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Reconsidering Safe Areas as a Means to Protect Civilians

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Introduction

Can safe areas be an effective response to protect civilian populations from mass atrocities? Safe areas are operations undertaken by international actors with the primary purpose of providing direct protection to civilians and internally displaced persons (IDPs) within a state's borders in a temporary and designated geographic area. They were a novel form of humanitarian space that emerged in the 1990s. Their failures – most notably the fall of the Srebrenica safe area in Bosnia in 1995, which led to the genocidal massacre of 8,372 Bosnians – meant the concept withered away, with no new safe areas being created by the UN Security Council since 1999. After the Libyan intervention, however, the narrower policy option of creating a safe area has been seen as a way of addressing concerns raised by Russia and China around the issue of regime change.¹ Consequently, it is likely a case of when, rather than if, the international community will authorize another safe area.

Why Are We Reconsidering Safe Areas?

A number of proponents have suggested that safe areas provide a way for the international community to take action in situations of mass atrocities when would-be interveners lack political will for larger-scale operations or when there are concerns over potential “regime change.” Gareth Evans has noted that “in cases of potential or actual mass atrocity crimes, where speed of deployment is critical, the setting up of even limited safe havens can help to restore peace over a wider area and prevent genocide from taking place.”² In their *Mass Atrocity Response Operations: Military Planning Handbook*, Sarah Sewell, Dwight Raymond, and Sally Chin argue that safe areas could provide both “rapid and direct protection for large numbers of vulnerable civilians” and would “require a relatively small force, concentrated in a few areas.”³

Safe areas have been frequently touted as a response to the Syrian civil war. In 2011, the Turkish government suggested it would support a safe zone or buffer zone in Syria,⁴ potentially acting alone if the Security Council continued “to be paralysed.”⁵ Writing in the *New York Times* in 2012, Michael Doran and Max Boot argued the United States should support Turkish troops establishing a humanitarian corridor and no-fly zone in Syria.⁶ While



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the US government has been cautious of such statements, former secretary of state Hillary Clinton suggested in July 2012 that insurgent territorial gains could lead to a “safe haven inside Syria, which will then provide a base for further actions by the opposition.”⁷

The Lessons of Safe Areas

Seven safe areas were created in the 1990s. They had little in common, based on differing logics and with significantly different sizes. Open Relief Centres in Sri Lanka, negotiated by UNHCR between the government of Sri Lanka and the Tamil Tigers, may have contained 20,000 civilians. A safe area in Northern Iraq following the Gulf War and supported by American and British troops protected as many as 2.5 million. Yet neither their size nor the money spent determined whether or not they were successful (see Table 1 below).

Rather, these safe areas faced three main problems. The first was that safe areas were developed to address competing or even incompatible objectives. It was hoped they could contain potentially destabilizing refugee flows even while protecting the civilian population.

The second was that they were built around one of two basic logics: either *tactical consent by the belligerents* or a *credible international military presence* established through the deployment of third-party military forces. Consent-based models were established through prior negotiation with the belligerents. Consent in such cases was a “natural corollary” to the safe areas’ civilian and demilitarized character, and reflected a clear doctrine of humanitarian space akin to hospital zones and demilitarized zones.⁸

Years	Country	Authorization	Civilians Protected (000s)	Outcome	Costs (US\$ Million per year)			Effectiveness Ratio**
					Military	Aid	Total	
1990-2002	Sri Lanka	UNHCR MOU	20 (1998)	Peaceful	N/A	7	7	2.85
1991	Northern Iraq	Unilateral intervention	2,500	Peaceful	1,700	1,000	2,700	0.93
1992-1995	Bosnia	UN Security Council	939	Collapse	240	290	530	1.77
1992-1994	Somalia	UNHCR	708	Peaceful	Indirect	12	12	59
1992-1996	Liberia	ECOWAS	1,200 (1994)	Collapse	125	65	190	6.315
1994	Rwanda	UN Security Council	1,500	Peaceful	200	50	250	6
1994-1996	Afghanistan (Jalalabad)	Bilateral	300 (1996)	Collapse	N/A	106*	106	2.83

Table 1: Safe Area Effectiveness⁹ [*Includes costs for country as a whole; **Effectiveness ratio compares direct costs (in millions of US \$) to civilians (in thousands) protected]

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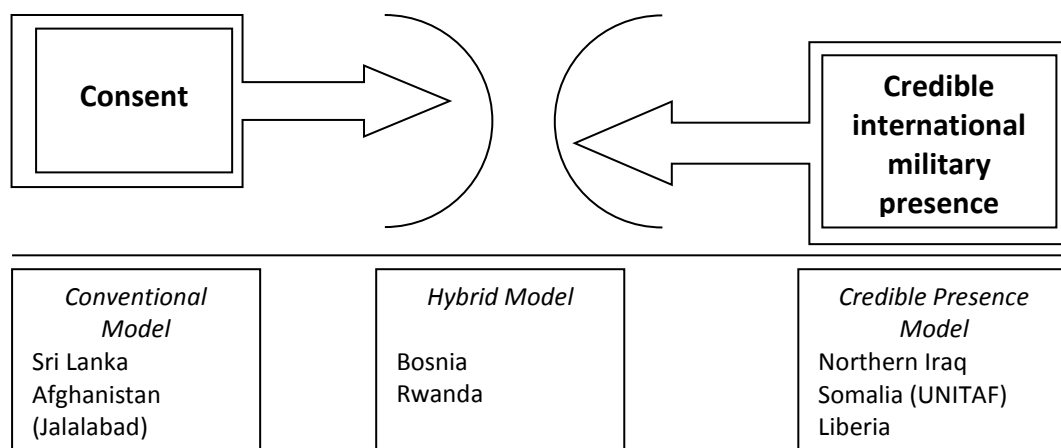


The alternative logic to this was providing protection in the safe area through a credible international military presence, such as in Northern Iraq (see Box on next page). Such zones were neither based on consent nor did they have an exclusively civilian character.¹⁰ This is the view embodied within the 1999 Secretary-General’s report on the fall of Srebrenica, which noted that when safe areas do not have “a basis of consent and demilitarisation” they need to be “fully defended by a credible military deterrent.”¹¹

In the cases of Srebrenica and Rwanda, it was presumed that international legitimacy (particularly that of the UN) could secure the safe area in the absence of both consent and a credible international military presence. Such hybrid models were based not on state consent, but instead through an appeal to Security Council resolutions that were then used “as the source of authority”¹² (see Figure 1).

These two problems are not disastrous in themselves however. The critical additional third problem was the *goals of the belligerents*. In most civil wars, tactical consent-based safe areas are effective because they allow the civilian population to remove themselves from the zone of conflict. But such consent cannot work if the belligerents are directly targeting the civilian population. Srebrenica and Rwanda represented much different situations from those in which consent-based safe areas worked: the civilians being protected were still being directly targeted.

Figure 1: The Underpinning Logics of Safe Areas.



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A Successful Safe Area: Operation Provide Comfort in Northern Iraq (1991)

A safe area was established in Northern Iraq after failed uprisings among the Kurdish and Shiite populations of Iraq were crushed by Saddam Hussein following the 1991 Gulf War. This led to at least 1.5 million refugees fleeing Iraq and an additional 1 million IDPs trapped within Iraq after Turkey closed its borders with Iraq. Instead of asylum, Turkey's President proposed the idea of creating a safe area within Northern Iraq for the would-be refugees, a plan which was supported by the British and American governments but which did not receive UN Security Council authorization nor the consent of the Iraqi government.

Both the American and British governments made clear that their goals for the safe area were limited – forces would be mobilized “only insofar as they would contribute to humanitarian efforts... [the area] would only have to be large enough to provide a temporary shelter until the displaced felt secure enough to go home.”¹³ At its high point, Operation Provide Comfort deployed 17,000 coalition forces over an area of 21,000 square kilometres. The force was large enough that, if necessary, it could fight the Iraqi military. As the American commanding officer, Lieutenant General John Shalikashvili, later noted “I had no idea what [the Iraqi government] reaction would be to our insistence that we move coalition forces into Zakho [Iraq] and into the valley... And when we asked [the Iraqi forces] to withdraw to an arc of some 30 kilometres around Zakho, I was very encouraged when they did.”¹⁴

The safe area was widely viewed as a success as it reversed the humanitarian crisis and facilitated the return of the displaced Kurds.¹⁵ However, both governments endorsed Turkey's proposal primarily because they were unwilling to pressure Turkey to open its own borders. As then UN High Commissioner for Refugees Sadako Ogata noted in a 1996 speech: “it was the converging interests of the Coalition Forces... They recognized Turkey's security concerns not to allow the inflow of Kurdish refugees.”¹⁶

The creation of the safe area also altered the position of the Iraqi government. Following it, Hussein negotiated with the UN to deploy its own security personnel to serve as human rights and assistance monitors.¹⁷ This agreement led to relief operations being turned over to UNHCR on 7 June, less than two months after the safe area was created.¹⁸ But, while the ground forces left quickly, in order to ensure continued protection of the civilian population the US maintained no-fly zones which lasted until the US-led invasion of Iraq in 2003.¹⁹

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Safe Areas and the Responsibility to Protect

It was the 2000 Brahimi Report that provided the first clear alternative to safe areas in such circumstances.²⁰ The report argues that peacekeepers “who witness violence against civilians should be presumed to be authorised to stop it, within their means, in support of basic United Nations principles.”²¹ But peacekeeping forces deployed under a Protection of Civilians (PoC) mandate continue to have three clear limitations. The first limitation is that these missions still have an informal territorial logic as the presence of peacekeepers suggests a higher level of protection to the local population. This leaves civilians outside these areas vulnerable to atrocities and helps to encourage displacement as civilians seek safety.²² At the extreme, this may lead to civilians sheltering within peacekeeping bases. This occurred during the Rwanda genocide, as the small UN Assistance Mission in Rwanda troop contingent protected 15,000-20,000 Rwandans in several locations in Kigali.²³ And it is occurring right now in South Sudan, where some 77,000 civilians have sought safety at UN Mission in South Sudan bases.²⁴

The second limitation is that it presumes that the peacekeepers will provide direct protection to civilians in the event of attacks. Unfortunately, this does not always hold. For example, in Democratic Republic of Congo, peacekeepers have been unable to respond to attacks despite having a nearby presence. In one 2008 attack in which 150 civilians were killed, peacekeepers “said they had no idea that the killings were taking place until it was all over” though they were less than a mile away.²⁵ In 2012 and again in 2013 one rebel group, the Mai-Mai Cheka, deliberately killed civilians in order to draw out peacekeepers from their base; in both instances, the peacekeepers did not respond.²⁶

The third limitation is that PoC peacekeeping missions continue to rely on a consent-based approach. As Ian Johnstone argues, “The consent-based nature of peacekeeping means that the UN must preserve a fruitful relationship with the host government . . . the need for consent, taken too far, can leave the UN in the position of conceding a great deal in order to keep that consent.”²⁷

The UN is aware of these issues—the 2008 Department of Peacekeeping Operations: Principles and Guidelines report notes that consent is not necessarily required at the local level.²⁸ Thus, this shift provides for operations to occur without tactical consent if formal state consent is present. The recent creation of the intervention brigade within the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) will test the durability of this split between different notions of consent. Under its mandate, the intervention brigade has the objectives of “contributing to reducing the threat posed by

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armed groups to state authority and civilian security,” including through “targeted offensive operations.”²⁹ While the intervention brigade does not have particular territorial limits, this suggests one model for a new safe area in mass atrocity situations where civilians are being targeted and the state lacks the capacity to protect them. In this case, a PoC peacekeeping mission could be deployed in a designated area with a direct civilian protection mandate and with formal state consent to operate, but without tactical consent by the belligerents.

In many mass atrocity situations, however, neither tactical nor formal state consent is likely to be forthcoming. An alternative model safe area would see the Security Council invoking the R2P doctrine to either alter the mandate of an existing peacekeeping mission or to trigger a new deployment.³⁰ It is here that the safe area concept is supported as a more limited alternative to regime change.

These models suggest new safe areas will lack either tactical consent or both that and formal state consent. As the safe areas of the 1990s demonstrate, removing consent as the basis for a safe area introduces three core problems. The first is that any international military force needs to have a credible presence. As northern Iraq demonstrates, in the best case scenario a safe area defended by such a force can lead to negotiations rather than conflict. But this cannot be assumed, which means the international community must be willing to support action, including a military force capable of holding the safe area, and ensure continued delivery of humanitarian assistance.

The second is that a safe area does not provide a solution to conflict or to mass atrocities. As a project independent from either regime change or negotiations, establishing a safe area offers only temporary safety to its inhabitants. Safe area proponents therefore must be prepared to accept significant long-term costs, including both ongoing military support and humanitarian assistance, and to also support alternative dispute resolution mechanisms.

The third is that a safe area will likely trigger significant displacement as civilians from within the country flee into the area for protection. While previous safe areas may not have worked as containment devices, linking future safe areas to a clear means of exit through asylum will help reduce costs and increase sustainability. A successful safe area may lead to reduced refugee flows and, over the longer term, may provide an alternative for returning refugees.

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This brief is adapted from an article published earlier this year, "Revisiting Humanitarian Safe Areas for Civilian Protection," Global Governance 20 (1): 55-75, available at <http://journals.riener.com/doi/abs/10.5555/1075-2846-20.1.55?journalCode=ggov>.

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