HUMANITARIAN INTERVENTION IN US FOREIGN POLICY: THE CASE OF KOSOVO

By:
Jessica Stone

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Department of History
University of North Carolina at Chapel Hill

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Approved:

Primary Advisor: ___________________________ ___________________________
(print) (signature)

Second Reader: ___________________________ ___________________________
(print) (signature)
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INTRODUCTION

Humanitarian intervention is both a politically and emotionally charged topic. The decision to engage in combat is serious and when the fate of people suffering rests on that decision, it looms larger. Humanitarian intervention played an important role in history and the world today. Concern for the fellow man and the failure of the world to stop many humanitarian disasters in history has led to wars, international organizations, and international laws regarding human rights as well as a strong moral conscience. Humanitarian intervention is documented as far back as the 1820s when the British sent money, weapons, and men to support the Greeks against Ottoman atrocities.\(^1\) While military force has been used for political purposes under the guise of humanitarian intervention, the level of humanitarian intervention for the purpose of ending human rights abuses has increased as the world becomes more globalized and the plight of those suffering becomes increasingly public. The present norm of humanitarian intervention, "armed intervention when a state shows itself unable or unwilling to prevent grave human rights abuses," or humanitarian aid delivered under military protection, stems from the dangerous environment surrounding humanitarian disasters which requires military protection for humanitarian aid to be successfully delivered.\(^2\)

Intervention by the US for humanitarian purposes has been documented in Iraq to protect the Kurds, Somalia, and Bosnia, however, the case of Kosovo in 1999, was one of the quickest and strongest responses by the US (and the West as a whole) to a humanitarian crisis and therefore provides an interesting case study and example for humanitarian intervention in modern US

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foreign policy. Increasing calls for and action based on humanitarian crises demonstrates a more international focus on human rights and the increasing obligations of foreign countries to act outside their borders not for the traditional purposes of war, to gain power, territory or for control of resources, but for the purpose of protecting the human race. After the intervention in Kosovo, the concept of humanitarian intervention was formalized by the United Nations (UN) in 2005 as the "Responsibility to Protect" (R2P) which designates a "commitment to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity" in which the international community has not only the right but the responsibility to act using diplomatic or military measures when a state has failed to protect its citizens from human rights abuses. R2P as well as discussions surrounding current conflicts, such as that in Syria, show the continuing importance of understanding when, and under what conditions humanitarian intervention has been considered justified by US policymakers and the international community as a whole.

While many studies address the legality, the successfulness, or the morality of intervention, a direct look at the reasoning and justification for intervention given by policymakers has been overlooked in the wide range of literature on humanitarian intervention. Therefore, this thesis will address the reasons, from the perspective of US policymakers, behind the NATO military intervention in Kosovo in 1999. It will seek to explain the multiple reasons for intervention by touching on the ethical justification, national security concerns, and the role of international organizations such as NATO and the UN in spurring or hindering action. The purpose is to see why and under what circumstances US policymakers would choose to use their military to intervene in another countries affairs by analyzing policymaker's justifications for the intervention in the Kosovo conflict of 1999 as a case study. In general, this thesis will focus on

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the policymaker's reasoning for intervening in Kosovo rather than the actions within the 
intervention itself given the purpose is not to determine the success of humanitarian intervention 
but rather when policymakers' consider it justified.

Two points must be noted in regards to this thesis. First, throughout this paper the two 
sides of the conflict are referred to as the Serbs and the Kosovars. Following the collapse of the 
Socialist Federal Republic of Yugoslavia in 1992, the republics of Serbia and Montenegro, 
including the province of Kosovo, formed a country entitled the Federal Republic of Yugoslavia 
(FRY). The name was not changed to the State Union of Serbia and Montenegro until 2003. This 
paper will sometimes refer to Serbia and sometimes to FRY. While no country existed by the 
name of Serbia in 1999, FRY and its government was dominated by Serbia and Serbian President 
Slobodan Milošević. Therefore, at times in this thesis the word "Serbia" is used to refer to the 
national government of Milošević instead of FRY given that Montenegro had little effect on the 
situation in Kosovo. This point has been addressed in order to avoid confusion. Second, this 
study is limited by the availability of sources given its subject matter of government policy only 
fifteen years after the campaign. Therefore it relies heavily on public documents and speeches 
from the time, which tend to be written to optimize public approval and therefore may not 
convey the complete intentions of the government. Other sources include interviews conducted 
in 2013 by the author with policymakers from 1999 whose testimony has been affected by 
hindsight and/or memory issues regarding the subject. While these limitations can affect the 
reliability of many studies, since the purpose of this paper is to gauge policymaker's reasoning 
for intervention to the domestic public and the world, they are less of an issue, though as stated 
above, they still should be noted.
Background and Timeline of the Kosovo Conflict and Intervention

On March 24, 1999 NATO bombers flew into Serbia, part of the Federal Republic of Yugoslavia, beginning a 78 day long bombing campaign to assist in ending the conflict between the Serbs and Kosovar Albanians in the Balkans. However, the Serbs and Kosovar Albanians had had a long history of conflict prior to 1999. While there is some debate regarding when the Albanians arrived in the area, it is generally decided that they have been around since the early Middle Ages. When the Slavs entered the Balkans in the sixth century, the Albanians moved into the region now known as Kosovo. The Slavs followed and by 1190, Kosovo "had become the administrative and cultural center of the medieval Serbian state."\(^4\) It remained that way for the next 200 years and "still today Kosovo is known by Serbians as 'Old Serbia.'"\(^5\) Then in 1389 in the Battle of Kosovo, the Serbs were defeated by the Ottoman Turks and lost control of the region. By the 15th century, the Albanians had repopulated the region once more. This conflict continued off and on for the next 500 years.

After World War II, Kosovo was united with Serbia as part of Yugoslavia. In 1974 a new constitution was enacted which declared Kosovo an autonomous province of Yugoslavia. While it was not considered a republic like Serbia was, Kosovo was now one of the eight federal units that made up Yugoslavia and had the same legal standing within Yugoslavia as Serbia.\(^6\) This gave Kosovo both constitutional and legislative autonomy allowing the Kosovars to basically govern their own affairs.\(^7\) This new found freedom gave the Albanians in Kosovo "[f]rom 1974

\(^5\) Ibid.
\(^6\) Ibid.
until the late 1980's...the most administrative and cultural autonomy in their history." In the late 1980s, Serbian nationalism grew, especially under the vocal leadership of Slobodan Milosevic who became President of Serbia in late 1987. Milosevic wanted to unify a "greater Serbia" which included the autonomous provinces of Kosovo and Vojvodina.

In 1987, Serbia first proposed to take away Kosovo's autonomy. This attempt failed because it was not in Serbia's powers to take away the rights of the autonomous province. In 1989 the process began when a series of amendments to the Serbian constitution brought Kosovo under Serbia's direct control. This process was met with severe Albanian protests and strikes. Violence broke out on both sides. On July 5, 1990, Serbia dissolved the Albanian government of Kosovo and "following this, the Serbian police dissolved all the organs of local authority" in Kosovo. The abolition of Kosovo's autonomy resulted in the disbanding of the police force in Kosovo (to be replaced by Serbian policemen), removal of Albanian judges and prosecutors from courts, closed down schools taught in the Albanian language, ended Albanian language media, removed Albanian doctors and medical staff which destroyed health care in the country (also, fired Albanian workers no longer had a right to health care), and Serbian takeover of Albanian cultural institutions. In general, Serbian "imposed rule" on Kosovo destroyed the economy.

When the conflict in Bosnia was ended with the Dayton Accords in 1995, many Kosovars hoped that their plight would gain some recognition by the international community given the similarities of their situation to that of the Bosnian Muslims. However, the Dayton Accords did not acknowledge the persecution of the Albanians in Kosovo by the Serbian government.

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8 Jansen, "Albanians and Serbs in Kosovo."
9 Ibid.
11 Ibid.
Following this rejection by the international community, many Kosovars increasingly turned to active opposition to the Serbian government and the KLA (Kosovo Liberation Army), Kosovo's Albanian insurgency, grew in power.\textsuperscript{12}

It is important to remember that while the government of the Federal Republic of Yugoslavia was led by Serbs and Serbian President Slobodan Milosevic, in the province of Kosovo, only around 10\% of the population was ethnically Serbian, while around 83\% of the population was ethnically Albanian at this time.\textsuperscript{13}

In 1997, the KLA conducted a series of attacks against the Serbs in Kosovo to destabilize the province which included the execution of Serbian police officers and Albanians suspected of collaborating with the Serbian police. In response to increasing KLA attacks, in 1998, the Serbs responded with increasingly violent attacks on villages in Kosovo, especially the Drenica region.\textsuperscript{14} The "Contact Group" consisting of representatives from the United States (US), United Kingdom (UK), Russia, France, Germany, and Italy (which had convened five years earlier to discuss the situation in Bosnia) begin meeting in March 1998 to discuss Kosovo.\textsuperscript{15} On March 31, 1998, the first UN Security Council Resolution was passed, number 1160, condemning excessive Serbian use of force in Kosovo.\textsuperscript{16} The UN High Commissioner for Refugees continually noted the worsening human rights situation in Kosovo in June 1998. On

\textsuperscript{14}Guzina, pp. 41-42.
July 6, 1998, the Kosovo Diplomatic Observer Mission was formed by the US, European Union (EU), and Russia to monitor the situation.

On September 23, 1998, UN Resolution 1199 reiterated Resolution 1160 and called for a ceasefire and for diplomatic negotiations to begin between the Serbs and Kosovars.\(^{17}\) Immediately following Resolution 1199, NATO increased its level of military preparedness and said it will take action (air strikes) should Serbia not comply with the UN resolution.\(^{18}\) Milosevic agreed to comply in an agreement he made with US diplomat Richard Holbrooke, as well as in other agreements he made with NATO and the OSCE (Organization for Security and Co-operation in Europe). Milosevic agreed to "cease hostilities and withdraw forces used in the repression of civilians in Kosovo; improve the humanitarian situation, permit free access for humanitarian organizations, and facilitate the return of refugees and displaced persons; enter into a meaningful dialogue on a political solution for Kosovo" and allow the Kosovo Verification Mission (KVM) organized by OSCE to ensure compliance.\(^{19}\) In response to these agreements, NATO called off its proposed airstrikes.

From October 1998 to January 1999, the KVM, led by US Ambassador William Walker, operated and observed several ceasefire violations, though none as severe as the Racak massacre in which Serb forces killed 45 unarmed Kosovar civilians in the village of Racak on January 15, 1999. Overall, the West viewed the Racak massacre as a symbol of "Serbia's flagrant non-


\(^{19}\) USIA" Crisis in Kosovo? The Background."
compliance with the international agreements designed to secure peace in Kosovo."\(^{20}\) The KVM concluded that Milosevic and Serbia, as well as the KLA to a lesser extent, failed to comply with UN Resolution 1199. Throughout January 1999, the US, the Contact Group, NATO, and the Russian government all called for compliance with the previously made agreements.\(^{21}\) On January 30, 1999, NATO warned that it will take military action if the agreements were not abided by.\(^{22}\)

From February 6 to February 23, 1999, negotiations were conducted at Rambouillet, France between the Serbs and Kosovars, mediated by the US, EU, and Russia. The agreement concluded on February 23, 1999, the Interim Agreement for Peace and Self-Government In Kosovo, called for a complete ceasefire, for the KLA to lay down its arms, for Serbian forces to withdraw from Kosovo, for NATO peacekeeping forces on the ground to ensure compliance, as well as a political proposal for the democratic self-governance of Kosovo. Neither side signed the agreement. Though both verbally supported a political settlement, the Serbs refused NATO ground troops even for "peacekeeping" purposes.\(^{23}\) Talks resumed in Paris on March 15, 1999, and the Albanians agreed to sign the Interim Agreement. On March 18, 1999, the 40,000 man Yugoslav army organized in and around Kosovo. On the 20th the KVM withdrew, and on that

\(^{20}\) Ibid.

\(^{21}\) Ibid.


same day, the Yugoslav military moved into Kosovo and began attacking the Kosovar population.24

In a last-ditch effort to avoid war, on March 22, 1999, Holbrooke met with Milosevic to convey the final ultimatum for Serb compliance or NATO airstrikes would begin. Milosevic refused. On March 24, 1999 NATO warplanes began the 78 day bombing campaign in Serbia. In early June 1999, Milosevic agreed to a peace plan which required the removal of over 40,000 Serbian troops from Kosovo.25 NATO approved this Military-Technical Agreement on June 10, 1999 thereby ending the war in Kosovo.26 Following the conclusion of the NATO air campaign, Serb forces withdrew from Kosovo, under verification by KFOR (NATO's Kosovo peacekeeping force) which had been authorized by UN Resolution 1244, and the KLA de-militarized.27

24 PBS, "A Kosovo Chronology."; US Department of State, "Kosovo Timeline."
CHAPTER 1:  
THE ETHICAL CASE FOR HUMANITARIAN INTERVENTION

This chapter lays out the justification given by US policymakers for the intervention in Kosovo based on moral and ethical reasons due to the atrocities committed by the Serb forces against the Kosovars. These atrocities revived memories of the Holocaust and the recent conflict in Bosnia to spur action based on moral "humanitarian" concerns. These actions were justified not only on the rhetoric of the atrocities but on Just War theory which states that it is not only an option but an obligation to intervene to protect civilians against a security threat to their basic survival as a people. A problem arises with the case in Kosovo due to the fact that the level of atrocities of both killings and displaced persons vastly increased following the initiation of the NATO bombing. This problem further raises the question of the role of ethics in US foreign policy and the efficacy of intervention.

The night the NATO bombing of Kosovo began, March 24, 1999, President Bill Clinton made a speech. He described the actions of the Serb forces against the Kosovar civilians in detail. His words to the country were:

"[n]ow they've started moving from village to village, shelling civilians and torching their houses. We've seen innocent people taken from their homes, forced to kneel in the dirt, and sprayed with bullets; Kosovar men dragged from their families, fathers and sons together, lined up and shot in cold blood. This is not war in the traditional sense. It is an attack by tanks and artillery on a largely defenseless people whose leaders already have agreed to peace. Ending this tragedy is a moral imperative."  

28 William J. Clinton, "Statement on Kosovo" (March 24, 1999), http://millercenter.org/president/speeches/detail/3932
In this speech, and multiple others, Clinton laid out the necessity of action based on moral grounds.

**Atrocities by Serb Forces in Kosovo**

In order to understand where the arguments for humanitarian intervention based on ethics comes from, it helps to have an idea of the atrocities that happened in Kosovo prior to the intervention. While many incidents occurred in 1998 and 1999, a description focusing on the events in Drenica can illustrate the situation. The first turning point in the level of ethnic atrocities in the conflict in Kosovo were the attacks in the Drenica region of Kosovo in February and March 1998, the second being the NATO bombing campaign. A region in central Kosovo almost wholly populated by Albanians, Drenica is known for resistance against outside domination. In 1997 and 1998, Drenica was known to Albanians as the "liberated territory" because of the strength of the local KLA. The first major attacks by Serbian police forces in Drenica occurred on February 28 and March 1, 1998, in response to an attack on February 28, 1998, by Albanians on a Serb police patrol in which four Serb officers were killed and two were wounded. While the perpetrators of these attacks deserved punishment, the Serb special police forces used "arbitrary and excessive force against the villagers long after resistance ceased."\(^\text{29}\)

They assaulted the villages of Likošane and Cirez with combat helicopters, armored vehicles, and artillery.\(^\text{30}\) Helicopters fired down indiscriminately on Cirez. One of the most terrible deaths was the murder of Rukia Nebihu, a twenty seven year old woman who was also seven months pregnant. She was shot in the face. Her father-in-law Sefer Nebihu who survived the attack told Human Rights Watch in an interview on May 24, 1998:


\(^{30}\) Ibid.
"[t]he police destroyed my front gate with two tanks and came up to the windows of my house. About seventeen policemen came out of the tanks. They wore military camouflage, green and yellow, with a police sign on their chests. No masks. The tank came up to the window. One policeman broke the window with the butt of his gun and started shouting. They said “stand up” and I said “don't shoot because there are only women and children here.” They cursed me and then one fired at me.”

Sefer was then taken to his brothers house. There were twenty-three women and children inside. After they came out and lied down on the grass as asked, the policeman got into an argument. One said "kill them all” while some of the others said “we can't shoot them.”

While these women and children were saved through the disagreement of the Serb forces, disregard for human life was clearly present, and this event exemplifies the mentality of some of the Serb forces regarding the Kosovars. In the end, Serb forces murdered twenty five Albanian civilians in the village of Likošane and Cirez.

On March 5, 1998, the Serb police attacked the Jashari family compound in the village of Donji Prekaz for the second time, the first was in January 1998. Adem Jashari was well known for being a local KLA leader. However, in this attack an estimated 58 members of the Jashari family were killed, eighteen of whom were women and ten of whom were children under the age of sixteen including four young girls aged seven to thirteen. Some of the bodies were burned beyond recognition, which is the reason for the estimated body count. Serbs forces used artillery shelling to attack the family compound for hours and then stormed it using armored personal carriers and "special police forces in camouflage and face paint." The only member of the Jashari family that was in the house at the time who survived was eleven year old Besarte who hid. The police were brutal in their attack, when Qazim Jashari came out of the house with his

32 Nebihu in Human Rights Watch, "Violations of the Rules of War by Government Forces."
33 Human Rights Watch, "Violations of the Rules of War by Government Forces."
34 Ibid.
hands up, he was shot and killed on the front steps. Bahtijie Jashari recalls her son's death in these words:

"My son Nazim took a child of one and a half years to hide him from the police and tried to help me along because I didn't have my crutch. The police grabbed him by both arms and stopped him from helping me. I begged them to let him go. They ordered my son to lie down and then searched him for guns. Then they ordered him to stand up with his hands in the air. It lasted only a few seconds. I clutched my head and started screaming. All of a sudden, the police ordered Nazim to lie down again and emptied a whole magazine into his back. They didn’t let me turn him face up."

The events in Drenica were a turning point in the crisis. The "brutal and indiscriminate attacks on women and children greatly radicalized the ethnic Albanian population and swelled the ranks of the KLA," turning them away from the non-violent policies of Rugova. Similar attacks continued to occur in other villages in Kosovo.

Beginning in mid-May 1998, Milosevic began his first major government offensive. A Human Rights Watch report from October 1998 indicates that the special police in combination with the Yugoslav army attacked towns and villages along the Albanian border "with the specific intent of depopulating the region". This policy included shelling the villages before civilians had a chance to escape and placing "landmines...in strategic points along the border." The villages were looted and systematically destroyed. The Serb forces sometimes fired on noncombatants by snipers, and an "undetermined number of people were taken into detention. In three cases, helicopters marked with the Red Cross emblem reportedly fired on civilians."

During the course of this campaign 15,000 people fled to Albania and 30,000 to Montenegro.

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37 Ibid.
38 Ibid.
39 Ibid.
"One attack killed seventeen civilians who were hiding in the woods, and another killed three humanitarian aid workers who were trying to deliver food." Overall by October 1998, as Human Rights Watch's report indicates "[t]he majority of those killed and injured have been civilians. At least 250,000 people are currently displaced, many of them women and children now living without shelter in the mountains and woods. They face dire conditions with winter approaching. Many are too afraid to return to their homes, or have no homes to which they can return." The Serbs also restricted the activities of humanitarian aid agencies seeking to help the internally displaced. They "restricted access to needy populations, confiscated supplies, harassed and even attacked humanitarian aid workers." The events in Drenica in early 1998 were a prime example of the Serbian's disproportionate response in Kosovo, recalled by Richard Miles, U.S. Chief of Mission to Belgrade, as the main problem associated with Serbian actions in Kosovo. He recounts multiple discussions with Milosevic and Serbian Ministry of Internal Affairs members about "proportionate response". He summarizes by saying he understood that the government "ha[d] a right to defend [its] interests as a leadership of a country, but if some 18 year old Kosovar Albanian shoots at a police station with a rifle, it doesn't mean that [government forces] go into the village where he came from with armored vehicles and machine guns and burn the place down. There has to be some proportionate response." Miles remembers that while he had many conversations about this with Milosevic, nothing changed because Milosevic believed he knew better "how to handle the Albanians" and "neither Milosevic or anybody else on the Serb side

40 Ibid.
41 Ibid.
42 Ibid.
really [ever] accepted the idea of proportionate response." This Serbian disproportional response against civilians was one of the primary justifications for Western intervention in the crisis.

**Policymaker's Moral Reasoning**

In preparation for and in justifying the crisis to the American people and the world, President Clinton used vivid description of atrocities and made the moral necessity of acting in Kosovo one of his major points. In a speech at Arlington National Cemetery on Memorial Day 1999, after the bombing had started, Clinton clearly stated, "[o]ur objectives in Kosovo are clear and consistent with the moral imperative of reversing ethnic cleansing and killing," before going on to mention the national security justifications for the intervention as well.  

Clinton continued to justify the bombing campaign through humanitarian reasons, when he stated in a press conference on April 5, 1999, "I would far rather be standing here answering these questions with these people talking about this endeavor, than I would to be standing here having you ask me why we are permitting wholesale ethnic slaughter and ethnic cleansing and the creation of hundreds of thousands of refugees and not lifting a finger to do anything about it." This moral necessity to stop ethnic cleansing remained a common point in policymaker's rhetoric.

In October 1998, there was another round of negotiations between the Serbs and the West. In reference to these negotiations, Secretary of State Madeleine Albright said, "I have asked Ambassador Holbrooke to return to Belgrade to convey a very clear and simple message to President Milosevic: he must comply in a manner that is both durable and verifiable, with the

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44 Ibid.
46 Ibid.
longstanding political, humanitarian, and military demands of the international community, or face the gravest consequences.⁴⁷ Addressing the humanitarian concerns was one of the primary conditions of negotiations, and when negotiations failed, humanitarian concerns became one of the primary justifications for intervention. Fast forward to the night of the bombing, March 24, 1999, Clinton addressed the nation over the Kosovo issue and stated in clear terms, "Ending this tragedy is a moral imperative."⁴⁸ Clinton continued by giving a more detailed history of the Kosovo conflict beginning with Milosevic's removal of Kosovo's autonomy in 1989, through the Kosovars' years of peaceful, nonviolent attempts to restore this autonomy, and into the violent struggle that characterized 1998 and 1999. Clinton emphasized how after negotiations at Rambouillet when the Kosovar leaders agreed to peace, "[e]ven though it does not give them all they want, even though their people were still being savaged, they saw that a just peace is better than a long and unwinnable war," the Serbians rejected it and instead "[a]s the Kosovars were saying yes to peace, Serbia stationed 40,000 troops in and around Kosovo in preparation for a major offensive—and in clear violation of the commitments they had made."⁴⁹ Therefore, Clinton said, the United States must stand with the Kosovars against this threat to the security of a people for ethical reasons.

Clinton continually referred to Milosevic's actions against the Kosovars as the reasons for intervention, putting the blame squarely on Milosevic's shoulders. On April 2, 1999, he said, "We have to make sure that Mr. Milosevic pays a heavy price for this policy of repression. We have to seriously diminish his capacity to maintain that policy."⁵⁰ Then on April 5, 1999, he

⁴⁸ Clinton, "Statement on Kosovo"
⁴⁹ Ibid.
⁵⁰ Washington Post, "Clinton's Statements on Kosovo."
reiterated his point by saying, "Mr. Milosevic has created a humanitarian disaster in Kosovo. He can end it today by stopping the killing." Clinton made sure to emphasize the importance of Milosevic's actions against the Kosovars, when he said:

"As long as people have existed, there have been problems among people who were different from one another, and there probably always will be. But you do not have systematic slaughter in an effort to eradicate the religion, the culture, the heritage, the very record of presence of a people in any area unless some politician thinks it is in his interest to foment that sort of hatred. That's how these things happen. People with organized political and military power decide it is in their interest, that they get something out of convincing the people they control or they influence to go kill other people and uproot them and dehumanize them." Therefore Milosevic's actions spurred the conflict and created the distinction that necessitated intervention. This distinction clarified the difference "between people who can't resolve their problems peacefully and fight about it and people who resort to systematic ethnic cleansing and slaughter of people because of their religious or ethnic background." This difference is what made intervention in the conflict a moral obligation.

Clinton's vivid descriptions of atrocities contributed to what is known as the "CNN effect". The CNN effect is the "new global, real-time" media's substantial "ability to affect the conduct of U.S. diplomacy and foreign policy." From this, images, the framing of such images, and vivid accounts of atrocities accelerate and mold policy, and governments use the

51 Ibid.
53 Ibid.
opportunities provided by this media to justify intervention. The CNN effect creates public visibility of these crises and helps push for action based on moral concerns. Soderlund et al conclude in their empirical analysis of ten crises and their related interventions, or the lack thereof, that "the international community is more likely to respond to a serious crisis in a country of marginal strategic or economic importance if the mainstream media are effective in alerting populations to the crisis." While it may be overstated, it would be difficult to deny that the CNN effect exists given how these gripping accounts can spur public sympathy which can push leaders to act or aid them in justifying their actions. Bahador's study of the CNN effect in regards to the Kosovo conflict concludes that the CNN effect was a motivating factor regarding intervention in Kosovo, and the media's highlighting of certain events such as the Drenica and Racak massacres, combined with Clinton's vicious attacks on Milosevic and vivid descriptions of atrocities helped aid this effect and emphasized the moral justifications for intervention.

The Legacy of Past Genocides

Clinton also remembered the legacy of the Holocaust and Bosnia in pushing for and justifying action in Kosovo. In a speech on April 15, 1999, Clinton explicitly referred to this connection when he stated, "We must follow the example of the World War II generation, by standing up to aggression and hate." Clinton also implied the connection in statements like this one from April 3, 1999, "Right now, in the middle of Europe, at the doorstep of NATO, an entire people are being made to abandon their homeland or die -- not because of anything they've done, but because of the actions of others."
but simply because of who they are."\textsuperscript{60} This statement brings to mind clear imagery of the Holocaust and the ethnic cleansing of the Jews, also in the middle of Europe. In a speech on Kosovo from May 13, 1999, Clinton utilized the comparison when he said, "Though [Milosevic's] ethnic cleansing is not the same as the ethnic extermination of the Holocaust, the two are related; both vicious, premeditated, systematic oppression fueled by religious and ethnic hatred. This campaign to drive the Kosovars from their land and to indeed erase their very identity is an affront to humanity and attack not only on a people, but on the dignity of all people."\textsuperscript{61} The comparison with the Holocaust was a vivid and emotion laden argument for intervention in Kosovo.

The connection to and memory of both the genocides of the Holocaust and in Bosnia, but especially the Holocaust, produced an emotional reaction to the crisis in Kosovo and were used to justify US involvement. On the eve of the bombing, Clinton dreamed of a counterfactual history if the Holocaust could have been prevented. He stated:

"Sarajevo, the capital of neighboring Bosnia, is where World War I began. World War II and the Holocaust engulfed this region. In both wars, Europe was slow to recognize the dangers, and the United States waited even longer to enter the conflicts. Just imagine if leaders back then had acted wisely and early enough, how many lives could have been saved, how many Americans would not have had to die."\textsuperscript{62}

This memory and possibility seems like it could almost be enough on its own to justify intervention in Kosovo. Marc Grossman, Assistant Secretary of State of European Affairs during the time of the Kosovo crisis, related a conversation he remembers with Madeleine Albright which he dictated in these terms, "we will not have people put on railway cars in Europe for the second time in this century. We just can't have it. What did we learn from the Holocaust? What

\textsuperscript{60} Ibid.
\textsuperscript{61} Clinton, "Clinton justifies U.S. involvement in Kosovo"
\textsuperscript{62} Clinton, "Statement on Kosovo"
did we learn from World War II? We learned that you can't just turn your back on this kind of activity."63 This relationship between the memory of the Holocaust and the current situation in Kosovo provided more than just an emotional connection for the public but also made ethnic cleansing a serious moral consideration for policymakers.

Even more important than the memory of the Holocaust, was memory of the recent events in Bosnia. The connection to Bosnia was forged long before Western attention was attracted to the region. In December 1997, before many of the atrocities of the Serbs against the Kosovars even occurred, much less were brought to light, there was an opinion article published in the New York Times which laid out the possibility of crisis in the region. This article, entitled "Bosnia II?" commented on how, while the delegates from around the world met to discuss the success of the Dayton Accords regarding the situation in Bosnia, the world was ignoring the potential conflict in Kosovo. The piece highlighted the danger posed by the rise of the KLA when combined with the already present, though minor compared to those to come, attacks and discrimination against the Kosovars by the Serbs.64 While the conflict had yet to erupt, the signs were clear to those who paid attention. Soon the connection to the conflict in Bosnia would become more important to the people and policymakers than that of an opinion article title.

The connection between the conflict in Kosovo and that in Bosnia is striking. In both cases, in the 1990s Serbian forces committed flagrant atrocities against a Muslim people. Milosevic, though he was not technically the leader of the Serb forces in Bosnia as he was in Kosovo, was considered to be a strong influence on Serb nationalism and aggression. In both

cases, Serb forces were combating an enemy who fought back violently, but also in both cases, the Serb forces responded to violent attacks with even more vicious attacks against civilians. Both crises occurred in the Balkans in the wake of the collapse of the former Communist state of Yugoslavia. Both ended due to some form of Western intervention led by the United States. However the cases were also very different. In Bosnia, massacres on a much larger scale, such as that in Srebrenica in which 8000 Bosnian Muslims were systematically murdered and thousands of women were raped in view of 100 incapable Dutch peacekeepers needed to occur before a sustained Western military intervention was planned. The memory of the slow response in Bosnia which led to almost 40,000 civilian deaths spurred quicker action in Kosovo to prevent a crisis on the same scale.

Many policymakers worked to learn the lessons of Bosnia, even more so than those of the Holocaust, by acting in Kosovo. Grossman was very blunt about this point. He said in an interview, "no one's perfect. You [policymakers] have to learn your lessons, but the lesson in Bosnia was, you have to intervene early, not late...at the very very very senior levels of government, all decisions are hard, all the options are bad...so you try to learn your lessons." Srebrenica was a "human tragedy" and lessons from the Bosnian conflict had to be learned in order to prevent another similar tragedy from occurring. Clinton stated at the start of the bombing:

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66 The Center for Justice and Accountability, "Bosnia and Herzegovina: Torture & Ethnic Cleansing in the Bosnian War."
67 Grossman.
"We learned some of the same lessons in Bosnia just a few years ago. The world did not act early enough to stop that war, either. And let's not forget what happened: innocent people herded into concentration camps, children gunned down by snipers on their way to school, soccer fields and parks turned into cemeteries, a quarter of a million people killed, not because of anything they have done but because of who they were. Two million Bosnians became refugees. This was genocide in the heart of Europe, not in 1945 but in 1995; not in some grainy newsreel from our parents' and grandparents' time but in our own time, testing our humanity and our resolve."68

Policymakers could not forget the recent events in Bosnia, even more so than the Holocaust which they were further removed from, because the reports from Kosovo were reviving these same moral concerns.

Clinton continued in comparing the two conflicts, when he stated "[w]e learned that in the Balkans, inaction in the face of brutality simply invites more brutality, but firmness can stop armies and save lives. We must apply that lesson in Kosovo before what happened in Bosnia happens there, too."69 The level of the atrocities in Kosovo were nowhere near the scale of those in Bosnia, but that was the point. Even though diplomats and leaders such as Clinton and Blair espoused the necessity of intervention on moral grounds by detailing the atrocities that had occurred, the level of the carnage was much smaller than that in Bosnia, Rwanda, and definitely the Holocaust. But in the minds of the leaders, the atrocities that were beginning to occur in Kosovo, primarily beginning in 1998, were a forerunner of future horrors similar to that in many memories and something had to be done to protect these civilians before the situation got out of hand. Clinton even addressed this point specifically on March 19, 1999, just days before the bombing but after the rejection by the Serb government of the last set of negotiations at Rambouillet, when he said "If we don't act, the war will spread. If it spreads, we will not be able to contain it without greater risks and costs.... I do not believe we ought to have thousands more

68 Clinton, "Statement on Kosovo"
69 Ibid.
people slaughtered and buried in open soccer fields before we do something." In Kosovo, Western leaders acted early in order to prevent the humanitarian disaster they predicted would follow.

**Just War Theory**

In the *New York Times*, a speech by Clinton was published entitled "A Just and Necessary War". This speech went on to detail the horrible conditions that arose in Kosovo in the prior ten years, followed by references to the similarities of the experiences in Croatia and Bosnia. Clinton stated, "We cannot respond to such tragedies everywhere, but when ethnic conflict turns into ethnic cleansing where we can make a difference, we must try, and that is clearly the case in Kosovo. Had we faltered, the result would have been a moral and strategic disaster." Clinton drew on these moral considerations to rationalize intervention, but the designation of the war as just requires the satisfaction of other claims by US policymakers.

Born out of classical and religious philosophy, a theory of just war was gradually formalized throughout the Middle Ages and into modern times. This "just war theory" combines politics and ethics in a way that brings moral conduct and human rights into the realm of politics. What is today considered "humanitarian intervention" is born out of the doctrine of just war initially developed in the Middle Ages. Discussion of just war theory is separated into two types, *jus ad bellum* which refers to the reasons for going to war and *jus in bello*, which...

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70 Washington Post, "Clinton's Statements on Kosovo."


refers to the conduct of warfare. This discussion will focus on *jus ad bellum* tradition in order to explain the policymaker's reasoning for intervening in Kosovo rather than the actions within the intervention itself.

Just war theory is born out of idealism which makes sense because so is the basic premise of humanitarian intervention. Humanitarian intervention arises when "a process by which an ethical response to a large-scale tragedy is first aroused and then translated into political action." Humanitarian intervention fits the just war framework very well. The primary points of *jus ad bellum* theory are right authority, just cause, right intention, last resort, proportionality, reasonable hope, relative justice, and open declaration. The most important points related to humanitarian intervention and the crisis in Kosovo are, "right authority", "just cause", and "last resort". Therefore, according to the just war tradition, the only reasons that military intervention in Kosovo would be reasonable, justified, and, beyond that, necessary is if there was just cause, there were no other options available, and if the international community had the right to intervene.

Given the failure at Rambouillet and other negotiations prior to the initiation of Operation Allied Force (NATO's bombing campaign), the condition of last resort could be seen in the eyes of policymakers to be fulfilled. This belief is confirmed by the statement given by Dr. Javier Solana, Secretary General of NATO, on the eve of the bombing which emphasized that "[a]ll efforts to achieve a negotiated, political solution to the Kosovo crisis having failed, no alternative

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75 Ibid. p. 284.
76 Ibid. p. 286.
is open but to take military action." However, there still remains the questions of what is just cause and does/did the international community have the authority to intervene?

Right authority in humanitarian intervention is difficult to answer yet closely related to just cause. Many interventions are considered "legitimized" by UN Security Council approval, which was not given in the case of Kosovo, a subject that will be further discussed in the third chapter. Without this UN approval, the actions of the United States and many of the European states in Kosovo could be viewed as impinging on the sovereignty of Serbia, therefore not meeting the criteria of "right authority". However, the balance between states' rights and human rights is heavily debated in international law and humanitarian intervention literature, and therefore conflicts with this notion that the Western intervention in Kosovo was unjustified because the West did not have the authority to declare a "just war". In the modern world, as Christopher Greenwood says in regards to his analysis of the legality of the interventions in Iraq, Liberia, and Somalia, "[i]t is no longer tenable to assert that whenever a government massacres its own people or a state collapses into anarchy, international law forbids military intervention altogether." Based on modern theories of cosmopolitanism in international relations, the individual's rights are just as important, if not more important than that of states; from this idea, "[s]tates have rights only if they promote the rights and welfare of their citizens." Therefore if an individual's rights, human rights, matter, when a government impinges on their personal sovereignty, then anyone, including the international community could intervene to restore those

78 Fixdal and Smith, p. 292.
While this debate between state sovereignty and human rights cannot be answered definitively by any one person, the existence of this debate itself provides reasoning and justification for those, who agree with the side on cosmopolitanism and the importance of human rights, for intervention within their rightful authority as long as there is just cause.

While the only legal argument in international law for just cause is self-defense, the traditions of just war provide another reason which is supported by many modern reactions to atrocities in the twentieth century. In modern just war theory, "[a]ggression need not be directed against one's own to trigger *jus ad bellum* argument. The offense of aggression may be committed against a nation or a people incapable of defending itself against a determined adversary. If one can intervene to assist the injured party, one is justified in doing so, provided that [the] other considerations are met."\(^82\) Clinton's words in his speech "A Just and Necessary War" cited earlier parallel this idea. Traditions of just war theory state that war is just when it is "punishing a transgression" and against "harm [that] has been inflicted" and can include "defense of the innocent as a just cause."\(^83\) A similar consideration promoted "war on behalf of the oppressed", primarily taken from a religious standpoint, as a justification for intervention.\(^84\) Just war theory can then be taken a step further to indicate that "humanitarian intervention is justified when it is directed against actions that contravene the moral convictions of ordinary people."\(^85\) Therefore when a government takes disproportionate violent action against civilians it is not only the right but the duty for the international community to intervene. Similar arguments are made by qualifying genocide and other human rights violations as "crimes against humanity" from

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\(^{81}\) Fixdal and Smith, p. 294.
\(^{82}\) Elshtain, p. 4.
\(^{83}\) Fixdal and Smith, pp. 295-296.
\(^{84}\) Chesterman, pp. 13-15.
\(^{85}\) Fixdal and Smith, p. 296.
which just cause legitimizes international intervention.\textsuperscript{86} Beyond the basic definition of just cause, which is self-defense, defense of others is considered within just war theory, especially in modern times, as a legitimate "just cause" and reason for intervention.

Proponents of "just war theory" use the UN charter as further justification for intervention. Many tend to use Articles 55 and 56 of the UN Charter which states that "all Members pledge themselves to take joint action in cooperation with the Organization for the achievement of...universal respect for, and observance of, human rights and fundamental freedoms for all..." as saying that intervention is not only permitted on humanitarian grounds but is actually required for UN members.\textsuperscript{87} These considerations allowed policymakers, in conjunction with rhetoric regarding the "humanitarian atrocities" occurring in Kosovo, spurred on by the CNN effect, to justify the intervention in 1999.

**The Effects of "Humanitarian" Intervention**

There is one major problem with the "humanitarian" part of humanitarian intervention in the case of Kosovo. While the fact that the intervention was justified based on moral concerns for the security of the Kosovars against growing levels atrocities committed by Serb forces is clear, in reality the level of atrocities skyrocketed after the bombing began. This distinction is highlighted by Hideaki Shinoda in his article on the politics of legitimacy regarding the intervention. Shinoda points out the "gray area between law and politics,... the need to discuss the issue of responsibility and accountability in the context of humanitarian intervention."\textsuperscript{88}

Though policymakers may have fulfilled the "ethics of intention" in the case of Kosovo due to

\textsuperscript{86} Ibid, pp. 296-7.
the atrocities of the Serbs in the region which, when combined with "the reluctant acceptance
of [NATO's] intervention by many other nations [as] a sign of recognition of its political
legitimacy,... the ethics of responsibility, which concerns the result, not the motivation, is the
target of criticisms and suspicions" due to the effects of the campaign. 89

Though the intervention was purported to stop the violence against civilians before it
could get out of hand, as it did in Bosnia, the intervention did just the opposite in that the
violence against civilians massively increased after March 24, 1999. Although it is unknown
what would have happened had no intervention occurred given clear intentions by Milosevic to
subjugate the Kosovar people, the facts that occurred in reality are well documented. It is
difficult to compare the situation on the ground before and after the bombing started as many of
the atrocities committed before the bombing started are not well documented due to Serb
repression, censorship, and the unclear nature of many of the reports. The documentation
regarding those committed after the bombing started are clear. Between March and June 1999,
almost 900,000 Kosovar Albanians were forcibly expelled from Kosovo and another 600,000
were considered internally displaced persons within Kosovo. Therefore almost 1.5 million
people were forced out of their homes during this conflict. 90 These numbers add up to almost
90% of the 1998 population of Kosovar Albanians (1.7 million). 91 It is estimated that Serb forces
killed around 10,000 Kosovar Albanians during the conflict. 92 Aside from the "forcible
displacement of Kosovar Albanian civilians" and systematic killings, during the conflict, Serb

89 Ibid.
90 Organization for the Security and Co-operation in Europe Office for Democratic Institutions and
Human Rights, "Kosovo, As Seen, As Told: An analysis of the human rights findings of the OSCE
Chapter 14, p. 1.
91 Clinton, "Clinton justifies U.S. involvement in Kosovo"; U.S. Department of State, "Ethnic Cleansing
forces used tactics of torture and systematic rape against civilians as well as looted and burned civilian's homes and businesses. "Over 1,200 residential areas were at least partially burned after late March 1999, [including] over 500 villages." Seriously, Serb forces used refugees as "human shields...to escort military convoys and shield facilities throughout the province." Systematically separated military-aged men from the general population as Kosovars were expelled. These men were detained in facilities ranging from cement factories to prisons. Many of these detainees were forced to dig trenches and were physically abused. Serb forces also "burned, destroyed, or exhumed bodies from mass graves in an attempt to destroy evidence." All these tactics as well as many other forms of persecution occurred in Kosovo following the commencement of the NATO bombing. While many of these atrocities had already been occurring throughout the region prior to March 1999, the bombing escalated these horrors to level not seen before in the area.

The effect of the Western intervention in Kosovo was increased displacement and death of the Kosovar Albanian citizens the Western policy meant to protect. After diplomatic negotiations ceased and the NATO military effort began, Milosevic instituted a campaign against civilians much more drastic in scale than that seen before in the region. This effect brings up a curious consideration regarding humanitarian intervention. Is the idea of intervention to stop atrocities before they get out of hand a correct one? Does this policy not allow leaders, like Milosevic, to pull out all the stops and fully enact their destructive policies? When can intervention protect civilians and when, as in Kosovo, does it actually place them in more danger? To answer these questions would require much more study and empirical research not

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93 Ibid, pp. 3-4.
94 Ibid, p. 4.
95 Ibid.
96 Ibid.
covered in this thesis, however one conclusion can be drawn. Though ethics and moral guidance are important when conducting foreign policy, care must be taken make sure this policy does not endanger those whom this policy wishes to protect, rather than making the assumption that by intervening in a conflict the violence against civilians will be immediately stopped.

Ethics do play a role in US foreign policy out of which humanitarian intervention is born. President Clinton made clear the moral justifications of intervention, his claims perpetuated by the CNN effect, and could be justified by considerations of just war theory which all led to NATO's intervention in Kosovo in 1999. However, though these "humanitarian" causes may be clear and in some eyes intervention may be justified if not required, the reality of the situation is still important (which in Kosovo means the increase in the level of atrocities following the commencement of NATO's air campaign) and must be taken into consideration when policymakers consider whether military intervention is the right course of action, not only in Kosovo but in other situations now and in the future.
CHAPTER 2:

HUMANITARIAN INTERVENTION IN NATIONAL SECURITY

Humanitarian intervention is not only an ethical or moral matter, it can also be in the national security interest of the United States. This chapter lays out US policymaker's justification for and their reasons for intervening in Kosovo based on national security concerns. US national interests balance the pragmatic and the ethical in Kosovo and policymakers show this through emphasizing Kosovo's location and the need to maintain European stability for both political and economic reasons. Furthermore, as the US's primary security alliance, fulfilling NATO's goals is also important to US national security. One major issue is, when does involvement in a crisis justify military intervention? Bringing US troops into the mix heightens the importance of a situation and needs to be justified in relation to US national interests.

National Interests

While a country's specific national interests are continually evolving based on the current times and policymakers, overall a country's national interest depends on its security and economic interests. National interests can be divided into subcategories based on urgency. While third party humanitarian intervention will rarely concern any very urgent issue of national security, which usually deals with the survival of the nation, humanitarian intervention can directly relate to the security of close allies or strategic resources which would be just below national survival on a scale of national interests. Humanitarian intervention can even be in the national interest of a country if the goal is to protect less important allies and non-critical
resources, however in these cases humanitarian intervention would not be as "urgent" a security concern.97

Humanitarian crises matter to US national interests. Purely humanitarian crises might be of minor interest but the US still has an interest in working to resolve these crises in order to further US values and prevent escalation and worse crises. In some cases, humanitarian intervention can be within the direct national interest of the United States due to connections with economic and/or political allies. Humanitarian crises in Europe are especially important to the US as Europe is one of the US's closest allies. Therefore, the intervention in Kosovo in 1999 was justified and worked to serve, protect, and further US national interests for geopolitical reasons for creating and maintaining a stable Europe.

In December 1999, President Clinton and the White House released a document stating its overall national security strategy: the strategy that it had tried to follow during the past eight years of Clinton's presidency, and the strategy that it hoped to put forth for the future. This document, entitled "A National Security Strategy for a New Century" straightforwardly laid out the basic ideas of US foreign policy. On the first page of the document, following Clinton's preface, it clearly defined what were US national interests. The most important of these were "vital interests—those of broad, overriding importance to the survival, safety and vitality of our nation."98 It is difficult to envision a situation in which a humanitarian crisis could threaten the country's vital interests. However the second level was "important national interests". Important national interests were those that "do not affect our national survival, but they do affect our

national well-being and the character of the world in which we live. Important national interests include, for example, regions in which we have a sizable economic stake or commitments to allies, protecting the global environment from severe harm, and crises with a potential to generate substantial and highly destabilizing refugee flows." The document goes on to state that US involvement in Kosovo was within the category of "important national interests" to the United States.

The third category was "humanitarian and other interests" stating that "[i]n some circumstances our nation may act because our values demand it." The document goes on to list several examples including: "responding to natural and manmade disasters; promoting human rights and seeking to halt gross violations of those rights; supporting democratization, adherence to the rule of law and civilian control of the military; assisting humanitarian demining; and promoting sustainable development and environmental protection." The reason humanitarian interests are important to US national security, the document explains, is because "[t]he spread of democracy and respect for the rule of law helps to create a world community that is more hospitable to U.S. values and interests." Therefore, "[w]henever possible, we [the US] seek to avert humanitarian disasters and conflict through diplomacy and cooperation with a wide range of partners, including other governments, international institutions and non-governmental organizations. This may not only save lives, but also prevent crises from getting worse and becoming a greater drain on resources." This national security strategy set forth by the White House clearly defines responding to humanitarian issues as within the national interests of the

100 Ibid, p. 2.
101 Ibid.
102 Ibid.
103 Ibid.
country. However, in some cases, such as in Kosovo, a humanitarian crisis can be of even greater importance to the US if it concerns one of the US's important interests.

In order to safeguard the security of the nation and confront these issues, the document states that the "United States must lead abroad if we are to be secure at home."104 The US acts in this manner and engages in the world in order to fulfill its "three core objectives: enhancing American security; bolstering our economic prosperity; and promoting democracy and human rights abroad, which we strongly believe will, in turn, advance the first two goals."105 The US protects its interests, "enhances American security", and confronts humanitarian crises, through multiple methods, most of which are non-violent. However, the use of military force can be considered in certain situations as dictated by the country's national interests. The document addresses situations, similar to Kosovo, which threaten important US national interests. In conducting foreign policy in "situations posing a threat to important national interests, military forces should only be used if they advance U.S. interests, they are likely to accomplish their objectives, the costs and risks of their employment are commensurate with the interests at stake, and other non-military means are incapable of achieving our objectives. Such uses of military forces should be selective and limited, reflecting the importance of the interests at stake. We act in concert with the international community whenever possible, but do not hesitate to act unilaterally when necessary."106

The second core objective of US national security is "bolstering economic prosperity". The economic component of US policy is essential and often connected to humanitarian issues. In an increasingly globalized world "[a]s national economies become more integrated
internationally, U.S. prosperity depends more than ever on economic developments abroad. Cooperation with other states and international organizations is vital to protecting the health of the global economic system and responding to financial crises.”¹⁰⁷ This objective included maintaining its major economic alliances.

The third core objective of US national security policy is particularly applicable to humanitarian issues, as its purpose is to "promote democracy, human rights, and respect for the rule of law.”¹⁰⁸ Ethnic cleansing, genocide, and ethnic conflict are in stark opposition to this goal. Aside from being "a great challenge to our values and our security,... ethnic conflict can threaten regional stability and may give rise to potentially serious national security concerns.”¹⁰⁹ US policy acknowledges that every situation is different and there are many methods (military, economic pressure, political pressure, diplomacy) for dealing with humanitarian crises, but these crises are of interest to the United States.

Beyond defining US national interests, the objectives and policy recommendations put forth in "A National Security Strategy for a New Century" were specified by region. Europe was the first region addressed, and the section concerning it the longest in the document, compared to the other regions. In this section it is clearly stated that "European stability is vital to our own security.”¹¹⁰ This stability and US engagement in Europe is multi-faceted. The US's first strategic goal is "to build a Europe that is truly integrated, democratic, prosperous and at peace.”¹¹¹ Within this goal, "NATO remains the anchor of American engagement in Europe and the linchpin of transatlantic security. As the leading guarantor of European security and a force for European

¹⁰⁷ Ibid, pp. 21-22.
¹⁰⁸ Ibid, p. 25.
¹¹¹ Ibid, p. 29.
stability, NATO must play a leading role in promoting a more integrated and secure Europe, prepared to respond to new challenges.” A second component of the US-European connection is economic.

Specifically, the issues in Kosovo were important to US national interests due to its geographic location. As mentioned above, humanitarian intervention can be in the national interest of a country if it concerns the security interests of close allies. The European Union was (and is) one of the United States' closest allies and the security of Europe as a continent was essential to US national interests. Therefore, the issues in Kosovo were at the heart of US national interests and consequently, attempts at negotiations and diplomacy backed by a credible threat of force were an essential component of US foreign policy.

Europe as a continent, and more specifically, the European Union was (and is) one of the United States' most important allies. This alliance was essential both politically and economically. In the 1990s, one of the primary goals of the European Union was to expand into Eastern Europe. This desire included a security component. In order for the European Union to expand, the countries of Europe needed to be safe and stable. Instability within Europe along the edges of the European Union was considered dangerous not only to the countries of the EU but also to the United States, its closest ally.

Kosovo in US National Interests

The issue in Kosovo exemplified a major aspect of US foreign policy, a commitment to Europe and European stability, both political and economic. Ambassador Marc Grossman, the Assistant Secretary of State for European Affairs, enunciated that the United States "had

\[112\] Ibid.
embarked ... on a philosophy, a policy, in favor of a Europe whole, free, and at peace."¹¹³ In order to pursue this policy the US had to be committed even when conflicts arose. History had shown that a European problem "often becomes also an American problem, with great costs attached to it," however Thomas Pickering, Undersecretary of State for Political Affairs, continued in a statement on March 15, 1999, "[t]here is a cost to taking action. But in Kosovo, the cost of inaction is immeasurably higher."¹¹⁴ In this statement, a high level US official supports humanitarian intervention as a necessary response to the crisis in Kosovo because given Kosovo's location in Europe and the instability of the situation, the risks of military action are worth it in his eyes.

In a speech about the overall intentions and goals of US foreign policy in February 1999, President Clinton laid out five challenges for the US to work on. The first challenge was "to build a more peaceful 21st century world."¹¹⁵ This is a very broad goal but Clinton acknowledges that the first step in working towards this challenge laid in Europe. The reason for this is that the twentieth century was dominated by two very bloody European wars followed by the Cold War. That was why Clinton stated he had "worked hard to build a Europe that finally is undivided, democratic and at peace. We want all of Europe to have what America helped build in Western Europe -- a community that upholds common standards of human rights, where people have the confidence and security to invest in the future, where nations cooperate to make war unthinkable."¹¹⁶ In another speech on Memorial Day in 1999, Clinton reiterated this point that

¹¹³ Grossman.
¹¹⁶ Ibid.
the United States had an "overwhelming national interest in a peaceful, undivided Europe, which will ensure we will not have to send large numbers of young Americans to die there in the next century in a war." Clinton continually maintained the importance of an undivided and stable Europe to US interests in relation to his comments on the necessity of intervening in Kosovo.

The lessons of the 20th century taught Clinton and his advisors that "if America is going to be prosperous and secure, we need a Europe that is prosperous, secure, undivided, and free. We need a Europe that is coming together, not falling apart, a Europe that shares our values and shares the burdens of leadership. That is the foundation on which the security of our children will depend." This goal and a strong US-European bond was, and is, especially important in the modern, globalizing world because as Clinton stated in yet a different speech in May 1999, "in this age of growing international interdependence, America needs a strong and peaceful Europe more than ever as our partner for freedom and for economic progress, and our partner against terrorism, the spread of weapons of mass destruction, and instability." Therefore, solving the Kosovo crisis was a "significant security issue" to help complete the "promise of a Europe undivided, democratic and at peace." Clinton also stressed the multitude of reasons why European interests were important to US interests and the range of the connection between the two which made Kosovo a major security issue.

In the late 1990s, this policy was even more crucial considering the circumstances that arose from the end of the Cold War. At this time, much of Eastern Europe was working on developing democratic systems and making progress to joining the European Union, the Balkans

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117 Washington Post, "Clinton's Statements on Kosovo."
118 Clinton, "Statement on Kosovo."
119 Clinton, "Clinton justifies U.S. involvement in Kosovo."
120 Ibid.
121 Ibid.
was the last part of what is geographically considered Europe that could not be considered to be making progress to being "whole, free, and at peace."122 Problems in the Balkans were very "disruptive" to this process. 123 The United States needed to care about Kosovo because of its impact on the rest of the region. David Leavy, the chief spokesperson for the National Security Council, compared the Balkans to a "cancer ... in the heart of Europe... [that could be] very de-stabilizing for [our] European allies, [especially] the newly formed democracies of Eastern Europe."124 Therefore it was a "real national security imperative to bring stability and peace to a very volatile region."125 The structure and instability of the post-Cold War world made this goal and aggressive support to achieve this goal even more important.

In this post-Cold War world, the countries of Eastern Europe were not stable. Therefore Kosovo's location also caused problems because of the neighboring "small countries struggling with their own economic and political challenges, countries that could be overwhelmed by a large, new wave of refugees from Kosovo."126 While these issues may seem detached from the day-to-day lives of Americans, Clinton considered it important enough to "justify the dangers to [US] armed forces [because he was] convinced that the dangers of acting [were] far outweighed by the dangers of not acting—dangers to defenseless people and to our national interests."127 Clinton believed he had "a responsibility as President to deal with problems such as this before they do permanent harm to our national interests. America has a responsibility to stand with our allies when they are trying to save innocent lives and preserve peace, freedom, and stability in

122 Grossman
123 Thomas Pickering, (Under Secretary of State for Political Affairs), interview by Jessica Stone, July 16, 2013.
124 David Leavy, (Chief Spokesperson for the National Security Council and Deputy White House Press Secretary for Foreign Affairs), interview by Jessica Stone, August 12, 2013.
125 Leavy
126 Clinton, "Statement on Kosovo,"
127 Ibid.
Europe,\(^{128}\) and that is why the US acted in Kosovo. The crisis in Kosovo indicated the volatility and danger in the situation to the broader region which could in turn ignite further conflict.

The conflict in Kosovo was a threat to US national interests because it could spread further into Europe and affect US allies. Clinton said the "biggest remaining danger to this progress [towards a peaceful Europe] has been the fighting and the repression in Kosovo."\(^{129}\) Due to this threat, the US has "a clear national interest in ensuring that Kosovo is where this trouble ends."\(^{130}\) The conflict needs to stop in Kosovo because, Clinton predicted "[i]f it continues, it almost certainly will draw in Albania and Macedonia, which share borders with Kosovo, and on which clashes have already occurred. Potentially, it could affect our allies, Greece and Turkey. It could spark tensions in Bosnia itself, jeopardizing the gains made there."\(^{131}\) Clinton feared that the conflict in Kosovo, if left unchecked would not only lead to "more atrocities, more refugees, more victims crying out for justice and seeking out revenge,"\(^{132}\) but, even worse, Clinton believed that "if we don't stop the conflict now, it clearly will spread. And then we will not be able to stop it, except at far greater cost and risk."\(^{133}\) The risk of the conflict spreading, and the destabilizing nature of this concern, in an already volatile region, made solving the Kosovo crisis important to US national interests concerning European stability.

At the time President Clinton clearly expressed the "national interest" component of the justification for intervention in Kosovo precisely because of its location and to help complete this vision of Europe. Clinton said that the US acted in Kosovo "to prevent a wider war, to diffuse a powder keg at the heart of Europe that has exploded twice before in this century with

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\(^{128}\) Ibid.  
\(^{129}\) Clinton, "Remarks on Foreign Policy"  
\(^{130}\) Ibid.  
\(^{131}\) Ibid.  
\(^{132}\) Ibid.  
\(^{133}\) Ibid.
catastrophic results. And we act to stand united with our allies for peace. By acting now, we are upholding our values, protecting our interests, and advancing the cause of peace." Clinton points out that Kosovo stands at the "fault line between Europe, Asia, and the Middle East, at the meeting place of Islam and both the Western and Orthodox branches of Christianity." It was not only the political implications regarding Kosovo's location in Europe that made acting in Kosovo important but the ethnic and religious concerns that arose due to its location as well.

The United States' security connection included an economic component as well as the political one. Europe is one of our largest trading partners and as David Leavy pointed out, "a stable Europe [was and is] critical for our economic growth" which when combined with the historical notion that the Balkans are a "tinderbox" for conflict, made the situation in Kosovo a major issue for the United States. The US's "National Security Strategy for a New Century" states that "Europe is a key element in America's global commercial engagement. Europe and the United States produce almost half of all global goods and services; more than 60% of total U.S. investment abroad is in Europe; and fourteen million workers on both sides of the Atlantic earn their livelihoods from transatlantic commerce." In 1998, the United States and the European Union traded over 350 billion dollars worth of goods, making the European Union the United States' second largest trading partner overall, and the United States' largest trading partner outside of the North American Free Trade Agreement. This trade was essential to the United States. Half of US direct investment abroad in 1999, over 625 billion dollars worth, was in

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134 Clinton, "Statement on Kosovo"
135 Ibid.
136 Leavy.
137 White House, p. 32.
Europe. Maintaining a stable Europe was both politically and economically essential to the well being of the United States.

The United States is (and was in 1997-1999) the world's largest economy. One way for the United States to maintain this position is and was to ensure the stability of its largest trading partners. In the late 1990s, much of Eastern Europe was working to meet the political and economic standards of the European Union in order to become members. This expansion was greatly desired by the US for both political and economic reasons. Writing in 1998, economist Nicholas V. Gianaris says that "[t]he costs of a fragmented European market in the past were high, while the benefits from a unified European market in the future are expected to be significant...[w]ithout international cooperation...economic growth on a national and global level will stagnate." Therefore stability and economic growth in Europe was essential to the United States economic and political future.

The conflict in Kosovo was also essential to US national security because of NATO. In the 1990s, following the end of the Cold War. NATO had a new goal. This goal, as stated by NATO's Secretary General Manfred Wörner in 1990 was "to finally realize our vision of a free and united Europe based on a secure and lasting order of peace." Included in this order of peace were "human rights and free choice for all its citizens, equality before the law, openness of

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borders, self-determination, democracy and the protection of minority rights."143 This goal required a strong alliance and support from within Europe and the United States. Wörner proclaimed six tasks of NATO working in cooperation with the European Community (later the European Union) for the future. The first one was "to support the countries of Central and Eastern Europe in their efforts to build democracy and successful economies. Without our help, they stand no chance."144 The intervention in Kosovo clearly works towards this goal by trying to ensure self-determination for the Kosovars. The third task was "to build a new security system for the whole of Europe".145 In order to extend security throughout Europe, the instability and conflict in the Balkans had to be dealt with. Upholding NATO's values and interests and fulfilling NATO's goals was important to US national security as NATO was (and is) the United States' primary security alliance.

**When Military Intervention is Considered Necessary?**

Given the importance of Europe to US national interests, effective diplomacy to resolve crises in Europe were especially important to US policymakers. When diplomacy fails, the question arises of when a military solution is necessary and the right course of action. In Kosovo, the importance in US policy of backing diplomacy with force combined with Milosevic's personality made military intervention the correct next step in the eyes of US policymakers.

The US had a policy that its diplomacy be backed by force because in order to maintain the United States' position in the world and its security it must not back down. To accomplish these ends, US diplomacy had to be backed with the credible threat of force in order to succeed. Then, when diplomacy fails, this force must be used to maintain and secure US interests. As

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143 Ibid.
144 Ibid.
145 Ibid.
Secretary of State Madeleine Albright said in relation to NATO's threat of air strikes just prior to the commencement of the negotiations at Rambouillet, "[o]ur strategy of diplomacy backed by the threat of force is the only way to ensure that both sides halt the violence and come immediately to the negotiating table."\textsuperscript{146} Threat of force needs to support US diplomatic efforts otherwise those efforts would be futile.

This policy explains US behavior in 1999. NATO only used a military solution after Milosevic rejected multiple sets of negotiations and broke multiple ceasefires in 1998 and 1999. As Clinton said in a statement on March 22, 1999, "[i]f President Milosevic continues to choose aggression over peace, NATO's military plans must continue to move forward. Our objective in Kosovo remains clear: to stop the killing and achieve a durable peace that restores Kosovars to self-government."\textsuperscript{147} Therefore the solution was to use military force to limit Milosevic's capabilities since he refused to submit to diplomatic pressure and negotiations. Basically as Clinton said just before the bombing began "if President Milosevic will not make peace, we will limit his ability to make war."\textsuperscript{148} In Kosovo, Serbian failure to comply with EU, NATO, UN, and OSCE recommendations, sanctions, diplomatic agreements, and ceasefires made resorting to force the logical conclusion to the failed diplomacy.\textsuperscript{149}

The opponent in Kosovo had a great impact on the motivations, justifications, and conduct of the intervention in Kosovo with national security and national interest implications. The problem of Milosevic and his aggressive nature meant that, as Pickering said in March 1999, "in order to pursue our interests, we have had to ratchet up more quickly from traditional

\begin{footnotes}
\item[147] Washington Post, "Clinton's Statements on Kosovo."
\item[148] Clinton, "Statement on Kosovo"
\end{footnotes}
diplomacy to diplomacy backed by a credible threat of force or the actual use of force. For a threat of force to be effective, it must be credible. It must be clear that the U.S. and its partners are willing to use force in these kinds of specific cases to achieve key objectives should diplomacy fail."\textsuperscript{150} Milosevic's actions convinced Western leaders that if they did not act now then the conflict would escalate which was one of the main national interest reasons for intervening in Kosovo.

Pickering's remarks emphasize the threat Milosevic presented and the need to project strong opposition to him when he said that Milosevic "[broke] the norms of acceptable behavior, use[d] force against [his] own people and others, and then challenge[d] the rest of us to stop [him]. The silent fact of our unity and power ha[d] proven to be an insufficient deterrent; only the credible threat of the use of power or indeed its use ha[d] stopped [him]."\textsuperscript{151} Milosevic was a threat to US national interests in a stable Europe and therefore the country needed to deal with the situation in Kosovo.

While the United States may have felt the need to get involved in the Kosovo situation for moral and security reasons, the personality of their opponent, Slobodan Milosevic, helped to push that involvement to military intervention. Richard Miles recalls two episodes which clearly exemplify Milosevic's strong, stubborn personality and his reluctance to accept other's opinions on his country or that he was wrong. During the Bosnian war from 1992 to 1995, many Western countries including the U.S. withdrew the ambassador rank from their diplomatic delegations to the Federal Republic of Yugoslavia and dropped the level of representation down to what the U.S. calls Chief of Mission. After the Bosnian war ended, most of the other countries reinstated

\textsuperscript{150} Thomas Pickering, "Iraq, Kosovo, China, and Russia."
\textsuperscript{151} Ibid.
their ambassador rank, but the United States did not. So, even though Richard Miles had been an ambassador to other countries previously, in 1996, he was appointed as Chief of Mission to Belgrade. Miles recalls his first meeting with Milosevic in 1996. Milosevic asked Miles if in the US you can lose the title of "ambassador" once you have already been an ambassador. Miles said no, but that he was not carrying the title of ambassador to Serbia but was the Chief of Mission. Milosevic asked if he could call Miles "ambassador" and Miles said that in person he can call him whatever he likes, "but in print I would prefer to be called Chief of Mission." Milosevic said he was going to call Miles "ambassador" and when Miles replied that he was not the ambassador, he was the Chief of Mission, Milosevic just replied that he was going to call him "ambassador". From then on, after a meeting between the two, the newspapers would write that Milosevic had met with "Chief of Mission, Ambassador Miles". Milosevic's stubbornness over something as simple as a name clearly exemplifies his strong personality and dislike of relenting to other's authority.152

Miles recalls a second incident which also shows Milosevic's personality and its effects. As Miles said it, Milosevic had "moxy, a sense of humor" but that he "didn't like people telling him no." A couple of years before the bombing, Milosevic and Miles had had an argument over dinner about the price of eggs. Milosevic had been trying to convince Miles that despite Western support for Bosnia, the price of eggs in the markets of Sarajevo was higher than those in Belgrade. However, Miles and his wife would go on regular trips to the market to go shopping and take a look at the prices, so Miles knew that the price Milosevic stated was wrong. When Miles told him that, Milosevic continued replying in a joking manner but with serious

152 Miles.
undertones, "you [think] you know more about the price of eggs in my country than I know." Milosevic did not like that Miles seemed to undermine him.\footnote{153}

This minor conversation was never forgotten, and Miles believed that it always annoyed Milosevic that Miles had proved him wrong and thought he knew more about current situation in Serbia. Years later, at dinner, the night before the bombing began, Milosevic brought this topic up in a conversation with Holbrooke and Miles "in a joking way, complaining about the fact that [Miles] thought he knew more about his country than he did."\footnote{154} So there they were, the diplomatic representatives of the United States having dinner with the President of FRY, after Milosevic had rejected the West's ultimatum at Rambouillet, attempting once last conversation between the two countries, and Milosevic is bringing up a distant memory, a conversation about the price of eggs, in which Miles had showed him up and proved him wrong about his own country. One would think that Milosevic would have more on his mind knowing that his country was about to be bombed than a two year old argument about the price of eggs.

Milosevic's stubborn and aggressive personality made it unlikely for him to back down in the face of Western diplomatic pressure. He did not like to be told how to run his country and therefore negotiations, especially the ultimatum given to him at Rambouillet, failed. The failure of negotiations forced the United States and NATO to resort to military force in order to back up their diplomacy and serve US national interests in maintaining a stable, peaceful Europe.

The resort to force in humanitarian crises is a hotly debated issue, both at the time of Kosovo and still today. In the case of Kosovo, its location in Europe made it a second level concern to US national interests (rather than a third level concern as most humanitarian crises

\footnote{153}{Ibid.}
\footnote{154}{Ibid.}
are) which helped US policymakers justify and believe in their decision to participate in, and lead, the NATO intervention in 1999. When humanitarian crises arise, the level of concern for US national interests as a whole, beyond the broad humanitarian goals of US policy, influence the decision to commit US troops. In Kosovo, broader concerns of European stability added to the ethical concerns put forth in chapter one to make a military solution seem like the right course of action to US policymakers.

However, while this is the belief and justification put forth by US policymakers, is this belief the correct one? Should intervention only occur when "more important" national security political and economic issues are at stake? Or can and should humanitarian concerns on their own be an important enough issue to justify US intervention, either diplomatic, economic, or political? Or should humanitarian issues outside the US's vital national interests be left up to international organizations (a topic that will be addressed in chapter 3)? These are all heavily debated questions as humanitarian issues are very difficult for policymakers to ignore given, as highlighted in chapter one, the high profile nature of them in the press which can arouse sympathy and a call for action from those across the world. While these ethical concerns can be justified, is a military solution to these problems the correct path? The US policymakers take a pragmatic approach to the issue by prioritizing those crises that have a stronger connection to US national interests, usually either political or economic. This connection of a humanitarian issue to national security interests makes the risks and expense worth it to the United States. While this might not be the most fair solution to those suffering in countries of little importance to the US, it does keep the US from completely depleting its resources and public morale by intervening in every conflict that arises while still helping some people, though as addressed in chapter one sometimes a military solution does not always benefit the victims immediately.
The balance between pragmatic national security concerns and ethical issues put forth by Clinton in "A National Security Strategy for a New Century" exemplifies this problem and tries to prioritize traditional national security concerns with a rising humanitarian eye to an increasingly globalized world. While the ends do not justify the means and the intervention in Kosovo is still considered controversial by many, in retrospect, the relative stability in the region and the recent agreement in April 2013 between Serbian and Kosovar leaders to normalize relations between the two and to not block the others progress towards joining the EU makes the intervention, with its justification on reasons of European stability, seem to have succeeded.\textsuperscript{155}

Clinton said that "America cannot be everywhere or do everything overseas, but we must act where important interests are at stake and we can make a difference."\textsuperscript{156} It would be impossible and financially unrealistic for the United States to try and address every humanitarian issue in the entire world, but sometimes national security interests combined with humanitarian issues a justify US intervention. It is a security concern for the United States to let humanitarian crises continue and spread and, as Clinton summarizes, when US "we must remember that the real challenge of foreign policy is to deal with problems before they harm our national interests."\textsuperscript{157} Humanitarian crises can expand and threaten US national interests, as the situation in Kosovo did. The crisis in Kosovo and the resulting humanitarian intervention had national security and national interests justifications for geopolitical reasons. The European Union, and Europe as a whole, is one of the United States' most important and closest allies and partners in the international community. Therefore it is important to US national interests to maintain and


\textsuperscript{156} Sobieraj, "4,000 American troops could head for Kosovo."

\textsuperscript{157} Clinton, "Remarks on Foreign Policy."
help create a Europe "whole, free, and at peace." The intervention in Kosovo served US national interests to prevent the spread of conflict in Europe and help bring about this objective.
CHAPTER 3:  

HUMANITARIAN INTERVENTION AND INTERNATIONAL ORGANIZATIONS  

The 1999 military intervention in Kosovo was not a unilateral intervention by the United States, instead it was conducted under the auspices of NATO. Humanitarian intervention has continually been a controversial subject in international organizations. In Kosovo, the United Nations' indecision allowed the intervention, unlike major past interventions, to be conducted and led by NATO, rather than with UN approval and in conjunction with (or led by) UN peacekeeping forces. Divides in the UN Security Council allowed NATO to take charge and gave the intervention in Kosovo the opportunity to help NATO find its purpose in the post-Cold War world.

The United Nations in the Kosovo Crisis

While there was no specific UN resolution either supporting or rejecting the use of NATO force in Kosovo, UN resolutions were used to bolster NATO's cause. The first UN Security Council resolution on the situation in Kosovo was Security Council Resolution 1160 released on March 31, 1998. It condemned the actions of both sides of the conflict, notably the "excessive use of force by Serbian police forces against civilians and peaceful demonstrators in Kosovo", called for peaceful dialogue to resolve the situation, and banned arm sales to both sides' leadership (which included the government of Yugoslavia).  

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When hostilities only increased in the following months, the Security Council introduced Resolution 1199 on September 23, 1998 due to its concerns with the "recent intense fighting in Kosovo and in particular the excessive and indiscriminate use of force by Serbian security forces and the Yugoslav Army,...[concern about] the flow of refugees into northern Albania, Bosnia and Herzegovina, and other European countries as a result of the use of force in Kosovo, as well as by the increasing numbers of displaced persons within Kosovo."\textsuperscript{159} The resolution indicated "alarm at the impending humanitarian catastrophe... and emphasize[d] the need to prevent this from happening," and therefore demanded a ceasefire, "the withdrawal of security units used for civilian repression,... the safe return of refugees and displaced persons to their homes, and...free and unimpeded access for humanitarian organizations and supplies to Kosovo."\textsuperscript{160} The resolution highlighted "the commitments of the President of the Federal Republic of Yugoslavia, in his joint statement with the President of the Russian Federation of 16 June 1998...to resolve existing problems by political means on the basis of equality for all citizens and ethnic communities in Kosovo [and] not carry out any repressive actions against the peaceful population."\textsuperscript{161} Finally, the resolution "decide[d] [that], should the concrete measures demanded in this resolution and Resolution 1160 (1998) not be taken, to consider further action and additional measures to maintain or restore peace and stability in the region."\textsuperscript{162}

The final Security Council Resolution related to the situation in Kosovo before the conclusion of the NATO bombing campaign was Resolution 1203 put forth on October 24, 1998 which re-emphasized the points made in the previous two resolutions and Serbian failure to comply. The resolution affirmed an agreement made on October 15, 1998 in which Milosevic

\textsuperscript{159}United Nations Security Council, "Resolution 1199 (1998)."
\textsuperscript{160}Ibid.
\textsuperscript{161}Ibid.
\textsuperscript{162}Ibid.
agreed "to cease hostilities and withdraw mobilized forces in Kosovo" and to comply with the terms of UNSC Resolution 1199. 163 Milosevic had furthered agreed that unarmed NATO flights (NATO's "Air Verification Mission", Operation Eagle Eye) and an OSCE (Organization for Security and Cooperation in Europe) Kosovo Verification Mission on the ground were to ensure compliance to these terms. 164

After Resolution 1203, there were no more UN Resolutions related to the Kosovo conflict and any intervention in Kosovo until after the cessation of hostilities in June 1999. Disagreements between Western leaders (especially the US and UK) and Russia prevented any sort of resolution to be made in support of intervention. This divide followed from the discussions surrounding Resolutions 1199 and 1203 in the Security Council in which "immediate diplomatic action to end the conflict" was called for as well as "a cessation of all military action in the region, but, at the insistence of China and Russia, did not authorize military action if these conditions were not met." 165 Furthermore, on March 26, 1999, Belarus, India, and Russia submitted a draft resolution to the Security Council which demanded an "immediate cessation" of (NATO's) use of force "against the Federal Republic of Yugoslavia and the urgent resumption of negotiations" which failed (as should be expected considering that both the US and UK are

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permanent members of the Security Council and two of the leading countries in NATO) by a vote of twelve to three.\textsuperscript{166}

There was no attempt beyond these resolutions to get Security Council approval for NATO's actions in Kosovo as any attempt to secure support for military action was expected to fail through (at least) the veto of Russia. One primary argument in favor of this course was that if NATO action had been officially vetoed by the UN it would have been difficult to gain both political and public support for military action in the wake of this denial.\textsuperscript{167} However, UN Resolutions 1199 and 1203 could be used to provide legal basis for military action given that UNSC 1199 indicated that "further action" would be taken if demands for peace were not met and UNSC 1203 "accepted that the Alliance [NATO] had a direct standing and interest in the Kosovo issue."\textsuperscript{168}

As is evident from the disagreements within the Security Council regarding the crisis in Kosovo, the United Nations is limited when it comes to organizing and directing humanitarian interventions. These difficulties arise from such a large organization whose decision-making body (when it comes to action) is made up of a set of countries with diverse interests and beliefs, five of whom have a veto to any resolution which could approve or halt action. Though the Security Council was unable to reach any resolution supporting or rejecting NATO action in Kosovo, UN Secretary General Kofi Annan implicitly aided NATO's cause through subtle supporting statements and no explicit denouncement of NATO's actions. It was the report of Annan to the Security Council which led to the inclusion in UNSC Resolution 1199 the need to


\textsuperscript{167} Roberts, "NATO's 'Humanitarian War' Over Kosovo." p. 104.

\textsuperscript{168} Ibid, p. 105.
prevent the "impending humanitarian catastrophe" from happening.\textsuperscript{169} In an address to the General Assembly of the UN on September 21, 1998, "Annan pointed to the need for action in Kosovo where 'the international community seems to be watching impotently while the kind of brutal and indiscriminate abuses we saw in Bosnia are repeated, something we all swore must never happen again.'\textsuperscript{170} Through his statements Annan highlighted a need for action before it a worse humanitarian disaster began, and the disgrace of the international community's failure to act so far.

Annan continually "walked a fine line" between support for NATO action and the predominance of the UN. While Annan "stress[ed] that NATO engagement without a UN mandate 'would set a dangerous precedent,' ...[and continued to] reaffirm the right of national sovereignty and territorial integrity, Annan's reports to the Security Council following the passage of the resolution stressed his continuing preference for meaningful action to be taken due to the gravity of the violence and humanitarian crisis taking place."\textsuperscript{171} On March 24, 1999, after the initiation of the NATO bombing, Annan released a statement that stated "under the [UN] Charter the Security Council has primary responsibility for maintaining international peace and security...[and] [t]herefore, the Council should be involved in any decision to resort to the use of force," which supports the UN line, however Annan also stated that "[i]n helping maintain international peace and security, Chapter VIII of the United Nations Charter assigns an important role to regional organizations...[and] [i]t is indeed tragic that diplomacy has failed, but there are


\textsuperscript{171} Hendrickson and Kille, "Secretary-general leadership across the United Nations and NATO," 512-513.
times when the use of force may be legitimate in the pursuit of peace."\textsuperscript{172} In his press release, Annan implicitly seems to support NATO action in Kosovo upon its initiation. Hendrickson and Kille conclude that "[t]hrough[out] this statement, Annan clearly defended the Charter and institutional interests of the Security Council, yet he balanced this view with his support for military action and thus implicit approval for NATO's actions."\textsuperscript{173} Throughout NATO's campaign, Annan continued to walk this line between primacy of the UN and support for NATO's actions.\textsuperscript{174}

In their analysis of the importance of Secretary-Generals in cooperation between the UN and NATO, Hendrickson and Kille note that "[i]n the months prior to Operation Allied Force, Annan also never expressed outright opposition to NATO's movement toward military action, which provided tacit approval for NATO's coercive diplomatic-military tactics. In addition, Annan met with the NAC [North Atlantic Council of NATO] to lend his support to NATO's efforts, which has been viewed as being symbolically important in providing additional political legitimacy for NATO's actions."\textsuperscript{175} Though the Security Council provided no resolution in support of NATO's actions, UN Secretary General Kofi Annan's implicit support for military action and lack of explicit disapproval of said action helped reinforce NATO's position. Overall UN indecision and inhibitions to action gave NATO the opportunity to take up a new position in international intervention with its actions in Kosovo.

\textsuperscript{173} Hendrickson and Kille, "Secretary-general leadership across the United Nations and NATO," 513.
\textsuperscript{174} Chesterman, pp. 183-184; Hendrickson and Kille, "Secretary-general leadership across the United Nations and NATO," 513.
\textsuperscript{175} Hendrickson and Kille, "Secretary-general leadership across the United Nations and NATO," 513.
NATO in the Kosovo Crisis

As addressed in Chapter 2, helping to fulfill and follow NATO's goals in Kosovo is an important facet of US foreign policy and humanitarian intervention in US foreign policy. However, the intervention in Kosovo also performed another important function related to NATO, it helped NATO find its purpose and place in the post-Cold War world.

NATO, the North Atlantic Treaty Organization, was formed in response to the conditions of the Cold War in Europe, in order to sustain and build the alliance between the major Western countries, the United States, the United Kingdom, France, and West Germany, and to protect against any perceived current or future threat of Soviet aggression and communist expansion. With the fall of the communist regimes in Eastern Europe and Russia, aside from contributing to the violent break-up of Yugoslavia which spurred the very ethnic wars this project is concerned with, NATO lost the basic purpose for which it was founded. While NATO worked to create and pursue new goals in this new environment, some of which were elaborated in chapter 2 in relation of the pursuit of a free and united Europe, there was no longer a strategic necessity for the continuation of the organization. As the United States' primary security alliance and direct connection to its European allies, it was not in the United States' best interests to let NATO fall apart even though the Cold War had ended. From this standpoint, the crisis in Kosovo and the international response to it provided an opportunity for NATO to find a new place and purpose in the post-Cold War world and to help push it forward into the next century.

Aside from giving NATO a purpose for both continued existence and action, inaction by NATO was seen as unacceptable. In multiple speeches Clinton used the phrase "discredit NATO" in reference to the organization not acting to stop the crisis in Kosovo. This phrase was
used in two different contexts. First, on the initiation of the bombing, Clinton said, "Imagine what would happen if we and our allies instead decided just to look the other way, as these people were massacred on NATO's doorstep. That would discredit NATO, the cornerstone on which our security has rested for 50 years now." In this case, non-intervention would discredit NATO and rock the foundations of US national security policy. Second, on May 23, 1999, Clinton stated, "NATO itself would have been discredited for failing to defend the very values that give it meaning." Inaction would also discredit NATO by showing its inability to pursue and defend its goals and values.

In the same speech from March 24, 1999, Clinton also says, "Our mission is clear: to demonstrate the seriousness of NATO's purpose so that the Serbian leaders understand the imperative of reversing course." While Clinton uses the term "purpose" in this context to demonstrate NATO's continuing drive and fortitude, the use of the word also reminds the public of this same main point, that one of NATO's new goals and purposes in the post-Cold War world was to protect civilians against ethnic cleansing and extend NATO's values to the recently "freed" citizens of Eastern Europe.

Articulating and promoting a new purpose for NATO in the post-Cold War world was especially important given the context of the crisis and intervention in Kosovo. After the fall of the communist regimes in Eastern Europe and the establishment of democracies in these countries, these fledgling democracies set out on the path to join NATO and the EU. With the first of these countries, Hungary, the Czech Republic, and Poland officially joining NATO on

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176 Clinton, "Statement on Kosovo."
177 Clinton, "A Just and Necessary War."
178 Clinton, "Statement on Kosovo."
March 13, 1999 (less than two weeks before the bombing began), the timing was crucial.\(^{179}\) 1999 was also the 50th anniversary of NATO's founding, and a summit in Washington DC was planned in April 1999 to commemorate this anniversary. According to Secretary of State Madeleine Albright, "the summit was planned to celebrate NATO's 50 years of unity and look forward to the new century, and we will mark that success and confirm our readiness to face the future with new members and new capabilities prepared for new missions."\(^{180}\) A clear purpose, with goals and a field for action for the organization was especially important in this environment, and the intervention in Kosovo gave that to NATO. As Albright said just before the conference, "In Kosovo, we are responding to a post-Cold War threat to Alliance interests and values. The crisis has demonstrated the need for precisely the kind of adaptations the Alliance has initiated and will take to the summit level this weekend."\(^{181}\) The crisis re-affirmed the position of NATO in the post-Cold War world and helped promote the "adaptations" that the organization hoped to project in the anniversary summit.

In a press conference on the second day of the summit, President Clinton said, "For five years now, we have been working to build a new NATO prepared to deal with the security challenges of the new century," and as the primary topic of the conference was the war in Kosovo, it was clear what the direction this new NATO was going to take.\(^{182}\) Clinton's National Security Advisor, Sandy Berger, said


\(^{181}\) Ibid.

"perhaps most importantly, from the very beginning we have wanted the summit to make a clear statement of NATO's values and vision for Europe. I cannot imagine a more powerful statement of what our Alliance stands for than the actions it is taking in Kosovo today, or a more powerful demonstration of its unity and resolve in the face of new challenges. That does not make the situation in Kosovo less tragic or difficult, but it does offer hope that this Alliance will continue to do what it has done so well for the last 50 years -- to uphold our interests and our values by making clear that America and Europe will do what it takes to defend them."183

The situation in Kosovo gave a clear purpose for NATO coming into the new century which combined well with both maintaining and upholding US national interests and expanding security and stability further into Eastern Europe which Berger elaborated on when he said, "Kosovo reminds us as well that NATO must play the same stabilizing role in Central and Southeastern Europe that it played in Western Europe, and more recently in Central Europe by integrating new democracies, giving them incentive to resolve their tensions peacefully and encouraging them to pool their strength instead of pitting it against their neighbors or their own people."184 Kosovo was a clear example of NATO expanding its field of vision further to the East and into more violent, volatile, and convoluted ethnic conflicts outside of NATO's current territory.

The discussions at the summit formulated a new strategic concept for the alliance which was based, in part, on the situation in Kosovo. The crisis reminded the alliance leaders, as Madeleine Albright said that, "[e]ven as we respond to this crisis in Kosovo, we must concern ourselves more broadly with the future of the region. Our explicit goal should be to transform the Balkans from Europe's primary source of instability into an important part of its mainstream, and we must work to ensure that NATO forces will not again be called on to fight terror and

183 The American Presidency Project, "Press Briefing on the 50th Anniversary N.A.T.O. Summit"
184 Ibid.
destruction in this corner of the continent." This statement links NATO's goals with that of US national security interests explained in Chapter 2 on the benefits and vision of a peaceful, stable European partner.

The purpose of NATO's strategic concept is to "govern the Alliance's security and defence policy, its operational concepts, its conventional and nuclear force posture and its collective defence arrangements," and the Strategic Concept "will be kept under review in the light of the evolving security environment." Therefore, the goals of NATO laid out in the document should guide NATO policy and action. This is important given that one of NATO's primary purposes was (and had been) to "safeguard common security interests in an environment of further, often unpredictable change." While that had been true since its founding during the Cold War, the direction and content of these "common security interests" had changed. These interests now included violent ethnic conflicts along the borders of NATO's territory rather than just that contained within its boundaries. The new Strategic Concept formulated and approved during the anniversary summit dictated as one of the primary purposes of the alliance: "to secure a just and lasting peaceful order in Europe...[b]ased on common values of democracy, human rights and the rule of law." Furthermore "[t]he achievement of this aim can be put at risk by crisis and conflict affecting the security of the Euro-Atlantic area. The Alliance therefore not only ensure the defence of its members but contributes to peace and stability in the region." This statement made clear that peace beyond the borders of NATO was a goal of the alliance.

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185 Ibid.
187 Ibid.
188 Ibid.
189 Ibid.
Within this field of action, the new document officially permitted out-of-area action for NATO, a statement which included and perhaps was spurred by the air campaign in Yugoslavia. ¹⁹⁰ Unlike in the earlier versions, "Alliance leaders dropped from the new strategic concept a 1991 statement that NATO is 'purely defensive in purpose: none of its weapons will ever be used except in self-defense.'"¹⁹¹ Instead, the document states, "[m]ilitary capabilities effective under the full range of foreseeable circumstances are also the basis of the Alliance's ability to contribute to conflict prevention and crisis management through non-Article 5 crisis response operations."¹⁹² In this case, not only are out-of-area operations permitted, but the alliance's military capabilities were now the foundation of NATO's ability to assist in security-threatening situations, even those that did not involve a direct attack on one of the members (Article 5 of NATO's charter).

While the new Strategic Concept "included a focus on strengthening partnerships, [it] did not emphasize the UN."¹⁹³ Within this frame, while the strategic concept does identify the UN Security Council as having "the primary responsibility for the maintenance of international peace and security," it does "not tie alliance action to Security Council endorsement," an important and relatively new concept which will be addressed later in this chapter.¹⁹⁴

Basically the intervention in Kosovo combined with the timing of the 50th anniversary summit helped define NATO's purpose in the post-Cold War world and allowed this new

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¹⁹¹ Ibid.
¹⁹⁴ NATO, "The Alliance's Strategic Concept"; Wade Boese, "NATO Unveils 'Strategic Concept' at 50th Anniversary Summit."
"strategic concept" for NATO to be born. The new strategic concept was set out with the intention to guide NATO into the new century, and the content of this document was born out of the circumstances of the conflict and intervention in Yugoslavia in the 1990s, primarily that in Kosovo in 1999. This unprecedented action and intervention without a UN Security Council resolution on the edges of a newly expanded NATO (new-initiate Hungary was the only NATO member country to border Yugoslavia) helped alliance leaders form the basis and guidelines for their future policy.

The intervention in Kosovo gave NATO not only a reason for continued existence but a field for action, one which would be elaborated within the new strategic concept. NATO's conduct in the intervention was part of and signaled a new field for the organization in the post-Cold War world. The NATO campaign, Operation Allied Force, was the second offensive military campaign in the organization's history. Operation Deliberate Force, the name for NATO's combat missions in Bosnia and Herzegovina in 1995, was the first and broke the barrier for NATO intervention, but its circumstances were different.⁵⁷ NATO's air campaign in Bosnia in 1994-1995 was conducted with UN approval and with the combined efforts of UN peacekeeping forces on the ground.⁵⁶ In Bosnia, the UN and NATO worked together, and "[p]art of this new coordination [in the post-Cold War world] ... stemmed from the ... arrangement established in 1993 for the crisis in Bosnia, which required both UN and NATO officials to agree a ground violation had occurred in Bosnia before NATO could take military

action in response to the agreed upon violation."\textsuperscript{197} UN Security Council Resolution 836 (6/4/1993) stated that "[m]ember States, acting nationally or through regional organizations or arrangements, may take, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, all necessary measures, through the use of air power, in and around the safe areas in the Republic of Bosnia and Herzegovina, to support UNPROFOR."\textsuperscript{198} In February 1994, UN Secretary General Boutros Boutros-Ghali informed the Security Council that he had requested that NATO authorize air strikes against artillery and mortar positions near Sarajevo.\textsuperscript{199} Unlike the action in Bosnia, NATO's campaign in Kosovo was conducted with neither UN Security Council sanction nor request.

One new position for NATO in Kosovo was that the air campaign was conducted without any UN sanction or explicit approval. This was a new field for NATO that was later expressed in its new strategic concept. There was initial disagreement within NATO leaders regarding this lack of UN support because while some, like Tony Blair, "wanted a very aggressive entry into Kosovo" others, such as President Clinton and the French leaders, wanted "a permissive entry into Kosovo, that is there would be some kind of diplomatic agreement in place that would allow NATO forces to enter at will as contrasted to using military force to enter."\textsuperscript{200} From this debate, once NATO decided to take military action, the "NATO air campaign was new ground when it

\textsuperscript{198}Operation Joint Endeavour (IFOR), "United Nations Resolution 836 (1993)."
was inducted in 1999." This "new ground" for NATO was soon related into NATO's new Strategic Concept which did not explicitly state that UN approval was necessary for NATO to take action. The circumstances of the intervention in Kosovo gave NATO this new position and purpose that it was searching for in the post-Cold War world.

There was another new realm introduced in NATO with the intervention in Kosovo: the possibility of using ground troops in an offensive capacity under NATO command, similar to the air campaign just with ground forces. While NATO ground troops did not enter into Kosovo until June 12, 1999 which was after the agreement with Milosevic to withdraw Serb forces from Kosovo was signed and UN Resolution 1244 was implemented, and therefore were then only involved as a peacekeeping force rather than in combat, there was discussion within NATO about sending ground troops into Kosovo to aid the air campaign throughout its duration.

Soon after the air campaign began, the White House denied that combat ground troops would be used in Kosovo when White House Press Secretary Joe Lockhart said, "We will not use ground troops in anything but a permissive environment." However, by the anniversary summit in late April 1999, the issue of ground troops was still being debated. As a Washington Post article stated on April 23, 1999, "Administration officials maintain[ed]...that ground troops will not be necessary because airstrikes eventually will force a troop withdrawal by Yugoslav President Slobodan Milosevic," however, as US Secretary of Defense, William Cohen, "told a

201 DeLeon.
House subcommittee, 'In the event that it is not, in the future, that's a decision we'll have to make at that time.'"\(^\text{205}\) British Foreign Minister Robin Cook and French President Jacques Chirac also made subtle comments indicating that the ground troop issue was still on the table if it was to become necessary, when they said, respectively, that "it is possible to 'conceive of circumstances in which it may be feasible to commit ground troops,'" and that "the alliance should apply 'additional means' besides escalating the air war to stop 'massacres, rapes, burned villages, families separated and thrown onto the roads,'" in the week leading up to the NATO summit.\(^\text{206}\) While the US did not refer explicitly to ground troops in this context, both Madeleine Albright and Joe Lockhart (speaking for the White House) stated in some words that it was important to continually update the assessments and plans relative to the progress of the situation.\(^\text{207}\)

NATO was limited in its discussions and ability to use ground troops because of the fact that since "everybody has to agree...NATO is a particularly cautious and bureaucratic organization."\(^\text{208}\) However, the discussions of ground troops and an increasing number of news articles about troop training and deployments to areas on the borders of Kosovo continued throughout the air campaign.\(^\text{209}\) These discussions, and therefore, the increasing possibility of a ground campaign, are suspected to be one reason regarding the timing of Milosevic's acceptance of a peace plan on June 3, 1999 which ended the 78 day air campaign.\(^\text{210}\)

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\(^{205}\) Bob Kemper, et al, "Nato Warms To Idea Of Ground Troops In Kosovo."

\(^{206}\) Ibid.


\(^{208}\) DeLeon.


troops were not sent into Kosovo during NATO's campaign, the discussion of their use was new territory for NATO made possible by the situation in Kosovo.

When looking at the intervention in retrospect, Marc Grossman, Assistant Secretary of State for European Affairs, discussed this point explicitly when he stated the three primary reasons for US involvement in the intervention in Kosovo. In 2013, Grossman said in reference to the decisions of 1999, "I thought this coalition of like-minded countries in the NATO alliance was an important thing to preserve, and I didn't see how if Kosovo degenerated into some kind of mayhem and we didn't intervene in some fashion; I couldn't see what the alliance would be for in the future." The trouble NATO had finding its place in the post-Cold War world, combined with the events of 1999, and the 50th anniversary summit make it clear now, years later, that the intervention in Kosovo helped give NATO new purpose in an uncertain international position, one it was allowed to take because of disagreements in the UN.

Within humanitarian intervention policy as a whole, the conflict in Kosovo provided NATO with a new opportunity to take the lead in an unprecedented manner. Previously, humanitarian intervention had been conducted under UN auspices with the UN acting as a supervisory authority, unilaterally, or in a colonial context. However, the conflict in Kosovo allowed NATO to take the helm when the UN was unable to come to a unanimous decision regarding intervention, and led the organization to take a leadership role in assuming responsibility regarding the safety and security of not only NATO member country citizens but their neighbors as well. The intervention in Kosovo was a new way for humanitarian intervention

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[^211]: Grossman.
to be conducted, and this opportunity gave NATO the new purpose it needed to survive in a world no longer dominated by Cold War threats.

Though the UN Security Council produced resolutions condemning the actions of both the Yugoslav forces and the KLA in Kosovo, it was unable to reach any agreement regarding military action or even peacekeeping troops. This indecision allowed NATO to take the helm in the intervention in Kosovo which helped give the organization its new purpose in the post-Cold War world, a purpose that would then become defined in its new Strategic Concept set forth during its 50th anniversary summit in Washington DC in April 1999. As a leading power in NATO, the US spurred its involvement in the conflict as intervention gave both justification for NATO's continued existence and weight to finding NATO's new purpose in the realm of human rights protection within the larger scope of peace and stability in Europe, especially once the UN failed to act. In general the circumstances surrounding NATO provided further justification, in the eyes of US policymakers, for intervention in Kosovo.
CONCLUSION

This study has shown that from the perspective of US policymakers, there are three primary reasons why the US participated in and led the NATO intervention in Kosovo in 1999. These three reasons are: First, it was a moral necessity based on the atrocities committed by the Serbs against the Kosovars. Second, it was in the national security interests of the US; and third, due to UN inability to act, these two prior justifications, and NATO's search for a purpose in the post-Cold War period, the intervention helped justify NATO's existence and gave it a purpose. This argument is important because it shows why humanitarian intervention might be pursued as a foreign policy objective of the US and what the conditions are for a "justified", in the eyes of policymakers, intervention, an understanding that is important to have when analyzing US foreign policy and questions regarding possible future interventions.

Since the intervention in Kosovo, other situations have arisen in which the language of humanitarian intervention has been used by policymakers in regards to the decision to take military action. The most recent example is the case in Syria. Following evidence of a chemical weapons attack by the Syrian regime on civilians in the current civil war raging in the country, parallels were drawn to the Kosovo conflict. An article headlined "Air War in Kosovo Seen as Precedent in Possible Response to Syria Chemical Attack" in the New York Times concluded that US President Obama's administration was looking to the intervention in Kosovo as "a possible blueprint for acting without a mandate from the United Nations" for a possible intervention in
Syria. According to the article, the similarities were there, attacks against civilians and the unlikelihood of UN sanction given Russian ties to the Syrian (or Serbian in the case of Kosovo) government.

On the other hand, an opinion piece was also published in the *New York Times* by James P. Rubin, who in 1999 was Chief Spokesman for the State Department and a close advisor of Madeleine Albright, which argued against intervention in Syria based on these same justifications. He shows how the Syrian conflict does not meet the justification requirements that Kosovo did, including the importance to US national interests and the approval of an international organization, and therefore the legitimacy born out of the campaign conducted by an international organization such as NATO.

While action was not taken in Syria as of March 2014, and it looks to be unlikely that it will, the fact that these connections were drawn highlight the continuing relevance of humanitarian intervention and especially the Kosovo conflict in US foreign policy. The case of Kosovo is especially useful and interesting in analyzing conflicts in which UN sanction in not given because as Rubin notes in his piece on Syria, "History’s verdict on Kosovo has been that it was legitimate but not strictly legal." Human rights violations, especially those involving government violence against civilians, continue to raise calls for international action and humanitarian intervention. However, military intervention in all foreign conflicts is an unrealistic, expensive, and incorrect course of action. By really understanding the justifications

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214 Rubin, "Syria Is Not Kosovo."
for the intervention in Kosovo, it can be used to analyze whether possible future interventions will be likely to be conducted and the grounds on which interventions can be acceptably justified in the eyes of policymakers and even the public.
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