

UNHCR and ICRC in the former Yugoslavia: Bosnia-Herzegovina

by

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The emergency relief operation in the former Yugoslavia was one of the largest, most complex, and riskiest international relief initiatives ever undertaken. UNHCR's programme was perhaps the most difficult of any mounted by the organization since it was established. While UNHCR had operations in all the republics of the former Yugoslavia during its violent dissolution, the organization faced its greatest challenges in Bosnia-Herzegovina. For the first time, UNHCR was operating in a context of open conflict where it worked as much with war-affected local populations as with displaced ones. While this was more familiar territory for the ICRC, the conflict in Bosnia-Herzegovina likewise presented the International Committee with one of its most complicated programmes ever. This case study will focus on the activities of both organizations during the Bosnian conflict from 1992-1995.

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Among the most complex issues facing the humanitarian operation in Bosnia-Herzegovina were: the sheer scale of the crisis, which produced the largest number of refugees and displaced people in Europe since World War II; the displacement of populations as an objective rather than as a consequence of the war, through a practice euphemistically known as “ethnic cleansing”; flagrant attacks on humanitarian principles, including systematic denial of humanitarian access; the unprecedented level of security risks faced by humanitarian personnel; and the involvement of UN troops with the primary mandate of supporting the humanitarian operation.

UNHCR and ICRC were uneasy bedfellows in the early days of the operation in Bosnia-Herzegovina. UNHCR was stepping on traditional ICRC turf in working in a situation of open conflict with the internally displaced and local war-affected populations. But as the humanitarian needs rapidly increased, UNHCR came to the conclusion that the ICRC did not have adequate capacity to address the enormity of the crisis on its own, and the two organizations developed a collaborative, complementary relationship.

History of the conflict

The break-up of the Socialist Federal Republic of Yugoslavia began in June 1991 when Slovenia proclaimed independence, followed by a similar declaration by Croatia. While Slovenia achieved statehood without bloodshed, skirmishes broke out between Croatia’s Serb minority and the majority ethnic Croat population. The ensuing war in Croatia was to last four years.

In April 1992, a second, more bloody conflict broke out in Bosnia-Herzegovina when it, too, declared independence — pitting Bosnia’s three main constituent communities, ethnic Serbs, Croats and Muslims, against each other. The war resulted in massive displacement. In less than three months, the number of Bosnian refugees and internally displaced persons reached 2.6 million.

The conflict in Bosnia-Herzegovina ended in November 1995 with the signing of the General Framework Agreement on Peace (the so-called “Dayton Agreement”). In Croatia it ended with the Erdut Agreement which was signed the same month. When the

Dayton and Erdut agreements were signed, more than 3 million people from the region were displaced. Over half of Bosnia-Herzegovina's population of 4.4 million was displaced; an estimated 1.3 million were internally displaced, approximately 500,000 refugees had fled to neighbouring countries, and some 700,000 refugees were in Western Europe.

Cooperation between UNHCR and ICRC

In 1991, the government of the Socialist Federal Republic of Yugoslavia, where UNHCR had maintained a small presence since 1976, formally requested UNHCR to assist with displaced persons within the region. Following a similar request from the UN Secretary-General shortly afterwards, UNHCR agreed to lead UN humanitarian efforts in the region. The ICRC established its first long-term presence in the former Yugoslavia just after the outbreak of war in Croatia in 1991.

In the early days of the conflict, UNHCR and ICRC worked according to the traditional division of labour between the organizations, with the former providing protection and assistance for refugees in countries of asylum, and the latter working with war-affected populations in conflict zones. However, the demarcation lines rapidly became blurred given the magnitude of the needs, especially after the conflict spread to Bosnia-Herzegovina. When the ICRC withdrew temporarily from Sarajevo in May 1992 following the fatal shooting of one of its delegates, UNHCR's role became pivotal, and it stepped in to assume many functions traditionally carried out by the ICRC. The organization began delivering relief supplies by air to Sarajevo and by road to the rest of the country to assist not only refugees and internally displaced people, but also hundreds of thousands of other war-affected civilians.

For UNHCR, 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 was a complex problem, security was a major concern, and to continue to be seen as impartial was difficult if not impossible.

Achievements of UNHCR and ICRC

Humanitarian relief saved lives

The humanitarian operation in the former Yugoslavia received huge funding, allowing UNHCR and ICRC to deliver massive quantities of aid to the region. This unquestionably saved many lives and did much to mitigate human suffering. Without the food, shelter materials and medicines both organizations delivered, a large number of deaths would inevitably have occurred from hunger, cold or disease.

UNHCR's Balkans operation was its largest in the world, costing over one billion US dollars between 1991 and 1995. UNHCR coordinated a massive logistical operation in which some 950,000 tons of humanitarian relief supplies were delivered to various destinations in Bosnia-Herzegovina. Its humanitarian airlift into the besieged city of Sarajevo — the largest and longest in history — delivered over 160,000 tons of assistance, most of it food. The airlift was also used to evacuate more than 1,100 civilians unable to obtain proper medical treatment in Sarajevo's shattered hospital.

The ICRC's programme for the former Yugoslavia was also its largest and represented about half of the ICRC's 1993 budget. By the war's end, the ICRC had visited over 54,000 detainees in 520 places, exchanged 18 million Red Cross messages, reunited over 4,500 families, distributed over 100,000 metric tons of food, and spent over 47 million Swiss francs on medical and surgical assistance.

Humanitarian presence — bearing witness

To some extent, the huge humanitarian assistance programme helped to reduce further population displacement by providing people with food and medical aid which they would otherwise have had to leave to obtain. Some have argued that the humanitarian presence was itself a form of protection and served to mitigate the severity of the worst atrocities and ethnic cleansing. Given the scale of the ethnic cleansing which continued despite the massive international humanitarian (and military) presence, this assertion is somewhat difficult to prove.

Whether or not the humanitarian presence served to mitigate human rights abuses, it did serve an important function of bearing witness to those abuses. Through their reports on the situation on the ground UNHCR and ICRC regularly denounced, each in its own way, forcible displacement and violations of human rights and humanitarian law of which the international community may not otherwise have learned. These reports, while inadequate on their own, provided vital information to the outside world. They were particularly important where other international observers had little or no access. Journalists and the UN military force, UNPROFOR, for example, were denied permission to enter large parts of Bosnian Serb territory for most of the war, and in other besieged enclaves in Bosnian Croat areas such as East Mostar, UNHCR and ICRC were the only international organizations present to bear witness to the atrocities.

It was often on the basis of the reporting of UNHCR and ICRC that States were galvanized to take action at the political level, which sometimes had an effect on the ground. For example, UNHCR reports of appalling conditions in Bosnian Croat-run detention camps in the Mostar region in August 1993, which received heavy coverage in the international media, led to Western political pressure on the Croatian authorities in Zagreb, the main sponsors of the Bosnian Croats. This in turn resulted in the Bosnian Croats agreeing to grant the ICRC full access to the camps (which had until then been denied for almost six months), and to allow UNHCR to resettle the detainees to third countries.

The role of bearing witness by impartial humanitarian organizations was particularly important in such a highly charged, highly politicized environment. Even other international players were not immune from politically influenced representations of the situation, which bore little resemblance to the reality on the ground. A particularly acute example was UNPROFOR's declaration at a press conference in August 1993 that there was "no siege" of Sarajevo — apparently due to fears that to say there was a siege would inevitably lead to NATO air strikes. The UNPROFOR spokesperson said "The Serbs have encircled the city. They are in a position to bring force to bear on the city. You call it a siege. We say they are deployed in a

tactically advantageous position”.¹ The spokespersons for UNHCR and ICRC immediately disagreed with this clear misrepresentation of the factual situation, thereby reflecting the organizations’ roles as neutral humanitarian players.

Another important aspect of the reporting role of both organizations is the unique body of impartial evidence such reporting provides to institutions seeking to investigate events during the conflict. UNHCR and ICRC both built up a substantial body of written reports documenting violations of international humanitarian and human rights law. Such documents are considered an important independent information base for post-war criminal hearings by the International Criminal Tribunal for the former Yugoslavia (ICTY). The two organizations, however, do not have the same approach to cooperation with ICTY. While UNHCR does share information gathered during its wartime field operations with the Tribunal, the ICRC has taken the position that this would jeopardize its operational ability to gain access to war victims, which is based on confidentiality. The Tribunal has accepted the ICRC’s argument. In the author’s view, there is however some irony in the fact that the major guardian of international humanitarian law does not share information with one of its few enforcement mechanisms. Moreover, it could be argued that UNHCR faces very similar operational risks as a result of its cooperation with ICTY, which have not prevented it from sharing information with an international criminal jurisdiction.

Challenges faced by UNHCR and ICRC

Post-Cold War conflicts

The relief operation in the former Yugoslavia unfolded in unusually complex international political and military circumstances. It took place against a background of political indecision, where humanitarian action became the only form of political action. Humanitarian action diverted attention from failures in the political

¹ Tom Gjelten, *Whose Truth to Tell? Professionalism in War Reporting*, Hamline University, 2000. <www.hamline.edu/world/backissues/gjelten4.htm>.

process, as well as possible military intervention. The humanitarian operation was therefore a key issue in the conflict and was subjected to intense international scrutiny and pressure.

Security problems, lack of cooperation from the parties to the conflict and difficulties in gaining access to populations in need of assistance dogged both UNHCR's and ICRC's operations. The war was an unconventional one, waged by militia and irregulars who were not particularly sensitive to outside scrutiny or sanction and who blatantly used civilians and international relief activities as pawns in the conflict. UNHCR had previously avoided or limited its involvement in any situation where humanitarian principles were blatantly disregarded and where the provision of relief was confronted with exceptional practical or political constraints. In the post-Cold War environment, however, there was much greater expectation, fuelled by the media, that international organizations such as UNHCR would assist the victims of conflict, however difficult or dangerous the circumstances.

Events unfolded at a rapid pace, with humanitarian operations tumbling from one critical crisis week to the next, while the complexity and manner in which events went from bad to worse defied the predictions of even the greatest pessimists. Humanitarian workers had to accustom themselves to an environment where daily conditions could dramatically change overnight, making it extremely difficult to predict scenarios or formulate plans. Decisions had to be continually reassessed according to the constantly changing circumstances in the field.

Another feature of the humanitarian operation in Bosnia-Herzegovina — as in many in the post-Cold War environment — was the huge number of international players involved or interested in humanitarian activities. At one point, over 3,000 humanitarian personnel from over 250 organizations carried UNHCR identity cards. Added to this were tens of thousands of personnel from multinational military deployments, regional security organizations, human rights organizations, war crimes investigators, peace negotiators and the media. This posed tremendous challenges for UNHCR and ICRC in terms of cooperation and coordination.

Politicization of the humanitarian operation

The international relief effort in Bosnia-Herzegovina was politicized on two levels: at the international level, as it became the only visible response of the international community to the war; and at the local level, as the parties to the conflict regarded humanitarian players as protagonists in the political process.

On the international level, a combination of concern about the increasing numbers of asylum-seekers caused by the conflict and indecision regarding a political solution incited States to concentrate most of their attention on humanitarian relief efforts. Humanitarianism quickly became the key issue in the conflict. According to one senior UNHCR official at the time, "every time the question of settling the conflict came up, the donors responded by saying that they were going to give more money to the humanitarian effort".

Given the public exposure of the crisis, the international community needed to appear to be doing something. Unable to forge a common foreign political/military policy, States chose to respond to the violence not by stopping it, but by trying to provide relief to the suffering. The humanitarian effort led by UNHCR was thus transformed into a showcase for governments, and the only manifestation of international political will. It became an important component of European efforts to contain the conflict and the population movements that it provoked.

In leading the UN humanitarian effort, UNHCR initially saw its activities as buying time for a political solution. As time passed, that solution failed to materialize, and humanitarian activities remained the centre-piece of UN efforts in Bosnia-Herzegovina. The gap between the deterioration in events and the lack of international political or military responses became acute, and UNHCR was left struggling in the vacuum.

While this vacuum had an impact on the effectiveness of both UNHCR and ICRC, UNHCR was more constrained than the ICRC in its ability to respond. As an independent organization, the ICRC was able to suspend its activities when security considerations made it impossible to operate. UNHCR did not have this free-

dom. When High Commissioner Sadako Ogata decided to suspend UNHCR's operations in February 1993 due to repeated prohibitions placed on access to the Muslim eastern enclaves by the Bosnian Serbs, UN Secretary-General Boutros Boutros-Ghali informed her that she could not do so.

This incident demonstrated the lack of control which UNHCR had over its own operation, which had become part of a much larger political and military process. As the lead humanitarian agency in the region, UNHCR's mission was of fundamental importance both to donor governments, for which the humanitarian effort symbolized political action, and to the UN military force, UNPROFOR, whose presence in the region was intimately connected to that of UNHCR. If UNHCR ceased operations in the former Yugoslavia, then UNPROFOR, whose primary mandate was to support the humanitarian effort, would no longer have had a reason to remain in the region.

At the local level, humanitarian operations were similarly politicized. Siege and starvation were used as weapons. In such a context, the delivery of humanitarian relief was not seen as a neutral humanitarian act. As mass population displacement was the direct objective rather than a consequence of the conflict, the efforts of UNHCR and ICRC to deliver relief which would enable people to remain in their homes were in direct opposition to the aims of the warring factions. Humanitarian assistance became a weapon. This led to the creation of significant obstacles to, and manipulation of, the humanitarian effort.

Fundamental breaches of humanitarian principles

The application of humanitarian principles presupposes the existence of what is sometimes called "humanitarian space", or recognition by the parties to the conflict of the priority of neutral, non-partisan humanitarian action. While basic humanitarian principles have never been universally respected, they were flouted in a particularly shameless way in the former Yugoslavia. As the war spread and intensified, humanitarian space all but disappeared, leaving little room for insistence on principles.

The operations of UNHCR and ICRC were subject to constant obstructionism, in the form of either roadblocks or administrative hurdles and clearances. In many cases, the parties denied clearances for humanitarian 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 would ensue — UNHCR and ICRC officials on the ground spent much of the war negotiating humanitarian access. But owing to the collapse of the government and the lack of central authority, it was virtually impossible to negotiate terms for the provision of relief that had meaning beyond the immediate time and place. In March 1993, High Commissioner Sadako Ogata reported to the Security Council that the agency had only been able to deliver less than half of its target of 8,000 metric tons per week in Bosnia-Herzegovina. The ICRC reported similar obstructionism — in December 1993 it was able to deliver only 10% of its regular relief programme.

In such an environment, UNHCR and ICRC were confronted by a range of tricky dilemmas. To what extent should principles be compromised to fulfil the end objective of saving lives? And what were the basic principles which did not allow for compromise?

In previous operations, UNHCR had tended to maintain — if not always apply — the principle that assistance could be delivered only if this could be done safely and freely and on the basis of evaluated need, and that its end use could be effectively monitored. UNHCR would not supply it to combatants, and distributions were carried out according to humanitarian need rather than for political ends. Where these principles were not met, assistance was in general not provided or was suspended. However, in Bosnia-Herzegovina, partly prompted by media and political expectations, UNHCR took the approach that compromise was unavoidable, and continued to assist, no matter how difficult or dangerous the circumstances. While it maintained some principles, such as impartiality in distribution to all sides and non-linkage in negotiations on humanitarian assistance with military or political matters, the organization believed that dogmatic insistence on other principles, such as the right to free and safe passage,

non-inspection of humanitarian convoys, and monitoring, would have brought the operation to a grinding halt.

In order to maintain leverage and access, UNHCR continued to provide aid in Bosnian Serb and Bosnian Croat areas well after it was known that it only benefited the majority populations who least needed it (if at all), and that it was not getting through to the minority populations who needed it the most. While not official policy, some UNHCR staff were also prepared in some instances to engage in trade-offs, providing the warring factions with a portion of the relief so that the rest of the shipment could reach its intended destination. It was also known that aid was diverted to the black market, as well as for military purposes, leading to criticism that the humanitarian operation was fuelling the war. In other instances, to be allowed to evacuate minority civilians from an area controlled by one ethnic group, UNHCR agreed to do the same in other areas where the majority and minority were reversed. UNHCR also made extensive use of military escorts provided by UNPROFOR, and in some situations was prepared to challenge the combatants and push its way through roadblocks.

Conversely, the ICRC was more tenacious in insisting on its traditional interpretation of humanitarian principles. For instance, it more regularly threatened to withhold assistance when the safety of its delegates was at stake. Its withdrawal from Sarajevo in May 1992, when a delegate was killed, was the most high-profile example of this approach. The ICRC also refrained from the use of military escorts. Rather than working out local deals and ad hoc solutions like UNHCR, the ICRC attempted – with only moderate success – to work on the basis of formal agreements, negotiated at the highest level.

Nonetheless, the ICRC's traditional approach was sorely tested in Bosnia-Herzegovina, as it was simply not possible to operate according to regular procedures. Many in UNHCR felt that the ICRC operation suffered from an unrealistic insistence on the institution's operational principles, which rendered it less effective than it could otherwise have been. And while the institution would be loathe to admit it, the ICRC was also forced to compromise simply to remain

operational. In the besieged cities of Sarajevo and East Mostar, for example, as well as in enclaves held by Bosnian government forces, alternative sources of food were simply too limited to give the authorities much choice other than to use humanitarian aid for political or military purposes. Moreover, nearly every able-bodied male had been mobilized in Bosnia-Herzegovina, rendering the traditional distinction between combatants and civilians largely meaningless. The provision of fuel for humanitarian purposes gave rise to even greater challenges to the neutrality of assistance. The fact that UNHCR supervised the delivery of fuel supplies in former Yugoslavia to ensure that they were used for humanitarian purposes was in many senses irrelevant, as they simply enabled other fuel supplies to be used by the military.

Both organizations were therefore forced to compromise. UNHCR reasoned that by providing majority populations with assistance disproportionate to their actual needs, it would gain access to otherwise inaccessible populations. The idea was also that if enough assistance was brought in by whatever means possible, some would trickle down to those who really needed it. The organization believed it naïve to insist that humanitarian assistance — alone in all the elements involved in a conflict — could be entirely free from calculations of ends and means.

Threats to safety of humanitarian personnel

Humanitarian personnel in Bosnia-Herzegovina were exposed to new and unacceptable levels of risk which far exceeded those encountered in the past. They were constantly exposed to indiscriminate shelling, sniping and landmines. UNHCR and ICRC staff were threatened and intimidated, their vehicles regularly hijacked and stolen, and they were often the target of deliberate attack. Bullet-proof vests and armoured vehicles were used to an extent never seen before in any major humanitarian operation.

Humanitarian staff assumed personal risks on a daily basis which went far beyond the risks which the military forces supporting them were willing to assume. Over 50 personnel involved in the UNHCR-led operation lost their lives and hundreds more were

injured. Based on casualty rates for UNHCR humanitarian personnel and UN soldiers from 1991-1993, the probability of being a war casualty was eleven times higher for a UNHCR staff member. While UNHCR had often operated in dangerous environments, it had never before operated in the midst of a conflict characterized by such extreme levels of lawlessness and violence.

UNHCR was ill-prepared to deal with the threats to staff security in terms of training, equipment, or communications. Most crucially, there were no guidelines or standards relating to risk levels. Thresholds of "acceptable" threats rose as the organization became increasingly committed to the rapidly expanding operation. Time after time the vaguely defined limits of acceptable risk were extended, and unacceptable levels were quickly passed. In a climate of heroism and risk-taking, most UNHCR staff became resigned to the dangers of working in Bosnia-Herzegovina.

In contrast, the ICRC was much better prepared with a professional approach and working methods developed for conflict zones. As with all its operations, ICRC staff received pre-assignment training in handling threats such as shelling, sniping and landmines, whereas UNHCR staff did not receive any pre-deployment security training. The ICRC was also much more willing to suspend whenever its staff were in danger. For example, it suspended cross-line activities in any exposed areas of Sarajevo after ICRC vehicles suffered direct hits on numerous occasions in no man's land in the summer of 1995. Nonetheless, and despite the ICRC's professionalism, the security threats to its staff in Bosnia-Herzegovina proved to be one of the most trying experiences in the organization's history.

Protection

In spite of the obstacles constraining their relief activities, UNHCR and ICRC assistance efforts in the former Yugoslavia were more successful than their protection activities. An internal evaluation of UNHCR's operations conducted in 1994 found that, while some protection activities were successful in specific situations in Bosnia-Herzegovina, "...on a broader level...the impact was generally very modest". The same has been said about the activities of the ICRC:

while its accomplishments on the relief side were significant, “the scales tip sharply to the wrong side” in the case of protection.²

UNHCR’s protection activities in Bosnia-Herzegovina were predicated on the idea that the Office could play a preventive role in addressing some of the more immediate causes for displacement at the regional level. The concept of “preventive protection” became one of the key policy bases for UNHCR’s activities in Bosnia-Herzegovina. The conceptual starting point of the policy was the right of all citizens to remain in their homes. By establishing an international humanitarian presence in the region, and by providing war-affected populations with material assistance, UNHCR hoped that it could create a situation in which the need to flee was diminished, thereby enabling people to remain in their area of origin. In short, the aim was to limit the scale of the refugee problem.

The notion of preventive protection emerged in the context of discussions regarding the role of UNHCR and other international organizations in addressing the root causes of refugee movements. In the specific circumstances of the former Yugoslavia, the reliance on a preventive approach was reinforced by a number of considerations, including the inability of many people in Bosnia-Herzegovina to leave the country, the determination of some war-affected populations to remain in their homes, the operational difficulties involved in providing shelter to large numbers of refugees and displaced people in the region, and the unwillingness of many Western European countries to admit large numbers of people fleeing from the conflict. Ideally, European States wanted to keep asylum-seekers from the former Yugoslavia as close as possible to their areas of origin.

² Cited in Thomas G. Weiss and Amir Pasic, “Dealing with displacement and suffering from Yugoslavia’s wars: Conceptual and operational issues”, in Francis M. Deng and Roberta Cohen (ed.), *Forsaken People: Case Studies on the Internally Displaced*, The Brookings Institution, Washington DC, 1998, p. 17.

In the field, preventive protection meant monitoring the treatment of minority groups and mediating and intervening on their behalf with the warring parties, monitoring the imminent movement of populations and exposing the practice of forced relocation, and maintaining contact with local communities as a confidence-building measure, especially in areas where security was fragile. The delivery of material assistance was also an important part of UNHCR's protection strategy, as the aid provided a concrete rationale for its presence in the area. UNHCR protection officers often gained access to areas where ethnic cleansing was being carried out on the pretext of making an aid delivery.

The notion of preventive protection was controversial. For UNHCR staff in the field, as the war raged on it quickly became clear that the idea underlying the concept of preventive protection was increasingly unrealistic, and that the organization was able to do very little in terms of stopping the process of ethnic cleansing. The distribution of relief did not in itself constitute protection, and the kind of preventive protection activities available to the agency's staff could have only a limited impact in an environment where the expulsion of civilians was one of the most important objectives of the war.

There was vigorous debate within the organization about the approach, with opponents regarding it as a betrayal of fundamental protection principles such as the right to seek asylum and international burden-sharing. For them, by launching a massive operation in Bosnia-Herzegovina and neighbouring countries of first asylum, UNHCR gave tacit support to the European argument that there was no need for onward movement of refugees. In the view of its harshest critics, preventive protection simply "let Europe off the hook". According to this view, UNHCR's approach legitimized the restrictive asylum practices which have multiplied in the region during recent years, and endorsed the view that there are acceptable alternatives to flight, even in situations where the affected population has a demonstrably well-founded fear of persecution in their own country.

Other UNHCR staff have categorically rejected such criticisms, pointing out that from the outset the organization repeatedly called on European States to share the burden of the refugee

exodus. They also argue that the analysis upon which such criticisms are based fails to comprehend the intransigence of European policy at the time. UNHCR's repeated calls for burden-sharing went largely unheeded. Governments did not hesitate to push people back at the height of the fighting. Nonetheless, probably one in ten people displaced by the conflict managed to find their way to Western Europe anyway, and were granted protection under temporary protection schemes or other arrangements.

On balance, there is merit to the argument that UNHCR went to extremes in its efforts to provide relief to populations in a bid to prevent them from leaving, and that the organization insisted more frequently and strongly on the right to provide assistance *in situ* than on admission to safety. UNHCR stuck to its overriding objective of prevention of displacement even after this objective had revealed itself as largely illusory, perhaps obscuring the need to adopt a more forceful approach towards European governments in encouraging burden-sharing.

However, UNHCR also recognized that political insistence on the right to stay should not in practice prevent people in danger from seeking safety. In many areas, remaining minorities wanted only one thing — to leave, and to be helped to leave. This created a serious dilemma for UNHCR and ICRC. While the organizations wanted to avoid becoming part of the conflict objective of ethnic relocations, they also recognized that assisting people to leave was often the only way to save lives. As High Commissioner Sadako Ogata put it, “if you take these people you are an accomplice to ethnic cleansing. If you don't, you are an accomplice to murder”.³

At first, both UNHCR and ICRC agreed that they did not wish to prejudge the outcome of the war with an organized policy of evacuation, and preferred to insist on the right to freedom of movement and the right to seek access to safety. Both soon realized, however, that a more active evacuation policy was necessary if lives were to be saved, and evacuation criteria were developed. The main

³ *Chicago Tribune*, February 1993.

criterion for UNHCR's involvement in assisting departures was the presence of life-threatening situations.

In practice, field staff agonized over what constituted a life-threatening situation and faced innumerable obstacles in actually carrying out evacuations. For example, all of the estimated 50,000 Muslims living in Croat-controlled West Mostar lived under the daily threat of attack, rape, forced eviction or forced expulsion across frontlines to the Muslim-controlled eastern part of the city. At the height of the ethnic cleansing in West Mostar, hundreds of Muslims visited the UNHCR office on a daily basis, begging to be transferred across the frontlines to safety in the Muslim part of the city or to a third country. Apart from the fact that UNHCR lacked the logistical capacity to transfer 50,000 people, neither the predominantly Muslim Bosnian government nor the Croats who controlled the western part of the city wanted to see these people — political pawns in the conflict — moved *en masse* by UNHCR. This left UNHCR staff to try to pick among equally deserving cases to determine who was in the most acute situation for evacuation, guaranteeing that ad hoc and desperate decisions were often made.

With the benefit of hindsight, some observers have suggested that UNHCR could have done more to assist people to safety. They believe that UNHCR gave a much higher priority to the right to remain than it gave to the right to leave, given the organization's sensitivity to participating in the process of ethnic cleansing, as well as its identification with the political objectives of key donor States. Many UNHCR staff have been left with a sense of guilt that they did not do more to evacuate more people. To illustrate how easy it is to have misgivings about the impact of UNHCR's restrictive evacuation policy, I will give just one example of many from my own experience of working as a protection officer in the Mostar region in 1993. UNHCR had been asked by the residents of a Muslim village called Tomislavici in Croat-controlled western Herzegovina to help them to leave during the height of the ethnic cleansing campaign directed against Muslims in the area. For us, their situation was no different to that of any Muslim in Croat-controlled areas in the region at the time, and we put their request in the queue of the thousands of other

evacuation requests we had received. Days later, Croatian paramilitaries took nine villagers, including old men, women and children, into the hills above the village and massacred them.

But while it is easy to suggest that more people should have been assisted to safety, there were enormous practical and political obstacles to evacuations. UNHCR was only able to work on the basis of consensus, and evacuations across the frontlines were not accepted by the warring factions, and so often were simply not safe. The large-scale evacuation convoys of several thousand desperate civilians from Srebrenica conducted by UNHCR early in 1993 were the target of shelling and sniping which killed over 50 and wounded many others, thus illustrating the dangers involved. Even small-scale attempts to evacuate civilians degenerated into endless haggling over exchanges of evacuees for other evacuees, money, prisoners, dead bodies, food or any other conceivable barter item, before the warring parties would permit the evacuees to leave. It was also the case that evacuations inevitably led to increased persecution and ethnic cleansing in the hope that those remaining would depart or be taken away. And finally, there was also the question as to where to take the evacuees. Croatia, the only place of safety in the region, imposed a visa policy for all Bosnians who were not of Croatian ethnic origin. Croatia regularly denied UNHCR requests for visas for Bosnian Muslims or Serbs whom the organization was seeking to evacuate from Bosnia-Herzegovina. Even where visas were issued, Croatian border guards often refused to recognize them and grant entry. Many UNHCR staff have argued that the cautious approach to evacuation was thus fully justified.

The ICRC's policy was to evacuate detainees, the wounded, and persons under death threat. The ICRC was perhaps less affected by accusations of complicity, as its evacuations focused more on individuals than on groups or communities — it did not conduct the kind of mass evacuations carried out by UNHCR from places such as Srebrenica. As a result of its policy to evacuate the most vulnerable members of minorities whose lives were directly threatened, by the end of the war the ICRC had, however, transferred almost 5,000 individuals, mostly from the Banja Luka area to Croatia, where

UNHCR took charge of them and tried to resettle them. And through a joint transfer/resettlement programme for detainees run by the two organizations, more than 16,000 ex-detainees and their family members were resettled from Bosnia in third countries.

Safe areas

In 1993, the Security Council declared six government-held enclaves — Bihac, Gorazde, Sarajevo, Srebrenica, Tuzla and Zepa — to be safe areas, with the purpose of safeguarding civilians from attack and ensuring that they received humanitarian assistance in order to survive. The Security Council placed the safe areas under the protection of UNPROFOR and NATO.

In reality, the safe areas were under constant siege and bombardment by the Bosnian Serbs, and were some of the least safe places in the world. UNHCR and ICRC, who had both advocated at one stage or another the creation of some form of safety zone, faced difficult dilemmas in terms of their roles in assisting the populations of the safe areas. As the UNHCR Special Envoy to the former Yugoslavia wrote at the time, “surrounded by enemy forces, without basic shelter, medical assistance or infrastructure, isolated and living under sporadic shelling or sniper fire, these areas are becoming more and more like detention centres, administered by the UN and assisted by UNHCR”. Another report, from a UNHCR staff member based in Srebrenica just one month after the establishment of the safe area in May 1993, gave a graphic firsthand account of the situation: “Srebrenica... provides a vivid example of the unfortunate gap between the reality in these areas and the concept as presented by State proponents of the safe area concept... In the case of Srebrenica, there is nothing which resembles normal life... The enclave must now be recognised for what it is, namely a closed refugee camp of 50,000 persons, without adequate facilities for more than about 15,000”.

In July 1995, two of the safe areas, Srebrenica and Zepa, were finally seized by Bosnian Serb forces, and the population of both enclaves expelled. Some 7,000 people from Srebrenica, virtually all men and boys, were killed in the largest massacre in Europe since the Second World War.

One of UNHCR's key concerns regarding the strategy of establishing safe areas was the potential threat to the principle of asylum and the right to freedom of movement. The freedom of people to leave the safe areas was constrained both by the Serb siege and by the Bosnian government's reluctance to allow the depletion of the population in areas remaining under its control. At a time when governments were expressing a reluctance to host large numbers of asylum-seekers, the establishment of safe areas contributed to a deterioration of protection standards.

Accepting military escorts

The main mandate of the UN force in Bosnia-Herzegovina, UNPROFOR, which was to provide support to the humanitarian operation, presented UNHCR with significant practical and philosophical dilemmas.

The use of military escorts for humanitarian convoys was an innovation for UNHCR, which initially approached the cooperation with gun-wielding UNPROFOR escorts with the same apprehension normally expressed by the ICRC. However, this attitude was overtaken by events as the war spread and intensified, and it became increasingly clear that a military escort allowed for the delivery of assistance where it was otherwise simply not possible. At the same time, UNHCR compromised its distinct humanitarian image as it increasingly became identified with UNPROFOR and, by extension, with the political process. This identification limited UNHCR's independence and made it more and more difficult to separate humanitarian concerns from political and military negotiations. It also provoked much criticism from observers who considered that the impartiality of humanitarian action was being undermined.

The system nevertheless enabled UNHCR to deliver large quantities of emergency supplies and to cross active frontlines even during some of the worst fighting. Perhaps the most frequently acknowledged service rendered to the humanitarian operation by UNPROFOR was the sense of security provided to drivers of aid trucks. When convoys came under attack, drivers were usually able to seek shelter in the armoured personnel carriers that accompanied the

convoy. In addition, UNHCR's airlift into Sarajevo was run by military aircraft, as was UNHCR's humanitarian airdrop operation. More than 80% of the emergency supplies distributed to civilians in Bosnia and Herzegovina during the war were delivered by UNHCR.

Despite this success, cooperation with UNPROFOR was not easy for UNHCR. As the humanitarian operation was UNPROFOR's main *raison d'être*, humanitarian concerns regularly became mixed up with political and military negotiations, often with disturbing results. A humanitarian convoy to break the siege of East Mostar, for example, was negotiated by UNPROFOR in August 1993, the price of access being an exchange of dead soldiers between the parties and some other political and military concessions. While UNHCR objected to this conditionality, it nonetheless participated in the convoy — with a truck of reeking soldiers' corpses leading the way — in order to obtain access to an enclave where the humanitarian needs were critical.

Some UNHCR staff have also argued that UNPROFOR's contribution to the humanitarian operation was, in fact, minimal. According to this view, providing security to UNHCR convoys was never the main priority of UNPROFOR, so in practice UNHCR had to cope with all the bureaucratic inconveniences of the military without receiving any real protection. In many areas of the country, UNHCR staff on the ground found that the armed forces were generally much more cautious in areas of active conflict than humanitarian personnel. This was probably mainly due to the fact that troop-contributing governments, afraid of the political fallout of military deaths, ensured that priority was given to self-defence. "Force protection" absorbed most of the military contingent's time and resources. Most of the casualties amongst humanitarian relief workers occurred in convoys escorted by UNPROFOR.

The ICRC maintained its traditional refusal to be associated with military participants. It operated without escorts throughout the war and has also been critical of UNHCR's relationship with the military. According to its then Director General, "operating under the same blue emblem as the UN blue helmets, using the same white cars with the blue flag and protected by white armoured vehicles with the

blue emblem, [UNHCR was] not necessarily perceived as being politically independent and neutral. (...) This perception of dependence and partiality jeopardized humanitarian work in general and the safety of all humanitarian field workers.”⁴

The role of the media

Over 5,000 journalists were accredited to the former Yugoslavia during the war in Bosnia-Herzegovina. The war provided the media with highly marketable themes, including massive bloodshed, sexual violence, dramatic rescues and the innocent victims of easily identifiable villains. Television in particular was keen to show relief convoys that were blocked or harassed, as well as how normal people were coping and getting on with their lives in a war situation. The situation was of particular interest to the European and North American public, as to many it recalled memories of the Second World War with victims who looked and lived like them, and served as an unsettling reminder that conflict and suffering were not as far away as they had imagined. It was therefore inevitable that the humanitarian operations of UNHCR and ICRC would be very much in the public eye.

UNHCR did much to cultivate a close working relationship with the media in the former Yugoslavia. In addition to feeding the press with information, UNHCR helped journalists to cross frontlines in an effort to bring them to areas which were otherwise difficult to access, and where UNHCR wanted the suffering of the civilian population to be exposed. The organization also regularly denounced forced population displacement and breaches of human rights and humanitarian law in press statements. In a departure from previous institutional practice, all staff at every level were encouraged to speak to the media — owing to the breakdown in control by the local

⁴ Peter Fuchs, “Humanitarian action in armed conflicts: Basic principles”, address to a Seminar on International Humanitarian Assistance in Conflict Situations, Swedish

Red Cross Folk College, Gripsholm, Sweden, 10-11 May 1995. Peter Fuchs was Director General of the ICRC *from 1992 to 1996*.

government, the usual institutional sensitivity to its concerns was less of a constraint, thus allowing staff an unusual freedom.

Unlike the humanitarian dimensions of the war in Croatia, which had been broadly ignored, the humanitarian dimensions of the conflict in Bosnia-Herzegovina were widely known, in large part owing to UNHCR's high media profile. In the spring of 1992, for example, US Secretary of State Baker referred to Bosnia as the "humanitarian nightmare".

At least some in the ICRC were critical of the emphasis UNHCR placed on media relations, seeing UNHCR's programme as being driven purely by publicity concerns and too readily playing down humanitarian principles. In an early meeting in 1992 to discuss the division of labour between the two organizations in Geneva, a senior ICRC official characterized a planned UNHCR convoy into Sarajevo as a "humanitarian circus" and wished UNHCR luck in putting on "a good show".

UNHCR's high media profile did prove to be a double-edged sword for the organization, with two contradictory effects: a gain in profile and leverage, and a loss of independence. In highlighting the extent of the humanitarian needs, UNHCR attracted the greater part of the burden of responsibility for the cause it had so successfully promoted, and built up expectations which it had to meet. Its operation was thus moved into the public domain, and this affected operational decisions in an unexpected way. The most apparently minor operational decisions of UNHCR were scrutinized by the international press and Western political leaders. UNHCR pushed the Western public and governments to react. When they did, the pressure was turned around on to UNHCR, which became the instrument for their action.

When, for example, a European Cabinet Minister visited Mostar in 1993, UNHCR took him to visit a psychiatric hospital on the frontline, in the hope that he could assist in negotiations to evacuate the patients to another facility away from the frontline. Despite his interventions, the evacuation continued to be obstructed for several weeks after the visit. From the safety of his capital the Minister, who had taken the problem to heart, proceeded to put heavy pressure on

UNHCR to move forward with the evacuation, even though the absence of cooperation from the parties meant that it was beyond UNHCR's power to achieve.

Public denunciations levelled by UNHCR officials against those responsible for committing atrocities also strained relations with the parties to the conflict and often resulted in threats and restrictions on the ability of UNHCR staff to operate. For instance, while UNHCR's public exposure of Croatian detention camps in the summer of 1993 in the Mostar region led to the opening of the camps to the ICRC and the resettlement of inmates, the UNHCR staff member who broke the story had to be evacuated from the area after receiving death threats. And while the use of the media helped gain access to victims, in some cases UNHCR was forced to devote a disproportionate amount of resources to a small number of individuals who had captured the media's attention. An injured baby named Irma in the Sarajevo hospital, for example, received massive media exposure in the British press which led to inordinate pressure on UNHCR to evacuate her, despite the practical obstacles caused by the refusal of the Bosnian Serbs to allow medical evacuations.

While eschewing UNHCR's high-profile approach to the media, even the ICRC, which is not traditionally given to regular public denunciation, was more outspoken than usual about the total lack of respect in the former Yugoslavia for international humanitarian law and the red cross emblem.

Conclusion

The experience of UNHCR and ICRC in the war in Bosnia clearly illustrated the limits of humanitarian action, and how, all too often during the 1990s, humanitarian organizations were left to deal with problems which were essentially political in nature. For UNHCR, it also demonstrated some of the dangers of moving its operations from countries of asylum to countries of origin and into zones of active conflict. These dangers include the possibility that emergency relief efforts may be used as a substitute for decisive international action to prevent or halt refugee-producing conflicts, as well as the potential threat posed to the right of asylum by the international

community's growing efforts to assist war-affected populations within their own country.

Résumé

HCR et CICR en ex-Yougoslavie : Bosnie-Herzégovine

PAR KIRSTEN YOUNG

L'action menée par le HCR pendant les différentes étapes du conflit des Balkans, en Bosnie-Herzégovine notamment, compte parmi les plus importantes et les plus difficiles de son histoire. En Bosnie-Herzégovine, le HCR et le CICR travaillèrent côte à côte, et cela dans un contexte qui relevait avant tout des compétences du CICR, puisqu'il s'agissait du sort des populations civiles au cours d'un conflit armé – celui des personnes déplacées en l'occurrence. L'auteur examine les activités au cours desquelles les deux institutions collaborèrent harmonieusement, mais également celles où il y eut divergence de vue dans l'approche des problèmes à résoudre. Finalement, les deux institutions ressentirent la même déception en constatant l'incapacité de « la politique » à trouver une solution pacifique aux conflits et devant l'obligation qui leur fut faite d'affronter seules la souffrance des victimes.

