With no Peace to Keep

This second edition of With No Peace to Keep is a comprehensive report on the United Nations missions in former Yugoslavia spanning over a decade, from UN Security Council Resolution 713 in September 1991 to Resolution 1424 in July 2002. Analysts from the region look at the role of UN peacekeeping forces in Bosnia-Hercegovina, Croatia, Kosovo, Macedonia and Serbia. Foreign policy experts assess the national policies of the USA, Britain, France and Russia on the UN and the conflict it has tried to manage. Weighing up the successes and failures of the tasks undertaken by the UN and its agencies, With No Peace to Keep is essential reading for anyone seeking to make sense of the international community's approach to the wars which accompanied the disintegration of Yugoslavia.

R E V I E W S

Appropriately launched in the House of Commons... With No Peace to Keep provides first class analysis of the UN's four year attempt at "peacekeeping" – a misnomer from the start but, unfortunately, a deliberate one. It has got together an exceptionally well-informed team, mostly historians and journalists...

Adrian Hastings in The Tablet (UK)
in February 1996

The denunciation of the United Nations' role in Yugoslavia will rise to a new crescendo with the publication of essays by 21 authors detailing the failure of peacekeeping's most ambitious project... As several contributors acknowledge, the root of the problem lay not so much in the UN's failing as an institution, but on the conflicting agendas followed by the individual nations involved...

Bruce Clarke and Michael Littlejohns in The Financial Times (UK)
in January 1996

As the Guardian journalist Ed Vulliamy argues in With No Peace to Keep... the Americans basically believed in using air power to drive the Serbs to the negotiating table... the Europeans feared that air strikes would make their forces vulnerable to being taken hostage...

Michael Ignatieff in the New York Review of Books (USA)
in February 1996

The United Nations efforts obtain something less than universal appraise because former Yugoslavia was hardly the UN's finest hour...

Des O'Malley in The Sunday Business Post (Ireland)
in April 1996

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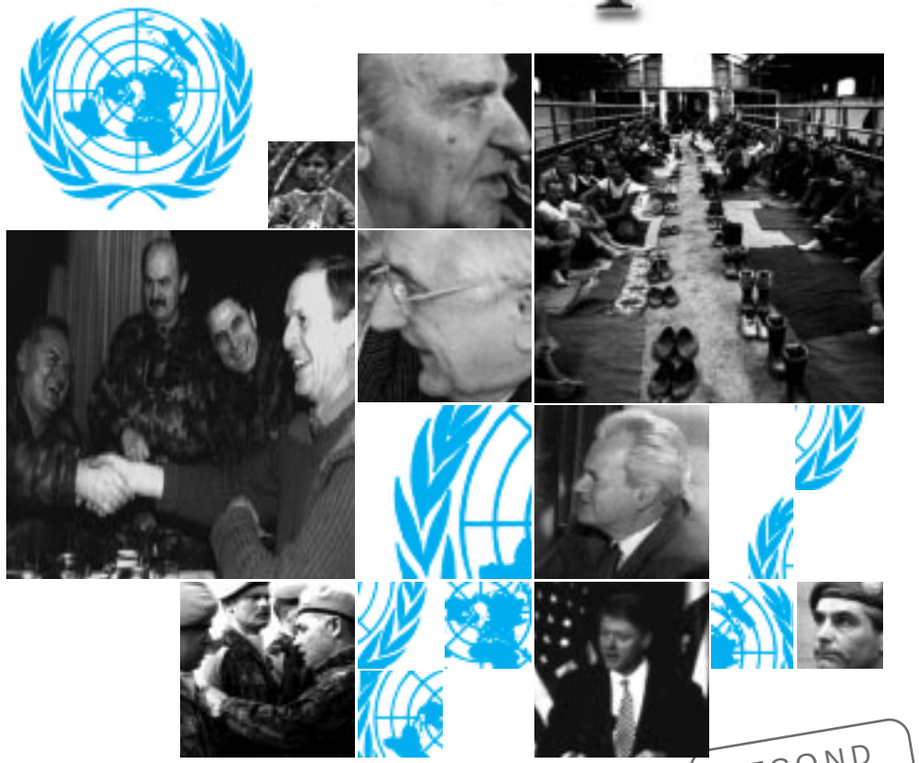
WITH NO PEACE TO KEEP

UNITED NATIONS PEACEKEEPING and the Wars in Former Yugoslavia

edited by

G E O R G E S T A M K O S K I

With no Peace to Keep



SECOND EDITION

UNITED NATIONS PEACEKEEPING
and the Wars in Former Yugoslavia

With no Peace to Keep

This book is dedicated to the victims of the wars throughout former Yugoslavia, and in particular to the victims of the brutal assault on the UN-designated "Safe Areas" of Bihac, Gorazde, Sarajevo, Srebrenica, Tuzla and Zepa.

UNITED NATIONS PEACEKEEPING and the Wars in Former Yugoslavia

WITH NO PEACE TO KEEP

United Nations Peacekeeping and the Wars in Former Yugoslavia

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WITH NO PEACE TO KEEP
United Nations Peacekeeping and the Wars in Former Yugoslavia

The editor and publisher, **George Stamkoski**, has reported on the Balkans as a TV producer, journalist and political analyst since 1990. In 1994, prior to publishing the first edition of With No Peace to Keep, he worked as a Producer-Director for UNTV, covering all aspects of UN activities in the former Yugoslav mission area for UNPROFOR's Division of Information.

Foreword

Seven years after its limited first edition in 1996, this second edition of With No Peace to Keep serves as a timely update to our early-day critical examinations of the United Nations peacekeeping missions in former Yugoslavia. Many of the visionary original essays written by an eclectic mix of commentators, journalists and experts from different parts of the world have stood the test of time and are reprinted here unchanged.

Since the first edition was completed just after the pivotal signing of the Dayton Peace Agreement in late 1995, this edition now extends its assessment up to mid 2002. The two chapters covering the UN mandates and the UN presence in Croatia have been revised. In addition, five new chapters have been commissioned covering the UN Mission in Bosnia and Hercegovina (UNMIBH), the UN Preventive Deployment Mission in Macedonia (UNPREDEP), two new texts on the most recent UN Mission in Kosovo (UNMIK), and a chapter charting the post-Dayton course of the International Criminal Tribunal for the Former Yugoslavia (ICTY).

As With No Peace to Keep has become an oft quoted resource, one that has been cited and reviewed in a number of authoritative publications, this edition also includes a complete list of UN Security Council Resolutions relating to former Yugoslavia until July 2002, together with four new chronologies on the UN mission areas, a chart of ICTY's achievements, and a comprehensive index which will render it a useful reference work.

With No Peace to Keep can be read as an handbook of lessons for the UN's lessons-learnt department. Throughout the UN presence in former Yugoslavia between 1991 and 2002, successive UN missions have been lauded for their considerable achievements in the face of adversity. But they have also been criticised for a number of important reasons, among them, their failure to implement the UN mandates as laid down by the UN Security Council. Indeed, the mandates themselves were often regarded as inappropriate and inadequate responses to wars of ethnic cleansing and genocide.

Two key issues lay at the core of criticism articulated by some governments and non-governmental organisations, as well as by the world media. Many have argued that a robust military intervention to stop Serbia's campaign of territorial conquest when it reared its head in 1991 would have nipped both the policy of ethnic cleansing and its implementation as a military tactic in the bud. Robust intervention of the kind prosecuted by a number of NATO-led operations once the UN had run out of options might have cost less in terms of lives and saved the UN considerable resources invested in a series of misguided and ineffective UN missions. Critics of the UN have also argued that the need for full scale intervention would have been obviated by allowing the victims of aggression to acquire weapons of self-defence, perhaps under NATO leadership. Yet this option was explicitly prohibited by the blanket arms embargo imposed by the United Nations in September 1991.

Whatever the merits of these and other arguments, the challenges taken on by the UN Protection Force and its successor missions in former Yugoslavia provide crucial lessons for the UN. The UN experiences have also guided successive NATO-led military operations in the region. These include the IFOR and SFOR operations charged with implementing the Dayton Peace Agreement in Bosnia, the KFOR mission to restore peace and promote civilian rule in Kosovo, the Essential Harvest operation to disarm ethnic Albanian rebels in Macedonia, and the subsequent Amber Fox operation to protect those monitoring implementation of a peace settlement in Macedonia. Alongside these missions - sometimes working with and sometimes acting at odds with UN member states and bodies like the European Union and the Organisation for Security and Cooperation in Southeast Europe - the United Nations has provided an umbrella for essential humanitarian operations.

With No Peace to Keep seeks to highlight some of the lessons learnt from over a decade-long UN security presence in former Yugoslavia. Looking forward in mid 2002, the

tasks that lie ahead are difficult ones, and postwar reconstruction will involve much more than merely repairing destroyed towns and infrastructures. What is required is a fundamental change of approach within the UN system, one which recognises the difference between aggressor and victim when a conflict arises.

What is also needed is more public intolerance towards the stance taken by a long list of political leaders dealing with conflicts, who have too often tried to convince the world that they had no other option but to choose between peace or justice. This view regards the pursuit of justice as a secondary consideration, whereas it actually goes hand in hand with the quest for peace. This view was responsible for callously letting down the inhabitants in the UN-designated “Safe Area” of Srebrenica in June 1995, when hapless UN peacekeepers stood by - and were refused the necessary backup from higher up - to prevent Serb forces from committing the worst atrocity in Europe since the second world war.

Realpolitik may have guided some politicians who served up face-saving, short-term solutions for the Balkans, but it cannot generate long-term stability. For stability to take hold, new priorities need to be set, and it is encouraging that the United Nations system - despite often being inhibited by its need to be an all-embracing world body - has not been completely blind to the tasks at hand.

The UN’s shortcomings in the 20th century have forcefully brought home the message that the UN of the 21st century must be able to conduct effective peace enforcement as well as peacekeeping. If one accepts this view, then UN enforcement must entail being able to use force to secure the safe return of refugees and displaced persons to their homes, to enforce the right to complete freedom of movement, and to prosecute those accused of committing war crimes and crimes against humanity. The London Conference on Former Yugoslavia in 1992 paid lip-service to these principles, but they soon became victims of realpolitik. Although these principles were enshrined in the Dayton Peace Agreement and reiterated at the peace implementation conference in London in December 1995, the UN will become irrelevant unless it can be more effective at translating the words into resolute actions.

This is a big challenge. There is no simple formula for rebuilding wartorn societies, promoting political cultures which respect democratic principles and creating a sense of civic belonging that is not based solely on ethnicity. The importance of sponsoring healthy civic societies has been emphasised time and again throughout the various conflicts, not least by courageous and often pioneering non-governmental organisations engaged in reconstruction and confidence-building projects.

No-one expects the UN, NATO, the EU or any other world body to be actively engaged in every aspect of the process of restoring peace, order and democracy in postwar societies. But it would not be unreasonable to insist that they protect organisations and individuals within and beyond former Yugoslavia who are genuinely promoting this process.

George Stamkoski
Editor and Publisher

UN Peacekeeping and the Wars in Former Yugoslavia

The UN, NATO and former Yugoslavia

"On a wet Saturday in early September 1995," writes Ed Vulliamy, "the savage Bosnian landscape to which we had become accustomed irrevocably changed. It was the day that NATO and the USA told the United Nations that its tragicomic role in Bosnia-Hercegovina's war was effectively over - that the world's policeman had lost his job because he simply wasn't up to it."

After four years of ineffectual European-led diplomacy, mediation and peacekeeping, the United States of America took the initiative in the Balkan crisis during 1995. In response to an escalation of attacks against Sarajevo and other UN-designated "Safe Areas" in Bosnia-Hercegovina, NATO began a sustained airstrike campaign against rebel Serb missile systems and command centres at the end of August. In September, Bosnian and Croatian forces engineered the recapture of large swathes of territory in north-west and north-central Bosnia, as US envoy Richard Holbrooke's marathon round of shuttle diplomacy began making progress on the diplomatic front. Meetings in Geneva and Washington in September 1995 established a set of constitutional principles agreed by all sides, setting the scene for three weeks of talks which began in Dayton in November. Finally, on 21 November 1995, a comprehensive settlement was accepted by the leaders of Bosnia-Hercegovina, Serbia and Croatia.

Although the Dayton Agreement only broached some of the key issues which were still to be resolved - notably the final status of the Posavina corridor, the mechanics of recreating a unified Sarajevo and the right of return for victims of ethnic cleansing - it had a better chance of success than any previous peace plan. Importantly, the Dayton Agreement paved the way for a NATO-led Implementation Force (IFOR) to be deployed in former Yugoslavia, replacing the moribund and crisis-ridden UN peacekeeping mission. At the time, some analysts maintained that NATO should have got involved right at the beginning of the conflict, as the United Nations was simply not equipped to deal with the violent collapse of former Yugoslavia.

"After Bosnia," writes Rosemary Righter, "it is doubtful whether NATO will consider another operational partnership with the UN." The uneasy relationship between the United Nations mission in the former Yugoslavia and the Alliance began in 1993, when NATO agreed to provide close air support to assist the UN in protecting those cities and towns in Bosnia which were designated "Safe Areas" by the Security Council. By the end of 1994, the "dual key" system which subjugated NATO military operations to an unwieldy UN chain of command had proved unworkable, contributing to the most serious transatlantic rift since the 1956 Suez Crisis. In the spring and summer of 1995, when rebel Serbs in Bosnia brought the UN mission to a virtual standstill, NATO stepped into the breach and began to take control.

As With No Peace To Keep illustrates, the record of UN-NATO cooperation in former Yugoslavia will provide military and peacekeeping planners with a multitude of lessons for the future. "The UN was not well equipped for controlling a major operation like UNPROFOR," writes Ian Williams. Control of UNPROFOR was the result of a continuous interaction between the UN Secretary General's Special Representative, Yasushi Akashi, and British and French UNPROFOR commanders, who often worked to an agenda set by their respective governments. Frequently, decisions concerning UNPROFOR's operations on the ground were influenced by political negotiations taking place in Geneva or elsewhere.

The United Nations Department of Peacekeeping, very much a child of the Cold War, was unable to deal with the first major European security crisis in the post-Cold War era. By reviewing the lessons of the UN's failure in former Yugoslavia, the Department of Peacekeeping and the permanent members of the Security Council can distinguish more accurately the kinds of situations in which traditional peacekeeping and humanitarian missions have a role to play, and those where such operations are clearly inappropriate.

The Mission Areas

Initially, UNPROFOR had three mission areas in former Yugoslavia - in Croatia, Bosnia-Hercegovina and Macedonia - each with a different mandate created by the UN Security Council. The UN has also maintained a small presence in rump Yugoslavia (Serbia and Montenegro) in order to support its work in the three theatres of operation. In 1999, the UN Interim Administration Mission in Kosovo became the fourth full-scale UN mission on the territory of former Yugoslavia.

Understanding the legal parameters of the UN mandates in former Yugoslavia is cru-

cial to any analysis of the success or failure of the mission, write Paul Williams and Michael Scharf. Different UN officials have often interpreted their mandates in a number of different ways. Consequently the scope and nature of these mandates have been disputed, especially in Bosnia-Hercegovina, where the principal tasks set by the UN mandate have invoked Chapter VII of the UN Charter, which is based upon enforcement rather than consent. As this report illustrates, the UN mission did not make full use of its mandate and often sought to promote a very limited interpretation of the mandate's scope in order to justify inaction.

Crucially, Williams and Scharf point out that the Security Council has actually created both a primary mandate, which authorises member states and regional organisations to take appropriate measures in pursuit of stated goals, and a subsidiary mandate, which delegates specific tasks to the UN Peace Forces. This means that even when UN peacekeepers are withdrawn, the primary mandate would remain in place and UN member states would remain responsible for its implementation.

In each mission area, UN peacekeepers faced a different set of circumstances. In Croatia, the UN presence served to freeze the frontlines after the 1991 war reached an effective stalemate. In Bosnia-Hercegovina, UN Protection Force (UNPROFOR) was deployed once the war was underway, and long after the Bosnian government had requested, and were refused, a preventive force. In Macedonia, which avoided being drawn into a war until 2001, the UN claimed some credit for preventing open conflict. But the mission of the UN Preventive Deployment Force was terminated in February 1999, just as the conflict over the border in Kosovo was about to draw in NATO airstrikes. These events led to a new form of a NATO-led intervention for the UN in Kosovo.

In Croatia, the UN force was interposed between Croatian government forces and the rebel Serb forces that annexed between a quarter and a third of the republic in 1991. UNPROFOR deployment in the country was envisaged as an interim measure pending a comprehensive settlement. The United Nations designated four UN Protected Areas (UNPAs) corresponding to territory under rebel Serb control, and several "Pink Zones" corresponding to areas with mixed Serb-Croat populations on the edges of the UNPAs. The principal task of UN forces in these areas was to facilitate the peaceful return of displaced people and refugees, whilst preventing further ethnic cleansing from taking place.

Throughout three years of deadlocked negotiations, UNPROFOR held the frontlines between opposing forces; but it was unable either to facilitate the return of the displaced or to prevent further ethnic cleansing, write Drago Hedl and Branka Magas. In early 1995, the Croatian government formally objected to UNPROFOR's failure to fulfil its mandate, and refused to automatically extend the UN's mandate in the republic. A last minute com-

promise transformed the UN operation in Croatia into the United Nations Confidence Restoration Operation (UNCRO), with a modified mandate which took greater account of Croatia's sovereignty and territorial integrity.

UNCRO's mission effectively came to an end when the Croatian Army recaptured three of the four UNPAs from rebel Serb forces. Both Operation Flash, which retook Western Slavonia in May 1995, and Operation Storm, which retook the Krajina in August, demonstrated that UN Peacekeepers were as impotent in protecting local Serbs from the Croatian Army's onslaught as they had been in protecting local Croats from the ethnic cleansing practised by Serb paramilitary units over the previous four years. At the end of 1995, only UNPA Sector East (Eastern Slavonia, Baranja and Western Srem) remained under rebel Serb control, but as this second edition update of the Croatian chapter concludes, the successor UNTAES mission played a key role in managing the peaceful reintegration of Eastern Slavonia into Croatia and facilitating the first returns of displaced persons. The UN presence in Croatia was still a factor in April 2002, with UNMOP military observers continuing to monitor the demilitarisation of the Prevlaka peninsula on the coastal border with Montenegro.

It is in the Republic of Bosnia-Hercegovina that traditional concepts of peacekeeping have faced the greatest test. UNPROFOR was initially deployed in Bosnia as a classic peacekeeping operation whose main task was to facilitate the delivery of humanitarian aid. But despite the presence of peacekeepers, a brutal war of ethnic cleansing was raging around them - a war whose rationale was the dismemberment of a multi-ethnic state with the goal of creating a Greater Serbia. It resulted in the virtual eradication of non-Serb populations from 70 percent of the republic.

UNPROFOR's mandate in Bosnia evolved from an agreement to open Sarajevo airport for aid flights to a fully-fledged commitment to protect six besieged towns designated as "Safe Areas" by the UN Security Council. Yet, on the ground, UN Commanders continued to operate as a classic consent-based peacekeeping force, performing only those tasks which the more powerful rebel Serb forces would allow. The mandate took little account of the configuration of the UN force, and vice versa, write Lee Bryant and Tihomir Loza.

The Bosnian government and its people greeted UNPROFOR as saviours, believing the peacekeepers were indeed a "protection force" who would seek to implement UN Security Council resolutions and uphold international legal standards. Throughout the three years of disappointment which followed, the Bosnian government became increasingly bitter towards UNPROFOR. As the gulf widened between expectations of the UN force and the reality of its capabilities, relations between the peacekeepers and the government of the territory on which they were deployed worsened, especially over issues such as the pro-

tection of the "Safe Areas". Gradually, the contradictions inherent in the mission began to assert themselves, and UNPROFOR lurched from crisis to crisis. Unable to withdraw, but incapable of fulfilling key aspects of its mandate, the UN force was subsumed by the speed and intensity of events.

Fighting was finally halted in Bosnia only when the US took over the leading role from the European powers and used airstrikes to force Bosnian Serb representatives to the negotiating table. Subsequent peace talks in Dayton, Ohio, driven by their chief architect, US Assistant Secretary of State Richard Holbrooke, ended with all parties signing the comprehensive but flawed Dayton Peace Agreement.

Soon after, UNPROFOR was disbanded and the UN was excluded from a seat on the Steering Board of the new Peace Implementation Council, writes Saba Risaluddin in this new chapter on the post-Dayton UN Mission in Bosnia and Herzegovina (UNMIBH). While hampered by the limitations of the Dayton Agreement, the UN could have achieved more in the period since 1996 if it had thoroughly taken on board the lessons of its failures during the war. The UNMIBH mandate was restricted to contributing to the establishment of the rule of law. Central to its mission is the UN International Police Task Force (IPTF), set up under the terms of the Dayton Agreement to advise and train Bosnia's law enforcement personnel and forces. Critically, the IPTF was not accorded its own enforcement powers. When the UNMIBH mandate in Bosnia ends in December 2002, it will be leaving a country in which the rule of law is far from having been established.

The only leading UN agency given a direct mandate was the UNHCR, charged with coordinating the numerous agencies involved with the repatriation and relief of refugees and displaced persons. Back in UN headquarters in New York, there was belated recognition of the UN's role in failing to protect the "Safe Area" of Srebrenica in 1995. A lengthy report by the UN Secretary-General, published almost four and a half years after the event, laid the blame firmly on senior UN personnel.

When the first edition of With No Peace To Keep was published in late 1995, Macedonia was still the only former Yugoslav republic to have achieved independence without a war. It was also the only regional mission in which UN peacekeeping could reasonably claim success. In December 1992, the Security Council authorised the deployment of a 700-strong Nordic battalion in Macedonia to keep the peace. NORBAT arrived in January 1993, followed by an additional 520 US troops in July. The UN force in Macedonia, later renamed the United Nations Preventive Deployment Force (UNPREDEP), was primarily a border-monitoring mission, writes Branko Geroski. Critically, it enjoyed the support of the United States in its efforts to prevent the Yugoslav conflict from spreading to the southern Balkans. Yet although the Macedonian government had at all times

hoped that the UNPREDEP mandate would be strengthened in the event of the country sliding into conflict, the UN never responded by providing an unequivocal security guarantee.

As Vladimir Jovanovski and Gordana Duvnjak write in a new chapter on the fate of the UNPREDEP mission since 1996, the UN's achievements during its six years and three months in Macedonia were effectively annulled when a Security Council veto by China prematurely terminated its mandate in 1999. The UN left with unfinished business. When the High Commission for Refugees (UNHCR) later declared itself totally unprepared for the influx of some 350,000 Kosovan refugees into Macedonia, it was clear that the UN mission was inadequately equipped to either prevent regional conflict or manage the humanitarian.

The UN Peace Forces also had a small presence in rump Yugoslavia (Serbia and Montenegro), which supports the work of the UN missions in Bosnia, Croatia and Macedonia. Initially, during the 1991 war in Croatia, Serbian President Slobodan Milosevic was wholeheartedly against the despatch of international troops to any region of former Yugoslavia, writes Dragan Cicic. But as Serbia's proxy forces in Croatia met increasing resistance from the Croatian Army towards the end of 1991, Milosevic decided that a UN peacekeeping deployment could preserve Serbian gains in Croatia and enable the Yugoslav Federal Army (JNA) to concentrate its forces in Bosnia-Hercegovina. Belgrade also rightly calculated that the presence of UN peacekeepers in Bosnia could be manipulated to prevent any serious international intervention in the conflict. The relationship Milosevic subsequently developed with UN Special Representative Yasushi Akashi was such that Milosevic effectively held a third "key" in what was ostensibly a "dual key" system governing UN decisions on the use of airstrikes. Far from posing a threat to Serbia's war aims in Croatia and Bosnia, UNPROFOR fitted neatly into Milosevic's plans for the region.

As his trial in The Hague will reveal, Milosevic's plans for the region were more wide reaching than the UN and the international community were able to predict at the time. And though there was clear and early evidence that the conflict in former Yugoslavia could spread to Macedonia and Kosovo, the UN had no serious presence on the ground to prevent it. In the case of Macedonia, the UN mission had already been terminated. In Kosovo, the UN could only assume a mandate once NATO had waged war and set the terms for peace. For its part, the UNHCR generally played a reactive role in dealing with refugee crisis, and there have been few grand visions and cross-border approaches to tackling the roots of conflicts. To it's credit, the lead UN relief agency often played a central role in coordinating the armies of local and international non government organisations and relief agencies active in the region. But the NGO movement tended to have a freer hand in set-

ting the agenda and promoting policies aimed at tackling issues of minority and civic rights, freedom of movement and trade - issues that are central to the long-term solutions.

When UNMIK came to Kosovo, the UN presence modelled itself on the tasks performed by the Office of the High Representative in Bosnia. The OHR has been essentially an administrator regime or quasi-protectorate, manned by powerful politicians and bureaucrats coming largely from troop-contributing countries. It is armed with powers foreshadowed in the Dayton Agreement, and affirmed by subsequent Peace Implementation Council conferences, to set laws by diktat and, if necessary, enforce them with a NATO-implementation force. The UN was one of many other bodies whose work the OHR coordinated. It was not the primary actor. This was to change in Kosovo.

"In June 1999, the western alliance sought a way to transform the NATO-led military intervention that initially took place for humanitarian reasons. UNMIK's mandate was not to support separatist aspirations in Kosovo, but to re-establish peace in the region", writes Shkelzen Maliqi; "For the Serbian regime, UNMIK's arrival also provided a face-saving way for its forces to bow out - in their eyes temporarily - when Belgrade insisted on handing over control of Kosovo not to NATO, but to the United Nations." As this new chapter on the fourth UN mission in former Yugoslavia argues, UNMIK is a compromise solution for both the Serbs and the ethnic Albanians of Kosovo; the widely sought permanent resolution of its status has been postponed indefinitely.

In a new chapter from UNMIK Information Officer, Sergei Vinogradov, UNMIK's mission is dissected and its mammoth challenge outlined. The ultimate aim is to create a secure environment and get good self-government going again while the key players evolve a policy which will determine Kosovo's final status. To ensure this requires an open-ended UN commitment. For although UNMIK enjoys the status of "Executive Administrator of Kosovo" as well as the backing of the NATO-led KFOR operation, many of the goals it has set itself remain elusive.

The Humanitarian Missions

Facilitating the delivery of humanitarian aid, especially in war-torn areas of Bosnia, was among the few concrete achievements of the mission. But UNPROFOR's reluctance to use force to ensure that aid was delivered where it was most needed enabled Bosnian Serb forces to use the deprivation of essential supplies as a weapon of war, writes Mark Prutsalis. Bihac, Sarajevo, Maglaj and the eastern enclaves all came close to starvation at certain stages of the war, as rebel Serbs prevented aid convoys from getting through. Reflecting on the successes and failures of the aid mission, many analysts now believe the United Nations High Commission for Refugees (UNHCR) might have achieved the same,

or perhaps better results, if they had operated independently of UNPROFOR.

At the same time as trying to feed people, the UN faced the challenge of responding to a systematic campaign of ethnic cleansing. This presented UNPROFOR and UNHCR with moral dilemmas which neither organisation was prepared to deal with. The central question the UN has faced, especially in Bosnia, was whether to provide humanitarian assistance for threatened populations and affirm their right to asylum, or to encourage people to remain in their communities and endanger their lives because the UN could not, or did not, provide adequate protection. By adopting the former approach, the UN effectively became an accomplice to ethnic cleansing. In the case of Bosnia, the policy evolved towards emphasising protection, writes Larry Minear of the Refugee Policy Group. Yet the fact that UNPROFOR was not deployed in rebel Serb-held areas was a critical factor which rendered the UNHCR incapable of preventing ethnic cleansing.

The UN humanitarian effort generally directed greater resources to delivering aid than to protecting fundamental human rights and preventing ethnic cleansing. With UNPROFOR trying hard to keep people alive but doing little to stop them being killed, human rights and international humanitarian law became secondary considerations for a UN force struggling to comply with shifting political agendas. The results of this position, writes Diane Paul, were plainly visible during the "final phase" of ethnic cleansing in 1995: Some 120,000 Serbs were forcibly expelled from Croatia. In Bosnia, thousands of Muslims were massacred and thousands more expelled by Serb forces around Srebrenica and Zepa. The ethnically homogenous territories created by these population transfers suited some Western diplomats in their pursuit of a politically expedient peace.

Tadeusz Mazowiecki resigned his mission as the Special Rapporteur for Human Rights in July 1995, prompted in part by international indifference towards the massacre of thousands of men from Srebrenica. Mazowiecki believed the UN mission failed because "a peace enforcement concept was implemented as if it were merely a peacekeeping one", stressing that "only coercive action could have deterred attacks [against the safe areas]". Konstanty Gebert writes that Mazowiecki argued for the creation of "Safe Areas" six months before the concept was adopted by the Security Council in April and May 1993, and he was again ignored when he urged NATO early on to issue the kind of ultimatum it finally made in response to attacks on the "Safe Areas". Mazowiecki later concluded that the lack of resolve "seriously undermined the credibility of the Security Council, the Secretary-General, and the whole United Nations system".

In view of the widespread nature of war crimes in the conflict, the revelation that UN commanders in the field were not explicitly instructed to uphold the Geneva Conventions is a shameful oversight. In Bosnia, as in Somalia, UN officials have in fact routinely ignored

the Geneva Conventions, writes Roy Gutman. The role of Dutch peacekeepers in the aftermath of the fall of Srebrenica in July 1995 demonstrates that the avoidance of conflict between UN troops and belligerents can exact a high a price in civilian lives. When UN troops in the Bihac "Safe Area" were advised by their legal affairs department that it was not incumbent upon UNPROFOR to provide special protection for Bihac hospital. The reason was not to avoid confrontation with Serb forces. Rather, it was premised upon a technicality: the United Nations is not a signatory to the Geneva Conventions.

The operational role of the UNPROFOR mission often found itself at odds with human rights, writes Iain Guest. During the first year of war in Bosnia, political responses from UN member states to the genocide taking place were confused. The failure to accept responsibility for preventing and punishing genocide was a direct result of the UN's reluctance to use force. The establishment of an international War Crimes Tribunal in The Hague in 1993 represented a major step in the application of international humanitarian law, but it also raised questions about how a UN peacekeeping force should cooperate with war crimes investigators and the Tribunal. UNPROFOR did not fully cooperate with war crimes investigators in Bosnia and Croatia. Nor did the Tribunal receive adequate support from the UN system. Both are crucial, as upholding the most fundamental elements of international humanitarian law must be a primary task of the UN and its peacekeeping operations.

"In 1993, in an unprecedented step made possible by the end of the Cold War and the resulting spirit of pragmatic cooperation at the Security Council, the UN established the International Criminal Tribunal for the former Yugoslavia (ICTY), the first international war crimes tribunal in fifty years", write Mark Freeman and Marieke Wierda in this new chapter charting ICTY's pursuit of justice in the Balkans. ICTY had a clear mandate to justice to those responsible for crimes under its jurisdiction, to deter further crimes, and to contribute to the restoration and maintenance of peace. Almost nine years later, the Tribunal in The Hague has come a long way despite considerable obstacles it has faced in fulfilling its goals, and a number of its decisions constitute important advances in the field of international criminal law. ICTY conducted the first ever trial by an international criminal court that defined a policy of rape pursued by warring parties as a war crime and a crime against humanity. It also set a precedent that duress is not a complete defence against these crimes. At the same time, ICTY is only one instrument of justice; other mechanisms and initiatives are needed if there is to be meaningful justice for war victims.

A section of the appendix entitled "ICTY at a Glance", adapted from the UN organisation's website, graphically illustrates what ICTY has achieved in its short history. ICTY revitalised efforts to establish a permanent International Criminal Court (ICC) which, despite

lack of support from the USA, China and Israel (among other countries) received sufficient backing from other states for its Statute to achieve the sixty ratifications needed to come into force on 11 April 2002. Its institutions will become operational in the summer of 2002.

International Diplomacy

Understanding the political context in which the UN force was deployed is central to any analysis of the problems associated with the mission. British and French-led European mediation efforts dominated the international community's response to the war in the first instance. Consequently, UNPROFOR and its officials shared many of the same flawed assumptions about the conflict which prevailed in Whitehall and the Quai d'Orsay.

"UNPROFOR's behaviour in Bosnia has been an accurate reflection of the policy preferences of the leading governments which sent it there," writes Noel Malcolm. In interpreting their mandate as if it were a "consent" mandate, successive UN spokesmen and commanders persuaded themselves that they must treat both the Serb insurgents and the legitimate armed force of the Republic of Bosnia-Hercegovina with utter impartiality. In so doing, they helped to persuade the rest of the world that neither side had any greater validity or justification for its actions, and that both sides were therefore "equally guilty". This doctrine of moral equivalence, combined with a surprising level of ignorance among policy makers as to the causes, origins and character of the war, governed much of the UN's work in former Yugoslavia. The UN's acceptance of the doctrine helps explain UNPROFOR's inability to respond appropriately to the organised campaign of ethnic cleansing and genocide which it was confronted with.

The national policies of France and Britain - UNPROFOR's two biggest troop contributors - firmly shaped the constitution and approach of the UN mission in its critical early stages. Throughout the period between 1991 and 1994, Britain played a leading role in the crisis. But it lacked the leadership to use its pre-eminent position in international institutions and bring the war to an end. Instead, much of Britain's diplomatic energy was focused on preventing other countries, such as Germany and the United States, from taking the lead.

Drawing on the colonial past it shared with other European states, Britain argued that the ethnic division of Bosnia and a "humane population transfer" represented the best solution to the Bosnian crisis, writes Mark Almond. Lords Carrington and Owen were employed to effect such a partition, though neither were able to complete the project. From the outset, British policy saw Serbia as a strong regional power which was to be placated, and it concentrated on persuading the Bosnian government that resistance was useless. Through its role in UNPROFOR, Britain was able to oppose calls for military intervention

in Bosnia which, it was argued, would endanger the humanitarian aid effort. Having a presence on the ground also enabled Britain to promote its own view of the conflict, which it did with vigour.

French policy towards the disintegration of Yugoslavia was heavily influenced by external foreign policy considerations in the early stages. "French policy towards the former Yugoslavia, in other words, has been all about France, and very little about Yugoslavia," writes John Laughland. President Mitterrand took a dim view of the collapse of federal systems in the Soviet Union and Yugoslavia, and he favoured preserving these grandes ensembles rather than allowing their disintegration. France, like Britain, was also concerned to take the lead in order to prevent the spread of German influence in the region. Despite a change in government, which brought the Gaullist Jacques Chirac into the Elysée Palace, there was no change in French policy towards former Yugoslavia. France aligned itself with Britain and Chirac became more vocal than Mitterrand in condemning the actions of Serb forces in Bosnia. But this rhetoric did not translate into a new course of action. In its final days, UNPROFOR could do little more than continue along its established course of peacekeeping combined with a small and limited commitment towards peace enforcement. France's early decision to contribute the largest national contingent to the UN force was undoubtedly taken with one eye on the debate about reform of the UN Security Council, and another on the process of creating a common EU defence capability. In both cases, France's position was strengthened by her military role in UNPROFOR.

In common with France and Britain, Russia also joined the UNPROFOR mission for reasons which had more to do with her own international position than with the situation in former Yugoslavia. In May 1992, Russia provided 1,400 troops for the UNPROFOR mission in Croatia, but this modest investment produced a significant return in terms of influence and prestige. In 1991 and early 1992, Russia was preoccupied with the disintegration of its own federal superstructure - the Soviet Union - and was therefore content to allow the West a free hand in its Balkan diplomacy. Later, as Russian foreign policy re-asserted its independent stance, the Kremlin became more supportive of Serbia in order to counterbalance perceived western support for Croatia and Bosnia. Recognising an opportunity to play regional power-broker, Russia used this role to shore up her Great Power status, which had been reduced with the disintegration of the Soviet Union and further undermined by national conflicts closer to home, most notably in the Caucasus.

Although Foreign Minister Andrei Kozyrev identified "Serbian national-communists" as the main culprits in the war, writes Vlastimir Mijovic, Russian policy in Croatia and Bosnia was nevertheless openly pro-Serb. The Russian UNPROFOR contingent in Eastern Slavonia was the subject of several internal UN investigations into corruption and collu-

sion with regular Serb forces and paramilitary units between 1992 and 1994. In Bosnia, the deployment of a Russian battalion around Sarajevo in February 1994 was a diplomatic coup which averted the threat of NATO airstrikes against the Bosnian Serbs. It also allowed the Russian Foreign Ministry to exercise greater influence within the ongoing peace process and the newly established Contact Group.

Throughout 1994 and 1995, Russia became preoccupied with counteracting NATO's growing role in the Balkans, not only because of its support for Serbia, but also because of Russia's suspicion of the Partnership for Peace programme, which aimed to extend NATO's security umbrella to Russia's "near abroad". The Russian UNPROFOR contingent was useful in this respect, enabling Moscow to threaten its withdrawal in response to NATO actions with which it disagreed. But despite vociferous objections to NATO's role, Russia eventually agreed to join a NATO-led force to implement the Dayton Agreement. Although Russian soldiers were to serve under their own flag, a compromise arrangement was finalised on 29 November 1995, whereby a Russian brigade is attached to a US armoured division which will effectively be under NATO command.

While British and French national policies were the most influential in shaping the UN peacekeeping mission on the ground, it was US policy which brought the UNPROFOR mission to an end. Even so, US policy was a significant factor in the evolution of UNPROFOR's mandate. Key developments in the mandate for Bosnia-Hercegovina, such as the right to "use of force" provided by Resolution 770, and the UN resolutions relating to the defence of "Safe Areas", came about partly as a result of US pressure within the Security Council.

During the 1992 US presidential elections, writes Samantha Power, candidate Clinton pounced on President George Bush's perceived weakness over Bosnia and argued for military action to prevent and punish genocide. However, President Clinton was no more decisive than his predecessor. Clinton railed against European inaction, undermining successive unjust peace plans without offering a viable alternative, and raising false hopes among the Bosnians that the USA would finally intervene on their behalf. After failing to persuade the Europeans to take a tougher line in 1993, the Clinton administration withdrew.

Within the Contact Group, the Americans found themselves at odds with their European allies. However, in the absence of any willingness to get involved militarily, they were forced to go along with the only policy upon which the five-nation "Contact Group" - comprised of Britain, France, Germany, Russia and the USA - could agree. This bolstered Serbian President Milosevic against his erstwhile Bosnian Serb protégés in the hope that he would impose a peace deal on the Pale authorities. As US Ambassador to the UN Madeleine Albright put it: "We are the world's only superpower, the most influential country around... just not necessarily on this issue."

In 1995, following three years in which disputes over Bosnia policy caused dangerous rifts in the transatlantic alliance, the Clinton administration became actively engaged, both militarily and politically. This crucial policy shift, writes Richard Caplan, resulted from the confluence of domestic political factors and a shift in the balance of power on the ground in Bosnia and Croatia. In Washington, congressional moves to lift the arms embargo on the Bosnian government were the first shots fired in the US presidential campaign which turned Bosnia into an election issue that could come back and haunt Clinton. There was, therefore, a pressing reason to push through a peace settlement before the November 1996 elections. On the ground, Croatia's military re-conquest of Western Slavonia and the Krajina region presaged a wider shift in the balance of power between rebel Serbs and the Croatian and Bosnian governments.

This cleared the way for a joint Croat-Bosnian offensive in western Bosnia, assisted by a US-initiated NATO bombing campaign, which carved out the frontlines and later formed the basis of the Dayton Agreement. With this agreement, the US resort to "diplomacy backed by force" achieved in four months what European diplomacy had failed to accomplish in four years. Yet despite years of rhetorical opposition to "unjust" partition plans, the Dayton Agreement also prescribed a form of partition that the USA and NATO then found themselves justifying and enforcing.

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