

CHAPTER 2

THE ROLE OF THE UNITED NATIONS

The UN Operation in the Former Yugoslavia

2.1 The United Nations Secretary-General, Mr Boutros Boutros-Ghali, in making an assessment of the operation in Bosnia in November 1995, stated that the world had got it 'upside down' in Bosnia. It sent UN peacekeepers into a war zone and then deployed NATO combat troops after the peace agreement had been signed.

This has never been done before. In war situations the international community should authorise the combat forces needed to deal with it. Where a ceasefire is in place and where the consent and cooperation of the parties is reliable, peacekeepers should be deployed.¹

The Secretary-General was also critical of the resources provided to the United Nations to fulfil its tasks.

The financial crisis, in which members owe the United Nations nearly \$A4 billion, means a diminished capacity for peacekeeping as well as less support for development, democratisation and human rights.²

2.2 The resolutions passed by the Security Council reveal the contradictory nature of the task facing the UN forces of UNPROFOR (UN Protection Force).

UN Resolutions from 1991 to the present

2.3 The United Nations passed over seventy resolutions on the former Yugoslavia in the four-year period of Balkan conflict beginning in September 1991.³ The resolutions, which were passed by the Security Council, outlined the UN's position on the conflict and its strategies for a UN ground 'protection force' offering humanitarian assistance and peaceful intervention in the former Yugoslavia.

Inconsistencies in the UN Resolutions

2.4 The language of the UN resolutions is marked by inconsistencies and contradictions. This is especially so as it relates to the definition/tasks of the UN operations. Under the resolutions' guidelines, the title/role of the United Nations Protection Force

1 Quoted from Reuters, 3 November 1995.

2 *ibid.*

3 See Appendix 4 for a summary of each of the resolutions.

TABLE 2.1

(UNPROFOR) is misleading; the United Nations Protection Force was not a force and it offered little protection. Its primary function was in the assistance and delivery of food and humanitarian aid to refugees and displaced peoples.

2.5 In Croatia, the role was a relatively traditional one of monitoring the ceasefire line. This was largely successful. However in March 1995 the Croatian Government obtained a new mandate, UNCRO, which put the UN troops on the republic's borders rather than the ceasefire lines of 1991. For Croatia this was a useful prelude to the retaking of its territory in May and August.

2.6 However in relation to the war in Bosnia, as resolution after resolution was passed by the Security Council, UNPROFOR's responsibilities multiplied, but the resources it required to fulfil these new tasks did not. It is important to note that the resolutions make no mention of the provision of resources. This omission served to compromise the UN operations in the former Yugoslavia.

2.7 The resolutions raised in the public mind high expectations of the capacity of UNPROFOR to resolve the crisis, expectations which were frequently dashed. In Bosnia, UNPROFOR troops were labelled 'peacekeepers' (when there was no agreed peace to keep); they were asked to deliver humanitarian aid (while their aid often fell into the hands of the militias). Furthermore, UNPROFOR's mandate was expanded, to include peace enforcement (although they had neither the adequate resources, power, or sufficient arms to do it). The resolutions in relation to Bosnia were passed under Chapter VII of the Charter, peace enforcement provisions, but UNPROFOR was still expected to maintain the traditional peacekeepers role of impartiality, to allow the belligerents to resolve the conflict themselves and to act only with the consent of the parties.

2.8 The noticeable gap between the Security Council's call to action and the action undertaken by UNPROFOR is partly due to the format of the resolutions. The resolutions were designed to be read *against* one another: new resolutions added to, rather than erased, former resolutions. For the UN operations in the former Yugoslavia, especially UNPROFOR, finding any clear directive became increasingly difficult. As resolutions were added, it was necessary for UNPROFOR to cross check previous resolutions before they were able to act. The circularity of the process is evident in Resolution 760 (1992) which states:

The Council, acting under Chapter VII of the Charter of the United Nations, decides that certain prohibitions contained in resolution 757 shall not apply, with the approval of the Committee established by resolution 724 under the simplified and accelerated "no objection" procedure, to commodities and products for essential humanitarian need.

2.9 Though its directives to UNPROFOR are often inconsistent, the language of the UN resolutions is quite strong; reflecting a real desire by the Security Council to alleviate the conflict or at least to be seen to be doing so:

The Council demands that all parties concerned in Bosnia and Herzegovina stop the fighting immediately (Resolution 752); The Council strongly condemns any violations of international humanitarian law, including those involved in "ethnic cleansing" (Resolution 771); The Council, appalled by reports of the massive,

organised and systematic detention and rape of women.... strongly condemns these acts of "unspeakable brutality".... (Resolution 798).

However, the strength evident in the language of UN resolutions, was largely absent in the ground operations of UNPROFOR, who were both under resourced and under armed, and had no real power to enforce peace, or even at times to offer a sustained and impartial programme of humanitarian assistance. The approval for action was dependent on the agreement of both the military and the civilian commander, the dual key, which proved to be an inhibition to any swift or decisive action.

UN Action

2.10 Despite the pattern of contradictions inherent in the UN resolutions, their directives resulted in some positive action. The UN had a significant and valuable role in the implementation of strategies which encouraged a state of peace. The UN resolutions led to action on four fronts:

(a) Arms Embargo:

- The first UN resolution on the former Yugoslavia passed by the Security Council on 25 September 1991, Resolution 713, imposed a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia.⁴

(b) Peaceful Intervention:

- The establishment of a United Nations Protection Force (UNPROFOR), whose duty was to assist in peacekeeping efforts in the former Yugoslavia (Resolution 743:1992).
- The instalment of 'safe havens' in Sarajevo, Tuzla, Zepa, Gorazde, Bihac and Srebrenica (Resolution 824, 1993). The safe areas were monitored by the UNPROFOR, though two eventually overrun by Bosnian Serb forces.
- The UN call for re-negotiations with all parties on the implementation of a ceasefire, the end to all hostilities, and an agreed settlement for peace (Resolution 987, 1995).
- The recognition of the four break-away states: Croatia, Slovenia, Bosnia-Herzegovina and Macedonia. The recommendation of their inclusion in the membership of the United Nations [Resolutions 753, 754 & 755 (1992), & 817 (1993)].

4 This general embargo remained controversial throughout the war as it froze an arms imbalance which favoured the Serbian forces. They retained the bulk of the arms and equipment from the Yugoslav National Army (JNA).

(c) Economic Sanctions:

- The implementation of harsh economic sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) after a perceived aggression in their refusal to abide by Resolution 752 (1992) which called for the cessation of fighting in Bosnia and Herzegovina. These sanctions were again tightened in April 1993 (Resolution 820) after the Bosnian Serbs refused to sign the peace plan which would outlaw all military attacks on Bosnia and Herzegovina.

(d) Humanitarian Action:

- The UN's reopening of the Sarajevo airport for humanitarian purposes (Resolution 758, 1992).
- UNPROFOR's protection and support of the UNHCR's humanitarian convoys and assistance to former detainees (Resolution 776, 1992).
- The establishment of an international tribunal for the prosecution of parties/persons who have violated international humanitarian law, since 1991, in the former Yugoslavia (Resolution 808, 1993).

The Effectiveness of UN Peacekeeping

2.11 The most constant refrain from the media on the effectiveness of the UN in the former Yugoslavia has been that the UN failed. This is a view echoed by a number of witnesses before the Committee. The view of the Bosnian community in Australia was emphatic that 'the UN failed in its fundamental role to protect international law, basic human rights and the sovereignty of the state. ... [and] while promising Bosnian civilians a kind of doubtful protection ... the UN, through the arms embargo, denied a fundamental right of human beings and of the state to defend themselves against an aggressor.'⁵ The Director of the Victorian Foundation for the Survivors of Torture, Mr Aristotle reported to the Committee:

One of the things that has come through our clients often is the sense of anger and frustration about the UN's presence in the former Yugoslavia. There is an immense frustration that the UN has had a presence there for so long and has essentially borne witness to the sorts of atrocities that have taken place. Previously they would have looked to the UN to be able to provide the protection to stop the people who were innocent and who have always lived together from being separated and brutalised. It simply has not happened.⁶

2.12 The Australian Croatian Congress believed that 'the UN mandate caused more problems in Croatia at the end of the day. The humanitarian assistance is greatly appreciated

5 *Evidence*, 30 October 1995, p.77.

6 *Evidence*, 27 October 1995, p. 21.

but, as far as the mandate for bringing about peace is concerned, it was not enforced and it just caused greater anxiety than it should have.'⁷

2.13 The Serbian National Federation of Australia also criticised the UN for a lack of neutrality; 'the Serbs have been bombed by NATO forces for indiscretions that they have committed but the Muslim and Croat forces have never even had the threat of bombing when they have committed similar indiscretions.'⁸

2.14 On the other hand Justice Einfeld believed that there had been 'a great deal of unfair criticism of the UN.'⁹ He saw the problem as 'a complete failure of international will and leadership. ... I think it is fair to say that the United Nations was simply not equal to [the scale of the disaster] in political and military terms.'¹⁰ David Anderson in his paper on *The UN's Role in the Former Yugoslavia: the Failure of the Middle Way* argued a similar case:

The inadequacies of the UN operation should be seen as mainly the fault of the five permanent members of the Security Council, and particularly of the UK, France and the USA. ... The early decision of the major powers was that Bosnia-Herzegovina had no strategic significance and they would not become militarily engaged in the war, but pressure to act in some way came from the global mass media and the general public. The result was a compromise, the sending of UN peacekeeping troops to deliver humanitarian assistance to civilians.¹¹

It would appear that in this instance the UN was less than the sum of its parts, that individual nations within the UN avoided the public opprobrium of doing nothing by hiding behind the cloak of the UN. The resulting strong words combined with poor financial support and inaction led to confusion. The rules of engagement, a mix of peacekeeping and peace enforcement, were ineffectual and confusing. Command and control arrangements were chaotic.¹²

2.15 A number of witnesses drew a distinction between the failure in political will and leadership, the subsequently hypocritical and ambiguous nature of the UN resolutions, the inadequacy of the resources on the ground and the unworkable and contradictory nature of the command structure and the efforts, courage and commitment of the UN personnel serving in Bosnia. Margaret Piper of the Refugee Council of Australia, who visited Bosnia in September told the Committee that:

I think it is safe to say that we were extremely impressed by what we saw on the ground. I have visited a number of refugee centres around the world over the years and very rarely have I seen such a high level

7 Evidence, 27 October 1995, p. 66.

8 Evidence, 24 November 1995, p. 181.

9 Evidence, 30 October 1995, p. 88.

10 ibid.

11 Anderson, David, *The UN's Role in the Former Yugoslavia: the Failure of the Middle Way*, Parliamentary Research Service, Research Paper No. 13 1995-96, p. 7.

12 ibid., p. 8.

of cooperation as we saw on the ground there. The UNHCR response as the lead agency was one of consistency and subtlety.¹³

This view was shared by Justice Einfeld who commented that:

The UN workers on the ground deserve the eternal thanks of the world. The people I met with, both soldiers and aid staff, are doing heroic work in the most impossible circumstances.¹⁴

Mr Carling from CARE Australia who had spent time in Bosnia with the humanitarian operation commented that:

I think the doctrine of overwhelming force that the Americans now espouse [or] the doctrine of overwhelming presence, may well have seen a much earlier resolution to the Bosnian conflict. [But] it was a very light scale. The role that they were given initially was to provide a safe environment for the delivery of humanitarian aid. Then they were called upon to do all and sundry, from standing between the lines of confrontation to going in - almost in action - to resolve problems. We found that there were just too few on the ground to be able to perform the prime role of maintaining or securing the environment for the safe delivery of aid.¹⁵

2.16 There are three reasons why Australia should be concerned about the situation in the former Yugoslavia, and particularly the war in Bosnia:

- A large number of settlers have come to Australia from Yugoslavia and so Australian citizens of Yugoslav background have a vital interest in what is happening to their homeland;¹⁶
- Australia, like Bosnia, is a multicultural society and the experience of multiculturalism has been a largely harmonious and very enriching one for this country. For this reason we should support the idea of a multicultural Bosnian state; and
- Australia has always prided itself on its good international citizenship.

However Australia did not choose to send troops in support of the UN operation in the former Yugoslavia. Australia's response to the UN requests to join UNPROFOR, including an approach in 1994 to contribute police, was that UNPROFOR did not meet the criteria for Australian involvement in peacekeeping operations - clear goals, effective means, a willingness for reconciliation on the part of the warring parties and definite end dates.¹⁷ With

13 *Evidence*, 24 November 1995, p. 145.

14 *Evidence*, 30 October 1995, p. 89.

15 *Evidence*, 27 October 1995, p. 32.

16 The Committee notes that, despite the reported existence of understandable tensions and the extreme nature of the conflict in the former Yugoslavia, the various communities in Australia have maintained a calm attitude towards each other. For this the leaders of the communities and the people within them are to be congratulated.

17 Department of Foreign Affairs and Trade *Submissions*, p. S184.

the signing of the Dayton Peace Agreement these objections have been removed. However the Committee notes that the implementation force for the agreement is a NATO based force. However it may be time for a reconsideration of this position.

2.17 The Committee recommends that:

- 1 **in order to ensure that Australia play its full part in the reconstruction of Bosnia, the Australian Government offer a police contingent to the Implementation Force (IFOR) and respond positively to a request for a contribution to the peacekeeping requirements or for assistance in the reconstruction of Bosnia.**

Conclusion

2.18 The humanitarian role of the UN appeared to be too narrowly defined as it allowed UN troops, both in terms of the mandate and the resources supplied, to protect the delivery of food, medicines and shelter but not human rights; it did not intervene to stop terrorism or ethnic cleansing. It was at this point that the role of the UN troops would have had to move from a passive one to an active one.

2.19 The UN has not yet developed its responses to either secessionist wars or civil wars both of which figure prominently in current international unrest. Moreover there is little integration in the UN system between the human rights aspects of the UN's work and the security aspects of its work;¹⁸ there is no recognition in a practical sense in the programs and procedures of the Security Council that there is a connection between violations of human rights and threats to security in a particular region.¹⁹ Sovereignty and strategic interests remain the driving force in the decisions of the Security Council despite increasing evidence of the need for early intervention and the protection of human rights as the only long term means of securing peace.

2.20 David Anderson put the complexities of the problem facing the UN and the international community in developing more adequate responses to situations such as presented in the breakup of the former Yugoslavia. He listed a number of factors for consideration including:

- the view that the Charter is more concerned with the rights of states than those of individuals;
- the confused situation in many newly emerging states as to where the legitimacy lies;
- judging when is the right time to intervene - early before opposing positions have hardened or at the end when the parties have fought themselves to exhaustion;
- gaining the political will of individual nations and their people;

18 The physical separation of the security regime in New York and the human rights regime in Geneva and the impoverishment of the human rights mechanisms are evidence of the problem.

19 The Committee addressed the issue of human rights, security and the role of the UN in its report, *A Review of Australia's Efforts to Promote and Protect Human Rights*, tabled in November 1994. In particular, see chapters 2, 3, 5, 12 and 13.

- developing the necessary military skills in the UN to deal with insurgencies;
- avoiding rivalries over command; and
- the importance or otherwise of maintaining the UN's reputation for impartiality.²⁰

2.21 The Committee believes that these are matters for urgent consideration. The Committee also believes that blame for the debacle which occurred in the former Yugoslavia, while obviously a problem for the UN and its reputation, should be sheeted home to the individual nations within the UN, especially on the Security Council; their support for the organisation has proved seriously wanting.

20 Anderson, David, op.cit. p. 10-13.

Photographs 1 & 2

photographs 3 & 4

Photographs 5 & 6

Photographs 7 & 8

