

NEVER FORGET, NEVER AGAIN?

An analysis of how the lessons from the Srebrenica safe area can help us understand the possibilities of safe areas in Syria

“We should [...] remember Srebrenica, not just to bear witness to those who suffered, but also as a warning to us all of what happens when we turn our back”.

Lord Ashdown, EU High Representative for Bosnia Herzegovina between 2002-2006

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Radboud University Nijmegen
Supervisor: Luuk Slooter

Research internship at PAX
Supervisor: Wilbert van der Zeijden

Birgit Kruitwagen
S4245210



Radboud Universiteit Nijmegen

Abstract

The conflict in Syria, which started in 2011, is one of the largest displacement crises globally. While the crimes that are being committed by different parties have caused international outrage, there appears to be a lack of consent on the right course of action. This thesis analysis the possibilities of one of the proposed measures: the implementation of safe areas. In order to do this, a model is developed based on the lessons that can be learned from the most (in)famous safe area ever implemented: the Srebrenica safe area. The model focuses on the historical context of a conflict, the international considerations for a safe area, the goals and motivations of the local parties involved and their possible willingness to consent to a safe area, and the implementation process which includes choosing a location, creating a credible (military) threat and demilitarizing the safe area.

It will become clear that certain aspects of safe areas as originally recorded in the Geneva Convention and the Additional Protocol-‘I’ have been abandoned along the way, especially since the end of the Cold War. While this was already the case in Srebrenica, this thesis shows that safe areas in Syria will be even more difficult to establish, because of both international and local circumstances. The international community appears reluctant to implement measures that require ‘boots on the ground’, and the right to veto that is frequently used in the UNSC has blocked most measures that have been suggested. There seems to be a debate in the UNSC between those countries, like Russia, that support the Assad government and that use the relativist argument of state sovereignty against humanitarian intervention, versus Western countries that use the universalist argument that the international community has the responsibility to protect (R2P) the civilians in Syria.

Locally, the large number of parties involved makes it difficult to gain consent for a safe area. Also, the willingness of several parties to use violence against civilians, sometimes not only as a means to another end but also as an end goal, makes that safe areas in Syria would require a large force that has the means and the mandate to use violence in defence of the safe area and themselves, that can call for immediate air support, and that is accompanied by a no-fly zone. The main problem, however, seems to be the need for demilitarization. While it is crucial that a safe area in demilitarized, so as to give the area a civilian character and avoid any tensions created by the continuation of military activity from within the safe area, those inside the safe area will most likely not give up their weapons.

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I hope that those who read this thesis will find it interesting and enjoyable.

Nijmegen, June 2017.

List of Abbreviates

ARBiH	Armija Republike Bosne i Hercegovine (Army of the Republic of Bosnia and Herzegovina)
FSA	Free Syrian Army
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IS	Islamic State, also known as Islamic State of Iraq and the Levant (ISIL), Islamic State of Iraq and Syria (ISIS), or Daesh
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
PKK	Partiya Karkerên Kurdistanê (Kurdish Workers Party)
R2P	Responsibility to Protect
SDF	Syrian Democratic Forces
SMC	Supreme Joint Military Command
SNC	Syrian National Council
UN	United Nations
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
YPG	Yekîneyên Parastina Gel (Kurdish People's Protection Units)

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1. Introduction

On 26 July 2012, UN Secretary-General Ban Ki-moon visited Srebrenica. From 1993-1995 Srebrenica was a UN safe area, best known for its failure to give the promised protection and avoid the massacre of over 8000 Bosniak¹ men. During his speech at the Srebrenica-Potočari memorial in 2012, Ban Ki-moon argued that it is important to learn from the lessons of Srebrenica. These lessons are particularly valuable right now in Syria, he continued, where civilians should be protected and bloodshed should be stopped and prevented.² Since the start of the Syrian civil war in 2011, more than 5 million Syrians have fled the country, and a staggering 6.6 million people are internally displaced.³ This makes Syria one of today's largest displacement crises globally. On 31 July 2016, Dutch foreign minister Bart Koenders argued that

The UN has rightfully described the current situation [in the besieged city of Aleppo] as both 'medieval and shameful'. Not unlike Rwanda or Srebrenica, there is a real risk that the name 'Aleppo' will become synonymous with the world's failure to act.⁴

Ban Ki-moon and Koenders are not the only ones that call for action. There is, however, a lot of debate on what action should be taken. The conflict is extremely complex, not only because there are numerous different local groups involved, but also because the conflict is becoming more and more internationalized.⁵ All the parties involved have different opinions and motives, resulting in a lack of action being taken to actually protect civilians. In this thesis one of the actions that has been proposed, but not yet taken, will be analysed: the creation of safe areas.

The most famous, or rather infamous, safe area ever created was the one around the city of Srebrenica. As Ban Ki-moon argued above, there are several lessons that can be learned from the failure of the safe area. In this thesis, I will analyse these lessons, and see how they can help us in understanding the debate around the possible implementation of safe areas in Syria. While safe areas tend to have a negative connotation, I believe it is worth analysing if it can be (part of) an answer to the humanitarian crisis in Syria.

Safe areas allow civilians threatened by conflicts to remain within their state, while receiving physical protection and humanitarian assistance.⁶ While the concept of safe areas has not been very popular since the '90s, Orchard believes it has come back into vogue, "[in] particular among some advocates of the Responsibility to Protect (R2P) doctrine"⁷. What makes safe areas attractive within the R2P doctrine is that they allow the international community to act in situations where civilians are under threat, while not requiring full-scale military intervention.⁸ Another attractive feature is the rapidness with which safe areas can be established, which in cases of (potential) mass atrocities is

¹ Term used for Bosnian Muslims.

² Ban, 'Remarks at Memorial Centre in Srebrenica' (26 July 2012).

³ The number of registered refugees, according to the United Nations High Commissioner for Refugees was 5,055,732 on 18 May 2017. See <http://data.unhcr.org/syrianrefugees/regional.php>. The estimated amount of IDPs was 6,600,000 by the end of 2015, according to the Internal Displacement Monitoring Centre. See <http://www.internal-displacement.org/database/country/?iso3=SYR>

⁴ Koenders, 'Aleppo must not become synonymous with global inaction', The Independent (9 July 2016).

⁵ The US deputy director of the Defense Intelligence Agency, David R. Shedd, estimated that a staggering 1,200 different groups form the opposition. In: Schmitt and Mazzetti, 'U.S. Intelligence Official Says Syrian War Could Last for Years', The New York Times (20 July 2013).

⁶ Orchard, 'Revisiting Humanitarian Safe Areas for Civilian Protection', Global Governance (2014, 20), 55.

⁷ Ibid., 56.

⁸ Ibid.

crucial in order to avoid further escalation.⁹ The idea that the protection of a large number of civilians is achieved by a relatively minimal (military) interference could be considered as a form of ‘compensation’ to those countries, such as Russia and China, that are reluctant to engage in military intervention that might result in regime change.¹⁰

Nevertheless, the concept of safe areas is a contested one. The international community, specifically in the United Nations Security Council (UNSC), has been debating on whether or not safe areas should be implemented in Syria. China and Russia shun any action that could be seen as a threat to Syrian state sovereignty, including safe areas, and the US under Obama seemed reluctant to send the troops needed to realise and protect safe areas.¹¹ The length of the debate shows that safe areas are maybe not the rapid measure they are hoped, and argued, to be. The lack of consent given by (local) parties involved in the conflict means that *if* safe areas are to be implemented, they will have to be enforced. Enforced safe areas do, however, pose risks, as will later be discussed in this thesis.

While the debate in the UNSC seems to be without outcome in the near future, the situation in Syria is becoming more horrific by the day. I argue that the international community owes it to the civilians in Syria to look at all possible measures that could offer them protection. This includes looking at the possibilities of safe areas. By analysing what went wrong in the Srebrenica safe area and trying to find causes for its flaws, this thesis will gather the valuable lessons that follow and present them in a model, so as to contribute to the debate on safe areas in Syria by highlighting not only possibilities but also acknowledging possible (dangerous) downsides of such safe areas in the specific context of the Syrian conflict.

The discussion on implementing safe areas is part of a more fundamental debate that has had a long history: the debate on whether or not to intervene in another country. While some believe it is the duty of the international community to intervene in cases such as Syria, where civilians are being threatened and killed, others believe that intervention would be a breach of state sovereignty and therefore argue against it. The first argument is a universalist argument, while the second argument is supported by those who are referred to as relativists. In order to understand the discussions that are taking place right now on the international level considering Syria, it is important to get a good understanding of this larger debate. Therefore, I will first look at the ‘universalist’ versus ‘relativist’ debate on intervention. More specifically, I will focus on humanitarian intervention and the Responsibility to Protect, two concepts and courses of action that show how the debate between universalism and relativism has developed of time, and that will help us understand different perspectives considering the right course of action for Syria.

1.1 Universalism versus relativism

Universalists believe that every human being has certain rights for the mere fact that he or she is human. These human rights protect the dignity of all persons; everybody enjoys these rights equally.

⁹ See for example: Sewell, Raymond, and Chin, ‘Mass Atrocity Response Operations: Military Planning Handbook’ (2010), 78; Gareth Evans, ‘The Responsibility to Protect: Ending Mass Atrocity Crimes Once and for all’ (2008), 125.

¹⁰ During the Security Council meeting on 11 November 2009, Zhang Yesui, Permanent Representative and Ambassador of China to the United Nations, stated: “Primary responsibility for the protection of civilians lies with national Governments. When providing assistance, the international community and external organizations must comply with the provisions of the Charter of the United Nations, fully respect the will, sovereignty and territorial integrity of the country concerned, and refrain from forceful interference”. In: United Nations Security Council, 6216th meeting (11 November 2009), S/PV.6216, p. 24.

¹¹ Chiacu, ‘Obama says Syria 'safe zone' a practical problem’, Reuters (24 April 2016); Rosenblum, ‘It’s time for safe zones in Syria’, Politico (22 February 2016); Blanchard, ‘China's top paper says Syria "safe zone" would not work’, Reuters (2 September 2012).

What is most controversial about a universalist point of view, Donders argues, is that universalists believe that human rights should not only be enjoyed by everyone, the content of human rights is also universal.¹² According to the universalist point of view we should be able to act in defence of these rights all around the world, no matter if the practices that infringe with them have a cultural defence.¹³ Also, universalists do not shun away from (military) intervention in defence of human rights, even if this means a breach of the sovereignty of a state. They argue, Ramet explains, that “claims regarding state sovereignty cannot be absolute, insofar as system legitimacy is measured in terms of a system’s observance of basic human rights”¹⁴. When these basic human rights are violated, thus causing the system to lose legitimacy, the international community should intervene, universalists argue.

Relativists, on the other hand, argue “that there are no universal human values and that the variety of cultures implies that human rights can, and may, be interpreted differently”¹⁵. In an extreme form, they view the Universal Declaration of Human Rights as “nothing more than a futile proclamation from the West, endeavouring to assert their moral principles as superior and essential for all cultures”¹⁶. Supporters of the relativist point of view argue that when measures are taken for problems that concern all persons worldwide, we should not focus on one philosophy.¹⁷ They therefore reject intervention based on solemnly liberal principles, even when it is argued that human rights are violated.¹⁸ While they generally do believe human rights are important, in an extreme form they argue that the sovereignty of the state stands above any international declaration or organization.

While universalists and relativists thus seem to be diametrically opposed, it is important to note that in between these two ‘extremes’ lays a vast amount of more nuanced arguments. Instead of the debate being, as it might seem, black and white, I argue that there is in fact a gradual scale of arguments that can be found in between. Moreover, one should be aware that while the arguments seem to have a solemnly moral motivation, they are often used in political spheres to ‘dress up’ more strategic goals. This is an important observation, as it will help us to better understand (the reasoning behind) the arguments that are made in the context of safe areas in Srebrenica and Syria.

The concept of state sovereignty is expressed in Article 2 of the UN Charter: a sovereign state is empowered by international law to exercise exclusive and total jurisdiction within its territorial borders, and other states have the corresponding duty not to intervene in its internal affairs.¹⁹ The idea that sovereign rights of states, regardless of their size and governmental structure, are equal and that their sovereignty should be respected by other states, was first codified in the Peace of Westphalia, signed in 1648.²⁰ This was also reflected in the UN Charter, which since the signing in 1945 has protected state sovereignty over human rights. However, Evans and Sahnoun argue that there has been a shift away from the principle of absolute state sovereignty and non-intervention.²¹

¹² Donders, ‘Do Cultural Diversity and Human Rights make a Good Match?’, *International Social Science Journal* 61(199), (2010).

¹³ Jones, ‘Human Rights and Diverse Cultures: Continuity or Discontinuity?’, *Critical Review of International Social and Political Philosophy* 3(1), (2000); Miller, ‘Grounding Human Rights’, *Critical review of International Social and Political Philosophy* 15(4), (2012).

¹⁴ Ramet, ‘Thinking about Yugoslavia: Scholarly Debates about the Yugoslav Breakup and the Wars in Bosnia and Kosovo’ (2005), 1-2.

¹⁵ Donders, ‘Do Cultural Diversity and Human Rights make a Good Match?’, 18.

¹⁶ O’Sullivan, ‘Is the Declaration of Human Rights Universal?’, *Journal of Human Rights* 4(1), (2000), 26.

¹⁷ Tesón, *The liberal case for humanitarian intervention*, *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, (2003), 100.

¹⁸ Abdel-Nour, ‘Liberalism and Ethnocentrism’, *The Journal of Political Philosophy* 8(2), (2000); O’Sullivan, ‘Is the Declaration of Human Rights Universal?’.

¹⁹ United Nations, ‘Charter of the United Nations’ (1945), Article 2.

²⁰ This idea is known by the latin phrase *par in parem imperium non habet*: Equals have no sovereignty over each other.

²¹ Evans and Sahnoun, ‘The Responsibility to Protect’, *Foreign Affairs* 81(6), (2002).

Indeed, after the Cold War, the balance shifted. Kumar argues that during the 1990s there was a change in the interpretation of the Charters rules and responsibilities concerning the balance between the sovereignty of individual states and human rights.²² States are increasingly held accountable, both by national and international players, for their actions considering human rights norms.²³ Evans and Sahnoun argue that today even those who strongly support state sovereignty, like relativists, should admit that no state holds unlimited power to do with its people as it pleases. They believe it is commonly acknowledged that sovereignty implies dual responsibility: both externally and internally. This means states have to both respect the sovereignty of other states, and the dignity and basic rights of all people within the own state itself. Intervention after a state breaches the sovereignty of another state, thus failing in its external responsibility, has been increasingly accepted since before the Cold War. The interference of the allied forces in Germany after WWII is an example of this. It was, however, only after the Cold War that it became more accepted²⁴ that if a state fails to fulfil its internal responsibility, the international community might be able to take action through humanitarian intervention. While humanitarian intervention is not necessarily military, the use of military force with the primary goal of assisting and protecting humans caught up in war and conflict got endorsed by the UNSC on several occasions, even when there was no consent from the host government. In the next paragraph I will look at the history and definition of the concept of humanitarian intervention.

1.2 Humanitarian intervention

The concept of humanitarian intervention goes back to the 19th century. Throughout the 1800s, different states engaged in wars with varying levels of humanitarian justifications. O'Donnell gives a few examples, concluding that most of these interventions were undertaken by European states to protect Christians who were being massacred in the Ottoman Empire.²⁵ While during this time scholars seemed to agree that humanitarian intervention was legal under international law, the two World Wars changed this perspective. After World War One, the League of Nations for the first time legally restricted the use of force. After the Second World War, the use (or threat) of force against another state, even under a humanitarian flag, was restricted even further by the United Nations (UN) and replaced by a paradigm of collective security.²⁶ The only exceptions to this are either self-defence, both individual and collective, or when the UNSC has approved of the forceful actions.²⁷

Simms and Trim came to the conclusion, after extensive research on different existing definitions of humanitarian intervention, that there are three key definitional aspects that form humanitarian intervention. These three aspects are, they explain, the site, the subject and the object of the action in question. They came up with the definition of humanitarian intervention being:

1. Carried out in, or intended to affect events within, a foreign state or states – it is an intervention;
2. Aimed at the government of the target state(s), or imposed on and only accepted reluctantly by it/them – it is thus coercive, albeit not necessarily involving use of force;

²² Kumar, 'State Sovereignty to Sovereignty of Individuals: Evolution of R2P', *Strategic Analysis* 35(6), (2011), 968.

²³ Evans and Sahnoun, 'The Responsibility to Protect', 102.

²⁴ That is, by Western states.

²⁵ O'Donnell, 'The Development of the Responsibility to Protect: An Examination of the Debate over the Legality of Humanitarian Intervention', *Duke Journal of Comparative & International Law* 24(667), (2014), 559.

²⁶ *Ibid.*, 559-560.

²⁷ United Nations, 'Charter of the United Nations' (1945), Article 39-42.

3. Intended, at least nominally (and at least to some extent actually), to avert, halt, and/or prevent recurrence of large-scale mortality, mass atrocities, egregious human rights abuses or other widespread suffering caused by the action or deliberate inaction of the *de facto* authorities in the target state(s).²⁸

It is the compulsion that distinguishes humanitarian intervention from wider humanitarian action or assistance, as it affects the sovereignty of a state. Just so, when military assistance is given because the government of a state asked a foreign power to do so, the response is not an intervention. As Simms and Trim explained, “[...]just as humanitarian *action* can take place in a foreign state without *intervention*, so military action in a foreign state does not necessarily constitute intervention either”²⁹. However, it becomes complicated when authority is disputed, such as in a civil war. When there are several parties claiming authority, for example when the government holds power *de jure* while a large rebel group holds power *de facto*, intervention takes place even if the government has asked for military assistance. This was for example the case in Bosnia Herzegovina, which will be discussed in chapter 3, during the Bosnian War, where the Sarajevo Government requested UN support while it governed only a small part of the country. As those who governed the rest of the country did not agree with UN presence, it was considered to be intervention rather than assistance.

When looking at the definition of humanitarian intervention again, something else becomes clear. While the term humanitarian intervention is often used to indicate military action, it does not necessarily have to be so. It may well involve economic or political action. Economic sanctions and diplomatic warnings might also result in a lessening of mass atrocities, human rights abuses, human suffering, et cetera.³⁰ As Kuperman argued, humanitarian intervention is plausible because “[...] the international community has economic and military leverage over the developing states where such violence usually occurs. And the interveners’ likely costs, financial and human, pale in comparison with the potential life-saving benefit”³¹.

Kuperman believes that there is a critical note that should be placed by the notion of humanitarian intervention. He argues that the promise for protection can be problematic, as it can result in precisely the human tragedies it is trying to avert. As Dobos explains:

If those considering a violent rebellion believe that their success is unlikely, they might decide not to rebel. But if they expect that their violence will provoke brutal retaliation, and if this retaliation is in turn expected to trigger a foreign intervention on their behalf, then rebellion might become a viable option.³²

This phenomenon is what Kuperman has called the ‘moral hazard’ of intervention. Intervention can lead to unwanted fraudulent and irresponsible behaviour, Kuperman argues, as it lowers the cost, and by doing so increases the likelihood, of rebellion. He argues that even a *promise* for intervention and protection is enough to tip the balance and incite rebels to engage in what he calls ‘suicidal rebellion’.³³ If, however, the international community does not give the expected protection to the necessary extent, the results can be disastrous. This critical note by Kuperman will prove important

²⁸ Simms and Trim, ‘Towards a History of Humanitarian Intervention’, *Humanitarian Intervention: A History* (2011), 4.

²⁹ *Ibid.*, 5.

³⁰ *Ibid.*, 6-7.

³¹ Kuperman, ‘The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans’, *International Studies Quarterly* 52(1), (2008), 49.

³² Dobos, ‘International Rescue and Mediated Consequences’, *Ethics & International Affairs* 26(3), (2012), 338.

³³ Kuperman, ‘The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans’, 50.

when looking at both Srebrenica as well as Syria, as it will become clear that in both conflicts support from the international community was expected by local parties.

Another note is made by Beadle, who has argued that when humanitarian intervention is being considered, the motivation of the perpetrators should also be taken into consideration. When perpetrators have the harming of civilians as one of their end goals, Beadle argues that there is always a risk that when perpetrators feel like their strategy is not working, they might decide that increasing their violence against civilians is the best option.³⁴ The possibility that retaliation against civilians might follow has to be taken into account, especially when safe areas are implemented, I argue, as they might create a tempting concentration of possible targets. The possibility of deploying additional peacekeeping forces in a short time frame that are able, both according their mandate and material-wise, to deter this violence will therefore be necessary during humanitarian interventions in which violence against civilians is considered to be a possibility.

The danger of moral hazard and the risk of an escalation of violence are however not what have caused the notion of humanitarian intervention to receive most of its critique. It is the breach of state sovereignty, caused by the enforcement inherent in (mainly military) intervention, which has caused the concept to remain contested to this day. As Kahn and Cunningham argue,

[...] humanitarians insert themselves between the state and its citizens at crucial moments, when a crisis highlights the successes or failures of each in fulfilling the social contract that holds the state together. Humanitarian action thus challenges implicitly the state's role as the provider for its people, and either supports or undermines it in maintaining its authority.³⁵

Humanitarian intervention implies a failure of the state and is thus often seen by states as a threat to their authority. This is, however, not merely a matter of pride: "if sovereignty rests on the ability to control territory, the implication that one cannot do so is potentially an existential issue"³⁶. As will become clear in chapter 4, it is this breach of state sovereignty that is mentioned by Russia and China as the motivation behind the use of their veto in matters concerning Syria in the UNSC today.

Humanitarian intervention places focus on both the failure of a state to fulfil its obligations considering the protection of its civilians, and the right and willingness of other states to intervene.³⁷ After the failure of UN interventions in, most notably, Bosnia Herzegovina, Somalia and Rwanda, humanitarian intervention was not seen as a very positive practice. A change was needed, which would place focus not on the *right* to intervene, but on the *responsibility* the international community has to protect civilians under threat. While the principle that came out of this debate is not yet customary in international law, it is regarded as a de facto emerging norm: the 'Responsibility to Protect'.³⁸

1.3 The Responsibility to Protect: 'R2P'

After the Cold War a norm emerged which meant that when possible, the international community ought to stop acts such as genocide and ethnic cleansing. Humanitarian intervention became more accepted in this 'new era' of peace and security where the UN is responsible for securing justice and

³⁴ Beadle, 'Protection of civilians– military planning scenarios and implications', Norwegian Defence Research Establishment (FFI), FFI-rapport 2014/00519, (2014), 6.

³⁵ Kahn and Cunningham, 'Introduction to the Issue of State Sovereignty and Humanitarian Action', Disasters, 37(S2), (2013), S140.

³⁶ Ibid., S146.

³⁷ Evans and Sahnoun, 'The Responsibility to Protect', 100-101.

³⁸ Ibid., 102.

human rights.³⁹ However, NATO's intervention in Kosovo in 1999 led to controversy. Legal justification for the military action, humanitarian justification and the conduct of the operation were argued upon.⁴⁰ It was in the light of these kinds of discussions that Secretary-General Kofi Annan⁴¹ called upon the international community to try to find a new consensus on how to approach these issues and find unity, posing the question "[...] if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?"⁴².

In order to find an answer to this question, the International Commission on Intervention and State Sovereignty (ICISS) was established in 2000. Founded by the Government of Canada, chaired by Gareth Evans and Mohamed Sahnoun and consisting of members from the UN General Assembly, the commission wrestled with political, legal, moral and operational questions within the humanitarian intervention versus state sovereignty debate. In 2001 their report was published, which centred around what was called the Responsibility to Protect, the idea that "sovereign states have a responsibility to protect their own citizens from avoidable catastrophe... but that when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states"⁴³. While the report resulted in a lot of attention for the responsibility of the international community and intervention, a consensus has yet to be reached considering the debate between humanitarian intervention and state sovereignty.⁴⁴ The report did, however, become a large incentive for the implementation of the Responsibility to Protect principle.

On 24 October 2005, the United Nations General Assembly adopted that years Summit Outcome in its resolution 60/1. Part of this resolution focussed on the Responsibility to Protect (R2P). While paragraph 138 emphasised the responsibility of a state to protect its own population from genocide, war crimes, ethnic cleansing and crimes against humanity, paragraph 139 decided that states were also responsible for the protection of the population of other states if need be. While this protection should first and foremost be accomplished through peaceful means in accordance with Chapters VI and VIII of the UN Charter, military action could be taken if necessary:

[W]e are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity.⁴⁵

The main problem that the R2P poses is the tension between a state's domestic authority and the moral authority of the international community.⁴⁶ While the principle seems to be a noble one, it has received quite some critique. For example, some argue that the R2P doctrine is not only there to

³⁹ Boutros-Ghali, 'An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping', A/47/277 (17 June 1992), para. 3.

⁴⁰ International Commission on Intervention and State Sovereignty, Evans and Sahnoun, 'The responsibility to protect: Report of the International Commission on Intervention and State Sovereignty' (2001), VII-IX.

⁴¹ Kofi Annan was the Special Representative of the Secretary-General to the former Yugoslavia from 1995-1996 and UN Secretary-General from 1997-2006.

⁴² Annan, 'We the Peoples: the Role of the United Nations in the 21st Century' (2000), 48.

⁴³ International Commission on Intervention and State Sovereignty, Evans and Sahnoun, 'The responsibility to protect: Report of the International Commission on Intervention and State Sovereignty', VIII.

⁴⁴ O'Donnell, 'The Development of the Responsibility to Protect: An Examination of the Debate over the Legality of Humanitarian Intervention'.

⁴⁵ UN General Assembly, 'Outcome Document of the High-level Plenary Meeting of the General Assembly', UN Doc. A/60/L.1, (20 September 2005), para. 139.

⁴⁶ Bin Talal and Schwarz, 'The Responsibility to Protect', Contemporary Security Policy 34(1), (2013), 4.

serve the receiving societies, but also those who are the protectors. There is a fear that intervention under the flag of the R2P principle is used by the West to conceal actions for regime change; this argument is, as will become clear, used by Russia in Syria today. Indeed, Glanville's explanation of the principle does reflect some amount of power: "[t]he concept has been invoked by states, non-governmental organisations (NGOs) and the international media, both to justify and to condemn behaviour, and both to advocate and to deter international action in response to crises in various places"⁴⁷. Also, the fact that R2P-action has to be taken through the UNSC leaves those states that hold the right to veto in an empowered position. Indeed, R2P provides states with a broad and deep framework for legitimate external intervention; something that relativists strongly argue against.

There are three dimensions that can be found in the R2P principle. The first one is the *Responsibility to Prevent* genocide, war crimes, ethnic cleansing and crimes against humanity from happening. If this cannot be realized, a country has the *Responsibility to React*. The responsibility comes into action when a state is unable or unwilling to protect its citizens, and thus fails to meet its responsibility of protection.⁴⁸ Reactions should in the first place happen through political, economic or judicial measures, but if the circumstances are particularly grave and previous measures have not led to the wanted results, military action can also be used.⁴⁹ Third comes the *Responsibility to Rebuild*, which means that the international community has to assist in the recovery, reconciliation and reconstruction of a country after atrocities have taken place. Most discussion evolves around the second dimension, the Responsibility to React, as is the case in Syria at this moment. This is not only because the Responsibility to React requires a certain speed in its implementation, but also because in practise requires 'boots on the ground'. In this thesis the focus will be on the Responsibility to React.

It was the critical perceiving by the UN of for example the peacekeeping operation in Bosnia Herzegovina that has resulted in a primary mandate for peacekeeping forces to protect civilians. As Mégret has argued, "The idea of R2P arose against a background of persistent soul-searching by the 'international community' about the ends and means of intervention in a context of systemic failure by the United Nations to avert ethnic cleansing in Bosnia and genocide in Rwanda"⁵⁰. While the UN did adopt the R2P principle in 2005, Ban Ki-moon concluded in his speech at the Srebrenica-Potočari memorial in 2012 that the international community is still not always able to offer this protection.⁵¹ Indeed, it can be argued that the situation in Syria today is not in line with these ideas on intervention for protection.

1.4 Research question

Today in Syria, the international community seems to be at a death end. While there are calls for intervention, based on arguments that could be labelled as universalist, more relativist arguments such as a complete sovereignty of the state are used to argue that the international community should not mingle in the conflict in Syria. Meanwhile, the impact of the conflict on the civilian population of Syria increases everyday, resulting in truly horrific and heart-breaking scenes. In this context, safe areas might be a way of 'doing something' while avoiding full-scale military intervention. Because of

⁴⁷ Glanville, 'The Responsibility to Protect Beyond Borders', Human Rights Law Review 12(1), (2012), 2.

⁴⁸ The words used by the General Assembly, namely that international action should be taken when "national authorities are *manifestly failing* to protect their populations" [accentuation added], are quite vague. I believe these words are most likely used to leave room for interpretation. While we will not go into detail considering this discussion in this thesis, I recommend Gallagher (2014), who has written an interesting article on this topic, for further reading.

⁴⁹ Badescu, 'Humanitarian Intervention and the Responsibility to Protect' (2010).

⁵⁰ Mégret, 'Beyond the 'Salvation' Paradigm: Responsibility To Protect (Others) vs the Power of Protecting Oneself', Security Dialogue 40(6), (2009), 577.

⁵¹ Ban, 'Remarks at Memorial Centre in Srebrenica'.

this, authors like Orchard argue “it is likely a case of when, rather than if, the international community will authorize another safe area”⁵². There are, however, several authors and public figures who find this trust in safe areas as a ‘tool’ to please both parties quite optimistic, as this thesis will show. The question I will try to seek an answer to in this thesis is:

How can the lessons from the Srebrenica safe area help us understand the possibilities of safe areas in Syria?

In order to answer this main question I will first seek an answer to the following sub questions:

- *How have the characteristics of the concept of safe areas evolved over time, and what possible causes can be found for these changes?*
- *What lessons can be learned from the Srebrenica safe area?*
- *What does the discussion on external intervention and the possibility of safe areas look like in the conflict in Syria?*

1.5 Relevance

1.5.1 Societal relevance

While the implementation of the Srebrenica safe areas in Bosnia Herzegovina happened over two decades ago, the concept of areas that provide safety for civilians in a conflict zone remains relevant to this day. A recent example is the call for safe areas in war-torn Syria by France. One of the reasons for this, as argued by French foreign minister Laurent Fabius, is “to welcome Syrian people without forcing them to go out of the country”⁵³. Indeed, the protection of civilians in their own region, rather than granting them asylum in Europe, has been a hot topic in both the media as well as the political sphere for the past years. However, the United Nations High Commissioner for Refugees, Antonio Guterres, has warned that safe zones should not be seen as an alternative to accepting refugees from the conflict in other countries.⁵⁴ A fair warning, I argue, as the motivation to try to keep those fleeing the Bosnian War during the nineties inside Bosnia Herzegovina as internally displaced people (IDPs), rather than giving them the opportunity to leave the country as refugees, has arguably had dire consequences.

Nevertheless, France does not stand alone in its call for safe areas in Syria; the Turkish Government has repeatedly suggested their implementation. On 30 August 2012, the then Minister of Foreign Affairs of the Republic of Turkey argued that while the UNSC is paralysed and does not act to protect the civilians in Syria, Turkey is willing to act by its own, warning that procrastination of action may lead to a repetition of what happened in (among other places) Srebrenica.⁵⁵ On the other hand, some countries such as Russia and China believe that any action that could harm the Syrian Government would be a breach of state sovereignty.

I argue that getting a better understanding of the possibilities, but also dangers that safe areas pose in the conflict in Syria might help to better understand the different arguments that are used in the ongoing debates. It might help to find a way to get as many as possible on board to protect those

⁵² Orchard, ‘Revisiting Humanitarian Safe Areas for Civilian Protection’, 56.

⁵³ Borger, ‘France hits out at Russia's claims of fighting Isis ahead of UN summit’, The Guardian (29 September 2015).

⁵⁴ Borger, ‘Syria safe zones will not end need for asylum in west, UN refugee head warns’, The Guardian (20 September 2015).

⁵⁵ Republic of Turkey, Ministry of Foreign Affairs, Speech Delivered by Mr. Ahmet Davutoğlu, Minister of Foreign Affairs of the Republic of Turkey at the UN Security Council, 30 August 2012, New York (30 August 2012).

civilians in Syria for whom safe areas are intended. Moreover, analysing how the lessons of a previous case can be applied in a new case will broaden our knowledge of safe areas in general. Also, these lessons can also be used in future cases where the options for the protection of civilians are being discussed.

1.5.2 Scientific relevance

Also from a scientific point of view, comparing two cases holds important value. While academics have continued to write on the topic of safe areas ever since its infamous implementation in Bosnia Herzegovina in 1993, I argue that more research is needed on how concrete aspects of the Srebrenica safe area can be applied in other cases of potential safe area. With this thesis, I hope to fill in part of this ‘gap’ in academics.

Orchard has argued that it was the implementation of the new and different standards, such as a lack of demilitarization and enforcement, which overshadowed the success of past safe areas, including those that were implemented in Bosnia Herzegovina during the ‘90s.⁵⁶ These different standards are shown in the case of Srebrenica, I argue, making it important to analyse this case and see what lessons can be learned from it. By developing a model based on these lessons, and applying it to the case of Syria, I argue we will get a better understanding of what different aspects in a conflict influence the possible success and failure of safe areas. These aspects will prove useful for future research, because while ongoing conflicts are generally difficult to research because of a lack of reliable information, any new scientific insights have the potential to save lives.

Finally, this thesis will add the relatively new ‘case’ of Syria to the more general debate between universalism and relativism. By comparing the arguments that are made today, to those that were made in the case of Srebrenica, the changes that the debate on state sovereignty versus the responsibility to protect all citizens, including those in other territories, has gone through will be illustrated.

1.6 Methodology

This thesis is based on academic literature, (policy) documents, news articles and data from ‘expert interviews’. The used policy documents mainly consist of UN documents, such as UNSC resolutions and reports of UNSC meetings, which reflect political debates on for example the Srebrenica safe area and the need for action in Syria. Because the situation in Syria is in constant development, news articles have been used to make this thesis as ‘up-to-date’ as possible. While the reliability of news articles should always be questioned, I have weighed their possible non-independent and biased point of view with the added value that the information they hold can have. The information has, as thoroughly as possible, been checked through other news websites, reports by organizations that have on-the-ground contacts in Syria, and through the expert interviews, so as to increase the reliability of the information used in this thesis.

The research for this thesis has been done during an internship at *PAX for peace* (PAX), an organisation that works together with people in (post) conflict areas and concerned citizens to build just and peaceful societies all over the globe. Inclusion is an important concept in their work, as they believe in the protection of all citizens by creating dialogue between different groups. “In times of war and conflict, PAX works towards protection of civilians whatever their political or religious background”⁵⁷. PAX is active in Syria, focussing on the protection of civilians and building peace. “Peace organisation PAX supports the struggle of peaceful activists in Syria to create a democratic

⁵⁶ Orchard, ‘Revisiting Humanitarian Safe Areas for Civilian Protection’, *Global Governance*.

⁵⁷ Pax for peace website, accessed 12 June 2016. <http://www.paxforpeace.nl/our-work/our-work>

Syria in which Syrians of all religious and ethnic backgrounds can live in peace and equality”⁵⁸. Besides being active in Syria, Pax has a lot of experience in Bosnia Herzegovina. During the War of Yugoslav Succession the organization was highly involved in discussions considering the implementation of safe areas. Their knowledge on the subject of safe areas, specifically Srebrenica, and their current role in Syria has supplied this thesis with useful insights and connections for interviews.

The interviews that were done for this thesis were semi-structured, topical interviews. The purposes of these interviews were to add new information, check and nuance information that had already been gathered through literature review and newspaper articles, and illustrate the different cases. As specific information was needed from the respondents, I believed it to be important to have some questions lined out. However, because of their extensive knowledge on the relevant topics for my research, interviewees might hold new insights that will only present themselves as the interview proceeds. It is therefore important, I believe, to leave room for this information to surface. The information has been gathered through interviews (and in addition several more informal conversations) with five ‘experts’.

First, Dion van den Berg has been interviewed. Van den Berg is a senior policy adviser at PAX, where he has been active since 1977, with specific knowledge on, and experience in, Srebrenica. He has remained in contact with relatives of the victims of the Srebrenica genocide and Dutchbat soldiers who were stationed in Srebrenica, trying to create mutual understanding and supporting local initiatives through PAX.

The second interview has been conducted with Jan Pronk, a Dutch politician and diplomat who served three terms as Minister for Development Cooperation and one term as Minister of Housing, Spatial Planning and the Environment between 1973 and 2002 as a member of the Labour Party (PvdA). During the Bosnian War and the fall of Srebrenica, he served as Minister for Development Cooperation. When the NIOD report on the Dutch involvement in the fall of Srebrenica was published in 2002, Pronk announced his resignation as minister because he felt politically responsible. After his political career, he served as the Special Representative of the Secretary-General and the Head of Mission for the United Nations Mission in Sudan (UNMIS) between 2004-2006.

Third, military historian Christ Klep has been interviewed. Klep has worked for the Dutch Institute for Military History, the Institute of Dutch History, has been a lecturer at the University of Utrecht, and has worked as a freelance author and commentator on military subjects. He earned his doctorate on a study on the peacekeeping missions in Somalia, Rwanda and Srebrenica.

The fourth expert that has been interviewed is Marjolein Wijninckx, senior programme officer for the Middle East at PAX, focussing on Lebanon and Syria. Through PAX Wijninckx has worked on initiatives such as ‘Siege Watch’, a series of reports on besieged cities in Syria, and several other projects that support the local population in creating peace from below. Since the beginning of the war in Syria she has stayed in contact with local partners of PAX.

Finally, Maarten Zeegers has been interviewed. Zeegers, a freelance journalist and writer, studied Islamic Law at the University of Damascus, Syria, before and during the early days of the Syrian Revolution. He wrote (anonymously) for Dutch newspapers while he stayed in Damascus, before being arrested and expelled from the country because of ‘illegal journalistic practises’. He later published the book *Wij Zijn Arabieren*⁵⁹ on his experiences in Syria.

In order to answer the first subquestion, ‘*How has the concept of safe areas evolved over time, and what different characteristics can be found in the changes?*’, academic literature and official

⁵⁸ Pax for peace website, accessed 12 June 2016. <http://www.paxforpeace.nl/our-work/programmes/syria>

⁵⁹ Author’s translation: ‘We are Arabs’

documents, such as reports of the International Committee of the Red Cross (ICRC) on the Geneva Convention, have been used.

The question '*What lessons can we learn from the Srebrenica safe area?*', has been answered by combining information from academic articles, books on the history of Bosnia Herzegovina, policy documents such as UN resolutions and the UN report on the fall of Srebrenica, and interviews. The interviews with Jan Pronk, Dion van den Berg and Christ Klep have served not only as a source of new information, they have also been used to illustrate, expand and nuance information found in other sources. When looking at the information the interviews have added, it could be noted that while Pronk has supplied a more political perspective of the situation (leading up to) the Srebrenica safe area, van den Berg adds a more local view of the situation in Srebrenica, and Klep explains the military-strategic situation that should be considered when looking at the Srebrenica safe area.

As the case of Syria is relatively new, and the discussions are mainly taking shape on a political level, there has yet to form a substantial academic base on the concept of safe areas in Syria. While this gives this thesis extra relevance, it should be noted that the answer to the question '*What does the discussion on external intervention and the possibility of safe areas look like in the conflict in Syria?*' is based mainly on policy documents, newspaper articles and interviews. The documents that have been used to answer this question are for example reports of UNSC meetings, press briefings and legal documents. While the newspaper articles that were used have been checked with other (news)sources and information gained through interviews, the reader should nevertheless be critical of this information. Again, information gained from the interview with Jan Pronk has been used for policy insights, while the interview with Christ Klep has supplied this sub question with more practical and military-strategic insights. The interviews with Marjolein Wijninckx and Maarten Zeegers have supplied more local perspectives that have proven crucial in better understanding both the conflict in Syria, and while these two interviews in no way represent the whole population of Syria, they have given some insights into the wants and needs of the local population that have proven difficult to find in policy documents or news articles.

1.7 Outline of the thesis

In order to answer the main question of this thesis, the sub questions will be answered in the following chapters. Following this introduction, chapter 2 will focus on the concept of safe areas. How has the concept evolved over time and what are the possibilities and obstacles that are inherent in the concept? Chapter 3 will zoom in on the case of the Srebrenica safe area. How do the obstacles and possibilities discussed in chapter 2 relate to this infamous case, and what are the lessons we can learn from it? The chapter will be concluded by presenting a model I have developed based on these lessons. In chapter 4 the case of Syria will be discussed, looking at the historical context of the conflict, the policy measures that have been discussed and taken so far by the international community, the motivations and goals of the local parties involved in the conflict, as well as analysing both the possibilities and obstacles of what actual implementation of safe areas in Syria today would look like. Finally, linking the lessons from Srebrenica to the findings considering Syria, this thesis will be concluded by answering the main question. Also, recommendations for further academic research will be made.

2. Safe areas: the concept

The concept of safe areas⁶⁰ is a debated one, often raising discussion when past safe areas are brought up or when the implementation of a new safe area is being proposed. While the concept has a long history, it has changed in several ways over time.

In this chapter, the development of the concept of safe areas will be explained based on the shift that has taken place in the type of conflicts that have been fought, answering the question '*How have the characteristics of the concept of safe areas evolved over time, and what possible causes can be found for these changes?*'. This chapter will first show how the concept of safe areas came into development, looking at its characteristics, followed by a short analysis of how the concept as defined in the Geneva Convention has been implemented in practise. Next, the impact of intrastate 'new wars' on safe areas will be analysed, finding that several important characteristics of safe areas as they were defined in the Geneva Convention and the Additional Protocol-'I' have been abandoned along the way in order to accommodate for the reality of a new type of conflict. Safe areas are increasingly seen as a 'tool' to stop refugees from leaving the area, thus containing the conflict. Problematic are the changes in warfare that have caused civilians to increasingly become victims, that make it difficult to demilitarize the safe area, and that have resulted in a lack of consent for the implementation of safe areas. I argue that understanding what has caused the differences between how the concept was intended and how it has been implemented in practice after the Cold War will help us to better understand the context in which the Srebrenica safe area, which will be discussed in chapter 3, has been implemented.

2.1 The history of safe areas

The idea of having protected zones during an armed conflict dates far back in time. Holy sanctuaries, such as temples, where civilians could find protection can already be found in ancient Greece. Several arrangements were made throughout history in which certain areas were designated as neutral territory or as a place for civilians to find shelter during times of war. During the 20th century, medical organizations such as the International Committee of the Red Cross (ICRC) led the way, calling for the creation of so-called 'hospital towns', reserved for health services and excluded from any military use. As Sandoz explains, "[t]he special power of these towns had of course to be approved by the other party or parties to the conflict, who could object, and the towns themselves were to be supervised by a commission designated by neutral Powers"⁶¹. The question whether the protection offered by the hospital towns should be extended to the civilian population as a whole, or else at least to the civilian sick, disabled, expecting mothers and young children, was asked several times. While this idea was well received, it was considered too drastic of a measure to be implemented in one step. It was decided the concept should first be developed further, while focussing on hospital towns for the military wounded for the time being.⁶²

The Second World War caused some delay in the process of the development of the concept. These extra years of consideration did, however, lead to an important point being made. The concern

⁶⁰ Safe areas are known by different names. Some of these different names will be used in the paragraph on the history of the concept. In these cases, the use of different terms is deliberate, as they often comprise a different set of conditions. However, when talking about the concept in present time, mainly the terms safe area and safe(ity) zone will be used. While it can be argued that they have a different meaning, this difference is so subtle they will be used interchangeably in this thesis.

⁶¹ Sandoz, 'The Establishment of Safety Zones for Persons Displaced within their Country of Origin', *International Legal Issues Arising under the United Nations Decade of International Law* (1995), 902.

⁶² *Ibid.*, 902-903.

was raised that the creation of protected zones could lead to the idea that the general protection, also accorded to non-combatants *outside* of these zones, would diminish. The solution to this, Sandoz explains, was that the status of protection zones should be established in a general convention on protection rather than in a separate and more limited convention dealing only with protected zones. In a more general convention, it was argued, it would be possible to make it more explicit by referring to other articles in the convention that all non-combatants during a conflict deserved protection, regardless of whether they were inside or outside of the zone.⁶³ Thus, during the Geneva Convention in 1949, the concept was adopted and translated into several articles.

The concept recorded in the Geneva Convention was more of a ‘neutral zone’. The articles 23 and 14 defined the zones as areas that provided protection for the military and civilian sick and wounded, as well as for aged persons, children under fifteen, expectant mothers and mothers of children under seven.⁶⁴ The neutral zones were to be created in conflict zones, as declared in article 15. The parties involved had to sign an agreement on the location, duration, administration, food supply, exact delimitation and supervision of the zone.⁶⁵ It was not until the Additional Protocol-‘I’ of 1977 that the concept was expanded to provide for the protection of an entire civilian population, regardless of factors such as age, sex, or health status.⁶⁶

An important requirement of the hospital towns during the 20th century and of the neutral zones as recorded in the Geneva Convention was that it is forbidden to take part in military activity while in the zone. This condition remained after the implementation of the Additional Protocols. The conditions as described in article 59(2) of the Additional Protocol-‘I’ mean complete demilitarization:

All combatants, as well as mobile weapons and mobile military equipment must have been evacuated; no hostile use shall be made of fixed military installations or establishments; no acts of hostility shall be committed by the authorities or by the population; and no activities in support of military operations shall be undertaken.⁶⁷

2.2 The implementation of the concept

While the concept of safe areas as elaborated in the Geneva Conventions and in the Additional Protocol-‘I’ was considered to be a good initiative at the time, Sandoz has argued that it did not lead to the establishment of such zones, arguing that “in the few instances where protected zones have since been created, they have been established in dire emergency and fall only very roughly into the categories envisaged in the Geneva Convention, if at all”⁶⁸. There are indeed very few instances that might qualify as safety zones. One example is the neutralized zones implemented by the ICRC in Dacca (now Dhaka) in 1971. The Dacca neutralised zones were established prior to the adoption of Additional Protocol-‘I’, which explains why the expressed main purpose of the zones was limited to the protection of wounded and sick as well as foreigners stranded in the area. That the zones were relatively successful in fulfilling this task might be attributed, I argue, to the permission that was given by the Pakistani authorities, and the strict demilitarization in the zones.

⁶³ Ibid., 903.

⁶⁴ International Committee of the Red Cross (ICRC), ‘Geneva Convention Relative to the Protection of Civilian Persons in Time of War’, Fourth Geneva Convention, 75 UNTS 287 (12 August 1949).

⁶⁵ Ibid.; Landgren, ‘Safety Zones and International protection: A Dark Grey Area’, *International Journal of Refugee Law* 7(3), (1995), 439.

⁶⁶ Landgren, ‘Safety Zones and International protection: A Dark Grey Area’, 439-440.

⁶⁷ International Committee of the Red Cross (ICRC), ‘Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)’, 1125 UNTS 3 (8 June 1977).

⁶⁸ Sandoz, ‘The Establishment of Safety Zones for Persons Displaced within their Country of Origin’, 908.

A safe area that had a bigger impact, but also received more critique, was established in Iraq after the Gulf War. In April 1991, the UNSC adopted resolution 688, which authorized a humanitarian relief operation to help the Kurds displaced as a result of Saddam Hussein's rule following Operation Desert Storm. The humanitarian relief operation, Operation Provide Comfort, was established by the US, sending not only aid but also troops to form and defend a safe area and no-fly zone in Northern Iraq. The area was created in order to protect the Kurdish refugees who were refused access to Turkish territory, leaving them stranded in the mountainous border area between Iraq and Turkey. While the safe area did offer some protection and humanitarian aid, it has been argued that the safe area ultimately proved a denial of the right of Kurdish refugees to seek asylum in Turkey.⁶⁹ Also, it has been argued that the area was not solemnly implemented for humanitarian reasons, but also as a way to thwart Iraq. The area was not demilitarized and there was no consent from the Iraqi Government to establish the area. While the UN troops were able to stave off minor attacks from Iraqi forces, they were unable to resist some of the larger attacks carried out by both Iraq and Turkey.⁷⁰

2.3 Post-Cold War trends: the 'New Wars'

2.3.1 Safe areas to stop refugee flows

Turkey's response to the Kurdish refugees, as discussed in the previous section, might not only be attributable to the difficult relationship that has existed between the two.⁷¹ Frelick argued that during the 1990s a trend developed, in which refugees were no longer seen as victims of a lack of security, but rather as the cause of it.⁷² Indeed, conflicts often result in flows of refugees entering mainly neighbouring countries. Salehyan and Gleditch argue that refugees "facilitate the spread of rebel networks and negative externalities to receiving areas"⁷³. By making sure that people stay inside of their country, even as IDPs, there might be a bigger chance of containing the conflict. Also, refugees need facilities, food, jobs, et cetera, which neighbouring countries are not always willing to give. Many (Western) countries seem to prefer to send aid to conflict areas rather than taking in refugees.

This is also what makes safe areas so attractive for the international community: they are a way of offering protection to civilians in a conflict, without them having to leave their country and possibly spreading the conflict. However, there is some discussion on whether this is also beneficial for the civilians themselves. It can be argued that safe areas are a way of avoiding that people have to leave behind for example their culture and language.⁷⁴ Nevertheless, the UNHCR has cautioned that

In-country protection, e.g. through the establishment of internationally guaranteed safety zones [...] needs to be weighed against the rights of individuals to leave their own country, to seek and enjoy asylum or return on a voluntary basis, and not be compelled to remain in a territory where life, liberty or physical integrity is threatened.⁷⁵

⁶⁹ Siegfried, 'Look back and learn: Safe zones in Iraq and Bosnia', IRIN News (15 March 2016).

⁷⁰ Barnett and Eisenstadt, 'Establishing and Securing Safe Zones in Syria: Historical Lessons', The Washington Institute, Policywatch 2590 (17 March 2016), 339-442.

⁷¹ Beriker-Atiyas, 'The Kurdish Conflict in Turkey: Issues, Parties and Prospects', Security Dialogue 28(4), (1997).

⁷² Frelick, 'Safe Havens, Broken Promises', United States Committee for Refugees (1998), 3.

⁷³ Salehyan and Gleditch, 'Refugees and the Spread of Civil War', International Organization 60, (2006), 338.

⁷⁴ Trump for example argued that safe areas would be a good option as refugees would not have to learn a new European language. In: Vitali, 'Donald Trump: Give Syrian Refugees 'Swatch of Land' for Safe Zone', NBC News (16 November 2015).

⁷⁵ United Nations General Assembly, 'Note on International Protection (submitted by the High Commissioner)', A/AC.96/777 (9 September 1991), para. 47.

Indeed, it has to be taken into account, as Pronk has argued, that the flow of refugees to those areas inside their own country that are designated to be safe might increase poverty, insecurity and also facilitate a spread of the conflict to these 'safe' areas.⁷⁶

2.3.2 Civilians as victims

The appeal of safe areas as a way to 'contain the conflict' by keeping refugees in their country or region is not the only post-Cold War trend that has affected safe areas. One of the changes in thinking about safe areas often emphasised in the field of conflict studies is the supposed change in the nature of conflicts, revealing an increase in the number of intra-state conflicts compared to inter-state conflicts. Karin Landgren, who led three UN peacekeeping and political missions and was the United Nations High Commissioner for Refugees Representative in Bosnia-Herzegovina during the Yugoslav War, explains that these 'new', post-Cold War conflicts are often based on the explicit objective of displacing or even eliminating rival ethnic and communal groups.⁷⁷ In these internal, often perceived as 'ethnic', conflicts for example, it often does not matter whether one is a soldier or a civilian. Merely being seen as being part of the 'enemy group' is enough reason to become a victim of (deathly) violence; something that is also argued by Orchard.⁷⁸ The specific targeting of civilians during a conflict is also called 'one-sided violence', defined by KOSVED⁷⁹ as:

Violent acts perpetrated by an organized group, which can be either a rebel organization or government troops, directed against a group of unarmed non-combatants during, shortly before, or after a conflict. These acts result in the immediate physical harming or death of more than one non-combatant.⁸⁰

In situations of one-sided violence, it is very difficult to protect civilians, as they are direct targets in the conflict.

Landgren argued that while at the beginning of the 20th century 90% of the war victims were military personnel, by the end of the century this had switched to 90% of the victims being civilians.⁸¹ Kaldor, somewhat similar, argued that while at the turn of the 20th century for every 8 military deaths 1 civilian died, this changed to 8 civilians per 1 military death during the 1990s.⁸² Later, she did argue that it could be questioned to what extent statistical numbers on this topic can be trusted.⁸³ Indeed, it is difficult to calculate the number of casualties, as one cannot be sure if official reports and the media are reliable. Also, in what Kaldor has called the 'New Wars', it is increasingly difficult to decide who is a civilian and who is a combatant.⁸⁴ Uniforms are no longer used by all parties in a conflict, with many rebels using the possibility to dress as civilians so as to blend in with the civilian population when necessary. Furthermore, Kaldor argued that it is difficult to establish who is a direct victim of the conflict, or if indirect causes such as famine or diseases are the actual cause of death.⁸⁵

⁷⁶ Pronk, 'Drogreden #6: Opvang vluchtelingen in eigen regio is beter', *Vice Versa* (March 2014), 9.

⁷⁷ Landgren, 'Safety Zones and International Protection: A Dark Grey Area', 437.

⁷⁸ Orchard, 'Revisiting Humanitarian Safe Areas for Civilian Protection', 57.

⁷⁹ The Konstanz One-Sided Violence Event Dataset (KOSVED) is a project financed by the German Peace Foundation (DSF) and conducted at the Department of Politics and Management, University of Konstanz.

⁸⁰ Schneider and Bussmann, 'Accounting for the Dynamics of One-Sided Violence: Introducing KOSVED' (2012), 3.

⁸¹ Landgren, 'Safety Zones and International Protection: A Dark Grey Area', 437.

⁸² Kaldor, 'New and Old Wars' (2007), 9.

⁸³ Kaldor, 'In Defence of New Wars', *Stability: International Journal of Security and Development* 2(1), (2013), 8.

⁸⁴ *Ibid.*, 8-9.

⁸⁵ *Ibid.*, 9.

Nevertheless, I argue it should be safe to conclude that there has been a significant change in who the majority of the victims are in a conflict.

In this new ‘trend’ of civilians increasingly becoming victims in conflicts, Beadle has argued that rather than asking what the desired end goal of the (possible) interveners is in the protection of civilians, we should first look at what the desired end goal of the perpetrator⁸⁶ of violence is. The protection of civilians is in the first place dependent on “the existence of a perpetrator and his use of violence against civilians”⁸⁷. Beadle distinguishes between perpetrators who want to destroy or coerce civilians directly and perpetrators who merely threaten civilians indirectly as a means to a different goal. In the first case, the victims can most likely only be protected by destroying or coercing the perpetrators themselves. In the second case, it is better to contain the violence and assist the civilians in their daily life, for example by delivering aid. A safe area could be considered to be part of containing the violence, and therefore is, according to Beadle, only useful in a situation where the violence against civilians is not an ‘end’ in the eyes of the perpetrators, but rather a ‘means’.⁸⁸

2.3.3 Demilitarization

Safe areas that were created after the Cold War seemed to operate by different standards than what was argued in article 59 of the Additional Protocol-‘I’. There are several known cases of continued military activity from within safe areas, for example in the case of Iraq that I discussed earlier. These activities did not only include military planning and the use of weapons solemnly for protection in case the UN peacekeepers were unable to keep armed forces out; also in Srebrenica, which will be discussed in chapter 3, actual raids and attacks were carried out from the safe area.⁸⁹ Regardless of how important the condition of demilitarization seemed to be, it seems that circumstances have forced demilitarization to no longer be a hard condition but rather a possibility when considering safe areas.⁹⁰

Part of these circumstances that make it difficult to demilitarize a safe area are linked to the change in parties involved in conflicts. Unlike countries in inter-state wars, Landgren argues that the belligerents in new wars seem to be either unfamiliar with, or uninterested in, humanitarian law and less likely to be influenced by international condemnation. “These attributes make the protection of civilians more difficult to attain, and are central to the issue of the validity of the safety zone concept for protecting embattled and persecuted populations”⁹¹, she argues. While it is difficult to demilitarize these parties who appear to have no respect for any humanitarian laws and who are impossible to ‘control’ by diplomatic measures, their presence *outside* of the safe area can also make it difficult to demilitarize those parties inside because of their fear the spoiling parties outside. Moreover, taking weapons from those people who are increasingly being targeted might not feel like the right thing to do. Thus, the traditional concept of demilitarized safe areas becomes more difficult to implement.

2.3.4 From consent to enforcement

Another trend that started after the Cold War, in what was often seen as the ‘new era’ of building peace, was the unwillingness of parties to consent to the implementation of safe areas, argues Schütte.⁹² Traditionally safe areas were based on the consent of all warring parties in a conflict. This turned out to be problematic, arguably due to the change from classical inter-state conflicts, which

⁸⁶ A perpetrator is “any state or non-state group that deliberately uses violence against civilians, for whatever reason”. As found in: Beadle, ‘Finding the ‘utility of force to protect’ – towards a theory on protection of civilians’, Norwegian Defence Research Establishment (FFI), FFI-rapport 2011/01889, (2011), 8.

⁸⁷ Beadle, ‘Finding the ‘utility of force to protect’ – towards a theory on protection of civilians’, 7.

⁸⁸ Ibid.

⁸⁹ Schütte, ‘Civilian Protection in Armed Conflicts: Evolution, Challenges and Implementation’ (2015), 157.

⁹⁰ Sandoz, ‘The Establishment of Safety Zones for Persons Displaced within their Country of Origin’, 908.

⁹¹ Landgren, ‘Safety Zones and International Protection: A Dark Grey Area’, 437.

⁹² Schütte, ‘Civilian Protection in Armed Conflicts: Evolution, Challenges and Implementation’, 158.

have clear parties, coherent militaries and a clear chain of command, to modern conflicts, which are often intra-state, civil wars that involve several parties and different militias. First of all, Schütte argues that it is difficult to get all these parties to the table.⁹³ This is not only because of a difficult ‘tangle’ of relations in the conflict or situations in which it is difficult to define parties, but also because it is very difficult practically to arrange meetings with all parties involved. Also, when consent is finally given, it is not certain parties will actually stick to the agreements made. If agreements are broken in conflicts that involve many parties, it is difficult to decide which party was responsible for the breach. Also, within parties, the chains of command are often not clear, making it difficult for leaders to keep all combatants in line and to decide who specifically was the perpetrator if someone inside the party decides to spoil.⁹⁴ Consent by all parties, even when officially given, is difficult to rely on in the current era of peace building.

As a solution to part of this problem it was argued in ‘An Agenda for Peace’, the report written by UN Secretary-General Boutros Boutros-Ghali in 1992 on peace-making and peacekeeping in the post-Cold War world, that if the UNSC believed it to be necessary to designate a safe area, it could also be established with only the consent of one party involved in the conflict.⁹⁵ For example, when the government of a country agrees to the establishment of safe areas for the protection of the civilian population, the establishment of safe areas is possible even if militias active in the conflict have not given their consent. This area should be realized on the territory controlled by the party that has given consent. However, in conflicts where several militias are active, borders can become blurry and the control over territory can come into question. The establishment of safe areas in territories that are not fully controlled by the consenting party, or on territories that are entirely surrounded by those parties that have not given their consent, can have dire consequences, as will become clear in the case of Srebrenica.

When territorial borders are blurry or when not even one party is willing to consent, there is another alternative, as both Landgren and Orchard argue: enforcement. When the UNSC believes it is necessary to implement safe areas in a conflict area, this can be done without the consent of any party involved in the conflict.⁹⁶ A safe zone based on enforcement is nevertheless a risky option, Landgren argues: “Enforced safety zones [...] depend on a credible threat, which in turn can compromise the safety of the zone, politicise its existence, and complicate humanitarian access to it”⁹⁷.

Indeed, when an area for the protection of civilian is established without at least one of the fighting party’s consent, you will need a substantial military force to protect these civilians. While some fighting parties might not consent to the establishment but condone the area nonetheless, you will need to be prepared to deter attacks against the area. A substantial force might both have a higher chance to make belligerents think twice before they decide to attack the area, and offer the best chance of successfully defending civilians when an attack does happen. However, a substantial military force is difficult to establish, as will be discussed in the case of Srebrenica.

Even more so, parties to the conflict may perceive a large military force as a threat. Enforced safe areas are always a breach of state sovereignty. If those who hold the power in the area where the safe area is implemented do not agree with its implementation and believe it to be a violation of their sovereignty, the safety of the safe area is jeopardized. When troop-contributing countries to a peace operation are no longer seen as impartial, they risk becoming a party to the conflict.⁹⁸ In short, while

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Boutros-Ghali, ‘An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping’, para. 33.

⁹⁶ Landgren, ‘Safety Zones and International Protection: A Dark Grey Area’; Orchard, ‘Revisiting Humanitarian Safe Areas for Civilian Protection’.

⁹⁷ Landgren, ‘Safety Zones and International Protection: A Dark Grey Area’, 442.

⁹⁸ Schütte, ‘Civilian Protection in Armed Conflicts: Evolution, Challenges and Implementation’, 158.

an enforced safe area needs a large military force to create a credible deterrent to avoid attacks against the area, which is often referred to as a 'credible threat', the presence of such a force may also be seen as a threat in general to for example state sovereignty. If this is the case, parties may take countermeasures such as blocking humanitarian aid to the area, thwarting any peace negotiations, or even using violence to remove the safe area from its territory, as will become clear in the next chapter.

2.4 Conclusion

In this chapter the history of the concept of safe areas has been analyzed. While the original motivations behind safe areas were, I argue, very noble and probably also effective, the changes in the conduct of warfare have caused several problematic developments to occur. Indeed, the concept has changed quite strongly, especially since what Kaldor has called the 'New Wars'. In these conflicts civilians have become direct targets, consent has been increasingly difficult to gain, and demilitarization has been more difficult to execute. As Landgren has explained,

The two elements which have tended to distinguish current safety zones so sharply from their conception in international humanitarian law are that *they need not be based on the consent of the parties to the conflict*, and that *they are not required to have an exclusively civilian character*.⁹⁹

In conflicts where civilians are targets, parties will be reluctant to agree with safe areas in which their 'targets' are protected. Also, taking weapons from civilians who will most likely need them to protect themselves to compensate for the lack of UN troops present, might be a difficult thing to do. Nevertheless, these trends, I believe, are worrisome. When safe areas are not demilitarized, they run the risk of becoming areas from which attacks can be planned and carried out. When at the same time counter-attacks towards the safe areas are not allowed, the chances become very small consent will be given for (future) safe areas.

This lack of consent has been quickly countered by the idea of enforcement. However, the breach of state sovereignty inherent in today's enforced safe areas is problematic, I argue. As has been shown with the critique on humanitarian intervention, Sandoz explains that many states believe that their security depends on the preservation of their autonomy. A result is the difficulty in implementing safe areas, as resolutions for implementation often don't make it through the UNSC. Humanitarian goals get mixed up with political ones, resulting in safe areas only when they hold some political gain for those who have the power over enforcement: the five countries who have the veto power in the UNSC. Because of this, the safe areas that are implemented, or considered for implementation, today are a far cry from the safety zones as found in international humanitarian law, Sandoz concludes.¹⁰⁰

The risks of one-party consent and enforced safe areas have unfolded in several cases throughout the past few decades. The most infamous safe area which did not demilitarize and from which military activity continued is the safe area of Srebrenica. In the next chapter I will look at the establishment of the safe area, the possibilities it presented and the obstacles encountered before and during its existence. While this chapter has focussed on the possible causes for the changes in the concept of safe areas, the next chapter on Srebrenica will analyse the results of this practise.

⁹⁹ Landgren, 'Safety Zones and International Protection: A Dark Grey Area', 441.

¹⁰⁰ Sandoz, 'The Establishment of Safety Zones for Persons Displaced within their Country of Origin', 919.

3. Lessons from Srebrenica

The Srebrenica safe area is probably the best-known safe area ever implemented. Unfortunately, it is best known for its failure. While the safe area did initially lead to a decrease of violence around the area and thus seemed successful, several flaws came to light along the way.¹⁰¹ Landgren¹⁰² explains the troublesome nature of safe areas in Bosnia Herzegovina:

The declaration of safe areas, the deployment of troops, and the humanitarian relief provided to the enclaves did save lives. In the first instance, however, their establishment responded to various political agendas. The declaration of safe areas allowed the international community to appear to be taking decisive political action when the will to impose protection through military means was lacking. The Security Council appeared to assume that considerable respect would be shown to the United Nations and the blue helmets, and also to the military threat, the credibility of which eroded over time. The consequences have been played out in Srebrenica and Zepa.¹⁰³

Indeed, as Landgren is already hinting, there was quite the gap between on one side the hopes and aspirations of the Srebrenica safe area, and on the other side what both the situation in the safe area and the mandate allowed the UNPROFOR troops to do.

In this chapter I will first look at the development of the conflict in Bosnia Herzegovina and the international reactions to the conflict, in order to better understand the context in which the Srebrenica safe area was implemented. Second, the international considerations for establishing the Srebrenica safe area will be analysed, looking at the possibilities but also warnings that were posed before its implementation. Third, it will be analysed to what extent the characteristics of a safe area as described in the Geneva Convention and the Additional Protocol-‘I’, which have been discussed in the previous chapter, were implemented in the Srebrenica safe area. Also, we will come to see that there were some ‘new’ characteristics in the Srebrenica safe area that played a role in how the situation around the safe area unfolded. Looking at the local circumstances, I will focus on whether the parties to the conflict gave consent for the implementation of the safe area, and what the different motives of those involved in the conflict were and what the influence of these motives was on the situation in the safe area. Next, looking at the implementation of the safe area, I will analyse the influence of the safe area’s location, have a closer look at the troops that were deployed, analysing whether they formed a credible threat to curb any Bosnian Serb onslaught, and whether the safe area was demilitarized as the original concept of safe area prescribes.

Presenting the findings of the chapter in a model will conclude this chapter. This model will include the international considerations, the local circumstances, and the different characteristics of the implementation of the Srebrenica safe area. It will help in structuring the findings of the chapter and answering the question ‘*What lessons can be learned from the Srebrenica safe area?*’.

3.1 The price for independence of Bosnia Herzegovina

For most part of the second half of the 20th century, Bosnia Herzegovina was part of the Socialist Federal Republic of Yugoslavia, ruled by Josip Broz Tito. Its population was ethnically diverse: in

¹⁰¹ Schütte, ‘Civilian Protection in Armed Conflicts: Evolution, Challenges and Implementation’, 157.

¹⁰² Karin Landgren worked as the United Nations High Commissioner for Refugees (UNHCR) Representative in Bosnia Herzegovina during the Bosnian War.

¹⁰³ Landgren, ‘Safety Zones and International Protection: A Dark Grey Area’, 446-447.

1991, 43.7% of the population was Bosniak, 31.4% of the population was Serb, and 17.3% Croat.¹⁰⁴ While these groups were to some extent geographically divided, they lived together in relative peace during Tito's rule.¹⁰⁵ This toleration did however not last when he died in 1980, after which internal tensions grew nearing the end of the Cold War and the impending dissolution of the Yugoslav state.

Indeed, unrest started to form in the Yugoslav federation in the late 80's. After Croatia and Slovenia declared their independence in 1991, the question of staying with the Yugoslav federation or becoming an independent state was soon asked in Bosnia Herzegovina. While the Bosniaks and Croats were, generally speaking, in favour of independence, the Serbian population did not appear to hold any enthusiasm for breaking away from the Yugoslav federation, which still included Serbia with which they strongly identified. This dispute resulted in a split of the country in 1991, when the Bosnian Serbs established the Serbian Republic of Bosnia Herzegovina, which would later become the Republika Srpska. Milošević, who was then ruling over the Socialist Republic of Serbia, supported the Bosnian Serb population. This support turned out to be not only moral, but also military, as he supplied them with weapons, van den Berg explained in his interview¹⁰⁶, and helped direct military assaults on non-Serb dominated Bosnian towns, creating even more unrest.¹⁰⁷

By April 1992, only a month after Bosnia Herzegovina had declared its independence, the Bosnian Serbs controlled some 70% of the country's territory.¹⁰⁸ Radovan Karadžić, the first president of the Republika Srpska, argued in May 1992 that the three ethnic groups that together presented the majority of the population in Bosnia Herzegovina should be 'unmixed' and geographically divided.¹⁰⁹ His statement caused mutual dislike to grow even further between ethnic groups, splitting villages, neighbourhoods and even families that used to live peacefully side-by-side during the rule of Tito. The attempt to create an exclusively Serb state on territory that was approximately 50% non-Serb was, argues Marko Atilla Hoare¹¹⁰, genocidal and resulted in 'ethnic cleansing'.¹¹¹ The War of Yugoslav Succession, which resulted in the displacement of almost a quarter of the population and the death of thousands of people, was the bloodiest War in Europe since WWII.¹¹²

The international community did react to the deteriorating situation in Bosnia Herzegovina. For example, the UN enforced an arms embargo, implemented a no-fly zone to ban all military flights, and sent (ground)troops as part of the United Nations Protection Force (UNPROFOR). The effectiveness and impartiality of these measures has, however, been questioned. Hoare, for example, argues that the measures that were taken by Boutros Boutros Ghali's UN administration were actually beneficial to the Bosnian Serbs.¹¹³ Their demands for a three-way partition of Bosnia Herzegovina (one Serb part, one Bosniak part and one Croat part) were for example silently accepted. Also, the

¹⁰⁴ Bell, 'Central and South-Eastern Europe 2003' (2002), 99.

¹⁰⁵ Ó Tuathail and O'Loughlin, 'After Ethnic Cleansing: Return Outcomes in Bosnia-Herzegovina a Decade Beyond War', *Annals of the Association of American Geographers* 99(5), (2009), 1046. Verified in Interview van den Berg, 27 October 2016.

¹⁰⁶ Interview van den Berg, 27 October 2016.

¹⁰⁷ Ó Tuathail and O'Loughlin, 'After Ethnic Cleansing: Return Outcomes in Bosnia-Herzegovina a Decade Beyond War', 1046.

¹⁰⁸ Hoare, 'The War of Yugoslav Succession', *Central and Southeast European Politics since 1989* (2010), 125.

¹⁰⁹ Ó Tuathail and O'Loughlin, 'After Ethnic Cleansing: Return Outcomes in Bosnia-Herzegovina a Decade Beyond War', 1046.

¹¹⁰ Marko Atilla Hoare is a Senior Research Fellow at the Faculty of Arts and Social Sciences at Kingston University London. He has been studying the history and politics of the former Yugoslavia since 1993, both living and working in Bosnia Herzegovina, Croatia and Serbia. Prior to his current post he was a war-crimes investigator for the International Criminal Tribunal for the former Yugoslavia (ICTY). He has published several books and articles on the conflict in Bosnia Herzegovina and the conflict in Yugoslavia in general.

¹¹¹ Hoare, 'The War of Yugoslav Succession', 125.

¹¹² Dyrstad, 'Does civil war breed authoritarian values? An empirical study of Bosnia-Herzegovina, Kosovo and Croatia', *Democratization* 20(7), (2013), 1224.

¹¹³ Hoare, 'The History of Bosnia: From the Middle Ages to the Present Day' (2007), 376-9, 393-5.

implemented no-fly zone was only weakly enforced, enabling Bosnian Serb military leader Mladić to fly over Bosnia Herzegovina without much consequence. “The presence of UN forces [UNPROFOR] in Bosnia Herzegovina increasingly eroded what was left of Bosnian Sovereignty”¹¹⁴, Hoare stated. He further argued that the UN “displayed a marked hostility toward the Bosnians and a preference for the Serb rebels. [...] The international presence hindered rather than helped Bosnian efforts at self-defence”¹¹⁵. While Hoare argues that the preferential treatment of the Serbs was deliberate, I argue that perhaps it was more the result of a lack of vigour by the UN who appeared perhaps more unable than unwilling to implement measures to control all the parties to the conflict.

UNPROFOR was originally deployed in Croatia in early 1992. When conflict spread to Bosnia Herzegovina, its mandate and strength were enlarged, after which the mission was extended to cover the Sarajevo area in June 1992. At first its role included securing the Sarajevo airport and delivering humanitarian assistance in the Sarajevo area. When the conflict continued to spread, however, the mandate was further enlarged, enabling UNPROFOR to give humanitarian relief throughout the whole country. Further, it was expected to monitor the no-fly zone, the ‘safe areas’ established by the UNSC, and the cease-fire agreements between the Bosnian Government and Bosnian Serb forces. When the situation continued to worsen, there were calls for more action, resulting in discussion within the UNSC: “there was general agreement on the need for action, but less agreement as to what action was appropriate”¹¹⁶. Several proposals were made, for example by the Dutch organizations IKV and Pax Christi together with other European peace organizations, as explained by van den Berg in his interview, for different courses of action, such as the establishment of a protectorate for the whole of Bosnia Herzegovina or at least several local protectorates throughout the country.¹¹⁷ However, the UNSC was only able to reach consensus on the need to alleviate the consequences of war, the need to contain the conflict, and the need to promote the prospects for a negotiated peace settlement. While some countries argued that UNPROFOR’s mandate should therefore be expanded further, so that direct military confrontation became a possibility, other countries opposed to this option. After continued discussions it was decided that UNPROFOR should be equipped for traditional peacekeeping duties, and thus unable to attack or defend against large attacks.¹¹⁸ The troops would protect civilians by being present, as it was expected that their presence would stop parties from attacking each other, Pronk explains in his interview.¹¹⁹

UNPROFOR was deployed during a period of optimism. With the Cold War being a problem of the past, seventy-five thousand UN peacekeepers were deployed in 1994 all over the world at an annual cost of around 3.6 billion US dollars. As Boutros Boutros-Ghali argued in 1992 “We have been given a second chance to create the world of our Charter that they [before us] were denied. With the [C]old [W]ar ended we have drawn back from the brink of a confrontation that threatened the world and, too often, paralysed our Organization”¹²⁰. This optimism had dampened by the end of the century, however: only nineteen thousand peacekeepers were deployed by 1999. According to Adekeye Adebajo, the debacles in (among other places) Bosnia Herzegovina were the cause for this.¹²¹ The case of the safe area of Srebrenica specifically has played a major role in this feeling of failure by the UN, I argue.

¹¹⁴ Hoare, ‘The War of Yugoslav Succession’, 127.

¹¹⁵ Ibid.,

¹¹⁶ United Nations General Assembly, ‘Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica’, A/54/549 (15 November 1999), 16.

¹¹⁷ Interview van den Berg, 27 October 2016.

¹¹⁸ United Nations General Assembly, ‘Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica’, 16.

¹¹⁹ Interview Pronk, 30 November 2016.

¹²⁰ Boutros-Ghali, ‘An Agenda for Peace’, para. 75.

¹²¹ Adebajo, ‘UN Peacekeeping in Africa. From the Suez Crisis to the Sudan Conflicts’ (2010), 11.

3.2 The Srebrenica enclave

The village of Srebrenica, located near the border with Serbia, was a Bosniak-dominated enclave at the beginning of the conflict in 1991. Being completely surrounded by Bosnian Serb territory, the area had been contested and fought over by both Bosniaks and Bosnian Serbs since the beginning of the conflict.¹²² As the situation in figure 1 on the next page shows, its location made the area vulnerable to attacks by Bosnian Serb forces. In order to try to protect the largely Muslim population, the area was taken by Bosniak troops on 9 May 1992 and in the course of the following few months largely expanded. While the ambition was to join the enclave with other government-held territory, so as to make the area less isolated, the enclave never managed to join for example the other Bosniak enclave of Žepa. In March 1993 Bosnian Serb forces, in what the UN would later describe as “siege conditions”, surrounded the area.¹²³ While it was clear that action was needed, on the national level the government in Sarajevo and the Bosnian Serb forces seemed at an impasse. The government did not want people to leave the area, as they argued that the evacuation of civilians out of Srebrenica would be a contribution to ethnic cleansing. While the Bosnian Serbs on the other hand were willing to allow the evacuations, as it would ultimately give them the territory they wanted without a fight, they were reluctant to let humanitarian aid into the enclave, as it would first have to pass through their territory and could strengthen the position of the Bosniaks inside Srebrenica.¹²⁴

3.2.1 International considerations concerning Srebrenica

While on the international level, it had also become clear that action was needed in order to help the suffering population of the Srebrenica enclave, there also seemed to be a lack of consensus in the UNSC. The ICRC had already called for the establishment of zones that enjoyed international protection several times. While some Member States were supportive of this idea, most of the permanent members were not. Nevertheless, a resolution was adopted in late 1992 that invited the Secretary-General to further study “the possibility of and the requirements for the promotion of safe areas for humanitarian purposes”¹²⁵. Safe areas, I argue, had become part of a proposal for compromise within the UNSC as to what measures should be taken in Srebrenica.

Following this resolution, several people cautioned and gave their warnings for the implementation of safe areas, specifically in the case of Srebrenica. The Co-Chairmen of the International Conference on the Former Yugoslavia, Lord Owen and Mr. Vance¹²⁶ (who would later become known for the ‘Vance-Owen peace plan’) were among them. They argued that the proposals for the establishment of safe areas were flawed in concept and would actually encourage further ethnic cleansing. Sadako Ogata, United Nations High Commissioner for Refugees, argued on 17 December 1992 that while she did believe in the provision of security *in situ* and in the deployment of peacekeepers to provide military protection for persecuted groups, the concept of safe areas should only be seen as a last option.¹²⁷ Even UNPROFOR Force Commander Lt. Gen. Wahlgren opposed to the concept of safe areas without consent from all parties, arguing that enforced safe areas were

¹²² United Nations General Assembly, ‘Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica’, 13.

¹²³ Ibid.,

¹²⁴ Ibid., 14.

¹²⁵ United Nations Security Council, ‘Resolution 787, adopted by the Security Council at its 3137th meeting’ (16 November 1992), para. 19.

¹²⁶ Lord David Owen held the position of the European Community’s Co-Chairman from 26 August 1992 - 9 June 1995. Cyrus R. Vance held the position of the Secretary-General’s Co-Chairman from 26 August 1992 - 1 May 1993.

¹²⁷ United Nations General Assembly, ‘Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica’, 17.

incompatible with peacekeeping principles and that instead a combat-capable, peace-enforcement operation was needed, stating that “one simply cannot make war and peace at the same time”¹²⁸.



Figure 1. Map of Bosnia Herzegovina in September 1994

Shows the government (ARBiH) controlled (Bosniak) enclave Srebrenica surrounded by Bosnian Serb (VRS) controlled areas.

The six safe areas implemented in Bosnia Herzegovina are shown in blue text.

Source: <http://nsarchive.gwu.edu/NSAEBB/NSAEBB519-Srebrenica-conference-documents-detail-path-to-genocide-from-1993-to-1995/Images/map3.jpg>

Nevertheless, it was also argued that the idea of creating a safe area in Srebrenica had its positive sides, Landgren explains.¹²⁹ Firstly, many Western countries supported the concept because it

¹²⁸ Wahlgren, 'Security Council Deliberations on "Safe Areas"', Letter to UN Secretary General Kofi Annan. Owen Papers, International Conference on the Former Yugoslavia (ICFY), Donated to the National Security Archive (3 June 1993).

¹²⁹ Landgren, 'Safety Zones and International Protection: A Dark Grey Area', 444.

was believed that safe areas would lessen the number of refugees entering Western Europe. Safe areas would allow people to remain within Bosnia Herzegovina, saving other countries from having to deal with increased refugee flows. Secondly, it was argued that when safe areas were not implemented, the international community would have to facilitate the safe departure of regional minorities to government-held territory. As it was argued that this would show support for ethnic cleansing, the creation of safe areas was seen as a way of not only avoiding, but also showing a refusal to this.

At the end of the fact-finding expedition of the French UNPROFOR commander Morillon in March 1993 to assess the situation in Srebrenica, the local population refused to let him leave because of their fear of the Bosnian Serbs.¹³⁰ Morillon then promised the people of Srebrenica “you are now under the protection of the UN forces ... I will never abandon you”¹³¹. Despite the warnings and problems that were encountered when the idea of implementing a safe area in Srebrenica was proposed, the need for action was so great that the UNSC adopted resolution 819 on 16 April 1993 declaring Srebrenica a ‘safe area’. Less than a month later, 5 other areas in Bosnia Herzegovina were designated as safe areas, as shown in figure 1 (marked in blue). As Landgren argued, “The Security Council described the establishment of safe areas as a contribution towards a just and lasting political solution”¹³². However, the reality of the situation, she argued, was that in the first instance,

[the] establishment [of the Srebrenica safe area] responded to various political agendas. The declaration of safe areas allowed the international community to appear to be taking decisive political action when the will to impose protection through military means was lacking.¹³³

Indeed, the protection that the Bosniaks were hoping to receive did not turn out as expected.

3.2.2 Implementing the Srebrenica safe area

When looking at the findings of the previous chapter, I found that safe areas, as they were described in the Geneva Convention and the Additional Protocol-‘I’, were based on consent, demilitarization and a credible threat of the forces, the latter especially when consent was not given or was considered to be unreliable. In this paragraph it will be analysed to what extent these characteristics can be found in the consideration and implementation of the Srebrenica safe area, and if there are other factors that stand out in determining its successes and failures.

According to the critics, there were several problems standing in the way of a successful safe area in the Srebrenica enclave. First, consent for the implementation of a safe area would traditionally have to be given by all warring parties. However, in the case of Srebrenica, the Bosnian Serbs did not agree with the implementation of a safe area in the form proposed by the UN.¹³⁴ This did not stop the UNSC from implementing the safe area. As explained in the previous chapter, it was stated in ‘An Agenda for Peace’ that if the UNSC ought it necessary to designate a safe area, it can also be established with only the consent of one party that needs protection.¹³⁵ This notion was happily used in the case of Bosnia Herzegovina. The government in Sarajevo had agreed to the establishment of a safe area, arguably not only for humanitarian but also for tactical reasons. Firstly, a safe area would keep the territory around Srebrenica out of the hands of the Bosnian Serbs. Secondly, the safe area

¹³⁰ Ford, ‘Inspiring and Inadequate: the Krstić Genocide Conviction through the Eyes of a Srebrenica Survivor’, *Human Rights Advocacy Stories* (2008), 475.

¹³¹ Prins, ‘Civil and uncivil war’, *Civil Wars* 2(1), (1999), 124.

¹³² Landgren, ‘Safety Zones and International Protection: A Dark Grey Area’, 445.

¹³³ *Ibid.*, 446.

¹³⁴ As we will see, the Bosnian Serbs were only willing to accept the safe area and leave it in peace if the Bosniak forces would demilitarize first.

¹³⁵ See: Boutros-Ghali, ‘An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping’, para. 33.

would be located close to the Serbian border and in Bosnian Serb dominated territory. This meant that, while not intended for this purpose, the safe area could be of great tactical use from the viewpoint of the government in Sarajevo.¹³⁶ Nevertheless, while the Srebrenica safe area was thus based on one-party consent, I argue that by being completely surrounded by Bosnian Serb territory, its location caused it to have some characteristic one would normally find in an enforced safe area.

The territory on which the safe area was established was heavily disputed, with the Bosnian Serbs wanting to claim and include it in their plan for a 'Greater Serbia'.¹³⁷ Its location made defending the area a very difficult operation from a military point of view. Being located in a valley surrounded by mountains on which the Bosnian Serbs had taken up position, made it difficult to defend the area that could be attacked from all angles, explain van den Berg and Klep in their interviews.¹³⁸ Moreover, the UNPROFOR troops were completely dependent on Bosnian Serb willingness to let them pass through their territory first before they could reach the Srebrenica safe area, making it difficult to supply the area with troops, equipment, but also food and medical supplies. Also, there were only two roads that led into the Srebrenica safe area, Klep explains in his interview, which gave the Bosnian Serbs even more power and made the UN even more dependent.¹³⁹

While some aid was let through, there were large shortages in food and medical supplies, which was a likely cause for the lootings that were taking place. Skirmishes between Bosnian Serbs and Bosniaks in the direct area surrounding the safe area were not uncommon, as Bosniaks looted the surrounding villages in search of food. These missions also resulted, on multiple occasions, in the killing of Bosnian Serb civilians, van den Berg explains in his interview.¹⁴⁰ Moreover, Schütte argues that the Srebrenica safe area was not only used by the Bosniaks to regroup, recover and plan these looting missions, but also to shoot at Bosnian Serb positions from within the safe area.¹⁴¹ This was not taken well by Secretary-General Boutros-Ghali, who argued that "unprovoked attacks launched from safe areas are inconsistent with the whole concept".¹⁴² Demilitarization was, however, a difficult topic.

The concept of a safe area as it was proposed by for example the ICRC meant that the zone would be occupied solemnly by civilians, open to all ethnicities, and free of any military activity. No such area existed in the country, and creating one was not as easy as it might seem on paper. While Boutros-Ghali had argued that only demilitarization could result in Bosnian Serb cooperation, UNPROFOR was not allowed to demilitarize the Srebrenica safe area. It was argued in the UNSC that demilitarization would offend the Bosniaks, who were considered to be victims by many.¹⁴³ It is quite understandable that the notion of demilitarization felt somewhat uncomfortable to the Bosniaks inside of the Srebrenica safe area. To them demilitarization would mean giving up their only way of defence while being surrounded by Bosnian Serb troops that were armed for combat. Moreover, the UNPROFOR troops that were present in the safe area did not have the means to actively demilitarize the whole safe area and arguably also felt threatened by the Bosniak fighters still present in the area led by for example Naser Orić, van den Berg explains in his interview.¹⁴⁴ It was therefore decided that weapons should not be taken from those within the safe area, which resulted in a continuation of military activity from within the safe area.

¹³⁶ Landgren, 'Safety Zones and International Protection: A Dark Grey Area', 444.

¹³⁷ DiCaprio, 'The Betrayal of Srebrenica: The Ten-Year Commemoration', *The Public Historian* 31(3), (2009).

¹³⁸ Interview van den Berg, 27 October 2016; Interview Klep, 14 December 2016.

¹³⁹ Interview Klep, 14 December 2016.

¹⁴⁰ Interview van den Berg, 27 October 2016.

¹⁴¹ Schütte, 'Civilian Protection in Armed Conflicts: Evolution, Challenges and Implementation', 157.

¹⁴² As quoted in: Schütte, 'Civilian Protection in Armed Conflicts: Evolution, Challenges and Implementation', 157.

¹⁴³ Landgren, 'Safety Zones and International Protection: A Dark Grey Area', 445.

¹⁴⁴ Interview van den Berg, 27 October 2016.

Kuperman explains how the promise for protection made by the UN considering those in the Srebrenica safe area was problematic in itself and could have been a cause for the continued military activity inside of the safe area and the Bosniak lootings taking place on Bosnian Serb territory. When implementing safe areas, it is important to find a balance between creating a safe environment, while not invoking what Kuperman and Dobos have explained as the ‘moral hazard’ of humanitarian intervention.¹⁴⁵ Kuperman argues that intervention can tip the balance, causing rebels to engage in what he calls ‘suicidal rebellion’.¹⁴⁶ It can be argued this was also the case in Srebrenica, where the promised protection might have caused Bosniaks to be more ‘daring’ when engaging in skirmishes with Bosnian Serbs, as they believed they would ultimately have the promised protection by UNPROFOR.

Interesting to note is that the discussion on demilitarization of the safe area had already played a decisive role right after the safe area was implemented. A month after the UN had declared the Srebrenica enclave to be a safe area, there was actually a chance for Bosnian Serb consent. The ARBiH general Halilović and the Bosnian Serb general Mladić had made an agreement on 8 May 1993 considering the Srebrenica enclave:

Under the terms of the new agreement, Bosniac forces within the enclave would hand over their weapons, ammunition and mines to UNPROFOR, after which Serb ‘heavy weapons and units that constitute a menace to the demilitarized zones which will have been established in Žepa and Srebrenica will be withdrawn’.¹⁴⁷

In response to this agreement, however, the UN Secretariat argued that “the implied sequence in the agreement - Government forces disarming first, followed by a Serb withdrawal later - would be unacceptable to the Security Council”¹⁴⁸. Thus, the safe area continued without demilitarization of the Bosniak forces and therefore also without the consent of the Bosnian Serbs. While the UN Secretariat had argued that the *sequence* of disarmament was unacceptable, it turned out that the concept of demilitarization regardless of the sequence was somewhat disputed: it would take until 1995, when Bosnian Serb military pressure on the safe areas grew, for demilitarization to start.

The Bosniak unwillingness and arguably also fear of demilitarization while the Serbs continued to surround the safe area could have been partially taken away by a large presence of international troops, I argue. Protecting a one-party consent safe area surrounded by enemy territory, like Srebrenica, would require a substantial amount of troops to create the threat needed to stop the Bosnian Serbs from attacking. Secretary-General Boutros-Ghali had informed the UNSC on 14 June 1993 that approximately 34,000 extra troops were needed to obtain ‘deterrence through strength’ for the whole of Bosnia Herzegovina. He believed that it was possible to start with a lighter option, which would require around 7,600 troops, as an initial approach with limited objectives. As the UNSC was reluctant to supply ground troops it opted for the light option, but ignoring Boutros-Ghali’s suggestion that the larger amount of troops would ultimately be needed, they never expanded to the 34,000 troops.¹⁴⁹ It was argued that airstrikes were also not an option, as these might endanger the safety of UNPROFOR personnel and humanitarian convoys. The limited amount of troops and the

¹⁴⁵ Dobos, ‘International Rescue and Mediated Consequences’, 338.

¹⁴⁶ Kuperman, ‘The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans’, 50.

¹⁴⁷ United Nations General Assembly, ‘Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica’, 20.

¹⁴⁸ Ibid., 21.

¹⁴⁹ Boutros-Ghali, ‘Report of the Secretary-General to the Security Council Pursuant to SC Resolutions 982 (1995) and 987 (1995), S/1995/444’ (1995), para. 33; Pugh, ‘Peacekeeping and Critical Theory’, International Peacekeeping 11(1), (2004), 44.

lack of airstrikes were also felt in Srebrenica. Thus, when the safe area was ultimately demilitarized, it was left with a lack of military personnel and insufficiently protected to such an extent that might cause the Serbs to consider and even commit attacks against the unarmed civilians.¹⁵⁰

3.2.3 The fall of the Srebrenica safe area

The Srebrenica safe area was defended by UNPROFOR, which acted under Chapter VII of the Geneva Convention. However, no enforcement measures were provided for. UNPROFOR's mandate considering safe areas was spelled out in resolution 836, enabling it to:

...Deter attacks against the safe areas, to monitor the cease-fire, to promote the withdrawal of military or paramilitary units other than those of the Government of the Republic of Bosnia and Herzegovina and to occupy some key points on the ground, in addition to participating in the delivery of humanitarian relief to the population...¹⁵¹

UNPROFOR was authorized to only use force in self-defence when the safe area was attacked, and was thus not allowed to counter any attacks that were not directed at UN personnel; a loophole the Bosnian Serbs ultimately discovered. They would explicitly avoid attacks against UNPROFOR, while at the same time proceeding against the safe area itself.¹⁵² If the situation got out of control and support was needed, UNPROFOR was expected to contact NATO and discuss air support.¹⁵³ However, the Bosnian Serbs seemed aware that air support to help defend the safe area was not easily granted. It seemed that the UNPROFOR mandate, which was meant for protecting a safe area that lacked consent, also lacked threat. Thus, the possibility of the safe area being attacked was not so unlikely.¹⁵⁴ Indeed, while the Serbs condoned the safe area for a few years, they ultimately attacked.

On 6 January 1995 the Bosnian Serb troops launched an attack against the Srebrenica safe area. It was shortly after this attack that Dutchbat-III took over the responsibility of monitoring the safe area. With only 600 personnel, it was strongly outnumbered by the Bosnian Serb troops surrounding Srebrenica. There were Bosnian Government forces in Srebrenica, but they were no match for the Bosnian Serbs.

The Bosniaks were poorly trained... command was fragmented, discipline was weak, morale was low, communications and logistics were largely non-existent. Their combat readiness was further impaired by UNPROFOR, which attempted to disarm any armed Bosniac it came across, though with limited success.¹⁵⁵

The UNPROFOR troops were only lightly armed, as they were not meant for carrying out attacks. This lack of military threat increased the dependence of aid convoys on the Bosnian Serb moral willingness to allow them to pass through their territory. During the months following the deployment of Dutchbat-III in the Srebrenica safe area in early 1995, the Bosnian Serb forces tightened their grip on the area even further. Fuel supplies and humanitarian aid to the safe area were blocked, resulting in

¹⁵⁰ United Nations General Assembly, 'Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica', 57-67.

¹⁵¹ United Nations Security Council, 'Resolution 836, adopted by the Security Council at its 3228th meeting' (4 June 1993) para. 5.

¹⁵² Schütte, 'Civilian Protection in Armed Conflicts: Evolution, Challenges and Implementation', 157-158.

¹⁵³ United Nations Department of Public Information, 'United Nations Protection Force Mission Profile' (31 August 1996).

¹⁵⁴ Orchard, 'Revisiting Humanitarian Safe Areas for Civilian Protection', 59.

¹⁵⁵ United Nations General Assembly, 'Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The Fall of Srebrenica', 53.

the Dutchbat commander pleading with the UN to do something about the deteriorating living conditions.¹⁵⁶ However, the fact that UN sanctions against the Bosnian Serbs grew stronger every day did not help the humanitarian convoys that were to negotiate access with them. As Landgren argues, “Where United Nations representatives are simultaneously negotiating access, and threatening air strikes, the quality of mercy is somewhat strained”¹⁵⁷.

The situation soon became untenable. The UNPROFOR ground troops did not have the equipment, the mandate, or the morale to defend the Bosniak civilians against the Bosnian Serb onslaught, Schütte argued.¹⁵⁸ Air support was promised to Dutchbat by the United Nation Secretary-General in order to aid the ‘boots on the ground’. However, this was a political guarantee, not a judicial one, and was therefore not 100%, Pronk explains in his interview.¹⁵⁹ Indeed, despite frequent calls for air support by the Dutchbat Commander, this support was not granted until 11 July 1995.¹⁶⁰ By this time, the Bosnian Serbs had already realized that they would not face much opposition. Van den Berg argued in his interview that there is information that while initially not their goal, Mladic’s forces decided to push through and take over the whole safe area when Dutchbat did not resist.¹⁶¹ If air support had been given in a timely manner, Pronk argued in his interview, Mladic would likely have retreated.¹⁶² The Bosnian Serbs had taken hostages among Dutchbat troops, resulting in Dutchbat’s surrender of themselves and the population of Srebrenica.¹⁶³ In the days following 13 July 1995 an estimated 8,000 Bosniak men and boys were murdered by Bosnian Serb troops and dumped in mass graves, without the UN taking action.¹⁶⁴ Today, more than twenty years after the massacre, wives and mothers are still searching for the bodies of their loved ones.

3.2.4 The problem of impartiality

A final point that should be mentioned is the problems the UN seemingly had with being an impartial player. While I in no way want to justify the horrible crimes committed by the Bosnian Serb troops, I do argue that in order to get a more complete picture of the situation in Srebrenica, it is important to also try to comprehend the situation from a Bosnian Serb perspective. When establishing a safe area, it is important to look at different incentives that might result in violence against civilians inside of the safe area. Doyle and Sambanis explain how a conflict has both aggressive and defensive incentives.¹⁶⁵ When looking at the case of Srebrenica, these incentives might explain part of the problems encountered. For example, the Bosnian Serbs felt superior to the Bosniak population and wanted them out of what they believed to be their territory, even by using aggressive, violent methods. On the other hand, the Bosnian Serbs also had defensive incentives. It is not so strange, I argue, that they felt threatened by the UNPROFOR troops on what they believed to be their territory. Also, the lootings by Bosniaks in Bosnian Serb villages make it not so unexpected that they armed themselves against possible violence against both themselves and their fellow Bosnian Serbs. Doyle and Sambanis believe that in order to achieve peace, both incentives have to be addressed. From a Bosnian Serb point of view, however, the Srebrenica safe area did neither, I argue. Demilitarization

¹⁵⁶ Ibid., 54.

¹⁵⁷ Landgren, ‘Safety Zones and International Protection: A Dark Grey Area’, 455.

¹⁵⁸ Schütte, ‘Civilian Protection in Armed Conflicts: Evolution, Challenges and Implementation’, 158.

¹⁵⁹ Interview Pronk, 30 November 2016.

¹⁶⁰ Schütte, ‘Civilian Protection in Armed Conflicts: Evolution, Challenges and Implementation’, 158.

¹⁶¹ Interview van den Berg, 27 October 2016.

¹⁶² Interview Pronk, 30 November 2016.

¹⁶³ United Nations General Assembly, ‘The fall of Srebrenica’, 57-67; Interview van den Berg, 27 October 2016; Interview Pronk, 30 November 2016.

¹⁶⁴ Schütte, ‘Civilian Protection in Armed Conflicts: Evolution, Challenges and Implementation’, 158.

¹⁶⁵ Doyle and Sambanis, ‘International Peacebuilding: A Theoretical and Quantitative Analysis’, *The American Political Science Review* 94(4), (2000), 780.

might have taken away some of the defensive incentives; if only it would have been fully implemented. Also, there were negotiations between UNPROFOR and the Bosnian Serbs. While these negotiations were very important, Fortna argues, the Bosnian Serbs still strongly felt like the UN picked the Bosniak side in the conflict.¹⁶⁶ This feeling of a lack of impartiality was, if not harmful, at least not very beneficial in trying to create peace.

Historically, the UN is considered to be an impartial party, reluctant in picking sides in a conflict. However, while impartiality seems to be an important condition in a situation of conflict where picking a side can have many consequences, it can be difficult to maintain this impartiality. In situations of enforced peace, such as in Srebrenica, the UN has to maintain a difficult balance between being impartial and at the same time posing a credible threat. The UNPROFOR troops, however, were deployed solemnly for peacekeeping, not for fighting, as the UN did not consider itself as a party that would actively take part in confrontations. However, the idea that the UN safe area favoured the side of the Bosniaks, who were allowed to keep their weapons throughout most of the conflict and continue their military activity from within the safe area, did not seem to be so impartial as was aimed for by the UN. It could be argued that at this point, when it had become clear that the Bosnian Serbs did not see UNPROFOR as being impartial players in the conflict, the UN should have altered UNPROFOR's mandate so as to create a more credible threat. When Bosnian Serb forces attacked the Srebrenica safe area in 1995, the UN did not take much action. I argue that it was at this moment, in this 'new era' of peace and security after the Cold War, when the lives of so many were at stake, that the UN should have decided to revisit its motto of impartiality and instead should have taken its responsibility for the protection of those in the Srebrenica safe area. As Fortna has argued, "the UN often seemed to be in the position of a watchdog who fears that barking might offend the robber"¹⁶⁷.

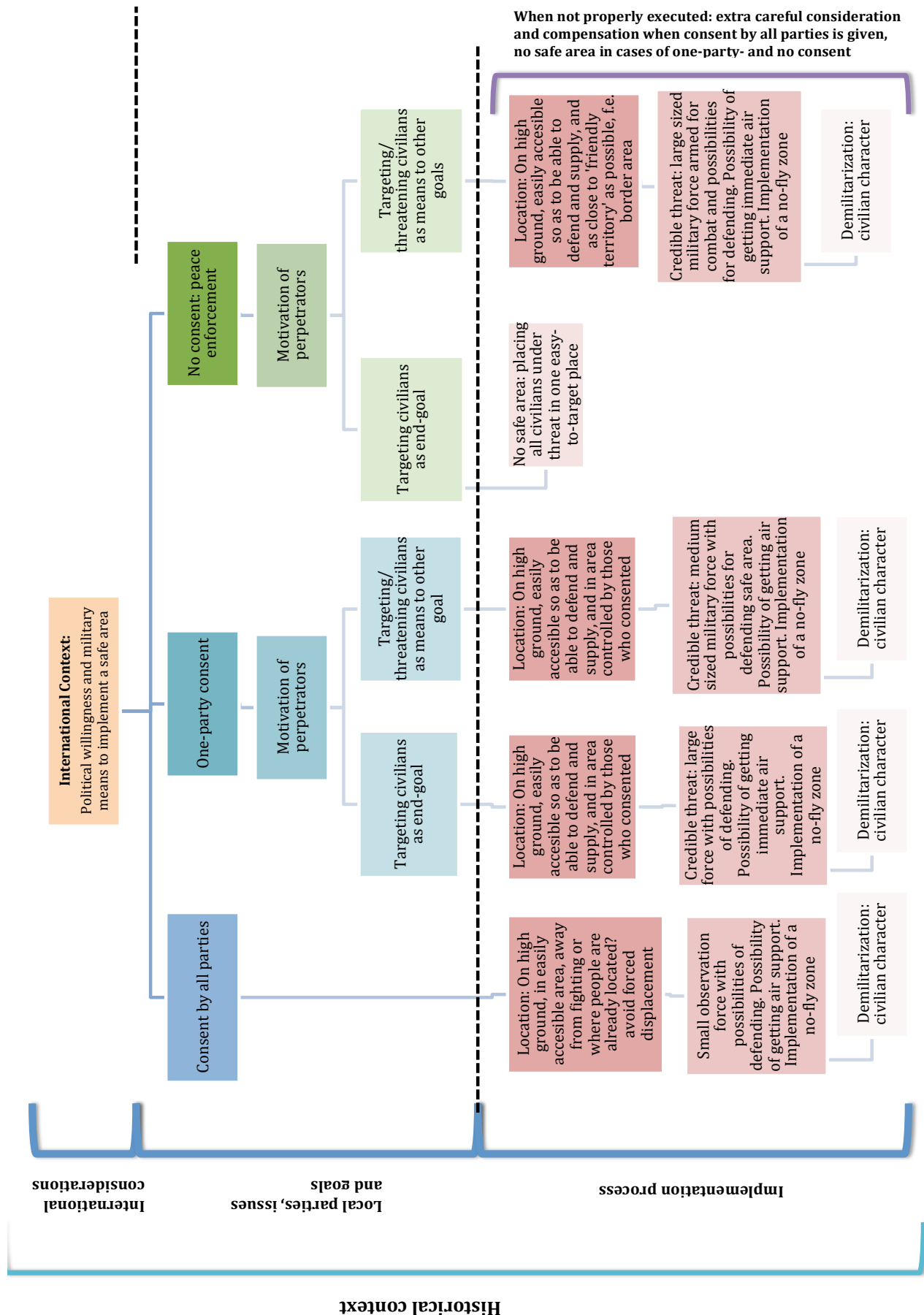
3.3 Conclusion

In this chapter I have analysed the establishment and functioning of the Srebrenica safe area. By analysing how the characteristics of safe areas as they were mentioned in the Geneva Convention and the Additional Protocol-I were implemented in Srebrenica, and looking at the effects that either following or going against these 'guidelines' have had, the model as shown on the next page has been developed. The model shows the lessons that we can learn from the Srebrenica safe area, thereby visually answering the question that I set out to find an answer to in this chapter. Concluding this chapter, I will now shortly explain the different aspects of the model, starting with the international considerations for implementing the Srebrenica safe area.

The Srebrenica safe area was established at a moment in time when it was clear to the international community that action was needed, but when consensus on what action should be taken was difficult to reach. Encouraged by their post-Cold War optimism, different countries called for the deployment of troops and the declaration of a safe area to protect the people of Srebrenica. Safe areas were seen as a way to stop refugees from entering Western Europe, allowing them to find shelter in the region, and giving the message that the international community did not support ethnic cleansing. Others, however, disagreed, arguing that measures like the implementation of a safe area should not be taken lightly. The lack of agreement in the UNSC on a right course of action for Srebrenica resulted in the implementation of a safe area that was defended by troops that had the mandate and equipment of a 'blue' peacekeeping mission, while the situation on the ground made it clear that the mission was in fact more a 'green' peace enforcement mission.

¹⁶⁶ Fortna, 'Interstate Peacekeeping: Causal Mechanisms and Empirical Effects', *World Politics* 56(4), (2004), 490.

¹⁶⁷ *Ibid.*, 509-510



This brings us to the local parties involved in the (establishment of) the safe area. While the government in Sarajevo agreed to the establishment of the Srebrenica safe area, the Bosnian Serbs refused to give their consent unless the area was demilitarized first; something the UN did not agree with. The establishment of the Srebrenica safe area based on one-party consent, however, resulted in different problems that had to be dealt with accordingly. First, I argue that before the safe area was implemented, the UN should have made sure they had a clear image of what the motivations of the Bosnian Serbs were with regards to those inside of the potential safe area. The argument made by Beadle in the previous chapter has shown that when coercing or destroying civilians is a direct goal, implementing a safe area might not be the best option, as it is a containing measure. While killing the Bosniaks inside of the safe area was perhaps not the Bosnian Serbs' main goal, it can be argued that it was a means to another goal: getting the territory they wanted. Nevertheless, the fact that the Bosnian Serbs were very willing to use force to reach this goal, leads us to the second problem.

Looking at the implementation process of the Srebrenica safe area, we encounter the problem of choosing a location. In the case of Srebrenica, the location was chosen because of the simple fact that the people who had to be defended were already there. From a military perspective, however, the location was far from ideal: it was located in a valley, completely surrounded by the 'enemy', had no airstrip, and was only accessible via two roads that were controlled by the Bosnian Serbs. This had a negative influence on supplying the area with new troops, equipment, medical supplies and food, and ultimately also on defending the area.

The third problem was already encountered soon after the safe area was established. While it had been argued before its implementation that the safe area would have to be defended by a force that posed a credible threat to any Bosnian Serb resistance to the area, several countries were adamant on only sending a force equipped for traditional non-violent peacekeeping with a mandate to match. The Bosnian Serbs were in full control of what went in and out of the safe area, and the lack of threat by UNPROFOR troops made them unable to show much resistance to these decisions, leading to for example a decreasing amount of aid convoys being allowed to enter the safe area. When the safe area was ultimately attacked, the Bosnian Serb troops faced so little resistance from the UNPROFOR troops that their taking of the safe area could only be called 'easy'.

A final problem that has played a role in the situation in the Srebrenica safe area, I argue, was that contrary to traditional standards for safe areas, the Srebrenica safe area was not demilitarized. It was argued by the international community that it was 'wrong' to take weapons from the Bosniaks, who were seen as the victims. Moreover, I argue that UNPROFOR simply did not have the means, nor the morale to search and take all weapons present in the safe area from the likes of Naser Orić. It was (silently) condoned that military activity continued from within the safe area, and combined with the (deadly) lootings it ultimately compromised the safety and wellbeing of those seeking refuge inside the area. The military activity angered the Bosnian Serbs and lowered their willingness to comply with UN requests. By failing to deal with both the aggressive as well as defensive incentives the Bosnian Serbs had for committing violence against those inside the safe area, the UN was failing to be the impartial player it had always wanted and argued to be in the eyes of the Bosnian Serbs. Ultimately, I argue that this also played an important role in Bosnian Serb support for the attacks on the Srebrenica safe area and its takeover in July 1995.

It is important to note that the model shows only a rough representation of things to take into account when considering the establishment of a safe area. While this figure starts at the international level, next looks at the local parties that have an influence on the possible safe area, and finally considers the more practical points when implementing a safe area, it is not a step-by-step guide on how to implement a safe area. For example, as much as consent by warring parties can influence location, demilitarization might as well influence the consent given by parties. The figure is an extremely simplified version of reality; there will always be unforeseen circumstances. Also, as

shown in the model, the historical context of the conflict in which a safe area is implemented will influence the safe area on all levels of consideration and implementation. Nevertheless, I argue that when considered as a tool of guidance, rather than as a tool for guaranteed success, the model can help to understand the influence that different characteristics of safe areas can have on its success or failure; it can help to learn from Srebrenica safe area.

In the next chapter, I will look at the conflict that has been ongoing in Syria since 2011. Kofi Annan argued in a review report of the UNPROFOR mission, published on 15 November 1999, that “[t]he cardinal lesson of Srebrenica is that a deliberate and systematic attempt to terrorize, expel or murder an entire people must be met decisively with all necessary means”¹⁶⁸. While there is discussion on whether the conflict in Syria can be viewed as targeting ‘an entire people’, it is very clear that innocent civilians are not being protected from becoming the victims of war. As was the case with discussions on implementing a safe area in Srebrenica, it will become clear that the discussions on whether or not action should be taken in the form of a safe area is strongly based on the political motives of those countries that hold the real power within the UN: the five countries that have the right to veto. Nevertheless, I argue that it is at this moment in time, when safe areas are being considered but not yet implemented, that the model presented in this chapter should be used to see what might improve the chance of a potential safe area being successful in Syria.

¹⁶⁸ Crossette, ‘U.N. Details Its Failure to Stop '95 Bosnia Massacre’, New York Times (16 November 1999).

4. Safe areas in Syria

Since its beginning in 2011, the conflict in Syria has caused despair and international outrage. While it is difficult to get exact numbers, due to for example the difficulty in getting (reliable) information from conflict areas¹⁶⁹, it is clear that many, including civilians, have become the victims of violence by the different parties involved.¹⁷⁰ There have been calls for action by several political figures, such as the former French- and Turkish ministers of foreign affairs and the current Dutch minister of foreign affairs.¹⁷¹ The United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, argued on 15 July 2016 that

The number of war crimes already committed surpasses the worst nightmares. But it is in the power of both attacking and defending forces – and their foreign backers – to minimize further civilian casualties and avoid further crimes and atrocities. They must do so.¹⁷²

One suggestion that has been made for protecting civilians in Syria is the implementation of safe areas. While it was shown in the previous chapter that there was a lot of discussion on the implementation of a safe area in Srebrenica, the concept is perhaps even more controversial today. Dutch foreign minister Bert Koenders has argued that there is a risk that *taking no action* might lead to a devastating situation such as in Srebrenica.¹⁷³ In contrast to this statement, however, there are some who still associate the concept of safe areas with the failure to protect the more than 8,000 Bosniak men who were killed after the fall of the Srebrenica safe area.¹⁷⁴

This chapter will look into the debate on the implementation of safe areas in Syria, focussing on the question: *'What does the discussion on external intervention and the possibility of safe areas look like in the conflict in Syria?'* In order to answer this question, I will use the model developed in the previous chapter, focussing on the historical context, the international considerations, the local parties and the implementation process of a safe area. First, I will give a brief overview of the history of Syria, starting after the First World War. While it is not the aim of this thesis to give a full overview of historic developments in Syria or the complete dynamics of the current conflict, I argue that this historical context is important for understanding how deep-rooted certain grievances and relations that can influence the implementation and success of safe areas are. Next, the 2011 civil uprisings that turned into a civil war will be explained, focussed on introducing the different local parties involved. After, the external reactions to the conflict will be analysed. I will first give an overview of the discussions that have taken place in the United Nations Security Council. As the main role of the UNSC is the maintenance of international peace and security, one might expect that any major plans for action in Syria are discussed during UNSC meetings and subsequently executed. As

¹⁶⁹ Bijleveld, 'Research Methodology for International Crimes' (In-press), Chapter 12.

¹⁷⁰ Several estimates considering casualties have been made, for example by the Syrian Center for Policy Research, which argued that the death toll from the conflict was 470,000 by February 2016. (As mentioned by Human Rights Watch, see: <https://www.hrw.org/world-report/2017/country-chapters/syria>)

¹⁷¹ See for example: Borger, 'France hits out at Russia's claims of fighting Isis ahead of UN summit'; Koenders, 'Aleppo must not become synonymous with global inaction'; Republic of Turkey, Ministry of Foreign Affairs, 'Speech Delivered by Mr. Ahmet Davutoğlu, Minister of Foreign Affairs of the Republic of Turkey at the UN Security Council, 30 August 2012, New York'.

¹⁷² Office of the United Nations High Commissioner for Human Rights, 'At least 200,000 civilians in dire straits as noose tightens in three Syrian towns – Zeid' (15 July 2016).

¹⁷³ Koenders: "Not unlike Rwanda or Srebrenica, there is a real risk that the name 'Aleppo' will become synonymous with the world's failure to act". In: Koenders, 'Aleppo must not become synonymous with global inaction'.

¹⁷⁴ See for example: Frelick, 'Safe Zones in Name Only', Huffington Post (21 August 2015).

the section on UN interference in Syria will show, however, there has, since the start of the conflict, been a lack of agreement on the right course of action. This lack of agreement, I will argue, will also influence the possible implementation of safe areas. After giving an overview of discussions in the UNSC on the situation in Syria, I will look at proposals and actions taken by individual countries, whether or not in cooperation with other countries, outside of the UN. First, the policy measures by those that support the Assad government will be analysed, after which the measures by those countries that support the Syrian opposition will be explained.

I argue that it is only now, after having gained an understanding of the historical context of the conflict, the different parties involved both on the national and the international level, and the arguments that have been made both for and against intervention in general, that the discussion on safe areas can be understood. While safe areas were already mentioned as a possibility early on in the conflict, there remains a lack of information that would allow me to base the analysis of potential safe areas, based on the model presented in the previous chapter, in Syria solely on information that directly discusses safe areas. It is for this reason that I will be using the more general information acquired in this chapter on relations between local and international parties, motivations, goals, viewpoints on intervention, and actions that have been taken so far, to help apply the model on safe areas to the conflict in Syria.

In the final section of this chapter, actual discussions on the possibilities of safe areas in Syria will be analysed. In the model that was developed in the previous chapter, the importance of the international considerations when looking at safe areas became apparent. This is because it is the international community that will create the mandate, supply the means to implement a safe area and protect it. This means that their long-term commitment will play a crucial role in making safe areas successful in their aim of protecting civilians. After focussing on the intentions of the international community considering safe areas in Syria, I will look at the local circumstances, analysing which parties are likely to give consent under what circumstances and further analysing their motivations and goals in the conflict, which can influence their reaction to a safe area. Finally, I will look at what the actual implementation of a possible safe area should look like in Syria, focussing on its location, the credible threat of those who protect it and the demilitarization of the safe area.

4.1 Historical context: Syria

4.1.1 Post-World War I developments

In May 1916, the British diplomat Sir Mark Sykes and the French diplomat Francois George-Picot made a secret agreement, assented by Russia. They agreed to split up a section of land only loosely held by the then flailing Ottoman Empire, and divide it in a French and a British zone.¹⁷⁵ Not taking into account local demographics in the slightest, they decided on the location of the new border by drawing a line on a map from the ‘e’ in Accre to the last ‘k’ in Kirkuk.¹⁷⁶ Great Britain would control and influence the Mandatory Iraq south of the line, France the Mandatory Syria north of the new border. The Arabs, who had hoped for an independent nation after the fall of the Ottoman Empire in exchange for their rebellion against the Ottomans, felt more than betrayed after the secret partition came to light.¹⁷⁷ This resulted in an “Arab mistrust in great power politics”, Anthony Rogan¹⁷⁸ argues,

¹⁷⁵ Shaw, ‘A Borderline Question: ‘The End of Sykes-Picot?’’, *Foreign Affairs Review* (29 September 2014).

¹⁷⁶ Black, ‘Middle East still rocking from first world war pacts made 100 years ago’, *The Guardian* (30 December 2015).

¹⁷⁷ Shaw, ‘A Borderline Question: ‘The End of Sykes-Picot?’’.

¹⁷⁸ Anthony Rogan is the Director of the Middle East Centre at St Antony’s College, University of Oxford, and Professor of Modern Middle Eastern History at Oxford University.

and “a belief in conspiracies...that the Arab peoples have held responsible for their misfortunes ever since”¹⁷⁹. While this statement, I argue, could perhaps use some nuance, the agreement is indeed still quoted as a cause for grievances in the conflict in Syria today. The Islamic State of Iraq and the Levant (IS) leader, Abu Bakr al-Baghdadi, vowed in July 2014 after using bulldozers to destroy piles of sand that made up the border between Iraq and Syria, that “this blessed advance will not stop until we hit the last nail into the coffin of the Sykes-Picot conspiracy”¹⁸⁰. IS’s unwillingness to respect borders, I argue, is important to keep in mind when the implementation of safe areas is being discussed.



Figure 3: Map showing the autonomous states under the mandate for Syria and Lebanon, 1922. The Druze autonomous state of Jabal al-Druze is shown in blue, the autonomous Alawite state is shown in purple.

Source: <http://uca.edu/politicalscience/dadm-project/middle-eastnorth-africapersian-gulf-region/french-syria-1919-1946/>

Having had some negative experiences with Sunni-Arab nationalism in Algeria and Tunisia, France decided to give the Alawite and Druze populations in Syria autonomous states, as shown in figure 3. This allowed them to answer to France directly rather than having to go through the Sunni

¹⁷⁹ As quoted in: Black, ‘Middle East still rocking from first world war pacts made 100 years ago’.

¹⁸⁰ Shaw, ‘A Borderline Question: ‘The End of Sykes-Picot?’’.

Arab majority in Damascus, the capital of Syria under the French mandate.¹⁸¹ The Druzes, Alawites and other minorities were seen by France as allies against Arab nationalism and held a privileged position: they paid lower taxes, got higher development subsidies, and were given decently paid jobs.¹⁸² Furthermore, the geographical location of the Alawite state in the West was of tactical importance for the French, as it gave them crucial control over the Mediterranean coastal area.¹⁸³ The Sunni Arab majority, on the other hand, was severely suppressed: “The Damascus region was treated as occupied territory... The Sunni Arabs felt besieged to a degree they had never experienced under the Ottoman Turks”¹⁸⁴. This privileged position enjoyed by the minorities increased tensions, and continues to run as a common theme through recent Syrian history. It will become clear, when looking at the possibility of safe areas that it has also played (or rather, has been made to play) an important role in the current conflict and is important in understanding relations between parties, which are crucial for for example gaining consent for safe areas and understanding the different parties’ goals and motivations.

It did, however, not take long before those who had a more privileged position also started to rebel against the French. Arab nationalism and the wish for independence united the Sunni majority and (Arabic-speaking) minority groups.¹⁸⁵ In February 1946, the UNSC called on France to withdraw from Syria.¹⁸⁶ The period following independence was, however, instable to say the least. The first coup took place in 1949, and until 1970 Syria would have twenty-one changes of government, Da Silva et al mention.¹⁸⁷ In strong contrast stands the situation after 1970, when Hafiz al-Assad came to power.¹⁸⁸ The basis for his rule, however, goes back to 1963.

4.1.2 The establishment of the Ba’athist state

In 1963 the Syrian Ba’athist state was established after a coup, often referred to as the ‘Eighth of March Revolution’. While the regime was popular among those in the deprived countryside, those who previously controlled private wealth and property were excluded. What followed were a period of modernization, an increase in upward mobility from the countryside, and a reduction of social inequality. Nevertheless, the regime did have to deal with certain vulnerabilities, Hinnebusch and Zintl explain. This included “persistent opposition, ongoing foreign policy challenges, and chronic economic problems”¹⁸⁹. Hafiz al-Assad, who took control of the party in 1970, managed to stabilize internal political conflicts and economic struggles by establishing a presidential system. While he also tried to embrace the Sunni population by promoting a pan-Arab orientation, his actions mainly resulted in a system of institutionalized clientalism, based on corruption, patronage, and a special treatment of the Alawite minority.¹⁹⁰ The latter caused resistance among Sunni Muslims, especially those who had a link with the Muslim Brotherhood, who led them into rebellion during the 1980s.

¹⁸¹ Kaplan, ‘Syria: Identity Crisis’, *The Atlantic* (February 1993).

¹⁸² Da Silva, Correa, Campbell and de Castro, ‘Why does War still Rage?’, *Unchaining nations, Freeing people: Development Challenges of the Contemporary World* (2014), 59.

¹⁸³ Baltacioglu-Brammer, ‘Alawites and the Fate of Syria, Origins: Current Events in Historical Perspective’, *Origins: Current Events in Historical Perspective* 7(4), (2004).

¹⁸⁴ Kaplan, ‘Syria: Identity Crisis’.

¹⁸⁵ Da Silva, Correa, Campbell and de Castro, ‘Why does War still Rage?’, 59.

¹⁸⁶ United Nations Security Council, ‘The Syrian and Lebanese question’, Chapter VIII, Consideration of Questions under the Council’s Responsibility for the Maintenance of International Peace and Security (1946); Melki, ‘Syria and state department 1937–47’, 92.

¹⁸⁷ Da Silva, Correa, Campbell and de Castro, ‘Why does War still Rage?’, 59.

¹⁸⁸ Dawisha, ‘Syria under Assad, 1970-78: The Centres of Power’, *Government and Opposition* 13(3), (1978), 341.

¹⁸⁹ Hinnebusch and Zintl, ‘Introduction’, *Syria from Reform to Revolt: Volume 1: Political Economy and International Relations* (2015), 3.

¹⁹⁰ *Ibid.*

The last ‘major stand’ against the regime was in 1982 in the city of Hama. After the Sunni opposition took control of government buildings in the city and declared it ‘liberated’, the government responded by a three-week siege of the city “with a level of brutality unprecedented in contemporary Syria”¹⁹¹. Around 30,000 Sunni civilians were killed.¹⁹² In response to the rebellion, the regime increased the number of intelligence agencies, keeping them loyal by giving them immunity from the law.¹⁹³ It was especially after this eruption of violence, Baltacioglu-Brammer argues, that the Alawites supported the hereditary succession in the Syrian Government in fear of retribution for the events in Hama.¹⁹⁴ Later in this chapter it will become clear that this fear has even increased since the start of the conflict in 2011, increasing Sunni-Shia tensions, which is important to consider when implementing safe areas.

The Ba’ath regime had played an important role in regional frictions, such as the conflict between Israel and Palestine. Its stance against Israel, combined with its geographical position as a front-line state, resulted in large sums of Arab aid during the early years of the Ba’ath regime’s rule over Syria.¹⁹⁵ In the late 1980’s however, aid started to decline. At the same time, economic growth could not keep up with the population growth, leading to increasing youth unemployment rates.¹⁹⁶ While it was clear that something had to happen, there was discussion within the Ba’ath party on the right course of action. “In this late Hafiz period [...] the regime continued to carefully balance between its old constituencies and its emerging new ones”¹⁹⁷. Against all expectations, the Ba’ath regime managed to endure internal and economic struggles and maintain this carefully crafted balance.¹⁹⁸

When Bashar al-Assad took over the power from his father after he died in 2000, there was a small prospect for change. A small selection of dissidents was let out of prison, the new president seemed to be willing to negotiate with Israel, and the relationships with the West and Turkey improved.¹⁹⁹ There was international (Western) hope that the change towards democracy would continue and that Syria could differentiate itself from strict Islamic countries in the region.²⁰⁰ Bashar al-Assad did, however, have to share his power with the ‘old guard’ that was left after his father’s death. While those who had been part of the regime long before Bashar took over were generally weary of change, especially the change towards liberalization and democracy, democracy activists were demanding political liberalization, resulting in the need for a difficult balance. ‘Change through continuity’ was the motto that seemed to dominate Assad’s inauguration speech in 2000: he tried to keep the support of the Alawite community and the ‘old guard’ by promising continuation, while Sunnis felt the promise for change was their chance to gain more political power.²⁰¹ Assad soon began to retire those of the ‘old guard’ that did not support him, hoping that inserting those who did support him into the army and security forces would solve some of his intraregime struggles. This tactic, of placing those who has his trust in important (military) positions has proven to be beneficial during the current conflict, as it has allowed Assad to keep control over most of Syria’s military equipment. This

¹⁹¹ Conduit, ‘The Syrian Muslim Brotherhood and the spectacle of Hama’, *Middle East Journal* 70(2), (2016), 214.

¹⁹² Baltacioglu-Brammer, ‘Alawites and the Fate of Syria, Origins: Current Events in Historical Perspective’.

¹⁹³ Hinnebusch and Zintl, ‘Introduction’, 4.

¹⁹⁴ Baltacioglu-Brammer, ‘Alawites and the Fate of Syria, Origins: Current Events in Historical Perspective’.

¹⁹⁵ Hinnebusch and Zintl, ‘Introduction’, 4-5.

¹⁹⁶ *Ibid.*, 5.

¹⁹⁷ *Ibid.*

¹⁹⁸ Da Silva, Correa, Campbell and de Castro, ‘Why does War still Rage?’, 63.

¹⁹⁹ Anonymous, ‘Leaders: Not so easy; The revolt in Syria’, *The Economist* 399(8731), (2011, 30 April), 12.

²⁰⁰ See for example the confirmation by Assad that “Syria’s intelligence services are quietly helping the United States and Europe in the hunt for al Qaeda terrorists”. In: Ignatius, ‘Syria’s Cautious Son’, *The Washington Post* (1 February 2003).

²⁰¹ Baltacioglu-Brammer, ‘Alawites and the Fate of Syria, Origins: Current Events in Historical Perspective’; Ghadbian, ‘The New Asad: Dynamics of Continuity and Change in Syria’, *Middle East Journal* 55(4), (2001).

is important to keep in mind, as it shows Assad has the means to potentially harm those inside a safe area if it is not well defended.

While many Syrians, who were willing to trade in some stability, welcomed the increase in freedom, it became increasingly clear that the peace between the various religions and denominations in Syria was largely based on coercion and the threat of force. Assad continued to use the rhetoric of him being the only one able to protect the minorities as he started to lose the relatively solid grip he and his father before him had had on the country.

4.2 From civil uprising to civil war

After the Tunisian street vendor Mohamed Bouazizi set himself on fire on 17 December 2010 in protest to social and political problems in the country, protests and demonstrations emerged throughout Tunisia. While unrest spread to other Arab countries, resulting in what is now known as the Arab Spring, few expected the uprisings to spread to Syria.²⁰² The regime had been able to suppress unrest for decades and it was expected that the reforms Assad had implemented, combined with a strong intelligence network, would be able to withstand any grievances.²⁰³ Ultimately, however, protests did start in Syria. In March 2011, a group of teenagers painted anti-government slogans on walls of their high school in Dera'a. Fifteen children were arrested and tortured for weeks. Protestors took to the streets around the country demanding their release, surprising the government with a mass protest in Damascus after the Friday prayer on March 25.²⁰⁴ While protestors initially demanded the release of the children and political prisoners, an end to corruption, and democratic reforms, the demands slowly moved to the overthrow of Assad's regime as security forces started to fire at protestors. The fear that any resistance would soon snowball, as it had done in Tunisia and Egypt, arguably caused the regime to believe that sufficient repression would defeat those who opposed to the government. "As soon as the democracy bug began to spread earlier this year [2011], Mr Assad wavered between promises of reform and growls of repression. Once the demonstrations gathered momentum, he chose repression"²⁰⁵.

4.2.1 The government reacts

The government played the sectarian card to both legitimize their violent response and to make sure the minorities stayed on their side. The government has actively used militias such as the Alawite 'Shabiha', and later the National Defence Force in its fight against the opposition. The Shabiha, which loosely translates as 'ghosts', is a militia that was already known during the 1980's for its involvement in extortion, narcotics and smuggling. While Hafez al-Assad banned the group, it joined the fight on the side of the government in 2011. The highly feared group does the dirty work for the government, allowing the government to claim they were not involved.²⁰⁶ The use of these militias that cause fear and suspicion is arguably stirring up tensions between the Sunni populations and the minorities Assad wants to stay on his side.²⁰⁷ While the protests were initially focussed on inclusion of all Syrians, Assad argued that the opposition were all jihadists who wanted to create a strict Islamic Sunni state in which there was no place for minorities, Wijninckx explained in her interview.²⁰⁸ The regime even went so far as to commit specifically directed murders against Alewites and Druze, she

²⁰² Hinnebusch and Zintl, 'Introduction', 286.

²⁰³ Ibid., 285-290.

²⁰⁴ Holliday, 'The Struggle for Syria in 2011', Middle East Security Report 2, (2011); Sinjab, 'Middle East unrest: Silence broken in Syria', BBC News (19 March 2011).

²⁰⁵ Anonymous, 'Leaders: Not so easy; The revolt in Syria', 12.

²⁰⁶ Interview Wijninckx, 9 February 2017.

²⁰⁷ Holliday, 'The Struggle for Syria in 2011'.

²⁰⁸ Interview Wijninckx, 9 February 2017.

explained, accusing the opposition of the killings and creating even more tension.²⁰⁹ Assad's tactic of creating fear among the minorities seemed to work, and subsequently also resulted in the Sunni protestors feeling as if it was a fight against them, because they were Sunni, rather than because of their calls for a new government. Wijninckx explained in her interview that as the protests turned into a full-scale war, the Alawites and the government were increasingly seen as one by some opposition groups.²¹⁰ This strategic move by Assad has arguably increased minority support for his cause, but again, also created tensions that can influence the gaining of consent for safe areas.

The government has maintained control over large parts of the armed forces, perhaps because of the large share of loyalists that had already been put at important positions in the army.²¹¹ Resources were partly relocated to government loyal forces, such as the Shabiha and the National Defence Force, turning the army into a somewhat multidivisional actor that operates with militia-like loyalties, Zuhur argues.²¹² The government maintained its control over heavy weaponry, including military airplanes, helicopters, tanks, anti aircraft artillery and chemical weapons. Despite international calls not to use the latter, the government has used chemical weapons on several occasions in civilian-inhabited areas, according to a report by the Commission of Inquiry on the Syrian Arab Republic.²¹³ The report further explains that while the government first engaged in ground assaults, it soon changed tactics, possibly motivated by the large number of (in the eyes of the government unreliable) Sunni infantry forces in its army and the increasing amount of ground troops of the opposition.²¹⁴ The attacks of the government, as reported by the Commission of Inquiry on the Syrian Arab Republic in 2015, included the creation of siege-like conditions, during which an area was encircled, shelled, bombed, and nothing and nobody was let in or out of the area. The strategy of the government can be described as 'tansheef al bakhar', according to the commission's rapport: draining the sea to kill the fish.²¹⁵ This willingness of the government to target civilians needs to be taken into account when the government does not consent to a safe area, as it could pose a threat to those inside of the safe area.

In the weeks that followed the start of the protests, a portion of the security forces of the Syrian Army defected. What reportedly sparked the defections was the order given by senior officers to, together with the Shabiha, attack protestors, who were argued to be terrorists.²¹⁶ Moreover, the secret police and intelligence officers reportedly executed those soldiers who refused to fire on civilians, Holliday argues.²¹⁷ Of those who did defect, many joined the opposition.

4.2.2 The opposition and the emergence of IS

The opposition is a combination of a vast amount of different groups, each with their own motives and goals, working together to a certain extent. There are several overarching structures, the two biggest ones known as the Syrian Opposition Coalition (SOC) and the Supreme Joint Military Command (SMC). They both receive international support from pro-opposition countries and organization, and they work together to "coordinate a cohesive, national, and democratic opposition

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ Hinnebusch and Zintl, 'Introduction', 4-6.

²¹² Zuhur, 'The Syrian Opposition: Salafi and Nationalist Jihadism and Populist Idealism', *Contemporary Review of the Middle East* 2(1&2), (2015), 144.

²¹³ Commission of Inquiry on the Syrian Arab Republic, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic', UN Human Rights Council (5 February 2015).

²¹⁴ Ibid., para. 8, 9.

²¹⁵ Ibid., para. 10.

²¹⁶ McGreal and Chulov, 'Syria: Assad must resign, says Obama', *The Guardian* (19 August 2011).

²¹⁷ Holliday, 'The Struggle for Syria in 2011'.

that could fill the potential power vacuum following President Assad's fall"²¹⁸. The SOC for example consists of the Syrian National Council (SNC), while the Free Syrian Army (FSA), the largest military opposition group, is represented in the SMC.²¹⁹ Within the FSA, a large amount of different battalions operate, and although they often work together, they are largely independent. This makes that the FSA leadership's main responsibility is facilitating the coordination between these different battalions, Sofer and Shafroth explain.²²⁰ Another large player is the Syrian Democratic Council (SDC), under which the Kurdish forces operate. Considered to be quite effective in their fight, they control large parts of Northern Syria, along the border with Turkey.

The International Crisis Group has tried to clarify the broad range of parties involved in the Syrian opposition. They make a distinction between two 'general categories': the thawri (revolutionary) and the Salafi-jihadi.²²¹ While these categories do not necessarily reflect battlefield alliances, they do reflect "crucial ideological, political and strategic distinctions"²²². However, in some cases the line between the two categories is a thin one. While difficult to confirm, it has been estimated that within these categories over a thousand different factions operate²²³, clustered together in larger groups, although the "membership, alliances, ideology and very identity of individual factions are prone to shift with the tides of external support, leadership turnover and intra-opposition competition, as well as with battlefield fortunes"²²⁴. This makes it difficult for both in- and outsiders to understand the (battlefield) relations between different opposition groups, which will complicate gaining (reliable) consent for a possible safe area, as will become clear later in this chapter.

The thawri groups identify strongly with the Syrian revolution, and aim for political reforms within Syria's borders.²²⁵ Besides this uniting characteristic, however, the groups differ strongly, ranging from Salafi-Islamist groups²²⁶ to groups that are not based on a particular (religious) ideology. They have sought, and gained, foreign support, especially from the US. Salafi-jihadi groups on the other hand do not limit their ideology to Syria. Rather than only aiming at overthrowing Assad, they want to get rid of the whole nation-state system, creating an Islamic state (caliphate) through violent means that stretches beyond Syria's borders. In this transnational plan they refuse any partnership with Western countries²²⁷, in some cases even advocating and pursuing violence against them.²²⁸ This can be problematic if a safe area is initiated by a 'Western' country. The battleground alliances of the different groups that would qualify as Salafi-jihadi do, however, differ. This becomes clear when looking at the groups known as Islamic State of Iraq and the Levant (IS, also known as ISIS, ISIL or Daesh) and Jabhat Fateh al-Sham (previously known as Jahbat al-Nusra or al-Nusra Front). Jabhat Fateh al-Sham is fighting together with thawri groups against IS and the Syrian Government. This cooperation between Jabhat Fateh al-Sham and thawri groups could, however, become problematic in

²¹⁸ Sofer and Shafroth, 'The Structure and Organization of the Syrian Opposition', Center for American Progress (14 May 2013), 2.

²¹⁹ Ibid.

²²⁰ Ibid., 6.

²²¹ International Crisis Group, 'New Approach in Southern Syria', Middle East Report 163, (2 September 2015).

²²² Ibid., 2.

²²³ The US deputy director of the Defense Intelligence Agency, David R. Shedd, estimated that a staggering 1,200 different groups form the opposition. In: Schmitt and Mazzetti, 'U.S. Intelligence Official Says Syrian War Could Last for Years'.

²²⁴ International Crisis Group, 'New Approach in Southern Syria', 2.

²²⁵ Ibid.

²²⁶ While the aims and practices of Salafi-Islamist groups differ, it can be said that while they want to create an Islamist State, they do not wish to do so by violent means; this is what makes them different from the groups that in this thesis are described as Salafi-Jihadi.

²²⁷ Jabhat Fateh al-Sham does indirectly benefit from the foreign support that the thawri groups that they fight with side-by-side receive from regional and Western backers.

²²⁸ International Crisis Group, 'New Approach in Southern Syria', 2.

the future. The International Crisis Group has argued that “[t]hrough al-Nusra [Jabhat Fateh al-Sham] continues to fight alongside thawri groups... and has a largely Syrian rank-and-file, the long-term transnational agenda to which its leadership remains committed conflicts with thawri factions’ Syria-specific goals”²²⁹. Zeegers, however, argued in his interview that Jabhat Fateh al-Sham’s Syrian rank-and-file and the distance it has taken from Al-Qaida mean that its current, most prominent goal is the overthrow of the Assad government. He argues that while they want to create a Syria based on Islamic law, their ambitions do not reach beyond the Syrian borders.²³⁰ Others, especially Western governments, however, doubt the group’s intentions and are suspicious of anything that is ‘too Islamist’, it appears. This unwillingness to work with groups such as Jabhat Fateh al-Sham will most likely be reflected in a possible safe area if one is implemented by a Western country.

IS and its affiliated groups, on the other hand, fight against all those who do not adhere to their (religious) standards, including the Syrian Government, thawri groups, and other Salafi-jihadi groups. IS gained foothold in Syria by the end of 2013. While it sought to merge with Jabhat Fateh al-Sham in 2013, the latter refused a merger, and while IS was initially considered to be affiliated with Al Qaida, they also decided to cut ties in early 2014.²³¹ IS wants to create a global Islamic caliphate, based on a very distinct interpretation of the Quran, in which there is no room for ‘disbelievers’.²³² They believe that, according to Islamic prophecy, in the Syrian town Dabiq “the armies of Rome will mass to meet the armies of Islam”²³³. They have shocked the world with their gruesome attacks against those who do not believe in their ideas, such as the genocide of the Yezidis and attacks in Western cities. They took control over the majority of eastern Syria with incredible speed. While they do not receive any official support from foreign countries, many international jihadi fighters have joined their cause.²³⁴ IS heavily depends on oil revenue, having taken control over some 11 oil fields in 2014, resulting in the United States targeting the oil installations in their bombing campaign.²³⁵ Their extreme interpretation of Islam and their unwillingness to talk have made them an unwelcome party to a safe area agreement from practically every point of view; including their own.

4.3 External reactions

In order to be able to understand the discussions on, and possibilities of, safe areas in Syria, it is important to understand the measures that have, and have not, been taken so far on the international level and what the motives behind the (lack of) actions are. I argue that getting an overview of these measures will help in creating an understanding of the international considerations for safe areas that will be discussed later in this chapter. Again, since the available information on international considerations for safe areas in Syria is limited, this analysis of more general considerations for intervention will complement the available information.

In this section, I will first look at the discussions that have taken place in the UNSC on possible action towards Syria. Following, I will look at the measures that have been taken, regardless of UN support or condemnation, by those countries and organizations that support the Assad government. After, I will see how those countries that oppose to Assad’s rule have been supporting the opposition instead, regardless of UNSC meeting outcomes.

²²⁹ Ibid.

²³⁰ Interview Zeegers, 8 February 2017.

²³¹ Commission of Inquiry on the Syrian Arab Republic, ‘Report of the Independent International Commission of Inquiry on the Syrian Arab Republic’, para. 8, 9.

²³² Lister, ‘What does ISIS really want?’, CNN (11 December 2015).

²³³ Ibid.

²³⁴ Bakker and de Roy van Zuijdewijn, ‘Jihadist Foreign Fighter Phenomenon in Western Europe: A Low-Probability, High-Impact Threat’, The International Centre for Counter-Terrorism – The Hague (2015), 2-3.

²³⁵ Mroue, ‘Here’s A Breakdown Of The Oil Assets ISIS Now Controls’, Business Insider (25 September 2014).

4.3.1 UN interference – or a lack thereof

The debate on whether or not the international community, under the flag of the UN, should intervene in Syria has continued since the start of the conflict in 2011. On 14 April 2012, the UNSC adopted resolution 2042 allowing for a team of 30 unarmed military observers to monitor a cease-fire. That it had taken more than a year, during which some 10,000 people had died, for such a resolution to be adopted, was regretted by among others the United Kingdom, the United States of America, Germany and France.²³⁶ While several resolutions followed after resolution 2042, their effect has, I argue, been limited; major action was not taken. There most definitely were parties that argued that something should be done, their main arguments being formed around the crimes that were being committed in Syria. Deputy Secretary-General Jan Eliasson, on behalf of Secretary-General Ban Ki-moon, spoke about "...grave human rights violations, crimes against humanity and war crimes... [such as] attacks against humanitarian convoys and personnel"²³⁷. The latter is important to keep in mind when considering safe areas, as a lack of respect for humanitarian initiatives could also mean that convoys are blocked or even attacked when trying to reach the area, and personnel could be harmed.

In a report by the Independent International Commission of Inquiry on the Syrian Arab Republic²³⁸, it was argued that IS has been committing the 'crime of all crimes', genocide:

ISIS has committed, and continues to commit, the crime of genocide... against the Yazidis... Like all genocides, it is born of the warped thinking that the world, as the perpetrators understand it, would be better without a particular group of people in it and that by doing the work of destroying what they consider impure, the perpetrators are creating a more perfect society.²³⁹

Nevertheless, not only those considered to be terrorist organizations by the UN, such as IS and Jabhat Fateh al-Sham, have been committing crimes. While perhaps not as grave as genocide, the magnitude of the crimes that the Syrian Government has, according to several accusations, committed is alarming, I argue. The representative of the United States of America, Susan Rice, accused the Assad government and the militias it supported of committing crimes against humanity:

Week after week, the Secretary-General, the Joint Special Envoy, the Head of UNSMIS, General Mood, and others have told the Council that the Al-Assad regime continued to fire heavy weapons in population centres... continued to detain and torture citizens and to maintain a horrific posture of intimidation and harassment... They reported on various occasions that the Syrian [government]-backed shabiha militia were terrorizing entire communities, including by sexually assaulting women and children.²⁴⁰

No matter how heinous the crimes reported, it is perhaps especially alarming, I argue, that they are

²³⁶ United Nations Security Council, 'Security Council Unanimously Adopts Resolution 2042 (2012), Authorizing Advance Team to Monitor Ceasefire in Syria', Coverage of the 6751st Meeting (12 April 2012).

²³⁷ Deputy Secretary-General Jan Eliasson, on behalf of Secretary-General Ban Ki-moon. In: United Nations Security Council, '7180th meeting' (22 May 2014), 2.

²³⁸ The United Nations Human Rights Council, through resolution S-17/1, established the commission on 22 August 2011. Its mandate was to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic.

²³⁹ Commission of Inquiry on the Syrian Arab Republic, "'They came to destroy': ISIS Crimes Against the Yazidis', UN Human Rights Council (15 June 2016), para. 201, 203.

²⁴⁰ Ms. Rice, representative of the United States of America. In: United Nations Security Council, '6810th meeting', (19 July 2012), 10.

being committed by a government against its own people. Peter Wittig, in his capacity as Germany's representative to the UNSC, states that

[w]hen the people of Syria peacefully took to the streets more than a year ago, their legitimate demands for freedom and participation were met with deadly force. Instead of initiating meaningful political dialogue, the regime of President Al-Assad responded with increased repression.²⁴¹

While I argue that the actions taken by the Syrian Government to try to repress the uprisings and stay in power could, and arguably even should, trigger intervention based on the R2P principle, the collective action taken by the UNSC has mainly been focussed against IS. Resolution 2249, drafted by France, was adopted shortly after the attacks in Paris on 13 November 2015.²⁴² The resolution called upon UN Member States to take all necessary measures, in compliance with international law, "to redouble and coordinate their efforts to prevent and suppress terrorist acts committed specifically by ISIL... and to eradicate the safe haven they have established over significant parts of Iraq and Syria"²⁴³. While the resolution does not invoke for example Chapter 7 of the UN Charter, the call for (increased) action was considered to be an important step towards fighting international terrorism and creating a peaceful Syria. The French representative Delattre invigorated France's call by adding that "We, the peoples of the United Nations, have a duty to defend [our common humanity]"²⁴⁴.

Defending this common humanity by invoking R2P action has, however, been stopped by discussions in the UNSC on whether the international community should militarily intervene in Syria, or if militarily supporting Assad and defending the sovereignty of the Syrian state is the right way to go. While several resolutions have been drafted proposing measures for the first option, Russia and in several instances also China have used their veto against those drafts that would negatively impact the sovereignty and general position of the Government of Syria. China's representative to the UNSC has made it clear that China highly values the sovereignty of the Syrian state and its territorial integrity.²⁴⁵ In the People's Daily, an official paper of the Chinese Communist Party, it was argued that

[h]umanitarianism must not be politicized and nor should it be militarized... [w]e must certainly be on alert for the usual efforts of certain countries when it comes to the Syria issue of using 'humanitarianism' to interfere in the country's internal politics and (push) military intervention.²⁴⁶

Russia, being a prominent ally of the Assad government, has also continuously argued against any initiatives that touch upon possible intervention in the UNSC, arguing that "Their [France, US, Great Britain] calculations to use the Security Council of the United Nations to further their plans of imposing their own designs on sovereign States will not prevail"²⁴⁷. Russia has further stated the UN's reaction to the conflict in Libya as another reason for not supporting intervention in Syria:

²⁴¹ Mr. Wittig, representative of Germany. In: United Nations Security Council, '6810th meeting', 4.

²⁴² On 13 November 2015, a series of coordinated terrorist attacks killed 130 people.

²⁴³ United Nations Security Council, 'Resolution 2249, Adopted by the Security Council at its 7565th meeting' (20 November 2015), para. 5.

²⁴⁴ Mr. Delattre, representative of France. In: United Nations Security Council, '7565th meeting' (20 November 2015), 3.

²⁴⁵ United Nations Security Council, 'Security Council Unanimously Adopts Resolution 2042 (2012), Authorizing Advance Team to Monitor Ceasefire in Syria'.

²⁴⁶ Blanchard, 'China's top paper says Syria "safe zone" would not work'.

²⁴⁷ Mr. Churkin, representative of the Russian Federation. In: United Nations Security Council, '6810th meeting', 8.

We all know the background to the Syrian crisis. After destroying Libya and considering that a great success, the troika of the three Western permanent members of the Security Council turned on Syria. And this time, most unfortunately, Paris... has become one of the loudest promoters of an ill-conceived policy of regime change in Damascus.²⁴⁸

As Pronk explained in his interview, the situation in Libya has made Russia unwilling to consider anything like safe areas.²⁴⁹ The Syrian representative, Bashar Ja'afari, joined Russia and China in their accusations that the aim of the West is to breach Syria's state sovereignty, arguing that "[c]ertain Council members have tried of late to intervene in our domestic affairs under the pretext of the protection of civilians"²⁵⁰. He further emphasized that Syrian sovereignty "represented a red line that cannot be crossed under any condition", and that any action had to be taken within these limits.²⁵¹ This strong focus on the sovereignty of the Syrian state is important for understanding why Russia has so far stated to be willing to discuss safe areas only if they are implemented on the terms of the Syrian Government.

The discussions in the UNSC have shown that the international community is yet to agree on a course of action for Syria. The content of the resolutions that *have* been adopted do not go much further than to condemn chemical attacks, demand access for humanitarian aid and demand a cessation of attacks against civilians. Repercussions, besides economic sanctions and the like, have hardly been taken. When both China and Russia used their veto to vote against a draft resolution that demanded the implementation of a cessation of hostilities, this caused frustration among other UNSC members. The representative of the United Kingdom argued that Russia and China had used their veto because of "their long-standing, misplaced faith in a despot who... would rather reduce Syria to rubble than to negotiate an overdue peace"²⁵². Nevertheless, even those countries that strongly condemn the actions of government related parties, rebel groups, or both, appear reluctant to intervene militarily.

While not every country is represented in the UNSC, the council does hold two countries with particularly influential voices. The United States of America and Russia do not only have important voices because of their right to veto, it is also their military power and exemplary function on the international level that distinguishes them from other countries. When looking at the conflict in Syria, it are these two countries, combined with regional players, that have the power to possibly change the course of the conflict, I argue. The US, whose primary goal is to defeat IS and who is not supportive of the Assad regime, has the support of many Western countries including Great-Britain, Germany and France, and regional players such as Turkey, Saudi Arabia and Qatar. Russia on the other hand, who also fights IS but is mainly seen as being a large supporter of the Assad government, is supported in its cause by countries with a Shia majority, such as Iran, and the Shia-militant group Hezbollah.

In the next part of this chapter I will have a more in-depth look at the proposed and taken measures outside of the UNSC on intervention in Syria, focussing on the above-mentioned countries and their supporters. I first look at those countries that support the Assad government, followed by an analysis of the point of view of those who oppose to its rule.

²⁴⁸ Mr. Churkin, representative of the Russian Federation. In: United Nations Security Council, '7785th meeting' (8 October 2016), 4.

²⁴⁹ Interview Pronk, 30 November 2016.

²⁵⁰ Mr. Ja'afari, representative of the Syrian Arab Republic. In: United Nations Security Council, '6627th meeting', (4 October 2011), 13.

²⁵¹ United Nations Security Council, 'Security Council Unanimously Adopts Resolution 2042 (2012), Authorizing Advance Team to Monitor Ceasefire in Syria'.

²⁵² Mr. Rycroft, representative of the United Kingdom of Great Britain and Northern Ireland. In: United Nations Security Council, '7825th meeting', 6-7.

4.3.2 Pro-government policy measures

Assad's preferential treatment of non-Sunni minorities, the emphasis on his Shiite identity, and the struggles with Israel have gained him the support of Iran and Hezbollah.²⁵³ Their relationships go back several decades, Ward explains.²⁵⁴ When the government in Iran was overthrown in 1979 and replaced by a Shiite Islamic theocracy that no longer wanted any ties with the West and Israel, the relationship between Iran and Syria grew stronger. It improved even further when, after Israeli forces crossed into Lebanon in 1982, Syria decided to join Iran in their support of Hezbollah, a Shiite group that wanted to remove Israel from Lebanon. After Assad cracked down on the opposition in Hama in 1982, Iran declared, to the surprise of some, its support for the Syrian Government's actions against the Muslim Brotherhood.²⁵⁵ After the Cold War, however, Syria sought to improve its relationship with the West. While Assad initially worked together with the US in its counter-insurgency operation in Iraq, he soon decided to end this alliance in fear of the US intervening in Syria next. While this had cooled the relationship between Syria and Iran, the US's calls for Syria to leave Lebanon and stop supporting Hezbollah, and Syria's subsequent refusal, improved their relation again.

When the Arab Spring led to protests in several Arab countries, Iran initially spoke out in support of the protestors, hoping for the mainly Western-backed governments to be replaced by Islamist leaders. When it became clear that the protests had spread to Syria, however, Iran was put in a somewhat awkward position, which ultimately resulted in a change of rhetoric in support of their important ally Assad.²⁵⁶ With many Western and regional players supporting the opposition, Iran and Hezbollah feared they would be ridded of their most valuable ally, Goodarzi argues:

Iran and its allies increasingly came to view the situation in Syria as a zero-sum game, fearing that the ouster of the Syrian Ba'athist regime could pave the way for the emergence of a new regime in Damascus that would be hostile toward Tehran. Consequently, the Iranian leadership made a strategic decision to fully support Assad by providing arms, oil, and financial aid.²⁵⁷

While Iran thus supports the Syrian Government, it does seem aware of a possible failure to keep Assad in power. In early 2013 reports came out that argued Iran was arming militias of Alewites and others loyalists to the regime, such as Al-Jaysh al-Sha'bi (People's Army), in order to have a force in place in case the regime falls and Syria would become a divided and split-up country.²⁵⁸ "Jaysh is essentially an Iran-Hezbollah joint venture... Given the other constraints on Iranian resources right now, it's obvious that this is an important proxy group for them"²⁵⁹, David Cohen²⁶⁰ argued. Iran, especially through Hezbollah, has a crucial military presence in Syria in support of the regime. Therefore, when considering safe areas, I argue it is important to take its opinion into account. However, its will to either keep Assad in place or to create a strong (Shia) Islamist Syria is, as will become clear, at odds with the vision of Western states.

The other main proponent of the Assad government, Russia, also played a large role in turning the table in Assad's favour. Russia has been an ally of Syria since the Cold War, during which

²⁵³ Holliday, 'The Struggle for Syria in 2011'.

²⁵⁴ Ward, 'Axis of Resistance: The Hezbollah-Iran-Syria Relationship', The Cipher Brief (14 July 2016).

²⁵⁵ Gelbart, 'The Iran-Syria Axis: A Critical Investigation', Stanford Journal of International Relations (2010, Fall edition).

²⁵⁶ Goodarzi, 'Iran and Syria at the Crossroads: The Fall of the Tehran-Damascus Axis?', Viewpoints 35 (2013).

²⁵⁷ Ibid.

²⁵⁸ De Young and Warrick, 'Iran and Hezbollah Build Militia Networks in Syria in Event That Assad Falls, Officials Say', The Washington Post (10 February 2013).

²⁵⁹ Ibid.

²⁶⁰ Cohen is the undersecretary for terrorism and financial intelligence at the US Treasury Department.

Syria choose the side of the Soviet Union. As discussed previously, Russia, often together with China, has since the start of the conflict in 2011 used its veto in the UNSC to block any resolutions that would negatively influence the position of the Syrian Government, especially those that would enable military intervention. It has been argued that they did not want to make the same mistake as they did in Libya, where the intervention turned out to be an enforcement of US ideals in the eyes of Russia.²⁶¹ Russia puts high value on the sovereignty of a state, arguing that foreign countries should not intervene in support of those who want to topple the regime. Russian foreign minister Sergei Lavrov argued in 2012 that “[o]nly Syria can decide the fate of Mr Assad”²⁶².

Besides supporting Assad in the UNSC, Russia continued to supply Damascus with arms, as it had already done since before the start of conflict. It has been argued that this is in fact one of the economic reasons Russia stands by the government, another being the importance of the only Russian naval base in the Mediterranean region, which is located in Syria. Also, it appears Russia prefers to fight those Russians (especially Chechens) who have joined militias such as IS on Syrian territory rather than allowing them to return to Russia. On 27 September 2015 Putin argued that “instead of waiting for their return, we are better off helping Assad fight them on Syrian territory. So this is the most important thing which encourages us and pushes us to provide assistance to Assad”²⁶³.

When it became clear that the Government of Syria was losing territory to the opposition in 2013, Russia increased its support later that year. Besides supplying the government with small weapons, they now also sent armed vehicles, airplanes, electronic warfare systems and bombs.²⁶⁴ By the end of September 2015, Russia launched a direct military intervention that started with the bombing of IS, Jabhat al-Nusra, and other opposition militias.²⁶⁵ Moreover, there have been reports that an estimated 4,000 troops, such as rocket-launcher crews and Special Forces, have been deployed in Syria.²⁶⁶ While Russia denied sending ground forces, arguing that it has only sent military advisers, it is clear that it does not shy away from military action. While this might seem to be contradictory to the statement that “[o]nly Syria can decide the fate of Mr Assad”²⁶⁷, it is important to realize that Assad has more than willingly accepted (military) support from both Russia as well as Iran and Hezbollah. When considering safe areas, these relations could influence possible consent. While Russia, Iran and Hezbollah have thus (crucially) supported Assad and continue to do so, such firm support appears to be lacking with those foreign countries that support the opposition.

4.3.3 Pro-opposition policy measures

When the uprisings in Syria started in 2011, Barack Obama was the president of the United States of America. While the Obama administration initially issued several sanctions against the Assad regime, it was not until August 18, 2011, that he made an official statement calling for President Assad to step aside.²⁶⁸ France, Great Britain and Germany supported him in his call. UK Prime Minister David Cameron, in a joint statement with Nicolas Sarkozy (president of France) and Angela Merkel (Chancellor of Germany), stated that

²⁶¹ Goodarzi, ‘Iran and Syria at the Crossroads: The Fall of the Tehran-Damascus Axis?’.

²⁶² The Economist, ‘The long road to Damascus’, The Economist (11 February 2012).

²⁶³ Rose, ‘All eyes on Putin’, CBS News (27 September 2015).

²⁶⁴ Saul, ‘Exclusive: Russia steps up military lifeline to Syria's Assad – sources’, Reuters (17 January 2014).

²⁶⁵ Dearden, ‘Russian air strikes in Syria: Vladimir Putin's spokesperson admits targeting rebel groups that aren't Isis’, Independent (1 October 2015).

²⁶⁶ Szoldra, ‘The elite Russian special forces who took over Crimea are doing the same thing in Aleppo’, Business Insider (16 December 2016); Tsvetkova, ‘Russian soldiers geolocated by photos in multiple Syria locations, bloggers say’, Reuters (8 November 2015).

²⁶⁷ The Economist, ‘The long road to Damascus’.

²⁶⁸ Phillips, ‘President Obama: "The future of Syria must be determined by its people, but President Bashar al-Assad is standing in their way"’. The White House (18 August 2011).

Our three countries believe that President Assad... has lost all legitimacy and can no longer claim to lead the country. We call on him to face the reality of the complete rejection of his regime by the Syrian people and to step aside in the best interests of Syria and the unity of its people.²⁶⁹

Obama's statement on 18 August 2011 calling for Assad to step aside also included the statement that "The United States cannot and will not impose this transition upon Syria"²⁷⁰. Nevertheless, in August 2012 it became known that Obama, earlier that year, had signed a secret order that authorized US support for the rebels fighting the Assad government.²⁷¹ This support did not, however, contrary to what some US lawmakers suggested, include directly arming the opponents of the regime.²⁷²

Obama did make it clear that one of the 'game changers' in the context of Syria would be the use of chemical weapons, stating that "I have, at this point, not ordered military engagement... a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized. That would change my calculus. That would change my equation"²⁷³. However, when the UN concluded that chemical weapons had been used 'on a relatively large scale' on 21 August 2013 in Ghouta (Damascus)²⁷⁴, an attack that the US believed to be carried out by the Syrian Government and that they estimated to have claimed 1,429 lives²⁷⁵, the expected action stayed out. Instead, diplomatic measures were taken: on 27 September 2013, UNSC resolution 2118 was adopted. The resolution, which was unlike previous draft resolutions on Syria not vetoed by Russia, stated that Syria had to destroy all chemical weapons before 30 June 2014. The resolution also marked the indefinite stalling of American airstrikes; something that Syrian rebels received bitterly. While President Obama did state that "[i]f diplomacy fails, the United States remains prepared to act"²⁷⁶, even without Security Council approval, the Americans had lost face in the eyes of Syrian rebels. Maysara, a commander of a battalion in Saraqeb, stated that he "[does not] care about deals anymore... The Americans found a way out of the strike... The Americans lied, and believed their own lie — the U.S. doesn't want democracy in Syria. Now I have doubts about the U.S. capacities, their military and intelligence capacities"²⁷⁷. This lack of faith in the US is important to keep in mind when considering safe areas in which the US plays an important role.

It would take until June 2014, after a particularly brutal offensive by IS in northern Iraq, for Obama to ask Congress for (an initial) 500 million US dollars to train and equip Syrian opposition fighters at sites outside of Syria.²⁷⁸ The programme that started in spring 2015 did, however, not turn out as successful as expected, as it soon became apparent that some fighters had turned over

²⁶⁹ As quoted in: McGreal and Chulov, 'Syria: Assad must resign, says Obama'.

²⁷⁰ In: Phillips, 'President Obama: "The future of Syria must be determined by its people, but President Bashar al-Assad is standing in their way"'.
²⁷¹ Hosenball, 'Obama authorizes secret support for Syrian rebels', Reuters (1 August 2012).

²⁷² Ibid.

²⁷³ Obama, as quoted in: The White House, 'Remarks by the President to the White House Press Corps', Office of the Press Secretary (20 August 2012).

²⁷⁴ United Nations General Assembly and United Nations Security Council, 'Report of the United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic on the alleged use of chemical weapons in the Ghouta area of Damascus on 21 August 2013' (16 September 2013), para. 27.

²⁷⁵ The White House, 'Government Assessment of the Syrian Government's Use of Chemical Weapons on August 21, 2013', Office of the Press Secretary (30 August 2013).

²⁷⁶ Obama, as quoted in: Gorden, 'U.S. and Russia Reach Deal to Destroy Syria's Chemical Arms', New York Times (14 September 2013).

²⁷⁷ Gorden, 'U.S. and Russia Reach Deal to Destroy Syria's Chemical Arms'.

²⁷⁸ Stewart and Holton, 'U.S. pulls plug on Syria rebel training effort; will focus on weapons supply', Reuters (9 October 2015).

equipment to Al Nusra Front, causing several Senators to urge the Obama administration to cease the programme.²⁷⁹ The programme was shut down in October that same year, having trained only a handful of fighters; a far cry from the 5,000 per year that the programme was intended to train.²⁸⁰

In March 2016, a new plan was signed. Unlike the previous programme, which was aimed at training moderate Syrian rebels fighting IS, this programme would directly supply rebel leaders with arms and equipment. While Obama had appeared to be pessimistic about such an approach in 2014, it was perhaps Russia's increasing military support for Assad and general influence in the region that caused a change in US tactics.²⁸¹ While this new approach is perhaps not as complex as the previous one, the vetting process, which is to ensure that the rebel leaders that receive the arms and equipment are not linked to any militant Islamist groups, remains difficult to execute. During the previous programme, it had taken US officials 'months' to decide who should be let into the programme.²⁸² One of the problems encountered was the difficulty in establishing what the goals of different rebel factions would be post-Assad. The US wanted to train and supply those who fight IS, not Assad, and who also support a Western democratic system. Moreover, it proved to be difficult to decide what combination of rebel factions to support, as not all are willing to cooperate with each other. While the US was keen on supporting Kurdish forces, which believe in a moderate Islam and democratic values, the new programme was going to focus on arming only Arab groups, "out of deference to Turkish concerns"²⁸³. Nevertheless, it is interesting to note that by September 2016 it became clear that the US had started to directly arm the Kurdish-led Syrian Democratic Forces (SDF), hoping these forces would be more successful than Arab militias in their fight against IS. Rex Tillerson, the US Secretary of State since 1 February 2017, called the Syrian Kurds "our great allies" in the fight against IS.²⁸⁴ By arming Kurdish forces, the US went against Turkish wishes, angering Turkish Prime Minister Erdogan, who asked "How does a terrorist organization, get taken out by another terrorist organization? ... By giving them weapons, you're endangering our future"²⁸⁵. This difficult process of selecting what local parties to support that suit US ideals, while at the same time not angering existing allies will also prove important when safe areas are discussed later in this chapter.

While Turkey and Syria were never close allies, having had conflicts over for example the Hatay province, water sources from the Tigris and Euphrates River, and Syria giving refuge to Kurdish separatist leaders, their relationship was slowly improving by the end of Hafez al-Assad's rule, and continued to do so when Bashar took over.²⁸⁶ After the protests against Assad began, however, Erdogan sided with the Syrian opposition, asking Assad to step down.²⁸⁷ When Assad refused, Turkey decided to support the SNC, and, to a certain extent, also the Free Syrian Army (FSA), giving them shelter and supplying them with arms and equipment.²⁸⁸ After both countries had

²⁷⁹ Udall, Manchin, Murphy, and Lee, 'Udall, Manchin, Murphy, Lee Call for an End to the Failed Syria Train and Equip Program' (2 October 2015).

²⁸⁰ Shear, Cooper and Schmitt, 'Obama Administration Ends Effort to Train Syrians to Combat ISIS', New York Times (9 October 2015).

²⁸¹ Stewart and Holton, 'U.S. pulls plug on Syria rebel training effort; will focus on weapons supply'.

²⁸² McLeary, 'The Pentagon Wasted \$500 Million Training Syrian Rebels. It's About to Try Again', Foreign Policy (18 March 2016).

²⁸³ Shear, Cooper and Schmitt, 'Obama Administration Ends Effort to Train Syrians to Combat ISIS'.

²⁸⁴ Wilgenburg, 'US Secretary of State nominee calls Syrian Kurds 'greatest allies' in fight against terrorism', Araneews (14 January 2017).

²⁸⁵ Dattoo, 'What Erdogan Told Us About Rates, Gulenists, and the Kurds', Bloomberg (23 September 2016).

²⁸⁶ San Akca, 'Supporting Non-State Armed Groups: A Resort to Illegality?', The Journal of Strategic Studies 31(4), (2009).

²⁸⁷ Barkey, 'Turkey's Syria Predicament', Survival 56(6), (2014), 117.

²⁸⁸ Balci, 'Turkey's Relations with the Syrian Opposition', Carnegie Endowment for International Peace (13 April 2012); Manna, 'Syria's opposition has been led astray by violence', The Guardian (22 June 2012); Zuhur, 'The Syrian Opposition: Salafi and Nationalist Jihadism and Populist Idealism', 151.

shot down helicopters and airplanes of the other that had entered their airspace without permission, their relationship further deteriorated.²⁸⁹

Since the start of the conflict in Syria, Turkey has held an important position from an international point of view, both geographically as well as militarily. Its location has made it an important transit country for refugees trying to reach Europe. Europe, however, as was the case during the Bosnian War, finds itself unable, or unwilling, to deal with the increased refugee flows. The refugee deal Turkey signed with Europe on 18 March 2016²⁹⁰ put the country in an empowered position, allowing it to use opening its border as a threat.²⁹¹ Moreover, Turkey's location has made it an interesting place to plan attacks from. While the US has shown interest in using Turkish airbases several times, permission has not always been given, partly due to a difference in motives when it comes to intervening in Syria. While Turkey is seen as an important and powerful regional player, fighting IS and stemming the refugee flows to Europe, its active role in fighting Assad appears not to be in line with US- and European actions. While Germany, France, the Netherlands and Great Britain for example have all contributed to the fight against IS (mainly through aerial attacks), they have not directly attacked Assad militarily. Moreover, Turkey has been shelling the Kurdish People's Protection Units (YPG), arguing they are an extension of the Kurdish Workers Party (PKK).²⁹²

In October 2014, Turkey adopted a mandate to send troops into Iraq and Syria, expanding from attacking the Kurdistan Workers Party (PKK) and militarily dealing with threats from the regime to fighting against IS in its border zones.²⁹³ However, it was not until 24 August 2016 that Turkey launched a direct military assault in Syria, its ground troops supported by US-led coalition air forces.²⁹⁴ Operation Euphrates Shield is, Turkish officials argued, grounded on the right to self-defence as found in Article 51 of the UN Charter. The goal of the operation, according to Ankara, is to maintain border security, fight against IS terrorism and stop the terroristic organization PKK from creating an autonomous zone in the border area.²⁹⁵ The operation succeeded at least to some extent in the latter, as shown in figure 4, by creating an FSA-controlled area between Azaz in the west and Jarabulus in the east, effectively blocking the Kurdish forces from linking the areas they control. Interesting to note is that the US did support Operation Euphrates Shield that clearly was also aimed at weakening the Kurdish forces. This shows how quickly alliances can change; something that can be problematic when implementing safe areas, as these need full commitment from all parties involved.

For the US, the knowledge that Turkey is fighting against the Kurds and Assad appears not to have been a reason to stop their cooperation. Nevertheless, there have been accusations made that Turkey has been supporting Salafi-jihadi groups, for example by David L. Phillips, Director of the Program on Peace-building and Rights at Columbia University's Institute for the Study of Human Rights.²⁹⁶ In response to these allegations, Erdogan argued that it is in fact Obama's administration that is supporting IS. "They [the US] were accusing us of supporting Daesh [IS]... Now they give

²⁸⁹ Al Arabiya with agencies, 'Turkey confirms Syria shot down F-4 military jet, search for pilots ongoing', Al Arabiya News (22 June 2012); Tawfiq, 'Turkish warplanes shoot down Syrian helicopter', Reuters (16 September 2013).

²⁹⁰ See <http://www.consilium.europa.eu/en/meetings/european-council/2016/03/17-18/>

²⁹¹ This has recently happened when the Netherlands and Germany refused to allow Turkish politicians to hold rallies in their countries that were intended to gain support for the upcoming referendum in Turkey on the power that Erdogan holds. See: Osborne, 'Turkey threatens ending EU refugee deal amid diplomatic crisis with Germany and the Netherlands', Independent (16 March 2017).

²⁹² BBC Monitoring, 'Turkey v Syria's Kurds v Islamic State', BBC News (13 August 2016).

²⁹³ Şahin, 'Parliament passes mandate to send troops into Iraq and Syria', Daily Sabah (2 October 2014).

²⁹⁴ Democracy Now, 'Turkish Military Sends Additional Tanks into Northern Syria', Democracy now (26 August 2016).

²⁹⁵ Kasapoglu, 'Operation Euphrates Shield: Progress and scope', Al Jazeera (3 February 2017).

²⁹⁶ Phillips and Myers, 'The Kurdish Spring: A New Map of the Middle East', Carnegie Council for Ethics in International Affairs (18 March 2015).

support to terrorist groups including Daesh, YPG, PYD. It is very clear. We have confirmed evidence, with pictures, photos and videos”²⁹⁷, he argued on in December 2016. While it is unclear how legitimate the claims against both the US and Turkey are, it does show that even those international parties that can be considered to share certain opinions, are not entirely on the same page; something that can be problematic should they decide to implement safe areas together.

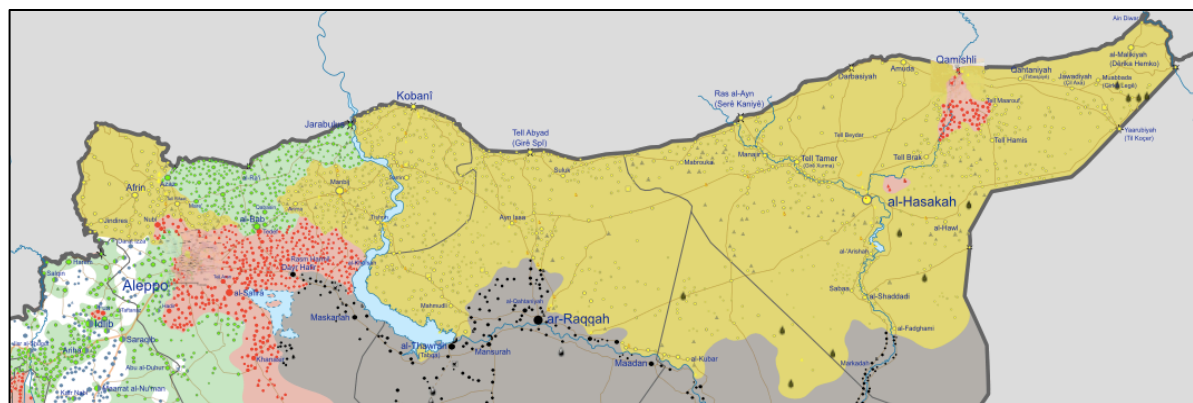


Figure 4: Map showing the situation in the Turkey-Syria border area, 23 March 2017. The FSA-Turkey controlled zone (green) is situation between Kurdish-controlled areas (yellow). Source: https://upload.wikimedia.org/wikipedia/commons/6/68/Syrian_Civil_War_map.svg Selection of original image.

While there are tensions between Turkey and Western countries on who to support in Syria, regional countries also appear not to be on the same page. Besides Turkey, several other regional players have been critical of Assad’s violent crackdown on protestors. In August 2011, around the same time Obama, Cameron, Merkel and Sarkozy called for Assad to step aside, the Gulf Cooperation Council called for an immediate end to the violence and bloodshed in Syria. The Council, that represents Bahrain, Kuwait, Qatar, Oman, the United Arab Emirates and Saudi Arabia, urged Syrian leaders to “resort to wisdom and introducing serious and necessary reforms that would protect the rights and dignity of the [Syrian] people, and meet their aspirations”²⁹⁸. Qatar and Saudi Arabia have put pressure on the FSA to impose a more unified command structure, promising them more advanced weapons if a central military council was installed, which FSA commanders agreed to in late 2012.²⁹⁹

However, while Qatar supports the Muslim Brotherhood’s influence in the SOC, Saudi Arabia and the United Arab Emirates are deeply suspicious of the influence the Muslim Brotherhood has in the organization, Sofer and Shafroth have argued.³⁰⁰ Western countries, including the US that seems to be internally debating if the Muslim Brotherhood should be labelled as a terrorist organization, share this suspicion.³⁰¹ In contrast to Turkey and Qatar, other Gulf nations that oppose Assad’s rule are instead backing those in the SOC that want to include (non-Sunni) members of the Assad Government in a new transitional government.³⁰²

²⁹⁷ Toksabai, ‘Erdogan says U.S.-led coalition gives support to terrorist groups in Syria’, Reuters (27 December 2016).

²⁹⁸ Bakri, ‘Syria Forces Extend Siege on Hama as Toll Rises’, New York Times (6 August 2011).

²⁹⁹ MacFarquhar and Saad, ‘Rebel Groups in Syria Make Framework for Military’, New York Times (7 December 2012).

³⁰⁰ Sofer and Shafroth, ‘The Structure and Organization of the Syrian Opposition’.

³⁰¹ Baker, ‘White House Weighs Terrorist Designation for Muslim Brotherhood’, New York Times (7 February 2017).

³⁰² Sofer and Shafroth, ‘The Structure and Organization of the Syrian Opposition’.

What this overview has shown is that there are many international and regional parties involved in the conflict in Syria that oppose to IS and urge Assad to step down. Nevertheless, they seem unable to agree on other issues or a course of action. While some countries, such as Turkey, are actively fighting Assad, other countries such as the US focus on defeating IS while using mainly diplomatic measures to urge Assad to step down. Also, while Turkey supports the Muslim Brotherhood in Syria and fights against Kurdish forces, Western countries instead support Kurdish fighters and are suspicious of any organizations with strong (conservative) Islamist ideas. These are some examples that show different interests. Perhaps even more problematic is that the complexity of these different tactics and motives has caused suspicion among those who could be seen as allies, not only on the international but also on the local level. The many different militias fighting in Syria are increasingly fighting amongst themselves, Wijninckx explained in her interview.³⁰³ The selective support by international backers has caused militias to split off from, and later re-join, overarching structures, resulting in even more unclarity for all. I argue that it is important to keep these international, regional and local relations in mind when considering safe areas in Syria.

4.4 The discussion on safe areas in Syria

After having analysed the historical context of the conflict in Syria, the different local parties involved and the different positions of the international community on the situation in Syria, focussing on who is supporting who and what the different motivations behind this support are, I am now able to link this more general information to concrete suggestions for safe areas in Syria. Using the model based on the lessons from Srebrenica, developed in the previous chapter, I will first look at proposals that have been made so far on the international level considering the implementation of safe areas. Next, I will look at the local parties involved, analysing how their goals and motivations can influence their consent and reactions to a possible safe area. Finally, I will analyse what the actual implementation process of a safe area in Syria should look like, focussing on, as the model shows, its location, how the needed credible threat can be established and how, if at all, demilitarization can be realized.

4.4.1 International considerations

By 2015 more and more US politicians, both Republican and Democrat, called for the implementation of no-fly zones and safe areas in Syria.³⁰⁴ Obama however did not give in to the calls, arguing that “[t]he issue surrounding a safe zone in Syrian territory is not a matter of an ideological objection on my part... It's a very practical issue about how do you do it?”³⁰⁵. He argued that he found it difficult to see how a safe area in Syria would operate without willingness of the US to “militarily take over a chunk of that country”³⁰⁶. Another practical issue he raised was the “big military commitment” that would be needed to protect those inside the safe zone from attacks, asking the question what country would be willing to supply these troops.³⁰⁷ The then Secretary of State, John Kerry, argued that according to previously made estimates by the Pentagon at least 15,000 to 30,000 ground troops would be needed to maintain a safe area in northern Syria.³⁰⁸ Moreover, a complete control over the Syrian air space would be needed to offer full protection. The US administration, however, feared that

³⁰³ Interview Wijninckx, 9 February 2017.

³⁰⁴ See for example the letter written to President Barack Obama, by four US senators: Durbin, Kaine, Graham and McCain, ‘Letter to President Barack Obama’ (21 April 2015).

³⁰⁵ As quoted in: Chiacu, ‘Obama says Syria 'safe zone' a practical problem’.

³⁰⁶ As quoted in: Sink, ‘Obama Says Syria Safe Zones Won't Work as Merkel Backs the Idea’, Bloomberg (24 April 2016).

³⁰⁷ Ibid.

³⁰⁸ Fishel, ‘Up to 30,000 Troops Needed for Syria Safe Zone, Kerry Says’, ABC News (24 February 2016).

this would pull them deeper into the increasingly internationalized conflict.³⁰⁹ As Russia had been conducting aerial bombings over Syria, enforcing a no-fly zone against Russian jets could have an adverse effect on US-Russia relations, if not lead to a “potentially dangerous scenario”³¹⁰.

While the Obama administration was very reluctant in pursuing any action that would require boots on the ground, instead focussing on supporting local fighters as previously mentioned, now-President Donald Trump already argued for the implementation of a safe area during his presidential campaign. During a rally on 16 November 2015, he argued the following:

In Syria, take a big swatch of land which believe me, you get for the right price, okay? You take a big swatch and you don't destroy all of Europe... What I'd like is build a safe zone, it's here, build a big beautiful safe zone and you have whatever it is so people can live, and they'll be happier.³¹¹

He did, however, seem less enthusiastic about the concept of a no-fly zone, warning less than a year later that Hillary Clinton's plan for the implementation of such a zone over Syria would “lead to world war three”³¹². He argued that Russia, “a country where nukes *work* [emphasis added]”³¹³, was so involved in Syria that the implementation of a no-fly zone could lead to a conflict. This fear was shared by others. James Clapper, then-US Director of National Intelligence, for example argued that he “wouldn't put it past them [Russia] to shoot down an American aircraft”³¹⁴. How Trump is planning to implement a safe area without enforcing a no-fly zone over it, remains unclear.

The topic of safe areas in Syria remained on the agenda after Trump became the 45th president of the United States. On 25 January 2017, Trump said that he will “absolutely do safe zones in Syria for the people” that are fleeing the war-torn country.³¹⁵ As during his campaign, his focus largely remains on containing the refugee flows, arguing that he believes that Europe has made a tremendous mistake by allowing Syrian refugees into Europe, followed by the statement “I don't want that to happen here”³¹⁶. On that same day, the New York Times published a draft executive order in which the topic of establishing safe areas in Syria was again mentioned, signalling that the Trump administration, unlike the Obama administration, might be willing to implement a safe area.³¹⁷ In section 6 of that draft order the Secretary of Defence was directed to “produce a plan to provide safe areas in Syria and in the surrounding region in which Syrian nationals displaced from their homeland can await firm settlement, such as repatriation or potential third-country resettlement”³¹⁸. In the final order, however, signed on 27 January 2017, the section on safe areas was left out.³¹⁹

In reaction to Trump's suggestions on implementing a safe area in Syria, several countries showed their support for his ideas. Lebanon argued that safe areas could be implemented next to its border with Syria. While the Lebanese president argued that Syrian refugees in Lebanon would not be

³⁰⁹ Ainsley and Spetalnick, ‘Trump says he will order 'safe zones' for Syria’, Reuters (25 January 2017).

³¹⁰ Fishel, ‘Up to 30,000 Troops Needed for Syria Safe Zone, Kerry Says’.

³¹¹ As quoted in: Vitali, ‘Donald Trump: Give Syrian Refugees ‘Swatch of Land’ for Safe Zone’.

³¹² As quoted in: Gambino, ‘Donald Trump: Hillary Clinton's policy for Syria would 'lead to world war three’, The Guardian (25 October 2016).

³¹³ As quoted in: Ibid.

³¹⁴ As quoted in: Ackerman, ‘Why Clinton's plans for no-fly zones in Syria could provoke US-Russia conflict’, The Guardian (25 October 2016).

³¹⁵ As quoted in: Ainsley and Spetalnick, ‘Trump says he will order 'safe zones' for Syria’.

³¹⁶ Ibid.

³¹⁷ Ibid.

³¹⁸ Trump, ‘Executive Order- Protecting the Nation from Terrorist Attacks by Foreign Nationals, Draft version’, The New York Times (25 January 2017), Section 6.

³¹⁹ Executive Order No. 13769, 82 FR 8977, 8977-8982. Signed on 27 January 2017 (1 February 2017).

forced to go back to Syria, he believed that the safe area would facilitate the return of refugees.³²⁰ Saudi Arabia also supported Trump's suggestion for a safe area³²¹, and while Jordan has not officially responded it did become clear that Trump discussed his plan with the Jordanian king.³²² Surprisingly, Turkey does not seem to be enthusiastic about Trump's plans. Turkey has been arguing for the implementation of no-fly zones and safe areas on the other side of its border in Syria, its foreign minister arguing in 2015 "We have always defended safe zones and no-fly zones in Syria. People who have been displaced can be placed in those safe zones"³²³. When Trump presented his ideas, however, Turkey argued that it had already set up a safe area under its auspices.³²⁴ With this, it was referring to the strip of land between Azaz and Jarbulus, shown in figure 4, which stopped the Kurds from joining its territories. While refugees fleeing the conflict from other parts of the country have indeed used this area, it is unclear if it is actually functioning as a safe area, or merely as a blockade against the Kurds. Zeegers has argued in his interview that the area was established for mainly geopolitical reasons, rather than because of a humanitarian motive.³²⁵ It appears, Muñoz and Taylor argue, that Turkey does not support Trump's plans because of a fear that a safe area on US terms could be used by the Kurds to expand their territory. As Aykan Erdemir, senior fellow at the Foundation for Defense of Democracies think tank in Washington, stated, for the Turkish Government the "worst-case scenario is a contiguous Kurdish zone that connects the Kurds' western and eastern cantons... in Syria"³²⁶.

What about those who have been supporting Assad's struggle to maintain control over Syria? While Russia did not appear too enthusiastic when the Trump administration's draft executive order was published, its foreign minister Lavrov stated a month later that "Moscow is ready to talk with the U.S. about safe zones but believes it needs to be coordinated with the Syrian government"³²⁷. Again, the sovereignty of the Syrian Government remains crucial for Russia, it appears, which comes as no surprise after what was shown in the previous section on Russia's policy on Syria. Nevertheless, Trump's willingness to negotiate with Moscow, something the Obama administration was unwilling to do, and vice versa, is an interesting development that could potentially result in an agreement on safe areas, I argue. Iran, on the other hand, seems to remain cautious about the implementation of safe areas, arguing like Russia that safe areas based on cooperation with the opposition would undermine Assad's legitimate rule and thus be a breach of Syrian state sovereignty.³²⁸

4.4.2 Local parties and their motivations and goals

The large amount of local parties involved makes it difficult to decide who will and who will not consent to the establishment of a safe area. Regardless, based on the previously made analysis of the different local parties involved and the development of the conflict, I will now try to give an overview of who is likely to consent under what circumstances, and what the motivations of those who are likely to *not* consent are: targeting civilians as an end goal or as a means to a different goal.

The Assad government, after six years of war, has managed to maintain its power over large areas of the country. As Russian and Iranian support increased, so did the government-ruled territory,

³²⁰ US News, 'Lebanon backs returning Syrian refugees to 'safe zones'', US News (3 February 2017).

³²¹ Bayoumy, 'Saudi king agrees in call with Trump to support Syria, Yemen safe zones: White House', Reuters (30 January 2017).

³²² Beech, 'Trump discusses safe zones in Syria with Jordan's king: White House', Reuters (2 February 2017).

³²³ Aljazeera, 'Turkey says parts of Syria to become 'safe zones'', Aljazeera (25 July 2015).

³²⁴ Chulov, Shaheen and Ackerman, 'Turkey and Russia skeptical of Trump's plan to create safe havens in Syria', The Guardian (26 January 2016).

³²⁵ Interview Zeegers, 8 February 2017.

³²⁶ Muñoz and Taylor, 'Syria 'safe zones' for refugees pose dangers for U.S. alliances: Turkey fears these 'zones' could be turned into Kurdish havens', The Washington Times (22 February 2017).

³²⁷ Ibid.

³²⁸ Majidiyar, 'Worries in Iran about Trump's Syria "Safe Zones" Plan', The Middle East Institute (24 February 2017).

making it one of the most important local players in the conflict. The government has largely maintained control over the country's military equipment, which means that consent from the government would be very beneficial to the creation of a safe and secure safe area. However, it appears that the government, who is not willing to give up its sovereignty, will only give consent on its own terms. Continued rebel activity from within the safe area is their main concern, it seems, combined with the fear that a safe area will consolidate rebel territory. It is likely that it will only agree to a safe area that is defended by government-loyal troops or their international allies, and which is completely demilitarized so as to stop rebel activities within. However, I argue that if Russia, by arguing in the UNSC for a safe area under certain conditions that will compensate for some of the Syrian Government's fear, might be able to convince Assad to give his consent.

If the Syrian Government does not consent to safe areas, which is likely when they are established by the US or Turkey, it is important to understand its motivations in the conflict. Unlike the Bosnian Serbs in Srebrenica, Assad is not necessarily targeting people because of their ethnicity, but rather because they rebel against his rule, Zeegers argued in his interview.³²⁹ The government might want to make people feel otherwise, so as to create sectarian tensions that increase minority support for Assad, but it is likely that Syria in the eyes of Assad will also include Sunni Muslims, as long as they pledge allegiance to him. Nevertheless, while it might not be Assad's end goal to kill all Sunnis, I argue that there is no guarantee that he will not attack those who continue to oppose to his rule, either directly or through Shabiha-like militias, if military activity continues from within the safe area. Indeed, Assad's willingness to harm and kill his own citizens has been proven over and over again. This would be especially worrisome if his allies, especially Russia with its UNSC veto that would be able to give Assad immunity to a large extent, continue to support him militarily.

When looking at the thawri opposition groups, the problem that immediately arises when trying to get consent for a safe area is the large amount of parties that the opposition consists of. Even if overarching structures, such as the SOC or the SMC, consent to the establishment of a safe area, the question remains if these organs represent all opposition groups, and if those who are represented will consent in practise. The difficult structures that organize the opposition make it easy for a rebel faction to simply ignore the consent given by their overarching structure because the safe area does not suit its goals in the conflict. While the opposition was organized after the protests that demanded the release of political prisoners, the implementation of democratic reforms, an end to corruption and the overthrow of Assad, it can be questioned whether these motivations are still the same. While some parties might be willing to compromise, thereby respecting a safe area that might not be directly beneficial to their goals, others might not be willing to do such a thing. Therefore, consent by the opposition, even when given, should be treated with caution. One thing that will *decrease* the chance of consent from opposition groups, I believe, is forced demilitarization. The fear of attacks by Assad's forces, combined with a lack of faith in the UN, as became clear in the interviews with Wijninckx and Zeegers, and the US, will make opposition supporters feel extremely vulnerable inside a safe area.³³⁰

The Kurds hold a complex position in the conflict. Their main goal is the creation of an independent Kurdistan or autonomous federal structures inside of Syria, fighting those who stand in the way of this goal. Right now, this means that their fight is concentrated against IS, Turkey and other opposition parties. Joshua Landis, head of the Center for Middle East Studies at the University of Oklahoma, argued that

The Kurds and the Assad government don't like each other, but they both don't like the Turks or the Sunni rebels more than they don't like each other... So they have a tacit understanding

³²⁹ Interview Zeegers, 8 February 2017.

³³⁰ Interview Zeegers, 8 February 2017; Interview Wijninckx, 9 February 2017.

amongst themselves that they're going to screw Turkey and the rebels... They know there's going to be an arm-wrestling match between Damascus and Kurdistan, but that's a match they've both put off to another day because they have a mutual and more immediate goal to scuttle Turkish and Syrian rebel ambitions in the region.³³¹

This leaves the question whether they will consent to, or even respect, a safe area when established on Turkish conditions. It remains unclear whether US President Trump is planning to establish a safe area in cooperation with Turkey, thus losing the Kurds as an important local ally, or if he plans to work with the Kurds in running and defending the safe area, which would mean losing Turkey as an important geographical partner.

Of all the opposition groups, I argue that it will be most difficult to get the consent from Salafi-jihadi groups, because of their unwillingness to negotiate with Western parties and vice versa. While Zeegers in his interview argued that the motivations of *some* Salafi-jihadi groups, such as Jabhat Fateh al-Sham, are limited to Syria³³², there is a fear among Western governments that also these groups plan on creating an Islamic caliphate that could pose a threat to Western societies. While some Salafi-jihadi groups might in practise respect safe areas, one group that would not is IS. Their motivation of creating a global Islamic caliphate, in which there is no room for disbelievers, means that their targeting of civilians comes close to an end goal rather than being a means to another goal. If a safe area is to be established, it should be established with the reasoning that IS will try to attack it at every chance they have. Even more so because, as Lister has argued, “for ISIS... the presence of international peacekeepers trying to protect a safe zone would be a mouth-watering prospect”³³³.

4.4.3 The implementation process of a safe area

After having given an overview of what the international considerations on safe areas and the local circumstances look like, I will now consider the actual implementation of a possible safe area, taking into account its location, the creation of a credible threat and demilitarization of the safe area.

While Trump has suggested he would “take a big swatch of land” in Syria to create a safe area, it remains unclear where he would want this swatch of land to be located. A safe area will most likely be focussed on offering safety to Sunni Muslims, I argue. While Zeegers and Wijninckx have argued in their interviews that the regime and the Alawites are increasingly seen as one, making the fate of the Alawites strongly connected to the that of the government³³⁴, most Alawites have already moved to the government controlled Latakia province, where the situation is relatively stable. While a safe area for Alawites in this region would not be a priority at this stage, I do argue that the situation should be monitored carefully, as the Alawite's fear of retribution by the Sunni's is very real.

There are several lessons on location that Srebrenica has taught us, Klep explained in his interview. First, it is important that the safe area is not located in a valley. He argues that a location on a hill is preferred, so as to “gain the high ground” in order to have a good view of the surrounding areas and to be able to see any attacks coming.³³⁵ Second, being able to supply the safe area with food, medical supplies, equipment and new troops is crucial for creating a successful safe area. Therefore, it is important to control the roads in and out of the safe area, and look for alternative means of supply, for example via rivers or through the air. Another way of ensuring access to the area is by establishing it next to the border of a friendly country. In the case of Syria, this would be most plausible by the

³³¹ Muñoz and Taylor, ‘Syria ‘safe zones’ for refugees pose dangers for U.S. alliances: Turkey fears these ‘zones’ could be turned into Kurdish havens’.

³³² Interview Zeegers, 8 February 2017.

³³³ Lister, ‘Trump wants ‘safe zones’ set up in Syria. But do they work?’, CNN (27 January 2017).

³³⁴ Interview Zeegers, 8 February 2017; Interview Wijninckx, 9 February 2017.

³³⁵ Interview Klep, 14 December 2016.

border with either Turkey in the north, or Jordan in the south. In the South, the government and the opposition control most of the border area, while in the north the opposition supported by Turkey and Kurdish forces struggle for power. Considering the important position Turkey has, I argue that a safe area by the Turkish border seems most likely to have the US's interest. This would mean, however, that either the opposition or the Kurds would have to allow a safe area to be established on their territory. However, as will become clear, the demilitarization that should follow will be problematic.

In order to defend the safe area, there will have to be a credible threat. In the current situation in Syria, with the many (local) parties involved and the inability to gain and fully rely on any given consent, a safe area will have to be based on enforcement. As Klep explains in the interview, this means that a force equipped for a 'green' enforcement mission will be needed, and the international commitment has to be 100%, meaning there is no room for concessions.³³⁶ This means that there will have to be enough ground troops that, unlike the observation forces in Srebrenica, have a mandate that allows them to actively defend the safe area by using violence if necessary. Klep argued in his interview that these troops need a high level of independence, so that they can assess the situation and act, without having to wait for permission from all political higher levels; something that Srebrenica has shown can take a large amount of precious time.³³⁷ This division between the military and the political is crucial, Klep argued, as politics is naturally based on compromise, while from a military perspective there is no room to compromise during a crisis situation.³³⁸ While the amount of ground troops needed depends on the location and size of the safe area, the Pentagon estimates ranged between 15,000 to 30,000 ground troops for maintaining a safe area in northern Syria.³³⁹ As Klep argued in his interview, it is important to make sure these troops have the upper hand in the conflict and are able to hold off any attacks against the safe area; something that UNPROFOR in Srebrenica never had.³⁴⁰ Who will supply these troops remains an unknown, but US president Trump so far seems willing to send at least some troops. Also, the area will need to be accompanied by a no-fly zone, preferably for the whole of Syria. The credible threat that will be created by all this is crucial, I argue, for being able to implement the next lesson Srebrenica has taught: complete demilitarization.

The concept of demilitarization will, I argue, be one of the most difficult things to accomplish in a safe area in Syria. Nevertheless, it plays a crucial role for consent. This, however, goes two ways. While the party on whose territory the safe area will be established will most likely refuse to demilitarize, the opposing side will not consent if those inside of the safe area will be allowed to keep their weapons. As both Wijninckx and Zeegers argue in their interviews, it can be expected that neither the Kurds nor the other opposition groups will be willing to demilitarize.³⁴¹ This would mean that those who want to implement the safe area are at an impasse. One of my fears is that concessions will be made, meaning that those inside of the safe area will be allowed to keep their weapons. While this might seem like a good idea from the perspective of those inside the safe area, as they now have the protection of the safe area plus of those local fighters who in their eyes can effectively protect them, I argue that it creates a lot of risks. As was shown in the case of Srebrenica, the access to weapons resulted in lootings and attacks from within the safe area, angering the Bosnian Serbs. This could also happen in a Syrian safe area, where those outside of the safe will not consent to, and in some cases also not respect, a safe area that is not demilitarized. Moreover, tensions within the safe areas between different (rebel)groups could rise, creating a possibly volatile situation if weapons are present.

³³⁶ Ibid.

³³⁷ Ibid.

³³⁸ Ibid.

³³⁹ Fishel, 'Up to 30,000 Troops Needed for Syria Safe Zone, Kerry Says'.

³⁴⁰ Interview Klep, 14 December 2016.

³⁴¹ Interview Zeegers, 8 February 2017; Interview Wijninckx, 9 February 2017.

4.5 conclusion

In this chapter I have analysed the historical context of the conflict in Syria, the international considerations for (humanitarian) intervention and safe areas, the local parties involved, their motivations in the conflict and whether or not they would consent to a safe area, and finally what the implementation of a safe area would look like in Syria, focussing on its location, the credible threat needed to defend the area, and demilitarization. Of the important parties on the international level, only Turkey and the US have proposed the implementation of safe areas. While Turkey argues it has already implemented a safe area, it remains unclear whether Trump will continue to consider implementing one. The information currently available on his plans does raise some questions when looking at the model on safe areas, presented in the previous chapter. First, the question remains whether the safe area will be combined with a no-fly zone. I argue that safety is not only realized by demilitarization on the ground but also in the air. Second, while Trump states that he would make the Gulf States pay for his plans³⁴², it remains unclear whether these states would actually be willing to completely fund the safe area. Third, who will defend the safe area? Kerry estimated that 15,000 to 30,000 troops would be needed. Whether Trump is willing to supply this many troops remains unknown. Thus, both the financial as well as the military willingness of the US to implement a safe area is questionable. Also, local support is important for creating, and maintaining, a successful safe area. “Past experiences in Iraq and Bosnia tell us that US interest in enforcing such a [safe] zone will run out of steam over time and regional players will probably fill in the vacuum and further feed the conflict”³⁴³, argues Macaron. However, a senior rebel official already stated that he believed that a safe area would be unworkable at this point in the conflict, stating “I think it’s too late, this is not its time... Its time was four years ago”³⁴⁴. Pronk also shared this argument in his interview.³⁴⁵

All of this has to be considered carefully before a safe area is implemented, so as to avoid that the area becomes part of what Macaron has described as the “White House's interventionist impulse”³⁴⁶. Also, I argue it should not be used as a tool to stop refugees from leaving Syria, or to make sure Kurdish forces cannot join the territories they control. While it could be argued that ‘right intentions’ are not important when it comes to military intervention, as long as the outcome serves all, I argue that the situation in Syria is so complex that anything but humanitarian intentions can be very dangerous. This is, I argue, because the creation of a safe area will not depend on just one country, and tactical motives can clash, this chapter has shown. Also, relations tend to change quickly, which can have devastating consequences, but which could also increase the possibility of negotiations. For example, this chapter has argued the Syrian government will likely only agree to safe areas if they are not harmful for Assad’s position, do not consolidate rebel territory, and are demilitarized. However, while it was also argued Russia and Iran will also only consider safe areas if they do not harm Assad’s position, they also have other political motives for being active in the conflict in Syria, which might make them willing to negotiate with other parties. I do argue that as soon as Russia and/or Iran agree with the establishment of a safe area, Assad will most likely not have a choice but to agree. Most importantly, however, I argue that safe areas need to be considered carefully; as Klep has argued in his interview, there should always be a backup plan in case things do not go as planned; something Srebrenica has shown is not that unlikely.³⁴⁷

³⁴² New York Times. ‘Transcript: Donald Trump Expounds on His Foreign Policy Views’, New York Times (26 March 2016).

³⁴³ Macaron, ‘Trump's 'real estate' approach to safe zones in Syria’.

³⁴⁴ Chulov, Shaheen and Ackerman, ‘Turkey and Russia skeptical of Trump's plan to create safe havens in Syria’.

³⁴⁵ Interview Pronk, 30 November 2016.

³⁴⁶ Macaron, ‘Trump's 'real estate' approach to safe zones in Syria’.

³⁴⁷ Interview Klep, 14 December 2016.

5. Conclusion

In this master's thesis I have analysed the 1993-1995 Srebrenica safe area, creating a model based on the lessons that can be learned from the safe area. This model was then applied to the conflict in Syria that has been ongoing since 2011. By applying this model, I have tried to answer the main question of this thesis:

How can the lessons from the Srebrenica safe area help us understand the possibilities of safe areas in Syria?

This thesis started with an explanation of the debate between universalism and relativism, focussing on humanitarian intervention and the R2P principle. Understanding this debate has proven beneficial in getting a better understanding of the motives and arguments used on the international level on whether or not a safe area is the right course of action, both in Srebrenica as well as in Syria. It has become clear that safe areas have as of yet not been able to function as a bridge between relativists who argue against any form of intervention and universalists who believe the international community has the duty to defend universal human rights. The relativist argument of absolute state sovereignty has continuously been used, also today in Syria by for example Russia who argues against intervention with the aim of overthrowing the ruler of a country. This argument continues to clash with the universalist idea that calls for action in Syria, arguing that the international community has the responsibility to protect all civilians worldwide if their own government fails to do so, used by some Western countries. The discussions on a safe area in Srebrenica and Syria have, however, shown that perhaps these frameworks are used to 'dress up' certain political motives.

Next, the development of safe areas was shortly analysed, focussing on the relation between characteristics of safe areas and the type of conflicts that have been fought. What has become clear in this thesis is that the different post-Cold War trends that were discussed in chapter 2 have continued to develop since the Srebrenica safe area. The motivation of international parties to keep those fleeing the conflict inside of the country as IDPs was used as an argument for establishing the Srebrenica safe area, and continues to be used today in Syria by those who argue for the implementation of safe areas. Also, civilians are increasingly becoming victims in conflicts, perhaps even more so than was the case in Bosnia Herzegovina. In Syria today, civilians are sometimes even considered to be direct targets by for example IS, who I argue should be seen as having the killing of civilians as their end goal. One problem that is even more apparent in Syria than it was in Srebrenica is the difficulty in gaining consent for a safe area. Compared to Syria, the extremely difficult situation in Srebrenica that kept many, including policy makers and UN personnel awake at night seems to be almost straightforward. The Serbs wanted to include the Srebrenica area into their plan for a Greater Serbia, in which there was no place for Bosniaks. In Syria, however, a very wide range of different militias and international parties are involved that have different motivations and goals. While some parties agree on one thing, they might not agree on another, making it difficult to gain consent and create reliable cooperation for the implementation of a safe area. As was the case in Srebrenica, the lack of consent combined with a lack of credible threat stand in the way of a demilitarized safe area in Syria.

These problematic changes in the concept of safe areas will become even clearer when filling in the model that I developed based on the lessons from Srebrenica, found on page 31, to the case of Syria. After the analysis in chapter 4 of the conflict in Syria, I can now conclude that the 'route' a safe area in Syria would, most likely, take in the model would be as shown in figure 5. Starting with the historical context, it became clear that the Sykes-Picot agreement, which defined the borders of Syria as they have largely remained to this day, has caused grievances. Also, it became

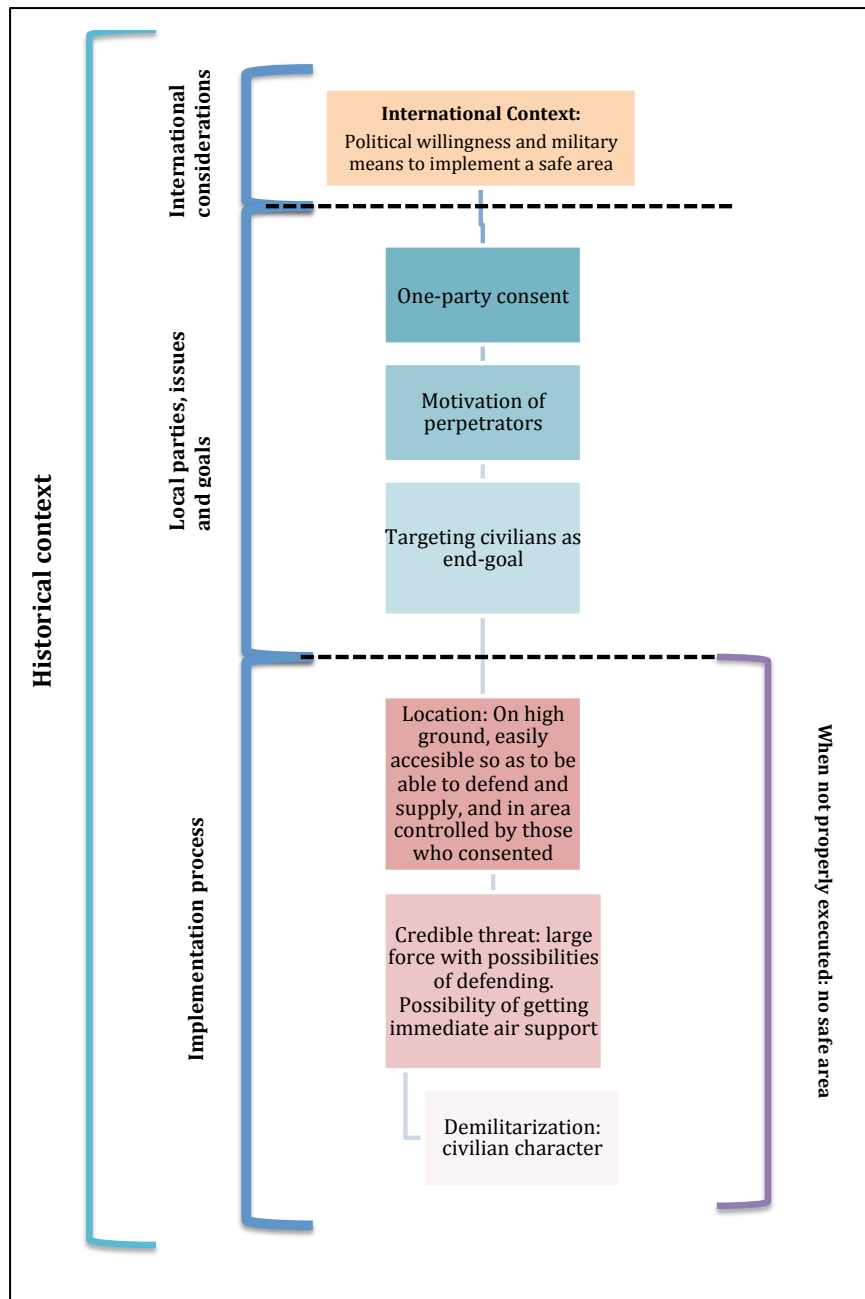


Figure 5: The situation of safe areas in Syria

clear that the tensions between the Sunni majority and the different minorities in Syria, specifically the Alawites, run as a common theme through Syrian society ever since the French occupation. While there have been several periods during which they lived together without problems, there have also been several incidents that have aggravated any tensions. This explains Assad's focus on his Shiite identity, which has added a religious dimension to a conflict that started with demonstrations that were based on inclusion and equality, creating tensions among those who initially demonstrated together and gaining him the support of minorities that feel like they are dependent on him staying in power.

Looking at the international considerations, I have given an overview of the relations that could influence the implementation of a safe area in this thesis. While the conflict has become increasingly internationalized, figure 6 shows (in the orange boxes) the most important parties on the international level when considering the Syrian conflict. The figure shows that Iran and Russia are

generally speaking on the same page considering their position on Syria. While this could not be said of Russia and the US, the reason their relation is shown in orange is the possible improvement in US-Russia relations after Trump has become president, which could perhaps lead to negotiations considering Syria. While Turkey and the US are both urging Assad to step down and both support the opposition, they have clashed over US support for the Kurds and Turkey's support for strict Islamist (Salafi-jihadi) opposition groups, which has harmed their relation.

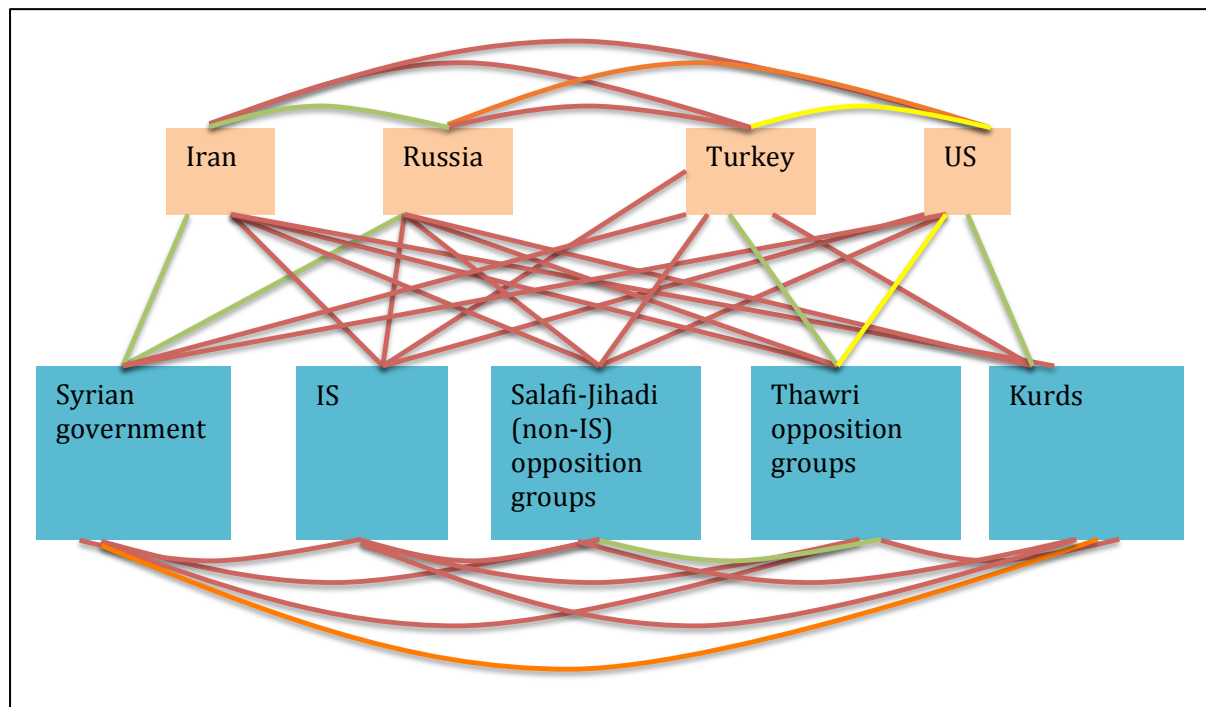


Figure 6: International and local relations in the Syrian conflict

On the local level it becomes clear, as figure 6 shows, that only Salafi-jihadi (non-IS) opposition groups and thawri opposition groups seem to cooperate together. It is important to note, however, that these two categories consist of a large amount of different factions and that while it is impossible to discuss all these factions because of their sheer number, some have clashed over the course of the conflict. Also, while the relation between the Kurds and other opposition groups is shown in red, there might be room for negotiations between some of them. The relation between the Syrian Government and the Kurds, while not friendly, is based on a certain level of mutual avoidance for the time being. While Russia and Iran have been supporting the Syrian Government, Turkey and the US favour the opposition. Again, while the US favours the Kurds and those thawri opposition groups that do not want to impose strict Islamist (sharia) values post-Assad, Turkey has also given support to strict Islamist thawri opposition groups, while fighting against the Kurds.

Currently, only the US and Turkey are considering safe areas, which has led me to zoom in on the possibilities of a Turkish-, US-, or combined safe area, as shown in figure 7. US President Trump has been seeking support of the Gulf States to (financially) realize his plans for safe areas in Syria. While no official action has been taken yet, several states, such as Jordan and Saudi Arabia, have given their support for Trump's plans. Turkey on the other hand seems to operate alone, arguing it has already implemented a safe area on the other side of its border with Syria, between Kurdish-controlled areas. When the two countries would consider working together, I argue this will most

likely be done in cooperation with moderate thawri groups, as this is the only party that seems to have the support of both.

Several problems come to light when analysing this possibility. First, it has proven difficult to

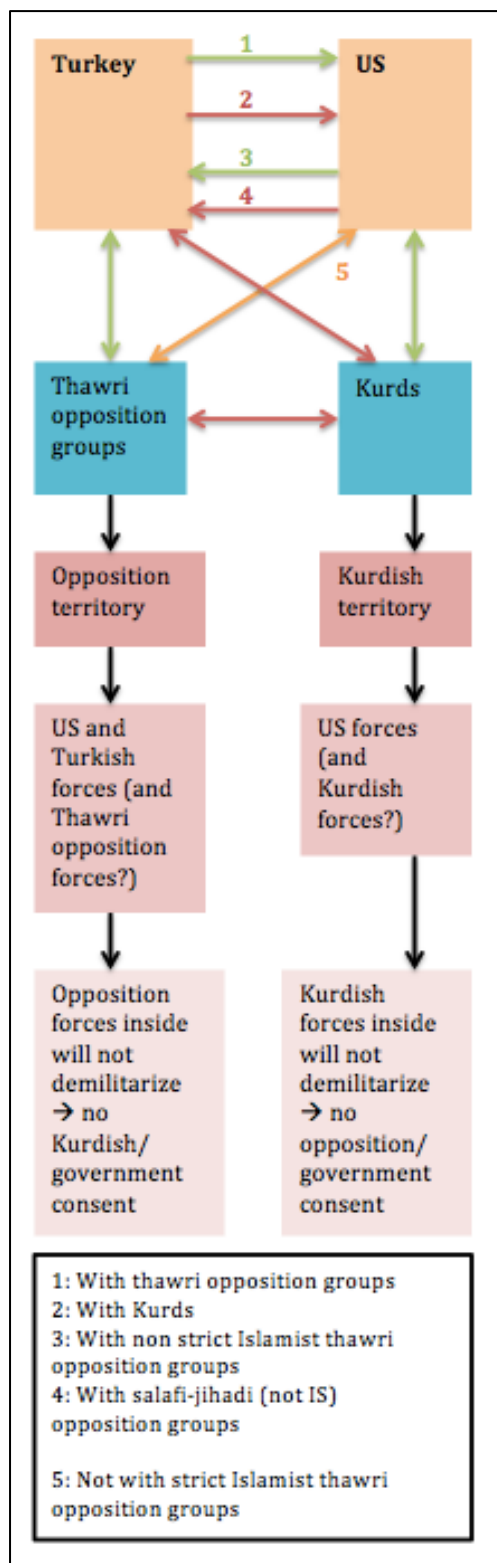


Figure 7: US and Turkey initiated safe areas

select those opposition groups that do not have a strict Islamist agenda. Also, while Turkey is not opposed to directly attacking Assad, the US does not want to support those groups that have this as their main goal. Moreover, while thawri groups have largely proven to be willing to work together with the US and Turkey, it can be questioned whether all factions will in practise respect any consent given by overarching structures. Looking at the position of the Kurds, it can be argued that they might give consent to a safe area if the US establishes one without Turkish help. Any promises by the US for an independent Kurdish state will likely increase the chances of Kurdish consent. However, if a safe area is established by Turkey, or based on US-Turkish cooperation, they will almost certainly not consent, perhaps even attacking the area.

Focussing on the implementation process shown in figure 7, I will now consider location, credible threat and demilitarization. Considering the location of a safe area, it is important that the area is located on ‘high ground’ and is easily accessible, preferably by road as well as through the air, and ideally even by the border of friendly territory. Turkey has implemented a ‘safe area’ by its own border, which makes it easy to supply the area and allow troops and civilians to enter and leave. The area is, however, surrounded by Kurdish forces and government troops. This means that it suffers attacks on a regular basis. It is unclear where the US would want a safe area to be located. I argue they could either decide to work together with Turkey, and implement the area on opposition-Turkish controlled territory, or on other territories where the thawri opposition forces are in power, for example in the north-west Idlib area near the Turkish border, or in the South, by the Jordanian border. A safe area in the north, however, would mean that the Kurds might attack the area. Another possibility would be to forgo cooperation with Turkey and thawri opposition groups, instead working together with the Kurds, thus implementing the area on Kurdish territory. This would mean, however, that other opposition groups and also Turkey might decide to attack the area.

It is clear that with all these options, there will likely be a party that does not consent, be it the Kurds or the other opposition groups. Also, as it is unlikely that the

government will consent to a safe area on Turkish or US terms, it is important to keep in mind that while Assad might not have the killing of civilians as his end goal, he has proven willing to use deadly violence in order to stay in power. IS will under no condition consent to a safe area, and while other Salafi-jihadi groups might in practise condone a safe area, thus not attacking it, one cannot be sure of this. Therefore, looking at the credible threat needed, the model in figure 5 has shown that a large force that has the means and the mandate to use force and the possibility of getting immediate air support is needed. Srebrenica has taught us that a large 'green' force is necessary in order to defend the area. Turkey seems to be willing to send their own troops, and works together with local opposition forces in defending the safe area they declared. While it remains unclear who will supply troops for a US initiated safe area, it appears as if Trump is willing to send some troops, which will perhaps be combined with forces from other allied (NATO) countries, forces from countries in the region, and local forces that controlled the safe area's territory, such as opposition forces or Kurdish forces. While Trump has argued against a no-fly zone, the model shows that such a zone is crucial. Also, while air support will be needed, I argue that this will most likely not be a problem when a US- or Turkish safe area is established, as both countries have already deployed military (bombing) aircrafts.

Finally, Srebrenica has taught us that the area has to be demilitarized. In the case of Syria, however, I have argued that while those outside of the safe area are likely to only consent to its implementation if the area is demilitarized, those inside of the area will most likely refuse to give up their weapons. It seems that the Turkish safe area that has been implemented is not demilitarized, instead letting those inside the safe areas that have weapons help in defending the area. The danger that such a situation can pose to the main goal of the safe area, namely protecting civilians, is a very serious problem that normally should have been considered carefully before the implementation started. On the other hand, the safe area would most likely not exist if those inside had not been allowed to keep their weapons, as the opposition forces Turkey cooperates with would not have consented to demilitarization. Nevertheless, I argue that if parties do not agree on demilitarization, if there is no suitable location found that meets the criteria, or if no credible threat is established, safe areas in Syria should in principle not be implemented.

Safe areas should be established for civilians, should be impartial, and should offer exactly what they say they will: safety. Establishing a safe area under the current circumstances in Syria would mean taking a dangerous leap of faith and a lot of commitment. I am not sure whether anybody is willing, and able, to do so; and if it would even be wise. The discussions on whether safe areas should only be established under the guidelines of the Geneva Convention and the Additional Protocol-'I', or if 'imperfect' safe areas are better than nothing, are likely to continue in the years to come. I hope that the model on the lessons of Srebrenica that I developed in this thesis has made a contribution to the considerations for safe areas, allowing for arguments that are being made in the debates to be carefully weighed, both currently in Syria and when considering future implementations of safe areas.

5.1 Reflection and suggestions for future research

In this thesis I have focussed on developing and applying a model based on the lessons from the Srebrenica safe area. While I believe that the model represents many important lessons, it has proven difficult to include specific local and historical circumstances that define a conflict and that play a crucial role in the failure, or success, of a safe area. Nevertheless, I believe that when keeping this shortcoming of the model in mind, as I have done when applying it to the case of Syria, it can serve as a useful tool in getting an overview of important factors that play a role when considering safe areas. Again, as I argued when I presented the model, it should not be seen as a step-by-step guide to

success. However, as we continue our search for the ‘panacea’ for conflicts, I do believe that the model I presented in this thesis might bring us the tiniest step closer to a possibility for saving lives.

To assure the reliability of this thesis, the methods used have been explained in the introduction. Moreover, the interviews have been transcribed, so as to give the reader the chance to verify the information. With regards to the internal validity of this thesis, the interviewees themselves have checked the information that has been used from the interviews, so as to assure that the information presented is correct. Also, I have tried to verify the information used in this thesis through triangulation, combining interviews, academic papers, books, news articles and policy documents. Nevertheless, it is important to realise that a lot of the information used in this thesis is politically charged because of the nature of the topics discussed. While this gives this thesis relevance outside of the academic field, it has to be taken into account that it has had a negative influence on the reliability of the information. This is further enhanced by the use of possibly biased newspapers. Also, while I have made every effort to be neutral, there is always a possibility of the author having a personal bias without being aware of it; this should always be taken into account.

Because the conflict in Syria is an ongoing conflict, it is in constant need of further academic research in general. Focussing on the topic of safe areas, I believe that it is important to get more in-depth insights in the different goals and motivations of the parties involved, both on the international as well as on the local level. While this thesis had to generalize certain information found on for example the opposition parties, I argue that it is important to get a clear understanding of the goals and motivations of as many parties involved as possible. Also, the specific circumstances that define a conflict have proven important for the possibilities of safe areas. Therefore, I believe further research on for example how the historical context and the history of different (political) relations influences considerations for safe areas would be beneficial. Also, what has become clear in this thesis is that safe areas require an interdisciplinary approach, as it touches on a wide variety of academic fields, ranging from international relations to more geographical and also social disciplines. I therefore argue that it is important that the concept is studied from different perspectives.

As mentioned before, safe areas have the potential to save lives. Therefore, I believe it is important to keep developing the model presented in this thesis. While it is now based on the lessons from the Srebrenica safe area, there are several other safe areas that have been implemented throughout history. These include safe area in Bosnia Herzegovina that proved to be more successful than the Srebrenica safe area was in protecting civilians, and safe areas implemented in other regions and conflicts. I argue it would be beneficial for the model to also include the lessons from these safe areas. Also, while in this thesis the model has been applied to the case of Syria, I argue that it has been developed in such a way that it could, and should, also be used in different cases. Applying the model has given important insights, I argue, that now can also be taken into account in future considerations of safe areas in other conflicts.

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