

Competing Narratives:
Comparing Perspectives on NATO Intervention in Kosovo

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I. Introduction

You also stopped a vicious campaign of ethnic cleansing and made it possible for us to reverse it. Protected by a peacekeeping force that includes NATO, Russia, and many other nations, the refugees are going back home. No one thinks it will take hold without difficulty. As more and more light is shed on those burned villages and even more mass graves than we dared to imagine, we become more and more appalled by the dark vision of Mr. Milosevic, and more and more certain we were right to stop it...But thanks to you, the worst is already over in Kosovo. And tomorrow's dictators in other places will have to now take a harder look before they try to destroy or expel an entire people simply because of their race or religion.

- President William J. Clinton, speaking to Troops Aviano Air Base, June 22, 1999¹

Our western partners, led by the United States of America, prefer not to be guided by international law in their practical policies, but by the rule of the gun. They have come to believe in their exclusivity and exceptionalism, that they can decide the destinies of the world, that only they can ever be right...This happened in Yugoslavia; we remember 1999 very well. The actions of Crimean people completely fit in with these instructions, as it were. For some reason, things that Kosovo Albanians were permitted to do, Russians, Ukrainians and Crimean Tatars in Crimea are not allowed. Again, one wonders why.

- President Vladimir Putin, speaking on Russia's recognition of Crimea, March 18, 2014²

On March 23, 1999, the Secretary General of NATO, Dr. Javier Solana, instructed the Supreme Allied Commander Europe, General Wesley Clark, to “initiate air operations in the Federal Republic of Yugoslavia” after “all efforts to achieve a negotiated, political solution” crumbled under opposition from Yugoslavia's president Slobodan Milošević.³ Over the next 79 days, NATO conducted a massive air war against Serbian forces, in an attempt to stop what President Clinton called, “a vicious campaign of ethnic cleansing” against ethnic Albanians.⁴ NATO's contingency dropped 12 million pounds of munitions on Kosovo, killing roughly 1,200 Serbian troops and between 489–528 civilians, according to Human Rights Watch.⁵ While the United States, led by Secretary of State Madeline Albright, cited the war in Kosovo, Operation

¹ William Clinton, “Remarks to Operation Allied Force Troops at Aviano Air Base in Italy, June 22, 1999,” *American Reference Library - Primary Source Documents*, January 2001, 1.

² *Putin: Crimea Similar to Kosovo, West Is Rewriting Its Own Rule Book*, 2014, http://www.youtube.com/watch?v=PDLwu4E35us&feature=youtube_gdata_player.

³ Javier Solana, “Press Statement by Dr. Javier Solana, Secretary General of NATO,” March 23, 1999, <http://www.nato.int/DOCU/pr/1999/p99-040e.htm>.

⁴ Clinton, “Remarks to Operation Allied Force Troops at Aviano Air Base in Italy, June 22, 1999..”

⁵ “The Crisis in Kosovo,” <http://www.hrw.org/reports/2000/nato/Natbm200-01.htm>.

Allied Force, as a clear case for “humanitarian intervention,” Russian politicians vehemently disagreed. The bombings challenged Russia’s sphere of influence. After World War II Kosovo joined the Federal People's Republic of Yugoslavia, governed by Josip Broz Tito.⁶ Throughout Yugoslavia’s rule from 1945 through 1992, the state maintained a semi-symbiotic relationship with the USSR.⁷ Although the Tito-Stalin split of 1948 complicated the relationship between the USSR and Yugoslavia, the Independent Russian News station NTV, identified that Russians, regardless of their stance on the Cold War feud, felt “a psychological closeness” to the people of Yugoslavia.⁸ NATO’s military intervention on behalf of ethnic minorities in Yugoslavia would have been unthinkable before the fall of the Iron Curtain. Tito’s government infuriated the United States throughout the Cold War by shooting down several American spy planes.⁹ In a world where the hegemony of the USSR was visibly absent, NATO planes freely flying over a former member of the “Eastern Bloc” forced many Russians to consider their sense of ethnic identity.

For political commentator Andrei Grachev, the munitions raining down in Belgrade signaled that the idea of “a common European home [had been] left in pieces.”¹⁰ Many Russians saw NATO’s campaign as a pernicious overreach and an attempt by the West to impose their ideals on Slavic peoples. Operation Allied Force challenged the power dynamic between the United States and Russia. The nations, who had previously fought proxy wars far away from their own territories, forced the world to consider if Kosovo was the beginning of a new world

⁶ Amos Jenkins Peaslee, *Constitutions of Nations* (Brill Archive, 1956), 754.

⁷ Sabrina P. Ramet, *The Three Yugoslavias: State-Building and Legitimation, 1918-2004* (Bloomington, Ind.; Chesham: Indiana University Press ; Combined Academic [distributor], 2006).

⁸ Jens Rydgren, “The Power of the Past: A Contribution to a Cognitive Sociology of Ethnic Conflict,” *Sociological Theory* 25, no. 3 (September 1, 2007): 44.

⁹ Emmanuel Gustin, “Cold War Shootdowns,” <http://users.skynet.be/Emmanuel.Gustin/faq/shutdowns.html>.

¹⁰ Derek Averre, “From Pristina to Tskhinvali: The Legacy of Operation Allied Force in Russia’s Relations with the West,” *International Affairs (Royal Institute of International Affairs 1944-)* 85, no. 3 (May 1, 2009): 575. Averre’s translations of several Russian newspaper and journal articles provide access to primary sources that would be otherwise unavailable to an English speaker.

war, once again beginning in the Balkans. Although the large-scale conflict never came to fruition, the rhetoric surrounding the war in Kosovo provided a forecast for conflict between the United States and Russia in the 21st century.

This essay explores the competing narratives told by Russia and the United States regarding their military actions in Kosovo in 1999. It examines primary sources from Milošević, Russia and the United States, spanning from the war's buildup to its impacts on Russian expansion. The words spoken and written by leaders and analysts from each country entrenched the distrust between West and East. The argumentation provided during the Kosovo war created a unique lens in which to analyze the greater conflict between Russia and the United States. Historians, generals and politicians have written accounts regarding military tactics and the effectiveness of various practices of Operation Allied Force.¹¹ However, this essay focuses on the words different leaders used to support their actions in Kosovo, and how the rhetoric used in the 20th century resurfaced in the 21st century. In analyzing the underlying assumptions within language, and tracing the conflict in Kosovo through its argumentation, this essay sheds new light on how nations justify their militaristic tendencies with chosen and pointed rhetoric. In search of an excuse for war, political leaders like Vladimir Putin often manipulate past statements made by adversarial nations to suit their present advocacy of violence.

¹¹See Also: Madeleine Korbelt Albright, "The Importance of Kosovo," *Remarks, February 4, 1999* 10, no. 1 (February 1, 1999): 4–7; Wesley K. Clark, *Waging Modern War: Bosnia, Kosovo, and the Future of Combat* (PublicAffairs, 2001); Christopher E Haave et al., *A-10s over Kosovo the Victory of Airpower over a Fielded Army as Told by Those Airmen Who Fought in Operation Allied Force* (Maxwell Air Force Base, Ala.: Air University Press, 2003), <http://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=184938>; "Putin's Perilous Overreach," *National Review* 65, no. 6 (April 7, 2014): 16–16; Mark Webber, "The Kosovo War: A Recapitulation," *International Affairs* 85, no. 3 (May 1, 2009): 447–59.

II. Memory: Collective, Historical

Doris Gödl wrote in a 2007 journal article that, “We can see now that whoever controls the past controls the future.”¹² While politicians have justified war in numerous ways, Gödl identified politicians’ archetypal struggle to control their nation’s history as a means to justify current and future actions. Throughout the war in Kosovo, leaders from the Serbia, Russia and the United States engaged in a battle to reconstruct past histories. Milošević took over the Presidency of Serbia in 1989 and as author Adam Labor claimed, Milošević immediately began inciting ethnic Serbians and Montenegrins to attack the ethnic majority Albanian population in the Kosovo.¹³ Milosevic’s support for these policies came in part from a purposeful conflation of the Albanian’s Muslim religion with the Ottoman Empire, which oppressively ruled Serbia for many centuries. While Milosevic had a great deal of popular support from his Serbian constituents, political leaders in Russia had to seek the approval of the populace to rationalize Russia embroiling itself in another Balkan conflict. One strategy Russia employed was to promote what historian David Mendeloff called the “myth of Slavic brotherhood,” the historically inaccurate relationship between Serbians and Russians.¹⁴

Unlike Milosevic and Russian leaders, President Bill Clinton of the United States relied heavily on convincing the international community to join the cause. As a second term president leaving office in one year, Bill Clinton was interested in controlling history as a way to secure his presidential legacy. Given the leaders’ common interest in influencing the way society recalls past events, the historiography of memory ought to be considered. Collective memory, a term coined by French philosopher Maurice Halbwachs, is a sociological schema to describe the way

¹² Doris Gödl, “Challenging the Past: Serbian and Croatian Aggressor—Victim Narratives,” *International Journal of Sociology* 37, no. 1 (April 1, 2007): 57.

¹³ Adam. LeBor, *Milosevic: A Biography* (New Haven: Yale University Press, 2004), 80–84.

¹⁴ David Mendeloff, “‘Pernicious History’ as a Cause of National Misperceptions Russia and the 1999 Kosovo War,” *Cooperation and Conflict* 43, no. 1 (March 1, 2008): 31–56, doi:10.1177/0010836707086736.

society remembers its past.¹⁵ Modern French historian Nicolas Russell explained that although Halbwachs never overtly mentioned the antithesis to collective memory, his studies indicate that Halbwachs personal notes differentiated group memory from personal memory.¹⁶ Russell explained Halbwachs' concept of personal memory as thoughts that occurs and remain within one individual, whereas collective memory spreads among a populace and most importantly crosses generational lines.¹⁷ Halbwachs theory of collective memory transformed the discussion about remembrance because he argued that memory is malleable, and that individuals within a group can shape a group's collective memory.¹⁸ Russell argued that Halbwachs, unlike previous Romantic thinkers such as André Chénier, viewed group memory as a fluid being, constantly adapting to individuals attempts to reframe past experiences.¹⁹

Powerful individuals alter society's thoughts about past events. Journalist David Byler tracked the President of the United States' annual addresses from September 11 from 2002 until 2014. He argued that President Bush's most repeatedly used words: "war," and "terrorism," and "attacks" to refer to the September 11 attacks engrained the perception that September 11 should be remembered as a day that predicated conflict in Iraq and Afghanistan.²⁰ However, President Obama worked to change this model by utilizing the words "families," "lives," and "lost."²¹ Obama's speeches focused on the tragedy of September 11 and the somber reality that the terrorist attack caused a decade long war. Obama's more somber and peace seeking rhetoric

¹⁵ Maurice Halbwachs, *Maurice Halbwachs: On Collective Memory* (Chicago; London: University of Chicago Press, 1992), 72.

¹⁶ Nicolas Russell, "Collective Memory Before and After Halbwachs," *The French Review* 79, no. 4 (March 1, 2006): 792.

¹⁷ *Ibid.*, 793.

¹⁸ *Ibid.*, 72.

¹⁹ *Ibid.*, 794.

²⁰ David Byler, "9/11 Anniversary Speeches: What Text Analysis Tells Us | RealClearPolitics," accessed December 6, 2014, http://www.realclearpolitics.com/articles/2014/09/10/911_anniversary_speeches_what_text_analysis_tells_us_123913.html.

²¹ *Ibid.*

aligned with his campaign promise to “bring America’s longest war to a responsible end.”²²

Obama worked to change the pugilistic framing of September 11’s history to further his advocacy of peace. His efforts support Halbwachs theory that individuals’ contextualization of history can work to change a group’s memory.

Collective memory intersects with the study of history because the empirical facts surrounding a historical event often differ greatly from a group’s perception of that event. The story a specific group tells about their past rarely matches historical fact. Historians would be remiss to avoid studying how different groups’ stories of the past directly contradict other groups’ stories, and historical fact. The stories necessary variation from the historical record can illuminate the deeply held values of the society telling the story. In Kosovo, the collective memories surrounding the Ottoman Empires rule of Serbia from 1389 until 1878 served to differentiate and divide Serbians from Albanians.²³

Professor Jens Rydgren used Halbwachs’ theories as a model to comprehend how Milošević fomented violent nationalism against the Albanians. Rydgren argued that Milošević aggravated pre-existing ethnic tensions between Serbians Albanians in Kosovo by molding the collective memory about Serbia’s defeat by the Ottoman Empire in 1389.²⁴ On June 28, 1989, the 600th anniversary of the Battle of Kosovo, President Milošević commemorated the Serbians loss to the Ottoman Empire at the battle site of Gazimestan, a few kilometers from Kosovo’s capital of Pristina.²⁵ Milošević’s speech alluded to the story of Serbian hero Miloš Obilić and his brave

²² Barack Obama, “Statement by the President on Afghanistan,” *Whitehouse.gov*, accessed December 6, 2014, <http://www.whitehouse.gov/embeds/footer>.

²³ Vincent Ferraro, “The Austrian Occupation of Novibazar, 1878-1909,” *Mtholyoke.edu*, <https://www.mtholyoke.edu/acad/intrel/boshtml/bos128.htm>.

²⁴ Rydgren, “The Power of the Past,” 237.

²⁵ Slobodan Milosevic, “Slobodan Milosevic’s 1989 St. Vitus Day Speech,” <http://www.slobodan-milosevic.org/spch-kosovo1989.htm>.

fighting and valiant death at the Battle of Kosovo.²⁶ Milošević argued that Serbia needed to take on Obilić's suicidal quest because Serbia needed to defend its recently "regained...state, national, and spiritual integrity."²⁷ According to Milošević, precisely because Obilić and Serbia lost in the Battle of Kosovo, Serbia needed to defeat the Muslim enemies this time.²⁸ Unfortunately, for the Albanians, they were portrayed as the Muslim enemies. Here Rydgren's thesis that Milošević molded history to create a new collective memory is readily apparent. According to historians John Fine and Robert Donia, Miloš Obilić is most likely an imagined character and most importantly, Serbians actually won the Battle of Kosovo.²⁹ Without the story of loss and suffering, Milosevic's call to arms would have been significantly less compelling. The new group memory proposed by Milosevic portrayed Serbians as perpetual victims, and he forced Serbians into the false dichotomy that they must fight, or again be enslaved.

Milošević boldly argued in the same speech that, "the historical truth about the Battle of Kosovo...is no longer important."³⁰ Calling Serbia "unfortunate" and "defeated" over the past 600 years, Milošević championed Serbian nationalism and the Slavic "brotherhood" to fight once again for freedom. Somewhat prophetically, he also stated, "armed battles cannot be excluded yet."³¹ Rydgren also considered the link between memory creation and conflict. He argued that "memory biases," stemming from the creation of violent group memories, force groups to "overestimate the likelihood of future conflict" which causes them to take "preemptive actions"

²⁶ Milosevic, "Slobodan Milosevic's 1989 St. Vitus Day Speech."

²⁷ Ibid.

²⁸ Ibid.

²⁹ Robert J. Donia and John V. A. Fine, *Bosnia and Herzegovina: A Tradition Betrayed* (New York: Columbia University Press, 1994), 490–493.

³⁰ Slobodan Milosevic, "Slobodan Milosevic's 1989 St. Vitus Day Speech," <http://www.slobodan-milosevic.org/spch-kosovo1989.htm>. Milosevic himself admits that the history behind the battle is murky at best, and the difference between "historical fact" and "legend" is not clear. Therefore, it is all the more ironic that he cites the Battle as precedent for Serbian freedom. The Battle of Kosovo is a perfect event for historical fiat because it can be corrupted for the needs of a speaker.

³¹ Ibid.

leading to actual violence.³² Milošević's historical misinterpretation justified Serbian nationalists who wanted to seek conflict with ethnic Albanians.

In addition to seeking domestic support, Milošević repeatedly used the term "Slavic brotherhood," and called upon other Slavic nations to support Serbia.³³ Specifically, Milošević looked to garner the support of Serbia's "Slavic," and militarily powerful brother, Russia. However, by 1999, NATO, its allies, and even the United Nations had condemned Milošević for fomenting the kind of political and social unrest displayed in his 1989 speech.³⁴ Considering the intense NATO and UN condemnation of Milošević, and the sheer number of Russians who died because of Balkan conflicts, it seems Russia should have been hesitant in its support for Serbia. Furthering the divide between the countries, Russia did not share a border with Serbia. Finally, NATO involvement in Serbia posed no direct military threat to Russia. However, on the day the bombings began, China and Russia were the only two Security Council Members to condemn NATO airstrikes.³⁵ What then, can explain Russia's defense of Serbia and Milošević?

Russia defended Serbia for a number of reasons; some historians have suggested that Russians and Serbians shared a common ethnic "Slavic" bond. David Mendeloff, a professor in international conflict and state reconstruction, argued in a 2008 journal article that Russia's stance and rhetoric stemmed from what he called "the myth of Slavic brotherhood."³⁶ Mendeloff extended Halbwachs' tradition of collective memory by analyzing what he called historical memory, or the popular history of a country. Mendeloff's definition of historical memory is quite similar to Russell's interpretation of Halbwachs collective memory. However, Mendeloff

³² Rydgren, "The Power of the Past," 239.

³³ Milosevic, "Slobodan Milosevic's 1989 St. Vitus Day Speech."

³⁴ "Nato Action Against Serbian Military Targets Prompts Divergent Views as Security Council Holds Urgent Meeting on Situation in Kosovo" (United Nations, March 24, 1999), <http://www.un.org/press/en/1999/19990324.sc6657.html>.

³⁵ Ibid.

³⁶ David Mendeloff, "'Pernicious History' as a Cause of National Misperceptions Russia and the 1999 Kosovo War," *Cooperation and Conflict* 43, no. 1 (March 1, 2008): 31.

applied historical memory to understand why nations’ “pernicious interpretations” of history cause them to take actions counter to their strategic interests.³⁷ Unlike Halbwachs, who assigned collective memory a neutral connotation, Mendeloff’s analysis of nations’ historical memory is pejorative in nature.

Mendeloff believed that above all, Russia supported Serbia because the historical memory of Russians caused them to see Russia as the savior of the Balkans; protectors from western encroachment.³⁸ Mendeloff cited Russian textbooks, reasoning that the ultimate form of popular history, or historical memory, was taught to the “lowest common denominator.”³⁹ Of the three most popular textbooks in Russia, all claimed in some form that Balkan Slavs viewed “Russian people[as] their brothers, defenders and liberators from foreign domination.”⁴⁰ This version of history, emphasized a strong bond between Russian and Serbia “Slavs.” Mendeloff said that Russia’s “self-glorifying interpretation of events” taught that Russia saved the Balkans from Turkish rule in World War I, German Rule in World War II, and Western dominance after 1945.⁴¹ Of course, the historical record contradicts this view. Most notably after Russia’s victory in the Russo-Turkish war of 1877, Serbian leader Prince Milan hated Russia so much that he cut ties with the world’s most powerful nation saying, “Russia has brought us no good, only humiliation.”⁴² Russia garnered support for protecting Serbia in part with the myth of brotherhood, but other factors also weighed heavily on the Kremlin’s decision.

Politicians like foreign Minister Igor Ivanov utilized fear as a tactic to rally popular support for Russian intervention in Serbia. Russian state newspaper *Nezavisimaia gazeta*, which

³⁷ Ibid., 32.

³⁸ Ibid., 34.

³⁹ Ibid., 37.

⁴⁰ Ibid., 42. Like Averre’s journal, Mendeloff’s translation provides access to Russian language primary sources.

⁴¹ Ibid., 39.

⁴² Ibid., 41.

was supported by pugilistic government actors, ran fear-mongering headlines claiming, “Russia is Surrounded” citing “foreign military intelligence services” increasing their position in the Balkans.⁴³ The newspaper suggested, “Russia may become another Yugoslavia in the near future.”⁴⁴ Linking the fate of the Balkans to Russian sovereignty, military leaders in Russia contorted the historical memory to fit their desired action of supporting Milošević with troops. Some polls indicated that 71 percent of the Russian population believed NATO bombed Kosovo to establish air bases, which NATO would use to target Russia in the future.⁴⁵ Capitalizing on this fear, Foreign Minister Igor Ivanov, who was rumored to replace Yeltsin, claimed that NATO had committed “undisguised genocide against the peoples of Yugoslavia” and NATO was “defending the right of the Kosovar Albanians to engage in terrorism.”⁴⁶ This rhetoric emphasized NATO culpability more than Slavic brotherhood because the narrative of NATO responsibility justified a stronger response. Ivanov repeatedly called for NATO generals to be tried at the Hague, and Russian troops to be placed in Serbia for “protecting today the right of Yugoslavia to sovereignty... and the future of the world.”⁴⁷ Along with Slavic brotherhood, the desire to stop NATO encroachment eastward provided compelling reasons for Russia to support Milošević’s troops. However, Strobe Talbott, the Deputy Secretary of State in 1999, believed that Russia had another more important and sinister motive that better explains Ivanov’s aggressive rhetoric.

Strobe Talbott offered that Russian elites feared NATO would intervene in Chechnya. From 1995 through 1999, Russia conducted a brutal campaign against Muslim men, women and

⁴³ Ibid., 49. For this citation and the following uses of Mendeloff, his journal is used as a translation for primary source documents only. Mendeloff’s translation of Russian newspapers proved extremely useful for this essay.

⁴⁴ Ibid., Page 48.

⁴⁵ Ibid., 46.

⁴⁶ Ibid., 49.

⁴⁷ Ibid., 47.

children in Chechnya after Muslim protestors sought independence from a Russia.⁴⁸ According to Human Rights Watch, Russia acted with “total disregard for humanitarian law, causing thousands of needless civilian casualties,” and the United Nations, the European Union and several other organizations called for humanitarian intervention in 1998 and 1999.⁴⁹ However, the United States and NATO initially made no public statement about Chechnya and the Human Rights Watch said the United States “responded too sluggishly to the slaughter in Chechnya.”⁵⁰ Talbott argued that Russia worried NATO’s involvement in Kosovo might be the first step towards global action against Russia. As bombs reigned in Belgrade, Talbott said Russians “felt they were watching a preview of what NATO would someday do to dismember Russia itself.”⁵¹

Russia had ample cause for concern; the Chechens’ plight paralleled the Albanians. Both groups were majority Muslim, who sought freedom from an oppressive government. Talbott argued that while it would have been in Russia’s best interest to continue their trend towards normalization with Europe and the United States, internal Kremlin politicians like Viktor Chernomyrdin worried NATO’s army would be bombing Chechnya by the end of 1999.⁵² Thus instead of supporting NATO, Russia’s final policy attacked NATO’s justification for war. In a speech announcing Russia’s position on Kosovo, Colonel-General Leonid Ivashov, a three star general that Talbott said was on Chernomyrdin’s “team,” said the United States acted to foment “large scale international terrorism” and created “NATO fascism.”⁵³

Throughout the buildup to war in Kosovo, several different political groups within Russia fought for control over the narrative Russia would advocate. The tumultuous political climate,

⁴⁸ Strobe Talbott, “Putinism: The Backstory,” in *The Ernest May Lecture* (presented at the Redux: Prescriptions for U.S.-Russia Relations, Aspen, Colorado, 2014), 4.

⁴⁹ “Human Rights Developments in the Russian Federation,” *Hrw.org*, <http://www.hrw.org/reports/1996/WR96/Helsinki-16.htm>.

⁵⁰ *Ibid.*

⁵¹ Talbott, “Putinism: The Backstory,” 5.

⁵² *Ibid.*, 6.

⁵³ Averde, “From Pristina to Tskhinvali,” 579.

brought on by the end of Boris Yeltsin's presidency, pushed the military leaders and politicians to compete for control of Russia's future. General Leonid Ivashov's condemnation of the United States, along with Foreign Minister Ivanov's fiery rhetoric targeting NATO, presented a more pugilistic view than the perspectives of Russian's who merely supported the myth of Slavic brotherhood. Military hawks sought a reincarnation of the adversarial relationship with the United States used in the Cold War. They hoped to push back NATO from interfering in the Balkans before Chechnya became a target. The competing groups shared a desire to control the state narrative through a customized expression of collective or historical memory. Molding history was not unique to Russia, but it took on extra significance because the actors tied their desired policies to stories of the past. Controlling the collective narrative meant a control of the population. With support of the population, as Milošević proved, any action was justifiable.

III. US Justification: Ethnic Cleansing

The United States had a markedly different approach to justify its actions in Kosovo in 1999. President Bill Clinton, in part, concerned with his legacy as a president sought the support of the international community to justify military action. Thus, the molding of national collective memory to rationalize war did not occur to the same degree. Instead, the majority of rhetoric produced by the United States regarding Kosovo related to the war's legal justification, in an effort to entice NATO members to join in the air campaign. The United States contended that they were obliged to intervene, with NATO support, on the grounds of stopping "ethnic cleansing." Therefore, the rhetoric of the United States will be analyzed through the lens of the international law, and the United States "obligation to intervene" or in the words of the United Nations, "responsibility to protect."⁵⁴ This discussion will include elements of historical and

⁵⁴ "Office of The Special Adviser on The Prevention of Genocide," accessed December 7, 2014, <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>.

collective memory, but the centralized power structure of the United States relied much more heavily on legal arguments. Inherently lawyers and speechwriters focused their legal arguments to appeal to the diplomats of other countries. They did not seek to change the collective memory of United States.

The majority of legal arguments regarding Kosovo debated the phrasing and purpose of two charters, the United Nations Charter and NATO's Charter. The enormous volume of ink spilled over the international law of war allowed lawyers to analyze the precedent for intervention before a new conflict. This essay has no intention on settling the score on international law in Kosovo, but it will provide a summary of the main arguments made by the United States and Russia. According to the Council on Foreign Relations, a global think tank for international relations, for international war to be justified it must be both legitimate and legal.⁵⁵ Although the words "legitimate" and "legal" have similar connotations, the "legitimate use of force" is "distinct from strict legality."⁵⁶ UN analyst Jeffrey Laurenti argued "Legitimacy is very much in the eye of the beholder," but at its core a legitimate intervention is a war for self-defense to protect innocent lives.⁵⁷ Legality comes from a vote by the United Nations Security Council to authorize war.⁵⁸ The Security Council can provide United Nations troops for the war, or charter out the responsibility to fight to an organization like the African Union or NATO.⁵⁹ Without the approval of the Security Council, a war can never be legal under international law. Therefore, the United States wanted to secure both legitimacy and legality from the international community.

⁵⁵ "The UN Security Council," *Council on Foreign Relations*, accessed December 7, 2014, <http://www.cfr.org/international-organizations-and-alliances/un-security-council/p31649>.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

The United States began the contentious legal debate about intervention in Kosovo on October 24, 1998. The first step for the United States was to prove intervention in Kosovo was legitimate. In UN Security Council Resolution 1203, Peter Burleigh, the chargé d'affaires to the United Nations for the United States, affirmed that the United States had an obligation to stop the “continued violence that has resulted in nearly a quarter of a million refugees and displaced persons and thousands of deaths.”⁶⁰ Arguing in front of the United Nations Security Council, the United States relied on the argument that Milošević threatened the safety of United Nations’ members. Under Article 51 of the Charter of the United Nations, member nations had an “inherent right of individual or collective self-defense.”⁶¹ If the United States could prove that Milošević threatened the sovereignty and safety of other charter members, then a coalition of the willing would have a legitimate claim to “collectively” intervene in Kosovo. To strengthen the right to collective intervention, the United States also cited Article 5 of the NATO charter, “An armed attack against one or more of them [NATO members] in Europe or North America shall be considered an attack against them all.”⁶²

On October 24, 1998, Mr. Burleigh of the United States proposed Resolution 1203 considering the “impending humanitarian catastrophe” in Kosovo.⁶³ The Resolution created a United Nations led investigative “contact group” to analyze the Balkan conflict “threaten[ing] peace and stability in the wider Balkan region and beyond.”⁶⁴ The 15 member United Nations

⁶⁰ “UN Security Council Provisional; 3937th Meeting” (Securitycouncilreport.org, October 24, 1998), 15, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/kos%20SPV%203937.pdf>.

⁶¹ “Charter of the United Nations,” accessed December 7, 2014, <http://www.un.org/en/documents/charter/>.

⁶² “The North Atlantic Treaty,” *NATO*, accessed December 7, 2014, http://www.nato.int/cps/en/natohq/official_texts_17120.htm.

⁶³ “Resolution 1203 (1998)” (United Nations, October 24, 1998), <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/kos%20SRES1203.pdf>.

⁶⁴ *Ibid.*

Security Council voted unanimously, 13-0, on October 24 to affirm Resolution 1203. However, Russia and China abstained.⁶⁵ The United States secured legitimacy for further action in Kosovo, but after October of 1998, the situation in Kosovo further deteriorated.

The United States continued to monitor Kosovo throughout 1998 with the assistance of the monitors from the Organization for Security and Co-operation in Europe (OSCE), contracted by the United Nations to uphold resolution 1203.⁶⁶ The monitors were supposed to uphold an October 15, 1998 ceasefire treaty between Serbian troops and the Kosovo Liberation Army.⁶⁷ Unfortunately, after a brief Serbian withdrawal in November of 1998, Serbian troops attacked Kosovo in December of 1998.⁶⁸ On January 15, 1999, Milosevic's troops gathered a group of 45 ethnic Albanian farmers from the small village of Račak, led them up a hill and executed them one by one.⁶⁹ According to the OSCE report, OSCE monitors found the bodies of 41 men, 3 women and a 12-year-old boy on January 16.⁷⁰ The Račak massacre changed the United States and NATO's evaluation of Kosovo, and the United States began preparing for war.

Secretary of State Madeleine Albright gave a speech at the Institute for Peace in Washington, D.C. on February 4, 1999 regarding the United States' preparation for war.⁷¹ Albright justified the threat Serbia posed to Europe, saying, "There is no natural boundary to violence in Southern Europe."⁷² Albright sought support from other NATO allies in her contention that Kosovo endangered "our NATO allies, Greece and Turkey...with refugees and

⁶⁵ "Resolution 1203 (1998)."

⁶⁶ Michel Maisonneuve, "The OSCE Kosovo Verification Mission," *Canadian Military Journal*, no. Spring 2000: 49, <http://www.journal.forces.gc.ca/vol1/no1/doc/49-54-eng.pdf>.

⁶⁷ *Ibid.*, 50.

⁶⁸ *Ibid.*

⁶⁹ Julius Strauss, "Massacre That Started Long Haul to Justice," June 30, 2001, <http://www.telegraph.co.uk/news/1312900/Massacre-that-started-long-haul-to-justice.html>.

⁷⁰ Maisonneuve, "The OSCE Kosovo Verification Mission," 56.

⁷¹ Albright, "The Importance of Kosovo."

⁷² *Ibid.*

create[s] a haven for international terrorists, drug traffickers, and criminals.”⁷³ While the United States had cemented its claim that war in Kosovo was legitimate, NATO intervention was still illegal without approval by the Security Council. Without a vote by the Security Council, NATO began bombing Belgrade on March 23, 1999.⁷⁴

The United States tried in a Security Council meeting on March 24, 1999 to garner legal support for the war in Kosovo. Burleigh again submitted the United States’ legal argument to the United Nations. Burleigh contended that the United States’ actions were justified on the legal grounds of Article 51 of the UN Charter and Article 5 of the NATO because “Kosovo constitute[d] a threat to peace and security in the region.”⁷⁵ However, Russia vehemently denied that the United States and NATO could intervene without Security Council approval simply because the NATO charter allowed them to. Russia’s charge at the United Nations, Sergey Lavrov, argued that NATO had violated Article 103 of the United Nations charter, “which emphasizes that UN Charter takes precedence over all others.”⁷⁶ In a final, but ultimately empty threat, Lavrov said that Russia would “take whatever measures were needed,” to restore peace in Serbia.⁷⁷

Although Russia was correct in their assertion that NATO’s actions were illegal, they failed to admit why the United Nations had yet to vote on the issue. Each of the five permanent members on the Security Council has the power to veto even the discussion of resolution, and Russia repeatedly threatened to veto any measure regarding a United Nations sanctioned war in

⁷³ Ibid.

⁷⁴ Solana, “Press Statement by Dr. Javier Solana, Secretary General of NATO.”

⁷⁵ “Nato Action Against Serbian Military Targets Prompts Divergent Views as Security Council Holds Urgent Meeting on Situation in Kosovo,” 4.

⁷⁶ “Nato Action Against Serbian Military Targets Prompts Divergent Views as Security Council Holds Urgent Meeting on Situation in Kosovo.”

⁷⁷ Ibid.

Kosovo.⁷⁸ The United States was stuck in a bind between starting an illegal war and allowing Milošević's troops to continue their human rights abuses. The United States chose war.

According to international lawyers Nigel Rodley and Basak Cali, the legal arguments offered by United States were correct, and the only possible contentions given international precedent.⁷⁹ In their opinion, the “confusing international legal terminology” of the UN Charter and flawed system for revising international law made it nearly impossible for the US to comply with the United Nations regulations.⁸⁰ The United States acted illegally under Article 52 of the United Nations Charter because they participated in a war without Security Council approval.⁸¹ However, the United Nations did not condemn NATO for the war, and declared the war legal *de facto*. In an interesting maneuver, the Security Council unanimously, 13-0 along the same lines, rejected Russia's March 26, 1999 draft condemning the United States and NATO for violating Serbia's sovereignty.⁸² Although Russia would have vetoed any *de jure* vote for Kosovo, the United Nations was able to set a precedent that NATO's intervention was justified.

Action through UN Security Council was doomed to fail. Therefore, the United State turned to the NATO Charter to entice other NATO members to join a “coalition of the willing.” In her legal review of Kosovo, French lawyer Catherine Guicherd provided a detailed explanation about how the French, British and German government reluctantly agreed to support United States action after each nation considered the legal precedent for war.⁸³ Guicherd identified that the common thread among the NATO allies was an acceptance of Article 5 of the

⁷⁸ “The UN Security Council.”

⁷⁹ Nigel Rodley and Basak Cali, “Kosovo Revisited: Humanitarian Intervention on the Fault Lines of International Law,” *Human Rights Law Review* 7, no. 2 (March 27, 2007): 281–282.

⁸⁰ *Ibid.*, 275.

⁸¹ “Charter of the United Nations,” accessed December 7, 2014, <http://www.un.org/en/documents/charter/>.

⁸² “Security Council Rejects Demand for Cessation of Use of Force Against Federal Republic of Yugoslavia” (United Nations, March 26, 1999), <http://www.un.org/press/en/1999/19990324.sc6657.html>.

⁸³ Catherine Guicherd, “International Law and the War in Kosovo,” *Survival* 41, no. 2 (January 1999): 19–34.

NATO Charter.⁸⁴ The United States, as expressed in Albright's February speech, identified Kosovo as an attack on all NATO members because Greece and Turkey felt threatened by a refugee crisis.⁸⁵ By the wars end 18 NATO members had participated in air operations.⁸⁶ Although officially illegal, Operation Allied Force lived up to its name and its multinational precedent paved the way for future wars in Iraq, Afghanistan and Libya.

From Russia's perspective NATO's bombing was illegal and illegitimate. According to Guicherd, Russian lawyers in the Kremlin argued that Serbia was not a member of NATO and Milošević had not acted outside the borders of Serbia.⁸⁷ A perceived threat, they said, was not enough to enact Article 5 of the NATO Charter.⁸⁸ If an influx of drugs into your country is enough reason to begin a war, then why should the Security Council even exist? As Vladimir Putin would later argue, Russia viewed the NATO's actions as "the west writing its own rulebook."⁸⁹ For other nations, military members who participate in illegal wars are sent to The Hague, but for the United States, they are upheld as heroes. However, as Guicherd eloquently argued in her thesis, neither Russia nor the United States found perfect legal justification. Instead, the consequences of the legal arguments in Kosovo should serve as a catalyst to reform the muddled legal system that Rodley and Cali identified, for the benefit of all nations.⁹⁰

With a duration of only 79 days, and followed by the attacks of September 11, 2001 one year later, military analysts downplay the significance of Operation Allied Force compared the "successful" Operation Desert Shield. However, the rhetoric that United States policy makers formulated in 1999 to justify war in Kosovo resurfaced during the United States buildup to war

⁸⁴ "The North Atlantic Treaty."

⁸⁵ Albright, "The Importance of Kosovo."

⁸⁶ "Statistics: Operation Allied Force," <http://planken.org/balkans/allied-force/statistics>.

⁸⁷ Guicherd, "International Law and the War in Kosovo," 22.

⁸⁸ *Ibid.*, 23.

⁸⁹ *Putin*.

⁹⁰ Guicherd, "International Law and the War in Kosovo," 20.

in Iraq. UN Security Council Resolution 1441, condemning Saddam Hussein's ethnic cleansing, is remarkably similar to Resolution 1203 that condemned Milošević.⁹¹ Similarly, the United States was unable to garner the legal support for its 2003 invasion of Iraq.⁹² In the Security Council discussion of Iraq, France and Russia both threatened to use the veto against any legislation legalizing America's search for the mysterious "weapons of mass destruction."⁹³ The justification that the United States used in Kosovo also resurfaced in the next century. President Clinton's mission to "stop ethnic cleansing," became an integral part of the United States foreign policy doctrine in the 21st century.⁹⁴ For the first time since World War II, the United States fought an adversary in Eastern Europe and in doing so challenged Russia's hegemony over the region. The United States moved on from Kosovo in 2000 and never finished the rhetorical debate surrounding their interpretation of international law. Vladimir Putin, who was the director of the Russian Federal Security Service during 1999, planned to use this weakness for future exploits.

IV. Kosovo's Legacy: Putin in 2014

On March 18, 2014, President Vladimir Putin stood in front of Russia's Federal Assembly and asked that the state of Crimea, which had recently been "freed" from Ukrainian rule, be allowed to join the Russian Federation.⁹⁵ Putin's reinterpretation of history claimed that Crimean "Tartars" deserved independence from the "oppressive" Ukrainian government.⁹⁶ Putin said that NATO's bombings in Kosovo, and their subsequent acceptance of Kosovo's

⁹¹ "Resolution 1441 (2002)" (United Nations, November 8, 2002), <http://www.un.org/depts/unmovic/documents/1441.pdf>.

⁹² Tarik Kafala, "The Veto and How to Use It," September 17, 2003, http://news.bbc.co.uk/2/hi/middle_east/2828985.stm.

⁹³ *Ibid.*

⁹⁴ Clinton, "Remarks to Operation Allied Force Troops at Aviano Air Base in Italy, June 22, 1999."

⁹⁵ *Putin.*

⁹⁶ *Ibid.*

independence, served as justification for Crimea's independence.⁹⁷ On February 17, 2008, after a decade of Security Council meetings failed to identify Kosovo's future, Kosovo's Prime Minister Hashim Thaci declared Kosovo independent Serbia.⁹⁸ At the time of this essay's publishing, 108 United Nations members formally recognize Kosovo's statehood.⁹⁹ According the Putin, the "Kosovo precedent" destroyed the norms of international law.¹⁰⁰ In his March speech, Putin called Kosovo, "a precedent our western colleagues created...when they agreed that the unilateral separation of Kosovo from Serbia."¹⁰¹ Putin argued that if Western powers allowed Kosovo to break away from Serbia, Crimea ought to enjoy the same right.

Putin said that beyond precedent, the United Nations Charter validated Russia's actions too. According to Article 2, Chapter 1 of the UN Charter, "General international law contains no prohibition on declarations of independence."¹⁰² While President Putin was referring specifically to Kosovo's "independence," Putin also indicted the NATO bombings for setting the precedent that international law was unimportant; "Kosovo was some special case."¹⁰³ Kosovo was "a special case" due to the number of "human casualties," but Putin argued Crimea would have experienced the same number of deaths if "self-defense units had not taken the situation under control."¹⁰⁴ Western Europe and the United States held a "double standard" for independence that suited their interests, undermining any reason for Russia to participate in a conversation

⁹⁷ *Ibid.*

⁹⁸ "Kosovo PMs Proclaim Independence," *BBC*, February 17, 2008, sec. Europe, <http://news.bbc.co.uk/2/hi/europe/7249034.stm>.

⁹⁹ "Solomon Islands Recognise Kosovo's Independence" (Kosovo Ministry of Foreign Affairs, August 13, 2014), <http://www.mfa-ks.net/?page=2,4,2415&offset=1>.

¹⁰⁰ *Putin.*

¹⁰¹ *Ibid.*

¹⁰² "Charter of the United Nations."

¹⁰³ *Putin.*

¹⁰⁴ *Ibid.*

about Crimea or international law.¹⁰⁵ Why should the United States worry about the precedents it creates for international law?

The words politicians say, and the actions Congress authorizes, often fade away into the ether. However, as President Putin demonstrated, past rhetoric can resurface. Policy makers must carefully chose their words when justifying important actions. If the United States had returned to the United Nations after the war in Kosovo, and demanded a vote to retroactively authorize Operation Allied Force, Putin could not have justified his nation's annexation of Crimea with the Kosovo precedent. The United States needs to point out that their wars will always be illegal when the veto power of the Security Council remains intact.

Putin criticized the United States' bombing of Kosovo for its lack of legal backing, "The United States of America, prefer not to be guided by international law in their practical policies, but by the rule of the gun."¹⁰⁶ Although hostile in nature, Putin was accurate in his assertion that the United States violated international law in 1999 by bypassing the UN Security Council. In her legal review, Catherine Guicherd identified a solution to the legal qualms faced by the United States.¹⁰⁷ In her opinion, the United States needs to finish the countless legal arguments it makes to justify war by changing the international standard for wars that stop genocide and ethnic cleansing.¹⁰⁸ The fear mongering of *Nezavisimaia gazeta* and Igor Ivanov proved false but Putin's claim, and he certainly was not the first, that America was "exceptionalist" was still true. The United States repeatedly failed to critically analyze its rationale for involvement at the end Kosovo. The arguments used to justify a war that stops ethnic cleansing remain fundamentally unchanged from the shaky legal standing of 1999.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Guicherd, "International Law and the War in Kosovo," 26.

¹⁰⁸ Ibid., 30.

Putin lambasted United States foreign policy without hesitation because America's policies lacked consistency and direction. While deplorable, Putin's success stemmed from a dedication to mold the collective memory of Russia and entrench much of the anti-Western sentiment felt throughout the Cold War. The United States and the world as a whole would be best served if the United Nations had a consistent, and legally sound, argument about the world's role in stopping genocide. The President of the United States should propose a policy to the United Nations that sets a new standard for military intervention in the case of genocide and ethnic cleansing.

In the case of genocide, or potential genocide, as determined by the existing Special Adviser on the Prevention of Genocide, the veto power for the five permanent members should be eliminated.¹⁰⁹ This policy would force the Security Council to address the issue of genocide regardless of the parties involved in the conflict. Innocent men, women and children should not die because the Security Council refuses to discuss their plight. Ishaan Tharoor of the New York Times identified that the veto served to encourage the five permanent members to join the UN Security Council at a time when the world faced a bi-polar split between the USSR and the United States.¹¹⁰ However, Tharoor argues that in the multipolar 21st century, the veto power represents, "the most glaring anachronism in international affairs."¹¹¹ Why should non-permanent member nations participate in the United Nations, if they cannot even discuss condemning one of the permanent members? The veto power may have a role in preventing the type of wars seen in the 20th century, but it now hinders the progress on nations who wish to stop human-rights abuses. The Security Council is comprised of 15 nations, all of whom deserve a

¹⁰⁹ "Office of The Special Adviser on The Prevention of Genocide."

¹¹⁰ Ishaan Tharoor, "U.N. Security Council: Is It Time to Veto the Veto?," *Time*, September 23, 2011, <http://world.time.com/2011/09/23/u-n-security-council-is-it-time-to-veto-the-veto/>.

¹¹¹ *Ibid.*

right to vote. If the United Nations is to live up to its truly democratic purpose, it ought to allow democracy to act, even in the case of war. The conflicting justifications from the United States and Russia over Operation Allied Force were just one strong indication for the necessity of a new legal code.

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