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**Working
Paper
98/W/03**

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The troubles in Kosovo demonstrate that not only has Europe failed thus far to develop effective mechanisms to address the complex issues stemming from intra-state conflict, but it may lead to the fundamental redefinition of many central tenets of public international law, international relations, and international security. If NATO intervention takes place it will open up legal questions regarding sovereignty and thus statehood and will also lead to a protracted debate about the role of the United Nations (UN). Perhaps the time is long overdue for a debate on these issues in the post-cold war world, but Kosovo may prove to be the unwitting catalyst.

Nearly all of the major armed conflicts in the international system at present, with the sole exception of the dispute over Kashmir between India and Pakistan, are intra state conflicts. While intra-state strife is obviously not a new phenomenon, it remains true that those security organisations that survived the cold war, of which there are very few, remain geared to the problems of addressing inter state conflict. NATO is one of the few organisations with effective military potential to survive the cold war. In spite of its efforts to emphasise the collective security aspects of its work it remains primarily a collective defence organisations, as laid down in its founding treaty. The WEU is also geared towards collective defence under the terms of the 1954 Modified Brussels Treaty. Both organisations were founded with the heavily armed nuclear camps of the cold war in mind and, accordingly, little thought was given to how to address intra-state conflict. The UN, with its collective security mandate, was paralysed by Security Council divisions for much of the cold war and the lack of any dedicated forces in the post-cold war period has hampered the UN's potential to address the political (through the lack of any definitive military threat to back up political efforts) and military dimensions of intra-state conflict. It is organisations such as the UN that illustrate the complexity of addressing intra-state conflict since the very element of rule and order in the international system, the state itself, is now the prime architect of instability.

Kosovo is yet another depressing example of the hideous complexity of intra-state conflict and, for different reasons, it follows the litany of other less than satisfactory attempts to address intra-state conflict in Somalia, Rwanda, Burundi and Bosnia. Other conflicts, such as the bloody struggle in Chechnya or those in the Caucasus, remained essentially off limits to regional or international security organisations. Part of the problem lies in the very structure of the international system founded on the twin pillars of states -- as the principal constituent with sovereignty as the organising principle.

Statehood and sovereignty have become intimately connected to the ideas of the territorial inviolability of borders, the right of individual or collective self-defence, and nationalism. These notions shaped not only collective defence but also much of the cold war's history, especially the *raison d'être* of the two principal antagonists – both dedicated to collective defence. The post-cold war emergence of intra-state conflict is not a new phenomenon but merely an indication that the tensions contributing to it were subsumed in the wider struggles of the cold war.

A further important shaping force has to be added to those of statehood and sovereignty, that of self-determination. This has proven a notoriously slippery term to grapple with ever since it was enunciated as one of Woodrow Wilson's famous post World War I points, both in legal and political terms. It is not always clear who self-determination applies to and whether the exercise of self-determination should *ipso facto* lead to secession from an existing state.

All of these elements come together (again) in Kosovo. Before looking at how they apply to Kosovo it should briefly be noted that the responses to the other intra-state eruptions referred to above have served to modify our understanding of sovereignty and thus statehood. States are sovereign and intervention in their domestic jurisdiction is prohibited under international law with few exceptions and these are controversial. There are however two loopholes that have been exploited since the end of the cold war. First, rarely is an intra-state conflict confined to the state in question. Normally there will be regional or international ramifications to the conflict, such as refugee movements across borders, arms transactions, and the disruption of economic and political activity. Any one these, or a combination thereof, could legitimately be claimed to represent a threat to international peace and stability and trigger a response. Second, the proven violation of a specific group (or groups) within a state by another group could trigger an international response based on proof of the systematic violation of human rights. All of these caveats in public international law have been used in UN Security Council resolutions and have led to interventions of various types. The enthusiasm for exploiting these arguments has though waned perceptibly as the complexity and cost of intra-state conflict have become apparent (Somalia in particular) and the lack of 'quick fix' solutions has also been equally apparent (nowhere moreso than Bosnia).

If we now consider Kosovo it becomes apparent that it is a good deal more grey and ambiguous than most other post-cold war intra-state conflicts. First, Kosovo is not a sovereign entity. Since the early 1970s Kosovo (and Vojvodina to the north) achieved a high degree of autonomy akin in some ways to the six constituent republics of the Yugoslav federation.¹ However, it was only the republics, not the provinces like Kosovo, which were accorded the right of secession. The efforts of the Kosovo Liberation Army (KLA) are specifically aimed to replace autonomy with independence for *all* Albanians in the Balkans, not just those in Kosovo. The ethnic composition of Kosovo's two

¹ Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia.

million inhabitants, which is 90 percent Albanian² and the remainder Serb, makes any open vote for continued autonomy or independence highly unlikely from Belgrade's perspective (more so now given the widespread evidence of attempts at ethnic cleansing by the Serb security forces in Kosovo).³ Moreover, Albanians outside Albania are not a nation and thus it is not clear that the principle of self-determination applies. Albanians are also a minority within Serbia and Yugoslavia.

The historical and cultural importance accorded to Kosovo by the Serbs makes the idea of a peaceable secession unthinkable. Kosovo is intimately connected in the Serb mind with the cradle of Serbian culture, with the tales spun around the defeat of the Prince Lazar, a legendary Serb figure, by the Turks at The Field of Blackbirds (Kosovo Polje) in 1389 and the subsequent rule by Turkey for the next five hundred years. Kosovo, according to Serb history, was then liberated from five centuries of Turkish rule in the First Balkan War of 1912. The Serb army (with its Montenegrin ally) then attempted to consolidate their hold on Kosovo by expelling Turks, Muslims and Albanians. Following Austria's insistence, Serbia and Montenegro surrendered part of their territory to the new state of Albania. The interwar rivalries were not the cause of the deep enmity, as Aleksa Djilas points out, for that is rooted in 'centuries of discrimination against the Serbian Orthodox Church and oppression of Serb peasants by Muslim Albanian lords and their followers.'⁴

With the driving out from Yugoslavia of German forces at the end of World War II fighting immediately erupted between Albanian and Yugoslav forces for the control of Kosovo, the former being outnumbered by around four to one. Mass protests followed in 1968 with the first hint of some form of self-rule but it was not until 1974 that the new Yugoslav constitution granted Kosovo autonomy. The 1980s saw further protests over alleged harassment of Kosovo Albanians and in 1989 Slobodan Milosevic removed Kosovo's autonomy. Predictably, thereafter both the protests and the casualties mounted. In 1990 Albanian students started what was to be a six-year boycott of state schools and colleges and this was to spread into other areas of state activity resulting in a bureaucratic divorce of the Albanians in Kosovo from the Serb dominated apparatus. In 1991 the Albanian parliament recognised Kosovo as an independent republic and the following year the intellectual, Ibrahim Rugova, was elected president of the self-proclaimed republic. In October 1992 Serb and Kosovo Albanian leaders held the first in a number of talks aimed at an elusive mutually agreeable arrangement. As an unpopular spin-off from the Bosnian conflict, Serb authorities settled several hundred Croatian Serb refugees in Kosovo which, once again, provoked protest from the Kosovo Albanian leaders. The number of guerrilla attacks increased in 1997 and the state prosecutor made the

² Roughly 1.8 million Albanians live in Kosovo.

³ For instance, on 28 September diplomats were shown the bodies of 15 ethnic Albanian men, women and children who had been shot in the back of the head and mutilated at a makeshift camp in a heavily wooded section of the Drenica region, west of Pristina. Serbs have claimed that at least 39 Serbs were tortured, mutilated and killed in early September near Glodjane.

⁴ Aleksa Djilas, 'Imagining Kosovo,' *Foreign Affairs*, Vol.77 (5), Sept/Oct. 1998, p.127.

first charges against members of the illegal National Movement for the Liberation of Kosovo and the suspected leader of the KLA was killed in a battle with the police.

By the beginning of this year heavily armed Serb police and army groups had surrounded Prekaz, which was believed to be a KLA stronghold. In response to growing tensions the U.S. and four European powers agree an arms embargo to, with Russia in opposition. Massive protests were mounted in Pristina against the violence and the U.S. Special Envoy, Richard Gelbard, publicly accuses the Serb authorities of using brutal and overwhelming force. Following a UN Security Council vote in favour of an arms embargo and at Galbard's urging, Belgrade attempted a diplomatic solution to the crisis by announcing a April referendum on international intervention in Kosovo. Ibrahim Rugova rejected the referendum and 95 per cent of Serbs rejected any such intervention. Although limited progress was made in some areas, such as the return to schools and colleges of Kosovo Albanian students, militants stymied any substantial progress. Richard Holbrooke's 'shuttle diplomacy' commenced in May with joint talks between Milosevic and Rugova. In response to the growing concern voiced by NATO and other security organisations at the situation in Kosovo UN Secretary General, Kofi Anna, warned the Alliance that it must secure a Security Council mandate prior to any intervention. In August, following a massive Serb offensive against Junik, which was believed to be a KLA stronghold, the UN called for a ceasefire. The following month the UN Security Council adopted resolution 1199, discussed in detail below, and this purportedly provides the mandate for any military intervention that may follow. In October the Serb Prime Minister, Mirko Marjanovic, announced the defeat of the separatists and the withdrawal of forces from Kosovo. In spite of this, Serb forces continue attacks on villages in the Drenica region.

Here lies the first problem for any proposed intervention: What is the aim of intervention? Ideally it would be to purge Kosovo of the Serb security forces and to protect Kosovo Albanians and Serbs alike. But, the likelihood of intervention being interpreted by the Kosovo Albanian separatists as a boost to their secessionist drive is high. The Serb minority has suffered from reprisals by Kosovo Albanians and they too are entitled to security and as an integral part of any (ground) intervention disarmament of the separatist forces would have to be a priority. To establish, either unwittingly or deliberately, the grounds for an independent Kosovo may encourage the similar secessionist attempts from Montenegro (noises in this direction have already been made) and the isolation of Belgrade. No matter what geographical map emerges, the underlying ethnic tensions will not only be present but bitterer than ever. The demands from the Contact Group and elsewhere for extensive 'autonomy' for Kosovo have not been specifically defined. It is however clear that independence is unacceptable to the western powers since this would not only redraw the map of Yugoslavia again, but undermine the sovereignty of a state recognised by the UN Charter and other international legal instruments. An independent Kosovo would also, presumably, attempt to unite with Albania (as is the aim of the KLA) and this would risk upsetting Albania's precarious balance between the north and the south which not so long ago (1997) erupted into civil war.

What then can be done? In the first place the grounds for intervention must be transparent. Second, intervention will have to involve ground forces and tactical air strikes cannot address the underlying tensions in Kosovo. Third, expect a prolonged involvement (think Cyprus or Kashmir) and not a 'quick fix.' Fourth, Kosovo will make or break fledgling and established European security organisations alike. Let us address these issues in turn.

i) Grounds for intervention

It is worth noting in passing that the impression may be gained that the crisis in Kosovo is a relatively recent phenomenon and one that has, in some ways, caught the European security organisations off guard. It is though important to bear in mind that Kosovo's autonomy has been under threat since at least a decade prior to 1989 when Milosevic effectively established police rule and removed ethnic Albanians from most positions of responsibility, thus effectively ending self-rule. The Albanian response, which was to create parallel Albanian-only structures and their complete disassociation from the Yugoslav educational, taxation and military conscription systems, created the obvious impulse for complete independence. It remains a matter of conjecture as to whether their participation in the presidential elections in Serbia and Yugoslavia could have decisively changed the course of history in the Balkans. Certainly, through representation in the political process the Albanians would have been able to safeguard their autonomy and perhaps even to have enhanced it.

The evidence of systematic brutality against unarmed Albanian civilians in Kosovo (including women and children) is compelling. Absent the complete withdrawal of the Serb security forces, intervention is necessary to protect them from further atrocities. The Serb minority in Albania though has not been immune from reprisal attacks and their safety has to also be a paramount consideration. The dislodging from towns and villages of thousands (numbers vary but most reports seem to have settled on at least 50,000 refugees remaining camped in the hills and another 250,000 uprooted since February's crackdown on Albanian separatists) and their flight into the hills opens up the prospects of widespread starvation and death from the onset of a Balkan winter. It is the prospect of such a humanitarian disaster that provides the most compelling case for intervention. Indeed, one could argue that the threat of air strikes has exacerbated the crisis in Kosovo since nearly all international relief efforts have been halted and relief workers have left Kosovo and, increasingly, Yugoslavia itself. The first target then is the alleviation of mass starvation, disease and death in the hills of Kosovo through the provision of substantial and immediate humanitarian assistance. However, the alleviation of the immediate problem does not lessen the likelihood that this will not reoccur. In the second place therefore the short and medium term security of all inhabitants of Kosovo has to be guaranteed – perhaps even the long-term as well. Solutions can then be sought to guarantee that the sources for any such repetitive behaviour are addressed – by far the trickiest problem.

The legal questions regarding intervention are though subject to dispute. It is clear that at least from March that the situation in Kosovo ceased to be an internal matter. The foreign ministers of the Contact Group meeting in London on 9 March and in Bonn on 25 March agreed that ‘the situation in Kosovo is not simply an internal matter, but also has a direct impact on the stability of neighbouring countries and jeopardizes peace in the Balkans.’⁵ The imposition of a UN Security Council resolution 1160 imposing an arms embargo against the Federal Republic of Yugoslavia (FRY) on 31 March by a vote of 14-0 (China arguing that it is an internal matter and thus opposing the resolution) sent a clear message to all parties to the conflict that the situation in Kosovo was of legitimate concern to the international community.⁶ Resolution 1160 called for, amongst other things, the ‘withdrawal of the special police units and ceased action by security forces affecting the civilian population,’ a peaceful resolution to the conflict, an enhanced status for Kosovo, greater autonomy, and meaningful self-administration. As a further reminder of the international concern the resolution urged the Office of the Prosecutor of the International Tribunal to begin gathering information pertaining to the violence in Kosovo.⁷

A second resolution was adopted by the UN Security Council on 23 September 1998. UN Security Council resolution 1199 and the earlier resolution (1160), would provide the legal backing for any use of military force in Yugoslavia.⁸ Acting under Chapter VII of the UN Charter the Security Council demanded the following in resolution 1199:

- i) That all parties, groups and individuals immediately cease hostilities and maintain a ceasefire in Kosovo, FRY, which would enhance the prospects for a meaningful dialogue between the authorities of the FRY and the Kosovo Albanian leadership and reduce the risks of humanitarian catastrophe;
- ii) That the authorities of the FRY and the Kosovo Albanian leadership take immediate steps to improve the humanitarian situation and to avert the impending humanitarian catastrophe;
- iii) That the FRY, in addition to the measures called for under resolution 1160, implement immediately the following concrete measures towards achieving a political solution to the issue of Kosovo:
 - Cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression;

⁵ Statement by US Ambassador to the United Nations, Bill Richardson, to the UN Security Council on Kosovo Resolution, 31 March 1998.

⁶ S/RES/1160, 31 March 1998.

⁷ The Office of the Prosecutor of the International Tribunal was established by resolution 827 of 25 May 1993 to address war crimes in Bosnia-Herzegovina as well as Rwanda at a later date.

⁸ S/RES/1199, 23 September 1998.

- Enable effective and continuous international monitoring in Kosovo by the European Community Monitoring Mission and diplomatic missions accredited to the FRY, including access and complete freedom of movement to such monitors ...;
- Facilitate in agreement with the UNHCR and ICRC the safe return of refugees and displaced persons to their homes and allow free and unimpeded access for humanitarian organizations and supplies to Kosovo;
- Make rapid progress towards a clear timetable, in the dialogue ... with the Kosovo Albanian community called for in resolution 1160, with the aim of agreeing confidence-building measures and finding a political solution to the problems of Kosovo.

Neither of the resolutions though are specific on how many of the Serb security forces should be withdrawn. It is a safe assumption that those security units used 'for civilian repression' is a reference to the euphemistically named special police units. These have, according to Serb claims, all been withdrawn. But, what of the rest? The Yugoslav Deputy Information Secretary, Miodrag Popovic, rejected the complete withdrawal of Yugoslav troops with the following argument: 'Who in their right mind would do so? Is there a country in the world that would do so, especially with an armed rebellion on their hands?'⁹ Contrary to the Serb claims, western press sources claim some 1,000 of the 10,000 special police remain and 60 percent of the total force sent to put down the independence movement in Kosovo remain.¹⁰ The withdrawal of all Serb forces would logically imply the introduction of an intervention force to impose stability that would also involve disarming the KLA. Relatively little is known about the KLA but it is estimated to be around 35,000 strong but little is known about its command structure and organisation except that it is organised around local 'units.' Such units presumably can presumably vanish or constitute at will which will make the task of any intervention force remarkably difficult.

The day after resolution 1199 on the situation in Kosovo was adopted NATO issued an ACTWARN for a limited air option and a phased air campaign in Kosovo. The ACTWARN took NATO to a heightened level of readiness and allowed NATO commanders to identify the required assets.¹¹ In a press conference on 24 September at the Defence Ministers meeting at Vilamoura, Portugal, Secretary of Defense William Cohen observed that 'NATO has used air power in the past to help force an end to the fighting in Bosnia,' while U.S. Chairman of the Joint Chiefs of Staff, General

⁹ Resoftlinks, 7 October 1998, <http://news.resoftlinks.com/981007>.

¹⁰ Associated Press, 8 October 1998.

¹¹ NATO Press statement, 'Statement by the Secretary General following the ACTWARD decision,' 24 Sept. 1998, Vilamoura, Portugal.

Henry S. Shelton, assured the press that ‘NATO has military plans to deal with the situation in Kosovo, should our diplomatic efforts fail to produce a solution.’¹²

Russia, as a permanent member of the Security Council, has challenged the adequacy of the existing Security Council resolutions as the basis for military action. NATO’s Secretary General, Javier Solana, has argued on behalf of the NATO members that the Security Council’s 23 September resolution in particular provides sufficient grounds for action. The case for a further resolution could be construed from the final passage of resolution 1199 which reads, ‘should the concrete measures demanded in this resolution and resolution 1160 not be taken, [the Security Council shall] *consider further action and additional measures to maintain or restore peace and stability in the region.*’ (Emphasis added) The implication therefore is if Milosevic fails to comply, his obstruction will trigger further *consideration* of measures to be taken, including the use of force, and it is not a matter for the unilateral decision of any one Security Council member. In the face however of an impending humanitarian disaster and the certainty of a Russian veto, the U.S. and perhaps Britain are not inclined to wait to ‘consider further action.’¹³

Although it may be preferable to have a further resolution, it does not appear to be a necessity based on the invoking of the collective defence stipulations of Article 51 of the UN Charter. Nor, it appears, is the threat of a Russian veto in the Security Council to support air strikes a serious impediment to their taking place. The U.S. Secretary of Defense, William Cohen, argued that not only is no authority necessary from the Security Council since any action would fall under Article 51 of the UN Charter by which NATO could legitimately defend its collective interests, but also that ‘we ought not to subordinate NATO’s ability to act’ to a Security Council veto.¹⁴ Cohen echoed the views of Bob Dole who was sent by President Clinton on a fact-finding mission to Kosovo. Dole’s conclusion was that ‘it’s time to do something ... I don’t believe any political pressure, economic, any kind of pressure will work.’¹⁵ The view of the U.S, must be accorded special weight because, in spite of the nominal NATO nature of the proposed air strikes, up to 80 percent of the forces would be American. Of the other main contributors, Britain is broadly in agreement with the U.S. position while France would prefer an additional resolution prior to any action takes place.

The combined effects of resolutions 1160 and 1199 certainly establish the political case for intervention but the resolutions do not prescribe what type of use of force may be appropriate as was the case in resolutions on, for example, Somalia. Legal issues aside, by invoking Article 51 of the UN Charter and the right to collective self-defence, NATO could fall into political difficulties. Unilateral action by NATO may undermine the validity of future UN-NATO co-operation and could also invite

¹² Press Conference, Secretary of Defense William Cohen and U.S. Chairman of the Joint Chiefs of Staff General Henry S. Shelton, NATO Defence Ministers Meeting, Vilamoura, Portugal, 24 Sept. 1998.

¹³ The Russian Foreign Minister, Igor Ivanov, told the press on 6 October that Russia would veto any move to approve NATO strikes on Yugoslavia by the Security Council.

¹⁴ Ibid.

¹⁵ *Resoftlinks*, 23 September 1998, <http://news.resoftlinks.com>.

similar responses by other security organisations or even individual states regarding military intervention. In particular, it may have negative effects on Russia's relations with NATO members. Russia voted in favour of resolution 1199 but this was based on the understanding that the Security Council was introducing no measures of force. The Russian Ambassador to the UN, Sergei Lavrov, called for a settlement 'exclusively through peaceful political methods on the basis of granting broad autonomy for Kosovo.' The wider effects on Russian-NATO relations could however be detrimental, most notably to the future of the Partnership Council and Russia's future willingness to remain involved. If NATO invokes Article 51 of the UN Charter it may not need a UN Security Council resolution to intervene but the political effects on the future cohesion of the Alliance and international security need to be carefully weighed. The political considerations though should remain secondary to the immediate issue of addressing the unfolding humanitarian disaster unfolding in the hills of Kosovo as winter descends (snow fell for the first time in mid September). Addressing the immediate humanitarian needs is important but also futile if the reasons for the disaster are not also addressed. On the face of it this calls for far more than air strikes and will involve a military presence on the ground, possibly for a prolonged period of time.

ii) The need for a presence on the ground

The attraction of tactical air strikes is superficial. The hope seems to be that NATO forces, using air bases in Germany and carrier borne forces elsewhere, can carry out precision strikes against select targets (although the precision is generally overrated) and, at minimal cost to themselves other than financial, bring Milosevic to the negotiating table. The flaw with tactical air strikes is that they appear, based on the evidence from Bosnia as well as the earlier NATO demonstration flights along the Albanian border, to have little long-term effect. Indeed, as in the case of the U.S. air strikes in the Sudan against alleged chemical weapon manufacturing facilities, you only need to hit the wrong target once to undermine the credibility of the entire endeavour. The attraction to most NATO members and, in particular the U.S., is that this is a low-cost option since it is unlikely to involve combat casualties given the overwhelming technical superiority of the Alliance. This may however underestimate the quality of Serb air defences and certainly the determination of Serbs to protect themselves against what will be already being portrayed as a potential invasion. One important unknown in the event of air strikes and any follow-up intervention is the Russian reaction. Will it be, as has been threatened, to find common cause with their Serb brethren and to offer them assistance?

Public opinion may also question the wisdom or costs of such an action. The history of public support for U.S. led operations using Europe-based military facilities is not encouraging. The only consistent supporter of the U.S. in this regard has been Britain. Even those facilities that have been assumed, such as air bases in the south of Italy, are not entirely clear since the collapse of Romano

Prodi's government in early October. Following the elections in Germany approval for actual air strikes would be needed in the *Bundestag* (as opposed to agreement in principle which the government has given) which would need the approval of the Greens if, as expected, they form a coalition government with Gerhard Schröder's Social Democrats. Paris has also expressed reservations over the lack of consensus in either the Security Council or the Contact Group.¹⁶ Britain has agreed to host a number of B-52 bombers and a number of A-10 'tank buster' planes have apparently been dispatched from Germany to Italy, in spite of Italy's political instability. Bulgaria and Albania have permitted unrestricted use of their airspace while Romania has confined use only to emergency situations.

The consequences of air strikes are hard to predict. It is hoped that the immediate aim is to presumably secure the removal of the 14,000 Serbian troops in Kosovo and the 11,000 special police. Although the total has at the time of writing gone down appreciably from the 36,000 ten days ago, there was evidence that the 'Serbian forces were digging in for the winter,' especially along the roads to Pristina.¹⁷ The Serbian Premier, Mirko Marajanovic, announced to the Yugoslav parliament on 29 September that the special police forces would be withdrawn from Kosovo. It was, by no coincidence, also the day on which the defeat of the KLA was proudly announced. At their height, in July, the KLA controlled approximately half of Kosovo and in response to Marajanovic's claim that they had been defeated, it was pronounced to be 'just the beginning' of the fighting. In a tactical move, aimed to enhance Milosevic's image as a warmonger, the KLA announced a unilateral cease-fire, effective 8 October. The KLA could though be relatively easily reconstituted unless demobilised and this, as argued, will not only be difficult but may put any interventionary force in a hostile position especially if it is portrayed as pro-Serb.

The sticking point in the Holbrooke-Milosevic negotiations has been over the need for an 'expanded international monitoring force' to ensure that resolutions 1160 and 1199 have been fully complied with. As a last ditch effort the threat of air strikes may secure the removal of the remaining Serbian forces or actual air strikes may accomplish the desired end. But what then? Three outcomes seem possible in the absence of any follow-up ground operations:

- i) The threat of air strikes persuades the remaining Serbian forces to withdraw;
- ii) The air strikes cause significant collateral damage (to Serb civilians for instance) and Milosevic is strengthened by portraying himself and Serbs as victims of international aggression;
- iii) The airstrikes lead to the open conflict in Kosovo, the fracturing of what is left of Yugoslavia and endanger the entire peace process in Bosnia. In addition the military

¹⁶ *Financial Times*, 9 Oct. 1998, p.2.

¹⁷ *Financial Times*, 8 October 1998, p.8.

support of Russia is secured. This could lead to regional war and possibly the bifurcation of Europe once again.

The threat of or actual prosecution of airstrikes could yield any of the above consequences and which prevails will not be clear until after any such strikes are executed. Several factors will however influence which one of these prevails. The accuracy of the weapons involved and the intelligence information have to be accurate. The accuracy of the intelligence cannot be second-guessed but if the Serb forces are digging in there is a fair chance that satellite and intelligence sources *in situ* will be able to map the targets with some accuracy. Less convincing is the accuracy of the weapons, whether they are cruise missiles or laser-guided munitions deployed from airborne platforms. Although much hyped, there are good reasons to doubt the claimed accuracy of such sophisticated systems based on recent attack against targets in Libya in 1986, the Gulf War of 1991 and the operations against Sudan in 1998. Even if the Serb forces in Kosovo received the brunt of the attacks there is little reason to suppose that this will critically weaken Milosevic since the bulk of his military support is to be found in the interior ministry forces and not the federal army who are deployed in Kosovo. Most worrying of all is the potential for air strikes to unleash a full-blown civil war in Kosovo. Indeed, the threats already made by the ultra-nationalist Radical Party leader, led by Vojislav Seselj, point in this direction following warnings that the Geneva convention will not apply to Serbs working for 'the enemy.' In short, it is highly unlikely that air strikes alone will significantly change the situation in Kosovo for the better. The chances are good that they may exacerbate the situation.

Ground operations could involve substantial forces, they will most likely involve casualties, and they are likely to be protracted and thus more expensive than air strikes. It should also be borne in mind that any ground forces deployed in Kosovo will be in addition to those already deployed in Bosnia (roughly 32,000 of which 7,000 are American). There is little sign that the departure of the NATO forces from Bosnia is imminent.

Most NATO members and a number of other European powers are unenthusiastic about the prospect of an open-ended commitment to Kosovo and are also alert to the potential for 'mission creep' (assuming that it has not already started). The experience in Bosnia with IFOR and SFOR has been salutary in the sense that the costs of involvement can be estimated as have the difficulties of setting longer terms goals for the transferral of all duties to civil bodies. The reticence is most significant in the U.S. where, following Presidential Decision Directive 25 of May 1994, Washington has made it abundantly clear that there will have to be a compelling national interest amongst other things, to invoke American participation. Although so much should not depend on the U.S., it does. The debate about the future of SFOR saw a firm statement from Britain and France about their reluctance to remain involved in the absence of their American allies. Aside from this, the monopoly of certain key assets in American hands (intelligence, electronic jamming, certain types of

communication and heavy air lift) makes their involvement indispensable given the lack of any clear indication that its allies are inclined to dig into their collective pockets to equip themselves in these critical areas.

The evolution of various 'Euro options' in the 1990s should have enhanced the ability of the WEU/EU members to come up with their own options. Unfortunately, the Combined Joint Task Force concept, which emerged out of NATO's Brussels summit in 1994, is still very much a concept. Many of the trickier technical questions surrounding the concept, such as command and intelligence arrangements, have yet to be fully addressed (at least in public). The evolution of the WEU's fledgling military capacity, whilst encouraging on paper, lacks much of the vital infrastructure to tie it together. The Forces Answerable to the WEU (FAWEU) are based on national contributions, by and large, and there the decisions about whether units participate or not is still based very much on national preference. Besides, any involvement would more than likely still be open to reluctance on the part of some, such as Britain, to consider action without a substantial U.S. presence.

On 26 September U.S. Secretary of Defense William Cohen signed an agreement with eight south-east European countries to establish a Balkan Regional Peace Force (BRPF).¹⁸ The force would have a humanitarian role through maintaining truces or the provision of disaster relief. Although the force is a welcome addition to regional security efforts its recent formation means that for the crisis at hand, it would be of little assistance since the necessary structures and collaborative experiences are lacking.

iii) A prolonged involvement

Any conflict where the underlying tensions are measured in centuries is unlikely to be solved with a quick fix. The lessons stemming from numerous other collective security operations in the post-cold war period are relevant since most, like Bosnia, Rwanda, or Somalia, had a hazy conception of what the end result should be or how to attain it. The intervention in Mogadishu poses a sanguine lesson where the parties to the conflict often seemed confusing (hence the temptation to demonise Aided) and the culture and surroundings in which the interventionary forces found themselves located was strange and hostile. The argument is not that air strikes will not help, for they may, but they should be part of a more coherent strategy to achieve longer-term goals. What are these in the case of Kosovo?

The clearest objective, as enunciated by Richard Holbrooke and Secretary of State Madeleine Albright, is the restoration of autonomy or self-rule that Milosevic nullified in 1989. It is though becoming increasingly difficult to see how Kosovo's autonomy can be since it relies on the support of

¹⁸ Albania, Bulgaria, Greece, Italy, Macedonia, Romania, Slovenia and Turkey.

the militant Albanian secessionists, the Serb minority in Kosovo, as well as the rest of the federation. Certainly, any such enterprise would have to involve the presence of on the ground armed forces (NATO, WEU or ad hoc) and much political reconstruction (OSCE). Of immediate necessity is the creation of a stable environment in which ethnic Albanians who fled either into the hills or further afield can return. The borders of Kosovo will have to be sealed, especially with Albania, in order to lessen the likelihood of civil and economic unrest spreading to surrounding countries. Return though, to what? Where possible the Serb forces tried to render inhabitable those villages thought to be centres of separatist activity. The provision of temporary shelter must therefore be an immediate aim. Reconstruction of communities (in all senses) and the economic infrastructure remain the longer-term goals.

All of these rather obvious considerations point in a Bosnia-type direction where substantial forces and resources could be involved for some time to come in the Balkans. It is far from clear that all of the powers who have demonstrated support for air strikes are as interested in post-strike involvement on the ground. In this regard the position of the U.S. is instructive since there will be no American troops used to attack Serb forces as part of the planned NATO strikes, but they 'may be used in the region in the coming months as part of an international peacekeeping force.'¹⁹ The evident equivocation is not constructive in the sense that the follow up to any proposed air strikes has to be considered beforehand – otherwise the chaotic interim following the strikes when NATO decides what to do may prove to be a window for the eruption of civil war with, on the one hand, a resuscitated KLA seeking to exploit the weaknesses of the Serb forces and, on the other, Serb intervention into Kosovo to quell 'disorder' within a sovereign state. It is furthermore difficult to see how countries who may have considerable influence on Belgrade, such as Russia, could participate on the ground alongside NATO forces given their opposition to the air strikes. Time permitting, the threat of military action against Yugoslavia might be more compelling if it looked beyond air strikes.

iv) Consequences for European security

The rapid dissemination of material to the public has its advantages but it does not always allow for careful vetting prior to distribution. In what may have been a tongue slip or perhaps a typo, U.S. Secretary of Defense, was quoted as saying, 'I believe that the incredibility of NATO really is on the line.'²⁰ It is obvious what was meant, but the slip nevertheless summarises what is at stake not just for NATO but for Europe's security structures.

¹⁹ Associated Press, 8 Oct. 1998.

²⁰ Press Conference, Secretary of Defense William Cohen and U.S. Chairman of the Joint Chiefs of Staff, General Henry S. Shelton, Vilamoura, Portugal, 24 Sept. 1998, at <http://www.nato.int/docu/speech/1998/s980924c.htm>.

The worst case scenario would be that air strikes lead to a general conflagration in Kosovo, which spreads to neighbouring countries upsetting, in the process, the precarious stability in Albania. As one of the most important parties to the Dayton Agreement, Milosevic may decide to disassociate himself from them, thus paving the way for conflict in an already tense post-election Bosnia-Herzegovina. A major Balkan war could soon be in the offing with 32,000 SFOR troops trapped in Bosnia. NATO may be forced to intervene to protect the SFOR troops, either to provide the protection for a strategic withdrawal (which is how the U.S. became sucked into Bosnia in the first place) or to rapidly reinforce them as part of new much bigger and more ambitious Balkan Peacekeeping Force. Casualties, inevitably, would be high. Russia may decide to side in solidarity with its Serb orthodox cousins and distance itself from the U.S. and NATO. This would presumably lead to the dissolution of the NATO-Russia Permanent Joint Council with negative knock-on consequences for NATO enlargement and perhaps even EU-Russia relations as well. Internal differences between the European allies regarding the question of the legality of the air strikes and whether all of the diplomatic channels had been exhausted, may also prompt friction. Inconclusive or negative assessments from the air strikes on the part of the international community would be of acute embarrassment to NATO just before its enlargement, its 50th anniversary and the announcement of the New Strategic Concept. If NATO suffers, so too do those 'European' security options, such as the CJTF concept, that rely heavily upon NATO. Unfortunately, having made the threat of air strikes so insistently and as an unintended result of this, forced the evacuation of all international relief workers from much of Yugoslavia, NATO may find itself in a lose-lose situation. Damned if you do, and damned if you don't.

This is though admittedly the worst case scenario. A rosier picture would portray successful airstrikes that remove key Serb military support structures in Kosovo (and perhaps in other parts of Yugoslavia) with minimum collateral damage. In turn, a popular rising ousts Milosevic and a new leader is appointed who restores Albanian autonomy in Kosovo and their full participation in the political process. A reasonably small interventionary force follows up the air strikes to safeguard the Albanians and Serbs alike in Kosovo and to ensure that the KLA does not reactivate. An enhanced international monitoring mission then supplements the interventionary force and the embargo is subsequently lifted, accompanied by special agreements with the European Community, contingent upon continued political stability. There are many more, perhaps more realistic, interim outcomes. While the effects of the air strike cannot be guessed at with any accuracy, the following general lessons would appear to be relevant to the future of Europe's security:

- i) *If you want to understand European security, ask Washington:*

Although the EU has been involved, by making the appropriate condemnatory noises and through a Community monitoring mission, its influence is very much limited to the

imposition of economic sanctions. Anything beyond this involved active participation and the political blessing from Washington. The 'Europe only' options, via the WEU or CJTFs are still very much paper designs and are not tested in the field. It is also debatable whether, absent U.S. initiative, there would be agreement on a course of action vis-à-vis Kosovo. The almost Douhet-inspired faith in the value of air strikes as precursor to ground involvement (although it is often privately hoped that it should be a finale) also tends to stress the *primus inter pares* role of the U.S. who is likely to provide anything from 60-80 percent of the strike capacity.

ii) *NATO remains the only serious military actor ... for the moment*

NATO is the only organisation capable of rallying the support for military action, including that of the French. In those instances that NATO or the U.S. has not been specifically involved, most notably in Albania, the European allies have shown a marked preference to work through ad hoc arrangements. The continuing viability of NATO though depends upon active U.S. support and involvement but this may become less than enthusiastic to a weary American public who might have difficulty finding Kosovo on a map. In the event of follow-up ground operations, NATO forces would be considered as the 'enemy' according to Vojislav Seselj, Serbia's vice premier, and he had promised that they would leave 'in coffins.' It remains a matter of conjecture whether the U.S. public would tolerate casualties and at what level the number becomes 'too high,' but the option of air strike involvement without ground engagement would meet with considerable criticism from the allies. Those who remember the utter shock and repugnance that followed the grisly spectacle of a dead U.S. Ranger being dragged almost naked around the streets of Mogadishu, need not expect any more sympathetic treatment from the Serb militants if their propaganda is to be believed. The lessons of Bosnia for NATO and other organisations were hard to swallow and many were due to the fact that all were caught in the middle of fundamental reforms of institutions and national defence strategies and structures. That excuse does not apply with the same force to Kosovo. If NATO fails to halt the unfolding humanitarian catastrophe in Kosovo and to secure stability to the region, it will have illustrated Cohen's 'incredibility.'

iii) *The redrawing of Europe's security map?*

Russia is, as has been observed, an opponent of air strikes. A decision to go ahead with them in the face of Russian opposition may unravel the tentative structures that have been painstakingly built between Russia and NATO. It would almost certainly engender the

hostility of Russia towards any further NATO expansion and may have untold internal effects in a post-Yeltsin government. Inconclusive or negative military results in Kosovo may also serve to redraw Europe's security map by emphasising the nature of the NATO and the WEU (they are collective *defence* organisations) and lead to a 'fortress Europe' mentality where the best efforts are made to bolster the common borders against external security challenges. In this event though it would be illusory to imagine that NATO or the WEU would be left unchallenged for long since a general Balkan eruption would sooner or later drag in either Greece or Turkey, or maybe both. The Balkans has already redraw Europe's security map, but it need not do so again if the necessary will, resolve, and commitment to the long-term are present.

Kosovo though is not just about Europe. It has become a symbol of the challenge facing security organisations and also a sign of how we are beginning to change our notions of statehood, sovereignty, and our tolerance for human rights violations. Kosovo has become a litmus test not only for the world's only remaining superpower, but those who live in what has been often proclaimed as the cradle of civilisation that gave the world, amongst other things, human rights.

Conclusions

The crisis in Kosovo is a typical of those faced elsewhere in the post-cold war period since it involves delicate intra-state political and legal issues, and equally complex ethnic undertones. The security structures in Europe are still in the process of making the transition to the tasks of collective security, although most remain collective defence organisations. It was thought that the credibility of NATO and that of the other organisations rested upon a positive outcome to the conflict in Bosnia and, after an uninspiring start, NATO has proven to be a worthy upholder of the Dayton Accords; at least thus far. The crisis in Bosnia occurred at time of transition from the cold war to Bush's fleeting New World Order but this does not apply with the same force to Kosovo. In this sense, Kosovo is the test of not only Europe's security institutions, but the resolve of its members above all.

It has been argued that the threat of air strikes has so far only succeeded in halting humanitarian assistance to Yugoslavia. As in Aesop's fable about the boy crying wolf, NATO's bluff may well be called by Milosevic who is aware not only of his self-appointed role as protector of the Serb people but as principal signatory to the Dayton Accords. The stakes for the Balkans and Europe are high. If air strikes do take place, as seems likely, they should be followed up immediately by a sizeable ground force whose unenviable task will be to disarm the KLA, to expel the remnants of the Serb special forces, and to not only secure Kosovo's autonomy but rights for all within it. The question of the Serb federal forces in Kosovo is a delicate matter since if the avowed aim of any

intervention is to restore autonomy and not independence to Kosovo, they have a right to defend the legitimate security interests of the FRY. Given the recent and historical animosity between the Serbs and Albanians in Kosovo, prolonged involvement on the ground seems a high likelihood. The issue for the NATO allies to ponder is whether they have the necessary will to assume such a task, as they have done in Bosnia, and what are the consequences of not making the commitment. Either way the 'incredibility' of NATO needs refuting and the credibility of the individual member states as guardians of human rights and enemies of ethnic cleansing needs to be demonstrated. The outcome of the situation in Kosovo will do more than any other crisis to define the post-cold war world and how peaceable it will be.