Kosovo crisis legacy: nations can forfeit sovereignty
Bombing campaign based on “selective indignation” to humanitarian crisis, though understandable, set dangerous precedent, study warns

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New York — From NATO’s military intervention in the Kosovo crisis emerged a profound change in world politics: nations can temporarily forfeit sovereignty on humanitarian grounds. However, unless world powers agree on principles to guide interventions in similar circumstances, that precedent will have dangerously undermined international order, warns a study of ongoing political fallout from the Kosovo crisis, released by UN University.

The study, Kosovo and The Challenge of Humanitarian Intervention, offers a compendium of authoritative viewpoints on many dimensions of the 1999 crisis and on recommended follow-up steps. Those steps include promotion of “an international consensus about the point at which a state forfeits its sovereignty,” and removal of veto power in the Security Council in exceptional circumstances “so that the support of a majority of the great powers is all that is required to permit states to engage in humanitarian war.”

“Kosovo confronted us with an abiding challenge of humanitarian intervention: namely, is it morally just, legally permissible and militarily feasible?” said Ramesh Thakur, Vice Rector of UNU and co-editor of the study.

“In today’s dangerously unstable world full of complex conflicts, concerned countries and citizens face the painful dilemma of being condemned if they do and damned if they don’t.”
To use force unilaterally is to violate international law and undermine world order. Yet to respect sovereignty all the time is to be complicit in human rights violations sometimes. And to argue that the UN Security Council must give its consent to humanitarian war is to risk policy paralysis by handing over the agenda to the most egregious and obstreperous.”

Said Mr. Thakur: “The bottom line question for us is this: Faced with another Holocaust or Rwanda-type genocide on the one hand, and a Security Council veto on the other, what would we do? A new consensus on humanitarian intervention is urgently needed.”

Contributors to the study cite the need to reform the Security Council, including possible removal of veto power from the Council’s five permanent members — the U.S.A, Russia, Britain, China and France — in such circumstances as those presented by the clash over Kosovo.

“The permanent members and their interests should not prevent the Security Council from getting involved and stall the UN’s attempts to provide assistance to those in need. Otherwise we might see more NATO-style actions with less or no UN involvement — and thus less order and less justice in our global community,” said Albrecht Schnabel, the study’s co-editor.

“It is good that the international system can tear down the walls of state sovereignty in cases where states kill their own people. Organizations like the UN, however, need to be willing and able to confront these catastrophes wherever they occur.”

NATO’s precedent-setting 1999 bombing of Yugoslavia proceeded without UN sanction. In view of the 1994 Rwandan genocide (during which UN intervention was stalled in the Security Council) and similar recent internal conflicts, the Kosovo intervention, while morally right, demonstrated a dangerous “selective indignation” towards humanitarian crisis, according to the study, presented at UN Headquarters March 21.

“Many of today’s wars are nasty, brutish and internal. The world community cannot help all victims, but must step in where it can make a difference. Selective indignation is inevitable, for we simply cannot intervene everywhere, every time. But we must still pursue policies of effective indignation,” said Mr. Thakur. “Humanitarian intervention must be collective, not unilateral. And it must be legitimate, not in violation of the agreed rules which comprise the foundations of world order.”

According to the study, “continuing fallout from Kosovo has the potential to redraw the
landscape of international politics, with significant ramifications for the UN, major powers and regional organizations, and the way in which world politics are understood and interpreted.”

**Critical International Fallout**

The study collected and presents interpretations of the Kosovo crisis from diverse perspectives: the conflict parties, NATO allies, the immediate region surrounding the conflict, and further afield.

The war influenced Russia’s perception of its relations with the outside world in a more fundamental way than most other events during the last decade, the study says. “Any possible argument that NATO might underwrite European stability has lost validity for Russia.”

Meanwhile, China worries that what happened in Yugoslavia may be repeated in Asia, especially in China. “The problem of using force by the strong against the weak will only create disorder. While China does not want to challenge or compete with U.S. superiority, it rejects U.S. domination or hegemony.”

Many in Islamic countries, who supported the war because they identified with the Muslim victims in Kosovo, argue that NATO committed strategic mistakes. Among them: not intervening earlier, refusing to deploy ground troops to put a decisive end to the conflict, and not anticipating President Milosevic’s resort to the eviction of hundreds of thousands of Muslims from Kosovo.

The South African government, reflecting the positions of the Non-Aligned Movement and the Organization for African Unity in particular, concluded that unilateral intervention, no matter how noble the motive, is not acceptable. A broad, non-discriminatory multilateralism (in all areas, including trade and security) is the best safeguard for the developing world against unilateral misuse of power by the strong.

“For many developing countries, the international community runs the danger of becoming hostage to the machinations of a few privileged and powerful countries,” the study says.

“Many developing countries may feel compelled to move toward ensuring greater security for themselves through acquisition of more weaponry. There is almost total unanimity in
India that the country needs to strengthen itself militarily to the extent that there can be no scope for any interference in the affairs on the sub-continent.”

**Very Slow Response from the International Community**

Although explosion of the Kosovo powder keg was often predicted, international efforts to contain the conflict were “modest and hesitant. Later, faced with a brutal and rapidly escalating war, the international community reacted with consternation and confusion,” the study says.

The UN Security Council would have been blocked by Russian and Chinese opposition to military intervention in Kosovo. NATO decided to intervene anyhow.

“What was at stake was not only the fate of the Albanian population of Kosovo,” the study says. “It was also the standing and reputation of the major democratic countries involved in the NATO operation and the credibility of NATO itself.”

Among other conclusions by the study’s contributors:

- Fundamental policy differences between the Allies led to a lowest common denominator approach to achieving military objectives. Air strikes did not prevent widespread atrocities against civilians on the ground in Kosovo nor the mass exodus of refugees into neighboring countries;

- Zero-casualty air war shifted the burden of risk to life and limb completely to the other side, including civilians;

- Excluding ground forces from the beginning was a serious mistake and reflected an inability to grasp the integrated nature of modern military power. Uncertainty about the possible use of ground forces should have been preserved;

- Relying on threats as a bluff transformed a humanitarian crisis into a humanitarian catastrophe when the bluff was called;

- To supporters, NATO cured Europe of the Milosevic disease of ethnic cleansing; to critics, the NATO cure worsened the disease. The trickle of Albanian refugees before the war turned into a flood of ethnic cleansing during it and the mass flight of Serbs from...
Albanian revenge attacks afterwards;

- By fighting and defeating Serbia, NATO became the tool for the KLA policy of inciting Serb reprisals through terrorist attacks in order to provoke NATO intervention;

- Concern within NATO countries about bombing “mistakes” was balanced by photos of the plight of Albanian refugees;

- Expanding the list of bombing targets, such as water and electricity infrastructure and broadcasting stations, reversed progressive trends in the laws of war over the course of the 20th century;

- Since the war, there has been a persistent threat of ethnic cleansing of Serbs by the Albanians. The lack of international solidarity and effective action further entrenches the victim mentality among Serbs and undermines prospects of long-term stability;

- NGO positions during the war reflected, on one hand, aversion to force in settling international disputes but, on the other hand, a desire to consolidate and enforce universal human rights norms;

- Where the goals are the alleviation of suffering and democratization of the target society, sanctions are a grotesquely inappropriate instrument;

- Communities bitterly divided for centuries cannot be forced by outsiders to live together peacefully;

- The Kosovo war further radicalized both communities and squeezed out moderates. The interests of nationalists on both sides lie in still more conflict. The KLA by another name wants to liberate “Eastern Kosovo” from Serbia, while Serbia wants NATO to withdraw from Kosovo in humiliating failure;

- NATO’s policy choices in Kosovo have narrowed to policy failure (abandon the goal of multiethnic Kosovo, support its independence from Serbia) or policy disaster (defeat at the hands of Serbs and increasingly hostile Albanians waging a guerrilla war of independence);

- It is easier to bomb than to build.
The peace missions in Kosovo, along with Bosnia-Herzegovina, look set to continue indefinitely, the study says. NATO spent huge military and political resources on a relatively small region, and yet the conflicts in the former Yugoslavia are still unresolved. Military power alone has not been sufficient, and other skills and expertise will be needed if reconciliation and reconstruction are to proceed in the Balkans.

“The current situation in Kosovo can only be an interim solution — in the form of an open-ended protectorate,” according to the study. “It is clear that the only lasting solution is a political settlement that reconciles legitimate ethnic Albanian interests about the future of the province and long-term peace with Serbia.”

The full text of the study is online at <www.unu.edu>. UNU Press will publish a book based on this effort later this year.

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