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Security Council Update I: Tensions in Bosnia and Herzegovina

Introduction

The Member States comprising the Balkan region represent a wide and diverse array of ethnic groups whom have lived alongside each other in varying levels of tension, occasionally erupting into violence and multi-Member State conflict.¹ Violent conflict in the region reached its most recent peak in the 1990s.¹ During this time, the Member States of modern-day Bosnia and Herzegovina, Croatia, Montenegro, North Macedonia, Serbia, and Slovenia, along with Kosovo, were a part of the former Federal Republic of Yugoslavia.² It was during this period that the tensions between the various ethnic groups came to a head in the form of the Yugoslav Wars.³ These series of separate but related conflicts resulted in the breakup of Yugoslavia, the deaths of hundreds of thousands of people, and the displacement of millions more.⁴

While different conflicts of independence, insurgencies, and ethnic conflicts shaped the Yugoslav Wars, they were all fought in what is now the former Yugoslavia from 1991 to 2001, which resulted in the breakup of the Socialist Federal Republic of Yugoslavia in 1992.⁵ Its constituent republics declared their independence in response to unresolved tensions between the ethnic minorities within the newly formed Member States.⁶ The Yugoslav Wars are often described as the deadliest conflicts in Europe since the Second World War.⁷ These wars were marked by numerous war crimes, including genocide, crimes against humanity, ethnic cleansing, and rape.⁸ One of the regions that saw the worst violence during this period was the region that now constitutes the modern-day Member State of Bosnia and Herzegovina.⁹ The Bosnian Genocide specifically was the first European crime to be formally classified as genocidal in character since World War II by the United Nations (UN) Human Rights Council.¹⁰ The UN constituted the International Criminal Tribunal for the former Yugoslavia (ICTY) to prosecute these crimes, of which many individuals have been charged over the years.¹¹

Bosnian Wars

One of the major conflicts of the Yugoslav Wars was the Bosnian War.¹² In late 1992, clashes between Muslims, Croats, and Serbians in Bosnia began and, by April 6, 1992, "full-scale hostilities had broken out."¹³ On the same

¹ "Transitional Justice in the Former Yugoslavia," *International Center for Transitional Justice*, 1 January 2009, accessed December 8, 2021. <https://www.ictj.org/publication/transitional-justice-former-yugoslavia>.

¹ "Transitional Justice in the Former Yugoslavia," *International Center for Transitional Justice*.

² "Transitional Justice in the Former Yugoslavia," *International Center for Transitional Justice*.

³ "Transitional Justice in the Former Yugoslavia," *International Center for Transitional Justice*.

⁴ "Transitional Justice in the Former Yugoslavia," *International Center for Transitional Justice*.

⁵ Tim Judah, "Yugoslavia: 1918–2003," BBC. Last modified February 17, 2011, https://www.bbc.co.uk/history/worldwars/wwone/yugoslavia_01.shtml

⁶ Judah, "Yugoslavia: 1918–2003."

⁷ "Bosnia and Herzegovina: Hate, denial of genocide, war crimes glorification must end – UN expert," *United Human Rights Council*, December 10, 2021, accessed December 20, 2021.

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27952&LangID=E>.

⁸ "Bosnia and Herzegovina: Hate, denial of genocide," *United Human Rights Council*.

⁹ "Bosnia and Herzegovina: Hate, denial of genocide," *United Human Rights Council*.

¹⁰ "Bosnia and Herzegovina: Hate, denial of genocide," *United Human Rights Council*.

¹¹ "Bosnia and Herzegovina: Hate, denial of genocide," *United Human Rights Council*.

¹² Carole Rogel, *The Breakup of Yugoslavia and Its Aftermath* (Greenwood Publishing Group, 2004), 59.

¹³ Rogel, *The Breakup of Yugoslavia and Its Aftermath*.

day, both the United States (US) of America and the European Economic Community (EEC) recognized the sovereignty of Bosnia and Herzegovina as an independent State.¹⁴ Eventually, the General Framework Agreement for Peace in Bosnia and Herzegovina was negotiated at Wright-Patterson Air Force Base in Dayton, Ohio. Fully drafted between November 1-21, 1995, and signed in Paris on December 14, 1995, which officially brought an end to the war.¹⁵ Bosnia and Herzegovina was then divided into two autonomous regions, the Republika Srpska, or Serbian Republic, and the Federation of Bosnia and Herzegovina (dominated by Croats and Bosniaks).¹⁶ The Federation was legally recognized as a separate entity until December 14, 1995.¹⁷ Bosnia and Herzegovina's leadership is currently composed of a tripartite presidency.¹⁸ The presidency includes three presidents, each of which represent one of the main ethnic groups within Bosnia and Herzegovina.¹⁹ Currently, they are represented by Milorad Dodik for the Serbian ethnic group, Šefik Džaferović for the Bosniaks, and Željko Komšić for the Croats.²⁰

Following the secessions of Slovenia and Croatia from the Socialist Federal Republic of Yugoslavia in 1991, the multi-ethnic Socialist Republic of Bosnia and Herzegovina – which was comprised of mainly Muslim Bosniaks (44 percent), Orthodox Serbs (32.5 percent) and Catholic Croats (17 percent) – passed a referendum for independence on February 29, 1992.²¹ The political representatives of the Bosnian Serbs rejected the referendum and boycotted the outcome.²² Having anticipated the outcome of the referendum being boycotted by the majority of Bosnian Serbs, on February 23, 1992, the Assembly of the Serb People in Bosnia and Herzegovina adopted the Constitution of the Serbian Republic of Bosnia and Herzegovina.²³

In early 1992, Bosnia and Herzegovina declared independence from Yugoslavia, which resulted in an outbreak of conflict.²⁴ Robert M Hayden, a professor in anthropology at the University of Pittsburgh, described the war as,

“...predominantly a territorial conflict between the Bosniaks, who wanted to preserve the territorial integrity of the newly independent Republic of Bosnia and Herzegovina, and the self-proclaimed Bosnian Serb[ian] proto-state Republika Srpska and the self-proclaimed Herzeg-Bosnia, which were led and supplied by Serbia and Croatia respectively, reportedly with a goal of the partition of Bosnia, which would leave only a small part of land for the Bosniaks.”²⁵

On December 18, 1992, the United Nations General Assembly (UNGA) passed resolution 47/121 in which it condemned Serbian and Montenegrin forces for trying to acquire more territories by force.²⁶ By 2008, ICTY had convicted 45 Serbs, 12 Croats, and four Bosniaks of war crimes in connection with the Bosnian Wars alone.²⁷ It is estimated that approximately 100,000 people were killed during the wars.²⁸ During the Bosnian Wars, over 2.2 million people were displaced.²⁹ In addition, an estimated 12,000–50,000 women were raped, mainly carried out

¹⁴ Rogel, *The Breakup of Yugoslavia and Its Aftermath*.

¹⁵ "15 years ago, Dayton Peace Accords: a milestone for NATO and the Balkans," *North Atlantic Treaty Organization*, December 14, 2010, December 1, 2021. https://www.nato.int/cps/en/natolive/news_69290.htm?selectedLocale=en.

¹⁶ Mersiha Gadzo, "Bosnia's Political Crisis: What You Should Know, in 600 Words," *Al Jazeera*, November 24, 2021, <https://www.aljazeera.com/news/2021/10/21/all-you-need-to-know-about-bosnias-crisis-in-600-words>.

¹⁷ Robert Hayden, "The Partition of Bosnia and Herzegovina, 1990–1993," National Council for Eurasian and East European Research. Last modified March 12, 1993, <https://www.ucis.pitt.edu/nceer/pre1998/1993-807-20-3-Hayden.pdf>.

¹⁸ Andrew Rettman, "Russia Wants Bosnia Free of Western Supervision," *EUobserver*, December 15, 2021, <https://euobserver.com/world/153814>.

¹⁹ Hayden, "The Partition of Bosnia and Herzegovina, 1990–1993."

²⁰ Rettman, "Russia Wants Bosnia Free of Western Supervision."

²¹ International Criminal Tribunal for the former Yugoslavia, *Conflict between Bosnia and Herzegovina and the Federal Republic of Yugoslavia*. The Hague, Netherlands: ICTY, 2017.

²² International Criminal Tribunal for the former Yugoslavia, *Conflict between Bosnia and Herzegovina*.

²³ International Criminal Tribunal for the former Yugoslavia, *Conflict between Bosnia and Herzegovina*.

²⁴ Hayden, "The Partition of Bosnia and Herzegovina, 1990–1993."

²⁵ Hayden, "The Partition of Bosnia and Herzegovina, 1990–1993."

²⁶ Hayden, "The Partition of Bosnia and Herzegovina, 1990–1993."

²⁷ Dan Bilefsky, "Karadzic, Sent to Hague for Trial Despite Violent Protest by Loyalists," *The New York Times*, July 30, 2008, <https://www.nytimes.com/2008/07/30/world/europe/30serbia.html>.

²⁸ Bilefsky, "Karadzic, Sent to Hague for Trial Despite Violent Protest by Loyalists."

²⁹ Bilefsky, "Karadzic, Sent to Hague for Trial Despite Violent Protest by Loyalists."

by Serbian forces, with most of the victims being Bosniak women.³⁰ The aftermath of both the Yugoslav Wars and Bosnian Wars are still felt to this day.³¹ It is estimated that the wars in Croatia, Bosnia and Herzegovina and Kosovo produced about 2.4 million refugees and an additional 2 million internally displaced persons.³² The war in Bosnia and Herzegovina created a humanitarian crisis, of which over half were Bosniaks.³³

Recent Developments and Conclusion

In October 2021, Milorad Dodik, the President serving as representative for the Serbian ethnic demographic, announced that the State's Serbian-run entity, Republika Srpska, would disregard the direction of state institutions in order to achieve full autonomy within the Member State.³⁴ This move stands in direct violation of the 1995 Peace Accords.³⁵ In December 2021, Serbian lawmakers voted to begin removing their autonomous Serbian Republic out of Bosnia's Armed Forces, judiciary, and tax system, in a motion that some see as the first move towards secession.³⁶ When Dodik was recently asked by a reporter on the specifics of the plans to remove members of state services – such as judges, prosecutors, and members of armed forces – from the entity's territory, Dodik said he planned to accomplish this “just like in 1992 as the Slovenes did it,” referring to the use of violence during the breakup of Yugoslavia.³⁷

In a statement made to the newspaper EUobserver, the European Union (EU) ambassador to Russia asserted that Bosnia should be free of international supervision, stating “I believe the country [Bosnia] needs to get rid of this stifling supervision once and for good. The time has come for the Office of the High Representative to become a thing of the past.”³⁸ The embassies of the US, United Kingdom, France, Germany, Italy as well as the EU delegation released the following statement in regards to the ongoing situation, “Members of the governing coalition in the RS (Republika Srpska) must be aware that continuing this dead end path of challenging the Dayton framework is damaging the economic prospects of the entity, threatening the stability of the country and the entire region and jeopardizing Bosnia's future with the EU.”

In the UN Security Council, S/RES/2604 still recognized the region known as the Former Yugoslavia as a “threat to international peace and security.”³⁹ The aforementioned resolution was the annual reauthorization of a multinational EU-led stabilization force, known as EUFOR-ALTHEA until early November 2022.⁴⁰ According to the UN, Member States such as Estonia and Norway had regret that the Security Council didn't adopt a “more substantial” resolution.⁴¹ The stabilization force has been an annual resolution since 2004 but modeled from the December 1996 authorization of a similar multinational stabilization force in S/RES/1088.⁴² An important piece from the council is S/RES/1034, which condemned both the humanitarian law and human rights violations that occurred in Bosnia-

³⁰ Bilefsky, “Karadzic, Sent to Hague for Trial Despite Violent Protest by Loyalists.”

³¹ Val Colic-Peisker, *Bosnian refugees in Australia: identity, community and labour market integration*. Geneva, Switzerland: United Nations High Commissioner for Refugees, 2003.

³² Colic-Peisker, *Bosnian refugees in Australia: identity, community and labour market integration*.

³³ Colic-Peisker, *Bosnian refugees in Australia: identity, community and labour market integration*.

³⁴ Gadzo, “Bosnia's Political Crisis: What You Should Know, in 600 Words.”

³⁵ Gadzo, “Bosnia's Political Crisis: What You Should Know, in 600 Words.”

³⁶ Gadzo, “Bosnia's Political Crisis: What You Should Know, in 600 Words.”

³⁷ Gadzo, “Bosnia's Political Crisis: What You Should Know, in 600 Words.”

³⁸ Rettman, “Russia Wants Bosnia Free of Western Supervision.”

³⁹ United Nations Security Council resolution 2604, *Resolution 2604 (2021) Adopted by the Security Council at its 8896th meeting, on 3 November 2021, S/RES/2604*, (November 3, 2021)
https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2604.pdf

⁴⁰ United Nations Security Council resolution 2604.

⁴¹ “UN Documents for Bosnia & Herzegovina: Security Council Resolutions,” Security Council Report,
https://www.securitycouncilreport.org/un_documents_type/security-council-resolutions/page/1?ctype=Bosnia+%26amp%3B+Herzegovina&cbtype=bosnia-herzegovina#038;cbtype=bosnia-herzegovina

⁴² United Nations Security Council resolution 1088, *RESOLUTION 1088 (1996) Adopted by the Security Council at its 3723rd meeting, on 12 December 1996, S/RES/1088*, (December 12, 1996),
www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Bosnia%20SRES%201088.pdf

Herzegovina.⁴³ In S/RES/1034, the Security Council called for an investigation of these violations, which have led to convictions of multiple individuals.⁴⁴

⁴³ United Nations Security Council resolution 1034, *RESOLUTION 1034 (1995) Adopted by the Security Council at its 3612th meeting, on 21 December 1995*, S/RES/1034, (December 21, 1995), <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/ROL%20SRES1034.pdf>

⁴⁴ United Nations Security Council resolution 1034.