

Historical Security Council

CIMUN

Topic 1: Protecting ethnic minorities throughout the Bosnian War
(1992-1995)

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Introduction

The year is 1993 and a confusing war rages in the Balkans. Bosnian separatists are striving for the independence of Bosnia-Herzegovina and fight against the Yugoslav troops. There are also Croatian troops are also involved, as well as other paramilitary, each with its own interests. The situation is complicated because many different parties with different economic and political interests are involved. In the midst of this chaos, minorities become victim of war crimes, such as “ethnic cleansing” or rape. The Security Council assembles to clear the situation and discuss a response to the unacceptable treatment minorities become subject to.

Subject of the dispute¹

Minorities in the respective autonomous region of Yugoslavia become subject to war crimes and “ethnic cleansing”, which are committed by every party of the war. Serbian troops especially, are reported to have committed up to 90% of the war crimes on Bosnian civilians. A prominent example is the Srebrenica massacre, in which the army of the Republic of Srpska murdered more than 8,000 Bosnians within a few days. Civilians become victims to murder, rape, especially young women, and unacceptable treatment in prisoner of war camps. Among the minorities most affected are Bosniaks, Roma, but also Muslims and Jews.

History of the dispute and actions taken so far²

After the collapse of the Soviet Union, a politically unstable Yugoslavia remained, which began to dissolve in 1990. The main problem was that under Yugoslavia many different ethnic groups came together, such as Croats, Bosnians or Slovenes. Thus, the government could not rely on a unified population, but had to experience the long-term political disintegration of Yugoslavia, which was also accompanied by socio-economic decline. 1991, Slovenia and Croatia declared their independence and first conflicts broke out between the Yugoslav People’s Army, which had moved there in an attempt to regain control, and regional territorial defense troops.

¹ <https://www.britannica.com/event/Bosnian-War/War-crimes-and-trials>

² <https://www.britannica.com/event/Bosnian-War>

Current Developments³

Soon after the declaration of independence of Slovenia and Croatia, Bosnia-Herzegovina followed. 99,7% of the voters during the referendum in 1992 voted in favor of independence. Thereafter, Serbian troops intervened to assist Yugoslavian troops to maintain stability. However, the military conflict is being fought mainly on the backs of the civilian population. Women are raped in a massive number to weaken the enemy's morale, civilians are used for frontline labor in prison camps, and entire villages are razed to the ground during ethnic cleansing. torture and the use of civilians as "human shields" are also common. All these acts are in clear violation not only of the Geneva Convention on the Law of War, but also of Convention on the Prevention and Punishment of the Crime of Genocide. However, in this war, conventions seem to be worthless as every party commits war crimes to a certain extent. Serbian troops especially are held responsible for over 80% of the war crimes committed. 1993 Bosnia-Herzegovina filed a lawsuit against the Republic of Yugoslavia in front of the ICJ to hold the culprits responsible for the crimes which were committed on Bosnian soil.

Dimensions of the conflict⁴

Humanitarian dimension: The main victims of war are always civilians. However, in this case especially civilians are abused for their own strategic interests or become victims to crimes of war. This adds to the fact that due to the war; infrastructure is destroyed and civilians lack basic needs like clean drinking water or humanitarian aid. This lack is also abused by certain groups during sieges (Siege of Sarajevo). Due to the chaotic situation, it is difficult to help humanitarian NGOs as well.

International law dimension: International law is hard to apply on this conflict due to two facts: first, there is no direct control instance as local power structures are messed up. Second, there is no enforcement of these laws. Neither have regional military units the intention to enforce these laws, nor do UN troops have the authority to do so. Often it is hard to tell whether crimes of war are committed on order or due to personal antipathies. In a nutshell, it is neither possible to identify culprits easily, nor is it easy to enforce international law.

³ <https://www.britannica.com/event/Bosnian-War>

⁴ <https://halshs.archives-ouvertes.fr/halshs-02564914/document>

Political dimension: The political dimension is very complicated as there are a couple of autonomous regions which are governed by different parties. In most cases, power structures are not easy to distinguish if they even exist. It is thus hard to communicate, negotiate or hold someone responsible. Also, this field is very dynamic, because several separatist parties might claim the independence of a region one day and are overwhelmed by one of the three bigger military units the next day. This adds to the fact that political parties not simply break down to ethnicities, but also to nationality, economic status and regional power structures.

Existing frameworks⁵

If the focus in the existing conflict is on the protection of the civilian population, especially ethnic minorities, two frameworks in particular become relevant. The Geneva Convention on the Law of War, but also the Convention on the Prevention and Punishment of the Crime of Genocide.

The *Geneva Convention of the Law of War* was established after World War I to prevent an inhuman treatment of prisoners of war, as well as the civil population and was signed by every participant in the conflict and establishes certain standards for humanitarian treatment in times of war. For instance, the Geneva Convention rules that prisoners of war must not be used for tasks on the front line, especially the civil population. Furthermore, the Geneva Convention prohibits any form of execution without trial. The civil population must not be convicted simply for their affiliation. The VRS, the HVO and the ARBiH failed to comply with these standards so far, but especially Serbian troops ignore the Convention. Additionally, these parties do not comply with a certain standard of humanitarian treatment of prisoners of war laid out in the convention. In a nutshell, the convention in its whole seems to be ignored by the three respective parties.

The *Prevention and Punishment of the Crime of Genocide* was established after World War II to cope with the atrocities committed before 1945 and is thus shaped before the background of the Holocaust. It was ratified by every party involved and deepens on the issue of genocides and puts forward a definition of genocides. Within this definition, the VRS might be accused of committing crimes of war and genocide. Among other things, it defines genocide as the murder of members of a particular ethnic, religious or national group, but also the imposition of living conditions that are detrimental to long-term physical health with the intention of at least significantly decimating that group. Accordingly, these crimes should also be prosecuted and punished according to the convention.

Role of the United Nations⁶

⁵ <https://www.ohchr.org/en/professionalinterest/pages/crimeofgenocide.aspx>

⁶ https://en.wikipedia.org/wiki/United_Nations_Security_Council_Resolution_713

The United Nations is dedicated to maintaining international peace and security. The Security Council, in particular, not only fulfills a guiding role, but is the only body that can legally impose binding resolutions. As international peace is threatened by the Bosnian war, the UNSC already filed a weapon embargo on the area of Yugoslavia within resolution 713. The role of the United Nations is now not only to make sure that this resolution is enforced properly since there have been multiple reports of breaches from every party, but also to take further steps to reestablish peace in the region. The primary role of the United Nations is not to take any side, but rather to establish a general framework which fosters peace and the protection of ethnic minorities in the first place. The framework can also consist of measures ensuring the reappraisal of the conflict and the atrocities which have been committed, as well as the prosecution of war criminals.

Stakeholders⁷

Vojska Republike Srpske: The Serbian army (Vojska Republike Srpske, VRS) consists of about 125,000 men and, thanks to the support of Yugoslavia, is not only the most heavily equipped, but also financially superior. The main goal of the Serbian army is the preservation of the confederation around Serbia.

Croatian Units: The Croatian units (HVO) consist of about 45,000 men who maintain relations with the Croatian government. Due to the fact that they are less organized, they have militia-like structures. Their interest in the conflict is the independence of Bosnia-Herzegovina, which is why they are allied with the Bosnian forces. A critical point in this alliance, however, is the staking of territorial claims that overlap between the two partners. This conflict strains the relationship.

ARBiH: The Bosnian (ARBiH) forces consist of about 50,000 troops made up of various paramilitary units. Their primary goal is also the independence of Bosnia. Because their territory is under siege and they are landlocked, they are the least well-equipped, both technically-militarily and humanitarian-wise. The role of the ARBiH is particularly controversial, as there are suspicions that the U.S. is violating an existing arms embargo in order to supply Bosnia with military technology.

Paramilitary Units: It is estimated that up to 45 other paramilitary units are involved in the conflict. Some of these are organized in a militia-like manner and pursue individual interests. They are therefore not only difficult to locate but also difficult to assess, as they cannot be assigned per se to one of the larger interest groups. What is particularly dangerous is that they act autonomously and obtain war materiel in many different ways.

NATO: The alliance of states around NATO is involved in the conflict with currently 50,000 men and has at least potentially a far superior force. Nevertheless, NATO is protecting the independence efforts of the HVO and the ARBiH. This on the other sides provokes tensions with Russia since they support the preservation of the confederation around Yugoslavia. Thus, the main goal is to end the conflict and keep peace in the area, otherwise a much larger conflict between Russia and NATO would be provoked.

⁷ <http://library.fes.de/pdf-files/bueros/sarajevo/09418.pdf>

Guiding Questions

To make the negotiations easier and to give some perspectives, a possible resolution should address the following questions:

- a. How can the situation between the main conflict parties be defused?
- b. How can especially civilians be protected throughout the conflict?
- c. How can the persecution of culprits of crimes of war be ensured?
- d. How can international law be enforced again in the region?
- e. What should a long-term solution for the area on a political, ethical and economic basis look like?

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