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**DE FACTO STATE-PATRON STATE RELATIONS IN TWO-LEVEL GAME
THEORY: A CASE STUDY ON DE FACTO STATES IN CROATIA AND BOSNIA
DURING THE YUGOSLAV WARS**

MA Thesis

Supervisor: Professor Eiki Berg

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DE FACTO STATE-PATRON STATE RELATIONS IN TWO-LEVEL GAME THEORY: A CASE STUDY ON DE FACTO STATES IN CROATIA AND BOSNIA DURING THE YUGOSLAV WARS

Ryan Werner Bastek

Abstract

De facto states are political entities that control territory and maintain all the requirements expected of a state except one, they lack international recognition. What they do have, in many cases, is the patronage of a recognized state that will help them to survive in a hostile world. So close is the relationship between patron and de facto states, that many dismiss de facto states as simply being puppets under the total control of the patron state. In this thesis I show how a genuine de facto state can be identified and differentiated from a puppet state; a true de facto state will be able to come to its own decisions rather than simply following dictates from their patron. To do this I examined the cases of the two Serbian-backed de facto states that emerged from the collapse of Yugoslavia in the 1990s and, through the use of two-level game theory, determine whether they accepted or rejected specific peace plans favored by their patron state based on internal political decisions or were simply carrying out the orders of the patron state.

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List of Abbreviations

ASSR - Autonomous Soviet Socialist Republics, sub-federal unit within the USSR

IRA – Irish Republican Army, name used by numerous Irish Republican groups

ISIS – Islamic State in Iraq and Syria, also known as the Islamic State

ICTY – International Criminal Tribunal for the former Yugoslavia

FARC – Revolutionary Armed forces of Columbia, guerilla group

FRY – Federal Republic of Yugoslavia, also known as “Serbia and Montenegro”

HDZ – Croatian Democratic Union, Political Party in Croatia and Bosnia

JNA – Yugoslav People’s Army, armed forces of the SFRJ

KRG – Kurdish Regional Government, also known as Iraqi Kurdistan

NATO – North Atlantic Treaty Organization

OSCE – Organization for Security and Cooperation in Europe

PRC – People’s Republic of China, also known as Mainland China

ROC – Republic of China, also known as Taiwan

SDA - Party of Democratic Action, political party in Bosnia

SDS – Serbian Democratic Party, political party in Serbia, Croatia, and Bosnia

SPS – Socialist Party of Serbia

SFRY – Socialist Federal Republic of Yugoslavia, also known as the “former Yugoslavia”

SSR – Soviet Socialist Republic, federal unit within the USSR

SVK – Army of the Republic of Serbian Krajina

TO – Territorial Defense, Yugoslav reserve military force

TPP – Trans-Pacific Partnership, a multilateral trade agreement

TRNC – Turkish Republic of Northern Cyprus

UN – United Nations

UNPA – United Nations Protected Area

UNPROFOR – United Nations Protection Force

US– United States of America

USSR – Union of Soviet Socialist Republic, also known as the Soviet Union

VRS – Army of Republika Srpska

1. Introduction

The Socialist Federal Republic of Yugoslavia¹ (SFRY) was formed in 1945 and led by Marshal Josip Broz Tito from its inception until his death in 1980. Following the death of Tito, the nation was ruled by executive council, the Presidency, with a rotating chairmanship. The Yugoslav Presidency consisted of one representative from each of the five Socialist Republics (Bosnia and Herzegovina, Croatia, Montenegro, Serbia, and Slovenia) as well as one representative each from the two Socialist Autonomous Provinces (Kosovo and Vojvodina) within the Socialist Republic of Serbia. While neither aligned with the Soviet Union nor a member of the Warsaw Pact, the SFRY was a one-party communist state and not immune to the collapse of communism that swept Central and Eastern Europe in the late 1980's and early 90's, leading to the breakup of Czechoslovakia and the Soviet Union, the reunification of Germany, and the summary execution of Romanian dictator Nicolae Ceaușescu. In January 1990, the Yugoslav communist party, the League of Communists, ceased to function following the 14th, and last, Party Congress which ended in a walkout of the delegations from the republic-level Slovene and Croatian parties. With the end of communist rule, nationalist parties and politicians began to take control in the republics. In 1991, Slovenia became the first republic to declare its independence, triggering a brief war between the small republic and the Yugoslav federal army, the JNA. While this first conflict would only last ten days, it was the beginning of a series of conflicts that would continue for more than ten years, ending with the total collapse of the Yugoslav federation, and costing over one hundred thousand people their lives. Collectively these conflicts have come to be known as the Yugoslav Wars.

By the end of 1992, all of the republics had seceded from the federation except for Serbia and Montenegro², and self-proclaimed unrecognized independent states, known as de facto

¹ Originally established as the "Federal People's Yugoslav Republic" and renamed in 1963

² Serbia and Montenegro formed the new "Federal Republic of Yugoslavia" (FRY) in April 1992

states, had emerged from within several of the republics. These included the “Republic of Serbian Krajina”³ inside of the internationally recognized borders of Croatia, and the “Republika Srpska”⁴ inside Bosnia and Herzegovina. As their names suggest, these de facto entities were strongly tied to their ethnic kin in Serbia, relying on the Serbian government for patronage in the form of substantial economic, political, and military support. The relationship between a de facto state and their patron state is often so close that they are often accused of simply being the puppets of their patron states (Caspersen, 2012: pg. 55; Berg & Vits, 2018: pg. 392). However, this is not always necessarily always the case. The relationships relationship between the leaders of Serbia and the leaders of both Krajina and Republika Srpska, which were often strained and at times even hostile. From the very beginnings of the conflict, both the world at large and Serbian President Slobodan Milošević himself would overestimate his influence over the ethnic Serbs outside Serbia. Following the walkout of the Slovenian delegation from the ill-fated 14th Congress of the League of Communists, Milošević, then head of the Serbian branch of the party, attempted to continue the Congress, although the head of the Croatian delegation, Ivica Račan, had warned Milošević that his delegates would follow a Slovenian walkout, Milošević did not believe him as one third of the Croatian delegation was made up of ethnic Serbs. Milošević was wrong, however, and the entire Croatian delegation walked out. The Congress was forced to adjourn and would never again come back into session (Silber & Little, 1997: pg. 80-81).

This overestimation by Milošević over his degree of control and influence over his ethnic brethren would continue, culminating finally in his overthrow from power by a popular revolt in October 2000. Three years later, during testimony at Milošević’s trial for war crimes before the International Criminal Tribunal for the former Yugoslavia at The Hague, Lord David Owen asked rhetorically about why Milošević was repeatedly unsuccessful in getting what he wanted from the leaders of the de facto states who were supposedly his puppets,

³ Sometimes written as “Serb Republic of Krajina” or simply just “Krajina”

⁴ Literally “Serb Republic”, left untranslated to avoid confusion with the Republic of Serbia (“Republika Srbija”)

“you can claim this is all part of well-orchestrated things and we were duped and that there was no real anger expressed in these meetings, but I've been around a long time. I don't believe that. There was exasperation. There was anger. But again, there was always this refusal force it, to force agreement, to impose it, and the question is why.” (ICTY, Milošević, IT-02-54, “Lord Owen Testimony”, November 3, 2003: pg. 55)

To answer this question, I will seek to apply two-level game theory, an international relations theory first put forward by Robert Putnam that was originally developed to model the interplay between domestic and international politics during diplomatic negotiations between states, to the de facto state-patron state relationship during the attempts of a patron state to convince two of the de facto states under its influence to accept or reject two key peace plans. According to two-level game theory, states are not unitary actors (Putnam, 1988: pg. 432). The same is true of de facto states. If the de facto states in these cases were nothing more than puppets of their patrons, then the patron should have been able to simply impose these peace plans onto them but, as many exasperated Western diplomats would come to learn, in the Yugoslav Wars few things were simple. I believe that I will be able to show that the de facto states were indeed distinct actors and that their acceptance or rejection of the peace plans were instead the result of their own decisions and that this can be shown through use of two-level game theory.

2. Theoretical Framework

2.1 De Facto States

In order to define what is a de facto state, I must first clarify what is a state and what differentiates states and de facto states. In 1648 the Thirty Years War finally came to an end in Europe, confirming the rights of the Prince-Electors of the Holy Roman Empire to choose their own religion for the lands that they ruled. The effect of this peace, which has come to be known as the Peace of Westphalia, would have much wider implications than just a regional dispute over religion. Scholars of international relations today have traditionally considered the Peace of Westphalia, to be the origins of the modern nation-state, so much so that the current political order where the world is divided into sovereign states is sometimes referred to as the “Westphalian System” (Schmidt, 2011: pg. 604, 613). The main principals of the Westphalian System are threefold: equality between states, nonintervention into other states’ affairs, and respect for territorial integrity (ibid: pg. 614).

Whether or not a state is considered sovereign, and thus intitled to the protections of international law, hinge on one key aspect; recognition from other sovereign states, with full membership in the United Nations being the threshold at which “universal recognition” has been achieved. (Krasner, 1995-1996: pg. 136; Ker-Lindsay & Berg, 2018: pg. 336). That being said, throughout the world today there exist numerous political entities that control territories and may maintain all the trappings expected of a sovereign state such as having a flag, issuing currency, and guarding their borders, yet their authority is not recognized beyond the lands under their control. These entities are known as de facto states, as their existence is *de facto* rather than *de iure*. For all intents and purposes, they do not exist under international law. Nina Caspersen defines a de facto state (which she refers to as an “unrecognized state”) as those which meet the following criteria: first, they control territory and have de facto independence; second, they are attempting to build state institutions and

show legitimacy; third, they have formally declared independence or otherwise shown a clear desire for independence; fourth, they are seeking, but do not have, international recognition; finally, they have existed for at least two years (Caspersen, 2012: pg. 11).

Many entities that claim to be states can be excluded from being considered de facto states under Caspersen's criteria. In 2014, during unrest in southern and eastern Ukraine following the fall from power of Ukraine President Viktor Yanukovich, pro-Russian activists seized control of the regional state administration building in the city of Kharkov and declared the independence of the "Kharkov People's Republic", however the building was retaken by Ukrainian police shortly after and the city has remained under Ukrainian control ever since (Smith and Butenko, 2014). Thus, self-proclaimed Kharkov People's Republic fails Caspersen's first criteria, as it neither achieved de facto independence nor did it control any of the territory that it claimed, and therefore cannot be considered to have been a de facto state.

In 1982 the "Conch Republic" was proclaimed by the mayor and city council of the of Key West, an island-city in the American state of Florida. While the action was made by the legitimate authorities in control of the city, it was not meant to be taken as a serious effort at independence but rather was a publicity-seeking protest against the US federal government's imposition of Drug Enforcement Agency checkpoints on the bridge connecting the island of Key West to the American mainland. So, while Conch Republic flags can still be seen on the island to this day, the Conch Republic cannot be considered a de facto state as it did not meet Caspersen's second criteria; it never sought to build state institutions or show legitimacy (Kerstein, 2012).

The third point is having formally declared independence or otherwise shown a clear desire for independence. This requirement would factor out political entities such as Puerto Rico, which, despite a high level of autonomy and a distance cultural, ethnic, and language identity

separate from their parent state (the United States), has never made any significant moves towards independence. While an independence movement does exist, support among the local popular is low and in status referendums held in 1967, 1993, 1998, and 2012 independence was always an option but it never received more than 6% of the total vote (Castillo, 2012). With over 90% of the population consistently favoring a status other than independence, Puerto Rico cannot be said to have demonstrated a clear desire towards independence.

Caspersen's fourth point is seeking, but not yet having received international recognition. The parent state, that state from which the de facto state is seeking independence, will do what it can to prevent the de facto state from gaining international recognition and the international community as a whole has become far less accepting of recognizing states created by succession since the end of World War II (Ker-Lindsay & Berg, 2018: pg. 336-337). So, while most de facto states do not have any international recognition, this criterion becomes harder to judge when it comes to states with limited recognition. The People's Republic of China (PRC) for example, is a member of the United Nations and permanent member of the UN Security Council, and is recognized by all but 17 out of 193 UN member states, who instead recognize Taiwan (Horton, 2018). Despite this few, if any, would consider the PRC to be a de facto state. In contrast, the Turkish Republic of Northern Cyprus (TRNC), which declared independence in 1983, is recognized only by Turkey (Smith, 2019). Is having the recognition of just one state enough for us to say that the TRNC has achieved international recognition? Probably not. More difficult is the case of Kosovo which is recognized by over 110 UN member states but is not itself a UN member (Bytyci, 2018). As previously stated, scholars have tended to set the standard of having full UN membership as the way to determine if a state is to be considered fully recognized (Krasner, 1995-1996: pg. 136; Ker-Lindsay & Berg, 2018: pg. 336) A much more clear example of an entity that does not meet Caspersen's recognition criteria would be the terrorist group Islamic State, more commonly known as ISIS, as, while it did once hold and govern large amounts of territory in Iraq and Syria, it actively rejected the notion that it needed recognition from other states. Declaring

itself to be a world-wide Islamic Caliphate in 2016, rather than seeking international recognition, ISIS instead rejected the legitimacy of all states other than itself, declaring its ultimate goal to be nothing short of total world conquest ending with the entire globe united under its own leadership (Glenn, 2015). For its position of not seeking recognition, ISIS does not count as a de facto state under Caspersen's definition.

The final criteria identified by Caspersen is having existed for two years at a minimum. In October 2017, following a disputed independence referendum, the parliament of the Spanish region of Catalonia passed a unilateral declaration of independence, however by the end of the month the parliament had been dissolved by the Spanish national authorities, who took direct control over the region, and much of the pro-independence Catalan leadership had either been arrested or fled abroad (Anderson, 2017). Catalonia thus clearly failed Caspersen's two-year criteria and cannot be considered a de facto state.

Some cases are particularly hard to classify. The Republic of China (ROC) is one such example. Commonly known as "Taiwan", after the island which constitutes the bulk of its territory, the ROC's authority only exists over that island and a few small surrounding islands. Despite this, the ROC has highly developed state institutions and maintains diplomatic relations with seventeen UN member states (Horton, 2018). So, while it may appear to fit all of the criteria to be a de facto state, the complication comes from the fact that the ROC officially claims to be a continuation of the pre-war government that ruled all of China prior to the victory of the Chinese Communist Party in the Chinese Civil War and establishment of the People's Republic of China in 1949, which the ROC does not recognize. Whether or not the ROC should formally abandon their claim to rule all of China, change their official name to "Republic of Taiwan", and formally declare independence from the Chinese mainland is a highly contested issue within Taiwanese politics today (Caspersen 2012: 109, pg. 114-115). A similar situation exists within the Kurdish Regional Government (KRG) of Iraqi Kurdistan. After decades of highly autonomous self-rule that could be

classified as de facto independence, a large majority of the population voted to approve an independence referendum organized by the KRG in 2017. However, after brief military clashes with federal Iraqi security forces, threats from Iran and Turkey, and a lack of international support, the KRG decided to suspend efforts towards independence (Chmaytelli, 2017). Both Taiwan and Iraqi Kurdistan seemingly fit all of Caspersen's criteria for de facto states but do not, currently, claim to be independent from their parent countries (the situation of Taiwan is somewhat unique as it is the official position of the government that *they are* the parent country). The regions of Puntland in Somalia and Gagauzia in Moldova exist in a similar situation, they have a very high degree of autonomy but, as of yet, have not expressed any formal claims for independence.

An example of an entity that does fit all of Caspersen's criteria and unreservedly claims its existence as an independent sovereign state is the "Republic of Somaliland" which declared independence following the collapse of the Somali Democratic Republic in 1991. While Somalia at this and for many years after was considered a "failed state", with large portions of the country in an effective state of anarchy, the international community has preferred to back successive transitional governments and insisted on the territorial integrity of Somalia (International Crisis Group, 2002). In contrast, Somaliland has largely been successful in building state institutions and stands in stark contrast to the chaotic conditions present still today in the parent country. One Western reporter remarked how Somaliland's capital city of Hargeisa is, "remarkably safe for foreigners, in spite of all the negative associations with Somalia." (Jeffery, 2015).

Several of the de facto states that exist today, or in the last thirty years, were once part of the former Soviet Union or Yugoslavia. Some of these de facto states, such as South Ossetia and Krajina, originally attempted to secede only from the federal unit (Georgia and Croatia, respectively) that they had been a part of but still remain within the Soviet Union or Yugoslav federation, only declaring full independence after it became apparent that those states would

no longer exist. Both the USSR and SFRY were multi-ethnic federal states and when they collapsed in the early 1990s the new states that emerged from them were created from the preexisting federal units⁵ rather than along ethnic lines. In federal units that were largely ethnically homogenous, such as Lithuania in the Soviet Union or Slovenia in Yugoslavia, the issue of borders was repetitively straightforward and independence and recognition achieved without the large-scale violence that would characterize the conflicts in other territories. Some de facto states emerged from territories where there were significant proportions of minority ethnic groups within these federal units, especially when within organized autonomous subunits⁶, as was the case of the Socialist Autonomous Province of Kosovo within the Socialist Republic of Serbia or the Nagorno-Karabakh Autonomous Oblast within the Azerbaijan SSR. This is not to say that separatist or ethnic violence always occurred in these circumstances; the autonomous regions of Vojvodina in Serbia or Adjara in Georgia have both remained peaceful as of this writing in 2019.

Often recognized states, especially the parent state from whom the de facto state is seeking independence, are reluctant to directly negotiate with the leadership of the de facto state as to do so implies at least tacit recognition. Thus, when such meetings between officials from recognized states or international organizations and de facto states do take place they often resort to euphemisms that avoid recognition of the sovereignty or existence of the de facto state, sometimes while still conferring some authority to the de facto state representative. An example of this would be when the President of the Turkish Republic of Northern Cyprus met the UN Secretary-General in 2018, the official UN press release referred to him as the “leader of the Turkish Cypriot community” rather than as the leader of a sovereign state as he claims to be (United Nations, 2018). Other times representatives of the de facto state will be present but not have any titles at all, such as was the case in the Minsk II agreement which sought to end the Donbas War between Ukraine and the de facto Donetsk and Lugansk

⁵ Soviet Socialist Republics (SSR) in the USSR and Socialist Republics in the SFRY.

⁶ Autonomous Soviet Socialist Republics (ASSR) or Autonomous Oblasts in the USSR and Socialist Autonomous Provinces in the SFRY

People's Republics. The agreement was signed by the Prime Ministers of the DNR and LNR using their names only and no titles (OSCE, 2015). Berg and Vits describe these situations, where the de facto state is included by the international community while at the same time not confirming their status as sovereign as, "engagement without recognition" (Berg & Vits, 2018: pg. 392).

2.1.1 De Facto State – Patron State Relationship

Often de facto states receive significant support from beyond their controlled territory. Nagorno-Karabakh, for example, receives significant financial support from the overseas Armenian diaspora (Welton and Barrowman, 2016: pg. 4). While this support can come from individuals or non-state actors, it often comes from recognized states. When most of the support comes from a single state, this state is called the patron state. Not all de facto states have patron states, Somaliland is an example of one that does not, but most of those that exist today do. The support from a patron state can come in many forms such as financial, diplomatic, or military. In Abkhazia, for example, Russian money makes up approximately 60% of the government's annual budget (De Waal, 2017). That de facto states must rely on their patrons economically is not surprising as de facto states are often under heavy economic sanctions and "almost complete sociocultural isolation" (Berg & Vits, 2018: pg. 390). Most de facto states have very little in terms of relations between with their parent state. Transnistria and Moldova are an outlier in this regard; Transnistria exports over half of its exports into the European Union and in order to do so Transnistrian companies must be registered in Moldova and submit to Moldovan customs regulations (Eurasianet, 2016). In contrast, on the frontiers of Donetsk, Lugansk, and Nagorno-Karabakh, sporadic small-scale fighting between the forces of the de facto state and the parent state still occur on a regular basis. This is usually limited to brief exchanges of small arms fire but deaths do still occur and the threat of a renewed conflict remains a possibility.

According to Berg and Vits, “de facto state foreign policy above all aims to provide security” (Berg & Vits, 2018: pg. 402). In this regard, having a patron state can help insure the survival of a de facto state. In August 2014, after four months of heavy fighting, Ukrainian forces seemed to be on the verge of total victory against the Donetsk and Lugansk rebels. The Ukrainians had taken back control of key border crossings with Russia and heavy fighting was ongoing in or near the de facto state capital cities. However the tide of war suddenly and dramatically turned in the rebels favor when, Ukraine and NATO allege, regular units of the Russian military entered the conflict, smashing the Ukrainian forces and sending them into retreat, finally forcing the Ukrainian government to accept a cease-fire that ensured the continued survival and de facto independence of both the Donetsk and Lugansk People’s Republics (Olearchyk & Buckley, 2014).

While a patron state-de facto state relationship can be formed due to mutual strategic interests, support can also be based on ethnic links with the population of the de facto state (Caspersen, 2012: pg. 54). When the dominate ethnic community of the patron state is the same as in the de facto state then the patron state can also be known as a kin state. Even when the patron state is not technically a kin state by this definition, there are often still strong ethnic ties between the two; this is the case in Transnistria which has a large population of ethnic Russians, numbering approximately one third of the population. In the case of South Ossetia and Russia, there are around half a million Ossetians in Russia which is less than half of one percent of the population of the Russian Federation but about ten times the entire population of South Ossetia itself, creating a significant ethnic connection to Russia for South Ossetia if not the other way around. *Table 1* below shows some (this is not an exhaustive list of all de facto states) of the relationships between de facto states and their patron state. In the cases of Donetsk and Lugansk I have chosen to consider Russia to be their kin state even though technically ethnic Russians are a minority, albeit a sizeable one. This is because while the majority of the people in these territories may be ethnic Ukrainians, they are primarily Russian-speaking rather than Ukrainian-speaking and some Russian nationalists consider

that Russians and Ukrainians are actually the same ethnicity; Ukrainian nationalists, of course, vehemently dispute this notion (Kuzio, 2016: pg. 3)

Table 1. De Facto States and their Patron/Kin States

De Facto State	Patron State	Kin State
Northern Cyprus	Turkey	Yes
Nagorno-Karabakh ⁷	Armenia	Yes
Donetsk	Russia	Yes
Lugansk	Russia	Yes
South Ossetia ⁸	Russia	No
Abkhazia	Russia	No
Transnistria ⁹	Russia	No
Krajina	Serbia	Yes
Republika Srpska	Serbia	Yes
Herzeg-Bosnia	Croatia	Yes

(Source: Own table, based on own analysis)

Despite the close relationships between de facto states and their patrons, recognition is not always a given. For example, despite the fact that the first President of Nagorno-Karabakh, Robert Kocharyan, later served as President of Armenia, Armenia has never officially recognized Nagorno-Karabakh as an independent sovereign state (Ministry of Foreign Affairs, Republic of Artsakh, 2019). In a 2019 interview, Armenian Prime Minister Nikol Pashinyan distanced himself and his government from Nagorno-Karabakh, saying that, “I do not represent Artsakh, the people living there did not participate in the elections in Armenia, and therefore, I do not have the mandate to represent the population of Artsakh in a peace process” (Morgan, 2019). While Russia presently acts as a patron to five de facto states, it

⁷ Officially “Republic of Artsakh”

⁸ Officially “Republic of South Ossetia – the State of Alania”

⁹ Officially “Pridnestrovian Moldavian Republic”

only recognizes two of them as independent – South Ossetia and Abkhazia. The recognition of these two de facto states came only after the 2008 Russo-Georgia War, years after both had formally declared their independence (Berg & Vits, 2018: pg. 391, 397).

While de facto states do not always have recognition from their patron states they may receive other benefits. For example, while Russia does not recognize the independence of either the Donetsk or Lugansk People's Republics, in 2017 Russia began to recognize passports and other documents issued by the de facto state authorities, giving the citizens of these de facto states the right to "travel, work, or study in Russia" (Kiselyova & Polityuk, 2017). In 2019, Russia took this a step further and simplified the procedure by which residents of Donetsk and Lugansk could receive Russian citizenship and passports. Russian President Vladimir Putin framed this decision as a humanitarian necessity saying that, "to tolerate a situation in which people living in the territory of Donetsk and Luhansk republic are generally deprived of any civil rights, this is already crossing the line from the point of view of human rights" (Korsunskaya & Polityuk, 2019).

So close is the de facto state-patron state relationship that de facto states are often accused of being puppets (Caspersen, 2012: pg. 55; Berg & Vits, 2018: pg. 392). According to Caspersen, however, puppet states should not be counted as de facto states as they have not actually achieved de facto independence, having had their leadership imposed on them directly by the patron state or otherwise lacking the "strong indigenous roots" found in true de facto states (Caspersen, 2012: pg. 29). During the Napoleonic Wars, the French Emperor Napoleon would often seek to create new states out of the territories he conquered rather than formally annexing them into France outright. He proclaimed the "Kingdom of Spain" under the rule of his brother Joseph, the "Kingdom of Holland" under his brother Louis, and the "Kingdom of Italy" with himself as King. These Kingdoms are all examples of puppet states rather than de facto states as their creation was entirely top-down; there was no genuine local movement to create a Bonapartist Monarchy which was instead imposed directly by France. Something puppet states do have in common with de facto states is that they are generally unrecognized excepting perhaps the patron state itself and possibly some other states also

under its influence (this is also true of de facto states). It is possible, however rare, that a puppet state may have widespread recognition beyond the patron state, as was the case of the nominally independent “Kingdom of Poland” which officially existed as a sovereign state from 1815 until 1832 when it was formally incorporated into the Russian Empire. During the period of its supposed independence the Kingdom was in a personal union with the Russian Czar, meaning that whoever was the Czar of Russia at the time was also, separately, the King of Poland. Despite this arrangement being no different from the way Napoleon had ruled over the puppet Kingdom of Italy, the creation of the Kingdom of Poland was sanctioned by the Concert of Vienna in 1815 and subsequently recognized by all the major European powers. Writing about the puppet states created by German and Japan during the Second World War and their recognition among other Axis powers, Caspersen writes that, “[r]ecognition was very much politized, and the creation of a puppet state was deemed acceptable or unacceptable depending on whether or not the state in question was an ally.” (Caspersen, 2012: pg. 29). The situation Caspersen describes is similar to the current political status surrounding Kosovo which, as previously stated, is recognized by over 100 UN members but is not a UN member itself. Those states which do recognize Kosovo tend to be of a pro-Western political orientation whereas non-Western oriented countries, such as Russian and China who continuously block Kosovo’s attempts to gain UN membership, tend to not recognize Kosovo.

Being able to tell a de facto state from a puppet state is not always clear. In early 2014, the “Republic of Crimea” declared independence, was recognized by the Russian Federation, and then annexed by Russia all in less than a month. All of this occurred while the territory was occupied by formations of heavily armed masked men wearing uniforms without identifying insignia. While Russia initially denied that these were Russian soldiers, Russian President Vladimir Putin later acknowledged that there were in fact Russian military personnel active on the ground at the time (Walker, 2015). There is also strong evidence that the separatist Crimean leadership was directly imposed by Russia; Prime Minister Sergei Aksyonov was elected in a disputed session of the regional parliament overseen by masked

gunmen (Schuster, 2014). These factors would seem to clearly indicate that the Republic of Crimea was a Russian puppet state rather than a genuine de facto state. However, it would not be accurate to say that there was no genuine local support for the separation from Ukraine among the Crimean population; there had been a previous declaration of independence by the regional legislature in 1992 and referendums on independence or autonomy had been held in 1991 and 1994 in addition to the more dubious 2014 referendum. Sometimes the creation of a puppet state is simply a precursor to the formal annexation by the controlling state, such as when the previously mentioned Bonapartist Kingdom of Holland was annexed by France a few years after its creation. However, it has also occurred where the de facto state has desired unification with the patron state only to be rebuffed; for example, in 2006 a referendum held in Transnistria calling for union with Russia was ignored as was a 2014 request from Transnistrian authorities following the annexation of Crimea. Political leaders in South Ossetia, Donetsk, and Lugansk have also indicated that they would support unification with Russia, Abkhazia being somewhat unique among Russian-supported de facto states in wishing to remain independent. Therefore, a desire for unification with the patron states cannot not always been taken as evidence that the state is in fact a puppet.

Rather than being puppets, de facto states with a patron state are better understood as clients. Eiki Berg and Kristel Vits write that the patron-client model can be applied to de facto states, (Berg & Vits 2018: pg. 393) According to Robert Keohane the relationship between a patron state and a client state is, “characterized by exchanges of mutually valued but noncomparable goods and service” (Keohane 1986: pg. 6). In April 2008, Russian Foreign Minister Sergei Lavrov said Russia “will do everything it can” to prevent Ukraine or Georgia from becoming members of NATO (Deutsche Welle, 2008). By supporting de facto states in those countries today, I would argue that Russia is doing just that. To apply this to Keohane’s envisioned exchange of noncomparable goods and services, by supporting the de facto states of Abkhazia, South Ossetia, Donetsk, and Lugansk, Russia furthers its own geopolitical goals of preventing Ukrainian and Georgian membership in NATO while in return the de facto states receive economic, military, and other material support from Russia. Although

becoming a client comes at the “price” of limiting the independence of the de facto state, a client state does however have at least some level of “freedom of action” (El-Doufani, 1992: pg. 256; Berg & Vits, 2018: pg. 393, pg. 403). A puppet state generally has no freedom of action as they are under the total control of the patron state. However, while a de facto state may be able to defy their patron, this could result in a withdrawal of the patron’s support, something that could leave the de facto state vulnerable and perhaps even lead to the end of the de facto states very existence. This is what happened in 1995 to the Serb Republic of Krajina which lost the support of patron Serbia and was militarily conquered by Croatian forces in Operation Storm.

2.2 Two-Level Game Theory

The Treaty of Versailles, negotiated during the 1919 Paris Peace Conference following the end of the First World War in late 1918, is best remembered for the harsh terms that it imposed on Germany. These terms included Germany’s loss of all overseas territories, the forced return of territories they had annexed from France in 1871, the demilitarization and occupation of their industrial heartland, restrictions on their military capabilities, and imposition of exorbitant economic reparations. The conference was chaired by French Prime Minister Georges Clemenceau whose “main drive was the interests of France and, above all, his hatred of the Germans.” (Meerts, 2015: pg. 225). However not every provision in the final treaty was motivated by vengeance, in particular was the creation of the League of Nations, a new international organization that is today seen as the forerunner to the United Nations. The League was the brainchild of American President Woodrow Wilson, described by British economist John Maynard Keynes as, “the only person with the moral authority to save Europe from another self-destructive war.” (ibid: pg. 224). The inclusion of Wilson’s League of Nations was a major victory for the American President, one that was then undone by his own legislature. In a series of votes in 1919 and 1920 the US Senate repeatedly rejected both ratification of the Treaty of Versailles and membership in the League of Nations, which some

Senators viewed as a betrayal of the isolationist tendency of avoiding “entangling alliances” with foreign powers that had been a hallmark of American foreign policy since Washington (Glass, 2014). The United States would never join the League which eventually disbanded following its failure to prevent the outbreak of the Second World War.

One way to explain Wilson’s success at Paris ultimately being undone by domestic politics is through two-level game theory. First articulated by Robert Putnam at a 1986 meeting of the American Political Science Association, two-level game theory explains how the success or failure of international negotiations is dependent on two-levels, the first being the international negotiation itself and the second being a separate negotiation – or game – with the domestic political actors of the negotiators’ own state. Putnam argues that much of the then pre-existing literature on the issue of the relationship between international and domestic politics incorrectly viewed and overemphasized the state as a unitary actor which fails to take into account the internal divisions within the state, such as the legislature or differing views within the executive branch. “If the term ‘state’ is used to mean ‘central decision-makers,’ we should treat it as a plural noun: not ‘the state, it...’ but ‘the state, they...’” (Putnam 1988: pg. 432). The games and players of two-level game theory is visualized in *Figure 1* below:

Figure 1. Two-Level Game Theory Illustrated



(Source: Own Figure. Based on Putnam, 1988)

The national leadership of State A and B play against each other at the international game board, this is Level I. Simultaneously these same players play a separate game, the domestic game, against the domestic actors of their own states, this is Level II. In order to secure a win, the national leader must win both games, a loss at one always means a loss at the other (ibid: pg. 434). This is what happened to Woodrow Wilson, his failure to a secure a win on

the domestic game board against the US Senate in 1920 negated his victory at the international game board representing the Paris Peace Conference in 1919.

Putnam writes that, “[a]ny key player at the international table who is dissatisfied with the outcome may upset the game board” (ibid: pg. 434). An example of this would be when a negotiator walks out of talks causing their collapse, as US President Donald Trump did in talks with North Korea leader Kim Jong-un in February 2019. However, it is usually on level two, the domestic game, where the spoilers occur. In his book *Diplomatic Negotiation: Essence and Evolution*, Paul Meerts writes that often, “the home front is more of a problem than the external adversary” and cites two-level game theory in stressing the importance of keeping “an eye on the constituencies of the parties” during international negotiations (Meerts, 2015: pg. 316-317). Putnam warns that leaders who fail at the domestic game board run the risk of being removed from the game entirely (Putnam, 1988: pg. 434). This is especially a danger in democratic countries where the leader can be removed by an election, by the legislature, or party procedure (Carment & James, 1996: pg. 528). An example of this would be US President Lyndon Baines Johnson’s withdrawal from the 1968 US presidential election following his loss of the critical New Hampshire Democratic Party primary because of discontent within Johnson’s own party over his failure to bring an end to the Vietnam War. In this case, a loss at the international game board (failing to end the Vietnam War) led to the player’s removal from the domestic game board (failure to secure the support of his party for another term in office). That is not to say that authoritarian regimes do not need to be concerned with Level II games; while less concerned with democratic processes such as elections they can still be removed through such means as a military coup or regime collapse (ibid: pg. 531). A particular gruesome example would be the assassination of Egyptian President Anwar Sadat by rogue Islamist Egyptian Army officers angered by Sadat’s negotiation and acceptance of a peace treaty with long-time enemy Israel. In this case a success at the international game board (the 1979 Egypt-Israel Peace Treaty) led to the player’s removal from the domestic game (Sadat’s assassination).

Despite these apparent dangers, two level-game theory also allows for opportunities that may not have otherwise been available to national leaders. For example, by claiming the necessity of compromise with the players in one game they may be able to extract concessions from the players on the other game that would not have otherwise been possible (ibid: pg. 429). An example of this would in March 2012 when US President Barrack Obama was overheard by news media asking Russian President Dmitry Medvedev to give him “space” on negotiations over missile defense until after the November US presidential election when he would have more “flexibility”; e.g. asking Medvedev to wait on further negotiations citing domestic political concerns (Spetalnick & Holland, 2012).

While Putnam created, and remains the most cited source on, two-level game theory, other academics have also weighed in on and expanded the theory. David Cermet and Patrick James identified several “assumptions” of two-level games in their work to use two-level game theory to explain third-party interventions into ethnic conflicts; first, national leaders must keep in mind their domestic constituents do not rate all foreign policy issues equally; second, a successful foreign policy is one that aligns with the interests of the constituents; and third, leaders must maintain the support of the constitutions to remain in power (Cermet & James, 1996: pg. 527-528). The second and third assumptions are not significantly different from what has already been identified by Putnam, the first assumption, however requires further examination and illustration.

On October 5, 2015, the US and 11 other countries announced the agreement of the Trans-Pacific Partnership (TPP), a sweeping trade agreement covering 40% of all global trade. *The Guardian* newspaper declared the agreement a “major victory” and “legacy-defining” achievement for US President Barack Obama (Gelenza, 2015). However, just two days later, Hillary Clinton, a candidate to succeed Obama as President in the upcoming 2016 elections, announced her opposition to the TPP. Clinton had been Secretary of State during Obama’s first term in office and, as such, had helped negotiate much of the agreement. As Secretary

of State, she had strongly supported the deal, saying in 2012, “[t]his TPP sets the gold standard in trade agreements to open free, transparent, fair trade, the kind of environment that has the rule of law and a level playing field” (Memoli, 2016). Even after leaving the Obama administration, Clinton continued to speak highly of the TPP; leaked excerpts of speeches she gave after leaving office quoted her as saying, “I led the way on this” (Palmer, 2016). Why would Clinton break with Obama and suddenly oppose an agreement that she herself had worked so hard to make? Cermet and James’s first assumption may provide the answer; “[d]ecision makers must consider the dispersion of preferences among constituent interests. Citizens can separate foreign policies that they consider legitimate reflections of their values from those that are not” (Cermet & James, 1996: pg. 527-528). It is important to ask if American voters even cared about the TPP in the first place. In September 2016 opinion poll conducted by the American news organization POLITICO and Harvard University, over 70% of those asked responded that they had “never heard or read” anything about the Trans-Pacific Partnership (Palmer, 2016). However, both Clinton’s main rival for the Democratic Party nomination, Senator Bernie Sanders, and her main opponent in the general election, Republican Party nominee Donald Trump, strongly opposed the TPP, making trade issues a major part of their campaign platforms (Jacobs, et al, 2015; Palmer, 2016; Memoli, 2016). To have a better chance at winning the general election against Trump, Clinton would need to gain the support of former Sanders supporters who might otherwise sit out the election or even vote for Trump. If Clinton were to have the same position as Sanders and Trump on the issue of the TPP then the danger of Sanders supporters defecting to Trump would decrease. So, when Clinton announced her decision to oppose the TPP, Sanders did indeed applauded Clinton’s new position saying, “I am glad that Secretary Clinton has now come on board. I hope that, with her help, with the efforts of virtually every union in the country and with the opposition of many environmental groups, we can defeat this agreement which was largely written by Wall Street and corporate America” (Jacobs, et al., 2015). With her two main rivals both in opposition to the TPP and the majority of the voting public apathetic, it was clearly the smarter political decision for Clinton to abandon her previous support for the TPP, in accordance with Cermet and James’ first assumption. The final result of all this political maneuvering was that Obama’s win on the international game board in concluding the

agreement was undone as on the domestic game board all three of the main candidates to succeed him as President were now in opposition to the TPP. In the end Donald Trump would go on to win the election and, in one of his first acts as President, signed an executive order withdrawing the United States from the TPP (Smith, 2017).

2.2.1 Two-Level Game Theory in Intra-State Conflicts

On September 26, 2016, at a ceremony at the resort city of Cartagena, representatives from the Colombian government and the armed communist guerilla group FARC signed a comprehensive peace agreement that aimed to bring an end to an armed insurgency that had raged for over fifty years and led to the deaths of over 200,000 people. “What we sign today is a declaration from the Colombian people before the world that we are tired of war,” declared Colombian President Juan Manuel Santos (Casey, 2016). Under the terms of the agreement, FARC would disarm and become a political party. Additionally, there would be an amnesty for those members who confessed to crimes committed during the conflict. The plan was widely support among the international community with UN Secretary-General Ban Ki-moon and US Secretary of State John Kerry also in attendance during the signing ceremony. However, there were also prominent domestic political figures against the plan, such as former Colombian President Álvaro Uribe. “The day they are behind bars I will go and give them my hand and forgive them,” remarked one lawmaker from Uribe’s Democratic Center Party (Brodzinsky, 2016). Implementation of the agreement was subject to the results of a nationwide referendum and, despite polls indicating that it would pass, the plan was rejected by just over 50% of the over thirteen million votes cast. Despite this loss, President Santos pushed forward and in November, the Colombian legislature passed an amended version of the agreement. Lawmakers from the Democratic Center Party walked out of the session, angry that it was not subjected to another referendum and that it had not changed those provisions that they most opposed (Murphy 2016). The 2018 Colombian Presidential election was subsequently won by the candidate of the Democratic Center Party, who had

campaigns on a promise “to modify the peace accord, arguing it is too easy on former guerrillas” (Cobb, 2019).

Putnam developed two-level game theory to explain the interplay of domestic and international politics in diplomatic negotiations which Meerts defines as, “exchange of concessions and compensations in a framework of international order accepted by sovereign entities” (Meerts, 1995: pg. 12). However, I believe that two-level game theory can also be helpful in explaining situations where one or more of the parties were not sovereign, such as in the case of the 2016 Columbia-FARC peace agreement. Although this was the case of an intrastate conflict between a state, Columbia, and a non-state actor, FARC, we can clearly see how two-level game theory can apply; the agreement between the Columbian government and FARC, while not strictly speaking an international agreement, still takes place at Level I; the international game board. The rejection of the plan by the Columbian voters takes place on Level II, the domestic game board, as does the eventual election of a new President hostile to the deal.

Intrastate conflicts often involve non-state actors and although they may not completely correspond to a state but, being that as it may, it does not mean that two-level game theory cannot be applied to the decision-making process within these groups. Non-state actors are frequently involved as a party to an intra-state conflict and are notorious for their tendency to devolve into infighting, with factions possibly breaking away to form new groups. Kristin Bakke, Kathleen Cunningham, and Lee Seymour write in their article, “A Plague of Initials: Fragmentation, Cohesion, and Infighting in Civil Wars” that, “[m]any prevailing theories of conflict cannot make sense of infighting, as the assumption of a two-sided conflict between unitary actors meets the reality of complex struggles involving numerous actors, and action moves from the macropolitical cleavage to local conflicts where narrow feuds, personal ambitions, and private motives predominate” (Bakke, et al., 2012: pg. 266). I believe that the answer is because these groups are not truly unitary actors and, as such, two-level game

theory can be useful in understanding these splits, especially when they occur following peace agreements. The Good Friday Agreement, signed in April 1998, generally marks the ending of the period of conflict in Northern Ireland known as “the Troubles”, when Unionists¹⁰, who favored remaining in the United Kingdom, clashed against Republicans¹¹, who favored unifying with the Republic of Ireland. While the leadership of the main armed Republican group, the Provisional IRA, accepted the agreement and its requirements to disarm, many Republicans did not and some Provisional IRA members instead chose to break from the group and went on to form various new groups with names such as the “Real IRA” or “Continuity IRA”. These Republicans have collectively come to be known as “dissident Republicans”. In traditional two-level game theories, domestic actors on the Level II game board who are dissatisfied over the results of the Level I game can either upset the game or replace their national leadership (Putnam, 1988: pg. 434). When the membership of a non-state actor group is unhappy with the decisions of their leadership they can, and often do, simply leave the group and form rival groups. Just as if enough constituents are angered by the result on the international game board, they can overturn the result on domestic game board, if enough members of the non-state actor leave to form a splinter group that carries on the fight, it will render a successful agreement meaningless. Thus far the number of dissident Republicans in Northern Ireland have not been significant enough to nullify the results of the Good Friday Agreement however they do still occasionally commit acts of violence.

Cermet and James, in their article “Two-Level Games and Third-Party Intervention: Evidence from Ethnic Conflict in the Balkans and South Asia”, apply two-level game theory directly to ethnic conflicts and even use the Yugoslav Wars as one of their case studies, however their focus is on applying the theory to explain third-party intervention into the conflict rather than treating the de facto states involved as a party. Indeed, they dismiss the de facto states in the conflict as, “short-lived attempts at second order succession” and, writing in 1996, believe that rather than being genuine attempts at creating independent states

¹⁰ Also known as Loyalists

¹¹ Also known as Nationalists

that the de facto states may simply be precursors Serbian and/or Croatian annexations of Bosnian territory (Cermet & James, 1996: pg. 536). They recognize, at least in the case of Serbia and Republika Srpska, that the de facto states were not simply puppet states writing that, “real concern for Milosevic [*sic*] was in controlling the unpredictable zealotry of the Bosnian-Serb leadership” but they only examine this as it relates to how it played on the Level II domestic game between Serbian leader Slobodan Milošević and his own constituents in Serbia and do not consider the possibility that there was also a Level II domestic game occurring between the Bosnian-Serb leadership and their own constituents. (ibid: pg. 539). They come tantalizingly close to recognizing this, writing, “Ethnic leaders must choose either a settlement imposed on them by third parties or a negotiated solution. For the belligerents these choices must be preferable to continued fighting. Therefore, leaders must be able to convince their supporters to accept the alternative and they must enforce their followers' observance of it.” (ibid: pg. 551). What they are describing is, quite simply, two-level game theory with both levels present; the described choice the of the leaders between an imposed settlement or a negotiated solution is the international game board of Level I and the need to convince their supporters to accept the choice is the Level II domestic game board.

3. Methodology

3.1 Research Design and Case Selection

To answer the question of how to determine if a de facto state is actually the puppet state of its patron, I will conduct a case study focusing on the two Serbian-backed de facto states that emerged from the collapse of Yugoslavia in the 1990s and associated peace plans, assessing the reasons for their acceptance or rejection by the de facto state using two-level game theory. My hypothesis is that de facto states which demonstrate freedom of action in accepting or rejecting peace plans are genuine de facto states and not puppets of the patron state, but instead clients. Conversely those that accept or reject peace plans only because they have been directed to by the patron state, and not because of an independent choice made by their own leadership, are actually puppet states. The acceptance or rejection of the peace plan is the dependent variable (DV), whereas “freedom of action” (IV1) versus “patron state diktat” (IV2) are my two independent variables. *Table 2* shows the de facto states and peace plans that I will be examining.

Table 2. Selected De Facto States and Peace Plans

De Facto State	Patron State	Peace Plan
Krajina	Serbia	Vance Plan
Republika Srpska	Serbia	Vance-Owen Peace Plan

(Source: Own table, based on own analysis)

The reason that these two specific de facto states were selected is because although there are strong similarities between them (they existed contemporaneously, both were formed as a result of the collapse of the Yugoslav federation in the early 1990s, both were led by the same ethnic nationalist party, and both had the same patron state) there is also significant variance between them. While both the Vance Plan and the Vance-Owen Peace plan were supported by patron state Serbia; the Vance Plan was accepted by Krajina while the Vance-Owen Peace

Plan was rejected by Republika Srpska. The decision to accept or reject these plans will be explored.

The most important source for information on the selected cases will come from the war crimes trials at the International Criminal Tribunal for the former Yugoslavia (ICTY). Two ICTY cases from both of the selected de facto states will be examined for information.

Table 3. Selected ICTY Cases

De Facto State	ICTY Defendant	Position in De Facto State
Krajina	Milan Babić	Political Leader
	Milan Martić	Political & Military Leader
Republika Srpska	Radovan Karadžić	Political Leader
	Ratko Mladić	Military Leader

(Source: Own table, based on own analysis)

The individual defendants in these ICTY cases represent the military and political leadership of each of the de facto states. Babić (Krajina) and Karadžić (Republika Srpska) were the heads of state and while Mladić (Republika Srpsk) served as the military commander of the de facto state forces. Milian Martić (Krajina) initially served as the military commander but later became the head of state as well following the ouster of Babić.

In addition to these ICTY cases, the case of Serbian head of state Slobodan Milošević will also be examined. Of particular interest in this case will be the testimony of Lord David Owen (of the Vance-Owen Peace Plan) and Yugoslav/Serbian official Borisov Jović and their cross-examination by Milošević who acted as his own defense attorney. Had there been a case involving Croatian head of state Franjo Tuđman, this would surely have been of use as well, however Tuđman died in 1999 and was never indicted. The same goes for Bosnian President Alija Izetbegović who died in 2003 and was also never indicted by the tribunal. The book, *Yugoslavia: Death of a Nation*, an exhaustive history of the first years of the Yugoslav Wars by journalists Laura Silber and Allan Little, will also be important as it includes primary

source interviews with many of the political and military leaders of the warring sides as well as international diplomats.

3.2 Variables

The dependent variable (DV) will be whether or not the de facto state accepted and implemented the selected peace plans. I will test this dependent variable against two possible independent variables; (IV1) whether or not the leadership of the de facto state demonstrated freedom of action in making their decision to accept or reject the plan, or (IV2) if the de facto state accepted or rejected the peace plan because it was ordered to by the patron states and had no independent choice in the matter.

If the patron state did indeed have control over the political and military leadership of the de facto state and the peace plan was accepted or rejected on their orders, then this is a strong indication that the de facto state was actually a puppet state, Caspersen having identified an imposed leadership being indicative of a puppet state (Caspersen, 2012: 29). If the de facto state was a puppet state then, theoretically, whatever position the patron state had regarding the acceptance or rejection of the peace plan would be the position taken by the de facto state. However, if the de facto state's ultimate decision to accept or reject the peace plan was taken as a domestic political decision within the de facto state then this would instead be indicative instead of a patron-client relationship; El Doufani, Berg and Vits having established that client states have freedom of action (Berg & Vits, 2018: 393, 403, El-Doufani, 1992: 256).

3.2.1 Measurement of Dependent Variable – Acceptance or Rejection of Peace Plan

For the purposes of this research, I will simply be looking at whether or not the peace agreement was agreed to by the de facto state. This condition of agreement does not include

peace agreements made by representatives of the patron state rather than officials from the de facto state itself. One example of this was the ill-fated Geneva Accords of April 2014. After several weeks of unrest, on April 7, 2014, pro-Russian activists occupying the state regional administration building and calling themselves the “Donetsk Region People’s Council” proclaimed the establishment of the Donetsk People’s Republic (DNR). With unrest spreading across south and east Ukraine, the American Secretary of State, British Foreign Secretary, Russian and Ukrainian Foreign Ministers, as well as the EU’s High Representative for Foreign Affairs and Security Policy all met in Geneva, Switzerland on April 17 to discuss how best to defuse the crisis. An agreement was made that would have included the disbanding of armed groups, amnesty for those who complied, and monitoring by the Organization for Security and Cooperation in Europe (OSCE). While this agreement was negotiated by some of the highest-ranking officials in the region and the world, including the Foreign Minister of Russia – who was seen as representing the interests of the pro-Russian activists – it did not include any representatives from the newly declared DNR itself. It is perhaps unsurprising then, that the agreement was never actually put into place and was largely forgotten soon after. In contrast, in February 2015, the leaders of both the Donetsk and Lugansk People’s Republics, were present for peace talks in Minsk, Belarus and signed the final agreement along with representatives of Ukraine, Russia, and the OSCE, which has come to be known as Minsk II. So, for the purposes of measuring agreement by the de facto state, the Geneva Accords would not count while the Minsk II agreement would. More than just acceptance by the patron state, there must both be a formal acceptance (signed and ratified) by the de facto state and actual implementation of the agreement in order for the peace plan to be counted as accepted. Anything else will counted as a rejection.

3.2.2 Measurement of Independent Variable 1 – De Facto State Freedom of Action

To determine whether or not the de facto state demonstrated the first independent variable (IV1), “freedom of action”, I will attempt to explain the reasoning for the acceptance or rejection through two-level game theory. In cases where the plan was accepted, according to

two-level game theory, this must mean that the leadership of the de facto state (Level I) and domestic actors of the de facto state (Level II) both agreed to the plan. In the case of a rejection, it would mean that the plan was rejected by the de facto state leader in Game I, by the de facto state’s domestic actors on Level II or possibly both (Putnam, 1988: pg. 434). The heads of states of each de facto and patron state represent the players at Level I. The same de facto heads of state are also players on Level II. The heads of the de facto state legislatures and militaries represent the domestic actors that play on Level II opposite of their heads of state. In each of the cases there is also a Level II domestic game being played on the part of the patron state leader and their domestic actors but this game is not in the scope of this thesis. *Table 4* below shows the players in all of the games occurring in the examined cases:

Table 4. Two-Level Game Players in Selected Case Studies

Case Study	Patron State Level I Player	De Facto State Head of State (Level I & II Player)	De Facto State Domestic Actors (Level II Players)
Krajina	Slobodan Milošević	Milan Babić	Mile Paspalj and Milian Martić
Republika Srpska	Slobodan Milošević	Radovan Karadžić	Momčilo Krajišnik and Ratko Mladić

(Source: Own table, based on own analysis)

In all cases the civilian head of state or head of government will constitute the national leadership playing on the Level I international game board with leadership of the patron state (and the military leadership and legislative leadership will represent the domestic actors playing across from the civilian heads of state/head of government on the Level II domestic game board.

3.2.3 Measurement of Independent Variable 2 – Patron State Diktat

The second variable (IV2) I will examine is “patron state diktat”; was the decision of the de facto state to accept or reject the place plans made only because the patron state ordered them

to? Key to this will be determining if the patron state had direct command and control over the civil and military leaderships of the patron state. The evidence for or against this variable will mostly come from the testimony and findings at the war crimes trials at the ICTY. This will be less straightforward than the first variable as both of the de facto states examined had their own official armed forces under the nominal command of the de facto state's political leadership patron states often try to mask the connections that they have with both the de facto states and puppet states that they support. An example of this comes from the Donbas War in Eastern Ukraine where the Ukrainian government fought the separatist pro-Russian rebels of the Donetsk and Lugansk People's Republics. Russia officially denies that its forces have directly been present in the conflict, dismissing those individual Russian combatants who have been proven to be fighting with the rebels to be "volunteers" acting independently rather than on orders from the Russian state. Ukraine and NATO, on the other hand, allege that regular units of the Russian armed forces were a direct party to the conflict. (Olearchyk & Buckley, 2014).

How the de facto state was formed will also be important to proving or disproving this variable. According to Caspersen, puppet states are created by the "use of force by an external power" (i.e., the patron state) and have their leadership imposed directly by the patron state (Caspersen, 2012: pg. 29). In contrast genuine de facto states will gain their de facto independence on their own. That is not to say that cannot have had any assistance in their creation, but if the creation of the entity was entirely the work of the patron state, then this is a strong indication of a puppet state, especially if there was not any sort of a independence or autonomy movement present among the local population before the creation of the entity.

3.3 Terminology

The terminology regarding the political entities that have emerged as a result of the break-up of the Socialist Federal Republic of Yugoslavia can be very confusing. The words "Bosnia",

“Serbia” and “Yugoslavia” in particular can refer to several different entities; some of which existed at the same time as each other, whose names were disputed, or can otherwise be unclear. I have tried my best to maintain a consistent terminology when referring to these entities throughout this thesis and will now seek in this subsection to specifically define and layout exactly what is meant when I have used any of these specific words.

In this thesis “Bosnia”, will refer to the territory, and all entities residing in it, that are internationally recognized to be the present-day sovereign state Bosnia and Herzegovina. This includes the former “Socialist Republic of Bosnia and Herzegovina” which became independent in 1992 as the “Republic of Bosnia and Herzegovina” and exists today as simply “Bosnia and Herzegovina”. Republika Srpska is also included as being in “Bosnia”. The terminology regarding Bosnian and Herzegovina can be confusing. First, “Bosnia and Herzegovina” is the full, official, name of the present-day country which does not have a conventional long form name¹². The country is comprised of two entities; one might think that logically these two entities are “Bosnia” and “Herzegovina” but that would be incorrect. The two entities that make up Bosnia and Herzegovina today are the “Federation of Bosnia and Herzegovina” and “Republika Srpska”. The Federation of Bosnia and Herzegovina was formed following the Washington Agreement where the Croatian Republic of Herzog-Bosnia, a de facto state supported by Croatia, agreed to merge with its parent state, the internationally recognized Republic of Bosnia and Herzegovina. The present-day Republika Srpska is a continuation of the de facto state of the same name which agreed to join with the Federation of Bosnia and Herzegovina into a single state; but both the Republika Srpska and Federation of Bosnia and Herzegovina remain separate entities within that single state under the provisions of the Dayton Accords.

¹² Bosnia and Herzegovina has no official conventional long form name (e.g., “Republic of Estonia” is the official conventional long form name for Estonia). This is not uncommon for countries following dramatic political upheavals, other examples include Japan (before the end of World War II, the “Empire of Japan”) or Romania (before the end of the Ceaușescu regime officially known as the “Socialist Republic of Romania”).

What is meant by “Yugoslavia” can also be problematic. In 1992, the “Socialist Federal Republic of Yugoslavia” ceased to exist. What complicates the issue is that, while four of the six republics that made up the federation had seceded, Serbia and Montenegro did not and formed the new “Federal Republic of Yugoslavia”. The Federal Republic of Yugoslavia claimed to be the sole successor state to the SFRY but this was disputed by the other former members of the SFRY and consequently the FRY was denied membership in the United Nations until after the overthrow of Milošević in 2000 when the new FRY government finally dropped this claim. To avoid confusing between the SFRY and FRY some used the term “former Yugoslavia” to refer to the SFRY and “Serbia and Montenegro” to refer to the FRY whose only constituent members were those two republics. However, the term “former Yugoslavia” can also be confusing today as the Federal Republic of Yugoslavia has also since ceased to exist, changing its name officially to the “State Union of Serbia and Montenegro” in 2003. This entity itself also has since ceased to exist with Montenegro seceding in 2006, finally ending any last remnants of the Yugoslav federation. Further complicating the issue is that while the Republic of Serbia did not technically become a fully independent state until 2006, is not uncommon to see “Serbia” used when referring to the entire Federal Republic of Yugoslavia or State Union of Serbia and Montenegro in a similar fashion to the practice of using “Russia” to mean the entire Soviet Union or “Holland” to mean all of the Netherlands. The issue becomes even more complicated still due to the nature of the FRY government, particularly the role of Slobodan Milošević. Milošević’s specific title can itself be confusing. While it would be accurate to always describe him during this time period as “President Milošević”, what exactly he was President of changed no less than three times. From 1989 to 1991 he was officially “President of the Presidency of the Socialist Republic of Serbia”, from 1991 to 1997 he was “President of the Republic of Serbia”, and finally from 1997 to 2000 he was “President of the Federal Republic of Yugoslavia”. For the sake of brevity, I will always refer to him simply as “President”. Even before he became President of the FRY, however, Serbia in general and Milošević in particular had outsized influence over the SFRY in its final years and the FRY throughout its existence, leading many to believe that he was in total control of the entire country from the beginning and so it is not uncommon to see references to Milošević as the “leader of Yugoslavia” even though

he only officially served as head of the state of the FRY from 1997-2000. In this thesis I do refer to him as being “head of state” of Serbia and treat Serbia as being an independent entity although it was technically only a federal unit within the FRY, however this is simply an acknowledgement of the actual political situation, as will be described. For the purpose of this thesis “Yugoslavia”, unless specifically noted otherwise, will always refer to the SFRY and “Serbia” will refer only to the Republic of Serbia (or Socialist Republic of Serbia prior to September 1990) within either the SFRY or FRY.

4. Analysis

4.1 Republic of Serbian Krajina

Following the collapse of the Yugoslav communist party in January 1990, new political parties formed and multiparty elections began to be held in each of the six constituent republics of the SFRY. In Croatia, voting for the new democratically elected parliament took place in two rounds of elections held in April and May of 1990. In many of the republics the newly elected leaders were from newly formed nationalist parties and Croatia was no exception. The nationalist Croatian Democratic Union (HDZ) was victorious, securing a majority of seats in the Croatian Parliament. The HDZ was led by Franjo Tuđman, a former JNA general and university professor, who became President of the still officially named Socialist Republic of Croatia within the SFRY. Now under nationalist rule, the new government began to push for independence from the Yugoslav federation together with the newly elected nationalist government in the neighboring Yugoslav republic of Slovenia. Also elected into the Croatian parliament were five deputies of the new Serbian Democratic Party (SDS), although most Croatian Serbs voted instead for the Social Democratic Party, a reorganization of the former ruling communist party. The SDS was initially led by Jovan Rašković, a psychiatrist by training, who advocated autonomy for the Serbian minority of Croatia but not a territorial separation (Silber & Little, 1997: pg. 96). Rašković's leadership of the Serbian Croats, however, was rivaled by Milan Babić, a dentist and much more hardline nationalist than Rašković, who sought the secession of Serb communities from Croatia and in May formed the "Association of Serbian Municipalities". Events came to a head in July and August when a group of ethnic Serbian police officers in the city of Knin led by Milan Martić and assisted by units of the Yugoslav federal army, the JNA, rebelled against the Croatian authorities in an event that came to be known as the "Log Rebellion" for the use of felled trees to create road blocks.

Rašković was sidelined within the SDS and by February 1991, Babić was firmly in charge of the party with Martić acting as the "military leader of the uprising" which had spread from

Knin into an area they now termed the “Serbian Autonomous Oblast of Krajina”¹³ (Ibid: 134). On May 19, the Croatian authorities held a referendum on independence from the Yugoslav federation which was, unlike the 1990 parliamentary elections, boycotted by the Croatian Serb population and no polling stations were present on the territory controlled by the separatist Serbs. On June 25, Croatia formally declared independence from Yugoslavia.

By this point in first half of 1991, the groundwork had been laid for the eventual formation of an ethnic Serbian de facto state in Croatia. Based on the available evidence, the driving force behind this budding separatist movement was the actions of the new Croatian nationalist government in Zagreb rather than attempts by the Serbian leadership in Belgrade to create a puppet state. As recounted above, the initial leader of the SDS in Croatia was the moderate Jovan Rašković. His ouster from the SDS leadership and replacement by the more extremist Milan Babić was in part due to interference from the Croatian, rather than the Serbian, government who in August 1990 leaked the transcript of a conversation between Rašković and Croatian President Tuđman in which Rašković criticized his fellow Serbs as “crazy” and distanced himself from the “Communist Milošević” (Silber & Little, 1997: pg. 97). The revolt of ethnic Serbian police officers led by Milan Martić was also spurred by the policies of new nationalist Croatian government which deliberately sought to force out ethnic Serbs from the police and other public sector jobs. Many were fired outright or made to sign loyalty oaths to the new government. These actions help to explain, “why so many Serb policemen and civilians, who might otherwise have been persuaded to live in an independent Croatia, joined the rebels when the war began in earnest a year later” (ibid: 98-88, 107-108). At his trial a decade later for before the International Criminal Tribunal for the former Yugoslavia in The Hague, Babić was one of the few indicted for war crimes to plead guilty. In a Factual Statement written as part of his guilty plea, nowhere does he claim that his rise to power in the SDS or the creation of the SDS itself was directly engineered from Belgrade (ICTY, Babić, IT-03-72, “Factual Statement”, January 22, 2004).

¹³ Alternatively known as the Serbian Autonomous *Province* of Krajina or Serbian Autonomous *Region* of Krajina

4.1.1 Serbia and Krajina

That is not to say that Belgrade did not take an interest in the events transpiring in Croatia. In same the same Factual Statement, Babić does admit to significant Serbian support for the nascent separatist movement that would become the Serb Republic of Krajina. In August 1990, shortly before the start of the Log Rebellion, Babić traveled to Belgrade and met with the Serbian member of the Yugoslav Presidency and top Milošević lieutenant, Borisov Jović as well as the Yugoslav Interior Minister. According to Babić, throughout 1991 he attended meetings with Yugoslav and Serbian officials who would give directives directly from Milošević (ICTY, Babić, IT-03-72, “Factual Statement”, January 22, 2004: pg. 6-7). After the outbreak of fighting in Spring 1991, Martić told the audience of a rally, “the President of Serbia [Slobodan Milošević] has promised to send arms” (Silber & Little 1997: 138). Babić also alleged that Milošević promised to send arms, claiming that Milošević personally told him (and that later he had seen an order) for 20,000 small arms to be purchased from Hungary for use by Serb forces in Krajina (ICTY, Babić, IT-03-72, “Factual Statement”, January 22, 2004: pg. 4).

As Yugoslavia collapsed the JNA increasingly became a Serbian dominated force and direct cooperation between the JNA and the Krajina forces grew. According to Martić, speaking of the time just before the outbreak of fighting,

“the JNA was [initially] pretty indifferent to what was happening apart from a few Serb patriots among the JNA military officers. [but] when Milošević saw that Croatia was getting aggressive towards Krajina, he raised his voice then, and in certain ways gave up support, weapons for our defense. I saw it coming... JNA personnel that were on our side, and also people in police circles, got signals to prepare to go for war. It meant we would be getting weapons, and other logistic and material help. It came

from JNA garrisons, from military officers who were either Yugoslavs or Serb patriots.” (Silber & Little 1997: pg. 145).

Although Babić was nominally the head of state of Krajina, he claimed that these forces were not under his control. Instead he alleged that a “parallel structure” existed made up of members of the Serbian Interior Ministry and Serbian State Security who reported directly to Milošević (ICTY, Babić, IT-03-72, “Factual Statement”, January 22, 2004: pg. 3). At Martić’s trial, prosecutors alleged that in 1991 the JNA established training facilities in Krajina that trained not only Martić’s forces but also Bosnian Serbs as well (ICTY, Martić, IT-95-11, “Amended Indictment”, July 14, 2003: pg. 14).

While the actions of the Croatian government may have prompted the Serb secessionist movement in Krajina, the Serbian government moved quickly to exploit it. The evidence at this point is not clear for making a conclusion as to whether the Krajina Serbs were clients of Serbia or a full-blown puppet state. For this we must look to the Vance Plan, a UN sponsored peace plan first proposed in late 1991.

4.1.2 Vance Plan

Now with the full support of the JNA, Martić’s forces had expanded the territory under their control to include the ethnic Serb enclave in eastern Slavonia by September 1991. In international peace talks occurring at this time, Croatia favored the deployment of UN peacekeeping troops along the Serbian-Croatian border while Serbia opposed any the introduction of UN peacekeeping forces as foreign intervention into an internal Yugoslav matter (Croatia at this time was not yet recognized internationally and therefore still considered part of Yugoslavia). However, in truth, the Serbian leadership had accepted the necessity of UN peacekeepers. According to Jović,

“[a]t that point in the war Croatia was under control in the sense that all the Serb territories were under our control, all, that is, except central Slavonia. Slobodan [Milošević] and I after many conversations decided now was the time to get the UN troops into Croatia to protect the Serbs there. We saw the danger – when Croatia would be recognized, which we realized would happen, the JNA would be regarded as a foreign army invasion another country.” (Silber & Little, 1997: pg. 197).

While the Serbian leadership was actually now in favor of a UN deployment, they continued to publicly oppose it in order to increase their bargaining position. In December 1991, Croatia and Serbia agreed to the Vance Plan, after UN envoy and former US Secretary of State Cyrus Vance. Under the terms of the plan Serbia would drop its opposition to the deployment of UN peacekeepers on the condition that the deployment would not occur along the Croatian-Serbian border but rather inside Croatia itself. “Milošević calculated – with good reason – that a UN-protected ceasefire would freeze the existing lines of confrontation, which would, in time, transform themselves naturally into new, *de facto*, international borders” [emphasis in the original] (ibid: 198). The agreed upon terms of the Vance Plan would set up three “United National protected Areas” (UNPAs), in those areas of Croatia that were held by Serbs forces, and authorized the deployment of about 10,000 UN peacekeepers (UNPROFOR) to these areas. In exchange the JNA would withdraw from Croatia (i.e. Krajina) and the Serb paramilitaries (i.e., the forces under the command of Martić) would be disbanded after handing over their weapons to the withdrawing JNA or turning them over to UNPROFOR who would keep them in the UNPAs but under their control. The Vance Plan was a dramatic win for Milošević who gaining his preferred outcome by presenting it as a compromise. However, Milošević did not take into account, or took for granted, that the Vance agreement would now need to be accepted by the Krajina Serbs

It is critical to note here that Serbia supported the Vance Plan. So, if Krajina was indeed a puppet state, all Serbia needed to do at this point to get the Vance Plan accepted would be to order Babić to sign the agreement. Unexpectedly, Milan Babić, now officially the President of newly proclaimed Serbian Republic of Krajina, opposed the plan and refused to sign on to

it. Babić was summoned to Belgrade for meetings with Jović and other top Yugoslav and Serbian officials to try and convince him to accept the plan. Babić feared that the withdrawal of the JNA would leave Krajina vulnerable to a future Croat attack. Babić also feared that if Bosnia were to secede from Yugoslavia that it would mean that Krajina would be cut off from Serbia proper. To allay these fears the Yugoslav and Serbian leaders try to assure Babić by promising a JNA redeployment in the event of Croat attack Babić (Silber & Little, 1997: pg. 202-203).

During a meeting between Krajina and Yugoslav officials to try and convince Babić to accept the plan, a junior minister from Krajina went to far as to tell to JNA General Blagoje Adžić to “shut up” for his perceived disrespect of “President Babić” (Silber & Little, 1997: pg. 202-203). It is important to stress how Babić and his ministers viewed themselves as independent from the Serbian government. However the legislative and military leadership of Krajina did not share Babić’s opposition to the plan. At the meetings in Belgrade, the Speaker of the Krajina Parliament, Mile Paspalj, told Jović that he supported the Vance Plan. Milan Martić, commander of Krajina’s paramilitary forces also supported the Vance Plan (ibid: pg. 203-204). In February, Paspalj called a special session of the Krajina Parliament that removed Babić as President. The Vance Plan was approved by the Parliament soon after and went into effect. While Babić initially refused to recognize his ouster, he had lost the support of his patron state, his legislature, as well as his military. He eventually accepted the position of Foreign Minister, a position which was virtually meaningless. According to Professor Caspersen, “[t]he Krajina ministry of foreign affairs was only formed in November 1992, nearly a year after independence was declared and documents from the time describe how the ministry lacked even the most basic resources and had problems recruiting professional diplomats or even people with a command of foreign languages. They simply did not have the recourse to fulfil this aspect of effective statehood” (Caspersen, 2012: pg. 56).

To an outside observer, Babić's removal from power for refusing to follow the directives of Milošević may seem to be clear evidence that Krajina was a Serbian puppet state. The argument is clear: Serbia favored acceptance of the Vance Plan, when the leader of Krajina refused to accept, he was removed from power and replaced with new leadership that dutifully carried out Serbia's wishes. On the contrary, I believe that this chain of events actually shows that the first independent variable, De Facto State Freedom of Action, rather than the second independent variable, Patron State Diktat, was behind the eventual acceptance of the Vance Plan by Krajina. To show this I will analyze the situation using two-level game theory.

The key to what happened here is that the domestic political actors of Krajina, represented by military commander Milian Martić and parliamentary speaker Mile Paspalj, opposed Babić's decision to reject the Vance Plan. In two-level game theory "any leader who fails to satisfy his fellow players at the domestic table risks being evicted from his seat", and this is exactly what happened to Babić (Putnam, 1988: pg. 434). It was the domestic actors of the de facto state who removed Babić rather than the patron state itself. During testimony at Milošević's trial, Jović was asked directly if Milošević had sought to, "undermine his fellow Serb leaders", Jović acknowledged that while Milošević did desire to see Babić's removal, specifically for his "obstinance" in opposing the Vance Plan, that the only action taken directly to facilitate Babić's ouster on the Serbian side was to support a media campaign that portrayed Babić negatively and instead promoted Martić (ICTY, Milošević, IT-02-54, "Transcript", November 18, 2003: pg. 29180). I believe that the evidence shows that Babić's downfall occurred not so much because he defied the will of the patron state on the Level I game board but because he went against the desired policy outcome of his own domestic constituency on the Level II game board.

We cannot know for certain what would have happened if the domestic actors in Krajina had also opposed the Vance Plan; perhaps then Milošević would have gained its acceptance through force, the JNA was still on the ground in Krajina at this time after all. It just so happens that one of the JNA commanders present in Krajina at this time was Colonel Ratko Mladić. Mladić would soon after be transferred to Bosnia where he would eventually become commander of the forces of the soon-to-be-formed ethnic Serb de facto state that would emerge there. In this role he would go to be instrumental in defying the will of Milošević towards another peace plan, and this time Milošević would not be able to get his way.

4.2 Republika Srpska

As with the rest of Yugoslavia, nationalist parties also formed within Bosnia-Herzegovina following the demise of the Yugoslav communist party in 1990. This included local affiliates of both the Croatian nationalist HDZ and the Serbian nationalist SDS. The Bosnian SDS was led by Radovan Karadžić and was formally inaugurated at a ceremony in the summer of 1990 that featured guests of honor from the Krajina SDS as well as the leader of the Party of Democratic Action (SDA), the Bosniak Muslim party, Alija Izetbegović. Rather than opposing each other, these three ethnic nationalist parties instead aligned together for the December 1990 Bosnian general election against the League of Reform Forces, led by the federal Yugoslav Prime Minister Ante Marković, and the remnants of the former ruling communist party. However, this cooperation was short lived. Although agreeing to form a coalition government together following their joint victory in the elections, by September 1991 relations between the three groups had broken down and self-proclaimed Serbian Autonomous Oblasts began to form within the country (Silber & Little, 1997: pg.: 209-214).

The final session of parliament attended by all three parties took place on the night of October 14, 1991 stretching into the early hours of October 15. Unable to come to an agreement regarding Bosnia's place in Yugoslavia, the SDS deputies walked out of parliament, where

the remaining SDA and HDZ deputies voted in favor of Bosnian sovereignty while SDS went on to form their own parliament and voted to remain in the Yugoslav federation. On December 20, the Bosnian Presidency, chaired by Izetbegović, voted to seek recognition from the European Community, saying that Yugoslavia had ceased to exist and the only remaining choices were independence or being part of a Greater Serbia. The Bosnian Serb parliament responded by declaring the “Serbian Republic of Bosnia-Herzegovina”, seceding from Bosnia but hoping to remain within Yugoslavia on January 9, 1992. Following an independence referendum, boycotted by the Serbs, Bosnia formally declared independence as the “Republic of Bosnia and Herzegovina” in March.

To take a step back from the events in Bosnia, at this point, late 1991/early 1992, Slovenia, Croatia and Macedonia, had already seceded from Yugoslavia. This left Serbia increasingly in control of the Yugoslav federal institutions, this included the Yugoslav People’s Army. While these political developments were occurring in Bosnia, thirty-eight JNA generals – those whose loyalties lay with Yugoslavia rather than Serbia – were dismissed from service. Belgrade had also seen to it that all Bosnian Serbs serving in the JNA, some that 80,000 men, were transferred to bases in Bosnia. (Silber & Little, 1997: pg.: 242-243).

In April heavy fighting began and the United States and European Community recognized Bosnian independence. At the same time the SFRY officially ceased to exist and was replaced by the “Federal Republic of Yugoslavia” (FRY) consisting of just the republics of Serbia and Montenegro. At the same time, the Bosnian Serbs officially declared independence and came to be known as “Republika Srpska” with Radovan Karadžić as President. In May the JNA was officially withdrawn from Bosnia but, according to the Judgement reached in the trial of Ratko Mladić before the ITCY this withdrawal was largely illusory: The equipment left behind by the JNA included 800 armored personnel carriers, 800 heavy artillery pieces, and 300 tanks. Entire JNA units stayed behind and joined together with pre-existing Territorial Defense¹⁴ (TO) and volunteer militia units to form the “Army of Republika Srpska” (VRS)

¹⁴ A Tito-era reserve military force focused on territorial defense similar to the National Guard in the United States or Kaitseliit in Estonia

under the command the recently promoted General Mladić. According to testimony heard at Mladić's trial, "the JNA did not withdraw from Bosnia-Herzegovina in mid-May 1992, but merely changed its name" (ICTY, Mladić, IT-09-92 "Judgement (Volume 1 of 5)", November 22, 2017: pg. 59-60).

4.2.1 Serbia and Republika Srpska

Serbia definitely played more of a role in the formation of Republika Srpska than it did in the case of Krajina. In particular the formation of the VSK was done under the direct supervision of the Serbian government and its commander, Ratko Mladić, was handpicked by the Serbian leadership. In testimony given at Milošević's trial, Jović did not deny that the decision to promote transfer Mladić, then an officer in the JNA, from Croatia (Krajina) to Bosnia and the decision to promote him from Colonel to General was made directly by the SFRY Presidency (which at that time consisted of only Jović himself and a Montenegrin representative), although he insisted that it was the decision of Republika Srpska civilian leadership to name Mladić as commander of the VSK, although he acknowledged to being informed of this "decision" beforehand (ICTY, Milošević, IT-02-54, "Transcript", November 18, 2003: pg. 29133, 29174). Milošević, during his cross-examination of Lord David Owen, admitted that he had "helped" Republika Srpska with "aid and assistance" but denied having command and control over General Mladić or the VSK (ICTY, Milošević, IT-02-54, "Lord Owen Testimony", November 4, 2003: pg. 73). However, in contrast to Milošević's denials, prosecutors at Martić's trial alleged significant coordination of military planning took place between the Yugoslav/Serbian militaries and the VSK and the Army of Serbian Krajina (SKV). According to the July 14, 2003 Amended Indictment of Martin, as early as 1991 Bosnian Serbs were coming to Krajina to be trained by SKV personnel at training camps established for that purpose by the JNA and that in July 1992, after the outbreak of fighting in Bosnia, Martić met with both civil and military leaders from Republika Srpska to plan joint military operations between the VSK and SKV with the goal

of linking their territories with the Federal Republic of Yugoslavia (ICTY, Martić, IT-95-11, “Amended Indictment”, July 14, 2003,: pg. 14, 19).

There is also evidence that Serbia had designs on Bosnian territory for quite some time. In his Factual Statement, Milan Babić alleged that he was personally shown a map by Milošević in March 1991 – more than one year before the fighting began in Bosnia – that showed Bosnia divided between Serbia and Croatia (ICTY, Babić, IT-03-72, “Factual Statement”, January 22, 2004: pg. 3). Babić claimed that the ultimate goal of Milošević in the Yugoslav Wars was to create a “Greater Serbia” and that he, Babić, met regularly with both Milošević and also Karadžić to discuss how to achieve this (ibid: 3-4). During the meetings in December 1991 where Serbian and Yugoslav officials tried to convince Babić to agree to the Vance Plan, one of Babić objections was that if Bosnia seceded from Yugoslavia it would leave Krajina cut off from Serbia. To try and reassure Babić, “Jović made clear that the Bosnian Serbs were committed to the doing the same things as the Croatians Serbs, so would never be cut off. In other words, the corridor would always exist”. Karadžić himself personally attended some of these meetings and told Babić that if Bosnia seceded from Yugoslavia that the Bosnian Serbs would in turn secede from Bosnia (Silber & Little, 1997: pg. 203). It is important to emphasize that this meeting took place in December 1991, just two months after the breakdown of the coalition government in Bosnia and five months before the outbreak of fighting. Milošević, for his part, vehemently denied that he sought a “Greater Serbia” at his own trial, calling it “frightening propaganda” and “a constructed story”. (ICTY, Milošević, IT-02-54, “Lord Owen Testimony”, November 4, 2003: pg. 20-21).

So, while there is evidence that the military of Republika Srpska was created by Serbia, its military leadership directly imposed, and that the Serbian government had knowledge of the plans to form a de facto state in Bosnia months in advance there is also strong evidence that the political leadership homegrown and was locally developed and had strong local support. The ruling party in the Republika Srpska, as in Krajina, was the Serbian Democratic Party, which in the case of Bosnia was led by Radovan Karadžić from its inception. Unlike in

Croatia where the SDS performed relatively poorly even among ethnic Serbs in the 1990 Croatian Parliamentary Elections, the SDS in Bosnia performed well in the 1990 Bosnian Parliamentary elections, coming in second place with 22% of the vote. This is a very good result considering that the 1991 Census reported that 31% of the population was ethnically Serbian. Momčilo Krajišnik, the most powerful civilian leader in the Republika Srpska after civilian leader after Karadžić, was one of the deputies elected in that election and was subsequently elected President of the parliament. Krajišnik also served as speaker of the alternative Bosnian Serb parliament formed in October 1991 and later as “President of the Assembly of Republika Srpska”, the de facto state legislature.

4.2.2 Vance-Owen Peace Plan

The UN-backed Vance-Owen Peace Plan was led by Cyrus Vance, the same Cyrus Vance behind the Vance Plan in Croatia, and Lord David Owen, a former British Foreign Secretary. Negotiations began in January 1993 and the plan was finalized in April. Under its provisions, the three existing entities within what had been the Socialist Republic of Bosnia and Herzegovina - the internationally recognized Republic of Bosnia and Herzegovina, the Croatian-backed “the Croatian Community of Herzeg-Bosnia” (which in August 1993 would declare independence), and Republika Srpska - would be dissolved and a new unified state would be created consisting of ten provinces to be called “cantons” (borrowed from the names of the federal units within the multiethnic Swiss Confederation). As envisioned, there would be three cantons with a majority Serb population, two cantons with a majority Bosniak Muslim population, two cantons with a majority Croat population, one canton with a mixed Bosniak Muslim and Croat population, and finally the capital city of Sarajevo would be a special tenth canton with power shared between all three groups. A weak central government would be formed but (as in Switzerland) the cantons would retain significant autonomy (Silber & Little, 1997: pg. 276).

The Croatians, both the Croatian government and the leadership of the soon to be de facto of Herzeg-Bosna, strongly supported the plan, the two Croat majority cantons and mixed Croat-Bosniak Muslim canton would include all the territory they already controlled and be contiguous with each other and with the Republic of Croatia. The Bosnian government, of President Alija Izetbegović, a Bosniak Muslim, initially rejected the plan, saying of the draft plan as it existed in February 1993, “we could not accept - our main arguments for not accepting these proposals - come from the 'ethnic cleansing' of five specific areas of Bosnia-Herzegovina. The present plans show that those areas which have been 'ethnically cleansed' are to come under the control of the army which carried out the 'cleansing'. Nobody can expect us to accept that these areas should stay under the Chetniks¹⁵, and that a million of our people will not be able to return to their homes” (Fisk, 1993). In contrast to Izetbegović’s objection that the plan would leave the Serbs with too much of the territory they had taken during the conflict, the Serbs complained that the plan would take away too much of their territory.

Despite these objections, by April Izetbegović had, under international pressure, reluctantly agreed to support the plan as did Serbian President Milošević. According to Lord Vance, in testimony given before the ICTY, he believed Milošević did genuinely support the plan and wanted the leadership of Republika Srpska to agree to it. (ICTY, Milošević, IT-02-54, “Lord Owen Testimony”, November 4, 2003: pg. 2). Although according to Karadžić, Milošević only supported the plan because he believed that it would be impossible to implement and that his main goal was to have the sanctions against Serbia lifted (Silber & Little, 1997: pg. 279). Regardless of his motivations, however, it is clear then that Milošević did want the plan to be accepted by Republika Srpska.

¹⁵ Derogatory term for Serbs referring to an armed nationalist group that existed during the World War II

With it established that that patron state wanted the peace plan accepted (DV), I will now examine if the reason for the acceptance or rejection of the plan was due to an internal decision of the de facto state (IV1) or because it was commanded to by the patron state (IV2).

Similar to what happened with Krajina and the Vance Plan, the head of state of Republika Srpska was initially opposed to the Vance-Owen Peace Plan. According to the Judgement in Radovan Karadžić's trial before the ICTY, on April 24, 1993, President Karadžić, speaker of the parliament Krajišnik, and General Mladić all met to discuss the plan. Karadžić is reported to have been "unhappy" with the proposed territorial division the plan envisioned (ICTY, Karadžić, IT-95-5/18, "Judgement – Four Volumes Compiled", March 24, 2016: pg. 143). Following this meeting, Karadžić then travelled to a peace conference held in the Greek capital city of Athens where, despite his reservations, he signed the plan during a meeting with Milošević. During testimony at his trial, Karadžić did not dispute the notion that he agreed to sign the plan only after he was subjected to "heavy pressure" (ICTY, Karadžić, IT-95-5/18, "Transcripts", April 28, 2010: pg. 1833). This would seem to be a clear indication of the presence of IV2, patron state diktat. Karadžić was not happy with the Vance-Owen Peace Plan but signed it anyway under pressure from Milošević.

However, Karadžić's agreement in Athens occurs on the Level I game. In order to actually be considered a win for Milošević, the Republika Srpska actors on Level II will also need to accept the plan or at least accept the decision of their head of state to accept it. Indeed, Karadžić's signature came with the condition that the agreement be ratified by the parliament of the Republika Srpska. At the time Lord Owen dismissed the importance of this step as a mere technicality and downplayed the possibility that the plan could be rejected saying, "[y]ou might choose to dignify that body with the term 'parliament' but I do not... I'm telling you, and believe me I have been in politics a long time, I know that Milošević is on board and that is what counts." (Silber & Little 1997, pg. 83).

The meeting of the Republika Srpska legislature took place in city of Pale, the de facto capital of Republika Srpska. The meeting was attended by all of the previously identified Level I and Level II players: Milošević, Karadžić, Krajišnik, and Mladić. Also in attendance were the Presidents of the FRY and Montenegro as well as the President of Greece. Krajišnik

presided over the session in his official capacity as President of the Assembly. Serbian President Milošević and Republika Srpska President Karadžić both spoke in favor of the plan and urged the legislators to vote in favor. General Ratko Mladić, however, urged the legislators to reject the plan and “[i]n a blustering speech, he used a series of maps to illustrate how much land would have to be handed over to their Muslim foes” (Silber & Little 1997, pg. 285). As was recounted earlier, General Mladić largely owed his position as head of the VSK to Belgrade and yet now here he stood directly opposing the will of the patron state, with the head of the patron state in attendance. Following Mladić’s presentation against the plan, Milošević wanted another opportunity to speak. Krajišnik, as President of the Assembly, denied his request and instead called a break and for Republika Srpska officials to alone; meaning without Milošević. After the break, whether or not to accept the Vance-Owen Peace Plan was put to a vote and was soundly rejected by 51 votes out of 65. Technically the legislature actually voted for the proposal to be put to a referendum rather than be accepted or rejected immediately but in reality, this was a rejection. This was also a complete and deeply personal humiliation for Milošević who, according to Silber and Little, had been disrespected during the entire session; the Republika Srpska Vice President had refused to shake his hand and he was even booed by the assembled lawmakers (ibid, pg. 283-287).

Years later during Milošević’s trial before the ITCY, Lord Owen attempted to explain why Milošević had not been able to force the Bosnian Serbs to accept the plan saying, “it [would have] meant offending the nationalists in Belgrade as well as in Pale. I think that if you asked me whether he was frightened about anybody, he would be much more the nationalists in Belgrade than ever in Pale or in Krajina, and I think that was the problem. We were never sure how much he was responding to his constituency, which was a nationalist constituency in Belgrade” (ICTY, Milošević, IT-02-54, “Lord Owen Testimony”, November 3, 2003: pg. 55). This explanation is, in essence, that there was a Level II game occurring between Milošević and his constituents back in Serbia, that if Milošević had somehow forced Republika Srpska to submit that it would have endangered Milošević’s position with the

nationalists within Serbia whose support he needed. This may very well be true but I believe that I have presented enough evidence here to conclude that it is also true that there was a Level II game occurring in Pale and the result was that they overruled the outcome of the Level I game that took place in Athens when Milošević had forced Karadžić to accept the plan.

4.4 Comparison of Cases

Although the final outcomes were opposites, the Vance Plan was accepted and the Vance-Owen Peace Plan was rejected, how these outcomes were reached can both be explained through two-level game theory. *Table 5* shows the games and outcomes:

Table 5: Results of Two-Level Game Theory Analysis on Selected Cases

Case Study	Level I Result	Level II Result	Final Outcome
Krajina (Vance Plan)	Plan Rejected	Plan Accepted	Level I leader removed and decision overturned, Plan Accepted
Republika Srpska (Vance-Owen)	Plan Accepted	Plan Rejected	Acceptance on Level I vetoed, Plan Rejected

(Source: Own table, based on own analysis)

In the case of Krajina and the Vance Plan, the domestic actors on the Level II game board, Mile Paspalj and Milian Martić, disagreed with the decision of the de facto head of state, Milan Babić, to reject the Vance Plan on the Level I game board. When Babić would not reverse his decision, he was removed from the game and his Level I decision was overturned. In the case of Republika Srpska and the Vance-Owen Peace Plan, the opposite occurred. On the Level I game board, de facto head of state Radovan Karadžić did agree to the plan but the Level II de facto state domestic actors, Momčilo Krajišnik and Ratko Mladić, both

opposed it and so the game board was upset, resulting in a nullification of the results of the Level I game and causing the plan to be rejected.

Regarding the presence of the independent and dependent variables in both case studies, IV1 “De Facto State Freedom of Action” was shown to be present in both cases while IV2 “Patron State Diktat” could not be proved.

Table 6: Presence of Independent and Dependent Variables in Case Studies

De Facto State	IV1: De Facto State Freedom of Action	IV2: Patron State Diktat	DV: Please Plan Accepted or Rejected
Krajina	Yes	No	Vance Plan: Accepted
Republika Srpska	Yes	No	Vance-Owen Peace Plan: Rejected

(Source: Own table, based on own analysis)

In the case of Krajina and the Vance Plan, the preferred outcome of the patron state was achieved, however the evidence presented indicated that this was the result of the internal political decisions of the domestic actors rather than simply because the patron state willed it. This was especially evident in the case of Republika Srpska and the Vance-Owen Peace Plan where the patron state did not achieve its preferred outcome.

5. Conclusion

Based on the evidence shown from the ICTY cases and interviews recorded by Silber and Little as well as my analysis done through two-level game theory, my conclusion is that neither the Serbian Republic of Krajina nor Republika Srpska at the times of the Vance Plan (1991) or the Vance-Owen Peace Plan (1993) were puppet states of Slobodan Milošević's Republic of Serbia. This may have come as a surprise to Milošević himself, especially in the wake of his humiliation at the hands the Republika Srpska legislature and General Mladić. The latter's betrayal must have been especially stinging since, as the evidence shows, Belgrade had been instrumental in engineering Mladić's appointment as commander of the VSK.

In contrast to the intense inter-ethnic rivalries among the Serbs during the Yugoslav Wars that have been shown here is the relationship between Croatia and its supported de facto state in Bosnia; the Croatian Republic of Herzog-Bosnia, which proclaimed independence in August 1993 in the wake of the failure of the Vance-Owen Peace Plan. In both Krajina and Republika Srpska the nationalist Serbian Democratic Party (SDS) was the ruling party while Serbia itself was instead ruled by Milošević's Socialist Party of Serbia (SPS), which was a reconstitution of the former Yugoslav communist party. While the SPS and Milošević, did at times take nationalist positions they were never the overt nationalists that the SDS was. Meanwhile both Croatia and Herzeg-Bosna were ruled by two branches of the same party, the Croatian Democratic Union (HDZ), under the leadership of Croatian President Franjo Tuđman. Another important distinction is that the Croatian political leadership was directly involved in the formation of Herzog-Bosnia, whereas the establishment of both Krajina and Republika Srpska instead came from the bottom up and had as much to do, if not more, with local politics as it did from the Serbian leadership in Belgrade. The map that Milan Babić claimed he was shown by Milošević in March 1991 showing a Greater Serbia also showed a Greater Croatia with territory taken from Bosnia and

it was Babić's understanding that this map had been agreed to secretly by both Milošević and Tuđman. (ICTY, Babić, IT-03-72, "Factual Statement", January 22, 2004: pg. 3). Unlike the military and political leaders of Serbia and the two de facto states it supported, neither Tuđman nor Herzeg-Bosna leader Mate Boban were ever tried or even indicted by the ICTY; Tuđman died in 1999 and Boban died in 1997. As such we may never know to what extent Croatia truly had control over Herzeg-Bosna; if Herzeg-Bosna was a true de facto state or simply a puppet controlled by Tuđman. Addressing allegations that Milošević and Tuđman were secretly plotting to divide Bosnia between them, Lord Owen said, "on this particular aspect of carving up, to use a rather tough word, of the former Yugoslavia, former President Tudjman [sic] was not the slightest bit ashamed or secretive. I mean, he made absolutely clear to everybody who talked to him that he believed that a substantial part of Bosnia-Herzegovina should be attached to Croatia, and he didn't accept that Bosnia-Herzegovina should be made into an independent country" (ICTY, Milošević, IT-02-54, "Lord Owen Testimony", November 3, 2003: pg. 7).

In any event, I believe that I have demonstrated how two-level game theory can be applied to the patron state-de facto state relationship and, especially, its uses in determining if a de facto state is actually a puppet state. I believe that this method can have applications for use in other cases, particularly the cases of the five de facto states (Abkhazia, Donetsk, Lugansk, South Ossetia, and Transnistria) that have Russian for a patron. Knowing whether or not a de facto state is actually a puppet state would be very valuable information in conflict resolution. Recall what Lord Owen said prior to the Republika Srpska's rejection of the Vance-Owen Peace Plan; "[y]ou might choose to dignify that body with the term 'parliament' but I do not...I'm telling you, and believe me I have been in politics a long time, I know that Milošević is on board and that is what counts." (Silber & Little 1997, pg. 83). He was, of course, completely incorrect in that assertion. Had he instead recognized that the Republika Srpska was indeed capable of freedom of action in deciding whether or not to reject the plan, rather than dismissing their agency he may have engaged in direct negotiations with them instead, possibly resulting in a different outcome. It would seem that this lesson was learned

by the American negotiators of the Dayton Accords which did include the direct participation of representatives of the Republika Srpska, specifically Momčilo Krajišnik, the parliamentary speaker who, along with General Mladić, was instrumental in the decision to reject the Vance-Owen Peace Plan (Chollett, 2005: pg. 150).

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