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DELHI POLICY GROUP

Program on Developing Durable Peace Processes & Partners

Simulation II

Simulation Exercise *Bosnia Herzegovina*

Peacemaking in the Balkans

Summary

Place: Bosnia and Herzegovina

Time: Five years after signing of Dayton Peace Agreement in 1996

Context: The war ended five years ago, but real peace is yet to take hold. Different factions continue to retain their arms, and though efforts are ongoing to create a security force, armed factions of the Serbian and Croatian minorities are reluctant to cede control to this force—a creation of the Dayton Agreement—over the territories they controlled during the war. Bosnian Muslim troops are suspicious of their Serbian and Croatian counterparts. Though international troops are much reduced in number, their presence is still required.

The *de facto* partition of Bosnia and Herzegovina under the Dayton Agreement continues to be a source of friction, and the constitutional arrangements for power-sharing have not worked at all. Though there have been several elections, the federal government has met only once or twice. These problems are compounded by the fact that there is also an international administrator, jointly appointed by the UN and the European Union, who has authority over all the three governments—the federal authority (Bosnia & Herzegovina), the Muslim-Croat entity (the Federation of Bosnia and Herzegovina) and the Serbian entity (Republika Srpska).

The black economy is still in process of transforming into white: there has been tangible economic improvement, but more so in the Federation of Bosnia and Herzegovina (the Muslim-Croat Entity) than in the Republika Srpska (the Serbian entity), and there are considerable disparities between urban and rural post-conflict recovery. Corruption is rife.

Brief Description of the Conflict

Bosnian, Serbian and Croatian negotiating teams are meeting, at the request of the international community, in a secluded third country retreat, to see whether the constitution agreed at Dayton can be renegotiated. This is at the initiative of the Bosnian group, of which the main actors want a new constitutional arrangement for Bosnia and Herzegovina, in place of the Dayton Constitution, which neither permits full reintegration nor full partition. The Bosnian group would have been unable to exercise this initiative were it not for international support. The US, who hustled the groups into a settlement at Dayton, is coming to realize, as are other international actors that ethnic divisions are being hardened and anticipated moves towards integration are not taking place. Maintaining the status quo will require much greater involvement from the international community that it would like to extend.





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This is the position of each group at the table:

The Bosnian team (Group A)

In essence, this group wants reintegration of Bosnia, though there are, as you will see, differences within the group. The prime movers in this group, Bosnian Muslims, would like

the two entities created by the Dayton Agreement to be far less powerful than they are, and for the federal structure to be much stronger than it is. They would also like to change a system in which they feel promotes ethnic nationalism at the cost of more inclusive values. Elections are fought on the basis of ethnic affiliation, and an inflexible formula of Muslim-Croatian-Serbian representation applies at all level of government, whether it is matter of deciding delegates to parliament, choosing a prime minister or a president, or even the governor of the central bank. Look at the Dayton Constitution and consider the possibilities available for making the kind of changes the Bosnian team is looking for.

The Serbian team (Group B)

The Serbians fear that any move towards reintegration will result in a Constitution that turns Bosnian Serbs into a minority under a hostile Muslim majority, and so have been resisting the Bosnian demand for reintegration. What the Serbian team really wants is for the de facto partition turned into a full partition. So it will try to negotiate a constitution that gives Serbian territories in Bosnia more authority to secede. Serbians will find it hard to get what they want because the international community is opposed to full partition. So the team will, in the first instance, resist change, and find subtle ways to push its agenda for full partition and for developing closer links with Serbia and the Serbian majority regions of Croatia. Think of how they would do this, and also, what might lead them to grudgingly accept some aspects of reintegration?

The Croatian team (Group C)

The Croatian team also fears constitutional change too, but for different reasons. A more integrative structure that weakens the two entities does not work well for Croatian minority in Bosnia because it will reduce the power it currently wields in the Federation of Bosnia and Herzegovina. In an integrative structure, the Croats will be the smallest of the three main groups. So the Croats will resist losing power, and are also playing a waiting game. If they see a situation developing in which the Serbians seem to be getting what they want, the Croats will demand the greater authority for secession of those areas in which they form a majority to be written into the Constitution.

International Community (Group D)

The international community has thus far refused the Bosnian team's request for constitutional renegotiation, because it fears the region could slide back into war if the power-sharing issue is reopened. But it has now begun to rethink its position. The slow pace of stabilization has led it to realize that the Dayton constitutional arrangements will survive only as long as there is an international presence in the region. There is increasing pressure from within its own ranks to set a feasible date for full withdrawal. It has thus agreed to allow a preliminary constitutional renegotiation in a secluded retreat in a third country, as a trial run. If the different negotiating teams can arrive at agreements that will put more durable constitutional arrangements in place, the international community will consider allowing negotiations to begin at a more formal level. If they cannot, the international community will





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put the Bosnian, Serbian and Croatian teams under more pressure to make the Dayton arrangements work. Think about what leverage it might have over each of the teams.

You are a member of the Bosnian/Serbian/Croatian/international community negotiating team. Prepare a position paper and bring it to the negotiations. It should be not more than three typed A4 pages, and must put down, in concrete terms what your stand is on amending the Constitution. Bear in mind that you will have to modify your position during the negotiations. (You must hand this paper, or a revised version of it, over to the chairman of the control group at the end of the workshop.)

Simulation Structure

The simulation exercise will last one and half day, over six sessions. As a student participant, you will be pre-assigned a role in one of the four teams. In addition to the four teams, there will be a six-member control group at the workshop consisting of experts, international and Indian, which will oversee this simulation. A chairperson will lead it.

Session One: You will attend a 30-minute briefing by an expert on the conflict in Bosnia and the Dayton Agreement. During this, you may clarify any doubts you have.

Session Two: The student participants will be broken up into the four teams. You will meet with other members of your team in a setting where other groups cannot overhear you. Your task is to hammer out a consolidated position paper representing your team's views. The control group will assign an expert to each student team in order to ensure reality checks. At the end of the session, the consolidated position paper of one group will be circulated to all the other groups, i.e., if you are the Bosnian team, you get to read the position papers of the other three teams, while they read yours.

Session Three: The international team (Group D) will send one representative each to the Bosnian, Croatian and Serbian teams, to discuss the other teams' position papers, and to ensure the international community's concerns are kept in mind.

Session Four: Group D will meet initially to discuss feedback from all the three groups, and will then shuttle between the three teams with compromise proposals from each team.

Session Five: The four teams will meet together with the control group to assess the compromise proposals and whether there is any possibility of a workable agreement emerging. The control group will present the teams with a set of issues drawn from this discussion.

Session Six: The four groups will work on these issues. In the sixth and final session the teams will present their proposals for a workable agreement – or suggest that there is no scope for agreement – to the control group, and receive analytical comments, suggestions, etc, on their presentations.

Group A: Bosnian Negotiating Team

The President of the Federation of Bosnia and Herzegovina (Muslim):

Torn between the view that Bosnian Muslims, as the majority, should run the government without making too compromises to the minorities, and the realization that he does need to keep minorities on board. What level of concession is he then willing to make?





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The Vice President of the Federation (Croatian): A tightrope walker, balancing his role as a responsible official in the Muslim-Croatian entity, which he realizes must be kept together to prevent warfare between Muslims and Croats, with his knowledge that Bosnian Croatian nationalists will look for any opportunity for secession. Can he be a bridge-builder?

One Member of the Security Forces: He will play a cautionary role, ensuring that the Bosnian government does not give up too much, and push for the disbanding of Croatian and Serbian paramilitaries.

Legal/Constitutional Expert: Is required to give legal judgment on what changes possible to the constitution, especially the constitutional court and other courts, keeping in minds goals of his team. Must make sure final proposals make sense from a legal perspective, will draft the constitutional amendments in the consolidated position paper; will provide a way out of a stalemate.

Group B: Serbian Negotiating Team

This is an ideologically cohesive team, unlike the previous one. There is not too much difference between what the members want, ultimately. But each will suggest different strategies for getting it.

The President of Republika Srpska

Security Chief of Republika Srpska: there to resist any pressure towards reintegration of troops under a unified security force.

Government Representative from Serbia: unlike at Dayton, the Bosnian Serbs are negotiating for themselves, but only just. The Serbian representative, a radical nationalist, will have a veto power on anything they come up with.

Representative from the Serbian Majority Areas in Croatia: Spokesman for the huge refugee population living in Republika Srpska, which cannot return to their ancestral homes in Croatia because the Croatian government won't take them back.

Legal/Constitutional Expert: Is required to give legal judgment on what changes possible to the constitution, especially the constitutional court and other courts, keeping in minds goals of his team. Must make sure final proposals make sense from a legal perspective, will draft the constitutional amendments in the consolidated position paper; will provide a way out of a stalemate.

Group C: Croatian Negotiating Team

Cantonal Government Representative from the Muslim-Croatian Entity: lower level officials are here to ensure that they speak solely for the Croats, and not for the Muslim-Croatian entity; an ardent nationalist

Cantonal Government Representative with close links to the Croatian Paramilitaries: even more radical than his colleague, doesn't want to give up any territory

Government Representative from Neighboring Croatia: He will play a softer role than his counterpart on the Serbian team. Croatia is under considerable US pressure to get Bosnian





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Croatians to compromise and accept greater reintegration. His advice will reflect that pressure, but he is at heart, a Croatian nationalist

Legal/Constitutional Expert: Is required to give legal judgement on what changes possible to the constitution, especially the constitutional court and other courts, keeping in mind the

goals of his team. Must make sure final proposals make sense from a legal perspective, will draft the constitutional amendments in the consolidated position paper; will provide a way out of a stalemate.

Group D: International Community

United States Team Head: Would like to go for reintegration if they think it feasible, will not give final consent to renegotiation unless he is sure it will work. (assigned to the Bosnian team in session three)

Russian Team Head: will support Serbians, though not extreme Serbian positions. But has limited influence at the start of the negotiations, compared to other international players. Can he improve his position? (assigned to Serbian team in session three)

The UN-EU High Representative for Bosnia Herzegovina: Transitional authority created by the Dayton Accord. He knows ground realities. Wants reintegration, but not if it leads to even low-level conflict. And is insistent that warring factions must disband into a unified security force. (assigned to the Croatian team in session three)

One UN Legal/Constitutional Expert: Is required to give legal judgment on what changes are possible to the Constitution, especially the constitutional court and other courts, keeping in mind the goals of the international team. Will be the crucial voice on whether any constitutional changes are workable, from a legal perspective, and on how they are worded.

One NATO Official in-charge of Peacekeeping: He has seen the conflict from the ground, and a pragmatist, above all. Not as exercised as other international team members about pursuing war criminals like Karadzic and Mladic.

Control Group: International and national experts

