

The War on Yugoslavia, 10 Years Later

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It has been 10 years since the U.S.-led war on Yugoslavia. For many leading Democrats, including some in top positions in the Obama administration, it was a “good” war, in contrast to the Bush administration’s “bad” war on Iraq. And though the suffering and instability unleashed by the 1999 NATO military campaign wasn’t as horrific as the U.S. invasion of Iraq four years later, the war was nevertheless unnecessary and illegal, and its political consequences are far from settled.

Unless there’s a willingness to critically re-examine the war, the threat of another war in the name of liberal internationalism looms large.

Crisis Could Have Been Prevented

Throughout most of the 1990s, the oppressed ethnic Albanian majority in Kosovo waged their struggle almost exclusively nonviolently, using strikes, boycotts, peaceful demonstrations, and alternative institutions. The Kosovar Albanians even set up a democratically elected parallel government to provide schooling and social services, and to press their cause to the outside world. Indeed, it was one of the most widespread, comprehensive, and sustained nonviolent campaigns since Gandhi’s struggle for Indian independence. This was the time for Western powers to have engaged in preventative diplomacy. However, the world chose to ignore the Kosovars’ nonviolent movement and resisted consistent pleas by the moderate Kosovar Albanian leadership to take action. It was only after a shadowy armed group known as the Kosovo Liberation Army emerged in 1998 that the international media, the Clinton administration and other Western governments finally took notice.

By waiting for the emergence of guerrilla warfare before seeking a solution, the West gave Serbia’s autocratic president Slobodan Milosevic the opportunity to crack down with an even greater level of savagery than before. The delay allowed the Kosovar movement to be taken over by armed ultra-nationalists, who have since proven to be far less willing to compromise or guarantee the rights of the Serbian minority. Indeed, the KLA murdered Serb officials and ethnic Albanian moderates, destroyed Serbian villages, and attacked other minority communities, while some among its leadership called for ethnic cleansing in the other direction to create a pure Albanian state. Despite such practices, as well as ties to the international heroin trade, it was KLA’s leadership which came to dominate the subsequent autonomous and now independent Republic of Kosovo.

It’s a tragedy that the West squandered a full eight years when preventative diplomacy could have worked. The United States rejected calls for expanding missions set up by the United Nations and the Organization for Security and Cooperation in Europe (OSCE) in Kosovo, or to bring Kosovo constituencies together for negotiations. Waiting for a full-scale armed insurrection to break out before acting has also given oppressed people around the world a very bad message: Nonviolent methods will fail and, in order to get the West to pay attention to your plight, you need to take up arms.

When Western powers finally began to take decisive action on the long-simmering crisis in the fall of 1998, a ceasefire was arranged where the OSCE sent in unarmed monitors. While the ceasefire didn’t hold, violence did decrease dramatically in areas where they were stationed. Indeed, the OSCE monitors could have done a lot more, but they were given little support. They were largely untrained, they were too few in number and NATO refused to supply them with helicopters, night-vision binoculars or other basic equipment that could have made them more effective.

Ceasefire violations by the Yugoslav army, Serbian militias, and KLA guerrillas increased in the early months of 1999, including a number of atrocities against ethnic Albanians by Serbian units, with apparent acquiescence of government forces. Western diplomatic efforts accelerated, producing the proposal put forward at the Chateau Rambouillet in France, which called for the withdrawal of Serbian forces and the restoration of Kosovo's autonomous status within a greater Serbia. Such a political settlement was quite reasonable, and the Serbs appeared willing to seriously consider such an agreement. But it was sabotaged by NATO's insistence that they be allowed to send in a large armed occupation force into Kosovo, along with rights to move freely without permission throughout the entire Federal Republic of Yugoslavia and other measures that infringed on the country's sovereignty. Another problem was that it was presented essentially as a final document, without much room for negotiations. One of the fundamental principles of international conflict resolution is that all interested parties are part of the peace process. Some outside pressure may be necessary — particularly against the stronger party — to secure an agreement, but it can't be presented as a *fait accompli*. This "sign this or we'll bomb you" attitude also doomed the diplomatic initiative to failure. Few national leaders, particularly a nationalist demagogue like Milosevic, would sign an agreement under such terms, which amount to a treaty of surrender: Allowing foreign forces free reign of your territory and issuing such a proposal as an ultimatum.

Smarter and earlier diplomacy could have prevented the war.

The Bombing Campaign

Many liberals who had opposed U.S. military intervention elsewhere recognized the severity of the ongoing oppression of the Kosovar Albanians and the need to challenge Serbian ethno-fascism, and therefore initially supported the war. Had such military intervention led to an immediate withdrawal of Yugoslav forces and Serbian militias, one could perhaps make a case that, despite the war's illegality, there was a moral imperative for military action in order to prevent far greater violence. But, as many experts of the region predicted, this wasn't the case.

The bombing campaign, which began March 24, 1999, clearly made things worse for the Kosovar Albanians. Not only were scores of ethnic Albanians accidentally killed by NATO bombing raids, but the Serbs — unable to respond to NATO air attacks — turned their wrath against the most vulnerable segments of the population: the very Kosovar Albanians NATO claimed it would be defending. While the Serbs may have indeed been planning some sort of large-scale forced removal of the population in areas of KLA infiltration, both the scale and savagery of the Serbian repression that resulted was undoubtedly a direct consequence of NATO actions. Subsequent U.S. claims that the bombing was in response to ethnic cleansing turns the reality on its head.

By forcing the evacuation of the OSCE monitors, which — despite their limitations — were playing something of a deterrent role against the worst Serbian atrocities, NATO gave the Serbs the opportunity to increase their repression. By bombing Yugoslavia, they gave the Serbs nothing to lose. Hundreds of thousands of ethnic Albanians were forced from their homes into makeshift refugee camps in neighboring Macedonia.

As the bombing continued, the numbers of Serbian troops in Kosovo increased and the repression of Kosovar Albanians dramatically escalated. Those doing the killing in Kosovo were primarily small paramilitary groups, death squads, and police units that couldn't have effectively been challenged by high-altitude bombing, and weren't affected by the destruction of bridges or factories hundreds of miles to the north. If protecting the lives of Kosovar Albanians was really the motivation for the U.S.-led war, President Bill Clinton would have sent in Marine and Special Forces units to battle the Serbian militias directly instead of relying exclusively on air power.

The war against Yugoslavia was illegal. Any such use of force is a violation of the UN Charter unless in self-defense against an armed attack or authorized by the United Nations as an act of collective security. Kosovo was

internationally recognized as part of Serbia; it was, legally speaking, an internal conflict. In addition, the democratically elected president of the self-proclaimed, if unrecognized, Kosovar Albanian Republic, Ibrahim Rugova, didn't request such intervention. Indeed, he opposed it.

The war was also illegal under U.S. law. The Constitution places war-making authority under the responsibility of Congress. While it's widely recognized that the president, as commander-in-chief, has latitude in short-term emergencies, the 1973 War Powers Act prevents the executive branch from waging war without the express consent of Congress beyond a 60-day period. Only rarely has Congress formally declared war, but it has passed resolutions supporting the use of force, as with the August 1964 Gulf of Tonkin resolution concerning Vietnam, the January 1991 approval of the use of force to remove Iraqi occupation troops from Kuwait, and the October 2002 authorization for the invasion of Iraq. Clinton, however, received no such congressional approval. That he got away with such a blatant abuse of executive authority marked a dangerous precedent in war-making authority in violation of the U.S. Constitution.

The 11-week bombing campaign resulted in the widespread destruction of Yugoslavia's civilian infrastructure, the killing of many hundreds of civilians, and — as a result of bombing chemical factories, the use of depleted uranium ammunition and more — caused serious environmental damage. Far more Yugoslav civilians died from NATO bombing than did Kosovar Albanian civilians from Serb forces prior to the onset of the bombing. A number of human rights groups that condemned Serbian actions in Kosovo also criticized NATO attacks that, in addition to the more immediate civilian casualties, endangered the health and safety of millions of people by disrupting water supplies, sewage treatment, and medical services.

U.S. Motivations

There are serious questions regarding what actually prompted the United States and NATO to make war on Yugoslavia. While the Serbian nationalism espoused by Milosevic had fascistic elements, and his government and allied militias certainly engaged in serious war crimes throughout the Balkans that decade, comparisons to Hitler were hyperbolic, certainly in terms of the ability to threaten any nation beyond the borders of the old Yugoslavia.

As today, there was civil strife in a number of African countries during this period, resulting in far more deaths and refugees than Serbia's repression in Kosovo. As a result, some have questioned U.S. double standards towards intervention such as why the United States didn't intervene in far more serious humanitarian crises, particularly in Rwanda in 1994, where there clearly was an actual genocide in progress.

But a more salient question is why the United States has never been held accountable for when it has intervened — in support of the oppressors. In recent decades, the U.S. government provided military, economic, and diplomatic support of Indonesia's slaughter of hundreds of thousands of East Timorese, and of Guatemala's slaughter of many tens of thousands of its indigenous people.

While Clinton tried to justify the war by declaring that repression and ethnic cleansing must not be allowed to happen "on NATO's doorstep," he was not only quite willing to allow for comparable repression to take place within NATO itself, but actively supported it: During the 1990s, Turkey's denial of the Kurds' linguistic and cultural rights, rejection of their demands of autonomy, destruction of thousands of villages, killing of thousands of civilians and forced removal of hundreds of thousands bore striking resemblance to Serbia's repression in Kosovo. Yet the Clinton administration, with bipartisan congressional support, continued to arm the Turkish military and defended its repression.

Such questions necessarily raise uncharitable speculation about what might have actually motivated the United States to lead such a military action. For some advocates of U.S. military intervention, there was no doubt some

genuine humanitarian concern, which — unlike many other cases around the world — support for those being oppressed didn't conflict with overriding U.S. strategic or economic prerogatives. There may have been other forces at work, however, which saw the use of force as advantageous for other reasons than a sincere, if misplaced, hope of assuaging a humanitarian crisis.

For example, the war created a *raison d'être* for the continued existence of NATO in a post-Cold War world, as it desperately tried to justify its continued existence and desire for expansion (This resulted in a kind of circular logic however: NATO was still needed to fight in wars like Yugoslavia, yet the war needed to be continued in order to preserve NATO's credibility.).

The war also benefitted influential weapons manufacturers, leading to an increase in U.S. military spending by more than \$13 billion, largely for weapons systems that most strategic analysts and even the Pentagon said weren't needed. This came on top of an increase in military spending passed before the onset of the war (By contrast, aid from the United States to help with the refugee crisis was very limited, and efforts by the United Nations High Commission on Refugees were severely hampered by lack of funds, in large part a result of the refusal by the United States to pay more than \$1 billion in dues it then owed to the UN, equivalent to approximately one week of bombing.).

Whatever its actual motivations, why would the United States lead NATO into a long, drawn-out war with no guarantee of fulfilling its objectives, given the real political risks involved? Much of the problem may have been that of arrogance. There's a fair amount of evidence to suggest that the Clinton administration falsely assumed the threat of bombing would lead to a last-minute capitulation by Milosevic, but, having made the threat, felt obligated to follow through.

Even after the bombing began and Finnish and Russian mediators began working on a ceasefire agreement, greater U.S. flexibility regarding Serbian concerns could have brought the war to an end much sooner. What a number of NATO members suggested, but the Clinton administration refused to consider, was to agree that the postwar peacekeeping force in Kosovo be placed under the control of the UN or the OSCE. Instead, the United States insisted that peacekeeping should be a NATO operation.

This effectively would have forced the nationalistic Serbs into accepting demands that a part of their country effectively be placed under occupation by the same military alliance that attacked them. As a result, despite suffering ongoing death and destruction, the Serbs continued fighting. The Clinton administration, meanwhile, seemed more intent on dominating the postwar order politically and militarily than agreeing to a ceasefire which could have prevented further bloodshed and allowed refugees to return sooner.

Eventually, a compromise was reached whereby the peacekeeping troops sent into Kosovo following a Serb withdrawal would primarily consist of NATO forces, but under UN command.

Perhaps the greatest myth of the war was that the Serbs surrendered and NATO won. In reality, not only was there a compromise on the makeup of postwar peacekeeping forces, but the final peace agreement also omitted the most objectionable sections of the Rambouillet proposal and more closely resembled the counter-proposal put forward by the Serbian parliament prior to the bombing. In other words, rather than being a NATO victory as it has been repeatedly portrayed by Washington and much of the American media, it was at best a draw.

Ramifications of the War

The war had serious consequences besides death and destruction in Serbia and Kosovo. One of the original justifications was to prevent a broader war, yet it was the bombing campaign that destabilized the region to a greater degree than Milosevic's campaign of repression. It emboldened ethnic Albanian chauvinists, not just in

Kosovo where they have come to dominate, but in the neighboring country of Macedonia and its restive ethnic Albanian minority, which has twice taken up arms in the past 10 years against the Slavic majority.

At the NATO summit in April 1999, the member states approved a structure for “non-Article 5 crisis response,” essentially a euphemism for war (Article 5 of the NATO charter provides for collective self-defense; non-Article 5 refers to an offensive military action like Yugoslavia.). According to the document, such an action could take place anywhere on the broad periphery of NATO’s realm, such as North Africa, Eastern Europe, the Middle East, and Central Asia, essentially paving the way for NATO’s ongoing war in Afghanistan. This expanded role for NATO wasn’t approved by any of the respective countries’ legislatures, raising serious questions about democratic civilian control over military alliances.

Furthermore, the U.S.-led NATO war on Yugoslavia helped undermine the United Nations Charter and thereby paved the way for the U.S. invasion of Iraq, perhaps the most flagrant violation of the international legal order by a major power since World War II.

The occupation by NATO troops of Serbia’s autonomous Kosovo region, and the subsequent recognition of Kosovar independence by the United States and a number of Western European powers, helped provide Russia with an excuse to maintain its large military presence in Georgia’s autonomous South Ossetia and Abkhazia regions, and to recognize their unilateral declarations of independence. This, in turn, led to last summer’s war between Russia and Georgia.

Indeed, much of the tense relations between the United States and Russia over the past decade can be traced to the 1999 war on Yugoslavia. Russia was quite critical of Serbian actions in Kosovo and supported the non-military aspects of the Rambouillet proposals, yet was deeply disturbed by this first military action waged by NATO. Indeed, the war resulted in unprecedented Russian anger towards the United States, less out of some vague sense of pan-Slavic solidarity, but more because it was seen as an act of aggression against a sovereign nation. The Russians had assumed NATO would dissolve at the end of the Cold War. Instead, not only has NATO expanded, it went to war over an internal dispute in a Slavic Eastern European country. This stoked the paranoid fear of many Russian nationalists that NATO may find an excuse to intervene in Russia itself. While in reality this is extremely unlikely, the history of invasions from the West no doubt strengthened the hold of Vladimir Putin and other semi-autocratic nationalists, setting back reform efforts, political liberalization, and disarmament.

The war also had political repercussions here in the United States. On Capitol Hill, it created what became known as an “aviary conundrum,” where traditional hawks became doves and doves became hawks. It provided a precedent of Democratic lawmakers supporting an illegal war and allowing for extraordinary executive power to wage war, with which the Bush administration was able to fully take advantage in leading the country into its debacle in Iraq.

The presence of large-scale human rights abuses, as was occurring in Kosovo under Serb rule, shouldn’t force concerned citizens in the United States and other countries into the false choice of supporting war and doing nothing. This tragic conflict should further prove that, moral and legal arguments aside, military force is a very blunt and not very effective instrument to promote human rights, and that bloated military budgets and archaic military alliances aren’t the way to bring peace and security. As long as such “conflict resolution” efforts are placed exclusively in the hands of governments, there will be a propensity towards war. Only when global civil society seizes the initiative and recognizes the power of strategic nonviolent action, and the necessity of preventative diplomacy, can there be hope that such conflicts can be resolved peacefully.