

HUMANITARIAN INTERVENTION AND THE BALKAN STATES: SHARED UNDERSTANDING AND RELEVANT PECULIARITIES

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Abstract:

Humanitarian intervention, which is argued to originate in the XIX-th century, is today one of the most controversial topics in the field of international relations and its incorporation in the responsibility to protect (R2P) doctrine as a result of the intense international discord triggered by 1999 Operation Allied Force, turned this new concept into a subject of dispute among both scholars and politicians. First this paper advances a comprehensive definition of humanitarian intervention and briefly explains how it was considered to be linked with the history of the Balkans. Secondly, are presented the dissensions at international level prompted by Operation Allied Force and the positions on this issue adopted by the governments of the Balkan states connecting them with the attitudes of their citizens. Thirdly, the relation between Operation Allied Force and the emergence of the R2P doctrine are explored and this doctrine is shortly described with a special focus on its humanitarian intervention component. Finally the positions on R2P doctrine upheld by Balkan states during the 2009 UN General Assembly meeting on this topic is examined, a special attention being given to the reservations expressed by Turkey and Serbia. This paper concludes that in the Balkans the R2P doctrine will continue to be subjected to intense scrutiny which will benefit its development and could thus enlarge the number of states supporting it.

1. Humanitarian Intervention: Past and Present

For more than 20 years now, humanitarian intervention established itself as a landmark topic in the field of international relations. Its pre-eminence, gained immediately after the end of the Cold War, was challenged by the terrorist threat that became an overwhelming concern as a result of the attacks from 9/11 but it was largely reestablished in the context of the Arab Spring that led to NATO's operations in Libya from 2011 and prompted repeated calls for a military solution to the appalling human rights violations taking place in Syria.

Taking into account various definitions of humanitarian intervention, one could maintain that, traditionally, humanitarian intervention is conceived as the protection of fundamental human rights, especially the right to life, by means of military force undertaken by one or more states or by a non-state actor against the government of a state who violates these rights with respect to its own population.¹

¹ See for example the following definitions of humanitarian intervention: Adam Roberts: "military intervention in a state, without the approval of its authorities, and with the purpose of preventing widespread suffering or death among the inhabitants" (Adam Roberts, *Humanitarian War: military intervention and human rights*, p. 429); Fernando R. Teson: "proportionate international use or threat of military force, undertaken in principle by a liberal government or alliance, aimed at ending tyranny or anarchy, welcomed by the victims, and consistent with the doctrine of the double effect" (Fernando R. Teson, *The Liberal Case for Humanitarian Intervention*, p. 94); Allen Buchanan: "the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory forced is applied" (Allen Buchanan, *Reforming the International Law of Humanitarian Intervention*, p. 130); Jennifer Welsh: "coercive interference in the internal affairs of a state, involving the use of armed force, with the purposes of addressing massive human rights violations or preventing widespread human suffering" (Jennifer M Welsh, *Introduction*, p. 3); J.L Holzgrefe: "the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and

In the last decade, some international relations scholars and historians argued that humanitarian interventions had been carried out long before the collapse of the Soviet Union and even well ahead of the mid-nineteenth century when `humanitarian` terminology acquired the present day meaning and the concept of human rights began to emerge². Thus, Oded Löwenheim (2003) maintains that the first large-scale military action that could be retrospectively termed as a humanitarian intervention was probably the one conducted in 1816 by Great Britain against the city of Algiers in order to put an end to white slavery while Tonny Brems Knudsen (2009) holds the view that another military intervention in the Ottoman Empire, namely the intervention in Greece (1827-1829), could be said to have been the first humanitarian intervention ever.

Almost 200 years latter, the former territory of the Ottoman Empire became anew linked with the issue of humanitarian intervention given that on 17 August 1992 the UN Security Council authorized for the first time in resolution 770, concerning Bosnia & Herzegovina, the use of force „to facilitate in coordination with the United Nations the delivery by relevant United Nations humanitarian organizations and others of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia and Herzegovina” and also as a result of 1999 Operation Allied Force led by NATO against the Federal Republic of Yugoslavia for the stated purpose by Javier Solana, its Secretary General at that time, of stopping “the humanitarian catastrophe now taking place in Kosovo”.³

Greece, Bosnia and Herzegovina and the Federal Republic of Yugoslavia are all situated in the Balkans so that it could be rightly said that this region played an important part in the development of this controversial topic. For this reason, the present paper examines the attitude adopted by the Balkan states with respect to Operation Allied Force and to the doctrine of the responsibility to protect (R2P) that in its aftermath replaced the humanitarian intervention language.

2. The Reactions of Balkan States to Operation Allied Force

NATO`s military actions directed against the Federal Republic of Yugoslavia started on 24 March 1999 and triggered conflicting international reactions that exposed the disagreement among relevant international actors on the issue of humanitarian intervention. Strongly supported, among others, by United States, United Kingdom and European Union it was harshly criticised by Russian Federation and China. Bill Clinton, the then president of the United States, stated that “our mission is clear: (...) to deter an even bloodier offensive against innocent civilians in Kosovo; and, if necessary, to seriously damage the Serbian military's capacity to harm the people of Kosovo”⁴. The British prime minister at the time of NATO operation, Tony Blair, maintained that “we are taking this action for one very simple reason: to damage Serb forces sufficiently to prevent Milosevic from continuing to perpetrate his vile oppression against the Kosovo

grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied” (J.L Holzgrefe, *The humanitarian intervention debate*, p. 18)

² See, for example, Nicholas J. Wheeler, *Saving Strangers*, p. 45-46, J.L Holzgrefe, *The humanitarian intervention debate*, p. 45-47, D.J.B Trim and Brendan Simms, *Towards a History of Humanitarian Intervention*, p. 3-10, Garry Bass, *Freedom's Battle: Origins of Humanitarian Intervention* and Davide Rodogno, *Against Massacre: Humanitarian Intervention in the Ottoman Empire 1815-1914*

³ *Press Statement by Dr. Javier Solana, NATO Secretary General, following the Commencement of Air Operations* (24 March 1999) available at <http://www.nato.int/docu/pr/1999/p99-041e-htm>

⁴ William J. Clinton, *Address to the Nation on Airstrikes Against Serbian Targets in the Federal Republic of Yugoslavia (Serbia and Montenegro)* (24 March 1999) available at <http://www.presidency.ucsb.edu/ws/?pid=57305>

Albanian people”⁵ and the European Council expressed the view that “it cannot be permitted that, in the middle of Europe, the predominant population of Kosovo is collectively deprived of its rights and subjected to grave human rights abuses”⁶. At their turn, the then Russian president, Boris Yeltsin declared that “a dangerous precedent has been created regarding the policy of diktat and force, and the whole of the international rule of law has been threatened”⁷ and the permanent representative of China to the United Nations, Qin Huasun, pointed out that “this act amounts to a blatant violation of the United Nations Charter and of the accepted norms of international law”⁸. As for the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations in that period, Vladislav Jovanović, he stated that “My country has been a victim of the brutal unlawful aggression of the North Atlantic Treaty Organization (NATO)” which tramped “upon each and every principle of international relations, defying the authority of the Security Council of the United Nations and its resolutions”⁹.

Moving from international to regional level, it is to be analysed if there was a similar disunity among the Balkan states. Considering first the position of Turkey, one could observe that the Turkish government as well as the overwhelming majority of the Turkish citizens supported Operation Allied Force, its position being partly motivated by the obligations resulting from NATO membership but also reflected the religious and family ties between the Turks and the Kosovar Albanians¹⁰. The Greek officials, unlike the vast majority of Greek citizens, stood for NATO’s actions but were not disposed to take part in Operation Allied Force and were among the first NATO members to call for a cessation of airstrikes. According to a pool presented on 17 April 1999, 96% of the Greek citizens opposed NATO’s operations, an attitude that could be explained as following from the religious affinity with the Serbs that was strongly highlighted by the Greek Orthodox Church during the conflict. The pro Serbian feelings of ordinary Greeks determined large demonstrations against NATO and the United States to take place in some major towns¹¹. The Albanian government together with the Albanian citizens were strong supporters of NATO’s intervention given that Operation Allied Force was undertaken on behalf of the ethnic Kosovar Albanians. Albania made available to NATO its air space, military facilities and harbours, a position that was intended to consolidate its participation in the Partnership for Peace programme and was in line with its NATO membership aspirations.¹² The authorities of Bosnia & Herzegovina welcomed NATO’s intervention despite the fact that Živko Radiši, the then chairman of the Presidency, condemned it. The political leadership of Republika Srpska also sharply criticised the airstrikes while the leaders of the Federation of Bosnia & Herzegovina openly supported them. These divisions manifested equally at the level of ordinary citizens, the Bosniaks and Croats being favorable to the intervention while the Serbs rejected it and organized in Republika Srpska violent protests against NATO¹³. The government of (Former Yugoslav Republic) Macedonia which was involved in the Partnership for Peace since 1995, supported NATO’s intervention in order to accelerate the process of becoming NATO member,

⁵ Blair’s statement: *The fight for peace*, available at http://news.bbc.co.uk/2/hi/uk_news/30364.stm

⁶ Presidency Conclusions – Berlin European Council, 24-25 March 1999 available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/ACFB2.html

⁷ Boris Yeltsin cited by Sergey Lavrov, Record of the 3988th meeting of the UN Security Council, 24 March 1999, UN document S/PV.3988, p. 3

⁸ Record of the 3988th meeting of the UN Security Council, 24 March 1999, UN document S/PV.3988, p. 12

⁹ Record of the 3989th meeting of the UN Security Council, 26 March 1999, UN document S/PV.3989, p. 11

¹⁰ Karen Donfried (coord.) Congressional Research Service Report for Congress - Kosovo: International Reactions to NATO Air Strikes, 21 Aprilie 1999, p. 6, available at <http://www.dtic.mil/cgibin/GetTRDoc?AD=ADA473513>

¹¹ Ibidem, p. 4. An explanation of the official position of Turkey and Greece on Operation Allied Force and of the popular reactions to it is provided by Georgios Kostakos in his study *The Southern Flank: Italy, Greece, Turkey*

¹² Karen Donfried (coord.), Op.cit, p. 7

¹³ Ibidem, p. 8-9

but many Macedonian citizens did not share this opinion and staged violent protests against NATO's actions as a result of the majority of ethnic Macedonians having cultural affinities with the Serbs and fearing separatists' claims on the part of ethnic Albanians from their country.¹⁴ Both the Croatian authorities and the Croatian citizens pleaded for Operation Allied Force, an attitude justified largely by the desire to consolidate the relation with NATO and by the rivalry with Serbia grounded in the war from the beginning of the 90's that led to the collapse of the Socialist Federal Republic of Yugoslavia¹⁵. Slovenia, which joined the Partnership for Peace programme in 1995, strongly backed Operation Allied Force having the full support of the Slovenian citizens and hoping to accelerate the process of becoming NATO members.¹⁶ Bulgaria, in its quest for NATO membership, supported Operation Allied Force providing access to NATO airplanes to the country's air space but rejecting a direct participation in the hostilities. The official position was criticised by the Bulgarian citizens who felt close to the Serbs on religious grounds and thus manifested in Sofia against NATO¹⁷. As for Romania, which failed to acquire NATO membership and was struggling to increase its chances of joining the Alliance, its government backed Operation Allied Force and putted at the disposal of NATO the country's air space. The official position was contested by many Romanians due to historical ties with Serbia and because of fear that it was going to encourage the secessionist demands on the part of ethnic Hungarians¹⁸.

It follows that, despite the controversy at international level, the governments of all Balkan states supported Operation Allied Force even if, in the case of Greece, Bosnia & Herzegovina, (Former Yugoslav Republic) Macedonia, Bulgaria and Romania, this position ran counter the opinion of significant parts of their population.

3. The Reconceptualization of Humanitarian Intervention in the Wake of Operation Allied Force

The irreconcilable divisions among international actors generated by Operation Allied Force confronted the international community with what Kofi Annan, the then UN Secretary General, termed in September 1999 the dilemma of humanitarian intervention „on one side, the question of the legitimacy of an action taken by a regional organization without a United Nations mandate; on the other, the universally recognized imperative of effectively halting gross and systematic violations of human rights with grave humanitarian consequences”¹⁹.

Responding to his call for a solution to this dilemma, the Canadian government established in September 2000 the International Commission on Intervention and State Sovereignty (ICISS) that, a year later, released its report entitled *The Responsibility to Protect*²⁰. From the very beginning, ICISS mentioned that “this report is about the so-called “right of humanitarian intervention”: the question of when, if ever, it is appropriate for states to take coercive – and in particular military – action against another state for the

¹⁴ Ibidem, p. 10-11. See also Cvete Koneska, *Macedonian discourse on NATO*, p. 6

¹⁵ Karen Donfried (coord.), Op.cit, p. 9-10. See also Branko Caratan, *The Security in South East Europe after the Big Change: Consequences of the Kosovo War and Croatian Elections*, p. 24 and Gorjko Marinovik, *Croatia and NATO Air-Strikes in FR Yugoslavia*, 29 March 1999 available at <http://www.aimpress.ch/dyn/trae/archive/data/199903/90329-005-trae-zag.htm>

¹⁶ Karen Donfried (coord.), Op.cit, p. 12

¹⁷ Ibidem, p. 9

¹⁸ Ibidem, p. 11-12

¹⁹ Secretary-General Presents His Annual Report To General Assembly, 20 September 1999, Press Release SG/SM/7136; GA/9596 available at www.un.org/News/Press/docs/1999/19990920.sgs7136.html

²⁰ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect. Report of the International Commission on Intervention and State Sovereignty*

purpose of protecting people at risk in that other state”²¹. The consideration of this controversial right led ICISS to advance a new concept, *responsibility to protect*, that integrated the old term *humanitarian intervention* and went beyond it given that it “sandwiched”²² it between prevention and post-conflict rebuilding, the other two components of the R2P doctrine. Using the ICISS terminology, the R2P consists from three dimensions, namely the *responsibility to prevent* – dealing with the prevention by the international community of man-made catastrophes - the *responsibility to react* – concerned with the use military force as a last resort in case of large scale loss of life or ethnic cleansing - and the *responsibility to rebuild* which refers to the prevention after a military intervention of situations that could recreate the conditions that had prompted the intervention. As James Pattison highlighted, “humanitarian intervention (...) is part of the responsibility to protect”²³ so that it could not be rightly maintained that humanitarian intervention ceased to exist with the formulation of the R2P doctrine.

Until the 2005 World Summit, the newly R2P doctrine became the object of numerous critics advanced by academics as well as by political leaders²⁴ but even in this unfavorable context it was made part of the 2005 World Summit Outcome Document²⁵ at the price of its content being altered²⁶. The changes suffered by the ICISS version of the R2P doctrine affected the humanitarian intervention constituent but did not eliminate it²⁷. Ban Ki-moon, who in 2007 succeeded Kofi Annan as UN Secretary General, assumed the difficult task of assisting the UN General Assembly in the consideration of the R2P doctrine entrusted to it by the 2005 World Summit Outcome Document. Consequently, since 2009, he presents each year a report on R2P to the UN General Assembly²⁸ which, at its turn, subjects it to in-depth analysis²⁹.

4. The Balkan States and the R2P Doctrine: Support and Reservations

During the 2009 UN General Assembly debate on R2P doctrine, ambassador Anders Lidén took the floor in the name of European Union – which at that time included also Romania and Bulgaria - and of Turkey, Croatia, (FYR) Macedonia, Albania, Bosnia & Herzegovina, and Montenegro, expressing the total support for this doctrine and showing a lack of concern for its potential misuse³⁰. Among the Balkan states, only Turkey and Serbia³¹ did not share this uncritical reading of the R2P doctrine, their representatives pointing out with

²¹ Ibidem, Foreward

²² Thomas G. Weiss, *Whither R2P?*, p. 7 in *The Responsibility to Protect: challenges & opportunities in light of the Libyan intervention*, November 2011 available at <http://www.e-ir.info/wp-content/uploads/R2P.pdf>

²³ James Pattison, *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?*, p.250.

²⁴ See Neil S. MacFarlane, Carolin J. Thielking, Thomass G. Weiss, *The Responsibility to Protect: Is Anyone Interested in Humanitarian Intervention?*, *Third World Quarterly*, vol. 25, no. 5, 2004, pp. 977-992

²⁵ 2005 World Summit Outcome, UN document A/60/1, paras. 138-140

²⁶ For the differences between the two versions of the R2P doctrine see Alex. J. Bellamy, 2006. *Whither the Responsibility to Protect? Humanitarian Intervention and the 2005 World Summit*. *Ethics & International Affairs*. Vol. 20. No. 2. pp. 143 – 169 and Carsten Stahn, 2007. *Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?* *The American Journal of International Law*. Vol. 101. No. 1. pp. 99-120

²⁷ See 2005 World Summit Outcome, para. 139

²⁸ Ban Ki-moon, *Implementing the Responsibility to Protect*, 12 January 2009, UN document A/63/677, Ban Ki-moon, *Early Warning, Assessment, and the Responsibility to Protect*, 14 July 2010, UN document A/64/864 ; Ban Ki-moon, *The Role of Regional and Sub-regional arrangements in Implementing the Responsibility to Protect*, 28 June 2011, UN document A/65/877, Ban Ki-moon, *Responsibility to Protect: Timely and Decisive Response*, 25 July 2012, UN document A/66/874

²⁹ UN General Assembly 96th - 101th plenary meetings, 21 – 28 July 2009, UN documents A/63/PV.96, A/63/PV.97, A/63/PV.98, A/63/PV.99, A/63/PV.100, A/63/PV.101; UN General Assembly Informal Interactive Dialogue On Early Warning, Assessment and The Responsibility To Protect, 9 August 2010, available at www.globalr2p.org; UN General Assembly Informal Interactive Dialogue on *The Role of Regional and Sub-regional Arrangements in Implementing the Responsibility to Protect*, 12 July 2011, available at www.globalr2p.org; UN General Assembly Informal Interactive Dialogue on *Responsibility to Protect: Timely and Decisive Action*, 5 September 2012, available at www.globalr2p.org

³⁰ See 97th plenary meeting of the UN General Assembly, 23 July 2009, UN document A/63/PV.97, p. 3-5

³¹ In 2006 the Federal Republic of Yugoslavia ceased to exist so that Serbia and Montenegro become independent states

the same occasion the risks that could be associated especially with its humanitarian intervention component. Thus, Fazlı Çorman, Deputy Permanent Representative of Turkey to the UN, declared that “we should also be able to further identify and clarify the elements of the concept in order to avoid misperceptions” that are responsible for the fact that “many States perceive that they are faced with a new concept of neocolonialism”³². As for Serbia, Boris Holovka, Counselor in the Permanent Mission of Serbia to the UN, made clear that “We must remain aware of the ease with which noble goals and lofty ideas can be utilized for particular purposes and of how paths paved with good intentions can sometimes lead to unjustifiable actions”³³. These reservations did not undermine a strong commitment to the R2P doctrine that both states asserted with clarity at the mentioned meeting of the UN General Assembly.

With respect to the reasons underpinning their cautious positions, Holovka argued that Serbia was very concerned by the tendency to establish connections between Operation Allied Force and the R2P doctrine manifested by some international public figures such as Martti Ahtisaari, while Çorman indicated that Turkey was sensitive to the fact that “this concept has been misused on various occasions in the past”³⁴. In this context it is reasonable to suppose that one historical episode that Çorman had in view was the military intervention in Greece carried out by major European powers in the first half of the XIX-th century.

Conclusion

Humanitarian intervention in the framework of the responsibility to protect doctrine represents for the Balkan states an element of common ground but at the same time it allows for the differences between them, mostly of historical nature, to resurface. Turkey shared the view of all Balkan states on Operation Allied Force and thus was totally opposed to the Federal Republic of Yugoslavia but when it came about the assessment of a doctrine bearing on humanitarian intervention its position differed from the one adopted by other Balkan states and was somehow close to the one put forward by Serbia. The reservations expressed in 2009 by Turkey and Serbia prove that in the Balkans the issue of responsibility to protect will continue to be a subject of careful and critical examination which has the potential of bringing more clarity on this topic and thus of consolidating its endorsement at international level.

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³² See 99th plenary meeting of the UN General Assembly, 24 July 2009 UN document A/63/PV.99, p. 21

³³ See 101th plenary meeting of the UN General Assembly, 28 July 2009, UN document A/63/PV.101, p. 13

³⁴ See 99th plenary meeting of the UN General Assembly, 24 July 2009 UN document A/63/PV.99, p. 21

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