“La guerre de Troie n’a pas eu lieu”: Kosovo, supervision and punishment

“La guerre de Troie n’aura pas lieu” - Kosovo: supervision et châtement

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POINT DE VUE

**« LA GUERRE DE TROIE
N'A PAS EU LIEU »**

KOSOVO : SUPERVISION AND PUNISHMENT

*Stephanos Pespazoglou**

Andromache :

« The War of Troy Will not take place »

Hector (decisively) :

« The War of Troy will take place »

A re-reading of the Kosovo imbroglio is more than informative in itself : It sheds new light on what followed in the international scene since 1999 (11/9, Afghanistan and Iraq). Conflicting liberal visions were already there. Which « New World Order » ? Multilateralism or Imperial Unilateralism ? What is the content of multilateralism and is it malleable-adaptable to each conjuncture opening the way to absolute relativism and multiple standards ? Is it National Sovereignty that will be the absolute governing principle of international behavior or are Human and Minority Rights the unconditional presupposition determining what is to be done or finally is it a combination of the two or many more factors to be defined in each case by the mightiest ? Who confers legitimacy to military interventions, wars and even preventive wars ? The United Nations, NATO or *la raison du plus fort* ? What future for US-European relations ? Finally, international laws and international institutions such as the UN and the International Court of Justice will they be institutions of legitimacy for all or instruments in the strategy of a few ?

In the particular framework of Yugoslav and Balkan history it is hardly possible to disentangle Ariadne's thread'. The project gets more and more complex the further one goes back into the « labyrinth » from the era of modern nation-state formation into the Ottoman and Hapsburg empires and further back to the Byzantine era (and for some cases into the Macedonian and

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Hellenic antiquity).

MORALISTIC AND POLITICAL RELATIVISM

NATO Declarative Rhetoric

There is no need to repeat what was heard and seen *ad nauseam* during the three months of the air-war in Kosovo. The central globally drummed NATO « narrative », revolved around two or three complementary themes. A basic principle of the propagandistic campaign – and this was well assimilated by all « spokesmen » – was the need of one enemy, one and clearly delineated enemy during this specific historical conjecture. The absolute enemy, the absolute evil for the past fifty years in political discourse and the culture industry – films, serials – is Hitler and the Nazis (testified by the innumerable WWII films and documentaries) : Saddam Hussein-Hitler of the Middle East seven years ago, Nasser-Hitler of Egypt during the Anglo-French intervention in Suez-40 years ago. And evil was sufficiently there in Yugoslavia to be condemned with no need to redefine it at even higher pitch as historically absolute evil. Manichaistic schemas were not anew : they were rather permanently present in American mentalities : « USSR : The Evil Empire », and nowadays, « The Axis of Evil ». I would say, the largest spectrum of the liberal and the left cultural academe (certainly not all), did not realize that different political actors, as incarnated in individuals and institutions, with totally different ends and different hierarchies, used and abused superficially liberalism's conceptual toolbox centered around human rights. The « recycling » of the liberal vocabulary on Human Rights and the resignification of memories formative for us (holocaust and deportees) was systematically worked out. Re-interpretation of humanitarian-moral terms was essential to disguise interests (mainly US world-wide « power projection »).

What is of interest is that NATO, a *military* organization, colonized the liberal and left armory and that this colonization occurred suddenly with no previous signals. The immediate past – as well as the immediate future – was characterized by an altogether different language and different practices disinterested in Human Rights, in fact supporting dozens of regimes violating them. Violations perpetrated the very moment of the bombing in one of the members of the « alliance of democratic States » (Turkey) and/or supported by the USA and the UK in the case of Jakarta (against East Timor). Summarily : An operation of huge proportions – a « crusade of angels » as it was self-baptized – which was all at once a military, technological, economic, propagandistic operation, undermined international law (on ways and means of declaring and conducting a war), by-passed international institutions (UN), ignored the « law of the land » (every single constitution of the states participating) and

even invalidated the defensive nature of the NATO charter. As no legal-international or internal-constitutional basis existed for the participation in this war, this seems to be the essential reason why this war was never formally declared. Such a crusade, to surpass all legalistic constraints but retaining its legitimization, ought to be servicing a very big and sanctified good cause, such as Human Rights. It is this sort of globalizing discourse which obliterates its unstated ambition for world domination by justifying its interventionism on moral terminology.

If legitimization is a first priority for the post-modern prince, its discourse strategy is invigorated by the concomitant propagandistic process of collective criminalization of the enemy. Thus, the penal argument is added to the moral-humanitarian. The unjust, criminal enemy calls for the one global policeman just to strike militarily and thus punish the « criminal ».

This Crusade for Human Rights by a « providential » military alliance goes hand in hand with three processes. I refer to them epigrammatically. Process number one : In the sphere of social psychology compassion is solely expressed for the Albanian refugees and with an *allure* of evangelical idealism in the West. At the antipodes Russia and most of Southeastern Europe (including Greece) where compassion is expressed solely for the bombarded Serbs, as if the Serbs were the only crucified in the region. A « humanitarian war » fought as if humanity does not comprise Albanians and Serbs alike. Process number two, also in the psychological sphere contempt, defiance and hubris is expressed towards the whole world – as if the world is strictly defined as Northern America and Europe – international law trespassed, international institutions manipulated. As for the Balkans paraphrasing Bismarck's famous saying, which has been pulled out by numerous commentators, depicted official NATO mentalities : « The Balkans are not worth the healthy bones of a single NATO soldier. [Pomeranian grenadier] ». They are nothing more than « collateral damage ». Process number three : the bombing of Serbia. Yugoslav television networks were hit as part of NATO's crusade for another value : to impose the « Kingdom of truth » all you have to do is to bomb lies and propaganda. It is the social and economic infrastructure that is targeted, up to two thousand civilians are killed (tens of thousands injured), the cultural heritage is not spared -and present and future living is jeopardized by environmental « side-effects ».

The evasive legitimating argumentation for military intervention.

The arguments which have been put forward to oppose official NATO rhetoric and to deligitimate its military operation in Serbia, and which are of relevance today could be classified into three categories. They are the following :

- a. The necessity and the « morality » of humanitarian assistance as a form

of urgent intervention across national borders to help regions afflicted from natural catastrophes has not been ever questioned. Nobody questions the need to assist areas in a state of emergency because of earthquake, flood, famine or afflicted from contiguous epidemics. But when human suffering provoked by maltreatment and torture often leading to executions is at stake, then there is, if not outright rejection, great reservation in trespassing national sovereignty. Assuming that we believe, as some of us do, that it is not any more possible to tolerate atrocities to be committed under the cover of National Sovereignty by a criminal regime, then the question arises : Who decides, where and through which procedures and with which (violent or not) means to intervene ?

b. A second category of objections is the following : Who and with what criteria orders the rank of importance in Human Rights violation (civil rights, social rights, etc.) ? A very subjectivist rationale in the hierarchy of values can easily prevail. What does it mean in our epoch of accelerating extreme inequalities to declare that we honor human rights, when the world's misery as depicted with sheer starvation numbers has dramatically deteriorated ? But then the problem of hierarchy arises. Which region of the world afflicted by civil rights problems to select ? We cannot and should not stand-by without doing something, thus skipping the hierarchy of rights objection. Nevertheless, the dangers become apparent of what constitutes relativism in relation to fundamental values in politics. The danger – i.e. the regionally more powerful and the globally mightiest – determines at will normality (and its exceptions), legality (and illegality), stability and security (and their opposites).

c. A third category of delegitimizing arguments is associated with the West's penal record. How come that countries with a loaded penal record get legitimized to decide all by themselves to intervene in third countries violating human rights ? As it has been stated Vietnam was bombed with more bombs than the ones thrown during World War II, in the name of democracy and saving it from communism. The Anglo-French intervention in Suez had no relation whatsoever on how democratic the Nasser regime was in Egypt. To this very legitimate argumentation one could retort, and could *à la rigueur* be acceptable, that the intervention in Kosovo is only a beginning to put straight all past sins and secure present and future righteousness. But, then, an additional questioning reverberates : How is it still possible for a country (Turkey) that actually perpetrated at the time well documented crimes against its own ethnic community (the Kurds) to take part in the bombing with the same planes and the same airports that a few hours earlier had been bombing Kurdish villages ? But then we could, still, assume that Kosovo was the starting-point

for an in-depth catharsis (or self-catharsis) of NATO itself and each one of its member states separately, since they must act as exemplary models for the rest of the world¹.

All previous de-legitimizing objections have been more or less exposed by most critical commentators and some legal experts. This sort of approach, albeit their often legalistic nature, lead to outright moral condemnation. Discounting only temporarily, for the sake of the argument, the above grounds of objection, I will concentrate, alternatively, on what I consider of overriding importance. When we say that some terrible crime was about to happen and a previous one had been perpetrated, and something had to be done, with which we could all agree, before even thinking of using military means what we need to know is first, if the whole range of non-military means was exhausted and, second, if they were used in the direction of peaceful conflict-resolution and not in the direction of polarization. And, public deliberations should be at the epicenter well before decisions to act militarily are taken. For, otherwise, all those who with the greatest *sang-froid* declared or supported that the air-raids would continue up to the « final destruction and annihilation » of Serbia, if needed, have no alibi whatsoever for the additional crimes against humanity committed on top of the previous regional ones. And the issue is the following : I did not detect one article, one official NATO or governmental report, one survey that presented analytically and convincingly all the main non-military means used during the past decade to prevent the turn of events not only in Kosovo but also in Bosnia and Croatia. Such a report could limit itself to all the basics that can be found in any good textbook of international relations. And the means for peaceful conflict resolution, as described by leading European experts in the field, are not one or two but a whole range of them. For example which *economic* means had been used not only as pressure but as incentives as well ? Which diplomatic instruments have been promoted as described in the UN Charter ? Which policies in cultural and educational diplomacy have been propounded ? I.e. all the ingredients described by Joseph Nye as soft power. In fact, most articles, studies and books referring to the late 1980s and the 1990s tend to suggest that the flow of politicians, diplomats, special envoys, experts, balkaniologists and academics that passed from the greater area instead of supporting democratic opposition forces were characterized

¹ But, a different reply seems to come from David Owen, the ex-British foreign minister, undercutting the above reservation. In a reply to Nemtsov, the former Russian Deputy Prime Minister. Flora Lewis, an authoritative columnist reporting for the *International Herald Tribune* affirms that « he [Nemtsov] (...) complained harshly about the double standards that Washington applies penal record' to punish Serbia when it ignores the killing of tens of thousands of Kurds in Turkey. [he asked Owen] So then, do you [intend to] bomb Istanbul ? » According to Flora Lewis « he reported with some shock that (...) Owen answered, "No, because Turkey is in NATO" ». No disclaimer was issued. *International Herald Tribune*, 10/08/99.

by three factors : Ignorance of the complexity of the problems and the mentalities involved ; Arrogant attitudes combined with disinterest and tutoring predispositions ; All the above predetermined their positive stand towards the authorities – be it the Milošević regime or the UÇK leadership.

My argument, in the remaining parts of this paper will have as a point of departure the mere fact that no overall review in the above directions was ever published, no evaluation of means and ends was ever presented. Debate and argumentation and all their emancipatory strength – the *sine qua non* of democratic and liberal theory (and practice) – was substituted by force by direct military action.

The Elusive criteria of Western entanglement in Yugoslavia

We could safely say, that there was never in history a policy for an idea in its pure form, however great it has been such as for example in the recent mobilization for Human Rights, which did not take into consideration various interests of the parties involved. Similarly there were never policies expressing sheer power, politics and bare interests that did not fly at the same time some sort of credo-flagship, some central legitimizing idea, a just cause : once « in the name of the Cross fighting the Crescent », the « pious » fought the « infidels » in the crusades ; once in the name of the protection of the Sudetes, Czechoslovakia was dismembered in 1938 by the Third German Reich and 30 years later, in 1968, in the name of Socialist Internationalist ideals of justice, it was re-invaded by Soviet tanks. In the name of the protection of the Serbian minority in Kosovo the area was declared by the Yugoslav authorities in a state of siege in the late 1980s and in the name of saving the Albanians from ethnic cleansing NATO bombed Yugoslavia. If interests without a value legitimization are barely conceivable, the opposite is also true : The Human Rights argument totally disassociated from interests cannot mobilize people and armies. It may be possible in a society of Angels : in Utopia-land yes ; in the real world no. It is as if we could have ever had the war in Kosovo in the name of Human Rights, if it actually was against American interests. Or as if we could have ever had such a mobilization without a declared major just cause. Let us pull Ariadne's thread together.

a. NATO referred for the first time officially and publicly to « Strategic interests in the Balkans and the whole Southeastern European region » one month after the end of their strikes. Nevertheless, the necessity of immediate military intervention in Yugoslavia was initially argued with fervor on the basis that there was an imminent danger of a generalized war in the Balkans. In the West the strength of the Balkans as metaphor of violence and brutality is there and easily exploitable to win public opinion. The war was depicted in maps involving not only Serbia and Albania, but pointing the destabilization

of the whole region. The Balkans as an erupted volcano appeared in most American TV networks on the basis of maps designed and released by the State Department. This danger of destabilization was projected during the various briefings as one of the major justifications of intervention. Therefore, from the very beginning, it is worthwhile reminding, that the undeclared war was not only in the name of a « just cause » to revert ethnic cleansing but by the invocation of some sort of major threat to western security.

b. Notwithstanding the initial alarmist statements for a generalized flare-up in the Balkans, in effect, unidentifiable strategic interests in the area were not the central theme in the Alliance's rhetoric. What was the *cri du coeur* was an undeniable truth, i.e. the violation of Human Rights of the Albanians in Kosovo. I suspect or discern that behind and beyond the undeniable initial and ultimate main culpable i.e. antagonistic Balkan nationalisms – with prevalent, of course, Serbian nationalism –, one can detect the latent shadow of a Euro-American – in essence Germano-American – malaise not disassociated, of course, with a Franco-German malaise well documented since the reunification of Germany : a diffused and lingering fears of renewed German power. Which does not necessarily mean an antagonism of interests. Rather it is a competition of influences or even better described, an antagonism for the prevention of spheres of influence from third parties. This is my reading of mutual perceptions and suspicions at the period (and not altered four years later when a common French-German statement countered US efforts for a UN resolution for bombing Iraq).

The West, whereas involved in the Balkans from the very beginning – and all-through the various critical stages – in the process of talking about conflict resolution, it manages, to a greater or lesser extent, to accentuate the conflict. It is initially expressed through the leaking of evidence pointing to German support for the secession of Slovenia and Croatia. One can solidly assume that the Serbian-Yugoslav leadership was well aware of this predisposition and that it functioned as a threat. As a concept, as a feeling or as a conspiratorial construction this threat becomes fatally central as an alibi, for the self-perpetuation of the Milošević regime, and the mobilization initially of all ideological and propagandistic mechanisms on a nationalist basis (Serbia the « Celestial Country »). Finally, mechanisms clamping down all sorts of contest, inaugurating states of siege (in Kosovo) and mass killings (in Bosnia) were engaged. What functions as a convincing future prospect for Slovenia and Croatia functions as a threat for Yugoslavia. The feeling of threat will remain constantly present in Yugoslavia later exacerbated with writings and utterances on Independence for Kosovo, « Greater Albania » – and even « Greater Bulgaria » in case Macedonia – did not function submissively as an American protectorate.

The first stage of the Yugoslav drama ends up after a very swift and bloodless war in Slovenia and a second bloody war in Croatia, the well-established German *tour de force* within the European Union dictating the recognition of the two countries. This development of the first post-WWII Unified Germany mobilization was considered significant as the first indication of Germany's move to the political forefront. It was a move with great weight for future European developments. It will help to provoke the silent and latent intensification of Anglo-American interest in the Southern Balkans (Macedonia, Albania and therefore, Kosovo, and Bulgaria).

Second crucial stage is Bosnia and the stand of Western powers. For three and a half years Sarajevo is bombed by Serbian military forces from the hills surrounding it in an undeclared war. During the same period, as we know, the whole of Bosnia is ravaged by Serbian and Croatian forces alike. The Dayton-Ohio agreement reflects a triple apartheid : « the exchange of populations » i.e. an euphemism used by the Milošević regime ; mutual ethnic cleansing is legitimized by the West – contrary to what it was pledging ; up to two million people are displaced from their homelands. Bosnia was viewed as a neutral region, an area of power equilibrium not of interests but of various influences.

In the inter-war period (between the Bosnian and the Kosovo war), NATO and the US in particular, continue to keep-up polarization or even to accentuate it. They are negotiating and they are backing in practice Milošević as the only charismatic and respectable interlocutor as described in Holbrooke's book, just a couple of months before the war against Yugoslavia, late 1998. In the same period, America recognizes UÇK as an interlocutor thus weakening, the pacifist elected leader of the Kosovar Albanians². This period of further polarization will end up with Rambouillet, a treaty, commonly admitted, no European country with some self-respect would have ever signed. For several analysts Rambouillet was a clear-cut case of not taking seriously the diplomatic route to conflict resolution. In the chain of competitive hubris and of collective nationalist crimes, the Milošević regime leading the way, seems to go ahead with a second wave of ethnic cleansing of Kosovo Albanians. But here a different reading could indicate that it was not really sensitivities on Human Rights that mobilized NATO military apparatus, but that it was the non-compliance of Milošević to the proposals in regard to Kosovo that were directly interwoven with American designs on Albania and the Southern Balkans.

² Charles King, a Professor of Balkan Studies, at Georgetown University notes : « The refusal to address the Kosovo question while perhaps crucial to bringing Milošević to the table, undercut the power of Rugova and threw the Kosovar leadership into the hands of a much younger, more radical coterie of Albanians, financed from abroad and committed to winning a separate state through violence (...) In April 1996, European recognition of New Yugoslavia before any settlement on Kosovo further discredited Rugova's pacific approach ». **King (Charles)**, « Where the West went wrong. The real driving forces behind the wars in Bosnia and Kosovo », *Times Literary Supplement*, 07/05/99.

The West seems, using King's expression, to have selected the ultimate perversion : after the dismemberment of Bosnia, it is now passively accepting the ethnic cleansing of Kosovo but with a reversal : If something is legitimized in this case, it is the constitution of ethnically cleansed homogeneous small and non-viable states. Exactly what was decided and signed in Dayton/Ohio with the formation of three ghettos each « unhappy » ethnic group with its own patch of land, then ruthlessly pursued by Milošević and against which NATO intervened succeeding what Milošević did not. But this time it is the other way round : the massive desertion from Kosovo by its Serbian population, persecuted by Albanian « rebels » (in other cases used as a synonym for terrorists). Nothing seems to be left of the purported objective of a « multicultural' Kosovo ».

Political and Economic vectors of discursive relativism

It is interests that do not find a place in preaches or writings by intellectuals and journalists and in public utterances of politicians and militaries. The concept of interests does not necessarily relate to the classical meaning of the term, nor does it refer to conspiracy theories pointing at some hidden interests³. I will schematically state the content that the concept of interests could be infused taking into consideration the very concrete politico-historical determinants of the present conjuncture.

NATO comes first having officially waged a non-declared war. Instead of the dissolution of NATO and the creation of a new European defense structure – with all the necessary institutional links both with the American West and the Russian East – we became witnesses of an accelerated opening-up of NATO for new members. The mightiest military institution in history and on earth, victorious and expanding but without a cause ! This existential problem was critical mainly for the USA, since the reason for its hegemonic presence in Europe had eclipsed. The unutterable publicly, of course, not only in the States but in Europe as well is checking perceived German future hegemonic presence in the continent adding new profoundly pro-American ex-Warsaw Pact countries aligning themselves four years later with the US war on Iraq. NATO was the only institutional form of America's presence in Europe. It was amidst the Kosovo war, that an urgent search of a new role for the NATO Alliance was promptly conceived and announced : In the name of Human Rights, it will be able to intervene in all parts of the world, building *ad hoc* « alliances of the

³ The only link between the two is what *The Economist* approving – with reservations – the military intervention would concede that « it was not just a just war to end Serb injustice, but also a war to preserve NATO's credibility ». « Return to pragmatism » (transl. Kathimerini), *The Economist*, 18/09/99. In this respect, I disagree on the traditional interpretation in search of high-ways for access to Middle-East oil (cf. **Barratt Brown (Michael)**, « The Question of a third Balkan War », in Jakšić (Božidar), ed., *Interculturality*, 1995, pp. 65-69.

willing ». Not one Kosovo but a multiplicity. The President allegedly, gave guidelines to the American Council of National Security to investigate which parts of the world ought to be « disciplined » for their violation of Human Rights⁴. Probably even if there was no Kosovo at hand the political and military leadership of NATO would have had to invent it. Otherwise, there could be no *raison d'être* for NATO to continue.

Images of destitute refugees, massacres by Serbian forces and bomb-inflicted destruction are accompanied during the whole campaign with what seems to escape from our attention : the great enthusiasm of Wall Street. The locomotive in this excitement was the military industry, the attached high-tech enterprises, and the major media chains. This tightly knit web of economic interests sociologically forms the strongest lobby of interests in America. Kosovo and the wider area of Yugoslavia substituted more convincingly an exhibition area, free of charge, projecting globally an image of terrific air-driven military equipment (within the prevailing global environment of high-tech commodity fetishism). This constitutes the additional element of economic interests since it is associated with an acceleration of orders to the US military industry. Economic interests, therefore, seem to be not in the traditional form, and if not in the forefront, in the not so transparent background.

If we were to think of more specific strategic designs for the USA, these would not be in the direction of classical strictly speaking territorial designs. For the US establishing itself as « arbiter of the earth » means determining imperially which war is moral and just and which is not. In this quest for more power and status, *ad infinitum*, interlinked categories of factors which have been put forward could be taken into consideration (gradual submission of Russia and/or the monitoring of China's reflexes after the bombing of its embassy), a latent intangible Euro-American imbroglio. In fact in the financial columns of the US press the war in Yugoslavia was not always a « Balkan war » but it was often termed as a « European war », a motto which by itself weakened dwindling Europe and its euro⁵.

⁴ In the same spirit Blair in an article in *The Guardian* (28th June) asserted that the lessons for him to be drawn from Kosovo are *more Kosovos*. And for Fuller, ex-vice-chairman of the Council of National Security the additional « lesson from Kosovo is not to have escalations in such future attacks, but begin from the first night with a fully developed *blitzkrieg* ». See « Where Governance is Foul, watch for more Kosovos », *The Washington Post* and *International Herald Tribune*, 05/05/99. A preliminary report by NATO military experts confirms such tendencies endorsed by Wesley Clark, the American NATO supreme commander. The summary is published in the *Daily Telegraph*. The lesson to be drawn from the failure of air strikes against Serbian military targets is that in the future « the Alliance should aim, from the very first moment, to civilian targets like electric plants, water reservoirs, and oil refineries ».

⁵A content analysis of titles and articles in *The Wall street Journal* and the financial insets of other major American dailies could substantiate, qualify or disprove this impression.

Conjectural subjectivist factors

To concede that social and political forces are a necessary precondition in history does not mean that we consent to views preaching the eclipse of the crucial role of the individual actor. More so when the actor happens to be the President of the United States, the strongest man in a country that, in turn is the mightiest in the world. This actor is invested with all the power to decide for a war. The decision for this war is taken approximately one month after the end of a period lasting more than a year, marked by one and only one theme in American domestic life and the news diffused globally : Impeachment, the Oval Office and the related saga of the President and his interneer. What is of interest is that all major American institutions are thoroughly involved with these proceedings : White House, Congress, Senate, Independent Prosecutor, the media, and of course public opinion. On the one hand a moralistic – and for most European commentators – McCarthyist Republican opposition was stigmatized. By numerous commentators at the time, he was believed to be cynical enough to bomb an aspirin factory in Sudan and have one more round of bombs raining over Iraq to divert public opinion or even if possible to avert impeachment⁶. With the prestige of the sole superpower and its President deeply injured, it is not that absurd to believe that some of the real life incentives for that war can be detected in the haughtiness, conceit and the irresistible desire to recuperate the lost prestige and glamour of the Presidency and the reassertion of American greatness and superiority.

The presidential factor could not be considered more than a favorable disposition never a necessary or sufficient condition for war, although no war could have been waged against the will of the American President. It is hard-core interests, economic interests (of industries, financial markets), political and strategic (of States and inter-State institutions such as NATO) that make for the necessary conditions.

WESTERN LIBERAL DEMOCRACY THROUGH THE KOSOVO LOOKING-GLASS

Wars have always been not only catastrophic but also revealing by illuminating pre-existing inner societal trends in collective mentalities and practices. In the case of Kosovo all forms of violence converge and mutually reinforce one state of affairs : the end of dialogue, the end of reasoned deliberation. It is, of course, from within a critical tradition that we explore the impact of institutionalized force on autonomy, tolerance and democracy. In this section some

⁶ See among others **Rawnsley (Andrew)**, « Onward Christian soldier », *The Observer*, 23/05/99.

rudimentary thoughts are exposed apportioned in six domains – theoretical and institutional – linked with the prospects of democracy and civil society.

Terrorism and National Sovereignty

Three variants of nationalism and one of imperial hegemony were at work in Yugoslavia, undermining any concept of tolerance, civility and democracy. All four phenomena had aggressively (even when defined as defensive) the notion of sovereignty at the epicenter. Sovereignty, not only with the strictly speaking formal legalistic content of the term, but as a state of affairs meaning that in exceptional situations a sovereign power can take decisions which are not constrained by law. The major difference in between the three variants of nationalist sovereignty on the one hand and US-NATO notion of sovereignty on the other is the traditional territorial aspects involved in the nationalist variants and the symbolic unlimited global space for the latter variant. All three variants of sovereignty involved in the Kosovo violence in one way or another ended up in as many different forms of terrorism, as a means for the imposition of their goals. State terrorism as applied by the Milošević regime (ending up within a decade in three un-declared consecutive wars on Croatia, Bosnia and Kosovo), terrorist activities – irrespectively of its liberation end – of the UÇK (by itself undeclared unconventional war against the Serbs), and the terrorist function of the American Alliance's undeclared air-war against Yugoslavia. Three forms of terrorism complementing each other despite their proclaimed intent to eliminate each other.

Representation and opinion polls

Representative systems and party mechanisms in the West appeared during these exceptional circumstances more as instruments of two categories of factors : interests and plebiscitary populism. In effect organized military, media and political interests having shaded even diplomatic activity⁷ struggled for popular consent. Representative assemblies (such as parliaments) seemed more than ever as if they were outmoded institutions. They served as nothing more than tools of legitimacy for decisions taken by the highest echelons of the executive, seriously undermining their autonomy as institutions of free deliberations. The democratic process, people's will were substituted by their sheer simulation : public opinion polls dictating the terms of political behavior. They constitute the new instruments of consent substituting not only representative institutions but even established constitutional order.

⁷ It is this same element of money that has been associated with the military operations. In the case of Holbrook ending up the negotiations with Slovenia and Croatia a short while after they had fixed major economic deals with the Boston financial corporation he is representing in Eastern Europe. See *The Wall Street Journal*, 01/04/99.

Media and Propaganda

Sheer propaganda and mainly the eclectic misinformation of the media have compromised the workings of liberal democracy (succumbing to NATO briefings, essentially saturating all prime time on the war with no other sources being sought for). Thousands of channels in Europe and America, allegedly independent from State authorities and allegedly struggling for truth and objectivity projected on the one hand the destitute image of the refugees and rightly so. But by reproducing to a great extent NATO briefings on the effects of bombing they systematically distorted the whole image. Most of the media unassumingly assimilated NATO terminology and reproduced all its basic elements as expressed in the various official briefings, usually without criticizing or even qualifying them. On a daily basis one could listen to an everlasting record of airplane exits – a real show-off of aerial might – followed by triumphalist tones on the destruction of military targets solely. Robert Menard⁸, general secretary of the NGO « Reporters Sans Frontières » condemning the whole state of media affairs argued that journalists do not have the knowledge or the possibility to double-check military briefings and the disclosed information (which was just as true with the « embedded » journalists (accredited and trust-worthy) in the 2003 Iraq War).

State-NGO relations

A war has its serious repercussions at home. Within liberal pluralist theory Non-Governmental Organizations are viewed as independent, by definition, from the State. The role of the NGOs during conflicts and wars can be crucial if they can keep up with their impartiality in objectively informing public opinion. They can function in a legitimating way but they can also function in a de-legitimizing critical direction. If the state imposes its order on civil society, then a disintegration of the autonomous workings of NGOs in crisis periods certainly means a lot for periods of peace as well.

Referring to « the West » generally, what could be stated schematically is that a substantial number of NGOs associated with human rights, humanitarian and environmental activities found themselves, if not in dissonance with the theory, certainly in complete disarray. During the Kosovo war, it seems on the basis of well checked reports, that NGOs monitoring human, civil and minority rights such as « Amnesty International » and « Human Rights Watch » were particularly sensitive for the de-rooting, torturing and killing of Albanian refugees. But although they did not ignore the plea of Serbian civilians killed by UÇK rifles and NATO bombing they did not condemn the operation. In fact, « International Helsinki Federation » openly with an official sta-

⁸ See **Menard (Robert)**, « NATO tried to misinform », *Avgi*, 06/07/99.

tement supported the bombing whereas it took fifteen months for AI to refer to war crimes committed by NATO⁹. The « Docteurs sans frontières » sent dozens of doctors to the Albanian refugee camps and rightly so. But they sent none within Serbia and Kosovo and this is condemnable. Pacifist organizations in the past very vocal, condemned Serbia, and very rightly so, but remained deadly silent, when they did not openly support, the bombings, thus contradicting their-pacifist-nature. Committees monitoring minorities condemned ethnic cleansing by the Milošević regime, nevertheless remained passive when the turn of the Serbs came to evacuate Kosovo under the terror of the Albanian UÇK and the KFOR inaction. Environmental NGOs (not to speak of Green parties) when they did not fully support the war remained unmoved about its toxic aftermath. They could not but be aware that the bombing of chemical plants and refineries could be lethal in the coming decades for hundreds of thousands of civilians as reported in front page headlines of European and American papers. It thus seems that some of the NGOs associated with Human Rights and other humanitarian organizations not only acted on the basis of conditioned reflexes, but coordinated their actions with many NATO governments¹⁰. As stated by Ulrich Beck, the German sociologist, within his (partly) enthusiastic support of the bombing « the Alliance was acting as if it was the right hand of Amnesty International »¹¹.

The conditions that prevailed can better be described as internalization by some NGOs of the *raison d'État* and their nationalisation as in the case of humanitarian assistance. In a number of cases, even their funding seemed to be

⁹ But when, Carla Del Ponte, the general attorney of the special Hague Tribunal for war crimes decreed that there is no problem whatsoever, then AI limited its reaction to a sarcastic commentary without giving any further emphasis on the matter. AI, NATO/FRY: "Collateral Damage" or unlawful killings. *Violations of the Laws of War by NATO during Operation Allied Force*, May 2000.

¹⁰ As reported in the American press and diffused in the European one, the State Department recruited humanitarian organizations to back the air-raids. The American Under-Secretary of State Harold Koch, in a meeting with leading cadres of NGOs, is reported by one of those attending to have said that « if they support with enthusiasm the intervention Mrs. Albright might meet them personally soon ». *Counterpunch*, May 1999 (electronic version, www.counterpunch.org [retransmitted by the International Action Centre, founded among others by the ex-general attorney Ramsey Clark]).

¹¹ Eight leading figures of International Humanitarian organisations condemned NATO, in a declaration published in *Le Monde*, for the use of their principles to cover up all sorts of other interests (political and/or military). An extract is more than indicative : « Tuer ou chercher à tuer même avec une volonté de parcimonie, pour sauver plusieurs centaines de milliers de personnes ne saurait être qualifié d'humanitaire (...). Confondre ce qui est juste et ce qui est accompli par humanité ; ce serait se prendre pour Dieu (...). Il faut admettre que l'OTAN agit en fonction de ses intérêts qui ne correspondent pas forcément à ceux des populations du Kosovo ni à ceux du monde humanitaire. Croire le contraire serait faire preuve d'une tragique naïveté (...). Ce n'est pas une affaire de moyens, mais de principes, l'OTAN, et les armées qui la composent, ne sont pas, ne seront pas et ne doivent pas devenir une force humanitaire (...). En habillant une guerre de motifs humanitaires, le risque est grand de justifier des violences et d'autres souffrances. C'est exposer l'action humanitaire libre et indépendante au discrédit à la suspicion, au danger et, partant, à la paralysie ». See **Bettati (Mario)**, (a declaration with six other presidents of NGOs), « Qu'est-ce que l'humanitaire ? », *Le Monde*, 15/05/99.

dependent exclusively on the basis of their orientation and nationality¹². More generally, it seems that much is left to be re-examined of NGOs and of Civil Society not only in the European East but also in the West.

Civility at home and its lack abroad

A civil society respectful of its civility cannot be transformed into an « uncivil society » in periods of crisis. It cannot be civil at home and support dozens of « uncivil » and « anti-civil » societies abroad and continue being considered as « civil ». It cannot impose its definition of « civility » by uncivilian means. A crucial litmus test is its treatment of laws and legal institutions-national and international-in crisis periods. But, there is the ever-present dualism of legal and constitutional values or ideals and their real implementation carried out and guarded by institutions – national and international – themselves under the direct influence of the major powers. If a web of regulations are compromised in such periods, if institutions of justice surrender to the whims of the executive power, much remains to be desired for the workings of democracy, not only in extreme periods of war but also in periods of peace. If an essential part of the workings of democracy is the functioning of its legal and constitutional system we cannot set aside what was stated in a condemnatory tone by Marcus Raskin, co-founder of the prestigious US Institute for Policy Studies.

Undeclared wars have terrible consequences for the rule of law, a cardinal principle of constitutional democracies. (...) Whatever the motives [of the Kosovo war] the message given to the American citizenry is that law does not matter when an executive intends to act in an imperial and uncontrolled manner. It is Congress's role to declare war. Nevertheless, examples abound in which Congress's passive role in military actions abroad has failed to protect this basic constitutional power...¹³

It sounds as if what was stated within a different context and another historical conjecture could be true once again : i.e. that most constitutional theory may turn out to be junk, if we accept that sovereign authority is he who decides what is normality and what is the exception to it.

Of direct relevance in testing « civility » in international relations of states, in the new human rights environment, is the stand towards the International Court of Justice. Four factors have to be stressed :

¹² Cornelio Sommaruga, President of the International Committee of the Red Cross will add that « the caricature of war could lead to discrimination against the victims since there will be the "good victims" of the humanitarian side and the "bad victims" among those who oppose the "humanitarian" intervention ». See **Sommaruga (Cornelio)**, « Renew the Ambition to Impose Rules of Warfare », *International Herald Tribune*, 12/08/99.

¹³ See **Raskin (Marcus)**, « An Undeclared War in nowhere-Land », *Washington Post* and *International Herald Tribune*, 06/05/99.

- The workings of such penal procedures are dependent on the release of information from Intelligence sources. But only the US and Britain could have access to such info. The testimonial material on the basis of which the Serbian leadership was indicted was released by American administration intelligence sources with a timing and a direction that *laissé à désirer*. Thus, not only for political reasons but also for technological ones it seems extremely difficult to collect the sort of evidence necessary to inculcate the USA for war crimes.

- A second factor is drawn from the ironies and contradictions of the historico-political conjuncture. During the same period, whereas Milošević is « wanted » for crimes, the U.S.A. exerts immense pressure on Britain for the dropping of the charges and the release of another dictator : Pinochet. It just happens that the latter one « was our lad in Chile ».

- The flagrant use of double standards in the very same conflict for the opposing sides is one more factor undermining the West's position, since America, the leading nation is compromised¹⁴.

- The fourth factor is directly associated with the previous one. During this same period the project of an International Court for Criminals of War is seriously discussed as the most important practical step for the promotion of international justice. One of the few countries refusing to ratify it is the U.S.¹⁵. Thus, by its stand, the US, the most vocal champion of human rights, continues

¹⁴ According to Jonathan Miller, professor of constitutional law, some of the same criteria used for the conviction of Milošević are just as applicable for the bombing of Serbia and Kosovo to the U.S. President and the leadership of NATO. « NATO officials, senior military officers and even common servicemen could be persecuted by the tribunal if bombings are not dictated by military necessity (...). The need to maintain impartiality will inevitably require [Judge Louise Arbour] to caution NATO officials on their bombing targets, if she has not done so already (...). The U.S. for the first time in its history finds itself engaged in an armed conflict in which an International Court may correctly insist that it may try U.S. officials and servicemen ». See **Miller (Jonathan)**, « Be careful, Waging War against Civilians Is against the Law », *Los Angeles Times* and *International Herald Tribune*, 13/05/99. His allegations for « possible war crimes » are corroborated by Walter Rockler, Public Prosecutor for the American side in the Nuremberg trials. He states : « In terms of International law the present engagement of this war by the USA and NATO constitutes a continuous war crime. Contrary to the perceptions of our military leadership, the limitless air-bombings are forbidden by International Law ». See **Rockler (Walter)**, « War criminals Clinton and the leaders of NATO », *Chicago Tribune* reprinted in *Ta Nea*, 31/05/99. In the same vein Jimmy Carter, ex-President of the U.S., after accusing the American government for trespassing all international institutions and laws, concludes : « Even for the world's only superpower, the ends don't always justify the means ». See **Carter (Jimmy)**, « As a Peacemaker, America Is Blundering Badly », *The New York Times* and *International Herald Tribune*, 28/05/99.

¹⁵ As reported by Marcel Berlins, the country that most vehemently opposes and refuses to sign the institution of such a Court is America (**Berlins (Marcel)**, « The Limits of Justice in the New Order », *The Guardian*, translated in Greek in *Kathimerini*, 11/07/99). Berlins' observation is corroborated by Ignacio Ramonet, editor of the monthly *Le Monde Diplomatique* : « The United States has refused to support the international convention to establish an international criminal court, thereby making its claim that alleged war criminals should be held personally accountable little more than a propaganda ploy » (**Ramonet (Ignacio)**, « Nouvel Ordre global », *Le Monde Diplomatique*, June 1999).

what it has been doing in the past by either not ratifying international rules and regulations or not applying some it has cosigned.

The rule of democratic law at home is a precondition to show concern for the rule of law internationally. In fact within a democratic frame of thinking and acting, international institutions cannot function as a substitute of national laws and Constitutions¹⁶. But not to ratify a whole series of international conventions, not to enforce such laws and dumping those same International institutions such as the United Nations themselves, conceived in the post-WWII period with prevalent American notions, disallows the role of champion of human rights and justice globally¹⁷. Having bypassed their constitutions, having ignored international institutions and having abolished in practice international laws, all that is left is the will of one country (and at the time its Alliance) over all others to clarify the link between moral theory and its implementation. These seem to be the real vectors of the New World Order.

Organic and Critical Intellectuals

The role of intellectuals in the past century has been crucial in critically exposing decisions and acts of the various powers, thus acting as an additional factor in the workings of democracy and in the quality of what has come to be described as civil society. What was in this sense a novel situation for the first time in this « short 20th century » was that most intellectuals of the Balkan East and the European West closed ranks with their respective governments. In the case of Yugoslavia, since the mid-1980s, it was academia that first and foremost openly and collectively expressed Serbian nationalist ideology in a manifesto without ever raising their voice even to genocidal practices in Bosnia and ethnic cleansing in Kosovo. In the case of Albanian irredentist nationalism, the local intelligentsia also closed ranks. It is on the above demarcation lines that mainstream nationalist intellectuals either condemned NATO bombing having previously supported the bombing of Sarajevo by the Serbian

¹⁶ The United Nations have a crucial role to play, as Elaine Scarry insightfully points out, « if and only if any act of national aggression requires their authorization in addition to the constitutionally mandated congressional or parliamentary authorization of the home country ». She will add, that reading the private papers of U.S. presidents throughout the twentieth century leads one to the following remark : « Again and again, a president will openly acknowledge how much easier it is to secure UN authorization than Congressional authorization for an act of international aggression he has wished to initiate ». **Scarry (Elaine)**, « The difficulty of imagining other people », in Nussbaum (Martha), Cohen (Joshua), eds., *For Love of Country : Debating the Limits of Patriotism*, Boston : Beacon Press, 1996, p. 109.

¹⁷ Ralf Dahrendorf will go even further : In his liberal critique on Blair-Giddens and Schröder [Beck –I would add) assumed « Third Way' he will include NATO decisions "about war and peace within the too many authoritarian temptations (...) not subject to democratic controls" (...) invariably mean[ing] a loss of democracy ». **Dahrendorf (Ralf)**, « The Third Way and Liberty. An Authoritarian Streak in Europe's New Center », *Foreign Affairs*, 78 (5), October 1999.

army (Serbian academics) or supported NATO bombing as a step towards independence (Albanian intellectuals)¹⁸.

But what sounds to me more of a *curiosum*, is how Western ex-May 1968 academics and intellectuals reacted to NATO bombing. How and why ex-Maoists, Trotskyites, Eurocommunists and present pacifists and environmentalists, succumbed to the NATO rationale ? How and why so many liberal intellectuals thoroughly believing that « blessed ends do not justify evil means » closed ranks supporting the expedition ? It is even more strange how academics identified with post-modernist and deconstructivist currents (with the exception of Derrida, the French father of deconstructionism)¹⁹, having for long periods de-constructed the concept of the one and only one official narrative of « the true », « the objective » and « the beautiful », having dissolved the one and sole Western Canon, and in the ideological sphere having fruitfully deconstructed the concept of the « nation-state », were led with the greatest ease to endorse, if not with fundamentalist fervor, with reservations the absoluteness of the « heavy metal » NATO-narrative. This is depicted in their political rationale and the historical background they depicted. The above all-sweeping generalization of academics refers to the great majority, albeit, here as well there were, of course, few distinguished and honorable exceptions²⁰.

If one could generalize it seems that if in the 1990s academics and intellectuals in the several republics of ex-Yugoslavia provided as a rule all the ideological-cultural material for all types of competitive nationalisms, in the West, during the Kosovo war, they, as a rule, provided NATO leadership with a

¹⁸ There were, of course, courageous exceptions. In Serbia Božidar Jakšić, Ranko Bugarski, Nebojša Popov and hundreds of critical intellectuals around the *Belgrade Circle*, Institutes and departments of Social Sciences and Philosophy, NGOs monitoring Human Rights ; in Albania and Kosovo we had dissenting voices, even if necessarily carefully worded : the Albanian minister of culture, Rugova, the only elected leader of the Kosovar Albanians and the president of the Human Rights association condemned violence ir-respectively of its source.

¹⁹ Jacques Derrida, consistent with his overall theory of challenging and « deconstructing » the notion of « Sovereignty-National Sovereignty » organically linking it with the defense of human and minority rights condemned all forces struggling for national statist domination in Yugoslavia such as, the Milošević regime, and the UČK. In a written lecture he condemned NATO as incarnating the « mechanisms, stratagems, and the lies through which the venerable discourse of human rights is adapted unjustly and eclectically to the hegemonic intentions of some ethno-statist superpowers ». (See **Bitsoris (Vangelis)**, « Resistance or indivisible Sovereignty of the nation-state ? » *Kyriakatiki Avgi*, 25/07/99 and *Nea Estia*, October 1999 (In Greek).

²⁰ With the obvious danger of omitting some of the critical intellectuals voicing their reaction to the military intervention, allow me, to note some I managed to detect : Noam Chomsky, Edward Said, Immanuel Wallerstein, Gunter Frank, Gore Vidal and others around the journal *The Nation* in the USA, Erick Hobsbawm, Martin Jacques, Tariq Ali, Harold Pinter, the Oxford circle of academics and experts on Balkan and East Mediterranean history, society and politics, among whom John Campbell, Richard Clogg, Peter Mackridge and Renee Hirschon, others around the daily *The Independent* in England, Pierre Bourdieu, Pierre Vidal-Naquet, Régis Debray, Ignacio Ramonet, Gilbert Achcar and the circles around the journals *Liber*, *Actes Sociales* and *Le Monde Diplomatique* in France, Peter Handke, Willie Brandt but not Jürgen Habermas and Ulrich Beck in Germany.

raison d'être (albeit no so at least among European intellectuals after the Iraq war five years later). They emerged as the *troubadours* of the modern globally sovereign prince who, instead of stigmatizing the mighty for their abuse of power, protected them from the rule of internal and international law. A typology of the stands taken by various trends of intellectuals and various schools of thought and academic departments is, of course, still a *desideratum*. For those of us viewing the university along with Pierre Bourdieu, Jacques Derrida and Immanuel Wallerstein, as a bastion of resistance to all kinds of totalizing propaganda and of *idées reçues* and as a center for the theoretical deepening of democracy, and civil society, the clarification of its role during this critical period is an urgent first priority.

INCONCLUSIVE CONCLUDING REMARKS

What has been analyzed, is what I think, constitutes two self-delusions of the great majority of Western intellectuals and opinion-leaders. First major self-delusion : they took for granted NATO rhetoric, as if it reflected their own way of thinking on Human Rights, as if it reflected their own concerns for the perpetrated ethnic cleansing in Kosovo. NATO's clear rationality sounded as if it was springing from the application of some sort of « pure reason ». They were thus, led to support the decision by NATO to use military means succumbing unconsciously to what has been termed « the hypocrisy of American Kantianism ». ²¹

The second collective self-delusion of most European intellectuals is that they came to unconditionally believe that the violation of Human Rights (ethnic cleansing) in Kosovo constituted in reality if not the sole, certainly the most important cause of the military intervention. It was as if they did not realize that two distinct discourses were at work from the very beginning of the conflict : on the one hand the media and political variants of human rights discourse on the other, a close-circuit discourse reflected in few texts by decision makers and reports by experts, strategic research institutes close to decision making centers. This latter discourse was solely about interests – conflicting interests (of States) strategic interests (of strong States and alliances) even petty interests of leaders, or a combination of the above – and only to the extent that the drifting public opinion was at stake the use and abuse of a moralistic discourse on Human Rights was generated. A relativist discourse can be detected through time : the Gulf War in 1990 is fought in the name of the sacrosanct national sovereignty of Kuwait trespassed by Iraq. Nine years later, in

²¹ Wallerstein (Immanuel), « Neither Patriotism nor Cosmopolitanism », in Nussbaum (Martha), Cohen (Joshua), eds., *op.cit.*

1999, the criterion of sovereignty is totally abandoned, and in a world *sans frontières* – only for the mighty – in the name of Human Rights Yugoslavia is bombed. Two years later both criteria of national sovereignty and of human rights are dismissed and substituted by « the war against terror » : Afghanistan is bombed. Finally Iraq is invaded in the name of destroying arms of mass destruction, not to be detected. Absolute moral and political relativism is in full swing.

The Kosovo war was not fought by intellectuals writing and thinking on Human Rights and justice and with the faith characterizing their theoretical projects. It was a war fought by generals and politicians (not to mention the pilots). The key word in understanding is interests and, not what constitutes a purposeful Neo-neo-Hegelian delusion *pour épater les intellectuels* (and public opinion) i.e. the respect of human rights of the Albanian minority in Yugoslavia, an otherwise real and major problem as such. What most critically thinking people were demanding during the 1990s was not the passive indifference of the West, but its positive presence and intervention on the side of dissident forces with all possible means except one : the military means. It is on this basis that I refer to biased « false sentiments » or « false concerns » : It seems that the complexity of the issues involved does not allow for multivalent sentiments of compassion nor for the condemnation of perpetrators of all origins.

We know it, that even the worst turning points in history have left, or have led to, some sort of positive legacy (real or imagined) : in the mid-17th century the bloody Thirty Years War led to the birth of secular notions, in the late 18th century the Terror linked with the French Revolution led to the principles of *Liberté, Égalité, Fraternité* for all citizens, World War II with the Holocaust, the apex of bestiality, to the institution of a whole network of organizations and rules of international validity associated with crimes against humanity and charters on Human and Minority Rights. I would certainly not concede that such massive loss of human life was through the centuries ever worth it. In this context we could only hope for a new content for politics. The ideal or utopian political and intellectual objective not only for the Balkans but for the West would be, endorsing what was once stated by Emmanuel Levinas : « a different figuration of politics, one in which its purpose is the struggle for-or on behalf of-otherness, and not a struggle to efface, erase, or eradicate otherness »²².

Andromache : « The War of Troy did not take place »

(In the meanwhile Hector's dead corpse is being dragged behind Achilles' chariot).

²² Quoted in **Campbell (David)**, « The Deterritorialization of Responsibility : Levinas, Derrida and Ethics after the End of Philosophy », *Alternatives*, 19 (4), 1994, p. 463.