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PEACE OR PAUSE: A COMPARATIVE STUDY OF THE PEACE PROCESSES IN BOSNIA AND HERZEGOVINA AND NORTHERN IRELAND USING THE THEORY OF INDIVISIBLE TERRITORY AS A FRAMEWORK

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ABSTRACT

Using Monica Duffy Toft's theory of indivisible territory as a framework, this research paper analyses the peace processes that concluded with the Dayton Peace Accords in Bosnia and Herzegovina (BiH) in 1995 and the Good Friday Agreement in Northern Ireland (NI) in 1998. This paper begins by establishing the ground rules for the analysis by defining the state, the ethnic group, legitimacy and violence, before going on to introduce Toft's theory of indivisible territory. In the subsequent two chapters, the theory of indivisible territory is used as the framework to analyze the case studies of the war in BiH and the Troubles in NI. These chapters begin with the historical context before working through both conflicts, highlighting the final peace processes and concluding by considering the progress to date.

The analysis of the case studies of BiH and NI, using the theory of indivisible territory is not revolutionary but it is revealing: by simplifying the path to conflict and avoiding the distraction of the political rhetoric, and blow-by-blow accounts of violence from all sides, this paper concludes that the theory affords the analyst the opportunity to clearly identify the root cause of the conflict. Once the root cause is understood, assessing the effectiveness of any peace proposal becomes relatively simple.

The concluding chapter proposes that the evidence from the research herein supports the supposition that there are three key elements of conflict resolution: all party talks; identifying the root cause of the conflict, from the perspective of all parties; and, designing a bespoke solution, without prejudice, that takes into accounts all perspectives. The paper concludes by making recommendations for further research into both the application of theory and to the peace process of NI such that it may be applied to future conflicts.

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CHAPTER ONE - INTRODUCTION

When visiting Sarajevo today one will bear witness to the still visible scars of a war that ended over twenty years ago: the buildings still show the tracks of bullets, many of those destroyed by artillery rounds remain in frozen in time and dismembered victims of war stand quietly on the street in the hope of some spare change.¹ By contrast Northern Ireland (NI), where peace was achieved three years later than that in Bosnia and Herzegovina (BiH), appears to have evolved to become a bustling metropolitan center of investment: in 2013 Londonderry/Derry² was the United Kingdom's City of Culture and in 2015 Belfast was host to the launch of the internationally recognized Tall Ships Race.³ Of course, the violence that dominated BiH from 1992-1995 was vastly different from that which characterized the Troubles in NI from 1968-1998; however, the ethnic divide and resulting power-sharing arrangements bear many similarities that are surely worthy of scholarly attention.

The research for this paper set out to compare the peace processes that concluded the conflict in BiH and in NI. In order to constructively examine these case studies it was first necessary to establish a framework within which this analysis will be conducted; Chapter Two aims to do achieve this by establishing the ground rules for the comparison. Chapter Two begins by defining the state, the ethnic group, legitimacy and violence, before going on to introduce Monica D Toft's (2003) theory of indivisible territory. In the subsequent two chapters, the theory

¹ The author of this research paper served as the Chief of Policy and Plans in the European Union Force Head Quarters from September 2015-March 2016.

² In an attempt to resolve the historical debate from the Nationalist *Derry* and the Unionist *Londonderry* name of NI's second city, NI currently uses both titles on, for example, public transport. As a consequence the city today is known colloquially as *stroke city*.

³ The author of this research paper is from Northern Ireland.

of indivisible territory is used as the framework to analyze the case studies of the war in BiH and the Troubles in NI respectively.

Chapters Three and Four record the analysis of the case studies. Both follow the same path: they begin with an introduction to the parties in conflict followed by a short overview of the historical events that predate conflict. They subsequently establish the perspective of both the state and the ethnic minority. There follows analysis of the failed attempts at peace in the context of the theory of indivisible territory before detailing the highlights of the Dayton Peace Accords and the Good Friday Agreement respectively. Finally, each chapter concludes with examples of progress to date: in the case of BiH the current nationalist rhetoric in the Republika Srpska is considered whilst in NI Security Sector Reform is used as an example of successful multi-ethnic society building.

The conclusion of this research paper is that in order to effectively bring about an enduring peace following intrastate conflict the peacemaker must establish the root cause of said conflict, that which pre-dates the initial acts of violence. Furthermore, the peacemaker must ensure that all parties are represented in negotiations and that the issue in dispute is resolved by the time any peace accord is signed. These points may seem obvious, however, as the case studies will show, they are often overlooked.

The final chapter of this paper, Chapter Five, will conclude that the application of Toft's theory of indivisible territory to the two case studies, whilst not revolutionary, is revealing. The theory simplifies the path to conflict and avoids the distraction of the political rhetoric, and blow-by-blow accounts of violence from all sides, thus affording the analyst the opportunity to more easily identify the root cause. Once the root cause is understood, assessing the effectiveness of any peace proposal becomes relatively simple. This paper will conclude by recommending that

further research into the applicability of the theory, to establish both its predictive and analytical value, might be conducted in the context of current conflicts, such as in Iraq and Libya.

Furthermore, this paper will conclude with the proposition that the Good Friday Agreement has brought about what appears to be an enduring peace in NI. The intellectual community has paid great attention to BiH as the more generalizable case and NI as the more specific case; there may, therefore, be a tendency to focus on the post-conflict process of the less successful outcome; i.e. that of BiH. The contrast between BiH and NI as articulated in this paper suggests that further study of the peace process in NI could reveal lessons applicable to other intrastate conflicts.

Of note, Chapters Three and Four intentionally avoid detailed accounts of the perpetration of violence for two reasons. The first of these is that during the research for this paper it quickly became apparent that in both case studies the *how* and *who* of violence changed throughout the period of conflict. This paper therefore intentionally concentrates on the root cause of the conflict and how the peace agreements have, or haven't, addressed it. Secondly, to do justice to the analysis of violence perpetrated in both conflicts would require a bespoke research question. In NI for example, events such as Bloody Sunday, the Milltown Cemetery attack and the Omagh Bombing all had an influence on the path to peace. Similarly, in BiH, the two market place attacks in Sarajevo and the Srebrenica massacre, for example, influenced BiH's path to peace, particularly from the perspective of the international community.

CHAPTER TWO - THEORY

. . . territory, both as an imagined homeland and as a real material resource, [has in the past] had profound implications regarding whether people lived or died. Recognizing this double meaning of territory is the first step toward a better understanding of the origins, character, and duration of ethnic violence.⁴

Monica Duffy Toft

The State

In order to analyze how states behave in intrastate conflict it is necessary to establish what a state is. The meaning of the term has been debated in political and social science for centuries. When Niccolò Machiavelli (1513) speaks of sovereign states, or principalities, in *The Prince* he is talking about states that fall under a single ruler: a Prince and his Kingdom. Machiavelli advises the Prince on the rule of the people he inherits, noting that those who are accustomed to the laws, taxes, language and culture of the Prince's family are likely to remain loyal subjects.⁵

Machiavelli also offers advice for the Prince who finds himself in an expanding Kingdom, in particular one that includes people with different "language, usages and laws", what might be considered as of a different ethnic background today.⁶ Machiavelli warns the Prince that these new people are not beyond rising up in arms if they perceive that their life could be made more comfortable following revolt. However, to maintain order in this expanding Kingdom Machiavelli does not incite violence as the so-called justifiable means to an end. Instead, Machiavelli marries politics to morality and warns that ". . . it can not be considered skill [Virtù] to kill one's fellow citizens, to betray friends, to be without faith, without mercy, without

⁴ Monica Duffy Toft, *The Geography of Ethnic Violence: Identity, Interests, and the Indivisibility of Territory* (Princeton, NJ: Princeton University Press, 2003), 148.

⁵ Niccolò Machiavelli and N. H. Thompson, *The Prince* (New York: Dover Publications, 1992), Chapter Two.

⁶ *Ibid.* 3.

religion. . . .”⁷ Instead, to deal with this situation, he advises that the Prince should live amongst these new people in order to win them over.⁸

Machiavelli’s perception that people will turn to violence to satisfy their personal needs is further reflected in Thomas Hobbes’s (1651) representation of the requirement for, and by inference role of, a sovereign.⁹ In *Leviathan* Hobbes concludes the need for sovereignty, or a state, as a single ruler in order to counter the inherent nature of humankind. Hobbes argues that humankind is predisposed to violence in order to satisfy individual wants; “. . . I put for the general inclination of all mankind, a perpetual and restless desire of power after power, that ceaseth only in Death.”¹⁰ Hobbes perception is such that he believes that if humankind were to live freely, outside of the state, the result would be permanent war, with one man pitched against another.

John Locke (1689) has a more optimistic view of humankind; he perceives that humankind is inherently good-natured and inclined to cooperate. Locke proposes that a governing system should not be vested in one man but that it should represent the views of the people it governs. Locke believes that this will lead to a more contented population that is less likely to revolt.

Those who are united into one Body, and have a common establish’d Law and Judicature to appeal to, with Authority to decide Controversies between them, and punish Offenders, are in Civil Society one with another: but those who have no such common Appeal, I mean on Earth, are still in the state of Nature, each being, where there is no other.¹¹

⁷ Niccolò Machiavelli, Peter E. Bondanella, and Mark Musa, *The Portable Machiavelli* (Hammondsworth, Eng.: Penguin Books, 1979), 21.

⁸ Niccolò Machiavelli and N. H. Thompson, *The Prince . . .*, 3.

⁹ Thomas Hobbes and C. B. Macpherson, *Leviathan* (London: Penguin Books, 1968), 311.

¹⁰ *Ibid.*, 37.

¹¹ John Locke and Peter Laslett, *Two Treatises of Government: A Critical Edition* (Cambridge: University Press, 1960), 306.

However, like Hobbes, Locke believes that those who choose violence to satisfy their own needs must be punished: “For in all states of created beings capable of Laws, where there is no Law, there is no Freedom.”¹² Locke therefore concludes that if law, and a system that enforces it, does not exist then a perpetual decent into daily war is inevitable.

Despite their differences, Locke and Hobbes agree that there is a need for government of some sort and that its primary role should be to guard against insecurity. In order to establish such a thing, whose governance is unequivocal, a means to enforce law is surely necessary. The early twentieth-century German sociologist Max Weber (1919) proposed what is probably the most recognized modern definition of the state. Weber defined the state as “a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.”¹³

David Runciman (2014), in his book *Politics*, provides a useful summary of the philosophical debate on the concept of the state. Runciman proposes that Weber’s defining characteristic of a state, the control of legitimate violence, is further evidenced by the fact that states today build their institutions to control this monopoly. Runciman substantiates this claim with the fact that states collect taxes to fund a military and rules, doctrine and command structures are evolved in order to administer violence intended to protect against insecurity.¹⁴

The legal definition of the state, that is recognized today, was conceived following World War One. Recorded in the *Montevideo Convention on the Rights and Duties of States*, Article One defines “the state as a person of international law [that] should possess the following qualifications: (a) a permanent population; (b) a definite territory; (c) government; and (d)

¹² *Ibid.*

¹³ Max Weber, *Politics as a Vocation Max Weber*, accessed January 20, 2016, <http://anthropos-lab.net/wp/wp-content/uploads/2011/12/Weber-Politics-as-a-Vocation.pdf>; David Runciman, *Politics* (Great Britain: Profile Books, 2014), 16-47.

¹⁴ *Ibid.*

capacity to enter into relations with other states.”¹⁵ Importantly, the government must be able to demonstrate that it has the consensus to act on behalf of its people. Of note, there is no legal maximum or minimum size in terms of both population and territory.¹⁶

For the purposes of this paper, following Weber and the *Montevideo Convention on the Rights and Duties of States*, the state can be defined as: the governing institution, as selected by the people, or peoples, responsible for internal and external security of those people, or peoples, that live within its territorial borders achieved through the maintenance of a monopoly on the legitimate use of violence. From this definition it can be concluded that any threat to the state will likely be met with violence.

Before leaving the discussion on the state it is important to introduce the concepts of the nation-state, self-determination and consociational democracy. Similar to Machiavelli’s perception of new kingdoms, the reality of the world today is that roughly 90% of modern states consist of three or more ethnic groups.¹⁷

The collapse of multinational empires and the emergence of nation-states founded on the principles of self-determination left ethnic and racial minorities vulnerable to the state building ideologies of the dominant nationalities Given the powerful influence of racial theories on the nationalist ideologies of both the dominant and subordinate peoples, ethnic conflict, if not war or civil war, seemed the inevitable consequence.¹⁸

Described by Anthony Smith (1988) as Western Territorialism, in the nineteenth century England, France, Spain, Holland and, later, Sweden and Russia, became nation-states as their territorial domination grew to encompass ethnic minority groups dominated by the social

¹⁵ "The Avalon Project: Convention on Rights and Duties of States (inter-American); December 26, 1933," The Avalon Project: Convention on Rights and Duties of States (inter-American); December 26, 1933, section goes here, accessed April 16, 2016, http://avalon.law.yale.edu/20th_century/intam03.asp.

¹⁶ *Ibid.*

¹⁷ Monica Duffy Toft, *The Geography of Ethnic Violence: Identity, Interests, and the Indivisibility of Territory* (Princeton, NJ: Princeton University Press, 2003), 27.

¹⁸ Norman M. Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth-century Europe* (Cambridge, MA: Harvard University Press, 2001), 18.

institutions and political life of the majority. The concept was that by binding the group of people to national identities the nation-state would be able to manipulate ethnic identity to forge its own sense of unity, regardless of the historical roots of its minorities. The concept was that people would become loyal to social ideals, such as the Welfare State and the importance of Human Rights, above their inherited ethnic identity.¹⁹

The case study of BiH offers a number of examples of the nation-state concept. During the first Yugoslavia King Alexander attempted to forge a national identity that was intended to trump the various ethnic identities already prevalent within his Kingdom.²⁰ However, Norman M Naimark (2001) notes that from the early twentieth century caution was advised regarding the settlement of nation-states; recalling George Montandon's²¹ writings from 1915 when he offers:

. . . that “natural” borders should be established according to ethnic criteria and that those nations which neither wished to nor could be absorbed into the majority population should be subjected to “massive resettlement” beyond the borders of the new states, ostensibly to join their own national groups abroad.²²

In the case study of NI the core state identity was designed to be that of the majority ethnic group; the country was formed to split two formerly competing ethnic identities, premised on the assumption that those who did not identify with the majority would move to the other side of the border, which many did.²³

In his speech following the end of the World War One Woodrow Wilson enshrined the doctrine of self-determination when he stated as his fifth of fourteen points:

A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have

¹⁹ Anthony D. Smith, *The Ethnic Origins of Nations* (Oxford, UK: B. Blackwell, 1987), 138, 139.

²⁰ Catherine Baker, *The Yugoslav Wars of the 1990s* (United Kingdom: Palgrave, 2015), 16.

²¹ George Montandon was a Swiss anthropologist and ethnographer. Norman M. Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth-century Europe* (Cambridge, MA: Harvard University Press, 2001), 18.

²² *Ibid.*

²³ Sumantra Bose, *Bosnia after Dayton: Nationalist Partition and International Intervention* (New York: Oxford University Press, 2002), 181.

equal weight with the equitable claims of the government whose title is to be determined.²⁴

If the concept of the nation-state, in particular the forging of new identities, had been successful then this principle of self-determination would have had little to no impact within nation-state borders. However, since the end of World War Two the West is littered with examples of violence as a result of the competing identities' of the ethnic, or nationalist, group, and the state, or nation-state.

As previously noted, the *Montevideo Convention on the Rights and Duties of States* includes the necessity for a state to be able to demonstrate that it has the consent of the people therein in order to be recognized as a state in its own right.²⁵ Woodrow Wilson's fourteen-point speech reinforced this concept of an international governance system built on consent.²⁶ Later, in December 1960 the United Nations General Assembly adopted *Resolution 1514 (XV)* granting independence to Colonial Countries and Peoples; the declaration reaffirms that "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."²⁷ The right to self-determination is today a principle of democracy and one that is enshrined in the Good Friday Agreement as highlighted later in the case study of NI.²⁸

²⁴ Woodrow Wilson, "Avalon Project - President Woodrow Wilson's Fourteen Points," Avalon Project - President Woodrow Wilson's Fourteen Points, section goes here, accessed April 17, 2016, http://avalon.law.yale.edu/20th_century/wilson14.asp.

²⁵ "The Avalon Project: Convention on Rights and Duties of States (inter-American); December 26, 1933," The Avalon Project: Convention on Rights and Duties of States (inter-American); December 26, 1933, section goes here, accessed April 16, 2016, http://avalon.law.yale.edu/20th_century/intam03.asp.

²⁶ Woodrow Wilson, "Avalon Project - President Woodrow Wilson's Fourteen Points . . .

²⁷ "The United Nations and Decolonization," UN News Center, section goes here, accessed April 20, 2016, <http://www.un.org/en/decolonization/declaration.shtml>.

²⁸ Dov Ronen and Anton Pelinka, *The Challenge of Ethnic Conflict, Democracy, and Self-determination in Central Europe* (London: Frank Cass, 1997), 51.

The theory of democracy, and self-determination, is based upon the principle of majority rules.²⁹ However, within the multi-ethnic states that form the international system today this often results in minority groups having little say in the governance of their communities. One solution to this, that does not require secession and a redrawing of borders, is a power sharing agreement, or consociationalism.

Consociationalism intends to address the imbalance of power in a society consisting of a majority versus minority(ies) population within a territory. By sharing command over the land, regardless of relative disposition, the intent is that the minority maintains a permanent representation, with equal power, within the governing institutions. Stephen Ryan (2007) provides an informative debate on the pros and cons of consociational democracy concluding that when all else is seemingly lost, and building a multi-ethnic Westminster style democracy appears to be unachievable, consociational democracy offers a viable solution.³⁰

However, Lijphart (1977) warns that consociational democracy does not encourage the development of a functioning civil society that is not organized along ethnic lines.³¹ Dov Ronan (1997) further endorses this perspective when he argues, “The invitation to participate in a pattern of power sharing is helpful but cannot guarantee democratic stabilization.”³² However, Ronan also notes “Without such an invitation, stabilization in an ethnically fragmented society does not seem possible.”³³

Therefore, following the advent of the nation-state subsequently challenged by the principles of self-determination, when intrastate conflict emerges as a result of these conflicting

²⁹ *Ibid.*

³⁰ Stephen Ryan, *The Transformation of Violent Intercommunal Conflict* (Aldershot, England: Ashgate, 2007), 111-114.

³¹ Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven: Yale University Press, 1977), 25-44.

³² Dov Ronen and Anton Pelinka, *The Challenge of Ethnic Conflict* . . . , xx.

³³ *Ibid.*

ideals, consociational democracy offers a governance solution. However, this solution is one that requires the commitment of all parties in order to be effective and to avoid corruption. In the case studies researched for this paper both conclude with consociational democracies.

The Ethnic Group

In order to analyze how an ethnic group will behave in intrastate conflict it is necessary to establish what an ethnic group is. Anthony D Smith (1988) considers there to be six characteristics of an *ethnie*³⁴: “a collective name, a common myth of descent, a shared history, a distinctive shared culture, an association with a specific territory and a sense of solidarity.”³⁵ Michael Walzer (1997), in *On Toleration*, considers groups of people “with different histories, cultures and identities.”³⁶ Michael Mann (2005) defines *ethnicity* “as a group which defines itself or is defined by others as sharing common descent and culture.”³⁷ In *Nationalism*, Smith (2001) further defines *ethnie* as “a named community connected to a homeland, possessing common myths of ancestry, shared memories, one or more elements of shared culture, and a measure of solidarity, at least among the elites.”³⁸

There are no definitions of ethnic group that marry its perceived value to material worth, inferring that membership of an ethnic group is not directly related to, or influenced by, money alone. Less controversial than the definition of the state, all broadly agree that an ethnic group is a grouping of people with the features of everyday life in common. For the purposes of this paper the ethnic group can be defined by broadly following Smith’s definition, that is: a group of people bonded by an inherited common life style, independent of material possessions, which

³⁴ Smith introduces the French word *ethnie* as that which is best used to describe an ethnic group as it encompasses both historical and cultural meaning. Anthony D. Smith, *The Ethnic Origins of Nations* . . . , 21-22.

³⁵ *Ibid.*, 22-29.

³⁶ Michael Walzer, *On Toleration* (New Haven: Yale University Press, 1997), 2.

³⁷ Mann, Michael. *The Dark Side of Democracy: Explaining Ethnic Cleansing*. New York: Cambridge UP, 2005. 15.

³⁸ Anthony D. Smith, *Nationalism: Theory, Ideology, History* (Malden, MA: Polity Press, 2001), 13.

may include a common language, religion, homeland, history and/or culture. From this it can be concluded that there are two characteristics of the group that are of vital importance: territory, particularly when defined historically, and the freedom to practice the religion, language and culture of their collective choosing.

Before leaving the discussion on the ethnic group it is important to introduce the concept of a homeland and to consider how the geographical disposition of an ethnic group, nationally and internationally, influences the group's ability to mobilize. An ethnic group's perception of territory is likely to pre-date that of the state ensuring that negotiating a compromise during conflict over a homeland will be a particular challenge for peacemakers. This has already been alluded to during the discussion on the state, in particular the concept of the nation-state.

Anthony D Smith (1987) emphasizes this attachment to territory, particularly when considered a homeland; in the opening pages of *The Ethnic Origins of Nations*; he notes: "Large numbers of people are quite prepared to sacrifice their lives for the recognition of their national identities and the restoration of their 'historic' homelands."³⁹ Monica D Toft (2003) considers the *homeland principle* as a concept that links people to a land and the governance of that land as the ability to ensure the freedom of a group to practice the language, religion and culture of their collective choosing. Such is the deep connection to territory for an ethnic group that during a conflict it is unlikely that the group's perception of that territory will change in the short term. In other words, an ethnic group is unlikely to compromise on the issue of representation within the confines of its perceived homeland; in order to achieve sovereignty, if the ethnic group's claim is contested, then violent conflict is possible.⁴⁰

³⁹ Anthony D. Smith, *The Ethnic Origins of Nations* . . . 1.

⁴⁰ Monica Duffy Toft, *The Geography of Ethnic Violence*. . . 20, 23.

In conflict, to understand how the ethnic group mobilizes, in terms of total possible capacity, it is first necessary to introduce the concept of inherited identity as it forms the base for the majority of ethnic groups. Robert J Art and Kenneth N Waltz (2004) propose that assessing the population disposition of the opposing sides within an ethnic conflict is relatively easy; regardless of whether or not members of the ethnic group support, or actively participate in, the conflict they will, almost always, side with their own community, easily identified by a common language, religion, homeland, history and/or culture. The reason they do so is not necessarily because they believe in the end state, or support the application of violence to achieve it, but because they have no other option. Furthermore, as a consequence of their inherited identity, a member of one ethnic group is unlikely to be welcomed within the communities of the other.⁴¹ For example, two groups of people have inhabited Northern Ireland since its inception in 1922: Northern Irish Nationalists and Northern Irish Unionists.⁴² Three groups of people have occupied the territory of Bosnia and Herzegovina since its vote for independence in 1992: Bosnian Muslims, Bosnian Serbs and Bosnian Croats. The ethnic communities on all sides in conflict form the mobilization base for the perpetrators of violence.⁴³

When specifically considering the geographical distribution of an ethnic group Toft's theory focuses on analyzing the distribution nationally and assesses its ability to mobilize within this context. However, as already discussed, ethnic borders rarely align with those of modern states and, as Anthony Smith's description of Western Territorialism suggests, few ethnic groups

⁴¹ Robert J. Art and Kenneth N. Waltz, *The Use of Force: Military Power and International Politics* (Lanham, MD: Rowman & Littlefield, 2004), 400-401.

⁴² Marc Mulholland, *Northern Ireland: A Very Short Introduction*. Oxford: Oxford UP, 2002., 1-30. A short story on NI identity that many residents colloquially tell: two boys are walking home from school when they meet a group of bigger boys. "Are you Catholic or Protestant?" the bigger boy asks the two. The two boys look at each other before one replies "Actually, I am Jewish" to which the bigger boys respond, "OK...but are you a Catholic Jew or a Protestant Jew?"

⁴³ Robert J. Art and Kenneth N. Waltz, *The Use of Force*. . . 397 & 403.

in the West today reside solely within territorial borders.⁴⁴ Therefore, if by definition an ethnic identity is difficult to lose, it can be concluded that ethnic identity travels beyond territorial borders. Many Americans, for example, have a strong affinity with the country, its culture and history, from which their ancestors emigrated. In the case of the Irish-American, an enduring affinity with Irish Nationalism provided the Northern Irish Nationalist community with additional resource and political and social influence that it would not have had access to as a minority inside the borders of Northern Ireland itself.⁴⁵ Similarly, when the Bosnian Serbs revolted in Bosnia and Herzegovina they were supported from Serbia with the provision of fighters, weapons, medical supplies and food that enhanced their capacity to fight beyond that within their territorial borders.

It is only by assessing the ethnic groups influence within the wider ethnic community that their capacity to fight can be truly understood. In addition, it is worth noting that the ability to mobilize the wider ethnic community may change as a result of other regional or global events. For example, following the United States of America's declaration of War on Terror, those within America who had been supporting the Irish Republican Army with funding found themselves in a precarious situation; subsequently, the previously healthy flow of financial aid from across the Atlantic diminished.⁴⁶

Legitimacy

Toft's theory of indivisible territory is predicated on the fact that both the ethnic group and state in conflict believe their claim on the territory in dispute to be legitimate. In order to understand how this legitimacy is constructed it is first necessary to define what is meant when

⁴⁴ Anthony D. Smith, *The Ethnic Origins of Nations* . . . 139.

⁴⁵ Michael Cox, Adrian Guelke, and Fiona Stephen, *A Farewell to Arms?: Beyond the Good Friday Agreement* (Manchester: Manchester University Press, 2006), Chapter 23.

⁴⁶ Alan Ruddock, "How America Held the IRA over a Barrel," *The Guardian*, October 28, 2001, section goes here, accessed April 26, 2016, <http://www.theguardian.com/politics/2001/oct/28/northernireland.colombia>.

discussing legitimacy. This paper will use Max Weber's (1946) definition types of legitimacy. Weber considered that there were three 'pure' types of legitimacy: 'Traditional, charismatic and legal'. By traditional legitimacy Weber was referring to that which has always been, an inherited monarchy for example. Charismatic legitimacy refers to a governor who can rule by virtue of personal attributes, such as leadership; Weber uses the example of a prophet or an elected warlord. Legal legitimacy is sourced from the laws and institutions established to govern the land.⁴⁷

In the cases examined in this paper, the primary source of legitimacy can be considered legally sourced both from the internationally recognized right to self-determination and the legal concept of a state. In the case of Northern Ireland, the Nationalists could source their legitimacy based on the Republic of Ireland's claim to the territory in the North as written into its constitution in 1949; however Great Britain maintained the right to self-determination for the people of the North insisting that there would only be a united Ireland if the people who lived in the six counties agreed. In BiH, the conclusion of the referendum on independence in 1992 was a yes vote gave legitimacy to the government of BiH to declare independence, later endorsed by the international community; however, the Bosnian Serbs abstained and despite protests from the SDS that the recognition of BiH before new governance structures were agreed was unconstitutional, their minority voice was broadly ignored. Following the principles of self-determination, and the constitution, the Bosnian Serbs were able to construct legitimacy to support their claim for sovereignty.

Violence

⁴⁷ Max Weber, Politics as a Vocation Max Weber: pg. #, accessed January 20, 2016, <http://anthropos-lab.net/wp/wp-content/uploads/2011/12/Weber-Politics-as-a-Vocation.pdf>.

In both of the case studies examined in the following chapters of this paper, all parties to the conflicts perpetrated violence. In order to substantiate this statement it is necessary to define what is considered violence. Violence is colloquially thought of as a physical act against a person that inflicts pain. However, John Morreall (1976) challenges this classic perception of physical force being the only act of violence:

Not only are there instances of great physical force being used, which are not acts of violence, but, more importantly, there are many acts of violence done to people in which no physical contact is ever made.⁴⁸

Following an informative debate on what constitutes violence, Harmonie Toros (2012) concludes that, “. . . violent tactics are aimed at coercing others, while non-violent tactics are aimed at persuading others.”⁴⁹

Peace researcher Johan Galtung (1975) has been credited as one of the leading researchers in the area of peace and is known for his definition of “. . . Peace as the absence of violence.”⁵⁰ Galtung introduces four types of violence: violence proper, poverty/misery, alienation and repression. Galtung further groups these four types of violence into two groups: direct and structural. Direct violence is, as it infers, physical violence inflicted against the person, whilst structural violence is the consequence of social infrastructure on the victim, by design or as a consequence of some other function. Expanding on this classification of violence in the context of human needs, Galtung concludes that if violence is perceived from a victim centric

⁴⁸ John Morreall, "The Justifiability of Violent Civil Disobedience," *Canadian Journal of Philosophy* 6, no. 1 (March 01, 1976): accessed April 19, 2016, <http://www.jstor.org/stable/10.2307/40230600?ref=search-gateway:dcaee23b9f5c6c428181efe85b3b654>. <http://www.jstor.org/stable/10.2307/40230600?ref=search-gateway:dcaee23b9f5c6c428181efe85b3b654>.

⁴⁹ Harmonie Toros *From Dissent to Revolution: Politics and Violence* in Marie Smyth, *The Ashgate Research Companion to Political Violence* (Burlington, VT: Ashgate, 2012), 125.

⁵⁰ Stephen Ryan, *The Transformation of Violent Intercommunal Conflict* (Aldershot, England: Ashgate, 2007), 20.

perspective, i.e. the effect rather than the action, then this may make it more intuitive to find a solution to prevent or terminate intentional violent action.⁵¹

In the cases of NI and BiH that are examined here the full spectrum of violence was employed. In both conflicts changes to population disposition were effected by physical force, forced eviction and intimidation. In addition, throughout the Troubles in NI the IRA employed the tactic of terror with the intent of raising public interest in their cause. The Nationalist's regularly exploited the media to communicate their claim to the territory in the North of Ireland and in 1988 Margaret Thatcher, the Prime Minister of the United Kingdom, made the bold decision to bring in a new law forbidding the transmission of the voices of key Nationalists on British media. This tactic backfired when the media found a loophole in the law permitting them to transmit the messages using actors as voiceover on film and radio.

This paper will follow Galtung's definitions of types of violence by considering violence as representative of the totality of physical and structural actions that are intended to have some form of coercive effect on the victim. In the application of Toft's the theory of indivisible territory, this includes any action taken by the state or ethnic group intended to coerce the other to rescind their claim to the territory in dispute.

An Introduction to the Theory of Indivisible Territory

At the end of World War Two France conceived the concept of the European Union; the theory was that the Union would bind French and German industrial capability so tightly that Germany would never be able to develop the necessary tools to wage war on the continent

⁵¹ Johan Galtung, *The Specific Contribution of Peace Research to the Study of the Causes of Violence: Typologies* (Oslo: Chair in Conflict and Peace Research, University of Oslo, 1975), accessed April 19, 2016, <https://www.transcend.org/galtung/papers/The%20Specific%20Contribution%20of%20Peace%20Research%20to%20the%20Study%20of%20the%20Causes%20of%20Violence%20-%20Typologies.pdf>.

again.⁵² Since then war in Europe has taken on a different character; often considered inter-ethnic or motivated by religious differences the continent is littered with examples of conflict within, rather than across, the geographic borders established at the end of World War One.

Traditionally, how a military wins in conflict is analyzed and determined by calculations of strength and power. Robert J Art and Kenneth N Waltz (2003), conclude that the most significant determinate in ethnic conflict is ‘relative military strength, which determines the territorial outcome’.⁵³ This view adheres to the conventional application of the teachings of Clausewitz and Sun Tzu who both propose that victory is predicated on the ratio of friendly forces to enemy forces.⁵⁴ Following this train of thought, to achieve this dominance the application of violence in an ethnic conflict is unlikely to be targeted at influencing loyalties - within ethnic communities these are a given. Instead, the application of violence is likely to be used to terrorize enemy civilians into flight, for example, reducing the enemy’s numbers and subsequently gaining a majority control over a particular territory.⁵⁵

However, Toft concludes that historical evidence supports the supposition that such conflicts are three times more likely to result in a stalemate or ceasefire as opposed to an outright military victory.⁵⁶ In an attempt to understand the likelihood and root causes of intrastate conflict Toft has developed a theory of indivisible territory. Toft’s theory proposes that when a state and an ethnic group disagree on the matter of sovereignty violent conflict is all but inevitable.⁵⁷

⁵² The European Community (EC) was renamed the European Union (EU) in the Maastricht Treaty, which was signed in February 1992 and came into force in November 1993. John Pinder, and Simon Usherwood, *The European Union: A Very Short Introduction*, 3rd Ed, (Oxford: Oxford University Press, 2013), 1 & 26.

⁵³ Art, Robert J., and Kenneth N. Waltz. *The Use of Force*. . . . 406

⁵⁴ Sunzi and Samuel B. Griffith, *The Art of War* (London: Oxford University Press, 1971), 79 & 80; Carl Von Clausewitz et al., *On War* (Princeton, NJ: Princeton University Press, 1984), 566-573.

⁵⁵ Art, Robert J., and Kenneth N. Waltz. *The Use of Force*. . . . 403

⁵⁶ Monica Duffy Toft, *The Geography of Ethnic Violence*. . . 3.

⁵⁷ *Ibid.*, 4.

In her introduction to the theory of indivisible territory, Toft considers that other scholarly work aimed at explaining the origins of ethnic conflict can be grouped under three headings: the study of the material conditions that influence the behavior of an ethnic group within a state, such as equality, governance or standard of living; non-material approaches to understanding ethnic conflict, predominately concerned with culture and history; and, the study of the manipulation of ethnic groups by political elite. Toft concludes her introduction that whilst each of these offers a partial explanation of why ethnic violence occurs, analysis of the relative value of the territory as a dominant force is missing.⁵⁸

Toft proposes that territory of a particular value to an ethnic group will, when certain conditions are met, cause the group to make a claim for sovereignty.⁵⁹ This claim's provenance, and therefore the ethnic group's legitimacy, is typically founded on at least one of two requisites: the territory is considered an ethnic homeland or the group perceives that they have added the most value to the land, independent of the state.⁶⁰ The second precondition for an ethnic group to employ violence in support of their claim is that they have the capacity to win. In response to this sovereignty claim Toft proposes that if the state considers the territory indivisible from its own survival then violence is likely. If one of these conditions is absent then a negotiated settlement is possible.⁶¹

Expanding on the ethnic group's perception of territory, Toft proposes that legitimacy for a sovereignty claim is constructed from one of two principles. If the land is considered a homeland for that particular group then this will form a strong basis for their perception of legitimacy. Alternatively, if the group consider that they have added the most value to the land

⁵⁸ *Ibid.*, Chapter One.

⁵⁹ *Ibid.*, 25.

⁶⁰ *Ibid.*, 20.

⁶¹ *Ibid.*, 20.

over a given period and as such believe that they have a right to self-govern and reap the benefits of their contribution then this may also be sufficient to warrant a legitimate claim for sovereignty.⁶²

Expanding on the ethnic groups ability to mobilize, Toft defines an ethnic group's capability to defend a territorial claim as the capacity to wage a successful fight for independence. Toft proposes that the determinant factor to assess whether or not an ethnic group has the capability to win is its access to resource. This includes access to economic and political power, control over social networks, access to communications and media outlets, and sufficient money, or other goods, that can be exchanged for weapons, food, medical aid and mercenaries.⁶³

According to Toft, the most significant characteristic of resource is the number and concentration of people, i.e. potential combatants, within the geographical location. Toft states that the geographical distribution of ethnic groups within a territory can be grouped under four distinct headings: a Concentrated Majority, Concentrated Minority, Urban Groups and Dispersed Groups. Toft concludes that the disposition most prone to making a sovereignty claim is a concentrated majority.⁶⁴ Whilst Toft proposes that the ethnic group's ability to mobilize is directly linked to its national geographical disposition, expanding on Toft's theory, this paper

⁶² *Ibid.*, 23.

⁶³ *Ibid.*, 22.

⁶⁴ An ethnic group is described as a concentrated majority when the majority of the population in a given area is considered to be within that ethnic group. A majority is achieved when that ethnic group represents 50% or more of the total population. A concentrated majority is likely to have high capacity although this will be influenced by whether or not it includes urban groups, as they tend to have the greatest economic and political power and control over social networks and money. An ethnic group is described as a concentrated minority when the majority of that ethnic group is concentrated in one geographical location but accounts for less than 50% of the total population. The capacity of a concentrated minority will depend on circumstance and whether or not, despite being a minority, they have economic and political power in addition to access to sufficient funding. Urban groups are described as ethnic groups concentrated in urban areas. These groups usually consist of ethnicities that have migrated towards the urban center. Despite the fact that they are not a majority, urban groups typically have the greatest capacity in terms of access to economic and political power and access to funding. Dispersed groups are groups, normally in relatively small numbers, of an ethnicity that are dispersed across a given territory. Dispersed groups typically have the weakest capacity to wage a successful fight to secure a territorial claim; *Ibid.*, 25.

previously established that it is also necessary to consider the support network that it has available internationally by virtue of the extended ethnic community.

Now to focus the discussion on the perspective of the state, Toft proposes that a state will respond violently to any threat that risks the state's survival. Specifically, Toft considers the concept of precedence setting. Toft suggests that the state will respond violently to any ethnic minority claiming sovereignty over territory if it risks setting precedence that will result in other relative minorities claiming the same independence; a classic zero sum security dilemma.⁶⁵ Toft uses the following example: when Slovenia made a bid for independence, in response Serbian forces invaded, sending a clear message to other minority states that any bid for independence would not be tolerated.⁶⁶

Although Toft specifically explores the concept of precedence setting, she alludes to the fact that there are other occasions that can equally threaten the survival of the state, for example if the loss of one territory threatens the security of the other.⁶⁷ For example, following its experience of World War One the government of Great Britain was convinced that the territory of Northern Ireland was of strategic importance to protect the shipping routes and ports of Glasgow and Liverpool; officials advised ministers that;

‘So far as it can be foreseen, it will never be to Great Britain's advantage that Northern Ireland should form a territory outside His Majesty's jurisdiction. Indeed, it would seem unlikely that Great Britain would ever be able to agree to this even if the people of Northern Ireland desired it’.⁶⁸

⁶⁵ *Ibid.*, 27

⁶⁶ *Ibid.*, 26.

⁶⁷ *Ibid.*, 28.

⁶⁸ William Beattie. Smith, *The British State and the Northern Ireland Crisis, 1969-73: From Violence to Power-sharing* (Washington, D.C.: U.S. Institute of Peace Press, 2011), 50.

In Toft's words "States are defined by borders and therefore tend to view challenges to those borders as threats to their very existence."⁶⁹ Therefore, any threat to the territory of the state, internally or externally, particularly if it challenges the states security, is likely to be met with a violent response.

Toft's theory implies that understanding the different attachments to territory, when viewed independently from the lens of the state, and the ethnic group, could aid peacemakers employed in conflict resolution. Toft concludes the presentation of her theory by suggesting that there are significant areas within peace negotiations that are as yet unexplored when it comes to establishing an enduring peace in response to an intrastate conflict.⁷⁰

When Toft discusses possible territorial solutions to intrastate conflict she warns that any policy that includes the segregation of ethnic groups without sovereignty creates a new dynamic of geographically concentrated ethnic majorities by design; such ethnic dispositions within a territory are the most prone to violence. In addition, as this approach does not address the issue of a homeland but rather reinforces an ethnic group's link to a particular piece of geography, Toft suggests that this form of segregation is a recipe for further violence in the future.⁷¹

Toft suggests three lines of inquiry in support of peacemakers. First and foremost, she advises the peacemaker to address the legitimacy of each party's territorial claim through dialogue. By inference this includes negotiations with all parties to the conflict. In the case study of Northern Ireland, during early attempts to reach a peace agreement the British Government refused to negotiate with the IRA, including their political representatives; when the Good Friday Agreement was made in 1998 one of the lessons derived from the process was that failure to

⁶⁹ Monica Duffy Toft, *The Geography of Ethnic Violence*. . . 19

⁷⁰ *Ibid.*

⁷¹ *Ibid.*, 144 & 145.

include representation from all sides' party to conflict inevitably resulted in a number of unworkable peace agreements prior to 1998.⁷²

Secondly, Toft suggests that consideration be given to the establishment of a bespoke designed power sharing agreement to address the governance concerns of the minority(ies). The pros and cons of such a solution have been discussed earlier in this chapter. In both case studies power-sharing arrangements were designed as a part of the final peace agreements, intended to ensure that all of the ethnic groups, including minorities, were represented in government. If the success of these power-sharing arrangements can be measured by progress since conflict termination then, as the case studies will demonstrate, the solution in NI has been arguably more successful than that employed in BiH.

Finally, Toft proposes that improving stability through education, and the establishment of economic and social opportunities for all will reduce the likelihood of a return to violence in the future. Through improved education the opportunities for all communities to enhance their standard of living increases. To further support this, a growing economy offers opportunity for employment and the ability to take part in increased social activities. Enhancing the general standard of living, and ensuring that all parties enjoy an equal voice in the governance of shared territory, significantly reduces the likelihood of a return to violence.⁷³

Conclusion

This chapter has intended to lay the foundations for the subsequent analysis of the peace processes in two case studies: the Troubles in NI from 1968-1998 and the war in BiH from 1992-1995. Within the framework established by the theory of indivisible territory the following two

⁷² Timothy Jerome White, *Lessons from the Northern Ireland Peace Process* (Madison, WI: University of Wisconsin Press, 2013), 7.

⁷³ Monica Duffy Toft, *The Geography of Ethnic Violence*. . . 142

chapters will begin by establishing the cause of the conflict under study before assessing the peace initiatives: those that failed and those that ultimately brought peace to both countries. Finally, by considering more current affairs each chapter will attempt to assess the effectiveness of the Dayton Peace Accords and the Good Friday Agreement respectively. The final chapter of this paper will conclude on the applicability of the theory of indivisible territory as outlined here, drawing on evidence from the case studies, before making recommendations for future scholarly research.

CHAPTER THREE – BOSNIA AND HERZEGOVINA

Amidst the break up of the former Yugoslavia, the war in Bosnia and Herzegovina (BiH) followed the state's declaration of independence in 1992 until massive and concerted international diplomatic and military intervention in 1995.⁷⁴ The main perpetrators of violence were the Bosnian Serbs, Bosnian Muslims and Bosnian Croats; later in the war the Bosnian Muslims and Croats signed a treaty and united against the Bosnian Serbs.⁷⁵ The main parties to the conflict were the Party of Democratic Action (SDA), the Serb Democratic Party (SDS) and the Croatian Democratic Union (HDZ), representing the Bosnia Muslim, Bosnian Serb and Bosnian Croat communities respectively; and the governments of Croatia and Serbia.⁷⁶ The multicultural independent state of BiH that exists today has its roots as far back as medieval times; described as “one of the world's great crossroads” BiH has been trampled by “civilizations, armies and empires” for centuries.⁷⁷ However, it is the history of state building

⁷⁴ In 1994 NATO agreed to launch limited airstrikes against a Croatian airfield and a number of Serb surface to air missile sites in BiH. Following rumors as to the fate of thousands of Muslim men evacuated from the UN safe area Srebrenica, an emergency conference was called. At the London Conference, which opened on 21 July 1995, it was agreed that NATO would respond to further attacks with a significant air campaign, which included targets throughout Bosnia; it was also agreed that authority for air strikes would be delegated to the commanders on the ground. Then, following the explosion of a mortar shell in a market place in Sarajevo on 25 August NATO launched Operation Deliberate Force. This two-week period of intense attacks against Serb positions coupled with the diplomatic efforts led by Richard Holbrooke culminated in the Dayton Peace Accords. See: John H. F. Shattuck, *Freedom on Fire: Human Rights Wars and America's Response* (Cambridge, MA: Harvard University Press, 2003), 153; <https://history.state.gov/milestones/1993-2000/bosnia> accessed 15 Mar 16; vo H. Daalder, *Getting to Dayton: The Making of America's Bosnia Policy* (Washington, D.C.: Brookings Institution Press, 2000), 75; Alastair Finlan, *The Collapse of Yugoslavia, 1991-99* (Oxford: Osprey, 2004), 80 & 81.

⁷⁵ The Bosnian Serbs are generally considered to be the people within the country who practice Orthodox Christianity; before, during and after the war their politics represent a desire of the Bosnian Serb people to be aligned with Serbia; the Bosnian Muslims, also known as Bosniacs, are generally considered to be the people within the country who practice Islam. Their politics at the start of the conflict represented a desire to retain the original borders of BiH as a multi-cultural state; during the war these naturally changed to be considered more representative of the Muslim population but the desire for an independent state endured. The Bosnian Croats are generally considered to be the people within the country who practice Catholicism; before, during most and after the war their political leaning would be towards union with Croatia. Catherine Baker, *The Yugoslav Wars of the 1990s* (United Kingdom: Palgrave, 2015), 70; Alastair Finlan, *The Collapse of Yugoslavia . . .*, 21.

⁷⁶ Catherine Baker, *The Yugoslav Wars of the 1990s. . .*, 60; Florian Bieber, *Post-war Bosnia: Ethnicity, Inequality and Public Sector Governance* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2006), 41-43.

⁷⁷ David Rohde, *Endgame: The Betrayal and Fall of Srebrenica, Europe's Worst Massacre since World War II* (New York: Farrar, Straus and Giroux, 1997), XVI.

and conflict in the region during the late-nineteenth and twentieth centuries that offers important insight to the war of 1992-1995.

When the Roman Empire was divided in the year 476, two forms of Christianity emerged. These two versions of Christianity were essentially the same, born out of political rivalry, until the Great Schism of 1054 created Roman Catholicism and Christian Orthodoxy.⁷⁸ Since then, people who practice both Orthodox and Catholic Christianity have inhabited the territory of Bi. Islam was introduced to the region later, during the days of the Ottoman Empire.⁷⁹

Religious conversion was so important because it was the sole criterion of life in the lands conquered and subjugated by the Muslim Turks; Islam was the sole and crucial unifying and defining criterion of the Muslim Turkish Ottoman Empire.⁸⁰

Conversion to Islam began in central BiH under Ottoman influence in the 1480s, reaching its height in the sixteenth century.⁸¹

The characteristic that sets the peoples of BiH apart today remains religion. During the Holy Roman Empire, those who took on the religion of Catholicism evolved to be known as Bosnian Croats. The Byzantine Empire introduced Orthodox Christianity and those who converted evolved to be known as Bosnian Serbs.⁸² During the Ottoman Empire those who

⁷⁸ Richard C. Frucht, *Eastern Europe: An Introduction to the People, Lands, and Culture* (ABC-CLIO Interactive, 2005), 627.

⁷⁹ Rebecca West, *Black Lamb and Grey Falcon a Journey through Yugoslavia* (New York, NY: Open Road, 2010), Loc 292; Catherine Baker, *The Yugoslav Wars of the 1990s* . . . , 10; David Rohde, *Endgame* . . . XVI;

⁸⁰ The Bosnian Conflict: Origins and History - Bosnia-Hercegovina under Ottoman Rule, 1463-1878 by Carl Savich <http://www.serbianna.com/columns/savich/014.shtml> accessed 1 May 16

⁸¹ Gábor Ágoston and Bruce Alan Masters, *Encyclopedia of the Ottoman Empire* (New York, NY: Facts On File, 2009), 91.

⁸² When the Roman Empire broke apart the Byzantine Empire formed in the eastern half, with its capitol in Constantinople (Istanbul today), whilst the western half remained under Rome's control. R.F Baumann, George Walter Gawrych, and Walter Edward Kretchik, *Armed Peacekeepers in Bosnia* (Fort Leavenworth, KS: Combat Studies Institute Press, 2015), 3.

converted to Islam became Bosnian Muslims, or Bosniacs. Evolved from white European Slavs, although dialects may differ all three peoples speak Serbo-Croatian.⁸³

BiH existed as an entity within the Ottoman Empire until the end of the Russia-Turkey war in 1878. Triggered by “a massacre of unarmed Orthodox Serbs by the Ottoman overlords”, the Bosnian Serbs launched the Bosnian Revolution in a bid for independence from Ottoman rule in 1875.⁸⁴ The Bosnian Revolution, or Insurrection, culminated in the war between Russia and Turkey, which concluded with a Russian victory. Following the war the Bosnian Serbs anticipated that they would be rewarded with independence. However, intervention from the European powers led the *Treaty of Berlin* instead decreeing that BiH would come under the umbrella of Austria-Hungary.⁸⁵

In line with the concept of a nation-state, in order to bring further stability to the region Habsburg attempted to foster a common national, rather than faith-based; this was intended to provide a common identity for the peoples of BiH in order to quell any notion of rebellion.⁸⁶ However, as the neighboring Kingdom of Serbia flourished, an external security dilemma emerged: as the Kingdom of Serbia grew in strength the Austro-Hungarian Empire feared that they would soon attack.

Inside the Empire, the Bosnian Serb community remained discontented; being under the rule of one empire was little different to being under the rule of another, particularly when their kin were doing so well in the free Kingdom of Serbia. Then, in 1914 the Austro-Hungarian Government authorized a visit to Sarajevo by Archduke Franz Ferdinand, the Inspector-General of the Army. Despite warnings that attempts were likely to be made to take the Archduke’s life,

⁸³ Rohde, David. *Endgame*.... XV; Florian Bieber, *Post-war Bosnia* . . . 2.

⁸⁴ The Bosnian Conflict: Origins and History - Bosnia-Herzegovina under Ottoman Rule, 1463-1878 by Carl Savich <http://www.serbianna.com/columns/savich/014.shtml> accessed 1 May 16

⁸⁵ *Ibid.*

⁸⁶ Catherine Baker, *The Yugoslav Wars of the 1990s*. . .15.

his security protection for the trip to BiH was relatively light. During his visit, on 28 June 1914, Gavrilo Princip, a Bosnian Serb, shot, and killed, Franz Ferdinand. Despite Princip not being a citizen of the Kingdom of Serbia, the Austro-Hungarian Empire used the assassination of the Archduke by a Serb, albeit a Bosnian one, as an excuse to declare war on the Kingdom of Serbia; so began World War One.⁸⁷

By the end of World War One Austria-Hungary had yielded and on 29 October 1918 the “. . . South Slav National Councils in Ljubljana and Zagreb proclaimed an independent “State of Slovenes, Croats and Serbs.””⁸⁸ This new entity subsequently united with the Kingdom of Serbia and Montenegro; the first Yugoslavia was born on the 1 December 1918.⁸⁹ With Serbian culture now dominating, in 1929 the concept of identity building as a nation-state was again to be brought to the region.

Following the assassination of the Croat Peasant Party Leader, Stefan Raditch, in the Belgrade Parliament, King Alexander fostered a new Yugoslav identity. Intended to suppress any further attempts to challenge the Serbian view of Yugoslavia, the vision of this new identity was that it would supersede existing ethnic and nationalist affiliations. At the same time King Alexander introduced a royal dictatorship and banned all political parties.

By the beginning of World War Two the Yugoslavian ideal was under considerable tension. In 1941, following the annexation of BiH by the Independent State of Croatia, Hitler and Mussolini made their military approach on the Balkans.⁹⁰ As war approached, the government of Yugoslavia decided that, to preserve the lives of their people, they would accept the invite to Germany and returned only after they had signed the Tripartite Pact.

⁸⁷Rebecca West, *Black Lamb and Grey Falcon* . . . Loc 292; <http://www.everyculture.com/wc/Afghanistan-to-Bosnia-Herzegovina/Bosnians.html> accessed 25 Apr 16.

⁸⁸ Catherine Baker, *The Yugoslav Wars of the 1990s* . . . 15.

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*, 16 - 18.

When it became known that the Prime Minister and the Minister of foreign Affairs had been to Vienna and had signed the pact [the Tripartite Pact], the passion of the people blazed up into a steady flame. Now the police would no longer use their weapons against demonstrators or arrest them, and the Army was so disaffected that all troops, including officers, had been confined to barracks. The whole country demanded that the pact must not be ratified, and that arms must be taken up against the Germans.⁹¹

In March 1941 General Dušan Simović led the Yugoslav people in revolt. Simović became the new Prime Minister; the Yugoslavs had chosen to die fighting the Axis rather than join them. On the 6 April 1941 eight hundred German planes attacked Belgrade, the country was subsequently surrounded, Simović fled the country and the Yugoslav Army fought on.⁹²

At the end of World War Two Josip Broz Tito emerged triumphant as the partisan leader dedicated to unifying the country; he subsequently gave birth to the second Yugoslavia. Tito organized his Yugoslavia as a federation of six republics, five of which were to encompass a single entity. Serbia became the home of the majority of Serbs with its diaspora settling in all states within the region. Similarly, Croatia became the primary home for Croats, again its diaspora settled in all states within the region.⁹³ BiH was the exception and became a common republic, intended to include, as it had in the past, Croats, Serbs and Muslims.⁹⁴

In 1968 the League of Communists gave recognition to the Bosnian Muslims. This provided the Bosnian Muslims with equality amongst the already recognized Bosnian Serb and Bosnian Croat populations.⁹⁵ The concept of a multi-denominational Republic of BiH endured.

⁹¹ Rebecca West, *Black Lamb and Grey Falcon* . . . Loc 20524.

⁹² *Ibid.* Loc 20775.

⁹³ The other three republics were Slovenia, Macedonia and Montenegro.

⁹⁴ Catherine Baker, *The Yugoslav Wars of the 1990s* . . . 19 & 20

⁹⁵ Xavier Bougarel, Elissa Helms, and Gerlachlus Duijzings, *The New Bosnian Mosaic: Identities, Memories and Moral Claims in a Post-war Society* (Aldershot, England: Ashgate, 2007), 4; Florian Bieber, *Post-war Bosnia* . . . 11.

According to the census, in 1991 the population of BiH included 43.5% Bosnian Muslims, 31.2% Bosnian Serbs and 17.4% Bosnian Croats.⁹⁶

Despite its multicultural past, politics in BiH had become organized along nationalist lines prior to the 1992 vote for independence. The main parties were the SDA, SDS and HDZ, representing the Bosnia Muslim, Serb and Croat communities respectively. Following elections in November 1990 none of the main parties won a majority that would allow them to govern alone; the three nationalist parties subsequently formed a coalition.

As the former republics' of Yugoslavia succeeded, the SDA had an internal quandary; they were split as to whether they should support the creation of a new state run by Bosnian Muslims for Bosnian Muslims or to forge a future based on the multi-ethnic narrative of the past. In reality, the Bosnian Muslims had little choice but to champion an independent BiH predicated on the history of a multicultural state; if the Bosnian Serbs and/or Croats achieved independence then the state of BiH was unlikely to survive. This was later echoed from within the international community when Lord Carrington spoke at the London Conference on Yugoslavia in 1992:

Bosnia's very existence hangs in the balance. If the international community acquiesces in a policy of *fait accompli*, for example by recognizing either the Bosnian Serb or Croat entities, and then Bosnia- Herzegovina cannot conceivably survive. The Muslims have the most to lose by the partition of Bosnia. . . .⁹⁷

The challenge would be that whilst the concept of a territorial entity BiH was in existence long before the war of 1992-1995, it had never exercised independence and had instead existed within empires and federations as a multi-faith entity.⁹⁸

⁹⁶ The remainder of the population identified as 5.5% Yugoslavs 5.5% and 2.4% others.

https://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_1st_SR_BiH_en.pdf accessed 13 Apr 16

⁹⁷ Excerpt from Lord Carrington's Statement to the London Conference on Yugoslavia Wednesday 26th August 1992; source:

https://archive.org/stream/BosniaHerzegovinaTheVanceOwenPeacePlanSupplementaryDocuments/Bosnia-Herzegovina%20-%20The%20Vance-Owen%20Peace%20Plan,%20supplementary%20documents_djvu.txt accessed 13 Apr 16.

⁹⁸ Florian Bieber, *Post-war Bosnia* . . .5.

The SDS election campaign frequently referred to the Serb's right "not to be left as minorities in other states."⁹⁹ Bosnian Serbs envisaged a future aligned to Serbia as opposed to being a minority in an independent BiH. The HDZ's politics were split as to whether it was better to seek autonomy within BiH or push for a redrawing of the territorial borders such that they would join Croatia.¹⁰⁰ For Bosnian Croats, aligned to Croatia they would continue to be members of a representative majority, whereas in an independent BiH they would be a considerable minority.

These conflicting and mainly nationalist views ensured that the indivisible territory issue was set - the Bosnian Muslims required a united independent state with no change to the territorial borders if the state was to survive, while the Bosnian Serbs and Croats wanted to see their homelands united with the states of Serbia and Croatia respectively.¹⁰¹ According to the theory of indivisible territory the first condition for violence was partially met – both the state and ethnic minorities demanded sovereignty of the land. Legitimacy would come next, following negotiations with the international community regarding the conditions for independence and the referendum in 1992.

With dispute among the parties, in addition to three distinct nationalist perspectives within the coalition, little moved forward in the political arena in BiH during 1991. Initiatives that appeared to favor one over the other were easily blocked and the SDS left the Bosnian parliament on 15 October 1991.¹⁰² In an attempt to break the political stalemate in BiH, during a visit to Sarajevo in February 1992 Lord Carrington solicited agreement from the three parties to

⁹⁹ Catherine Baker, *The Yugoslav Wars of the 1990s* . . . 60

¹⁰⁰ *Ibid.*

¹⁰¹ At this stage in the chronology of events *Serbia* was still a part of the former Yugoslavia, which included Montenegro. For clarity, however, Serbia is intended to refer to the historical land of the Serbs, the republic within Yugoslavia and the state that is recognized today as Serbia following its independence in 2006.

¹⁰² Catherine Baker, *The Yugoslav Wars of the 1990s* . . . 60.

begin negotiations on new governance structures. During the same meeting, the SDS reiterated that they were determined not to support BiH secession until new governance structures had been agreed.¹⁰³

The SDA, however, continued to petition the international community to recognize BiH as a united independent state; their petition was redirected with advice from the European Community (EC) that such a claim would only be recognized following a referendum. The SDA subsequently championed a referendum to vote for independence, held on 29 February 1992. The overwhelming vote within the Republic of BiH was a resounding yes. However, this vote only represented the majority of Bosnian Croats and Bosnian Muslims. The SDS reportedly blocked polling stations in the areas they controlled to ensure that the Bosnian Serb community could not vote; Bosnian Serbs, a thirty-seven percent minority, abstained.¹⁰⁴ Through this abstinence, the SDS attempted to reinforce their position – they did not support a state of BiH independent of Serbian oversight before new governance structures were agreed.

On 18 March 1992 all parties agreed to a compromise: a set of principles that would develop a structure that gave a certain amount of autonomy to each community within a federation. This set of principles included the premise that communities would not be organized geographically; instead it was presumed that something akin to the millet system of the Ottoman Empire era would be established.¹⁰⁵ In the same month the Socialist Party of BiH, representing members of the Muslim, Serb, Croat and Yugoslav communities, appealed to the EC Ministerial Council to delay their recognition of BiH as an independent state until the dispute between the

¹⁰³https://archive.org/stream/BosniaHerzegovinaTheVanceOwenPeacePlanSupplementaryDocuments/Bosnia-Herzegovina%20-%20The%20Vance-Owen%20Peace%20Plan,%20supplementary%20documents_djvu.txt accessed 13 Apr 16.

¹⁰⁴ Rieff, David. *Slaughterhouse: Bosnia and the Failure of the West*. New York: Simon & Schuster, 1995, 17; Florian Bieber, *Post-war Bosnia . . .*, 26; Catherine Baker, *The Yugoslav Wars of the 1990s . . .* 62

¹⁰⁵https://archive.org/stream/BosniaHerzegovinaTheVanceOwenPeacePlanSupplementaryDocuments/Bosnia-Herzegovina%20-%20The%20Vance-Owen%20Peace%20Plan,%20supplementary%20documents_djvu.txt accessed 13 Apr 16.

main political parties was resolved. In their letter dated 22 March 1992 the Socialist Party warned:

We must also appeal to EC reason, conscience and responsibility, warning you how fatal could be too early and one-sided recognition of Bosnia and Herzegovina independence; it would inevitably initiate an avalanche of a terrible civil war, which could not be controlled, not to speak about stopping it.¹⁰⁶

However, on the basis of the agreement from all parties to negotiate, and despite the warning offered by the BiH Socialist Party, Europe and the United States of America recognized BiH's independence on the 7 April 1992; BiH was subsequently admitted into the United Nations on the 22 May. The state of BiH was, by April 1992, an internationally recognized legitimate state. The Bosnian Serb's political representative's calls for new governance structures prior to independence were ignored.

The theory of indivisible territory concludes that an ethnic group will make a claim for sovereignty when it believes it has a legitimate claim and when it perceives that it has the capacity to win in a fight. While political debate over independence was happening, all sides had stock piled the weapons of war and organized militia in the name of their respective ethno-national policies. The HDZ had created local militia to operate as autonomous forces, which would unite to become the Croat Defence Council (JVO) in April 1992. The SDA began to build up stores of weaponry in December 1990, forming the Patriotic League in July 1991 that united with all other pro-defence groups to form the Army of the Republic of BiH in 1992. The SDS also began forming militia, linking them together such that municipalities would become entities; they also knew that they would be able to rely on the Yugoslav Peoples Army (JNA) for additional resource. The Serb community beyond the territory of BiH would unite in the fight for

¹⁰⁶https://archive.org/stream/BosniaHerzegovinaTheVanceOwenPeacePlanSupplementaryDocuments/Bosnia-Herzegovina%20-%20The%20Vance-Owen%20Peace%20Plan,%20supplementary%20documents_djvu.txt accessed 13 Apr 16.

their right ‘not to be left as minorities in other states’.¹⁰⁷ By the beginning of the war in 1992 the ethnic minority could construct legitimacy to support their sovereignty claim and had the strength to win; the conditions for inevitable violence in the theory of indivisible territory had been met.

The first missed opportunity to address the indivisible issue in BiH came before the fighting started in earnest; Sumantra Bose (2002) agrees that the international community’s recognition of BiH as an independent state did not help matters:

Recognition by the major Euro-Atlantic powers and institutions of that partitionist [referring to the recognition of the former Republics of Yugoslavia as independent states] claim as legitimate – contested, naturally, by outraged Croatian and Bosnian Serbs – precipitated the horror that followed.¹⁰⁸

As predicted by the Socialist Party of BiH, following the international community’s recognition of BiH as an independent state prior to agreement on the establishment of the internal governance structures, the Bosnian Serbs started to fight.

During the war in BiH from 1992-1995 there were several failed attempts to bring about peace. The next opportunity for the international community was BiH’s appeal for international military support to enable them to respond to the escalating violence from the Bosnian Serbs. Whilst the theory of indivisible territory predicts that all out military victory is unlikely to be achieved in such a conflict, it does profess that an ethnic minority needs to believe that it has the capacity to win in order to continue. The state of BiH was relatively limited in military capability prior to the war and the international arms embargo in the region prevented them from being able

¹⁰⁷ Catherine Baker, *The Yugoslav Wars of the 1990s* . . . 60 & 61; Alastair Finlan, *The Collapse of Yugoslavia, 1991-99* (Oxford: Osprey, 2004), 39 & 40.

¹⁰⁸ Alastair Finlan, *The Collapse of Yugoslavia* . . . 39 & 40; Sumantra Bose, *Bosnia after Dayton: Nationalist Partition and International Intervention* (New York: Oxford University Press, 2002), 180.

to address this issue whilst the Bosnian Serbs, and the Bosnian Croats, were supported from abroad by their extended ethnic communities.¹⁰⁹

The British Politician Lord Paddy Ashdown's famous disclosure of the map that Croatia's President Franjo Tudjman had drawn for him on the 6 May 1995, during a dinner in London, is evidence of the support received from both Croatia and Serbia. The map was drawn in answer to a question asked by Lord Ashdown to Mr Tudjman; Lord Ashdown asked Mr Tudjman what he thought BiH would look like in ten years time. In response Mr Tudjman drew a map and identified a new border between Serbia and Croatia that cut through the middle of BiH. Importantly the new map did not include a separate state for the Muslim population.¹¹⁰

Despite being admitted into the United Nations in May 1992, the UN Security Council was reluctant to authorize an international military force to support the state of BiH. The Secretary General warned the UN that not only would any intervention be costly but it would also risk the UN Protection Force's mission in neighboring Croatia.¹¹¹ In the UN's report, published in 1999, they acknowledge the inadequacy of their peacekeeping response and admitted that the doctrine of moral equivalency employed at the time was one of its key failings

¹⁰⁹ Ivo Daalder, *Getting to . . .* 30-31; David Rohde, *Endgame . . .* XVI.

¹¹⁰ Friedman, Thomas L. "Foreign Affairs; Whose Balkan Menu?" *The New York Times*. The New York Times, 26 Sept. 1995. Web. 27 Apr. 2016. This conversation was submitted as evidence by Lord Ashdown when he testified at the International Criminal Tribunal for the Former Yugoslavia; the judgment notes from the trial accept Lord Ashdown's account of dinner that evening when they state:

'During the trial although the Defence attempted to make it seem that Tudjman's statements to the witness were merely words said after a few drinks, the Trial Chamber considers that the testimony of the witness is totally credible and coherent in all respects even when what the Defence raised is taken into account. Nor can there be any doubt as to what the partition of territory between Croatia and Serbia as shown in the sketch drawn by President Tudjman represents.' <http://www.icty.org/x/cases/blaskic/tjug/en/bla-tj000303e.pdf>

¹¹¹ In Croatia the UNPROFOR had deployed to patrol Green Zones, which were pre-defined areas that the warring parties had agreed would be safe areas. The Secretary-General feared that any attempt to enforce a ceasefire in BiH would result in one or both of the parties in Croatia reneging on their support for UNPROFOR's presence there. United Nations, Secretary-General. *Secretary-General. Report of the Secretary-General Pursuant to Security Council Resolution 752 (1992)* (1992).

throughout the war.¹¹² The perception that the UN sided with, or at least recognized the cause of, the Bosnian Serb revolt within BiH did little to convince the state that its survival was secured.¹¹³

In October 1992 the Chairman of the BiH Working Group presented a paper to the Co-Chairman of the International Conference on the Former Yugoslavia (ICFY) outlining five developing governance options, two of which were immediately discounted. The first option was the state's preference: “. . . a centralized state with minor local functions assigned to a number of communes whose boundaries would be determined on more other than ethnic lines.”¹¹⁴ The second option was that preferred by the ICFY: “. . . a centralized federal state but with significant functions (especially in fields of education and culture) carried by 4-10 "regions" whose boundaries would take into account ethnic and other considerations (likelihood that most would have a significant majority of one of the ethnic groups, and all would have significant minorities of the others).”¹¹⁵ The third option facilitated the desired end state of both the Bosnian Serb and Bosnian Croat communities: “a Muslim state (possibly with boundaries drawn somewhat more generously than under the federation model), with the Serbs either becoming an integral part of Serbia/Yugoslavia or part of a federal unit of that state, and the Croats becoming a part of Croatia.”¹¹⁶

¹¹² Carol Off, *The Lion, the Fox and the Eagle: A Story of Generals and Justice in Yugoslavia and Rwanda* (Toronto: Random House Canada, 2000), 222.

¹¹³ For example, following concessions given to the Bosnian Serbs to secure the opening of Sarajevo Airport for humanitarian aid, the Prime Minister publically accused General McKenzie, as siding with the Bosnian Serbs Lewis MacKenzie, *Peacekeeper: The Road to Sarajevo* (Vancouver: Douglas & McIntyre, 1993), 274; Norman Leach, *Canadian Peacekeepers: Ten Stories of Valour in War-torn Countries* (Edmonton: Folklore Pub., 2005), 91; David Hannay, *New World Disorder: The UN After the Cold War: An Insider's View* (I. B. Tauris & Company, Limited, 2008), 91.

¹¹⁴ Paper presented by the Chairman of the Bosnia-Herzegovina Working Group to the Co-Chairmen of ICFY 4 October 1992 Accessed from: https://archive.org/stream/BosniaHerzegovinaTheVanceOwenPeacePlanSupplementaryDocuments/Bosnia-Herzegovina%20-%20The%20Vance-Owen%20Peace%20Plan,%20supplementary%20documents_djvu.txt on 18 April 16

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

Peace Agreements that were negotiated, agreed, failed and renegotiated throughout the war all broadly followed the principle of the creation of a federation with regions whose borders would be drawn around ethnic majorities. The first such peace agreement was the Lisbon Agreement, proposed February-March 1992, which premised that ethnic separation, rather than integration, was the answer.¹¹⁷ The Lisbon Agreement failed. The warring sides could not agree which ethnic group was the majority in each of the one hundred areas.¹¹⁸ The Lisbon Agreement has since been accused of giving an air of legitimacy to ethnic division, used by parties to the conflict to justify the use of force to gain territory.¹¹⁹ The EU's further attempts at a diplomatic solution followed the same broad principles and also failed.¹²⁰ The Bosnian Serbs, with support from beyond BiH's territorial borders, maintained the capacity to win the fight until massive international military and diplomatic intervention in 1995.

The Dayton Peace Agreement, signed by all the parties in 1995, was premised upon the coercive effect of military intervention, and created one of the most complex political systems in the world today. The Dayton Peace Accords attempt to address the issue of indivisible territory by creating a state that is organized into two sub entities: the Federation and the Republika Srpska. At state level the country would be governed by a tri-presidency, with a member from each of the Bosnian Muslim, Bosnian Serb and Bosnian Croat communities. Furthermore, unanimous agreement would be compulsory for all issues affecting more than one community. The Federation of BiH, 51% of the territory, would be jointly governed by and populated with a Bosnian Muslim majority and a Bosnian Croat minority; the Republika Srpska, 49% of the territory, would be populated by a Bosnian Serb majority. The Federation would be broken down

¹¹⁷ Catherine Baker, *The Yugoslav Wars of the 1990s* . . . 68.

¹¹⁸ Peter Siani-Davies, *International Intervention in the Balkans since 1995*, (London: Routledge, 2003), 69.

¹¹⁹ Catherine Baker, *The Yugoslav Wars of the 1990s* . . . , 68.

¹²⁰ Peter Siani-Davies, *International Intervention in the Balkans since 1995* . . . , 38; Catherine Baker, *The Yugoslav Wars of the 1990s* . . . , 69.

into ten cantons, each responsible for, for example, collecting taxes. Each of the ten cantons would be further divided into municipalities with responsibility for the distribution of resources. The Republika Srpska would employ less decentralized control with a sub structure organized in municipalities without the added bureaucracy of the canton system.¹²¹

The debate on the future of BiH and whether or not separation was the solution predominately referred to the redrawing of borders such that Croats and Serbs were re-united with their motherlands.¹²² The argument against partition, in general, urges that creating new states along ethnic lines runs the risk of creating new minorities.¹²³ In his memoirs, Carl Bildt¹²⁴ warned that further segregation in the region would only lead to further violence; he described the solution in BiH not as one of segregation but one that:

. . . balances the reality of division with the structures for cooperation and integration and is based on the hope that over time the imperative of integration in the country and the region will be the dominant factor as long as war can be deterred.¹²⁵

Richard Holbrooke¹²⁶ also acknowledged the risks of partition when he stated:

It was not that we underestimated the difficulties of getting the leaders of the three ethnic groups to cooperate; no one knew this better than those of us who conducted the negotiations! But every other choice was worse. Dividing the country along ethnic lines would create massive refugee flows. Serbs, Croats, and Muslims who still lived as minorities in many parts of the country would be forced to flee their homes, and fighting would be certain to break out as the scramble for land and houses erupted again.¹²⁷

¹²¹ Rory Keane, *Reconstituting Sovereignty: Post-Dayton Bosnia Uncovered* (Aldershot: Ashgate, 2002), 101-104

¹²² Daniel Byman, *Keeping the Peace: Lasting Solutions to Ethnic Conflicts* (Baltimore: Johns Hopkins University Press, 2002), Chapter 7

¹²³ *Ibid.* 155

¹²⁴ Nils Daniel Carl Bildt (born 15 July 1949) is a Swedish politician and diplomat; the former Prime Minister of Sweden was a mediator in the Yugoslav wars and served as the High Representative for BiH from December 1995 to June 1997. Together with Richard Holbrooke he led the negotiations between the warring parties in BiH that led to the Dayton Peace Accords.

¹²⁵ Carl Bildt, *Peace Journey: The Struggle for Peace in Bosnia* (London: Weidenfeld and Nicolson, 1998), 392

¹²⁶ Richard Charles Albert Holbrooke (April 24, 1941 – December 13, 2010) led the US efforts to broker the Dayton Peace Accords in 1995 along with the European representative Carl Bildt.

¹²⁷ Richard C. Holbrooke, *To End a War* (New York: Modern Library, 1999), 365.

As a consequence of the Dayton Peace Accords, partition was avoided, the state of BiH endured and with it the “. . . international guarantee of juridical status.”¹²⁸

Yet BiH was partitioned, albeit not via international recognition but certainly internally. The Dayton Peace Accords created a governance system that separated ethnic groups internally. If the theory of indivisible territory holds true, Toft warns that segregating communities as a solution to intrastate ethnic conflict runs the risk of creating new ethnic majorities within a territory. Toft’s theory applied in the context of a post Dayton BiH supports the argument that rather than solving the issue at the heart of the conflict, Dayton instead reinforces the legitimacy of the Bosnian Serbs’ claim for independence.

Richard Holbrooke further supports this ascertain when he recalled that one of the flaws in Dayton was that it allowed the Bosnian Serb territory to retain the title *republic*. Holbrooke defends this decision as one that was made under significant time constraints; however, he acknowledges that whilst ““Republic” does not necessarily connote an independent state within the Balkans . . . , nonetheless, to permit Karadzic to keep the name he had invented was more of a concession than we then realized.”¹²⁹

Another of the arguments against partition in BiH, and partition in general, is that it would appear to reward acts of violence, such as ethnic cleansing.¹³⁰ However, the post Dayton territorial split reflected the territorial gains the Bosnian Serbs made during the war. As a consequence of Dayton awarding the Bosnian Serbs 49% of the territory, there was a perception that the Bosnian Serbs had won.¹³¹ Applying Toft’s theory to the Dayton Peace Agreements one can only conclude that the territorial issue at the heart of the conflict remains unresolved. To

¹²⁸ Sumantra Bose, *Bosnia after Dayton* . . . , 200.

¹²⁹ Richard Holbrooke, *To End a War* . . . , 363.

¹³⁰ Daniel Byman, *Keeping the Peace* . . . , 155.

¹³¹ Florian Bieber *Post-war Bosnia* . . . 25 & 77. Xavier Bougarel *et al The New Bosnian Mosaic* . . . , 82.

analyze the impact of this, and the legitimacy of the Republika Srpska's continued assertion of their right to independence, requires a fast-forward to 2015, twenty years after Dayton.

On 25 April 2015 the president of the Republika Srpska announced that a referendum on the BiH state-level judiciary would be held in 2018 if there were no indications that the Republika's jurisdictions would be returned by 2017.¹³² In the same statement, Milorad Dodik reiterated his party's stance that ““We will not allow strengthening of the state level at the expense of the entity. Our political goal is clear: A strong and independent RS””¹³³ Furthermore he cited the implementation of the Dayton Peace Accords as evidence that the Republika Srpska has the right to act as an independent state within its borders.

Successful implementation of Dayton has, to date, relied on significant input from the international community, in particular via the High Representative. To enable the High Representative to force through legislation to meet the conditions of Dayton, the High Representative has power vested in him by the international community that allows him to overrule decisions made by the Presidency if he judges them to be counter to the Agreement. It is Dodik's belief that the actions of the High Representative in forcing through law are not in accordance with the constitution of BiH.¹³⁴ An example of the desire for different laws within the Federation and Republika is the death penalty; not permitted under BiH state law, the Republika Srpska maintains provision for the death penalty in its constitution.¹³⁵

¹³² <http://www.ecfr.eu/scorecard/2016/wider/34> accessed 26 Apr 16

¹³³ *Ibid*

¹³⁴ <http://www.bosniatoday.ba/republika-srpska-to-hold-independence-referendum-in-2018/> accessed 26 Apr 16; The High Representative The Office of the High Representative in BiH is the lead for the implementation of peace in BiH on behalf of the international community.

¹³⁵ <http://www.osce.org/odihr/106321?download=true>, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0135+0+DOC+XML+V0//EN>, 23, and http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_bosnia_and_herzegovina.pdf,

The European Parliament's response to Dodik's determination to launch a referendum, as recorded in the *European Parliament Resolution of 14 April 2016 on the 2015 Report on BiH*, was decidedly negative, calling:

. . . . for this idea of a referendum to be dropped altogether, as it challenges the cohesion, sovereignty and integrity of the country and risks undermining the efforts being made to improve the socio-economic situation of all BiH citizens . . . ; recalls that under the Dayton Agreement the RS has no right to secession.¹³⁶

In parallel to this debate, on 28 February 2015 The Croat National Assembly gathered in Mostar, responding that it wanted:

‘ . . . to adopt a declaration that included calls for substantial constitutional changes and a new territorial organization of the country. Alternatively, the declaration calls for an international conference to draft a new constitution that would create a symmetrical federal state in relation to the three constituent peoples.’¹³⁷

Twenty years after Dayton, this ongoing political rhetoric suggests that the Dayton Peace Accords failed to resolve the indivisible territory issue and instead created institutions that are held together by the powers of the High Representative. As the international community continues with the implementation of Dayton in order to maintain of a united sovereign state, while the underlying issue of territorial sovereignty endures, a return to violence is possible.

The Dayton Peace Accords secured a future for the state of BiH whilst at the same time affirming the legitimacy of the Republika Srpska.¹³⁸ If Toft's theory is to have any predictive value then a return to violence to support the Bosnian Serbs sovereignty claim would also require the Bosnian Serbs to believe that they have the capacity to win. International military intervention in parallel to the diplomatic efforts of the Dayton negotiations coerced the parties to

¹³⁶ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0135+0+DOC+XML+V0//EN> accessed 26 Apr 16

¹³⁷ http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_300.pdf accessed 20 Apr 15

¹³⁸ Xavier Bougarel et al, *The New Bosnian Mosaic* . . . 82; Florian Bieber, *Post-war Bosnia*. . . , 43-46.

conflict into reaching an agreement but it did not completely destroy the ethnic minorities ability to mobilize.

During the negotiations for Dayton, no agreement could be reached on the disarmament of the Bosnian Serb Army. Contrary to the definition of a state, in particular the maintenance of a monopoly on violence, BiH post Dayton began with two Armies – one for the Federation and one for the Republika. Holbrooke cited this as the greatest flaw in Dayton as it “left two opposing armies in one country.”¹³⁹ It was not until 2003 with the *Orao Affair* that Lord Paddy Ashdown, in his role as High Representative, was afforded the opportunity to initiate defence reform. Lord Ashdown established a Commission to “unify the two armies under state control, a process in which NATO would take the lead.”¹⁴⁰ Today the state of BiH controls the Armed Forces of BiH on behalf of both the Federation and the Republika.

However, weapon and ammunition stockpiles left over from the war remain. The *European Parliament Resolution of 14 April 2016 on the 2015 Report on BiH* indicates concern for the “widespread presence of weapons held illegally by the population and the large stockpiles of ammunition and weapons still under the responsibility of the armed forces.”¹⁴¹ In addition to access to weapons, the European Parliament recorded concerns regarding the development of policing in conjunction with Russia:

¹³⁹ Richard Holbrooke, *To End a War*. . . , 363

¹⁴⁰ The Orao Affair refers to the case when the Orao Aviation Institute in the Republika Srpska was found to have supplied the Iraqi regime with parts for its MiG-21 aircraft against a UN embargo. It resulted not only in the opportunity for Lord Ashdown to instigate defence reform but also in the resignation of Mirko Šarović, the then Bosnian Serb member of the Presidency in BiH; Lord Ashdown was the High Representative in BiH from May 2002-January 2006; Paddy Ashdown, *Swords and Ploughshares: Bringing Peace to the 21st Century* (London: Weidenfeld & Nicolson, 2007),283; One example of successful defence reform that followed Ashdown’s initiative was the establishment of a European-standard intelligence service, that was established by uniting Bosnia’s two (State and Bosnian Serb) and a half (Bosnian Croat) intelligence services under state control. It became operational on 1 June 2004; nine years after Dayton.

¹⁴¹ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0135+0+DOC+XML+V0//EN> Para 15, accessed 26 Apr 16

[The European Parliament] Is deeply concerned about statements made by the Interior Minister of the Republika Srpska about the future training of RS special police units in the Russian Federation, the deepening of cooperation, particularly regarding the exchange of information, and the intention to buy Russian military equipment; [The European Parliament] calls on the authorities in the RS not to pursue an independent foreign and security policy which might undermine the State-level policy.¹⁴²

If Toft's theory has any predicative value, the evidence of stockpiled weapons, the reported availability of weapons among the population and the Republika Srpska's work to reinforce the special police could be of concern to the future stability of the state in light of the Republika's continued desire for independence.

At this juncture it is also worth noting that the theory of indivisible territory does not only suggest that it is access to military equipment and personnel that is key to the capability of an ethnic group in mobilizing to defend a sovereignty claim, but, also, access to political and social outlets, including the media. The Parliament of the Republika Srpska voted in a new law on 5 February 2015, which extends the criminalization of public spaces to include social media, and prohibits the posting of all media that may disturb the peace. This new law has been criticized by many, concerned that it is contrary to human rights and freedom of speech; concerns have been raised with regards the role of the voice of the population in a functioning democratic society and that the threat of prison as a consequence of airing personal opinion in an open source is contrary to the individual's right to free speech.¹⁴³ This new law, therefore, could be construed as giving the authorities control over social and media outlets within the Republika. The European

¹⁴² <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0135+0+DOC+XML+V0//EN Para 8>, accessed 26 Apr 16

¹⁴³ [https://www.amnesty.org/en/countries/europe-and-central-asia/bosnia-and-herzegovina/](https://www.amnesty.org/en/countries/europe-and-central-asia/bosnia-and-herzegovina/report-bosnia-and-herzegovina/), <https://rsf.org/en/news/republika-srpska-adopts-law-criminalizing-social-network-content>, <https://ecpmf.eu/news/legal/archive/bosnia-and-herzegovina-new-republika-srpska-law-on-public-order-restricts-social-networks>, <http://www.osce.org/fom/136911> and <https://www.civilrightsdefenders.org/uncategorized/public-discussion-about-new-law-on-public-peace-and-order-in-republika-srpska/> accessed 26 Apr 16

Parliament has condemned the law, which remains effective today, stating that it undermines democratic rights in addition to the juridical powers of the state.¹⁴⁴

Twenty years on, Dayton might have secured the state of BiH but, according to Toft's theory, it failed to address the legitimacy of the ethnic minorities claim for sovereignty and has left their potential for ongoing mobilization relatively intact. However, Toft also considers that improving stability through education and the establishment of economic and social opportunities may reduce the risk of a return to violence. By inference, therefore, if access to education and opportunities for employment increase, then there is a potential to reduce the likelihood of future generations electing to partake in a violent defence of sovereignty.

Education policy in BiH is not controlled at the state level but, at entity and cantonal level in the Republika Srpska and Federation respectively. Education attracts less than 3.5% of GDP, compared with 4.1% in Croatia in 2011 and 4.3% in Serbia in 2013; enrolment rates in post-secondary education are well below the regional average and the National Qualification Framework has not yet been finalized.¹⁴⁵ The European Commission's *2015 Report on BiH* notes, "Significant efforts are needed to improve the efficiency of the education system."¹⁴⁶ Furthermore the European Parliament's 2016 report suggests slow progress in exploiting education to promote tolerance and inclusion, deploring "... the fact that a common core curriculum is still not being developed."¹⁴⁷

In terms of economic growth the European Parliament:

¹⁴⁴ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0135+0+DOC+XML+V0//EN> Para 13, accessed 26 Apr 16

¹⁴⁵ http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_bosnia_and_herzegovina.pdf accessed 25 Apr 16; <http://databank.worldbank.org/data/reports.aspx?source=Education-Statistics:-Education-Expenditure&preview=off> accessed 1 May 16.

¹⁴⁶ http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_bosnia_and_herzegovina.pdf accessed 25 Apr 16.

¹⁴⁷ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0135+0+DOC+XML+V0//EN> 29, accessed 25 Apr 16.

. . . remains concerned about state influence on the economy, the quality of public finances, the high degree of dependence on funding from international loan investment, the unclear origin of international investment and the difficult labor market conditions; stresses the need to address the persistently high long-term unemployment rate (27,6 %), including very high youth unemployment (62,7 %), and the large informal economy and to improve the operation of the labor market.¹⁴⁸

With high unemployment, particularly amongst young people, coupled with the state's influence in the economy, which can slow development and the launch of small businesses due to bureaucracy, all point to a society that could be vulnerable to future instability. Aligned to the continued disputes over sovereignty and the availability of capacity within ethnic minority communities, if Toft's theory is to have any predictive value, these findings paint a potentially bleak picture for the future of BiH.

¹⁴⁸ *Ibid.*

CHAPTER FOUR – THE TROUBLES IN NORTHERN IRELAND

The conflict known as the ‘Troubles’ in Northern Ireland (NI) is generally considered to be a thirty-year period of violence predominately perpetrated by the Nationalist Irish Republican Army (IRA), the Unionist Ulster Volunteer Force (UVF) and the British Army.¹⁴⁹ The main parties to the conflict were the Nationalist Sinn Féin, the Unionist Democratic Unionist Party and the British and Irish governments. Trouble in Ireland predates this most recent episode by centuries, dating back to the time of English and Scottish plantation in the 1600s, through the Great Famine in the 1700s up to the Irish War of Independence in the 1920s. However, this most recent episode has its roots in 1921 when the country of NI was created.¹⁵⁰

In the decades before World War One, Great Britain was increasingly frustrated by the continued unrest on the Island of Ireland, believing that the only option was to award Ireland the status of a Free State. Whilst this solution would have satisfied the Nationalists, Great Britain knew that it would be met with significant resistance from Ulster Unionists. The Unionists believed that Ireland would be best served by remaining in Union with Great Britain and feared becoming a minority on the Island, which would certainly be governed in close alliance with the Catholic Church.¹⁵¹

¹⁴⁹ In both academic and historical accounts of the Troubles in NI one community is described as Republican, Nationalist and/or Catholic. The term Republican refers to members of the community considered in favor of a united Irish Republic, or a united Ireland as an independent state, as does the term Nationalist and the term Catholic refers to the religion practiced by the majority. All three terms are broadly interchangeable with small number of Republican/Nationalists not being Catholic. For this paper the term Nationalist will be used to refer broadly to the community in favor of a united independent Ireland, the majority, but not all, of which practice the Catholic religion. In both academic and historical accounts of the Troubles in NI one community is described as Loyalist, Unionist and/or Protestant. The term Loyalist refers to members of the community considered loyal to the United Kingdom, the term Unionist refers to members of the community considered in a support of the union with the United Kingdom and the term Protestant refers to the religion practiced by the majority. All three terms are broadly interchangeable with small number of loyalists/unionists not being protestant. For this paper the term Unionist will be used to refer broadly to the community in favor of retaining union with the United Kingdom, the majority, but not all, of which practice the Protestant religion.

¹⁵⁰ Marc Mulholland, *Northern Ireland: A Very Short Introduction* (Oxford: Oxford University Press, 2002), 1-30.

¹⁵¹ *Ibid.*, 19-21.

From a geographical perspective Ireland was historically divided into four provinces: Munster, Leinster, Connacht and Ulster, each of which was further subdivided into counties. Ulster, as a province, had a total of nine counties: Londonderry, Antrim, Down, Tyrone, Armagh, Fermanagh, Cavan, Monaghan and Donegal, each inhabited by both Unionists and Nationalists. Whilst Nationalists could be found settled throughout the province they were concentrated in the counties of Cavan, Monaghan and Donegal. As a consequence, when the borders for NI were being drawn the Unionists believed that to ensure they maintained rule as a majority, NI should consist only of the other six counties.¹⁵²

Splitting the province of Ulster in this way gave the Unionists an enduring two-thirds majority in NI, to be ruled from a separate parliament established in, what was to become the capital, Belfast. The *Government of Ireland Act 1920* struck a compromise in Ireland and was intended to bring an end to the violence that had dominated the Island's history since the 1600s.¹⁵³ However, the *Government of Ireland Act 1920* included a clause that made the Unionists nervous – the British government envisaged a Council of Ireland that in future that would unite the Island under single rule.¹⁵⁴

The Government of Ireland Act 1920 also provided for a government in Dublin that would administer the remainder of Ireland, although this never came into effect.¹⁵⁵ Then, in 1921 a truce was agreed between the IRA and the British Army, which culminated in the *Anglo-Irish Treaty 1921* leading to the creation of the Irish Free State. The Irish Free State consisted of the remaining twenty-six counties, governed from Dublin.¹⁵⁶ In the subsequent years, and in

¹⁵² Sumantra Bose, *Bosnia after Dayton*. . . , 181.

¹⁵³ The Government of Ireland Act 1920.

¹⁵⁴ Marc Mulholland, *Northern Ireland*. . . , 23

¹⁵⁵ The Government of Ireland Act 1920

¹⁵⁶ David McKittrick and David McVea, *Making Sense of the Troubles: The Story of the Conflict in Northern Ireland* (Chicago: New Amsterdam Books, 2002), 308.

particular during World War II, London encouraged the government of NI to foster closer ties with the Irish Free State.¹⁵⁷ This did little to boost Unionist confidence in the British government, which preferred the Island united whether under independent or British rule. However, the state of NI endured and in 1949 the Free State became the Republic of Ireland. Importantly, the new constitution for the Republic included a territorial claim for the North. The British Government passed the *Ireland Act 1949* legitimizing Ireland's constitution but also reaffirming that NI would only become a part of a united Ireland if the NI parliament agreed.¹⁵⁸

From its inception, the sovereignty of the territory of NI was disputed. Indeed, when the British Government signed the *Ireland Act 1949* it reaffirmed that NI would only ever become a part of a united Ireland if the people so declared it. However, at the same time, the British Government also endorsed the constitution of the new Republic, including its territorial claim over the land to the North. This contradictory position adopted by the British, a position that endured until Ireland agreed to amend its constitution in 1998, was to become the central territorial issue in thirty-year violent dispute.

Responsive to British indifference, Unionists had previously employed violence to ward off the threat of a united Ireland. In 1905 the Ulster Unionist Council (UUC) was created to thwart attempts to free a united Ireland from union with Great Britain. In 1912 the UUC established a covenant declaring that they would “employ all means necessary to defeat the present conspiracy to set up a Home Rule Parliament in Ireland.”¹⁵⁹ The UUC subsequently

¹⁵⁷ Marc Mulholland, *Northern Ireland . . .* Chapter One

¹⁵⁸ ‘Ireland Act 1949’, accessed April 24, 2016, <http://www.legislation.gov.uk/ukpga/Geo6/12-13-14/41>.

¹⁵⁹ William Beattie. Smith, *The British State and the Northern Ireland Crisis, 1969-73: From Violence to Power-sharing* (Washington, D.C.: U.S. Institute of Peace Press, 2011), 29

created a paramilitary wing, the Ulster Volunteer Force (UVF), capably armed to counter any attempt of Dublin rule.¹⁶⁰

The minority community at the heart of the territorial dispute in NI was the Nationalist community; defined principally from the Unionists by: religion, language and culture. The Nationalist community predominantly practiced Catholicism while the majority of Unionists considered themselves Protestant. The Nationalist community, reflecting their historical roots in Ireland, continued to embrace the Irish language in addition to English whereas the Unionists learned and spoke only English. Nationalist culture, from traditional music, cultural holidays and national symbols, was rooted firmly in traditional Irish culture whilst a significant proportion of Unionist culture was founded in the history of Great Britain.

Although some of these differences might be considered broadly irrelevant by a third party observer, they had a considerable impact on the day-to-day lives of the people. The Catholic Church's position on sex, for example, meant that contraception was banned in the Republic of Ireland until 1979 and abortion continues to be illegal today.¹⁶¹ From the perspective of language, one of the observations any traveller will make when driving in Ireland is that the signposts display their messages in both Irish and English in the Republic but only in English in the North.¹⁶² School curricula were also different, with those of the Nationalist community remaining closely aligned with the Catholic Church.¹⁶³

¹⁶⁰ *Ibid.*

¹⁶¹ Criminal Law Amendment Act, 1935 criminalized contraception in the Republic of Ireland <http://www.irishstatutebook.ie/eli/1935/act/6/section/17/enacted/en/html> accessed 20 Apr 16; Health (Family Planning) Act, 1979 legalized contraception in the Republic of Ireland <http://www.irishstatutebook.ie/eli/1979/act/20/enacted/en/html> accessed 20 Apr 16; Protection of Life During Pregnancy Act 2013 reaffirms the criminalization of abortion in the Republic of Ireland <http://www.irishstatutebook.ie/eli/2013/act/35/enacted/en/pdf> accessed 20 Apr 16.

¹⁶² Most recently covered by The Official Languages Act 2003 <http://www.irishstatutebook.ie/eli/2003/act/32/enacted/en/html>

¹⁶³ For example, today the Council of Catholic Maintained Schools is the largest employer of teachers in Northern Ireland (6000 teachers); <http://www.onlineccms.com/index.php/about-us/ccms-history>

These differences heavily influenced the governance of NI from its inception. Sensitive to perceived British indifference and fearful of the consequences of becoming a minority in a United Ireland, NI Unionists capitalized on the demographic disproportion built into the definition of the borders, setting policy that favored the Unionist community and actively discriminated against the Nationalists in, for example, the allocation of jobs, housing, and political rights.¹⁶⁴ There was little to no consideration given to the building of bridges across the cleavages in society until Terrence O'Neill was elected Prime Minister in 1963.

The period 1963-1969 is often referred to as “the O'Neill era” and, David McKittrick and David McVea (2002) argue, represents a missed opportunity to resolve the issues in NI by political rather than violent means.¹⁶⁵ O'Neill's liberal unionism surmised that if the Nationalist population of NI came to see that as a part of the state they could enjoy equal rights and have an equal say in the rule of their land then the fight for a united Ireland would subside. However his policy for inclusion was too much too soon for the staunch Unionist majority and civil society in NI continued as it had started, organized along ethnic lines.¹⁶⁶ By 1968 the Nationalist community was unfairly prioritized in the provision of social welfare and housing, they had little to no say in the running of the state and there was no socialization for each community beyond their own ethnic group.

Unionist domination in numbers endured; however, in 1968, inspired by Martin Luther King, the Nationalist community of NI launched a Civil Rights Campaign. Considered by some as the trigger for the Troubles, in 1968 Austin Currie, a young Nationalist Member of Parliament, staged a sit in protest in a house that had been allocated to a single Protestant

¹⁶⁴ David McKittrick and David McVea. *Making Sense of the Troubles . . .*, 5.

¹⁶⁵ *Ibid.*, 30; The O'Neill Years.

¹⁶⁶ David McKittrick and David McVea, *Making Sense of the Troubles. . . The O'Neill Years*; William B Smith, *The British State and the Northern Ireland Crisis. . .*, 60-65.

teenager by a local Unionist Councilor, ahead of two Catholic families also in need of housing.¹⁶⁷ Currie went on to call a public rally a few days later ultimately leading to the first civil rights march in August 1968. During the same period Reverend Ian Paisley was also gathering support to put down any attempt to lead NI into a union with the Republic. As the civil rights march in August neared its destination, one thousand Ulster Protestant Volunteers, rallied together by Paisley, met it. NI's seemingly inevitable descent into violence had commenced and by the end of 1969 the British Government had deployed the Army onto the streets.¹⁶⁸

Despite fears amongst the Unionist community, who predicted that as a consequence of the Catholic Church's position on contraception that the Nationalist community would rapidly grow, the Nationalist community remained a minority in NI. However, to assess the ethnic minority's ability to mobilize it is not enough to simply consider their geographical disposition inside the territory in dispute but also the extended group beyond those borders. The Nationalist community had certain support from the Republic of Ireland where their ethnic group extended to all borders. In addition, there was significant support from overseas, in particular from the United States of America (USA). Evidence of the concept of an extended ethnic group can be sourced from USA census; for example, in 2009 36.9 million US residents claimed Irish ancestry, eight times the population of Ireland itself.¹⁶⁹

During the Troubles there were numerous organizations in the US who supported the Nationalist cause in NI with financial aid; the Irish National Caucus, also known as Irish

¹⁶⁷ The teenager worked as a secretary to the Councilor's solicitor whilst the two Catholic families had been squatting in the area for some time. Currie attempted to address the issue with the government by raising it at Stormont; after a heated debate he was ordered to leave the Commons chamber. Not yet defeated he took residence in the teenager's house for a few hours, before being removed from the house by the local, Protestant, police, one of who was the teenager's brother.

¹⁶⁸ David McKittrick and David McVea, *Making Sense of the Troubles*. . . , 46-47.

¹⁶⁹ "Newsroom Archive," Facts for Features: Irish-American Heritage Month (March) and St. Patrick's Day (March 17): 2011, section goes here, accessed April 24, 2016, https://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb11-ff03.html.

Northern Aid Committee, was reportedly the main American fundraiser for the IRA. Politically, in the 1970s and 1980s the infamous ‘four horsemen’ group, consisting of three congressional Democrats and the Democratic Governor of New York provided support to the Nationalist campaign.¹⁷⁰ Whilst funding was raised with relative discretion and therefore is difficult to account for, an indication of the levels of funding that crossed the Atlantic can be found from declared political fundraising in the 1990s. From 1995 onward, Sinn Féin, the political arm of the Nationalist movement, could openly raise funds in the US; by the late 1990s Sinn Féin was receiving at least \$1 million in declared funding from the USA alone.¹⁷¹

Attempts to bring about an end to the violence in NI from the 1970s onwards repeatedly failed; it wasn’t until the 1990s when talks began to include all parties that successful peace negotiation was possible. By the 1970s the cleavages in NI civil society that had developed over the preceding 50 years ran so deep that a solution to the problem was seemingly impossible; nevertheless, the British government continued to try to find a solution. In the report from a study conducted by a Study Group of the Institute for the Study of Conflict published in 1972 five long-term options for Britain in response to the continuing crisis in NI were proposed.¹⁷² In the same report a copy of a paper by Frederick Chatherwood, first read to a Chatham House Conference on Ireland in 1972, proposed a possible solution to the governance of NI based on the concept of power-sharing; and suggested:

¹⁷⁰ House of Representatives Speaker ‘Tip’ O’Neill and Senator Edward Kennedy from Massachusetts), and, Senator Daniel Patrick Moynihan and Hugh Carey from New York. Michael Cox, Adrian Guelke, and Fiona Stephen, *A Farewell to Arms?: Beyond the Good Friday Agreement* (Manchester: Manchester University Press, 2006), 357.

¹⁷¹ *Ibid.*, 358 & 359.

¹⁷² These were: the restoration of some form of regional parliament or community administration; full integration of NI into the UK; unification of the two parts of Ireland within a new federal (or confederal, with the UK) constitution; tolerance of a Protestant UDI that would lead to the creation of an independent state covering at least four of the six provinces of Ulster – and probably also a direct confrontation with the Republic of Ireland; and, an announced deadline for British withdrawal from the province that would leave it to the political forces within NI to decide their own destiny – which would almost certainly mean bloody civil war, possibly resulting in a Protestant UDI. J. C. Beckett, *The Ulster Debate; Report of a Study Group of the Institute for the Study of Conflict* (London: Bodley Head, 1972), 86.

. . . The issue is whether the minority want participation in the provincial government sufficiently to postpone their longer-term objectives and whether the majority want assurance of continued union with Great Britain sufficiently to concede part of the provincial government to the minority.¹⁷³

The next phase of NI's political history would provide the answer to this quandary and was to bear witness to the first disastrous attempt to bring about a power-sharing agreement in the province.

The Sunningdale conference held in December 1973 pathed the way for a power-sharing executive to be established in Stormont. This power-sharing executive would be supported by newly established Council of Ireland intended to bring about greater cooperation between the North and the South in matters of mutual interest, such as security and tourism. But it did not address the territorial issue in the North: Ireland retained its constitutional claim on the counties in NI and the Unionists maintained their representation of the majority of NI aligned to Britain. On 1 January 1974, *without* wide spread support from within the NI majority *or* from the IRA, the executive was established.¹⁷⁴ Suspicion ran deep throughout the NI communities – the IRA demanded a united Ireland and the Unionists, suspicious that the Council of Ireland was the start of a slippery slope, reiterated its demand for a continued alliance with Britain. In sum, for the communities within NI nothing had been resolved, nothing had changed and the country soon resumed its violent conflict.

In May 1974 the assembly voted in favor of the power-sharing executive triggering the Ulster Works Council strike during which more than thirty people were killed in bombs that went off in the Republic. Harold Wilson's broadcast during the strike in which he condemned

¹⁷³ *Ibid.*, 108.

¹⁷⁴ David McKittrick and David McVea. *Making Sense of the Troubles*. . . , 315

the ‘people who spend their lives sponging off Westminster’ resulted in widespread Protestant resentment. The strike was finally called off when the executive collapsed on 28 May.¹⁷⁵

Peace agreements continued in the same vein. Negotiated between the British and Irish government they excluded the main parties to the conflict, first in 1974 and later in the equally contentious Anglo-Irish agreement of 1985. It would not be until the 1990s when negotiations included the Unionists and Nationalists in an attempt to resolve the issue of indivisible territory that a sustainable peace would be achieved.

The US’s political stance throughout broadly aligned with the diplomatic policies of Dublin and included the offer of support and investment into the North, for the benefit of both sides of the community, following a cessation of violence. However, as a result of their relationship with the United Kingdom throughout the Cold War, American politics tended to be un-intrusive during this period with a limited number of public examples of the political stance in the USA. One such example can be found President Jimmy Carter’s 1977 statement in which he reaffirmed America’s position in support of a future peaceful NI and called on the cessation of American financial support to the IRA:

I ask all Americans to refrain from supporting with financial or other aid organizations whose involvement, direct or indirect, in this violence delays the day when the people of Northern Ireland can live and work together in harmony, free from fear. Federal law enforcement agencies will continue to apprehend and prosecute any who violate U.S. laws in this regard.¹⁷⁶

Following the end of the Cold War the USA’s *special relationship* with Great Britain reduced in significance and the *Northern Ireland question* rose sharply in American politics. President Clinton famously granted Sinn Féin leader, Gerry Adams, a visa in 1994 without interference

¹⁷⁵ *Ibid.*, 317.

¹⁷⁶ "Jimmy Carter: Northern Ireland Statement on U.S. Policy.," Jimmy Carter: Northern Ireland Statement on U.S. Policy., August 30, 1977, section goes here, accessed April 25, 2016, <http://www.presidency.ucsb.edu/ws/?pid=8014>.

from the United Kingdom and in 1995 made it legal for Sinn Féin to canvas for funds in the US.¹⁷⁷

Talks resumed in the 1990s; however in 1994 Sinn Féin was once again excluded from the negotiations. The British government at the time made IRA decommissioning¹⁷⁸ a precondition for Sinn Féin's involvement in future talks; in Washington in March 1995 the NI Secretary explained that prior to Sinn Féin being invited to the negotiating table the IRA had to indicate its willingness to disarm and to begin the process of decommissioning. From the Nationalists' perspective, decommissioning prior to a political settlement was unacceptable; following Toft's theory, without the ability to invoke violence the Nationalists considered that they would be surrendering rather than party to a negotiation.¹⁷⁹

At the invitation of both the British and Irish governments, from 1995-1998 the American Senator George J Mitchell became immersed in the peace negotiations that led to the Good Friday Agreement.¹⁸⁰ In 1995 the Mitchell Commission recommended that parallel decommissioning be adopted in order to break the deadlock. Despite this recommendation being unpopular with Unionists, the British and Irish governments later that same year adopted it and all-inclusive talks resumed.¹⁸¹

The key advance in the run up to the Good Friday Agreement was the fact that all parties began to engage with those they previously vowed not to; the British Government began negotiations, initially in secret and later openly, with Sin Féin, and the IRA. In 1989, Secretary of State Peter Brooke suggested in an interview that he “. . .found it “difficult to envisage” the

¹⁷⁷ Michael Cox et al, *A Farewell to Arms?*. . ., 362.

¹⁷⁸ IRA decommissioning refers to the act of putting all weapons beyond use, to be observed by an independent party to verify that they could no longer be used. To put weapons beyond use can include their destruction, handing them over to another party, removing vital working parts and the destruction of all ammunition.

¹⁷⁹ Michael Cox et al, *A Farewell to Arms*. . ., 155 & 156

¹⁸⁰ George J. Mitchell, *Making Peace* (New York: Knopf, 1999), ix.

¹⁸¹ Michael Cox et al, *A Farewell to Arms*. . ., 157.

military defeat of the IRA. . . he said that the government would respond with “flexibility and imagination” if the IRA stopped its violence.”¹⁸² In addition to the British government’s willingness to engage with all parties, Sinn Féin’s policy that self determination must come from all of Ireland and not only the North waned, and Ulster Unionists slowly began to enter into dialogue with the enemy. Violence continued as a part of everyday life, the IRA refused to consider decommissioning until after a political settlement and the Orange Order continued to invoke violence to preserve its right to march through predominately Catholic communities.

The Good Friday Agreement was not an inspirational breakthrough in political solutions for divided communities; it was essentially a rewrite of the 1920 settlement with the same power-sharing and Irish dimension as presented in the Sunningdale Agreement in 1974.¹⁸³ However, all parties to the conflict were included in the negotiations and the Good Friday Agreement addressed some of the key issues pertaining to the sovereignty of the land:

1. A united Ireland would only become so if the people of NI agreed it.¹⁸⁴
2. The Republic of Ireland amended its constitution, removing the claim over the territory in the North.¹⁸⁵
3. The new devolved government was to consist of a First Minister, assumed to be a Unionist, and a deputy, assumed to be Nationalist. The two would effectively govern jointly with all major decisions that affected NI requiring agreement from both.¹⁸⁶

The document, overall, was viewed as giving equal respect to both Unionists and Nationalists.

David McKittrick and David McVea (2000) note that ‘Unionism and nationalism appeared to be

¹⁸² William B Smith, *The British State and the Northern Ireland Crisis*. . ., 364.

¹⁸³ David McKittrick and David McVea, *Making Sense of the Troubles*. . ., 256.

¹⁸⁴ *Ibid.*

¹⁸⁵ *Ibid.*

¹⁸⁶ *Ibid.*, 257.

given equal legitimacy and respect'.¹⁸⁷ In the Agreement, the parties ' . . . acknowledge the substantial differences between our continuing, and equally legitimate, political aspirations. . . .'.¹⁸⁸ Furthermore, constitutionally parties to the Agreement 'recognize the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland'.¹⁸⁹ When it went to vote both North and South of the boarder there was an overwhelming 90% yes vote from the Nationalist community. However, according to statistics archived in CAIN (Conflict Archive on the Internet¹⁹⁰), the Unionist community remained divided, with approximately 51-53% voting Yes.¹⁹¹ In NI the overall majority Yes vote was 71% and so the Good Friday Agreement began implementation.¹⁹²

Returning to the theory of indivisible territory, the Good Friday Agreement, unlike the treaties that came before it, addressed the issue of legitimacy for the minority group; by unanimous agreement within the Nationalist community across all of Ireland it removed the territorial claim from the Irish constitution. However, the Agreement also retained the option for a united Ireland in the future, but only by majority consent from the people within NI. Therefore, the prospect of a return to violence predicated on a claim of legitimacy from the minority is, if the theory holds true, unlikely. The subject of decommissioning, on the other hand, has continued to threaten the long-term future of the peace process.

¹⁸⁷ *Ibid.*

¹⁸⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/136652/agreement.pdf Para 5.

¹⁸⁹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/136652/agreement.pdf Constitutional Issues Para 1 Sun Para (i).

¹⁹⁰ CAIN is located in Ulster University and is a website that contains information and source material on NI from 1968 to the present; CAIN is a part of the Ulster University International Conflict Research Institute and ARK, a resource that provides access to social and political material on Northern Ireland intended to inform social and political debate.

¹⁹¹ <http://cain.ulst.ac.uk/issues/politics/election/ref1998.htm> accessed 29 Apr 16.

¹⁹² David McKittrick and David McVea, *Making Sense of the Troubles*. . . , 258 and 259;.

The events of September 11, 2001, would have a significant impact on the Nationalist's ability to continue in conflict in NI. Irish Nationalism was affected in two ways: first, with the almost immediate declaration of the "War on Terror" by the United States, including all forms of terrorism not just those associated with the attacks in New York and Washington; and second, the impact of the political and military support that the US immediately received from Great Britain. The reemergence of a strong USA-UK relationship would reduce the public political support for Dublin so evident following the end of the Cold War.¹⁹³

'The FARC debacle¹⁹⁴ and 11 September completely changed the landscape. Adams' principal concern remained the maintenance of warm relations with the American administration and the preservation of millions of dollars from rich, conservative Irish-Americans.'¹⁹⁵

The so-called 'FARC debacle' compounded the impact of the War on Terror on the relationship between the USA and Sinn Féin that has since been credited for unlocking the stalemate on decommissioning; in October 2001 the IRA announced that it would begin to disarm.¹⁹⁶

Toft's theory suggests that education and improved economic and social opportunities are likely to reduce future wide spread support for a return to violence. One example in NI is that of Security Sector Reform. Prior to 1968, the Royal Ulster Constabulary (RUC) provided security services in NI. The RUC was predominately Protestant and had a reputation for unfair treatment of the Catholic community including allegations that it colluded with Loyalist paramilitary organizations. During the Troubles these facts afforded the IRA an opportunity to infiltrate the Catholic community under the pretense that it would offer protection, and justice, from *within* the community *for* the community. When the British Army was deployed onto the

¹⁹³ Michael Cox et al, *A Farewell to Arms?*. . . 362 & 363.

¹⁹⁴ The IRA was accused of developing relationships with the Revolutionary Armed Forces of Colombia, or FARC. In this particular incident in September 2001 two IRA veterans and a third Irishman were arrested after swapping mortar bomb technology with Farc guerrillas; the guerrillas were the sworn enemy of the USA.

¹⁹⁵ Alan Ruddock, "How America Held the IRA over a Barrel," *The Guardian*, October 28, 2001, section goes here, accessed April 26, 2016, <http://www.theguardian.com/politics/2001/oct/28/northernireland.colombia>.

¹⁹⁶ *Ibid.*

streets of NI, the minority group initially welcomed their presence. However, British forces quickly gained a reputation for siding with the Protestants. In 1969 amidst the increased civil disturbance, a report into the provision of security services in NI was commissioned.

The *Hunt Report*, published in October 1969, made recommendations for reform, including: greater oversight and accountability, changes to the police forces general representation of the community and a reduction in duties that were considered military in nature.¹⁹⁷ The report also recommended the creation of a part time reserve force with recruitment from within the community. The British government fully endorsed the report and in 1970 the Ulster Defence Regiment (UDR) came into existence. However, like the RUC, despite initially attracting 18% of recruits from the Catholic community, by 1972 this had reduced to 3%. Whilst the UDR undoubtedly did good work throughout the Troubles the force retained the RUC's reputation for corruption and collusion with Loyalist paramilitaries. In 1992 the UDR was amalgamated with the Royal Irish Rangers, which together became the Royal Irish Regiment, a Regiment that endures today within the British Army.

Consistently throughout the Troubles, the police service in NI suffered from three recurring challenges: identity, human rights and accountability. During the early years of the Troubles criticism was largely levied from the Catholic community and many nationalist and republican areas became no-go areas for the police force, later they would also meet resistance from the Protestant community. One of the most written about examples of this is the role of the police in preventing the Orange Order from parading on traditional routes in the 1990s.¹⁹⁸

¹⁹⁷ Report of the Advisory Committee on Police in Northern Ireland Chairman: Baron Hunt, C.B.E., D.S.O., *Presented to Parliament by Command of His Excellency the Governor of Northern Ireland October 1969.* <http://cain.ulst.ac.uk/hms0/hunt.htm> accessed 16 Apr 16.

¹⁹⁸ Jon Moran, *Policing the Peace in Northern Ireland: Politics, Crime and Security after the Belfast Agreement* (Manchester: Manchester University Press, 2008), 103.

As a consequence of its troubled past, the reformation of the security force in NI was to become key to the successful implementation of the Good Friday Agreement. Commissioned as a part of the Agreement, the *Patten Report*, published in 1999, concentrated on two main themes: first that police should be a security service and not a force, and second that politics should be taken out of policing.¹⁹⁹ In November 2001, the Police Service of NI replaced the RUC: its badge was changed to reflect the all inclusive nature of the new force and vehicles were changed from grey to white in an attempt to demilitarize their appearance. A recruitment target of 50:50 Protestant versus non-Protestant was set. Recruitment was outsourced and although initially slow, the 8.3% Catholic recruits in 1998 had risen to 23.71% by February 2008.²⁰⁰ By March 2011 that figure had again risen to 29.76%, and in the same month, the 50:50 recruitment target was removed.²⁰¹

In 2010 justice functions in NI were devolved to the NI Assembly. Subsequently, the Department of Justice came into existence as a new NI department. The Department of Justice board was charged with seeking “all opportunities to ensure for all the people of NI the delivery of an effective, efficient, impartial, representative and accountable police service which will secure the confidence of the whole community by reducing crime and the fear of crime.”²⁰²

Overall, policing in NI has evolved significantly since 1968 when it was representative of the majority, had little independent oversight and looked more like a military force than a police service. Following the Good Friday Agreement and the implementation of police reforms recommended in the Patten Report, the police service now reflects both sides of the community,

¹⁹⁹ *Ibid.*, 104.

²⁰⁰ "PSNI Equality On Target." PSNI Equality On Target. Accessed March 20, 2016. <http://www.4ni.co.uk/northern-ireland-news/72521/psni-equality-on-target>.

²⁰¹ "Secretary of State to End the Use of the Temporary 50:50 Recruitment Provisions." - Press Releases. Accessed March 20, 2016. <https://www.gov.uk/government/news/secretary-of-state-to-end-the-use-of-the-temporary-50-50-recruitment-provisions>.

²⁰² For The Period 1 April 2014 - 31 March 2015. "NI Policing Board Annual Report and Accounts 2015."

from the membership of the Department of Justice to the PSNI itself. Working to build bridges across the cleavages of NI society policing is no longer as vulnerable to exploitation from paramilitaries on either side of the communal divide.

CONCLUSION

Toft's theory of indivisible territory concludes that when an ethnic minority considers its sovereignty claim to be legitimate and perceives that it has the capability to win in a fight then violence is likely to be invoked to gain independence. Toft further surmises that if the state perceives the same territory vital to its survival then it will respond violently. Toft argues that such conflict is three times less likely to conclude in an enduring peace settlement than traditional conflict. Furthermore, Toft advises that to ensure that an enduring peace is achieved the peacemaker must first identify the root cause of the conflict. Second, all negotiations must include all parties to the conflict. Finally, a bespoke solution should be designed such that it addresses the issues at the root of the conflict, from the perspective of all parties.

In the case of Northern Ireland the minority ethnic group was the Nationalists. Their sovereignty claim was that the six counties of the North should be united with the Republic of Ireland. The legitimacy of this claim was supported by the Republic of Ireland's constitution from 1949. The Unionists represented the state; in a united Ireland the state of NI would cease to exist and the Unionists would instead find themselves as a minority.

In the case of BiH the minority group was the Bosnian Serbs. The Bosnian Serbs preferred that the territory of BiH be partitioned and that they unite with Serbia. The Bosnian Croats put a similar position forward although they were more open to compromise. The Bosnian Muslims represent the state. If BiH was to be split between Croatia and Serbia they would become a minority; alternatively if a separate entity was created as an independent state for the Bosnian Muslim population the perception at the time was that it was unlikely survive.

In the case of NI the Nationalists drew capacity not only from within NI, and from the Republic, but also from the broader ethnic community overseas. In the case of BiH the Bosnian

Serbs drew capacity not only from within BiH but also from Serbia; similarly the Bosnian Croats drew additional capacity from Croatia. With the indivisible territory issue established for both conflicts, and with access to resource such that the minorities perceived they could win, violence ensued.

In the case of NI numerous failed attempts to reach a peaceful conclusion to the conflict pepper the thirty years of violence. Peace negotiations prior to the Good Friday Agreement were exclusive and the agreements proposed did not address the indivisible territory issue. In 1998 the Good Friday Agreement that brought an end to the conflict followed all party talks and addressed the issue of indivisible territory by removing the territorial claim in the Republic of Ireland's constitution and establishing a power sharing executive.

In the case of BiH, to ensure the survival of the state and therefore avoid a solution that partitioned the country the peace proposals made during the conflict were predicted on internal division along ethnic lines. The Dayton Peace Accords that brought an end to the war in 1995 attempted to address the indivisible territory issue by creating two entities under one state banner with a bespoke power sharing arrangement.

In both conflicts the ethnic minorities ability to mobilize reduced when support from the ethnic community abroad was withdrawn. Shortly after the US's launch of the War on Terror, and with American pressure applied to Sinn Fein as a consequence, the IRA began decommissioning its weapons in 2001, three years after the Good Friday Agreement was signed. In BiH it was not until 2003, eight years after the signing of the Dayton Peace Accords that the issue of two opposing armies in one country was addressed. Today, BiH continues to have a high number of illegal weapons retained by the population and large stockpiles of weapons and ammunition within military establishments.

If Toft's theory holds true then Good Friday Agreement addressed the legitimacy of the sovereignty claim of the ethnic minority when the Irish government agreed to remove its constitutional claim to the territory in the North. Furthermore, the Nationalist ability to mobilize has been severely compromised through decommissioning and a significant reduction in support from abroad. From the perspective of the state, the Unionists had no real alternative than to enter into a power-sharing executive with the minority community. The future of NI as state is secure and as long as the people of the North continue to choose to be in union with Great Britain it will be so.

NI may still have some way to go to become an example of a truly integrated community. Areas such as integrated education, a common national identity and reconciliation, that have not been discussed here, remain on the agenda of the power-sharing executive. However, if Toft's theory of indivisible territory has some explanatory and even predictive value, then the likelihood of a wide spread return to violence predicated on sovereignty and the ethnic minorities ability to mobilize sufficient support is unlikely.

If Toft's theory holds true the Dayton Peace Accords failed to address the legitimacy of the sovereignty claim of the ethnic minority with the formalization of a Federation and Republika under one state banner. The Republika self-governs and has announced displeasure with the increased jurisdiction of the state which, it argues, is not in line with Dayton and, rather, at the will of the international community as enacted by the High Representative. Furthermore, the government of the Republika is free to make, and police, laws regardless of the state's perspective.

The Dayton Peace Accords created a 51/49% split of the territory between the Federation of Bosnian Muslim and Bosnian Croat communities and the Republika Srpska for the Bosnian

Serbs. Despite being championed as the solution that avoided the potentially destabilizing affects of partition, Dayton arguably created an independent state for the Bosnian Serbs in all but name. Today BiH enjoys its own form of peace; but with increasing political tension between the Federation and the Republika and a power-sharing agreement that appears to be similar to that which failed before the war started in 1992, if Toft's theory has any predictive value then a return to violence in the future would seem possible.

As BiH and Serbia move towards European Union Membership the Republika Srpska's appetite for succession might wane. What is clear, however, is that the issue of indivisible territory endures. Toft's theory would suggest that perhaps the time has come for the state of BiH to reconsider its borders, with support from the international community, such that it can move forward independently, without the risk of a future descent into war.

Analyzing the case studies of NI and BiH using the framework of Toft's theory of indivisible territory has not been revolutionary in its conclusions. A trip down the streets of Belfast and around the roads of Sarajevo would suggest to any observer that the peace processes have had differing levels of success. The application of the theory of indivisible territory to these case studies is, however, revealing; by simplifying the path to conflict and avoiding the distraction of the political rhetoric, and blow by blow accounts of violence from all sides, the theory affords the analyst the opportunity to clearly identify the root cause. Once the root cause is understood, assessing the effectiveness of any peace proposal becomes relatively simple.

The research conducted for this paper would suggest that Toft's theory of indivisible territory has merit in the context of intrastate conflict resolution. Further research into the applicability of the theory is therefore recommended and could be conducted in the context of current conflicts, such as in Iraq and Libya. Furthermore, this research has concluded that the

Good Friday Agreement has brought about what appears to be an enduring peace in NI. Often avoided in the study of conflict resolution, as it does not meet the criteria to be considered *a war*, the contrast between NI and BiH as articulated in this paper suggests that further study of the peace process in NI could reveal lessons applicable to other intrastate conflicts. The intellectual community has paid great attention to BiH as the more generalizable case and NI as the more specific case, there may be a tendency to focus on the post-conflict process of the less successful outcome; i.e. that of BiH.

Finally, as the research for this paper has revealed, three of the most important elements of any conflict resolution are: all party talks; identifying the root cause of the conflict, from the perspective of all parties; and, finally, designing a bespoke solution, without prejudice and one that takes into accounts all perspectives.

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