



Milbank

**POLICY PLANNING CASE STUDY  
CEASEFIRE REFLECTIONS: BOSNIA AND  
KOSOVO**

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**POLICY PLANNING CASE STUDY  
CEASEFIRE IN BOSNIA AND KOSOVO**

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## **Introduction**

This document has been developed out of a conversation with PILPG Senior Peace Fellow Frederick Lorenz and is one in a series of expert interviews on ceasefire processes and agreements with military and policy experts. These ceasefire case studies are part of a range of work products produced by the PILPG Ceasefire Policy Planning Ukraine Working Group. The full range of work product and more information about the Working Group is available [here](#).

Frederick Lorenz served a career in the United States Marine Corps as a judge advocate, retiring as a colonel in 1998. He obtained an LLM from George Washington University in Land Use Management and Control and practiced environmental and land use law between 1982 and 1991. In 1992 he joined the First Marine Expeditionary Force and was the senior legal advisor for the United Nations authorized military intervention in Somalia. He returned there as senior legal advisor for the United Nations evacuation in 1995. In 1996 he served in Bosnia as a senior legal advisor for the NATO Implementation Force. In 1998 he spent a year as a Fulbright Senior Scholar in St. Petersburg, Russia, teaching courses in international law, environmental law and U.S. foreign policy. In 2000 he served as a United Nations Legal Affairs officer in Kosovo, working in the United Nations Civil Administration. He is currently a Senior Lecturer at the Jackson School of International Studies (JSIS), University of Washington (UW).

## **Bosnia**

### **Introduction**

The Bosnian War was an armed conflict that took place in Bosnia and Herzegovina between 1992 and 1995. The war was a result of the breakup of Yugoslavia and the desire of Bosnia and Herzegovina to become an independent state, which was opposed by Bosnian Serbs and Serbia.

The war began on April 6, 1992, when Bosnian Serb forces attacked Bosniak (Bosnian Muslim) and Croatian civilians in the capital city of Sarajevo. The conflict quickly escalated, and the fighting spread throughout the country, with Bosnian Serb forces taking control of large parts of the territory.

The Dayton Peace Accords were a historic agreement signed on December 14, 1995, that ended the Bosnian War and established a framework for peace and stability in Bosnia and Herzegovina. The agreement was reached following negotiations between representatives from the Republics of Bosnia and Herzegovina, Croatia, and the Former Republic of Yugoslavia, aimed at achieving a peaceful settlement to the conflict.

The Dayton Peace Accords sought to address the root causes of the conflict and establish a lasting peace in the region. The agreement established a complex power-sharing system, with two entities: the Federation of Bosnia and Herzegovina and the Republika Srpska. It also established a central government with a rotating presidency, a bicameral parliament, and a constitutional court. The agreement also addressed issues such as human rights, refugees, and the return of property to displaced persons. It created an international military force, known as the Implementation Force (IFOR), to oversee the implementation of the agreement and ensure peace and stability in the region. This was composed of NATO and non-NATO troops.

Representatives reached agreements on:

- Military Aspects for Regional Stabilization;
- The Inter-Entity Boundary Line (IEBL);
- Elections;
- The Constitution of Bosnia and Herzegovina;
- Human Rights;
- Refugees and Displaced persons; and
- International Police Task Force (IPTF).

### **Roles and Responsibilities**

In 1995, when the agreement was signed, Mr. Lorenz was an active duty marine colonel lawyer, designated as one of two legal advisors for the Implementation Force. Both in Bosnia, and later in Kosovo, interventions had both a military security force and a civil Implementation Force. In Bosnia, Mr. Lorenz was part of the military Implementation Force. In Kosovo, however, Mr. Lorenz was part of the civilian force.

Most of Mr. Lorenz's work in Bosnia related to the interpretation of the Military Annex of the Dayton Peace Agreement, working with the Serbians on

issues relating to withdrawal of forces, movement of civilians, the apprehension of indicted war criminals, and navigating military emplacements within the "Zone of Separation" or Inter-Entity Boundary Line.<sup>1</sup> Mr. Lorenz was responsible for providing advice on the implementation of these parts of the military annex, as well as on other areas related to the original plan, such as on the issue of indicted war criminals. The latter provided a particular challenge, insofar as determining the role and level of involvement that Mr. Lorenz and colleagues would take in regards to the large number of indicted war criminals present at the time.

As an advisor to Admiral Leighton W. Smith, US Navy, Commander of the NATO Implementation Force (IFOR), Mr. Lorenz was not often involved in direct negotiations in Bosnia.

Mr. Lorenz worked closely on the issue of movement across the Inter-Entity Boundary Line, and would typically advise on the position of the vehicles and emplacements. Mr. Lorenz and his colleagues also reviewed the movement of Serbian forces and civilians, and notified internal teams regarding the permissibility of such movements under the Dayton Agreement. However, this process was relatively benign. Once Serbian forces had agreed to the established Inter-Entity Boundary Line, the implementation of said line was not too significant a task. Due to the United States' military superiority, and Serbian acceptance of their weaker position, there was very little conflict in this area.

### **Issues and Challenges**

The Dayton Accords was more than a ceasefire agreement; it was a comprehensive peace agreement. Dayton achieved its goals of ending the worst part of the conflict, but it also created a Bosnia that is not particularly stable today. Mr. Lorenz and colleagues in the Implementation Force were optimistic that time would heal the region's wounds, and ultimately make this new entity of Bosnia a viable, economically stable country. However, Mr. Lorenz notes this has not yet happened. Dayton achieved its short term goal of ending the violence, but its long-term goal of establishing lasting stability and peace in Bosnia was never accomplished.

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<sup>1</sup> The Zone of Separation, or Intern-Entity Boundary Line, was established to separate the forces of the Federation of Bosnia and Herzegovina and the Republika Srpska, which had been engaged in armed conflict during the Bosnian War. The Zone was created as a demilitarized zone, and it was monitored by the international peacekeeping force known as IFOR (Implementation Force) and later by its successor, SFOR (Stabilization Force).

Reflecting on the efforts of the Implementation Team, it is unclear whether, with more time, a better solution could have been drafted. At the time, involved actors believed that the Dayton Agreement was the best agreement achievable, and that it would achieve the cessation of hostility. Serbian forces had gained as much ground as they were going to, and NATO military efforts had driven them to the negotiating table.

The situation in Bosnia was unique because of the Implementation Force's role under the United Nations Security Council. One incident that Mr. Lorenz recalls in particular, was making a decision regarding moving civilians through the Inter-Entity Boundary Line. When the Inter-Entity Boundary Line was established, roughly 4,000 Serbs were left on the incorrect side of the line, in the Muslim-majority Federation of Bosnia and Herzegovina, and had to be moved back into Serbian territory. These Serbian citizens were not displaced by conflict, but instead were displaced by the drawing of the Inter-Entity Boundary Line and the placement of their homes in a newly established territory. In dealing with this problem, Mr. Lorenz and colleagues had to meet with representatives of the Serbian territories and with security personnel, to accomplish the movement of civilians. The process of doing so was peaceful, although undeniably difficult for those who found themselves suddenly outside of Serbian territory. Part of Mr. Lorenz and his colleagues' role was implementation, and the team had a strategy to try to persuade civilians to stay. However, civilians moved regardless of this strategy. The UN High Commissioner for Refugees did not assist in this activity, as such support would have constituted ethnic cleansing. Efforts in the movement of civilians and to encourage them to remain in the newly formed Federation, were one of the particularly challenging situations the Implementation Force faced, and without UN assistance.

### **Lessons Learned**

Considering Mr. Lorenz's experience in Bosnia, Mr. Lorenz does not see many applicable lessons from Dayton for the Ukraine context. Prior to the signing of the Dayton Agreement, Bosnia, Croatia, and Serbia had largely reached their military limits on the ground, and thus accepted a less than perfect peace agreement. Conflict had therefore ceased, and a peacekeeping force was brought into the country that achieved the short term objectives of ceasing hostilities. While the agreement did not achieve long term sustainable peace in Bosnia, the agreement and its implementers did achieve all that they could.

Looking ahead to the conditions that would have to exist for Russia to be amenable to a ceasefire, it is not clear when these conditions would be met. It is highly likely that Russia will not let NATO within its borders, and thus notes that there are very few parallels between his experience Bosnia and what may happen in the context of Russia's war in Ukraine.

It is important to bear in mind that a ceasefire agreement between Ukraine and Russia will not be the same as the Dayton Peace Agreement, which was built out of relatively perfect conditions and benefited from being a detailed agreement. A ceasefire agreement that Russia is amenable to may be simple, with enough ambiguity on the status of the occupied territories that Russia can negotiate these points at a later date. This is a point that Ukraine will need to remain mindful of.

While Mr. Lorenz acknowledges that currently, the Russian war in Ukraine is very far from the stage of negotiations, he notes that it is important in ceasefire negotiations that actors are flexible and innovative enough to provide a solution. The worst response to solution-finding is to say that something cannot be done.

## **Kosovo**

### **Introduction**

The Kosovo War was an armed conflict that lasted from February 1998 until June 1999. The war was fought between the forces of the Federal Republic of Yugoslavia (comprising of Serbia and Montenegro) and the Kosovo Liberation Army, a separatist group seeking independence for Kosovo, as Serbia sought to maintain its control over the former Yugoslav territories and enacted policies that discriminated against Kosovo's ethnic Albanian population.

The conflict escalated in 1998, when the Kosovo Liberation Army launched an offensive against Serbian security forces in Kosovo. The Serbian response was brutal, with reports of widespread human rights abuses. This led to international condemnation and calls for intervention. NATO carried out an aerial bombing campaign against the Federal Republic of Yugoslavia in Kosovo, between March and June 1999, resulting in significant damage to infrastructure and civilian casualties. NATO bombings continued until an agreement was reached that brought

about the withdrawal of Yugoslav armed forces from Kosovo, and the establishment of a UN peacekeeping mission in Kosovo - the United Nations Interim Administration Mission - to provide an interim administration for Kosovo and to help build the institutions necessary for self-governance, as well as support the implementation of the UN Security Council resolution 1244,<sup>2</sup> until its final status could be determined. In terms of legal authority, the United Nations Mission in Kosovo had complete control of all components of the Kosovo government – including the executive, legislative and judicial branches.

In fact, Security Council Resolution 1244 reaffirmed the commitment of UN member states to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region. Mr. Lorenz and his colleagues with the UN Mission in Kosovo were skeptical that Kosovan independence could be achieved without the modification of Resolution 1244. However this of course never came to pass, and yet Kosovo is independent today, without such modifications. Mr. Lorenz notes that this was one of many other fascinating legal outcomes that would not have been foreseen at the time.

### **Roles and Responsibilities**

Mr. Lorenz reflects that his experience in Kosovo was more difficult than in Bosnia. Mr. Lorenz was one of 12 legal advisors at the United Nations Headquarters in Pristina. The team had a vast set of responsibilities, which focused around building Kosovo from scratch following the total dismantling of the area by Serbian forces. Legal issues that the team faced were unique, as the team had the authority to build a country, but there was no defined end state. This differed from Bosnia, where the Dayton Peace Agreement provided a comprehensive plan for a country, complete with a tripartite presidency with three entities. Comparatively, the situation in Kosovo involved a mission to build a government without a planned end state.

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<sup>2</sup> UN Security Council Resolution 1244 was adopted on June 10, 1999, in response to the conflict in Kosovo. The resolution aimed to establish a secure and stable environment in Kosovo and to provide for the safe and free return of refugees and displaced persons to their homes. The resolution authorized the deployment of an international civil and security presence in Kosovo, known as the United Nations Interim Administration Mission in Kosovo (UNMIK), to provide for the effective administration of Kosovo and to support the establishment of substantial autonomy and self-government. The resolution also established the Kosovo Force (KFOR), a NATO-led multinational force with the responsibility to provide a secure environment in Kosovo and to support the international civil presence in the region. See: *Security Council Resolution 1244 (1999) on the situation relating Kosovo*, UN, available at <https://peacemaker.un.org/kosovo-resolution1244>.



For Mr. Lorenz, particularly interesting was his position in Kosovo on the civilian side of the UN Mission, and his opportunity to work with KFOR, (“Kosovo Force”), a NATO-led international peacekeeping force in Kosovo. The Kosovo Protection Corps (KPC) was a civilian emergency response organization that was established in Kosovo in 1999 under the authority of the United Nations Mission in Kosovo. These roles enabled Mr. Lorenz to experience the interaction of different roles between military implementation and civilian reconstruction missions. In addition to Mr. Lorenz and his colleagues, a commission was responsible for talking to the parties involved in relocating people, and Mr. Lorenz’s team advised on this issue. Mr. Lorenz also notes that there was no court system established at the time, and there were rules against Serbian-run court systems.

While Mr. Lorenz worked with the United Nations Mission in Kosovo, he was involved in property issues, the return of displaced civilians, and transitional justice. Mr. Lorenz reflects that he confronted a range of issues in this role, from the forced removal of civilians from apartment buildings to talking to Serbian authorities regarding the displacement and relocation of Albanian families. Regarding the latter, Mr. Lorenz notes that this was a particularly challenging responsibility, as Serbian families were permitted to move into newly empty buildings, and so attempting to reverse the ethnic cleansing that was occurring was difficult. Mr. Lorenz reflects that there may be some lessons to be learned here for the Ukraine context, not regarding ceasefire negotiations, but in efforts to relocate people displaced from their homes by the conflict.

### ***Lessons Learned***

In light of his experience in Kosovo, Mr. Lorenz reiterates the importance of remaining open to innovative solutions in ceasefire negotiations. These solutions must also be devised with the awareness that the world is a different and more complicated place now than it was in the 1990s. Thus, there are likely limitations on lessons from the conflicts of the 1990s that can be drawn and applied to the Ukraine context. However, Mr. Lorenz does reflect on some potential lessons.

### **Incentives to Begin Negotiations and Cease Hostilities**

Russia and Putin’s intentions are uncertain. Without fully understanding Russia’s motives, it will be difficult to get Russia to the table to initiate ceasefire

discussions. The key question is: “What will Russia be satisfied with?” Russia has strong military stamina. Looking forward, Mr. Lorenz predicts that Russia will likely dig in and slow operations through the 2022-2023 Winter, and will likely bombard Ukraine to break the will of the people to resist. In response, the Ukrainian people will become even less likely to make an agreement to give up territory.

Reflecting on Russia’s war in Ukraine, Mr. Lorenz notes that, ultimately, some key questions must be addressed, although they will be incredibly difficult to answer: What are Russia’s interests here? What does Russia really want? One of the main challenges in the context of Russia’s war in Ukraine, is to determine what President Putin would be satisfied with, prior to entering negotiations. Another challenge is that Ukraine is not ready to enter into negotiations based on the way things currently stand regarding territory and the wider conflict. Thus, two things are likely: (1) Russia is likely to dig in and slow operations through the winter, and (2), Russia will likely bombard Ukraine to break the will of the people, and this behavior is likely to continue. Mr. Lorenz reflects that the situation is more complex than that which he faced in Bosnia and Kosovo.

In both Bosnia and Kosovo, the aggressor parties were persuaded to cease hostilities largely by the reality of the conflict and their ability to continue fighting. Thus, the parties’ involvement in a negotiated end to the conflict were less influenced by the likes of political influence or domestic criticism of their efforts. Therein lies a difficulty in Russia’s war in Ukraine, as it is challenging to determine when Russia will reach that same point. It may be that the Russian public successfully undermines the Russian effort through fading support, if they are faced with increasing reports of casualties. While Russian casualties in Ukraine are sparking protests against military efforts, the Russian people historically are well known for long suffering and enduring high casualties in wars. Additionally, international sanctions will need to continue if efforts to sway Putin to engage in ceasefire negotiations are to be successful. Economic sanctions are having some impact, but Russia is proving more resilient in this area than expected and the voice of the far right in Russia continues to push for aggression.

### **A Technical Military Agreement**

The United Nations Security Council established a comprehensive resolution, via Resolution 1244, that provided the necessary legal power to engage in Kosovo. The short term military technical agreement achieved its goals

removing the majority of Serbian parties and making way for the security and KFOR Implementation Force. Thus, if any lesson can be drawn from this situation for Ukraine, it may be that a technical military agreement, somewhat patterned on the same Kosovan agreement in style and length, could potentially be considered. However, the technical military agreement did not arise *until* the UN Security Council had agreed to the 1244 Resolution, which provided for the entry of a United Nations entity into Kosovo.

Mr. Lorenz reflects that it is hard to envision a situation in Russia's war in Ukraine that could give rise to this same sequence of events. Russia, a member of the United Nations Security Council, is the aggressor in Russia's war in Ukraine, so the practicality of a United Nations resolution setting forth the legal measures for a resolution is dubious. Russia will not allow NATO to enter the conflict as the peacemaker, and Russia views NATO and United Nations influence as a western threat.

### **Human Interaction**

Mr. Lorenz considers that the human interaction tips of the 1990s conflicts may be useful to consider in this conflict, and that United States diplomats must be ready to enact rational policy and previously learned skills when the time comes. However, in terms of drawing lessons on negotiating ceasefires, that is much more challenging due to the complexity of today's conflicts. While bringing the parties to the conflict in Bosnia was difficult, it was doable, as parties to the conflict had reached their military limit while simultaneously enduring external pressure to cease hostilities. However, Mr. Lorenz struggles to envision similar conditions that could bring the parties to the Russian war in Ukraine together in a similar way, particularly given Russia's seeming indifference to the influence of external pressure in this war.