

# **Humanitarian agencies, media and the war against Bosnia: 'neutrality' and framing moral equalisation in a genocidal war of expansion**

Gregory Kent

## **Introduction**

The humanitarian aid effort during the war in Bosnia – and in many other wars and complex emergencies - has stimulated a critical literature about the effectiveness of such activity in conflict.<sup>1</sup> This critique – of both the system and the values on which it is based - has come from a range of perspectives.<sup>2</sup> In recent years a robust defence of humanitarian values, especially those of impartiality and neutrality, has been mounted in response to this attack.<sup>3</sup> The following discussion can be seen as a contribution to the critique of neutrality from a human rights-based perspective and is distinct from the 'opponents' of humanitarianism in that it seeks to engage rather than isolate external actors in humanitarian crises. In this sense, this author shares many of the concerns of the proponents of humanitarian values, not least the concern to preserve, in the general case, the impartiality and neutrality of humanitarian aid agencies. Thus the following should in no way be interpreted as a fundamental assault on humanitarianism. Rather its location might best be seen as within what Hugo Slim has described as the development of a 'human rights based humanitarian paradigm'.<sup>4</sup>

The focus of this paper is the reporting role played by humanitarian agencies. It examines their role in the sphere of political communication; specifically how certain agencies influenced the struggle over how the events of war were to be represented in mass media in the West, in particular, in relation to debates about military intervention or assistance.

The contemplation of internationally sanctioned humanitarian rescue of those suffering systematic human rights abuse on a massive scale is one of the most significant developments in international politics in the post Cold War period.<sup>5</sup> There has been considerable debate about the influence the media is said to exert in such cases. Developments in electronic media and communications technology, are seen by many scholars to have influenced

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<sup>1</sup> For example, De Waal, 1997; Duffield, 2001; Rieff, 2002; Terry, 2002. Writing specifically on the difficulties of relief and reconstruction in former Yugoslavia include Stubbs, 1997; and Duffield, 1994. Duffield, 2001, takes the argument further in his suggestion that the humanitarian aid that sustains conflict is the inevitable result of the policy substitution of humanitarian assistance for efforts to reach a political solution.

<sup>2</sup> These include the anti-imperialist Left, isolationist right, orthodox developmentalists and what Macrae 1998, p.313 calls 'neo-peaceniks' who believe that aid can be 'managed in a way which actively seeks to reduce conflict' and therefore to promote peace

<sup>3</sup> For example see Stockton, 1998 and Macrae, 1998.

<sup>4</sup> Slim, 2002.

<sup>5</sup> Wheeler, 2000, has noted in the Cold War cases of India/E.Pakistan, Tanzania/Uganda, and Vietnam/Cambodia, significant humanitarian effects were achieved in cases that were not necessarily justified in humanitarian terms by the intervening party.

which distant crises entered the public policy agenda through what came to be understood as the CNN effect.<sup>6</sup>

The Kurdish crisis in the immediate aftermath of the second Gulf War (1991) has been interpreted as one of the most convincing examples of media agenda setting in an *in extremis* humanitarian crisis. The advocacy coverage of British TV news in particular – with similar coverage in the US – helped make rescue a central issue on the agendas of top politicians, not least because TV in the UK created a nexus of responsibility to leaders who had encouraged the Kurdish and Shia rebellions against Ba’athist power.<sup>7</sup> These leaders, Bush and Major, had intended to avoid supporting the Kurds and Shia but sustained media pressure appeared to influence their decision to lend humanitarian and limited military assistance.<sup>8</sup>

In most of the other humanitarian crises of the 1990s, including the genocides of Bosnia and Rwanda, governments’ deployment of symbolic politics and non-decision making appears to have been considerably more successful in avoiding commitments and appropriate policy responses to human-made human catastrophes.<sup>9</sup> A critical issue to be examined in this article is the role humanitarian agencies played in contributing to the definition of the political problem of such crises and their influence on media framing of conflict, through language choice and the utilisation of key terms and descriptors. I have argued elsewhere that Britain played a pivotal role in shaping European and wider Western policy on Bosnia and that British TV news systematically obfuscated key issues of the critical early months of the war in Bosnia.<sup>10</sup> This article addresses the extent to which certain leading humanitarian agencies and some of their representatives may have assisted, wittingly or unwittingly, in the misrepresentation of the war.

The war against Bosnia, the worst war in Europe since WWII, was expansionist and genocidal in character. Britain’s preferred policy of humanitarian aid convoys escorted by troops – supported by other states – certainly saved some Bosnians but at the same time probably cost the lives of many others through its prolongation of the war.<sup>11</sup>

The argument of this paper focuses on critical moments in the pivotal early months of the war, in the first month of the conflict when verified knowledge

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<sup>6</sup> See Shaw, 1994, Gowing, 1994.

<sup>7</sup> See Shaw, 1996, for an exposition of the case.

<sup>8</sup> Certain critics have questioned the validity of the argument nonetheless. See for example, Robinson, 1999.

<sup>9</sup> The work of Murray Edelman established the idea of symbolic politics. Baratz and Bachrach developed the notion of ‘non-decision making’. Usually these concepts have been applied to domestic politics but I would argue they are of considerable value too in the context of responses to global crises.

<sup>10</sup> Those interested in a more expansive account will be able to consult Kent, 2003, which makes, in far greater detail, the case for Belgrade’s overwhelming responsibility for the crisis and provides a unique historical account of how genocide was visited on eastern and northern Bosnia.

<sup>11</sup> Though it became a commonplace during the war, that international humanitarian agencies were keeping Bosnians alive to be killed in the sieges by Serbian artillery bombardment, it is likely that most Bosnians were killed in the first six months of the war when tens of thousands were almost certainly murdered in numerous massacres and thousands killed in bombardment in besieged towns.

of systematic massacres of Bosnian civilians was difficult to acquire or verify and later, in August 1992, when considerable pressures for some kind of intervention developed through the media's so-called 'discovery' of concentration and death camps. It proposes that certain leading humanitarian agencies promoted a view of the conflict which helped to develop a definition of the problem of Bosnia (through media framing) which enabled symbolic political action to take the place of substantial, effective engagement with the actual problem of expansionist war and genocide on the European continent.

'Media framing', in essence, the underlying language, key terms, labels and phrases used to describe events, played a critical role in establishing how the actual problem of Bosnia came to be defined, particularly through selection of language and decisions about balancing and what kinds of evidence would be reported. The resultant framing, by obfuscating important issues about responsibility for the war and the manner in which it was conducted, limited potential policy options to ineffectual and inappropriate options.

This paper will first elaborate, in the briefest terms, a historical analysis of the crisis and its international response. This line of argument contradicts the popular mediated understanding most in the West (and no doubt elsewhere) have imbibed over the years of the crisis but is supported by the leading scholars in the field. It then briefly outlines an argument about the critical role of Britain and its (TV news) media in the development of Western policy over Bosnia. The role of senior officials of UNHCR and the ICRC is then critically assessed in the context of the wider developments in the mediated conflict itself.

### **The War against Bosnia**

In only the concise terms I have space for here, it is overwhelmingly apparent now, as it was similarly apparent to many observers at the time, that Serbia, to be specific the ruling communist clique, destroyed the consensus and stability in Yugoslavia a considerable time before the people of Slovenia, Croatia, Bosnia, Macedonia and their leaderships decided, and took active steps, to leave the Yugoslav Federation.<sup>12</sup>

Serbia used 'fascist' models of media representation according to the leading media analyst and Yugoslavia expert Mark Thompson. Albanians in Kosova were dehumanised and any who supported them – such as the republican government in Zagreb – were labelled fascists. Belgrade re-awoke memories of Second World War crimes and allegiances of a small proportion of Croats, generalised about them, implicating all Croats, or sometimes all Albanians or

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<sup>12</sup> Denitch, 1996, p.180, sees a 'consensus' of reputable scholars on this issue. These writers, including Almond, 1994; Christopher Bennett, 1995; Donia and Fine, 1994; Garde, 1992; Judah, 1997; Malcolm, 1994; Magas, 1993; Mazower, 1992; Ramet, 1996; Tanner, 1997; Thompson, 1992; Silber and Little, 1995, tended to see the crisis primarily as the 'product of particular circumstances in the second part of the 1980s' (Gow, 1997, p.14), in particular the development of extreme nationalism in Serbia, and was, therefore, in no way, inevitable as others have implied.

all Muslim Bosnians and then legitimised transgenerational blame by mapping these crimes onto contemporary Croats, Albanians and Bosnians.<sup>13</sup> The first organised violent actions and first territorial claims and conquests were by Serbian controlled or backed forces – ending up with one third of Croatia and two thirds of Bosnia.

From the evidence of massacre and expulsion of non-Serbs perpetrated by Serbian forces, in Croatia occasionally, in Bosnia, very often, involving systematic massacres of civilians it is difficult not to conclude that Belgrade-directed forces intended to destroy a significant part the Bosnian people and consequently destroy their society and culture. Estimates vary between sixty and three hundred thousand Bosnians killed in the war through massacres and (to a lesser degree) artillery bombardment. Genocide, the intention to destroy a national, religious, racial or ethnic community or group in whole or in part as defined in the Genocide Convention, is a highly appropriate term for such actions.<sup>14</sup>

Serbs, too, certainly suffered in these wars, many suffered terribly; and Croats and Bosnians unquestionably committed war crimes, however in the early months of the war – the focus of my research - when there was still hope of effective international assistance, these were few and not associated with the elected governmental authorities or their forces. This is a critical distinction.

### **Britain's pivotal role**

The British role in the crisis was central for several reasons. In general terms Britain wields, and wielded then, considerable diplomatic influence as a UNSC permanent member with veto power, a leading EC power, member of the G7 and as leader of the Commonwealth. Specifically over the break-up of Yugoslavia, Britain was part of the troika of foreign ministers tasked with tackling the crisis in its earliest phases and later from July 1992, the height of the crisis, held the EC presidency. It consistently played a central role in shaping the EC's and later UN's policy of ceasefire negotiation and later mediation and negotiation of 'peace settlements' designed to carve up Bosnia. If the US had become seriously engaged in the crisis in the early months of the war, i.e., 1992-1993, Britain's influence might have been considerably reduced. The Bush administration chose to remain strictly on the sidelines while Clinton, who had made strong pro-intervention statements before taking up office, did not engage seriously in his first year. It is little surprise therefore

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<sup>13</sup> See Thompson, 1994.

<sup>14</sup> Scholars and journalists who support this contention about genocide – underpinned by a series of Hague Tribunal judgments - include (but not exclusively) Noel Malcolm, 1994; Christopher Bennett, 1995; James Gow, 1997; Mark Mazower, 1992; Martin Shaw, 1996; Quintin Hoare, 2000; Brendan Simms, 1996; David Rieff, 1995; Chuck Sudetic, 1998; Peter Maas, 1996; Roy Gutman, 1993; Christopher Hitchens, Dick Holbrooke, 1998; Peter Mojzes, 1994; Thomas Cushman, 1996; David Stannard, 1996; Norman Cigar, 1995; Adrian Hastings, 1994; Philip Cohen, 1996; Michael Sells, 1996; Ed Vulliamy, 1998; and Stjepan Mestrovic, 1996. The Security Council itself referred in the April-June 1993 UNSC resolutions (819, 824, 836) to the Council's 'duty to prevent the crime of genocide'. Roberts, 2000, p.678.

that various political leaders and analysts have accused the then Major government of vetoing more robust action in defence of Bosnia's integrity.<sup>15</sup>

Although in the early weeks of the war in Bosnia, Britain identified Serbia as the most responsible party, London simultaneously signalled that it saw the war as essentially a civil war between different ethnic groups who basically were no longer, after the death of the strongman, Tito, able to live together. Complexity was fostered in explanations of the crisis. Foreign Office officials consistently refused to attribute responsibility in unambiguous terms. Although like other EC states, Britain was keen to get diplomatically involved in the crisis from its outset, its creations, the Hague (Sept.1991) and London (Aug.1992) Conferences were essentially stalling mechanisms which appeared to many observers designed to allow Serbian forces extra time needed to finish the job of annexation of territory in Croatia and Bosnia respectively.<sup>16</sup> In the name of the measured, reasonable and peaceable policy of negotiation and partition, policies proposed by other states, including punitive sanctions and blockade, lifting the arms embargo (which operated in reality exclusively against the Bosnian side) and air strikes against Serbian forces, their bases and key assets were vetoed, sometimes by London alone. Britain developed this context-specific power because of its willingness to deploy troops for highly restricted functions including the escort of food aid to beleaguered communities in Bosnia. With troops on the ground it could call the shots with regard to any escalation against Serbia's military forces. It was able to prevent for years more robust responses by others (mainly the US). What role then did media play in representing and critiquing the policies of the Major administration?

### **Media framing and problem definition**

The analysis of media performance and influence on decision making proposed here is predicated on the extensive theoretical and empirical work outlined elsewhere. There is only space here to outline the bare essentials of the theory.

The pre-decision process of policy making known as 'problem definition', is a particular stage of policy-making which has a disproportionate impact on policy outcomes.<sup>17</sup> 'Once crystallized, some definitions will remain long-term fixtures of the policymaking landscape' and effect policy options.<sup>18</sup> The question of culpability is the foremost of all aspects of problem definition. In the Bosnian context the issue of responsibility or culpability was critical to understanding the nature of the war. To assume an ethnic genesis of the conflict led to very different policy prescriptions from an assumption that Belgrade bore primary and overwhelming responsibility for the war's

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<sup>15</sup> For a full account of these perspectives see Simms, 2001.

<sup>16</sup> See Almond, 1994, for a critical perspective on these conferences.

<sup>17</sup> Cobb and Elder, 1972.

<sup>18</sup> Cobb and Rochefort, 1994, p.4.

causation and its barbaric nature. As Wildavsky has noted 'a problem is a problem only if something can be done about it'. The way the problem of the war in Bosnia was officially defined – perhaps without solution, at best only a temporary palliative one – made it less of a problem or issue for policy because there was no apparent solution beyond negotiation. Defining the war as aggression and genocide – clearly a 'valence issue' would have had a critical impact on the impression of the severity of the problem.<sup>19</sup> Policy alternatives would be quite different and perhaps more constrained, it being unlikely that Western publics would spectate on the destruction of another European people so close to home.

The then EC's rapid engagement with the dissolution of Yugoslavia meant the early adoption of the official perspective on the problem of Bosnia. An important issue therefore is whether re-definition of the problem of war in Bosnia - in important ways a continuation of the earlier conflicts in Slovenia and Croatia - was possible. Gatekeeping, the weeding out of unnewsworthy information – in this case potentially by humanitarian workers, journalists and editors, and even state officials – potentially played a critical role in limiting the potential for such re-definition.

The concept of framing is of obvious relevance to problem definition. Seen as the selection of features 'of a perceived reality and mak[ing] them more salient in a communicating text [so] as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described',<sup>20</sup> the process of framing is a critical aspect of the process of problem definition for elite and wider public debate. How these interconnected processes function has yet to be extensively examined empirically or theorized fully but it should be apparent that the process of media framing is a significant determinant of how the problem is actually defined on the public policy agenda. Robert Entman's writing on framing elaborates how they often establish causes and implicitly make moral judgments by evaluating 'causal agents and their effects' and suggest remedies to problems.<sup>21</sup> Frames are clearly a critical constitutive element in problem definition in public discourse.

### **News framing of Bosnia**

So how did TV news frame the problem of Bosnia in the critical early months of the war? Before that question is addressed I need to spell out briefly my reasons for selecting this period for extensive and detailed content and discourse analysis.

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<sup>19</sup> Valence issues have only one legitimate side and proponents struggle over the solution to the agreed-upon problem, not whether the problem exists.

<sup>20</sup> Entman, 1993, p.52. Gamson and Modigliani 1987, p.143, define frames as 'a central organizing idea or story line that provides meaning to an unfolding strip of events'.

<sup>21</sup> Ibid.

The rationale can be divided into historico-political, and communication related factors. I examine a continuous time period of flagship TV news reports from 1 April 1992, the date of the first serious incursion of Serbian armed forces from Serbia proper into Bosnia to late August 1992 by which time Serbian forces controlled two thirds of Bosnian territory – the peak of their expansion.<sup>22</sup> The period comprises many of the constitutive events of the three and a half year Bosnian war – the genocide in eastern and northern Bosnia and the accompanying massive deportation of people, the establishment of the siege of Sarajevo (and sieges of the other key towns and cities), and the first intense phase of international diplomatic and limited military involvement in the crisis, including the passing of critical Security Council resolutions and the London Conference (at which point the sample ends).<sup>23</sup> Apart from the Croatian-Bosnian war (1993-1994) the remaining three years of war could be seen as largely a continuation of these sieges and of escorted humanitarian aid to the besieged. A major shift occurred with the Srebrenica massacres and eventual large-scale bombardment by NATO and the Croatian-Bosnian roll back of the Serbian armies were the final events of the war.

In terms of the representation of the war, the period under examination was also key: the establishment of the framing of the Bosnian war, the decision to cover Sarajevo (largely at the expense of the rest of Bosnia), the media's 'discovery' of the camps, and the employment and normalisation in coverage of the term 'ethnic cleansing', all occurred in this period. Cohen and Wolfsfeld argue that it is extremely difficult to change existing media frames, especially about conflict. 'These frames take on an almost mythical quality, and after a while none of the parties raise many questions about them. Antagonists who attempt to swim against this interpretive tide usually drown.'<sup>24</sup>

My research shows that the framing of the war in Bosnia placed centre stage the identity issue of ethnicity. There was, at times, strongly critical reporting of the actions of Serbian forces, though mainly in respect of their laying siege to, and heavy artillery bombardment of, towns inhabited by civilians. While undercut at times by journalistic indulgence in relation to Serbian claims of provocation, a more effective diminution of this framing was enacted by the consistent reporting of Serbian denials. If it had been the dominant framing it appears likely this framing would have influenced opinion strongly against 'the Serbs' and Belgrade.<sup>25</sup>

My use of the term 'the Serbs' is intentional and important because my findings suggest there were two predominant framings of the conflict, the

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<sup>22</sup> 27<sup>th</sup> August, the end of the London Conference.

<sup>23</sup> It might also be argued, as Gunter, 2000, p.55, does that: 'Sometimes, infrequent, but highly salient or significant, events can have the greatest impact on the audience.' Some of the above mentioned events, not least because they occurred for the first time in this period, equate to Gunter's criterion.

<sup>24</sup> Cohen and Wolfsfeld, 1999, p.xvii.

<sup>25</sup> Kent, 2003.

other, taking precedence over what I call the Serbian aggression frame, because the elements of which it was composed were visible in every report and were consequently deeply, structurally embedded in the framing. This frame I have termed the moral equalisation or Balkanist frame.<sup>26</sup> This inherently quasi-racist, pseudo-historic perspective appears to have informed the structurally embedded linguistic preferences of news organisations as well as less subtle, more direct, but still somewhat opaque, aspects of falsely balanced reporting which I will return to below.

The linguistic choices alluded to above included a raft of terminology very much supportive of what Banks and Murray describe as an essentialist understanding of ethnicity. As I alluded earlier, the use of descriptors located at the level of ethnicity included labels such as ‘the Serbs’, ‘the Croats’ and ‘the Muslims’, used over their higher level political identities, in the case of the ‘Muslim’, a highly contentious labelling of people, who actually fitted more obviously into the ‘Bosnian’ grouping which included Jews and Christians, some of whom were Serbs and Croats. Repeated reference to other terms redolent of ethnicity, including ‘ethnic civil war’, ‘the ethnic groups’, ‘ethnic cleansing’, and others, reinforced this template.

Parenti’s notion of ‘false balancing’ is of considerable relevance to the TV news coverage of the war in Bosnia. In essence, it is when the media ‘tries to create an impression of even-handedness by placing equal blame on parties that are not equally culpable.’<sup>27</sup> I have identified several forms of such balancing which in different ways reinforce the equal responsibility for war. The most significant, ‘face value transmission’ occurred frequently in the period focused on. This occurs when journalists accept at face value what is known or suspected to be inaccurate and passing on such information to the public ‘without adequate confirmation or countervailing response’.<sup>28</sup> ‘Without saying a particular story is true or not, but treating it at face value, the press propagates misinformation – while maintaining it is being merely non-committal and objective.’<sup>29</sup> The influence of humanitarian agencies in relation to this form of misrepresentation, as will be shown below, was significant. Other forms of false balancing included examples by journalists themselves and by Serbian spokespeople.<sup>30</sup>

My overall assessment of the TV framing of the war, which on cursory inspection appears not too dissimilar from mainstream press framing, is that framing in many individual reports and in general over the almost six months of coverage was ambiguous about the central questions of the war: issues of

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<sup>26</sup> The dehumanisation of Bosnians and other peoples of the region, in the words of Sells, ‘as “Balkan” tribal haters, outside the realm of reason and civilisation’.

<sup>27</sup> Parenti, 1993, p.199.

<sup>28</sup> Ibid, p.194.

<sup>29</sup> Ibid.

<sup>30</sup> See Kent, 2003, documents numerous examples of this phenomenon.

causation and attribution of responsibility and the actual nature of the war. While both the moral equalisation and Serbian aggression frames were pre-eminent, and the former took precedence between them, overall the contradictory nature of the two meant ambiguity was often the result.

This finding is reinforced by my second major conclusion about TV and broadsheet press framing of the critical problem of genocide. Genocide was not reported as such in the period. Despite there being overwhelming verified evidence of systematic massacres of the Bosnian people in eastern Bosnia, and of destruction of cultural monuments and artefacts and the mass deportation of those surviving the onslaught, the links to Belgrade of forces carrying out these atrocities were not established and the systematic nature of the attacks and the careful verification of these massacres were critical elements of genocide missing from TV, and apart from a few exceptions, press coverage. Consequently it is unsurprising, despite the desperate claims of Bosnian leaders, that the label 'genocide' was not applied by TV or press in the period. Instead, some broadsheets by late spring, occasionally and tentatively (using apostrophes) used the Nazi term, 'ethnic cleansing'. TV adopted it after the 'discovery' of the camps. The term's use resulted from both non-judgmental quotation of Serbian sources in the first instance, and then, by quotation of international institutions such as UNPROFOR, UNHCR and the ICRC who apparently adopted the term coined by Serbian forces.<sup>31</sup> To the British public the term was a neologism that needed explanation and definition. My assessment is that the term, as generally used at the time, came to mean the expulsion or driving out of civilians. Thus in taking the place of genocide as a descriptor and more subtly reinforcing the ethnic template, reporting 'ethnic cleansing' undermined possibilities for understanding the real nature of Serbia's campaign against the people and state of Bosnia. Here too, the role of humanitarian staff was very significant, I argue, in promoting the language choice regarding 'genocide' and 'ethnic cleansing' and more seriously, in terms of the transmission of concrete evidence of systematic massacres.

It is hardly surprising therefore that the mediated TV debate about policy action on the problem of Bosnia was highly restricted by the way the problem itself had been framed for public discourse. Clearly there was no urgent need for action to prevent or stop genocide in eastern Bosnia in these early months. The most appropriate and most effective option of lifting the arms embargo on besieged and embattled Bosnian forces and Nato air targeting of Serbian forces, bases and assets was barely mentioned in the period. Discussion centred on the impossibility of a massive Gulf War style intervention involving hundreds of thousands of American and European troops, (which at the same time implicated the Bosnians who were depicted as cynically attempting to engineer such assistance by any means). Other options

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<sup>31</sup> As explained by a senior BBC editor on Radio 4's 'Feedback' in early 1999.

including 'corridors' or armed escorts for aid convoys, safe havens protected by the UN, and sanctions were all given extensive treatment. Once the horror of the transit, concentration and death camps story became known to the world – the latter adjective was largely disavowed though in fact deadly accurate – something had to be done about Bosnia.<sup>32</sup> But the manner in which the problem of Bosnia had been framed and therefore defined meant there were only 'shades of grey', 'no heroes, only villains' to use some of the terminology applied to the situation at the time. My research shows that even within days of the camps story, unambiguous attribution of Serbian responsibility was far from how the war was actually framed. Instead all sides had camps, all sides had committed atrocities. Military escorts for humanitarian aid to stop besieged civilians dying from starvation and injuries from sniper and shellfire seemed in this light, perfectly appropriate to the problem of Bosnia, setting up its people for years of sustained conflict and low-level slaughter and the eventual massacre at Srebrenica.<sup>33</sup>

A pressing question posed by these research findings into framing is why did news organisations complicate and confuse and ultimately get some of the important issues that defined the problem of Bosnia so very wrong? Elsewhere I question adherence to the ideal of journalistic independence from government and suggest that the scope for the media to critique foreign policy and to present a different perspective to officialdom on important international crises is more limited than generally presumed. But it is also important to ask, in this case, what role humanitarian agencies played supporting the framing choices made by media?

### **Saving Bosnians or saving a crisis?**

The notion of humanitarian agencies maintaining complex objectives and interests when involved in conflict is not new. Scholarship on the role of the ICRC during the Holocaust is probably the most poignant illustration of how an organisation can, in effect, promote its own interests (and no doubt those of victims to whom it succeeds in lending valuable assistance) at the expense of publicising critical, 'problem defining' information about the actual nature of the crisis to which they attend. I discuss these issues in relation to ICRC below.

In the recent war in Bosnia the essential issue of framing in the crisis to which ICRC and other agencies made significant, possibly critical, contributions, was how the nature of the conflict was defined. Was it a genocidal war of territorial expansion or an ethnic civil war in which there was a moral

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<sup>32</sup> See the work of Noel Malcolm in Hoare and Malcolm, 2000, for argument making this case.

<sup>33</sup> Kent, 2003.

equivalence between the two sides?<sup>34</sup> The following analysis is not based on systematic review of press releases by the relevant agencies but instead, in the specific historico-political context outlined, uses the reported statements of the leading humanitarian agencies' senior officials, from UNHCR and the ICRC.<sup>35</sup> Below, in what I argue were pivotal stages in the development of the Bosnian crisis, it is proposed that senior officials of these agencies intervened in the media represented conflict through significant gatekeeping actions and public statements in the form of unsubstantiated balancing statements. I attempt in the conclusion to weigh the significance of these interventions and suggests some possible reasons for these actions beyond the standard explanation of mission protection.

### **UNHCR and the question of genocide**

The genocide began in that part of Bosnia, closest to Serbia and therefore most ripe for annexation: Eastern Bosnia. With its hydroelectric dams and good transport infrastructure it was 'the key to the Serb leaders' plans to partition Bosnia.'<sup>36</sup> Despite the region's non-Serb Bosnian majority and the intermingled nature of society there, the people of eastern Bosnia were the first in Bosnia to experience the sheer uncompromisingly murderous brutality of Belgrade-backed forces. Human Rights Watch produced a summary that documented a fraction of the picture in August 1992. It reported that 'civilians are being summarily executed as part of an "ethnic cleansing" campaign which is being implemented by Serbian forces.'<sup>37</sup> The report claimed there was 'at the very least prima facie evidence that genocide is taking place'.<sup>38</sup>

As Belgrade's propaganda mills churned out atrocity stories and ploughed up old memories and hatreds, it was difficult, initially perhaps for journalists to discern fact from fiction in relation to atrocities and massacres.<sup>39</sup> Remarkably, however, there were several occasions in which Western reporters or officials, witnessed massacres or their immediate aftermath. Scarcely believable is the fact that a top US news photographer, Ron Haviv, witnessed and indeed photographed moments of the massacre of ordinary Bosnians at Bijeljina on 1 April. *Liberation's* Jean Hatzfeld who travelled through the village of Nova Kasaba, near Zvornik, in eastern Bosnia in mid-May, reported on 'the bodies of 29 Muslims lying on the roadside, shot by Serbs in an execution.'<sup>40</sup> But

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<sup>34</sup> Though some critics might argue with some justification that it was both, the ethnic aspect of the war was always of secondary, but perhaps increasing importance, as the war progressed.

<sup>35</sup> Details were also confirmed or clarified with senior representatives of the organizations in email correspondence.

<sup>36</sup> Sudetic, 1998, p.100 and CoE, section 133, note: 'This strategic factor [of proximity] is significantly relevant to understanding why the policy has been carried out in certain areas and not in others.'

<sup>37</sup> Greenwood, 1998, p.40, notes the Hague Tribunal Trial Chamber (in Nikolic, and Karadzic and Mladic)commented on 'ethnic cleansing' as a practice which could 'amount to the actus reus of genocide.'

<sup>38</sup> 13.8.92 *The Guardian*, 13.8.92 *The Independent*

<sup>39</sup> See Thompson, 1994, and my assessment in Kent, 2003.

<sup>40</sup> 27.5.92 *The Independent*

arguably the worst massacre of Bosnian civilians of the early period occurred at Zvornik in the first month of the war. Against all the odds it was witnessed by a top senior UNHCR official. He is reported as seeing 'at least four or five trucks... full of dead bodies' of children, women and old people. He saw children intentionally crushed by tanks and Serbian forces 'were moving through the town, systematically killing all the Muslims they could get their hands on.'<sup>41</sup> The official was held for two hours and witnessed the clean up after the massacre and was 'convinced [the Serbian militiamen] were going to kill [him]'.<sup>42</sup> He was released and further from the town he found those who had survived this onslaught: five thousand people sheltering in a narrow valley. Many were dead, wounded children were lying on the ground 'looking terrified – absolutely terrified - and we could hear the sound of mortar fire approaching.'<sup>43</sup> He stayed to try to calm the people who begged him to save them.

President Izetbegovic called on the international community to intervene at this time, to prevent genocide against the Bosnian people, but his calls fell on deaf ears.<sup>44</sup> The Bosnian Commission for Missing Persons later discovered sixty-nine bodies in Grbavci. They were thought to be part of a group of 750 Bosnians from the eastern town of Zvornik who were taken by Serbian forces and killed in the nearby village of Karakaj in June 1992.<sup>45</sup> Further discoveries of mass graves continue to be made in this area.

Initial press reports show that the official was extremely cautious in reporting the massacre at Zvornik. The most hardhitting press reports quoted unnamed 'officials' about the murder of 10-15 civilians, a considerable under-reporting of the incident.<sup>46</sup> The full details were released over the following six months. The official eventually revealed to journalists that he actually witnessed the clear up after a significant massacre of several truckloads of murdered civilians including children and elderly as quoted above.<sup>47</sup> In effect, a senior UNHCR official appears to have significantly downgraded information about the mass slaughter of civilians in Zvornik at the beginning of the war. Clearly to have immediately gone on the record with the aforementioned information would have had serious implications for UNHCR's relationship with the Serbian leadership and probably would have jeopardised or had serious consequences for the mission in Bosnia. Undoubtedly Serbian leaders would have interpreted the revelation as a breach of impartiality. But reporters appear to have been misled about the nature of the attack on Zvornik by this

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<sup>41</sup> Rieff, 1992, pp.82-86.

<sup>42</sup> Silber and Little, 1995, p.246.

<sup>43</sup> See also Kajan, 1993, pp.88-9. See also Mazower, 1992 p.12, who reports that, 'one American reporter was told by frightened civilians on 10 or 11 April of the existence of a mass grave outside the city'.

<sup>44</sup> 11.4.92 *The Independent*.

<sup>45</sup> Central Europeonline 20.10.00.

<sup>46</sup> See 11.4.92 *The Independent*

<sup>47</sup> In response to email questions from the author on 16.5.01 the official confirmed the above account.

apparent self-censorship in which a humanitarian representative performed a pre-media gatekeeping function.

At a critical time, when framing of Bosnia was being established, the full evidence of the scale and extent of the massacre, combined with photographs of similar events (on a smaller scale) at Bijeljina days earlier might have challenged the prevailing culture of excessive scepticism prevalent among journalists but especially so with their editorial superiors back home in the newsrooms.<sup>48</sup> The wealth of witness testimony about other massacres in this region, further supported by Hatsfeld's evidence, may have challenged the morally equalising framing already being established by news organisations in tune with official perspectives.

UNHCR provides protection and assistance to refugees but is also required to perform other tasks including trying to 'persuade, cajole and shame governments not to create conditions that force people to flee.'<sup>49</sup> Though UNHCR would not explicitly request military action, their role in providing analysis and description of crises in a way that might build a consensus for it has been noted.<sup>50</sup>

The UNHCR official's calculations about the possible effects of telling it how it is seem remarkably similar to those of Carl Burkhardt of the ICRC during WWII. Publicizing the full extent of information the agency is party to, threatens to jeopardise the mission that allowed access to that information and consequently the likely assistance to those suffering at the hands of those who had permitted that access. An important aspect of the story as related (in full) by the UNHCR official, is that of the survivors how begged him for assistance. But it seems to be the case that the ICRC, in the distinct context of Bosnia (where Bosnian resistance made the crisis seem like a war), took the notion of mission protection to a new level.

### **The ICRC and the 'camps'**

The Red Cross has shown itself to be particularly vulnerable to criticism on such matters. According to Favez, the ICRC 'had not sufficiently perceived the exceptional character of the [Holocaust] and had not adapted its priorities as a consequence... [It] was not prepared at the time to take the public risk of changing its objectives and priorities by taking the initiative to denounce

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<sup>48</sup> Both *Newsweek's* Roy Gutman and former Europe Editor of *the Independent* Steve Crawshaw have confirmed to the author that news editors were very skeptical about reports coming out of Bosnia early in the war and that it was difficult to place stories initially.

<sup>49</sup> Weiner, 1998, p.435.

<sup>50</sup> A UNHCR representative gave evidence to the Security Council 'contributed something to the subsequent strongly worded Chapter VII resolution on Kosovo. Roberts, 2000, p.688.

publicly the persecution and the final extermination of the Jews'.<sup>51</sup> During the 1941-45 genocide the ICRC opposed the idea of a public appeal (even to all the parties in the war, not mentioning the Jews or Nazi Germany specifically) because the resultant politicisation of the organisation might have 'sacrificed concrete relief work in the defence of a legal principle.'<sup>52</sup> The head of the ICRC at the time, Carl Burkardt, argued at the time that: 'Lofty public appeals to international morality [would] not...have the slightest impact on Hitler ... they would only [have] jeopardize[d] the Red Cross's existing access to prisoners of war.'<sup>53</sup> The efficacy of such publicity has been questioned again in more recent genocidal episodes but ICRC has not always responded in the same way.<sup>54</sup>

The ICRC has acknowledged that it 'had not tried at the time to gather systematically all the information which was received on the persecution of civilians, and in particular, of Jews: this could have led it to re-examine its objectives and its priorities.' According to Beigbeder, the ICRC itself, has questioned whether it should have been more 'insistent with the allied and neutral governments, so that they would have accorded to the rescue of the Jews a more important place in their concerns and objectives.'<sup>55</sup> There has been and continues to be internal debate within the ICRC about the discretion/publicity issue. Medecins sans Frontiers (MSF) is said to have been formed out of the frustration of Red Cross doctors with the ICRC's public stance and statements on the Biafran crisis which the former argued was genocidal. But as Beigbeder suggests ICRC tempered its adherence to absolute confidentiality and discretion with its public appeals, for example, to the parties in the 1973 War in the Middle East which singled out the actions of Israeli forces.<sup>56</sup>

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<sup>51</sup> Favez, 1988; Beigbeder, 1991, p.161.

<sup>52</sup> Beigbeder, 1991, p.156

<sup>53</sup> Jim Hoagland in Moeller, 1999, p.252; Ignatieff, 1997, p.135. Chargueraud, 1999, is critical of the ICRC's failure but argues that their failure needs to be contextualised by what he sees as the indifference of the Allies to the fate of the Jews. It goes some way to explaining the organisation's prudent attitude. Ben-Tov's 1988 study of the ICRC and the extermination of Hungarian Jewry criticises an excessive concern for, and too close alignment with the Swiss state's position on the war. Max Huber, President of the ICRC was more concerned with Switzerland's interests than those of the victims he concludes. Please note that references to the 'Red Cross' by other authors, journalists and myself should be understood as synonymous with the ICRC and do not refer to particular national organisations.

<sup>54</sup> Gaillard has pointed to how the ICRC during the Rwandan genocide called on 'all relevant governments' to stop 'the extermination of a significant portion of the civilian population' in 'systematic carnage'. Instead of concluding that the ICRC's first such contribution in 'almost 130 years of existence' to the reporting of genocide led a unique public awareness of the failures of Western governments in this shocking example, Gaillard assumes that 'for all the media coverage, the reporting of the Rwandan genocide was ineffective. It changed little.'

<sup>55</sup> Beigbeder, 1991, p.164

<sup>56</sup> Ibid, p.169, 'in the event of serious violations of fundamental humanitarian principles... the ICRC established doctrine does not consider discretion to be an unbreakable rule... it does from time to time drop its reserve, provided... such publicity [is] in the interest of the persons or groups affected or threatened [and] ICRC delegates must have been eye-witnesses of the violations alleged... The ICRC recognized that such cases have been extremely rare in comparison with the number of violations alleged. (p.150)

In relation to Bosnia there appears to be continuity and change. In the critical summer of 1992 period there were three apparent 'interventions' by ICRC officials.

The 'discovery' of the camps was a major development in the definition of the crisis of Bosnia. As a new feature of the war, the camps story had the potential to reinforce the frame of Serbian aggression and detract from the overarching framing of moral equivalence described above. Unsurprisingly therefore it has been argued that this period of coverage led to unprecedented pressure on policymakers to intervene.<sup>57</sup> Indeed the ultimately flawed policy of military escorts for humanitarian aid convoys was agreed upon precisely at this time.<sup>58</sup>

In Britain there has been much, largely unwarranted discussion about the legitimacy of ITN (and Channel Four News') reporting of the story. LM magazine's claims with regard to the ITN reports held least water in respect to the imagery that Marshall was accused of manipulating, by entering a barbed-wire fenced enclosure to interview emaciated Bosnians outside of that enclosure.<sup>59</sup> The trimmed photos in the next day's papers – reproduced scores of times over the following months and years – did indeed give the impression of 'Holocaust imagery'. But the ITN reports showed Marshall walking into the enclosure, up to the fence and shaking hands with the emaciated Bosnian Fikret Alic over the top of a fence topped with barbed wire but largely comprised of 'chicken-netting' fence, hardly the most secure type of enclosure. Tabloid newspapers may have used 'some of the most loaded imagery in the lexicon of 20<sup>th</sup> century politics' but such a 'benchmark of atrocity' did not apply to TV.<sup>60</sup>

And as outlined above there were many features of TV coverage on all the main news programs which undermined the case for effective intervention. In a sense British Foreign Secretary Douglas Hurd's depiction of 'something must be done' pressures was a very precise description of the vague, ambiguous obligations to act implied by TV news. There was pressure to act, but against whom and how, were given vague suggested answers by the framing of the war. As the ambiguous and euphemistic but still disturbing term 'ethnic cleansing' gained prominence in early August, ICRC actions and

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<sup>57</sup> See e.g., Gowing, 1996.

<sup>58</sup> On 13 August 1992 the UN Security Council (Resolution 770) empowered states to use any measures necessary to deliver humanitarian aid.

<sup>59</sup> ITN has always maintained there was a fence but it had been taken down. In a telephone conversation, Ed Vulliamy (May 1997) was somewhat more equivocal about the fence but made the point that the presence of men with dogs and Kalashnikovs surrounding the area ensured the people were not at liberty to leave.

<sup>60</sup> Lane in Moeller, 1999, p.223. Of course the camp was surrounded by gun-toting Serbian guards.

statements at a critical moment in the mediated representation of the war, had significant impact on framing.

Firstly, the manner in which ICRC executives reacted to the discovery of a concentration camp at Manjaca represents another example of 'humanitarian gatekeeping'. 'For two weeks', according to Michael Ignatieff, '[they] sat on ... information and debated what to do. If they spoke out publicly, they might jeopardise the ICRC's capacity to help the victims. If they kept silent, they became accomplices to ethnic cleansing, and just possibly to genocide.'<sup>61</sup> *Newsday* reporter Roy Gutman reported on the camp on 19 July accompanying the first ICRC inspection team. Gutman appears to have relied mainly on information from Bosnian politicians, the Muslim humanitarian agency, Merhamet and the Bosnian Red Crescent so it should be assumed ICRC did not assume responsibility for the information divulged in his ground-breaking reports.

A second 'intervention' relates to the potent false balancing strand to the camps frame which developed the day after the 'discovery' on TV of the camps. Though reporters continued to insert balancing statements into reports, when the ICRC accused 'all sides' of having mistreated prisoners, the frame of moral equivalence was bolstered considerably. It meshed with established framing of moral equivalence through false balancing as mentioned above. While both Bosnian and Serbian sides may have by this time 'mistreated' prisoners, this statement obscured several features of imprisonment in the war: first, there were many more, and far larger camps run by Serbian forces; secondly many 'Bosnian' camps, especially the main example, Celebici, was not under government control; thirdly, the nature of the war, a genocide in which Bosnia the state and the Bosnians (including Serbs, Croats, Muslims and Jews) as a people, were fighting for their survival, meant it was considerably more difficult, if not impossible, for the Bosnian side to meet international standards for detention of prisoners. Since the focus of reports had become 'the camps', rather than the campaign of genocidal expulsion, the effect of the Red Cross statement of false balancing was more pronounced, undercutting what seemed to be, unlike earlier framing, a much less ambiguous feature of the war.

A similar but more serious intervention occurred the following week. Over the weeks leading up to the London Conference, the frame of expulsion – for this is how most media seemed to understand the term 'ethnic cleansing' – underwent several twists and turns. Some reports explained the link between the camps, which received massive publicity on and after 6 August, and the policy of 'ethnic cleansing'.<sup>62</sup> The implication was the camps were a very

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<sup>61</sup> Ignatieff, 1997, p.134.

<sup>62</sup> E.g., 11.8 Channel Four News (henceforth c4, bbc, itn etc.); 12.8c4.

tangible way of 'driving people from their homes' and some commentators tried to use the notion of 'ethnic cleansing' to highlight the need for intervention.<sup>63</sup>

Though certain reports were remarkable in their journalistic endeavour to represent 'cleansing'<sup>64</sup>, such representation<sup>65</sup>, as was true of later reports, gave an overly sanitised view of genocidal expulsion and other reports recorded a largely bureaucratised and pseudo-legalised expulsion underpinned by intimidation. Severe brutality, unlike earlier in the war, was not captured on film. These reports mostly without exception referred to 'Serbs' and 'Muslims'. 'Murder' and 'massacre' did not enter the TV representation at this point.

At a critical juncture on 13 August, the ICRC in an apparent attempt to appear even-handed and thus ensure its undoubtedly important access to the region, issued its 'Solemn appeal to all parties to the conflict' press release. It accused 'all sides' of being 'guilty of the systematic use of brutality'. The statement, reported by the BBC said, 'from the limited opportunities to inspect their detention camps it concludes that they are part of a policy of forced population transfers on a massive scale, the so-called ethnic cleansing.' Thus at a critical stage in the development of the conflict and of its representation, the ICRC weighed in heavily with the very arguments promulgated by Karadzic, Milosevic and the rest of the Serbian leadership. But, in fact, at this stage in the conflict, nor indeed at any other, could the Bosnian government side and its forces be accused of 'forced population transfers on a massive scale'. The ICRC statement gave no mention of the special and overwhelming responsibility of Serbian forces and authorities, a critical omission. These points were put to ICRC Operations Legal Advisor in Geneva. His justification on behalf of ICRC amounted to the consideration that the crimes committed by 'Muslims' at Celebici camp and those committed by Kordic and Blaskic 'against the Bosnian Muslim population of the Lasva valley area of central Bosnia between May 1992 and May 1993' as sufficient evidence to accuse 'all factions' of 'a policy of massive and forced transfers of population characterised by the systematic use of brutality.'<sup>66</sup> But Hague Tribunal documents confirm that Croatian forces committed these crimes in the period between January and May 1993.<sup>67</sup> The Tribunal prosecution of Muslim Bosnians responsible for the Celebici camp atrocities made clear they had

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<sup>63</sup> E.g., 12.8c4.

<sup>64</sup> The BBC's Alan Little's report of 10 August from Bosanska Kostajnica captured the moment before a family were evicted from their home.

<sup>65</sup> 12.8bbc, in Sanski Most 13.8bbc, 19.8 Newsnight (nn), 21.8bbc, on Kosova 24.8nn; by this time, it seems likely that Serbian authorities sanitised 'cleansing', in the knowledge it would be impossible to prevent journalistic access to northern Bosnia or to witnesses of the genocide.

<sup>66</sup> ICRC's 'Solemn appeal to all parties to the conflict' 13.8.92 and email to the author from Christoph Hartman, Operations Legal Advisor, 25.4.00. These points were challenged but not responded to.

<sup>67</sup> These documents are available at <http://www.haverford.edu/relg/sells/indictments/Kordic2.html>

operated independently of Bosnian government authority and it has been the only example of its kind tried at the Hague.

These two interventions by the ICRC can be read in the context of an attack on a Red Cross convoy at the very beginning of the war in which one of their own delegates, Federique Maurice, was murdered. According to Maggie O'Kane, who was travelling with the convoy, he was killed by mortar fire from 'Serbian militiamen on the hill about a mile away ... firing at our convoy'. They destroyed all five vehicles of the clearly marked convoy. The agency refused to blame anyone for the attack.<sup>68</sup> Juxtaposing the ICRC's readiness to wrongly accuse the Bosnian side of 'systematic brutality' and 'ethnic cleansing' on a massive scale with its failure to highlight a clear cut case of a Serbian atrocity (even against its own delegates) earlier in the conflict demonstrates how humanitarian organisations are, in terms of their public communication, silenced by the aggressors' guns as much as their mortal victims.

Once more we return to the paradigm of mission protection. The ICRC appear to have made the decision to implicate the Bosnian government side on the flimsiest of evidence (in absolute terms let alone relative to that implicating Serbian forces) in order to maintain their mission, which had already been derailed a few months earlier by shelling around Sarajevo. Unlike the case of the UNHCR official in Zvornik, who apparently withheld information, the ICRC did not need to report Serbian 'ethnic cleansing' as news journalists like Gutman were by this stage investigating 'camps' utilising their own contacts mainly in Bosnian society.

Why did the ICRC feel compelled at this time to make these interventions in the critical TV representation of the war? At a time when the evidence of Serbian brutality and Belgrade's strategic intentions was finally becoming undeniably clearcut, losing the earlier ambiguity, it seems the ICRC entered the debate with inaccurate claims that served to promote the Serbian view of the war. As such this represents a new departure for the ICRC. It accused the constituted legal government of the state which had at that stage of the conflict already lost almost two thirds of its territory, existing on a patchwork of divided 'islands' of territory, in which its people (from all ethnic groups) huddled and defended themselves from shelling, many having fled having survived massacre. The effect was to provide, at a critical moment in the conflict, the legitimising authority of the most revered independent international humanitarian organisation for the illegitimate moral equalisation of the two sides in a one-sided genocidal war. I propose that it significantly undermined calls for robust action in support of the Bosnian

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<sup>68</sup> 22.5.92 *The Guardian*.

government but lent clear support to the efforts of Britain and other states to impose the inappropriate option implemented as UNSC 770.

### **Institutional imperatives**

We need, finally, in the cases of UNHCR and the ICRC, to place their actions in the context of the wider political and institutional responses to genocide. The Clinton administration's reticence in recognising the Rwandan genocide highlights the highly political nature of refusing to label genocide appropriately.<sup>69</sup> Even distant history can evoke similar responses. Hovanissian notes the attempts of lobbyists to influence Congress in resolutions commemorating the Armenia genocide, who 'assert[ed] that rather than a genocide it seemed that the Armenians had been the victims of 'communal warfare'.<sup>70</sup> The problem, eloquently described by a leading scholar of genocide is that: 'Every definition of genocide carries with it policy implications at the levels of international law and international relations as well as for political and economic interests'.<sup>71</sup> Almost every incidence of systematic massacre since 1948 has taken place in the developing world.<sup>72</sup> Bosnia was different only in this respect.

The legal duty to intervene where in the case of genocide conflicts with 'the cardinal principle of national unity, territorial integrity and political independence'.<sup>73</sup> While humanitarian intervention by individual countries is now largely redundant, having been superseded by the UN's collective security role<sup>74</sup>, the UN, which protects its member states, 'is an obstacle to effective action against genocide.'<sup>75</sup> On the one hand the individual veto power of permanent Security Council members and on the other a kind of inertia in such cases driven by the institutional ethos of the UN can block collective policy action.<sup>76</sup>

Institutional interests can also influence the recognition and reporting of genocide. In Bosnia UN officials frequently attempted to equalise responsibility in the war sometimes accusing the Bosnian government side, without evidence, of massacring their own.<sup>77</sup> At both the level of strategy and

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<sup>69</sup> See Melvern, 2000, for a full account of this saga. According to David Hawk of the Cambodia Documentation Commission, 'herculean efforts' were made to bring legal charges under the Genocide Convention against Cambodia, but no government was found willing to bring the charges before the World Court.'

<sup>70</sup> Hovanissian, 1994, p.131.

<sup>71</sup> Kuper, 1994, pp.32-44.

<sup>72</sup> Cassese, 1990, p.85. Bosnia is the exception.

<sup>73</sup> Kuper, 1994, p.42.

<sup>74</sup> Many might argue this trend has been seriously called into question by the Bush administration's actions in Afghanistan and Iraq.

<sup>75</sup> Ibid.

<sup>76</sup> The recent example of the Kosova war and the efforts of Russia and China at the UN Security Council to stymie the robust Western approach to Serbia's genocidal war is well-documented in Wheeler, pp.260-275. See Barnett, p.147, for a commentary on the institutional ethos of the UN.

<sup>77</sup> See Rieff, 1994 and Maas, 1998.

day-to-day operations the UN at best, promoted moral equalisation. The real villains according to UN officials, were in descending order, Tudjman, Genscher and Izetbegovic. Rieff believes a 'convergence of interest between the UN and the Chetniks wasn't exceptional, but actually played itself out on almost a daily basis.'<sup>78</sup> To senior UN official Cedric Thornberry, there were 'no innocent parties in Sarajevo or Bosnia'.<sup>79</sup> This mindset, developed from the top down, through a most conservative interpretation of the mandate, imposed an inexorable logic of supposed impartiality on most of its officials. Such that when confronted with a genocidal war which 'the UN Secretariat [and] the Secretary General himself, could have campaigned for [the West] to end ... instead [they did] all they could to end intervention.'<sup>80</sup> Such perspectives undoubtedly influenced colleagues in the UN's humanitarian agency, UNHCR and the ICRC.

## Conclusion

The dilemma confronting both agencies amounted to a clash of norms. The Preamble of the Red Cross Statutes states that: 'In order to continue to enjoy the confidence of all, the Red Cross may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.'<sup>81</sup> And as Roberts notes, 'any suggestion that humanitarian workers and organizations may play some part in triggering military action challenges their deep... commitment to impartiality and neutrality.'<sup>82</sup> The norms underpinning the duty to provide humanitarian assistance in an impartial and neutral way clashed with the norm of reporting information critical to assessments of a context involving serious human rights violations on a massive scale.

In theory the UNHCR should have been able to provide such critical information about the Zvornik massacre *and* pursue its central aim of providing humanitarian assistance. The ICRC, similarly, should have been able to protest about Belgrade's massive campaign of genocidal expulsion (of which the camps were only part) *and* provide humanitarian support for prisoners and fulfil its other duties.

Balancing conflicting rights and humanitarian norms is not always possible. 'Satisficing' involves addressing the minimum of both norms and perhaps this is the approach adopted by the UNHCR representative over Zvornik. But circumstances can force humanitarian agencies to choose between norms. The circumstances of ICRC's norm conflict were different. The necessity of protest

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<sup>78</sup> Rieff, 1995, p.175.

<sup>79</sup> Ibid, p.192.

<sup>80</sup> Ibid, p.194. The reason for this was a combination of the restrictive nature of the mandate, which required evenhandedness in dealing with the parties to the war as well as the political culture within the UN secretariat itself.

<sup>81</sup> *Compendium of Reference Texts on the International Red Cross and Red Crescent Movement*, Geneva, 1990, p.12.

<sup>82</sup> Roberts, 2000, p.674.

at Serbian actions conflicted with other duties. As Weiner notes, an important consideration is 'whether a particular choice precludes making another choice later.'<sup>83</sup> A temporal sequencing of norms, that is, making a protest first – which even if it resulted in no external military assistance to Bosnia – is unlikely to have permanently prevented ICRC from operating in Bosnia. Serbian forces were repeatedly pressurised to make concessions to avoid the possibility of military action.<sup>84</sup>

If assurances of discretion amount to collusion, as Beigbeder asserts, how should, in particular, the proactive role of ICRC be assessed? This study does not represent an overarching critique of the work in Bosnia of these two august humanitarian agencies either in terms of practical relief of human suffering or their contribution to the mediated debates about military intervention in Bosnia. It does, nonetheless, assert that at two vitally important junctures senior officials may have made a substantial difference to public understanding of critical, defining aspects of the conflict, and consequently to its outcome. When international military support might have produced the effect ultimately achieved after a further three years of suffering, these agencies intervened in the media representation of the crisis in significant ways, possibly skewing the debate in ways that favoured the aggressor and perpetrator of genocide. In their defence such decisions are notoriously challenging – as the debate over the history of ICRC response to genocide shows.

But the fact that the Genocide Convention belongs equally to both the human rights and armed conflict branches of International Humanitarian Law (IHL) demonstrates the necessity for humanitarian agencies to apply, at a minimum in the case of genocide, rights-based criteria on equal terms with the humanitarian norms with which they have historically been more familiar. As this study strongly suggests, the persistence of the de-politicised philanthropic model - explained in part by what Slim describes as ICRC's 'protectionism' over International Humanitarian Law – needs to be addressed.

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<sup>83</sup> Weiner, 1998, p.448.

<sup>84</sup> Gow, 1994.

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