

## EXPERT OPINIONS

# Europe Died in Pristina?

23.03.2019 / Rein Müllerson

Not to be accused of plagiarism, I at once confess that this title was prompted by the excellent book by Jacques Hogard's<sup>1</sup>, I read already some years ago. This highly decorated French colonel, a participant of the 1999 NATO war against Serbia over Kosovo, became utterly disillusioned by double standards of Western countries in the process of this so-called 'humanitarian war'. I do not know whether the damage done to the body, and especially to the soul, of the Old Continent is indeed mortal, but the wounds inflicted by this cowardly aerial bombardment in alliance on the ground with a terrorist organisation (recognised earlier as such by the US State Department) has indeed left deep scars on the body politic of Europe and beyond.

I am returning to these bygone days not only because it was exactly 20 years ago (the NATO bombardment started 24 March 1999) that for the first time after the Second World War somebody, in complete disrespect of international law, used massive military force in the very centre of Europe. This aggression, covered by the fig leaf of a humanitarian intervention, quite an oxymoron, opened the door wide to further unprincipled use of force in other places. I am returning to those days also having just read Dick Marty's, a prominent Swiss lawyer and politician, excellent though also disturbing book *A Particular Idea of Justice*<sup>2</sup> published this year in Switzerland. After Carla Del Ponte, the former Procurator of the International Criminal Tribunal for the former Yugoslavia (ICTY), had published her book<sup>3</sup>, where she drew attention to the information that some 300 kidnapped

Serbians had been taken in 1999, shortly after the arrival of NATO troops in Kosovo, with trucks from Kosovo to several camps in Albania, where their organs were extracted to be sold in foreign countries, the Parliamentary Assembly of the Council of Europe appointed Dick Marty to investigate those alleged horrendous crimes that Western leaders and media were eager not to mention. In his report to the Parliamentary Assembly Marty confirmed that 'numerous indications seem to confirm that, during the period immediately after the end of the armed conflict, before international forces had been able to take control of the region and re-establish law and order, organs were removed from some prisoners at a clinic on Albanian territory, near Fushë-Krujë, to be taken abroad for transplantation. Although some concrete evidence of such trafficking already existed at the beginning of the decade, the international authorities in charge of the region did not consider it necessary to conduct a detailed examination of these circumstances or did so incompletely and superficially'.<sup>4</sup>

In his book Dick Marty describes the reluctance of many Western politicians (e.g., former French Foreign Minister Bernard Kouchner, a co-founder of Médecins Sans Frontières and the UN Representative in Kosovo in 1999-2001), senior diplomats (e.g., former US Ambassador to Kosovo Christopher Dell) and high military commanders (e.g., US Brigadier-General Steven Shook, former commander of the US Camp Bondsteel in Kosovo) to even talk about these crimes and their efforts to prevent the truth to prevail and the justice to be done. Dick Marty concludes: 'I think, and I have always maintained, that the independence of Kosovo was not only achieved by using means of doubtful legality in the light of international law, but it was also poorly carried out and responded to the interests of certain governments, without at all taking account of the interests of the people in the region'.<sup>5</sup>

Let us recall briefly how this act of doubtful legality (an understatement) started. After the collapse of Yugoslavia, encouraged by Western powers, interethnic conflict between Kosovo Albanians (Kosovars) exacerbated in this Serbian province. The UN Security Council became involved and twice in 1998 adopted resolutions (Res. 1199 of 23 September; Res. 1203 of 24 October) condemned the violence in the province by any party, considering it to be a threat to the peace and security in the region, but at the same time reaffirming the sanctity of the territorial integrity of Serbia. Yet, already then preparations for an invasion were underway. Like always, propaganda had to pave the way to bombs. A campaign of demonization of one party of this inter-ethnic and victimisation and sometimes even glorification of the other party served this purpose. NATO's spokesperson at time Jamie Shea (today Deputy Assistant Secretary General for Emerging Security Challenges in NATO headquarters in Brussels) excelled in this respect to an extent of becoming known in his native-country (the UK) as NATO's 'spin doctor'.<sup>[6]</sup> While the atrocities of the Serbian side were all meticulously reported (and there no doubt were such atrocities), sometimes even exaggerated, and any doubts as to the who and the how were ignored, the parallel acts of the Kosovo Albanians, especially the Kosovo Liberation Army (KLA) fighters, which often mirrored or exceeded the Serbian atrocities, were either downgraded or simply hushed up. And this was done notwithstanding that shortly prior to the operation President Bill Clinton's special envoy to the Balkans, Robert Gelbard, had described the KLA as, 'without any questions, a terrorist group'.<sup>[7]</sup> The KLA had long been engaged in tit-for-tat attacks with Serbian nationalists in Kosovo, using reprisals against ethnic Albanians who 'collaborated' with the Serbian government, and bombing police stations and cafes known to

be frequented by Serb officials, killing innocent civilians in the process. Most of its activities were funded by drug running, though its ties to community groups and Albanian exiles gave it local popularity.<sup>[8]</sup>

The then UK Foreign Minister, Robin Cook, told the House of Commons on 18<sup>th</sup> January 1999, i.e. only a couple of months before the NATO bombing: 'On its part, the Kosovo Liberation Army has committed more breaches of the ceasefire, and until this weekend was responsible for more deaths than the security forces. It must stop undermining the ceasefire and blocking political dialogue.'<sup>[9]</sup> Later it was revealed by Gabriel Keller, a deputy head of the Kosovo Verification Mission (KVM), that: '... every pullback by the Yugoslav army or the Serbian police was followed by a movement forward by [KLA] forces [...] OSCE's presence compelled Serbian government forces to a certain restraint [...] and UCK [i.e. KLA] took advantage of this to consolidate its positions everywhere, continuing to smuggle arms from Albania, abducting and killing both civilians and military personnel, Albanians and Serbs alike.'<sup>[10]</sup>

However, such revelations from people who knew what was going on the ground were drowned in the sea of misinformation aimed at discrediting the Serbian side.

Another factor that confirms that NATO's attack had nothing to do with humanitarian concerns is the so-called 'Rambouillet Agreement', presented in February 1999 to Belgrade and to a delegation of Kosovo Albanians in the Chateau Rambouillet in France. The latter expressed their consent with the text of the Agreement while Belgrade rejected it. This rejection was a crucial step leading to the war. However, could anyone have realistically expected Belgrade, or any other sovereign state for that matter, to accept such an agreement? Appendix B of the

Agreement, being an integral part of it, provided, inter alia, that 'NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the FRY (Federal Republic of Yugoslavia that at that time comprised of Serbia and Montenegro) including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac, manoeuvre, billet, and utilization of any areas or facilities as required for support, training, and operations.' Furthermore, the authorities in the FRY were obligated to 'facilitate, on a priority basis and with all appropriate means, all movement of personnel, vehicles, vessels, aircraft, equipment, or supplies, through or in the airspace, ports, airports, or roads used'.<sup>[11]</sup> It was an ultimatum requesting unconditional surrender, something that no state that has not been defeated in a war would have accepted. In a commentary released to the press, the former Secretary of State Henry Kissinger declared: 'The Rambouillet text, which called on Serbia to admit NATO troops throughout Yugoslavia, was a provocation, an excuse to start bombing. Rambouillet is not a document that an angelic Serb could have accepted. It was a terrible diplomatic document that should never have been presented in that form'.<sup>[12]</sup> Lord Gilbert stated in the House of Lord of the British Parliament: 'I think the terms put to Milošević at Rambouillet were absolutely intolerable; how could he possibly accept them? It was quite deliberate'.<sup>[13]</sup>

French journalist Pierre Péan, in his book with an emblematic title 'Kosovo – a 'just' war to create a mafia state' quotes the former Foreign Minister of France, Hubert Védrine, who participated in the Rambouillet negotiations on Kosovo: 'Robin Cook [then British Foreign Secretary] and I were looking for a political solution, while Tony Blair was for a war. Madeleine Albright [then US Secretary of State] was from the very

beginning the most eager to go to war, equating Milosevic with Hitler [...] As to Igor Ivanov [then Foreign Minister of Russia] he constantly repeated: 'I am here to prevent a war', though he detested Milosevic. Joshka Fischer [then Foreign Minister of Germany], was constantly torn between us – Cook and me – and Madeleine Albright, who was accusing the German Foreign Minister, when he was leaning towards finding a political solution, to be a leftist'.<sup>[14]</sup> Indeed a very revealing information. America sought a war, no more, no less. Moreover, Dick Marty recalls an episode that took place in 2012 in Prague, where the former US Secretary of State, facing a demonstration in favour of victims of NATO bombardment, could not refrain from loudly expressing her hatred: 'Disgusting Serbs, get out'.<sup>[15]</sup> Professor Bertrand Badie of Science Po-Paris has observed that the Clinton Administration's foreign policy looked very much like a symbolic continuation of the Cold War: 'the first post-bi-polar world American President didn't hesitate to nominate in January 1997 Madeleine Albright as Secretary of State – a person who incarnated the very spirit of the Cold War by her background and family history. The daughter of a Czech diplomat having left the country just after the coup in Prague, and who had worked in the Center for Strategic Studies has one of the specialists on the USSR'.<sup>[16]</sup> The appointment of Cold War warriors to the top posts in the post-Cold War period was certainly not the wisest move.

John Norris, Strobe Talbott's [the Deputy Secretary of State at that time] Director of Communications during the Kosovo crisis, wrote, 'it was Yugoslavia's resistance to the broader trends of political and economic reform – not the plight of Kosovar Albanians – that best explains NATO's war. Milošević had been a burr in the side of the transatlantic community for so long that the United States felt that he would only respond

to military pressure'.<sup>[17]</sup> Therefore Kosovo was not at all an operation with humanitarian objectives, but a regime change act with mainly geopolitical purposes and implications, as the creation of the Camp Bondsteel – the largest and the most expensive foreign military base built by the US in Europe, since the Vietnam War – testifies. And as after the destruction of Iraq in 2003, in Kosovo among the major beneficiaries was of the war was Kellogg, Brown and Root (KBR), a former subsidiary of Halliburton, the company where Dick Cheney was CEO before ascending to the White House as Vice. Pierre Péan writes that Washington had been planning the construction of the military base Bondsteel (built by an affiliate of Halliburton – the American company whose Chairman and CEO at that time was future US Vice-President Dick Cheney) in Kosovo long before NATO's bombs started landing in Serbia. In his opinion, 'this confirms the view that the Americans preferred war to peace'.<sup>[18]</sup>

Finally, an additional fly in Kosovo's anointment came in 2008 after the years of manipulative administration of Kosovo by the so-called international community, including the United Nations and the European Union. The recognition of the independence of Kosovo by most Western states, notwithstanding a clause in all Security Council resolutions on Kosovo both before NATO's invasion [Res. 1199 (23 September 1998), Res. 1203 (24 October 1998)] as well as after the invasion [Res. 1244 (10 June 1999)], that emphasised the importance of guaranteeing the territorial integrity of Yugoslavia. Notwithstanding all these clauses most NATO and EU member states recognised the declaration of independence of Kosovo, which, in turn, made it easier for the Kremlin to recognize the two Georgian break-away provinces as independent states. This, together with other such gung ho approaches to international law, contributed to the

undermining of the foundations of the latter. The Advisory Opinion delivered by the International Court of Justice on 22<sup>nd</sup> July 2010 stating that Kosovo's declaration of independence 'did not violate general international law', though formally correct, is anodyne in content, and potentially explosive in its consequences. Even if I were to declare my house with its small plot of land in Tallinn independent from Estonia, I would not be in breach of general international law since international law simply does not deal with such matters. However, if a neighbouring state were to recognise my extravagant declaration, it would certainly violate general international law; this would be a clear-cut interference in the internal affairs of my country.

As two 2016 published books with revealing titles – *Mission Failure: America and the World in the Post-Cold War Era* by American Michael Mandelbaum and *Why We Lose the Wars?* by Frenchman Gérard Chaliand – testify, no Western intervention in the post-Cold War era has achieved its political aims. Professor Mandelbaum writes: 'The United States did not succeed in getting China to protect human rights, or constructing smoothly functioning free markets or genuinely representative political institutions in Russia. It did not succeed in installing well-run, widely accepted governments in Somalia, Haiti, Bosnia, or Kosovo. It did not transform Afghanistan or Iraq into tolerant, effectively administered countries. It did not bring democracy to the Middle East or harmony between Israelis and Arabs.'<sup>[19]</sup> Gérard Chaliand observes that 'the balance sheet of wars waged by the major military power of the XXI century, the United States, often backed up by numerous allies, is without any doubt negative: enormous sums squandered with mediocre military results and politically disastrous consequences.'<sup>[20]</sup> However, notwithstanding such a dismal record of American

interventions abroad General David Petraeus, while conceding that the United States has to learn its lesson of humility, nevertheless recommends 'more American interventions in today's crises, only better executed'.<sup>[21]</sup> Obviously, for him, like for other neocons or liberal interventionists, there are no lessons learnt, no humility acceptable.

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1 J. Hogard, *L'Europe est morte à Pristina: Guerre au Kosovo* (Hugo & Cie, 2014).

2 D. Marty, *Une Certaine Idée de la Justice* (Favre, 2019).

3 C. Del Ponte, *Madame Prosecutor: Confrontations with Humanity's Worst Criminals and the Culture of Impunity*, Other Press, 2011.

4 Report | Doc. 12462 | 07 January 2011 Inhuman treatment of people and illicit trafficking in human organs in Kosovo  
(<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=12608&lang=en>).

5 Marty, *Une Certaine Idée de la Justice*, p. 259.

6 See, e.g., L. Cooper, M. Pal, 'Lectures from Spin Doctor: A NATO strategist's position at a top British university', *Open Democracy*, 30 June 2011.

7 Council on Foreign Relations. *Terrorist Groups and Political Legitimacy* (<http://www.cfr.org/terrorism/terrorist-groups-political-legitimacy/p10159>).

8 Ibid.

9 [www.publications.parliament.uk/pa/cm199899/cmhansrd/vo990118/debtext/90118-06.htm](http://www.publications.parliament.uk/pa/cm199899/cmhansrd/vo990118/debtext/90118-06.htm)

10 *Masters of the universe?: NATO's Balkan crusade* (Tariq Ali ed.), Verso Books, 2000, p.163

11 US Department of State. *Rambouillet Agreement* (Interim Agreement for Peace and Self-Government in Kosovo),  
[http://www.state.gov/www/regions/eur/ksvo\\_ambouillet\\_text.html](http://www.state.gov/www/regions/eur/ksvo_ambouillet_text.html).

[12](#) Daily Telegraph, 28 June 1999.

[13](#) Select Committee on Defence. Minutes of Evidence, June

2000.<http://www.publications.parliament.uk/pa/cm199900/cmselect/cmdfence/347/0062005.htm>

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[14](#) P. Péan, Kosovo: une guerre 'juste' pour créer un Etat mafieux (Fayard, 2013). p. 392

[15](#) D. Marty, p. 259.

[16](#) B. Badie, Nous ne sommes seuls au monde: un autre regard sur l' ordre international (La Découverte, 2016), p. 70.

[17](#) J. Norris, Collision Course. NATO, Russia, and Kosovo (Foreword by Strobe Talbott), Praeger, 2005, p. xxiii.

[18](#) P. Péan, Kosovo: une guerre 'juste' pour créer un Etat mafieux (Fayard, 2013).

[19](#) M. Mandelbaum, Mission Failure: America and the World in the Post-Cold War Era (Oxford University Press, 2016), p. 248.

[20](#) G. Chaliand, Pourquoi Perd-On La Guerre? Un nouvel art occidental (Odile Jacob, 2016), p. 17.

[21](#) E. Luce, 'David Petraeus: Général déchu', La Revue, July–August 2016, p. 68.

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