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The Srebrenica Massacre and the
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Egemenlik Bağlamında Srebrenitsa
Katliamı ve Dayton Antlaşması

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ABSTRACT

The Srebrenica massacre happened in Bosnia and Herzegovina between 1992 and 1995 followed by the Dayton Treaty, and this study tries to analyze the treaty in the concept of sovereignty. It also evaluates the views and conversations of Bosnian leader Aliya Izetbegovic before and after the war, who signed the treaty and lead during the war. It tries to find an answer to the question of whether the treaty had a positive or negative outcome for the sovereignty of Bosnia and Herzegovina as a nation-state.

This study focuses on the Srebrenica massacre, its importance and the developments that occurred after. The literature related to this subject is transferred over the concepts of power and sovereignty, which are indispensable for being a sovereign state and have rich definitions in the field of social sciences. The study discusses the post-Balkanization of erstwhile Yugoslavia and whether the Dayton Treaty aided the stability of the region which was divided into smaller nation-states. It reflects on the unique troika-member presidential system and how it has led to the cementation of specific ethnic and religious groupings due to the implementation of the treaty.

The study also gives a demographic character of Bosnia-Herzegovina and the war that resulted in a genocide of at least 8000 Muslims.

Keywords: Srebrenica Massacre, Dayton Treaty, Aliya Izetbegovic, Bosnia and Herzegovina, Sovereignty

ÖZ

Bu çalışma, Bosna Hersek'te 1992-1995 yılları arasında vuku bulan Srebrenitsa katliamını ve sonrasında imzalanan Dayton Antlaşması'nın Bosna Hersek açısından nasıl bir egemenlik sorunu ortaya çıkardığını göstermek amacıyla kaleme alınmıştır. Bununla beraber Bosna halkının lideri ve antlaşmaya imza atan Aliya İzzetbegović'in hem savaş sürecinde hem de Dayton Antlaşması'nın öncesinde ve sonrasında yapmış olduğu konuşmalar, görüşler ve röportajlar ışığında bir değerlendirme de çalışmanın içeriğinde bulunmaktadır.

Bu çalışmada Srebrenitsa katliamı, önemi ve sonrasında yaşanan gelişmeler üzerinde durulmuştur. Bu konuyla ilgili literatür, egemen bir devlet olmanın vazgeçilmez olan ve sosyal bilimlerin alanında zengin tanımları bulunan güç ve egemenlik kavramları üzerinden aktarılmaktadır. Çalışmada ayrıca antlaşma sebebiyle Bosna Hersek'in bir ulus devlet olarak egemenliği hususunda olumlu mu yoksa olumsuz mu bir sonuç ortaya çıktığı sorusunun cevabı aranmıştır. Öte yandan, eski Yugoslavya'nın Balkanlaşma sonrası dönemi ve Dayton Antlaşması'nın daha küçük ulus devletlere bölünmüş bir bölgenin istikrarına yardım edip etmediği tartışılmıştır. Üçlü başkanlık sistemi ve anlaşmanın uygulanması nedeniyle belirli etnik ve dini grupların nasıl sağlamlaştırıldığı da yansıtılmaya çalışılmıştır.

Çalışma aynı zamanda 8000'e yakın Müslüman'ın soykırımı uğramasıyla sonuçlanan savaşın Bosna-Hersek'teki demografik durumunu da ortaya koymaktadır.

Anahtar Kelime: Srebrenitsa Katliamı, Dayton Antlaşması, Aliya İzzetbegović, Bosna Hersek, Egemenlik

Introduction

Within the framework of globalization, the problem of an individual country is no longer just an internal problem, it is also an international problem. This is not a problem that only connects that country if there are problems with that country's neighbours or problems with a country that is further away. International relations have become a rising discipline. Within this discipline, it is almost impossible to act like a nation-state and to take decisions while ignoring international actors and their thoughts. Bosnia and Herzegovina struggled to become a nation-state after so many traumatic events. Almost all countries have suffered traumatic events in their past.

But if we look today at the countries that are abstracted from these traumatic pasts, we can see that only a few of them were successful.

All people on earth should be able to live together; otherwise, a peaceful environment will sink into chaos and war. Concepts such as equality, dialogue, and cooperation should be indispensable for every country. The Srebrenica massacre reminds us once again how great these concepts are. This massacre has targeted one ethnicity and made a country unmanageable because of the war fought between the relevant parties. Thus, during the war, the law was given an unrecognizable attitude, and this massacre is considered a black spot in the history of all sides. This war is also a power struggle among the parties at the same time. While there is a power struggle, the misuse of law led to one of the bloodiest events that modern world history has witnessed in terms of attainment to democracy, human rights, and the obligation of the right to life.

This is precisely the reason this study was done. It will also be a meaningful study to reveal what kind of process happened before, during, and after the war. In this context, first, the concept of power and its importance in the literature will be discussed, followed by the important stages of the Srebrenica massacre. Later, the reasons for pushing the parties to the Dayton Treaty process will be explained and the sovereignty issue in Bosnia and Herzegovina after the agreement will be discussed.

Power and Sovereignty in Social Science Literature

Power as a concept in Turkish means the force required to perform a task, being capable, to make, and use energy, and *puissance* (a French word for power), ability, to have self-control in a community or establishment, to govern.¹

The power, according to the Turkish Language Society (Türk Dil Kurumu), is to do a job, force, and *puissance*.² Andrew Heywood³ describes power as:

“Power in the broadest sense is the power to reach a desirable result. Sometimes power is used to refer to be ‘capable of doing something. In the narrower sense, power is used force or close to manipulation contrary to ‘influence’ to be able to punish or ability to reward.”⁴

¹ Nihat Bulut, "Siyasal İktidar Tipleri ve Bir Siyasal Tipi Olarak (Modern) Devlet", p.2 <http://cdn.istanbul.edu.tr/statics/hukuk.istanbul.edu.tr/wp-content/uploads/2017/10/SI%CC%87YASAL-I%CC%87KTI%CC%87DAR-TI%CC%87PLERI%CC%87-VE-BI%CC%87R-SI%CC%87YASAL-TI%CC%87PI%CC%87-OLARAK-MODERN-DEVLET.pdf> (Access: January 10th, 2018).

² TDK Dictionary, "Definiton of Power", http://www.tdk.gov.tr/index.php?option=com_gts&arama=gts&guid=TDK.GTS.5a5c871ef2bfa5.24110703 (Access: January 15th, 2018).

³ The author of such best-selling textbooks as Politics, Political Ideologies and Global Politics, used by hundreds of thousands of students around the world.

⁴ Andrew Heywood, (2006). *Siyaset*, (çev. Bekir Berat Özipek), Adres Yayınları: Ankara, p. 29.

On the other hand, the concept of power is mentioned in the Cambridge dictionary as "to control or having an influence over people".⁵ There is also another definition of power made by the Macmillan dictionary. According to this dictionary, power is "the ability to influence or control what people do or think".⁶

If we look at Heywood's definition, we can easily assume here that power is the ability to use force. From this perspective, it can be said that power, by using the ability of punishment, tries to establish domination. Because, if there is a punishment or a prize at a place, it is inevitable to dominate or control here. Power, according to Michel Foucault, is a condition in which you have an individual attribute. The important thing in terms of power, Foucault says, is in which conditions and in which forms the subject emerged in the discourse's order.⁷ Hülya Özçağlar Eroğlu also referred to Antonio Gramsci's understanding of power in his article entitled 'Foucault'un İktidarları' and used the following expression of power:

"Power is [hegemony based on consent] hegemonic bloc and different classes/intermediate classes clearly agree to show their consent. To Gramsci, power neither is merely the product of the relations of production nor of the class struggles."⁸

Another definition of power could also be found in Robert Dahl's thinking and according to whom a subject A makes a subject B do something that is against B's will.⁹ Here, we could say that two inferences can be made. For the first one, we think that A has power over B which can make him do something against his own will. And for the second, we could say that, if B has been subjected to a sanction against his own will and has done so under all circumstances, he has taken for granted that A has power over him.¹⁰ Besides Dahl's definition, power also "comes down to one or the other, i.e., to 'rest on' command of coercive sanction, or on consensus and the will to cooperation."¹¹

The power, however, has been criticized by Elias Canetti. According to him, 'the moment of survival is the moment of power'.¹² Here, it can be said that Canetti identifies the power with the survival status of the victor over death. There is also

⁵ Cambridge Dictionary, Definition of Power, [https:// dictionary.cambridge.org/tr/ s%C3%B6z%C3%BCk/ingilizce-t%C3%BCrk%C3%A7e/power](https://dictionary.cambridge.org/tr/s%C3%B6z%C3%BCk/ingilizce-t%C3%BCrk%C3%A7e/power) (Access: October 13rd, 2021).

⁶ Macmillan Dictionary, "Definition of Power", [https:// www.macmillandictionary.com/ dictionary/ british/power_1](https://www.macmillandictionary.com/dictionary/british/power_1) (Access: October 18th, 2021).

⁷ Vedat Çelebi, (2013). "Michel Foucault'da Bilgi, İktidar ve Özne İlişkisi", *Sosyal ve Beşeri Bilimler Dergisi*, Cilt:5, Sayı:1, p. 519.

⁸ Hülya Özçağlar Eroğlu, (2016). "Foucault'un İktidarları", *Amme İdaresi Dergisi*, p. 44.

⁹ Robert A. Dahl, (1957). *The Concept Of Power*, Behavioral Science, p. 202 ve İbrahim Karataş (2020). "The Role Of Soft Power In Qatar's Foreign Policy", Ankara: Nobel Bilimsel Eserler, p. 14.

¹⁰ Recep Şehitoğlu (2021). *Kamu Diplomasisinde Akıncı Birlik Olarak Düşünce Kuruluşları*, Orion Akademi: Ankara, p. 50.

¹¹ Talcott Parsons, (1963). "On The Concept Of Political Power", *Proceedings of the American Philosophical Society*, p. 232.

¹² Elias Canetti (2003). *Kitle ve İktidar*, (çev. Gülşat Aygen), Ayrıntı Yayınları: İstanbul, p. 229.

another identification of power that has been made by Bertrand Russell. The power is described as follows in Russell's book named 'Power':

“The power can be defined as getting the product of conceived results. As such, power is a (quantitative, kemmi¹³) concept: one of two persons with the same desire, if all other wishes that the other person has fulfilled and that he also fulfils the other desires, he is more powerful than the other.”¹⁴

Russell thinks it is a desire to get power and that power can be formed by the fulfilment of this desire. The most prominent ones of human beings who do not know boundaries have the will to win power and glory.¹⁵ Here, the situation of glory and gaining power differs according to the person. A Prime Minister has more power than the glory of the Prime Minister, and the King has more honour than power.¹⁶ And the power for Cemal Bali Akal is universal from the social perspective and it is the raw material of every collective action.¹⁷ According to Max Weber, power means the prestige of power, in practice, the glory and honour of establishing political power over another community.¹⁸

Sovereignty is also similar to power in social science. The sovereignty concept emerged between the end of the middle ages and the beginning of the new age, during the transition from feudalism to the nation-state.¹⁹ There are some definitions of sovereignty, but I can say that it is also contradictory. Sovereignty can be defined as "supreme authority within a territory"²⁰. According to Alain de Benoist, there are two ways to define sovereignty:

“The first definition applies to supreme public power, which has the right and, in theory, the capacity to impose its authority in the last instance. The second definition refers to the holder of legitimate power, who is recognized to have authority.”²¹

The sovereignty, according to the Turkish Language Society (Türk Dil Kurumu), is all of the powers of the state, the nation, and its legal entity is empery,

¹³ Kemmi is an Ottoman Turkish notion. In modern Turkish language it means "fewness or about plurality".

¹⁴ Bertrand Russell (1976). *İktidar*, (çev. Mete Ergin), Altın Kitaplar Basımevi: İstanbul, p. 43.

¹⁵ Russell, *Ibid.*, p. 14.

¹⁶ Russell, *Ibid.*

¹⁷ Cemal Bali Akal, (2005). *İktidarın Üç Yüzü*, Dost Kitabevi: Ankara, p. 64.

¹⁸ Max Weber, (2006). *Sosyoloji Yazıları*, (çev. Taha Parla), İletişim Yayınları: İstanbul, p. 241.

¹⁹ Oktay Uygun, (2003). "Küreselleşme ve Değişen Egemenlik Anlayışının Sosyal Haklara Etkisi." *Anayasa Yargısı*, p. 1.

²⁰ Definition of Sovereignty, Stanford Encyclopedia of Philosophy, <https://plato.stanford.edu/entries/sovereignty/#toc> (Access: October 18th, 2021)

²¹ Alain de Benoist, "What is Sovereignty", [http://www2.congreso.gob.pe/sicr/cendocbib/con2_uibd.nsf/A20317BBCECF9E1E0525770A00586F60/\\$FILE/what.pdf](http://www2.congreso.gob.pe/sicr/cendocbib/con2_uibd.nsf/A20317BBCECF9E1E0525770A00586F60/$FILE/what.pdf) (Access: January 15th, 2018), p. 99.

hegemony.²² According to Stephen D. Krasner, there are four different dimensions of sovereignty:²³

- Internal sovereignty: The organizing of the public authority in a state and the control mechanism of this authority has control power.
- Border and interdependence sovereignty: The ability of the public authority to control cross-border movements.
- International Law sovereignty: The domain of sovereignty based on recognizing each other.
- Westphalia sovereignty: External actors cannot intervene in the internal authority configuration.

There is a definition that I like very much about sovereignty made by Thomas Hobbes in his book, *Leviathan*: "Sovereign power is not as harmful as its absence".²⁴ According to Koskenniemi, sovereignty is "organized hypocrisy".²⁵ On the other hand, "the Permanent Court of International Justice defines sovereignty as a 'relative matter', dependent on the state of international relations".²⁶ After giving the different definitions to the power and sovereignty, now the important point of the Srebrenica massacre will be examined until the Dayton Treaty.

The Srebrenica Massacre

Before discussing the Srebrenica massacre, I would like to bring to fore basic information about Bosnia and Herzegovina. This will include ethnic and language structure, population, political structure, and natural resources of the country. In the meantime, I will be also briefly explaining Bosnian history. The population of the country is 3.8 Million of whom 50.1% are Bosniak, 30.8% are Serb, 15.4% Croat, 2.7% others. The religious distribution of the country, according to 2013 estimation, is 50.7% Muslim, 30.7% Orthodox, 15.2% Roman Catholic, 0.8% Atheist, 0.3% Agnostic, 1.2% Others.²⁷ And 49% of the total population lives in urban areas and 51% lives in rural areas. The official languages of the country are Bosnian, Serbian, and Croatian.²⁸ The government type of the country is a parliamentary republic.²⁹ The Balkan Peninsula has become one of the places where many tribes came and went throughout history. These tribes included Serbs and Croat as well. These tribes

²² TDK Dictionary, "Definiton of Sovereignty", http://www.tdk.gov.tr/index.php?option=com_gts&arama=gts&guid=TDK.GTS.5a5d17acab4100.23237819 (Access: January 15th, 2018).

²³ Kemal Cebeci, (2018). "Küreselleşme Bağlamında Ulus-Devletin Egemenlik Gücünün Dönüşümü", *Sayıştay Dergisi*, S. 71, p. 26.

²⁴ Halis Çetin, (2003). "Siyasetin Evrensel Sorunu: İktidarın Meşruiyeti-Meşruiyetin İktidarı ", *Ankara Üniversitesi SBF Dergisi*, 58-3, p.74.

²⁵ Martti Koskenniemi, (2011). "What Use for Sovereignty Today?" *Asian Journal of International Law*, p. 61.

²⁶ Ibid.

²⁷ Official web site of Central Intelligence Agency (CIA) <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/bk.html>, (Access: October 18th, 2021).

²⁸ Mehmet Uğur Ekinci, (2014). "Bosna-Hersek Siyasetini Anlama Klavuzu", *SETA Yayınları*, p. 15.

²⁹ CIA web site

also fought with each other for many years, but no one had any advantage over each other. The disagreements between these societies have led to a sectarian ground in Bosnia under the name of Bogomilism. Bogomilism is considered a heretic religious sect. The Bulgarian Tsar emerged in Bulgaria at the time of Peter (AD 927-969).³⁰

The region was under the influence of the Illyrians and later the Romans in ancient times.³¹ Right after it was influenced by Avars and Slovenians. Afterwards, Serbs and Croats were settled in the northwest of the Balkans between 626 and 640. Even though both races were Christians, the Serbs preferred Orthodox Christianity, while the Croats preferred the Catholic sect.

When we look at the history of Bosnia and Herzegovina, we can see that Bosnia and Herzegovina entered Ottoman rule from the 15th century but was forced to leave the Austro-Hungarian Empire with the Berlin Treaty of 1878. During the process of dissolution of the Ottoman Empire, the Balkans region entered into instability era. The term "Balkanization" that emerged in this process is a concept that occurred due to conflict among different ethnic and religious societies.³² While the problem of "Balkanization" continues in the region, especially Bosnia and Herzegovina, after World War I, the Austro-Hungarian Empire collapsed and Bosnia and Herzegovina territory sunk under the control of the Serbian-Croatian-Slovenian kingdom. Along with World War II, the Socialist Federal Republic of Yugoslavia was established, and Bosnia and Herzegovina became one of the six autonomous republics. Bosnia and Herzegovina had three ethnic groups in their structure. These groups were Muslims, Serbs, and Croats. Until the 1980s, nationalist movements remained weak, but after the death of one of the most influential names, a statesman and also a soldier in Yugoslavia, Josip Broz Tito (internationally known discourse Tito), decomposition began between these ethnic groups. In the 1990s, a multi-party system was introduced, and these three ethnic groups established nationalist parties and are now officially identified according to their specific political names and structures.

The political parties that represent ethnic groups are as follows:

- Party of Democratic Action: Also known as SDA and it is the party that represents Bosnian Muslims.
- Serbian Democratic Party: Also known as SDS and it represents the Bosnian Serbs.
- Croatian Democratic Union: Also known as HDZ which represents the Bosnian Croats.

³⁰ İsmajil Hodzic (2007). "Bogomilizm ve Bosna- Hersek Bogomilleri", Master's Degree Thesis, p. 5.

³¹ T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü Osmanlı Arşivi Daire Başkanlığı, "Bosna-Hersek İle İlgili Arşiv Belgeleri (1516-1919)", Yayın: 7, p. 6.

³² Esat Ertaç Erbesler, (2014). *Bosna'da Egemenlik Sorunu Dayton Anlaşması*, Biyografi Net Yayıncılık: İstanbul, p. 47.

The first multi-party elections were held in November 1990 during which the SDA achieved 86 seats in the 240 seated assemblies while SDS headed by Radovan Karadzic, won 72 seats.³³ At the beginning of 1991, Miloseviç was openly called for the annexation of all Bosnian territories, if any attempt was made to change the federal structure of Yugoslavia with a confederative arrangement.³⁴ Croatia and Slovenia declared their independence on June 25th, 1991. According to Aliya Izetbegovic, after the independence of Croatia and Serbia, it became compulsory to seek the independence of Bosnia and Herzegovina. Otherwise, Bosnia and Herzegovina would remain in their destiny in Yugoslavia divided under the control of Serbia. Bosnia and Herzegovina declared their independence on March 3rd, 1992. The struggle for influence, which emerged in the region after independence, turned into genocide against Muslims.³⁵ Shortly afterwards of the recognition of Bosnia and Herzegovina by some international organizations, the wars, which caused anguish in the country, started, especially the Serbs, supported by the "federal army", initiated the "ethnic cleansing" of Bosnians.³⁶

In 1992, Bosnia and Herzegovina were recognized by European Community (EC) and United Nations (UN). However, Izetbegovic remarked that even after the UN recognized the independence of Bosnia and Herzegovina, the arms embargo on Yugoslavia was not removed, so nothing seemed to change.³⁷ This behaviour of the UN is contrary to international law. Many Muslims were killed during this war.

How did the Srebrenica massacre happen?

Thousands of Bosniaks from Serbian attacks were sheltered in Srebrenica, which was declared a "safe zone" by the UN and protected by 400 Dutch peacekeeping troops. Approximately 25,000 of the asylum seekers were placed in a battery factory located in Potacari, a few kilometres from Srebrenica, for peacekeeping troops. Thousands of defenceless Bosniaks in the factory were handed over to Dutch troops on July 11th, 1995, by Serbian soldiers under the command of Ratko Miladic, who was known as "Serbian Butcher". The soldiers separated the men and women. Women were raped and men were taken to trucks and buses and killed.³⁸ More than 12,000 Bosniaks who escaped the massacre in Srebrenica to Tuzla, were attacked in the mountain by sniper Serbian soldiers. Only 3,000 survived and reached Tuzla. And in 10 days, more than 10.000 people were killed on the road

³³ Aliya İzzetbegoviç, (2003). *II. Endülüs'e Geçit Vermeyen Bilge Adam*, (çev. Alev Erkilet, Ahmet Demirhan ve Hanife Öz), Vakıf Gazetesi Yayını, p. 18.

³⁴ İzzetbegoviç, Ibid.

³⁵ Erbesler, Ibid.

³⁶ Yunus Güler, "Bosna Hersek ve Bağımsızlık Süreci", *IFE Strateji*, <http://ife.org.tr/wp-content/uploads/2016/10/Bosna-Hersek-ve-Ba%C4%9F%C4%B1ms%C4%B1zl%C4%B1k-S%C3%BCreci.pdf> (Access: January 15th, 2018), p. 1.

³⁷ İzzetbegoviç, Ibid.

³⁸ 20. Yılında Srebrenitsa Katliamı, <https://www.ihf.org.tr/haber/20-yilinda-srebrenitsa-katliami-1779> (Access: January 14th, 2018).

between Srebrenica and Tuzla. In response to these events, North Atlantic Treaty Organization³⁹ (NATO) responded with airstrikes. N. Aslı Şirin Öner reports this situation in his field research as follows:

"As a result, orders were issued to NATO on 11th July by the condition of airstrike with limited tanks or cannons. On the same day, Miladic made a speech on television and said that 'the moment of taking revenge from the Turks came' and he said that he gave the city to Serbian people."⁴⁰

This war has revealed the concepts of ethnic cleansing and genocide, showing that the majority of the deceased were Muslim Bosniaks.⁴¹ According to the International Humanitarian and Relief Foundation⁴² (also known as IHH), this massacre in Srebrenica is the first documented genocide in Europe. An Interviewer asked Aliya İzetbegoviç: "The whole world knows that your country has had many difficulties and sufferings during the war of independence. If I ask you a question: what kind of memories you would like to share with us have influenced you the most, and that you cannot forget and wish to convey to the future? İzetbegovic: The most important event that has shaken not only me but all Bosnian Muslims is the Srebrenica massacre that we lost 7-8 thousand people in a few days in July 1995. At the same time, it is the largest civilian massacre after World War II. He continued: But the thing that will never be forgotten and will remain alive in memories is that the resistance of our people they showed in this war. This resistance will be referred to as "the miracle of Bosnian Herzegovina resistance". As the western world, in my opinion, they have betrayed their principles. According to the Westerners' declaration of genocide, if genocide is being committed in a territory, it must be intervened. In Bosnia and Herzegovina, genocide has taken place. And the western world came to ignore this genocide for three years. It showed up that they were unprepared to prevent genocide in the heart of Europe."⁴³

Treaty of Dayton

³⁹ Today, NATO is one of the most important international organizations in the world. This organization, being a political and military alliance, brings together 28 countries from Europe and North America. These countries come together to consult and co-operate on security and defense issues. In this context, NATO has a unique link between these two continents in matters of political and security.

⁴⁰ N. Aslı Şirin Öner, (2013). "*Dram Sonrası Bosna Mültecilerin Geri Dönüşü Üzerine Bir Alan Araştırması*", IQ Kültür Sanat Yayıncılık: İstanbul, p. 69.

⁴¹ Muhammed Mehdi Garip, (2017). "*Dayton Anlaşması ve Sonrası*", İstanbul Ticaret Üniversitesi, Dış Ticaret Enstitüsü, Tartışma Metinleri, p. 4.

⁴² IHH The Foundation for Human Rights and Freedoms and Humanitarian Relief started with the humanitarian relief work of a handful of volunteers who could not stay aloof to the Bosnian War that broke out in 1992. Their humanitarian efforts eventually led to the establishment of the foundation in İstanbul. For more info, please visit foundation's official web site.

⁴³ Aliya İzzetbegoviç, (2004). *Konuşmalar*, (çev. Fatmanur Altun ve Rıfat Ahmetoğlu), Klasik Yayıncılık: İstanbul, p. 251-252.

On 21st November 1995, the war in Bosnia was over with the Treaty of Dayton Peace signed by the presidents of Bosnia and Herzegovina Aliya Izetbegovic, the Federal Republic of Yugoslavia, Slobodan Milosevic, and the Croatian President, Franjo Tudman.⁴⁴ The treaty which includes the main text and 11 appendixes has been drafted in Dayton, the state of Ohio, USA, and signed in Paris the same year on 14th December.⁴⁵ Thus, the Dayton Peace Treaty, which was effective in the formation of the present structure of Bosnia and Herzegovina, occurred in coordination with the United States.⁴⁶ The negotiations began with American diplomat Richard Holbrooke⁴⁷ and finished in 3 weeks. For Dilek Latif, Dayton Peace Treaty:

“... is a ‘unique peace treaty not only since it was imposed by external powers, but also because of the comprehensive powers and immunities given to the international community covering almost all aspects of the new Bosnian state.’⁴⁸

The chief architect of the Dayton peace talks, Holbrooke, says that they have set three conditions for the three presidents who will participate in the Dayton talks. The conditions are:

“That each president had the full authority to sign a treaty to come to the US, and each president did not need to consult the parliament of their country. The second had to stay there until the deal was reached, and not to issue any threat to leave the negotiations. The third, they should not talk with the press or any outsider.”⁴⁹

According to Erhan Türbedar, Dayton Peace Treaty had two main objectives, one in the short and the other in the long term. In the short term, it was aimed to stop the war, to prevent deaths and destructions. In the longer term, it aimed to create the necessary environment for lasting peace and stability.⁵⁰ The outlines of the treaty are as follows for Bosnia and Herzegovina:

⁴⁴ Erhan Türbedar, (2010). "Barışın 15. Yıldönümünde Bosna-Hersek: Dayton Barış Anlaşması'nın Neticelerinin Değerlendirmesi", TEPAV Değerlendirme Notu 2010, p.2

⁴⁵ Mehmet Dalar, (2008). "Dayton Barış Antlaşması ve Bosna-Hersek'in Geleceği", *Sosyal Bilimler Enstitüsü Dergisi*, Cilt 1, Yıl. 9, S. 16, p. 98.

⁴⁶ Güler, Ibid., p. 3.

⁴⁷ Holbrooke started his own career in American Embassy in Vietnam in 1962 and between 1966 and 1967 he served as undersecretary in US Ministry of Foreign Affairs and also joined to the delegate of US diplomats for the peace negotiations of Vietnam War in Paris, then he was appointed as Deputy Foreign Minister in 1977 and 1981 afterwards appointed as US Ambassador in Germany in 1993 and 1994. In Bosnian war he was appointed as the chief architect of the Dayton peace talks.

⁴⁸ Dilek Latif, (2005). *Peace Building After Humanitarian Intervention: The Case of Bosnia and Herzegovina*, A PhD Thesis Submitted to The Graduate School of Social Sciences of The Middle East Technical University, Ankara, p. 57.

⁴⁹ Richard Holbrooke, (1999). *Bir Savaşı Bitirmek*, (çev. Belkıs Çoraklı Dışbudak), Türkiye İş Bankası Kültür Yayınları: İstanbul, p. 240-241.

⁵⁰ Türbedar, Ibid.

- Bosnia and Herzegovina are recognized as one independent state.
- The Bosnia-Herzegovina State includes Bosnia and the Croatian Federation and Republika Srpska.
- 51% of the territories belong to the federation and 49% belong to the Republika Srpska. Sarajevo will remain a unified structure with a central government, national assembly, presidential system, and constitutional court.
- The president and the parliament will be elected democratically.
- The collective presidential system will be provided with the participation of Bosniak, Croatian and Serbian members.

The US made a military intervention in Bosnia and Herzegovina under NATO and after signing the peace treaty, the US left IFOR which consists of 60,000 NATO troops, in the region to ensure security. Aliya Izetbegovic, the President of Bosnia and Herzegovina commented in his book titled "Konuşmalar" on Treaty of Dayton that:

“Dayton was an unfair deal which was carried out entirely under the auspices of western countries especially America. Despite everything, it was an agreement that ultimately made peace. But the Dayton Treaty did not solve the problems of Bosnia-Herzegovina. Due to the circumstances of Dayton, serious problems have arisen concerning the functioning of the state.”⁵¹

“The General Framework Agreement for Peace in Bosnia and Herzegovina, reached in Dayton on 21 November 1995 (and formally signed in Paris a few weeks later), was not just supposed to stop the killing. It was meant to heal the wounds of ethnic division. Yet, two decades on, the country remains as rigidly divided as ever, between a Serb half, the Republika Srpska, and a Federation of Bosniaks and Croats” Journalist Julian Borger wrote about the treaty. Julian, who has extensively travelled and written about the Balkans, added that it was “principally the US threat to walk away from the talks (in Dayton) and hand their stewardship over to the Europeans that scared him (Izetbegovic) into acceptance.”

However, the International Court of Justice (ICJ) 2007 judgement notes in “Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)” how there was a build-up for the peace agreement after grave scenes of mass violence and murders. The judgement in the chapter “The Aftermath of the fall of Srebrenica: 12-20 July 1995”, gives a “coherent narrative how thousands of men and boys were summarily executed and buried in mass graves within a matter of days while the international community attempted to negotiate access to them.”⁵² Izetbegovic’s Bosnian

⁵¹ İzzetbegović, Ibid., p.253

⁵² Fionnuala Ni Aolain, (1998). “The Fractured Soul of the Dayton Peace Agreement: A Legal Analysis”, Michigan Journal of International Law, S. 19.

delegation was reluctant to sign the treaty party. Fionnuala N. Aolain in his essay "The Fractured Soul of the of the Dayton Peace Agreement: A Legal Analysis" says former Yugoslavia" comprised a multinational environment." He argues Bosnia has threefold choices: "first, separation of the internal political entities (unidimensional statelets within the state); second, long-term international cuckolding; or third, the precarious route of accommodation and intersection."⁵³

Conclusion

Dayton Treaty was the only option for stopping the violence in the region, but it gave birth to a very non-functional Bosnian state. The words of Izetbegovic are clear enough to summarize the conditions of Dayton. The important aspect of the Dayton Peace Treaty in terms of Bosnia and Herzegovina is that it was recognized internationally as an independent state and has survived as an independent state with borders and territorial integrity. Besides representing a highly symbolic event, the peace treaties favoured -with the great exception of Kosovo- certain regional stability, promoting a balance in the whole region of the countries of the former Yugoslavia. Although the international community and the EU have guaranteed a climate of substantial pacification, more than twenty years later many of Dayton's hopes and certainties seem to waver today in the face of the return of old problems and the emergence of new phenomena. The migratory question, the Islamist radicalism, the role of external powers, and the re-emergence of new political fractures between Republika Srpska and Bosnia and Herzegovina seem to condition the current system of Balkan stability.

Above all, Bosnia after Dayton is no longer considered a normal state. The reason is that Bosniaks, Bosnian Serbs, and Bosnian Croats had left homogenous territories which were under their control and ethnicity. Since the Dayton Peace Treaty has enacted such an ethnic division, it has brought a serious and constant threat to the territorial integrity and independence of the country. Bosnia and Herzegovina now consist of the "Bosnia and Herzegovina Federation" (FBiH) and the "Republika Srpska" (RS) which have their police, educational system, judiciaries, political institutions, media, and other institutions specific to independent states. Now there are "two small states" within the same state. On the other hand, the FBiH has been divided into ten cantons, while the Croats in the cantons under the control of the Croats constitute an almost independent administration. Apart from all these, there is Brčko Region with a population of about 80 thousand that has a special status. Brčko has a mixed population and is not affiliated with any entities and since March 2000 it has had autonomous jurisdiction, autonomous executive and judicial bodies, as well as an autonomous police force. This article, which has been subjected

⁵³ *Gerichtshof Internationaler*, (2007). "Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide." Judgement of 26.

to an evaluation in the context of power and sovereignty, concludes that Dayton has only stopped the violence.

For the power and/or sovereignty of Bosnia and Herzegovina, Dayton did not bring anything. This treaty is not only unjust, however, but it can also be evaluated as a treaty that cannot be implemented. As Bosnia and Herzegovina's national poet and academician, Cemalettin Latic says: Bosnia and Herzegovina dressed 'crazy shirt' with this treaty and became 'a disabled country' in the heart of Europe. Apart from that, now we know that the Srebrenica massacre which became one of the greatest massacres against Muslims in Bosnia and Herzegovina was recognized as 'genocide' by the European Parliament and the United States. Former Bosnian Serb General Ratko Mladic who was the one coordinating genocide has been sentenced to life imprisonment. And former Serbian President Radovan Karadzic was found guilty of 'committing genocide in Srebrenica', 'crimes against war crimes and humanity and has been sentenced to 40 years in prison.

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