

Chomsky's Rejection of Humanitarian Intervention

David P. Shugarman
York University Centre for Practical Ethics
Department of Political Science, York University

Introduction

In both *The New Military Humanism* and *A New Generation Draws the Line* Noam Chomsky argues that the NATO bombing of Yugoslavia in support of ethnic Albanian Kosovars in the spring of 1999 was an outrageous violation of the "Do No Harm" principle and that the intervention, while purportedly in the name of humanitarianism, was really just a ruse by the US.¹ America's real interest was "to complete its substantial takeover of Europe" (NMH.p.137) and the "rogue superpower" and its junior partner Great Britain managed to get seventeen other NATO countries to act like lapdogs. The intervention, according to Chomsky, could have been avoided through more serious negotiation efforts. Instead the NATO leadership, on behalf of the US chose to escalate the crisis and the intra-state conflict. These are powerful charges that if true would have serious implications both for the responsibilities of nations to protect their own citizens and the willingness of other nations to step into situations where vulnerable populations are subject to horrendous assaults on their very existence at the hands of their own governments. My review of Chomsky's allegations points to several serious faults in his rendering of the Yugoslavia-Kosovo conflict and NATO's response to it. Attention is directed to Chomsky's treatment of the issues, his wildly inappropriate analogies and his repeated reliance on thin evidence to support sweeping generalizations about the real intent of NATO's tactics and strategies. Several of Chomsky's key contentions that are addressed here are, that the intervention was an intensification of the conflict and needn't have happened, that the intervention was not about humanitarianism but rather national interest, and that a much preferred, more justificatory response to the conflict would have been to do nothing. In addition, we examine his notion of moral responsibility. Before looking

more closely at these matters it is important to appreciate some of the context of the intra-state conflict that led to the intervention.

Intrastate Conflict Over Kosovo: A Backgroundⁱⁱ

Located in the southwest corner of the Former Republic of Yugoslavia, Kosovo covers less than 11,000 sq. kms. (about 12% of the total land mass of Serbia; slightly smaller than Northern Ireland, about 1/3 the size of Wales, about 1/2 the size of Maryland and 1/100 the size of the Canadian Province of Ontario). Landlocked, Kosovo has a central plain in the middle of high mountains with few points of entry. Serbia and Montenegro are on its north and Albania and Macedonia are at its southern border. To its east, past the borders of the former Yugoslavia, are Bulgaria and Romania. To the west, past Albania and Montenegro is the Adriatic Sea. The region experiences frequent floods and harsh winters with poor visibility. It would have been very difficult terrain on which to sustain a large contingent of alien ground forces without clear lines of support and reinforcement from contiguous countries through the rest of Yugoslavia.ⁱⁱⁱ At the time of the NATO engagement it had a population estimated at nearly 2 million, almost 90% of whom were Muslim by religion and ethnic Albanian by cultural heritage.

Kosovo is a region that has for centuries been claimed by both Orthodox Serbians and Muslim Albanians as enormously significant to their respective ethnic and religious identities. It has also been the site of battles - two of which go back to the fourteenth and seventeenth centuries - between the ancestors of both peoples whose oral traditions have fed myths of victimization and struggle concerning the rightful ownership of Kosovo and the symbolic importance of religious buildings and artifacts. The population and constitution of Kosovo have gone through major changes since the Second World War.

Between the First and Second World Wars the percentage of Serbs living in Kosovo varied from 25% to a third of the population. Ethnic Albanians made up anywhere from 55 to 65% of the total. After the end of WW II the Serb proportion of the population remained at slightly over 20% until the 1980's when they began to migrate north or leave Yugoslavia entirely. According to the 1991 census ethnic Albanians accounted for 82% of the total and Serbs made up fewer than 10%. During the 1970s, 80's and 90's people living in Kosovo had the lowest per capita incomes and highest unemployment of any province or republic in the Former Yugoslavia. Kosovar ethnic Albanians generally fared the worst in both categories.^{iv}

Kosovo was granted status as an “autonomous region” within Serbia as a result of a constitutional change in the Yugoslav Federation of Socialist Republics in 1974. That status was summarily revoked by a hostile Serb Parliament in 1989. Throughout the 1980s there were a number of demonstrations organized by ethnic Albanian students and political parties to protest Serb rule and call for republic status or independence for Kosovo. After the collapse of East European communism, the decisions of Croatia and Slovenia to declare themselves independent of the Yugoslav federation in 1991, supported by Western European powers, had the effect of exacerbating tensions and distrust between Serbs and Albanian Kosovars as well as those of other ethnic rivalries across the Balkans. To many Serbs and to Serbian leaders throughout Yugoslavia the country’s dismantling was a tragedy that threatened the dismemberment of their own collective heritage, well-being and dominance of the Balkans, something to be not only lamented but also resisted, and if possible, reversed.

From 1992 until 1995 Croats, Bosnian Serbs and Bosniacs (Muslim Bosnians) engaged in civil wars over the status and boundaries of Bosnia-Herzegovina. Those wars absorbed the attention of international actors and the UN and permitted the Yugoslav Serb administrations to do much as they pleased in Kosovo, with the exception of an intriguing warning issued by President George H. Bush in his last month in office. Bush sent Serb leader Slobodan Milosevic a note in late December 1992 indicating that the US was “prepared to employ military force” if a civil war broke out in Kosovo as a result of Serb aggression.^v Although Secretary of State Madeline Albright, under the new Clinton administration, repeated the warning at a meeting of the Security Council in August of 1993, little more was made of it, by the US State Department, the press or other governments. Western governments were keen to maintain working relations with Slobodan Milosevic, who had become the key figure in Serbia and for Serbs generally across the Balkans. The hope was that he would cooperate to broker an end to the war in Bosnia, and, in fact, Milosevic did play a major role in the acceptance of the Dayton Accords by Serb leaders in Bosnia.

In step with what was taking place in Croatia and Slovenia, ethnic Albanians in Kosovo in September 1991 voted by a considerable majority for independence, which only still-Communist Albania recognized. Anticipating Kosovo secessionist moves the Serbian Parliament, a year before the vote for independence, revamped the education curriculum, made

Albanian teachers sign loyalty oaths, proscribed most Albanian language instruction and fired large numbers of Albanian high school teachers. After the vote the Serb Republic's government responded with more draconian regulations and police repression. Universities and schools were closed, family size was subjected to limitations and ethnic Albanians were *persona non grata* as far as jobs in the public service were concerned. Human Rights Watch notes that the persecution "forced the emigration of an estimated 350,000 Albanians over the next seven years." While this was going on the Milosevic government was providing incentives for Serbs to settle in Kosovo.^{vi}

Kosovo was administered as a virtual Police State under the thumb of Serb rule from late 1991 until the NATO intervention. During the 90's Albanian Kosovars suffered continual, and continually worsening, human rights abuses by Yugoslav and Serb police, military and paramilitary forces. A shadow government in Kosovo under Ibrahim Rugova, elected in underground elections, committed itself to peaceful gradualism in its relationship with Serbia while at the same time re-opening private schools for Albanian children and welcoming symbolic protests and calls for "Republic" status by opinion leaders and activists. Human Rights Watch notes that because Western nations were absorbed with the war in Bosnia-Herzegovina Rugova's League for a Democratic Kosovo (LDK) received very little support or encouragement. The LDK maintained its moderate posture from 1991 to 1998 but had minimal effect in persuading Milosevic and Serb leadership to adopt a more accommodating approach to Serb-Kosovar relations and ethnic Albanian aspirations. Younger and more extreme Kosovar nationalist groups became impatient with Rugova's strategy. A rebel insurgency grouping, the Kosovo Liberation Army (KLA), made up of young Marxist-Leninists and frustrated other Albanian Kosovar nationalists, emerged in 1996, had a base in Switzerland and began to take credit for attacks on Serbian police, Serb civilians, Serb administrative offices and alleged Albanian collaborators. The KLA engaged in terrorism and "the Yugoslav state responded forcefully." Intrastate conflict and killings were the result and any semblance of order in Kosovo disappeared.^{vii}

Lead up to Intervention

There were a series of UN Security Council Resolutions demanding a cessation of hostilities that Yugoslavia largely ignored, there were failed attempts by the Contact Group - which had grown out of a Working Group

on Kosovo that had been set up by the European Community in 1992 - to broker firm cease-fire agreements between the FRY and the KLA, and there was continued recourse to violence and brutal attacks by Yugoslav and Serb forces on Albanian Kosovars. Several times over a six month period, beginning in the summer of 1998, NATO spokespersons, leaders in the US and elsewhere began to threaten that force would be forthcoming to prevent a humanitarian disaster if the Milosevic regime maintained its assaults on Kosovars and kept ignoring Security Council resolutions. Under these threats, talks were organized among FRY representatives, the KLA and other Kosovars by the Contact Group and NATO representatives in early 1999. A first round of talks was held at the Rambouillet Chateau just outside Paris from February 6 until February 23. A second round was held in Paris from March 15 until the 19th when the Yugoslav representatives walked out. NATO spokespersons, American and UK officials had made it known that if terms were not met by the two sides NATO would take action to end the hostilities.

When the talks failed on March 19, 1999 NATO announced it would be taking action to make sure that the Yugoslav forces would stop their aggression against Albanian Kosovars. On March 22, President Clinton sent his special representative Richard Holbrooke to make one last effort to get Milosevic on side. Holbrooke was unsuccessful. Operation Allied Force began with bombing missions the evening of March 24.

What is important to emphasize prior to our turning to Chomsky's version of events is that in the judgments of bodies such as the Independent International Commission on Kosovo, Human Rights Watch, the Organization for Security and Cooperation in Europe and Amnesty International, in other words, of practically every major independent review of the conflict, Albanian Kosovars had suffered a campaign of horrendous, systematic abuse by Serbian military and police or secret police for at least a decade prior to the intervention. Throughout 1998 and the beginning months of 1999 the program of physical and mental harassment of Albanians, at times as retaliation for insurgent acts by the Kosovo Liberation Army but, more generally, simply targeted on ethnicity, became much worse, much more violent. Serbian and Yugoslav forces combined to carry out a campaign of crimes against humanity that included torture, terror, and a series of massacres in local villages. Remarkably and unpredictably the Yugoslav-Serb campaign intensified just weeks before as

well as during the NATO bombing and persisted until the Milosevic regime finally pulled its troops out of Kosovo in June. ^{viii}

Chomsky's Version

While Chomsky makes a wide assortment of allegations about the wrongfulness of the intervention I want to focus on three that he emphasizes and repeats. In summary they are as follows:

1. NATO and especially the US were uninterested in working towards a negotiated resolution of the conflict. The coercive diplomacy and implementation measures proposed by NATO at Rambouillet were meant to antagonize Milosevic and guarantee his rejection of any accord.
3. The intervention was not humanitarian. That was only rhetoric. It was about extending America's control over Europe.
2. The bombing caused the Serbs to be even more aggressive in their ethnic cleansing attacks on the Kosovars; it was thus counter-productive and an act of further hypocrisy since it brought about the ethnic cleansing that the NATO intervention was purportedly about preventing. We will now review these allegations.

NATO's alleged duplicity at Rambouillet.

There has been a good deal of finger pointing about the allegedly underhanded maneuverings of the US and four of its NATO allies on the five-power Contact Group (Britain, France, Italy, Germany and Russia) during the talks at Rambouillet. The allegation has to do with an appendix to the Rambouillet proposal that compromised the sovereignty of Yugoslavia by calling for the deployment of a NATO force (KFOR) to police the proposed agreement. ^{ix} Clauses called for NATO peacekeepers to "enjoy ... free and unlimited access throughout" the FRY and be immune from Yugoslav authorities. Chomsky refers to these clauses as so outlandish that they signaled American disinterest in a Yugoslav agreement and a provocation. Richard Miller echoing Chomsky, goes so far as to state that the proposed accord's peacekeeping force implementation plan is an example of US insistence "in an extremely provocative form" which "made Serbian refusal inevitable." ^x The trouble with this reading of the Rambouillet negotiations and clauses, made much of by Chomsky (*NMH*, pp.22-23,110,122-123), is that it is forwarded with little appreciation for the context and content of similar agreements. In fact the provisions for a NATO force in the Appendix to the Rambouillet document largely parroted the language that describes the role, powers and immunity of the NATO Stabilization Force Mission (SFOR) in Bosnia-Herzegovina. The Dayton

Accords, agreed to by all the warring factions (including Serb leaders closely connected to Milosevic and Milosevic himself) stipulates, *inter alia* that NATO and SFOR personnel “are immune from “local” jurisdiction, from arrest/detention by local police, not required to carry passports, pay import taxes, duties or fees and “[e]njoy free and unrestricted passage through BiH & Croatia.”^{xi} So the implementation clauses of Rambouillet were hardly matters pulled out of a hat duplicitously and provocatively to challenge Serbian sovereignty and antagonize its leaders. To claim that Milosevic could not have been expected to agree to any incursions on Yugoslav jurisdiction over military force deployment, or that such a prospect would come as a surprise, misses the facts that a) he and other Serb leaders had seen and accepted the same language earlier and b) that one of the obvious purposes of the rationale for the Rambouillet talks **was** to have Milosevic agree to a suspension of Yugoslavia’s sovereignty and its military jurisdiction over Kosovo.^{xii}

The Allegedly Real Reasons Behind the Intervention

The conspiratorial assumption about the duplicity behind the Rambouillet accord negotiations goes along with two other claims. The second, the most wide-sweeping claim is that the whole enterprise was not about humanitarianism anyway. The conflict between Serbs and ethnic Albanians, particularly as it heated up in 1998, was “an opportunity” for imperialists, whom he also sees as organized crime bosses, to exert their power. Chomsky refers to former President Clinton and Prime Minister Tony Blair as Mafia Dons whose characteristic feature is to maintain their reputations, their “credibility,” as powerful enforcers.(NMH, pp.135,136,148). The intervention on this reading was about America and its junior partner displaying and aggrandizing their power, and especially about the US establishing its hegemony geo-politically in central Europe. Complementary to this goal, they kept Russia out of real negotiations in case the Russians could prove more effective at bringing about a peaceful settlement than NATO. The third claim is that NATO and especially the US chose a course of action, the bombing, that they knew would “provoke” Milosevic further and “escalate the catastrophe.”^{xiii} The two claims are linked insofar as Chomsky maintains that NATO’s purported indifference, or worse, its contribution to the ethnic cleansing of Albanians from Kosovo in the first

months of the bombing campaign are evidence that America's intent was not about rescuing Kosovars but really about establishing NATO's and especially America's credibility as a superpower whose will cannot be challenged.

What the evidence - reports and studies carried out by the UNHCR, Human Rights Watch, many other independent observers and military strategy analysts - does show is that a number of NATO leaders believed first, that Milosevic would in fact not continue his intransigence to the point of being bombed, second, that the war would be over quickly and third, that there were simply so many ethnic Albanians in Kosovo compared to Serbs that an attempt to quickly move massive numbers of them out while NATO was bombing was unthinkable.^{xiv}

Expected, Provoked Ethnic Cleansing

Despite his contention that most journalists are wordsmiths for Western imperialism, and that almost all US government officials are maintaining an imperialist party line, Chomsky occasionally will cite a report or a reporter as providing the truth, the real story about what is or has been the case, and a government document or leader as providing, sometimes unwittingly, the tell-tale evidence – which unsurprisingly fits perfectly with his own rendering of the crucial elements behind the events that are otherwise obscured by official and media-compliant descriptions and explanations. There is generally no attempt to show why this report or that reporter is to be treated as providing the best or most credible account of the situation being described, no attempt to weigh evidence or discuss competing explanations. To claim that NATO knew or clearly should have expected that their intervention would provoke the Serbs to be even more vicious in their attacks on the Kosovars he uses an early response by General Wesley Clark to Yugoslavia's stepped-up assaults in the wake of the first air attacks on Belgrade, worried comments of the Italian Prime Minister in a meeting with President Clinton shortly before the intervention, a reference to some intelligence reports prepared for the US House Intelligence Committee and a concern expressed in 1992 by some European monitors of Balkan conflicts. Rather contrary explanations, whether official or by scholars and other journalists are generally treated sarcastically and dismissively; their words treated as not only quotable but as needing scare quotes. Remarkably in neither of his two books on the Kosovo intervention is there reference to the detailed reporting by either Amnesty International or Human Rights Watch on the circumstances of the conflict prior to the intervention. Both

NGOs provided voluminous testimony on Yugoslavia's continual and increasing degradation of ethnic Albanians over a ten year period. When he does refer to the work these two NGOs it is to cite their criticism of human rights violations in the USA or abuses in E. Timor by the Indonesians, who Chomsky always mentions, were supported and armed by Western governments.

To Chomsky attaching "humanitarian" to intervention and invoking a moral case for the use of force is rhetorical slyness and hypocrisy. "Looking at the circumstances of the real world" says Chomsky tells him "that a reasonable judgment [about the NATO intervention]... is that the U.S. chose a course of action that - as anticipated - would escalate atrocities and violence, that strikes yet another blow against the regime of international order [sic] which offers the weak at least some limited protection from predatory states [and] that undermines democratic development within Yugoslavia." The U.S. "chose to ... escalate the catastrophe" rather than "do nothing" or "try to mitigate the catastrophe" They could have followed the Hippocratic oath, "do no harm" (NMH, pp.155-156). Here is an analogy he uses to explain the interventionist response of NATO and its exacerbation of atrocities:

"Suppose you see a crime in the streets, and feel that you can't just stand by silently, so you pick up an assault rifle and kill everyone involved: criminal, victim, bystanders" (NMH,p.155). Now to imply that the NATO response was to *kill everyone involved* is outrageous. There may be serious questions and criticisms that can be raised about how NATO carried out its air campaign and even whether it should have relied solely on air power but Chomsky's analogy here when compared to the realities of what actually happened and with respect to any "reasonable judgment" represents commentary from another planet, rather than from circumstances of the real world.

NATO's bombing campaign, it needs to be remembered, resulted in 500 civilian deaths from a population of almost 11,000,000. Close to a hundred of those deaths were the result of errors associated with targeting and pilot error. Almost 60% of the total were Kosvoars, many of whom were blown up as a result of mistakes made in targeting them as Serbian forces. In fact a team of lawyers reviewed almost every target; at times nine people would be involved in approving target locations to avoid civilian casualties.^{xv} The concern to avoid civilian harm as collateral damage was taken so seriously that decisions to bomb sectors of

Belgrade were reviewed by officials in all nineteen (at the time) NATO countries.^{xvi} In testimony before US House and Senate Armed Services Committees two top-level officers emphasized NATO command's concern to minimize civilian casualties. "All targets were 'looked at in terms of their military significance in relation to the collateral damage or the unintended consequences that might be there,' General Shelton said on April 14. 'Then every precaution is made...so that collateral damage is avoided.' According to Lt. Gen. Michael Short, 'collateral damage drove us to an extraordinary degree. General Clark committed hours of his day dealing with the allies on issues of collateral damage.'" ^{xvii} And according to General Clark, who Chomsky uses as a most reliable witness, NATO's operation was "limited, carefully constrained in geography, scope, weaponry, and effects. Every measure of escalation was excruciatingly weighed... There was extraordinary concern for military losses, on all sides. Even accidental damage to civilian property was carefully considered." ^{xviii} Yet, Chomsky's snide summary of NATO's air strategy is that NATO's response was to "kill everyone involved; criminal, victim, bystanders." This tack is similar to his view of how we are to account for the Milosevic regime's moves to step up their expulsions of Albanian Kosovars, and the systematic rapes and killings they carried out after the bombing campaign started. Chomsky treats these as less a matter of the regime's gross immorality and more a problem of NATO's failure to prepare for the kind of response that they bear much responsibility for provoking.

Another attempt at exculpation is the observation that Milosevic was not compelled to respond to the NATO bombing with massive atrocities. That is entirely true. By the same logic, we bear no responsibility if we hand guns to acknowledged murderers and then beat them to a pulp, threatening worse, provoking them to carry out the murders that we anticipate. After all they could have responded by thanking us for our kindness (NMH, p.92).

This is yet another wild analogy that blurs matters of moral responsibility rather than clarify them and passes over some relevant facts: just as NATO's bombing in Bosnia did stop the fighting there, it did so in Kosovo, and also stopped the ethnic cleansing of Albanians from the area.

The Do No Harm principle:

Chomsky's use of the Hippocratic oath relies on a medical treatment analogy, which is both too individualistic and too abstract to be genuinely applicable to decision-making that tries to deal with ongoing or impending calamities for large numbers of people being ill-treated as undesirable collectives. The recommendation to let people be (alone) is also an oddly libertarian reaction to situations when they are desperately seeking and needing assistance. The use of a "protection against harm" principle makes more sense both as a utilitarian *and* a libertarian ethic if we borrow from John Stuart Mill's thinking. But before that is done it is worth considering how Chomsky might have more usefully developed an argument for a form of intervention that need not involve arms and that would conform somewhat to the Hippocratic oath. This is a position that would dovetail with a move to more open borders, at least in affluent, stable Western states.

The least combative response to ethnic cleansing and genocide, which Chomsky does not explore, is the rescue, removal, and asylum strategy. In the Kosovo case this would have meant not challenging Milosevic's move to control Kosovo and render it Serbian rather than Albanian. It would have meant opening the doors to Kosovars and welcoming them as *bona fide* refugees in, for instance, the UK, France, Germany, the Netherlands, Canada and the United States. But there are several serious difficulties with this 'avoid confrontation' strategy. It removes people from their homes, possessions, culture, community and likely, their language when they would have preferred to be able to live in and with the familiar. Furthermore, the strategy sends a message to the oppressor that killing and expelling some "undesirables" and threatening to kill and displace many more will result in other countries facilitating ethnic cleansing by opening their doors to "undesirables". It sends a message to other brutalizing, tyrannical regimes that they too can remove unwanted religious, ethnic, or linguistic groupings without serious reprisal. It also substantially alters the immigration policies, social service capacities and national character of the countries taking in the new influx of refugees.

In contrast to Chomsky's "do nothing" approach to dealing with intra-state and ethnic conflicts a "protection from harm principle" might be better conceptualized and operationalized as either a negative version of the greatest happiness principle for policy making or as consistent with safe-guarding liberty and life. In the first instance what is understood as

legitimate are policies that contribute to lessening the suffering of – or harms done to – to the greatest number of people. In the second what is ensured is that the only justifiable reason for resort to force to control some people is to prevent them from doing harm to others. Regrettably, Chomsky takes up none of these considerations; nor does he consider the criteria that might be seen generally to apply to situations requiring nations to use their resources and power to check massive brutalities. The notion, now accepted by the UN, that nations should be understood as having a responsibility to protect their citizens and that when they do not the rest of humanity must be understood as having an obligation to step in to provide that protection is again something that is not comprehended in his reflections on Kosovo.

Chomsky is so dismissive of the role of morality in international politics, so concerned to emphasize the pursuit of power as an obsession of foreign policy decision-makers that his theoretical stance might be seen as indistinguishable from political realism, or at least a branch of the latter associated with those like Hans Morgenthau who warned of the dangers of misplaced and/or counter-productive moralism in the thinking of both practitioners of, and commentators on, international politics. But that would be a mistake. For political realists there are ethical norms that constrain the behaviour of national leaders in civilized societies, Furthermore there is a morality that national leaders are obliged to subscribe to and that is to serve their nation's best interests in as rational and cautious a way as possible, understanding "prudence – the weighing of the consequences of alternative political actions – to be the supreme virtue" of political leaders (Morgenthau 1962, p.11). Chomsky's criticism is that of the cynical realist. Both international politics and national politics are reflections of the interests of the powerful looking out for themselves. There is no morality to be found or expected anywhere in the real world of politics, only the duplicity and hypocrisy of the powerful, so commentary about this or that international activity is about ramming home that generalization, *that* "reality". That means that there is always hypocrisy to uncover, moral argument and rationales to be dismissed or laughed off stage and the real story told of unscrupulous maneuvering for power and material advantage. ^{xix}

Because Chomsky places so much emphasis on the claim that NATO essentially set up Milosevic and expected him to order his armed forces to move more ruthlessly against the ethnic Albanians, that the exacerbation of the ethnic cleansing campaign was “predictable”, it is important to review the evidence that is very much at odds with his representations.

Several of the major conclusions reached by The Independent International Commission on Kosovo, established by the Swedish government, that carried the most thorough and politically non-partisan retrospective investigation of the pros and cons of the intervention bear emphasizing here. According to the Commission^{xx} The NATO military intervention was illegal but legitimate....
...The international community's experience with Milosevic as not amenable to useful negotiations created a dilemma. The only language of diplomacy believed open to negotiators was that of coercion and threat. This led to legal and diplomatic problems - such threat diplomacy violates the Charter and is hard to reconcile with peaceful settlement. The credibility of the threat must, in the final analysis, be upheld by the actual use of force.

It is impossible to conclude, however, despite these weaknesses, that a diplomatic solution could have ended the internal struggle over the future of Kosovo. The minimal goals of the Kosovar Albanians and of Belgrade were irreconcilable.

Russia's contribution to the process was ambiguous. Its particular relationship with Serbia enabled crucial diplomatic steps, but its rigid commitment to veto any enforcement action was the major factor forcing NATO into an action without mandate.^{xxi}

A series of reports on happenings in Yugoslavia by independent investigative bodies like Amnesty International, Human Rights Watch (HRW), the Organization for Security and Cooperation in Europe, and the Independent International Commission on Kosovo have documented not only what happened from March 24 until early June 1999 during NATO's bombing raids on Yugoslavia; they have also drawn attention to the sorry record of abuse that was inflicted on Albanian Kosovars in the years leading up to, and especially the decade preceding, NATO's

military response to the crisis. The Human Rights Watch Report of 2001, entitled *Under Orders: War Crimes in Kosovo* documents “a coordinated and systematic campaign to terrorize, kill, and expel the ethnic Albanians of Kosovo that was organized by the highest levels of the Serbian and Yugoslav governments in power at that time” that began days prior to NATO’s engagement. It represented an intensification of a program of ruthless, ethnic-focused attacks that had been in evidence for years.^{xxii} Amnesty International in a Report issued in April of ’99 noted that since it had been documenting for “well over a decade ...systematic abuses visited upon the province’s ethnic Albanian population by the Yugoslav authorities” it felt compelled “to affirm emphatically” that the ethnic cleansing going on while NATO jet fighters and bombers were conducting their sorties “is the outcome of sustained human rights abuse directed against Kosovo’s ethnic Albanian population by Yugoslav and Serbian authorities” that had been taking place for many years.^{xxiii}

While the bombing sorties were taking place over the next two and a half months Serbian Yugoslav forces carried out a “well strategized” campaign of ethnic cleansing resulting in “more than 850,000 ethnic Albanians ... forced out of the province, mostly into Albania or Macedonia, causing serious crises in both of those countries.” In contrast, however, to Chomsky’s repeated assertions that the Serbs’s intensified assault on Kosovo happened as a result of NATO’s actions, according to Human Rights Watch, “No one predicted the speed and scale of the expulsions,” and according to the United Nations High Commissioner on Refugees, the expected additional numbers of Kosovars forced into refugee status by intensified hostilities was not more than 100,000.^{xxiv} Furthermore, although the Yugoslav forces clearly accelerated their brutal ethnic cleansing operations after March 24, a determined, organized drive to execute and drive out ethnic Albanians actually started four or five days earlier, when, as a number of studies have shown, 40,000 more Yugoslav troops were ordered in to Kosovo along with substantial numbers of tanks and other heavy artillery on March 20, when monitors of the OSCE Kosovo Verification Mission (KVM) were withdrawn from Kosovo for security reasons.^{xxv} Furthermore, either through fear or harassment, huge numbers of Kosovars were fleeing their homes at least a week prior to the start of NATO bombing. The UNHCR reported, and Human Rights Watch documented, that by early March ’99 over 200,000 ethnic Albanians suffered displacement within Kosovo, another 70,000 had fled into

adjacent countries, and a further 100,000 Yugoslavs who were mostly Albanian were seeking asylum in Western Europe. In the days leading up to the NATO attack the movement of Serb and Yugoslav troops resulted in another 25,000 people either being forced from or as anticipatory reaction fleeing their homes. ^{xxvi}

There is a further assertion and implication in the conspiratorial line of reasoning that needs comment. That is the allegation that NATO is actually responsible for provoking the ethnic cleansing that involved over a million ethnic Albanian Kosovars being forcibly displaced from their homes prior to as well as during the NATO bombings. The idea here is that NATO pushed Milosevic into it. This contention, i.e., that the NATO bombing campaign moved the Serbs to be even more ruthlessly diabolical towards the Albanian Kosovars than they otherwise would have been is wrong-headed on several counts. It is distorting as to both the actual facts of what had been going on over the course of the previous decade and what was underway in the days and weeks prior to the start of the bombing. It also, as a matter of interpretive psychological generalization and the logic of causal determination, twists and turns mistaken strategic decision-making and errors of omission by NATO's military and political leaders into willful complicity in Yugoslavia's crimes against humanity. It also presents a "yes, but" approach to moral responsibility in the case of thugs and terrorists: yes, it was wrong for Al Qaeda terrorists to incinerate the World Trade towers, yes it is wrong for suicide bombers to blow up innocents civilians but America, its allies and Israel have been doing such terrible things over the years it is no surprise when their victims retaliate; and the loss of life compared to what "our" side has done in other parts of the world not that terrible, and perhaps even to be understood as just payback. Yes, the Milosevic regime was dastardly and Milosevic was a major war criminal, but we are largely responsible for what then resulted, since "we", i.e., the West, had been supporting and arming the Yugoslav Serbs for years: when "we" turned on them we were provoking them to carry out their viciousness towards the Kosovars. Yugoslavia's Milosevic regime and its supporters, according to this kind of thinking about moral responsibility, are victims too, along with the Kosovars, of having been maneuvered into criminality by America and Great Britain, who are depicted as devilish Mafia dons treating the world and moving it to maintain and increase control over it.

There is much that is wrong with this treatment of moral responsibility. As I have tried to point out, it is based on a very skewed presentation of the facts leading up to the intervention and passes over NATO's success in actually halting the ethnic cleansing and making it possible for the vast majority of Kosovars who had been forced from their homes to be able to return four months after the operations began. It is also based on dubious interpretive logic when it comes to the purview of decision-makers responsibilities and a kind of moral blindness. To hold NATO responsible for the Serbs' heightened systematic ethnic cleansing operations is somewhat like claiming that the allies were responsible for provoking the Nazis into a genocidal program against the Jews since a full campaign to exterminate Jews did not get underway until after Britain and its allies declared war on Germany. On this "logic", since the Nazis' systematic annihilation program did not go into effect until 1941 it must have been a response to the allies' intervention. The same kind of mentality would treat the failure of allied bombers to take out rail lines to concentration camps as aiding and abetting the Nazi slaughter of their victims.^{xxvii} This is a version of the "devil made [them] do it" and the devil is always a two-headed US-UK monster. It is a version of responsibility, causality and moral complicity which reflects, among other things, a remarkably patronizing view of the limitations and irresponsibility or qualified responsibility of all others but the powerful in America and Great Britain.

By devoting so much attention to the past wrongs and questionable credibility of the interveners, to the problems they have created for others and their messy own backyards Chomsky underplays and deflects attention from both the ongoing systematic assaults and cruelty of the Milosevic regime **and** the expectation that without an enforceable agreement by the regime to cease their assaults things were going to get much, much worse for ethnic Albanians in Kosovo. To this, Chomsky's constant refrain is that what was going on in Kosovo was bad, but no worse than what is going on in a number of different places in the world: it was NATO's actions that were geared to and ended up making it worse.^{xxviii} He refuses to accept or discuss the evidence that led to a determination on NATO's part that an intervention was a necessary anticipatory reaction to Yugoslavia's mounting a full-scale ethnic cleansing attack on Kosovo. He is unwilling to consider or unaware of the argument that to those in need of rescue and to those focused on their

rescue the possibilities or even facts that not all other cases of rights deprivation are being attended to, that the rescuer may have been guilty of serious misdeeds in the past, or may go on to them in the future, are not trump cards that rule out intervention.

Conclusion

By July 2001 the International Criminal Tribunal for the former Yugoslavia (ICTY) had exhumed approximately 4,300 bodies considered killed by Serbian and Yugoslav forces in Kosovo. HRW notes, "This [was] certainly less than the total number of those killed by government troops," according to a Human Rights Watch report. Since the capitulation by Milosevic, Human Rights Watch, Amnesty International and the International Criminal Tribunal for Former Yugoslavia have reported that they have found "incontrovertible evidence of grave tampering and the removal of bodies by Serbian and Yugoslav troops," which the post-Milosevic Serbian government began acknowledging in the summer of 2001. Human Rights Watch has also "documented attempts to hide or dispose of bodies" in at least ten different locations. The statistical analysis conducted by Human Rights Watch in cooperation with the American Association for the Advancement of Science (AAAS) "revealed killing patterns that further expose the systematic nature of the government's campaign...[that included] rapes of ethnic Albanians [which] were not rare and isolated acts committed by individual Serbian or Yugoslav forces, but rather were instruments to terrorize the civilian population, extort money from families, and push people to flee their homes."^{xxix} Human Rights Watch has estimated that approximately 10,500 ethnic Albanian Kosovars were killed by Yugoslav troops in about three months.^{xxx} If one compares these numbers relative to the size of the Albanian Kosovar population (about 1.8 million) to, say, the population of the United States, the number of Americans killed would have been close to 1.5 million people. Reading Noam Chomsky's account of what was going on in Kosovo one gets little appreciation of the gravity of what actually took place and what might have been far worse had NATO not intervened to remove Yugoslavia's military and paramilitary forces from Kosovo. Rather his readers are told that if things were bad and if they got worse it was largely due to NATO and especially America's doings.

A theoretical exploration of a just, international intervention involves a triangulation of empirical evidence (dealing with the social context of the nature of the wrongs needing to be righted or at least stopped), an examination of the public rationales offered pro and con the intervention and recourse to second order ethical evaluation of the use of force to alter human conduct. What this requires is a meshing of prescriptive with empirical analysis against a background of diplomatic, legal and conventional international norms. Are there fundamental ethical principles that, if practiced, will contribute to a more just world order? And are there policies, including policies of intervention, that sustain rather than undermine these principles? Can the use of force at times be squared with efforts to heighten levels of peaceful cooperation or co-existence among potential enemies and efforts to protect numbers of people from severe abuse? How bad does a situation have to be before it calls out for action involving force and overriding the norm of non-intervention? Is this case such a case? Or is no situation bad enough? Noam Chomsky's treatment of the issues involved in NATO's intervention does not come close to seriously considering these questions. The result is that what might have been an important contribution to reflections on ways to lessen gross injustices instead ends up being a rant against America's power and influence in the world and a recommendation for a hands-off approach to repairing widespread nastiness that is allegedly the consequence of that power and influence.

ⁱ *The New Military Humanism; Lessons From Kosovo* (Monroe,ME:Common Courage P,1999), hereinafter *NMH*; *A new generation Draws the Line:Kosovo, East Ti and the Lessons of the West*(New York:Verso,2000), hereinafter, *NGDL*.

ⁱⁱ This section draws on several pages from a revised version of my "Dilemmas and Overlaps in the Ethics of Humanitarian Intervention: The Case of Kosovo" a paper presented to the International Studies Association Conference in Honolulu, Hawaii, March 1-5, 2005.

ⁱⁱⁱ Richard Connaughton, *Military Intervention and Peacekeeping: the Reality* (Burlington, USA: Ashgate, 2001) 200.

^{iv} Julie A. Mertus, *Kosovo: How Myths and Truths Started a War* (Berkeley, USA: University of California Press, 1999); and Tim Judah, *Kosovo: War and Revenge* (New Haven, USA: Yale University Press, 2000).

^v Independent International Commission on Kosovo, *The Kosovo Report :Conflict, International Response, Lessons Learned* Oxford: Oxford University Press, 2000,56. Also cited in Stephen Troebst, *Conflict in Kosovo: Failure of Prevention, An Analytical Documentation*, European Centre for Minority Issues, Flemsburg, 1999. The Human Rights Watch study of the Kosovo tragedy *Under Orders:War Crimes in Kosovo* (New York, USA: Human Rights Watch, 2001;hereinafter, HRWUO) refers to the Bush warning (at 29) and suggests, without elaboration, that Albanian Kosovars might well have taken it as a signal that the U.S. would support them.

^{vi} HRWUO,28.

^{vii} HRWUO, 15ff.

^{viii} See *The Kosovo Report: HRWUO*. Amnesty International, *A Decade of Unheeded Warnings:Amnsesty International's Concersn in Kosovo 1989-1999*; Organization of Security and Cooperation in Europe (hereinafter, OSCE), *Kosovo/Kosava:As Seen As Told: An Analysis of the human rights findings of the OSCE Kosovo Verification Mission, October 1998-June 1999* (Warsaw: Organization for Security and Cooperation in Europe, 1999).

^{ix} Richard Miller, "Respectable Oppressors, Hypocritical Liberators," *Ethics and Foreign Intervention*, eds. Deen Chatterjee & Don Scheid (Cambridge, England: Cambridge University Press, 2003)p. 243

⁹ Ibid.:

^{xi} Dayton Accords

¹¹ As Nicholas Wheeler has emphasized in *Saving Strangers*(New York: Oxford University Press, 2000).

^{xiii} Noam Chomsky, *NMH*, pp. 48, 92,155.

^{xiv} The Human Rights Watch study reports that contingency plans prepared by the UNHCR Special Envoy for the Former Yugoslavia estimated that intensified hostilities would lead to at most 100,000 more Kosovar refugees, HRWUO, note 8, p,521

^{xv} Anthony Cordesman, *The Lessons and Non-Lessons of the Air and Missile Campaign in Kosovo*. Washington, DC *Center for Strategic and International Studies*,1999

^{xvi} Human Rights Watch, *Civilian Deaths In the NATO Air Campaign* www.hrw.org/reports/2000/nato

^{xvii} Ibid.

^{xviii} Wesley K. Clark, *Waging Modern War: Bosnia, Kosovo and the Future of Combat* (New York: Public Affairs,2001),p.xxiv. As cited in Paul Latawski, "NATO's' Military Action Over Kosovo: the Conceptual Landscape After the Battle", in Stwphen Badsey and Paul Latawski eds., *Britain, NATO and the Lessons of the Balkan Conflicts 1991-1999* (London: Frank Cass,2004),p.124

^{xix} Chomsky has indicated he is committed to a universal, consistently practiced morality:

In his reflections on the on Al Quada- organized September 11 attacks , Chomsky set out his own straightforward moral principles. Responses to those attacks, he says, "should meet the most elementary moral standards: specifically, if an action is right for us, it is right for others; and if it is wrong for others, it is wrong for us." (9/11, page #?). The trouble is that such a practiced morality is not possible in Chomsky's world of materialistic power-seekers; and what that means is there is no gradation of or distinctive moral activity by political leaders. They are all corrupt. self-serving, untrustworthy.

xx

^{xxi} International Independent Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned* (Oxford, England: Oxford University Press, 2000), 4,160. The Commission concluded that the moral exigencies apparent in Kosovo, "the pattern of Serb oppression...the experience of ethnic cleansing a few years earlier in Bosnia, and the lack of international response to genocide in Rwanda in 1994 combine to create a strong moral and political duty" to protect the victimized Albanian Kosovars. The Commission goes further to claim that that duty includes "reestablishment" of Kosovar autonomy and "realization of the right of self-determination." Thus the moral exigencies and fears of a yet again racist assault on people trumped the "core [UN]prohibition on recourse to non-defensive force" unauthorized by the Security Council. *The Kosovo Report*, 185-186. In this sense the Commission was reflecting and articulating the beliefs and rationale of the interveners.

^{xxii} Human Rights Watch, 3ff.

^{xxiii} Amnesty International, “Federal Republic of Yugoslavia (Kosovo): After tragedy, justice?”
<http://web.amnesty.org/library/print/ENGEUR700801999> AI Index: EUR 70/80/99

^{xxiv} HRWUO, 4.

^{xxv} HRWUO; Judah, 233; Benjamin S. Lambeth, *NATO’s Air War for Kosovo: A Strategic and Operational Assessment* (Santa Monica, USA: Rand, 2001): 226.

^{xxvi} HRWUO,110; The UN Secretary-General listed higher figures in a statement issued on March 22. See Paul Heinbecker, “Kosovo” in David Malone ed., *The Un Security Council: From the Cold War to the 21st Century* (Boulder: Lynn Rienner,2004),541.

^{xxvii} The claim that the NATO intervention aided and abetted the Serbian ethnic cleansing campaign of expulsions of Albanian Kosovars is made not only by Chomsky but by Iris Marion Young in her “Violence Against Power” in Chatterjee and Scheid (eds.), 268, where she also misleadingly attributes that conclusion to the Independent International Commission on Kosovo

^{xxviii} His favourite comparative examples of cruelty and injustice being meted out, to which he constantly refers and which has the effect of deflecting attention away from the severity of the situation in Kosovo, are Israel’s treatment of the Palestinians, Turkey’s of Kurds and Indonesia’s of the E.Timorese.

^{xxix} HRWUO, 7-8.

^{xxx} HRWUO