

## International Humanitarian intervention in Kosovo

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### Abstract

Humanitarian intervention in Kosovo did not happen by any geopolitical interest, but simply by an entirely humanitarian character which is closely connected with democratic principles, human rights, and the lack of moral order. Except for damages, massacres and destruction by fire of very sophisticated military artillery, Serbian army and police have forced with violence more than thousands of Kosovo Albanians to leave their home (Pllana, 2010, 241).

With humanitarian intervention, NATO had shown it was ready to defend universal human values as the fundamental principle of humanity (free life). Main purpose of this article is an analysis of the international human intervention in Kosovo.

**Keywords:** NATO intervention in Kosovo, Humanitarian Intervention, Military Intervention, Sovereignty.

### Introduction

The international law principle of “humanitarian intervention”, as it was known since ancient times, defined existence of freedom that countries had for the conduct to their own citizens.

In accordance with this, “humanitarian intervention” is always allowed, if it intends to hamper cruelty or stop crimes of a state against an entire population, and when a country lacks “the minimum moral order” (Pllana 2010, 215).

Undoubtedly, massacres, rapes and deportations during the Kosovo War, as well as the disclosure of the “Horseshoe” plan proves that the Serbian leadership was prepared to go until the end, and largely deport Albanians from Kosovo. In this sense, Western European countries were threatened by a large wave of refugees while countries of Southeast Europe were threatened from a political instability, meaning that the war could expand beyond Kosovo borders.

International cooperation for peace or any crisis such as in Western Balkan (Croatia, Bosnia, Kosovo) should be seen as a long-term investment in global peace and security in the new world order.

### NATO intervention in Kosovo

Since the end of the East-West conflict in international relations a tendency can be seen that implies that state sovereignty can no longer serve as a shield to cover the systematic and massive violations of human rights and preventing any external intervention.

The difficult situation of a population in a given country may be regarded as a threat to international peace and security, if there is a certain possibility to have an impact outside of a certain country. Various international authors have different views on

the issue whether should or shouldn't have intervened in certain states which violate fundamental freedoms and human rights.

Different authors have been working on the issue of international humanitarian intervention. International law expert Aguila (2011), deals with the legitimacy of the intervention of NATO in Kosovo, the notion of humanitarian intervention and defines it as: "A humanitarian intervention despite its lawfulness, if done with the use of force by one or more States, or by an international organization which is equipped with the relevant competencies, is an interstate interference on the freedom to decide of another country, in order to influence on it to respect minimum humanitarian standards to its citizens".

Rhetorical affirmation of the doctrine of permanent intervention was clearly expressed especially in the triumph of the NATO operation in Kosovo. British Prime Minister Tony Blair declared Kosovo mission as a victory of the "progressive" forces in foreign policy, replacing the old traditional concepts: This fight took place for a fundamental principle that was necessary for the humanity progress upon which: every human being, regardless of race, religion or birth has an inalienable right to live free from persecution (Kissinger 2005, 385). German Chancellor Schroeder was of the same view, by stating that: "the Alliance must show that the weak finds a stronger friend in NATO and an ally ready and willing to defend their human rights". President Clinton used a more general statement: "We, then, can tell people in the world, wherever you live, in Africa, in Central Europe, or anywhere else, if someone persecuting innocent civilians and tries to kill them in mass because of race, ethnic background, or their faith, if it is in our power to stop, we will stop" (Kissinger 2005, 386).

So sovereignty has its limits and that in the post-Cold War, sovereignty is not an expansive concept, but only a limiting concept. In this context, the country remains sovereign only so far it is not abused with it. "To confuse sovereignty with unlimited use and misuse of power means to deny the sovereignty to its source, which is the will of the people", evaluates Carlos Fuentes, adding that "sovereignty is also self-limited to international level of the principle *sunt servanda*". (Zëri, 2008, 8).

According to Pllana (2010), the principle of humanitarian intervention takes particular significance because entitles states to unite in order to punish the state that violates humanitarian principles and make it impossible to cause further loss of human lives, and damages (Pllana, 2010, 217).

Likewise, the Security Council referring to Chapter VII may authorize the use of military force, in the case of violation of fundamental human rights, in the cases when this violation of fundamental human rights is regarded as a threat to security and peace. As of Henkin (2011) the intervention can be taken only on the basis of the resolution of an organ of the United Nations (Security Council), that can be authorized by any regional organization. This prior authorization from any universal international or regional organization gives legitimacy to a violent intervention.

### **Views about the right for international intervention**

There are various authors who think that international interventions are a simple violation of state sovereignty and as such they are described as unlawful and

unacceptable. Opponents of International Humanitarian Interventions always rely on Article 2 Paragraph 4 of the UN Charter, which prohibits the use of force against sovereign states. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations. According to opposers of international humanitarian intervention, the Security Council is the only body that has the right to authorize international humanitarian interventions in certain cases, and according to them, serious violation of human rights, even genocide did not constitute aggression or risk of a violation of international peace if they remain within national borders. (UN Charter of 1945, Section VII).

Humanitarian intervention has the function of penalty or punishment to the state that uses violence and mass murder against nations or other national minorities, which entitles other countries to join in punishing and preventing the realization of such a goal or violence. International humanitarian interventions are a relatively new phenomenon in international politics. Its appearance can be considered as the essential paradigm shift of the international system, the separation of state system of Westphalia, which was created in mid-seventeenth century with the Peace of Westphalia.

However, after the end of the period or the end of the cold war the assessment of international law for international intervention in the domestic affairs of a state has changed in a clear way, if the respective state seriously violates the basic human and national minority's rights. Violation of human rights by the government of the Federal Republic of Yugoslavia and the humanitarian disaster which was prevented from NATO intervention in Kosovo, threatened to destroy the values on which it built the new Europe. Yugoslav regime's barbaric actions increased fear for instability, which was spread to neighbouring countries, including the impact it might have on the issue on derailing the peace process in Bosnia and Herzegovina.

If NATO would not answer to the politic of ethnic cleansing, it would betray its values and would cast a permanent shadow of doubt on the credibility of its institutions. Some claim that the brutal ethnic cleansing, violence and refugee exodus was precipitated by NATO air campaign; the facts do not support this. President Milosevic's ethnic cleansing in Kosovo was prepared in time, like it is also shown in the OSCE report. It was preceded by the completion with effectives and basic military materials and continued to be accomplished, even during the Rambouillet talks. The intelligence later showed that he had a pre-planned strategy (Operation Horseshoe) to expel the Kosovo Albanian population from Kosovo. By facing the challenge of President Milosevic, NATO countries confirmed that common values and respect for human rights are fundamental to the Alliance and to all the world's democracies.

"No country has the right to hide behind national sovereignty to violate human rights or fundamental rights of its people", said the Secretary General of the UN, Kofi Annan, in a speech to the Committee on Human Rights in Geneva in April 1999 (Annan, 1999, 5).

Although many authors give more importance to the Rights and Freedoms, there are those who still regard the intervention in Kosovo as not united. According to the principles of the UN Charter, only the Security Council is responsible for taking military measures against a certain state. However NATO operations against Yugoslavia

weren't a decision of the United Nations, because Russia did not approve a military intervention against Yugoslavia (Goldstein 2003, 286).

Many experts in international law have different opinions on whether the operation of NATO has been legitimate or contrary to Article 2 paragraph 4 of the Charter of the United Nations, which prohibits the use of violence and according to them it was contrary to international law. However, given the moral and the political aspect and with the purpose to prevent penetration, one of the leaders of NATO states did not want to repeat Bosnia, on the other hand, humanitarian concerns had to do with a country that they considered as part of Yugoslavia. Regarding the International Humanitarian Intervention in Kosovo the former Secretary of State Henry Kissinger, evaluated that: "in fact they were well aware of what sought to prevent, what they want to achieve and how they were trying to achieve" (Kissinger 2000, 804).

Both decisions, for and against intervention in Kosovo, had implications with international consequences: Firstly, if the international community wouldn't intervene there was a possibility that the number of killings and deportations would take tragic dimensions, as in the case of Bosnia. Furthermore, the behaviour of Belgrade in the last ten years has shown that without a strong military intervention Belgrade's politics would not change.

Undoubtedly massacres, rapes and deportations during the War in Kosovo, as well as the disclosure of the plan "Horseshoe", proved that the Serbian leadership was prepared to go to the end, and expel the Albanians from Kosovo. In this sense the west was threatened from a large wave of refugees, while the region of Southeast Europe and the wider political instability meant that the war could spill beyond the borders of Kosovo.

These extreme and criminal actions justified the NATO military intervention. Analyzed in political and international terms, if the military conflict and Milosevic would be allowed to continue his policy of repression against the Albanians, then this would infringe the fundamental principles of human rights. At the same the credibility of the international community would be questioned, namely NATO remained the most important security organization after the end of the Cold war.

NATO's intervention in Bosnia-Herzegovina and particularly in Kosovo, the role of the Alliance in the inhibition of war, insurance of peace legitimized the historical rights of NATO in the new world order. Successful action of NATO in the Balkans, testified that NATO differed qualitatively from the Warsaw Pact, that NATO was a political, democratic and military organization. Bosnia and Hercegovina, especially Kosovo legitimized historical perspective of NATO in the new international system. In both these cases it was proved that NATO serves wonderfully to the international future. So, if NATO ended the war and paved the prospective to the peace in Bosnia-Herzegovina and Kosovo, both countries gave NATO the historical legitimacy of perspective (Bashkurti 2008, 140).

## Conclusions

Important actors are international governmental and non-governmental organizations, taking into account the role and function that play in resolving various global

challenges in the new world order. NATO is a political-military organization of genuine democracies in the today's order. NATO reflects the dynamics of democracy and therefore is an emerging and perfection alliance of peace, preceding the security challenges of our time and the times to come. Kosovo, which was involved in war during the 1998-1999 has been a crisis arena which certainly mobilized its people in order to fight for its liberation by Serbian forces. In this sense, NATO intervened without the approval of the Security Council based on the principle of humanitarian intervention aiming to save the Albanian people of Kosovo from extinction.

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