

Precedents and Damage Control in Kosovo

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In matters of foreign policy, Western governments and their officials more often than not take rhetorical refuge in assertions of vague principle. It is nearly impossible for a country, especially a superpower, to declare and implement consistent policies because there are simply too many conventions and traditions that must be honored in the name of comfort and stability. When confronted with any inconsistencies, the natural response for a democratic government is to play dodge-ball, often frantically.

When Costa Rican government officials are asked about their positions on, say, micro-lending in Kosovo, the political fallout of almost any answer would be miniscule, if only because Costa Rica does not have significant political, economic or relational capital in Kosovo. In contrast, as a superpower, the United States has its hand in an infinite number of cookie jars, and inevitably that hand will get stuck. Not only are there more jars around the world in which America inserts itself, but there are more contraptions (money, pride, ideology, tradition) in those jars that can ensnare America's hand, often over relatively minor concerns whose symbolism seems to take the shape of public policy.

The NATO intervention in Kosovo in 1999, the UN protectorate that followed, and the symbiotic push for Kosovo's development and independence have left many scrambling either to bemoan or trivialize the impact that Kosovo's status could have on the global order. Given that the intervention, protection and development of Kosovo have each defied convention in various ways, there has been no shortage of curiosity as to what message has been delivered (and to whom) by the heavy international involvement in Kosovo.

But what precisely is that message? Who is supposed to hear it, and who is not? Which precedents actually pose a threat, and to whom? And finally, how might these concerns and their inherent inconsistencies translate into future foreign policy?

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For a number of reasons, Kosovo has been at the center of the debate on international diplomacy and intervention, and each of these reasons centers on the idea of precedent. The numerous arguments made in Western discourse regarding potential precedents from the attention Kosovo has received are worth laying out explicitly:

1. Before the intervention, many feared that if *no country* intervened in Kosovo to stop Belgrade's ethnic cleansing, other tyrants would feel safe to brutalize their own people in a similar fashion.

2. Before the intervention, many feared that if *any country* intervened in the internal affairs of Serbia¹ (a sovereign state), then other governments would feel safe to cross a similar line in the future, even if the intervener lacks UN approval, as NATO would.
3. For whatever reason, if NATO terminated or withdrew its protection—either during the air campaign or after Belgrade capitulated—and exposed K-Albanians to renewed violence, America’s already-withering reputation as a force for freedom and democracy would dwindle, and tyrants would feel safer than ever, perhaps more so than if NATO had never intervened at all.
4. If Kosovo now receives international recognition as an independent country, countless separatists throughout the world would be emboldened by this achievement, emulate it, and destabilize the global international order.²

The rationales for US decision-making would be complex even if the policies were consistent, which they are not. Not only have Presidents Clinton and Bush (43) disagreed on their approaches to foreign intervention, but both of them have pushed policies that have been entirely inconsistent even within the framework of their respective agendas. And as a result, neither was able to decipher the genuine pitfalls of their strategies, tactics and methodologies when determining appropriate policy on Kosovo. They have been so overwhelmed by any talk of Kosovo’s independence that they have failed to recognize the genuine threat to the global order and, equally important, the profound and unavoidable relationship between terrorism and self-determination.

Washington and Brussels insist that Kosovo deserves independence; and that such a final status will not set a precedent for other separatist conflicts because Kosovo is “unique.” Unfortunately, this argument is not only groundless, but employing such rhetoric actually aggravates the very problem that Western institutions are desperate to minimize. What’s more, the greatest threat to the global order is not the independence of Kosovo per se, but rather the timing and context of NATO’s 1999 intervention in Serbia on Kosovo’s behalf.

The Evolution of the Clinton Doctrine

From Chechnya and Northern Ireland to Kurdistan and Kashmir, the default policy of the nation-state system, established with the Treaty of Westphalia in 1648, has been a global respect for territorial integrity of sovereign nations. What happens in Chechnya, for

¹ After fifteen years and countless efforts to redefine the region’s unity and division, Slovenia, Serbia, Macedonia, Croatia, Bosnia, Montenegro are all now independent nation-states. At the time of the NATO strikes, however, Serbia claimed to be part of “Serbia and Montenegro.” But because Montenegro seldom had much influence over politics in Belgrade, it would not be inaccurate to label their union at the time as merely “Serbia.”

² Among the roughly 50 separatist conflicts around the world, some of the more notable ones that have been purportedly tied to Kosovo’s fate are: Republika Srpska (Bosnia), Taiwan (China), Sudan (Darfur), Corsica (France), Basque/Catalonia (Spain), Abkhazia/Ossetia (Georgia), Nagorno-Karabagh (Azerbaijan), Balochistan (Pakistan and Iran), Aceh (Indonesia), Transdnistria (Moldova), Chechnya (Russia), and Kurdistan (Iraq, Iran, Turkey).

instance, is regarded as an internal Russian matter and does not concern other sovereign nations.

In response to the chaos of the Second World War, this convention of sovereignty was solidified further with the establishment in 1945 of the United Nations, whose member-states voluntarily obligated themselves to respect each other's recognized borders. Membership in the UN has seldom prevented states from warring with one another, and the UN Security Council frequently condemns (and sporadically imposes its will upon) governments that invade or attack another member.³ But usually, this same convention has prevented states from going to war over the "internal matters" of any given state.

The UN, however, was also born at the tail end of colonial imperialism, which ensured that many UN members (especially the powerful ones) often had substantial ethnic or religious populations that did not feel particularly loyal to their central governments, as the latter frequently coerced or bludgeoned their minorities into forfeiting any ambitions to determine their own future. Without a doubt, as idealistic as it was, this new international system was in many ways a mockery of the concept of a "nation-state," whose incredibly diverse citizens, in theory, viewed their self-determination through a single lens and with a single destiny in mind. Naturally, separatism and attempted secession have become a bountiful source of conflict in the last sixty years—especially since the end of the Cold War, when the bipolar model of international relations gave way to a more chaotic free-for-all in the Former Soviet Union and elsewhere.

Like a phoenix rising from the ashes of communism and bloody nationalism, the possibility of a "new world order" led by the victorious Americans felt like a calling throughout the West. With communism defeated, it appeared that the triumph of liberal democracy meant the "end of history," enabling the US to use its benevolent leadership indefinitely to protect the virtuous and downtrodden and to promote the ideals of free speech and free markets. America was in charge, and it wanted to set the standards for other countries to follow at every level and in every arena, especially standards involving violations of another sovereign state.

With this vision in mind, not only would uncontroversial humanitarian interventions continue, but even military interventions *for humanity's sake* would surf the rising tide of democratic liberalism. Not only would the US stop tyrants across the globe from destroying or occupying their *neighbors*, but the US would also stop tyrants who trample *their own* populations that are terrified to confront their oppressive leaders.

Basing much of his 1992 presidential campaign on his predecessor's refusal to intervene during the first Bosnian War, President Clinton initially insisted that President George H.W. Bush's line of thought should be taken to its logical conclusion: if America was right to attack Saddam Hussein's Iraqi forces as they raped and pillaged neighboring Kuwait, then surely the same principle of rescuing the defenseless could and should be

³ Saddam Hussein's invasion of Kuwait in 1991 was a textbook example of the kind of aggression that the UN can and does prohibit. In instances where aggression is even slightly ambiguous, however, the UN has proven to be painfully impotent in its efforts at resolving crises, to say nothing of wars.

applied to populations victimized by their own leaders within their sovereign borders. Hussein's disregard for international law and human rights was as blatant and brutal in Iraq as it was in Kuwait, and President Clinton was determined to smooth out the rough edges of American foreign policy accordingly.

In practice, of course, Washington was as ambivalent as ever. Even with the power to instill its intervention policy in others, the White House struggled with countless "doctrines" detailing when, why, and how America should embark on military or even humanitarian interventions. In 1993, when President Clinton tried on his foreign policy shoes by supporting a humanitarian intervention in Somalia, 18 American troops were killed and their pummeled bodies were dragged through the streets on international TV, infuriating Americans who demanded to know why their soldiers were protecting a country they had never heard of. President Clinton's immediate withdrawal of American forces in Somalia became the epitome of the "CNN Effect," giving a democratic constituency front row seats to the horrors of warfare, and endowed their anger with tremendous political influence over Washington's behavior.



Sore from the backlash, President Clinton refused to put US troops in conflict zones for anything less than critical strategic interests, such as the 1994 intervention in Haiti, where instability had compelled thousands of refugees to flood America's borders.⁴ During the Bosnian War, in which Serbian President Slobodan Milosevic supported Bosnian Serbs in the ethnic cleansing of Bosnia's Muslim population, President Clinton had his eye on reelection and employed every tactic he could to keep US forces out of harm's way.⁵

⁴ See Global Security's thorough account and analysis of US [Operation Uphold Democracy](#) in Haiti.

⁵ See Samantha Power, *A Problem from Hell: America in the Age of Genocide*, (Harper Perennial: 2002), p. 247-329; see also, Peter Maas, *Love Thy Neighbor*, (Vintage: 1996), p. 263-72.

Rationalizing an Invasion

In the years following 1995, after US envoys negotiated an end to the Bosnian War, President Clinton experienced another frustrating backlash in public opinion. Despite being credited for negotiating the termination of the Bosnian War, the White House became a punching bag for frustrated ‘global citizens’ who increasingly cited widely-available evidence that American and European leaders had appeased a Serbian monster when they negotiated a settlement with Belgrade. The Dayton Accords were seen by many as consolidating and rewarding the Serbian expulsion of hundreds of thousands of Muslims from eastern Bosnia.

By 1998, President Milosevic was inciting nationalist violence yet again, this time not against Bosnia’s Muslims but towards Serbia’s Muslims in its southern province of Kosovo. The ethnic Albanian Muslims in Kosovo had been escalating its separatist/terrorist campaigns for independence in tandem with Milosevic’s attempts to suppress them. Tens of thousands of Kosovar Albanians (K-Albanians) were fleeing to the province’s mountains and to neighboring Macedonia and Albania.

Given the utter failure of the UN mission in Bosnia, not only did the White House view the UN as inadequate for the job in Kosovo, but Russia, a crucial ally of Serbia, was certain to veto any UN Security Council resolution mandating a UN intervention with “teeth”—i.e., liberal rules of engagement. As a result, despite the controversy of the UN bypass, and at the behest of President Clinton, NATO leadership decided that President Milosevic would only come to the negotiating table when compelled by threat or—when that proved insufficient—a heavy NATO bombing campaign.⁶

In other words, the basis for Operation Allied Force⁷—NATO’s air strike campaign against Serb targets between March and June of 1999—could be outlined with the following rationales, and buffered by the new Clinton Doctrine.⁸

1. Strategy

- a. Serbia’s oppression of K-Albanians was destabilizing a volatile region by compelling hundreds of thousands of IDPs and refugees to flee their homes.
- b. Confronting Milosevic now would cost less than doing so in the future, and his audacity in the past nearly guaranteed that he would incite ethnic conflict in the future.

⁶ Even a cursory glance at the Bosnian War illustrates that Milosevic only responded to force because he was counting on Russia’s support at the UN, which proved invaluable to him during the Bosnian War.

⁷ See Global Security’s account and analysis of [Operation Allied Force](#).

⁸ President Clinton is thought to have outlined this new [doctrine](#) in his 26 February 1999 speech, on the eve of the war: “The true measure of our interests lies not in how small or distant these places are, or in whether we have trouble pronouncing their names. The question we must ask is, what are the consequences to our security of letting conflicts fester and spread. We cannot, indeed, we should not, do everything or be everywhere. But where our values and our interests are at stake, and where we can make a difference, we must be prepared to do so.”

- c. Defeating Milosevic would serve as a warning to potential tyrants across the globe and thus deter them from repressing their minorities and destabilizing neighboring countries and their respective political and economic tensions.
2. Humanity
 - a. Ethnic cleansing is morally abhorrent, and under international law, the UN's member-states are required to intervene on behalf of the defenseless.⁹
 3. Public Policy
 - a. Successfully standing up for K-Albanians could make up for the West's failure to prevent the genocides and ethnic cleansings of the early and mid-1990s.¹⁰
 - b. By deterring future tyranny, the principles of freedom and self-determination would sell themselves—improving the lives of millions across the globe—and make foreign affairs significantly easier for the West at every level.

Armed with these rationales, NATO began its eleven-week air strike campaign on March 24, 1999, which eventually compelled Milosevic to agree to NATO's demands: withdraw all Serbian troops from Kosovo as they are replaced by 50,000 NATO peacekeepers, soon to be accompanied by UN nation-builders.¹¹ Most of the K-Albanians who were expelled by (or fled from) Serbian forces returned to Kosovo, where the local Kosovo Serb population (K-Serbs) is now isolated in enclaves, outnumbered by nearly two million ethnic Albanians (90% of the total).

In the last eight years Kosovars have received more international money and resources per capita than has any other group or region in the world.¹² It has been a protectorate of the United Nations, formally still a part of Serbia, but for all practical purposes it now operates completely independent of Belgrade's authority, and Kosovo's capital of Prishtina demands formal independence. Even after Milosevic was ousted in October 2000 for corruption, K-Albanians insisted that his absence (and reformist replacement) was no substitute for independence, and the UN Mission in Kosovo (UNMIK) was compelled by locals and by Washington to step up negotiations with Belgrade to determine Kosovo's final status.¹³

The threat of renewed violence escalated further in March 2004 when K-Serbs blockaded an important road outside Prishtina and—in an equally organized retaliation—K-Albanians destroyed dozens of Serbian Orthodox churches and hundreds of Serbian

⁹ UN General Assembly [Resolution 260 \(III\)](#), 9 December 1948.

¹⁰ Including Iraqi Kurds and Shias, Bosnian Muslims, Rwandans, and the many others who hoped they were included in the New World Order's protective umbrella. Even more disconcerting, UN peacekeepers were in Bosnia and Rwanda during the genocides there but could do nothing for lack of a substantive UN Security Council mandate.

¹¹ "[Military Technical Agreement](#)" between NATO's Kosovo Force (KFOR) and Republic of Serbia, 9 June 1999. After security improvements, the Kosovo's NATO force now stands at roughly 16,000 troops.

¹² See *Washington Post*, 21 August 2007.

¹³ *Reuters*, 20 October 2000.

homes across Kosovo. Then, after years of bureaucratic log jams at UN headquarters, Martti Ahtisaari, the former President of Finland and lead UN Envoy to Kosovo, submitted a proposal to Belgrade and Prishtina that would eventually give Kosovo independence provided that K-Albanians can demonstrate their willingness and ability to protect their Serbian minority. In return, the agreement also stipulates that Belgrade's acquiescence in bidding farewell to Kosovo would go a long way towards Serbia's eventual (and perhaps accelerated) application for European Union membership.

NATO's Internal Affairs

In the end, President Clinton's decision to focus on Kosovo was rather arbitrary. He was desperate to make up for America's moral failures but equally eager to restore America's image as the global policeman, if only for strategic reasons. Nevertheless, while the intervention in Kosovo might have been influenced by political circumstances, it is important to consider the implications of the specifics of Kosovo separatism (even though they were not particularly important to Clinton). Ironically, it is precisely those specifics of Kosovo that have come back to haunt American idealism and will do so in the context of any ambitious American foreign policy. As compelling as it was, NATO's justification for embarking on its first operation in its 50-year history was a self-laid trap, and the full magnitude of the impact is still unknown.

Regardless, as outrage over Milosevic's second cleansing in a decade gradually spread throughout the West, support for a military intervention quietly built momentum. More and more, it seemed that the only thing more dangerous than getting bogged down in a Balkan quagmire was permitting Milosevic to purge yet another population on behalf of "Greater Serbia." As President Clinton stated on the eve of the air strikes, "The dangers of acting are far outweighed by the dangers of not acting—dangers to defenseless people and to our national interests."

By implication, then, the need to confront genocide also outweighed the need to respect international borders. At the time, the anticipated global backlash of such an intervention was thought to center on Russian behavior; that is, Clinton's advisors feared that Moscow might later use NATO's intervention in Kosovo to threaten, justify and legitimize Russia's transnational exploits in the former Soviet Union. As had been the custom for a half-century, Washington was worried about the big dogs manipulating the little dogs, not vice-versa.

Yet for better or worse, the dynamics were not that simple. Despite significant reservations in European capitals, the Clinton Administration was guiding NATO's Kosovo policies, which were both a cause and an effect of Washington's insistence that nearly all military hardware and resources be American and American-operated.¹⁴ As a

¹⁴ See Anthony Cordesman, "[Lessons and Non-Lessons of the Air and Missile War in Kosovo](#)," (CSIS: Washington, 1999), cited in Ignatieff, *Virtual War*, p. 206-7. American military forces provided the vast majority of all the resources and forces during the bombardment, while the number of American peacekeepers in Kosovo's NATO force has fallen significantly since the end of the war.

result, talk of precedents and separatism were dismissed in European capitals, but not because Europeans were unable to anticipate a contagion of separatism; far from it, as Russian President Vladimir Putin has even jabbed, Europeans have a number of separatist conflicts of their own, and thus stand to lose entire regions in their own countries if Kosovo gains independence.

Instead, the real reason Brussels and other European capitals said Kosovo would not set a precedent was that they had little influence over the policy to begin with. Washington was running the show, so acknowledging the possibility of precedent (even if expressed as a mild fear) could serve to energize separatists and lead them to emulate radical K-Albanians.¹⁵ After all, when it comes to deterring separatists, acknowledging vulnerability will frequently accentuate it. Better to appear shortsighted and powerful than prophetic and weak.¹⁶ Yet, even if the agenda were in European hands, it is unclear if the policies would have been any different; Europe did not want to set the precedent of tolerating a monster again either, and especially not in their cosmopolitan backyard.

Once Milosevic agreed to NATO's conditions, the wide rifts of disagreement between Washington and Brussels began to narrow, as few disagreed about the need to rebuild a stable and functioning Kosovo. Naturally, just because President Milosevic agreed to NATO's conditions hardly meant that K-Albanians were safe in his hands; he was still in power and he was still a national hero. Furthermore, it would have been very peculiar for the same powers that said Milosevic was so dangerous that he had to be stopped to then claim that Kosovo's protection could be entrusted to such a man, much less Kosovo's Serb minority. Even critics of NATO's original intervention insisted that leaving Kosovo to an unknown fate even after Milosevic capitulated would be worse for Kosovars and for America's reputation than never having intervened at all.

Yet despite the near consensus that the Serbian and Albanian populations in Kosovo needed protection long after the NATO air strikes ended, it seemed that American and European foreign policy was operating on a day-to-day basis as it became clear that the K-Albanians would settle for nothing less than independence. Meanwhile, Belgrade would settle for anything *except* independence because Kosovo is still regarded as the symbolic heart of the Serbian nation.

Dissecting the 'Uniqueness' Factor

Having inserted themselves in the conflict by force, American and European governments had to take a stand on the controversial issue of independence once the war was over. Inevitably, the only way to discuss (or pretend to discuss) an eventual NATO "exit strategy" was to cater to the victors, the K-Albanians. Invigorated by its triumph,

¹⁵ One of the most important divisions between Brussels and Washington was how and whether to disarm the Kosovo Liberation Army, which—in theory—would be the model for other separatists if and when Kosovo ever became independent. See "[Clinton Tilt on Kosovo Worries Europeans](#)," *International Herald Tribune*, 1 October 1999.

¹⁶ "[NATO rules out independent Kosovo](#)," *BBC News*, 24 June 1998.

the Clinton Administration tolerated discussion of independence because it was, at the time, the path of least resistance. In the end, however, President Clinton left the details and implications of such a policy for a later time and a different White House.¹⁷

European leaders, however, did not have the luxury of indulging such conversations—not nearly as much as an American President, and certainly not as much as one nearing the end of his presidency. There are nearly fifty separatist conflicts throughout the world, and their internationally-recognized host governments worry that Kosovo’s successful self-determination would invigorate other separatist efforts and put the entire nation-state system at risk of disintegration.

Convinced that US policy is irreversible, however, these same European governments have instead continued to make a virtue of necessity, merely mitigating any lessons that separatists might take away from Kosovo’s independence, rather than reverse their pro-independence policy itself. Again, it is far preferable to save face and reframe reality than it is to risk trying, unsuccessfully, to change it. Specifically, the easiest way to avoid setting (or appearing to set) a precedent is to insist that Kosovo’s situation is unique and would therefore not apply to any other separatist efforts.

For similar reasons the current Bush Administration has embraced the idea of an independent Kosovo—an idea, the White House insists, that has no parallels anywhere in the world. Just as President Clinton’s counterparts in Europe recognized that only through indirect damage control could they influence NATO’s Kosovo policy, so too has President Bush now been compelled to limit the potential fallout of separatism. With his inauguration, President Bush inherited Kosovo much like the Europeans had two years earlier, and neither he nor the Europeans have had any room to maneuver on this policy. Practically speaking, not only would a policy reversal undermine the great strides Kosovo has made, but Washington and Brussels also recognize that compared to the *possible* fallout of Kosovo’s independence, a violent eruption in the wake of a NATO withdrawal is a near-certainty.¹⁸

That leaves two viable options: stay and protect Kosovars indefinitely (status quo), or leave only after Kosovo is welcomed into the United Nations as an independent nation-state. President Clinton indulged discussions of independence in an attempt to repel accusations of imperialism and occupation (staying indefinitely), which posed a credible threat to his legacy. There had to be another plan that caused less damage all around. Determining a policy, therefore, was more a process of elimination than a genuine consideration of sound public policy.

¹⁷ Secretary Albright even admitted as much this past summer; see “[Kosovo Must Be Independent](#),” *International Herald Tribune*, 15 June 2007.

¹⁸ Given this near-certainty, and given that NATO and UN peacekeepers are already in Kosovo, they will not completely withdraw unless forced to do so by their respective constituencies, who seldom make such demands unless their soldiers are ensnared in a deadly conflict. Even if passions cool and Kosovo becomes independent, the US will surely maintain a significant military presence there.

Likewise, having inherited this legacy, the Bush Administration has perpetuated its predecessor's policy because it would seem there is no other option that would protect Kosovars. For obvious political reasons, publicly pushing for Kosovo's independence on the basis of tradition or damage control would not satisfy any constituency, not even K-Albanians. But insisting that Kosovo's predicament is unique would (in theory) limit separatist fallout and appeal to the values of self-determination and perseverance in the face of tremendous adversity.

Thus, not only was Clinton's choice of intervention arbitrary, but the rationale for supporting an independent Kosovo was equally arbitrary and, unsurprisingly, brimming with contradictions. In the end, Washington's insistence on Kosovo's uniqueness is paper thin and illustrates the precarious and reactionary nature of the West's foreign policy on Kosovo specifically and self-determination in general.

For instance, sharing many interests with Serbia, Russia and its allies have insisted that Kosovo's independence would most certainly set a dangerous precedent for other separatists to follow. In his annual state of the union speech in February 2006, President Putin explicitly referenced the precedent connection and made the previously-theoretical concerns seem substantially more concrete and frightening. If Kosovo's independence is recognized, Putin said, there is no reason why the ('incidentally' pro-Russian) separatists in former Soviet countries should not also have independence.

We need universal principles to find a fair solution to these problems for the benefit of all people living in conflict-stricken territories.... If people believe that Kosovo can be granted full independence, why then should we deny it to Abkhazia and South Ossetia? [...] I am not speaking about how Russia will act. However, we know that Turkey, for instance, has recognized the Republic of Northern Cyprus.... I do not want to say that Russia will immediately recognize Abkhazia and South Ossetia as independent states, but such precedent does exist.¹⁹

Since this pivotal speech, Western diplomats have scrambled to every microphone they can find to insist that Kosovo's independence will not set a precedent because, as NATO Secretary General Jaap de Hoop Scheffer generously elaborated, "Kosovo is a unique case."²⁰

¹⁹ *RFE/RL*, "[Putin Calls For 'Universal Principles' To Settle Frozen Conflicts](#)," 1 February 1, 2006; see also "[Putin reiterates Kosovo should set precedent](#)," UNOMIG News, 23 January 2007. Regardless of the argument's merits, Moscow has creatively utilized this topic as strategic leverage with US interests in the Former Soviet Union, particularly in the 'frozen conflicts' of Georgia, Azerbaijan and Moldova. In fact, an indication of the strategic value of Putin's leverage can be found in the frustrated separatist leaders themselves, who Putin claims to defend, and in the name of fairness, no less. These separatists fear that Putin's bluff will work and Washington will withdraw its support for an independent Kosovo, thus precluding any precedent that other separatists could use for their own ambitions. If Putin really cared about them, the reasoning goes, he would welcome Kosovo's independence and reap the rewards immediately afterwards. See Vladimir Socor, "[Post-Soviet Secessionist Leaders Worried by Russia's Kosovo Policy](#)," *Eurasia Daily Monitor*, 23 March 2007.

²⁰ *Novyye Izvestiya*, 22 March 2007, BBC Worldwide Monitoring.

To put these claims in context, it is helpful to note the arguments often made as to why a given province or region might deserve independence—many of which overlap:

1. To sever colonial ties (India, Algeria)
2. To honor the wishes of the majority (South Ossetia, Taiwan)
3. To avoid further oppression (Kosovo, Chechnya, Northern Ireland)
4. To honor an historical presence on the land (Israel/Palestine, Tamil Eelam)
5. To compensate a disenfranchised diaspora (Liberia)

In the rare instances when a Western official actually makes a developed argument about Kosovo's uniqueness, they usually cite characteristics of Kosovo that completely contradict the basis of NATO's original intervention, or—just as often—they note unique features of Kosovo that are incidental and irrelevant to the question of whether it deserves independence. In fact, even when their arguments are convincing enough to close the book on one precedent, they simply establish a basis for a new, equally dangerous one.

For instance, as the European Union's Envoy to Kosovo recently noted:

The EU's position is that Kosova is a special case and that it could not be compared to any other region. A special characteristic is the eight years of UNMIK administration, something that had never happened before anywhere else. The best way of avoiding precedents in Kosova's case is by resolving Kosova's status through a UN Security Council resolution, because it is the highest decision-making body. Our response to Russia is that a UNSC resolution will show that Kosova is not a precedent and that it should not be seen as such in the future.²¹

Likewise, in the summer of 2006, US Undersecretary of State for Political Affairs Nicholas Burns said that Kosovo's independence should have no bearing on other "difficult problems elsewhere." After all, he said:

A major international war was fought there. Some of the worst war crimes in Europe occurred there. The United Nations took Kosovo into its own hands in June of 1999 in passing a Security Council Resolution that effectively said Kosovo's sovereignty will be determined at a later date.²²

Only a day earlier, when Burns was asked about the Serbian Prime Minister's recent comment that Kosovo would always be a part of Serbia, Burns replied, "Not after 1997, 1998 and 1999, after what took place in those years in Kosovo. Not after the period of the last seven years when we've tried to right the balance."²³

President Clinton's Secretary of State during the Kosovo War, Madeleine Albright, echoed the same theme in a recent op-ed with nine other former foreign ministers of Western nations:

²¹ Stephan Lehne, *KohaVision TV* (Kosovo), 10 May 2007, Transcript by BBC Worldwide Monitoring.

²² *BBC News Interview*, 6 July 2006.

²³ "State's Burns Urges Serb, Albanian Leaders to Be Responsible," *Washington File*, US State Department, 5 July 2006.

Kosovo should not create a precedent for other unresolved conflicts. When the Security Council adopted Resolution 1244 in response to Milosevic's actions in Kosovo, it laid the groundwork for a political process that would ultimately determine Kosovo's future.²⁴

Likewise, Daniel Fried, Assistant Secretary of State for European and Eurasian Affairs, has argued that:

Kosovo is a unique situation because NATO was forced to intervene to stop and then reverse ethnic cleansing. The Security Council authorized...Kosovo to be ruled effectively by the United Nations, not by Serbia.... Those conditions do not pertain to any of the conflicts that are usually brought up in this context.²⁵

Like European officials and President Clinton's successor, the UN Secretary General, Ban Ki-Moon, is helpless to change Kosovo's inevitable march toward independence, so vague damage control has been his weapon of choice.

If you look at the history of the involvement of the United Nations and the international community, you will see immediately the difference of this Kosovo issue from other potential issues. Therefore, it is clear -- and it has been clearly stated on many occasions -- that this resolution, the question of Kosovo, will not create any precedents for other matters.²⁶

Elaborating on Moscow's insistence that the UN apply "universal principles" to separatist conflicts all over the world, President Putin noted that consistency is on his side:

In one case, the Yugoslav communist empire collapsed, while in another case the same happened to the Soviet communist empire. In one case there was an ethnic conflict and in all other cases there also were ethnic conflicts. In all cases there was a war. In all cases there were victims. In all cases there were criminals and victims of these crimes. South Ossetia, Abkhazia and Transdnestria have perceived themselves to be independent states for 15 years at least. These countries elected parliaments, presidents, adopted constitutions. There is no difference.²⁷

Serbian leaders make the precedent argument as well, though less articulately and far more often.²⁸ And in a similar fashion, in order to overwhelm Western institutions with

²⁴ "[Kosovo Must Be Independent](#)," *International Herald Tribune*, 15 June 2007.

²⁵ Council on Foreign Relations [Interview](#), 6 February 2007.

²⁶ [UN HQ Press Conference](#), July 16, 2006.

²⁷ "[Putin: Kosovo Sets a Precedent](#)," *Civil Georgia*, 4 June 2007; see also, "Kosovan Independence: Russia is preparing to say nyet," *Economist*, 1 June 2007.

²⁸ Serbian President Boris Tadic: "Imposing independence would violate the fundamental principles of international law and serve as a dangerous political and legal precedent," *BBC News*, 2 February 2007; Serbian Foreign Minister Vuk Draskovic: "And what would happen with Catalonia, the Basques, Scotland or the status of Taiwan?" *Spiegel Online*, 18 July 2006.

fears of independence fallout, many separatists who resent NATO policies are also calling for consistency.²⁹

A closer look at the arguments in Western capitals reveals the tightrope that NATO and the UN have been walking. Most of these leaders claim that Kosovo is “unique” because the UN and NATO have been there for the last eight years, which is entirely incidental and deflects the issue. It was nearly unthinkable for NATO and the UN to abandon Kosovo as soon as President Milosevic withdrew his troops because everyone knew that there was far too much blood spilled to suddenly leave the Kosovars and Serbs to their own devices. Staying to rebuild and protect Kosovo did not make it unique; that some foreign group of soldiers would stay was a given.

Besides, unlike today’s predicament in Iraq, there has been very little violent resistance to the presence of Western forces in Kosovo. As Madeline Albright noted a year after the intervention, “the price of perseverance is affordable [because] the cost and risks of quitting far exceed those of maintaining a peaceful Kosovo. Having prevailed in war, our challenge is to secure the peace.”³⁰

What does make Kosovo unique, however, was the NATO intervention. Because it was a NATO intervention—and not a UN one—arguing in favor of independence on the basis of NATO’s protection would leave the world wondering why NATO suddenly had the power to grant nations independence, and why they could do so solely on the basis of its investment in a particular region. For better or worse, the UN Security Council is regarded as the only legitimate arbiter of internationally recognized borders. So in order to justify Kosovo’s bid for independence, Western leaders and institutions have had to tie this bid to something with the kind of international legal clout that NATO’s intervention lacked.

For this reason, Western institutions, led by the US, have insisted that what makes Kosovo unique is the UN Security Council resolution that enabled the peacekeeping mission immediately following the war—i.e., the only internationally legitimate part of this conflict. Unfortunately, because the entire momentum for Kosovo’s independence is unequivocally founded on a technically illegal intervention, the UN mandate is not unique in its own right. Instead, it is more like a unique solution to a far more unique problem: how to clean up a direct and strategic assault on territorial integrity.

In fact, when pressed on the matter, even Assistant Secretary Burns suggested that Kosovo’s ambitions are legitimately founded as much on the UN-mandated investment in Kosovo as they are on the Albanian suffering at the hands of President Milosevic in the late 1990s, long before NATO ever intervened. It seemed that Belgrade had no claim to the land, “not after 1997, 1998 and 1999, after what took place in those years in Kosovo,” Burns warned.³¹ While Kosovo’s final status has legitimate legal questions, the

²⁹ Republica Srpska Prime Minister, Milorad Dodik: “It would suit us if Kosovo declared independence.... We could say, ‘How can they do it and we cannot?’” *Washington Post*, 1 September 2007.

³⁰ “[Our Stake in Kosovo](#),” *New York Times*, 28 March 1999.

³¹ See fn 23.

reasoning seems to go, what Washington knows for sure is that Belgrade forfeited all claims to its Albanian province when it tortured, terrorized, expelled and/or killed most of its population.

Yet this sentimental justification for Kosovo's independence is not a new rationale; it dates back to the war itself, before the West embraced the idea of Kosovo's independence. Until NATO and the UN began their occupation of Kosovo, few expected the province to become independent. But only a week into NATO's air campaign, President Clinton was already floating the argument that would set the stage for a push toward independence. After referring to the official US policy favoring restored autonomy over independence, he then opened the door to a rather broad interpretation of sovereignty:

Today [Milosevic] faces the mounting cost of his continued aggression.... For a sustained period, we will see that his military will be seriously diminished, key military infrastructure destroyed, [and] *the prospect for international support for Serbia's claim to Kosovo increasingly jeopardized.*³²

If anything debunks the idea that Kosovo is unique because of the UN's nation-building, it is this statement—long before an endgame had been discussed, and long before anyone talked about international investment—that a state's territorial integrity was, lo and behold, actually founded on its behavior. And as such, misbehaving could therefore justify a punitive dissolution of a UN-recognized state.

Either way, even if the international investment in Kosovo did make it unique, that hardly bypasses the threat. Even if Russia agrees not to veto a UN Security Council Resolution insisting on Kosovo's uniqueness—which is exceedingly unlikely, but still Washington's preference—then that might prevent separatists from actually *achieving* independence, but it will never prevent them from *trying*. It is as if Washington and Brussels could remove the danger of precedent by merely declaring that it will not be a precedent.

Strangely, when sifting through their foggy remarks on the subject, Western officials seem to frame their comments as dire warnings, insightful prophecies, bland declarations, or moral dictums. Equally often, they do not seem capable or willing to indicate which frame they are employing at any given moment. With a Russian veto ever looming over the next horizon, Washington and Brussels sound vague because they do not know what will happen to Kosovo, and they are hedging their bets accordingly.³³ And while evasive maneuvers might satisfy NATO, such an explicit endorsement of Kosovo's merits on independence will act as a flawless model for current and potential separatists, who will simply strive to endure precisely the same trials and tribulations that Kosovo has, in order

³² “[US: Milosevic Offer Falls Far Short](#),” *CNN*, 31 March 1998; emphasis added; see also “[Clinton Tilt on Kosovo Worries Europeans](#),” *International Herald Tribune*, 1 October 1999; see also President Clinton's [Address to the Nation](#), 10 June 1999.

³³ For instance, compare the rhetorical implications of “Kosovo *will* not become a precedent,” with “Kosovo *must* not become a precedent” and “Kosovo *should* not become a precedent”—all used interchangeably countless times by diverse Western officials over the last eight years. Yet each frame has vastly different implications.

to ensure their own eventual self-determination, or even a modest improvement in social services.

But if future separatists do model themselves after K-Albanians, what precise lessons might they draw from Kosovo's turbulent past, and how might that affect the details of their respective demands to self-determination?

Given the way that Western diplomats are desperate (and failing) to prove that Kosovo's prospective independence is and will be unique, it should come as no surprise that even the most seasoned among them are focused on the wrong precedent. In the end, even if the 'uniqueness' advocates prevail, and Kosovo's independence does *not* lead to more breakaway regions successfully achieving UN-recognized independence, the real threat to the international nation-state system will still be very real, and very noticeable.

The demonstrated willingness in Washington and Brussels to violate international law and intervene in a burgeoning civil war is the precedent that poses the genuine threat, but not for the reasons aired in the run-up to the Kosovo War. Both before and after the Kosovo War, there was a fierce debate in the West over whether and when preventing human rights violations should be assigned a higher priority than protecting the territorial integrity of UN member-states, even the savage ones.³⁴ If the intervention left a residue, others might emulate NATO's decision to mutate "from a defensive alliance into an on-call police service."³⁵ Police forces, however, do not compete with one another; they compete with criminals. Washington was worried that Russia might emulate NATO, but the real threat was posed by separatists emulating the K-Albanian militants who were able to orchestrate the entire war. With that in mind, far more important than the outcome of Kosovo's ambitions is the complete about-face of American foreign policy in the province.

Tightening the Noose

In 1990, as Yugoslavia was falling apart at the seams, the increasingly overwhelmed President Milosevic revoked the "substantive autonomy" that Kosovo had been granted in 1974, when Yugoslavia's beloved leader, Josp Tito, decentralized much of the region in an attempt to appease its anxious minorities.

With no autonomy, Kosovo's ethnic Albanians were quickly fired from all government positions, banned from universities, forbidden from buying/selling property and barred from teaching the Albanian language and history in their public schools. Remarkably, then, in the early 1990s, when Yugoslavia's republics were violently asserting their independence from Belgrade's authority, most of Kosovo was actually engaged in a campaign of non-violent separatism, despite President Milosevic's harsh efforts to retake control of Kosovo. K-Albanians not only feared Milosevic's brutality, but Bosnian Serbs

³⁴ See Jonathan Tepperman, "[Freedom for Kosovo Is Not a Dangerous Precedent](#)," *International Herald Tribune*, 23 June 1999.

³⁵ Gary Dempsey, "[Kosovo Consequences](#)," *Cato Commentary*, 5 October 1998.

had been permitted to keep the now-Muslim-cleansed Republica Srpska in a negotiated agreement with Milosevic's enemies. Few K-Albanians wanted to invite the Serbian leader to try his luck with Kosovo as well.

Meanwhile, the Kosovo Liberation Army (KLA),³⁶ a K-Albanian militant/separatist group, had been terrorizing Serb policemen and military installations primarily in Prishtina, Kosovo's capital. But until the late nineties, the KLA was a fringe group that lacked widespread support among K-Albanians, most of whom were desperate to avoid a Bosnian redux at the hands of Serbia's reckless leader. Nevertheless, the blunt instruments of President Milosevic's repression failed to single out the few militants who actually posed a threat to his nationalist agenda, and he ultimately radicalized those who would assume power.

Until early 1998, Milosevic's repression was significant yet lacked the brutal flare of his previous exploits in Bosnia—though probably not out of the goodness of his heart. After all, most angry K-Albanians were still engaged in a passive resistance campaign—led by Kosovo's most revered leader and president, Ibrahim Rugova—so President Milosevic tolerated them precisely because they were harmless; he merely permitted them a fruitless outlet for their frustrations.

As for the militants, however, every time the KLA would kill a Serb policeman, postman or government official, the Serb military police³⁷ would launch counter-attacks on the villages that sheltered the Kosovo guerillas. In late February, eighty K-Albanian civilians were killed in the Drenica region, in central Kosovo. Some 58 family members of KLA strongman Adem Jashari were killed.³⁸ Immediately afterwards, Rugova's non-violence campaign suffered a crisis of faith, and soon the KLA had all the fighters it would ever need to confront the heavy Serbian military presence in Kosovo directly.³⁹ Like the rest of the world, most K-Albanians came to believe that President Milosevic only offered concessions when a gun was aimed at his temple. Even Adem Demaci, popularly known as Kosovo's Nelson Mandela, said in March 1998 that, "I will not condemn the tactics of the Kosovo Liberation Army because the path of nonviolence has gotten us nowhere.... The Kosovo Liberation Army is fighting for our freedom."⁴⁰

But while violent resistance might be a necessary condition to exert leverage over President Milosevic, it was far from sufficient. And in response to the KLA surge, he

³⁶ In Albanian, the KLA's acronym is UCK, the "Ushtria Clirimtare E Koseves."

³⁷ What was then known as the "Yugoslav Army" has since become the Serbian Armed Forces, which has both police units and traditional military units. Both were engaged in the fighting in Kosovo in the late 1990s.

³⁸ Samantha Power, *A Problem from Hell*, p.445.

³⁹ Beginning in March 1998, more than 3000 K-Albanians would be killed and nearly 300,000 were expelled from their homes, which were torched as they fled. Interestingly, the number of KLA fighters probably never exceeded 20,000—a rather small number in a population of two million. However, like any popular terror group, the KLA's strength laid not in the number of fighters but rather in the number of supporters. Without a complicit population, no terror campaign can be effective. See Michael Ignatieff, *Virtual War*, Metropolitan Books (2000), p.13-18.

⁴⁰ *International Herald Tribune*, 14-15 March 1998, quoted in "International Diplomacy and the Crisis in Kosovo," Richard Caplan, *International Affairs*, Oct.1998.

merely escalated his repressive tactics tenfold, including the use of mass-executions and mass-expulsions to neighboring countries. It went exactly as the KLA had hoped.

Welcoming a Slaughter

In the mid-1990s, the Kosovo Liberation Army began as a textbook example of a terrorist group: lacking popular support, their leadership knew that their best chance to push K-Albanians toward violent revolution was to make the conflict more painful for them.⁴¹ In typical fashion, the idea was to terrorize the K-Serb population, invite Belgrade to dramatically overreact in a bloody attempt to protect fellow Serbs living in Kosovo, and then use the devastating aftermath of his overreaction to mobilize furious ethnic Albanians into outright rebellion.⁴² If history was any indication, the kind of uprising the KLA hoped to inspire would last until every K-Albanian was either killed or liberated.

The KLA, however, had not been able to recruit K-Albanian militants, despite its attacks—not only because the pacifist Rugova maintained the pulse and support of his people, but also because President Milosevic was smart enough not to take the bait for as long as he could. Yet after eight years of truly unparalleled non-violent resistance, Rugova had absolutely nothing to show for it, not even a seat at the negotiating table. So it should have been no surprise that, in the end, it was not a protest—but rather a massacre baited by the KLA—that convinced President Clinton and his European allies that Kosovo desperately needed attention. And more massacres of K-Albanians meant more attention.

From a practical standpoint, it is difficult to fault Washington and Brussels for this approach; recognizing Serbia's visceral connection to Kosovo, discussion of Serbia's ethnic Albanians was considered to be a deal breaker for Milosevic at the Dayton Accords, which ended the Bosnian War. Any concessions for Kosovo would have inevitably come at the expense of those in Bosnia. But while Dayton's treatment of Kosovo was regrettably indifferent, Kosovo was not engulfed in ethnic cleansing at the time, nor was Prishtina under siege for three years. Naturally, then, it was relegated to a lower priority at Dayton and in its aftermath. Inevitably, especially in the world of 24-hour news networks, ethnic violence begs more attention than bland repression, and there was simply too much violence in Bosnia in 1995 for Kosovo to appear on Western radar screens at the time.

Yet from the standpoint of public policy, failing to reward Albanian civil disobedience in Kosovo—both during and after the Bosnian War—was a primary contributor to Albanian

⁴¹ See Paul Wilkinson, *Terrorism and the Liberal State*, 2nd Edition (NYU Press: 1986).

⁴² Short of an uprising, many terrorists hope simply for reform rather than overthrow, as was the case in the first Palestinian *intifada*. In Kosovo, the equivalent reform would have been a restoration of the autonomous status Kosovars enjoyed before 1990. But having little faith in Belgrade's sincerity, the KLA has never asked for (nor considered) any offers of restored autonomy, even when the offers were forthcoming. In contrast, until the late 1990s, most K-Albanians would probably have settled for a return to this status, though perhaps grudgingly. In the end, it was the Kosovo War that radicalized most of Kosovo's Albanian population.

disillusionment with peaceful resistance. Granted, even if the KLA had failed to escalate the conflict in February 1998, it is unclear how long most Albanians would have continued turning the other cheek anyway. The question became irrelevant, however, when the international attention K-Albanians received after only a week of supporting violent resistance was more than they had mustered in eight years of watching Human Rights Watch press releases gather dust at the US State Department. And while few were surprised that the KLA was eventually able to bait Milosevic, Rugova's loyal followers became endlessly frustrated by the West's refusal to give them any attention until *after* they turned to violence. In this way perhaps, Rugova was "a victim of his own success."⁴³ Worse still, not only did Washington indirectly undermine Rugova's efforts by ignoring his success, but there is substantial evidence that Washington had been supporting and arming the KLA since its bloody inception in 1996.⁴⁴

As K-Albanians were swept up in the fruits of violent resistance, the KLA was busy planning the next, more important phase of the war: ensuring foreign intervention on their behalf. Unlike terrorists deeply embedded and integrated into their enemy populations,⁴⁵ the KLA and their Albanian brethren were completely isolated in Kosovo, so any textbook uprising would have been equally isolated and contained with minimal effort by Belgrade. As a result, the KLA attacks were only solidifying Milosevic's support base, as nearly all Serbs were safe in Serbia proper and thus seldom trampled by President Milosevic's indiscriminate boots in Kosovo. Even the K-Serbs were relatively isolated within Kosovo.

In fact, not only did massacres of K-Albanians have negligible price tags among Serbs, but most Serbs were even grateful for President Milosevic's eagerness to deter Albanian aggression against K-Serbs, regardless of his methods. As a result, it was always impossible that a furious Serbian rabble might assault Milosevic's presidential office on behalf of the trampled K-Albanians.⁴⁶ Their isolation made them outstanding bull's-eyes and prevented them from wielding any serious leverage over Belgrade.

K-Albanian isolation also worked to their advantage, however. Because there were so few Serb civilians in Kosovo, there could be no misperception that the refugees were merely fleeing a battle zone. Given the special Western resentment of anything resembling ethnic cleansing, the geographic isolation of Serbia's ethnic Albanian

⁴³ Caplan, "International Diplomacy and the Crisis in Kosovo," p.751.

⁴⁴ "Private U.S. firm training both sides in Balkans," *The Scotsman*, 2 March 2001; see also, "CIA aided Kosovo guerrilla army," *The Scotsman*, 12 March 2000; see also, "CIA trained Kosovo rebels," *Ottawa Citizen*, 12 March 2000. There were reports that the CIA and Germany's equivalent had been funding and training KLA militants, much as they had Croatian forces in the months before the infamous and brutal Croatian counter-assault called "Operation Storm" during the Bosnian War. President Clinton's decision was based on the rationale that if President Milosevic had to stay in power as a result of Dayton, he must be pressured from every angle to ensure he would discontinue his nationalist and destabilizing agenda.

⁴⁵ For example: the FLN and GSPC in Algeria, al-Jihad and Gama'a Islamiya in Egypt, al-Qaeda in Saudi Arabia, the IRA in Northern Ireland, Jemaah Islamiyah in Indonesia, and many others.

⁴⁶ At least, no Serb rabble would storm President Milosevic's office or residence on that basis *alone*. He was actually ousted from power in October 2000 by nearly a million Serbs in the streets of Belgrade, but primarily for his corruption, vote-rigging and economic incompetence—not for his treatment of K-Albanians.

population gave the distinct impression that this war had everything to do with the blood in their veins and nothing to do with innocents being in the wrong place at the wrong time. Furthermore, the KLA recognized that in addition to appealing to Washington's heart, it had to appeal to its interests in regional stability. That meant inviting such a violent backlash against the K-Albanians that the Serbs would not only defeat or kill them, but actively drive them into neighboring countries. In other words, the more collateral damage the better for the KLA's public relations blitz.

Between March 1998 and 1999, when the KLA gratefully found that nearly all of Kosovo's Albanian population thirsted for as much Serbian blood as they had, their geographic isolation nevertheless negated the impact of their militant mobilization. But that hardly mitigated the power of Albanian victimization in Kosovo, and that was precisely the point: Belgrade's brutality could not come back to haunt President Milosevic unless some foreign power held him accountable and violated Serbia's sovereignty.

In theory, once this foreign power did intervene, it could either restore Kosovo's broad autonomy or grant Kosovo complete independence. Neither would be possible with proud Milosevic still in office, nor would it be easy to persuade his successor that Kosovo deserves either autonomy or independence. What was clear, however, was that due to Kosovo's isolation and Milosevic's unchecked brutality, K-Albanians could get nothing without external help. And if it took a bloody tit-for-tat assault just to get the Americans to send a diplomatic envoy to Belgrade, it would take a lot more to lure a full military intervention. The KLA took a standard terrorist playbook and added one crucial ingredient: foreign intervention. Slowly but surely, the KLA turned up the heat—eventually graduating to killing K-Serb civilians—and both Belgrade and Washington took the bait.

Pre-NATO Care

Meanwhile, in the year between this escalation and the NATO air strikes against Serbian military installations, negotiations between President Milosevic and senior US diplomats (mainly Richard Holbrooke and Christopher Hill) focused on ceasefires and demilitarized zones that, in theory, would hold as long as the KLA kept its forces in the mountains while the Serbs stayed in Prishtina. In order to keep Milosevic's attention, US diplomats threatened air strikes; they assured him that Kosovo would not become independent; and they provided him with political support by repeatedly denouncing the KLA as a terrorist group.

Richard Holbrooke had become famous for his brokering of the Dayton Accords that ended the Bosnian War in 1995, an accomplishment for which he was equally lionized and vilified. Many diplomats and officials in the West viewed him and his patron, President Clinton, as appeasers, while countless others were simply happy to see the war in Bosnia come to an end, regardless of whatever gains the Bosnian Serbs had consolidated in their "war of aggression."

Likewise in Kosovo, once the KLA and Serb military escalated their tit-for-tat cycle of violence, Holbrook revived his role as the unofficial US envoy to the Balkans because of his close relationship with President Milosevic.⁴⁷ And in turn, especially after the world witnessed the atrocities and ethnic cleansings in the first Bosnian War, many pundits, analysts and diplomats were shocked that the US would even consider negotiating with the Serbian leader again. Even a number of State Department officials were distancing themselves from Holbrooke's strategy—either in preparation for an intervention or to take the moral high road and hope to take credit if and when Holbrooke succeeded.⁴⁸

But regardless, not only was the Clinton Administration still smarting from its foreign policy adventures and abstentions, but in order to justify any intervention by any power or alliance, diplomacy had to be attempted—both for strategic and humanitarian reasons—no matter the implications. And the only person who had the power was still President Milosevic. “The path to peace in the Balkans has to pass through Milosevic's office,” Holbrooke insisted.⁴⁹ The only question, then, was whether that path would be rocky or blazed by a bulldozer.

The answer came on December 14, 1998, two months after Holbrooke managed to negotiate a ceasefire between Belgrade and the KLA. After years of attacking Serb military and government targets, the KLA changed its tactics abruptly when Serb troops killed more than 31 K-Albanian civilians on the Albanian-Kosovo border. In retaliation, the KLA sprayed automatic gunfire inside a Serbian pool hall, killing four teenagers and shooting twenty others. This was the first time the KLA deliberately attacked civilians, like something “straight out of the IRA playbook,” according to one US official.⁵⁰ And it struck a deep nerve among an already-overexposed Serb minority.

If in February the K-Albanians turned to violence as a means to an end, then in January 1999 they abandoned mercy—though to many, it was long overdue. When news broke that more than 45 K-Albanians had been killed in a mass-execution—their bodies thrown in a large ditch—it became clear that only a forceful referee could have a hope of keeping these two blood-thirsty prize fighters in their respective corners. Only a NATO intervention could end the killings.

Having tried negotiations and threats, NATO only intervened when the fighting became insufferable. But because the default international standard favors state sovereignty, the US had to shift its public support for President Milosevic to the K-Albanians, and by extension, the KLA. As noted earlier, when the tit-for-tat cycle of violence surged in

⁴⁷ For a thorough profile and analysis of Holbrooke's role and image in these pre-intervention negotiations, see Michael Ignatieff, *Virtual War*, p.11-36.

⁴⁸ *Ibid.*, p.16.

⁴⁹ *Ibid.*, Ignatieff's paraphrasing.

⁵⁰ *Washington Post*, 17 December 1998. Because the KLA attack occurred only hours after the firefight on the border, it has never been established whether the KLA reprisal was a retaliation, or a mere coincidence. The international monitors in Kosovo that were inserted after the October ceasefire said the K-Albanians killed in the border skirmish were transporting weapons, though the KLA denies it; see *New York Times*, 17 December 1998.

February 1998, the US and NATO publicly dismissed the possibility of Kosovo's independence⁵¹ and condemned the KLA as terrorists, both of which gave Belgrade the "legitimate pretext for brutally unlawful measures."⁵² Equally unfortunate, however, was that this policy reversal could not have been avoided.

When it became clear throughout 1998 that President Milosevic could not be trusted for his moderation—and that, in Clinton's words, Western leaders were "getting creamed" by their own soft



posturing⁵³—American and European diplomats started pummeling the Serbian leader with heavy criticism for not restraining Serb forces in Kosovo. Even President Clinton's official envoy, Robert Gelbard—who had insisted a month earlier that the KLA was, "without any questions, a terrorist group"⁵⁴—shifted blame to Belgrade. "The overwhelming majority of acts of violence—and I have to say apparent state terrorism—are being committed by the government of Yugoslavia," Gelbard said.⁵⁵ When Washington realized that President Milosevic's already-miniscule credibility was quickly drying up, President Clinton was compelled to change teams.

Yet because Belgrade's despicable overreaction was ultimately spawned by the KLA, Washington's understandable policy shift cemented a belief that violent resistance works. This is not a judgment regarding who is ultimately to blame for the mayhem in Kosovo; it is simply a fact. By leveraging sanctions, international scorn, and NATO air strikes in Belgrade, Washington illustrated the most important prerequisite for US political support: massacres on CNN. Understandable though it may have been, Washington's decision to reverse its Kosovo policy *when it did* illustrated that if people are not being slaughtered in the streets, then they are not suffering enough to deserve the West's attention. Needless to say, the KLA was taking careful notes.

⁵¹ US Envoy Robert Gelbard said, "Rugova should know by know that independence is not an option," *Reuters*, 11 March 1998. Then-NATO Secretary General Javier Solana said independence was "out of the question," *BBC News*, 24 June 1998. Richard Holbrooke also voiced opposition to independence, *Deutsche Presse-Agentur*, 26 June 1998.

⁵² Richard Caplan, "International Diplomacy and the Crisis in Kosovo," p. 754.

⁵³ Samantha Power, *A Problem from Hell*, p.448.

⁵⁴ *AFP*, 28 February 1998.

⁵⁵ *Washington Post*, 20 March 1998.

Real Precedents

No matter what final status Kosovo is left with, the quality of life has dramatically improved since the NATO invasion, and given the oft-cited Western investment in Kosovo, it is unlikely that the UN and NATO will leave any time soon.⁵⁶ The lesson, then, is that the lives of repressed minorities will be improved by violence—but not because the government caves to the separatist demands, but rather because the militants recruit the West’s idealist sympathies and powerful protection. It did not matter to K-Albanians that Milosevic drastically escalated his cleansing campaign *after and because* the air strikes began.⁵⁷ It only mattered that someone was coming to rescue them. “You must understand,” one K-Albanian fourteen year-old told a reporter, “we were going to be killed anyway. It was only a matter of time. We knew it was better to die with a fight. NATO fought and now we, at least, are free.”⁵⁸

Thus, while Kosovo’s independence is likely to energize separatist efforts, the real threat is the precedent of intervention—the ultimate source of hope, a prerequisite to a better life. Worse still, disenfranchised minorities that merely yearn for modest reforms or greater autonomy are now just as likely to turn to violence as the KLA. Whether independence or civil rights are on the menu, inviting their own destruction on CNN is now the easiest and best path to salvation. And it is very rare for a frustrated minority to turn to violence if their goal is merely reform. Far more often, the more ambitious the goal, the more resistance it will face, in which case the methods usually become more drastic.

If any alienated ethnic group would be a likely successor to Kosovo’s rise in fame, it would certainly be the ethnic Albanian populations in the northwestern portion of neighboring Macedonia and in Serbia’s Presevo Valley—both of which share a border with Kosovo. There are even widespread fears in the region that the ethnic Albanians in Kosovo, Serbia proper and Macedonia will all attempt to secede from their respective states and forge a “Greater Albania.”

Nevertheless, the fears expressed over this possibility are inherently dependent on the notion that only the final status of these territories merits attention. But in the end, with or without Kosovo’s independence, these regions have reason to invite their own bloodbaths (and to a certain extent, already have) because they know that without experiencing devastating indignities or threatening regional stability, the West will not

⁵⁶ See Kosovo’s United Nations Development Program Report, “[Youth: A New Generation for a New Kosovo](#).” Kosovo’s economic and educational conditions are still below the rest of the region, but the basis of this comparison is founded on the comparison between Kosovo and established, independent countries nearby. In fact, the “lack of clearly defined final status on Kosovo is a serious obstacle to economic development” (p.31). Nevertheless, by 2006, the UN’s Human Poverty Index in Kosovo had been reduced to half of its 2001 levels (p.34), and the proportion of Kosovars who die before the age of 40 was reduced from 25.3% to 8.5%.

⁵⁷ “[Milosevic and Operation Horseshoe](#),” *The Guardian*, 18 July 1999.

⁵⁸ Samantha Power, [A Problem from Hell](#), p.460.

give a moment's thought to their grievances, much less trade precious political capital on their behalf.

In March 2001, for instance, in an attempt to reproduce Kosovo's recent good fortune, militants among the Macedonian Albanian (M-Albanian) population kindled the fire between the isolated Albanian minority and the Macedonian government in Skopje.⁵⁹ Like Belgrade in the late 1990s, Skopje took the bait as ethnic Macedonians demanded harsh retaliations for the assaults of the National Liberation Army (the KLA's equivalent in Macedonia) against ethnic Macedonians in the area. Unlike Belgrade, however, Skopje was willing to deescalate the conflict almost immediately, despite (now-confirmed) reports that both sides had employed mass-executions.⁶⁰ With a heavy NATO presence next door in Kosovo, the political and economic costs of intervening in Macedonia—and certainly in the Presevo Valley⁶¹—were significantly reduced.

More importantly, Skopje's restraint illustrated how President Clinton's original hope of deterring potential tyrants had actually succeeded. The Macedonian government did not have a chance to clamp down as fiercely on M-Albanian separatists as Belgrade had—which is precisely the dynamic that President Clinton had intended to create, and in every capital, too. The heavy lifting had already been done in Kosovo, and both NATO and Skopje knew it. In fact, without the implicit threat of a NATO bombardment in Macedonia, it is unlikely that Skopje would have been able or willing to resist the temptation to brutalize its Albanian minority, especially with ethnic Macedonian nationalism on the rise.⁶² After all, the NATO threat allowed Skopje to save face in its near-capitulation to M-Albanian militants. It seemed preferable to swallow their pride (and maintain their power) than to replicate President Milosevic's abysmal legacy in Serbia.



Nevertheless, despite much-deserved credit for using our power to encourage restraint in the Balkans (of all places), NATO's victory is inevitably Pyrrhic. That same restraint—supported by a credible NATO threat—also gives infinite audacity to embittered

⁵⁹ See "[Macedonia Crisis](#)," *BBC Special Report*.

⁶⁰ See "[Torture and Kidnappings by Albanians in Macedonia](#)," Human Rights Watch, 11 August 2001; see also, "[Macedonian Troops Commit Grave Abuses](#)," Human Rights Watch, 5 September 2001.

⁶¹ See "[Peace in Presevo: Quick Fix or Long Term Solution](#)," International Crisis Group, 10 August 2001.

⁶² See "[Macedonia: Still Sliding](#)," International Crisis Group, 27 July 2001, p. 4 & 7. There were a number of incidents where ethnic Macedonians stormed Skopje's parliament to demand retaliation against the rebellious ethnic Albanians.

minorities across the globe, especially in regions where the West has a military presence. In fact, if more evidence is needed to demonstrate that the precedent of Kosovo's independence is irrelevant, it should be noted that nearly all M-Albanians in 2001 wanted reforms, not autonomy, independence, or reintegration with 'Greater Albania.'⁶³ Yet the NLA's less ambitious goals did not preclude their successful exploitation of NATO's availability and love of stability. They co-opted the KLA playbook, and NATO was still a pawn in a familiar game of chess.

Fortunately for the M-Albanians, NATO was in an excellent geopolitical position to intervene in Macedonia only three months after violence began to escalate—in contrast to NATO's Kosovo intervention *thirteen* long months after the February slaughters in 1998—and they intervened with the express invitation of the 'oppressor government,' no less. In the end, it might have even been a stretch to call it an 'intervention,' when it looked more like civil arbitration.

Consequently, as part of the Ohrid peace agreement in July 2001 between the M-Albanians and Skopje: the Macedonian government conceded to nearly all M-Albanian demands for substantive reform, and in return, NATO deployed 3500 peacekeeping troops to Macedonia to oversee the disarmament of M-Albanian radicals.⁶⁴ After two years of peacekeeping, NATO handed over responsibility to the European Union, which had promised Skopje a fast-track accession into the EU, much as it had with Milosevic.

But none of this means that many M-Albanians will stop *trying* to bait the Macedonian government in Skopje, and it is equally unlikely that separatists elsewhere will refrain from ripening the ground for intervention by spilling as much blood as possible.⁶⁵

In the end, despite its understandable decision to remain in Macedonia, Washington and Brussels have only given greater legitimacy to the concept that the West's protection can only be lured by the efforts of a few dangerous radicals playing with fire for their own strategic purposes. Remarkably, no one cared much about NATO's Operation Essential Harvest⁶⁶ in Macedonia, if only because the reward of being able to ease tensions in this ethnic conflict far exceeded the likelihood and liabilities of NATO getting 'bogged down' by warring parties. Nothing was easier than assisting in Macedonia, especially if M-Albanians were not even demanding independence, which (in Western eyes) means Washington's policies could not come back to haunt it.

Yet in addition to discouraging another ethnic cleansing, NATO's proximity and proven disregard for territorial integrity also encouraged a M-Albanian rebellion—the first of its

⁶³ See "[Macedonian Albanians' Grievances](#)," *BBC News*, 26 June 2001.

⁶⁴ "[Peacedeal: What was Agreed?](#)" *BBC News*, 22 August 2001; and the full text of the [Ohrid Agreement](#).

⁶⁵ Even as the National Liberation Army began to disarm under NATO's watch, a faction broke off and has continued to antagonize Skopje in hopes of derailing the peace process and achieving independence and or reunion with "Greater Albania." Fortunately, most M-Albanians were pleased with the reforms of the NATO-brokered peace deal in August 2001, and this new faction has little support, for now. The same could be said for the accommodation felt by most Albanians in southern Serbia's Presevo Valley, when reforms enabled Belgrade to resuscitate its authority in 2001 after nearly two years of separatism there.

⁶⁶ See the official account of NATO's [Operation Essential Harvest](#).

kind since Macedonia broke away from Yugoslavia. So wherever NATO poses a credible threat—either with physical proximity or deployable resources—governments will quiver and militants will shine. In one hand Lady Liberty carries the proud declaration of independence, and in the other, a flaming torch to ensure freedom fighters have no trouble seeing the inscribed virtues of self-determination.

In other words, with every healthy convention Washington set or strengthened with its Kosovo policy, it also created at least one dangerous precedent. First, by directly *supporting* the KLA's violent resistance with publicity: Washington warned tyrants that any nation who crossed NATO would endure well-funded insurrection, but at the same time, Washington's support for the KLA undermined non-violent moderates who were soon convinced that international help would only come on the heels of great bloodshed.

Second, by *intervening*: NATO warned potential tyrants that they would not be permitted to cleanse any community, but in the process, Washington whetted separatist appetites and radicalized the K-Albanian nation. Third, by *occupying* Kosovo, the UN and NATO proved that the world's poor, tired and huddled masses could be protected by Western staying power, but only if they follow a frighteningly reckless and violent formula.

And finally, by the mere act of calling for Kosovo's *unique* independence, NATO is negating every premise (and desired precedent) of its original support, intervention, and occupation of Kosovo. In contrast, according to the original and explicit justifications for the NATO intervention, Kosovars were, in fact, *so* similar to other repressed peoples around the globe that the intervention would even deter future autocrats from equally repressive behavior. If Kosovo had actually been regarded as an isolated or unique phenomenon, President Clinton would have never intervened, as this uniqueness would have spoiled any hope of reinstalling America's status as the global policeman. Now in obvious damage-control mode, by insisting that Kosovo is unique, Washington and Brussels are essentially saying that potential tyrants need not fear other similar NATO interventions in their own countries because Kosovo's "uniqueness" would preclude such a scenario or convention.

But the harmful precedents go even deeper than this. Not only did NATO's intervention embolden violent militants with a broad array of goals, but Washington's 'unique' talking-points have actually engraved a separatist playbook into stone, blazing a glorious trail that separatists will follow with greater determination, recruits and (in all likelihood) success. Basque or Abkhazian separatism might not resemble Kosovo right now—as Washington is quick to note—but by so explicitly stating the merits of Kosovar self-determination and independence, Washington is actually creating a code only to make the cipher publicly available. Current and future separatists merely have to manufacture the same conditions that have compelled the West to embrace an independent Kosovo: terrorism, crackdown, rebellion, intervention and nation-building. Once militants get this far, Kosovo will no longer be unique—even by Washington's flawed standards—and those who share Kosovo's characteristics will be equally deserving of independence. The horrid irony, of course, is that declaring Kosovo's uniqueness has been Washington's deliberate attempt to *prevent* future separatism, but it is inadvertently teaching militants

how to navigate the complex inconsistencies of geopolitics. In fact, the more thorough and persuasive Western governments are about Kosovo's 'uniqueness,' the more legitimate their enemy's ambitions become.

As this analysis has shown, there are few relevant differences between Kosovo and other separatist conflicts, and the differences that do exist are incidental and thus irrelevant. Nevertheless, Washington is managing to use these irrelevant differences to shore up support for Kosovo's independence. In contrast, however, with the 'unique' endorsement, Washington and Brussels close even more rhetorical doors that they will need to slip through when the time comes to reject a separatist analogy in the future.

Regardless of the 'unique' argument, the precedent has been set for isolated militants desperate to see significant reform or autonomy for their people. There is little that Washington can do now to undo that lesson. But worse still, when those militants are also separatists, there will be fewer excuses that Washington can employ to secure its interests and avoid laughably hypocritical policies. If the rebel faction of the NLA is able to lure Skopje into the killing fields again and thus radicalize the moderate M-Albanian population, will NATO refrain from intervening to end another bloodbath? And if NATO intervenes, will Western officials actually claim that Kosovo deserves independence but M-Albania does not? Will M-Albanians buy it, or will they settle for nothing less than independence, like Kosovo has now?

With a reflexive focus on damage control, Washington and Brussels have failed to see that simply declaring Kosovo's uniqueness does not mean others will respect that distinction. And besides, there was clearly a time when Washington insisted that Kosovo was neither unique nor deserving of independence—only to be reversed as soon as President Milosevic tried to purge Kosovo of impurities. As a result, separatists can rest assured that if K-Albanians can change Washington's mind, then others can do it as well. It only takes a little dynamite. In even the best of scenarios, as others go down that NATO-blazed path, Washington might have the discipline to abstain from a fight for strategic reasons, but others will still emulate Kosovo, and they will die trying to call Washington's bluff. In fact, it is likely that they will do this even more in the very regions where Western soldiers have ventured in order to ensure stability.

If President Clinton had not based the intervention in Kosovo so intimately on the KLA's bait and switch tactics, it could have been possible to associate non-violent methods with American leadership and diplomatic carrots. Either way, while it is unclear how long President Milosevic could have waited beyond February 1998 before he began his brutal crackdown, what is clear is that if the West rewards violence by paying attention to it, it will always be replicated.

Beyond Imperialism or Indifference

Nevertheless, even more important than identifying the Western compulsion to "just do something" when disaster occurs is Washington's failure to even determine *if* it should

discourage the rebellious behavior that leads to such disasters. Is the West's proclivity for rewarding separatism and terrorism merely the price it should be willing to pay in order to secure freedom and self-determination for all people? If every time Washington or Brussels liberates a population they also awaken neighboring peoples from their deep oppressive slumbers, does the subsequent surge in rebellion actually benefit Western interests? And if so, does it benefit Western interests *enough* to justify encouraging their insurrection?

If the American people (like most other people) cannot be mobilized in the face of persecution abroad unless they see people bleeding in the streets, then maybe supporting terrorists is the next best thing. But if so, this platform should be publicly embraced, and it should be employed only when non-violence campaigns have little public support. Just ask the disillusioned K-Albanians once under Rugova's leadership.

If embittered militants learn that violence works, it can only mean that Western capitals believe it works too. Washington invites bloodbaths just as much as the KLA does: in order for K-Albanians to care, they needed to feel themselves bleed; and unfortunately, the K-Albanians needed to bleed in order for the West to care, as well.

Naturally, as a matter of public policy, it would be unwise to encourage every repressed minority to challenge the status-quo—especially if that status quo has kept Washington at the head of every table around the world. But Washington is perfectly aware that insurrection is the most effective way of ensuring a crackdown. Just as the KLA used NATO to its own ends, so too did President Clinton use Kosovo to remind the world that America would not be a spectator to genocide—at least, not all the time. Unfortunately, this platform could only survive as long as Washington had the luxury and willingness to indulge it.

But the West is not in a position right now to rescue victims of ethnic cleansing—as the Western absence in Darfur's genocide illustrates. While President Clinton had the luxury of rescuing the defenseless, President Bush's current troop deployments preclude him from having any such luxury, but his policies should reflect this dynamic. More broadly, President Bush's freedom rhetoric could only be justified if deployable resources are standing by to rescue the minorities whose uprising the West has prodded. But Western attention is devoted elsewhere.

In a bizarre twist of irony, however, there is an excellent chance that because NATO and especially American forces are currently occupied with the wars in Afghanistan and Iraq, the same separatists that would otherwise try to lure Western sympathies have had no hope of appearing on Washington's overexposed radar screens. NATO's Kosovo Force might be able to deter or limit a brutal crackdown next door in Macedonia, but the level of commitment in places where NATO does not have a strong military footprint is simply not credible. And the West's military preoccupation with Iraq and Afghanistan will reduce its deterrent capability even further.

Meanwhile, however, the West's *political* agenda around the world has not been hindered by developments in the Middle East. Instead, the potential benefits of dashing separatist ambitions have been negated by the reactionary rhetoric coming out of Washington and Brussels, insisting that Kosovo is unique and should continue on its path towards independence. But if the West's interventions and insistence of "uniqueness" actually provide a strategic blueprint for separatism—and Washington and Brussels happen to be militarily preoccupied elsewhere—then NATO has no way of coming to the aid of the minorities who need its help. And much like the Iraqi Kurds and Shia in the wake of the first Gulf War, they will be massacred with only empty promises on their side.

Every US abstention in conflicts like those in Bosnia, Rwanda and Darfur will quickly negate the global impact and precedent of any previous intervention, regardless of outcome. Instead of invigorating militants and prostrating tyrants, Washington will return to its equally blemished role as a bystander to genocide, a victim of a quintessential Catch-22. Imperialism or indifference. If the West fails to support non-violent, minority political movements—especially when they are already self-sufficient and widely popular—this battle will continue, and it will be impossible to avoid oscillating between idealistic interventionism and unsure isolationism, as neither can be sustained politically nor strategically.