HUMANITARIAN INTERVENTION IN THE WAKE OF THE KOSOVO CRISIS

Introduction

Susanne Schmeidl

How often have we heard the name of this (formerly autonomous) region in Yugoslavia over the last months. In the past, many of us were maybe only vaguely aware of its existence, and policy makers, even if aware, seemed to not have focused on it much. Kosovo was not yet on the hot-list of bush-fires to put out, or not interesting or pressing enough politically, or maybe be there were just too many conflicts with too little time to solve them. One could say, Kosovo was like the Kurdish problem in Turkey, or like East Timor in Indonesia or like wars fought in Sierra Leone and Sudan. This means, we know they exist, in some cases for a long time, but we never really do anything about it. Particularly Kosovo is such a classic case where all the early warning existed. Structurally even ten years ago the likelihood of conflict was clear—when Kosovo was stripped of its autonomy in March 1989.

In the fall of 1989, I was a Ph.D. student in sociology, not an area specialist of the Balkans, who wrote a paper on Yugoslavia. When asked what area was most likely to explode into conflict, my answer was Kosovo, not Bosnia, but Kosovo. This means, we have known for a very long time that Kosovo was prone to conflict if no improvements to the rights of the Kosovo Albanians were made. Maybe we did not know when or how, but we knew it could and would happen. Thus, in essence we had ten years to avert a disaster happening, and nevertheless it did happen.

This issue of timing is a problem we face in early warning and conflict pre- vention. Ten years until a conflict breaks out is a very long horizon for policy makers. It is too long to do much about it, and policy makers will chose more pressing issues to work on. Even when Yugoslavia began falling apart, all in- ternational attention was on the ensu- ing conflict in Bosnia. In all this political cloud, Kosovo had no chance of being addressed internationally. The time was not ripe yet for the Kosovo problem to be heard. But one could say, at least it was heard, because for every conflict we address publicly, there are many more that fall between the cracks (just con- sider the Kurdish problem in Turkey).

The basic problem of linking early warning to early action seems to be the logic behind such a resolution. In early warning, we want to predict crisis symptoms as soon as possible in order to highlight the worst case scenario if actions are not taken. Early action, how- ever, generally comes from politicians who have a tendency to only act when worst case scenarios have already mate- rialized. It is easier to wait and react to conflict than to act preventively given it is easier to justify any type of action based an actual conflict than merely on probabilities of conflict. The former is invariably associated with pictures of human suffering and masses in flight— hard evidence for action.

Furthermore, ten years ago, an active humanitarian intervention as it hap- pened today was unthinkable. It took drastic political changes to get that far such as the ending of the Cold War, and the opening up of the East Block. Our understanding of sovereignty changed as well, albeit Schaub argues in this is- sue that Kosovo sets here an even further precedent. Nevertheless, the ending of the Cold War allowed countries to focus away from self-protection and political goals to begin considering the defense of human rights violations, such as Chapter 7 operation of the UN. So, in order to deal with Kosovo, or similar cases, time had to pass for the interna- tional community to accept a different role when it came to prevent human suffering.

As Howard Adelman argues in the article to follow, we learn more from one conflict to the other and are often willing to do more as we go along. So do we stay optimistic that one day we are able to "get it right," or are we doomed in our work on early warning and conflict pre- vention? Some may say yes, and I myself have wondered whether we will be ever able to beat the odds of timing and politi- cal clout. But basically, I would like to remain optimistic and say, no, we are not doomed, we just need to find ways to get our message (warning signals) across to policy makers. In this we need to learn to speak their language and how to push the right buttons. The basic is- sues at hand, other than actual access to policy makers, are to deal with the di- lemma of timing or the balance of short- term pay-off (or successes within the legislative period of politicians) and long-term durable solutions. Thus, early warning is not simply about sending out warning messages, but also about painting worst- and best-case scenarios based on type of action or non-action. In addition, it is important to discuss a set of options and their consequences with policy makers. We even need to show that even benevolent action can have problematic outcomes. Thus, basically, early warning should and must assist policy makers to think ahead. While these issues alone lend themselves to a separate paper, I discuss some of their implications in the example of Kosovo.

The NATO and its affiliates are joy- ous over their success in Kosovo. But was it really a success? Militarily and strategically maybe—but from a hu- manitarian stand point not really. Liam O'Hagan rightfully asks the question in this article what was so "humanitar- ian" about this war. Yes, NATO now controls Kosovo and can oversee the return of the refugees, but that is exactly the point—the *return* of the refugees. The goal was to prevent this from happen- ing. For this goal, NATO clearly failed. In addition, Milosevic had planned eth- nic separation by expelling all Kosovo Albanians. Was this halted or pre- vented with the NATO intervention? Not fully. Currently, many Serbs are flee- ing Kosovo in fear of retribution from

Kosovo Albanians (or NATO troops), so in essence, an ethnic separation (even if not fully after the plans of Milosevic) is partially occurring. This could have been prevented if one would have prevented the expulsions of the Kosovo Albanians with connected atrocities (see Frances Pilch's paper on some of the atrocities committed) to begin with. This is one example of the importance to consider possible negative consequences of ones (even well-meant) actions.

There is also the question of the future of Kosovo and also Serbia, given NATO did not manage to dislodge Milosevic. If we ask the roughly 750,000 refugees and uncountable internally displaced people who lost their homes and loved ones, if the NATO operation was a clear victory, I am sure the answer is again no. It is estimated now that it will take four to five years to clear Kosovo of landmines. This will greatly impair refugee return and the rebuilding of Kosovo. This is one example of considering long-term consequences over short-term successes.

We could ask ourselves then, if preventive action came not soon enough or if we chose the wrong means? In other words, when should we do what and how? Again, timing and type of action are of essence. Some may argue it was wrong to over-emphasize the independence of Croatia and Slovenia in a fragile political environment. Maybe it would have been better to bargain with Yugoslavia and offer a fast integration into the EC in exchange for generous autonomy within the Yugoslav republics. After all, favouring new states shows a renewed thinking of the importance of states (or state sovereignty) vs. that of looser federations. Others may say, that it was a failure to exclude the Kosovo-question from the Dayton peace accords in November 1995. But politicians may counter that it would have been too complicated to get the Serbs to agree to anything at all if Kosovo was made an issue. Albeit, I wonder with a person such as Milosevic it would not have mattered in the long run. And for the sake of stability in the Balkans and the prevention of human suffering, it

may have been wise to consider the long-term costs over the short-term benefits. This shows, that a great part of early warning is not simply to say something will happen in the near (or distant) future, but also show the consequences of what certain action or non-action can mean for general regional stability. Thus, politicians need to realize that even benevolent action in the short-term can have dire consequences in the long run. Patience may not always be the highest political virtue since it is clearly better to show a success in ones electoral period, rather than have a subsequent politician harvest the benefits.

But then again, while we may not have persisted long enough during Dayton (or not on all the important issues), we may have persisted too long during the peace negotiations with Milosevic. It seems before a military strike could be justified, all peaceful means had to be explored, even if it seemed already apparent before and during Rambouillet that Milosevic was only buying time to prepare and continue his goal of ethnic cleansing. The patience of the international community meant that Milosevic was able to position his troops into Kosovo before air-strikes began, and thus, air strikes could not prevent the inevitable—forced expulsion. I admit it is difficult to do the right thing at the right time and maybe also for all the right reasons. It is also easier to criticize actions after the fact and from afar but criticism keeps us on our toes. Therefore, I find Valery Perry's piece an interesting approach to finding ways to potentially negotiate Serb and Kosovo Albanian identities.

For constructive criticism, let us consider the following. Our goal was to prevent ethnic cleansing and atrocities in Kosovo. This means, any action, or intervention, was meant to be for the protection of civilian lives. This means, if we have a situation where peaceful negotiations do not work due to the stubborn nature of a political leader (Milosevic), we have two general options: A) Get rid of said leader or B) Begin a war with the whole country. In my opinion, option A—the loss of one life

vs. option B—the loss of many lives, seems to be the better one. I mean, we could just have accidentally dropped a bomb on his head, or I am sure somebody could have been bribed to do the job. After all, the CIA and its like have many outfits that do not officially exist and have committed so many atrocities in, e.g., Latin America, that for once they could do good. But, of course, I forgot, this is a major no-no, because it is illegal and immoral. We are talking about the leader of a sovereign state. We cannot declare ourselves gods and decide which leaders we like and which we do not like and eliminate the ones we dislike—or we might in similar manner lose our own leader one day. So instead, we go with option B (the loss of many lives)—which is still on somewhat untested grounds, but at least not fully illegal. Yet, surely there are many peace scholars (see also article by David Dyck) who would disagree with violent options and continue the quest for finding more creative peaceful solutions. Nevertheless, while I work for a peace foundation myself, and many peace scholars may see me as a traitor if I see violence as an option, I have to admit, from a humanitarian point of view, there was only option B left (given nobody would go along with option A). I thus agree with Bill Frelick here "force needs to met by force" when it comes to the protection of human lives. Milosevic had long planned ethnic cleansing and forced exodus, he had begun to do it, and was continuing to do it shortly before the air-strikes (see also Howard Adelman's article). The NATO attack did accelerate his actions, but they *did not* cause them.

But I still question the inconsequence of how option B was played out. Within this option we have choices (limited air-strikes, air-strikes with ground troops against military targets only or full-scale war) and need to consider if our means justify the end or work toward our goals. As stated above, our goal was to protect civilians on the ground. Thus, from a humanitarian stance (and I would think from a military as well), it seemed utterly illogical that NATO began air-strikes *without* committing ground troops. It seems they misjudged

Milosevic (as he most likely misjudged the NATO). Maybe NATO really thought they could scare Milosevic off by beginning the bombing, but a week or so later, they should have noticed that he had strong nerves and would not back down. So NATO then should have re-evaluated their actions, and not have waited over two months until voting on ground troops. But here we are touching a sore spot, and that is how much politicians are willing to wager internationally without getting into trouble nationally, meaning with their electorate. After all, sending ground troops means risking the lives of our own (U.S., German, French, British etc.) citizens for defending the lives of citizens from another country. This is something many politicians are unwilling to do. But let me join the arguments of Bill Frelick, Peter Penz, Roberta Cohen and David Korn (and others in these pages) by admitting that it is shame that "it has been more acceptable to kill (as "collateral damage") Serbian non-combatants and Kosovo refugees than to risk soldiers in a war that does not serve the national interest of the intervenors in a way clearly evident to their electorates" (see Penz in this issue). We have played sad games here: How many Kosovo Albanian lives are equivalent to the life of one

of NATO soldier? So we protect our soldiers from what they are actually trained to do: fight in a ground war. Ironically enough, these days the safest job in a war appears that of being a soldier, because politicians will not send them out until it is safe. Humanitarian workers put themselves into more risks than soldiers do every day. So, I still wonder, what are all the soldiers for we continue to train if we never really use them. Yes, many countries have draft— so there are people who do not really want to be soldiers. But enough countries have a professional army with people who chose the job and the risk that comes along with it. So use them or ask for volunteers—but use the means you need to do your job right: the protection of human beings on the ground (not air). Yes, I know, a ground war would have meant the death of civilians as well, and I am not a military strategist either, but nevertheless, it is hard for me to imagine that more damage could have been done. For the least I believe more Kosovo Albanians could have been spared from the suffering they had to go through, and many could have remained in their homes.

In sum, I think the ultimate goal of preventing conflict is not political or economic, but human. It is expressed in

how many traumata we are able to prevent, not just in loss of human lives, but overall psychological damage. It might be costly to rebuild a country as destroyed as Yugoslavia (but Germany was rebuilt) but how easy will it be to rebuild trust and the ability to live side by side with the people who committed the atrocities? How many "normal" lives will never be the same because of what happened in Kosovo? Thus, if any intervention is dubbed "humanitarian", we should reconsider our strategy for the future. And all we can hope for is that we have learned (yet) another lesson, and may be found another piece to the great puzzle of conflict prevention.

This issue of *Refuge* contains a collection of articles (several of which I have already alluded to) viewing the conflict from a variety of angles. I invite you to read through them as food for thought and information on the crisis in Kosovo. ■

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Early Warning and "Ethnic" Conflict Management: Rwanda and Kosovo

Howard Adelman

Abstract

The author examines the way in which past conflicts shape the responses to current crises. In examining the facts of the Rwandan case compared with what is known of the Kosovo crisis, he identifies a number of similarities shared in both contexts. However, these first order similarities prove to be outweighed by the differences in the capacity for control possessed by Milosevic, the ethnic and demographic composition of the communities in the conflict, and military capabilities. Importantly, levels of public support for action were higher in the case of Kosovo, as were the steps taken by the international community in the leadup to the bombing.

Résumé

L'auteur examine de quelle façon les conflits du passé contribuent à configurer la réponse aux crises présentes. Comparant les faits du cas rwandais à ce que l'on connaît pour le moment de la crise du Kosovo, il identifie un certain nombre de similarités se manifestant dans les deux contextes. En même temps, ces similarités de première analyse s'avèrent fortement contrebalancées par d'importantes différences: la capacité qu'a Milosevitch de garder la situation sous son contrôle, la composition ethnique et démographique des communautés en conflit, les capacités militaires. Fait crucial: l'appui public apporté à une intervention active fut supérieur dans le cas du Kosovo, et les mesures prises par la communauté internationale, qui allaient mener vers les bombardements, furent conséquement plus fermes.

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A version of this article was published in Other Voices in Sweden.

Politicians and armies are said to always be fighting the last war rather than the one at hand. More recently, the same has been said of humanitarian organizations. Contrary to those who say that we do not learn from the past, we do. As Bill Richardson said, "We must avoid the mistakes of the past." But perhaps, following this dictum, we learn only to handle the latest crisis as if it were the last one. Thus, the West handled the Rwanda crisis as if it was going to be another Somalia: they did not want to get involved. Now, many are saying that the West is handling the Kosovo crisis as if it was another Rwanda—only this time, the same states that twiddled their thumbs while at least a half million Tutsi were slaughtered are now dropping bombs on Serbia so that no one could say that they did nothing this time. Yet nothing was done when, in 1989, Milosevic stripped the region of the political autonomy Kosovo had enjoyed under the 1974 constitution.

In fact, there are many similarities between the present crisis in Yugoslavia and the one before it in Rwanda. Both countries were run by elected dictators. Both had a legacy of nationalist authoritarianism. To the political culture of both, the concept of a loyal opposition would have been odd. Both countries lacked a strong middle class. Both countries had a well-developed opposition that had put considerable pressure on the regimes for reform. The dominant extremist Hutu tried to eliminate the Tutsi from Rwanda, whereas the dominant Serbs are trying to eliminate the Kosovars from Yugoslavia.

In both cases, there was plenty of early warning of the intentions and activities of the dominant group actively abusing the human rights of the minority. As the Transnational Foundation stated in its August 17, 1998 Report, "no outbreak of violence on earth was more predictable than the one in Kosovo."

Indeed, there were more early warnings about this conflict than any other. On September 22, 1998, Pentagon spokesperson Kevin Bacon said that the most immediate threat was a large humanitarian disaster. Further, at that time a civil war had developed under the cover of which abuses escalated.

A large internally displaced population and a large refugee population were produced in both conflicts. There were anticipations of massive violence aimed against the minority, but in neither case did most observers predict the extent of the genocide and ethnic cleansing, respectively, that did actually occur. In fact, Dr. Oberg, of the Transnational Foundation and a staunch critic of the Albanian separatists, asked rhetorically, "Can about 1.5 million people be cleansed? Is that Serbia's goal and, if so, would Serbia be allowed to by the international community?" Evidently, the answer is "yes," if the international community followed Dr. Oberg's advice. One year before the mass movement, on May 6, 1998, a report of the International Crisis group, "Again, The Invisible Hand," stated:

> there exists the danger of huge population shifts. Thousands of Albanians might leave Serbia proper for Kosovo, Albania or other destinations. Many members of the Serb minority in Kosovo might flee their homes or Serbia and points west.

Ethnic cleansing and population exchanges were widely favoured in Belgrade intellectual circles.

In both cases, there were clear and unequivocal warnings that peacekeeping forces would be targeted for reprisals. In Rwanda, it cost 10 Belgian Blue Berets their lives. In Macedonia, three U.S. peacekeepers were kidnapped. In both cases, a flurry of international diplomatic activity preceded the final outbreak of all-out violence and the involvement of external military forces.

There are other, more eerie coincidental similarities. In January of 1993, an international human rights investigation team reported on what appeared to be a genocide in Rwanda, though the phrase was subsequently withdrawn in the published report. Five years later, in January of 1998, the U.S. Department of State Country Report on Human Rights in Serbia accused the Serbian police of committing the most widespread and worst abuses of human rights against as much as that 90 percent of the Kosovar population that consisted of Albanian Muslims.[1] On March 9, 1998, Serb police buried 46 Albanians—including 14 women and 12 children—killed during the crackdown in Drenica (the highland area in northern Kosovo), following a February ambush by KLA that killed four Serbian police officers.

In both countries, a peace agreement was tantalizingly near—the Arusha Accords in the Rwandan crisis and the Rambouillet Agreement for Kosovar. There were, of course, dissenters from both agreements. The delegation from the governmental side of Rwanda was divided, and it faced a united and disciplined negotiating team representing the Rwanda Patriotic Front. But the Rambouillet process did not produce an agreement. The Albanians wanted to think some more, and Thaci refused to put his signature to the agreement without further consultations or a guarantee of a referendum in three years. Milosevic seemed to have been saved by Albanian indecisiveness, and the Americans were frustrated at their inability to fulfil their threat to bomb Belgrade into peace. Clearly, the Yugoslav government had no interest in, or intention to sign, the agreement: at the beginning of March, 4,500 Yugoslav troops and 60 tanks were assembled on the Kosovo border to launch an offensive. More telling, Milosevic increased his internal security forces to 28,000.

Could anyone be surprised about what was about to occur, given the evidence of the past? This was particularly true since the NATO resolve to launch air strikes was widely reported as faltering. As the International Crisis Group reported (Report No. 5), "With the cam-

paign against both airstrikes and NATO ground troops growing stronger in some Western capitals, the likelihood that NATO forces will strike if Belgrade refuses once more, is looking less likely by the day." The effort to once again bring Milosevic "on side", with Senator Dole's last minute mission, was viewed as one more bow before the all-powerful Milosevic.

In the former Yugoslavia, when the talks began in the castle near Paris on Saturday February 6, 1999, the Kosovars were divided in dealing with the Serbian central government. But the Yugoslav army was similarly divided. In January of 1998, General Momcilo Perisic, who had bombarded the Bosnian city of Mostar in 1992, moved into the peace camp. However, on November 24, 1998, Milosevic dismissed him, replacing him with a complete loyalist, Gen. Lt. Dragoljub Ojdanic. The dismissal gave rise to widespread speculation about the shakiness of the regime. James Rubin, the U.S. State Department Spokesman, offered such a suggestion in his press conference on December 2, 1998. Djukanovic and Zoran Djinjre, leader of the Democratic Party in Serbia, both viewed the firing as an effort of Milosevic's to shift his base of power from the parliament to the military and security forces.[2] This thesis about the politicization of the Yugoslav armed forces seems to be supported by the solid evidence that, as in Rwanda, the armed forces are infiltrated with extremists, spies, and a secret police controlled by a small faction in the country. This situation reinforced the conviction that Milosevic was about to launch a scorched earth policy against Kosovo. Shades of Rwanda. The Rwandan army had also been divided between those ready to make peace and elements controlled by extremists. There, Bugosora out-maneuvered the peace camp and took effective control over the armed forces. And sure enough, in Yugoslavia the end of Rambouillet marked the beginning of the Belgrade assault on Kosovo, an assault which started before NATO began its bombing campaign several weeks later. Serbian troops with heavy artillery entered Kosovo "in rou-

tine winter exercises," along with 20 Yugoslav army companies—six times that allowed by the cease-fire agreement. By the middle of March, heavy fighting had broken out in Kacanik in the south, Vucetrin in the north and around the old town of Prizen in the southwest (Institute for War and Peace Reporting). OSCE, instead of verifying a peace agreement, were confirming widespread and systematic acts of violence.

Though an opposition press and radio emerged in both Rwanda and Serbia, particularly after the 1996–97 demonstrations in Serbia, media (radio in Rwanda and television in Serbia) was used to control and unite the country in opposition to a demonized enemy. In Rwanda, the Habyarimana family and allies controlled the key media outlets— newspapers and radio. In Serbia, just when Milosevic held his historic meeting with Ibrahim Rugova in May of 1998, the suppression of the media began with the cancellation of the licenses of a number of radio and TV stations, and with an astronomical increase in the monthly fees of the few allowed to operate. Thus, the monthly fee of the most independent of stations, Radio B-92, was raised from $200 to $12,000. Almost a million US dollars in fines were levied against various newspapers, radio and TV stations—aside from the prison sentences against prominent journalists and editors.[3]

In Rwanda, the evil demons were the Tutsi. In Serbia, it was the Kosovars and their NATO allies and supporters. The propaganda was so effective that in Serbia, a large percentage of the population, including human rights and peace advocates in Belgrade, claimed that the ethnic cleansing in Kosovo was a public relations fraud perpetrated by NATO. All out war was used as the pretext and cover to close down all opposition outlets, including B-92 in Belgrade, the only non-partisan broadcast outlet.

In both cases, an international contact group had been very active in the pursuit of peace. The proposed peace agreements had called for the presence of observers to help with implementation. In Rwanda, the Force Commander,

General Dallaire, had insisted that a small but effective and well-equipped force could stop the genocide. In Kosovo, as early as October 6, Western envoys made clear that NATO intervention "could actually lead to more violence between Serb forces and ethnic Albanians," and that only sending in large numbers of ground troops could prevent the ethnic cleansing of the Kosovars. But NATO was committed to avoid deploying ground troops in Kosovo, though a secret build-up of NATO troop strength had already begun in Macedonia by mid-March. In Rwanda, the observers and most of the peacekeepers present were withdrawn when the conflict broke out. In Kosovo, the members of the observer team were also withdrawn. In both Rwanda and Kosovo, the international mediators were accused of being too mealy-mouthed and laid back, and of not having been rigorous enough in their demands for proof of concrete action towards peace. For example, in March of 1998, Milosevic was given seven days' notice to halt the violence of his police against the Kosovars and to enter into peace negotiations. He was then given a further ten days, and subsequently an additional grace period of four weeks. On April 29, when an asset freeze (excluding the Russians) was announced, Milosevic was not backed into a corner but rather was given a way out. He used the delays to consolidate his position.

For six months, the United States and Europe rationalized the delays and sent mixed signals about the use of force. Recall that Washington, London, Paris, Belgium, and Bonn had issued travel warnings to its citizens, and asked their nationals to leave the country, six months before the bombing raids actually began.

In both the Rwandan and the Yugoslav cases, aid kept flowing to the offending regimes even as these regimes sought to sabotage efforts to build peace. For example, in September 1998, the United States gave 40 million marks for humanitarian assistance to the Belgrade regime as it was exacerbating the crisis, while Montenegro, Macedonia and Albania, which were buckling un-

der the economic weight of the refugee population, were provided far too little assistance.

In both cases, implementation of any agreement seemed to hinge on the commitment of one man—Slobodan Milosevic in Serbia and Juvénal Habyarimana in Rwanda. And both men seemed always to be saying one thing and doing the opposite. For example, Habyarimana endorsed the Arusha Accords but systematically sabotaged any effort to implement them. Belgrade claimed to have ended its offensive many times while, in fact, it was escalating and intensifying its campaign. At the end of July, Serb forces attacked the KLA in the area of Malishevo and, coincidentally, managed to produce (according to ICRC reports) an exodus of virtually the entire civilian population, including those who had recently arrived from Orahovac which had just been cleansed of its civilian population. As was the Serb general practice, the houses vacated were looted and burned to the ground. On September 29, 1998, Serbian forces pounded mountain villages in southern Kosovo just hours after Belgrade announced it was ending its offensive. On October 10, 1998, the Transnational Foundation—which consistently opposed bombing—claimed that there were 450,000 displaced who had been forced to flee, 150,000 in the open with no access to necessities. Of these, over 100,000 were refugees—30,000 in Albania, 25,000 in Macedonia, 15,000 in Bosnia and the rest elsewhere in Europe. The August 13, 1998, ICRC report stated that the refugee population was then well over 100,000. Forty-five thousand homes had been flattened or made uninhabitable. One thousand, seven hundred Albanians had been arrested. One thousand, three hundred others were "missing." One thousand, four hundred seventy-two fatalities were reported, including 162 women, 143 children, 297 over the age of 55 and 373 unidentified. In addition to these official figures, the existence of mass graves was widely reported. U.S. envoy Richard Holbrooke, on October 13, 1998, announced that he and Milosevic

had agreed on an OSCE international ground verification, and on a NATO (and possibly Russian) air verification of Belgrade's compliance with UN resolutions on Kosovo, and that Milosevic would sign the agreement. But, like Habyarimana, the latter kept finding excuses. At the same time, both Habyarimana and Milosovic presented themselves as middle-of-the-road leaders, the lesser of two evils. Habyarimana had his CDR to the right, while Milosevic had Vojislav Seselj, the leader of the ultra-nationalist Serbian Radical Party (SRS). In the 250 seat Serbian Parliament, the SRS now controls 71 seats, and Seselj is now Deputy Premier. Milosevic's own party, an SPS-Jul coalition, controls only 30 more seats. In fact, Seselj openly stated that Milosevic's agreement with Holbrooke was just a tactical retreat until Milosevic could resume his commitment to the fight against Albanian "terrorists."

But these similarities between the Rwandan and the Kosovan crises are outweighed by the differences between them. The most important of these being that NATO intervened with a bombing campaign against Serbia, while the UN peacekeepers almost entirely withdrew from Rwanda at the equivalent phase of that crisis. In June of 1998, retired Yugoslav General Vuk Obradovic—contradicting the popular view in the West—indicated that if NATO displayed its might, the Yugoslavs could only launch a token resistance. On September 23, 1998, five years after the UN authorized a Chapter VI peacekeeping force (UNAMIR) for Rwanda, with the most restricted of mandates and a paucity of military equipment, the United Nations Security Council—in a 14–0 vote, with only China abstaining—adopted a resolution on Kosovo sanctioning the use of force "as long as regional security is threatened." (Russia supported the motion, but Yevgeny Primakov had not yet been elevated to Prime Minister.) In fact, on October 5, 1998, Russian envoys warned Milosevic that NATO would bomb if Milosevic did not go along with the agreement. While Habyarimana abided by the UN, Serbian President

Slobodan Milosevic taunted the organization and described its threat of force as mere support for terrorists and as a violation of the integrity of Yugoslavia. While Habyarimana insisted upon his support for the agreement as he secretly undermined it, Milosevic repeatedly made his position clear: the Serbs had no intention to back down from a standoff with the West, and would not accept a foreign occupation army in the guise of a peacekeeping force on their soil.

The agreement provided that NATO, through KFOR, would be solely responsible for ensuring compliance. The UN was to play no role. Yugoslav security and military forces were to be totally withdrawn from Kosovo, although 2500 unarmed Minister of Interior forces would remain to be used for civil police functions. In addition, there would be 1,500 Border Guards and 1,000 logistics personnel. Thus, instead of a new integrated army, as provided for in Arusha, provision was made for a disintegrated army—including the KLA, which publicly committed itself to demilitarization.

While Habyarimana had weak control over the media and the levers of economic power, Milosevic had a very firm hand on both. While Habyarimana was known to bend to pressure, Milosevic had a reputation for intransigence in the face of appeals to negotiate or warnings of Serbian economic hardship, isolation or even the horrors of war. Only threats to his power, never incentives, had ever made him change his position. A political opportunist, the principles of truth and compromise never meant anything to him. He began his career in Kosovo by appealing to Serbian nationalism, and in 1991 he channelled Serbian nationalism towards fighting for a greater Serbia; however, under pressure of a countervailing threat to his power base, in 1993 he abandoned the Serbs of Bosnia and Yugoslavia. Milosovic signed Dayton after his army had been weakened by air-strikes. But Kosovo was the spiritual and historical heartland of Serbia. How could the same pattern work in this case?

In Rwanda, the Hutu and Tustsi shared the same culture and religion and it was difficult to refer to them as different ethnic groups, though the prevalent body type of each group was radically different. In contrast, the Serbs and Kosovars belong to different religions and speak different languages, but look the same. The Hutu and Tutsi lived side by side on the same hills. The Kosovars are said to make up 90 percent of the population of a once-autonomous Kosovo. In Serbia, the Kosovo Liberation Army (KLA) was being decimated. Whereas at the beginning of the summer of 1998, the KLA had controlled 50 percent of the Kosovo region, by the end of the summer their control had withered to 10 percent. In contrast, in Rwanda, the Rwanda Patriotic Front was on the verge of winning the war. The KLA was fighting for a separate Kosovar state. The RPF was fighting for a united Rwanda that treated all its citizens—including Tutsi and Hutu—equally. The KLA consists of rabid ethnic nationalists. The RPF was made up of rabidly Rwandan, rather than Tutsi, nationalists. In Rwanda, the opposition was disciplined and united. In Kosovo in September of 1998, Adem Demaci, the political representative of the KLA, sharply criticized Rugova for supporting the U.S./Kosovo peace plan, which he considered to be too pro-Serb. In fact, the dramatic meeting of Milosevic and Rugova on May 15, 1998, was a product of the diplomacy of the Contact Group. Richard Holbrooke postponed the ban on economic investments and stopped the freeze on Yugoslavian assets that had begun on April 29. Lifting the economic sanctions was the last carrot held out before Milosevic.

While the Rwandese army was ill trained and poorly equipped except for a few elite units, NATO officials believed that they faced an efficient and effective, heavily armed war machine equipped with Mig-29 and Mig-21 fighters. While politicians opposed to both Habyarimana and the RPF were being assassinated in Rwanda, on September 21, 1998, the KLA captured 12 Kosovar politicians involved in supporting the negotiations with Milosevic but treated them well, releasing them unharmed after questioning. Though acts appear-

ing to be genocidal had occurred every time an RPF offensive was launched and an average of 300 people had been victimized in about six separate incidents over a three year period, in Kosovo there was no let up in the ethnic cleansing that the Serbians had launched one full year before the NATO bombing started. Thus, on September 16, Serb forces were reliably reported as burning and looting the mining town of Magura, from which most of the population had been forced to flee. In October of 1998, already 300,000 refugees had been displaced from Kosovo.

Further, there were widespread fears that Montenegro—which, on June 1, 1998, had just elected (with an outright majority) a moderate, Milo Djukanovi, as its President—would be reincorporated into a united Yugoslavia, as Molosevic made moves to take control of the Montenegrin police. In December of 1998, Milosevic blocked Montenegro's plans for economic reform.

The West had tried to be helpful in reaching a settlement in Rwanda, but never applied any significant pressure on Habyarimana. Further, the Western powers all took different positions. In contrast, U.S. National Security Adviser, Sandy Berger; Defense Secretary William Cohen; and General Henry Shelton, chairman of the Joint Chiefs of Staff, had all made it crystal clear that if Belgrade did not cease hostilities, withdraw its military forces from Kosovo, and permit those who had been driven from their homes to return, NATO would use its military force against Serbia.

In Rwanda, the government was represented on the Security Council and knew full well that the West was unwilling to get involved. In Rwanda, the media was virtually silent about the genocide that was underway. On March 31, 1998, the United Nations Security Council, by a vote of 14–0 (China abstained), imposed an arms embargo against the Federal Republic of Yugoslavia as an unambiguous message that violence and ethnic cleansing would not be tolerated.[4] In October of 1998, the North Atlantic Council reported widespread atrocities by Serbian forces

against ethnic Albanian civilians. The flow of refugees out of Kosovo, particularly after the air strikes, occupied headlines in the news.

In the West, media and political pressure in support of intervention in Rwanda was minimal. In the case of Kosovo, media and public pressure for intervention grew; it was NATO leadership that kept delaying and offering Milosevic "just one more chance." For example, on October 28, 1998, NATO forces were said to be waiting for an "activation warning" to prepare to launch air strikes against Serbia.

In Kosovo, two options were held out to the resisting Serbs six months before the threat of force was actually exercised: air strikes or, alternatively, the employment of peacekeepers in considerable strength to supervise a cease-fire. Air strikes were to proceed methodically—a first phase targeting radar sites, using Harm and Alarm anti-radar missiles; a second phase targeting defense sites, military airports, helicopter bases, logistics and ammunition depots; and a third phase targeting army barracks.

In the Balkans, governments forcibly deported their refugee populations to Albania: Montenegro deported 3,000 in September of 1998, after allowing in 75,000 refugees, and Macedonia deported 40,000 in April of 1999. In Zaire, almost a million Rwandese refugees, which included approximately 150,000 genocidists from the Rwandese army and the interahamwe militias, were fed and housed at international expense as, under the umbrella of the Mobutu government of Zaire, they rearmed and prepared their counter-attack against the new RPF government.

Under these circumstances, were the bombings that began on March 27, 1998, the least evil of available options? Or, since they united the Serbs behind Milosevic, causing even the democratic movement to rally behind him, and did nothing to stop the ethnic cleansing, were the bombings not only useless but counterproductive? Would not a further effort at diplomatic negotiations been more effective?

This is not a question easily answered. But assertions about NATO's action being evil and governed by malevolent intent do not help. The evidence suggests that the proper legal requirements had been obtained and the bombing was neither illegal nor immoral. Nor do pat claims that bombing is evil and, in any case, has been a failure. For we are not in a position to judge. Certainly, assertions that NATO caused or trig-

gered the mass outflow of refugees seem erroneous according to the evidence, although the Serbs obviously accelerated the ethnic cleansing once the bombing commenced. Ultimately, however, any judgement about whether or not the bombing was justified must wait until its real effects can be measured. ∎

Notes

1. The 1981 census claimed that 77 percent of the 1,584,000 total population was Albanian. The census of 1991, boycotted by the Albanians, claimed 82 percent of a population of 1,965,000 were Albanians. If the Albanians who left since 1975 are counted, perhaps the figure is actually 90 percent. But then the rest of the population is not only Serb; in the 1981 census, 9 percent of the population was said to consist of Montenegrins, Turks, Croats and Romani. Further, that population has been reproducing at three times the rate of the rest of Yugoslavia, and Kosovo, like Rwanda, is one of the most densely populated regions in the world.

2. Will anyone be surprised when Montenegro becomes the last republic to break away from Serbia?

3. Slavko Curuvija, owner of the daily *Dnevni Telegraf* and the weekly *Evropljanin*, and two journalists received five months in prison.

4. But who believed that even clear UN messages would be followed by any enforcement action? □

A Short Note about "Humanitarian War"

Liam O'Hagan

Abstract

The justification of NATO actions in Kosovo in "humanitarian" terms leads us to examine what exactly is meant by this concept, whose definition is not exactly clear. Indeed, the term suggests something different when used by "humanitarian organizations" such as the ICRC, than when used by state actors. This is not to say that the actions of NATO in Kosovo, which may be better understood in conventional human rights terms, are necessarily invalid. Rather, it is to draw attention to the differing interpretations of the concept, the consequences of which are significant for all involved.

Résumé

La justification des actions de l'OTAN au Kosovo en termes «humanitaires» nous force à examiner qu'est-ce que l'on entend exactement par ce concept, dont la définition n'est pas tout à fait claire. De fait, le terme suggère quelque chose de fort différent lorsqu'utilisé par des «organisations humanitaires» comme le CICR, et lorsqu'utilisé par des intervenant étatiques. Il ne s'agit pas d'affirmer que les actions de l'OTAN au Kosovo, qui devraient de fait plutôt se concevoir en termes de droits humains conventionnels, sont nécessairement sans validité. Il s'agit plutôt d'attirer l'attention sur une différence d'interprétation d'un concept, dont les conséquences sont significatives pour toutes les parties impliquées.

In the wake of the Rwandan genocide of 1994, much was written about the dangers of humanitarianism being misused as an excuse for political inaction. It was suggested that there was a danger that humanitarian action can become

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merely "a welcome focal point," and a way of showing that "something is being done," in situations where the international community will not commit the necessary resources toward finding a political solution.[1] It was further argued that the construction of such an event as a "humanitarian disaster" effectively helps to depoliticize it, rendering it a simple case of saving the lives of victims, almost devoid of the broader context.

Five years later, it appears that humanitarianism is again in danger of being misused, but this time as a justification for doing too much. Tony Benn, the British Member of Parliament and a critic of the NATO operations in Kosovo, noted that, "they say that it is a war for humanitarian purposes. Can anyone name any war in history fought for humanitarian purposes? Would the Red Cross have done better with stealth bombers and cruise missiles?"[2]

In certain respects, his observation is misleading, but only so if one recognizes the confusion that surrounds the discourse of humanitarianism. In fact, Benn is distinguishing the kind of action carried out by the "humanitarian organizations," such as the Red Cross and a variety of humanitarian non-governmental organizations (NGOs), which is far removed from the activities of NATO—and indeed from other cases where state actors have intervened militarily under a "humanitarian banner."

The concept of humanitarianism is in some ways contested, or at least means different things to different people. Larry Minear and Thomas Weiss have argued that "the core meaning of humanitarianism revolves around a commitment to improve the human condition."[3] At face value, this would appear to be a fairly broad offer and it is likely that most other "political" or ideological doctrines would claim to offer something similar. In further work by the authors and their wider project of

research, the humanitarian imperative is defined as an individual belief that wherever there is human suffering the international humanitarian system must respond, regardless of political considerations.[4]

For the Red Cross, the principle of humanity is the root of humanitarianism. This principle is defined by Jean Pictet as the sentiment or attitude of someone who shows himself/herself to be human, by which he means someone who is good to his or her fellow beings. Therefore, humanity becomes a sentiment of active goodwill towards humankind.[5] The liberal humanist roots of the position have come under examination by some authors, and humanitarianism has traditionally encompassed a whole spectrum of activity; indeed, it has meant different things to different people at different times, and continues to do so.[6] Nonetheless, it appears that whatever the philosophical underpinnings of humanitarianism, the term is used most readily, and perhaps most appropriately, in terms of the action of humanitarian organizations such as the International Committee of the Red Cross (ICRC) and a variety of NGOs.

For the humanitarian organizations such as the Red Cross, there is an obvious lack of military enforcement in their action, which suggests that the idea of "humanitarian war" is something of an oxymoron. The Red Cross has an obvious role in terms of international humanitarian law, and relief agencies more generally are seen mostly to specialize in one or more of the five activities of: food distribution, provision of shelter, water, sanitation and medical care.[7] The way in which they carry out their work is also governed by a series of principles which help to define these organizations. For the Red Cross, the principles of impartiality, neutrality and independence are perhaps most important. While impartiality supports the aim of providing for all "victims" in

a conflict, neutrality seeks to ensure that organizations do not take any side in conflict. This is clearly not the kind of action which NATO is carrying out in Kosovo. The independence principle aims to ensure freedom from the pressure exerted by any other authority, and would ensure a "distance" from organizations such as NATO.[8] Such principles are deemed to be crucially important for "humanitarian organizations" in positioning themselves and gaining access for their work. Not all organizations will operate on the basis of these principles and others will interpret them differently. In particular, the neutrality principle is controversial in cases where groups feel that they have to engage more critically with the dynamics of a situation. Kosovo is perhaps a case in point. Nonetheless, however problematic and contested the principles may be, they do to some extent represent a demarcation of territory.

This granted, it is not necessarily the case, however, that what such humanitarian organizations desire as outcomes to a particular situation will necessarily be at odds with the actions of an organization such as NATO. On March 25th, George Robertson the British defence secretary claimed that NATO's aim was "clear cut," and was to "avert an impending humanitarian catastrophe by disrupting the violent attacks being carried out by the Yugoslav security forces against the Kosovan Albanians."[9] The idea of a humanitarian catastrophe is one that would not be out of place in much humanitarian NGO literature. Indeed, some humanitarian NGOs may be supportive of enforcement action from NATO, given that they are often calling for so-called "political solutions" to situations where the limitations of their humanitarian action are clear. Kosovo may represent such a case, although it is likely that the sole use of air strikes would not be the chosen means.[10]

A problem also arises where a military organization such as NATO is heralded as a "humanitarian alliance."[11] The military enforcement capabilities of NATO may be used, in certain cases such as that of Kosovo, in an attempt to

put an end to human rights abuses. In order to do this, if air strikes are chosen as the means, it is probably inevitable that civilian casualties will result. For some, state intervention in such cases is clear-cut and not the subject for conceptual debate.[12] Others have correctly highlighted the problems with state-led intervention for "humanitarian purposes," such as the abuse of the concept and its selective use.[13] What is necessary is that the differences between this type of action and that of the humanitarian organizations be clearly recognized and demarcated. ∎

Notes

1 See, e.g., A. Destexhe, foreword to *Populations in Danger 1995: A Médecins Sans Frontières Report* (London: Médecins Sans Frontières, 1995). See also, African Rights, "Humanitarianism Unbound? Current dilemmas facing multi-mandate relief operations in political emergencies," *Discussion Paper No. 5*, November 1994. This report claims that in the light of governments incorporating "humanitarian" projects into their foreign policy, projects are likely to be chosen that best serve countries' "political" objectives. In addition to this, governments use the fact that they help to finance humanitarian organizations projects to try to influence the priorities of these organizations toward the adoption of policies whose results are likely to suit the state's own particular objectives. See also the report of the Joint Evaluation of Emergency Assistance to Rwanda: "The International Response to Conflict and Genocide: Lessons from the Rwanda Experience," and the Eurostep report, "Lessons from Rwanda: The Argument for a more coherent European Policy on the Great Lakes Region", cited at <<http:www.oneworld.org/eurostep/greatlak.htm>>

2. Cited in *The Independent*, The Monday Review, March 29, 1999, 4.

3. L. Minear, and T. Weiss, *Humanitarian Action in Times of War* (Boulder, CO: Lynne Rienner, 1993), 7. It is worth noting how the term 'humanitarian' has seldom been delineated with any precision in international law, including, in particular, the Geneva Conventions.

4. T. Weiss, and C. Collins, *Humanitarian Challenges and Intervention: World Politics and the Dilemmas of Help* (Boulder, CO: Westview Press, 1996), 219.

5. J. Pictet, commentary on *The Fundamental Principles of the Red Cross* (Geneva: Henry Dunant Institute, 1979) 20–21.

6. See, D. Campbell, "Why Fight: Humanitarianism, Principles and Post-structuralism", in *Millennium* 27, no. 3, 497–521; and also, D. Macey, *The Lives of Michel Foucault* (London: Vintage 1993), 410–45.

7. A. Natsios, "NGOs and the UN system in complex humanitarian emergencies: conflict or cooperation?," in *Third World Quarterly* 16, no. 3 (1995): 407.

8. See, J. Pictet, commentary on *The Fundamental Principles of the Red Cross* (Geneva: Henry Dunant Institute, 1979). An interesting analysis is that of F. Kalshoven, "Impartiality and Neutrality in Humanitarian Law and Practice." Extract from *International Review of the Red Cross* (November–December 1989) 520. See also, J. Pictet, op. cit., 37–51. See also *The Fundamental Principles of the Red Cross and Red Crescent* (Geneva: ICRC Publications, 1996), 12–15. See also Statutes of the International Committee of the Red Cross, extract from the *International Review of the Red Cross*, no. 263, March–April 1988.

9. Cited in the *Guardian*, Tuesday, May 4, 1999, 15.

10. The question of relationships with the military and state actors more generally is the subject of much debate within humanitarian NGOs at present.

11. See, the *Guardian*, Tuesday, May 4, 1999, op. cit., and the *Sunday Times*, April 4, 1999, 23.

12. See, B. Kouchner, "Morals of Urgent Need," in *Armed Conflict and Other Disasters*, edited by F. Kalshoven (London: Martinus Nijhoff Publishers, 1989), 55–59.

13. See, O. Ramsbotham, and T. Woodhouse, *Humanitarian Intervention in Contemporary Conflict; a Reconceptualisation* (Oxford: Polity Press, 1996), or N. J. Wheeler, "Humanitarian Intervention and World Politics," in J. Baylis and S. Smith, *The Globalisation of World Politics* (Oxford: Oxford University Press, 1997). ⊐

Kosovo and the Evolution of State Sovereignty

Gary Schaub, Jr.

Abstract

The author argues that NATO's intervention in response to the Yugoslav government's repression in Kosovo may accelerate the international community's acceptance of the liberal-democratic notion of popular sovereignty over the Westphalian notion of state sovereignty. The tension between these rival conceptions, planted in the UN Charter itself, gestated throughout the Cold War. Unlike the incremental steps toward accepting notions of popular sovereignty taken by the international community since the Cold War's end, NATO's Kosovar intervention has brought this rivalry into bold relief. Will the wider international community accept the West's conception of popular sovereignty? Although initial indications are good, wide acceptance is contingent upon NATO's success in Kosovo—and even then, only time will tell.

Résumé

L'auteur présente une argumentation selon laquelle l'intervention de l'OTAN en réponse à la répression du gouvernement yougoslave au Kosovo pourrait accélérer l'acceptation par la communauté internationale de la notion libérale-démocrate de souveraineté populaire sur la notion westphalienne de souveraineté des états. La tension entre ces deux conceptions rivales, ressentie jusque dans le libellé de la Charte de l'ONU, a mûri pendant la Guerre Froide. Et, contrairement aux phases historiques progressives ayant mené, depuis la fin de la Guerre froide, la communauté internationale à une acceptation de la notion de souveraineté populaire, l'intervention de l'OTAN au Kosovo a ré-ouvert cette rivalité à vif. La

communauté internationale élargie pourra-t-elle en venir à accepter la conception occidentale de souveraineté populaire? Quoique les indications initiales soient bonnes, une acceptation profonde et solide dépend du succès de l'OTAN au Kosovo. Et même dans cette éventualité seul le temps permettra de dire ce qu'il en sera.

NATO action to right the wrongs visited upon the ethnically Albanian citizens of the Yugoslav province of Kosovo is remarkable in a number of respects. Not only is the current air war virgin territory for the formerly—and formally—defensive 19-member alliance, but it signals what is perhaps the greatest step in the evolution of the concept of sovereignty since its inception in the Peace of Westphalia in 1648.

Much has been made of the NATO countries' disregard for the sovereignty of Yugoslavia by the critics of the Alliance's intervention. On March 26, the Russian ambassador to the United Nations condemned NATO's actions on the grounds that:

> The aggressive military action unleashed by NATO against a sovereign State [is] a real threat to international peace and security, and grossly violate[s] the key provisions of the United Nations Charter ... The use of force not only destabilize[s] the situation in the Balkans and the region as a whole, but undermine[s] today's system of modern-day international relations.[1]

The Chinese ambassador declared that:

> China strongly oppose[s] the use of or threat of use of force in international affairs, and interference in the internal affairs of other States under whatever pretext or in whatever form.[2]

Yugoslavia's ambassador railed against the NATO actions, saying that they

ha[ve] turned a sovereign and peaceful country and its proud people into a killing field and a testing ground for its most sophisticated weaponry, trampling upon international relations and defying the authority of the Security Council.[3]

Meanwhile, his home government blandly commented that "The Federal Government points out that no one has the right to force Serbia and the Federal Republic of Yugoslavia to sign ... a document" that gives Kosovo "the status of a third federal unit or the status of an independent State."[4]

That NATO's members do not seem terribly bothered by this gross infraction begs the question: is sovereignty a mere nicety of international law that can be disregarded when other values are at stake?

Of course, sovereignty is much more than that. The Russians and Yugoslavs have a point: sovereignty is *the* basic principle of international politics. It defines what entities can play the game of nations and establishes its basic rules. In essence, sovereignty constitutes a deal between the rulers of political entities—states—whereby each recognizes the ultimate authority of the other in their respective territorial domains. This entails a concomitant pledge to not interfere in one another's "internal affairs." Sovereignty has been a great boon for world order. It has reduced the amount of interstate conflict by removing internal matters as legitimate reasons for war. Indeed, sovereignty was first enshrined in the Peace of Westphalia because disputes over what entities had legitimate and authoritative jurisdiction over issues such as the rights of religious minorities had driven Europe into an almost constant state of war for over a century.[5]

From the standpoint of international law, sovereignty is absolute and inviolable. Article 2 (4) of the United Nations Charter, the primary source of modern

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international law, states that "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." Article 2 (7) further states that:

> Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.

In reality, however, states have interfered in each other's internal affairs many times. One need only recall the Soviet Union's overt armed interventions in East Germany in 1953, Hungary in 1956, Czechoslovakia in 1968, and Afghanistan in 1979, or the United States' interventions in Guatemala in 1954, Cuba in 1961, the Dominican Republic in 1965, Grenada in 1983, or Panama in 1989, or even North Vietnam's 1979 intervention into Cambodia and Iraq's 1990 invasion of Kuwait, to realize that violations of state sovereignty are not uncommon. The question is whether NATO's intervention, unlike these, is a legitimate violation of Yugoslavia's sovereignty.

At the heart of this question lies the issue of just *who* is sovereign. Today, international law recognizes governments as sovereign, just as monarchs were viewed as the repositories of sovereignty after Westphalia. Liberal-democratic states, however, have dispensed with this notion within their own borders—where "the people" are considered sovereign and the regime governs on their behalf—and are pressing for this norm to be adopted internationally. Over Kosovo they are pressing this view quite hard.

The seeds for this challenge to state sovereignty were planted by the western powers 55 years ago in the UN Charter. Articles 55 and 56 state that "all Members pledge themselves to take joint and separate action" to promote "universal respect for, and observance of, human rights and fundamental freedoms for all." Other multilateral treaties and agreements, such as the Universal Declaration of Human Rights of 1948 and the Helsinki Final Act of 1975, have reinforced the argument that "the people"

have rights that should be respected by their governments, just as states should respect each other's sovereignty.

Although these ideas merely gestated throughout the Cold War, ever-growing segments of the international community have begun to consider these notions as part and parcel of their mutual recognition of each other's sovereignty. For example, in 1991 the states of the European Community insisted that the republics desiring to break away from Yugoslavia commit to respecting their citizens' individual and minority rights and adopt democratic forms of government before they would be recognized.[6] In 1988 and 1991, the UN General Assembly passed resolutions that recognized the rights of civilians to receive humanitarian aid—even over the objections of their governments—after natural disasters and similar emergencies. These resolutions also established the expectation that aid workers would be provided access to those in need and allowed to carry out their duties in "tranquility."[7]

NATO's actions in Kosovo, however, present a qualitatively different challenge to the notion of governmental sovereignty. Kosovo has not petitioned for recognition as a sovereign state. Nor is NATO providing humanitarian aid within Yugoslavia. Where it is doing so—in Albania, Macedonia, and Montenegro—it has the full cooperation and support of the authorities. So these precedents do not apply. Rather, NATO's stated goal is to alter Yugoslavia's internal political arrangements. In particular, NATO desires to decree where Yugoslavia's police and security forces can be stationed within Yugoslav territory, the degree of authority the Yugoslav federal government will have over its Kosovo province, and insert an armed "international security force" that will act as the ultimate authority within Kosovo.[8] These are clear violations of Yugoslavia's sovereignty.

It might appear that the establishment of "safe havens" for the Kurdish minority in Iraq provides a precedent for this action. In 1991 the UN Security Council approved Resolution 688, which condemned "the repression of the Iraqi

civilian population ... including most recently in Kurdish populated areas," and called on the Iraqi government "to allow immediate access by international humanitarian organizations." It also declared that such repression was "threatening international peace and security in the region"—language that justified the use of force by other states in order to end such a threat. But Operation Provide Comfort was an anomaly, coming on the heels of Iraq's defeat in a UN military action that had authorized "all necessary means" "to restore peace and security to the area." Most importantly, the states enforcing the safe havens— the United States, Britain, France, and Turkey: NATO members all—repeatedly asserted that they were establishing a humanitarian zone of tranquillity, not a political zone for Kurdish autonomy or self-determination.[9] Hence, they refrained from challenging the sovereignty of Saddam Hussein's regime despite their desire to see it toppled.

But NATO has picked up this particular gauntlet over Kosovo. NATO Secretary General Javier Solana has stated, "Our quarrel is not with [Yugoslavia's] people but with the government, which has abused its power and has waged war against its own citizens in Kosovo."[10] Although they still adhere to the "Rambouillet formula" of Kosovar autonomy within Yugoslavia, stopping this abuse and assuring the return of the Kosovar refugees in an environment of peace, stability, and safety cannot occur if Serbian police, military forces, and border guards retain their status as agents of the sovereign authority that will govern Kosovo. Hence, the NATO allies have begun discussing the modalities of establishing an international protectorate over Kosovo, perhaps under the auspices of the European Union or the UN. They recognize the reality that the conflict can only be settled if Yugoslav sovereignty over Kosovo is revoked in the name of human rights.

Provided that this outcome obtains, what will it mean for the future of sovereignty? Will the sovereignty of the people trump the sovereignty of governments in the future? Will gross viola-

tions of human rights by other regimes provide legitimate grounds for outside intervention? Ultimately, these questions will turn on the degree of acceptance that NATO's actions garner in the wider international community. Thus far, indications are positive. UN Secretary General Kofi Annan has reaffirmed his view, enunciated in an address last June, that:

> The [UN] Charter protects the sovereignty of peoples. It was never meant as a licence for governments to trample on human rights and human dignity. Sovereignty implies responsibility, not just power.[11]

Of 25 participants in NATO's Partnership for Peace program, only Russia failed to voice its support for NATO's goals and actions at the Washington NATO summit.[12] In the UN Security Council, 12 of 15 states opposed Russia's draft resolution condemning NATO's actions.[13] And, despite its opposition, even segments of Russia's elite are sympathetic to the basic principle underlying NATO's position. In 1992, then-Foreign Minister Andrei Kozyrev wrote:

> Wherever threats to democracy and human rights occur, let alone violations thereof, the international community can and must contribute to their removal ... Such measures are regarded today not as interference in internal affairs but as assistance and cooperation in ensuring everywhere a 'most favored regime' for the life of the peoples—one consistent with each state's human rights commitments under the UN Charter, international covenants, and other relevant instruments.[14]

Tony Blair or Bill Clinton could not have said it better.

Thus it seems that the seeds planted by western statesmen two generations ago, and patiently nurtured since, have taken root. What remains to be seen is if the fruit borne is sweet or rotten. If the "Peace of Pristina" sets a precedent of the international community conditioning the continued recognition of a state's sovereignty on its humane treatment of its citizenry, perhaps it will join the Peace of Westphalia as a watershed for interstate politics. ∎

Notes

1. "NATO Action Against Serbian Military Targets Prompts Divergent Views," United Nations Press Release SC/6657 (March 24, 1999).

2. Ibid.

3. Ibid.

4. "Statement from the Federal Government's Meeting," Federal Ministry of Information, Federal Republic of Yugoslavia (March 19, 1999).

5. Evan Luard, *War in International Society* (New Haven: Yale University Press, 1986), 93–100; Kalevi J. Holsti, *Peace and War: Armed Conflicts and International Order 1648–1989* (Cambridge: Cambridge University Press, 1991), 26–34.

6. Tonny Brems Knudsen, "The International Society Approach and the Post-Cold War Order: Conceptualizing Deep Change," paper presented at the 37th Annual Meeting of the International Studies Association, (April 16–20, 1996), 16; Reneo Lukic and Allen Lynch, *Europe From the Balkans to the Urals: The Disintegration of Yugoslavia and the Soviet Union* (New York: Oxford University Press, 1996), 272.

7. United Nations General Assembly Resolutions 43/131 (December 8, 1988) and 46/132 (December 19, 1991).

8. "Statement on Kosovo Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, DC, on 23rd and 24th April 1999," NATO Press Release S-1(99)62.

9. Jan E. Stromseth, "Iraq's Repression of its Civilian Population: Collective Responses and Continuing Challenges," in *Enforcing Restraint: Collective Intervention in Internal Conflicts*, edited by Lori Fisler Damrosch (New York: Council on foreign Relations, 1993), 98; Lawrence Freedman and Efraim Karsh, *The Gulf Conflict 1990–1991: Diplomacy and War in the New World Order* (Princeton: Princeton University Press, 1993), 421–24.

10. Javier Solana, "NATO is Justified and Determined," *Pittsburgh Post-Gazette* (April 15, 1999).

11. Kofi Annan, "Secretary General Reflects on 'Intervention' in Thirty-Fifth Annual Ditchley Foundation Lecture," United Nations Press Release SG/SM/6613 (June 26, 1998).

12. "Chairman's Summary of the Meeting of the Euro-Atlantic Partnership Council at Summit Level, Washington D.C.," NATO Press Release EAPC-S(99)67 (April 25, 1999).

13. "Security Council Rejects Demand For Cessation of Use of Force Against Federal Republic of Yugoslavia," United Nations Press Release SC/6659 (March 26, 1999).

14. Anrei Kozyrev, "Russia: A Chance for Survival," *Foreign Affairs* 71, no. 2 (Spring 1992): 13. ⏹

Towards Reliable and Responsible Atrocities-Policing

Peter Penz

Abstract

As Rwanda and Yugoslavia indicate, atrocities policing ("humanitarian intervention") is, in our current global polity, unreliable and carried out crudely. This becomes apparent when it is compared with domestic policing. It is the result of the system of sovereign states, into which atrocities policing does not readily fit. Even innovation to accommodate it leads to the haphazard interventions we have seen in this decade. But the sovereign-state system, which developed in Europe in the context of a particular historical contingency and was then endowed to the rest of the world through decolonization, is not the only possible way of organizing the global polity. Thus, the author offers as an alternative the concept of a democratic global federation in which atrocities policing—including preventative policing—can be conducted in a much more reliable and responsible manner. While such a global political organization may seem utopian, in the long term it is not, given how radical change has been in the past century and can be expected to be in the next one. Moreover, it provides direction to current institutional reform and adds to current decisions about atrocities policing the issue of the longer-term consequences for global practices and institutions.

Résumé

Comme le montrent le Rwanda et la Yougoslavie, la gestion des atrocités (les «interventions humanitaires») est, dans

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le dispositif de nos affaires publiques globales, menée cavalièrement, et de façon totalement non fiable. Ce fait devient patent quand on établit la comparaison avec la gestion et au maintient de l'ordre domestiques. Cette situation résulte du système de l'état souverain, au sein duquel la gestion des atrocités n'a pas vraiment sa place. Même les innovations visant à accommoder les choses n'ont pu mener qu'à la série d'interventions improvisées de la dernière décennie. Or le système de l'état souverain, qui s'est développé en Europe dans le contexte d'une contingence historique particulière et fut ensuite disséminé sur le reste du mode via la décolonisation, n'est pas l'unique façon d'organiser la gestion globale. Ainsi l'auteur suggère, comme alternative, l'idée d'une fédération globale démocratique au sein de laquelle la gestion des atrocités—y compris leur gestion préventive—pourrait être menée d'une façon beaucoup plus fiable et responsable. Si une telle organisation politique semble a priori utopique, elle ne l'est pas à long terme, quand on considère les changements radicaux qui furent ceux du dernier siècle, et ceux que l'on peut envisager encore dans un proche avenir. De fait, ce programme suggère des directions aux réformes institutionnelles en cours, et ajoute aux décisions présentes en matière de gestion des atrocités la prise en compte de la question des conséquences à long terme de ce type de situation sur les pratiques et les institutions globales.

Unreliable and Crude Atrocities-Policing

In Rwanda, between half and one million people were massacred in 1994 and the "international community" did nothing. When the "ethnic cleansing," previously observed in Croatia and Bosnia, started to occur in Kosovo in March 1999, NATO, presumably representing a segment of the "international community," i.e., the European or North Atlantic region, initiated a "humanitar-

ian intervention" in the form of heavy and protracted bombardment of Serbian forces and infrastructure in what is territorially left of Yugoslavia.

Both responses are reflections of what is wrong with the way our global polity is organized. In the Rwandan case, the states that could have facilitated preventive action by the United Nations—and it is now acknowledged that a force of 5,000 UN soldiers would have been sufficient to prevent the genocide—simply did not have enough of a stake in the conflict. In the Kosovar case, while it was agreed that "something had to be done," ground-forces action in tandem with air strikes was not acceptable, because of the risk to military units that individual states would have had to sustain. It has been more acceptable to kill (as "collateral damage") Serbian non-combatants and Kosovar refugees than to risk soldiers in a war that does not serve the national interest of the intervenors in a way clearly evident to their respective electorates. (For an argument that, indirectly, the war does serve the maintenance of U.S. hegemony, see Klare 1999 and Chomsky 1999. For useful reviews of various aspects of the Yugoslavian war of the 1990s, including the current NATO action, see Ramonet 1999; de La Gorce 1999; Samary 1999; di Francesco and Scotti 1999; Chiclet 1999 and Potel 1999.) The attack is on Serbia as a collective entity, rather than on those specifically responsible for the ethnic cleansing.

If we think of the NATO bombing as atrocities policing (and the failure of UN action in Rwanda as a failure of atrocities policing), we can compare such action with domestic policing. There are, of course, crucial differences; nevertheless, such a comparison is instructive. Let's say that a municipal authority used its police to systematically violate the basic rights of a particular ethnic group in order to drive it out or simply

eliminate it. In that case, the super-ordinate state authority, after suitable efforts to non-violently reverse the action, e.g., through threats of punitive action, would have the responsibility to deploy its own police or military to accomplish a number of aims. The first is to protect the threatened population. The second is to minimize violence and, in particular, harm to non-combatants. The third is to bring those responsible to justice. In the process, the police or military forces involved will minimize risks to themselves, but not at the expense of risk to non-combatants.

How well and easily these tasks can be accomplished will depend on the relative strength of the superordinate state authority and the defying subordinate authority. Certainly it would be incumbent on the superordinate authority to muster all its forces to show overwhelming power and thus prevent further bloodshed. If this is not possible, then the situation is, of course, one of impending civil war. The superordinate authority then has to recognize that it has lost this authority and has to either concede this (possibly by permitting secession and negotiating for the best possible arrangement for refugees) or has to fight a war to reassert its authority. In fighting such a war, however, principles of responsible policing, such as minimizing the loss of life, protecting the innocent, avoiding displacement, etc., remain important. Large-scale bombing of the city to force its governors to surrender, without a more balanced strategy including on-the-ground action, is not consistent with responsible policing.

The Sovereign-State System

The relevance of this analogy is limited by the absence of a superordinate authority in the state system that characterizes our global polity. The capacity of the UN in this respect is severely limited and essentially depends on the five veto powers in the Security Council and their consensus. Inaction, procrastination, and excessively destructive action are all to be expected in this system. The latter emerged in the 1600s in re-sponse to the failure of Europe's then-hegemonic power of the Austro-Spanish Habsburgs to put together a political system that could contain war in the way that the Roman Empire was thought to have done. This state system was then endowed to the rest of the world in the process of decolonization in the middle of the 20th Century.

Central to it is the principle of state sovereignty, which treats states as being formally equal, and entitled to non-intervention by other states and to manage its affairs as it sees fit. Democracy is not a requirement for this entitlement. (It should be remembered that democracy in Europe emerged after the principle of sovereignty was established in 1648 by the treaties of Westphalia at the end of the Thirty Years War—treaties that incidentally led to extensive refugee flows for religious reasons, because they established the right of rulers to determine the religion that was to be practised in their respective domains.) Nor were genocide or other atrocities within a state deemed to suspend its sovereignty rights, although the European powers allied against Germany and the Ottoman Empire in the 1914–18 war did use such incidents as justifications for intervention in the weakened Ottoman Empire. (The history of military conflict in Europe since 1648 reflects that within the state system, even a fundamental norm such as that of sovereignty may serve as a restraint, but never as an imperative that all states abide by.) The UN Charter allows only self-defence or more collective action against threats to international peace—not simply atrocities by states—as justifications for military action against a state.

However, international practice has led to the increasing legitimation of humanitarian intervention, although there is so far no international law to support it. (It is true that there is now an extensive body of international law prohibiting genocide, torture and slavery and requiring states to respect certain human rights, but there are no provisions for international enforcement.) Military action by India to stop Pakistani atrocities during the Bangladesh war of independence in 1971, by Vietnam in Cambodia to topple the mass-murderous Pol Pot regime in 1978, and by Tanzania in Uganda in 1979 following the Idi Amin massacres were cases of unilateral humanitarian intervention. In all three cases, national defence interests on the part of the intervenors were involved, but ending the atrocities was a sufficient rationale. (That rationale, however, was not universally accepted at the time; Vietnam was heavily criticized and punished with economic sanctions by the United States, for example.) Then in the 1990s, several instances of multilateral humanitarian intervention took place: the supplement to the security intervention against Iraq (following its invasion of Kuwait) by enforcing no-fly zones for Iraqi forces in parts of Iraqi territory to protect the Kurds and the Marsh Arabs in the southeast; the failed intervention in Somalia; Bosnia; the West African intervention force Ecomog in Liberia and Sierra Leone. These are all to be distinguished from peace-keeping because they involved aggressive action against forces of the state or forces in the process of capturing the state.

Such intervention, however, is haphazard. It depends on the coincidence of humanitarian considerations with national interests, or alternatively requires humanitarian intervention to be cheap in terms of the national sacrifices for the intervenors. (This has been missing, for example, in the case of southern Sudan, whose population has been massively victimized by its state for a long time without any forcible external intervention. Rwanda is by no means the only instance.) Thus, even a state system that innovates by legitimating humanitarian intervention cannot assure reliable and responsible atrocities-policing.

Beyond State Sovereignty

Focusing on the structural problems of the present system raises the question of relevance. Is there a point to showing the inadequacies of the system that we have to work with? Is there even a plausible alternative? The answer to both

questions is yes. I will first deal with the alternative and then with its significance for the present.

The state system is not the only way to organize the global polity. Two polar alternatives are a unitary world state and the anarchist option of a stateless world. In this short discussion I will dismiss, without the argument it would otherwise deserve, the latter alternative as unworkable within a useful time horizon. The former, which involves transferring state sovereignty to a global authority, is unattractive, even in a democratic form. Democracy at the global level cannot be but anaemic. While global democracy is by no means worthless, sacrificing the democracy of smaller jurisdictions to democracy at such an aggregative level seems too great a sacrifice. It can rightly be suspected as carrying the potential of global tyranny. In terms of the spectrum from anarchism to global sovereignty, the state system may thus actually appear as good a compromise as may be possible.

However, there is still another in-between position. It is that of federalism extended upward to the global level. (It could also be extended downward to the local level, so that local government at the community level has a certain amount of constitutionally assured autonomy from higher levels.) It would mean the abolition of sovereignty in favour of a dispersal of state authority among several levels. The global level, with appropriate democratic instruments—such as a global parliament based on elections, a constitution assuring certain basic rights and checks and balances involving a global judiciary and fundamental rights for lower-level state authorities—would be one locus of responsibility for preventing atrocities within states. Just how much authority and policing power would be vested in it would be a matter of choice and contestation. The minimum, however, would have to be the capacity to prevent atrocities, even when they occur in big powers, such as Nazi Germany. (For one formulation of the world-federal case and scheme, see Glossop 1993.)

But isn't this utopian dreaming? Does this have any relevance to our present situation? In the short run, it clearly is utopian. In the long run, let's say with a time horizon of a century or so, however, it is not. There is no reason to expect change in the world's political system to slow down in the next century. Who could have imagined in 1900 that the colonial system, which then seemed absolutely secure, would nearly completely disappear as a formal system; that the pattern of world hegemony would change first from one based in western Europe to the bipolarity of the Cold War to the unipolar hegemony of the United States at the century's end; and that states would allow their sovereignty to be whittled away not only by capitalist processes, but also by international treaties reinforcing these processes? Why should change be any less drastic in the next century?

One scenario for the development of something like a global federation is the increasing emergence of global governance institutions to deal with various crises, ranging from economic instability through environmental degradation and disasters to violence resulting from terrorism, civil strife, and environmental wars. These global governance institutions may initially be as elitist as the IMF or even the UN (which can be described as democratic only by inordinately stretching the meaning of democracy). However, their establishment provides the opportunity and stimulus for democratizing them. One way of doing that would be through democratic global federalism.

The image of such an organization of the global polity has contemporary relevance to atrocities policing in two ways. One is a sense of direction provided to efforts of institutional innovation in the global polity. An example would be a standing military for the United Nations. This would allow multilateral intervention at least where there is consensus among the veto powers. It would also create pressure to abolish the great-power veto in the Security Council. (For such a proposal, see the Commission on Global Governance

1995, 233–41.) Another instance would be to strengthen the authority of the global courts. The basic point here is that the vision of a satisfactory structure for the global polity provides a sense of direction for institutional change, whether it is incremental or precipitous—as it might be in response to a disaster.

The second and closely related way in which such a vision is relevant is that, when responding to a particular humanitarian emergency, the institution-building consequences of such responses need to be considered. Does humanitarian intervention by NATO in Europe or by Ecomog in Africa (dominated as they are by the United States and Nigeria, respectively) further or hinder the eventual development of a global and democratically responsible capacity for atrocities policing? Does humanitarian intervention by a neighbouring state or a ring of neighbouring states advance or impede such capacity? Should multilateralism be maximized and made as broad as possible? Can this be done without impeding justified and needed action? Is the NATO intervention in Yugoslavia not only crude as policing, but also unfortunate in terms of its geopolitical consequences by reinforcing U.S. hegemony and thus impeding the emergence of democratic global governance? The proposed framework for thinking about such questions does not resolve disagreements. It will, in fact, make them more complicated by introducing long-term considerations alongside the more immediate issues, thus extending the points over which disagreement can emerge. Nevertheless, it is important to move beyond the fire-extinguishing approach to humanitarian emergencies so that it becomes possible to prevent them in the first place.

The purpose of presenting this framework has been to make some general points. The first is that the unreliable and reckless policing we have witnessed is a reflection of the structure of our global polity; namely, a system that heavily bears the stamp of state sovereignty. At the same time, this

structure is not natural or inevitable; alternatives are conceivable and, in the long run, feasible. Finally, these alternatives will not emerge by themselves. They have to be made visible as images of possible futures and have to be struggled for. They have to be available as part of the standard repertoire of ideas when opportunities for radical change present themselves, as they do from time to time. ∎

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Why Kosovo?

Glen Segell

Abstract

The quest for European Security involves the protracted interaction of international diplomacy, war and domestic politics. This article shows how Kosovo is an interplay of all these components. Kosovo is a case in which NATO believes that it is strengthening its position and collective security by solidifying the recent Enlargement Process to attain Collective Security—diplomatically, organizationally and through the Military of CJTF. The price is over one million displaced persons (refugees), and the risk of endangering European Security through the failure of the European Disarmament process as indicated by the failure of the Russian Duma even to debate START II/III.

Résumé

La recherche d'une sécurité européenne implique l'interaction à long terme de la diplomatie internationale, de la guerre, et des politiques domestiques. Le présent article montre comment le Kosovo est un point nodal, où ces différents éléments sont en contact. Le Kosovo est un cas de figure dans lequel l'OTAN croit renforcer sa position et la sécurité collective en solidifiant le récent Enlargement Process to attain Collective Security, et ce, diplomatiquement, organi-sation-nellement, et via les structures militaires du CJTF. Le prix à payer est alors le suivant: plus d'un million de personnes déplacées (réfugiés), et une menace certaine sur la sécurité européenne par la faillite du processus de désarmement européen, patente et manifeste dans l'in-

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capacité de la Douma russe à simplement entamer le débat sur les accords START II et III.

The choice by NATO to undertake military action in Kosovo is unique, in singling out one specific humanitarian crisis in which to intervene apparently without careful thought about the consequences—specifically, the ramification of refugees.

The situation in former Yugoslavia, as in almost all International crises, generates humanitarian problems and some form of refugee consequence. NATO action in Kosovo has aggravated the refugee problem there to the extent that one can say there is no longer a refugee or ethnic problem in Kosovo—it is now in the neighbouring states of the European Union, who have to deal with, according to estimates, over one million displaced persons. Vague references to the return of these persons to their homes before winter can hardly be believed!

It all started when the United States and its allies geared up for military strikes on October 11, 1998 against Serbian targets as a reaction to the "mass graves incidents" in Kosovo of September 1998. Such incidents were not new, but came at a time when NATO was trying to unify after its recent expansion to include Poland, the Czech State and Hungary, while also attempting to find a means to test the Strategy of Combined and Joint Task Forces (CJTF). Kosovo appeared to offer a relatively easy and low risk military and political means of trying out both the expanded organization and CJTF. NATO had no other interest in Kosovo—the humanitarian crises was a *"casus belli"* that could have been ignored, as it has been for years in Kosovo and other regions of the former Yugoslavia.

However, from the onset, the possible ramifications of refugees and the use of ground forces were not considered. No plans were made to airlift troops in, or to prepare for a mass refugee problem. It was to be an air campaign similar to the one conducted a few months previously against Iraq! The main military activity would be conducted by the United States. Other NATO members would supply token military forces and would support the action through political consensus in NATO organizational meetings in the comfort of board rooms in Brussels.

The Kosovar action was therefore aimed at one (and only one) goal of European Security: keeping the new and old members of NATO unified. No-one even thought of listening to Russia or considered other aspects of European Security, such as the process of disarmament.

Had anyone listened, they would have heard Pavel Felgenhauer, defense and security editor for the newspaper *Segodnya*, stating about NATO action that "Communists and nationalists will cry out that Mother Russia is next in line for attack and many Russians, stunned by the collapse of their Western-oriented quasi-market economy, will believe them."[1] They also would have been able to learn about ethnic problems and refugees from Russia's failed military action in Chechnya.

This was not rhetoric, for reports show that Russian military and political leaders were threatening to sever ties with NATO; to send peacekeeping troops to the Yugoslav Federation to prevent a NATO attack; to unilaterally end an arms embargo against the Yugoslav Federation; and to further stall nuclear arms reduction agreements with the United States.

The initiative for such activities came from the State Duma, the lower house of the Russian parliament, which has on a number of occasions threatened to break ties with NATO. Ultranationalist groups like the Union of Officers are signing up volunteers to fight for Ser-

bia.[2] This is all disturbing, but nothing the West has not heard about before—and so it was ignored by NATO planners.

In October 1998, the sabre-rattling was accompanied by a round of telephone calls to Western leaders by President Boris N. Yeltsin and Prime Minister Yevgeny Primakov, as well as some urgent shuttle diplomacy by Foreign Minister Igor Ivanov. Russia expressed its objection to the violent methods used by Milosevic to crack down on separatist Kosovo, but stated that the conflict should be settled through talks and vowed to use its power of veto to halt any UN Security Council resolution on the use of force against Serbia.[3]

Ivanov met with Milosevic in Belgrade, then flew to London to present his counterparts from the United States, Britain, France, Germany, and Italy—which, together with Russia, make up the Contact Group on Yugoslavia—with a proposal from the Yugoslav leader to unconditionally allow European officials into Kosovo to monitor Serb troop withdrawal. Had this been heard and adhered to then, there would not have been the refugee problem that exists today.

The danger of the military approach taken by NATO, Russian officials and analysts say, is the precedent it sets for future conflict-solving in Europe. "Carried out with or without a United Nations mandate, proposed NATO air strikes against Serbia would inevitably create a controversial precedent for the post-Cold War world," Vladimir Lukin, head of the foreign relations committee in the lower house of parliament, the State Duma, said.

> If a regional organization like NATO ... without a decision by the UN ... decides to launch a military strike against a country that is solving its ethnic problems in a way we don't like ... that means for Russia that next time, the same thing can happen when someone does not like the way we are conducting affairs.[4]

Russia's parliament also declared that any NATO military action over Kosovo taken without UN approval would be considered an "illegal act of aggression." In a unanimous resolution, the State Duma said it would review all agreements between NATO and Russia if the Western alliance were to opt for the use of force against Yugoslavia. Such a decision "may cause irreparable harm to the international security system fixed in the UN Charter," the resolution stated.[5]

The Communist leader of the State Duma (Russia's lower house of parliament) speaker Gennady Seleznyov, warned that "if a single bomb or rocket is dropped in Serbia, the Yugoslav army will retaliate ... and this can trigger a full-scale war." He also stressed that if the United States initiates military action, U.S. officials "may say goodbye to ratification of the START II treaty," and added, "We were moving toward ratifying it. If NATO inflicts this blow against Kosovo, it will all be thrown back. It will all be forgotten."[6]

It was not immediately clear whether Seleznyov had coordinated his comments with Yeltsin or with Russian Prime Minister Yevgeny Primakov, both of whom favour ratification of START II but oppose military action against Yugoslavia.

An explanation offered for such terse statements is the nature of Russian domestic politics. Russia already has a province, Chechnya, that won de facto independence after Moscow's twenty-month campaign failed to crush a separatist rebellion. Ethnic tensions are strong in Chechnya's neighbouring province, Dagestan, and separatist moods run high in the Volga region of Tatarstan. U.S. specialists say Russia is less worried about the precedent that NATO intervention would set for Chechnya or Tatarstan, than it is by the idea that the West can do whatever it chooses in Moscow's backyard. "The main reason the Russians oppose [NATO strikes] is psychological," said Kurt Bassuener, director of the Balkan Action Council in Washington. "They don't want to be seen as being an adjunct to the West. It's a cost-free way for Russia to differentiate itself."[7]

Months into the military action against Kosovo, some of these warnings have come true: Russia is still stalling with the Disarmament Process—Europe is no further advanced in attaining security than it was prior to military action in Kosovo. Furthermore, Europe is now facing a refugee crisis—the largest since the end of World War II.

The lesson of the Cold War is clear for of today's Cold Diplomacy—Do not ignore the obvious! For NATO, this means that it is now involved in a protracted military air campaign against a country which does not even have an Embassy in Washington, D.C. It means that the Disarmament process of START II/III and beyond has been set back indefinitely, and that the economic and social structures of the European Union are facing the arduous task of dealing with a mass refugee crisis. Have the goals of NATO action been achieved—NATO enlargement unification and CJTF? The answer is NO—the new NATO members have not contributed any air forces, and so far the only forces used have been air power; hence, the CJTF has yet to be tested. Even if NATO proves to be successful in CJTF and in its enlargement, the costs remain—including that of over one million displaced persons! ∎

Notes

1. FBIS: *Segodnya*, 11 October 1998, Page 3, Col. 4–5.
2. *Literaturnaya Gazeta*, Moscow, Vol. 3, No. 1 Page 25, September 1998.
3. *Izvestia*, Vol. 22, No. 1, Front Page, 1 November 1998.
4. *The Times*, 5 November 1998, Page 7, Col. 2.
5. BBC: World-Service Reporting: 2 March 1999:14:00 GMT News.
6. BBC: World-Service Reporting: 2 March 1999:14:00 GMT News.
7. Balkan Action Council Washington: Balkan Watch: 3 November 1998. ⊐

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Positive and Negative Identity Satisfiers in the Kosovo Conflict

Valery Perry

Abstract

In this article, the author examines the importance of identity as a sustaining factor in the continuing Kosovo conflict. Basic aspects of identity-based conflicts are reviewed, followed by a discussion about positive and negative identity satisfiers. A matrix comparing the identity needs of the Serbs and Albanians in Kosovo is presented, together with the current negative identity satisfiers that are sustaining the conflict, and a set of potential positive identity satisfiers that could help to resolve the conflict in the long-term. This review of the manifestations of unfulfilled identity needs reveals that the disputants share many similar concerns. This commonality is rarely mentioned in the literature on Kosovo, yet could serve as an important starting point for strategies of reconciliation. A regional peacebuilding plan that appreciates the importance of identity issues as conflict sources, possibly modelled after The Pact on Stability in Europe and other multinational stability-building efforts, is proposed, as are a set of potential regional efforts that are necessary if conflict resolution in Kosovo is to succeed.

Résumé

Dans cet article l'auteure examine l'importance de l'identité comme facteur cohésif dans le conflit continu du Kosovo. Les aspects fondamentaux des conflits à base identitaires sont d'abord passés en revue. Suit une discussion de la question des satisfecit identitaires positifs et négatifs. Un modèle comparant les besoins identitaires des serbes et des albanais du Kosovo est présenté, en même temps que les satisfecit négatifs actuels qui perpétuent le conflit, et qu'une série de satisfecit positifs potentiels qui pourrait contribuer à résoudre le conflit à long terme. Cette analyse des manifestations de besoins identitaires non assouvis révèle que les belligérants ont de nombreuses inquiétudes en commun. Ce caractère commun des problèmes est rarement mentionné dans la littérature spécialisée sur le Kosovo, mais pourrait servir de point de départ important dans une stratégie de réconciliation. Est proposé un plan de paix régional qui prendrait la mesure de l'importance des questions identitaires comme source de conflit, possiblement sur le modèle du Pacte de Stabilité en Europe et d'autres efforts multinationaux de stabilisation. On propose aussi un ensemble d'efforts régionaux potentiels, indispensables si on veut que la résolution du conflit au Kosovo soit un succès.

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A modified version of this paper was presented at the University of Massachusetts, Boston, Conference, "Conflict Studies: A New Generation of Ideas," in October 1998.

Introduction

The conflict in Kosovo and the ensuing refugee crisis in Europe have attracted an enormous amount of attention by policymakers, diplomats, and the media throughout 1998 and 1999. A small region, unknown to most casual readers just a few months ago, now dominates the news. However, while the quantity of coverage has increased, the analysis has often been simplistic, with the complex conflict being framed primarily in terms of religious or territorial differences. The conflict in Kosovo appears to be about land and history, religion and language, culture and borders. The analysis of this conflict offered here touches on all of these topics through the singular theoretical framework of identity.

This preliminary review of identity issues in Kosovo seeks to dispel the notion that the conflict is simply the result of a struggle for territory or an inevitable flare-up in a long history of ethnic hatreds, by examining the conflict through the lens of identity. Basic aspects of identity-based conflicts will be reviewed to determine their applicability to Kosovo, followed by a discussion about positive and negative identity satisfiers. Identification of the identity issues that need to be addressed will enable the development of a set of potential policy goals and peace-building measures that are prerequisites to a successful resolution of the conflict in the Kosovo region.

Identity-Grounded Conflicts

Theories of identity in conflict and conflict resolution are based in part on the notion that conflict is a result of the non-fulfilment of basic human needs.[1] Human needs theorists seek to identify basic human needs that must be met if one is to minimize conflict. The list of potential universal human needs include tangible, physical needs such as food, water, and shelter, as well as less tangible but equally important needs such as security, meaning, or identity. These less-tangible needs can be even more important than basic physical needs, a point Rich Rubenstein highlights while referencing Johan Galtung: "In many cases of ethnic, religious, and national violence, needs for security, welfare, and freedom are systematically subordinated to the imperatives of identity, recognition, and belongingness."[2]

The concept of identity is broad, and encompasses aspects of both individual and group identity. In his discussions on the subject, Galtung notes several aspects of identity that must be recognized, including having a sense of roots or belongingness; being able to understand (or to attempt to understand) social forces; and having the

chance to seek a sense of purpose or meaning in life.[3] These non-material yet vital needs are critical to the development and self-actualization of an individual or a collective. Conflicts may arise when the fulfilment of personal or group identity needs is, or is perceived to be, impossible. Fulfilment of identity needs can be extremely difficult as they are dependent on the structures in society, and on the role or position of an individual or group in that society.[4] A society that is structured in such a way as to deny people the opportunity to positively fulfil their identity needs (whether the prohibiting structures are intentional or not), creates a situation in which the deprived group will struggle to fulfil these needs by negative means that could lead to conflict.

The ways in which identity needs (or other basic needs) may be fulfilled are called *satisfiers*. Needs may be fulfilled through either positive or negative satisfiers, depending on the circumstances in which fulfilment is being sought. Negative satisfiers fulfil an identity need at the expense of the similar needs of another party, while positive satisfiers fulfil identity needs without infringing on the needs of others. Manfred Max-Neef presents a useful framework for understanding identity needs and potential satisfiers in his work on human scale development. Max-Neef breaks down the idea of identity into four parts:

1) Being (a sense of belonging, self-esteem, and assertiveness);
2) Having (historical memory, symbols, customs, values, traditions);
3) Doing (self-recognition, actualization, commitment); and
4) Interacting (social rhythms).[5]

This typology is useful, for it recognizes aspects of identity that are internal and external, individual and collective. It also recognizes the interoperability and interdependence of these aspects of identity, for fulfilment of one of these four categories is not sufficient to sustain a healthy, complete identity—all must be attainable. This comprehensive view of identity is important, and as will be illustrated, is

often overlooked in media coverage of the conflict in Kosovo, which tends to rely heavily on the more readily visible "having" dimensions of the conflict.

An appreciation and understanding of issues of identity in the current Kosovo crisis will be key to any possible resolution of the conflict. Power, leadership, or economic issues could be addressed in a formal agreement, but without successfully addressing the identity needs of the parties, settlement—let alone resolution—will not be possible in the long term. The current conflict is rooted in an environment in which all identity needs, on both sides, are being fulfilled by negative satisfiers. This has been the case for so long, and the negative satisfiers have become so deeply ingrained, that it is difficult to even consider the existence of other options. The challenge, then, is to identify satisfiers that fulfil identity needs of both parties. Such attentive options must be identified, for if they are not, the only future for Kosovo will be ethnic segregation—possibly carried out through ethnic cleansing, or continued conflict and oppression.

Identity Needs and Satisfiers in Kosovo

The following review of identity needs in Kosovo is unique because it seeks to illustrate the similarity and interdependence of the identity needs of both the main parties to the conflict, rather than focusing on their seemingly intractable differences. Seven aspects of identity have been selected from Max-Neef's framework, representing each of the four categories of needs noted above. These aspects have been selected because they play an important role in the current conflict, and because—though this is an extremely difficult task—they can be addressed in time within a comprehensive regional stability plan. Within this matrix of needs, the current negative satisfiers are noted, and potential positive satisfiers are suggested.

This matrix illustrates the broad nature of identity issues in Kosovo, and while it clearly illustrates the gap between positive and negative satisfiers, it also reveals the close interdependence

between the identity needs of both groups. In light of the intensified war of 1999 and the resultant refugee crisis, addressing these identity issues must be a key component of any potentially successful peacemaking effort. The following section will suggest methods of supporting and attaining a regional environment in which positive satisfiers could be adopted by both parties—an admittedly difficult, though necessary task.

The Role of Regional Reconstruction in Identity Transformation

At first glance, the positive satisfiers offered as options in the above matrix appear to be overly optimistic or idealistic; this perception is due to the fact that the conflict in Kosovo has been framed solely in terms of negative satisfiers and zero-sum options for so long. It would, however, be unreasonable to expect positive satisfiers to replace negative satisfiers in a short period of time; many of the proposed positive satisfiers could be achieved only as the result of a gradual and dedicated process of confidence building.

As peacemaking efforts continue through the spring and summer of 1999, there is an increasing realization that peace and stability in Kosovo will only be achieved if peace and stability are secured in the Balkan region as a whole. There have been suggestions from several corners for a regional rebuilding effort based on the use of conferences or roundtables with Balkan and broader European participation, focused on the eventual integration of Kosovo and the rest of the Balkan region into an increasingly integrated Europe. Such an effort could be modelled after the Pact on Stability in Europe, which addressed post-Cold War stability and security issues in Central and Eastern Europe through a series of regional roundtables.[6]

The Stability Pact (often referred to as the Balladur Plan) sought to increase stability among countries with histories of tenuous border or ethnic relations by promoting an atmosphere of cooperation and "good neighbourliness." A two-fold approach was adopted. First,

Table 1: Kosovo Identity Needs and Satisfiers Matrix

Identity Need	Satisfiers	Serbs	Kosovan Albanians
Shared and proud history (Having)	Negative	-promulgation of myths and legends that perpetuate a culture of victimization -equation of Kosovo Albanians with past enemies or oppressors	-rise of Albanian nationalism, with emphasis on centuries-long lack of nation-state status - increasing support for a "Greater Albania"
	Positive	-reconciliation efforts to complete the mourning of past defeats; stopping the transgenerational transmission of chosen trauma - co-development, with Albanians, of a Kosovan history that acknowledges Serb legend but is based on objective fact	- co-development with Serbs, of Kosovan history that acknowledges a Serbian legacy as well as an Albanian historical presence, and which is based on objective fact - increase of cultural and economic ties with Albanians in Albania, Macedonia, and other regions
Collective group esteem (Being)	Negative	-stereotyping of the "other" -casting present day Kosovan Albanians as "Turks" bent on Serb oppression	- stereotyping of the "other" - casting present day Serbs as "chetniks" seeking the creation of Greater Serbia
	Positive	- promoting cultural exchange with other regional groups - improvement of esteem through the cultivation of a positive int'l image (possibly through a series of regional roundtables)	- promotion of cultural exchange with other regional groups (especially Macedonians, who share similar identity issues) - improvement of esteem through cultivation of a positive int'l image (possibly through a series of regional roundtables)
Religion (Having)	Negative	-fear of non-Orthodox religions - restrictions on displays of non-Orthodox faith	-new manifestations of Islamic conservatism
	Positive	-strengthening and encouragement of Orthodoxy without belittling non-Orthodox believers -cooperation with non-Orthodox community leaders on superordinate goals	-encouragement of studies and practice of Islam as it pertains to the history of the region - cooperation with non-Muslim community leaders on superordinate goals
Language (Having)	Negative	-promotion of Serbian language by restricting Albanian language education	- linking of language issues to radical political forces
	Positive	- promotion of Serbian language through education, promotion of great Serbian writers and other cultural examples - promotion of bi-lingualism in ethnically mixed areas	- cultivation of the use of language in education and literature - promotion of bi-lingualism in ethnically mixed areas
Self-actualization (Doing)	Negative	- promotion of Serbian opportunity by eliminating or prohibiting Albanians from segments of the workforce	- alliances with militant nationalist groups such as an the KLA in lieu of legitimate representation
	Positive	- focus on economic rebuilding to provide more opportunities for all residents	- promotion of education in recognized institutions - focus on economic rebuilding to provide more opportunities for all residents
Recognition (Doing)	Negative	-denying voice, political office or expression to non-Serbs	-increased visibility of KLA to attract int'l attention -increased ties with Albanian nationalists
	Positive	-int'l recognition through collaborative decision making efforts with non-Serbs -allow and encourage int'l NGOs to bring aid to the region to rebuild	-continued willingness to work with int'l organizations to bring relief to the region -commitment to peaceful means of resolution
Social interaction (Interacting)	Negative	-aggressive actions and attacks by paramilitary groups	- KLA development as primary Albanian civic/community organization
	Positive	-joint efforts to rebuild deteriorated infrastructure and economy for all residents	-joint efforts to rebuild deteriorated infrastructure and economy for all residents

bilateral and trilateral agreements between the targeted states were reaffirmed or developed and formally registered as a part of the Pact. This constituted the more traditional diplomatic aspect of the Pact. Second, a series of concrete and well-defined projects, meant to foster improved relations between countries, were identified. These projects included border infrastructure development (roads, bridges, telecommunications); cultural initiatives (ethnic minority rights support, bilingual language training efforts, and jointly developed history projects); economic development efforts; and legal and environmental projects. These cooperative efforts were based on the belief that the pursuit of superordinate goals toward an improved regional future would help to defuse historical animosities, and usher in a new generation geared more toward peaceful coexistence than tense border sharing. The Pact was a truly multinational effort, with support from participating states, the EU, and the OSCE.

A Stability Pact for the Balkans must take identity issues into consideration as a key component of regional stability and security. While not a traditional diplomatic policy goal, this addressal of identity needs can be achieved; for example, as several of the above-noted identity needs could be positively filled through efforts at rebuilding the war-ravaged Kosovo region. Individuals seeking self-actualization, recognition, and social interaction (especially youth), could begin to find fulfilment in reconstruction efforts in rebuilding bridges, schools, roads, and other community necessities, funded through a regional development plan, rather than through continued destruction. Especially for young unemployed men (of whatever ethnic heritage), who can often gravitate toward militant nationalistic movements to overcome feelings of alienation and disenfranchisement, constructive pursuit of superordinate goals could provide a beneficial identity strengthening activity.

These identity needs could also be fulfilled through increased and positive interactions within the greater Euro-pean and broaden international community. Participation in programs geared to secure entry (or re-entry) into international organizations (IOs) such as the OSCE, the Council of Europe, or the EU, could provide national and regional goals similar to the goal of the Central and East European countries to enter NATO or the EU. Participation in these IOs would also take place under more positive circumstances, since construction rather than destruction would be the primary goal. Establishment of a regional organization, comprised of the many states existing on the Balkan peninsula could also serve as an outlet for positive change and recognition.

The "having-focused" identity needs of history, language, and religion will be difficult to address positively, especially in light of the warfare, expulsions, and refugee crises of 1999. Despite the difficulty, they will have to be addressed if Kosovo is to contain a multi-ethnic community. A regional stability pact would do well to look to past successes to determine the best way to address these cultural issues. For instance, the Pact on Stability in Europe contained several projects geared towards cultural cooperation, including language training (particularly in Estonia and Latvia, with regard to the resident Russian populations); a history commission geared towards reconciliation between Hungary and Romania; and cooperative educational efforts between the Slovak Republic and several other regional countries. Other projects include planned studies on ethnic minorities in Hungary, the Slovak Republic and other Central European states. These efforts can be reviewed to identify their strengths and weaknesses, and then can be selectively applied to the arduous task of building ethnically stable communities in Kosovo.

The OSCE's past and present experience in promoting stable relations can also provide a model for identity-fulfilling efforts in Kosovo. The OSCE Mission to Latvia has dealt primarily with issues of language, education, and related concerns in a population struggling to come to terms with the sizable regional Russian community in its midst. The OSCE High Commissioner on National Minorities (HCNM) could play a role in addressing ethnic identity issues in Kosovo, as the HCNM has had experience in addressing similar issues in Hungary, Romania, Kazakhstan, Albania, and other countries. The Office for Democratic Institutions and Human Rights (ODIHR) could help support identity issues in Kosovo through its commitment to the human dimension of regional security, promoting and supporting human rights, civil society, and rule of law over arbitrary, ethnically-based or biased practices. These efforts could be pursued through the reinstatement of an OSCE Mission to Kosovo (disbanded in June 1993), working under a greater framework for regional stability-building.

Addressal of the last identity issue identified in the matrix, collective group esteem, will in large part stem from the successful attempts at positively fulfilling the other six identity needs noted. A sense of having some control over one's individual or group destiny, and of belonging to an environment in which one's present and future appears to be safe and stable, will hinge on regional development efforts. In light of the intensity of the conflict in the past year, this might seem impossible to some. But again, without it, Kosovo cannot exist as a stable multi-ethnic region. The regional establishment of trust, confidence, and justice will only be realized through confidence-building measures, cooperative development efforts, and—most difficult—through the fair prosecution of war crimes. If achieved, the positive satisfiers will provide for a fulfilment of identity that could create a foundation for shared power and responsibility in the region. If positive satisfiers are not identified and preserved, the conflict will continue, possibly ending only with the creation of an "ethnically pure" region.

Concluding Remarks

Galtung has noted that parties in conflict already have a relationship; if there was none, there would be no conflict. It is precisely due to the long-standing relationships and historic interactions

of groups in Kosovo through the past several centuries that this conflict is so deep-rooted. In the wake of the tragedies of 1999, there are a limited number of unpalatable political solutions:

1) the status quo, with continued Serb domination of Kosovo within Yugoslavia (less likely since NATO's involvement);

2) reinstated autonomy for Kosovo, possibly through the elevation of Kosovo's status within Yugoslavia to that of a republic, so that Serbia, Montenegro, and Kosovo become equal players within the nation (an increasingly unlikely solution as Kosovo Albanian distrust of Belgrade grows); or

3) the establishment of an independent Kosovan state, through partition contingent upon the defeat of Belgrade (a potentially destabilizing regional exercise in redrawing maps).

Regardless of which of these solutions is ultimately implemented, the key issues of identity will remain and must be addressed through a broader program. A Stability Pact for the Balkans—supported by the European and wider international community, dedicated to the attainment of long-term goals, and adhering to a policy of long-term involvement other than short-term superficial achievements—would go a long way toward rebuilding the physical, tangible infrastructure of the region, as well as addressing important issues of identity. However, it will be important to recognize that, while roads and bridges can rebuilt in a matter of months, identity issues take time and

commitment, are achieved through gradual confidence building, and are ultimately successful only after a generation becomes accustomed to peaceful coexistence. Unless an ethnically pure Kosovo is established—a scenario only attainable through significant bloodshed and population transfer—there will continue to be a conflicting set of identity needs held by both parties that must be addressed. Whether these needs are met through negative or through positive means will be vital to regional security and stability. ■

Notes

1. For a review of human needs theory, see *Conflict: Human Needs Theory*, edited by John Burton (New York: St. Martin's Press, 1990).

2. Rich Rubenstein, "Basic Human Needs Theory: Beyond Natural Law," in *Conflict: Human Needs Theory*, edited by John Burton (New York: St. Martin's Press, 1990), 346.

3. Johan Galtung. "International Development in Human Perspective." *Conflict: Human Needs Theory*, edited by John Burton (New York: St. Martin's Press, 1990), 309.

4. Ibid., 307.

5. Manfred Max-Neef, Antonio Elizalde, and Martin Hopenhayn, *Human Scale Development: Conception, Application, and Further Reflections* (New York: The Apex Press, 1991), 33.

6. For a review of the status of the Stability Pact, see "The Pact on Stability in Europe: Fulfilled, Failed, or Forgotten?" by Valery Perry, *Security Dialogue*, June 1999.

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Moving From Crisis Reaction to Crisis Response:
A Six-Point Non-Violent Alternative to the Bombing Campaign

David Dyck

Abstract

In this paper, the author argues that NATO's decision to bomb Yugoslavia was and is short-sighted. Citing a lack of historical awareness on the part of Western decision makers, he relies heavily on the work of psychodynamics theorist Joseph Montville in proposing that a better understanding of "the mind of Serbia" would lead us to recognize the folly of our strategy. More specifically, the author contends that our bombing is but part of a cycle that is bound to spawn new rounds of aggression. The author also articulates six key components of an alternative approach. Here, he attempts to address the question of how we might use non-violent means to prevent the loss of life in the short term and, at the same time, begin the task of building a sustainable, long-term peace.

Résumé

Dans cet article, l'auteur présente une argumentation selon laquelle la décision de l'OTAN de bombarder la Yougoslavie fut, et reste, une décision à courte vue. Citant en exemple le manque patent de conscience historique des décideurs occidentaux, il s'appuie sur les travaux du théoricien de la psychodynamique Joseph Montville pour suggérer qu'une meilleure compréhension de l'esprit serbe nous mènerait à comprendre la complète ineptie de notre stratégie. Plus spécifiquement, l'auteur démontre que ce bombardement n'est rien d'autre qu'un moment à l'intérieur d'un cycle qui entraînera irrémédiablement une nouvelle spirale d'agressions. L'auteur articule

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aussi les six éléments d'une approche alternative du problème. Il s'efforce ici de répondre à la question suivante: comment arriver à utiliser des moyens non-violents pour prévenir les pertes de vie à court terme, et, dans le même mouvement, comment amorcer la tâche de reconstruction à long terme d'une paix viable?

Introduction

There are many reasons to question our nation's participation in the NATO-led bombing campaign against Yugoslavia. Despite the rhetoric to the contrary, there were and are other options that make more sense. Beyond the many serious moral questions that can and should be raised regarding our reacting to violence with much more massive amounts of violence, it is clear that our response has also been strategically ineffective. At the time of this writing, some 800,000 refugees have been forced out of Kosovo, and many will never return to homes that are now destroyed. While we do not have exact figures, it is also clear that thousands of civilians and military personnel have been killed in both Serbia and Kosovo, the majority by NATO bombs (Fairness & Accuracy in Reporting List Serve, 1999).

At the same time, the reasoning that suggests it is always our obligation to allow another "sovereign nation" to do as it pleases within its borders is also disturbing. Surely there is something we can do other than either washing our hands of moral responsibility through legalism, or wading in as the violent arbiter.

Understanding the Mind of Serbia

Shortly after the bombing began, Canadian newspapers carried stories about protests against NATO's actions by Canadians of Serbian origin and their supporters. The protesters vented their outrage at the thought of their tax dollars being used to bomb relatives and

friends in their home country, and challenged the Western media's portrayal of their people as wantonly aggressive.

Some of their signs and placards were particularly memorable. One of them I recall read: "Hitler–1939, Clinton–1999," and juxtaposed the profiles of the two leaders. Another stated "NAZI–1939, NATO–1999," complete with a version of the NATO logo, altered slightly to closely resemble the swastika which appeared on the other side of the placard.

For those to whom such signs make no sense, a window of understanding may be available in the analysis of Joseph Montville, a peace-building theorist and psychologist whose paper "Reconciliation as Realpolitik" contains an excellent section on the situation in Kosovo. Penned prior to current explosive events, Montville's words now appear chillingly prophetic. The author reaches a level of analysis much deeper than that of current media sound bites. In a section entitled "Understanding the Mind of Serbia," Montville writes:

> On June 28, 1989, Milosevic returned to Kosovo to celebrate the 600th anniversary of Serbia's national day which, ironically, marks the defeat of Serb forces by the Ottoman army at the Battle of Kosovo ... "Six centuries ago," Milosevic said, "Serbia defended itself on Kosovo, but it also defended Europe. She found herself on the ramparts for the defense of European culture, religion, and European society as a whole." The Serbian epic poem declares, "Whoever is a Serb and of Serbian blood and comes not to fight at Kosovo ... Let nothing grow from his hand ... until his name is extinguished forever." Thus Kosovo represents for modern Serbs not only the signature event in the establishment of national identity, but also a gift for which Europe shows no gratitude.
>
> *Psychologically, there is a direct link between the pro-Nazi Croatian Ustashe*

genocide which killed hundreds of thousands of Serbs during World War II, and the loss at Kosovo, five centuries earlier. In each case, the Serbs perceived Europe as indifferent to their sacrifices. And each case nourished the profound sense of victimhood which tells Serbs that the world cares nothing about their well-being, sacrifices, and losses.

Thus, even as piecemeal deals are worked out by international negotiators between Serbia and its enemies in the current Yugoslav tragedy, the "Kosovo complex" retains the power to explode into a much more dangerous Balkan war... *Any strategy which aims to resolve the Balkan conflict once and for all, must, ironically, focus on aggressive and, yes, genocidal Serbia's powerful sense of historic victimhood.* To neglect it is to keep the time bomb ticking. (Emphasis mine, Montville, 12–14,, unpublished paper—see bibliography.)

Indeed, the time-bomb appears to have exploded. For many of us, the links that some Serbian-Canadian protesters have been making between NATO's actions and that of Nazi Germany seem, at best, "stretching" things considerably and, at worst, downright ridiculous. Montville's interpretation, however, suggests that such responses may be less outrageous than we might initially be inclined to think. For he shows us that they are not, firstly, about rational analysis but about profound psychological, spiritual, and emotional woundedness related to very real and overwhelming historic experiences of injustice and deep trauma. This is precisely why the author concludes that attempts to deal with these situations through a heavy reliance on rational dialogue, boundary shifting, and the threat of force will only exacerbate the problem.

Six Practical Alternative Responses to a Complex, Long-Term Problem

So, what can be done in response to a situation which is apparently much more complicated than we have been led to believe? I would like to suggest a number of alternatives to the course we have pursued thus far.

1) In an on-going way, we must provide better training for diplomats in effective listening skills and in understanding the historical context of conflict.

Montville suggests that government diplomats must be trained to better understand the dynamics of historical victimization if they are to serve meaningfully in the various roles of peace-building. More specifically, the author suggests that government representatives must become better skilled in the arts of listening, offering acknowledgement and, where appropriate, reparation. Nations and ethnic groups must be helped to name and grieve their losses. The first step towards allowing this to happen involves acknowledging that something happened—that, for example, Serbia has repeatedly been the victim of horrific aggression and that the West has, in the not-so-distant past, stood by and allowed it to happen (Montville).

2) In an on-going way, we must develop a better understanding of the role of perceived injustice and of the symbolic dimensions of conflict.

In addition, political leaders and negotiators must come to take more seriously the critical role that symbol, ritual, and narrative must play in this healing process. As suggested earlier, complex conflict is very often not primarily about that which it may initially appear to be about. (For example, "How much square footage of Kosovo would satisfy Milosevic?" is the wrong question.) Indeed, some peace-building practitioners have suggested that violence such as that which is taking place in Kosovo is rooted in fundamentally differing worldviews—different stories about the very nature of the universe (Docherty 1996).

While we will probably never change the reality of this diversity (and would not want to!), conflict resolution theorist Jayne Docherty has suggested that a deeper order of transformation is accessible through giving more attention to the myths, legends, and symbols which

shape a people (Docherty 1996). With Montville and others, she encourages negotiators to learn how to tap into and give greater respect to these "soft" elements, to finally understand that a party's need for recognition often outweighs its concern for the "hard" material questions which usually receive the bulk of diplomatic attention (Montville; Volcan 1990).

On the simplest of levels, this analysis resonates with my experience as a mediator in the victim-offender mediation room. Here, victims are usually more concerned that the offender understand their experience and take meaningful, often symbolic, steps toward responsibility, than they are about financial compensation for losses. To this end, Howard Zehr has recently suggested that "most violence, perhaps much crime, originates from perceived harms and injustices that are not adequately addressed" (Zehr 1999). Is the same not likely true of the criminal acts of Serbia and Milosevic in Kosovo? If so, do we not simply continue to feed the cycle with our own acts of violence against Yugoslavia? So what should we do right now?

3) In the immediate term, we should stop the bombing and offer our "contrition."

Discussing the Israeli-Palestinian conflict, Cynthia Ozick has suggested that:

> What is required ... as an element of realpolitik is an understanding that mutual contrition, even more than the resolution of issues of acreage and border patrols, must be the next step in the peace process ... Hard-headed politicos will no doubt scoff at the notion of mutual contrition as a way of enhancing the negotiations. They will think it too soft a proposal, smacking of useless high ground, unserious, devoid of pragmatism. But no way ... can be more serious, more allied to truth-telling, more effective and more profoundly practical (Montville, 26).

To this end, in the immediate situation, NATO could provide a powerful example and potentially set us all on the long road to recovery and peace by acknowledging that we have made a mis-

take in using violent threats and acts as a means of pursuing peace. We could immediately cease our violence and, instead, offer remorse for the many people we have killed in our misguided bombing campaign. We could extend a particular offer of remorse for the many innocent civilians we have maimed or killed and for the untold suffering that will yet result from the massive destruction we have rained on Yugoslavia. We could offer full and meaningful compensation to Yugoslavia for losses inflicted and enact symbolic, public displays of repentance and cleansing. Relief and development agencies of all kinds could show leadership in this regard by choosing to send shipments of practical aid to the suffering people of *both* Kosovo *and* Serbia.

But doesn't Yugoslavian capitulation to all our demands, which we are assured is imminent, vindicate our aggressive approach? Would not a decision to cease bombing and apologize, then, have been strategically counterproductive when Milosevic is about to finally acknowledge the error of his ways?

The media watchdog organization, Fairness and Accuracy in Reporting, tells a different story. They suggest that it is NATO, and not Belgrade, which significantly altered its demands in the last ten weeks of the bombing campaign. Furthermore, they contend that the Western media's portrayal of Serbia's "surrender" in the face of our "effective" bombing represents nothing more than our attempt to extricate ourselves from a horrendous situation of our own making without acknowledging our folly. They argue that the bombing has, in fact, accomplished very little and that halting it, therefore, would have threatened very little while bringing an end to much unnecessary carnage (Fairness and Accuracy in Reporting List Serve 1999).

Regardless of how one assesses these differing viewpoints, one thing remains clear: any "peace" which is built on the foundation of remorselessly pounding a small nation for 75 days is sure to be fragile in the long-term. In this sense then, even at this late stage, an honest acknowledgement of our poor judge-

ment in ever commencing such a campaign would serve our long-range interests better than any deals we have settled on through continued aggression and elaborate attempts to justify our actions.

4) *In the immediate term, we must stand by those who suffer oppression in non-violent ways.*

But what about the people of Kosovo? Doesn't abandoning the bombing mean abandoning the Kosovar Albanian people to the Serbian campaign of ethnic cleansing? It need not mean that. It could mean, rather, that at the same time as we offer remorse for our choice to resort to war, we re-state our resolve to stand by suffering people everywhere.

In the current situation of Yugoslavia, this might entail gathering together a force of individuals who are trained in the skills of non-violent intervention and accompaniment. This implies our risking our own lives to stand by those who are at risk of losing theirs. Organizations such as Peace Brigades International, among others from the NGO community, could hold emergency training in this regard. While this response may seem a little unrealistic to many, theorist Gene Sharpe and others have written persuasively on the past and potential future effectiveness of non-violent, civilian-based defense forces (Sharp 1990; Wink 1992). A similar stand-by contingent could be trained and called upon by the world community in especially acute crisis situations, such as the one we are now facing in Kosovo.

5) *In the long-term, we must invest in peace before the advent of crises.*

While it might be difficult to instantly mobilize the kind of force Sharp describes, we would do well to remember that the seeds of the current crisis were sown long ago in our collective neglect to prepare for peace. Joseph Campbell, of the Mediation Network in Northern Ireland, remarked in a speech delivered in Harrisonburg, Virginia, in the fall of 1997, that if we invested even a tenth of

the resources we currently devote to preparing for and waging war in preparing for and waging peace, we would quickly see a remarkable downturn in global violence. What if, for example, we spent as much energy training non-violent interventionists/activists, conciliators, and mediators as we do training foot soldiers, military strategists, and creating military hardware? With so many leading Western nations (especially the United Kingdom and the United States) continuing to be so heavily invested in the global arms trade, however, it is admittedly hard to imagine such a turn of events.

6) *Putting it all together—we must invest in a "middle-out" strategy of peace-building.*

Finally, beyond the immediate avenues of ceasing our bombing; offering a meaningful apology and rebuilding assistance; and training and deploying people skilled in conflict analysis, worldview dialogue, and non-violent intervention, I would also like to suggest John Paul Lederach's long-term strategy of relational investment (Lederach 1997). Lederach has written persuasively on the importance of responding in the immediate context in such a way as to contribute to the long-term realization of our vision for a peaceful world. He suggests that we resist the urge of "knee-jerk" reactions to situations like the one in Kosovo, and instead begin to think in terms of generational goals. That is, we must ask what can be done now in Kosovo/Yugoslavia, so that the grandchildren and great-grandchildren of the current generation are more likely to be able to live in peace. We must become "crisis responsive" rather than "crisis reactive" (Lederach 1997).

To this end, Lederach calls for a shift from "top-down" approaches to peace-building, wherein we focus the bulk of our energy at the level of elite leadership (i.e., the Milosevices and top aides at Rambuillet), to a "middle-out" approach, wherein individuals who have connections to both the grass-roots and the elite levels become the focus. These persons are then given training in the skills and concepts of building a sus-

tainable peace and, most vitally, are brought together to build relationships with their counterparts from other communities.

Ideally, these would be individuals who can articulate the historic grievances of their communities, but who are motivated to avoid bloodshed and able to truly hear about and understand the experiences of others. Furthermore, it is best to locate those who have cross-cutting ties—people who already have some connections with their counterparts in other communities, and yet retain a large measure of trust and credibility in their own. Having worked extensively in the Basque region of Spain, in Northern Ireland, in Nicaragua and the Philippines, among other torn regions, Lederach contends that such "strategic" people of immense peace-building potential exist in all conflicted communities (Lederach 1997).

Conclusion

As I think about the current problems of Kosovo, I recall a young Serbian woman with whom I travelled and worked in January of 1995. A young doctor in training (she was 21 years old at the time), Sladja had lived in Belgrade during the war of the early 1990s and had endured the suffering that comes with the unexpected death of loved ones. One of the most important things she helped me to re-understand was that things are inevitably more complex than they seem on the surface. More specifically, as a Serbian who did not agree with the actions of her government but who also felt resentment and anger at the West for our one-dimensional portrayal of her country, she showed me that there were thinking, well-motivated Serbians who, for good reasons, feel misunderstood and alone. Indeed, Montville's description of a Serbian sense of "awesome loneliness" fits well with my memories of Sladja's attempts to describe the way she and her compatriots felt (Montville, 14).

In conclusion, if we hope to contribute to the establishment of long-term peace in places like Kosovo, we must learn to build bridges to people like Sladja, rather than bomb bridges in the hopes of a "quick-fix" solution. This will mean foregoing the immediate, if somewhat myopic, satisfaction of "doing something to the bad guys" in favour of an approach that requires self-discipline, reflection, and sustained commitment.

While such commitment is admittedly a "tough sell," I would argue, with Lederach and others, that this is a large part of what is required for the world community to respond more effectively to humanitarian crises such as the one we are currently facing in Kosovo (Lederach 1997; Dugan 1996). The global humanitarian relief and development community would therefore do well to consider how we might help to bring about such an overall change in understanding and approach. ∎

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Sexual Violence and the Crisis in Kosovo

Frances T. Pilch

Abstract

In this article the author discusses the escalation of sexual violence in Kosovo that has affected refugees before, during and after their flight from that region. The response of the United Nations and humanitarian organizations to the reports and the reality of sexual violence is examined, as are the constraints and problems encountered by these institutions in formulating a coordinated and effective response to sexual violence.

Résumé

Dans cet article l'auteure aborde la question de l'escalade de la violence sexuelle au Kosovo, et son effet sur les réfugiés avant, pendant, et après leur exode de cette région. La réponse des Nations Unies et des organisations humanitaires à la réalité de la violence sexuelle et aux rapports faits à son sujet est examinée. On étudie aussi les contraintes et les problèmes rencontrées par ces institutions dans la formulation d'un effort coordonné et d'une réponse efficace face à la violence sexuelle.

> **A fury unseen in Europe since World War II has been unleashed in Kosovo. Executions, rape, torture, torched houses, erased identification, stolen property—It is a litany repeated over and over again.[1]**

The current crisis in Kosovo is in many ways reminiscent of the recent conflict in Bosnia-Herzegovina. The policy of "ethnic cleansing," accomplished through murder, forcible deportation, torture and terror, is once again the focus of world attention. The massive refugee crisis spawned by the ethnic

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cleansing policies of the Serbs in Kosovo against ethnic Albanians has tested the flexibility, resources and political will of humanitarian organizations, donor nations, and nations of asylum. As in Bosnia-Herzegovina, the problem of sexual violence remains a disturbing undercurrent of the Kosovo crisis—affecting victims before, during and after flight from Kosovo itself. As the crisis has unfolded, reports of sexual violence against ethnic Albanian women have increased.[2]

The United Nations High Commission on Refugees (UNHCR) has pointed out the relationship between conflict, refugee crises, and sexual violence:

> During war and armed conflict, violations of human rights and gender-based violence increase dramatically. Gender-based violence and persecution are often adopted as tactics of war and terrorism; indeed, recent history has all-too-often seen sexual violence and rape used deliberately and strategically as a weapon of war. Sadly, this kind of abuse can follow a refugee woman throughout her life as a refugee.[3]

Revelations concerning widespread use of rape and forced impregnation as instruments of ethnic cleansing in Bosnia-Herzegovina challenged the international community to redefine war crimes and crimes against humanity to include sexual violence. Indeed, significant contributions of scholars, experts and other practitioners, combined with the increasingly vocal and competent advocacy of women's and human rights groups, have led to widespread recognition that sexual violence must not be tolerated in either internal or international conflict.[4] Louise Arbour, outgoing prosecutor for the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR), has been a tireless advocate for the establishment of legal standards concerning sexual violence in international law. Re-

sponding to the recent judgement of the ICTR in *The Prosecutor v. Jean-Paul Akayesu* (1998), which represents the first conviction of genocide as a crime under International Law and which explicitly includes rape as an instrument of genocide, Justice Arbour stated:

> The judgement is truly remarkable in its breadth and vision, as well as in the detailed legal analysis on many issues that will be critical to the future of both the ICTR and ICTY, in particular with respect to the law of sexual violence.[5]

Mary Robinson, United Nations High Commissioner for Human Rights, and Sadako Ogata, United Nations High Commissioner for Refugees, have both highlighted the special human rights and security concerns of women as civilian targets in internal conflict and as refugees.[6]

As the conflict in Kosovo has escalated, reports of incidences involving sexual violence have increased. Although at the time of this writing the exact extent of sexual violence, and in particular its relationship to systematic policies of ethnic cleansing, is not known, it is clear that rape is once again being used as a tool of intimidation, torture, and terror. As was the case in Bosnia-Herzegovina, women are raped not just to humiliate and subjugate, but also to accomplish political ends—to make it less likely that they will ever want to return to their homes.[7] In April 1999, Mrs. Dominique Serrano Fitamant, a psychology consultant specializing in sexual violence and trauma counselling, was dispatched by the United Nations Population Fund (UNFP) to undertake an assessment mission concerning sexual violence in the Kosovo crisis. The objective of the mission was to investigate increasingly widely reported allegations of rape among the Kosovar refugees, to delineate the target population, and to pro-

pose an appropriate plan of action to care for victims.[8]

The report acknowledged that the phenomenon of sexual violence seemed to be escalating; the increase seemed to correspond to the first week after NATO's initial bombings. The report stated that:

new women arriving from Kosovo indicate that the violence is increasing. According to the interviews, it seems that the phenomenon, and in particular the abduction of groups of women, is more and more prevalent.[9]

Some of the women refugees interviewed by the UNFPA team described acts of extreme brutality.

In Berlenitz, women told of soldiers separating the men from the others ... the torturers sharpened their knives in front of the women and terrorized children. They then cut open the stomachs of many pregnant women and skewered the fetus on their blades.[10]

When asked to interpret the significance of sexual violence in Kosovo, two interpretations could be drawn from the results of the interviews. The first related to the idea of "plunder," in which men at various checkpoints in Kosovo demanded payment in money and/or jewelry, and then sexually violated chosen victims. Some of the individual testimonies mentioned that it was possible that former prisoners and other criminal offenders were being hastily introduced into the army as recruits, resulting in increased criminal behaviour in the ranks of the armed forces. The second interpretation by victims and witnesses related to

rape as a 'concrete manifestation' of the profound hate which the Serbians feel toward the Kosovars. They felt this to be true in the cases of the abduction of groups of women, collective and repetitive rapes, sexual torture, and imprisonment.[11]

The report highlighted in a systematic way some of the difficulties in dealing with problems of sexual violence. Among the constraints enumerated by the mission were the general crisis environment, the lack of information, and the lack of sensitivity on the part of aid workers from both IGO's and NGO's to issues of sexual violence—especially, it seemed, individual psychological defense mechanisms of the humanitarian personnel in dealing with rape.[12]

The report emphasized the need for a coordinated approach to the problem of sexual violence in the Kosovo crisis. The team identified about 15 organizations that were developing projects for traumatized persons, and called for coordinated long-term strategies for dealing with victims. It specified the need, for example, for follow-up work on pregnant women who had been raped, children born of rape, and the reintegration of victims into their families and communities. It recognized that many cases of rape would go unreported, due to cultural values concerning sexual violence and the stigmatization of victims. In addition, the report suggested that incidences of rape might only become apparent when the women actually gave birth as a result of impregnation during rape.

Many Kosovar refugee families stated that it was impossible for them to keep a baby that was the result of a rape, even if the woman did not necessarily want to have an abortion. In this way a violated woman would be able to reintegrate into her family although the newborn baby would not be accepted. We should then expect to encounter a large number of abandoned babies in the months to come.[13]

This report was groundbreaking in its attempt to document, through interviews, incidences of sexual violence in Kosovo, and to suggest a coordinated program of action to deal with the consequences of this violence. In fact, in recent years several humanitarian organizations have developed guidelines on dealing with sexual violence, and are seeking to apply them in this massive and chaotic current crisis. For example, the United Nations High Commission on Refugees (UNHCR) has developed a detailed plan of action entitled "Sexual Violence Against Refugees: Guidelines on Prevention and Response."[14] In this policy paper, the acute nature of crimes of sexual violence is acknowledged.

Sexual violence against refugees is widespread. Women and young girls—and less frequently, men and boys—are vulnerable to attack both during their flight and while in exile. They are vulnerable from many quarters and in every case, the physical and psychological trauma that results can only add to the pain of displacement and the bitterness of exile.[15]

Sexual violence, it notes, is frequently underreported. The policy paper emphasizes that "sexual violence in the country of origin may have a *political motive*, for example, where mass rape of populations is used to dominate, control and/or uproot, or where sexual torture is used as a method of interrogation. Sometimes sexual violence is used as a weapon of warfare, to humiliate or cause the disintegration of another community, as a part of "ethnic cleansing."[16]

The United Nations World Health Organization has also developed materials to guide practitioners in dealing with sexual violence. A recent report by WHO also acknowledges the reluctance of victims of sexual violence to report such incidents and/or to seek help:

Both the physical and psychological impact of gender-based and sexual violence during armed conflict and displacement can be compounded by the victims being unable ... or unwilling (due to feelings of shame or fears of reprisals) to seek assistance in the immediate aftermath of the attack.[17]

One of the most controversial aspects concerning appropriate responses by humanitarian agencies to victims of rape in Kosovo concerns the use of the "morning after pill," which some organizations have made available to rape victims, and abortion. The Vatican opposes abortion and the use of the "morning after pill" by victims of sexual assault. According to Elio Sgreecia, an advisor to the Pope, "We must distinguish between the act of violence and the reality of new human beings who had no control over how their lives be-

gan."[18] A spokesperson for UNFP responded that:

> To suggest that a woman who has lost her home and members of her family and then been subjected to rape, and become pregnant as a result, should be denied access to a product which is legal and available in her country and in Albania is absurd.[19]

The controversy escalated, leading family planning groups such as the International Planned Parenthood Federation (IPPF) to condemn the Vatican's "apparent indifference to human suffering."[20] Some opponents of the Vatican's position called for a review of the status of the Holy See in the United Nations.

Of additional concern have been reports of human traffickers exploiting refugee women in Albania. Mrs. Ogata has pointed out that such trafficking is a "serious threat," and that "this phenomenon will increase if it is not addressed more forcefully, and immediately."[21] Because refugee populations are frequently comprised of unaccompanied women and young girls, these groups are often targeted for exploitation.

The situation concerning sexual violence in Kosovo seems to be growing ever more serious. Trends in International Law point to an increasing recognition of the severity of these crimes and an increasing willingness on the part of the international community to prosecute them.[22] Whether or not the crimes concerning sexual violence now being reported in Kosovo will be prosecuted remains to be seen. Humanitarian organizations, which are attempting to cope with the realities of the crisis in Kosovo, are only beginning to grapple with the need for a coordinated approach to this problem.[23] Under very adverse conditions, information (and possible evidence) is being accumulated. It appears that a genuine attempt is being made to sensitize the international community to issues concerning sexual violence. However, it is clear that much must still be undertaken to equip humanitarian agencies to deal with this tragedy, which could achieve monu-

mental proportions, and to rally the personnel and resources that will be needed to confront this problem—which can be so devastating to persons, families, and communities. ■

Notes

1. Susan Ladika, "The Kosovo Crisis," *Europe* 386 (May, 1999): 26.
2. Some of the news stories on such incidents include "US Probes Serb Rape Allegations" (8 April 1999), available online at <<http://news2.thdo.bbc.co.uk/hi/eng...1d/europe;newsid_315000/315460.stm>>, and "In Kosovo, Rape Seen as Awful as Death," *Los Angeles Times*, 27 May 1999, available online at <<http://www.losangelestimes.com/HOME/NEWS/FRONT/t000047638.html>>
3. "Refugee Women," 1999 Global Appeal, UNHCR, available online at <<http://www.unhcr.ch/fdrs/ga99/women.htm>>
4. See, for example, Catherine MacKinnon, "Rape, Genocide, and Women's Human Rights," in *Mass Rape: The War Against Women in Bosnia-Herzegovina*, edited by Alexandra Stiglmayer (Lincoln: University of Nebraska, 1994), 183–97. For an excellent summary of developments in international law concerning sexual violence, see Catherine N. Niarchos, "Women, War and Rape: Challenges Facing the International Tribunal for the Former Yugoslavia," *Human Rights Quarterly* 17 (1995): 649–90. See also Beth Stephens, "Humanitarian Law and Gender Violence: An End to Centuries of Neglect?" *Hofstra Law and Policy Symposium* 3 (1999): 87–109 and Kelly D. Askin, "Sexual Violence in Decisions and Indictments of the Yugoslav and Rwandan Tribunals: Current Status," *A.J.I.L.* 93 (January 1999): 97–123. A brief summary of international law concerning sexual violence is also included in "Sexual Violence as International Crime," available on the Human Rights Watch website at <<http://www.hrw.org/hrw/campaigns/kosovo98/seviolence.hotm>>
5. *Statement by Justice Louise Arbour, Prosecutor of the International Criminal Tribunal for Rwanda*, CC/PIU/342-E, The Hague, 4 September 1998, available at <<http://www.un.org/icty/pressrel/p342-e.htm>>
6. See, for example, the Keynote Speech by Mrs. Sadako Ogata, "Human Security: A Refugee Perspective," delivered in Bergen, Norway, 19 May 1999, available at <<http://www.unhcr.ch/refworld/unhcr/hsspeech/990519.hotm>>
7. For an excellent discussion of the various connotations of rape in armed conflict, see Susan Brownmiller, "Making Female Bod-

ies the Battlefield," in *Mass Rape: The War Against Women in Bosnia-Herzegovina*, op. cit.
8. "Assessment Report on Sexual Violence in Kosovo," mission completed by D. Serrano Fitamant, UNFPA, 27 April to 8 May 1999, Albania, available at <<http://www.unfpa.org>>
9. Idem.
10. Ibid., 4. Acts similar to this, apparently designed to terrorize and dehumanize members of a different ethnic group, were not uncommon during the Rwandan genocide of 1994 or the Bosnian crisis. For first-person accounts by Bosnian Muslim women victims, see Alexandra Stiglmayer, "The Rapes in Bosnia-Herzegovina," in *Mass Rape: The War Against Women in Bosnia-Herzegovina*, op. cit.
11. Ibid., 5.
12. Ibid., 3.
13. Ibid., 7.
14. "Sexual Violence Against Refugees," UNHCR Policy Paper (Geneva, 1995).
15. Ibid., 1.
16. Ibid., 8.
17. "Gender-Based and Sexual Violence During Armed Conflict and Displacement," WHO Report available at <<http://www.who.int.eha/pvi/infokit/gender.htm>>
18. Reported in "KOSOVO: Controversy Over Contraceptives Aid Continues," available online at <<http://www.unfoundation.org/unwire/archives/UNWIRE990521.cfm>>
19. Idem.
20. See a related story online at <<http://www.newsunlimited.co.uk?The...3604,49838,00.html?cantsetcookie=0>>
21. Mrs. Sadako Ogata, Speech of 5 May 1999, op. cit.
22. For excellent introductions to International Law relating to sexual violence, see Judith Gardam, "Women, Human Rights, and International Humanitarian Law, *International Review of the Red Cross* No 324 (September, 1998), 421–32, and Theodor Meron, "War Crimes Law Comes of Age," *A.J.I.L.* 92 (1998), 468. Also see Frances T. Pilch, "The Crime of Rape in International Humanitarian Law," *USAFA Journal of Legal Studies* 9 (1999), forthcoming.
23. For example, the Women's Commission for Refugee Women and Children is devoted to public education and advocacy on behalf of women and children uprooted by armed conflict or persecution. For the report by this organization on Kosovo, see Julie Mertus, "Internal Displacement in Kosovo: The Impact on Women and Children," WCRWC, available online at <<http://www.kaw.iby.edy/organizations/international/displaced.htm>> ◻

The Dangers of "Safe Havens" for Kosovo

Bill Frelick

Abstract

Safe havens have been suggested as a means of providing protection and humanitarian assistance inside Kosovo. The track record on safe havens, however, suggests that they might not be as effective as they are touted to be. In fact, safe havens in Northern Iraq, Bosnia, and Rwanda lured displaced people into areas with a false sense of security, without actually keeping them from harm's way. Thus, the author concludes that in the absence of truly neutral safe havens created with the consent of all parties to a conflict, so-called safe havens represent a half-measure that serve to preclude would-be refugees from seeking asylum outside their country, while holding them in areas where the sovereignty of the government seeking to persecute them has not fundamentally been challenged.

Résumé

Les refuges temporaires ont été mis de l'avant comme moyen pour pourvoir protection et assistance humanitaire à l'intérieur du Kosovo. Le dossier réel des refuges temporaires laisse cependant à conclure qu'ils ne sont probablement pas aussi efficaces que voulu. De fait les refuges temporaires du nord de l'Irak, de la Bosnie, et du Rwanda ont attiré les personnes déplacées dans des zones n'assurant qu'une illusion de sécurité, et cela sans leur épargner les dangers de la guerre. L'auteur conclut donc à la réalité effective de l'absence d'refuges temporaires véritablement neutres, parce que constitués avec l'accord des deux parties en conflit. Cet état de fait a pour conséquence que les soi-disant refuges temporaires représentent une demi-mesure qui ne sert qu'à empêcher des réfugiés potentiels de chercher abri hors de leur pays. On les parque plutôt dans des zones où la souve-

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raineté du gouvernement qui cherche à les persécuter n'a pas été fondamentalement remise en question.

Although the highly visible mass exodus of refugees out of Kosovo has quickly drawn the world's attention, comparable numbers have been displaced inside Kosovo, out of the view of the world public. These are the most vulnerable: hungry, often without shelter, hiding from Serb forces intent on hunting them down and expelling them or worse. They are out of the reach of the humanitarian arms of the international community. No one is there to monitor their safety. No one is there to deliver food and humanitarian aid. In the absence of a military rescue, some have called for the creation of a safe haven inside Kosovo where the displaced could seek food and shelter.[1]

At first blush, the safe haven idea looks attractive: Keep people within their own country (easing the burden on host countries such as Macedonia and Albania, themselves economically and politically fragile); insist on citizens' right to remain (thus opposing ethnic cleansing); and guarantee their safety where they are (a more limited military objective than removing all Serb military and police forces from Kosovo). In practice, however, safe havens have not lived up to their name.

Safe havens have been tried during each of the major post-Cold War mass refugee exoduses: northern Iraq; eastern Bosnia; and southwestern Rwanda. Unfortunately, these examples provide little in the way of a model that the international community would want to replicate in Kosovo. Safe zones have compromised the right of people fleeing persecution to seek asylum outside their countries and, sooner or later, have put the very lives of those people whose safety the international community had guaranteed in grave danger.

The first and, relatively speaking, the most successful of the safe havens was Operation Provide Comfort for the Kurds in northern Iraq.[2] As a model for Kosovo, however, Operation Provide Comfort is flawed in a number of respects.

First, the Kurds in northern Iraq were unwelcome in neighbouring Turkey and Iran, and therefore essentially had nowhere to flee. That is not the case for the ethnic Albanians of Kosovo. Although Macedonia has closed its border and pushed back refugees, Albania has welcomed the refugees, and set no limit on the number it is willing to host. Albania needs massive assistance to make good on its offer, but the door is open.

Second, in 1991, Saddam Hussein was already beaten by coalition forces at the time the safe haven was declared. He was in no position to resist, and coalition ground troops did not have to fight their way into northern Iraq. At the time of writing, Milosevic was still in a strong position, and his troops were not likely to leave Kosovo without a fight.

Third, the part of Iraq that was designated as the safe area coincided with the territory where the Kurds were already concentrated and which they aspired to control. It would be comparable to declaring all of Kosovo, where ethnic Albanians comprised more than 90 percent of the population before the conflict, as a safe haven. Prior to Milosevic's defeat, if the international community set its sights on defending only a patch of Kosovan territory as a haven for persecuted civilians, this would likely be taken to signal its willingness to concede control of the rest of Kosovo to Serb forces and, in effect, give the green light to cleansing those areas of their ethnic Albanian population.

Finally, Operation Provide Comfort never challenged Saddam Hussein's underlying sovereign claims to northern Iraq, and, in 1996, did nothing to stop his forces from penetrating the en-

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clave and kidnapping and killing scores of people in Erbil, the northern capital. The United States was forced to evacuate about 7,000 Iraqis, mostly Kurds, directly associated with U.S. humanitarian or political activities, but could provide no comfort to the hundreds of thousands of Kurds who had returned to the safe area from the Turkish and Iranian borders in 1991, and who, in 1996, found the borders to Turkey and Iran completely blocked.[3] Operation Provide Comfort was not a promise made exclusively to the relatively few locals involved in the U.S. humanitarian operation. It was a promise of protection to all the civilians of the region, to the hundreds of thousands who sought to flee in 1991, a promise that could not be kept.

Likewise, the Bosnian safe areas offer little worth emulating. Arguably, the international community decided to declare these areas as safe less out of commitment to their security, than as a rationale for keeping would-be refugees in place and stemming the tide of refugees flowing into central and western Europe.[4] UN Secretary-General Kofi Annan—at the time the UN Special Envoy for Bosnia—explained how limited the protection in the Bosnian safe areas actually was, saying that "the Security Council resolutions proclaiming the safe areas never asked the United Nations to either 'protect' or 'defend' them, merely to 'deter attacks' by its presence."[5] Nevertheless, thinking that they would be protected, large numbers of displaced people poured into UN Security Council-declared safe areas like Srebrenica, Zepa, and Gorazde. Soon, however, the overcrowded populations found themselves cut off, besieged, shelled, and starved. Unimpressed by the deterrent effect of the UN presence, Serb forces closed in on Srebrenica and Zepa. With no clear Security Council mandate actually to protect noncombatants in the safe areas, UN peacekeepers failed to protect their charges. Serb soldiers separated men from their families, bussed the women and children out, and massacred the men. Far from drawing a line of protec-

tion against ethnic cleansing, the Bosnian safe areas represented the international community's timidity in the face of aggression and brutality, a false promise that has undermined the international community's credibility and encouraged despots to test its resolve.

Finally, Operation Turquoise, a "safe humanitarian zone" created by the French in southwest Rwanda for fleeing Hutus in 1994, shows the extent to which humanitarian rhetoric can be bent to political purposes. Operation Turquoise was a unilateral French initiative, endorsed by the UN Security Council, to create a safe haven in a corner of southwest Rwanda. Although the region had been the scene of Hutu acts of genocide directed against the Tutsi minority, France's intent, it appeared, was to provide protection and support to members of the deposed government: the pro-French architects of the genocide.

While the displaced Hutus in the humanitarian zone of southwestern Rwanda could be fed and sheltered, and did, indeed, avoid much of the misery experienced by their compatriots in the Zairian refugee camps in Goma, their situation was not safe. Armed extremist Hutu militia members operated openly in the zone, continuing to kill Tutsis living there and intimidating those Hutus living in camps who wanted to go home. Citing security concerns, and insisting that it was safe for displaced civilians to return, the new Rwandan authorities demanded that the camps in the southwest be closed, including Kibeho, the largest camp, which held up to 120,000 people.

In April 1995, after France had turned over the operation to UNAMIR, the Rwandan Patriotic Army (RPA) moved to force the displaced out of Kibeho, the largest displaced persons camp in the zone. Machete-wielding Hutu extremists in the camp provoked a violent confrontation with undisciplined RPA troops who, in full view of UN peacekeepers and international humanitarian relief organizations, committed a massacre—killing at least hundreds, and probably thousands, of people.

Erbil, Srebrenica, and Kibeho stand as monuments to the international community's failure to protect civilians it has pledged to protect.[6] Do we add Djakovica or some other town in Kosovo to that list? Are there other alternatives? Would a safe haven in some part of Kosovo be any different from these three? Could its humanitarian purposes be divorced from the war aims of the parties to the conflict? Would Milosevic interpret the international community's willingness to draw a line around a specified area in Kosovo as an invitation to ethnically cleanse the surrounding areas? Would he interpret this to mean that his forces could burn and kill outside the safe area with impunity and herd the stragglers into those areas where they would remain at his mercy?

The Geneva Conventions specifically reference the establishment of neutralized zones in time of war, zones in fighting areas to shelter noncombatants who do not perform any work of a military nature.[7] Such zones, the Geneva Conventions say, are to be established by agreement between the parties to the conflict. None of the post-cold War safe havens were, in fact, demilitarized, nor were any of them created with the consent of all parties to the conflict.

It is hard to imagine a safe haven in Kosovo that would meet Geneva Convention standards. Could the parties to the conflict agree to such a zone? War generally has a way of making the participating parties intransigent, but in this case intransigence also reflects Milosevic's war aim—to depopulate Kosovo of its ethnic Albanian population. Unlike wars between competing armies, Milosevic directs his forces not against NATO, but against civilians. It is not in his interests to create a neutral space within Kosovo where civilians could remain safely. He would only use such negotiations as a delaying tactic. Milosevic could achieve his aims simply by dragging his feet. During diplomatic deliberations, Serb police and paramilitaries would wage lower intensity war, further wearing down the civilian population. And, if he ever agreed to a safe haven, given the Bosnian experi-

ence, there is no reason to believe he would honour its neutrality.

To be frank, however, there is no reason to believe that the Kosovo Liberation Army (KLA) would either. In all three cases cited above, armed elements identified with the protected civilian population were intermixed in the safe zones and waged hit-and-run operations from those sanctuaries. Such actions would be consistent with the KLA's provocative tactics during the course of the past year, which often goaded Serb police to strike back at their easiest and most favored target—civilians. Ironically, the continued presence of their KLA "protectors" in a safe haven would ensure that civilians in such enclaves would remain in harm's way.

But wouldn't an international force guard the safe zone? We come right back to basic war aims. One of NATO's key war aims is an international armed protective force in Kosovo to allow refugees to return and to permit Kosovars to decide their future. Milosevic's rejection of Rambouillet was largely based on his objection to any such international armed protective force. The bombing campaign is intended to cause Milosevic to withdraw his forces and invite in the armed peacekeepers. NATO awaits Milosevic's agreement to a "permissive environment" for peacekeeping forces. On the one hand, it seems unlikely that Milosevic would agree to armed peacekeepers in part of Kosovo at the same time that NATO is seeking to force him to accept peacekeepers throughout Kosovo. By the same token, it seems equally unlikely that NATO would willingly settle for their presence in a truncated part of a territory where only a month ago unarmed monitors from the Organization for Security and Cooperation had full access.

By all indications, large numbers of people are displaced within Kosovo without food. Their very survival dictates extraordinary measures, which leads to desperate proposals such as safe havens. But if safe havens are not the answer—and similar objections could be raised to food air drops or humanitarian corridors—what is left? Ef-

forts of genuinely neutral third parties like the Swiss government, the Greek Doctors of the World organization, and the International Committee of the Red Cross, who are seeking permission to deliver food and humanitarian aid inside Kosovo should be applauded and supported. Yet while their chances for success surely rank higher than that of a safe haven (because their work has no territorial implications), they still are dependent on the permission of the parties to the conflict. In the absence of a NATO bombing pause and the consent of Serbian ground forces, they are unlikely to mount a meaningful relief aid distribution.

The answer, therefore, is not in the hands of the humanitarians. Military action has marginalized the humanitarian role (although its importance in the margins, particularly in assisting refugees outside Kosovo, cannot be overstated). When the genocide appears to be ongoing—and all the evidence points in that direction for those who are trapped inside Kosovo—humanitarian actors are simply unequipped to stop the killing.

Force must be met by force. But clearly, by now, the military disconnect is obvious: the opposing military forces have not actually engaged each other. NATO planes and missiles strike at targets— such as buildings, bridges, fuel depots, and air defences—only indirectly connected to the perpetrators of ethnic cleansing. Serb police and paramilitary units target unarmed civilians. NATO wages a war of attrition to wear down Serbia's military machine, but by the time it could succeed, the civilians trapped inside Kosovo—whether in safe or unsafe havens—will likely have succumbed to hunger, exposure, and disease.

Something has to change. NATO's tactics and timeline are out of synch with the human imperative and have failed to protect the people they were intended to help. To change course, NATO needs to revise its objectives. One option, a very distasteful one, is to cut a deal with Milosevic for the partition of Kosovo, acknowledging NATO's unwillingness to reverse ethnic cleans-

ing.[8] The other is to set as NATO's priority the suppression of genocide and the rescue of civilians who are trapped inside Kosovo.[9] This could not be accomplished by half measures such as safe havens, nor by the humanitarians, but by military force against military force.

To properly and realistically change course, another objective has to be addressed as well: abandonment of Kosovar autonomy as an objective, in favour of its independence. In no case has the international community's declaration of a safe haven explicitly challenged the sovereignty of the central government over the safe haven area. For example, the UN Security Council resolution that established the northern Iraq safe haven explicitly affirmed Saddam Hussein's sovereign authority over the area. This represents the ultimate contradiction and danger of safe havens. They lure people who are frightened, people who seek refuge outside the borders of the state that is persecuting them, into places where the international community continues to recognize the sovereignty of the very powers responsible for their persecution. Too often, such places become death traps because at the moment the sovereign power decides to clamp down, the internationals defer. Any idea of a safe haven, or of a Kosovo itself for that matter, that retains Serbian sovereignty over the ethnic Albanian population condemns that population to sit under a Damoclean sword. Whether NATO decides to defend Kosovo in whole or in part, the line separating Serb police from ethnic Albanian civilians must be clear, enforceable, and international. ∎

Notes

1. Among the commentators calling for a safe haven inside Kosovo are: Roberta Cohen, "Uprooted Inside Kosovo Need Aid," *Newsday*, April 9, 1999; Princeton Lyman, "Make a Haven at Home for the Refugees," *Washington Post*, April 12, 1999; Richard N. Hass, "Modest Objectives, Ambitious Means," *Washington Post*, April 19, 1999; Arthur C. Helton, "Vital Signs: We're Seeing Refugees as Weapons," *Washington Post*, April 18, 1999.

2. Bill Frelick, "The False Promise of Operation Provide Comfort: Protecting Refugees or Protecting State Power?" *Middle East Report*, May–June 1992.

3. Bill Frelick, "U.S. Must Rescue Kurds Who Trusted U.S. Employers," *Christian Science Monitor*, November 8, 1996; Frelick, "America's Broken Promise," *Atlanta Constitution*, November 6, 1996; Frelick and Bob DeVecchi, "Don't Forsake the Kurdish Refugees," *New York Times*, September 21, 1996.

4. Bill Frelick, "'Preventive Protection' and the Right to Seek Asylum: A Preliminary Look at Bosnia and Croatia," *International Journal of Refugee Law* 4, no. 4 (1993).

5. Quoted by David Rieff, "Up the Organization: The Successful Failures of Kofi Annan," *The New Republic*, February 1, 1999.

6. For a fuller discussion of the three cases, see Bill Frelick, "Unsafe Havens: Reassessing Security in Refugee Crises," *Harvard International Review* 11, no. 2 (Spring 1997).

7. Fourth Geneva Convention, Article 14.

8. John J. Mearsheimer and Stephen Van Evera, "Redraw the Map, Stop the Killing," *New York Times*, April 19, 1999.

9. Bill Frelick, "Perspective on Kosovo: Genocide by Mass Starvation," *Los Angeles Times*, April 25, 1999. ◻

Refugees and Internally Displaced: Some Lessons from the Kosovo Crisis

Roberta Cohen and David A. Korn

Abstract

This paper argues that NATO failed to protect the ethnic Albanians of Kosovo and offers four lessons: military and humanitarian action should be better co-ordinated; internally displaced persons should be protected as well as refugees; humanitarian corridors and safe havens should not be dismissed out of hand; and civilian lives must be valued as much as those in uniforms.

Résumé

Le présent article présente une argumentation selon laquelle l'OTAN a échoué dans sa tentative de protéger la minorité ethnique albanaise du Kosovo. On y dégage quatre leçons: les actions militaires et humanitaires devraient être mieux coordonnées; les personnes déplacées à l'intérieur des territoires devraient être protégées autant que les réfugiés; les corridors humanitaires et les espaces hors-conflits ne devraient pas être délimités et relocalisés au gré de la conjoncture; les vies civiles devraient être traitées comme ayant autant de valeur que les vies sous uniforme.

NATO has won the war against the government of Serbia, but it failed utterly to achieve the aim for which the war was launched: to protect the ethnic Albanians of Kosovo. Almost the entire Albanian population of the province was uprooted. Nearly a million fled or were forced across borders into neigh-

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bouring countries by Serb forces; another five hundred thousand or more became internally displaced, without adequate food, shelter or medicine. The Serbs killed thousands of them, separated tens of thousands of men from their families and held them hostage, committed uncounted atrocities, and destroyed villages, homes and farmlands. As United Nations Under-Secretary-General Sergio Vieira de Mello reported to the Security Council, "the period from March 24 to April 10 saw a rampage of killing, burning, looting, forced expulsions, violence, vendetta and terror."[1] And if this were not enough, dozens, possibly hundreds, of fleeing Kosovar Albanians were killed or wounded in NATO bombing attacks.

Why this failure and—as Kosovo is likely to be only the twentieth century's last great humanitarian crisis—how can the same be prevented from happening again? Here are a few suggestions that planners in governments, United Nations agencies and non-governmental organizations might take into account before they go on to deal with more crises in future.

1.) A prime, overriding lesson of the Kosovo crisis is that military and humanitarian action must be arranged in tandem and right from the start in situations where the two are plainly intertwined. In this crisis, it was clear from the outset that the "ethnic cleansing" campaign launched by the Serbs was a counterinsurgency strategy to deprive the Kosovo Liberation Army (KLA) of its civilian base. It was also clear that the Yugoslav government was seeking to alter the demographic composition of Kosovo. Indeed, plans to expel substantial numbers of ethnic Albanians from Kosovo were developed well before the war. There were already 170,000 refugees and a quarter of a million internally displaced persons whose dilemma

stemmed from the Kosovo crisis prior to March 24.

Yet NATO launched its bombing campaign with virtually no serious thought about how to contain the humanitarian disaster that would follow. U.S. envoy Richard Holbrooke, when asked if he thought NATO air attacks would push the Serbs into ever more vicious "ethnic cleansing," replied: "That is our greatest fear by far."[2] But close consultation with the UN's humanitarian agencies did not take place. In fact, UNHCR, was caught largely unprepared by the massive outpouring of refugees into Albania and Macedonia. Only once the dimensions of the crisis were understood did NATO and the international community move quickly to provide basic food and shelter to the refugees. Better advance planning and prepositioning of supplies and personnel would have made the operation more effective, saved lives and prevented much suffering.

2.) Refugee populations must not be the only concern. Civilian and military planners must give at least equal weight to protecting those trapped inside—the internally displaced. Means must be devised to minimize deaths, injuries and severe suffering among those most cruelly exposed. In this task, NATO abdicated its responsibilities. Its high-flying planes mistakenly hit convoys of displaced persons as well as hospitals and trains. Nor would it deploy low-flying helicopters and planes early on to strike Serb forces and tanks directly involved in the "ethnic cleansing." And it would not conduct airdrops of food and medicines to beleaguered internally displaced populations. Indeed, when mass hunger and the deaths, for lack of medical treatment of the injured and wounded, began to be reported, a single stalwart non-governmental organization, the International Rescue Commit-

tee, came forward to try to mount an air-drop capability.

3.) The idea of establishing "humanitarian assistance corridors" and "safe havens" must never be dismissed out of hand, as it was in the Kosovo crisis. It was only toward the end of May that NATO reportedly began to provide some limited air support to the KLA to create a supply corridor, but when this failed, it did not try to create one itself. The International Committee of the Red Cross (ICRC) did manage to gain entry at the end of May, but by then the war was drawing to a close.

As for safe havens, there has been much debate about them among, and within, humanitarian assistance organizations.[3] Opponents regularly point to the international community's failure to protect the safe areas established during the Bosnian crisis—in Srebrenica and Zepa in 1995, or in Rwanda at the Kibeho camp that same year. But these so-called safe havens were protected by only lightly armed UN forces whose highly ambiguous mandate was basically interpreted to mean that they should fight only to protect themselves. The lesson from such experiences should not be that safe havens are in and of themselves harmful to the populations they purport to protect, but that they must be guarded by forces both capable of and authorized to defend against attack. In the 1991 crisis in Iraq, the safe haven created in the north by allied forces did protect and allow the return of a large displaced Kurdish population.[4]

Had NATO been prepared to take the risk in Kosovo, it could have created one or more large protected areas where internally displaced people could have fled en route to countries outside, or where they could have remained in safety until the war's end. This would have required a limited intervention of NATO ground forces and the concomitant risk of casualties. But when the final tallying is done, the cost to the civilian population trapped inside Kosovo of NATO's—principally the U.S.'s—insistence on a war with no casualties to its own forces, is likely to be found far too great.

4.) This brings us to a final question that political leaders and planners in military and humanitarian organizations should ponder as they look back on the lessons of Kosovo, and forward to action in similar crises; namely, to what extent should it be deemed morally (or even politically) permissible to avoid death or injury to soldiers at the cost of many, many more lives and terrible suffering by civilians? No one wishes for military casualties. Yet is it not shameful to exult in their absence, knowing full well that the price for sparing injury to those in uniform was paid by thousands upon thousands of innocent, unarmed civilians, many of them internally displaced?

In the Kosovo crisis, the only humanitarian system that worked properly—albeit with undue delay—was the one set up after the second world war to protect refugees. When one takes into account that in Europe only some sixty years ago, countries routinely turned back those fleeing from Nazi Germany and from countries occupied by the Nazis, the creation of the refugee regime is to be applauded. In fact, refugee protection, in fact, must be considered one of the great accomplishments of the

twentieth century. The creation of an international system to protect people under assault within their own countries will be a more challenging task for the twenty-first. ■

Notes

1. Briefing to the Security Council, 2 June 1999, by Sergio Vieira de Mello, Office for the Coordination of Humanitarian Affairs, New York.

2. Blaine Harden, "A Long Struggle that Led Serb Leader to Back Down," *New York Times*, June 6, 1999, 12.

3. See, for example, *Inter-Agency Expert Consultation on Protected Areas*, Harvard University, April 7, 1999; Bill Frelick, "Safe zones not an answer for Kosovars," *Christian Science Monitor*, May 19, 1999; Princeton Lyman, "Make A Haven at Home for the Refugees," *Washington Post*, April 12, 1999; Roberta Cohen, "Uprooted Inside Kosovo Need Aid," *Newsday*, April 9, 1999; and Roberta Cohen and Francis M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Washington, DC: Brookings Institution Press, 1998), 162–63, 251–54, 280–84.

4. Whereas some point to the invasion of Iraqi troops in 1996 as a sign that the safe area was not protected, these critics generally fail to note that it was a leading Kurdish faction itself that invited the Iraqi army in to join their fight against a rival Kurdish faction. ❏

Turkey's Warm Welcome of Kosovar Refugees

Frances Trix

Abstract

*Turkey's immediate and ongoing accept-
ance of Kosovar refugees stands out
among NATO nations. This article in-
vestigates the cultural and historical
bonds between Kosovar Albanians and
Turks, the widespread and active support
for the refugees in Turkish society, and
the precedent of three earlier waves of
Kosovar refugees who settled in Turkey
earlier in the 20th century. It notes the
problem of dealing only with humanitar-
ian concerns while ignoring the political
causes of refugee flows.*

Résumé

*La Turquie se démarque nettement au sein
des pays de l'OTAN pour son attitude
d'ouverture et d'acceptation immédiate
et continue à l'égard des réfugiés
kosovars. Le présent article étudie les
raccords historiques et culturels qui lient
les albanais kosovars et les turcs, analyse
le phénomène général du soutien profond
et étendu pour les réfugiés se manifestant
dans la société turque, et décrit le précé-
dent que constitue la série de trois vagues
de réfugiés kosovars qui s'installèrent en
Turquie plus tôt au vingtième siècle. On
met ici en relief le problème posé par le fait
de ne tenir compte que des questions stric-
tement humanitaires, sans s'aviser des
profondes cause politiques ayant engen-
dré le flot de réfugiés.*

Introduction

Turkey was the first country to volun-
tarily welcome Kosovar refugees during
the current crisis. This early and ongo-
ing reception of Kosovar refugees has

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been under-reported in Canadian and
American media, although it has been
cited somewhat more frequently in Eu-
ropean media. Specifically, from March
23–26, over 2,000 Kosovar refugees en-
tered Turkey. One month later, by April
27, over 12,000 Kosovar refugees had
come to Turkey, of whom 4,400 were
housed in the Gaziosmanpasha refugee
centre outside Edirne in European Tur-
key. By May 25, there were 16,500
Kosovar refugees in Turkey, of whom
7,000 reside at the Gaziosmanpasha
centre.[1] Besides refugees on Turkish
soil, Turkey's *Kizilay* (Red Crescent)
also supports and runs two refugee
camps closer to Kosovo: one in Elbasan,
Albania; the other, the Bojane Camp, in
Macedonia. Of all the NATO countries,
Turkey has taken in the highest number
of refugees. Why has Turkey responded
to the crisis in Kosovo so generously?

In this short paper I will document
the variety of ways the Kosovar refugees
have been supported by Turkey. I will
also contextualize the current wave of
Kosovar refugees as just one in four
waves of Kosovar Albanians forced to
emigrate from Kosovo this century, the
majority of whom settled in Turkey. In-
deed, the presence in Turkey of four gen-
erations of Albanians, all of whom left
Kosovo under duress, documents Ser-
bia's ongoing policy to expel Albanians
from Kosovo.

Common Bond and Support for Kosovar Refugees in Turkish Society

Articles in the Turkish press frequently
note the cultural and historical bonds
that the Kosovar refugees share with the
Turks. This refers to their common reli-
gious affiliation—most Kosovar Alba-
nians and Turks are Muslims. It also
refers to the long period, from the four-
teenth century to the twentieth century,
when Kosovo and Turkey were part of
the Ottoman Empire. Further, many
older Kosovars still speak some Turk-

ish; while younger Kosovars, princi-
pally from the Prizren region, also speak
Turkish. Besides religion, history, and
some language, the Kosovar Albanians
and Turks share a patriarchal, patrilo-
cal social structure as well as many cus-
toms of daily life. For example, the daily
ration at the Gaziosmanpasha refugee
centre always includes yogurt—a food
common to both Turks and Kosovars,
but less likely to be found in the food aid
from other NATO countries.

Turkish support for the Kosovar refu-
gees has been expressed from the high-
est levels of political power across
society.[2] Within the first week of the cri-
sis the Turkish Cabinet agreed to accept
20,000 refugees. The Minister of the In-
terior was appointed to head the board
to coordinate refugee relief. Prime Min-
ister Ecevit himself donated one billion
Turkish lira as a model for other politi-
cal leaders, and President Demirel's
visit to refugee camps in Albania and
Macedonia on April 11 was the first
such visit of a head of state. Business
institutions also donated large sums of
money or goods toward refugee relief.
These included major banks (Iß Bank,
Central Bank), the Union of Turkish
Chambers and Commodities Exchange
(TOBB), the Koç Conglomerate, and a
major textile manufacturer (EGS),
among others. Municipalities, includ-
ing Ankara and Istanbul, conducted
campaigns to raise funds, as have Turk-
ish Radio and Television (TRT). State
Theatres donated receipts from over one
hundred performances; "Contempo-
rary Turkish Artists" donated their in-
come from the main May exhibit in
Istanbul; and Bilkent University col-
lected clothing and supported educa-
tion in the camps. In the provinces there
has also been widespread support. For
example, employees of national educa-
tion in Isparta collected funds to sup-
port schooling in the camps, while the
police officers in Tekirdag sent clothing.
This spring, at the time of the main

Muslim holiday, many ordinary Turks sent the money they annually give for *zekat* or "alms" (one of the five pillars of Islam) to Kosovar refugee relief.[3]

Waves of Forced Emigration of Kosovar Albanians across the 20th Century

During the First Balkan War in 1912, Serbia occupied Kosovo which was then still part of the Ottoman Empire. To strengthen its demographic claim to the region, Serbia engaged in massacres of Albanians in the region's main cities (a Danish journalist reported 5,000 Albanians killed in Prishtina after its capture).[4] From 1912–1915, over 100,000 Kosovar Albanians fled Kosovo, with many eventually settling in Turkey.

The second wave of forced emigration of Kosovar Albanians took place between 1918–1939. The Great Powers gave Kosovo to Serbia in 1918, with the agreement in 1919 that minorities would be protected. Serbia immediately began a program of harassment of Kosovar Albanians: closing Albanian schools, expropriating cemeteries and mosques, seizing Albanians' lands, followed by the colonization of Kosovo by Montenegrins from the west and Serbs from the north. During this period, half the arable land in Kosova was confiscated by the government. In fear, and deprived of their land, many Kosovars emigrated to Turkey. For example, from 1924–1926, 32,000 Albanians emigrated to Turkey from Kosovo.[5] All told, around 120,000 Kosovars left Kosovo between 1918–1939, with many ending up in Turkey.

Revealing of Serbian policy at this time was a government plan for many more to leave. In 1938, Serbia planned and contracted with Turkey to take 40,000 families from Kosovo. A fabrication was that all these families were Turks. The specification of "family" was used to refer to all those living under one roof. With the extended families of Kosovar Albanians, this would have signified at least ten people per family, for a total of 400,000 to be expelled.[6] World War II intervened so the plan was not carried out.

The third wave of Albanian emigration to Turkey from Kosovo took place after World War II, from 1953 to 1966. Kosovar Albanians had not supported Tito's Partisans during the war, and they were not attracted to communism, with its anti-religious policies and collectivization programs, after the war. Rankovic, close friend of Tito and known for his anti-Albanian stance, was in power until 1966. Kosovar Albanians were encouraged to register as "Turks," which many interpreted as "Muslim." Then, as "Turks," they were harassed and encouraged to emigrate to Turkey. At least 100,000 did so during this time.[7] The fourth wave is of course the expulsions of the spring of 1999. To date, over 900,000 Kosovar Albanians have been expelled from Kosovo, with another 300,000 internally displaced, and unknown numbers killed.

Conclusion

Thanks to these waves of forced emigration, there are numerous people in Turkey of Kosovar Albanian descent. Many of these people have taken Kosovar refugees, who are relatives or distant relatives or friends, into their homes. Thus, of the 16,000 Kosovar refugees in Turkey at the end of May, 1999, more than half were not in the refugee centre. Instead they were principally in Istanbul, Tekirdag, Yalova and Bursa—cities where there are sizeable numbers of people of Albanian descent. Besides a common Islamic and Ottoman heritage, these people also share more recent experiences of political oppression in the Balkans.

Compound the common cultural heritage and historical experience with the high value placed on hospitality in Turkish culture, the supportive action of Turkey's leaders, and the presence of other Albanians, and it is not hard to understand the warm welcome the Kosovar refugees received in Turkey. Behind this, though, the Kosovar Albanians in Turkey represent four generations of loss and the sadness and trauma that often accompany forced emigration. As with the recent Bosnian experience,[8] the repeated waves of Kosovar refugees to Turkey reflect what happens when only immediate humanitarian crises have been dealt with, while the political policy that periodically created large numbers of refugees was left unchallenged. ∎

Notes

1. Statistics come from Turkish press, corroborated by Reuters.

2. The following examples of support in Turkish society were culled from major Turkish newspapers (*Milliyet, Akßam, Cumhurriyet, Sabah, Hürriyet, The Turkish Times*) in March, April, and May of 1999.

3. Special thanks to Feyza Sayman for weekly discussions of Turkish language and society.

4. Noel Malcolm, *A Short History of Kosovo* (New York: New York University Press, 1998), 253.

5. Ibid., 286. See also 278–86 for discussion of colonization.

6. "Convention regulating the emigration of the Turkish population from the region of southern Serbia in Yugoslavia, 1938," in *Kosovo: In the Heart of the Powder Keg*, edited by Robert Elsie (Boulder, CO: East European Monographs, 1997), 425–34.

7. Malcolm, *A Short History of Kosovo*, 323.

8. Thomas G. Weiss, and Amir Pasic, "Dealing with the Displacement and Suffering Caused by Yugoslavia's Wars," in *The Forsaken People: Case Studies of the Internally Displaced*, edited by Roberta Cohen and Francis Deng (Washington, DC: Brookings Institution Press, 1998), 222. ❑

Kosovar Refugees and National Security

Yannis A. Stivachtis

Abstract

Almost one million people have been forced to leave Kosovo in search of a safe place for settlement. Although it has not been explicitly stated, the main reason that the Balkan states, as well as those of the Western world, are reluctant to receive them as refugees is that they believe that this would jeopardize their security. Some justify this reluctance as another assertion of the "Fortress Europe" ideal. Approaching the subject from a comprehensive security perspective, this article aims to explain how and why the Kosovar refugees may threaten, or may be perceived to threaten, the national security of the receiving states as well as regional and international stability. In so doing, it discusses some methodological problems concerning the definition of security; it relates refugee migration to the various levels of security analysis; and it examines the impact of refugee activities with reference to the various security sectors.

Résumé

Près d'un million de personnes ont été forcées de quitter le Kosovo à la recherche d'un endroit sûr où s'établir. Sans que cela n'ait été explicitement reconnu, la principale raison pour laquelle les états balkaniques, autant que ceux du monde

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occidental, répugnent à recevoir ces gens comme réfugiés est qu'ils sont considérés comme une menace à la sécurité. Certains justifient cette répugnance en y voyant une assertion de plus de l'idéal de l'Europe Forteresse. Approchant le sujet dans une perspective compréhensive sur les questions de sécurité, le présent article vise à expliquer comment et pourquoi les réfugiés kosovars pourraient tendre à menacer, ou pourraient être perçus comme tendant à menacer, la sécurité nationale des états hôtes, autant que les stabilités régionales et internationales. Ce faisant, il discute aussi certains problèmes méthodologiques concernant la définition de l'idée de sécurité; il lie la question de la migration des réfugiés aux différentes perspectives de l'analyse des questions de sécurité; il examine l'impact des activités des réfugiés en rapport avec les différents secteurs sensibles sous l'aspect de la sécurité.

Introduction

The purpose of this paper is to examine the relationship between refugees and national security in order to show under what circumstances the Kosovar refugees may threaten, or may be perceived to threaten, the security of the actual and/or prospective receiving states as well as that of their home country (Yugoslavia). In so doing, it will approach the subject from a comprehensive security perspective and will draw on the framework of Barry Buzan and his colleagues.[1] To understand the relationship between refugees and security, one needs to begin with some methodological observations regarding the definition of security.

Defining Security: Methodological Issues

According to the comprehensive security perspective, any effort to define security is subject to two parameters: the differentiation of states and the securitization of political issues.

Kosovar Refugees and States as Unlike Units

In contrast to the Neorealist claim that states are like units,[2] the comprehensive security perspective advocates that states differ, among other things, in terms of size, culture, power, ideology, etc., and that their character is a major factor in shaping international security.[3] According to Buzan, the major differentiation between states can be seen in terms of their socio-political cohesion, which is of central importance to their national security.[4] Thus, he has introduced the distinction between "strong" and "weak" states as an analytical tool to show that strong states are usually faced with security threats different from those faced by weak ones.[5]

Because of their diversity, the nature of the national security problem differs substantially from state to state. The security problem differs even among the weak/strong states themselves. This implies the impossibility of devising a universal definition of national security. Although the concept of security can be mapped in a general sense, it can only be given specific substance in relation to concrete cases. This, in turn, implies the impossibility and the inadvisability of defining refugee flows as a security problem with general application. Thus, whether or not the Kosovar refugees constitute a security problem depends on which state one refers to.

Kosovar Refugees and Securitization

The problem of defining security in relation to refugee migration becomes more acute due to the "securitization" of refugee issues.[6] Securitization means that an issue is presented as an existential threat, requiring emergency measures. According to the securitization process, something is designated as a security issue because it can be argued that it is more important than other subjects. By

framing an issue as a special kind of politics or as above politics, securitization represents an extreme version of politicization, or the integration of an issue into public policy.[7]

Security thus becomes a self-referential practice, because it is in this practice that a subject becomes a security issue—not necessarily because a real existential threat exists, but because the issue is presented as such a threat. Moreover, because social groups within different states have the power to designate an issue as a security one, security becomes a social construct with different meanings in different societies.[8]

This means two things. First, some national societies may consider the existence of Kosovar refugees within the territories of their states as a threat to their security, while others may not. And second, the Kosovar refugees may not pose any real existential threat to the receiving states or their home country, but particular social groups within those states may be successful in framing them as a "security problem." Thus, any attempt to classify types of threats from refugee flows runs into distinctions between real and perceived threats, or "into paranoid notions of threat or mass anxieties that can best be described as xenophobic and racist."[9]

The securitization of refugee issues becomes a considerable process because the distinction between refugees and immigrants is blurred in the eyes of the citizens of the host countries.[10] Refugees are not the only foreigners living within the boundaries of the receiving states. Most often, these are people who immigrated voluntarily and for economic reasons, inhabiting the host countries before the arrival of refugees. When such migrants have already affected, or are perceived as having affected, the security of the receiving states and their citizens, then refugees are seen automatically as potential threats whether or not they share common ethnicity, language, culture, religion with the earlier migrants. For the host society in general, migrants and refugees are all foreigners whose presence and actions jeopardize their own security and that of their state.

This implies that the migration of Kosovar refugees has, from the very beginning, been seen as a potential threat to the national security of those states which already have a considerable number of migrants living within their territories, like Germany, France, Greece and others. Kosovar refugees may or may not pose security threats to the potential or actual receiving states, but the very fact that other "foreigners" have already done so is enough to make the mentioned countries sceptical about receiving new "foreigners", whether migrants or refugees. This explains why states have been so reluctant to receive a significant number of Kosovar refugees.

Kosovar Refugees and Levels of Security Analysis

To understand security and how it is seen being affected by refugee movements, one should focus on the various levels of analysis. While Kenneth Waltz puts emphasis on three levels of analysis (individuals, states, and international system), the comprehensive security theorists focus on five distinct, though inter-related, levels (individuals, subunits, units, international subsystems, and international system).[11] The comprehensive security perspective provides a link between those levels by arguing that a state can be threatened equally from within and from without.[12]

External security is identified as the ability of the state to defend itself from external coercion or attack, with an emphasis on the military dimension of security. Within the state, security is defined in terms of the capacity of a government to protect itself from domestic disorder. A state can be threatened from below (by individual or organizational pressures on the government) and from above (by oppressive or threatening governmental policies and actions).[13] Here, emphasis is shifted to the non-military aspects of security.

The above implies that the Kosovar refugees may threaten (or may be perceived as threatening) the external and internal security of their home and receiving states. To understand how, one needs to focus on the dimensions of security.[14]

Dimensions of Security

There are five sectors to which the concept of security applies: military, political, economic, societal and environmental. These sectors are so interdependent that changes in one sector, whether positive or negative, affect other sectors. This means that if and when refugees affect one security sector, by the same token they affect other security sectors.

Military Security

In the military sector, the referent of security is mainly the state and military action usually threatens all its components. It may, for instance, repress the idea of state, subject its physical base to strain, and damage and destroy its various national institutions. Military actions not only strike the state's basic protective functions, but also threaten the layers of social and individual interest that underlie, and are more permanent than, the state's superstructures.[15]

Because they may be trying to achieve a special status (independence or autonomy) for the region from which they come, or because they may be trying to unify this region with the receiving state, refugees may threaten the military security of states in four ways. The first is when they use the territory of the receiving state for initiating military activities against their home country, which may hold the receiving state responsible for those activities even if it does not politically support such activities. Second, refugees may convince the receiving state to undertake direct actions against their home country. Third, the receiving state may have an interest in challenging the regime of the refugees' home country and may use them as a means to this end. And fourth, by imposing a substantial economic burden, refugees may directly affect the receiving states' financial capabilities. Because there is a close relationship between economic and military capability, the presence of refugees has an indirect impact on the host countries' military capabilities, which are crucial to that states' external security.

In the Kosovar case, a distinction should be drawn between refugee activities in Yugoslavia and neighbouring states, and their activities in other states. For example, the Kosovar refugees may try to influence the policy of receiving states that are not geographically attached to Yugoslavia, with the aim of convincing them to undertake actions against it, thereby creating a threat to the relations between home and receiving countries.

On the other hand, the Kosovar refugees who have emigrated to Yugoslavia's neighbouring states, especially to Albania and FYROM (Macedonia), may threaten the external security of Yugoslavia either by convincing the governments of those states to undertake actions against Yugoslavia, or by initiating military activities against it from the territory of the receiving states— with or without official approval for such operations. Whatever the case, such activities may attract a violent response from Yugoslavia, which may consider the host country responsible for those activities. Such a situation between Yugoslavia and Albania, for instance, could lead to war.

Whether acting in Yugoslavia's neighbouring states or not, the intention of the Kosovar refugees may be either to achieve independence for Kosovo or to unify it with the receiving state. The idea of a Greater Albania fits into this pattern. Whatever their purpose, such activities may easily jeopardize regional stability, affecting both national and international security. This is so not only because refugee activities may poison the relations between any pair of states, but because they can also attract the attention of other regional states, of great powers and international institutions. The Balkans comprise a sensitive region where conflicts, once begun, are difficult to contain.

Political Security

Political threats undermine the organizational stability of the state by threatening its national identity and its organising ideology, as well as the institutions that express them. While in the military sector threats are mainly external to the state, in the political sector a state may be threatened both internally and externally.

Internal threats may arise as a result of governmental actions that threaten and constrain individuals or groups. Resistance to the government, efforts to change its policies or overthrow it, or political movements aimed at autonomy or independence, all foment state insecurity.

Externally, a state can be threatened by the ideology of another state, such as nationalism, fundamentalism, liberal democracy, communism, etc. In this sense, when refugees and receiving states share a similar ideology, their union may pose a political threat to the refugees' home country. For example, if democracy is an ideology common to the receiving states and the Kosovar refugees, this may pose an existential threat to the autocratic Yugoslav regime.

On the other hand, when refugees are holders of an ideology different than that of the receiving state, they then may be perceived as a political threat to latter. For instance, if the Kosovar refugees display a preference for religious fundamentalism, this could clash with the secular ideology of the Western host countries. If the Kosovar refugees are exponents of extreme Albanian nationalism, they then may be seen as a threat to the identity of receiving states such as Greece and FYROM. In fact, political threats become more serious when nationalist ideology prevails, and when states define their security in terms of territory and population not under their control. The concept of a Greater Serbia or of a Greater Albania are cases in point.

An external political threat may be easily transformed into an internal one. For instance, threats to national identity may involve attempts to heighten the ethno-cultural differences among groups within a target-state. Thus, if a host country does not share a common ideology with the Kosovar refugees, it may become subject to external threats coming either from the refugees' home country or any other rival state. Either of them may try to heighten the existence of competing ideologies within the receiving state to achieving its foreign policy ends. For example, Greece may face political threats from Turkey, and FYROM from Albania and possibly Yugoslavia.

State political security can also be threatened when refugees are opposed to the regime of their home country and are involved in anti-regime activities in the host country. For instance, democratic regimes in Western host countries will most certainly allow Kosovar refugees to speak out against the Yugoslav regime, allow them access to media, and may even permit them to send information and money back home in support of the opposition. In such a case, Yugoslavia may hold the receiving states responsible for the activities of the Kosovar refugees whether or not they support such activities. On the other hand, some receiving states may provide active support to the Kosovar refugees to achieve their ends.

In either case, Yugoslavia may feel forced to plant intelligence operations abroad to monitor the activities of refugees, and its embassy may provide encouragement to its supporters within the Serbian diaspora. This implies that a conflict may develop between Kosovars and Serbs within the territory of receiving states. Moreover, the Serbian diaspora itself may become riven by conflicts among competing groups, or between sections of the diaspora and the Yugoslav government. Thus, struggles that would otherwise take place within Yugoslavia may become internationalized. Additionally, the Serbian diaspora may become hostile to the host country and its activities, potentially undermining the receiving states' internal stability.

Kosovar refugees may also threaten the political security of their home country by providing financial and military assistance to rebel groups or by marshalling international public opinion through publicity campaigns aimed at the international community and at particular international institutions.

Kosovar refugees may also affect the internal security of the host countries by initiating activities (terrorism, violent protests, etc.) against the governments

of those states that are not willing to take action against Yugoslavia, or that are determined to maintain friendly relations with its present government. This may be one of the reasons for which Greece is reluctant to receive many Kosovar refugees. This implies that when the interests of the Kosovar refugees are in sharp contrast to those of the receiving states, these interests may be jeopardized by the external security policies of those states.

In response, the Kosovar refugees may try to exert significant pressures upon receiving states through public opinion. Political activity by those refugees may become a source of conflict between the home and host governments. But if the Kosovar refugees operate within the law, there is little that the host governments can do. As a consequence, relations between countries can be strained.

The problem for governments that wish to refrain from taking actions against Yugoslavia may become more acute if the Kosovar refugees manage to obtain the support of the natives of the receiving states. The problem may become even more serious if they obtain the support of a significant minority within the receiving state with whom they share common ethnicity, religion, language, etc. The case of FYROM is illustrative of such a situation. This may lead to a considerable social upheaval or even to secessionist movements that may invite a violent response from the governments of the receiving states. Apart from threats arising from domestic law-making, the Kosovar refugees may be threatened by administrative or political action and activities related to the enforcement of law and order. In turn, they may undertake certain activities to minimize the impact of the receiving state's policies and actions. Whatever the scenario, the governments of the receiving states may be pushed to take a less friendly stance toward the Kosovar refugees, while anti-foreign sentiments may rise due to their activities. Where the state and those living within it are severely at odds, domestic disarray may threaten the coherence of the state and consequently its security.

Because refugees tend to maintain a strong connection with their home countries, even if a satisfactory political settlement is reached in Yugoslavia, any subsequent turbulence or instability in the post-conflict Kosovo may find expression within the Kosovar communities abroad, thereby bringing external problems into host societies.

In sum, refugees can play a significant independent political role in world politics. Their continued political involvement in states whose rules they are not subject to, present a serious challenge to the sovereignty of that state. By the same token, they challenge the ability of host states to exercise independent control over the direction of their own foreign and domestic policy. Paradoxically, the risk may be particularly high if the host country has gone so far as to arm refugees against their country of origin. Guns can be pointed in both directions, and the receiving country takes the risk that refugees will seek to dictate the host country's policies towards their home country.[16]

Political threats pose an even greater danger to weak states, whether home (Yugoslavia) or receiving (FYROM, Albania). Such threats seek to re-orient the political behaviour of the state by manipulating the main factional disputes within it. Thus, a state may not threaten another state in a simple, direct fashion. Instead, it may participate in domestic disputes between various factions, backing whichever one seems most likely to pursue policies in its favour. That is why the Serbian opposition to the regime of Milosevic has become the hope of the Kosovars, as well as of the Balkan and Western states. Yet the Yugoslav case shows that there are countless possible variations in the style of political intervention. These range from support to legal parties in a relatively stable electoral system, to encouragement of—and military support for—armed struggle within the target-state. Intervention may be aimed at changing the ideological character of the government, or at encouraging secessionist forces within the state. Voluntarily or not, refugees may serve as valuable instruments for such intervention.

Economic Security

Economic threats can be internal or external, intentional or unintentional. Whatever their type, economic threats may result in material loss and strain on various institutions of the state, while they may undermine the health and longevity of the population. Thus, they are concerned with the sustainability of acceptable levels of welfare and state power.

Although economic threats are the most difficult to handle within the framework of national security, when their consequences reach beyond the strictly economic sector into military and political spheres, then three national security issues emerge. The linkages involved are between economic capability on the one hand, and military capability, power, and socio-political stability on the other.[17] With all three linkages, economic deterioration produces the same result: weakening the power and strength of states, and an enhancement of their internal and external insecurity. This is one of the reasons for which it has been argued that, by pushing the Kosovars into Albania and FYROM, the Yugoslav Government has attempted to weaken and destabilize those countries.

Refugees may threaten the economic security of the receiving states by imposing limits to their financial capability. Refugees are usually so numerous and so poor that they create a substantial economic burden, straining housing, education, sanitation, transportation and communication facilities while increasing consumption. To deal with this economic burden, the receiving states may have to increase taxes paid by their own citizens.

National societies, or specific social groups within them, may therefore react negatively to an influx of refugees first, because of the economic costs the latter impose on the receiving state; second, because of the refugees' purported social behaviour, such as welfare dependency, which affects the host country's individual tax payers; and third, because refugees may displace local people in employment when they are

prepared to work for lower wages. These are the reasons that have been put forward by various states to justify their reluctance to receive Kosovar refugees.

Due to the above reasons, a considerable degree of social hostility may be created not only against the refugees, but against all foreigners living in host countries. Created by economic considerations, social hostility may undermine the socio-political cohesion of states thereby affecting their security. Finally, by directly affecting the receiving state's financial capability, refugees have an indirect impact on the same state's military capability and overall power.

Societal Security

In the societal sector, the referent of security is collective identities—religious or national, for example—that can function independent of the state. In relations between states, significant external threats on the societal level are often part of a larger package of military and political threats, all of which may be difficult to disentangle. Even the interplay of ideas and communication may produce politically significant societal and cultural threats, as illustrated by the reaction of Western states to Islamic fundamentalism. Language, religion, and cultural tradition all play their part in the ideology of the state, and may need to be defended or protected against cultural imports.[18]

As in the political sector, threats in the societal sector may arise internally or externally, while an internal threat may be transformed into an external one and *vice versa*. If societal security is about the sustainability of traditional patterns of language, culture, and religious and ethnic identity, then threats to these values come much more frequently from within states than from without them. The Bosnian and Kosovar cases have revealed that the state-nation building process often aims at suppressing, or at least assimilating, sub-state social identities. As a result, internal societal threats may precipitate conflict between states (as between Albania and Yugoslavia, or between Yugoslavia and Croatia) if either wishes to protect groups of people within the others with whom they have close affinities.

In the long term, the most obvious effect of refugee migration is the creation of ethnic minorities in host countries. Admitting refugees has long-lasting social effects on receiving states. It may turn relatively homogeneous societies into multi-ethnic and multicultural ones. Refugees often raise societal concerns because they potentially threaten the popularity and strength of the nation-state. They challenge traditional notions about membership within a state, the meaning of nationality and citizenship, and the rights and duties of citizens towards their state and *vice versa*.[19] As it is has been very correctly pointed out, the fact that very few states fit the idealized picture of the homogeneous nation-state, and that most states are cultural and social products of earlier movements of people, often fails to register in popular consciousness.[20]

Nevertheless, it is generally accepted that the existence of refugees has a substantial impact on the inter-related factors of social stability and economic prosperity. By becoming citizens of the receiving state, refugees create a cultural, linguistic, religious and possibly an ethnically distinct minority within the host country, thereby altering the nature of its society. Thus, the migration of Kosovar refugees may threaten communal identity and culture by directly altering the ethnic, cultural, religious and linguistic characterisation of the population of the receiving state.

Kosovar refugees may be seen as a threat to the cultural norms and value systems of the receiving states. If, in fact, the Kosovar refugees violate these norms and values, the citizens of the receiving states may see this violation as a threat to national security.[21] In defending itself against those refugees, national societies may emphasise their differentiation from Kosovar society. Questions of status and "race" may be difficult to avoid as a consequence.

From the above, it becomes clear that refugee migration is often accompanied by a clash of rival cultural identities. In combination, refugee migration threatens and the clash of cultures contribute to a societal conflict between domestic and refugee societies.[22] As has already been shown, this conflict may easily feed into a massive restructuring of relations between the hosting and home states which may, in turn, affect international security.

The governments of the receiving states are concerned because of the migrants' purported social behaviour, such as criminality and black market labour, that may generate local resentment which, in turn, may lead to xenophobic popular sentiment and to the rise of anti-immigrant political parties threatening to the government on power. In France, for instance, the National Front has utilized anti-immigrant slogans to increase its electoral power. Thus, countries receiving Kosovar refugees need to maintain social stability and cohesion in the face of the multiculturalism produced by refugee migration. It is possible, however, that under certain circumstances, governments may pursue anti-immigration policies in anticipation of public reactions.

How and why refugees are perceived as culturally threatening is a complicated issue, involving how the host community initially defines itself. Cultures differ with respect to how they define who belongs to, or can be admitted into, their community. These norms govern whom one admits and what rights and privileges are given to those who are permitted to enter. Thus, the most plausible explanation for the willingness of states to accept or reject immigrants is ethnic, cultural and religious affinity.[23] A government and its citizens are likely to be receptive to those who share the same language, religion, or ethnicity, while it might regard as threatening those with whom such an identity is not shared. That is why the Kosovar refugees are more welcome in Albania and Turkey than they are in Greece, France or Germany. But what constitutes "ethnic affinity" is, again, a social construct that can change over time. Moreover, what constitutes cultural affinity for one group in a multi-ethnic society may represent a cultural, social, and economic threat to another. For example,

the Kosovar refugees are welcomed by those of Albanian origin living in FYROM, but not by the Serbs living in the same country.

Societies are also seen to have a limited threshold of toleration for refugee migration if their flow begins to undermine the social and political cohesion of the receiving country. This threshold is affected by economic, social and cultural circumstances in the receiving society, as well as by the nature of refugees themselves. As many cases have revealed, anti-immigrant feeling and xenophobia also increases in times of recession and high unemployment. Toleration levels are likely to be lower in countries without a tradition of immigration, and higher in those that have. Refugees that are similar to the host population are also easier to accommodate and tolerate than if they are ethnically and culturally distinct, which is why Greece has been more tolerant to Albanians of Greek origin than to Albanians of a different background.

Environmental Security

In the environmental sector, the range of possible referents of security is large. The basic concerns, however, are how human beings and the rest of biosphere are related. Many cases, including the Kosovar refugee migration to FYROM and Albania, have shown that refugees can be seen as an environmental threat, and as a consequence, hostility towards them can be generated when they consume significant amounts of natural resources such as water and produce waste. Although environmental threats, such as water pollution, link activities within one state to effects in another, in the case of the Kosovar refugees, no international links can be identified.

Conclusion

A set of conclusions that may serve as policy guidelines can be drawn from this consideration of the relationship between refugees and security. The first conclusion is that repatriation constitutes the best alternative for the international community in dealing with refugee problems. However, a prerequisite for repatriation is the existence of a just political settlement accepted by all sides in the conflict. Such a settlement will minimize or eliminate the possibility of refugees abroad acting against their home country, with or without the official approval of the receiving states, thereby minimizing the possibilities of conflict between home and host countries.

Although a political settlement may provide fertile ground for repatriation, additional guarantees should be given to refugees that their daily life will not be affected in post-conflict society by the bitterness created before and during the conflict. Conflict brings with it deep hostility which needs to gradually evaporate if peaceful relations among the competing communities are to be firmly established. The international community should assist to that end.

Conflict may also bring with it significant destruction. States that have experienced domestic conflicts are usually economically weak and therefore unable to reconstruct after the conflict has terminated. Because there is a strong inter-relationship between domestic and international security, it is in the interest of the international community to assist the reconstruction of torn states in an effort to stabilize them. If the international community fails to do so, domestic weakness and instability will easily spill over from those states, thereby jeopardising regional and international stability.

Finally, the receiving states should be very careful in their social, political and economic planning in order to avoid, or minimise, domestic dissatisfaction that may lead to the creation of feelings of xenophobia and racism, since such feelings may, in turn, destabilize not only the domestic environment of the host states, but also their relations with the refugees' home country. ∎

Notes

1. See Barry Buzan, *People, States and Fear*, 2nd edition (London: Harvester Wheatsheaf, 1991); Barry Buzan et al., *The European Security Order Recast* (London: Pinter, 1990); Barry Buzan, "Is International Security Possible?," in *New Thinking About Strategy and International Security*, edited by Kenneth Booth (London: HarperCollins, 1991); Barry Buzan, Charles Jones and Richard Little, *The Logic of Anarchy* (New York: Columbia University Press, 1993); Barry Buzan, "New Patterns of Global Security in the 21st Century," in *Theory and Practice of International Relations*, 9th ed., edited by William C. Olson (Englewood Cliffs, NJ: Prentice-Hall, 1994).

2. Kenneth Waltz, *Theory of International Politics* (Reading, Mass.: Addison-Wesley, 1979), 96–97.

3. Buzan, *People, States and Fear*, 67–68.

4. Ibid., 47.

5. Ibid., 96–107.

6. See Ole Waever, "Securitization and Desecuritization", in *On Security*, edited by Ronnie Lipschutz (New York: Columbia University Press, 1995).

7. Barry Buzan, Ole Waever and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder: Lynne Rienner, 1998), 23–26.

8. Myron Weiner, "Security, Stability and International Migration," *International Security* 17, no. 3 (1992/93): 103.

9. Ibid., 104.

10. Charles Kegley, and Eugene Witkopf, *World Politics*, 7th edition (New York: St. Martin's Press, 1998), 289.

11. Kenneth Waltz, *Man, the State and War* (New York: Columbia University Press, 1952) and Buzan, Waever and de Wilde, *Security: A New Framework for Analysis*, 5–6.

12. See Nazli Choucri, Janet Welsh Brown, and Peter M. Haas, "Dimensions of National Security", in *In the U.S. Interest: Resources, Growth and Security in the Developing World*, edited by Janet Welsh Brown (Boulder, CO: Westview Press, 1990) and Robert C. North, *War, Peace, Survival* (Boulder, CO: Westview Press, 1990).

13. Buzan, *People, States and Fear*, chapter 2.

14. See Sita Bali, "Migration and Refugees", in Brian White, Richard Little and Michael Smith (eds.), *Issues in World Politics* (New York: St. Martin's Press, 1997), 207–14.

15. Buzan, *People, States and Fear*, 116–18.

16. Bali, "Migration and Refugees," 214.

17. Buzan, *People, States and Fear*, 126–31.

18. Buzan, "New Patterns of Global Security in the 21st Century."

19. Weiner, "Security, Stability and International Migration," 110.

20. Bali, "Migration and Refugees," 212.

21. Waever, Buzan, Kelstrup, and Lemaitre, *Identity, Migration and the New Security Agenda in Europe.*

22. See Jonas Widgren, "International Migration and Regional Stability," *International Affairs* 66, no. 4 (1990): 749–66.

23. Weiner, "Security, Stability and International Migration," 105. ☐

Kosovo's Refugees and the EU: Wherein Lies the Threat?

Joanne van Selm

Abstract

The crisis in Kosovo, which has developed over the course of a decade into a conflict involving more states than any since World War II has resulted in the displacement of almost the entire Kosovar-Albanian population, as well as of a great many Serbs and other regional populations. The European Union (EU) member states have prided themselves on their unity of action under NATO, in tackling this crisis. However, there has been no unity of policy toward the "refugees"—in spite of the entry into force of the Treaty of Amsterdam, with its goal of 'an area of freedom security and justice' involving a common asylum and immigration policy.[1] The most frequently heard arguments for the reluctance to accept Kosovars in EU states are that this would only encourage ethnic cleansing, and that EU states already have too many immigrants, asylum-seekers and refugees who will not go home. The position of the "refugees" is thus a politically difficult one, and becomes a security issue in many senses. In this article, the author explores some ideas about the nature of the nexus between refugees (and migration more generally) and security in the post-Cold War world. In doing this, she will set out to critique the writings on 'societal security' in particular, posing the key question as to where exactly the threat lies as far as refugees are concerned.

Résumé

La crise du Kosovo, qui s'est développé en une décennie pour déboucher sur un conflit impliquant le plus grand nombre d'états depuis la Seconde Guerre Mondiale, a eu pour résultat le déplacement de la quasi totalité de la population kosovarde de souche albanaise, ainsi que d'un grand nombre de serbes et autres

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segments de population locale. Les états membres de l'Union Européenne (UE) se sont glorifiés de leur unité d'action sous couvert de l'OTAN lors de leur prise en charge de la crise. Cependant, il n'y a eu aucune unité de doctrine sur la question des «réfugiés» - et ce en dépit de l'entrée en vigueur du traité d'Amsterdam, avec ses objectifs de mise en place «d'une zone de liberté, de sécurité, et de justice» impliquant asile commun et politique d'immigration. L'argument le plus fréquemment avancé pour expliquer la résistance des états de l'UE à accueillir des Kosovars est celui selon lequel cela représenterait un encouragement implicite à la purification ethnique. S'y ajoute l'idée selon laquelle les états de l'UE comptent déjà trop d'immigrants, de demandeurs d'asile, et de réfugiés qui ne rentreront plus chez eux. Conséquemment la position de «réfugié» est une position politique difficile, et pose, de plusieurs points de vue, des problèmes de sécurité. Dans le présent article, l'auteure développe un certain nombre de considérations sur la nature du point nodal entre réfugiés (et immigration, de façon plus générale) et sécurité dans le monde de l'après Guerre froide. Ce faisant, elle procède à la critique d'un certain nombre de travaux, notamment ceux traitant de la «sécurité sociétale», et soulève la question clef suivante: où réside exactement la menace en ce qui concerne les réfugiés?

Refugees and other displaced persons face and have faced human, personal, community and societal security violations whose impact far exceeds that of any security threats faced by West Europeans since World War II. States have long agreed upon their duties and obligations to one another, and to those individuals cast out into the international system. Any threat to, or violation of, the security of a person who, by virtue of this threat, becomes a refugee (someone without state protection in a world where such protection is deemed neces-

sary) is, therefore, of concern to the international community. The cause of refugeehood is of concern, because the protection of the refugee is an international concern. To confront those causes, other states should, I suggest, welcome and nurture refugees as people who can survive to re-invigorate and bring back to normalcy the society of their country of origin once a security crisis is over.[2] By including the excluded, most states and societies will demonstrate and reinforce their nature, or identity, as humane and dynamic. They will also promote the rejection of racism and xenophobia. The ethnic cleansing perpetrated by a leader such as Milosevic should not be echoed by ethnic exclusion, to the satisfaction of West European racists.

The literature emanating from what has been labelled "The Copenhagen School" has played a significant role in raising awareness and driving thinking in academic circles about the nexus between security and migration.[3] The emerging school of thought around "societal security" and other aspects of the "new security framework" posits, in essence, that threats to identities are the basis of the new security concerns. The threat recipient need not necessarily be the state, as has traditionally been the case in past considerations of security issues in international relations; a threat-recipient can also be another "unit," such as sub-national or transnational society. In general, however, it becomes difficult, both for the writers concerned and their readers, to distinguish between societal units and national units, or societies and states. As Shaw points out, Waever's contribution on societal security in his 1993 book presents a novel and potentially highly useful sociological attitude towards security, which he no sooner developed than rejected.[4] He posited, citing Giddens, a distinction between society "in the generalized connotation of 'so-

cial association' or interaction," and in the sense of "a society" with boundaries marking it off from other societies. But he then rejected both social associations and any notion of a global society, and limited himself instead to a definition of society which he wanted to complement the role of states, but which, in fact, restricted societies to being understandable only in the form of existing states.[5] Since the identity of the society or state is what is at issue as the value to be protected, we are then back to a situation where "national interest" equates to "societal values" or "identity," and a static identity becomes the most precious commodity a state holds. All states being equally formed actors in the anarchical system, if of differing strength, we are back to traditional realism.

As a "problem-solving" theory, what this "new" form of realism is trying to do is to seek a way of understanding what the problem is with our world, and to solve it.[6] One problem identified by this theory is that some features (e.g., culture, politics, religion, language) of state or societal identity (which, as was already said, is reduced to the same thing) may be challenged or threatened by the presence of others. This presupposes that identity is a static and easily recognisable feature of society. This theory also suggests that identity, equated with national security, has often been challenged by non-citizens—immigrants and refugees—in the past. Identities, attached to states, nations or societies, have surely developed over the last millennia—often because people from other parts of the world have travelled, invaded, colonised, and/or have moved to work or out of interest. Many people would consider this dynamic of identity a positive feature of global development, and would employ such terms as "multi-cultural," "cosmopolitan" and "globalization" to describe them. There are very few stark cases of actual, objectively identifiable threats from immigrants which do spring to mind: the World Trade Center bombers in the United States were indeed "asylum seekers," or were at least (ab)using that entry category in order to be present in the United States. The many thou-

sands of Hungarian refugees of 1956 and the Czechoslovakian refugees of 1967, were not rejected on the grounds that their presence would threaten societal security, but rather were accepted with open arms as challengers to, and people threatened by, the Communist enemy. Kosovar-Albanians are also challengers to, and threatened by, the war criminal Milosevic and his regime: but there is no welcome or protection for them.

Another problem one could say is (indirectly) identified by these "new" realist scholars, through a different reading of their work, is that of racism and xenophobia; however, the solution prescibed remains that immigration should be stopped. This logic suggests that if there are no immigrants, there will be no xenophobia or racism; hence, so there should be no immigrants. This logic is severely flawed, because racism and xenophobia is not caused by immigrants, but by the attitudes of existing members of the society receiving those immigrants. Jews were not responsible for the phenomenon we call Nazism: immigrants are similarly not responsible for the phenomenon we label racism and xenophobia. What is more, those subscribing to this notion of societal security suggest that if there are no immigrants, our identity will be unchallenged, since there will be no challenge from either the immigrants with their "other" cultures, or from those racists and xenophobes who pose enormous questions about what exactly being British, French, German, Dutch or of any other nationality signifies. I would agree that racism and xenophobia are serious threats to all societies which claim a humanitarian identity—but the exclusion of refugees and immigrants will not solve that particular problem.

This "solution" unfortunately, misses the true link between refugees and security. In the process, it also gives support to racist and xenophobic ideas, although this risk may not have been realised, since these thinkers also suggest that "securitizing" immigration is not necessarily a useful approach.[7] However, to recognize the potential abuse to which such theorising lends

itself is not sufficient: one needs to go further, both by pursuing the question of where exactly the security issue lies in refugee movements, and by developing further the theoretical notion of society as a useful concept in security thinking. Given the space available here, the scope of this article will be restricted to the former.[8]

A more appropriate approach to the question of how migration and security may be linked, and particularly where the link enters from a refugee perspective, would be to consider the sort of threats and violations of security that refugees face, which (in realist terms) force them out from the protection of their state of origin. In migration studies terms, this does not necessarily return us to unresolved "root causes" debate. Rather, it prompts us to pose questions about the linkages between the causes of forced migration, the type of protection offered to refugees, and the locus of challenge to the protecting state in refugee situations.

The whole point of creating refugee law was always to develop a form of protection for people who had lost the protection of their state of origin.[9] That is what differentiates economic migrants from refugees: an economic migrant still has the citizenship and protection of his or her state of origin; a refugee enjoys no such protection. Enjoying no such protection, those forced to flee should have the right to "seek and enjoy asylum in countries other than their own."[10] The views expressed in academic terms by the Copenhagen School, and those expressed politically both by extreme right-wing parties and, increasingly, by mainstream parties (and not only those of the right), mean that in practice, those displaced by conflicts such as that in Kosovo cannot realize this right to seek and enjoy asylum, or even forms of protection which accord them fewer rights than asylum does, in countries further away than the states bordering their country of origin.[11]

In such a situation, the internally displaced or "refugees" do indeed become part of a heightened security situation. This is not because of who they

are as individuals or, necessarily, because of their position as a group with any particular religious or ethnic identity, which may tip the "balance" of a population, causing additional minority tensions. Rather, it is because, in a mass exodus situation such as that from Kosovo from March to June 1999, the neighbouring states, which are often poor—as indeed both Albania and Macedonia (FYROM) are, cannot efficiently or sufficiently protect the refugees. Perhaps the only protection they can offer is that of *non-refoulement*.[12] They cannot provide the shelter, the travel documents, the food required by refugees; they cannot support the refugees' rights to employment and education and, if employment is found, they cannot collect the taxes, of those who seek asylum within their borders. They cannot because they lack the capacity to do so. One result of this incapacity may be various forms of societal unrest, among the "refugees" and among the host population.

However, the "refugees" do not threaten the stability of those neighbouring states. The threat comes from the state of origin which ceased to protect the people concerned, and from the wider community of states which refuses to live up to its obligations to offer protection to those who are denied the normal protection of their state of origin. The further threat, for the whole international community, is that keeping the "refugees" close to their state of origin only encourages a geographic widening of the conflict—either when fighters among the refugees (in the Kosovars' case, the KLA—Kosovo Liberation Army) continue to fight across the border or use the border "refugee" camps as bases, or when the forces in the state of origin continue their attacks on the fleeing population across an internationally recognised frontier. In either case, this security threat would clearly be avoided if the "refugees" were not only permitted, but if they were encouraged, to move to protection further away. It is of course convenient, under the circumstances, that Kosovar-Albanians have often been heard to claim that they do not want to move far from

home. For many this may be true, but it is clearly not for those who, to seek the protection they need and deserve, have surrendered all their remaining goods and money to human smugglers. The fact that "refugees" need to turn to smugglers only reinforces all the security arguments around this issue. But if their human rights were being respected by EU states, there would be no need for them to buy the services of a smuggler, or to bribe their way up the list of evacuees on the minimal quotas which were established.

A further argument for suggesting that Kosovo's "refugees" should have been accepted, welcomed and protected in greater numbers in EU states is that those very states had intervened in the crisis prior to the cross-border movement of most of the displaced. Their displacement was not necessarily directly or even indirectly caused by the NATO bombs. However, the intervention by NATO states—proclaimed as being motivated by humanitarian concerns, pure and simple—implied a morally unavoidable duty to protect those humans whose suffering the outside states were already seeking to alleviate by their use of force in what they called a just cause.[13] Besides living up to their humanitarian claims, NATO and EU states would then have been in a position to counter Milosevic's ethnic cleansing (in terms of displacement) by ensuring that a minimum of ethnic killing could take place, and by demonstrating how tolerant of ethnic differences their own societies are. Instead, using the ethnic cleansing argument, EU states demonstrated their (perhaps pragmatic, perhaps not) belief that their societies are as intolerant as President Milosevic and his followers—even if, in general, they are not quite so violent in their expressions of racism and xenophobia.

If one considers the various potential and real objects of security, and asks what is threatening in a situation such as the crisis in and around Kosovo in 1999 and before, one arrives, I would suggest, at a common cause for all security concerns. What was the threat to regional and international security?

Intolerance by the Serbian regime. What was the threat to the human and individual security of the Kosovar-Albanians? Intolerance by the Serbian regime. What was the threat to the societal security of the "autonomous" region of Kosovo? Intolerance by the Serbian regime. What was the threat to the societal security of Albania and Macedonia? Intolerance by the Serbian regime. What possible threat was there to EU, and individual member states' "societal security"? Intolerance by the Serbian regime. In this last case, one could add the intolerance of racists and xenophobes, just as in the penultimate case one could add, for Macedonia, the intolerance of the local Slav community. However, the individual refugees or groups of refugees themselves posed, in general, no threat. Some of them may be people who would seek to abuse the hospitality of a protecting state. But the vast majority, rather than representing a threat, are the victims of threats and more: they are the victims of intolerance, which seems to be their lot almost everywhere they turn. ∎

Notes

1. I am reluctant to use the word "refugee" without inverted commas, to indicate that, while everyday language describes the Kosovar-Albanians now, collectively, as refugees, there are very few who in fact are fortunate enough to have their right to enjoy this status recognised. A refugee is someone who is granted the full protection as agreed upon under various international instruments, including the 1951 Convention relating to the Status of Refugees and the European Convention on Human Rights. Either a state or the UNHCR must recognize a person as a refugee, granting protection to someone who no longer enjoys, or cannot enjoy, the protection of their state of origin. Such protection has been granted to very few of those escaping the violence in Kosovo; thus, the people involved are not, strictly speaking, refugees, but rather are displaced persons or, in some cases, people with temporary protection. This point is not petty, as it gets to the heart of the security questions surrounding "refugees": what security do these members of global society have if no state will recognize them as *refugees*?

2. Many refugees do, in fact, return to their country of origin, even if this does not always take place within a short period of

time after the resolution of the cause of their flight. A great many Chileans who fled in the 1970s returned in the late 1980s and early 1990s. Likewise, programs of return such as that in Mozambique resulted in a high number of repatriations.

3. The key "products" of the "Copenhagen School" are: B. Buzan, M. Kelstrup, P. Lemaitre, E. Tromer, and O. Waever, *The European Security Order Recast: Scenarios for the Post-Cold War Era* (London: Pinter, 1990); B. Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era* (Hemel Hempstead: Harvester Wheatsheaf, 1991, 2nd edition); O. Waever, B. Buzan, M. Kelstrup, and P. Lemaitre, *Identity , Migration and the New Security Agenda in Europe* (London: Pinter, 1993) and B. Buzan, O. Waever, and J. de Wilde, *Security: A New Framework for Analysis* (London: Lynne Reiner, 1998).

4. See M. Shaw, *Global Society and International Relations* (London: Polity, 1994), 101.

5. Waever, et al., *Identity, Migration ...*, op. cit., 19.

6. See R. Cox, "Social Forces, States and World Orders: Beyond International Relations Theory," *Millennium* 10, no. 2 (1981) on the distinction between problem solving and critical theories.

7. J. Huysmans, "The Question of the Limit: Desecuritisation and the Aesthetics of Horror in Political Realism," *Millennium* 27, no. 3 (1998).

8. A start to critical security thinking has been made in, e.g., K Krause, and M. Williams, (eds.), *Critical Security Studies: Concepts and Cases* (London: UCL, 1997). However, where the migration issue is concerned, there remains a long way to go.

9. See, e.g., G. S. Goodwin-Gill, *The Refugee in International Law* (Oxford: OUP, 1996 2nd edition); A. Zolberg, A. Suhrke, and S. Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (Oxford: OUP, 1989); J. Hathaway, *The Law of Refugee Status* (Toronto: Butterworths, 1991); G. Loescher, and L.

Monahan, (eds.) *Refugees and International Relations* (Oxford: OUP, 1990).

10. Article 14, Universal Declaration of Human Rights.

11. See J. van Selm-Thorburn, *Refugee Protection in Europe: Lessons of the Yugoslav Crisis* (The Hague: Kluwer Law International, 1998) for details of other protection categories, and particularly temporary protection as granted to Bosnians in various EU states. Temporary protection is here placed in the context of a comprehensive approach, including security issues and humanitarian intervention.

12. Non-return: Article 33 of the 1951 Convention.

13. See M. Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (Oxford: Blackwell, 1985); and M. Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1992, 2nd edition) for strong ethical reasoning for this position. ◻

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The Other Side of the Equation:
North American Trafficking in Women and Children

Guest Editor: Marilou McPhedran

Project Director, International Women's Rights; Director, CEDAW Impact Study;

Centre for Feminist Research, York University

(A guest editorial board of advocates working in this field is being assembled.)

Having presented first hand accounts of trafficking in women in many developing countries in the November 1998 issue of Refuge, we have received positive feedback on this "first voice" approach and requests for more information about the consumers of the "new cargo"—trafficked women and children. To do this we shall focus closer to home: North America. Thus, this issue will bring systemic analysis to the reality of trafficking (including forced labour) in Canada, the USA and Mexico, as well as the role of trafficking operations with North American managers and promoters, both in North America and in other countries.

This issue of Refuge will address topics such as:

- Historical background of trafficking in women and children to North America;
- The root causes of trafficking, including economic displacement and economic "benefits";
- The consumers of the "new cargo"—trafficked women and children;
- The roles of governments, national and international organizations, including media and corporations, in raising awareness to the problem, and developing preventive strategies;
- Personal accounts and analysis;
- Gender-based analysis and age-based analysis; and
- Gender-specific and age-specific strategies.

Contributions with abstracts are invited. They must be received no later than **December 15, 1999**. Papers should be typed, double-spaced, and referenced in the academic format. They should not exceed 16 pages or about 4000 words. Short papers of about 900 words are also welcome. Word-processed submissions may be sent on disc or by e-mail. *On accepte aussi des articles en français. Le style doit conformer aux normes exigés pour les articles rédigés en anglais.*

Deadline: December 15, 1999.

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