

The Crisis in Southeast Europe and the NATO Military Intervention

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The article discusses the main causes of the Kosovo crises, with a reflection to the recent NATO-Serbian war pointing out to the fallacies of oversimplifications and failure to account for the complex underlying political social factors characteristic for the southeast Europe and the Balkans. The Kosovo crisis should be seen in principle as one of the phases of the collapse of Yugoslavia which was, in turn, a consequence of the political transition. Of further relevance is to analyse the historical perspective in which the Albanian population traditionally existed in Kosovo. The position of the main players in the Kosovo conflict is further analysed and several possible scenarios for the future developments in the region are briefly outlined. Finally, the Croatian policy toward Kosovo is addressed pointing out to specific Croatian interests and suggesting a preferred regional policy toward Serbia and its political makeup.

KW: Kosovo crisis, international law, military intervention

1. Introduction

At base, politics deals with the resolution of real and essential problems.¹ The political science and all other sciences have point and purpose only if they do deal with questions that are important for people. The debates about NATO's involvement in the Kosovo crisis are covered by both definitions. The Kosovo problem insists upon itself accordingly as a topic that cannot be avoided. The crisis in ex-Yugoslavia has lasted a decade already. On the one hand it is the consequence of the collapse of the old order, whose downfall ineluctably produced the disintegration of multi-ethnic states, and on the other side it has been simply a carry-over from the region's stormy history.

Rebecca West's *Black Lamb and Grey Falcon*², written from a pronouncedly pro-Serbian view about a tour in Yugoslavia in 1937, was not thinking of this country but of Austro-Hungary and Turkey when she said: "I hate the corpses of empires, they stink like nothing else". Serbian nationalism always had imperial tendencies; Lenin, author of a book on imperialism once popular on the left, once long ago

wrote that the imperialism of large powers was not as bad as the imperialism of small states. The problem of all imperial tendencies lies in the failure critically to recognise limits, and what Senator Fulbright called the arrogance of power.³ The expansionism of all nationalisms will probably go to the point at which it begins to come into conflict with a large number of opponents, which it has usually itself produced. Milošević, master of the small tactical move, is a striking example of this tempting of fate. He provoked and organised four wars in all, and when the NATO ultimatum at last came, the master of balancing on a razor-blade's edge could not believe that this time the counter-strike might hurt.

Many are inclined towards a simplified explanation of the Kosovo crisis, making use of the thesis that in this case it is just a matter of the continuation of age-old hatred that has always created problems in the area, problems that have then fallen on the shoulders of the world. In relation to the Sarajevo assassination in 1914 that served as the occasion of World War I it was wittily said: "The Balkans produce more history than they can consume locally".⁴

Today too there is an attempt to explain the problem that is at the root of the NATO/Serbia war by

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commonplaces as the conflict of the West and the rest of the world, with the unbridgeable differences in civilisation, ethos and culture, without wanting to see the real origin of the crisis.⁵

2. Premises for the Understanding of the Crisis

The Kosovo crisis and the collapse of Yugoslavia. The Kosovo drama is just one of the last phases of the collapse of the second Yugoslavia. The beginning of the disintegration of Tito's federation started in mid-January 1990, when at its final congress the federal communist party split apart. The Yugoslav communist federation maintained itself on a sensitive balance of different ethnicities and ethnic minorities. When Slovenia, Croatia and B-H became independent, it left the remains of the federal state in an untenable position. Serbian nationalism no longer had any respectable opposition after these three republics had left the federation, and so its aggressiveness acquired a militant dimension. The dictatorship of the Milošević regime and the wars it prompted, planned, organised and supported in Slovenia, Croatian and Bosnia-Herzegovina only delayed the process of the disintegration of the remains of Yugoslavia, which went on with the last of the wars of the sequence, the Kosovo conflict.

The disintegration of Yugoslavia was a necessary consequence of the political transition. The collapse of the communist project meant, simultaneously, the end of the Soviet, Yugoslav and Czechoslovak federations. These federations had been maintained on the centralising power of the communist parties and the command economies. When the communist powers left power and the countries went over to a market economy, the previous cohesion disappeared. Since there were no new cohesive elements, the creation of the new nation states was a logical outcome.

Nationalist and other political movements aiming at independence for the new states were not so essential, for in these federations they simply continued the earlier processes of the building of nation states that the multi-nation states had interrupted. In the USSR and the Czechoslovak federation the collapse was non-violent, because the interests in the maintenance of the federations in the most numerous nations were weak. It was particularly important that the dominant partners (Russian and Czech) had no interest, because of their superior development, in the maintenance of the federal state. In Yugoslavia the Serb federal unit was part of the less developed part of the country, but was politically influential and at the same time was threatened by the difficulties that were brought by the introduction of a market economy and decentralisation, which accompanied the eco-

nomic reforms aimed at strengthening the independence of individual actors. Recent Serbian nationalism is the expression of such interests and it was this that defined the violent modality of the disintegration of Yugoslavia, and not the alleged hundreds of years of conflict and hatred. The regime of Slobodan Milošević, incapable of removing the internal economic and accordingly political weakness of Serbia, placed the accent on external matters, and through expansionism and the fomenting of conflicts endeavoured to secure its own survival.⁶

The Historical and Constitutional Determinants of the Kosovo Problem. The Albanian population has a long and continuous presence in this area. Although in some periods, as in the Middle Ages, for example, they were in a minority in Kosovo, in the last hundred years they have been incontrovertibly the majority population in the province. In 1903, the Serbs constituted 25% of the population, and in 1921, according to Austro-Hungarian and Turkish statistics, 21%. As against the mythic Serbian nationalist presentation of the problem, Kosovo was not the centre of the medieval Serb state (Raška, the old Serb state, was north and west of Kosovo), nor was it originally the centre of the Serbian Orthodox Church (only after the burning of the monastery in Žiça was the headquarters of the church transferred to Peć).

From the coming of the Serbs into the Balkans, Kosovo has been under the control of Serbia for only two and a half centuries, and was ruled by the Turks for twice as long. In the process of the dissolution of the Ottoman Empire, Serbia occupied Kosovo in 1912. Although the constitution of the Kingdom of Serbia required that the change of border should be approved by the constituent assembly, it did not do so, nor was the annexation legalised by treaty. It was only the Kingdom of the SCS that formally turned the inhabitants of Kosovo into its citizens. The Yugoslav CP, which led the resistance movement against German and Italian fascist occupation during World War II planned self-determination for Kosovo. Because of the previous history of the region, and the dominantly Albanian composition of the population, it was not hard to guess what the result of a self-determination decision would be. And so this was abandoned, so that the Serb population in Serbia itself should be more easily won over to the side of Tito's partisan movement. Thus Kosovo became an autonomous province within Serbia. The amendments to the constitution of Tito's Yugoslavia of the end of the 60s determined Kosovo's primary sovereignty as province, and it was defined constitutionally as an entity that was a component part of the federal republic of Serbia and also a direct and primary component of the Yugoslav federation. The 1974 constitution expressly admitted that the nations and ethnicities made up the federation,

including, then, the Albanians, who were defined as an ethnicity, i.e., a minority.⁷ The 1974 constitution confirmed the status as a province, i.e., part of Serbia, yet simultaneously a federal unit with full and equal rights. Kosovo was represented in federal institutions without the mediation of Serbia.⁸ The abolition of Kosovo's autonomy carried out by Milošević's government in 1989 required, according to the constitution of Serbia itself, the agreement of the Assembly of Kosovo. At the Assembly, however, Serbian officials illegally voted, although they were there only as observers, and not entitled to take part in decision making; the amendments were accepted although the required two thirds majority was not attained. Since the session of the Kosovo Assembly was backed up by tanks on the streets of Kosovo, it is clear that the autonomy of the province was unconstitutionally ended by a coup d'état.⁹

Inter-ethnic relations in Kosovo. Discrimination against the Albanian population has been a constant of the Kosovo situation. It has often been accompanied by crimes, persecutions, and forcible deportation within the framework of the implementation of the Serbian nationalist agenda. Although there has been Albanian violence directed against Serbs as well, carried out from time to time when the Albanian side had the upper hand, there was no symmetry in the situation. The persecutions of the Albanians far outweighed Serb losses. Ethnic cleansing of the area of Albanians was noted even earlier; in 1877-78, following a decision in Belgrade, all the Albanians were deported from the Morava valley, while between 1918 and 1941 some 90,000 – 150,000 Albanians emigrated, or were actually forced out. Persecutions of Albanians by UDBA, the secret police of the communist period, during the COMINFORM crisis purges, led to another 100,000 of them moving out of Kosovo.¹⁰ Cruelties to Albanians and their being driven out are not a recent phenomenon. This is evidenced by the comments of Leon Trotsky, Russian correspondent from the Balkan wars, and the Serb socialist Dimitrije Tucović, and the international commission sent to the field by the Carnegie Endowment in 1914.¹¹

In recent times, the indiscriminate killing of Kosovo Albanians started to be implemented on a wider scale at the end of the eighties, before the collapse of the federation, when powerful units of the JNA entered the province. And in the last year before the NATO intervention, it is estimated that the Milošević regime drove out about 200,000 Albanians, with about 2,000 of them losing their lives.¹² Accordingly, the deportation and persecution of the Albanians was planned earlier, and was not the consequence of NATO intervention. Had there not been such intervention, the ethnic cleansing of Kosovo would have gone on in any event. The air strikes only

accelerated the ethnic cleansing operation, just as the Nazis and fascists at the end of World War II hurriedly liquidated the inmates of their concentration camps.

Military intervention and international law.

It is true that the NATO intervention was not in accord with the UN Charter, which permits military action only, first, for self-defence and secondly, pursuant to a decision of the Security Council or the General Assembly of the UN. The backing of the SC could not have been achieved because of the certainty of vetoes from Russia and China. The support of the GA would have been hard to obtain, on account of the sheer number of states, some of which do not have a clear conscience with respect to minorities.

It is interesting that the NATO intervention is also in conflict with the founding act of NATO of 1949, which expressly enjoins countries to restrict military action to cases approved by the UN Charter or of aggression against one of the members of the organisation.

However, there are plenty of arguments suggesting that the intervention is nevertheless not at odds with international public law. Some writers claim that intervention is after all possible for humanitarian reasons, which are not in dispute, and that some international conventions in such cases allow of military intervention. Others again claim that customary international law includes intervention for the same reason. The interpretations of some of the authors from the region of international law embody such a position.

Christopher Greenwood, professor of law at the LSE refers to customary international law as a justification of the legality of NATO military action against Milošević's Yugoslavia. He thinks that to date a series of military actions on humanitarian grounds has been recorded, some of them authorised by the SC, others simply acknowledged as being legal by the majority of states. In this group he places the invasion of Bangladesh by India in the 70s to stop cruelty, and the invasion of Uganda by Tanzania, which put an end to the barbarous Amin regime; then there was the intervention of West African countries that put a stop to the mass murders in Liberia in 1990; the allied intervention in northern Iraq in 1991 that saved the Kurds, and the imposition of a no-fly zone in the south to save the Shia Muslims. As well as these examples of Professor Greenwood, one might add other cases of the acceptance of intervention by most states in the framework of the earlier cold war division of interests, such as the intervention of the Warsaw Pact forces in Czechoslovakia in 1955, and in the Dominican Republic in 1965. However, Greenwood, with respect to NATO's intervention in the Kosovo crisis, additionally remarks that a proposal to the SC to condemn NATO for bombing Serbia was turned down,

by 12 votes to 3, which implies the acceptance of the NATO action as legal. From international law, then, it seems that a humanitarian operation can be accepted as founded on law, if three facts speak in favour of its impartiality: that a humanitarian disaster has taken place, that international peace is threatened, and that it is known who is responsible. Greenwood finds the Security Council resolution about Kosovo to have confirmed all three stipulations and thus to have confirmed the legality of the NATO bombing.¹³

There is also a thesis taking its point of departure from the fact that the former communist federation disintegrated, which was confirmed by the so-called Badinter commission, which was set up in 1991 by the European Commission. The findings of the Badinter commission that SFR Yugoslavia (the second Yugoslavia, so called) was in the process of disintegration was not accompanied by an explanation of which units of the federation were at issue. Croatia and Slovenia took the decision of the commission as a green light for the proclamation of independence, which was a consequence of the prior collapse of the federation, and not an act of secession. Since Kosovo, according to the constitution of Tito's Yugoslavia of 1974, was also a primary unit of the federation, it too had the right to appeal to Badinter, which led in the direction of self-determination. Kosovo could not make use of this right, because the Milošević regime had illegally abolished the autonomy of it by coup d'état. Accordingly, intervention on behalf of Kosovo was outside the framework of the sovereignty of Serbia and represented international assistance to the inhabitants of a political entity that had no less right to independence than the other units of the former federation, with the proviso that Kosovo had been illegally deprived of its status by coup d'état, and consequently could not appear in the character of an independent subject of international relations.¹⁴

Should, however, the legality of the NATO intervention be called into question from the point of view of international law, this would be to open up the whole problem of a system of international law that allows whole peoples to be discriminated against and persecuted without let or hindrance. In any event, the inability of UN mechanisms to provide protection for the Albanian population in Kosovo underlines the weakness of this organisation, and its incapacity to carry out its basic tasks recalls the League of Nations. The UN is clearly an organisation that was conceived in Cold War terms, and its structure is adjusted to them. The Kosovo case shows that the UN itself requires thorough reconstruction, because it is paradoxical that such an organisation should not be able to intervene and prevent what is clearly large scale ethnic cleansing or genocide simply because there are obstacles in the way of the decision making process, which derived from the

alignments of the Cold War, which no longer exists.

Backing for NATO and objections to the military intervention. There are interpretations of the NATO intervention that reduce the whole problem to the broadening of spheres of interest, to Western expansionism. This however completely ignores the fact that the bloc-related, bipolar structure of the world is no longer in existence, and that certain new and basic economic postulates and political values have become universally accepted. Today there is particular stress on human rights and on freedoms with a universal application, which cannot be limited by the principle of the sovereignty of the national state. For Tony Blair, the objective of the intervention was clear from this point of view: "We need to enter a new millennium where dictators know that they cannot get away with ethnic cleansing or repress their peoples with impunity. In this conflict we are fighting not for territory but for values."¹⁵

It is interesting to see which political tendencies supported NATO's intervention, and which opposed it. Without any pretences to all-inclusiveness, it is easy to observe that the fiercest opponents of the intervention were from the forces of the dogmatic and unreconstructed left, for example Ziuganov in Russia (as well as Zhirinovskiy who has the same pedigree), the Belarus dictator Lukashenko, the unreformed Italian communist Armando Cosutte, the French communist Robert Huea (although they are in governments that were involved in the intervention), the French Trotskyist party, the heirs of the East German communists (PDS), the left wing fraction of the German Greens, the totally marginal Austrian dogmatic communist party, and the French extreme right (Le Pen), and in Slovenia, the extreme nationalist Zmago Jelincic. The unreformed left and the extreme right have identical views, which in Russia is best symbolised by the concept of the red and brown coalition.

On the other hand it should be said that the politics of the West and the military intervention were not led by representatives of the parties to which imperial and neo-colonial tendencies can convincingly be ascribed. The military campaign was led by the leaders of the so-called new European left, champions of the "third way": the British labourite Blair, the social democrat German chancellor, Schröder, the French socialist prime minister Jospin, the Italian prime minister and leader of the post-communist party of the democratic left D'Alema and, the general secretary of NATO, the Spanish socialist Solana. It should be added that the liberal oriented American Democrat Clinton was very close in his views to the front runner of the new orientation of the European left, Blair, and that most of the countries of Western Europe, and all the biggest ones, are under the control of leftist parties, or of coalitions involving the left. This

new left, in this case, get seriously behind the values it champions, and launched the intervention. They hold that democracy, human rights and national toleration cannot be defended with words alone, and that these values cannot be allowed to be trampled on by a nationalist dictator of the stamp of Milošević, who killed Albanians and ethnically cleansed Kosovo in front of the eyes of international observers.

The old, dogmatic and unreformed left does, of course, accept multiparty democracy and the market economy, because objections to them are very hard to defend, but when it comes to international politics, then the old Warsaw Pact sentiment awakens in them, and the West, NATO and the USA are seen in the old Cold War light as enemies, their intervention as an attempt at geopolitical engineering, and consequently these forces oppose the intervention on principle. It can be said, then, that to do with support for or opposition to NATO, there was a clear conflict between the old and the new left at a global level.¹⁶

Here it is worth recalling that as far back as the early seventies, Enrico Berlinguer said that the Italian communists of the time, with their Eurocommunist orientation, supported NATO, because without this kind of protection, Brezhnev could attack Italy and overthrow the Italian communist reformers, the Eurocommunists. Berlinguer grasped this second role of NATO almost thirty years ago, and yet part of the unreformed left still cannot understand or accept it.

It should be said that the publics of the western democracies unambiguously, and, thanks to the ruthless persecution of the Albanians, increasingly supported the NATO campaign. *The Economist* registered that the support for the air strikes from the end of March to the beginning of April 1999 rose in the US from 51 to 58%, in Britain from 69 to 75%, in France from 40 to 50%, in Germany from 57 to 63%. Support for the involvement of ground troops rose from 33 to 46% in the US, from 51 to 66% in the UK. In early April as many as 68% in France supported this option, while Germany lagged behind with only 28%.¹⁷ Here it should be noted that the German situation, because of the inheritance of World War II, is somewhat particular, and that there is once again a considerable difference between views in the western and eastern parts of the country.¹⁸

Backing for the intervention does not mean relishing bombing and destruction, for war is the least desirable means for the attainment of political objectives. But then again, if the traditional pacifists are excepted, who are always and in every circumstance opposed to war (even at the cost of the mass murder and expulsion of all the Kosovo Albanians), the common feature of NATO intervention opponents was an unwillingness in certain political forces to recognise that the Cold War is over, showing extreme ignorance

or lack of sensitivity about the sufferings of the Albanian population in Kosovo. Most frequently, their resistance to NATO intervention and their reserves about international intervention in general conceal some other national interests, which have little to do with any advocacy of Yugoslav politics and a defence of the Serbian population from the horrors of war.

3. The Positions of the Main Players Involved in the Conflict

All the main protagonists involved in the war or in seeking a way out of the crisis had taken up positions from which they could not easily extricate themselves.

The Serb position. Together with Serbian nationalism, Milošević had built a mythical imperative out of Kosovo, and politically looked at to give up on Kosovo would have meant his acknowledgement of a new defeat, which with the domino effect would have called into question all the other positions of his politics, especially in Bosnia-Herzegovina and Montenegro. Milošević thus found it very hard to accept any protectorate in Kosovo.

The US and EU imperatives. On the other hand, the US could not back down and drop the demands made on Serbia, for this would, in the dimensions of western politics, have threatened American leadership. NATO could not give up because it would have lost all credibility as an alliance and incapacitated it for any future task. The EU countries could not back down, because this would have cast doubt upon any possibility of a joint foreign policy, and in this way a limit would have been placed on any further building up of the Union. The West's previous endeavours to seek a solution through compromises at the cost of principle, and the sheer brutality of Milošević's policy in Kosovo, made any further hesitation out of the question, for further compromise would have strengthened Milošević and brought new troubles in the future.

The role of Russia. The third party, Russia, had willy-nilly become a hostage of Milošević's attempts to drag Moscow into the quarrel on the side of Serbia. The game of insisting on supporting Belgrade that was taken up by Russian opponents of reforms and the nationalists, attempting to weaken the position of Yeltsin and the supporters of reforms, put the reformists on the defensive. Although thoroughly aware that backing Milošević would call relations with the West into question and weaken the outlook for the transition in Russia, as well as making it much harder to find a way out of Russian economic problems, the Russian government was forced to make a declaration of support for Belgrade, although it was clear from the very beginning that there were clearly

defined limits to this support. This meant that from the outset there was no question of armed support, or of including Yugoslavia in the alliance of Belarus and Russia. Russia took advantage of its mediating role to show that Russia was still an inescapable factor on the world political scene, and through its mediation reaffirmed its foreign policy as that of a great power.

The Croatian view. There is no doubt that the most enormous majority of the population in Croatia supported the NATO forces' military intervention, seeing in it the ending to the war that had pitted Croatia as victim against the same adversary. A part of the Croatian political elite, however, thought that the attack on Belgrade was potentially a source of destabilisation in the current relations between the powers, in which Croatia might be involved. Thus there was hedged support for NATO, especially from the very top level of Croatian politics. Extreme nationalist circles saw in the intervention a precedent that might, potentially, call Croatian sovereignty into question. The dogmatic left and the remains of the pro-Yugoslav tendency were opposed to the attack on Yugoslavia.

4. Possible Scenarios for a Way Out of the Kosovo Crisis

If the initial thesis that compromise, after everything that had happened, was impossible, and that the military intervention of NATO had to be carried through to the end, it was still necessary to ask questions about the possible political end-game strategies to provide for a long-term political solution for the crisis in the region.

Elements for this evaluation might be:

A Kosovo protectorate. It was very unlikely that the bombing alone could have forced Milošević to accept the peaceful entrance of NATO forces into Kosovo. But getting ground forces into NATO was from any point of view, ultimately, an imperative.¹⁹ Without this there could be no annulment of the effects of ethnic cleansing, and without the return of the Albanians, the objectives of the West would not have been accomplished, which would have meant the evident defeat of the intervention forces, and thus of the West, NATO, the EU and the USA.

The Saddamisation of Serbia. The military defeat of the Yugoslav army, the destruction of communications and industrial capacity will greatly limit any further ability of the Milošević regime to produce any new conflicts. However, the entry of ground forces into Serbia proper was hard to imagine, and would have created unbearable tensions in relations between the West and Russia. Thus Milošević was still in the game, and the Saddamisation of Serbia represented its near future.

The Serbian democratic opposition. For the moment it is difficult to imagine that the opposition in Serbia will be strong enough to overthrow Milošević. There is anyway no democratic opposition until there is a feeling for the rights of the Albanians in Kosovo. A democracy that does not understand the situation of the minority is problematic and questionable, and has no potential for a democratic turnabout. Extreme nationalism and democracy are incompatible. If dictatorships can be overturned only via democratic means, then this still needs waiting for in Serbia.

A coup d'état and elections in Serbia. A coup d'état cannot really be expected in Serbia. Milošević took preventive measures on the eve of the NATO attacks (purges at the senior levels of the army). This does not mean that sometime later Ceausescu's fate will not overtake Milošević as well. At any event, it is extremely naïve to expect, in a land that does not respect the most elementary procedures of democracy, the removal of a dictatorship through elections. Serbia has had elections under Milošević, but they were neither democratic nor fair nor competitive. Elections in Serbia will be able to settle anything only after the overthrow of the present regime. In a country in which it is not possible to remove the power elite by the ballot box, only other methods, alas, remain available.

A democratic turnabout or the long-term decline of Serbia. The entry of NATO ground forces into Kosovo and the return of refugees has nevertheless essentially weakened the position of Milošević's regime. The gravity of the air strikes and the consequences of the heavy, precise bombing on the Serb economy, anyway weakened by Serbia's involvement in the previous wars (in Slovenia, Croatia and Bosnia-Herzegovina, as well as Kosovo) and sanctions, will, together with the military defeat, create the premises for a sea change in Serbia. In the foreseeable future, a change in the regime in Serbia itself will be hastened by the economic collapse of the country, the economy of which has not been in a marvellous state for a decade. It is hard to imagine that the economy will recover all by itself. The Kosovo protectorate, the independence of Kosovo, and the probable demands for a high degree of autonomy for Vojvodina, as well as the demoralisation of the army and the disgruntlement of the population at the loss of every possible kind of economic future will essentially weaken the regime. In such a situation, a democratic and anti-nationalist reversal will be the only exit towards the future. If this does not come about, Serbia will remain an isolated black hole in the Balkans. Such a situation cannot last long. Comparison with Iraq is not to the point, because Serbia is after all in Europe and its population is not prepared for the kind of sacrifices that can be called for in Iraq.

Montenegro between federation and independence. No one will any longer want to link their fate to Serbia, not the way it has turned out after more than ten years of the Milošević regime. This might finally prompt Montenegro to move out of a federation from which it can only lose. Already, Montenegro shows more independence than, for example, Slovenia in 1989, when it was quite certain that Slovenia would not remain in a federal Yugoslavia. With equal certainty it can be predicted that the chances of Montenegro getting out are greater the longer the regime of Slobodan Milošević lasts in Serbia. Since linkage with Serbia threatens the ability of Montenegro to earn its living it has become a question of some urgency for this country to leave the sinking ship. Staying in the federation is possible only on condition of a rapid and radical democratisation of Serbia, and even then purely economic interests might impel Montenegro to cut relations with Serbia, which will find rapid recovery impossible.

Kosovo between protectorate and independence. After the brutality of the expulsions and the war, demands made in previous negotiations will obviously no longer stand. It is impossible to imagine the presence of any significant military or police forces of Yugoslavia, while it is hard to conceive of the long-term formal autonomy of Kosovo within Serbia, or even within Yugoslavia. The independence of Kosovo, without any links with Albania, would stabilise the region. Independence could be founded on the precedents established by Badinter, for Kosovo was a unit of the old federation, as well as on the recognition of the right to self-determination as a general principle in international law, because it is clear that the Albanian population cannot protect itself from permanent discrimination within the framework of the political system of FRY. Customary international law in such a case accepts self-determination as a last resort. In both cases, the principle of unchanged borders remains, because it is a matter of a disintegration of a state into its constituent parts (by analogy with the Badinter commission). Real autonomy without formal independence would be a diplomatic way out at the beginning. Inclusion of Kosovo into Yugoslavia, without a chance of transforming actual autonomy into real independence would mean the prolongation and metastasis of the conflict and tension, which sooner or later would destabilise the whole region. Kosovo was earlier more economically developed than Albania, and since Albania is in economic and political difficulties, Kosovars have no great motives to be annexed to Albania. Thus the fear of the creation of a new regional destabilisation factor, Greater Albania, is not very realistic. Quite the reverse in fact; the prolongation of the provisional status of Kosovo outside the normal framework of diplomatic consideration

might unnecessarily prolong the existing tensions in the region.

The consequences to Bosnia-Herzegovina and the whole region. The defeat of Milošević's regime will weaken centrifugal forces in Bosnia-Herzegovina and strengthen the positions of advocates of really putting Dayton to work. The message of the NATO intervention will be a support to the democratisation of the whole region. It will be clear to anti-democratic forces that NATO has set limits to the possibility of strengthening reversible processes that threaten the democratic transition within national borders and spread destabilisation in the region. The final defeat of Milošević, and the change of government in Serbia, will essentially reduce the potentials of the extremist forces in the so-called Republika Srpska in Bosnia-Herzegovina. It will also force Croatian political leaders to solve the problem of the Croatian population in Bosnia-Herzegovina within the framework of the political system in that country. Accordingly the Bosniak leaders will have to become aware of the fact that in a situation in which external involvement (by Croatia and Serbia) is reduced, the responsibility of the Muslim population, as the most numerous people, for toleration and political equilibrium, will become both crucial and transparent.

The South East Europe Stability Pact. After the intervention, the West accepted, belatedly, an idea that for the countries of the region replays the role of the Marshall Plan in Western Europe after World War II. Just as it was not possible without external help to reconstruct a devastated Europe, so it is hard to expect a conflict-free transition in the multi-ethnic space of ex-Yugoslavia without organised external economic aid, especially after a series of wars.²⁰ The South East Europe stability plan, which includes political (democratic transition), economic (market transformation) and security elements, if it comes to fruition, can represent a watershed that will bring stability to the region and make it capable of involvement in European and Atlantic integration at an increased pace, as well as freeing the whole of the continent from unsafe neighbours and recalcitrant elements of the politics of the Cold War.

Croatia, Serbia and regional stability. From the point of view of Croatian interests, it would be a mistake to say that Kosovo is an internal Serbian matter, not only because human rights and liberties are no longer a discretionary right of the sovereign state. In the short time Croatia might suffer some damage from the war, but looked at over the long haul, the overthrow of the Milošević regime will bring stability to the region, and this is in the undoubted interests of Croatia. Reserve with respect to NATO backing with the explanation that the war will pass but Serbia

remain a neighbour fails in its political logic. If the neighbour is a dictatorial regime, Croatia has no interest in having good relations with it. Such a regime is a permanent threat to stability in the region and then against the elementary interests of all the countries in the region. It can be in Croatia's interest only

that there should be a different, democratic, ethnically tolerant Serbia, which instead of conquest and territorial acquisition will look, not to the past, but to the future. From this point of view, the NATO military intervention constitutes a real turning point.

NOTES

1 "Let us never forget that politics is the high and serious art of solving substantive problems." (Arthur M. Schlesinger Jr. in Lijphart, Arend ed. *Parliamentary versus Presidential Government*, Oxford, OUP, 1992, p. 94)

2 Rebecca West, *Black Lamb and Grey Falcon*, NY, Penguin 1982 (first printed NY, Viking 1941).

3 J. William Fulbright wrote to Johnson: "Greece, Rome, Spain, England, Germany and others lost because of a failure to recognise their limitations, or, as I call it, the arrogance of power (the title of his book)". (Jonathan Alter, *A Politician of Principle: U.S. Senator J. William Fulbright, 1905-1995*, *Newsweek*, Feb. 10, 1995

4 George F. Will, "Bedevilled by Ethnicity, The itch to fix the world, and the perils of 'self-determination'", *Newsweek*, Aug. 24, 1992

5 Cf. Huntington, Samuel P. *The Clash of Civilisations? Foreign Affairs*, Vol. 72 No. 3, 1993, pp. 25, 49; also *The Clash of Civilisations and the Remaking of the World Order*, Simon & Schuster, 1996, pp. 14-39, 272-291

6 Cf. B. Caratan, *Il post-comunismo e la dissoluzione degli state federali* (In: E. Gellner et al., *Etnie, confini, Europa, Collana dell' Istituto di Sociologia Internazionale, Milano, FrancoAngeli 1994*, pp. 37-53); B. Caratan, *The Break-up of Former Yugoslavia and the Serbian War*, *Croatian Political Science Review*, no. 5, 1995, pp. 130-146; B. Caratan, *The new states and nationalism in Eastern Europe*, *International Politics* (The Hague), vol. 34, no. 3, 1997, pp. 285-302.

7 According to the official political terminology of the time the nations were considered to be those ethnic communities that had their own nation state, while the other ethnic communities were called "narodnosti" or ethnicities, and the concept related to the minorities. The Albanians were classified into this state, because their federal unit did not have the status of republic.

8 Cf. Constitution of SFRY 1974, Arts 1-4, Zagreb, *People's Gazette* 1981, pp. 22-23. The representative of the Albanians from Kosovo in the federation came to the highest positions, including those at the top of the federation. An Albanian was thus for one time the president of the presidency of Yugoslavia; this was the body that represented the collective head of state.

9 Malcolm, Noel. *Kosovo: A Short History*, NY, NYUP, 1998, pp. xxxiii, 41-57, 230, 264-266, 307, 323, 327, 343-344, 356.

10 The Albania of Enver Hoxha was the most aggressive opponent of Tito's Yugoslavia in the Stalin-Tito conflict. Some of the Kosovo Albanians were on the side of the Hoxha regime, which was a good excuse for Serb nationalists to go on with their showdown with the Albanians as a disruptive factor. Since some of the Albanians had earlier, in the early part of WWII, welcomed the Italians as liberators from the Greater Serbian regime of Yugoslavia, this led them into inevitable conflict with Tito and the partisans. Albanians in Albania itself, because of the blatant Italian occupation of the country, behaved in a very different way. There the Italian occupier had less support, and the communist partisan advised by Tito's emissaries had more influence.

11 Cf. Malcolm, op. cit. pp. 228-229, 253-254 and 286. The attitude of Serb politics to the Albanian areas of the Balkans and to the Albanians is exhaustively and critically discussed by Dimitrije Tucović in his well known account *Srbija i Arbanija* (D. Tucović, *Selected Works*. Vol. 2, Belgrade, Prosveta, 1950, pp. 56-133). Cruelties to the Albanians were written about at first hand by Trotsky (Trotsky, Leon. *The Balkan Wars 1912-13; The War Correspondence of Leon Trotsky*, NY, Monad Press, Australia, Pathfinder Press, 1980, pp. 117-121, 266-272 and 288-295).

12 Belgrade analysts accept "only" about 35,000 exiled Albanians in the year before the intervention. The precise number of the dead will be able to be reconstructed only after the subsequent revelation of the mass graves. By the end of June 1999, KFOR forces had discovered 100 mass graves with Albanian victims in Kosovo. The UN High Commissioner for Refugees estimated, according to

the statement of Andrej Mahečić, representative of the UNHCR office in Croatia, that before NATO air strikes 460,000 Albanians were driven from their homes. Of these, 200,000 fled to some other country, while 260,000 were internal refugees in Kosovo (Z. Daskalović. *Migration of the Nations. Feral Tribune*, April 12, 1999 p. 6.) A month after the beginning of the air strikes (April 21, 1999) there were, according to UNHCR, 917,900 displaced persons, and the total of the killed was estimated at between 10,000 and 100,000. The State Department considered that the number of murdered had already reached 100,000, while some other agencies thought that this was so far just a matter of missing persons. (The great exodus. *The Economist*, April 24, 1999, p. 30)

13 Cf. Law and Right: When they don't fit together. *The Economist*, April 3, 1999, pp 17-18. I. Padjen, *The legal paradoxes of intervention. Zarez*, April 16 1999, p. 14.

14 Cf. Malcolm, Noel. *Independence is the only solution. Zarez*, April 16, 1999, p. 3

15 Blair, Tony. *A new generation draws the line. Newsweek*, April 19, 1999, p. 37

16 Something similar, though not quite the same, happened in Croatia. The old Croatian left, apart from having a suspicion of the West and NATO, as well as a pronounced anti-Americanism, showed one more defensive reflex. It is incapable of distinguishing Tito's federation from Milošević's, and following the line of political inertia feels called upon to defend any Yugoslavia whatsoever from attack. Although it endeavours to present itself as a more liberal trend than the postcommunist party that has transformed itself into the social democrats, the old left in Croatia shows itself at an international level to have an extreme aversion to the Western approach and particularly to the US, and is internally encumbered with national unitarism, which in South East Europe always means support to centralism of all kinds and an uncritical "supranational" support to Serbian nationalism.

17 Not by bombs alone. *The Economist*, April 10 1999, p. 21. In the US Congress the House of Representatives first supported the strikes on March 11, while the Senate voted 58 for and 41 against. (United States: The late march on Kosovo. *The Economist*, March 27, 1999, p. 53)

18 A month after the beginning of NATO operations, in Germany 90% of the young (18 - 24) supported NATO. Germans in the west supported it much more than those in the east (64% and 40% respectively). Support for the involvement of German forces in the operation came on average to 63%. The greatest support came from the SPD (71%), the other parties (CDU/CSU, Greens and Liberals) gave it 64-68% support, and only the PDS had a low 27% (Germany and Kosovo: The War divides. *The Economist*, April 24, 1999, pp. 32-33).

19 Here it should be added that the intensity of the bombing was of such a nature that in the end it did force Milošević to accept the Western ultimatum and allow Kosovo to be made an international protectorate guaranteed by the forces of NATO. The war thus demonstrated the need for a change in military doctrine. The military technology employed in the war, more sophisticated than that used in the Gulf, facilitated a military victory without the employment of ground forces. But it should not be forgotten that a role in breaking the resistance was also played by the realization that, if the war could not be brought to a close by air strikes, then the entry of ground forces was an inevitability.

20 It is a considerable question whether it is smart to leave the transitional countries to themselves without external economic and other kinds of help at all. A number of problems could have been avoided if it had earlier been understood that the avoidance of problems in the transitional countries was in western interests. It would have been particularly decisive in those transitional countries plagued with unsolved ethnic problems.