

The First Humanitarian War?: Legitimacy of NATO Involvement in the Kosovo War, 1998-1999.

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Bachelor Thesis
2012



Tomas Bata University in Zlín
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Univerzita Tomáše Bati ve Zlíně
Fakulta humanitních studií
Ústav anglistiky a amerikanistiky
akademický rok: 2011/2012

ZADÁNÍ BAKALÁŘSKÉ PRÁCE

(PROJEKTU, UMĚLECKÉHO DÍLA, UMĚLECKÉHO VÝKONU)

Jméno a příjmení: Barbora BÍLA
Osobní číslo: H09443
Studijní program: B 7310 Filologie
Studijní obor: Anglický jazyk pro manažerskou praxi

Téma práce: První humanitární válka?: legitimita účasti NATO ve válce v Kosovu, 1998 -1999

Zásady pro vypracování:

Studium odborné literatury
Sběr výzkumného materiálu
Formulace hypotézy
Analýza materiálu a testování hypotéz
Diskuze výsledků a závěr

Rozsah bakalářské práce:

Rozsah příloh:

Forma zpracování bakalářské práce: tištěná/elektronická

Seznam odborné literatury:

Rogel, Carole. "Kosovo: Where It All Began," International Journal of Politics, Culture, and Society 17, no. 1, Studies in the Social History of Destruction: The Case of Yugoslavia (Fall 2003): 167-182. <http://www.istor.org/stable/20020202> (accessed August 26, 2011).

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Oaalder, Ivo H., and Michael E. O'Hanlon. Winning Ugly: NATO's War to Save Kosovo. Washington, D.C.: The Brookings Institution Press, 2000.

Vedoucí bakalářské práce: M. A. Gregory Jason Bell, MBA
Ústav anglistiky a amerikanistiky

Datum zadání bakalářské práce: 30. listopadu 2011

Termín odevzdání bakalářské práce: 4. května 2012

Ve Zlíně dne 6. února 2012


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ABSTRAKT

V roce 1999 NATO intervenovalo v Kosovu, což mělo za následek ukončení utlačování albánské většiny srbskou menšinou. Tato práce analyzuje konflikt v Kosovu ze všech možných úhlů pohledu. Zabývá se kořeny tohoto etnického konfliktu, které sahají do dávné historie. Dále zkoumá vývoj v Kosovu koncem 20. století, kdy došlo k vyhrocení konfliktu. V neposlední řadě se tato práce věnuje účasti mezinárodních organizací, zejména OSN a NATO, ve válce v Kosovu a dokazuje, že vojenská intervence mezinárodních sil byla nezbytná.

Klíčová slova: Albánci, Albánie, etnický konflikt, Kosovo, Milošević, NATO, Organizace spojených národů, Srbové, Srbsko

ABSTRACT

In 1999, NATO intervened in Kosovo, resulting in the end of the oppression of the Albanian majority of Kosovo by its Serbian minority. This thesis analyzes the conflict in Kosovo from all possible points of view. It deals with the historical roots of the ethnic conflict, then examines the developments in Kosovo in the late twentieth century, when the conflict escalated. Ultimately, this thesis focuses on the involvement of international organizations, notably the UN and NATO, in the Kosovo War, and argues that military intervention by international forces was necessary.

Keywords: Albania, Albanians, ethnic conflict, Kosovo, Milosevic, NATO, Serbia, Serbs, United Nations

ACKNOWLEDGEMENTS

My deepest gratitude belongs to Gregory Jason Bell, an outstanding supervisor, for his guidance, quality suggestions and advice, selfless will to help anytime, and boundless enthusiasm.

Special thanks belong to my family as well, for their patience and for giving me a great background for studying.

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INTRODUCTION

Geographic location and cultural and religious diversity predestined the Balkan Peninsula for trouble. For at least the last 500 years, documents historian Mark Mazower, the peninsula has been a place of immense violence.¹ It therefore shocked many but surprised few when in 1995 Serbian forces rounded up and killed more than 8,000 Bosnian Muslim men and boys in the village of Srebrenica, Bosnia. Even so, Srebrenica in particular and the Bosnian War in general reminded the international community of what the Serbs were capable. Vowing to end the long pattern of violence in the Balkans, when war broke out in Kosovo, Federal Republic of Yugoslavia (FRY) in 1998-99, NATO pledged to monitor events closely and deal with human rights violations more effectively and responsibly. In short, NATO would see to it that the violence of Srebrenica would not be repeated.

This thesis is devoted to Kosovo and the ethnic conflict in the region that resulted in the last war of the millennium. Firstly, it focuses on the history of the area and the roots of the hatred between two ethnic groups – Serbs and Albanians. Secondly, it describes the escalation of the conflict. At last, it scrutinizes the international community's diplomatic involvement in the conflict and the further military intervention by NATO, the object of which was to avert an impending humanitarian catastrophe. Despite the debates over the legality of the international intervention in the FRY, this thesis will argue, based on the roots of the conflict and the preceding situation in the FRY, that it was the international community's moral responsibility to intervene.

¹Mark Mazower, introduction to *The Balkans: A Short History* (New York: The Modern Library, 2002), xxxii-xxxiii.

1 BACKGROUND ON THE KOSOVO CONFLICT

The Balkan Peninsula is an area in southeastern Europe where various and in some cases quite different cultures meet. Consequently, the Balkans has always been a troublesome place. A variety of nationalities and religions, together with the prolonged suppression of nationalism and belief that one nation (the Turks and later in the twentieth century the Serbs) is superior to the others, has made the Balkans one of the most unstable areas in Europe. As far as Kosovo itself is concerned, the situation was no less complicated. To seek out the roots of the hatred between the Serbs and Albanians of Kosovo, it is necessary to look to the past. The Serbs often treated the Albanian population of Kosovo unfairly and later even oppressed them, even though the Albanians had at least the same entitlement to Kosovo as did the Serbs.

1.1 The Ottoman Empire

The Turks started invading the Balkans from the east in the fourteenth century, soon becoming its dominant power. In 1389, the famous battle of Kosovo Polje took place on a field nearby modern-day Kosovo's capital Pristina. King Lazar of Serbia died in this altercation with the Ottoman Sultan Murad I. As a result, the Ottoman Empire began spreading northward, eventually reaching at its peak in the sixteenth century to Budapest in the north and Moldova in the northeast. The Turks ruled the Balkans for many centuries. They treated local peoples on the basis of religion, which not only meant the neglect of national identities, but also that the Turks, who themselves were Muslims, had favored the Balkans' Muslim minority (Albanians, Muslim Bosnians) over its Christian majority. The Ottoman Empire began disintegrating in the nineteenth century largely due to the mass nationalism that emerged in the Balkans, a product of "economical and societal disruption." For instance, it was as late as the nineteenth century when the Ottoman authorities started recording its inhabitants by ethnic markers.²

²Frederick F. Anscombe, "The Ottoman Empire in Recent International Politics-II: The Case of Kosovo," *The International History Review* 28, no. 4 (December 2006): 760, <http://www.jstor.org/stable/40109813> (accessed August 26, 2011); Mazower, *The Balkans*, 30, 41; Anscombe, "The Ottoman Empire in Recent International Politics," 774.

1.1.1 Establishment of an Independent Serbia

Serbia gained de facto independence from the Ottoman Empire in the early 1800s. However, this step was not recognized by the European Powers (the Ottoman Empire, the United Kingdom, Austria-Hungary, France, Germany, Italy and Russia) until the 1878 Treaty of Berlin. Kosovo remained a part of the Ottoman Empire, but still during that year, the Albanian population of Kosovo realized the threat of their neighbors' nationalistic thoughts and in response formed the League of Prizren, which was to serve as a buffer against the expansionism of developing national states in the Balkan Peninsula.³

The Great Powers of that time (including Great Britain, Russia, Austria-Hungary and Germany) were heavily involved in Balkan state-building as early as the nineteenth century, when they regulated territories and set borders at diplomatic conferences. Some scholars believe that here lay the initial base for the future instability of the region, as the borders were not perfect and as a result, all states could stake claim to 'their' historical territories assigned to other states by the Great Powers.⁴

1.2 Kosovo in Yugoslavia

The twentieth century in the Balkans was marked by the formation of nation states. Whatever the efforts of the Albanians, they could not prevent Kosovo from being subscribed to Serbia, one of the main victors of the first Balkan War, in 1912. Following this measure, Serbia banned the Albanians from crossing the southwestern border with Albania.⁵ The Albanians certainly hoped for better results than to live most of the twentieth century under Serbian rule.

At the same time, the Great Powers of that time (including Great Britain, France, Germany, Austria-Hungary, Russia and Italy) also recognized an independent Albania at the London Conference of 1913, which was meant to serve as a counterpoise to Serbia. However, the Albanians of Kosovo would have preferred to be a part of Albania. Because few heard their pleas, nationalism dominated Kosovo. Furthermore, the first organized and

³Ivo H. Daalder and Michael E. O'Hanlon, *Winning Ugly: NATO's War to Save Kosovo* (Washington, D.C.: The Brookings Institution Press, 2000), 7; Carole Rogel, "Kosovo: Where It All Began," *International Journal of Politics, Culture, and Society* 17, no. 1 (Fall 2003): 169, <http://www.jstor.org/stable/20020202> (accessed August 26, 2011).

⁴Mazower, *The Balkans*, 95-97.

⁵Daalder and O'Hanlon, *Winning Ugly*, 7; Miranda Vickers, *Between Serb and Albanian: A History of Kosovo* (New York: Columbia University Press, 1998), 86.

militant nationalist movements emerged among the Kosovo Albanians. Later on, during the First World War, the fight between Serbs and Albanians of Kosovo increased uncontrolled.⁶

1.2.1 Formation of Yugoslavia

Though Serbia lost Kosovo in the course of World War I,⁷ it could be more than satisfied with the postwar territory adjustment. When the war ended, Europe witnessed the formation of a unique Kingdom of the Serbs, Croats and Slovenes (later renamed Yugoslavia), encompassing what is today Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Kosovo, Montenegro and Macedonia. The so-called Big Three – Great Britain, France and the United States – officially formed the country at the Treaty of Versailles of 1919.

With regard to the twentieth-century Great Powers, they probably anticipated the forthcoming era of nationalism, as the newly-created state had a significant number of ethnic minorities. In addition, some of them were not even included in the original state's name. The Powers (such as the United States, Britain or France) did not see this step as the best solution, a fact insinuated by the British foreign secretary's statement in June 1915 that he hoped "the political balance in the Balkans will be established on a broader and more national basis."⁸

1.2.1.1 Ethnic Minorities in Yugoslavia

As for the ethnic minorities, in 1918 almost 15 percent of the population of the country could not be classified as one of the three nationalities mentioned in the state's official name. Though the state was later renamed Yugoslavia, the expectations of some intellectuals and political leaders that a Yugoslav nationality could exist never took hold over ethnicity, which basically means that the Balkan peoples did not consider themselves one nation.⁹

When Yugoslavia was created, the Albanian population of Kosovo was already well represented by approximately 400,000 inhabitants. They were not therefore satisfied with

⁶Mazower, *The Balkans*, 105, 117.

⁷Daalder and O'Hanlon, *Winning Ugly*, 7.

⁸Ibid., 109-110.

⁹Ibid; Vickers, *Between Serb and Albanian*, 103.

being a part of the Slavic state, and in 1921 they sent a request to the League of Nations to be included in Albania. The newly formed League denied this request.¹⁰

Generally, the Yugoslav treatment of its peoples was far from exemplary. For instance, Serbian authorities called Macedonia South Serbia or the Montenegrins were simply treated as Serbs. At the least, they were all Slavs. Regarding the Albanians, the question was more difficult, so the official state policy toward them in the 1920s was their assimilation through the Serbian language education system. Consequently, they had to use Serbian for all official issues, including cultural activities or schooling. But as soon as the authorities realized that the potential opposition elite were educated privately at home, they abandoned this discriminating strategy.¹¹

1.2.2 Kosovo during the Cold War

As World War II raged around the world, Italy gained control over Albania and later over Kosovo. However, when Italy collapsed in 1943, Josip Broz Tito, an anti-fascist guerilla fighter (and future president of Yugoslavia), and his cohorts recruited some Kosovo Albanians for their National Liberation Movement, and thus Serbia became Kosovo's dominant power again. The Albanians of Kosovo were promised by both fascist Italy and communist Serbia that in the future, Kosovo would unify with Albania. This never happened, yet this is the ideal that the majority of Albanian Kosovars hope for even today – *Greater Albania*. Nevertheless, after WWII, neither Albanians nor Serbs were satisfied with Kosovo, which on one hand stayed within Yugoslavia but on the other gained the status of an autonomous region due to its significant Albanian population. During the Cold War, Kosovo was isolated as a result of the Yugoslav communist regime closing Yugoslavia's borders. Hence, the Kosovo Albanians found themselves trapped in Yugoslavia for forty years.¹²

However, the situation during the Cold War was not as bad for the Albanians as it might seem. In 1963 Kosovo was given a status of province by the Yugoslav government. A new supreme court of Kosovo and a university in Pristina were opened by the end of the decade and finally in 1974, Kosovo adopted a new constitution, which made it one of eight official units in former Yugoslavia. On the other hand, the situation became worse for the

¹⁰Rogel, "Kosovo: Where It All Began," 170.

¹¹Vickers, *Between Serb and Albanian*, 103.

Albanian majority of Kosovo (already consisting of 90 percent of Kosovo's two-million inhabitants) with Tito's death in 1980. Police rule was issued over Kosovo after a student demonstration in Pristina in 1981. Equally important, education for Kosovo Albanians came to a halt. Albanians went to the streets, as the state of affairs deteriorated in the late 1980s. They demonstrated heavily but peacefully, and Belgrade always answered with police and military restrictions. By the end of the decade, the Serbian authorities in Kosovo had arrested and interrogated half a million Albanians. Serbian nationalism escalated. Slobodan Milosevic, a nationalistic leader, came to power and with the support of the media and the Orthodox Church abandoned his political party's (League of Communist) ideology in favor of nationalism. He even changed party leadership in Kosovo, Vojvodina and Montenegro and put into power persons loyal to him.¹³ He obviously wanted to rule 'Big Serbia.'

1.2.3 Dissolution of Yugoslavia

Yugoslavia began disintegrating when its largest country, Serbia, abandoned federalism for nationalism. In March 1989, Milosevic unilaterally abolished Kosovo's autonomy. Such signs of Serbian nationalism triggered war in other regions of the former Yugoslavia, as Slovenes and Croats, afraid of similar actions in their countries, declared independence in 1991.¹⁴

Back in Kosovo in 1989, new restrictions for the Albanians were introduced as well. For instance, they could not buy or sell property without special permission, tens of thousands lost their jobs, students could not enter the university building and the Albanians generally were denied access to most public institutions. In addition, only the Serbian language was acceptable again, as well as the Serbian version of history. Serbia apparently tried to push the Albanians out of Kosovo and replace them with Serbs, as any vacancies were offered only to Serbs. Moreover, some Serbs were also brought in from other areas of the former Yugoslavia.¹⁵

¹²Ibid., 171.

¹³Ibid., 167-172.

¹⁴Anscombe, "The Ottoman Empire in Recent International Politics," 761, 759.

¹⁵Richard Caplan, "International Diplomacy and the Crisis in Kosovo," *International Affairs (Royal Institute of International Affairs 1944-)* 74, no. 4 (October 1998): 751, <http://www.jstor.org/stable/2625368> (accessed August 26, 2011); "Ethnic Conflict is Threatening in Yet Another Region of Yugoslavia: Kosovo,"

1.2.4 The Kosovo Albanians' Resistance between 1989 and 1997

The Kosovo Albanians, who held a great majority, were unhappy with events happening in the country. However, they had no choice but withstand the unlawful treatment by the Serbs, because they had no means to defend themselves as only the ethnic Serbs in Kosovo had access to military weapons – for the time being. Soon after Milosevic took away from Kosovo its status as an autonomous region, the Albanians began resisting. They also went to the streets again and dozens of them died during clashes with the police and army. Meanwhile in Belgrade, the Serbs celebrated the reunification of Serbia. As a result of discrimination, the Albanians started living a “virtual life in a virtual state.” They ran their own parallel state structures, most importantly hospitals and schools. They even tried to proclaim the sovereignty of Kosovo in 1989 and again in 1991, but these attempts were unsuccessful.¹⁶

In 1989, the Kosovo Albanians formed a political party called the Democratic League of Kosovo (LDK) and repeatedly elected Ibrahim Rugova, a professor of Albanian literature, as ‘president’. He favored a pacifist approach toward the sensitive issues that divided Kosovo. Rugova was very popular among the Albanians, as was the LDK. By 1991, the party already had 700,000 members.¹⁷

During the first half of the 1990s, not much changed in Kosovo. The Kosovo Albanians were discriminated against, which included "torture, unlawful detention or persistent harassment." They boycotted Serbian elections in 1990, 1992 and 1994 and continued withstanding the unjust treatment under the peaceful rule of Rugova. The dishonest behavior toward the Albanian majority in Kosovo unsettled the world powers. In 1992, U.S. president George H.W. Bush sent a so-called ‘Christmas Warning’ to Belgrade stating that in the case of a conflict in Kosovo caused by the Serbs, they may face the use of force.¹⁸

New York Times (November 1992), <http://search.proquest.com/docview/428773633?accountid=15518> (accessed October 10, 2011).

¹⁶Matthew McAllester, *Beyond the Mountains of the Damned: The War inside Kosovo* (New York: New York University Press, 2002), 55-58; Rogel, "Kosovo: Where It All Began," 172-173.

¹⁷Ibid.

¹⁸James Ron, "Review: Kosovo in Retrospect," *International Studies Review* 3, no. 3 (Autumn 2001): 106, <http://www.jstor.org/stable/3186244> (accessed October 23, 2011); Rogel, "Kosovo: Where It All Began," 174-175.

During the war in Bosnia, Kosovo stayed surprisingly calm and the Kosovo Albanians awaited some sort of post-war improvement in their situation. However, they were deeply disappointed by the 1995 Dayton Agreement (officially ending the war in Bosnia and Herzegovina) when their issue did not even appear on the agreement's agenda. The issue was at least discussed between Milosevic and the U.S. negotiator Richard Holbrooke, who repeatedly stressed the 'Christmas Warning.' Nevertheless, the message the Albanians took from Dayton was that violence pays off, which played into the hands of those with less pacific approaches.¹⁹

Albanians in favor of a militant approach formed the National Movement for the Liberation of Kosovo and a military wing, the Kosovo Liberation Army (KLA) in 1993. However, the Kosovo Albanians still did not have access to guns, so it took years before the KLA became broadly known. This last barrier for the Albanians of Kosovo to defend themselves with guns vanished in spring 1997 when the ethnic Albanians in neighboring Albania looted the state armories after its population lost their savings due to fraudulent pyramid schemes, and guns suddenly became available in Kosovo. In late 1997, the KLA started its guerilla operations against the Serbian authorities in Kosovo.²⁰

1.3 Serbian Myth of Kosovo

Myths of Kosovo have played a great role in the Serbian nationalist movement. According to the adjusted history, the Serbian nation endured long centuries under the cruel Muslim reign and was even displaced by them. The myths were used by Milosevic, with the assistance of the media and the Orthodox Church, as propaganda to garner the support of the Serbian population. Equally important, he tried to legitimize his regime when stressing that it is "in accordance with the nationalist and mythic credo." Milosevic wanted to establish a close tie to Kosovo for obvious reasons. He probably recognized that Serbia has no ethnic claim to the region, so the government made an "ideology based on historical myths."²¹

¹⁹Ibid; Daalder and O'Hanlon, *Winning Ugly*, 10.

²⁰Rogel, "Kosovo: Where It All Began," 174-175; Ron, "Review: Kosovo in Retrospect," 106-107.

²¹Lene Klile and Carsten Bagge Lautsen, "The Kosovo Myth: Nationalism and Revenge," in *Kosovo between War and Peace: Nationalism, Peacebuilding and International Trusteeship*, eds. Tonny Brems Knudsen and Carsten Bagge Lautsen (New York: Routledge, 2006), 19; "Ethnic Conflict is Threatening in Yet another Region of Yugoslavia: Kosovo."

Firstly, there is a popular myth of the Battle of Kosovo Polje, during which the Muslim Ottomans defeated the Christian Serbs. However, the event was not as significant as it had been described by Milosevic during his speech at the 600th anniversary of the battle in 1989. He made the hill in Kosovo Polje one of the Serbians' holiest places. Furthermore, what he undoubtedly meant by promising the Serbs living in Kosovo that they will never suffer again was that Kosovo will never come under Muslim (Albanian) dominance.²²

Secondly, there is a myth of a so-called 'great migration.' As the Ottoman Empire became the dominant power of the Balkans, the Serbs, or so they believe, were oppressed by the Ottomans, pushed out of their original areas, and preferably replaced by the Muslim inhabitants (Albanians). Some even talk about the genocide committed on the Serbian population by the Turks. No evidence of the genocide or the 'great migration' have been found.²³

Lastly, when mentioning the Serbian quasi-truthful propaganda of the late twentieth century, importance of the city of Pec in southwestern Kosovo should not be underestimated. Pec is sometimes called the Serbian Canterbury, as it is the heart of the Serbian Orthodox Church with the Patriarchate located there. Consequently, it is often suggested that Pec plays one of the most important roles in the formation of Serbian national identity. However, it is also said that the Patriarchate of Pec never "carried the meanings assigned to it by Serbian nationalism." Considering the facts, Milosevic's rule over the non-Serb population was unjustified, because he based his ideology on the stuff of legends rather than history.²⁴

1.4 Between Serbs and Albanians

There have also been long and heated discussions over who has the right to Kosovo. Of course, both Serbs and Albanians make claim to the area up to this day. Nonetheless, looking at the issue from the historical point of view, it is obvious that the Albanians inhabited Kosovo long before the Serb, though that does not immediately entitle them to the land.

²²Klile and Lautsen, "The Kosovo Myth: Nationalism and Revenge," 20; Anscombe, "The Ottoman Empire in Recent International Politics," 760.

²³Ibid., 791.

²⁴McAllester, *Beyond the Mountains of the Damned*, 52-53; Anscombe, "The Ottoman Empire in Recent International Politics," 763, 792.

It is important to note that the two nationalities are remarkably different from each other. Serbs are Slavs, using the South Slavic language and Cyrillic, and the vast majority of them are Orthodox Christians. Albanians speak Albanian, which is an Indo-European language, though it forms one distinctive branch, and they usually are Muslims. As is generally known, the Slavic tribes began settling the Balkan Peninsula in the sixth century, whereas the Albanians, who are believed to be the descendants of the Illyrians, came into the Balkans more than two millennia ago. Moreover, the Albanian language is unique, has characteristic vocabulary, morphology and phonetic rules leading several linguists to confidently declare its descent from ancient Illyrian. Consequently, the Serbian archaeologists tried to disprove the Illyrian origins of the Albanians after the riots broke out in 1981, but their effort did not meet with success.²⁵

²⁵Vickers, *Between Serb and Albanian*, 1.

2 THE KOSOVO WAR AND ITS AFTERMATH

The term Kosovo War or Kosovo conflict refers to the events that happened in Kosovo, at that time part of the Federal Republic of Yugoslavia (FRY; then including Serbia and Montenegro only), between 1998 and 1999. A ground war raged between the two ethnic groups of Kosovo - Albanians and Serbs, the latter supported by the FRY. In 1998, the international community became significantly involved in the conflict. When the situation on the ground heavily deteriorated and moreover, when suggested diplomatic solutions proved unsuccessful, NATO intervened in spring 1999 from the air and thus brought the conflict to a halt. NATO won the war in Kosovo, and peacekeepers provided by NATO and the UN were sent there to watch over the stability of the region.

2.1 The Ground War in 1998

In 1998, the conflict in Kosovo was already irreversible and a serious war began. The Albanian KLA already had enough weapons to fight back against the Serbs, which only provoked the Serbs into greater acts of violence. Although both sides had weapons, the Serbs had a clear advantage in terms of numbers. On the Serbian side there were more than 40,000 armed men (police, military and paramilitary forces) armed with tanks and heavy weaponry. They were fighting against “a few thousand lightly armed” KLA fighters. However, it was not only a war between armed men. Both Serb and Albanian forces also attacked and killed civilians, but the acts of violence conducted by the Serbs on the ethnic Albanians produced much worse consequences.²⁶

2.1.1 Serbian Acts of Violence

Beginning in February 1998 violence committed by Serbian forces in Kosovo escalated. Their strategy was very similar to the ethnic cleansing in Bosnia, which took place earlier in the decade. The Serbian special police units in Kosovo attacked at least two towns and several families between February and March 1998. In the Drenica region (in central Kosovo), they killed thirty-nine civilians with “combat helicopters, armored vehicles and heavy shelling.” Ten of the victims, the members of one family, were promptly executed, while four brothers of another family died in police custody. In

²⁶Ivo H. Daalder and Michael E. O'Hanlon, “Unlearning the Lessons of Kosovo,” *Foreign Policy*, no. 116 (Autumn 1999): 129, <http://www.jstor.org/stable/1149651> (accessed August 26, 2011).

addition, the units attacked the family of Adem Jashari, a local KLA leader, and killed fifty-eight members of his family, including eighteen women and ten children. Furthermore, the police executed probably as many as twenty-nine ethnic Albanians in a village near Pec in May, and later that month, police forces attacked another village in the Drenica region.²⁷

The second half of the year was marked by even harsher attacks. Not only did the ethnic cleansing continue, but the Serbian forces also severely blocked the provision of relief. For instance, on August 25, they assaulted a humanitarian aid convoy and killed three workers from the Mother Theresa Society (a non-governmental organization based in Kosovo). Moreover, the attacks in the ethnic Albanian villages, with the continued killing of women and children, were increasingly often followed by the looting and burning of the houses. Consequently, the Albanians were forced to leave their homes. In 1998, the Serbian violence in Kosovo took the lives of approximately 2,000 ethnic Albanians. The number of displaced persons is even more staggering, with estimates usually ranging between 250,000 and 300,000, of which some 50,000 were hiding in the mountains and woods.²⁸

2.1.2 The Kosovo Albanian Offensive

The Kosovo Albanians are known for their strong traditions, including retaliation. In the case that a person kills their family member, they believe they are honor-bound to revenge this death. This cultural tradition presumably was one of the key factors of their no-less-cruel offensive against the Serbs, though taking into consideration the whole conflict, the numbers of dead pale in comparison. Equally important, the Kosovo Albanians were not only defending themselves but also fought for the independence of Kosovo. Among the most important attacks by the KLA in 1998 was that of July 19, the first major KLA offensive, when they killed at least forty-two people in the town of Orahovac in western Kosovo. Another significant offensive took place on August 27, when KLA

²⁷“Kosovo War Crimes Chronology,”
<http://www.hrw.org/legacy/campaigns/kosovo98/timeline.shtml> (accessed March 10, 2012).

²⁸Ibid; John Woodall, “Medical Aid and Human Rights in Kosovo,” *The Lancet* 352, no. 9138 (October 1998), <http://search.proquest.com/docview/199030060?accountid=15518> (accessed October 15, 2011); Ron, “Review: Kosovo in Retrospect,” 112.

members executed twenty-two civilians. All told, the Kosovo Albanians killed around 1,500 Serbs during their actions in Kosovo in 1998.²⁹

2.1.3 Diplomacy and the International Community Involvement in Kosovo

Such a level of violence in Kosovo attracted the attention of the international community. The United States and NATO, the main actors on the international stage together with the United Nations (UN), were present from the very beginning of the conflict (unlike the conflict in Bosnia). In 1998, the first international reaction came just from the United States. U.S. Secretary of State Madeleine Albright said on March 2 that the U.S. was not going to let the Serbian authorities do what they did in Bosnia. Later that month, the UN Security Council (UNSC) issued Resolution 1160 and thus placed a new arms embargo on the FRY, which had been sanctioned since 1992. Then in June, British Defense Secretary George Robertson openly expressed his opinion on the conflict: “The world has learned its lessons from Bosnia. The international community now knows it must be united, firm and determined from the earliest possible moment in dealing with the Balkans.”³⁰

A different international gathering involved in the conflict in 1998 was the Contact Group, made up of foreign ministers of six countries - the United States, Russia, Britain, France, Germany and Italy. They agreed on a set of demands for Milosevic in June, including a halt to the actions by Serbian forces, entry of monitoring missions and humanitarian organizations, and a progression of the dialogue between the Serbs and Albanians of Kosovo. At that time, Secretary Albright also reiterated the position of the United States. She stressed that a diplomatic solution to the conflict would be preferable, but also left military options on the table: “As we have found in other places, the threat of the use of force... does work in support of diplomacy.”³¹

²⁹“Kosovo War Crimes Chronology,” Michael McGwire, “Why did We Bomb Belgrade?” *International Affairs (Royal Institute of International Affairs 1944-)* 76, no. 1 (January 2000): 12, <http://www.jstor.org/stable/2626193> (accessed October 19, 2011).

³⁰Caplan, “International Diplomacy and the Crisis in Kosovo,” 745; Christine M. Chinkin, “Kosovo: A ‘Good’ or ‘Bad’ War?” *The American Journal of International Law* 93, no. 4 (October 1999): 841-842, <http://www.jstor.org/stable/2555349> (accessed October 22, 2011).

³¹“Contact Group: Serbia must end crackdown in Kosovo,” (June 12, 1998) <http://edition.cnn.com/WORLD/europe/9806/12/contact.group.kosovo/index.html> (accessed March 19, 2012).

An important person in negotiating with Milosevic was the American diplomat Richard Holbrooke. He was the only person from the international community with whom the Serbian leader did not refuse to meet, as they knew each other from Dayton. Holbrooke convinced Milosevic to agree on a monitoring mission. As a result, the Kosovo Diplomatic Observer Mission (KDOM; mission provided by the Organization for Security and Co-operation in Europe), fifty diplomats, arrived in the region in July in order to oversee the situation on the ground. As the state of affairs worsened and even produced refugees on the ethnic Albanian side, the UNSC issued Resolution 1199 in late September, the main requirement of which was a ceasefire between the Serbs and Albanians. Equally important, the resolution defined the situation as “a threat to peace and security in the region.”³²

In October, Holbrooke and Milosevic agreed on a ceasefire by the Serbians in Kosovo in accordance with the resolution. Also, Milosevic assented to another mission to be sent to the region. Consequently, an additional 1,300 international observers of the Kosovo Verifying Mission (KVM; a mission provided also by the OSCE) moved to Kosovo to keep an eye on the agreed ceasefire. However, as both missions worked simultaneously on monitoring the situation, they soon found out that Milosevic and the Serbian forces were not abiding by the agreement. Although the situation got better and many ethnic Albanian refugees were able to return home, the Serbian forces continued with gradual military assaults.³³

2.2 The Course of the War in 1999

Even though the international community deployed monitoring and verifying missions in the region and got Milosevic to agree on a sort of a peace deal, in essence it was unable to stop the violence. The need for greater intervention became apparent with the massacre of Racak. On January 15, Serbian forces killed forty-five ethnic-Albanian villagers and forced another 5,000 into the neighboring hills. Racak was a turning point. When the involved states and organizations saw their current effort was leading nowhere and that the Serbs continued with the ethnic cleansing in Kosovo, they decided to try one more

³²Rogel, “Kosovo: Where It All Began,” 176; Javier Solana, “NATO’s Success in Kosovo,” *Foreign Affairs* 78, no. 6 (November - December 1999): 115-116, <http://www.jstor.org/stable/20049537> (accessed August 26, 2011).

diplomatic solution. In case of refusal, the West was already determined to militarily intervene.³⁴

2.2.1 Rambouillet Conference

A peace conference at Rambouillet started February 6 and after an extension lasted to February 23. The international community invited representatives of both parties to negotiate a peace deal at a chateau near Paris. A ceasefire was the main objective of the conference, but the agreement also stipulated the integrity of the FRY for obvious reasons. The world leaders did not want to give Kosovo independence at that time, because such an act could easily destabilize the Balkans again. However, the agreement also stated that if Rambouillet peace deal had been concluded, the situation would be reconsidered in three years.³⁵

The first problems occurred when the Serbian authorities threatened the Albanians with arrest in case some of them decided to travel to France. Thus, France provided the Albanian delegation with the necessary transportation documents. Among the most important Albanian representatives at the meeting were Rugova and Hashim Thaci, the head of the KLA. The Albanians reportedly took the conference seriously and cooperated with their advisors, consisting of Americans and Germans, tirelessly and with interest. On the other hand, the Serbs did not treat the conference very seriously, as they drank and sang late into the night. Milosevic stayed in Belgrade, making it apparent that a political solution was never his intention. During the negotiations in France, he increased the number of Serbian forces in and around Kosovo and thus was preparing for other attacks on the Albanians in Kosovo.³⁶

After long and difficult discussions, the advising team was able to persuade the Albanians to sign the agreement on 18 March. Nevertheless, the Serbs rejected the agreement. Hence, diplomatic solutions were exhausted. All of the OSCE observers were withdrawn from the region on 20 March, which was the last sign for Milosevic. On March

³³Ibid; Rogel, "Kosovo: Where It All Began," 176; Louis A. Delvoie, "The Kosovo War: A Long Catalogue of Losers," *Behind the Headlines* 58, no. 2 (2001): 32, <http://search.proquest.com/docview/204474916?accountid=15518> (accessed October 10, 2011).

³⁴McAllester, *Beyond the Mountains of the Damned*, 60-65; McGwire, "Why did We Bomb Belgrade?," 7.

³⁵Rogel, "Kosovo: Where It All Began," 177.

³⁶Ibid; Solana, "NATO's Success in Kosovo," 117.

22, the Serbian forces in Kosovo started with an extensive offensive against the ethnic Albanians and on March 24, NATO started bombing the FRY.³⁷

2.2.2 During the NATO Bombing Campaign: March 24 – June 10, 1999

As the state of affairs in Kosovo developed as it did, the international community did not have any other means, if they did not want to watch an impending humanitarian catastrophe, than to intervene. So on Wednesday, March 24, 1999, the North Atlantic Treaty Organization (NATO) started its bombing campaign, called Operation Allied Force, which eventually lasted seventy-eight days. Though the whole coalition conducted the campaign, the strongest contribution came from the U.S. In fact, the Kosovo conflict was the greatest deployment of American air power since the Vietnam War. General Wesley Clark, the commander of the operation, was an American as well.³⁸

NATO stipulated its objectives as follows: “an end to the killing by Yugoslav army and police forces in Kosovo, withdrawal of those forces, the deployment of a NATO-led international force, the return of all refugees, and a political settlement for Kosovo.” Consequently, the coalition bombed specific targets in the FRY, including military bases of the Yugoslav army, bridges, electric facilities and oil refineries. To avoid international casualties, the overall international community had earlier agreed solely on a bombing campaign, and to do everything possible, NATO waged the war from heights of at least 15,000 feet (4.6 km).³⁹

At the same time, ground fighting continued. It never really stopped. Moreover, with the bombing campaign, the Serbian forces in Kosovo intensified their practices of ethnic cleansing. Worth noting is that not only the police and military were under the orders of Milosevic, but also the paramilitary. As the need for police, military and paramilitary forces increased at that time, the FRY hired various types of men including hardened police officers, junkies and even criminals, which to some extent explains the brutality of the attacks. Besides, some of the Serbian troops wanted to be paid in drugs. They moved from village to village, killed ethnic Albanians, including children and women, who were also in

³⁷Ibid., 116-117; McGwire, “Why did We Bomb Belgrade?,” 10.

³⁸Solana, “NATO’s Success in Kosovo,” 117; Rogel, “Kosovo: Where It All Began,” 178; David Gray Adler, “The Law: The Clinton Theory of the War Power,” *Presidential Studies Quarterly* 30, no. 1 (March 2000): 163, <http://www.jstor.org/stable/27552075> (accessed August 26, 2011).

³⁹Ibid; Chinkin, “Kosovo: A ‘Good’ or ‘Bad’ War?,” 841; Rogel, “Kosovo: Where It All Began,” 178.

many cases raped, and expelled them from their homes. In addition, the FRY employed groups to loot in Kosovo. As soon as the Serbian forces made the Albanians leave their homes and marched them out, other groups looted and burnt their houses. Furthermore, they seized their personal property ownership records in order to make it hard for them to return. As reported, from the very first week of the bombing, the Kosovo Albanians started leaving their houses. At the end, the numbers of ethnic Albanian refugees amounted to hundreds of thousands. Some attribute this huge number to the bombing. However, according to the words of one former paramilitary member, the flow of refugees was commanded by Milosevic himself: “That was his order, obviously. He played a game with the West. When the bombing started he ordered the police and others to make the Albanians leave their homes. He hoped he would win the game that way. Then he started taking refugees back into Kosovo, closing the borders, making them walk along highways to cause NATO to kill them by accident, causing a negative reaction among Western public opinion. I saw large streams of refugees and beside them were army trucks.”⁴⁰

During the air campaign and the fighting on the ground, experienced diplomats were also working hard. Russian Viktor Chernomyrdin, U.S. Vice President Al Gore, U.S. Deputy Secretary of State Strobe Talbot and Finn Martti Ahtisari tried to bring the war to a halt and dealt with the Russians, who had a great influence on the FRY and more specifically the Serbs. It is apparent that Chernomyrdin told Milosevic in early June that the allies were seriously considering a land invasion and that Russia would not put obstacles in its way. At the same time, Russian president Boris Yeltsin supported NATO’s demand that “all Serbian forces must leave Kosovo” as well. It was also in early June when Milosevic was indicted by the International War Crimes Tribunal.⁴¹

On June 3, Milosevic at last caved. Ahtisari and Chernomyrdin had prepared a peace agreement, which was on the same day signed by the parliament of the FRY. Both sides also signed an agreement on the withdrawal of all Serbian forces from Kosovo on June 9, so the next day, on June 10, NATO officially stopped bombing the FRY. To sum up the carnage of the war, with regard to the 1999 ground war in Kosovo, about 10,000 ethnic

⁴⁰McAllester, *Beyond the Mountains of the Damned*, 29-30, 88; Rogel, “Kosovo: Where It All Began,” 178.

⁴¹Ibid., 179; Daalder and O’Hanlon, “Unlearning the Lessons of Kosovo,” 132; Stephen Biddle, “Review: The New Way of War? Debating the Kosovo Model,” *Foreign Affairs* 81, no. 3 (May - June 2002): 142, <http://www.jstor.org/stable/20033168> (accessed August 26, 2011).

Albanians died due to Serbian violence, the majority of them civilians. Also, between 1,000 and 2,000 Serbs died at the hands of KLA members. As for NATO casualties, there were none. As far as the NATO bombing campaign is concerned, it was successful, despite the fact that it caused collateral damage, to the tune of 500 civilian deaths, both Serb and Albanian.⁴²

2.3 The Aftermath of the War

Not only deaths were caused by the war. Though there had been an appreciable number of ethnic Albanian refugees even before the NATO intervention took place (about 200,000), these numbers gradually multiplied during the bombing campaign. At the end, there were an estimated 1.4 million Albanian displaced persons, of whom 860,000 were expelled from Kosovo to neighboring Albania and Macedonia. The rest stayed in Kosovo, hiding in the hills, mountains or relative's homes. However, the question remains as to what extent such a huge number of displaced persons was caused by the bombing itself and to what extent it was Milosevic's intention.⁴³

A direct consequence of the war was also a long-term commitment for the international community. On June 10, the UNSC issued Resolution 1244 that gave rise to the United Nations Mission in Kosovo (UNMIK). Bernard Couchner, a founder of Medecins sans Frontiers, was chosen to lead this international mission. The main objective of the mission was to deal with both Serbs and Albanians and to help them construct and lead new institutions, to assimilate to the current post-war state of affairs and to guarantee the observance of human rights. In addition, NATO also sent its mission to the region, called the NATO Kosovo Force (KFOR), made up of 5,000 international soldiers. The most important goal of the KFOR was to secure the safe return of all refugees and to keep peace in the region. Also, the KLA had to demilitarize in accordance with the resolution, which it did under the guidance of the KFOR. And last but not least, the KFOR was to serve as a kind of military support for the UNMIK.⁴⁴

⁴²Michael Mandelbaum, "A Perfect Failure: NATO's War against Yugoslavia," *Foreign Affairs* 78, no. 5 (September - October 1999): 2-3, <http://www.jstor.org/stable/20049444> (accessed August 26, 2011); Daalder and O'Hanlon, "Unlearning the Lessons of Kosovo," 140; Klaus Naumann, "NATO, Kosovo, and Military Intervention," *Global Governance* 8, no. 1 (January - March 2002): 14, <http://www.jstor.org/stable/27800324> (accessed August 26, 2011); Daalder and O'Hanlon, *Winning Ugly*, 3-4.

⁴³Mandelbaum, "A Perfect Failure: NATO's War against Yugoslavia," 2-3.

⁴⁴Daalder and O'Hanlon, *Winning Ugly*, 4; Rogel, "Kosovo: Where It All Began," 180.

2.4 Post-war Developments

After the war, Kosovo became a UN protectorate. This means it was neither an independent and full state nor a Serbian province. All the Serbian forces left Kosovo in June and the international missions began administering Kosovo. Soon after that, the Albanian refugees started returning to their homes. By the end of 1999, the vast majority of refugees had returned. On the other hand, some of the Serbian inhabitants of Kosovo started leaving their homes to neighboring Serbia, probably due to the fear of vindictive Albanians. The rest of them lived in enclaves secured by the international missions. Indeed, many ethnic Albanians could not hide their natural and still ongoing hatred towards the Serbs. For instance, they damaged or destroyed around thirty Serbian churches and monuments in March 2004.⁴⁵

Ongoing ethnic tensions were not the only issue of the post-war situation in Kosovo. Other serious problems were and continue to be high unemployment rates, corruption and high crime rates including organized crime such as drugs and sex trafficking. Also, as in other areas of ethnic conflict, there is a high percentage of females in Kosovo. In some parts of the region, they even count for 70 per cent of the inhabitants. However, even today, women are still being neglected and are not incorporated into the post-war reconstruction of their country. Simply, the problem continues to be complex, which is proven by the continued presence of international missions in Kosovo.⁴⁶

With regard to Milosevic, he never admitted his fault and share in the escalation of the conflict. However, his successor Vojislav Kostunica did it for him in 2000 interview, when he admitted that crimes such as genocide by Serbian forces occurred in Kosovo, though he insisted that the Serbs also were victims of crime. After the war, evidence of such acts of violence was found, when at least four mass graves containing bodies of ethnic Albanians were discovered in Serbia and another two in Kosovo. Another proof of Milosevic's

⁴⁵Ibid; Martin C. Sletzinger, and Nida Gelazis, "Kosovo: Mission Not Yet Accomplished," *The Wilson Quarterly* (1976-) 29, no. 4 (Autumn 2005): 35-37, <http://www.jstor.org/stable/40261487> (accessed August 26, 2011).

⁴⁶Ibid., 38; Lesley Abdela, "Kosovo: Missed Opportunities, Lessons for the Future," *Development in Practice* 13, no. 2/3 (May 2003): 209-215, <http://www.jstor.org/stable/4029592> (accessed August 26, 2011).

dishonest practices late in the twentieth century is that the Serbian national television apologized for broadcasting propaganda during the Milosevic regime.⁴⁷

2.4.1 Declaration of Independence

On February 18, 2008, Kosovo unilaterally declared its independence. The declaration stresses that Kosovo is a democratic and multi-ethnic republic which must protect and promote human rights and honor human diversity. It also states that the recent past must be viewed in the spirit of forgiveness. However, Kosovo's independence has so far been recognized by only eighty-nine states, though the International Court of Justice has not found the declaration of Kosovo's independence as a violation of international law. Within the EU, five states have still not recognized Kosovo. They include Slovakia, Greece, Cyprus, Spain and Romania. It is important to note that all are countries with significant numbers of ethnic minorities.⁴⁸ Or, in the case of Cyprus, if it were to recognize Kosovo, they might also be forced to recognize the Northern Republic of Cyprus. Nevertheless, as the autonomous status of Kosovo is still being discussed, it slows down its further possible integration into the European Union. With regard to the FRY, Montenegro also separated from Serbia in 2006. Thus, what once was a federation of six countries has in a long and complicated process split into seven. The majority of people agree that this should finally be a correct adjustment of the borders in the Balkans.

⁴⁷“Yugoslav Forces Committed Crimes in Kosovo, New President Admits,” *Waterloo Region Record* (Oct 25, 2000), <http://search.proquest.com/docview/267001912?accountid=35514> (accessed January 23, 2012); “Serbia Discovers Mass Grave of Kosovo Albanians Killed during 1998-99 War,” *Kamloops Daily News* (May 11, 2010), <http://search.proquest.com/docview/276334423?accountid=35514> (accessed January 23, 2012); “Srbská státní televize se omluvila za vysílání propagandy za Miloševićova režimu,” (May 25, 2011) <http://www.blisty.cz/art/58732.html> (accessed April 1, 2012).

⁴⁸“Who Recognized Kosova as an Independent State?” <http://www.kosovothankyou.com/> (accessed April 1, 2012); “Kosovo Declaration of Independence,” (February 17, 2008), http://www.assembly-kosova.org/common/docs/Dek_Pav_e.pdf (accessed January 24, 2012); “Romanian Foreign Minister Says Kosovo Recognized by ‘Only 69 UN Member States,’” *BBC Monitoring European* (July 26, 2010), <http://search.proquest.com/docview/707126171?accountid=35514> (accessed January 23, 2012).

3 INTERNATIONAL INVOLVEMENT IN THE KOSOVO WAR

The Kosovo conflict gained the attention of world powers and organizations. Though the conflict took place in a sovereign country, FRY, the world could not just stand by and watch the atrocities happening there. As outlined in the previous chapter, the international community's involvement in the conflict was of significant importance. As the world powers and organizations have learned lessons from previous ethnic conflicts, they were able to react more effectively in the case of Kosovo. The following chapter scrutinizes the interference of the international organizations in Kosovo between 1998 and 1999. Furthermore, it is going to prove that their involvement, especially that of NATO, which played a large role in the conflict, was legitimate and of great necessity, if not a must.

3.1 The United Nations

The United Nations, established in 1945 with fifty-one original members, is now a truly international organization of 193 member-states, or almost every country on the globe. The UN member states are "committed to maintaining international peace and security, developing friendly relations among nations and promoting social progress, better living standards and human rights." All of these stated purposes are achieved through international cooperation. International workers create various international missions, such as peace building or peacekeeping missions. The UN may also provide affected areas with humanitarian assistance.⁴⁹

Mainly three UN bodies were considerably involved in the Kosovo War. The most important role was that of the United Nations Security Council, which is responsible for maintaining international peace and security. The UNSC issues resolutions, which are binding on all member states. This body has five permanent members – the United States, Great Britain, France, Russia, and China - that have the right of veto. Then there are another ten members selected for a two-year-long period. The fifteen UNSC members make decisions regarding specific problems and possibly issue a resolution. Then, the International Court of Justice, located at The Hague (unlike the other five organs located in

⁴⁹The United Nations, "UN at a Glance." <http://www.un.org/en/aboutun/index.shtml> (accessed April 1, 2012).

New York), plays a post-war role in the conflict. Equally important when talking about the Kosovo conflict, the Organization for Security and Co-operation in Europe (OSCE) also operates under the auspices of the UN and was remarkably involved in the conflict, since the organization sent missions to Kosovo prior to the conflict.⁵⁰

3.1.1 UNSC Resolutions on Kosovo

In 1998, the UNSC issued three resolutions on the situation in Kosovo: Resolution 1160 in March, Resolution 1199 in September, and Resolution 1203 in October. The main message of these resolutions was that the situation in Kosovo poses a “threat to international peace and security,” which means it is no longer the internal affair of the FRY. The resolutions also commented on the violations of human rights and warned about an impending humanitarian catastrophe. It appealed to both ethnic groups, and particularly to the Serbs whose steps led to a high number of ethnic Albanian refugees, to stop the acts of violence. However, even though the resolutions mentioned the obligations for the FRY, the country did not comply with them.⁵¹ Such a frequency of the issuance of resolutions in itself tells of the seriousness of the situation as far as the international community was concerned. Yet, the Serbian non-compliance with the resolutions suggested that a diplomatic solution would be hard to achieve.

The next resolution issued with regard to Kosovo was Resolution 1239 in May 1999. It was earlier proposed by the Russian Federation, which wanted to bring the intervention to a halt. However, when the voting took place, the resolution was defeated by twelve votes to three. The three states voting for the resolution were two of the permanent members – Russia and China, and Namibia. Thus, twelve out of fifteen SC members were in favor of intervention. In June 1999, the UNSC issued Resolution 1244 on the withdrawal of all Serbian forces from Kosovo. Also, it authorized the deployment of the UNMIK and KFOR.

⁵⁰The United Nations, “The UN in Brief: How the UN Works,” <http://www.un.org/Overview/uninbrief/about.shtml> (accessed April 1, 2012); Mark S. Stein, “Unauthorized Humanitarian Intervention,” *Social Philosophy & Policy* 21, no. 1 (2004): 19, <http://search.proquest.com/docview/205286844?accountid=15518> (accessed October 22, 2011).

⁵¹Christopher Greenwood, “International Law and the NATO Intervention in Kosovo,” *The International and Comparative Law Quarterly* 49, no. 4 (October 2000): 926-928, <http://www.jstor.org/stable/761769> (accessed October 23, 2011).

The importance of this resolution stems from the fact that it was approved by all the UNSC members except for China, and that Russia's position had indeed changed.⁵²

3.2 International Law

The UN Charter is the basic source of international law. The first article of the charter mentions the organization's purposes and objectives. The primary purpose of the UN is to "maintain international peace and security". Equally important, another UN purpose stated in the Charter is the "respect for the principle of equal rights and self determination of peoples," as well as "encouraging respect for human rights and for fundamental freedoms without distinction as to race, sex, language or religion." The FRY, though not yet a UN member, constantly violated central purposes of the UN, which indicated the need for interference, because no sovereign state can treat its inhabitants as the FRY did late in the twentieth century. Furthermore, the FRY did not protect human rights but was the perpetrator of violations thereof.⁵³ Also, if a situation is deemed a threat to the most important purpose of the UN, the organization somehow has to solve the situation in order to fulfill its commitments. As mentioned above, the situation in Kosovo was declared a "threat to international peace and security" well before NATO intervention took place.

Then there is Article 2(4) of the Charter, which bans using force against territorial integrity. However, if state's authorities violate human rights of its inhabitants, right to sovereignty of such a country is at least debatable. Equally important, the article states that UN members should behave in a manner consistent with the purposes of the UN. The following articles of the charter also implore "all members to pledge themselves to take joint action in cooperation with the Organization for the achievement of universal respect for, and observance of, human rights and fundamental freedoms for all." Thus, when the FRY behaved as it did, it was an imperative for the international community to act. In addition, when the following criteria are present, the imperative for intervention is especially strong: "the abuses threaten widespread loss of human life; intervention would

⁵²Thomas M. Franck, "Lessons of Kosovo," *The American Journal of International Law* 93, no. 4 (October 1999): 857-858, <http://www.jstor.org/stable/2555351> (accessed August 26, 2011); Louis Henkin, "Kosovo and the Law of 'Humanitarian Intervention'," *The American Journal of International Law* 93, no. 4 (1999): 826, <http://search.proquest.com/docview/201067543?accountid=15518> (accessed October 22, 2011).

⁵³Stein, "Unauthorized Humanitarian Intervention," 17; Julie Mertus, "Beyond Borders: The Human Rights Imperative for Intervention in Kosovo," *Human Rights Review* 1, no. 2 (January – March 2000): 82-83, <http://search.proquest.com/docview/821676417?accountid=35514> (accessed January 20, 2012).

likely divert a disaster; the ongoing nature of the problem threatens the peace and security of the region; and there has been a good faith attempt to use diplomatic and peaceful means of settlement.” All of these circumstances were present with regard to the Kosovo pre-war period.⁵⁴

The UN Charter is not the only source of international law. The Geneva Convention of 1949 established rules regarding the conduct of hostilities, nowadays known as international humanitarian law. One of the rules states that the targets must be military objects. However, the law recognizes possible collateral damage to civilian objects or civilians themselves, which does not make the attack unlawful. Other principles for humanitarian intervention are necessity and proportionality. They include the following limitations: “the use of minimum force necessary to prevent the atrocities; withdrawal as soon as the threat has ended; and a determination that greater damage would be done to the target society if no action were taken.”⁵⁵

At last, customary international law is an equally important rule of law. It includes general practices of the international community that become precedents. This law is constantly developing. In the last fifty years, human rights have gained great significance. At the same time, state sovereignty has lost its importance. For instance, it was as early as 1990, when a coalition of states (Economic Community of West African States) intervened in Liberia without a UNSC mandate, when they tried to bring violations of human rights in that country to a halt. The promotion and preservation of human rights are given priority over state sovereignty.⁵⁶

3.3 NATO

NATO, or the North Atlantic Treaty Organization, was founded in 1949 by twelve members (Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom, and the United States), North American and Western European states. Nowadays, it is a coalition of twenty-eight countries, with its most eastern member being Turkey in the South and Estonia in the

⁵⁴Ibid., 84.

⁵⁵Greenwood, “International Law and the NATO Intervention in Kosovo,” 932-933; Mertus, “Beyond Borders: The Human Rights Imperative for Intervention in Kosovo,” 83-84.

⁵⁶Ibid., 82; Greenwood, “International Law and the NATO Intervention in Kosovo,” 929.

North. It was originally established to protect Western Europe from the influence and expansionism of the Soviet Union. Basically, it was a commitment of the West in the case that the Soviet Union ever advanced towards Western European countries. If that happened, the coalition would come to defend them, because a basic principle of NATO is that if even a sole member of NATO is attacked, the coalition considers it as an attack against all NATO members. However, the Cold War saw no open battles, so NATO did not use force on the continent during that time.⁵⁷

The Cold War ended in 1989. As the Soviet Union did not expand westwards, NATO fulfilled its main objective. The organization did not cease to exist, but its purpose has changed. As international law developed, so did NATO. In the 1990s, wars of another nature raged in the world. There were no longer ‘traditional’ wars between the sovereign states, but wars within borders; ethnic conflicts increasingly occurred. Thus, NATO decided to take action in some of these ethnic conflicts. Its main purpose became the prevention of them. However, in the case the international community was not able to prevent ethnic conflict, involvement in the form of humanitarian intervention occurred – just as in the case of the Kosovo War.⁵⁸

3.3.1 NATO Intervention in Kosovo

Operation Allied Force lasted eleven weeks. It was not fought because a NATO member was attacked, but for the international community’s values. Nonetheless, NATO did not seek authorization for the intervention from the UN. Under other circumstances, the UNSC should have issued a resolution that would have approved the use of force. However, as NATO was informed that the resolution would be vetoed by two of the UNSC permanent members, Russia and China, it did not ask for UNSC approval. Both Russia and China were seemingly afraid that the intervention would serve as a pretext for NATO’s expanding spheres of influence. Russia is also Serbia’s Slavic ‘brother.’ At the same time, it is highly probable that Russia was angry that NATO expanded to its former communist satellites, such as to the Czech Republic in March 1999, just before the bombing campaign took place. Nevertheless, as NATO intervened without a UNSC resolution, Russia

⁵⁷“Discover NATO: Basics.” http://www.nato.int/cps/en/natolive/what_is_nato.htm (accessed April 1, 2012); Ivo Daalder, and James Goldgeier, “Global NATO,” *Foreign Affairs* 85, no. 5 (September - October 2006): 105-106, <http://www.jstor.org/stable/20032073> (accessed August 26, 2011).

⁵⁸*Ibid.*, 108.

proposed a resolution on a ceasefire of the bombing campaign when it was well under way. As it turned out in May 1999, twelve out of fifteen UNSC members additionally supported the intervention.⁵⁹

3.4 Historiography

World leaders and scholars divided into a few camps. At first, there were those who agreed with the actions having been taken, though some of these people might have had some objections, but in essence, the military intervention still was the better choice in their view. Some of them include Jamie Shea (NATO's spokesman of the time), Madeleine Albright, Bill Clinton, Tony Blair (British Prime Minister of the time), Jacques Chirac (former French president), Gerhard Schröder and Rudolf Scharping (German politicians), Bernard Couchner, James Rubin (diplomat and journalist), Javier Solana (politician, Secretary General of NATO of the time), Vaclav Havel (former president of the Czech Republic), Massimo D'Alema (Italian Prime Minister of the time), or scholars Mark S. Stein, Tom Farer, David Chandler, Ivo Daalder, and Michael O'Hanlon. For example, Vaclav Havel commented on the situation as follows: "NATO's attack on Yugoslavia was probably the first war that has not been waged in the name of 'national interests,' but rather in the name of principles and values." All of these persons were in favor of the intervention, because they saw it as a moral responsibility. Also, they supported this war for the values that are represented by the international organizations, because they wanted to reduce the suffering of the peoples of Kosovo. The international community had the means to stop Milosevic's oppressive regime, so it did so. As Tom Farer concluded: "human rights law should be seen as the base - the absolute minimum protection to be provided under all circumstances."⁶⁰

Others disagreed with the NATO intervention for various reasons. This group includes for instance scholars Mark Mazower, Richard K. Betts, Richard A. Falk, and Michael

⁵⁹Mandelbaum, "A Perfect Failure: NATO's War against Yugoslavia," 7; Greenwood, "International Law and the NATO Intervention in Kosovo," 931-932; Henkin, "Kosovo and the Law of 'Humanitarian Intervention'," 826.

⁶⁰Richard A. Falk, "Kosovo, World Order, and the Future of International Law," *The American Journal of International Law* 93, no. 4 (October 1999): 848, <http://www.jstor.org/stable/2555350> (accessed October 19, 2011); McAllester, *Beyond the Mountains of the Damned*, 49; Christina Cerna, Hurst Hannum, Christopher Greenwood, and Tom Farer, "Bombing for Peace: Collateral Damage and Human Rights," *Proceedings of the Annual Meeting (American Society of International Law)* 96 (March 2002): 108, <http://www.jstor.org/stable/25659757> (accessed August 26, 2011).

McGwire, or journalist Robert Fisk. For instance, Richard K. Betts, an international policy specialist, claims that the intervention was only the expanding sphere of NATO's influence. Robert Fisk accused NATO of a criminal act, mainly because it intervened in a sovereign country without seeking UN authorization. McGwire considered it grotesque to call a bombing campaign humanitarian intervention.⁶¹

3.5 Question of Legitimacy

However, if the international community wants to stick to its principles and values, it just has to use force in some cases, because a failure to act could have resulted in much worse consequences for both the international community and the affected region. First of all, it is important to note the improvement of the international community's response to the Kosovo War in comparison with other ethnic conflicts. For instance, Bosnia's independence was recognized before the escalation of the conflict. It was probably this step which provoked the Serbs into such cruel actions in Bosnia. Also, the UN international peacekeeping troops were sent into Bosnia, which was dangerous for them. Moreover, they could not prevent some incidents due to prohibition of the use of weapons, which did not help the reputation of the UN.⁶² In Kosovo, the international community did not support the idea of its independence until many years after the conflict, nor did it send in ground troops prior to the peace deal. Thus, there were no casualties on the international community's side.

On the other hand, the international community faced considerable criticism as far as the attack on a sovereign country is concerned. However, when scrutinizing international law, it is not said there that the sovereignty of a state is under all circumstances more important than the protection of human rights. Then, when taking customary international law into account, the Kosovo War was not the only intervention without a UNSC mandate. Moreover, the war was not a unilateral act, conducted by a single country, that could be

⁶¹Richard K. Betts, "Review: Compromised Command: Inside NATO's First War," *Foreign Affairs* 80, no. 4 (July - August 2001): 132, <http://www.jstor.org/stable/20050231> (accessed August 26, 2011); McGwire, "Why did We Bomb Belgrade?" 22; Ron, "Review: Kosovo in Retrospect," 113; Falk, "Kosovo, World Order, and the Future of International Law," 848.

⁶²Vincent Rigby, "Bosnia-Herzegovina: The International Response," *Political and Social Affairs Division* (January 1994), <http://publications.gc.ca/collections/Collection-R/LoPBdP/BP/bp374-e.htm> (accessed January 18, 2012).

used to its advantage. The war was conducted by a coalition of countries with respect to their values and was additionally supported by twelve out of fifteen UNSC members.⁶³

Another reason for supporting the NATO intervention in Kosovo is that the diplomatic solutions were tried, but it was clear that such solutions could not be achieved with Milosevic. In addition, as the whole world saw in Bosnia what the Serbian forces had been capable of, there was a well-founded fear that acts of violence such as genocide could occur in Kosovo as well. Also, as mentioned, the FRY was constantly breaking its obligations imposed on the country by the UN. Equally important, the FRY denied the Albanians their fundamental rights – the right to self-determination of ‘a people.’ All told, there was no other solution than to intervene.⁶⁴

Furthermore, international law did not prohibit intervention in the case of Kosovo. Rather, it ordered the intervention, because in this specific case, no other means could be employed in order that the international community could remain loyal to its values, principles and purposes. As David Chandler notes: “ethical legitimacy can operate retrospectively and clearly places the ‘moral imperative’ above law and diplomacy.” However, as intervention without a UNSC mandate became a great dispute, the international community should probably consider a change to its decision making process. Notably, the UNSC could change its style of voting. For instance, the UNSC permanent members could lose their right of veto. Also, the international law ought to define and specify the circumstances under which humanitarian intervention definitely is legitimate. Even though the humanitarian intervention in Kosovo was legitimate, it should remain an exception, because each ethnic conflict must be carefully approached and the means employed must be thoughtfully chosen.⁶⁵

3.6 Possible Solutions

As the scholars and world leaders still cannot agree on a definite position towards the NATO intervention in Kosovo, there comes a question of other possible solutions of this conflict. Because the issue is complex, it is obvious that there could not be any simple

⁶³Greenwood, “International Law and the NATO Intervention in Kosovo,” 929.

⁶⁴Ibid, 926-928; Falk, “Kosovo, World Order, and the Future of International Law,” 849.

⁶⁵Naumann, “NATO, Kosovo, and Military Intervention,” 14; David Chandler, “Review Essay: Kosovo and the Remaking of International Relations,” *The Global Review of Ethnopolitics* 1, no. 4 (June 2002): 115, http://www.ethnopolitics.org/ethnopolitics/archive/volume_1/issue_4/chandler.pdf (accessed February 2, 2012).

solution. However, in some cases, the international community could have approached the issue differently, though the question remains whether it would have been a better solution. For instance, the West could have threatened the FRY with a land invasion from the very beginning. Or they could have tried to change the politicians in Belgrade. Milosevic was not very popular among the Serbs, but he probably never knew that, as he surrounded himself only with loyal people.⁶⁶ Nevertheless, it is only polemic, because nobody knows how things would have worked out in the end. Maybe, if everything was dealt diplomatically in Kosovo, it would have taken more time and the conflict would have thus resulted in even more casualties than in the case of NATO intervention.

⁶⁶Mandelbaum, "A Perfect Failure: NATO's War against Yugoslavia," 4-6.

CONCLUSION

The aim of this thesis was to prove that the international community's involvement in the Kosovo War, and specifically the NATO intervention, was necessary and legitimate. Because the world stood responsibly for solving the conflict, it did not need to watch acts of violence to such a cruel extent as in Bosnia a few years earlier. Thus, the bloody process of the break-up of Yugoslavia was brought to a halt at the end of the millennium in the Yugoslavian country's largest province, Kosovo.

As the first chapter deals with the roots of the conflict – hatred between Serbs and Albanians - it reveals that the Kosovo Albanians were treated unfairly during most of the twentieth century. Moreover, they were denied basic rights. When Milosevic came to power, he immediately started using Kosovo for his nationalist propaganda. He deceived the Serbs and oppressed the Albanians in such a way that the West soon began interfering. Despite many warnings, sanctions, resolutions and other diplomatic efforts, Milosevic refused to withdraw his troops from Kosovo. Thus, NATO bombed the FRY for eleven weeks. Even though the bombing campaign was successful in the end, some people did not agree with it. But as the investigation of the international law and scrutiny of the world organizations' behavior proves, it was not a mistake. Moreover, results of the research unequivocally show that the NATO intervention was legitimate, and definitely necessary.

Since 1999, Kosovo has gone through fundamental developments. It is now an independent country, though its status is still discussed and the state deals with some difficult issues. Though the international community has helped significantly to solve the complicated issue of the region, it is now up to both Serbs and Albanians in Kosovo that the past does not repeat and that they should at last find a way to live together in the former Serbian province.

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