

# Western diplomacy and the Kosovo refugee crisis

by Michael Barutciski

This article argues that Western diplomatic options in Kosovo were not fully exhausted before resorting to the use of force.

Recent violent events in Kosovo are part of an independence struggle that has existed for many years in both the old and new Yugoslavia. Until the NATO intervention, the most important new factor was an increase in the use of force by both sides to the conflict. This escalation followed a period during which Kosovo's Albanians were denied some of their basic human rights and openly expressed their intention not to abide by Yugoslav or Serbian laws. Over the last decade, Kosovo's Albanians created a parallel society, including government structures, an education system and tax collection, which unofficially existed alongside Belgrade's repressive rule. Given that politicians, both in Belgrade and Pristina, relied on nationalism to maintain their popularity, it became clear that it was in the interest of all actors to radicalise their societies in order to make compromise less feasible in the context of a disintegrating Yugoslavia.

From a humanitarian point of view, the hard-line position taken by certain NATO members involved in the Rambouillet peace process has only aggravated the Kosovo conflict. NATO's decision to bomb cities throughout Yugoslavia has destabilized Balkan states by transforming an internal low-intensity conflict into a regional humanitarian crisis. In view of the advances made by previous international attempts to resolve the crisis, other means should have been fully explored before resorting to the use of force. However, as is often the case in military operations motivated by humanitarian concerns, other preoccupations played a more prominent role. Unfortunately, civilian populations in the Balkans have paid a heavy price and will continue to

live in an unstable environment in the coming years.

To understand the consequences of Western diplomacy in the Kosovo crisis, it is necessary to distinguish the humanitarian situation that existed before and after early March 1999. NATO's decision to begin bombing Yugoslavia on 24 March must be placed in the context of its ultimatum to the Yugoslav government at the end of the Rambouillet peace talks (19 March) and the pullout of the international observers of the Kosovo Verification Mission (20 March). This context is quite distinct from the period preceding the second round of the Rambouillet talks (15-19 March).

## Prior to March 1999

Kosovo benefited from extensive international preventive efforts throughout most of the 1990s. The international mediation conducted by certain NGOs since 1992 helped the Albanians and Serbs to clarify difficult issues of negotiation such as education curricula and the use of official languages. From 1992 to early 1999, the UN participated in a preventive mission in the Former Yugoslav Republic of Macedonia that had received little attention from the international news media despite its direct relevance to the situation in Kosovo. This mission concentrated its efforts on the threat of regional instability resulting from ethnic tensions related to the Kosovo crisis and a possible outflow of refugees into Macedonia. The UN military units that patrolled the country's borders with Kosovo and Albania represented a unique example of preventive action in the history of the UN. The discreet presence was appreciated by locals and helped to calm tensions.



**Bomb damage to road bridge between Pristina and Podujevo**

The deployment also involved UNHCR personnel who prepared contingency plans in case a refugee movement destabilised the region. UNHCR's contingency planning was appropriately based on containment of any potential displacement. It was not possible to prepare for the large-scale displacement that could follow a dramatic escalation of the conflict because effective planning would require an unrealistic level of cooperation on the part of local governments and support from external actors who were promoting a peace plan. For example, the news media in Macedonia would have applied tremendous pressure on the fragile government if it ever considered the possibility that hundreds of thousands of Kosovo's Albanians would be provided with refuge on the small country's territory. Likewise, acceptance by Western governments of burden-sharing plans for a large outflow would have undermined the Rambouillet process.

From February 1998, when fighting intensified between separatist Albanian guerrillas and repressive Serb forces,

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until the end of February 1999, UNHCR's estimates suggest perhaps as many as 200,000 to 300,000 persons were displaced in Kosovo. This was essentially a temporary rural displacement resulting from government operations against villages suspected of sympathizing with guerrillas. The figures are cumulative in the sense that many of the displaced persons returned to their damaged homes over the course of the year. News sources suggest total conflict-related casualties may have included 1,000 to 2,000 deaths over this one-year period. The very real suffering in Kosovo warranted international involvement, yet deciding the appropriate international response required careful analysis.

Until the end of February 1999, Western-led diplomacy over the Kosovo crisis was achieving positive results. Under pressure, the government in Belgrade had made significant concessions. Contrary to the pronouncements of the Yugoslav federal parliament in May 1998, the government accepted international mediation. It is difficult to imagine many countries allowing foreign involvement over such an internal issue. Indeed, the Milosevic-Holbrooke agreement of October 1998 led to the deployment of over 1,400 monitors from the Kosovo Verification Mission (KVM). These monitors, under the authority of the Organization for Security and Co-operation in Europe, were largely Western military personnel on a civilian mission. They travelled freely throughout Kosovo in 4-wheel drive vehicles and reported on abuses committed by both sides to the conflict. The agreement also allowed NATO to conduct aerial surveillance missions over Kosovo. In a further major concession from a government concerned about the exercise of sovereignty over its territory, UNHCR-led convoys were allowed to distribute emergency aid directly to the rural families of the separatist guerrillas.

Most importantly, the government in Belgrade had generally accepted the political dimension of the Rambouillet peace plan: enhanced autonomy for the province of Kosovo. Over the previous decade, Belgrade had used the secessionist challenge to national security and the constitutional order as justification for directly governing Kosovo and limiting the local autonomy re-affirmed in the

Serbian Constitution of 1990. By early 1999, Yugoslav politicians had publicly accepted that the Albanians of Kosovo were going to govern themselves with minimal interference from Belgrade. Western pressure had achieved these advances even though Albanian politicians had not renounced their claims to independence and had made little by way of concessions.

### The humanitarian situation in March 1999

It is a basic principle of international law that all diplomatic means must be exhausted before resorting to the use of force. Unfortunately, key NATO members chose not to capitalise on the diplomatic successes and momentum

described above. Instead, they embarked on a more dangerous trajectory.

The Rambouillet peace process

ended because the Yugoslav authorities would not accept the military dimension of the plan: control of Kosovo by a NATO-led presence. Key NATO members failed to provide credible reasons why this was the only type of international presence that they were willing to accept. This is particularly important given that the political dimension of the Rambouillet plan included autonomy for Albanians in Kosovo on all internal issues, including security (Serb security forces would withdraw and the various guerrilla factions under the umbrella of the Kosovo Liberation Army would be transformed into police units). Clearly, it is hard to deny that the withdrawal of the Serb forces would have dramatically reduced the threat to the Albanian population. The situation was very distinct from the conflict within Bosnia-Herzegovina where territory continues to be contested by rival security forces.

Other forms of international presence were not explored even though President Milutinovic of Serbia indicated that the government was willing to discuss an expansion of the international presence in Kosovo. If part of the political context suggests that it is necessary to take into account that NATO is intent on assuming a robust role in the Balkans, why did Western diplomacy not focus on expanding the KVM and buttressing it with troop deployments also involving non-

NATO members that would monitor the Serb withdrawal? Sanctions and even the use of force could have been contemplated if the timetable for withdrawal had not been respected by Belgrade.

As the Rambouillet talks broke down and NATO warnings intensified, ground forces from NATO gathered at the Kosovo-Macedonia border. This tense situation led to an increase in the Yugoslav army presence in Kosovo. Due to the threat of a land invasion, Yugoslav forces particularly increased their presence and entrenched their positions in the border region. This was immediately followed by increased guerrilla activities (focusing on provocation and harassment) along the border. Significant refugee flows began arriving in Macedonia at this point as populations fled from the Yugoslav army presence and skirmishes with the guerrillas. The KVM's unilateral decision to pull out on 20 March was a further sign that diplomatic means had been abandoned. At this moment reports first began indicating that the inhabitants of certain towns were being expelled even though they were not linked clearly to guerrilla movements.

NATO's bombing campaign began a few days later. If our primary concern is the humanitarian plight of civilian populations, there seems little doubt that NATO's decision was ill-conceived. Not surprisingly, reports of violence and atrocities increased during the bombing campaign. Many more people were displaced as Serb forces rampaged throughout the province. Perhaps over half of Kosovo's approximately two million inhabitants were displaced over the two months of the bombing campaign. Beginning with the least complex and controversial types, it is possible to identify at least four types of displacement.

Firstly, villagers fled from the increased government operations against guerrilla strongholds. This temporary rural displacement undoubtedly became more desperate because of the overall increase in fighting and consequent difficulties in finding refuge in other villages. Secondly, certain inhabitants closely associated with guerrilla activities withdrew because of the guerrillas' inability to hold some strategic locations. Thirdly, the concentrated NATO bombing in Kosovo provoked the departure of many civilians seeking safer areas, just as many people throughout Yugoslavia left potential target areas. Fourthly, and

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most influential for Western television audiences, Serb forces engaged in large-scale expulsions of perceived enemy populations. It is likely that many Serb troops were motivated by revenge and anger as modern cities throughout Yugoslavia were being bombed daily. This in no way excuses Serb violence but it is worth noting that there have been no international reports suggesting that the large Albanian populations in Belgrade or the rest of Serbia were mistreated during the conflict.

In describing the recent humanitarian plight of the Albanians from Kosovo, many Western commentators and politicians have made references to the Second World War and more particularly to crimes committed by the Nazis. It should be clear from the situation described above that such analogies are not accurate and do not advance our understanding of the Kosovo conflict. Instead of adopting a careful approach to Kosovo that takes into account the human rights of Albanians and the legitimate concerns of Serbs, the language of humanitarianism has obscured the deli-

nounced than in Macedonia. It is possible that the current government's fragile coalition composed of the more nationalist elements of the majority Slav population and minority Albanian population will not hold until the presidential elections later this year. The two communities were already profoundly divided and now there is little trust left following the harsh responses of the Ministries of Interior and Defence to the refugees arriving at the border. Yet it should be noted that the government had to deal with a refugee inflow that would have been considered destabilising in any country (proportionally, it is as if the US were to be confronted by the sudden arrival of 30 million refugees on its shores).

The refugees from Kosovo were Albanians who had grievances regarding their status in Yugoslavia and who then joined Albanians who had grievances regarding their status in Macedonia. Even if the repatriation programmes are effectively implemented, it is unlikely that the current constitutional arrangement in Macedonia will hold for long.

significant advances regarding the root causes of the tensions.

However, the resulting increase in regional instability might have been avoided if Western powers had respected international law by exhausting all diplomatic means before resorting to the use of force. The suggestion that the UN Security Council was not able to deal with the humanitarian situation is simply not accurate. All permanent members showed their willingness not to veto UN authorised military operations against Serb forces in Bosnia-Herzegovina. Following serious and extensive debates on the Kosovo crisis, the Security Council adopted a resolution declaring that the situation represented a threat to international peace and security. While this was an indication that a wide range of coercive measures available to the UN could be considered, some permanent members of the Security Council did not believe the time was right for military action. NATO engaged in air strikes without a Security Council resolution explicitly authorising the use of force precisely because its leaders knew that the action was controversial and unlikely to garner widespread international support.

The fact that powerful Western governments have acted with disregard for the UN Charter will have profound consequences for the new century. When the example of the Kosovo intervention is taken together with the unauthorised air strikes against Iraq, we should not be surprised that many populations around the world are worried by this new Western military adventurism and willingness to act outside the confines of international law. The next time that a regional military power acts outside the law and invokes moral reasons for justifying its 'humanitarian intervention' in the territory of a sovereign neighbour, it will be more difficult for the international community to respond with any credibility because of its actions in Kosovo. This should remind us that interventions have implications not just for refugees but also for the regional and international orders that ultimately determine the security of states and respect for human rights.

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## *it will be more difficult for the international community to respond with any credibility because of its actions in Kosovo*

cate issues of co-existence in this part of the Balkans. Consequently, NATO has transformed a relatively small-scale political conflict into a regional humanitarian crisis.

The large refugee burden on Albania is being used by local actors in the political struggle for control over this unstable country. After all, we should not forget that there was a coup attempt in October 1998 and that a significant international military presence was deployed in the country during the anarchic period of 1997. Montenegro's difficult relations with Serbia have been aggravated by the divisions between the political leadership of these two Yugoslav republics. It is likely that the constitutional relationship between the remaining *de facto* entities of the Yugoslav federation will undergo severe strain in the near future.

Nowhere are the divisions provoked by NATO's bombing campaign more pro-

Recent history has provided the international community with an example of a state that collapsed because of the opportunities and grievances provoked by a large refugee presence. Indeed, Zaire no longer exists because the refugee presence led to a rebellion that overthrew the central authorities and created a new state, the Democratic Republic of Congo.

### **Conclusion**

The process that led to the dissolution of the former Yugoslavia essentially began in 1981, when Albanians in Pristina rebelled and sought a new status for Kosovo. Serb responses in the late 1980s reinforced this process. Serb abuses committed over the last decade have seriously undermined Belgrade's legitimate claim to exercise sovereignty over Kosovo. In this perspective, international involvement over the crisis was fully justified and had, before the bombing, actually contributed in making