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TABLE OF CONTENTS

INTRODUCTION.....	4
1. THE UNITED NATIONS PROTECTION FORCE IN CROATIA AND BOSNIA.....	5
1.1 Introduction.....	5
1.2 Brief background on the Yugoslav conflict.....	5
1.3 Cooperation from important outside actors.....	9
1.3.1 The role of the permanent members of the Security Council.....	10
1.3.2 The role of the US.....	12
1.3.3 The role of regional powers.....	13
1.4 Planning and preparation.....	14
1.5 A clear and achievable mandate	16
1.5.1 Extension of the mandate and the issue of ‘mission creep’.....	17
1.5.2 The fall of Srebrenica.....	20
1.6 The traditional principles of peacekeeping: consent, impartiality, and the limited use of force.....	23
1.6.1 Consent and cooperation.....	23
1.6.2 Impartiality.....	24
1.6.3 Limited use of force.....	25
1.7 The end of the conflicts.....	27
1.8 Conclusion.....	28
2. NATO’S ROLE IN PEACEKEEPING IN THE FORMER YUGOSLAVIA.....	28
2.1 Introduction.....	28
2.2 NATO’s role in UNPROFOR.....	29
2.3 NATO’s peace enforcement operations in Bosnia.....	32
2.3.1 The implementation force.....	32
2.3.2 The stabilization force.....	35
2.4 The conflict in Kosovo and the Kosovo force.....	39
2.4.1 Brief background on the conflict in Kosovo and NATO intervention.....	39
2.4.2 The Kosovo force.....	41
2.5 Conclusion.....	45
3. PREVENTIVE PEACEKEEPING IN MACEDONIA.....	46
3.1 Introduction.....	46

3.2	Brief background on the situation in Macedonia.....	47
3.2.1	External threats.....	47
3.2.2	Internal threats.....	48
3.3	Troop deployment.....	50
3.4	The good offices mandate.....	52
3.5	The human dimension.....	54
3.6	The end of the mission and intervention by NATO and EU.....	56
3.7	Is preventive peacekeeping preferable?.....	58
3.7.1	Conditions for successful peacekeeping.....	59
3.8	Conclusion.....	60
	CONCLUSION.....	61
	BIBLIOGRAPHY.....	64
	ABSTRACT.....	70

INTRODUCTION

The dissolution of the Socialist Federal Republic of Yugoslavia (SFRY) sparked a series of violent and bloody conflicts in the region, which were riddled with ethnic cleansing, mass destruction, and the displacement of countless persons. The international community considered this a grave threat to international peace and security and was determined to act. This prompted the establishment and deployment of several peace operations. These peace operations were the subject of both heavy criticism and praise, and the peacekeeping experience in the former Yugoslavia should therefore be considered an important learning experience for the international community. This thesis aims to evaluate the peacekeeping operations in the former Yugoslavia, and highlight the lessons learned from them. While the definition of peacekeeping operations has been the subject of some debate, the use of the term in the title of this thesis refers to both peacekeeping operations and peace enforcement operations. The thesis will focus on the United Nations Protection Force (UNPROFOR) in Croatia, Bosnia and Macedonia; the NATO-led Implementation Force (IFOR), Stabilization Force (SFOR), and Kosovo Force (KFOR); and the United Nations Preventive Deployment (UNPREDEP). The peace mission will be examined and critically evaluated with reference to Security Council resolutions, official reports, and academic literature.

Chapter one will focus on UNPROFOR in Croatia and Bosnia. It will critically evaluate the operation with reference to four criteria: the cooperation of important outside actors, the planning and preparation for the mission, the existence of a clear and achievable mandate, and compliance with the traditional principles of peacekeeping. Chapter two will deal with NATO's role in peacekeeping in the former Yugoslavia. It will firstly critically evaluate its role in UNPROFOR. Then it will explore and assess the performance of the NATO-led peace enforcement operations in Bosnia and Kosovo. The third chapter will explore the preventive peacekeeping mission in Macedonia, as well as the general idea of preventive peacekeeping. It will evaluate UNPROFOR and UNPREDEP's effectiveness in dealing with both the internal and external threats faced by Macedonia, and it will also explore the question of preventive peacekeeping as the preferable option. The conclusion will aim to contextualize the performance of the various peacekeeping operations and highlight some of the key lessons learned from the peacekeeping experience in the former Yugoslavia.

CHAPTER 1: THE UNITED NATIONS PROTECTION FORCE IN CROATIA AND BOSNIA

1.1 INTRODUCTION

The United Nations Protection Force (UNPROFOR) has been highly controversial and likely received more criticism than praise by commentators.¹ This chapter will explore some of the main conditions of success for peacekeeping operations, and to which extent they were met by UNPROFOR. It will begin by providing a brief background on the conflicts in Croatia and Bosnia. Then it will examine the cooperation of important outside actors, the planning and preparation for the mission, the existence of a clear and achievable mandate, and compliance with the traditional principles of peacekeeping. It will then briefly set out how the conflicts in Croatia and Bosnia came to an end, and come to a conclusion. The conditions for a successful peacekeeping operation that will be applied have been chosen on the basis of academic opinion. Stuart Kaufman for example considers the three conditions to successful peacekeeping, particularly in ethnic conflicts, to be consent, cooperation, an appropriate mandate, and strong motivation to act on the part of the international community.² Duane Bratt considers the main variables affecting the performance of peacekeeping operations to be: the role of the parties to the conflict; the existence of a Comprehensive Settlement Agreement; the role of the five permanent members of the Security Council; the role of the US; the role of regional powers; and the maintenance of the three traditional principles of peacekeeping. There is generally a big overlap in the factors that commentators consider important to the performance of peacekeeping operations, as seen in the two examples given above, and this chapter seeks to discuss some of these factors in the light of UNPROFOR.

1.2 BRIEF BACKGROUND ON THE YUGOSLAV CONFLICT

¹ Leonard J. Cohen and Alexander Moens, 'Learning the Lessons of UNPROFOR: Canadian Peacekeeping in the former Yugoslavia' (1999) 6 Canadian Foreign Policy Journal 85, 85.

² Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 Studies in Conflict & Terrorism 229, 232.

Before delving into the performance of the peacekeeping operation, it is important to give a brief background on the conflict in Yugoslavia. While the history of the region is far too long and complex to be dealt with in any great detail in this thesis, there are a few key points that are particularly relevant for the present topic. The Socialist Federal Republic of Yugoslavia (SFRY) consisted of six republics: Slovenia, Croatia, Bosnia-Herzegovina, Macedonia, Montenegro, and Serbia, as well as the autonomous provinces of Kosovo and Vojvodina within Serbia. The Republics consisted of various different ethnic groups with the largest groups being Serbs, Croats, and Bosniaks (or Muslims). Technically all three of these groups are ethnically southern Slavs and speak essentially the same language, and the main difference between them is religion.³ Bosniaks are predominantly Muslim, Serbs are mostly Orthodox, and Croats are Roman Catholic.⁴ Despite these religious differences, the conflict could hardly be described as a religious one. Although there were some instances of abuse of religious symbols, the tension and hatred was mostly fuelled by nationalistic motivations.⁵ Josip Broz Tito led SFRY since its establishment in 1945 and until his death in 1980. After his death SFRY experienced a period of political and economic crisis, and nationalist attitudes were growing.⁶ Numerous political leaders were using nationalist rhetoric to fuel a sense of fear and mistrust among the various ethnic groups.⁷ One might wonder why these groups seemed so unable to co-exist all off the sudden, when they had done so for hundreds of years prior. Paul Szasz points out that it seems that the groups are only able to live together if they are compelled to do so, as they were initially by the Ottoman and Habsburg empires, then by Serb monarchy after WWI, and lastly by Tito and his quasi-communist party after WWII.⁸ All of these authorities to varying extents suppressed any brewing ethnic conflict, and it was only after the death of Tito that the ethnic groups had the freedom to indulge in violent ethnic conflict.⁹ These tensions reached a new peak in December of 1990 when the Croatian Parliament declared that Croatian law had primacy over federal law, and Slo-

³ Paul C. Szasz, 'Peacekeeping in Operation: A Conflict Study of Bosnia' (1995) 28 Cornell International Law Journal 685, 691.

⁴ Paul C. Szasz, 'Peacekeeping in Operation: A Conflict Study of Bosnia' (1995) 28 Cornell International Law Journal 685, 691.

⁵ Paul C. Szasz, 'Peacekeeping in Operation: A Conflict Study of Bosnia' (1995) 28 Cornell International Law Journal 685, 691.

⁶ ICTY, 'The Conflicts' < <http://www.icty.org/en/about/what-former-yugoslavia/conflicts>> accessed August 10 2019.

⁷ ICTY, 'The Conflicts' < <http://www.icty.org/en/about/what-former-yugoslavia/conflicts>> accessed August 10 2019.

⁸ Paul C. Szasz, 'Peacekeeping in Operation: A Conflict Study of Bosnia' (1995) 28 Cornell International Law Journal 685, 691.

⁹ Paul C. Szasz, 'Peacekeeping in Operation: A Conflict Study of Bosnia' (1995) 28 Cornell International Law Journal 685, 691.

venia held a referendum voting for independence from SFRY the next day.¹⁰ Negotiations were initiated to examine the possibility of a looser federation, but they were short-lived as the Serbian party representing the SFRY, walked out of the talks.¹¹

Croatia and Slovenia both declared independence on the 25th of June 1991, despite threats from the Serbs, and within days the Yugoslav army (JNA) initiated attacks in Slovenia.¹² The military conflict in Slovenia was short-lived and ended in a victory for the Slovenian forces and withdrawal of the JNA after ten days.¹³ The conflict in Croatia however turned out to be far more long-lasting and bloody, largely due to the sizable ethnic Serb minority in the Country.¹⁴ With the help of the JNA the Croatian Serbs rebelled and declared nearly a third of Croatia's territory, (Krajina) an independent Serb state. The conflict continued to escalate into widespread fighting, and included violent campaigns of ethnic cleansing.¹⁵ In September 1991 the Security Council adopted Resolution 713 expressing deep concern about the conflict and predicting that its continuation would amount to a threat to international peace and security.¹⁶ The Resolution further urged the parties to abide by the terms of the cease-fire agreements negotiated with the help of the European Union (EU) and the Council for Security and Cooperation in Europe (CSCE) on the 17th and 22nd of September, and called for a complete embargo on the delivery of weapons and military equipment to Yugoslavia.¹⁷ Despite this, the parties continued to violate the cease-fire agreements and on the 21st of February 1992, the Security Council adopted Resolution 743 authorising the establishment of a peacekeeping operation of 13 870 personnel.¹⁸ By the time the Security Council approved the establishment of UNPROFOR, it is estimated that the fighting in Croatia had already resulted in more than 10 000 deaths and mass destruction.¹⁹ UNPROFOR in

¹⁰ Jon E. Fink, 'From Peacekeeping to Peace Enforcement: The Blurring of the Mandate for the Use of Force in Maintaining International Peace and Security' (1995) 19 Maryland Journal of International Law and Trade 1, 25

¹¹ Jon E. Fink, 'From Peacekeeping to Peace Enforcement: The Blurring of the Mandate for the Use of Force in Maintaining International Peace and Security' (1995) 19 Maryland Journal of International Law and Trade 1, 25.

¹² Jon E. Fink, 'From Peacekeeping to Peace Enforcement: The Blurring of the Mandate for the Use of Force in Maintaining International Peace and Security' (1995) 19 Maryland Journal of International Law and Trade 1, 25.

¹³ ICTY, 'The Conflicts' < <http://www.icty.org/en/about/what-former-yugoslavia/conflicts>> accessed August 10 2019.

¹⁴ ICTY, 'The Conflicts' < <http://www.icty.org/en/about/what-former-yugoslavia/conflicts>> accessed August 10 2019.

¹⁵ Jon E. Fink, 'From Peacekeeping to Peace Enforcement: The Blurring of the Mandate for the Use of Force in Maintaining International Peace and Security' (1995) 19 Maryland Journal of International Law and Trade 1, 15.

¹⁶ Resolution 713, 25.09.1991

¹⁷ Resolution 713, 25.09.1991

¹⁸ Resolution 743 21.02.1992

¹⁹ Leonard J. Cohen and Alexander Moens, 'Learning the Lessons of UNPROFOR: Canadian Peacekeeping in the former Yugoslavia' (1999) 6 Canadian Foreign Policy Journal 85, 87.

Croatia was primarily located in the Krajina area, and was tasked with the enforcement of a cease-fire agreement.²⁰

Bosnia held a referendum in March of 1992, which was boycotted by the Bosnian Serbs, and resulted in a 60% majority in favour of independence.²¹ The three main ethnic groups in Bosnia-Herzegovina released a Statement of Principles for New Constitutional Arrangements in March 1992, where they declared that the new state would maintain existing boundaries and recognised the rights of all its Muslim, Serb and Croat citizens.²² The Serb leadership in Bosnia however disavowed this statement shortly thereafter.²³ Bosnian Serbs, with the help of JNA, rebelled already in April and declared the territories under their control a Serb Republic.²⁴ Bosnian Croats, backed by Croatia, followed suit in rejecting the Bosnian Government and declaring their own republic.²⁵ The situation in Bosnia was particularly difficult and complex because it was one of the most 'mixed' republics and had large populations of Serbs and Croats. In 1991 Bosniaks constituted 45% of the population, Bosnian Serbs were at 33%, and Bosnian Croats at 16%.²⁶ This relatively even distribution meant that there was no large majority to dominate the conflict, and no small minority forced to 'step down'. In Bosnia, and Sarajevo in particular, these groups were largely inter-mingled and any areas with heavier concentration of one group were not sizeable, nor were they marked clearly.²⁷ This naturally made any clear division of territory difficult and unrealistic, which is likely why all the groups, and the Serbs in particular, engaged in ethnic cleansing.²⁸ By April 1991 a wave of hostilities and the breaking of several ceasefires had resulted in over 600 000 refugees fleeing into Croatia.²⁹ This prompted the Security Council to adopt

²⁰ Leonard J. Cohen and Alexander Moens, 'Learning the Lessons of UNPROFOR: Canadian Peacekeeping in the former Yugoslavia' (1999) 6 Canadian Foreign Policy Journal 85, 85.

²¹ ICTY, 'The Conflicts' < <http://www.icty.org/en/about/what-former-yugoslavia/conflicts>> accessed August 10 2019.

²² Jon E. Fink, 'From Peacekeeping to Peace Enforcement: The Blurring of the Mandate for the Use of Force in Maintaining International Peace and Security' (1995) 19 Maryland Journal of International Law and Trade 1, 27.

²³ Jon E. Fink, 'From Peacekeeping to Peace Enforcement: The Blurring of the Mandate for the Use of Force in Maintaining International Peace and Security' (1995) 19 Maryland Journal of International Law and Trade 1, 27.

²⁴ ICTY, 'The Conflicts' < <http://www.icty.org/en/about/what-former-yugoslavia/conflicts>> accessed August 10 2019.

²⁵ ICTY, 'The Conflicts' < <http://www.icty.org/en/about/what-former-yugoslavia/conflicts>> accessed August 10 2019.

²⁶ Paul C. Szasz, 'Peacekeeping in Operation: A Conflict Study of Bosnia' (1995) 28 Cornell International Law Journal 685, 686.

²⁷ Paul C. Szasz, 'Peacekeeping in Operation: A Conflict Study of Bosnia' (1995) 28 Cornell International Law Journal 685, 691.

²⁸ Paul C. Szasz, 'Peacekeeping in Operation: A Conflict Study of Bosnia' (1995) 28 Cornell International Law Journal 685, 691.

²⁹ Jon E. Fink, 'From Peacekeeping to Peace Enforcement: The Blurring of the Mandate for the Use of Force in Maintaining International Peace and Security' (1995) 19 Maryland Journal of International Law and Trade 1, 27.

Resolution 752 demanding that the parties cease the fighting, that the Yugoslav and Croatian armies cease their interference in Bosnia-Herzegovina, and urging all parties to assist in the '*effective and unhindered delivery of humanitarian assistance*'.³⁰ The JNA eventually withdrew from Bosnia-Herzegovina in August but left behind Bosnian Serb forces armed with its weapons, and Croatian Army personnel also remained engaged in the fighting.³¹ On the 14th of September the Security Council adopted Resolution 776 authorising the extension of UNPROFOR's mandate to include the facilitation of humanitarian relief in Bosnia.³² UNPROFOR's main role in Bosnia-Herzegovina was to support the humanitarian activities of various organisations such as UNHCR, UNICEF and a number of NGOs.³³

1.3 COOPERATION FROM IMPORTANT OUTSIDE ACTORS

The first step to any action by the international community, and the UN in particular, is obviously the will to act. Without a willingness to act, contribute and cooperate on the part of the international community, it is unlikely that any valuable action will be taken in response to a conflict. The strong political support and provision of resources by the international community is therefore generally considered a prerequisite for a successful peacekeeping operation.³⁴ Several academics have argued that the chances of success for an operation are significantly larger if the international community, and in particular the permanent members of the Security Council (P-5), support it and provide funds and resources.³⁵ This condition is by no means easy to meet as the conflict must be important enough to create a consensus to act among major powers, but no major power can have a stake in the game causing it to prefer sponsoring one of the belligerents.³⁶ For the purpose of peacekeeping it is important that the international community's willingness to act is motivated first and foremost by a desire to facilitate a peaceful resolution, rather than to

³⁰ UN Security Council Resolution 752, 15 May 1992.

³¹ Jon E. Fink, 'From Peacekeeping to Peace Enforcement: The Blurring of the Mandate for the Use of Force in Maintaining International Peace and Security' (1995) 19 Maryland Journal of International Law and Trade 1, 28.

³² UN Security Council Resolution 776, 14 September 1992.

³³ Paul C. Szasz, 'Peacekeeping in Operation: A Conflict Study of Bosnia' (1995) 28 Cornell International Law Journal 685, 687.

³⁴ Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 Journal of International Peacekeeping 45, 50.

³⁵ Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 Journal of International Peacekeeping 45, 50.

³⁶ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 Studies in Conflict & Terrorism 229, 233.

ensure the domination of one party to the conflict. This is arguably the distinguishing factor between peacekeeping and fighting a war.

1.3.1 THE ROLE OF THE PERMENANT MEMBERS OF THE SECURITY COUNCIL

Within the international community, the P-5 play a particularly important role in the performance of a peacekeeping operation. Due to their strong financial, military, and political position, their support or lack thereof could make or break a peacekeeping operation.³⁷ The P-5's support can be measured in different ways, one being whether there is consensus regarding the operation. Seeing as the P-5 have veto powers in the Security Council, the establishment of an operation is in itself evidence of some degree of consensus, but this is only the bare minimum. In some cases the establishment simply reveals the lowest common denominator among the P-5, as was the case for UNPROFOR in Bosnia.³⁸ UNPROFOR's extension to Bosnia was a result of P-5's attempt to find a middle ground between a full-scale military intervention and complete abandonment.³⁹ Therefore, this bare minimum consensus is not in and of itself sufficient support from the P-5, and consensus is also important in regards to how the operation should be conducted. In the case of UNPROFOR, particularly in Bosnia, there did not seem to be consensus on this issue. One example of this lack of consensus was the arms embargo against Muslims. The US heavily disputed this initiative, but it was supported by the other members of P-5 as they believed lifting it would escalate the fighting.⁴⁰ While the large number of Security Council resolutions in relation to the conflict in Yugoslavia might at first sight appear as an indication of consensus, it seems the opposite was true. The resolutions appeared watered down and many contained little practical value, likely due to disagreement among the P-5.⁴¹ Some examples of this include Resolution 776 which gave UNPROFOR the mandate to protect humanitarian relief in Bosnia, but did not contain Chapter VII provisions due to China's opposition.⁴² Moreover, the Security Council dec-

³⁷ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 52.

³⁸ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 53.

³⁹ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 53.

⁴⁰ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 53.

⁴¹ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 53.

⁴² Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 53.

lared Bosnia a no-fly zone in October 1992, but did not pass a resolution authorizing NATO's enforcement of the mandate until March 1993.⁴³

This lack of consensus likely negatively impacted the operation because it resulted in the lack of a clear action plan and created confusion and fragmented action. The lack of consensus is also partly to blame for the impossible mandate UNPROFOR was given in Bosnia: providing humanitarian assistance to the civilians without a ceasefire or authorisation to attempt to stop the fighting.⁴⁴ This lack of consensus among the P-5 also negatively impacted the credibility of the mission. Given that the P-5 seemed unable to agree on a clear course of actions and many measures taken lacked significant practical value, the credibility of the mission suffered. UNPROFOR was for example not able to dissuade Serbs from attacking safe areas, likely because they knew there were divisions over the issue of air strikes in the Security Council.⁴⁵ Similarly, UNPROFOR threats to call for air strikes were not taken seriously by Muslims because they knew that the US would not approve them.⁴⁶ In not appearing as a unified front on the issue, the P-5 arguably diminished its own authority as well as the authority of UNPROFOR in the eyes of the parties to the conflict.

It is also important that the international community, and the P-5 in particular, exhibit political commitment. One important way to do this is by contributing resources such as finances, troops and equipment. The P-5 are, as mentioned, especially suited for this kind of support due to their financial and military position. The contribution of resources is incredibly important in ensuring that no gap occurs between the authorised size of the operation and the situation in the field.⁴⁷ When establishing a peacekeeping operation, it is important that the UN ensures that its peacekeeping troops are fully equipped to carry out the tasks that it assigns to them. This was arguably not the case for UNPROFOR. While important powers such as France and Britain did contribute well-equipped troops, the operation was still not properly equipped to achieve im-

⁴³ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 53.

⁴⁴ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 53.

⁴⁵ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 54.

⁴⁶ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 54.

⁴⁷ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 54.

portant aspects of its mandate.⁴⁸ One key example of this was UNPROFOR's inability to protect the 'safe areas' called for by the Security Council. Although this was in large part due to an arguably unrealistic mandate, which will be discussed later in the chapter, it is also an example of UNPROFOR troops being insufficiently equipped for the tasks they were assigned. It was for example reported that the Bosnian Serb Army troops present in the 'safe area' of Srebrenica had 20 times the artillery power of the UNPROFOR battalion tasked with protecting it.⁴⁹ This not only negatively impacted the performance of the peacekeeping operation but also put the soldiers in great risk. This shortcoming was to an extent remedied by the deployment of the heavily armed Rapid Reaction Force (RRF) from Britain, France, and the Netherlands in June 1995, but at this point much of the damage had already been done.⁵⁰

1.3.2 THE ROLE OF THE US

Within the P-5 the support of the US, as the world's sole remaining superpower, is particularly important. Particularly the military power of the US can be a great asset, and it was US bases, aircraft carriers and fighter planes that enabled the use of air strikes as a tactic in Bosnia.⁵¹ While the military power of the US was a very valuable asset for the operation, US involvement may also have negative consequences. This is mainly due to Washington policy-makers' tendency to choose sides in internal conflicts.⁵² Duane Bratt argues that in the case of Bosnia, the position of the US was the worst of all possibilities: '*a lack of political commitment combined with a pursuit of national interests*'.⁵³ On one hand the US seemed to be the chief advocate for NATO air strikes and pushing UNPROFOR from peacekeeping towards peace enforcement.⁵⁴ On the other hand however, the US did not put troops on the ground and restricted its contribution to air power, field hospitals, headquarters staff and other important facets of the operation.⁵⁵ This is

⁴⁸ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 55.

⁴⁹ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 144.

⁵⁰ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 55.

⁵¹ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 57.

⁵² Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 59.

⁵³ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 59.

⁵⁴ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 59.

⁵⁵ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 59.

problematic because while the US was increasing its rhetoric against Bosnian Serbs and compromising the impartiality of the mission, it was not doing much to back up its rhetoric and operationally support the mission. Consequently, the credibility of UNPROFOR was diminished and peacekeepers could neither persuade nor force Bosnian Serbs to cooperate with the mandate.⁵⁶ Any threats of force against the Bosnian Muslims were also useless as the US, the guarantor of force, would not follow through with them.⁵⁷

1.3.3 THE ROLE OF REGIONAL POWERS

In internal conflicts such as the one in Yugoslavia, the support and cooperation of regional powers is also extremely important to the performance of a peacekeeping operation. Neighbouring states are usually more knowledgeable about the history, culture and language of parties to the conflict, and can therefore make important contributions to peacekeeping.⁵⁸ Often times they will also have higher stakes in the outcome of the conflict, which can be both positive and negative. On one hand the neighbouring states might be very devoted to ensuring that there is a peaceful resolution to the conflict out of fear that it could spread or spill over into their territory.⁵⁹ On the other hand, they might have a strong preference as to who takes control of the state and thereby encourage continued violent conflict. In the case of Bosnia, both the Serbian Government and the Croatian Government provided support to Bosnian Serbs and Bosnian Croats respectively.⁶⁰ They arguably played a huge part in the conflicts, as the ethnic minorities in Croatia and Bosnia would likely not have been able to put up the fight they did without the financial and military support of Belgrade and Zagreb. In such cases it is incredibly important that outside backers and supporters of the parties to the conflict end their support of violent means and support a non-violent resolution instead.⁶¹ This involvement by the Serbian and Croatian governments was not only a violation of various UN Resolutions calling for the discontinuation of such support, but

⁵⁶ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 49.

⁵⁷ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 49.

⁵⁸ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 60.

⁵⁹ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 60.

⁶⁰ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 62.

⁶¹ Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 *Journal of International Peacekeeping* 45, 51.

was also a clear obstruction of peacekeeping.⁶² While the situation in former Yugoslavia clearly showcases how the role played by regional powers can be detrimental to peacekeeping, there was arguably not much the UN could realistically do about this. The international community did put political pressure on Serbia and Croatia to end their support, but this did not seem to have much of an effect. It is ultimately up to regional powers to decide whether they are willing to support a peaceful resolution to the conflict or not, and it is clear that Serbia and Croatia were not.

1.4. PLANNING AND PREPARATION

Peacekeeping operations require a substantial amount of planning and preparation, but because peacekeeping is often a very time-sensitive matter, these stages are sometimes not given sufficient attention. Some commentators have argued that UNPROFOR launched too quickly without the necessary preparation for such a complex venture, and that this was one of its major shortcomings.⁶³ Satish Nambiar for example points out that many contentious issues arose in the preliminary discussions for UNPROFOR, which were seemingly glossed over in order to launch the operations as quickly as possible.⁶⁴ These issues did not get resolved in the course of the operation but rather assumed serious proportions and continued to plague it.⁶⁵ The Secretary-General also recognised, in a report to the Security Council on the 15th of February 1992, that a number of questions remained unanswered in regards to whether the force would receive the necessary cooperation.⁶⁶ He considered however that the danger of the operation failing due to lack of cooperation was less grievous than the danger that a delayed dispatch might lead to a breakdown of the cease-fire.⁶⁷ Many developments had occurred between December 1991 when the Vance Plan (a cease-fire agreement negotiated by the US Secretary of State) was approved by the

⁶² Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 62.

⁶³ Satish Nambiar, 'UN peacekeeping operations in the former Yugoslavia - from UNPROFOR to Kosovo' in Ramesh C. Thakur and Schnabel Albrecht *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (United Nations University Press, 2001) 167, 171.

⁶⁴ Satish Nambiar, 'UN peacekeeping operations in the former Yugoslavia - from UNPROFOR to Kosovo' in Ramesh C. Thakur and Schnabel Albrecht *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (United Nations University Press, 2001) 167, 171.

⁶⁵ Satish Nambiar, 'UN peacekeeping operations in the former Yugoslavia - from UNPROFOR to Kosovo' in Ramesh C. Thakur and Schnabel Albrecht *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (United Nations University Press, 2001) 167, 171.

⁶⁶ Quoted in Satish Nambiar, 'UN peacekeeping operations in the former Yugoslavia - from UNPROFOR to Kosovo' in Ramesh C. Thakur and Schnabel Albrecht *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (United Nations University Press, 2001) 167, 171.

⁶⁷ Quoted in Satish Nambiar, 'UN peacekeeping operations in the former Yugoslavia - from UNPROFOR to Kosovo' in Ramesh C. Thakur and Schnabel Albrecht *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (United Nations University Press, 2001) 167, 171.

Security Council, and the Secretary-General's report on setting up the mission in February 1992.⁶⁸ These developments had substantially altered some of the basic features which the plan was based on, but no modifications were made to accommodate these new realities.⁶⁹ The developments included for example the changed ground position of the Serbs in Croatia, which were now well beyond the boundaries of the municipalities set out in the Vance Plan, as well as the Croatian Government's new position that the Krajina Serbs had no locus standi and should not be a party dealt with by the UN force.⁷⁰ Trying to ensure that there is sufficient preparation and planning for a peacekeeping operation whilst also ensuring that it is deployed quickly is clearly a difficult balancing act. In the case of UNPROFOR in Croatia however, the existing cease-fire agreement was already frail. In rushing to deploy a peacekeeping operation to prevent its breakdown, the UN overlooked important factors that were relevant to its success. The Secretary-General's fears of a breakdown in the cease-fire quickly became reality, and thus UNPROFOR was put in a position of attempting to perform peacekeeping activities in the midst of war.

Duane Bratt has also suggested that the existence of a Comprehensive Settlement Agreement (CSA) can be very beneficial to the performance of a peacekeeping operation.⁷¹ No such agreement was in place for UNPROFOR to rely on, and one might argue that if there was this could have increased its success.⁷² Bratt argues that peacekeeping operations which were able to rely on CSAs, such as the operations in Namibia, Cambodia and Mozambique, were more successful than those who were not.⁷³ Such agreements can help operations improve their performance of the mandate because they spell out the tasks that are required and help eliminate ambiguities.⁷⁴ Another beneficial aspect of such agreements is that they normally formalise the consent of the parties and set out the expectations of cooperation, two important factors which are discussed in

⁶⁸ Satish Nambiar, 'UN peacekeeping operations in the former Yugoslavia - from UNPROFOR to Kosovo' in Ramesh C. Thakur and Schnabel Albrecht *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (United Nations University Press, 2001) 167, 171.

⁶⁹ Satish Nambiar, 'UN peacekeeping operations in the former Yugoslavia - from UNPROFOR to Kosovo' in Ramesh C. Thakur and Schnabel Albrecht *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (United Nations University Press, 2001) 167, 171.

⁷⁰ Satish Nambiar, 'UN peacekeeping operations in the former Yugoslavia - from UNPROFOR to Kosovo' in Ramesh C. Thakur and Schnabel Albrecht *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (United Nations University Press, 2001) 167, 172.

⁷¹ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 49.

⁷² Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 49.

⁷³ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 49.

⁷⁴ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 50.

greater detail later in the thesis. One might argue that if the parties to a conflict are at the point where they are able to compromise and negotiate a detailed CSA, they may not really need peacekeeping anymore. Bratt however maintains that peacekeeping would still play a key role because the parties may lack trust in each other and need a neutral party to broker between them, and also ensure enforcement of the CSA.⁷⁵ In the case of Croatia and Bosnia, it seems unlikely that all the parties to the conflict would have agreed to negotiate a CSA at the time UNPROFOR was to be deployed, seeing they were not even willing to maintain a temporary cease-fire. This should however maybe have signified to the UN that a traditional peacekeeping operation was maybe not the appropriate response to the conflict at that time.

1.5 A CLEAR AND ACHIEVABLE MANDATE

One of the first steps in establishing a peacekeeping operation is setting a mandate, and this step is incredibly important as it arguably sets the tone for the whole operation. Commentators generally agree that the mandate and the objectives stated within it are one of the most important factors in regards to the performance of a peacekeeping operation.⁷⁶ This is the case in the Brahimi report, which lists a clear, credible, and achievable mandate as one of the prerequisites for a successful operation.⁷⁷ In some cases problems arise due to vagueness or ambiguity in mandates, which are usually the result of disagreement within the Security Council.⁷⁸ As previously discussed, a lack of consensus within the Security Council and desire to produce politically acceptable resolutions may result in vagueness. This creates difficulties for those tasked with carrying them out, as they may struggle to understand or interpret them accurately.⁷⁹ When the mandate is not clear, the peacekeeping force is arguably not given sufficient guidance to conduct a successful operation. It is also important to note that in the course of a conflict there is likely to be a need for different 'policy tools' at each phase or level, and that this should be reflected in the

⁷⁵ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 51.

⁷⁶ Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 *Journal of International Peacekeeping* 45, 52.

⁷⁷ Lakhdar Brahimi, Report of the Panel on United Nations Peace Operations, UN doc. A/55/305 - S/2000/809, 21 August 2000, p. 10.

⁷⁸ Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 *Journal of International Peacekeeping* 45, 52.

⁷⁹ J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 *Military Law Review* 1, 25.

mandate.⁸⁰ Stuart Kaufman for example argues that an appropriate mandate is a flexible one which allows commanders to alter their mission when circumstances demand it.⁸¹ While it is important that a mandate allows the peacekeeping force to adapt to changing circumstances, it is also important to ensure that the force is not left entirely to its own devices. At the very least a mandate should clearly set out the aims and the methods by which those aims should be achieved. Some academics have also argued that more extensive mandates for multidimensional PKOs are positive and significantly correlated to successful peace-building.⁸² On the other hand, mandates that are too extensive may be unrealistic and essentially set the peacekeeping operation up for failure. This issue will be discussed in further detail below.

1.5.1 EXTENSION OF THE MANDATE AND THE ISSUE OF 'MISSION CREEP'

As previously stated, when UNPROFOR was established on the 21st of February 1991, it was intended to contribute to the implementation of a peace plan in Croatia.⁸³ However, once conflict broke out in Bosnia its mandate was gradually expanded to include support of provision of humanitarian assistance there as well.⁸⁴ From the very outset of the operation it was given tasks that seemed to go well beyond traditional peacekeeping duties. For example, under the Vance Peace Plan for Croatia, UNPROFOR forces were to be deployed in three areas that were considered UN Protected Areas (UNPAs) and were responsible for demilitarizing them and providing protection to their inhabitants, pending an overall settlement of the conflict.⁸⁵ UNPROFOR was also mandated to assist in the return of displaced persons who had been residents of these UNPAs.⁸⁶ These tasks might not have been so daunting if a genuine peace settlement had been reached, but at this point the parties to the conflict were still resulting to episodic violence or even full-scale military offensives.⁸⁷ As if these extensive tasks were not enough, the Security Council made

⁸⁰ Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 *Journal of International Peacekeeping* 45, 53.

⁸¹ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 233.

⁸² Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 *Journal of International Peacekeeping* 45, 53.

⁸³ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 462.

⁸⁴ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 462.

⁸⁵ Leonard J. Cohen and Alexander Moens, 'Learning the Lessons of UNPROFOR: Canadian Peacekeeping in the former Yugoslavia' (1999) 6 *Canadian Foreign Policy Journal* 85, 88.

⁸⁶ Leonard J. Cohen and Alexander Moens, 'Learning the Lessons of UNPROFOR: Canadian Peacekeeping in the former Yugoslavia' (1999) 6 *Canadian Foreign Policy Journal* 85, 88.

⁸⁷ Leonard J. Cohen and Alexander Moens, 'Learning the Lessons of UNPROFOR: Canadian Peacekeeping in the former Yugoslavia' (1999) 6 *Canadian Foreign Policy Journal* 85, 88.

nine extensions to the mandate of UNPROFOR in the period between June and December 1992: reopening Sarajevo Airport for humanitarian purposes; establishing a joint commission and functions in 'pink zones' in Croatia; monitoring heavy weapons in Sarajevo and surrounding areas; immigration and customs functions on UNPA boundaries running along state borders; deployment in Bosnia-Herzegovina to escort humanitarian aid convoys; monitoring demilitarization in Prevlaka; monitoring the no-fly zone over Bosnia-Herzegovina; controlling the Peruca dam; and preventive deployment in Macedonia.⁸⁸ It therefore seems reasonable to argue that the UN was overly ambitious with the mandate for UNPROFOR from the outset. This is especially the case considering the fact that the violent conflict in both Croatia and Bosnia was still ongoing, and it did not seem as though the UN had much regard for this when assigning tasks to the peacekeeping forces.

As UNPROFOR's mandate was continuously expanded and the Security Council passed resolution after resolution, seemingly with little regard for whether the forces had the time or conditions to implement all these newly added tasks, a 'mission creep' seemed to occur.⁸⁹ 'Mission creep' refers to the expansion or 'bloating' of a mission's role beyond the original mandate.⁹⁰ In the case of UNPROFOR the mandate was subject to an almost permanent process of adaptation, and the operation ultimately became involved in activities that could be described as peace enforcement.⁹¹ Some examples of this peace enforcement are the enforcement of the no-fly zone and the 'safe areas'.⁹² The Security Council introduced the ban on military flights in Resolution 781,⁹³ but due to numerous violations the ban was extended in Resolution 816 authorising member states to take all necessary measures to ensure compliance with the ban.⁹⁴ The safe area policy was initially developed as an attempt to stop widespread fighting in Srebrenica by adopting Resolution 819 demanding that it be treated as 'a safe area free from any armed attack or any

⁸⁸ Satish Nambiar, 'UN peacekeeping operations in the former Yugoslavia - from UNPROFOR to Kosovo' in Ramesh C. Thakur and Schnabel Albrecht *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (United Nations University Press, 2001) 167, 172.

⁸⁹ Leonard J. Cohen and Alexander Moens, 'Learning the Lessons of UNPROFOR: Canadian Peacekeeping in the former Yugoslavia' (1999) 6 *Canadian Foreign Policy Journal* 85, 92.

⁹⁰ Paul F. Diehl, 'International Peacekeeping and Conflict Resolution: A Taxonomic Analysis with Implications' (1998) 42 *The Journal of Conflict Resolution* 33, 40.

⁹¹ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 462.

⁹² Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 462.

⁹³ UN Security Council Resolution 781, 14 August 1992.

⁹⁴ UN Security Council Resolution 816, 31 March 1993.

other hostile act'.⁹⁵ The Security Council Subsequently adopted Resolution 824 adding Sarajevo, Gorazda, Tuzla, Zepa, and Bihac to the list of safe areas.⁹⁶ Through Resolution 836 the Security Council decided to extend UNPROFOR's mandate to enable it to 'deter attacks' against safe areas.⁹⁷ It furthermore authorised UNPROFOR to take any necessary measures, including use of force, '*in reply to bombardments against the safe areas by any of the parties or to armed incursion into them or in the event of any deliberate obstruction in or around those areas to the freedom of movement of UNPROFOR or of protected humanitarian convoys*'.⁹⁸ This was one of the most controversial decisions made by the Security Council in the course of the conflict, and many questions were raised about the political, legal, and military implications of the concept of safe areas.⁹⁹ UNPROFOR's mandate to use force was again expanded by the Security Council in Resolution 871 which authorised it to use force to ensure its security and freedom of movement.¹⁰⁰ The initial deployment of UNPROFR only provided for the use of force in self-defence, making this quite an extension of the mandate.¹⁰¹

Although many of these extensions were made in order to ensure the unhindered flow of humanitarian assistance, it seems that the Security Council might have gone too far. It put UNPROFOR in a position where it was essentially forced to act as a party to the conflict and enforce peace where it did not exist. The safe areas that the Council declared were not areas that were actually safe, but rather areas that it wanted the peacekeeping forces to make safe. Although the Security Council likely did not intend for the peacekeeping forces to actually fight off the warring parties to achieve this, it would appear that it definitely overestimated the deterring effect of UNPROFOR. This was most evident with the disaster in Srebrenica, which is discussed in more detail below. The other major issue with this 'mission creep' was that while the UN seemed to expect UNPROFOR to engage in peace enforcement, it did not equip it to do so. UNPROFOR, as most traditional peacekeeping forces, was not heavily armed or equipped with advanced intelligence equipment. This meant that the peacekeeping soldiers were seemingly put in serious danger by demands that they should engage in what was arguably peace enforcement. UNPROFOR was

⁹⁵ UN Security Council Resolution 819, 16 March 1993.

⁹⁶ UN Security Council Resolution 824, 06 May 1993.

⁹⁷ UN Security Council Resolution 836, 4 June 1993, para 5.

⁹⁸ UN Security Council Resolution 836, 4 June 1993, para 9.

⁹⁹ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 463.

¹⁰⁰ Jon E. Fink, 'From Peacekeeping to Peace Enforcement: The Blurring of the Mandate for the Use of Force in Maintaining International Peace and Security' (1995) 19 *Maryland Journal of International Law and Trade* 1, 31.

¹⁰¹ Jon E. Fink, 'From Peacekeeping to Peace Enforcement: The Blurring of the Mandate for the Use of Force in Maintaining International Peace and Security' (1995) 19 *Maryland Journal of International Law and Trade* 1, 37.

essentially mandated and expected to engage in combat if for example its freedom of movement was obstructed, but was in reality in no position to do so without risking serious casualties.

1.5.2 THE FALL OF SREBRENICA

The events that occurred in Srebrenica fall within the issue of ‘mission creep’ and safe areas but given that it was arguably one of the greatest failures of UNPROFOR, it is worth examining it in detail. Although Security Council Resolution 819 declared Srebrenica a safe area, neither of the parties fully disarmed, supply trucks and transport of refugees were still being blocked, and all parties essentially knew it was not really a safe area.¹⁰² The UN however seemed convinced that the mere presence of UNPROFOR would deter any attacks, seeing as such attacks would be viewed as attacks ‘on the whole world’.¹⁰³ A Dutch battalion (Dutchbat) deployed in Srebrenica in February 1994 and was given five tasks: establishing observation posts; improving liaison among the parties; improving information about the activity of the armies; assisting in humanitarian tasks; and helping to fix essential services.¹⁰⁴ Dutchbat did not however seem to have much success with any of these tasks, largely due to a lack of cooperation by both parties to the conflict, and by August 1994 it had completely stopped trying to mediate between the parties.¹⁰⁵ By the fall of 1994 it appeared that Dutchbat was further than ever from achieving its mandate as it lacked the supplies needed to offer humanitarian help, the Bosnian Serb Army (VRS) was moving closer, and there was a complete breakdown in the relations with the municipality.¹⁰⁶ This is arguably a clear example of the UN giving its peacekeeping forces unachievable tasks, only to hang them out to dry. Dutchbat received its last delivery of diesel in February 1995, and there were no more hot showers or lights at night by April, which left soldiers feeling hopeless and wishing to return home as soon as possible.¹⁰⁷ At this point both spirits and supplies were low, which left Dutchbat vulnerable.

¹⁰² Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 152.

¹⁰³ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 152.

¹⁰⁴ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 153.

¹⁰⁵ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 154.

¹⁰⁶ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 154.

¹⁰⁷ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 155.

The VRS engaged in several attacks between the 6th and 10th of July, during which Dutchbat commander Lieutenant-Colonel Karremans requested Close Air Support (CAS) from NATO to destroy VRS.¹⁰⁸ UN command was however of little help and responded that CAS permission would be denied so long as Dutchbat was not directly threatened, which was not considered to be the case seeing as VRS made sure to shoot close to, but not directly at, Dutchbat installations.¹⁰⁹ As the attacks continued Karremans made another attempt to request CAS by referring directly to Sarajevo instead of the UN Sector North East Command, but seemed to get caught in a UN ‘bureaucratic maze’ as one sector attempted to confirm with the other.¹¹⁰ While the UN seemed to expect Dutchbat to engage in peace enforcement, it was clearly not prepared to even back the force up with its available military power. After the fall of a post (OP-F), the VRS took Dutch troops hostage, and although the Dutch troops had attempted shooting warning shots they did not engage in direct fire despite the fact that they had the mandate to do so.¹¹¹ One soldier explained this by stating that ‘*it would have been suicide*’.¹¹² This clearly shows the danger that peacekeeping troops were put under due to their extensive mandate and limited equipment. On the 9th of July UN command, likely fearing for the safety of the population, ordered Dutchbat to set up blockades around Srebrenica City.¹¹³ It was however unclear whether they were meant to stop VRS or merely slow them down, and Dutchbat was at this point exhausted, isolated and undermanned.¹¹⁴ Dutchbat struggled to set up these blockades and UN Command seemed unaware of its struggles with fewer officers and dysfunctional weaponry.¹¹⁵ This showcased a clear lack of coordination and communication between the UN Command and Dutchbat. Moens points out that ‘*when Dutchbat felt it could best use CAS, the UN denied it. When the UN thought the troops*

¹⁰⁸ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 144.

¹⁰⁹ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 144.

¹¹⁰ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 145.

¹¹¹ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 145.

¹¹² Quoted in Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 145.

¹¹³ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 145.

¹¹⁴ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 145.

¹¹⁵ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 146.

should stand their ground, it was arguably too late'.¹¹⁶ Two out of three blocking positions were abandoned already on the 10th of July, not even lasting a full day.¹¹⁷

In the evening of the 10th of July, Karremans communicated to the VRS that if they did not retract, air strikes would follow by 6 AM the next day.¹¹⁸ However, no such strikes were ever agreed or prepared for and it is unclear what gave him that impression.¹¹⁹ In any case, no such strikes occurred and the VRS resumed its attacks in the morning of the 11th of July.¹²⁰ During this time several requests for CAS were made but they were dismissed twice due to administrative errors, and once approved no planes were available in the area.¹²¹ CAS was eventually approved again but the planes did minimal damage, and the air support was put to a stop following threats from VRS that the hostages would be killed.¹²² Dutchbat then retreated to its compound in Potocari, which was now filled with refugees.¹²³ VRS was in complete control at this point and put all the refugees in buses to be delivered onto Bosnian and UN Personnel land, these buses were however halted and men of almost every age were taken out to be murdered.¹²⁴ More than 7000 men and boys were brutally murdered and this was later determined to be genocide by the International Criminal Tribunal for the former Yugoslavia.¹²⁵ Dutchbat did virtually nothing to stop this and it is unclear whether they were tactically naïve or simply trying to survive.¹²⁶ Although many have criticised Dutchbat for this inaction, it is worth noting that the troops had at

¹¹⁶ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 145.

¹¹⁷ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 147.

¹¹⁸ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 147.

¹¹⁹ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 147.

¹²⁰ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 148.

¹²¹ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 148.

¹²² Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 148.

¹²³ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 149.

¹²⁴ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 150.

¹²⁵ ICTY, 'ICTY Remembers: The Srebrenica Genocide' <<http://www.icty.org/specials/srebrenica20/index.html>> accessed 9 August 2019.

¹²⁶ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 150.

this point lived in near constant stress and deprivation and felt betrayed by the UN system.¹²⁷ French General Bernard Javier however stated that French UN troops faced with the same circumstances would still have fought, and Canadian Major Bouchard made similar remarks.¹²⁸ Whether or not Dutchbat should have fought, the bigger issue is that a peacekeeping force should arguably not have been put in that position to begin with. The UN seemingly placed a lightly armed peacekeeping force in a dangerous and disputed area with the hopes that its mere presence would ensure peace. Moreover, it could be argued that by declaring Srebrenica a safe area, the UN created a false sense of security for the populations there, which ended up costing many of them their lives.

1.6 THE TRADITIONAL PRINCIPLES OF PEACEKEEPING: CONSENT, IMPARTIALITY, AND LIMITED USE OF FORCE

Consent, impartiality, and limited use of force are the traditional principles of peacekeeping, and important factors in the performance of a peacekeeping operation. This is reflected in the Supplement to an Agenda for Peace, by then-Secretary-General Boutros Boutros-Ghali, which states that there is a clear link between respect for the three traditional principles of peacekeeping and the success of an operation.¹²⁹ Boutros-Ghali expressed that *'analysis of recent successes and failures shows that in all the successes those principles were respected and in most of the less successful operations one or other of them was not'*.¹³⁰ Each of the principles will be explored in turn.

1.6.1 CONSENT AND COOPERATION

Many commentators, including the UN Secretariat, consider the desire of the parties to the conflict to resolve their differences peacefully a prerequisite for the success of a peacekeeping operation.

¹²⁷ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 150.

¹²⁸ Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 Canadian Foreign Policy Journal 141, 156.

¹²⁹ Boutros Boutros-Ghali, Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations, UN doc. A/50/60, S/19995/1, January 1995, para. 33.

¹³⁰ Boutros Boutros-Ghali, Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations, UN doc. A/50/60, S/19995/1, January 1995, para. 33.

ration.¹³¹ Consent is important because without it the mandate can only be implemented by military force, which would arguably cause an operation to lose its peacekeeping character and cross the line into war battle.¹³² The consent of the host state is required by international law, but for a peacekeeping operation to be successful it is important to have the consent of other parties to the conflict as well.¹³³ Consent is not easily obtained as Governments are generally very protective of their sovereignty and reluctant to call in forces outside of their control.¹³⁴ The cooperation of the parties to the conflict is arguably also extremely important to the success of a peacekeeping operation, and is closely related to consent. In the case of Bosnia, there was no consent from the Bosnian Serbs, which was evident in their lack of cooperation and purposeful obstruction of the mandate.¹³⁵ One example of this was the blatant disregard for the concept of safe areas, as seen in the case of Srebrenica.¹³⁶ The lack of consent likely contributed to the fact that UNPROFOR ended up engaging in peace enforcement rather than peacekeeping. Given that the Bosnian Serbs had not consented to the operations, they obviously saw no issue in going against the mandate, which put UNPROFOR in a difficult position. The UN should arguably have predicted that these issues would occur, and either not have deployed a peacekeeping operation or equipped it sufficiently to undertake peace enforcement tasks.

1.6.2 IMPARTIALITY

There is a general consensus that peacekeeping operations need to remain impartial, and also be perceived as such, in order to be successful.¹³⁷ This is in order to avoid losing the consent of the parties and having the peacekeeping force itself becoming a party to the conflict. Maintaining impartiality also increases the possibility of success because peacekeepers are better able to perform the mandate if they are not fearing for their safety.¹³⁸ UNPROFOR was arguably not able to

¹³¹ Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 *Journal of International Peacekeeping* 45, 47.

¹³² Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 *Journal of International Peacekeeping* 45, 48.

¹³³ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 232.

¹³⁴ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 232.

¹³⁵ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 63.

¹³⁶ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 63.

¹³⁷ Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 *Journal of International Peacekeeping* 45, 49.

¹³⁸ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 64.

maintain a perception of impartiality, as the Bosnian Serbs generally viewed it biased against them. This was not entirely unfounded seeing as a report by the Secretary-General in 1995 stated that in all cases that air power was used, it was either against Bosnian Serb targets, or Serb-controlled parts of Croatia which were operating in their support.¹³⁹ Moreover, when Bosnian Serbs violated safe areas and shelled into them, the response was NATO air strikes.¹⁴⁰ When Muslims on the other hand, violated the safe areas by shelling from them, they only received warnings.¹⁴¹ The fact that Bosnian Serbs had not consented to the operation likely also contributed to the perception of bias, seeing as only the Bosnian Government's consent was deemed necessary. In losing the perception of impartiality UNPROFOR forces were again put in a risky position, because in losing impartiality the force risked being perceived as a party to the conflict. Although UNPROFOR was never forced into actually engaging in battle as a party to the conflict, it was not treated as a completely neutral third party either. An example of this is the numerous troops taken hostage by the VRS. Although it seems that no soldiers were harmed or killed in captivity, threats were made, and the VRS would likely not have taken them hostage in the first place if it had perceived them as completely impartial third parties. It therefore appears as though UNPROFOR was caught in a middle ground between peacekeeping and war battle, partly due to its perceived partiality.¹⁴²

1.6.3 LIMITED USE OF FORCE

The principle of limited use of force is closely linked to impartiality due to the fact that an operation is generally more likely to be regarded as impartial if no force is used.¹⁴³ A peacekeeping force generally seeks to avoid becoming a party to the conflict, and limited use of force is arguably essential in achieving this. Despite the general principle that the use of force should be limited, and preferably non-existent, arguments have been made in favour of the use of force in certain cases. It was for example argued in the Brahimi Report that this principle should in some cases be abandoned where it was 'operationally justified' and 'morally compelled'. The argument is that peacekeeping forces should be willing and able to use force where it is needed to

¹³⁹ Boutros Boutros-Ghali, Report of the Secretary-General Pursuant to Security Council Resolutions 982 (1995) and 987 (1995), UN doc. S/1995/444, 30 May 1995, para. 57.

¹⁴⁰ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 64.

¹⁴¹ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 64.

¹⁴² Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 *Journal of International Peacekeeping* 45, 49.

¹⁴³ Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 *Journal of International Peacekeeping* 45, 49.

defend the mandate and civilians.¹⁴⁴ It is therefore difficult to determine exactly where the line should be drawn for the use of force. The issue of use of force by peacekeepers in Bosnia seemed to be riddled with contradictions and ambiguities.¹⁴⁵ Firstly, although multiple parts of UNPROFOR's mandate were authorised under Chapter VII, others were not.¹⁴⁶ In addition to this, the rules of engagement for UNPROFOR were not clear or consistent. UNPROFOR was for example authorised to provide 'protective support to UNHCR-organized convoys' and it was emphasised that the troops would follow regular peacekeeping rules of self-defence.¹⁴⁷ In this case however, self-defence was to include situations where armed persons by force attempted to prevent UN troops from carrying out their mandate.¹⁴⁸ Thus it was presumed that UNPROFOR could use force to carry out this aspect of the mandate although Chapter VII was not cited.¹⁴⁹ Despite these confusion and seemingly extensive mandates for the use of force, UNPROFOR seemed to rarely exercise its authorised use of force. When force was used in Bosnia, it was primarily by NATO with the authorisation of the Security Council,¹⁵⁰ but even this was relatively rare. This perceived reluctance to exercise the use of force was likely due to the fact that UNPROFOR troops were lightly armed and often did not stand a chance against VRS. Any attempt to use force would therefore likely have done more harm than good. Moreover, any use of force by NATO could potentially cause retaliation against UNPROFOR forces and was therefore also risky. Despite these factors UNPROFOR and NATO received criticism and were accused of not enforcing Security Council resolutions.¹⁵¹ This confusion could arguably have been avoided with a strict adherence to the principle of limited use of force.¹⁵² Given that UNPROFOR was in no position to exercise its mandated use of force anyway, the mandate should arguably have limited the use of force to self-defence.

¹⁴⁴ Lakhdar Brahimi, Report of the Panel on United Nations Peace Operations, UN doc. A/55/305 - S/2000/809, 21 August 2000, p. 9.

¹⁴⁵ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 65.

¹⁴⁶ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 65.

¹⁴⁷ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 65.

¹⁴⁸ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 65.

¹⁴⁹ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 65.

¹⁵⁰ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 65.

¹⁵¹ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 65.

¹⁵² Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 65.

1.7 THE END OF THE CONFLICTS

By August 1995, Croatia had lost all hope that a peaceful settlement could be reached, and determined to regain control over its territory, it turned back to war.¹⁵³ It engaged its newly built army in a campaign that brushed aside the peacekeepers and crushed the Krajina Serbs in a matter of days.¹⁵⁴ UNPROFOR thus clearly had no success in facilitating a peaceful resolution in Croatia. In Bosnia US presidential envoy Richard Holbrooke combined NATO air strikes, the calibrated use of strengthened Croat and Muslim forces, and shuttle diplomacy in the period between July and November 1995, to force all three parties to the Bosnian conflict and the Presidents of Croatia and Serbia, to negotiate at an airbase in Ohio.¹⁵⁵ This resulted in a political settlement on the 21st of November 1995, commonly referred to as the Dayton Agreement.¹⁵⁶ While there is plenty of criticism aimed at this agreement that could be discussed, that is not the topic of this thesis. It might however be worth mentioning that critics have described the governmental structure set out in the agreement as designed to be non-functional.¹⁵⁷ Many have also criticised the fact that Dayton seemingly rewarded the Bosnian Serbs for years of ethnic cleansing, terror, murder and mass expulsion by granting them a semi-autonomous Republika Sprska.¹⁵⁸ This sentiment was to some extent reflected in a statement by RS politician Nikola Koljevic in 1996: *'I could not believe it at first that NATO was willing to send 60 000 troops to separate us from the Muslims. After all that's what we fought for for three years'*.¹⁵⁹ Despite the criticisms of the functionality and morality of this agreement however, it was this agreement that finally put an end to the bloody conflict in Bosnia. What is particularly relevant for the topic of this thesis is that this agreement was facilitated with minimal involvement by UNPROFOR or the UN in general. Thus, UNPROFOR's attempts at peacekeeping or peace enforcement, did not appear to contribute in any substantial way to the resolution of the conflicts in Bosnia and Croatia.

¹⁵³ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 242.

¹⁵⁴ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 242.

¹⁵⁵ Leonard J. Cohen and Alexander Moens, 'Learning the Lessons of UNPROFOR: Canadian Peacekeeping in the former Yugoslavia' (1999) 6 *Canadian Foreign Policy Journal* 85, 95.

¹⁵⁶ Leonard J. Cohen and Alexander Moens, 'Learning the Lessons of UNPROFOR: Canadian Peacekeeping in the former Yugoslavia' (1999) 6 *Canadian Foreign Policy Journal* 85, 95.

¹⁵⁷ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 1.

¹⁵⁸ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 1.

¹⁵⁹ Quoted in Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 2.

1.8 CONCLUSION

In summary, the main contributing factors to the dissatisfactory performance of UNPROFOR were the insufficient cooperation from outside actors, insufficient planning and preparation, the lack of a clear and achievable mandate, and the inability to comply with the traditional principles of peacekeeping. The bigger picture seems to be that UNPROFOR set out to do too much, with too little. Belgian Lieutenant-General, and Commander of UNPROFR, Francis Briquemont was quoted as saying '*I was told this was a peacekeeping mission. That's stupid. It's not possible to peace-keep in a country at war*'.¹⁶⁰ It is not shocking that UNPROFOR failed at peacekeeping, when there was no peace to keep. This ultimately forced the mission into a role of peace enforcement instead, one it was not equipped for. The UN would arguably have been better off either deploying a mission with the sole purpose of facilitating humanitarian relief, for which it should have acquired the consent and cooperation of all parties to the conflict, or deployed a full-force peace enforcement mission. The last civilian head of UNPROFOR, Antonia Pedauye, stated that one of the key lessons of UNPROFOR's experience should be to '*call a spade a spade*'.¹⁶¹ If the UN wanted to enforce peace in former Yugoslavia, it should not have attempted this under the guise of a peacekeeping mission.

CHAPTER 2: NATO'S ROLE IN PEACEKEEPING IN THE FORMER YUGOSLAVIA

2.1 INTRODUCTION

The conflict in former Yugoslavia seemed to prompt a transformation of NATO from a purely collective self-defence organisation, to one that is willing to conduct peace operations to ensure

¹⁶⁰ Quoted in Leonard J. Cohen and Alexander Moens, 'Learning the Lessons of UNPROFOR: Canadian Peacekeeping in the former Yugoslavia' (1999) 6 Canadian Foreign Policy Journal 85, 85.

¹⁶¹ Quoted in Leonard J. Cohen and Alexander Moens, 'Learning the Lessons of UNPROFOR: Canadian Peacekeeping in the former Yugoslavia' (1999) 6 Canadian Foreign Policy Journal 85, 86.

collective security.¹⁶² NATO took on a key role in the process of peacekeeping in former Yugoslavia, which will be explored in this chapter. The Chapter will first examine NATO's role in and cooperation with UNPROFOR. It will then assess NATO's post-Dayton peace enforcement operations in Bosnia, namely the Implementation Force (IFOR) and the Stabilization Force (SFOR). Lastly, it will explore NATO's role in the Kosovo conflict and the deployment of the Kosovo Force (KFOR).

2.2 NATO'S ROLE IN UNPROFOR

In 1992 peacekeeping was a controversial topic in NATO, largely due to the fact that France objected against giving NATO a new role or strengthening it in general.¹⁶³ Despite this, NATO endorsed the principle of participating in peacekeeping in June that year by making its assets available to the Conference on Security and Cooperation in Europe (CSCE).¹⁶⁴ Six months later the NATO member states responded to a letter from the Secretary-General of the UN and expressed that they were prepared to support *'on a case-by-case basis and in accordance with our own procedures, peacekeeping operations under the authority of the UN Security Council, which has the primary responsibility for international peace and security'*.¹⁶⁵ By May 1993 NATO was already actively involved at different levels of the operation including the contribution of personnel and equipment to UNPROFOR headquarters.¹⁶⁶

The role played by NATO was largely that of a subcontractor that carried out the parts of UNPROFOR's mandate it was not able to carry out itself. This included for example the enforcement of the no-fly zone. Operation Deny Flight began on the 12th of April 1993 and was the first operation that required close cooperation between the UN and NATO.¹⁶⁷ The first time NATO

¹⁶² J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 Military Law Review 1, 66.

¹⁶³ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 Third World Quarterly 457, 459.

¹⁶⁴ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 Third World Quarterly 457, 459.

¹⁶⁵ Quoted in Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 Third World Quarterly 457, 459.

¹⁶⁶ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 Third World Quarterly 457, 460.

¹⁶⁷ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 Third World Quarterly 457, 461.

opened fire over Bosnia was almost a year after Operation Deny Flight began, when it shot down four Serbian aircraft that violated the no-fly zone.¹⁶⁸ In June 1993, the operation was expanded to include a new military option called Close Air Support (CAS), which was to provide airpower for the safety of UN personnel.¹⁶⁹ In a short time period NATO had gone from monitoring flights in the no-fly zone, to enforcing the no-fly zone, to providing CAS to protect UN peacekeepers.¹⁷⁰ NATO had thus gone from a position of supplying some support, to taking on a key role as both an enforcer and a protector. UNPROFOR and NATO operated under an arrangement which provided both organisations with the right to veto use of air power.¹⁷¹ This intertwining of two separate command chains caused issues, and it became evident that the organisations' intentions differed somewhat.¹⁷² While the UN's position regarding air power was determined by concern for the safety of UN personnel and negative effects on peace talks, NATO was mainly concerned with maintaining its credibility as an effective military organisation.¹⁷³ Given that both had veto rights, these disagreements mostly resulted in the limited use of air power. This is likely part of the reason why it took almost a year from the initiation of Operation Deny Flight, until NATO opened fire for the first time.

The UN and NATO engaged in what can be referred to as 'two-tiered' peacekeeping in former Yugoslavia. This term refers to situations where the Security Council authorises another force with significant military capability, in this case NATO, to protect the original peacekeepers from attacks while they complete their mandate.¹⁷⁴ It however became increasingly obvious that deploying lightly armed forces into an explosive conflict, and then threatening the parties to the conflict with the use of greater force, placed the original force in serious danger.¹⁷⁵ The Secretary-General reported that the threat or use of air power by NATO in Bosnia had put UNPROFOR

¹⁶⁸ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 461.

¹⁶⁹ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 461.

¹⁷⁰ J.D. Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 *Military Law Review* 1, 63.

¹⁷¹ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 463.

¹⁷² Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 463.

¹⁷³ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 463.

¹⁷⁴ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 66.

¹⁷⁵ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 *International Peacekeeping* 45, 66.

in risk of being taken hostage and other forms of harassment.¹⁷⁶ The UN eventually realised this and began to take steps to protect its peacekeepers. This was done by for example, pulling back UNPROFOR units that were isolated in Bosnian Serb territories prior to airstrikes against Bosnian Serbs on the 30th of August 1995.¹⁷⁷ It also brought in the heavily armed Rapid Reaction Force (RRF), and shifted authorisation to call NATO air strikes from the UN Secretariat to the UNPROFOR Force Commanders.¹⁷⁸ Additionally, NATO's policy to only use force to protect peacekeepers was removed, which enabled it to use force to bomb for example ammunition dumps and command headquarters.¹⁷⁹ The issue here however, was that in attempting to improve the efficiency of this two-tiered system, the operation seemed to cross the line into peace enforcement. In fact it could be argued that once Operation Deliberate Force was initiated, NATO and the RRF were not acting in support of UNPROFOR, but rather as independent actors undertaking peace enforcement.¹⁸⁰ It was the cumulative weight of NATO's air campaign that ultimately forced the parties to the negotiating table, resulting in the Dayton Peace Agreement.¹⁸¹ This agreement was brokered mainly by NATO, with the UN playing a minor role, and it seems likely that it would have proceeded even without the Security Council's approval.¹⁸² In the end it was NATO that was able to bring peace to Bosnia, despite its initial role as a subcontractor of UNPROFOR. J.D Goodwin states that the operation in Bosnia was the first time '*a failed UN peacekeeping force handed off its responsibilities to a regional organization*'.¹⁸³ He also considers it a lesson in how a combined force with years of joint training, succeeded, where the kind of ad hoc coalition employed by the UN did not.¹⁸⁴ This suggests that in conflicts like the ones in Bosnia and Croatia, NATO enforcement operations may serve a better purpose than UN peacekeeping operations. A large part of this is that where a conflict is still ongoing, there is no

¹⁷⁶ Boutros Boutros-Ghali, Report of the Secretary-General Pursuant to Security Council Resolution 959 (1994), UN doc. S/1994/1389, 1 December 1994, para 30.

¹⁷⁷ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 66.

¹⁷⁸ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 66.

¹⁷⁹ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 67.

¹⁸⁰ Duane Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45, 67.

¹⁸¹ J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 Military Law Review 1, 63.

¹⁸² J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 Military Law Review 1, 63.

¹⁸³ J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 Military Law Review 1, 64.

¹⁸⁴ J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 Military Law Review 1, 64.

peace to keep and it must thus be enforced. NATO, with its impressive military capabilities and without a politically divided security council weighing it down, may be in a better position to achieve this than the UN.

2.3 NATO'S PEACE ENFORCEMENT OPERATIONS IN BOSNIA

2.3.1 THE IMPLEMENTATION FORCE

Under the Dayton Peace Agreement, the Security Council was invited to establish a multinational implementation force, the tasks and enforcement powers of which were laid down in the Agreement.¹⁸⁵ The Security Council, acting under Chapter VII of the UN Charter, authorised NATO to establish this multinational implementation force (IFOR), which was to be led by NATO under the political direction and control of the North Atlantic Council.¹⁸⁶ Although the Security Council 'invited' NATO to assume this role, it arguably did not have much choice on the matter as this had already been determined in the negotiations between NATO and the factions of Bosnia-Herzegovina.¹⁸⁷ The resolution was therefore seemingly not much more than a 'stamp of approval'. NATO worked out the modalities for IFOR including a mission definition, command and control arrangements, and participation of non-NATO countries.¹⁸⁸ In a letter to the Council in December 1995, Secretary-General Boutros-Ghali formally confirmed the end of UNPROFOR, and the transfer of authority to IFOR.¹⁸⁹ He also announced that all previously adopted enforcement measures, such as the safe area policy, were now terminated.¹⁹⁰ IFOR was deployed in Bosnia-Herzegovina in December 1995 with a one year mandate.¹⁹¹ The legal authority of IFOR to use force was based in both the Dayton Peace Agreement and Security Council Resolution 1031, which reflected a deliberate policy choice to deploy the force with enforcement

¹⁸⁵ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 465.

¹⁸⁶ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 464.

¹⁸⁷ J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 *Military Law Review* 1, 59.

¹⁸⁸ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 465.

¹⁸⁹ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 465.

¹⁹⁰ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 465.

¹⁹¹ NATO, 'Peace Support Operations in Bosnia and Herzegovina' <https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

power.¹⁹² This was considered necessary in order to ensure a credible performance, and was one of the factors that strongly distinguished IFOR from UNPROFOR.¹⁹³ IFOR was thus considered a peace enforcement operation, but was commonly referred to as a peace support operation.¹⁹⁴

IFOR's task was to oversee the implementation of military aspects of the Dayton Agreement, which included ensuring the end of hostilities and separating the armed forces of the Federation of Bosnia-Herzegovina and Republika Srpska.¹⁹⁵ During its deployment IFOR oversaw the removal of heavy weapons, the transfer of territory between the Federation and Republika Srpska, and the demarcation of the inter-entity boundary.¹⁹⁶ It thus made some extremely important first steps toward a peaceful existence, as it essentially demilitarised the country. As the security situation improved, IFOR also began providing assistance and support to organisations such as the Office of the High Representative and OSCE, that were tasked with overseeing the implementation of civilian aspects of the Dayton Agreement.¹⁹⁷ IFOR soldiers assisted in the reconstruction process for example by identifying projects for repair, and by replacing services that had previously been available in the community and would not result in dependency on the Force.¹⁹⁸ The goal with these project was to hand them back to the local community before the unit went home, and this was usually achieved.¹⁹⁹ Examples of projects that were carried out by the British sector include rebuilding and reequipping village clinics, veterinary surgeries, fire stations, and schools, as well as supplying bakeries and factories.²⁰⁰ Although the soldiers managed the projects, most of the work was actually carried out by local contractors.²⁰¹ These civilian aspects of

¹⁹² Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 466.

¹⁹³ Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 466.

¹⁹⁴ NATO, 'Peace Support Operations in Bosnia and Herzegovina' <https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

¹⁹⁵ NATO, 'Peace Support Operations in Bosnia and Herzegovina' <https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

¹⁹⁶ NATO, 'Peace Support Operations in Bosnia and Herzegovina' <https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

¹⁹⁷ NATO, 'Peace Support Operations in Bosnia and Herzegovina' <https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

¹⁹⁸ Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 *International Peacekeeping* 142, 146.

¹⁹⁹ Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 *International Peacekeeping* 142, 146.

²⁰⁰ Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 *International Peacekeeping* 142, 146.

²⁰¹ Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 *International Peacekeeping* 142, 146.

IFOR's work were clearly very valuable as they contributed to the rebuilding important services in the local communities as well as providing employment opportunities for local workers.

IFOR did however face its fair share of struggles and criticism. In early 1996 the Sarajevo suburbs of Grbavica and Ilidza were to be turned over by Serbs to Federation control, but in the weeks before the handover Serbs went door to door harassing the Serbs residing there to flee, and ultimately put both suburbs to torch.²⁰² These fires raged for days under the noses of heavily armed IFOR forces who refused to be drawn into policing.²⁰³ Many were critical of IFOR for allowing this to go on while purporting to enforce peace. This was to some extent the result of an aversion to 'mission creep', particularly by the US Department of Defence which had insisted that IFOR's mandate be limited to separating the combatants and controlling cease-fire lines.²⁰⁴ This aversion likely also contributed to the issues of indicted war criminal essentially being able to move freely around in RS and Croat-controlled areas, without having to worry about the 60 000 NATO troops.²⁰⁵ IFOR's commander seemed to attempt to justify this by arguing that they needed to maintain a position of impartiality to be able to enforce peace.²⁰⁶ While the concern with remaining impartial was valid, one could also argue that IFOR neglected to take very important steps towards establishing lasting peace by essentially ignoring war criminals.

The timetable set out in the Dayton Agreement provided that national elections would be held in Bosnia-Herzegovina within nine months, after which IFOR would be able to withdraw without a resumption of the conflict.²⁰⁷ However it became clear that this was not really realistic as elections were held in September 1996 and nationalists were confirmed in power.²⁰⁸ At this point it seems fair to say that no substantial progress had been made on the Dayton Agreement's unifying provisions, and the situation in Bosnia remained unstable. The formation of common institutions was often blocked, freedom of movement between the entities was to a large extent non-existent, and media was still under the control of the nationalist leaderships and continued to

²⁰² Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 2.

²⁰³ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 2.

²⁰⁴ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 1.

²⁰⁵ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 2.

²⁰⁶ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 2.

²⁰⁷ John M. Fraser, 'Evaluating the peace process: Can all NATO's forces and all Dayton's men put Bosnia Herzegovina together again?' (1998) 5 *Canadian Foreign Policy Journal* 169, 169.

²⁰⁸ John M. Fraser, 'Evaluating the peace process: Can all NATO's forces and all Dayton's men put Bosnia Herzegovina together again?' (1998) 5 *Canadian Foreign Policy Journal* 169, 169.

spew hate propaganda.²⁰⁹ IFOR had also not been able to make much progress in the return of refugees, or compensation for the people that had lost their homes.²¹⁰ NATO therefore agreed to deploy a new force.

2.3.2 THE STABILIZATION FORCE

On the 12th of December 1996 the Security Council passed Resolution 1088 authorising the establishment of a multinational Stabilization Force (SFOR) to replace IFOR.²¹¹ SFOR was to perform similar tasks to IFOR, but with a stronger emphasis on the civilian component and half the number of soldiers (30 000).²¹² When SFOR took over there were still many instances of violence between the ethnic groups, the police force functioned more as an extension of the military, weapons remained in private hands, and state institutions had still not been reconstructed.²¹³ SFOR was tasked with preventing a resumption of hostilities and ensuring that the peace process was able to continue moving forward, as well as providing support to civilian organisations involved in this process.²¹⁴ In order to maintain a secure environment, SFOR troops carried out regular patrols throughout the country.²¹⁵ They also collected and destroyed unregistered weapons, and by 2003 it was reported that SFOR had disposed of over 11 000 weapons and 45 000 grenades.²¹⁶ In addition to this, SFOR forces were involved in demining, both by carrying out demining themselves and by setting up demining schools in Banja Luka, Mostar and Travnik, as well as a sniffer dog training school in Bihac.²¹⁷ While this work was important, where SFOR truly made its mark is arguably through its state-building and civilian efforts. SFOR assisted the European Union Police Mission (EUPM) which was responsible for helping Bosnian authorities develop local police forces that meet European and international standards.²¹⁸ A particularly im-

²⁰⁹ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 2.

²¹⁰ Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 *International Peacekeeping* 142, 152.

²¹¹ UN Security Council Resolution 1088, 12 December 1996.

²¹² Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457, 467.

²¹³ Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 *International Peacekeeping* 142, 152.

²¹⁴ NATO, 'Peace Support Operations in Bosnia and Herzegovina' <https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

²¹⁵ NATO, 'Peace Support Operations in Bosnia and Herzegovina' <https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

²¹⁶ NATO, 'Peace Support Operations in Bosnia and Herzegovina' <https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

²¹⁷ NATO, 'Peace Support Operations in Bosnia and Herzegovina' <https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

²¹⁸ NATO, 'Peace Support Operations in Bosnia and Herzegovina' <https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

portant part of SFOR's work was the reform of Bosnia-Herzegovina's defence structure. Considering this structure had been divided according to the three ethnic groups, SFOR worked to help the country build a unified structure with standards for training and equipment that are compatible with NATO norms.²¹⁹ This work resulted in the two separate armies being brought under a single command structure in March 2004.²²⁰ Given the state of Bosnia after the war, this development of institutions was essential for the progression of the country, and an important step on the road to building lasting peace.

Unlike IFOR, SFOR also made great contributions to the process of bringing war crime suspects to trial before the International Criminal Tribunal for the former Yugoslavia (ICTY). SFOR was instrumental in most arrests and was responsible for bringing 39 war crime suspects to the ICTY, as well as providing support and security to the ICTY's investigative teams.²²¹ This was incredibly important because it not only removed dangerous war criminals from the country, but arguably also contributed to the process of reconciliation. SFOR not only assisted other organisations engaged in civil reconstruction, but also launched its own Civil-Military Cooperation (CIMIC) projects related to structural engineering and transportation.²²² CIMIC centres were set up in each key town in Bosnia-Herzegovina and provided local population with the opportunity to visit with a range of questions and requests for help.²²³ These included searches for missing relatives, claims for compensation, information about voting, and details regarding mine hazards.²²⁴ This was most likely very beneficial to SFOR's reputation as it showcased its commitment to the local communities and created an atmosphere of mutual respect. The Centres also functioned as intelligence collection sites for Civil Affairs Tactical Support teams who patrolled through local settlements on a regular basis and gathered data to assess how quickly the communities were returning to a pre-war state of affairs.²²⁵ Through this initiative, SFOR engaged in the mainte-

²¹⁹ NATO, 'Peace Support Operations in Bosnia and Herzegovina' <https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

²²⁰ NATO, 'Peace Support Operations in Bosnia and Herzegovina' <https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

²²¹ NATO, 'Peace Support Operations in Bosnia and Herzegovina' <https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

²²² NATO, 'Peace Support Operations in Bosnia and Herzegovina' <https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

²²³ Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 *International Peacekeeping* 142, 147.

²²⁴ Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 *International Peacekeeping* 142, 147.

²²⁵ Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 *International Peacekeeping* 142, 147.

nance and repair of various roads and railways, which was critical to providing freedom of movement throughout Bosnia-Herzegovina.²²⁶ Ensuring that there was freedom of movement was arguably also an important step towards reconciliation. SFOR also made some concrete attempts at facilitating reconciliation and ethnic tolerance, mainly by handing out vast quantities of literature to members of all ethnic groups in various dialects.²²⁷ This may not seem like much, but this literature was likely the only independent and unbiased source of information for these communities at that time. The civil work carried out by SFOR was arguably particularly important because it humanised the Force in the eyes of the local communities. Given the recent horrors experienced by the local communities in Bosnia-Herzegovina, the presence of armed men in uniform could easily be perceived as a foreign occupation.²²⁸ The civil aspects of SFOR's work therefore likely contributed a great deal to mitigating this risk.

Throughout 1997 SFOR however received substantial criticism aimed at its apparent support of Serb leader Biljana Plavsic. SFOR was perceived as supporting Plavsic due to the fact that troops were deployed throughout Republika Srpska during the 1997 election to 'control tensions' between the rival camps, which some simply viewed as protection of her and her camp.²²⁹ SFOR also tacitly supported Plavsic in gaining control of TV transmitters.²³⁰ The Forces likely supported Plavic because they viewed her as the more 'moderate' option in comparison to Radovan Karadzic.²³¹ Granted, she was still an extreme Serb nationalist who would later be convicted of war crimes, but she was more willing to cooperate with SFOR and wanted the Dayton Agreement to succeed.²³² This support was nevertheless viewed by some, particularly supporters of her rival Karadzic, as a show of partiality on SFOR's part.²³³ Whatever SFOR's motivation was, this show of support was clearly detrimental to its reputation as impartial. The importance of impartiality, as discussed earlier, is that it ensures that the peace force does not become a party to the

²²⁶ NATO, 'Peace Support Operations in Bosnia and Herzegovina'

<https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

²²⁷ Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 *International Peacekeeping* 142, 151.

²²⁸ Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 *International Peacekeeping* 142, 147.

²²⁹ Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 *International Peacekeeping* 142, 152.

²³⁰ Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 *International Peacekeeping* 142, 152.

²³¹ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 2.

²³² Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 2.

²³³ Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 *International Peacekeeping* 142, 152.

conflict. In this case there was no great risk that this would occur as the war was over. Moreover, SFOR as a peace enforcement operation with enforcement powers, was better equipped to defend itself if need be. Regardless, the perception of impartiality was arguably important to the credibility and reputation of the force, and its ability to make a true impact on the reconciliation process in the country.

One of the greatest breakthroughs of SFOR was perhaps in the area of returning refugees and displaced persons. It was for a long time virtually impossible for IFOR and SFOR to enforce this element of the Dayton Agreement. Even as late as mid-1997, forced eviction of ethnic minorities and the destruction of their homes was still taking place.²³⁴ Those who carried out the ethnic cleansing seemed unwilling to see it reversed by allowing those driven from their homes to return.²³⁵ John Fraser describes this situations as both a threat and a dilemma.²³⁶ The threat in this case is that in attempting to return refugees and displaced persons the forces risked sparking new violent conflicts, whereas the dilemma is that those wishing to return have a right to do so despite the difficulty of enforcing this right.²³⁷ In 1999 however, great developments were made in this area with a significant number of Bosniaks and Croats being returned to their homes in RS.²³⁸ The re-introduction of Bosniaks and Croats to RS was very important to the process of reconciliation as it allowed the ethnic groups to coexist peacefully in the same space again. This admittedly did not have too much of an impact in practice, with around 90% of both Bosniaks and Croats still living in the Federation.²³⁹ SFOR could however not be expected to completely erase ethnic division and force the ethnic groups to ‘mix’, all it could do was ensure freedom of movement and the safe return of those displaced persons who wished to do so. SFOR seemed to be relatively successful in doing this and by 2002 there was a notable improvement in terms of the freedom of movement, as well as an absence of ethnic violence.²⁴⁰

²³⁴ Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 *International Peacekeeping* 142, 146.

²³⁵ John M. Fraser, 'Evaluating the peace process: Can all NATO's forces and all Dayton's men put Bosnia Herzegovina together again?' (1998) 5 *Canadian Foreign Policy Journal* 169, 169. 170.

²³⁶ John M. Fraser, 'Evaluating the peace process: Can all NATO's forces and all Dayton's men put Bosnia Herzegovina together again?' (1998) 5 *Canadian Foreign Policy Journal* 169, 170.

²³⁷ John M. Fraser, 'Evaluating the peace process: Can all NATO's forces and all Dayton's men put Bosnia Herzegovina together again?' (1998) 5 *Canadian Foreign Policy Journal* 169, 170.

²³⁸ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 2.

²³⁹ Balkan Insight, 'Census Reveals Bosnia's Changed Demography' <<https://balkaninsight.com/2016/06/30/new-demographic-picture-of-bosnia-finally-revealed-06-30-2016/>> accessed 13 August 2019.

²⁴⁰ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 2.

2.4 THE CONFLICT IN KOSOVO AND THE KOSOVO FORCE

2.4.1 BRIEF BACKGROUND ON THE CONFLICT IN KOSOVO AND NATO INTERVENTION

In July 1990 Belgrade had abolished the constitutional autonomy that Kosovo previously enjoyed, and in response Albanian provincial deputies declared the 'Republic of Kosovo' a sovereign entity within Yugoslavia.²⁴¹ This sparked mass demonstrations and strikes, which Belgrade reacted to by imposing martial law with thousands of soldiers.²⁴² During this period arbitrary arrests, torture and beatings had become commonplace, and many public institutions were 'serbified'.²⁴³ This meant that institutions such as universities, hospital, and police were 'rinsed' of Ethnic Albanians and replaced with Serbs. Kosovo Albanians initially took a peaceful route and embraced the leadership of a pacifist politician by the name of Ibrahim Rugova.²⁴⁴ Despite this, Milosevic decided to engage in a scorched-earth campaign, mainly targeting Kosovo Albanian civilians, throughout 1998 and into 1999.²⁴⁵ Many were particularly horrified by Belgrade's response given the peaceful approach of the Albanians, and it therefore seemed that many perceived Serbia as the 'villain' in the situation. At this point however, the Kosovo Liberation Army (KLA) became heavily involved, took up armed resistance, and started staging sporadic attacks against Serb police and civilians.²⁴⁶ The situation escalated into a full-fledged war and concerns were raised that Macedonia and Albania could get drawn into the conflict, or that Turkey and Greece might get involved.²⁴⁷ The Security Council passed Resolution 1199 on the 23rd of September 1998 expressing concern that the situation was deepening into a humanitarian crisis, and noting that over 230 000 persons had been displaced from their homes with many fleeing into Albania, Bosnia-Herzegovina and other European countries.²⁴⁸ The members of the Council could however not reach any consensus on a course of action and the resolution simply condem-

²⁴¹ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 3.

²⁴² Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 3.

²⁴³ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 3.

²⁴⁴ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 3.

²⁴⁵ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 3.

²⁴⁶ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 3.

²⁴⁷ J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 *Military Law Review* 1, 74.

²⁴⁸ UN Security Council Resolution 1199, 13 September 1998.

ned all acts of violence, called for peaceful resolution of the conflict, and decided to ‘*consider further action and additional measures*’ if the concrete measures demanded were not taken.²⁴⁹

By October 1998 tens of thousands in Kosovo were left with no shelter as winter was approaching, many houses were damaged, and the province was full of the carcasses of livestock, that had clearly been killed to make it more difficult for the Kosovo Albanians to feed themselves.²⁵⁰ When the violence continued, NATO decided to use Resolution 1199 to justify a more aggressive solution.²⁵¹ It issued an action order on the 13th of October authorizing NATO military forces to engage in air strikes within 96 hours unless the parties reached a diplomatic agreement which incorporated the conditions set out in Resolution 1199.²⁵² This was heavily criticised as the resolution relied on by NATO could hardly be said to provide a sufficient basis for its actions. On the other hand, one might argue that NATO stepped up and took charge in a situation where the UN was struggling to initiate any meaningful action. Faced with a decision that NATO had made without its participation, the UN Security Council decided to issue Resolution 1203 endorsing the agreements made by the OSCE and NATO.²⁵³ It did however include a mild reminder that ‘*primary responsibility for the maintenance of international peace and security is conferred on the Security Council*’ under the UN Charter.²⁵⁴ With the threat of NATO air strikes, the parties were able to negotiate a conditional agreement in France on the 23rd of February 1999, where it was agreed that Kosovo would be granted political autonomy while still maintaining the territorial integrity of Yugoslavia.²⁵⁵ NATO officials seemed confident that the parties would sign the agreement, but seemed to overlook the fact that Serbs were not willing to address the proposal that NATO troops would be deployed within Kosovo to enforce the deal.²⁵⁶ Yugoslav President Milosevic later issued a statement declaring that his country would not permit NATO troops within its borders, and the fighting continued to escalate.²⁵⁷

²⁴⁹ UN Security Council Resolution 1199, 13 September 1998.

²⁵⁰ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 3.

²⁵¹ J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 *Military Law Review* 1, 75.

²⁵² J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 *Military Law Review* 1, 76.

²⁵³ UN Security Council Resolution 1203, 24 October 1998.

²⁵⁴ UN Security Council Resolution 1203, 24 October 1998.

²⁵⁵ J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 *Military Law Review* 1, 77.

²⁵⁶ J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 *Military Law Review* 1, 77.

²⁵⁷ J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 *Military Law Review* 1, 77.

The Kosovo Albanians signed the deal on the 18th of March 1999, but the Yugoslavian Government refused to do the same, despite threats from NATO that it would engage in air strikes to force compliance.²⁵⁸ The threat did not seem to have any effect on the Serbs who stepped up their efforts to eradicate the opposition and massacred Kosovo Albanians causing masses of refugees.²⁵⁹ There seemed to be a general consensus in the international community that the horrors of Bosnia could not be tolerated again in Europe, and the vast ethnic cleansing that was occurring in Kosovo seemed far too familiar. The international obligation to take action against and prevent genocide was also a consideration. It seemed as if the ethnic cleansing was headed in that direction and waiting until this was a proven fact would mean failing to prevent it.²⁶⁰ On the 23rd of March it was announced that NATO had finally ordered its forces to commence air operations in the Federal Republic of Yugoslavia, and the Secretary-General Javier Solana made sure to express that NATO had been forced to act in order to bring the humanitarian catastrophe to an end.²⁶¹ The air campaign was heavily criticised for a number of reasons, but NATO felt that it was left with no choice. The British representative argued that every attempt had been made to resolve the situation without using force, but that the military intervention was unavoidable due to overwhelming humanitarian necessity.²⁶² The inability of the international community to prevent many of the atrocities in Bosnia likely played a part in how NATO reacted to the situation in Kosovo. NATO seemed adamant to prevent a repeat of Bosnia, and with the lacklustre response of the Security Council it seemingly felt the need to take charge and approach the situation more aggressively. While NATO's actions were not unproblematic, they did arguably prevent the continued escalation of an already violent and bloody conflict.

2.4.2 THE KOSOVO FORCE

On the 10th of June 1999 the Security Council adopted Resolution 1244 authorising the establishment of a NATO-led Kosovo Force (KFOR).²⁶³ The resolution also established the UN Interim Administration Mission which was tasked with the administration of Kosovo. The first ele-

²⁵⁸ J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 *Military Law Review* 1, 77.

²⁵⁹ J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 *Military Law Review* 1, 77.

²⁶⁰ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 3.

²⁶¹ J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 *Military Law Review* 1, 78.

²⁶² Quoted in J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 *Military Law Review* 1, 78.

²⁶³ UN Security Council Resolution 1244, 10 June 1999.

ments of KFOR entered Kosovo on the 12th of June 1999 and by the 20th withdrawal of the Serbian forces was already complete.²⁶⁴ ²⁶⁵ Initially KFOR was composed of around 50 000 soldiers from both NATO countries and non-NATO countries, under unified command.²⁶⁶ The tasks entrusted to the international security presence in Kosovo included deterring renewed hostilities, demilitarising the KLA, establishing a secure environment, ensuring public safety and order, supervising demining, conducting border monitoring duties, and ensuring the protection and freedom of movement for itself.²⁶⁷ KFOR seemed more willing to accept a broader mandate than IFOR, likely due to the fact that the conditions in Kosovo left it with little choice.²⁶⁸ With the withdrawal of Serbs forces and no Kosovo Albanian police force, KFOR was left as the only agent that could establish any order.²⁶⁹ This experience of soldiers as police was not entirely positive however, with many complaints regarding flawed procedures for collecting evidence and at least one report of physical threats in order to extract a confession. KFOR however also engaged in important activities such as assisting in the return of refugees and displaced persons, demining and reconstruction, border security, destruction of weapons, and support of establishment of civilian institutions.²⁷⁰ The demilitarisation was arguably the most important aspect of its work considering that tensions were still high in Kosovo when KFOR was deployed.

Given that the main focus of KFOR was initially the withdrawal of Serbian forces and gaining control over the boundaries of Kosovo it came to be viewed as a liberator by ethnic Albanians and as an occupier by the Serbs.²⁷¹ The withdrawal of these forces also severely altered the power balance on the ground. The Albanians were now in a more powerful position, and years of systematic oppression and fresh memories of terrible atrocities had seemingly created an incredible hatred and spirit of revenge.²⁷² This was likely the reason for some continued ethnic violence in the summer of 1999, which KFOR and UNMIK initially did not seem quite prepared for.²⁷³ The Force however increased its efforts and following a segregation of the Serbs, the

²⁶⁴ NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

²⁶⁵ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 4.

²⁶⁶ NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

²⁶⁷ UN Security Council Resolution 1244, 10 June 1999.

²⁶⁸ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 4.

²⁶⁹ Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002), Chapter 4.

²⁷⁰ NATO, 'NATO's role in Kosovo' <https://www.nato.int/cps/en/natolive/topics_48818.htm#> accessed 3 July 2019.

²⁷¹ Alexandros Yannis, 'Kosovo Under International Administration' (2001) 43 *Survival* 31, 36.

²⁷² Alexandros Yannis, 'Kosovo Under International Administration' (2001) 43 *Survival* 31, 37.

²⁷³ Alexandros Yannis, 'Kosovo Under International Administration' (2001) 43 *Survival* 31, 37.

security situation improved.²⁷⁴ The Serbs at this point did not enjoy any substantial freedom of movement within Kosovo, but effectively received around-the-clock protection by KFOR and UNMIK.²⁷⁵ It was however arguably problematic that the increased security came at the expense of ethnic segregation, as this is seemingly not a good basis for lasting peace. The problems of this ethnic segregation are illustrated in the issues surround the town of Mitrovica. KFOR expressed some early hesitation in establishing control over the northern part of the town, which resulted in an effective division with Serbs controlling the northern part and Albanians controlling the southern part.²⁷⁶ This was caused major instability and resulted in massive displacement of Albanians from the northern part.

Given the tense situation in Kosovo special attention was to be paid to the protections of minorities. This included regular patrolling near minority enclaves, escorts for minority groups, and protection of heritage sites such as monasteries.²⁷⁷ This however came to be the aspect of KFOR's work that seemingly received the most criticism, in large part due to the violent outbreaks in 2004. On the 17th and 18th of March seemingly inaccurate reports of Serbs drowning three young Albanian children sparked violent ethnic riots across Kosovo.²⁷⁸ Over thirty major riots broke out with an estimated 51 000 participants, and KFOR and UNMIK seemed to completely lose control for 48 hours.²⁷⁹ During these riots an additional 2500 soldiers were rapidly deployed rapidly for reinforcement,²⁸⁰ but this did not seem to make much of a difference. In the course of these riots Serbs and other ethnic minorities were chased away from various cities and villages and had their homes burned down. KFOR was accused of failing catastrophically in their mandate to protect the minorities by Human Rights Watchers, amongst others.²⁸¹ In the village of Svinjare KFOR troops failed to come to the assistance of Serbs despite the fact that their main base was only a few hundred metres away.²⁸² This seemed to be a clear failure by KFOR to en-

²⁷⁴ Alexandros Yannis, 'Kosovo Under International Administration' (2001) 43 *Survival* 31, 36.

²⁷⁵ Alexandros Yannis, 'Kosovo Under International Administration' (2001) 43 *Survival* 31, 36.

²⁷⁶ Alexandros Yannis, 'Kosovo Under International Administration' (2001) 43 *Survival* 31, 36.

²⁷⁷ NATO, 'NATO's role in Kosovo' <https://www.nato.int/cps/en/natolive/topics_48818.htm#> accessed 3 July 2019.

²⁷⁸ Human Rights Watch, 'Failure to Protect: Anti-Minority Violence in Kosovo, March 2004' <<https://www.hrw.org/news/2004/07/26/kosovo-failure-nato-un-protect-minorities>> accessed 27 July 2019.

²⁷⁹ Human Rights Watch, 'Failure to Protect: Anti-Minority Violence in Kosovo, March 2004' <<https://www.hrw.org/news/2004/07/26/kosovo-failure-nato-un-protect-minorities>> accessed 27 July 2019.

²⁸⁰ NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

²⁸¹ Human Rights Watch, 'Failure to Protect: Anti-Minority Violence in Kosovo, March 2004' <<https://www.hrw.org/news/2004/07/26/kosovo-failure-nato-un-protect-minorities>> accessed 27 July 2019.

²⁸² Human Rights Watch, 'Failure to Protect: Anti-Minority Violence in Kosovo, March 2004' <<https://www.hrw.org/news/2004/07/26/kosovo-failure-nato-un-protect-minorities>> accessed 27 July 2019.

force an extremely important part of its mandate, and it is not entirely clear why this happened. The Force might not have expected the sudden violent outbreak and was therefore not prepared to tackle it effectively. Given the near constant ethnic tension in Kosovo since KFORs deployment, it could however be argued that they should have seen this coming. This failure likely not only discredited KFOR in the eyes of many commentators, but also the local communities. Not only did Serbs and other ethnic minorities probably feel abandoned by KFOR, but one might argue that this situation also severely decreased its deterrent power.

KFOR however played a key role in maintaining stability and safety in 2006 and 2007 during negotiations on the status of Kosovo. In March 2007, following 14 months of UN-led negotiations, the Special Envoy for Kosovo, Martti Ahtisaari, presented a proposal for a Kosovo Status Settlement to the UN Secretary-General.²⁸³ The proposal was endorsed by the administration in Kosovo, but Serbia categorically rejected it.²⁸⁴ The negotiating parties ultimately failed to reach any agreement on Kosovo's status by the end of their mandate in December 2007.²⁸⁵ KFOR helped maintain stability and safety in Kosovo while these negotiations were ongoing, and allowed them to proceed without disruption.²⁸⁶ Although these negotiations did not prove very fruitful, KFOR still played an important part in ensuring that they could go on peacefully.

Kosovo declared independence in 2008, but in December of that year NATO confirmed that KFOR presence will remain in Kosovo on the basis of Security Council resolution 1244, until the Security Council decides otherwise.²⁸⁷ NATO agreed to start implementing additional tasks, namely assisting in the standing down of the Kosovo Protection Corps (KPC) and the establishment of the Kosovo Security Force (KSF).²⁸⁸ The KSA is a lightly armed volunteer force which was granted the primary responsibility for security tasks that are not appropriate for the police, such as emergency response, management of hazardous material, fire-fighting and civil protection.²⁸⁹ This was arguably an important step in building institutions that decrease Kosovo's dependence on outside actors, and laying the foundations for self-sufficiency. As the security situa-

²⁸³ NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

²⁸⁴ NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

²⁸⁵ NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

²⁸⁶ NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

²⁸⁷ NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

²⁸⁸ NATO, 'NATO's role in Kosovo' <https://www.nato.int/cps/en/natolive/topics_48818.htm#> accessed 3 July 2019.

²⁸⁹ NATO, 'NATO's role in Kosovo' <https://www.nato.int/cps/en/natolive/topics_48818.htm#> accessed 3 July 2019.

tion approved it was decided in 2009 that KFOR would be adjusted towards a deterrent presence, meaning that the number of forces would be reduced with the remaining forces relying more on intelligence and flexibility.²⁹⁰ KFOR has therefore been consistently reduced as the security situation in Kosovo has improved, and currently stands at around 5,500 men and women.²⁹¹ This improved security situation also enabled KFOR to transfer responsibility of security for religious and cultural heritage sites to Kosovo Police.²⁹²

Due to a customs dispute, the security situation in norther Kosovo deteriorated again in July 2011. This caused three major spikes of violence in July, September, and November.²⁹³ NATO therefore deployed an Operational Reserve force in August, with a troop of around 600 soldiers intended to help the deterrent presence of KFOR.²⁹⁴ It appears as though KFOR had learned its lesson in the 2004 riots, and seemed much more effective in handling these violent outbreaks. KFOR acted firmly but carefully, and attempted to maintain impartiality, with the aim of ensuring security and freedom of movement for the population.²⁹⁵ Ahead of parliamentary and presidential election in Serbia in 2012 another Operational Reserve Force battalion was deployed.²⁹⁶ This showcased a more preventive and apprehensive approach by KFOR, and was likely very instrumental in maintaining the peace. While the situation has been relatively stable since, the further reduction of KFOR has been delayed due to fear that further tensions may arise and a desire to ensure a continuously safe and secure environment if this does happen.²⁹⁷

2.5 CONCLUSION

In conclusions, NATO has played a key role in peacekeeping in Yugoslavia and its contributions have largely been of a positive character. NATO-involvement in UNPROFOR presented some issues in terms of the problematic two-tiered peacekeeping arrangement, but it was ultimately NATO that was able to push forward a peace agreement in Bosnia. This was mainly due to its military force, which seemed to push the operation from a peacekeeping to a peace enforcement

²⁹⁰ NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

²⁹¹ NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

²⁹² NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

²⁹³ NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

²⁹⁴ NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

²⁹⁵ NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

²⁹⁶ NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

²⁹⁷ NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22 June 2019.

operation. NATO was then tasked with implementing the peace agreement in Bosnia and deployed IFOR and later SFOR. These forces were provided with technologically superior equipment and logistics, possessed a well-integrated and clear command and control structure, and had a clear mandate to use force to effectuate their mission.²⁹⁸ This distinguished them from UN peace missions, and were arguably the main factors in their success. While IFOR engaged mostly in demilitarisation activities, SFOR was able to make important civilian contributions and engage in institution-building and the encouragement of reconciliation. When a violent conflict broke out in Kosovo, NATO with the fresh memory of mass atrocities in Bosnia, was determined to act quickly. This was heavily criticised but ultimately resulted in an end to the conflict and the deployment of peace mission from both the UN and NATO to Kosovo. KFOR was however not quite as successful as IFOR and SFOR in containing ethnic violence, and particularly the violent outbreaks of 2004 had disastrous effects for many minorities in Kosovo. The Force was still able to engage in important demilitarisation work and institution-building and was better able to contain later outbreaks of violence.

CHAPTER 3: PREVENTIVE PEACEKEEPING IN MACEDONIA

3.1 INTRODUCTION

There is a clear tendency to only devote attention to conflicts once they have reached the level of a crises or war, but intervening at such a late stage arguably makes it much harder to contain the conflict.²⁹⁹ This prompts the question if preventive action is the preferable. The preventive peacekeeping mission in Macedonia, first a part of UNPROFOR and later its own operation by the name of UNPREDEP, was the first and thus far the only effort of its kind.³⁰⁰

This chapter seeks to examine this operation as well as the idea of preventive peacekeeping in general. The chapter will first provide a brief background of the situation in Macedonia, including the external and internal threats to peace it faced at the time of deployment. It will then examine how the preventive peacekeeping mission was able to deal with these threats. This will

²⁹⁸ J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 *Military Law Review* 1, 64.

²⁹⁹ Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 *Journal of International Peacekeeping* 45, 53.

³⁰⁰ Suzette R. Grillot, 'Preventing Deadly Conflict: Learning from the UN Experience in Macedonia' (2003) 24 *Contemporary Security Policy* 129, 129.

be done by looking the three pillars of the mission as defined by former head of UNPREDEP Henryk Skolaski: troop deployment, good offices and political action, and the human dimension.³⁰¹ The chapter will then explore the question of whether preventive peacekeeping is the preferable option, mainly by comparing the situations in Macedonia and Croatia.

3.2 BRIEF BACKGROUND ON THE SITUATION IN MACEDONIA

3.2.1 EXTERNAL THREATS

In 1991, as SFR Yugoslavia was dissolving rapidly, Macedonia followed the lead of Slovenia, Croatia, and Bosnia, and held a referendum for independence.³⁰² A near unanimous vote resulted in the creation of an independent Macedonian state, for the first time in over 2300 years.³⁰³ In SFR Yugoslavia Macedonia enjoyed quasi-independence and a status equal to that of the other five federal entities.³⁰⁴ President Josip Broz Tito however recognised that Macedonia's history weakened its claim as a republic and he therefore made systematic efforts to strengthen its identity.³⁰⁵ This included establishing an independent Macedonian Church, developing a new language and alphabet, and developing new Macedonian history textbooks.³⁰⁶ The troubled history of Macedonia's statehood is what made it particularly vulnerable to tensions with its neighbouring countries. The name Macedonia caused tensions with Greece as it considered it to imply a territorial claim on the northern part of Greece.³⁰⁷ Although Macedonian leaders have vehemently denied such claims, Greece is also dissatisfied by the Macedonian use of names and symbols that are part of Greek heritage.³⁰⁸ There has also been tension between Albania and Macedonia, lar-

³⁰¹ Henryk J. Skolaski, *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* (United States Institute of Peace Press, Washington DC, 2003), p. 108.

³⁰² David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 766.

³⁰³ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 764.

³⁰⁴ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 766.

³⁰⁵ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 766.

³⁰⁶ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 766.

³⁰⁷ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 Studies in Conflict & Terrorism 229, 236.

³⁰⁸ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 Studies in Conflict & Terrorism 229, 236.

gely due to Albania's role as patron of the Albanian community in Macedonia.³⁰⁹ The treatment of Albanians in Macedonia is a source of concern to Albania, but Macedonia does not appreciate the interference. Macedonia's attempts to limit cross-border traffic from Kosovo due to concern about the demographic balance in the country, were also not received well by Albania due to the importance of such trade for the economy of Albanians in Kosovo.³¹⁰

Macedonia's relations with Serbia have not been optimal either with many Serb nationalists essentially viewing Macedonians as 'misguided Serbs' and wanting to reabsorb Macedonia into a new Federation.³¹¹ There was also concern among the international community that the conflict in Kosovo would lead to a wave of Albanian refugees into Macedonia, and that this might create a backlash prompting Macedonia to join the war on the Serbian side.³¹² Lastly, even relations with Macedonia's arguably most friendly neighbour Bulgaria, were problematic. Many Bulgarians do not recognise the existence of a distinct Macedonian nationality and consider them Bulgarians speaking a dialect of Bulgarian.³¹³ The fact that Macedonia does not have a long history of sovereignty and independence makes it particularly vulnerable to any attacks on its statehood. That is why the tensions with its neighbours were considered problematic. The general overarching concern with all of these tensions was that if Macedonia was to get involved in any international conflict, this could potentially raise issues of rivalry between all these neighbouring countries over Macedonian territory.³¹⁴

3.2.2 INTERNAL THREATS

In addition to all the external threats from its neighbouring countries, Macedonia also faced issues internally. There is a large Albanian community in Macedonia with Albanians constituting between 21% and 40% of the population, although the data is not entirely reliable.³¹⁵ Ethnic

³⁰⁹ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 237.

³¹⁰ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 237.

³¹¹ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 238.

³¹² Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 238.

³¹³ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 237.

³¹⁴ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 238.

³¹⁵ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 234.

Macedonians are generally Orthodox Christians and Albanians are mostly Muslim, but this is far from the only source of tension.³¹⁶ Due to the groups' religions however, Macedonians tend to associate Albanians with Turkish rule and Albanians associate Macedonians with Serbian rule.³¹⁷ The arguably largest source of tension between the two groups is Albanians' perception that they have been discriminated against in several ways. This included not having equal access to government jobs and there not being sufficient educational and media services in the Albanian language.³¹⁸ It was also considered problematic that ethnic Albanians were under-represented in legal professions, the police, and the armed forces. Albanians also seemed to want more self-government, preferably regional autonomy, but the Macedonian Government was strongly against this.³¹⁹ The Macedonian government was also accused by Albanians of passing deliberately restrictive citizenship laws to the detriment and discrimination of Albanians.³²⁰ It was due to such practices that many ethnic Albanians feared they would not be counted accurately during the referendum for independence in 1991, and they therefor boycotted it.³²¹

Albanians have also pinpointed a number of symbolic issues contributing to this discrimination. They felt for example that the Macedonian national anthem excluded them, and also wanted express recognition in the Macedonian constitution as a state-founding' people.³²² Many resented that the Macedonian Constitution referred to Macedonia as the 'national state of the Macedonian people' and considered this to imply that ethnic Albanians were second-class citizens.³²³ The demands made by the Albanians however sparked fear among Macedonians that they were ultimately aiming for secession.³²⁴ These fears were not unfounded, as evident by a statement made by the Chairman of the mainstream Albanian party PDP that '*all Albanians must live in one sta-*

³¹⁶ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 234.

³¹⁷ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 234.

³¹⁸ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 234.

³¹⁹ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 235.

³²⁰ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 776.

³²¹ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 776.

³²² Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 235.

³²³ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 777.

³²⁴ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 235.

te'.³²⁵ The rising nationalism amongst ethnic Albanians also resulted in an Albanian referendum on territorial autonomy in January of 1992, which was strongly condemned by Macedonia.³²⁶ The ethnic tension and mutual distrust was explosive and caused numerous riots and outbreaks of violence. One example is the attempt by ethnic Albanians to set up a private Albanian-language University in Tetovo, which was forcibly suppressed by the police in Macedonia in February 1996.³²⁷ Ethnic Albanians felt that such a University was important due to the low acceptance rate of ethnic Albanian students to Macedonian-language universities.³²⁸ The Macedonian government however feared that it would contribute to ideological division in the country.³²⁹ Following serious riots and demonstrations, the Government decided to compromise by adopting a quota system for the admission of ethnic Albanians to Macedonian language schools and an increased Albanian curriculum.³³⁰ These compromises were however not entirely satisfying to the ethnic Albanians.³³¹ It appears that Macedonia's issues internally to some extent mirrored its external issues. The Macedonian government seemed apprehensive to grant Albanians any extensive minority rights or autonomy due to fears that this would ultimately result in secession. This signifies that both Macedonia's internal and external issues related to fears of attacks on its independence and territorial integrity.

3.3 TROOP DEPLOYMENT

In November 1992 Kiro Gligorov, the President of Macedonia, made a request for the UN to position a military force in the country to prevent a spill-over of the other Balkan conflicts and to deter any potential attacks on the country's independence by its neighbouring states.³³² Follo-

³²⁵ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 235.

³²⁶ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 777.

³²⁷ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 235.

³²⁸ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 778.

³²⁹ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 778.

³³⁰ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 778.

³³¹ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 778.

³³² David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 768.

wing this request, the Security Council sent a group of observers to Macedonia, and based on their findings the Secretary-General recommended that a section of UNPROFOR be stationed near the country's borders with Albania and the Federal Republic of Yugoslavia (Serbia and Montenegro).³³³ The Security Council then adopted Resolution 795 authorising the presence of UNPROFOR in Macedonia.³³⁴ The UN peacekeeping force in Macedonia numbered around 1000 troops in July 1993.³³⁵ Seeing as the mission concerned Macedonia's external security and did not imply any infringement on its sovereignty, the Government seemed happy to cooperate.³³⁶ The fact that Macedonia was facing several external security threats and had an extremely weak army also contributed to the Government's willingness to cooperate.³³⁷ This preventive mission was however small and meant to act as symbolic barrier to the possible spill-over of conflict, rather than an actual military blockade.³³⁸ Macedonia consequently did not expect the mission to actually defend its borders, but rather hoped that it would have a deterring effect and also legitimise its statehood. The aims of the mission were to monitor the northern and western borders of Macedonia, to fortify the country's security and stability by deterring potential aggressors, and to report any threats.³³⁹ In March 1995 it was decided that UNPROFOR would be separated into three separate operations, which resulted in the creation of the UN Preventive Deployment (UNPREDEP) in Macedonia.³⁴⁰ This development was welcomed by Macedonian leadership as they believed it would result in increased attention from UN headquarters and a greater emphasis on Macedonia's status as an independent and sovereign state.³⁴¹ They were also hopeful that this increased attention from the international community would deter and disarm the various external threats to the independence of Macedonia.³⁴² During the existence of a preventive mission in Macedonia, from the initial stages of UNPROFOR to UNPREDEP, the terri-

³³³ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 769.

³³⁴ Resolution 795 11.12.1992

³³⁵ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 Studies in Conflict & Terrorism 229, 234.

³³⁶ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 Studies in Conflict & Terrorism 229, 234.

³³⁷ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 Studies in Conflict & Terrorism 229, 234.

³³⁸ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 769.

³³⁹ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 770.

³⁴⁰ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 771.

³⁴¹ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 771.

³⁴² David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 771.

itorial integrity of Macedonia was maintained and there was no spill-over of conflict from neighbouring states. The mission was therefore considered largely successful in containing Macedonia's external threats and has been widely praised for this.

3.4 THE GOOD OFFICES MANDATE

By 1994 concern was growing that the internal ethnic situation in Macedonia could prove more detrimental to the Country's stability than any external aggression.³⁴³ Pursuant to Secretary-General Boutros-Ghali's recommendation the Security Council adopted Resolution 908 authorising a good offices mandate in Macedonia in March of 1994.³⁴⁴ This inclusion of a good offices mandate did not exactly give the UN free reign as any action undertaken under this mandate would at the very least require Macedonia's acquiescence. Despite this fact, the Macedonian government was not very happy about this extension of the mandate and viewed it as a way for the UN to interfere in its internal affairs.³⁴⁵ Regardless of its reservations, Macedonia accepted the good offices mandate, at least on a surface level, as the price it had to pay for the security provided by the presence of a UN peacekeeping force.³⁴⁶ This attitude did however negatively impact the UN's ability achieve anything substantial through the good offices mandate. Because although Macedonia would not refuse to participate in the good offices function, it would also not engage in any meaningful negotiation or substantial reform.³⁴⁷ Any time Macedonia fully cooperated with the good offices mandate it was arguably for self-serving reasons. For example during the 1994 elections, the Macedonian government's willingness to invite the UN to participate was likely motivated by the awareness that UN participation would increase the credibility of the elections and its own international standing.³⁴⁸

³⁴³ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 773.

³⁴⁴ Resolution 908 31 March 1994

³⁴⁵ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 774.

³⁴⁶ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 774.

³⁴⁷ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 775.

³⁴⁸ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 780.

UNPREDEP did play a role in calming the Tetovo University crisis and encouraging peaceful dialogue, but was ultimately unable to facilitate a permanent solution to the dispute.³⁴⁹ In such disputes UNPREDEP faced the challenge of maintaining an image of impartiality, and if it had done anything that could be perceived as choosing sides it would likely have impacted its long-term effectiveness.³⁵⁰ UNPREDEP also organised numerous informal meetings aimed at promoting dialogue amongst the political forces, and although important political dialogue did occur, the participants generally avoided controversial issues.³⁵¹ The mission seemed unable to prompt any real resolution to the internal conflict and this was arguably in large part due to the practical limitations of the good offices mandate. The balance of maintaining respect for the country's independence and sovereignty, while also attempting to encourage and influence it to develop stable democratic institutions, is clearly difficult. On the other hand, the limitations of a good offices mandate can also be viewed in a positive light. Seeing as such diplomacy is not tied to any specific methodology, the UN had the flexibility to adapt its efforts to each specific situation.³⁵² Moreover, if the UN had forced a more authoritative role on the mission in regards to the internal situation, this would likely not have been received well by the Macedonian Government. In fact, the Government was sceptical about even the good offices mandate and would likely have viewed more forceful action as an infringement on its sovereignty. The positive aspect of a good offices mandates is that it provides an opportunity for the UN and the host country to create a cooperative and information-sharing relationship, which enables the UN to navigate and advise the host country so that it can make better institution-building decisions.³⁵³ David Ludlow argues however that this did not happen in Macedonia because the UN's paternalistic approach was interpreted by Macedonia as a distrust of its decisions-making abilities.³⁵⁴ The fact that the UN authorised the good offices mandate without consulting with Macedonia first, likely contributed substantially to this. He further states that the good offices mandate might have been more successful if the UN had understood Macedonia's self-interested considerations, because it then

³⁴⁹ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 780.

³⁵⁰ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 780.

³⁵¹ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 781.

³⁵² David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 775.

³⁵³ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 775.

³⁵⁴ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 775.

would have been in a better position to ‘*correct misinformation and cultivate attitudes of cooperation, legitimacy, trust, and friendliness*’.³⁵⁵

In 1995 Secretary-General Boutros-Ghali stated in a report to the Security Council that the good offices mandate had ‘*made a modest but important contribution to helping the authorities and various ethnic groups to maintain peace and stability and build a workable future*’.³⁵⁶ The most notable contributions were arguably the monitoring of the 1994 elections, assistance in containing the Tetovo University crisis, and the general promotion of unofficial dialogue.³⁵⁷ While these contributions were valuable, the UN was arguably not successful in facilitating any direct resolution of ethnic tensions. Many of the issues that fuelled ethnic tensions were related to governmental, political, constitutional and social institutions, and therefore would need to be resolved by official dialogue.³⁵⁸ Although the good offices mandate generally made minimal contributions to solving the ethnic issues in the country, the presence of UNPREDEP did arguably have a mediating effect in terms of deterring a violent escalation of the situation.

3.5 THE HUMAN DIMENSION

Henryk Skolaski defines the human dimension as any action taken in the hopes of furthering civil society in Macedonia.³⁵⁹ The activities undertaken by UNPREDEP under this pillar attempted to address the root causes of conflict, namely underdevelopment and lack of civil society.³⁶⁰ The work was mainly focused on social integration and institution building, particularly implementation of international standards. It is interesting to note that UNPREDEP had no budget for such peacekeeping projects and would have to engage in fundraising campaigns anytime they

³⁵⁵ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 782.

³⁵⁶ Boutros Boutros-Ghali, Report of the Secretary-General Pursuant to Security Council Resolution 947 (1995), UN doc. S/1995/222, 22 March 1995, para. 80.

³⁵⁷ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 780.

³⁵⁸ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 779.

³⁵⁹ Henryk J. Skolaski, *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* (United States Institute of Peace Press, Washington DC, 2003), p. 155.

³⁶⁰ Suzette R. Grillot, 'Preventing Deadly Conflict: Learning from the UN Experience in Macedonia' (2003) 24 Contemporary Security Policy 129, 132.

wished to initiate a project.³⁶¹ UNPREDEP were for example largely responsible for bringing a team of experts on social policy under Finland's National Research and Development Centre for Social Policy and Research (STAKES) to Macedonia.³⁶² This team visited in May of 1996 and was tasked with evaluating the situation in the country and making recommendations for future action.³⁶³ UNPREDEP engaged in time-consuming fundraising that ultimately resulted in the launch of several projects under a program titled 'Action for Social Change': 1) the establishment of a social policy and social care think tank; 2) training the trainers in the social sector; 3) home-based early childhood education; 4) training for non-violent conflict resolution; 5) building civil society in low-income multi-ethnic neighbourhoods.³⁶⁴

Although most of the work was in practice carried out by IGOs, NGOs, or local authorities, it was initiated and pushed for by UNPREDEP. UNPREDEP also worked with STAKES, the Slovenian Government, and UNICEF-Skopje to make basic international standards on social issues available to Macedonian policymakers, academics, practitioners and local authorities in their own language.³⁶⁵ The translated documents included various documents setting out international standards related to treatment of elderly persons, persons with disabilities, sustainable development, women, and youth.³⁶⁶ UNPREDEP also organised numerous seminars, training activities and panels on various social issues, in which both international experts and key figures in Macedonia participated.³⁶⁷ UNPREDEP did at times experience issues with lack of support from certain political parties in Macedonia that frequently refused to participate in the activities they organised, but mostly received positive responses.³⁶⁸ It was also under UNPREDEP initiative that two missions of experts from the Centre for International Crime Prevention (CICIP) visited

³⁶¹ Henryk J. Skolaski, *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* (United States Institute of Peace Press, Washington DC, 2003), p. 154.

³⁶² Henryk J. Skolaski, *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* (United States Institute of Peace Press, Washington DC, 2003), p. 155.

³⁶³ Henryk J. Skolaski, *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* (United States Institute of Peace Press, Washington DC, 2003), p. 155.

³⁶⁴ Henryk J. Skolaski, *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* (United States Institute of Peace Press, Washington DC, 2003), p. 157.

³⁶⁵ Henryk J. Skolaski, *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* (United States Institute of Peace Press, Washington DC, 2003), p. 162.

³⁶⁶ Henryk J. Skolaski, *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* (United States Institute of Peace Press, Washington DC, 2003), p. 162.

³⁶⁷ Henryk J. Skolaski, *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* (United States Institute of Peace Press, Washington DC, 2003), p. 163.

³⁶⁸ Suzette R. Grillot, 'Preventing Deadly Conflict: Learning from the UN Experience in Macedonia' (2003) 24 Contemporary Security Policy 129, 132.

Macedonia in mid-1995 and in September of 1996.³⁶⁹ The first mission was tasked with assessing the technical assistance needed in Macedonia in the areas of crime prevention and criminal justice.³⁷⁰ It identified needs for appropriate legislation and the capacities that were needed to strengthen governmental agencies and combat crime.³⁷¹ The second mission dealt with more detailed issues of drug control and criminality, and concentrated on police investigative techniques, border police control, and customs police procedures.³⁷² It urged Macedonia to establish two governmental commissions, one for the control and prevention of crime, and another for the control and prevention of drug trafficking and abuse.³⁷³ The work carried out to further civil society in Macedonia was arguably some of the most important work that UNPREDEP engaged in. By contributing to institution-building, providing information and education, and encouraging the implementation of international standards, UNPREDEP made incredibly important contribution to establishing a lasting peace in Macedonia. The fact that the mission was able to direct its attention to civil society is largely an effect of its preventive nature. Traditional peacekeeping missions are usually too busy 'putting out fires' to engage in any meaningful work to address the root cause of conflict.

3.6 THE END OF THE MISSION AND INTERVENTION BY NATO AND EU

The mission was unfortunately terminated abruptly when China vetoed its extension in the Security Council, claiming that it had achieved its mandate and was no longer needed.³⁷⁴ The real reason for the veto was likely the fact that Macedonia had officially recognised Taiwan a few weeks prior.³⁷⁵ The mission thus ceased to operate in March 1999, which seemed to be the

³⁶⁹ Henryk J. Skolaski, *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* (United States Institute of Peace Press, Washington DC, 2003), p. 158.

³⁷⁰ Henryk J. Skolaski, *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* (United States Institute of Peace Press, Washington DC, 2003), p. 158.

³⁷¹ Henryk J. Skolaski, *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* (United States Institute of Peace Press, Washington DC, 2003), p. 158.

³⁷² Henryk J. Skolaski, *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* (United States Institute of Peace Press, Washington DC, 2003), p. 158.

³⁷³ Henryk J. Skolaski, *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* (United States Institute of Peace Press, Washington DC, 2003), p. 159.

³⁷⁴ Suzette R. Grillot, 'Preventing Deadly Conflict: Learning from the UN Experience in Macedonia' (2003) 24 *Contemporary Security Policy* 129, 132.

³⁷⁵ Suzette R. Grillot, 'Preventing Deadly Conflict: Learning from the UN Experience in Macedonia' (2003) 24 *Contemporary Security Policy* 129, 132.

worst possible timing considering crisis in Kosovo was heating up.³⁷⁶ In February of 2001 a series of rebel uprisings began along the border between Macedonia and Kosovo, with the motivation of securing greater rights for ethnic Albanians in Macedonia.³⁷⁷ The Macedonian government interpreted these uprisings as a separatist movement motivated by the vision of a 'Greater Albania' and struck down upon them relatively aggressively.³⁷⁸ The Government was able to push back the rebels and restore limited peace, but with the consequence of some civilian casualties.³⁷⁹ The EU got involved and called upon the ethnic Albanians to engage in meaningful dialogue with the Government.³⁸⁰ By April, NATO had also become involved and coordinated its efforts with the EU peace envoy.³⁸¹ Both the EU and NATO were relatively clear that they condemned the violent uprisings by ethnic Albanians and supported Macedonia's territorial integrity, but also called for further reforms in building a truly multi-ethnic society and expanding minority rights.³⁸²

Some progress was made in April of 2001, but the ethnic Albanian's main opposition party boycotted the peace talks and threatened that it would pull out of the Government unless its demands were met within a month.³⁸³ Another rebel attack occurred on the 28th of April and eight Macedonian security officials were killed, which prompted the Macedonian army to launch a counter attack and escalated hostilities for several weeks.³⁸⁴ On the 14th of June 2001 President Boris Trajkovski requested NATO's help in implementing a peace plan that would restore peace and stability in Macedonia.³⁸⁵ NATO agreed to conduct a demilitarisation of the ethnic Albanian rebels so long as a series of preconditions were met, one of which was the signing of a political

³⁷⁶ Suzette R. Grillo, 'Preventing Deadly Conflict: Learning from the UN Experience in Macedonia' (2003) 24 *Contemporary Security Policy* 129, 132.

³⁷⁷ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 783.

³⁷⁸ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 783.

³⁷⁹ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 783.

³⁸⁰ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 784.

³⁸¹ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 784.

³⁸² David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 784.

³⁸³ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 784.

³⁸⁴ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 784.

³⁸⁵ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 785.

agreement by the parliamentary leaders.³⁸⁶ This ultimately resulted in the Ohrid Framework Agreement which was negotiated in August of 2001 and addressed the major complaints of the ethnic Albanians.³⁸⁷ It may appear as though NATO was able to achieve through the Ohrid Agreement what the UN failed to do through the use of good offices, but it is important to note that Macedonia's incentives to cooperate were drastically different at this point. There were two main factors contributing to the establishment of a peace agreement: Macedonia realised that its extremely weak military structure did not provide the means for an effective military response to the crisis, and it feared that it would be plunged into a civil war which could again ignite the discussion over the territorial independence of ethnic Albanians.³⁸⁸ One might wonder if the rebel uprisings that occurred in 2001 would have happened if UNPREDEP was still in existence. Had the mission not been terminated it might have been able to make more progress on the internal issues in Macedonia by this point or at least deterred any violent conflict, but there is no way to know this for sure.

3.7 IS PREVENTIVE PEACEKEEPING PREFERABLE?

Given the success of UNPREDEP, it is worth examining whether preventive peacekeeping is preferable to peacekeeping mid- or post-war. The root of most conflict is arguably a deprivation in society, and it therefore seems logical that early interference in potential conflict areas through society-building would be more effective than interfering later.³⁸⁹ According to the Conflict Prevention Network the policy tools available to positively influence a conflict are limited at a stage of high intensity.³⁹⁰ Moreover, at such a stage there is limited time to analyse the causes of conflict and there is a tendency to react to events rather than follow a proactive policy.³⁹¹ Due to this many have argued that the pre-conflict phase is most ideal for intervention as there are still a

³⁸⁶ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 785.

³⁸⁷ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 786.

³⁸⁸ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 786.

³⁸⁹ Satish Nambiar, 'UN peacekeeping operations in the former Yugoslavia - from UNPROFOR to Kosovo' in Ramesh C. Thakur and Schnabel Albrecht *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (United Nations University Press, 2001) 167, 181.

³⁹⁰ Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 Journal of International Peacekeeping 45, 53

³⁹¹ Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 Journal of International Peacekeeping 45, 53.

variety of measures available to address the root causes of the conflict.³⁹² Successful earlier intervention would also minimise the loss of lives, both civilian and military, and limit financial cost. But although preventive peacekeeping seems to be the preferable option in theory, it is not always viable in practice. There are certain conditions that must be met in order for preventive peacekeeping to truly be a viable option.

3.7.1 CONDITIONS FOR SUCCESSFUL PREVENTIVE PEACEKEEPING

For a preventive peacekeeping mission to be successful all major parties to the conflict must wish for the peace to be kept, consent to a peacekeeping mission, and cooperate in implementing the mandate.³⁹³ Moreover, the international community must be willing and motivated to act before the situation turns into a full blown violent conflict.³⁹⁴ While these conditions are similar to those of successful peacekeeping in general, it is more difficult to justify intervention without fulfilling these conditions when there is not a full-blown conflict. Macedonia is a rare example of a case where all these conditions were met. The Government consented to a peacekeeping operation due to external threats, and the international community was motivated to act out of fear that Macedonia could be 'sucked in' to a broader Balkan war.³⁹⁵ In for example Croatia in 1991 however, these conditions were absent and preventive peacekeeping was not really an option, nor was it likely to have been successful.³⁹⁶ In the summer of 1991 when the Yugoslav crisis was nearing its peak, European Community (EC) leaders considered preventive peacekeeping as a potential method to resolve the conflict.³⁹⁷ The idea remained an idea however, as Serbian President Slobodan Milosevic refused to participate in EC negotiations.³⁹⁸ At that point Milosevic and Croatian President Franjo Tudjman had created such an atmosphere that even if they were willing to compromise, which they did not seem to be, it would likely have been viewed as selling

³⁹² Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 *Journal of International Peacekeeping* 45, 54.

³⁹³ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 229.

³⁹⁴ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 229.

³⁹⁵ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 229.

³⁹⁶ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 229.

³⁹⁷ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 241.

³⁹⁸ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 241.

out by their constituents.³⁹⁹ Even if they had consented to preventive peacekeeping, given their attitudes it is unlikely that there would have been much cooperation, and without it peacekeepers would likely not have achieved their mandate. Such an operation could potentially have slowed down the escalation of violence, but this would only have been of any value if it gave the parties time to reach a peaceful settlement, which did not seem feasible.⁴⁰⁰ The importance of cooperation was evident in Macedonia as the preventive mission there able to achieve much more in terms of the external threats because it had the Government's full cooperation. In terms of internal threats however, Macedonia was reluctant to cooperate, and the mission was not able to achieve as much. In addition to consent being an issue in Croatia, there did not seem to be sufficient will or motivation in the international community for a preventive peacekeeping operation. France seemed to be sympathetic to the Serbs, Britain feared another Northern Ireland, Germany was restrained from military action by its constitution, and the US was preoccupied with the Iraqi crisis.⁴⁰¹ Only in 1992 after a dramatic change of circumstances, did it become possible to introduce peacekeepers in Croatia.⁴⁰² At this point Serbs had achieved effective control over large areas and 'cleansed' them of Croats, and were willing to welcome peacekeepers as a shield behind which they could consolidate their gains.⁴⁰³ Croats were at this point willing to accept peacekeepers in order to prevent further Serb attacks, and hoped that they might help them regain control over lost territory.⁴⁰⁴

3.8 CONCLUSION

It seems reasonable to conclude that during the seven years that the UN engaged in preventive peacekeeping in Macedonia, it served at least two important purposes.⁴⁰⁵ It deterred any potential

³⁹⁹ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 241.

⁴⁰⁰ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 242.

⁴⁰¹ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 242.

⁴⁰² Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 242.

⁴⁰³ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 242.

⁴⁰⁴ Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229, 242.

⁴⁰⁵ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761, 772.

attempts by Macedonia's neighbouring countries to interfere with its independence, and it prevented a physical spill-over of the wider Balkan conflicts.⁴⁰⁶ The success in addressing these external threats was largely a result of Macedonia's full cooperation. The UN's attempts to assist with internal threats through the good offices mandate were however not met with the same level of cooperation. Due to this, UNPREDEP was unable to make any substantial contribution to solving the internal ethnic tensions, but it is likely that its presence at the very least prevented these tensions from escalating into a violent conflict. UNPREDEP also made important contributions to furthering civil society in Macedonia, which is generally considered important in addressing the root causes of conflict and establishing lasting peace. While preventive peacekeeping can be largely preferential to later intervention, it is not a viable option in all cases. In order for a preventive peacekeeping mission to be successful there must be a willingness to act by the international community and full consent and cooperation by the government. This is often not the case in brewing conflicts, such as Croatia in 1991 for example, and in those cases preventive peacekeeping is arguably not a viable option.

CONCLUSION

The conflict in former Yugoslavia prompted the deployment of several different types of peace operations with varying degrees of success, and there is much to be learned from these experiences. UNPROFOR in Bosnia and Croatia was largely unsuccessful in achieving key aspects of its mandate, and this can largely be attributed to inadequate cooperation by outside actors, inadequate preparation and planning, the lack of a clear and achievable mandate and failure to comply with the traditional principles of peacekeeping. The main issue that UNPROFOR faced is that it was launched into areas where there was no peace to keep and given unrealistic tasks in the form of a continuously increasing mandate. This propelled the mission to transition into peace enforcement activities, for which it was not equipped. It ultimately made no significant contributions to the peaceful resolution of the conflicts, with Croatia resulting to military action and Bosnia being pushed into a peace agreement by NATO. NATO's peacekeeping endeavours in the region were arguably much more successful. It faced issues in its cooperation with UNPROFOR due to differing intentions, but it ultimately managed to establish peace in Bosnia.

⁴⁰⁶ David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 Brigham Young University Law Review 761, 772.

NATO also led the peace enforcement operations IFOR and SFOR in Bosnia, which contributed significantly to the demilitarisation of the country as well as its civil development. The major strength of these operations was in their enforcement power and military capabilities, which distinguished them from UNPROFOR. NATO was also largely responsible for putting an end to the conflict in Kosovo, likely motivated by not wishing a repeat of the atrocities in Bosnia. Its Kosovo force was arguably not as successful as IFOR and SFOR, likely in large part due to the fact that the security situation in Kosovo was substantially worse. KFOR struggled to control violent outbreaks in 2004 causing mass destruction and arguably did not provide sufficient protection for the minorities in Kosovo. It did however make important contributions to demilitarising Kosovo, and maintaining security during Kosovo Status Settlement negotiations and the Serbian election in 2012. The UN was largely praised for its preventive peacekeeping in Macedonia, through UNPROFOR and later UNPREDEP. These missions were able to contain the external threats faced by Macedonia, namely concerns for its territorial integrity and spill-over of conflict from neighbouring countries. UNPREDEP was not as successful in its attempts to deal with internal threats through the good offices mandate, largely due to a lack of cooperation from the Macedonian Government. It was able however to contribute to the furtherance of civil society in the country, and address some of the root causes of the ethnic tension. While the preventive mission in Macedonia was largely successful, preventive peacekeeping is not a realistic option in all situations. It requires the consent and cooperation of the Government as well as a willingness to act by the international community, and Macedonia is a rare example of these conditions being fulfilled.

It is important that the perceived failures and shortcomings of these peacekeeping operations do not prompt a swing from one extreme of undertaking too much, to the other extreme of not undertaking enough.⁴⁰⁷ After all, the international community cannot absolve itself of its responsibility to ensure the maintenance of international peace and security. It is instead vital that the lessons learned from these experiences are applied to create more successful peace operations in the future. One important lesson from the experience of UNPROFOR is that any action taken in form of peacekeeping must be clear and realistic. The UN should not continue to attempt peacekeeping where there is no peace to keep and should not engage in peace enforcement dis-

⁴⁰⁷ Satish Nambiar, 'UN peacekeeping operations in the former Yugoslavia - from UNPROFOR to Kosovo' in Ramesh C. Thakur and Schnabel Albrecht *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (United Nations University Press, 2001) 167, 181.

guised as peacekeeping, when it is not equipped to do so. The UN should arguably stick to traditional peacekeeping, in cases where there is a peace agreement or at the very least a solid ceasefire, and focus on humanitarian relief and political pressure. Alternatively, where it is a viable option the UN should engage in preventive peacekeeping. It should focus its efforts on addressing the root causes of potential conflicts so that they do not escalate to full-blown war. In situations where there is a violent conflict that is ongoing, NATO is arguably best equipped to interfere due to its military capabilities. While such interference will normally require some sort of authorisation by the Security Council, the actual enforcement of peace should arguably be headed by NATO as it has proved itself more able than the UN in this respect.

BIBLIOGRAPHY

ARTICLES

- Dennis Blease, 'Lessons from NATO's Military Missions in the Western Balkans' (2010) 9 Connections 3.
- Duan Bratt, 'Explaining Peacekeeping Performance: The UN in Internal Conflicts' (1997) 4 International Peacekeeping 45.
- Peter Caddick-Adams, 'Civil Affairs Operations by IFOR and SFOR in Bosnia, 1995-97' (1998) 5 International Peacekeeping 142.
- Leonard J. Cohen and Alexander Moens, 'Learning the Lessons of UNPROFOR: Canadian Peacekeeping in the former Yugoslavia' (1999) 6 Canadian Foreign Policy Journal 85.
- Paul F. Diehl, 'International Peacekeeping and Conflict Resolution: A Taxonomic Analysis with Implications' (1998) 42 The Journal of Conflict Resolution 33.
- Michael W. Doyle and Nicholas Sambanis, 'International Peacebuilding: A Theoretical and Quantitative Analysis' (2000) 94 The American Political Science Review 779.
- Jon E. Fink, 'From Peacekeeping to Peace Enforcement: The Blurring of the Mandate for the Use of Force in Maintaining International Peace and Security' (1995) 19 Maryland Journal of International Law and Trade 1.
- John M. Fraser, 'Evaluating the peace process: Can all NATO's forces and all Dayton's men put Bosnia Herzegovina together again?' (1998) 5 Canadian Foreign Policy Journal 169.
- J.D Godwin, 'NATO's Role in Peace Operations: Reexamining the Treaty After Bosnia and Kosovo' (1999) 160 Military Law Review 1.

- Suzette R. Grillot, 'Preventing Deadly Conflict: Learning from the UN Experience in Macedonia' (2003) 24 *Contemporary Security Policy* 129.
- Birger Heldt, 'Conditions for Successful Intrastate Peacekeeping Missions' (2002) *Cornwallis Group IV: Analysis for Evaluation, Assessment and Crisis Management* 109.
- Stuart J. Kaufman, 'Preventive Peacekeeping, Ethnic Violence, and Macedonia' (1996) 19 *Studies in Conflict & Terrorism* 229.
- Karel Kovanda, 'Challenges to Crafting and Keeping the Peace' (1996) 3 *Brown Journal of World Affairs* 59.
- Dick A. Leurdijk, 'Before and after Dayton: the UN and NATO in the former Yugoslavia' (1997) 18 *Third World Quarterly* 457.
- David J. Ludlow, 'Preventive Peacemaking in Macedonia: An Assessment of U.N. Good Offices Diplomacy' (2003) 2 *Brigham Young University Law Review* 761.
- Alexander Moens, 'Lessons for peacekeepers: Srebrenica and the NIOD report' (2003) 10 *Canadian Foreign Policy Journal* 141.
- Saira Mohamed, 'From Keeping Peace to Building Peace: A Proposal for a Revitalized United Nations Trusteeship Council' (2005) 105 *Columbia Law Review* 809.
- Stephen T. Ostrowski, 'Preventive Deployment of Troops as Preventive Measures: Macedonia and Beyond' (1998) 30 *New York University Journal of International Law and Politics* 793.
- Vesselin Popovski, 'The UN Security Council Approach to the Conflicts in former Yugoslavia' (2002) 2 *Southeast European and Black Sea Studies* 39.
- Darya Pushkina, 'A Recipe for Success? Ingredients of a Successful Peacekeeping Mission' (2006) 13 *International Peacekeeping* 133.

- Peter Rowe, 'The United Nations Rules of Engagement and the British Soldier in Bosnia' (1994) 43 *The International and Comparative Law Quarterly* 946.
- Gregory L. Schulte, 'Former Yugoslavia and the New NATO' (1997) 39 *Survival* 19.
- Paul C. Szasz, 'Peacekeeping in Operation: A Conflict Study of Bosnia' (1995) 28 *Cornell International Law Journal* 685.
- Jair Van der Lijn, 'If Only there Were a Blueprint! Factors for Success and Failure of UN Peace-Building Operations' (2009) 13 *Journal of International Peacekeeping* 45.
- Shyla Vohra, 'Impartiality in United Nations Peace-Keeping' (1996) 9 *Leiden Journal of International Law* 63.
- Ruth Wedgwood, 'NATO's Campaign in Yugoslavia' (1999) 93 *The American Journal of International Law* 828.
- Marc Weller, 'The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia' (1992) 86 *The American Journal of International Law* 569.
- Abiodun Williams, 'An Imperative for Preventing Deadly Conflict' (2013) 37 *Fletcher Forum of World Affairs* 25.
- Jan Wouters and Frederik Naert, 'How Effective is the European Security Architecture? Lessons from Bosnia and Kosovo' (2001) 50 *The International and Comparative Law Quarterly* 540.
- Alexandros Yannis, 'Kosovo Under International Administration' (2001) 43 *Survival* 31.

BOOKS

- Dana H. Allin, *NATO's Balkan Interventions* (Routledge, New York, 2002).
- Stephen Badsey, *Britain, NATO, and the Lessons of the Balkan Conflicts 1991-1999* (Frank Cass, Portland, 2004).

- Nicholas Grammer, *From Peacekeeping to Peacemaking: Canada's Response to the Yugoslav Crisis* (McGill-Queen's University Press, Montreal, 2001).
- Satish Nambiar, 'UN peacekeeping operations in the former Yugoslavia - from UN-PROFOR to Kosovo' in Ramesh C. Thakur and Schnabel Albrecht *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (United Nations University Press, 2001) 167
- Henryk J. Skolaski, *An Ounce of Prevention: Macedonia and the UN Experience in Preventive Diplomacy* (United States Institute of Peace Press, Washington DC, 2003).

REPORTS

- Boutros Boutros-Ghali, Report of the Secretary-General Pursuant to Security Council Resolution 959 (1994), UN doc. S/1994/1389, 1 December 1994.
- Boutros Boutros-Ghali, Report of the Secretary-General Pursuant to Security Council Resolution 947 (1995), UN doc. S/1995/222, 22 March 1995.
- Boutros Boutros-Ghali, Report of the Secretary-General Pursuant to Security Council Resolutions 982 (1995) and 987 (1995), UN doc. S/1995/444, 30 May 1995.
- Boutros Boutros-Ghali, Supplement to an Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations, UN doc. A/50/60, S/1995/1, January 1995.
- Lakhdar Brahimi, Report of the Panel on United Nations Peace Operations, UN doc. A/55/305 - S/2000/809, 21 August 2000.
- Ettore Greco, 'The Evolving Partnership Between the United Nations and NATO: Lessons From the Yugoslav Experience' <<https://www.nato.int/acad/fellow/95-97/greco.pdf>> accessed 23 July 2019.

- James Phillips and James Anderson, 'Lessons from the War in Kosovo' (1999) <<https://www.heritage.org/europe/report/lessons-the-war-kosovo>> accessed 2 August 2019.
- Human Rights Watch, 'The Fall of Srebrenica and the Failure of UN Peacekeeping' (1995) <<https://www.hrw.org/report/1995/10/15/fall-srebrenica-and-failure-un-peacekeeping/bosnia-and-herzegovina>> accessed 28 June 2019.

RESOLUTIONS

- UN Security Council Resolution 752, 15 May 1992.
- UN Security Council Resolution 776, 14 september 1992.
- UN Security Council Resolution 781, 14 August 1992.
- UN Security Council Resolution 816, 31 March 1993.
- UN Security Council Resolution 819, 16 March 1993.
- UN Security Council Resolution 824, 06 May 1993.
- UN Security Council Resolution 836, 4 June 1993.
- UN Security Council Resolution 1088, 12 December 1996.
- UN Security Council Resolution 1199, 13 September 1998.
- UN Security Council Resolution 1203, 24 October 1998.
- UN Security Council Resolution 1244, 10 June 1999.

WEBSITES

- ICTY, 'ICTY Remembers: The Srebrenica Genocide'
<<http://www.icty.org/specials/srebrenica20/index.html>> accessed 9 August 2019.
- ICTY, 'The Conflicts' <<http://www.icty.org/en/about/what-former-yugoslavia/conflicts>>
accessed August 10 2019.
- NATO (KFOR) 'History' <<https://jfcnaples.nato.int/kfor/about-us/history>> accessed 22
June 2019.
- NATO, 'NATO's role in Kosovo'
<https://www.nato.int/cps/en/natolive/topics_48818.htm#> accessed 3 July 2019.
- NATO, 'Peace Support Operations in Bosnia and Herzegovina'
<https://www.nato.int/cps/en/natohq/topics_52122.htm> accessed June 22 2019.

ABSTRACT

Peacekeeping operations have on numerous occasions been the international community's chosen method of maintaining international peace and security when conflicts arise. Such operations can often times contribute to peaceful resolutions of conflicts, facilitate humanitarian assistance, and limit casualties. Peacekeeping operations are however not always successful, and it is important to examine the factors that impact performance in order to improve the effectiveness of future operations. This thesis evaluates the performance of peacekeeping operations in former Yugoslavia and attempts to identify the key factors affecting their performance. The first chapter deals with UNPROFOR, and focuses mainly on its mandate, cooperation from important outside actors and adherence to the traditional principles of peacekeeping. The second Chapter examines NATO's role in peacekeeping in the region, including its cooperation with UNPROFOR, the performance of later forces IFOR and SFOR, as well as the performance of KFOR. The third chapter discusses preventive peacekeeping in Macedonia, namely the performance of UNPREDEP, and whether preventive peacekeeping is preferable to later intervention.

The thesis argues that the main contributing factors to UNPROFOR's largely unsatisfactory performance, particularly in Bosnia, are the lack of a clear and achievable mandate and insufficient regard for the traditional principles of peacekeeping. It contends that the increasing mandate, lack of consent and use of force all contributed to putting the operation in a position where it was treading the line between peacekeeping and peace enforcement. The thesis further argues that NATO, whilst not being entirely successful in terms of its cooperation with UNPROFOR, was successful in preventing a resumption of conflict and contributing to political and civil reconstruction in Bosnia through IFOR and SFOR. It also asserts that KFOR has largely managed to maintain security and stability in Kosovo with a few hiccups, namely renewed violent breakouts in 2004. In terms of preventive peacekeeping, the thesis contends that UNPREDEP was in many ways a successful operation, particularly in terms of addressing external threats and preventing the spill-over of conflict. The operation also made headway in addressing internal ethnic conflict but was unable to reach its full potential and was withdrawn prematurely. It is recognised however that preventive peacekeeping, although preferable, is not a realistic option in many cases.

ZUSAMMENFASSUNG

Friedenssicherungseinsätze waren mehrfach die von der internationalen Gemeinschaft gewählte Methode zur Wahrung des Weltfriedens und der internationalen Sicherheit bei Konflikten. Solche Operationen können häufig zu einer friedlichen Beilegung von Konflikten beitragen, die humanitäre Hilfe erleichtern und die Zahl der Opfer begrenzen. Friedenssicherungseinsätze sind jedoch nicht immer erfolgreich, und es ist wichtig, die Faktoren zu untersuchen, die sich auf die Leistung auswirken, um die Wirksamkeit künftiger Einsätze zu verbessern. Diese Dissertation bewertet die Leistung von Friedenssicherungseinsätzen im ehemaligen Jugoslawien und versucht, die Schlüsselfaktoren zu identifizieren, die sich auf deren Leistung auswirken. Das erste Kapitel befasst sich mit UNPROFOR und konzentriert sich hauptsächlich auf sein Mandat, die Zusammenarbeit wichtiger externer Akteure und die Einhaltung der traditionellen Prinzipien der Friedenssicherung. Das zweite Kapitel untersucht die Rolle der NATO bei der Friedenssicherung in der Region, einschließlich ihrer Zusammenarbeit mit UNPROFOR, die Leistung der späteren Streitkräfte IFOR und SFOR sowie die Leistung der KFOR. Im dritten Kapitel wird die vorbeugende Friedenssicherung in Mazedonien erörtert, nämlich die Leistung von UNPREDEP, und ob eine vorbeugende Friedenssicherung einer späteren Intervention vorzuziehen ist.

Die These argumentiert, dass der Hauptgrund für die weitgehend unbefriedigende Leistung von UNPROFOR, insbesondere in Bosnien, das Fehlen eines klaren und erreichbaren Mandats und die unzureichende Berücksichtigung der traditionellen Prinzipien der Friedenssicherung ist. Das zunehmende Mandat, die mangelnde Zustimmung und der zunehmende Einsatz von Gewalt hätten dazu beigetragen, die Operation in eine Position zu versetzen, in der sie die Grenze zwischen Friedenssicherung und Friedensdurchsetzung überschreitet. Die These argumentiert noch weiter, dass die NATO, obwohl sie in Bezug auf ihre Zusammenarbeit mit UNPROFOR nicht ganz erfolgreich war, eine Wiederaufnahme des Konflikts erfolgreich verhinderte und durch IFOR und SFOR zum politischen und zivilen Wiederaufbau in Bosnien beitrug. Es wird auch behauptet, dass es der KFOR mit ein paar Schluckaufen weitgehend gelungen ist, die Sicherheit und Stabilität im Kosovo aufrechtzuerhalten, und zwar mit erneuten gewaltsamen Ausbrüchen im Jahr 2004. In Bezug auf die vorbeugende Friedenssicherung behauptet diese These, dass UNPREDEP in vielerlei Hinsicht eine erfolgreiche Operation war, insbesondere im Hinblick auf die Bekämpfung externer Bedrohungen und die Verhinderung von Konfliktausbrüchen. Die Operation mach-

te auch Fortschritte bei der Bewältigung interner ethnischer Konflikte, konnte jedoch ihr volles Potenzial nicht ausschöpfen und wurde vorzeitig zurückgezogen. Es wird jedoch anerkannt, dass vorbeugende Friedenssicherung in vielen Fällen keine realistische Option ist, obwohl sie vorzuziehen ist.