

Bosnia, the UN and the NATO Ultimatum

Research Paper 94/33

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This paper outlines the events which triggered the NATO decision to threaten air strikes in Bosnia and considers the implications of UN Security Council Resolution 836.

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I The Decision to threaten air strikes

On Saturday 5 February 1994 a mortar bomb fired on the Markale market place in Sarajevo killed 68 people and wounded 197. Although this was by no means the first such attack, it caused the largest death toll of any individual shelling to date and provoked another round of international indignation and outrage. This time, however, the international community was galvanised into action. John Major called for a more "muscular" approach to end the siege of Sarajevo. Douglas Hurd maintained that the massacre had been a turning point in attitudes towards the war and that now "...the benefit of proceeding outweighed the risk of proceeding." (HC Deb, 10 February 1994, cc. 450-451).

The European Union Foreign Affairs Council meeting in Brussels on 7 February issued a statement asserting that NATO and the United Nations should try to lift the siege of Sarajevo "using all means necessary, including the use of air power" (*Agence Europe*, 7/8 February 1994). The focus of international action then shifted to the Atlantic Alliance, EU foreign ministers insisting that there was no need for any decision about the use of force to be referred back to the UN Security Council, since UN Security Council Resolution 836 already sanctions the use of force (for a discussion of the significance of UNSCR 836, see p.5) On 6 February, Secretary-General of the United Nations, Dr. Boutros Boutros-Ghali wrote to his NATO counterpart, Manfred Wörner, asking the North Atlantic Council (comprising the ambassadors of the 16 NATO nations) to authorize its military command to launch air strikes on request from the United Nations. The Atlantic Alliance had already taken the decision in August 1993 that it would be prepared to launch air strikes against Bosnian Serb artillery ringing Sarajevo and this commitment had been reaffirmed at the NATO summit meeting in Brussels on 10 and 11 January 1994.

The North Atlantic Council (NAC) met on 9 February and agreed on the following main points. The Council:

- (i) "...accepts, effective today, the request of the UN Secretary-General of 6 February and accordingly authorizes the Commander-in-Chief, Allied Forces Southern Europe to launch air strikes, at the request of the United Nations, against artillery or mortar positions in or around Sarajevo (including any outside the exclusion zone) which are determined by UNPROFOR to be responsible for attacks against civilian targets in that city;"
- (ii) "...calls for the withdrawal, or regrouping and placing under UNPROFOR control, within ten days, of heavy weapons (including tanks, artillery pieces, mortars, multiple rocketlaunchers, missiles and anti-aircraft weapons) of the Bosnian Serb forces located in an area within 20 kilometres of the centre of

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Sarajevo, and excluding an area within two kilometres of the centre of Pale;"

- (iii) "...decides that, ten days from 2400 GMT 10 February 1994, heavy weapons of any of the parties found within the Sarajevo exclusion zone, unless controlled by UNPROFOR, will, along with their direct and essential military support facilities, be subject to NATO air strikes which will be conducted in close co-ordination with the UN Secretary-General and will be consistent with the North Atlantic Council's decisions of 2 and 9 August 1993;"

(Decisions taken at the meeting of the North Atlantic Council on 9 February 1994, *NATO Press Release (94) 15* - see Appendix I for full text)

The NATO communiqué also calls upon the mainly Muslim Bosnian government to place its heavy weapons within the Sarajevo exclusion zone under UNPROFOR control and to refrain from attacks launched from within the current confrontation lines in the city.

Greece dissociated itself from the communiqué, since it believes that "any military initiative would mean a war in the Balkans" (*Agence Europe*, 7/8 February 1994), although it did not block the decision going through. The new Franco-American accord which emerged from the NAC meeting would have seemed an unlikely one a few months ago. The consensus for air strikes in both countries reflects a gradual shift in the positions of the French and American administrations, which has taken on a momentum of its own over the last few months.

When air strikes were first mentioned in the spring of 1993, the United Kingdom and France were successful in circumventing this possibility, citing the concern of UN commanders for the safety of their troops on the ground as the main inhibiting factor. French foreign minister, Alain Juppé, who came to power with the new conservative government in March 1993 and who played a central role in assuring NATO assent to an ultimatum, favoured a tougher line and, indeed, has had a certain amount of bargaining power, given the numbers of French troops on the ground. Not only does France have the largest national UNPROFOR contingent in Bosnia (about 4,100 according to a report in *Le Monde*, 15 February 1994), it has also suffered the greatest loss of life: 18 French servicemen have been killed and an estimated 250 injured (*Le Monde*, 7 January 1994), yet public opinion is still in favour of air strikes against Bosnian Serb positions. The French troops have also suffered several humiliations at the hands of the warring factions in Bosnia and Alain Juppé put the case to the North Atlantic Council in simple terms: sanction tougher action or France will withdraw its troops.

US policy has also evolved towards firmer enforcement of UN resolutions concerning Bosnia. Despite protestations in the past by US Secretary of State, Warren Christopher, that American foreign policy should not be formulated by the media, after the Markale massacre on 5

February, 60% of Americans supported air strikes, as opposed to 65% in December 1993 who thought the United States should not intervene in the Balkans (*Le Monde*, 11 February 1994). This turnaround has been widely attributed to the 'CNN factor'. Another reason put forward is the fact that the United States has come to realise that its credibility as world leader was being affected by western impotence in the former Yugoslavia. It has been suggested that President Clinton had this in mind when he said on 9 February that "NATO must remain a credible force in post-cold war Europe" (*ibid.*). Finally, it has also been suggested that the visit to Sarajevo of Tansu Ciller and Benazir Bhutto of Turkey and Pakistan respectively, two large Muslim countries which are important US allies, did not go unnoticed in Washington. It demonstrated the rancour felt in the Islamic world towards the west, which is accused of double standards.

Following the Markale massacre, the United States decided to become more involved in the efforts of the international community in Bosnia at two levels: **militarily** by supporting the French call for air strikes and an ultimatum in the North Atlantic Council and **politically** by becoming more involved in the Geneva peace process. The United States also extended diplomatic recognition to the former Yugoslav republic of Macedonia on 10 February 1994, following similar moves by most members of the European Union in mid-December 1993.

The ultimatum marks a fresh departure in the policy of NATO, which has never before planned to intervene in a war beyond its members' borders, its *raison d'être* since its inception in 1949 being the collective defence of its existing members. This was also the first time that the demand for the withdrawal of weaponry has been tied to a specific deadline and the first time that NATO has committed itself to using force according to a clearly defined set of criteria.

NATO governments have considered the possibility of air strikes since May 1993. Several NATO members, including the United Kingdom and Canada, have expressed great reluctance to take strong action, fearing that air strikes would put UNPROFOR troops in jeopardy and intensify the conflict. Canada agreed to the ultimatum after securing guarantees for the safety of Canadian troops in Srebrenica and the UK government agreed to the NATO ultimatum only after military commanders on the ground decided that limited use of air power was feasible and that the risk to British troops could be contained. In a statement to the House of Commons on 10 February 1994, Douglas Hurd set out the main reasons behind the United Kingdom's decision to back the use of air strikes now:

"There is a strong British interest in maintaining the strength and solidarity of NATO. In Bosnia, our interest lies in preventing the war from spreading, in helping forward the work for a peace settlement and in relieving the suffering

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of the Bosnian people. We judge that these interests of ours are best sustained by supporting the NATO decision and working for its success."

(HC Deb, 10 February 1994, c. 448)

Several times, Mr. Hurd stressed the importance to the United Kingdom and its defence policy of the strength and solidarity of NATO.

"Anyone who has followed the discussions with our allies or is in the allied countries will know how many of them believe, especially the United States, that the action agreed yesterday was a crucial test for the Atlantic allies."

(*ibid.*, cc. 451-2)

On 14 February, Baroness Chalker of Wallasay summed up the government's position as follows:

"...we have consistently supported the use of air power provided that it would support and not undermine the peace process and the aid effort. I believe that it was the whole question of the margin of balance that was so difficult for many countries to achieve. But, together with our NATO allies, we accept that there is absolutely no doubt that the shelling of Sarajevo demands the strongest response. That is why the decision passed the test that to issue this ultimatum would do more good than harm."

(HL Deb, 14 February 1994, cc.71-72)

Some have maintained that the main weakness of the NATO declaration is that it concentrates entirely on the situation in Sarajevo, rather than being premised on a long-term strategy for the solution of the conflict as a whole. In a question to the Prime Minister on 10 February 1993, Mr. Calum Macdonald asked:

"Does the Prime Minister accept that there can be no logical or moral justification for distinguishing between Sarajevo and the other UN-designated safe areas in Bosnia, and that about 2,500 civilians have died in all those safe areas since June last year, when the UN authorised the use of force to protect those people? Will he, therefore, undertake to work to extend the ultimatum that has been issued in respect of Sarajevo to those other safe areas."

(HC Deb, 10 February 1994, c. 24)

In response, Mr. Major asserted:

"We have to determine what is practicable. We are already working, as far as Srebrenica and Tuzla are concerned, to try and ensure that the situation improves. We are now doing that having seen the special difficulties in Sarajevo. To follow to its logical conclusion the concern that the hon. Gentleman set out would involve us becoming involved, very probably with troops on the ground, throughout the whole of the area of conflict. However strongly the hon. Gentleman may feel about the matter, or others, that is not a practicable proposition."

(ibid.)

When the NATO decision was announced, France and the United States also confirmed the earlier NATO decision to help peace-keeping forces in Tuzla and Srebrenica and to examine other areas for similar action, like Mostar and Vitez. Furthermore, the threat of air strikes against Bosnian Serb positions around Sarajevo is being presented as the first component part of a wider strategy to secure a separate peace for Sarajevo, which is hoped will form a building block on which to cement a wider negotiated settlement.

II Interpretation of UN Security Council Resolution 836

Ultimate authority for the legal use of force in Bosnia rests with the United Nations Security Council. Most of the NATO governments believe that this authority has already been given by the UN Security Council through UNSCR 836 of 4 June 1994, which authorizes the use of air power to defend the safe areas created by UN Security Council resolution 824 of 6 May 1993. The large majority of the international community (with the notable exception of Russia) believes UNSCR 836 to have sufficient 'empowerment' force. Paragraph 10 of UNSCR 836 stipulates:

"...Member States, acting nationally or through regional organisations or arrangements, may take, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, all necessary measures, through the use of air power, in and around the safe areas in the Republic of Bosnia and Herzegovina, to support UNPROFOR in the performance of its mandate..."

(S/RES/836 (1993), p.3 - see Appendix II for full text)

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As UNSCR 836 states, the United Nations can invite its member states to act "through regional organisations". Chapter VIII of the UN Charter stipulates:

"The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority."

(Article 53 of the UN Charter)

The use of NATO structures and forces to implement UNSCR 836 is therefore in accordance with the UN Charter and, in this capacity, NATO will be used as the UN's agent for enforcement. There have been legal precedents for such 'sub-contracting' in the past. Although the cases were not identical, parallels can be seen in the Gulf War, Korea and Somalia which saw the delegation of specifically military activities for which the United Nations itself is not well equipped to coalitions of UN member states.

In terms of the actual authorisation of specific air strikes, different interpretations have been put forward as to the chain of command. Some would argue that another, more specific, UN Security Council Resolution is required (eg, Russia - see p.7), whereas others (including all NATO governments except, possibly, Greece) argue that it is within the discretionary powers of the Secretary-General to authorize the air strikes, based on existing Security Council resolutions. Belgian minister Willy Claes has argued that Boutros Boutros-Ghali "is sufficiently legally armed to enable NATO to carry out selective bombings on the Serb batteries surrounding Sarajevo" (*Agence Europe*, 7/8 February 1994). The British government concurs with this view. In a statement to the House of Commons, Douglas Hurd asserted:

"I confirm that our advice and view is that it falls within the scope of existing Security Council resolutions and does not require a further Security Council resolution. But the first use of air power - if that has to be used - does require the authority of the United Nations Secretary-General."

(HC Deb, 10 February 1994)

Again, parallels can be drawn with the Gulf War situation, when the Allies argued that it is within the powers of the Secretary-General of the UN to authorize the commencement of air strikes, whereafter there will be 'close consultation'.

There has been some evidence of a difference of view between the UN commanders on the ground, all of whom are seconded from national armed forces, and the UN bureaucracy in New York. Parts of the military have argued that, for the sake of military efficiency, the

Secretary-General of the United Nations should devolve operational responsibility for air strikes to UN commanders on the ground. France in particular has argued for a command and control structure which would cut out intermediaries. General Jean Cot, overall UNPROFOR commander in the former Yugoslavia, who has been asked to leave by Boutros Boutros-Ghali, had criticised the latter for refusing to give him authority to order air strikes on Serbs besieging muslim enclaves 'without having to seek time-consuming approvals from civilians in the UN hierarchy' (*Reuters*, 24 January 1994). Since then, Boutros-Ghali has delegated the authority for air strikes to his special envoy for the former Yugoslavia, Yasushi Akashi, who is working in close co-ordination with the Bosnian UNPROFOR commander, Lt-Gen Sir Michael Rose.

The UN Security Council created UNPROFOR with a mandate which would expire unless extended by a specific resolution. The mandate was last renewed by Resolution 871 of 4 October 1993 and will expire on 31 March 1994 unless extended. A draft resolution on this subject, like any draft before the Security Council, could be vetoed by any of the five permanent members.

III Russian policy on the UN, NATO and Bosnia

The Russian Federation inherited the Soviet Union's permanent seat on the UN Security Council and is therefore in a position to veto any new resolution in that body. The United States, UK and France are confident that the use of NATO forces to enforce, if necessary, the implementation of earlier Security Council resolutions on Bosnia-Herzegovina, can be justified in the terms of previous resolutions and that therefore no new authorising resolution is required, but they have conceded that any military action must be taken in close consultation with the UN Secretary-General.

The Secretary-General, Boutros-Boutros Ghali, is the servant of the whole Security Council and is obliged to take account of the views of all the governments permanently represented on the Council. For most of the post-war period, when the Soviet Union was frequently at odds with the other permanent members, successive Secretaries-General had to tread very carefully in exercising their discretionary powers and were sometimes criticised by Soviet ministers and diplomats. According to S D Bailey (*The Procedure of the UN Security Council*, second edition, 1988, p87), "The Soviet Union... always conceived of the Secretary-General as being only the chief of administration in the Secretariat, under the strict control of policy-making organs and the Security Council in particular". While a great deal has changed since the Soviet Union gave way to the Russian Federation, and the Security Council has experienced a few years of remarkable harmony between the permanent members, the Russian reluctance to allow the UN to become too closely associated with United States and Western European policies persists.

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In late 1992 and early 1993 the Yeltsin policy of close cooperation with the West in the United Nations over the conflict in former Yugoslavia came under heavy and regular criticism in the Supreme Soviet (the parliament at that time) and this seemed to have a distinct influence on the tone taken by Russian diplomats. For example, when the Security Council adopted Resolution 820 on 17 April 1993, thereby tightening sanctions against Serbia and Montenegro with effect from 26 April, the Russian Federation abstained and the Russian representative made it clear that Russia did not support the move and would resist proposals to use UN-sanctioned military force against Serbia or the Serbian side in Bosnia-Herzegovina or to lift the arms embargo currently in force against the Bosnia-Herzegovina government, ie the mainly-Moslem presidency forces. The Russian stance may well have been determined by the imminence of the referendum of 25 April in which President Yeltsin was seeking a popular vote of confidence.

Russian ministers and diplomats were not entirely negative: they made it clear that they supported the Vance-Owen plan for the division of Bosnia-Herzegovina into autonomous provinces and proposal that the UN might control a corridor linking the "Serb" provinces of Bosnia-Herzegovina to Serbia itself with Russia possibly supplying the UN peace-keepers for this corridor (*Izvestiya*, 21 April 1993). The Russian foreign ministry was at pains to explain that its stance was designed to preserve and maximise such influence as Russia had with the Serbs and use it to help bring about a settlement.

However, at a Moscow press conference on 20 April 1993 deputy foreign minister Churkin told a journalist from a Belgrade newspaper: "There is no point in feeding illusions... Russia has its own foreign policy priorities and we will never enter into a confrontation with the international community over the map of Bosnia (*Izvestiya*, 21 April 1993). On 23 April 1993 Russian Foreign Minister Kozyrev hinted that Russia was faced with a situation which might require deeper military involvement. He said:

Our policy is to work with the Serbs, providing for them a somewhat larger space than the world community does in order to make them adopt the necessary decision... The reserve of manoeuvring and compromises has reached a red line. It looks as if the stage of talks and persuasion has ended. Russia is on the verge of adopting complicated decisions.

(*SWB*, 24 April 1993, SU/1671 A1/1)

Shortly after this, on 25 April 1993, President Yeltsin won a vote of support in the referendum and this seemed to remove some of the pressure on him to follow a more pro-Serbian policy of the kind demanded by many in the Supreme Soviet. When the Security Council came to adopt Resolution 824 of 6 May 1993 on safe areas in Bosnia, Russia voted in favour and its representative made a firm statement, hinting at "further, harsher steps" and

referring to "those who defy the world community" (S/PV.3208, p25).

Similarly, on 4 June 1993 Russia co-sponsored the text which became Resolution 836 and voted for it in the Security Council. This is the resolution which authorises UNPROFOR to deter attacks on safe areas, occupy key points on the ground, and to use force in self-defence in reply to bombardments against the safe areas and which authorises regional organisations to use air power in support of UNPROFOR in the performance of these tasks. The Russian representative, Mr Vorontsov, said after the vote:

Henceforth, any attempted military attacks, shooting and shelling of safe areas, any armed incursions into those areas, and any hindrance to the delivery of humanitarian assistance will be stopped by United Nations forces by using all necessary measures, including the use of armed force.

(S/PV.3228, p46)

At this point Russian policy seemed once again to be close to that of the United States, UK and France, which had together drafted and sponsored resolution 836, but the tide of opinion in Russia, especially in the Supreme Soviet and the army continued to move against the "internationalist" posture of the president and his foreign ministry and in favour of a more traditional great power policy of backing regional allies. While President Yeltsin was finally able to overcome the resistance of the Supreme Soviet to his reform programme, by forcibly dissolving it and calling new elections, he could do so only by cultivating the support of the army, in which pro-Serb attitudes were also commonplace.

The underlying reasons for Russia's apparent sympathy with Serbia are complex and the often-cited ethnic and religious affinities between Russians and Serbs play a relatively minor part. The reaction against Marxism-Leninism and Soviet "internationalism" has been very strong in Russia and has led many politicians to espouse older values such as Russian Orthodoxy and panslavism, but this enthusiasm is still limited to relatively peripheral political groups. Besides, if Russia wants a mainly Slav Orthodox ally in the Balkans, Bulgaria looks a better prospect than Serbia.

A more persuasive factor for many Russians is the obvious parallel between the dilemma of Serbia, with its Serbian "kith and kin" left outside its borders by the disintegration of Yugoslavia and the similar Russian dilemma. This parallel tempts critics of the Yeltsin presidency to use arguments about Serbia as surrogate criticisms of Yeltsin and his foreign ministry for accepting the independence of the former Soviet republics and not being sufficiently forceful in asserting the interests of the "abandoned" Russian minorities. The Russian government has responded to these criticisms both by taking a harder line on the

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human rights of Russians in the Baltic and by tilting towards Serbian interests in the diplomatic wrangling over the situation in Bosnia.

The strong showing of the ultra-nationalist "Liberal Democratic Party" of Vladimir Zhirinovskiy in the Russian elections of December 1993 put new pressure on President Yeltsin to "protect" Serbia and the Bosnian Serbs from possible NATO attacks. On 21 January 1994 the new parliament adopted its first resolution on the former Yugoslavia, calling on all sides to refrain from the use of force and settle the conflict by political means. Deputies were told by one of the junior foreign ministers that this was in line with Russian policy and that the existing UN resolutions authorised the use of force only if UN forces were being directly attacked or resisted or in respect of violations of the no-fly zone (*BBC Summary of World Broadcasts*, SU/1903 B/5).

Zhirinovskiy himself visited Slovenia and Serbia in late January 1994 and supported the union of Serbia with Serb-populated lands in Croatia and Bosnia. He said that he would argue in the Russian parliament for Russian withdrawal from the UN if it carried out air attacks on the Bosnian Serbs and suggested that such a move would be tantamount to a declaration of war against Russia (*BBC Summary of World Broadcasts*, SU/1909 B/6 and SU/1911 B/13).

Opposition in the State Duma to NATO air strikes in Bosnia is by no means confined to the nationalist parties: the reformist leader of Russia's Choice Yegor Gaidar has also suggested that Russia should be prepared to veto such action in the UN Security Council and the centrist "Yabloko" bloc has declared that NATO action in former Yugoslavia would be contrary to Russian security interests (both reported in *Izvestiya* on 11 February); the chairman of the Duma international affairs committee, Vladimir Lukin, hinted on Russian TV that the mortar attack on Sarajevo market might have been a Muslim provocation and compared it to the Reichstag fire of 1933 (*BBC Summary of World Broadcasts*, SU/1922 B/4).

However, under the new constitution of the Russian Federation which was adopted in December, the Duma has little formal influence over foreign and defence policy. Its foreign affairs role is limited to treaty ratification, legislation governing the institutional framework for diplomacy and the approval of diplomatic appointments. Article 86 of the constitution states that the president "exercises leadership of the foreign policy of the RF" and he is also supreme commander-in-chief of the armed forces. Resolutions of the Duma outside of its specific remit are not binding on the president or government.

Following the attack on a Sarajevo market on 5 February the Russian Foreign Minister Andrey Kozyrev regretted that Russian proposals to strengthen security around Sarajevo had not been taken up by the Security Council, but insisted that UN strikes against any side in Bosnia would be wrong in principle, except in protection of UN forces (*BBC Summary of*

World Broadcasts, SU/1917 B/8). His deputy, Vitaly Churkin, said on 8 February that "pre-emptive strikes against the positions of any one of the sides will only exacerbate the situation" (*ibid*, B/10).

The Russian defence minister, General Pavel Grachev, took a similar view, telling an interviewer on 8 February that:

The basic stance of the Russian leadership is that a one-sided approach towards determining the responsibility for the Bosnian communities for the continuation of the armed conflict is impermissible. In the interests of putting an end to it as soon as possible, Russia is trying to get and will try to ensure that sufficient influence is brought to bear not only on the leadership of the Bosnian Serbs but also on the leaders of the Croat and Muslim communities. Now, as to the possibility of using military force, we believe that the use of the NATO countries' combat aviation in Bosnia-Herzegovina is capable of provoking a new escalation of combat actions and is permissible only in the event of a direct attack by Bosnian armed formations on the peacekeeping forces.

(*ibid*, SU/1918 B/3)

In further statements on 9 and 12 February foreign minister Kozyrev reiterated his government's position that air strikes would be justified only to defend the UN forces in Bosnia, but left somewhat unclear how he believed that military action should be authorised. On 9 February he said that such questions should be determined "under the guidance of the Security Council and on condition that they are closely coordinated with the Secretary-General", but on 12 February he suggested that the correct approach would be for the Secretary-General to authorise action in defence of UN forces "after a vote in the Security Council". On this occasion he left open the question of whether or not successive actions would require repeated votes (*ibid*, SU/1919 B/9 and SU/1921 B/1).

Following President Yeltsin's meeting with John Major on 15 February, the Russian news agency Itar-Tass reported that the president had supported the surrender of heavy military equipment around Sarajevo to UN forces, but had also reiterated his belief that Serb positions should only be bombed if UN forces were attacked. Meanwhile his spokesman said on Russian TV that NATO air strikes in Bosnia would inevitably reflect badly on the "partnerships for peace" programme (*ibid*, SU/1923 B/3-6).

Thus there seem to be two specific points on which the Russian government differs from the Western governments in its understanding of Resolution 836. One concerns the mechanism

for consultation and the extent to which the Secretary-General is entitled to represent the Security Council consensus without a formal vote and the other concerns the right of UNPROFOR commanders to call for the intervention of NATO air power without there having been an attack specifically on UN forces. Behind these concerns is a more fundamental disagreement about whether the more assertive use of military power under the authority of the United Nations would actually help to end the conflict and a reluctance to allow the international response to the conflict in the Balkans, historically an area of particular interest to Russia, to be dominated by NATO, in which Russia plays no part.

There is a Russian contingent of around 840 men serving in UNPROFOR, but they are deployed around the Serb enclaves in Croatia, not in Bosnia-Herzegovina.

IV Interpretation of the NATO ultimatum

There have been some reports of differing interpretations on the ground between NATO and UNPROFOR concerning the withdrawal and control of Bosnian Serb artillery. The dispute has arisen over the definition of 'control'. UNPROFOR sources have suggested that the concept of control did not necessarily mean that the Bosnian Serbs would have to move their weapons - ie, they can remain in siege positions under the monitoring of UNPROFOR troops. NATO spokesmen have registered some concern that this does not comply with the wording of its ultimatum, which stipulates that Bosnian Serb artillery should either be withdrawn from the 20 km exclusion zone, or placed under UNPROFOR control (which means their disarming and placing in warehouses guarded by UNPROFOR troops). Control to NATO means rendering the arms unoperational so as to prevent the Bosnian Serbs carrying out any more bombardments on Sarajevo, rather than leaving them in place on the mountains under the supervision of lightly armed UNPROFOR troops or unarmed UN military observers (UNMOs).

A meeting is to take place in Zagreb on 17 February between General Jean Cot and the American supreme allied commander in Europe, General George Joulwan in order to develop a common position, since any disagreement over tactics between NATO and UNPROFOR could be interpreted as a sign of weakness and exploited by the Bosnian Serbs. The US Ambassador to the United Nations, Madeleine Albright, stressed on 14 February that co-operation between NATO and the UN is essential, not only for the citizens of Sarajevo and other safe areas in Bosnia, but also for the precedent it will set for the future of collective security.

V The Feasibility of performing surgical air strikes

A. The NATO resources available

Altogether some 170 aircraft from six countries, including NATO's early-warning AWACs, could be involved. Most are stationed in bases in Italy or on aircraft carriers in the Adriatic. For several months, about 60 American, British, French and Dutch aircraft have been flying regular reconnaissance missions to enforce the UN's no-fly zone over Bosnia in Operation Deny Flight. These reconnaissance flights have mapped out fixed gun positions and military targets around Sarajevo; forward air-controllers (FACs), who are able to locate gun emplacements, are in position, ready to help direct the targeting of air attacks. On 7 February, NATO officials confirmed that an air wing based near Vicenza in Italy had taken the steps necessary to be ready to carry out air raids within 60 minutes of authorisation. On 11 February the RAF raised the number of Jaguar bombers at Gioia del Colle from eight to twelve and the United States is also sending eight F-15 bombers to increase the NATO strike force. The US is also sending two AC-130 gunships and two EC-130 Airborne Battlefield Command and Control aircraft. This deployment will bring NATO forces to 146 fighters and bombers (*Sunday Times*, 13 February 1994).

NATO aircraft

Britain

Giola Del Colle

- 12 Jaguar attack aircraft
- 8 F-3 Tornado fighters

Malpensa

- 2 K1 Tristar tankers

Adriatic

- 7 Sea Harrier strike aircraft on the carrier Ark Royal

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France

Cervia

- 10 Mirage 2000 fighters

Istrana

- 5 Mirage F-1 reconnaissance aircraft
- 8 Jaguar attack aircraft

Trapani (Sicily)

- 1 C-135 tanker
- 1 E-3F AEW

Adriatic

- 6 Super Etendard 4P fighter bombers on the carrier Foch

The Netherlands

Villafranca

- 14 F-16 attack aircraft

United States

Aviano

- 12 F-16C attack aircraft
- 8 F/A-18D fighters
- 12 O/A-10 attack aircraft
- 3 EC-130 airborne battlefield control
- 4 AC-130 gunships

Pisa and Sigonelli

- 10 KC-135 air-to-air refuelling aircraft

Adriatic

- 12 F/A-18C and 6 A-6C aircraft on the carrier Saratoga

UN ground troops designate targets around Sarajevo, communicate these via satellite to AWACs and Hercules command planes, which then pass this on to the attack aircraft. Flying time to Sarajevo from the Italian bases is less than one hour and less than 15 minutes from aircraft carriers in the Adriatic.

B. Dangers and problems

The main reasoning against air strikes in the past has been concern that they would endanger the humanitarian aid operation and jeopardise the safety of UNPROFOR troops on the ground. In response to the NATO ultimatum, the Bosnian Serbs themselves have said that any military intervention would shut down the vital humanitarian aid operation in much of Bosnia and expose UN troops and aid workers to possible reprisals. On 9 February, the United Kingdom shut down its aid operation for four days as a result of the NATO decision. The United Kingdom government, aware of parliamentary reservations about the safety of British troops on the ground in Bosnia and long-standing misgivings about the dangers of air strikes, particularly over the possibility of escalation and the potential difficulty of extricating British personnel, has offered the House of Commons assurances that full contingency plans are prepared to protect British troops, including air support, troops reinforcements or alternatively withdrawal. On 14 February, Baroness Chalker of Wallasay told the House of Lords:

"The decisions on air strikes were not taken easily, or in isolation. I am all too aware of the risks that air strikes, and talk of air strikes, pose to the humanitarian effort... UNPROFOR is taking precautions to safeguard UN personnel, working closely with UNHCR. The safety of our troops and civilian aid workers is of paramount concern. I am confident that UNPROFOR's contingency plans are well prepared."

(HL Deb, 14 February 1994, c.29)

Although the UK government is stressing the limited nature of NATO air strikes, the prospect of limited intervention still raises certain misgivings. There has been some questioning as to what will happen should the air strikes be unsuccessful. US Defence Secretary William Perry

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has urged caution, saying, "If air strikes are Act One of a new melodrama, what is Act Two, Act Three and the conclusion?" (*Associated Press*, 6 February 1994).

Others have questioned the effectiveness of air power, given the nature of the Yugoslav conflict and terrain. For example, Michael Jopling, M. P., asked:

"Accepting the Minister's statement that air strikes might relieve the pressure, but not end the war, and remembering the experience of air strikes in Vietnam and in the Gulf War, when they were unable to find and remove military targets on the ground, and also remembering the ability, nowadays, of troops to live underground and move at night, can he tell us whether there has been any military advice to suggest that air strikes could make a significant difference to the tragic situation in Sarajevo?"

(HC Deb, 7 February 1994, cc. 23-24)

To this, Mr. Goodlad responded:

"...It has not hitherto been military advice that air strikes would help the situation, because of some of the considerations which my right hon. Friend has drawn to the attention of the House....The matter is continually being assessed by the military commanders. The intention must be to improve the situation, not to make it worse."

(*ibid.*)

One of the problems facing NATO planes in an attack would be that many of the Bosnian Serbs' big guns are very close to both Bosnian Serb and Muslim residential areas and the positioning of weapons near schools and hospitals is a tactic employed by all sides in the Bosnian conflict. Air strikes would have to be extremely precise in order to avoid civilian casualties. Another related difficulty is bombing Bosnian Serb positions which are extremely close to Bosnian government positions.

There is also the argument that, without the commitment of extra ground troops, air strikes will only escalate the conflict. UN Security Council resolution 836 required UNPROFOR "to occupy some key points on the ground" (*UNSCR 836, para.5*) in order to deter attacks on safe areas. The question of extra troops was being considered urgently by NATO governments on 16 February.

VI Cease-fire in Sarajevo

At Sarajevo airport on 9 February, the UNPROFOR commander in Bosnia, Lt Gen Sir Michael Rose brokered a verbal cease-fire agreement between Bosnian Serb and Muslim military representatives, which was to come into effect at noon on 10 February. Agreement was reached to place both Bosnian Serb and Muslim artillery (exceeding 12.7mm) under UNPROFOR control for the duration of the cease-fire, after which UN forces were to be interpositioned in sensitive places and key positions, which have been determined by a mixed commission headed by Gen. Soubirou (UNPROFOR commander in Sector Sarajevo) to determine any violations of the cease-fire (*BBC Summary of World Broadcasts*, 11 February 1994). About 240 French troops with 90mm cannon have been positioned in six frontline zones, including Zuc Mountain, Mojmiilo Hill, Dobrinja, the "Bridge of Friendship and Unity" and Vidikovac on Mount Trebovic.

Many previous cease-fires have been shortlived, but Sir Michael Rose has indicated that this one may be different, because:

- It is the first time that the Bosnian Serbs have accepted all the demands of the Bosnian government, the most important of which concerns the demand to place their artillery under UN control;
- It is also the first time that the Bosnian Muslims have accepted the monitoring of their heavy weaponry and the interpositioning of UN troops to monitor the cease-fire.

Rose, an advocate of incrementalism, said of the agreed cease-fire that it was "a small start to (solving) a very big problem." (*Independent*, 10 February 1994).

VII Continuing negotiations

The United Kingdom has made a point of stressing that the threat of air strikes does not signal a break with the west's commitment to a negotiated settlement in Bosnia. Indeed, it is hoped that the threat of NATO air strikes will move the negotiations along. On 14 February, Baroness Chalker of Wallasay told the House of Lords:

"I believe that the NATO decision dovetails with the negotiating strategy being

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pursued by both co-chairmen in trying to secure an overall settlement."

(HL Deb, 14 February 1994, c.73)

The Geneva peace talks reconvened on 10 February against a background of the urgency created by the NATO deadline, with the international mediators Lord Owen and Thorvald Stoltenberg hoping to move the negotiations on to the issue of demilitarising Sarajevo and placing the city under UN administration.

The United States made it clear after the Markale massacre that it intended to become more involved in the peace talks. This has raised expectations that the presence of a team of US negotiators could change the nature of the peace process. The US had previously refused to get involved, arguing that the Muslims had the right to fight to regain lost territory and that it would not "impose" a peace settlement on them. President Clinton has now asserted that the US will urge the Muslims to spell out their "legitimate, bedrock requirements" in any three-way partition of Bosnia-Herzegovina. Mohammed Sacirbey, the Bosnian ambassador to the United Nations, has defined these "bedrock requirements" as: the creation of a viable state; the return of refugees to homes from which they have 'ethnically cleansed' and access to the Adriatic (*Financial Times*, 11 February 1994).

One concern of the international mediators is that the Muslims may only go through the motions of negotiating after drawing false conclusions from the hope that NATO air strikes has eventually raised the hopes of Western action against the Serbs. The negotiations were suspended on 12 February and will be re-convened at the end of February or the beginning of March. It is hoped that the intervening period will be used by the United States and Russia to put pressure on the Bosnian Serbs and Muslims respectively to agree to a settlement.

VIII Conclusion

The Bosnian Serb political and military leaders have given conflicting reactions to the NATO ultimatum. In one interview, Radovan Karadzic said that the guns would be pulled back and put under UN control, although in another interview he added the proviso that this would only happen once a peace settlement had been signed. The chief of staff of the Bosnian Serb army, General Manojlo Milovanovic said that the withdrawal of the artillery is out of the question (*Independent*, 11 February 1994) and one of Karadzic's close political advisers told *Newsnight* on 14 February that NATO air strikes would only escalate the conflict, rather than defuse it. Douglas Hurd told the House of Commons:

"What counts is not so much Mr. Karadzic's pronouncements as what now happens...that is the test."

(HC Deb, 10 February, c. 452)

There is, however, uncertainty as to the proportion of heavy weaponry handed over by the Bosnian Serbs, since, in an effort to halt speculation, the UN military command in Sarajevo has blacked out news surrounding concrete progress in this matter (*The Guardian*, 16 February 1994). Consequently, it remains uncertain what precisely will happen after the NATO ultimatum expires.

Appendix I

Appendix II

Appendix 3

Recent Statements and Debates on Bosnia

DATE 14:04:93
REFERENCE 222 c831-43; 222 c829-41
DESCRIPTION Statement on the situation in Bosnia.

DATE 19:04:93
REFERENCE 223 c21-36
DESCRIPTION Statement on the situation in Bosnia.

DATE 29:04:93
REFERENCE 223 c1169-250; 223 c1167-248
DESCRIPTION Debate on a motion for the adjournment on Bosnia. (Includes ref to unnumbered explanatory memorandum submitted by FCO on 23 April 1993 relating to sanctions against Serbia & Montenegro).

DATE 17:06:93
REFERENCE 226 c1003-86; 226 c1005-88
DESCRIPTION Debate (first day) on a motion to approve the Statement on the Defence Estimates (Cm 1981). (Includes ref to HC 218 & 731 1992/93).

DATE 21:06:93
REFERENCE 227 c24-120
DESCRIPTION Debate (second day) on a motion to approve statement on Defence Estimates (Cm 1981). (Inc ref to HC 218 & 731 1992/93). (Agreed to on division 278-35).

DATE 23:06:93
REFERENCE 227 c309-24
DESCRIPTION Statement on the European Council, Copenhagen (21/22 June). (Conclusions of Council, President's options for economic revival, & list of items not subject to legislation, in Lib-Dep 9395).

DATE 20:07:93
REFERENCE 229 c301-23; 229 c299-321
DESCRIPTION Debate on motion that humble Address be presented to Her Majesty praying that the statement of changes in immigration rules (HC 725) be disapproved. Negatived on division (194 to 249). Debated with motions to annul SI 1993/1661, SI 1993/1662 & SI 1993/1656. (Includes fact that consultation document covering working draft of proposed consolidation of immigration rules is to be placed in Library - DEP 9538).

DATE 26:07:93
REFERENCE 229 c838-75; 229 c837-72
DESCRIPTION Consolidated fund debate on the situation in former Yugoslavia

DATE 18:10:93
REFERENCE 230 c27-120
DESCRIPTION Debate (first day) on a motion to approve the Statement on the Defence Estimates (Cm 2270). (Includes ref to HC 637 & 869 1992/93).

DATE 01:11:93
REFERENCE 231 c19-37
DESCRIPTION Statement on the special meeting of the European Council Brussels on 29 October & on Prime Ministers meeting with the Irish Prime Minister. (Includes fact that European Council documents in Library as DEP 9799 & joint statement of John Major & Albert Reynolds in Library as DEP 9811).

DATE 19:11:93
REFERENCE 233 c114-81
DESCRIPTION Queens speech debate (second day) on foreign affairs and defence.

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DATE 13:12:93
REFERENCE 234 c685-701
DESCRIPTION Statement on European Council in Brussels 10-11 December 1993.

DATE 13:12:93
REFERENCE 234 c702-42, 777-80
DESCRIPTION Peacekeeping operations. Supplementary Estimates 1993/94. Class II, Vote 2. First Estimates Day debate (First part). (Includes ref to HC 235,369 & 988 1992/93 & Cm 238). Agreed to on division (309 to 54).

DATE 7:02:94
REFERENCE 237 c19-27

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