Kosovo: A case of 'coercive diplomacy'

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In an earlier publication on the international community’s involvement in the disintegration of the former Yugoslavia, three years ago, I wrote that the Balkans, in the post-Cold War era, had become a testing ground for international diplomacy. In its efforts at finding the most appropriate answers to an intra-state question, the involvement was characterized by the development of new forms of policy-making through the introduction of new concepts and policy instruments, a dominant role for international organizations, and the introduction of a series of new military options. In short, these characteristics reflected a dynamic evolving relationship between the extremes of diplomacy and force, within their inherent limits. Under the present circumstances, similar analyses could be applied to the situation in and around Kosovo, a crisis situation which is equally characterized by a dynamic policy- and decision-making process, involving actors in new roles, with new concepts, and new mandates.

The international community’s response to the crisis in Kosovo has been heavily influenced by its earlier experiences in dealing with the situation in former Yugoslavia, in particular in Bosnia and Herzegovina. Conceptually, diplomatically and militarily, Kosovo has provided the international community with a ‘second chance’ for crisis management in an effort to prevent a ‘second Bosnia’ from happening. This was a major concern for the international organizations involved: both the North Atlantic Treaty Organization (NATO), the Organization for Security and Cooperation in Europe (OSCE), the Contact Group, the European Union (EU) and, finally, the United Nations (UN).

The issue of Kosovo was at an early stage, well before the outbreak of hostilities in the first week of March 1998, on the agenda of the international community. In the Autumn of 1997, the Contact Group, which provided for the political guidance of the implementation of the Dayton peace agreement for Bosnia and Herzegovina, already met for the first time to discuss, as a separate issue the situation in Kosovo. In late January 1998, the 16 ambassadors at NATO Headquarters in Brussels devoted their weekly meeting to a debate on the situation in Kosovo. ‘We are now giving as much attention to Kosovo and Montenegro as to Bosnia and Herzegovina’, a NATO official indicated. NATO’s concern about the ‘potentially explosive’ situation in Kosovo in particular, was both related to the fear of a possible ‘spill-over’ into neighbouring countries, such

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as Albania and Macedonia, and of the possible negative consequences for the consolidation of the peace implementation process in Bosnia and Herzegovina.

These concerns were also reflected in official statements. On 6 March 1998, for example, after a lengthy discussion, NATO’s Permanent Council declared: 'NATO and the international community have a legitimate interest in developments in Kosovo, inter alia because of their impact on the stability of the whole region which is of concern to the Alliance.' The recognition that NATO has ‘a legitimate interest in developments in Kosovo’ was the starting point, at NATO’s headquarters in Brussels, for a discussion on the modalities of a possible military intervention by NATO along its periphery — an option that was already mentioned publicly in April. The issue of the international legal basis for such an action, including the question whether an explicit authorization by the Security Council would be needed, led to extensive discussions and differences of opinion among the allies. Meanwhile, at a more principled level, a similar debate took place on the fundamental relationship between NATO and the UN Security Council. After an initial discussion during NATO’s ministerial meeting in Luxembourg, in June 1998, on the adaptation of NATO’s New Strategic Concept to post-Cold War realities, Madeleine Albright, the US Secretary of State, summarized her position as follows: ‘NATO’s fundamental mission will always remain collective defence against aggression. At the same time, I stressed that we have always had the option to use NATO’s strength beyond its borders to protect our security interests. If joint military action is ever needed to protect vital alliance interests, NATO should be our instrument of choice.’ She quoted President Clinton, who, on an earlier occasion, had said: ‘Tomorrow’s NATO must continue to defend enlarged borders and defend against threats to our security from beyond them — the spread of weapons of mass destruction, ethnic violence and regional conflict.’ Ms. Albright, in this context, alluded to some of the problems that still had to be solved: the definition of ‘core missions’ and ‘out-of-area’ operations, and the question whether there should always be a UN authorization for NATO to act. The US Secretary of Defence, William Cohen, arguing along the same lines, thought that it was not necessary for NATO to subordinate its security to the UN, emphasizing NATO’s own autonomy in taking decisions. The US position, however, was not shared by all within NATO. Others said that they would not approve of the use of force by NATO without a UN mandate, fearing both the risk of alienating the Russians, among others, and the consequences such a precedent could set for others (the Russians, among others) in the future. The differences of opinion on this issue among NATO’s sixteen

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6 The German Foreign Secretary, Klaus Kinkel, contended that there should be ‘an explicit and unassailable legal basis’ for military action by NATO, while his French counterpart,