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The Kosovo war: a recapitulation

MARK WEBBER*

'War', Heraclitus claimed, 'is both father and king of all.' Even in pre-Socratic Greece, this was something of a bald claim; and the notion that war is the determining force of history barely stands scrutiny unless placed within the context of 'other histories', be these economic, political, technological or cultural.¹ Yet the perception of both those who live through wars and those who analyse them after the event is that war stands as the central animating condition of human affairs. In the broad sweep of history, wars have occasioned the rise and fall of states, shaped the international system within which these states interact, and been a clearing house for political ideas, nationalism and technological advance as well as social, economic and cultural development.² Much of this is certainly to be decried—had war not intervened, all these developments would have occurred in a different and perhaps better form. War, of course, also brings with it disastrous consequences; war, Quincy Wright noted, 'has made for instability, for disintegration, for despotism, and for unadaptability'.³ War is thus a practical problem (how to avoid it) as well as an instrumental and normative one (how to wage it more efficiently and under what conditions to wage it at all). In this light, its historical, political and ethical dimensions are profound; not for nothing has war been regarded as 'the major focus of international relations studies for the past three centuries'.⁴

In apportioning importance to war in this manner, a corollary assumption then follows, namely that wars (and their resolution) stand as historical turning points. Considering only the recent past, the 'short twentieth century' thus began with the outbreak of the First World War and ended with the collapse of Soviet communism—a social, economic and political terminus commonly understood as

* This issue has been guest edited by Oliver Daddow and me. Our thanks are extended, first and foremost, to Caroline Soper for accepting the idea. Most of the papers were discussed at a Chatham House study group in November 2008, and our thanks go to Caroline Soper, Katy Taylor and Benjie Guy for their work in organizing that event, as well as to Jane Sharp, Martin Smith and Michael J. Williams, who acted as insightful discussants. Early versions of the articles were also presented at a workshop organized under the auspices of the Centre for the Study of International Governance at Loughborough University in April 2008. Dave Allen, Paul Cornish, Stuart Croft, Aidan Hehir, Brian Hocking, Ana Juncos, Jennifer Medcalf and Mike Smith are to be thanked for their input on that occasion.

¹ Colin Gray, *War, peace and international relations: an introduction to strategic history* (London and New York: Routledge, 2007), pp. 9–10.

² Quincy Wright, *A study of war* (Chicago, IL: Chicago University Press, 1964), pp. 76–87; L. Freedman, 'General introduction', in L. Freedman, ed., *War* (Oxford: Oxford University Press, 1994), pp. 3–8.

³ Wright, *A study of war*, pp. 86–7.

⁴ Kalevi J. Holsti, *The state, war and the state of war* (Cambridge: Cambridge University Press, 1996), p. xi.

resolving the Cold War, a condition itself the lengthy by-product of the Second World War's outcome. The dates 1914–18, 1939–45 and 1991 thus stand as the central markers of what for many was simply 'a century of massacres and wars'.⁵ In many ways, the point here is so obvious as to be banal: the wars which ushered in these watersheds were in scale (or scope, in the case of the Cold War) unprecedented, each being resolved through the instigation of fundamental shifts in the nature of statehood, international order and the norms of international society.⁶

Not all wars, however, are 'hegemonic' or 'epochal' in that sense. What we wish to explore in this collection of articles is the consequences of a war of much lesser magnitude. In doing so, the starting assumption—that war and change are related—nonetheless remains. The particular war considered here is that over Kosovo in the late 1990s—a multidimensional conflict that was both internal (the campaign mounted by Yugoslavian forces against the Kosovar Liberation Army [KLA] and the Kosovar population more broadly) and international (NATO's Operation Allied Force [OAF], undertaken to reverse the Yugoslav onslaught).

In many ways, the Kosovo crisis has suffered from undue scholarly and political neglect. Although it occurred just a decade ago, it is seen as too far away, and too detached from the contemporary concerns of a world which purportedly changed after 9/11. It is thus emblematic of a particular moment in time (the 1990s), of politicians now gone (Chirac, Clinton, Blair, Schröder et al.) and of a catalogue of security concerns (ethnic cleansing and Balkan instability) which no longer animate western states. It was also the product of circumstances unlikely to be repeated: a Russia in retreat, and an interventionist United States infused with Wilsonian ideals, still focused squarely on Europe and untroubled by the confidence-sapping quagmire of prolonged interventions in Iraq and Afghanistan.

The Kosovo war, close in time but seemingly distant in circumstance, has thus fallen foul of a particular malady of perception: 'The day before yesterday', John Tosh has argued, 'is the black hole of popular consciousness.' This, Tosh suggests, is deleterious to clear thinking. Contemporary concerns cannot be detached from the flow of events which preceded them and to which they are linked. To assume otherwise is to be guilty of 'presentism'—a fixation with today's problems and a forward- rather than backward-looking perspective—which makes for poor policy and poor analysis.⁷

All of which brings us back to the issue of change. How do we assess the importance of an event in time and the processes of change of which it is part? In International Relations scholarship (and much work in contemporary history) focus tends to fall on 'great events', the transformative turn associated with the 'monster years' noted above—1918, 1945, 1991 and perhaps 2001.⁸ But as the

⁵ René Dumont, cited in Eric Hobsbawm, *Age of extremes: the short twentieth century, 1914–1991* (London: Michael Joseph, 1994), p. 1.

⁶ Although they employ somewhat different periodizations, on this point see Philip Bobbitt, *The shield of Achilles: war, peace and the course of history* (London: Penguin, 2003), part I; Robert Gilpin, *War and change in world politics* (Cambridge: Cambridge University Press, 1980), ch. 5.

⁷ John Tosh, *Why history matters* (Basingstoke: Palgrave Macmillan, 2008), pp. 7–8.

⁸ Kalevi J. Holsti, *Taming the sovereigns: institutional change in international politics* (Cambridge: Cambridge University Press, 2004), pp. 8–10.

previous paragraph implied, the mark of change ought not to be fixed just upon these recognized points nor equated with a process in which some sort of fundamental break occurs. What matters equally is how the past has been relayed into the present, how an event obtains significance (or 'historicity') at the point of its occurrence and how the narrative of meaning which develops around it comes to inform present-day concerns.⁹

The Kosovo war stands precisely as an event of this type—one whose significance was asserted at the time and whose consequences continue to be felt. The articles which follow share the assumption that the outcome of the Kosovo war has had decisive and long-lasting effects. It has refashioned foreign policies, made political careers, reshaped institutional and legal competences, and redrawn the map of what was once Yugoslavia. To give point to that argument, here I wish to briefly outline the narrative of the Kosovo war, summarize some of the significant aspects of the conflict as they were perceived at the time, and anticipate the lines of analysis presented by the contributors to this issue.

Crisis and campaign

Kosovo, journalist Tim Judah suggested in the spring of 1999, was 'a catastrophe waiting to happen'.¹⁰ Barely mentioned in the Dayton Agreement which had ended the war in Bosnia in 1995, the status of this region soon emerged as the new centre of gravity of Yugoslavia's violent dissolution.¹¹ The lurch into violence had multiple and complex roots, but its immediate impulse was the rise of Kosovar Albanian militancy in the shape of the KLA coupled with brutal countermeasures on the part of the Yugoslav army and special forces of the Serbian Interior Ministry. As the situation on the ground deteriorated during 1998, international efforts at rescuing stability were attempted on a number of fronts. An international consensus of sorts was maintained in the Contact Group (which included Russia) and at the Security Council—UN Security Council Resolutions (UNSCR) 1160, 1199 and 1203 condemned the violence and called for negotiations. In parallel, US envoy Richard Holbrooke obtained in October agreement on the part of Slobodan Milosevic, the president of the Federal Republic of Yugoslavia (FRY), to withdraw Yugoslav forces from Kosovo and to permit the entry of a verification mission from the Organization for Security and Cooperation in Europe (OSCE). Subsequent incidents of non-compliance were evident on both sides, but it was Serb behaviour which gave rise to a hardening of attitudes within NATO. The alliance had already undertaken Operation Determined Falcon over Albania and Macedonia in June, and in October it threatened air strikes against Serbia if Belgrade failed to comply with Holbrooke's demands. In January 1999, following the mass killing by Serb police units of 45 Kosovar Albanian civilians at Racak, NATO once more

⁹ Patrick Thaddeus Jackson, 'The present as history', in Robert E. Goodin and Charles Tilly, eds, *The Oxford handbook of contextual political analysis* (Oxford: Oxford University Press, 2006), pp. 490–505.

¹⁰ Tim Judah, 'Kosovo's road to war', *Survival* 41: 2, 1999, p. 5.

¹¹ Kosovo's position as an autonomous province of Serbia had been revoked in 1990. Serbia, along with Montenegro, made up the two constituent parts of the Federal Republic of Yugoslavia.

threatened air strikes against Serb targets, on this occasion to force the Serb side to enter talks on the status of Kosovo.

The resulting negotiations between Serb and Kosovar delegations (mediated by the US, Russia and the EU) held at Rambouillet and Paris resulted in an 'Interim Agreement for Peace and Self-Government in Kosovo', but the document was signed by the Kosovar delegation only. During the period of talks (February–March) Serb forces had, in fact, escalated their military activities in Kosovo, resulting in over 200,000 refugees and the withdrawal of the OSCE mission. Following the collapse of the Rambouillet process, the Serb offensive continued with two main objectives: the mass expulsion of the Kosovar Albanian population and the emplacement of a force sufficient to deter a NATO ground invasion.¹² In Washington, London and most other NATO capitals, blame for the collapse into full-scale civil war was placed squarely on the shoulders of Milosevic. On 21 March Holbrooke travelled to Belgrade with an ultimatum: the Serb leader had either to desist from military action and accept the Interim Agreement or face NATO countermeasures. In the face of continuing Serb resistance, on 24 March NATO launched OAF. Its purpose, President Bill Clinton declared, was to demonstrate 'the seriousness of NATO's purpose', to deter an escalation of the Serb offensive against the Kosovan population and 'to seriously damage the Serb military's capacity' to carry out any such offensive.¹³ Two weeks into the campaign, NATO laid down five non-negotiable demands: a cessation of Serb military action in Kosovo; the withdrawal of Serb military, police and paramilitary units; the stationing of an international military presence in the province; the safe return of refugees; and a willingness by Milosevic to discuss Kosovo's political future 'on the basis of the Rambouillet Accords'.¹⁴

Conducted largely by air strikes, the NATO campaign in pursuit of these demands involved 38,004 sorties (including 10,484 strike sorties) and the release of 28,236 air munitions. In addition, 218 UK and US Tomahawk sea-launched cruise missiles were expended.¹⁵ The campaign followed a trajectory of escalation. At its start, 344 allied aircraft were committed to OAF; by its end in early June this had risen to 1,031. Strike sorties, which averaged 30–50 per day in the first week and 100 in the first month, were reaching up to 300 per day by the end of May.¹⁶ The range of targets also broadened over time. OAF involved suppression of enemy air defences and strikes against Serb forces in Kosovo, preoccupied NATO during the campaign's first month. Although phase three, involving strategic targets, was

¹² Independent International Commission on Kosovo, *The Kosovo report: conflict, international response, lessons learned* (Oxford: Oxford University Press, 2000), pp. 87–8.

¹³ Ivo Daalder and Michael O'Hanlon, *Winning ugly: NATO's war to save Kosovo* (Washington DC: Brookings Institution Press, 2000), p. 101.

¹⁴ Press release M-NAC-1(99)51, 12 April 1999, para. 4.

¹⁵ US Air Force and UK Ministry of Defence figures, cited in William M. Arkin, 'Operation Allied Force: "The most precise application of air power in history"', in Andrew J. Bacevich and Eliot A. Cohen, eds, *War over Kosovo: politics and strategy in a global age* (New York: Columbia University Press, 2001), p. 21; Daalder and O'Hanlon, *Winning ugly*, p. 149.

¹⁶ Daalder and O'Hanlon, *Winning ugly*, pp. 153–4.

never formally authorized, NATO in effect operated on the basis of a phase three target list of civilian infrastructure with military applications from as early as the end of March. Attention to such targets increased over the following two months, notably after a decision was taken to intensify the air campaign at NATO's 50th anniversary summit in Washington in late April.

OAF easily overshadowed NATO's previous major intervention in the Balkans (the 1995 Operation Deliberate Force against Bosnian Serb targets). One Rand study noted that 'Operation Allied Force was the most intense and sustained military operation to have been conducted in Europe since the end of World War II ... [and] the longest US combat operation to have taken place since the war in Vietnam'. It was also the first sustained military action by NATO against a sovereign state, the first time a major conflict had occurred without the winning side suffering a single combat fatality, and the first time air power alone had forced an enemy leader to yield in the total absence of intervening land forces.¹⁷

Despite NATO's overwhelming superiority over its adversary, OAF's direct impact on Serbian ground forces was relatively modest; damage to related strategic and civilian infrastructure was more extensive. NATO incapacitated Serbia's electricity production and oil refinery capacity, and severely disabled its arms manufacturing industry, military fuel supply reserve and national command, control and communications (C₃) capabilities. OAF also knocked out 59 bridges, nine major road connections and seven airports in Serbia.¹⁸ As for the human cost, civilian fatalities were estimated by Human Rights Watch at approximately 500 (with a further 800 injured),¹⁹ while Serb military losses amounted to between 576 (the official Serbian figure) and 5,000 (the official NATO tally).²⁰

Of greater moment was the tragedy unfolding in Kosovo. There, undeterred by the NATO bombings, Serb forces escalated attacks on the Kosovar Albanian population. Evidence subsequently presented to the International Criminal Tribunal (ICTY) indicated that at least 4,400 documented killings of Kosovar Albanian civilians had occurred between late March and mid-June 1999 (with an upper estimate of 10,356 dead).²¹ Evidence gathered by a wide array of NGOs and human rights organizations suggests that during this same period an estimated 863,000 civilians fled Kosovo and some 590,000 were internally displaced. In sum, a staggering 90 per cent of the Kosovar Albanian population fled their homes.²² This amounted to the largest flow of refugees in Europe since the Second World

¹⁷ Benjamin Lambeth, *NATO's air war for Kosovo: a strategic and operational assessment* (Santa Monica: RAND, 2001), pp. xx–xxi.

¹⁸ Arkin, 'Operation Allied Force', pp. 24–5; Independent International Commission on Kosovo, *The Kosovo report*, pp. 92–3.

¹⁹ Human Rights Watch, 'The crisis in Kosovo', <http://www.hrw.org/reports/2000/nato/Natbm200-01.htm>, accessed 5 April 2009.

²⁰ John Laughland, *Travesty: the trial of Slobodan Milosevic and the corruption of international justice* (London: Pluto, 2007), pp. 9–10.

²¹ Patrick Ball, Wendy Betts, Fritz Scheuren, Jana Dudukovich and Jana Asher, 'Killing and refugee flow in Kosovo, March–June 1999', American Association for the Advancement of Science/American Bar Association, Jan. 2002, http://shr.aaas.org/kosovo/icty_report.pdf, accessed 5 April 2009

²² Independent International Commission on Kosovo, *The Kosovo report*, p. 90 and annex I, 'Documentation on human rights violations'.

War. Some 478,000 refugees congregated in Albania, and in response, NATO in mid-April deployed some 8,000 troops (known as AFOR) under Operation Allied Harbour, the first ever purely humanitarian mission in NATO's history.

AFOR formed part of a sizeable NATO presence in the region. In Albania, the US deployed 24 Apache helicopters (although these did not take part in combat) and a battalion of the 82nd Airborne Division. In Macedonia, a NATO extraction force had been positioned in support of the aborted OSCE verification mission. In March 1999, prior to the launch of OAF, the Allied Command Europe Rapid Reaction Corps (ARRC) took command of these and other pre-positioned NATO forces in the country. At its summit in April NATO offered what, in effect, were temporary security guarantees to these countries (along with other non-NATO states, Bulgaria, Romania and Slovenia) through the South East Europe Initiative.

The endgame of the campaign was played out in June. The crucial breakthrough was acceptance by Milosevic and the Serb parliament of a package of measures presented to the Serb leader by the EU and Russian envoys Martti Ahtisaari and Viktor Chernomyrdin. These were based on principles agreed by G8 foreign ministers in early May and subsequently fleshed out in negotiations between Ahtisaari, Chernomyrdin and US Deputy Secretary of State Strobe Talbott. The package provided for the withdrawal of Yugoslav/Serb forces; the introduction of an international civil and security presence under the UN but with 'substantial NATO participation' and under NATO unified command and control; the establishment of an interim administration; the safe return of refugees; the demilitarization of the KLA; and the initiation of a political process providing for 'substantial self-government'.²³ A military-technical agreement was subsequently negotiated between NATO and Belgrade which, in effect, gave allied forces carte blanche within Kosovo (but stopped short of NATO's demand for unrestricted access throughout the FRY that had formed part of a controversial military annex of the Rambouillet Accords).

Following commencement of a Serb withdrawal, OAF was suspended. Shortly afterwards UNSCR 1244 was passed with Russian acquiescence (but a Chinese abstention). This endorsed the variety of measures previously agreed, added provision for 'a political process to determine Kosovo's future status' and demanded that 'all concerned' cooperate with the ICTY. Initially drawing on units stationed in Macedonia, NATO's Kosovo peacekeeping force (KFOR) took up positions on 12 June.

Initial controversies

OAF was launched amid a crescendo of high rhetoric. In the US, President Clinton claimed it was a stand against the global scourge of 'ethnic and religious hatred'.²⁴ In Britain, Prime Minister Blair claimed that OAF was the first test and the first

²³ Independent International Commission on Kosovo, *The Kosovo report*, p. 324.

²⁴ *New York Times*, 2 April 1999.

occasion for a whole new approach to international affairs—as he saw it, a new ‘doctrine of international community’. In France, Premier Lionel Jospin argued that OAF constituted a battle for European civilization.²⁵ And in Germany, Foreign Minister Joscha Fischer argued that reversing Milosevic’s actions was akin to resisting Hitler and Mussolini.²⁶

At the operation’s cessation judgements were equally elevated. President Clinton declared that NATO had ‘achieved a victory for a safer world, for our democratic values, and for a stronger America’. The intervention, he claimed, had reversed a vicious campaign of ethnic cleansing and had averted a ‘wider war’ in the Balkans.²⁷ Speaking in the House of Commons, Foreign Secretary Robin Cook similarly viewed OAF as of historic moment. It had strengthened NATO, reversed ethnic cleansing, struck a victory for human rights and provided an ‘opportunity to close the chapters of Balkan history that are written in blood’; a new era ‘in relations between western Europe and the Balkan region could thus be opened’.²⁸ Underlying such judgements was a positive view of just how well NATO and the allies had performed during the crisis. Not to have acted with force (when diplomacy had become exhausted) would, NATO Secretary General Javier Solana noted, have undermined ‘the whole value system’ of the Atlantic community, ‘the credibility of Western institutions, and the transatlantic relationship’.²⁹ In even more forthright terms, US Secretary of State Madeleine Albright claimed that Kosovo was ‘simply the most important thing we have done in the world’.³⁰

NATO’s intervention was not, however, without controversy. The alliance itself was divided. A consensus was maintained on the principle of the air campaign, but bombing targets and the question of a ground campaign resulted in open divisions (not least between the UK and the US). Controversies also carried over into domestic politics. Governments in Germany, Italy and the Czech Republic were split on the issue, while large majorities of Czech, Greek, Spanish and Portuguese public opinion were against OAF. Beyond NATO, the operation was viewed in even more negative terms. Viktor Chernomyrdin, Russia’s Balkan envoy, argued that the bombing clashed ‘with international law, the Helsinki agreements and the entire world order that took shape after World War Two’.³¹ China raised similar objections and had an additional grievance after the Chinese embassy in Belgrade was bombed (seemingly inadvertently) in early May. Although a minority view within the Security Council, criticism of NATO was widespread outside it. The Rio Group of Latin American states, the Non-Aligned

²⁵ Cited in Alex Macleod, ‘France: Kosovo and the emergence of a new European security’, in Pierre Martin and Mark R. Brawley, eds, *Alliance politics, Kosovo, and NATO’s war: allied force or forced allies?* (New York: Palgrave, 2000), p. 117.

²⁶ Interviewed on PBS, 25 May 1999, http://www.pbs.org/newshour/bb/europe/jan-june99/fischer_5-25.html, accessed 5 April 2009.

²⁷ President Clinton’s address to the nation, 10 June 1999, <http://www.australianpolitics.com/usa/clinton/speeches/990610kosovo.shtml>, accessed 5 April 2009.

²⁸ Hansard (Commons), 17 June 1999, col. 589, <http://www.publications.parliament.uk/pa/cm199899/cmhansrd/v0990617/debtext/90617-14.htm>, accessed 5 April 2009.

²⁹ Javier Solana, ‘NATO’s success in Kosovo’, *Foreign Affairs* 78: 6, 1999, pp. 117–18.

³⁰ Cited in Joshua Muravchik, ‘The road to Kosovo’, *Commentary*, June 1999, p. 22.

³¹ *Washington Post*, 27 May 1999.

Movement and the Group of 77 all condemned the alliance for undermining the authority of the UN.³²

That OAF gave rise to such feeling was a consequence of the circumstances in which it was launched, conducted and concluded. The Kosovo crisis of 1998–9 held the potential to wreak far greater misery and instability upon the Balkans than had already been suffered in preceding years. It threatened to drag in both the former Yugoslav Republic of Macedonia and Albania, and to spill over into Bosnia, thereby undermining the fragile peace established at Dayton. Kosovo, as Milosevic had long pointed out, was essential to Yugoslav and Serbian identity. By the late 1990s, having seen Serbian objectives in Bosnia frustrated and hopes of Serb hegemony in the former Yugoslavia dashed, Milosevic was facing a domestic political crisis that threatened to remove him from power. Differences over Kosovo thus assumed the character of some final reckoning between Belgrade, hell-bent on preserving its hold over the province, and western governments, which confronted in Kosovo a tragic reminder of the embarrassments and traumas they had already suffered in the Balkans.³³ And if that was not enough, NATO's own prospects were far from assured. In contrast to the Bosnian Serbs it had attacked in the mid-1990s, Serbian and Yugoslav forces were well-armed and resourceful. As an *Economist* leader put it shortly after OAF was launched: 'The West has stumbled into one of its riskiest ventures since the Second World War. It may pick itself up, and emerge standing proud and erect, having been a decisive force for good. Or it may fall flat, with NATO, its military club, weaker than at any time in its 50 years of life, and the Balkans ablaze'.³⁴

Although this catastrophe did not come to pass, it was clear as OAF progressed that the campaign presented major and unforeseen challenges. Officials would later claim that OAF had demonstrated the flexibility and 'the unmatched military capability' of NATO in meeting 'complex and unpredictable security challenges'.³⁵ A series of official reports in the UK, the US and France would subsequently reach mixed verdicts on the proficiency and impact of NATO endeavours. OAF had delivered victory in the sense that Milosevic eventually capitulated to NATO's demands; but, as the House of Commons Defence Committee was to conclude ruefully, it does not follow that 'because Milosevic conceded, the campaign was a success'.³⁶

The results in Kosovo were also complex. OAF may have reversed Serb actions, but it bequeathed a responsibility on the part of the intervening powers to deal with the aftermath. Following the campaign, Kosovo was a province lacking proper institutions of governance, the rule of law, public service structures and a functioning economy. It was also the site of a continuing refugee challenge (owing to the return of hundreds of thousands of Kosovar Albanians and the flight of

³² See Tarcisio Gazzini, *The changing rules on the use of force in international law* (Manchester and New York: Manchester University Press, 2006), p. 75.

³³ Mark Danner, 'Endgame in Kosovo', *New York Review of Books* 46: 8, 1999.

³⁴ 'Stumbling into war', *The Economist*, 27 March 1999, p. 17.

³⁵ Joint Statement of Secretary of Defense, William S. Cohen and chair of the Joint Chiefs of Staff and Gen. Henry H. Shelton to Senate Armed Services Committee, 14 Oct. 1999.

³⁶ House of Commons, Select Committee on Defence, *Fourteenth report*, Session 1999–2000, para. 128.

tens of thousands of Serbs), inter-ethnic violence (now directed mainly against Serb and Roma minorities) and burgeoning criminality.³⁷ Kosovo's political status posed further problems. UNSCR 1244 had set out the terms for a cessation of hostilities but had involved necessary compromise and ambiguity. As the Independent International Commission on Kosovo noted, the resolution had created 'a unique institutional hybrid' in which the FRY retained formal sovereignty but international agencies led by the UN, and supported by NATO, the OSCE, the EU and others, were responsible for the restoration of political and economic order.³⁸ UNSCR 1244 could be read as suggesting that such a state of affairs would be Kosovo's long-term future (how long ostensibly 'interim' arrangements were to last was not specified). This accorded with an uneasy consensus within the Security Council but did not match the political ambition of a radicalized Kosovar population.

The issue of Kosovo's status also had broader meaning, and here the impact of OAF had been to shift the terms of debate. Should independence for Kosovo follow from the NATO intervention, then two controversial precedents would have been set: that national minorities had a right to secession if subject to sustained human rights abuses, and that states which carry out these abuses surrender their sovereign rights over such minorities. These principles were not recognized in international law, were not explicitly supported by the intervening states, and were unacceptable to Russia, China and a raft of others.³⁹

To this controversy were joined other equally thorny matters. Even its defenders recognized that OAF lacked a watertight legal basis in the shape of explicit Security Council authorization. Nonetheless, as Britain's Defence Secretary George Robertson declaimed in the House of Commons, 'Our legal justification rests upon the accepted principle that force may be used in extreme circumstances to avert a humanitarian catastrophe.'⁴⁰ This was a line also passionately argued by Blair, Solana and Fischer, among others; and, on this basis, the NATO position could be construed as consistent both with the human rights values enshrined in the Charter and perceived trends in customary international law.⁴¹

The critics of NATO's action, however, rejected all these claims. NATO was denounced for provoking the war in the first place by its insistence at Rambouillet and Paris on terms designed to be unacceptable to Serbia.⁴² The intervention was less about the promotion of values than the assertion of 'the strategic and economic interests of the US and the other western powers'.⁴³ The humanitarian

³⁷ 'Report of the Secretary General on the United Nations Interim Mission in Kosovo', S/1999/779, 12 July 1999, <http://daccessdds.un.org/doc/UNDOC/GEN/N99/204/10/PDF/N9920410.pdf?OpenElement>, accessed 5 April 2009.

³⁸ Independent International Commission on Kosovo, *The Kosovo report*, p. 9.

³⁹ Independent International Commission on Kosovo, *The Kosovo report*, p. 277.

⁴⁰ Hansard (Commons), 25 March 1999, cols 616–17, http://www.publications.parliament.uk/pa/cm/199899/cmhansrd/v0990325/debtext/90325-33.htm#90325-33_spnew1, accessed 5 April 2009.

⁴¹ Nicholas Wheeler, 'The Kosovo bombing campaign', in Christian Reus-Smit, ed., *The politics of international law* (Cambridge: Cambridge University Press, 2004), p. 196.

⁴² Robin Blackburn, 'Kosovo: the war of NATO expansion', *New Left Review*, no. 235, 1999, pp. 107–108.

⁴³ Alex Callinicos, 'The ideology of humanitarian intervention', in Tariq Ali, ed., *Masters of the universe? NATO's Balkan crusade* (London and New York: Verso, 2000), p. 176.

argument was also seen as flawed. The targeting of civilian infrastructure and the use of cluster bombs and depleted uranium gave rise to charges that NATO was in breach of the rules of warfare. A year after OAF's conclusion, the prosecutor of the ICTY concluded that 'there [was] no basis for opening an investigation into ... the NATO air campaign', but this view was in turn rejected by critics as politically motivated and legally flawed.⁴⁴ Further, the strength of moral purpose was undermined by the precautionary nature of the campaign. A preoccupation with force protection meant NATO aircraft flew at high altitudes, thus blunting the accuracy of the raids and leading to several incidents of mistaken targeting (including the bombing of refugee convoys). Fear of taking casualties also meant an aversion to ground combat. This was morally untenable—as Michael Walzer put it, 'You can't kill unless you are prepared to die'.⁴⁵ It was also seen by many as counterproductive. Contrary to NATO's own war aims, Serbia accelerated its ethnic cleansing of Kosovars in response to the air campaign; a gradual build up of ground troops in neighbouring countries (Macedonia and Albania) might have deterred or at least slowed the action. An intervention by this force, if necessary one prepared to fight Serb forces and take casualties, might even have reversed the Serb atrocities, resulting ultimately in a lower Kosovar death toll and fewer refugees.⁴⁶

Lasting significance

The record of what went on during the war over Kosovo has been well known for many years. The memoirs of some of the main participants—Strobe Talbott, Bill Clinton, Madeleine Albright, Gerhard Schröder, Joschka Fischer, Wesley Clark and Boris Yeltsin (but sadly not yet Blair or Secretary General Solana)—have added to the record without revising it in any notable way.⁴⁷ And areas that remained initially unclear—the diplomatic endgame, Russian policy, and the calculations of Milosevic and his circle—have now been the subject of detailed examination.⁴⁸ A definitive history of the Kosovo war still remains to be written; but what interests us here is not, in any case, the record of events, but the war's lasting importance.

⁴⁴ This controversy is thoroughly considered in A.-S. Massa, 'NATO's intervention in Kosovo and the decision of the prosecutor of the International Criminal Tribunal for the Former Yugoslavia not to investigate: an abusive exercise of prosecutorial discretion?', *Berkeley Journal of International Law* 24: 2, 2006, pp. 610–49.

⁴⁵ Michael Walzer, 'Kosovo', *Dissent* 46: 3, 1999, p. 6.

⁴⁶ Lambeth, *NATO's air war for Kosovo*, pp. 243–4; Paul Robinson, "'Ready to kill but not to die': NATO strategy in Kosovo", *International Journal* 54: 4, 1999, pp. 678–9.

⁴⁷ Madeleine Albright, *Madam secretary: a memoir* (New York: Miramax, 2003), pp. 500–544; Wesley K. Clark, *Waging modern war: Bosnia, Kosovo and the future of combat* (New York: Public Affairs, 2001), passim; Bill Clinton, *My life* (London: Hutchinson, 2004), pp. 848–51, 854–5, 858–60; Joschka Fischer, *Die rot-grünen Jahre: Deutsche Außenpolitik vom Kosovo bis zum 11. September* (Cologne: Kiepenheuer & Witsch, 2007), pp. 159–251; Gerhard Schröder, *Entscheidungen: mein Leben in der Politik* (Berlin: Ullstein, 2007), pp. 105–111, 134–43; Strobe Talbott, *The Russia hand: a memoir of presidential diplomacy* (New York: Random House, 2002), pp. 298–313; Boris Yeltsin, *Midnight diaries* (London: Weidenfeld & Nicolson, 2000), pp. 255–67.

⁴⁸ Anna Maria Brudenell, 'Russia's role in the Kosovo conflict of 1999', *RUSI Journal* 153: 1, 2008, pp. 30–4; Anna Maria Brudenell, 'What caused Milosevic to capitulate? The role of air power in the defeat of Yugoslavia', *British Army Review*, no. 139, Spring 2006, pp. 74–80; S. T. Hosmer, *The conflict over Kosovo: why Milosevic decided to settle when he did* (Santa Monica: RAND, 2001); John Norris, *Collision course: NATO, Russia and Kosovo* (Westport, CT: Praeger, 2005).

Ten years on, the relative importance of OAF can be judged with some greater degree of certainty.

Milosevic was the single biggest loser of the campaign. Internationally isolated, defeated in war and domestically beleaguered, within two years of OAF he had been removed from power and arraigned before the ICTY, in whose custody he died in 2006. As for Kosovo, the intended beneficiary of NATO action, here the events of 1999 have proved to be a signal watershed. Kosovo has since been the site of the combined efforts of the United Nations Mission in Kosovo (UNMIK), of NATO (involving one of its largest peacekeeping operations),⁴⁹ and of the EU (involving the provision between 1999 and 2008 of EU economic assistance amounting to €1.8 billion, making Kosovo the highest per capita recipient of EU aid). Just how effective these efforts have been in promoting multi-ethnic democracy, the rule of law and a modern liberal economy is open to dispute, but opinion in general tends towards the negative.⁵⁰ Yet whatever the failings of internal development, overshadowing all of this has been the continuing issue of Kosovo's formal political status. In this connection, Julie Mertus in her contribution to this issue (pp. 461–76) argues that OAF has been singularly responsible for the trajectory of Kosovo towards independent statehood. Prior to 1999 it was not inevitable that separation would occur, but OAF and UNSCR 1244 (despite its in-built ambiguities) paved the way for a consolidation of Kosovo first as an international protectorate and subsequently as a state-in-waiting—a process that culminated in Kosovo's declaration of independence in February 2008.

As noted above, OAF sparked a far-reaching normative and legal debate. International consensus was not achieved at the time, but the 'potential precedential pull' of the intervention would be felt in its aftermath.⁵¹ As the article by Steven Haines makes clear (pp. 477–90), the issues raised by OAF had a catalytic impact on transnational thinking. A direct line can be traced from the Kosovo crisis to the notion of 'responsibility to protect' and to related debates on the norms and legality of intervention. However, if, as some argued at the time,⁵² NATO's action marked the possible dawning of a new interventionist era, then the period since has been a disillusioning one, as evidenced by instances of inaction that include Darfur, Zimbabwe and Burma. Since 1999 major instances of intervention—most notably in Iraq and Afghanistan—have been justified without recourse primarily to humanitarian concerns. The argument could well be made, therefore, that the Kosovo intervention, for all its precedent-setting nature, remains a largely unique event. Yet as Haines maintains, the principle upon which OAF was ostensibly launched still has resonance; intervention for humanitarian effect is a notion whose time still may come.

⁴⁹ At its height, KFOR numbered some 50,000. By comparison, IFOR in Bosnia peaked at 54,000 and ISAF in Afghanistan stood in March 2009 at 62,000. In per capita terms, the Kosovo operation has been the largest, with one NATO troop for every 42 Kosovans. IFOR and ISAF at peak strengths were one troop for every 72 and 528 persons respectively.

⁵⁰ See e.g. Iain King and Whit Mason, *Peace at any price: how the world failed Kosovo* (London: Hurst, 2006).

⁵¹ This felicitous phrase is taken from Nigel S. Rodley and Başak Çali, 'Kosovo revisited: humanitarian intervention on the fault lines of international law', *Human Rights Law Review* 7: 2, 2007, p. 282.

⁵² Mary Kaldor, *New and old wars: organized violence in a global era*, rev. edn (Cambridge: Polity, 2001), p. 153.

OAF, of course, would also have a lasting impact on NATO. It was, in many ways, an object lesson in how not to carry out a military campaign. Over Kosovo, NATO's credibility was put on the line and its viability as a worthwhile security provider was questioned—just as it was in Bosnia and just as it is now in Afghanistan. Yet, as Sperling and Webber argue (pp. 491–511), while the crises (both internal and external) which NATO has faced are real, the assumption need not follow that the alliance is facing inexorable decline. Whatever the merits of the actions it has undertaken, NATO has proved both robust and responsive, and remains (to varying degrees) a framework of choice for its members.

The EU, while not a direct participant in OAF, was also affected by it in dramatic fashion. Alistair Shepherd (pp. 513–30) shows that it was the Kosovo crisis that provided the decisive catalyst for transforming the EU's role in international conflict management. Coming on the back of an unimpressive performance in Bosnia, the crisis confirmed that the EU was impotent in the face of violent conflict within Europe. It thus added to the complex of considerations that gave birth to the European Security and Defence Policy and proved to be the point at which the EU acquired the political will to stabilize and reshape the Balkans. The subsequent effort has fundamentally refashioned the EU's foreign and security policies and its evolution as a comprehensive security provider.

Away from consideration of multilateral involvement, several articles in this issue analyse the impact of OAF on national foreign policies. David Dunn considers the US and notes how the lessons of OAF felt first by the Clinton administration were subsequently digested by the Bush administration. This, Dunn demonstrates, was a political as well as an operational process. OAF devalued the currency of military counsel within the US, and thus paved the way for interventions in Afghanistan and Iraq which departed markedly from the tenets which had guided American military action since Vietnam.

In the US, OAF occurred at the tail-end of an administration; in the UK, by contrast, it proved a decisive event at the beginning of one. OAF, Oliver Daddow notes, was a key foreign policy moment for Tony Blair. It shaped his attitudes on the limits of the possible, on how to make policy and on how to exercise international leadership. What at the time was advertised as Blair's decisive normative contribution to OAF—the 'doctrine of international community'—Daddow qualifies by reference to the domestic political considerations impelling action. In the wake of Blair's resignation, Daddow also reminds us that Blair's foreign policy legacy should not be seen only in terms of the divisive decision to commit the UK to war in Iraq. Before Iraq there was Kosovo, an equally controversial moment and one which was, in part, responsible for Blair's hubris in later years.

In the case of Germany, OAF had an equally telling effect. Alister Miskimmon shows how the event proved to be among the most important foreign policy episodes of the unified Germany. This was, he contends, a point of no return, the moment at which Germany committed itself to the use of force, a decision which led eventually to the deployment of German personnel some years later in Afghanistan. Equally, OAF confirmed two key tenets of Germany's foreign

policy orientation—its *Bündnisfähigkeit* or alliance compatibility, and its historical responsibility to defend human rights and to prevent acts of genocide. These, at least, were the justifications put forward by Foreign Minister Joscha Fischer at the time. Miskimmon considers the controversial nature of these claims and how far they have continued to inform German actions.

Set quite apart from these three cases was that of Russia. Derek Averre suggests in his contribution that OAF marked a fissure in relations between NATO (and the West more broadly) and Russia, which has never been fully repaired. OAF added to the Russian sense of resentment with the West that had been brewing since the end of the Cold War and was a major factor in the shift towards geopolitical pragmatism under President Putin. Russian acts ranging from the use of force in Chechnya to the intervention in Georgia have a lineage which can be traced back to the Kosovo crisis.

All the contributions suggest that the Kosovo war held implications that went well beyond the circumstances of its launch and conclusion. Andrew Cottey, in the final article (pp. 593–608), reflects on the meaning of the war in broad terms, considering its regional, continental and global effects. This was not the last nationalist war in the Balkans, but it proved the moment at which the former Yugoslavia entered the zone of European responsibility in a manner far more substantial than had occurred during the Bosnian crisis. More broadly, the Kosovo war confirmed the differentiation of security in Europe. OAF saw NATO reassert its role as Europe's leading security institution, yet also gave significant momentum to an EU role. The crisis in relations between Russia and the West, meanwhile, finally put paid to the notion of a European security architecture managed by the OSCE. Put differently, the limits of Europe's security governance have come to be mapped out in the aftermath of the Kosovo war. The enormous effort that would be expended on the western Balkans by international organizations confirmed the priorities of western policy; no such ambition would any longer pertain to Russia or the former Soviet space. In global terms, finally, Cottey suggests that OAF can now be seen as signifying the high point of western power after the Cold War. Later global crises would have to be managed in the face of a more fragmented West, a more assertive China and Russia, and an even keener debate on the norms that shape international behaviour.