

## UNITED NATIONS RESOLUTION ON SREBRENICA GENOCIDE, SOLUTION OR DISSOLUTION OF BOSNIA AND HERZEGOVINA?

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**Abstract:** The General Assembly of the United Nations adopts Resolution on Srebrenica Genocide on 23 May 2024, designating 11 July as the „International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica“. The Resolution on Srebrenica Genocide was adopted by a vote of 84 in favour to 19 against, with 68 abstentions. One of the objectives of adopting the Resolution on Srebrenica Genocide is to condemn any denial of Srebrenica genocide and actions that glorify those convicted of war crimes, crimes against humanity and genocide by international courts. The adoption of the Resolution on Srebrenica Genocide resonates in the region of the Western Balkans, but also far beyond its borders. Part of the statements that preceded the adoption of the Resolution on Srebrenica Genocide and that appeared in public after its adoption may exacerbate tensions, and even existence of Bosnia and Herzegovina. Aim of this paper is to analyze the statements and narratives relate to Resolution on Srebrenica Genocide and put it in the context of the current political and security situation in Bosnia and Herzegovina. Does the adoption of the Resolution on Srebrenica Genocide lead to further reconciliation of the people in Bosnia and Herzegovina? Will there be a review of the conflicts of the last century in Western Balkan region after this?

**Keywords:** United Nations, Genocide in Srebrenica, Bosnia and Herzegovina

### Introduction

On May 23, 2024, the General Assembly of the United Nations adopted a resolution declaring July 11 as the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica. As stated, the adoption was proposed by the countries that have a painful historical experience with war crimes – Germany and Rwanda. The text of the resolution was subsequently sponsored by another 34 countries, including all the republics of the former Yugoslavia, except Serbia. The UN General Assembly named the Resolution the International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica, referring to the judgments of the International Court of Justice (ICJ) and the International Criminal Tribunal for the former Yugoslavia (ICTY), emphasizing that criminal responsibility for genocide is individualized, thus making it clear that the people cannot be held guilty of the crime. The Resolution adopted by a recorded vote of 84 in favour to 19 against, with 68 abstentions, condemned any denial of the Srebrenica genocide as a historical event and actions that glorify those convicted of war crimes, crimes against humanity and genocide by international courts. It also requested the Secretary-General to establish an outreach programme titled “The Srebrenica Genocide and the United Nations”, starting its activities

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with preparations for the thirtieth anniversary in 2025. ([press.un.org/en/2024/ga12601.doc.htm](http://press.un.org/en/2024/ga12601.doc.htm) accessed on 16.06.2024.; [media.un.org/unifeed/en/asset/d321/d3210898](http://media.un.org/unifeed/en/asset/d321/d3210898) accessed on 15.06.2024.).

The resolution condemned any denial of the genocide in Srebrenica and called on all states to prevent denial of the genocide by preserving established facts, including action through their own educational systems. The resolution condemns the glorification of convicted war criminals and emphasizes the importance of ending the process of finding and identifying the remaining victims of the genocide in Srebrenica. Finally, the resolution reminds all states of their international obligations from the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG) or The Genocide Convention ([www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf](http://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf) accessed on 18.07.2024), which include the prevention and punishment of genocide, and compliance with applicable decisions of the ICJ ([n1info.ba/english/news/read-the-complete-text-of-the-final-draft-un-resolution-on-srebrenica/](http://n1info.ba/english/news/read-the-complete-text-of-the-final-draft-un-resolution-on-srebrenica/) accessed on 30.06.2024.). A few months before its adoption, emotions in the Balkans were brought to a boil and conflicting ethno-narratives were a latent threat to change the existing political-territorial relations, taking into account what was being considered as a consequence of the adoption of the resolution, both in the legal and political environment of the unfortunate "Western Balkans." ([federalna.ba/rezolucija-o-genocidu-u-srebrenici-rastu-tenzije-i-pokusaji-destabilizacije-auahj](http://federalna.ba/rezolucija-o-genocidu-u-srebrenici-rastu-tenzije-i-pokusaji-destabilizacije-auahj) accessed on 10.05.2024.).

The term genocide has often been used to compare massacres around the world, with the aim of attracting attention by evoking memories of World War II concentration camps and their victims. The Second World War and genocide became two sides of one and the same phenomenon. However, genocide became a term that was used on the one hand to describe any essentially inhuman act committed by the enemy, and on the other hand, a call for a gathering of threatened (in most cases minority) groups that sought affirmation of their identity and existence. Thus, genocide became a victim of "verbal inflation" in the same way as the term "fascism". In this way, the term genocide progressively lost its initial meaning and became dangerously prosaic. In order to shock people and draw their attention to current situations of violence and injustice, genocide was used as a synonym for massacre, cruelty and repression. Further trivialization and simplification of genocide resulted from its identification with the "holocaust", especially "popularized" by the American mass media in the 70s. The authentic context of the Holocaust is primarily ethno-religious, so this identification had a two-fold effect: mystifying and spectacular, which, again, distorted reality. Mass killings of people have been carried out several times in the last century - let's mention only the persecution and extermination of Armenians by the Ottoman Empire (1915-16), the Holocaust carried out against the Jews by Nazi Germany, the killing of millions by the Khmer Rouge regime Rouge in Cambodia in the mid-70s, the Hutu crime against Tutsi in Rwanda and finally the crime against Bosnian Muslims (Bosniaks) in 1992-95. in Bosnia and Herzegovina (Seizović, 2016: 149).

The Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General Assembly of the United Nations in 1948 defines genocide as a crime of international law, or as "any of the listed acts committed with the intention of destroying, in whole or in part, a national, racial or religious group: killing group members, inflicting bodily

(physical) or mental (psychic) injuries (damage) to group members, intentionally imposing conditions on the group lives calculated to lead to its destruction, the application of measures aimed at preventing births within the group; forcible transfer of children from one group to another" ([www.un.org/en/genocideprevention/documents/Genocide%20Convention-FactSheet-ENG.pdf](http://www.un.org/en/genocideprevention/documents/Genocide%20Convention-FactSheet-ENG.pdf) accessed on 29.05.2024.).

What distinguishes the crime of genocide from all other crimes - which we call the generic term "war crimes" - is the intention to destroy, in whole or in part, one of the mentioned protected groups. That genocidal intent (*dolus specialis*) that separates genocide from the so-called criminal acts. of general criminality (murder, serious bodily injury, etc.) because with them the protected object is the individual as a member of society as a whole and not the individual as a member of a specific group. It is difficult to imagine any mass crime, including genocide, committed by an individual or group without the support of the state or state apparatus (Seizović, 2016: 150).

### **International Court of Justice**

The International Court of Justice (ICJ) was established in June 1945 by the Charter of the United Nations and began work in April 1946. The seat of ICJ is at Peace Palace in the Hague, Netherlands ([www.icj-cij.org/index.php/history](http://www.icj-cij.org/index.php/history) accessed on 26.05.2024.).

On February 26, 2007, the ICJ issued a decision in the case of Bosnia and Herzegovina (BiH) against Serbia and Montenegro for violation of the Genocide Convention. The court found that Serbia did not commit genocide through its organs or persons whose actions would make it responsible under the rules of international law. Leaving aside the evident ethical and political suspicion of such a verdict and abstracting - only for methodological reasons - the emotional discourse and piety towards the victims of genocide that such a verdict evokes, it can be stated that the verdict explicitly claims that Serbia was not involved in the war in BiH, and the verdict implicitly claims that Serbia did not commit genocide in Bosnia and Herzegovina. Since the fact that genocide was committed in Bosnia and Herzegovina cannot be ignored (which the Court re-affirms in its decision, referring to the second-instance verdict of the Hague Tribunal against Republika Srpska Army General Radislav Krstić, these are implicit statements of the verdict that the genocide was committed by the authorities (including the army) of Republika Srpska. Since the court could not simply assert that genocide was not committed, its decision shifted the responsibility for it to the Republika Srpska, i.e. its army and police. The legal consequence of this reasoning of the Court, translated into the language of international public and international criminal law, means that there is no responsibility of the State of Serbia for the crime of genocide which, according to the Court, was committed only in Srebrenica. It seems that this reductionism in the approach of the Court was based on the verdict against General Krstic for the crime in Srebrenica. In any case, by the decision of the Court, the responsibility for genocide is situated "within the borders of Bosnia and Herzegovina", which skillfully avoided the key nexus that would connect the two states - Bosnia and Herzegovina and Serbia, necessary for determining responsibility for genocide ([www.icj-cij.org/node/103898](http://www.icj-cij.org/node/103898) accessed on 26.05.2024.).

On the other hand, the Court found that Serbia is responsible for not preventing the genocide and punishing its perpetrators, and for not extraditing General Ratko Mladić, accused of genocide. This "judgment", in itself, although it does not seem so significant at

first glance, is very difficult by its nature, because, for the first time, the judgment of the highest international court has established the responsibility of a state for the violation of the Convention on Genocide. The court considered that, due to the seriousness of the crime (failure to prevent and punish genocide), the mere mention of this fact in the operative part of the verdict has the significance and quality of a sanction or adequate satisfaction. This judgment created an international legal obligation for Serbia to immediately take effective steps to ensure full compliance with the Genocide Convention, to punish the acts of genocide defined in Article II of the Convention or any other acts from Article III of the Convention, as well as to extradite those accused of genocide or for the mentioned other actions to the Hague Tribunal. It is particularly indicative that in paragraph 6 of the operative part of the decision, Ratko Mladić is mentioned explicitly and states that by not extraditing him, Serbia has violated its international obligations stipulated by the Convention on Genocide (Smajić, Seizović and Turčalo, 2017: 238).

By establishing this fact, it is implicitly understood that the authorities in Belgrade knew where the accused was or that it is located on the territory of Serbia. If it were not for this assumption, it would seem illogical to include this obligation of Serbia in the operative part of the decision. Although it seemed to a superficial observer or layman that Serbia avoided responsibility, it was not so: Serbia was marked as the only country that was convicted of violating the Genocide Convention, because it had an international legal obligation to take action and prevent the crime, but failed to fulfill that obligation. execute. In this way, the decision does not allow Bosnia and Herzegovina to make any claim to Serbia for damages (in the form of reparations), nor can Bosnia and Herzegovina do this within its borders, seeking compensation from one of its parts, thus, practically, from itself (Smajić, Seizović and Turčalo, 2016: 240).

By making this decision, an international legal obligation was imposed on Serbia, the non-fulfillment of which would represent an unnecessary and undesirable political luxury for the then Serbian political establishment, with far-reaching negative legal and political consequences. The Security Council is the guarantor of the fulfillment of the obligations specified in the judgment, which, in accordance with Article 94 of the Charter of the United Nations, can be addressed by any party(s) in the proceedings if the opposing party does not fulfill its obligations determined by the judgment of the ICJ. The Security Council "may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment". From this wording, it is clear that the Security Council is not obliged to react, but can act if it deems it necessary. What this means in the light of the difficult consensus in the Security Council does not need to be emphasized. The phrase "if it deems necessary" may make it impossible to take an appropriate decision of the Security Council in this case, thus making the effectiveness of the Security Council dependent on the political consensus of the great powers. BiH's subsequent request for a review of this judgment, submitted just before the end of the objective deadline for its declaration (10 years), was rejected for formal reasons ([www.reuters.com/article/world/icj-rejects-request-for-revision-of-bosnia-genocide-ruling-id-USKBN16G25X/](http://www.reuters.com/article/world/icj-rejects-request-for-revision-of-bosnia-genocide-ruling-id-USKBN16G25X/) accessed on 28.06.2024.).

Today, it is enough to look at (national) portals and individual blogs - to determine that, unfortunately, not only adults, but also children consider themselves qualified to interpret what happened and what did not happen during the armed conflict ([www.media.ba/bs/magazin-novinarstvo-mreze-i-web/drustvene-mreze-i-negiranje-ratnih-zlocina-uloga-](http://www.media.ba/bs/magazin-novinarstvo-mreze-i-web/drustvene-mreze-i-negiranje-ratnih-zlocina-uloga-)

medija-u-modera ciji accessed on 25.06.2024.). When children are born, they don't hate, they are instilled in them by their elders - family, school, street, etc. None of the "parties" involved is ready to hear the other side of the story, no one is ready to empathize, no one is ready for a different narrative, no one is ready for sincere reconciliation, and everyone repeats only their "truth" as an endless mantra. After almost 30 years, politically, the situation is the same - in political coalitions there are war, political and ideological opponents and enemies, and such a situation was voted by those who were in the trenches during the conflict. As someone said - referring to the war - "You gave your best years for the worst people". The evidence is houses, villas, cottages, yachts, limousines, towers, actions, political functions. Everyone has their own truth, they only suffer their own suffering, there is "another" person to blame for it, and there is no force in the world that could change this state of affairs. If an armed conflict were to break out in Bosnia and Herzegovina again, it would certainly be five times bloodier and more ferocious than the previous one. We know it, we all know it, but no one talks about it. We have evidence for these claims going back several centuries, and for the last war and post-war tragedy, an unbroken series of thirty years of hopelessness and moral and material decline. On the other hand, no one has, nor can they have, a single serious argument that they can cite in support of the claim that, someday, it will be better (Seizović,2024a).

### **Relativization of guilt**

If today, in an atmosphere of "home peace", with a clear conscience, without hatred and bias (*sine ira et studio*), they sit in front of a computer screen and read the summaries of the judgments of the ICTY, one cannot be frivolous and say: "This is not true, the court is just judged us, look at this case, it doesn't have this and that, and why weren't they responsible for this and that...". Judgments of the ICTY represent historical facts and they are, more or less, as the court described them in its judgments. And members of all three constitutive nations were convicted. Adding up the years to which "one nation" was sentenced, the assertion that "only we are judged", that the court was formed "to put the burden of collective guilt on us, as if others had not committed crimes", are frivolous, inaccurate and the product of the thought matrix that operates collective categories and which process led to the armed conflict and crimes in ex-Yugoslavia. Because of that emotional mistake, the adoption of the resolution was understood as labeling and putting a nation on a pillar of shame.

The truth (facts) is determined by the court, only the court, not politicians, not anthropologists, not historians, not engineers, doctors, members of parliament and ministers in governments, not our fathers, mothers, grandparents, not our friends and party colleagues but only the courts. The ICTY statistics are not an unreserved measure of the truth, but they are a significant contribution to its determination, unfortunately not a contribution to reconciliation ([www.icty.org/bcs/o-mksj](http://www.icty.org/bcs/o-mksj) accessed on 20.06.2024.). For the Balkans, especially Bosnia and Herzegovina, one could say - on the contrary. Despite the generally accepted narrative of the international community that the ICTY contributed to reconciliation, it did not, simply because the courts were not established to contribute to reconciliation - that is not their mandate and jurisdiction, not their "mission".

### **“Collective responsibility”**

What was forgotten and is constantly being forgotten, especially in the months before the adoption of the aforementioned resolution, is precisely the following:

- (1) the crime has its own legal qualification (name);
- (2) the criminal has his own first and last name,
- (3) the perpetrator has committed a specific criminal offense for which he was tried and was sentenced to a punishment prescribed by law;
- (4) the perpetrator may be of a certain ethno-national affiliation or profess and practice a certain religion;
- (5) the crime and the perpetrator are identified and determined only by the court,
- (6) the trial of one Bosniak, Croat or Serb is not the trial of all Bosniaks, Croats or Serbs. Guilt is an individual category.

But, as has been said, this is what has been forgotten, which is constantly being forgotten and put at the end of both BiH and the Balkans, while the common man is (ruling) with resentment towards “the other”. For something that might sound like some sort of consolation, the following can be said: when every citizen of Bosnia and Herzegovina, independently (even as a member of a collective) condemns every crime as an individual illegal act, when he does not think that his people are being judged but an evil individual, when it is understood that people cannot be criminals, when it is not embarrassing to identify with a criminal just because they share a religion or nationality, when everyone is ready and able to separate every good from every evil, then and only then, maybe a fragile hope appears that someday it will be better and that, finally, we will learn to be human. For now, such a practice does not appear on the horizon, even in a rudimentary form.

The concept of “collective responsibility”, artificially created but deliberately maintained and nourished by daily politics, has been burdening ordinary people, ethno-national and religious communities, daily politics and relations of Bosnia and Herzegovina with neighboring countries for three decades. Drawn in blood, fabricated by emotions and tragedies and created from general evil and tragedy, completely wrong, unacceptable, illegal and essentially deeply inhumane and unjust concept of “collective responsibility” still takes its daily toll in the Balkan region, as evidenced by recent events and broadcast ethno -matrices after the adoption of the resolution.

Why is that so? For many reasons. First of all, because of an individual illegal act that should be condemned by everyone, every member of the ethnic group to which the suspect or criminal belongs feels inappropriately, unnecessarily and wrongly guilty of the crime. That “member” feels guilty, and then it seems natural to defend himself in such a way as to deny the crime committed (as if he had committed it himself), despite the fact that it was determined by the body that is the only one competent to determine the perpetrator and the crime, and it’s a court. Not any other authority, citizen, politician, religious leader or official or common man. The one to whom the verdict refers is clearly marked and individualized, so the condemnation of one Bosniak, Croat or Serb is not the condemnation of all Bosniaks, Croats or Serbs, and especially it is not the condemnation of one ethnic group, nation. In BiH and the Balkans, we all live and will continue to live our three “truths”, three “histories”, three black and white visions, three ethno-historical narratives. For a long time we will raise our own children emphasizing the goodness and philanthropy of ours and the evil and duplicity

of theirs, raising generations of haters, children and later people who will never be able to understand all the beauty and benefits of the ethno-cultural and confessional diversity that has characterized BiH for centuries. Today's education of children in BiH, hindering or preventing insight into the counter-narrative, mistrust towards the other and the different, logically led to a complete absence of empathy for the abstract victim, who, as such, whoever it is, simply cries out for justice, one that includes but it is not limited to punishing perpetrators of crimes.

### **The legal and political significance of the resolution**

Based on the situation described, the following can be stated:

1. The resolution essentially does not represent any innovation and has no binding force;

2. The resolution was adopted following the judgments of competent international courts and states the factual situation established by those judgments,

3. The resolution undoubtedly has international political authority, because it was adopted by the UN General Assembly, and represents one of the mechanisms of transitional justice - memorialization;

4. The resolution clearly and unequivocally points out that it does not refer to the entire nation, but emphasizes that the guilt is individualized;

5. The resolution does not authorize BiH to take any legal action against Serbia, because the legal battle in that sense was concluded in the proceedings before at the ICJ.

6. The narrative that the people whose political leaders believe that the resolution as well as the verdicts refer to the people, more precisely the claims that "the people are not genocidal", are essentially untrue, because the resolution does not claim that the people whose perpetrators are members are genocidal;

7. The feeling of collective guilt, which dominates the post-war emotions within all three peoples in BiH, is a consequence of the unfounded identification of members of the people with the perpetrators of crimes, which, in itself, is unnatural;

8. The resolution is a step forward in the affirmation of the so-called judicial (forensic) truths, but it is a step back for inter-ethnic understanding and reconciliation in the Balkans and as such, until some new circumstances and some new times, will represent a stumbling block for Bosniak-Serb relations in the Balkan region;

9. The fear of regional destabilization that would be a consequence of the adoption of the resolution seems exaggerated, but the deepening of inter-ethnic disagreements is one of the consequences of the adoption of the resolution;

10. A new armed conflict in BiH does not seem like a realistic scenario, since the question would have to be answered: what would be the war? Namely, potential antagonistic parties do not have the material and technical means or weapons and ammunition (which was taken care of by the international community after the 1992-95 conflict), while infantry weapons are under the strict control of an external factor ([instituteforgenocide.org/presuda-i-cinjenice-utvrđene-presudom/](http://instituteforgenocide.org/presuda-i-cinjenice-utvrđene-presudom/) accessed on 20.06.2024.; Seizović, 2024a).

Seizović describe situation in BiH as "... while the rest of the world - or most of it - has a completely different life agenda, which consists of education, building a career, traveling around the planet and exercise of every kind of "enjoyment of life", Bosnia and

Herzegovina, almost 30 years after the armed conflict, is a quarter-century hostage of terrible, retrograde, nationalistic policies that are disastrous for the country and its inhabitants, which are created and implemented by the leaders of ethno-clero-nationalist political parties, and its the inhabitants, for all those 30 years, have lived in permanent fear of the outbreak of a new armed conflict" (Seizović, 2024b: 7).

## Conclusion

The BiH is not doing well in the political sense, as well as in the security and economic sense. Problems from these three areas are most often deeply connected and intertwined. Politicians often use the presentation of the war events of the 1990s as a platform to get the votes of people from their own ethnic group. By doing this, they are also causing hatred towards the other two constituent people in BiH. The ICJ verdicts against members of their own people who they call *hero and not criminal* are often challenged. The commission of crimes against other constituent peoples in BiH is kept quiet. War-mongering rhetoric is often used and calls for renewed conflict. When this is added to the constant calling of domestic politicians for external actors to get involved and "help" one or the other or a third party realize its interest, then it is clear that the correct assessment of representatives of the international community is that domestic politicians should come to an agreement. First, they need to agree on past events (what really happened in the 1990s) and then what will be done in the future.

Accepting the historical facts established by the courts (facing the past) is the basis for honest dialogue, honest dialogue is the basis for reconciliation. The verdicts of international (but also domestic) courts were not accepted due to the feeling of collective guilt and will not be accepted for a long time, so that calming ethno-national tensions and ultimately reconciliation in the Balkans, at least for another certain, not very short period, is an 'impossible mission'. There are two approaches to the solution: the first, which hopes that there will be political representatives who are ready to accept the facts and move on, and the second, which entails severe punishments for those who do not want to accept the facts. The current situation in BiH is a mixture of these two approaches, a bit of agreement and a bit of punishment. The verdict of the ICJ established that genocide took place in Srebrenica and that it was committed by members of the Army of the Republika Srpska (Radislav Krstić, Zdravko Tolimir, Radovan Karadžić and Ratko Mladić were convicted of committing genocide).The International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica adopted by the UN General Assembly on May 23, 2024. shows that the genocide will not be forgotten.

By denying the facts from the war in BiH, people distance themselves from each other along national and religious lines. Any delay in determining and accepting these facts delays the progress of BiH in terms of security, economy and any other sense. The adoption of the Resolution on the Reflection and Commemoration of the 1995 Genocide in Srebrenica is only a continuation of the policy in which the denial of genocide and the glorification of the perpetrators of genocide are not allowed. The adoption of the Resolution is not a real reason for causing a political crisis and raising tensions in BiH and the Western Balkans region. The adoption of the Resolution did not lead to the start of a new conflict in BiH.It did not even lead to the beginning of a diplomatic crisis between the countries of the Western Balkans.The presence of policies and politicians from the 1990s who advocate for the disintegration of BiH has been hindering the country's progress towards Euro-Atlantic integration for almost 30



years. Real problems are covered by the unrealized ambitions of political elites to create states “according to their standards”. The adoption of the resolution did not achieve a solution to the situation in BiH, but it definitely did not lead to the dissolution of the state either. The adoption of the resolution is only one contribution that tries to move politicians towards a dialogue in solving the problems caused by the wars of the 1990s.

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