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PUBLIC DIPLOMACY IN THE BOSNIAN CONFLICT: INFORMATION, BARGAINING, AND NEGOTIATIONS

ПУБЛИЧНАЯ ДИПЛОМАТИЯ В БОСНИЙСКОМ КОНФЛИКТЕ: ИНФОРМАЦИЯ, ТОРГ И ПЕРЕГОВОРЫ

Abstract. In this article, the author analyzes the public speeches of the participants in the negotiation process to resolve the Bosnian conflict in 1993–1994. The aim of the study is to determine the impact of such statements on the negotiation space (ZOPA), that is, how the negotiation field can change if a negotiator makes a statement about the negotiation process itself, about his position, or about the attitude towards another participant. It was the Geneva Conference of 1993–1994 that was chosen for the study because the author defines it as the most successful attempt to resolve the conflict through negotiations. It is concluded that individual statements sent to the public and dedicated to the negotiation process and other participants in the negotiations influenced the negotiation space. The article also provides an analysis of the conflict and reveals the concept of ZOPA.

Keywords: public diplomacy, the Bosnian conflict, the zone of possible agreement, ZOPA, international mediation, the Vance — Owen plan.

Аннотация. В данной статье автор анализирует публичные выступления участников переговорного процесса по разрешению Боснийского конфликта в 1993–1994 гг. Целью исследования является определение влияния таких высказываний на переговорное пространство (ZOPA), то есть как переговорное поле может измениться, если участник переговоров делает то или иное заявление о самом переговорном процессе, о своей позиции или об отношении к другому участнику. Для исследования была выбрана именно Женевская конференция 1993–1994 гг., потому что автор определяет её как наиболее удачную попытку разрешить конфликт переговорным путём. Сделан вывод, что отдельные высказывания, направленные публике и посвящённые переговорному процессу и другим участникам переговоров, повлияли на переговорное пространство. В статье также приводится анализ конфликта и раскрывается концепция ZOPA.

Ключевые слова: публичная дипломатия, Боснийский конфликт, зона возможного соглашения, ZOPA, международное посредничество, план Вэнса — Оуэна.

This article is aimed at defining how relevant parties to the conflict made attempts via public statements to change the zone of possible agreement in the

Bosnian crisis from 1993 to 1994 during the negotiating process (the International Conference on the Former Yugoslavia (ICFY): the first Geneva conference from January to May 1993, the second Geneva conference from July to September 1993, and the third Geneva conference from December 1993 to February 1994) to convince other parties or to shape one's image.

First, a general view of the conflict structure should be outlined. The considered conflict was limited within the former territory of the Socialist Republic of Bosnia and Herzegovina in spatial terms and from 1992 (because of self-declared newly independent Bosnia and Herzegovina international recognition) to 1995 (because of the Dayton agreement signing) in temporal terms. Primary actors were the pro-Serbian government (Republika Srpska) with its guerillas and the support from the Federal Republic of Yugoslavia (a secondary warring party), the nationalist Bosnian government with its military forces and the support from the international community, and the belligerent Croatian militias with the support from Croatia (a secondary warring party). Secondary supporting parties that encouraged Bosnians and Croatians were the UN Security Council, the European Community, the USA, and Russia. Important third parties were international mediators (David Owen, Cyrus Vance, and Thorvald Stoltenberg) and the UN Protection Force.

Then main issues that form the object of incompatibility should be defined. These are territory, power, cultural independence, religious independence, free use of national language. The most important aspects of the social environment were the issue of the international recognition, European integration, the 1990s as the golden era for humanitarian interventions, religious and linguistic tensions between parties to the conflict, state of economic sanctions against pro-Serbian forces, identification of Serbians with the crimes of the Yugoslav regime, the demise of the Soviet Union and socialist system, dominance of the USA in world politics, a weak position of Russia, liberal democracy is perceived as a state-building concept.

The zone of possible agreement (ZOPA) is a method, which is employed in studying a conflict or in negotiating, to visualize or reveal the "zone" of negotiators' relevant positions concerning the bargaining issue to define common grounds for a deal. It implies the disclosure of a relationship between parties' perceptions regarding the negotiable topic. This zone may reflect two opposite conditions, which limit and anticipate the result. The important notions to mention are a "reservation point" and a "target point". The former is an option of the last resort for a negotiator and the latter is an initial proposal or the best imaginary merit for the party to the negotiations in its perception. It is also important to mention that the "reservation point" may be linked with the concept of Best-Alternative-To-Negotiated-Agreement (BATNA). It implies "no-deal" alternatives for both parties that limit the scale of ZOPA.

The “target point” (or the “aspiration point”) implies an initial proposal or the best imaginary merit for the party to the negotiations in its perception. The field between these two points reflects a “bargaining range” (or range of preferences). The idea is that the scope, wherein parties can reach an agreement, is entitled “positive bargaining zone”. ZOPA is thought to be a synonym for this notion. And if parties’ perceptions of the negotiating issue do not overlap, i.e., the reservation point of one side does not fall within the position of another side, “negative bargaining zone” exists, therefore, a deal cannot be concluded. However, this impasse can be perceived as an opportunity to bargain “a creative agreement, which can satisfy both parties’ underlying interests even when their presumed resistance points are overlooked”, rather than means to an end [1, p. 13].

The concept of Zopa is relevant and many scholars apply it in studying international conflict management. In the biannual magazine “PINPoints” in 2016 the concept of the Zone of the possible agreement was mentioned several times. In the article “Negotiating friendship: Franco-German and Franco-Algerian cases” Valerie Rosoux wrote that Algeria and France faced a negative bargaining zone in 2006 concerning the attitude towards the colonial legacy. It is explained in the sense that politicians were burdened with public opinion in both countries. Rosoux made a comparison when mentioned the Franco-German case because after the Second World War France and Germany found themselves in the positive bargaining zone concerning the mutual perception of the past. This became possible due to “a personal friendship” between the national leader — Charles de Gaulle and Konrad Adenauer, therefore, modern French and Algerian leaders should bring the national interests first [2, p. 18].

Then the concept was mentioned by I. William Zartman in his article “Closure: How negotiations end”. He stated that there are some “identifiable patterns of behaviour in the endgame” [3, p. 38]. These patterns are “dueling, driving, dragging, mixed, and mismatched” [3, p. 38]. Exploring the ZOPA is a behavioural characteristic for the negotiator with a driving pattern. On page 42, he stated that before the end of negotiations the accurate place in the positive bargaining zone may be perceived as a great achievement, despite the other options within this zone, and any attempt to alter the content of the agreement even within this zone may be of great risk. The role of the mediator is “to awaken the parties’ awareness of all the elements... ZOPA... and to keep them on track to the end” [3, p. 43]. Finally, another researcher Mikhail Troitskiy in his article “Hopeful ambiguity” in negotiation closure” stated that the concept of ZOPA is inherent like negotiations because “negotiation can then be seen as the business of mutual signaling and ground-testing by the parties”, and it is the bargaining range (“respective ZOPAs”) to be identified by another party to bring the negotiations closer to the resolution [4, p. 48].

I would like also to raise the important issue that the existence of ZOPA itself (also the fact that it is realized by the parties themselves) does not guarantee the conclusion of an agreement. Robert H. Mnookin in his article "The Israeli-Palestinian Conflict: Is there a Zone of Possible Agreement?" argued that it depends on whether hardball tactics are employed and some barriers exist. Mnookin listed these barriers: "self-serving bias" (overestimation of a "no-deal" alternative), "reactive devaluation" (strong unacceptance of adversary's suggestion), "loss aversion" (strong avoidance of losses), "conflicts behind the table" (the clashes among internal fractions) [5]. These barriers, especially "loss aversion" and "conflicts behind the table", limit and blur the ZOPA in the Israeli-Palestinian Conflict (as Robert H. Mnookin argued), or even sometimes establish the negative bargaining zone [5].

This study is aimed at defining how parties to the conflict employed their opportunity to make public announcements to force their opponents to accept one's position. It can be achieved by influencing opponent public opinion. Another goal of such impact can be to shape its image in the perception of other parties. It can show that thus a party to the conflict intended to shape ZOPA in another way. The study focuses only on public statements (press releases, announcements, declarations, opinions) that were expressed during the negotiation process in a broader sense (with attention to preliminary and conclusive remarks).

To analyze the Bosnian conflict, it is important to mention that it was internationally mediated because it influenced the bargaining range and the zone of possible agreement. International mediation itself is usually aimed at the reconciliation of parties to the conflict. It implies that 1) parties to the conflict express consent to invite a mediator; 2) an impartial mediator analyses parties' positions and interests, objects of incompatibilities provides good services, maintain the negotiations (with defining its procedural matters); 3) and even suggests its proposals to the parties that may be designed for making mutually accepted agreement as for the considered Bosnian case. The functions and opportunities of a mediator depend on the positions of parties to the conflict and their perceptions of its mission. It can be an official representative of a third party that may play a role of neutral mediator or an unofficial individual [6]. International mediation in the conflicts in former Yugoslavia was aimed at reducing the repercussions from its spill-over effects for Europe and easing tensions between hostile parties to make a peaceful resolution to the conflicts. As for the Bosnian case the fact that ICFY was progressing prepared the conflict to be ripe for a unilateral military decision.

As for the Bosnian conflict, there were a lot of attempts to resolve the conflict via international mediation, and an important point here to mention is that these suggestions which were produced with the help of mediators might meet the success and acceptance from primary parties to the conflict. However,

international mediators in Bosnia tackled an intractable problem that the ceasefire was not reached, and the negotiations were conducted in parallel with military actions. Moreover, international mediators lacked influence over the American position, especially after the change of power in Washington in 1993. The interests and goals of mediators differed from the American ones after the inauguration of Bill Clinton. As for conflicts in former Yugoslavia, the application to the position of the USA was compulsory because the USA enjoyed patronage over the Bosnians, and the American position towards the bargaining issue was extremely important, though it was not expressed directly. And in this sense the fact that international mediation existed and it was weak to produce independent and impartial proposals created conditions for primary parties that they should not attach appropriate attention to this instrument of the conflict resolution and any decision that would be introduced could be amended or neglected.

International mediation should be provided as soon as possible because it costs less than a continuation of the armed conflict. This idea is recognized in the UN, despite the criticism of the organization: "Thus, even when disputes turn into armed conflict, the sooner mediation is initiated, the. However, as one envoy notes: "'Too little, too late' has been a major criticism of Security-Council mandates" [7, p. 5]. International mediation may become the tool both for conflict prevention and for conflict resolution. That is why international mediation might be provided at the beginning of the demise of the Yugoslav Union in 1990 when the first democratic multi-party elections in republics were held to reconcile the positions between new governments, provided for the weakness of the federalist administration. Nevertheless, the international mediation for resolving the Bosnian conflict was established via the International Conference on Bosnia and Herzegovina in February 1992 according to the decision of the EC Ministerial Council, provided that the consent from the federal administration and belligerent parties was reached. Then military violence was not waged and for a while, in this sense, it was a potential moment of ripeness of Bosnian conflict.

The attempts of mediation in Bosnia were (1) the international conference on Bosnia and Herzegovina (Jose Cutileiro's Plan) — from February 1992 to May 1992, the EC mediation attempt; (2) the London conference — August 1992, another EC mediation attempt; (3) the Geneva conference — from September 1992 to May 1993, first USA-EC mediation process (David Owen-Cyrus Vance plan); (4) the Geneva conference — from July 1993 to February 1994 — another USA-EC mediation attempt (David Owen and Thorvald Stoltenberg). Cutileiro and Owen-Vance's attempts were constructive because they tried to negotiate their proposals with the conflicting parties. It is also important to mention that they invited representatives of the primary parties, but their patrons. The Conference in London was a failure of diplomacy because it uncompromisingly placed pro-Serbian forces in a situation

without choice, but it did not coincide with their relevant position in the military conflict in Bosnia. However, in terms of the resolution to the conflict, all these attempts were failures because they have not resulted even in a stable ceasefire. In this study, the mediation at the Geneva conference is scrutinized as the most successful during the conflict.

An important risk to mention is that the expansion of the number of parties to the negotiations may cause unpredictable outcomes because it facilitates unstable dynamics of the process of negotiations. In this sense, a mediator needs to select the parties rigorously. Another important limitation is the problem of perception well after the beginning of negotiations. In the Bosnian case, David Owen was stigmatized as a pro-Serbian negotiator in January 1994 by the Bosnian government as he ostensibly favoured the Serbian position in the negotiations. In this sense, the mediator should maintain the distance of impartiality and listen carefully to all sides of the negotiations.

When the first round of negotiations started in January 1993 international mediators David Owen and Cyrus Vance presented parties (primary parties to the conflict) their settlement plan (Vance-Owen plan) that consisted of constitutional principles, maps, and ceasefire agreement. The bargaining range included the acceptance of federation form for a united country, relocation of military forces, and redistribution of land between autonomous provinces on a basis of presented national majority in the region. The resistance points were central government sovereignty of foreign policy and expansion of its territory (Bosnians), actual independence of provinces from centre and maintenance of its territory (Serbs), and establishment of an autonomous province itself (Croatsians).

The presented Vance-Owen plan was rather controversial but somehow acceptable for Serbs and Croatsians. That is why Bosnians tried to shape ZOPA by influencing public opinion to demonstrate that any agreement with Serbs would be perceived as a defeat. A. Izetbegovic, the leader of officially recognized Bosnia and Herzegovina, described the counterpart as “Serbian aggressors” and the civil war as “aggression against my country” [8, p. 362]. This way Izetbegovic made attempts to reveal the Bosnian reservation point that Bosnians are not ready to cooperate with “aggressors”, and co-mediators were bound to bear it in mind and to define negotiations’ ZOPA concerning it.

During the first round, several important public statements were made to shape ZOPA. Cochairs of the mediation process stated that “there is no possibility to establish three territory isolated states” and that a centralized government “will not correspond with their interests after the termination of slaughterous civil war that divided the country at the moment” [8, p. 364]. These statements defined the perception of negotiations’ possible results and influenced ZOPA. It is also important to mention that the co-mediators were supported by the Secretary-

General, emphasizing that “the co-chairmen’s peace package provides the only mechanism available for the re-establishment of peace, with justice and respect for human rights, in Bosnia and Herzegovina... I strongly urge the Security Council to approve the whole peace package and to call upon the Bosnian Serbs to sign the remaining two parts so that attention may be concentrated henceforth on the implementation of the plan” [9, p. 7]. It shaped the ZOPA in a way that, first, co-chairmen enjoyed the international support, second, Bosnians have done enough in the reconciliation process. It demonstrated that Bosnians had a stronger position and it reiterated their confidence that the international community is on their side in the conflict.

Then the new US administration made critical public announcements concerning the plan, shaped the image of Serbs as aggressors, and suggested a military decision of the conflict. The US expressed its support for official Bosnia and affected the self-perception of the Bosnian population. In May 1993 the new administration called Serbs an “aggression of fascist nature” [8, p. 373]. It altered ZOPA in a manner that Bosnians that demanded territorial concessions and failed to get them via the negotiations found themselves in the situation when a military decision became the best alternative to a negotiated result. That is why the resistance point of Bosnians changed from some Serbian concessions to acceptance of all concessions by Serbs.

Cochairs themselves initially abstained from emotional and judging statements for the public to shape ZOPA during the negotiation process. Nevertheless, the situation altered when secondary parties to the conflict expressed their positions for the public concerning the Bosnian issue. It is important to bear in mind both the US influence on Sarajevo and the Yugoslav influence on Republika Srpska. Yugoslavia was perceived in the public as the main conflict-monger due to its irredentist and expansionist plans, which ostensibly occurred. That is why Bosnians successfully employed the image of Serbs as “aggressors”. In September 1992 the Yugoslav leadership expressed its full support for Republika Srpska. D. Cosic, the Yugoslav President, reminded the public that international organizations did not put “appropriate pressure on Croatia and Bosnian-Herzegovinian Muslims as equal participants to interethnic and religious war in Bosnia and Herzegovina” when the official Croatian government did not take its duties to demilitarize several districts in Bosnia, where the Croatian army occurred [8, p. 363].

However, the circumstances altered when the new US administration in 1993 endorsed Bosnians, and the potential of NATO military intervention became quite high. Moreover, Yugoslavia was under international sanctions that limited its capacities to play a somehow independent role. That is why the Yugoslav leadership decided to change its public image and remove the support from Republika Srpska. D. Cosic stated that “whether they (Bosnian Serbs) do not accept it (Geneva Owen

and Vance plan), they do demonstrate to us that military and missile attack of the United States and NATO forces is waiting for them” [8, p. 366]. Comediators Owen and Vance joined the Yugoslav President. Owen stated in public in April 1993 “we should strengthen sanctions against Yugoslavia and whether it is possible to conduct military airstrikes to maintain the balance of power” [8, p. 370]. Vance endorsed him in May when declared that “The time for more decisive measures has yet come to secure peace for Bosnia and Herzegovina and to begin restoration in former Yugoslavia... Nowadays it is highly important to provide the implementation of the plan in word and deed. To achieve it Mr. Karadzic should sign the remaining two documents within the plan. These are preliminary provinces map and the agreement on interim governing” [8, p. 370].

To sum up Owen, Vance, Cosic, Clinton, and Izetbegovic tried to shape ZOPA in a way that Republika Srpska should accept their demands and make concessions. Nevertheless, Bosnian Serbs also made public statements to shape ZOPA to demonstrate their strength and stamina in the conflict. R. Karadzic, the political leader of Bosnian Serbs, stated in January 1993 in response to the potential of a military strike against Republika Srpska that “it is unimaginable that the international community would agree to wage a war because of 20% of territory” [8, p. 367]. R. Mladic, the military leader of Bosnian Serbs, supported him in May 1993 when announced that “we did not accept their presence because we were afraid of international intervention, our people do not frighten a military intervention. The total war is being waged against us” [8, p. 371]. Moreover, the parliament of Bosnian Serbs declared that “soil, transport routes, infrastructure, energy resources, economic developments, mineral resources are unjust shared; non-functional societies are mentioned that are not correspond to the ethnic share of population” [8, p. 369]. Sarajevo responded to them that any agreement with aggressors is unimaginable: “these documents put in doubt the legitimacy of legal and democratic elected administrative institutions and the constitutional order of the Republic of Bosnia and Herzegovina” [8, p. 377].

The Bosnian side to the negotiations expected public support from the USA and they got it when it was vitally important because in summer 1993 Serbs and Croats agreed to the designed negotiated plan and Sarajevo has not had any reasonable suggestion to dismantle the negotiations. The circumstances altered when the Pentagon official representative stated in August 1993 that NATO became prepared for a military strike against Bosnian Serbs whether it would be necessary. That is why Izetbegovic delivered his famous public speech: “I go away to find the truth for Muslims. But I feel like a human that wants to drink but he is sent to find water in a desert... Our people are deserving peace, and it receives the decision that is worse than war” [8, p. 378]. Moreover, Sarajevo employed the tactics that co-mediators were inappropriate and biased, therefore, they could not accept their

considerations. In January 1994 Bosnian officials urged Owen to resign, offending him of endorsing the irredentist plans of Serbs: “he favours Serbia even though it is the main aggressor in the war” [8, p. 381].

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