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TITLE: Ethnic Tensions and Global Response: Disentangling the Complexities of the Bosnian War

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PAGES: 57-71

ORIGINAL PDF URL: <https://dergipark.org.tr/tr/download/article-file/3485239>

Ethnic tensions and global response: Disentangling the complexities of the Bosnian War

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ABSTRACT

This article critically examines the Bosnian War within the broader framework of international law, with a specific focus on understanding its role in managing ethnic conflicts. The aim is to analyze the effectiveness of international law in addressing the complex dynamics of ethnic strife, particularly in the context of post-Cold War Yugoslavia. The key hypothesis guiding this research posits that international legal mechanisms, while crucial, faced significant challenges and limitations in effectively resolving the ethnic conflicts that characterized the Bosnian War. The study delves into the historical and socio-political factors fueling ethnic tensions in Yugoslavia, highlighting how nationalism and ethnic separatism culminated in widespread violence. The article critically evaluates the international response to the conflict, including the effectiveness of UN Peacekeeping Forces and the Dayton Peace Agreement, and discusses the broader implications for global peace and security. Furthermore, the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) is explored as a key development in international law. The study assesses the impact of the ICTY on promoting accountability and justice, and its role in facilitating reconciliation efforts post-conflict. The findings of this study have significant relevance for contemporary international law, offering insights into its potential in preventing and resolving ethnic conflicts in a rapidly changing global landscape.

ARTICLE HISTORY

Received: 19.10.2023

Revised: 25.12.2023

Accepted: 31.12.2023

KEYWORDS

Bosnian War,
ethnic conflicts,
genocide,
Yugoslavia,
international law

Introduction

The dissolution of Yugoslavia in the post-Cold War era marked the beginning of a series of escalating ethnic conflicts. In the early 1990s, the world witnessed a massive political upheaval in Yugoslavia, resulting in one of the darkest chapters in European history since World War II. The United Nations responded to this crisis by passing a series of resolutions and engaging in diplomatic efforts to mitigate the conflict. For example, with Resolution 713, the UN Security Council implemented an arms embargo against Yugoslavia, recognizing the escalating tensions and aiming to reduce violence (Moor, 1994, p. 871; Qureshi *et al.*, 1994, p. 6; United Nations, 1991). This embargo was part of the international community's early efforts to address the crisis through non-military means (Heffes, 2022). However, the effectiveness of these initial efforts was later scrutinized as the conflict continued to escalate, eventually necessitating more direct intervention.

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Bosnia, in particular, emerged as a pivotal case study of ethnic violence and its aftermath. Various regions within the country experienced differing degrees of violence and displacement (Hall *et al.*, 2017). Bosnians endured varying forms of violence, with certain areas witnessing limited strife while others became targets of extensive ethnic cleansing campaigns. The genocide in Srebrenica serves as a heart-wrenching exemplar of the latter.

The establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993 marked a profound turning point in addressing the human rights violations committed during the Bosnian War (Malešević, 2020), while also upholding international law in response to the ethnic conflicts that unfolded within Yugoslavia (Tepšić & Džuverović, 2018). This shift in focus redirected attention from macro-level geopolitical analyses to the prosecution of individuals responsible for serious breaches of international humanitarian law.

In the case of Bosnia and Herzegovina, the initial international response to the atrocities was modest, primarily involving an arms embargo. However, there was a prevailing consensus among the international community that the Bosnian War was primarily driven by deep-seated ethnic animosity and historical enmity (Bolton & Jeffrey, 2008). During the Bosnian War, the international community's reaction to the escalating violence and human rights violations was notably sluggish. The initial attribution of the conflict to "ancient ethnic hatreds" served as a rationale for inaction (Mulaj, 2008). Simultaneously, Serbian nationalism surged, aligning with Slobodan Milošević's vision of preserving Serbian unity. The declaration of independence by Bosnia and Herzegovina pushed these conflicts to a new pinnacle, ultimately culminating in full-scale warfare (Anholt, 2016, p. 2). These tumultuous years between 1992 and 1995 witnessed egregious crimes against humanity, including genocide, with Bosniaks bearing the brunt of the violence. The Bosnian War etched its name in history as one of the most significant global atrocities since World War II.

Significantly, the conflict was characterized by belated international intervention, which exacted a staggering human toll, with over 300,000 lives lost to Serbian aggression (Vomlela, 2016). Peacekeeping efforts and negotiations often faltered, extending the suffering. Ultimately, the Dayton Agreement of December 14, 1995, brought an end to the war, albeit introducing a precarious political landscape in Bosnia and Herzegovina.

In this context, this article seeks to analyze the Bosnian War not only as a historical event but also through the prism of international law, examining its role and effectiveness in managing and resolving ethnic conflicts. The research is guided by the hypothesis that while international legal mechanisms played a crucial role during the Bosnian War, they also encountered significant challenges and limitations.

This study adopts a historical-analytical approach, utilizing a combination of qualitative and documentary analysis to examine the Bosnian War and its interaction with international law. The methodology is structured in three key phases:

- (1) Historical Contextualization: The research begins with a comprehensive review of the historical background of Yugoslavia post-Cold War, focusing on the emergence and escalation of ethnic conflicts leading to the Bosnian War (e.g., Ramet, 2006). This phase involves analyzing historical documents, academic texts, and archival materials to construct a detailed narrative of the events.
- (2) Legal Analysis: The core of the study involves an in-depth analysis of international legal responses to the Bosnian War (e.g., Cassese, 2005). This includes examining the

formation, mandates, and outcomes of institutions like the ICTY. Legal documents, tribunal proceedings, academic critiques, and international law journals serve as primary sources for this phase. The analysis aims to assess the effectiveness and limitations of international legal mechanisms in addressing the complexities of ethnic conflicts.

- (3) Comparative Analysis: To contextualize the findings within a broader framework, the study also incorporates a comparative analysis. This involves comparing the Bosnian War's case with other similar instances of ethnic conflicts and international law interventions. The purpose is to identify patterns, differences, and lessons that can be applied to understand the role of international law in contemporary ethnic conflicts.

Throughout the research, a critical approach is maintained, questioning prevailing narratives and examining the multidimensional impacts of legal interventions. The study also considers the socio-political implications of international legal responses, including their effect on peacekeeping, justice, reconciliation, and governance structures post-conflict. Also, ethical considerations, particularly regarding the sensitive nature of the subject matter, are adhered to throughout the research process (Israel & Hay, 2006). Primary and secondary sources are meticulously referenced, ensuring academic rigor and integrity. By employing this multifaceted methodology, the study aims to provide a comprehensive understanding of the Bosnian War in the context of international law, contributing valuable insights to the field and informing future policy and legal frameworks.

Considering the Bosnian conflict, this article delves into several key themes: the role of international law in addressing ethnic conflicts in Yugoslavia, the establishment of the ICTY, and the intricate challenges of balancing peace and justice in post-conflict societies.

Exploring the disintegration of Yugoslavia and the resurgence of ethnic nationalism

The disintegration of Yugoslavia, which resulted in the ethnic conflicts of the 1990s, had deeper historical and political roots. The book *The Three Yugoslavias: State-Building and Legitimation, 1918–2005* by Sabrina P. Ramet (2006), meticulously studies the Yugoslav states across different eras, revealing a recurring theme of political illegitimacy that explains the genesis of the Bosnian War. As discussed by Ramet, the Yugoslav states' failures in 1941, 1991, and 2003 underline a chronic instability caused by inadequate political structures that failed to create a sense of national unity (Ramet, 2006, p. 13).¹ This led to a fragmented society where ethnic nationalism thrived. This context is crucial to analyzing the emergence of the Bosnian War and the challenges faced by international law in addressing such a deeply rooted conflict.

¹ In 1941, the state's collapse under the pressure of World War II highlighted its fragility and internal divisions. The year 1991 marked the onset of Yugoslavia's disintegration, as ethnic and nationalist tensions escalated into armed conflict, underscoring the failure of the political system to maintain unity. Finally, the reconstitution of Yugoslavia in 2003 and its eventual dissolution into separate states by 2006 further demonstrated the persistent instability and the inability of political structures to create a sustainable, cohesive state, reflecting a long-standing challenge in managing ethnic diversity and fostering national unity (Ramet, 2006).

Secondly, the Bosnian War was heavily influenced by the political regimes that governed Yugoslavia. Ramet's (2006) comparative analysis shows that each regime, starting from monarchy to communist dictatorship and finally to Milosevic's authoritarian rule, played a distinct role in shaping the country's political and ethnic landscape. These regimes contributed to escalating ethnic tensions, which were further exacerbated by a lack of legitimate governance. It is crucial to understand the impact of these regimes in assessing why international law had difficulty maintaining peace and order during the Bosnian War. The shifting political landscape not only fueled the conflict but also complicated the implementation of international legal resolutions.

Ramet's (2006, p. 390) analysis of nationalism's impact on the disintegration of Yugoslavia offers a critical perspective on the Bosnian War. The rise of ethnic nationalism, especially in the late 20th century, played a crucial role in triggering the conflict. However, this nationalism did not emerge spontaneously but was the result of various historical grievances and political manipulation. The deeply entrenched nationalist ideologies, often promoted, and exploited by political leaders, created an environment conducive to ethnic conflict. This historical context is crucial in comprehending why conventional international law mechanisms struggled to address the intricate and long-standing ethnic divisions in Bosnia.

Hence, in our analysis of the ethnic conflicts in Yugoslavia and the subsequent pursuit of justice, it is crucial to consider the multifaceted role of nationalism. Nationalism serves a dual and conflicting function, both uniting ethnic groups to create nations and mobilizing ethnic communities within existing nations toward nation-building (Konuralp, 2018, pp. 140-142)). This intricate interplay of nationalism's functions has significantly influenced the course of events in the Balkans (Adaş & Konuralp, 2020a; Adaş & Konuralp, 2020b; Konuralp & Adaş, 2020).

Throughout the period from 1991 to 1995, the ethnic conflicts that ravaged Yugoslavia were marked by a disturbing tactic known as ethnic cleansing. This merciless strategy aimed to establish homogeneous nation-states based on nationalism. At the heart of these conflicts, we can discern the tension between uniting ethnic groups to create new nations and the movement of ethnic communities within existing nations toward their own nationhood. This duality of nationalism's impact became a driving force behind the violence and strife that unfolded during this turbulent time.

Furthermore, the pursuit of justice in the aftermath of these conflicts was shaped by the same dual and conflicting function of nationalism. The establishment of the ICTY, for instance, was a response to the severity of war crimes and crimes against humanity committed in the region. It aimed to address individual accountability rather than state responsibility, reflecting the principle of individual criminal responsibility. This approach sought to navigate the intricate landscape of nationalism's effects on the region, acknowledging the need to hold individuals accountable for their involvement in grave international crimes against humanity.

Thirdly, this brings us to the relationship between legitimate statehood and effectiveness of the international law. Ramet (2006) argues that the stability of a state is dependent on its legitimacy, which provides a theoretical framework for examining the effectiveness of international law in the context of the Bosnian War. The failure to establish a legitimate and stable state in Yugoslavia had a direct impact on the ability of international legal interventions to be effective. International law, which is usually designed to resolve

disputes between sovereign states, faced an unprecedented challenge in dealing with a state where legitimacy was fundamentally contested. This analysis suggests that the success of international law in managing ethnic conflicts is closely tied to the level of legitimacy of the state structures that it seeks to engage with.

Following this line of analysis, we need to remind that in the early 1990s, the international community watched with growing apprehension as Yugoslavia plunged into a profound political crisis that swiftly evolved into full-scale armed conflict. The breakup of the Federal Republic of Yugoslavia left behind a perilous power vacuum, triggering declarations of independence by its constituent states. This tumultuous sequence of events initiated a series of ethnic-based internal conflicts across the Balkans. The initial phase witnessed Serb forces directing their aggression towards Slovenia and Croatia (Đorđević *et al.*, 2022). Subsequent declarations of independence by Macedonia and Bosnia and Herzegovina further exacerbated these conflicts (Neumann, 2012). Shockingly, these confrontations rapidly devolved into a nightmarish scenario, prompting international organizations to formally acknowledge acts of genocide in their reports (Gunawan *et al.*, 2020).

Understanding the immediate outbreak of armed conflicts in the early 1990s necessitates a deeper exploration into the historical underpinnings of Yugoslavia's disintegration, particularly the post-Tito era that set the stage for these tumultuous events. The disintegration, catalyzed by the passing of its long-serving leader Josip Broz Tito, ushered in an era of profound instability and transformation across the Balkans. Despite Tito's earnest attempts to cultivate a unified Yugoslav identity through shared citizenship, the emergence of figures like Slobodan Milošević and the propagation of the "Greater Serbia" narrative significantly contributed to the resurgence of ethnic nationalism, ultimately culminating in the dissolution of the Yugoslav state.² This tumultuous period was characterized by intricate historical events that fueled ethnic tensions and reshaped political dynamics (Sell, 2002). Therefore, a pivotal driver behind Yugoslavia's disintegration was the emergence of nationalist movements, particularly in the mid-1980s. Serbian nationalist discourse gained substantial momentum, spurring a surge in nationalism among other ethnic groups. The overwhelming Serbian dominance within the Yugoslav Federation, combined with a significant Serbian population, created unease among other nationalities (Petrović *et al.*, 2019). This mounting unease and the perception of Serbian dominance reached a breaking point with violent conflicts erupting, particularly in Bosnia-Herzegovina. Additionally, severe economic challenges stemming from Tito's passing further exacerbated these tensions and laid the foundation for uprisings (Bennett, 1995).

These events unfolded against the backdrop of post-Cold War international relations, where ethnic nationalism-driven disputes and conflicts assumed prominence. Nationalist rhetoric proved to be a potent tool for mobilizing individuals (Özdil, 2021, pp. 124-125; Shuangyun, 2021). Central to the conflicts of the Yugoslav Wars in the 1990s was a strong belief that a nation's political identity should align with its shared cultural traits. This

² Notably, Serbian nationalism, which had largely been kept in check under the banner of Yugoslav identity during the Tito era, spiraled out of control. In 1987, Slobodan Milošević, an extremist Serbian nationalist, assumed leadership of the Serbian Communist Party. His rise to power fueled a resurgence in Serbian nationalism, with a specific emphasis on advocating for Greater Serbia and expanding its influence across the entire Yugoslav territory. This development ultimately led to the disintegration of the country (Sell, 2002).

pursuit of national homogeneity and identity often led minority ethnic groups to seek separatist actions within their respective states. These minority groups, residing in empires and later in modern nation-states, regarded self-determination as their fundamental right. Nationalism emerged as the cornerstone for asserting this right, with the understanding that individuals can truly flourish when their community possesses the potential for statehood. While international norms typically stress respect for state borders, Europe witnessed a surge of nationalism in the 19th century that facilitated the formation of nation-states (Adas & Konuralp, 2020a, p. 106).

The consequences of the nationalist movement and the quest for self-determination varied significantly depending on the geographic and administrative structures of individual states. The outcomes were multifaceted. As existing literature suggests, this phenomenon spurred separatist movements within multinational states, often culminating in their dissolution (Bilić, 2011). Simultaneously, it served as a potent motivating force for nations striving for independence and the establishment of their own sovereign states. The aftermath of World War II, which had a profound impact on colonial nations and reshaped their environmental conditions, played a pivotal role in galvanizing independence movements (Choi, 2022). Furthermore, the collapse of the Soviet Union and Yugoslavia in the early 1990s created a power vacuum and paved the way for the emergence of new nation-states, each with their aspirations for self-determination and national identity. The nationalist movements that began in the late 18th century and persisted throughout the 19th century played a pivotal role in shaping the conflicts of the Yugoslav Wars in the 1990s (Ginieczki, 2020). Thus, the disintegration of Yugoslavia in the early 1990s was deeply rooted in the nationalist movements that had been simmering throughout the region for decades.

The unfolding of the Bosnian War

The Bosnian War, a pivotal conflict in the dissolution of Yugoslavia, unfolded through a series of escalating events marked by complex ethnic and political dynamics. The conflict began in the aftermath of the democratic elections in Slovenia and Croatia in 1991, where both nations asserted independence from the Yugoslav Federation, prompting aggressive responses from the predominantly Serbian Yugoslav Federal Army. These initial conflicts in Slovenia and Croatia set the stage for broader regional instability (Bulatović, 2019).

As the crisis deepened, Macedonia and Bosnia-Herzegovina also declared their independence, reshaping international borders and heightening tensions over minority populations. In Bosnia-Herzegovina, the situation was particularly volatile. The Bosnian Parliament, apprehensive about Serb dominance, declared independence in 1991, a move supported by the Muslim and Christian populations. The independence referendum in February 1992 saw overwhelming support among voters, though boycotted by the Serbs. This led to international recognition from the EU and the United States, and eventually, UN membership on May 22, 1992 (Sancaktar, 2018).

However, conflict erupted in Sarajevo soon after, driven by Milošević's agenda for a "Greater Serbia." Milošević's instigation to arm the Bosnian Serbs marked the beginning of a civil war within Bosnia-Herzegovina, further complicated by Serbia and Croatia's involvement on behalf of their ethnic kin (Đorđević *et al.*, 2022). The conflict transformed Bosnia-Herzegovina into a battleground, with Milosevic and Croatian President Franjo

Tuđman even discussing the division of the country. Violence escalated rapidly, exemplified by the April 5, 1992, attack by Serb militias in Sarajevo, just as the European Community recognized Bosnia-Herzegovina's independence (Daalder, 1998; Akdemir, 2018).

The Bosnian War was characterized by severe atrocities against the Muslim Bosniak population, who were largely defenseless against the better-armed Serbian forces. By late 1992, the Bosniaks had lost most of their territory, and ethnic cleansing campaigns were rampant, marked by concentration camps, sexual violence, and systematic destruction of cultural sites (Nešković, 2023; Đorđević *et al.*, 2022; Galli, 2018; Putra *et al.*, 2021).

The UN Security Council, acknowledging the severity of the situation, established safe zones in an effort to protect civilians. One such notable resolution was Resolution 819 in 1993, declaring Srebrenica a safe area (United Nations, 1993b). Nevertheless, the establishment of these safe zones did not halt the conflict and the most heinous atrocity occurred in Srebrenica in July 1995. Serbian forces, under General Ratko Mladić, massacred over 8,000 Bosniak men and boys, an act later confirmed as genocide by international courts (Cohen-Almagor, 2020; Subotić, 2022).

The international community's response was marred by delays and ineffectiveness. The UN Security Council's initial measures, including deploying peacekeeping troops and declaring safe zones, proved inadequate in the face of Serbian aggression. The failure to prevent attacks, particularly in Srebrenica, highlighted the shortcomings of international intervention (Nešković, 2023).

The Dayton Peace Agreement, signed in December 1995, eventually ended the conflict. It divided Bosnia-Herzegovina into two entities but also cemented the division of the country, legitimizing the consequences of ethnic cleansing. This agreement, while ending hostilities, did not fully resolve underlying ethnic tensions (Rawski, 2021; Rangelov, 2006).

International law and the pursuit of justice in the Bosnian War

When we look closely at the complicated situation of the Yugoslav conflicts, we can see that both Human Rights Law and International Humanitarian Law (IHL) play crucial but different roles. As Schabas (2006) pointed out, the ICTY stands as an example of how these two legal domains are intertwined. Human Rights Law deals with a wide range of individual rights and freedoms, which are important both in times of peace and war. It is a universal legal foundation that supports the protection of human rights (Meron, 2006).

According to Fleck's (2008) *Handbook of International Humanitarian Law*, IHL is designed to make sure that parties involved in armed conflicts conduct themselves properly. Its main goal is to reduce the impact of war by protecting non-combatants and regulating the methods of warfare. This legal framework was especially important during the Balkan conflicts and the ICTY, as it dealt with war crimes and other violations of IHL that occurred during that time (Cryer, 2010).

The interplay between these two legal realms is intricate. While Human Rights Law maintains a vigilant watch over individual liberties, IHL steps into the foreground in times of armed conflict, ensuring humanitarian principles are upheld amidst the chaos of war (Doswald-Beck, 2011). Resolutions 808 and 827 highlight the unique challenges posed by the Bosnian War, necessitating a response that combined the principles of human rights protection with the norms of conduct in armed conflict. The ICTY's mandate encompassed

this duality, prosecuting grave human rights abuses under the umbrella of war crimes, crimes against humanity, and genocide. This dual approach not only brought justice to the victims but also reinforced the symbiotic relationship between Human Rights Law and IHL in the realm of international conflict resolution.

In essence, the establishment of the ICTY and its subsequent proceedings showed how Human Rights Law and IHL work together in a complementary yet distinct way. This highlighted the importance of international cooperation in responding to complex and devastating conflicts, such as those experienced in the former Yugoslavia. Ultimately, it underscored the human impact of these conflicts and the need for justice and accountability to ensure a better future for affected communities.

Nonetheless, the international community's response to the Yugoslav conflicts was initially marked by delay, influenced partly by concurrent global events like the Gulf Crisis. The United States, viewing the Balkan crisis primarily as a European issue, initially delegated resolution responsibilities to the European Union, leading to a slow reaction to the unfolding atrocities (Kulková, 2019).

However, as the severity of the situation in Yugoslavia, especially in Bosnia-Herzegovina, became apparent through media reports and detailed accounts of human rights violations, international action began to materialize. A significant step was the United Nations deploying peacekeepers to the region, although their presence did not immediately quell the conflicts. The human rights abuses were extensively documented in 1992 by UN-appointed experts, including a comprehensive report by the UN Rapporteur and the UN Commission on Human Rights, led by the former Polish Prime Minister Tadeusz Mazowiecki. These reports highlighted the inadequacy of the measures in place and the urgent need for more decisive actions (Ktori & Baranhan, 2018).

Recognizing the necessity for legal accountability, the UN Security Council initiated steps towards establishing a global criminal tribunal. This was marked by Resolution 808, which underscored the importance of prosecuting war crimes in the region to foster peace and deter further Serbian aggression (United Nations, 1993a). The resolution supported a report that included the Statute of the International Criminal Court, calling for its establishment (Dag Hammarskjöld Library, 2020).

The process of creating the court saw contributions from various governments, including France, Italy, and Sweden, each proposing draft statutes. The most comprehensive draft was developed by rapporteurs Hans Correl, Gro Hillestad Thune, and Helmut Tuerk, under the Moscow Human Dimension Mechanism, and subsequently submitted to the UN by the Swedish Foreign Minister (Taylor, 2019).

Following extensive review and consolidation of these drafts, the UN Security Council formally established the ICTY on February 22, 1993. The tribunal's mandate, as confirmed by UN Security Council Resolution 827 on May 25, 1993, was to prosecute individuals for serious violations of international humanitarian law committed in Yugoslavia (United Nations, 1993c). This marked a shift towards individual accountability for war crimes, extending jurisdiction over grave violations of the 1949 Geneva Conventions, wartime laws and customs, genocide, and crimes against humanity (International Criminal Court, 2020; Korać, 2022).

Antonio Cassese's (2005) insights in *International Law* are instrumental in understanding the application of international law in the Bosnian War. As the first President of the ICTY, Cassese's analysis of international humanitarian law and the legal frameworks governing

war crimes offers a vital perspective on the accountability of different actors in the conflict. His work helps elucidate the interpretation and practical application of international law during the Bosnian War and its influence on subsequent international legal practices in similar conflicts.

The formation of the ICTY, while contentious, was a crucial development under Chapter VII of the UN Charter, which deals with threats to peace and acts of aggression. Resolution 827 explicitly invoked Chapter VII, emphasizing the role of prosecuting crimes in the pursuit of peace restoration. This move, despite opposition from Serbia, was a significant milestone in international law, allowing the tribunal to hold individuals accountable for grave crimes against humanity (Bam *et al.*, 2020; Farer, 2006; Whittle, 2015; Benson, 2020).

On the other hand, a thorough analysis of the Bosnian War and the international legal response requires a deep understanding of David Kennedy's (2006) *Of War and Law*. Kennedy's perspective encourages us to challenge traditional legal frameworks and narratives, which means going beyond the surface of legal processes to uncover the underlying power dynamics and ethical dilemmas at play. In the case of the Bosnian War, this involves examining the ICTY not only for its procedural aspects but for its wider implications on justice and reconciliation. A critical lens reveals how power relations and geopolitical interests may have influenced the ICTY's decisions and priorities, leading to biases or gaps in addressing the conflict's complexities. Kennedy's approach also compels us to consider the ethical consequences of these legal interventions, questioning whether the actions taken by international bodies were not only legally sound but also morally justifiable. Such a critical perspective is crucial for understanding the complex interplay of law, power, and ethics in the Bosnian War and provides valuable insights for shaping future international legal practices in conflict resolution.

Furthermore, this study takes inspiration from the findings of Snyder and Vinjamuri (2003) and conducts a comparative analysis of the Bosnian War in relation to other ethnic conflicts where international law interventions had a significant impact. The aim of this approach is to provide insights into the distinct challenges and results of the Bosnian conflict within the larger framework of international responses to ethnic tensions. For instance, an examination of other ethnic conflicts and the interventions made by international legal frameworks, such as the ones in Rwanda or the Middle East, can provide a comparative perspective. These case studies reveal the varying levels of success and limitations of international legal mechanisms in managing ethnic conflicts. Snyder and Vinjamuri's analysis of these interventions provides valuable insights into the conditions required for international law to effectively mitigate such conflicts and how international law has evolved in response to ethnic conflicts. The Bosnian War is a significant case study that illustrates the intricacies and fluidity of international legal responses to ethnic tensions. When compared to other conflicts, the intervention in Bosnia emphasizes the importance of flexible and context-specific methods in international law.

Reflecting on these varied international responses to ethnic conflicts, the harrowing events of the Rwandan genocide serve as a critical and starkly contrasting case study to the Bosnian War, highlighting the urgent need for timely and effective intervention in such crises. Over the course of just over three months between April and mid-July of 1994, the genocide in Rwanda tragically resulted in the deaths of around 800,000 Rwandans. About two million refugees were displaced and fled to neighboring countries as a result of the conflict. Fear, brutality, and violence, culminating in the mass killing of Rwandans by their

fellow citizens, were the root causes of the decades-long civil war between Tutsis and Hutus. After the genocide ended, policymakers and the international community began to reflect on how they could have better assessed the situation to intervene prudently and avert the genocide, as the United Nations Investigative Task Force began to sort through the mutilated bodies in churches, stadiums, rivers and on roadsides. Furthermore, both Rwanda and the international community sought to determine what form of justice could be delivered to the survivors. The issues related to the ethnic conflicts in Rwanda are still relevant today, much like the post-Dayton process in Bosnia and Herzegovina. Rwanda is a discouraging lesson for foreign policymakers and practitioners involved in diplomatic mediation or international development. An apology alone cannot undo the trauma experienced by hundreds of thousands of Tutsi and Hutu victims. On top of that, rebuilding the nation is a daunting undertaking, requiring careful consideration of policy and the everyday realities of those seeking recovery and restoration. It is crucial for the international community to develop mechanisms that prevent conflicts before they escalate to genocide or massacre rather than intervening after the fact. In order to clarify this preventive mechanism, let us consider a hypothetical scenario: A leader who is aware of the high probability of being indicted by the international legal system would be less likely to commit such crimes (Des Forges, 1999; Gourevitch, 1999; Mamdani, 2020; Power, 2002; United Nations, 1999).

Conclusion

In hindsight, the ethnic conflicts that swept through Yugoslavia in the aftermath of the Cold War were marked by a disturbing tactic: ethnic cleansing, a merciless strategy designed to establish homogeneous nation-states based on nationalism. As global politics entered a new era post-Cold War, these conflicts emerged as a distressing outcome of this geopolitical change.

During the tumultuous period from 1991 to 1995, a series of aggressions committed by Serb forces against Bosniak Muslims emerged as a defining feature. The actions of these Serb-led assaults, carried out under the pretext of Greater Serbia, precipitated a significant political crisis that swiftly developed into a deeply destructive full-scale war. Known as the Bosnian War, this conflict remains notable for its egregious nature and stands as one of the most severe atrocities since World War II. This is primarily due to the systematic genocide perpetrated by Serb forces against the Bosnian population.

Throughout this conflict, there is irrefutable evidence in international documents and records of the perpetration of genocide, an abhorrent crime that will forever mar humanity's history. Unfortunately, despite the powerful images displayed by global media that captivated attention worldwide, the timely intervention of international organizations and influential states capable of directing these organizations to prevent both conflict and atrocities was regrettably postponed. The delay in responding to avert this war and the gruesome crimes committed against civilians serves as a stark reminder of the inadequacies within the international community when it comes to averting such catastrophic events.

Although the United Nations' Peacekeeping Force and subsequently NATO did intervene, their intervention came late in the timeline of the conflict, with instances of genocide, ongoing conflict, and the tragic events at Srebrenica already taking place.

International efforts facilitated the signing of the Dayton Peace Agreement in 1995, marking the end of the Bosnian War and initiating the challenging process of post-conflict reconciliation (De la Vega, 2013). However, the agreement not only institutionalized ethnic nationalisms, but also created a governance structure that inadvertently reinforced ethnic discrimination and favored the Serbs (Adaş & Konuralp, 2020a, pp. 109-110). This compromise left Bosnia and Herzegovina with little choice but to accept this unequal arrangement as necessary for maintaining stability after years of conflict.

One of the most significant interventions in the Bosnian War was the implementation of international law. Following instances of genocide and grave crimes against humanity, the UN Security Council established the ICTY. This tribunal, based on Chapter VII of the UN Charter, represents a vital stride towards achieving justice. Acknowledging that these crimes posed a serious threat to global peace and security, establishing this tribunal holds lasting importance despite its belated initiation. It serves as an essential mechanism for holding accountable those responsible for committing acts of genocide against Bosniak Muslims and other atrocities.

In conclusion, the dissolution of Yugoslavia and the subsequent Bosnian War serve as powerful reminders of the devastating consequences that arise from ethnic conflicts. These events emphasize the urgent need for swift international intervention to prevent such atrocities from occurring. Additionally, the establishment of institutions like the ICTY underscores the importance of accountability and justice in addressing post-war trauma, promoting lasting peace, and facilitating reconciliation efforts.

Bibliography

- Adaş, S. & Konuralp, E. (2020a). Sırp milliyetçiliği fay hattında Bosna-hersek siyasetinin krizi. *Bariş Araştırmaları ve Çatışma Çözümleri Dergisi*, 8(2), 102-126.
- Adaş, S., & Konuralp, E. (2020b). Eski Yugoslavya'da Sırp milliyetçiliğinin tarihsel temelleri ve Yugoslavya Sosyalist Federal Cumhuriyeti'nin dağılmasına etkileri. *Anadolu ve Balkan Araştırmaları Dergisi*, 3(6), 107-139.
- Akdemir, E. (2018). European Union perception of Bosnia and Herzegovina's people. *Balkan Araştırma Enstitüsü Dergisi*, 7(1), 1-30.
DOI: 10.30903/Balkan.444557
- Anholt, R. M. (2016). Understanding sexual violence in armed conflict: cutting ourselves with Occam's razor. *Journal of International Humanitarian Action*, 1, 1-10.
- Bam, N., Shrestha, R., & Maharjan, R. K. (2020). Importance of international humanitarian law (IHL) training in armed police force, Nepal. *Journal of APF Command and Staff College*, 3(1), 106-119.
DOI: 10.3126/japfcsc.v3i1.27532
- Bennett, C. (1995). *Yugoslavia's bloody collapse: Causes, course and consequences*. New York University Press.
- Benson, S. A. (2020). Fragmentation or coherence? Does international dispute settlement achieve comprehensive justice? *International Journal of Law and Public Administration*, 3(1), 77-88.
- Bilić, B. (2011). (Post-)Yugoslav anti-war engagement: A research topic awaiting attention. *Filozofija I Drustvo*, 22, 83-107.
- Bolton, M. & Jeffrey, A. (2008). The politics of NGO registration in international protectorates: the cases of Bosnia and Iraq. *Disasters*, 32, 586-608.

- DOI: 10.1111/j.1467-7717.2008.01056.x
- Bulatović, S. (2019). The role of orthographic and phonetic distances in mutual intelligibility between Montenegrin and Bulgarian. *Logos & Littera: Journal of Interdisciplinary Approaches to Text*, 6(1), 49-66.
DOI: 10.31902/LL.2019.6.1.3
- Cassese, A. (2005). *International law*. Oxford University Press.
- Choi, S. (2022). The Multidirectional memory connecting the Holocaust and French decolonization. *Journal of Student Research*, 11(3), 1-8.
DOI: 10.47611/jsrhs.v11i3.2932
- Cohen-Almagor, R. (2020). Taking profound offence seriously: Freedom of speech v. human dignity. *Journal of Hate Studies*, 16(1), 1-11.
<https://ssrn.com/abstract=3757329>
- Cryer, R. (2010). *Prosecuting international crimes: Selectivity and the international criminal law regime*. Cambridge University Press.
- Daalder, I. H. (1998). Decision to intervene: How the war in Bosnia ended. *Foreign Service Journal*, 75(12), 24-31.
- Dag Hammarskjöld Library. (2020). Courts & tribunals - UN international law documentation. *Research*.
<https://research.un.org/en/docs/law/courts>
- De la Vega, C. (2013). *Dictionary of international human rights law*. Edward Elgar Publishing.
- Des Forges, A. (1999). Leave none to tell the story. *Human Rights Watch*.
- Milošević Đorđević, J., Di Napoli, F. & Đurić, Ž. (2022). Endorsement and social role of the ethos of conflict in Serbia. *Politička misao*, 59 (4), 192-214.
DOI: 10.20901/pm.59.4.09
- Doswald-Beck, L. (2011). *Human rights in times of conflict and terrorism*. Oxford University Press.
- Farer, T. (2006). Rumo a uma ordem legal internacional efetiva: da coexistência ao consenso?. *Sur. Revista Internacional de Direitos Humanos*, 3, 156-177.
- Fleck, D. (Ed.). (2008). *The handbook of international humanitarian law* (2nd ed.). Oxford University Press.
- Galli, V. (2018). Paul Wehr's conflict mapping: The Bosnian War. *Conflict Analysis Research Centre*.
<https://blogs.kent.ac.uk/carc/2018/04/02/conflict-mapping-of-the-bosnian-war/>
- Gourevitch, P. (1999). *We wish to inform you that tomorrow we will be killed with our families: stories from Rwanda*. Picador.
- Ginieczki, T. (2020). Constructions of identity and war: A reciprocal relationship in former Yugoslavia. *Undergraduate Research Journal*, 17, 19-28.
- Gunawan, Y., Refisyanti, S. W., Mufida, A., Takarub, K. D., & Nur, A. (2020). Jurisdiction of International Court of Justice (ICJ) over the genocide violations: With special references to Rohingya case. *Fiat Justisia: Jurnal Ilmu Hukum*, 14(4), 313-336.
- Hall, J., Kovras, I., Stefanovic, D., & Loizides, N. (2018). Exposure to violence and attitudes towards transitional justice. *Political Psychology*, 39(2), 345-363.
- Heffes, E. (2022). Documents and resolutions. In *Detention by non-state armed groups under international law*. Cambridge University Press.
DOI: 10.1017/9781108862561.003
- International Criminal Court. (2020). *Understanding the International Criminal Court*. International Criminal Court.

- Israel, M. & Hay, I. (2006). *Research ethics for social scientists*. Sage Publications.
- Kennedy, D. (2006). *Of war and law*. Princeton University Press.
- Konuralp, E. (2018). Kimliğin etni ve ulus arasında salınımı: Çokkültürcülük mü yeniden kabilecilik mi? *Eskişehir Osmangazi Üniversitesi İktisadi ve İdari Bilimler Dergisi*, 13 (2), 133-146.
DOI: 10.17153/oguiibf.400350a
- Konuralp, E. & Adaş, S. (2020). Makedonya'da isim Sorunu: Yunan ve Makedon milliyetçiliklerinin kıskacında kimlik inşası. *Iğdır Üniversitesi Sosyal Bilimler Dergisi*, (21), 311-344.
- Korać, S. (2022). Entangled in the continuum of violence: how do women experience war? *The Review of International Affairs*, 73(1185), 27-50.
- Ktori, M. & Baranhan, G. (2018). Development and future perspectives of a humanitarian forensic programme: the committee on missing persons in Cyprus example. *Egyptian Journal of Forensic Sciences*, 8(1), 1-12.
- Kulkova, M. (2019). From negative to positive peace in Western Balkans: A case for eclectic theory. *Central European Journal of International & Security Studies*, 13(3), 26-47.
- Malešević, S. (2020). Is it easy to kill in war? Emotions and violence in the combat zones of Croatia and Bosnia and Herzegovina (1991-1995). *European Journal of Sociology/Archives Européennes de Sociologie*, 61(2), 301-331.
- Mamdani, M. (2020). *When victims become killers: Colonialism, nativism, and the genocide in Rwanda*. Princeton University Press.
- Meron, T. (2006). *The Humanization of International Law*. Martinus Nijhoff Publishers.
- Moon, P. (2018). Reconstructions of Serbian national identity in the post-Yugoslav era: A thematic survey. *Etnoantropološki Problemi Issues in Ethnology and Anthropology*, 13(4), 1069-1089.
DOI: 10.21301/eap.v13i4.8.
- Moor, G. A. (1994). The Republic of Bosnia-Herzegovina and Article 51: Inherent rights and unmet responsibilities. *Fordham Int'l LJ*, 18, 870.
- Mulaj, K. (2008). Forced displacement in Darfur, Sudan: Dilemmas of classifying the crimes. *International Migration*, 46(2), 27-48.
- Neumann, M. (2012). Modelling the dynamics of securitizing national identities. *Interdisciplinary Description of Complex Systems*, 10(1), 28-49.
- Özdil, M. A. (2021). The effect of clothing as a marker on identity. *Motif Akademi Halkbilimi Dergisi*, 14(33), 117-130.
- Petrović, B., Međedović, J., Radović, O., & Lovrić, S. R. (2019). Conspiracy mentality in post-conflict societies: Relations with the ethos of conflict and readiness for reconciliation. *Europe's journal of psychology*, 15(1), 59-81.
- Power, S. (2002). *A Problem from hell: America and the age of genocide*. Basic Books.
- Putra, I. E., Selvanathan, H. P., Mashuri, A., & Montiel, C. J. (2021). Aung San Suu Kyi's defensive denial of the Rohingya massacre: A rhetorical analysis of denial and positive-image construction. *Journal of Social and Political Psychology*, 9(2), 353-369.
- Qureshi, A., Michell, P., Copeland, P., Chang, F., Scott, C. M. & Kalajdzic, J. (1994). A memorial for Bosnia: Framework of legal arguments concerning the lawfulness of the maintenance of the United Nations Security Council's arms embargo on Bosnia and Herzegovina. SSRN.
DOI: 10.2139/ssrn.1661863

- Ramet, S. P. (2006). *The three Yugoslavias: State-building and legitimation, 1918–2005*. Indiana University Press.
- Rangelov, I. (2006). EU conditionality and transitional justice in the former Yugoslavia. *Croatian Yearbook of European Law & Policy*, 2(1), 365-375.
- Rawski, T. (2021). The persistence of national victimhood: Bosniak post-war memory politics of the Srebrenica mass killings. *Sprawy Narodowościowe*, (53), 1-23.
- Sancaktar, C. (2018, July 31). Bosna-Hersek'te siyasal ve ekonomik yeniden yapılanma. *Balkan Araştırma Enstitüsü Dergisi*, 7(1), 211 -237.
- Sell, L. (2003). *Slobodan Milosevic and the destruction of Yugoslavia*. Duke University Press.
- Schabas, W. A. (2006). *An introduction to the International Criminal Court* (3rd ed.). Cambridge University Press.
- Shuangyun, Y. & Hongxia, L. (2021). Ethnic Identity and acculturation orientation of Chinese Yi villagers in the context of social media. *Journal of Ethnic and Cultural Studies*, 8(4), 109-127.
- Snyder, J. & Vinjamuri, L. (2003). Trials and errors: Principle and pragmatism in strategies of international justice. *International Security*, 28(3), 5-44.
- Taylor, M. L. (2019). Combating disinformation and foreign interference in democracies: Lessons from Europe. *Brookings*.
<https://www.brookings.edu/articles/combating-disinformation-and-foreign-interference-in-democracies-lessons-from-europe/>
- Tepšić, G., & Džuverović, N. (2018). Bosnia and Herzegovina. In Giessmann, H. J., Mac Ginty, R., Austin, B. & Seifert, C. (Eds.), *The Elgar companion to post-conflict transition* (pp. 27-48). Edward Elgar Publishing.
- United Nations. (1991). Resolution 713 (1991) / adopted by the Security Council at its 3009th meeting, on 25 September 1991. *UN Document S/RES/713(1991)*.
<https://digitallibrary.un.org/record/126827>
- United Nations. (1993a). Resolution 808 (1993) / adopted by the Security Council at its 3175th meeting, on 22 February 1993. *UN Document S/RES/808(1993)*.
<https://digitallibrary.un.org/record/243008>
- United Nations. (1993b). Resolution 827 (1993) / adopted by the Security Council at its 3217th meeting, on 25 May 1993. *UN Document S/RES/819(1993)*.
<https://digitallibrary.un.org/record/164939>
- United Nations. (1993c). Resolution 819 (1993) / adopted by the Security Council at its 3199th meeting, on 16 April 1993. *UN Document S/RES/827(1993)*.
<https://digitallibrary.un.org/record/166567>
- United Nations. (1999). Report of the independent inquiry into the actions of the United Nations during the 1994 genocide in Rwanda. *UN Document S/1999/1257*.
<https://www.securitycouncilreport.org/un-documents/document/poc-s19991257.php>
- Vomlela, L. (2016). Changes of American Foreign Policy towards the Countries of the Former Yugoslavia between 1991 and 1995. *Central European Papers*, 4(1), 63-81.
- Vučinić Nešković, V. (2023). Emerging subdisciplines in ethnology and anthropology of Serbia: research trends at the Faculty of Philosophy, University of Belgrade. *International Journal of Anthropology and Ethnology*, 7(1), 5.
- Whittle, D. (2015). The Limits of legality and the United Nations Security Council: Applying the extra-legal measures model to Chapter VII action. *European Journal of International Law*, 26(3), 671-698.

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Disclosure statement

The author has declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article. The author has received no financial support for the research, authorship, and/or publication of this article.