

## Humanitarian War: A New Consensus?

**Susan L. Woodward**  
**The City University of New York**

*The NATO bombing operation 'Allied Force' against Yugoslavia in March–June 1999 represents the final disappearance of the narrowing divide between humanitarianism and politics: a war initiated and justified on humanitarian grounds. Although unlikely to be repeated any time soon, the Kosovo case appears to have cemented an ideological shift on the international right and even necessity of using military force to protect civilians within sovereign states. Rather than humanitarians acknowledging the political context and consequences of their work, however, the case suggests the embrace of humanitarian principles of universality and neutrality by military organisations. This article discusses some consequences of the new consensus: neglect of the political context (both local and foreign) of such operations, interaction between the operational dynamics of relief operations and the logic of war and the political consequences of using the humanitarian legitimation and mission in such cases.*

*Keywords:* Kosovo, NATO bombing, humanitarian war, universality and neutrality.

The focus in this article is on a specific, and special, case — but one that has taken on emblematic significance for the evolving international humanitarian regime. The military intervention against Yugoslavia by the North Atlantic Treaty Organisation (NATO) in March–June 1999 on behalf of the Albanian population of Kosovo represents the final disappearance of the narrowing divide between humanitarianism and politics: a war initiated for humanitarian principles.

The case is special, requiring a cautionary note, because Kosovo, and its prelude of NATO's bombing against Bosnian Serbs in Bosnia-Herzegovina in August through September 1995, are probably exceptions. It is not clear at all how much we should infer from either case as a precedent for future action. Rather, the role of the Kosovo case and NATO's Operation Allied Force has been to cement an ideological shift that had been emerging during the 1990s in response to the Balkan conflicts, particularly in Bosnia-Herzegovina, and cases compared to it, such as Rwanda. Whether or not a precedent has been set for actual operations in the future, consensus has been reached on the right of the international community to violate a state's sovereignty with force to protect civilian lives within that state. The threat and therefore use of military force in support of international humanitarian norms, such as conveyed by the phrase 'all necessary means' in United Nations Security Council resolutions, is no longer viewed as a last resort, used to protect the humanitarian mission operating with the consent of governments. Now it is considered a necessary partner from the first stages of diplomatic mediation and a direct weapon against governments themselves to hold them accountable for the enforcement of international norms at home.

Indeed, public debate about the Kosovo intervention — NATO's aerial bombing operation lasting 77 days against the Federal Republic of Yugoslavia from 24 March 1999 to 12 June 1999 — has focused almost entirely on its legitimacy.<sup>1</sup> Can one intervene in the internal affairs of a sovereign state with military force — in this case, a massive, prolonged and disproportionate bombing operation, including the explicit targeting of civilians by the world's most powerful military alliance — for humanitarian goals? Does the legitimacy of those international norms even outweigh international law in the sense that military alliances can bypass authorisation by the UN Security Council when some of its members might choose to give priority to the norm of sovereignty?

Most humanitarians appear to fall in a middle camp between critics of Operation Allied Force and a defensive NATO. They argue that the operation was 'illegal but moral' — that it was the only alternative left by March 1999, with all other options exhausted, and that it was necessary, as NATO officials declared, 'to prevent a humanitarian catastrophe'. The fact that the 800,000 civilians who were forced to flee from Kosovo during the bombing returned to their homes almost immediately after its termination, that the Yugoslav security forces (army and internal security police) said to be the cause of Albanian suffering were forced to leave the province, conceding it to international protection, and that a possibility for autonomous governance of the province by Albanians after 10 years of direct rule from Belgrade was restored, are seen to justify its correctness, on moral grounds. That is, judgement of the bombing campaign, including its civilian victims — not only 'collateral damage' but also civilians targeted intentionally by NATO officials as a form of pressure on Yugoslav president Slobodan Milošević — has been made in terms of a humanitarian legitimisation and humanitarian outcomes.

This acceptance is, to me, very problematic for humanitarians. Equally troublesome, the level of consensus and received wisdom about the operation appears to stifle any serious debate about its lessons for the future. The Kosovo case suggests that two types of lessons should now be addressed.

- The evaluation of any such operations on normative grounds cannot be made in isolation from the nature of the conflict and its global politics if the humanitarian norm itself is to be protected, as Joanna Macrae and Mark Duffield have argued so well.<sup>2</sup>
- Questions of legitimacy are necessary but insufficient to defend humanitarianism; the operational aspects must also be evaluated. In practical terms, how do the standard operating procedures and operational decisions by humanitarians mesh with the logic of war?

## The context

First, what was the context of Kosovo?<sup>3</sup> The stated goal of NATO officials at the start of the bombing campaign on 24 March 1999 was preventive diplomacy: to force Milošević, then Yugoslav president, to sign the Rambouillet accords that had been written by American diplomats and presented to both Yugoslav and Kosovo Albanian parties at Rambouillet, France, with a deadline of two weeks to sign. This proposal to end the violence and contention over the political status of Serbia's southern province, Kosovo, represented the outcome of a decade of Western policy consensus that the problem of Kosovo was the violation of the human rights of the Albanian community in Kosovo by the Milošević regime.<sup>4</sup> In the course of the 12 months leading up to the decision to use

force, the Kosovo problem was also increasingly an issue of credibility — that of Western states in general and, after June 1998 when NATO ambassadors issued the threat of bombing against Milošević, of the Transatlantic Alliance in particular. An escalating insurgency by the Kosovo Liberation Army (KLA) after 1997 and a counter-insurgency campaign by Yugoslav security forces had led to growing numbers of civilian casualties (more than 2,000 in the year before Operation Allied Force) and displaced persons (nearly 200,000 in October 1998 until an agreement on 12 October between American diplomat Richard Holbrooke and President Milošević led to his compliance with UN Security Council Resolution 1199 of 23 September, including the partial withdrawal of Yugoslav security forces to pre-March 1998 levels and full access to humanitarian organisations, that provided conditions for their return home). To Western publics and some foreign policy officials, the fact that fighting and alleged massacres of civilians resumed in January 1999 only demonstrated a lack of political will on NATO's part to carry out their June 1998 threat. And to some extent, this was true. Disagreements among NATO states over the most effective military action (only air or also ground operations) and over the legal basis for its use did cause delay.

This specific approach to conflict resolution, however, was not a response to the Kosovo violence, but to the acknowledged failure by Western powers and international organisations to protect civilians in Bosnia-Herzegovina between 1992 and 1995 and in Rwanda in 1994, despite gross violations of international law. The decision to act early and by threatening military force in the case of the Kosovo violence and displacement was explicitly an act of repentance: not to repeat the mistakes of policy toward Bosnia and Rwanda. This time they would act sooner and with force, applying the lessons, wrongly drawn in my view, from the effects of NATO's bombing campaign against Bosnian Serb targets in September 1995 — namely that the bombing was said to have forced the Serbs to agree to a political settlement of the Bosnian war.

The politics behind this new consensus and the decision to use military force in the Kosovo conflict was thus part of an evolving response — from Bosnia-Herzegovina, by way of Somalia in 1992/3 and Rwanda — to the end of the cold war and the struggle among the major powers to reshape the international regime of peace and security for new threats and conditions. Key to that struggle was competition among transatlantic powers (between the US and western Europe and within western Europe) over the nature of this reordering, including actions aimed at institutionalising Western victory over Russia (the USSR) in the cold war, such as NATO enlargement and the declared moral superiority of NATO over the UN.

Major participants in this process of reordering have also been human rights organisations and some humanitarians who were, in fact, the main advocates of military force in Bosnia and Kosovo, including bombing. Far more than major powers, they seized the opportunity of this reordering process to promote their interest in strengthening international humanitarian and human rights regimes and the authority of these regimes over sovereign states now that the shackles of superpower nuclear confrontation were gone.

### *Human rights or national rights?*

Yet if we look at the actual conflict in Kosovo, we see, first, a century-long reaction to a decision by the Great Powers in 1913 — when the second of two Balkan wars completed the collapse of Ottoman rule in the area — to create an independent Albanian state while awarding the Ottoman vilayets constituting Kosovo to Serbia. Second was the opportunity

that appeared in 1989–91 by the progressive dissolution of Yugoslavia under claims of national self-determination to challenge that international decision of 1913. That is, the conflict is only derivatively about human rights, and primarily about rivalry between two national communities over statehood and the right to rule this territory where both live and claim the origin of their national communities and respective identities.

The ‘restoration’ of Kosovo’s autonomy demanded by NATO of Belgrade and listed as one of the primary objectives of the NATO campaign in the UN Security Council Resolution (1244) that confirmed its victory was, in fact, a recognition of the right of one of those communities (the Albanian majority) to rule this territory over the claims of others. The autonomy that had been reduced (commentary often refers incorrectly to its abolition) by the Serbian parliament in 1989 refers to a constitutional status in a country that had since disappeared — the former Socialist Federal Republic of Yugoslavia. In the new circumstances, post-1991 of the nation-states being formed out of that multinational federation, the demand for restoration was, in fact, recognising the rights of the local majority (ethnic Albanians) to self-determination and the reduction of non-Albanians to minority status according to their numbers. At the same time, however, by defining the conflict as humanitarian, resulting from the violation by the Yugoslav government of Albanian human rights, NATO powers were preserving the principle of Yugoslav sovereignty over the territory. The goal was not to create an independent state but to force the Yugoslav government to respect the human rights of Kosovo Albanians. Autonomy within a Yugoslav (or Serbian) state was thus, in the eyes of Albanians, who were battling not for human but for national rights, at best only partial, incomplete self-determination.

The predictable consequence of the NATO operation and its definition, in the context of the actual conflict, was thus a new wave of human rights violations, humanitarian crisis, and war. The attempt by UNSCR 1244 at what amounted to a compromise among competing claims to territory and competing international principles (human rights and state sovereignty) did not satisfy the KLA’s goal of national independence. To finish the struggle required eliminating anyone (in fact, all non-Albanians, whether Serbs, Roma, Gorans, Turks and so forth, and even some Albanians) who might be perceived as loyal to Belgrade. In light of the actual conflict, the ambiguity of UNSCR 1244 regarding the political future of the province unleashed a wave of violence against all non-Albanians beginning on 12 June 1999. At the same time, the humanitarian veil for the NATO operation appeared to disempower UN officials to protect these new victims. This time murder and displacement were regretted but excused as understandable revenge for the horrors of the Yugoslav campaign against Albanians during NATO’s bombing operation.

### ***Humanitarianism as a political tactic***

Disregard for the context in which efforts to strengthen the human rights and humanitarian regimes are made led not only in this case to far more serious loss of life and population displacement than prior to the NATO operation, with the destabilising consequences still unravelling. It also strengthened a lesson being drawn locally over the decade of the 1990s by nationalists on the ground, that violence pays if it can be tied to humanitarian rhetoric. That is, violence against civilians as a conscious strategy of insurgency and national liberation using the principles and rhetoric of human rights and humanitarianism appeared to win repeatedly — in Slovenia, then Croatia, then Bosnia, and now potentially in Kosovo. In contrast to a political rhetoric revealing the goal of national liberation, nationalists were claiming the right to self-determination on the grounds that their human

rights were being abused or were at risk of abuse. By labelling all manner of grievances as national exploitation, politicians could mobilise popular discontent around an independence agenda. Then by describing those grievances using such terms as victims of aggression, oppressed human rights, even genocide, the aim was to mobilise international support, beginning with the human rights and humanitarian communities, for the political cause of independence in place of organising to change a regime or improve protection of human rights within the country.<sup>5</sup> In this strategy, not only do both rebels and officials use the rhetoric, but they are also willing to target and sacrifice their own populations for what they consider a higher purpose. Humanitarian organisations become instruments of this strategy once they enter to protect refugees, internally displaced persons and other civilian casualties of the insurgency and counterinsurgency.

### ***Humanitarianism as legal justification***

The extent to which Kosovo represents a fundamental change in the narrowing stand-off between humanitarianism and politics, however, is largely due to a third element of the context — the NATO decision to justify its right to intervene and violate Yugoslav sovereignty on humanitarian grounds. This decision was the result of more than six months of deliberation, and thus delay, to satisfy the insistence of British officials that there be a legal basis for the intervention. American officials, for whom the object of the campaign was the elimination of Slobodan Milošević, were content to focus narrowly on his behaviour. In a series of shifting justifications, they claimed, first, that Milošević had reneged on his agreement, embodied in UN Security Council Resolution 1190, to hold Yugoslav security forces in the province at pre-March 1998 levels, and then, was obstructing all efforts to find a political settlement to end the violence by refusing to sign the Rambouillet Accords.

For lawyers at the Foreign and Commonwealth Office, however, there were two parties to both the fighting and the negotiations. The decision to ignore the UN Security Council's jurisdiction over authorising the use of military force — not as in Bosnia-Herzegovina to deploy 'all necessary means', including UN troops, to protect a humanitarian operation, but a NATO bombing campaign to interrupt a civil war — needed an open-and-shut legal case. This need had both a principled and a practical aspect. The first was concern for the precedent that would be set, while the second was the need for an argument around which the NATO coalition could coalesce, in the presence of clear opposition from a number of NATO states and deep worry from others. Humanitarian principles could trump sovereignty.

Finding a legal basis in humanitarianism was not sufficient to make it a humanitarian intervention, however. Conflicts between NATO officials over choices of targets, the pace and length of the air campaign, and other tactical decisions reveal the difficulties in choosing to wage war for humanitarian goals.

### **Operational dynamics**

The second type of lesson that should concern humanitarians in evaluating the Kosovo intervention arises from the operational aspect of humanitarian work in a political conflict that chooses violence as its main instrument and that has been deliberately and successfully redefined as a potential humanitarian catastrophe.

The operational aspects of the Kosovo intervention reflect another evolution — in the experiences of aid workers and organisations as they move from one such conflict to another. These experiences are both operational and psychological. The first yields attempts to improve operations on the basis of experience, bringing lessons from one case to the next, independent of context. The second — aid workers' frustrations with their apparent powerlessness to stop the killing and save lives or with the growing criticism of their ineffectiveness — has led them to become more active in pressing for a more robust, militarised policy response. From northern Iraq to Bosnia, Somalia, Rwanda, Bosnia again, Kosovo and Sierra Leone, we see an emerging pattern in the relationship between the humanitarian impulse and these civil wars.

## **Militarising relief operations**

In fact, it is the attempt to deliver relief supplies during a civil war that drove the introduction of external military force initially. The logistics of supply where communications are poor or under attack now generate an early decision to commandeer control over the international airport in the country for aid flights. But this requires aid agencies to deal directly with warring parties who control the airport — in Sarajevo, Mogadishu, Kigali — and to make deals to obtain consent and a local ceasefire with people we have labelled, negatively, 'warlords'. Seeking 'all necessary means' to ensure that civilians obtain relief in wartime, UN troops are also introduced to protect the aid workers. Because these are military units with a mandate to protect the relief operation, not to fight a war to protect civilians, and because they too need supplies, adding to troop numbers with military support units intensifies the need for control over the airport for deliveries. Their very deployment, therefore, tends to alter the policy debate from goals to instruments. In place of debate about the most effective response to the conflict itself there grow alternating pressures to use the military more robustly in ending the violence itself or, if supplies for the soldiers or their lives are at risk, to withdraw them and with that, aid workers.

In the promotion of 'blue corridors' (priority routes within the country for aid convoys which the multinational troops agree to defend), humanitarian organisations are necessarily competing with warring parties for control over a key asset and goal of warfare: strategic routes and communications. In the contest between the humanitarians and the warriors over such control, humanitarians either negotiate agreements with warriors over the terms of their use and transit or persuade the international military force to negotiate or impose exclusive control for aid workers. In the first instance, the humanitarian organisations become dependent on the continuing consent of the parties, often conceding to share some portion of aid supplies with the soldiers, and thus are open to accusations that they are actually helping to prolong the war. In the second instance, the mission of the forces sent to protect aid workers is gradually redefined, *de facto* rather than by an accountable policy decision, with the risk of distorting the mission itself. In either case, they become perceived as, or are actually, part of the conflict and vulnerable to the criticism of siding with one party against another or of aiding the war effort.

Indeed, experience suggests that the contest over exclusive control between humanitarians and warriors does indeed force one, or both, of the two outcomes of the policy debate. One dynamic leads to pressures for ever greater use of force. In the case of Bosnia-Herzegovina, this evolved from NATO willingness to provide 'close air support' at the request of UN commanders to soldiers at risk; then to an imposition of a NATO-

enforced 'no-fly zone'; then to the demand that these assets be used in the war itself, as air strikes against violations of agreements by one of the warring parties (Bosnian Serbs); then to the deployment of tanks for UN troops (though still under peacekeeping rules of engagement); then to growing conflict with NATO over its wish to use air strikes, not just to protect UN soldiers and agreements made with warring parties, but in combat against one party; and eventually even to the deployment of a NATO Rapid Reaction Force equipped with heavy artillery and rules of engagement allowing disproportionate use of force. Troops that had been introduced in mid-1992 to protect a humanitarian relief operation for civilians at risk had been transformed by August 1995 to a force waging war directly to defeat one of the three local armies, as well as supporting a full-scale, NATO bombing campaign. The other dynamic forces premature withdrawal of the soldiers providing security to relief workers (illustrated by the case of Rwanda and eventually Bosnia-Herzegovina) because it is not mandated, equipped or permitted (by peacekeeping rules and by the commitments of the troop-contributing countries) to use the force necessary to dominate the field.

To get around the increasing risk to soldiers sent on peacekeeping terms while avoiding the choice for withdrawal, such operations have also resorted to the delivery of aid by air, especially into remote areas or for populations caught in cross-fire. One example is food drops into the safe areas of eastern and north-eastern Bosnia undertaken by US planes. But such deliveries also have military requirements, namely, exclusive control over the airspace, either purchased with governmental consent and its political implications (such as the inability to provide support to Serb civilians fleeing the Croatian onslaughts in May and August 1995 because Croatia refused consent or in Bosnia to civilians at risk from government or Croat forces) or enforced by air power, imposing a no-fly zone for locals, the neutralisation or destruction of local air defence systems and eventual aerial bombardment (as the evolution in Iraq or in Bosnia attests). Like land-based convoys, aerial food drops also become tempting channels for the covert delivery of arms and ammunition to one or other side in the war. Although there is much evidence that this actually occurred in Bosnia-Herzegovina, the very perception that this might be taking place is enough to change warring parties' views of the humanitarian workers, seeing them as politically engaged and partial. At the least, this perception can make consent for convoys ever more problematic and subject to challenge.

## **Tools vulnerable to politicisation**

Also vulnerable to politicisation in civil wars that have been defined in humanitarian terms is the operational calculation of civilian beneficiaries, assessing who is in need and who receives aid. The classic humanitarian categories 'civilian victim' and 'the vulnerable' easily coincide with the propaganda categories of the warring parties and their external supporters. Even if aid workers do succeed in working on all sides of the conflict and in providing aid according to need alone — which the logistical constraints of operating in a civil war make extraordinarily difficult — the similarity between the two categories of classification can lead humanitarians to reinforce the rhetoric and identities that are fuelling the war. In conflicts so frequently driven by unequal distribution in conditions of growing austerity and poverty, aid that appears insufficient or that is differentially distributed among needy groups makes the humanitarian organisations themselves an integral part of the political picture in a discourse of perceived discrimination and vulnerability.

Another aspect of distribution supports what many other studies of humanitarian operations that do not take the political economy of the context in which they operate directly into account have shown, namely, that emergency responses that focus on short-term saving of lives do nonetheless have structural effects. By focusing the logistics of aid delivery on the capital city, however necessary such a choice is, the relief operation introduces clear biases into coverage, providing far less to rural people. The effect is often to exacerbate one of the primary elements fuelling such conflicts themselves, urban-rural tensions and a perceived urban bias in government policy before the crisis. In all instances, the effect is to stimulate or intensify a rural exodus into the city that transforms its demography permanently. Yet ruralisation of the city not only strains urban infrastructure but also can overwhelm numerically those elements that are commonly the social basis of more moderate and peaceful approaches to conflict: the independent, educated middle class. It also makes the political support base of politicians who have chosen communal ('ethnic') appeals far easier to mobilise.

The toolkit of humanitarian practice in these conflicts also has evolved to include the concept of safe haven or safe area. First introduced in the Western intervention into northern Iraq as an operational response to the difficulties of protection under civil war, it was repeated in Bosnia-Herzegovina. But unlike refugee camps and hospitals, which are also based on the ancient concept of sanctuary, the location of safe areas, like that of blue routes or corridors, are more than likely to be in areas considered strategically vital by warring parties. Citizens most vulnerable to attack are in contested areas or near confrontation lines between rival armies. To create internationally protected safe areas within a war zone means to deprive one or more warring parties of territory they want and to give a potential strategic advantage to another.

The case of Bosnia-Herzegovina illustrates these dangers best because it is the most extreme. The proposal for safe areas gained currency on humanitarian grounds (with a strong dose of *realpolitik* from European nations such as Britain and France which sought ways to avoid sharing the burden with Germany in implementing the refugee protection regime by seeking means of protection that would keep civilians at home). But the concept also became a critical element of the Bosnian government's military strategy. The locations of safe areas for Bosnian Muslim civilians — six were eventually so proclaimed by UN Security Council Resolutions — were chosen by Bosnian military planners to be at strategic points of communication inside Bosnian Serb-held territory that would both constrain the mobility of the Bosnian Serb army and tie up significant manpower in defending against the enclaves, thus hitting directly at the main vulnerability of the manpower-short Serb army. Towns with equally vulnerable civilian populations such as Mostar that did not fit into the military plan of the Bosnian government (representing the main Bosnian Muslim political party) were not granted safe-area status. Although UN peacekeepers were deployed to surround the safe areas to guarantee the terms agreed for safe areas — a ceasefire, a weapons-exclusion zone and regular delivery of aid to these enclaves — the areas were, in fact, never demilitarised and became the base for initiating war from the safe area into the surrounding enemy (Bosnian Serb-held) territory, gaining the assistance of external (UNPROFOR) firepower deployed under a humanitarian mandate and goal.

Hospitals, too, became a useful instrument of war in a humanitarian logic: place artillery inside the walls of hospitals, fire out to provoke retaliation at the hospital staff and patients, and allow aid workers in the hospitals to report mounting civilian casualties and to plead over faxes, telephone lines and radios for external military assistance to stop the attack. Many aid workers performed this task eloquently out of deep conviction that there were clear aggressors and victims and that the impartial mandate of the humanitarian

operation was allowing the outside world to turn a blind eye to reality, betraying both victims and the spirit of humanitarianism itself. Whether wittingly or unwittingly, however, their reports and pressure took political sides in the conflict, becoming active players in the war. Whether this did more to uphold or damage humanitarian norms needs discussion.

### **Some constraints resulting from politicisation**

In similar logic to that resulting from the militarisation of relief operations in wartime, the politicisation of humanitarian and human rights tools had political consequences. One in the Yugoslav cases, particularly in Bosnia-Herzegovina, was to give (or accept) a prominent role to humanitarian and human rights norms and activists in the particular approach chosen by outsiders to war termination and the construction of a sustainable peace. Calling for an end to the suffering through justice, for example, human rights campaigners appear to aim at righting the wrongs of the war — insisting that refugees be allowed to return to their pre-war homes, even if they did not feel (and in many instances are not) physically safe; successfully calling for aid conditionality against all communities not welcoming the return of refugees or not co-operating with the International War Crimes Tribunal and ‘harbouring’ indicted war criminals instead, with the consequence that many communities were at risk because they were starved of any assistance; and in other ways turning the tables on the ‘aggressors’ who had not been fully defeated because the war ended with a negotiated settlement.

The fact that these principles of justice increased the number of ‘vulnerable’ people did not provoke a new humanitarian operation, but it did create tensions between organisations of the humanitarian and human rights communities, for example, between UNHCR and those pushing for return regardless of the human cost. In the immediate post-war relief environment, neutrality gave way totally to ‘justice’, as attested by the fact that 98 per cent of all assistance went to the Bosnian Federation (Muslims and Croats) and 2 per cent to the Serb Republic in the first 2.5 years after the war, or the fact that differential pressure on the Serb Republic in Bosnia-Herzegovina and Croatia to accept returnees prevented the ‘musical chairs’ necessary for success in many communities. The logical outcome of this reasoning aimed at strengthening the human rights and humanitarian regimes globally was to decide that a massive bombing campaign could prevent a humanitarian catastrophe in Kosovo, including a willingness to defend NATO targeting of civilians in Serbia proper and in Kosovo as an integral part of the military operation.

This move to militant humanitarian activism, however, had other direct consequences for operations. Namely, once one crosses the political line and becomes a lobbyist for forceful (military) action in support of humanitarian goals, at least in the sense of using the threat of force (and thus the willingness to use it) to compel those responsible for human rights violations and humanitarian abuses to change their behaviour, then one becomes constrained in how one deals with the attendant risks.

The UNHCR provides a particularly useful, if not the only, example of the resulting dilemma in the case of Kosovo. As an organisation, it could not prepare for the possibility that the NATO operation might provoke a humanitarian emergency for fear of sending signals to the target (Yugoslav civilian and military officials) that could undermine the strategy that lay behind the threat to bomb. Thus, for example, UNHCR kept its main supplies for any emergency operation in Kosovo warehoused in Belgrade, even though

they would (and did) become completely unavailable with the onset of bombing. UNHCR officials announced publicly, both prior to the campaign and several weeks into it, that their assessments of the potential refugee exodus and thus vulnerable population for whom they would feel responsible was 80,000 to, at most, 100,000. This was at a time when the real figures were rising above 300,000, on the way to 800,000. Because UNHCR officials had been in continuing negotiations with the Macedonian government for seven years about what to do in the eventuality of a refugee exodus from Kosovo into northern Macedonia and were fully aware of the Macedonian objection to camps along the border that could easily destabilise Macedonia and their insistence on 'blue routes' to evacuate refugees to third countries, UNHCR also chose to avoid preparations that would enable the Macedonian government to obstruct the NATO operation or relief actions in any way. The intention was to force the Macedonian government into fulfilling its international obligations toward the refugees, regardless of the consequences for its survival as a country and the humanitarian catastrophe that could result from its collapse. The political role of UNHCR leadership in support of a Western policy that it had played a part in making thus left the office unable to fulfil its protection role as a humanitarian organisation.

The results of this constraint were also significant for the international regime of humanitarian principles. For the first time, UNHCR agreed to accept the direct assistance of a military alliance — NATO soldiers — in providing relief and in building and managing refugee camps. Only 3.5 per cent of all donor assistance went to the UNHCR; most aid was provided bilaterally, channelled by official emergency and humanitarian agencies through that country's military units in the NATO logistical operations in Albania or Macedonia. In addition, bilateralism meant a loss of universality. In the face of outcomes they appeared not to anticipate and donor anger at their obvious lack of preparation and ability to manage the refugee crisis, moreover, UNHCR even retreated in its self-definition. Already during the NATO operation, UNHCR reversed nearly seven years of a much expanded definition of its protection role, from refugees alone to include internally displaced persons and from agent of safe passage to primary relief organisation, which it had developed in the course of the war in Bosnia-Herzegovina (and followed in the case of Rwanda). For multiple reasons that require serious analysis, it chose to backtrack into a minimalist definition of its protection mandate, a retreat that still held more than two years later.

Another operational consequence of the war that humanitarian activism encouraged was the pull-out from Kosovo itself during the bombing campaign, of all international humanitarian agencies and NGOs, thus abandoning to their fate the Kosovo population and the local humanitarian NGOs with whom many had worked for years. The only 'eyes and ears' of human rights violations, atrocities and civilian casualties (caused by NATO as well as the brutal response to the bombing by Yugoslav security forces and paramilitary gangs) were those of the International Committee of the Red Cross (ICRC) and the few remaining foreign journalists.

The humanitarian criterion used as the basis for overriding Yugoslav sovereignty had also now to apply to the entire theatre of military operations, not just Yugoslav territory. As mentioned above, in order to assist the Kosovo residents who fled from fear of the bombing and the actions of Yugoslav security forces into neighbouring Macedonia, UNHCR employed the universal principles as leverage against Macedonian objections. While this was unnecessary in the case of Montenegro and Albania, which also served as havens for Kosovo refugees, the Macedonian government and population understandably saw the flow as a massive threat to the country's very existence. Nonetheless, the right of first asylum took precedence over the right of a country to self-defence and self-

preservation. When the Macedonian authorities did not at first appear willing to accept this priority and the accompanying denial of their security concerns, international condemnation was fast, furious and nearly universal. One immediate consequence was a sharp reduction in the aid that Macedonia had expected to receive at a donors' conference called to assist it.

## Political consequences

The case of Macedonia raises a third set of issues that require separate treatment to do them justice, but that cannot be ignored if consensus on the virtues of humanitarian war has gelled. By adopting the universality and neutrality principles of humanitarianism to legitimate warfare, NATO powers were also claiming that the Kosovo operation was apolitical. They reinforced this message with the stated goals of the campaign: restoration of autonomy, return of refugees and displaced persons to their homes, as if warfare could restore the *status quo ante* and avoid the political issues at stake. By lending both humanitarian principles and core mission to the operation, humanitarians could no longer maintain the fiction that they were apolitical. Four examples of the blatant political consequences will be used to illustrate this.

First, NATO's 'humanitarian war' against Yugoslavia created conditions that did more to threaten the very viability of Macedonia than all other ex-Yugoslav conflicts together since 1990. By the spring of 2001, Albanian radicals shifted their base of nationalist aspirations and violence towards Macedonia. They did so, apparently, out of fear that events were moving against their cause. The radicals did poorly in local elections in Kosovo in October 2000 against their rivals, Ibrahim Rugova's LDK. In September 2000, federal elections in Yugoslavia defeated Slobodan Milošević and in December, Serbian elections brought defeat to his party as well, with the result that international opinion began to turn toward support for democratic forces in Belgrade. By March 2001, NATO decided to interrupt the violent insurgency they had been waging since June 1999 in Serbia proper over the eastern border of Kosovo (Preševo valley) by allowing Yugoslav security forces to return gradually to the Ground Security Zone established by NATO between Kosovo and Serbia in the area of insurgency. Armed and trained by NATO powers for Operation Allied Force, and not demilitarised as agreed in the undertaking between NATO and the UÇK (KLA) in September 1999, with weapons freely flowing across the border between Kosovo and Macedonia despite the massive presence of NATO forces, the Albanian National Liberation army (a new name for the same guerrilla core, with the same substantial funding and volunteers from the Albanian diaspora) began to wage a war against Macedonia, with growing civilian casualties on both sides of the border and growing waves of displacement — thousands north into Kosovo and thousands of others seeking safety in other parts of Macedonia. With some success against widespread ignorance of the Macedonian case, NLA propaganda even claimed that their campaign of violence was necessary to defend the 'abused human rights' of Albanians in Macedonia. In other words, a new humanitarian catastrophe loomed as a result of the Kosovo operation.

The case of Kosovo thus reinforces one of the lessons of the 1990s: that not only can sovereignty be violated in support of humanitarian principles but also that no particular territory and political contest can be isolated from its neighbourhood. The political economy of such conflicts is necessarily transnational and regional. It remains to be seen

at this writing whether the potential bloodshed, which could exceed that of the war in Bosnia-Herzegovina 1992–5, will be prevented.

A second consequence of the choice for war was the humanitarian catastrophe that resulted from the bombing including the deliberate targeting of civilians, at an accelerating rate over the course of the campaign, on the argument that pressure needed to be brought on the Yugoslav government (President Slobodan Milošević) to capitulate. Even the simplest understanding of the Milošević regime would have shown the logic of this argument to be fatally flawed, whereas the likelihood of a refugee crisis and brutal expulsions were fully knowable in advance of NATO's war. Indeed, they were known and were openly discussed before the operation. Once a military operation begins, whatever its justification and goal, however, military logic takes over. Humanitarian principles did not, and probably could not, constrain the bombing campaign and military decision-makers.

A third consequence was the fate of non-Albanians in Kosovo after the NATO operation ended, as mentioned above. Violence by members of the Albanian majority in Kosovo against Serb, Roma, Turk, Goran and other minority civilians has been severe, with several thousands murdered, at least 1,500 still missing in mid-2001, and hundreds of thousands expelled, since the UN mission and NATO's 'protection force' (KFOR) entered the territory to provide transitional administration and security. It was as if the rights and lives of one group had been exchanged for another, except that in the first case the source of the violations and violence was seen to be in Belgrade, with the Milošević government, whereas the second case was taking place under the heavy presence of NATO and the UN-led civilian operation (comprised of the UN, OSCE, UNHCR and the EU). For many outsiders, the universality of human rights and humanitarian principles appeared to be forgotten.

Finally there are the long-term structural effects of a humanitarian focus and relief mission in the immediate post-war phase. Inadvertently shaping the political economy of 'post-war' Kosovo influences the conditions that are needed for peace and respect for human rights to hold. In Kosovo, UNHCR decisions to repair first those houses that had been partially destroyed, providing sheeting and roofing and thus to rebuild houses as they had been before the war — the standard approach — meant a perpetuation of the traditional extended family housing of the rural population and the patriarchal society these large houses sustained. The opportunity to break the physical pattern sustaining such a culture (and even re-traditionalisation in the previous 20 years) and to accompany the changes in women's rights and education that had been taking place in the 1980s and 1990s under political action was thus lost. According to Kosovo Albanians who supported a human rights, civic approach to the national question and who hoped, with the retreat of Yugoslav security forces and restoration of autonomy, to regain the upper hand in civic and political life through elections over those elements (largely outsiders) who had chosen violence in 1996–7, this was a major blow. The reinforcement of traditional social organisation by relief agencies made their task much harder, both in the short run and especially in the long run.

Certainly relief agencies had not fed the original shift to the path of violence after a decade of passive resistance and dual power (in the parallel structures of Albanian governance created when Belgrade assumed direct rule in 1991). That occurred when rural authorities and the village-based militias chose during 1998 to join forces with the KLA rebels in the hills and across the border in northern Albania. But to begin a process of democratic self-governance after the war, including a commitment to human rights for all of Kosovo's citizens, regardless of ethnic identity, required a reversal in that process. Instead, a 'relief' orientation in the first year after the bombing, exacerbated by the lack of

prior planning for an international transitional administration to establish 'extensive autonomy' (UNSCR 1244) which the focus on humanitarian goals made inevitable, gave priority to the 'quick impact' approach, including early elections at the local level to legitimise authorities who would be responsible for local services. Thus, the social basis for such a reversal back toward non-violent and eventually accountable government, which was being built throughout the 1990s, was also being slowed by the vacuum on the international political side, the stalemate on political status that was imposed by a definition of the conflict in humanitarian terms, and the myriad 'quick impact projects' that could restore the past, but not assist transformation.

## Conclusion

The decisive impact of NATO's 'humanitarian war' in cementing an ideological shift in favour of the use of military force and heightened 'robustness' in all international interventions where civilian lives are at risk ignores the actual consequences of that operation. Did it have the deterrent effect it claimed? The answer must surely be no. Did it solve the Bosnian or Albanian questions? The apparent necessity of international protectorates with no end in sight for both Bosnia-Herzegovina and Kosovo, and the threat of a new war in 2001 provoked by Albanian nationalists against Macedonia are clear evidence in the negative. Did it reverse or prevent a humanitarian crisis? Whatever side one takes in the dispute over the cause of the humanitarian catastrophe that occurred during the NATO bombing operation, it clearly did not reverse or prevent such a crisis. Did it provide the force necessary to secure a diplomatic settlement to the Yugoslav conflict? On the contrary, it produced a long-term, but unstable, stalemate in Kosovo, provoked a move for independence by Montenegro (that appears irreversible), and created the conditions for a new war over Macedonia. Should we then draw the lessons that the consensus on Kosovo appears now to have accepted?

Although the Kosovo operation erased definitively the divide between humanitarian principles and war (as an extension of politics, *pace* Clausewitz), with the general consensus that Operation Allied Force may have been 'regrettable' but there was 'no alternative', its anti-humanitarian consequences suggest two challenges to the humanitarian community. First, is it time for the humanitarian community to acknowledge its political role but retain its principles — by moving away from advocacy for coercive action to advocacy for debate about real alternatives? Should the options for addressing real or threatening humanitarian catastrophes within states, including but not limited to military intervention, be openly debated and far more in advance than is usually the practice? Should humanitarians generate such debate if it is not forthcoming from other quarters, particularly if there is an imposed silence from major powers for reasons of interest and *realpolitik*? Second, should that acknowledgement and discussion of options extend to humanitarian operations as well? Should the relief community examine the operational consequences of its interventions, not for the effectiveness of aid delivery and for ways to improve operational techniques, as is normal, but for the political consequences of their standard operating procedures, including the possibility that operational choices may contribute to violence and violent forms of addressing human conflict? The post-cold war strategic environment is likely to generate an increase in contests over sovereignty and territory, with international humanitarian and human rights norms available for promoting such political agendas and engaging international assistance. The growing body of

knowledge and experience delivering relief in the midst of civil wars, in support of ceasefire agreements and peace agreements, and in post-war nation-building provides lessons of their own that can now be assessed.

## Notes

1. This focus even led to two national initiatives, an Independent International Commission on Kosovo established and funded by the Swedish government (see their Kosovo Report, 2000) and the ongoing International Commission on Intervention and State Sovereignty funded by the Canadian government. The most thorough effort to date to assess the intervention was done by the peace and governance programme of the United Nations University in the summer of 2000 (Schnabel and Thakur, 2000). See also Wheeler's review of it and four other recent works (2001).
2. Among many examples, see their contributions to this issue.
3. By context I mean what analysts such as David Keen call the 'dynamics of conflict' and its 'political economy'. See, for example, Keen and Wilson, 1994.
4. This discussion is not meant in anyway to discount actual grievances or to dismiss as cynical those fighting for human rights. The issue is how violent methods of redress can be given legitimation by an appeal to humanitarian and human rights norms when non-violent methods are available and should have been supported.
5. Most revealing, perhaps, is the book written by SACEUR (Supreme Allied Commander Europe, NATO's commanding military officer) at the time of the bombing campaign, General Wesley Clark (Clark, 2001), to defend his choices and criticise his critics, particularly in the Pentagon, for not permitting him to wage what was to him clearly a *war* in a way that could bring decisive *victory* against Milošević.

## References

- Clark, W. (2001) *Waging Modern War: Bosnia, Kosovo, and the Future of Combat*. Public Affairs, New York.
- Keen, D. and K. Wilson (1994) *Engaging with Violence: A Reassessment of Relief in Wartime*. In J. Macrae and A. Zwi (eds.) (1994) *War and Hunger: Rethinking International Responses to Complex Emergencies*. Zed, London.
- Independent International Commission on Kosovo (2000) *The Kosovo Report; Conflict, International Response, Lessons Learned*. Oxford University Press, Oxford.
- Schnabel, A. and R. Thakur (eds.) (2000) *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Intervention, and International Citizenship*. United Nations University Press, Tokyo.
- Wheeler, N.J. (2001) Humanitarian Intervention after Kosovo: Emergent Norm, Moral Duty or the Coming Anarchy? *International Affairs* 77: 1, 113–28.

**Address for correspondence:** The Graduate Center, The City University of New York, 365 Fifth Avenue, New York, NY 10016 USA. E-mail: << susan.woodward@kcl.ac.uk >>