

Kosovo Peace Accord

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On March 24, U.S.-led NATO air forces began to pound the Federal Republic of Yugoslavia (FYR, Serbia and Montenegro), including Kosovo, which NATO regards as a province of Serbia. On June 3, NATO and Serbia reached a Peace Accord. The U.S. declared victory, having successfully concluded its “10-week struggle to compel Mr. Milosevic to say uncle,” Blaine Harden reported in the *New York Times*. It would therefore be unnecessary to use ground forces to “cleanse Serbia” as Harden had recommended in a lead story headlined “How to Cleanse Serbia.” The recommendation was natural in the light of American history, which is dominated by the theme of ethnic cleansing from its origins and to the present day, achievements celebrated in the names given to military attack helicopters and other weapons of destruction. A qualification is in order, however: the term “ethnic cleansing” is not really appropriate: U.S. cleansing operations have been ecumenical; Indochina and Central America are two recent illustrations.

While declaring victory, Washington did not yet declare peace: the bombing continues until the victors determine that their interpretation of the Kosovo Accord has been imposed. From the outset, the bombing had been cast as a matter of cosmic significance, a test of a New Humanism, in which the “enlightened states” (*Foreign Affairs*) open a new era of human history guided by “a new internationalism where the brutal repression of whole ethnic groups will no longer be tolerated” (Tony Blair). The enlightened states are the United States and its British associate, perhaps also others who enlist in their crusades for justice.

Apparently the rank of “enlightened states” is conferred by definition. One finds no attempt to provide evidence or argument, surely not from their history. The latter is in any event deemed irrelevant by the familiar doctrine of “change of course,” invoked regularly in the ideological institutions to dispatch the past into the deepest recesses of the memory hole, thus deterring the threat that some might ask the most obvious questions: with institutional structures and distribution of power essentially unchanged, why should one expect a radical shift in policy — or any at all, apart from tactical adjustments?

But such questions are off the agenda. “From the start the Kosovo problem has been about how we should react when bad things happen in unimportant places,” global analyst Thomas Friedman explained in the *New York Times* as the Accord was announced. He proceeds to laud the enlightened states for pursuing his moral principle that “once the refugee evictions began, ignoring Kosovo would be wrong...and therefore using a huge air war for a limited objective was the only thing that made sense.”

A minor difficulty is that concern over the “refugee evictions” could not have been the motive for the “huge air war.” The United Nations Commissioner for Refugees (UNHCR) reported its first registered refugees outside of Kosovo on March 27 (4000), three days after the bombings began. The toll increased until June 4, reaching a reported total of 670,000 in the neighboring countries (Albania, Macedonia), along with an estimated 70,000 in Montenegro (within the FYR), and 75,000 who had left for other countries. The figures, which are unfortunately all too familiar, do not include the unknown numbers who have been displaced within Kosovo, some 2–300,000 in the year before the bombing according to NATO, a great many more afterwards.

Uncontroversially, the “huge air war” precipitated a sharp escalation of ethnic cleansing and other atrocities. That much has been reported consistently by correspondents on the scene and in retrospective analyses in the press. The same picture is presented in the two major documents that seek to portray the bombing as a reaction to the humanitarian crisis in Kosovo. The most extensive one, provided by the State Department in May, is suitably entitled “Erasing History: Ethnic Cleansing in Kosovo”; the second is the Indictment of Milosevic and associates by the International Tribunal on War Crimes in Yugoslavia after the U.S. and Britain “opened the way for what amounted to a remarkably fast indictment by giving [prosecutor Louise] Arbour access to intelligence and other information long denied to her by Western governments,” the *New York Times* reported, with two full pages devoted to the Indictment. Both documents hold that the atrocities began “on or about January 1”; in both, however, the detailed chronology reveals that atrocities continued about as before until the bombing led to a very sharp escalation. That surely came as no surprise. Commanding General Wesley Clark at once described these consequences as “entirely predictable” — an exaggeration of course; nothing in human affairs is that predictable, though ample evidence is now available revealing that the consequences were anticipated, for reasons readily understood without access to secret intelligence.

One small index of the effects of “the huge air war” was offered by Robert Hayden, director of the Center for Russian and East European Studies of the University of Pittsburgh: “the casualties among Serb civilians in the first three weeks of the war are higher than all of the casualties on both sides in Kosovo in the three months that led up to this war, and yet those three months were supposed to be a humanitarian catastrophe.” True, these particular consequences are of no account in the context of the jingoist hysteria that was whipped up to demonize Serbs, reaching intriguing heights as bombing openly targeted the civilian society and hence required more fervent advocacy.

By chance, at least a hint of a more credible answer to Friedman’s rhetorical question was given in the *Times* on the same day in a report from Ankara by Stephen Kinzer. He writes that “Turkey’s best-known human rights advocate entered prison” to serve his sentence for having “urged the state to reach a peaceful settlement with Kurdish rebels.” A few days earlier, Kinzer had indicated obliquely that there is more to the story: “Some [Kurds] say they have been oppressed under Turkish rule, but the Government insists that they are granted the same rights as other citizens.” One may ask whether this really does justice to some of the most extreme ethnic cleansing operations of the mid ’90s, with tens of thousands killed, 3500 villages destroyed, some 2.5 to 3 million refugees, and hideous atrocities that easily compare to those recorded daily in the front pages for selected enemies, reported in detail by the major human rights organizations but ignored. These achievements were carried out thanks to massive military support from the United States, increasing under Clinton as the atrocities peaked, including jet planes, attack he-

licopters, counterinsurgency equipment, and other means of terror and destruction, along with training and intelligence information for some of the worst killers.

Recall that these crimes have been proceeding through the '90s within NATO itself, and under the jurisdiction of the Council of Europe and the European Court of Human Rights, which continues to hand down judgments against Turkey for its U.S.-supported atrocities. It took real discipline for participants and commentators “not to notice” any of this at the celebration of NATO’s 50th anniversary in April. The discipline was particularly impressive in light of the fact that the celebration was clouded by somber concerns over ethnic cleansing – by officially-designated enemies, not by the enlightened states that are to rededicate themselves to their traditional mission of bringing justice and freedom to the suffering people of the world, and to defend human rights, by force if necessary, under the principles of the New Humanism.

These crimes, to be sure, are only one illustration of the answer given by the enlightened states to the profound question of “how we should react when bad things happen in unimportant places.” We should intervene to escalate the atrocities, not “looking away” under a “double standard,” the common evasion when such marginalia are impolitely adduced. That also happens to be the mission that was conducted in Kosovo, as revealed clearly by the course of events, though not the version refracted through the prism of ideology and doctrine, which do not gladly tolerate the observation that a consequence of the “the huge air war” was a change from a year of atrocities on the scale of the annual (U.S.-backed) toll in Colombia in the 1990s to a level that might have approached atrocities within NATO/Europe itself in the 1990s had the bombing continued.

The marching orders from Washington, however, are the usual ones: Focus laser-like on the crimes of today’s official enemy, and do not allow yourself to be distracted by comparable or worse crimes that could easily be mitigated or terminated thanks to the crucial role of the enlightened states in perpetuating them, or escalating them when power interests so dictate. Let us obey the orders, then, and keep to Kosovo.

A minimally serious investigation of the Kosovo Accord must review the diplomatic options of March 23, the day before “huge air war” was launched, and compare them with the agreement reached by NATO and Serbia on June 3. Here we have to distinguish two versions: (1) the facts, and (2) the spin – that is, the U.S./NATO version that frames reporting and commentary in the enlightened states. Even the most cursory look reveals that the facts and the spin differ sharply. Thus the *New York Times* presented the text of the Accord with an insert headed: “Two Peace Plans: How they Differ.” The two peace plans are the Rambouillet (Interim) Agreement presented to Serbia as a take-it-or-be-bombed ultimatum on March 23, and the Kosovo Peace Accord of June 3. But in the real world there are *three* “peace plans,” two of which were on the table on March 23: the Rambouillet Agreement and the Serb National Assembly Resolutions responding to it.

Let us begin with the two peace plans of March 23, asking how they differed and how they compare with the Kosovo Peace Accord of June 3, then turning briefly to what we might reasonably expect if we break the rules and pay some attention to the (ample) precedents.

The Rambouillet Agreement called for complete military occupation and political control of Kosovo by NATO, and effective NATO military occupation of the rest of Yugoslavia at NATO’s will. NATO is to “constitute and lead a military force” (KFOR) that “NATO will establish and deploy” in and around Kosovo, “operating under the authority and subject to the direction and political control of the North Atlantic Council (NAC) through the NATO chain of command”; “the KFOR commander is the final authority within theater regarding interpretation of this chapter

[Implementation of the military Agreement] and his interpretations are binding on all Parties and persons” (with an irrelevant qualification). Within a brief time schedule, all Yugoslav army forces and Ministry of Interior police are to redeploy to “approved cantonment sites,” then to withdraw to Serbia, apart from small units assigned to border guard duties with limited weapons (all specified in detail). These units would be restricted to defending the borders from attack and “controlling illicit border crossings,” and not permitted to travel in Kosovo apart from these functions.

“Three years after the entry into force of this Agreement, an international meeting shall to be convened to determine a mechanisms for a final settlement for Kosovo.” This paragraph has regularly been construed as calling for a referendum on independence, not mentioned.

With regard to the rest of Yugoslavia, the terms for the occupation are set forth in Appendix B: Status of Multi-National Military Implementation Force. The crucial paragraph reads: 8. NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the FRY including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac, maneuver, billet, and utilization of any areas or facilities as required for support, training, and operations. The remainder spells out the conditions that permit NATO forces and those they employ to act as they choose throughout the territory of the FRY, without obligation or concern for the laws of the country or the jurisdiction of its authorities, who are, however, required to follow NATO orders “on a priority basis and with all appropriate means.” One provision states that “all NATO personnel shall respect the laws applicable in the FRY...” but with a qualification to render it vacuous: “Without prejudice to their privileges and immunities under this Appendix, all NATO personnel...”

It has been speculated that the wording was designed so as to guarantee rejection. Perhaps so. It is hard to imagine that any country would consider such terms, except in the form of unconditional surrender.

In the massive coverage of the war one will find little reference to the Agreement that is even close to accurate, notably the crucial article of Appendix B just quoted. The latter was, however, reported as soon as it had become irrelevant to democratic choice. On June 5, after the peace agreement of June 3, the *New York Times* reported that under the annex to the Rambouillet Agreement “a purely NATO force was to be given full permission to go anywhere it wanted in Yugoslavia, immune from any legal process,” citing also the wording. Evidently, in the absence of clear and repeated explanation of the basic terms of the Rambouillet Agreement — the official “peace process” — it has been impossible for the public to gain any serious understanding of what was taking place, or to assess the accuracy of the preferred version of the Kosovo Accord.

The second peace plan was presented in resolutions of the Serbian National Assembly on March 23. The Assembly rejected the demand for NATO military occupation, and called on the OSCE (Organization for Security and Cooperation in Europe) and the UN to facilitate a peaceful diplomatic settlement. It condemned the withdrawal of the OSCE Kosovo Verification Mission ordered by the United States on March 19 in preparation for the March 24 bombing. The resolutions called for negotiations leading “toward the reaching of a political agreement on a wide-ranging autonomy for Kosovo and Metohija [the official name for the province], with the securing of a full equality of all citizens and ethnic communities and with respect for the sovereignty and territorial integrity of the Republic of Serbia and the Federal Republic of Yugoslavia.” Furthermore, though “The Serbian Parliament does not accept presence of foreign military troops in Kosovo

and Metohija,” The Serbian Parliament is ready to review the size and character of the international presence in Kosmet [Kosovo/Metohija] for carrying out the reached accord, immediately upon signing the political accord on the self-rule agreed and accepted by the representatives of all national communities living in Kosovo and Metohija.

The essentials of these decisions were reported on major wire services and therefore certainly known to every news room. Several database searches have found scarce mention, none in the national press and major journals.

The two peace plans of March 23 thus remain unknown to the general public, even the fact that there were two, not one. The standard line is that “Milosevic’s refusal to accept...or even discuss an international peacekeeping plan [namely, the Rambouillet Agreement] was what started NATO bombing on March 24” (Craig Whitney, *New York Times*), one of the many articles deploring Serbian propaganda — accurately no doubt, but with a few oversights.

As to what the Serb National Assembly Resolutions meant, the answers are known with confidence by fanatics — different answers, depending on which variety of fanatics they are. For others, there would have been a way to find out the answers: to explore the possibilities. But the enlightened states preferred not to pursue this option; rather, to bomb, with the anticipated consequences.

Further steps in the diplomatic process, and their refraction in the doctrinal institutions, merit attention, but I will skip that here, turning to the Kosovo Accord of June 3. As might have been expected, it is a compromise between the two peace plans of March 23. On paper at least, the U.S./NATO abandoned their major demands, cited above, which had led to Serbia’s rejection of the ultimatum. Serbia in turn agreed to an “international security presence with substantial NATO participation [which] must be deployed under unified command and control...under U.N auspices.” An addendum to the text stated “Russia’s position [that] the Russian contingent will not be under NATO command and its relationship to the international presence will be governed by relevant additional agreements.” There are no terms permitting access to the rest of the FYR for NATO or the “international security presence” generally. Political control of Kosovo is not to be in the hands of NATO but of the UN Security Council, which will establish “an interim administration of Kosovo.” The withdrawal of Yugoslav forces is not specified in the detail of the Rambouillet Agreement, but is similar, though accelerated. The remainder is within the range of agreement of the two plans of March 23.

The outcome suggests that diplomatic initiatives could have been pursued on March 23, averting a terrible human tragedy with consequences that will reverberate in Yugoslavia and elsewhere, and are in many respects quite ominous.

To be sure, the current situation is not that of March 23. A *Times* headline the day of the Kosovo Accord captures it accurately: “Kosovo Problems Just Beginning.” Among the “staggering problems” that lie ahead, Serge Schmemmann observed, are the repatriation of the refugees “to the land of ashes and graves that was their home,” and the “enormously costly challenge of rebuilding the devastated economies of Kosovo, the rest of Serbia and their neighbors.” He quotes Balkans historian Susan Woodward of the Brookings Institution, who adds “that all the people we want to help us make a stable Kosovo have been destroyed by the effects of the bombings,” leaving control in the hands of the KLA (Kosovo Liberation Army). The U.S. had strongly condemned the KLA as “without any question a terrorist group” when it began to carry out organized attacks in February 1998, actions that Washington condemned “very strongly” as “terrorist activities,”

probably giving a “green light” thereby to Milosevic for the severe repression that led to the Colombia-style violence before the bombings precipitated a sharp escalation.

These “staggering problems” are new. They are “the effects of the bombings” and the vicious Serb reaction to them, though the problems that preceded the resort to violence by the enlightened states were daunting enough.

Turning from facts to spin, headlines hailed the grand victory of the enlightened states and their leaders, who compelled Milosevic to “capitulate,” to “say uncle,” to accept a “NATO-led force,” and to surrender “as close to unconditionally as anyone might have imagined,” submitting to “a worse deal than the Rambouillet plan he rejected.” Not exactly the story, but one that is far more useful than the facts. The only serious issue debated is whether this shows that air power alone can achieve highly moral purposes, or whether, as the critics allowed into the debate allege, the case still has not been proven. Turning to broader significance, Britain’s “eminent military historian” John Keegan “sees the war as a victory not just for air power but for the ‘New World Order’ that President Bush declared after the Gulf War,” military expert Fred Kaplan reports. Keegan wrote that “If Milosevic really is a beaten man, all other would-be Milosevics around the world will have to reconsider their plans.”

The assessment is realistic, though not in the terms Keegan may have had in mind: rather, in the light of the actual goals and significance of the New World Order, as revealed by an important documentary record of the '90s that remains unreported, and a plethora of factual evidence that helps us understand the true meaning of the phrase “Milosevics around the world.” Merely to keep to the Balkans region, the strictures do not hold of huge ethnic cleansing operations and terrible atrocities within NATO itself, under European jurisdiction and with decisive and mounting U.S. support, and not conducted in response to an attack by the world’s most awesome military force and the imminent threat of invasion. These crimes are legitimate under the rules of the New World Order, perhaps even meritorious, as are atrocities elsewhere that conform to the perceived interests of the leaders of the enlightened states and are regularly implemented by them when necessary. These facts, not particularly obscure, reveal that in the “new internationalism...the brutal repression of whole ethnic groups” will not merely be “tolerated,” but actively expedited — exactly as in the “old internationalism” of the Concert of Europe, the U.S. itself, and many other distinguished predecessors.

While the facts and the spin differ sharply, one might argue that the media and commentators are realistic when they present the U.S./NATO version as if it were the facts. It will become The Facts as a simple consequence of the distribution of power and the willingness of articulate opinion to serve its needs. That is a regular phenomenon. Recent examples include the Paris Peace Treaty of January 1973 and the Esquipulas Accords of August 1987. In the former case, the U.S. was compelled to sign after the failure of the Christmas bombings to induce Hanoi to abandon the U.S.-Vietnam agreement of the preceding October. Kissinger and the White House at once announced quite lucidly that they would violate every significant element of the Treaty they were signing, presenting a different version which was adopted in reporting and commentary, so that when North Vietnam finally responded to serious U.S. violations of the accords, it became the incorrigible aggressor which had to be punished once again, as it was. The same tragedy/farce took place when the Central American Presidents reached the Esquipulas Accord (often called “the Arias plan”) over strong U.S. opposition. Washington at once sharply escalated its wars in violation of the one “indispensable element” of the Accord, then proceeded to dismantle its other provisions by force, succeeding within a few months, and continuing to undermine

every further diplomatic effort until its final victory. Washington's version of the Accord, which sharply deviated from it in crucial respects, became the accepted version. The outcome could therefore be heralded in headlines as a "Victory for U.S. Fair Play" with Americans "United in Joy" over the devastation and bloodshed, overcome with rapture "in a romantic age" (Anthony Lewis, headlines in *New York Times*, all reflecting the general euphoria over a mission accomplished).

It is superfluous to review the aftermath in these and numerous similar cases. There is little reason to expect a different story to unfold in the present case — with the usual and crucial proviso: If we let it.

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