

# **Kosovo – a "Humanitarian intervention"**

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*A case study about Kosovo, and NATO's intervention on 24 March, 1999*

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## **Abstract**

This essay is a type of case study, it examines if intervention in Kosovo were in accordance with humanitarian intervention criteria. This study gives an understanding that intervention may sometime worsen condition for the people it wants to rescue, and that inability to address humanitarian intervention prevails in diffuse victory.

The purpose of this essay is to examine the Kosovo conflict and the approach of humanitarian intervention in 24 March, 1999. The approach made by NATO was seen as a new international phenomenon that sought to protect values of human rights. The results of this study pose doubt to this notion; it reflects that the intervention rested not only on humanitarian grounds. The most important aspect of humanitarian intervention is promoting security for the people it wants to rescue. The results shows that NATO's intervention in short term failed to provide security; it is shown that the air campaign had little impact at the beginning prevailing only after much damage and suffering has been done.

The result also shows that failure to adopt the issue of Kosovo more adequately at an earlier stage on the international agenda resulted in the "welfare" of NATO's intervention. Despite the consequences of NATO's action, situation prevailed for the better outcome for the Kosovar-Albanian people than what might have been has intervention been absent. FRY: s deliberative plan of expelling the Kosovo-Albanian to the last one would have been finalized if intervention would have been absent.

**Key words:** *Kosovo, Humanitarian intervention, NATO & Responsibility to protect*

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# 1 Introduction

On March 24, 1999 the North Atlantic Treaty Organization (NATO) launched a 78 days long air campaign Operation Allied Force (OAF) over former Yugoslavia. The intent was to halt Slobodan Milosevic regime from committing serious crimes of 'ethnic cleansing' in Kosovo.

This intervention was seen as new international phenomena, it was the first time NATO used military force to prevent a humanitarian catastrophe. Critics of the intervention stresses that NATO was breaking international law, acting without the authority of the Security Council could have jeopardized international order. Moreover the arguments for it differ we cite Rebecca R Moore who argues that;'' this war gave human rights precedence over rights of states'' she concludes even though there was not a clear legal mandate for intervention NATO has not acted without license, aggressiveness, or disrespect for international law. Additionally NATO acted out of respect for the law that ranks higher than the protection of the sovereignty of states.<sup>1</sup>

In accordance with humanitarian intervention arguments a new norm emerged. The norm of Responsibility to protect (R2P), R2P is an international security and human rights norm that addresses issues of preventing and stopping genocides, war crimes ethnic cleansing and crimes against humanity.<sup>2</sup> This norm expresses the international community's right to use force if necessary for saving other nationals than its own. If the state has failed to fulfill its obligation of protecting them, or is itself the cause of human suffering.<sup>3</sup> This study evaluates if patterns of this principle are to be found in actions committed by NATO and the international community. The heart issue of this essay is the Kosovo case. This essay assumes the conditions for humanitarian intervention and examines if NATO's action were in accordance with humanitarian intervention arguments. The term humanitarian intervention constitutes coercive action pursued by several States with the use of a military force in another State without considering the acceptance of its authorities, for the purpose of preventing the suffering or death among the civilians involved in a conflict.<sup>4</sup> In the case of

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<sup>1</sup> Moore R. Rebecca (2007) *NATO's New Mission- Projecting Stability in a Post- Cold War World* p. 48

<sup>2</sup> Responsibility to protect available at: <http://www.responsibilitytoprotect.org/index.php/former-r2pcs-project>

<sup>3</sup> Moore R. Rebecca (2007) *NATO's New Mission- Projecting Stability in a Post- Cold War World* p. 47

<sup>4</sup> Aidan Hehir (2009): *NATO's "Humanitarian Intervention" in Kosovo: Legal Precedent or Aberration?*, *Journal of Human Rights*, 8:3, p. 246

Kosovo the use of force was applied to halt human suffering. The conclusion was made that NATO had to use force to prevent 'ethnic cleansing' that have been perpetrated by the FRY.<sup>5</sup>

The importance of this essay is to evaluate the failures of this intervention, this essay stresses that humanitarian intervention is an important political issue, the difficulties addressing humanitarian intervention needs to be improved. Kosovo was neither the first nor the last case that urged for international relief that is why this essay addresses the case of Kosovo and evaluates if intervention were in accordance with humanitarian intervention arguments.

### **1.1 Purpose and query compilation**

In accordance with numerous previous research on NATO's intervention 1999 in former Yugoslavia this essay also focuses on the issue of Kosovo's conflict. The purpose of this essay is to evaluate if NATO's infringements in Serbia and Kosovo met the criteria for a humanitarian intervention.

The essays questions to be considered here are as follows:

*1 How could NATO's intervention be justified?*

*2 To what extend has NATO and the international community's actions been in accordance with the principle of R2P?*

### **1.2 Disposition**

This essay will start with an introduction chapter, where both questions and purpose of this essay is presented. This is followed by a chapter of the essays theoretical framework and previous research. After this the method section of the essay follows, and then a background section will be presented which describes the Kosovo conflict. Than last but not least, we will follow with the analysis itself in accordance with the theoretical perspective. Then, final conclusion will summarize the essay.<sup>6</sup>

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<sup>5</sup> Chomsky Noam (1999) *The New Military Humanism- Lesson From Kosovo* p. 87

<sup>6</sup> Moore R. Rebecca (2007) *NATO's New Mission- Projecting Stability in a Post- Cold War World* p 48

## 2 The theoretical framework

### 2.1. Previous research

There has been written and debated plenty about Kosovo's situation. The written literature is dedicated to explain why and how the war started. Reviewing both Kosovo and Serbian historical roots and the events leading to the escalated conflicts in the 1990's, and the role the international community had in the conflict.

It is often shown that NATO's action contributed more harm both in Kosovo and throughout the FRY, causing death and destruction among civilians. In Serbia the devastation of infrastructure, water supplies, and electricity posed difficulties for the Serbian population, and in Kosovo the indirect effect of the bombing intensified the atrocities on Kosovo- Albanians.<sup>7</sup> Critics have been cautious in justifying NATO's humanitarian intervention in Kosovo.<sup>8</sup> It is argued that the intervention was illegal because it violated the rule of international law on State sovereignty; acting without the approval of the UN Security Council was seen as controversial despite the violations of human rights. Kofi Annan Secretary- General of the United Nations issued an essay about the effectiveness of the International rule of law in maintaining International Peace and Security.<sup>9</sup> The dilemma discussed describes the danger of undermining Security Council power as a sole source of legitimacy on the use of force, and simultaneously discusses how inability to unify protecting the values of humanity in terms of human rights contradicts with the ideas upon which the United Nation was founded.

Advocates argue that the humanitarian intervention in Kosovo was a legal action. Because actions committed in Kosovo were believed to be consistent with the purposes of the UN Charter, it is argued that the States of the alliance were acting upon fulfillment of their international legal obligation. Preventing crimes of genocide and preserving international security.<sup>10</sup> Secretary General of NATO, Javier Solana described the Kosovo crisis as one of the greatest challenges since the Cold War, he argues that inaction in Kosovo would have jeopardized the entire logic of turning Europe into a common space were security, politics,

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<sup>7</sup> Chomsky Noam (1999) *The New Military Humanism- Lessons From Kosovo* p.34

<sup>8</sup> Lellio Di Anna (2006) *The Case For Kosova -Passage to Independence* p. 126

<sup>9</sup> Buckley J William (2000) *Kosovo- Contending Voices On Balkan Interventions* p. 197

<sup>10</sup> Lellio Di Anna (2006) *The Case For Kosova -Passage to Independence* p. 122

and economics were preserved. Therefore allowing ethnic cleansing at Europe's doorstep was unacceptable.<sup>11</sup>

The book *Kosovo- Contending Voices on Balkan Interventions* edited by William J. Buckley is a comprehensive book that reviews every aspects of the war, the historical context of Serbs and Albanians in Kosovo, interviews with individuals that have experienced the consequences of the war, the international community response, and speculations of future Kosovo. Author Zorana Papić described the Kosovo crisis as the heart of a decade-long war of Yugoslavia, former president of Serbia Slobodan Milosevic fed endless series of cultural, historical, ethnic, national and racist antagonism among Serbs, Croats, Slovenes and Bosnians, while simultaneously claiming to be the true defender of Yugoslavia.<sup>12</sup> It is said that; ‘the term ‘Kosovo’ has been used as a metaphor by both Serbs and Albanians for the ‘suffering’ and injustices’ inflicted upon their nations throughout their turbulent history’.<sup>13</sup>

Previous research has been surrounded by dilemmas of moral, political military as well as legal arguments containing NATO's intervention on 24, March 1999. Author Noam Chomsky discusses whether the intervention in Kosovo was guided by power interest or humanitarian purposes.<sup>14</sup> He further argues that whatever the intentions of using air strikes were it is shown that situation became worse after intervention.

## **2.2. Humanitarian intervention**

One of the books used for the theoretical framework of this essay is *Waging Humanitarian War- the Ethics, Law and Politic of Humanitarian Intervention* by Eric A. Heinze.

Humanitarian intervention is a topic which has attracted lot of interest in the past years. Ideas of humanitarian interventions stem back to the philosophical roots of the so called just war tradition, which takes us back to the fifth-century writings of the theologian Saint Augustine. Scientist of mid sixteenth and seventeenth century placed the discourse on humanitarian intervention within the law of nation, which is understood as today's international law.<sup>15</sup> The framework provided by Eric Heinze offers a normative argument for humanitarian intervention. It formulates the conditions under which a humanitarian intervention can be viewed as morally permitted. Humanitarian intervention is here perceived to be appropriate

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<sup>11</sup> Buckley J William (2000) *Kosovo- Contending Voices On Balkan Interventions* p. 193

<sup>12</sup> Buckley J William (2000) *Kosovo- Contending Voices On Balkan Interventions* p. 186

<sup>13</sup> Chomsky Noam (1999) *The New Military Humanism- Lessons from Kosovo* p. 25

<sup>14</sup> Chomsky Noam (1999) *The New Military Humanism- Lessons from Kosovo* p. 41

<sup>15</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p. 2

only for extreme cases or supreme emergencies. Advocates of humanitarian intervention argue that intervention is morally defensible when extreme cases involve crimes of genocide, ethnic cleansing and serious threats that involve deprivation of basic human rights.

Humanitarian intervention is not suitable and should be precluded addressing problems of political repression e. g. denying voting rights, pursuing a humanitarian intervention is a high risk involvement. Therefore the only time it is considered necessary to rely on the use of force is when a threat involves the depriving of people's basic human rights. Eric Heinze adopts the consequentialist logic; this logic situates the perceived suffering of the innocent as a concern when wanting to conduct humanitarian intervention. Humanitarian intervention is likely to be justified, that is to say, and armed rescue force is acceptable only when the consequences have the potential to be better or at least not worse if interventions would have not taken place.<sup>16</sup>

### **2.3 The conceptual concern of Humanitarian intervention**

Humanitarian intervention involves border-crossing use of military force; humanitarian intervention is distinguished from humanitarian aid because the latter does not involve the use of military force. Secondly, intervention with the purpose of saving its own nationals is not preserved as a humanitarian intervention. Saving its own nationals means holding legal acceptance, in terms of self-defense/ self-help defined by the international community.<sup>17</sup>

So the conceptual meaning of humanitarian intervention refers to action committed to save nationals of another state than one's own.<sup>18</sup> Additionally, saving other nationals involves sending peacekeeping troops in another state. A peacekeeping intervention involves military and civilian personnel to war-torn states that must be kept neutral while contributing to ceasefire and peace arrangements. Meanwhile, humanitarian intervention as described involves military capability with its use of force trying to prevent severe abuses of human rights.<sup>19</sup>

Taylor B Seybolt argues that humanitarian intervention can go wrong when policymakers address the wrong cause. If the cause of human suffering involves violently expelling people from their homes, that forces life-threatening conditions. Then providing humanitarian aid like food and medical assistance may bring help, but does not deal with the real cause of

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<sup>16</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p 4

<sup>17</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p. 8

<sup>18</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p. 8

<sup>19</sup> *Ibid*, p 9

human suffering. If starvation and serious life-threatening conditions are caused by belligerents, then failing to focus on them may cause more suffering.<sup>20</sup>

## **2. 4 Condition for humanitarian intervention**

Humanitarian intervention requires recognizable condition of human suffering, it is meant to ease human suffering as much as possible. Humanitarian intervention is warranted when the level of suffering involves life threatening condition on a significantly large scale.<sup>21</sup>

Humanitarian intervention is justified when threats to human security involves deprivations of basic human goods (basic human rights), threats are pursued deliberately by an agent and they are imminent and ongoing.<sup>22</sup>

Human insecurity is an everyday life concern all over the world. Eric Heinze considers that permitting humanitarian intervention to concur all kinds of threats to human security would be impossible. Moreover, addressing problems that involve political repression, discrimination, denying voting rights etc. would indeed undermine the principle of non-intervention and any value that it has towards preserving international order.<sup>23</sup> Unlike the traditional principle of international security that preserves the interest and territory of sovereign states. The humanitarian intervention aim is to promote human security. The post- Cold War era prevailed that territorial security does not necessarily imply human security within the state. Therefore belligerent States which harm the people of its territory conducting crimes of genocide, ethnic cleansing and other violation of human rights are considered to pose themselves to threats of international intervention.<sup>24</sup>

## **2.5 Human Security**

Human security includes people's right to safety regardless if threats come from inside or outside the state they live in. Acute and disruptive situations in terms of armed conflict, structurally- caused or chronic insecurities of poverty cause human insecurity. Concerns of human security are criteria for humanitarian intervention. But what it is seen as an issue is that

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<sup>20</sup> Seybolt B Taylor (2007) *Humanitarian Military intervention* The Conditions for Success and Failure p. 43

<sup>21</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p 33

<sup>22</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p 34

<sup>23</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p 35

<sup>24</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* . p 36

the concept of human security suffers from a breadth, because there are too many ranges of human security issues.<sup>25</sup> The definition of human security for the purpose of humanitarian intervention refers when human insecurity is caused by an armed conflict. That is in an immediate need of attention because escalated violence poses serious threats to a large number of people.<sup>26</sup> Additionally humanitarian intervention is justified when the use of force will most likely maximize human security. Eric Heinze argues for a consequentialist concern of human security. The understanding of this framework suggests that interventions consequences are to promote better condition or at least not worse than they were before.

Heinze argues that promoting a level of human security does not prevail flawless. The use of force may itself cause casualties and pose complications for civilians, but if consequences of the intervention contribute better or at least not worse consequences, than the damage caused by intervention may be accepted.<sup>27</sup> Before warranting humanitarian intervention for the purpose of human security, one needs to examine if human suffering is in accordance with humanitarian intervention criteria.<sup>28</sup> There are four criteria outlined here;

*Basic human goods;* the necessity of basic human rights may not lie that they are more valuable and in and of itself more important to enjoy than other rights, but they provide an fundamental aspect so that humans can enjoy all other rights. If we are to be deprived from our basic rights, than we cannot enjoy any other right in a proper way. Therefore belligerents are violating one's right to life when they murder, rape, torture and expose people to starvation. Humanitarian intervention is required when deprivation of our basic human rights involves death and physical danger.<sup>29</sup>

*Large-scale human suffering;* Humanitarian intervention should be permitted when it rescues more lives than it endangers. Waging war to prevent an unjustified murder of a single person is not permissible, and would be inconsistent with the consequentialist concern for human security. If we justify military force for helping others, we pose a question that at some degree asks for the number of dead people or the numbers of people that are in imminent danger of dying before waging intervention. Additionally this is considered problematic,

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<sup>25</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p 39

<sup>26</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p 38

<sup>27</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p.40

<sup>28</sup> Ibid, p 43

<sup>29</sup> Ibid, p 44

because waiting too long for waging intervention means waiting until all abuses have occurred.<sup>30</sup>

Author Taylor B. Seybolt, consider it difficult to rely on mortality data from war-torn countries when wanting to evaluate how many have died prior, during, and in response of intervention. Because mortality data available from conflict zones are of uneven quality, and not a very trusted source basis for analysis.<sup>31</sup> The general assumption in judging humanitarian interventions success is when it saves lives. To be more specific Seybolt adopts that, if in a humanitarian crisis victims of atrocities would have died without assistance, but did not die because actions of the use of force have prevailed, grants the success of intervention.<sup>32</sup>

Instead of using the death toll for measuring success, Seybolt refer using the number of people who remain alive when measuring success of humanitarian intervention. The short outcome success of an intervention shall indicate a number of saved lives over lost lives. In addition the plausible argument to evaluate a humanitarian intervention is to consider the number of lives it has saved, that in turn would have died have not rescue relief occurred.<sup>33</sup>

*Deliberate abuse;* Abuses carried out by the agent are intended to cause suffering or have the knowledge that action will contribute to human suffering. Humanitarian intervention is to be justified when human suffering is caused by a human agent and not by mere chance such as a natural disaster, because the latter means that suffering is caused unintended.<sup>34</sup> Permitting humanitarian intervention for the condition of deliberate abuse means that there is an identifiable agent who we can hold responsible for causing human suffering, and against who the use of force is to be directed.<sup>35</sup>

*Imminent or ongoing human suffering* conditions for humanitarian intervention. This means that a humanitarian intervention should occur while atrocities are still present. An intervention that occurs after human tragedy has been carried out misses the purpose of promoting human security. Therefore humanitarian intervention is required while atrocities are imminent and

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<sup>30</sup>Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p 45

<sup>31</sup> Seybolt B Taylor (2007) *Humanitarian Military intervention* The Conditions for Success and Failure p 33

<sup>32</sup> Seybolt B Taylor (2007) *Humanitarian Military intervention* The Conditions for Success and Failure p 30

<sup>33</sup> Seybolt B Taylor (2007) *Humanitarian Military intervention* The Conditions for Success and Failure p 31

<sup>34</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p. 47

<sup>35</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p. 46

ongoing.<sup>36</sup> Humanitarian intervention can cause itself the suffering among innocent people, but if the suffering is unintentional and attempts are made avoiding this to the largest extent possible, humanitarian intervention may be justified.<sup>37</sup>

Author John Merriam argues for a moral understanding of the use of force. The argument that follows is that; ‘ the right of people not to be killed should not depend on whether the State of which they are citizens is in a position to protect them, wants to protect them, or is itself a source of danger. Human rights are so valuable that even the sanctity of ‘sovereignty’ should not serve as a bar for their protection.’<sup>38</sup> Humanitarian interventions may receive justification when intervening powers hold credible evidence about the crisis, evidence that underlines the occurrence, or the probable occurrence involving gross human rights abuses. Moreover he argues that intervention shall be addressed after non-forceful methods have been exhausted.<sup>39</sup> Authors Eric Heinze and John Merriam consider humanitarian intervention feasible only when an atrocity poses threats to human security.<sup>40</sup>

John Jazenkovic describes humanitarian intervention condition in terms of valuing patterns of behavior. This helps us recognize whether situation has reached the level of warranting intervention whether undertaken acts by individuals, groups or governments have reached a level of severities. That calls for the need of intervention. John Jazenkovic refers first and foremost to the natural law position; this position condemns some actions as unacceptable regardless of whether specific laws exist to prohibit these practices. Practices of deliberately withholding food or shelter, raping, committing ethnic cleansing and genocide are all unacceptable practices within the natural law position.<sup>41</sup> In addition Jazenkovic argues that international law outlaws behavior that involves torture and rape. Moreover human rights charter and associated conventions guides us to establish an accepted pattern of acceptable human behavior.

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<sup>36</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p 51

<sup>37</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p 51

<sup>38</sup> Merriam J John *Kosovo and the Law of Humanitarian Intervention* Case Western Reserve Journal of International Law; Winter2001, Vol. 33 Issue 1, p 115

<sup>39</sup> Merriam J John *Kosovo and the Law of Humanitarian Intervention* Case Western Reserve Journal of International Law; Winter2001, Vol. 33 Issue 1, p 127

<sup>40</sup> Ibid, p 129

<sup>41</sup> Jazenkovic John(2006) *The Use of Force in Humanitarian Intervention- Morality and Practicalities* p. 69

Regarding large scale human suffering as discussed pervious, Jazenkovic considers that indeed, abuses that are serious enough to warrant humanitarian intervention may be evaluated if the degree of suffering effects large number of people involved in the conflict. Moreover he suggest that there is not a precise threshold to evaluate what the suffering of ‘‘large number of people’’ means. His argument is that we cannot provide a precise number. But he claims that when the amount of people harmed demonstrates an issue of concern it may be possible to evaluate that behavior is severe enough for justifying intervention.<sup>42</sup>

Dilemmas concerning when or if intervention is required should be addressed when the plight of the abused has reached unreasonable heights.<sup>43</sup> Before intervention, the international community shall identify with who responsibility rest in carrying out deliberate and ongoing extreme human rights abuses. Jazenkovic assumes that the international community distinguishes who is part of the good or bad team, when or if they chose to intervene against crimes of humanity in other States affairs.<sup>44</sup> However this dilemma creates disadvantages both as advantages, first en foremost it is considered that there is a difficulty identifying who is bad or good. When in time of violations everyone is involved in conducting atrocities against each other, international community finds it difficult to know how and what to do.<sup>45</sup> With this in mind, John Jazenkovic argues that it should be stressed that in all instances the ones who leads or is indeed the cause of escalated violence are the one who shall be held morally and legally accountable for actions committed. The dilemma of who is bad or good should not overcome the notion that killing, raping, torturing and deliberately abusing is extremely wrong.<sup>46</sup>

When using military interventions for humanitarian objectives, it is argued that specific goals need to be establishing before intervention is to be considered. Jazenkovic argues that military forces are perfectly capable of protecting their own citizens. But are less prepared to deal with the hurdles of another state’s internal conflicts and find it more difficult to carry out their humanitarian mandates. Humanitarian objectives should always come first, but policymakers must indicate clear political goals if humanitarian intervention is to succeed.<sup>47</sup>

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<sup>42</sup> Jazenkovic John(2006) *The Use of Force in Humanitarian Intervention- Morality and Practicalities* p. 69

<sup>43</sup> Jazenkovic John(2006) *The Use of Force in Humanitarian Intervention- Morality and Practicalities* p. 70

<sup>44</sup> Jazenkovic John(2006) *The Use of Force in Humanitarian Intervention- Morality and Practicalities* p. 73

<sup>45</sup> Jazenkovic John(2006) *The Use of Force in Humanitarian Intervention- Morality and Practicalities* p. 73

<sup>46</sup> *Ibid.* 73

<sup>47</sup> Jazenkovic John(2006) *The Use of Force in Humanitarian Intervention- Morality and Practicalities* p. 75

As to the dilemma of waiting to use force as a last resort, Jazenkovic argues that this sometime works against the desire of halting belligerents abuses towards the civilians. Steps of diplomatic arrangements, negotiations and so on are considered irrelevant when facing immediate and serious deprivations which pose people to threatening-life conditions. Jazenkovic argues that long-term plans for humanitarian purposes are important. But suggest that military intervention for some circumstance may be needed first in halting serious abuses, before mediation and diplomacy efforts have a chance to gain progress. Military intervention is to be short time, its primary goal should be to disarm and separate conflict parties, and protect civilians. It is intended to stop the killings so alternatives to coercive use of force such as mediation, dialog sanctions and diplomacy have a chance to work.<sup>48</sup>

## **2.6 Responsibility to Protect**

In face of humanitarian disasters, failures to respond with a humanitarian intervention on a legal basis, the international community developed a new concept. Tensions between the norm of human security and sovereignty on debates of legal basis for intervention shifted from humanitarian intervention to the Responsibility to protect (R2P).<sup>49</sup> This concept holds that individuals States are responsible to protect lives which grant them the right of sovereignty and the principle of non-intervention. If this duty is not upheld, than other governments with the authorization of the United Nation, has the right to act, with the extent of using military force as a last resort for protecting the civilians.<sup>50</sup> The Commission concluded that the debate should shift from arguments whether we have the right to intervene (sovereignty issues) to the debates of our responsibility to protect.<sup>51</sup> The responsibility to protect approach attempts to evaluate the issues of them who are in a need to be rescued. The main focus is to protect people from mass killing, woman from systematic rape, and children from starvation. The principle of R2P acknowledges that the primary responsibility of protecting people should rest within individual states. However if states are unable, unwilling, or are themselves the cause for human suffering. Then the responsibility falls within the

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<sup>48</sup> Jazenkovic John(2006) *The Use of Force in Humanitarian Intervention- Morality and Practicalities* p. 77

<sup>49</sup> Paul R. Williams & Meghan E. Stewart (2008) *Humanitarian Intervention: The New Missing Link In the Fight To Prevent Crimes against Humanity and Genocide?* CASE W. RES. J. INT'L L. [Vol. 40:97 2007-2008] p 105

<sup>50</sup> Paul R. Williams & Meghan E. Stewart (2008) *Humanitarian Intervention: The New Missing Link In the Fight To Prevent Crimes against Humanity and Genocide?* CASE W. RES. J. INT'L L. [Vol. 40:97 2007-2008] p 105

<sup>51</sup> International Commission on Intervention and State Sovereignty. (2001) *The Responsibility to Protect*, Ottawa: International Development Research Centre, 2001. p 17

international community to respond. The R2P principle does not just identify the responsibility to react but also the responsibility to prevent and rebuild.<sup>52</sup>

The essay examines patterns of the R2P principle and reviews the Kosovo case through the theoretical framework of humanitarian intervention for the justification of NATO's intervention in Kosovo on 24 March 1999. It refers to the argument of the United Nations office on the prevention of genocide that; *'Sovereignty no longer exclusively protects States from foreign interference; it is a charge of responsibility that holds States accountable for the welfare of their people.'*<sup>53</sup>

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<sup>52</sup> International Commission on Intervention and State Sovereignty. (2001) *The Responsibility to Protect*, Ottawa: International Development Research Centre, 2001. p, 17

<sup>53</sup> UNITED NATIONS OFFICE OF THE SPECIAL ADVISER ON THE PREVENTION OF GENOCIDE available: <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>

### 3 Method and materials

For the qualitative researcher, explanation and understanding of human social and political behavior cannot be independent of the context.<sup>54</sup> A qualitative research design seemed appropriate for this study since the purpose of this study is to evaluate the humanitarian intervention phenomena in Kosovo. Since social phenomena cannot be understood independently of our interpretation of them; rather it is these interpretation/ understandings of social phenomena that directly affect outcomes.<sup>55</sup> Meaning of the social phenomena can only be established and understood within discourses, contexts or traditions. Since the action of NATO's intervention was described as a new phenomenon. The study evaluates how the action committed in Kosovo corresponds with the understanding of humanitarian intervention.

The theory used is the humanitarian perspective presented by Heinze Eric A. *Waging War: The ethics, Law and Politics of humanitarian intervention*, Seybolt Taylor B. *Humanitarian Military Intervention: The Conditions for Success and Failure*. John Jazenkovic *The Use of Force in Humanitarian Intervention- Morality and Practicalities* and John J. Merriam *Kosovo and the Law of Humanitarian Intervention*. 'Humanitarian intervention is the use of military force by a state or group in the jurisdiction of another state, without its permission, for the primary purpose of halting or averting egregious abuse of people within that state that is being perpetrated or facilitated by the de facto authorities of that state''<sup>56</sup> The theory framework does not provide a legal basis but focuses solely on a humanitarian perspectives because the essay is based on principles of the new international norm for intervention the principle Responsibility to protect (R2P).

The case selected here is Kosovo, Kosovo was under serious human rights abuses when NATO chose to intervene. However Kosovo were not the first country that urged for an armed rescue, humanitarian intervention have failed before. The argument for the selection of this case is to understand if indeed Kosovo was offered help purely on humanitarian ground.

Moreover in order to answer the purpose and the research questions outlined in this essay, the qualitative text analyze method seemed appropriate to use and answer the questions. Since it

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<sup>54</sup> Marsh David, Stoker Gerry (2010) *Theory and Methods in Political Science* p. 257

<sup>55</sup> Marsh David, Stoker Gerry (2010) *Theory and Methods in Political Science* p. 199

<sup>56</sup> Heinze, Eric A (2009) *Waging Humanitarian War : The Ethics, Law, and Politics of Humanitarian Intervention* p. 7

tries to capture the latent message of the texts, to examine if NATO's driven interest for intervention rested solely on humanitarian purposes.<sup>57</sup>

The empirical findings about Kosovo come from articles, related books and two issued reports about the conflict in Kosovo. The first provided by Human Rights Watch under orders war crimes in Kosovo. This report documents torture, killings, rapes, forced expulsions, and other war crimes committed by Serbian and Yugoslav government forces against Kosovar Albanians between March 24 and June 12, 1999,. The report reveals a coordinated and systematic campaign to terrorize, kill, and expel the ethnic Albanians of Kosovo that was organized by the highest levels of the Serbian and Yugoslav governments in power at that time. Naturally, these crimes did not occur in isolation.<sup>58</sup> And the second one released by the International Independent Commission in Kosovo (2000) *Kosovo Report: Conflict, International Response, and Lessons Learned*.

Alexander L. George and Andrew Bennett argue that case writers should meet some methodological standards; the analyses should be transparent enough.<sup>59</sup> The studied case achieved the standard of transparency; the analyses provided different interpretation of the intervention in Kosovo, which may overcome the critique that the findings of the case were used to justify the claims of the humanitarian perspective.<sup>60</sup> Peter Esiasson et al. argues that question of validity refers if we empirically examine what we at the theoretical level claim that we are examining.<sup>61</sup> We can confirm that the theoretical level of this essay is in accordance with the empirical findings. The research questions examines if actions of the intervention were in accordance with justification of humanitarian arguments. Reliability concerns address question of precision and transparency with the material used for the purpose of the study that is to say if we provide enough detail of the material.<sup>62</sup>

The sources used for the purpose of the essay are primarily secondary sources, as there is no access to primary sources. This means that many of the sources may have been affected, and the information that they have chosen to develop and disclose may have been colored by self-interest in the subject. Therefore books, electronic sources and articles of this study have

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<sup>57</sup> Esiasson Peter et al (2010) *Metodpraktiktan* Konsten att studera samhälle, individ och marknad p. 238

<sup>58</sup> Under orders war crimes in Kosovo Human Rights Watch: <http://www.hrw.org/reports/2001/kosovo>

<sup>59</sup> George L. Alexander, Bennett Andrew (2005) *Case Studies and Theory Development in the Social Science* p. 106

<sup>60</sup> Ibid

<sup>61</sup> Esiasson Peter et al (2010) *Metodpraktiktan* Konsten att studera samhälle, individ och marknad p. 63

<sup>62</sup> Ibid p. 42

been carefully selected. The criteria of valid sources have been kept in mind when choosing sources to use.

There are four critical source criteria with which to assess the veracity of the various claims. The criteria are; *authenticity, independence, simultaneousness and tendency*.<sup>63</sup>

The first one deals with the authenticity of a source and is fulfilled by confirming legitimacy through other independent sources.<sup>64</sup> The second one concerns the authenticity of the actual content of a source. The credibility of a source's content can be proven through other sources that state the same thing.<sup>65</sup> This was important for the purpose of this study, because several statements were only in favor of NATO and these required to be tested. Primary sources are seen to be more reliable than secondary sources, but for the purpose of this essay several secondary sources have been used, however the Human Watch Report Orders under War Crimes is considered to be a primary source. The third criterion refers that the time elapsed between an event and its' record should be as short as possible in order for the transcript to be considered credible.<sup>66</sup> The third criterion of simultaneousness was established because much of the source material provided stem from the years shortly after the war, the latest source stems from 2009. As for the fourth criterion that refers to the possibility of sources wanting to deliberately give a biased account of reality.<sup>67</sup> One may say that this criterion was met, the sources used for the purpose of the analysis were perceived to be independent and that finding of tendency was only found in at most in two of the material findings. The one issued by Javier Solana *NATOS's success in Kosovo*.

#### **4 Background of turbulence**

The Balkan suffered under a long period from wars under the violence practiced by the Milosevic regime during the 1990's. Milosevic regime violence started in in Bosnia, Croatia and Slovenia. The International community failed to response in an adequate way to the 4 year war; in July 1995 Serbian and the former Yugoslav military forces escalated violence led

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<sup>63</sup> Esaisson Peter et al (2010) *Metodpraktiktan* Konsten att studera samhälle, individ och marknad p. 314

<sup>64</sup> Esaisson Peter et al (2010) *Metodpraktiktan* Konsten att studera samhälle, individ och marknad p. 316

<sup>65</sup> Esaisson Peter et al (2010) *Metodpraktiktan* Konsten att studera samhälle, individ och marknad p. 317

<sup>66</sup> Esaisson Peter et al (2010) *Metodpraktiktan* Konsten att studera samhälle, individ och marknad p. 320

<sup>67</sup> Esaisson Peter et al (2010) *Metodpraktiktan* Konsten att studera samhälle, individ och marknad p. 321

to the genocide in Srebrenica in July 1995, where more than 8000 Bosniak (Bosnian Muslims) were killed.<sup>68</sup>

The Kosovo war was an internal armed conflict; the Serbian military force practiced widespread and systematic human rights violations. The duration of the conflict lasted from February 1998 to June 1999; situation took its worse from March 1999. NATO intervened, using air force under the name of a humanitarian intervention in March 24, 1999 and retreated when the Serbian Military troops draw back.<sup>69</sup> The conflict roots go back to the time when President Slobodan abolished Kosovo's autonomous status in the year of 1989 with the intention of suppressing the rights of the Kosovar-Albanian population in Kosovo.<sup>70</sup> By the year of 1991 a separatist's movement proclaimed Kosovo as a republic with Ibrahim Rugova as president; he contributed to the non-violent tactics and sought for a peaceful resolution for Kosovo. The pro-independence Kosovo-Liberation Army (KLA) was the opposite and acted in defense violence against the Serbs.<sup>71</sup> The Kosovar-Albanian sensed an emerging war assuming ethnic cleansing is to prevail.<sup>72</sup> Open conflict emerged between the Serbian Military, Serb police and Kosovar-Albanian forces resulting in the deaths of over 1,500 forcing hundreds of thousands people from their homes.<sup>73</sup> Kosovo was kept out of the international agenda, perceived as being a secondary problem and did not occupy attention until after 1998.

By the late 1997 and early 1998, KLA's activity fighting Serbian military forces began to emerge more frequently.<sup>74</sup> Serbian forces attacked a region called Drenica/Drenice,<sup>75</sup> which was the home of Adem Jashari the most important figure within the KLA. The killing involved the number of 58 dead including civilians. The Jashari clan was killed; Adem Jashari as well, this making him a martyr for the Kosovar-Albanian people which later on provoked

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<sup>68</sup> Jones Adam Case Study: The Srebrenica Massacre, July 1995 available at: [http://www.gendercide.org/case\\_srebrenica.html](http://www.gendercide.org/case_srebrenica.html)

<sup>69</sup>Independent international commission on Kosovo (2000) *The Kosovo Report: conflict, international response, lessons learned*, p. 30

<sup>70</sup> Jazenkovic John (2006) *The Use of Military Force in Humanitarian Intervention* Morality and practicalities, p. 176

<sup>71</sup> Jazenkovic John (2006) *The Use of Military Force in Humanitarian Intervention* Morality and practicalities p 178

<sup>72</sup> Independent international commission on Kosovo (2000) *The Kosovo Report: conflict, international response, lessons learned*, p. 42

<sup>73</sup> Jazenkovic John (2006) *The Use of Military Force in Humanitarian Intervention* Morality and practicalities, p. 177

<sup>74</sup> Independent International Commission on Kosovo (2000) *The Kosovo Report : Conflict, International Response, Lessons Learned* p.67

<sup>75</sup> "Drenica" is the pronouncement for the Albanian language, and " Drenice" in the Serbian language.

their support for the KLA.<sup>76</sup> Findings confirmed that the violence committed by Serbian forces in Drenica/ Drenice reached a critical point for the Kosovo crisis. With more wind under their shoulders, the KLA started to use more violence occupying a pattern where abduction of Serbs became a tool used fighting back against the Serbs. As noted, things got worse after the Drenica/Drenice event, as both sides increased their volume of violence. However KLA abuses were outnumbered by Former Republic of Yugoslavia (FRY) security and paramilitary force both in strength and scale.<sup>77</sup>

NATO intervened on 24 March 1999 on behalf of saving the Kosovar- Albanian population from ethnic cleansing, and averting Milosevic regime. This led to consequences; the air campaign was seen as violating the Westphalia doctrine of non-intervention. Dubious thoughts arose about the intervention, due to the consequences that the air- campaign prevailed. Concerning doubts about humanitarian objectives were expressed by UN High Commissioner for Human Rights, Mary Robinson whom argued that the Operation Allied Force (OAF) had failed to prevent civilian casualties.<sup>78</sup>

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<sup>76</sup> <sup>76</sup> Independent International Commission on Kosovo (2000) *The Kosovo Report : Conflict, International Response, Lessons Learned* p. 68

<sup>77</sup> Ibid, p. 72

<sup>78</sup> Moore Rebecca R. (2007) NATO's NEW MISSION Projecting Stability in a Post-Cold War World p 52

## 5 Analysis

NATO launched a 78 days air campaign against the Former Republic of Yugoslavia (FRY) as a last resort when Yugoslavia's then President Slobodan Milosevic did not submit to the UN Council Resolution 1199 of September 23, 1998. Resolution called for an immediate cession to the massive atrocities being committed by Serbian troops, authorities and paramilitary forces against the Albanian population in Kosovo.<sup>79</sup> However, NATO launched Operation Allied Force (OAF) without the authorization of UN Security Council. As known argument for it differ. However this essay adopts that the international community should have not remain passive in the face of gross violations of fundamental human rights and international humanitarian law.<sup>80</sup>

The FRY forces acts displayed a well-planned campaign which killed tortured and forced Kosovar-Albanian out of Kosovo.<sup>81</sup> In response NATO intervened to stop the violence, it is often argued that NATO's bombing intensified Serbian violence against the Kosovo-Albanians.<sup>82</sup> The period of NATO's bombing experienced an aggressive response against the civilians forcing more than 850, 000 ethnic Albanians from Kosovo.<sup>83</sup>

It is also argued that despite arguments that indicate the indirect impact of NATO's action. NATO was not responsible for the ethnic cleansing campaign conducted by the Serbian forces. Violation of humanitarian law was present even before NATO launched its air campaign. FRY: s government campaign started four days before NATO's intervention.<sup>84</sup> Moreover it is argued that the number of killings and displaced people were not an indirect effect of NATO's intervention. It is argued that the outcome was linked to the systematic ethnic cleansing campaign, and that critics of the intervention had failed to consider that crimes committed by Serbs might have been covered up by Serbian forces committed prior to NATO's intervention.<sup>85</sup>

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<sup>79</sup> Harhoff Frederik Unauthorised Humanitarian Interventions – Armed Violence in the Name of Humanity? *Nordic Journal of International Law* **70**: 65–119, 2001 p p 66

<sup>80</sup> Harhoff Frederik Unauthorised Humanitarian Interventions – Armed Violence in the Name of Humanity? *Nordic Journal of International Law* **70**: 65–119, 2001 p. 66

<sup>81</sup> The Independent International Commission on Kosovo (2000) *The Kosovo Report , Conflict, International Rresponse, Lessons Learned* p 88

<sup>82</sup> The Independent International Commission on Kosovo (2000) *The Kosovo Report , Conflict, International Rresponse, Lessons Learned* p. 89

<sup>83</sup> Ibid, p 91

<sup>84</sup> Human Rights Watch Report (2001) *Under orders War Crimes in Kosovo* p.12 available: [www.hrg.org/reports/2001/10/20/under-orders-war-crimes-Kosovo](http://www.hrg.org/reports/2001/10/20/under-orders-war-crimes-Kosovo)

<sup>85</sup> Edt Lellio Di Anna (2006) *The Case For Kosova- Passage to Independence* p. 130

However some condemn NATO and not the Milosevic regime for the 'ethnic cleansing' campaign. And assert that such human rights violation prior to NATO's bombing did not exist and that the Serbian government was pursuing a counter-insurgency campaign against the KLA.<sup>86</sup> The Milosevic regime stressed that the fighting was concentrated solely against the KLA; however evidence shows that they were violating areas with little or no evidence ties with the KLA. They were using KLA as an excuse to liquidate and expel everyone with a non-Serb background.<sup>87</sup>

Human Rights Watch concludes that the primary responsibility for the tragedy was addressed on the former Yugoslav President Slobodan Milosevic and the then Serbian and Yugoslav leadership.<sup>88</sup> Operation Allied Force (OAF) was introduced as a last resort after diplomatic efforts had been exhausted. As the February, 1999 Rambouillet talks in France have failed, there was no other option to consider but to act, as NATO acted. Yugoslav forces were violating every previous commitment the Serbian government had made to the International community.<sup>89</sup> There was an understanding that the UN Security Council would veto any further involvement despite the reality of ongoing humanitarian catastrophe. NATO was not left with another option and chose to act.<sup>90</sup> There is a sense that the repeatedly failure to develop a unified position for resolving the conflict, led to be in favor of Milosevic with which he bought time of completing his campaign in Kosovo.<sup>91</sup>

### **5.1 How could NATO's intervention be justified?**

Humanitarian intervention is feasible to exercise when violence threatens basic human rights. This argument prevails to the traditional ethic approach for determining a just cause for an intervention.<sup>92</sup> Kosovo was a just cause for intervention. But some saw it as a struggle for self-determination within a sovereign state where deplorable Serbian acts were committed,<sup>93</sup>

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<sup>86</sup> Mandelbaum, Michael, *A Perfect Failure: NATO's War against Yugoslavia* Foreign Affairs. Sep. - Oct., 1999, Vol. 78, Issue 5, p 4

<sup>87</sup> Human Rights Watch Report (2001) Under orders War Crimes in Kosovo p.79 available: <http://www.hrw.org/reports/2001/kosovo/>

<sup>88</sup> Human Rights Watch Report (2001) Under orders War Crimes in Kosovo p.19 available: [www.hrg./reports/2001/10/20/under-orders-war-crimes-Kosovo](http://www.hrg./reports/2001/10/20/under-orders-war-crimes-Kosovo)

<sup>89</sup> Steinberg B James (1999) A perfect Poloemic: Blind To Reality In Kosovo, Foreign Affairs Volume 78 No. p130

<sup>90</sup> Jazenkovic John (2006) The Use of Force in Humanitarian Intervention- Morality and Practicalities p 180

<sup>91</sup> Human Rights Watch Report (2001) Under orders War Crimes in Kosovo p.40 available: <http://www.hrw.org/reports/2001/kosovo/>

<sup>92</sup> Hehir, J. B. *Kosovo: A War of Values and the Values of War* AMERICA -NEW YORK-; 1999, 180(17):7-12 Pub: United States, AMERICA PRESS INC, 1999 p. 8

<sup>93</sup> Hehir, J. B. *Kosovo: A War of Values and the Values of War* AMERICA -NEW YORK-; 1999, 180(17):7-12 Pub: United States, AMERICA PRESS INC, 1999 p. 8

where NATO should have not got involved, because the alliance was not suitable for internal conflicts. Moreover, means conducted for halting ethnic cleansing in Kosovo posed several dilemmas. NATO's objectives were to halt the repressive policy of Milosevic with the intent of avoiding civilian targets as much as possible.<sup>94</sup> The Serbian Ministry in central Belgrade were a strategic target for impairing Milosevic strength it is said, critics argue attack over Serbian Internal Ministry caused risks upon civilians.

The further concern rest on the aim of saving lives, it is often argued that the intervention did not save any lives in Kosovo.<sup>95</sup> Another problem is that the intervention in Kosovo was seen by some as a unilateral humanitarian intervention. The danger of using unilateral humanitarian intervention is that it may be used as a pretext where interventions intentions are all but humanitarian.<sup>96</sup>

Failure convincing Milosevic to accept a settlement for Kosovo extended the coercive power of the air campaign.<sup>97</sup> The extension of the intervention in Kosovo is not in accordance with the argument made by Jazenkovic who argues that military intervention is to be short time; its primary goal should be to disarm and separate conflict parties, and protect civilians (*see section Human Security 2.3*). It is argued that NATO escalated the conflict in Kosovo and failed to prevent human suffering.<sup>98</sup> The crux of this is that some argue that the intention NATO had in halting a humanitarian catastrophe was used as a pretext for other intentions.<sup>99</sup> It is argued that NATO was very cautious in avoiding casualties among them and opted out the alternative of using ground force. Some adopt a dubious position towards NATO; if the purpose was to impede a humanitarian tragedy? Why then choose to rule out the use of ground troops, which may have been more effectively in impeding casualties upon civilians.<sup>100</sup> When wanting to conduct a humanitarian intervention, Jazenkovic declares that we must be prepared to risk our

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<sup>94</sup> Hehir, J. B. *Kosovo: A War of Values and the Values of War* AMERICA -NEW YORK-; 1999, 180(17):7-12 Pub: United States, AMERICA PRESS INC, 1999 p. 9

<sup>95</sup> Seybolt B Taylor (2007) *Humanitarian Military Intervention The Condition For Success And Failure* p. 82

<sup>96</sup> Leclerc-Gagne, Elise. Byers, Michael , *A Question of Intent: The Crime of Aggression and Unilateral Humanitarian Intervention*, CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW; 2009, 41(2/3):379-390 Pub: United States, CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW, 2009 p 385

<sup>97</sup> Wheeler, Nicholas J. *Humanitarian intervention after Kosovo: emergent norm, moral duty or the coming anarchy?* International Affairs (Royal Institute of International Affairs 1944-). Jan., 2001, Vol. 77, Issue 1, p113-128, p 127

<sup>98</sup> Chomsky Noam (1999) *The New Military Humanism Lessons From Kosovo* p. 48

<sup>99</sup> Klejda Mulaj (2011): *Dilemmas of Reacting to Mass Atrocities: Humanitarian Intervention to End Violent Conflict in the Western Balkans*, Democracy and Security, 7:2, 140-159 p 149

<sup>100</sup> Klejda Mulaj (2011): *Dilemmas of Reacting to Mass Atrocities: Humanitarian Intervention to End Violent Conflict in the Western Balkans*, Democracy and Security, 7:2, 140-159 p. 150  
Intervention to End Violent Conflict in the Western Balkans, Democracy and Security, 7:2, 140-159 p. 150

own lives in turn of saving others. Failure to acknowledge that airpower alone was physically not able to stop Milosevic onslaught against the Kosovars question the humanitarian intervention in Kosovo.<sup>101</sup>

The aim of a humanitarian intervention is to relief human suffering as much as possible; this however some may say was not identified in the case of Kosovo which poses difficulties for the just argument of intervention.<sup>102</sup> It is argued that the international community sacrificed little to impede human suffering in Kosovo, and that NATO relied on the Kosovo Liberation Army (KLA) to fight the ground war against Serbia while NATO pursuing the air campaign.<sup>103</sup> Considering this one may assume that the notion of humanitarian intervention risks to be jeopardized if NATO was the reason for the escalated crisis in Kosovo, which simultaneously causes hesitation about their commitment of defending human rights.<sup>104</sup> According to this point of view, intervention prevailed in Kosovo is to be questioned. The crux of it is that it prevails that NATO's actions were maybe not in accordance with the purpose of humanitarian intervention.

Humanitarian intervention is appropriate to be used only for extreme cases, or supreme emergencies, for the primary purpose of halting or averting egregious abuse of people within that state that is being perpetrated or facilitated by the de facto authorities of that state. Humanitarian intervention is likely to be justified, that is to say, and armed rescue force is acceptable only when the consequences have the potential to be better or at least not worse if interventions would have not taken place (*section theoretical framework*). In accordance with these arguments we can adopt that Kosovo was perceived as a supreme emergency because of killing, torture and rape the Albanian population was faced with. However consequences of the intervention prevails difficulties. Operation Allied Force (OAF) was not a successful achievement; it succeeded to defeat the Serbian forces only after much suffering had been carried out on the Kosovar- Albanian people. However some argue that the consequences of the intervention was better off than what could have been have intervention not occurred.

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<sup>101</sup> Daaler H. Ivo, O' Hanlon (2000) *Winning Ugly* NATO's War to Save Kosovo p 106

<sup>102</sup> Wolfgram A Mark *When The Men With The Guns Rule Failures in Kosovo Since 1999 Political Science Quarterly*; Fall2008, Vol. 123 Issue 3, p461-484, p 461

<sup>103</sup> Wolfgram, A Mark *When The Men With The Guns Rule Failures in Kosovo Since 1999 Political Science Quarterly*; Fall2008, Vol. 123 Issue 3, p461-484, p 462

<sup>104</sup> *Ibid*, p 472

OAF suffered from serious difficulties, but the outcome that prevailed in the region up to that point demonstrates what would have happened had NATO chosen not to intervene.<sup>105</sup>

Humanitarian intervention is necessary when the level of suffering involves threats to human security (*see section 2 theoretical framework*). Therefore it is crucial to understand that humanitarian intervention can take place only when threats to human security involve killing physically abusing, starving, enslaving, or there is a use of a forcible manner that expels people from their homes. According to these arguments, one can say that human suffering was present during the Kosovo war in which NATO's intervention may be justified. As it was demonstrated, evidence show that the Federal Republic of Yugoslavia (FRY) launched a campaign against the Kosovar- Albanian population with the attempt of ethnic cleansing.<sup>106</sup> Serbian forces abuses involved killing, rape and expelling by force of the Kosovar- Albanian population. The FRY army was controlling roads and borders which facilitated the ethnic cleansing, the Serbian police and the paramilitary forces were deeply involved in the killings, torture and rapes committed in Albanian villages.<sup>107</sup> Hugh Walker argues that a human emergency exists when the only hope of saving lives depend on outsiders coming to rescue.<sup>108</sup> The indication of the growing number of refugees and the findings of ethnic cleansing indicate that the FRY was violating basic human goods of the Kosovar-Albanian population. And therefore on this ground one may argue that the intervention were in accordance for justification of humanitarian intervention.

We now turn to the criteria of large- scale human suffering, it indicates that humanitarian intervention shall be permitted when suffering involve a large number of people and when it rescues more live than in endangers (*see section 2 theoretical framework*). In accordance with this argument, conflict in Kosovo caused thousands of hundred people suffering. People were killed, raped tortured, expelled from their homes forcing them to flee the country into neighboring states in Macedonia, Albania and Montenegro. This posed potential risks of instability for the countries. In accordance with the argument of saving lives, the findings suggest that NATO's air campaign did not meet the criteria. NATO's objectives were to coerce the former president of Serbia Slobodan Milosevic to accept a political plan for Kosovo. Bring peace and stability, and prevent the Serbian forces from killing and expelling

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<sup>105</sup> Daaler H. Ivo, O' Hanlon (2000) *Winning Ugly - NATO's War to Save Kosovo* p. 6

<sup>106</sup> Human Rights Watch Report (2001) *Under orders War Crimes in Kosovo* p.40 available: [www.hrg./reports/2001/10/20/under-orders-war-crimes-Kosovo](http://www.hrg./reports/2001/10/20/under-orders-war-crimes-Kosovo)

<sup>107</sup> Human Rights Watch Report (2001) *Under orders War Crimes in Kosovo* p.46 available: [www.hrg./reports/2001/10/20/under-orders-war-crimes-Kosovo](http://www.hrg./reports/2001/10/20/under-orders-war-crimes-Kosovo)

<sup>108</sup> Hugh Walker (2005): *The Case of Kosovo, Civil Wars*, 7:1, 28-70 p. 34

the Kosovar- Albanians.<sup>109</sup> In addition the former objective was achieved at the end of the operation, but the OAF failed to prevent the killing in the short term carried out by Serbian forces, during the air campaign.

The third criteria for humanitarian intervention evaluates if suffering is caused by *deliberate abuse*. Permitting humanitarian intervention for the criteria of deliberate abuse means that there is an identifiable agent who we can hold responsible for the atrocities causing human suffering. And against whom the use of force would be directed (*see section theoretical framework*). In accordance with this criterion we may justify NATO's use of force. The abuses carried out in Kosovo was part of a deliberate plan of ethnic cleansing, the responsible agent for the conflict and escalated violence rest within Slobodan Milosevic and its military forces.

The fourth criteria evaluates if suffering is *imminent or ongoing*, it suggest that humanitarian intervention shall prevail while the crisis is still present and not after. (*See section 2 theoretical framework*) In accordance with this criterion one may justify NATO's intervention in Kosovo. NATO prevailed while abuses were still present, the FRY government ethnic cleansing campaign known as Operation Horseshoe started four days before NATO's bombs fell over Yugoslavia. One of many violations worth mentioning is the Racak massacre where on January 1999 Yugoslav forces entered the village called Racak and killed 45 ethnic Albanians.<sup>110</sup>

The case of Kosovo displayed a situation that warranted humanitarian intervention. And in accordance with the theoretical perspective this essay evaluates that the intervention in Kosovo was warranted. However, just because intervention was warranted it is not feasible to argue that action committed in Kosovo prevailed flawless. The general understanding of humanitarian interventions minimal criteria argues that and armed rescue shall save lives. Conclusion made is that NATO's air strikes did not prevent the violence against civilians in Kosovo.<sup>111</sup> It is argued that NATO's decision to use air force rather than ground troops demonstrated a carefulness to avoid casualties upon them had to prevail on the cost of civilian

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<sup>109</sup> Seybolt B Taylor (2007) *Humanitarian Military intervention* The Conditions for Succes and Failure p. 82

<sup>110</sup> Human Rights Watch *Yugoslav Government War Crimes in Racak*  
available: <http://www.hrw.org/legacy/campaigns/kosovo98/racak.shtml>

<sup>111</sup> United Nations University Press, edt Albrecht Schnabel and Ramesh Thakur (2000) *KOSOVO AND THE CHALLENGE OF HUMANITARIAN INTERVENTION* Selective Indignation, Collective Intervention, and International Citizenship available at : [http://archive.unu.edu/p&g/kosovo\\_full.htm](http://archive.unu.edu/p&g/kosovo_full.htm)

casualties.<sup>112</sup> It is argued that NATO's action may have worsened the situation for the very citizens they were designed to protect. The authors of *Winning Ugly- NATO's War to save Kosovo* (2000) forwarded argument suggest that war in Kosovo could have been prevented. They consider that NATO could and should have chosen a more robust policy which would have prevailed most likely in averting the war. Ground forces were deployed only after waging war for almost three months.<sup>113</sup> The alliance prevailed at a considerable price and only after it badly mishandled the war's early going. However they consider that Kosovo is a much better place today than it would have been have NATO intervention been absent.<sup>114</sup>

One can say that the Kosovo issue was handled in a wrong way. Therefore the final decision of intervening on 24, March 1999, this demonstrated a fragile victory but it was either this or facing something even worse. One may argue that NATO's objectives correspond with the principle of R2P; the aim was to promote human security in a state that had failed to preserve it. But the measures and means deployed to overthrow it were questioned.

NATO's action prevails that the task of humanitarian intervention needs to be addressed more adequately. It is argued that complex conflict pose difficult dilemma, dilemma of being damned if we act and damned if we don't; 'to respect sovereignty all the time is to be complicit in human-rights violations sometimes. To argue that the UN Security Council must give its consent to humanitarian war is to risk policy paralysis by handing over the agenda to the most egregious and obstreperous. To use force unilaterally is to violate international law and undermine world order'.<sup>115</sup> In accordance with this, the essay does not push for the argument that unilateral intervention is desired to conquer abuses of human rights. But negligence of addressing the problem of Kosovo generated this outcome.

## **5.2 To what extend has NATO and the international community's actions been in accordance with the principle of R2P?**

NATO justified the use of force to avert an impending humanitarian catastrophe. This was a controversial act; this was the first time a group of states acted without explicit authorization

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<sup>112</sup> Dietrich W John, Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship by Albrecht Schnabel; Ramesh Thakur Review, *Human Rights Quarterly*, Vol. 25, No. 4 (Nov., 2003), pp. 1167-1173, p. 1168

<sup>113</sup> Daaler H. Ivo, O' Hanlon (2000) *Winning Ugly - NATO's War to Save Kosovo* p. 182

<sup>114</sup> Daaler H. Ivo, O' Hanlon (2000) *Winning Ugly - NATO's War to Save Kosovo* p. 183

<sup>115</sup> Thakur Ramesh, Vice Rector, United Nations University. *The UN and Kosovo's challenge of "Humanitarian Intervention"* International Study Association available at: <http://isanet.ccit.arizona.edu/archive/kosovoandun.html>

of UN Security Council, ranking the principle of human rights higher than the principle of sovereignty.<sup>116</sup> Nicholas J. Wheeler argues that no threat of using a veto shall stand in the way of the defense for human rights.<sup>117</sup> When an authority which is founded on a system to support peace and security, chooses to remain inactive in cases where atrocities go against our moral sense of humankind, likewise undermines the system itself. When the United Nations (UN) as the prime authority to protect and secure peace was unable to act what other choice was NATO left with.<sup>118</sup> Allowing massive human rights abuses to continue, undermines the very ideas that inspired the founding of the United Nation.<sup>119</sup>

John Merriam argues that NATO could have made a cause for intervention several months before the war, but the unsatisfactory conclusion is that NATO still had hoped that diplomatic solution could be reached.<sup>120</sup> Little maneuver were left to deal with Milosevic, after lighted sanctions and threats had been used towards him. He was lightly stagnated by agreements, and this should have been clear to the international community.<sup>121</sup>

It is a possible that every story holds a two tailed answer. Therefore we need to know what speaks against NATO's use of force. Metaphorically speaking a coin is two sided and we need to consider what the other side of the coin prevails. NATO's actions have been seen as risky. Critics argue that the intervention in Kosovo could have posed a new stage of World order in which the United States and its allies wanted to secure their global leadership by bypassing the UN and present international law.<sup>122</sup> Noam Chomsky argues that that humanitarian intervention in Kosovo was launched because leaders of 'enlighten states' saw it as a right thing to do.<sup>123</sup> He argues that active participation for launching OAF involved more than humanitarian objectives. Noam Chomsky questions how is it possible for an actor

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<sup>116</sup>Wheeler, Nicholas J. Humanitarian intervention after Kosovo: Emergent Norm, moral Duty or the Coming Anarchy? *International Affairs (Royal Institute of International Affairs 1944-)*. Jan., 2001, Vol. 77, Issue 1, p113-128, p.113

<sup>117</sup> Ibid, p 114

<sup>118</sup> Wheeler, Nicholas J. Humanitarian intervention after Kosovo: Emergent Norm, moral Duty or the Coming Anarchy? *International Affairs (Royal Institute of International Affairs 1944-)*. Jan., 2001, Vol. 77, Issue 1, p113-128, p 114

<sup>119</sup> Harhoff Frederik , Unauthorised Humanitarian Interventions – Armed Violence in the Name of Humanity? *Nordic Journal of International Law* **70**: 65–119, 2001. p. 72

<sup>120</sup> Merriam, John J. KOSOVO AND THE LAW OF HUMANITARIAN INTERVENTION, *Case Western Reserve Journal of International Law*; Winter 2001, Vol. 33 Issue 1, p111, 44p, p.142

<sup>121</sup> Daalder H Ivo and O' Hanlon E Michael (2000) *Winning Ugly- NATO's War to save Kosovo* p. 101

<sup>122</sup> Dietrich W John, Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship by Albrecht Schnabel; Ramesh Thakur Review, *Human Rights Quarterly*, Vol. 25, No. 4 (Nov., 2003), pp. 1167-1173, p, 1170

<sup>123</sup> Chomsky Noam (1999) *The New Military Humanism Lessons From Kosovo*. p. 7

to express such importance for the values of humanity for the intervention in Kosovo when rejected in other cases.<sup>124</sup> If the very aims of the alliance missions are to hold belligerent villains responsible for savage ethnic cleansing and other atrocities, and if indeed the value of human rights is important. Why then ignore the atrocities committed against the Kurds in Turkey.<sup>125</sup> Noam Chomsky argues that punishment for the FRY government was conducted because it conflicted with their demands.<sup>126</sup> It is possible that NATO chose to act because it wanted to establish the alliances credibility. NATO especially the USA felt humiliated because of earlier mistakes in the Balkans.<sup>127</sup> And they could not afford to be humiliated once again inaction would have underestimated the alliances power.<sup>128</sup> As to the argument that NATO choose to act because it saw no other option of how to save the Kosovar-Albanians becomes here then that; NATO's only alternative to proof its credibility became the choice of bombing.<sup>129</sup>

*‘‘ If there is no NATO victory over Serbia, there will no longer be a NATO so the only solution is for the NATO military to drive organized Serbian forces out of Kosovo, destroy them and the present Serbian government. ’’<sup>130</sup>*

Additionally, it is argued that there were and existing knowledge by NATO's high officials that the use of aircraft bombing would increase and intensify FRY violating behavior.<sup>131</sup> The knowledge of knowing that the strategy chosen will increase abuses on the people, poses doubts to NATO's humanitarian purposes of the intervention.

Rebecca's R Moore stresses that the Kosovo case was in favor of NATO's self-interest it interacted with the new moral doctrine in the realm of international politics.<sup>132</sup> In theory it is believed that humanitarian interventions are guided by principles of universality, humanity, neutrality and impartiality.<sup>133</sup> However in reality the notion is that states are prepared to risk a

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<sup>124</sup> Chomsky Noam (1999) *The New Military Humanism Lessons From Kosovo*. p. 7

<sup>125</sup> Chomsky Noam (1999) *The New Military Humanism Lessons From Kosovo*. p. 7

<sup>126</sup> Chomsky Noam (1999) *The New Military Humanism Lessons From Kosovo*. p 10

<sup>127</sup> Chomsky Noam (1999) *The New Military Humanism Lessons From Kosovo*. p. 134

<sup>128</sup> Moore Rebecca (2007) *NATO's New Mission Projecting Stability in a Post- Cold War World* p. 50

<sup>129</sup> Chomsky Noam (1999) *The New Military Humanism Lessons From Kosovo*. p. 134

<sup>130</sup> Chomsky Noam (1999) *The New Military Humanism Lessons From Kosovo*. p. 135

<sup>131</sup> Chomsky Noam (1999) *The New Military Humanism Lessons From Kosovo*. p 21

<sup>132</sup> Moore Rebecca (2007) *NATO's New Mission Projecting Stability in a Post- Cold War World* p. 51

<sup>133</sup> S. Neil MacFarlane & Thomas Weiss (2000): *Political interest and humanitarian action*, *Security Studies*, 10:1, p. 112

humanitarian intervention when they perceive that vital interests are to be preserved.<sup>134</sup> One may argue that Kosovo was not seen as a vital interest for the alliance and therefore the argument of conducting an air campaign in ‘saving’ lives, and not considering the alternative of ground troop’s forces. As stressed it is believed that NATO was in a need of proving its credibility, and what better way to avoid casualties upon them, then bombing from high altitudes in the name of humanity.<sup>135</sup> In addition authors suggest that there were serious obstacles, which would have impeded the preparation of ground forces; meaning that it would have taken months to establish a ready ground force, moreover it is believed that the chosen strategy is to be justified on both human as well as military grounds.<sup>136</sup>

Considering both alternatives we now moreover continue to analyze what speaks in favor of NATO’s intervention. The intention here is not to argue that further intervention for humanitarian purposes shall be justified regardless whether intervention is given authority by the UN Security Council or not. But it is argued that the case of Kosovo showed that inaction and negligence to address the conflict where violation against human rights occurs are not to be tolerated. And that in some cases the only thing right to do is to use violence which requires us to trump over the right of sovereignty.<sup>137</sup> In Noam Chomsky’s book *The New Military Humanism- Lessons from Kosovo* we find Bill Clinton stressing the cause for intervention;

*‘‘ we are upholding our values, protecting our interests and advancing the cause of peace ’’,<sup>138</sup>*

*‘‘We cannot respond to such tragedies everywhere but where ethnic conflict turns into ethnic cleansing where we can make a difference, we must try and that is clearly the case in Kosovo ’’,<sup>139</sup>*

Additionally, one may argue that NATO felt responsible to act and halt gross human rights abuses. In accordance with the principle of Responsibility to Protect (R2P) we may argue that

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<sup>134</sup> S. Neil MacFarlane & Thomas Weiss (2000): Political interest and humanitarian action, *Security Studies*, 10:1, p. 113

<sup>135</sup> S. Neil MacFarlane & Thomas Weiss (2000): Political interest and humanitarian action, *Security Studies*, 10:1, 112-142 p. 113

<sup>136</sup> Dietrich W John, *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship* by Albrecht Schnabel; Ramesh Thakur Review, *Human Rights Quarterly*, Vol. 25, No. 4 (Nov., 2003), pp. 1167-1173 p 1172

<sup>137</sup> Jazekovic John(2006) *The Use of Force in Humanitarian Intervention- Morality and Practicalities* p. 182

<sup>138</sup> Chomsky Noam (1999) *The New Military Humanism Lessons From Kosovo* p. 4

<sup>139</sup> Chomsky Noam (1999) *The New Military Humanism Lessons From Kosovo*. p.

NATO's action in Kosovo were intended to defend values of human rights over the legal basis of non- intervention. It is argued that NATO's action prevailed because of international community's failure and the modest efforts which have been done for halting the conflict.<sup>140</sup>

The non-violent movement led by Ibrahim Rugova received much applause and audience from the Western world, but lacked adequate support. Rugova was praised for the astonishing work he was doing (his commitment to peaceful and diplomatic means) but gained little support and commitment by the international community.<sup>141</sup> Furthermore Kosovo was ignored from the Dayton agreement, Milosevic continued not to be contested, even though warnings had been given towards him for the issue of Kosovo.<sup>142</sup>

Inability to secure the issue of Kosovo on the international community agenda, made space for the rising power of KLA, failure to address the seriousness of early warnings meant vague opportunities for peaceful settlement to the problem of Kosovo.<sup>143</sup> Hugh Walker submits that the use of force was necessary because peaceful measurement did hardly have a chance to adjust human rights abuses committed in Kosovo.<sup>144</sup> Force was therefore seen as an only option; a non- violent solution was unlikely to be reached due to an earlier absence of preventive diplomacy.<sup>145</sup> In accordance with Jazenkovic who argues that steps of diplomatic arrangements, negotiations are considered irrelevant when facing immediate and serious abuses (*se section: 2.5 Human Security*) demonstrates the international community mistakes, they should have instead been focusing on the plight of the people. It should have been clear to the international community that there was little maneuver to deal with Milosevic. When he at the Ramboulett, France, in February 1999 rejected any further settlement for the case of Kosovo,<sup>146</sup> and possibly never intended to accept any solution for settlement.<sup>147</sup> As in the case of Bosnia the international community pushed for a peaceful resolution and failed to halt the

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<sup>140</sup> United Nations University Press ed Albrecht Schnabel and Ramesh Thakur (2000) *KOSOVO AND THE CHALLENGE OF HUMANITARIAN INTERVENTION Selective Indignation, Collective Intervention, and International Citizenship* available at : [http://archive.unu.edu/p&g/kosovo\\_full.htm](http://archive.unu.edu/p&g/kosovo_full.htm)

<sup>141</sup> Independent International Commission on Kosovo (2000), *The Kosovo Report: Conflict, International Response, Lessons Learned*, p. 62

<sup>142</sup> Independent International Commission on Kosovo (2000), *The Kosovo Report: Conflict, International Response, Lessons Learned*, p. 62

<sup>143</sup> Walker Hugh, *The Case of Kosovo*, Civil Wars; Spring2005, Vol. 7 Issue 1, p28-70, 43p, p. 38

<sup>144</sup> Walker Hugh, *The Case of Kosovo*, Civil Wars; Spring2005, Vol. 7 Issue 1, p28-70, 43p, p. 41

<sup>145</sup> Walker Hugh, *The Case of Kosovo*, Civil Wars; Spring2005, Vol. 7 Issue 1, p28-70, 43p, p. 41

<sup>146</sup> Solana Javier, *NATO's Success in Kosovo* Foreign Affairs. Nov. - Dec., 1999, Vol. 78, Issue 6, p114-120 p 116

<sup>147</sup> Solana Javier, *NATO's Success in Kosovo* Foreign Affairs. Nov. - Dec., 1999, Vol. 78, Issue 6, p114-120 , p, 117

war. Overwhelming international response came only after the genocide in Srebrenica had been committed.<sup>148</sup>

The analysis conducted does not praise NATO's intervention as a victory, it disagrees with argument put forward that the air campaign achieved every one of its goals.<sup>149</sup> But it neither adopts arguments that stress that it was a total disaster, and that the blame of the ethnic cleansing campaign was a product by NATO.<sup>150</sup> Indeed the aims of the operation and the means employed posed serious difficulties for the intervention. This essay prevail the dilemma of the intervention in Kosovo. In accordance this analysis shows that NATO's driven interest to prove its existence as a credible actor may have been part of the intervention. This however goes against the arguments of humanitarian intervention which argues that primary concerns in addressing intervention shall rest on humanitarian purposes. Author Adam Roberts argues that failures to avert the humanitarian disaster in the short term, even though it did eventually stop it, questions the model of humanitarian intervention used in Kosovo.<sup>151</sup> "The reluctance of NATO governments to risk the lives of their forces, the difficulty in developing a credible threat of land operations and, above all, the narrowness of the line between success and failure"<sup>152</sup> questions the effectiveness of the intervention.

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<sup>148</sup> Jazenkovic John (2006) *The Use of Force in Humanitarian Intervention- Morality and Practicalities* p. 182

<sup>149</sup> Solana Javier , *NATO's Success in Kosovo* Foreign Affairs. Nov. - Dec., 1999, Vol. 78, Issue 6, p114-120 p. 118

<sup>150</sup> The Lancet Vol 353 April 10, 1999 *Kosovo's refugees: from crisis to catastrophe* p. 1199

<sup>151</sup> Adam Roberts, "NATO's 'Humanitarian War' Over Kosovo," *Survival*, Vol. 41, no. 3 (1 October 1999) The Institutue of Communication Studies , available at:

<http://icswww.leeds.ac.uk/papers/vp01.cfm?outfit=pmt&folder=4&paper=816>

<sup>152</sup> *Ibid*

## 6 Conclusions

The questions addressed here were as follows: *1 How could NATO's intervention be justified?* *2 To what extent has NATO and the international community's actions been in accordance with the principle of R2P?* To answer the questions, the essay analyzed NATO's intervention in the FRY and evaluated if intervention were in accordance with humanitarian intervention arguments. The result of the first question shows that the intervention in Kosovo was justified on several criteria for humanitarian intervention, but the consequences of its action go against the purpose of intervention. NATO failed to halt human suffering in short term. The extension of the intervention in Kosovo were not in accordance with the humanitarian intervention argument made by John Jazenkovic who argues that military intervention should have a short deadline, primarily goals should be to disarm and separate conflict parties and protect the civilians. The result shows that NATO escalated the conflict and failed to prevent human suffering. Consequences of the intervention prevails difficulties. Operation Allied Force (OAF) was not a successful achievement; it succeeded to defeat the Serbian forces only after much suffering had been exercised on the Kosovar- Albanian people. The result of this is that NATO's actions were not in accordance with the purpose of humanitarian intervention. It is argued that the international community sacrificed little to impede human suffering in Kosovo.

The criteria for humanitarian intervention stress that intervention is necessary when the level of suffering involves threats to human security. The result shows that human insecurity caused by an armed conflict was present during the Kosovo conflict, which justifies NATO's intervention. The criteria of large- scale human suffering, indicates that humanitarian intervention shall be permitted when suffering involve a large number of people and when it rescues more live than in endangers. The conflict in Kosovo caused thousands of hundred people suffering. People were killed, raped tortured, expelled from their homes forcing them to flee the country. In accordance with the argument of saving lives, the findings suggest that that NATO's air campaign did not meet the criterion. OAF failed to prevent the killing carried out by Serbian forces, during the air campaign. The criterion evaluating if suffering is caused by deliberate abuse justifies NATO's use of force. The abuses carried out in Kosovo was part of a deliberate plan of ethnic cleansing, the responsible agent was Slobodan Milosevic and its military forces. The fourth criterion that evaluates if suffering of the conflict were imminent and ongoing justifies NATO's intervention in Kosovo; humanitarian intervention took place while abuses were still present.

The result shows that case of Kosovo displayed a situation that warranted humanitarian intervention. However, just because intervention was warranted one may say action committed in Kosovo were not flawless. The answer suggested here is that the case of Kosovo was handled in a wrong way. The alliance prevailed at a considerable price and only after it badly mishandled the war's early going. A hypothetical scenario suggests that even if the intervention brought an unwanted outcome. This maybe was the only outcome considering the circumstances of the conflict and the way the situation has been handled.

The result of the second question shows a two tailed answer, first patterns of the principle of R2P were in accordance with NATO's decision for the intervention. The result shows that, NATO justified the use of force to avert an impending humanitarian catastrophe, ranking the principle of human rights higher than the principle of State sovereignty. This shows that NATO felt responsible to act because the international community failed to halt the conflict. It is argued that when the United Nations (UN) as the prime authority to protect and secure peace failed to address the issues of the conflict what other choice were NATO left with. The result shows that failure to address the seriousness of early warnings meant vague opportunities for peaceful settlement to the conflict in Kosovo. The result of the analysis does not praise NATO's intervention as a victory but suggest that inaction would have resulted in even worse outcome from a humanitarian perspective.

The result also shows that patterns of the action committed in Kosovo go against the perspective of humanitarian intervention and the principle of R2P. First the result shows that critics argue that the United States and its allies wanted to secure their global leadership by bypassing the UN and present international law. Furthermore it is shown that participation for launching OAF may have involved more than humanitarian objectives. It is possible that NATO especially the USA felt humiliated because of earlier mistakes in the Balkans. Inaction could have underestimated the alliances power. The result shows that the reluctance of NATO governments to risk the lives of their forces, the difficulty in developing a credible threat of land operations, gives strength to argument that argues that NATO goal was to establish the alliances credibility.

To sum up the result of this analysis evaluates that NATO's choice to yield a rescue relief, was in accordance with the purpose of humanitarian intervention, but that is also failed to fulfill some of the criteria for a humanitarian intervention. Even though the result shows that humanitarian intervention in Kosovo is in justification accordance to conditions of

humanitarian intervention. The result here is that one shall be cautious using action committed in Kosovo as a pretext for further cases of humanitarian intervention. It is possible that the driven interest and objectives of launching a humanitarian intervention may have not been solely humanitarian.

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