

Legitimizing the Use of Force in Kosovo

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A New Generation Draws the Line: Kosovo, East Timor and the Standards of the West, Noam Chomsky (New York: Verso, 2001), 160 pp., \$23 cloth.

Civil Resistance in Kosovo, Howard Clark (Sterling, Va.: Pluto Press, 2000), 286 pp., \$59.95 cloth, \$19.95 paper.

Degraded Capability: The Media and the Kosovo Crisis, Philip Hammond and Edward S. Herman, eds. (Sterling, Va.: Pluto Press, 2000), 232 pp., \$59.95 cloth, \$19.95 paper.

Kosovo: War and Revenge, Tim Judah (New Haven: Yale University Press, 2000), 336 pp., \$40 cloth, \$17.95 paper.

Masters of the Universe? NATO's Balkan Crusade, Tariq Ali, ed. (New York: Verso, 2000), 446 pp., \$65 cloth, \$20 paper.

Saving Strangers: Humanitarian Intervention in International Society, Nicholas J. Wheeler (New York: Oxford University Press, 2001), 348 pp., \$39.95 cloth.

Virtual War: Kosovo and Beyond, Michael Ignatieff (New York: Metropolitan Books, 2000), 246 pp., \$23 cloth.

Winning Ugly: NATO's War to Save Kosovo, Ivo H. Daalder and Michael E. O'Hanlon (Washington, D.C.: Brookings Institution Press, 2000), 352 pp., \$26.95 cloth.

Kosovo has captured the attention of policymakers, ethicists, journalists, peace and human rights activists, military analysts, and international relations scholars. We all sense that something new happened there. As Adam Roberts has pointed out, the NATO bombing in Kosovo, to take only one small part of the Kosovo story, has many claims to uniqueness.¹ It was the first sustained use of armed force by the NATO alliance; the first

* This essay benefited from the comments of the participants in a roundtable on humanitarian intervention at the Minda de Gunzburg Center for European Studies, Harvard University. "After Kosovo: Humanitarian Intervention at the Crossroads," January 18-19, 2001.

¹ Adam Roberts, "NATO's 'Humanitarian War' over Kosovo," *Survival* 41 (Autumn 1999), pp. 102-23.

time a regional alliance, acting without UN authorization, had used a bombing campaign against a sovereign country with the stated intent of ending human rights abuses; and the first time high-tech combat succeeded in obtaining most if not all of its goals without a single allied combat fatality. Kosovo was not the first military campaign termed a "humanitarian intervention." But it did rekindle debate on whether and when a state or group of states may use force with the stated aim of preventing or ending widespread and grave violations of fundamental human rights of individuals other than their own citizens.² Kosovo demonstrated the increased currency of humanitarian intervention rhetoric as grounds for legitimizing the use of force. And while commentators have yet to agree on the exact contours of the doctrine of humanitarian intervention, there is little doubt that states increasingly seek to use it to justify the forcible intrusion into sovereign states, and that the mainstream media and many nonstate actors participate in laying the groundwork for intervention justified in human rights terms.

Those who support humanitarian intervention stress the responsibility of powerful countries to address gross and systemic human rights violations wherever and whenever possible. For the pro-interventionist, the media play an important role in exposing and publicizing the kinds of violations that may give rise to intervention on humanitarian grounds. In liberal democracies, media-driven public support for humanitarian intervention is crucial for politicians to accept the political risk of military engagement. Pro-interventionists often come to the support of military force reluctantly, asserting that it should be used as a last resort, and with appropriate legal safeguards to ensure that it is not misused against weak states by self-interested strong states. Reluctant pro-interventionists may see a place for humanitarian intervention only when it is explicitly sanctioned by the United Nations; other pro-interventionists see a role for collective and even unilateral state intervention. Some would-be interventionists withhold their support until an international force (under the auspices of the UN, most commentators urge) can be created and the criteria for intervention can be standardized and/or codified, to remove them as far as possible from the decision-making of self-interested states.

Those who fall in the anti-interventionist camp can be divided into four categories of naysayers. First, pacifist anti-interventionists oppose all use of force as immoral and inconsistent with larger human rights and pacifist goals. For them, the sanctity of life permits no grounds for justifiable violence and, thus, "humanitarian intervention" is a contradiction in terms. Second, anti-imperialist anti-interventionists do not rule out the possible legitimacy of humanitarian wars altogether. Rather, they oppose the particular

² J. L. Holzgrefe developed this definition of humanitarian intervention for a roundtable on the subject at the Minda de Gunzburg Center for European Studies, Harvard University, "After Kosovo: Humanitarian Intervention at the Crossroads," January 18-19, 2001. This definition excludes nonforcible interventions as well as forcible interventions aimed at protecting or rescuing the intervening state's nationals.

humanitarianism? The main factors discussed by the authors that must be weighed when determining the legitimacy of intervention in the name of humanitarianism include the existence of humanitarian motives; humanitarian grounds for intervention; humanitarian means of intervention; and humanitarian results. While some commentators argue that motive, grounds, means, and results all must be positive in order to justify intervention, others assert that the evidence should be weighed as a whole and that only one or two of these factors are necessary. All of the issues are contentious, however, and each will be considered in turn.

HUMANITARIAN MOTIVE?

Do states need to profess a humanitarian motive for an intervention to be deemed justifiable on humanitarian terms? Nicholas Wheeler suggests that they do not. What matters, he says, is whether there are humanitarian results that legitimize the action, regardless of possible self-dealing. This provocative point is worth exploring further in a comparative framework. Nonetheless, Wheeler adroitly recognizes, even if humanitarian motivations are not necessary prerequisites for justifiable intervention, they are particularly powerful factors in assessing an intervention's legitimacy on an international level. Drawing upon the works of Thomas Franck and Martha Finnemore,³ Wheeler suggests that the perceived requirement of humanitarian motivations can both constrain and enable state actors. One of the fundamental disagreements of pro-interventionists and anti-interventionists concerns precisely this issue: the credibility of claims to a humanitarian motive for intervention in Kosovo.

Noam Chomsky and Tariq Ali are at the forefront of the anti-interventionist camp, which views the professions of humanitarian angst by Bill Clinton and Tony Blair with deep skepticism. In *A New Generation Draws the Line: Kosovo, East Timor and the Standards of the West*, Chomsky mocks Blair's proclamation that the NATO allies in Kosovo were fighting "for values" and belittles Clinton's warning: "If somebody comes after innocent civilians and tries to kill them en masse because of their race, their ethnic background or their religion and it's within our power to stop it, we will stop it." While "Clinton's 'neo-Wilsonianism' had convinced observers that American foreign policy had entered a 'noble phase' with a 'saintly glow,'" Chomsky was not himself duped: the United States has continued to act only in accordance with

³ Thomas Franck, *The Power of Legitimacy Among Nations* (New York: Oxford University Press, 1990); and Martha Finnemore, "Constructing Norms of Humanitarian Intervention," in Peter Katzenstein, ed., *The Culture of National Security* (New York: Columbia University Press, 1996), p. 159. See also Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 2 (Autumn 1998), pp. 895-905.

⁴ Chomsky, *A New Generation Draws the Line*, pp. 1-3.