

FINAL REPORT

on

HUMANITARIAN ASSISTANCE

IN

BOSNIA-HERCEGOVINA

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INTRODUCTION AND SUMMARY

This report is submitted under the terms of OFDA Contract Nos. FDA-2005-0-00-2068-00, FDA-2005-0-00-2069-00, and FDA-2005-0-00-3017-00 which, *inter alia*, call for a summary report of the Contractor's major findings and outstanding recommendations at the end of his service.

The Contractor spent four months--from July 23 to November 23, 1992--in the former Yugoslavia, during which time he was based in Zagreb but traveled on seven occasions into various areas within Bosnia-Herzegovina, mainly into Sarajevo and other municipalities in central Bosnia. The Contractor examined the programmatic, logistical and security aspects of the international humanitarian relief operation, monitored the end-use of U.S. contributions to the relief effort, and made recommendations to the U.S. Government and the UNHCR regarding relief needs, operational issues, and priorities.

Both the U.S. Government and, eventually, UNHCR accepted almost all of the Contractor's logistical and programmatic recommendations, and only a few remain outstanding. Most significant of these are the Contractor's recommendations that the UN take appropriate steps: first, to begin *immediately* to use the railroad to transport relief supplies from Rastini to Sarajevo, and by the end of December from Rastini through Sarajevo to Zenica; and second, to assume responsibility for the rehabilitation, operation and maintenance of utilities--electricity, natural gas, and water--in Sarajevo and other central Bosnian towns.

On a broader operational level, the Contractor recommends that UNHCR cease negotiating with Serb militias the safe-passage of humanitarian relief convoys. Instead, the UN should confer with non-sovereign armed factions only in order to identify populations in need and to avoid misunderstanding regarding the scheduling, routing and composition of relief convoys. As a matter of principle in all conflict situations, the UN should make clear to armed factions that no interference, inspections, or delays of UN humanitarian relief cargoes are expected, and none will be tolerated. The international community should be prepared to defend and enforce that principle, and the U.S. Government should provide appropriate leadership toward that end.

The Contractor also strongly recommends that the U.S. Government exercise a leadership role in immediately establishing as safe havens up to ten central Bosnian municipalities, where civilians will be safeguarded from Serbian aggression. The Contractor believes the U.S. has a moral obligation to address the issue of genocide in Bosnia considerably more forcefully than it has to date, that the establishment of safe havens could contribute to world stability, and that U.S. participation in such an endeavor is very much in its own political interest.

In the Contractor's opinion, failure to establish safe havens by the end of 1992, and to provide them with adequate heat, potable water, and very substantial quantities of relief food, clothing and winterization materials, will result in the deaths of up to 200,000 civilians in central Bosnia during the next several months.

FINDINGS

1. The systematic eradication of Muslim communities--"ethnic cleansing"--in Bosnia-Herzegovina amounts to "genocide" as defined in the UN Genocide Convention.
2. While the response of the U.S. and the UN to the situation in Bosnia-Herzegovina has been to publicly condemn ethnic cleansing, actions of the UN Security Council and Western governments (including the U.S.) to date make it likely that genocide against Bosnian Muslims will continue to be successful at least in the immediate term.
3. The UN approach to meeting the humanitarian needs of at-risk communities in Bosnia-Herzegovina has not been successful; the UN is neither providing adequate quantities of relief supplies nor reaching all needy populations.

MAJOR ISSUES

Human Rights:

Multiple mass executions of Muslim males and the systematic destruction of Muslim homes and villages by Serb militias in Bosnia have been well-documented by the U.S. and other governments, as well as by the UN Special Rapporteur on Human Rights. The UN Commission on Human Rights has requested that the Special Rapporteur's findings be examined within the context of the UN Genocide Convention. According to Article II of that Convention, "genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group."

The U.S. Government and the UN Special Rapporteur have amassed eye-witness testimony describing and documenting acts listed in (a) through (c), above, in such numbers and on such a scale to indicate

that the acts were committed with intent to destroy, in whole or in part, the Bosnian Muslim ethno-religious group. To its credit, the U.S. has been in the forefront of nations condemning war crimes in Bosnia and calling for the establishment of an international tribunal to punish those responsible. However, Article I of the Genocide Convention commits Contracting Parties--of which the U.S. is one--not only to punish, but also to prevent, the crime of genocide.

The response to date of the UN Security Council and its member states is clearly failing to prevent genocide in Bosnia-Herzegovina, and may actually be facilitating its implementation. Specifically, the UN and Western governments have refused to date to establish safe havens within Bosnia-Herzegovina and have made clear they do not condone any evacuation of potential victims of genocide from Bosnia-Herzegovina. UNHCR, for example, has pointedly refused to participate in the evacuation of any Bosnians from the besieged city of Sarajevo and, by and large, Western governments have refused to admit into their countries more than token numbers of refugees, effectively precluding the mass flight of Muslims from the aggression that threatens their existence. At the same time, the UN and Western powers have so far rebuffed Bosnian pleas for military intervention to protect its citizens from that aggression, while actually imposing upon Bosnia an embargo that prevents Bosnian Muslims from defending themselves against these crimes. It is not difficult to imagine, then, that the historical record will view the U.S. and other Western nations as complicitous in the genocide being inflicted upon Bosnia's Muslim population. Even now, this view has gained legitimacy within Middle-eastern and other predominantly Muslim nations.

Humanitarian Relief:

The UN approach to humanitarian relief in Bosnia-Herzegovina has essentially mirrored its approach to aggression and genocide--i.e., the UN has generally opted for negotiation and appeasement rather than forceful determination to deliver relief supplies to those most in need. UNHCR, the UN's lead agency in the provision of humanitarian assistance, defends its non-confrontational approach as "even-handed", "transparent", and in keeping with its status as a humanitarian agency. The net effect, however, is that UNHCR has had only limited success in delivering relief supplies to the population of Sarajevo, and almost no success to date in reaching critically at-risk populations in a number of other important centers in central and eastern Bosnia.

UN humanitarian assistance to Bosnia-Herzegovina began with the first airlift into Sarajevo on July 3, following prolonged negotiations that led to agreement by the Serbian militias to

withdraw their artillery beyond the range of Sarajevo airport. The agreement was never honored, but the UN proceeded essentially as if it were, deploying lightly-armed troops and unarmed civilians to Sarajevo to monitor the "agreement" and to oversee the delivery of airborne relief aid. The UN subsequently reached successive agreements with the Serb militias regarding the concentration, control and monitoring of the artillery surrounding Sarajevo. None of these agreements was honored, but on each occasion the UN again proceeded as though it were, deploying to the region additional unarmed or only lightly armed soldiers and civilians.

Throughout most of this period of continuing deployment, UN officials generally excused their turning a blind eye to Serb transgressions in Bosnia-Herzegovina by noting that in neighboring Croatia the UN was making reasonable progress with Serb militias that might be jeopardized by taking a firm stance with the Serbs in Bosnia. By November, as the deployment of "peace-keepers" in Bosnia was essentially completed, Serb cooperation with the UN in Croatia also took a turn for the worse. UNPROFOR leadership then claimed they could no longer take a firm stance against Serb transgressions in Bosnia since UNPROFOR had too many unarmed and only lightly armed personnel at risk in the field.

Since the start of the humanitarian airlift, the UN has also sought to appease the Serb militias by providing the Serb "authorities" a portion (23 percent) of all relief commodities arriving by airlift, and by according them the right to inspect each cargo delivered by air or road, to approve or disapprove each cargo, to approve or disapprove the ethnicity of UNHCR convoy truck drivers, and to dictate the road convoy's route of entry to Sarajevo. In effect, the UN recognized the Serb militias as the de facto authority in the region.

Exercising that authority, Serbian forces denied permission for two UN road convoys to enter Sarajevo and, until December, prevented UN access to beleaguered Muslim communities in eastern Bosnia. The Serbs have also denied entry to Sarajevo for certain drivers (Muslims) within UNHCR convoys, have held up convoys for several hours at a time, have searched and confiscated the personal possessions of international drivers, and have turned back from the airport several cargoes (firemen's uniforms and ex-DoD cold-weather clothing) flown in by German and U.S. aircraft. Within Serb controlled territories it is the Serb "authorities", not the UN, who decide how and to whom relief will be distributed.

UNHCR generally tolerated these abuses and yielded to Serb demands as the price of doing business in the region. UNHCR also continued to defend its practice of negotiating each aspect of its relief program with the armed factions as preferable to risking a confrontation that might provoke the Serbs into taking even more

serious action against the relief effort or against UNHCR personnel. UNHCR also claimed the negotiation approach was successful, despite such constant opposition from the Serbs that UNHCR provided virtually no relief to beleaguered communities in eastern Bosnia and only inadequate supplies to Sarajevo. For four months, moreover, UNHCR would not even consider using the only viable major route to Sarajevo (via Mostar) because safe-passage along that route did not appear negotiable with the Serbs.

Although the obstructive tactics of the Serb militias and their allies have been frustrating to UNHCR and disruptive of its relief effort, these actions were nevertheless (barely) tolerable while UN airlift operations were on-going and while UNHCR was not under intense pressure to transport winterization materials in addition to food relief. Now, however, the international relief effort must deliver much greater quantities of food, clothing, blankets, fuel and winterization materials to central Bosnian communities if serious suffering and unacceptably high death rates are to be avoided.

Meanwhile, there is no evidence to suggest that obstruction of negotiated safe passage will cease; indeed, recent experience suggests that it will continue and possibly increase. During the last few days of November, for example, the Serbs continued to block passage to a UN relief convoy trying to reach the eastern Bosnian town of Srebrenica. At the same time, the Serbs threatened to halt deliveries from Belgrade to Sarajevo entirely unless they could continue to exclude Muslims from relief distributions in territories under Serb control. The Serbs sought to leverage their control over this route a little too early, though--when less than 50 MT of relief supplies per day were reaching Sarajevo from the Serbian capital--and UNHCR has so far been able to resist yielding to this demand.

Nevertheless, under present conditions--using the present UN logistical resources and operating within existing agreements with the Serb militias--the UN cannot possibly deliver adequate relief supplies to avert disaster in Sarajevo and other beleaguered towns in Bosnia-Herzegovina. The issue here is not so much the logistical capacity (which already exists) but, rather, the refusal of the Serb militias (and, occasionally, Croat forces) to allow the unimpeded safe passage of relief convoys.

A CASE FOR INTERVENTION

The U.S. has to date focused primarily on the longer term remedies to the tragedy of the former Yugoslavia--sanctions and embargoes, confidence-building measures, a war-crimes tribunal, and

support for political moderates and peace negotiations--but has refused to deal directly with halting Serbian aggression and genocide. (This approach may be analagous to that of the oncologist treating a cancer patient who has just been struck by a locomotive. Chemotherapy may certainly be an acceptable long-term treatment strategy, but the immediate requirement is to stop the bleeding--even if it may get the doctor's hands bloody.)

There is now very little time before aggression and winter combine literally to devastate the civilian populations of many central Bosnian towns. The U.S. must now choose, basically, either to exert a leadership role or to remain largely disengaged from an effort at crisis intervention. Should the U.S. choose to remain on the periphery, however, the resulting leadership vacuum is at this stage as likely to be filled by an Islamic state (or the Islamic League) as it is by a European nation (or the EC). That turn of events would likely intensify ethnic and religious rivalries and lead to the worst of all possible outcomes: the radicalization and further destabilization not only of the remainder of the former Yugoslavia, but also of other nations in central Europe and, conceivably, Germany. For this reason alone it would appear prudent for the U.S. to meet its world leadership responsibilities.

There are, as well, other compelling reasons for immediate U.S. intervention. First, of course, are the strictly humanitarian aspects of the situation. Our own principles as a nation require us to oppose the widespread, flagrant and abhorrent abuses of human rights that we witness daily in Bosnia. In addition, as a Contracting Party to the UN Convention on Genocide, we are at least morally obligated to do what we can to prevent genocide.

Perhaps more importantly, the situation in Bosnia--due in large part to the establishment of a New World Order--offers us the rare opportunity to establish, not only in principle but also in practice, minimum standards of human conduct in conflict situations. That is, we have the opportunity to demonstrate--to the Ossetias, to Kosovo, and to all potential Bosnias--that, indeed, the world will not tolerate genocide. It is not entirely unlikely that civil conflict will erupt in the next year or two in one or more C.I.S. republics that possess nuclear weapons. Prudence dictates that we attempt to establish at the earliest opportunity at least some ground rules governing civil conflict and human behavior. Because Bosnia offers such an opportunity, we have a special obligation to seize it.

Finally, for obvious reasons it is in our own political interest to demonstrate, both to friendly and unfriendly Muslim nations, our genuine concern for the survival of the people of Bosnia.

POSSIBLE INTERVENTIONS

U.S. action to oppose continued aggression and genocide in Bosnia-Herzegovina could comprise one or more of the following:

- a) The U.S. could advocate within the UN the lifting of the arms embargo against Bosnia-Herzegovina.

The principal argument against lifting the arms embargo is that it would increase the firepower and, consequently, the amount of violence within Bosnia at a time when we are calling for a reduction in the level of hostilities to help pave the way for genuine peace negotiations. Others point out that lifting the embargo now (in December 1992) would simply encourage the Serbs to accelerate their slaughter of Muslims before the first weapons could actually reach Bosnia in about six weeks' time.

Those in favor of lifting the embargo argue first, that maintenance of the embargo simply skews who gets killed (poorly armed Muslims); second, that it is immoral, in the absence of an effective police or other security force, to deny anyone the right to self-defense; third, that it is "cheap", costing the U.S. nothing in the way of lives or money; and, fourth, that advocating the lifting of the embargo puts us on track with the Islamic League.

- b) The U.S. could propose and support the evacuation of Bosnians to safe havens within Bosnia-Herzegovina but outside the present conflict zone.

Opponents of this action--including senior officials within UNHCR and ICRC--have argued that evacuation of Bosnians from their present locations would contribute to "ethnic cleansing" and make the Muslims' eventual rehabilitation of their ancestral lands more difficult. In any case, it is too late to consider such an option since winter conditions--combined with inadequate security, inadequate logistical capacity, and the absence of any immediately available accommodation (or water, or electricity, or heat)--make evacuation virtually impossible.

Supporters of evacuation (in principle) argue that the right of individual Bosnians to flee aggression must at least be recognized. Also, they point out, it makes little sense for a Muslim to remain in an area to oppose ethnic cleansing if this will lead to his death; an area in which all Muslims are dead is at least as effectively "cleansed" as if they had all fled.

c) The U.S., in coalition with others, could intervene militarily to protect major concentrations of civilians, where they are now, from further aggression and genocide, and to assure the delivery of adequate quantities of humanitarian relief.

Those opposed to U.S. military intervention in Bosnia argue that it risks getting the U.S. bogged down in an "unwinable" conflict, without a clear objective, at potentially great cost in lives and money. Also, military strategists may argue that cities are legitimate military targets and that our defense of Sarajevo, Tuzla, Travnik, and other major concentrations of civilians would place us firmly on the side of the Bosnian government, which is essentially a politically inept (though basically honest) regime that does not enjoy broad support among the various factions that comprise Bosnia-Herzegovina.

Proponents of U.S. military intervention point out that all that may be required from the U.S. are leadership and air support, that our allies (notably the U.K. and Turkey) may be willing to commit the necessary ground troops, that assuring the delivery of humanitarian relief and the defense of civilians in nine or ten towns is a clear--indeed, a very narrowly defined--objective, and that the possible benefit would appear to far outweigh the potential risk and cost. In addition, immediate U.S. (and allied) military intervention, would obviate the need for the mass evacuation envisioned in (b), above, and allow adequate time for time for the UN arms embargo to be lifted and actual arms deliveries to be made if option (a) were also chosen.

Regardless of which of the above options is/are chosen, there is also a clear need to alter the arrangements under which humanitarian aid is presently delivered (or, more generally, prevented from being delivered) by the UN. Basically, only if the UN begins immediately to use the railroad--a notion it appears not yet to have raised with the Serbs--and essentially withdraws the Serbs' "right" to halt, inspect, and approve UN cargoes can UNHCR deliver sufficient quantities of relief food and material to meet the essential needs of most urban populations in central Bosnia.

CONCLUSION AND RECOMMENDATION

Immediate U.S. political leadership and military intervention is essential to halt genocide in Bosnia-Herzegovina. Specifically, under UN mandate, the U.S. and its allies should: (a) establish safe-havens in the towns of central Bosnia that continue to harbor large numbers of civilians who have so far survived aggression by

Serb irregular militias; (b) to the greatest extent possible, defend the security of these towns through the use of U.S. air power against Serbian artillery and in support European ground troops; and, (c) help assure the delivery of humanitarian relief by providing air cover to relief convoys and by retaliating immediately and massively to any interdictions of relief aid. The U.S. should encourage the UN: (a) to use all available logistic resources, including the railroad, to deliver humanitarian aid to needy communities; (b) to refrain from negotiating with armed factions the passage of humanitarian relief; and, (c) to assume responsibility for rehabilitating, operating and maintaining essential utilities--electricity, water, and natural gas--in central Bosnia, and the railroad system between Mostar and Zenica.