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The humanitarian operation in Bosnia, 1992-95: dilemmas of negotiating humanitarian access

Mark Cutts

Policy Research Unit, UNHCR
CP 2500, CH-1211 Geneva
Switzerland

e-mail: <cutts@unhcr.org>

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Introduction

Despite the enormous amount of literature which already exists on the Bosnian war, little research has been carried out on the way humanitarian access was negotiated with the warring parties.¹ This study, which forms part of a larger research project on the subject of humanitarian access, provides a critical analysis of the efforts made by UNHCR and other international actors to negotiate humanitarian access in Bosnia.² It looks at the various partnerships and alliances which evolved between these different actors, and their impact on the negotiating process. It covers the period from the early summer of 1992, when the war in Bosnia began, to December 1995 when the war ended with the signing of the Dayton Peace Agreement.

Much of the study deals with negotiations between UNHCR and the Bosnian Serb authorities. This is because of the particular difficulties which UNHCR experienced throughout the war in obtaining authorisation for humanitarian convoys to transit through Bosnian Serb territory to the government-held enclaves.

The study is based on UNHCR internal documents and reports, as well as interviews with UNHCR officials, staff from other humanitarian organisations and local officials. It draws heavily on the personal experience of the author who, as Head of the UNHCR office in Sarajevo for much of the war, was directly involved in negotiating with the Bosnian government and Bosnian Serb authorities.

The socio-political context of the humanitarian operation

For the first two years of the war, the fighting involved three parties: the Bosnian government, the Bosnian Croats and the Bosnian Serbs. Although tensions between them continued, fighting between Bosnian government and Bosnian Croat forces came to an end in March 1994, with the Washington Agreement and the creation of the Muslim-Croat Federation.

As a result of the brutal and systematic campaigns of ethnic cleansing which took place throughout the war, over half the population of Bosnia was uprooted. Hundreds of thousands of people became dependent on humanitarian assistance, particularly in the besieged enclaves of Sarajevo, Srebrenica, Zepa, Gorazde and Bihac. By December 1995, out of a pre-war population of some 4.3 million, and estimated 900,000 had become refugees in neighbouring countries and western Europe, while a further 1.3 million had become internally displaced.

¹ A partial exception to this rule is the detailed study on humanitarian action in the Former Yugoslavia carried out by the Humanitarianism and War Project of Brown University. However, this covers only the period 1991-93. See L. Minear, J. Clark, R. Cohen, D. Gallagher, I. Guest, T. Weiss, 'Humanitarian Action in the Former Yugoslavia: The UN's Role 1991-1993', Humanitarianism and War Project, Thomas J. Watson Institute for International Studies, Brown University, Occasional Paper 18, 1994.

² Apart from this study on Bosnia, the project includes case studies on Afghanistan, Angola, southern Sudan, Sri Lanka and Zaire/DRC, as well as a general analysis of the legal, political and operational issues associated with the subject of negotiated humanitarian access.

Unable to agree politically on ways to end the conflict, the international community concentrated largely on the humanitarian relief operation led by UNHCR. Operating under extremely difficult conditions, UNHCR managed to deliver some 950,000 metric tonnes of humanitarian assistance to some 2.7 million beneficiaries in Bosnia between 1992 and 1995. It became UNHCR's largest humanitarian operation ever.

A UN peace-keeping force, UNPROFOR, was mandated to assist in "creating conditions for the effective delivery of humanitarian aid". Although UNPROFOR was subsequently given additional tasks including the protection of six designated 'safe areas' and monitoring of Demilitarised Zones, Total Exclusion Zones and Weapons Collection Points, its responsibility for ensuring access for humanitarian supplies remained a central part of its mandate throughout the war. By the end of 1995 there were almost 30,000 UNPROFOR troops in Bosnia.

The humanitarian operation was constrained by a number of factors. Chief amongst these were security problems, lack of co-operation from the warring parties, and logistical difficulties. Security problems included both those relating to general warfare and direct attacks on humanitarian personnel. The latter were constantly exposed to shelling, sniping and land-mines. They came to rely heavily on UNPROFOR for information on security issues, armed escorts, transportation in armoured vehicles, and logistical support. They also relied on bullet-proof vests and armoured vehicles to an extent never seen before in any major humanitarian operation. During the war, over fifty humanitarian personnel and over eighty UNPROFOR soldiers were killed in war-related incidents, and hundreds more were injured.

The legal context of the humanitarian operation

The UN Security Council was centrally involved in the Bosnian conflict. Between 30 May 1992 and 9 November 1995 there were 46 Security Council resolutions dealing specifically with the situation in Bosnia.³ An examination of these resolutions reveals some interesting facts. While they focus on different issues, all of them deal either explicitly or implicitly with measures aimed at alleviating civilian suffering. Sixteen of them call directly on the parties to allow unimpeded delivery of humanitarian assistance, while twelve of them specifically mention UNHCR.⁴ A number of them call on international humanitarian organisations to collate substantiated information on violations of international humanitarian law.⁵

Together with other instruments of international humanitarian law, human rights law and refugee law, these resolutions provided a legal framework for the humanitarian operation in Bosnia. Some of them were of particular significance. Security Council Resolution (SCR) 770 of 13 August 1992 called upon States "to take nationally or through regional agencies or arrangements *all measures necessary* to facilitate in co-

³ This includes all Security Council resolutions after SCR 755 of 20/5/92 which recommended that Bosnia and Herzegovina be admitted to membership of the United Nations, and before 15 December 1995 when the Dayton Peace Agreement was signed.

⁴ SCRs 757, 787, 819, 859, 908, 941, 943, 970, 1004, 1010, 1016, 1019.

⁵ See SCRs 771, 780, 808 and 941.

ordination with the United Nations the delivery by relevant United Nations humanitarian organisations and others of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia and Herzegovina”.⁶ SCR 776 of 14 September 1992 enlarged the mandate of UNPROFOR to facilitate the delivery of humanitarian assistance. SCRs 758, 761 and 764 concerned the re-opening of Sarajevo airport for humanitarian purposes and the establishment by UNPROFOR of a ‘security zone’ around the airport. SCRs 824 and 836 established the ‘safe areas’ of Sarajevo, Tuzla, Zepa, Gorazde, Bihac and Srebrenica. SCR 900 concerned the normalisation of Sarajevo and the establishment of the Office of the Special Co-ordinator for Sarajevo.

Another key document relating to humanitarian access was the Statement of Principles of the International Conference on the Former Yugoslavia (ICFY). This was a forum which was established in 1992 and which remained in existence throughout the war. The Statement of Principles was agreed at the Conference’s first session in London on 27 August 1992. Among the various undertakings given by the parties in the Statement of Principles, they agreed to comply with all their obligations under international humanitarian law and “that the provision of humanitarian assistance should be carried out impartially and on a non-political basis for the benefit of all those affected by the conflict”. The Statement of Principles was endorsed by SCR 776 of 14 September 1992 and is referred to in various other Security Council resolutions.

The negotiating process

During the Bosnian war, negotiations on humanitarian access took place at many different levels, from the UN Security Council down to individual humanitarian personnel on the ground. Although many of the high-level negotiations focused on finding political solutions and ending the fighting, humanitarian issues were invariably given high priority. As a result, the shape which the humanitarian operation eventually assumed resulted largely from negotiations which were carried out by ‘political’ actors, rather than by representatives of humanitarian organisations.

A multiplicity of actors was involved. Within the United Nations, this included members of the Security Council and General Assembly, the Secretary-General, the Head of the Department of Political Affairs, the Head of the Department of Peacekeeping Operations and the High Commissioner for Refugees. Key UN officials on the ground in the former Yugoslavia included the Special Representative of the Secretary-General, the UNPROFOR Force Commander, the UNPROFOR Commander for Bosnia, the Head of UNPROFOR Civil Affairs, the UNHCR Special Envoy for former Yugoslavia, the UNHCR Chief of Mission for Bosnia, the UN Special Co-ordinator for Sarajevo (from March 1994), and Heads of other UN agencies, particularly UNICEF, WFP and WHO.

Within the wider international community, those with a central role in the negotiating process included the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, the NATO Secretary-General, the Supreme

⁶ Emphasis added.

Commander Allied Forces Europe (SACEUR) and, from April 1994 onwards, members of the five nation Contact Group (Britain, France, Germany, Russia and the United States). Other influential figures included former US President Jimmy Carter, who negotiated a four month cease-fire with the warring parties in December 1994; French President Francois Mitterand, who made a daring visit to Sarajevo on 28 June 1992, arriving on the first flight to demonstrate that the airport could be used; and US Assistant Secretary of State, Richard Holbrooke, the chief architect of the Dayton Peace Agreement which formally ended the war.

Within the humanitarian community, the International Committee of the Red Cross (ICRC) was a key actor. While ensuring that it maintained its independence from UNPROFOR and the UNHCR-led humanitarian operation, ICRC played an important role in negotiating with the warring parties for access for its own humanitarian supplies, and for access to prisoners of war, detention centres, hospitals and other facilities.

Another important body - not directly involved in negotiations but providing vital information used in the negotiating process - was the European Community Monitoring Mission (ECMM). Other international bodies included, *inter alia*, the European Union (EU) which administered Mostar after the March 1994 Washington Agreement and the Western European Union (WEU) which sent a police monitoring force to Mostar.

At the local level, numerous authorities were also involved, from the presidents of Bosnia, Croatia and the Federal Republic of Yugoslavia, to local army commanders, mayors, municipal authorities, police and check-point officials. On the Bosnian government side, humanitarian issues were dealt with largely by the President of the State Committee for Co-operation with the UN, and the Ministry for Refugees and Social Welfare. On the Bosnian Serb side, they were dealt with mainly by the President of the State Committee for Co-operation with the UN, and the Commission for Refugees and Humanitarian Aid.

In addition to all this, both international actors and local authorities appointed liaison officers. While this often improved communications, sometimes it had the opposite effect, adding to the confusion by creating yet another layer of intermediaries.

Numerous meetings, briefings, conferences and discussions took place between these different actors. All of this involved negotiation. In addition, much time and effort went into dealing with the enormous amount of written correspondence which was shared amongst the different actors, including requests, complaints, explanations, denunciations, warnings, reports, updates, analyses, proposals, agreements, action plans and legal documents. The process of preparing, clearing, circulating and dealing with these also involved negotiation at various different levels.

The level of communication, information-sharing and openness varied depending on the subject and circumstances. As the lead UN humanitarian agency, UNHCR often found itself in the privileged position of having a place at the 'top table' in high level political negotiations, being seen as the bridge between the political/military actors and the humanitarian community. For example, UNPROFOR always ensured that

UNHCR was informed about planned air-strikes before they actually took place, so that it could ensure the safety of humanitarian personnel.

In general, co-ordination between the different international actors was good when it came to making technical arrangements. However, there were often conflicting agendas amongst them when it came to defining policies. On the one hand, there were those who felt that the humanitarian operation should be kept going at all costs, even where this meant compromising and acceding to unreasonable demands from the warring parties. The policy here may be described as humanitarian containment; the assumption being that the continuation of the humanitarian operation would 'contain' the existing humanitarian crisis and 'buy time' for further peace negotiations. On the other hand, there were those who felt that the humanitarian operation should be limited or suspended if there was not sufficient co-operation from the warring parties for it to be carried out effectively.

Even within the UN there were often conflicting agendas or disagreements on policy issues. For example, a decision in February 1993 by Sadako Ogata, the UN High Commissioner for Refugees, to suspend UNHCR operations in Bosnia until the political leaders on all sides honoured their commitments to allow safe passage for humanitarian supplies, was quickly overturned by the Secretary-General, Boutros Boutros Ghali. The humanitarian operation resumed a few days later.

Political actors often put pressure on UNHCR and the humanitarian community to continue their work in spite of all the difficulties and setbacks. David Owen, the EU-appointed mediator in the Bosnian crisis from 1992 to 1995, illustrates this point when he states that in the summer of 1993, when UNHCR had been threatening to withdraw, "it was we as peace negotiators who had persuaded UNHCR to stay".⁷

The International Conference on the Former Yugoslavia

During the war the UN High Commissioner for Refugees frequently represented the wider international humanitarian community at high-level political meetings. In particular, she played an active role in the International Conference on the Former Yugoslavia (ICFY), where she met regularly with peace negotiators, representatives of the Bosnian government, leaders of the warring parties, and many of the other major players mentioned above.

The ICFY Statement of Principles provided the basis for a negotiated settlement of all aspects of the conflict. In particular, it emphasised three points: first, that humanitarian aid should be delivered to those in need and that armed escorts should be used where necessary; second, that international humanitarian law should be respected, that agencies should be given immediate access to detention camps, and that leaders would be held personally responsible for any war crimes committed; and third, that a peace process should be established based on two principles - that frontiers cannot be altered by force, and that within those fixed frontiers minorities are entitled to full protection and respect to their civil rights.

⁷ David Owen, *Balkan Odyssey*, Gollancz, London, 1995, p. 196

In September 1992 ICFY was set up in permanent session in Geneva. It had a Steering Committee with two Co-Chairmen and six Working Groups. The Steering Committee focused mainly on proposals for achieving a political settlement of the conflict. In August 1992 the Vance-Owen Peace Plan was announced, eventually to be rejected by the Bosnian Serbs. The next ICFY peace proposal was the Owen-Stoltenberg Plan, which was a modified revival of the European Union's Carrington Plan of March 1992. This was rejected by the Bosnian government in September 1993. With limited progress in achieving a political settlement, ICFY also played a key role in attempting to negotiate cease-fires. In 1994 the Contact Group drew up its own peace plan which was initially rejected by the Bosnian Serbs, but which eventually formed the basis of the Dayton Peace Agreement which ended the war.

Amongst the six ICFY working groups there was a Humanitarian Issues Working Group (HIWG) which was chaired by the UN High Commissioner for Refugees. The HIWG was itself guided by the Programme of Action on Humanitarian Issues which was agreed at the London session in August 1992. In that session, the leadership of the three warring parties committed themselves to full collaboration in ensuring the delivery of humanitarian relief by road throughout Bosnia.

The HIWG also endorsed the 'Comprehensive Response to the Humanitarian Crisis in the Former Yugoslavia' which had been proposed by UNHCR at the International Meeting on Humanitarian Aid for Victims of the Conflict in the Former Yugoslavia on 29 July 1992. This seven-point plan included respect for human rights and humanitarian law, preventive protection, humanitarian access to those in need, measures to meet special humanitarian needs, temporary protection measures, material assistance, and return and rehabilitation. This plan provided a comprehensive framework for addressing humanitarian issues throughout the war.

The role of UNHCR as the lead humanitarian agency

In 1992 UNHCR was designated by the Secretary-General as the lead UN agency for the delivery of humanitarian assistance in the former Yugoslavia. As a result, almost the entire humanitarian operation in Bosnia was co-ordinated by UNHCR. By the end of 1995 there were over 250 international humanitarian organisations operating under the UNHCR 'umbrella'. The only major humanitarian organisation to operate outside the UNHCR framework was ICRC.

Other significant actors amongst the humanitarian community who often negotiated with the parties were WHO, which played an important role in terms of negotiating access for medical supplies, and the Office of the UN Special Co-ordinator for Sarajevo (UNSCS), which negotiated access for materials required for the maintenance of vital utilities in Sarajevo. Both WHO and UNSCS co-ordinated their activities closely with UNHCR.

Substantial quantities of humanitarian supplies were also delivered to Bosnia by CARITAS (a Catholic NGO operating out of Croatia) and by Dobrotvor (an Orthodox NGO operating out of Serbia). They often operated independently of UNHCR.

However, they delivered supplies primarily to territory adjacent to Croatia and Serbia, where no cross front-lines had to be crossed and therefore where there was no need to negotiate access with the opposing parties. In cases where they needed to cross front-lines, they usually depended on assistance from UNHCR.

The way in which UNHCR carried out its role as the lead humanitarian agency put it in the strange position of being both a 'facilitator' and a 'regulator' of the activities of other humanitarian organisations. As facilitator, UNHCR deliberately blurred the distinction between UN agencies and non-UN agencies in order to encourage the warring parties to respect all humanitarian organisations equally. This had a significant impact on the negotiating process as UNHCR came to represent not only itself but a much larger and somewhat diverse 'humanitarian community'. As regulator, UNHCR took on the role of a quasi-government. Those operating under the UNHCR umbrella often had to negotiate with UNHCR for access rather than with the warring parties.

This situation came about largely because of the system of ID cards and vehicle registration plates developed by UNHCR. It was decided early on that all *bona fide* humanitarian organisations needed to be easily identifiable, as this would help to ensure that they were respected by the parties to the conflict, and at the same time it would help UNPROFOR to know who to assist. In addition, both the warring parties and UNPROFOR preferred to deal with one lead agency rather than with hundreds of different ones.

At first UNHCR ID cards and registration plates were issued exclusively for UNHCR and NGOs implementing UNHCR-funded projects. However, they were so effective in enabling access that they were soon in great demand. As a result, UNHCR started issuing them to other organisations as well. By the end of 1995 there were more than 3,000 people from over 250 humanitarian organisations carrying valid UNHCR ID cards.

Throughout the war there was a constant queue of people requesting UNHCR ID cards and registration plates. UNHCR found itself having to make quick decisions about whether or not to grant these, often based on very meagre background information. Many of those who were granted ID cards belonged to organisations which had never been heard of before. Some belonged to organisations which had only been created the previous day. In some cases, individual philanthropists were granted ID cards. In one case, a clown was given a card, to enable him to provide entertainment for children in the war zone. In another case the members of an entire theatre company were given cards.

Journalists, human rights investigators and politicians were amongst those who managed to obtain UNHCR ID cards. Some abused the system, posing as aid workers when applying for them. In other cases UNHCR used its own discretion in issuing them to officials who could not strictly be called 'humanitarian personnel'. For example, embassy staff, and even some ambassadors, were granted UNHCR ID cards. UNHCR justified this on the grounds that they represented governments which were actively supporting the UNHCR-led humanitarian operation.

There were other misuses of these ID cards. Bosnian civilians, particularly draft-age males, often applied for work with humanitarian organisations with the sole purpose of obtaining ID cards which would enable them to get through checkpoints and flee the country. UNHCR ID cards were sold, forged, and re-used. Local authorities continually complained about this. UNHCR tried to deal with the problem, but with limited success.

The difficulty of distinguishing between UN and non-UN personnel was compounded by the fact that it was often difficult to distinguish between UN and non-UN vehicles. Numerous organisations were provided not only with UNHCR vehicle registration plates but also UNHCR stickers to put on the sides of their vehicles. As a result, UNHCR and NGO vehicles often looked identical. As with the ID cards, there was much misuse of the registration plates. They were sometimes used to smuggle commercial goods across front-lines. On a number of occasions UNHCR had to confiscate them because of such misuse. By the end of 1995 there were over 2,000 vehicles from more than a 150 humanitarian organisations driving around Bosnia with UNHCR registration plates.

The wide distribution of UNHCR ID cards and registration plates to other agencies illustrates the way in which UNHCR tried to down-play the distinction between itself and non-UN organisations, in order to prevent them from being discriminated against as 'second class' humanitarians. While this had the positive effect of considerably improving access for them, it also had the unfortunate effect of tarring UNHCR with the same brush as many of the less professional, less disciplined and often untrustworthy organisations. Also, since UNHCR gave cards and plates to dozens of NGOs which worked only on the Federation side, this gave the Serb authorities yet another reason to accuse UNHCR of being biased in favour of the Muslims and Croats. Virtually no international NGOs worked only on the Serb side.

Although technically it was possible to distinguish between UN and non-UN staff by reading the small-print on the ID cards, most checkpoint officials found it difficult to do so. In practice, local officials and fighters who controlled the routes considered that vehicles with UNHCR registration plates were 'UNHCR vehicles', and personnel with UNHCR-issued ID cards were 'UNHCR personnel'. This had serious implications for UNHCR, as any abuse of these cards and registration plates reflected on UNHCR, and on the UN as a whole. Because there were so many abuses, the currency was devalued.

One interesting side effect of the system of issuing UNHCR ID cards and registration plates was that co-ordination amongst humanitarian organisations was on the whole very good. They were forced to co-ordinate their activities with each other. First, because UNHCR would only issue them with ID cards and registration plates on the condition that they reported on their activities and attended inter-agency co-ordination meetings. Second, because the system made them acutely dependent on UNHCR for agreements negotiated with the warring parties, for information on the security situation, for UNPROFOR escorts, for space on UNHCR convoys and transport planes, for seats on UNPROFOR flights, for access to UNPROFOR facilities and numerous other privileges.

The role of UNPROFOR

UNPROFOR's primary mandate in Bosnia was to assist UNHCR by creating conditions for the effective delivery of humanitarian assistance. In carrying out its mandate, UNPROFOR concentrated on establishing reliable 'supply routes' and 'corridors' by road and by air, and on enhancing security for humanitarian personnel.

UNPROFOR engineers succeeded in opening up and maintaining key land routes in government-held territory, and in maintaining the runway and vital facilities at Sarajevo airport. An inevitable problem, however, was that heavy dependence on particular routes made it easy for the warring parties to control access along these routes.

Although UNPROFOR did much to improve security for humanitarian personnel, there were times when it did the opposite. The Bosnian Serbs, in particular, were very hostile to UNPROFOR after it called for punitive NATO air-strikes against them, and UNHCR's close co-operation with UNPROFOR often had the effect of further jeopardising its attempts to present itself as impartial. On a number of occasions, UNHCR convoy teams complained that the presence of UNPROFOR escorts had the effect of drawing fire onto them, and that they would be safer with no military escort.⁸

One of UNPROFOR's main roles in terms of assisting the humanitarian operation became that of providing 'passive protection' for convoys. This took the form of UNPROFOR armoured personnel carriers escorting UNHCR convoys through dangerous front-line areas. The principle was that if the convoy was caught up in shelling and sniping, convoy personnel would be able to shelter in the armoured vehicles.

Although UNPROFOR provided humanitarian actors with vital security and logistics support, it did little to improve access to areas which required movement through territory controlled by Bosnian Serb forces. UNPROFOR was singularly unsuccessful in improving access for humanitarian organisations to the government enclaves which were besieged by Bosnian Serb forces. This was because UNPROFOR itself depended entirely on authorisation from the Bosnian Serb authorities to travel through its territory.

UNPROFOR went along with a system which required it to submit requests to the Bosnian Serb authorities for safe passage through its territory. These requests had to be sent one week in advance, with registration numbers of every truck and a detailed breakdown of every item being carried. On some routes convoys were not approved

⁸ There were even cases where UNPROFOR 'used' UNHCR to gain access which it would otherwise have been denied, exposing UNHCR personnel to unnecessary danger in the process. For example, in central Bosnia in 1994 UNPROFOR was consistently denied permission by the local authorities to enter Zavidovici, where it wanted to gather intelligence about front-line military activities. So when UNHCR convoys travelled to the area, the customary UNPROFOR escort of two armoured vehicles was enlarged to include eight to ten military vehicles, ostensibly for security reasons, but in reality as a way of getting intelligence officers into the town. Intelligence officers travelling in these military vehicles took photos of the area and carried out various reconnaissance activities which angered the local Bosnian authorities. The result was that the convoys were shelled. On one occasion humanitarian staff narrowly escaped with their lives.

for months at a time. UNHCR sometimes had to provide UNPROFOR with food for its own troops in places like Sarajevo and Gorazde. In other words, UNHCR sometimes had to support the very troops which had been sent to Bosnia to support UNHCR.

There was no end to the humiliation which UNPROFOR suffered at the hands of the Bosnian Serbs. In 1995 hundreds of UNPROFOR soldiers were taken hostage by the Bosnian Serbs following NATO air-strikes. Some were even taken to Serb military installations and chained to possible air-strike targets. At one point, an average of one UN vehicle per day (including UNPROFOR vehicles) was being stolen in Bosnian Serb territory. UNPROFOR was powerless to do anything about it. The over-running by Bosnian Serb forces of the inappropriately named 'safe areas' of Srebrenica and Zepa in the summer of 1995, and the subsequent withdrawal of all UNPROFOR troops from eastern Bosnia, marked the final humiliation of UNPROFOR. In such circumstances, there was little that UNPROFOR could do to assist UNHCR in areas controlled by Bosnian Serb forces.

At the negotiating table

UNHCR officials on the ground generally found themselves negotiating with the warring parties from positions of considerable weakness. Reasons for this are not hard to find: they were negotiating with local authorities on whom they were largely dependent for their personal security, the rapid rotation of humanitarian personnel meant that they were far less familiar with the issues than the local authorities, and the widely acknowledged moral and political imperative set by the international community of keeping the humanitarian operation going at virtually all costs meant that the warring parties found themselves in a strong position to set the terms.

Apart from this, there were five main factors contributing to UNHCR's difficulties at the negotiating table. First, humanitarian personnel on the ground often misjudged their local interlocutors, underestimating their deceptiveness and making excuses for their obstructionism. They often devoted considerable time and energy to building up relationships with local authorities based on trust. In the process, friendships were established, with varying degrees of intimacy. In many situations, staff became reluctant to challenge these authorities and to be seen as being 'confrontational'.

A typical technique of the warring parties during difficult negotiations was to make agreements which they had no intention of honouring. The Bosnian Serbs civilian authorities who were responsible for liaising with UNHCR were particularly good at this. When confronted, they pleaded with UNHCR to understand that they themselves were acting in good faith and doing everything in their power to co-operate, but that their hands were tied and that it was the Bosnian Serb military and political leadership who called the shots. Rather than challenging their propensity for 'passing the buck' by holding them collectively accountable for their obstructionism, and publicly condemning this, UNHCR officials often made excuses for their civilian counterparts, sympathising with their plight and advocating patience.

Many of the local authorities with whom UNHCR negotiated did not act in good faith. Some of the so-called 'Commissioners for Humanitarian Aid' were in fact directly responsible for ensuring that humanitarian aid was prevented from entering the besieged government enclaves. At a meeting with UNHCR in Pale on 2 July 1995, Nikola Koljevic, President of the Co-ordinating Board for Humanitarian Assistance (and Vice President of Republika Srpska), explained his constant obstructionism by saying that if he allowed Muslims to be fed he would be indicted as a war criminal by his own regime.

Second, in dealing with the warring parties, humanitarian officials often failed to present a united front. On the contrary, they often undermined and contradicted each other. In the case of UNHCR, approaches taken by different staff depended largely on which side of the front line they were based. For example, those based in Bosnian Serb areas were often far more sympathetic to the Serb position than those based in Bosnian government areas. Unfortunately, differing points of view about the way in which the humanitarian operation should be conducted were not reconciled. The inability of UNHCR staff to agree amongst themselves on key issues led to confusion and indecisiveness within UNHCR, and inconsistency at the negotiating table. This was invariably exploited by the warring parties.

Third, the often conflicting agendas of UNPROFOR and UNHCR meant that they sometimes allowed themselves to be played off against one another by the warring parties. Although relations between UNPROFOR and UNHCR were generally good, the fact that they often negotiated separately with the warring parties led to misunderstandings and confusion. For example, in October 1995 UNHCR refused to accept a deal which the UNPROFOR French battalion in Sarajevo made with the Bosnian Serbs. The deal was for UNHCR convoys to use a new route through Hadzici into Sarajevo, with one truck from each convoy being off-loaded into a Serb warehouse in Hadzici, in addition to that which was already being supplied to Hadzici from another warehouse.

UNPROFOR sometimes tried to bully UNHCR into accepting deals which it considered to be unacceptable. For example, on 29 June 1995 the UNPROFOR Force Commander, General Janvier, met with the Commander of the Bosnian Serb army, General Mladic, who proposed an arrangement for convoys to be allowed into Sarajevo on the condition that equal tonnages of food were distributed on exactly the same days to Bosnian Serb areas in eastern Bosnia. General Janvier approached the UNHCR Chief of Mission with this proposal the next day, strongly encouraging UNHCR to accept the deal, on the basis that this would give a window of opportunity for political negotiations by Carl Bildt. The UNHCR Chief of Mission refused.⁹

The result was that the Bosnian Serbs were often successful in driving wedges between UNHCR and UNPROFOR. For example, in the spring of 1995 they agreed to allow UNHCR convoys to pass through Bosnian Serb territory into Sarajevo on condition that they were not escorted by UNPROFOR. For many weeks UNHCR refused to accept this condition, but in June 1995 it finally yielded.

⁹ Internal UNHCR report dated 30 June 1995.

Fourth, unclear and inconsistent UNHCR policies often led to confusion. There was particular confusion regarding the issue of reciprocity, or 'linkage', which dominated the negotiating process. Officially, UNHCR would not accept the principle of reciprocity, whereby humanitarian supplies would be divided equitably between the territories controlled by the different warring parties, rather than being distributed purely on the basis of need, and whereby failure to deliver to one side would automatically be matched by a suspension of deliveries to the other side. However, UNHCR found that there was often no other way of keeping the humanitarian operation going, since its continuation depended on the consent of the warring parties, who themselves insisted very clearly on this principle.

As the war continued, UNHCR came to accept this reality more and more. For example, in response to consistent attempts by the Bosnian Serbs to block deliveries to the besieged government enclaves of Srebrenica, Zepa and Gorazde, UNHCR scheduled deliveries for the enclaves at the beginning of each week, and deliveries for the surrounding Serb areas at the end of each week. In this way, when convoys were prevented by the Bosnian Serbs from entering the enclaves, the subsequent convoys for the civilian population in areas controlled by Bosnian Serb forces were delayed or suspended. Also, in November 1994 the UNHCR Chief of Mission for Croatia made a decision to suspend deliveries of humanitarian supplies to areas controlled by the Krajina Serbs due to their refusal to allow UNHCR convoys destined for the besieged Bosnian government enclave of Bihac to pass through their territory. UNHCR officials justified their actions by appealing to the principle of impartiality, but in practice the principle of impartiality was often confused with the principle of reciprocity.

Fifth, the exposure of attempts by humanitarian personnel to bypass rules laid down by the warring parties meant that they were often on the defensive when negotiating with them. Working on the principle that the ends justify the means, humanitarian personnel often considered that in dealing with 'corrupt' authorities, it was morally justifiable to find surreptitious ways of bypassing rules in order to deliver urgently needed supplies, even where this involved lies and deception. The problem was that when they tried to make deals with these same authorities after having been caught acting in bad faith, they inevitably found themselves in weak negotiating positions. In many of their meetings, humanitarian staff were accused by local authorities of dishonesty and lack of professionalism.

Because of the severe restrictions on what was allowed through checkpoints, UNHCR and other humanitarian organisations often smuggled undeclared passengers or goods in their vehicles. Passengers included both local Bosnians and internationals such as journalists and photographers. Goods included not only 'project items' such as medical supplies, spare parts for machinery, computer equipment and bundles of cash, but also 'personal items' such as cameras, audio-visual equipment, alcohol and cigarettes. Sometimes they were caught during routine searches at checkpoints. On other occasions the truth came out at a later date. For example, due to Bosnian Serb restrictions on the transport of fuel to the besieged government enclaves, UNHCR often filled the normal vehicle tanks to capacity and then siphoned out the excess on arrival. Some agencies even welded additional fuel tanks to the bottom of their trucks for this purpose. This was eventually discovered.

UNPROFOR soldiers were also known for their bypassing of rules. Apart from carrying undeclared items in their vehicles, they often smuggled local Bosnian civilians through checkpoints. In his recent book *Fighting for Peace*, the former UNPROFOR Commander in Bosnia, General Sir Michael Rose, mentions that “we were used to smuggling people out of Sarajevo”.¹⁰

For all these reasons, UNHCR officials and other humanitarian personnel met with little success at the negotiating table. Apart from some of the more obvious disadvantages faced by humanitarian personnel, on the whole it could be said that the warring parties, particularly the Bosnian Serbs, were simply better at negotiating.

Systems and procedures negotiated with the parties

Early on in the war, UNHCR agreed to provide advance notification to the local authorities of every convoy which would be passing through their respective territories. This was agreed for security reasons, so that convoys would not be shot at or caught in crossfire. It was agreed that the local authorities would inform UNHCR if it was not safe for convoys to pass.

This notification system soon became a clearance system. Local authorities began to deny clearances for certain convoys, not only for security reasons (sometimes genuine, sometimes spurious), but also for clearly stated political reasons. They accused UNHCR of acting in bad faith, arguing that the proportion of aid going to the other side of the front line was too high. This was particularly the case with the Bosnian Serbs, who frequently denied clearance for UNHCR convoys to Bosnian government areas which were besieged by Serb forces. The Bosnian Croat authorities in Herzeg Bosna did the same during the early stages of the war, often denying clearance for convoys to Muslim areas.¹¹ The Bosnian government had little opportunity to do the same, though it sometimes did so with Croat enclaves in Central Bosnia during the Muslim-Croat war.

In dealing with these complaints, UNHCR tried to gain the trust of the parties by ensuring greater transparency. It started providing them with detailed reports of every item delivered on each side of the front-line. Much effort and time went into producing and distributing these reports. Unfortunately, rather than improving confidence and expediting clearances, this had the reverse effect. The parties continued to argue that the quantities delivered to the other side were too large, and they now had documentary evidence to prove it. Moreover, as explained below, they often made clearances conditional on certain percentages being reflected in these reports.

The system of notifications and clearances became more and more bureaucratic as the war continued. By 1995 the Bosnian Serb authorities were demanding so much information that the system was almost unworkable. For example, for every convoy

¹⁰ General Sir Michael Rose, *Fighting for Peace*, Harvill, London, 1998, p. 99

¹¹ In fact they continued to do so well after the establishment of the Muslim-Croat Federation.

travelling to Sarajevo, UNHCR had to send a fax 7 to 14 days in advance to the office of the Serb Commissioner for Refugees and Humanitarian Aid, giving details and quantities of every item being carried, vehicle registration numbers for each truck and for the escort vehicle, names and ID card numbers of all drivers and convoy personnel, and date and time of arrival of the convoy at the first Bosnian Serb checkpoint.

In spite of having up to fourteen days advance notice, the Bosnian Serb authorities often failed to give the go-ahead for convoys to travel until the night before the convoy was due to travel. Sometimes clearance was received on the actual day of travel. This meant that trucks were often loaded up before the clearance was received. If the clearance was then denied, they would have to off-load again, or deliver the goods to some other destination where they did not have to pass through Bosnian Serb territory. If a vehicle which was listed on the clearance request was subsequently out of order, no other vehicle could be substituted. If a driver who was on the request could not make it, no other driver could be substituted. Since the convoys set out from Croatia, customs papers also had to be arranged from the Croatian authorities. Any minor hiccup could result in cancellation of the entire convoy. In a volatile war-time situation where vehicles are often out of commission and where drivers and convoy personnel are often held up by unforeseen circumstances, this was an impossibly complicated system.

Arranging for convoys to get into places like Sarajevo, Srebrenica, Gorazde or Zepa required an enormous amount of advance planning, meetings at various levels, laborious work preparing clearance requests, and many hours spent relaying these by radio from the UNHCR logistics base in Metkovic to the UNHCR office in Pale, and then by fax from there to Bijeljina. It also often required literally dozens of UNHCR staff in Sarajevo, Pale and Metkovic, and often Zagreb and Belgrade as well, communicating with each other by satellite phone or by radio. Opportunities could not be missed, for if a convoy did not arrive on the day agreed on the clearance papers, it had to be cancelled.

In practice, the system proved to be a convenient way for local authorities to control and restrict access to 'enemy territory'. All kinds of delaying tactics were used. It was often claimed that clearance requests were not received in time, and endless excuses were found for refusing to grant clearances.

Percentages

Throughout the war, UNHCR distribution plans in Bosnia reflected the comparative demands of the warring parties more than an independent assessment of relative needs. Although it was clearly not possible to undertake a proper assessment of needs under war-time conditions, it was well known that conditions in the besieged enclaves of Sarajevo, Srebrenica, Zepa and Gorazde were far worse than in the surrounding areas, and that civilians in these enclaves were much more dependent on humanitarian assistance than those outside them. In spite of this, UNHCR distribution plans were based primarily on (unreliable) population figures, which largely ignored relative needs. In the case of Sarajevo, those living in Serb-controlled areas outside the

besieged city, where there were large amounts of fertile farmland, not only benefited from equal amounts of UNHCR food, but also benefited disproportionately from a UNHCR seed distribution programme.

In general, about 30% of all food aid provided by UNHCR was delivered to Bosnian Serb areas.¹² This reflected the Bosnian Serb demand for 30% of all food, based on pre-war population figures, where Serbs made up some 30% of the total population of Bosnia. In Bosnian government areas, the percentage breakdown of food for Muslim areas and for areas controlled by the Croat authorities also largely reflected relative population figures rather than relative needs. Indeed, because of pressure from the Croat authorities of Herzeg Bosna - who controlled the main route into central Bosnia - large quantities of UNHCR food were distributed to Croat areas in the far south of the country which had hardly been affected by the war at all, and where there was no real need for humanitarian assistance. In the Zenica area, Croat areas comprised 15% of the population and they received 15% of all UNHCR distributions. In southern Bosnia, Croat districts amounted to 47% of the population and they received 49% of UNHCR distributions.¹³

An aid distribution plan based on relative population figures for areas under the control of the different warring parties was seen by many of the local authorities as a logical one. It was in keeping with the socialist traditions to which people were accustomed. Since civilians all over the country were affected by the war, having lost their jobs, salaries, pensions and other assistance from the state, UNHCR was seen as a natural substitute. The fact that the percentage breakdown of UNHCR food for Bosnian government areas and Bosnian Serb areas roughly reflected relative population figures, reinforced the expectation that UNHCR was there as a substitute government with the task of providing social welfare benefits equitably to the entire population.

UNHCR initially attempted to distribute humanitarian supplies on the basis of needs, rather than on the basis of relative population figures for the different areas. However, under pressure from the warring parties, and wanting to demonstrate its impartiality, UNHCR distribution plans came to represent a compromise solution. They were based mainly on population figures, although slightly larger quantities of food were sent to areas where conditions were worst. This led to genuine confusion. It was not enough to convince the Bosnian government that the UNHCR distribution plan was based on relative needs, but it was enough to convince to Bosnian Serb authorities that distributions were not equitable and that UNHCR was not an unbiased social welfare provider.

The issue of 'unfair' percentages became a convenient pretext for the Bosnian Serbs to block humanitarian supplies to the besieged enclaves. In the winter of 1994, in spite of desperate conditions in Sarajevo when they cut off all gas and virtually all electricity to the city, the Bosnian Serbs refused to allow UNHCR to deliver firewood

¹² UNHCR's food delivery target for the whole of Bosnia was 15,302 MT in July 1995, of which 1,250 MT was for the Banja Luka area, 2,215 MT was for eastern Bosnia and 1,058 MT was for Serb-controlled parts of the Sarajevo area. This makes a total of 4,523 MT for Serb-controlled areas, which is 29.6% of the total.

¹³ UNHCR Report, Metkovic, 28 March 1995.

or coal unless it gave 50% to the Serb side. This was clearly an outrageous demand, as those living in on the Serb side comprised only 23% of the total population, and most of them already had access to firewood. The result was that UNHCR refused and none was delivered to either side.

On other occasions, however, humanitarian organisations were drawn into bargaining with the Bosnian Serbs. In 1994, for example, the Bosnian Serbs demanded 50% of all fuel provided by UNHCR to the Sarajevo area. UNHCR's initial refusal led to a situation where urgently needed fuel for hospitals, water pumps and bakeries in Sarajevo was blocked for eight months. Eventually, UNHCR officials who were responsible at the time made a deal, raising the percentage for the Serb side to 38%. Also, in the case of winterisation items such as plastic sheeting, blankets and stoves, UNHCR's refusal to give 50% to the Bosnian Serbs in the winter of 1994/5, led to a situation where these were blocked by the Bosnian Serbs until winter was virtually over. They were eventually distributed only after UNHCR agreed to raise the percentage for the Bosnian Serb side to over 30%.

Many of the bargaining sessions which took place with the Bosnian Serb authorities were seedy affairs with drunken officials in smoky rooms and large amounts of *losa* (plum brandy). Since UNPROFOR had proved powerless to improve access for humanitarian supplies to areas besieged by Bosnian Serb forces, those responsible for making deals with these officials believed that it was the only way of getting the supplies in. However, humanitarian organisations (including UNHCR) remained deeply divided internally on the pragmatism, and ethics, of bargaining in this way.

Bosnian government authorities continually complained about the percentages agreed by UNHCR. NGOs also sometimes complained about the fact that UNHCR would not transport commodities for them on its trucks or on the airlift unless the overall agreed percentages were respected. A letter from the President of the Bosnian government State Committee for Co-operation with the UN to UNHCR in November 1994, illustrates the frustration with this system of percentages:

For a long time, we have been receiving protests from humanitarian organisations due to your permission that the Serb aggressor side be given a percentage of the goods that you transport through the territory under their control, and especially those goods which you transport by air-lift for other organisations. I kindly ask you to stop with this practice.¹⁴

Access for UNHCR protection activities

While UNHCR was able to deliver large quantities of humanitarian supplies during the war, it was much less successful in carrying out its protection mandate. UNHCR had hoped that by establishing a 'presence' on all sides, it would be able to monitor human rights abuses and carry out its protection activities. However, no matter how

¹⁴ Letter from Hasan Muratovic, President of the State Committee for Co-operation with the UN, Republic of Bosnia and Herzegovina, to the UNHCR Chief of Mission for Bosnia and Herzegovina, dated 29 November 1994.

much material assistance was provided, the warring parties still found ways of preventing UNHCR from visiting areas where ethnic cleansing was taking place.

In spite of the restrictions on freedom of movement and limited access to vulnerable communities, UNHCR did manage to provide numerous reports on ethnic cleansing, harassment of minorities, evictions, expulsions, and human rights abuses in general. These reports provided vital information, particularly since journalists were barred from large parts of Bosnian Serb territory for most of the war. In some cases, UNHCR and ICRC were the only international organisations present on the Bosnian Serb side.

UNHCR reports, as well as public denunciations made by UNHCR officials against those responsible for committing atrocities, naturally strained relations with the warring parties concerned, complicating negotiations over access and jeopardising ongoing assistance programmes. It was difficult for staff to co-operate with local authorities in carrying out assistance programmes while at the same time condemning them over human rights abuses.

In view of its powerlessness to prevent ethnic cleansing and expulsions, UNHCR was faced with the dilemma of whether or not to assist in evacuating vulnerable civilians. During the early stages of the war in 1993, UNHCR was involved in carrying out a mass evacuation of residents from Srebrenica. However, this led to heavy criticism that UNHCR was assisting ethnic cleansing, and as a result, both UNHCR and ICRC adopted policies (also followed by UNPROFOR) of only assisting with mass evacuations in special “emergency” cases.¹⁵

Although access to areas where atrocities were taking place was often denied, UNHCR managed to monitor most population movements, even if only at the receiving end. On many occasions, UNHCR vehicles accompanied convoys of expelled people in order to ensure minimum standards of humane treatment along the way. The challenge for UNHCR in these situations was to avoid being seen to be ‘escorting’ these convoys, to avoid further accusations of complicity in ethnic cleansing.

Civilians who feared for their safety often approached UNHCR to request assistance in crossing front-lines. Once again, to avoid being accused of facilitating ethnic cleansing, UNHCR took a very cautious and selective approach in dealing with these requests, giving priority to people who had experienced direct attack, such as rape, murder of a family member, bombing of his or her home, and eviction with threats of harm.

Vulnerable civilians, including families which had been split up by the war and who wanted to be reunited, also approached UNHCR for assistance in travelling across front-lines or in being evacuated out of the country. They included elderly or otherwise handicapped people who had difficulty supporting themselves, as well as

¹⁵ However, there remained no clear criteria for determining what triggered an emergency and when mass evacuation should begin. As a consequence, in May 1995, after Bosnian Serb forces overran Srebrenica, although UNPROFOR was present, it failed to organise a mass evacuation. The result was that the Bosnian Serb authorities organised the evacuation themselves, separating out all the men in the process, most of whom were subsequently executed.

seriously ill or wounded patients who could not be adequately cared for in local hospitals. Many were transported across front-lines in UNHCR vehicles, or evacuated out of the country on the UNHCR airlift.

The procedures for transporting civilians across front-lines were lengthy, bureaucratic and complicated. Once UNHCR agreed to assist in arranging a transfer, it had to get clearances from the military, police and civilian authorities on either side before it could go ahead. There were inevitably long delays as the local authorities tried to impose conditions. Often they insisted on 'exchanges'. For example, it was often the case in Sarajevo that the Bosnian Serbs would not allow a Muslim to leave the Serb-controlled area unless a Serb was simultaneously 'freed' from the government side. UNHCR refused to work on the basis of exchanges, and as a result these transfers often took many months to arrange.

UNHCR protection officers made painstaking efforts to assist in transferring vulnerable civilians across front-lines. However, they had only limited success as they depended entirely on clearances from the warring parties, which were often not forthcoming. Many sick and elderly people lived on their own with no-one to support them for most of the war, while their relatives remained on the other side of the front-line only one or two kilometres away.

UNHCR officials on the ground spent many hours negotiating with military, police and civilian authorities in an attempt to arrange transfers across front-lines for vulnerable individuals. Meanwhile, at the higher level, very little time was spent discussing the principle of whether or not the warring parties should have the right to decide who was transported in UN vehicles.

Also, it is important to note that although the transfer of vulnerable civilians across front-lines became an important part of UNHCR's protection work, UN Security Council resolutions relating to Bosnia failed to explicitly address the issue of civilian movements, focusing largely on calls for unimpeded access for the delivery of 'humanitarian supplies' and the creation of 'safe areas'.

The humanitarian airlift

Between 3 July 1992 and 9 January 1996, UNHCR co-ordinated what became the longest running humanitarian airlift in history, surpassing the 1948-9 Berlin airlift in duration. Over 20 nations participated in the airlift. Most of the aircraft were lent to UNHCR by Canada, France, Germany, the United Kingdom and the United States. Altogether some 160,000 tonnes of food, medicines and other goods were delivered to Sarajevo in over 12,000 flights. In addition to aid delivery, the airlift was used for medical evacuation of more than 1,100 casualties of the war.

In the early days, the airlift flew from Zagreb, Split, Frankfurt and Ancona. In 1995, UNHCR consolidated all operations in Ancona. The airlift was run by UNHCR, through its Geneva-based Airlift Operations Cell, in close co-ordination with the aircraft-contributing nations and UNPROFOR which, amongst other things, provided security at the airport.

The airlift was not only affected by bureaucratic obstacles but also by constant security problems. Both sides, particularly the Bosnian Serbs, shot at aircraft as they used the airport. There were more than 270 serious security incidents. The worst single incident was the downing of an Italian Air Force G-222 cargo plane on 3 September 1992 by a surface-to-air missile, killing all four crewmen on board.

Security incidents often resulted in a decision by UNHCR to suspend the airlift. Following such suspensions, the aircraft-contributing nations would only agree to resume the airlift after receiving written security guarantees from the warring parties. This led to prolonged suspensions of the airlift, the longest one being in 1995, when it was suspended for five months.

The desperate way in which the international community struggled to keep the airlift going resulted in a situation where little attention was given to the highly restrictive conditions under which the airlift actually operated. Many of these restrictions remain little known today.

The airport agreement

The airport was initially opened as a result of negotiations carried out between UNPROFOR, the Bosnian Serb authorities and the Bosnian government. UNPROFOR was represented in the negotiations by General MacKenzie, Commander of UN troops in Sarajevo, and Cedric Thornberry, Head of Civil Affairs. No-one from UNHCR was present during the negotiations, although a UNHCR Task Force in Geneva, which was preparing for the Sarajevo humanitarian airlift operation, was consulted by UNPROFOR Civil Affairs before the agreement was finalised. The negotiations resulted in the Sarajevo Airport Agreement of 5 June 1992, which remained the basis of the humanitarian airlift operation throughout the war.

Although the exact title of the agreement was ‘Agreement of 5 June 1992 on the Re-Opening of Sarajevo Airport for Humanitarian Purposes’, the agreement does not mention UNHCR. A number of UN Security Council Resolutions were passed which broadly supported the airport agreement.¹⁶ Resolution 761 of 29 June 1992 specifically called on “all parties and others concerned to comply fully with the agreement of 5 June 1992”.

The agreement contained provisions which made it problematic from the start. Article 8 stated that “[h]umanitarian aid will be delivered to Sarajevo *and beyond*, under the supervision of the United Nations, in a non-discriminatory manner and on a sole basis of need”.¹⁷ The words “and beyond” were highly significant, because they were interpreted as requiring that the airport should be used to supply not only the besieged part of the city, but also areas under the control of the besieging Serb forces. It was a clear trade-off. Throughout the war the humanitarian airlift was able to operate only on the condition that it delivered goods to both the population of the besieged city and

¹⁶ Most notably SCR 758 (of 8 June 1992), 761 (of 29 June 1992) and 764 (of 13 July 1992).

¹⁷ Emphasis added.

to the populations of the surrounding Bosnian Serb-controlled areas which were not under siege.¹⁸

On the principle that the airlift should supply civilians on both sides of the front-line, the Bosnian Serb authorities refused to allow the humanitarian airlift to begin until a satisfactory agreement was reached with UNHCR over the proportion of airlifted supplies which would go to the Bosnian Serb side. UNHCR estimated that there were some 330,000 people on the Bosnian government side and 100,000 on the Serb side, which meant that 23% of the population was on the Serb side. On the basis of these figures, and in spite of the fact that the needs of those in the besieged city were much greater than those outside, UNHCR agreed that 23% of all food brought in by air would go to the Serb side. For the next three and a half years, the Bosnian Serb authorities held UNHCR to this agreement, which was based on Serb demands rather than on an objective assessment of needs.

The Bosnian Serb authorities managed to apply the same percentages to all UNHCR land convoys transiting through Bosnian Serb territory to Sarajevo. Since all land convoys had to pass through the airport in order to get into Sarajevo, this being the only route which the Bosnian Serb forces allowed, they insisted that the terms reached for the airlift should apply to land convoys as well.

Article 6 of the Airport Agreement was also significant. It stated that “UNPROFOR will control all incoming personnel, aid, cargo and other items” and that “[t]he parties’ humanitarian organisations will each establish an office at the airport to facilitate UNPROFOR’s related tasks”. This enabled inspectors from both the Bosnian government side and the Bosnian Serb side to be present at the airport to inspect and verify incoming shipments. It resulted in a situation where the Bosnian Serb authorities controlled virtually all movements in and out of the airport. The Bosnian Serbs set up an illegal checkpoint, ‘Sierra Four’, on the road leading from the airport to the city, and anything which arrived at the airport which did not meet with the approval of the Serb inspectors was not allowed through. This was a clear violation of Article 9 of the Airport Agreement, which stated that “security corridors between the airport and the city will be established and will function under the control of UNPROFOR”.¹⁹

On many occasions Bosnian Serb inspectors found excuses for refusing to allow particular items to be off-loaded from UNHCR planes, causing these items to be flown back to Croatia, Italy or Germany, at enormous cost to the international community. On other occasions, humanitarian supplies which did not meet with the approval of the Bosnian Serb authorities remained blocked on the tarmac at the airport. Hundreds of tonnes of food rotted out in the open because of refusals by Bosnian Serb authorities to let it into the city. Some items, including water pipes,

¹⁸ In fact, the Bosnian Serb areas surrounding Sarajevo could easily have been supplied with land convoys from Belgrade. UNHCR supplied the rest of eastern Bosnia in this way, and it would have been far easier, and less costly, to do the same for this area.

¹⁹ In January 1993 the Bosnian Deputy Prime Minister, Hakija Turajlic, was shot and killed when Serbs manning this checkpoint stopped and searched the UNPROFOR vehicle in which he was travelling.

water pumping equipment, generators and other items urgently needed for the repair of vital utilities in the city, were blocked at the airport for almost the entire war.

The Sarajevo airport regime illustrates the way in which UNPROFOR unwittingly allowed itself to be manipulated by the Bosnian Serbs, eventually finding itself virtually doing their work for them. The UNHCR operation was also manipulated by the Bosnian Serbs, who set most of the terms. They controlled not only all incoming humanitarian supplies, but also all civilian movements in and out of the airport. Many seriously ill or wounded civilians were prevented by them from being evacuated on UNHCR planes, and a number of them died as a result.

UNHCR, UNPROFOR and the international community had decided that it was better to have the airlift operating on terms laid down by the Bosnian Serb authorities, than not at all. The problem was that this further empowered the Bosnian Serbs, who turned the tap on and off as they pleased. It gave them enormous leverage over the international community. Throughout the war, much time was wasted by international negotiators returning almost religiously to Karadzic's headquarters in Pale, beseeching the Bosnian Serbs to co-operate and pleading with them to turn on the tap to Sarajevo again.

In a letter to the UN Secretary-General in February 1995, the Bosnian president summed up his government's understandable frustration with this state of affairs:

UN activities at the airport and transportation from the airport to the city are now under the virtual control of the Serbian aggressor side and no longer under UN control, contradicting our agreements and the UN mandate... The current air lift situation has challenged and brought into question the entire mandate and the dignity of the UN.²⁰

This situation resulted largely from the initial agreement negotiated by UNPROFOR. From the start, the agreement contained within it the seeds of its own failure. It had been negotiated from a position of weakness, when the UNPROFOR presence in Sarajevo was still very small. It had involved a string of concessions to the Bosnian Serbs, which were never revised. This is spelt out clearly by Cedric Thornberry, who was the chief UNPROFOR negotiator responsible for the agreement:

It might be appealing and 'politically correct' to pretend that the UN imposed the airport agreement on the parties; but this would be false... Marginal undertakings (from the UN standpoint) had to be given to satisfy Serb concerns... Negotiators...did not foresee...the significance the airport would have over such a long period... As one can now see, it was perhaps one of the most important humanitarian negotiations in the region.²¹

²⁰ Letter from Alija Izetbegovic to Boutros Boutros-Ghali, 8 February 1995

²¹ Cedric Thornberry, 'Peacekeepers, Humanitarian Aid and Civil Conflicts', in *After Rwanda: The Co-ordination of United Nations Humanitarian Assistance*, by Jim Whitman and David Pocock (Eds.), Macmillan, London, 1996, pp. 237-8

A symbol of compassion

The airlift was particularly useful at the beginning of the war. However, by the beginning of 1994, land convoys offered a viable alternative. From that time onwards, the importance of the airlift - in terms of sustaining the population of Sarajevo - was often exaggerated.

During the latter stages of the conflict, many of the supplies delivered to Sarajevo by air could in fact have been delivered by land convoys at one tenth of the cost. But UNHCR deliberately resisted increasing land convoys, in order to ensure the continuation of the airlift. Any suspension of the airlift, it was argued, would make it difficult to re-start, and therefore for 'logistical' reasons it had to be kept going even when there was no real need for it. On purely logistical grounds, this may have been a reasonable argument. However, the reasons for keeping it going certainly had as much to do with politics as logistics.

The airlift developed into a high profile, donor-led operation which served the political interests of powerful nations who wanted to demonstrate to the world that they were 'doing something' in Bosnia. As a tangible and highly visible symbol of the international community's efforts to intervene constructively in Bosnia, it became something of an obsession. It had to be kept going at all costs, even if it was no longer really needed. One of the tragic consequences of the international community's obsession with the airlift, was the way in which the Bosnian Serbs took advantage of this, carrying out some of the worst incidents of ethnic cleansing in other parts of the country while the international spotlight was on Sarajevo.

The Sarajevo airlift remains one of UNHCR's major logistical achievements. At the same time, it may be argued that the airlift was as much a symbol of the international community's weakness as of its compassion. It is worth noting in this regard, that the Berlin airlift - which took place nearly half a century before - managed to deliver almost fifteen times more aid than the Sarajevo airlift, in roughly one quarter of the time.

At the height of the Berlin airlift, one fully laden aircraft was touching down at Tempelhof Airport every minute, in round-the-clock missions.²² Up to 12,000 tonnes were delivered each day, compared with an average of less than 4,000 tonnes which were delivered to Sarajevo each month.

The Allies would certainly not have succeeded in delivering such large quantities to Berlin, and in eventually forcing Stalin to back down and lift the blockade, if they had started off with an agreement which allowed the East Germans to dictate the terms of the airlift, to inspect all arriving cargo, to receive a pay-off of one quarter of all arriving supplies, and to have the remainder pass through an East German road checkpoint before being allowed into the city.

²² The Berlin airlift lasted for 318 days, from July 1938 to May 1949. Some 2.3 million tonnes of food, fuel and other essential supplies were flown into Tempelhof airport by the American and British air forces, with a total of 277,264 flights.

Summary and conclusions

During the war in Bosnia, UNHCR and other humanitarian organisations managed to achieve a great deal against all the odds. The fact that UNHCR was able to deliver almost a million tonnes of food, medical supplies and other urgently needed items in the midst of an active armed conflict, was in itself a remarkable achievement. Humanitarian organisations did an enormous amount to alleviate human suffering. Many Bosnian civilians who are alive today would not have survived without them.

Notwithstanding this, the humanitarian operation had many shortcomings. It was constrained not only by the constant obstructionism of the warring parties, but also by limitations imposed by the international humanitarian community itself, including conflicting agendas of different actors, internal tensions and divisions, lack of clear policies and poor negotiating abilities.

UNPROFOR provided vital security and logistics support for the humanitarian operation, but its presence did not always have the effect of improving humanitarian access. While it was extremely successful in keeping the main supply routes open in government-held territory in central Bosnia, it had little success in facilitating access to areas which required movement through Bosnian Serb territory. On the contrary, UNPROFOR activities, and particularly its calls for punitive NATO air-strikes against Bosnian Serb forces in the latter stages of the conflict, led to much hostility from the Bosnian Serbs. Since UNPROFOR relied on the consent of the warring parties for movement through their territory, it sometimes found itself more restricted on the Bosnian Serb side than the humanitarian organisations it was there to support.

At the negotiating table, humanitarian organisations were frequently outwitted and outmanoeuvred by the warring parties. The Bosnian Serbs, in particular, often maintained the upper hand during negotiations. Various factors contributed to this. For example, the rapid rotation of humanitarian personnel meant they were usually less familiar with the issues than their local interlocutors; the dependence of humanitarian personnel on the goodwill of the warring parties for their own security put them in a weak negotiating position, and; the exposure of various attempts by humanitarian staff to bypass rules laid down by the local authorities meant that they were often put on the defensive when negotiating with these same authorities.

The negotiating position of humanitarian personnel was further weakened by the fact that they were often internally divided in their sympathies with the warring parties, depending largely on which side of the front-line they were based. Humanitarian actors, including UNHCR, found it difficult to reconcile these different views and to establish a common approach. In addition, in determining strategies for negotiating with the warring parties, divisions arose between the 'doves' and the 'hawks'; the former being willing to make concessions for short-term gains, and the latter refusing to compromise, even where this involved temporarily suspending humanitarian operations. The result of these divisions was that those responsible for negotiating humanitarian access with the warring parties often contradicted and undermined each other.

UNHCR's own credibility with the warring parties was severely weakened when the humanitarian operation became so large that UNHCR was no longer able to exercise effective control over all those who operated under its umbrella. By allowing the distinction between itself and other humanitarian organisations to be blurred, UNHCR came to represent not only itself but a motley collection of agencies. Although the majority of these agencies were experienced and highly professional, others were not. Some had dubious links with the warring parties, fundamentalist groups, mercenaries, secret intelligence agencies, arms smugglers and black-marketeers. Since all worked under one banner, all were tarred with the same brush. As a result, the humanitarian community in general was sometimes treated with mistrust, suspicion, resentment and even outright hostility, particularly by the Bosnian Serbs.

The negotiating process could be so long and painful that, when agreements were finally reached, those involved had often lost sight of their original objectives. The 'humanitarian imperative' of getting aid through at all costs meant that each time a deal was struck, the humanitarian community would hail the negotiations a success, even if it found itself *de facto* in a worse position than before. In this way, the warring parties, and particularly the Bosnian Serbs, regularly succeeded in pushing the humanitarian community back two steps, then allowing it to take one step forward.

The success of attempts by UNHCR - and other international actors - to negotiate humanitarian access in Bosnia should not be measured purely in terms of actual tonnages delivered. It should be measured in terms of how much humanitarian actors were able to achieve their objective of providing humanitarian assistance and protection to those who needed it most. Although the overall tonnages delivered sound impressive, much of the food went to people who could have survived without it. Much of it was diverted for military purposes. Those who were most in need suffered greatly, and many died.

Throughout the war, the Bosnian Serbs callously and systematically blocked humanitarian supplies to the besieged enclaves of Sarajevo, Bihac, Gorazde, Srebrenica and Zepa. Conditions in these enclaves were often critical, as indicated in a letter set to Radovan Karadzic by Sadako Ogata and Yasushi Akashi (the Special Representative of the Secretary-General) on 15 June 1995: "Warehouses are empty, whole families are crying out for food and there is little water, gas, electricity or medicine in any enclave". Even baby-food and supplementary food for pregnant and lactating mothers was blocked.

Those who were trapped in these enclaves were reduced to little more than animals inside cages, being sniped at, shelled, terrorised, starved and prevented from leaving. Meanwhile the international humanitarian community was providing thousands of tonnes of food to areas controlled by the besieging Bosnian Serb forces. It was factors such as this which led some journalists and commentators on the Bosnian war to be highly critical of the humanitarian operation. For example, in his book *Love the Neighbor: A Story of War*, Peter Maass makes the following comment:

Serbs didn't really need the food - they had plenty of farmland at their disposal and open borders with Serbia... but they demanded it in exchange for letting UN convoys cross into Sarajevo and other enclaves. It was blackmail, and the

United Nations went along with it, which meant that a relief effort designed to feed the victims of war had the side effect of fattening up the aggressors.²³

It may be unfair to accuse the UN of willingly going along with blackmail. In fact, the UN was involved in a highly complex humanitarian operation and was constantly faced with difficult dilemmas to which there were no easy answers. There were people in need on all sides, and much effort was made to separate the humanitarian requirements of civilians from the conduct of the authorities under whom they lived. Nevertheless, it is clear that some of the deals which were made between humanitarian actors and the warring parties had unintended negative consequences, and it is important to learn from these. In particular, it is important to recognise that in spite of all the attempts which were made to demonstrate the impartiality of the international humanitarian community, assistance was in fact provided on the basis of *accessibility* rather than on the basis of *needs*.

Perhaps the greatest problem faced by those who were involved in negotiating humanitarian access in Bosnia was the fact that the international community was more interested in ensuring the continuation of the humanitarian operation than in ensuring its effectiveness in protecting and assisting the most vulnerable. To be successful at the negotiating table, one must have a clear strategy. In Bosnia, the strategy of the international community was to keep the humanitarian operation going at all costs, on the assumption that this would 'buy time' for further negotiations on the political front. After the incident in February 1993, when Sadako Ogata's decision to suspend UNHCR operations in Bosnia was overruled by the Secretary-General, UNHCR found it had little alternative but to accept this.

Important lessons may be learnt from the experience of negotiating humanitarian access in Bosnia. As in other emergency relief operations, humanitarian actors faced both external and internal constraints. In terms of external constraints, it was clear that for both the warring parties and the international community in general, the importance of ensuring humanitarian access always remained subordinate to other political and strategic considerations. Even though the international community's chosen political strategy for dealing with the conflict involved a high profile humanitarian operation, ultimately it was not humanitarian organisations like UNHCR who called the shots. With regard to internal constraints, many of the humanitarian personnel who were rushed in to assist with the emergency operation proved to be poorly informed, trained and equipped to negotiate effectively with the warring parties. Unfortunately, the result was that well intentioned humanitarian diplomacy sometimes had the effect of providing inadvertent support to the very authorities who were responsible for causing the civilian suffering in the first place.

²³ Peter Maass, *Love thy Neighbour: A Story of War*, Knopf, New York, 1996, p.167