

Srebrenica:

Historical Predicaments and Emerging Perspectives

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(Samir Jordamovic - Anadolu Agency)

Following the disintegration of the former Yugoslavia in the early 1990s, the Balkan region started the descent into a downward spiral of violence, which culminated with the Srebrenica Genocide.

This policy outlook examines the events leading up to the genocide, investigating some of the responsibilities in this context. It also explores the debate concerning the international legal system governing the use of force in the midst of atrocities. Moreover, the paper offers some recommendations on reforms of international legal practices that would allow timely and effective action in cases of mass atrocities.



Mothers of Srebrenica victims react after a UN tribunal in The Hague, Netherlands sentenced former Bosnian Serb leader Radovan Karadzic to life in prison for genocide, crimes against humanity, and violating the laws and customs of war, in Sarajevo, Bosnia and Herzegovina on March 20, 2019. In 2016 Karadzic was sentenced to 40 years in prison by the International Criminal Tribunal for former Yugoslavia. (Adem Mehmedovic- Anadolu Agency)

Background

Following the disintegration of the former Yugoslavia in the early 1990s, the Balkan region began a descent into a downward spiral of violence. The events, which began with Serbian politicians' attempts to establish their domination over the rest of former Yugoslavia, ended with turmoil, war and ultimately genocide.

Audiences worldwide still remember the shocking television images of concentration camps across Bosnia and Herzegovina, in which haggard and hungry young people were begging for help behind barbed wire. By the end of this horrifying conflict, hundreds of thousands of Bosnian Muslims were detained in extermination camps, scores of them systematically raped and brutalised, in addition to millions of others who were forced to leave their homes. Such barbarism, which targeted Bosniaks, more than any other constituents of former Yugoslavia, highlights the fact that this engineered mass murder were decades in the making. At the heart of this macabre plan were layers of vitriolic propaganda imbued with several misconceptions, cultural, religious and economic.

First, it must be noted that the ultranationalist Serbian rhetoric shows a visceral hatred for the Ottoman era, and by extension for Bosniaks. The population of Bosnia is in its quasi-majority of Slavic origin, which means that there is little difference, ethnically speaking, between Serbs, Croats and Bosniaks. However, identity was primarily built

upon religious cleavages. Prior to adopting Christianity¹, the peoples of the region adhered to nativist religions. The region was subsequently deeply split after the schism between the Roman and Eastern Churches. This divide was chiefly between adherents to Catholicism and the Eastern Orthodox faith and had an impact in the control over the territory of Bosnia and Herzegovina.

The spread of Islam into the region added more complexity to the situation. It must be noted, though, that the Ottoman era is generally considered to have been one of religious harmony and tolerance, and this led about 40 per cent of the population to convert from Christianity to Islam (Lampe, 2010). The Ottomans put in place what was known as the 'millet system'. The latter allowed religious communities to have control over their affairs, including legal affairs, via their own courts. This system was considered as a leading example of religious pluralism and tolerance (Sachedina, 2001).

Professor of national strategy at the Marine Corps Command and Staff College, Norman Cigar describes this period of religious coexistence:

Islamic-Christian coexistence, not genocide against the Serbs, was the rule during the five hundred years of Ottoman presence. Bosnia, which came under Ottoman control in the fifteenth and sixteenth centuries, provided a relatively tolerant environment for the times. In fact, Jews forced to flee the Inquisition in Spain settled in Ottoman Sarajevo, while the indig-

¹ It is believed that Christianity started to spread across the Balkans following the decision of the Roman Emperor Galerius to end the persecution of Christianity in the Eastern part of the Roman Empire. This edict was issued in Serdica (present-day Bulgaria) in 311.

enous Catholic community in Bosnia was granted a formal charter guaranteeing the freedom to practice its religion after the Ottoman conquest. At the same time, most of the interior of the Balkans enjoyed relatively healthy economic development and, until the eighteenth century, a degree of stability and security probably comparable to most contemporary west European states. (Cigar, 1995, pp. 38-39)

While most Serbs embraced the Orthodox Christian faith during this period, and Croats did the same with the Catholic faith, Serbs resented Islam and its spread in the Balkans profoundly. Despite the freedom of religion that reigned during this era, and its advantages in comparison with subsequent periods, post-Ottoman Serbian historians went to great lengths to misrepresent it. It should be noted that in contrast to the Ottoman period, the subsequent ruling powers in the region had little appreciation for religious tolerance. For example, the Austro-Hungarian Empire "forced Catholicism on the populace when they came to power in the late 19th century" (Delić, 2012, p. 6).

The economic factor may have played a role too in increasing Serbian bitterness towards their Muslim neighbours. Muslims in Bosnia were wealthy during the Ottoman era. According to the Netherlands Institute for War Documentation, landowners in Bosnia were predominantly Muslim, while the tenants were mainly Orthodox and Catholic (the Netherlands Institute for War Documentation, Part 1 2002).

It is interesting to note that while Serbian genocide propaganda against Muslims relied on twisted myths and distorted facts, such as describing Bosniaks as "Turks", the reality is that most of the Serbian presence in Bosnia has been the result of migration, particularly during the 19th century. According to Norman Cigar:

In Bosnia-Herzegovina, large-scale Serbian and other Orthodox immigration continued into modern times. Especially significant was the 1813-17 epidemic, in which many Muslim peasants perished and were replaced by Orthodox peasants from Montenegro. Today's Serbs, who live outside of Serbia proper, the Precani Serbs ("those on the other side [of the Drina River]") are the descendants of not only these Serbian settlers and the probably more numerous non-Serbian Orthodox immigrants [...] These Orthodox communities eventually assimilated over the centuries and today constitute Bosnia-Herzegovina's Serbian community. (1995, p. 15)

In other words, Bosnian Muslims were the original land-owners, and Serbs, due to epidemics and other circumstances, migrated en masse during the 19th century to Bosnia. However, instead of recognising this historical reality, ultra-nationalist Serbian leaders, such as Biljana Plavšić and Radovan Karadžić, have resorted to fabrications and myths, including that Bosniaks are Turks, implying that they are 'invaders' and have no legitimate rights in the country. Such falsehoods became central in mobil-

ising their ultra-nationalist supporters. Over time, the sustained campaign of lies and distortions allowed the genocide-planning Serbian politicians to enlist the support of significant percentage of their community. The level of involvement was such that neighbours were the ones to usher the paramilitaries into Muslim abodes and often participated in the atrocities themselves.

The ultra-nationalist and xenophobic Serbian propaganda, which vilifies Muslims based in part on a politicised narrative of the region's Ottoman history, is flawed. In reality, the horrors associated with World War One and World War Two have more to do with the recent chapters of violence than any other previous period in history. During World War One, Austria-Hungary considered the Serbs on its territory as enemy aliens, using concentration camps and displacement to inflict collective punishment on the Serbian population. The Austrian auxiliary forces recruited its members from the Croat and Muslim communities. As a result, there were terrible exactions after the war. According to historian Leslie Benson, "In eastern Herzegovina alone, 3,000 Muslims were murdered in the early post-war years; and as late as 1924, the massacre of 600 Muslims occurred in two villages in the district of Bijelo Polje" (Benson, 2002, p. 23).

During World War Two, Yugoslavia witnessed a bitter civil war between three protagonists, namely the Chetniks (Serb nationalists), the Partisans (communists; composed of multiple ethnic groups but Serbs constituted the majority), and the Ustasha (Croatian nationalists). The atrocities committed by all sides in the process were unprecedented in their magnitude. The Ustasha, in particular, established concentration camps brutalising Serbs, Jews and Gypsies. Benson asserts that World War Two resulted in 1.027 million dead in Yugoslavia. In terms of casualties by ethnic groups, he contends that "Serbs bore the brunt of the killing, with 530,000 deaths (52 per cent of the total number of war victims), followed by 192,000 Croats (19 per cent) and 103,000 Bosnian Muslims (10 per cent)" (Benson, 2002, p. 76). Another factor, which contributed to the barbarity displayed against Bosnian Muslims, was the Croat-Serb War of 1991, in which both Serbs and Croats resorted to mass exactions. This war was, in fact, a rehearsal for many Bosnian-Serb units, which later were directly implicated in the Srebrenica genocide (Mennecke, 2009, p. 431).

Thus, instead of pointing to their own responsibilities in the multiple tragedies unfolding in the region in recent history, the Serbian architects of the Bosnian genocide used de-contextualised and biased rhetoric *ad nauseam* in their incitement against Muslims. Often, they forged a construct of 'ancient hatreds' to highlight imaginary historical grievances. They pretend that they are only implementing corrective measures to address what they perceive as injustices. Other times, they resorted to pseudo-science to justify their barbarism.

For example, Biljana Plavšić, one of the highest-ranking

Serbian politicians to be indicted in 2001 by the International Criminal Tribunal for the former Yugoslavia (ICTY) for war crimes, had issued many statements referring to history and mixing it with vitriolic propaganda. In 1994, Plavšić compared between Islam and genetic disease, arguing that she and other Serbian genocidaires were unable to negotiate with the Bosniaks due to 'genetics.' The former president of Republika Srpska labelled Muslims "genetically deformed material." She claimed:

It was the genetically deformed material that embraced Islam. And now, of course, with each successive generation, it simply becomes concentrated [...] and through the centuries, the genes degraded further. (Alvarez, 2001, p. 126)

Similarly, Radovan Karadžić, one of the Serbian leaders indicted by ICTY, also equated the Islamic faith with disease. He stated that the Serbs were trying to make sure "Islamic fundamentalism does not infect Europe from the south" (*ibid*).

Establishing parallels between specific ethnic or religious groups with illnesses, as Professor Alex Alvarez contends, "is a metaphor commonly used by perpetrators of genocide. The Jews were similarly identified. A German judge once said, "the Jew is not a human being. He is a symptom of putrefaction" (*ibid*).

Such racial and religious incitement against Muslims, as the racial/religious "others", was utilised to dehumanise Muslims and equate them with disease and other pestilences that need to be removed. Reinforcing otherness via rhetorical means is a multifaceted approach that pushes for social, political and economic exclusion by distancing and stigmatising those who are different. In the case of Bosnia, as in the Holocaust, the result of this strategy led directly to Genocide.

It must also be pointed out that following the breakdown of the former Yugoslavia in the early 1990s, Slovenia and Croatia broke away from Serbian hegemony. However, this process started a chain reaction, which led other regions to initiate similar moves. In the meantime, Serbian politics continued to witness the rise of the 'Greater Serbia' movement² (Engelberg, 1991), which aimed to unite all territories populated by Serbs, whether they have the majority or not, under one Serbian state. Before the war, Muslims constituted the majority in Bosnia and Herzegovina (44 per cent), and a majority (98 per cent) voted in favour of an indepen-

dent Bosnian state amidst a large boycott from the Bosnian Serbs. The latter, however, rejected in toto the drive for independence, considering this move to be in direct collusion with their 'Great Serbia' construct.

The Srebrenica Genocide: What happened?

During the fourth year of the Bosnian war, one of the worst massacres in modern European history took place. On 11 July 1995, organised killing of thousands of boys and men took place in Srebrenica. This town, located in the South-eastern part of Bosnia-Herzegovina, was purportedly protected by a U.N.-created safe haven. Five years later, the Secretary-General of the United Nations, Kofi Annan, described this tragedy as "a massacre on a scale unprecedented in Europe since the Second World War".³

Srebrenica was a town of about 37,000 inhabitants, of which 73 per cent were Muslims, and 25 per cent were Serbs. Most of the residents worked in factories or the mining industry. There was very little ethnic friction before the war. However, the strategic location of the town, situated only 15 kilometres from the Serbian border, gave it primary importance in the eyes of Serbian strategists because it allowed them to control the entire area and connect it with 'the homeland'.

After years of fighting, the town changed hands on a few occasions. However, in 1993 the UN declared the location as a 'safe area', urging the protagonists to avoid armed attacks and other hostile activities. Subsequently, the chief commanders of the Bosnian Serb forces and Bosnian Muslim forces agreed on a truce, disarming the area and placing it under the defence of a UN protection force.

However, in 1995 the Bosnian Serbs reneged on their commitment, encouraged by the fact that the UN protection force was undermanned. Only 600 lightly equipped Dutch soldiers occupied a dozen stations in the region. Their situation contrasted with the 2,000-strong Bosnian-Serb force, which was equipped with tanks and artillery. From January 1995, Bosnian-Serb forces initiated a policy of encirclement, preventing humanitarian convoys from reaching the town. Then, the Bosnian-Serb army moved to gradually reduce the town's boundaries, followed by daring raids on UN outposts, which surrendered

2 The modern synthesis of the views concerning "greater Serbia" took shape through the Memorandum of the Serbian Academy of Sciences and Arts (1986). This document fueled the pan-Serbian movement of the late 1980s, which led to the meteoric rise of Slobodan Milošević to power and the subsequent wars that accompanied the partition of former Yugoslavia. According to Norman Cigar, "The Memorandum was penned by Serbia's leading intellectuals, who envisioned a greater role for themselves in society. Many of them subsequently did become key political figures. This document crystallized the revival among Serbian intellectuals of earlier nationalist goals. The Memorandum proclaimed in no uncertain terms that the earlier quest for a Greater Serbia retained its validity and thereby defined the nation's legitimate political agenda. The manifesto maintained that the "national question" of the Serbian people had been thwarted by the Communists at the end of World War II, since "it [the Serbian people] did not get its own state like other peoples." The only solution to ensure the very "existence and development" of the Serbs, according to the Memorandum, was the "territorial unity of the Serbian people," to be achieved by uniting all the Serbs in a single Serbian national state. As the Memorandum expressed it, "the establishment of the full national integrity of the Serbian people, regardless of which republic or province it inhabits, is its historic and democratic right" (Cigar, 1995, p. 57).

3 Press Release SG/SM/7489, Secretary-General Kofi Annan: Srebrenica Tragedy Will Forever Haunt United Nations History, Says Secretary-General on the fifth anniversary of the city's fall (10 July 2000), available at <https://www.un.org/press/en/2000/20000710.sgsm7489.doc.html>

SREBRENICA'S UNHEALED WOUNDS

The Srebrenica massacre -- Europe's greatest single atrocity since World War II – remains in the spotlight 25 years on.

AT LEAST
8,372
BOSNIANS KILLED

1,868
VICTIMS STILL UNBURIED



NETHERLANDS' **GUILT**



In 2014, a court in The Hague ordered the Dutch government to compensate the families of 300 Bosnian Muslims who Dutch peacekeepers handed over to Bosnian Serb paramilitaries in 1995.

A 2002 report by the Netherlands Institute for War Documentation on the massacre led to the resignation of the Dutch government.



The Dutch commander in Srebrenica, Thom Karremans, shared a toast with Serb commander Ratko Mladic hours before the massacre. Karremans has never stood trial for his role.

PERPETRATORS OF THE MASSACRE



RADOVAN
KARADZIC
40 YEARS



RADISLAV
KRSTIC
35 YEARS



VIDOJE
BLAGOJEVIC
15 YEARS



VUJADIN
POPOVIC
LIFE



LJUBISA
BEARA
LIFE



DRAGO
NIKOLIC
35 YEARS



LJUBOMIR
BOROVCANIN
17 YEARS



VINKO
PANDUREVIC
13 YEARS



RADIVOJE
MILETIC
19 YEARS



MILAN
GVERO
5 YEARS



MILORAD
TRBIC
30 YEARS

(Source: Anadolu Agency)



A woman inspects the photos of Srebrenica victims in front of a UN tribunal in The Hague, Netherlands sentenced former Bosnian Serb leader Radovan Karadzic to life in prison for genocide, crimes against humanity, and violating the laws and customs relating to the 1992-1995 Bosnian War on March 20, 2019. In 2016 Karadzic was sentenced to 40 years in prison by the International Criminal Tribunal for the former Yugoslavia. (Abdullah Aşiran / Anadolu Agency)

without a fight. Emboldened by such lack of international reaction, Radovan Karadzic [the so-called president of the self-declared autonomous Bosnian Serb Republic] issued an order to his troops to seize the town of Srebrenica. On 11 July 1995, Bosnian Serb Commander in Chief Ratko Mladic was parading jubilantly through the deserted streets of Srebrenica.

The Bosnian Serb forces then prepared buses to evacuate the women and children, while all men and teenage boys were separated from their families and taken to a detached structure. In less than two days, 25,000 Muslim women and children were transported out of Serbian-held zones to become refugees. In the meantime, the teenagers and men were gathered into a warehouse and then were massacred by Serb troopers. Thousands of other men, who were captured in other locations, were moved to structures further away. All in all, about 8,000 boys and men were executed in five days (McGrory, 2000). The ICTY indictment described the killings as "carefully orchestrated mass executions," which "followed a well-established pattern." Astonishingly, some escaped the genocide scene and managed to give their testimony at The Hague.

Many questions remain regarding the responsibility of Western European countries in these massacres. How could such a genocide, with its accompanying lots of brutality and mass rapes, take place in the heart of Europe without response? Every detail of these mass killings was known, especially that most of these countries had blue-helmeted troops on the ground. The international community's handling of the tragedy suffered by the Bosnian Muslims was entirely inadequate (Cushman and Mestrovic, 1996).

Srebrenica exemplifies the apogee of an engineered mass murder. It came as the conclusion of a brutal conflict, which lasted more than three years and caused the death 100,000 people, a majority of which were civilians. Moreover, throughout the war, 4.4 million people were displaced. About 1.3 million of them were internally displaced (IDPs). Another 500,000 people moved to neighbouring countries, whereas some 700,000 people had sought refuge in Western Europe.

Genocide: The Crime of Crimes *The Convention on the Prevention and Punishment of the Crime of Genocide*

On 9 December 1948, the United Nations adopted the Convention on the Prevention and Punishment of the Crime of Genocide. This step was undertaken in the aftermath of World War Two and the Nuremberg and Tokyo War Tribunals, which demonstrated the need for adequate international legislation concerning war crimes, crimes against humanity, and genocide. As a result, the leading powers declared that genocide was a crime of international law and pledged to stop it. Subsequently, the United Nations issued a resolution condemning genocide in 1948.

A Problematic Definition

As per the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (also known as the Genocide Convention, or UNGC), genocide has been defined as:

Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group. (1948)

However, having in place a UN resolution on genocide was only half the battle. In the ensuing decades, heated discussions took place in the international arena about whether the Genocide Convention's definition was too narrow or too broad. Legal technicalities became central to the debate. For example, the issue of 'intent' established a high threshold for this type of crimes. As Canadian academic specialising in international criminal and human rights law, William Shabas, contends: "The offender must intend to destroy the targeted group in whole or in part. Many of those who participate in a genocide may well fall outside this definition. Although they are actively involved, they may lack knowledge of the context of the crime and for that reason lack the requisite intent" (Schabas, 2017, p. 29). Similarly, the words 'in whole or in part' in the definition added a quantitative element. How many members of the group have to be killed before the action qualifies as genocide? Jurists have debated this question. According to Shabas (2017), the dominant position is that the number must be 'substantial' (p. 39).

Enforceability dilemmas

The way this resolution was phrased carried the seeds of potential conflict over interpretation and implementation. Several central questions are left unresolved. Harvard University Fellow Laurie Delaney summarises some of the most significant concerns:

The language of the UNGC is unclear when the signing parties will be compelled to undertake punishment of genocide, what the punishments will be and who will do the punishing. Since there is no international police force, any punishment or prevention will most likely be the responsibility of the domestic governments that have ratified the convention. A lot of questions arise from this treaty: Does the convention compel ratifying states to act? If they do act, what will the repercussions be? What kind of commitment will they have to make: troops on the ground, economic sanctions, humanitarian aid, etc.? Who will take on the financial burden? (Delaney, 2016, p.8)

Other issues prevent the efficient execution of this resolution. For example, Article VIII did not put in place a clear-cut mechanism that mobilises collective action for the implementation of the resolution. Instead, it left the decision to act up to individual nations. This is a major

flaw in the resolution's verbiage, as nation-states primarily pursue their national interests, and thus UN considerations have little bearing in their decision-making.

Decisive action on the part of the UN in genocide cases, or against any threats to peace, requires the assent of the UN Security Council. Paradoxically, the permanent, veto-holding members of the Security Council are the ones who often impede collective action. Academics Samuel Totten and Paul Bartrop highlight this dilemma:

Is it not a little ironic, and hypocritical, that certain member states disparage the inaction of the United Nations when, in many cases, it is those states, themselves, that are responsible for deterring, if not outrightly preventing, in one way or another, the United Nations from acting in a timely and/or adequate fashion. This is particularly true of the members of the UN Security Council--which basically control what the United Nations does and does not do in the way of intervention and prevention of genocide. When member states vote against UN action to intervene or prevent genocide and then turn around and criticise the UN for being weak in the face of genocide, what they really need to do is look at themselves (and their actions) in the proverbial mirror. (2004, p. 8)

The reliance on troops provided by member countries has proven to be the 'Achilles Heel' of any UN attempt to stop genocide, no matter how commendable such an endeavour might be. In the case of Bosnia and Herzegovina, the UN peacekeeping force bears an immense responsibility in the tragedy that unfolded; a responsibility which will be explored in the ensuing sections.

The International Criminal Tribunal for the former Yugoslavia (ICTY)

Almost 50 years after the adoption of the Genocide Resolution, in 1993 the United Nations Security Council Resolution set up the ICTY. Its remit, which extended until 2017, was to prosecute and try war crimes, crimes against humanity and genocide committed on the territory of the former Yugoslavia. A similar process was initiated for the genocide in Rwanda.

While the ICTY prosecuted war crimes committed by all protagonists, most of the indictments were directed against Serbs and Bosnian Serbs, who were responsible for the largest number of crimes. As Danish Associate Professor Martin Mennecke contends: "The level and kind of atrocities committed in Bosnia and the "safe areas" (Bosnian Muslim enclaves meant to be protected by UN peacekeepers) distinguishes the Bosnian war from the other Yugoslav wars" (2009, p. 425).

Even so, many verdicts issued by the ICTY fell short of the expectations of the victims. On the other hand, the



President of the International Criminal Tribunal for the former Yugoslavia Carmel Agius speaks to the press during his visit to the Museum of Crimes Against Humanity and Genocide 1992-1995 in Sarajevo, Bosnia and Herzegovina on June 20, 2017.
(Kemal Zorlak / Anadolu Agency)

Tribunal offered a platform to condemn the horrors that took place and constituted a step in the right direction to end impunity for those responsible for the atrocities. Even so, the process was tainted with political, legal, and procedural flaws, which dented the delivery of justice and closure to the victims.

Criticisms surrounding the ICTY

Significant criticism surrounded the work of ICTY. Bearing in mind the magnitude of the massacres and the genocidal designs at work, several judgments were considered lenient. At times, even the ICTY judges voiced their concerns. For example, in the proceedings pertaining to Miroslav Deronjić, who received a sentence of ten years. Judge Schomburg expressed the opinion that the punishment was not proportional to the crime and was not respectful of the remit and essence of these proceedings. According to him, the crime to which Deronjić pleaded guilty "deserves a sentence of no less than twenty years of imprisonment". In a brief statement outlining his dissenting opinion, Judge Schomburg criticised the prosecution for having limited Deronjić's responsibility in the indictment to "one day and to the village of Glogova". Schomburg added that the "heinous and long-planned crimes committed by a high-ranking perpetrator do not allow for a sentence of only ten years", which, in light of his potential early release, could mean that he would spend only six years and eight months in prison. At the end of his summary, Schomburg quoted a declaration by one of Deronjić's victims. The victim said that Deronjić's guilty plea "can heal the wounds" that the Bosniak population in eastern Bosnia still experiences, "provided that he is punished adequately". Schomburg concluded that for the victim, "a mild punishment would not serve any purpose" (Human Rights Watch, 2006, p. 691).

Even in the case of the genocide architects, such as the Bosnian Serb leader Radovan Karadzic, the initial ICTY sentencing did not meet the victims' expectations. Vagn

Joensen, the presiding judge of the Appeals Chamber in the Hague, stated that the earlier prison sentence of 40 years handed down in 2016 "underestimated the extraordinary gravity of Karadzic's responsibility and his integral participation" in the crimes and was "unreasonable and plainly unjust" (Bloomberg News, 2019). In that ruling, Karadzic was found guilty of genocide and nine other counts of war crimes and crimes against humanity for his deeds during the war in Bosnia and Herzegovina. Later, during the appeal phase, his initial sentence was extended to life in prison.

UN peacekeeping operations

The work undertaken by the ICTY would not have been possible without the presence of UN troops on the ground. However, this deployment was a double-edged sword. About 40,000 soldiers from 39 nations took part in this deployment and were stationed in Bosnia and Croatia. However, despite these numbers, the UN peacekeeping operations were, more often than not, a failure in the Bosnian theatre of operations. The peacekeeping forces' inadequate rules of engagement, light armament, absence of NATO air support, and lack of political support from their respective governments made the operation ineffective. It is the UN's meek performance that emboldened Bosnian-Serb forces to take their exactions.

To add insult to injury, the UN forces were also responsible for enforcing an embargo on all protagonists. However, Bosnian Serbs secured their arms procurement from Serbia (and Russia), which kept flowing undisturbed (Mennecke, 2009, p. 431). Similarly, Bosnian-Croats had their supply uninterrupted from Croatia (as well as Germany and Austria). Thus, only Bosnian-Muslims ended up bearing the brunt of the arms boycott. Those who needed arms the most to defend the survival of their community were the ones prevented from accessing the means for their defence. Thus, Bosniaks were victimised twice: By their hateful foes and by the international community.

The role of France, in particular, warrants a thorough examination. French actions, whether behind the scenes at the UN or NATO or media-wise, raised suspicions of connivance with the Bosnian Serbs. It is a matter of fact that it was a French commander, Bernard Janvier, who was responsible for the UN peacekeeping operations in Bosnia when Srebrenica fell. Similarly, it was another high ranked French officer, namely Philippe Morillon, who, in 1993, gave his guarantees to the population of Srebrenica that they were "now under the protection of the UN forces", and therefore, seemingly, had nothing to fear (Mennecke, 2009, p. 453).

Given the extent of the suspicions of French collusion with the Bosnian Serbs in Srebrenica, the French parliament assigned a commission to investigate the related events. However, its findings seemed more like an attempt to whitewash the role of the highest levels of the government.

POLICY OUTLOOK

It is well documented that the French commanders in Bosnia prevented any retaliation by NATO or by UN troops against the Serbian aggressors. Moreover, some manoeuvring occurred beforehand, in which the Bosnian Serbs took a few French soldiers as hostages.

British columnist Henry Porter commented on the complex game that unfolded at that time:

A few weeks before the Serb forces, commanded by another indicted war criminal, General Ratko Mladic, moved to seize Srebrenica, [French General] Janvier and Mladic held a series of meetings, during which it is widely believed the French soldier guaranteed there would be no UN intervention at Srebrenica as long as UNPROFOR troops being held hostage (many of them French) were released. Weight to this allegation is added by the fact that when the Serbs subsequently surrounded the town and began a bombardment, Janvier astonishingly refused the pleas from the 700 Dutch peacekeepers for heavy airstrikes. At one stage, it is said that he even rejected a request from the besieged Dutch because it was faxed on the wrong form. (Porter, 2001)

The issues surrounding French involvement were investigated by France 2 TV. French investigative journalists discussed this subject through their flagship programme "Envoyé spécial" [Special Correspondent] in an episode titled "Srebrenica: enquête sur un massacre" (aired on 26 September 1996). The show revealed numerous incriminatory details involving the higher echelons of French decision-making. Commenting on the programme, French historian and journalist Jacques Julliard offered his thoughts in a column:

[...] two important facts underline General Janvier's partial responsibility (and perhaps that of the French Government and President Mitterrand) for the massacres at Srebrenica. Firstly, [he engaged] in secret negotiations with General Mladic and General Perisic, Commander in Chief of the Serbian Army, to obtain the freedom of France's blue helmets (held hostage at the time by the Serbs). General Janvier promised not to order airstrikes if Srebrenica were attacked. In exchange, the Serbs agreed to free the members of UNPROFOR that they held hostage. In other words, our general gave the Serbs 'carte blanche' to attack Srebrenica [...] The second event that proves Janvier's complicity with the genocide occurred when Srebrenica was attacked on 11 July. General Janvier refused three requests by the Dutch battalion in Srebrenica to bomb the positions of the advancing Serbs. Airstrikes at this point would have stopped the Serbs in their tracks. NATO bombers were already in the air, and NATO was ready to strike when Janvier took his decision. While ignoring the UN's promise to protect the population of Srebrenica, Janvier kept his promises to the Serbs. (Julliard, 1996)

The Dutch UN peacekeeping force also bear responsibility for the Srebrenica genocide. Seven years after the massacres, the Dutch government resigned after the publication of an unflattering report about the performance of its blue-helmeted troops during this period. Even if this resignation was highly symbolic and would never compensate for the horrors suffered by the victims, it reveals the magnitude of The Netherlands' liability.

The *Washington Post* described this dreadful phase:

"The Dutch government resigned today in response to a damning report on the slaying in 1995 of more than 7,000 Bosnian Muslims who were taken from the U.N.-designated "safe area" of Srebrenica and shot by Bosnian Serbs while ostensibly under the protection of Dutch troops.

In the single most brutal chapter of the 1992-95 war in Bosnia -- a moment that discredited all the international peacekeepers involved -- a small, lightly armed Dutch peacekeeping contingent essentially stepped aside as Bosnian Serbs overran the enclave.

The blue-helmeted Dutch troops, operating under an ill-defined U.N. mandate and unable to get military backing from their allies, including the United States, to deter the Serbs, helped evacuate the Muslim residents and refugees. The men and boys were then taken to their deaths, and their bodies were bulldozed into the ground.

The worst mass murder in Europe since the genocide of World War II has haunted the liberal Dutch conscience for seven years, and today's mass resignation was a belated act of collective penance [...]

Srebrenica, a mostly Muslim town of 36,000 people before the war, now has a population of 8,000, most of them Serbs." (Finn, 2002)

The details surrounding the Dutch actions were so unequivocal that it is almost impossible not to consider them complicit in the Srebrenica genocide. According to former Chairman of the Steering Committee of the Jerusalem Centre for Public Affairs, Manfred Gerstenfeld, the date in which the decision to execute the massacres in Srebrenica was taken is revealing. ICTY prosecutor Mark Harmon stated in the prosecution documents against Bosnian Serb General Radislav Krstic that the entire plan of committing genocide was only made between July 11-12, 1995, in Hotel Fontana. During this time, Krstic and Bosnian Serb commander Ratko Mladic also met with Dutch commander Karremans. To what degree did Karremans contribute in assuaging the Bosnian Serbs' fears of a UN intervention? This question remains unanswered (Gerstenfeld, 2001).

Policy Recommendations

Updating the Genocide Convention:

Following the horrors of World War II, the international community pledged to put forward plans designed to prevent mass atrocities. The UN put forward the slogan 'Never Again.' However, since 1948, numerous regions and countries have experienced genocide, including (but not limited to) Cambodia, Bosnia, Rwanda, Sierra Leone, Central African Republic, Myanmar, in addition to several other countries on the genocide watch list, such as India and China.

The provisions put forward by the UNGC have proven to be inadequate. Concerning the UN's collective action, this convention left the decision to act in the hands of individual states. The latter are expected to decide at their convenience the modalities of such intervention if it were ever to take place. This loophole has proven to be extremely detrimental to civilian populations, whose only hope is the international community, but are more often than not left to face the mayhem on their own.

Three aspects, in particular, require urgent reform. First, the issue of intent must be removed from the definition of the Genocide Convention because the architects of genocide have learned from past experiences and are ready to exploit any legal loopholes. Judge Patricia Wald, who took part in ICTY proceedings (1999-2001), highlights this oft-overlooked aspect: "Contemporary tyrants have learned valuable lessons from their Nazi predecessors; they put little on paper; they give few direct orders to kill or abuse. The proof of their involvement at trial is usually circumstantial and their complicity inferential" (Wald, 2003, p. 468). Accordingly, how could intent ever be proven?

Second, the UNGC's Article V stipulates that member countries ought to assume actions to stop genocide. Article VIII specifies that any contracting party could request the UN to take action. Conversely, there was no reference to mechanisms of implementation, and how such call would lead to collective action. In both articles, the verbiage is loose and non-binding. Thus, most governments evade responsibility by toying with the definition and refraining from attaching the label of 'genocide' to situations that fit the description. In the mid-1940s, as the UNGC was being debated, the Soviet Union's representatives at the UN went to great lengths to restrict the convention from covering mass killings of political actors. Stalin was reportedly worried that his purges could be categorised as genocide (Weiss-Wendt, 2017, pp. 57-58). By removing the mass killings of political actors from the UNGC, the systematic mass killings committed by the Pol Pot regime in Cambodia, for instance, were not considered

as genocide from a legal standpoint. Exemplifying how genocidaire regimes try every possible means to avoid the genocide label, the Myanmar authorities enlisted the help of Canadian international jurist William Schabas to help insulate them from genocide accusations. Schabas is a renowned scholar in the field of genocide studies and has previously researched crimes against the Muslim Rohingya of Myanmar (Deutsch, 2019).

Even in situations categorised as genocide, the UNGC does not compel states to take action. When they do, there is no stipulation about their potential commitments. Finally, there is a reluctance from some quarters about supporting interventions because of the potential to mask self-interested interventions as benevolent and humanitarian. Therefore, reforming the UNGC needs to encompass all these issues, create checks and balances, and clarify obligations and accountabilities.

Third, while the issue of incitement is included in the UNGC definition (Article III), very little is done to prevent or punish the act of direct and public incitement to commit genocide. In addition to the problems of persuading powerful nations to intervene when genocide is already underway, another almost insurmountable challenge consists of enticing the international community to take preventive action in pre-genocide situations. Such an intervention would be much more valuable for the soon-to-be victims. However, this idea is rarely, if ever, entertained. Academics Bridget Conley-Zilkic and Samuel Totten argue:

[There] is a gap in early warning that is closely tied to crises-driven nature of international response [...] The gap in early warning about genocide exists despite solid evidence of patterns that have preceded genocides. Researching past cases of genocide, scholars have delineated discursive, legal and violent early warning signs that cannot be emphasised too strongly. (Conley-Zilkic & Totten, 2009, p. 509)

There needs to be much more attention paid to media incitement. In Rwanda, it was the *Radio Mille Collines*, which spewed its acerbic propaganda against the Tutsis, playing a leading role in instigating the Rwandan Genocide. Similarly, in the Balkans, as soon as Slobodan Milosevic acceded to power in 1989, he assumed a tight control over all media outlets and started pushing the narrative of him being the "true defender" of Serb identity and the Serbian homeland. In this process, he denigrated other ethnic groups and inflamed tensions between Serbs and non-Serbs both in Serbia and in the vicinity (Mennecke, 2009, p. 429). One of his key propagandistic ploys was to launch a sustained media campaign aiming "to revive memories of the brutality meted out to the Serbs during World War II in order to suggest to Serbs that genocide against them was possible once again" (Ibid. p. 430). Conversely, these incitements and programmed propaganda are rarely hindered by the international community, and its engineers rarely punished.



Relatives and volunteers clean the gravestones of Srebrenica victims at the Srebrenica Potocari Memorial and Cemetery ahead of the 25th anniversary of the 1995 Srebrenica Genocide, in Srebrenica, Bosnia and Herzegovina on June 27, 2020. (Adem Mehmedovic / Anadolu Agency)

Reforming the UNSC:

The UNSC is the body that holds all the powers within the UN. However, it has been observed that the five permanent members of the UNSC are, more often than not, lethargic towards instances of mass atrocities occurring worldwide. They regularly adopt resolutions that go against their responsibilities and ease the work of genocide architects. This apathy from the UNSC permanent members vis-à-vis genocidal regimes tends to be the norm, even if they engage in rhetorical exercises to the contrary (Totten & Bartrop, 2008, p.8). Worse, in some instances, the UNSC has taken decisions that directly led to the worsening of the situation. For instance, the UNSC voted to remove UN peacekeepers from Rwanda while the genocide was underway—despite being entirely aware, for months, about the exacerbating trajectory of the conflict (Delaney, 2016, p. 10). Had they adopted a different course of action, the Rwandan genocide would not have reached such heights. Similar behaviours have characterised the management of the situation in Bosnia and Herzegovina and elsewhere.

This state of affairs reflects badly on multilateralism and the UN itself. Given its multiple failures in solving some of the most brutal crises, voices questioning whether this international organisation is actually the right body to broker peace in today's conflicts have been growing louder. Transforming the UNSC is the most efficient way to address these apprehensions. The international arena is experiencing rapid changes, and today's realities are different than in 1945. The world has witnessed the rise

of new political and economic powers, which fill existing vacuums and have bridged the divide between them and the permanent members of the UNSC. Countries such as Brazil, Turkey, India and Mexico have requested the reform of the UNSC. Against this backdrop, Turkey's President, Recep Tayyip Erdogan, has repeatedly stated that "the world is bigger than five" in order to draw attention to the structural issues underpinning the UNSC's work.

Addressing UN peacekeeping forces' standards and procedures:

Since 1948, the UNSC has completed more than 57 peace-keeping operations, with 13 missions still ongoing. Some of these missions were carried out successfully, but many fell below expectations. The inglorious role played by the UN peacekeepers in the fall of Srebrenica, the debacle in Rwanda and Sierra Leone, and the sexual scandals that tarnished their image in Congo, necessitate a complete review of these forces' standards and procedures.

In December 2004, the US Congress mandated the establishment of a Task Force on the UN, to be facilitated by the US Institute of Peace. The resulting report, also known as the Gingrich-Mitchell report, issued a series of recommendations for UN reform that are deemed suitable from an American point of view. While not all the suggestions are adequate from the standpoint of other nations, some aspects are worth prospecting, including the issue of the



Gravestones are seen at the Potocari Memorial and Cemetery in Potocari village of Srebrenica, Bosnia and Herzegovina on February 15, 2020. Mothers who lost their children, spouses, fathers or brothers in the Srebrenica Genocide, where more than 8,000 Bosnian men were killed, are waiting for the day they will find their loved ones who are still considered missing. (Samir Jordamovic / Anadolu Agency)

lack of centralised control of peacekeeping forces. The Gingrich-Mitchell report observes that the international organisation must move beyond individual state micro-management. This endeavour can be done by giving more powers to the UN's Department of Peacekeeping Operations. The department must "become a more independent Programme with distinct rules and regulations appropriate for its operational responsibility for comprehensive peacekeeping missions. [...] States that prove unwilling or unable to ensure discipline among their troops should be barred from providing troops to peacekeeping missions" (USIP, 2005, p. 11).

Furthermore, some approaches favoured by UN peacekeeping forces, such as the 'safe haven' notion, which have proven disastrous in the past, should be abandoned. These so-called protected areas have eased the task of the genocide architects. In the case of Srebrenica, it allowed them to group all their victims in one area, which was then subjected to frequent bombardment, as well as shortages of food, medical supplies, and other provisions caused by Serb forces preventing UN aid convoys from entering these zones. When they decided to seize the entire area, they faced little to no resistance.

Srebrenica and the ghosts of the past:

Despite the large-scale loss of life and horrors related to the Srebrenica genocide, historical revisionism tends to prevail both in Serbia and amongst Bosnian Serbs. This revisionism takes many forms, such as contesting the number of the victims in Srebrenica, posing as the victims of an alleged Western anti-Serb conspiracy, and glorifying Bosnian Serb genocide architects.

In a report published by the Srebrenica Memorial Centre in May 2020, the author, Monica Hanson-Green, asserts that "rather than abating with time, denial of genocide has only grown more insidious in recent years" (Grebo, 2020). By negating the past, another atrocity could happen. Hanson-Green adds: "Not only does [genocide denial] cause unimaginable pain for those who have survived genocide and for those who have lost love ones, it is one of the most reliable portents of future violence" (*Ibid*). Given the tumultuous history of the Balkans, and the Serbian quest for hegemony, more attention should be allocated to this matter.

While the ICTY was a step in the right direction, it was not the end of the road. Data suggests that neither the victims nor the perpetrators consider that they received the justice they deserve (Stefija, 2015, p. 190). Locals on both sides of the divide felt that the ICTY paid insufficient attention to their anticipations. Bosnian Muslims feel that their persecutors received rather lenient sentences. On the other hand, as Stefija explains, "distrust and defensiveness were strongest among my interviewees in Republika Srpska in [Bosnia and Herzegovina] where ICTY was often associated with 'the Western other' and 'the enemy'" (*Ibid*). Therefore, a proper mechanism of transitional justice involving truth and reconciliation should be put in place. These steps should pervade local politics and involve clear mechanisms for debating Srebrenica and writing the conflict's painful history in a fair and unbiased manner.

Furthermore, emphasis should be placed on remembering Srebrenica. Focusing on education and including this discussion in the curriculums across the Balkans and beyond is a necessary step to bring more awareness to this tragedy. Additionally, the media should also discuss this painful chapter by adopting a memorial week that educates audiences about the consequences of bigotry and hatred.

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