

### **3. Making the World Safe for Human Rights:**

#### **A Closer Look a Kosovo**

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Leading international commentators today assert that there is a radical moral shift going on in international affairs: "human rights is the language of victims and the dispossessed" and "it cannot be stressed too much that . . . the idea of human rights is a defense against abuse of power everywhere."<sup>1</sup> Similarly, advocates of the new powers of humanitarian intervention argue that in an increasingly globalized world, people need to be seen as human beings first and as citizens second, and that human rights should therefore transcend and subordinate national governments. In this context, international law based on state sovereignty and non-intervention is increasingly seen as an impediment to human rights and as a cover for states to deny rights to their citizens.<sup>2</sup> Interventions, on the other hand, are portrayed as efforts to empower vulnerable if not victimized peoples, thereby challenging traditional notions of government and authority. As human rights advocate Hugo Slim sums up:

At a personal level, rights dignify rather than victimize or patronize people. They make people more powerful as claimants rather than beggars. They reveal them as moral, political, and legal equals. Using [human] rights-talk together with, and on behalf of, those civilians who endure the suffering, atrocity, and impoverishment of war puts them center stage in the prosecution of the war and international response to it. Explicitly recognizing people's equal rights makes it more difficult to marginalize their violation as a somehow collateral, accidental or unfortunate outcome of the violence and politics of the conflict.<sup>3</sup>

The international intervention and war over Kosovo, widely greeted as "the first war initiated in the name of human rights," is the leading example of this approach.<sup>4</sup> The NATO powers argued they were morally impelled to intervene in order to protect the human rights of Kosovar Albanians, rights which 'trumped' those of Yugoslav territorial sovereignty.<sup>5</sup> Following the end of the conflict, it was further argued, international administration of the province was necessary to safeguard the human rights that were reclaimed. Two years of international involvement later, there is now an opportunity to test whether the

international regime of human rights promotion has matched its original empowering promise. On a more practical level, the Kosovo effort provides the Bush administration with a prototype as it decides whether or not to continue the interventionist approach of the Clinton years.

What follows is a brief analysis of the extent to which the people of Kosovo have actually been empowered by having their human rights safeguarded by the world's most powerful states and international institutions, including the North Atlantic Treaty Organization (NATO), the United Nations (UN), and the Organization for Security and Cooperation in Europe (OSCE). The line analysis will begin by clarifying the problem of communal violence in Kosovo, followed by a discussion of democratic accountability there and the likely scenario for the province's future if the level of outside intervention is not changed.

### **Clarifying the Problem of Violence**

Today there are more refugees from Kosovo than there were prior to the 1999 NATO human rights bombing campaign. The province is now virtually mono-ethnic, with over ninety percent of its non-ethnic-Albanian population forced to leave out of fear of murder, arson, and intimidation.<sup>6</sup> At the end of 2000, UN Secretary-General Kofi Annan estimated

that around 200,000 Kosovo Serbs and 30,000-40,000 other ethnic minorities had fled.<sup>7</sup> The UN High Commission for Refugees (UNHCR) estimates that these refugee figures will remain constant, at around a quarter-of-a-million people, with little significant returns in 2001 due to the inhospitable security situation in the province.<sup>8</sup> For those minorities that do remain in Kosovo, violence and attacks are almost a daily occurrence. In February 2001, the UNHCR reported that the situation was still so bad that "Serb and Roma live in a virtual state of siege in mono-ethnic enclaves under heavy KFOR [NATO's Kosovo Force] guard. UNMIK [the UN Mission in Kosovo], UNHCR, and other humanitarian agencies sustain these isolated communities with food and other basic assistance."<sup>9</sup>

The ongoing violence aimed at Serbs and other minorities and the apparent general lawlessness in Kosovo, however, has done little to discredit the international administration of the province. That is despite the fact that the international administrators have taken on responsibility for law and order by removing the Yugoslav police and armed forces on one hand, and preventing Kosovo's majority ethnic Albanians from establishing their own police control on the other. Still, international administrators speak out against inter-ethnic violence and

to publicize levels of crime as if it was not occurring under what is essentially their watch. Indeed, the head of the OSCE Mission in Kosovo, Daan Everts, says that the international community "has spent the last 18 months working hard to create a more democratic and tolerant climate" and that the "violence is undermining all our efforts."<sup>10</sup>

For some commentators the ethnic blood letting and criminality is evidence that the international administrators have an anti-Serb agenda and therefore tacitly condone the situation. Other analysts conclude that the levels of inter-ethnic violence indicate the international administration lacks the political will and resources to impose its agenda for multi-ethnic co-existence and human rights in Kosovo. The recommendation that usually follows from both critiques is that the international community should have more troops and police on the ground to keep order in the province. The problem with that approach, however, is assumes that the people of Kosovo are the problem and the international community responsible for the solution. That assumption ignores two important things: the impact of NATO's war on the political calculations of many Kosovar Albanians and the consequences of the ongoing failure to develop a post-war constitutional

solution in Kosovo. Both those factors have created barriers to improved ethnic Albanian and Serb relations.

NATO's 78-day bombing campaign helped destroy the basis of co-operation and co-existence between ethnic-Albanians and Serbs in Kosovo. Indeed, as long as the independence cause lacked powerful external backers the rebel Kosovo Liberation Army had difficulty persuading potential recruits that arms could achieve more than negotiation. Once leading international powers offered political backing and material support, with NATO powers publicly committing themselves to the withdrawal of Serb police and troops and threatening military intervention, it became far easier to convince people they had little to lose by breaking inter-ethnic communal ties.

In addition to bearing a large responsibility for rising conflict in the province prior to and during the NATO bombing, the post-conflict international regime has subsequently done little to provide security or facilitate inter-ethnic co-existence. There is no constitutional framework in Kosovo and no certainty over the future status of the province. As Mary Kaldor, director of the Program on Global Civil Society at the London Schools of Economics notes: "It is very difficult to normalize everyday life when Kosovo has no constitution or basic law which could

guide decisions on a whole range of issues including, security, currency, and even planing regulations.<sup>11</sup> There have been protests over the high-handed international regulation in the legal system, health, education, and the media, with Kosovar Albanians finding it hard to understand why the departure of Serb managers and administrators has meant that the UN has taken over, not ethnic-Albanian management teams.<sup>12</sup> While Kosovar Albanians have seen international officials take over Serb positions of authority, albeit with the aim of "eventually handing over policy and management responsibilities to Kosovars," the only visible "gain" from the war after two years of international regulation, is that the Serbs lost.<sup>13</sup> Accepting Serb refugee returns right now, therefore, would make the wartime sacrifices of many Kosovar Albanians appear pointless. Indeed, without a constitutional settlement first or any significant role in the management of the province, Serb returns would simply be viewed as revival of Yugoslav influence. There is thus little incentive for Kosovar Albanians to participate in inter-ethnic co-operation.<sup>14</sup>

Bearing in mind these realities, education programs established by international bodies to promote "non-violent conflict-resolution" are somewhat disingenuous. One example

of such a program is the conflict resolution project, "Training for Trainers on Inter-ethnic Dialogue and Reconciliation," which is supported by the OSCE and several European nongovernmental organizations. The project organizes workshops on "Inter-ethnic Dialogue and Conflict Resolution" bringing together individuals representing Albanian, Serbian, Bosniak, Roma, and Gorani ethnic communities, coming from both Kosovo and Serbia.<sup>15</sup> Its sessions introduce the participants to the "basic principles of understanding conflict, and non-violent methods of conflict resolution." With the aid of Western facilitators and attractive locations, such as Florence, Italy, it is hoped that these forums can provide a "true and unique platform for inter-ethnic dialogue."<sup>16</sup> Local NGO activists have all-expenses-paid holidays in exchange for pledging that they will return, equipped with new "capacities to deal with situations of oppression and conflict" and "practical ways to utilize dialogue," and attempt to convert other members of their community to Western values of peace and non-violence.

While the attraction of such peace projects to the individual participants is obvious, it is the Western sponsors that grow and expand through the public confirmation of their essential civilizing role. Indeed,

the people of Kosovo are no longer seen to be in need of saving from the Serbs but from their own inability to contain their violent urges. The OSCE-run Kosovo Law Center is another example that illustrates this patronizing phenomenon. It promotes seminars on "Alternative Dispute Resolution in Family Issues." Funded by European NGOs and the UN's Development Fund for Women, the seminars focus on "inter-related subjects such as cross-cultural and traditional aspects of dispute resolution, and resolving conflict between spouses using both practical psychology as well as the legal system."<sup>17</sup> Although "family disputes, in many countries, are often considered private issues," explain supporters of the program, the seminars are justified because apparently "there is a lack of awareness of alternative ways to settle family disputes within Kosovo."<sup>18</sup>

Again and again the problem of violence in Kosovo is characterized by Kosovo's caretakers as a psychological or cultural problem on the part of the citizens of Kosovo, not as a political consequence of the international intervention and pervasive foreign administration. But in fact, it was the NATO powers that encouraged and emboldened the KLA, and NATO that carried out a three-month high-altitude bombing campaign that triggered massive backlash

against ethnic Albanians in Kosovo and killed many civilians.<sup>19</sup> To ignore the fact that the international powers, now encouraging the "germ of tribal co-existence" in Kosovo, had previously ensured that there would be little co-existence in the region, is not particularly constructive.<sup>20</sup> It misreads the practical consequences of the intervention and misportrays the problem as one that is with the people of Kosovo--be they ethnic Albanian, Serb, or otherwise.

### **Teaching Democracy**

The treatment of the people of Kosovo as helpless victims of atavistic culture and psychological disfunctionalism has bordered on the demeaning. The international community began the process by filling the vacuum left by the expulsion of all Serbian and Yugoslav authorities.<sup>21</sup> It was claimed that foreign administration was necessary because the people of Kosovo were not ready themselves for the pressures of self-government, and are still learning about democracy. In February 2001, the head of the OSCE mission in Kosovo urged the "people in Kosovo and their political leaders to show that they are serious about embracing democracy and civil society."<sup>22</sup> That was the same message heard when Kosovo was taken over by foreign

administrators 18 months earlier. In October 2000, the OSCE held municipal elections and claimed that it was "an historic opportunity" for the unready Kosovar Albanians "to show the international community that the people of Kosovo are committed to a democratic future."<sup>23</sup> The influential policy organization International Crisis Group similarly argued that the significance of the October elections lay in what this revealed "about the commitment of Kosovo Albanians to democracy."<sup>24</sup>

If there is a question about commitment to democracy, however, it is one that is better asked of the international administrators of the province than its citizens. The international community has virtually a free hand in Kosovo, with no legal or political framework assented to by local parties. In fact, there are fewer limitations on international action in Kosovo, nominally still a province under Yugoslav and Serbian sovereignty, than there are in Bosnia. In Bosnia the international community is bound by the Dayton Agreement which at least on paper establishes a political framework of state and entity bodies as well as elected bodies at canton and provincial level.<sup>25</sup> In Kosovo there has been no such settlement. UN Resolution 1244, which ended the war, promised "substantial autonomy" for Kosovo while respecting

the "sovereignty and integrity" of the Federal Republic of Yugoslavia but provided no constitutional framework.<sup>26</sup>

The UN administrative structures in place in Kosovo, rather, were drawn up by a select group of Western powers with no input from Kosovar or Serbian representatives.<sup>27</sup> No Kosovar Albanians or Serbs were consulted when representatives of the G7 powers and eleven other Western states, meeting under UN auspices, selected Bernard Kouchner, former French health minister and leading advocate of human rights intervention, to head the Kosovo administration as the Special Representative of the United Nations in Kosovo. Kouchner was replaced, again without any input from Kosovar Albanians or Serbs, in January 2001, by Hans Haekkerup, former Danish Defence Minister. The Special Representative is supported by four deputies, Principal Deputy Gary L. Mathews, from the United States, and three deputies from France, the Netherlands, and the UK, respectively. They deputies were all selected by the lead international agencies operating in Kosovo: the United Nations, which is in charge of civil administration; the European Union, which is in charge of economic reconstruction; and the OSCE, which is responsible for democratization and institution building.<sup>28</sup> Additionally, the head of the Central Financial Authority, which is

responsible for managing the province's \$260 million annual budget, mostly funded by international donors, is Australian Alan Pearson, formerly a director of the Barents Group of KPMG (the global consulting and accountancy firm).<sup>29</sup>

The vast foreign administration is divided into twenty departments, such as those for education, health, social services, labor and employment, trade and industry, transport, agriculture, and public utilities. Each department is run by international appointees from outside the region, with UN-appointed Kosovar "co-heads" who have purely titular positions and are not even allowed access to internal memos to department heads.<sup>30</sup> These departments even include the Administrative Department for Democratic Governance and Civil Society which, without any hint of irony, was established by edict of the Special Representative.<sup>31</sup>

Below the administrative departmental structure there is also a regional structure with five UN-run regional authorities based in Pristina, Pec, Prizen, Mitrovica and Gnjilane, and beneath them, a further layer of international management, the thirty UN-administrated municipalities.

The extensive international bureaucracy leaves little space for any Kosovar governance. There is some involvement of Kosovar representatives in the UN administration, but only in an ad hoc consultative capacity. Four representatives from the province have been appointed by the Special Representative to sit in on the meetings of the UN created Interim Administrative Council (IAC), which serves as an advisory discussion forum. The Special Representative has the right to veto decisions adopted by the IAC, or to impose his own, and is under no obligation to consult with the IAC over decision making. Below that level there is another discussion forum, the Kosovo Transitional Council (KTC), made up of 36 UN-appointees from political parties, religious communities and non governmental organizations.<sup>32</sup> The KTC is merely a sounding board for the Special Representative, as Kouchner explained at its first meeting: "There will be no voting. . . . We will work together to reach agreement, but if we fail to do it, I will have to make a decision."<sup>33</sup>

At present, there is no time limit or clear "benchmarks" for international withdrawal and no date has been set for any province level elections, although it is speculated that they may be by the end of 2001. Even if there are provincial elections, however, it is not expected

that the elected body will hold a superior decision making power to that of the international administrators now running Kosovo. Indeed, there were Municipal Council elections in October 2000, however, the elected representatives still do not have policymaking responsibilities. Instead, they work under a UN municipal administrator in charge of the local Municipal Administrative Board, which is responsible for the day-to-day running of each municipality.<sup>34</sup> It is the Municipal Administrative Board that is actually the executive body at the local level. The Municipal Councils are merely consultative bodies representing a spectrum of local opinion.<sup>35</sup> The UN Municipal Administrative Board's administrator not only has responsibility for all municipal property, for budgets and financial decisions, and all appointments, but he or she also convenes and attends meetings of the local Municipal Council and its committees and can overrule council decisions without any right of appeal. In two-thirds of the municipalities, the UN Special Representative choose to appoint additional Municipal Council members and three Municipal Councils consist entirely of UN appointees.<sup>36</sup> In addition to these powers, the Special Representative can dismiss elected representatives or dissolve the Municipal Councils if its

members are seen to be obstructing the implementation of international policies.<sup>37</sup>

The attitude of Kosovo's international administrators to elections is also highly unique. In most countries, elections are held as a referendum on the government and its policies. In Kosovo, elections are not a test of government policy but a test of the people, and if they fail the test--regardless of which political parties achieve the most votes--government policy will be decided by international appointees. That attitude reflects one similar to that outlined by Bertolt Brecht in the anti-Stalinist poem, *The Solution*:

The Secretary of the Writers Union  
Had leaflets distributed in the Stalinallee  
Stating that the people  
Had forfeited the confidence of the government  
And could win it back only  
By redoubled efforts. Would it not be easier  
In that case for the government  
To dissolve the people  
And elect another?<sup>38</sup>

In the October 2000 municipal-level elections, the people of Kosovo did not have much of a chance at winning the "confidence of the government," because prior to the election all the parties had already been characterized as lacking democratic principles. In fact, according to the head of the OSCE mission, the political parties' unanimous support for independence was undemocratic because it failed to provide voters with "a substantive choice in the ballot box."<sup>39</sup>

The OSCE sought to lecture the political parties by bringing out their own view of what voters should want. It produced *Voters' Voices: Community Concerns*, which was based on questionnaires of policy options that carefully excluded any mention of the province's future status.<sup>40</sup> The OSCE then accused the parties of being out of touch with the electorate and of following their own agendas, and took it upon itself to provide guidance to "bring the agendas of the electorate and politicians together."<sup>41</sup> The OSCE attempted to do that by assisting in the writing of election programs and deciding who the candidates would be from the smaller political parties.<sup>42</sup> On election day, Kosovo's administrators were very impressed with the high turnout and patient queuing and they considered the election a huge success, fully justifying, their continued

international regulation, not the a transference of powers.<sup>43</sup>

### **The Future**

The fact that both Belgrade and the Kosovar Albanian leadership are reliant on U.S. and international support has meant that the NATO powers have been quite open about ignoring major aspects of UN Resolution 1244. In *de facto* terms, if not *de jure*, the province is no longer part of Serbia or Yugoslavia. There is no independent Serbo-Croat language television or radio in the province, the Yugoslav Dinar has been replaced by the German Mark, postal links have been cut and the new cellular network no longer retains the "38" Yugoslav country code.<sup>44</sup> The legal system has also been changed without any Yugoslav input, the UN Mission in Kosovo has assumed control of the administration of identity cards and international travel documents, and all Yugoslav government property has been taken over by the UN.<sup>45</sup> There are no Yugoslav flags at the border and there were none on display outside the municipal polling stations, which were instead draped in Albanian and US flags.<sup>46</sup> Despite the fact that the municipal elections went smoothly, and that every party (including the Green Party) stood on an independence platform, and that there has been

no serious attempt to return Serb refugees, there is little chance that Kosovo will see real self-government any time soon.<sup>47</sup>

The international community is under scant pressure to draw up a constitutional framework for the province and elections for a provincial government have been consistently delayed. The UN Special Representative is reluctant to grant any real authority to an elected provincial assembly and is unwilling to allow Kosovar Albanian leaders any mandate to negotiate directly with Belgrade. The favored position at present is to grant policymaking authority neither to Kosovar representatives nor to the Yugoslav or Serb governments. A UN commissioned "independent panel" headed by Justice Richard Goldstone, has recommended for Kosovo something it calls "conditional independence."<sup>48</sup> In practice, this would reproduce in Kosovo the situation of Bosnia, where the international powers have decided that their regulation of the nominally "independent" state will continue in open-ended fashion. Bosnian independence is "conditional" until major powers are convinced that the political leadership of Bosnia is "going to take over in a suitably constructive fashion," whatever that is, and until that point "it is simply beside

the point to apply the traditional concept of non-interference in internal affairs" in Bosnia.<sup>49</sup>

Former Special Representative for Kosovo Bernard Kouchner argues it is important to back the Kosovar Albanians "because they were, they are still are the victims." But this support apparently does not extend to acceding to them the popular demand for self-government.<sup>50</sup> It seems that human rights "victims" have the right to have international institutions act on their behalf, but do not have the right to actually decide things for themselves.

At this time, there are no concrete plans to constrain the international regulatory powers in Kosovo within formal limits, despite growing demands for accountability from Kosovar political parties and elected representatives.<sup>51</sup> In reality, moreover, "conditional independence within an international framework" means an international regulation of both Kosovo's internal affairs and its external relations with other states.<sup>52</sup> For the foreseeable future, therefore, the UN Special Representative will have legislative and executive powers over the province and attend regional forums as the international representative of the people of Kosovo.

## **Conclusion**

The lesson of Kosovo is that the human rights advocates are only half-correct. The new international regime of human rights certainly weakens state sovereignty: there is no sovereign power or authority in Kosovo, neither ethnic-Albanian nor Serbian. However, the lack of sovereignty does not necessarily equate with more power or rights for the individuals living there. As has been demonstrated, Kosovars are far from being empowered through this framework, despite having their human rights enforced by the most powerful states and international institutions in the world. In fact, the experience of Kosovo serves to highlight that individual rights are intimately tied to sovereignty. It is sovereignty--a framework of self-government--that enables the establishment of a constitutional system and a rights and legal framework.<sup>53</sup>

The human rights "victims" in Kosovo no longer live under a framework of rights. There is no sphere of political autonomy in which they can develop or articulate claims, either individually or collectively. They have no right to be able to elect a democratically accountable government or to challenge the dictats of the UN Special Representative. Although geographically located in Europe, the Kosovo protectorate even falls outside the jurisdiction

of the European Court of Human rights, because decisions made there are not the responsibility of any individual state.<sup>54</sup>

It would appear that, far from empowering victims and allowing vulnerable people to set the international agenda, the human rights discourse has had the opposite effect, empowering the dominant international institutions and world powers, who have acquired a new set of rights of interference in the affairs of non-Western states. In other words, far from institutionalizing more rights, the human rights framework has politically legitimized a new hierarchy in international relations, reinforcing economic and military inequalities between the powerful and the powerless.<sup>55</sup>

Under Belgrade's rule Kosovar Albanians may have been denied regional government when the special status of the province was dissolved in 1989, but they were formally treated as equal rights-bearing citizens. Today the people of Kosovo are not treated as citizens but as almost child-like dependants, incapable of dealing with conflict non-violently, incapable of managing the most intimate of personal relationships, and even incapable of making a democratic decision at the ballot box.

Far from empowering or dignifying victims, the emerging human rights regime in international relations has facilitated a modern analog to the "White Man's Burden."<sup>56</sup> The experience of Kosovo therefore provides a strong argument against the claim that Western interventions for human rights are capable of promoting individual rights or of empowering and elevating victims of human rights abuses. It also provides the Bush administration with a strong argument for beginning serious efforts to reverse course in Kosovo and encourage less outside interference there, not more.

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<sup>1</sup> David P. Forsythe, *Human Rights in International Relations* (Cambridge: Cambridge University Press, 2000), p. 219; Jack Donnelly, *International Human Rights*, 2d ed (Colorado: Westview, 1998), p. 20.

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<sup>2</sup> Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice* (London: Allen Lane/Penguin Press, 1999), p. 372; Max Boot, "Paving the Road to Hell; The Failure of UN Peacekeeping," *Foreign Affairs* 79, No. 2 (March-April 2000): 143-148; Brian Urquhart, "In the Name of Humanity," *New York Review of Books*, April 27, 2000.

<sup>3</sup> Hugo Slim, "Not Philanthropy but Right: Rights-Based Humanitarianism and the Proper Politicisation of Humanitarian Philosophy." Paper presented at a Seminar on Politics and Humanitarian Aid: Debates, Dilemmas and Dissension. Commonwealth Institute, London, February 1, 2001.

<sup>4</sup> Francesca Klug, *Values for a Godless Age* (London: Penguin, 2000), p. 2; see also Lord Robertson, Secretary-General of NATO, *Kosovo One Year On: Achievement and Challenge*, p. 22, [<http://www.kforonline.com>].

<sup>5</sup> R. C. Longworth, "Human Rights Now May Trump Sovereignty," *Chicago Tribune*, December 9, 1999; Louis Henkin, "Kosovo and the Law of Humanitarian Intervention," *American Journal of International Law* 93, (1999): pp. 824-828; Antonio Cassese, "Ex Inuria Ius Oritur: Are We Moving Towards International Legitimation of Forcible Humanitarian Countermeasures in the World Community," *European Journal*

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*of International Law* 10, (1999): pp. 23-30 1999, Mary Ellen O'Connell, "The UN, NATO, and International Law After Kosovo", *Human Rights Quarterly* 22 (2000): pp. 57-98.

<sup>6</sup> See "Assessment of the Situation of Ethnic Minorities in Kosovo (period covering June through September 2000),"

UNHCR/OSCE,

[<http://www.unhcr.ch/world/euro/se0/protect/0010min.pdf>].

<sup>7</sup> "Letter dated 28 December 2000 from the Secretary-General addressed to the President of the Security Council," United Nations Security Council, S/2000/1246,

[<http://www.un.org/Docs/sc/letters/2000/1246e.pdf>].

<sup>8</sup> *UNHCR 2001 Global Appeal*, UNHCR, p. 199,

[<http://www.unhcr.ch/fdrs/ga2001/yug.pdf>].

<sup>9</sup> *Ibid.*

<sup>10</sup> OSCE Mission in Kosovo Press Release, "Violence Undermining Democracy," February 16, 2001.

<sup>11</sup> Mary Kaldor, "Time to be Constructive," *Guardian*, October 24, 2000.

<sup>12</sup> Jonathon Steele, "UN Forces Fight to Make Old Foes Work Together," *Guardian*, July 11, 1999; "Reversals in the Workplace Leave Albanians on Top," *Guardian*, July 8, 1999.

Also see David Chandler, "Bosnia: Prototype of a NATO

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Protectorate" in Tariq Ali (ed.) *Masters of the Universe? NATO's Balkan Crusade* (New York: Verso, 2000), pp. 271-284.

<sup>13</sup> OSCE Mission in Kosovo Press Release, "Ambassador Everts Outlines OSCE Priorities for Kosovo in 2001," January 11, 2001.

<sup>14</sup> International Crisis Group, "Kosovo Report Card," *Balkans Report* No. 100, (August 28 2000), [[http://www.intl-crisis-group.org/projects/balkans/kosovo/reports/A400011\\_28082000.pdf](http://www.intl-crisis-group.org/projects/balkans/kosovo/reports/A400011_28082000.pdf)].

<sup>15</sup> OSCE Mission in Kosovo Press Release, "Conflict Resolution Project Creates a Way Forward," February 20, 2001.

<sup>16</sup> Ibid.

<sup>17</sup> OSCE Mission in Kosovo Press Release, "Kosovo Law Centre Sponsors Seminar on Alternative Dispute Resolution in Family Issues," February 8, 2001.

<sup>18</sup> Ibid.

<sup>19</sup> United Kingdom House of Commons Foreign Affairs Committee, Session 1999-2000, *Fourth Report*, May 23, 2000. [<http://www.publications.parliament.uk/pa/cm199900/cmselect/cmcaff/28/2802>]; Noam Chomsky, *The New Military Humanism: Lessons From Kosovo* (London: Pluto Press, 1999); Christopher Layne, "Miscalculations and Blunders Lead to

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War" in Ted Galen Carpenter ed. *NATO's Empty Victory: A Postmortem on the Balkan War* (Washington: Cato Institute, 2000); Robert M. Hayden, "Biased 'Justice': Humanrightism and the International Criminal Tribunal for the Former Yugoslavia," *Cleveland State Law Review* 47, (2001): pp. 3-25; and Peter Beaumont, Ed Vulliamy and Paul Beaver, "CIA's Bastard Army Ran Riot in Balkans," *Observer*, March 112001.

<sup>20</sup> "A Future for Kosovo," *Economist*, November, 4 2000, p. 21.

<sup>21</sup> Slavoj Zizek, *The Fragile Absolute or, Why is the Christian Legacy Worth Fighting For?* (London: Verso, 2000), p. 59.

<sup>22</sup> "Violence Undermining Democracy."

<sup>23</sup> OSCE Mission in Kosovo Press Release, "Statement of the OSCE Chairperson-in-Office Benita Ferrero-Waldner on the Eve of the Municipal Elections in Kosovo," October 27, 2000.

<sup>24</sup> International Crisis Group, "Elections in Kosovo: Moving Toward Democracy," *Balkans Report* 97, (July 7, 2000).

<sup>25</sup> The General Framework Agreement for Peace in Bosnia and Herzegovina, [<http://www.ohr.int/gfa/gfa-home.htm>]. Also see David Chandler, *Bosnia; Faking Democracy After Dayton* (London: Pluto Press, 1999).

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<sup>26</sup> *UN Security Council Resolution 1244*, June 10, 1999,

[<http://www.un.org/Docs/scres/1999/9sc1244.htm>].

<sup>27</sup> *Report of the Secretary-General Pursuant to Paragraph 10 of Security Council Resolution 1244*, June 12, 1999,

[<http://un.org/Docs/sc/reports/1999/s1999672.htm>]; *Report*

*of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, July 12, 1999,

[<http://un.org/Docs/sc/reports/1999/s1999779.htm>].

<sup>28</sup> "United Nations Interim Administrative Mission in Kosovo,"

[<http://www.un.org/peace/kosovo/pages/kosovo9.htm>].

<sup>29</sup> "UNMIK-JIAS Fact Sheet: Central Fiscal Authority,"

[<http://www.un.org/peace/kosovo/pages/twelvemonths/cfa.htm>]

; and "UNMIK-JIAS Fact Sheet: Kosovo Consolidated Budget,"

[<http://www.un.org/peace/kosovo/pages/twelvemonths/kcb.htm>]

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<sup>30</sup> "Kosovo Report Card," p. 29.

<sup>31</sup> "On the Establishment of the Administrative Department for Democratic Governance and Civil Society," UNMIK

Regulation No. 2000/40, July 10, 2000,

[<http://www.un.org/peace/kosovo/pages/regulations/reg04.htm>

l].

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<sup>32</sup> "UNMIK-JIAS Fact Sheet: Joint Interim Administrative Structure,"  
[<http://www.un.org/peace/kosovo/pages/twelvemonths/jias.html>].

<sup>33</sup> UNMIK Press Release, "UNMIK Convenes First Meeting of Kosovo Transitional Council," July 16, 1999,  
[<http://www.un.org/peace/kosovo/unmikpr12.htm>].

<sup>34</sup> "UNMIK-JIAS Fact Sheet: Joint Interim Administrative Structure."

<sup>35</sup> "On the Appointment of Regional and Municipal Administrators," UNMIK Regulation No. 1999/14, October 21, 1999,  
[[www.un.org/peace/kosovo/pages/regulations/reg14.html](http://www.un.org/peace/kosovo/pages/regulations/reg14.html)].

<sup>36</sup> "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo," UN Security Council, S/2000/1196, December 15, 2000, [<http://www.un.org/Depts/dhl/docs/s20001196.pdf>].

<sup>37</sup> "On Self-Government of Municipalities in Kosovo," UNMIK Regulation No. 2000/45, August 11, 2000,  
[[www.un.org/peace/kosovo/pages/regulations/reg045.html](http://www.un.org/peace/kosovo/pages/regulations/reg045.html)].

<sup>38</sup> Bertolt Brecht, "The Solution" in J. Willett and R. Mannheim (eds) *Bertholt Brecht Poems* (London: Methuen, 1979), p. 440.

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<sup>39</sup> Daan Everts, "Foreword," in *Voters' Voices: Community Concerns*, OSCE Democratisation Department, Pristina, Kosovo, September 2000.

<sup>40</sup> *Voters' Voices: Community Concerns*, OSCE Democratisation Department, Pristina, Kosovo, September 2000.

<sup>41</sup> "OSCE Publishes *Voters' Voices: Community Concerns*," OSCE Mission in Kosovo Press Release, October 3, 2000.

<sup>42</sup> *Political Party Guide, Municipal Elections, Kosovo, 2000*, OSCE Mission in Kosovo, Department of Democratization.

<sup>43</sup> Daan Everts: "Kosovo Joins World's Democracies," OSCE Mission in Kosovo Press Release, October 28, 2000; for further details see David Chandler, "Kosovo Elections: Failing the Test of Democracy?" [<http://www.bhhrg.org>].

<sup>44</sup> Eve-Ann Prentice, 'Kosovo Links With Belgrade 'Severed,'" *Times* (London), July 5, 1999.

<sup>45</sup> "Second Phase of Identity Card Distribution Begins in Kosovo," *News Archive*, UN Interim Administration in Kosovo, [<http://www.un.org/peace/kosovo/pages/kosovo2.htm>]; *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, July 12, 1999.

<sup>46</sup> R. Jeffrey Smith, "US Officials Expect Kosovo Independence," *Washington Post*, September 24, 1999.

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<sup>47</sup> Paul Currion, "Dialogue in Jeopardy," Institute for War and Peace Reporting, *Balkan Crisis Report* No. 190 (Kosovo Local Elections Special Issue), October 27, 2000; and Steven Erlanger, "Self-Determination in Kosovo Will Take Much Determination," *New York Times*, February 1, 2001.

<sup>48</sup> *Report of the Independent International Commission on Kosovo*, October 2000, [<http://www.kosovocommission.org>].

<sup>49</sup> "The Role of Peace Implementation Council Steering Board Ambassadors in Bosnia and Herzegovina," *OHR Press Release*, February 8, 2001.

<sup>50</sup> Cited in "Back Albanian Kosovars But Not For Independence: Kouchner," *Agence France Presse*, Paris, February 16, 2001, [<http://listserv.acsu.buffalo.edu/archives/twatch-1.html>].

<sup>51</sup> Currion; "Reaction in Kosovo to Kostunica's Victory," International Crisis Group, *Balkans Briefing*, October, 10, 2000.

<sup>52</sup> *Report of the Independent International Commission on Kosovo*.

<sup>53</sup> See further Hannah Arendt, *The Origins of Totalitarianism*, new ed (New York: Harcourt Brace & Co., 1973), pp. 290-302.

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<sup>54</sup> This also applies to the Hague War Crimes Tribunal, see Robertson, p. 284.

<sup>55</sup> See further David Chandler, *Human Rights and International Intervention* (New York: Verso, 2001 forthcoming).

<sup>56</sup> Vanessa Pupavac, "Pathologising Populations and Colonising Minds: International Psychosocial Programmes in Kosovo". Paper presented to the Political Studies Association, 51st Annual Conference, April 10-12, 2001.