately 55:45 in favour of the Federation. We assumed that Milošević would never agree to this. We put pressure on the mediators to accept our solution and the suggested compensation for the lost "federal territories."

Our assumption was right. Milošević rejected this proposal. The mediators were on our side and, for the first time, the conference was seriously brought into question. There was a lot of commotion and many exhausting meetings. Christopher and Holbrooke, together with their military experts who were working on the maps, kept rushing back and forth from our delegation to Milošević. We were only willing to make small concessions. We made it clear that we would not surrender an inch of the territory that was under our military control. Therefore, changes were only possible to the territory around Ozren, an area not under our military control.

However, as this was only a small territory, about 0.4%, it did not change the situation significantly. Milošević insisted on the 51:49 ratio and the negotiations came to a stalemate. That is when Tuđman stepped in again, offering the territory of western Bosnia - Šipovo and Mrkonjić - which was under Croatian control, thus bringing us closer to the desired ratio. Now the fate of the conference was once again in our hands and we were under pressure to surrender more territory and thus provide for the 51:49 ratio.

These were our most difficult moments during the negotiations. All the American and European pressure focused on us. Even President Clinton joined the campaign. Our delegation seemed to hold the key to the success of the entire conference and all the responsibility rested on our shoulders. I believe that this night was hardest on Minister Šaćirbegović, because they used him to apply pressure on us. Again, we had to back down. That is how we lost the railroad junction at Doboj, a part of Ozren and some of Bjelašnica and Treskavica.

We were dissatisfied and thus again decided on a critical issue that would shift the responsibility for the failure of the talks onto Milošević - the corridor through Posavina and Brčko. Milošević demanded that the corridor be widened to 20 kilometres, meaning that the Army of BiH and the HVO would have to retreat some 15 kilometres south of the current defence lines. He also asked that all of Brčko be included in "Republika Srpska." We wanted the current defence lines to remain and for the Federation to have access to the Sava River via Brčko, that is, via the existing port on the river.

The talks were completely paralysed over this issue. The Americans were applying

pressure because they had planned on finishing everything by Sunday at the latest. However, Monday, 20 November, dawned and the negotiations were stilled at a stalemate. Christopher extended his stay in Dayton for another day. No progress was being made. The situation was very tense. We decided to stick to our position regarding the corridor and Brčko, despite the pressure that we were under. The goals of the conference eluded the mediators. They were very upset and angry. Holbrooke came to see us for what he said would be our final meeting. You could hear bitterness, pathos and anger in his voice. He spoke about how we were seeing each other for the last time, how he was sad that it was all over and that he would never work on this issue again. He even mentioned some personal and family issues related to his role in these negotiations. Of course, he let us know that the US Government would no longer take an active role in solving the conflict in BiH, that many would abandon us and that we would be left to our own devices. In the end, he said goodbye to each of us individually, as if he were seeing us for the last time. Hurriedly, he left down the hallway with his long upright gait, and exited our building.

We were alone. Dumbstruck, we looked each other in the eyes. A dejected shadow flickered across everyone's face. Slowly, one by one, we exited the meeting hall and disappeared into our rooms. I concluded: the conference has definitely failed.

However, that night, things took a turn. That afternoon, an airplane had arrived for us and we were supposed to fly back at 7 p.m. When we asked our hosts about the flight details, we received a strange answer. They said that if we really wanted to be the first to leave the conference, we could board a plane to Zagreb at 7:10 p.m. Their tone was almost angry. At that moment, I was sitting with Izetbegović. He concluded that something was not right about all this: we did not want to leave Dayton because we wanted to abandon the conference, but rather because the conference had failed and everyone was leaving. (Supposedly, Milošević and his delegation were supposed to depart some time before 7 p.m. and Tuđman was supposed to depart at 7 p.m.) At that moment, someone came in and said that Tuđman had postponed his flight for tomorrow. Then, Izetbegović said that we would stay on as well and it might be better to fly tomorrow around noon. We had slept very little so it was decided that we should get some rest.

Izetbegović was very tired and looking forward to going to bed.

That night, Christopher tried to intervene one more time with Izetbegović and to convince him to accept a wider corridor. Izetbegović firmly rejected this proposal. Around 1 a.m.

Izetbegović called us in to a meeting. Zubak was not present because he was already asleep and Prlić could not be located. Izetbegović showed us the statement that Christopher had sent over: Izetbegović, Tuđman and Milošević were supposed to sign it and announce it to the media at 10 a.m. tomorrow morning. The statement declared that the negotiations had failed. It was short and sparse. Some of the results that had been achieved were listed but there was no definite solution or final result.

After that, we went to sleep relieved that the torture was over. We were to leave tomorrow at noon.

Everything happened during that night and I do not know the details. CNN announced that the conference had failed and broadcast this news at intervals throughout the night.

When I woke up in the morning at around 9.30 a.m., I saw American secret servicemen in the hallway. I knew that Christopher must be visiting Izetbegović. He came out quickly. I went into Izetbegović's room and asked about what Christopher had wanted. Izetbegović told me that the agreement had been accepted. I was shocked at this turn of events. Some of our experts were congratulating each other in the hallways, kissing each other on the cheek. Clearly, this had been an exhausting ordeal for them, and they had just finished an important task. I couldn't say anything. I did not feel anything. It was as if it was all happening to someone else.

How did we reach this conclusion? They say that Granić had come up with a compromise because the conference had reached a stalemate over the corridor and Brčko (Milošević kept demanding that the corridor be expanded and we kept rejecting these demands). Granić suggested that the arbitration of this issue be left to an international commission. Milošević kept rejecting this until the morning, when he gave in. That is how the conference was saved and how we ended up with the Dayton Agreement.

Ivo Komšić

**Chapter from the author's *The Survived Country - Dividing Bosnia and Herzegovina: Who, When, Where* (Zagreb: Synopsis, 2013)**

The preceding text is copyright of the author and/or translator and is licensed under a Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Unported License.