

9 War and humanitarian action: Iraq and the Balkans

The 1990s presented humanitarian organizations with a range of fundamentally new challenges. In the changed political environment of the post-Cold War era, not only UNHCR, but a wide spectrum of humanitarian organizations and other international actors began operating in war-torn countries and regions to a greater extent than ever before. There was a dramatic increase in intervention by multinational military forces in internal wars, and the media—particularly in the form of live television reports—played a key role in driving international responses to humanitarian crises around the world.

The mass outflow of Kurds from northern Iraq following the Gulf War in 1991 posed a particular challenge for UNHCR. Turkey refused to grant the Kurds asylum, and US-led coalition forces therefore established a ‘safe haven’ for them inside northern Iraq. UNHCR participated in this operation, which involved working closely with coalition military forces. It was UNHCR’s first major emergency relief operation in the post-Cold War era and it proved to be a watershed for the organization.

The large-scale population movements in the Balkan region which began later the same year as Yugoslavia disintegrated, resulted in a series of even more complex international relief operations, in which UNHCR played a leading role. Again, the organization worked in close cooperation with multinational military forces in dangerous and highly politicized environments. In Bosnia and Herzegovina, for the first time in its history, UNHCR mounted a relief operation in the midst of an ongoing war, in an attempt to assist not only refugees, but also internally displaced people and other war-affected populations.

In the course of these and other operations during the 1990s, UNHCR faced two main challenges. First, the attempt to assist civilians in the midst of armed conflict proved vastly more difficult than assisting refugees in countries of asylum. Gaining access to vulnerable populations often proved to be a complex problem, and security was a major concern, not only for the people being assisted, but also for humanitarian personnel. To continue to be seen as impartial was hard if not impossible. Second, the large number of international actors involved in responding to humanitarian crises led to the need for improved cooperation between them. New relationships were established, not only with multinational military forces and other humanitarian organizations, but also with a range of other actors including regional security organizations, human rights organizations, war crimes investigators, development organizations, peace negotiators and the media.

This chapter describes the difficulties and dilemmas which confronted UNHCR and other humanitarian organizations in these operations. For example, when should protecting people in conflict situations in their home countries be given priority

over protection through asylum? What kind of relationships should humanitarian organizations establish with warring parties which are responsible for the direct targeting of civilians? How can humanitarian organizations prevent relief supplies from being diverted to local military forces, thereby fuelling and sometimes prolonging war? How can humanitarian organizations preserve their impartiality when their aims are contrary to those of one or more of the warring parties, and particularly when working in close cooperation with international military forces?

The Kurdish crisis in northern Iraq

In March 1991, after Iraqi forces had been driven out of Kuwait by the US-led Coalition Task Force, disaffected groups within Iraq launched a rebellion in both the north and the south of the country. President Saddam Hussein's military forces responded quickly and severely, and the consequences for Iraqi civilians were devastating. In the face of a military campaign directed against them by the Iraqi army, over 450,000 mainly Kurdish people fled to the Turkish frontier within the space of a week. Between then and mid-April, another 1.3 million Kurds fled to Iran. In addition, some 70,000 Iraqis—mostly Shiites—fled their homes in the south of Iraq. In anticipation of possible refugee outflows, UNHCR had previously pre-positioned relief goods for an estimated 35,000 people in Iran and 20,000 people in Turkey, but the scale and pace of these movements exceeded all predictions.

As the refugees poured into Iran, the Iranian government requested UNHCR assistance. According to Iranian government figures, Iran was already host to over two million refugees, including 1.4 million Afghans and 600,000 Iraqi refugees displaced during the Iran–Iraq war. With this new influx, Iran became the country with the largest refugee population in the world. UNHCR assisted the Iranian authorities to respond to the influx and to manage the refugee camps.

The relief operation in Turkey was much more complicated. The Turkish government, which itself faced a significant Kurdish insurrection in southeastern Anatolia, closed its border with Iraq to prevent the Iraqi Kurds from entering, arguing that they would destabilize the country. Several hundred thousand Kurds were therefore stranded in inhospitable, snow-covered mountain passes along the Iraqi–Turkish border.

Television crews, fresh from covering the Gulf War, captured the suffering of the Kurds exposed to extreme temperatures and the lack of food and shelter. They put further pressure on UNHCR and governments to mount an international emergency relief operation. Rarely had a humanitarian crisis received such intensive media coverage.

The relief operation on the Iraqi–Turkish border was initially dominated by the US military and other coalition forces. They played a major role in organizing and carrying out the distribution of emergency supplies. But in spite of all the available military hardware and personnel, there were serious logistical problems in distributing assistance to populations in dozens of inaccessible mountain locations.

The response of Western states to Turkey's refusal to grant asylum to the Iraqi Kurds was muted. Some diplomatic representations were made but these were neither intense nor sustained. Key states were primarily concerned about the need for the North Atlantic Treaty Organization (NATO) to maintain the use of air bases in Turkey, and were therefore reluctant to criticize the Turkish government for closing its border. In addition, suggestions that large refugee camps for Iraqi Kurds in Turkey would create a Palestinian-type situation tended to silence Western governments' appeals for Turkey to grant them asylum.¹

Establishing a 'safe haven'

As televised images of desperate Kurds trapped on the mountains continued to pour in, international pressure to find a solution mounted. At the beginning of April 1991, President Turgut Özal of Turkey broached the idea of a 'safe haven' for the Kurds inside northern Iraq. After some deliberation, on 5 April the UN Security Council adopted Resolution 688. This insisted that 'Iraq allow immediate access by international humanitarian organizations to all those in need of assistance' and authorized the Secretary-General to 'use all resources at his disposal' to address 'the critical needs of the refugees and displaced Iraqi populations'. It was on the basis of this resolution and in the context of the aftermath of the wider Gulf crisis that the US-led joint task force justified the launch of Operation Provide Comfort to establish a 'security zone' in northern Iraq.

On 10 April, members of the task force declared a no-fly zone in northern Iraq, and assumed the leadership of the relief effort. On 16 April, US President George Bush announced that coalition forces would move into northern Iraq to establish camps for the Kurds. Although President Bush promised to 'protect' the Kurds, the US administration was wary of recommitting its troops to a hostile environment and was careful to place time limits on the US military role.² The aim was to enable a quick return of the Kurds to northern Iraq and then to turn the operation over to the United Nations.

The motives of Western states in launching Operation Provide Comfort clearly went beyond immediate humanitarian concerns, and included a wish to accommodate Turkey, an important ally. Their strategy had the advantage of providing a short-term solution for the Iraqi Kurds, which improved their security, while at the same time avoiding any suggestion that this might lead to full independence. This was a solution that NATO countries were to apply again, with some variations, in Kosovo at the end of the decade.

The Iraqi government also wanted the United Nations to take over the operation rapidly from the coalition forces. The result was that on 18 April the Iraqi government and the United Nations signed a Memorandum of Understanding setting out terms for a humanitarian operation aimed at enabling the displaced to return. Former High Commissioner Sadruddin Aga Khan, who was at that time the UN Secretary-General's Executive Delegate for the crisis, played a key role in these discussions with the Iraqi government.

Within the United Nations, it was suggested that UNHCR should lead the humanitarian operation. There was initially some resistance to this from UNHCR, however, as it

Box 9.1

Internally displaced persons

International concern for the plight of internally displaced persons gained new urgency during the 1990s. This was partly because of the scale of displacement caused by new internal armed conflicts during the decade, and partly because of the greater scope for involvement in areas of ongoing conflict in the changed political environment of the post-Cold War era.

When the international legal and institutional regime to protect refugees was set up 50 years ago, it did not include internally displaced persons. In keeping with traditional notions of sovereignty, internally displaced persons were seen as falling under the domestic jurisdiction of the state concerned. The result is that the response of the international community to the problem of internal displacement has been inconsistent, and large numbers of internally displaced persons have remained without effective protection or assistance.

The extent of internal displacement

For many years, the issue of internal displacement did not feature prominently on the international agenda, although the International Committee of the Red Cross had traditionally assisted internally displaced persons in the course of protecting victims of armed conflict. In the 1990s, the number of internally displaced persons increased dramatically. Although precise figures are difficult to ascertain, in 1999 it was estimated that there were some 20 to 25 million internally displaced persons—forced from their homes by conflict and human rights violations—in at least 40 countries [see Figure 9.1].

More than half of the world's internally displaced are in Africa. In Sudan alone, the long-running civil war has uprooted four million people, while equally brutal and sometimes genocidal conflicts have displaced large numbers of people within Angola, Burundi, the Democratic Republic of the Congo, Rwanda and Sierra Leone. In Asia, there are some five million internally displaced persons, in particular in Afghanistan,

Azerbaijan, Indonesia, Iraq, Myanmar and Sri Lanka. Armed conflicts in Europe, such as those in the former Yugoslavia, Cyprus, Georgia, the Russian Federation and Turkey, have displaced another five million people. In the Americas, some two million people are internally displaced, the majority of whom are in Colombia.

In July 1992, Francis Deng was appointed as the Representative of the UN Secretary-General on Internally Displaced Persons. In Deng's view, internally displaced persons easily fall into 'a vacuum of responsibility' within the state. The authorities concerned see them as 'the enemy', rather than as 'their people' who require protection and assistance. Gaining access to the displaced in such circumstances is often fraught with danger. Each side fears that humanitarian aid will fortify the other and thereby seeks to obstruct assistance to the other side. Assistance may even be used as a weapon in the struggle. Access is further complicated by the fact that internally displaced people do not always congregate in easily reachable camps or settlements, but sometimes disperse to avoid identification. Many merge into urban slums where gaining access may require programmes that extend to the entire community; or they may be mixed in with other war-affected populations. Even the task of assessing their numbers is thus more contentious than with refugees.

Since the internally displaced sometimes seem indistinguishable from others in need around them, the question often arises as to whether they should be identified as a special category or subsumed under the broad rubric of vulnerable people. Internally displaced people often have particular needs resulting from their displacement. They may have limited or no access to land, no stable employment prospects, and inadequate documentation, and they may remain vulnerable to acts of violence such as forcible relocation, forced conscription and sexual assault. During return and reintegration, those who have been

displaced internally may also have distinct protection needs.

Internal displacement disrupts not only the lives of the individuals and families concerned but whole communities and societies. Both the areas left behind and the areas to which the displaced flee can suffer extensive damage. Socioeconomic systems and community structures can break down and impede reconstruction and development for decades. Conflict and displacement also spill over borders into neighbouring countries, upsetting regional stability. That is why Secretary-General Kofi Annan has underscored the compelling need for the international community to strengthen its support for national efforts to assist and protect all displaced populations.

The Guiding Principles

In 1998, Francis Deng presented the Guiding Principles on Internal Displacement to the UN Commission on Human Rights. These identify the specific needs of internally displaced persons together with the obligations of governments, insurgent groups, international organizations and non-governmental organizations (NGOs) towards these populations. Based on international human rights law, humanitarian law and analogous refugee law, the Guiding Principles, which UNHCR and a number of other humanitarian organizations helped draft, gather into one document the various provisions of existing international law applicable to internally displaced persons.

The Guiding Principles address grey areas and perceived 'gaps' in the law by making explicit many of the provisions which were previously only implicit. For example, they emphasize that internally displaced persons may not be forcibly returned to conditions of danger, they set out special protection measures for women and children, and provide that displaced persons are entitled to compensation or reparation for lost property and possessions. They also assert a right *not* to be displaced, specify the grounds and conditions

under which displacement is unlawful, and set out minimum guarantees to be upheld when displacement does occur. Although not a binding legal document as such, the Guiding Principles have gained considerable recognition and standing in a relatively short time, and are widely disseminated and promoted by the United Nations, regional bodies and NGOs.

Coordination of international action

During the 1990s, humanitarian organizations, human rights organizations and development agencies have focused increasingly on the problem of internal displacement. Attempts by the international community to address problems of internal displacement have, however, repeatedly been constrained by issues of national sovereignty, and by security problems and lack of access. They have also been constrained by definitional problems and difficulties of identifying displaced persons in need of protection and assistance.

In spite of the increased awareness of the problem of internal displacement, the international response has remained selective, uneven, and in many cases inadequate. Within the United Nations, moves to remedy this situation have focused on strengthening cooperation amongst the various agencies involved with the displaced, as set out in the Secretary-General's 1997 UN reform programme.ⁱ In their book *Masses in Flight*, Francis Deng and Roberta Cohen call for more effective divisions of labour in the field to address the needs of internally displaced persons, so that the response is more targeted.ⁱⁱ They argue that greater attention should be paid to protecting the physical safety and human rights of the internally displaced.

UNHCR's role

UNHCR was set up in 1950 to protect and assist refugees who had crossed international borders in search of safety. Although the organization's

involvement with the internally displaced goes back to the 1960s, during the 1990s the scale and scope of its activities on behalf of the internally displaced increased dramatically. By 1999, UNHCR was providing protection and assistance to some five million internally displaced persons, covering a range of operations from Colombia to Kosovo and the Caucasus.ⁱⁱⁱ

While UNHCR's Statute makes no reference to internally displaced persons, it recognizes in Article 9 that the High Commissioner may, in addition to the work with refugees, 'engage in such activities . . . as the General Assembly may determine, within the limits of the resources placed at his [or her] disposal'. Based on this Article, and over a period of several decades, a series of UN General Assembly resolutions has acknowledged UNHCR's particular humanitarian expertise and encouraged its involvement in situations of internal displacement. In particular, UN General Assembly Resolution 48/116 (1993) set out important criteria to guide UNHCR's decision on when to become involved in protecting and assisting internally displaced persons. These resolutions, together with Article 9 of the Statute, provide the legal basis for UNHCR's interest in and action on behalf of internally displaced persons.

UNHCR considers it has particular responsibilities when the links between refugee problems and internal displacement are strong, and when problems relating to the protection of internally displaced persons require the organization's special expertise. In some situations it is difficult to draw a meaningful distinction between the internally displaced, refugees, returnees and other vulnerable war-affected people in the same area. In such cases, it is often necessary to adopt a broad, comprehensive approach towards all those affected in the community.

An important consideration for UNHCR, when becoming involved with internally displaced persons, is the impact this involvement may have on

refugee protection and the institution of asylum. There can be both positive and negative consequences of UNHCR's involvement. Countries of asylum may be more inclined to maintain their asylum policies if something is done to alleviate the suffering of the internally displaced, to reduce their compulsion to seek asylum, and to create conditions conducive to their return. On the other hand, UNHCR's activities for the internally displaced may be misinterpreted as obviating the need for international protection and asylum. Critics have also argued that a blurring of the distinction between refugees, who enjoy additional rights under international refugee law, and internally displaced persons will undermine the protection of refugees themselves.

Largest IDP populations, 1999

Figure 9.1

Country	Millions
Sudan	4.0
Angola	1.5–2.0
Colombia	1.8
Myanmar	0.5–1.0
Turkey	0.5–1.0
Iraq	0.9
Bosnia & Herzegovina	0.8
Burundi	0.8
Congo, Dem. Rep. of	0.8
Russian Federation	0.8
Afghanistan	0.5–0.8
Rwanda	0.6
Yugoslavia, FR	0.6
Azerbaijan	0.6
Sri Lanka	0.6
India	0.5
Congo, Rep. of	0.5
Sierra Leone	0.5

Source: US Committee for Refugees, *World Refugee Survey 2000*, Washington DC, 2000.

was argued that the establishment of a safe haven would essentially be a substitute for asylum. The presence of UNHCR inside Iraq could potentially be used by neighbouring countries as a pretext for denying asylum to refugees, which would set a dangerous precedent. UNHCR was also concerned about the safety of Kurds returning to northern Iraq. The Iraqi government had not provided any guarantees for their security. It had agreed to allow a 500-strong UN guard contingent to operate in conjunction with the humanitarian operation, but many in UNHCR doubted that this would be sufficient to ensure the safety of the returning Kurds. It had been agreed that the guards would be mandated and equipped to protect the staff, equipment and supplies of an inter-agency humanitarian programme in Iraq, but not the Kurds themselves.

The action of US, British, French and other forces to establish the security zone was swift and decisive. It was also of limited scope and duration, which in itself generated some tension. The military commanders wanted to hand over the relief operation to UNHCR quickly. They argued that once a humanitarian presence was established in northern Iraq, with UN guards to protect humanitarian personnel, the security issue would be resolved. UNHCR, however, was hesitant about establishing a relief operation in northern Iraq in a situation where the security of the returning Iraqi Kurdish population could not be guaranteed. UNHCR therefore argued for a more gradual transition.³

Return and reconstruction

To encourage return, the coalition forces presented the concept of the UN guards to the Kurds as a genuine safeguard, and distributed hundreds of thousands of leaflets announcing that it was safe to go back.⁴ Following this, the desperate Kurds, blocked in the cold mountain passes on the Turkish border, soon started to return.

As they began moving *en masse* back into Iraq, UNHCR's immediate dilemma was resolved. As one official of the organization put it, 'UNHCR had an obligation to follow the returnees'.⁵ Having received a request from the Secretary-General to assist displaced people in all parts of Iraq, the organization agreed to take the lead role. On 6 May 1991, High Commissioner Ogata advised her staff that 'UNHCR should assume overall responsibility for protection and assistance on the border and for voluntary repatriation from the border area'.⁶

In the first two weeks, nearly 200,000 refugees returned to Iraq. During this time, the relief operation continued to be dominated by the US military and other coalition forces. At its height, the operation involved some 200 aircraft and more than 20,000 military personnel. Emergency relief was also provided by over 50 international humanitarian organizations and some 30 governments.

Never before had humanitarian organizations worked together with the military in such a concerted manner. The large number of humanitarian organizations and military contingents involved, and their lack of experience in working together, created serious problems of coordination. But important lessons were learned, opening up new channels of communication between the military and humanitarian organizations.

The United States maintained 5,000 troops in Turkey and coalition aircraft continued to patrol the no-fly zone over northern Iraq. Yet UNHCR remained

concerned about the safety of the Kurds. In a letter to the UN Secretary-General on 17 May 1991, High Commissioner Ogata expressed her 'continued concern' for the security of the returnees. She explained that 'nothing short of a negotiated settlement' accompanied by 'international guarantees' could offer a lasting solution to the plight of the Kurds.⁷

In early June 1991, the last of the mountain camps on the Turkish border were closed. By this time, some 600,000 of the refugees who had fled to Iran three months before had also returned. In a race against the oncoming winter, UNHCR initiated a massive shelter programme. Between August and November, some 1,600 trucks crossed the border from Turkey to Iraq to deliver around 30,000 tonnes of construction material to 500,000 people. Most of this consisted of roof beams and corrugated iron, which Kurds used to carry out reconstruction work on their houses, schools, clinics and other infrastructure in more than 1,500 villages. These were among thousands of villages which had been destroyed by the Iraqi government.⁸

In June 1992, once the initial emergency phase was over and as the focus shifted to longer-term reconstruction work, UNHCR handed over control of the relief operation to other UN agencies. Subsequent assessments of the poorly coordinated response of the international humanitarian community during the initial emergency phase of the Kurdish crisis led governments and humanitarian organizations alike to call for improved coordination amongst the different humanitarian organizations, and between these organizations and the military. An important role was envisaged for the new UN Department of Humanitarian Affairs (DHA), which was set up to coordinate UN responses to humanitarian emergencies on the basis of General Assembly Resolution 46/182 of 19 December 1991. At the beginning of 1998, DHA became the Office for the Coordination of Humanitarian Affairs (OCHA).

The establishment of the safe haven in northern Iraq has often been regarded as a success, particularly since it allowed the return of hundreds of thousands of Iraqi Kurds to their homes. Initially, however, economic conditions in the zone were hard. It suffered from a double economic embargo—UN sanctions against Iraq as a whole, and an internal embargo imposed by the Iraqi government. In the following years, security problems continued in the zone, both as a result of power struggles between the rival Kurdish factions and because of military incursions from outside.⁹ There was violence in 1996, for instance, when Iraqi government forces briefly surrounded the city of Irbil. The zone also experienced incursions by Iranian military forces and, on a far larger scale, Turkish military forces, which on a number of occasions attacked places suspected of harbouring members of the Kurdistan Workers' Party (PKK). In a major attack in March 1995, Turkey sent 35,000 troops into the zone. In spite of these problems, rehabilitation and reconstruction work continued throughout the decade, and economic and security conditions in northern Iraq gradually improved.

The safe haven in northern Iraq in 1991 was initially hailed by some as reflecting a 'new world order'. Under this new order, intervention by a united international community would ensure that the protection of people from gross violations of human rights would take precedence over the principle of sovereignty.

However, subsequent use of the safe haven concept and other attempts at protecting and assisting civilians in situations of ongoing armed conflict, in places such as Bosnia and Herzegovina, Somalia, Rwanda and Kosovo, were to lead to sober reassessments.

War in Croatia and in Bosnia and Herzegovina

Almost immediately after the exodus of Kurds from northern Iraq in 1991, UNHCR was faced with another massive humanitarian emergency, this time in the Balkans.¹⁰ The violent break-up of the Socialist Federal Republic of Yugoslavia, which began in June 1991 when Slovenia and Croatia both declared independence, resulted in the largest refugee crisis in Europe since the Second World War. Fighting first broke out in Slovenia, but this was limited and lasted only a few days. The first major outbreak of violence was in Croatia, which had a minority population of over half a million Serbs. Following Croatia's declaration of independence, the Yugoslav army and Serb paramilitaries rapidly seized control of a third of Croatian territory. It was in Croatia that the violent and pernicious phenomenon which euphemistically became known as 'ethnic cleansing' first became evident. At first, thousands of Croats were expelled from areas which fell under Serb control. Subsequently, thousands of Serbs were forced from their homes by Croatian forces. In Croatia, in 1991 alone, some 20,000 people were killed, more than 200,000 refugees fled the country, and some 350,000 became internally displaced.

In 1992, the war spread to neighbouring Bosnia and Herzegovina, with even more devastating consequences. Bosnia and Herzegovina was the most ethnically mixed of all the republics of the former Yugoslavia. According to a 1991 Yugoslav population census, the three main groups in Bosnia and Herzegovina were Muslims (44 per cent) Serbs (31 per cent) and Croats (17 per cent).¹¹ When Bosnia and Herzegovina declared its independence in March 1992, the government of Serbia, led by President Slobodan Milosevic, vowed to fight on behalf of the Serb minority population there. Within days, Serbian paramilitary forces moved into the eastern part of the republic and began killing or expelling Muslim and Croat residents. At about the same time, Serb forces from the Yugoslav army took to the hills surrounding the Bosnian capital Sarajevo and began attacking it with artillery. By the end of April 1992, 95 per cent of the Muslim and Croat populations in the major towns and cities of eastern Bosnia had been forced from their homes and Sarajevo was under daily bombardment. By mid-June, Serb forces controlled two-thirds of Bosnia and Herzegovina and approximately one million people had fled their homes.

In the early stages of the war, Muslims and Croats in Bosnia and Herzegovina fought together against the Bosnian Serbs, but in early 1993, fighting broke out between Bosnian Croats and Bosnian Muslims. Another round of 'ethnic cleansing' began, this time in central Bosnia. Bosnian Croat forces, backed by Croatia, attempted to create an ethnically pure swathe of territory adjoining Croatia. Although tensions between them continued, fighting between Bosnian Croat forces and the mainly



The relentless shelling of Sarajevo during the Bosnian War caused massive destruction. (UNHCR/A. HOLLMANN/1966.)

Muslim Bosnian government forces came to an end in March 1994, with the signing of the Washington Agreement and the creation of a Muslim–Croat Federation.

By the time the war ended in December 1995, over half the 4.4 million people of Bosnia and Herzegovina were displaced. An estimated 1.3 million were internally displaced and some 500,000 were refugees in neighbouring countries. In addition, around 700,000 had become refugees in Western Europe, of whom some 345,000 were in the Federal Republic of Germany.

The humanitarian ‘fig leaf’

These massive population movements and the extensive media coverage of the horrors of the war prompted one of the largest international relief operations ever mounted. In October 1991, in the midst of the population displacement taking place in Croatia, the Yugoslav authorities requested UNHCR’s assistance. Then, in November, UN Secretary-General Javier Pérez de Cuéllar formally requested High

Commissioner Sadako Ogata to consider lending her 'good offices' to bring relief to needy internally displaced people affected by the conflict and to coordinate humanitarian action in the region.¹² Following an investigative mission to the region, UNHCR accepted the role and officially took the lead in coordinating the humanitarian assistance of the UN system in the region in November 1991.¹³

UNHCR set up relief operations in all the republics of the former Yugoslavia, but the organization faced its greatest challenges in Bosnia and Herzegovina. When the International Committee of the Red Cross (ICRC) withdrew temporarily from Sarajevo in May 1992 following the fatal shooting of one of its delegates, UNHCR's role in Sarajevo, in particular, became pivotal. UNHCR began delivering thousands of tonnes of relief supplies by air to Sarajevo, and by road to destinations throughout the country. For the first time in its history, UNHCR coordinated—in the midst of an ongoing war—a large-scale relief operation to assist not only refugees and internally displaced people, but also hundreds of thousands of other war-affected civilians.¹⁴

Unable to agree on how to end the conflict, the international community focused much of its energy on supporting the humanitarian relief operation led by UNHCR. Governments offered large amounts of funding for the relief operation, but were able to find a consensus on little else. The humanitarian operation increasingly became a 'fig leaf' and the only visible response of the international community to the war. As François Fouinat, Coordinator of the UNHCR Task Force for the former Yugoslavia, stated in October 1993, 'it is not simply that the UN's humanitarian efforts have become politicized; it is rather that we have been transformed into the only manifestation of international political will'.¹⁵

The high priority given to the humanitarian operation meant that UNHCR also played an important role in international political negotiations concerning the war. High Commissioner Ogata frequently briefed the UN Security Council on the humanitarian situation on the ground. Also, as chair of the Humanitarian Issues Working Group of the International Conference on the Former Yugoslavia, she regularly met international peace negotiators, leaders of the parties to the conflict and government delegations.

A key element of the international response was the deployment of UN peacekeepers. The UN Protection Force (UNPROFOR), which established a sectoral headquarters in Sarajevo in February 1992, was initially deployed to monitor the ceasefire in Croatia. When the war spread, successive UN Security Council resolutions gave UNPROFOR the additional mandate of creating conditions for the effective delivery of humanitarian aid in Bosnia and Herzegovina.¹⁶ UNPROFOR was initially successful, in June 1992, in obtaining control of Sarajevo airport which, for the remainder of the war, was of critical importance in facilitating the delivery of relief supplies to the besieged population of Sarajevo. Although UNPROFOR's mandate was subsequently expanded to include deterring attacks on 'safe areas' and other tasks, ensuring access for humanitarian supplies remained a central part of its mandate throughout the war. By 1995, there were over 30,000 UNPROFOR troops in Bosnia and Herzegovina.



A UNHCR convoy, escorted by UNPROFOR troops, travelling between Zepce and Zavidovici in central Bosnia. (UNHCR/S. FOA/1994)

Confronting ‘ethnic cleansing’

While UNHCR and other humanitarian organizations were able to deliver large quantities of humanitarian supplies during the war, they were much less successful in protecting civilians from ‘ethnic cleansing’. UNHCR personnel intervened on numerous occasions with local authorities to try to prevent expulsions and evictions from taking place, particularly in places like Banja Luka, where UNHCR had an office only a few streets away from places where people were being forced from their homes at gunpoint. But on the whole UNHCR was powerless to prevent the killings, beatings, rape, detention, expulsions and evictions of civilians. In many situations, the most UNHCR personnel could do was to report on the atrocities they witnessed. These reports, while inadequate on their own, provided vital information to the outside world. They were particularly important since journalists, like UNPROFOR,

had no access to large parts of Bosnian Serb territory for most of the war. Often, especially on the Bosnian Serb side, ICRC and UNHCR were the only international organizations present to bear witness to the atrocities.

These reports, and public denunciations made by UNHCR officials against those responsible for committing atrocities, strained relations with the parties to the conflict, often resulting in threats against UNHCR staff and travel restrictions. The resulting dilemma for UNHCR staff was clear: it was difficult to cooperate with local authorities in carrying out assistance programmes, while at the same time condemning them for human rights abuses. In some cases, UNHCR was criticized for not speaking out more openly than it did.

Another difficult choice which UNHCR had to make was whether or not to assist in evacuating vulnerable civilians. Initially, UNHCR resisted evacuating civilians, but as it became apparent that the alternative for many was detention camps where they were often beaten, raped, tortured or killed, the organization began evacuating civilians whose lives were under threat. Such evacuations, however, led to an outpouring of criticism that UNHCR was facilitating 'ethnic cleansing'. In November 1992, High Commissioner Ogata described the predicament as follows:

In the context of a conflict which has as its very objective the displacement of people, we find ourselves confronted with a major dilemma. To what extent do we persuade people to remain where they are, when that could well jeopardize their lives and liberties? On the other hand, if we help them to move, do we not become an accomplice to 'ethnic cleansing'?¹⁷

The UNHCR Special Envoy for the former Yugoslavia, José-Maria Mendiluce, was even more blunt: 'We denounce ethnic cleansing', he said, 'but with thousands of women and children at risk who want desperately to be evacuated, it is my responsibility to help them, to save their lives. I cannot enter any philosophical or theoretical debate now . . .'¹⁸

In addition to assisting people within Croatia and Bosnia and Herzegovina, UNHCR urged states in the region and in Western Europe to grant 'temporary protection' to the substantial numbers of people escaping from the escalating war in the former Yugoslavia. Together these states opened their borders to hundreds of thousands of people, but some critics argued that the granting of a lesser 'temporarily protected' status rather than full refugee status weakened the international refugee protection system [see Chapter 7].

The creation of 'safe areas'

As 'ethnic cleansing' continued to produce waves of refugees and internally displaced people, the international community looked for new ways of protecting civilians to avoid the outflows. At the beginning of 1993, a critical situation developed in eastern Bosnia, which had largely been emptied of non-Serbs, except for three small pockets of territory around Srebrenica, Zepa and Gorazde. These enclaves were crowded with Muslims, many of whom had fled there from the surrounding countryside. They were defended by poorly armed Bosnian government soldiers and surrounded by Bosnian Serb forces. A UNHCR field report written on 19 February 1993 described the situation in Srebrenica as follows: 'Every day people are dying of hunger and exhaustion. The

Areas of control in Croatia and Bosnia and Herzegovina, April 1995

Map 9.1



medical situation could not be more critical. People who are wounded are taken to the hospital where they die from simple injuries because of the lack of medical supplies'.¹⁹

The situation in Srebrenica became increasingly intolerable and on 2 April 1993, High Commissioner Ogata wrote to UN Secretary-General Boutros Boutros-Ghali warning that current efforts to address the increasing human suffering were 'totally inadequate', and stressing the need for 'more drastic action' to ensure the survival of the population in Srebrenica. In her letter, she urged that UNPROFOR peacekeepers be permitted to use force to protect the population of Srebrenica, or that UNHCR be permitted to organize a mass evacuation.²⁰

Fourteen days later, after Bosnian Serb shelling had killed 56 people during a UNHCR-organized evacuation from Srebrenica, the Security Council adopted Resolution 819, declaring the enclave to be a UN-protected 'safe area' and, amongst other things, calling on UNPROFOR to increase its presence there. Three weeks later, the Security Council adopted Resolution 824, also declaring Sarajevo, Tuzla, Zepa, Gorazde and Bihac to be safe areas.

The safe areas were established without the consent of the parties to the conflict and without the provision of any credible military deterrent. Although the UN Secretary-General had warned that an additional 34,000 troops would be required 'to obtain deterrence through strength', governments were not willing to provide this number of troops and the Security Council therefore adopted an alternative 'light option' in which only 7,500 peacekeepers were to be deployed for this task. UNPROFOR troops were permitted to use force only in self-defence, and not in defence of the civilians they had been sent to protect. This was eventually to prove entirely inadequate. As UN Secretary-General Kofi Annan later acknowledged, the areas designated by the UN Security Council as safe areas were in fact 'neither protected areas nor safe havens in the sense of international humanitarian law, nor safe areas in any militarily meaningful sense'.²¹

Since the safe areas contained not only civilians but also Bosnian government troops, the Bosnian Serb forces considered them to be legitimate targets in the war. They often shelled them and subjected them to sniper fire. On many occasions, attacks carried out by Bosnian Serb forces were in response to attacks made out of the safe areas by Bosnian government troops. The Bosnian Serb authorities denied the people living in the safe areas freedom of movement through Serb-controlled territory, and frequently prevented humanitarian organizations such as UNHCR from reaching them. The safe areas became crowded—predominantly Muslim—ghettos. While they provided some refuge for vulnerable civilians, they also became areas of confinement where civilians were trapped: in essence, open detention centres. Meanwhile, as the international community focused on the safe areas, little attention was given to the plight of any remaining non-Serbs living in Serb-held territory. As a result these people became even more vulnerable to 'ethnic cleansing'.

As had been the case in northern Iraq, governments had mixed motives in promoting the concept of safe areas. Throughout the war, it remained unclear whether the primary aim of the safe areas was to protect territory or people.²² This ambiguity led to misunderstandings and created many false expectations. As UN Secretary-General Kofi Annan acknowledged in November 1999 in a highly critical report on the United Nations' role in Srebrenica, by failing to admit that declaring particular places to be safe areas entailed a significant commitment to their defence, the UN Security Council resolutions in effect created a false sense of security. The report stressed:

When the international community makes a solemn promise to safeguard and protect innocent civilians from massacre, then it must be willing to back its promise with the necessary means. Otherwise, it is surely better not to raise hopes and expectations in the first place, and not to impede whatever capability they may be able to muster in their own defence.²³

On 11 July 1995, the Bosnian Serb army overran Srebrenica, taking hundreds of Dutch peacekeepers hostage and forcing some 40,000 people to flee. Meanwhile some 7,000 people, virtually all of them men or boys and virtually all Muslims, were killed by Bosnian Serb forces in the largest massacre in Europe since the Second World War. Judge Riad of the International Criminal Tribunal for the former

Yugoslavia described what happened as 'scenes from hell, written on the darkest pages of human history'.²⁴ Days after the fall of Srebrenica, Serb forces overran Zepa, another so-called safe area.

Distributing emergency relief supplies

The humanitarian relief operation in Bosnia and Herzegovina was unprecedented in its scale, scope and complexity. Between 1992 and 1995, UNHCR coordinated a massive logistical operation in which some 950,000 tonnes of humanitarian relief supplies were delivered to various destinations in Bosnia and Herzegovina. By 1995, UNHCR was providing humanitarian supplies for some 2.7 million beneficiaries. This consisted mostly of food provided by the UN World Food Programme (WFP).

In delivering relief supplies, UNHCR cooperated closely not only with WFP but also with other UN agencies such as the Food and Agriculture Organization (FAO), the UN Children's Fund (UNICEF), and the World Health Organization (WHO), as well as with international and local non-governmental organizations (NGOs) which operated under the UNHCR 'umbrella'. Most of these organizations relied heavily on UNHCR for official UN accreditation, which was required by the parties to the conflict and without which it was virtually impossible for them to operate.

UNHCR's 'lead agency' role involved a wide range of responsibilities. At its height, there were over 3,000 humanitarian personnel from over 250 organizations carrying UNHCR identification cards, and there were over 2,000 vehicles in Bosnia and Herzegovina with UNHCR registration plates. The UNHCR convoy operation comprised over 250 trucks, with convoy teams provided by, or through, the governments of Denmark, Norway, Sweden, the United Kingdom, Germany and the Russian Federation. In addition, over 20 states participated in the UNHCR airlift operation into Sarajevo, and some 18,000 tonnes of humanitarian supplies were airdropped into inaccessible places such as Konjic, Gorazde, Maglaj, Srebrenica, Tesanj and Zepa. Supplies were dropped at night from high altitude, in order to reduce the risk of attack on the aircraft.

The humanitarian operation was hampered throughout the war by security problems, lack of cooperation from the parties to the conflict and logistical difficulties. Humanitarian personnel were constantly exposed to indiscriminate shelling, sniping and land mines, and were sometimes specifically targeted. They came to rely heavily on UNPROFOR for information on security issues, armed escorts, transportation in armoured vehicles, and logistical support. They also used bullet-proof vests and armoured vehicles to an extent never seen before in any major humanitarian operation. In spite of this protection, in the course of the war, over 50 personnel involved in the UNHCR-led operation lost their lives and hundreds more were injured. In addition, 117 UNPROFOR soldiers lost their lives.²⁵

In most cases, humanitarian supplies were handed over by UNHCR to local authorities, who were responsible for their distribution. In spite of efforts to ensure that they were not diverted, there was inevitably some diversion of supplies to military forces and to the black market. Such diversion often led to criticism that the humanitarian operation was fuelling the war.

In May 1992, the Secretary-General had stated that 'the delivery of relief must be seen by all parties as a neutral humanitarian act'.²⁶ It was clear from very early on, however, that this would not be the case. The humanitarian operation was subject to constant obstructionism from the parties to the conflict, particularly from the Bosnian Serbs, who controlled access to besieged Bosnian government enclaves, and the Bosnian Croats, who controlled access to central Bosnia.

At one stage in 1992, a UNHCR convoy had to negotiate its way through 90 roadblocks to get from Zagreb, the Croatian capital, to Sarajevo. Following extensive negotiations with the parties to the conflict, many of these roadblocks were subsequently removed, but they were replaced by a series of bureaucratic hurdles. Written clearances containing numerous details had to be obtained from local authorities up to two weeks in advance, before convoys could travel. In practice, the system proved to be a convenient way for local authorities to control and restrict access to enemy territory without overtly prohibiting it. All kinds of delaying tactics were used, and endless excuses were found for refusing to grant clearances.

In many cases, the parties to the conflict denied clearances for UNHCR convoys to transit through areas under their control to enemy territory unless there was an increase in the percentage of supplies sent to areas under their own control. Lengthy negotiations ensued, during which time convoys were often blocked for weeks or months at a time. UNHCR officials on the ground spent much of the war negotiating humanitarian access. Some of the local civilian authorities who were ostensibly UNHCR's counterparts, such as the Commissioners for Humanitarian Aid on the Bosnian Serb side, were in fact directly responsible for ensuring that humanitarian aid did not reach civilians in enemy territory. This was clearly illustrated at a meeting which took place between UNHCR and Serb civilian authorities on 2 July 1995. At this meeting, Nikola Koljevic, President of the Coordinating Board for Humanitarian Assistance (and Vice-President of the self-proclaimed Republika Srpska), explained his constant obstructionism by saying that if he allowed Muslims to be fed he would be indicted as a war criminal by his own regime.²⁷

UNPROFOR's role in the humanitarian operation

UNPROFOR's primary mandate in Bosnia and Herzegovina was to assist UNHCR by creating conditions for the effective delivery of humanitarian assistance. UNPROFOR had, however, no significant presence in, and only limited access through, Bosnian Serb-controlled areas. In carrying out its mandate, UNPROFOR concentrated on establishing reliable land supply routes and air corridors, and on enhancing security for humanitarian personnel. UNPROFOR engineers succeeded in opening up and maintaining key land routes in Bosnian government-held territory, and in maintaining the runway and vital facilities at Sarajevo airport. An inevitable problem, however, was that heavy dependence on particular routes made it easy for the parties to the conflict to block these routes whenever they wanted.²⁸

Although UNPROFOR did much to improve security for humanitarian personnel, there were times when its presence appeared to do the opposite. The Bosnian Serbs, in particular, were often extremely hostile to UNPROFOR. On some occasions, UNHCR

convoy teams complained that the presence of UNPROFOR escorts had the effect of drawing fire on to them, and that they would have been safer with no military escort.

One of UNPROFOR's main roles in assisting the humanitarian operation was that of providing 'passive protection' for convoys. This consisted of UNPROFOR armoured personnel carriers escorting convoys through dangerous front-line areas. The principle was that if a convoy came under fire, civilian personnel would be able to shelter in the armoured vehicles. In some cases, UNPROFOR escort vehicles also fired back when convoys came under attack. The use of military escorts for humanitarian convoys was an innovation for UNHCR and, at the time, provoked much criticism from some critics who considered that the impartiality of humanitarian action was being undermined. By contrast, throughout the war, ICRC operated without military escorts. The system nevertheless enabled UNHCR to deliver large quantities of emergency supplies and to cross active front-lines, even during some of the worst fighting. More than 80 per cent of the emergency supplies distributed to civilians in Bosnia and Herzegovina during the war were delivered by UNHCR.

UNPROFOR troops provided vital security and logistical support for the humanitarian operation, but they were able to do little to improve access to areas which required movement through territory controlled by Bosnian Serb forces. Operating on the basis of consent—in accordance with traditional peacekeeping principles—UNPROFOR depended on the Bosnian Serb authorities for authorization to travel through their territory. Yet the Bosnian Serbs viewed UNPROFOR more consistently as a hostile force than did the other parties to the conflict. The result was that on some routes, the movement of UNPROFOR vehicles was not approved for months at a time. Indeed, in places such as Gorazde and Bihac, UNPROFOR troops themselves sometimes ran out of fresh food as they were unable to get the necessary authorizations for their own resupply convoys. On a number of such occasions, UNHCR provided them with food, thereby providing a lifeline for the very force that had been sent to support the humanitarian operation.

The siege of Sarajevo and the humanitarian airlift

For much of the war, the international community focused its attention on the Bosnian capital, Sarajevo. The city was surrounded by Bosnian Serb artillery and snipers, and often went for months at a time without adequate water, electricity or gas supplies. As Bosnian Serb forces laid siege to the city, often killing civilians who were shopping in the market place or waiting in queues for bread or water, UNHCR struggled to deliver food and other relief supplies.

Between 3 July 1992 and 9 January 1996, UNHCR coordinated what became the longest-running humanitarian airlift in history, surpassing the duration of the 1948–49 Berlin airlift. Most of the aircraft were lent by Canada, France, Germany, the United Kingdom and the United States, but more than 20 countries participated. Altogether some 160,000 tonnes of food, medicines and other goods were delivered to Sarajevo in over 12,000 flights. The airlift was also used to evacuate more than 1,100 civilians in need of medical care.

The airlift was affected not only by bureaucratic obstacles but also by constant security threats. Both sides, but particularly Bosnian Serb forces, fired at aircraft using the airport. There were more than 270 serious security incidents, which in many cases forced UNHCR temporarily to suspend the airlift. The worst such incident took place on 3 September 1992, when a surface-to-air missile downed an Italian Air Force G-222 cargo plane, killing all four of the crew on board. Responsibility for this attack was never established.

On many occasions, Bosnian Serb inspectors, whose presence at the airport was a Bosnian Serb condition for the airlift, refused to allow particular items to be off-loaded from UNHCR planes. Items had to be flown back to Croatia, Italy or Germany at great cost. At other times, Bosnian Serb forces, which controlled access by road to the airport, refused to allow humanitarian supplies to leave the airport. Thus, as thousands of civilians went hungry in the capital, hundreds of tonnes of food rotted on the airport tarmac. Some items, including pipes and water pumping equipment, generators and other items urgently needed for the repair of vital utilities in the city, were blocked at the airport for almost the entire war. At the same time, medical evacuations of seriously ill or wounded civilians were often prevented.

Events leading to the Dayton Peace Agreement

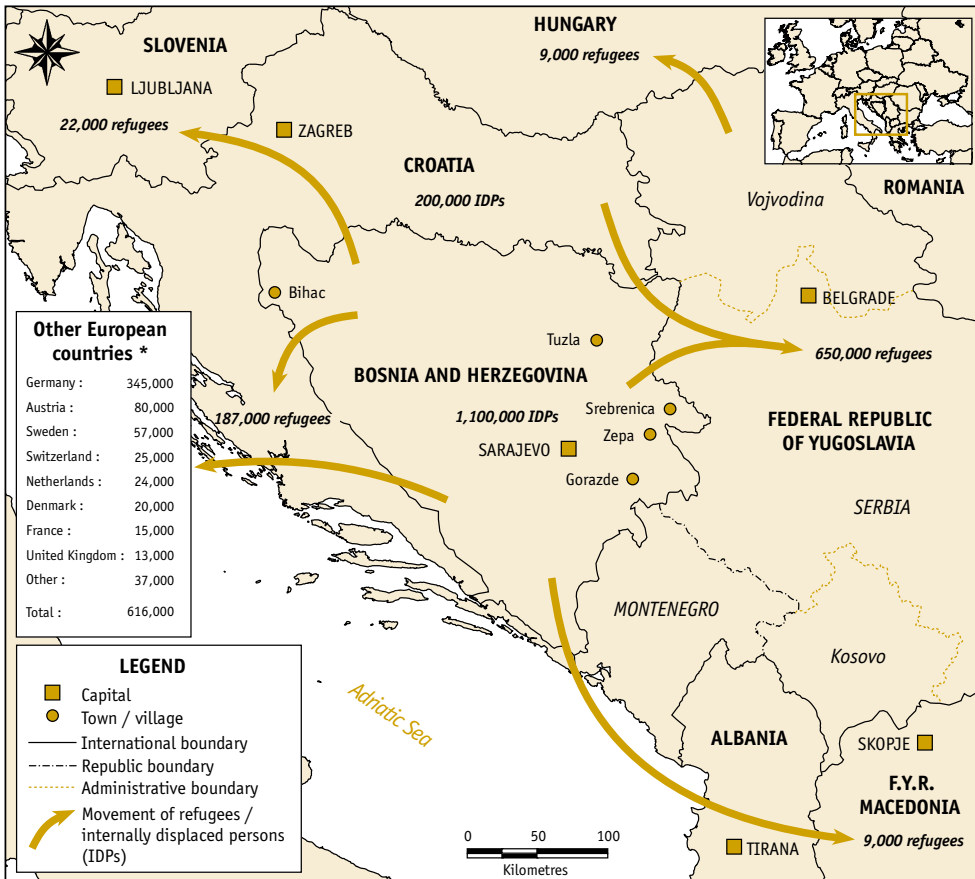
In early 1995, there was a new wave of 'ethnic cleansing' by the Bosnian Serbs in western Bosnia, particularly in the Banja Luka area, which the UNHCR spokesman at the time labelled the Bosnian 'heart of darkness'. In May, the United Nations' credibility in Bosnia and Herzegovina was further tarnished when hundreds of UNPROFOR soldiers were taken hostage by the Bosnian Serbs following airstrikes carried out by NATO at UNPROFOR's request. Some of the hostages were chained by the Bosnian Serbs to potential air-strike targets as 'human shields', and television images of them were broadcast across the world.

Then in mid-1995 a number of events dramatically changed the dynamics of the war. In July, the Bosnian Serb army overran the safe areas of Srebrenica and Zepa. In early August, the Croatian army launched 'Operation Storm', a massive military offensive involving more than 100,000 troops, in which it overran all Serb-controlled areas in the western and southern Krajina region of Croatia. As a result, some 200,000 Serb civilians fled, the majority of them going to the Federal Republic of Yugoslavia, while smaller numbers remained in Serb-controlled parts of Bosnia and Herzegovina. Then, on 28 August 1995, Bosnian Serb forces fired a shell into a busy market place in Sarajevo, killing 37 people and injuring dozens more. NATO responded by launching a two-week intensive air campaign against Bosnian Serb targets. Bolstered by the air strikes, Croatian and Bosnian government forces mounted a joint offensive in Bosnia and Herzegovina to recapture Serb-held territory, taking back a third of the territory held by Bosnian Serb forces. Aware that they were losing territory by the day, Bosnian Serb officials accepted a ceasefire and agreed to attend peace talks in Dayton, Ohio.

The Dayton Peace Agreement which resulted from these talks was signed in Paris on 14 December 1995 by the presidents of the Republic of Bosnia and Herzegovina,

Main displaced populations from the former Yugoslavia, December 1995

Map 9.2



* The figures for other European countries are from Sept. 1996 and are based on information made available to UNHCR by governments (Humanitarian Issues Working Group, HIWG96/6, 11 Dec. 1996).

the Republic of Croatia, and the Federal Republic of Yugoslavia. Although the agreement keeps Bosnia and Herzegovina united as a single state, it recognizes two entities: Republika Srpska and the Muslim–Croat Federation.

The agreement contained detailed provisions for demilitarization of the former parties to the conflict and for the replacement of UNPROFOR by a 60,000-strong NATO-led Implementation Force (IFOR). Less attention, however, was given to the implementation of the civilian aspects of the peace agreement. Annex VII of the agreement called on UNHCR 'to develop in close consultation with asylum countries and the parties a repatriation plan that will allow for an early, peaceful, orderly and phased return of refugees and displaced persons'. Although the peace agreement stated that 'all refugees and displaced persons have the right freely to return to their homes of origin', it made no provisions to enforce such returns. Rather, it relied on the former parties to the conflict voluntarily to create an environment in which refugees could return 'in safety, without risk of harassment, intimidation, persecution, or discrimination'.²⁹



Destruction caused by the fighting in Ilidza, Sarajevo. The large number of landmines posed a major threat to people returning to their homes after the war. (UNHCR/R. LEMOYNE/1996)

The military provisions of the agreement were successfully implemented and there have been no clashes between the military forces of either side since the agreement was signed. On the civilian side, however, the agreement left the nationalist leaders in power on both sides, undermining, among other things, prospects for reconciliation amongst the different ethnic groups and the possibility for displaced people and refugees to return to the areas from which they were 'ethnically cleansed' during the war. With its limited provisions for policing, reconstruction and reconciliation, High Commissioner Ogata pointed out in 1997 that the agreement left humanitarian actors like UNHCR 'to grapple with essentially political issues'.³⁰

Repatriation and continued ethnic separation

The reluctance of the NATO-led multinational military force to get involved in potentially dangerous policing activities, in order to prevent civil disturbances and to maintain public order in Bosnia and Herzegovina in the post-Dayton period, was evident from the start. This was clearly illustrated in early 1996, when Bosnian Serb police, paramilitaries and extremists pressured some 60,000 fellow Serbs to leave the

Sarajevo suburbs as they reverted to the control of the Muslim-Croat Federation. Armed groups of Serb agitators torched buildings in full view of heavily armed—but completely passive—IFOR personnel.³¹

The lack of public order in Bosnia and Herzegovina, and particularly the lack of effective security for ethnic minorities, prevented any significant reversal of the 'ethnic cleansing' which took place during the war. Local political leaders on both sides repeatedly blocked returns by relocating members of their own ethnic group into available housing space and creating a climate of fear and intimidation for minorities. Although some 395,000 of the refugees who fled Bosnia and Herzegovina during the war returned to the country by December 1999, the majority of them did not return to their original homes. Instead, most of them relocated to new areas where their own ethnic group was in the majority. At the end of 1999, some 800,000 people in Bosnia and Herzegovina remained displaced and unable to return to their former homes.

UNHCR and other humanitarian organizations have made strenuous efforts to encourage reconciliation, and to facilitate voluntary returns of refugees and displaced people to their original homes, even where this involves returning to areas which have become dominated by another ethnic group. UNHCR has set up a number of bus lines travelling between the two entities in Bosnia and Herzegovina, and has facilitated group visits of refugees and displaced people to places of origin. UNHCR also set up an 'Open Cities' project, whereby donors were encouraged to invest in cities, which allowed minority groups to return. But there is a limit to how much can be done by humanitarian organizations. As High Commissioner Ogata concluded in her statement to the Peace Implementation Council conference in 1998:

The fundamental prerequisite for return—significant and lasting changes in the circumstances that drove people from their homes—still has not occurred. UNHCR's leading role in return was predicated on the political constraints being removed. They are still there. We have identified them but, as a humanitarian organization, cannot remove them.³²

Even if small numbers of people have returned to areas where they now form part of an ethnic minority, there has been minimal progress in rebuilding genuinely multi-ethnic societies in either Croatia or Bosnia and Herzegovina. The prospects for large-scale returns to areas now dominated by another ethnic group remain bleak. By the end of 1999, more than four years after the fighting in Croatia and Bosnia and Herzegovina ended, fewer than 10 per cent of the total of around 300,000 Serbs who fled from Croatia between 1991 and 1995 had returned to their homes. Similarly, fewer than five per cent of the 650,000 Muslims and Croats who were expelled by the Serbs from western Bosnia and Herzegovina had returned to their former homes, and fewer than one per cent of those who were expelled by the Serbs from eastern Bosnia had returned.³³

Of the few who have returned to areas where they now form part of a minority ethnic group, many are people who have returned to areas near the inter-entity boundary line, which is closely monitored by the NATO-led military force, and many are elderly people, who are not considered by the local authorities to pose any real

The 1995 Dayton Agreement for Bosnia and Herzegovina

Map 9.3



threat. Moreover, some of those who have returned have done so with the intention of making arrangements to exchange their property. The process of ethnic separation, which began during the war, has continued by other means in the post-war period.

While the total number of returns to areas dominated by another ethnic group remained low, UNHCR and other observers noted a substantial increase in the number of 'minority returns' in both Croatia and Bosnia and Herzegovina during the first few months of 2000.³⁴ This increase was ascribed to impatience amongst refugees and displaced people, a change in the psychology of the majority and minority populations, a change of government in Croatia following the death of President Franjo Tudjman in December 1999, new Bosnian government policies, and measures taken by the Office of the High Representative—which oversees the civilian implementation of the Dayton Agreement—to remove obstructionist officials and to implement property laws.

The return process is a regional one, involving all the countries of former Yugoslavia. UNHCR has consistently emphasized that for the return process to be

sustained, the international community will need to continue to commit considerable resources to building peace in the region. Since the war ended, UNHCR has cooperated closely with the Office of the High Representative in Bosnia and Herzegovina, the NATO-led military force, the UN International Police Task Force, the Organization for Security and Cooperation in Europe (OSCE), the World Bank and numerous other local and international organizations, to assist in the process of return, reconstruction and reconciliation. The Stability Pact for South Eastern Europe, initiated by the European Union in June 1999, has also reaffirmed a commitment to support democratic political processes and to promote multi-ethnic societies in the region.

The Kosovo crisis

As the war in Bosnia and Herzegovina ended, elsewhere in the Balkans another crisis was looming. Kosovo had a long history of human rights abuses. From 1989, when Kosovo's autonomous status within Serbia was partially revoked, the majority of Kosovo Albanians had been living in an apartheid-like situation in which they were denied access to jobs and services, and were unable to exercise basic rights. As a result, the Kosovo Albanians, who comprised about 90 per cent of the population of Kosovo, established parallel systems for almost every aspect of daily life, including employment, health and education. Between 1989 and the beginning of 1998, an estimated 350,000 Kosovo Albanians left the province at one stage or another, most of them going to countries in Western Europe.

The long-simmering crisis took on a new dimension in February 1998. The Serbian security forces intensified operations against Kosovo Albanians suspected of involvement with the Kosovo Liberation Army (KLA). As security deteriorated, some 20,000 people fled over the mountains to Albania in May–June 1998. Others made their way to Montenegro, as well as to Italy, Switzerland, Germany and other parts of Western Europe. Over the following months, the clashes escalated, and by September there were an estimated 175,000 internally displaced people in Kosovo. UNHCR set up a large operation to assist these internally displaced people and others affected by the conflict.

Increased international pressure after the adoption of UN Security Council Resolution 1199 in September 1998 led the Yugoslav authorities to agree to a ceasefire and a partial troop withdrawal from Kosovo. An international verification mission under the auspices of the OSCE was deployed to verify compliance with the agreement. A temporary calm followed, but isolated ceasefire violations continued, and by the end of 1998 the ceasefire was unravelling. In mid-January 1999, 45 Kosovo Albanians were massacred by Serb forces in Racak. These developments gave fresh impetus to efforts to end the conflict, which culminated in peace negotiations in Rambouillet, France, in February 1999.

Although further fighting and displacement continued throughout the Rambouillet talks, Western governments were optimistic about prospects for peace

and called on UNHCR to plan for the return of refugees and displaced people. But the peace talks collapsed on 19 March, and on 24 March, without authorization from the UN Security Council, NATO commenced an air campaign against the Federal Republic of Yugoslavia, including attacks on targets in Kosovo. Since the campaign was justified principally in terms of stopping actual and potential killings and expulsions of Kosovo Albanians by Serbian forces, it was often referred to as NATO's 'humanitarian war'.³⁵ The nomenclature could not conceal, however, that the air strikes resulted in an even larger humanitarian crisis, at least in the short term.

The influx into Albania and the former Yugoslav Republic of Macedonia

When the air strikes began, there were already an estimated 260,000 internally displaced people within Kosovo. In addition, outside Kosovo, there were some 70,000 Kosovo Albanian refugees and displaced people in the region and over 100,000 refugees and asylum seekers in Western Europe and further afield.

The NATO air campaign triggered an escalation of violence on the ground. Local fighting between the KLA and Yugoslav forces continued, while Yugoslav armed forces and police, as well as paramilitary forces and local Serbs, carried out a brutal campaign of 'ethnic cleansing', which included organized mass deportations to neighbouring states.³⁶ Thousands of Kosovo Albanians were killed and some 800,000 fled or were expelled from Kosovo after the start of the air campaign. Of these, some 426,000 fled to Albania, some 228,000 to the former Yugoslav Republic of Macedonia (FYR Macedonia), and some 45,000 to Montenegro.³⁷ In addition, large numbers of people were internally displaced within Kosovo by the end of the 78-day air campaign.

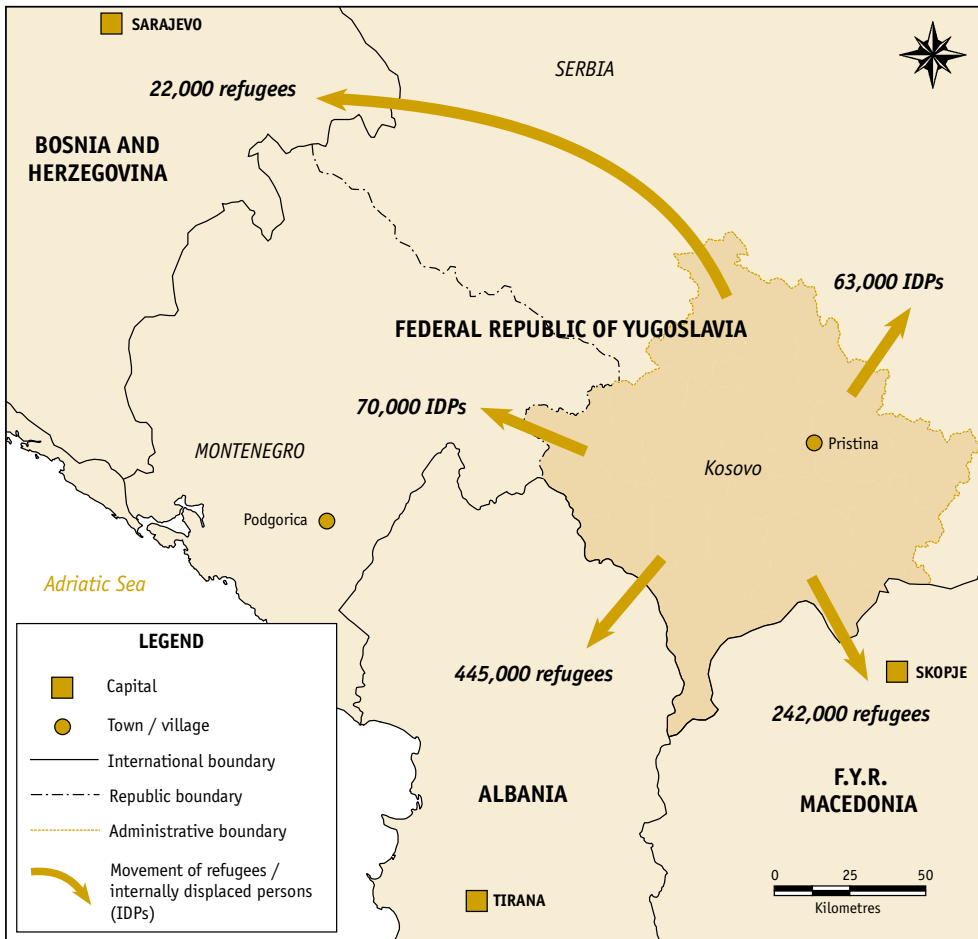
Responding to a refugee crisis of this size in such a highly charged political environment was a huge challenge. Over the previous years and months, UNHCR—in cooperation with other UN agencies and NGOs—had made contingency plans for an exodus of up to 100,000 people. But no one had anticipated the scale and rapidity of the exodus that eventually took place. The influx overwhelmed the response capacity of the host governments and humanitarian organizations. UNHCR, in particular, was strongly criticized by some donors and NGOs for its lack of preparedness and its management of the crisis in the initial phase.³⁸

In FYR Macedonia, the authorities temporarily closed the border at the beginning of April 1999, denying entry to tens of thousands of Kosovo Albanians in a situation reminiscent of the Turkish response to Iraqi Kurds in 1991. Facing tensions related to its own ethnic Albanian minority, the Macedonian government feared that a large influx of Kosovo Albanians would destabilize the country. To reduce the number of refugees on its territory, the government requested that a system of international burden-sharing be put in place, involving the evacuation or transfer of some of the refugees to third countries. NATO needed the Macedonian government's consent for its continued presence on Macedonian territory, and this gave the Macedonian government considerable leverage over the governments of NATO member states.

The relief operation became even more politicized as NATO military forces became involved in assisting the refugees. The international media continued to

Displaced populations from Kosovo in neighbouring countries/territories, mid-June 1999

Map 9.4



provide dramatic images of desperate refugees flooding into Albania or stranded on the Macedonian border. It became increasingly clear that, in the short term, the air campaign had led to more rather than less violence against Kosovo Albanians. In response, NATO increasingly turned its attention to the plight of the refugees. On 2 April, NATO Secretary-General Javier Solana wrote to High Commissioner Ogata offering to support UNHCR in the humanitarian relief operation. The High Commissioner accepted this offer in a letter sent the following day which outlined the main areas where services were needed. This included management of the airlift operation to bring in relief supplies to Albania and FYR Macedonia, assistance with transportation, and logistical support in setting up refugee camps.³⁹

UNHCR's acceptance of NATO's offer of assistance helped to provide an urgently needed solution for the 65,000 Kosovo Albanians stranded on the Macedonian border. Immediate camp construction and a subsequent evacuation programme to

Box 9.2

East Timor: the cost of independence

East Timor's long struggle for independence came to a head in 1999, when the local population overwhelmingly supported independence in a referendum organized and supervised by the United Nations. Immediately after the result of the referendum was announced, Indonesian security forces and anti-independence militia instigated a campaign of violence, looting and arson against the civilian population. This led to a mass outflow of people from East to West Timor and resulted in large-scale displacement within East Timor itself. For UNHCR, providing protection and assistance to refugees in West Timor involved delicate interactions with anti-independence militia groups which, to a large extent, controlled the refugee camps.

The status of East Timor, the eastern half of an island in the eastern Indonesian archipelago, has long been in dispute. For 450 years, it was Portugal's most distant and neglected colony. In 1960, as other colonies were gaining independence, the UN General Assembly placed East Timor on the international agenda by adding the colony to its list of 'non-self-governing territories'.

The downfall of the Caetano regime in Portugal in April 1974 opened the way for East Timor to become independent under the leftist Revolutionary Front for an Independent East Timor (*Frente Revolucionária do Timor-Leste Independente*, or Fretilin). However, rather than let this happen, the staunchly anti-communist regime of General Suharto in Indonesia backed a coup against Fretilin. When this attempt failed, he launched a full-scale invasion in December 1975 and annexed the territory as Indonesia's 27th province in July 1976.

The Indonesian occupation

The Indonesian armed forces' occupation of East Timor gave rise to

serious and widespread human rights abuses. Out of a pre-1975 population of around 700,000, over 170,000 East Timorese civilians are estimated to have died in the first six years of military rule.^{iv} Both the UN Security Council and General Assembly repeatedly refused to recognize the occupation and called for Indonesia's withdrawal, but to no avail. General Suharto's Western allies, particularly the United States, saw the regime as a vital strategic bulwark in Southeast Asia, and Western powers sold the Indonesian government sophisticated counter-insurgency weaponry.

For years, East Timor's status remained in dispute. Was it Indonesia's 27th province? Or was it still a non-self-governing territory that had yet to exercise its right of self-determination? Between November 1982 and May 1998, successive UN Secretaries-General held regular talks with the Indonesian and Portuguese governments on East Timor, but made no real progress. Apart from Australia, no major Western country gave *de jure* recognition to Indonesia's July 1976 annexation.

As the Cold War ended, East Timor's position began to change. Foreign journalists gained greater access to the territory and provided vivid accounts of the brutality of the occupation. Western photographers captured the image of Indonesian troops gunning down over 250 mourners at a cemetery in East Timor's capital, Dili, in November 1991. These pictures, flashed around the world, gave the lie to the government's assurances that the East Timorese people had accepted Indonesian integration. The regime was dealt a further diplomatic blow when the 1996 Nobel Peace Prize was awarded to East Timor's Roman Catholic Bishop, Carlos Belo, and to José Ramos Horta, chief spokesman of the East Timorese resistance

abroad. By the time General Suharto was forced to resign in May 1998, in the midst of an economic crisis and general political discontent, Indonesia's hold on East Timor was becoming more tenuous.

The 1999 referendum and its aftermath

The new government of President B.J. Habibie moved quickly to resolve the East Timorese problem. In May 1999, Indonesia and Portugal agreed to give the UN Secretary-General responsibility for conducting a 'popular consultation' on whether the local population favoured limited autonomy or full independence. In June 1999, the Security Council established the UN Advisory Mission in East Timor (UNAMET) to oversee the referendum and subsequent transition towards autonomy or full independence. However, the Indonesian government insisted that it retain responsibility for security in the run-up to the vote and during any transition period.

Despite the tense situation and ambitious timetable, UNAMET succeeded in registering 451,792 potential voters out of an East Timorese population of over 800,000. On 30 August, over 98 per cent of those registered went to the polls. Of these, 78.5 per cent rejected the autonomy proposal in favour of independence. As soon as the result was announced on 4 September, murder, rape, looting and arson by anti-independence militia groups and the security forces erupted.

It is not possible to know how many people were killed at this time, but UN civilian police had by late 1999 received reports of over 1,000 extrajudicial killings. The Special Rapporteur of the UN Commission on Human Rights reported in late 1999

that over 100 bodies had been unearthed, although local non-governmental organizations reported a higher death toll.^v The territory's infrastructure was destroyed. Under diplomatic pressure from the international community, the Indonesian government agreed to allow an Australian-led multinational military force to intervene. On 20 September, the International Force in East Timor (INTERFET) began deployment in East Timor. Within 32 days, INTERFET had secured the whole of the territory and the East Timor enclave of Oecussi (Ambeno) in West Timor.

On 19 October, Indonesia's supreme constitutional body, the Indonesian People's Consultative Assembly, formally recognized the independence vote. Within a week, the UN Security Council established the UN Transitional Administration in East Timor (UNTAET) to provide security and oversee the territory's transition to independence.

Protecting the displaced

The violence in East Timor in the period leading up to and in the days after the referendum resulted in the displacement of some 500,000 people. An estimated 250,000 became internally displaced in East Timor, while some 290,000 fled to West Timor.

Most of the internally displaced stayed in mountain hideouts or resistance-controlled areas between 4 September and the full deployment of INTERFET in mid-October. INTERFET troops helped humanitarian organizations provide emergency relief to those remaining in Díli. As INTERFET secured more territory, relief supplies were distributed to other major towns. Some assistance was air-dropped into inaccessible areas. By late October, most of those who had been internally displaced

had returned to their homes. UNHCR assumed the lead role in providing long-term assistance to returnees.

Most of those who fled to West Timor ended up in hastily constructed camps near the West Timor capital, Kupang, or the border town of Atambua. These refugees were at the mercy of anti-independence militia groups, who restricted international agencies' access to the camps. Conditions in the camps were poor. Food, water, sanitation and health care were all in short supply. The monsoon in November 1999 further exacerbated the appalling living conditions and led to an increase in illness and deaths from waterborne diseases.

UNHCR organized the repatriation of refugees to East Timor. Those who chose to repatriate, however, were at risk from the anti-independence militias. Suspected pro-independence supporters were stripped of their personal belongings. Some were raped or killed. At first, UNHCR staff had to go into the camps with fully armed military and police escorts to remove those who said they wished to repatriate. Eventually, access to the camps improved, though security problems continued. Many militia members' families were unwilling to return; others who wished to return were unable to do so because of continued intimidation by militia groups.

The first voluntary repatriation flights were organized by UNHCR on 8 October, but most people were too intimidated by the militia to take advantage of them. From 21 October, ships leased by UNHCR ferried over 2,000 people a week back to East Timor in an operation subsequently assisted by the International Organization for Migration (IOM). By the end of 1999, over 130,000 people had returned voluntarily, 85,000 of them under organized return programmes. But militia members

were still present in the camps and discouraged returns through a sustained campaign about conditions and alleged atrocities in East Timor.

Over 150,000 people remained in the camps in West Timor at the end of 1999. An estimated 50,000 of these were ex-civil servants and locally recruited members of the Indonesian army or police and their families. Many of these are likely to opt to remain in Indonesia. But many former militia members will probably try to return to East Timor. Others who remained were refugees who may have been 'held hostage' and prevented from returning. Given the pressures exerted on refugees in the camps, there was no reliable way of assessing the attitudes of most of the East Timorese still in West Timor. Some of those who returned were attacked and harassed for their presumed support of the anti-independence militia. UNHCR and other humanitarian organizations continue to assist with reintegration efforts in East Timor. Such efforts form an essential part of the process of rebuilding East Timorese society.

East Timor and region, 1999 Map 9.5





Some 65,000 Kosovo Albanian refugees were trapped for several days in this no-man's land before border guards from the former Yugoslav Republic of Macedonia allowed them to enter the country. (UNHCR/H.J. DAVIES/1999)

third countries were the 'package' needed to secure the Macedonian government's agreement to admit the refugees.

NATO's participation in the establishment of refugee camps set a precedent. UNHCR was criticized by some observers for its close cooperation with NATO on the grounds that, since NATO was a party to the conflict, the involvement of its military forces in setting up camps for the refugees challenged the impartiality of the humanitarian operation. But, as had been the case in northern Iraq in 1991, the military appeared to be better placed than any other actor to provide the logistical support and security necessary to bring the humanitarian crisis under control.

The other part of the package which was agreed to ensure that FYR Macedonia kept its border open was a 'humanitarian evacuation programme'. The initiative was

launched at the insistence of the Macedonian government, strongly supported by the United States. It was implemented by UNHCR, in cooperation with the International Organization for Migration. Under the programme, refugees were transferred from FYR Macedonia to third countries. The programme represented a new variation of burden-sharing. It was understood as a short-term solution only. The ambiguity of the legal status and rights of those evacuated under the programme resulted in different governments applying their own standards to issues such as the right to family reunion. UNHCR insisted that the evacuation should be voluntary, should respect family unity and should give priority to those who were particularly vulnerable. But deciding which refugees were in greatest need, which countries were the most appropriate destinations, and registering and tracking them as they moved—with few or no documents—was a difficult task.

By the end of the emergency, almost 96,000 refugees had benefited from the programme in 28 host countries. The largest numbers went to Germany (14,700), the United States (9,700) and Turkey (8,300), while France, Norway, Italy, Canada and Austria each took more than 5,000 refugees. In addition, several thousand refugees were transferred on buses from FYR Macedonia to Albania.

In Albania and FYR Macedonia, donor governments contributed generously to the relief operation. Indeed, there was a great disparity between the amounts of funding and resources provided by donors for this operation and those provided for new refugee emergencies in Africa at the same time. The enormous publicity being given to the relief operation in the Balkans by the international media meant that political considerations dictated the way in which assistance was provided. As one UNHCR official working there at the time explained: 'Being there and being seen to be dealing directly with refugees became almost a necessity for many different actors. The more it seemed that bombing had no effect except to push refugees out, the more governments felt obliged to be seen to be caring for the refugees.'⁴⁰ The result was that, rather than providing multilateral assistance through organizations such as UNHCR, governments channelled unprecedented amounts of funding through their own national NGOs, or directly to the Albanian and Macedonian governments.

This presented a major challenge to UNHCR in carrying out its lead agency role. Some camps were set up and used before UNHCR was even informed of their existence. Standards of bilateral assistance varied widely, and for many actors visibility often seemed more important than impact and coordination. High Commissioner Ogata urged governments not to weaken the action of international humanitarian organizations such as UNHCR by by-passing them. She also emphasized the importance of multilateral assistance in guaranteeing impartiality, since such assistance is 'aimed at people and is not based on the interests of states'.⁴¹

Rebuilding Kosovo

On 9 June 1999, the Federal Republic of Yugoslavia formally accepted a peace plan requiring the withdrawal of all Serb forces from Kosovo, the safe and free return of all refugees and displaced people, and the establishment of a UN mission which was

Box 9.3

International criminal justice

During the 1990s, for the first time since the Nuremberg and Tokyo trials of the late 1940s, the international community established a series of international tribunals in order to bring to justice those responsible for violations of international humanitarian and human rights law. The ad hoc international tribunals for the former Yugoslavia and for Rwanda, established in 1993 and 1994 respectively, were followed at the end of the decade by an agreement to set up an International Criminal Court.

By putting an end to cultures of impunity, international criminal justice can curtail the gross violations of human rights which often give rise to forced displacement. International criminal justice can also play a vital part in enabling refugees and displaced people to return to their homes in post-conflict situations. Justice is a part of national reconciliation, and without it peace is less likely to take hold and the danger of renewed conflict remains.

International tribunals

Since its establishment in May 1993, the International Criminal Tribunal for the former Yugoslavia (ICTY) has worked to ensure that there is no impunity for those responsible for war crimes and crimes against humanity in the former Yugoslavia. The Tribunal's work forms an integral part of the slow process of reconciliation that is a prerequisite for lasting peace in the region.

ICTY has publicly indicted more than 90 people, but its work has been hampered by obstruction from some of the governments concerned. Nearly a third of those who have been publicly indicted remain at large, including Yugoslav President Slobodan Milosevic and the Bosnian Serb leader Radovan Karadzic. The cases of many of the accused are still at the pre-trial stage. As of the end

of 1999, eight people had been found guilty of violations of the laws or customs of war, of grave breaches of the 1949 Geneva Conventions on the laws of warfare, or of crimes against humanity. They were sentenced to terms of up to 40 years' imprisonment.

The International Criminal Tribunal for Rwanda (ICTR) was established in November 1994 in an attempt to bring to justice the perpetrators of the 1994 genocide in Rwanda. Its task has proved extremely difficult. By November 1999, ICTR had completed just four full trials and two cases related to guilty pleas. Only five individuals had been convicted. They were sentenced to prison terms ranging from 15 years to life.

For all its procedural problems and failures, the Tribunal's fundamental contribution to international justice and the development of international criminal law should not be underestimated. The 1998 sentencing of a former Rwandan mayor involved not only a groundbreaking application of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, but also set an important precedent concerning the interpretation of acts of sexual violence and rape when committed in armed conflict.

Where similar crimes have been committed in other countries, however, the international community has not demonstrated the same resolve. In Cambodia, for instance, more than a million people were killed by the Khmer Rouge in the 1970s. Only now is there some prospect of legal action against those responsible. More recently, some of the most heinous crimes against civilians were committed in Sierra Leone, including the deliberate mutilation of babies and young children. Yet the 1999 peace agreement in Sierra Leone gave a

sweeping amnesty for all these crimes. In order to combat impunity without resorting to criminal justice, some states have taken other measures such as the establishment of 'truth and reconciliation' commissions. In many other countries which have suffered tremendous civilian losses in brutal and long-running conflicts, there has been neither criminal prosecution nor other such alternatives.

Towards an International Criminal Court

These broader concerns were in part addressed by the conclusion in July 1998 of longstanding deliberations on the establishment of an International Criminal Court. A truly universal regime for the exercise of international criminal justice would have a deterrent effect on the perpetrators of such crimes, and thereby help to prevent situations that create refugee flows.

In an inter-agency statement issued in May 1999, UNHCR and other humanitarian agencies encouraged all states to sign and ratify the Rome Statute of the Court as soon as possible, in order to bring to justice those responsible for serious violations of international humanitarian and human rights law. The agencies also called upon states to live up to their responsibility to protect civilian populations, which have become deliberate targets in an increasing number of conflicts.

By the end of 1999, six states had ratified the Criminal Court's Statute. For it to enter into force, 60 ratifications are required. Meanwhile, lengthy discussions are continuing in New York to define in detail the crimes covered by the Statute and the rules of procedure for the Court.

authorized under UN Security Council Resolution 1244. On 12 June, a NATO-led Kosovo Force (KFOR), which included Russian troops, began deploying in Kosovo.

The refugees started returning immediately. Within three weeks, 500,000 people had returned and, by the end of 1999, more than 820,000 Kosovo Albanians had returned (including people who had left before 24 March). Those returning went back to a society without a functioning civil administration, police force, or any legal or judicial system, and where there had been massive destruction of property. Returnees also faced danger from landmines, booby traps and unexploded ordnance.

With tens of thousands of homes destroyed or badly damaged in Kosovo, UNHCR and other humanitarian organizations immediately set up a large-scale

A Swiss helicopter transporting humanitarian supplies for UNHCR to Kukes in northern Albania. The supplies were part of a US donation channelled through the World Food Programme. (UNHCR/U. MEISSNER/1999)



rehabilitation programme. Providing material assistance to the returning Kosovo Albanians, however, represented only one of the many challenges of building peace in Kosovo. The whole society was severely traumatized by the war and the events of the previous years, and the security situation in Kosovo remained volatile. The funds allocated to NATO's air campaign had been massive, but post-war investment—both politically and economically—once again proved minimal by comparison.

A United Nations Interim Administration Mission in Kosovo (UNMIK) was entrusted by the UN Security Council to provide an interim civilian administration. It was to be responsible for everything from social welfare and housing to law and order. Added to years of neglect, the damage caused by the war required urgent reconstruction in all key sectors: power and water, health and education, factories and small businesses, agriculture and communications.

Apart from the enormity of the reconstruction task, however, the greatest challenge faced by KFOR and the UN-led mission proved to be that of protecting the remaining Serbs, Roma (gypsies) and other minorities in Kosovo. As the refugees and displaced people flooded back, Kosovo Albanians attacked and intimidated Serbs and other minority groups suspected of perpetrating atrocities against them or of collaborating in doing so. Within three months, up to 200,000 Serbs and other minorities left Kosovo in a process dubbed 'reverse ethnic cleansing'. In spite of the emphasis which had been placed by NATO governments on the need to preserve multi-ethnicity in Kosovo, and the commitments of the Kosovo Albanian leadership to this end, the province has become deeply divided between Kosovo Albanian areas and pockets of territory still inhabited by Serbs and Roma. Since June 1999, UNHCR and other humanitarian organizations have carried out a number of activities, in cooperation with KFOR and UNMIK, aimed at protecting and assisting Serbs and other minorities in Kosovo.

Meanwhile, the flight of Serbs from Kosovo to other parts of the Federal Republic of Yugoslavia has put a further strain on a country already suffering from the prolonged effects of international sanctions and aerial bombardment. Even before this latest influx, the Federal Republic of Yugoslavia was hosting over 500,000 refugees from Croatia and Bosnia and Herzegovina, making it the largest refugee-hosting country in the region.

Limits of humanitarian action in times of war

During the last decade of the 20th century, humanitarian organizations operating in war-torn countries saved thousands of lives and did much to mitigate human suffering. One of the central lessons of the decade, however, was that in conflict situations humanitarian action can easily be manipulated by warring parties, and it can have the unintended consequence of strengthening the positions of authorities responsible for human rights violations. Also, relief supplies provided by humanitarian organizations can feed into war economies, helping to sustain and prolong war.

Important lessons have also been learned in the last decade concerning the use of military forces to protect civilian victims of war. In a highly critical report to the UN General Assembly on the fall of Srebrenica, submitted in November 1999, Secretary-General Kofi Annan summed up the most significant of these:

The cardinal lesson of Srebrenica is that a deliberate and systematic attempt to terrorize, expel or murder an entire people must be met decisively with all necessary means, and with the political will to carry the policy through to its logical conclusion. In the Balkans, in this decade, this lesson has had to be learned not once, but twice. In both instances, in Bosnia and in Kosovo, the international community tried to reach a negotiated settlement with an unscrupulous and murderous regime. In both instances it required the use of force to bring a halt to the planned and systematic killing and expulsion of civilians.⁴²

All too often during the 1990s, humanitarian organizations such as UNHCR were left to deal with problems which were essentially political in nature. In each case, the limits of humanitarian action were clearly demonstrated. As High Commissioner Ogata emphasized with growing insistence throughout the decade, emergency relief operations should not be treated as a substitute for timely and firm political action to address the root causes of conflict.⁴³

Endnotes

Chapter 9

- 1 E. Morris, 'The Limits of Mercy: Ethnopolitical Conflict and Humanitarian Action', *Center for International Studies, Massachusetts Institute of Technology*, 1995, p. 54.
- 2 *New York Times*, 17 April 1991.
- 3 N. Morris, A. Witschi-Cestari, 'Meetings at US European Command', *mission report, Stuttgart*, 3 May 1991.
- 4 A. Roberts, Humanitarian Action in War: Aid, Protection and Impartiality in a Policy Vacuum, *Adelphi Paper 305, International Institute for Strategic Studies/Oxford University Press*, Dec. 1996, p. 41.
- 5 C. Faubert, 'Repatriation in Situations of Armed Conflicts—The Case of Northern Iraq', *UNHCR*, 20 Feb. 1992.
- 6 High Commissioner S. Ogata, memo to staff, 6 May 1991.
- 7 High Commissioner Ogata to Secretary-General J. Pérez de Cuéllar, letter, 17 May 1991.
- 8 D. McDowall, *The Kurds: A Nation Denied, Minority Rights Publications, London*, 1992.
- 9 D. Keen, 'The Kurds in Iraq: How Safe is Their Haven Now?', *Save the Children, London*, 1993.
- 10 See generally N. Malcolm, *Bosnia: A Short History*, 2nd edn, *Papermac, London*, 1996; L. Silber and A. Little, *The Death of Yugoslavia, Penguin Group and BBC Worldwide Ltd, London*, 1995; M. Glenny, *The Balkans 1804–1999: Nationalism, War and the Great Powers, Granta Publications, London*, 1999.
- 11 The majority of those who did not identify themselves as Croats, Muslims or Serbs identified as Yugoslav.
- 12 High Commissioner Ogata to Secretary-General Pérez de Cuéllar, letter, 14 Nov. 1991.
- 13 Secretary-General, 'Report of the Secretary-General Pursuant to Security Council Resolution 721(1991)', 11 Dec. 1991, UN Doc. S/23280.
- 14 S. Ogata, 'UNHCR in the Balkans: Humanitarian Action in the Midst of War', in W. Biermann and M. Vadset (eds), *UN Peacekeeping in Trouble: Lessons Learned from the Former Yugoslavia, Ashgate, Aldershot, UK*, 1998, p. 186; L. Minear et al., *Humanitarian Action in the Former Yugoslavia: The UN's Role 1991–1993*, *Thomas J. Watson Jr Institute for International Studies and Refugee Policy Group, Occasional Paper no. 18, Brown University, Providence, RI*, 1994.
- 15 Interview with F. Fouinat, Coordinator, UNHCR Task Force for the former Yugoslavia, Oct. 1993, cited in Minear et al., *Humanitarian Action in the Former Yugoslavia*, p. 7; See also S.A. Cunliffe and M. Pugh, 'The Politicization of UNHCR in the Former Yugoslavia', *Journal of Refugee Studies*, vol. 10, no. 2, 1997, p. 134.
- 16 Key UN Security Council resolutions included Resolutions 758 (8 June 1992), 770 (13 Aug. 1992), and 776 (14 Sept. 1992).
- 17 High Commissioner Ogata, 'Refugees: A Humanitarian Strategy', statement at the Royal Institute for International Relations, Brussels, 25 Nov. 1991.
- 18 Interview with J.M. Mendiluce, April 1993. See also Silber and Little, *The Death of Yugoslavia*, pp. 296–7.
- 19 UNHCR situation report, *Srebrenica*, 19 Feb. 1993, 'BH West', Records of the Senior External Affairs Officer, F/HCR31/1.
- 20 High Commissioner Ogata to Secretary-General Boutros-Ghali, letter, 2 April 1993, UN Doc. S/25519.
- 21 United Nations, 'The Fall of Srebrenica, Report of the Secretary-General Pursuant to General Assembly Resolution 53/55', UN Doc. A/54/549, 15 Nov. 1999 (hereafter 'UN Srebrenica Report') para. 499.
- 22 W. Van Hovell, 'New Concepts of Protection in Conflict: 'Safe Keeping' Interventions in Iraq, Bosnia and Rwanda', internal UNHCR research paper, July 1995. See also K. Landgren, 'Safety Zones and International Protection: A Dark Grey Area', *International Journal of Refugee Law*, vol. 7, no. 3, pp. 436–58.
- 23 UN Srebrenica Report, para. 502.
- 24 UN Srebrenica Report, para. 9. See also, D. Rohde, *Endgame: The Betrayal and Fall of Srebrenica, Europe's Worst Massacre since World War II, Farra, Straus, Giroux*, 1998.
- 25 UN Srebrenica Report, para. 3.
- 26 UN Secretary-General, 'Further Report Pursuant to Security Council Resolution 749 (1992)', UN Doc. S/23900, 12 May 1992.
- 27 M. Cutts, 'The Humanitarian Operation in Bosnia, 1992–95: Dilemmas of Negotiation Humanitarian Access', *UNHCR Working Paper no. 8, Geneva*, May 1999.
- 28 C. Thornberry, 'Peacekeepers, Humanitarian Aid and Civil Conflicts', in J. Whitman and D. Pocock (eds), *After Rwanda: The Coordination of United Nations Humanitarian Assistance, Macmillan, Basingstoke*, 1996, pp. 226–44.
- 29 Dayton Peace Agreement, Annex VII, Article I.2.
- 30 High Commissioner Ogata, 'Peace, Security and Humanitarian Action', *Alistair Buchan Memorial Lecture at the International Institute of Strategic Studies, London*, 3 April 1997.
- 31 J. Sharp, 'Dayton Report Card', *International Security*, vol. 22, no. 3, pp. 101–37.
- 32 High Commissioner Ogata, statement to Peace Implementation Council, Madrid, 15 Dec. 1998.
- 33 For a description of the return process between 1996 and 1999, see also the following reports by the International Crisis Group, 'Going Nowhere Fast: Refugees and Displaced Persons in Bosnia and Herzegovina', 1 May 1997, 'Minority Returns or Mass Relocation', 14 May 1998, and 'Preventing Minority Return in Bosnia and Herzegovina: The Anatomy of Hate and Fear', 2 Aug. 1999.
- 34 International Crisis Group, 'Bosnia's Refugee Logjam Breaks: Is the International Community Ready?', *Balkans Report no. 95*, 30 May 2000.
- 35 A. Roberts, 'NATO's Humanitarian War', *Survival*, vol. 41, no. 3, 1999.
- 36 OSCE Office of Democratic Institutions and Human Rights, *Kosovo/Kosova. As Seen As Told: an Analysis of the Human Rights Findings of the OSCE Kosovo Verification Mission, October 1998 to June 1999*, vol. 1, *OSCE/ODIHR, Warsaw*, Nov. 1999.
- 37 These figures are for those who fled between 24 March, when the NATO air campaign began, and 12 June 1999.

- 38 A. Suhrke et al, *The Kosovo Refugee Crisis: An Independent Evaluation of UNHCR's Preparedness and Emergency Response*, Geneva, Feb. 2000, available on <<http://www.unhcr.org>> .
- 39 High Commissioner Ogata and NATO Secretary-General, correspondence, 2 and 3 April 1999.
- 40 Interview in Dec. 1999 with I. Khan, former UNHCR Emergency Coordinator in FYR Macedonia.
- 41 High Commissioner Ogata, *Introductory Remarks, Colloquium on the Global Refugee Crisis—A Challenge for the 21st Century*, Brussels, 20 May 1999.
- 42 UN Srebrenica Report, para. 502.
- 43 See, for example, High Commissioner Ogata, 'Half a Century on the Humanitarian Frontlines', lecture, Graduate Institute for International Studies, Geneva, 25 Nov. 1999.
- Chapter 9 boxes**
- i Secretary-General, 'Renewing the United Nations: A Programme for Reform', 14 July 1997, UN Doc. A/51/950.
- ii R. Cohen and F.M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement*, Brookings Institution, Washington DC, 1998.
- iii UNHCR, 'Internally Displaced Persons: The Role of the United Nations High Commissioner for Refugees', 6 March 2000.
- iv G. Defert, *Timor-est—Le génocide oublié: Droit d'un peuple et raisons d'état*, Harmattan, Paris, 1992, pp. 147–51, fig. 5.
- v General Assembly, 'Situation of Human Rights in East Timor', Note by the Secretary-General, UN Doc. A/54/660, 10 Dec. 1999, para. 37.
- Chapter 10**
- 1 *United Nations, 'Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda'*, New York, 15 Dec. 1999, available on <http://www.un.org/News/press/docs/1999/19991215.unhcr_rwanda_report.htm>.
- 2 See in general, G. Prunier, *The Rwanda Crisis: History of a Genocide*, Hurst and Co., London, 1995; G. Prunier, 'The Geopolitical Situation in the Great Lakes Area in Light of the Kivu Crisis', *Refugee Survey Quarterly*, vol. 16, no. 1, 1997, pp. 1–25; *African Rights*, Rwanda: Death, Despair and Defiance, *African Rights*, London, 1994; *Human Rights Watch Africa*, *Leave None to Tell the Story*, Human Rights Watch, New York, 1999; P. Gourevitch, *We Wish To Inform You That Tomorrow We Will Be Killed With Our Families*, Picador, New York, 1999.
- 3 UNHCR, *Special Unit for Rwanda and Burundi*, information meeting, Geneva, 16 Nov. 1994.
- 4 High Commissioner S. Ogata to UN Secretary-General B. Boutros-Ghali, letter, 18 July 1994, High Commissioner's private archive.
- 5 *Joint Evaluation of Emergency Assistance to Rwanda*, The International Response to Conflict and Genocide: Lessons from the Rwanda Experience, Study 3: Humanitarian Aid and Effects, Copenhagen, March 1996, pp. 68–86.
- 6 High Commissioner Ogata to UN Secretary-General Boutros-Ghali, letter, 30 Aug. 1994, High Commissioner's private archive.
- 7 *Zairean political parties (UDPS, PDSC) to UNHCR*, memo, 28 Oct. 1994.
- 8 J. Boutroue to K. Morjane, letter, 21 Nov. 1994.
- 9 *Human Rights Watch Arms Project*, Rwanda/Zaire: Rearming with Impunity—International Support for the Perpetrators of the Rwandan Genocide, Human Rights Watch, New York, May 1995.
- 10 See generally, *United Nations, 'Report of the Independent Inquiry'*; Human Rights Watch, *Leave None to Tell*, pp. 668–91; *African Rights*, Rwanda: Death, Despair and Defiance, pp. 1138–54; *Commission de la Défense nationale et des forces armées et Commission des affaires étrangères de l'Assemblée nationale française, 'Les opérations militaires menées par la France, d'autres pays et l'ONU au Rwanda entre 1990 et 1994'*, Paris, 15 Dec. 1998, available on <<http://www.assembleenationale.fr/9/9recherche.html>>.
- 11 High Commissioner Ogata to UN Secretary-General Boutros-Ghali, letter, 24 Oct. 1994, High Commissioner's private archive.
- 12 High Commissioner Ogata to Prime Minister of Zaire Kengo Wa Dondo, letter, 12 April 1996.
- 13 UNHCR, 'Goma Situation Report no. 19, 15 Jan./15 Feb. 1995', 20 Feb. 1995, OPS 16 COD, 'Sitrep Zaire: Bukavu, Goma, Uvira, août 1994–juillet 1996', F/HCR 19/7.
- 14 UNHCR, 'Goma Situation Report no. 22', 19 April 1995, loc. cit.
- 15 J. Boutroue, 'Missed Opportunities: The Role of the International Community in the Return of the Rwandan Refugees from Eastern Zaire', Working Paper, no. 1, Inter-University Committee on International Migration, Massachusetts Institute of Technology, Center for International Studies, Cambridge MA, June 1998, p. 19; S. Lautze, B.D. Jones and M. Duffield, 'Strategic Humanitarian Coordination in the Great Lakes Region, 1996–97: An Independent Assessment', UNHCR, Geneva, March 1998.
- 16 See J.C. Willame, Banyarwanda et Banyamulenge, Editions L'Harmattan/CEDAF, Paris/Brussels, 1997.
- 17 A. Liria-Franch to K. Morjane/W.R. Urasa, fax, 12 April 1996, 1996 Rwanda Masisi 1, F/HCR 19/7.
- 18 High Commissioner Ogata, to UN Secretary-General Boutros-Ghali, letter, 9 May 1996, 1996 Rwanda Masisi 1, F/HCR 19/7.
- 19 High Commissioner Ogata, opening statement, UNHCR Executive Committee, 47th session, Geneva, 7 Oct. 1996, ExCom 1 Aug. 1994–Dec. 1997, F/HCR 19/7 or UN Doc. A/AC.96/878, Annex II.
- 20 D. McNamara, Director, UNHCR Division of International Protection, 'Statement to Subcommittee on International Operations and Human Rights of US House of Representatives Committee on International Relations, hearing on "Rwanda: Genocide and the Continuing Cycle of Violence"', 5 May 1998, Director's Chron. 1998, F/HCR 17.
- 21 *The Guardian (Dar es Salaam)*, 26 Nov. 1996.
- 22 A. Sokiri, UNHCR Representative in Dar es Salaam, to S. Vieira de Mello, Assistant High Commissioner, et al., 27 Nov. 1996, enclosing 'Note for the File: Meeting with Col. Magere', Rwanda 1994–96 REP.TAN 1, F/HCR 19/7.