ORIGINS OF INTERVENTION: WESTERN TRADITIONS OF THINKING ABOUT INTERNATIONAL POLITICS AND NATO'S INTERVENTION IN THE 1999 KOSOVO CRISIS

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ABSTRACT

This study examines NATO's intervention in the 1999 Kosovo crisis in order to analyze the dynamics of decision making in humanitarian interventions during the decade of the 1990s. Decision making by the United States, Britain, Germany and France is assessed through the framework of the three traditions of international thought identified by Martin Wight: Realism, Rationalism and Revolutionism. By tracing the three traditions in the decision discourse throughout the crisis, the study identifies a logical connection between the emphasis policy makers placed on one or more of the traditions and their conclusions about the three major factors that inform decisions to intervene: authorization, justification, and obligation.

With respect to authorization, France came to the US and British position that previous UNSC resolutions gave proper authority, while Germany relied more heavily on other legal and moral arguments for stopping ethnic cleansing. Regarding justification, states took a two-track approach, relying on legal arguments with external audiences, while using a combination of political and moral arguments to persuade domestic audiences that varied according to short- and long-term political realities within the countries. None of the four states articulated a legal obligation to intervene. Individual decision makers and publics, however, expressed a sense of moral duty or obligation to stop the atrocities and avert the impending crisis.

The study finds that the allies reached consensus despite deep divisions about the decision due to the way in which the three traditions combined to overcome resistance to the forcible intervention. Specifically, an upswing in Revolutionist thinking challenged both a persistent Realist tradition and the structures of Rationalism embedded in international law and institutions. While consensus was possible in this case, divergence in thinking among the four allies about the use of force may make future decisions more hotly contested depending on the presence and balance among the three traditions.

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My dear family is the best cheerleading squad I could ask for. My father and mother, George and Joyce Fink, are my life-long role models of strong faith, fidelity to family and duty to country. I am grateful to my dad and all those who took the time to read and comment on iterations of my chapters with a smile. In particular, I salute the signatories to the Treaty of Parrish: Karen Coppock, Jon Rosenwasser and Toshi Yoshihara. I am especially grateful for the prayers and encouragement of the Missionaries of Charity family, for the friendship and dedication of all those with whom I have served in the fleet, and for those who now stand the watch.

This dissertation is dedicated to the honor and glory of God and to the memory of LCDR Randall G. Williams, USN (Ret.). Randy's was one of the lifelong friendships I formed when a group of us came home from the Gulf War and arrived at the Naval Postgraduate School in Monterey to contemplate war and peace and enjoy a little shore duty. Randy's approach to scholarship -- ability to conceptualize, keen insight into human nature, art of the long view, and unflappable good humor -- left a lasting impression on how to combine the best of military and academic life. His grueling five year battle with ALS never seemed to darken his hopes for his young family, our great nation, and a better world. Until we meet again.

CHAPTER ONE:
INTRODUCTION

In April 1999, as NATO bombs fell on targets in Serbia, Alliance leaders gathered in Washington. They came together to commemorate NATO's fifty years, but they were also united in the largest military campaign in the alliance's history: a campaign not directed at the defense of their territory, but toward what they called a defense of values. They were protecting the rights of citizens in a small province of the Balkans from abuses by their own government. What explains NATO's decision to intervene?

The arguments for intervention in the Kosovo crisis were complex. Several decision makers declared that the intervention was launched in order to save civilization from barbarity, at the same time justifying it in terms of international peace and security. There is an inherent difficulty in analyzing cases of mixed motives, yet motives in international politics are almost without exception mixed. This study investigates the thinking behind the motives, and identifies a confluence that explains the decision to intervene. The study proceeds by looking at four major NATO nations -- Britain, Germany, France, and the United States -- and the way they reached consensus to intervene in the 1999 Kosovo crisis.

By examining the thinking behind the use of force in the 1990s, specifically NATO's decision to use force in the Kosovo crisis, this study aims at a better understanding of international politics in the beginning of the twenty first century. The NATO decision

deserves study because the intervention was the largest-scale use of force in the alliance's history, because of its intrinsic importance, and because of its lasting effects, including the continuing importance of the trans-Atlantic relationship, the ongoing NATO responsibilities in the region, and the interventionary doctrine implicit in the Alliance's 1999 Strategic Concept. The political, social and security costs to the Alliance resulting from failure to reach consensus about the U.S.-led intervention in Iraq in March – April 2003 demonstrate the urgency of undertaking this research.

The primary question the study seeks to answer is why NATO nations have undertaken humanitarian interventions since the early 1990s. It is not possible to understand why NATO nations undertook interventions without examining three distinct worldviews that informed the decisions. To arrive at this conclusion, this study offers a new conceptual model for understanding humanitarian intervention decisions. The model links, in a logical manner, three traditions of thinking about international politics identified by British historian Martin Wight – Realism, Rationalism and Revolutionism -- to three aspects of intervention. By using this model, the study finds that there is a coherent relationship between decision makers' emphases on one of three aspects of international politics – international anarchy, cooperation and custom, or moral solidarity – and the decisions they make regarding the authorization, justification and obligation to intervene with military force.

At the April 1999 Washington summit, NATO leaders issued a statement capturing the irony and complexity of the operation their pilots were undertaking that day in Europe:

> The crisis in Kosovo represents a fundamental challenge to the values for which NATO has stood since its foundation: democracy, human rights and the rule of law....NATO's military action against the Federal Republic of Yugoslavia (FRY) supports the political aims of the international community...Our military actions are directed not at the Serb people but at the policies of the regime in Belgrade, which has repeatedly rejected all efforts to solve the crisis peacefully.[1]

There was irony in the use of violence in pursuit of humanitarianism and human rights, and complexity because of the tension among the institutions of international law, power politics and the moral good the leaders hoped to accomplish. These moral, legal and political complexities were typical of the crises of the decade. The attack was directed not at a people but at a policy. In the same statement the Allies asserted that the operation was directed "against the Yugoslav war machine," reinforcing the idea that this was a war to save lives not take lives. The language is indicative of what this study finds is an upswing of a certain kind of Revolutionism in international politics that pushes moderate variants of Rationalist and Realist thinking to more violent outcomes. Meanwhile, entrenched Rationalism is leading to demands for institutionalization and codification of norms and pressure on states to comply, while the state-centric, self-interested nature of many powers in international society remains in place. These factors will make decisions to intervene in the future more hotly contested.

Context of the case

[1] "Statement on Kosovo issued by the Heads of Government participating in the meeting of the North Atlantic Council in Washington, D.C. on 23rd and 24th April 1999." Available at http://www.nato.int/docu/pr/1999/p99-062e.htm accessed 10 June 2003.

Between October 1998 and March 1999, NATO nations were divided about whether to intervene militarily in Kosovo. Different domestic political situations and diverging foreign policy interests strained the ability of the allies to reach consensus regarding how to stop Milosevic's "ethnic cleansing" of Kosovar Albanians and restore stability to the Balkans. Approaches varied widely. The British blended humanitarian concerns with strategic interests seamlessly. The French insisted upon a separate United Nations Security Council (UNSC) resolution, then abandoned the position, fortifying their national interest arguments with a promotion of human rights that were both French and universal. The United States took a consistently interest-based approach, citing the authority of previous UNSC resolutions, emphasizing the credibility of NATO and expressing the desire to prevent an humanitarian catastrophe. The Germans suffered from deep tension between promoting human rights and holding to anti-militarism, and between the legal obligations of non-interference and those of remaining a reliable NATO partner. The diversity of situations and opinions was a part of NATO nations' individual and collective experience with the crises of the 1990s. The differences and similarities remain today.

Each of the NATO governments examined in this study had national interests and political objectives at stake in the decision to use force in the Kosovo crisis. The reconciling of these interests was central to the collective decision, and NATO leaders claimed that the decision supported the "political aims of the international community." This study looks at the extent to which the nations believed in the existence of an international society or community, and if they did, the nature of it. In any case, the

international community did not come to consensus about the crisis in the UNSC, and stalemate there blocked the way for a UNSC mandate authorizing the operation.

Because no consensus was possible in the UNSC, the intervention -- carried out to stop "a flagrant violation of international law" -- was launched on disputed legal grounds. While the United States and Britain found sufficient legal authority in previous UNSC resolutions, France and Germany initially declared that intervention without a specific mandate would be illegitimate. They both reversed their position, but for different reasons and in a different manner. In the end, each nation found a suitable combination of factors for the authorization and justification of the use of force in Kosovo. None of the nations found a legal obligation to intervene. Britain found that it had a moral obligation, however, and the others expressed a moral duty or responsibility to stop the atrocities.

Since the end of the 78-day operation, there has been a proliferation of literature grappling with the dilemmas of the intervention. Some scholars find in the Kosovo case evidence of a new custom, norm or consensus regarding the obligation to intervene. Still others are troubled by what they call an increasing "moralism" in rhetoric regarding the use of force. They advocate codification of these norms into international law in order to foster compliance, reduce deleterious effects of disagreement, and bridge cultural gaps with respect to moral norms. The potential effects of such a codification with the strong influence that a perceived moral responsibility had on NATO allies is worthy of consideration.

In decisions about intervention since the Kosovo crisis, domestic and international politics continue to merge, international law comes into conflict with imperatives to maintain international peace and security, and the drive to enforce moral norms mixes with motives of national interest. The Kosovo case, in addition to its place as the culmination of a series of interventions in the 1990s, also stands as the precursor to difficult decisions ahead. Although each decision will be shaped by a different set of circumstances, each can be understood as the result of a conversation among three distinct perspectives on international politics. These three traditions of thinking, identifiable since the Renaissance, provide a useful way of analyzing subsequent decisions, and give the policy maker, the scholar and the citizen, invaluable insight into international politics.

Chapter progression

Chapter two addresses the difficulty of applying academic analysis to decisions to use force, looks at alternative analytical perspectives which international relations scholars have proposed for this type of study, and explains why the method suggested by Martin Wight offers the best prospect for understanding the moral, legal and political complexities in decisions to use force. It then explains the logic of the study's conceptual model linking the traditions identified by Wight to thinking about international order, justifications for intervention and the nature of obligations to intervene. Chapter three examines thinking about international order and authorization for intervention. It explores key ideas regarding the nature of international politics in light of three primary aspects of international relations – international anarchy, cooperation and custom, and

moral solidarity. The chapter then examines the arguments for and against the requirement for UNSC authorization and analyzes the logic linking the traditions of thought to the positions regarding authority. Chapter four examines justifications for intervention and surveys the arguments for and against the use of force in the Kosovo conflict before and after the failed Rambouillet talks. Key issues in chapter four include the just war tradition and human rights, especially as these considerations are balanced against national interests concerning intervention. The chapter analyzes the relationship of the arguments with the underlying conception of international politics found in each of the three traditions. Chapter five examines the nature of international obligation and considers the arguments concerning the obligation to stop human rights abuses. Key issues addressed in chapter five include thinking about morality in foreign policy, humanitarianism, sovereignty and non-intervention in relation to human rights, and the uses of the concepts of civilization and barbarians. The arguments are analyzed in light of the three traditions. Finally, the concluding chapter sums up the findings of the study, offers judgments about the usefulness of the model, and reviews some theoretical and policy implications.

CHAPTER TWO:
THEORY AND METHODOLOGY

> It is a liberation of the spirit to acquire perspective, to recognize that every generation is confronted by problems of the utmost subjective urgency, but that an objective grading is probably impossible; to learn that the same moral predicaments and the same ideas have been explored before.[2]

I. INTRODUCTION

The previous chapter introduced the purpose and importance of this study: an analysis of why nations use force in humanitarian and human rights emergencies using NATO's intervention in the Kosovo crisis in 1999 as a case study. This study investigates the proposition that in humanitarian and human rights crises, there is a coherent relationship among the emphasis on one of three international social elements – international anarchy, cooperation and custom, and moral solidarity – and decisions about the authorization, justification, and obligation for intervention. There are many possible approaches to exploring this proposition about intervention. This chapter explains the particular path this study follows and why that route was chosen instead of all the others. It then explains how the study will use the chosen approach to analyze the decision to use force in the Kosovo case.

The study is based in the field of international relations (IR) theory. Within IR theory, it uses the work of British historian Martin Wight, whose lectures and writings in the twentieth century formed a framework to understand thinking about international politics, including the reasons why nations use force to intervene in the affairs of other states.

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[2] Martin Wight, *International Theory: The Three Traditions*, (London: Holmes & Meier, 1992), 6.

This study uses Wight's theory because his approach to international politics offers the best hope of looking at the intervention phenomenon in context and with all its complexities -- political, historical, legal, moral and ethical – and coming to a better understanding of the modern day application of force in humanitarian and human rights crises.

At the heart of Wight's work was his identification of three traditions of thought: Realism, Rationalism and Revolutionism. Analyzing NATO's 1999 intervention in the Kosovo conflict, this study examines the contemporary relevance of his exposition of these traditions and asks, "Can one really categorize the history of thought about international politics this way? And if one can, does an account of the debate among the three traditions really advance our understanding of international politics in the twentieth century?"[3]

Methodology

The study uses the critical case method. The case study method was chosen because the primary question seeks to explain why a contemporary set of events occurred, where the investigator has no control over the events, and where various data gathering methods will be required to answer the central question posed.[4] The "critical" or "strategic" case is most appropriate for the study of humanitarian interventions in the 1990s because, in examining the Kosovo decision, it assesses the most favorable illustration of the

[3] Hedley Bull, Introduction to Martin Wight, *International Theory: The Three Traditions*, xviii.
[4] Robert K. Yin, *Case Study Research: Design and Methods* Second edition (Thousand Oaks: Sage Publications, 1994), 9.

phenomenon,[5] and because the study is used to determine whether an already existing theory or set of propositions is correct or needs to be qualified, extended or challenged.[6]

The Kosovo conflict serves as a critical case study of Western humanitarian interventions of the 1990s because it was the culmination of several cases of intervention during the first decade of post-Cold War decision making. Many governments involved in the decision making had been faced with similar choices throughout the decade. The burgeoning literature on humanitarian intervention "lessons learned" throughout the decade suggests that analyses of the political, moral and legal considerations had reached an impressive level by the time the crisis in Kosovo presented itself. It has been argued that the Kosovo intervention was an "exception" because some of the most influential states that undertook the military operations have declared that they do not see it as a precedent for future decisions.[7]

II. THEORETICAL FRAMEWORK

What is Wight's approach?

In his lectures in the 1950s and early 1960s at the London School of Economics, Martin Wight had two primary purposes. His first was "to demonstrate the inadequacy of the "two schools" analysis of international relations theory that pits realism against idealism, also called utopianism. His second aim was to "bear out Tocqueville's

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[5] Catherine Hakim, *Research Design: Successful Designs for Social and Economic Research* Second edition (New York: Routledge, 2000), 60.
[6] Robert K. Yin, *Case Study Research: Design and Methods,* 38.
[7] See, for example, Thomas F. Walsh, III, "Operation Allied Force: Setting a New Precedent for Humanitarian Intervention?" Student thesis (Monterey, California: Naval Postgraduate School, 2000).

point...that there is very little, if anything, new in political theory, that the great moral debates of the past are in essence our debates."[8]

Martin Wight's method places the ideas and motives of decision makers in the context of specific historical events while relating them to long-standing philosophical and theoretical traditions. Wight proposed that,

> Statesmen act under various pressures, and appeal with varying degrees of sincerity to various principles. It is for those who study international relations to judge their actions, which means judging the validity of their ethical principles. This is not a process of scientific analysis; it is more akin to literary criticism. It involves developing a sensitive awareness of the intractability of all political situations, and the moral quandary in which all statecraft operates. It requires a sympathetic perception which offers an insight into moral tensions, and it is to be obtained by cultivating the acquaintance of politicians and statesmen.[9]

Since the early 1980s, Wight has been placed in what is called the "English School" of international relations theory, although Wight himself never used the term. A standard definition of the term "English School" has remained elusive, but it is generally used to describe a group of primarily British IR theorists whose main concern was, "to uncover the nature and function of international societies, and to trace their history and development."[10] The term is usually associated with a particular methodological approach to studying international politics that relies less on social science than on historical and humanistic learning.[11]

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[8] Martin Wight, *International Theory: The Three Traditions*, 268.
[9] Ibid., 258.
[10] Barry Buzan, "The English School as a Research Program: an Overview and Proposal for Reconvening." Center for the Study of Democracy, University of Westminster, Draft of 15 October 1999. Available at http://www.ukc.ac.uk/politics/englishshool/buzan99.htm accessed 1 July 2002.
[11] The author is grateful to David Yost for this point.

Barry Buzan has argued that the "English School" should have more prominence in the study of IR overall, that it belongs somewhere between realism and liberalism, and that it is "the best place to be for the further development of IR theory" as he understands it.[12] The following section first introduces Martin Wight's three traditions of thinking about international politics, then presents arguments regarding the continued usefulness of Wight's work from several IR scholars who situate Wight and the "English School" within various present-day IR categories.

Wight's three traditions: Realist, Rationalist and Revolutionist

Wight's Realists are also called "Machiavellians". They believe force is ultimately the dominant mode of international interaction because sovereign states interact in a condition of anarchy and recognize no superior. They hold that there is no "international society". States pursue their own national interests, with primarily utilitarian regard for the interest of others. Realist methodology is generally inductive, emphasizing what is rather than what "ought" to be, observable behavior rather than obligations. Displaying both aggressive and defensive forms, its major proponents have included Thomas Hobbes, Friedrich Hegel, Frederick the Great, Georges Clemenceau, E. H. Carr, and Hans Morgenthau.

Rationalists, or "Grotians," emphasize natural law. In their view, international politics are not so much shaped by international anarchy as by cooperation and custom through habitual interaction. Cooperation and not conflict is the dominant mode of international

[12] Barry Buzan, "The English School as a Research Program: an Overview and Proposal for Reconvening."

intercourse. The Rationalist method is primarily deductive. With realist and idealist forms, major examples of the tradition have included international lawyers, John Locke, Edmund Burke, George Washington, Abraham Lincoln, W. E. Gladstone, Franklin D. Roosevelt, and Winston Churchill.

Revolutionists, or "Kantians," emphasize subversion and/or liberation. International relations are assimilated to a condition of domestic politics through doctrinal uniformity, doctrinal imperialism or cosmopolitanism. Force is justified to defend and spread the ideal. The deepest element of the Kantian idea is "the moral passion to abolish suffering" and what causes it, not the idea of progress alone.[13] There exists a tension between the elect (*civitas maxima*) and the heretics. Revolutionist perspectives are only superficially about relations among states; they are ultimately more about relations among human beings and the future of the community of mankind. Revolutionism may take evolutionary and revolutionary forms. The three primary examples in the post-medieval history of the Western states-system are key leaders of the Reformation and Counter-Reformation, the Wars of Religion, the French Revolution, and twentieth century Fascist and Communist totalitarians. While Marx takes his place in the revolutionary or "hard" Revolutionist category, Emanuel Kant and Woodrow Wilson are evolutionary or "soft" Revolutionists. Wight believed that these variants may deserve two separate categories, but discusses them as opposite ends of the same tradition.

[13] Hedley Bull, "Martin Wight and the theory of international relations," in *International Theory: the Three Traditions*, xvii.

To these three, Wight added a fourth tradition: Inverted Revolutionists. These are pacifists, and the major proponents have included the early Christians, the Quakers, Leo Tolstoy, and Mohandas Gandhi. None of the NATO governments took a pacifist position during the Kosovo crisis, although some claimed strong domestic political pressures calling for a pacifist stance.[14] Accordingly, this tradition receives little further attention in this study.

Wight's approach in the context of IR theory

Wight did not claim to belong to any one of the numerous schools of international relations theory prevalent today, but some scholars have tried to put him in one or more of these schools of thought including "classical," "realist," "normative," and "constructivist" among others. Wight criticized the simplistic realist-idealist dichotomy that interests so many who study IR, even today. Instead, he grounded his work in a way of analyzing the behavior of states and statesmen in the context of their times, using history, philosophy, law and the other "classical" disciplines that helped him understand international politics.[15] For this reason, Hedley Bull calls his approach "classical" and contrasts it to a "scientific" or "scientistic" approach. However, this term may be misleading today, when even the work of modern day scholars like Morgenthau is called

[14] Italy claimed strong internal pressures to take a pacifist stance during decision making. Germany's Green Party and SPD had pacifist histories, but they were not pacifist in the sense that they ruled out the use of force and therefore do not fit into Wight's fourth tradition. For a look at Italy's position in the crisis see Tony Weymouth and Stanley Henig, *The Kosovo Crisis: The last American war in Europe?* (London: Reuters, 2001).

[15] Wight contrasted the historical from the political science method, saying that the first believed in immutability of events: "The historian will point out the reasons why decisions were taken or avoided, and will tend to argue that it is futile to imagine that things cold have been otherwise...The political scientist is more concerned with the abiding rules of political action that are illustrated by these controversies, and he is freer to point out that if policies had been different the consequences might have been different too." *Power Politics*, Hedley Bull and Carsten Holbraad, eds. (New York: Holmes & Meier Publishers, Inc, 1978), 202.

classical. Morgenthau himself preferred to divide IR into "traditional" and "behavioralist" schools. This debate between the two schools has been called "stale and unrewarding,"[16] and it is not the purpose of this study to continue it. The study uses the term "classical approach" and will analyze whether such a method, as practiced by Martin Wight, is more helpful than others in understanding present day international relations.

The "classical approach" to IR theory

Hedley Bull argues that while the quantitative approach is helpful in answering some behavioral questions, it does not help with the broader questions of international politics. A more comprehensive approach, one that takes into account the context and moral complexities of decisions, is needed. For him, this is not just a reading of the classics, but one that is characterized above all by its reliance on judgment, and which is derived from the study of law, philosophy, and history. Of the scientific approach he noted, "If we confine ourselves to strict standards of verification and proof there is very little of significance that can be said about international relations, that general propositions about this subject must therefore derive from a scientifically imperfect process of perception or intuition."[17]

For Bull the most valuable of the other IR methods can be folded into the classical approach. He reminds his readers that the business of human behavior is untidy, and not

[16] Yale Ferguson and Richard Mansbach, *The Elusive Quest: Theory and International Politics* (Columbia: University of South Carolina Press, 1988), 32.
[17] Hedley Bull, "International Theory: The Case for a Classical Approach," in *Classics of International Thought*, John Vasquez, ed. (Englewood Cliffs: Prentice Hall, 1990), 83.

reducible to simple models and quantification. Such approaches of the scientific school simply avoid the hard questions of international relations. Questions such as, "If we can speak of a society of sovereign states, does it presuppose a common culture or civilization?...What is the place of war in international society?...Are there just wars which it may tolerate and even require?..."[18] Such difficult questions cannot be adequately answered by the scientific approaches such as game theory, simulation, systems theory, and content analysis. Bull sees the quantitative practitioners often avoiding difficult but central questions, choosing to make their contributions to issues more observable and measurable but which remain on the fringes of international theory, and which do not address moral dilemmas which are central to international politics. Thus, issues such as the reason nations go to war to relieve human suffering, the subject before the present study, cannot be properly answered by a scientific approach alone, and must be attempted instead by the messier, but more fruitful, classical approach.

Some see the proliferation of IR theories as overtaking the usefulness of categorizations such as Wight's three traditions. Even so, they admit that important questions such as "what is international society?" or "on what philosophical basis can one ground norms about the use of force?" still lend themselves to just such a method.[19] At the same time, "the theory of international relations should undoubtedly attempt to be scientific in the sense of being a coherent, precise, and orderly body of knowledge, and in

[18] Ibid., 84.
[19] Martin Griffiths and Terry O'Callaghan, "The End of International Relations?" in Robert M.A. Crawford and Darryl S.L. Jarvis, *International Relations – Still an American Social Science: Toward Diversity in International Thought* (Albany: State University of New York, 2001), 199.

the sense of being consistent with the philosophical foundations of modern science."[20] This is Wight's approach. Building upon the writings of great political philosophers, international lawyers, and statesmen, he is as rigorous in his use of extensive historical example as he is in remaining grounded in philosophical tradition. Bull's final criticism of practitioners of the scientific approach is that they leave unacknowledged in their own research the moral and political attitudes that may have shaped their assumptions, and they do not situate themselves in the long classical tradition that, until very recently, was the standard, and remains so for many. Among those, Stanley Hoffman noted that the American study of international relations could benefit from,

> Triple distance...away from the contemporary, toward the past; [away] from the perspective of a superpower (and a highly conservative one), toward that of the weak and revolutionary...; [and away] from the glide into policy science, back to the steep ascent toward the peaks which the questions raised by traditional political philosophy represent.[21]

Ferguson and Mansbach have also made the argument that no IR theory, no matter how scientific, is value-free since it is infused with the values of its authors. [22]

How to use Wight's method

Wight continually emphasized that classification becomes helpful only when it breaks down.[23] He noted that those he studied often straddled traditions, and some, like Machiavelli, transcended the very tradition they helped form. The traditions "both influence and cross-fertilize one another." What he called "Realist," then, was based upon traditional figures like Hobbes. He noted that their descendents, like Morgenthau

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[20] Bull, "International Theory," 87.
[21] Stanley Hoffman, "The Hell of Good Intentions" *Foreign Policy*, no. 29 (Winter 1977-1978).
[22] Ferguson and Mansbach, *The Elusive Quest: Theory and International Politics.*
[23] Wight, *International Theory: the Three Traditions*, 259.

and Kennan, are partially or primarily Rationalist. Kennan, "because he maintains national interest should be guided by justice,"[24] and Morgenthau because, of his six principles of realism in *Politics Among Nations*, three of them are essentially Rationalist.[25]

This straddling of and hopping between traditions does not weaken the usefulness of Wight's traditions if one keeps in mind that he was not out to create something new. He did not have in mind a comprehensive model or theory in which to neatly categorize people and answer a particular policy question of the day. To the contrary, the purpose of classification for Wight is to identify continuous (or, in the case of Revolutionism, recurring) strains of thinking. That he arrived at only three (with a fourth left underdeveloped) forces those who would use them to also use his careful method of exegesis. There is no hope of a short cut to simple answers about the way statesmen behave. Even so, there is an expectation among IR scholars that Wight's classifications should somehow correspond to present day, especially American, international theory, or should be judged by the standards of these newer theories. The next section examines some of the scholars who have viewed Wight's work in light of recent theory.

What are the main critiques of Wight's approach?

Since Martin Wight delivered his lectures in the 1960s, international relations theory has burgeoned. The pre-eminence of American, predominantly scientific, theory in

[24] Ibid., 267.
[25] The three of Morgenthau's principles Wight calls Rationalist are: number one (that there are objective laws of politics), number four (that there is a tension between morals and politics, and prudence is the principle of the lesser evil), and number five (that in realizing that a nation's moral interests are not universal there is a respect for the interests of others).

explaining international political behavior during the Cold War leads one to try to make Wight's theory accountable to the numerous approaches pursued today. One may ask how Wight's Realist relates to the structural realism of Kenneth Waltz and John Mearsheimer, or how the Rationalist relates to institutionalism as put forth by Robert O. Keohane, liberalism or social constructivism described by John Ruggie and Alexander Wendt, or how the Revolutionist relates to critical theory. A simple analogy among these approaches would go against the essence of Wight's approach and it is not the purpose of this study to create these linkages. Nevertheless, it is important to look at the way IR scholars today view his work and where they situate his method in the field.

A conversation is taking place in what has been called the English School of international relations about the relevance of the work of Wight and others to today's IR research agenda. [26] Several recent works try to mend the breach between American "scientism" and British "classicism."[27] Andrew Hurrell has attempted to reconcile regime theory and international law to the study of international society, the English School's primary focus. He concentrates on the "relationship between law and norms on the one hand and power and interests on the other" and how to make the former less dependent upon the latter. His analysis is an excellent example of the efficacy of Wight's method, as he grapples with the same basic dynamics of weak and strong powers, shared norms and values in international society, the nature of obligation and justification for intervention, and, finally, the realization that it is "after all, only individual policy makers who are

[26] Buzan, "The English School as a Research Program: an Overview and Proposal for Reconvening."
[27] For a review of four recent works, see Ian Hall, "Still the English patient? Closures and inventions in the English School." *International Affairs* 77, no. 3 (2001): 931-942.

capable of feeling a sense of obligation."[28] Richard Little would see the English School take a more pluralistic approach, including the incorporation of systems theory, positivist tools, interpretivist/hermeneutic methods, as well as critical theory.[29] Barry Buzan claims that the English School and regime theory have been divided due to "peculiarities of academic discourse" and should now be united. This desire to see the English School folded into American IR may be a "synthesizing proclivity" of regime theorists in general.[30] Wight found that the traditions attribute different roles and meaning to history – with the Realists seeing history as cyclic or static and the Rationalists and Revolutionists having a more optimistic or progressive outlook -- and Wight links these diverging views on history to other aspects of their thought. James Richardson, lamenting the disproportionate space taken up in the last decades by postmodernist and rational choice models, calls for an "historical sociology" approach to theorize about what he deems "the core IR issue: systemic change."[31]

National perspectives in the IR field

That an accounting of Wight and the classical approach before current American approaches to IR is expected reflects the gate keeping effect that American IR has in the field. Robert Crawford and Darryl Jarvis's edited volume of non-American scholars is dedicated to the question of whether the field is still an essentially American discipline

[28] Andrew Hurrell, "International society and the study of regimes: a reflective approach," in Volker Rittberger ed., *Regime Theory and International Relations* (Oxford: Oxford University Press, 1993), 49-72.
[29] Richard Little, "The English School's Contribution to the Study of International Relations," in *European Journal of International Relations* (London: SAGE Publications, 2000).
[30] Robert Crawford, "Where Have All The Theorists Gone – Gone to Britain, Every One? A Story of Two Parochialisms in International Relations," Ibid., 232.
[31] James L. Richardson, "International Relations and Cognate Disciplines: From Economics to Historical Sociology," Ibid., 293.

and how more diversity can be allowed in.[32] Taking a different view, Chris Brown questions the standard thinking that American IR is "parochial" because it is informed by a distinctly American way of practicing international politics. He asks whether the study of IR is not "American" enough, but rather too cosmopolitan and universal. He believes that this and the desire for a separated social science discipline of "international relations" are tied to a particular, liberal, worldview.[33] Tony Porter asserts that the proliferation of IR theory may be refutation of Wight's belief that international theory is prohibited by national outlooks. He concedes, however, that Wight's "identification of the incompatibility of national perspectives and IR theory remains logically convincing."[34] A.J.R. Groom and Peter Mandaville point out that Wight's three classifications, as well as Bull's trifurcation (into Hobbesian, Grotian and Kantian), and the more recent categorizations into Realist, pluralist (or world society), and structuralist approaches, have proved to be an overall conceptual framework that has "guided intellectual development in IR." He also notes that this enduring framework "owe[s] little or nothing to North American IR."[35]

Roger Epp views Wight's work as uniquely suited to the study of indigenous peoples and the dispossessed, remarking that, "Long before it could be fashionable, Wight's lectures put the problem of relations with the 'other,' the outsider, the barbarian, at the

[32] Robert M.A. Crawford and Darryl S.L. Jarvis, Ibid.
[33] Chris Brown, "Fog in the Channel: Continental International Relations Theory Isolated (or an essay on the Paradoxes of Diversity and Parochialism in IR Theory)," Ibid., 218.
[34] Tony Porter, "Can There Be National Perspectives on (Inter)national Relations?" Ibid., 136.
[35] A.J.R. Groom and Peter Mandaville, "Hegemony and Autonomy in International Relations: The Continental Experience," Ibid., 152.

ontological-moral center of international relations theory and held Western rationalism accountable for he tutelary 'humbug' of colonialism."[36]

Wight and the cosmopolitan/communitarian debate

Chris Brown places Wight within the normative branch of IR theory, in contrast to an empirical category. Whereas empirical theory is descriptive, explanatory and predictive – 'positivist' – normative theory concerns itself with the moral dimension of international relations and the "ethical nature of the relations between communities/states."[37] Brown accords Wight and Carr status as founders of the IR discipline in Britain, along with their American counterparts Morgenthau and Spykman.[38] They are the "teachers of the teachers" of the discipline, and were concerned with normative dimensions of IR long before the post-behaviorist period of the last three decades when such considerations as applied ethics has become acceptable research agenda in IR.[39] This reawakening to international political philosophy explains the renewed interest in figures like Wight.

Brown further believes that Wight's three categories could be redistributed into a bifurcated framework of communitarians and cosmopolitans. This categorization, Brown proposes, pre-dates even the post World War II realist-idealist split, and provides a better foundation for present-day concerns with the moral dimensions of IR, primarily concerning the post-Vietnam ethical debates about the use of force. While he finds

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[36] Roger Epp, "At The Wood's Edge: Toward a Theoretical Clearing for Indigenous Diplomacies in International Relations," Ibid., 302.
[37] Chris Brown, *International Relations Theory: New Normative Approaches* (New York: Columbia University, 1992), 3.
[38] Ibid., 96.
[39] Ibid., 99-100.

Wight's three traditions more "subtle and valuable" than Carr's realist-utopian divide, and acknowledges Wight's insistence that most characters do not fit neatly in any category, Brown believes that the cosmopolitan/communitarian idea in part solves this by requiring "less special pleading" and relating more readily to "current work in political philosophy relevant to international relations."[40] In particular, Brown is troubled by Wight's putting men like Marx and Kant together in one tradition.[41] However, this criticism seems to ignore Wight's own writing about the subject in which he further breaks down the tradition into "hard" and "soft" Revolutionists, and again into "evolutionary" and "revolutionary" variants. He went as far as to suggest that a fourth tradition might be needed to "distinguish soft Revolutionists, from Kant to Nehru, from hard Revolutionists like the Jacobins and Marxists."[42]

Was Wight a constructivist?

James Dougherty Robert Pfaltzgraff define the constructivist as one who assumes "that our understanding of the world, and the intellectual tools used for viewing that world, are not objectively derived but instead are the result of socially constructed concepts."[43] They link the concept of an "international society" -- the object studied by many in the English School -- to constructivism, pointing out that although the English School shares realist/neo-realist ideas of anarchy, war and balance of power, it does not view them as laws embedded in the international structure, but as ideas that shape

[40] Ibid., 25.
[41] Ibid., 39.
[42] Wight, *International Theory: The Three Traditions*, 267.
[43] James E. Dougherty and Robert L. Pfaltzgraff, Jr., *Contending Theories of International Relations: A Comprehensive Survey*, 5th edition (New York: Longman, 2001), 166.

international society. To the constructivist, it is left to diplomats, statesmen, politicians and others to construct international society as new norms and values emerge.

Regime theorists further emphasize the role of discourse among elites in constructing emerging norms. Noting the influence of the discourse of ideas in institutions such as the UN Security Council, Ian Johnstone has argued that the UNSC deliberations regarding legal justification for intervention in the Kosovo case influenced positions taken by various governments, and had other influences on international organizations such as reinforcing the role of the UN in NATO's Strategic Concept, written after the Kosovo intervention.[44] He argues that the debating process shaped the way the participatory governments think about the relative importance of key factors in the debate, including the relative importance of non-intervention and human rights.

It may be said that a constructivist's approach to theory is that of the Revolutionist's approach to certain aspects of international society, particularly international law. This is discussed in the section regarding international law below.

Ole Waever criticizes the idea that the English School should be subsumed into constructivism. In particular, he takes issue with the notion that the English School's via

[44] Ian Johnstone, "Security Council deliberations: justification and persuasion on the basis of law," unpublished paper, The Fletcher School of Law and Diplomacy, 2002. Johnstone examines norm- and value-driven intervention by conceiving of the international legal debates as a process of "justificatory discourse" within and constrained by "interpretive communities."

media is the same as the constructivist's "middle way."[45] He sees a two-fold advantage of the English School over constructivism: in "the ability to deal with (real and/or long-term) change and ethics."[46] In the end, Waever recommends that the two approaches remain separate, both because of these differences and in order to preserve the unique contributions of the English School to the IR field. He believes that while constructivism is better able to offer "in-depth causal understanding of a particular -- relatively stable but not totally immutable – situation...the harmony and consistency of constructivism probably is out-stripped by a contradictory reality better captured by the multiple realities of the [English School]."[47]

It is problematic to identify the English School or those associated with it as constructivist, just as it is unclear how the School can be categorized by any of the more recent theories of IR. When the concept of a separate English School of international relations was proposed in 1981, nine years after Wight's death, proponents attempted to place Wight and others into this new category. As noted previously, it is construed primarily as a methodological association, and Wight disagreed with others such as Herbert Butterfield -- who is also assigned to this school and with whom Wight co-edited

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[45] Ole Waever counts Andrew Hurrell, Barry Buzan and Tim Dunne among those putting forth the argument that "international society" is akin to social construction. Ole Waever "Does the English School's Via Media equal the Contemporary Constructivist Middle Ground? Or, on the difference between philosophical scepticism and sociological theory," 24th Annual Conference of the British International Studies Association, Manchester Conference Centre (UMIST) 20 - 22 December 1999, Available online at available at www.bisa.ac.uk.

[46] Waever finds this indealing with change because it "always leaves room for change and the historicist nature of the understanding of international society lends credibility to fundamental long-term change – this in contrast to constructivism that can mainly deal with change within pre-conceived categories," and in dealing with ethics because "the ideational phenomena studied by the [English School] include ethical debates that can not be concluded but continued and added to, in contrast to a scientistic study of ideas in Wendtian constructivism." Ibid.

[47] Ibid.

the volume *Diplomatic Investigations* -- on substantive matters such as ideas of war, anarchy and the balance of power.[48] In his lectures and writings, Wight avoided assigning himself definitively into any one of the traditions he identified, and evidence that he would reject categorization as what is now called "constructivist" is ample. For example, in Wight's review of Arnold Brecht, *Political Theory: The Foundations of Twentieth-Century Political Thought*, he observed:

> His argument culminates in the discovery of factual truth as the first postulate of justice, on the ground that it is a universal phenomenon of human thinking and feeling to understand justice as at least the correcting of a falsification of facts (e.g. the Dreyfus case). This inductive generalization of 'general factual anthropology' offers a factual bridge between Is and Ought.[49]

Wight's support for the efficacy of the concept of objective truth is incompatible with the constructivist's belief that truth can be created by society, or "socially constructed."

With more than a hundred theories or sub-theories in IR competing to explain international behavior,[50] it would seem logical that instead of trying to fit the classical approach into newer theories, the opposite should be proposed. New priorities and refinements of classical thinking should be held accountable to the fundamental and enduring principles and methodologies of international thought that have long supported not only IR, but the fields of law, history, politics, and philosophy.

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[48] See Martin Wight, *Diplomatic Investigations: Essays in the Theory of International Politics*, Herbert Butterfield and Martin Wight, eds. (Cambridge, Massachusetts: Harvard University Press, 1966).
[49] Martin Wight, review of Arnold Brecht, *Political Theory: The Foundations of Twentieth-Century Political Thought,* in *International Affairs* 36, no. 4 (October 1960): 500-501.
[50] For an exposition of these theories, see Dougherty and Pfaltzgraff, *Contending Theories of International Relations: A Comprehensive Survey.*

III. INTERVENTION

Having explored the Wight's three traditions and where his approach fits into IR theory overall, this section looks more closely at the aspect of Wight's work that is most important to this study: thinking about intervention.

Figure one summarizes several of the issues Wight considered in relation to the three traditions and shows Wight's methodology for identifying specific strains of thought in historical context. This study limits itself to the three aspects that are particularly relevant in the 1999 NATO intervention: the requirements of international order, justifications for forcible intervention, and obligations to take action in the face of aggression and malfeasance.

Wight defined intervention as "forcible interference, short of declaring war, by one or more powers in the affairs of another power," or as "coercion short of war." He noted that it is used for upholding standards and maintaining order in international society, and that it is so prevalent in history that "international law can only make a system out of it by losing touch with diplomatic facts."[51] He also acknowledged intervention in its looser definition of a state entering into ongoing hostilities, such as the United States' entry into the First World War. NATO's intervention in Kosovo in 1999 has been given various and ambiguous definitions, even while it was ongoing.[52] This study maintains that it falls

[51] Wight, "Western Values in International Relations," 111.
[52] General Wesley Clark discussed the ambiguous definition from war to humanitarian action in his memoir, *Waging Modern War,* (New York: Public Affairs, 2001).

within the definition of intervention in Wight's meaning and as the term is generally accepted today.

Wight believed that it is very difficult to define the terms intervention and non-intervention, and hard to "erect either of them into a theoretical norm of international conduct." Yet, it is possible to see a complex set of assumptions in the Rationalist and Revolutionist traditions of thought. For these, there exists a "moral interdependence of peoples" in which states "are not isolated bodies" but rather part of an international community or society in which the domestic affairs of one state are of interest to people in other states.[53] For the Realist, who does not believe that there is an international society, decisions about intervention may be made based more simply upon national interest arguments.

The requirements of the international order: authority for intervention

What follows is an exposition of Wight's findings about intervention as they relate to the three traditions.

International society

For Wight, the question, "What is international society?" is the fundamental question for international theory.[54] International society is the "condition which we study under the name of international relations themselves, the state of affairs that produces

[53] Martin Wight, "Western Values in International Relations," in *Diplomatic Investigations: Essays in the Theory of International Politics*, Herbert Butterfield and Martin Wight, eds. (Cambridge, Massachusetts: Harvard University Press, 1966), 115-116.
[54] Martin Wight, "An anatomy of international thought," *Review of International Studies* 13 (1987), 222.

international theory."[55] It consists of three components: international anarchy, habitual intercourse through custom and cooperation, and moral solidarity. Each of the three traditions corresponds to an emphasis one of these elements. The Realist, emphasizing anarchy among states, denies the existence of international society. From a Realist perspective international society is the state of nature, and that is a state of *bellum omnium contra omnes*. The state is the highest authority. Power is anterior to morality, ethics, justice and law. In contrast, the Rationalist argues that the state of nature before the social contract was one of "sociability – the capacity for becoming social."[56] It is a society of law -- albeit without a central authority to enforce that law – regulated by alliances, treaties, the balance of power, diplomacy and international organizations. The Revolutionist, emphasizing moral solidarity, sees international society as

> Mankind, encumbered and thwarted by an archaic fiction of an international society composed of sovereign states. States are not persons, they have no wills but the wills of the individuals who manage their affairs, and behind the legal façade of the fictitious Society of Nations is the true international society composed of men.[57]

While the idea of a common humanity is shared by the Grotians, the Kantians take the implications of this a step further.[58] Essentially, they insist that the state system is illegitimate, that it must be changed, and that purposeful action may be required to change it. Marx described the mechanism of historical change as the dialectic. Kant emphasized the two historical agencies of the "commercial spirit"[59] which is

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[55] Ibid., 221.
[56] Ibid., 223.
[57] Ibid., 224.
[58] The Revolutionists were given the name "Kantians" because Kant was the most famous exponent of the idea that history has the direction and a purpose of bringing about eternal peace.
[59] Immanuel Kant, *Perpetual Peace* (Liberal Arts edition, 1957), 32, Ibid., 227.

incompatible with war, and "the spirit of enlightenment"[60] expressed in world public opinion.

The United Nations

Martin Wight points out that while the UN has over the years been attributed a moral authority,[61] it was originally conceived on Realist lines:

> Hobbes argued that the only remedy for the state of war was an unlimited contract, whereby we all reduce our wills to one will...This is precisely what signatories of the Charter did by Articles 24, 25 and 48. The Smutsian preamble to the Charter, which is in another tradition of thinking, was tacked on later; and it was only later again that it appeared that the Hobbesian sovereign of the UN was a schizophrenic paralytic incapable of action, so that the UN has never worked as it was intended.[62]

Wight's observations about how weaker states made use of the UN to deal with stronger states in advancing anti-colonialism are relevant today. The dilemma of efficacy vs. inclusion remains as central as ever, even more so since 191 nations now claim "equal" membership. The role of the UN as a legal if not moral authority is central to understanding certain views regarding NATO's actions in the Kosovo case. That so many critics of NATO's action call the campaign "illegal" because it lacked UNSC approval

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[60] Immanuel Kant, *Idea for Universal History,* 8th principle, ed. C.J. Friedrich (New York, 1949), 128, Ibid., 227

[61] For example *The Wall Street Journal* criticized Kofi Annan for claiming that only the UN could lend moral legitimacy to an effort such as the rebuilding of Iraq after the coalition's intervention of 2003. See Annan's remarks, in a 7 April 2003 press conference, stated that the UN lent legitimacy, but not of the moral kind. See "What Moral Legitimacy?" *The Wall Street* Journal, 11 April 2003. Available at http://www.gabrielschulze.com/news/news/news9/WSJ_com%20-20What%20Moral%20Legitimacy.htm. Accessed 25 February 2004.

[62] Wight, "An anatomy of international thought," 223.

indicates the pervasiveness of the notion that wars require legitimacy outside the state or even the alliance of several states.[63]

In his survey of intervention in history, Wight noted that "all such historical examples of intervention show the powerful correcting the weak," but that "one may possibly feel a certain satisfaction that the United Nations, for all the doctrinaire extravagances of is interventionism, has accidentally developed into the first international organization that has been able to subject the Great Powers to systematic nagging."[64]

Justification for intervention

War

Martin Wight found that

> One test of the profundity and insight of an international theorist is what he has to say about war; but here are two distinct theoretical enquiries: the character, or nature of war as a phenomenon, and the conduct and purpose of war as a policy.[65]

The Rationalist holds that the object of war is peace, and that war is thus a necessary evil. The Realist, on the other hand, sees war as a natural result of human nature. Dissenting from St. Augustinė's view of the primacy of peace, the Realist considers peace as "the laboratory of war."[66] The most extreme position is militarism: the notion that war brings out the higher qualities of human nature and is therefore good. Francis Bacon wrote that,

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[63] See, for example, the work of the international committee chaired by Richard Goldstone in *The Kosovo Report: Conflict, International Response, Lessons Learned.* (Oxford, Oxford University Press, 2000).
[64] Wight, "Western Values in International Relations," 120.
[65] Wight, *International Theory: the Three Traditions*, 206.
[66] Ibid., 208.

"A just and honorable war is the true exercise...and serveth to keep the body in health."[67] For the Revolutionist, war is the agent of history. This is a "war to end all wars," as the First World War was called. A war to make the world "safe for" a doctrine, also illustrates such an approach.

As for the conduct or purpose of war, the Rationalist believes in the just war doctrine set forth by St. Thomas Aquinas. St. Thomas emphasized proper authority, just cause and right intention in war. The requirements point to the Rationalist belief that power is not self-justifying, as Realists maintain, but rather, because the individual is prior to the state, the exercise of political power must be justified. Again, this points to the difference between the Hobbesian unlimited social contract and the Lockean, limited version adopted by the Rationalist.

The Rationalists alone call for limited war. The Realists reject normative theories of just war and limited war, and sanction preventive war, unlimited in nature and with the destruction of the enemy as the goal. Yet, the extreme Realist's call for crushing the enemy is inconsistent with Clausewitz's dictum of compelling the defeated foe to bend to one's will.[68]

For the Revolutionist, wars are for the purpose of liberation or otherwise advancing the fulfillment of history. In this sense, the Revolutionist considers them "holy wars." The Revolutionist divides the world into good and bad, as did the antagonists of the Cold

[67] Francis Bacon, "Of the True Greatness of Kingdoms," *Essays* (London: Dent & Sons, 1939), 95, quoted in Wight, *International Theory: the Three Traditions*, 208.
[68] Ibid., 219.

War. Like some Realists, some Revolutionists believe in preventive, total war and total surrender (with the goal of spreading the revolution to the vanquished). Taken to the extreme, the Revolutionary war calls for extermination: killing all and letting God "know his own".[69] From the Albigensian crusade through the French Revolution, the Holocaust of World War II and the Rwandan genocide of 1994, the mechanism of extermination is the tool of the extreme Revolutionist.

Legitimacy of intervention

> Intervention perhaps gives rise to more controversy than any other international conduct. Violating the assumption of the equal independence of all members of the society of states, it is *prima facie* a hostile act. Yet, it is so habitual and regular that it is impossible to imagine international relations without it; and international law can only make a system out of it by losing touch with diplomatic facts.[70]

Some commentators have strenuously denied the legitimacy of intervention on the grounds that it violates the "liberty of nations,"[71] while others, from the perspective of positive international law allow it only in the case of self-preservation.[72] At the opposite end of the spectrum are those who see intervention as a universal duty, either to change the status quo or to preserve it. This is the Revolutionist approach. "In times of doctrinal conflict it may be thought that non-intervention is wrong, because it is in effect intervention against the right."[73]

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[69] This practice of extermination is a Western one according to Martin Wight who believed that Eastern examples of it had Western underpinnings. He notes the Western nationalism that lay behind the Turkish massacre of Armenians in 1916.
[70] Martin Wight, "Western Values in International Relations," 111.
[71] Christian Wolff, *Jus Gentium Methodo Scientifica Pertractatum* (first published 1749), sections 255-7, quoted in Wight, Ibid., 113.
[72] W.E. Hall, *International Law*, 343-4, in Wight, Ibid.
[73] Wight, "Intervention," in *Power Politics*, 199.

Some, like Mazzini, have argued that non-intervention was only acceptable in an international system that is universally just, and that such a system does not yet exist. Mazzini saw non-intervention as *de facto* intervention of the powerful against the weak who were trying to throw off an unjust regime. A similar but not identical argument was made after the United States and other UN Security Council members failed to intervene during the Rwanda genocide of 1994. In this case, too, the great powers' non-intervention was called an intervention, not against a rebel force, but rather against the victims of the genocide.

Wight sums up the Realist approach to intervention along these lines, quoting Talleyrand: "C'est un mot metaphysique, et politique, qui signifie a peu pres le meme chose qu'intervention,"[74] or "Non-intervention is a political and metaphysical term meaning the same thing as intervention."[75] It is a matter of choosing whether one or the other is the best policy for the state. He notes, however, that the primary debate about intervention is between Rationalists and Revolutionists. Intervention is linked to the theory of international right, defined as "a balance between the rights of separate nations and the rights of international society as a whole."[76] Wight believed that, "this would be almost the same thing as a theory of intervention; intervention is a phenomenon of international politics where international right clashes with national interest, and where international politics intersect with domestic."[77] Rationalism makes a presumption for the status quo in international society, while Revolutionism makes the opposite

[74] Wight, "Western Values in International Relations," 115.
[75] Wight, *International Theory: the Three Traditions*, 136.
[76] Ibid., 131.
[77] Ibid.

presumption and believes it the right and duty for people to conform to the doctrinal norm. The emphasis of the former is on state-to-state diplomacy, whereas the latter is concerned also with relations between peoples. The Rationalist upholds non-intervention because he does not want to intervene and because the first principle of the theory of international right is that every state has the right to regulate its own affairs freely.[78] The Revolutionist has a more complicated approach. According to Wight, "the Revolutionist theory of international right, stripped of all rhetorical disguise, is simply: that when you are in ascendancy in international society you ought not to intervene against us, because it is your duty to respect the rights of states to regulate their own affairs freely; but when we are in the ascendancy we shall intervene against you, because it is our duty to encourage every people to conform to their affairs to the doctrinal norm." Where the Revolutionist would use intervention to establish his *civitas maxima*, the Rationalist would have it mitigate international anarchy. Thus, the Revolutionist sees no accommodation of national interests but rather a "duty of hostility to other states" when norms are at stake.[79]

While small states are more leery than major powers of legitimating interventionism, they also cling to the right of assistance from stronger nations against oppression. For example, the legitimately elected president of Haiti upheld this latter right in calling for US intervention to oust the coup leaders in 1991, while at the same time the Latin American members of the Organization of American States accepted US action only after their own mediation efforts failed. In 1953, the Costa Rican delegate to the UN General

[78] Ibid., 134.
[79] Ibid., 133.

Assembly said that intervention was a danger, but also warned against, "international indifference in the face of tyranny, genocide, the violation of rights, [and] the fact that sovereignty is being snatched out of the hands of the people."[80] The diplomat stated, "Non-intervention, in that extreme form, sometimes assumes the attributes of intervention against the people."[81]

The conflicted approach of Latin Americans results from the 1823 Monroe Doctrine – erected to prevent European intervention in the Americas -- and Theodore Roosevelt's corollary, which "turned inside out"[82] the original in order to justify intervening and encouraging revolts throughout Latin America in the early 1900s. The resentment created is typical following great power intervention in the affairs of a weak power, as contrasted to a great power intervening to preserve the balance of power, something international lawyers have held as legitimate.[83] Such resentment, Wight notes, was widespread in the past century: "anti-Russian feeling in Poland and the Balkans, anti-Yankee feeling in Latin America, anti-British feeling in Egypt, anti-Western feeling in China."[84] It is evident in anti-American and anti-Western sentiment in Serbia after the Kosovo action, and in the Middle East following the 2003 Iraq intervention.

Shift in thinking about intervention?

Wight discussed changing rationales for intervention in the post-medieval history of the Western states-system in *Power Politics, International Theory: the Three Traditions*,

[80] UN General Assembly, 469th meeting, December 8, 1953 (*Plenary Meetings,* 8th session, page 438), quoted in Wight, *International Theory: the Three Traditions*, 114.
[81] Ibid.
[82] Wight, "Intervention," in *Power Politics*, 195.
[83] Ibid., 196.
[84] Wight, "Western Values in International Relations," 114.

"Western Values in International Relations" and other works. Wight found that after the decline of wars of religion in the sixteenth and seventeenth centuries, two acceptable grounds for intervention held sway: balance of power interests and humanitarianism.[85] From the middle of the seventeenth century, intervention to maintain the balance of power was considered "necessary and just." Eighteenth century intervention also used the balance of power in its justifications, but "commercial and political interest" was more prevalent in the language of the day.

It was in the nineteenth century that humanitarianism "became increasingly the prime motive, as the balance of power was always the limiting one."[86] Among the interventions in which humanitarian concerns were a primary justification, Wight cites the joint intervention in 1827 in Greece on the side of the insurgents by France, Britain and Russia, the blockade of Naples in 1856 by France and Britain, the collective intervention into Lebanon in 1860, publication of a report on the situation in the Congo Free State, and the enforcement in the Balkans of articles protecting minorities subsequent to the 1902 persecution of Jews in Romania.[87]

During the Cold War, both the United States and the Soviet Union conducted numerous interventions on ideological and geo-strategic grounds. France conducted interventions in Africa, and India intervened in neighboring states, among other cases. The surge in the number of UNSC-approved interventions in the 1990s, and the

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[85] Ibid., 117.
[86] Ibid., 119.
[87] For an account of the oppression of the Jews in Romania see Ellery Stowell, *Intervention in International Law,* (Washington, D.C.: John Byrne and Co., 1921), 67-80.

acceptability of justification in humanitarian terms, indicates a shift in the predominant rationales.

Wight discusses changing rationales for intervention in the post-medieval history of the Western states-system in *Power Politics, International Theory: the Three Traditions.* He points to periods of history when one tradition has maintained superior strength over the others, arguing that Kantianism dominated from 1939 to 1960, with Grotianism receding and Machiavellism absorbed into both. Gabriele Wight and Brian Porter have argued that from 1960 to 1989 Grotianism, infused with Machiavellism, was resurgent, with Kantianism or Revolutionism in "temporary eclipse."[88] This study finds that from 1990 to the present, Revolutionism has been in ascent, while Rationalism and Realism remain deeply embedded in international politics, making intervention decisions as contentious as ever.

Varying relative strength of the three traditions

1. Machiavellism dominant in late fifteenth century; Grotianism not yet emerged from decadent scholasticism.
2. Doctrinal passions of Reformation aroused religious Kantianism, which rivaled Machiavellism until 1648, and largely fused with it.
3. Grotianism emerged with Vitoria (1480-1546), slowly, and recessive.
4. Machiavellism dominant 1648-1789, Grotianism secondary, Kantianism latent.
5. Kantianism versus Grotianism 1789-1815.
6. Grotianism dominant 1815-48, Kantianism recessive, Machiavellism latent.
7. Kantianism dominant 1848-78, Grotianism and Machiavellism equal second.
8. Grotianism and Machiavellism equal dominant, 1878-1914 Kantianism recessive.
9. Kantianism and Machiavellism destroy supreme Grotian experiment, 1914-39.
10. Kantian dominant, versus Grotianism recessive, 1939-60 (Machiavellism absorbed into both?)
11. Grotianism resurgent but infused with Machiavellism, Kantians in temporary eclipse.

n.b. Wight's editors noted that these phases were as he wrote them and that it is unclear whether the date 1960 was chosen due to the Sino-Soviet split or because it was the year he wrote the list. They offered this last phase themselves.

The prominence of humanitarian intervention in the 1990s suggests that the end of the Soviet Union in 1991 marked another shift in the predominant argument and the traditions that espouse it, or removed the constraints on Revolutionsm.

The end of the East – West rivalry meant that greater attention and resources could be re-directed to other concerns. The human rights movement and the role of non-governmental organizations promoting values of human solidarity gained ground and held more sway with decision makers in the United States and Europe than they did during the Cold War.[89] Additionally, the end of the Soviet Union removed one of the historical sources of unity in Yugoslavia that Tito built. This unity was based upon resistance to Soviet intervention. Finally, Russia has been more willing to go along with UNSC approval of humanitarian interventions than was the Soviet Union.

Humanitarian intervention

Wight distinguishes among internal, external and punitive interventions. Internal intervention, or interference in another state's domestic affairs, and external intervention, or interference in the relations of two or more states are difficult to divide with clear lines. The third type is punitive intervention, and usually comes in the form of coercion (by blockade or other method) for purposes of redress or to compel a state to abide by a law, treaty or other obligation.[90] Today, the first and third forms are increasingly linked. In the case of Kosovo, the West had already imposed severe economic and political sanctions against Milosevic in an attempt to force him to honor the rights of non-Serb populations, such as the Kosovar Albanians. The failure of such sanctions in this case, as

[89] See for example, Jessica Matthews, *Power Shift, Foreign Affairs 76, no. 1,* (January/February 1997): 50-66.

[90] P.H. Winfield, cited in Wight, *International Theory: the Three Traditions,* 112.

in Haiti (1994) and other cases in the 1990s, led to escalation to military means. In common use, the term "intervention" refers to actions ranging from humanitarian relief to military force.

One's position on intervention on behalf of peoples in distress depends upon one's view of the relationship of the individual or group to the state, and the relationship of the state to international society. "Between the opposing positions of non-interventionism and interventionism, there is a central doctrine of what might be called moral interdependence of peoples, which its holders would claim to be based on the requirements of social existence and true to the constant experience of diplomatic life."[91]

The Rationalist sees intervention as a necessary evil that should be the exception rather than the rule. It is necessary because of the "permanent inequality in the moral development of [international society's] members" and "permanent instability in the balance of power," and unfortunate because it conflicts with the right of independence.[92] According to Wight, the Rationalist supports an intervention as legitimate primarily if it maintains the balance of power.[93] He is less willing to support intervention to uphold civilized standards, and least likely to condone it for the maintaining of existing governments.[94] This study examines whether and to what extent these rationales were employed by officials by NATO governments in the Kosovo crisis. That an international society exists, and that individuals, not states, are its ultimate members is what Grotius

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[91] Ibid., 116.
[92] Ibid.
[93] The historical practice of states to intervene to preserve a balance of power is discussed in Stowell, *Intervention in International Law,* 414-431.
[94] Wight, "Western Values in International Relations, " 116.

upheld when he said, "Kings, in addition to the particular care of their own state, are also burdened with a general responsibility for human society."[95] This is the Rationalist reasoning behind humanitarian intervention.[96]

Rationalists believe in the right of an oppressed people to rebel (a notion Realists do not share).[97] Grotius did not allow for the oppressed to take up arms, but rather for an external power to intervene on the people's behalf. He therefore supported the principle of trusteeship.[98] Vattel, following Wolff, condemned intervention. But he also allowed for it, saying that a people may take up arms against a prince for the cause of liberty, and that outside powers may intervene on the side of that just cause, since it is essentially their right to choose sides in a civil war.[99] Wight notes that Vattel's ambiguity is part of the reason his thought endures, and he is quoted to support both sides of the intervention

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[95] Hugo Grotius, *De Jure Belli ac Pacis*, book II, ch. xx, section xliv.1. quoted in Wight, Ibid.

[96] Grotius wrote in 1625: "There is also another question, whether a war for the subjects of another be just, for the purpose of defending them from injuries inflicted by their ruler. Certainly it is undoubted that ever since civil societies were formed, the rulers of each claimed some especial right over his own subjects. Euripides makes his characters say that they are sufficient to right wrongs in their own city. And Thucydides puts among the marks of empire, the supreme authority in judicial proceedings. And so Virgil, Ovid, and Euripides in the *Hippolytus.* This is, as Ambrose says, that *peoples may not run into wars by usurping the care for those who do not belong to them.* The Corinthians in Thucydides say that it is right that each state should punish its own subjects. And Perseus says that he will not plead in defense of what he did against the Dolopians, since they were under his authority and he had acted upon his right. But all this applies when the subjects have really violated their duty; and we may add, when the case is doubtful. For that distribution of power was introduced for that case.

But the case is different if the wrong be manifest. If a tyrant like Busiris, Phalaris, Diomede of Thrace, practices atrocities towards his subjects, which no just man can approve, the right of human social connection is not cut off in such a case. So Constantine took arms against Maxentius and Licinius; and several of the Roman emperors took or threatened to take arms against the Persians, except they prevented the Christians being persecuted on account of their religion." Grotius: *De Jure Belli et Pacis*, Bk. II, chap. SSV, VIII, 1,2, Whewell's Translation, Vol. II: p.438-440 quoted in Stowell, *Intervention in International Law,* 56-57.

[97] Wight, "Western Values in International Relations, 119.

[98] Grotius, *De Jure Belli ac Pacis,* book II, ch.xxv, section viii.3, quoted in Wight, Ibid.

[99] Vattel, *Le Droit des Gens,* book II, ch. Iv, section 56, quoted in Wight, Ibid.

debate.[100] In practice, states have historically chosen to use multiple, sometimes conflicting justifications for intervention in humanitarian crises.

The multifaceted justification NATO governments used for the Kosovo intervention reflects a confluence of the three traditions in practice.

Obligation to intervene

Underlying one's view of international law are ideas regarding obligation and ethics.[101] Obligation is a disputed concept, but there is general acceptance that treaties legally bind or oblige states to comply. In this study, the concept of legal obligation is examined alongside moral obligation and other concepts advanced during the Kosovo crisis such as a responsibility or duty to stop atrocities.

Assessing views regarding obligation can help the analyst understand views on associated issues. Is the American promotion of democracy abroad Revolutionist? Could Islamic fundamentalism lead to a fourth international revolution?[102] Are the motives of proponents of human rights movements in international politics essentially Revolutionist, Rationalist or Realist? Revolutionist motives include an insistence upon "conversion" or universal acceptance and a willingness to put aside the laws of non-intervention to pursue the aim of relieving human suffering. The motive may be Rationalist in its assumption of a Lockean view of human nature and subsequent legal approach to spreading its doctrine,

[100] Wight, Ibid.
[101] Wight, *International Theory: The Three Traditions,* 234.
[102] Wight believed there were three international post-medieval revolutions: the Wars of Religion, the French Revolution, and the totalitarians of the twentieth century. He believed that the American Revolution was essentially Rationalist and that the American democratic experience did not acquire a Revolutionist character until the nineteenth century, especially during the Civil War, and later in the twentieth century under Woodrow Wilson.

such as using international agreements like the Genocide Convention, and transforming international law into municipal law through the International Criminal Tribunals and the International Criminal Court. Still, human rights arguments may be a Realist tool, used as they were during the Cold War. American Deputy Defense Secretary Paul Wolfowitz has said, "Nothing could be less realistic than the versions of the 'realist' view of foreign policy that dismisses human rights, an important tool of American foreign policy."[103]

International Law

Essentially, the Rationalist believes in natural law, and while the term has been given varying definitions, in Wight's usage it means that there is a "law behind the law." [104] He meant that there exists a belief that custom and practice are constantly refined and that this law, called "natural," is prior to positive law. The efficacy of custom where no treaties exist, or *jus gentium* in its original sense, [105] is proof of a such law.[106] A Realist, on the other hand, prefers diplomacy to a legal approach, and the application of elastic principles through negotiation and arbitration.[107] For a Machiavellian, law derives from power, and the state is prior to the law, making the law subsidiary. As a positivist, the Realist rejects the notion of natural law. For the Revolutionist, positive law is the product of the social system (such as the class structure), and may be wielded to suit the

[103] Paul Wolfowitz, quoted in Lawrence F. Kaplan, "Containment," *The New Republic,* 5 February 2001, 98.
[104] Wight, *Power Politics*, 290.
[105] The term *jus gentium* derives from the practice of the Romans, who needed a law to apply to foreigners without giving them status as Roman citizens by applying Roman law. They conceived of a particular law, *jus gentium,* which drew from the common practice among many nations.
[106] Martin Wight, *International Theory: the Three Traditions,* 234.
[107] Ibid.

ideological goal, and set aside if it cannot be so used. Still other Revolutionists are motivated by convictions about the imperative requirements of natural law.

Morality in foreign policy

The Rationalist may be said to believe in the "lesser evil" in politics. He sees differing standards for private and political morals – a view articulated by Machiavelli and championed in the twentieth century by Reinhold Niebuhr.[108] Both private and public life involve moral questions, but one's private life should be governed by charity or love, while in the public sphere justice should guide states. In the Rationalist perspective, ideals must be strived for, but can never be fully attained in this imperfect world; hence one is always seeking the lesser evil. The Realist sees private life as moral, but public life as amoral. This is because of his Hobbesian view of a beastly human nature. If morality were applied to politics, it would wreak havoc. Thus, success in achieving results justifies action and not the rightness or wrongness of an act. Both make moral compromises, but for the Rationalist statesman it is with circumstances and for the Realist it is with his opponent. Thomas Schelling's *Essay on Bargaining* is an apt representation of the Realist approach to diplomacy, since it emphasizes, as did Machiavelli, the virtuosity (*virtu*) of the player of the bargaining "game."[109] For the Revolutionist, private morality is subordinated to the public. Since the cause is more important than the individual, private ethics must be sacrificed for the cause. This is consistent with the Revolutionist and the Realist putting foreign policy ahead of domestic

[108] Reinhold Niebuhr, *Moral Man and Immoral Society* (New York: Charles Scribner's Sons, 1932) and *Children of Light, Children of Darkness* (New York: Charles Scribner's Sons, 1944).
[109] Thomas Schelling, *The Strategy of Conflict* (New York: Oxford University Press, 1963), and Schelling, *Arms and Influence* (New Haven: Yale University Press, 1966).

policy. The Rationalist puts domestic affairs first, since he sees the individual as prior to the state.

The Inverted Revolutionist sees no double standard, since private and public morality is one. He is a perfectionist. For him, there can be no compromise in morality, and the political should be assimilated into personal ethics.[110] Stanley Hauerwas embodies this tradition, and has been critical of religious leaders who condone the just war ethic. He bases his argument on the grounds that religion would be more influential in preventing war by concentrating on personal morality and abstaining from public politics altogether.[111] The most extreme version of Inverted Revolutionism, quietism, advocates a complete withdrawal from public life.

Wight summarized his notes regarding the three traditions in the following chart. It is included to give more clarity to the traditions and to his method of linking international thought to specific issues.

[110] Wight, *International Theory: the Three Traditions* , 252.
[111] Stanley Hauwerwas, "Whose Just War, Which Peace?" in David E. DeCosse, ed., *But Was it Just?* (New York: Doubleday, 1992), 83-104.

	Machiavellian	Grotian	Kantian	Quaker
1. Human Nature	Pessimistic	Some good, some bad; object of policy is depression of one and elevation of the other (Burke)	Optimistic	
History	Cyclic and repetitive	Not perfection but limited progress (Washington)	Linear: immanent progress	
2. International Society	*Bellum omnium contra omnes* (Hobbes)	*Societas quasi politica et moralis* (Suarez)	*Civitas maxima* (Wolff)	Brotherhood of man
3. Relations with barbarians	Civilization has right to expand by conquest, barbarians have no rights, exploitation, aid for strategic motives	Civilization has rights only of peaceful trade and conversion; barbarians have rights under natural law; conditional aid, aid to promote stability and prosperity	International society embraces all mankind; barbarians have right of reprisal against civilization; assimilation; unconditional aid, aid to secure ideological allies	
4. National Interest	Conflict of interests, your security is my insecurity, presumption against small powers	Tension (contrived harmony) of interests, collective security, presumption in favor of small powers, continuity in foreign policy	Solidarity (natural harmony) of interests; interests of mankind; presumption in favor of doctrinal allies	
International right	Right of the stronger	Right of prescription; non-intervention the norm	Right of ideology; non-intervention as a mode of intervention	

5. Diplomacy	Deterrent; political self-sufficiency; outsider cannot judge; divide and rule	Retributive; Political interdependence; outsider has valid judgment; unite and influence; concert principle	Reformatory; abolition of foreign policy; doctrinal orthodoxy gives valid judgment; moral isolationism	
Balance of Power	Existing distribution of power; my side needs margin of strength	Principle favoring an even distribution of power	Exploding all balances (Burke of the Jacobins)	
Negotiation	Negotiate from strength; political flux, fear and greed	Reconcile interests; dealing on equal terms, mutual confidence	Moral suasion, appeal to world public opinion; reduce tension, open diplomacy	
Collective Security	Conciliation, appeasement	Institutionalization of balance of power	A kind of crusade	
Peaceful change	Yielding to threat of force	Order precedes justice	Justice precedes order	

6. Causes of war	Conflicting interests of states	Natural passions of men	Minds of men (educate), institutional maladjustment, economic inequality, racial inequality (improve)	
Nature of war	Continuation of policy, preventive war, unlimited war, unconditional surrender	Breakdown of policy; Just War; resist violation of rights or aggression; limited war; negotiated peace	Instrument of history; Holy War: Crusade; liberation, genocide, revolution a condition of peace	Non-resistance
7. International law	Positivism	Natural Law	Natural rights: international law is ideology of the status quo	
Obligation	*Rebus sic stantibus* (obey while things remain as they are)	*Pacta sunt servanda* (treaties must be obeyed)	*Cum haereticis fides non servanda* (do not have to obey a treaty with heretics)	
Ethics	Double standard: expediency vs. morality	Double standard: justice vs. charity	Double standard: *Interimsethik* vs. millennium; do evil that good may come:	Single standard: love
	Raison d'etat: justification by necessity, justification by success	Political morality: choice of lesser evil; not all means permissible	*politique du pire*, end justifies the means	Do good regardless of consequences

Adapted from Martin Wight, *International Theory: The Three Traditions*, postscript.

Figure 1

IV. LOGIC OF THE STUDY

Linking decisions about intervention to traditions of thinking

This study examines whether thinking about international politics in the Kosovo case can be categorized according to three traditions identified by Martin Wight. Wight found that, since the Renaissance, three strains of thinking about international politics have been consistently present. Those traditions are the Realist, the Rationalist and the Revolutionist traditions. Each tradition emphasizes a particular political condition, and this emphasis, in turn, shapes one's views on intervention: international anarchy (sovereign states acknowledging no superior), custom and cooperation (international institutions and law), and moral solidarity (humanity as a moral and cultural whole). Each of the three traditions emphasizes the importance of one of these elements over the other two. Thus, a Realist emphasizes anarchy, while a Rationalist finds international custom and cooperation most important, and a Revolutionist considers the community of mankind deeper than politics or law. Wight's inherent proposition is that there is a logical connection between the way a person sees the world and his decisions and actions.

This study investigates the proposition that in humanitarian and human rights crises there is a coherent relationship among the emphasis on one of three international social elements –international anarchy, cooperation and custom and moral solidarity – and decisions about the authorization, justification, and obligation for intervention. The decisive factor, then, is the individual's outlook on international politics, which may correspond to one of the three patterns of thinking about international relations that

Wight outlined. A coherent outlook normally involves associated beliefs about the authorization for intervention, its justification, and the obligation to intervene. A particular issue may have little or no significance for a certain category, and two or three of the categories may come to the same conclusion for completely different reasons (for example, a nation's demand for UNSC authorization for intervention may be made for reasons of exerting and maintaining its power on the UNSC, a Realist position, or out of an ideological attachment to the UN as a body of global governance, a Revolutionist idea, or to promote international law, a Rationalist approach).

It is essential to point out that these traditions are not pigeonholes into which people or states can be neatly put away. To the contrary, for Wight, "the truth about international politics had to be sought not in any one of these three patterns of thought, but in the debate among them,"[112] or the "argument and contention among them."[113] Therefore, the categorization of issues and indicators is employed in an effort to bring that debate to life in this study.

In addition to the three traditions and their respective emphases in international society, this study looks at three aspects of the intervention debates of the 1990s: the nature of international order, the justification for intervention and the obligation to intervene in a crisis. This study then investigates the extent to which there is a coherent relationship among key ideas and decisions regarding these three criteria. It also

[112] Bull, "Introduction," *International Theory: the Three Traditions,* xvii.
[113] Bull, "Martin Wight and the Theory of International Relations," *supra* cited in his introduction to Wight, *Power Politics*, 19.

considers whether the nature of humanitarian intervention in the 1990s allowed at times for similar policy choices (either intervention or non-intervention) for diverging reasons.

Realists believe that, because there is no international society and the sovereign state acts in an anarchic, self-help system, there is neither a legal nor moral obligation to intervene in humanitarian crises, despite customary norms and international agreements, including the UN Charter. Nor is there an effective prohibition against intervention if the state believes this is in its interests.

TRADITION; Most important social element	**REALIST**; International anarchy	**RATIONALIST**; Cooperation and custom	**REVOLUTIONIST**; Moral solidarity
Requirements of international order (authority/ authorization)	UNSC authorization not required; power, national security should be primary goals; consent of sovereign responsible for territory in which interventions contemplated is not required; international law is used as necessary to justify action	UNSC authorization and/or consent from state sovereign of territory in which intervention is contemplated are desired but not required	UNSC authorization not required if it precludes pursuit of universal ideals (such as stopping gross human rights abuses)
Justification for Intervention	Not bound to UN Charter Article 2(7) (non-intervention); unilateral intervention permissible; there should be no new customary law on intervention required	Moral concerns may trump international law and national interest, but this should be rare; new customary law on intervention recommended	Non-intervention and sovereignty do not preclude humanitarian intervention. (N.B. Inverted Revolutionist stance: intervention must not involve the use of force)

Obligation to relieve human suffering	No obligation to intervene; moral arguments are "cheap talk"; [114] legal positivism on human rights agreements	There is a moral obligation to help victims of oppression or aggression, but national interests and/or other obligations may preclude acting upon this at times; moral arguments are both sincere and instrumental.	Moral obligations to intervene may override national interests or military concerns; moral arguments are sincerely advanced and compelling

Figure 2

The international order is merely nominal; it does not require a state to obtain authorization for such action, since there is no authority higher than the sovereign state.

Rationalists believe that an international society does exist, but it is not as well ordered as a state. Therefore states function in an imperfect international milieu that requires the upholding of common norms, but has no method of enforcing compliance. The Rationalist seeks to make the wisest choices possible, in view of conflicting imperatives such as the general prohibition against intervention and the moral obligation to stop human suffering.

Revolutionists believe that, because humanity constitutes the true ultimate society, humanitarian norms may override those of sovereign states. These norms or ideals are universal, and forcible intervention may be required to uphold them. Laws such as the

[114] Jack Goldsmith and Eric Posner, "Moral and Legal Rhetoric in International Relations: a Rational Choice Perspective." University of Chicago Law & Economics, Olin Working Paper 108. November 2000. The paper argues, "The existence of moral and legal rhetoric in international relations is the result of strategic incentives, not of the desire to comply with morality or law."

Genocide Convention are binding because they uphold the ideals. Conversely, the legal prohibition against intervention is superseded by an absolute moral obligation to stop human suffering.

Research questions

The primary question this study seeks to answer is: "Why have NATO nations, including the United States, undertaken humanitarian interventions since the early 1990s?" It conducts a case study of NATO's 1998-1999 intervention in the Kosovo conflict with a view to drawing conclusions about decisions made.

The model in this study answers the question, "Can one categorize the thinking about fundamental questions in international politics according to Wight's three traditions and does this account of the debate among the three traditions advance our understanding of contemporary international politics?"

Six supporting questions are addressed. The answer to and relative importance of each question is determined, and the results used to answer the two overarching questions. First, the study examines the primary arguments for and against the requirement for UN Security Council authorization for the use of force to determine whether a relationship can be discerned among the arguments and particular traditions of thought. The second question regards the primary justifications for forcible intervention in this case, and whether they correspond to a particular tradition of thought. Third is an analysis of the primary arguments regarding international obligation to stop human rights abuses and/or

a humanitarian emergency and whether these correspond to a particular tradition of thought. Fourth is the question of whether certain positions on the issues are associated with particular views on fundamental questions of international order. For example, do those who emphasize anarchy rely more on statements about obligation rather than about the need for authorization? Can a pattern be identified? If so, what explains this? Fifth, do particular states show a consistent pattern of thought in their answers to the above four questions (about authorization, justification, and obligation) or are there contradictions, and what explains this? Sixth, do particular actors show consistent patterns of thought in their answers to the first four questions and can contradictions be explained?

CHAPTER THREE:
AUTHORIZATION FOR INTERVENTION

> *Politics is becoming increasingly globalized...we haven't yet worked out exactly how a doctrine of how the international community should operate, or how the institutions of the international community have to be adjusted...Kosovo was just an illustration of that. It could happen again in a different way, in a different place...*[115]

Debate about the use of force in Kosovo began shortly after the 5 March 1998 Serb massacre of the ethnic Albanian Jeshari family at Donji Prekaz, and ended with NATO's approval of an activation order authorizing preparations for a limited bombing campaign on 12 October 1998 and the failure of Richard Holbrooke's last ditch negotiation with Milosevic in Belgrade on 13 October 1998. In seven months, the NATO Allies reversed their ten-year policy of treating the Kosovo conflict as an internal matter of Yugoslavia, and within a year, on 24 March 1999, began a bombing campaign to resolve the matter. NATO's decision to use force against a sovereign country without explicit UN authorization is controversial to this day. However, identifying the three distinct traditions of thinking in the 1998 debate gives clarity to the most difficult and yet-unresolved issues and aids understanding about why the Alliance's decision makers made their unprecedented choice.

I. ORIGINS OF THE DEBATE AND KEY ISSUES

Launching the intervention in the Kosovo crisis hinged on resolving the debate among the allies about international authority. The question was whether NATO had authority to act militarily without a UN Security Council resolution specifically authorizing the use of

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[115] Tony Blair, PBS *Frontline* interview. Available online at http://www.pbs.org/wgbh/pages/frontline/shows/kosovo/interviews/blair.html accessed 1 July 2002.

force. In the end, the question was not resolved, and the strikes were launched without an explicit Security Council mandate. Most governments cautioned that acting without UNSC authority should not be seen as a precedent.[116] The question of unilateral intervention was less contested. While the U.S. officially maintained the right to act alone, Secretary of Defense William Cohen said that he was "absolutely convinced that the United States could not afford to act unilaterally from a political point of view...without NATO consensus and support."[117] That consensus depended upon each of the 16 NATO governments answering questions about whether and how to legitimately authorize the use of force. Cohen recalled later: "There was a long debate for months, beginning in 1998, over whether NATO had any legal authority to take action,"[118] and each country had to reach a decision within its own government.

Implicit in the question of whether the UNSC had to approve NATO action in the Kosovo crisis was the underlying question of where ultimate authority lies in the international order. The question was asked in three ways. First, is UNSC approval ever required before NATO action? Individual governments interpreted the Charter and determined whether they believed NATO was a regional arrangement like the OSCE or rather was entitled to collective self-defense without UNSC permission. While some believe that international law requires UNSC approval for the use of force in cases other than self-defense, NATO governments do not maintain this position. Second, if UNSC

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[116] Thomas F. Walsh, III, "Operation Allied Force: Setting a New Precedent for Humanitarian Intervention?" Student thesis (Monterey: Naval Postgraduate School, 2000).

[117] The term unilateral is used here to mean a single sovereign state. Louis Henkin argues that for the purposes of the international legal order, the NATO intervention was unilateral because it was exercised without a UNSC mandate. See Louis Henkin, "Kosovo and the Law of 'Humanitarian Intervention'," in *American Journal of International Law 93*, no. 4 (October 1999): 824-828.

[118] William Cohen, PBS *Frontline* interview. Available at http://www.pbs.org/wgbh/pages/frontline/shows/Kosovo/interviews/choen.html accessed 1 July 2002.

approval was required for NATO action, do humanitarian emergencies justify disregarding the Charter? Third and largely debated after the fact, should such an exception be codified in a new customary law? Some propose that a consensus already exists that states have an obligation to intervene.[119] Others argue that a "responsibility to protect" has already supplanted the "right to intervene" convention.[120] This question concerns obligation, which is taken up in chapter five.

On the Security Council, Russia, China, Costa Rica and Brazil all spoke out in opposition to the intervention and insisted that NATO should not use force without a UNSC mandate. France and Germany, who eventually agreed to the NATO action without explicit UNSC authorization, also argued for a UNSC resolution before they decided to participate in the NATO action lacking it. Within each government, internal debates revealed several arguments for and against the action.

This work discusses the various rationales articulated by various governments and decision makers in support of their ultimate decisions in favor of NATO action absent an authorizing UNSC resolution. The facts do not support "pigeon holing" any one government into any one tradition of thinking. On the contrary, all three of the traditions identified by Wight were present within and among national arguments. Each government, however, exhibited some unique general tendencies that merit analysis.

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[119] See Henkin, "Kosovo and the Law of 'Humanitarian Intervention'," and Catherine Guicherd, "International Law and the War in Kosovo," *Survival* 41, no. 2 (Summer 1999): 19-34.
[120] *Report of the International Commission on Intervention and State Sovereignty*, December 2001. Available at http://www.dfait-maeci.gc.ca/iciss-ciise/report2-en.asp, accessed 6 March 2003. See also Gareth Evans and Mohamed Sahnoun, "The Responsibility to Protect," *Foreign Affairs* (November/December 2002) and Gareth Evans, "The Responsibility to Protect," *NATO Review* (Winter 2002).

Germany and France initially made Rationalist or legal arguments on the need for a UNSC resolution, insisting that if the Security Council did not mandate an intervention, the action would be illegal under international law. When they reversed this position, they continued to use legal arguments – the language of existing resolutions – to support their decisions. France's insistence, however, reflected its national interest. France was intent upon upholding the authority of the Security Council where it is one of five veto-bearing members, a Realist approach. The British and Americans took the opposite position for the most part, but did so using legal arguments as well. They asserted that international law provided for taking swift action to stem humanitarian crises and that NATO action was multilateral. The Chinese explicitly disputed the humanitarian exception, and called NATO action unilateral. Thus, whether a state agreed or disagreed with the need for a UNSC resolution explicitly authorizing intervention, it did so in Rationalist language with Realist motives behind their statements. Significantly, Germany did not share France's motives for bolstering the UN. Instead, German impetus came from a commitment to a certain conception of international law, born of its post-war commitment to the peaceful settlement of disputes via multilateral institutions. While Germany and France agreed on the principle of UNSC authority, they did so for different reasons. Both the German and French publics were committed to human rights, but polls indicate that the Germans felt this commitment more intensely than the French did. This made Germany's overcoming its initial position regarding UNSC authority even more significant than France's since it showed that, in the Kosovo case at least, the human rights agenda was more important than the commitment to a UNSC-focused

international legal order.[121] This is a Revolutionist approach, and in Germany, in contrast to other NATO nations, it was a stronger tendency than the Rationalist or Realist ones.

After examining the relevant articles of the Charter and other issues that were particularly controversial at the time, this chapter examines national perspectives in the Britain, France, Germany and the United States regarding authorization, and then analyzes arguments in light of the three traditions regarding international anarchy, habitual intercourse, and moral solidarity. Finally, it probes the logic linking the traditions of thought to decision makers' positions regarding authority for intervention.

II. ORIGINS OF THE DEBATE AND KEY ISSUES

> Actions without Security Council authorization threaten the very core of the international security system founded on the Charter of the United Nations.[122]

There is a fundamental disagreement about the legality of the Kosovo intervention. Some argue that interventions other than those undertaken in self defense cannot be called "legal" if not approved explicitly by the UNSC.[123] Others have argued that NATO has the legal authority to act in circumstances like the Kosovo case and that the intervention as executed was not "illegal." In addition to questions about what constitutes "self defense" and "armed attack" as well as other arguments about the articles of the UN Charter, these are disagreements at different levels of analysis and

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[121] For an account of the political party debates see Peter Rudolf, "Germany and the Kosovo Conflict," in *Alliance Politics, Kosovo, and NATO's War: Allied Force or Forced Allies?* (New York: Palgrave, 2000), 135.

[122] Kofi Annan, *Preventing War and Disaster: A Growing Global Challenge* (1999 Annual Report on the Work of the Organization; New York, 1999), 20 quoted in Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), 294.

[123] The Independent International Commission on Kosovo, *Kosovo Report: Conflict, International Response, Lessons Learned*, (Oxford: Oxford University Press, 2000).

from different traditions of thinking. Key issues included the relationship between the UN and NATO and the purpose of NATO in the 1990s, specifically whether it had evolved into an instrument of collective security while remaining a collective defense organization. While NATO governments agreed that the organization's primary mission remained collective defense, its non-Article 5 tasks became increasingly prominent during the 1990s. As NATO's *de facto* day-to-day missions have moved from a large-scale ground combat readiness to actual collective security operations, UN missions have moved from unarmed peace keeping to peace enforcement missions increasingly carried out in combat situations. Thus organizations with mandates seemingly on opposite ends of the spectrum of conflict converged in practice during the humanitarian intervention operations of the 1990s.

Conclusions about who had authority to mandate and who had the competence to conduct such interventions were underpinned by the historical relationship of the two organizations and individual decision makers' attitudes about international politics. Realists argued that NATO could not make its action depend on UNSC authority in all non-Article 5 contingencies. This was consistent with the Realist view that Kantian- and Wilsonian-style collective security organizations do not work in practice because national self-interest always makes security divisible despite declarations to the contrary. They argued that peace and security and the prevention of a wider war in the Balkans had to be achieved with or without a UNSC mandate. Rationalists insist that the legal order is in itself essential to international peace and security, and that UNSC authority must be

respected except in extreme cases of UNSC inaction. They see the disregarding of the UN Charter in practice as likely to weaken the legal order.

The Question of authority and the use of force

> [NATO's intervention] has cast in stark relief the dilemma of so-called "humanitarian intervention." On the one hand, is it legitimate for a regional organization to use force without a UN mandate? On the other, is it permissible to let gross and systematic violations of human rights, with grave humanitarian consequences, continue unchecked? The inability of the international community to reconcile these two compelling interests in the case of Kosovo can be viewed only as a tragedy.[124]

At the founding of the UN in San Francisco, the Organization of American States (OAS), the oldest regional organization, lobbied successfully for the inclusion in the Charter the possibility of regional response to security concerns (Article 52(1)). However, Article 53(1) was to strictly prohibit regional action "without the authorization of the Security Council." Any doubt about the precedence of the UNSC over regional organizations was to be removed by Article 103, which states that, "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail." Finally, Article 51 was to limit collective or individual self defense to "an armed attack."

[124] Kofi A. Annan, "Two Concepts of Sovereignty," *The Economist* (18 September 1999): 49.

Some, like UN Secretary General Kofi Anan, see NATO as a regional organization under Chapter VIII.[125] Others argue that this was not the intent of NATO founders.[126] Lawrence Kaplan notes:

> There was an inherent conflict between the treaty and the charter that could not be avoided. To announce publicly that NATO would be essentially a regional arrangement like the Rio Pact would have required the acceptance of Article 53, wherein regional associations were obligated to report regularly to the Security Council on which the Soviet Union would sit in judgment of their activities. The only rubric then open to NATO was Article 51 of the charter with its emphasis on the right of individual or collective defence.[127]

Officials of NATO governments continue to insist that NATO is not a regional arrangement under article 53. They make a distinction between the purpose of NATO and that of the OSCE, which has subordinated itself to Chapter VIII of the UN Charter.[128] Thus, even though the governments of NATO used the organization extensively in the 1990s in support of collective security purposes, they have also maintained its original purpose: collective defense under Article 5 of the Washington Treaty.

NATO: Collective Security vs. Collective Defense Organization

Even as NATO forces carried out the Kosovo campaign justified in part by collective security ideals, alliance leaders met in Washington and reaffirmed collective defense as

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[125] Ibid.
[126] For a look at NATO's expanding role see David Yost, *NATO Transformed: The Alliance's New Roles in International Security* (Washington: United States Institute for Peace, 1998). For a look at the evolution of the relationship between the Security Council and NATO, see N.D. White, *Keeping the Peace.* (Manchester: Manchester University Press, 1997).
[127] Lawrence S. Kaplan, *NATO and the United States: The Enduring Alliance* (Boston: Twayne Publishers, 1988), 36. See also, Kaplan, *NATO's First Fifty Years* (Westport, Connecticut: Praeger, 1999), 4.
[128] Willem Van Eekelen, *The Security Agenda for 1996: Background and Proposals*, CEPS Paper No. 64 (Brussels: Centre for European Policy Studies, 1995).

NATO's core mission.[129] The contradiction followed a rise of human rights rhetoric in policy making throughout the 1990s paralleled a return to Wilsonian arguments about the "indivisibility" of security. In fact, NATO's Strategic Concept retains four fundamental principles of the military alliance. Two of the four seem contradictory: that "security is indivisible," a collective security principle, and that NATO's security policy is "based on collective defense."[130]

Regarding the "security is indivisible" principle, David Yost points out,

> Attempts to build Kantian or Wilsonian "collective security" frameworks have broken down throughout history. In practice, governments reason and act as if security *is* divisible. As Inis Claude has pointed out, the de facto policy of the United States and other powers is one of "selective antiaggression." ... In 1991, then U.S. secretary of defense Dick Cheney commented... 'We have to remember that we don't have a dog in every fight, that we don't want to get involved in every single conflict...'

Inis Claude captured the complexity of the collective security idea, finding that its two essential characteristics – upholding universal values and acting multilaterally – may contradict one another in practice. The requirement to slog through the political process of seeking authorization in an international or regional organization may very often preclude taking action to stop human rights abuses and deal with humanitarian emergencies. Defending their position in Security Council proceedings on 24 March 1999, the allies maintained that taking decisive action even without a UNSC mandate upheld international law and international organizations. David Yost notes that, "Threats

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[129] James B. Steinberg, U.S. Deputy Assistant to the President for National Security Affairs, 25 April 1999 in Keridis and Pfaltzgraff, *NATO and Southeastern Europe: Security Issues for the Early 21st Century.* (Dulles, Virginia: Brassey's, 1999), 49

[130] *NATO Handbook,* (Brussels: NATO Office of Information Press, 1999), 68.

do not always fall into tidy compartments...sometimes the only way to honor and uphold collective security principles might be outside an inclusive international organization, global or regional, ostensibly devoted to such principles."[131] Peter Anderson argues that the allies' chosen path upheld the spirit of international legality – the ethical choice – even if it did not adhere to the letter of the law with a legalist approach.[132]

The UN - NATO Relationship

One of the key legal arguments against the need for UNSC authorization of NATO's action in Serbia was that NATO is a collective defense organization under article 51 of the charter.[133] The Americans were unwavering in this position. Throughout the summer of 1998 and into 1999, Secretary Cohen, Sandy Berger and General Shelton stated publicly that NATO did not require UNSC authorization for collective defense operations. Europeans, particularly the Germans and the French, insisted that the operation was not in support of collective defense.

The ambiguity and skepticism about NATO's relationship with the UN goes back to the founding of the alliance. Lawrence Kaplan notes that when written in 1949, the treaty had to overcome stiff opposition in the U.S. from three camps: isolationists who were opposed to any permanent entanglement in Europe, the Joint Chiefs who were dubious of Europe's clamoring for aid, and, most importantly, internationalists who saw the treaty as

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[131] David Yost, *NATO Transformed: The Alliance's New Roles in International Security*, 256-257.
[132] Peter Anderson, "Airstrike: NATO astride Kosovo," *The Kosovo Crisis: The last American War in Europe?* (London: Reuters, 2001), 199.
[133] The NATO handbook states that, "The North Atlantic Treaty of April 1949 – which is the legal and contractual basis for the Alliance – was created within the framework of Article 51 of the United Nations Charter, which reaffirms the inherent right of independent states to individual or collective defence." *NATO Handbook*: 23.

undermining the UN and as a return to the anarchical balance of power approach that had brought on two world wars:

> The treaty was made to appear as if NATO was to be just another regional organization that would fit under Article 53 in Chapter VIII of the charter. But that article is not mentioned in the text of the treaty – for good reason. Regional organizations were supposed to report their activities to the Security Council where the Soviet Union sat as a permanent member.[134]

After the Soviet threat collapsed, two phenomena put the question of the UN authority back on the front burner. First was the opportunity for consensus on the Security Council – a chance that it would now work as it was conceived to function. Second was the changing nature of the threat: from plugging the Fulda Gap to containing the leaking sieve of Yugoslavia. Already in November 1991, NATO's newly-approved Strategic Concept foreshadowed out of area missions when it stated that

> Risks to Allied security are less likely to result from calculated aggression against the territory of the Allies, but rather from the adverse consequences of instabilities that may arise from the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in central and Eastern Europe.[135]

This latter caused the allies to discuss whether NATO should be used to perform non-Article 5 operations in support of collective security, a debate unaided by the wording of Article 5, which was intentionally convoluted when written:

> The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary,

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[134] Lawrence Kaplan, *The Long Entanglement: NATO's First Fifty Years* (Westport: Praeger, 1999), 4.
[135] North Atlantic Council, Strategic Concept, para. 10, 7 November 1991, quoted in Yost, *NATO Transformed: The Alliance's New Roles in International Security*: 191.

> including the use of armed force, to restore and maintain the security of the North Atlantic area.
>
> Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.[136]

By this language, Congress would have the opportunity to decide when U.S. force was necessary. This appeasing of the U.S. Congress was an "unavoidable price Europeans had to pay for American involvement," especially American aid to rebuild their countries and ensure security.[137] But the ambiguity in the language, created by three contending perspectives, ensured that those same perspectives continued to clash fifty years later. Kaplan's thinking about the contending perspectives that shaped NATO parallel the te three traditions identified by Martin Wight.

In the Kosovo case, there was extreme sensitivity in Congress and in other Western capitals to the Balkans' potential for exploding into the living rooms of their constituencies via television coverage. The possibility created the imperative to react. While the general rule in politics was that the political price paid for inaction was less than the price for action ending in failure (a widespread interpretation of the Somalia intervention in 1992-1994), the Balkan exception seems to prove the rule. In debating what to do about Kosovo in 1998 and 1999, decision makers often referred to the horror of Srebrenica, when Serbs ignored UN peacekeepers and marched the Bosnian Muslims from the so-called safe-haven to their deaths. Many blamed the faulty coordination between the UN and NATO and the "dual key" policy of trying to get concurrence for

[136] The North Atlantic Treaty, Article 5, 4 April 1949. Available at http://www.nato.int/docu/basictxt/treaty.htm accessed 6 March 2003.
[137] Ibid.

action with both NATO and the UN. General Sir Michael Rose noted that the policy "opened a door into disagreement and frustration."[138] Policy makers referred to its failure when calling for forceful and timely military intervention to stop ongoing atrocities.

The UN drew upon other hard lessons. In particular, the failure of political will to stop the genocide of 800,000 Tutsis in Rwanda in 1994 was fresh in the memory of the Secretary General and others concerned with building the credibility of UN peacekeeping. When NATO nations showed resolve for an intervention to stop ethnic cleansing in Kosovo, it was difficult for the Secretary General to insist that inaction due to a lack of UN mandate was better than action without it. And so, months after the intervention, he did not condemn it, but simply called the conundrum "a tragedy."[139]

The Changing Nature of Peace Operations

The post-Cold War 1990s, with their opportunity for consensus on the UNSC and the rise of ethnic conflict, witnessed an almost light-headed approval of peacekeeping missions. The number of operations and personnel under UN command soared to an all-time high. But the new missions did not look like classic peacekeeping (that is, monitoring a stable cease-fire), and many wondered what to call these emerging tasks. "Peacekeeping" seemed a misnomer since there was often no peace to keep. Rather than verifying compliance with a negotiated peace settlement between two parties, UN forces in the 1990s increasingly found themselves in the midst of ongoing ethnic violence or in the chaos of disintegrating states. Sometimes the peacekeepers became the targets and

[138] General Sir Michael Rose, House of Commons testimony 3 February 1999. Available at www.parliament.the-stationery-office.co.uk/ pa/cm/cmhansrd.htm accessed 1 July 2002.
[139] Kofi A. Anan, "Two Concepts of Sovereignty," *The Economist* (18 September 1999): 49.

even the hostages. With each conflict coming on the heels of the last, there was little time for the Security Council to find consensus on principles, but ample opportunity for disagreements about practice.

The hand wringing in the UN about what to call the new types of operations – peacekeeping, peacemaking, peace enforcement, complex humanitarian emergencies – would prove functional in the Kosovo authorization debate. It seems that political sensitivities prevented agreement on official definitions. NATO designated them "non-Article 5" missions since they fell outside the defensive mandate in Article 5 of the North Atlantic Treaty. States have not traditionally sought external authority to carry out humanitarian relief, non-combatant evacuation, search and rescue or other "non-Article 5" missions. David Yost remarks that it is unclear why the Allies acting collectively to perform such mission would need such authorization.[140]

Regarding the Kosovo intervention, General Clark remarked that he was "never allowed to call it a war" even though it bore the characteristics of one.[141] Like many of the interventions of the 1990s, it had traits of peace making, peace enforcement and peacekeeping all at once. As a peacemaking enterprise, it fit more clearly into the collective defense category. With its aim of protecting human rights and averting a humanitarian catastrophe, it fit more neatly under collective security. The overarching term "humanitarian intervention" seemed to lend more irony than clarity, and did little to settle the dispute about whether Article 51 should be invoked.

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[140] David Yost, *NATO Transformed: The Alliance's New Roles in International Security*: 254.
[141] Wesley Clark, *Waging Modern War* (New York: Public Affairs, 2001), xxiii.

III. LEGAL BASIS FOR INTERVENTION: UNSC AND NATO

North Atlantic Council statements clearly show the dramatic shift in policy between May 1998 and April 1999. On 28 May 1998, the North Atlantic Council, meeting at Foreign Minister level, set out NATO's two major objectives: to help to achieve a peaceful resolution of the crisis by contributing to the response of the international community and to promote stability and security in neighboring countries with particular emphasis on Albania and the former Yugoslav Republic of Macedonia.

The next April, in the Statement issued at the Extraordinary Meeting of the North Atlantic Council and reaffirmed by Heads of State and Government in Washington on 23 April 1999, NATO objectives lacked talk of a "peaceful resolution of the crisis" and outlined instead specific military objectives: a verifiable stop to all military action and the immediate ending of violence and repression; the withdrawal from Kosovo of the military, police and paramilitary forces; the stationing in Kosovo of an international military presence; the unconditional and safe return of all refugees and displaced persons and unhindered access to them by humanitarian aid organizations; the establishment of a political framework agreement for Kosovo on the basis of the Rambouillet Accords, in conformity with international law and the Charter of the United Nations.[142] It is these objectives the current NATO force, KFOR, pursues today.

The Security Council approved three resolutions regarding Kosovo in 1998, all citing Chapter VII of the UN Charter. In these resolutions, too, there is clear indication

[142] NATO website available at http://www.nato.int/kosovo/history.htm#2 accessed 1 July 2002.

of shifting blame for the violence from the KLA to Serbia, and a stiffening resolve that the West would have to intervene militarily. The resolutions were:

UNSCR 1160 (1998) 31 March 1998, calling upon Belgrade and the Kosovo Albanian leaders to enter into meaningful dialogue with international involvement, for the return of refugees and a for a solution to the political problems in Kosovo, understanding that the territorial integrity of Yugoslavia should be maintained and the rights of the Kosovo Albanians should be respected

UNSCR 1199 (1998) 23 September 1998 – calling for a cessation of hostilities, endorsement of international monitoring and the establishment of KDOM. The tone of UNSCR 1199 was noticeably sharper than that of UNSCR 1160, and the Serbs were blamed for the violence. The resolution marked the first time since the violence in the Balkans began in 1991 that the UNSC did not regard Kosovo as an internal Serbian matter but as one affecting international peace and security.[143]

UNSCR 1203 (1998) 24 October 1998 – endorsing the agreements between Yugoslavia and the OSCE inserting an observer mission and between Yugoslavia and NATO that called for the use of force in Serbia in the form of unarmed aerial observer missions to verify compliance with the cease fire and refugee returns. Proceedings surrounding this resolution produced criticism regarding NATO's prospective use of force without explicit Security Council approval from Brazil, China, Costa Rica and Russia.

[143] Alex J. Bellamy, *Kosovo and International Society*, (New York: Palgrave, 2002), 76.

Additionally, the UNSC issued condemnations of the Racak massacre (19 January 1999) and Belgrade's declaring the head of the Kosovo Verification Mission (KVM) *persona non grata* (29 January 1999) in the form of presidential statements. It further condemned the barring of ICTY prosecutor from entering Yugoslavia after the Racak massacre, and the shooting of KVM personnel.[144]

Because there were no backroom negotiations for the resolutions, the perspectives of each country are publicly recorded as official proceedings of the council. The most strenuous debate regarding the authorization of NATO strikes occurred on 24 March 1999 as the strikes began. In these proceedings Russia and China took the position that only the Security Council may approve air strikes while the Britain, France, the United States and others claimed the legitimacy of the action on humanitarian grounds. By this time, NATO nations had spent at least nine months wrangling with the issue of legitimate authority to resort to force both with their own publics and with their counterparts on the Contact Group. Nonetheless the UNSC proceedings are helpful in understanding the primary arguments for and against the need for a UN mandate.

During the UNSC proceedings Russia and China made the following arguments against NATO action without a UN mandate:[145] Bombing violated the Charter; NATO members were bound by Article 103 giving precedence to the Charter over other treaties;

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[144] For further analysis of the role of the UNSC in the Kosovo conflict see David Travers, "The UN: Squaring the Circle," in *The Kosovo Crisis: the last American war in Europe?* Tony Weymouth and Stanley Henig, eds. (London: Reuters, 2001).
[145] Ibid., 254-255.

Only the UNSC could decide what measures were needed to restore international peace and security; International law did not recognize the prevention of humanitarian crises as justification for the use of force; Unilateral force would lead to grave humanitarian consequences; NATO would set a dangerous precedent by acting as international gendarme; and those who undertook the unilateral approach would bear complete responsibility for the spread of such a method internationally.

The opposing view from the NATO Allies comprised the following points: President Milosevic had rejected UNSC demands to end brutality to civilians; Milosevic had refused to withdraw security forces responsible for the oppression; Milosevic refused to cooperate with international organizations engaged in humanitarian relief; Belgrade refused to fulfill its obligations to NATO and the OSCE; Milosevic had failed to pursue a negotiated agreement at Rambouillet; military action was taken with great regret and in order to save lives; The action was legal and justified by international law as an exceptional measure to prevent an overwhelming humanitarian catastrophe; and Force would be used only to stop the atrocities and to weaken Belgrade's ability to create an humanitarian catastrophe.

It is most significant that both sides claimed that their position upheld international law, and both cited humanitarian reasons for bombing or not bombing. While Russia and China claimed that international law did not recognize the prevention of humanitarian crises as a reason to use force, NATO Allies cited Milosevic's violations of UN and OSCE-mandated humanitarian cooperation and his refusal to negotiate at Rambouillet as

a flouting of international law. China and Russia condemned a "unilateral" approach, but the allies saw NATO action as multilateral.

IV. NATIONAL PERSPECTIVES

On 2 October 1998, the North Atlantic Assembly stated:

> NATO must preserve its freedom to act: The Allies must always seek to act in unison, preferably with a mandate from the United Nations (UN) or the Organization for Security and Cooperation in Europe (OSCE), the framework for collective security in Europe. Even though all NATO member states undoubtedly would prefer to act with such a mandate, they must not limit themselves to acting only when such a mandate can be agreed.[146]

That NATO was able to make this statement in October 1998, or that NATO members were able to speak at the Security Council with one voice was not taken for granted. It was possible because of a confluence of thinking about the intervention that drew radically diverse positions to the same conclusion. By examining the "conversation" among these traditions in Britain, Germany, France and the United States, it becomes clear that the consensus on the Security Council on 24 March 1999 was in no way a sure thing. The reconciliation of the erstwhile conflicting approaches to the use of force was made possible by the inherent contradiction in "humanitarian" intervention and the domestic political situation within the four countries, particularly the rise of human rights concerns.

Preserving the trans-Atlantic relationship, much strained by the divergence in post-Cold War political priorities, proved to be an imperative in itself. In their search to justify

[146] North Atlantic Assembly, *NATO in the 21st Century*, 2 October 1998, cited in Richard Caplan, "Humanitarian Intervention: Which Way Forward?" in *Ethics & International Affairs* 14 (2000), 31.

what they ultimately agreed they had to accomplish, the Allies drew upon their own strategic and political cultures.[147] The fate of NATO's Bosnia mission hung in the balance. For many decision makers, the very existence of NATO and their own government's political positions depended upon resolving the Kosovo situation successfully.

Of the four primary players in NATO's decision – Britain, Germany, France and the United States – only one national leader enjoyed a comfortable political position at home: British Prime minister Tony Blair. It is he who also struck the most determined and consistent tone throughout 1998 and in early 1999 that the conflict could only be resolved by force, including ground forces. Meanwhile, the American Secretary of State led the cause for military intervention, while President Bill Clinton was distracted by an ongoing scandal and the resulting impeachment proceedings in Congress. In Germany, the country faced national elections, and would hand over its government to a left-leaning Red-Green coalition. In France, the government was defined by a period of "cohabitation" of the Gaullist President Chirac and the Socialist government led by Prime Minister Lionel Jospin, and the elites on the left as well as the public were deeply divided over the issue of a Balkan intervention. Russia tried to undermine NATO diplomatically by concluding its own agreement with Milosevic, but the plan was spoiled by Serbia's own aggression against the ethnic Albanian Kosovars – the same incidents of Serb atrocities that eventually galvanized the otherwise divided Alliance.

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[147] For perspectives on strategic culture see Colin S. Gray, *Nuclear Strategy and National Style* (Lanham, Maryland: Hamilton Press, 1986), and Alastair Iain Johnston, "Strategic Culture: A Critique," in *Cultural Realism: Strategic Culture and Grand Strategy in Chinese History* (Princeton: Princeton University Press, 1995.

The rapidly deteriorating humanitarian and security situation in Kosovo forced NATO Allies to make a decision about whether to intervene, and whether a UNSC mandate was required. The decision, however, was more than a knee-jerk reaction to events or the sum of political and strategic calculations. At the Security Council on the eve of the bombings, the Allies spoke with one voice regarding action, but they continued to disagree in principle. The agreement was the result of a confluence of diverse ways of thinking about international order and legitimate use of force.

The United States

Even though American Secretary of Defense William Cohen was "absolutely convinced" that the U.S. could not afford to take unilateral action in the Kosovo crisis, he maintained that the U.S. "must reserve the right to act unilaterally whenever it's necessary."[148] In the Kosovo crisis, however, he admitted that "it was simply impossible" to act alone. Therefore, after early shows of support for NATO to take swift military action to stem Serb atrocities the Alliance's decision making was stalled by a debate about the need for UNSC authorization during the summer of 1998. The debate was both international, chiefly among the British, French, Germans and Russians, and internal among administration officials and between opposite ends of Pennsylvania Avenue.

In a June 1998 interview, Secretary of Defense Cohen reflected the American position that no UNSC approval was necessary for NATO to intervene in the Kosovo crisis. When

[148] William Cohen, Leher *NewsHour* interview, 18 June 1998. Available at www.pbs.org/newshour/bb/europe/ jan-june98/cohen_6-18.html accessed 27 January 2003.

told that several NATO partners had said that NATO must wait for UNSC action before going further in the Kosovo case, Cohen replied,

> I don't agree with that. We don't agree with that in the administration. NATO, itself, has to make determinations about its security and those actions which are undermining or contributing to destabilizing areas that would also undermine NATO stability as such. And so I don't think that we need any Security Council endorsement or mandate. It would be desirable. We'd prefer to have that, but it's not indispensable. It's not imperative. There are some who disagree with that, who believe that it must go to the Security Council. But that would end up giving other countries veto power over what would be essentially actions that are now contributing to instability in the southern—Southeastern tier of Europe, and we think that would be a mistake.[149]

This same resolve persisted in the administration after the debate about authorization in the summer of 1998. Whereas Secretary Cohen's remarks indicated a self-defense argument for intervention, the President's National Security Advisor, Sandy Berger made an argument that seemed not to be based upon self-defense but on enforcement action under Chapter VII of the UN Charter based upon existing UNSC resolutions. In a 2 October 1998 interview, he was asked whether the U.S. believed NATO would need further authorization from the UNSC. Berger replied,

> No. The United Nations last week passed a resolution, 1199 it's called, which both prescribed the steps that Milosevic needed to take -- it was a resolution under Chapter 7 of the UN Charter, which is the resolution that involves use of force. We feel we have all of the international authority that we need here to act. There may be some further discussion in the UN. The Secretary-General on Monday will be reporting back to the Security Council on whether Mr. Milosevic has complied with those conditions. I suspect he will get a highly negative report card, and that I hope will help to galvanize the international community even further.[150]

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[149] Ibid.

[150] Sandy Berger, Online *NewsHour* interview, 2 October 1998.

Concerning the threat of a Russian condemnation of intervention as aggression and their possible veto of any UN resolution, Berger stated,

> NATO cannot be a hostage to the United Nations or to any other nation not part of NATO, that is, if the North Atlantic Treaty Organization, which has been the most successful military alliance over the last half century, by unanimity of its 16 believe that something is a threat to the region, and this clearly is, we believe they have the authority to act.[151]

His remarks point to a self-defense argument for intervention, but his reference to "a threat to the region" lacked explanation of what constituted an "armed attack" as required in the Charter. Despite the unapologetic statements that Russian objections did not matter, the administration's behavior toward Russia told a different story. Secretary of State Madeleine Albright worked to get a tacit approval from the Russians in order to minimize the diplomatic costs of intervention without a UN mandate. On the eve of the 8 October 1998 Heathrow airport meeting of Contact Group members, Albright spokesman Jamie Rubin told reporters that the U.S. still hadn't broken through French and German concerns about UN authorization nor obtained an agreement from them that force was necessary. He said, "We are continuing to push for early action. NATO is not there yet."[152]

During the Heathrow meeting, the Russians stated that they would veto any attempt to sanction the intervention in the Security Council, but would "make a lot of noise" if action were taken outside the UN.[153] The following January, Secretary Albright received the explicit Russian go ahead that paved the way to French and German support. While

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[151] Ibid.
[152] Jamie Rubin press conference U.S. Department of State, 7 October 1998. Available at www.hri.org/docs/statedep/1998 accessed 1 July 2002.
[153] Richard Holbrooke quoted in Alex J. Bellamy, *Kosovo and International Society*, 93

she was visiting Moscow at the end of January 1999, Serb atrocities increased. As part of the diplomatic program, she attended the *La Traviata* with Russia's foreign minister, Igor Ivanov. During the intermission, she explained the Contact Group's plan. Ivanov replied that Russia would not publicly disapprove of this up to the point of using force, but would not give public approval and would have to veto any move if brought to the UN. He told her that if she could find another way outside the UN, Russia would be onboard. The next day, while visiting the Arabian Gulf, she contacted the Europeans and they agreed to a Contact Group meeting in London on 29 January 1999.[154]

By the following February 18th, Secretary Albright was answering for domestic audiences the same questions about authorization that Secretary Cohen and Sandy Berger had answered in previous months, but she displayed some hesitance regarding the lack of international consensus about authorization.

> Well, we have -- I've been talking to Foreign Minister Ivanov regularly. I spoke to him twice today. The Russians also do believe that it is time to have a political settlement on Kosovo. And they have been very much a part of the contact group deliberations. And I think that we will keep working with them. And it is my sense that ultimately we will have agreement. Again, what happened at Dayton, as you mentioned Dayton before, the Russians did object to the military annex of Dayton -- did not sign on to it. And sometime later they in fact joined the forces in Bosnia. So we're taking this one step at a time. Foreign Minister Ivanov has made quite clear his support for the agreement in terms of the political aspects of what -- the negotiations that are being carried on -- and the fact that it's time to deal with this, and the Saturday deadline. They have been very much a part of those discussions.

Her tentativeness may have been out of respect for Russian sensitivities to the back channel agreement she had made with Foreign Miniser Ivanov, or that she felt comfortable backing off since an agreement with Russia was secure. The Secretary and

[154] Confidential interview with the author.

the administration did not have to work hard to convince Congress that NATO could act without the UN, but had a difficult time convincing Congress that NATO should act at all. Hence, debates in Congress were not principally about whether NATO needed UN authorization, but rather about whether the U.S. had any interest in launching another campaign in the Balkans.

One observer describes US engagement in the Balkans as "at best half-hearted" and that it "enjoyed only razor-thin political support."[155] While few voices believed that the United States and NATO should be curtailed by a deadlocked UN, centrists from both parties argued that the Kosovo conflict did not involve the nation's vital interests. The right argued that the United States was already overextended and had no vital interests in Kosovo, and the left argued against the need for force and called for diplomatic solutions.

In the end, Congress voted largely along party lines, with 42 Democrats and 16 Republicans voting "yes" in support of airstrikes and 3 Democrats and 38 Republicans voting "no."[156] The debates within the U.S. revealed a "mismatch between America's

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[155] Charles Kupchan, "Kosovo and the Future of U.S. Engagement in Europe," *Alliance Politics, Kosovo, and NATO's War: Allied Force or Forced Allies?"* (New York: Palgrave, 2000), 76.

[156] Democrats voting "yes" included: Akaka, Hawaii; Baucus, Mont.; Bayh, Ind.; Biden, Del.; Bo xer, Calif.; Breaux, La.; Bryan, Nev.; Byrd, W.Va.; Cleland, Ga.; Conrad, N.D.; Daschle, S.D.; Dodd, Conn.; Dorgan, N.D.; Durbin, Ill.; Edwards, N.C.; Feinstein, Calif.; Graham, Fla.; Harkin, Iowa; Inouye, Hawaii; Johnson, S.D.; Kennedy, Mass.; Kerrey, Neb.; Kerry, Mass.; Kohl, Wis.; Landrieu, La.; Lautenberg, N.J.; Leahy, Vt.; Levin, Mich.; Lieberman, Conn.; Lincoln, Ark.; Mikulski, Md.; Moynihan, N.Y.; Murray, Wash.; Reed, R.I.; Reid, Nev.; Robb, Va.; Rockefeller, W.Va.; Sarbanes, Md.; Schumer, N.Y.; Torricelli, N.J.; Wellstone, Minn.; Wyden, Ore. Democrats voting "no" were: Bingaman, N.M.; Feingold, Wis.; Hollings, S.C. Republicans voting "yes" were: Abraham, Mich.; Chafee, R.I.; DeWine, Ohio; Hagel, Neb.; Hatch, Utah; Jeffords, Vt.; Lugar, Ind.; Mack, Fla.; McCain, Ariz.; McConnell, Ky.; Roth, Del.; Shelby, Ala.; Smith, Ore.; Snowe, Maine; Specter, Pa.; Warner, Va. Republicans voting "no" were: Allard, Colo.; Ashcroft, Mo.; Bennett, Utah; Bond, Mo.; Brownback, Kan.; Bunning, Ky.; Burns, Mont.; Campbell, Colo.; Collins, Maine; Coverdell, Ga.; Craig, Idaho; Crapo, Idaho; Domenici, N.M.; Enzi, Wyo.; Fitzgerald, Ill.; Frist, Tenn.; Gorton, Wash.; Gramm, Texas; Grams, Minn.; Grassley, Iowa; Gregg, N.H.; Helms, N.C.; Hutchinson, Ark.; Hutchison, Texas; Inhofe, Okla.; Kyl, Ariz.; Lott, Miss.; Murkowski, Alaska; Nickles, Okla.; Roberts, Kan.; Santorum, Pa.; Sessions, Ala.; Smith, N.H.; Stevens, Alaska; Thomas, Wyo.; Thompson, Tenn.; Thurmond, S.C.; Voinovich, Ohio. Republican not voting: Cochran, Miss.

external policies and its internal politics[157] that was not uncommon on the eve of involvement in armed conflict, including both world wars. Some criticized the Clinton administration for seeking international engagement "on the cheap." When the president announced early that the Kosovo campaign would not involve ground troops – causing consternation in Britain and at home – he was responding to an American mood, an unwillingness to take casualties for what appeared to be second tier interests.

The President was in a peculiarly bad position to mount the bully pulpit to persuade Congress or the American people due to the Monica Lewinsky scandal. On 24 September 1998, *The Economist* quoted Lamar Alexander accusing the president of mishandling several major foreign policy issues since the Kenneth Starr investigation began eight months earlier: "the nuclear tests by India and Pakistan; Iraq's suspension of UN weapons inspections; the launch by North Korea of a missile or satellite over Japan; and Russia's slide into economic crisis."[158] United Nations credibility was also under attack. On 5 August 1998, Saddam Hussein halted Iraq's cooperation with UN weapons inspectors, violating the terms singed after its defeat in the UN-sanctioned Gulf War. On 7 August, terrorists bombed two American embassies. On 17 August 1998 the president admitted to an adulterous affair with a White House intern. Three days later, the United States launched cruise missile strikes on Afghanistan and Sudan in response to the terrorist attacks on US embassies Africa. In early December 1998 the House of Representatives began impeachment proceedings, and impeached the president on 19 December 1998, two days after the United States and Britain launched a four-day

[157] Charles Kupchan, "Kosovo and the Future of U.S. Engagement in Europe": 76.
[158] "When you've a moment, Bill," *The Economist*, 24 September 1998. Available at http://www.economist.com accessed 11 January 2002.

airstrike on Baghdad. The Senate began impeachment proceedings on 14 January and acquitted the president on 12 February 1999, while the Serb-Kosovar negotiations sputtered in Rambouillet, France.

The Secretary of State did not achieve the kind of domestic or diplomatic clout of her contemporary in Britain, who was bolstered by the support of his head of government. The administration, including the Department of Defense, was dubious about Albright's hawkish approach and she was unable to be as effective as she might have been abroad. To some, the president's distractions prevented his backing several of her important initiatives, and this undercut her credibility.[159] When she issued an ultimatum to Israel and the Palestinians to revive the Middle East Peace process in May 1998, Israeli Prime Minister Binyamin Netanyahu called her bluff and President Clinton's lack of support for her was "conspicuous by its absence."[160] It was the British prime minister who secured implicit Italian consent to the use of force in June 1998 while Albright had failed to do so the previous March.[161]

Further weakening the American hand in Europe was a fracture between the Pentagon and NATO's commanding general, US Army General Wesley Clark. Clark claims that the Office of the Secretary of Defense (OSD) and the Joint Chiefs of Staff (JCS) were so focused on the budget that they would not seriously consider a campaign in the Balkans. In a pointed anecdote, Clark recounts his conversation with JCS Vice Chairman Joseph Ralston when he called to inform the JCS that war in Kosovo was probable. General

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[159] Ibid.
[160] Ibid.
[161] Alex J. Bellamy, *Kosovo and International Society*, (New York: Palgrave, 2002), 87.

Ralston replied that the JCS simply did not want to fight a war in the Balkans. Clark thus enjoyed closer ties with the political leadership in Europe than he did with his own superiors in the Department of Defense, and their support for him did not enhance his professional standing at OSD or JCS.[162]

After the fall of the Berlin Wall, American perceptions about the US military role in Europe began to change. Congress and the uniformed military were keenly aware that since the end of the Cold War, most of the European Allies had been cutting their defense budgets while at the same time lamenting American super power status and they looked for military self-sufficiency in the form of the EU's European Security and Defense Policy (ESDP). The U.S. wanted to maintain its role as a European power, but did not want to bear the entire financial burden of defending the continent. Thus, Washington welcomed ESDP, but viewed it with some skepticism and insisted that it not rival NATO. When Europeans rebuffed American insistence that Europe get involved in the Balkans in 1993 and 1994, Congress reacted by pulling American ships out of an arms embargo in the Adriatic in the autumn of 1994.[163] When Americans struck this unilateralist tone, Europeans further pressed for security independence through ESDI, but continued to cut their defense spending and perpetuated their reliance on the American military.[164]

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[162] See Wesley Clark, *Waging Modern War.*
[163] Lawrence Kaplan, *The Long Entanglement: NATO's First Fifty Years,* 191.
[164] Charles Kupchan, "America and Europe: From Pacifier to Partner," in Dimitris Keridis and Robert L. Pfaltzgraff, Jr. *NATO and Southeastern Europe: Security Issues for the Early 21st Century.* (Dulles, Virginia: Brassey's, 2000), 34.

And so, in 1998 and 1999, there were voices that insisted Kosovo was a European problem that Europeans should handle.[165] Even before the votes were tallied on Capitol Hill, however, the administration, Congress and the public were largely united in the opinion that NATO should take whatever action the U.S. deemed necessary, and that such action should not be encumbered by other nations, including those on the Security Council.

Britain

> Far from being a forced alliance, the experience of Britain in the Kosovo conflict indicated that it entered the Alliance willingly and pragmatically. It served the long-standing British interest in having, in Churchill's words, "a place at the top table," or in Blair's rendition, "to punch above our weight."[166]

Tony Blair came out early with the position that the Kosovo disaster would have to be solved with force, including ground troops. Before the EU summit in Cardiff in early June 1998, he persuaded the Italian premier, Romano Prodi, of the importance of a firm NATO stance toward Milosevic, including the use of force. This marked a shift in the Italian position.[167]

Blair's view remained consistent throughout the crisis, and he acted as the lead hawk, encouraging the beleaguered American president to take a stronger approach. As opposition leader, he had roundly criticized John Major's tentative handling of the

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[165] Dana Rohrabacher, Online *NewsHour* interview, 11 March 1999.
[166] Louise Richardson, "A Force for Good in the World? Britain's Role in the Kosovo Crisis," in *Alliance Politics, Kosovo, and NATO's War: Allied Force or Forced Allies?"* (New York: Palgrave, 2000), 154.
[167] Alex J. Bellamy, *Kosovo and International Society*, 87.

Bosnian crisis, and he seemed determined not to repeat his predecessor's mistakes.[168] During the air campaign, Blair took such a forward leaning position about the need to resolve the Kosovo conflict with ground forces, that President Clinton had to convince him to stop making public statements lest he jeopardize NATO harmony during the 50th anniversary proceedings in Washington in April 1999. While the Blair's Labour Party did not use the term "special relationship," he wielded his ties with the White House to suit the British view of the importance of defeating Milosevic.[169]

Unlike American, French and German leaders, Blair enjoyed a comfortable political position at home with a safe margin in parliament as well as in the polls. He was able to keep dissent relatively calm, especially from within his own Labour party. The party was traditionally opposed to the use of force, and this may have strengthened Blair's hand. The Conservatives' objections to the government's action were stayed by a fear of being labeled unsupportive of the troops in the field. When the Scottish Nationalist leader compared Operation Allied Force to the German Blitz of London in the Second World War, Blair accused him of being "shameless" and Cook said the comparison "would be deeply offensive not only to service personnel and their families but also to millions of British citizens."[170] Although British public opinion did not support Blair's advocacy of ground operations – disfavoring them by 62% in March 1998 – he remained popular throughout the campaign. One reason Blair enjoyed cross-party support for his anti-

[168] Alex Bellamy, *Kosovo and International Society*, 87.
[169] Ibid., 154.
[170] FBIS Daily Report, 29 March 1999.

Milosevic stance may have been Britain's memory of the high cost of appeasement on the continent.[171]

Britain's national interests in the conflict included maintaining the credibility of NATO and the stability of the Balkans and containing the chance for a wider war. Louise Richardson argues that those interests could have been served by a less aggressive approach to the conflict. She believes that political and strategic concerns do not fully explain Britain's strong support for the use of force in Kosovo, but that only moral considerations can fully explain it – that Blair upheld a tenet of British foreign policy since the end of World War II: that strategic and moral objectives were mutually reinforcing.[172]

In a televised interview shortly after the war, Blair remarked:

> I recognized, from the very beginning, that this might be a very long, drawn-out and difficult affair. What's important is to always get back to first principles in situations like this. I always used to go back to question [sic], if we didn't act, then what? Then he ethnic cleanses Kosovo, and the whole region really is then totally destabilized. Europe and NATO are shown to be powerless, and a terrible act of barbarity has taken place with nothing happening from the international community. Those are some pretty major consequences.[173]

Like other NATO governments, Britain did not wish to set a precedent for the use of force without UNSC authorization. However, Britain did not see the lack of a UNSC

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[171] Anthony Weymouth, "Why War, Why NATO," in *The Kosovo Crisis: the last American war in Europe?*, Tony Weymouth and Stanley Henig, eds. (London: Reuters, 2001), 3.
[172] Richardson cites a phrase often quoted by Blair and Robin Cook, Britain's Foreign Secretary, that Britain was a "force for good" in the world. They used the same expression describing the U.S. Louise Richardson, "A Force for Good in the World? Britain's Role in the Kosovo Crisis," 159.
[173] Tony Blair, *Frontline* interview. Available at http://www.pbs.org/wgbh/pages/frontline/shows/kosovo/interviews/blair.html accessed 27 August 2002.

mandate as a stumbling block to action in the way that France and Germany did. Blair pushed off the legal dispute about authority as separate from international action:

> We haven't yet worked out exactly how a doctrine of how the international community should operate, or how the institutions of he international community have to be adjusted. But this is a very, very big part now of a debate that is necessary to have.[174]

Ultimately, Britain rested the case about authority on the existing UNSC resolutions. On 24 March 1999, George Robertson told the House of Commons:

> We think that there is a sufficient authority in existing Security Council Resolutions and indeed the use of force in international law can be justified as an exceptional measure to prevent an overwhelming humanitarian catastrophe. Since it is commonly agreed that that is what we are facing there is no doubt about the legality of the operation we are involved in. Speaking as I do on behalf of the United Kingdom and as Chairman of the Defence Council, I have a particular personal responsibility in this regard which would turn into a legal one if it came to it. I am satisfied that the Resolutions lay down very clear demands, especially Resolution 1199, which, as well as the exceptional circumstances, give us an absolute legal base.[175]

That is not to say that the United States and Britain were in harmony throughout the 1998 effort to get NATO nations to endorse the plan to use force in Kosovo. A fissure seemed most detectable among uniformed military. While the Pentagon was trying to minimize American ground presence in Bosnia and stonewalled against the use of force in Kosovo, British General Sir Michael Rose criticized the shortsightedness of the American political process – held hostage to media coverage, he believed -- that at once insisted on preserving the "credibility of NATO" with an aerial campaign in Kosovo, and at the same time curtailed their forces on the ground in Bosnia. He attributed this trend among NATO

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[174] Ibid.

[175] George Robertson, House of Commons testimony 24 March 1999. Available at www.parliament.the-stationery-office.co.uk/pa/ cm199900/cmselect/cmdfence/347/34707.htm accessed 27 January 2003.

political and military chiefs to American pressure, especially among the military aviation community, saying,

> The words "maintaining credibility of NATO" is a convenient expression for actually indulging in the use of military force. That is what it actually means, and has usually been driven by the Americans and very often by the air powers.[176]

Germany

> Only diehard American neorealists would have dared to predict what happened in the spring of 1999: "For the first time since 1945, German forces are taking offensive military operations against a sovereign state. The historic watershed is all the more remarkable because it is under the control of a 'Red-Green' coalition government, and without a clear U.N. mandate."[177]

If the United States was unwavering in its stance that NATO did not need UN authorization for a strike, Germany was just as firm in taking the opposite position. But political realities, events on the ground and the inherent contradictions of the use of force for humanitarian purposes combined to reverse Germany's position. Germany ordered its forces to engage in an intervention in a sovereign state for the first time in its post war history.

The Kohl government preferred a Dayton-like negotiation and to get Moscow onboard so that a UN Security Council resolution (UNSCR) would be possible. In March 1998, just after the Donji Prkaz massacre of the ethnic Albanian Jeshari family, Secretary Albright made a push among Contact Group leaders for the use of force against Serbia.

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[176] General Sir Michael Rose, House of Commons testimony 3 February 1999. Available at www.parliament.the-stationery-office.co.uk/pa/ cm199900/cmselect/cmdfence/219/21908.htm accessed 27 January 2003.

[177] Adrian Hyde-Price, "Berlin Republic Takes to Arms," *The World Today*, June 1999: 13 quoted in *Alliance Politics, Kosovo, and NATO's War: Allied Force or Forced Allies?"* Pierre Martin and Mark R. Brawley, eds. (New York: Palgrave, 2000), 131.

Meeting with Albright in Bonn, German Foreign Minister Klaus Kinkel insisted that any action be authorized by the Security Council, and put forward a non-violent alternative that fell well short of Albright's forceful approach.[178]

As the general elections neared, the German political leadership was unable to bring the United States to this position and faced the dilemma of either refusing to participate in strikes in order to uphold the long-held German beliefs about UN authority, or remain a "good ally" by participating and thus betray those beliefs. In the 27 September 1998 elections, the Germans elected a Red-Green coalition of Social Democrats (SPD) and Greens. Both parties historically opposed the use of force. On 3 October, Joschka Fisher, then a potential designee for foreign minister, told *Der Spiegel* that international law required NATO to have Security Council authorization and that if the "basis for action" was ignored, "other powerful countries could use this as a precedent."[179] A stalemate occurred as the government-elect prepared to take over. On 8 October, incoming Chancellor Gerhard Schroeder met with his predecessor Helmut Kohl just before Schroeder's visit to Washington, but no determination on whether the new government would support the NATO action, even to the extent that the previous government had, was forthcoming.

That same day, Klaus Kinkel was at Heathrow airport near London in the fortuitous conclave of Contact Group decision-makers. Present were Robin Cook, Hubert Vedrine, Igor Ivanov, Madeleine Albright and Richard Holbrooke. When the topic of UN

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[178] Bellamy, *Kosovo and International Society*, 75.
[179] Joschka Fisher, quoted in "Germany: Green's Leader Warns Against Ignoring UN in Kosovo Intervention," BBC Worldwide Monitoring, 3 October 1998.

authorization for the use of force arose, Kinkel pressed the group for a Security Council mandate. Ivanov was clear that Russia would veto any such attempt, but Kinkel pressed on. Richard Holbrooke recounted it this way:

> Ivanov said: 'If you take it to the UN, we'll veto it. If you don't we'll just denounce you. Kinkel says he wants to take it to the Security Council as do the British and French. Madeleine and I say: 'That's insane!' So, Kinkel says: 'Let's have another stab at it'. But Ivanov says: 'Fine, we'll veto it'. And Kinkel asks again and Ivanov says: 'I just told you Klaus, we'll veto it...' He says: 'If you don't we'll just make a lot of noise.'[180]

Back in Germany, the Bundestag debated the need for a UNSC mandate in mid-October.[181] The Greens announced they would oppose German participation in NATO military action in Kosovo without a UNSC resolution approving the use of force.[182]

In his Washington meeting with President Clinton, Schroeder – not wanting to take the blame if Holbrooke's negotiation failed and wanting Germany to appear a reliable ally – announced that Germany would support the NATO campaign but would not commit German troops. Just three days later, on 12 October, the Clinton administration – perhaps at the recommendation of outgoing defense minister Volker Ruehe -- pressed Schroeder and received just such a commitment.[183]

The circumstances surrounding German support for intervention without a UNSC mandate reveal competing German interests in upholding international law, protecting

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[180] Quoted in Bellamy, *Kosovo and International Society*, 93.
[181] Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), 262.
[182] "Germany May not Participate in Possible Intervention in Kosovo," *Xinhua* News Agency, 8 October 1998.
[183] Peter Rudolf, "Germany and the Kosovo Conflict," 134.

human rights, and defending legitimate security interests by supporting NATO. German foreign policy was split two ways. Among elites, two groups reached the same conclusion for different reasons. Moralists, mostly Greens and SPD, supported intervention on humanitarian grounds, while others argued that Germany's national security interests that required Germany to support NATO and prove itself a reliable ally.[184] The Greens were split between the "leftists" who opposed military intervention in the Balkans, and the "realists," whose chief spokesman in the Bundestag, Joschka Fisher, supported it.

At the public opinion level, the divide was clearly between East and West Germans. While two thirds of westerners would have NATO go beyond collective defense to aid a population at risk, easterners, "reflecting a deeply rooted uneasiness with NATO and its missions...wanted to restrict NATO's functions to collective defense."[185]

For most Germans, the prohibition of employing the *Bundeswehr* for a purpose other than self-defense was the codification of guilt over Germany's Nazi past. During the Cold War, the issue was moot since the probability of using any NATO troops out of area was slim. In 1983, Manfred Woerner, the West German minister of defense at the time, stated:

> For the Federal Republic of Germany, deployment of forces outside the NATO area is out of the question. Moreover, such operations would have no strategic meaning. Any withdrawal of forces earmarked for defense of Europe would increase the present disadvantage of NATO in the East-West force ratio.[186]

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[184] Ibid., 135.
[185] Ibid., 137.
[186] Manfred Woerner quoted in David Yost, *NATO Transformed,* 189-190.

Even so, as early as 1994 the way was paved when the Federal Constitutional Court stated that German forces could participate in collective security operations approved by the Bundestag. However, the thinking was that such operations would be for collective security and under the UN umbrella.[187] The ambiguity of whether NATO operations in the Balkans were collective defense or collective security provided ample room for differing viewpoints to press their cases.

As in Britain, the party in office during the Kosovo intervention was one with a strong historical anti-war reputation. The German troika rested on their own anti-militarist legacy to suppress the notion that German military involvement – as monumental as it was in fact – signaled a return to militarism or even patriotism.[188] Schroeder, Scharping and Fischer

> [B]elonged to the activist core of a protest generation which had challenged not only the Germany of the 1960s and 1970s, but also the previous generation for its moral and political failures in the 1930s and 1940s. In an interview with *Der Spiegel*, Schroeder related... "there was a very lively debate regarding Hitler's fascism in which children asked their parents: Why did you not do anything at the time?...I would like to be able to say in such a situation that I did what was possible and rational."[189]

Not only did Germany not support Britain's forward leaning policy endorsing ground troops, but Schroeder and Fischer ruled the option out all together in mid-May 1998. The Red-Green coalition felt its hold on power in peril over the issue. Schroeder went so far as to declare that his country would veto any such move, with or without German

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[187] Peter Rudolf, "Germany and the Kosovo Conflict," 134-135.
[188] Sabrina P. Ramet and Phil Lyon, "Germany: the Federal Republic, Loyal to NATO," in *The Kosovo Crisis: the last American war in Europe?*, Tony Weymouth and Stanley Henig, eds. (London: Reuters, 2001), 91.
[189] Ibid., 94.

troops.[190] The statement reflected the deep division in German public support for the operation, and the diminishing support shown in polling data as the air campaign continued. The country, like the parties that governed it, was conflicted about the Kosovo intervention's inherent contradictions: support the operation and betray their deeply held beliefs favoring the peaceful settlement of disputes, or protest and betray their commitment to humanitarianism and human rights.

France

Ultimately, France rested its legal basis of the NATO intervention on the authority of the Security Council:

> The action of NATO finds its legitimacy in the authority of the Security Council. The Council Resolutions concerning the situation in Kosovo (resolution 1199 of September 23, 1998 and 1203 of 24 October 1998) were taken under the terms of chapter VII of the Charter of the United Nations, which treats coercive actions in the event of rupture of peace.[191]

Yet, it had to claim this legitimacy without the UNSC resolution explicitly authorizing the use of force that it had previously insisted upon throughout the crisis.[192] France's announcement in January 1999 that it would support the strikes on Serbia without a new and explicit mandate contrasted with its refusal in the previous month to join Britain and the United States in Operation Desert Fox, the aerial campaign against Iraq.[193] An examination of France's insistence upon UN authorization reveals competing traditions of thinking among its decision makers who were faced with the both the urgency of the

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[190] Ibid., 93.
[191] Ministere des Affaires Etrangeres Dossiers d'archive, "Legal Basis of the Action Undertaken by NATO (Paris, March 25, 1999)." Available at www.france.diplomatie.fr/actual/ dossiers/kossovo/kossovo.html accessed 11 January 2003.
[192] Craig R. Whitney, "French are Gearing up to Join in Dousing the Flames in Kosovo," *The New York Times*, 25 January 1999, A6.
[193] Ibid.

events of 1998-1999 and the inherent contradictions of "humanitarian" intervention in the 1990s.

Throughout the post Cold-War period, France maintained that non-Article 5 missions required OSCE or UNSC authorization. Primary arguments included the desire not to alienate China or Russia on the Security Council and not to set a bad precedent of acting unilaterally that Russia, China, India or other states might follow. [194] Hubert Vedrine met with Richard Holbrooke on 2 July 1998, and then told *The New York Times*, "If we have to use force -- and we may -- and if we went in without United Nations authority, we would not be in a position to insist that Russia, China, Nigeria or other countries cannot use force without United Nations authorization." [195] But he added that he did not think Russia or China had said their last words yet on Kosovo. A third concern was giving Kosovar Albanians support for independence and a further disintegration of Yugoslavia. *The New York Times* quoted Vedrine:

> If the only option was to bomb strategic Serbian military and communications sites throughout the country, the next day the Kosovo Liberation Army could declare Kosovo a sovereign republic, Albania could join in supporting it and the war could spread to Macedonia and beyond. The use of force could provoke exactly the opposite of the desired result...There is no simple military option we haven't taken simply because we were afraid to do so.[196]

France's emphasis on UNSC authorization is linked to its post-Cold War identity crisis.[197] Some have argued that while France is often considered the "consummate

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[194] David Yost, *NATO Transformed*, 253.
[195] Hubert Vedrine quoted in Craig Whitney, "Western Officials Say Accord On Kosovo Seems Uncertain," *The New York Times*, 4 July 1998, A6.
[196] Ibid.
[197] Alex Macleod, "Kosovo: France and the Emergence of a New European Security," in *Alliance Politics, Kosovo, and NATO's War: Allied Force or Forced Allies?* (New York: Palgrave, 2000), 113.

realist state, with its emphasis on a narrow view of national interest,"[198] the Kosovo intervention manifested a change in France's foreign policy, that it had shed its Gaullist independence and autonomous stance and adopted a multilateral approach, spreading influence by working through international institutions.[199] Perhaps more evident is not a shift from one way of thinking to another, but a competition among strongly held traditions within French foreign policy making. Some argue that this crisis of identity was evident in the way the French press covered the Kosovo situation, connecting it to the historical formation of European national and ethnic identities, especially that of France itself. The press further emphasized the incongruence of France's supporting an American-led campaign against France's historical ally, Serbia.[200]

In the case of Kosovo, the institutions through which France sought to exert influence were the UNSC, NATO, the EU, the Contact Group and the G8. France's insistence upon the need for UNSC approval of NATO operations and its wielding of its own status there is thus linked to its expressed national interest. Its promotion of European institutions of which the United States is not a member is equally important for achieving its goal to be a leading European power.[201] While a multilateral approach may make France's approach seem less Realist, the reasons behind its multilateralism maintain a Realist character.

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[198] Ibid.
[199] Ibid.
[200] Bernard Lamizet and Sylvie Debras, "France: Questions of Identity," in *The Kosovo Crisis: the last American war in Europe?*, Tony Weymouth and Stanley Henig, eds. (London: Reuters, 2001), 107.
[201] Ibid., 117.

The rising importance of human rights and other value-laden objectives indicates the prominence of Revolutionist thinking in France's foreign policy, at least for purposes of public legitimization. On the other hand, Alex Macleod has noted that the promotion of "a certain conception of Europe and European values, for human rights, even for European civilization" in justifying the Kosovo intervention is part of France's overall objective of achieving a certain rank among world powers.[202] Achieving and maintaining status as a "norm entrepreneur" in Europe and across the globe is the way that this middle power – once able to maintain that rank by navigating between two superpowers – can hold on to middle power status in a world with only one remaining super power.

French insistence upon UNSC authorization for any NATO action also reflected longstanding reservations about American dominance of NATO and European security affairs. France has long been interested in playing a greater leadership role on the continent. Throughout the Kosovo crisis, France was engaged in promoting ESDP, the purpose of the December 1998 meeting at St. Malo with British Prime Minister Tony Blair, French Prime Minister Lionel Jospin, and French President Jacques Chirac.[203]

All of this took place in a tense climate of trans-Atlantic economic relations. Europeans were preparing to adopt the euro in January 1999 in the hopes that it would soon rival the dollar. American legislation like the Helms-Burton and D'Amato acts which threatened to impose sanctions on Europeans for doing business with Cuba, Iran

[202] Macleod, "Kosovo: France and the Emergence of a New European Security," 116.
[203] Dimitris Keridis and Robert L. Pfaltzgraff, Jr. *NATO and Southeastern Europe: Security Issues for the Early 21st Century.* (Dulles, Virginia: Brassey's, 2000) and Fraser Cameron, *The Foreign and Security Policy of the European Union Past, Present and Future.* (Sheffield: Sheffield Academic Press, 1999).

and Libya were another thorn in Europe's side, even though the Clinton administration worked hard to ensure these sanctions were never imposed. Negotiations for a permanent settlement to this issue were ongoing throughout 1998, but the French particularly resented the "pre-eminence of a single economic, political and cultural 'hyper-power'," as their foreign minister put it."[204]

However, French insistence on UNSC approval and its emphasis on human rights and other norms may not have been entirely inspired by Realist considerations. The French hold deep-seated beliefs about human rights and humanitarianism which they debated throughout the crisis. French popular support for intervention was "fragile and confused."[205] The Kosovo crisis divided the left in France in a way that previous conflicts like the Gulf War did not. *Le Monde* noted on 9 April 1999,

> Whereas in 1991 a whole section of the left joined up together with pacifist and Christian bodies in opposition to American intervention, the Kosovo crisis is dividing the radical left.[206]

This fact had a more discernible influence on French justification for the intervention than on French decisions about authorization. However, with weak support among the public and confrontational positions adopted by French intellectuals, it is not difficult to understand why French the leaders judged it prudent to seek a UNSC resolution for action and relied on existing UNSC resolutions 1199 and 1203 as their legal justification when it proved impossible to obtain a more explicit UNSC authorization for the use of force.

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[204] "That Awkward Relationship," *The Economist*, 14 May 1998. Available at www.economist.com accessed 11 January 2003.
[205] Macleod, "Kosovo: France and the Emergence of a New European Security," 125.
[206] *Le Monde*, 9 April 1999 quoted in Lamizet and Debras, "France: Questions of Identity," 115.

The Role of Russia

The issue of whether NATO must seek a UN mandate would not have come to a head in 1998 if not for the threat of a Russian veto on the Security Council. While the United States and Britain campaigned among Contact Group members for an agreement on the need for force in the summer of 1998, Russia pursued its strategy with Milosevic to meet its own ends. Russia saw Serbia as a traditional ally, but was also motivated by a $200M (US) Serbian debt that it did not want to write off in the event of war. Russian rhetoric against NATO was strong, but there is evidence that this was designed for a domestic audience rather than a foreign one.

Ironically, Milosevic also worked against Russia's achieving a foreign policy coup over the West. When Milosevic traveled to Moscow for talks with President Boris Yeltsin, he agreed to nearly all of the demands of UNSCR 1160, and thus made the argument for the use of force seem hollow. However, the day after the Yeltsin-Milosevic agreement was signed, the VJ reinforced its troops in Kosovo, a move that humiliated Yeltsin and weakened Russian opposition to the strong language of UNSCR 1199 that condemned Serbia for the violence. Alex Bellamy argues that Russia knowingly looked the other way when the North Atlantic Council was preparing to vote on the use of force against Serbia during a meeting in Portugal in September 1998. This helps to explain Russia's acquiescence on 23 September 1998 to UNSCR 1199's invoking of Chapter VII that paved the way for the Atlantic Council's activation warning the following day, the

first step to a bombing campaign. This interpretation is supported by Ivanov's position at the Heathrow Airport meeting of 8 October 1998 among Contact Group leaders.[207]

IV. AUTHORIZATION AND THE THREE TRADITIONS

For Wight, the most important question for each tradition of thinking is, "What is international society?" Each tradition's answer emphasizes one of three aspects of international relations. The Realist insists that there is no such thing as international society and emphasizes anarchy. The Rationalist sees a society that is not a state but that is nonetheless governed by cooperation and custom in the institutions of diplomacy and law.[208] Finally, the Revolutionist believes that international society ought to be reorganized to reflect the moral solidarity of humanity, with all states and societies conforming to the same pattern or all brought under a world state. Their outlook on the legitimate requirements to authorize intervention should follow logically from these assumptions.

The Realist believes that international politics constitute an arena in which the main players, sovereign states, fight for security using whatever means of power they have at their disposal. The "hard" or extreme Realist, then, sees the UN as the embodiment of the Hobbesian paradox. That is, the member states of the UN have concentrated power "in the hands of a single authority" with the "hope that this despot will prove a partial

[207] Alex Bellamy, *Kosovo and International Society*, 93.
[208] Martin Wight, "An Anatomy of International Thought," *Review of International Studies* 13 (1987), 223.

exception to the rule that men are bad and should be regarded with distrust."[209] The moderate Realist is kin to the legal positivist who sees no international law "except what is 'posited' by sovereign powers" and considers it the "sum-total of explicit agreements between powers" or no more than that to which sovereign states agree.[210] Many have accused the United States of taking this position during the Kosovo crisis. Critics argue that American bullying of the allies was pure realism. But the truth is more complex.

The American and British insistence that NATO action without a UN mandate upheld international law is a Realist approach because it implied that law is not just what is written in the UN Charter, but is what is posited by sovereign states. When the United States insisted that the UNSC could not dictate American foreign policy, it was making this case. Furthermore, the move to use force without explicit UNSC authorization came from the real need to see success in NATO's Bosnia mission, avert a humanitarian disaster in Kosovo, maintain peace and security, prevent a wider war in the region, and hold the alliance together. That the allies claimed all of these rationales at different times as justifications for making a legitimate exception to international law reflects a Realist position.

However, American and British officials made the case that supporting NATO was supporting an international organization and that holding Milosevic to previous resolutions was upholding international law. This is a Rationalist argument. While the Realist believes that there is no international society, the Rationalist believes, as Grotius

[209] Martin Wight, *International Theory: the Three Traditions*, (Leicester University Press for the Royal Institute of International Affairs (RIIA), 1991), 35.
[210] Ibid., 36.

did, in humanity's sociability or capacity for cooperation and partnership. This dictum states that, while human beings are fallible, they are also rational and capable of learning and upholding laws. Thus, the United States and Britain did not argue on the UNSC that cooperation was not possible among nations and that war was inevitable, but that force was necessary to uphold law. They argued that the venue for cooperation had to be shifted to NATO. The same is true of the allies' relying on the Chapter VII provisions in the existing UNSC resolutions in their justification for intervention. The Rationalist believes, contrary to the positivist, that law is "prior to society," that it comes "from some transcendent source, such as God's will."[211]

When the NATO Allies tied Milosevic's blatant violation of previous resolutions with continued human rights abuses, they pointed toward what Francisco Suarez[212] called *societas quasi politica et moralis*, an international society that is both political and moral. This social condition is "institutionally deficient" and leads to a limited Lockean contract. The Realists' belief, on the other hand, is that a state of unlimited war leads to an unlimited Hobbesian contract.[213] It is the Rationalist's sort of contract that was framed in the Covenant of the League of Nations at a time when the great powers saw the First World War as an aberration and the capacity for cooperation among nations as the norm. In this context the UN Charter stands in stark contrast. While Wight notes that the contracts underpinning both the League and the UN were not archetypically Lockean and

[211] Ibid., 38.
[212] Francisco Suarez, S.J. (1548-1617)
[213] Ibid., 39.

Hobbesian, he maintains that "the difference between the Covenant and the Charter is, in essence, the difference between Locke and Hobbes."[214]

The Europeans were in a considerably stronger position in 1999 than they were in 1945. Britain, France and Germany had not only been rebuilt after the Second World War, they were in the midst of putting together economic and military strategies to someday rival American power on the continent. Thus, the idea that American leadership forced the other allies into the operation in a Hobbesian way is not tenable. The international environment in the Euro-Atlantic region had shifted decidedly to a Rationalist paradigm, one in which the terms of law were respected on a declaratory level, even if not necessarily observed by all members of international society. This helps to explain American reliance on legal justification for the use of force.

While the overarching paradigm was Rationalist and based in law, nations continued to speak and act in ways consistent with the other two traditions. France's insistence on UNSC authority in 1998 was less Rationalist than Realist because it resulted in large part from a desire to strengthen France's international political clout. In this respect, France's move toward a multilateral foreign policy is also Realist, as is its desire to limit US preponderance. France's arguments for ESDP and strengthening the EU role in international security affairs appear intended to advance French national interests.

German foreign policy makers, on the other hand, focused more on the desire to strengthen cooperation through international organizations. They insisted on both UNSC

[214] Ibid., 40.

approval and the conflicting desire to remain a "good ally" in NATO. Germany was perhaps the NATO ally most genuinely tied to the notion that only a UNSC mandate could fulfill the requirements of international law and cooperation. This is a Rationalist approach, but Germany's decision to abandon this position in order to be a faithful ally no doubt had Realist underpinnings as well: the Red-Green coalition viewed its response to the Kosovo crisis as a matter of its political survival in an increasingly ambivalent society.

In the same way, the German government's emphasis on defending human rights as a justification for making a legitimate exception to certain international rules stemmed from a need to please domestic constituencies. This was at once a Realist choice on the part of the government and Revolutionist on the part of the public. Throughout the post WWII period, the German people's regard for human rights – in this case moral solidarity with the oppressed Albanian Kosovars – reflected a genuine transformation in German foreign policy. It can be tied to Germany's significant decision to contribute troops for the Somalia and Bosnia missions, as well as its ordering them to intervene in Serbia, part of the sovereign state of then known as the Federal Republic of Yugoslavia. That human rights norms were more important than legal conventions and the sovereignty of Serbia was a Revolutionist position.

Unlike the Realist who draws a sharp line between civil society and the state of nature and the Rationalist who would combine them, the Revolutionist denies the distinction all

together. He believes instead in what Christian Wolff[215] called a *civitas maxima* or a super-state in which sovereign states are citizens. Wolff developed his idea from the work of Francisco de Vitoria, O.P. (1480-1546) and others, including Calvin. Revolutionist theory "demands homogeneity," and there are three options open to Revolutionists for shaping international society: doctrinal uniformity, doctrinal imperialism and cosmopolitanism. The underlying belief in this increasingly common perspective on international relations is that all men and women are part of the same human family, and that this bond underlies and supersedes the interests of their respective states.

German empathy for both sides in the Kosovo conflict revealed the presence of Revolutionist thinking. The sympathy for Serbia's desire not to lose Kosovo to independence reflected convictions about Germany's own reunification ten years earlier. German backing for the rights of Kosovar Albanians to autonomy sprang from the same source. Thus, there was a conflict between the Revolutionist belief in the enforcement of universal human rights, and the Rationalist belief in the peaceful resolution of disputes. For Germany, the Revolutionist argument carried the day, but only just. Public support dipped once the air campaign began, particularly regarding the efficacy of the use of force to protect civilians.[216]

The German version of Revolutionist thinking was thus not one of doctrinal imperialism or uniformity, but rather of cosmopolitanism. This is consistent with the means it preferred to see employed for its humanitarian ideals. The US and British

[215] Christian Wolff (1679-1754)
[216] Peter Rudolf, "Germany and the Kosovo Conflict," 136.

version, articulated in Richard Holbrooke's negotiations and in the explicit threat of force during the Rambouillet negotiations, was of the former ilk – doctrinal uniformity. According to Wight, examples of the drive to achieve doctrinal uniformity include the attempt by the UN to isolate Spain in 1946, equating "anti-fascist" with "peace-loving," and the anti-colonial campaign from Mazzini to Wilson.[217] This most closely resembles the Contact Group's actions to isolate Serbia in 1998. Examples of doctrinal imperialism, on the other hand, have been cases of large powers attempting to spread their own doctrines. This includes the Jacobins of France and Stalin in Eastern Europe. While France today seeks to be a "norm entrepreneur" and spread its "doctrine" abroad, it seeks multilateral and predominantly peaceful means to do it and so does not fit into the "doctrinal imperialist" category. By contrast, Wight went so far as to compare the United States and Soviet Russia to the Roman Empire in their imperial missions and one may ask today whether the American adherence to the democratic peace theory is not a form of soft Revolutionism and the "global war on terror" a sort of hard Revolutionism, since the government is willing to use force to prosecute it. Indeed, these may be complementary struggles.

That Germany, the state most committed to the UN paradigm, was also willing to act without an explicit Security Council authorization to use force due to human rights concerns is significant. It may show that international politics in the 1990s witnessed a resurgence of Revolutionist thinking. This time it was not anti-monarchist or communist but pro-human rights ideas that trumped attachment to both the sovereign state (for the Realist) and the UN (for the Rationalist).

[217] Martin Wight, *International Theory: the Three Traditions*, 42.

V. CONCLUSIONS

NATO members were not forced allies, nor did they have a united NATO interest. A striking degree of unity was nonetheless possible, although each nation acted in its national interest and in accordance with its own analysis of legitimate authority to use force. The inherent contradictions in the nature of humanitarian intervention allowed competing and contradictory voices within and among nations to converge on the side of intervention and not abstention, despite the UNSC deadlock.

Tony Blair captured the way in which national interests and multilateralism merged during the debate about the use of force in the Kosovo crisis when he linked the upholding of international law with national interests and NATO's credibility:

> Upholding international law is in our international interests. Our national security depends on NATO. NATO now has a common border with Serbia...Our borders cannot remain stable while such violence is conducted on the other side of the fence. NATO was the guarantor of the October [1998] agreement. What credibility would NATO be left with if we allowed the agreement to be trampled on comprehensively by President Milosevic and did not stir to stop him.[218]

Wight's framework of identifying the conversation among three traditions of thinking is helpful in understanding the situation in 1998 and 1999. In the Kosovo case, some who argued against the need for a Security Council resolution – a seemingly Realist position -- did so in order to uphold the international legal order. Real disagreements existed about whether NATO ever needs a UNSC mandate to use force. For example, the

[218] Tony Blair, 14 April 1999, quoted in Stanley Henig, "Britain: to War for a Just Cause," in *The Kosovo Crisis: the last American war in Europe?*, Tony Weymouth and Stanley Henig, eds. (London: Reuters, 2001), 49.

commanding general of the Kosovo operation, General Wesley Clark, maintains that "international law was made by nations," and that "the UN Security Council does not have the consent of the governed because that consent ends at the national border. In a democracy, politics gives legitimacy to foreign affairs."[219] At the same time, the leaders of France and Germany insisted that it was law and not politics that lent legitimacy to international action. Even so, they insisted upon UN sanction for partly political purposes, a Realist position. The debate of 1998-1999 brought to light these kinds of paradoxes, and revealed the primary reasons why the NATO Allies launched their aerial campaign.

[219] Wesley Clark, interview with the author 19 November 2002.

CHAPTER FOUR:
JUSTIFICATION
FOR FORCIBLE INTERVENTION

To understand the unstable and intractable nature of international politics, you need only study the relations between the motives and consequences of a war, or between the purposes and history of an alliance.[220]

I. INTRODUCTION

Immediately following the massacre of fifty members of the Jeshari family in March 1998, the UN Security Council agreed to an arms embargo to put pressure on Serbian President Slobodan Milosevic and the KLA to desist violence. It was clear to the Americans and the British that a military intervention had to be considered and both began constructing a legal case even as peaceful means of conflict resolution were attempted one by one throughout 1998. Three UN Security Council resolutions and active shuttle diplomacy by the Contact Group did not bring the Serbs and Kosovar Albanians to the negotiating table. By October all four allies (Britain, France, Germany and the United States) agreed that Milosevic "only understood force," and on 12 October 1998 the North Atlantic Council approved an activation order authorizing preparations for a limited bombing campaign. Milosevic then assented to the terms of UNSCR 1199 in the "October Agreement" he made with Richard Holbrooke.

Following the agreement, there were signs that the Serbs would cooperate. It became clear within weeks, however, that Milosevic was not dissuaded from his efforts at ethnic cleansing in Kosovo. The Serb massacre of ethnic Albanians in Racak on 15 January

[220] Martin Wight, *Power Politics*, Hedley Bull and Carsten Holbraad, eds. (New York: Holmes & Meier Publishers, Inc, 1978), 128.

1999 was a galvanizing event for proponents of the use of force in the West and a slap in the face for those who had insisted peaceful means would resolve the issue, including Russia.

UN Security Council members that were reluctant to use force maintained throughout 1998 that getting the Serbs and Kosovar Albanians to the negotiating table was the object of their decision to threaten force. The Contact Group threatened the Serbs with air strikes if they did not attend negotiations in Rambouillet, France, in February 1999, and threatened to leave the Kosovar Albanians to their fate without outside assistance if that party failed to participate. Once the two sides agreed to the talks, the Contact Group brandished the same threats in an attempt to force the two parties to sign the agreement. The Kosovar Albanians eventually signed the accord, while the Serbs refused. The failed negotiations left critics pondering whether the talks, as conceived and conducted under the threat of force, fulfilled the legal requirement to exhaust peaceful means of dispute settlement and the just war requirement of last resort. After the talks, the allies agreed to follow through with their 12 October 1998 decision to use force against the FRY, but they were not in concert about the legal grounds for the action. On the eve of the campaign, the allies' justifications varied widely and were not articulated in fine detail.

In each of the UN Security Council discussions regarding Kosovo in 1998 and 1999, China upheld the Realist view: Kosovo was an internal matter of a sovereign state. The Chinese also upheld the strictly Rationalist perspective: humanitarian concerns give states

no legal grounds to intervene.[221] Human rights and humanitarian organizations as well as private citizens within each country called on leaders to stop the ethnic cleansing in Kosovo, even if it meant using force to do so. This legitimization of the use of force for normative reasons reflects a Revolutionist position that was to a varying degree part of each ally's justification for intervention.

The position the Chinese advanced in 1998 -- Kosovo was an internal state matter -- the allies had adopted as *de facto* policy since the beginning of the Balkan crisis in the early 1990s. The situation had changed by 1998, however, leaving the allies deteriorating policy options to maintain the fragile peace in the Balkans. First, it was becoming clear that Kosovo might unravel the nascent UN, OSCE and NATO peacekeeping and reconstruction efforts that began in 1995 with the Dayton accords. Western leaders translated this into a threat to international peace and security as well as a challenge to their national and personal reputations. Second, due to Milosevic's persistent recalcitrance, decision makers in the West increasingly saw him not as an authority with whom to make deals, but as a "thug" and "war criminal" to be distrusted. Finally, the 1994 genocide in Rwanda and the other humanitarian crises of the decade had convinced most Western leaders that the consequences and costs of failing to stop genocide were greater than the consequences and costs of military intervention. Furthermore, the Allies hoped that the threat of force alone would suffice. Such coercion had caused Milosevic to compromise his position against allowing OSCE monitors into Serbia. The Allies expected that if the use of force was required, it would be of short duration and limited to

[221] UNSC S/PV.3939, S/PV.3937, S/PV.3988, S/PV.3989.

no greater force than was required in Operation Deliberate Force in August and September 1995.

Each government rested its case in some measure on humanitarian concerns -- France less so than the rest, and Germany and Britain more so than the United States. There was no disagreement among the allies that the ongoing ethnic cleansing and potential for large-scale disaster gave them legitimacy for military intervention. The difficulty was finding the proper calculus of legal, ethical and political justifications on which to rest their convictions.

This chapter surveys the arguments for and against NATO's use of force in the Kosovo conflict. It addresses two questions: what were the primary justifications for the Alliance's forcible intervention in this case? Do they correspond to a particular tradition of thought: Realist, Rationalist or Revolutionist? The chapter investigates the proposition that in the case of the Kosovo crisis there was a coherent relationship between the emphasis on one of three international social elements – international anarchy, cooperation and custom through habitual intercourse, and moral solidarity – and decisions about the justification for the intervention.

II. KEY ISSUES

The justifications NATO allies gave for forcibly intervening in the Kosovo crisis were a combination of legal, political and moral arguments. None found one category sufficient. In each argument, the three traditions are helpful in understanding why one

source of justification was not sufficient for any government, and how the seemingly competing matters of national interest, moral duty and adherence to international law could combine into a single course of action for four countries.

Human Rights, International Law and National Interests

Martin Wight asserted that common interests never overcome national interests:

> Every power is confident that its interests are compatible in a general way with the interests of the community of powers, but its own interests are its first concern. A Foreign Minister is chosen and paid to look after the interests of his country, and not to be a delegate for the human race.[222]

Michael Walzer has noted that "States don't lose their particularist character merely by acting together. If governments have mixed motives, so do coalitions of governments."[223] Walzer further maintains that such a combination of arguments does not dilute the claim on moral quality of an intervention. He noted that the Indian invasion of East Pakistan (Bangladesh) in 1971 could be seen as a response to operations in which a Punjabi army was inflicting grievous and massive harm on the Bengali people:

> No doubt the massacres were of universal interest, but only India interested itself in them. The case was formally carried to the United Nations, but no action followed. Nor is it clear to me that action undertaken by the UN, or by a coalition of powers, would necessarily have had a moral quality superior to that of the Indian attack.[224]

Even though none of the allies believed that a purely humanitarian justification would be acceptable for the use of force, none believed they could justify the use of force absent

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[222] Martin Wight, *Power Politics*: 95.
[223] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), 107.
[224] Michael Walzer, *Just and Unjust Wars*: 107.

a moral basis. This irony is what Martin Wight called the "contrast between the way powers talk under the pressure of enlightened public opinion and the way they act under the pressure of conflicting national interests."[225]

The UN Charter prohibits the aggressive use of force in Article 2, paragraph 4:

> All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.[226]

The Charter allows two exceptions to the non-use of force rule: a state's right to self-defense (Article 51), and the threat or use of force with the explicit approval of the Security Council (Article 53). The NATO allies did not justify their action explicitly on either of these exceptions, but in their public statements alluded to both. Chapter VII of the Charter, which deals with threats to and breaches of peace as well as acts of aggression, allows the UNSC to decide which actions, including the use of force, members may take to restore international peace and security. Since the UNSC had invoked Chapter VII in framing its resolutions in the Kosovo situation, individual NATO members pointed to these resolutions when justifying their use of force. While the Charter was written with the idea of stemming the use of force for political purposes -- such as advancing the national interest or maintaining the balance of power -- or for moral or ethical pursuits, each of the allies in the Kosovo case used both political and moral arguments for the use of force in 1999.

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[225] Martin Wight, *Power Politics*, 101. Wight believed that the most extraordinary example of this was the signing of the 1928 Kellogg Briand Pact midway between the two world wars that was to outlaw the use of aggressive armed force.

[226] Charter of the United Nations, Article 2 paragraph 4.

This contradiction was present in each of the interventions of the 1990s. On one hand, the Charter does not explicitly allow intervention for the purpose of stopping human rights violations or humanitarian emergencies. On the other hand, humanitarian intervention "belongs in the realm not of law but of moral choice, which nations, like individuals must sometimes make."[227] Hence, a strictly legalist or Rationalist approach to intervention would have precluded the Alliance from aiding the Kosovar Albanians.

Writing in 1921 long before the framing of the UN Charter in 1945, Ellery Stowell argued that striving to find political and legal justification for morally based interventions weakens a state's case. Referring to concurrent protests by Austria, Britain and France in 1863 regarding Russia's oppressive behavior toward its Polish subjects, he remarks,

> Unfortunately the cooperating powers did not understand the perfect justification with humanitarian considerations could give to their concurrent intervention. The inevitable consequence of this misunderstanding was that they weakened the force of their action and wasted their strength in futile efforts to discover some other common ground upon which to base their demands. But despite all their efforts Great Britain and France did not, as will be seen, succeed in discovering any ground other than that by which they set so little store – humanity.[228]

Stowell's observation illustrates that even before the UN Charter, nations grappled with finding common moral ground through legal or political instruments, despite the drawbacks of such an approach. In 1999, the allies did not believe that a strictly moral argument would have sufficed, since it would not have garnered the international support required to achieve success. Instead, each strove to justify the intervention in terms of

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[227] Thomas M. Franck and Nigel S. Rodley, "After Bangladesh: The Law of Humanitarian Intervention by Military Force," cited in Michael Walzer, *Just and Unjust Wars*: 106.
[228] Ellery Stowell, *Intervention in International Law*, (Washington, D.C.: John Byrne and Co., 1921), 103.

the common interests acceptable to international constituencies – international law -- and in terms of the national interests persuasive to internal constituencies. The French maintained that "To serve the law, recourse to force has become inevitable"[229] but also that "these are universal values of our republican tradition that we are defending."[230] The Americans pointed to the UN Charter and previous UNSC resolutions, but also believed that they had "a fundamental interest"[231] in resolving the Kosovo crisis.

Throughout 1998 and 1999 the allies, particularly the Americans, believed that NATO credibility was in the balance. Some argued that the intervention was necessary to maintain NATO and U.S. credibility, even stating that "America's survival depends on presenting a strong, united front to the world" and, "It is in our national interest to avoid even the perception of a vacuum in our leadership capabilities."[232] Wight notes that the link between national interest, national power and prestige has a long history:

> 'Vital interests' is a phrase that did not become usual until the latter part of the nineteenth century. The older expression used to be 'the dignity, honour, and interests of such-and-such a crown.'...Closely bound up with the idea of 'honour' is the idea of 'prestige'. Honour is the halo round interests; prestige is the halo round power. 'Prestige', says E.H. Carr, 'means the recognition by other people of your strength. Prestige (which some people scoff at) is enormously important; for if your strength is recognized, you can generally achieve your aims without having to use it.'[233]

Within each nation there was a growing attachment in public opinion to human rights norms that had been enshrined in law since after the Second World War. Thus, in addition to national interests, there were common interests in upholding these values,

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[229] Lionel Jospin, French prime minister, 26 March 1999.
[230] Jacques Chirac, 26 March 1999.
[231] Madeleine Albright, 8 October 1998, Department of State transcript.
[232] Steny H. Hoyer (Democrat - Maryland).
[233] Martin Wight, *Power Politics*, 96-98.

which were seen as superseding the national sovereignty of Serbia. The interventions of the 1990s may be evidence of a period of Revolutionist thinking in which common interests stratified international society across borders that undermined strictly political or legal concepts of the national interest. The question of whether the allies believed there was an obligation to intervene to deal with human rights violations and humanitarian emergencies is addressed in the following chapter regarding international obligation. It is noteworthy that, to varying extents, human rights and humanitarian purposes were part of each nation's justification for intervention into the sovereign territory of Serbia.

Legitimacy

The search for a justification that met the demands of international and national constituencies can be seen as a quest for legitimacy. Realist prerogatives of power did not stand alone as sufficient justification for the use of force, there was an effort to fulfill the letter and spirit of international law, even though the extent of those requirements were perceived differently among the four nations. Nicholas Wheeler asserts that despite a general perception that power and legitimacy are antithetical in international politics, state behavior indicates that the two are complimentary. He concludes that, "state actions will be constrained if they cannot be justified in terms of a plausible legitimating reason."[234] NATO nations' behavior in this case supports his assertion. International law and international legitimacy are different concepts. The appropriate combination of the traditions of thinking in order to arrive at sufficient justification was different for each

[234] Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), 4. Wheeler cites Martin Wight's essay, "International Legitimacy," in H. Bull (ed.), System of States as one of the earliest considerations of the subject of international legitimacy, and credits Inis Claude with the conclusion that power and legitimacy are complimentary.

NATO nation. Sometimes leaders disagreed strenuously, such as in the dispute about whether a separate UNSC resolution was necessary for example. In less obvious ways, there was a striking similarity about legitimacy. Human rights and humanitarianism is one of the commonalities, the use of the just war doctrine is another.

The Just War tradition

Of all the allies, Britain adhered with the least strictness to international law, claiming an "humanitarian exception" to it. Prime Minister Blair declared, "This is a just war, based not on any territorial ambitions but on values."[235] The French, while not making an explicit case for a just war, nonetheless couched their justification in terms of the principles of the just war tradition. The same is true of the United States and Germany. When not referring to specific articles of international law, the political and ethical reasons for the use of force were similar to those articulated by St. Augustine in the fifth century, refined by St. Thomas Aquinas in the thirteenth century, and by Francisco Suarez, Francisco de Vitoria and Hugo Grotius in the sixteenth and seventeenth centuries, and adapted in the mid-twentieth century to cope with the advent of nuclear weapons and the resurgence of humanitarian intervention.

Thomas Aquinas gave three fundamental requirements for a just use of force. The first is proper authority, which Aquinas ties to national self-defense and the responsibility of a leader to defend his nation. The second requires that the other side must have done some

[235] Tony Blair, Economic Club of Chicago, 22 April 1999, reprinted in *Strategy and Force Planning,* 3rd ed. (Newport: U.S. Naval War College Press, 2000), 588.

wrong. The third requires the state undertaking war to have as its aim the doing of some good or avoiding some evil:

> First, the authority of the ruler within whose competence it lies to declare war... since responsibility for public affairs is entrusted to the rulers, it is they who are charged with the defence of the city, realm, or province, subject to them. And just as in the punishment of criminals they rightly defend the state against all internal disturbance with the civil arm...So also they have the duty of defending the state, with the weapons of war, against external enemies...And St. Augustine says in his book, *Contra Faustum* (XXIII, 73): "The natural order of men, to be peacefully disposed, requires that the power and decision to declare war should lie with the rulers."
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> Secondly, there is required a just cause: that is that those who are attacked for some offence merit such treatment. St. Augustine says (Book LXXXIII q.; *Super Josue*, qu. X): "Those wars are generally defined as just which avenge some wrong, when a nation or a state is to be punished for having failed to make amends for the wrong done, or to restore what has been taken unjustly."
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> Thirdly, there is required a right intention on the part of the belligerents: either of achieving some good object or of avoiding some evil. So St. Augustine says in the book *De Verbis Domini*: "For the true followers of God even wars are peaceful, not being made for greed or out of cruelty, but from desire of peace, to restrain the evil and assist the good." So it can happen that even when war is declared by legitimate authority and there is just cause, it is, nevertheless, made unjust through evil intention. St. Augustine says in *Contra Faustum* (LXXIV): "The desire to hurt, the cruelty of vendetta, the stern and implacable spirit, arrogance in victory, the thirst for power, and all that is similar, all these are justly condemned in war."[236]

In their justification of the use of force in the Kosovo crisis, NATO allies emphasized all three of these conditions for a just war. The matter of proper authority, discussed in the previous chapter, was considered at great length throughout the summer of 1998, and settled to varying degrees of satisfaction by all allies before NATO's decision to threaten the use of force in October 1998. The second requirement that the opponent must have

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[236] Thomas Aquinas, *Summa Theologica* in *Aquinas: Selected Political Writings,* A.P. D'Entreves, ed. Translated by J.G. Dawson (Oxford: Basil Blackwell, 1974), 159-161.

engaged in some wrongdoing was central to each ally's justification. Milosevic's repeated flouting of UNSC and NATO warnings, his refusal to pull back troops, and his directing them to engage in ethnic cleansing and killings were recounted in detail by policy makers advocating the use of force. Similarly, governments rested their cases for force on the desire to avert an even more severe humanitarian catastrophe such as the ones witnessed in Bosnia and Rwanda. They further stated that they wanted to avoid regional instability, particularly affecting Greece and Turkey. These goals fulfilled the third of Aquinas' conditions for the just use of force: "either of achieving some good object or of avoiding some evil." Furthermore, NATO decision makers undercut any claim Milosevic had on waging a just war against the KLA. Whereas in March 1998 the allies condemned both Serb aggression and KLA "terrorism," by October 1998 reference to terrorism was generally restricted to Serb behavior.

NATO decision makers continued to refer to Milosevic as a "thug" and "war criminal" and called the killings of Kosovar Albanians "genocide" and a "holocaust," thus attributing to the Serbs qualities that would undermine any claim Milosevic had on a just war argument for his behavior regarding Kosovo. Milosevic claimed that he had a just cause in putting down an internal rebellion that used terrorism, and he claimed that sovereignty gave him proper authority to act. By labeling him a criminal, while not advocating independence for Kosovo, Alliance leaders undercut the Serb leader's claim on a just war against the KLA. Michael Walzer supports such a removal of legitimacy and further notes that interventions which aid weak and oppressed people but which do not necessarily take up their political objectives (for independence, for example) are rightly called humanitarian interventions. In Walzer's words,

> People who initiate massacres lose their right to participate in the normal (even in the normally violent) processes of domestic self-determination. Their military defeat is morally necessary.
>
> Governments and armies engaged in massacres are readily identified as criminal governments and armies (they are guilty, under the Nuremberg code of "crimes against humanity"). Hence humanitarian intervention comes much closer than any other kind of intervention to what we commonly regard, in domestic society, as law enforcement and police work.[237]

Just War and Intervention

Aquinas' three requirements form the foundation of the just war ethic that has since evolved to include several more conditions. A common understanding of the just war ethic today includes criteria for launching the war (*jus ad bellum*) comprising just cause, competent authority, comparative justice, right intention, last resort, probability of success, and proportionality between the wrong done and the action taken. Requirements for just prosecution of the war (*jus in bello*) include restraint, proportionality, the avoidance of unnecessary suffering, and discrimination between civilians and combatants.[238]

The standard just war model, from Augustine to Grotius, reserved to sovereign states the authority to launch war. The model favored international institutions but did not posit that they were adequate. Above all, the ethic emphasized that war may be waged only if it is limited. Just war concepts featured prominently in the debates regarding the use of force for humanitarian and human rights purposes during the 1990s. Recent discussions of this have often centered on the Kosovo intervention. The debate is not simply focused

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[237] Michael Walzer, *Just and Unjust Wars,* 106.

[238] James F. Childress, "Just-War Theories: The Bases, Interrelations, Priorities, and Functions of Their Criteria," M.M. Wakin, ed., *War, Morality and the Military Profession* (Boulder, Colorado: Westview Press, 1986), 427-445.

on the dynamics of state disintegration and ethnic conflict but on the moral aspects of the resulting humanitarian and human rights emergencies. Even before Augustine founded the ethic, his mentor Ambrose taught that if one knows that evil is being done and does nothing to stop it, he is equally guilty with the evildoer. The most persuasive arguments in 1999 were strikingly similar to Ambrose's doctrine.

One of the outcomes of the adaptations of the just war ethic was a move toward making it a legal framework. The just war principle is not a legal basis for the use of force, nor is it purely a moral code. Stanley Hoffmann and J. Bryan Hehir demark four bases of ethics in international politics: religious and theological, ethical and moral, political and strategic and international law bases. They include the just war doctrine in the second category, even though it has its roots in the first and influences the last two. Within the moral and ethical realm, Hoffman and Hehir see the just war doctrine as the middle way between realism and pacifism. While their pacifists correspond to Wight's inverted Revolutionists, their realists Wight's Realists and their just war thinkers to Wight's Rationalists, their model does not account for Wight's Revolutionists whom Hoffmann and Hehir might include with the realists. Wight believed that the most radical Revolutionist was akin to hard Realists in his thinking about the use of force. Wight's Revolutionist tradition may give us more insight into calls for the use of force on moral grounds during the 1990s than the just war ethic is capable of doing. This is because the just war ethic is essentially Rationalist and therefore does not account for Revolutionist traditions of thinking. Paul Ramsey noted that "in the nuclear age the nations of the world seem to have an overriding interest in identifying every actionable justice with legal

justice, and the principle of all order with the legal order."[239] This observation supports the idea that the twentieth century saw a resurgence of Rationalist thinking, even though it witnessed powerful Revolutionist movements, above all Communism. That the Allies were compelled to make their moral arguments in legal terms in the Kosovo case shows the influence of both traditions at the end of the century.

IV. NATIONAL PERSPECTIVES

The United States based its justification on four grounds: the humanitarian necessity, the threat to neighboring states and regional stability, Serbia's violation of international humanitarian law and human rights, and the existing UN Security Council resolutions referring to Chapter VII provisions of the UN Charter. Its legal case was thus a combination of customary law, treaty law and the UN Charter.[240] The French rested their case almost entirely on existing resolutions because the resolutions pointed to international peace and security and Chapter VII of the Charter. Implicitly, however, they expressed their case – including national interests and values -- in terms of the just war doctrine. The British rested their case on "overwhelming humanitarian necessity." Their legal argument was based largely on customary law rather than on the provisions of the Charter. The Germans rested their case on the threat to international peace and security and the need to avert a humanitarian and human rights emergency. They did not cite previous UNSC resolutions as a legal basis because objections by China and Russia left

[239] Paul Ramsey, *The Just War: Force and Political Responsibility* (New York: Charles Scribner's Sons, 1968), 30.
[240] Michael Glennon, *Limits of Law, Prerogatives of Power: Interventionism After Kosovo* (New York: Palgrave, 2001), 25.

doubt about whether such an appeal was valid under international law. These varying legal, political and normative justifications for the use of force stemmed from diverse and sometimes conflicting political cultures and national interests. The ultimate agreement to act together despite national differences was a converging of three traditions of thinking about intervention.

United States

In the UN Security Council proceedings, the United States based its legal justification of the campaign on previous UNSC resolutions, the impending humanitarian emergency, and a threat to peace and security in the region. In the debates within the U.S. government, justification was framed in terms of the national interest. One explanation for the use of national interest arguments is that by the end of the 1990s, the administration felt it "could not go back to the Congress with yet another request for the use of force" if national interests were not at stake.[241] In a 6 October 1998 letter to Senate leaders, President Clinton justified the use of force against Serbia in terms of three U.S. national security interests: first, avoiding regional instability affecting NATO allies Greece and Turkey and the exacerbation of tensions in the Aegean, including radical Islamic fundamentalists establishing a foothold in Southeastern Europe and thereby increasing the threat of terrorism; second, averting a major humanitarian and human rights crisis; and third, upholding NATO's credibility.[242]

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[241] Leon Feurth, national security advisor to Vice President Gore 1993-2000 and member of Principals and Deputies committee meetings on the Kosovo crisis, interview by the author, 13 March 2003.
[242] William Clinton, letter to Senate leaders, 6 October 1998, Congressional Record - Senate S11899.

President Clinton typified this format at a policy briefing on the eve of the Rambouillet talks:

> If it [the violence] continues, almost certainly it will draw in the neighboring countries of Albania and Macedonia. Both of their Prime Ministers came here today to meet with me and urge me to have the United States help to stop this war. It could potentially involve our NATO allies, Greece and Turkey. It could spark tensions again in Bosnia and undo what we just spent three years trying to do. Certainly, if this conflict continues we'll see another massive humanitarian crisis; there will be more atrocities, more refugees crossing borders, more people crying out for justice and more people seeking revenge.

Justification in the UN Charter

The UN Charter provided the Americans a legal basis for pursuing the national interest of maintaining regional stability. While humanitarian concerns and matters of U.S. and NATO credibility could not be easily defined in legal terms, the threat to regional security and the possibility of a wider war could be covered by Article 51 of the Charter, which provides for self-defense:

> Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.[243]

Some officials in NATO countries argued that the repression of Kosovar Albanians by Yugoslav forces could cause the unrest to spread to neighboring countries and eventually

[243] Charter of the United Nations, Article 51.

draw in Greece and Turkey, thus requiring defensive force to protect NATO allies. In a 23 February 1999 interview, National Security Advisor Sandy Berger made the case that a threat to international peace and security existed when he stated that the Kosovo crisis could lead to the Balkan war spreading to Greece, but he did not tie this specifically to self defense under Article 51 of the UN Charter or collective defense under Article 5 of the North Atlantic Treaty. [244] Given the favorable ties between Greece and Serbia – and between Macedonia and Serbia -- this case would have been difficult to make unless there was an attempt to create a "Greater Albania" based on ethnic Albanians in Macedonia and northern Epirus in Greece. The U.S. and other allies never explicitly justified action in self-defense terms.[245]

Also precluding a self defense argument was that American military officials did not try to argue that Serb aggression could threaten American lives. The Defense Department determined that there was no threat to American forces involved in peacekeeping in Bosnia or Macedonia, and it seems reasonable to conclude that Article 51 was not seriously entertained as a justification involving threats to Americans.[246] In his remarks at the NATO Commemorative Ceremony on 23 April 1999, while the campaign in Serbia unfolded, Clinton stated, "No member of NATO has ever been called upon to fire a shot in anger to defend an ally from attack."[247] By this statement, the president clearly avoided claiming publicly that the NATO action in the Kosovo crisis was a defensive measure to

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[244] Article 5 of the North Atlantic Treaty is the collective defense clause stating that an attack against one is an attack against all.
[245] Yoram Dinstein, The 13th Waldemar A. Solf Lecture in International Law, *Military Law Review* 166: 93-108.
[246] Legal counsel staff to the Chairman, Joint Chiefs of Staff 1999, interview by the author, 20 August 2001.
[247] William J. Clinton, "Remarks at a North Atlantic Treaty Organization Commemorative Ceremony," 23 April 1999. *Public Papers of the Presidents of the United States, William J. Clinton, 1999, Book I – January 1 to June 30, 1999.* (Washington: United States Government Printing Office, 2000).

safeguard Greece and Turkey. The American case therefore rested primarily on previous UNSC resolutions.

On the eve of the bombing campaign in 1999, the United States sent classified cables to its NATO ambassador containing the several principles of its legal case. Here, the reference to collective defense was explicit, but the cable was an internal document. Included were the reliance on Chapter VII provisions in UNSC resolutions, collective defense of NATO's southern tier, the growing threat of a humanitarian crisis, collective action with UNSC approval, and an observance of the laws of armed conflict.[248]

Realist aims: Military and Political Goals

There was no doubt that political and military aims also informed the U.S. justification. From his vantage point at SHAPE, General Clark saw two reasons for forcible NATO intervention in Kosovo:

> Success in Bosnia hinged on success in Kosovo; we had to prevent another war. That would have meant the end of the NATO mission in Bosnia and the end of NATO.[249]

Even so, the Clinton administration strove to emphasize the legal justification for the u se of force rather than the military-political or humanitarian aims. One NSC staff member has argued that one will not find a "shred of evidence" that the American case was humanitarian, rather than legal. He argues that the administration believed that stating its

[248] CJCS legal counsel staff 1999, interview by the author.
[249] General Wesley Clark, interview by the author, Tufts University, 26 November 2002.

justification in humanitarian terms would set an undesirable precedent, and making a general legal argument was thus more desirable.[250]

The United States had reasons not to define its legal case in great detail, however. First, the United States, and the State Department in particular, did not want to set a legal precedent that might bind the United States to intervene in future crises. Second, it wanted to avoid giving a legal pretext for China and Russia to intervene in their "near abroad."[251] Third, the administration did not have to argue its legal or humanitarian case in great detail to internal constituencies since Members of Congress were not pressing it on upholding international law or fulfilling human rights or humanitarian obligations.

Values as Interests

Madeleine Albright stressed that most NATO leaders agreed that the Kosovo crisis could threaten to NATO credibility and Western values. Speaking in Brussels on 8 October 1998, the Secretary of State linked the alliance to preserving Western values as well as peace and urged NATO nations to approve an activation order, which they would do four days later:

> One of the keys to good diplomacy is knowing when diplomacy has reached its limits....I believe that we are at a crossroads in the history of the Balkans as well as NATO. The decisions we take in the days ahead will be crucial for us all. NATO is our institution of choice when it comes to preserving peace and defending Western values on the continent. It must be prepared to act when a threat of this nature exists on Europe's doorstep.[252]

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[250] NSC legal counsel staff 1999, interview by the author 9 August 2001.
[251] CJCS legal counsel staff 1999, interview by the author.
[252] Madeleine Albright, 8 October 1998, Department of State transcript.

The Secretary of State was consistent. On 4 February 1999, after the President had delivered a message to the American people that emphasized regional stability and stemming an humanitarian disaster, Albright again stressed the imperative of upholding the credibility of NATO and Western principles of human rights and the rule of law. She did so, however, in the language of the national interest:

> America has a fundamental interest in peace and stability in Southern Europe, and in seeing that the institutions which keep the peace across that continent are strengthened. America has a fundamental interest in preserving Bosnia's progress toward peace...America has a fundamental interest in strengthening democratic principles and practices in the Balkans and throughout Europe....And America has a fundamental interest in seeing the rule of law upheld, human rights protected, and justice done.[253]

The idea of preserving Western values was not a primary argument, as it was for France, but it was echoed in some quarters domestically, most notably by Secretary Albright, Senator John McCain and former Senator Bob Dole. Dole stated, "Freedom and liberty -- the principles that America stands for -- are at stake. American credibility and European stability are on the line. What is urgently needed now is American leadership."[254]

Realist aims II: Congress and the National Interest

A Republican majority that was generally unsympathetic toward the Clinton administration controlled the Congress. The most influential Members of Congress in the

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[253] Madeleine Albright, policy address on Kosovo, 4 February 1999. Department of State transcript.
[254] Bob Dole, Senator (Republican - Kansas), speech to the International Republican Institute, 22 September 1998. Available at http://www.fas.org/man/dod-101/ops/docs/s980923-kosovo2.htm accessed 4 September 2002.

Kosovo debates had a shared history of debating intervention and humanitarian aims throughout the 1990s. After the October 1993 incident in Somalia in which U.S. Army Rangers were killed and Americans watched television images of one soldier dragged through the streets of Mogadishu by an angry crowd of Somalis, Congress withdrew its support for the mission. U.S. forces withdrew from Somalia in March 1994. However, after the successful resolution of the Bosnian crisis in 1995, and feeling a vested interest in making the Dayton Accords work, Members of Congress had gained some confidence in the use of force in operations other than war. One lesson generally taken away from the decisions about interventions in the 1990s was that force should be used only in cases involving important or vital national interests.

In the case of Kosovo, Congress was generally supportive of military intervention, with few exceptions. Those who dissented from the use of force maintained that the national interests at stake were not sufficient to risk American lives. For example, Senator Sam Brownback (R-Kansans) said that

> This is not in our strategic and vital interest of what is taking place. Yet we are going to go forward and start a bombing campaign. We need to have a thorough, extensive debate here, involving the American people, as to whether or not this is in our vital and strategic interests. The administration has not brought the Congress along, and this is an inappropriate, ill-timed event and action for us to take and is not being supported by the American people.[255]

Senator Strom Thurmond (R-South Carolina) similarly criticized the use of force as failing to serve vital national interests:

> I am unconvinced that trying to resuscitate these failed nation-states is in the U.S. vital interest...The question is simple: is it in the United States'

[255] Senator Sam Brownback, S3110, 23 March 1999.

> best interests to have our troops in imminent danger, preoccupied with defending themselves against people whom they have come to help, who have shown little inclination for reform at a great cost to America? We are now involved in a steady run of civil wars without clear solutions which involve failed nation-states. We will soon drown in this kind of foolishness. Stemming civil wars should not be the main strategic challenge for the United States.[256]

Senator Kay Bailey Huchison (R-Texas) argued that as a last resort, force was not yet required:

> Have we done everything we can do first? If we have--and I don't think we have--if the administration makes the case that we have, then, and only then, should we be considering other options.[257]

Senator John Kerry (D-Massachusetts) supported air strikes and opposed the use of ground troops based upon the premise that while only American military power could achieve peace in the Balkans, it had to be preserved for more important security interests such as the Persian Gulf and Southwest Asia:

> Congress should not tie the President's hands or give Mr. Milosevic the slightest reason to believe the United States will not join with its allies...When that question [of ground troops] does arise, I will oppose any deployment of U.S. personnel on the ground in Kosovo. The stability of the entire planet depends on the readiness and availability of the U.S. Armed Forces. We should not fritter them away in peacekeeping missions in countries which do not rise to the level of vital American interests. We should keep them ready for the contingencies that are truly in our league: Iraq and the Persian Gulf, the Koreas, Russian nuclear forces. Europe contains wealthy countries with the militaries that could take on local European missions like Kosovo. It is their problem, and they should step up to it.[258]

Rebuttal to this position was also based upon arguments regarding the national interest. Senator Robert Byrd (R-West Virginia) stated:

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[256] Senator Strom Thurmond, S3114, 23 March 1999.
[257] Senator Kay Bailey Huchinson, 7 October 1998 hearing, www.thomas.gov/gci-bin/query accessed 21 January 2002.
[258] Senator John Kerry, S3118, 23 March 1999.

> The United States cannot stand idly by and watch the catastrophe unfolding in the Balkans. It is in our national interest to support stability in this volatile region, to prevent the downward spiral into violence and chaos, and to stem the humanitarian disaster spreading out of Kosovo like a contagion. Having raised the stakes so high, a failure to act decisively could have untold consequences.[259]

Notably, there was no significant dissent from the left. Rather than protesting the use of force, some Members of Congress who professed to favor "nonviolence" made an exception in the Kosovo crisis for humanitarian reasons, even claiming that the United States had a moral obligation to intervene.[260] It is noteworthy that Members of Congress did not declare that human rights or humanitarian concerns were a national interest, but rather linked such abuses to the national interest of preventing regional instability. Congressional attitudes regarding the obligation to intervene solely for humanitarian and human rights reasons are addressed in the following chapter.

Realist aims III: Credibility and Regional Stability

The primary justifications Members of Congress gave for supporting air strikes were the threat of regional instability, the humanitarian crisis and the credibility of the United States and NATO. The Chairman of the Senate Armed Services Committee, John Warner (R-Virginia), claimed credit for getting the Senate to focus on Kosovo and credited Senators Smith, Huchison, Bryd and Levin for bringing the debate to the floor.[261] Senator Carl Levin (D-Michigan) argued that "The risks of not acting are greater than the risks of acting," and that "the conflict in Kosovo could spread to the neighboring

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[259] Senator Byrd, S3115, 23 March 1999.
[260] Rep. John Lewis (D-Georgia) cited a moral obligation to use force to stop the killing of innocent Kosovar Albanians. H1664, 24 March 1999.
[261] S118, 23 March 1999.

countries of Macedonia, Albania, and Bosnia and could involve nations such as Greece, Turkey, Bulgaria, and Hungary."[262] In a 1 October 1998 interview, Senator John Warner and Senator Joseph Lieberman (D-Connecticut) also expressed the opinion that the wider war would involve NATO members Greece and Turkey and that the violence would be worse than seen in Bosnia, even if the humanitarian emergency was less severe. Warner stated, "Already you've got Albania in the state of revolution. It could spread into Montenegro and other areas in that area, and you'd have an all out civil war."[263]

Senator Joseph Biden (D-Deleware) argued that the instability could cause Greece and Turkey to go to war. This was due, he said, to the possibility that if Kosovar Albanian refugees ended up in Macedonia, they might contribute to the oppression of Muslims there, drawing Turkey to their defense, and if they entered Albania they might contribute to the abuse of the Greek minority there, drawing in Greece to protect them. He further noted that refugees in Western Europe would cause a financial burden on governments that could negatively affect U.S. trade with the EU, hitting Americans "in their wallets." He admitted that none of the scenarios would directly threaten the United States, but argued rather that "the history of this century has shown that in a relatively short time the kinds of instability I have described could carry a higher cost than the current air strikes."[264]

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[262] Senator Carl Levin, S3112, 23 March 1999.
[263] Senator John Warner and Senator Joseph Lieberman, interview of 1 October 1998, PBS *NewsHour* Online.
[264] Senator Joseph Biden, "Kosovo: A Test for NATO" delivered at The Atlantic Council of the United States, Washington, D.C. 25 March 1999. Available at Biden.senate.gov/press/speeches/atlantic.htm accessed 28 March 2003.

Senator Frank Lautenberg (D-New Jersey) rested his support on U.S. and NATO credibility, citing President Bush's "Christmas warning" to Milosevic, given as a message through the U.S. embassy in Belgrade in December 1992, declaring that the United States would use force to stop aggression in Kosovo. President Clinton reissued the warning in March 1993.[265] Lautenberg stated:

> The fundamental United States interests which are at stake here [are]: The first is U.S. credibility, going all the way back to the Christmas warning issued by President Bush and reaffirmed by President Clinton....The second is the credibility, cohesion, and future of NATO....Third, we need to prevent this conflict from spreading.[266]

American credibility was important to several Members of Congress. Senator John McCain (R-Arizona) criticized the Clinton administration's faith in the efficacy of the U.N. rather than reliance on NATO military power. He believed that "U.S. and allied credibility had descended to new depths" when after Secretary Albright's warning Serbia that it would "pay a price" for its aggression the only consequence of further violence was a show of force by NATO fighter jets in June 1998.[267] He likened Clinton foreign policy "to what would happen if Thucydides' Melian Dialogue were reversed, and the weak were dictating to the strong."[268]

Several lawmakers had traveled to Kosovo in the previous ten years and some stated that personal experience had confirmed that Milosevic was a "thug" or a "war

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[265] Johnathan Landay, "Kosovo, Next Balkan Boilover?" *The Christian Science Monitor International*, 6 March 1998. Available at www.csmonitor.com/durable/1998/03/06/intl/intl.4.html accessed 28 March 2003.
[266] Senator Lautenberg, S115, 23 March 1999.
[267] Senator John McCain, S10796, 23 September 1998.
[268] Ibid. See the Melian Dialogue in Thucydides, *History of the Peloponnesian War* (London: Penguin, 1972), 400-408.

criminal."[269] The contrast between such a character and the might of the American republic was used to argue that Milosevic should not be allowed to defy the Christmas warning and subsequent threats by the United States and NATO. Members of Congress urged their colleagues not to allow the ongoing impeachment proceedings to distract them from foreign policy. Some even argued that because the presidency was somewhat handicapped, Congress had a responsibility to promote American leadership abroad. Senator Biden made it a matter of American survival, a vital national interest:

> America's survival depends on presenting a strong, united front to the world. Now, in the middle of a domestic political crisis...we must not allow ourselves to be distracted from our task of protecting America's security, leadership and credibility abroad.[270]

The confluence of Realist and Rationalist thinking

The American justification for intervention in the Kosovo crisis was articulated, by both the executive and legislative branch officials in terms of the national interest, a Realist position. Yet policy makers used the national interest as an umbrella term under which they put humanitarian relief, human rights, regional stability in Southeastern Europe, and other goals that had never been officially defined as American interests. That is not to say that humanitarian and human rights goals were not genuinely believed to constitute a valid justification for the use of force by some policy makers. In fact, several made deeply personal and persuasive appeals to such causes, including the terms "genocide" and "holocaust." Even so, few relied solely on these arguments, and framed them in terms of American interests when they did.

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[269] For example, Senators Joseph Biden (D-Deleware) and Christoper Dodd (D-Connecticut), S2203, 18 March 1998.
[270] Senator Joseph Biden (D-Deleware), S10582, 18 September 1998.

Clinton administration officials used national interest arguments because they believed they would not get Congressional support without them, and Members of Congress likewise used national interest arguments to gain support from their constituencies. American political culture fed the desire to ensure that the use of force was believed to be important if not vital to American interests. Few American officials referred to the requirements of international law or to previous UN Security Council resolutions when speaking to internal audiences. Conversely, previous UN Security Council resolutions and the threat to international peace and security were used to justify action to international audiences.

Britain

The principles of international law – indeed, international law itself – did not start with the UN. International law preceded the UN, and these principles are there whatever the UN charter says. They are clear. There are those in the House who doubt that there is a legal base, and have questioned the legality of the action. The right honorable Member for Kensington and Chelsea (Mr. Clark) – who has left the Chamber – asked a question about civil liability with which I wish to deal. We are in no doubt that NATO is acting within international law. Our legal justification rests upon the accepted principle that force may be used in extreme circumstances to avert a humanitarian catastrophe. Those circumstances clearly exist in Kosovo.

> The use of force in such circumstances can be justified as an exceptional measure in support of purposes laid down by the UN Security Council, but without the Council's express authorization,

> when that is the only means to avert an immediate and overwhelming humanitarian catastrophe....The precedent, the principle and the emergency situation were the same [in the case of the Kurds in Iraq in 1991], and we took action to save the Kurds.[271]

Rather than relying on specific UNSC resolutions, the British cited the principle of humanitarian emergency as their core justification for the use of force in Kosovo. Pointing to UN Security Council acceptance of the use of force in the cases of Bosnia and Somalia as a legal basis, "overwhelming humanitarian necessity" remained London's justification for action without an explicit UNSC mandate. The United Kingdom's UNSC representative used identical phrasing in both the 24 and 26 March 1999 Security Council proceedings:

> The action being taken is legal. It is justified as an exceptional measure to prevent an overwhelming humanitarian necessity.[272]

Even when critics began to point out the increased humanitarian emergency after the beginning of the campaign, the British Secretary of State for Defense, George Robertson, rested legal justification "upon the accepted principle that force may be used in extreme circumstances to avert a humanitarian catastrophe."[273]

Humanitarianism and international law: a Just War Argument

That the British were comfortable making their case in humanitarian terms without an explicit UNSC mandate seems to have come from resolving how in international law such an argument is justified. A UK Foreign and Commonwealth Office note sent to other allies in October 1998 pointed toward general international law, but also the UN Charter and existing UNSC resolutions. It outlined three criteria for making a case of

[271] George Robertson, *Hansard*, 25 March 1999.
[272] S/PV.3988 24 March 1999
[273] George Robertson, *Hansard*, 25 March 1999.

overwhelming humanitarian necessity: convincing evidence, no practicable alternative, and force that is necessary and proportionate to the overall aim of meeting the humanitarian need.[274] This is essentially a just war argument. Tony Blair made the just war argument explicit in an April 1999 address in Chicago, this time linking political, economic and strategic interests explicitly to values:

> Awful crimes that we never thought we would see again have reappeared -- ethnic cleansing, systematic rape, mass murder. I want to speak to you this evening about events in Kosovo. But I want to put these events in a wider context -- economic, political and security -- because I do not believe Kosovo can be seen in isolation.
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> No one in the West who has seen what is happening in Kosovo can doubt that NATO's military action is justified. Bismarck famously said the Balkans were not worth the bones of one Pomeranian Grenadier. Anyone who has seen the tear-stained faces of the hundreds of thousands of refugees streaming across the border, heard their heart-rendering tales of cruelty or contemplated the unknown fates of those left behind, knows that Bismarck was wrong.[275]

Blair's justification of intervention went beyond humanitarianism into a defense of values. While he offered humanitarian concerns as providing grounds for an exception to the rules, he proposed that the values at stake fulfilled the requirements of the just war doctrine:

> This is a just war, based not on any territorial ambitions but on values. We cannot let the evil of ethnic cleansing stand. We must not rest until it is reversed. We have learned twice before in this century that appeasement does not work. If we let an evil dictator range unchallenged, we will have to spill infinitely more blood and treasure to stop him later.[276]

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[274] Adam Roberts, "NATO's Humanitarian War Over Kosovo," *Survival,* Autumn 1999: 106.
[275] Tony Blair, "Doctrine of the International Community," speech delivered at the Economic Club of Chicago, 22 April 1999, *Strategy and Force Planning,* 3rd ed. (Newport: U.S. Naval War College Press, 2000), 588.
[276] Tony Blair, ibid.

Finally, Blair maintained that the allies had fulfilled the last resort requirement of the just war doctrine, stating that "We should always give peace every chance, as we have in the case of Kosovo." [277] Robertson echoed the fulfillment of the last resort requirement:

> What alternatives are there? We have tried diplomacy to exhaustion over the past year. Every Chance has been given....We could try appeasement. That was the policy before the second world war. There were those who believed in it. Why do not we give them Kosovo?[278]

Strategic interests: NATO credibility and Regional Stability

While Britain's UN Security Council representative referred extensively to the humanitarian emergency during the 24 October 1998 deliberations regarding UNSCR 1203, he also stated that "The situation in Kosovo represents a threat to international peace and security."[279] Public statements by Prime Minister Tony Blair clearly pointed to British strategic interest in halting a spillover of the Balkan crisis into the rest of Europe:

> We cannot contemplate, on the doorstep of the EU, a disintegration into chaos and disorder.[280]

In the House of Commons on 25 March 1999, Foreign Secretary Robin Cook defended the action on several grounds, including the humanitarian necessity, the prospect of a wider war, the exhaustion of peaceful means, and NATO credibility.[281] Cook stated,

> The first reason why we took action was that we were aware of the atrocities that had been carried out and we had the capacity to intervene, but that is not the only reason. Our confidence in our peace

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[277] Tony Blair, ibid.
[278] George Robertson, *Hansard*, 25 March 1999.
[279] S/PV.3937, 24 October 1998.
[280] Prime Minister Tony Blair, House of Commons, 23 March 1999.
[281] Robin Cook, House of Commons, 25 March 1999. Available at http://www.parliament.the-stationery-office.co.uk/pa/cm199899/cmhansrd/vo990325/debindx/90325-x.htm accessed 6 February 2003.

> and security depends on the credibility of NATO. Last October, NATO guaranteed the cease-fire that President Milosevic signed. He has comprehensively shattered that cease-fire. What possible credibility would NATO have next time that our security was challenged if we did not honour that guarantee? The consequences of NATO inaction would be far worse than the result of NATO action.[282]

On 3 February 1999, General Sir Michael Rose had told the House of Commons that concern for NATO credibility was essentially an American issue

> The words 'maintaining credibility of NATO' is a convenient expression for actually indulging in the use of military force. That is what it actually means, and has usually been driven by the Americans and very often by the air powers.[283]

Rose maintained that NATO governments which used the credibility argument did so with an American "hand on their back" to justify the use of force by "people out there who think you solve these problems by the use of force"[284] and pointed the finger at "inconsistent and short-term" U.S. foreign policy making held hostage by the American policy making process and the media.[285]

Strategic interests II: Balancing the Atlantic and European Agendas

If some British officials thought Tony Blair had an American hand on his back, some Europeans believed he had his eyes on the continent. The day Operation Allied Force began, German newspapers hailed Blair as "the first British head of government since Edward Heath to want to make the partnership with Europe a success."[286] They welcomed his efforts to subdue the substantial "anti-Euro forces" in Britain, especially

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[282] Ibid.
[283] General Sir Michael Rose, House of Commons, 3 February 1999. Available at http://www.parliament.the-stationery-office.co.uk/pa/cm199899/cmhansrd accessed 6 February 2003.
[284] Ibid.
[285] Ibid.
[286] Peter Nonnenmacher, "Dragon-Slayer in the Heart of Europe," *Main Frankfurter Rundschau* Internet version, 24 March 1999, FBIS-WEU-1999-0323.

among the Conservatives, and were particularly hopeful at the prospect of the rescinding of the British rebate – a reduction of the British contribution to the EU budget by 2 billion pounds per year -- at the EU summit in Berlin, lamenting that "the German side is really tired of the role of the EU's main financier."[287]

A second pro-European Union stance credited to Blair in 1998 and 1999, was the dramatic change he enabled in defense and security arrangements. Under Blair, Britain reversed its decades-long objections to an "autonomous" EU defense capacity.[288] The prime minister confirmed the about face at the Franco-British summit meeting at St. Malo on 3 and 4 December 1998, but had alluded to the change at an informal meeting of the EU Heads of State and Government in Pörtschach, Austria, on 24 and 25 October 1998. At a press conference following the Portschach meeting, Blair pointed to the way in which the Kosovo crisis strengthened the new resolve. He recognized the serious shortcomings in the European Union's ability to handle a Balkan crisis, for a second time, without American leadership and forces. He therefore balanced his pro-European Union actions with words that recognized the material need to keep America in Europe, and the political need to allay U.S. concerns about EU defense and security capabilities:

> The only thing that was ever going to work in Kosovo was diplomacy backed up by the credible threat of force, and that is all that has brought Milosevic to the position he is in, and we need to keep him in that position now. But I think Kosovo simply underlines the need for Europe to take a very hard-headed review of this and to make sure that it can fulfil its obligations and responsibilities properly....The European security and defence identity is very much within NATO. Now as I say, let us discuss the best way forward, though I repeat to

[287] Stefan Klein, "With a Brave Yes," *Munich Sueddeutsche Zeitung* 24 March 1999, FBIS-WEU-1999-0324.
[288] Maartje Rutten, "From St. Malo to Nice: European Defence: Core Documents," Institute for Security Studies of WEU 2001. Available at http://www.iss-eu.org/chaillot/chai47e.html#p. accessed 14 February 2003.

> you, nothing must happen which in any way impinges on the effectiveness of NATO, anything that suggests it should be complementary to that, because NATO for us is the absolute correct forum.[289]

Blair's anticipation of U.S. concerns was well founded. Madeleine Albright followed on the heels of the 4 December 1998 St. Malo agreement with a guarded American acceptance of the plan that also gave a nod of support for Tony Blair. Washington insisted on no decoupling of the transatlantic link, no wasteful or divisive duplication of alliance capabilities and decision making structures, and no discrimination against non-EU NATO members. In the 7 December 1998 *Financial Times*, Albright wrote,

> Kosovo carries another lesson: political will is more important than additional institutional structures. The problem in Kosovo before we acted together was not the lack of appropriate institutions; it was the lack of agreement to use the institutions we have. As Europeans look at the best way to organise their foreign and security policy cooperation, the key is to make sure that any institutional change is consistent with basic principles that have served the Atlantic partnership well for 50 years. This means avoiding what I would call the Three Ds: decoupling, duplication, and discrimination.[290]

The confluence of traditions

Even though Britain's justification was the most overtly humanitarian and Revolutionist, its approach was informed by the Realist interests in regional stability, NATO credibility, and balancing the European and Atlantic agendas abroad and at home. This was a combination of Revolutionist, Realist and Rationalist thinking. British justifications for the use of force in Kosovo were formulated during a critical period of trans-Atlantic relations in which Britain saw itself as the linchpin. Its strongly

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[289] Tony Blair, 25 October 1998 press conference quoted in Maartje Rutten, "From St. Malo to Nice: European Defence: Core Documents."
[290] Madeleine Albright, 7 December 1998, *Financial Times* quoted in Maartje Rutten, "From St. Malo to Nice: European Defence: Core Documents."

humanitarian case reflected more the sentiment among the German population than that among pragmatic British decision makers, but this may not be surprising considering Blair's pro-European agenda at the time. Likewise, his constant accommodation of American concerns about his initiatives in European Union defense activities reflected Blair's desire to sustain the special relationship with the United States. The unblinking insistence on the Kosovo conflict's threat to international peace and security was identical to the American position. Thus Britain's appeals to humanitarian concerns and the European Union's security responsibilities served its European interests, and its consonance with the American position served its Atlantic agenda: taken together, a Realist position. Yet few doubted the sincerity of Robin Cook's principled foreign policy, or Tony Blair's belief in the universality of human rights. The fact that the British claimed an humanitarian exception to international law indicates that they were willing to eschew a legalist approach in favor of upholding their values. Since they chose not to argue their humanitarian justification in legal or political terms, it stands as a Revolutionist position, one that puts moral solidarity among individual human beings above the strictures of law and the national interest.

Germany

The Kosovo intervention highlighted the marked change in German policy toward military operations in the decade following reunification in 1990, but a change in German attitudes about the use of force is less clear. The German debate about justification revealed two strong trends: pacifism and anti-militarism on one hand, and the responsibility to be a reliable international partner on the other. Humanitarian and human rights concerns, stemming from the same post-1995 guilt as anti-militarism, ironically

tipped the scales in favor of intervention. Together, the arguments were enough to convince Germans to order their military to participate in offensive military operations for the first time in fifty years.[291] While the government's internal justifications relied heavily on human rights and humanitarian arguments, external justification was couched in the language of maintaining international peace and security.

German foreign policy

During the Cold War peacekeeping fell within the domain of the UN. NATO did not undertake non-Article 5 operations until the 1990s, so Germany did not debate the issue extensively. During the 1980s, even though legal experts differed on the airtight nature of the Basic Law's restrictions, officials left the subject alone for political reasons. When the United States asked allies for assistance in escorting Kuwaiti oil tankers in 1987, the first signs of disagreement appeared among German foreign policy makers. Even so, when Iraq invaded and occupied Kuwait in August 1990, thereby initiating the 1990-1991 Gulf War, Germany was preoccupied with the final stages of negotiating the Treaty on the Final Settlement with respect to Germany (sometimes called the Two-plus-Four treaty, concluded in Moscow 12 September 1990). As long as this treaty and other agreements had not been ratified, the government remained cautious about addressing the subject. While the allies understood Germany's reluctance to send troops to Iraq, they were alarmed by the government's initial lack of open support for the operation – launched with a UNSC mandate by a broad coalition – while a vocal German minority

[291] German troops had participated in earlier crisis management operations in the 1990s, including service in Somalia, Cambodia and Bosnia. See David Yost, *NATO Transformed: The Alliance's New Roles in International Security,* 189.

dissented loudly.[292] Some later criticized Germany's "checkbook diplomacy." SPD leaders stated that Germany would not be obliged to defend Turkey under Article 5 if it was attacked by Iraq, on the grounds that Turkey would have provoked Iraq by allowing U.S. aircraft to operate from its soil.[293] It was the burgeoning of peacekeeping and humanitarian operations in the early 1990s, particularly requests for German military participation in Somalia and the Balkans, that pressed decision makers for a clear policy regarding operations in support of collective security.[294] Politicians sought a ruling from the nation's Constitutional Court, which affirmed in 1994 that the Bundeswehr can be employed in operations in support of collective security that have been endorsed by the Bundestag.[295]

The reliable partner

Throughout the Kosovo debate, German officials often referred to Germany's "responsibility" in the crisis. This term had evolved significantly since the Bonn Republic. The "policy of responsibility" (*Verantwortungspolitik*) or "policy of good example" (*Politik des guten Beispiels*) meant anti-militarism and a "culture of restraint" as opposed to "power politics" (*Machtpolitik*) during the initial period of unification.[296] By the late 1990s officials of the German government were applying the term

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[292] Bregor Schöllgen, University of Erlangen, "Putting Germany's Post-unification Foreign Polity to the Test." Available at http://www.nato.int/docu/review/1993/9302-4.htm accessed 10 February 2003.
[293] Karl Kaiser and Klaus Becher cited in Yost, *NATO Transformed: The Alliance's New Roles in International Security,* 266.
[294] Spyros Economides and Paul Taylor in *The New Interventionism 1991-1994: United Nations Experience in Cambodia, former Yugoslavia and Somalia.* James Mayall, ed. (Cambridge: Cambridge University, 1996), 82-83.
[295] Decisions *of the* Bundesverfassungsgericht – *Federal Constitutional Court – Federal Republic of Germany Vol. 1/I and 1/II International Law and Law of the European Communities, 1952-1989* (Baden-Baden: Nomos Verlagsgessellschaft, 1992).
[296] Rainer Baumann and Gunther Hellman, "Germany and the Use of Military Force: 'Total War', the 'Culture of Restraint', and the Quest for Normality," *German Politics* 10, no. 1 (April 2001). Available at www.frankcass.com/jnls/gp_v10.htm accessed 14 February 2003.

Verantwortungspolitik to refer to shouldering international burdens as opposed to standing by and allowing the other allies to perform military operations missions. The nature of the missions of the 1990s, with their humanitarian and human rights purposes, allowed German officials to bring about radical change while using familiar language. Indeed, the nature of the new missions was consistent with the concept of German responsibility in helping to achieve world peace contained in the preamble to the 1949 Basic Law, the constitution of the Federal Republic of Germany:

> Conscious of their responsibility before God and Men, Animated by the resolve to serve world peace as an equal partner in a united Europe, the German people have adopted, by virtue of their constituent power, this Basic Law.[297]

Human Rights: A Revolutionist position

Post war German attitudes, and those of the governing coalition in particular, emphasized a deep commitment to human rights, and the government used this issue to justify military action against the Serbs. During the crisis, Foreign Minister Joschka Fischer emphasized the humanitarian and human rights abuses against Kosovar Albanians, for example. After the intervention, he emphasized the need to maintain regional stability as the core justification.

Throughout the debate, German officials were sensitive to the fragility of public support for the use of force. The defense minister, Rudolf Scharping, said that he had "great problems with the term war" when referring to the operation.[298] Like Scharping, Chancellor Gerhard Schroeder avoided using the word "war," instead calling the

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[297] The Basic Law. Available at http://www.jura.uni-sb.de/law/GG/gg1.htm accessed 18 February 2003.
[298] Rudolf Scharping, interview with Richard Meng, Main Frankfurter Rundschau (Internet version) 27 March 1999, FBIS-WEU-1999-0327.

campaign part of a peaceful solution to a humanitarian crisis. On 24 March 1999, the chancellor emphasized the preventive aspects of the intervention and claimed public support for breaking the half-century long practice of keeping the Bundeswehr out of combat operations:

> Dear citizens, this evening NATO began the air strikes against military targets in Yugoslavia. With this, the coalition wants to avert further terrible and systematic violations of human rights and prevent a humanitarian catastrophe in Kosovo. We are not leading a war, but we are leading a peaceful solution in Kosovo including military means. Also in the NATO mission, German soldiers are participating. And thus the federal government and the German Bundestag have decided this – in agreement with the will of the vast majority of the German people.[299]

Balancing domestic politics and international standing

The governing coalition was keenly aware of the power of public protest in German politics. Public demonstrations in the early 1980s were massive and sometimes violent; security policy was often the focus. The American war in Vietnam had also sparked such public outcry, and during the Bundestag debate over Kosovo, at least one dissenter from Fischer's own party made the connection between the two conflicts explicit.[300] Critics advanced various arguments. Some members of the Bundestag complained that the Rambouillet talks did not exhaust diplomatic means. Greens countered by claiming credit that the talks were held at all.[301] A Party of Democratic Socialism (PDS) group went so far as to challenge German participation in the campaign through legal channels, but the Federal Constitutional Court dismissed the challenge as inadmissible, further noting that it did not address the legality of German participation.[302] The majority of Bundestag

[299] Gerhard Schroeder, 24 March 1999, quoted in Alexander Weinlein, "Friedliche Losung mit militarischen Mitteln 24 Marz 1999: Erster Kampfeinsatz der Bundeswehr." Available at http://www.das-parlament.de/2001/10/Titelseite/2001_10_001_4751.html accessed 13 February 2003.

members did not dissent, however, and rather used parliamentary debate to emphasize political unity and resolve to respond to the humanitarian emergency.

Contrasting to the extreme sensitivity inside Germany about the use of force was the pressure German leaders felt from the allies for Germany to bear its share of international obligations. On 4 August 1998 Gerhard Schroeder, the SPD candidate for chancellor, met with President Clinton in Washington and assured him that Germany would remain a "reliable partner."[303] He used the same phrase as chancellor in his 6 February 1999 speech at a conference in Munich: "Germany remains a reliable partner in Europe and in the Atlantic Alliance. A partner which is fully aware of its national and global responsibility in the politics of peace and security."[304]

This was a marked shift from previous policy. Whereas German politicians hesitated before sending Luftwaffe AlphaJets and Hawk and Roland surface-to-air missile units to Turkey for that ally's defense in the event of an Iraqi attack in conjunction with the UNSC-mandated liberation of Kuwait in 1991, they sent 15 German Tornado aircraft into the 1999 campaign without such a UNSC resolution explicitly authorizing the use of force. By their incremental decisions during the 1990s, German decision makers led the public to accept a change in foreign policy. In an interview, Defense Minister Scharping

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[300] Hans Christian Stroebele (Alliance90/Greens) 26 March 1999 Bundestag proceedings. Available at www.bundestag.de/aktuell/bp/1999/bp9901/9901034b.html accessed 11 February 1999.
[301] "Majority of Greens Support NATO Air Strikes in Serbia," *Main Frankfurter Rundschau* (Internet version) FBIS-WEU-1999-0324.
[302] "PDS Suit Challenging NATO Operation Dismissed," German News (English Edition) 25 March 1999. Available at www.mathematik.uni-ulm.de/de-news/1999/03/2522.html accesssed 13 February 1999.
[303] Minutes of the meeting between Gerhard Schroeder and President Clinton, 4 August 1998, quoted in Andreas Zumach, "Rambouillet, ein Jahr danach." Available at www.blaetter.de/kommenta/zuma0300.htm accessed 15 February 2003.
[304] Gerhard Schroeder, "German Security Policy at the Threshold of the 21st Century," presented at the Conference for Security Policy, Munich, 6 February 1999. Reprinted in www.byndesregierung.de accessed 11 February 2003.

declared the Kosovo operation, "very clearly ...a turning point in German foreign policy...in my view, this is a turning point in a certainly positive way." Like Schroeder, he referred to German responsibility among nations, stating: "for the first time we accept responsibility in such a fundamental matter, and Germany is part of Europe, of the western democracies, and not opposed to them as it was until the end of World War II."[305]

National Interest and International Law: Realism meets Rationalism

Cold War West German foreign policy, shaped by post-war guilt about Nazi aggression and militarism, comprised "multilateralism (never again going it alone), European integration (with an emphasis on regaining recognition, trust and economic wealth) and anti-militarism ('culture of restraint'; 'civilian power')."[306] That officials felt constrained by public opinion is evident in their asking the Constitutional Court to clarify the circumstances under which Germany can legitimately use force, in addition to national and collective self defense.

External justification, expressed in the UN Security Council, was based primarily on the threat to international peace and security. Officials noted the 1.3 million refugees from the former Yugoslavia living in Germany, including 300,000 ethnic Albanians, most of them from Kosovo.[307] The reference to a threat to international peace and security was

[305] Rudolf Scharping, interview with Richard Meng, *Main Frankfurter Rundschau* Internet version, 27 March 1999, FBIS-WEU-1999-0327.
[306] Rainer Baumann and Gunther Hellmann, "Germany and the Use of Military Force: 'Total War', the 'Culture of Restraint', and the Quest for Normality."
[307] S/PV.3868 31 March 1998.

an appeal to Chapter VII of the UN Charter. At the UNSC, the German representative stated:

> The explosive situation in the Kosovo region constitutes a clear threat to international peace and security. The genesis of the war in Bosnia and Herzegovina, which in the beginning was considered by some to be an internal matter, is still very much alive in our memories. The outside world cannot simply stand by and watch a new, potentially even more devastating conflict develop in the region.[308]

Unlike the French, the Americans and the British, the Germans did not appeal to previous UN Security Council resolutions as justification for the use of force in Kosovo. The stated reason was that the Chinese and the Russians had accompanied their votes with legally valid statements against the use of force. The German commitment to upholding international law is enshrined in the Basic Law, which refers to international law as "part" of the Federal law. Article 25 subordinates federal law to international law, but it also obliges Germans to fulfill the duties prescribed by international law:

> The general rules of public international law form part of the Federal law. They take precedence over the laws and directly create rights and duties for the inhabitants of the Federal territory.

The German branch of the International Association of Lawyers Against Nuclear Arms (Ialana) declared the Kosovo operation a violation of international law under the UN Charter and the Treaty on the Final Settlement with respect to Germany, pointing to this passage in the Basic Law, and claiming that a violation of international law therefore violates national law.[309] Even among the largely unified Greens, some members of the

[308] S/PV.3868 31 March 1998.
[309] "Jurists Question NATO's Kosovo Deployment," *Main Frankfurter Rundschau* Internet version, 29 March 1999, FBIS-EEU-1999-0328.

party, including Angelika Beer and Ludger Volmer, admitted that the basis for intervention in international law was less than solid.[310]

The confluence of traditions

The nature of the interventions of the early 1990s -- operations with humanitarian and human rights elements -- allowed diverging interests in Germany to merge and paved the way to a change in German foreign policy. German decision makers combined appeals to human rights and humanitarianism that resonated with the German public with legal statements regarding international peace and security in the UN Security Council that satisfied allies and fulfilled the letter of federal law. While political and security considerations such as the concern about additional refugees were also used to justify action, these arguments were secondary. Using different arguments to satisfy diverse audiences is a Realist method, but it is clear from German hesitance to rely on previous UN Security Council resolutions that there was a genuine desire to adhere to the letter of international law, a Rationalist stance.

The strenuous appeals to human rights and humanitarianism rather than to the domestic problem of refugees reveal the presence of the Revolutionist tradition which regards such concerns as universal and not subordinate to political or strategic interests. In the words of Defense Minister Scharping, "human rights are valid all over the world."[311] Ludger Volmer, the Greens' parliamentary state secretary, said that he had evidence that Milosevic had counted on the Greens' pacifism to split NATO and stop an

[310] "Volmer: Milosevic Counts on Greens' Pacifism Against NATO," *Main Frankfurter Rundschau* Internet version, 27 March 1999, FBIS-WEU-1999-0327.
[311] Scharping, interview with Richard Meng, *Main Frankfurter Rundschau* Internet version, 27 March 1999, FBIS-WEU-1999-0327.

intervention. That the Greens compromised their position he attributed to the difference between holding to pacifism in theory as an opposition party and having to put it into practice "in the complicated web of international relations" in government.[312]

France

In October 1998, President Chirac said that:

> Any military action must be requested and decided by the Security Council. In this particular case, we have a resolution, which does open the way to the possibility of military action. I would add, and repeat, that the humanitarian situation constitutes a ground that can justify an exception to a rule, however strong and firm it is.[313]

Despite Chirac's statement and French experience with humanitarian emergencies such as Rwanda in 1994, French statements in the UN Security Council lacked appeal to the human tragedy of Kosovo. Instead, the French rested their legal case on Chapter VII provisions of existing resolutions. In his brief statement during the deliberations about UNSCR 1203 on 24 March 1998, the French representative mentioned the FRY's threat to international peace and security four times.[314]

This was a shift from France's previous assessment of the Kosovo situation. Whereas the United States, Britain and Germany unhesitatingly argued that a threat to international peace and security existed during the 31 March 1998 Security Council proceedings regarding UNSCR 1160, France was more reserved in its approach, calling the resolution

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[312] "Volmer: Milosevic Counts on Greens' Pacifism Against NATO" *Main Frankfurter Rundschau* Internet version, 27 March 1999, FBIS-WEU-1999-0327.
[313] Jacques Chirac, Press Conference at Palazzo Vecchio, Florence, 6 October 1998, cited in Daalder and O'Hanlon, *Winning* Ugly, 44.
[314] S/PV.3937, 24 October 1998.

"balanced," criticizing both Serbs and ethnic Albanian Kosovars, and avoiding the term that would give Chapter VII sanction.[315]

It was in the 31 March 1998 deliberations that terrorism was most condemned. The FRY defended its massacre of the Jeshari family as anti-terror police work, and only a week before U.S. diplomat Robert Gelbard had called the KLA "without question a terrorist group."[316] Both China and Russia adamantly opposed reference to international peace and security, a stance they maintained throughout the crisis. France eventually gave way on this point, and adopted language closer to that of the other allies, but never with the same commitment to the humanitarian justifications for the use of force.

French Foreign Policy

French foreign policy since de Gaulle has had among its aims independence, an autonomous Europe, and global ambitions.[317] France's policy in the Kosovo conflict reflected these goals, and revealed its struggle to maintain them in the new security environment dominated by American power. French justification for the use of force followed just war doctrine, particularly Aquinas' three primary requirements for proper authority (defined by France as the UNSC), right intention (to promote peace and human rights) and injury by the enemy (Milosevic's barbarity and broken agreements). The French argument highlights the uneasy fit between moral and legal justifications with which all the allies struggled, and also reveals the three traditions of thinking in their

[315] S/PV.3868, 31 March 1998.
[316] PBS *Frontline*, "War in Europe." Available at http://www.pbs.org/wgbh/pages/frontline/shows/kosovo/etc/cron.html accessed 27 August 2002.
[317] Hans-Georg Ehrhart, "France and NATO: Change by Rapprochement? Asteriz' quarrel with the Roman Empire," paper of January 2000, Hamburg, Germany.

arguments. While the primary case the French made was based upon just war principles, a Rationalist approach, French officials also used arguments of national power (the need to avoid impuissance) and the balance of power (the need to contain U.S. hyperpuissance), both Realist arguments. Finally, there was a Revolutionist strain in the asserted need to defend French values from "barbarity." French values, according to President Jacque Chirac and Prime Minister Lionel Jospin, were also European and universal. Together, these three ways of thinking converged to constitute French justification for the use of force in Kosovo.

President Chirac's policy in the Kosovo conflict went contrary to the Balkan policy his predecessor, Francois Mitterrand, had articulated. That policy included the need for explicit UNSC consent for action and the desire not to allow NATO to overshadow EU decision making on the continent.[318] Chirac did not even mention UNSC authority when he addressed his constituencies on the day the campaign began.[319] While France agreed to act without an explicit UNSC mandate, French officials strove to claim UN authority, resting their case in the Security Council on previous UNSC resolutions and Chapter VII of the UN Charter. French leaders twice referred to the UN Secretary General's reports on Belgrade's failure to comply with UNSC resolutions as lending further credibility to the intervention argument. Speaking to the National Assembly, Prime Minister Lionel Jospin, quoted Kofi Anan as saying that, "the recourse to force can be legitimate."[320]

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[318] Eric Rouleau, "French diplomacy adrift in Kosovo," *Le Monde Diplomatique* (December 1999): 5. Available at http://mondediplo.com/1999/12/04rouleau accessed 22 February 2003.
[319] Jaques Chirac statement in Berlin 24 March 1999, French Ministry of Foreign Affairs. Available at www.france.diplomatie.fr/actual/dossiers/kossovo/kossovo.gb.html.
[320] See Lionel Jospin, speech of the prime minister to the National Assembly, Paris, 26 March 1999

The French aim to promote more autonomous European security arrangements included strong Franco-German relations. France was determined to integrate Germany into as many European institutions as possible during the Cold War in order to ensure that Germany would never again become a great power that would threaten peace on the continent. This was the idea behind the forging of the European Coal and Steel Community of 1951, and the European Atomic (Euratom) and Economic Communities of 1957.[321] At the center of Franco-German relations were the 1963 Elysee Treaty between Konrad Adenauer and Charles de Gaulle,[322] the 1986 French declaration in which France's President promised to consult with the German Chancellor before using nuclear weapons on German soil if time permitted,[323] and the plan for ESDI outside NATO. France's relations with the United States have been influenced by the desire for greater European autonomy. Successive presidents have desired to maintain the transatlantic link while strengthening France's role on the continent. In 1983, President Mitterrand made a landmark speech in the Bundestag arguing against West German resistance to the prospective deployment of US Pershing II ballistic missiles and cruise missiles on the continent to counter Soviet SS-20s: the Alliance's "dual track" decision. In the mid-1990s, when the Balkan wars were raging, the predominant French concern was more about US disengagement than dominance, but this was clearly changing by 1999.

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[321] Bregor Schöllgen, *"Putting Germany's Post-unification Foreign Policy to the Test,"* NATO Online library. Available at http://www.nato.int/docu/review/1993/9302-toc.htm accessed 27 February 2004.

[322] Available at French Embassy in the United States website http://www.info-france-usa.org/ accessed 1 July 2002.

[323] Georg Ehrhart, "France and NATO: Change by Rapprochement? Asterix' quarrel with the Roman Empire."

French Politics

French domestic politics in 1997-2002 were marked by a period of cohabitation in the government, a reality that forced politicians to share power with political opponents. This was the third period of cohabitation in French politics since the adoption of the constitution of the Fifth Republic in 1958, and the first time a Gaullist president served with a Socialist prime minister. Cohabitation was first experienced by the Socialist Mitterrand who accepted the Gaullist Chirac as his prime minister. Traditionally, the president took the lead in foreign policy, leaving domestic policy and administration of government to the prime minister. While prime ministers appointed government posts, the defense and foreign ministers needed the president's approval. Even so, the powerful office of the presidency designed by de Gaulle in 1958 had been decidedly weakened by 1998. Both President Chirac and Prime Minister Jospin attended international summits, for example, and this uniquely French practice was sometimes awkward.

The kind of dissent evident in Washington and Bonn was not usually prominent in Paris.[324] Lionel Jospin had lost the presidential election to Chirac in 1995, but Chirac felt obliged to select him as Prime Minister in 1997 when "la guache plurielle" – a coalition of Socialists, Communists, and environmental parties – won a majority of seats in the National Assembly in the legislative elections. While he and the president would diverge dramatically on foreign policy in later years – such as policy regarding the Arab-Israeli conflict -- such a cleavage was not evident in 1998. Even though Foreign Minister Hubert Vedrine insisted upon the continuing differences between the right and left in

[324] Ibid.

French politics, many found them hard to discern in 1998.[325] The nature of French foreign policy decision making fostered this perception. France was (and remains) the most centralized government in Europe with a weak legislature, and foreign policy making was consolidated among a few at the top. In fact, the debate over intervention in the National Assembly did not take place until after the campaign began; and when he finally appeared there to answer questions for the government, Prime Minister Jospin explained that his participation in the Berlin summit was more pressing than the National Assembly debate.[326]

Weakening Chirac's hand in 1998 was the fact that he had dissolved the National Assembly in 1997 and called for legislative elections. The move was a miscalculation that forced him to work with a majority of NATO-skeptical Socialists after the vote, and left him without the option of dissolving the National Assembly again until mid-1998. This may have been a factor in France's hesitance to support the American and British stance in early 1998. In the March 1998 meeting of the UN Security Council, France criticized both KLA terrorism and Serb aggression equally. By October 1998, France condemned Milosevic outright, and its final justification for the use of force was grounded in Milosevic's recalcitrance and his human rights violations against Kosovar Albanians.[327]

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[325] See Eric Rouleau, "French diplomacy adrift in Kosovo."
[326] Lionel Jospin, 26 March 1999.
[327] S/PV.3868 31 March 1998, S/PV.3937 24 October 1998.

A Rationalist Argument: The Just War

French officials chose justifications that were largely based on just war conditions. In his brief address on 24 March 1999, Chirac justified France's participation in Operation Allied Force in terms of preserving peace and defending human rights. His statement highlighted the principles of last resort, just cause (the crime of the enemy), and right intention.

Establishing that the use of force in the Kosovo conflict was a last resort was a primary goal of the French public statements in March 1999. Chirac claimed credit for initiating, hosting and co-chairing the Rambouillet talks, thus fulfilling the requirement to exhaust peaceful means. He blamed Milosevic's "unjustifiable and incomprehensible obstinacy" in rejecting the proposed terms of political settlement "without reason." At the same time, he made clear that the peaceful option remained open, and put the responsibility on Milosevic to choose it, saying that the FRY president could "at any moment return to the negotiating table to sign the peace accord." Barring this, Chirac concluded that "there were no longer any other options than to intervene militarily" in the Kosovo conflict.[328]

Lionel Jospin gave a lengthy and dramatic description of the ten previous years of Serb recalcitrance in his 26 March 1999 speech in the National Assembly, and again in his 30 March 1999 appearance there. Like Chirac, he assigned Milosevic full "responsibility" for the political deadlock, concluding that the lengths to which the allies went to resolve the crisis peacefully were "in vain" since Milosevic "obstinately refused"

[328] Jaques Chirac, 24 March 1999.

to cooperate. He declared that "the military intervention was absolutely necessary. Because the irrationality of the Yugoslav regime left no other choice; because we could not reconcile ourselves to impotence."[329] Six days into the campaign, when public criticism of the military solution began to rise, Jospin retorted,

> Yes, we prefer to use dialogue, we prefer peace, a political solution, how can we engage in dialogue, how can we effectively practice the diplomacy which has been at the heart of French policy for several months, particularly with the Rambouillet process, if the Serb leaders and Mr. Milosevic reject it?[330]

If there was little outright dissent before the military action, it is clear that disputes arose in the National Assembly only a few days into the operation. In his 31 March 1999 appearance there, Jospin acknowledged that there was agreement between the Assembly and the government on only two points: Milosevic's guilt and the proper intention of the military action, that is, that the goal was a political settlement.[331] Responding to objections that the campaign lacked proper authority, Jospin admitted that the government "would have preferred a mandate from the UN," and he was silent on the issue of whether diplomatic channels were exhausted before NATO's use of force. Extolling France's right intention, Chirac insisted that "everything has been done to achieve a rational solution, one of peace. One complying with human rights." He insisted that "what was at stake today is peace on our soil, peace in Europe – which we are part of too – and human rights." French officials' insistence that the intervention into a sovereign state was not violating territorial integrity but instead supporting a political agreement that respected both the independence of the FRY and the autonomy of Kosovo within Serbia was to lend more credibility to the argument that the allies had right

[329] Lionel Jospin, 26 March 1999.
[330] Lionel Jospin, 30 March 1999.
[331] Lionel Jospin, 31 March 1999.

intention. On 30 March 1999, Lionel Jospin told the National Assembly that "the sole objective of the air operations over the Federal Republic of Yugoslavia...is to destroy the Serb repressive military machine."[332]

That the military means discriminate between civilian and military personnel is also a requirement of just war, and Chirac emphasized that the bombing was only directed at "clearly targeted Serb objectives in order to contain a tragedy."[333] In a 29 March 1999 interview, Hubert Vedrine made a limited war case, contrasting the Kosovo operation with the Second World War. NATO's objective was simply to "destroy the ability of the army to carry out the repression" against Kosovar Albanians. He first insisted, as the Germans did, that the word "war" did not apply to the Kosovo case, but then reversed his position: "It's a war against a repressive machine." Contrasting it with total war, he added, "It's not a matter of crushing Serbia." He offered as evidence of the campaign's limited war nature the fact that "the possibility of a ground war has been clearly ruled out by all the Western leaders."[334]

Whereas Chirac remained silent on the issue of authority during his 24 March 1999 address, referring only to the unanimity of the allies, Jospin was careful to describe to the National Assembly the legal basis of the government's position. He relied on the previous UNSC resolutions, Chapter VII of the Charter, Milosevic's flouting of international law, and, finally, the UN Secretary General's tacit approval of the use of force when he stated that, "the recourse to force can be legitimate."[335] Vedrine pointed to

[332] Lionel Jospin, 30 March 1999.
[333] Jaques Chirac, 24 March 1999.
[334] Hubert Vedrine, 29 March 1999.
[335] Lionel Jospin, 26 March 1999.

both legal and political legitimacy. In an interview on 25 March 1999, he rested the legal case on the strong wording and reliance on Chapter VII of UNSC demands, on UNSCR 1199 and 1203, and on the fact that "the United Nations Secretary General has deemed it legitimate."[336] Apart from the legal case, Vedrine stated that legitimacy was granted by all the political leaders who tried to resolve the case peacefully, including the Contact Group and Serbia's neighbors, "which had been asking for an intervention for an extremely long time."[337]

The case France made in Security Council deliberations was based predominantly on the UN Charter, especially previous UNSC resolutions, but also on agreements Milosevic had made and broken with the OSCE and NATO. It is in these deliberations that the attempt to cast just war doctrine into the mold of international law is most evident. The 24 October 1998 argument was brief and based entirely on the threat to international peace and security. In just war terms, this was a reference to Serbia's "aggression" and the harmful effects it would have on neighboring states. The requirement that the "enemy" has done "harm" was laid out in the 23 March 1999 proceedings in which the French blamed Milosevic for not respecting international obligations and agreements, and for causing an "impending humanitarian catastrophe" by the actions of his security forces against the civilian population. This also reinforced the right intention of France, since it made clear that the purpose of its using force was to avert new massacres, restore peace and preserve human rights. Here, the language was almost identical to Chirac's in

[336] Hubert Vedrine, 25 March 1999.
[337] Hubert Vedrine, 25 March 1999.

addressing the French people on 24 March 1999: "what is at stake today is peace, peace in Europe – but human rights are also at stake."[338]

On 26 March 1999, France's rebuttal to Russia's claim that the action represented a new "lawlessness" was short and posed in legal terms. France again relied on existing UNSC resolutions, the threat to international peace and security, and Milosevic's violations of international agreements.[339]

All of these arguments sprang from a Rationalist way of thinking. They were attempts to fit the moral and political case into international law, and relied on the framework of the just war doctrine to do so. Yet France could not contain all of its argument in legal terms. The term "regional stability" was often used, but this could mean either destabilization because of a humanitarian emergency such as refugee flows, or because of a spread of fighting among ethnic groups that could lead to an "attack" on a NATO ally. The latter offered a sounder case for self defense but the former was the more likely scenario. There were two more compelling arguments that did not fit into a legal framework: defending French values and maintaining the balance of power.

A Revolutionist Argument: Civilization v. Barbarity

French officials argued that they wanted the Balkans, "in which democracy is growing stronger," to become "a full part of modern Europe."[340] The Serbs could not do this, however, unless they shared civilized European values, the values upheld by France. It is

[338] S/PV.3988 23 March 1999.
[339] S/PV.3989 26 March 1999.

[340] Lionel Jospin, 26 March 1999.

telling that when he wanted to justify military action to the French people, Chirac did not rely heavily on legal arguments, but rather on appeals to promote their values, among them peace and human rights. Chirac told the French people:

> Because it is a matter of peace on our continent, because it is a matter of human rights on our continent, I know that the French people will understand that we had to act.[341]

He described the action as at once a show of French independence and solidarity. He sensed that the French people believe that republican values are universal:

> Finally, you will be able to invoke the duty of solidarity. At the moment when French pilots are carrying out an action which France has decided on in full sovereignty, with every one of its allies, to further the cause of its ideals of peace, I would like the whole nation to demonstrate its solidarity. These are universal values of our republican tradition that we are defending.[342]

Chirac emphasized that the NATO allies were not imposing these values on others, but rather defending them. Referring to the Rambouillet agreement, drafted by the Contact Group and given to both the Kosovar Albanians and the Serbs to sign under threat of force, Chirac insisted that

> This agreement, as you know, isn't one imposed by the West, but one which has the support of the whole international community and particularly that of all the Europeans, Russia and the United States.[343]

Thus he described "republican" values and in particular human rights, as French, European and universal. Lionel Jospin echoed Chirac's words and the interchangeability of French and European values when he addressed the National Assembly on 26 March 1999. He did so after a detailed description of the "barbarity" of the Serbs:

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[341] Jacques Chirac, 24 March 1999.
[342] Jacques Chirac, 26 March 1999.
[343] Jacques Chirac, 26 March 1999.

> Ladies and Gentlemen, France's involvement in this operation is consistent with our values. It is prompted by what makes the very spirit of the Europe we are building: the desire to place respect for individuals at the heart of what our States do, to put an end to the settlement of differences by violence and hatred.[344]

Jospin pointed to France's role in rebuilding Western Europe after the Second World War in its own image, and the peril in which the barbarity of conflicts in the former Yugoslavia put that project:

> For decades Europe, at any rate our Europe, has been being rebuilt on new foundations of peace, respect for human rights. To accept the flouting of these values on the European Union's doorstep would have meant betraying ourselves. What is at stake in today's conflict is a certain conception of Europe. Do we accept the return of barbarism on our continent or do we rise up against it? For us, the choice is clear.[345]

On 31 March 1999, Jospin told the National Assembly that France was faced with the issue of "civilization or barbarity."[346]

Humanitarianism

The French did not give humanitarian concerns the same treatment as human rights. They were instead used either as part of the legal argument regarding regional stability, or as part of the argument to prove Milosevic's barbarity, or simply as a problem that "we have to do something about."[347] Chirac and Jospin did not refer to humanitarian concerns as French values in the same manner as they did human rights. Neither used the suffering of the Albanian Kosovars as a primary reason to launch air strikes, nor did they ask the French people to understand that force must be used in the name of humanitarianism.

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[344] Lionel Jospin, 26 March 1999.
[345] Lionel Jospin, 26 March 1999.
[346] Lionel Jospin, 31 March 1999.
[347] Lionel Jospin, 31 March 1999.

They may have implied this by referring to barbarity as counter to French values of human rights and respect for the individual. But the French, like the Americans, did not claim a humanitarian exception on the British model. Jospin suggested that humanitarian values had to be weighed in the balance with other values of a civilized nation, including justice, order, and democracy:

> I should like to tell you that we appreciate the scale of this humanitarian catastrophe, but have to make it plain to European opinion and to the French listening to us, that this humanitarian catastrophe is reversible on only one condition: that the current conflict does not end on Mr. Milosevic's terms, but on the conditions set by the civilized nations in Europe of the end of the twentieth century....so that he emerges from this conflict the loser and that we can then bring about the conditions for a prosperous, democratic Europe and not a Europe tempted by a return to barbarity.[348]

Hubert Vedrine made the distinction when criticizing earlier French proponents of intervention in Bosnia: "In such cases the dividing line is not between compassion and indifference, but between responsibility and irresponsibility."[349]

A Realist Argument: The balance of power

The final part of France's justification for the use of force in Kosovo was strategic. French officials appealed to the necessity of avoiding France's "impotence," a matter of national survival and sovereignty, and to the need to maintain the balance of power by containing US power in Europe. From December 1998 to February 1999 Chirac, Jospin

[348] Lionel Jospin, 31 March 1999.
[349] Hubert Vedrine quoted in Eric Rouleau, "French Diplomacy Adrift in Kosovo."

and Vedrine made statements expressing concern about "a new American unilateralism."[350] In January 1999, Prime Minister Jospin announced,

> We're confronted with a new problem on the international scene. The United States often behaves in a unilateral manner and has difficulty in assuming the role it aspires to as organizer in the international community.[351]

In February 1999, Foreign Minister Vedrine described the United States as a "hyperpower" that had to be counterbalanced.[352] In an interview with Liberation, a French newspaper, Hubert Vedrine suggested five steps to counter American power:

> 1) Have solid nerves; 2) Perseverance; 3) Methodically widen the bases of agreement among Europeans; 4) Cooperate at each stage with the United States, combining friendship and the will to be respected, while defending in all circumstances organized multilateralism and the prerogatives of the Security Council; 5) Prepare politically, institutionally and mentally the moment when Europe will have the courage to go further.[353]

Chirac offered a plan to counter US "unilateralism" -- a proposal to the French diplomatic corps that the UN General Assembly consider reshaping the international order based upon "collective sovereignty." He listed seven principles, and aimed the first at the unnamed Americans, advocating "collective responsibility" in international action "excluding unilateral temptations and leading to shared management of the global risks and threats that weigh on our peoples."[354]

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[350] John Vinocur, "Going it Alone, U.S. Upsets France; So Paris Begins a Campaign to Strengthen Multilateral Institutions," *International Herald Tribune,* 3 February 1999: 1.
[351] Lionel Jospin, ibid.
[352] Hubert Vedrine, ibid.
[353] Hubert Vedrine, ibid.
[354] Jacques Chirac, ibid.

The confluence of traditions

To their domestic audience, French officials justified the use of force in Kosovo in terms of France's responsibility for building a civilized Europe based upon French values of democracy and human rights: a Revolutionist approach. To their external audience, French decision makers' justifications were indicative of a legalist or Rationalist approach based upon just war principles, international law (previous UN Security Council resolutions), Milosevic's breach of international agreements, and the threat to international peace and security caused by ongoing violence and repression in Kosovo. They did not claim that the relief of human suffering in itself was a justification for intervention, nor that it placed a duty on France to intervene independent of other circumstances. The French reliance on the UN was part of a multilateral approach that fulfilled France's larger aims of maintaining its influence in Europe and the world while containing the influence of the United States, a Realist position. Thus, French justification for the use of force in Kosovo was a confluence of the three traditions.

CONCLUSIONS

Each nation's particular combination of political, moral and legal arguments depended upon both long-standing and immediate political realities. Governments found that legal arguments alone were not sufficient, nor were purely moral arguments about ending human suffering. Likewise, no nation chose to justify its action solely in terms of strategy or the national interest without appealing also to a moral cause and a legal basis for the use of force.

Russia and China asserted that Western claims of a humanitarian exception were no more than a patina over prerogatives of power. This analysis does not support that claim. Rather, an analysis based upon the three traditions identified by Martin Wight reveals a mixture of rationales among and within states that have been a part of Western thinking about international politics for centuries.

The limits of international law precluded states from making a purely legal case for stopping the ethnic cleansing in Kosovo. That said, no state was willing to dismiss the law, and all chose to refer to the UN Charter and previous UNSC resolutions in their justification for intervention. No ally was entirely comfortable in justifying the use of force entirely on moral grounds either. Both France and the United States regarded national interest arguments for the use of force as acceptable and desirable. Neither Britain nor Germany made strong national interest arguments, but rather, in keeping with their Rationalist thinking, found the use of moral arguments benign and even central. Their participation, however, required strong evidence international cooperation in the form of customary law for Britain, and in upholding the letter of international law for Germany. Thus, while all three of the traditions of thinking were evident in each of the NATO nations in 1998 - 1999, there were differences in emphasis among the allies. While France and the United States preferred policy based upon the primacy of the state in international politics, Britain and Germany were more influenced by the efficacy of cooperation and custom. However, both London and Berlin needed to interpret the humanitarian situation as severe in order to proceed with the intervention. One could expect British policy making regarding intervention to be based upon a strong moral

purpose with a preference for international cooperation, but not hindered by the lack of it. Germans could be expected to continue their preference for international approbation for intervention. Finally, one could expect American and French policy regarding intervention to be guided by strong national purpose, and to refer to international cooperation and custom to the extent that they further national aims.

National Perspectives

Because of domestic political circumstances, the United States articulated its case in terms of the national interest. Thus it was a Realist argument informed by Rationalist and Revolutionist goals. The United States wanted to avoid setting a precedent that would make it more difficult to abstain from intervention in the future, a Realist position. For this reason, it relied on moral arguments to claim an exception to the law, and on legal arguments to justify moral action, and avoided defining either justification in great detail. Reliance upon the references to Chapter VII of the UN Charter in previous UNSC resolutions was an important part of the American legal case for the use of force. However, as Catherine Guicherd has noted, Chapter VII is not coterminous with an authorization of use of force since it also allows other options.[355] The American case was therefore more political than legal. Guicherd points to Secretary Albright's 8 October 1998 press conference in which the Secretary said that she did not feel that she needed to answer legal questions in detail, and notes that other officials pressed to argue on legal grounds could cite only the previous UNSC resolutions.[356] Nicholas Wheeler believes that the NATO nations were forced to use previous resolutions as justification due to

[355] Catherine Guicherd, "International Law and the War in Kosovo," *Survival* 41, no. 2 (Summer 1999): 20.
[356] Ibid., 26.

Chinese and Russian opposition to a new resolution. He points to Germany's misgivings about the legitimacy of the intervention as evidence of Chinese and Russian coercion, especially Germany's position that Russia and China had made statements during the deliberations over UNSCR 1199 denying that the resolution gave authorization for the use of force.[357]

Britain chose to rely on humanitarian arguments and did not frame its justification predominantly in terms of either international law or the national interest, although it appealed to both. Chris Greenwood, a British scholar, has argued that humanitarian intervention in the Kosovo crisis was legal based upon customary law.[358] This is a Rationalist perspective, and it is evident in the use of just war principles by all the allies.

There were Realist motives as well, such as the need to preserve NATO credibility, cited by both the Americans and the British. Furthermore, the crisis took place during a period when Russia was concerned about NATO expansion into the former Warsaw Pact states and the former republics of the Soviet Union. The Russians found the use of NATO force in the former Yugoslavia unacceptable. While there is no evidence to support the argument that Russia wanted the failure of the NATO mission in Serbia and of NATO in general, they questioned NATO's intentions explicitly.[359] Russia wanted to have a sector

[357] Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), 261.
[358] Chris Greenwood, "Yes, but is the war legal?" *The Observer*, March 26, 1999.
[359] Wheeler, *Saving Strangers: Humanitarian Intervention in International Society*, 267.

of responsibility in Kosovo after the intervention, and objected strenuously to the allies' insistence that the operation be conducted by NATO.[360]

Germany insisted on the moral basis of its action, a Revolutionist argument. It interpreted international law more strictly than the other nations, declaring that it meant to uphold the authority of the U.N. and other multilateral institutions, a Rationalist perspective. Bonn therefore insisted that it would not use existing UNSC resolutions as a legal basis since there was a question about Russian and Chinese interpretations of those resolutions. Germany's decision to participate in the intervention was also a means to fulfill its political and military responsibility to its allies, eschewing any German *Sonderweg*, or "special path," in favor of cooperation and sharing the burden of action in support of collective security.

France based its argument implicitly within the just war tradition, relying on international law contained in previous UNSC resolutions, a Rationalist approach. To its domestic audience, participation in the operation was justified by promoting French values of civilized society abroad and vanquishing the barbarity of human rights violations and resolving humanitarian crises. This was a Revolutionist stance. Both the aims of acting multilaterally – through the UNSC – and promoting French values were in accord with France's larger strategic goals and national interests of regional peace and security, maintaining French influence and balancing American power, a Realist position.

[360] Yoram Dinstein, The 13th Waldemar A. Solf Lecture in International Law, 93-108.

Summary

The American justification, a legal argument based upon national interests and humanitarian aims, sprang primarily from the Realist tradition of thinking. This is consistent with the sole super power's position that while cooperation and custom are important aspects of international politics, states remain the primary actors because there is no universal authority to enforce international law.

The British approach, while the most overtly humanitarian, was primarily Rationalist since it combined a just war argument with reliance on customary law to make an "humanitarian exception" to international law. The British position was informed by the belief that moral solidarity trumps the letter of the law, a Revolutionist stance, but in the end the British justification revealed faith in cooperation among nations to overcome disparate national interests in order to achieve a common moral purpose.

The German argument was also a combination of humanitarianism and law, but a more extreme version of both. Whereas the British made a "humanitarian exception," Germans interpreted the UN Charter and previous UNSC resolutions more strictly. This is in congruence with the Federal Republic of Germany's post-1945 emphasis on cooperation and custom in international politics. At the same time Germans expressed a deep-seated political attachment to human rights and humanitarian values indicating an emphasis on moral solidarity in international politics. The way German decision makers justified participation in the NATO operation indicates a strong tendency toward both the Rationalist and Revolutionist traditions of thinking. In *International Theory: The Three*

Traditions, Martin Wight placed Rationalism between "moderate Realism" and "soft Revolutionism." The British approach tended toward the former, while the German approach tended toward the latter.

The French approach was essentially Realist and Revolutionist, consistent with a Gaullist emphasis on the primacy of the state in international politics and the desire to promote French values as universal human values. France's desire to uphold the authority of the UN Security Council accords with this way of thinking. The United States also adopted a Realist stance. On either side of Realism, Wight placed "moderate Realism" and "extreme Realism." The latter was also akin to "hard Revolutionism" which condones the use of force on moral grounds. None of the allies chose to justify the use of force solely on the basis of an obligation to stop human rights abuses and deal with humanitarian emergencies, but each ally found this an essential part of its argument for intervention. The extent to which the allies based their action on moral obligation is addressed in the following chapter, as well as the question whether this may represent an emerging trend toward "extreme Realism" or "hard Revolutionism" in international politics.

CHAPTER FIVE:
THE NATURE OF INTERNATIONAL OBLIGATION

The idea of common interest can never have much vitality if it is separated from the idea of common obligation.[361]

Truly it is more honorable to avenge the wrongs of others rather than one's own.[362]

I. INTRODUCTION

As NATO aircraft struck targets in Serbia in April 1999, Prime Minister Tony Blair declared before an American audience in Chicago that "In the field of politics...ideas are becoming globalized. As problems become global...so the search for solutions becomes global too. What amazes me, talking to other countries' leaders, is not the differences but the points in common."[363] As they faced the common problem of whether to intervene in the case of massive human rights violations or humanitarian emergencies, did the four leading NATO nations of Britain, France, Germany and the United States share the same idea toward an obligation, responsibility or duty to assist the Kosovar Albanians with military force? The notion of obligation in this case is used to mean either a legal obligation or a sense of responsibility or duty that had the same effect as a legal obligation: binding a state to intervene even when self-interests in the case may not lead it to do so.

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[361] Martin Wight in *Power Politics*, Hedley Bull and Carsten Holbraad, eds. (New York: Holmes & Meier Publishers, Inc, 1978), 289-290.
[362] Hugo Grotius, *The Law of War and Peace*, Book II, Ch. XX, XL.1 (New York: Bobbs-Merrill Co., 1962), 505.
[363] Tony Blair, "Doctrine of the International Community," Speech at the Economic Club of Chicago, 22 April 1999, *Strategy and Force Planning, 3rd ed.*, eds. Strategy and Force Planning Faculty, (Newport: U.S. Naval War College Press, 2000), 587-597.

During the 1990s, NATO nations were forced to make policy regarding intervention due to the numerous humanitarian emergencies that confronted them in Somalia, Sierra Leone, Haiti, Rwanda, the Balkans, East Timor and elsewhere. Because of the complexity of each nation's policy making situation, it is not enough to say that because nations chose to intervene in such emergencies, there is evidence of a shared acceptance of obligation. This chapter examines whether the Kosovo case provides evidence of a common recognition of obligation and, if so, the nature of that obligation.

Martin Wight's framework proves indispensable for understanding the numerous moral dilemmas that arose during the decade's interventions. His concept of the "barbarian" and the "other" in Western thought sheds additional light on the subject of international legitimacy and sovereignty that has been considered by many scholars and international leaders to support an obligation to intervene.[364] Wight's analysis of a Revolutionist tradition gives added insight into the role of ideas in international politics. International relations scholars have tried to explain that role throught various ways approaches, including the constructivist's concept of emerging norms, the liberal institutionalist's definition of emerging customary law, and the classical realist's attempt to account for morality in foreign policy.

National perspectives and key issues

Among the key issues regarding obligation with which decision makers grappled in the Kosovo case, two stand out: the tension between the concepts of sovereignty and

[364] For example, Kofi Annan, Gareth Evans and Mohammed Sahnoun, "The Responsibility to Protect," *Foreign Affairs* (November/December 2002).

human rights and the issue of humanitarianism and war. Each NATO nation made policy from its unique background and existing political realities. The debate about intervention in the United States was shaped largely by the question of whether humanitarian operations were a suitable role for the world's only superpower whose military had to maintain readiness to fight two conventional wars nearly simultaneously.

The American human rights tradition in foreign policy was influenced by a Cold War utilitarianism used in the rivalry with the Soviet Union. A second influence came from the growing alliance between human rights and humanitarian groups who held sway with members of Congress beginning in the 1970s. The counter effect of this latter influence increased after the end of the Cold War.

Britain's military had extensive experience in operations analogous in some ways to humanitarian interventions during the small wars of its colonial period and did not shy away from the unconventional military role of humanitarian operations. Britain's approach to human rights in foreign policy, like that of the United States, had a pragmatic quality that was in part a legacy of its colonial period. However, Britain was led during the Kosovo crisis by a prime minister who declared that he was seeking both a more principled foreign policy and a more continental one. The balance between these factors and the policy that emerged can be understood in light of the three traditions.

France's military, like Britain's, had experience in peacekeeping and humanitarian operations due to a special role in its former colonies, notably in Francophone Africa. In

particular, France's interventions in Rwanda in 1994 and the Central African Republic in 1996 shaped its policy debates regarding the obligation to help the Kosovar Albanians. Human rights were considered essential to French values, those values were thought to be universal, and France believed it bore a special responsibility for extending and safeguarding a culture of civilization against the culture of barbarity, especially on the European continent.

For Germany, the interventions of the 1990s brought a sea change in a military and foreign policy marked by anti-militarism after the Second World War. Britain and the United States shared strong martial traditions, and the pacifist movement in France had been discredited after 1945, but German reticence to employ troops in combat was in direct conflict with the strong popular support for upholding human rights standards. Therefore, the 1994 Constitutional Court decision clarifying the conditions under which the Bundeswehr could be employed for purposes other than national and collective defense was ironically made possible because of a strong humanitarian and human rights consciousness among the population, closely linked with anti-militarism.

In the Kosovo case, each nation's argument regarding obligation was different. While Americans based their reasoning on Realist lines, the British found Revolutionist thinking supported a moral duty to intervene. The French combined hard Revolutionist and Realist arguments for subduing Serb atrocities, while the German approach was a balance of all three traditions. In the end, all four allies recognized an obligation to intervene, but the way in which this obligation was understood by each nation says something about the

prospects for consensus about an emerging norm, new customary law or the "responsibility to protect" that some scholars say the Kosovo case represents.[365]

Purpose

This chapter surveys the Allies' attitudes concerning an international obligation to intervene in the case of massive humanitarian and human rights abuses during the Kosovo conflict. It addresses two questions: On what grounds was each ally's obligation to intervene based? Do these grounds correspond to particular traditions of thought: Realist, Rationalist or Revolutionist? The chapter investigates the proposition that in the Kosovo crisis there was a coherent relationship between emphasis on one of three international social elements – international anarchy, cooperation and custom through habitual intercourse, and moral solidarity – and decisions about the obligation to intervene.

II. KEY ISSUES

The way NATO nations perceived an obligation to intervene on behalf of human rights and humanitarian crises was influenced by several key factors during the 1990s. These included each nation's attitude about the role of norms in foreign policy, especially the tradition of defending civilization against barbarity that was a part of Western traditions of foreign policy; each country's military tradition, including the use of force for humanitarian purposes; each nation's human rights tradition, in particular its attitudes about the idea of a responsibility to protect individuals against human rights abuses and to take action in humanitarian emergencies; and the influence of the media regarding

[365] Gareth Evans and Mohammed Sahnoun, "The Responsibility to Protect."

these factors. Each NATO ally had a different history and outlook on these issues which resulted in an emphasis on different traditions of thinking. Likewise, the emphasis on a particular tradition informed the approach each nation took to the key issues during the intervention debate.

Morality and Foreign Policy

International relations scholars have long debated the role of ethics in foreign policy. The work of E.H. Carr, Reinhold Neibuhr and Hans Morgenthau has been invoked to support claims that either all moral talk is specious, or that moral ideas taken seriously can be detrimental to a nation's interests.[366]

Some argue that policy makers use moral talk without believing in the norms they promote, and that such talk "heals the moral breach in the inner life of the statesman."[367] Former national security advisor Anthony Lake asserted the opposite: that while policy makers hold deeply felt convictions, they rarely express them in American policy making circles because they fear others perceiving them as sentimental or weak.[368] Instead, they offer national interest arguments for moral causes.

Martin Wight argued that moral foreign policy comes to ascendancy when nations' security is sound. Predominant powers are often the promoters of values because they can afford to take care of needs beyond basic security:

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[366] Jack Goldsmith and Eric Posner, "Moral and Legal Rhetoric in International Relations: a Rational Choice Perspective." University of Chicago Law & Economics, Olin Working Paper 108. November 2000.
[367] Ibid.
[368] Anthony Lake and Roger Morris, "The Human Reality of Realpolitik," *Foreign Policy* (Fall 1971): 157-162.

> Morality in international politics is not simply a matter of civilized tradition, but is equally the result of security....Once security is destroyed, all the higher objects of politics are swallowed up in the struggle for self-preservation, a tendency seen in every war.[369]

Wight points to two statesmen with virtuosity in combining moral purpose and national interest: Gladstone in 19th century Britain and Franklin Roosevelt in 20th century America. He links their influence to the power of their nation:

> Each of these men in his generation had a moral ascendancy and a power over the public opinion of the world, evoking a trust and loyalty far beyond his own country, which was unapproached by any other contemporary political figure....[they] made power an instrument and not an end, and subordinated national interest to public justice....The first thing to remember about the policies of Gladstone and Franklin Roosevelt is that Gladstone's Britain and Roosevelt's America were dominant powers.[370]

The policymaker's difficult choices between public justice and national interest have elicited considerable scholarship on the moral dilemmas of humanitarian intervention in the 1990s.[371] Viewing these choices as dilemmas limits analysis to a Rationalist approach. Dilemmas are either a choice between two "goods"[372] -- such as justice and security, order and justice, etc. -- or a choice of the lesser evil. Such choices are the realm of the Rationalist. Revolutionist and Realist thinking does not weigh the lesser evil, but instead places emphasis on either state interest or the primacy of the moral "good."

While governments have dealt with the role of norms in policy, human rights and humanitarian groups have struggled with the best way to influence states. Some, like the

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[369] Martin Wight, *Power Politics*: 292.
[370] Ibid., 291-292.
[371] For example, see the ICRC publication *Hard Choices: Moral Dilemmas in Humanitarian Intervention*, Jonathan Moore, ed. (Lanham, Maryland: Rowman and Littlefield, 1998).
[372] Joel Rosenthal, lecture at the Fletcher School of Law and Diplomacy, November 2001.

ICRC, have sought the codification of norms in law, while others, such as *Medecins Sans Frontieres*, have used political advocacy. Still others believe that moral outrage, shaming and other practices advance norms more effectively than law or politics. Policymakers faced all of these practices during the decisions regarding intervention in the 1990s.

Neither the Realist who would proscribe morality from politics, nor the Rationalist who would codify it in law, nor the Revolutionist who would see moral solidarity "trump" interest and law can be completely satisfied with the contemporary practice of humanitarian intervention. This is because all three traditions are at play in decisions to intervene on behalf of human rights and humanitarianism. Yet, states continue to pursue common policies if not common interests and obligations despite the diverging ways of thinking about the role that values should have in defining policy.

Martin Wight has observed that despite the reality that "the world community is still an anarchy, lacking a common superior, and international politics are still power politics,"[373] values shape attitudes about common interests and obligations:

> It is true that there was equally anarchy in the period when men talked in terms of the Law of Nature, so that its influence upon politics was tenuous and remote. Yet in the long run the idea of a common moral obligation is probably a more fruitful social doctrine than the idea of a common material interest. As the French philosopher Julien Benda has said, mankind has always betrayed its obligations, but so long as it continues to acknowledge and believe in them, the crack is kept open through which civilization can creep.[374]

[373] Wight, *Power Politics,* 293.
[374] Wight, ibid.

In Wight's view then power, interest, security and morality are interdependent. First, Wight notes that "every power has a greater interest than welfare...power itself." But that power is also dependent upon security:

> This is the vicious circle of power politics: morality is the fruit of security, but lasting security as between many powers depends on their observing a certain common standard of morality.[375]

As the previous chapter discussed, each ally found the situation in Kosovo a threat to its national interest to some degree. Each enjoyed a margin of security, however, that allowed it to pursue humanitarian and human rights ideals in the Kosovo case beyond the aim of self-defense.

Humanitarianism

The imperative NATO nations felt to help Kosovar Albanians is exceptional when considered in context. During the wars of religion enemy wounded were often killed or sold for ransom. Vitoria and Suarez, working within the Rationalist tradition, conceded the enemy respect for its cause, but considered even non-combatants enemies. Rousseau further argued that war is not a relationship between men but between states. Vattel and Rousseau agreed that when enemy combatants lay down their arms after the conflict, those individuals cease to be enemies and the right to kill them is removed. Clausewitz was more in line with the Realist tradition when he maintained that the sole aim of warfare was to overthrow the opponent and that humanely inspired acts, such as allowing neutral areas for hospitals, were dangerous.[376] The fact that NATO nations during the

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[375] Ibid.

[376] Caroline Moorehead, *Dunant's Dream: War, Switzerland and the History of the Red Cross* (London: Harper Collins, 1998), 25.

1990s were moved to set up rescue missions for suffering populations on the other side both during and after hostilities is an indication of the influence that the humanitarian idea held during this period of international history, at least in Europe.

The humanitarian idea arose from those who emphasize moral solidarity. They demand impartial treatment of the wounded on the battlefield and do not take sides in a conflict. Humanitarianism has also been promoted, however, by those who emphasize cooperation and custom in international politics.

In its contemporary context, humanitarianism is traced to Henri Dunant, who founded the International Committee of the Red Cross (ICRC) after seeing the suffering of the unattended wounded soldiers in the battle of Solferino (1859). The ICRC has never challenged the legality of war, but it has always challenged the way war is conducted and tried to make it more humane.[377] The ICRC was at the forefront of developing laws of armed conflict, especially the Geneva Conventions and Additional Protocols, which have their roots in the *jus in bello* principle of the just war doctrine. Over time, the focus of humanitarians shifted to other relief work such as famines and natural disasters, and at the same time armies improved medical support for soldiers and, at least in some cases implemented laws of war. The relationship of humanitarians and war changed dramatically in the 1990s, when relief workers found themselves targets and victims during ethnic conflict and state disintegration.

[377] Ibid., 29.

From its inception, the ICRC has balanced the promotion of fieldwork and the gaining of political influence to help support the work by pressing nations to abide by international humanitarian law. Humanitarianism has not been untouched by those who emphasize the anarchical nature of international politics. These maintain that humanitarian motives may be used to promote national self interest. Such Realist thinking about the uses of humanitarianism has made application of the idea dubious among smaller states, who suspect that larger states use it as an excuse for intervention. This has also been a constant criticism of the human rights agenda.

Human rights

In 1948, a diverse committee with representatives from Asia, Europe, and North and South America drafted the Universal Declaration of Human Rights (UDHR). One of the committee's advisors, Jacques Maritain, expressed the sense of the drafters when he asserted that nations can agree on what constitutes human rights without reaching consensus on where those rights come from.[378] While the committee agreed that human rights were universal, they also agreed that their governments would not necessarily apply them universally. The committee debated whether they should draft a non-binding declaration or a convention. Eleanor Roosevelt, the leader of the drafting committee, believed with good cause that the US Senate would not ratify a legally binding convention and pressed for a morally binding declaration instead. After the fact she wondered whether naming rights without a legal obligation would move states to observe

[378] Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001).

them.[379] Most large states favored a declaration, while small states pressed for a convention. An exception was Britain, which favored a legally binding document. Mary Ann Glendon surmises this was because it viewed human rights as an instrument to wield against Russian and other states.[380]

The tension between sovereignty and human rights was prominent during the drafting of the UDHR, with France's Rene Cassin claiming that the doctrine of sovereignty had led to the crimes against Germany's own people. His perspective was challenged by Russia's Andrei Vishinsky, who maintained that sovereignty protected weaker states from more powerful ones. France and Russia maintained these same positions in the 1999 discussions during the Kosovo crisis. The declaration's notion of the "human family" was acknowledged at the time of the drafting as challenging the principle of respect for the "domestic jurisdiction" of the members of the United Nations, the principle of non-intervention articulated in Article 2(7) of the UN Charter.[381]

The term "everyone" used in the declaration was borrowed at that time from a UN sub-committee on the prevention of discrimination and protection of minorities. "Everyone" allows for no "other" or barbarian, and thus extends the desired boundaries of international society to its absolute limits. It is infused by the Revolutionist

[379] Ibid., 170.
[380] Ibid., 87.
[381] Ibid., 176.

perspective, but its approach is Rationalist since its drafters knew that its application would be dependent upon the realities of international and domestic politics.[382]

The question of whether states should be legally or morally bound to protect human rights was debated from the beginning.[383] At the time, a prominent international legal expert, Hersch Lauterpacht, argued that the UDHR was not a legal achievement of magnitude. Roosevelt countered that neither was the Declaration of Independence, but that rather it set a standard that shaped society. This, she argued, would be the role of the UDHR. The Lebanese drafter, Charles Malik, argued that defining a reference point for morally judging states' behavior would be more efficacious than legally binding them. In 1999, NATO states continued to feel bound by a moral obligation to enforce human rights, even if they continued to disregard legal instruments of obligation.

Sovereignty and non-intervention v. human rights

In 1994 Mohamed Sahnoun, United Nations Special Representative for Somalia in 1992, lamented the "missed opportunities" of averting the humanitarian catastrophe that took place during his tenure in Somalia. He argued that while the requirement to respect state sovereignty – by non-intervention – was a matter of international law, state

[382] Glendon notes that after its approval, the document was attacked as "pink" in the US and as an Anglo-American interference with national sovereignty in the Soviet Union. Smaller states felt a growing resentment toward the US linked to a perceived racism, and dissent rose in Britain to oppose observance of the declaration. Politics in France also prevented the embracing of the declaration. For Rene Cassin, the French Republic was a Revolution, but for its leader, President de Gaulle, France was a fortress and human rights were not central to France's foreign and security policy. Thus from the beginning the contest with sovereignty, self-determination of peoples, and economic, racial and religious issues were at the center of the debate about universal human rights. Also in contest was the Anglo-American perspective which accords primacy to individuals vs. the European, Latin American and Asian traditions which acknowledge the needs of the community when acknowledging personal rights.

[383] Ibid., 217.

sovereignty itself is a matter of political conditions within a state.[384] He interprets Article 1 and Article 34 of the UN Charter to back up his argument. Article 1 obliges states to fulfill the purposes of the UN and Article 34 requires the Security Council to investigate "any situation which...is likely to endanger the maintenance of international peace and security." He maintains that the drafters of the Charter used the word "situation" out of concern that internal conflicts could lead to larger regional conflicts or interstate war.[385] Former UN Secretary General Javier Perez de Cuellar pointed toward this "conditional" sovereignty:

> One could – and I would even say, should – inquire whether certain other texts that were later adopted by the United Nations, in particular the Universal Declaration of Human Rights, do not implicitly call into question this inviolable notion of sovereignty.[386]

Perez de Cuellar's successor, Boutros Boutros-Ghali, expressed the same skepticism in his 1992 *Agenda for Peace*:

> The foundation stone of the work is and must remain the State. Respect for its fundamental sovereignty and integrity are [sic] crucial to any common international progress; its theory was never matched by reality. It is the task of leaders of states to understand this and to find a balance between the needs of good internal governance and the requirements of an ever more interdependent world.[387]

In 1998, Secretary General Kofi Annan offered the effects of globalization as yet another reason for the erosion of state sovereignty:

> The understanding of sovereignty is undergoing a significant transformation. Satellite communication, environment degradation, and

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[384] Mohamed Sahnoun, *Somalia: The Missed Opportunities*, (Washington: United States Institute of Peace, 1994), 45.
[385] Mohamed Sahnoun, ibid., 46-47.
[386] Javier Perez de Cuellar, ibid., 49.
[387] Boutros Boutros-Ghali, ibid., 49

> the globalization of markets are just a few of the contemporary phenomena that are bringing into question the extent of state authority...The implications of human rights abuses and refugee and other migratory flows for international peace and security are forcing us to take a fresh look at sovereignty from a different perspective: sovereignty as a matter of responsibility, not just power. This idea predates the interdependence among nations that characterizes the current era.[388]

This is an expression of Revolutionist thinking, since Annan puts both the Rationalist idea of "interdependence among nations" and the Realist idea of the primacy of state sovereignty below the notion of moral solidarity. The tension between sovereignty and human rights was not only debated in the case of military intervention. Landmark cases such as the extradition of Augusto Pinochet to Chile for prosecution and the work of the International Criminal Tribunals for Rwanda and the former Yugoslavia further proved that nations were willing to put the enforcement of human rights above a strict interpretation of state sovereignty in some cases.

The Revolutionist's belief in moral solidarity is evident in the concept of the "responsibility to protect" put forth by the report of the International Commission on Intervention and State Sovereignty sponsored by the government of Canada. The report, written in the wake of the Kosovo intervention, proposes that the traditional right of states to intervene has been "stood on its head" in state practice as a responsibility to protect. The commissioners argue that the Westphalian principle of sovereign equality in the state-centered UN Charter's Article 2(1) and the supporting concept of non-intervention in the affairs of other states codified by Article 2(7) have been eroded by the emerging norm of the equality of all people. Their Revolutionist thinking is clear in their

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[388] Kofi Annan, "Peacekeeping and National Sovereignty," in *Hard Choices: Moral Dilemmas in Humanitarian Intervention"* (New York: Rowman and Littlefield, 1998), 56-57.

assumption that the "community of states has a 'shared ideal' that people are all equal in worth and dignity."[389]

At the heart of the commission's argument is its thinking about the nature of international obligation. The commission asserts that four specific obligations require states to intervene in situations of large scale loss of life and ethnic cleansing: the obligation "inherent" in state sovereignty, the UN Charter, international legal obligations regarding human rights and common state practice, and UN and regional organization practice in crises such as Kosovo.[390]

The commission cannot, however, be pigeon-holed into one tradition of thinking. While its underlying premise is Revolutionist, the bulk of the document concerns the question of when states should intervene and that question it answers in Rationalist terms by applying just war criteria. In the document's section regarding how to mobilize international political will, the commission relies on Realist thinking, arguing for a mobilization of domestic support within states by using a combination of moral and self-interest appeals, including the prospect of financial gain for states. Their conclusion is that good "international citizenship" is and should be promoted as in the self interest of states.

The report assumes that the nature of sovereignty has changed because state behavior was influenced by human rights ideals. It seems to lead to the conclusion that people can raise the standard of civilization, and that international politics can be improved by the

[389] Mohamed Sahnoun and Gareth Evans, "The Responsibility to Protect."
[390] Report of the International Commission of Intervention and State Sovereignty: XI. Available at http://www.dfait-maeci.gc.ca/iciss-ciise/menu-en.asp accessed 27 February 2004.

prudent application of humanitarian intervention. This optimistic outlook is characteristic of Revolutionist thinking and is not shared by Realists or Rationalists. It is inherent in Secretary General Kofi Annan's statement:

> This developing international norm in favor of intervention to protect civilians from wholesale slaughter will no doubt continue to pose profound challenges to the international community. Any such evolution in our understanding of State sovereignty and individual sovereignty will, in some quarters, be met with distrust, skepticism, even hostility. But it is an evolution that we should welcome. Why? Because, despite its limitations and imperfections, it is testimony to a humanity that cares more, and not less, to end it. It is a hopeful sign at the end of the twentieth century.[391]

Martin Wight pointed out that Revolutionist thinking in international politics has come in waves rather than in a steady stream as the other two traditions have done. The members of the commission, like Kofi Annan, do not explicitly consider the possibility that the responsibility to protect as practiced in the 1990s may have been a temporary phenomenon, propelled by a surge in one tradition of thinking or by a coincidental convergence of traditions during a period of history in which major power war was improbable.

Anne Marie Slaughter believes that state practice in the Kosovo crisis revealed the need for a new international law. This law should compel states to intervene on behalf of grave human rights violations:

> There is nothing in the UN Charter that allows states to take action if another state has killed thousands and thousands of its people. That cannot continue. The moral argument does have a place in law. What is needed is to bring the two strands of international law together: the half that regards relations among states and the half that governs the way

[391] Kofi Annan, Secretary General's Annual Report to the General Assembly, Press Release SF/SM7136, quoted in Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society,* 285.

> states treat their own citizens. It is possible to imagine the UN targeting governments when they repress citizens and further distinguish between that government and the individuals responsible.[392]

Like Slaughter, J. Bryan Hehir sees the need for a new international norm regarding intervention:

> International law needs to be changed in several ways to accommodate a doctrine of limited humanitarian intervention. While authorization from the Security Council or another regional body is one dimension, the just cause question is another dimension.[393]

Hehir argues that there remains an unresolved tension between the normative reality and the realist debate about intervention. Unlike Slaughter, he finds no answer in legal tradition, nor in the theory of international politics.[394] Instead, he finds an interventionist approach coming from what he calls the "moral tradition," which is in conflict with a non-interventionist "legal tradition." Whereas the International Commission on Intervention and State Sovereignty could be said to show all three of the traditions supporting a new norm of intervention, Hehir finds a tension among them. What he calls the legal non-interventionist school is akin to Wight's Realist, and he proposes that the school held sway in the twentieth century due to the legacy of Westphalian international relations theory, as well as the institutionalization of what he calls the legal perspective in the UN Charter. This version of the legal tradition, he believes, must be reconciled with the just war doctrine in order to make way for a new custom on humanitarian intervention.

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[392] Anne Marie Slaughter, lecture at Brown University 31 March 2003.
[393] J.Bryan Hehir, interview by the author 21 March 2001.
[394] J.Bryan Hehir, "Military Intervention and National Sovereignty," *Hard Choices: Moral Dilemmas in Humanitarian Intervention*. Jonathan Moore, ed. (Rowman & Littlefield, Lanham, Maryland: 1998), 30.

Michael Walzer does not insist that such a reconciliation take place, but rather suggests that states, either alone or together, must make the moral choice, even if it is not legal:

> Any state capable of stopping the slaughter has a right, at least, to do so. The legalist paradigm indeed rules out such efforts, but that only suggests that the paradigm, unrevised, cannot account for the moral realities of military intervention.[395]

Whereas Hehir finds the moral tradition historically leading the cause for intervention and in tension with other ways of thinking, Walzer finds that different ways of thinking have always co-existed in support of the use of force:

> Indeed, I have not found any, but only mixed cases where the humanitarian motive is one among several. States don't send their soldiers into other states, it seems, only in order to save lives. The lives of foreigners don't weigh that heavily in the scales of domestic decision-making. So we shall have to consider the moral significance of mixed motives.[396]

Mixed motives have also been used as evidence against the existence of a new custom of humanitarian or rights-based intervention.[397] The 1985 International Court of Justice declaration in the *Nicaragua* case states that

> While the United States might form its own appraisal of the situation as to respect for human rights in Nicaragua, the use of force could not be the appropriate method to monitor or ensure such respect....The court

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[395] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), 108.
[396] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 101-102.
[397] See for example David Chandler, *From Kosovo to Kabul: Human Rights and International Intervention* (London: Pluto, 2002). Ian Brownlie notes that humanitarian intervention began in the nineteenth century as a vague doctrine employed when it served the interest of the intervening state. He remarks that a possible genuine humanitarian intervention was France's occupation of Syria and policing the coast in 1860-61 to protect Maronite Christians. Ian Brownlie, *International Law and the Use of Force by States* (Oxford: Oxford University, 1963), 568.

> concludes that the argument derived from the preservation of human rights in Nicaragua cannot afford a legal justification for the conduct of the United States.[398]

Still others see the Kosovo case as unique. Alberto Coll finds that the Kosovo intervention was "the first war of humanitarian intervention ever carried out by the Western liberal powers."[399] He supports this judgement by asserting that,

> Never before had the West carried out a full-scale war against an established state, as it did in Kosovo, for the sake of protecting the rights of a foreign people with whom it had no ethnic, religious, or political ties.[400]

Barbarians and Civilization

As the analysis of national perspectives that follows will show, NATO leaders often referred to the "barbarity" of Serbian leader Slobodan Milosevic and to the need for their country to defend "civilization." This language was more than rhetorical. In Western states, the terms carried both historical and moral significance and informed the nature of international obligation to intervene on behalf of the Kosovar Albanians. The concept of the barbarian in Europe dated to Greek times, but was linked specifically to human rights crimes after World War II in both the United Nations Charter and the Universal Declaration on Human Rights.

In the Balkans, Europeans were facing their not-too-distant past of extermination and displacement of peoples. Wight proposes that "The deepest reason why the West was shocked by Hitler was his introducing colonial methods of power politics, their own

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[398] Cited in David Chandler, *From Kosovo to Kabul,* 165.
[399] Alberto Coll, "Kosovo and the Moral Burdens of Power," in *War Over Kosovo: Politics and Strategy in a Global Age*, Andrew Bacevich and Eliot Cohen, eds. (New York: Columbia University Press, 2001), 129.
[400] Ibid.

colonial methods, into international relations."[401] It was one thing to practice these methods on those outside international society, the barbarians, but quite anther to use them on Europeans. Barbarians, Wight asserts, are not considered human because they have no legal rights.[402] Human rights law has sought to increasingly expand the desired boundaries of international society with the intention of making it universal. The Revolutionist, believing in universal ideology, maintains that all people, even the barbarians civilized through assimilation, are on an equal footing. Believing that solidarity supercedes both sovereignty and custom in international politics, the Revolutionist will dispense with both when his ideology is breached. Thus when Slobodan Milosevic continued his campaign of ethnic cleansing, the dictates of humanitarianism and human rights gave civilized states leave to trespass on Serb sovereignty in order to stop him.

During the Second World War, offices for psychological operations, then called propaganda, were established in Britain, Germany, the Soviet Union, and the United States.[403] While the primary purpose of this use of the airwaves, leaflets and posters was to bolster the war effort and dishearten enemy troops, one aim was to consolidate support for the war by convincing the home front of the threat of barbarism:

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[401] Martin Wight, *International Theory: The Three Traditions, International Theory: The Three Traditions* (London: Holmes & Meier, 1992), 61.
[402] Ibid., 62.
[403] In Britain, vehicles for propaganda included the Department for Enemy Propaganda, as well as the Political Intelligence Department in the Foreign Office, the BBC and the Political Warfare Executive. The Soviets used the *agiprop* department of the central committee for propaganda at home, working with the 7th Department of Political Administration of the Red Army for enemy propaganda. The US Office for War Information was established in 1942 including an office in London. The Psychological Warfare Division was set up at Supreme Headquarters of the Allied Expeditionary Forces in Europe (PWD/SHAEF). Whereas the Anglo-American propaganda effort was *ad hoc*, the German system, established by Dr. Joseph Goebbels in 1926 in order to bring Hitler to power, was highly centralized. See Zybnek Zeman, *Selling the War: Art and Propaganda in World War II* (New York: Exeter, 1982).

> In order to be cohesive, the nation also has, to some extent, to be exclusive; the barriers of language, habits, color, have always tended to divide peoples into "them" and "us"....The outsider may be regarded as being unwelcome or inhuman or both....The charge of inhumanity was frequently made by the British against the Germans and the other way round.[404]

The fight over who could claim civilization and who was the barbarian was very much at the center of twentieth century war in Europe.[405] During the crises of the 1990s, media images often reflected images similar to those that artists rendered in the media campaigns during the two world wars. Juxtaposing the faces of leaders with humanitarian and human rights atrocities implied or led the viewers to infer causality whether or not newscasters or statesmen made direct connections.

Debating intervention in the case of Kosovo, decision makers on both sides often referred to media images of the suffering Kosovar Albanians. Some offered this as evidence of a moral duty or obligation to intervene, while others warned of a sentimental public that would demand intervention today and cease to support the military in the field when they were no longer confronted with such images. In Britain, some MPs argued that government policy should not be determined by editors in Western newsrooms.[406] Still

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[404] Zybnek Zeman, *Selling the War: Art and Propaganda in World War II.*

[405] One Italian poster depicted an American pilot as a gangster, standing with his machine gun over a bullet-riddled, lifeless child, another showed a African-American soldier desecrating a church. One American "This is the enemy" poster showed Hitler's image in the smoke and fire behind a child, weeping in a pool of blood, holding the hand of his dead mother, who lay impaled among a mass open grave. A UK poster juxtaposed a bombed British city with a fist-shaking Hitler delivering his own words of 1933, "One is either a German or a Christian...you cannot be both." Germans equated Bolshevism and Judaism and depicted a Jewish-featured Stalin ravaging the civilization of "Fortress Europe." See Zeman, *Selling the War: Art and Propaganda in World War II.*

[406] See, for example, Hansard debates of 25 March 1999. George Galloway tied reaction to media images to hypocrisy and limited resources, saying, "There are conflicts or humanitarian catastrophes...all over the globe and the Queen does not have enough soldiers to address every one of them. If we are to deal only with those that are thought televisual enough to make it on to the transitory editorial choices of the British or other media, we will be drawn into a very selective use of international force."

another charge came from those who criticized the content of media coverage.[407] Critics argued that both humanitarian agencies and Western media created condescending, paternalistic images showing Western troops aiding "infantilized" foreigners, especially in Africa, in order to evoke emotional responses from Western audiences who would then be compelled to donate to humanitarian agencies and demand that their governments "do something."[408] Mark Duffield criticizes Western media for ignoring complex political aspects of internal conflicts and reducing them to "ancient ethnic hatred" and "tribal warfare." This, he argues, gave support to those who opposed intervention and even fostered a "new barbarism" that called for isolation from or containment of a "dangerous, unpredictable and unhealthy world."[409]

The way decision makers categorized Serb and Albanian behavior in 1999 was in keeping with the way the international human rights movement sought to continue the practice of drawing lines between the civilized and the barbarian. The human rights advocate describes the barbarian as one who does not play by the rules agreed upon by international society and is condemned by "the collective judgment of international society about rightful membership of the family of nations."[410]

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[407] See for example Michael Ignatieff, "The Stories We Tell: Television and Humanitarian Aid," in *Hard Choices: Moral Dilemmas In Humanitarian Intervention.* (Lanham, Maryland: Rowman and Littlefield, 1998); Larry Minear, Colin Scott and Thomas Weiss, *The News Media, Civil War and Humanitarian Action* (Boulder: Lynee Rienner Publications, 1996); S. Moeller, "Covering the Famine: the Famine Formula," in *How the Media Sell Disease, Famine, War and Death, Death* (New York: Routledge, 1998).
[408] Eric Burman, "Innocents Abroad: Western Fantasies of Childhood and the Iconography of Emergencies," *Disasters* 18, no. 3: 238-253.
[409] Mark Duffield, "The Symphony of the Damned: Racial Discourse, Complex Political Emergencies and Humanitarian Aid," *Disasters: The Journal of Disaster Studies and Management* 20, no. 3: 178.
[410] Martin Wight, *Systems of States*, ed. By Hedley Bull (London: Leicester University Press, 1977), 153.

The human rights movement seeks to make behavior – rather than politics, culture or other attributes – the determinant of where the line between "us" and "them" is drawn. Those among the movement with a Rationalist perspective expect this line to be drawn by international law or custom and by getting states to adopt a strictly multilateral approach to foreign policy. They emphasize participation in international regimes such as the International Criminal Court. Human rights advocates with a more Revolutionist perspective see the limits of cooperation and custom and rely on moral suasion and appeals to common humanity. When advocating the use of force, they behave in a manner Martin Wight called that of the Hard Revolutionists, and are close to the Aggressive Realists who also dismiss the ability of human law or international organizations to regulate state behavior. The Aggressive Realist, like the Hard Revolutionist, would not rule out the use of force to defend or extend civilization.[411]

III. NATIONAL PERSPECTIVES

The United States

The day after the Rambouillet talks failed, President Clinton prepared the American people for intervention. While recounting horrific humanitarian scenes of the last decade,

[411] Critics of NATO's aerial campaign in Kosovo have sometimes openly accused the West of racism for intervening to save the European Kosovars after having refused to intervene to save Africans in Rwanda in 1994. The accusation is reminiscent of that of the one Wight recounts from the *Middle East Journal* in 1955, which stated that, "Most Indians actually believe that the US dropped the atom-bomb on the Japanese rather than the Germans because she wanted to spare white Europeans but did not care about killing Asians. This also, they believe, is why the US tests the H-bomb only in the Pacific." Wight, *International Theory: The Three Traditions*, 87

he did not claim that they were obligated to stop the current disaster, but he did insist that it was in American interests, even vital interests, to intervene:

> As we prepare to act we need to remember the lessons we have learned in the Balkans. We should remember the horror of the war in Bosnia, the sounds of sniper fire aimed at children, the faces of young men behind barbed wire, the despairing voices of those who thought nothing could be done....
>
> This is a humanitarian crisis, but it is much more. This is a conflict with no natural boundaries. It threatens our national interests. If it continues, it will push refuges across borders, and draw in neighboring countries. It will undermine the credibility of NATO, on which stability in Europe an dour own credibility depend. It will likely reignite the historical animosities, including those that can embrace Albania, Macedonia, Greece, even Turkey. These divisions still have the potential to make the next century a truly violent one for that par of the world that straddles Europe, Asia and the Middle East....
>
> But we must weigh those risks against the risks of inaction. If we don't act, the war will spread. If it spreads, we will not be able to contain it without far greater risk and cost. I believe the real challenge of our foreign policy today is to deal with problems before they do permanent harm to our vital interests. That is what we must do in Kosovo.[412]

The president ended his remarks by saying it was part of his "responsibility" to leave his successors a Europe "stable, humane and secure."[413] Once the aerial campaign was underway on 24 March 1999, Clinton addressed the nation. This time he was more insistent on American moral responsibility to act, but again he combined it with national interests:

> Ending this tragedy is a moral imperative. It is also important to America's national interests.[414]

The American way of war

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[412] William J. Clinton, press conference, 19 March 1999.
[413] Ibid.
[414] William J. Clinton, *Statement by the President to the Nation*, 24 March 1999. Office of the Press Secretary transcript.

In his 1973 book, *The American Way of War: A History of United States Military strategy and Policy*, Russell Frank Weigley catalogued the war of attrition that American military commanders had pursued from the Civil War through Vietnam.[415] Max Boot has argued that the United States also has a long history of "small wars" similar to the interventions it faced in the 1990s, but that it did not embrace these missions nor maintain proficiency at them.[416] The predominant strategy of overwhelming force, on the other hand, maintained support as late as the 1984 Weinberger doctrine and 1992 Powell doctrine.[417] The crises of the 1990s challenged the predominant thinking regarding the American way of war and caused a mismatch between military strategy and political objectives in facing the "new wars" of the 1990s. According to Mary Kaldor, the new wars represented

> A new type of violence...blurring the distinctions between war (usually defined as violence between states or organized political groups for political motives), organized crime (violence undertaken by privately organized groups for private purposes, usually financial gain) and large-scale violations of human rights (violence undertaken by states or politically organized groups against individuals.)[418]

Richard Haass points to the way these new wars brought change in American uses of force.[419] American thinking regarding the justification for the use of force, Haass argues, is traditionally based upon Thomist and Augustinian notions of the just war, built on

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[415] Russel Frank Weigley, *The American Way of War: A History of United States Military Strategy and Policy* (Bloomington: Indiana University Press, 1977).
[416] Max Boot, *The Savage Wars of Peace: Small Wars and the Rise of American Power* (New York: Basic Books, 2002).
[417] The doctrines, articulated by Secretary of Defense Caspar Weinberger and later Chairman of the Joint Chiefs of Staff, General Colin Powell, called for clear objectives, overwhelming force and an exit strategy before committing US troops to an operation.
[418] Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (Stanford: Stanford University Press, 1999).
[419] Richard Haas, *Intervention* (Washington, D.C: Carnegie Endowment, 1994).

Grotian notions of the right of self-defense, developed in line with classical strategists.[420] He notes that after the Cold War, the sole superpower was no longer restricted to the aims of self-defense nor inhibited by super-power rivalry. Yet, even during the Cold War, the United States used force to effect regime change, to aid populations within sovereign states, and for purposes other than self defense.[421] Post-Vietnam thinking emphasized the Weinberger and Powell doctrines' requirement for national interests to be at stake before committing forces, for political and popular support, the need to tie political objectives to military means, and for the use of force only as a last resort.[422] Former Chairman of the Joint Chiefs, General Colin Powell has described the beginning of the doctrines as a response by Secretary of Defense Caspar Weinberger to the bombing of the Marine Corps barracks in Beirut, Lebanon on 23 October 1983, and in opposition towards Secretary of State George Shultz' readiness to "commit America's military might...in a no-man's land like Lebanon."[423]

The Somalia Effect

Ten years after the October 1983 Beirut bombing, the tension between the "traditional" doctrine of attrition and the realities of the new wars was brought starkly to light in the Somalia intervention. The lessons that American decision makers drew from

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[420] Among these strategists, Haass includes Clausewitz, Mahan, Hart, Fuller, Douhet, Mitchell, and others and adapted to the Cold War nuclear environment of self-restrained limited war by defense thinkers such as Henry Kissinger, Bernard Brodie, Morton Halperin, Thomas Schelling emphasized and Robert Osgood.
[421] Examples include Iran, Guatemala, and Dominican Republic, as well as the failed "Bay of Pigs" intervention into Cuba.
[422] Concerning when to use force, Secretary of Defense Caspar Weinberger set out six rules: 1) US or allies interests at stake; 2) use all necessary forces to win; 3) clear political and military objectives; 4) be ready to change the commitment if the objectives change; 5) support from American people and Congress; and 6) commit US forces only as a last resort." See Colin Powell, *My American Journey* (New York: Random House, 1995), 303.
[423] Ibid.

the episode were the backdrop against which subsequent decisions about intervention were made. On 3 October 1993, 18 US Army Rangers were killed, and Americans watched television images of a fallen soldier treated with the utmost disrespect by an angry crowd in Mogadishu. The United States pulled its troops out shortly afterwards. One lesson the American president, Bill Clinton, drew from the political costs associated with the debacle was the need for the United States to maintain operational control of future operations:

> My experiences in Somalia would make me more cautious about having any Americans in a peacekeeping role where there was any ambiguity at all about what the range of decisions were which could be made by a command other than an American command with direct accountability to the United States here.[424]

The US had already applied this lesson to the Haiti operation in 1994. In this case, a US-led multinational force (MNF) was used and an American commander chosen for the follow on UN mission, rather than put US troops under foreign control. The UN, for its part, learned a different lesson with the same result: the communications failures between the US military and the UN during the second UN-led mission in Somalia (UNOSOM II) made the UN leery of putting a contingent under an entirely US-planned operation in Haiti.[425] Madeline Albright expressed American domestic skepticism about UN competence in leading peace operations early in her tenure as the US ambassador to the UN: "If I had to choose a single word to evoke the problems of UN peace-keeping, it

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[424] President Clinton quoted in William Durch, ed. *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990s* (New York: St. Martin's Press, 1996), 56.
[425] David Malone, *Decision Making in the UN Security Council: The Case of Haiti, 1990-1997* (Oxford: Clarendon Press, 1998), 180

would be 'improvisation.'...A kind of programmed amateurism shows up across the board."[426]

The Clinton administration: Pragmatic Wilsonianism[427]

American convictions about human rights are reflected in the Declaration of Independence and the Bill of Rights. Unlike the UDHR which tasks states with respecting rights, the Bill of Rights was conceived to prevent the state from infringing on individual rights. According to Mary Ann Glendon, the American rights tradition, like the British, is individualistic in nature, placing its emphasis on claiming rights. The European or "dignitarian" tradition holds the rights of the community above those of the individual.[428] Consecutive American administrations in the second half of the 20th century took a pragmatic approach to human rights, placing more importance on traditional notions of the national interest. This helps explain why the United States has been one of the founders of major human rights instruments, but has sometimes had difficulty gaining the advice and consent of the Senate for their ratification.[429]

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[426] William Durch, ed. *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990s*, 47.
[427] For a critical view of Clinton administration's "pragmatic Wilsonianism" see Stanley Hoffman, "The Crisis of Liberal Internationalism," *Foreign Policy* 98 (1995).
[428] Mary Ann Glendon, "Rights Babel: Thoughts on the Approaching 50th Anniversary of the Universal Declaration of Human Rights," lecture at De Sales University, 1996. Available at http:www4desales.edu/~philtheo/Glendon.html accessed 4 September 2003.
[429] In *A Problem from Hell: America and the Age of Genocide*, Samantha Power analyzes the reticence with which the United States ratified the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention).[429] Similar situations have occurred with the International Criminal Court (ICC), the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Several reasons have been given for resistance to ratification, including lack of domestic consensus on the contents of conventions signed by American officials. For example, the US military has expressed concern that the ICC will be used by opponents to bring unjustified suits against American military and civilians. Another controversy is that CEDAW has been promoted by its advocates in the UN as a means of forcing governments to legalize abortion, which has been labeled as a "reproductive right" guaranteed by the convention. Governments may claim exceptions to certain articles of some conventions when signing them.

Likewise, the Clinton administration claimed that attention to human rights issues played a major role in shaping its foreign policy. Nonetheless, the administration compromised on human rights positions, even on policies previous administrations had maintained, such as its de-linking Chinese human rights policy from normalized trade status. On the other hand, the administration tried to use sanctions to influence human rights abroad. Almost half of the 125 unilateral sanctions imposed by the United States since World War I took effect between 1993 and 1998, and most of the sanctions imposed by the Clinton administration were based on human rights violations, rather than security concerns.[430]

When it took office in 1993, the Clinton administration claimed it would break from the policy of its predecessors and follow a deliberately international and Wilsonian path in its foreign policy. The multilateral aspect of its Wilsonianism was eventually overshadowed by the exceptional nature of the American mission. In the case of the Bosnia conflict in the beginning years of the decade, the United States allowed the Europeans to take the lead. When its allies were unable to stop the Bosnian war without American involvement, this consolidated the thinking often articulated by Secretary of State Albright: the United States was the "indispensable nation."

The Somalia and Haiti crises were ongoing when the Clinton administration took office. Learning quickly by inundation in these emergencies, the administration attempted to organize what it learned into Presidential Decision Directive 25 (PDD-25).

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[430] Alberto Coll, "Kosovo and the Moral Burdens of Power," in Andrew J. Bacevich and Eliot Cohen, eds., *War Over Kosovo: Politics and Strategy in a Global Age* (New York: Columbia University, 2001), 126.

Bureaucratic politics as well as disagreement on the underlying issues undercut the document's effectiveness. From PDD-25's publishing in May 1994, bureaucrats, especially those involved in negotiating its language, used it as cover to meet agency objectives. Since the PDD bears the ambiguous language typical of a document requiring interagency agreement, officials could claim that since they were part of its drafting, they could correctly interpret the document's meaning to suit their agency's interest.[431] Thus, the directive provided little help in codifying the lessons learned from Somalia, or curbing interagency wrangling in successive crises.

Despite personal convictions among some Clinton administration officials, they quickly learned from the Somalia case that in order to secure domestic support for a military operation, they had to articulate a credible national interest. The Powell doctrine that emerged from the first Bush administration therefore gained strength under Clinton, making its way into PDD-25:

> Peace operations should not be open-ended commitments but instead linked to concrete political solutions; otherwise, they normally should not be undertaken. To the greatest extent possible, each UN peace operation should have a specified timeframe tied to intermediate or final objectives, and integrated political/military strategy well-coordinated with humanitarian assistance efforts, specified troop levels, and a firm budget estimate.[432]

The doctrine's insistence that military means be tied to specific political objectives and the support of Congress, to include a firm budget, reflected the influence of the lessons of the Vietnam War among senior military officers, and the deference which decision

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[431] Staff, office of peacekeeping and humanitarian assistance, Department of Defense, first Clinton administration, interview by the author, 6 April 2001, Cambridge, Massachusetts.
[432] "The Clinton Administration's Policy on Reforming Multilateral Peace Operations," May 1994, 3.

makers gave the military in matters involving the use of force. In particular, it reflected the military's resistance to the use of the armed services for peacekeeping or other uses they called "operations other than war" (OOTW).

Conversely, the military learned from the Somalia operation that politicians could and would pull support from an intervention with soldiers still in the field. Concerns about the erosion of war fighting capability, lack of experience in OOTW, and thinning budgets were also at the heart of the military's reticence about pursuing peace operations. But perhaps the most notable lesson from the Somalia experience, and one that would have direct consequences on the way the Kosovo campaign was to be carried out, was the seeming intolerance for American loss of life in operations other than war. Some believe this was a phenomenon of the post-Vietnam all-volunteer force:

> The unlimited liability clause and the voluntary consent to kill and destroy make the soldier's contract a morally weighty one...Only if the soldier, sailor, or airman trusts that political authority will only call on military services for morally legitimate and weighty causes can the contract be entered into with confidence and moral security.[433]

The human rights idea that each life is of equal value is in keeping with this idea of a servicemen's compact, but the two principles seemed to collide in practice. Martin Wight's concept of the barbarian comes into sharp focus in the decisions that policy makers had to make during the 1990s regarding how many of their nation's sons and daughters should be lost to save the lives of foreigners with whom their own people felt little or no connection. The lack of connection felt by the general public challenges

[433] Martin L. Cook, "'Immaculate War:' Constraints on Humanitarian Intervention" *Ethics &International Affairs* 14 (2000): 61.

human rights advocates who maintain the self-evidence of the equality of all individuals and the responsibility to protect each individual regardless of nationality.[434]

The choice of an aerial campaign in Kosovo conducted at 15,000 feet instead of a ground invasion is evidence that such an equation is not widely held among the allies. The way the Kosovo campaign was conducted, both the aerial campaign and US-led NATO operation rather than a UN multilateral arrangement due to the threat of a veto on the UNSC, reflect some of the conditions encountered in previous decisions about intervention. As early as the 1992-94 Haiti operation, the UN Secretary General seemed to take a step back from the ambitious call for intervention he had put forward in *An Agenda for Peace*. By the time the UN Security Council was faced with the 1994 Rwanda genocide, American confidence in UN responsiveness was already low. Facing a similar situation, Slobodan Milosevic's ethnic cleansing campaign in 1998, US decision makers believed they had little reason to hope the Security Council could overcome its inherent weakness – the need for consensus among its permanent five members – in time to avert another genocide. Hence the allies' bold justifications before the NATO operation, analyzed in chapter four, not only showed the need to achieve and maintain domestic support, but also to maintain tight control of the operation.

Genocide and obligation

In the resolutions authorizing air strikes, the United States Senate stated,

> Assault on the civilian population has been reported to include atrocities which could be considered war crimes, crimes against humanity and genocide.[435]

[434] The author is grateful to Samantha Power for this point.

By not declaring the attacks on civilians "genocide" but only that they "could be" genocide, the Senate avoided binding the United States to the legal obligation to act under the Genocide Convention, which the United States ratified in 1988.[436] Ratification of the convention took forty years due to strong resistance in Congress, and the United States included reservations so that it may opt out if action was deemed unconstitutional or was taken without specific consent of the United States in each case.[437] While some advocates believed what was occurring in Kosovo qualified as genocide, American officials steered clear of calling by that name in 1999.[438]

Public attitudes and public pronouncements

Public officials relied on national interest arguments to gain public support for sending in troops.[439] On the other hand, voters supported the idea that NATO was responsible for stopping Serb atrocities against Kosovar Albanians. Realist arguments were used

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[435] Senate Joint Resolution authorizing air strikes on Serbia, 23 February 1999.
[436] U.S. Code; Chapter 50A; Section 1091.Genocide. Available at http://www.preventgenocide.org/law/domestic/uscode.htm accessed 1 December 2003.
[437] *Declarations and reservations by the United States of America made upon ratification, accession or succession of the Genocide Convention.*
[438] Holly Burkhalter, Physicians for Human Rights argued on 9 April 1999 that the Serb campaign throughout 1998 and 1999 was genocide. See "Statement on Kosovo Genocide," available at http//www.glypx.com/balkanwitness/genocide.htm [1 December 2003]. After the start of the air campaign British Defense Secretary George Robertson said, "We are confronting a regime which is intent on genocide," "NATO, British leaders allege 'genocide' in Kosovo," 29 March 1999, CNN.com available at http://www.cnn.com/WORLD/europe/9903/29/refugees.01/ accessed 1 December 2003. In September 2001, a United Nations court ruled that genocide had not taken place in Kosovo. See "Kosovo Assault was not genocide," BBC, 7 September 2001, available at http://www.globalpolicy.org/security/issues/kosovo1/2001/0907genocide.htm accessed 1 December 2003.
[439] Charles Krauthammer argues that there is an inherent contradiction in the practice of humanitarian intervention: "Humanitarian war requires means that are inherently inadequate to its ends," and therefore claims that President Clinton did not miscalculate the effect of coercion without casualties on the "blood averse" American public. The lesson for Clinton, rather, was that Americans were tolerant of losses for first tier interests. Americans accepted the loss of 146 troops in the Gulf War with little complaint. Loss of life for humanitarian emergencies was not as acceptable. Charles Krauthammer, "The Short, Unhappy Life of Humanitarian War," *The National Interest* (Fall 1999): 5-8.

internally because the Clinton administration perceived strong resistance from Members of Congress who argued that the United States had no vital interests at stakes. While polls revealed 60 – 67% support for the notion of a "responsibility" to do something to halt ethnic cleansing, this sense of responsibility did not translate into a vital national interest, nor support for intervening with ground troops.

Polls taken in the early days of the aerial campaign reveal that Americans felt a sense of responsibility to help the Kosovar Albanians. Answering the question, "Do you think NATO (North Atlantic Treaty Organization), including the United States, has a responsibility to do something about the fighting between ethnic groups in Kosovo, a province of Serbia, or doesn't NATO have this responsibility?" Sixty one percent expressed a sense of responsibility, 22% disagreed and 13% did not know. Of those who did not believe the United States had a responsibility, 63% believed Europeans did, 25% believed they did not, and 13% did not know. After the President's 24 March 199 speech justifying intervention, a poll revealed that 66% found his argument that the United States and NATO had a responsibility to stop systematic killing and ethnic cleansing "excellent/good," while 29% found it "not so good/poor" and 5% did not know. Overall, about 45% of those polled did not believe the president had done a good job of explaining why they were involved in the air campaign. While around 60% polled favored air strikes (a similar proportion of those expressing responsibility), 64% opposed the use of ground troops if air strikes failed, and only 29% favored the idea. This may indicate a aversion to American casualties or a prolonged engagement in Kosovo. In any case, it

indicates that the sense of responsibility had limitations.

Ian Johnstone has noted that public justifications, especially in the UN Security Council, were based upon legal and not self-interested arguments in order to be persuasive to other governments.[440] As discussed in the previous chapter regarding the case of Germany, however, the fact that humanitarian and human rights arguments were not at the forefront of decision makers' public pronouncements does not mean that these ideals were not deeply held. To the contrary, those closest to American decision makers in the Kosovo case believe that the humanitarian idea and human rights played a "huge role" in coalescing the Western position:

> If you want to see the effect [human rights concerns] have, take a look at the solutions proposed. Look at the war crimes tribunals, access to humanitarian services, etc. The definition of a "durable solution" is humanitarian. This is a big change from previous times. This may sound Reaganesque, but most leaders measure success by how they affected the lives of individuals. We asked, will this solution improve the life of a Kosovo farmer? General Shalikashvili was very open about asking things like, "Will bombing and killing people do more harm than good to the average citizen?[441]

Individual decision makers were deeply moved by the human tragedy in the Balkans. One Clinton administration official tells a story of Vice President Al Gore:

> He saw a picture of a girl who hung herself after being raped in a refugee camp following the Srebrenica massacre. He kept saying, "She looks just like my daughter."[442]

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[440] Ian Johnstone, "Security Council deliberations: justification and persuasion on the basis of law," unpublished paper, The Fletcher School of Law and Diplomacy, 2002.
[441] Legal staff to Secretary of State Madeleine Albright, interview by the author, 23 July 2001.
[442] Confidential interview by the author, 20 February 2001.

A member of the principals and deputies committees maintains that the massacre in the Kosovo town of Racak in January 1999 had a major influence on the committee in favor of intervention. The massacre was reported immediately before the convening of a deputies meeting at the White House:

> I remember everyone arriving to that meeting fuming and we got up from that meeting determined to push the government to use force. The principals meeting followed shortly after that.[443]

For many policy makers, there was a strong personal conviction and sense of responsibility not to make the mistakes of their predecessors regarding human rights atrocities:

> Every member of [the principals and deputies committees] had been through the Holocaust Museum. Policy makers [during World War II] knew what was going on and did not stop it. All of us had a strong feeling we didn't want to leave behind a similar scar, yet we knew to get political action we needed substantial national interests at stake. [444]

The administration was cautious about using humanitarian and human rights justifications with Congress by the mid-1990s. One administration official said that part of the reason the Clinton administration did not seek authorization to intervene during the Rwandan genocide in 1994 was its belief that Congress would not allow another humanitarian operation:

> We had to pass an emergency supplemental every time we used force so we had to go to Congress. Moral arguments did [very little] with Congress, and with the American people for that matter. The people of the US were not moved by humanitarian arguments....How many times could we go back to Congress? We knew it was violent [in Rwanda] but we did not know that it would be a chain reaction. We were straining the limits of our carrying capacity [to ask Congress to support the use of force].

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[443] Leon Feurth interview by the author, 13 March 2003.
[444] Ibid.

And so, it was conservatives in Congress, the Pentagon and the general population that were the most resistant to intervention based on human rights and humanitarian ideals. Meanwhile, it was the liberals in the administration and among human rights and humanitarian groups that were most convinced of the obligation to intervene on moral grounds.

This is not to say that members of Congress, the military or the general population did not hold humanitarian and human rights as deep convictions, only that they weighed those convictions with other factors in decisions about whether to use force. Domestic politics, party politics, interagency competition as well as competing national interests were all taken into account by various policy makers in the decision to apply force in Kosovo.[445] One Clinton administration official responsible for planning humanitarian operations in the Department of Defense contends that human rights organizations "boxed the US in" at the UN and made it harder for the administration to fight the sectors of the American population which were most reluctant to use force for humanitarian reasons.[446]

Scoundrels, victims and civilization

Madeleine Albright asked Serbians at Rambouillet the same question written on the flyers dropped from allied planes during the aerial campaign: did they want to be part of

[445] For one analysis of the institutional resistance to human rights policy, see Albert O. Hirschman, *The Rhetoric of Reaction: Perversity, Futility, Jeopardy* (Cambridge, Massachusetts: Belknap, 1991).
[446] Confidential interview with the author, 23 February 2001. The official referred to the reluctant sector of the population as "Jacksonians," referring to Walter Russell Mead's article, "The Jacksonian Tradition" which claims that the most influential constituency among the American voting public are philosophical descendants of Andrew Jackson: unwilling to use force unless a convincing national interest argument is made, and then desirous of using overwhelming force to defeat the enemy. See Walter Russell Mead, "The Jacksonian Tradition and American Foreign Policy," *The National Interest,* Washington. *1999/2000.*

Europe? It was neither a geographical question nor a strictly political and economic question, but also a question of shared values. Implied in it was the West's own indecision about whether Serbians were Europeans or barbarians, deserving or undeserving of the rights and privileges of international society, including the right of non-intervention. When George H.W. Bush's Secretary of State, James Baker, met with Milosevic in 1991 he used a similar standard:

> I raised human rights – of Albanians in Kosovo, of Hungarians in Vojvodina, of Serbs in Croatia....I went on to note that while we sought to isolate no one in Yugoslavia, those who trampled on minority rights would isolate themselves from the international community."[447]

In Holbrooke's opinion, Milosevic was a "scoundrel," an opportunist concerned with power rather than a nationalist dedicated to his country. [448] His comment was indicative of the shift in Western sympathies by October 1998 to the Kosovar Albanian side. Holbrooke publicly described the Serb practice of intimidating Kosovar Albanians who came to receive international humanitarian assistance administered by Serbs.[449] He also emphasized the ongoing cooperation of the Kosovar Albanians with U.S. State Department representative Chris Hill. During the summer of 1998, the State Department was involved with various Kosovar Albanian leaders, trying to put together coherent representation that could eventually agree to the settlement the Contact Group was crafting. In a 23 October 1998 interview, Sandy Berger commended the diverse Kosovar Albanian side, ranging from moderate Rugova to the KLA, for coming together:

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[447] James A. Baker, III, *The Politics of Diplomacy: Revolution, War & Peace 1989-1992* (New York: Putnam, 1995), 480.
[448] Richard Holbrooke, 14 October 1998 interview, PBS *NewsHour with Jim Leher.*
[449] Richard Holbrooke stated that Serbs were imposing a paraffin test on the Albanians that they said helped them catch KLA "terrorists" by determining whether they had fired weapons. These tests were allegedly administered at sites where Serbs were distributing re-building materials to the Kosovar Albanians. Holbrooke interview on PBS *Frontline,* 14 October 1998.

> In two weeks, as I say, this Kosovar delegation, never in the room together before, representing various factions of Kosovo, have come together around a blueprint for Kosovo.[450]

Summary

There is no indication that US policy makers' attitudes about sovereignty and human rights changed during the 1990s. Previous administrations, particularly at the beginning of the twentieth century, had exercised the right of intervention in Latin America based upon a combination of humanitarian and national interest arguments. Similarly, the complexity of the policy making environment in 1999 resulted in the Clinton administration's multi-faceted justification for the use of force in Kosovo to its domestic audience, including a heavy reliance on national interest arguments. Such a complexity does not support the idea that there is a consensus among Americans about an emerging norm of humanitarian intervention. This does not mean that Americans did not feel a moral responsibility to help Kosovar Albanians.

Even though there was a sense of responsibility to help the Kosovar Albanians among the public, and individual policy makers in many quarters felt responsibility as well, the administration did not express this responsibility publicly for two reasons. First, it believed that this argument would draw the ire of some Members of Congress where there was opposition to the intervention due to a lack of vital national interests. Second, the administration was concerned about setting a precedent, political and legal, which would make opting out of future interventions more problematic.

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[450] Sandy Berger, PBS *Frontline* interview, 23 October 1998.

Britain

The British found a moral obligation to intervene, even while they found no legal obligation to do so. Before the Kosovo crisis, a UK Foreign Office memorandum made explicit the difficulty with using international law as a basis for the right or obligation to intervene:

> The overwhelming majority of contemporary legal opinion comes down against the existence of a right of humanitarian intervention, for three reasons: first, the UN Charter and the corpus of modern international law do not seem to specifically incorporate such a right; secondly, State practice in the past two centuries, and especially since 1945, at best provides only a handful of genuine cases of humanitarian intervention, and, on most assessments, none at all; and finally, on prudential grounds, that the scope for abusing such a right argues strongly against its creation ... In essence, therefore, the case against making humanitarian intervention an exception to the principle of non-intervention is that its doubtful benefits would be heavily outweighed by its costs in terms of respect for international law.[451]

As the following analysis shows, this legalist line was outweighed in parliamentary debates and official statements by talk of a "humanitarian exception" to law that imposed a moral if not a legal obligation to intervene.

War and humanitarianism

Unlike the U.S. military, the British Army did not have the responsibilities of a global power projection role, and had ample experience with peacekeeping in the "small wars" of the British colonial and post-colonial period. While a legacy of peacekeeping did not preclude some parliamentarians from criticizing an intervention in Kosovo as a potential quagmire, it meant that the Blair government did not have to contend with a military

[451] Cited in David Chandler, *From Kosovo to Kabul: Human Rights and International Intervention* (London: Pluto Press, 2002), 165.

resistant to engaging in conflicts other than major war. Instead, debate over intervention in Kosovo, like that regarding Bosnia during the Major government in 1992-1995, was split between Conservatives who emphasized the lack of national interests involved, and the hypocrisy of pursing a moral foreign policy in Europe while neglecting comparable moral issues in other parts of the world.[452]

During a lecture on British foreign policy in 2003, British Foreign Minister Jack Straw endorsed the assertion made in 1962 by Dean Acheson, who served as the U.S. Secretary of State in 1949-1953. Acheson summarized Britain's period of decline by saying, "Britain had lost an empire but had failed to find a role." [453] Britain's national identity had gone through an upheaval following the loss of its position as a hegemonic power after the Second World War, and especially after the run on the pound following the Suez crisis of 1956, the process of decolonization in the 1960s and 1970s, belated entry into the European Economic Community in 1973, and receipt of an International Monetary Fund loan in 1976.[454] By the end of the 1990s, however, Britain had become the world's fourth largest economy and was second only to the United States in foreign investment.

Britain's special relationship with the United States continued during the 1990s. At the same time, Britain leaned closer to Europe. After 18 years of Conservative-led government under by Margaret Thatcher (1979-1990) then John Major (1990-1997), Britons elected Tony Blair's Labour party in May 1997. Blair came from the right wing

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[452] Supra note 410.
[453] Jack Straw, "Strategic Priorities for British Foreign Policy." Available at www:fco.gov.uk accessed 21 February 2003.
[454] William Wallace, "Foreign Policy and national identity in the United Kingdom," *International Affairs* 67, no. 1 (1991).

of the party and was hailed as the most Europeanist prime minister in 30 years. Championing interdependence in his "doctrine of the international community," Blair placed himself opposite the Whig tradition that promoted British identity as Anglo-Saxon and Atlantic, the superiority of British parliamentary tradition over the European Parliament, and the goodness of national sovereignty against integration as a hedge against the evils of European conflicts.[455] The Anglo-Saxon belief in a moral British foreign policy gained strength after the cold war, even among Europeanists like Tony Blair. This tradition maintained that Britain, alongside the United States, had vanquished the evils of Nazism in the Second World War and had likewise conquered communism in 1989.

Despite continued political party debate on the subject, British social and economic behavior showed a preference for the Europeanist school, especially since the 1980s.[456] One historian argues that the study of British history had been "more fundamentally reconstructed" in the 1980s and 1990s "than at any time in the last hundred and fifty years," away from a promotion of British individualism and British exceptionalism and toward interdependence and integration.[457] The result of social and economic interdependence was a more fertile ground for political integration and favorable attitudes towards the enforcement of universal human rights.

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[455] See references to parliamentary debates during the campaign against the spreading influence of the European Court of Human Rights in William Wallace, "What price interdependence? Sovereignty and interdependence in British politics," *International Affairs* 62, no. 3 (Summer 1986): 382-5. See also Kenneth Younger, "Britain in Europe: The Impact on Foreign Policy," *International Affairs* 48, no. 4: 579-592.

[456] William Wallace, "Foreign Policy and national identity in the United Kingdom," 69.

[457] J.C.D. Clark, "The Strange Death of British History? Reflections on Anglo-American Scholarship," *The Historical Journal* 40, no. 3 (1997): 806.

The rise of human rights

The British date their rights tradition to the Magna Carta (1215-95) and Bill of Rights of 1689. Official documents extol the broad political agreement concerning Britain's major role in drafting the European Convention for the Protection of Human Rights and Fundamental freedoms (ECHR), begun in 1948 and finalized in 1951 by the Council of Europe.[458] Even so, the British, like the other strong democracies emerging from World War II, did not favor a binding convention of rights either at the UN or in the Council of Europe except as a way to bind smaller states.[459] The British resisted incorporating ECHR laws into British common law until the mid-1990s, and then explained its incorporation as a pragmatic measure taken in order to process ECHR law in British courts due to the rising costs of taking them to the court in Strasbourg for trial.[460]

The Labour party's election Manifesto of 1997 made adoption of European rights law a priority. The paper followed a party consultation paper, "Bringing Rights Home," published in 1996, and was followed by a government White Paper, "Rights Brought Home," and the *Human Rights Bill* in 1997-98 published after the Labour government took office.[461] British public opinion favored Blair's move to incorporate European rights law, of making minority rights a priority and of putting "the promotion of human rights at the forefront of our foreign policy."[462] For example, in 1996 one scholar found that the

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[458] "Rights Brought Home: The Human Rights Bill." Available at www.archive.official-documents.co.uk/document/hoffice/rights/chap1.htm accessed 3 July 2003.
[459] See Mary Ann Glendon, *A World Made New* and Andrew Moravcsik, "Explaining the Emergence of Human Rights Regimes: Liberal Democracy and Political Uncertainty in Postwar Europe," Weatherhead Center for International Affairs Harvard University, December 1998. Available at www.ciaonet.org/wps/moa02/ accessed 9 June 2003.
[460] Ibid., para. 1.14.
[461] Available at www.leeds.ac.uk/law/hamlyn/echr.htm accessed 3 July 2003.
[462] Tony Blair, Preface to "Rights Brought Home."

public was more willing to ban attacks on minority religions than on Christianity, and more supportive of the rights of Nigerian and Indian citizens to vote in the UK than of the rights of Australians and Canadians to do so: and that, if "someone in Britain objects to a law passed by Parliament and takes the case to the European Court of Human Rights," the public would back the court against the parliament.[463]

Human rights, obligation and the Kosovo crisis

Tony Blair maintained that NATO nations, especially the United States, had a moral obligation to intervene in Kosovo, stating that "just as with the parable of the individuals and the talents, so those nations which have the power, have the responsibility."[464] British public opinion backed his position.

Support for the NATO campaign in Kosovo increased between 28 March and 2 May 1999 from 55 to 70 percent believing it was "right" for the UK to have joined NATO in conducting the operation. Those believing that no British life should be lost to help the Kosovar Albanians dropped by more than half between 28 March and 2 April 1999 from 56 to 25 percent, with an overall settling at 45 percent by 2 May 1999. Meanwhile, support for the Labour party increased from 27 to 30 percent during the campaign, and support for the Blair government rose from 49 to 60 percent during the same period.[465]

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[463] Iain McLean review of W.L. Miller, A.M. Timpson and M. Lessnoff, Political Culture in Contemporary Britain: People and Politicians, Principles and Practice (Oxford: Clarendon Press, 1996) in *The British Journal of Sociology* 48, no.3 (September 1997): 533-534.
[464] Tony Blair, "Doctrine of the International Community," speech of 22 April 1999.
[465] MORI poll in *Mail on Sunday* available at www.mori.com/polls/1999/ms990327.shtml accessed 22 July 2003.

Perhaps most striking was the public sense of obligation to intervene. On the fourth day of the NATO operation in Kosovo, 87 percent of the public polled believed that Britain had a moral duty to stop human rights abuses in Kosovo.[466] It was this sense of obligation promoted by the Labour government, with strong support from the Liberal party, for which the Conservatives took them to task. The Tory shadow Foreign Secretary, Michael Howard, condemned it, saying that "if that is the Government's view, then I can only say that the obligation has been honored more in the breach than in the observance."[467] He tried to pin down the government, stating that the Minister of State had made statements during a television interview that had proposed a legal obligation to intervene. The Minister, Tony Lloyd, insisted it was a moral obligation to intervene.[468]

Conservative criticism generally followed three points: the hypocrisy of defending human rights in one arena while failing to so in other places like Africa and the ensuing lack of credibility in such a foreign policy; the lack of national interests in the Kosovo case; and the danger of intervening in a civil war and the possibility of a military quagmire in the Balkans. The government dismissed the first argument by insisting that there was a humanitarian exception and a moral obligation to intervene. Regarding the second argument, there were a few MPs who supported the prime minister by referencing concern among Balkan refugees in constituencies.[469] The government's case regarding interests, however, rested primarily on the need to preserve the credibility of NATO and to prevent the destabilization of the region, including the drawing in of NATO members

[466] Ibid.
[467] Michael Howard, *Hansard*, 25 March 1999.
[468] Michael Howard and Tony Lloyd, *Hansard*, 25 March 1999.
[469] Ken Livingston, *Hansard*, 25 March 1999.

Greece, Turkey and Hungary.[470] On the third point the government maintained that its military aims were limited. George Robertson insisted that Britain had "not set ourselves the task of defeating the Yugoslav army. We are engaged in an effort to reduce Milosevic's repressive capacity."[471] At the same time, however, it announced publicly the need for ground troops to protect against further human rights abuses. The Tory front bench never mounted a successful campaign against the government's moral premise.

Meanwhile, Tony Blair declared that values and interests had merged in British foreign policy, and that promoting human rights was a matter of national security:

> Now our actions are guided by a more subtle blend of mutual self interest and moral purpose in defending the values we cherish. In the end values and interests merge. If we can establish and spread the values of liberty, the rule of law, human rights and an open society then that is in our national interests too. The spread of our values makes us safer.[472]

The strongest opposition to Blair's and Cook's moral aims came from the veteran MP Tony Benn, who insisted that all moral justification for military action in the name of humanitarian action was specious, and sought to dispel romantic versions of the Second World War as a fight between good and evil:

> In all fairness – this is an important point – we did not fight Hitler because of his persecution of the Jews; we fought because he challenged the power of the west. When Hitler died in 1945, the obituary in *The Times* did not mention the holocaust. I contributed in a minor way to the war, but that war was not about human rights – it was a bit more than that.[473]

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[470] Anderson, *Hansard*, 25 March 1999.
[471] George Robertson, *Hansard*, 25 March 1999.
[472] Tony Blair, "Doctrine of the International Community."
[473] Tony Benn, *Hansard*, 25 March 1999.

Sovereignty and non-intervention

Some in parliament attempted to steer the debate away from human rights and on to the matter of violating Serbian sovereignty:

> We are not debating history or Srebrenica....we are debating whether we are within our rights and whether it is proper for us to bomb a sovereign country, effectively an act of war, without the authority of the United Nations or of this House of Commons, in pursuit of the interests of one side in a civil war.[474]

Such arguments were generally countered by detailed descriptions of Serb atrocities and a challenge for the dissenting member to offer an alternative solution for stopping them. Alternatives were not forthcoming. Meanwhile, Tony Blair came out unambiguously on the subject of sovereignty and non-intervention, siding with those in the human rights movements who would label as barbarians those who committed human rights violations, and proscribe them from the rights granted civilized society:

> Non-interference has long been considered an important principle of international order....But the principle of non-interference must be qualified in important respects. Acts of genocide can never be a purely internal matter. When oppression produces massive flows of refugees which unsettle neighboring countries, then they can properly be described as 'threats to international peace and security'....there are many regimes that are undemocratic and engaged in barbarous acts.[475]

Countering this, Tory parliamentarians reminded the House of Commons of the danger of violating sovereignty. Bowen Wells pointed out that the conflagration in the Balkans began when German Foreign Minister Hans Dietrich Genscher opposed their own British position and granted recognition to the breakaway states of Slovenia and Croatia:

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[474] Alan Clark, *Hansard,* 25 March 1999.
[475] Tony Blair, "Doctrine of the International Community."

> That was an illegal action. It was outside the United Nations – it was outside all commonly perceived ideas of the UN and, indeed, of the international rule of law. That is what started it. At that point, the Serbs, or all those who wanted to keep Yugoslavia together, were perfectly justified in taking up arms against the decision.[476]

Summary

The Kosovo crisis came to a head less than two years after Britain had elected a center-left Labour party that was determined to put human rights at the forefront of its foreign policy. While British national identity tended to favor strong national sovereignty as opposed to political integration, a Realist approach, the Blair government was at once assertive in its Atlantic and European agendas, including the "bringing home" of European Union human rights law into British common law in 1997, a Rationalist agenda. Together with the Foreign Minister Robin Cook, Tony Blair insisted on a moral foreign policy that linked the protection of human rights abroad with security at home, a Revolutionist position. They were supported by the majority of British public opinion when they announced that Britain had a moral duty to intervene to protect ethnic Albanian Kosovars, and eschewed warnings from those who equated their violation of Serb sovereignty to Germany's "illegal" and ill-fated recognition of Slovenia and Croatia which some observers argued, helped instigate the Balkan wars.

Britain enjoyed a favorable disposition toward military operations, and the British military's experience in peacekeeping operations gave it further confidence in pursuing a limited campaign in Kosovo. There was no pacifist or anti-militarist counterweight to the human rights movement splitting the left as it did in Germany. British military experience

[476] Bowen Wells and Frank Cook, *Hansard*, 25 March 1999.

with small wars also precluded the resistance that the U.S. military services mounted against participation in the operation.

The Blair policy and the public opinion that supported it tended toward internationalizing obligations such as human rights norms, sacrificing a degree of British sovereignty for European integration, and leaning toward a moral obligation to stop human rights abuses that overrode the principle of sovereignty. This last tendency was linked to a categorization of the Serbs as "barbarians" and therefore outside international society and undeserving of full sovereignty. That said, there remained resistance to these trends. Adoption of the Bill of Rights was slow in 1997-8, opposition remained to the adoption of the euro and other measures of full integration with the European Union, and a legal obligation to intervene was never claimed by the Blair government, which insisted after the intervention, along with some other allies, that the Kosovo case should not be seen as a precedent for humanitarian intervention in the future.

Thus, on the matter of the obligation to intervene in Kosovo, the British approach combined the Revolutionist belief in the primacy of moral solidarity that made intervention a moral obligation, and the Rationalist tendency toward interdependence in its integration of the ECHR in British law. The Realist position was muted, but was acknowledged by Blair when he claimed that the promotion of human rights abroad was a national interest. Even so, the more traditional Realist arguments regarding sovereignty, national interest and military concerns were generally ineffectual in the case of Britain,

and this explains why Tony Blair was able to become the most outspoken of the NATO leaders in favor of intervention on moral grounds.

Germany

Sovereignty, Identity and Security Policy after Reunification

While Germany's geopolitical division between East and West was one of several factors that fostered its anti-militarism and multilateralism, the continuation of these policies after reunification was not was not predicted by all students of international politics.[477] Hartmut Mayer has observed:

> With German unification and recovery of sovereignty, many analysts questioned whether Germany would continue its multilateral foreign policy or whether it would opt for more unilateral or nationalistic paths. Most remarkably, throughout the period 1989-97 the German government continued to be the most enthusiastic proponent of binding the country into an ever closer European Union, thereby even surrendering some of the sovereignty just regained. Germany remained committed to cooperative self-binding (*Einbindungspolitik*).[478]

Mayer's analysis finds that the result of a debate among German policy makers about the future of the international system led to an agreement in favor of "cooperative self-binding." German debates about the nation's future after the fall of the Berlin Wall were informed by American academic debates at the time. Some supported Germany's anti-militarist stance, while others looked to the rise of multi-national firms, financial institutions and interest groups as a harbinger of the erosion of state sovereignty and an

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[477] See John Duffield, *World Power Forsaken: Political Culture, International Institutions, and German Security Policy* (Stanford: Stanford University Press, 1998). Duffield points out the errors of John Mearsheimer, Kenneth Waltz and others who predicted Germany's rearmament and withdrawal from NATO following reunification.

[478] Mayer, "Early at the beach and claiming territory? The evolution of German ideas on a new European order," *International Affairs* 73, no. 4 (1997): 722.

impetus for Germany to continue a multilateral and economics-focused foreign policy.[479] Those like Helmut Kohl who were moved by the Realist predictions of continued interstate conflicts emphasized the imperative of European integration as the only hedge against repeating the wars of the first half of the twentieth century. Still others were impressed with the more Revolutionist perspective that saw a cultural dispute between Western and non-Western peoples replacing the East-West ideological feud of the Cold War. Wolfgang Schauble, leader of the CDU in the Bundestag, argued:

> Huntington's thesis of a war between cultures might be, in its consequences, exaggerated, but there is no doubt that these global cultural conflicts and challenges exist, and that we Europeans have to give an answer to them. For me it is unquestionable that the answer can only be a common European answer...however, we can only become a real community if we manage to discover our common roots. One of the most decisive foundations is doubtlessly our common historical and cultural heritage...the peoples and nations of Europe are united in a common identity, in a community of common values with roots reaching back to the Christian medieval and to the archaic ages.[480]

The result of these seemingly diverging concepts about Europe's future led to a consensus about the need for a united Europe or a Europe of common destiny (*Europa als Schicksalsgemeinschaft*), whether as a hedge against war within Europe and the conflicts of a new cultural and ideological divide, or to capitalize on a more pacific world order marked by international cooperation.

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[479] Harmut Mayer, "Early at the beach and claiming territory? The evolution of German ideas on a new European order," 725.

[480] Wolfgang Schauble, "Die christliche Identitat Europas – Erbe und Auftrag" ("The Christian Identity of Europe"), speech delivered on 6 May 1994 to Christian entrepreneurs, translated by and quoted in Hartmut Mayer, "Early at the beach and claiming territory? The evolution of German ideas on a new European order," 726.

Policy regarding Germany's role within a united Europe raised further debate. Least influential were those on the right of the CDU, the CSU and the FDP who emphasized the rebuilding of Germany on nationalistic lines. The left wings of the SPD, the Greens and the PDS, focused on German leadership in global issues and global governance.[481] The majority of German policy makers -- in the center of the CDU, the CSU, the FDP and the SPD -- were Europeanists who accepted an increased level of integration as healthy. Counterbalancing them were the more conservative members of their parties who were skeptical of pooling sovereignty and who emphasized a strong Deutschmark, the preservation of NATO and trans-Atlantic ties, and increased German international responsibility.[482]

There emerged a split in the left wings of the parties between absolute pacifists who opposed all uses of force, and pragmatic pacifists who allowed limited military operations. Tamar Hermann describes those decision makers with a desire for political power as attached to a pragmatic pacifism that allows the use of force, while those embracing absolute pacifism as more focused on personal conviction.[483] The Greens were divided over this issue in the 1990s, with the "realists," led by Joschka Fischer, advocating limited uses of force and the "fundamentalists" holding fast to the party's traditional line.[484]

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[481] Harmut Mayer, "Early at the beach and claiming territory? The evolution of German ideas on a new European order," 729.
[482] Ibid., 729.
[483] Tamar Hermann, "Contemporary Peace Movements: Between the Hammer of Political Realism and the Anvil of Pacifism," *The Western Political Quarterly* 45, no. 4 (December 1992): 877.
[484] For a survey of the internal dynamics of the Greens and their place among German political parties see Library of Congress country studies at http://countrystudies.us/germany/163.htm accessed 10 July 2003.

During the Kosovo campaign, Fischer met strong opposition from the left wing of his party, who called for a halt to the bombing. At a meeting of 800 delegates of the Greens in Bielefeld in May 1999, he was denounced as a "warmonger" and "murderer" as he pushed through a violent crowd of pacifists throwing rotten eggs and stink bombs, and was hit by a paint bomb that burst his eardrum. After his plea beseeching his colleagues not to "cut him off at the knees," the delegates voted 444 to 318 in favor of a resolution implicitly accepting participation in NATO strikes, but urging a temporary cease-fire and continued negotiation.[485]

The pacifist movement in Germany

*The New York Time*s noted the irony of Germany's position:

> Gerhard Schroeder, now often called the Kriegskanzler, or War Chancellor, has found himself steering a coalition made up largely of former pacifists toward involvement in a war that has ended with the planned deployment of 8,000 German troops.[486]

The evolution of the pacifists in Germany from the well-educated youth who violently protested American policies in Vietnam and NATO during the 1970s and 1980s to the ruling party officials who sent German troops into the NATO-led campaign in Kosovo is an excellent example of the way that conflict caused diverging traditions of thinking to converge in a policy of intervention.

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[485] "A Green Light for NATO: German Foreign Minister Joschka Fischer wins his party's support for backing the war in Kosovo," *Time International*, 24 May 1999: 1.
[486] *The New York Times*, 15 June 1999, 1

The Greens' pacifist platform was connected to a peace movement among the population that also had an element of anti-American sentiment.[487] Some anti-American feelings resulted from Allied bombing during the Second World War, fostered by the Nazi anti-American propaganda campaign. During the rebuilding of West Germany under the US-led Marshall plan, this sentiment was driven underground as pro-American sentiment became a vehicle for distancing oneself publicly from Germany's Nazi past. Harald Mueller and Thomas Risse-Kappen argue that pro-American sentiment also sprang from personal desires to find some moral good in world politics after the horrors of World War II. This caused many, they argue, to put the United States on an exaggerated moral high ground, so that U.S. policies during the Vietnam War brought disproportionate disillusionment and caused many to equate American behavior in Southeast Asia with that of the Nazis.[488]

NATO's decision to deploy 572 intermediate range nuclear missiles to Germany (the "dual-track decision" of 1979) fueled the West German peace movement between 1979 and 1983.[489] Some Germans even proposed that they were victims of the American global strategy.[490] Attitudes towards the United States, like attitudes regarding German foreign and security policy in general, may be a function of generation, diverging among three postwar groups (those born before 1940, between 1941 and 1960 and after 1961).[491] Joyce Marie Mushaben contends that those who were involved in the peace movement

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[487] Harald Mueller and Thomas Risse-Kappen, "Origins of Estrangement: The Peace Movement and the Changed Image of America in West Germany," *International Security* 12, no. 1 (Summer 1987): 59.
[488] Members of the Greens also likened presidents Ronald Reagan, George H.W. Bush, and George W. Bush to Hitler. See Mueller and Risse-Kappen, 84.
[489] See Steve Breyman, *Movement Genesis: Social Movement Theory and the West German Peace Movement* (Boulder: Westview, 1998).
[490] Ibid., 84.
[491] Joyce Marie Mushaben, *From Post-War to Post-Wall Generations: Changing Attitudes Toward the National Question and NATO in the Federal Republic of Germany* (Boulder: Westview, 1999).

set the "critical foundation for the national security orientations of the Western Germans throughout the 1990s" and that generational ramifications will continue to affect German policy towards NATO.[492]

Since formal ties between Americans and West Germans were exceptionally strong throughout the Cold War period, some explain the emergence of tensions as a function of personal experiences: there were changes in perceptions about the United States from enemy in the 1940s, to an idealized country in the 1950s, to an imperial state during the Vietnam War in the 1960s, to a dangerous state under President Reagan in the 1980s. The Green party platform included German withdrawal from NATO in favor of a collective security arrangement. This anti-American and anti-NATO sentiment was present in the Kosovo debates in the Bundestag. Hans Christian Stroebele, adhering to the more strict interpretation of the Greens pacifist policies, argued against intervention for this reason:

> I sat years before the television and had to also regard, how in Vietnam a war was led... Hundreds of thousands of humans lives the cost, while we sat here in Europe and could do nothing to change it....[M]y whole political commitment begins with the fact that German soldiers take part in no more war.[493]

Human Rights, Sovereignty and Security

In a speech at the 54th session of the UN General Assembly in September 1999, Joschka Fischer noted that the Kosovo conflict had marked a turning point in international affairs, and that "the role of the nation state has been considerably relativized by the increased importance of human rights and the globalization of the

[492] Ibid., 6.
[493] Hans Christian Stroeble, Alliance 90/Greens, Bundestag meeting of 26 March 1999.

economy and society."[494] In a seeming contradiction, he insisted that NATO's intervention should not be seen as a precedent "for weakening the UN Security Council's monopoly on authorizing the use of legal international force," and that humanitarianism should not become a "pretext" for the use of force as it was in the 19th century, but he nonetheless asserted that there was an obligation for the "international community" to intervene in the "internal affairs" of states who "use the cover of the principle of state sovereignty to violate human rights."[495] Germany's official statement on the principles and objectives of its human rights policy further links human rights and security, defining the "protection and promotion of human rights" as "in the political interest of states," serving "stability, peace and development."[496]

Fischer's commitment to intervention on behalf of human rights violations reflected both his party's and the German population's favorable dispositions toward policies promoting universal human rights. German attitudes toward human rights, like those regarding anti-militarism, were shaped by the country's Nazi past and search for a new national identity after World War II. This was the same period in which the international human rights regime was shaped by such instruments as the European Convention for the Protection of Human Rights and Fundamental Freedoms and UDHR. Andrew Moravcsik argues that European perspectives on human rights are a reflection of internal policies, noting that the ECHR was supported by weak democracies, such as Germany which

[494] Joschka Fischer, speech at the 54th Session of the UN General Assembly, 22 September 1999.
[495] Ibid.
[496] "Principles and Objectives of Germany's Human Rights Policy," *Auswartiegs Amt.* Available at http://www.auswaertiges-amt.de accessed 3 July 2003.

ratified it in 1952, wanting to stem the negative influence of future governments.[497] This is consistent with Mary Ann Glendon's analysis of various degrees of support among Western powers for the founding of the UDHR.[498]

Germany's perspective on international human rights is also informed by its experience at the end of the Cold War. The Alliance 90 party from the GDR that joined with the West German Greens (*Die Grunen*) had grown out of the major human rights groups that protested communism and "effectively brought down the Berlin Wall in 1989."[499] Alliance 90 was comprised largely of former dissidents and focused heavily on civil rights in its first national platform. While the Greens received only 4.8 percent of the vote and no Bundestag seats in 1990, Alliance 90 gained 6 percent of the East German vote and therefore eight seats in the Bundestag that year. Like the Greens, Alliance 90 drew support from young, urban, middle class voters with an interest in the environment and the promotion of human rights. The two parties merged in January 1993 in anticipation of the federal and *land* elections. It was the combination of the two parties, together called the Greens, which came to power in coalition with the SPD in September 1998, as the Kosovo crisis came to a head.

By the time this coalition government had to make arguments in favor of intervention in Kosovo on behalf of human rights, members had already chosen sides on the issue of the use of force during the fractious debate between what the party termed *Realos* or

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[497] Andrew Moravcsik, "Explaining the Emergence of Human Rights Regimes: Liberal Democracy and Political Uncertainty in Postwar Europe," 17.
[498] Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights.*
[499] "German Political Parties," Library of Congress country studies. Available at http://countrystudies.us/germany/163.htm accessed 10 July 2003.

realists, and *Fundis* or fundamentalists. Thus while some remained firmly pacifist, others leaned heavily on human rights and humanitarian justifications for intervention, even to the point of insisting on an obligation to intervene. Wolfgang Thierse (SPD) argued:

> [I]n all clarity the result of the brutal procedure of the Yugoslav army against the population in Kosovo is over 250,000 refugees, many villages burning, and even more refugees crossing the border. This brutality must be terminated. It is an obligation due to the experiences from the first half of this century and it is an obligation due to our own ideals to not permit that in Europe the fractious wars of the first half of this century, and the past determines the future. It is thus our goal of terminating a humanitarian disaster by adhering to the agreements already made...

Geo-politics and self-determination

Relations with Central European neighbors, a concern for regional stability and the influx of refugees were also cogent arguments for Germans to participate in the Kosovo intervention. During Bundestag debates, Gernot Erler (SPD) recognized this reality:

> We have large respect for the Serbian contribution to the European culture. We live together well with 500,000 Serbs, in the Federal Republic. From this debate a message must also go out: we want that the Serbs blend as fast as possible again into the European integration. We want to have it here in Europe.[500]

The German government was keenly aware of the influence of minorities on foreign policy. When Yugoslavia began to unravel in 1991, Germany was the first external power to recognize the states of Croatia and Slovenia while other governments remained undecided on the best course of action. Their early recognition caused some political difficulty for the other member states of the European Community and, arguably, might have contributed to the ensuing humanitarian emergency in the region. Critics of

[500] Gernot Erler, SPD, Bundestag meeting of 26 March 1999.

Germany's early recognition admit that the government was under pressure by a sizeable Croatian minority as well as the influence of the newly recognized right to self-determination of the people of the GDR.[501] The Kosovo case presented the Schroeder government a similar conundrum with the question of the future of Kosovar Albanians who openly advocated independence from Serbia.

Countervailing German sympathy for the right of ethnic Albanian Kosovars to self-determination was the country's sensitivity toward Russian interests. More than any other bilateral relationship, Germany's ties with Russia influenced the post-cold war European order. The relationship was rooted in their historical competition for influence in East and Central Europe, Russia's policies during Germany's cold war division, and Germany's dependence upon Russian compliance to make reunification successful.[502] Germany, more than the other allies, was outspoken about the need for the Contact Group and NATO to take into account Russia's objections to the campaign and its potential negative reactions to the bombing of its historical ally, Serbia.

Human rights as self-interest and ideology

Brian Rathbun argues that "German participation in the air campaign against Yugoslavia was the culmination of a period of great change and partisan contestation in German foreign policy."[503] As discussed in the preceding chapter, the CDU/CSU-FDP

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[501] James Mayall, ed., *The New Interventionism: United Nations Experience in Cambodia, former Yugoslavia and Somalia* (Cambridge: Cambridge University, 1996).
[502] Angela Stent, *Russia and Germany Reborn: Unification, the Soviet Collapse, and the New Europe* (Princeton: Princeton University Press, 1999).
[503] Brian Rathbun, "Partisan Lenses and Historical Frames: Ideology and the Politics of Humanitarian Intervention in Britain and Germany." Available at http://apsaproceedings.cup.org/site/search.htm accessed 10 July 2003.

government used German participation in Somalia and Bosnia as a way of regaining political latitude by leading the German public to accept increased German responsibility in international security operations. The right and center of the SPD and the Greens, once in power and faced with the difficulty of putting the idealistic anti-militarist platform of these parties into practice, supported participation in the Kosovo campaign for the same reason.[504] However, the shift was not simply a matter of abandoning idealism, since they faced increasing criticism that pacifism meant the inability to respond to massive human rights violations and humanitarian emergencies.[505] The failure to provide safe havens for refugees during the Bosnia crisis, and the Srebrenica massacre in particular, stood as testimonial for many of the decision makers. When the SPD found itself in danger of losing support in the Bundestag for the NATO campaign, it stepped up the use of human rights and humanitarian justifications to regain support from its leftist members. Defense Minister Rudolf Scharping used images and stories of the atrocities in public speeches and private meetings. He was severely criticized for his mentioning of a Serb plan called "Operation Horseshoe" for ethnic cleansing of the ethnic Albanian Kosovars since the plan was never officially discovered.[506] Despite this, such emotional appeals to human rights abuses were effective in keeping the SPD support in the Bundestag intact and free of the violent divisions apparent among the Greens. Meanwhile, the CDU and the CSU, the parties most amenable to the use of force in exceptional cases, did not have to rally their members around human rights arguments,

[504] The SPD platform, revised in 1991, allowed for the use of force only with consent of the UNSC. Their support of German participation in the Kosovo campaign clearly violated their stated platform.
[505] Rathbun, "Partisan Lenses and Historical Frames: Ideology and the Politics of Humanitarian Intervention in Britain and Germany," 47.
[506] Ibid., 56.

but instead could appeal to the potential threat to the national interest posed by waves of refugees about to flow from Kosovo toward German borders.

Summary

The use of human rights and humanitarian justifications for intervention, even to the point of claiming an obligation to intervene, was both opportunist and deeply felt by policy makers. This may be regarded as in keeping with both the Realist and the Revolutionist traditions of thinking.

Those who claim that German behavior in the Kosovo case derived from a consensus on an obligation to intervene must account for two aspects of the German position. First, the government has publicly insisted that the case should not be used as a precedent.[507] Second, the use of humanitarian and human rights justifications, while they may have been deeply believed by some policy makers, were nonetheless intended in part to secure domestic political cohesion. While Joschka Fischer has since called the Kosovo crisis a turning point for international attitudes about the compromising of the principle of sovereignty in favor of upholding individual human rights, Germany's behavior during the crisis showed extreme sensitivity to supporting Serbian sovereignty over Kosovo due to Germany's special relationship with Serbia's ally, Russia. Even though German Greens and Social Democrats may have strong personal beliefs in favor of a new norm of sovereignty and intervention, their behavior in the Kosovo case gives cause for tempered expectations about their acting on this in the future.

[507] Joschka Fischer, speech of 22 September 1999.

France

French officials did not categorize their nation's participation as a "humanitarian exception" as British officials did, nor did they use value-laden justifications to overcome a strong anti-militarist movement as German officials had to do. As in the American case, human rights were knit together with the idea of the national interest. Unlike the Americans, however, the French saw these values as central to their national identity and foreign policy. Thus, French leaders did not have to contend with strong Realist or statist opposition in parliament as the Americans did with Congress. Instead, opposition within political and intellectual circles was weak and unable to mount a significant case. French officials were able to use rights and humanitarian language liberally to sway the public into supporting participation in the NATO campaign, and there are indications that this strategy was successful.

French Foreign Policy: identity, security and values

In 2000, Hubert Vedrine, then France's foreign minister, looked back at the 1990s and asked, "Is moral outrage a sufficient basis for cogent State policy?"[508] His question indicated how far French foreign policy had come from the Gaullist state-centered approach that drew its status as a great nation from its nuclear weapons and its ability to successfully wend its way between the superpowers.[509] Like Britain, France faced its reality as a middle rank power after the Suez Crisis of 1956.[510] While Gaullism still informed French policy into the 1970s and 1980s, the fall of the Berlin Wall in 1989 and

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[508] Hubert Vedrine, *Le Monde Diplomatique*, December 2000. Available at http://mondediplo.com/2000/12/14foreignpolicy accessed 16 June 2003.
[509] P. Terrence Hopmann, "French Perspectives on International Relations After the Cold War," *Mershon International Studies Reivew* (1994) 38: 86 – 87.
[510] See MacLeod, "Kosovo: France and the Emergence of a New European Security."

European integration after 1992 posed new challenges to the Fifth Republic's foreign policy in several ways. First, reliance on possession of nuclear weapons for its international status was undermined when the United States and the Soviet Union agreed to nuclear arms reductions. Second, a united Germany constituted an economic and military rival reemerging on the continent.[511] Third, the economic and security requirements of Eastern and Central Europe was a source of competition for military aid and humanitarian support directed to the South, especially toward France's former colonies in Francophone Africa.[512]

Post-Cold War challenges to French foreign policy emerged at the same time NATO leaders were dealing with the humanitarian and human rights crises of the 1990s. For France, it meant that the Realist tradition that emphasized French security in a statist way encountered the strong Rationalist trend emerging from European integration. This latter phenomenon brought a perception that threats would no longer come from outside the country, but rather from within France due to the side effects of economic and cultural "globalization." France's foreign policy stressed the spreading of French values as a priority, and chief among them was human rights.[513] The emergence of the United States as an empire – an idea already pondered in the postwar era by the preeminent French scholar of international politics, Raymond Aron – became an increasing concern in

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[511] See Patrick McCarthy, ed., *France-Germany, 1983-1993: the Struggle to Cooperate* (London: Macmillan, 1994).
[512] P. Terrence Hopmann, "French Perspectives on International Relations After the Cold War," 86.
[513] The government's 2003 statement on foreign policy begins with the language of rights, stating that "France's foreign policy is based on certain fundamental principles: the right of peoples to self-determination, respect for human rights and democratic principles, respect for the rule of law and cooperation among nations. These principles underlie France's twofold concern to preserve its national independence while at the same time working to foster regional and international solidarity." French Embassy document. Available at http://www.ambafrance-il.oreg/english/politics.htm accessed 16 June 2003.

French political and intellectual circles.[514] These intellectuals were willing to forgo French sovereigntist policy in favor of multilateralism, seeing it as part of the French mission to spread French culture and the values of civilization throughout international society.[515]

Cultural global reach: the *Francophonie* and *Souverainete*

The strengthening of ties with the *Francophonie* and *Souverainete* was linked to France's renewed emphasis on spreading its language, culture and values as part of its security policy. In November 1997, France adopted a charter for the *Organisation Internationale de la Francophonie* (OIF) and appointed a Secretary General, the Egyptian diplomat and former UN Secretary General Boutros Boutros-Ghali, to coordinate political, cultural and economic cooperation among members of the Francophone community (some 51 states, 131 million people comprising two and a half percent of the world's population). Thus began a renewed emphasis on spreading French values, beginning particularly among those states France help to found. The formalization of the *Francophonie,* a step analogous to what the the British had done in 1965 with the Commonwealth, was tied to French identity as well as security.[516]

France also extended its global reach through its overseas possessions, the *Departements d'Outre-Mer* and *Territoires d'Outre-Mer* (DOM-TOMs), mostly seized by France in the 1630s and 1840s. The possessions give France Exclusive Economic

[514] See, for example, Pierre Hassner, "L'Amérique et le monde," *Etudes* 389, no. 4, (October 1998).
[515] P. Terrence Hopmann, "French Perspectives on International Relations After the Cold War," 71.
[516] Claire Auplat, "The Commonwealth, The Francophonie and NGOs," *The Round Table* 368, no. 1 (January 2003): 53.

Zones in the Indian, Pacific and Atlantic oceans which comprise 11 million square kilometers of water and the world's third-largest area of maritime control.[517] What France spends to support the welfare of these possessions (as much as 2.3% GDP per year), it gains in maintaining vestiges of its great power status. Jacques Chirac stated that, "Without the DOM and TOMs France would only be a little country."[518]

Sovereignty, revolution and politics

Unlike the leaders of Germany, the French government did not have to contend with a strong pacifist movement protesting French participation in the Kosovo campaign. The French were less influenced by peace movements than other Europeans in the twentieth century. Before the World Wars, however, French and German roles were reversed, with France leading the pacifist movement on the continent. World War II "tainted pacifism in France and reinvented it in Germany."[519] The nature of French politics in the last two decades of the century had a chilling effect on several social movements, including anti-militarism. While these sprang up in the 1970s, the Socialist victory in 1981 quashed them, since social movements in France rely heavily on party support. The Socialists did not actively court new members by supporting movements which were not concerned with their traditional issues such as class and labor.[520] The French communist party and the intellectuals committed to the revolution similarly split in the late 1970s for political

[517] Shaun Gregory, "France and Missions de Souverainete," *Defense Analysis* 16, no. 3: 329.
[518] Jacques Chirac, quoted in Shaun Gregory, "France and Missions de Souverainete," 329.
[519] Sandi E. Cooper, "Pacifism in France, 1889-1914: International Peace as a Human Right," *French Historical Studies* 17, no. 2 (Fall 1991): 359-386.
[520] Jan William Duyvendak, *The Power of Politics: New Social Movements in France* (Boulder: Westview, 1995), 127.

reasons.[521] French security policy under the Socialists in the 1970s and 1980s was based upon the Gaullist model, and marked a turnaround in President Mitterrand's attitude after his election in 1981,[522] reflecting little influence from the intellectuals of the Left.

The sovereigntist vs. the integrationist foreign policy perspectives became a central issue after the signing of the Maastricht Treaty in 1992. While communists struggled to articulate how the revolution would take place within European integration, the Left could not entirely oppose economic integration and market liberalization since it was tied to many issues important to its constituencies such as immigration, the environment, and democratization. Similarly, Prime Minister Lionel Jospin's "plural left" had deep divisions within it. He set himself apart from the center-left leaders Blair and Schroeder who formally established a "Third Way" in 1997.[523] Thus, a complex set of attitudes regarding French statist v. internationalist policies emerged during the 1990s. In France as in most European countries, the extremes of the parties still opposed the trend toward multilateralism and globalization while the center supported it.[524] The center, however, remained somewhat conflicted regarding sovereignty issues. In 1999, there were few politicians willing to upset the unity of the "guache plurielle" coalition, so the government had significant latitude on foreign policy choices, especially when Prime Minister Lionel Jospin (as Socialist) and President Jacques Chirac (a Guallist) could agree.

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[521] See Sunil Khilnani, *Arguing revolution: the intellectual Left in postwar France* (New Haven: Yale University Press, 1993).
[522] See Philip Gordon, *A Certain Idea of France: French Security Policy and the Gaullist Legacy* (Princeton: Princeton University Press, 1993).
[523] "Center-Left Still Trying to Redefine its Mission: Third Way Conference Brings Leaders to London," ZENIT News Agency, 19 July 2003. Available at www.zenit.org accessed 28 July 2003.
[524] See Liesbet Hooghe, Gary Marks and Carole Wilson, "Does Left/Right Structure Party Positions on European Integration?" *Comparative Political Studies* 35, no. 8 (October 2002).

French culture: civilization v. barbarity

The government chose to use strongly worded human rights language in advocating French participation in the NATO action in Kosovo.[525] This combined an appeal to the public's deeply held convictions regarding human rights and a statist view that by promoting these rights, France was taking a lead in spreading French culture and ensuring peace and stability.

The French people accepted their country taking a leading role. Concern in the early 1990s about potential American isolationism had been replaced by a concern about American unilateralism and a loss of French influence on the continent. Just as the government was working with Britain on pursuing the European Union's European Security and Defense Policy during this period, it was also intent upon taking a leading role in resolving the Kosovo crisis. France insisted on hosting the formal negotiations between the Serbs and the ethnic Albanian Kosovars on French soil, and French press reports in the first week of the Rambouillet talks were filled with expectations that Europe would avenge its circumscribed role at Dayton. The French seemed eager to correct the perception that they had been "asleep" in Bosnia.[526] Other parts of Europe echoed French sentiment. From Brussels, one reporter noted:

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[525] Simon Duke, Hans-Georg Ehrhart, and Matthias Karadi, "The major European allies: France, Germany, and the United Kingdom," *Kosovo and the Challenge of Humanitarian intervention,* Albrecht Schnabel and Ramesh Thakur, eds. (New York: The United Nations University Press, 2000), 130.

[526] Richard Holbrooke was quoted saying that he made the final deal at Dayton "while Europe slept." He claims he meant this literally, since the deal was finalized late in the morning hours, but he does not disagree with the European interpretation that the United States saw itself handling what the Europeans could not -- in Europe's back yard. See Richard Holbrooke, *To End a War* (New York: Random House, 1998).

> Contrary to the Bosnian experience, this time it is Europe that is coming to the United States' rescue, the peace accord brokered by Richard Holbrooke in Belgrade being doomed to failure. Besides, Europe hints that it is ready to go it alone in Kosovo if Washington does not follow. Germany offers its unconditional contribution. This is a nice revenge on Dayton, where Europeans were considered totally insignificant.[527]

As noted in the previous chapter, French leaders carefully and continually made the case in their public pronouncements that Milosevic was a barbarian. They insisted that the French had no quarrel with their former allies, the people of Serbia, and that while they did not support terrorism on the part of Kosovar Albanians, they saw the ethnic Albanian Kosovars as the victims in a battle against the values of civilization.[528]

The government believed that this case would resonate with the French people, and polls taken during the conflict seem to bear out their assumptions. In a BVA poll, belief that France was right to join the NATO action was 58% on 27 March 1999. Nor did overall support flag during intense criticism of civilian casualties incurred in the first weeks of the campaign. To the contrary, public support rose to 66% between 15 and 17 April 1999, and returned to 57% from 17-18 May 1999.[529] Some speculate that public support may have been weaker than suggested by these poll findings, and that public support was emotional and a reflection of the reaction to television images and media reports sympathetic toward Kosovar Albanian refugees.[530] This impression strengthens the perception that the French were genuinely moved by humanitarian and human rights arguments.

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[527] Pierre Lefevre, *Le Soir*, 2 February 1999.
[528] See previous chapter.
[529] See http://www.bva.fr/fr/archives/kosovo9920.html accessed 22 July 2003.
[530] Duke et al, "The major European allies: France, Germany, and the United Kingdom," 132.

Human rights arguments for intervention resonated among the French public because of the experience of the public, media and French leadership during the previous human rights and humanitarian disasters of the decade.[531] The media investigated and sometimes strongly criticized French officials for hypocrisy and even alleged complicity in previous cases, including the Rwanda crisis of 1994. Meanwhile, leaders like Bernard Kouchner, who helped found *Medecins Sans Frontieres* (MSF) as a breakaway group from the International Committee of the Red Cross when that agency would not intervene in the Biafran civil war, had promoted the idea of the right of intervention during the 1990s. MSF did not support every call for intervention of the decade, but the concept that human rights was a justification for intervention beyond the sovereignty of borders and dictates of the law had already been accepted among sectors of the French public before Chirac used it in the Kosovo crisis.

Summary

The tension between France's embracing of universal human rights and its Gaullist foreign policy dates back to the beginning of both regimes in the late 1940s. For France's patron of universal human rights, Rene Cassin, the French Republic was a Revolution and a vanguard for spreading international obligation for the rights regime. For France's leader, President de Gaulle, France was a fortress and human rights were not central to France's foreign and security policy.[532] Since their inception then, France has struggled

[531] Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), 236.
[532] Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights,* 209.

with its role as patron of international obligation regarding rights and its own strongly nationalist foreign policy.

In summary, it appears that France intervened in the Kosovo conflict based upon a perceived obligation to uphold humanitarian or human rights ideals, not only because they were part of international law, but because they were part of French values. The public identified these values and their promotion abroad as part of France's national identity and therefore allowed decision makers to participate in a campaign that might otherwise have been unpopular due to its targeting a sovereign country and former ally, Serbia, and its lack of a Security Council mandate.

In France, the argument for preserving civilization against barbarity laid the philosophical groundwork for a compromised or conditional notion of national sovereignty for Serbia. That is, that leaders like Slobodan Milosevic who grossly abuse human rights are considered barbarians and therefore lie outside the boundaries of international society in which the entitlement to full sovereignty exists.

While the spreading of French values as universal is *prima facie* a Revolutionist approach, and while the combining of these ideas with the use of force is a Hard Revolutionist approach, the concept was so closely tied to the Realist aims of promoting France's influence and maintaining its interests abroad that it seems to fall in the crease between Aggressive Realism and Hard Revolutionism. The irony in the French case is that this took place at a time when the country was grappling with relinquishing some of

its Gaullist foreign policy due to the demands of European integration and at the same time making bold pronouncements against U.S. unilateralism and setting itself up as the leader of a European counterweight based upon multilateralism, an inherently Rationalist approach. While there was no consensus within French policy making circles to support an entirely multilateral Rationalist agenda, France's foreign policy continued to be shaped by these competing voices due to the facts of post cold war geopolitics and globalization as well as the Gaullist legacy.

IV. CONCLUSIONS

In the Kosovo case there was a coherent relationship between emphasis on one of three international social elements – international anarchy, cooperation and custom through habitual intercourse, and moral solidarity – and decisions about the obligation to intervene.

The Rationalist must fulfill all treaty obligations (*pacta sunt servanda*). All nations regard this as the official approach and, as the preceding chapter showed, this was the argument used for external constituencies, primarily in the UN Security Council. Realists disregard treaties when circumstances become unfavorable, and abide by them when things remain consistent with their interests (*rebus sic stantibus*). While no nation subscribes to this approach officially, traces are evident in the way NATO allies regarded their obligation to respect Serbian state sovereignty and the requirement of non-intervention in the UN Charter. In the case of Kosovo, as in previous humanitarian interventions, this Realist approach was closely linked to the Revolutionist one which

sees no obligation to honor a treaty with those who do not share the Revolutionist's ideological viewpoint. The Revolutionist does not "keep faith with heretics" (*cum haereticis fides non servanda*).[533] By this metric, since the Serb leader, Slobodan Milosevic, was violating the rules of civilized international society, the allies did not have to honor Serbian state sovereignty.

Primary arguments regarding obligation

None of the four NATO nations studied declared it had a legal obligation to intervene in Kosovo. Britain came the closest by claiming a moral obligation. Other nations argued made a more clear cut case, such as Argentina, whose UN representative claimed that an "obligation to protect" fell to everyone, and Bosnia and Herzegovina's representative who believed there was a "legal obligation to confront ethnic cleansing and war crime abuses" and also a "moral obligation."[534] Germany's representative speaking as President of the EU claimed that European countries were "under a moral obligation."[535] NATO Secretary General Javier Solana, said that NATO had a "moral duty" to stop repression,[536] and Spain's foreign minister acknowledged a "moral necessity to intervene" in cases of intractable humanitarian emergencies.[537]

The Americans responded to Realist reasons for the Kosovo campaign, primarily those concerning national interest. Clinton administration officials felt obliged to curtail the use of humanitarian justifications due to strong opposition from Congress, but also

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[533] Martin Wight, *International Theory: the Three Traditions*, 241.
[534] S/PV.3989 26 March 1999.
[535] S/PV.3988 24 March 1999.
[536] Javier Solana, statement of 23 March 1999, USIS Washington file. Available at http://www.fas.org/man/dod-101/ops/docs99/99032313_tlt.htm accessed 23 November 2002.
[537] Abel Matutes, 6 October 1998, quoted in FBIS-WEU-98-279.

because they perceived that while Americans wanted to help stop the human rights abuses and humanitarian emergency, they did not support a prolonged military campaign for this purpose. Whereas German opposition to sending troops sprang from anti-militarism, a Revolutionist approach, American reticence came from Realist concerns that the U.S. military -- and the loss of American soldiers -- should be reserved for combat missions vital to national interests. The official American argument regarding the obligation to intervene was therefore Realist, informed by the Revolutionist ideas of many influential policy makers, while Rationalist arguments regarding obligation were latent. Arguments denying an obligation to intervene were primarily Realist.

In Britain, it was the Rationalist and Revolutionist traditions that were in harmony, with less emphasis on Realist rhetoric, although national interest aims were achieved. Unlike the case in France and the United States, national interest arguments were not the most effectual with the British population. Leaders publicly claimed a moral obligation to intervene by appealing to humanitarian necessity. Humanitarian necessity was knit together with Britain's long rights tradition, a tradition seen not only in Revolutionist terms of moral solidarity and a responsibility to protect, but in Rationalist terms as part of Britain's common law tradition dating back to the Magna Carta of 1215. For Britain, therefore, the primary approach regarding an obligation to intervene was Revolutionist, with Rationalist and Realist thinking secondary but in concert with the primary argument. As in the United States, the primary arguments against an obligation to intervene were Realist: the prospect of a quagmire, the lack of a valid national interest, and the loss of credibility in applying moral foreign policy inconsistently.

In Germany, thinking regarding intervention was influenced by all three traditions in such a way that Revolutionist and Rationalist traditions were in apparent opposition to Realist aims. Germany's anti-militarism and insistence on a Security Council mandate made participation unpopular. As the deliberations progressed, however, the government's appeal to both these traditions -- emphasizing the abuses against the Kosovar Albanians and the need for Germany to be a reliable partner within NATO -- helped sway the population to support participation. In the end, Realist concerns were critical to garnering support. The prospect of massive refugee flows and regional instability convinced Germans of the necessity to join the NATO campaign. Arguments against intervention, likewise, were a combination of the three traditions: the opposition of Russia (a Realist concern), the lack of a Security Council mandate (a Rationalist preoccupation), and a tradition of anti-militarism in some quarters (evidence of Inverted Revolutionism).

France was struggling with a competition between its Realist Gaullist heritage and its Rationalist integrationist policy. At the same time, it seems to have integrated its Revolutionist heritage into its Realist tradition. That is, it wove its mission to civilize international society into its quest for security. On the matter of the obligation to intervene in Kosovo, the Rationalist tradition was latent, while the hard Revolutionist and hard Realist thinking were persuasive. Arguments against intervention were primarily Realist, including the opposition of Russia and the reservations about waging war against a former ally, Serbia.

Thus, each government contended with resistance inherent in different currents of thinking, often finding justifications within the same traditions to counter opposition. None of the allies adopted the Rationalist approach toward obligation by asserting a legal requirement to intervene based upon the UN Charter or international human rights or humanitarian law, the just war doctrine or other regimes. None proposed that Serbian sovereignty precluded the intervention, indicating a collective belief in the compromised quality of Serbian legitimacy due to massive human rights violations. All of the allies supported this attitude by accusing the Serbs of barbarity. None argued that there was no obligation to intervene whatsoever and all were adamant about the requirement to stop Serb atrocities, debating instead the means by which this should be achieved.

Does the Kosovo case lend credibility to Tony Blair's assertion that, in the case of humanitarian intervention, "ideas are becoming globalized"?[538] This study has shown that ideas of human rights and humanitarianism were understood differently by four nations within Western society. For the French, there was an obligation to defend civilization against barbarity and it was a matter of national mission to promote the values in society. The British shared this reasoning, but conceived of it not as a mandate to spread British culture, but more as a duty to uphold the standards of international behavior that they believed right. Both of these nations grappled with their statist, sovereigntist foreign policy legacies and the policies required by European integration. Britain had just "brought home" European human rights law and the British people were accepting of integrationist policies. Americans weighed the plight of the Kosovar Albanians with many other pressing obligations requiring American military leadership.

[538] Tony Blair, "Doctrine of the International Community."

German officials, like American officials, had to use arguments with their public that showed a credible national interest at stake before securing support for intervention. While human rights and humanitarian arguments were not entirely persuasive with Americans, they were effective with Germans, especially among the Left in parliament. Whereas the Americans' experience in Somalia, Haiti and Bosnia convinced them of the need to maintain a certain degree of operational control, the Germans' military history led them to believe that multilateralism was in their best interest. Likewise, support for human rights and an aversion to a humanitarian catastrophe near their border was sufficient to override anti-militarist sentiment.

The British balanced their pro-European policies with the practical considerations of maintaining their special relationship with the United States. France had to balance its desire for integration with its equal desire to remain a leader in Europe, countering both the rise of Germany and the primacy of the United States in NATO. Its vigorous approach in the Kosovo crisis reflected the desire to take a leadership role in European security. For the Americans, it was a realization that despite their worldwide security commitments, they would have to intervene in Europe since without their military and political power, the Europeans would not be able to maintain impose and maintain a fragile peace in the Balkans. Their obligation was both to the Kosovar Albanians and to their NATO allies. The Germans felt a similar responsibility. Defying some predictions, the united Germany did not seek greater military power in the 1990s. Germany's negative experience with nationalism and military power was still evident in the controversy of

1999, as was the commitment to multilateralism, international law and the right of self-determination.

The responsibility to protect

The responsibility to intervene that Gareth Evans and Mohammed Sahnoun propose is based largely on the rule-defined Rationalist approach since it proposes compulsory intervention in certain cases. In light of the Kosovo case, this approach would face strong resistance from within these four NATO allies, except, perhaps, in Germany, which displayed the strongest attachment to multilateral approaches codified in international law. On the other hand, the Evans and Sahnoun concept is based upon a conditional form of sovereignty that would further invalidate the non-intervention principle in cases of grave human rights abuses and humanitarian emergencies. This is Revolutionist reasoning, a permissive rather than a binding proposal, and one that would gain more support even in Germany if it had the backing of international agreement.

Efficacy of the Three Traditions

This chapter has focused on four NATO allies' attitudes and actions regarding the obligation to intervene, a matter largely concerned with the way each nation viewed its responsibility to protect and promote human rights abroad. It has considered several aspects of each nation, including its rights tradition, political and strategic culture, way of war, approach toward sovereignty and internationalist or integrationist policies, as well as the historical circumstances when decision makers formed policy in 1998 and 1999. While each nation was faced with stark images of the crisis and while each shared the values they helped codify into the human rights regime following World War II, each had

to apply these and other motives for intervention to its national circumstances. By viewing each nation's decision through the lens of the three traditions identified by Martin Wight, the complexity of these decisions becomes apparent. The analytical framework of the three traditions also allows the analyst to assess the degree to which this case supports the proposition that a new norm or responsibility to intervene is gaining recognition in international politics.

The final question this study must examine is whether the three traditions outlined by Martin Wight advance our overall understanding of why these four NATO nations intervened in some human rights and humanitarian crises in the 1990s. The following chapter analyzes whether the primary arguments regarding authorization, justification and obligation to intervene – taken together – show a pattern among these NATO allies.

CHAPTER SIX: CONCLUSIONS

Intervention perhaps gives rise to more controversy than any other international conduct. Violating the assumption of the equal independence of all members of the society of states, it is prima facie *a hostile act. Yet it is so habitual and regular that it is impossible to imagine international relations without it; and international law can only make a system out of it by losing touch with diplomatic facts.*[539]

I. INTRODUCTION

From major demonstrations in the streets of Europe, to distressing diplomatic situations at the highest levels, military intervention raises some of the most contentious political, legal and moral issues of our time. In the 1990s, NATO leaders faced difficult policy choices about intervention in order to deal with humanitarian and human rights crises. These challenges exposed deep differences of opinion among Alliance leaders. However, in the 1999 Kosovo crisis NATO leaders reached consensus by reconciling three ways of thinking about international politics. Deep-seated differences within the Alliance remain today: but, as the Kosovo case demonstrates, disagreement is not inevitable.

The political concerns raised by recent NATO interventions include a widening gap in trans-Atlantic relations; uses of force to promote democracy and values; increasing asymmetry between the military power of the United States and the that of other nations; failure of negotiation and peaceful settlements of disputes; uses of terrorist tactics in intra-state conflict; and agency and non-state actors in international politics.

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[539] Martin Wight, "Western Values in International Relations," *Diplomatic Investigations: Essays in the Theory of International Politics,* (Cambridge: Harvard University Press, 1966), 111.

Legal concerns include: the use of force without an armed attack; the use of force for moral or ethical reasons not codified in law; the use of force by a state, alliance or coalition without an explicit UN Security Council authorization and despite the objections of UNSC members; a collective defense organization acting in a collective security role to stop human rights abuses and prevent an humanitarian emergency; whether some recent uses of force are not wars but international law enforcement and the implications of this prospect; whether international bodies and rules can overcome self-interest, and whether states, including the United States, should invest in making the UN an international law enforcement agency; whether multilateralism is necessarily more legitimate than unilateralism.

Moral concerns include: the question of what moral wrongs require the use of force, as well as what political and legal wrongs; the implications of aerial bombing to avoid combatant casualties; the moral and social costs of wars to combatants and the democracies that undertake them; whether Western values are in fact universal; and what values should be codified by law and enforced by arms.

Purpose and contribution of the study

The primary question this study set out to answer is: why did NATO nations engage in human rights and humanitarian interventions in the 1990s?[540]

[540] Six supporting questions were: First, the primary arguments for and against the requirement for UN Security Council authorization for the use of force to determine whether a relationship can be discerned among the arguments and particular traditions of thought; Second, the primary justifications for forcible intervention in this case, and whether they correspond to a particular tradition of thought; Third, an analysis

To answer the question, this study offers a new conceptual model for understanding uses of force by tailoring a basic framework identified by Martin Wight to humanitarian intervention. It selects aspects of Wight's analysis, particularly the three traditions of thinking he identified – Realism, Rationalism, and Revolutionism -- and builds a logical connection between them and three aspects of a decision to intervene.

This method is helpful as an explanatory and analytical tool for understanding decisions about humanitarian intervention. It has some use as a predictive tool in that it helps identify what elements may be necessary and sufficient in order for specific nations to participate in humanitarian intervention. It is not the purpose of this study to advance one tradition of thinking over another as a prescriptive model for decision making. Nonetheless, by taking into account all three ways of thinking in future crises, decision makers may have a better chance of reaching agreement and making wise policies.

This study uses the empirical richness of the Kosovo case to analyze of the drivers for intervention. This crisis -- which stands as both the culmination of the interventions of the immediate post-Cold War period and the precursor to contentious decisions about intervention in the post-11 September 2003 period -- offers ample insight into the continuities and cleavages associated with intervention in the current era.

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of the primary arguments regarding international obligation to stop human rights abuses and/or a humanitarian emergency and whether these correspond to a particular tradition of thought; Fourth, the question of whether certain positions on the issues are associated with particular views on fundamental questions of international order; Fifth, particular patterns shown by states in their answers to the above four questions (about authorization, justification, and obligation); Sixth, particular patterns shown by actors in their answers to the first four questions.

II. FINDINGS

This study found that NATO nations intervened in the Kosovo crisis due to a confluence of thinking about international politics. It found that in some nations there was a hybrid approach to reconciling diverging traditions of thought, while in others, the confluence was more turbulent. Decision makers reached consensus when the demands of the diverging perspectives were met. Please see Table 1 for a summary of the primary approaches taken by each of the NATO countries studied.

The Realist would have expected each NATO nation to act solely on behalf of its own interests, paying only lip service to matters of cooperation, international law and morality. The Rationalist maintains that self-interest includes cooperation with other states, upholding international law and institutions, and enforcement of moral norms. The soft Revolutionist would demand that states put moral norms ahead of self interest and cooperation, while the hard Revolutionist would have states promote or protect the norms even by military force, regardless of law or state interests.

	Realist	Rationalist	Revolutionist
Authorization	***United States*** ***(Germany)*** ***France***	Britain (exception) Germany (tension)	
Justification	United States France	***(United States)*** ***Britain*** ***Germany*** ***France***	Germany France
Obligation	***United States*** ***(Britain)*** ***Germany*** *(tension)* ***France*** *(hybrid)*		***Britain*** *(harmony)* ***Germany*** *(tension)* ***France*** *(hybrid)*

Table 1: Primary approaches taken by each of the countries

In fact, each state appears to have been motivated by a combination of these approaches, but the combination was different in each state for several reasons. The United States, as the sole superpower, would have been expected to take a Realist approach; and in fact American officials stated publicly that the United States reserved the right to act alone, without others and without a UNSC resolution, even if it chose not to do so in this case. The Americans relied on previous UNSC resolutions as the source of authorization.

The French approach to authorization was slightly different. Like the Americans, they relied on previous UNSC resolutions, but only after reversing their stance. Before the summer of 1998 the French position was that only a separate UNSC resolution could

provide sufficient authority. Their support for the UNSC was tied to their status as one of its permanent members. Thus, their position, even when it changed, was essentially Realist.

The Germans, like the French, insisted on a separate resolution, but they did not reverse their position in the same way. Unlike the British, the French, and the Americans, they refused to use previous resolutions as authorization for the use of force, since they were concerned about Chinese and Russian objections to the use of force expressed at the time those resolutions were adopted. The Germans went along with their NATO allies in an effort to remain a reliable partner and avoid a German *Sonderweg*, or special path. Thus their approach was essentially Rationalist, with compromises made along Realist lines. This is not unexpected from the state that was the most reliant on international organizations outside to provide security, the only one of the four allies in this study without nuclear weapons or a permanent seat on the Security Council.

The British might have been expected to follow the US or the French approach, but they did not. They did not insist on NATO's authority to act without UNSC approval, nor did they insist on the requirement for explicit UNSC approval due to their membership in the P-5. To the contrary, the British led the charge in 1998 to make what they termed an "humanitarian exception" to UNSC authority. Thus, they took the most clearly Rationalist approach with regard to international order since they explicitly sought the "lesser evil" between allowing the crisis to continue and intervening without UNSC approval.

Context of the case

The debates were shaped in part by long- and short-term strategic and political considerations. Strategic factors included the relative position of the state in international society, sources of national power, the perceived importance of the Alliance within the state, including dependence upon the Alliance to meet political and security objectives. Political factors included domestic politics as well as geo-strategic factors such as proximity to the conflict and the possible impact of an humanitarian emergency in the Balkans.

The United States continued to balance a global security role and ongoing crises in Iraq and North Korea as well as heightening tension with Belgrade. American leaders debated the place of the UN and the role of NATO in US foreign policy, and some questioned the efficacy of these structures for a sole superpower facing unrelenting onslaughts of new security challenges. Decision makers questioned whether NATO would be able to adapt deal with threats from ethnic conflicts, the proliferation of weapons of mass destruction, international terrorism and organized crime, and humanitarian and human rights emergencies. Britain's leaders were balancing the demands of an Atlanticist and Europeanist foreign policies. Talks between British Prime Minister Tony Blair and French President Jacques Chirac and Prime Minister Lionel Jospin regarding European defense reached a turning point in the middle of the Kosovo crisis, clearing the way for the European Union to pursue what it has termed a European Defense Policy. At the same time, London's support of American leadership in NATO

and in the Balkan crisis was the strongest among all the allies. During heated debates in Germany leading up to the Kosovo intervention, decision makers referred to the possibility of refugees from further crisis in the Balkans, domestic political relations with a significant Serb minority already living in Germany, and relations with Russia, which was historically one of Germany's most important foreign policy concerns. Finally, France's Cold War policy of making a way between US and Russian strategic dominance had been undermined after the fall of the Berlin Wall and subsequent nuclear arms reduction talks between the former rivals.

An analysis based solely upon domestic political factors would not provide a full understanding of the decision, but domestic factors are essential to this analysis. Three of the four governments were led by center-left parties at the time of the Kosovo crisis. In the United States, the Clinton administration, to the dismay of liberal internationalists, approached foreign policy with what was called a pragmatic Wilsonianism in which military force would be reserved for matters affecting vital American interests.

Britain's leaders pursued a "principled foreign policy" that was very much in keeping with the decision to make an humanitarian exception to international law in order to stop ethnic cleansing in Kosovo. The mantle of responsibility to carry moral foreign policy to the continent was historically worn by Conservatives as well as Tony Blair's Labour government.

In the fall of 1998, Germans replaced Helmut Kohl's long-serving conservative CDU/CSU-FDP government with a coalition of the leftist SPD and Green parties, led by Chancellor Gerhard Schroeder and Foreign Minister Joschka Fischer. The new government may not have been expected to go against the deeply held anti-militarism of the SPD and Green parties to wage war in Kosovo, even though these parties professed a strong attachment to human rights and humanitarian ideals. National interest, especially in maintaining Germany's reputation as a reliable partner in international affairs, was essential in the German decision.

France's government was shared by the Gaullist president, Jacques Chirac, and the Socialist prime minister, Lionel Jospin. Since the founding of the Fifth Republic in 1958, France typically had the most centralized foreign policy making among the allies, and the Kosovo decision reflected this pattern. Because the authority of the UNSC is central to France's international standing, it could have been expected to oppose the intervention. This was France's position until 1998. France reversed this position because of a unique combination of interests, including the advancement of values. French strategic culture includes promoting human rights as part of France's broader national interest in promoting French values and French culture.

III. LOGIC OF THE STUDY

The study analyzed how each of the three traditions was manifest in the policy debates in the four major NATO nations studied. There was a coherent relationship between the

three traditions and national decisions about authorization, justification and obligation in each case, but each nation held different combinations of these traditions of thinking that influenced its decision to participate in the intervention.

Each of these aspects is linked most closely to one of the three traditions: authorization to Realism because of its emphasis on international anarchy; justification to Rationalism because of its emphasis on cooperation and custom, particularly but not limited to international legal institutions; and obligation to Revolutionism, because of its emphasis on universal moral solidarity rather than on states or institutions. These are the expected emphases, but as this study has shown, states make exceptions to the rule based upon long- and short-term conditions including political, strategic, and social factors.

Authorization

Attitudes about authorization underpinned those about the other two aspects considered in this study, justification and obligation. This is because authorization is closely linked to views on one of the three conditions of international society – anarchy, cooperation and custom, and moral solidarity -- that influence decisions.

When looking at authorization and justification together, a coherent relationship is visible between the emphasis on anarchy in the international order (independence in foreign policy) by the French and by the Americans and their justifications for the use of force. Likewise, the Rationalist emphasis on authorization among the British and the

Germans is reflected in their internal arguments which included references to international law and the humanitarian and human rights motives that justified exceptions to it. Likewise, there were associated beliefs about international authority and obligation.

Authorization

	Anarchy	Cooperation and Custom	Moral Solidarity
United States	• ***Cohen & Berger: No new UNSCR necessary*** • ***Cohen: Reserve right to unilateralism*** • ***NATO cannot be hostage to UNSC*** • ***Congress: Right argued no vital interests at stake while left argued for intervention without ground troops*** • ***Albright: problem is not the lack of institutions but lack of will to use them***	• Previous UNSCRs sufficient • 24 Oct 98 at UNSC: NATO has "the authority, the will and the means to resolve this issue."	
Britain	• Blair: early calls for force including ground troops	• ***Robertson: previous UNSCRs sufficient*** • ***"exceptional measure"*** • ***Blair: institutions need adjusting, lack of new UNSCR not a "stumbling block"***	• Blair: strategic and moral mutually reinforcing
Germany	***For:*** • ***Schroeder: did not want to take blame for failure of Holbrooke mission*** • ***Dilemma of reliable NATO partner: avoid*** **Sonderweg** • ***1994 Constitutional Court decision allowed use of troops***	***Against:*** • ***Previous UNSCR not sufficient due to Russia/China objections***	
France	***Against: hazard of*** • ***Supporting Kosovar independence*** • ***Alienating Russia*** • ***Setting precedent for India, China, Russia*** • ***Undermining credibility of UNSC*** • ***Did not support 1998 US-UK Operation Desert Fox in Iraq*** ***For:*** • ***Longstanding concern about US unilateralism***	• Short argument resting on previous UNSCRs • Emphasis on multilateralism	• Political left divided • Public support "fragile and confused"

Table 2: The nature of international order

Justification

In general, leaders used international law to justify their actions when speaking before international audiences, particularly at the UN. When justifying the use of force to domestic audiences, however, governments used a combination of arguments. These combinations varied among countries, revealing dissimilarities in what persuades various publics within the alliance. Publics generally hold governments back from intervention, and self-interested arguments are more persuasive with domestic audiences, whereas these are more suspect among international constituencies. This was not the case in Britain, however, where Realist arguments alone were not influential with the public while a "humanitarian exception" was successful in gaining public support. German leaders were the most prone to look for strictly legal justification, as they had with authorization, and as they would with the question of obligation.

Just war

The study finds that there is a heavy reliance on the just war doctrine in decisions to use force and that this pattern exhibits the relevance and inherent logic of an analytical method using three traditions. Each of the three first principles of just war identified by St. Thomas Aquinas corresponds to one of the primary aspects under consideration here: proper authority to authorization, just cause to justification, and right intention to obligation. Likewise, the just war doctrine assumes that a balance among the traditions must be present in decisions to use force since each of the principles is linked to one of the contending traditions: proper authority to Realism, just cause to Rationalism, and right intention to Revolutionism.

Leaders in all four NATO nations considered in this study used the just war doctrine explicitly or implicitly to justify intervention. While it is not itself part of international law, many aspects of the just war doctrine have been codified in law. Article 51 of the UN Charter is based upon the just war principle of self defense, and Article 2(4) articulates the just cause principle. Article 33, which requires an attempt at peaceful settlement of disputes, codifies the principle of last resort. In justifying intervention to the public, NATO decision makers evaded specificity regarding the law. They nonetheless referred to the just war doctrine as a moral and ethical code when appealing to the popular conscience.

The Rambouillet talks in February 1999, combined with the ongoing Holbrooke-Milosevic meetings, were seen as proof that NATO nations had fulfilled the requirement of last resort. Each nation strained to make a self defense case to some extent, no matter how implausible some of the scenarios seemed. The attempts by Milosevic at ethnic cleansing of Kosovar Albanians, while violations of his obligations under human rights law, are not punishable by intervention under the law, Thus a right to intervene is not universally accepted. Because Milosevic's behavior was a violation of moral and ethical norms, as well as an affront to a common value of justice and order, a right to intervene in this case was widely acknowledged. There has been a move to further codify just war and other universally accepted moral principles into international law since the Kosovo crisis. This move has intensified since the terrorist attacks against the United States of

11 September 2001 and the intervention by the United States and Britain in Iraq in March 2003.

Underlying efforts to further codify moral norms in law is a belief that codification will enhance cooperation and enforcement of norms. This study has shown that, even without further codification, moral norms still provided decision makers cogent justification to act on behalf of those norms, that obligation was in general moral and even personal rather than legal and national. Most decision makers were reluctant to express a sense of national obligation for various reasons. Political and moral justifications, especially when directed at domestic audiences, were deemed more persuasive than legal requirements. On the other hand, justification in the international setting, primarily in UNSC proceedings, was centered on international law. The benefit of codifying moral norms in law, then, resides in upholding the authority of the UN specifically and legality as part of international politics in particular, and not only in improving the odds that ensuring that states will act in a moral way.

The just war doctrine is essentially Rationalist in that it argues for limited objectives as well as limited means in the use of force, but it essentially balances Realist and Revolutionist aims. The seeking of the lesser evil is also essentially Rationalist, and heavy reliance upon the just war doctrine reveals the persistence of the Rationalist tradition.

Justification

	Anarchy	Cooperation and Custom	Moral Solidarity
United States	***Internal:*** • ***Regional instability*** • ***Credibility of NATO*** • ***Humanitarian/ Human rights crises***	External: • International peace and security (IPS) • Previous UNSCRs • Humanitarian • Last resort	Internal/external: • Western values, humanitarianism n.b. political left supports intervention
Britain	Internal: • Disintegration on Europe's doorstep • Wider war risk • NATO credibility (secondary)	***Internal/external:*** • ***Convincing evidence of humanitarian disaster w/no alternative to force*** • ***IPS*** • ***Humanitarian exception*** • ***UN Charter and previous UNSCR in general*** • ***Just War: last resort, limited means and objectives***	• Blair in Chicago: a war of values: not legal but moral
Germany		***Against/external:*** • ***Previous UNSCR not acceptable justification due to Russia/China objections*** ***For/external:*** • ***IPS*** • ***Reliable NATO partner***	***Internal/for:*** • ***Human rights/humanitarian emergencies*** • ***De-emphasize use of the term "war" for the action***
France	***Internal:*** • ***Regional stability*** • **Fear of *US* hyperpuissance** • ***Feared perception of French* impuissance**	***External:*** • ***Mar 98:not IPS, but rather "balanced" approach b/w Serbs and Kosovar Albanians; Oct 98: IPS*** • ***Just war*** • ***Milosevic breech of agreements*** • ***Previous UNSCR***	***Internal:*** • ***Civilization v. barbarity*** • ***Human rights*** • ***Spread French values***

Table 3: Justification for forcible intervention

Obligation

Decision makers' attitudes regarding obligation were studied separately from the way in which they justified the intervention. Many of the same considerations – human rights, international law, and sovereignty, among others – were at play in decisions about obligation and justification. An investigation of obligation was nonetheless deemed important in order to determine why nations intervened, and to what extent there is a shared norm or custom or sense of responsibility to relieve suffering in other countries. While attitudes regarding justification drew mostly from the Realist and Rationalist traditions, decisions about obligation were more a contest between the Realist and Revolutionist perspectives.

None of the nations asserted a legal obligation to intervene. Germany's leaders mentioned the Genocide Convention, but did not find favorable conditions for making this appeal a centerpiece of their argument. Britain's Tony Blair was the most vocal about a moral obligation, while rejecting legal obligation. While US and French publics and officials were moved by a sense of responsibility to help Kosovar Albanians, they did not translate this into an obligation, moral or legal. The United States Senate resolution authorizing air strikes stated that attacks on civilians in Kosovo "could be considered" genocide and thus avoided legal obligations under the Convention. Overall, there appeared an adherence to the Realist principle of separation of personal and public morality. This was akin to the "right to intervene," which had been advanced in the 1990s, especially in France. It is a morally based claim, reliant upon prerogatives of

power to achieve constructive results, and mandates the skirting of the non-interference-in-internal-matters requirements of the law.

Revolutionist thinking was often the impetus for decision makers and the public to challenge principles of law and sovereignty. The nature of certain international crises and the imperative to respond to them quickly help explain this. In the 1990s, NATO leaders felt pressure to respond to the tragedies unfolding on their television screens. Only an individual can feel a sense of obligation, but states are obligated in certain cases, particularly under treaty commitments. Other assertions about obligation resulting from custom or accepted norms are more controversial. It is not simply coincidental that Revolutionist thinking appeals to the sense of human solidarity among individuals. Since attitudes about sovereignty and international law often auger for the status quo, they must be overcome in order for states to act upon a sense of obligation. That is why Revolutionists see the state and the law as stumbling blocks. That individual citizens could also have a sense of moral obligation despite the requirements of international law led decision makers to appeal to moral sensibilities in making a case for a duty to intervene while avoiding the undesirable effects of setting a legal precedent.

Looking at obligation and authorization together, it is evident that France and the United States, the two countries that emphasized the Realist aspect of anarchy in international politics (independence in foreign policy), steered away from articulating Rationalist arguments in addressing the obligation to intervene. Britain and Germany took a Rationalist approach to arguments about both authorization and obligation. Hence

a coherent relationship is apparent between emphases on aspects of international politics and decisions about obligation

In every nation, individual decision makers expressed a feeling of responsibility to help the suffering Kosovar Albanians, but their personal sentiments did not translate into declarations of state obligations unless by exception. Even if official statements did not assert a moral obligation, as in the American case, declarations were informed by the perspectives of decision makers. The causality between the beliefs of decision makers and the policy they helped shape is not the focus of this study. Whether at times decision makers made policy according to their consciences, and at other times they went against their personal morals is not in question. It is assumed that policy is the result of both these factors and others. Furthermore, even when the stated obligation was moral, it does not mean that the thinking behind the policy was not self interested. For example, French officials insisted on a moral duty to uphold French values, including human rights, and declared that the French nation had an responsibility to defend civilization from barbarity. While cast in moral terms, the extension of French values is tied to the promotion of French interests in Europe and beyond.

While the Clinton administration took office with a stated resolve of defending human rights, by 1999 administration officials argued that official policy was to use force only when vital American interests were at stake. This was due in large part to their perception of strong resistance from Congress to authorizing the use of force in humanitarian or human rights emergencies. Congressional debates in 1998 and 1999 were couched in

terms of American interests in the Kosovo crisis and not on the moral imperatives or legal requirements involved independent of interests. It is therefore to be expected that administration officials did not argue for an American obligation to protect other people's rights, especially a legal obligation that would have set a precedent for future crises.

British decision makers had no such restraint on making moral references or declarations about an obligation to intervene in the crisis. They were careful to distinguish the moral obligation from a legal one, however. Both Tony Blair and Robin Cook were known for seeking a principled foreign policy. The prime minister stated that strategic and moral interests were mutually reinforcing, and public opinion supported his assertion.

No such harmony existed in Germany. Rather than a mutually reinforcing relationship, morals, laws and politics were in conflict. Inside both the Realist and Revolutionist traditions, Germans found persuasive arguments for and against an obligation to intervene. On the Revolutionist side, anti-militarist arguments against interventions were in stark contrast to human rights arguments for it. In the Realist camp, political obligations to NATO partners and the need to prevent a refugee crisis near the Alliance's borders ran counter to interests in fostering good German relations with Russia. German decision makers had to overcome strong resistance to the use of force among citizens who had cultivated strong anti-militarism since World War II. Inside the Rationalist tent, the duty to uphold the non-interference principle of the UN Charter ran counter to the decreased relevance of sovereignty inherent in the emphasis on European integration and

interdependence in German foreign policy. Sovereignty and non-interference principles were also in tension with perceived legal obligations to uphold human rights law, something Germans had taken the lead in promoting in the EU. In the end, while Joschka Fischer expressed a sense of obligation on behalf of Germany, he was adamant that the decision should not be seen as a precedent.

Obligation

	Anarchy	Cooperation and Custom	Moral Solidarity
United States	***For and against:*** • ***Congressional debates concerned US interests in region***		For: • Individual decision makers concern for humanitarian tragedy • President's claims of "responsibility"
Britain	Against: • Conservatives: no national interests, hypocrisy of foreign policy, quagmire, sovereignty For: • Blair: values and interests are one	Against: • Violation of sovereignty and UN Charter	***For:*** • ***Blair and public opinion in harmony: moral obligation to intervene, not legal obligation***
Germany	***Against:*** • ***Russian interests*** • ***Public opinion*** ***For:*** • ***Possible refugees*** • ***Responsibility to NATO allies***	Against: • UN Charter: non-interference • Increasing importance of interdependence For: • Human rights law • Decreasing relevance of state sovereignty	***Against:*** • ***Pacifism/anti-militarism (inverted Rev.)*** ***For:*** • ***Human rights*** • ***Fischer: obligation to intervene vs. "not a precedent"***
France	***Against:*** • ***Serbia as former ally*** ***For:*** • ***American* hyperpuissance** • ***Desire not to be "little"*** • ***French leadership in civilization*** • ***Spread French values***		***For:*** • ***French public support split, political left weak*** • ***Spread French values*** • ***Civilization v. barbarity***

Table 4: The nature of international obligation

IV. IMPLICATIONS

The conceptual model this study proposes for understanding decision making about the use of force, in particular humanitarian interventions, develops a logical connection between three traditions of thinking and three aspects of intervention decision making. In essence, it helps identify what elements are necessary and sufficient for the nations studied to decide to participate in the use of force.

The language of intervention: human rights, civilization and barbarity

In their arguments for using force, NATO leaders found condemnation of Milosevic's behavior influential with domestic and international audiences. There was a marked shift in language in 1998. In early 1998, American and French officials referred to the KLA as terrorists in public statements. As Contact Group discussions regarding proper authorization for intervention proceeded in the summer of 1998, such references were dropped, and condemnation was focused on the Serb leader, Slobodan Milosevic. This approach gained ground in all four capitals during the flagging negotiations between Milosevic and the American official Richard Holbrooke and after the failed Rambouillet talks in early 1999. Those desiring to keep their country out of the intervention emphasized the intractable nature of "ancient ethnic hatreds" and "tribal" violence.

Conversely, the tendency for those advocating intervention was generalization of victimhood and individualization of blame. This tendency is reflected in movements within international law since World War II to prosecute individual war criminals in

international courts such as the Nuremberg and Tokyo trials, the International Criminal Tribunals for Yugoslavia and Rwanda, and in the future, in the International Criminal Court. And so, as the human rights regime extended the boundaries of civilization to all people in a Revolutionist manner, it likewise accorded status as "barbarian" to law-breaking individuals. In this way also, entire nations could become defenders of civilization through intervening in solidarity with the people under attack. These trends reflect the a sense that an international community is akin to a neighborhood that needs policing to deter and punish criminals, and this is a Revolutionist conception of international society.

Thus, the historical tension between Kantian and Grotian conceptions of justice toward barbarians was at the center of the Kosovo crisis. In Aristotle's day, all non-Greeks were regarded as barbarians and candidates for slavery. Conversely, the fathers of international law, including Suarez, Vittoria, and Las Casas, condemned harsh treatment of the indigenous peoples of the Americas who were labeled "savages." This study has shown that for some Western policy makers the new barbarian is the individual who habitually disregards accepted human rights norms codified in regimes set up after World War II. In France, the case against Milosevic was so important that it served as the justification for an about face in policy on the question of UNSC authorization.

Decision makers in each of the NATO capitals referred to barbarity and barbarous acts. They did so in general terms, or with respect to human rights violations, or with regard to Milosevic specifically. The term was not racial but behavioral, used to describe

not what people were, but what they did. Decision makers called for defeating barbarity and defending civilization to both justify intervention and to persuade domestic and international audiences to agree with their policy.

Before he invented the word "genocide," Raphael Lemkin, father of the Genocide Convention, called the act he was describing a "crime of barbarity." While the Genocide Convention was conspicuously absent from public discourse among NATO leaders, the word "barbarity" was used liberally. "Genocide" has been a legal term since its conception, carrying the weight of international obligation. "Barbarity" describes the same acts without binding states to respond. During the Rwanda crisis of 1994, American officials went so far as to use the words "genocidal acts" instead of "genocide" in order to avoid the effects of the law. Four years after the Kosovo intervention, groups in Germany accused Gerhard Schroeder of misleading the public into supporting intervention because he referred to the Convention. This indicates that such instruments of legal obligation are taken seriously. On the other hand, it also explains the reason why leaders are loath to invoke such obligations and instead prefer to speak in terms of a moral responsibility to defend civilization from barbarity.

Trends in international politics

The interventions of the 1990s, culminating in the Kosovo case, show movement from Rationalism to Realism, but also a countervailing trend in the opposite direction. The first trend is noticeable in attitudes toward national sovereignty. On one hand, it is clear that Milosevic did not enjoy a free hand inside his borders to continue human rights

abuses and so the notion of sovereignty has been eroded. On the other hand, it is evident that NATO nations were unfettered by international law in the exercise of their power to intervene. This is additional evidence of a trend away from Rationalism toward Revolutionism in the first sense, and from Rationalism toward Realism in the other. For the Realist, it is simply a matter of power politics. The UN Charter prescribes sovereign equality on the UNSC, where all five permanent members are equal in their power to veto, while at the same time it perpetuates inequality since only five of the UN's 192 members are allowed this position.

On the other hand, the fact that, even the most powerful states continue to seek UNSC authorization for the use of force, as NATO nations did in the Kosovo case, is an indication that Rationalist thinking remains fundamental to international politics. the move of participating European states toward greater political and economic integration, a pooling of a sovereignty, is further evidence of continued attraction toward Rationalist thought.

A third trend, and perhaps the strongest identified in this study, is from Realism to Revolutionism. Not only has democracy spread as a political concept, but globalization and the democratization of technology have reached unprecedented levels. The proliferation of information technology and the growing extent of international travel make the wider appeal of Revolutionist thinking more likely. Some believe that there is an increasing influence of non-state actors in international politics and that this is further evidence of this trend from Realism to Revolutionism. The structure of the international

system remains state-centric, so the Realist tradition and national interests will remain a force, leading to increasing tension between Realism and Revolutionism. In some states this may lead to a hybrid approach, while in others it may be contentious in both the domestic and diplomatic arenas as it was in Germany during the Kosovo crisis.

Trends, theory and policy

The study identifies an upswing of Revolutionist thinking in international politics today. This surge will challenge predominant thinking about authorization and justification, and continue to influence perceptions about obligation. In the Kosovo case, it did not weigh heavily in thinking about authorization, but it was a factor in justification for the use of force. Revolutionist thinking was behind the ideological East-West contention of the Cold War, but the humanitarian and human rights variant of the tradition was fettered by the larger ideological dispute, as well as by the overarching Realism of the superpower rivalry. In one sense, the end of the Cold War unchained humanitarian and human rights thinking, but in another sense, Revolutionist thinking simply continued under another banner. The US National Security Strategy of September 2002 asserts that the United States will use force to promote democracy. Like the humanitarian interventions of the 1990s, the Bush National Security Strategy shows Hard Revolutionist thinking, that is, not just the promotion of ideas, but the willingness to use force to promote them.

At the same time, the Rationalist tradition has embedded itself securely in international politics since World War II. The institutions that evolved during and after

the war such as NATO, the UN, and the EU created an expectation of cooperation and interdependence among states. Rationalist institutions challenged Revolutionism by codifying moral behavior in law. Examples include the Universal Declaration of Human Rights and Genocide Convention, and judicial bodies such as the International Court of Justice and European Court of Human Rights, and later the International Criminal Tribunals for Yugoslavia and Rwanda. The just war doctrine, part of the Rationalist tradition, informed decisions about all three aspects of the Kosovo intervention, and this is further evidence of the continued persuasiveness of this way of thinking.

Meanwhile, Realist thinking persists among states as they seek to protect and advance their own interests, primarily their security. As this study shows, humanitarian intervention challenges Realist thinking, but the tradition remains paramount for most states in decisions about authorizing the use of force.

The rise of Revolutionist thinking, entrenched Rationalism, and the persistence of Realism mean that decisions to use force in the future may be even more hotly debated than in the Kosovo case. For policy makers, it means that when considering intervention in a specific case, they should determine to what extent the three traditions are satisfied overall. Each state considering participation in the intervention will have to determine what emphases are necessary and sufficient. Finally, if this combination cannot be satisfied in the circumstances, or if they cannot be crafted to fulfill the conditions persuasively, then agreement is unlikely. The state pursuing intervention may wish to

seek the support, in an ad hoc coalition of the willing, of states whose conditions are satisfied in the case.

Since justification is inherently Rationalist, in decisions regarding justification all states can be expected to articulate their case in terms of international law to external audiences. States will need to satisfy other conditions for domestic constituencies. Since international law runs contrary to intervention by supporting sovereignty and non-interference, in cases of humanitarian intervention a specific UNSC resolution will be sought. If the threat of a UNSC veto blocks the possibility of a separate resolution, the United States and Britain may be the most inclined to cite previous UNSC resolutions invoking Chapter VII if they exist. France, with strong inclinations toward all three traditions in matters of justification, cannot always be expected to cite previous UNSC resolutions. Germany may be the most insistent upon fulfilling the requirements of the law. While the other three blend approaches, Germans will find great tension in resolving a Revolutionist pull away from predominantly Rationalist thinking about justification.

In matters of obligation, the underlying thinking is Revolutionist, and each state weighs this in the balance with other traditions. For the United States, it is counterbalanced with Realism. For Britain, it is a blending of moral and political aims. For Germans, as in decisions about justification, there is tension in reconciling the lack of specific codification of moral norms with the drive to uphold those norms. In it's decision making, the Schroeder government reflected Germany's deeply rooted

attachment to international law. For the French, decisions about obligation are balanced between Realism and Revolutionism, as they are for Americans. The French had a more deep seated expectation of fulfilling human rights norms, however, since they had been advancing the notion of a duty to intervene throughout the 1990s, particularly in Francophone Africa. The French also viewed the advancement of human rights as an extension of French values and French culture.

Policy implications

The model shows that in decisions about authorization, the primary emphasis is on anarchy in international politics, a Realist perspective. That means that in order to outweigh the dominant Realist approach to authorization, persuasive Rationalist or Revolutionist thinking must be present in the countries deliberating the use of force. In considering justifications for the use of force, states primarily emphasize international law and cooperation and custom, a Rationalist perspective. In order to influence the predominant view that legitimate use of force must be backed by international law, there must be significant Realist or Revolutionist arguments. Thinking about the obligation to intervene primarily emphasizes moral solidarity. This is Revolutionist thinking, and in order to counterbalance this moral approach to the use of force, there must be sufficient reason to believe in a Rationalist, or legal, obligation. Realist thinking does not generally support the notion of an obligation of a state to intervene on behalf of other persons, peoples or states, but there are exceptions such as France, in the Kosovo case.

Certain favorable moral and political events near the end of the twentieth century – the end of Soviet communism, triumph of democracy in some parts of Europe – may support the Rationalist emphasis on cooperation and custom which is inherent in the international institutions founded during and since World War II. Rationalists will continue to point to the success of post war institutions as a vindication of their doctrine of "unite and influence" over the Realist's "divide and conquer," in which habits of cooperation, even if forced, lead to an awareness of common interests and goodwill and thus reinforce cooperation.

Thus, Rationalists will continue to press for codification of moral norms into law. They will continue to demand that states seek UNSC authorization before resorting to other avenues for legitimizing the use of force. Those who seek to codify moral norms into international law in effect desire to make Rationalist thinking more relevant. The prevalence of the just war doctrine will continue, especially its emphases on proper authority, just cause (including "proof" of a threat), and right intention (which may lead to an increased use of moral rhetoric by decision makers). The expectation of limited objectives and limited means will persist.

Among those more ideologically inclined, Soft Revolutionists will continue to support the Rationalist approach, while Hard Revolutionists and Hard Realists will continue to justify the use of force on ideological grounds that are seamlessly linked to security. This is the predominant approach used by the NATO Allies in 1999, with each nation articulating each tradition to varying degrees.

For example, in decisions about authorization, France and Germany can be expected to insist to a greater extent on a specific UNSC resolution authorizing intervention than Britain and the United States. For France this is due to an interest in bolstering the legitimacy of the UNSC due to its position on the P-5, and for Germany it is due to a political culture closely tied to international law.

Theoretical implications and future research

The primary contribution of this study has been to offer a new conceptual framework for understanding decisions regarding humanitarian intervention. In addition to linking Wight's work about the three traditions to humanitarian intervention, updating it and developing a new model refining his framework, it has found that the three traditions have useful contemporary applications.

The three traditions can help international relations scholars identify the underlying thinking among theories and methodologies that have emerged in the last few decades and which various scholars are now using to grapple with the contentious theoretical and policy implications resulting from the most recent cases of intervention. When the underlying premises of various IR theories are examined, it becomes apparent that they are combinations of one or more of the three traditions. This is not surprising, since much of the work of IR theorists has been to make sense of the contradictions in international politics. The three traditions identify the philosophical basis for conflict and confrontation, but they also identify overlapping premises that make the traditions blend

into one another at the margins. This study shows the particular ways in which theories may overlap and intersect in cases of intervention.

In essence, the traditions serve as meta-categories that channel numerous and seemingly incomparable theories of international relations into three useful categories that help to reveal and compare similarities and differences. Some IR theories explain international behavior by the conveyance of ideas, others by the structure of the international system, still others by the role of domestic politics or bureaucratic organization. The traditions make use of all of these factors by examining their effects on the thinking that underlies a decision, and by putting them in historical context. Instead of attempting to explain decision makers' behavior based upon any one theory, the traditions allow us to assess which ways of thinking may be influential in the contest among the three in specific circumstances, and by examining the conversation one can better understand the outcome. Ideas, institutions, power politics, technology, domestic politics and other factors not only influence individual decisions, but may determine which traditions are in ascendancy during particular periods in history.

One useful example is globalization, specifically the way in which the proliferation of information technology will influence decisions to use force. Increasing access to information technology that allows publics to see and share images of human rights atrocities may bolster a sense of universal moral solidarity inherent in Revolutionist thinking. At the same time, the institutionalization of human rights may foster this same thinking, or it may be part of an increased expectation of conformity to international law

which is part of the Rationalist way of thinking. Since Revolutionist and Rationalist ways of thinking are based on fundamentally opposing views of international politics, they lead to opposite conclusions regarding intervention: the Rationalist to non-intervention and the Revolutionist to intervention particularly if the Rationalist supports the UN Charter's provisions concerning state sovereignty and non-interference in internal matters. If both are present influential, as they were in Britain and Germany in 1999, a compromise must be struck. In Britain the compromise was an harmonious "humanitarian exception," while in Germany the compromise was extremely contentious. Despite these differences, both governments reached the same conclusion to intervene. In 2003, faced with another decision regarding intervention, this time in Iraq, the countries came to opposite conclusions, but the dynamics of thinking behind both decisions were similar, and therefore greater awareness of the traditions may have helped policy makers anticipate the divergence.

Increasing institutionalization and legalization in international politics do not necessarily mean that the Rationalist tradition is ascendant or will overtake the other two traditions. In the cases of Britain's and Germany's compromises, it was weaker than the Revolutionist imperative to stop human rights abuses in Serbia. Additionally, the Realist tradition was an important voice in all four countries during deliberations and it, too, mitigated the drive for strict adherence to the law. It could be said that the Realist tradition was infused in both Rationalist and Revolutionist thinking in this manner.

This model provides a venue for a more interdisciplinary approach to research in international politics. Specifically, it may be of use to those seeking to link international relations and international law theories. This approach may advance understanding of how states and societies understand obligations, duties and responsibilities to use force in order to relieve suffering in cases of massive human rights and humanitarian emergencies.

SELECTED BIBLIOGRAPHY

Albright, Madeleine. 8 October 1998, Department of State transcript.

Anderson, Peter. "Airstrike: NATO astride Kosovo," in *The Kosovo Crisis: The last American War in Europe?* ed. Anthony Weymouth and Stenley Henig. London: Reuters, 2001.

Annan, Kofi. *Preventing War and Disaster: A Growing Global Challenge.* 1999 Annual Report on the Work of the Organization. New York: United Nations, 1999.

_____. "Two Concepts of Sovereignty," *The Economist,* 18 September 1999. Available at http://www.un.org/News/ossg/sg/stories/kaecon.html accessed 1 July 2002.

_____. "Peacekeeping and National Sovereignty." In *Hard Choices: Moral Dilemmas in Humanitarian Intervention*, ed. Jonathan Moore. New York: Rowman and Littlefield, 1998.

Aquinas, Saint Thomas. *Summa Theologica* in *Aquinas: Selected Political Writings.* A.P. D'Entreves, ed. J.G. Dawson, trans. Oxford: Basil Blackwell, 1974.

Aristotle. *Politics.* New York: Random House, 1943.

Augustine, Saint. *City of God.* Garden City, New York: Image Books, 1958.

_____. *The Political Writings.* Chicago: Regnery Gateway, 1962.

Auplat, Claire. "The Commonwealth, The Francophonie and NGOs," *The Round Table* 368, no. 1 (January 2003): 53-66.

Baker, James. National Security Council legal counsel 1999, interview with the author 9 August 2001.

Baker, James A., III. *The Politics of Diplomacy: Revolution, War & Peace 1989-1992.* New York: Putnam, 1995.

Barzini, Luigi. *The Europeans.* London: Penguin Books, 1983.

Baumann, Rainer and Gunther Hellman, "Germany and the Use of Military Force: 'Total War', the 'Culture of Restraint', and the Quest for Normality," *German Politics*, 10 no. 1 (April 2001). Available at www.frankcass.com/jnls/gp_v10.htm accessed 14 February 2003.

Bellamy, Alex J. *Kosovo and International Society.* New York: Palgrave, 2002.

Berger, Samuel. Leher NewsHour interview, 2 October 1998.

_____. PBS *Frontline* interview, 23 October 1998.

Biden, Joseph. "Kosovo: A Test for NATO," speech delivered at The Atlantic Council of the United States, Washington, D.C., 25 March 1999. Available at Biden.senate.gov/press/speeches/atlantic.htm accessed 28 March 2003.

Blair, Tony. PBS *Frontline* interview. Available at http://www.pbs.org/wgbh/pages/frontline/shows/kosovo/interviews/blair.html accessed 1 July 2001.

_____. *Frontline* interview. Available at http://www.pbs.org/wgbh/pages/frontline/shows/kosovo/interviews/blair.html accessed August 2002.

_____. "Doctrine of the International Community," Speech delivered at the Economic Club of Chicago, 22 April 1999), reprinted in *Strategy and Force Planning*. Newport: U.S. Naval War College Press, 2000, 587-597.

Boot, Max. *The Savage Wars of Peace: Small Wars and the Rise of American Power.* New York: Basic Books, 2002.

Breyman, Steve. *Movement Genesis: Social Movement Theory and the West German Peace Movement.* Boulder: Westview, 1998.

Brown, Chris. *International Relations Theory: New Normative Approaches*. New York: Columbia University, 1992.

_____. "Fog in the Channel: Continental International Relations Theory Isolated (or and essay on the Paradoxes of Diversity and Parochialism in IR Theory)." In *International Relations – Still an American Social Science? Toward Diversity in International Thought*, eds. Robert M.A. Crawford and Darryl S.L. Jarvis. Albany: State University of New York, 2001.

Bull, Hedley, ed. *Systems of States*. London: Leicester University Press, 1977.

Bull, Hedley and Carsten Holbraad, eds. *Power Politics*. New York: Holmes & Meier, 1978.

Bull, Hedley and Adam Watson. *The Expansion of International Society*. Oxford: Clarendon, 1984.

Bull, Hedley. "International Theory: The Case for a Classical Approach." In *Classics of International Thought*, ed. John Vasquez. Englewood Cliffs: Prentice Hall, 1990.

Burkhalter, Holly. "Statement on Kosovo Genocide," Physicians for Human Rights

available at http//www.glypx.com/balkanwitness/genocide.htm accessed 1 December 2003.

Burman, Eric. "Innocents Abroad: Western Fantasies of Childhood and the Iconography of Emergencies," *Disasters* 18, no. 3: 238-253.

Butterfield, Herbert and Martin Wight. *Diplomatic Investigations: Essays in the Theory of International Politics.* Cambridge: Harvard University Press, 1966.

Buzan, Barry. "The English School as a Research Program: an Overview and Proposal for Reconvening." Center for the Study of Democracy, University of Westminster. Draft of 15 October 1999. Available at http://www.ukc.ac.uk/politics/englishshool/buzan99.htm

Cameron, Fraser. *The Foreign and Security Policy of the European Union Past, Present and Future.* Sheffield: Sheffield Academic Press, 1999.

Caplan, Richard. "Humanitarian Intervention: Which Way Forward?" *Ethics & International Affairs 14* (2000): 21-38.

Chandler, David. *From Kosovo to Kabul: Human Rights and International Intervention* London: Pluto Press, 2002.

_____. Statement in Berlin 24 March 1999. Available at www.france.diplomatie.fr/actual/dossiers/kossovo/kossovo.gb.html

Clark, J.C.D. "The Strange Death of British History? Reflections on Anglo-American Scholarship." *The Historical Journal* 40, no. 3 (1997): 787-809.

Clark, Wesley. *Waging Modern War.* New York: Public Affairs, 2001.

Cohen, William. PBS interview available at http://www.pbs.org/wgbh/pages/frontline/shows/Kosovo/interviews/choen.html

_____. Leher NewsHour interview, 18 June 1998. Available at www.pbs.org/newshour/bb/europe/ jan-june98/cohen_6-18.html accessed 27 January 2003.

Cook, Martin L. "'Immaculate War:' Constraints on Humanitarian Intervention." *Ethics & International Affairs* 14 (2000): 55-65.

Cook, Robin. House of Commons statement, 25 March 1999. Available at http://www.parliament.the-stationery-office.co.uk/pa/cm199899/cmhansrd/vo990325/debindx/90325-x.htm accessed 6 February 2003.

Coll, Alberto. "Kosovo and the Moral Burdens of Power." In *War Over Kosovo: Politics and Strategy in a Global Age*, eds. Andrew Bacevich and Eliot Cohen. New York: Columbia University Press, 2001.

Crawford, Robert. "Where Have All The Theorists Gone – Gone to Britain, Every One? A Story of Two Parochialisms in International Relations." *European Journal of International Relations*. London: SAGE Publications, 2002.

Crawford, Robert and Darryl S.L. Jarvis. *International Relations – Still an American Social Science? Toward Diversity in International Thought.* Albany: State University of New York, 2001.

David, Charles-Philippe and Jacques Levesque, eds. *The Future of NATO: Enlargement, Russia and European Security*. Montreal and Kingston: The Centre for Security and Foreign Policy Studies and The Teleglobe+Raoul-Dandurand Chair of Strategic and Diplomatic Studies, 1999.

Decisions *of the* Bundesverfassungsgericht – *Federal Constitutional Court – Federal Republic of Germany Vol. 1/I and 1/II International Law and Law of the European Communities, 1952-1989.* Baden-Baden: Nomos Verlagsgessellschaft, 1992.

Dinstein, Yoram. "The 13th Waldemar A. Solf Lecture in International Law." *Military Law Review* 166: 93-108.

Dougherty, James E. and Robert L. Pfaltzgraff, Jr., *Contending Theories of International Relations: A Comprehensive Survey*, 5th ed. New York: Longman, 2001.

Duffield, John. *World Power Forsaken: Political Culture, International Institutions, and German Security Policy.* Stanford: Stanford University Press, 1998.

Duffield, Mark "The Symphony of the Damned: Racial Discourse, Complex Political Emergencies and Humanitarian Aid." *Disasters: The Journal of Disaster Studies and Management* 20, no. 3: 173-193.

Durch, William ed. *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990s.* New York: St. Martin's Press, 1996.

Duyvendak, Jan William. *The Power of Politics: New Social Movements in France.* Boulder: Westview, 1995.

Economides, Spyros and Paul Taylor, "Former Yugoslavia." In *The New Interventionism 1991-1994: United Nations Experience in Cambodia, former Yugoslavia and Somalia,* ed. James Mayall. Cambridge: Cambridge University, 1996.

Economist. "That Awkward Relationship," 14 May 1998 available at www.economist.com accessed 11 January 2003.

_____. "When you've a moment, Bill," 24 September 1998 available at http://www.economist.com accessed 11 January 2002.

Epp, Roger. "At The Wood's Edge: Toward a Theoretical Clearing for Indigenous Diplomacies in International Relations." In *International Relations – Still an American Social Science? Toward Diversity in International Thought*, eds. Robert M.A. Crawford and Darryl S.L. Jarvis. Albany: State University of New York, 2001.

Ehrhart, Hans-Georg. "France and NATO: Change by Rapprochement? Asteriz' quarrel with the Roman Empire." Paper of January 2000, Hamburg, Germany.

Evans, Gareth and Mohamed Sahnoun. "The Responsibility to Protect" *Foreign Affairs* 81, issue 6 (November/December 2002): 99-119.

Ferguson, Yale and Richard Mansbach. *The Elusive Quest: Theory and International Politics*. Columbia: University of South Carolina Press, 1988.

Feurth, Leon. Interview by the author, 13 March 2003.

Fisher, Joschka quoted in "Germany: Green's Leader Warns Against Ignoring UN in Kosovo Intervention." *BBC Worldwide Monitoring*, 3 October 1998.

Frontline, "War in Europe." Available at http://www.pbs.org/wgbh/pages/frontline/shows/kosovo/etc/cron.html accessed 27 August 2002.

Glendon, Mary Ann. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. New York: Random House, 2001.

Glennon, Michael. *Limits of Law, Prerogatives of Power: Interventionism After Kosovo*. New York: Palgrave, 2001.

Goldsmith, Jack and Eric Posner. "Moral and Legal Rhetoric in International Relations: a Rational Choice Perspective." University of Chicago Law & Economics, Olin Working Paper 108, November 2000.

Gordon, Philip. *A certain idea of France: French security policy and the Gaullist legacy*. Princeton: Princeton University Press, 1993.

Gray, Colin S. *Nuclear Strategy and National Style*. Lanham, Maryland: Hamilton Press, 1986.

Greenwood, Chris. "Yes, but is the war legal?" *The Observer*, 26 March 1999, 22.

Gregory, Shaun. "France and Missions de Souverainete." *Defense Analysis* 16, no. 3 (December 2000): 329-342.

Griffiths, Martin and Terry O'Callaghan. "The End of International Relations?" In *International Relations – Still an American Social Science? Toward Diversity in International Thought*, eds. Robert M.A. Crawford and Darryl S.L. Jarvis, Albany: State University of New York, 2001.

Groom, A.J.R. and Peter Mandaville. "Hegemony and Autonomy in International Relations: The Continental Experience." In *International Relations – Still an American Social Science? Toward Diversity in International Thought*, eds. Robert M.A. Crawford and Darryl S.L. Jarvis, Albany: State University of New York, 2001.

Grotius, Hugo. *The Law of War and Peace*. New York: Bobbs-Merrill Co., 1962.

Guicherd, Catherine. "International Law and the War in Kosovo," *Survival* 41, no. 2, (Summer 1999): 19-34.

Haass, Richard. *Intervention*. Washington, D.C: Carnegie Endowment, 1994.

Hakim, Catherine. *Research Design: Successful Designs for Social and Economic Research*, 2nd ed. New York: Routledge, 2000.

Hall, Ian. "Still the English patient? Closures and inventions in the English School." *International Affairs* 77, no. 4 (October 2001): 931-942.

Hassner, Pierre. "L'Amérique et le monde." *Etudes* 389, no. 4 (October 1998): 293-303.

Hauwerwas, Stanley. "Whose Just War, Which Peace?" In *But Was it Just?* ed. David E. DeCosse. New York: Doubleday, 1992.

Hehir, J. Bryan. "Military Intervention and National Sovereignty." In *Hard Choices: Moral Dilemmas in Humanitarian Intervention*, ed. Jonathan Moore, Lanham, Maryland: Rowman & Littlefield, 1998.

_____. interview by the author 21 March 2001.

Henkin, Louis. "Kosovo and the Law of 'Humanitarian Intervention." *American Journal of International Law* 93, no. 4 (October 1999): 824-828.

Hirschman, Albert O. *The Rhetoric of Reaction: Perversity, Futility, Jeopardy.* Cambridge, Massachusetts: Belknap, 1991.

Hobbes, Thomas. *Leviathan: or the Matter, Forme and Power of a Commonwealth Ecclesiasticall and Civil.* New York: Collier, 1962.

Hoffman, Stanley. "The Crisis of Liberal Internationalism." *Foreign Policy* 98 (1995): 70-86.

Holbrooke, Richard. Interview by Leher NewsHour, 14 October 1998.

Hooghe, Liesbet, Gary Marks and Carole Wilson. "Does Left/Right Structure Party Positions on European Integration?" *Comparative Political Studies* 35, no. 8, (October 2002): 965-989.

Hurrell, Andrew. "International Society and the Study of Regimes: A Reflective Approach." In *Regime Theory and International Relations*, ed. Volker Rittberger. Oxford: Oxford University Press, 1993.

Independent International Commission on Kosovo. *The Kosovo Report: Conflict, International Response, Lessons Learned.* Oxford, Oxford University Press, 2000.

Johnstone, Ian. "Security Council deliberations: justification and persuasion on the basis of law," unpublished paper, The Fletcher School of Law and Diplomacy, 2002.

Kaldor, Mary. *New and Old Wars: Organized Violence in a Global Era.* Stanford: Stanford University Press, 1999.

Kant, Immanuel. *Political Writings.* Cambridge: Cambridge University Press, 1970.

Kaplan, Lawrence S. *NATO and the United States: The Enduring Alliance.* Boston: Twayne Publishers, 1988.

_____. *The Long Entanglement: NATO's First Fifty Years.* Westport, Connecticut: Praeger, 1999.

_____. "Containment." *The New Republic,* 5 February 2001, 98.

Keridis, Dimitris and Robert L. Pfaltzgraff, Jr. *NATO and Southeastern Europe: Security Issues for the Early 21st Century.* Dulles, Virginia: Brassey's, 2000.

Khilnani, Sunil. *Arguing revolution: the intellectual Left in postwar France.* New Haven: Yale University Press, 1993.

Klein, Stefan. "With a Brave Yes." *Munich Sueddeutsche Zeitung* 24 March 1999, FBIS-WEU-1999-0324.

Krauthammer, Charles. "The Short, Unhappy Life of Humanitarian War." *The National Interest* (Fall 1999): 5-8.

Kupchan, Charles. "Kosovo and the Future of U.S. Engagement in Europe." In *Alliance Politics, Kosovo, and NATO's War: Allied Force or Forced Allies?* ed. Pierre Martin and Mark R. Brawley. New York: Palgrave, 2000.

_____. "America and Europe: From Pacifier to Partner." In *NATO and Southeastern Europe: Security Issues for the Early 21st Century*, eds. Dimitris Keridis and Robert L. Pfaltzgraff, Jr. Dulles, Virginia: Brassey's, 2000.

Lake, Anthony. "The Human Reality of Realpolitik," *Foreign Policy* (Fall 1971): 157-162.

Lamizet, Bernard and Sylvie Debras. "France: Questions of Identity." In *The Kosovo Crisis: the last American war in Europe?* eds. Tony Weymouth and Stanley Henig. London: Reuters, 2001: 106-121.

Landay, Johnathan. "Kosovo, Next Balkan Boilover?" *The Christian Science Monitor* International, 6 March 1998. Available at http://search.csmonitor.com/durable/1998/03/06/intl/intl.4.html.

Lefevre, Pierre. *Le Soir* (Brussels), 2 February 1999.

Library of Congress country studies at http://countrystudies.us/germany/163.htm [10 July 2003].

Little, Richard. "The English School's Contribution to the Study of International Relations." *European Journal of International Relations*. London: SAGE Publications, 2000.

Locke, John. *Two Treatises of Government.* New York: Hafner, 1947.

Lohr, Rear Admiral. Interview by the author, 20 August 2001.

Macleod, Alex. "Kosovo: France and the Emergence of a New European Security." *Alliance Politics, Kosovo, and NATO's War: Allied Force or Forced Allies?* eds. Pierre Martin and Mark R. Brawley. New York: Palgrave, 2000: 113-130.

Main Frankfurter Rundschau (Internet version). "Majority of Greens Support NATO Air Strikes in Serbia," FBIS-WEU-1999-0324.

_____. "Jurists Question NATO's Kosovo Deployment," 29 March 1999, FBIS-EEU-1999-0328.

_____. "Volmer: Milosevic Counts on Greens' Pacifism Against NATO," 27 March 1999, FBIS-WEU-1999-0327.

Machiavelli, Niccolo. *Discourses on Livy.* Oxford: Oxford University Press, 1997.

Malone, David. *Decisionmaking in the UN Security Council: The Case of Haiti, 1990-1997.* Oxford: Clarendon Press, 1998.

Martin, Pierre and Mark R. Brawley, eds. *New Alliance Politics, Kosovo, and NATO's War: Allied Force or Forced Allies?* New York: Palgrave, 2000.

Matutes, Abel. 6 October 1998, quoted in FBIS-WEU-98-279.

Mayall, James, ed. *The New Interventionism: United Nations Experience in Cambodia, former Yugoslavia and Somalia.* Cambridge: Cambridge University, 1996.

Mayer, Harmut. "Early at the beach and claiming territory? The evolution of German ideas on a new European order." *International Affairs* 73, no. 4 (1997): 721-737.

McCarthy, Patrick, ed. *France-Germany, 1983-1993: the struggle to cooperate.* London: Macmillan, 1994.

Mead, Walter Russell. "The Jacksonian Tradition and American Foreign Policy." *The National Interest* 58 (Winter 1999/2000): 5-29.

Miller, W.L, A.M. Timpson and M. Lessnoff, *Political Culture in Contemporary Britain: People and Politicians, Principles and Practice.* Oxford: Clarendon Press, 1996. Review by Iain McLean. In *The British Journal of Sociology* 48, no. 3 (September 1997): 533-534.

Ministere des Affaires Etrangeres Dossiers d'archive. "Legal Basis of the Action Undertaken by NATO." (March 25, 1999). Available at www.france.diplomatie.fr/actual/ dossiers/kossovo/kossovo.html accessed 11 January 2003.

Moore, Jonathan, ed. *Hard Choices: Moral Dilemmas in Humanitarian Intervention.* Lanham, Maryland: Rowman and Littlefield, 1998.

Moravcsik, Andrew. "Explaining the Emergence of Human Rights Regimes: Liberal Democracy and Political Uncertainty in Postwar Europe." Weatherhead Center for International Affairs, Harvard University, December 1998. Available at www.ciaonet.org/wps/moa02/ accessed 9 June 2003.

Morgenthau, Hans J. *Politics Among Nations: The Struggle for Power and Peace.* New York: McGraw Hill, 1993.

MORI poll in *Mail on Sunday.* Aavailable at www.mori.com/polls/1999/ms990327.shtml [22 July 2002].

Moorehead, Caroline. *Dunant's Dream: War, Switzerland and the History of the Red Cross.* London: Harper Collins, 1998.

Mushaben, Joyce Marie. *From Post-War to Post-Wall Generations: Changing Attitudes Toward the National Question and NATO in the Federal Republic of Germany.*

Boulder: Westview, 1999.

Mueller, Harald, and Thomas Risse-Kappen. "Origins of Estrangement: The Peace Movement and the Changed Image of America in West Germany." *International Security* 12, no. 1 (Summer 1987): 52-88.

NATO Handbook. Brussels: NATO Office of Information Press, 1999.

Niebuhr, Reinhold. *Moral Man and Immoral Society.* New York: Charles Scribner's Sons, 1932.

_____. *Children of Light, Children of Darkness.* New York: Charles Scribner's Sons, 1953.

O'Brien, James. Telephone interview by the author, 23 July 2001.

Rosenthal, Joel. Lecture at the Fletcher School of Law and Diplomacy, November 2001.

Nonnenmacher, Peter. "Dragon-Slayer in the Heart of Europe." *Main Frankfurter Rundschau* (Internet version). 24 March 1999, FBIS-WEU-1999-0323.

Plato. *The Republic.* London: J.M. Dent and Sons, 1906.

Porter, Tony. "Can There Be National Perspectives on (Inter)national Relations?" In *International Relations – Still an American Social Science? Toward Diversity in International Thought*, eds. Robert M.A. Crawford and Darryl S.L. Jarvis. Albany: State University of New York, 2001.

Power, Samantha and Graham Allison, eds. *Realizing Human Rights: Moving from Inspiration to Impact.* New York: St. Martin's Press, 2000.

Power, Samantha. *A Problem from Hell: America and the Age of Genocide.* New York: Basic Books, 2002.

"Principles and Objectives of Germany's Human Rights Policy." Auswartiegs Amt, available at http://www.auswaertiges-amt.de [3 July 2003].

Public Papers of the Presidents of the United States, William J. Clinton, 1999, Book I – January 1 to June 30, 1999. Washington: United States Government Printing Office, 2000.

Ramet, Sabrina P. and Phil Lyon. "Germany: the Federal Republic, Loyal to NATO." In *The Kosovo Crisis: the last American war in Europe?* eds.Tony Weymouth and Stanley Henig. London: Reuters, 2001.

Ramsey, Paul. *The Just War.* New York: Charles Scribner's Sons, 1968.

Rathbun, Brian. "Partisan Lenses and Historical Frames: Ideology and the Politics of Humanitarian Intervention in Britain and Germany." Available at http://apsaproceedings.cup.org/site/search.htm accessed 10 July 2003.

Richardson, James L. "International Relations and Cognate Disciplines: From Economics to Historical Sociology." *European Journal of International Relations.* London: SAGE Publications, 2000.

Richardson, Louise. "A Force for Good in the World? Britain's Role in the Kosovo Crisis." *Alliance Politics, Kosovo, and NATO's War: Allied Force or Forced Allies?* eds. Pierre Martin and Mark R. Brawley. New York: Palgrave, 2000.

"Rights Brought Home: The Human Rights Bill." UK government publication. Available at www.archive.official-documents.co.uk/document/hoffice/rights/chap1.htm [3 July 2003].

Roberts, Adam. "NATO's Humanitarian War Over Kosovo." *Survival* 41, no. 3 (Autumn 1999): 102-123.

Rose, General Sir Michael. House of Commons proceedings 3 February 1999.

Rouleau, Eric. "French Diplomacy Adrift in Kosovo," *Le Monde Diplomatique*, December 1999 available at http://mondediplo.com//1999//12/04rouleau accessed 22 February 2003.

Rubin, Jamie. Press conference, U.S. Department of State, 7 October 1998. Available at www.hri.org/docs/statedep/1998 accessed 1 July 2002.

Rudolf, Peter. "Germany and the Kosovo Conflict." *Alliance Politics, Kosovo, and NATO's War: Allied Force or Forced Allies?"* New York: Palgrave, 2000: 131-143.

Rutten, Maartje. "From St. Malo to Nice: European Defence: Core Documents." Institute for Security Studies, WEU, 2001. Available at http://www.iss-eu.org/chaillot/chai47e.html#p accessed 14 February 2003.

Sahnoun, Mohamed. *Somalia: The Missed Opportunities.* Washington: United States Institute of Peace, 1994.

Scharping, Scharping. Interview by Richard Meng, *Main Frankfurter Rundschau* (Internet version) 27 March 1999, FBIS-WEU-1999-0327.

Schnabel Albrecht and Ramesh Thakur, eds. *Kosovo and the Challenge of Humanitarian Intervention.* New York: The United Nations University Press, 2000.

Schelling, Thomas. *The Strategy of Conflict.* New York: Oxford University Press, 1963.

_____. *Arms and Influence.* New Haven: Yale University Press, 1966.

Schroeder, Gerhard. "German Security Policy at the Threshold of the 21st Century." presented at the Conference for Security Policy, Munich, 6 February 1999. Available at www.byndesregierung.de accessed 11 February 2003.

Schöllgen, Bregor. "Putting Germany's Post-unification Foreign Polity to the Test." Paper, University of Erlangen. Available at http://www.nato.int/docu/review/1993/9302-4.htm accessed 10 February 2003.

Sewall, Sarah. Lecture of 6 April 2001, Kennedy School of Government, Harvard University.

Slaughter, Anne Marie. Lecture at Brown University, 31 March 2003.

Solana, Javier. Statement of 23 March 1999, USIS Washington file, available at http://www.fas.org/man/dod-101/ops/docs99/99032313_tlt.htm accessed 23 November 2002.

Steiner, Henry J. and Philip Alston. *International Human Rights in Context: Law, Politics, Morals.* Oxford: Clarendon Press, 1996.

Stent, Angela. *Russia and Germany Reborn: Unification, the Soviet Collapse, and the New Europe.* Princeton: Princeton University Press, 1999.

Stowell, Ellery. *Intervention in International Law.* Washington, D.C.: John Byrne and Co., 1921.

Straw, Jack. "Strategic Priorities for British Foreign Policy." Available at www:fco.gov.uk accessed 21 February 2003.

Stroebele, Hans Christian. Bundestag proceedings, 26 March 1999. Available at www.bundestag.de/aktuell/bp/1999/bp9901/9901034b.html accessed 11February 2003.

Time International. "A Green Light for NATO: German Foreign Minister Joschka Fischer wins his party's support for backing the war in Kosovo," 24 May 1999: 1.

U.S. Code; Chapter 50A; Section 1091.Genocide. Available at http://www.preventgenocide.org/law/domestic/uscode.htm [1 December 2003].

U.S. Department of Defense. "The Clinton Administration's Policy on Reforming Multilateral Peace Operations," May 1994.

Van Eekelen, Willem. *The Security Agenda for 1996: Background and Proposals.* CEPS Paper No. 64 Brussels: Centre for European Policy Studies, 1995.

Vinocur, John. "Going it Alone, U.S. Upsets France; So Paris Begins a Campaign to Strengthen Multilateral Institutions," *International Herald Tribune,* 3 February 1999, 1.

Vitoria, Francisco de. *Relectio de Iure Belli o Paz Dinamica.* Madrid: Escuela Espanola de la Paz, 1981.

Wallace, William. "Foreign Policy and national identity in the United Kingdom." *International Affairs* 67, no.1 (January 1991): 65-81.

_____. "What price interdependence?"Sovereignty and interdependence in British politics," *International Affairs* 62, no. 3 (Summer 1986): 382-385

Walsh, Thomas F. "Operation Allied Force: Setting a New Precedent for Humanitarian Intervention?" Masters thesis, Naval Postgraduate School, Monterey, California, December 2000

Walzer, Michael. *Just and Unjust Wars: A Moral Argument with Historical Illustrations.* New York: Basic Books, 1977.

Warner, John and Joseph Lieberman. Interview by NewsHour Online, 1 October 1998.

Weinlein, Alexander. "Friedliche Losung mit militarischen Mitteln 24 Marz 1999: Erster Kampfeinsatz derBundeswehr." Available at http://www.das-parlament.de/2001/10/Titelseite/2001_10_001_4751.html accessed 13 February 2003.

Weymouth, Tony and Stanley Henig. *The Kosovo Crisis: The last American war in Europe?* London: Reuters, 2001.

Wheeler, Nicholas. *Saving Strangers: Humanitarian Intervention in International Society.* Oxford: Oxford University Press, 2000.

White, N.D. *Keeping the Peace.* Manchester: Manchester University Press, 1997.

Whitney, Craig R. "French are Gearing up to Join in Dousing the Flames in Kosovo," *The New York Times,* 25 January 1999: A6.

Wight, Martin. "Western Values in International Relations." In *Diplomatic Investigations: Essays in the Theory of International Politics,* eds. Herbert Butterfield and Martin Wight. Cambridge, Massachusetts: Harvard University Press, 1966.

_____. "An anatomy of international thought." *Review of International Studies* 13, (1987): 221-227.

_____. *International Theory: The Three Traditions.* London: Holmes & Meier, 1992.

Woodward, Susan. *Balkan Tragedy: Chaos and Dissolution after the Cold War.* Washington: Brookings Institution, 1995.

Yin, Robert K. *Case Study Research: Design and Methods,* 2nd ed. Thousand Oaks: Sage Publications, 1994.

Yost, David. *NATO Transformed: The Alliance's New Roles in International Security.* Washington: United States Institute of Peace, 1999.

Younger, Kenneth. "Britain in Europe: The Impact on Foreign Policy." *International Affairs* 48, no. 4: 579-592.

Zeman, Zybnek. *Selling the War: Art and Propaganda in World War II.* New York: Exeter, 1982.

ZENIT News Agency. "Center-Left Still Trying to Redefine its Mission: Third Way Conference Brings Leaders to London," 19 July 2003 available at www.zenit.org accessed 28 July 2003.

Zumach, Andreas. "Rambouillet, ein Jahr danach," available at www.blaetter.de/kommenta/zuma0300.htm accessed 15 February 2003.