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REVIEW ARTICLE

**THE INTERNATIONAL EXPERIMENT IN DEMOCRATIC GOVERNANCE: ASSESSING
THE GENERAL FRAMEWORK AGREEMENT FOR PEACE AND THE UNITED NATIONS
MISSION IN BOSNIA-HERZEGOVINA**

***Ebenezer Kofi Agbeko**

2570 South Dayton Way B204, Denver-Colorado 80231, United States

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ABSTRACT

This article evaluates the General Framework Agreement for Peace in Bosnia and the critical roles played by the United Nations Mission in Bosnia and Herzegovina (UNMIBH) that sought to sow the seed of peace and democratic governance in the Balkans. The article discusses the structural fissures that spawned the conflict in Bosnian-Herzegovina and the contemporary developments that spurred the outbreak of the civil conflict and its concomitant devastation in the Balkan enclave. The first section introduces the structural context of the Bosnian conflict while the second part evaluates the General Framework Agreement for Peace in Bosnia-Herzegovina. Examination of the performance of the United Nations Mission in Bosnia-Herzegovina (UNMIBH) as well as the Dayton Peace Agreement constituted an integral part. The last compartment of this article unearthed how to apply the lessons learned in the Bosnian Peacekeeping Mission to achieve political resolution in other conflict-plagued regions.

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INTRODUCTION

The Bosnian civil armed conflict (1992-1995) was one of the most violent, traumatic and destructive conflicts in Europe since the end of World War II (Durch 2006). It was a civil war characterized markedly by ethnic nationalism and territorial ambitions of the various factions involved (Serbs, Croats, and Bosniak Muslims). Ethnic cleansing, which entails the forceful and violent expulsion of other ethnic groups from their homes against their will in order to establish swaths of territorial space with an ethnically homogeneous population (Burg and Shoup 1999; Mann 2004) became the weapon of choice for elimination by the belligerent feuding parties (Richmond and Franks 2009; O'Tuathail and O'Loughlin 2009).

The Structural Context (Background) of the Conflict in Bosnia-Herzegovina

Historically, Bosnia-Herzegovina (BiH) has been a multi-ethnic state. A 1991 census records indicated that 44% of the

country's population considered themselves Bosniak Muslims, 32.5% Serb, and 17% Croat, with 6% describing themselves as Yugoslav (Matjaz and Mitja 2004, 311; Taylor 2012). The republic of Bosnia-Herzegovina had been a common homeland of Bosnian Muslims (1,902,956 people according to the 1991 population census and acknowledged only as "people" in 1968 but from 1993 self-described as Bosniaks), Bosnian Serbs (1,366,104 people), and Bosnian Croats (760,852 people) (O Tuathail and O'Loughlin 2009). In this context, to the ruling Communist Party of the republic of Bosnia-Herzegovina, the republic was neither a Muslim or a Serb or a Croat republic but also a Muslim, also a Serb, and also a Croat state (Andjelic 2003).

The structural causes of the war in BiH could be traced, among other factors, to the internal fragmentation of the Socialist Federal Republic of Yugoslavia (SFRY) coupled with the fall of communism. The weakening of the Communist regime and the eventual demise of the Soviet Union in 1990 spawned political crises in Yugoslavia. The crisis deepened after the adoption of amendments to the Serbian Constitution that allowed the government of Serbia to impose dominance over Kosovo and Vojvodina that until then had remained

***Corresponding author:** Ebenezer Kofi Agbeko,
2570 South Dayton Way B204, Denver-Colorado 80231,
United States

autonomous provinces of Yugoslavia (Bethlehem and Weller 1997). This situation resulted in objections in other republics and calls for the urgent reforms of the Yugoslav Federation. Whereas the objective of Serbian nationalists was the centralization of Yugoslavia, other nationalities or ethnicities such as the Croats aspired to the federalization and the decentralization of the Yugoslav state (Crnobrnja 1994; Pavkovic 1997).

At the 14th Extraordinary Congress of the League of Communists of Yugoslavia on 20 January 1990, the delegations of the republics could not concur on the major issues in the Yugoslav federation. The Slovenian delegation headed by Milan Kucan advocated democratic reforms and a looser federation, while the Serbian delegation led by Slobodan Milosevic opposed it. On 25 June 1991, both Slovenia and Croatia declared independence resulting in an armed conflict in Slovenia and a fully-fledged war in Croatia. The Croatian war led to the passage of U.N. Security Council Resolution 743 on 21 February 1992 which created the United Nations Protection Force (UNPROFOR) in Croatia (Diehl 1994; Durch 2006).

Following the Slovenian and Croatian secessions from the Socialist Federal Republic of Yugoslavia in 1991, the multi-ethnic Socialist Republic of Bosnia and Herzegovina passed a referendum for independence on 29 February 1992. This was rejected by the political representatives of the Bosnian Serbs, who had boycotted the referendum and established their own republic (Diehl 1994). The Bosnian Serbs, supported by the Serbian government of Slobodan Milosevic and the Yugoslav People's Army, mobilized their forces inside the Republic of Bosnia and Herzegovina to secure Serbian territory. Full-scale war soon broke out across the country.

The war was characterized by bitter fighting, indiscriminate shelling of cities and towns, ethnic cleansing and systematic mass rape, mostly led by Serb and, to a lesser extent, Croat forces (Diehl 1994). It was also marked by organized and coordinated devastating attacks on both religious and cultural monuments and treasured architecture, as well as destructive assaults on houses (O' Tuathail and Dahlman 2006). Regrettably, events such as the siege of Sarajevo and the horror of the Srebrenica massacre in July 1995 in which an estimated 7,000 Muslims were massacred by the army of Republika Srpska had become some of the memorable themes of the conflict in BiH (O'Tuathail and O'Loughlin 2009, 1047; Durch 2006; Diehl 1994). NATO intervened in 1995 with Operation Deliberate Force (air strikes) that targeted the positions of the army of the Republika Srpska (RS). This NATO operation, coupled with the Croatian offensive in 1995 proved instrumental in achieving a negotiated ceasefire and bringing the warring factions to a political settlement and the Dayton Agreement (Holbrooke 1999, 102). After the fog of war and the threat of it dissipated, it is estimated that about 100,000 Bosnians were killed during the war (O' Tuathail and O'Loughlin 2009, 1047; BBC, June 21, 2007). In addition, an estimated 20,000 to 50,000 women were raped, and over 2.2 million people became refugees or displaced persons, making the Bosnian war the most devastating conflict in Europe since the end of World War II (UNHCR, April 6 2010; Durch 2006).

Dayton Agreement as the Framework for Political Resolution

The General Framework Agreement for Peace in Bosnia and Herzegovina (GFAPBiH), also known as the Dayton Agreement, Dayton Accords, or Dayton-Paris Agreement, is the negotiated peace agreement reached at the Wright-Patterson Air Force Base near Dayton, Ohio (USA) in November 1995, and formally signed in Paris on 14 December 1995 by the Republic of Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia and other parties (Durch 2006, 61; UNMIBH homepage). The GFAP was a 130-page document and comprised of eleven (11) annexes that spelt out the obligations and commitments of the signatory parties (Durch 2006). This followed a ceasefire that had been put in place in October 1995 to allow for negotiations and was monitored by the United Nations Protection Force (UNPROFOR). The Dayton agreement ultimately put an end to the three and a half year long Bosnian War, one of the armed conflicts in the former Socialist Federative Republic of Yugoslavia. A number of world powers such as the United States, Russia, France, Britain, Germany, the United Nations (UN) and the European Union (EU) applied intense international pressure to the belligerent leaders of the three parties of the conflict to avail themselves for negotiations in Dayton, Ohio, United States.

The conference spanned from November 1 to November 21, 1995. The major parties from the war region included the President of the Federal Republic of Yugoslavia, Slobodan Milosevic (representing Bosnian Serb interests), President of Croatia Franjo Tudman, and President of Bosnia and Herzegovina, Alija Izetbegovic with his Foreign Minister Muhammed Sacirbey. The peace conference and negotiations were spearheaded by U.S. Secretary of State, Warren Christopher, and U.S. Chief Negotiator Richard Holbrooke. There were two Co-Chairmen in the form of EU Special Representative, Carl Bildt, and the First Deputy Foreign Minister of Russia, Igor Ivanov. A key member of the U.S. delegation was General Wesley Clark (later NATO Supreme Allied Commander in Europe, 1997). The UK military representative was Colonel Arundell David Leakey (later Commander of EUFOR in 2005).

The Dayton Accords outlines the obligations of the national and international actors. The agreement comprised eleven (11) annexes and covered a wide array of issues such as the military aspects of the peace agreement, regional stabilization, delineation of an inter-entity Boundary Line between Bosnia and Herzegovina and the Republika Srpska, holding of democratic elections, human rights, refugee assistance, civilian implementation of the Peace Agreement and an international Police Task Force among others. The three Balkan parties committed to a broad framework of peace.

According to Annex 1, the feuding parties agreed to conduct their relations in accordance with the principles set forth in the United Nations Charter, fully respect the "sovereign equality of one another", settle disputes by peaceful means, and "refrain from any action against the territorial integrity or political independence of Bosnian and Herzegovina or any other state.

The parties also endorsed the arrangements that have been made concerning the boundary demarcation between the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska. The Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina recognize each other as “sovereign independent states within their international borders” (Annex 2). Free, fair and transparent elections were to be conducted within nine months and supervised by the Organization for Security and Cooperation in Europe (Annex 3). A new constitution was also to be drafted to ensure power sharing among Bosnian three parties and two entities within a single state (Annex 4).

The agreement endorsed the establishment of an arbitration tribunal (Annex 5), A Commission on Human Rights (Annex 6), A Commission on Refugees and Displaced Persons (Annex 7), A Commission to Preserve National Monuments (Annex 8). Public Corporations (Annex 9) ensured the establishment of joint entities to manage public services such as transportation, utilities, energy, post, and telecommunications. Office of the High Representative was to be set up to ensure all aspects of civilian implementation of Dayton (Annex 10). The International Police Task Force was constituted to monitor, advise, and train Bosnian police forces (Annex 11). Additionally, the Agreement also mandated a wide range of international organizations to monitor, oversee, and implement components of the accord (Durch 2006, 63-65; See also GFAP, www.oscebih.org/overview/gfap/eng/).

Following the Dayton Agreement, a NATO-led Implementation Force (IFOR) was deployed on December 20, 1995 to Bosnia and Herzegovina taking over from the United Nations Protection Force (UNPROFOR). This force was responsible for implementing the military aspects of the agreement. The 80,000 strong heavily armed units was mandated to ensure the successful implementation of the peace agreement, as well as other tasks such as providing support for humanitarian and political aid, reconstruction, providing support for displaced civilians to return to their homes, collection of arms and demobilization among others. The Office of the High Representative was charged with the task of civil implementation of the various components of the peace agreement. Also, the Organization for Security and Cooperation in Europe was charged with the responsibility of organizing the first free, fair and transparent elections in 1996.

The United Nations Mission in Bosnia-Herzegovina (UNMIBH)

The UNMIBH was established by Security Council resolution (SCR) 1035 in December 1995 at the request of the parties to the General Framework Agreement for Peace (GFAP) in Bosnia and Herzegovina (BiH) to assist the conflict protagonists in the implementation of their obligations to ‘provide a safe and secure environment’ in BiH in order to restore a regime of law and order to the country (Day 2000). UNMIBH’s mandate was to contribute to the establishment of the rule of law in Bosnia and Herzegovina by assisting in reforming and restructuring the local police, assessing the existing judicial system, monitoring and auditing the performance of the local police. The mission was headed by the

Special Representative of the Secretary-General (SRSG). The SRSG (or the High Representative) exercised authority over the International Police Task Force (IPTF) and coordinated all other United Nations activities in BiH. The main components of the mission were the IPTF, the Criminal Justice Advisory Unit, the Civil Affairs Unit, the Human Rights Office, the Public Affairs Office, the Administration, and the Judicial System Assessment program.

The IPTF in BiH was to implement the tasks outlined in Annex 11 of the Dayton Peace Agreement (DPA) that included monitoring and inspecting, training as well as advising the local law enforcement agencies. The IPTF was headed by a Police Commissioner who reported to the High Representative and the Secretary-General of the United Nations. Wisler (2007, 255) noted the IPTF was tasked to perform its roles “...in accordance with ‘internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms’ (Annex 11).” The IPTF was a 1,721 strong force and this number was later augmented to 2,057 (Wisler 2007). The IPTF was involved in changing the primary focus of the local police from the security of the state to the security of the individual. It helped to recreate multi-ethnic police forces to ensure that they were professional and effective. The mission of the IPTF lasted until December 31, 2002 when it was replaced the European Union Police Mission (EUPM).

The Dayton Agreement tasked the NATO Implementation Force (IFOR) to implement the military aspects of the Peace Accord under Chapter VII of the UN Charter (Durch 2006). IFOR was a 60,000 strong force that had a one year mandate to separate armed forces, oversee cantonment of troops and heavy weapons, and stabilize the fragile cease-fire. It was replaced in December 1996 by a follow-up NATO-led Stabilization Force (SFOR) with an initial 32,000 troops in BiH. By the end of 2004, the SFOR was also replaced a 7,000 strong European Union military force (EUFOR) (Wisler 2007).

A crucial actor in the police restructuring or reform in BiH was the High Representative (HR) who represented the Peace Implementation Council (PIC). The HR was responsible for supervising the implementation and coordination of the civilian aspects of the Dayton Peace Agreement (DPA). The HR could use his full authority in matters regarding the implementation of the DPA including removal from public offices officials thought to be impediments to the implementation of the DPA. The High Representative also had the authority to impose laws as he considered fit if Bosnia and Herzegovina’s legislative bodies failed to do so (Chandler 2005; Carpenter 2000; Wisler 2007; Durch 2006).

Day (2000,1) noted that, among the challenges faced by the UNMIBH was “...to take U.N. civilian police officers from 42 contributing countries, culturally acclimatize them and set them to restructure, reform, train, advise, guide and monitor the local police and all agencies exercising police powers.” Further, the same cultural reorientation must be done with the international officers of the judicial assessment team who would recommend changes to the domestic judicial institutions. Besides, field officers had to cope with the challenges posed both singly, and

in combination, by the fundamental transition from a socialist state to a democratic market economy (Day 2000).

The Rules of Engagement (ROE) for the United Nations Protection Force (UNPROFOR) in Bosnia under which U.N. peacekeeping forces operated in the country were critical to the success of the mission. The ROE are clearly spelt out rules or orders that define when U.N. forces can apply force and the conditions under which the troops could engage their weapons as they carry out the U.N. peacekeeping mission in Bosnia (Berkowitz 1994). Berkowitz noted that the ROE for U.N. forces in Bosnia are detailed and complex relative to the rules of engagement of a U.S.-led military operation which is typically about a page in length. Thus, the U.N. Rules of Engagement are both a political document as well as a military document.

Berkowitz argued a critical flaw with the U.N. Rules of Engagement in Bosnia was that they could leave U.N. peacekeeping forces in a highly vulnerable position or in a harm's way because under the ROE, U.N. troops cannot conduct offensive operations without specific approval. Under the guidelines, U.N. peacekeeping troops "must use the minimum force necessary; can use their weapons only as a last resort; cannot retaliate; and must cease fire when an opponent ceases fire" (Berkowitz 1994). The fundamental problem with the U.N. Rules of Engagement in Bosnia, Berkowitz emphasized, was that the ROE, which might work in a true peacekeeping operation, are being employed in a situation in which there is no peace. The U.N. forces were tasked to patrol Bosnian countryside, secure safe areas, protect civilian populations, and monitor the opposing forces, but "the ROE do not allow the forces the means to carry out such operations effectively or at an acceptable level of risk" (Berkowitz 1994).

Assessing the Dayton Agreement and the UNMIBH Achievements

It is vitally important to note that the Dayton Agreement chalked some significant achievements. It was able to halt hostilities in Bosnia and Herzegovina and brought the feuding parties to the negotiating table. In other words, the parties substituted the battlefields for the conference table and the Dayton Agreement provided the platform to do so. The immediate purpose of the agreement was to freeze or halt the military confrontation, and prevent them at all cost from resuming and consuming more civilian casualties. The agreement has therefore been described as a "construction of necessity" (Keane 2001).

Also, myriad international relations scholars, policy analysts and renowned peace negotiators such as the late Richard Holbrooke have widely hailed the Dayton Agreement as a brilliantly crafted piece of accord that achieved the purpose for which it was designed. Wolfgang Petritsch, the 3rd High Representative for Bosnia and Herzegovina (August 1999 – September 2002) described the Dayton Agreement as the most impressive example of conflict resolution (Petritsch, 2002). In his work "My Lessons Learnt in Bosnia and Herzegovina", Wolfgang argued that the Dayton Accord has allowed the international community to move away from statebuilding via

institutions and capacity-building to identity building and hence putting Bosnia on the road to Brussels (Petritsch, 2006). Again, a positive feature embedded in the Dayton Agreement that would serve as a deterrence not only to the culprits of the Bosnian war, but also to other leaders across the globe is the endorsement of the establishment of a war crime tribunal to investigate and prosecute war crimes and other violations of international humanitarian law (Articles VI, and IX). In his work "Peace vs. Accountability in Bosnia", Anthony D'Amato wrote "Hovering over the peace negotiations in progress in former Yugoslavia is the international community's determination to bring to trial as war criminals those political and military leaders responsible for atrocities in Bosnia" (D'Amato 1994). The War Crimes Tribunal for the former Yugoslavia since its inception has tried a number of leaders across all sides (Serbs, Croats, and Bosnians) for war crimes, violations of human rights and crimes against humanity. For example, Serbs leader Slobodan Milosevic was being tried in The Hague for crimes against humanity before he passed away in 2006. Many others have been tried, found guilty, and convicted and are serving various forms and/or degrees of sentences in jail.

Additionally, many of the international institutions tasked with the responsibility of implementing the various aspects of the Dayton Agreement performed to achieve many of the desired objectives as set forth in the agreement. For example, in his Congressional testimony about the peace process in Bosnia and Herzegovina in 2010, Daniel Brewer although advocating the need to adapt or reform the constitution of Bosnia and Herzegovina noted "The High Representative (Hi Rep), who is responsible for interpreting and implementing the Dayton agreements, has been endowed since 1997 with strong "Bonn" powers to legislate and to fire government officials. He has done so to good effect many times" (USIP: Fulfilling the Promise of Peace, 2).

Further, it has been argued that in the context of the circumstances that surrounded the Bosnian war, on a balance, Dayton had done more good than harm. Bose (2005) wrote "...though this presence and activity [international engagement] has had many aspects deserving of serious criticism, on balance it has done more good than harm. Bosnian society would clearly have been worse-off without the international community in its midst." Bose pointed out "...in the circumstances that prevail, this framework does in fact provide the most feasible and most democratic form of government for Bosnia's precarious existence as a multi-national state" (Ibid). Aitchison (2007) asserts "Regardless of the position one takes on the democratic credentials of Yugoslav self-management as theory or practice, it is clear that the path set out in Bosnia and Herzegovina in 1995 took the country in a new democratic direction." Hale (2004) also argues contends that ethno-federalism, so long as it is institutionalized without a core ethnic region, may provide a viable alternative way of avoiding deadly forms of conflict while preserving state unity in ethnically divide countries.

Limitations of the Dayton Consensus

The terms of the Dayton Agreement and the operations or rulings of the War Crimes Tribunal for former Yugoslavia have

been widely subjected to critical critique in many circles and by many global policy analysts and scholars.

It is contended that the Dayton Agreement doled out too much power to external actors to shape the reconstruction agenda of Bosnia and Herzegovina. In other words, the agreement concentrated enormous powers into the hands of outside players to shape the future of the people of Bosnia and Herzegovina, and thus enabling international actors such as the High Representative (HR) to shape the agenda of post-war transition, up to exacting punishment over local political actors (Chandler 2005). Chandler (2005) writes "...international powers of administration, under the Office of the High Representative, have been vastly increased, reducing the Bosnian institutions established by Dayton to administrative shells." He noted that the Dayton Agreement has facilitated external regulation, rather than restricting it, and that the framework created at Dayton was an extremely flexible one, which enabled international actors, unaccountable to the people of BiH, to shape and reshape the agenda of post-war transition in the country (Chandler, 2005). Bojkov (2003) pointed out that international actors have imposed democracy upon Bosnian people and, as such, the Bosnian people have little ownership in the political process. He wrote "...controlled democracy in Bosnia is undermining its own justification in the sense that sustainable peace and cohesion will hardly ever be achieved if not owned by the Bosnian people themselves" (Bojkov 2003).

Also, the Dayton Accord was not far-reaching enough in terms of producing satisfactory results for all the parties involved in the conflict. The parties to the conflict came to the negotiating table with their respective demands and objectives. However, many of their demands were either not met at all or not sufficiently met. Thus, the unsatisfied demands could be the basis for future conflict. In his work "Modeling States from Brussels" Giulio Venneri noted that the Dayton Agreement left each ethnic nationality or group discontent with the results: Bosnian Serbs for limited results; Bosniaks for ignoring the human right issues such as Srebrenica massacre and recognizing Serbian entities as the Republika Srpska (R.S.); the Bosnian Croats for the lack of equality, and lacking a Croat Entity (Venneri, 2007).

Again, according to Edin Sarcevic, the current legal structure of the Dayton Agreement does not abide by the basic principles of international law and the secular concept of national citizenship, making the Bosnian territorial and political situation continually unstable and fractious since its implementation in 1995 (Sarcevic, 2008). Carpenter (2000) argues that post-Dayton Bosnia is not a new democratic system, but a new style of colonialism, evidenced by occupying powers' heavy-handed influence in the electoral process, fondness for ruling by force decree, and strict media controls.

Additionally, the creation of a liberal state in Bosnia and Herzegovina by various international actors failed to garner legitimacy and trust among the local Bosnian population particularly because the people were largely sidelined by the international administration in the rebuilding process of their country. Richmond and Franks (2009, 1) wrote "While the Dayton agreements institutionalized ethnic divisions, the post-

Dayton reconstruction process was dominated by Western liberal discourses that have tended to marginalize local voices." Rather than setting up all inclusive institutions and civil structures that will involve engagement of the local population in Bosnian society, international actors themselves became the central authorities and mechanisms for governance. As a result, civil society development and economic liberalization have been driven externally, instead of domestically, and thus provoking local resistance and undermining a sustainable peace (Richmond and Franks 2009).

Besides, Dayton focused, among other things, greatly on organizing elections in Bosnia and Herzegovina as an important element of the peacebuilding process. However, the results of the 1997 municipal elections showed that voting has not been a peacebuilding panacea; rather it has legitimized ethnically purged constituencies and led to a flawed protectorate (Cobble and Pugh 2001). Hislope (1998) pointed out that ethnically divided, democratizing societies, such as Bosnia, dominant elites must politically incorporate minority ethnic elites or risk the chance that democracy will suffer. He argued inclusion, voice, and routinized patterns of interaction give minority groups a sense of having a stake in the democratic system.

Furthermore, it is argued in that the War Crimes Tribunal for the former Yugoslavia has not been fair in exacting punishment or justice to all the culpable culprits of crimes against humanity that characterized the Bosnian war. So far, situation is that only Serbs or far more Serbs have been convicted by the tribunal in The Hague than any other ethnic nationality or group in the war. The rulings of the tribunal have therefore been interpreted by some scholars as the continuation of war by legal means with the United States, Germany and other Western power brokers on one hand and the Serbs on the other hand. In an article "Selective Justice for the Balkans", David Harland wrote "The Serbs committed many of the war's worst crimes, but were not at all alone, and it is not right, or useful, for them to carry the sole responsibility. Convicting only Serbs simply does not make sense in terms of justice, in terms of reality, or in terms of politics" (Harland 2012). It is true that Serbia assisted its ethnic comrades in Bosnia by supplying them with arms with which they committed many war crimes, and Croatia is also guilty of the same war crimes attributed to the Serbs but to a lesser degree (Diehl 1994).

This concern is demonstrably clear when the tribunal in The Hague voted 3-2 in an appeal case to order the release of General Ante Gotovina and General Mladen Markac. The two were sentenced in 2011 by the tribunal to 24 years and 18 years in jail respectively for their roles in the persecution, murder, plunder and crimes against humanity in the Bosnian war. Simons Marlise in an article wrote "The ruling was the most dramatic reversal in the 19 year history of the war crimes tribunal for the former Yugoslavia. It led to jubilation in Croatia and anger and disbelief in Serbia, which has long accused the court of being anti-Serbia" (Marlise 2012). It is in this scheme of things that Harland pointed out "The lack of legal reckoning will once again channel grievances into the political process, laying up plenty of ammunition for further rounds of conflict. It is the opposite of what the war crimes

tribunal for the former Yugoslavia was created to achieve” (Harland, 2012).

Bosnia Peacekeeping Lessons for Global Security

It has always been an important convention that before United Nations peacekeeping troops are deployed to conflict-ravaged states to carry out peacekeeping missions, a cease-fire agreement between the disputants is secured first. This not only guarantees the safety of UN forces but also emphasizes or shows the commitment of the warring factions to a peace process. In the case of Bosnia-Herzegovina, a stable and enduring cease-fire agreement was not established first before UNPROFOR deployed.

As is the standard practice of the UN in peacekeeping operations, peacemaking efforts are conducted with an aggressive effort toward a long-term cease-fire and durable agreement aimed at resolving the structural causes of conflict. Diehl (1994) wrote “UNPROFOR was deployed without first having a stable cease-fire.” The disputants violated myriad cease-fire agreements and made promises that were rarely kept. In this context, the task of monitoring and reporting the activities of the factions became not only dangerous but also complex. The task of delivering humanitarian assistance by UN forces also became dangerous as the battlefield and the conflict environment became highly volatile and unpredictable. In this sense, an important lesson for future UN peacekeeping operations is to ensure that a stable cease-fire is put in place or established first before deployment.

Also, it is crucial for the international community to concur on certain major tactical and strategic points and decisions in the conduct of peace operations. Uniformity of purpose, voice and action is vitally important in facilitating achievement of mission objectives. In Bosnia and Herzegovina, there was a division and disarray, at least at the initial stages, about the use of aggressive military force to halt Serb intransigence and atrocities. The United States had advocated the use of military force against the Serb forces to which some European states objected. It was not until the fall of Srebrenica in July 11, 1995 when more than 7,000 Bosniac Muslims were murdered that “...France and the United Kingdom, which had hitherto opposed the widespread use of military force against the Serbs, to support more aggressive plans for the use of air power to curb future Serb outrages” (Durch 2006). The lesson here, for future United Nations international peacekeeping missions, is that there ought to be or should be unanimity in message and consensus over the course of action to be taken by the international community particularly the great powers. This will, arguably, not only send a powerful message of the global community’s resolve to recalcitrant and intransigent leaders, but also ensures rapid response to atrocities and violations of international principles and norms.

Additionally, the Rules of Engagement (ROE) for the UN peacekeeping forces in Bosnia-Herzegovina were detailed and complex political documents (Berkowitz 1994). A notable flaw of the Rules of Engagement in Bosnia was that they could leave U.N. peacekeeping forces in vulnerable positions. Under the ROE, U.N. troops cannot conduct offensive operations

without specific approval. Besides, U.N. peacekeeping troops “must use the minimum force necessary; can use their weapons only as a last resort; cannot retaliate; and must cease fire when an opponent ceases fire” (Berkowitz 1994).

Berkowitz opines that the fundamental problem with the U.N. Rules of Engagement in Bosnia was that the ROE, which might work in a true peacekeeping operation, are being employed in a situation in which there is no peace. The U.N. forces were tasked to patrol Bosnian countryside, secure safe areas, protect civilian populations, and monitor the opposing forces, but “the ROE do not allow the forces the means to carry out such operations effectively or at an acceptable level of risk” (Berkowitz 1994). Thus, the lesson drawn here for future operations is that the Rules of Engagement must be clear and concise. The ROE ought to be fashioned according to the conflict environment and the type of operation (whether peace enforcement mission with Chapter VII of the UN Charter backing, or peacekeeping mission).

The Special Representative of the Secretary-General (SRSG) in Bosnia-Herzegovina had been given sweeping authority and decision-making role beyond what has been accorded UN personnel in previous missions. As such, before the UN takes action on any issue including, but not limited to returning fire, approval by the SRSG was required. Complicating this was the fact that consensus was not always reached among all the various NATO members as had been pointed out about military action against the Serbs for example. In this regard, quick decisive action that was required to halt the Srebrenica massacre for example was delayed.

Further, it must be emphasized that the collective sharing of responsibility and burden in Bosnia-Herzegovina by the international community and international actors is an important template for future UN peacekeeping operations across the globe. Many diverse actors including the United Nations, the European Union, the Organization for Security and Cooperation in Europe (OSCE), NATO and the UNHCR among a host of other global players cobbled together a strategy to halt the conflict in BiH and initiate a peace process. NATO assisted with the military aspects of the mission, OSCE assisted with elections and constitution drafting, UNHCR supervised the return of refugees and displaced persons to their homes and the European Union assisted with reconstruction in Bosnia-Herzegovina. Countries such as the United States, U.K., France and Germany helped to build an international coalition and put pressure on the disputants to negotiate a political settlement. Ultimately, the battlefield was substituted for the conference table.

What is more, combining peacekeeping and enforcement mechanisms in Bosnia-Herzegovina proved cumbersome and impractical. Unquestionably, the United Nations short-circuited its options on enforcement in BiH by sending peacekeeping troops into the country. As a result, countries that contributed troops for the mission were reluctant to support coercive or aggressive actions against Serb military positions for fear of retaliation against their troops (Diehl 1994). A lesson for the future is that the type of operation and the mandate must be clearly decided upon by the UN before peacekeeping personnel

are dispatched. This should not be decided midstream when troops are already on the ground as it could expose them to danger and retaliatory attacks.

I think that the Dayton accord or something similar to that design could be applied to the state of Sudan which, in over a decade, has been experiencing very violent intractable conflicts in its Darfur, Blue Nile, and South Kordofan regions. The crisis in Darfur in particular has virtually all the trappings or features that characterized the Bosnian conflict. It entails territorial armed conflict by various factions over resources such as land, and also a struggle against systematic discrimination, inequality and lack of economic opportunity.

The Sudanese Peoples Liberation Movement/Army (SPLM/A), the Justice and Equality Movement (JEM), as well as other self-determination groups on one hand, and the Government of Sudan and the Janjaweed on the other hand, have been engaged in a protracted conflict, attacks and counter-attacks culminating in thousands of civilian casualties, women and children in particular. Rape, ethnic cleansing, and torture are common themes. A workable agreement along the lines of the Dayton Accord by the international community would potentially help to reach a peaceful resolution in Darfur and generally Sudan. The issues involved in both conflicts may not be exactly the same, but an aggressive framework like Dayton will be good starting point.

Conclusion

The Bosnian war was spawned by a mixture or combination of factors including but not limited to territorial aspirations and ethnic antagonism and rivalry among diverse ethnic nationalities. The Dayton Agreement, coupled with the NATO air campaign (Operation Deliberate Force) and the Croatian Offensive (Operation Storm) in late 1995 brought the war to an end and stopped the casualties, systematic rape, torture, shelling of cities, and the indiscriminate destruction of properties. The international community pulled together in this difficult time to address the crisis in the Balkans. The General Framework Agreement for Peace committed the belligerent feuding parties to an agreement and outlined their obligations to the peace process. It also spelt out the roles of international actors and partners in ensuring peaceful implementation of the Dayton Agreement.

The UNMIBH with all its component bodies contributed to restoring order as well as the establishment of the rule of law in Bosnia and Herzegovina by assisting in reforming and restructuring the local police, assessing the existing judicial system, monitoring and auditing the performance of the local police. The Special Representative coordinated all United Nations activities in BiH and exercised extensive legal and executive authority in the country (the Bonn powers). The other components of the mission such as the IPTF, the Criminal Justice Advisory Unit, the Civil Affairs Unit, the Human Rights Office, the Public Affairs Office, the Administration, and the Judicial System Assessment program all played diverse and important roles in ensuring that the mission was a success. The prominent and diverse roles that the United States, Britain, France, Germany, UN, EU, OSCE, and NATO played in

bringing the warring factions together for a negotiated settlement or resolution was outstanding and thus cannot be understated. A similar strategy and attention is needed to resolve other conflicts in the international system such as the Darfur conflict in Sudan and the Israeli-Palestinian conflict in the Middle East.

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