Genocide at the Safe Area of Srebrenica: The Failure of the Security Council to Protect Civilians in Contemporary Armed Conflict

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Abstract

The tragedy that took place following the fall of Srebrenica in 1995 is shocking for two reasons. “It is shocking, first and foremost, for the magnitude of the crimes committed. Not since the horrors of World War II had Europe witnessed massacres on this scale. The fall of Srebrenica is also shocking because the enclave’s inhabitants believed that the authority of the United Nations Security Council, the presence of the United Nations Protection Force peacekeepers (UNPROFOR), would ensure their safety. Instead, the Serb forces ignored the Security Council resolutions, pushed aside the UNPROFOR troops,” took them as hostages and used them as "human shields." They overran the safe area of Srebrenica with ease, and then proceeded to depopulate the territory within 48 hours.

The deteriorating situation in the FRY forced the Security Council (SC) to adopt its resolution 713 (1991), calling on all States to implement immediately a "general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia." Aware that a tragic humanitarian emergency had already emerged in

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Srebrenica and with the intention to avert a massacre of 25,000 people, the United Nations SC took practical steps to set up safety zones in Bosnia & Herzegovina. First, invoking Chapter VII of the United Nations Charter, by resolution 819 of 16 April 1993, it established a safe area in and around Srebrenica. In resolution 824 of 6 May 1993, it extended the 'Safe Area' concept to five additional threatened areas. On 4 June, the SC, in accordance with Resolution 836 (1993) expanded the mandate of the UNPROFOR.

These safe areas were supposed to protect the inhabitants of six towns from Bosnian-Serb forces besieging them, and protect them against 'ethnic cleansing'. They were considered as a temporary mechanism by which some vulnerable populations could have been protected pending a comprehensive negotiated political settlement. The SC described the establishment of safe areas as a contribution towards a just and lasting political solution.

The SC resolutions that established the safe areas required the parties to treat them as "safe" but imposed no obligations on their inhabitants and defenders, asking UNPROFOR to deter attacks without authorizing them to use force or even providing them with adequately resources, expected their mere presence to deter attacks and carefully avoided asking the peace-keepers to "defend" or to "protect" these areas, but authorized them to call in air power "in self defence". These ambiguities and contradictory resolutions adopted by the SC regarding the safe areas allowed room for different interpretations of UNPROFOR's mandate. It might seem questionable when one examines the many tasks mandated to the force whether or not UNPROFOR is a peacekeeping or peace-enforcement operation.

Part one of the present paper examines both types of protected areas in general, particularly those established in the FRY, clarify the concepts involved and the extent to which these types become blurred and complicated in practice. The inconsistent decisions by the United Nation Security Council in establishing the safe areas in Srebrenica will be discussed and evaluated in Part two of the present paper. Finally, the paper outlines some preliminary conclusions with respect to the SC Resolutions vis-à-vis the establishment of safe areas, the mandate of peacekeeping, and the protection of civilians in future armed conflicts.
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