

The Bosnian ‘Safe Havens’

By Sophie Haspeslagh

During 1992, the Bosnian Serb army proceeded to ethnically cleanse large parts of Northern, Eastern, and Central Bosnia, driving 100,000 civilians into enclaves in towns such as Sarajevo, Zepa, and Gorzade.¹ Thousands of refugees were fleeing to Europe and to other parts of the former Yugoslavia. By the end of 1995, it was estimated that 2.6 million had fled from what had been Yugoslavia, and 530,000 had fled to Europe.² European Union countries closed their borders to the Bosnians by imposing visa controls, and a large discussion ensued on whether allowing Bosnians to flee would be considered as benefiting the ethnic cleansing policy. As Mme. Sadako Ogata, U.N. High Commissioner for Refugees, pointed out, “if you take these people, you are an accomplice to ethnic cleansing. If you don’t, you are an accomplice to murder.”³

This discussion was fundamentally flawed, because allowing people to flee from persecution and murder is at the basis of refugee law. It definitely does not imply that one is actually helping the perpetrators, but rather that one is saving people’s lives. However, the discussion illustrates the lack of political will within the European Union to either intervene to actually stop the killings or to let the refugees escape. Instead, the U.N. decided to provide humanitarian assistance to the people trapped in Bosnia. The decision was taken, as in Iraq, that the U.N. would attempt to create safe havens for civilians without threatening the integrity of the states in question.⁴ This tactic, which was, to a considerable extent successful in Iraq, worked less well in Bosnia-Herzegovina.

On April 16, 1993 the U.N., acting under Chapter VII, passed Resolution 819 setting up a safe area in Srebrenica. Resolution 824 extended the concept to the towns of Zepa, Tuzla, Sarajevo, Gorzade, and Bihac. The hope was that the residents of these towns could remain in relative safety and receive humanitarian assistance. The wording of these resolutions was very strong; it described a clear mandate for a Chapter VII operation with the backing of possible NATO air strikes. However this robust mandate did not translate into reality. Of the 34,000 troops demanded by the United Nations Protection Force (UNPROFOR), only 7,600 were authorized.⁵ In actual fact, throughout the operation “there were only about five thousand UN ground troops in and around Sarajevo, perhaps three thousand in and around Tuzla, and five hundred each in Gorzade, in Bihac and in Srebrenica/Zepa.”⁶ The threat of NATO air strikes was not effective in deterring attacks on the enclaves. Offensive air action required the dual approval of UNPROFOR and NATO, and signaled a general reluctance to escalate the level of air threat.⁷ This was made abundantly clear when Srebrenica and Zepa fell to the Serbs with limited air action.

The Special Representative of the Secretary General for the Former Yugoslavia, Y. Akashi, pointed out that UNPROFOR was forced into an uncomfortable ‘no man’s land’ between a peacekeeping and a peace-enforcement operation, due to the gap between the strong language of the resolutions and the clear lack of political will to put this tough rhetoric into practice.⁸ Even though UNPROFOR was authorized to ‘deter attacks’ against safe areas in Resolution 836, it decided to interpret the mandate as allowing the

use of force only 'if its own troops were under attack.' This was largely due to the lack of resources and equipment invested in the operation.

The military protection put in place to protect the 'safe areas' was not sufficient to be effective. This was acknowledged by the U.N. Secretary General Boutros Boutros-Ghali, who announced that the troops would not "guarantee the defense of the safe area, but would provide a basic level of deterrence, assuming consent and cooperation of the parties."⁹ This assumption of consent was seriously flawed. The U.N. safe-haven operation in Bosnia was not based on the consent of the parties involved. Due to the U.N. Security Council's inability and unwillingness to resolve the conflict, neither side had an incentive to cooperate with the protection of the safe areas. UNPROFOR and the 'safe areas' became parties to the war, and both the Bosnian Serb Army (BSA) and the Bosnians continued their maximalist strategies and did not respect the 'protective' nature of the safe areas.

This lack of consent can be traced back to a crucial failure of the operation -- the failure to demilitarize the enclaves. Resolution 819 was not clear in outlining the criteria for a safe area, and due to heightened outrage that the Bosnians should give up their arms the resolution ended up having no demilitarization requirements. The areas were used as resting and training grounds for the Bosnian army, who launched attacks from the enclaves. It is thus clear that these safe areas were not of a civilian nature, and thus were seen as threatening to the Serbs. Many individuals became aware of this flaw and called for the demilitarization of the enclaves. Russia and the E.U. repeatedly made calls, and the U.N. Secretary General emphasized the need in his report to the Security Council in May 1994, to demilitarize the safe areas and thus "establish a regime that would be in line with the Geneva Conventions."¹⁰ However, the zones were never demilitarized.

The Serbs perceived the enclaves as helping Bosnian forces maintain territory, and thus greatly decreased their commitment to the safe-haven regime. The areas were seen as strategically challenging, which explains the BSA's attempts to attack the safe areas and highlights the operation's lack of impartiality. Throughout the war, it was unclear whether the primary aim of the operation was to protect territory or people.¹¹ This led UNPROFOR to be seen as a military threat.

The safe-haven operation in Bosnia did save lives and offered a degree of sanctuary from slaughter, but its credibility was largely eroded over time. The lack of political will in the West to either militarily intervene and stop the killings, or to provide sufficient military resources to protect the areas, led to the massacre of 14,000 supposedly 'protected' people.¹² Two of the six allegedly safe havens fell to the Serbs, and the entire male population of Srebrenica was massacred without any reaction from UNPROFOR.

As in Iraq, the safe havens were set up as a direct consequence of a third party's refusal to accept the Bosnian refugees. European countries, through their imposition of visa requirements, denied the Bosnians' *right to flee*. Indeed, due to the fact that 'safe havens' had been established, European countries denied asylum to Bosnian refugees on the basis that they were receiving protection at home. This occurred even though the quality of

protection was not satisfactory in the Bosnian safe havens; some analysts have even argued that “safe areas were the most dangerous place in Bosnia.”¹³

¹ S. Gordon ‘A Recipe for Making Safe Areas Unsafe’ in D. Gordon & F. Toase (eds) Aspects of Peacekeeping, Frank Case Publishers (2001), p.213

² K. Mills, ‘United Nations intervention in refugee crises after the Cold War’ in International Politics Vol.35 (4), December 1998, p.406

³ UN High Commissioner for Refugees, Mme. Sadako Ogata, cited by Bill Frelick, Safe Havens, Broken Promises, United States Committee for Refugees. Available at: www.refugees.org/world/articles/safehavens_98html

⁴ Sergio Vierra de Mello, ‘The Evolution of UN Humanitarian Operations’ in D. Gordon & F. Toase Aspects of Peacekeeping, p.119

⁵ Report of the Secretary General pursuant to Security Council Resolution 959 (1994), UN Doc. S/1994/1389, 1 Dec. 1994, Article 54

⁶ B. Posen ‘Military Responses to Refugee Disasters’, International Security, Vol.21, Issue 1 (Summer 1996), p. 103

⁷ D. Gordon, p.220

⁸ Y. Akashi ‘The Use of Force in a United Nations Peace-keeping Operation: lessons learned from the safe areas mandate’ in Fordham International Law Journal, Vo.19 (1995), p.836

⁹ UN Secretary General Boutros Boutros-Ghali cited in S. Gordon, p.217

¹⁰ Report of the Secretary-General pursuant to Security Council Resolutions 982 (1995) and 987 (1995), UN Doc. S/1995/444, 30 May 1995, Article. 41

¹¹ UNHCR, The State of the World’s Refugees: Fifty Years of Humanitarian Action, p. 224

¹² B. Frelick, US Committee for Refugees

¹³ B. Frelick, US Committee for Refugees