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## **Post-War Violence in Bosnia and Herzegovina**

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The levels and intensity of violence in Bosnia following the signing of the Dayton Peace Accord in December 1995 present an encouraging exception to the patterns of violence observed in many of the other post-conflict settings examined in this volume.<sup>1</sup> The suggestion here is emphatically not that post-war Bosnia has been spared 'post-conflict' violence. Indeed, violence was very much part of the early post-war landscape, especially so in the period between late 1995 and 1998. The overall picture nonetheless compares favourably to other cases of war-to-peace transitions where civil wars were also brought to a formal end through a negotiated settlement.

This requires explanation. After all, from the vantage point of late 1995 there were good grounds for expecting a 'violent peace' in Bosnia, the most diverse and delicately balanced of the former Yugoslav republics in terms of ethnicity. And there were certainly warnings to that effect from thoughtful and perceptive observers. Writing in May 1996 Susan Woodward concluded:

The anarchy, chaos, and marauding by ex-soldiers and police that accompanied the transfer of Serb areas of Sarajevo [February-March 1996] will not be an isolated case. The conditions for a general breakdown in order as soldiers are sent home without jobs, politicians

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are preoccupied with elections, the trauma of war begins to be felt, and the resources for economic reconstruction are slow in coming will surely increase (Woodward 1996: 89).

In the context of its time, such predictions were anything but far-fetched. The Dayton Peace Accord followed more than three years of brutal civil war among the country's Serb, Croat and Bosniak communities.<sup>2</sup> The war saw widespread physical destruction and the death of nearly 100,000 people. An estimated 40 per cent of those killed were civilians.<sup>3</sup> It was also a war that witnessed grave breaches of the Geneva Conventions, large-scale atrocities and countless crimes against humanity. Of special relevance to the prospect of post-settlement violence, it was an identity-driven conflict defined and fought in the name of ethnicity and religion. As ascriptive categories, these were far more malleable than nationalist politicians, determined to incite ethnic tensions and foment violence, made out. As in all civil wars, however, the experience of war itself, including in this case the heinous practice of 'ethnic cleansing', served to crystallise communal allegiances and radicalise identities. This development was bound to raise the spectre of continued ethnic violence, score-settling and revenge killings after the formal end of hostilities.

There was yet another feature of the Bosnian war whose legacy it was thought, not unreasonably, would also be to stoke post-war violence. This was the large number of irregular and paramilitary formations involved in military operations during the war. Many of these had developed

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close ties to – and indeed were often indistinguishable from – organized criminal groups turned warlords. In the course of the war these had engaged in a range of illicit activities, from looting, theft and ransom to trafficking in contraband. Many of them were also deeply implicated in war crimes. The wartime alliances forged between criminal and political elites frequently survived into the post-war phase, contributing to the growth of organized crime in the country and the wider region (UNODC 2008; Andreas 2004). However, while organised crime remains an important challenge, the levels of overt violence associated with it have been low.

How, then, given these legacies of war should one account for the post-war level of violence in Bosnia?

### **Central Argument**

There are two basic reasons why post-war violence, using for now Charles Tilly's (2003) more restrictive focus on *physical* violence, has remained comparatively low. These are closely connected.

First, the early post-war years in Bosnia saw no sustained effort to reverse the facts created by war, that is, to undo the ethnic, territorial and political partition of the country. The official line at Dayton, it is true, called for post-war ethnic reintegration and gave refugees and displaced persons an unqualified right to return to their pre-war homes. In reality, as Marcus Cox has observed, the actual 'strategy implicit in the Dayton Accord was to allow the ethnically defined, wartime regimes to consolidate their separate spheres of influence' (Cox 2008: 250-1). That strategy involved the creation of a very

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weak federal structure and saw no attempt to redraw de facto front lines at the end of hostilities. It also left the three wartime armies intact, even though it nominally merged the Bosnian-Croat Army (HVO) and Bosniak Army (ARBiH). The result was to ensure that levels of 'minority' return remained low and thus, in effect, to remove or at least curtail an important source of violence in the early post-Dayton years. Since 2000, some localities, including areas that saw heavy fighting during the war, have experienced notable progress in minority returns and reintegration. Even so, wartime divisions still run deep and, as will be argued, official data (from both government sources and international agencies such as the UNHCR) tend to understate the country's persistent cleavages.

And yet, continued de facto ethnic segregation alone cannot explain the levels and patterns of post-war violence in Bosnia (Stroschein 2005). This brings us to the second reason why levels of violence have remained comparatively low: the violence-mitigating effect of the international military and civilian presence deployed to the country following the end of hostilities in 1995. The scale and the resources devoted by the international community to the stabilisation of post-war Bosnia dwarf that of all other comparable cases. This extended international presence - 60,000 NATO troops and some 2,000 UN police following the peace agreement<sup>4</sup> - has generated its own problems, including a dependency relationship with the international community, which, some argue, has acted as a structural disincentive to meet post-conflict challenges, especially in the economic and political spheres. The quality of outside involvement and the strategic decisions taken on issues ranging from the organisation of elections to the

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reform of the country's security sector have also been the subject of much debate and criticism. Even so, the sheer scale of the outside presence, along with the commitment to remain engaged for the 'long haul', has clearly had the effect of limiting levels of overt violence. Importantly, however, this effect was neither automatic nor immediate. It required - as will be argued more fully - an early readjustment of the force posture, some innovative action and the adoption of a less restrictive definition of the mandate on the part of the external actors - military and civilian - sent to implement the Dayton Agreement.

These considerations do raise a further question, one that goes beyond Tilly's (2003) definition but which the Bosnian case nonetheless prompts: has the unprecedented level of international involvement in post-war Bosnia adequately addressed the structural bases for renewed violence? Many feel that it has not. A detailed exploration of the structural bases of violence in Bosnia would require a more comprehensive analysis of the 'ethnification' of key institutions, which has done much to keep alive and harden ethnic positions in the media, education and within political parties. Such an analysis is outside the scope of the chapter, though we return briefly, towards the end, to the dilemma of how to balance short-term concerns about reducing violence with the long-term aims of stability and peacebuilding.

The chapter is divided into two necessarily overlapping parts. The first surveys the extent and forms of post-conflict violence in Bosnia. It also draws attention to some of the difficulties - practical and political - of categorising violence, of arriving at reliable figures, and of establishing clear-cut trends,

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including of nominal as opposed to 'true' refugee return. Even in the face of these difficulties, the data suggest that the wartime legacy of displacement and separation among communities has endured and shaped post-war patterns of violence.

The second part focuses on the 'nature of the post-war peace' and on the implementation of the Dayton Peace Accord. Specifically, this involves a closer look at the role played by the international presence in the mitigation and control of post-war violence.

#### POST-CONFLICT VIOLENCE IN BOSNIA: CATEGORIES, TRENDS, EXPLANATIONS

Presenting a picture of the extent and the types of post-war violence in Bosnia requires an initial and cautionary note about the problem of sources and data. Given the central role that control of populations played during the war, any discussion of numbers - be that of casualties or returned refugees - was bound to become, and has remained to this day, politically fraught and emotionally charged. The point is well illustrated by the long-running debate about, and the difficulties of organising, a new population census. The last such census was held in 1991, that is, on the eve of the war. Although the need for a new census is therefore widely accepted in principle, the subject has proved too delicate for agreement to be reached (ICG 2009: 5; Balkan Insight 2010). The same holds true for discussion about the number of war deaths. Until 2007, when a newly created and independent research institute published its findings, the most widely cited casualty figures ranged

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from 250,000 to 300,000.<sup>5</sup> In contrast, the Research and Documentation Centre (RDC) in Sarajevo found that a total of 97,207 people were killed in the conflict, including 57,523 soldiers and 39,684 civilians. Of the soldiers killed or missing in action, the RDC concluded that 53.8 per cent were Bosniaks, 36.2 per cent Serbs and 9.8 per cent Croats. As for civilians, 83.3 per cent were said to be Bosniaks, 10.3 per cent Serbs and 5.4 per cent Croats.<sup>6</sup> While this research has generated much debate in Bosnia, the figures arrived at are now considered the most detailed and reliable to date. Indeed, the Demography Unit of the ICTY's Office of the Prosecutor supports the RDC numbers, based on the results of their final estimate of death tolls.<sup>7</sup> Even so, the continuing debate on the subject and the passion it has generated within Bosnia shows just how deeply *political* the subject of population figures remains.

The fact is that political actors on all sides have manipulated figures, exploited the lack of reliable statistical information and made the most of anecdotal evidence to stoke ethnic tensions and promote partisan agendas. Most fundamentally, the absence of agreed-upon statistical data has complicated the task of establishing an accurate picture of refugee return (specifically 'minority' return), a critical shortcoming given that so much of the post-conflict violence in the country has been directly linked to this issue.

The politicisation of data on violence is also evident in various attempts by political actors to stir up nationalistic sentiment by deliberately mischaracterising petty crime and 'conventional' criminal behaviour as ethnically motivated. Two incidents that shocked the citizens of Sarajevo in early 2008 are illustrative of this



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trend. In February 2008 a high school boy was stabbed to death by three juvenile delinquents. The subsequent investigation established that the assailants neither knew the victim, nor were they provoked by him into committing the crime. Yet, the fact that the boy was a Croat and the assailants Bosniak led sections of the Croatian media to portray Sarajevo as a 'dangerous city for Croats' (Nova TV 2008). In a second incident an elderly lady in a Sarajevo neighbourhood was brutally murdered. The victim was in this instance Serb and the assailants Roma juveniles, which prompted media in Republika Srpska (RS) to describe Sarajevo as a 'dangerous city for Serbs' (Vecernje Novosti Daily 2008), even though, again, the police had determined that the attack was not ethnically motivated.

These are but two illustrations of a broader trend. They also point to yet another deficiency in the source material: the paucity of micro-level studies of violence, that is, analysis of the role of 'local - village, town, community - and personal dynamics' in the generation and perpetuation of violence (Woodward 2007: 156). As Stathis Kalyvas's work on civil war violence makes clear, this problem is not unique to Bosnia and suggests, at the very least, that one should be cautious about 'meta' explanations for patterns of violence (Kalyvas & Sambanis 2005: 214-16).

Mindful of these caveats, it is nonetheless possible to construct an overall picture of post-conflict violence by drawing both on local sources (interviews and local media, down to the municipality level) and data collected by outside agencies and observers.

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## **Ethnically Motivated Violence: a Brief Descriptive Overview**

Every year between 1995 and 2001 saw sporadic attacks on returnees, ethnically based violence and intimidation of journalists and international representatives. Following a period of escalated violence in the immediate post-war period, the scale and intensity of attacks has gradually declined, especially since 2001, though they have not ceased altogether. Attacks have ranged in gravity from murder and arson to the destruction (bombing or mining) of property, including mosques, churches, cemeteries and other sites of cultural significance. In general terms, it is possible to group the violence into three broad categories, which helps convey the evolution and pattern of attacks over time: unfinished ethnic cleansing; violence targeting refugee return; and intimidation and discrimination.

### *Unfinished ethnic cleansing*

The first post-Dayton year, 1996, was also by far the most violent in Bosnia's post-war history, with tensions and violent incidents involving all three of Bosnia's main ethnic groups. Along with extensive human rights abuses, ethnically motivated killings and return prevention, violence also took the form of large-scale forced civilian displacement. The single largest case of such displacement was the exodus of approximately 60-70,000 Serb civilians in February and March 1996 from the Grbavica neighbourhood and the suburbs of Vogosca, Ilijas, Hadzici and Ilidza, areas of Sarajevo held by the Serbs during the war but which under the Dayton Peace Accord were to be transferred to Federation control.

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Many of these Serbs were resettled in areas formerly inhabited mainly by Bosniaks. The goal was to prevent Bosniaks from returning and in doing so, consolidate Bosnian Serb control over those areas acquired during the war. The Bosniak authorities adopted a similar strategy, moving Bosniak refugees from other parts of the country into newly acquired suburbs. All in all, an estimated 200,000 people were moved in this one single episode (Sell 2000: 180; Human Rights Watch 1997).

Although Bosniak leaders did much to stoke the fears of local Serbs in the days before the transfer, the exodus from Sarajevo was initiated and encouraged by the Serb leadership in Republika Srpska, who wanted the remaining Serbs to leave the city now that it was almost entirely in the hands of the Federation of Bosnia and Herzegovina. Many were forced to leave under threat of death and some were killed for disobeying the orders (Sell 2000: 183, 193-7; Kinzer 1996).

This exodus, and the accompanying violence, is to date Bosnia's most concentrated burst of post-conflict violence. That this episode of widespread violence marked the first year of peace was, at one level, unsurprising, given the rawness of recent memories of war and its many horrors. But there is another, albeit related, reason for the scale of violence in early 1996. The immediate post-Dayton period saw the logic of wartime 'ethnic cleansing' play itself out in those few areas where it had yet to do so following the 1995 ceasefire, most notably in the Serb-controlled suburbs of Sarajevo. As Louis Sell put it (2000: 179-80), 'the emptying of the Serb-held suburbs locked into place the last piece of a jigsaw puzzle that completed the ethnic map of Bosnia'. A similar pattern of post-war cleansing also

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played itself out in Croat-dominated parts of Bosnia in the immediate aftermath of the war. Throughout 1995-1996, in the words of Vesna Bojicic-Dzelilovic (2004), 'the mainstream strategy was to continue low-intensity ethnic cleansing by specifically forcing elderly residents out of their homes and later by attacking refugees returning to Croat dominated areas'. The international force deployed to implement Dayton was not prepared to prevent that from happening, ensuring that, as Woodward observed at the time (1996: 17), 'the outcome of the peace implementation process in its first three months has been further partition'. The fact that Bosnia's police forces at the time were still organised along ethnic lines, and 'were controlled by their respective political leaders', did much to fuel the violence (US General Accounting Office 1997: 40).

This trend continued into 1997, though at diminished intensity, no doubt in part because fear and intimidation now acted as a brake on attempts to return to pre-war localities. One of the year's most serious incidents was the re-expulsion by Croats of 400 Bosniaks from their homes around Jajce; a dozen houses were set on fire and one Bosniak returnee was killed (Human Rights Watch 1998). Also, in Mostar, Bosniaks from the western, Croat-controlled part of the city were forcibly evicted.<sup>8</sup>

#### *Violence targeting refugee return*

Every year between 1995 and 2001 saw both orchestrated and sporadic attacks on returnees, and weak responses by the competent police authorities in Bosnia. The violence was most pronounced in the immediate post-Dayton years and

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has diminished gradually since then without ever completely disappearing.<sup>9</sup>

In 1996, the return of 800 Bosniaks and Croats to their homes near Serb-controlled Doboј resulted in a major incident involving around 1,500 Serbs (Human Rights Watch 1997). Meanwhile, the return of displaced populations, particularly in Republika Srpska, prompted arson attacks and the destruction of property which targeted the returnees either directly or indirectly. Other forms of attack included the looting of factories and of public utilities (Bildt 1998: 193-8). By one estimate, over 300 homes were destroyed in Bosnia in 'late 1996 and early 1997' alone in 'an effort to discourage cross-ethnic returns' (US General Accounting Office 1997: 67).

The violence against returnees carried over into 1997 and 1998. In 1997, twenty-five Serb houses in Croat-controlled Drvar were burned down as their pre-war occupiers attempted to return. In Bosniak-controlled Bugojno, Croats and their homes suffered a similar fate and in September two Croats were murdered in Travnik (Human Rights Watch 1998). The following year witnessed further violent incidents, from arson to assault and murder, targeting Serb returnees in the area of Drvar, Croat returnees in Travnik, and Bosniak returnees in the Capljina and Stolac areas (Human Rights Watch 1999). Critically, local authorities rarely investigated cases of ethnic violence. Indeed, the local police, prosecutors and courts were often complicit in human rights abuses. This was especially the case in the eastern parts of the country, which were now part of Republika Srpska but had prior to the war included municipalities with majority Bosniak populations (ICG 2002b: 18-19).

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The year 2000 was presented as a 'breakthrough' for the return of refugees and displaced persons, this in spite of a major incident in Bratunac, in which Serbs attacked four buses carrying Bosniak returnees, and a number of similar assaults in Janja. The increase in returns witnessed during the year resulted from a combination of domestic and regional developments, including political changes in Croatia; advances in the property return process (for returnees); the international community's increasing readiness to use Office of the High Representative (OHR) powers and NATO forces to ensure returnees' freedom of movement and safety; and growing impatience on the part of refugees with the slow return process (ICG 2000: 5-6). Despite these factors, and a reduced rate of attacks, overall violence against formerly displaced populations continued. Such acts have occurred against a backdrop of more frequent, yet indirect, forms of intimidation, such as the disruption by a mob of the opening ceremony for the reconstruction of the Ferhadija Mosque in Banja Luka, an incident in which one person was killed and eight were wounded (Human Rights Watch 2001, 2002).

#### *Intimidation and discrimination*

The deliberate targeting of returnees occurred alongside a more general trend of ethnically based harassment, often conducted by members of the security forces. Until early 1998, police stationed at illegal checkpoints would single out travellers seeking to cross Bosnia's Inter-Entity Boundary Line (IEBL) and subject individuals to beatings, threats, arrest and even charges of war crimes, all to dissuade select populations from

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travelling across Entity borders. This practice was significantly reduced with the unification of the vehicle licence-plate system in Bosnia in 1998. Described by Martin Barber, former senior official working for the UN mission in Bosnia (UNMIBH), as 'the death knell of the check point system', it ensured that vehicles could no longer be identified by municipality of origin, which in addition to the ensuing increase in traffic at major crossing points, meant that the police found it more difficult to use illegal checkpoints to intimidate civilians. It is estimated that within the first month of the introduction of common licence plates there was a 50 per cent increase in crossing across Entities.<sup>10</sup> It was an ingenious and innovative response by UN and OHR officials on the ground to what had become a major obstacle to freedom of movement, and its immediate effect was to reduce the scope for violence and intimidation.

Even so, ethnically based intimidation has continued, but has tended to take less direct forms. Indeed, levels of outright physical violence have remained low since 2006; in a report released in 2008, the UN Office on Drugs and Crime (UNODC) went so far as to suggest that Balkan countries, including Bosnia, were, in many respects, safer than Western Europe (UNODC 2008: 9). And yet, violence directed against symbols of specific ethnic groups - churches, mosques, graveyards and cultural events - has continued. Examples of such ethnically motivated violence since 2006 have included the taking down of obituaries of 80 Bosniak war victims in Brcko before their funeral; the destruction of five tombstones in the graveyard of the Hadzi Omerova Mosque in Banja Luka; the provocation of Bosniaks in Trebinje at the beginning of a Ramadan prayer; the

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destruction of several tombstones in a Catholic cemetery near Bugojno; the attempt to set fire to the Serb Orthodox Church in Potocari, near Srebrenica; and the public turmoil over the illegal construction of religious monuments and buildings in various towns (US Embassy to Bosnia and Herzegovina 2008).

This all appears to confirm the finding of UNDP's 'ethnic stability index' for 2000-2006, which concluded that ethnic relations did not improve over this period (UNDP 2006: 102-3). It also provides part of the background to more recent warnings of a further deterioration in inter-ethnic relations, leading to the question whether organized violence, if not war, can return.<sup>11</sup>

#### Nominal Versus True Refugee Returns: the Persistence of Wartime Divisions

As outlined above, most of post-conflict violence in Bosnia has been linked to the return of refugees, specifically to so-called 'minority returns'. Such violence can be seen as a continuation of wartime campaigns of ethnic cleansing, seeking both to create and to sustain ethnic demographic dominance in select areas as a path toward broader, ultra-nationalistic, state-building projects (Mulaj 2008: Chapter 3).

Such violence notwithstanding, the official statistics tend to paint a positive picture of refugee and internally displaced people (IDP) returns. Of the 2.2 million people displaced during the war, 1.2 million of whom fled the country, it is estimated that by June 2010 approximately 579,600 IDP and 448,600 refugees had returned (UNHCR



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2010).<sup>12</sup> Most of these returns occurred within the first few post-war years and with the help of various action plans issued both by domestic institutions (specifically the Ministry for Human Rights and Refugees BiH) and by international organisations (UNHCR, OHR, UNDP).

Still, these statistics only tell half the story. First, 'minority returns' – the return of a displaced or refugee person to the place of origin where s/he now represents a minority – accounts for approximately 468,800 returns (or 45 per cent of the total), of whom 275,200 (58 per cent) returned to the Federation, 171,500 (36 per cent) to Republika Srpska and 22,000 (5 per cent) to Brcko District (UNHCR 2010).<sup>13</sup> These figures include some 'success stories', such as the return process in the Doboï area of Republika Srpska, a centre of Serb nationalism during the war (ESI 2007). Nevertheless, the problem is that minority return figures cannot always be used as evidence of true and sustainable 'integration'.

Second, the conventional figures are largely based on the metric of *property return* or the right of would-be returnees to return to their pre-war flats or houses, taken away from them or abandoned in the flight from violence. Using this metric can be misleading, as 'no international organisation or government agency has precise figures on how many Bosnians, after reclaiming their houses or flats – or receiving reconstruction assistance – then decide to sell or exchange them and relocate elsewhere', or simply never occupied them (ICG 2002b: 11). In Kupres Municipality, for example, an estimated 90 per cent of properties reclaimed were subsequently sold or exchanged. In Sarajevo Canton, half (around 10,000) of the apartments

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repossessed are thought to be uninhabited (ICG 2002b: 11; PRISM Research Agency 2006: 20).

This situation can at least partly be explained in terms of the tendency, especially in the late 1990s, for cash-strapped homeowners to reclaim a returned property only to sell it on via intermediaries (family, friends and real estate agencies), albeit for extremely low prices. This desperate practice was encouraged by nationalist propaganda, as it helped prevent the re-establishment of ethnic minorities in these areas. It also created opportunities for self-enrichment for those people with liquid assets, who could purchase property cheaply and sell it at highly inflated prices within a few years. These buyers were often warlords and war profiteers, who unlike the vast majority of the population had neither lost their savings during the war nor spent them on outrageously overpriced commodities, but for whom, in many cases, conflict had been lucrative.<sup>14</sup>

Specific studies of individual towns add strength to these findings. Take the small eastern Bosnian town of Rogatica. Before the war, 13,029 of the town's citizens declared themselves as Muslims. Many of these Muslims were forced out of the town early in the war and some subsequently settled in and around Sarajevo. Return started soon after the war but in meagre numbers. As in other parts of the country, many returnees were elderly and had struggled to integrate in urban centres within or outside the country, or simply had no option but to return. As a result, it was not until 2005 that a returnee Bosniak baby was born in Rogatica (Boracic 2008; SIRLBIH 2008). Other small towns in rural BiH (of which there are many) have faced similar fates.

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Going further, the 2008 Municipal Elections provide tentative evidence of initial returnees leaving their homes again. Over recent years, the number of Bosniak municipal councillors has declined in several municipalities of Republika Srpska: in the 2004 Municipal Elections, SDA and SBiH (predominantly Bosniak parties) had four councillors in Rogatica, compared to only one in 2008; in Bratunac, the number went from 10 councillors in 2004 to only five in 2008; in Srebrenica, it is 15 versus 11.<sup>15</sup> While this decline may also relate to a low electoral turnout, it may indicate that returnees prefer to leave areas where they constitute a minority.

The return rates in Bosnia must also be seen in the context of the country's precarious economic situation; indeed, the economic sustainability of return is often identified as a key factor in determining rates of 'true' return - without jobs, people cannot go back. Yet in Bosnia, the issue of the economy, further accentuated by the current global financial crisis, also has an ethnic slant, due to the 'ethnification' of institutions alluded to above. Entity employment laws and the nationalist manipulation of the privatization process to benefit one group or another have contributed to 'institutionalized discrimination' against minority returnees seeking employment (ICG 2002b: 15). Returnees have also been subjected to discriminatory practices relating to access to pensions, social services, health care, education and public utilities (UNHCR 2001: 17-23). As summed up by one monitoring organisation at the end of 2007, the overall picture was clear:

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The authorities have never made [a] distinction between returnees who only took repossession of their property and those who remained living in their property units. One of the primary goals in the implementation of Annex VII is the restoration of the socio-demographic structure of the BiH society, which had been impaired by the war. Nothing has been done to that effect. BiH is today divided into almost ethnically pure territories, while consequences of war migrations have only deepened through long standing obstructions and administrative barriers of authorities at all levels (Helsinki Committee for Human Rights in Bosnia-Herzegovina 2007).

In short, the limited number of 'true returns' - and the concomitant persistence of ethnic divisions created by war and enshrined in Dayton - provide part of the explanation for the comparative lack of large-scale post-conflict violence. As factors, low return rates, the fear of going back, and the subsequent tendency to sell former property rather than return to it created a situation where overt physical violence was only seldom needed to enforce and maintain the ethnic segregation vied for by some during the war. Even those who did return faced a tough choice: to live life under constant threat and usually in poverty and isolation or to attempt a new life elsewhere. Many opted for the second option. In a very powerful sense, therefore, the ethnic cleansing continued into the post-conflict environment, but by other means.

## DAYTON, THE INTERNATIONAL PRESENCE AND POST- CONFLICT VIOLENCE

There is little doubt that the international security presence in Bosnia after 1995 played a key role in containing post-war violence. That role, however, has evolved over time. Indeed, there is a close correlation between the way in which the international military and police forces interpreted their mandate and the ambient levels of violence in Bosnia. This in turn suggests that the deployment of external military and police forces, even on the scale seen in Bosnia, is no guarantee *per se* of post-war stability; much depends on the intervening variables of mandate, mandate interpretation and of capabilities.

The Dayton Accords provided 'the first post-war set of benchmarks by which Bosnia-Herzegovina's contending factions were to govern themselves and be governed', including within the realm of security (Innes 2006: 2). The goal was to 'recreate as quickly as possible normal conditions of life in Bosnia and Herzegovina' (DPA 1995: Article 1(1), Annex 1A). Against this background, the activities of the international security forces can be divided into two main categories: (1) activities that aimed directly at stabilising the country by preventing any further ethnic violence; and (2) those that sought to break the critical link between politics and the military and police forces. The latter task was deemed, rightly, to be the key to weakening the ethnic and nationalist manipulation of the security forces.

### Military Forces

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Whereas the decision to maintain wartime ethnic cleavages in Bosnia in all likelihood prevented an immediate eruption of post-war violence, it also delayed the dismantling and professionalization of the various armed formations that had been active during the war. This prioritization of what *could* be done ahead of what *needed* to be done carried the risk of these forces being manipulated for ethnic purposes, this in a country awash with small arms and light weapons. The forces in question ranged from regular military forces to reservists, home guards, police officers, civilian militias, irregular and paramilitary formations and foreign fighters (UN 1994: 31-2).

Two annexes in the Dayton Peace Accord stipulated the measures the Parties to the conflict had agreed to implement with the assistance and supervision of international military and police personnel. The NATO-led Implementation Force (IFOR) (succeeded by the Stabilisation Force (SFOR) from late 1996), was tasked with ensuring a definitive cessation of hostilities and the phased demobilization and disarmament of all military forces (including de-mining actions) along with the disarmament and disbanding of all armed civilian groups (except for the police) and foreign armies. However, more fundamental tasks, such as military restructuring and the creation of a national army, were postponed. Accordingly, the conditions to which the warring sides agreed through Annex 1A of the Dayton accord were largely concerned with consolidating the ceasefire rather than deep-rooted reform.

The ceasefire provisions seemed to have been fulfilled 'almost to the letter of Dayton's provisions' (Cousens & Cater 2001: 54). The separation, cantonment and progressive

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demobilisation of all military forces got underway in 1996, followed in 1997 by arms and troop-reduction agreements. Despite these achievements, there was a limit to what IFOR/SFOR could accomplish in a country now divided along ethnic lines and with three ethnically defined wartime armies, whose outlook and, in many cases, personnel remained unchanged. It also meant that one of the mechanisms for the generation of violence (i.e. the manipulation of the armed forces) was still in place. In some ways this was of IFOR/SFOR's own making. As described by Elisabeth Cousens and Charles Cater in their 2001 assessment of the situation in Bosnia, IFOR/SFOR's initial reliance on a force separation strategy meant that they missed 'a critical opportunity [...] [B]oth implementation forces had the power to sever the link between military control of territory and political jurisdiction; but they have so far failed to do so' (2001: 65). This in turn adversely affected the capacity of the international security presence to control returnee-related violence and intimidation.

The 'Train and Equip' programme introduced by the US at the time of the Dayton Peace Accord, but outside its framework, represents one of the first missed opportunities to weaken the nationalist hold on the armed forces. This programme was promised in exchange for reaching a peace agreement and it essentially re-armed Bosniak-Croat Federation forces in order to create an 'internal balance of forces' in Bosnia (Cousens & Cater 2001: 54; see also Pietz 2006: 161-2). The stabilization goal came at the price of only nominal integration of the wartime Bosnian Croat Army (HVO) and the Bosniak Army (ARBiH), reaffirming the existence of three armies in Bosnia. Moreover, it

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increased the security dependence on NATO as – at the time – many considered that this programme gave ‘an awful lot of men a lot of guns and taught them how to use them better’ (senior SFOR officer quoted in Cousens & Cater 2001: 57).

What emerged as a particularly important turning-point, therefore, was the 2003 decision and subsequent efforts to merge the wartime military forces through the work of a Defence Reform Commission, created by former High Representative Paddy Ashdown in order to circumvent obstacles blocking this contentious reform.<sup>16</sup> It signalled a reversal of the policy adopted in the Dayton Accords, which accepted, and therefore reinforced, wartime ethnic cleavages as a means of avoiding violence. It essentially terminated the link between politics and the military forces, a link that nationalist parties had used to further their territorial agendas during the war. Effective from January 2006, this reform process created one common Ministry of Defence at the State level, integrating Bosniak, Croat and Serb professional forces under one operational command structure. Moreover, certain tasks that had been common in the early phases of the post-Dayton period were now prohibited or removed from military doctrine, including the use of military forces by the entities for policing the entity boundaries and for internal security functions (Staples 2004: 35-6). Initiating defence reform – considered one of the most successful reforms in post-war Bosnia – had an ‘ice-breaker effect’ (Vetschera & Damian 2006: 39) on similar reforms, albeit with varying levels of success, in other areas of the security sector.

### Police Forces



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In the immediate post-Dayton phase, Bosnia's police forces - corrupt, unreformed and organised along ethnic lines - were a major source of violence throughout the country, systematically obstructing minority returns and protecting war criminals.<sup>17</sup> The scale of the problem was noted in a UN report of December 1996, according to which 70 per cent of human rights violations were committed by police (US General Accounting Office 1997: 40). Through intimidation and harassment, often at mobile checkpoints set up illegally along the inter-Entity boundary, as well as by direct physical violence, police forces of all three major ethnic groups (though especially Bosnian Croat and Bosnian Serb units), continued to pursue their wartime objectives of creating ethnically homogeneous entities. As late as 2002, the International Crisis Group observed that 'the role of the police is not seen as being to "serve and protect" everyone, but to serve and protect "one's own kind", whether they be co-nationals, colleagues or political masters' (ICG 2002a: i). Moreover, they continued to play a crucial role in nationalist patronage networks (Bechev 2007: 92). As late as 2000, nationalist parties in the Federation of BiH continued to exert control over the cantonal financial police, whose responsibilities included investigating corruption, money laundering and economic crimes. This control allowed nationalist parties to maintain a system of 'revenue-raising fines' from businesses and to audit opposition groups during election periods (Pugh 2002: 471).

Halting the police's involvement in ethnic violence required tackling the influence that nationalist and criminal networks had over them. Breaking this link has

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proved a major challenge. The UN Mission in Bosnia and Herzegovina and the International Police Task Force (UNMIBH/IPTF) worked on a number of initiatives aimed at terminating the politico-security nexus. An illustrative example of UNMIBH/IPTF efforts – continued and extended in many respects by the EU Police Mission<sup>18</sup> – is the Police Commissioner Project, introduced in 2000 with the aim of curtailing the wide powers vested in interior ministers by creating the position of ‘Police Commissioner’/‘Director of Police’ and thereby separating policy making (ministers) from policy execution (civil servants) (ICG 2002a: 33). The latter was supposed to be an experienced police professional that would not serve a political agenda in the day-to-day management of police work. The implementation of this initiative was difficult, with nationalist forces either opposing the idea or introducing measures to weaken its impact (UN 2001: paragraph 16; ICG 2002a: 33-36). However, in many respects the nationalist grip on the police remains unchallenged to date, as exemplified by the ‘failed’ international attempt between 2004-2008 to create one single police system and in doing so, reverse the fragmentation introduced at Dayton.<sup>19</sup>

#### Capabilities, Mandates and Post-War Violence

So far we have analysed efforts by the international security presence to contain the political use of generalised violence in post-Dayton Bosnia. Equally important is the manner in which IFOR/SFOR and UNMIBH/IPTF dealt with those situations where violence did occur. In this regard, the way in which they defined their mandate and went about implementing their responsibilities,

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particularly vis-à-vis the provision and guarantee of public security, was crucial.

In accordance with Annex 11 of the Dayton Peace Accords, the UN established a 2,000-strong IPTF with the mandate to assist, advise, monitor, train and inspect Bosnian civilian law enforcement personnel. It was the responsibility of the local police forces, not the UN international civilian mission, to maintain a "safe and secure environment for all persons in their respective jurisdictions" (DPA 1995). In other words, IPTF had no mandate to carry out police actions or to sanction those law enforcement agents found to have contravened the Dayton Peace Accords; nor were IPTF officers armed. This outcome was the direct result of a difference of opinion during the negotiations that led to the Dayton Accords between the Holbrooke team - which pushed for a strong IPTF mandate and armed personnel - and NATO, the Pentagon and some Western European governments, who feared that the UN troops, if provided with too ambitious a mandate, would get themselves into trouble and require NATO troops to intervene and protect them (ICG 2002a: 5; Holbrooke 1998: 251-2).<sup>20</sup> For US decision-makers for whom the images from previous interventions - during the Bosnian war but also in Somalia and Haiti - were still all too fresh, the preference was for a clear, simple mandate that would have American forces out of Bosnia within a year. A near obsession with force protection on the part of US forces in Bosnia severely restricted IFOR and initially SFOR's ability to limit and control post-war violence.

The limited powers given to IPTF in the peace agreement also prevented it from counteracting the violence witnessed in the first few years after the Dayton. It also rendered

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its work and that of UNMIBH more dependent on NATO assistance, the very situation the Pentagon and NATO decision-makers had tried to avoid. Problematically, IFOR and initially SFOR were not keen, on grounds of 'mission creep', to engage in any activity that resembled law enforcement, despite the fact that, under the Dayton Accords, NATO forces were meant to participate actively in the creation of a secure environment for the implementation of the civil aspects of the peace agreement. This backdrop helps explain the near total absence of an international response to the violence surrounding the transfer to the Federation of some Sarajevo suburbs, previously in Bosnian Serb hands. Similarly, it helps explain the virtual impunity enjoyed by paramilitary forces in the immediate post-Dayton phase, as these forces were considered outside IFOR/SFOR's realm of action, based again on a very restrictive reading of its powers as granted by the Dayton Accords.

The international military force's initial interpretation of its mandate did not help against the increase in inter-ethnic violence during the early post-Dayton period, something that became strikingly and embarrassingly apparent during the Bosnian Serb evacuation of Sarajevo. No effort was made to remove illegal checkpoints, nor was any serious effort made to apprehend war criminals or, more generally, to confront Bosnia's deeply factionalised police forces (Friesendorf 2010: 35-9). It is a paradox that the aforementioned licence-plate reform - initiated and implemented by UN and OHR officials on the ground - probably did more in the early post-war years to curtail violence than the actions by NATO-led forces.

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The effect of this stance became clear when SFOR – following a May 1997 decision by Secretary of State Madeleine Albright – adopted a more proactive interpretation of its roles in supporting civilian implementation tasks, a decision that contributed directly to the decrease in ethnicity-related violent incidents (Moodie 1998: 24-5). The change was, however, gradual and inconsistent. As a result, inter-ethnic violence frequently went unchecked in the years between 1997 and 2000. Still, SFOR's greater activity in protecting returning refugees from angry mobs was, for example, an important factor in the surge in returns in 2000 (Friesendorf & Penska 2008: 682). Similarly, its gradual, albeit reluctant, involvement in the apprehension of war criminals (although often with very restrictive rules of engagement) had a positive impact on the refugee return process.<sup>21</sup> So too did its efforts, tentative and half-hearted at first, to curtail the power of the Bosnian special police. The latter were suspected, and with good reason, of playing an important role in fomenting violence in the post-Dayton period, in protecting war criminals and in maintaining secret caches of heavy weapons (Moodie 1998: 28; Cousens & Cater 2001: 58).

Meanwhile, UNMIBH/IPTF's capacity to intervene in law enforcement also increased with time due, at least partly, to the restructuring and institution-building powers that it acquired from late 1996 onwards. For example, through Resolution 1088, UNMIBH/IPTF was given the capacity to investigate or assist in investigations of human rights abuses committed by law enforcement personnel (UN 1996: paragraph 28). This newly acquired prerogative was put to use during the certification (or vetting) process that sought – among other things – to remove all those police

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officers with war crime and other criminal records, whether those crimes were committed during the war or in the immediate aftermath, and those elements that contributed to the force's continued militarization. Thus, although it was still not able to use force during episodes of violence or directly patrol the streets, these newly acquired powers made it into a more credible actor in the control of ethnic violence in post-Dayton Bosnia.<sup>22</sup>

### CONCLUDING THOUGHTS

Levels of overt physical violence in post-war Bosnia were comparatively low for two main reasons. In the first instance, the undisputed control that each ethnic group had over its own territory contributed to a very slow and in some ways unsustainable return process, between Entities and between Croat and Bosniak areas in the Federation.<sup>23</sup> In turn, the sustained segregation rendered unnecessary the overt use of force as a means of entrenching wartime ethnic divisions. 'The Dayton formula', in the words of David Harland (1997: 13), was to 'freeze in place the situation as it was on the battlefield'. Secondly, the large-scale international military and police presence was unable to reverse this ethnic bifurcation and, if anything, in the immediate post-war period helped to consolidate it as an expedient means of maintaining stability (Cox 2008: 255). In the words of Cousens and Cater, 'preventing this violence was a task neither wanted by IFOR, which was permitted but not obliged to undertake it, nor suitable for IPTF' (2001: 65). This situation delayed the type of security sector reform required for long-term post-war stability.

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The international security presence has therefore helped to maintain a ceasefire in the country. Given the ferocity, the polarisation and the open wounds left by the war of 1992-5, this achievement should not be undervalued. However, the decisions taken in terms of mandate design and interpretation - particularly in the early post-war period - have, arguably, failed to tackle structural bases of violence. Political turmoil in the last few years has been interpreted by some analysts as Bosnia being 'on the brink of collapse' with Bosnians 'once again talking about the potential for war' (McMahon & Western 2009: 69). Srecko Latal has argued that inter-ethnic incidents are on the rise, from a monthly average of seven in 2007, to nine in 2008 and almost thirteen in 2009. He interprets this trend as meaning that 'local politicians could be losing their control over the masses' (Latal 2010). This view is not universally shared by those in the field, with questions being raised about the capacity today of local actors to generate large-scale organized violence faced with the international presence, the security and institutional measures brought in since Dayton, and the changed regional context. However, even those who question the likelihood of war or large-scale violence acknowledge the deteriorating climate of political dialogue and the dysfunctionality and lack of legitimacy of political institutions, leading - in the words of a long-standing international observer - to a 'complete lack of hope of any change for the better'.<sup>24</sup> It points to the dilemma of conducting operations that prioritize what *can* be done ahead of what *needs* to be done, in other words, short-term goals of violence reduction over longer-term aims of peacebuilding. In the words of a police expert, the political turmoil in the last few years shows

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an 'unresolved sense of trust massed over by the huge international presence that substituted for it'.<sup>25</sup> It also raises the question of whether Bosnia is today ready to stand on its own feet, or whether its stability remains a function of the ongoing international military, police and civilian presence still in the country.

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<sup>1</sup> Bosnia or BiH is used throughout the chapter to refer to Bosnia and Herzegovina.

<sup>2</sup> According to the 1991 census, 'Muslim by nationality' accounted for 43.7 per cent of the population, Bosnian Serbs 31.4 per cent and Bosnian Croats 17.3 per cent with the remainder including various other ethnic groups and self-declared 'Yugoslavs' (Bieber 2006: 2).

<sup>3</sup> See 'Human Losses in Bosnia and Herzegovina 1991-1995' (also known as the "Bosnian Book of the Dead"), Research and Documentation Centre Sarajevo, [www.idc.org.ba](http://www.idc.org.ba).

<sup>4</sup> The NATO presence was reduced to 32,000 in December 1996. The UN presence came closest to its authorised strength in November 1997.

<sup>5</sup> See for example Holbrooke 1998: xv.

<sup>6</sup> Information available on the Centre's website: [http://www.idc.org.ba/prezentacija/rezultati\\_istrzivanja.htm](http://www.idc.org.ba/prezentacija/rezultati_istrzivanja.htm). For a detailed account of the politics and process of knowledge production in relation to this example see Nettlefield 2010.

<sup>7</sup> The authors are grateful to Lara Nettlefield for her comments in relation to this point.

<sup>8</sup> For Mostar as a persistent site of violence and intimidation related to refugee return, see Bojicic-Dzelilovic 2004.

<sup>9</sup> These abuses have been well documented by Human Rights Watch in its annual world reports (section on Bosnia). For more information see the

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reports from 1996 to 2001, available at [www.hrw.org/en/node/79288](http://www.hrw.org/en/node/79288) (accessed on 31 August 2010).

<sup>10</sup> Interview with Martin Barber, Deputy Special Representative of the UN Secretary-General in the UN Mission in Bosnia and Herzegovina (UNMIBH) from 1996 to 1998, London, January 2010.

<sup>11</sup> See Ashdown and Holbrooke (2008).

<sup>12</sup> The UNHCR statistics point out that since 2007 returnee numbers (including minority returns) are based on incomplete data submitted by local authorities. In December 2007 return data looked as follows: 578,400 internally displaced people and 446,600 refugees (UNHCR 2007).

<sup>13</sup> The percentages are approximate figures based on the authors' calculation using the UNHCR 2010 data. The number of minority returns in 2007 stood at 465,700 (UNHCR 2007).

<sup>14</sup> Confidential interviews with Bosnian citizens who lived in the country at the time in question, Sarajevo, August-September 2008.

<sup>15</sup> This data is based on the authors' comparison of municipal council member lists for the municipalities in question on the basis of the local electoral results between 2004 and 2008. Data available at the official site of the Central Election Commission of Bosnia and Herzegovina ([www.izbori.ba](http://www.izbori.ba), accessed on 10 May 2009).

<sup>16</sup> A range of motivations were behind this strategy, from economic arguments to the exigencies of joining NATO's PfP programme. A number of breaches of Dayton's defence clauses by local authorities added impetus to the process (Pietz 2006: 163-4).

<sup>17</sup> Interview with Martin Barber, London, January 2010.

<sup>18</sup> On 1 January 2003 the European Union Police Mission (EUPM) took over from the UN the responsibility for policing matters in Bosnia.

<sup>19</sup> While progress has been made in terms of building citizen trust (ICG 2009: 2-3), the ongoing fragmentation of the current system, which included 15 operationally independent law enforcement agencies before 2008, works against the development of a robust police that is able to withstand political pressures.

<sup>20</sup> Some also feared that arming the IPTF would slow down the police reform process by encouraging dependence on international security structures. Interview with Martin Barber, former UNMIBH senior official, London, January 2010.

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<sup>21</sup> For a detailed study of the relationship between arrests of war criminals and refugee return patterns, see Orentlicher 2010: 28-9, 79-85.

<sup>22</sup> At the 1997 Bonn Peace Implementation Council the OHR was given the power to take action against individuals holding office who were beyond UNMIBH's jurisdiction but were nevertheless working against the implementation of Dayton. In those situations, UNMIBH could make recommendations to the OHR (UNMIBH Internal Memo, no date).

<sup>23</sup> Interview with Martin Barber, former UNMIBH senior official, London, January 2010.

<sup>24</sup> Confidential interview, Sarajevo, September 2009.

<sup>25</sup> Confidential interview, Sarajevo, September 2009.