

Q → 2B → #shelf
3/12/93

TITLE: The Partition of Bosnia and
Herzegovina, 1990-93

AUTHOR: Robert M. Hayden

**THE NATIONAL COUNCIL
FOR SOVIET AND EAST EUROPEAN
RESEARCH**

1755 Massachusetts Avenue, N.W.
Washington, D.C. 20036

PROJECT INFORMATION:

CONTRACTOR:	University of Pittsburgh
PRINCIPAL INVESTIGATOR:	Robert M. Hayden
COUNCIL CONTRACT NUMBER:	807-20
DATE:	March 12, 1993

COPYRIGHT INFORMATION

Individual researchers retain the copyright on work products derived from research funded by Council Contract. The Council and the U.S. Government have the right to duplicate written reports and other materials submitted under Council Contract and to distribute such copies within the Council and U.S. Government for their own use, and to draw upon such reports and materials for their own studies; but the Council and U.S. Government do not have the right to distribute, or make such reports and materials available outside the Council or U.S. Government without the written consent of the authors, except as may be required under the provisions of the Freedom of Information Act 5 U.S.C. 552, or other applicable law.

** The work leading to this report was supported by contract funds provided by the National Council for Soviet and East European Research. The analysis and interpretations contained in the report are those of the author.*

CONTENTS

Executive Summary	ii
The Partition of Bosnia and Herzegovina, 1990-93	1
Political Partition: The Elections of 1990	2
Geographical Partition: Maps and (Dis)Agreements, 1991-92	3
Forced Partition: The Results of the Serb-Croat Military Campaigns	6
Diplomatic Partition: The Vance Owen Plan for B&H	8
Losers and Winners in the B&H Since 1990	12
Calling a House Divided a Condominium	13
Partition as Inevitable Tragedy	14
Notes	16
Maps	21

THE PARTITION OF BOSNIA AND HERZEGOVINA, 1990-93

Robert M. Hayden
University of Pittsburgh

Executive Summary

Bosnia and Herzegovina (B&H) was destroyed as a political community by the elections of 1990, in which the vote was divided between nationalist parties of the three largest communities, the Muslims, Serbs and Croats. In 1991 and again in 1992, Serb and Croat leaders agreed to divide B&H between them, leaving a small region for the Muslims. The civil war that broke out in March 1992 was primarily aimed at achieving the partition that had been agreed to by the Serbs and Croats, and in fact this partition has been accomplished on the ground.

International mediation by the EC and the UN has operated under the premise that B&H will be preserved as single state, and it has been internationally recognized and sits in the UN. However, this "state" of B&H is actually a legal fiction, since it controls almost none of its own territory and has been rejected by the elected leaders of two of its three main communities. Serbia and Croatia have in fact annexed large parts of B&H. "Ethnic cleansing" is aimed at forcing movements of populations to coincide with the partition of the territory of B&H along the lines agreed to by Serbia and Croatia in 1991 and 1992.

The Vance-Owen plan for B&H essentially takes a house divided and proclaims it a condominium. The central government of B&H would have literally no authority whatever within the country, no right to self-defense, and would control no military forces. International involvement in enforcing the plan would in essence turn B&H into a protectorate, although it would continue to have international personality.

The Vance-Owen plan divides B&H into provinces that are primarily determined by the ethnic map of the country as it stood before the war began, except that the Croats are given more territory than such a division would warrant. The intent of the map seems to be to ensure that each of these provinces will have a large majority of one community, which will probably induce members of minorities to move to provinces controlled by their own groups.

While the Vance-Owen map is clearly aimed at preventing the formation of a greater Serbia, it is just as clearly aimed at creating a greater Croatia. The Croatian provinces are contiguous with each other and with Croatia. Since these provinces will be completely autonomous of any central authority in B&H, they will be de facto free to join Croatia even if the fiction of their remaining in B&H is maintained. Thus the map legitimates the annexation of these territories to Croatia that has already been accomplished, and paves the way for greater Croatian expansion into areas now controlled by Serbs or Muslims.

The future of B&H is bleak. A house divided against itself in fact cannot stand, and calling it a condominium does not help when so many of the residents are demonstrably eager to raze the structure. The intermingling of Serb and Muslim provinces in northeastern B&H will be unstable and thus destabilizing. In essence, the situation in B&H now combines the political problems of Lebanon and Palestine on terrain resembling Afghanistan, and the Vance-Owen map adds a Nagorno-Karabakh element to the mix.

The partition of B&H was unthinkable until 1991, but became inevitable once it was accepted that Yugoslavia could not exist as a single state of Serbs, Croats and others. With the triumph of the politics of separation in Yugoslavia, B&H was doomed to partition. Had this tragic fact been recognized in 1992, the partition of B&H could have been like the partition of the Punjab in India in 1947: exceptionally brutal but soon over. The international unwillingness to recognize that partition would indeed take place means that it has occurred in the worst way possible. In this context, the international recognition of B&H as single state when it clearly was not one, however well intentioned it might have been, made a tragic situation infinitely worse, and means that the area will remain unstable for a long time to come.

(includes 9 maps and 1 table)

THE PARTITION OF BOSNIA AND HERZEGOVINA, 1990-93

Robert M. Hayden
University of Pittsburgh

The war in Bosnia & Herzegovina (hereafter, B&H) can be classified in several ways. It is a civil war, in that the citizens of one country are fighting each other. It is a war of secession, in that the leaders of the Serbs and Croats of B&H have made it clear that they will tolerate no authority whatever from any central government, and that the "autonomy" they seek would amount to secession de facto if not de jure.¹ And it is a war of irredentism in that many Serbs and Croats wish to annex parts of B&H to Serbia and Croatia, respectively. It is not a war of international aggression, in that it does not involve the forces of one state attacking the forces of another, although both the Serbian and Croatian forces in B&H derive much support from their "mother republics."

All of these definitions hinge on the legal fact that B&H has been internationally recognized as an independent state. The civil war is thus internal to this state, while secession must take place from it. Yet this legal fact is actually a social fiction. B&H is not a functioning state, and its recognized government has authority over very little of its territory. By itself this political and military fact is not significant, since in any civil war the authority of the government is challenged and it may lose control over part of its territory, at least temporarily.² However, in B&H the government that attained international recognition did not at that time have actual control over much of the territory of the new state, and since the beginning the aim of the war from the perspective of the Croats and Serbs has been to ensure that no such authority is established. Thus where in most wars over attempted secession the recognized government may be seen as trying to regain its authority, B&H is a situation in which the recognized government is attempting to attain the normal attributes of a functioning state, against the wishes of large numbers of its own putative citizens who have rejected its authority from the start.

From this perspective, the war in B&H is indeed an example of politics by other means. Understanding the Bosnian war may thus be best accomplished by looking at it from the perspective of the political and social processes at work in B&H before recognition and considering how these processes are related to the course of the armed conflict that broke out at that time. By so doing, it can be seen that the war in B&H in 1992-93 is the continuation of a process of partition of that Republic that began in 1990, and the roots of which go back much further.

POLITICAL PARTITION: THE ELECTIONS OF 1990

While the sources of the conflicts since 1991 in what was Yugoslavia are often viewed as having grown over "centuries of hatred," the proximate cause of the partition of B&H was the political division manifested in the elections held there in August of 1990. Until those elections, it was possible to see B&H as one polity composed of several ethnonational groups. After the 1990 elections, however, it was clear that the citizens of the Socialist Republic of Bosnia and Herzegovina had divided themselves, overwhelmingly, on ethnonational grounds. The percentage of the vote received by a Muslim nationalist party, a Serbian nationalist party, and a Croatian nationalist party was in each case slightly under that nation's percentage of the total population, and these three parties took 79% of the vote between them. The percentage of each group, its major nationalist party and that party's percentage of the vote were as follows:

See Table 1, page 2a.

It was also clear that the leaders of the Serbian and Croatian parties (SDS and HDZ, respectively) were not in favor of the creation of a unitary state of B&H, but rather would demand autonomy to the point of confederation. Many of these leaders did not hide their views that large parts of B&H should belong to Serbia or Croatia.³ For them, any "state" of B&H would be temporary, a step towards secession followed by unification with the mother state of the ethnonation.

There is some evidence that much of the population of B&H did not share the sentiments of the leaders of the nationalist parties, and viewed the formation of such parties as dangerous, as late as May 1990.⁴ With the collapse of Yugoslavia, however, the population divided largely along ethnic lines over the future course, with Croats opting for either an independent B&H or one that was "sovereign" in a confederation with Yugoslavia, Serbs calling for the maintenance of B&H in a Yugoslav federation, and Muslims wanting a "sovereign republic in a weak federation."⁵

Since no party had a majority, leaders of the three largest parties agreed to form a coalition government in which the President of a seven-member Presidency was to be a Muslim, the President of the Assembly a Serb and the head of the republican government a Croat. Muslims headed ten ministries, Serbs seven, Croats five. But beneath this facade of cooperation, the parties in power in each institution engaged in purges of those not of the correct ethnicity. Further, at the op tina level, the party of the majority nationality frequently put its own people into all key positions. Thus the election results of 1990 began a process of political ethnic cleansing at the republican and local levels.⁶

Table 1

ETHNOPOLITICAL PARTITION OF BOSNIA & HERZEGOVINA, 1990

Ethnonation	percent of population (1991)	Party	percent of vote (1990)
Muslims	43.7	SDA (Stranka demokratske akcije)	37.8
Serbs	31.3	SDS (Srpska demokratska stranka)	26.5
Croats	17.5	H D Z (Hrvatska demokratska zajednica)	14.7
Non-national parties:	----	S K S D P (S a v e z Komunista - S t r a n k a demokratske promene)	6.0
		SRSJ (Savez reformskih s n a g a Jugoslavije)	5.6

Source:

Vladimir Goati, "Politički Život Bosne i Hercegovine 1989-92," and Srdjan Bogosavljević, "Bosna i Hercegovina u Ogledalu Statistike," both in Srdjan Bogosavljević et al., Bosna i Hercegovina između Rata i Mira (Beograd and Sarajevo: Forum za etničke odnose, 1992), pp. 27 and 47.

GEOGRAPHICAL PARTITION: MAPS AND (DIS)AGREEMENTS, 1991-92

See Figure 1, page 21.

Ethnonational map of B&H, 1991 census

It is clear from the ethnic map of B&H (Figure 1) that the republic could not be divided without massive movements of populations. However, the political results of 1990 in Yugoslavia made such movements inevitable. First, the practical consequences of the political partition of 1990 meant that local administrations were becoming chauvinistic ones, while two of the three constituent parties of the republican government were committed to ensuring that there would be no central authority in the supposed B&H. Thus there would be no central government protection against discrimination at the local level. Second, the existence of the new chauvinistic nation-states of Croatia and Serbia⁷ meant that Croat and Serb politicians would work to annex much of the territory of B&H to their own states. Since Serbs and Croats accounted for about half of the population of B&H, and controlled much of the territory and virtually all of the weapons there, the chances of resisting the Serbo-Croat desire to partition the republic were minimal.

These chances virtually disappeared in March, 1991, when the Presidents of Serbia and Croatia met on the border between their two republics and discussed a variety of topics, one of which was the division of B&H between them.⁸ Whatever the details of this agreement may have been, the general idea of the division of B&H between Serbia and Croatia was from then on basic to both the Serbian and Croatian national projects.

The first map of a proposed division of B&H into "cantons" was put forth by the SDS in late 1991:

See Figure 2, page 22.

Map of Serbian proposal for division of B&H

A Croatian proposal for Croatian cantons soon followed:

See Figure 3, page 23.

Croatian proposal

These maps were not by any means identical, yet the territories claimed by Serbs and Croats do not overlap too much, except in the northern region of Po avina. The Croatian map does claim substantial amounts of territory that the Serbian map awarded to the Muslims. Putting the two maps together, however, indicates the broad outlines of a division in which the Muslims would be given only the central part of B&H and the far northeastern tip of the republic. As will be seen, this division has been accomplished by the Serbs and Croats since the start of the civil war in April, 1992.

The facade of a tripartite, trinational coalition in B&H was destroyed in October 1991 when the Croats and Muslims joined forces to pass a resolution declaring the "sovereignty" of B&H, over the objections of the SDS and after the withdrawal in protest of most of the SDS members of the republican assembly. This vote set up the political configuration of the official governmental organs of B&H: a coalition of the HDZ and the SDA on severing B&H from Yugoslavia. At the same time, outside of these organs of government, the Serbs and Croats continued to cooperate in dividing B&H between them, as will be seen. The seeming incongruity between the Croats' official alliance with the Muslims in the B&H government but active cooperation with the Serbs who rejected that government was not in fact contradictory, because the Croatian view of a "sovereign" B&H was that it could only be composed of autonomous provinces or "cantons." Since the Croat cantons could then for all practical purposes merge with Croatia, the Croatian support for a "sovereign" B&H was a mask for dividing it with the Serbs while denying that they were doing so.

The Muslim-Croat coalition at the level of the B&H parliament and Presidency led to the Presidency's applying for diplomatic recognition in December 1991, without the Serb members participating. The B&H parliament, also without Serb participation, voted in January to hold a referendum on independence, in order to meet what the EC had viewed as a condition of recognition. The referendum, which was boycotted by the Serbs, was held on 29 February and 1 March 1992, and was virtually unanimously in favor of independence.⁹ Meanwhile the SDS had proclaimed its own Serbian Republic of B&H within B&H, to be independent if B&H proclaimed independence. The EC and the United States recognized the independence of B&H on April 7, 1992; the Serbian Republic of B&H proclaimed its own independence from B&H on the same day, and the SDS representatives withdrew from all B&H institutions the following day.¹⁰ Full-scale civil war broke out shortly thereafter.

While the tripartite coalition in the government and parliament were thus breaking down, the same three parties carried on a series of negotiations under the auspices of the European Community. At the end of February, 1992, the three national parties agreed on a map for an ethnic division of B&H into seven regions, two each for Muslims and Croats, one for Serbs, as shown in Figure 4:

See Figure 4, page 24.

Ethnic division agreed to by leaders in Villa "Konak," 2/92

While no two regions allocated to any of the national groups would be adjacent, the theory was that all of the regions belonging to each group formed one constituent province of B&H; thus the seven geographically distinct entities would be three constituents of the B&H state. This much had been agreed to in a document on "Basic

Principles for a New Constitutional Structure of B&H."¹¹ However, agreement was not reached on anything else, and the discussions were continued.

The next stage in these negotiations was reached in mid-March, 1992, when the EC's special mission took a very active role and more or less insisted that the parties agree to a map that it had drawn and a revised version of the "Principles for a New Constitutional Structure" that it had helped to draft. The "Constitutional Principles" now defined B&H as "one state composed of three constituent units, based on [ethno]national principles and taking into account economic, geographic and other criteria."¹² This was a significant change from the version of two weeks earlier, which had not specified the definitional criteria. Using these criteria, the EC's experts had drawn up a map for the reorganization of B&H into "cantons," as seen in Figure 5:

See Figure 5, page 25.

EC plan for division of B&H, 19/3/92

While this plan was reported to have been accepted by all three sides, at least as the basis for further negotiations,¹³ it was soon rejected by the Croats and Muslims. The HDZ stated that "the map was drawn by reporters" and that the division was too harmful to the Croats to be acceptable.¹⁴ The following day the SDA also repudiated the agreement, with its spokesman at a press conference saying that the party had accepted it a week earlier only in order to avoid being branded as the side that wrecked the negotiations.¹⁵

The Croats had indeed gotten the worst of the three national parties by the EC's plan. They would have controlled only 12% of the land, and 59% of the Croatian population of B&H would have remained outside of the Croatian province. By these same criteria, however, the Muslims would have fared best, receiving 44% of the land, and with only 18% of the Muslim population remaining outside of Muslim provinces. The Serbs, who would also have received 44% of the land, would have seen 50% of their conationals remain outside of Serbian provinces.¹⁶

When the parties reconvened in Brussels on 31 March the Muslim leader, Alija Izetbegovi, stated that the map of two weeks earlier had been thrown out, because "it showed the complete absurdity of a strict division on national lines."¹⁷ The HDZ leader at the negotiations also regarded the "elimination" of that map as the most important result in Brussels.¹⁸ At the same time, however, he also supported the appointment of a "working group" composed of three members from each of the three national parties plus three members from the EC, to draw up a new map of B&H, defining the borders of the constituent units based on the nationality principle, along with economic and historical criteria, as well as "historical, confessional, cultural and educational, transport and

communication [factors], and the will of the inhabitants, to the measure in which the members of the working group agree."¹⁹ Such a group was formed. It was supposed to make its decisions unanimously and to complete its work by 15 May 1992, which was a tall order.

It was an order that in any case would never be fulfilled. In March armed conflict had already begun in B&H, and the population of the republic began to divide itself, with many leaving homes in areas in which their nation formed a minority for areas in which they could be among the majority. As conflict spread, B&H was a republic in the process of dissolution. However, the EC and US granted recognition to B&H as an independent state, apparently in a desperate attempt to stop this process of disintegration.²⁰ Rather than stopping the fighting, however, this recognition led to the outbreak of full-scale civil war. By the time the EC's negotiations on B&H convened again, in Sarajevo on 12 April, the primary effort was aimed at attaining a cease-fire, with any effort at reaching agreement on a constitutional structure for B&H and the definition of its constituent units suspended.²¹

One more agreement was reached, however, on the territorial division of B&H, between the leaders of the SDS and HDZ of B&H, who met in Austria on May 6 and agreed on a plan to divide the republic into three regions. This agreement was rejected by the EC, which stated that it would not accept any agreement which did not have the support of all three parties.²²

From March 1991 until May 1992, the pattern of division of B&H may thus be summed up as follows: the Serbs and Croats agreed to divide the republic largely between them, explicitly in March 1991 and May 1992, and implicitly in the proposals that they had put forth in February and March 1992 in the course of the EC-sponsored negotiations on B&H. On the other hand, the EC's plan to divide B&H into "cantons" was apparently accepted in principle by all three parties on 18 March 1992, only to be rejected a week later, first by the Croats and then by the Muslims.

FORCED PARTITION: THE RESULTS OF THE SERB-CROAT MILITARY CAMPAIGNS

The fighting in B&H has at various times been between Serbs and Muslims, Serbs and Croats, Serbs against local Muslim-Croat alliances, and Muslims against Croats. This potentially confusing fighting, however, has followed a clear political and military logic: the division of B&H roughly on the lines agreed to by Serbian and Croatian leaders, from the "mother republics" in 1991 and from the B&H communities since then. This can be seen by comparing maps of military control in late 1992 and early 1993 to the Serbian and Croatian proposals in early 1992 for the division of B&H into ethnic cantons (Figures 2 and 3).

A map of military control over the territories of B&H in late 1992, published by Balkan War Report, shows the parallel to the Serb-Croat proposals for partition most clearly:

See Figure 6, page 26.

Map from Balkan War Report, Nov/Dec. 92, p. 13

By this map, the Muslims control an area around Sarajevo, a central Bosnian region, the northwestern corner of B&H, and enclaves in the east around Gora da, Srebrenica and Vi egrad, all regions awarded to the Muslims or Croats by the Serbian proposal. On the other hand, the Croats control almost all of the parts of these non-Serb regions that had been included in their own proposal, with the exception of an "island" of the op ine of Zavidovici and Banovici, north of Sarajevo, apparently ceded to the Muslims. The Croats also control substantially more of Eastern Hercegovina than their original proposal had called for, particularly in the op ina of Trebinje. On the other hand, the Serbs controlled almost the entire region of Posavina in the far north of B&H, which the Croats had proposed for themselves.

A New York Times map from the same period tells much the same story, with rather more of the central Bosnian region being shown as under joint Croat-Muslim control, and with greater inroads in Serb control of Posavina:

See Figure 7, page 27.

Map from NY Times, 20/11/92, p. 7

A New York Times map from early March 1993 (Figure 8) shows the Muslim enclaves in Eastern Bosnia to be greatly reduced, and in this form they parallel the Serbian proposals of 1992. In the north, Serb control is highly attenuated at a critical point, threatening the Serbian corridor to their areas of control in the western part of B&H and in the Krajina region of Croatia. The area of Croat control in the south-central part of B&H seems reduced, but this impression is caused by the rather misleading label of the central Bosnian region as controlled by "Muslims and some Croats." In fact, Croat control over much of the region to the west of Sarajevo was confirmed militarily in January 1993, as will be described shortly, thus conforming to the Croat proposal of early 1992.

See Figure 8, page 28.

NY Times map, 6/3/93, p. 4

Military control in all cases has been accompanied by what has come to be known as "ethnic cleansing," a process in which the civilian population of the wrong ethnicity is driven from the land. While all sides have engaged in this practice, it is generally considered to have been practiced on the widest scale by the Serbs,

presumably because of their need to consolidate their hold over the widest expanse of territory.²³

The military situation in B&H is thus one in which the Muslims have been reduced more or less to the territories allocated to them by the Serbs and Croats before the war began. Serb and Croat territorial consolidations have also been more or less along these lines, except that the Croats have lost the region of Posavina in the north to the Serbs, while the Serbs have lost much of Trebinje in the south to the Croats. These deviations from what was, apparently, agreed to are based on strategic considerations. By taking Posavina, the Serbs have maintained control over a corridor uniting their territories in western B&H and in Krajina with their lands adjacent to Serbia. By taking Trebinje, the Croats have protected Dubrovnik and much of the Dalmatian coast from possible Serb attack.

DIPLOMATIC PARTITION: THE VANCE-OWEN PLAN FOR B&H

In August 1992, international diplomatic activity in regard to Yugoslavia took a major turn with the London Conference. The EC appointed a new mediator, Lord Owen, to work with the personal representative of the Secretary General of the UN, Cyrus Vance. These two diplomats convened negotiations in Geneva between the Serbs, Croats and Muslims of B&H, joined at times by representatives of the governments of Croatia, Serbia and the Federal Republic of Yugoslavia. The initial result of their activities was a "Report on Progress in Developing a Constitution for Bosnia and Herzegovina," accompanied by an Annex entitled "Proposed Constitutional Structure for Bosnia and Herzegovina."²⁴ The Report shows the extent of the disagreement of the parties over the future of B&H:

One of the parties initially advocated a centralized, unitary State, arranged into a number of regions possessing merely administrative functions. Another party considered that the country should be divided into three independent States, respectively for the Muslim, Serb and Croat peoples, with each of these States having its own legal personality, which States might form a loose confederation for the purpose of coordinating certain of their activities. The third party supported a middle position.²⁵

It also noted that, given the intermingled population of B&H, a plan to create ethnically-based states would require the forced transfer of populations, a step condemned by the London Conference, the UN Security Council and the UN General Assembly. Further, the co-chairmen foresaw that a "confederation" of such states "would be inherently unstable, for at least two would surely forge immediate and stronger connections with neighboring States of the former Yugoslavia than they would with the other two units of Bosnia and

Herzegovina."²⁶ On the other hand, they noted that "a centralized state would not be accepted by at least two of the principle ethnic/confessional groups in Bosnia and Herzegovina, since it would not protect their interests in the wake of the bloody civil strife that now sunders the country."²⁷ T h e solution proposed by the co-chairmen was

a decentralized state ... in which many of its principle functions, especially those directly affecting persons, would be carried out by a number of autonomous provinces. The central government, in turn, would have only those minimal responsibilities that are necessary for a State to function as such, and to carry out its responsibilities as a member of the international community.²⁸

The "Proposed Constitutional Structure" was their design to create such a state.

Examination of the proposed constitutional structure, however, indicates that the "state" of B&H would be minimal indeed. As proposed originally, the central government would have responsibility only for foreign affairs, international commerce, citizenship and national defence, along with taxation for these purposes.²⁹ However, national defense would actually be "supervised" by "an appropriate authority designated by the International Conference on the Former Yugoslavia."³⁰ Economic and other functions usually assigned to a central government, such as central banking authority and communications, would be the responsibility of "independent" authorities, "consisting of representatives of all the provinces,"³¹ rather than of the government. The provinces would "generally" have exclusive responsibility for virtually all other governmental functions, specifically including education, radio and television, provincial communications and airports, energy production, financial institutions and police, among others.³² The police power would be solely within the competence of the provinces, since it is specified that "all uniformed police [are] to be at the provincial or local level" and that there would be "no uniformed, armed forces" outside of the military at the national level.³³

In this arrangement, the "state" of B&H would be a curious creature indeed, since it would have virtually no authority whatever within its borders. This is a constitutional structure worthy of a Zen master, a "state" without authority being as easily comprehensible as the sound of one hand clapping. And whatever authority over internal affairs might have adhered to the central government in the realm of national defense disappeared in the final version of the "Constitutional Principles," made public in Geneva in early January 1993. A major change in this final version was to drop "national defense" from the competency of the central government, saying instead that "Bosnia and Herzegovina should be

progressively demilitarized under the control of the International Conference on the Former Yugoslavia" and banning "the formation of public or private armed units" except for the provincial police forces.³⁴

Along with denying the supposed state of B&H any authority within its borders and the right to self-defense, the January 1993 Vance-Owen plan would put roads between the provinces under international control, in order to ensure the free passage of goods and people and to prevent the movement of military forces or equipment between the provinces.³⁵ Further, the plan would create a variety of courts, ombudsmen and other institutions, under international control, in order to ensure human rights. The effect of all of these provisions would be in essence to create a protectorate of B&H. While this protectorate would enjoy international personality and sit in the United Nations, it would actually not be a functioning state. Indeed, since its own constitutional structure would deny it any authority within its own boundaries, B&H might be the ultimate "quasi-state."³⁶ On the other hand, the ten provinces would actually be functioning states, but none would have international personality.

In this unusual constitutional situation, the identity of the constituent provinces is critical. In this context, the Vance-Owen plan, like that of the EC in March 1992, announced a mixed set of criteria:

Boundaries of the provinces [are] to be drawn so as to constitute areas as geographically coherent as possible, taking into account ethnic, geographical (i.e. natural features, such as rivers), historical, communication (i.e. the existing road and railroad networks), economic viability, and other relevant factors.³⁷

Supposedly using these criteria, a team of "experts" drew up a map of the proposed provinces (Figure 9):

See Figure 9, page 29.

Vance-Owen map, as published in Borba, 8 Jan. 1993

This map resembles most the EC's proposed "cantonization" of March 18, 1992 (Figure 5). The major differences between the two maps are as follows:

1. Croat lands: Vance-Owen consolidates the Croatian provinces, giving the Croats land in the north (Posavina) that the EC plan had allocated to Muslims and Serbs, and in the south-central part of B&H land that had been allocated to the Muslims. In the south-east, the Croats are given land in Trebinje that they had not even asked for in 1992, but which they controlled militarily in 1993. In essence, Vance-Owen gives the Croats everything they asked for in early 1992 (Figure 3) except for the

island of territory north of Sarajevo, and with the addition of land in Trebinje that they had not even requested.

2. Serb lands: Vance-Owen follows the EC plan (Figure 6) fairly closely, with a few exceptions. The Serbs gain some land in the far west of B&H at the expense of the Muslims, and are given a land corridor in Fo a in the east, linking one of the isolated bits of Serbian territory on the EC map, also at the expense of the Muslims. In the north, the Serbs lose some land in Posavina to the Croats, and they lose the Trebinje strip to the Croats. Thus the Serbs receive about what they would have received in March 1992; but their holdings, unlike those of the Croats, are fragmented and largely not contiguous with either Yugoslavia or each other.

3. Muslim lands: the big losers since March 1992 are the Muslims, who lose land in Posavina and in central Bosnia to the Croats, and territory in the far west and far east of B&H to the Serbs. While the Muslim territories are contiguous, except for the Biha island in the far northwest, they are so intermingled in the east with those of the Serbs as to make the viability of each dependent on the other.

The intermingling of the Serb and Muslim provinces in fact gives the lie to the idea that the "experts" who drew the map considered the "geographical, historical, communication and economic viability" factors that were supposed to guide their work. Instead, the map in this area most closely follows the ethnic maps from 1981 and 1991 (Figure 1). At the same time, and despite the denial of an intent to promote movements of populations, the map seems to have been drawn in such a manner as to ensure that each province would have a very large majority of one ethnonational group. As Borba noted, the Vance-Owen map, unlike any other maps proposed until then, cut across op ina boundaries, apparently with the intent of inducing transfers of populations in op ine in which there was no majority, members of each group going to the adjacent province where they would be in the majority. If such transfers are assumed, then all of the provinces except that in the region of Travnik would have a very large majority of one group.³⁸ In that province, Croats would have a plurality of 45%, followed by Muslims (41%) and Serbs (9.5%). However, the near parity between Croats and Muslims in this province was destroyed militarily shortly after the map was made public, when the Croats attacked Muslim forces in order to solidify their own control over the region.³⁹

If the political processes that were made manifest in the 1990 elections are taken into consideration, it is likely that the future of each of these provinces would be one in which the majority nation would consolidate its hold, excluding minorities from power and probably discriminating against them. The Vance-Owen plan tries to counter this tendency, first by providing for internationally supervised agencies to protect minority rights,⁴⁰ second by mandating that at least for the foreseeable future, the

government in each province must contain specified numbers of minority representatives.⁴¹ When it is recalled that all police power resides with the provinces, however, it is clear that countering this tendency towards homogenization would require the direct administration of the various provinces by international forces -- a role that would doubtless be resisted by local residents.

In practice, then, and despite the various condemnations of the forced transfer of populations, the Vance-Owen proposal would effect a partition of B&H into provinces that would quickly become nearly homogenous. Despite the rhetoric about maintaining B&H as a single state, it would not in fact continue to exist, except as a protectorate composed of ten little Bantustans. While it is possible to imagine a future in which these mini-states might coordinate voluntarily for their own survival, this outcome is unlikely, for the simple reason that some of the provinces will have better options available by joining one of the other formerly Yugoslav republics, a point to which I return below.

LOSERS AND WINNERS IN B&H SINCE 1990

Comparing the maps from 1992 and 1993, several conclusions can be reached.

First, the biggest losers overall in B&H are the Muslims. In terms of sheer numbers or victims, they have suffered by far the most casualties. If the Vance-Owen plan is implemented, the Muslims will in fact end up controlling rather less land than they would have had they accepted the EC's plan of March 1992, and only slightly more than if they had accepted the Serb-Croat divisions of B&H from 1991 and 1992. If it is not implemented, however, the Muslims will receive even less, since they will be reduced to a small part of central Bosnia and the northwestern tip of the republic. Rather like the Serbs in the former Yugoslavia, the Muslims in B&H have lost much of the territory that they formerly controlled and the political influence that they once had, and many of their conationals have been left in chauvinistic states that are dedicated to their subjugation as a despised minority.

Second, the biggest winners by far in the partition of B&H are the Croats. The most striking feature of the Vance-Owen plan is that it in fact creates a greater Croatia. Since the Croatian provinces are contiguous to Croatia and are to be totally independent of any central authority in B&H, they will join Croatia, at least de facto. This annexation in fact may be followed by annexation de jure, although it is also possible that Croatia may find it convenient to maintain the fiction of a B&H for a long time to come. If the B&H central government's constitutional authority over foreign trade is read to mean control over the borders of B&H, a Croat-Muslim coalition in B&H could close the borders to Serbia yet maintain them open to Croatia, thus

ensuring the permanent weakness of the Serbs of B&H and Krajina. While the Muslims would thus be largely dependent on the good will of the Croats, their mutual desire to control the Serbs would probably make their alliance relatively stable.

The position of the Serbs is more ambiguous. Vance-Owen would put them in about the same position that they would have been in had the EC plan been accepted. However, if they actually do abandon the territories that they conquered in northern B&H, they will also have lost much of the land that they controlled when the war began. Certainly the chances of building a greater Serbia to counter the greater Croatia created by Vance-Owen will be reduced for a possibly protracted future, and the near certainty of continued Serbian efforts to do just that will continue to weaken Serbs in B&H and in Serbia itself. Furthermore, the intermingled nature of the Serb and Muslim provinces in northeastern B&H is not likely to be conducive to stability. Thus the future of B&H is likely to be about as promising as that of Lebanon, while the prospects for the Serbs there are rather like those of the Turks in the so-called "Turkish Republic of Cyprus." On the other hand, the Serbs in B&H, like the Turks in Cyprus, may be willing to pay the price of economic backwardness in order to avoid domination as a permanent minority in a B&H controlled by a Croat-Muslim alliance.

CALLING A HOUSE DIVIDED A CONDOMINIUM

In essence, the Vance-Owen plan takes a house divided and proclaims it a condominium. This legal nicety does not remove the divisions. To the contrary, Vance-Owen institutionalizes the partition of B&H. The plan is thus a concession to the political reality inside B&H, but it places that reality into a greater context that has apparently been determined by larger political interests. The house has indeed been divided, and to continue to insist that it exists as a condominium, despite the demonstrated desire of many of the inhabitants to raze the structure, requires explanation.

The process of partition of B&H has been one in which the leaders of two of the three national groups agreed to divide the republic between them, leaving a small part of it for the third group. Militarily, this division has been more or less accomplished. What is striking about Vance-Owen is that it attempts to reverse only part of the military division while it confirms the other part. To put it bluntly, the Croats have accomplished more than they had even sought in the division of B&H, while the Serbs are pressed to give up much of their gains, and Croat military conquests are ratified while Serb ones are condemned. The effect of this is to create a greater Croatia and to weaken Serbia.

The mechanism through which this political consequence is being accomplished is the maintenance of B&H as a legal entity

despite its disappearance in fact as a political, social or economic one. B&H, like Lebanon, Cyprus and Sri Lanka, will be treated internationally as if it were a single state, when in reality it is not one. Unlike Lebanon, Cyprus and Sri Lanka, however, B&H never was a single state, but is rather a pure creation of international politics.

As these comparisons show, the future of B&H is not likely to be stable. Lincoln and the Bible have it right: a house divided against itself cannot stand. The supposed B&H state is being imposed on Serbs against their will, and the different treatment of Serb and Croat military gains can only show Serbs that the creation of this B&H is a device meant mainly to punish and weaken them. They are thus hardly likely to be loyal to B&H. Quite to the contrary, they are likely to work hard to undermine it.

In this context, the intermingled Serb and Muslim provinces of northeastern B&H may return to haunt those who insist on imposing this map. These provinces can never be viable economic, social or political entities, and their definition is premised on the mutual hostility of their respective residents. Their continued existence will be inherently unstable and thus destabilizing. To the parallels with Lebanon, Cyprus and Sri Lanka, one can add Nagorno-Karabakh -- all on topography resembling Afghanistan.

PARTITION AS INEVITABLE TRAGEDY

The partition of B&H is a continuing tragedy. It has resulted in the uprooting of millions, and will require the movement of many more before it is completed. It is a tragedy that was unthinkable through June 1991, but became inevitable by the end of that year. Yugoslavia's brief exposure to relatively free elections brought not democracy, but the replacement of state socialism with state chauvinism.⁴² The political message that succeeded was one of division, based on the premise, empirically untrue but politically powerful, that the peoples of Yugoslavia could not coexist within one state.⁴³ Once this logic of division was accepted, the partition of B&H was as inevitable as the partition of Yugoslavia itself, for if Yugoslavia could not exist as a common state of Serbs, Croats and others, neither could B&H.

The inevitable tragedy of this partition has been made worse by the refusal of the international community to accept that it would happen. A parallel might be drawn with the partition of Britain's Indian empire in 1947 into India and Pakistan. Once the logic of division was accepted, the maintenance of a mixed province (Punjab in 1947) or republic (B&H in 1992) was not possible. However, where the British bowed to this inevitability in 1947 and drew a border between India and Pakistan that divided Punjab, the European Community and the United States refused to accept the borders that the Serbs and Croats had drawn to divide most of B&H between them. Therein lies the root of the war. While the

partition of India was ghastly, particularly in the Punjab, it was accomplished in that part of India fairly quickly, because the border was already drawn, and terror was needed primarily to convince people to leave their homes for their new homelands. In B&H, however, this process of partition has been drawn out because the borders were not drawn in advance. Thus the campaigns of terror that have come to be called ethnic cleansing were probably more widespread than they would have been had the division of B&H been agreed to in advance.

From this perspective, the international recognition of an independent B&H was a political and legal act that ran contrary to the political processes within that republic and within all of the former Yugoslavia. Actually creating a real B&H on the ground would thus require the reversal not only of the course of the war, but of the political developments in Croatia and Serbia that produced it. Since that was never likely, the failure to accept the partition of B&H made a truly terrible situation much worse.

This last comparison, with India and Pakistan, is instructive in another way, if hardly encouraging. If partition had been accepted, the former Yugoslavia might have settled into a semi-stable state of permanent hostility between Croatia and Serbia, with arms races, border incidents and the occasional war, and with the Muslims of Bosnia playing the role of the Sikhs of Punjab. This would not have been a very desirable state of affairs, but once the politics of division were accepted, it was probably the best that could be achieved. The international failure to recognize this political reality has meant that an India-Pakistan scenario would now be optimistic. Instead, the international recognition of the quasi-state of B&H has created a situation that combines the political problems of Lebanon and Palestine on land resembling Afghanistan, and the Vance-Owen map lends a Nagorno-Karabakh flavor to the mix.

In this tragedy, it is best to end with the unattributed Greek verse used by Rebecca West in the dedication of her book on Yugoslavia, published at the time when it was last engulfed in civil war:

Grant to them the fatherland of their desire
And make them again citizens of paradise.⁴⁴

March 10, 1993

NOTES

1. Since both the Serbs and the Croats of B&H have agreed to constitutional principles that are premised on the territorial integrity of B&H and that would make secession very difficult, it might seem that neither secession nor irredentism are involved. However, as will be explained below, the "republican government" outlined in these principles would have literally no authority for internal affairs, thus granting autonomy amounting to de facto independence; and neither the Serbs nor the Croats have hidden their desire to annex their parts of B&H, despite the continued existence of B&H as a legal entity -- or legal fiction.

2. Such a loss of control need not be fatal to state continuity. However, the Arbitration Committee of the EC's Conference on Yugoslavia (the "Badinter Committee") delivered an opinion in late 1991 on the continued existence of Yugoslavia that cast doubt on the legal viability of federal states. Noting that the withdrawal of representatives from several republics meant that "the composition and workings of the essential organs of the Federation ... no longer meet the criteria of participation and representativeness inherent in a federal state," and that "recourse to force has led to armed conflict between different elements of the Federation" which the authorities of the federation and of the republics had shown themselves to be powerless to stop, the Committee concluded that "The Socialist Federal Republic of Yugoslavia is in the process of dissolution." (Opinion published in Yugoslav Survey, 1991 no. 4, pp. 19-20). This opinion would seem to render any federal state liable to the charge of "dissolution" whenever any part of it withdrew from participation from central organs of government and began armed insurrection, thus making federal structures inherently fragile. The implications of this opinion are ominous for the continuity of B&H, since that "state" never solidified.

3. See Du an Janji , "Gradjanski Rat u Bosni i Hercegovini: Op te karakteristike i uzroci sukoba i rata," in Srdjan Bogosavljevi et al., Bosna i Hercegovina izmedju Rata i Mira (Beograd and Sarajevo: Forum za etni ke odnose, 1991), pp. 76-85. To be sure, the leader of the HDZ in Bosnia and Herzegovina, Stjepan Kluji , was in favor of maintaining B&H as a unitary state, but this stance cost him his leadership position in the HDZ (see Paul Shoup, "Uloga Doma ih i Medjunarodnih Aktera Bosanskohercegova ke Drame," in Bosna i Hercegovina izmedju Rata i Mira, p. 102).

4. Janji , "Gradjanski Rat," p. 80.

5. Ibid., p. 81. In Yugoslav political discourse from 1989 through 1991, the difference between a federation and a confederation was seen as lying in the presence (federation) or total absence (confederation) of a central government. Thus a "confederation" would actually mean complete independence, supposedly within some

kind of political shell, but with no legal authority of any kind whatever lying with any central government. Thus a confederation would look like a state but would not in fact be one, since it would have no authority. The popularity of this solution with politicians was that the term "confederacy" could be used to convince voters that a joint state would continue when in fact it would be destroyed. Voters' willingness to be fooled on this point may have reflected wishful thinking and the dream for a solution in which republics could indeed be both completely independent of one another and yet still somehow bound together (see Robert M. Hayden, "The Beginning of the End of Federal Yugoslavia: The Slovenian Amendment Crisis of 1989." [Pittsburgh: University of Pittsburgh, Carl Beck Papers in Russian and East European Studies no. 1001, 1992], and *ibid.*, "A Confederal Model for Yugoslavia?", paper delivered at the annual meeting of the American Association for the Advancement of Slavic Studies, Washington, D.C., Oct 22, 1990). The uncritical acceptance of the concept of "confederation" by western analysts (see, e.g. Mark Thompson, *A Paper House* [New York: Pantheon, 1992], pp. 188-189) may have also represented either wishful thinking or the failure to comprehend the real meaning of the "confederal" position.

6. See Vladimir Goati, "Politi kiivot Bosne i Hercegovine 1989-1992," in *Bosna i Hercegovina izmedju Rata i Mira*, pp. 48-49. The ethnonational division of the supposedly trinational central government of B&H was apparent in 1992-93 in the presence of government officials as representatives of the Muslims in negotiations with international mediatory bodies. In one of the clearest manifestations of this division, the Prime Minister of B&H, a Croat, accepted the Vance-Owen plan in February 1993 at a time when the plan was rejected by the Muslims in that government. The Foreign Minister of B&H, a Muslim, then explained to the press that the Prime Minister of B&H was speaking only as a member of the Croat delegation to the talks in New York (*Pittsburgh Post-Gazette*, 11 Feb. 1993, p. A-6). The Prime Minister responded by sending a letter to the Chairman of the European subcommittee of the U.S. Senate's Foreign Relations Committee saying that both the Foreign Minister and the President of B&H, Alija Izetbegovi, represented only the Muslim side in the negotiations and not the government of B&H (*New York Times*, 28 Feb. 1993, p. 8). With this exchange in mind, it is doubtful that the supposed trinational government could be said to exist.

7. Despite their leaders' rhetoric about democracy, the post-socialist transition in Serbia and Croatia was the replacement of one totalizing state structure with another, but with the state now pledged to advance the interests of the majority ethno-nation over the minorities rather than the working class over the bourgeoisie. The "class enemy" was thus replaced by supposedly threatening minorities. The change may be described as being from state socialism to state chauvinism (see Robert M. Hayden,

"Constitutional Nationalism in the Formerly Yugoslav Republics," Slavic Review 51(4), pp. 654-673 [1992]).

8. The details of these discussions have remained secret. However, that they included at least a general agreement on the division of B&H has been generally accepted by all reporters and other analysts of Yugoslav politics, at the time of the meeting and since then (see V. Jankovic and A. Borden, "National Parties and the Plans for Division," Balkan War Report 16 (Nov./Dec. 1992: 8-9)).

9. It is often asserted that the EC's Arbitration Committee, the Badinter Committee, had stated that a referendum would establish the will of the people of B&H in regard to independence. However, the Committee had in fact said that a "referendum vote in which all of the citizens of B&H would participate" could "possibly" establish the "will of the Bosnia-Herzegovina populations to constitute B&H as a sovereign and independent state" (see European Community Arbitration Committee Opinion No. 4 --- The Recognition of Bosnia-Herzegovina, reprinted in Yugoslav Survey 1992 (1), at p. 123 [emphasis added]). Since the Serbs boycotted the referendum, they did not participate in it, and it could thus not be seen as an expression of the will of the "populations" of B&H to establish an independent and sovereign state.

10. Thus, by the logic of the Badinter Committee's opinion on the status of the SFRY of December 17, 1991, the Socialist Republic of Bosnia and Herzegovina was also in a "process of dissolution;" but where this term was used to justify revoking recognition of the SFRY, B&H was granted recognition by the EC as a single state.

11. The document is printed in Borba, 29 Feb. - 1 March 1992, p. 4.

12. Borba, 19 March 1992, p. 2.

13. See Borba, 19 March 1992, pp. 1, 2, 3. However, it was also reported that the agreement had not, in fact, been signed (Vreme, 23 March 1993, p. 7).

14. Borba, 25 March 1992, p. 2.

15. Borba, 26 March 1992, p. 2.

16. Figures on control over land and populations remaining outside of regions controlled by their own nation are from Vreme, 23 March 1992, p. 7.

17. Borba, 1 April 1992, p. 1.

18. Borba, 2 April 1992, p. 2.

19. Borba, 2 April 1992, p. 2.

20. See Paul Shoup, "Uloga Doma ih i Medjunarodnih Aktera," pp. 103-105. That recognition was a desperate effort to save B&H when it was collapsing has also been reported to me by American diplomats who were on the scene at the time.

21. Borba, 13 April 1993, p. 1.

22. Borba, 9-10 May 1992, p. 9.

23. Documentation of "ethnic cleansing" and other abuses is continuing. However, the overwhelming focus of international attention on abuses by Serbian forces has meant that, in practice, Croat and Muslim atrocities remain uncovered or simply acknowledged without detail. Thus Amnesty International, for example, has issued a report on atrocities in B&H that expressly deals exclusively with Serbian crimes: "No attempt is made here to cover the full range of human rights violations which took place in Bosnia-Herzegovina during this period which also included abuses by Bosnian Croatian and Bosnian Government forces." (Amnesty International, Bosnia-Herzegovina: Rana u dusi -- A Wound to the Soul, AI Index EUR 63/03/93 [January 1993], p. 3). The understandable zeal to pursue the worst offenders has thus left the crimes by the other parties acknowledged in passing, but their extent is unstudied.

24. International Conference on the Former Yugoslavia, document STC/2/2, 27 October 1992.

25. Ibid., p. 4. The parties were, of course, respectively the Muslims, Serbs and Croats.

26. Ibid., p. 5. This assessment actually constitutes a frank admission that many of the putative citizens of B&H have no desire to belong to such a state.

27. Ibid., p. 5. This assessment explains why many of the putative citizens of B&H reject it.

28. Ibid., p. 5.

29. Art. II.A.

30. Art. V.A.2.

31. Art. II.B.

32. Art. II.D.

33. Arts. V.B.1 and V.B.2.

34. "Ustavni Principi za Bosnu i Hercegovinu," art. 5, as printed in Borba, 7 Jan. 1993, p. 20.

35. Art. I.B.4.

36. Robert H. Jackson, Quasi-States: Sovereignty, International Relations and the Third World (Cambridge University Press, 1990).

37. Art. I.B.1.

38. Borba, 7 January 1993, p. 15.

39. See New York Times, 1 February 1993; New York Times, 8 February 1993, p. 8; The Economist, 23 January 1993, p. 45.

40. Proposed Constitutional Structure for Bosnia and Herzegovina, Art. VI, and Appendix on "International Human Rights Treaties and other Instruments to be Incorporated by Reference into the Constitution of Bosnia and Herzegovina." It is interesting but not particularly encouraging to note that similar, if less elaborate, international guarantees of the rights of "racial, religious or linguistic minorities" by offering recourse to organs of the League of Nations had been built into the Treaty Between the Principle Allied and Associated Powers and the Serb-Croat-Slovene State, signed at Saint-Germain-en-Laye, September 10, 1919 (Art. 11). These international guarantees were never actually enforced.

41. Document on the "temporary governmental structure in B&H," published in Borba, 4 February 1993, p. 8.

42. Hayden, "Constitutional Nationalism in the Formerly Yugoslav Republics."

43. The division of Yugoslavia has been so brutal precisely because it is itself unnatural, dividing forcibly peoples who had lived together peacefully for several generations, and who had intermarried in large numbers whenever permitted to do so. In this context, the fact that the war has been fought primarily in the parts of Yugoslavia in which the various national groups were most intermingled is not accidental. The continued peaceful coexistence of Serbs, Croats and others in B&H, or in the mixed regions of Croatia (e.g. Banija or Slavonija), would have constituted living disproof of the Serbian and Croatian nationalist ideologies. Since the politicians who won in 1990 based their programs on these ideologies, the communities whose existence would disprove them could not be permitted to exist (see Robert M. Hayden, "Imagined Communities and Real Victims: Self-Determination and Ethnic Cleansing in Yugoslavia," paper presented at the annual meeting of the American Anthropological Association, San Francisco, CA, 4 Dec. 1992).

44. Rebecca West, Black Lamb, Grey Falcon (Penguin books 1989 [orig. 1941]).

HAYDEN,
BOSNIA PARTITION
FIGURE 1

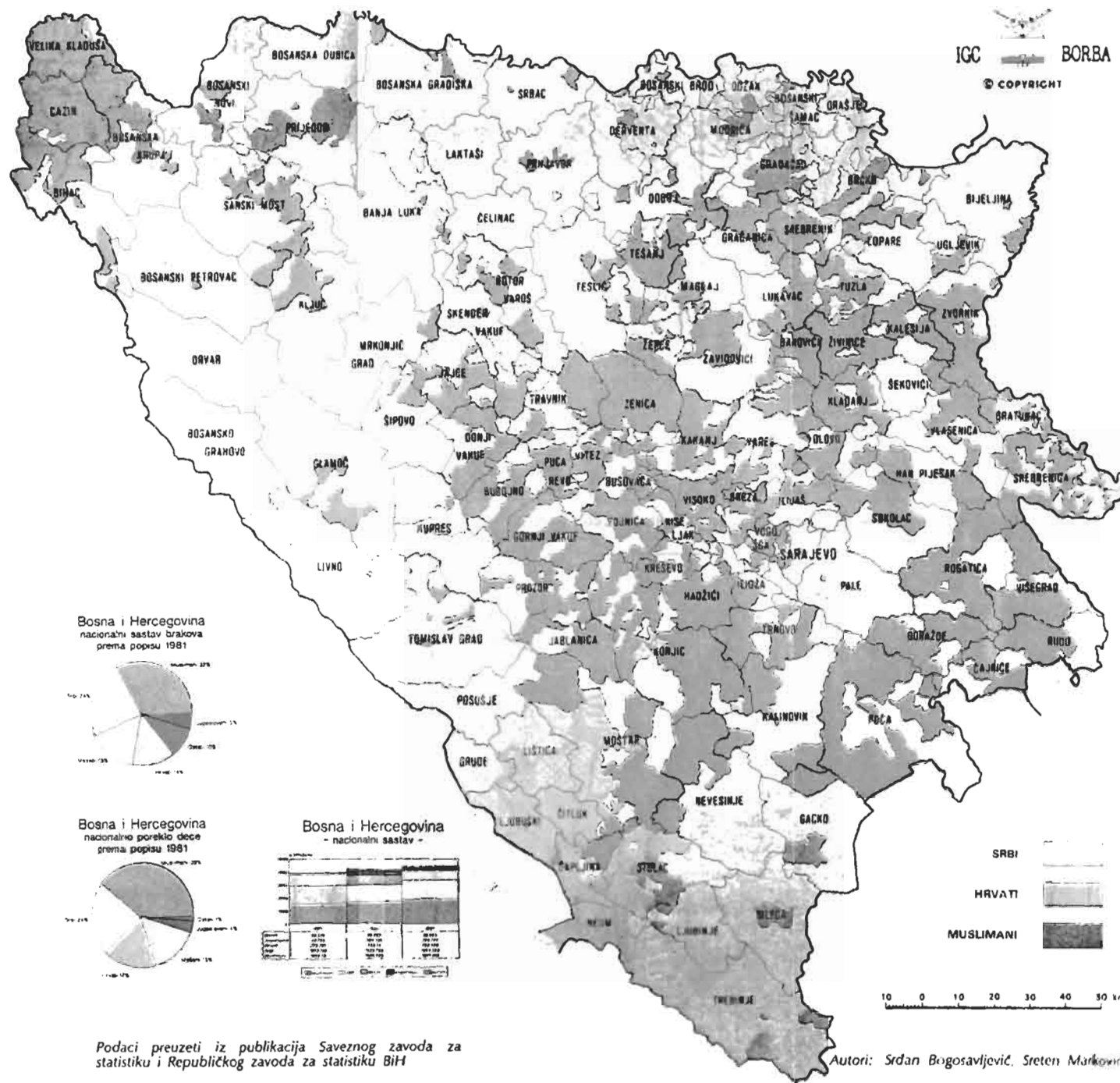


FIGURE 2



Source: Balkan War Report, Nov/Dec 1992, p. 8

FIGURE 3



Figure 4

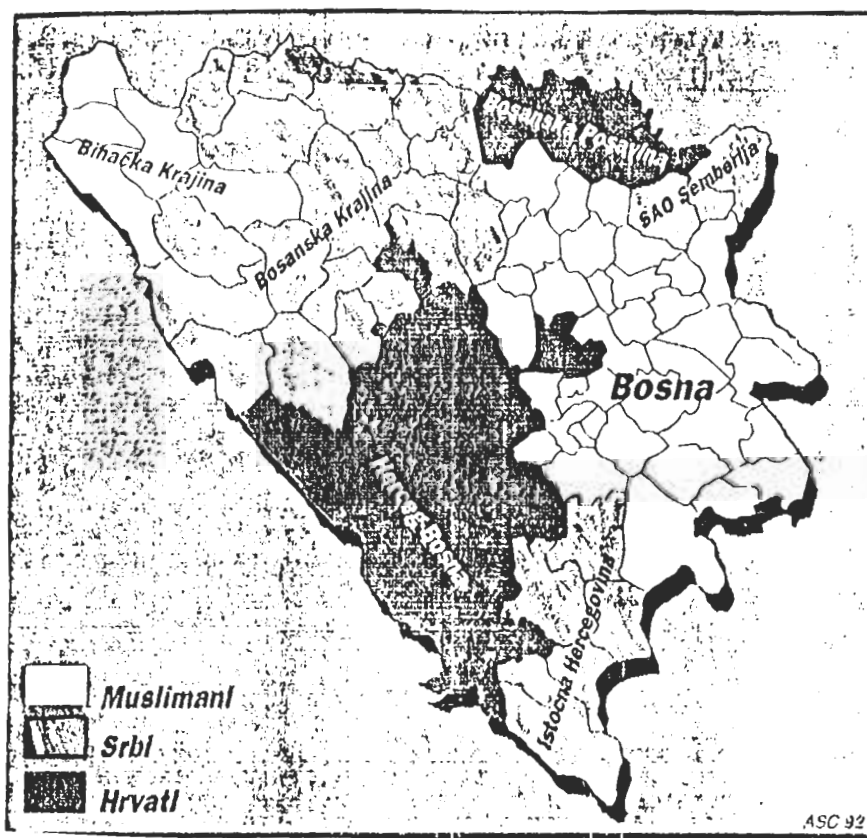
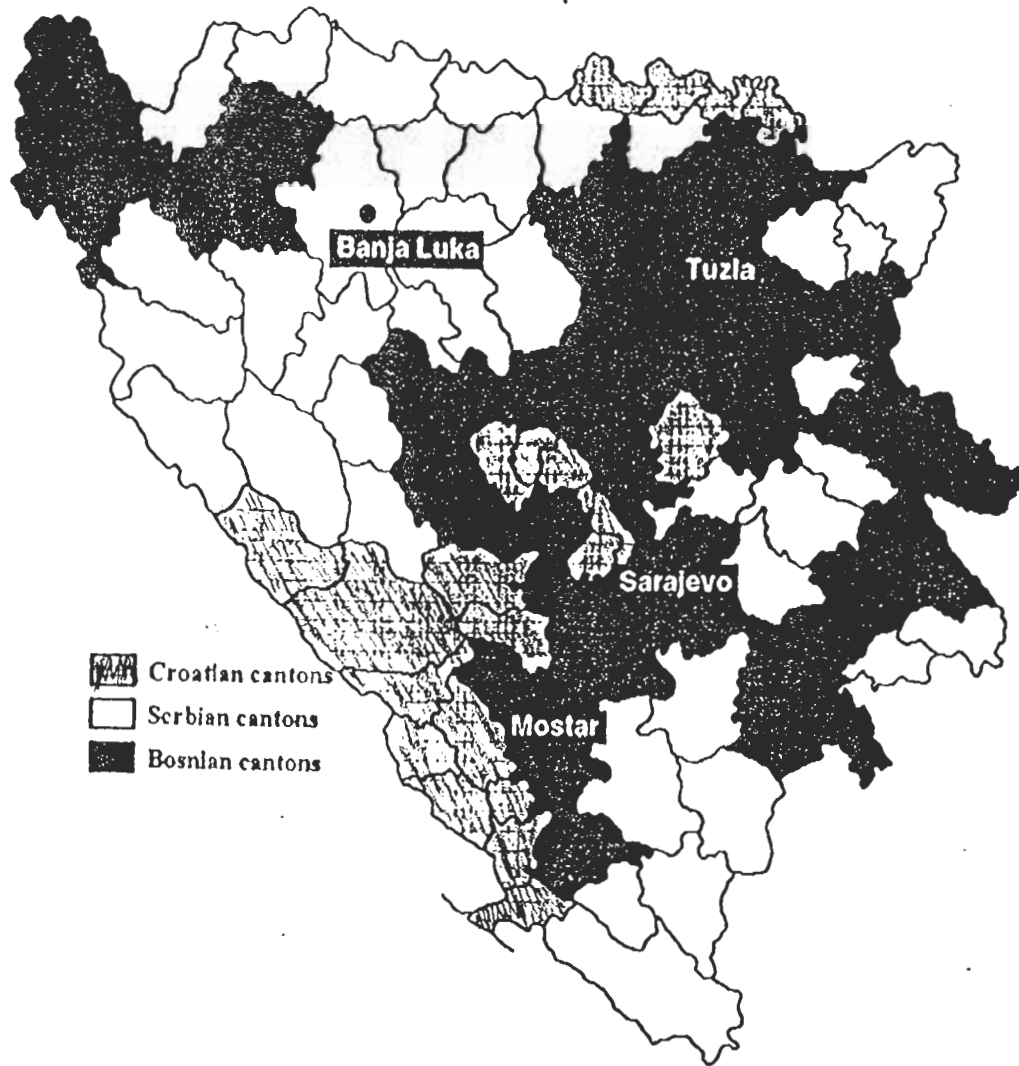
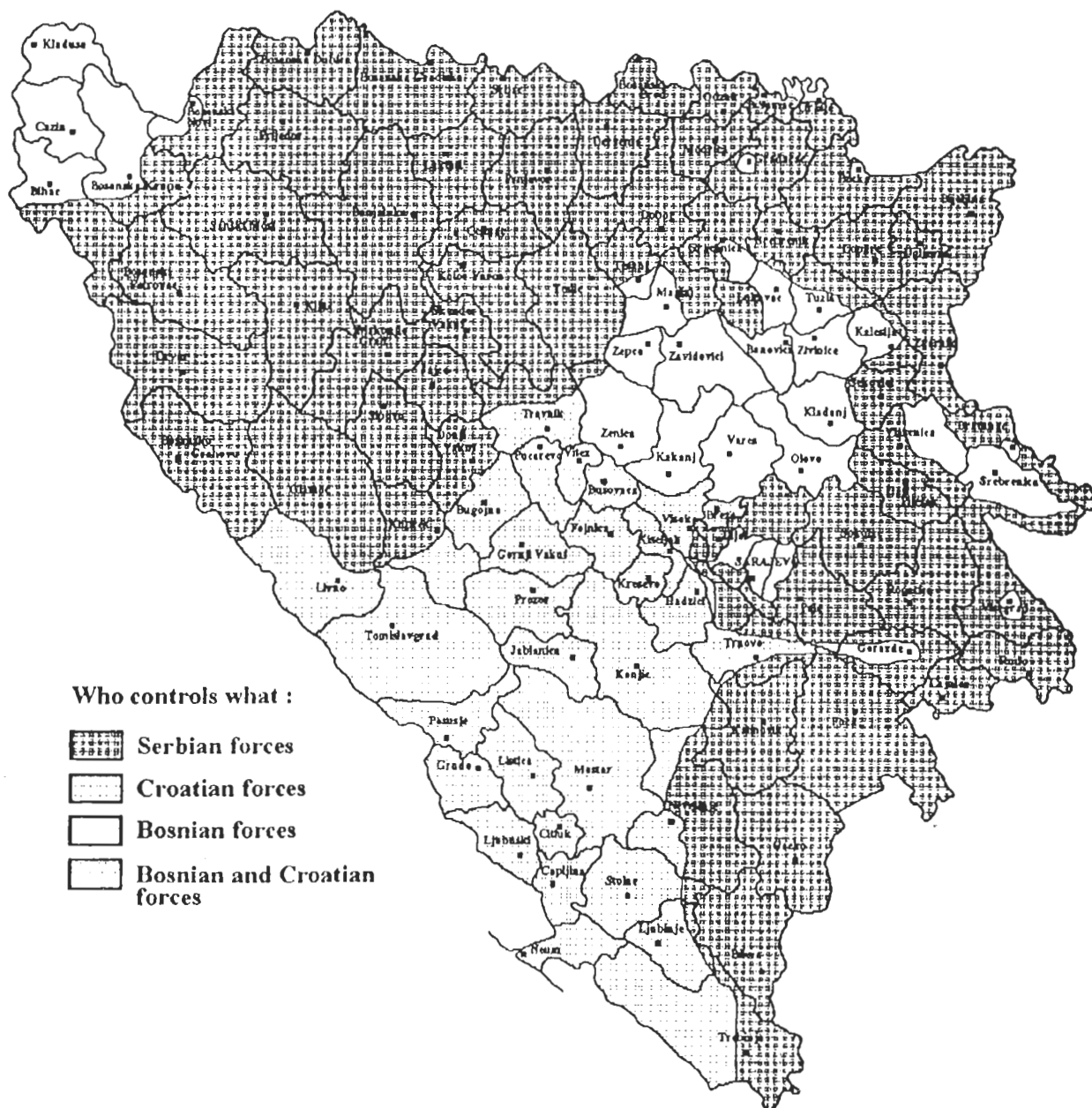


Figure 5



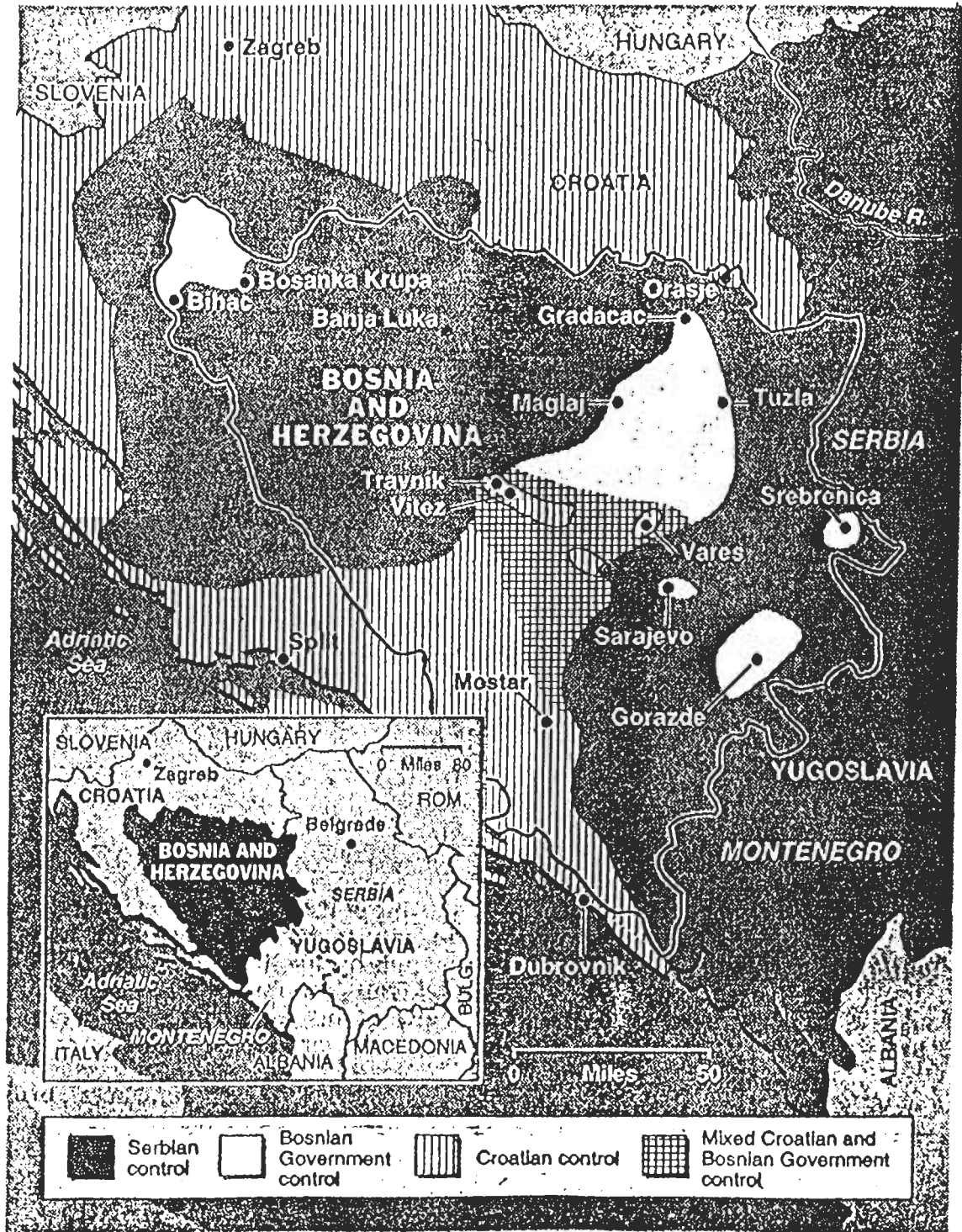
Source: Balkan War Report, Nov/Dec. 1992, p. 12

FIGURE 6



Source: Balkan War Report, Nov/Dec 1992, p. 13

FIGURE 7



Source: New York Times, 20 Nov. 1992, p. A-7

FIGURE 8



Source: New York Times, 6 March 1993, p. 4

FIGURE 9

