The New Humanitarian Precedent: Bosnia, Kosova, and the Libyan Intervention of 2011

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NATO takes control of air operations in Libya

On March 17 2011 the UN Security Council approved Resolution 1973, instituting a no-fly zone over Libya.[1] There is presently an air war over Libya, with NATO in command of a coalition of primarily western nations, but also including Qatar. There is much uncertainty about the intervention; what the future holds for Gaddafi, the rebels, NATO and the UN. However, there is less uncertainty about the veracity of the lead up to intervention. The international community's mobilization of a coalition force to protect civilians—most notably in the eastern city of Benghazi—was achieved with immense speed. Prescient action such as this is sadly an exception to the rule of humanitarian intervention, where mass atrocities are so often only reacted to after the fact. The lead up to the Libyan intervention—in its quickness and conviction— lends itself to historical comparisons, such as the Balkan interventions of Bosnia and Kosovo. The primary focus of this paper will be on the Bosnian intervention, since the precedent set by both the Serbs and the international community during that war is extremely important when analysing the lead up to the Kosovo campaign. The question is this: how does the meandering international response to the atrocities being committed in the former Yugoslavia compare and contrast to the response to Gaddafi's aggression against the citizens of Libya? Moreover, can we deduce a rationale for the hasty action of the UN and NATO countries in Libya, and place this intervention within a theoretical framework of security? The absence of clarity in the contemporary Libyan mission seems to have been a necessary trade-off for the kind of prescient action needed to stop atrocities before they begin. While one cannot easily predict the future of Libya, the ramifications of this mission will have profound consequences on future humanitarian interventions. An examination of the lead up to the Libyan intervention as viewed through the lens of past interventions can help us place

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[1] UN Security Council, 6494th session. *Security Council approves no-fly zone over Libya, authorizing 'all necessary measures' to protect civilians*. March 17, 2011.

contemporary humanitarian discourse and action in line with past discourse and action. This paper will argue that a new humanitarian precedent has been set by the Libyan intervention. More specifically, the humanitarian discourse has been *reset*. An appreciation of the protection of Benghazi as a redemptive event requires an understanding of the shortcomings and successes of NATO's Balkan interventions. Ultimately, the contemporary intervention in Libya represents the growth of Human Security discourse within the international arena, both in theory and more importantly, in praxis.

The siege of Sarajevo began on May 2 1992, but it was only after the malicious bombing of a Sarajevo marketplace on February 5 1994 that required NATO intervention began to be seriously debated by the United States. The final catalyst of NATO action was the fall of the UN designated 'safe zone' of Srebrenica and the systematic massacre of Bosnian Muslims that followed. Following the Srebrenica massacre, "public pressure on Western governments suddenly rose to an unprecedented pitch."[2] Prior to these atrocities, the international community's attempts at halting the war were impotent and overtly neutral. The Serbian leadership of President Milosevic and Bosnian Serb General Mladic had consistently discredited NATO's threats by steadily pushing through Bosnian Muslim territory with impunity. The practise of targeting civilians and "ridding their territory of non-Serbs" was in full effect, with ample evidence available to all international observers.[3] The discourse of 'ethnic cleansing' grew immensely throughout the continuing coverage of the events taking place within the former Yugoslavia. Yugoslav violence was nothing new by the time of Srebrenica. Croatian separation, and the war that followed, served as a precursor to the Bosnian atrocities. That war

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[2] Samantha Power, *Chasing the Flame* (New York: Penguin, 2008), 188-189.
[3] Samantha Power, *'A Problem From Hell:' America and the Age of Genocide* (New York: Harper Perennial, 2002), 249.

was the world's first introduction to images of Serb artillery attacking civilians in majority non-Serb cities; images that would captivate the world, but fail to push NATO towards forceful intervention until after the worst of the killing in Bosnia had been committed. From 1992 to NATO's eventual bombing campaign of August 1995, the news coverage continued unfettered, the public outrage was ample, and the threat of regional escalation was immense. Why then was intervention delayed for so long and at such human cost? During these three and a half years, the United States, Europe, and the United Nations "stood by while some 200,000 Bosnians were killed, and more than 2 million displaced."[4] Both Bosnia and Rwanda were the first true tests of this newly christened new world order, and the re-emergence of the United Nations as an instrument of true collective action. The world ultimately failed on both accounts—the failure in Rwanda being truly catastrophic as well. The human costs of Rwanda and Bosnia, as well as the incapacity displayed by the newly liberated UN Security Council "dashed nascent hopes"[5] of a new international will to act in the face of mass atrocities. These nascent hopes have been reinvigorated by the rhetoric of Libyan intervention to protect civilians.

The atrocities of ethnic warfare in Bosnia meant that nationhood in a political sense evaporated overnight, leaving each ethnic group in search of outside help and protection. Both Bosnian Croats and Serbs held on to benefactors within the former Yugoslavia—the republics of Croatia and Serbia respectively. Bosnian Muslims could not rely on a regional benefactor to help them deal with the impending threat of annihilation at the hands of the powerful Serbs. Such a lack of clarity for the international community of who to support-and who the beneficiaries are- has consistently lent itself to the deferral of forceful intervention, and

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[4] Ibid., 251.
[5] Aidan Hehir, *Humanitarian Intervention: An Introduction* (New York: Palgrave Macmillan, 2010), 175.

adherence to the belief that humanitarian aid and support is the only acceptable option. This soft humanitarianism is consistently put into action when dealing with the periphery effects of mass atrocities. The most notable of these—and the one most responsible for regional escalation and therefore intervention—is the problem of refugees.

The United Nations has been instrumental in the handling of refugee crises around the world. In Rwanda, the resulting exodus of civilians into neighbouring countries was responded to with an earnestness that was sadly missing from the prevention of the genocide itself. American air capabilities—as well as that of many other nations—were put into action in coordination with UNHCR.[8] In this response to the problem of refugees, prescient action trumped operational clarity; in practice this meant that while there was growing uncertainty about whether *génocidaires* were in fact hiding out and resupplying within the UN refugee camps, the decision was made to continue to operate the camps regardless of this uncertainty.[9] The relative inability of UN officials to do anything about such a problem without affecting all of the refugees by dismantling the camps was quite important to the decision process, along with the disastrous outcomes that would presumably come about if aid to the camps were to be stopped entirely. The international community has proven their favour for post-atrocity humanitarian missions in the past. For the contributing nations it is not a difficult position to understand, after all, why should nations participate in risky military interventions to stop mass atrocities when they can participate in relatively safe post-atrocity humanitarian missions?[10] The mass atrocities themselves are morally reprehensible yes, but not inherently a threat to their

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[8] Ibid., 71.
[9] Power, *Chasing the Flame*, 194.
[10] Larry Minear and Philippe Guillot, *Soldiers to the Rescue: Humanitarian Lessons from Rwanda* (Paris: OECD, 1996), 143.

national interest. However, the refugee problem can become a legitimate threat to traditional

ideals of national security through regional escalation. The mass migration of refugees is a

threat to the surrounding sovereign nations and is therefore inherently escalatory in that it

provokes the spread of a conflict from national to regional. Suddenly, an internal conflict that

may have previously been described as a civil war and thus outside of the jurisdiction of the

international community, becomes an existential threat to regional stability. This effectively

brings such a conflict in line with traditional realist understandings on state sovereignty and

security. Through cross-border disputes and mass migrations, civil strife can quickly become

securitized on the international stage. This realist logic is problematic in that it ultimately

neglects the human costs of mass atrocities, while emphasising regional and state stability. The

Libyan intervention is telling in that it came about before the manifestation of a mass refugee

crisis. When Resolution 1973 was passed, Libya was primarily an internal conflict in which the

Resolution's referent object was the Libyan people.

For more than four years, the world witnessed the collapse of Yugoslavia into a

devastating war, fuelled by ethnic nationalism. This was ethnic conflict unseen in Europe since

the Second World War, and as such, the Nazi comparisons were plentiful throughout the media

coverage and discussion regarding intervention. Nevertheless, the United States "refused to

send troops into Bosnia until a 'peace' had been established,"[11] while agreeing to participate in a

humanitarian airlift to the besieged city of Sarajevo throughout the war. Following the

disastrous Somali mission of 1993, the United States was increasingly weary of humanitarian

intervention using American troops. This was especially important because while the collapse

of the Cold War did indeed lead to an increased hopefulness for a new capacity for action

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[11] DiPrizio, *Armed Humanitarians*, 103.

throughout the international community—most notably the UN, but also the European Community (EC)—the emergence of the United States as the consummate superpower effectively meant that United States leadership was not only desired but required for any large scale praxis of Western military intervention.

The United States' response to Bosnia was then extremely problematic in that involvement came only after the failure of the EC in negotiating the Lisbon Agreement and the United Nations' inability to deal with such a conflict. The EC required a certain level of diplomatic neutrality in order to negotiate with the Serbs, who held the lion's share of territory for the first few years of the war. Also imperative to the EC's attempts at neutrality was the fact that Europeans made up the majority of the UN peacekeepers on the ground in Bosnia. Britain and France had troops in harm's way, and were understandably hesitant to denounce Serbian aggression too strongly.[12] The UN troops were not mandated to "break the siege of Sarajevo, stop the bombardment of civilians or prevent ethnic cleansing."[13] In effect, they spent the majority of their time simply trying to protect themselves and their positions. The UNPROFOR mission's mandate was to "facilitate demobilization, disarmament, and conflict resolution, as well as to provide humanitarian relief."[14] Such a force could not in any way retaliate against Serb aggression, and therefore held little deterrent power against the bellicose Serbian forces. Moreover, the fact that UN troops were on the ground further decreased the chances of NATO air power being used. The lead up to and eventual capture of the UN designated 'safe zone' of Srebrenica and the ensuing massacre suggests that General Mladic and his benefactor President

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[12] Power, *Chasing the Flame*, 136.

[13] Michael Ignatieff, *Empire Lite: Nation-Building in Bosnia, Kosovo and Afghanistan* (London: Vintage, 2003), 58.

[14] Thomas Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises* (Lanham, Md.: Rowman & Littlefield, 1999), 106.

Milosevic understood this fact well before the international community did. The United States'

lack of will towards halting Serb aggression with extensive force changed abruptly following

the Srebrenica incident. Apart from the horrific atrocities committed,[15] recognition of

UNPROFOR impotence by the Serbs led them to discredit NATO as well. In effect, the Serbs

"called the international community's bluff."[16] It was something that Milosevic would attempt

again in Kosovo, and ultimately fail. Srebrenica's fall was therefore profoundly damaging to

Western credibility—especially that of the United States—in that it set a devastating precedent

of absolute non-compliance with NATO and all the interests represented by the alliance. The

threat was now not only mass atrocities in Bosnia; it was an existential threat to the NATO

alliance itself. Serbs' noncompliance and disregard for NATO threats of force set a dangerous

precedent for the alliance and its main benefactor—The United States. If the alliance failed in

Bosnia, how could it ever regain its legitimacy? Ultimately, a weakened NATO was a

weakened United States.

A failure to retaliate to the Srebrenica massacre with sufficient force would have also

been a truly existential blow to the UN, along with the *de facto* regression of United States and

NATO power. Future credibility relied on a forceful response that would send a message: The

UN flag and blue helmets can and will live up to the aspirations of desperate people around the

world. The UN concluded that only with the very real threat of NATO air power behind them

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[15] Power, *'A Problem From Hell,'* 392. Some 7,000 Muslim men were separated from their families, systematically executed, and then buried in mass graves. The massacre is consistently described as 'the largest massacre seen in Europe for fifty years.' The use of Eurocentric language such as this is of note because of the close proximity of Srebrenica to the Rwandan genocide, where some 800,000 were killed (334). The Rwandan genocide of 1994 eclipses Srebrenica in most every criteria of mass atrocity, however the fact remains that it was Srebrenica the following year that led to military intervention. The first NATO attack on a ground target in the alliance's history targeted a Serb artillery command post four miles from the UN 'safe zone' of Gorzade.
[16] Ibid., 392.

could the Serbs no longer treat UNPROFOR as a "nuisance that they could manipulate or ignore."[17] Effectively, coercive diplomacy was needed at the negotiating table. A political solution had been unattainable for years because the Serbs had no strong incentive to give up any of the territory they had gained. The eventual end of the war represented the fact that in Bosnia, the carrot wasn't enough until after the stick was used. American and European pleas to use rationality in the face of continuing war and bloodshed were not nearly as convincing as those diplomats believed they would be because the negotiators failed to realize that in the environment of the former Yugoslavia, resorting to war was far from irrational.[18] Finally, in August 1995 coercive diplomacy struck a victory when the stick was used and NATO began an extensive bombing campaign—following the withdrawal of UN peacekeepers—against a multitude of Serb military targets. The bombing campaign reversed Serb gains enough to force them back to the negotiating table, and the Dayton Peace Agreement was signed before the end of the year, bringing an end to war in Bosnia.[19]

The torturous lead-up to NATO intervention to stop the atrocities in Bosnia encapsulated the collapse of post-Cold War optimism. The popular hope among the international community that a newly liberated Security Council, unfettered by bipolar deadlock, could institute an emergent global order in the name of Human Security was rejected almost as quickly as it had risen. The belief that by transcending ideological struggle, the UN and the United States could come to the aid of civilians, *for civilians' sake*, proved increasingly credulous. Why should the United States—or any other powerful nation—put troops in harms way if there is no longer any larger narrative at play concerning their narrow national interest? Ultimately, it is the UN that is

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[17] Power, *Chasing the Flame*, 176.
[18] Laura Silber and Allan Little, *The Death of Yugoslavia* (London: Penguin, 1995), 175.
[19] Power, 'A Problem From Hell,' 440.

called in to work for peace and dignity where there is little else besides human suffering.

However, what is too quickly forgotten is that the United Nations is only what the member

nations allow it to be. UNPROFOR was sent to Bosnia by the same Western governments who

early on refused to forcefully intervene to stop the atrocities. The ability of governments to

divert blame away from themselves and towards the UN mission itself was especially

unfortunate in that it further crippled the power of the UN to deal with the continuing refugee

crisis in the Great Lakes region of Africa, along with many other on-going missions. The 1990s

had taught the international community that they could not condemn mass atrocities while

simultaneously preaching non-intervention and expect to achieve anything substantial.

Throughout the decade, diplomacy—and the *threat* of force—had failed to halt mass atrocities.

The disjointed approach to Bosnia was riddled with compromise and uncertainty. The next time

however, there would be clarity and the will to intervene militarily from the start. Kosovo

would set the precedent for decisive and forceful intervention against committers of mass

atrocities. The contemporary Libyan intervention would continue in this tradition, while

furthering its legitimacy through UNSC Resolution 1973.

In 1990, riding a wave of Serb nationalism, the Belgrade government abolished

Kosovo's constitutional autonomy as it was recognized in Tito's Yugoslavia. The Albanian

population was brutalized by Serbia, who imposed martial law after protests against their

marginalization grew. Public institutions in Kosovo were "Serbified"[20] and the Albanian

population was marginalized to the extent of Albanian-language radio being shut down. All of

this contributed to the rise of the Kosovo Liberation Army (KLA), whose terrorist tactics against

Serb domination would ultimately lead Milosevic to brutally attack Kosovo under the guise of

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[20] Dana H. Allin, *NATO's Balkan Interventions* (New York: Oxford University Press, 2002), 48.

protecting Kosovo Serb civilians. This time, there was a clarity regarding the conflict, the stakes, and the avenues needed to affect change was severely lacking in Bosnia. In Kosovo, the former Yugoslavia was finally given what it so desperately needed in 1992: an early show of force meant to incapacitate the aggressors and thwart their ability to commit future atrocities. The relative quickness of the response was in large part due to the precedent set by NATO bombing in Bosnia and the failure of diplomacy to broker a peace before the use of NATO air power. In practice, Milosevic attempted to call NATO's bluff for a second time in Kosovo and failed. Also important to the quick response to the Kosovo crisis was the diminished popularity of the western discourse of 'historical fatalism' within the debate on intervention. Such discourse is detrimental to action because it is often used as justification for realist conservatism and moral pessimism.[21] Setting this all aside however, we are left with the most important factor of Western intervention: the leadership of the United States.

The UN had been marginalized by the preceding decade, 10 years that had been ripe with failure and compromise for the organization. By 1999, the US—and NATO—were prepared to go to war without the authorization of the Security Council. The formerly reluctant US of the early 90s was suddenly "playing the lead role" in Kosovo.[22] Bypassing UN authorization set a dangerous precedent, and it would be called upon by the US again in 2003 with devastating consequences. However, the forceful leadership displayed by the US during

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[21] Ken Booth, "Introduction: Still Waiting for the Reckoning," in *The Kosovo Tragedy: The Human Rights Dimensions*, ed. Ken Booth (London: Frank Cass Publishers, 2001), 6. The most pronounced use of historical fatalism as a discourse of non-intervention during the 1990s was the Rwandan genocide. Where the violence was characterized as 'ethnic violence' that had been going on for centuries. This discourse inhibits not only humanitarian intervention, but also moral obligation in that it effectively dismisses the importance of human agency in mass atrocities, and instead lapses into moral relativism. Historical Fatalism was also used as an argument against intervening in Bosnia. The 2003 invasion of Iraq and the ethnic strife that followed helped to revitalize historical fatalism among non-interventionists.

[22] David N. Gibbs, *First Do No Harm: Humanitarian Intervention and the Destruction of Yugoslavia* (Nashville: Vanderbilt University Press, 2009), 171.

Kosovo did in fact increase the clarity and direction of the intervention. This is primarily because without direct UN involvement, the US could more easily take sides and act on such a distinction. The UN's appreciation of neutrality is fundamental to the organization and its ethos of international involvement. UN neutrality has served the organization well around the world in situations where human security is paramount. These crises are the ones that usually fall below the benchmark of NATO (or unilateral Western) intervention. The UN's failure in Bosnia is therefore not the rule but the exception to the rule.

The languid response to Bosnian atrocities was in large part due to the difficult relationship between NATO and the UN. For the UN, the decision to take sides and negate prior assertions of neutrality was extremely problematic as it effectively meant the dissolution of any legitimate diplomatic power for the organization, along with the possible persecution of UN officers and peacekeepers by the aggressors. The US taking sides in Yugoslavia meant an increase in agency and power; for the UN it meant the negation of agency and power. Strong American leadership went hand in hand with NATO's re-emergence of a powerful alliance. Optimistic accounts of the end of the Cold War as the end of NATO's *raison d'être* were dashed be the large role played by NATO in international affairs during the following decade. American dominance during the Kosovo intervention was not only alienating to the UN but also the EC—in which whose backyard this operation was taking place. American adoption of the cause of humanitarianism in Kosovo was seen by some European observers as primarily a means to "legitimate NATO as a new world-wide police force."[23] Moreover, the fragile Dayton peace that had been brokered by the US relied on Milosevic to quell further aggression by Bosnian Serbs who felt slighted by the agreement. For Milosevic to once again stir aggression

[23] Daniel Bensaid, "Leur Logique et Nôtre," *Le Monde*, April 9, 1999.

in Kosovo was undermining not only the region—Milosevic's forces drove 740,000 Kosovars into neighbouring Macedonia and Albania[24]—but the entire American peace process in the Balkans. It had always been clear to the international community that the Balkan problem had solved by the Dayton peace, only temporarily pacified. The problem was not Milosevic's failed attempts to reign in his Bosnian Serb extremists; the problem was Milosevic.

There are many arguments for Kosovo being an intervention of ulterior motives.[25] And while the decision to intervene was indeed multi-layered, the humanitarian imperative was the most important of those layers. The question is this: if Milosevic were not slaughtering Albanians, would NATO have intervened? The short answer is no; the long answer is even if they had intervened to impose their interests, it would not have been as quickly. The quick and direct response to Serb aggression in Kosovo is telling in that it emphasises the humanitarian aspect of the intervention. Recognizing the need to stop mass atrocities does not take years, or even months. The moral imperative is clear, and when mass atrocities can be stopped, they should be, quickly. The response to Kosovo was indeed guided by a multitude of factors—such as soft security, domestic concerns, and humanitarianism. However, the NATO action under US leadership underscores the increased political capital of Human Security within the *realpolitik* of international relations. It is argued that "no individual or combination of factors proved to be the determinative motivation"[26] for humanitarian interventions of the past 20 years. But from Bosnia to Kosovo and on to Libya, the balance of political capital has slowly been

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[24] Power, 'A Problem From Hell,' 450.

[25] In his book *First Do No Harm*, David N. Gibbs argues that the contemporary understanding of Yugoslavia as the "good war" relies on a series of myths that have been ascribed to most, if not all, humanitarian interventions. In the book's conclusion, he fails to draw any substantial distinctions between the 2003 Iraq war and the Yugoslav interventions apart from the fact that the former was a disaster while the latter was a success. In making this assertion I believe that he fails to dislocate the rhetorical *securitization* of humanitarianism from the *practice* of humanitarianism.

[26] DiPrizio, *Armed Humanitarians*, 161.

shifting away from traditional state existentialism and towards a more human-centric approach to security. The root cause of so many security problems must be addressed more prudently than it has been at the international level, seeing as modernity has not brought great advancements to the security of a majority of the world's population. The 20th Century exhibited a security paradox of sort; with states growing more secure while many human beings grew less secure. We should always remember that the 20th Century was the bloodiest on record when discussing notions of progress, modernity, and human development.

The initial optimism of the Libyan intervention can in part be seen as an affront to the perceived hijacking of the humanitarian banner by the 2003 Iraq invasion. This "abuse of humanitarian intervention"[27] set back the gains made by proponents of such an approach during the Kosovo campaign. In this sense, the Libyan intervention represents a movement out of the shadow of the Iraq war, and towards a discourse of humanitarian intervention unsullied by that war's disastrous outcome and unjustifiable premise. If the Bush administration's securitized humanitarianism of the Iraq war "broke the Kosovo liberal intervention consensus,"[28] the Libyan campaign has the ability to remake it. Early calls for intervention to protect civilians in Libya were bolstered by rhetoric describing the past failures of the international community to halt mass atrocities.[29] All the while many critics of intervention looked at 'humanitarian wars' such as Iraq and Afghanistan as reasons to believe we would accomplish nothing from intervening in Libya—the risk and uncertainty was simply too great. There is indeed nothing consistent about humanitarian intervention, seeing as the most consistent response has been to simply do nothing. In fact, by quickly intervening to protect civilians in Libya, the international

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[27] Hehir, *Humanitarian Intervention*, 229.
[28] David Clark, "Iraq Has Wrecked Our Case for Humanitarian Wars," *The Guardian*, August 12 2003.
[29] Hussein Ibish, "Act. Now." *Foreign Policy*, February 24, 2011.

community has acted inconsistently—and this inconsistency has saved lives. Even though past hypocrisy is thick and ever-present, is it still not better to "inconsistently save some lives than to consistently save none?"[30] The United Nations Security Council seemingly agreed with this statement when it authorized the intervention in Libya to protect civilians. UNSC Resolution 1973 emphasises the progressive transition of human security away from the periphery of international diplomacy, and more towards the pinnacle. Post-Iraq proponents of Responsibility to Protect (R2P) and humanitarian intervention will find a newly invigorated precedent for multilateral intervention in the name of stopping mass atrocities and protecting civilians. The events of Srebrenica have been consistently framed in relation to the protection of Benghazi. We will never know how horrific the siege of Benghazi may have been, and that is exactly the point. Studying humanitarian intervention as a concept relies heavily on an appreciation of hindsight. Therefore, the foresight displayed by the international community during the lead-up to intervention must be lauded, even though such swift action required a lack of initial mission clarity. In Libya, as was the case in Kosovo, the International Community recognized that Human Security and State Security are two sides of the same coin, and proceeded to embolden their agency and exercise their will in the present instead of reading about atrocities in the future. Alex Bellamy writes that the SC sent a "clear signal of its commitments to the responsibility to protect principle,"[31] by passing Resolution 1973. The future of Libya, and the concept of R2P as a workable praxis of involvement cannot be easily determined. However, just like the protection of civilians, clarity is not always synonymous with importance. UNSC Resolution 1973, and the on-going Libyan intervention is humanitarian intervention's crucible for the 21st centu

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[30] Nickolas D. Kristof, "Is It Better to Save No One?" *The New York Times*, April 2, 2011.
[31] Alex Bellamy, "We Can't Dodge the Hard Part: Stabilizing Libya," *The Australian*, March 21, 2011.

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