

NATO AGGRESSION ON
YUGOSLAVIA

REVIEW OF INTERNATIONAL AFFAIRS



A monthly journal published by the FPI RTY International Politics

CORE ISSUE

NATO AGGRESSION ON YUGOSLAVIA – A YEAR ON

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BOOK REVIEWS

DOCUMENTS

Yugoslav Documents Related to Kosovo and Metohija
Yugoslav-Chinese Parliamentary Cooperation

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Editorial Note



The *Review of International Affairs* and Belgrade-based Institute for International Politics and Economics have been cooperating for years. Joint undertakings have invariably been worthy. However, our work in preparing the core issue of this edition of the *Review*, entitled "NATO Aggression on Yugoslavia – A Year On" has yielded the achievement exceeding in significance all we did together before.

This is by no means an overstatement. Apparent values of articles in the core issue of the *Review* genuinely warrant such an assessment. The articles were originally prepared for the International Conference entitled "Consequences of NATO Aggression against Yugoslavia" organized by the Institute for International Politics and Economics. The Conference was held in Belgrade from March 24–27, 2000, a year after the outset of NATO military assault on Yugoslavia. All published contributions in the core issue of the *Review of International Affairs* are unbiased, corroborated by facts and detailed analyses of manifold causes and effects of last year's NATO aggression against Yugoslavia.

It was not an easy task to make a selection of articles from the high quality, topically diverse and numerous papers written for and presented at the Conference. There was plenty of material to choose from while the space available for publication remained none the less limited in spite of the enlarged volume of the *Review*. That is why a great many contributions deserving to be published or the Conference deliberations offering many engaging ideas have not been included.

Anyone interested in the proceedings of this Conference in their entirety will indeed soon have the opportunity to dip into the integral version of all presented papers and authorized discussions. As the organizer of the Conference the Institute for International Politics and Economics is making final editing touches to the forthcoming compendia both in the Serbian and English languages.

Judging by intellectual and operational accomplishments and by the number of participants the International Conference "Consequences of NATO Aggression against Yugoslavia" comes to be very likely one of the most important conferences held world-wide up to now dealing with causes and aftermath of the NATO aggression.

Altogether 125 scholars and well-known public figures took part in the Conference. Out of that number 32 participants were from Yugoslavia and 93 from almost all continents of the world. It so happened that Belgrade, singled out by NATO to be the exemplary casualty of its military aggression but that grew to be the greatest symbol of resistance to that same aggression, hosted the most prominent scientists, journalists and other notable public personalities from, amongst others, the United States of America, Canada, the United Kingdom, France, Germany, Italy, Greece, the Netherlands, Sweden, Denmark, Spain, Portugal, the Russian Federation, Ukraine, Czech Republic, Slovakia, Hungary, Bulgaria, Romania, India, China, Egypt, Jordan, Zimbabwe, Chile.

The principal topics of the Conference were:

- main trends in international relations after the end of the Cold War;

- characteristics of NATO aggression against Yugoslavia;
- military onslaught on Yugoslavia and international law;
- impacts of NATO aggression against Yugoslavia on global international political relations;
- damage caused by military intervention and legal instruments for its compensation;
- direct consequences of aggression for the international standing of the Federal Republic of Yugoslavia and for internal economic and social conditions;
- implementation of UN Security Council Resolution 1244 and the sovereignty of Yugoslavia.

The Conference worked for three days both in plenary sessions and in panel format. There were three plenary sessions – one on the first and two on the final day of the Conference.

The participants conducted discussions in four simultaneously held panels concerned with geopolitical, legal, media and economic aspects of NATO aggression against Yugoslavia. Most participants took part in two first mentioned panels – on geopolitical and on legal aspects of NATO aggression against Yugoslavia.

The plenary sessions were allotted to the debate on fundamental questions related to the causes and consequences of NATO aggression against Yugoslavia. An appreciable portion of time was taken by considerations regarding the ways and means of alleviating appalling consequences of NATO barbarism towards Yugoslavia. But discussions did not rest there and went further tackling possibilities for bolstering the aptitude of the better part of the world to venture freely in pursuit of meaningful responses to the challenges posed by new policies and technologies of coercion.

Overall, the Conference exchange was pervaded by a strong conviction that the global academic and intellectual community must mold the structure of new pillars of world peace and methods for preventing violence and aggressions, thus influencing the fundamental change of the international political and legal order. In a nutshell, the message is that we urgently do need to strengthen the existing and create new institutional networks supporting the unimpeded life and development of world society. It is the only viable solution ensuring durable and stable balance between individual liberty and mutual equality on the one hand and individual responsibility and mutual interdependence of people, societies, states and international organizations and institutions on the other.

Similarity in assessments and remedies sought rendered an indeed closely-knit body of views of the Conference participants. In the analyses of existing disastrous conditions in the world we live in, that predominantly captivated their attention all three working days, they did not surrender to any doom of globalization or for that matter mondialism as inexorable certainties evading any influence and control by mankind. They portend something quite contrary to what lazy minds and manipulated media believe nowadays – that there is no exit strategy, or better still, that nobody "civilized" actually wants to be left out from the process of globalization. The participants in the Conference invited unreservedly everyone brave and daring to revive the very essence of human creativity by taking part in building the



new world of global freedom, peace, equality and prosperity that will eradicate violence, deprivation, poverty, aggressions and hatred. This invitation has been convincingly voiced in their appeal adopted at the closing plenary session of the International Conference "Consequences of NATO Aggression against Yugoslavia".

Those 78 days of the year 1999, from March 24 to June 10, were the days of unconscionable NATO concentrated military effort to strangle Yugoslavia, of unprecedented violence and aggression against Yugoslav civilians.

But they were something different from what NATO has striven for through aggression.

They were the days of relentless Yugoslav resistance to brute force. Yugoslavia's resistance to the aggression has made these 78 days of the year 1999 the 78 days "that shook the world" at the end of this century.

The world is not the same any more and it cannot possibly be what it used to be before NATO aggression against Yugoslavia.

Yugoslavia's winning resistance to global violence and arrogant power politics, even to NATO military might, has given birth to new concepts and proposed actions that are going to change international relations and the world power structure in the days drawing near.

Impartial judgment and reasonable expectation, while putting aside any premature hope, show one thing as certain: humankind has embarked upon the making of a different civilization – one of liberty, peace and unhindered development.



Minister for Foreign Affairs
Federal Republic of Yugoslavia

The Heart of Freedom Beats in Yugoslavia*

Today, exactly a year ago, the eyes of the world public were on the Federal Republic of Yugoslavia because the NATO military machine spearheaded by the United States, launched a brutal aggression against the FR of Yugoslavia, an independent and sovereign country, a founding member of the United Nations and of other international organizations. The aggression was perpetrated because Yugoslavia, as a sovereign country, with deep freedom-loving roots, did not want to accept the disgraceful *diktat* of Rambouillet and Paris based on the deception of an alleged violation of human rights. Yugoslavia rejected the *diktat* which demanded the capitulation and occupation of the entire country.

If the eyes of the world were on Yugoslavia a year ago because of the outset of aggression looking with apprehension and uncertainty as to whether this country and its people will succeed in defending freedom, whether David will overpower the Goliath of the post-industrialist era, than there is no longer such a dilemma. Yugoslavia succeeded in defending dignity, it confirmed its freedom-loving traditions and gave hope to others that there is no force that can defeat a nation united and determined to defend its own at any cost.

We believe that today, a year later, the eyes of the world public are again on Belgrade and on this meeting, but now in recognition of courage and support for rebuilding what was destroyed, for building new and modern. Many eyes are precisely on this high meeting in which the most renowned creators from all parts of the world are taking part, those who represent the consciousness of mankind and its loftiest humanistic values. The people in this hall in the heart of freedom-loving Belgrade expect fresh encouragement and an inspiration for a better future.

How come it was the FR of Yugoslavia that was chosen to be the proving ground for testing the model of the "New World Order"?

First, in the analysis of the strategists of the New World Order, Yugoslavia is treated as a "real problem", as a physical obstacle standing in the way of achievement of the goal of expansion towards Eastern Europe and of mastering natural resources and sources of energy in the rich regions of the Middle East, the Caucasus and Central Asia, a key to Europe and Eurasia and an access to Russia and China from the West.

Second, if it is true that during the period of the bloc division of the world Yugoslavia was seen as a buffer zone and that it valorized its geostrategic importance on that basis, then it is also true that today, at a time of integration processes Yu-

* Address of Minister for Foreign Affairs, Mr. Živadin Jovanović at the International Conference "Consequences of the NATO Aggression against FR of Yugoslavia", held in Belgrade on March 24, 2000.

goslavia with its known geostrategic advantages is becoming a bridge linking north and south, eastern and western Europe.

Third, Yugoslavia was chosen as the target of aggression, because "bringing to its knees" a country that on a world scale symbolizes freedom and independence was meant to intimidate all other countries and peoples and to discourage their opposition to hegemony and imperialism. NATO and the US administration mind even the very existence of Yugoslavia and what it stands for today – a multiethnic, multicultural State which, despite the pressures and sanctions and despite a million refugees, is developing faster and more comprehensively than its neighbors that, at least in words, enjoy every assistance and support of the rich NATO members, the United States in particular.

The NATO aggression against the FR of Yugoslavia was the culmination of the American aspirations to establish, after the fall of the Berlin Wall, a new unipolar world order in which the United States will be the pivot and the NATO alliance its chief instrument. In a situation when NATO has lost its global adversary and any national justification for its existence, the aggression should have assigned a new role for NATO and confirmed the global supremacy of the United States. It was an arrogant demonstration of the fact that the new masters of the world are making their own rules and taking into their own hands the role of the judge, the jury and executioner.

The consequences of the NATO aggression may be viewed at several levels. The first level is Yugoslavia as a direct victim of crimes and destruction. The second is a regional one as part of South Eastern Europe. The third is a European one, the fourth global or the world level. Although they are all mutually closely related, it is difficult to analyze them in isolation. However, for this occasion the basic facts should be recalled about the consequences at each particular level.

NATO has caused a humanitarian, economic and environmental disaster in Yugoslavia by using the most destructive means, including cluster bombs, depleted uranium ammunition, carbon fiber bombs. Leaders of NATO countries, the US administration in the first place, are responsible for the killing of several thousand inhabitants of Yugoslavia, including women, children, babies, refugees, passengers on the busses and international trains, for the destruction of hospitals, schools, the water supply system, the power system, heating plants of larger cities, residential areas, bridges, railways and roads. The damage caused by war is estimated at more than US\$ 100 billion. Such a loss of life and civilian destruction cynically explained by the NATO propaganda as "collateral damage" were the core of the NATO strategy, especially after promises made in public that Serbia will be brought to its knees within three or 7 days at the latest, proved to be at least shallow arrogance. By systematically bombing civilian targets and causing a massive loss of human life, NATO targeted the people and its morale, to which it obviously paid very little attention in its calculations. In particular, they underestimated the determination, patriotic feelings and unity of the freedom-loving people and leadership of the country.

At the regional level, the aggression drastically halted and set back the processes of normalization, the development of good-neighborly relations and promotion of both bilateral and multilateral cooperation in South Eastern Europe, whose prospects were opened up by the signing of the Dayton/Paris Peace Agreement in 1995, by the Royaumont initiative and the



Crete Summit in 1997. By combining the dirtiest methods of pressure and promises, the US administration drew Yugoslavia's neighbors into taking part in one way or another in the aggression. Through the policy of divide and rule and by encouraging even territorial claims of some neighbors against Yugoslavia, the US administration not only undermined the important results of regional cooperation and all known regional initiatives, but attempted to sow as much division and as much mistrust in the region as possible by involving the neighboring countries in the criminal aggression. In this way, it clearly revealed that its real purpose was longer-term destabilization of the region aimed at justifying the movement of its troops from Central to South Eastern and Eastern Europe through the establishment and interconnection of a new chain of its military bases. What the pro-American governments in neighboring countries did not or dared not understand was very well understood by the broadest public in these countries, that the goal of the American policy was total domination and colonization of the peoples and countries of South Eastern Europe, exploitation of their human and economic resources, provision of a bridgehead to the Caspian region, Central Asia and western borders of Russia and China.

The model of an alliance between NATO and the separatist and terrorist organization such as the so-called "KLA" – in which the roles were so assigned that the criminal, mafia and terrorist gangs acted as the foot soldiers to NATO and conversely in which NATO served as an air support to the terrorists – is very important for understanding not only regional but also of no less European and global consequences of the aggression. It remains for military analysts to study such pearls of NATO strategists as provision of protection to terrorist gangs by a squadron of B-52 strategic bombers in their attempts to infiltrate from Albania into Serbia in the regions of Mt. Paštrik and Košare. This alliance was created already during the so-called Rambouillet and Paris talks, at Thaci-Clark meetings and even much earlier at the meetings of US representatives with the seasoned terrorists and criminals at Junik, Davos and London. These are only the most drastic forms of abuse of separatism and terrorism which are incidentally resorted to by US intelligence and administration in one way or the other, ranging from South Eastern Asia, Tibet, Kashmir, Afghanistan, Chechnya, Dagestan, Kosovo and Metohija to Gibraltar and from the North Sea to the Cape of Good Hope.

To force on Europe attrition, to slow down the process of its integration and access of the developed West to resources of rich Russia is the strategic goal of the US administration in order to preserve its economic and technological domination over the whole world. That goal was reflected even during the work of the so-called Contact Group which served the United States gradually to draw Europe into the preparations for and later on the perpetration of the aggression itself. This was testified to by the destruction of transport routes on Europe's corridor E-10, the bridges over the Danube near Novi Sad so as to prevent the use of economic lifelines, especially important for the profitability and competitiveness of European products and services, for links between northern and southern parts of the European Union, between Europe and the Caspian Basin, the Middle East and Central Asia. The NATO aggression against Yugoslavia inflicted enormous long-term damage on Europe, both economically and politically as well as security-

and culture-wise. It revealed the major weaknesses of Europe, and a striking lack of political leaders who care about breaking away from American blackmail and who are capable of projecting their own vision of European identity. This is borne out, for instance, by the fact that neither the parliaments nor the governments of Italy, France, Germany, Britain, Spain and many other European countries respected their own constitutions in deciding to take part in the aggression, whereas the parliaments and governments of some of them, like Italy, never had the issue of participation in the aggression on its agenda. If these are democratic societies, then the question arises as to who made the decisions in the first place and who committed these countries to rain destruction on Yugoslavia and to kill its citizens? Or is it not that important for the quality of democracy to decide on the participation in aggression against a sovereign country?

Whereas it is more or less clear that the US administration made political decisions on the participation of European countries in the aggression against Yugoslavia, more and more facts come to light confirming that the American *diktat* in the decisions taken within NATO itself during the aggression was effectively accepted as a *fait accompli*. Clearly, such experiences and treatment of the allies will not strengthen NATO nor will they open up the prospect of its development. Quite the opposite. Only some newly admitted members and those from Eastern Europe who lack confidence in their own people and look for a bulwark in their NATO masters have faith in NATO and vow to it.

There are signs that there is a growing awareness in Europe of an increasing threat to European interests due to the blind subservience to the US administration. It is a fact, however, that such trends of concern and readiness for greater care for the European interests, if the impression is not wrong, are more present in public opinion in Europe than in its ruling structures which have grown accustomed to US blackmail and are very often drawing personal benefits from it. We hope that Europe will finally find the strength to put together its own European, rather than the now prevailing US agenda. We believe that this is an inevitable trend although we harbor no illusions that it will be a fast and easy process.

Europe has not yet given a clear answer to the share of responsibilities according to the American prescription: we destroyed by bombs and aircraft, so it is now up to you, the Europeans, to build what was destroyed and to eliminate the consequences, if you have any use of it! As far as the global consequences of the NATO aggression are concerned, they are simply, though understandably not sufficiently concretely, reflected in an assessment made during the aggression itself: after the aggression the world and world relations will in no way be those that prevailed before March 24, 1999. The NATO alliance called its game by the aggression – instead of the criterion of equality, the criterion of hierarchy is forced upon the world. Might is right. Force is above the law, above the principles and the UN Charter. Consequently, NATO is above the UN Security Council, and the United States above NATO and Europe.

The architects of such a strategy gave a special place to the right to a so-called "humanitarian intervention". By establishing a monopoly over judging where and how human rights are violated, the US administration opens the door wide for gross interference in the internal affairs of other countries, even for military intervention using its monopoly of the most



influential global media. Thus, the US administration has developed a technology of indoctrinating the American and world public in order to justify, by its care for human rights and the lofty democratic ideals, interference in internal affairs, arbitrary proclamation of certain areas in the world the "zones of US vital interest". Also, in order to prepare for armed aggressions by covering up its true hegemonistic and colonialist goals, such as control over energy sources, strategic resources, large markets and geopolitically important regions. It goes without saying that the arrogance of the proponents of this policy leaves no scope for asking questions about the massive violation of basic human rights in the United States itself and the world at large through an arbitrary imposition of US sanctions which have at this very moment been in place for 87 countries or for 42 per cent of the population on this planet. An accompanying lever of this hegemonistic strategy is the doctrine of limited sovereignty sought to be imposed, above all on the non-aligned and developing countries.

The proponents of this doctrine do not mind seeing and reacting by threats even to the non-existent and imagined interference in US internal affairs, demanding absolute respect for its hyper-sovereignty. At the same time, the sovereignty of other countries has no worth to them. They adopt a racist attitude towards developing countries, maintaining that they are conservative and that they do not understand that limitation of their sovereignty is in the interest of their modern democratic development.

The fact is that the global messages and dangers of the NATO aggression against Yugoslavia are understood well in the world. An overwhelming majority of the Member States of the World organization strongly rejects the concept of interventionism, the doctrine of limited sovereignty and the American pretension to act as the world policeman. This was clearly demonstrated on numerous occasions so far, including at the 54th session of the UN General Assembly.

By its successful defense against the aggression, Yugoslavia has made a historic contribution to the protection of the rights and principles of international relations in confrontation with the brute force. It has thus, at the same time, restored confidence in the lasting values of the UN Charter and in the sustainability of the system of international relations based on the equality, sovereignty, territorial integrity and non-interference in the internal affairs of sovereign States.

What seemed impossible or highly unlikely before the NATO aggression, Yugoslavia proved not only possible but a must: it resolutely resisted the most powerful military machine and the strategy of bringing other peoples into submission, and it succeeded in defending its freedom, dignity and independence.

All hopes that the Cold War era will be followed by the democratization of international relations and that we shall enter a period of a stable and durable peace have been betrayed. Unfortunately, we are witness to the opposite processes of a radical revision of the system of international relations established after the Second World War, of a conscious and intentional violation of the fundamental principles enshrined in the Charter of the United Nations and attempts at imposing the New World Order and "globalization" of international relations. This trend is followed by attempts at societal and cultural globalization, that is of basing the whole world on the same type of society, namely on liberal democratic capitalism of the

West through a kind of "liberal imperialism" and a new totalitarianism. The stories of a free trade, free flow of goods and capital is only a cover for the imposition of a global economic order in which to ensure complete control over markets, most important geostrategic regions, raw materials and resources. The bottom line is to ensure the right to prosperity and riches for an exclusive group of countries and to condemn the rest to the role of colonies, vassals and permanent impoverishment.

The policy pursued by the US administration and by NATO Member States, based on its economic and military power and on control of the money flows, is a dangerous one because it leads to the rich getting richer and the poor getting poorer. There is a conscious effort to disrupt the entire system of international relations, to produce destabilization and fragmentation of independent countries. The United Nations and its Security Council have been further marginalized while senior US representatives openly issue threats that they will finance the United Nations only if it works in its, that is, US interest. We have come to a situation where delegations of the Security Council negotiate with lower-rank US officials only because they are threatening to tighten the screws on the finances of the UN.

The chief protagonist of the new world unipolar order is the Anglo-Saxon axis. It is not accidental at all that the United Kingdom appears to be the most ardent executor of the US policy and a country which is always ready to block any independent action of the EU and to prevent it from acting as an independent political factor. It is no exaggeration to say that basically one of the main activities of the Anglo-Saxon axis is directed precisely against the idea of a united Europe which, along with China, Russia and India, could be a serious counterweight and a factor of curbing the uncontrolled power of the new world supreme power.

In this so-called "New World Order", through permanent destabilization and civil wars as well as through creation and management and regional crises, encouragement of separatism and terrorism, force as the only criterion in international relations is being promoted and excuses are being invented for domination and rule over less developed and smaller States and peoples. The aggressive policy of the United States is particularly focused on the ethnically mixed communities and countries through an undisguised encouragement of separatism, religious and ethnic exclusiveness and production of terrorists, through arbitrary interpretation and abuse of such categories as human and minority rights. Organized campaigns of "public lies" and creation of realities by the use of the enormous newly created power of the world media is in the function of domination of the world. The symbiosis of world power centers and the world media has created a "virtual reality" which is then presented as the final truth all over the world. A part of regular preparations for the conduct of an aggressive policy towards a particular region is also a systematic demonization of the whole nations and individual cultures. The example of the FR of Yugoslavia is the best illustration, since in the last ten years a nation which has made an enormous contribution to the struggle against Fascism, for the freedom of Europe and the world has been portrayed in the most influential world media as an uncivilized criminal nation whose victims are unworthy of sympathy.

It should be recalled that until the spring of 1998 the situation in Serbia's southern Province of Kosovo and Metohija



was calm irrespective of the problems which existed as a result of the boycott of the State institutions by a part of the Albanian separatists. The separatist movement was not caused by any repression or disrespect for human or minority rights of the Albanian ethnic minority, but primarily by constant outside encouragement with a view to weakening opposition to the spread of hegemony and the new NATO strategy. By separating Kosovo and Metohija from the Republic of Serbia as its integral part and the creation of the so-called "Greater Albania" from parts of Serbia, Montenegro, Macedonia and Greece, NATO aims to reshape international borders and cause longer-term destabilization of the entire South Eastern Europe and thus justify its movement from Central Europe and expansion to the East.

It is indicative that parallel with prospects for improved relations between Yugoslavia and Albania following the Crete meeting between President Milošević and Prime Minister Nano and later for the solution of an important segment of outstanding issues in Kosovo and Metohija, that is, an understanding on the implementation of the agreement on education that would provide an opportunity for the resolution of other open issues as well – there emerged, all of a sudden, in early spring of 1998 the so-called Kosovo Liberation Army. Through intimidation and utilization of other proven methods of terrorism, the so-called "KLA" took practically all the population of Kosovo and Metohija hostage and rendered more difficult political settlement of unresolved issues and afforded an excuse for internationalization and interference of the so-called international community.

Equipped and funded by the secret services of Albania, the US, Germany and the United Kingdom, with the great assistance of the international narco mafia and Islamic terrorists and extremists, the so-called "KLA" killed several hundred citizens and committed hundreds of terrorist attacks during 1998 and 1999.

"KLA" terrorism was an excuse to step up pressure on Serbia and the FR of Yugoslavia, which accepted even the deployment of OSCE monitors in Kosovo and Metohija and the opening of negotiations with the participation of foreign mediators concerning the contents of a future autonomy for the Province, all in good faith and the hope that it would be possible to find a just and durable solution to all outstanding issues. Regrettably, very soon it turned out that some Western countries, above all the United States, regardless of the fact that immediately prior to that it publicly declared the so-called "KLA" a terrorist organization, directly stood behind the terrorists and bandits and that their real goal was not to arrive at any just and acceptable political solution but to occupy Kosovo and Metohija militarily and to fragment the FR of Yugoslavia further.

Parallel with these activities directed towards the "KLA", the US and its allies continued to exercise ever more blunt pressure on and threats against the FR of Yugoslavia, offering more and more unacceptable frameworks for a political settlement of issues in Kosovo and Metohija culminating in the shameful and unprecedented ultimatum at Rambouillet, calculating in advance that it would not be accepted and being so designed as to make it unacceptable to any country.

The so-called negotiations at Rambouillet and in Paris in fact never took place. The US did not allow any direct talks between the delegations that never met or talked. The draft agreement was kept by the US delegation as top secret and was not known even to the international mediators or the other

delegations of Contact Group countries which were supposed to mediate in the negotiations. The draft document was badly disguised prelude to the legalization of secession of Kosovo and Metohija with simultaneous provision of a massive military presence and occupation of all the territory of the FR of Yugoslavia by the NATO forces. This was actually a tactics of buying time in order to prepare the public for the aggression on which decisions were made even before the simulation of talks at Rambouillet and in Paris.

Upon rejection of the ultimatum, there followed NATO's military aggression which was presented to the public as preventing a "humanitarian catastrophe" in Kosovo and Metohija.

In its barbaric aggression, NATO has committed serious crimes against humanity, violated virtually all rules of international law: from the UN Charter banning a war of aggression and the use of force without the authorization of the Security Council up to all most important international conventions. The total war imposed on the FR of Yugoslavia and calculated to destroy completely its economic potential, to cause the mass killing of its population, is genocidal, immoral and illegal by any standards – according to international law, according to the founding act of NATO as a "defensive organization" and according to the constitutions of the NATO Member States themselves. True, the NATO aggression, by its barbarity and massacre of civilians is more horrible, in many ways, than the crimes of WWII. NATO Member States have committed serious international crimes: crimes against peace through aggression and unauthorized use of armed force; crimes against humanity, a crime of genocide and war crimes through the use of prohibited means such as cluster bombs and depleted uranium munitions, chemical weapons and massive killing of civilians. The FR of Yugoslavia has instituted proceedings before the International Court of Justice for determination of the responsibility of States participating in the aggression as well as before the national courts of the aggressor States for determination of responsibility of individuals and governments of these States for violation of the constitutional and criminal law of these States. In the States taking part in the aggression people's courts consisting of well-respected individuals and non-governmental organizations have been spontaneously set up to condemn morally individuals bearing the greatest responsibility for these crimes.

The heroic defense and resistance of Yugoslavia to the aggression was a serious moral and political defeat for the aggressor that prevented the aggressor in the intention to impose his own will as a *fait accompli* and to prove omnipotence in the world. Once again Yugoslavia has demonstrated that no power, however technologically and weapons-wise superior, is capable of defeating, by its numbers and equipment, a people determined and united to defend its freedom. NATO has achieved none of its military and political goals and the doctrine of the "right to humanitarian intervention" that was to be triumphantly inaugurated at the current session of the UN General Assembly after the aggression on the FR of Yugoslavia was generally condemned by the Member States of the world Organization. Instead of contributing to the prestige of NATO and of scaring the world of the enormous military and political machine, the aggression has had opposite effects. It encouraged the countries true to their freedom and policy of independence to join their efforts in



fighting more effectively this hegemonistic neo-imperialist and neo-colonialist policy.

Yugoslavia has succeeded in returning the resolution of the Kosovo problem to the framework of the United Nations, insisting that the UN alone has the mandate to maintain international peace and security. By the Belgrade peace document, the Military-Technical Agreement of Kumanovo and, ultimately, UN SC resolution 1244 (1999), the UN Security Council temporarily took responsibility for the security situation in Kosovo and Metohija. At the same time, the Security Council reaffirmed guarantees for the sovereignty and territorial integrity of the FR of Yugoslavia, a political solution on the basis of equality of citizens and all ethnic communities within the framework of an autonomy. The international community has established its presence in the Province through the UNMIK and KFOR missions entrusted with the task of ensuring the security of the population. It is clear that the political settlement for Kosovo and Metohija must be based on an autonomy within the Republic of Serbia guaranteeing the equality of all citizens and ethnic communities in Serbia's southern province.

Unfortunately, the situation in the Province is characterized by the daily terror of the so-called "KLA", killings, an ethnic cleansing of Serbs, Roma, Muslims, Gorani and non-Albanians in general as well as by total lawlessness. The Province has thus been turned into a center of terrorism and organized international crime in Europe. This clearly shows that the missions mandated by the United Nations have not fulfilled their basic task of guaranteeing a safe environment, public order and peace and return of refugees and displaced persons almost nine months after their deployment.

The terrorist "KLA", instead of being disarmed and disbanded, has been renamed into the so-called "Kosovo Protection Corps", with which international representatives closely cooperate. These decisions, which are in direct contravention of UN Security Council resolution 1244 (1999), are a clear indication of open collusion between the leadership of the UN civil mission and KFOR on the one hand, and terrorists and separatists on the other.

The consequence of such an attitude of international civil and security presences is the exodus of about 350,000 non-Albanians, close to 5,000 terrorist attacks carried out since June 12, 1999, of which more than 4,000 against the non-Albanian population. Since the deployment of international representatives, more than 933 people (more than 800 Serbs and Montenegrins) have been killed, more than 800 have been abducted and more than 50,000 homes have been destroyed or burned down, 85 Christian churches and monasteries as well as cultural monuments have been demolished.

More than 200,000 foreign nationals are currently illegally staying in Kosovo and Metohija. Terrorists from Albania walk the length and breadth of Kosovo and Metohija. Islamic extremists arrive from various parts of the world and the whole province is in the hands of mafia clans and terrorists.

The government of the FR of Yugoslavia has addressed more than 50 communications to the Security Council drawing attention to the worsening of the general situation in Kosovo and Metohija and calling for the taking of appropriate measures, including determination of the responsibility for the continued genocide of the Serbian and non-Albanian population in Kosovo and Metohija committed under the auspices of the UN.

All this is proof that the aggression against the FR of Yugoslavia continues by other means – through sanctions and attempts at wearing out and exhausting the Yugoslav economy and halting the economic development of the FR of Yugoslavia through subversive activities and attempted political destabilization of Serbia and the FRY, through fresh military threats, all the way to the media aggression and deliberate sabotage and violation of the UN Security Council resolution on Kosovo and Metohija.

Clearly, Yugoslavia as the victim of a brutal aggression, cannot nor has it the right to forget the crimes for which the leaders of the US administration and NATO are responsible. No one can forget nor has the right to forget the responsibility of those who have in any way participated in the preparation or the carrying out of aggression. Thousands of innocent human losses, including women, elderly people, children, even babies on the maternity wards make us duty-bound not to forget. We insist on the identification of every responsibility of the aggressors for the crimes against peace and humanity as well as on the compensation for the damage caused by war, in respect of which the government of the FR of Yugoslavia submitted a Memorial to the International Court of Justice in the Hague. Just as we heroically defended our freedom and dignity, we say to the aggressors' forces that we will be equally successful in defending ourselves from all forms of an extended aggression through sanctions, interference in the internal affairs, encouragement of separatism and destabilization and systematic violation of the decisions of the Security Council concerning the Serbian Province of Kosovo and Metohija. We continue equally united, and efficiently, with our reconstruction and economic development that you will, we hope, have the opportunity to see firsthand, at least partly.

Yugoslavia has a long tradition of openness for equitable cooperation, respecting the interests of all our partners and non-interference in the internal affairs. With such a policy it has been and remains an indispensable constructive factor of peace, stability and cooperation in the Balkans, in Europe and the world.

At this point, allow me to say a few words about the priorities of Yugoslavia's policy.

The foremost priority is the protection of the sovereignty and territorial integrity of Yugoslavia, i.e. prevention of any form of separatism and terrorism, removal of all threats, pressure and outside interference.

Second, ensuring conditions for the reconstruction and rebuilding of the country, encouragement of the participation of foreign partners.

Third, strengthening of the prestige and international position of Yugoslavia on the international scene by developing cooperation on an equal basis and friendly relations with all countries respecting Yugoslavia as an equal partner.

Fourth, normalization of Yugoslavia's membership status in international political, economic and other organizations, and the lifting of sanctions.

In our neighborhood and in South Eastern Europe, we continue to pursue an active, open and principled policy of normalization of relations with the former Yugoslav republics, development of good-neighborliness with all our neighbors, while respecting the principle of sovereignty and territorial integrity, including respect for mutual interests and non-interference in the internal affairs.



This implies that all countries of the region should respect the rights of ethnic minorities in accordance with the European standards, notably the right to use one's own language, to education in one's own language, to foster one's own cultural heritage, to a national identity and customs.

We support the strengthening of economic integration processes, dismantling all tariff, administrative and other barriers to free flow of people, capital, goods, services, scientific, cultural and other values, including the creation of free trade areas.

The development of multilateral regional cooperation with equal participation of all countries and respect for the genuine interests of peoples and States of the region, is our firm commitment. The more so, since the process of this cooperation was inaugurated in Belgrade in 1988 at the First Conference of Foreign Ministers of the Balkan countries.

The people of Yugoslavia aspires towards peace and cooperation with its neighbors, wishing a developed and upright Balkans, that will not serve as a testing ground for inhuman experiments of the architects of the New World Order. The people of Yugoslavia is desirous of a Europe and a world where reason and understanding among people and nations will prevail. We are aware of all the dangers and challenges along that road just as we are aware of the fact that this was not going to be an easy struggle. In our efforts for a better and happier future of the world today, all the people and all nations, we stand ready to cooperate with all those who care about equality, peace and understanding among people. We are convinced that a large majority of mankind shares our goals and convictions.

Therefore, if it is true that the NATO aggression has had global hegemonistic aims, it is equally true that the defense of Yugoslavia from that aggression has global freedom values.

DR. DEANA JOHNSTONE

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Deception and Self-deception

The Mixed Motives behind NATO's War against Yugoslavia

First my thanks to the Institute for kindly inviting me to take part in this conference and thereby to express my personal solidarity with the people of Yugoslavia who have been unjustly subjected to bombing, economic sanctions, political isolation and slander by the governments and media of the NATO countries. My presence here is above all in protest against the cruelty of the self-styled humanitarians who wield enormous economic and technological power without a trace of wisdom or compassion, whose wealth and military might have brought them to the state of mind which the ancient Greeks called *hubris*.

So, I have come here as a friend, to participate in the joint effort to establish the truth, a truly daunting task. To speak to you here today is particularly difficult for me. I fear I am in the uncomfortable and altogether unusual position to speak to people who may largely agree with me. If I say once more that Yugoslavia was bombed not to benefit the Kosovo Albanians, but to benefit NATO, you may object that, well, everybody knows this already. In the NATO countries, however, most people do *not know* this already. They still believe, because that is what they have been told over and over, that the war was undertaken for "humanitarian" reasons, to save the Kosovo Albanians from "ethnic cleansing" and even "genocide". Today, there is a growing awareness that something has gone wrong. However, public criticism focuses on the way in which the NATO action was prepared, carried out and followed up, without yet seriously challenging the humanitarian pretense used to justify the criminal aggression.

The small minority of people who have followed events are perfectly aware that the major reason for bombing Yugoslavia in March 1999 was to demonstrate NATO's new mission in time for the organization's 50th anniversary in April. NATO needed a new *raison d'être* following the collapse of the Soviet Union and the dismantling of the Warsaw Pact.

"HUMANITARIAN INTERVENTION"

Aggressive wars and imperial enterprises are usually carried under the disguise of noble pretexts. The pretexts change, but each must seem plausible in its own historical period. The notion of "humanitarian intervention" grew out of a combination of contemporary factors: the drastic decline of progressive political thinking at the end of the Cold War, the decline of the protective role of the weaker national governments, the rise of "non-governmental organizations", the multiplication of internal armed conflicts often along ethnic lines. The idea was "in the air", a product of the *Zeitgeist*. In the early nineties, it was theorized by one of the most prestigious United States "think-tanks", the Carnegie Endowment for International Peace. In 1992, the Carnegie Endowment published a book entitled *Self-Determination in the New World Order*. Not terribly interesting in itself, the book is quite interesting in retrospect because it foreshadowed, prior to the election of Clinton, the policy of the Clinton administration in Kosovo. Not only that, it was the product of a team of policy-makers who went on to design that policy.

So, allow me to quote: "As of mid-1992, neither the United States nor the world community has reached a point where humanitarian calamities resulting from self-determination claims or internal repression automatically trigger collective military intervention to accomplish strictly humanitarian objectives. But humanitarian intervention will become increasingly unavoidable".

In the post-Cold War world, the Carnegie Endowment study noted, "groups within states are staking claims to independence, greater autonomy, or the overthrow of an existing government, all in the name of self-determination". In regard to these conflicts, "American interests and ideals compel a more active role". The United States will have the final word as to when and how to intervene. "The United States should seek to build a consensus within regional and international organiza-

NATO Aggression on Yugoslavia



tions for its position, but should not sacrifice its own judgment and principles if such a consensus fails to materialize".

What is noteworthy here is that the United States policy-makers proposed "collective military intervention", and not any sort of diplomatic or political solution, as the inevitable outcome of "self-determination claims", which could be expected to meet with "internal repression". And already in 1992, this military action was labeled "humanitarian intervention".

The statement that "humanitarian intervention will become increasingly unavoidable" was a self-fulfilling prophecy in the unusually literal sense that those who made it helped it come true. The 1992 book, *Self-Determination in the New World Order*, was the product of a group of foreign policy specialists brought together by the Carnegie Endowment President to work out new policy options for the post-Cold War period. That president was Morton Abramowitz, a former US ambassador to Thailand who has specialized in intelligence matters, and who went on to be a champion of the "UÇK" and an advisor to the Kosovo Albanian delegation at Rambouillet; Abramowitz has since become president of the influential Council on Foreign Relations. He is also on the board of the International Crisis Group, the Brussels-based think-tank that formulates policy options for the "international community" in Bosnia and Kosovo, and is financed by both Western governments and private foundations, notably the Soros foundation. Abramowitz may be considered the *éminence grise* behind the US policy of support to the Albanian secessionists in Kosovo.

The Abramowitz group of specialists that pondered the theory of "humanitarian intervention" in the early 1990s included Madeleine Albright, Richard Holbrooke and Leon Feurth, who is the foreign policy advisor to Albert Gore, now vice president and leading candidate for the presidency to succeed Clinton. The authors of the book I have cited on *Self-Determination in the New World Order* were Morton Halperin, head of State Department policy planning under Madeleine Albright, and David Scheffer, who is Albright's special envoy for war crimes issues.

So, here we have a team that first evolved the theory of "humanitarian intervention" and then put it into practice. From what I know of American policy-makers I would not, however, leap to the conclusion that this is a conspiracy. Rather, I think it is closer to *hubris*: the arrogance of a small elite group of people who take it upon themselves to decide how to use the immense military power of the United States, and who never question their own right to do so or their own righteousness. Madeleine Albright is widely quoted as having asked rhetorically what good it was to have the world's greatest military power if one didn't use it. Having found what they consider a theoretical excuse to use that power, they eagerly seized what looked like a perfect occasion to put it into practice. They probably convinced themselves. They imagined that they were "present at the creation" of a new era of unchallenged US power, that they were constructing something grandiose... when in reality they embarked on a frightful course of destruction.

THE MILITARY-INDUSTRIAL COMPLEX

It was commonly said in Washington that "NATO must either go out of area, or out of business". Such expenditure, and such a massive US military presence in Western Europe were no longer credible in the defensive terms of the North Atlantic Treaty.

To survive, it was argued, NATO had to be expanded in two ways: it needed to take in new members from the old Soviet bloc, and it needed to extend its mission to the defense of vaguely defined "security interests" of its members anywhere in the world.

Why was such expansion needed? Experts searching for new "strategic threats" were unable to agree on anything convincing. But the think-tanks and futurologists continued to search for plausible reasons because they were handsomely paid to do so. The institutes that finance such theorizing in search of enemies are funded by the industries and financial institutions that profit from Pentagon contracts and related sales to US military allies.

The arms industry needs NATO. In the past half century, the military-industrial complex has become a determining factor in US public life, subsidizing advanced industrial research that gives the United States its commercial advantage in high tech fields, financing political campaigns and controlling major media. Expansion of NATO means new markets for US military contractors. To join NATO, Central Eastern European countries will be required to strain their budgets in order to procure the latest US military equipment. Poland alone is expected to buy 100 to 150 new fighter planes, meaning contracts worth some two to six billion dollars for Lockheed or Boeing. Not surprisingly, then, the reluctance of many US congressmen to endorse NATO expansion was overcome by a powerful lobby, the *US Committee to Expand NATO*, presided by Lockheed's chief executive. It was US private corporations and not Member State governments that provided the US\$ 8 million to pay for NATO's birthday party last April.

This direct interest of the arms industry goes hand in hand with the more general US interest in strengthening NATO as the primary instrument for maintaining US supremacy over its main economic partner, the European Union. In the race between the EU and NATO to take over the former communist countries of Eastern Central Europe, NATO has been winning. The militarization of the Yugoslav crisis has greatly contributed to this militarization of European unification.

However, President Clinton could not tell the American people: "We are going to expand NATO to help the arms industry earn more billions of dollars". Nor could he even say: "We are going to bomb Yugoslavia in order to assert NATO's predominance over the European Union as the instrument of European integration". What he could say was "humanitarian intervention". And the amazing thing is, the American people believed him.

THE NEW WORLD ORDER

One last citation from the Halperin-Scheffer book: "The vision of a 'new world order' since 1990 has been a world with one superpower - the United States - in which the rule of law supplants the rule of the jungle, disputes are settled peacefully, aggression is firmly met by collective resistance, and all people are justly treated". This is a remarkable statement since it refers to a "rule of law" that has not yet been written and implicitly rejects existing international law as "the rule of the jungle". To quote further: "International law - as it always has done - will respond and adjust to the behavior of nations and the actions of multilateral institutions". The NATO war against Yugoslavia, in flagrant violation of existing international law, announced the new dispensation.



A major feature of this "new world order" is the demolition of national sovereignty, an essential principle of existing international law. A world with a single superpower is a world where only that superpower has a sure claim to "national sovereignty" – an outdated concept for the rest. Lesser sovereign nations are to be broken down not only from the outside, by the pressures of economic globalization, but also and more acceptably from the inside. The reason is simple: weak governments of small states cannot protect their resources or the welfare of their populations from the demands of "the markets", that is, from the interests of transnational investment capital.

The Carnegie Endowment in 1992 not only developed the theory of "humanitarian intervention" but undertook a campaign to win over powerful media figures and politicians to this new policy option. The Democratic presidential candidate, Bill Clinton, with no experience or even notable interest in international affairs, eventually turned over his foreign policy to the Abramowitz "humanitarians". The liberal media adopted the themes with enthusiasm.

Madeline Albright saw the Kosovo crisis as a unique opportunity to impose the new "strategic concept" of unlimited "out of area" engagement by a major *fait accompli* justified as "humanitarian intervention".

The United States is a "free market democracy" with emphasis on the "market", which includes a "free marketplace of ideas". The marketplace is in fact largely monopolized by economic interests and mass media, but it is free in the sense that there is no official ideology. There is, instead, a sum total of best-selling ideas – which have actively been promoted by opinion-making institutions. This shifting best-seller list of ideas makes up the ideology, and the public opinion, of the moment.

Foreign policies also need to sell themselves on a very special, bifurcated marketplace. There is the "up market" of the professional geostrategists, the "foreign policy community" with its think-tanks, elite clubs and sober publications. And there is the "down market" that goes all the way down to the British tabloids. A successful policy will be one that can sell itself both to the up market, as being in line with dominant interests, and to the down market, as appealing to ready stereotypes and gratifying emotions.

"Humanitarian intervention" is essentially for the down market, even though it may involve prominent intellectuals and famous show business celebrities. For the "up market", there is Zbigniew Brzezinski and his *Realpolitik* objective: "to perpetuate America's own dominant position for at least a generation and preferably longer still". This involves creating a "geopolitical framework" around NATO that will initially include Ukraine and exclude Russia. This will establish the geostrategic basis for controlling conflict in what Brzezinski calls "the Eurasian Balkans", the huge area between the Eastern shore of the Black Sea to China, which includes the Caspian Sea and its petroleum resources, a top priority for US foreign policy.

The Brzezinski geostrategy may recall the quip about NATO and Europe: "to keep the Russians out, the Americans in, and the Germans down". Can this be exactly what the Germans want, now that Germany is back to being what its leaders call a "normal" power? Brzezinski openly wants to prevent a juncture between Germany and Russia that would lead to a European superpower out of US control.

This and other considerations may suggest that the German-American strategic partnership is not quite as solid as

claimed. But for the moment it is interesting to see how the divergent geopolitical aims and approaches of Germany and the United States have combined to tear apart Yugoslavia in what I would call a two-phase movement.

DESTRUCTION IN TWO PHASES

Transforming Yugoslavia from a medium-sized independent state, with a unique reputation in the region for resistance to foreign empires, into a series of ethnic statelets whose economic assets can be easily expropriated and whose territory can be used for NATO bases on the way to Ukraine and the Caspian certainly fits in generally to the Brzezinski scheme of things.

However, it seems that the initial support to secessionist movements in Yugoslavia came from Germany, not from the United States. And again in Kosovo, there are strong indications that Germany was the first to provide support for the Albanian secessionist movement, including the "UÇK". In both cases, Germany was the first to intervene, but the United States, with agile opportunism, managed to take control of the game and play it to American advantage. The game is not over.

In this two-phase movement, Germany and its traditional *völkisch* – which might be roughly translated as ethnic nationalist or separatist – approach to Central Eastern Europe dominates the first phase of attack against the targeted nation-state. In the second phase, the United States takes over with a rhetorical "multiculturalism" justifying a takeover of political and economic decision-making by the "international community".

In Germany, the *völkisch* approach was flagrant in the right-wing press campaign of 1991 and 1992 championing the Croats as "real Europeans" in contrast to the Serbs, stigmatized as Oriental barbarians with no place in civilized Europe. This was a revival of the traditional German policy toward the Balkans of divide and rule through emphasis on ethnic identities, and manipulation of Croatian and Albanian nationalism in particular to weaken Serbia. In addition, German policy toward Yugoslavia reflected the influence and interests of the powerful associations of *Vertriebene*, representing over twelve million Germans and their descendants who were expelled from Eastern European countries after World War II. It has been in their quite conscious interest to stigmatize "ethnic cleansing" as a peculiarly Serbian, that is, Slavic practice, equivalent to genocide. This stigmatization strengthens the hand of ethnic Germans in their efforts to regain their property and positions in Poland, the Sudetenland and elsewhere. With the rise of the right-wing leader Jörg Haider, Slovenia is under increasing pressure to satisfy Austrian claims. It is clearly easier to bring such pressure on small states eager above all to join the European Union than on a big Yugoslavia with a tradition of independent non-alignment.

In the United States, the origins of the policy toward Yugoslavia are much more confused. The influence of certain lobbies has pushed US policy in the German direction, but the underlying ideology and interests are somewhat different. Serbs who were not surprised to see Germany designate them as the enemy have plunged into consternation by the anti-Serb turn of US policy. Lobbies are a big part of the explanation. In American politics, ethnic lobbies can decide elections, and politicians pay a lot of attention to their demands. The extraordinary influence of the Cuban exile lobby in Florida is the most striking example. But lobbies of anti-communist exiles from Eastern Europe – often including Nazi collaborators –

have also had a very negative influence. In the case of Yugoslavia, the nationalist Croatian lobby was extremely active. Together, the Croatian and Albanian separatist lobbies reinforced each other's credibility by presenting themselves as victims and stigmatizing Yugoslavia as a mistake of history, a prison of peoples oppressed by Serbs.

These anti-Yugoslav, anti-Serb lobbies were able to extend their influence without any serious contradiction. There were no comparable pro-Yugoslav or pro-Serb lobbies, inasmuch as Serb émigré communities had no project for getting US support to change Yugoslavia. Political divisions between Serbs persist in emigration. Even today, when Serbian-Americans are suffering from the demonization of the Serbian people, there is still no coherent, effective Serbian lobby in the United States.

Using professional public relations techniques, the Croatian and Albanian lobbies prepared congressmen and editors to interpret the Yugoslav conflicts as an attack by Serbs on everybody else. By supporting the Albanians in particular, the United States has adopted an ethnic policy parallel to that of Germany. In Kosovo, the armed Albanian separatist rebels provided the "self-determination claims" causing "humanitarian calamities" needed to trigger "collective military intervention".

US support for the Bosnian Muslims was of a different nature. United States support for the Bosnian Muslims apparently had less to do with Yugoslavia than with the opportunity it offered to pursue a strategic alliance with such important allied Muslim states as Saudi Arabia, Turkey and Pakistan, and to prove that despite its unswerving support to the State of Israel, America really loved Muslims. And indeed, the United States has repeatedly favored Islamic political currents as an effective counter balance to nationalisms that risk endorsing protectionist economic policies. As an added bonus, support for Muslim Bosnia could prove a thorn in the side of Germany, which had moved so rapidly to assert its influence in Croatia.

The US sponsorship of a Muslim Bosnia was the first part of "phase two": support for independent Bosnia-Herzegovina was definitely not *völkisch* but was cast in terms of multiculturalism. In this respect, the sporadic Serbian attempt to gain Western sympathy by recalling Serbia's historic role as bulwark of Christian civilization against encroaching Islam misfired badly. It appealed only to a small and isolated fringe on the far right. For the most part, contemporary public opinion in the West is too ignorant about the Balkan past to understand the historical basis for this argument and instead projects its own past – the Crusades, colonialism, exploitation of Muslim immigrant workers – onto the Serbs. Support for the Muslims was even a sort of atonement for past Christian sins. Izetbegović was celebrated as a champion and martyr of tolerance and multiculturalism. The Serbs thus became the scapegoat for the bad conscience of that part of the West – including precisely the liberal currents traditionally allied with the Serbs – that is more ashamed than proud of its "Christian heritage".

THE NEW CRUSADE

Despite the role of right-wing nationalist movements in the dismantling of the old Yugoslavia, the NATO crusade against Belgrade has been pursued most vigorously by center left political formations in the NATO countries in the name of "humanitarian intervention". This represents the second phase, with its American ideology and harmony with the goals of US-sponsored globalization.

The political center left represented by this generation of American liberal and European social democratic leaders, in the absence of effective economic policies to promote the social justice they traditionally claim to serve, have in the past decade found a successful role for themselves as ideological apologists for globalization. These politicians are the ideal salesmen for globalization with a human face, in the name of human rights without borders as the virtuous cause they need in order to distinguish themselves from "the right", presumed to be indifferent to human suffering. Obligated to accept tax breaks for big investors, mass dismissals of factory workers and cutbacks in social programs, in terms of domestic policy the "third way" retains its position on the left primarily by championing cultural diversity. The enemy can no longer be capitalism, accepted as the best and only socio-economic system. The enemy now is *nationalism*, portrayed as the source of all modern evil. For the "third way" of the left, we are living in a world where dominant economic forces, known euphemistically as "the markets" are neutral and innocent arbiters of all things, whose influence can only be healthy and even benevolent. Like theologians of other religions, since their god – the Market – is almighty and good, they are left with the problem of evil in the world. This must come exclusively from bad people who adopt wrong ideas, and foremost among these wrong ideas is "nationalism". The erstwhile champions of working class internationalism thus transform themselves into champions of international financial capital. This ensures them much more favorable media coverage than their predecessors.

In the United States, an extremely nationalist country where schoolchildren are required to pledge allegiance to the flag every morning, anti-nationalism is today the dominant ideology – for the rest of the world. The Yale-educated US Deputy Secretary of State, Nelson Strobe ("Strobe") Talbot the Third, perfectly reflects current American ruling class attitudes when he writes: "I'll bet that within the next hundred years (...) nationhood as we know it will be obsolete; all states will recognize a single, global authority". The origin of that authority is implicit in the title of this essay, "America Abroad: The Birth of the Global Nation", published in the July 20, 1992 edition of *Time* magazine. Making the matter quite clear, he adds the observation that such multilateral financial institutions as the International Monetary Fund and the General Agreement on Tariffs and Trade "can be seen as the protoministries of trade, finance and development for a united world".

The political editor of the *New York Times*, Thomas Friedman, celebrated the start of the bombing of Yugoslavia with a notorious article announcing frankly that "the hidden hand of the market will never work without a hidden fist" and that "for globalism to work, America can't be afraid to act like the almighty superpower that it is". Friedman illustrated his praise of globalization as the ultimate guarantor of world peace by a detail that must be particularly appreciated here in Belgrade: "It's true", he wrote, "that no two countries that both have a McDonald's have ever fought a war since they each got their McDonald's". He called this "the Golden Arches Theory of Conflict Prevention". Except that it is not true. To be sure, with all its McDonald's, Serbia did not attack the United States, but those McDonald's did not prevent the United States from attacking Serbia.





In Europe, anti-nationalism has been indispensable in the promotion of European unification. The more the European Union has been reduced to an instrument of transnational business and finance, the more it has been necessary, in public rhetoric, to stress its noble mission of putting an end to the national antagonisms that led to major European wars. The nation-state has been stigmatized as the cause of war, oppression and violation of human rights. This interpretation overlooks both the persistence of war in the absence of strong states and the historic function of the nation state as the most effective existing framework for the social pact enabling citizens to build structures of social protection and cultural development, as well as to develop legal systems able to provide equality before the law and to defend citizens' rights. Demonizing as "nationalism" the only existing context for the functioning of institutionalized democracy obviously facilitates the dictates of "the markets", which are innocent of nationalist prejudice.

In this regard, we can see why, among the various "nationalisms" that have accompanied the collapse of Yugoslavia, the only "bad" nationalism in the NATOland perspective has been *Serbian nationalism*. Various factors may be mentioned, such as the strength of the Croatian nationalist and Albanian lobbies, the traditional German-Austrian policy, the belief – whether true or not – that Serbia was more attached to socialism than the other parts of Yugoslavia, and even, allow me to say, certain bad mistakes or misdeeds made by Serbian nationalists, who are human like everybody else. However, the fundamental political fact is that Serbian nationalism is inextricably linked to the Serbian view of their role as *state-builders* in the Balkans. This was an asset to the Western allies at the start of the twentieth century. But now is a time when the great powers are not trying to build states, but to weaken them in favor of "the markets".

GERMANY AND THE UNITED STATES

In the interplay of German and American propaganda against Yugoslavia, a very particular role has been played by the German foreign minister, Joschka Fischer. The traditional right-wing ethnic or *völkisch* German policy was contrary to the anti-nationalist liberal ideological climate of post-Cold War Europe. True, it was alarmingly successful in Germany in gaining support for Croatian secession, but the *Serbien muß sterben* revival was not translatable in the rest of the European Union (except, of course, Austria) and was totally unsuitable for winning consensus for German military intervention in the Balkans. In order to reverse Germany's post-World War II policy of never sending military forces against another country, it was necessary to come up with arguments that silence the peace movement whose conspicuous blossoming in the 1980s had done so much to create the image of a new, peaceful Germany the Russians could trust with reunification. For this task, nobody could be better suited than the German Greens' chosen leader – chosen, incidentally, above all by the German media, who for well over a decade had "discovered" in Fischer a "realist" to celebrate, thus strengthening his position within his own party. From the time the Greens were first elected to the Bundestag in 1993, the German media featured Fischer's clever speeches and contrasted favorably his "realism" with the supposed "fundamentalism" of his more principled colleagues. Almost as much as his friend in Frankfurt, Dany Cohn-Bendit, Joschka Fischer owed his political success

to having been selected by the media for star status. This of course has much to do with talent in expressing ideas that suit the economic interests controlling those media.

During the peace movement of the 1980s, Fischer defended NATO against critics within his own movement by an anti-nationalist argument: the "keeping Germany down" function. German nationalism, he argued, could best be kept under control within the NATO framework. This was not very original, and indeed largely echoed positions within the Social Democratic Party. Much more original was his argument, as it emerged in the mid-1990s, in favor of sending German military forces to Yugoslavia. The argument was simplicity itself, and went like this: "There are two 'never again' principles in the Green identity. One is 'never again war', and the other is 'never again Auschwitz'... when they clash, as in Bosnia – or later Kosovo – one has to be sacrificed to the other". Thus all that was needed was a massacre, real or staged, labeled "Auschwitz" and the German Luftwaffe could take to the skies and bomb Belgrade just as in 1941, this time alongside the Americans.

Fischer's line of argumentation and his attachment to "multiculturalism" produced a rationale for aggression against Serbia far more acceptable to his NATO allies than that of his conservative predecessors. Indeed, the enthusiasm in Washington over the surprising rise of this self-educated, one-time street-fighting "revolutionary" is so amazing as to suggest some sort of prior meeting of minds. Before Fischer even took office, Richard Holbrooke declared that he would make "a great foreign minister". Fischer earned his place in the highest councils of power by his remarkable success in changing the look and the official rationale of German policy toward Yugoslavia from its original focus on ethnic identities to something quite different but still peculiarly German – a sort of penance for Auschwitz. This was a properly German excuse for "humanitarian intervention".

In this way, German and American elements have merged in the ideological construction used to justify military aggression against the Federal Republic of Yugoslavia and occupation of Kosovo. The pretext had to be extreme to justify violation of virtually every relevant treaty or international convention.

The success of this "humanitarian" lie can be illustrated by a paradox. The protests in Seattle last December against the World Trade Organization showed that a huge new popular movement is developing to oppose "globalization". The people who went into the streets to denounce the WTO should have been demonstrating earlier against the NATO war in Yugoslavia. The fact that most of them did not proves that they did not understand that the NATO assault on Yugoslavia was precisely an integral part of that forced globalization they oppose. The people who should be opposing NATO's war policy have been temporarily confused and demobilized by the "humanitarian" claims of the center left hypocrites in office in most of the NATO countries.

This makes our task clear: we need to make our people understand that NATO is the military arm of an unjust, undemocratic and destructive economic globalization. The war against Yugoslavia was deliberately launched by Madeleine Albright and her colleagues in order to initiate a new phase of imperialist intervention, more dangerous and destructive than the imperialism of the past. This is the truth that must be recognized for justice to be done.



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NATO and Globalization: A Plot against Europe, Its Nations and Their Cultural Identity

Already in his time, the legendary wise man Confucius spoke of what later became known as semantics. Namely, "inasmuch as words do not correspond to things, confusion prevails (...) harmony is neglected (...) and people no longer know what to accept nor where to stand".

When it is a matter of political semantics, it is this that is actually at stake. Media terminology that adds to the confusion that is intentionally upheld by the proponents of "uniform thinking", deliberately uses words devoid of real meaning attributing meanings to them that do not match reality. This brings to mind George Orwell's characterization of the "Big Brother", through whom he declares that "enslavement is freedom".

Is there anything more perfidious than invoking universal human rights as a way to deny human rights of the individual?

Has it not happened so often that history has survived through the people, the oppressed, for the sake of their own "freedom" ... which others defined for them? Is dependence in the name of tolerance, so often, not a supreme form of intolerance?

In his book *Le Manifeste universaliste (The Universalist Manifesto)*, my dear late friend Bernard Manovelli, wrote: "Universalism is a course that finds its inspiration in globalism and brotherhood. It categorically rejects every form of egoism. Universalistic morale is based on love towards one's neighbor, and on respect for all aspects of nature".

Such globalism as I like to refer to, has nothing in common with the subtle perfidy of globalisation which is a term that is simply a mask for cosmopolitan dictatorship under the direction of the top financial hierarchy devoid of faith, morale or homeland!

True globalism would be one that requires global solutions for global problems (and their implementation as well). Universalistic morale, moreover, calls for the brotherhood of peoples regardless of their differences. But, just as several sides are needed for dialogue, brotherhood among peoples takes for granted that their differences – that is their cultural peculiarities – must be accepted, embraced and respected.

This can in no way boil down to a leveling out of all things that make up the beauty of our civilization – that is, its pluralism; it would be as if a steam-roller was used to crush and impose a single culture, whether by force (through military intervention) or by sublime means (television, deculturizing media).

Were we to use words in their proper meaning, the dominant culture would be dominating: it dominates, consequently, it oppresses and stifles other cultures causing them to die in a slow agony.

And, as in every historical era, the cowardliness of some has fed the aggressiveness of others. Such is the case with "Americanomania" – a real social psychopathology – which has brought about actual destruction, particularly of our European civilization and the cultures it comprises.

I do not think that the people of the United States (I say "people" because, intrinsically or scientifically, I do not think there is an "American nation") are directly responsible for the harm done to the rest of the world. They themselves are most likely the victims of these very same manipulators who are persuading them to believe in a self-proclaimed superiority and are sending them abroad to kill and to die for such deleterious ideas!

The Cold War had, at least, one advantage: the bipolar status of the superpowers (the USA and the USSR), and following that a developed aspiration towards multi-polarity that was demonstrated among others by Peronist Argentina, India, China, and, generally, the Non-alignment Movement.

The sad situation at the moment is in mono-polarity, or, in other words, the existence of a single "superpower" seeking to impose its own values on the rest of the world. But, non-values are in question! There is a global confusion as regards values – in every sphere – causing political or latent Americanization of the whole world.

To put it mildly, this big power is strong only because of the weakness of the others. It would, however, be more correct to say that the others are under an anaesthetic and are slowly losing consciousness of their own identity and culture.

"Democracy", extracted from its globalist framework, is an example of this non-value, and is serving as a pretext for assault, oppression or the destruction of peoples and their independence.

"Uniform thinking", that is the ideology of the "politically correct", a keyword for mediocrity, is essentially totalitarian.

Contrary to the old differences among political parties, that are often overcome, there are reactions in opposition to this system of globalization. The events in Seattle and Davos are illustrative of this new resistance. We may regret the violence that was exerted, but who is it that had applied violence in the first place?

Indeed, an economic war is in question, the stake being the survival of agriculture in the countries of Europe and of the Third World. Actually, the independence of the World Trade Organization and the International Monetary Fund, is a bit of fiction, for the interests that are being defended are not those of the member countries of the UN, nor of the UN as such, not even of American citizens. One cannot but mention the power game (be it occult or not) of so-called High Multinational Finances.

Unfortunately, however, there is need to skip from cultural imperialism and economic war to the notion of military and political war, although the latter have been shamelessly masqueraded as "humanitarian wars"... The so-called humanitarian intervention (but, in truth, military, or, openly speaking, war), against the Federal Republic of Yugoslavia is a pitiful example of such prevailing media hypocrisy aimed at deceiving European and world public opinion. Contrary to international law, this undeclared war is basically non-European or, more precisely, anti-European. It happens to be an aggression craved by NATO, that is an aggression that was obviously desired by



the manipulators of the leaders in Washington. The *de facto* Alliance of American-Atlantic and Islamist geopolitical interests is evident, just as the desire to do harm to the Slav peoples and to nations professing the Orthodox Christian religion is equally evident. The so-called "intervention" in Bosnia happened to be the first stage; the one in Yugoslavia – the second... What will be the third? Is it Russia that is being threatened so as to hamper her normal return to the world scene? The so-called "Western public opinion" has also been manipulated with regard to the war in Chechnya. It is not simply a matter of the Russian Federation safeguarding its integrity, but it is also necessary to prevent Islamic terrorism from focalizing in this region of the Caucasus. Indeed, Moscow is defending the *real* interests of Europe. Furthermore, Russia is, clearly, not only a European but also the *only* European power, as she is not subservient to interests beyond our continent.

From the geopolitical aspect, a fundamentally Europeanist analysis should revert to the old idea expounded by General de Gaulle: Europe from Brest to Vladivostok (that is, from our Atlantic coast to the Russian Pacific coast). The actual division of Europe and Asia does not go along the geographic latitude (the Urals), but longitudinally (more or less, along the southern border of the present Commonwealth of Independent States). However, the wishes of its allies, the Republics of Central Asia, which had been a part of the (former) USSR, are presently unknown.

The latent, but terrible weapons that have been introduced (always by the very same people!), in the form of boycotts, embargoes and other blockades, directed not only against governments that do not wish to be subjected, but especially detrimental to the people, must likewise be mentioned. Regardless of their differences, I had in mind Iraq, Cuba, Libya, Iran, Syria. The same unjust scheme is being applied to Yugoslavia, in Europe, and less so against Belarus as well, though the boycott there is more lenient and principally directed against political-diplomatic relations, on account of the fact that President Alexander Lukashenko had undermined NATO's strategic plan.

What is one to make of it in the case of Austria? The fact that Joerg Haider's party is in government now is less of a problem than the consequences of the former thirty-years of government. The most important thing is to evaluate the actual maneuvering space of the member countries of the European Union, where democratic freedom (elections) is limited to a closed circle that is being fizzled out to complete non-existence, beyond which voting is "not recommended" (not even with a majority). Let us recall that as she is not a member of NATO, Austria escapes the direct control of the Pentagon: Is this, perhaps, the explanation?

All in all, should the opportunity afford itself, the Eastern European nations should ponder over what their accession to the European Union (increasingly reminiscent of a gigantic castrating bureaucratic machine), and especially to NATO, would actually bring them. Let us just put a single simple question: to accede to a "treaty of military alliance", but *against whom*? Military alliances are never made without determining the potential enemy... Are they our brothers in Russia?

The great American mystic, Edgar Cayce, foretold, a short time before his death, that "hope of freedom for the world will come from Russia". Considering the present situation, it seems that he was right inasmuch that freedom means freedom, sovereignty and independence of nations and their

government structures. Let us not forget that the Russian Federation is an "empire" in the historical sense of the word, that is, it is the co-habitat of different peoples, cultures and even religions within the framework of a single national volition. It must be underlined that, although the Russians had dispersed in various regions, there had never been any systematic "Russification", but more so an attempt at "Sovietization" with the Russian language serving as an auxiliary administrative tool.

It must also be emphasized in this regard, that Eastern Europe has been less Russified (and much less at that), than has Western Europe been Americanized. One need only listen to our radio and our media in general, as well as our singers... if they are still ours, at all!

Although I make a difference between the people and the government, I cannot help quoting the thoughts of a great French writer and academician, Henry De Montherlant: "Since the world began, it has not been known that a single nation has succeeded in wrecking the sanity, morale and humanity of just about the whole planet. I accuse the United States of America of persistently committing crimes against humanity" (Henry De Montherlant, *The Chaos and The Night*).

After wanting to hold the Third World countries in a permanent state of economic and cultural neocolonialism, "they" have now set upon the Eastern European countries in the same way, whilst assuring Western Europe that it was actually "this" superpower's partner while it was just the blind executor. There where "she" does not send her bombers, she sends the "experts" of various international foundations, whose names and strategies are well known to me.

It is hardly necessary to mention the pseudo-guerrillas in regions where (how coincidental) plants from which the most dangerous drugs are derived are being cultivated (Latin America, the Asian "Golden Triangle"). Camouflaged as extreme leftists, these militants are allied to the narcotic dealers and financial circles that launder their money, sowing death in their stride!

A full analysis would be much too long and tedious... In his book, *My Country in the American Hour*, the French author Jean-Claude Charvoz, says: "Every day our subservient media is sowing both wheat and weeds in the fertile soil of tame souls. And there you have an information spectacle, a legal spectacle, a medical spectacle. Uniform information, creating uniform thought".

Europe is not the only stake in the ongoing imperialist war (waged with bombers as well as the subservient media). But, Europe's restoration to her senses, a mental revolution and the resurrection of a genuine Europe in her entirety, would be an example and support to the rest of the world that is faced with the same danger of globalizing massification and depersonalization.

To assert one's identity or retrieve it means being conscious of one's own authenticity and by no means the rejection or vilification of others. Racism or xenophobia, just as intolerance, has no place in the national European vision of future geopolitics.

Amorphous blindness or false expectations make allowances for the propagators of globalization. For everything, even the worst... just as when Europe refused to hear the warnings of the theoretician of German socialism, Dr. Otto Strasser, who vocally dissociated himself from Nazism, rejecting Hitler's Nazism in the name of the original doctrine of National Socialism. Rejecting racial discrimination and persecutions, Otto Strasser's idea was "for a European federation, sol-



idity, a peaceable Europe in which every country would retain its system of government, its customs and religions. These ideas and this concept continue to be a genuine hope and, in my opinion, the only way to the unification of Europe. Our nations are far too old and our individualism much too strong for any other formula to be realistic or applicable." (Otto Strasser, *The "Black Front" Against Hitler*, 1966).

Setting the ideal of European unity at its proper level makes possible the development of a policy of peace within which respect for national and regional characteristics does not imply falling into such grave errors as territorialism at all costs (consequently disintegration), but, on the contrary, will be maintained by volitional symbiosis. René Guénon was of the opinion that "in the spiritual world, or simpler yet in the universal order, unity happens to be at the top of the ladder, considering that it constitutes the principle from which every multiplicity is derived. However, should the principle be denied or lost sight of, only sheer multiplicity is left which can be equated with materialism".

In the XIX century, an intellectual debate had ensued in Russia between the "Westerners" and the "Slavophiles". Those in the Eastern section of our common "European home" who pretend to be "Westerners" are mistaken, particularly as the "West" is no longer in existence; in this way they are becoming "Atlantists" which is an ideal that, essentially, has nothing to do with our continent and our civilization. Today, a debate is, consequently, under way between the "Atlantists" (one of the terms for Americanized globalization) and *Europeanism* that should constitute the only logical reference mark of all our nations. The cultural awakening of the Latin and Slav nations can constitute the backbone of a future *Imperium Europaeum* that would foster the traditions of its peoples as well as the diversity of others.

Bureaucracy without a soul, subservient conformism, depersonalization, cannot bring anything but confusion and hatred.

There is a need to ring the alarm in Europe, because, as can easily be observed, there are some circles that are semi-officially making rapprochement between the countries of Eastern Europe and the European Union conditional to the expression of their desire to accede to NATO. Meanwhile, it is a fact that not all the member countries of the European Union are members of NATO. On the other hand, the maneuvers currently taking place with the purpose of creating a kind of crossbreed between the Western European Union, the European Union and NATO, are merely a mask to cover up the North American features of the military alliance even if its restructuring has been a hasty operation...

The greatest shock was delivered when the President of the Czech Republic, Vaclav Havel, recently proposed to Mme Madeleine Korbé (Madeleine Albright's real name) that she put up her candidature for the Czech presidential elections. Is it, indeed, possible that a member of the US Government could assume the highest office of a sovereign Central European state? Only some naive persons can believe that the lady is attached to her roots... The reticence of the American Administration says a lot, considering that Washington has strictly forbidden dual citizenship (except, surprisingly, for Israelis!).

One could say this is surrealism or simply ridiculous were the situation not so very serious and *Europe's honor* not at stake!

It is time for all conscious Europeans to make a choice, right now: *Europeanism* or *American Atlantism*? There is no need to mention the concept that is slowly being extinguished, that is, the concept of the *West*, but one should think of Eu-

rope as being united with the Commonwealth of Independent States (thus, with Russia as well), otherwise Europe will neither be free, nor sovereign, but just, to use a single expression, a non-European Europe degraded to the level of being a colony of cosmopolitan financial magnates.

There is a need to urgently counter the toxic political campaigns that have their developed media and pseudo-cultural lobbies in Central and Eastern Europe as well as in the Commonwealth of Independent States, and that are nothing more than actors in the suicide of our common and only Europe.

Translated by Meri Miljak

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The Loss of Credibility by the West and by Its Institutions as a Consequence of NATO Aggression

I am now almost 75 and, to be frank – in spite of many disappointments (e.g. Vietnam) – I dreamt the dream of Western democracy all the way to 1991. But the dismemberment of Yugoslavia, a campaign of denigration of the Serbs, so wholeheartedly prepared and supported by the official West (NATO, the European Community, later Union, the USA), taught me really a harsh lesson. It started with all this fantastic disinformation, even lies about the events in Slovenia, Croatia, Bosnia and Herzegovina, spread by Western leaders and media, including all those frame-ups about the three big explosions in Sarajevo, about rape and death camps run by the Serbs, about Srebrenica, etc. In the sad story about refugees, the western politicians and media almost forgot that around a million Serbs had been expelled from Croatia and Bosnia-Herzegovina. Then came the illegal and unjust sanctions, the expulsion of Yugoslavia from the World Health Organization. The *ad hoc* International Criminal Tribunal for the Former Yugoslavia (ICTY) was created, mainly to show how bad the Serbs are. However, nobody here argues that some were innocent in the civil-ethnic-religious war in Yugoslavia, but it was utterly unfair, almost criminal, to blame just one side for all the crimes that happened there. The Dayton dictate opened the door to the despotism of the occupiers of Bosnia-Herzegovina who undemocratically manipulated the elections there; whose high civilian representatives even sacked the freely elected president of the Republika Srpska.

But the final blow to the credibility of the present official West was its dirty role in Kosovo and Metohija, which



culminated in the NATO aggression against the sovereign state of Yugoslavia.

The tragedy of Kosovo and Metohija, of its inhabitants, was meticulously prepared by a part of the West, by a part of its leadership. Germany as a front-runner helped organize and train the "KLA" (Kosovo Liberation Army) or "UÇK" terrorists whose aim was to destroy and kill in Kosovo and Metohija, to expell all non-Albanians from there, to secede the province from Serbia, Yugoslavia. The Germans had the full support of the USA – they finally accepted the "KLA" terrorists as their allies, with a lot of support from the British, the official European Union (EU) as a whole. Nobody stopped the continuous flow of money, volunteers, uniforms and weapons from the West (and from some Islamic countries) to the "KLA". To prepare the terrain ideologically, most Western media started their work, even historians in vogue successfully manipulated history to show inconspicuously the need to re-assess the situation in Kosovo, to present its Albanian population in bright colors, to make the Serbs bad guys. The book by Noel Malcolm *KOSOVO – A Short History*¹ of 1998 may be used as an example. It is intelligently written, but it manipulates history. Some historians even used glaring lies to denigrate the Serbs. The British historian David Price-Jones wrote such a flat-out lie when he published his article "Kosovo, from Scratch".² He wrote there that the Serbs had operated the most notorious concentration camp Jasenovac in the fascist, Ustasha Croatia (1941–1945). It is the same as if he would write that the Jews had operated the Auschwitz concentration camp where they tortured and killed the poor SS soldiers. Even now, when many fabrications of the Western media and leaders about Kosovo had been exposed, the well known *National Geographic* magazine published two absolutely biased, one-sided articles³, without objectivity, about Kosovo: "Albanians", and "Eyewitness Kosovo" spreading disinformation and ignorance of history.

But let us turn now to the events of 1999. It is quite clear that NATO committed a criminal act of aggression when its air planes started to rain bombs on civilian and military targets throughout Yugoslavia, Serbia, killing and wounding many civilians and destroying a lot of property and facilities. Western leaders and media, bragging about democracy, nicknamed that crime a "humanitarian", "just", even "ethical" war. (Hitler used to call the war he had started in 1939, a "just" war too). The pretext for the NATO aggression was the alleged protection of the Albanian civilians, threatened by ethnic cleansing carried out by the Serbs all over Kosovo and Metohija. The Rambouillet fraud, engineered by Mrs. Albright, had the same objective. The Račak affair, so aptly orchestrated by the "KLA" and Mr. William Walker ("the veteran of criminal intervention of the State Department in Central America"⁴) should have helped to persuade the world public of the criminal behavior of Serbs in Kosovo. Thus the criminal NATO aggression started. As a consequence of heavy aerial bombardment, day and night, and due heavy fighting between the

Yugoslav army and police against the "KLA" terrorists, hundreds of thousands of refugees started to flee from Kosovo and Metohija, not only Albanians, but Serbs, Montenegrins, Roma, ethnic Turks, Goranians, as well. To make palatable the heavy losses of civilian lives, called "collateral damage", Western leaders and media started to talk about an incredible genocide that was taking place in Kosovo and Metohija, some of them even talked about a holocaust. The Albanian refugees, in refugee camps in Albania and Macedonia, well indoctrinated by the omnipresent "KLA" members, told hair-raising stories about atrocities perpetrated by the Serbs in Kosovo (alas, there were atrocities perpetrated by all sides in the Kosovo conflict, not by one side only and not in the monstrous proportions as misrepresented by the refugees). Hardly anyone ever mentioned the plight of the pro-Yugoslav Albanians who were especially cruelly killed by "KLA" squads.

A really terrifying "eyewitness account" told about the bodies of 700 Albanians that the Serbs dumped in the shafts of Trepča mines. That story was officially accepted by the West, by NATO. The British *Daily Mirror* even wrote: "Trepča – the name will live alongside those of Belsen, Auschwitz and Treblinka", while the *New York Times* (to give its report more authenticity) informed about an "unusual, pungent bitter-sweet smell... to be burning bodies... the bodies were disposed of entirely in the mine's huge vats of hydrochloric acid". The above information was spread when the bombs were still being dropped on Kosovo. But, alas, when the investigators from ICTY, from The Hague came there, their spokeswoman Ms. Kelly Moore had to say that nothing was found there, no corpses. What a fantastic fabrication! But there were many such fabrications. The "eyewitnesses" told during the aggression, that in Ljubenić, near Peć, Serbs killed 350 Albanians and that their dead bodies were buried in a mass grave. When the investigators went there, they found just 7 bodies. In Pusto Selo, another "eyewitness account" referred to about 106 villagers killed by the Serbs, whose bodies may be found in mass graves there – but nothing was found. An American journalist, Mr. Alexander Cockburn, listed such "eyewitness accounts" in his article "Where's the Evidence of Genocide of Kosovar Albanians?"⁵ The Spanish forensic and police experts went to Kosovo and published (Mr. Pablo Ordaz) an article in *El País* (September 23, 1999), with the headline "Crimes of war–Yes; Genocide–No". They were told that they were going to the worst zone in Kosovo, that more than 2,000 autopsies awaited them – but they found only 187 bodies, in nine villages, in individual graves, turned towards Mecca, there were no signs of torture. Mr. Emilio Perez Pujo, a forensic expert, ridiculed the successive counts of the dead in Kosovo by the "allies". The UN started with 44,000, then it lowered it to 22,000, and still later to 11,000. But the official count (not yet from all the graves) was in November 1999, is just 2,108, including the Serbs and other nationalities.⁶

The eyewitness accounts from Kosovo are incredibly exaggerated, but, unfortunately, people died there, not in thousands but in hundreds, because the "KLA" terrorists started there their bloody campaign at the beginning of 1998 that



prompted the authorities to restore law and order. And people died, because the NATO bombs were killing them, destroying their property and infrastructure, because NATO used prohibited weapons, such as cluster bombs and depleted uranium ammunition.

However, the real records in disseminating disinformation were achieved by the top leaders of the West, Mrs. Albright's gang being one of the most successful. The US Defense Secretary said (May 16, 1999) on CBS' "Face the Nation", about the Kosovo Albanians: "We've now seen about 100,000 militarily-capable men missing. They may have been murdered". Mrs. Albright's "speaking-trumpet", Mr. J. Rubin, was even more outspoken: "Based on past practice, it is chilling to think where those 100,000 men are. We don't know, but what we do know is that civilian casualties are the objective of president Milošević's policy".⁷ But the real climax of all this disinformation (lies) was reached by Mr. David Scheffer ("Ambassador at large for War Crimes Issues", from the State Department). He said in mid-May 1999:⁸ "A total of 225,000 ethnic Albanian men aged between 14 and 59 (it is strange how he got those figures) are missing". Then the lie continued: "With the exception of Rwanda in 1994 and Cambodia in 1975, you would be hard pressed to find a crime scene anywhere in the world since World War II where a defenceless civilian population has been assaulted with such ferocity and criminal intent", blah, blah, blah. Mr. Robin Cook was also among those who spoke about those 100,000 feared dead. Mr. Robertson (the British Minister of Defense) spread more fabrications of the eyewitness accounts, like Mr. R. Scharping, the German Defense Minister. President Clinton wasn't narrow-minded either. During a press conference (June 25, 1999) he spoke about tens of thousands of people (Albanians) killed in Kosovo on Yugoslav president Milošević's orders. What epithets could a normal man or woman give to all those Clintons, Albrights, Cooks, Cohens, Blairs, Robertsons, Scharplings, etc.?

If somebody would like to portray briefly a big part of the Western activities in Kosovo (EU, USA, NATO, and even OSCE during 1998–99), he would need only three letters to begin with: LIE, then disinformation, fraud, one-sidedness, frame-ups. It must be stressed again that nobody is innocent, with bloodless hands during the Kosovo ordeal. But the spectacle, masterminded by the so-called West, in addition to all those lies, disinformation, fabrications, deceptions, etc., was followed by murder and devastation, well orchestrated in advance – just to get bases in Kosovo and Metohija.

As for the excessive and more or less absurd use of emotion laden expressions like *genocide* and even *holocaust*, those who use them, including presidents, prime ministers, foreign ministers, journalists and their editors, ought to consult dictionaries about their meaning beforehand, or read the words of Mr. Ellie Wiesel, the Nobel Prize winner: "Serbian acts in Kosovo do not constitute genocide... Genocide is the intent and desire to annihilate a people..." He continues: "As early as 1992, media coverage of the war in Bosnia mistakenly compared Serbian ethnic cleansing to the Holocaust... Holocaust was conceived to annihilate the last Jew on the planet. Does anybody believe that Milošević and his accomplices seriously

planned to exterminate all the Bosnians, all the Albanians, all the Muslims in the World?" That is why, "the Kosovo genocide" appears now to be the most outrageous lie, not only in the last two years, but even in the last decade. But a sort of genocide did start in Kosovo, after the NATO-led KFOR took over from the Yugoslav army. When talking about the "KLA" leaders, the well known American journalist, Chris Hedges (*Foreign Affairs*, May–June 1999), had this to say: "... they are wary of the outside world and given to secrecy, paranoia and appalling mendacity..."

It is strange that all those framers, disinformers, liars, etc. never mentioned the fact, that during the bloody "KLA" campaign in the spring of 1998, the Serbian Ministry of Health (with some help from WHO) vaccinated 100,000 children of all nationalities in Kosovo and Metohija against poliomyelitis (there had been an epidemic of polio in Albania during 1995–96). Would the government in Belgrade have done this, time-consuming and dangerous, (the "KLA" squads were roaming around and shooting indiscriminately), had it planned to commit genocide?

Isn't it funny – and very sad, that the NATO's chief executioner in Yugoslavia, general Wesley Clark, accused the Serbs and the government in Belgrade, and president Milošević, naturally too, of being responsible for the troubles in Kosovska Mitrovica, because the nasty Serbs did not want to allow the return of the Albanians, expelled from the northern part of the town. Neither the general nor the media have ever mentioned that more than 500 Serb families had been expelled from the southern part of Kosovska Mitrovica. But, who cares for them?! Nobody talks about their ordeal, nobody tried to do something about their return.

The NATO aggression against Yugoslavia, that made it into a criminal organization (it was a honest organization until the 1990s), has affected various levels of the Western community.

1. The people – too many people swallowed quite easily the hook of the propaganda machine in the West. Nobody defended the poor people from various frame-ups and lies, or from crazy articles like the article in the most popular British tabloid, *The Sun*, of April 14, 1999, which proclaimed that Serbian soldiers should be killed like mad dogs.
2. Media – a big part of the media failed the exam in the Yugoslav tragedy. Their lack of objectivity was a consequence of ignorance, arrogance, "received wisdom", or it was for – money. They did not want to hear the other side.
3. The leaders – who could trust them after all the disinformation that they had spread, after all those criminal acts they had committed, after so many international conventions, agreements, treaties that they had violated. Who could trust president Clinton who lied under oath during the Lewinsky affair?
4. Institutions – The International Criminal Tribunal for the Former Yugoslavia (ICTY) is incredibly one-sided, biased, paid and organized by the USA (and some Islamic countries), whose partiality for the Muslims, and now for the Albanians, is now evident. It was created to prove how bad the Serbs are. The United Nations did not fulfil its obligations, mostly thanks to its Secretary General, Mr. Kofi Annan, who is "more like an Under-Secretary of State (of Mrs. Albright)" (Raju Thomas, 2000). Now it is quite evident why he received so strong support for his present job by president Clinton's administration.

¹ Noel Malcolm, *KOSOVO – A Short History*, 1998.

² David Price-Jones, "Kosovo, from Scratch", *National Review*, July 12, 1999.

³ "Albanians" & "Eyewitness Kosovo", *National Geographic*, February 2000.

⁴ *Balkan Infos*, Paris, No. 42, March 2000.



5. The Army – The NATO pilots behaved like executioners, because they did not fight to protect their country or to help a friendly nation, according to the UN Charter, that had been attacked. They just showed how it was possible to destroy and kill in "electronic" games, at an altitude of 15,000 feet, without courage, without ideals, where neither human life nor traditional values are respected. OSCE failed too – it obeyed too much the powerful, it did not hesitate to throw away its ideals.

Will NATO and the EU and the USA apologize to Yugoslavia for their crimes, will they pay the damages?

MIGUEL RODRIGUES URBANO

Publicist

NATO as an Instrument of Imperialistic Geopolitics of the United States of America

The military aggression against Yugoslavia contributed to the clarification of aspects of imperialistic geopolitics of the United States of America, which were not unknown to wider segments of progressive forces that recognize globalization as a threat to mankind.

In his book *The Grand Chessboard*, Zbigniew Brzezinski has already defined the NATO as an instrument of long-term integral and global strategy of the United States of America for entire Euro-Asia. The former adviser to Carter, who is currently Madeleine Albright's adviser, was very prudent. The facts show that at present NATO is an instrument of a strategy of permanent domination elaborated for the system of imperialistic power of the United States of America as an indispensable complement to neoliberal globalization.

In order to assess the ambition of such a strategy, it is helpful to recall the process of metamorphosis of NATO.

The so-called North Atlantic Alliance was formed in 1949. According to Western ideologists, it represented a defensive response to the events of February 1948 when the Communist Party rose to power in Czechoslovakia.

In 1955, the USSR, with the support from the countries of the East, responded to the admission of the Federal Republic of Germany to NATO by forming the Warsaw Pact.

The withdrawal of the French forces from NATO in 1966 was a severe blow to the Organization. De Gaulle realized that it was not an alliance of equals but an initiative placing the Europeans at the service of US objectives. When Canada stated that it might follow the example of France, the possibility of the dissolution of NATO was recognized.

The entry of the Warsaw Pact troops into Czechoslovakia in 1968 created conditions which allowed NATO to consolidate.

The circumstances leading to the installation of North American missiles with nuclear heads in some European countries during the Cold War are well known.

The disintegration of the USSR made it necessary to rethink the NATO concept. Washington could no longer justify the huge armament spending by invoking what the propaganda machine called "the Soviet threat".

When the Warsaw Pact ceased to exist, NATO should have disappeared as well. But that did not happen. Its "defensive" nature became inappropriate.

The lack of "a potential enemy" in Europe created a difficult situation. Washington opted for a propaganda stratagem.

Further existence of NATO was approved on the basis of imaginary threats that might arise as a result of the existence of "bandit states" or "terrorists". These threats could come from the heart of Europe as well as from African or Asian countries.

Reforms of the Organization, approved at successive conferences, gave it a clearly interventionist character, starting from the summit in Brussels in 1994 and the decisions made there which prepared the bombing of Serbs in Bosnia and the Dayton dictate.

This false peace imposed by the USA in the style of an ultimatum served as a test in the process of subordinating the Western-European allies and as a prelude to the expansion of NATO. The face, language and objectives of the Alliance changed. Emphasis was laid on its political orientation.

An arrogant and ridiculous rhetoric on the alleged mission of NATO as a defender of peace and humanistic values became a standard part of the speeches made by its highest officials. Such pharisaic speeches set the tone of the campaign which ended in the integration of the Visegrad Group countries – Hungary, Poland and the Czech Republic.

In reality, expansion towards the East was inseparable from "the Russian syndrome". In spite of the collapse of the USSR and transformation of some republics of Central Asia into semi-protectorates, the Russian Federation – the biggest country in the world with vast natural riches – still represents a huge economic and military potential. Washington has not forgotten that Russia, despite its ever greater lagging behind in conventional weapons, has a nuclear arsenal capable of inflicting irreparable damage on the USA. Therefore, reducing the homeland of Lenin to an innocuous interlocutor represents a permanent objective and a priority, almost an obsession, to the North American system of power.

Pentagon strategists have no answer to the question "Which is the right military solution for the Russian problem?" The hypothesis about an aggression like the one against Yugoslavia has been abandoned because the price of a similar adventure could be tragic.

Generals of the Defense Department are, however, traditionally imprudent. According to the study made by Anatoli Verbin, the leader of the Russian Communist Workers' Party, "military and reconnaissance activities carried out by NATO countries along the Russian borders, at Murmansk, in the Arctic, in the north of the Caucasus and farthest to the East, have intensified considerably". Missionaries from the Western countries settle in the areas to which, not so long ago, access was forbidden to foreigners, particularly in order to gather information on military issues. Activists of environmental organizations engage in parallel work as well.

NATO Aggression on Yugoslavia



Washington is aware of the fact that without its military hegemony, the USA could not hold on to its economic and political supremacy. For example, the world finances a gigantic North American trade deficit which exceeded 330 billion dollars last year; the level which is "politically insupportable", according to the Secretary of the Treasury, R. Rubin, himself.

Madeleine Albright's advisor, Mr Thomas Friedman, wrote in the *New York Times* that "what the world needs – globalization – would not work if the USA did not, with all its strength, act like the almighty superpower". Why? Friedman gives a cynical and frank answer: "The hidden hand of the market will never work without a hidden fist. McDonald cannot be successful without McDonnell-Douglas that designed F-15. The hidden fist that guaranteed a secure world for the Silicon Valley technology is called the Army, the Air Force, the Navy and the Marine Corps of the United States of America".

I have had the opportunity to verify in person the aspects of functioning of the imperialistic power machinery. I was in New York in February 1992 when the *New York Times* published a secret Pentagon report. According to this document, the political and economic hegemony of the USA could be maintained – contrary to the tradition of rise and fall of empires – only if the military hegemony were permanent, ever-lasting. That is why it was necessary to prevent, at all costs, the emergence of any military power in the world that could bring into question the present supremacy of the USA. A future threat to this supremacy would come from Europe. According to that report, a tendency to form a single European army that could guarantee security on the Continent, rendering the presence of North American troops superfluous, represented the contours of a "threat" to the vital interests of the USA. It would have to be neutralized.

This strange document received hardly any comment in the press. During a visit to the Pentagon, as a member of the Political Commission of the Parliamentary Assembly of the Western European Union, I drew attention to the said report. The general who received us was very deft. He did not deny the existence of this document. Playing down the importance of the subject, (he confirmed himself to informing us) that the report, which was published due to negligence, was just a paper like any other with conclusions that did not coincide with the orientation of the Defense Department, which is why it was filed away.

Two years later, the bombing of Bosnia and the Dayton dictate confirmed that there was nothing innocent in the above mentioned report.

It became evident that the subordination of Europe, stirred up by Americans of course, was much more important to the USA than the end of the war in Bosnia. The subsequent aggression against Yugoslavia, prepared for so long, made the policy of making Europe into its satellite even more transparent.

This new strategic concept of NATO, approved in Washington on April 24, 1999, during the military aggression against Yugoslavia, was expressed in a document unprecedented in its style and contents. Mankind was faced with the Charter of imperialistic power. NATO (that is, the USA) has usurped the right to intervene without a mandate in any part of the planet. It has put itself above the United Nations, taking a patronizing attitude towards the Security Council. It has admitted that its cooperation in defending the peace, in the great game of the New Order (imposed by the USA), was useful and that it can continue to be so in the future.

According to the new concept, it is the NATO and not the United Nations on which peace, democracy, economic and social stability of states and progress of mankind now depend. A similar patronizing attitude is expressed with reference to the European Union and OSCE.

It is obvious that the North American planetary strategy requires "a complete dominance on the battlefield".

With the help of *Joint Vision 2010* and *Spacecom 2020*, the hegemony will be so terrifying that no one will feel capable of opposing it.

This paranoid strategy of the US system of power has brought about defensive reactions in the countries which felt threatened by the North American aggressiveness. The world domination would be guaranteed by using a computerized system of espionage satellites, missile defense systems and conventional weapons installed in space. Such a system could strike the enemy in two or three minutes, while the present strategic missiles take between twenty and thirty minutes to reach distant targets.

Another serious factor of destabilization is the old North American dream of a space shield, which would make the USA invulnerable because it would intercept and destroy, for from the target, all the missiles fired by the enemy. The Anti-Ballistic Missile Treaty of 1972 prohibits installation of this defense system because it would upset the existing balance.

Russia, driven into a corner, views with panic the North American space shield as a threat that would put it in a powerless position in case of aggression. In that case, its already outdated nuclear arsenal would be harmless.

The North American pretension to integrating the Baltic republics into NATO was the last straw that provoked the explosion of the suppressed indignation. In official circles, the number of those who demand a patriotic policy corresponding to the national tradition is growing.

Foreign Minister Ivanov has warned Washington that Moscow will take a firm stand in opposing a new enlargement of NATO.

The project of a new Russian military doctrine clearly expresses the concern caused by the US aggressiveness. The armed forces were given a different role as a result of an unexpected introduction of the concept of "first use" or "first strike". The preamble of this document underlines the fact that "the Russian Federation believes that international social progress, stability and security can be guaranteed in the context of a multipolar world". However, recognizing the current inferiority of Russia with respect to the conventional weapons, it is stated that "the Russian Federation reserves the right to use nuclear weapons in response to the use of nuclear weapons or other weapons of mass destruction against itself or its allies, in case of a large-scale aggression with conventional weapons in situations critical to the national security".

Sergeyev confirmed that he did not exclude the possibility of a nuclear war. Washington understood that he spoke on behalf of the armed forces, expressing his own feelings.

What happened in Yugoslavia was an aggression that violated the universally accepted principles of international law, the UN Charter as well as the legislation of aggressor countries themselves. However, the crime is still not evident to hundreds of millions of people, especially in industrial countries.



Never, not even before the Gulf War, has any campaign of public opinion manipulation been so conceived and elaborated in such detail and to such a degree of perversion.

A year before the war, the *Time* magazine admitted that there was no genocide and made the following comment: "If there is no ethnic cleansing and if a wave of refugees does not spill over international borders towards Albania or Macedonia, possibilities of international intervention will become even more reduced".

The demonization of Milošević, presented as a new Hitler, assumed morbid proportions.

Three days after the beginning of the aggression against Yugoslavia, the UN estimated the total number of refugees at 4,000. To "justify a war", a big lie was necessary.

The mass exodus from Kosovo was a consequence of the occupation of Kosovo by KFOR troops. Yugoslav sources talk about 350,000 persons of various nationalities who were expelled or who escaped from Kosovo since the end of war, after 3,688 terrorist attacks in which 793 persons were killed and 688 were abducted.

Serbia, devastated by the war, received most of these refugees.

As my compatriot Jorge Cadima has written, in order to understand the meaning of the criminal aggression against Yugoslavia, it is necessary to realize that "it is primarily a matter of a quality leap in the assertion of imperialism, especially the North American imperialism which is attempting to impose the new world rules after the fall of the Berlin Wall".

It is significant that general Wesley Clark, the commander of KFOR in Kosovo, admitted in February last year that his 37,000 men were insufficient to guarantee peace and order in the region and stop the violence against the Serb minority. Ethnic cleansing is, as proved by the facts, a consequence of the war and not its cause.

Environmental disaster is another consequence of the North American aggression. Great dangers threaten the future generations in the Balkans. Extremely toxic chemical substances released during the bombing of the factory in Pančevo can cause, apart from many types of cancer, genetic mutations will unforeseeable consequences. The effects of cluster bombs and those containing depleted uranium will be felt for many years to come. Contamination of the Danube is yet another environmental tragedy that will, for an indefinite number of years, affect the life on and along the great river all the way down to the Black Sea.

In a recent essay that I had a chance to read, Samir Amin reminds us that the European Union governments, supported by big business, have decided to accept the price of subordination. In the context of the crisis of world capitalism – crisis affecting the peripheral areas such as Mexico, East Asia, Russia and Brazil – "the USA has, in this chaotic conjunction of circumstances, taken another offensive in order to simultaneously re-establish its global hegemony and, consequently, proceeded to re-organization of the world system in all its economic, political and military dimensions".

According to Samir Amin, "systematic intervention of the USA is based on three principles:

1. brutal substitution of NATO for the UN as a means of control over the international order;
2. alignment of Europe with the strategic goals of Washington;
3. choice of military methods to reinforce the North American hegemony (risk-free bombing and utilization of supplementary European troops for possible land operations)".

Thus, NATO, overtly turned into an instrument of North American expansionism instead of the European defense, has dispelled the illusions of European autonomy, forcing the European Union to a new alignment, even more serious than that imposed earlier under the pretext of the Cold War.

The first consequence of such a capitulation is the shattering of the hopes of the Maastricht Europe by those who, with naivety, believe that the Euro and the existence of significant contradictions between the interests of the European Union and the North American imperialism are the source of economic conflicts capable of leading to future political splits.

These contradictions are not antagonistic. The strategy of social democratic parties, currently in power in the majority of European countries, is the one that defines the chosen option. The new European bourgeoisie, in information technology societies developing within the present technoscientific paradigm, accept unipolarity and submission as the price to be paid for neoliberal globalization which multiplies economic inequality between developed countries and Third World countries.

Both in military and economic terms, Europe, as well as Japan, not only accepts that Washington act as a world policeman, but also that the United States assume a wider dimension and intervene more and more in all spheres of the economy, defying the dogmas of neoliberalism, while imposing the role of "the smallest state" on others.

Transformation of NATO into an instrument of the US expansionism and its pretension to replace the UN in resolving international conflicts fit into the global strategy of domination camouflaged by a mediation system, which is basically controlled by transnational corporations that are also North American.

If we put together the pieces of a puzzle, it comes to light that the initiatives like expanding North American military intervention in Latin America under the pretext of fighting against drugs (intervention in Columbia has still not happened because Brazil has not joined the project), insisting on extraterritorial measures such as those directed against Cuba, criminal everyday bombing of Iraq, sanctions against Yugoslavia, theory and practice of the so-called right to interfere – constitute the same manifestations of imperialistic strategy which represents a dangerous threat to entire mankind.

The UN today arouses contempt in Washington comparable to that aroused by the former League of Nations in the fascist Germany. The mechanisms of the Security Council are set in motion only when it is of interest to impose the decisions made by the USA, including the unjust sanctions.

It is hard to deny the ingenuity of the imperialistic strategy of the USA that turned the UN, in which the forces of many countries are joined, into a political and military instrument of the policy of lasting domination the US is seeking to impose on mankind.

The new strategic concept is formulated in a language characterized by amazing hypocrisy. Article 48, for example, states that in case of a crisis threatening the Euro-Atlantic stability or security of member states, "military forces of the Alliance can be called to intervene".



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Victims of the New Geopolitics of NATO

*"For the Russians, the specter of a potential conflict with the Islamic States along Russia's entire south flank (numbering more than 300 million people, added Turkey, Iran and Pakistan) must be a source of serious concern."*¹

In the spring of 1999, before the NATO operation in Kosovo, Michael Evans, Commander-in-Chief of the British Royal Navy, brazenly stressed the "strategic role of Europe in the Caucasus and the Black Sea" (*Journal of Strategic Review*): the building by NATO of a military capacity for the next decade to defend its *access rights* to oil and gas of the Caspian Sea, "with or without Russia's approval".

A glance at NATO's ostentatious results shows ever more clearly that NATO exercises its "right to intervention" in a selective, discriminatory and – paradoxically – inhumane manner.

There is no doubt that the conceptual discovery of "human rights" symbolizes one of the greatest ethical and aesthetic achievements of humankind. Unfortunately, they are not applied universally, devoid of the interests of the market forces and interference of the stock market.

NATO has perverted "human rights" because, through their violation and abuse, it implements and realizes its geostrategic objectives.

One should not underestimate the importance of the fact that the International Criminal Court has been rejected by the US and its semi-eternal lackeys. The axiological axioms are also prone to the commercial rate and the desires of the worst bidders and the best imposters.

The legal interest of NATO in exploiting "human rights" in a partial way, and in its hands they are so vicious and ominous, is one thing and another are the shining "human rights" that should be applied universally in a homogeneous way.

In NATO's hands, "human rights" have served to destroy pre-modern sovereignties of others countries and offer an appropriate alibi for the application of the modern "right to intervention" upgraded as a new legal concept benefiting the pernicious model of globalization that disrupts the human global harmony widening the gap of income disparity among States and peoples.

¹ Zbigniew Brzezinski, *The Grand Chessboard: American Primacy and Its Geopolitical Imperatives*, New York: Basic Books, 1997.

Translated by Svetlana Šarčević



From the "right to intervention", which reverberates the *Metternichean Weltanschauung*, to the military deployment of "rapid reaction corps", there is only one thread that has now been fully completed by the post-modern and futuristic *access rights* that are purported by the Commander of the Royal Navy, Michael Evans. And they are an unequivocal equivalent to the quintessence of "Lebensraum" (the "vital space") of the Nazi geopoliticians, which triggered the Second World War.

Unfortunately, until now Albania ignored the meaning of democracy and human rights in spite of the NATO presence and instruction. The NATO operation was not designed to sow the democratic germ in Kosovo; it is more prone to the mafia totalitarianism representing a big trap for the "hidden" submission to the global financial circles, in parallel to the financing of the guerrillas in the twilight of virtual legitimacy through arms trafficking and the "ethnic and urban laundering" which has spilled over the social chaos and the lack of formal government.

One year after the Kosovo operation, a financial and economic war can also be unmasked: "A source of continuing violence is the appetite of the crime syndicates from Albania for a share in heroin traffic".²

There are undeniable structural parameters. Since the NATO operation in Kosovo, the "Euro" has declined despite all the previous "europhoric" forecastings and the oil and gold prices are rising, as well as those of all raw materials – although the interpretation on the gold price rise is a little different due to the monetarist "dumping" that supports the megaspeculative bubble of the stock markets.

The financial and economic axiom alone is sufficient to reveal two simultaneous agendas of the Anglo-Saxon axis – well beyond and, unfortunately, more important than the statistics of the senseless destruction, environmental devastation and the "ethnic-urban cleansing" in Kosovo.

The agenda of the "New NATO" expansion towards the Caspian Sea aimed at grabbing a third of the world oil resources, and in addition to the ongoing dismemberment of what is left of the former Soviet Union, has been openly stressed in Brzezinski's most recent book *The Grand Chessboard*.

The former national security adviser of the Clinton administration actually offers advice to the Anglo-Saxon oil company BP-AMOCO with strong interests in the Caspian Sea basin. In this forceful conquest project all the 19 NATO members still dependent on the "black gold" are taking part.

The second hidden agenda, more complex and difficult to unmask – unless we manage to reveal the inescapable rating of hard currency and raw materials – should be explored through the reliable archeological method of the stock market index which has globally benefited the Washington-London Anglo-Saxon axis, to the detriment of Berlin, the geo-economic capital of the EU that has suffered a four-fold decline in this new phase of the Balkans wars.

1. The Euro: the common currency of 11 countries within the EU "Fifteen", has been supported by the previously omnipotent Deutsche Mark and had suffered a depreciation of more than 15% since the beginning of the Kosovo

operation, meanwhile the dollar and the Pound Sterling have risen unexpectedly.

2. Oil: its excessive price rise enormously harms the German economy so greedy for its consumption. Germany and Japan, two geoeconomic competitors of the USA, are extremely dependent on the "black gold" and the suffocating shock of its present spiralling value stifles more Berlin and Tokyo than Washington and London both of them having the control of the global oil oligopole. The spectacular rise of the "black gold" has nothing to do with the funny laws (sic) of demand and supply of the market, and is actually the result of the "war economy" working in Kosovo and of the speculative game of the hedge funds as pointed out by the Iranian oil Minister.
3. Immigration: one of the most pernicious components that goes far beyond the Balkan map is the involuntary human flux towards the Western Union, in particular towards the prosperous cities of Germany, cities that not only have to absorb this unexpected massive influx, but also exacerbated ethnic tensions: the rise of the xenophobic extreme right in Austria, Switzerland and in the near future in Germany – especially after the "black boxes" embezzlement, thanks to the selective leakage from a Canadian jail. The career of the former chancellor Helmut Kohl, the man crowned with the glory of the fall of the Berlin Wall and the architect of the German reunification, is in shambles and Germany is kept hostage to the megaspeculative Walkyrias of the markets.
4. The financial bankruptcy of Russia affected German banks more than anybody else because they believed in the expansion of the global fantasy beyond the former iron curtain.

On the basis of this quadripartite insight it is not so far-fetched to detect that the Kosovo operation enacts exquisitely a double objective: within the framework of macropolitics, to expand the New NATO towards the Caspian Sea, meanwhile, under the framework of micropolitics, the western European richness is expended in a simultaneous way (particularly that of Germany) which theoretically should reimburse between US\$ 35 and 150 billion, if some day they would accomplish the dream of rebuilding the Balkans.

Until now the generous "European" help for rebuilding 120,000 houses out of the total of 200,000 destroyed, has been the miserable figure of US\$ 300 million out of the US\$ 2.5 billion promised bombastically for the next 5 years and which instead are being deviated for the KFOR logistics.

The New NATO publicists have attempted to wash our indoctrinated brains with the permanent disinformation warfare that the Kosovo operation was undertaken in the name of safeguarding the so selective "human rights" of the Islamized Kosovo Albanians. Jirj Dienstbier, special UN representative for human rights, does not seem to fully grasp so noble a mission in admitting that the situation is much worse: the Serbs are also being cleansed ethnically and urbanistically, amid the mafia proliferation of Kosovo Albanians ruling in various parts of Kosovo that lacks a formal government under the cylopean daltonism of the New NATO. The logical conclusion of the special UN missionary is so sublime when he reveals that the problem is augmented because the great powers do not know what to do with the future of Kosovo. No comment.

NATO Aggression on Yugoslavia



We imagine that the "great powers" are the G-7 without Japan, and the members of the UN Security Council without China and Russia.

We do not claim that the New NATO is inciting a "counter ethnic-urban cleansing", that has happened to the Serbs eradicated in Kosovo, nor that it is promoting the plethoric heroin traffic freely circulating in the unregulated black market of Western Europe reaching the incredible amount of US\$ 400 billion per year. It is equivalent to the value of 4 destructions of Kosovo per year.

The narco-economics is very clear: the true business seems to be the heroin traffic amid the deliberate Balkan chaos, and not the peace in the Balkans and/or the noble mission of NATO and its modern appendice, the UN.

In effect, without taking into consideration the symbiotic arms traffic, 6 tons of heroin are moved per month within the "green road" from Afghanistan, dominated by the Taliban (the Koran pupils and opium farmers) cross Turkey (a well-respected member of the New NATO), and reach Kosovo where the Islamized Kosovo Albanians control the famous "Balkan connection" that supplies 80% of heroin for the needs of Western Europe that cannot live without the elixir of narco-capitalism. Heroin is distributed by the clans of more than half a million of Kosovo Albanian refugees for Western European clients (data of Interpol, DEA and Stratfor). By the way, where were left the so selective "human rights" being chanted by the New NATO, rights that it applies discretionally and on a discriminatory basis? To whom is it convenient to intoxicate the Western Europeans?

Under this perspective of the narco-capitalism and its "mafocratic" networks, it would not be better, in order to optimize and maximize the earnings, to destroy rather than rebuild the Balkans?

PROF. JOHN CATALANOTTO

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NATO Must Be Abolished

In the name of the International Action Center and its president, former US Attorney General Ramsey Clark, I would like to thank the Institute for International Politics and Economics for inviting us to participate in this important symposium to discuss the roots and the consequences of the war of aggression the US-led NATO powers waged against the people of Yugoslavia.

Yugoslavia has always had a special place in our hearts. Why? Exactly because the ideal of Yugoslavia is that of a multi-ethnic, multi-national, multi-religious state founded on social justice and equality of nationalities, religions and languages.

The greatest military powers on earth – just a year ago – unleashed a vicious, cold-blooded war against the people of Yugoslavia. These powers expected the Yugoslavs to beg for mercy after two, three days at most. Instead, the people here stood up bravely to 78 days of relentless bombing. We are proud

to be here on this anniversary among such people. We only regret we couldn't have done more in our own country to stop the bombing and the war waged against you.

Long Live Yugoslavia!

Since the defeat of the Soviet Union strategists in US ruling circles have promoted the policy of expanding NATO and using that military pact as a world policeman. This policy is directed against smaller and weaker countries in Africa and the Middle East. It is also aimed at plundering the East, up to the Caspian Sea with its oil riches.

While the major NATO powers are military allies, they are rivals for markets, resources and areas to invest in. The US strategy of expanding NATO is also aimed at keeping these powerful rivals in line behind Washington.

The people of Yugoslavia were the direct targets of this policy. But they were only the first part of the world's peoples endangered by a strategy that leads towards bigger, more dangerous wars – unless the people of the world are able to stop it.

WHO MAKES UP NATO

With the exception of Japan and Australia, NATO includes all the major industrial and financial powers: the United States, Germany, France, Britain, Italy and Canada. These six plus Japan make up the G-7 countries that set economic rules for the world.

The corporate and financial rulers of these countries control the bulk of the world's wealth, both in these industrialized countries themselves and in what can be described as the oppressed countries or the Third World.

These capitalist countries were the first to industrialize, they are now the most advanced in technology, they control the mass media, and of course they manufacture the most powerful weapons and are the most heavily armed. They sell weapons to the world but keep the most powerful and advanced weapons for themselves.

They include the big colonial powers of the 19th century – Britain and France – that directly ruled vast parts of the earth, and others that held colonies like Germany (Namibia, Tanzania), the Netherlands (Indonesia) and Belgium (Congo). Now there are few direct colonies, but through control of the world market, currency exchange rates and banking, and on the basis of their technological advantages, they now indirectly control and oppress most of the world. In 1878 they met in Berlin and carved up the Balkans. In 1885 they met in Berlin and carved up Africa into spheres of influence. In 1999 they met in Bosnia and carved up Kosovo for the so-called peace-keeping forces.

It should never be forgotten that, while pursuing their rivalry for markets, colonies and raw materials in the first half of this century, these predatory states launched two world wars that together killed 100 to 200 million people.

Of these seven countries, the United States, with the greatest single national economy and by far the biggest military power, is now the most dangerous to the rest of the world.

This analysis will focus on statements coming from United States military and diplomatic leaders and from their own media. Yet it will clearly show how the war against Yugoslavia was premeditated, planned in advance, with wide-ranging geostrategic goals, and that it contains the seeds of new wars.

² "Rebuilding Kosovo", *The Economist*, March 24, 2000.



1992 PENTAGON WHITE PAPER

On March 8, 1992, the *New York Times* published excerpts from a 46-page *White Paper* leaked by Pentagon officials. This paper asserts the need for complete US world domination in both political and military terms and threatens other countries that even aspire to a greater role. The public threats seem to be aimed at the European powers and Japan. Here's some part of what it said:

"Our first objective is to prevent the re-emergence of a new rival... First, the US must show the leadership necessary to establish and protect a new order that holds the promise of convincing potential competitors that they need not aspire to a greater role or pursue a more aggressive posture to protect their legitimate interests. We must account sufficiently for the interests of the advanced industrial nations to discourage them from seeking to overturn the established political and economic order. Finally, we must maintain the mechanism for deterring potential competitors from even aspiring to a larger regional or global role."

Regarding Europe, the document continues:

"It is of fundamental importance to preserve NATO as the primary instrument of Western defense and security... We must seek to prevent the emergence of European-only security arrangements which would undermine NATO."

GEN. DUGAN'S PLAN FOR THE BALKANS

It wasn't too long before strategists began adapting this policy to the developing crisis in the Balkans.

Retired Air Force Chief of Staff Gen. Michael J. Dugan and George Kenney of the *Carnegie Endowment for International Peace* wrote an opinion piece for the *New York Times* published November 29, 1992, entitled "Operation 'Balkan Storm': Here's a Plan".

"A win in the Balkans would establish US leadership in the post-Cold War world in a way that Operation Desert Storm never could". Dugan laid out a scenario of building a coalition with Britain, France and Italy on an *ad hoc* basis, if possible, because he believed the United Nations Security Council would not approve a NATO assault. He described arming the pro-US Bosnian forces to use "unconventional" operations in Bosnia to force the UN to suspend humanitarian programs.

Then, he said, massive air power should be used against Serbs in Bosnia and Serbia. Dugan suggested using aircraft carriers, F-15s, F-16s, F-18s, and F-111s, Tomahawk missiles, and the JSTARS surveillance system to destroy Serbia's electricity grid, refineries, storage facilities, and communications. "But the US costs in blood and treasure would be modest compared with that of Bosnian trauma."

Gen. Dugan was infamous for his interview in September 1990 where he candidly laid out US plans for the massive assault on and destruction of Iraq. For speaking out so frankly, he was relieved of his command. But the US carried out this vicious plan against Iraq.

His scenario for Bosnia too was carried out a little over six years later, but starting instead from Kosovo. And by then Washington was able to push and pull all of NATO behind it while the UN was left powerless.

From 1993 to 1995 in Bosnia the US, through NATO, increasingly used air power against Bosnian and Croatian Serbs

as well as against those Muslim forces that opposed the Zetbegovic regime.

In August and September 1995, NATO launched a massive air war against positions of the Bosnian Serbs. The combination of these air raids with the NATO-enforced economic blockade led to the Dayton Accords of 1995. As part of the agreement, 60,000 NATO troops, 20,000 of them US soldiers, were sent into Bosnia under US command.

Earlier, a German/French-backed European force intervened in Bosnia, where it attempted to broker a truce. But US officials prodded the Bosnian regime to sabotage this agreement, leading to more bloodshed. Finally, US officials brokered the Dayton Accords on more or less the same terms – except with a major US role as the occupying army.

A large new NATO base was established in Hungary to facilitate troop deployment in Bosnia. The US also established new bases in Macedonia and northern Albania. (*San Francisco Chronicle*, September 12, 1995)

As early as 1990, the US government had put in place plans for a military occupation of Eastern Europe and possibly parts of the former Soviet Union. That plan included the 100,000 strong Allied Command Europe Rapid Reaction Corps, the NATO unit in charge of the Bosnia operation.

At the end of November 1995, *Reuters* reported that: "The Allied Command Europe Rapid Reaction Corps (ARRC), based at Rheindahlen in western Germany, has worked relatively unnoticed since 1992 to put into practice NATO's new emphasis... (It has) NATO's full array of firepower (and) a tailor-made fighting force of up to 100,000 soldiers able to deploy quickly. As ARRC commander, British Lt.-Gen. Michael Walker, is in charge of running the multinational ground force to be stationed in and around Bosnia for NATO's first ground deployment outside its own area. The corps, with headquarters in Sarajevo, is taking three divisions into Bosnia. Two of them, the US First Armored Division and the British Third Mechanized Division, are permanently assigned to it. The third division is French."

The US used the Bosnia operation as a wedge for the expansion of NATO into Eastern Europe.

AUGUST 1998, ATTACK ON YUGOSLAVIA AT WORK

By August 4, 1998 the Clinton administration confirmed that NATO had developed detailed plans for an attack on Yugoslavia. Sources told the *New York Times* that the focus is on "a variety of air-power options that could punish or intimidate".

On July 29, 1998, the Albanian government had announced that 76 top NATO officers were in Tirana, the capital, to plan "joint Albania-NATO exercises" from August 17 to August 22, 1998 within 50 miles of the border with Kosovo. The maneuvers will prepare NATO and Albanian troops for a "peacekeeping mission". Similar exercises are planned for Macedonia in September.

These maneuvers were recommended in a March 20, 1998 position paper of the International Crisis Group, a think-tank with White House ties, headed by former Senate Democratic Leader George Mitchell.

That report also recommended "an international force in Albania close to the borders of Kosovo to help prevent the conflict in Kosovo from spreading and... facilitate rapid and ef-

NATO Must Be Abolished

fective action should an intervention become necessary". On July 29, 1998, German Foreign Minister Klaus Kinkel recommended similar action by NATO.

An article in the November 28, 1998 *New York Times*, headlined "A policy struggle stirs within NATO", provided advance notice of US plans to expand NATO's use beyond Europe.

Washington wanted NATO forces ready to intervene not only in the Balkans and against countries like Iraq or Iran in the Middle East, or Libya, Sudan or Congo in Africa – but against any attempt at a popular revolution anywhere, from Russia to Indonesia.

UN Security Council resolutions have often provided a cover for US military intervention – against Korea in 1950 and Iraq in 1991, for example. Yet the council is not certain to ratify all US military aggression.

Washington noted in its "mission statement" for NATO that the alliance may act without the Security Council's approval. US officials argue that otherwise a Russian or Chinese veto could stop a military action. One NATO official brazenly explained this to the *Times*: "A Security Council mandate is highly desirable but we should not tie our hands in advance".

US – EUROPE CONFLICTS

On March 4, 1999:

- A Marine court martial in North Carolina acquitted the captain whose jet fighter-bomber snapped a gondola cable in the Italian Alps a year before, killing 20 European tourists. Italians protested.
 - The state of Arizona executed by lethal injection German-American Walter LaGrand. The German government protested.
 - Media worldwide announced that the Clinton administration imposed 100 percent import duties on selected European-produced goods. The European Union protested.
- These three seemingly unrelated events expressed open economic competition between US business interests and those of its former Cold War "allies" in Western Europe, a competition carried out through the national states.

Within three weeks this competition was buried under the weight of US air power. When Belgrade refused to sign the Rambouillet surrender terms, Washington used this pretext to launch a war against Yugoslavia.

By the time the North Atlantic Treaty Organization celebrated its 50th anniversary on April 4, 1999, it had just made its first military assault beyond its borders and carried out the largest bombing in Europe since World War II.

Washington used the war against Yugoslavia to impose its changes on NATO – changing it from a no-longer-needed anti-Soviet alliance to an intervention force ready to strike worldwide. NATO powers met in Washington in late April to ratify this proposal.

In addition, the US government had recently succeeded in gaining NATO admission for Poland, Hungary and the Czech Republic over the objection of other NATO members. It then pulled these three countries directly into the war.

The brutal bombing of Yugoslavia gives the first example of how the US wants to use the new, post-Cold War NATO to lead its European allies into battle. Washington says the NATO countries have an "alliance of interests". What this

means is the common need of the predatory ruling classes in the US and Europe to suppress any popular revolt that threatens their ability to plunder the raw materials and labor of the rest of the world.

It also means a common interest in preventing any newer capitalist country from being able to challenge the G-7's domination of the world economy. Neither would-be capitalists in Russia and Eastern Europe nor up-and-coming entrepreneurs in south Korea or Indonesia will be allowed to challenge the supremacy of US, West European and Japanese capital. They will have to consider themselves fortunate to get crumbs off the tables of their masters.

Along with this "alliance of interests", however, there is also a bitter rivalry between the same powers over economic and strategic interests. This has already burst out with the "banana war" and the battle between the US and the European Union over hormone-fattened meat.

Washington's first *de facto* expansion of NATO's role is against Yugoslavia. To contain the competing interests of the NATO countries and submit them all to US strategic control, Washington had NATO be the instrument for its conquest of Yugoslavia.

Throughout the 11-week assault on Yugoslavia by most of the world's biggest military powers, US and European mainstream politicians of all political shades tried to give the impression that the NATO forces were united, whatever trade rivalries and military maneuvering were going on behind the scenes.

But no sooner had Yugoslavia agreed to terms the European Union's leaders made a remarkable statement: the European Union, up to now a primarily economic alliance centered around German banks and industry, announced plans to emerge as a military power.

Leaders from 15 European countries announced the move on June 3, 1999 – the same day that the Yugoslav leadership announced its acceptance, on paper, of NATO's onerous terms.

"The union must have the capacity for autonomous action", the EU statement read, "backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO".

Make no mistake. The emergence of a new European military power does not bode well for ordinary working people anywhere. European workers in particular can look forward to having more of their labor robbed to fund the new military apparatus while social services are cut – an experience US workers have been forced to endure for decades.

WASHINGTON A REPEAT OFFENDER

Just since World War II, Washington has fought the Korean War; overthrown the elected governments of Guatemala, Iran, Chile, Indonesia; fought wars against the people of Central America; invaded Lebanon; carried out a genocidal war in Indochina, in which millions of Vietnamese, Cambodians, Laotians and more than 50,000 US troops died; and enforced an economic blockade against Iraq that has taken the lives of more than a million and a half people, half of them children under the age of five.

The real objective of the war on Yugoslavia is to re-balkanize the Balkans – to break up Yugoslavia into small, easily





controllable and digestible pieces, in order to insure US/NATO, and especially US, domination of this key strategic region.

While 10 years ago it had no bases in Eastern Europe, today the United States has military bases in Albania, Macedonia, Hungary, Bosnia and Croatia. Washington and its NATO partners have cut up Kosovo into little pieces, occupation zones. And they have assisted in forcing out all ethnic and national groups who were not Albanian, and even some Albanians.

Thomas Friedman, who writes for the *New York Times* – is a thoroughly despicable individual who is now held up as the highest example of US journalism. Friedman wrote approvingly on March 28, 1999:

"For globalization to work, America can't be afraid to act like the almighty superpower that it is. The hidden hand of the market will never work without a hidden fist. McDonald's cannot flourish without McDonnell-Douglas, the designer of the F-15, and the hidden fist that keeps the world safe for Silicon Valley's technology is called the United States Army, Air Force, Navy and Marine Corps".

NEW US MILITARY BUILDUP

US military superiority is the key to US global economic domination. The United States does not have superiority over its rivals just by virtue of its economic system and technology. But what it does have is this vast military apparatus to implement its will.

A new military buildup is already under way, even though the United States today already spends more on its military than the rest of the UN Security Council combined. Having spent US\$ 19 trillion since 1940 on the military, the US government proposes to spend an additional US\$ 1.2 trillion in the next four years.

But Washington doesn't want to be the only one spending on the military. US Defense Secretary William Cohen used an evaluation of the war against Yugoslavia to bully the NATO allies into accepting US policies at an "informal meeting" of 19 NATO defense ministers in Toronto September 21–22, 1999.

Cohen said NATO won the war with US "precision-guided weapons" and other high-tech systems. Speaking of European NATO members, he said that "in some cases countries would have to spend more money" to buy such weapons – by implication from US arms makers.

Speaking earlier at the Institute of Strategic Studies in San Diego on September 9, 1999, Defense Secretary William Cohen boasted of the US role in this bombing. He outlined what he would demand from France, Britain, Germany and the other European powers regarding the US's new NATO proposal called the Defense Capabilities Initiative.

"We have all agreed to develop forces that are more mobile, beginning with the reassessment of NATO's strategic lift requirements for planning purposes. We need forces, we've agreed, that can sustain themselves longer; that means having a logistics system that will ensure they have the supplies when and where they need them".

Cohen said the NATO powers need "forces that can engage more effectively; that means having the new advanced technologies such as greater stocks of precision-guided munitions and forces that can survive better against chemical, biological or nuclear weapons, and also information warfare".

EUROPEAN SECURITY AND DEFENSE IDENTITY

Cohen and his European allies had different views on what the so-called European Security and Defense Identity (ESDI) should mean. Washington would oppose any force that challenges its domination even in Europe itself. Washington sees the ESDI as a way of harnessing European militarism back into NATO – where the Pentagon holds the reins. That's what Cohen told reporters in Toronto on September 22.

"There was unanimity of expression (supporting ESDI)", he said. "This is important for the Europeans to undertake. It is important also to make sure that it is not seen as a separate institution and capability, but rather that it is maintained under the umbrella so to speak of NATO".

On September 22, *French Press Agency* report noted that ESDI was supposed to allow European NATO members to carry out "a peacekeeping operation, for example, using NATO materiel and resources but not involving the US or Canada. It was unclear, however, how the Europeans would be able to act independently while relying on assets under the control of an alliance still dominated by the Pentagon".

Cohen wants a situation in which the European NATO countries take the risks of wartime casualties and pay the costs, but where US control of strategic weapons and logistics gives Washington all the trump cards.

It's clear that Cohen expects NATO to fight future wars of a Kosovo size and bigger – and more distant from the United States or Western Europe. Now, without a USSR, Washington wants NATO to be a world cop. And Cohen expects the European governments to pick up a big share of the costs of expansion.

But he was definitely talking about "the next war", without clarifying if that war was against Iraq, Libya, in the Balkans, in Central Asia, in Africa, against the Colombian revolutionaries, against the Democratic Peoples Republic of Korea. Perhaps it will be some new target with a leader the US media demonizes.

Because NATO is such a threat to peace, Ramsey Clark has declared publicly that he sees no other alternative but to abolish NATO. And we in the International Action Center have made this demand central to our anti-war work.

WHAT IS OUR ROLE?

This conference is doing an excellent job analyzing the war against Yugoslavia and its consequences. But our responsibility is not simply to analyze the world, but to change it.

NATO's armies are strong, but they too have weaknesses. The US military fears that any significant casualties among US troops will arouse a mass anti-war movement as happened during the war against Vietnam. Some of the other European powers have populations that are also reluctant to back a war that demands sacrifices. They are in conflict with each other. All this raises possibilities to fight back.

I especially address this to those of us here from the very NATO countries that waged aggression against Yugoslavia. Our responsibility is to use the facts and analysis from here to mobilize our home populations to fight the government's policies, to lift the sanctions against Yugoslavia, to send aid – really reparations for the crimes committed.

On June 10, the International Action Center is holding a day-long International Tribunal on US/NATO War Crimes

NATO Aggression on Yugoslavia



Against Yugoslavia in New York. Our initial hearing last July 31 inspired or encouraged a dozen US cities. Those working in parallel with us held similar hearings in Oslo, Novi Sad, Berlin, Rome, Vienna, Moscow, Kiev, Sydney, and even Tokyo. The most dramatic was a mass people tribunal in Athens last fall where thousands found Clinton guilty of war crimes. More hearings are planned for Belgrade, Hamburg, Prague, Boston and elsewhere.

We do not expect to make the people in power see reason and change their minds. These tribunals are a way to mobilize mass public opinion and build a movement that can fight the governments that wage these wars. In the International Action Center we also support the struggles of oppressed groups in the United States – or example, the fight to free political prisoner Mumia Abu-Jamal. Only by building bridges to others can we succeed in turning back the US war machine.

On June 10, former Attorney General Ramsey Clark will prosecute US and NATO leaders for 19 charges of war crimes, crimes against peace and crimes against humanity. International expert witnesses will present testimony. And a distinguished international panel of judges will hear the case. Come and be part of this historic event.

Down with NATO! Long live Yugoslavia!

BENJAMIN C. WORKS

Director, Strategic Issues Research Institute

Speak the Truth and Shame the Devil

"People go mad in herds, and only return to their senses slowly and one by one."*

About five weeks ago I was visiting with a few friends in the bar at the Yale Club in New York City, when former Senator Al D'Amato walked in. Upstairs, Governor George Pataki (Yale, 1967) was about to have a little meeting. D'Amato and I both work with the *Fox News* cable network and since we had not met over at the studios, I introduced myself as "colleague". We were all in a lively, convivial mood. When I revealed that I specialized in conflict and war, D'Amato cracked: "I want to be Secretary of War", a reference to the old title for the US Defense Secretary from Washington's time through World War II.

I replied: "After Bosnia and Kosovo, you'll have to get through me if you want that job". He didn't quite connect that and after a few more laughs, he went upstairs to the Pataki meeting, which we decided to miss in favor of some conversations involving some business projects which include ways of eventually getting the sanctions against Yugoslavia lifted.

* Rev. Alexander McKay, "On Politics, Lies and the Media: How Ethnic Lobbyists Hijacked Foreign Policy and The Press", *Extraordinary Popular Delusions and the Madness of Crowds*, (Preface), 1854.

Why was this little incident worth describing? It's just one of many reflections of the banality of politics in representative democracy. I have been getting to know my way around Capitol Hill in company with an interesting *ad hoc* group of Serbian Americans and prominent American military veterans in an effort to ease humanitarian sanctions and to reeducate key senators and representatives in both parties about essential facts regarding Yugoslavia and Kosovo. New members keep volunteering and joining this group and these people are increasingly prominent, including Admiral Thomas L. Moorer, a former Chairman of the Joint Chiefs of Staff.

We began operating late in the game, but within a month of the NATO air war's end, and as events have unfolded in ensuing months, interest on Capitol Hill is growing stronger. Members of both parties realize that we have walked into another quagmire, and again, without an exit strategy. How did Congress get into this mess? It was systematically misled for over two decades by one of its most prominent leaders and his coterie of ethnic-Americans friends, principally Croats and Albanians.

Most of you by now are aware of the role played by the public relations firm *Ruder-Finn* in misleading the American public – and world opinion – in the secessionist wars of Yugoslavia. And that is the key to understanding how a free press was hijacked.

I want to discuss our understanding of the concept of the free press, then discuss in more detail how Dole and the Albanian lobbyist Joseph DioGuardi were able to conspire and accomplish the violent truncation of Yugoslavia.

THE PRESS

First let us remember not to lapse into the ingenuous assumption that a free press is a "fair press". In theory and in competitive practice, competition demands that some elements of the press get to the facts and truth, but in the big, emotionally-charged issues, the press tends to be very lopsided in favor of a prevailing conventional wisdom. It is a herd that can be easily led astray.

In practice, the American Press has always been politically partisan, back to the days of Ben Franklin's *Pennsylvania Gazette*. The press has always tended to play fast and loose with the truth as it is their business to shape political opinion and that opinion is always based on the emotions of the moment: history is the province of reason, fact and sober reflection and this is not of interest to the partisan politician at an election moment.

I've now been in radio and TV newsrooms as a matter of routine since January 1991, so I have had ample time to assess conditions in "the belly of the beast". There are two journalistic rules of thumb in America that define current media standards:

"If it bleeds, it leads". Hence all the earnest heart-tugging tales of victims.

"If a dog bites a man, that's not news. If a man bites a dog, that is news".

I'll add a third anecdote-as-maxim: William Randolph Hearst's famous telegram to artist Frederick Remington, then on assignment in Cuba: Hearst, locked in a circulation war with Joseph Pulitzer wanted a war to liberate Cuba and reminded Remington of his subordinate role: "You provide the pictures; I'll provide the war". Weeks later, the US Maine exploded in Havana Harbor and Hearst had his *casus belli*.



Here's what I've observed about the press that is relevant to our considerations. They are as lazy minded as most other people and just as determined to keep their jobs, so they give the boss just what he wants, as any bureaucrat does. Today, the field reporter is almost gone from the networks and newspapers and most news is gathered by "stringers" for the wire services. There are a few exceptions and even a few reporters who will slip inconvenient facts past their editors, though the story's main text adheres to editorial bias – Chris Hedges and Steven Erlanger of the *New York Times* proved good at this during and since the "KLA" insurrection began in late 1997.

We have the further problem of the concentration of multi-media empires – *Time Warner*, *Disney-ABC* – and with indications of further concentration of content now that AOL is merging with *Time Warner*.

At the same time, though the media play at a superficial "multicultural" selection of telegenic faces, it recruits from a pool of pre-identified candidates out of journalism and media schools where a liberal bias well-established. Hence the remarkable homogeneity of product on any important story.

The prospect for journalistic integrity seems bleak except for the fact that the internet has made it possible for those of us who do care about truth and integrity to fight back, even on the most razor-thin budgets. As bandwidth and streaming technologies proliferate, it is within our means to compete with ABC, the BBC or any other national broadcaster.

In my own experience, the propaganda barrages during the Kosovo war were very difficult to deal with, very challenging. I mentioned earlier that news is based on emotion and visual images: the reporter is an "impressionist". Another important point to remember is that each day's news cycle starts as a clean slate and the tv viewer in particular, is not encouraged to remember the prior buildup of a complex story – the news only pays lip service to history. Thus, when errors creep or are deliberately inserted into the story, they appear as major facts and are only reluctantly corrected well after the fact and small print buried deep in the back.

On the other hand, lies can also perpetuate themselves in an ongoing story, as we continue to see in Kosovo Reportage. The news will never correct misrepresentations unless forced to and news articles are an accepted original source for historians, so such lies can creep into the history. As an example, it was alleged that some corpses in the January 15, 1999 fight at Račak had been mutilated by the Serb police (MUP). The international forensic team found that the mutilation had been caused by local wild animals while the bodies lay exposed overnight, yet wire service reporters as recently as this week repeat the allegation that the mutilation was a Serb war crime. Roy Gutman became the first reporter I know of to win a Pulitzer Prize in journalism for his mendacious misrepresentation of alleged concentration camps in Bosnia. And that just reinforced the natural reporter's tendency to feed the boss just what he wants and with enough extra sizzle to sell out each day's edition.

THE DEMONIZATION OF THE SERBS

I was able to collect a large number of news articles via the internet, to store them in archives on my website. Among those are collections regarding Albanian PAC¹ money in

¹ Editorial note – Political Action Committee.

Congress, and a set of articles from the 1980s about what was really going on in Kosovo and who was oppressing whom. These included dispatches from David Binder of the *New York Times* and Jackson Diehl of the *Washington Post*. I also transcribed Mr. Dole's Senate Concurrent Resolution No. 150 of June 18, 1986 – Expressing Concern Over the Condition of Ethnic Albanians Living in Yugoslavia.

Last fall, in a phone conversation with David Binder I asked him when he thought the press turned against the Serbs and why. His guess was that it coincided with the arrival of Warren Zimmerman. That made sense to me, though Jackson Diehl began to take a skeptical view of Mr. Milošević from his rise in 1987. Here's why David's estimate made sense. First, I had talked on the phone with Robert Kuprovica, of Butte, Montana, an elderly gentleman and generous backer of Serbian-American lobbying efforts. Bob had initially been selected by George Bush to replace our ambassador Scanlon in the summer of 1990. At the last minute, his appointment was derailed – apparently by Bob Dole – and Zimmerman arrived in Belgrade via Kosovo, instead of Mr. Kuprovica.

Now yesterday another speaker referred to the shocking propaganda articles on Albania and Kosovo in the February 2000 issue of the *National Geographic* and it is a love feast for Joseph DioGuardi, another *Ruder-Finn* coup. Oddly, last week I received a copy of a speech Mr. Scanlon gave in Belgrade in the summer of 1990, responding to an earlier surprise attack on Yugoslavia in the *National Geographic*. Scanlon contrasted that to a balanced report that had just appeared in the *New York Review of Books*, that same summer and urged Serbia to start tending to its own public relations. But by the time of that speech the propaganda campaign was well established. It had been in covert preparation, at least in the mid-1970s and had become overt in June 1986, in the "Congressional Record" and that overt blast bore the personal signatures of the real conspirators, Bob Dole and Joseph DioGuardi.

DOLE, DIOGUARDI AND POLITICAL ACTION COMMITTEES

I was lucky to find out about Senate Concurrent Resolution No. 150 of June 18, 1986 during 1995 and secured a xerox copy which I have here today. As I said earlier, it is also transcribed in an archive at my website. Contrast it with the reports from Mr. Binder and Mr. Diehl and we have to see how pathetic this campaign was. I call your attention to the fact that this resolution was printed into the record more than a year before the arrival of Mr. Milošević on the national political stage.

But such is Bob Dole's power on Capitol Hill, and such is the influence of ready political money, that Dole was able, over the years, to convince colleagues in both parties that the Serbs were demons, that the Croats, Bosniacs and Albanians were the virtuous oppressed and that up was down, day was night, black was white. And though the storm warnings gathered, Serb Americans and the Yugoslav government responded in a flat-footed way. What ensued is a classic example of vulgar American saying: "Money talks, bullshit walks".

Now political money has been regulated in America since 1973 and there are strict limits, but political money, like water, flows around obstacles. Legally, an individual may give US\$ 1,000 per year per candidate in "hard money". A political action committee – a voluntary association of individuals



with a shared interest – may contribute US\$ 5,000 per year in hard money. Then there is "soft money" given not to candidates, but to the party for more general advertising. Then there are brown bags with US\$ 100 bills – illegal contributions of cash often called "walking around money". I'll add that to use of lobbyists another means of influence and an example of "the strategy of the indirect approach" regarding campaign finance limits.

Legal political contributions are reported quarterly under the Federal Election Commission's (FEC) rules and these are available on the internet going back to 1980 at www.fec.com and other sources. The law also requires lobbyists for foreign countries register under the Foreign Agents Registry Act (FARA). I got some snapshots of those arrangements and it is not only *Ruder-Finn*, it is virtually every major law firm, PR firm and lobbying shop "inside the Beltway". And the money adds up.

Campaign funding easily leads to forms of *de facto* extortion and even *de jure* shakedowns. Yugoslavia is partly a victim for failing to counter the Croat-Albanian game. *Microsoft* is currently suffering anti-trust legislation as a result of its failure to play the campaign funding-lobbying game and Bill Gates is learning this lesson the hard way, too.

Since the Croat audit trail is subtle let me cite another investigator's work to give you a sense of magnitude.²

Croatian Funds to US Politicians

The United States Congress, still reeling from a series of financial scandals involving representatives and senators, is now bracing for a new problem: the massive financial "contributions" which have been made to election funds of politicians by Croatian sources over the past two to three years. One Congressional investigator told *Defense & Foreign Affairs Strategic Policy* that the donations and expenditures on Washington lobbying by the Croats over the past two years "could well exceed US\$ 50 million". Much of this came directly from Croatian lobbyists, and some from Croatian American businessmen.

Croatia has built up the most effective lobbying and public relations network on Capitol Hill since the days when the Israel and Greek lobbies were at their peak. "Many of the campaign contributions have been recorded legally", the investigator said, "but many are questionable. But what is more important is that there has been a pervasive attempt to push the United States along a line defined by foreign powers – Croatia and Germany – and it has not been subtle. Elected officials are being told to either support the Croatian line or face either a removal of funding or are told that funding will be given to their opponents. Or they are literally bribed into supporting the Croatian line. This was going on long before Croatia even made its open bid for recognition as an independent state". Much of the investigation focuses around conservative Republican elected officials.

The Croats are still at work, but now sponsoring tennis tournaments (in Liddy Dole's home state of North Carolina) and other feel-good events, while I was given an estimate

² *Defense & Foreign Affairs Strategic Policy*, March 31, 1993, p. 3.

from William Dorich of the Serbian American Voters Alliance (a recently revived lobbying vehicle) that DioGuardi has US\$ 5 million in hand for the needy on Capitol Hill. Dorich has perhaps US\$ 1,000.

Soft money is not the problem with regard to Yugoslavia. And the Albanian American PAC money is not, nominally, that much, amounting to less than US\$ 100,000 per year. The Croats were a bit more subtle and their audit trail is a good bit tougher to trace. The reason for this, I suppose, is that they wanted to stay in the background. In contrast, Mr. DioGuardi is a flaming egotist and loves publicity; he is good at getting it, too. So in that sense, we are fortunate that he himself has laid out a clear and damning audit trail to work from (*ipse dixit!*).

Mr. DioGuardi concentrated his giving principally among members of the House and Senate Foreign Relations Committees, plus select members of Armed Services and a few other key players in both parties. Given that the ethnic nationalists represent the revival of World War II Ustasha and the veterans of the Croat SS Kama, Bosniac SS Handschar and Kosovo Albanian SS Skenderbeg, it is interesting to see how many sympathetic Jewish members of Congress DioGuardi has been able to misguide with his woeful tale of the Serbian "oppression" and "genocide". Benjamin Gillman seems to be ready to waver, now that he is alarmed at the rise of heroin addiction in America. Jesse Helms and John Warner, long influenced by Dole's Croat Svengali, Ms Mira Biratta, are worried and looking for an exit strategy for Kosovo. We shall see who can be brought to their senses in coming months. On the other side, Elliot Engel and Chuck Shumer are utterly shameless and, with Joe Biden, will be the last converts.

When you match DioGuardi's PAC contributions it correlates very nicely with the vehemence of these congressmen in the attacks on Mr. Milošević and the Serbs – that is until the same began worrying in the last few months about our exit strategy. David Hackworth and I were able to convert the infamous "B-1 Bob Dornan" during the bombing campaign and Bob actually goaded me into describing this funding on air at *Fox News* during the air war (Bob was a minor recipient as the PAC reports show). This is what we sometimes call the invitation to "come to Jesus". We will gradually encourage more of the good people to come to Jesus, while some others may have to be shamed into it.

It cannot be completely proven on the information gathered thus far, that any of this PAC or individual money can be directly tracked to a particular identified member of the Kosovo Heroin Mafia or the Albanian "Pizza Connection" which deals heroin and cocaine to street dealers in America's major cities, but we are close enough to start checking names against police records. Certainly, outside of a court of law, we have compelling circumstantial evidence of a pervasive pattern of corruption and criminality within the same Albanian community that underwrites Mr. DioGuardi's xenophobic war against Yugoslavia. And fortunately he has also posted on the internet his correspondence with Adem Demaci, Hashim Thaci and others, which clearly demonstrates that he exhorted the "KLA" to ignore Rambouillet and to keep fighting to ensure the start of the NATO bombing campaign.



DioGuardi is still very active, but the latest FEC filing won't come on line until April. But on February 11, he was photographed on 42nd Street, across from *Grand Central Station*, in Manhattan, with John McCain at his side. McCain still hoped to win the New York primary and got caught.

As to Bob and Liddy Dole, we understand the depth of their hatred of Yugoslavia and how far they can go to punish the Yugoslav people in the name of tolerance and human rights. Mrs. Dole has openly used her role as President of the American Red Cross to prevent the flow of humanitarian relief into Yugoslavia. That alone fits my "political" definition of genocidal hatred. Though the American Left attacks her for denying Red Cross Assistance to AIDS "victims", as they did in the 1996 Presidential Campaign, the same advocates are mute on her manipulation of the whole international Red Cross establishment to kill off more Serbs, Roma, Muslims, and the other communities of Yugoslavia.

As to Bob Dole, the more I consider the patterns within these political contributions and his legislative initiatives the more clear it is that the essential problem within the Republican Party and our government is a battle for control of the "Great Old Parties" between the wing headed by George Bush rooted in the party's leadership and the statehouses, and Bob Dole's Congressional wing. George Bush lost the 1992 election, attacked in the front by Ross Perot and stabbed in the back by Bob Dole – to Dole it was more important to have a President who might be persuaded to bomb Yugoslavia, which Bush would not do. In 1996, the un-ideal Dole handily lost election to Bill Clinton, then the Doles cheerfully joined Bill and Hilary on a photo-up visit Bosnia to assure that Congress would continue to vote funds for the US occupation there. In my mind, that means that Bob Dole's influence has to be destroyed.

As to Mr. Clinton's ready embrace of the Albanian cause, well he has moved on the other crises just as he leaped from crises before. As a lame duck with a dwindling term, Mr. Clinton was urgently visiting Pakistan today and is still devoted to peace for Palestine, Syria and Ulster. As to his original interest, he was the protegee of the infamous Pamela Harriman, who as the wife of Randolph Churchill was one of the few to really know why Winston Churchill turned on the Serbs in favor of Tito. That is a hint, but there is little more than gossip for an audit trail so far as I know. I will add, though, that a lot of the Jamie Rubin type henchmen have gone through the Harriman program in foreign affairs at New York's Columbia University, and those that I have met via *Fox News*, like Holbrooke and Rubin, these are ambitious arrivistes without scruples.

The ultimate lesson in this is not that this latest war happened again, and can be perpetrated on other unwary nations. Our defenses must improve and our documentation must serve future generations as well as the contemporary record.

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Whose Ethnic Cleansing?

At the beginning of this new century we may ask what problems we inherited, unresolved, from the last century. One of those problems is the Balkans. No other region caused such grief to so many foreign empires in the 20th century. The Ottoman Empire declined and fell there in 1912. The Austro-Hungarian Empire started World War I over an assassination in Sarajevo and collapsed in 1918. The Italian empire of Mussolini and the Third Reich of Hitler invaded and occupied but never completely subdued the Balkans. The first setback to Stalin's Soviet empire was the successful breakout of Tito's Yugoslavia in 1948.

The Balkan Peninsula was long a tempting playground for foreign forces, but they usually transformed it into a wasteland of grinding destruction and bloodshed. There was an inward effect as well. Dividing Balkan nations either into vassals or implacable enemies, the empires prevented the indigenous peoples from developing normal relations with each other. Further, they were discouraged from developing their own political life beyond the stage of satrapies or petty despotisms. In 1991, as Yugoslavia – free of foreign domination for scarcely 40 years – plunged into dissolution amid fierce ethnic fighting, Deputy Secretary of State Lawrence Eagleburger said repeatedly it might be best to leave the various factions to fight it out until they couldn't fight any more, and then they would go to the negotiating table. "I am personally of the view that the only thing that may bring it to an end", he said, "is when all of the participants are exhausted".

As cold-blooded as this approach might have seemed, how many thousands of lives might have been spared, how many people might have been able to remain in their homes instead of joining desperate refugee treks? I am not suggesting that the outcomes of the various conflicts would have been benign in such a scenario, just a good deal shorter, less bloody and less destructive.

Where is the error of the approach taken by the United States and its European allies to the problem of Yugoslavia, throughout the 1990s? I think that it lies in their belief that they could succeed where others failed and then, to choose sides narrowly in what inevitably became a series of civil wars: Here uniformly innocent victims; there uniformly genocidal aggressors. Here ethnic cleansers, there the ethnically cleansed. Did it not register with the strategists in Washington, London or Bonn that in World War II, Croats "cleansed" far more Serbs than Serbs "cleansed" Croats? If one can call extermination of tens of thousands in the Jasenovac death camp "cleansing". Or, that Albanians, with the backing of Ottoman Turks, followed by Fascist Italy and Nazi Germany pushed far more Serbs out of Kosovo than vice versa.

The population figures before the NATO bombing campaign make simple testimony: 80 percent Albanian and 20 percent non-Albanian. At the root lies a simplistic dogma that blames one nation, the Serbs, as the origin of evil in the Balkans. It is an unwritten doctrine adopted by the State

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Department at the beginning of the Yugoslav conflicts and continued today, a doctrine endorsed and spread by the mainstream media, human rights groups and even some religious communities. It is a doctrine also embraced by Dr. Bernard Kouchner, the head of the UN Mission in Kosovo, who declared unabashedly before Albanians in Gnjilane last December that "Kosovo does not belong to anyone except the Kosovars", that "I feel very close to the Albanian people", that "I love all peoples but some more than others and that is the case with you".

The indisputable reality of the Balkans is that none of its peoples has been an altogether innocent victim of vicious neighbors. Except possibly the Roma. All were complicit at one time or another in killing, rape, plunder and burning. That was true in the first and second Balkan wars, true in both World Wars and true in all of the Yugoslav civil wars of the 1990s. Yes, more than 300,000 Croats were displaced during combat with Serbs in 1991. But more than 300,000 Croatian Serbs became refugees as a result of the American-fostered Croatian offensives of 1995 in the Krajina region. Yes, more than one million Bosnian Muslims were driven from their homes by Serb and Croat offensives. Few have been able to return. But 400,000 Bosnian Serbs and tens of thousands of Bosnian Croats were also forced into exile by the Muslims. Yes, hundreds of thousands of ethnic Albanians fled Kosovo in the spring of 1999. Yet, there is a curiosity documented by the Organization for Security and Cooperation in Europe from the 78-day bombing campaign in terms of "cleansing" – the OSCE found that 863,000 Albanians left Kosovo, or 46 percent of the total. But it also reported that 100,000 Serbs and Montenegrins fled Kosovo in the same period, or about 60 percent of the total. That is, to repeat, proportionately more Serbs were displaced during the bombing, and they did not return to Kosovo. As we know, in the aftermath nearly all of the refugee Albanians returned, despite destruction of thousands of their houses. Then a new exodus commenced as the unleashed fury of the Albanians wreaked hideous vengeance on Serbs, Roma and even ethnic Turks – shooting, knifing, strangling, grenading, shelling, burning – killing more than 1,000 people. This happened and continues to happen under the guns of the 37,000 soldiers of the KFOR occupation force deployed by NATO.

Against this background of intimidation and threat it is estimated that 250,000 non-Albanians have fled Kosovo since the NATO bombing ceased. I am persuaded that much of this could have been avoided. Retracing NATO's steps in June, the inundation of arms in Kosovo could have been largely prevented rather early by sealing Kosovo's borders to Albania and Macedonia and then filtering the Albanian returnees to make sure the "KLA" was not bringing weapons back to the region. Instead, NATO settled for a voluntary and totally ineffective turning in of arms by the Kosovo Liberation Army last summer. Attacks on Serbs and others have not diminished since then. To mention just two of hundreds of incidents: Last fall there was a massacre of 14 Serb farmers near the fabled Orthodox Monastery of Gračanica. A month ago a rocket-propelled grenade struck a NATO-escorted bus carrying Serb shoppers, killing several of them, followed by grenading of a Serb cafe. This led to retaliatory killing of Albanians in the north of Kosovska Mitrovica. In fact Kosovo's Albanians remain armed to

teeth. Incidentally, it was reported in February that some 200,000 people have moved since the summer from Albania to Kosovo, which despite the destruction caused by Serbs and NATO bombing is still better off than the ancestral lands to the south.

Going back to the days before the bombing, I believe that if the United States and its allies had taken a calmer view of the situation, much death and destruction could have been avoided. Possibly even the seemingly endless cycle of ethnic revenge could have been halted. A year ago after a difficult start, the American-inspired Kosovo Diplomatic Observer Mission of more than 1,000 was beginning to get traction, separating the Serbian military and police forces from the Kosovo Liberation Army and enabling thousands of displaced Albanians to return to their homes. The final report to OSCE by a German general who was part of KDOM confirms this. But in its hubris the Clinton Administration sought more dramatic results – amounting to abject submission of the Serbs to NATO rule. This was the message of Rambouillet. Had the observer mission been allowed to continue I think Kosovo would have been a much gentler, happier place today.

Perhaps someday we will discover whether the White House chose, as some suspect, a Kosovo scenario as a deliberate shift of focus away from the domestic turmoil caused by the impeachment. Perhaps we will learn how much importance the Kosovo operations, and Bosnia before it, had in Administration plans to turn NATO into an instrument of American foreign policy, and to assert American primacy in Europe. Perhaps an explanation will come to light about how Washington could list the Kosovo Liberation Army among the world's terrorist organizations in 1997, could denounce it as a "terrorist group" in February 1998, and then turn around 180 degrees overnight and embrace it as a formation of freedom fighters, and then install it as a legitimate political force in the summer of 1999. This, despite disclosures of links between the "KLA" and Albanian heroin trafficking rings in Italy, Switzerland, Germany and other European countries, and the connection of the "KLA" leader Hashim Thaci to assassinations of Albanian rivals. Perhaps the Administration could one day also dispel the mystery of why United Nations Police could be ordered last January to cease surveillance of the Thaci family after his brother was charged with illegal possession of weapons and of US\$ 791,000 in cash, and then released.

Even without light being shed on those behind-the-scene developments I believe that the 11 billion dollar military campaign against the Serbs and for the Albanians was largely a failure.

1. We know it greatly accelerated the flight of Albanians from Kosovo.
2. It did not substantially hurt the Serb military.
3. It did billions in pointless damage to civilian infrastructure throughout Serbia and Kosovo Province (for which NATO countries will end up paying some of the repairs).
4. It left Slobodan Milošević, the named and targeted enemy, firmly in power. (It seems his time in office might outlast that of General Wesley Clark at NATO – and perhaps he will outstay President Clinton).



5. It sucked the United States and NATO into an open-ended commitment with no exit strategy. Military and political planners themselves acknowledged that the strategy was deeply flawed, that they were shocked when the Serbs did not capitulate after three days of bombs and had difficulty agreeing what to do next.

In the wake of the Cold War, some view the United States as the last great imperial power. I contend that the Balkan adventure of the United States in the last decade shows that if it is imperialism then it is essentially haphazard and makeshift in execution. A truly serious power would have discerned immediately and clearly that Kosovo was not so much a military problem as a policing problem – as it was under the Serbs – and prepared for it. The unarmed KDOM observers had demonstrated that. The Serb military was not going to be an obstacle – they withdrew, and on time. But all of a sudden there was a total absence of authority on the Serbian side and, among the Albanians, power swiftly gravitated to the men with guns. NATO, trained to a Tee in conventional warfare, was hopelessly disadvantaged by Albanian groups experienced in hit and run and guerrilla tactics. Besides, it appears, few NATO commanders cared what happened to Kosovo's remaining non-Albanians. Their ears were still full of Serb guilt as broadcast by NATO's superb propaganda machine.

Frankly, Kosovo has been an indigestible stone in the stomach of the Balkans for at least the last hundred years. It promises to be just as indigestible for the international community for decades longer. Thanks in considerable part to feckless interventions by a succession of imperial powers, its previous multiethnic character has been all but eradicated. But that does not make Kosovo any more compatible to its surroundings. On the contrary, I believe that an ethnically cleansed Albanian Kosovo threatens to destabilize southeastern Serbia, where there is an ethnic Albanian minority of 80,000, and destabilize Albania itself and Macedonia by way of its ambition to serve as the motor of a "Greater Albania". In short, Kosovo remains a time bomb.

Looking back over the last 30 years we can find ample evidence that despite the desire of many Kosovo Albanians to live peaceably with their Slavic neighbors there was always an implacable core who demanded independence. Even the Gandhi-like passive resistance led by Ibrahim Rugova was unrelenting in this. The slogans changed slightly but their aim was the same. During the decade of Slobodan Milošević's ascendancy in Kosovo, the majority of Albanians boycotted virtually everything that was Serb, including Federal elections where their compact voting bloc could have ousted Milošević. Fundamental separation had already occurred before NATO began to preside over the final phase of ethnic cleansing of the remaining Serbs that got under way last June.

We should not be surprised that most Albanians seek to expel every Serb, even erase every sign of Serb culture – witness the destruction of 80 Orthodox churches and monasteries, many of them matchless medieval monuments. At the end of the bombing campaign President Clinton triumphantly declared that NATO would "protect all the people of that troubled land, Serbs and Albanians alike". But his and other preachments on the virtues of multicultural, multiethnic societies meant nothing to Albanians, as we have seen.

Believing as I do in the *ad hoc* essence of American exercise of power in the world, I wonder how long the Congress and the electorate will be willing to put up with a seemingly eternal commitment of thousands of soldiers and billions of tax dollars to a protectorate in Bosnia and a protectorate in Kosovo. Add to that the costs of proto-protectorates in Albania, Macedonia and – who knows? – Montenegro. Already we hear signs of disillusionment – Defense Secretary Cohen complaining about "mission creep", Chief of Staff General Shelton saying his troops are only "marking time" in Kosovo.

Try a little Kremlinology: In his State of the Union speech in 1999 President Clinton devoted 35 words to Kosovo, saying that: "With our NATO allies we are pressing the Serbian government to stop its brutal repression in Kosovo, to bring those responsible to justice and to give the people of Kosovo the self government they deserve". Last January he had only 30 words to say, that "we should be proud of the men and women of our armed forces who stopped the ethnic cleansing in Kosovo – enabling a million people to return to their homes".

I can imagine some playwright of the future reflecting on the history of our absurd times and finding it rich in dramatic material: An American president who shakes hands with a Balkan despot. Later the despot is indicted and the president at least nominally considered for indictment by a war crimes tribunal. An American general visits a Serb general and accepts a ceremonial pistol from him only to find that it is politically incorrect, so he denounces him as a war criminal. A secretary of state calls for a shower of bombs on the very city where she spent happy childhood days.

Not long ago, Ambassador Richard Holbrooke was a guest of the Wilson Center and at the outset of his speech he took a little time to damn rather than praise Woodrow Wilson as "at least a partial failure if measured by the consequences of his actions". In Holbrooke's rereading and rewriting of history, Wilson's 14 points which called for self-determination, among others of the South Slavic peoples "led directly" "to the disasters that befell us in Bosnia and Kosovo and elsewhere". "Creating a single country out of what was once Yugoslavia never made any sense", he added. As on other occasions dealing with the Balkans, Mr. Holbrooke didn't do his homework. The idea of Yugoslavia was born out of fear by Slovenes, Croats and others of the designs of imperial powers on their lands – before there were any 14 points. The collapse of Yugoslavia was due rather to its brutal subjugation by Nazi Germany and then by Communism than to Wilsonian idealism about multiethnic states.

Oddly, the American approach to the Central Balkans in the last decade has been Wilsonian self-determination gone wild. With some help from Ambassador Holbrooke. Aided and abetted by some European countries, the United States has had a decisive hand in creating not arguably fragile multiethnic states such as the Czechoslovakia and Yugoslavia of Wilson's day but monoethnic ministates – Croatia, Slovenia and, even more grotesque, a Bosnia-Herzegovina that is ethnically divided three ways. Like it or not the Clinton Administration is now presiding over the evolution of yet another monoethnic state – an Albanian Kosovo.

To put it another way, the US and NATO, though it was the opposite of their declared intentions, have far outstripped everyone else in ethnic cleansings in the Balkans.



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Use of International Law in the Yugoslav Crises

Two Laws, two Yardsticks

The place and role of international law in the Yugoslav crises appear, at first glance, to be the result of a serious paradox. On the one hand, all political actors concerned (federal Yugoslav authorities, political leaders of Serbia, Slovenia, Croatia, Bosnia-Herzegovina, Kosovo but also those of the European Union and NATO, for example¹) have continuously invoked legal rules to legalize their positions, aspirations and actions. The right of peoples to decide on their own fate, respect for sovereignty and territorial integrity, the rights of the person, prohibition of genocide are all references to international law that have often been made over the last ten years or so.² In this perspective, it could have been expected that, in accordance with one of its essential functions, law constituted a common language favoring negotiations and peaceful resolution of conflicts. However, references to law, and this is where paradox lies, have not prevented a dialogue of the deaf from taking place, of which the scenes from the Hague Conference in September 1991, the wars in Bosnia in 1992–1995 and Kosovo in 1998–1999 are particularly enlightening examples.

The purpose of this contribution is to offer elements for an answer clarifying this apparent paradox. The demonstration will take two stages. First of all, by analyzing closely the statements of the relevant political players, it will be demonstrated that references to "international law" in effect masked the conflicting concepts of the law invoked. It is not only a matter of understanding, especially with regard to the right of peoples to self-determination, that different protagonists concerned inter-

preted rules differently. In addition to these different interpretations, there arise basically different legal concepts. It is noted, nevertheless, that the law to which some players are making references has specific characteristics and that it progressively departs from the positive international law as contained in major international instruments such as the United Nations Charter. Far from being a common language, "international law" may, in that case, relate either to existing international law or to a "new international law" which would include, to a much greater extent, some of the moral values. The second part of this study will show that this tendency of moralization of the legal order actually reflects all the characteristics of a legitimist strategic policy typical of the activities of great Powers at the international level at present. The hypothesis proving it may be briefly summed up as follows: "Tell me which law you apply and I shall tell you who you are".

Two principal events will serve as a basis for the above reasoning.

First, there was the problem of recognition of the Yugoslav republics in 1991, when not only international law was invoked – and recognition is a political act *par excellence* – but a "third impartial party", an Arbitration Commission, was established to verify whether the republics had met the conditions set for them.

Operation "Allied Force" against Yugoslavia (in March–June 1999) will then support the conclusions that may be drawn from episode number one. It seems that the law invoked on that occasion distanced itself from any view other than that of NATO Member States; procedure and/or multilateralization of decisions were reduced to the minimum, whereas the confusion related to "normative" orders (legal, ethical and political) came to a head. It resulted in a modification of the nature of international law, to which the most powerful States refer. From a coherent system of norms based on the agreement of States we have come today to the normative imbroglio consisting of rules decreed on a case-by-case basis in the function of the constellation of forces. This transformation is considered to favor mostly individual rights and fundamental freedoms to the detriment of sovereignty, and it is above all proof of the deepening contradictions at the international level as well as of an increased inequality among States and populations.

USE OF INTERNATIONAL LAW IN THE FIRST STAGE OF THE CONFLICT

The recognition of the Yugoslav republics was justified by references to many institutions within the framework of existing international law. According to EC countries, it was primarily a reaction to violations of the non-use of force and of the obligation to settle disputes by peaceful means, but also a reaction to disregard of the essential rules of humanitarian law (in particular in the conflict between Serbia and Croatia³). The recognition was also based on the right of peoples to decide their own fate following the referenda held in Croatia and Slovenia that made legitimate the independence of

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¹ See, the brochure published on the occasion of the 50th anniversary, *Revue de l'OTAN*, No. 2, summer 1999, Leading article by Javier Solana, p. 3, and the Washington Declaration of April 24, 1991, *Votre guide complet du sommet du Washington (23–25 avril 1999)*, Bureau d'information et de la presse, OTAN, 1110-Bruxelles, Belgique. For EU, see, the Treaties of Maastricht and Amsterdam in which the Common Foreign and Security Policy (CFSP) is conceived as a collective action in conformity with the purposes and principles of the United Nations Charter and other CSCE/OSCE documents; Barbara Delcourt, "L'État de droit, pierre angulaire de la coexistence pacifique en Europe?", *La coexistence, enjeu européen*, Thuan Cao-Huy et Alain Fenet, Paris: PUF, 1998, pp. 241–257.

² See, Barbara Delcourt, Olivier Corten, (Ex-)Yugoslavie: droit international, politique et idéologies, Bruxelles: Bruylant, 1998, pp. 98–99.

³ See, the Declaration of July 5, 1991, *Bull. CE*, 7/8-1991, p. 117; the Declaration of August 2, 1991, *Ibid.*, p. 122; the Declaration of August 28, 1991, *Ibid.*, p. 126; for sanctions see, *Bull. CE*, 11-1991, pp. 74–76 and pp. 97–98.



these two new republics.⁴ Thus, the legal nature of the debate imposed itself in view of the fact that, in theory, recognition was subordinated to the respect for the rights of minorities living in the territories of breakaway entities⁵ and to the obligation to respect existing frontiers, particularly those between the new States and what was left of Yugoslavia.⁶

Although legal assessment of this episode may vary depending on opinions, there can be no doubt that the relevant norms were not interpreted according to the traditional positive law, as were not referred to by the Yugoslav authorities. If we limit ourselves only to the legal doctrine dominant at the time, it is undeniable, first of all, that the right to self-determination construed as the right to independence was not applicable to attempts at secession and, by extension, to Slovenia and Croatia.⁷ As far as the non-use of force (or its corollary obligation of peaceful settlement of disputes) is concerned, this principle remains limited to international relations (according to the text of the Charter, Article 2, para. 4), which a *contrario* rules out the possibility of its application in the fighting inside a State, as was the case at the time when the framework of a civil war was still in existence.⁸ The law of minorities, conveniently called an "imperative norm" by the Badinter Commission, was at that time (and still today) far from enjoying the status of a principle binding on all States of the planet, taking into account that some countries of Europe (e.g. France) refused to engage themselves towards that end, in the first place.⁹ With regard to the condition to respect the immutability of frontiers that, at the time of recognition, were legally nothing more than administrative boundary lines within Yugoslavia, it was definitely not a recognized rule of international law in 1991.¹⁰

⁴ Declaration on the "guidelines for recognition of new States in Eastern Europe and the Soviet Union", Brussels, December 16, 1991, *Revue générale de droit international public*, 1992/1, p. 261.

⁵ See, paragraph 2 of the Guidelines, Op. cit. ("guarantee of the rights of ethnic and national groups and minorities, in accordance with CSCE commitments").

⁶ See, para. 3 of the Guidelines, Ibid.

⁷ See, the thesis of Theodore Christakis in Theodore Christakis, *Le droit à l'autodétermination en dehors des situations de décolonisation*, Paris: La Documentation française, 1999, p. 676; and the report by John Crawford, "La pratique des Etats et le droit international relativement à la sécession unilatérale", *Dans l'Affaire d'un renvoi par le Gouverneur en conseil au sujet de certaines questions ayant trait à la sécession du Québec du reste du Canada formulées par le décret C.P. 1996-1497 en date du 30 septembre 1996*, February 19, 1997; A. Cassese, *Self-Determination of Peoples. A Legal Reappraisal*, A Grotius Publication, Cambridge University Press, 1995, pp. 317-334.

⁸ B. Delcourt, O. Corten, (Ex-)Yugoslavie: droit international, politique et idéologies, Op. cit., p. 167; Theodore Christakis, *L'ONU, le Chapitre VII et la crise yougoslave*, CEDIN-Paris I, Perspectives internationales, Paris: Montchrestien, 1996, p. 33; on the problem of sanctions in a decentralized international society, see D. Alland, *Justice privée et ordre juridique international. Etude des contre-mesures en droit international public*, Paris: Pedone, 1994, section 1 in particular.

⁹ E. Decaux, "Le jus cogens, faiblesses d'une idée force?", *L'Observateur des Nations Unies*, No. 3, autumn-winter 1997, pp. 13-20.

¹⁰ B. Delcourt, "L'application de l'uti possidetis au démembrement de la Yougoslavie: règle coutumière ou impératif politique?", *Démembrements d'Etats et délimitations territoriales: l'uti possidetis en question(s)*, Actes du colloque de Bruxelles (23 et 24 janvier 1998), Bruxelles: Bruylant, 1999, pp. 35-78.

Only political considerations (linked to particular interests) or moral considerations (linked to the violence of the fighting and countless civilian losses), meaning extra-legal ones, account for "innovative" interpretations characterizing the European debate. The report by the Commission on Foreign Affairs and Security of the European Parliament concerning relations between the EC and the republics of the former Yugoslavia illustrates this type of interpretation. Regarding the right of self-determination, the report said:

"The will to secede may become an irreversible form of self-determination, if a territorially defined group of the population is oppressed by the State. The extreme means such as secession must, therefore, be subordinate to certain conditions as is the case with the classic right to revolt or 'civil war'. In these classic examples the following conditions are required:

- existence of a legal authority;
- existence of a just cause;
- failed recourse to all political means of reaching agreement (...)."

Reference to the concepts of "civil war" and "just cause" is particularly symptomatic of a non-positivist concept or the concept of natural law which dominated legal and political thought up until the 19th century. As to the so-called "classic right to revolt", it was considered as part of international law; at best, its traces can be found in French constitutional law.

On the other hand, these positions appear to lack basic coherence characteristic of a legal argument in the light, for instance, of the fact that the right of self-determination was not recognized in similar situations, whether in respect of the Serbs of Croatia or those of Bosnia-Herzegovina, Bosnian Croats or in other geographic regions, Kurds, Chechens, Abkhazs, or even Kosovar Albanians.¹¹

Also, "international law" that is invoked by European countries no longer appears as a law having all the characteristics of classic international law. It is more a law imbued with suitable values and considerations that have not been formalized according to traditional legal canons (by conventional or customary means). It may also be said that these innovative applications of law - particularly the right of self-determination - have undermined allegedly democratic¹² and "objective"¹³ practices...

"A democratic right is not applied in order to surprise. Suspense is the characteristic of a police State... and of

¹¹ European Parliament, *Document de séance A3-0208/92/B*, May 26, 1992.

¹² See, the position of Belgium and other European countries appearing also in the work of Olivier Corten and Barbara Delcourt, "Les ambiguïtés de la position belge sur le droit à l'autodétermination des peuples de Croatie", *R.B.D.I.*, 1997/1, pp. 357-379.

¹³ See, the statement of R. Dumas, *Le Monde*, December 17, 1991: "(Article on the doctrine of recognition) reaffirms the right of self-determination on a democratic basis, by which States have engaged themselves in good faith in the process of peaceful settlement and through some activities on their part, in particular in respect of minorities and frontiers".

¹⁴ *Le Monde*, January 16, 1992: "This method (conditional recognition), in the eyes of France, had the advantage of providing an objective reference with a view to avoiding, if possible, dispersed reaction by the Twelve, who are politically divided on the issue of recognition of the Yugoslav republics".



its rather arbitrary "order". Invoking the right of the peoples to self-determination was at least unexpected, even though it covers a series of cases, and not only in Yugoslavia (...). And to add to the new ambiguity, because this right is not sufficient in itself, attempts were made to reinforce it with the internal support of the "right of secession", unilateral secession, thus abruptly giving an unexpected legal credibility to socialist constitutions (...) Hence, all of a sudden, what was considered the cynicism of the legal debate of Marxist authorities has become a credible and legitimate law, in much the same way as the law of democracy which, in its federal model, does not recognize the possibility of a unilateral secession! *Sic transit gloria memoriae*, which is essential in any legal order, stable by definition and adaptable only in accordance with pre-established procedures!"¹⁵

In so far as Yugoslavia is concerned, it defended, for its part, more traditional legal views, namely a positivist and voluntarist view of international law.¹⁶ It could not, therefore, have been responsive to the legal arguments that, in its opinion, included a political dimension (the interests of Germany and the EC appearing united in the face of the problem of dismemberment of a country) and a moral dimension (respect for human and minority rights could not, in its view either, justify violation of its territorial integrity).

As regards the problems related to the dismemberment of the Yugoslav State, in particular, the Badinter Commission could have exercised the function of a "third objective and impartial party" that is normally associated with judicial instances.¹⁷ However, it should be noted that Yugoslavia did not accept the opinions rendered by this Arbitration Commission. The designated experts were not specialists in the field of international law¹⁸ but in constitutional law and, more importantly, the referenced legal order (Yugoslav or international law¹⁹) had not been clearly identified. Application of the rules of international law in replies to some of the questions submitted by the Republic of Serbia reflected a clear will to internationalize the conflict that fitted into the strategy of EC countries, including Germany.²⁰ European countries themselves took account of these opinions very selectively. Finally, the legal

¹⁵ Slobodan Milacic, "Ex-Yougoslavie: radioscopie d'un échec analytique", *L'Etat multinational et l'Europe*, Nancy: Presses universitaires de Nancy, 1997, p. 89.

¹⁶ See, for instance, its arguments in favor of justifying the use of armed force to protect its territorial integrity, letter of protest addressed to the Commission, *Summary of World Broadcast*, BBC, EE/1252, December 11, 1991, C1/1-2; A subsequent letter putting in precise terms the point of view of the Presidency on the problem of internal frontiers, *See SWB*, EE/1267, January 1, 1992, C1/1; *Review of International Affairs*, Vol. XLIII, February 5, 1992, pp. 21-26.

¹⁷ In the absence of third institutions, States are both judges and parties as regards the interpretation and application of rules of international law, see, Denis Alland, *Op. cit.*

¹⁸ The fact that the reports were made with the assistance of renowned international law experts was unimportant in this case, as they were not supposed to intervene in an official capacity.

¹⁹ Barbara Delcourt, Olivier Corten, (Ex-)Yougoslavie: droit international, politique et idéologies, *Op. cit.*, pp. 164-167.

²⁰ *Ibid.*, pp. 158-159.

debate that these produced originated from diplomats or Foreign Ministers, who cannot be considered, any more than the judges of the Badinter Commission, recognized experts in international law.

It is not surprising, therefore, that while making common references to certain legal institutions, European States and Yugoslav authorities conducted a dialogue of the deaf.

POLITICAL USE OF LAW IN THE KOSOVO WAR

Unilateral military intervention against the sovereignty and territorial integrity of States has not ceased since the inception of the United Nations and the introduction of the principle of non-use of force between States. But this was certainly the first time that an action of this type was so vigorously presented as an "action of the international community in accordance with law and justice". Deciding to use force against Yugoslavia, NATO Member States thus invoked various legal principles as the basis of their intervention. NATO Secretary General J. Solana and the Foreign Ministers of the Member States of the Alliance took turns in invoking the "spirit" of the Security Council resolutions adopted on the Kosovo issue; they invoked their right to adopt counter-measures aimed at putting an end to violations of humanitarian law committed by the Federal Republic of Yugoslavia, or they even referred to the responsibility of the latter for refusing to settle the difference peacefully, which led to the failure of Rambouillet and Paris talks.

Again, this seemingly "legalist" approach can hardly be supported by the traditional interpretation of the relevant rules. We are rather faced here with a logorrhoea characterized by a confusion of the legal, political and moral registers, a feature hardly compatible with positive international law that, by its definition, draws legitimacy from its capability of distinguishing itself from any extra-legal considerations, the only option permitting the organization of peaceful co-existence among States having different ideologies.

It should be stated, first and foremost, that if classic international law is applied, only legitimate defence or an unambiguous authorization of the Security Council could legitimize a war. The former should be rejected straightaway, because it presupposes that an "aggression" can first be proven, which is a legal concept inapplicable to armed conflicts occurring within a State. Since Kosovo, according to the concept of Western countries themselves, is only a part of Yugoslavia, it cannot, by definition, be qualified as the "aggressor", at least not as far as military actions against the "KLA" are concerned. The other exception presumes that the Security Council has previously determined that there is a threat to international peace and security, but also that it has very clearly authorized certain States or organizations to employ "all necessary means" to resolve the conflict, within the framework of a mandate defined by it and under its supervision.²¹ Namely, if the three resolutions adopted in 1998 have well described the situation as a threat to peace, no authorization was given to intervene militarily. As a result, if classic inter-

²¹ See, the paper of Olivier Corten, Pierre Klein, *Droit d'ingérence ou obligation de réaction?*, 2ème édition augmentée, Bruxelles: Bruylant, 1996, p. 309.



national law is applied, air strikes constitute a gross violation of the Charter of the United Nations.²²

The NATO Secretary-General and some political leaders like French Prime Minister Lionel Jospin or the Dutch Representative to the United Nations hinted that the use of force was in conformity with the "spirit" of resolutions 1160, 1199 and 1203, concerning the situation in Kosovo. In view of Belgrade not complying with these resolutions, it was legitimate to resort to force in order to impose on that regime compliance with the relevant provisions of the resolutions. They contained, at the same time, demands for the two parties to the conflict (essentially to cease hostilities, to respect the rules of humanitarian law and to engage in a constructive dialogue), but also measures designed to ban sales of war material and to allow access for humanitarian organizations, particularly for the OSCE Verification Mission. Nothing leads to the conclusion that the Council implicitly authorized any military action with a view to implementing its resolutions. On the contrary, it reaffirmed on each occasion that, in the absence of a significant progress, it would examine the possibility of taking other measures and decided to "remain seized of the matter". In short, it did not give up its monopoly in the field of maintenance of international peace and security.

It should be further recalled that, if we still stick to the traditional interpretation of international law, the paralysis of the Security Council (indicated as a cause for intervention) is not sufficient reason, providing a legal basis for the use of force. The International Court of Justice has recalled it on several occasions: The imperfection of the international system is not a valid reason to ignore such fundamental rules in international relations.²³

This traditional concept was defended not only by Yugoslavia but also by such countries as India, China and even Russia. This legalist approach of the representative of the Russian Federation in the Security Council was very clearly expressed on this point:

"The assertions that the Charter of the United Nations contains provisions authorizing the use of force cannot be taken seriously... The Contact Group, as such, has never intended to raise the issue of a military action... It is not acceptable to say that the Russian Federation is the author of everything contained in the agreement presented in Rambouillet. It is not true, either, to say that the military action has become inevitable because one or two members of the Security Council have prevented it to act. The truth is that no measure has been recommended it".²⁴

The pattern is, therefore, that of a military action consciously decided upon and carried out outside the relevant institutions, an action aimed at providing support to the new NATO

strategic concept, concocted by Washington, with the intention of putting that organization on a par with the United Nations, although NATO as a regional organization is currently under it.²⁵

For this reason, like in the case of Slovenia's and Croatia's recognition, the advanced justifications may be considered as "para-legal". This is particularly true of the argument, developed notably by the political leaders of NATO, that there was no other way but to engage in a military action to avoid a true humanitarian catastrophe.²⁶ This kind of justification is, in fact, a reference to what is commonly called the "right of humanitarian intervention", namely the possibility to intervene forcibly to impose respect for human rights, and eventually democracy.

Is this right truly recognized by States at the international level? This issue is a fairly complex one, but it can be noted that wherever problems of this kind were discussed States had never been inclined to modify formally the existing law which bans unilateral military intervention, even for humanitarian purposes.²⁷ Reference to a "right of humanitarian intervention" is, thus, certainly more of a blurred articulation of law and morality than a legalist approach in the traditional sense of the term.

With this latest episode of the Yugoslav crises, the confusion between normative orders that was just outlined in the first stage of the conflict is now seen as even more accentuated. Actions of the "international community" cannot be founded on the basic principles of the international legal order, and it is interesting to note that all respondent States brought before the International Court of Justice by the FRY pleaded that the Court is not competent to decide on the legality of the operation. This episode illustrates in the best way that to invoke moral and political values is preferred to invoking existing international law. Constant use of the concept of the "international community" is very symptomatic, in this respect, of the deviation of natural law tending, in this case, to obscure the fact that the institutions characteristic of international society (the UN in particular) were completely left out of the debate.²⁸

According to the sociological model developed by Max Weber at the turn of the century, in order to make itself legitimate, political power uses positive law, which is at the same time formal (as distinct from moral and political considerations) and rational (because it is interpreted and applied by impartial professionals). In the case of the war in Kosovo, the "deformalization" of law²⁹, translated in a confusion of

²⁵ See, for instance, J. Solana's interview, *Le Monde*, October 8, 1999.

²⁶ See, the statements of British, US and German (on behalf of the EU) representatives in the Security Council, meeting held on March 24, 1999.

²⁷ Olivier Corten, *Human Rights and Collective Security: Is there an Emerging Right of Humanitarian Intervention?*, Collected Courses of the Academy of European Law, Vol. 99, yet to appear.

²⁸ Olivier Corten, "Il était une fois la communauté internationale", *Que nos valeurs sont universelles et que la guerre est jolie*, edited by Yannick Bovy and Barbara Delcourt, Cerisier edition, Cuesmes, 1999, pp. 137-147.

²⁹ In the view of Andre-Jean Arnaud, interactions between "global" and "local" produce both the weakening of a State and the "fragmentation of the legal reasoning that was normalized and normativized up to that moment around national sovereignty". See, Andre-Jean Arnaud, *Entre modernité et mondialisation, Cinq leçons d'histoire et de philosophie du droit et de l'État*, Droit et Société, Paris: L.G.D.J., Vol. 20, 1998, p. 31.



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normative orders in the justification statements, has led to a form of domination which is neither completely rational nor fully legal.³⁰ In such circumstances one may be tempted to argue that the practices of the "international community" are more reminiscent of the legitimacy dating back to the times of the Holy Alliance.³¹ Indeed, this transformation from a "right of co-existence" among equal subjects to a "right of co-operation", the content of which is basically determined by the constellation of forces but which is legitimate by references to the interests of the international community as a whole³², makes possible unilateral practices of imposing a certain model and of weakening the sovereignty of a "feeble State".

Ostensible "successes" of international law (to the extent that we proceed towards a ban on the use of force within a State, towards widening of the right to self-determination and recognition of the right of humanitarian intervention) effectively appear to bring into question the very foundations of the international system. It was for the sake of ensuring their own physical security (territorial integrity and sovereignty) that States have progressively renounced the use of force. Some States are engaged on a system of democratic legitimacy today; in the 1970s there were attempts to secure the development and economic prosperity of Third World countries. Not to ensure the first stage of the "international social contract" (i.e. the principle of sovereignty) is the same as to endanger the physical security of States, a basis on which the whole system is built. Many may anticipate in this the signs of a future law, a post-modern international law integrating the lessons of relativism and pluralism derived from the fragmentation of sovereignty and from the preponderance of human rights.³³ This new law has, no more than classic international law, proven its capacity to assure international peace and security in Yugoslavia.

Translated by Gordana Simovic

A Collateral Aspect of NATO Aggression: European Union Sanctions

The Parable of EU Sanctions: from Preventing War to Collective Punishment

POLITICAL AND LEGAL ASPECTS

The Common Foreign and Security Policy of the European Union:

Objectives, structures and instruments

1. a) The fundamental objectives of the Union

During the process of its transformation from an Economic Community to a Political Union, the European Union set out to accomplish two fundamental goals by the Treaty of Maastricht of 1992, subsequently confirmed by the Treaty of Amsterdam of 1997:

- to strengthen economic and social cohesion through the establishment of economic and monetary union leading to the adoption of a single currency;
- to assert European identity on the international scene, through the implementation of a common foreign and security policy including the progressive framing of a common defence policy, that might lead to a common defence.

The main part of the first goal has, without any doubt, been attained, successfully. The emergence of the EURO, on January 1, 1999, marked a decisive step forward in the process of transforming the Economic Community into an increasingly closely-knit Union of States. Although we cannot say that the coming into being of the EURO has actually strengthened economic and social cohesion given the persistence of imbalances between the different zones of economic development level and of factors of social crisis, there is no doubt that the single currency has transformed a larger number of assimilated States into a single market, a single body, or a new subject of international economic and political relations.

Yet, in contrast to this, the identity of this new subject is having difficulties in asserting itself, i.e. European identity, on the international scene, one that should emerge from the implementation of a common foreign and security policy.

It is true that while building its own international identity Europe had to begin by facing with an international crisis. The crisis we are referring to being the one engendered by the disintegration of the former Yugoslavia; a crisis from which all the international organizations emerged defeated and discredited, including the UN, the OSCE and various interna-

³⁰ To Serge Sur the fact of referring to a transcendent and absolute law can only produce "lame and profitable law". See, Serge Sur, "Système juridique et utopie", *Archive du Philosophie du Droit*, Sirey, Vol. 32, 1987, p. 45.

³¹ Joe Verhoven, "La reconnaissance internationale: déclin ou renouveau?", *Annuaire français de droit international*, 1993, p. 12; Jean Salomon, "Reconnaissance d'État", *Revue belge de droit international*, 1992/1, p. 201.

³² See, the considerations of Pierre-Marie Dupuy regarding the new life of the theory of the functional split by George Scelle, "Humanité, Communauté, et efficacité du droit", *Mélanges René-Jean Dupuy*, Op. cit., pp. 143-145; George Abi-Saab, "Wither the International Community", *European Journal of International Law*, No. 2, Vol. 9, 1998, pp. 248-265.

³³ Anne-Marie Slaughter, "International Law in a World of Liberal States", *European Journal of International Law*, No. 4, Vol. 6, 1995, pp. 537-538.

²² Marcelo Kohen, "L'emploi de la force et la crise du Kosovo vers un nouveau désordre international", *Revue belge de droit international*, 1991/1, in print; Bruno Simma, "NATO, the UN and the Use of Force", *European Journal of International Law*, 1999, pp. 1-22.

²³ See, Marcelo Kohen, *loc. cit.*; additionally, if really no agreement could have been reached on intervention in Yugoslavia to end the killing of the civilian population, the issue could have been brought up at the General Assembly, in much the same way as before the Korean war (the Acheson Resolution), which is the sole organ that can truly claim to be universal, to represent the "interests of the international community".

²⁴ Record of proceedings of the Council meeting of March 24, 1999.



tional peace conferences. Yet, the steps made by Europe in that direction were at the same time hesitant and inconsistent with the objectives embodied in the treaties and in Community law, while the used instruments proved insufficient and counter-productive. The point reached was such as to prevent not only the assertion of Europe's identity on the international scene but also to question, in face of NATO's and US preponderant influence, the very existence of a European identity, distinct and separate in relation to the United States of America. It is sufficient to mention a highly-valuable instrument for Europe's foreign action in the shape of the High Representative for Common Foreign and Security Policy, established under the Treaty of Amsterdam of 1997 (also referred to as the Minister of Foreign Affairs of Europe or Mr. CFSP). The post is currently occupied by the ex-Secretary of NATO, i.e. by a person that cannot be clearly said to be genuinely representing Europe or rather the conditions imposed on Europe by the United States.

1. b) Common Foreign and Security Policy:

Objectives, instruments and procedures

At this point, it is necessary to address briefly the objectives, the legal and operational instruments and procedures that mark the Common Foreign and Security Policy (CFSP).

The Union's foreign policy capabilities represent the so-called second pillar of the European institutional edifice. Article 11 of the Treaty on the European Union stipulates that the Union "shall define and implement a common foreign and security policy... the objectives of which shall be:

- to safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter;
 - to strengthen the security of the Union in all ways;
 - to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter, as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter, including those on external borders;
 - to promote international cooperation;
 - to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.¹
- To attain those objectives, the Union shall adopt:
- common strategies;
 - joint actions;
 - common positions.

The European Council shall decide on common strategies acting unanimously. The European Council shall also define the principles of and general guidelines for the common foreign and security policy.

The Council shall adopt joint actions. Joint actions shall commit the Member States when taking positions and actions.

The Council shall adopt common positions. Common positions shall define the approach of the Union to a particular matter of a geographical or thematic nature. The States shall act in such a way as to bring their national policies in line with the common positions.

The Council usually adopts joint actions and common positions by qualified majority (at least 62 votes out of 87 in favor - cast by at least 10 members). If a member of the Council declares that, for important and stated reasons of national policy, it intends to oppose a decision to be taken by qualified

majority, a vote shall not be taken. The Council may, voting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity (Art. 23 of the TEU). Article 301 (ex Art. 228A) of the TEC¹ provides for that in a common position or in a joint action adopted according to the provisions of the Treaty on the European Union relating to the common foreign and security policy, for an action by the Community to interrupt or to reduce, in part or completely, economic relations with one or more third countries, the Council shall take the necessary urgent measures, acting on the basis of a qualified majority.

In short, the European Union's foreign policy takes the following shape.

The European Council (a body composed of the Heads of State or Government put at the top of the Union's Institutions) defines the principles of and general guidelines for foreign and security policy and, if necessary, adopts common strategies. Consequently, the Council, within the framework of these general tendencies and common strategies, defines the Union's approach to specific matters by either adopting a common position or deciding to carry out a joint action. With a view to implementing common positions or joint actions, at least in the case of reducing relations with third countries, the Council may adopt Regulations. The latter are acts having the force of law that are immediately and directly enforceable within the system of each Member State and they are given precedence over domestic laws.

THE CFSP AND THE CONFLICT IN THE BALKANS

2. a) Precedents

Even before the Treaty on the Union entered into force, the European Economic Community had been, from the very outset, involved in the conflict resulting from the breakup of the former Yugoslavia. It intervened already in 1991 by adopting a series of restrictive measures and exerting forms of economic coercion in relation to Yugoslavia. More specifically, on November 11, 1991, it passed Regulation 3300/91 suspending trade concessions provided in the EC-Yugoslavia Agreement on Cooperation and Trade; Regulation 3301/91 relating to import regulations on certain textile products originating from Yugoslavia and Regulation 3303/91 excluding Yugoslavia from the Community system of general tariff preferences for that year.

These restrictive measures accelerated beyond any doubt the ongoing process of dissolution of Yugoslavia and made the situation in the country more difficult and harder to control.

At present, we shall merely focus on the measures adopted since 1998, in relation to the crisis in the Province of Kosovo.

2. b) Sanctions adopted with regard to the crisis in Kosovo.

Through a series of acts within the CFSP, the European Union developed a set of restrictions that have had a considerable political and economic impact on Yugoslav civil life and its economy. Such provisions stem from a series of common positions and, consequently, the Council or the Commission promulgated a number of Regulations.

The Council defined a first Common Position on March 19, 1998 (No. 240).

¹ Treaty on the European Community.



The following restrictive provisions were introduced based on Common Position No. 240/98:

- confirmation of the embargo on arms sales already in force (Common Position 96/184/CFSP);
- ban on the supply of any equipment capable of being used for the purpose of internal repression;
- freeze of all financial support for export credits, including the public financing of privatization;
- visa ban for public officials involved in repressive action.

In compliance with this Common Position, Regulation No. 926/98 was promulgated and adopted on April 27, 1998 whereby the sanctions already set out in the Common Position became effective.

On May 7, 1998, the Council defined a new Common Position (98/326/CFSP), concerning the freezing of funds held by the Governments of the FRY and the Republic of Serbia. By a subsequent Common Position (98/374/CFSP), defined on June 8, 1998, a ban was imposed on new investments in Serbia.

These Common Positions have been implemented following the adoption of Regulation No. 1295/98 of June 23, 1998 and Regulation No. 160/98 of July 25, 1998.

By a further Common Position (98/426), the Union decided to impose a ban on flights between the Community and Yugoslavia carried out by Yugoslav airlines. In conformity with that Common Decision, Regulation No. 1901 was adopted on September 7, 1998, banning flights by Yugoslav air companies. The latter Regulation was subsequently amended to enable the Montenegrin air company to conduct charter flights under specific conditions set out in Regulation No. 214 of January 25, 1999.

On April 23, 1999 (when the war was in full swing) a Common Position was taken (1999/273/CFSP) prohibiting the sale and supply of petroleum and petroleum products to the FRY.

This position was implemented by Regulation No. 900/99 of April 29, 1999 that made applicable the prohibition of sale and supply of petroleum and petroleum products.

Following from there, the Council adopted on September 3, 1999, a new Common Position (1999/604/CFSP) modifying Common Position No. 273 and introducing a dispensation as concerns the prohibition of the sale and supply of petroleum and petroleum products to Kosovo and Montenegro.

Regulation No. 900/99 for its part, was incorporated by Regulation No. 1084/1999, amended in regard to some details by Commission Regulation No. 1971/99, promulgated on September 15, 1999.

By Regulation No. 2111/1999, of October 4, 1999, prohibiting the supply and sale of petroleum and some petroleum products in relation to certain parts of the FRY, Regulation No. 900/99 was repealed. Under that Regulation, the prohibition of the sale and supply of petroleum and petroleum products was rendered more flexible by the introduction of a system of permits allowing supplies intended exclusively for humanitarian ends and for Kosovo and Montenegro, provided petroleum and petroleum products were not transferred to other parts of the Republic of Serbia.

On October 22, a Common Position (1999/691/CFSP) was taken concerning support for democratic forces in the Federal Republic of Yugoslavia *vis-à-vis* whom the Union had already approved the "energy for democracy" project. In conformity with that Common Position, Regulation No. 242/99 of November 15, 1999 was adopted by which Regulation No.

2111/99 was amended in order to permit petroleum supplies within the frameworks of the "energy for democracy" project.

On May 10, 1999, the Council adopted Common Position (1999/318/CFSP) concerning additional restrictive measures against the Federal Republic of Yugoslavia, followed the same day by Council Decision (1999/319/CFSP), promulgating, in compliance with the Common Position, a list of persons not permitted entry into the countries of the Union. That list was enlarged by Council Decision (1999/357/CFSP) of June 1, 1999. By yet another Council Decision (1999/612/CFSP) adopted on September 13, 1999, the list of persons banned from entering the Union was further augmented. Finally, by Council Decision of December 6, 1999 (1999/812/CFSP) the list of person banned from the Union was further updated.

On May 21, 1999, Regulation No. 1064/99 became applicable, imposing a general ban on all flights by all carriers from and to Yugoslavia (meaning airlines outside of the Union as well).

On October 11, 1999, Regulation No. 2151/99 was promulgated. The latter abrogated Regulation No. 1064 but maintained the general prohibition of all flights to Yugoslavia, barring flights to Kosovo and Montenegro that were subject to a system of permits and from which the JAT was excluded.

On June 15, 1999, Council Regulation No. 1294/99 concerning the freezing of funds and the ban on investments in relation to the Federal Republic of Yugoslavia was adopted, thus abrogating Regulations (EC) No. 1295/98 and 1607/98. The said Regulation contains details regarding the freeze of funds held by the Government and Yugoslav companies abroad and concerning the ban on all financial transfers to Yugoslav companies or to the Government. A further Regulation No. 1970/99 of September 15, 1999 amended an enclosure thus confirming the structure of sanctions adopted under Regulation No. 1294.

From the strictly technical point of view, the most serious drawback of the Union's restrictive measures is that they have not been limited in time.

For these measures to be cancelled or modified, given the nature of the provisions, an act either by unanimity or by qualified majority is required.

Therefore, Yugoslavia, like Iran, runs the risk of facing lasting sanctions. If the sanctions were to persist indefinitely, the nature of their function of instrument for imposing conditions would be altered as that function implies a high degree of flexibility.

Another perverse aspect of sanctions is that a discriminatory revocation favoring Montenegro could contribute to widening the rift between Serbia and Montenegro by encouraging the latter's secession and creating conditions for a new war.

However, as sanctions tend to transform certain political directives regarding relations among countries into legal acts, such acts have impact on the rule of law and thus need to be weighed and controlled in a coherent fashion based on common sense and following a logic of proportionality characteristic of legal reasoning.

THE LEGAL BASIS UNDERLYING THE EU SANCTIONS IN RELATION TO FRY

3. a) Sanctions in the light of international law

The question must be viewed from two angles: from that of international law and that of Community law.



From the aspect of international law, the Charter of the United Nations (Art. 41) entrusts the Security Council with the responsibility to "decide what measures not involving the use of armed force are to be employed to give effect to its decisions... These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations". The Security Council may take these measures of sanction when it establishes "the existence of any threat to peace, violation of peace, or act of aggression" according to Chapter VII. Sanctions adopted by the Security Council are binding on the Member States but do not have an automatic effect because, as we know, their implementation requires an order for execution in compliance with the constitutional procedures of each Member State.

Sanctions in relation to third countries adopted by the European Union within the frameworks of the CFSP do not usurp functions attributed to the Security Council as they do not and cannot have an *erga omnes* effect. When the European Union decrees sanctions, the latter only commit its citizens and Member States that have agreed to their adoption. Sanctions that the European Union might adopt do not present a problem for the entire international community but concern mutual relations between the States of the European Union, on the one hand, and the third countries targeted by the sanctions, on the other.

It so happens that all states are mutually linked by a web of connective economic and legal relations deriving from treaties, international customs, consolidated practice, cross-boundary agreements, etc.

If those relations were to be artificially reduced, this could bring about a breach of legally binding international accords and practices, and that would be in contradiction with the fundamental principle of general international law: *pacta sunt servanda*.

In reality, the problem of sanctions finds its true place within the principle of *pacta sunt servanda*. If all states are to respect their international commitments that derive from negotiated international law and customary law alike, the states desirous of fulfilling their obligations may respond to violations, and by so doing, depart from the specific commitments binding them.

It is under the principle of *pacta sunt servanda* that the European Union can impose sanctions in relation to third countries in cases where it would entail a breach or suspension of legally binding commitments. In such situations, sanctions can be adopted solely as reprisals or as sanctions for violation (by a Third State) of *erga omnes* commitments, that is of fundamentally important rules and principles – such as the prohibition of the use of force or acts providing for the respect for self-determination of peoples or of basic human rights – to the observance of which all states have the right, regardless of having been directly or specifically encroached upon in the material sense.

It can be thus inferred that the power to impose sanctions is neither unlimited nor free in terms of objective, and it is dependent on legal foundations that need to be considered. More specifically, it is inconceivable to adopt sanctions in order to topple or change a certain form of government in a third country, or to enable the accession or cause the exclusion of a particular political party from the Government of

that country, as this would be in contravention of the principle of self-determination of peoples such as it has been set out, especially in Resolution 2625, approved by the UN General Assembly on October 24, 1970. The latter embodies the Declaration on the principles of international law concerning friendly relations and cooperation among States in accordance with the United Nations Charter.

3. b) ... and from the point of view of Community law

From the point of view of Community law, sanctions along with all other acts deriving from the CFSP, are closely linked with the objectives governing the Union's common foreign and security policy. These are the same goals that have been expressly set out in Article 11 (ex Art. J) of the Treaty of the Union.

As concerns the policy towards the Balkans, there exist basically two goals underlying the Union's foreign policy:

- to maintain peace and strengthen international security in conformity with the principles of the United Nations Charter, the Helsinki Final Act and of the Paris Charter, including principles relating to external boundaries.
- to develop and assert democracy and the rule of law as well as the respect of human rights and fundamental freedoms.

These rights must of course be exercised within the context of international law within which, in respect of international relations, the European Union conducts its actions. The above enumerated principles of international law constitute the basis governing the objectives set by the European Union in the field of foreign policy as the Union would never be able to oblige its Member States to act contrary to the international commitments the States themselves have undertaken. Consequently, legal acts adopted within the framework of the CFSP have to fulfill a double condition of legality: be in conformity with Community law and not be inconsistent with the generally accepted principles of international law.

ASPECTS OF ILLEGITIMACY IN THE EUROPEAN UNION SANCTIONS

In order to assess the foundations underlying the legitimacy of EU sanctions, they must be divided into two periods. The dividing line is marked by the beginning of NATO aggression on March 24, 1999, and by Security Council Resolution 1244 of June 10, 1999 that put an end to the war and placed the whole of Kosovo under a provisional UN administration (UNMIK).

The sanctions adopted before March 24 might, if viewed abstractly, look like measures aimed at encouraging a certain party to collaborate with the international community in order to find a peaceful solution to the conflict. Hence, preventive measures aimed at averting war and also at complying with the objectives of safeguarding peace and affirming not only international solidarity but also enforcing measures relating to *erga omnes* obligations drawn from international conventions.

Yet, in the light of subsequent events, it is clear that the countries belonging to the European Union showed no willingness to prevent or stop the war, as they stood behind the NATO option in favor of settling the conflict by war, destroying all chances of preserving peace. However, we cannot judge those measures after the fact. It is necessary to judge them against the political background and timeframe in which they were taken. Given such a background, speaking in abstract

terms, their function may have been consistent with the goals of Community law, within the framework of international law.

One could find partial and temporary justification for the measures adopted during the conflict given the harshness of the war events.

However, measures established and implemented after June 10, 1999 are the ones that present a problem.

By accepting Resolution 1244, Yugoslavia pulled back all of its military and police forces from Kosovo and placed the whole region under a UN international administration.

Objectively, that country could not have made a greater sacrifice. That sacrifice became bitterer still as subsequent events began to unfold and we witnessed the expulsion of 90 percent of the Serb population residing in Kosovo whose safety in face of organized "KLA" revenge, KFOR was unable to guarantee.

After June 10, 1999, when the Kosovo problem was nipped in the bud (at least at that particular stage), when the whole province was placed under an international administration, when the lives of the FRY population had been severely jeopardized due to NATO bombardment that tore to pieces the country's economic and productive tissue, when Yugoslavia had had to cope with a new wave of refugees produced by the actions of the international community, the sanctions changed their meaning and nature.

From (ambiguous) instruments designed to avert war, they have become instruments of humiliation and punishment of the defeated. They have, thus, become profoundly and radically illegitimate, both from the point of view of Community and international law.

In terms of Community law, the sanctions have nothing to do with the goal of preserving peace and strengthening international security. On the contrary, far from favoring a genuine peace that can have no other foundations but the reconciliation among all the peoples and States affected by the Balkan tragedy, they constitute an instrument for maintaining war, for continuing the war by other means.

On the other hand, they cannot be seen as an instrument aiming at development and the consolidation of democracy as well as of the rule of law nor can they appear as a means of achieving respect for human rights and fundamental freedoms. As a matter of fact, the economic and social catastrophe resulting from the war, further exacerbated through sanctions, has created a situation in which the very development of human rights has been rendered impossible. We are referring here to rights established as intrinsic rights by the international charters that are exercised in an economic and social environment capable of guaranteeing them. More specifically, thanks to the International Covenants on Human Rights (Art. 11), States must "recognize the right to everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions". This, in fact, means that every State must guarantee that right to its own population and that it is the duty of all other States not to stand in the way of the exercise of that right. On the contrary, the EU, by maintaining and prolonging sanctions, places the FRY before a genuine and insurmountable obstacle to guaranteeing the exercise of fundamental social rights for its population. In this case, sanctions seriously contravene the goal of human rights protection that the constitutive Treaty has assigned to the CFSP. In this context, a particular aspect of illegitimacy of

these measures is reflected in the "energy for democracy" project. The latter indeed gives rise to arbitrary discrimination since only certain cities are allowed to have energy, given the political orientation of their local authorities. These measures are inconsistent with a constitutional principle applied in the Union and the European community alike, i.e. the principle of non-discrimination that has been confirmed by the Treaty of Amsterdam and sanctioned by Article 6/A.

The fact that the prolongation of sanctions has been justified, politically speaking, by the need to bring about a change of government in the FRY and to remove the present ruling class from power, constitutes an evident recognition of their anti-legal character from the point of view of international law in that they violate both the principle of self-determination and the principle of equality of nations, big or small, provided by the United Nations Charter. The European Union cannot apply Brezhnev's doctrine on limited sovereignty to Yugoslavia, without, at the same time, contradicting the values, rules and principles that have inspired Community regulations. At any rate, historical experience has taught us that it is not possible to export democracy by means of bombs and economic sanctions or export socialism by using armored tanks.

LEGAL REMEDY

Everyone knows that the European Community is a community founded on law, on the fundamental principles of the State of law and "rule of law" which have found a place, generally speaking, either in the Community legal system or in the constitutional regulations of the Member States. The embodiment of the above principles in the Community regulations and their importance for settling any specific problem of interpretation or application arising within them, have been, to a large extent, recognized in the Jurisprudence of the Court of Justice of the European Communities. Let us recall, above all, the judgement of April 23, 1986 (*Les Verts/Parliament, Case 294/83*) where it has been affirmed that the European Economic Community is a community of law in the sense that neither the States belonging to it, nor its institutions can escape from a control of conformity of their acts with the basic constitutional charter, i.e. the Treaty.

In other words, all legal acts adopted by the institutions and organs of the Community (other than recommendations or opinions) and, especially, all acts intended to produce legal effects *vis-a-vis* third parties can be subject to an examination of their legality (in other words conformity with the laws in force) by an independent legal body such as the Court of Justice.

4. a) The question of the legal nature of the CFSP

The common foreign policy and security sector, as we have seen, constitutes a system of intergovernmental cooperation outside the framework of the Community legal structure although they together constitute a common project. That is why in referring to the CFSP we speak of the second pillar (of the European Union), as the first pillar is the Community regulations.

It is because of the still hybrid nature of the system of intergovernmental cooperation that the CFSP has not been placed under the jurisdiction of the Court of Justice of the European Communities. As a matter of fact, Article 46 of the TEU (ex Art. L) excludes any possibility of the Court having the power to control Union decisions in the area of for-





eign policy. This is inevitable, either because decisions in the field of foreign policy assume a major political value and, therefore, given their nature, cannot be subject to an examination of their legality (how, for instance, is it possible to subject a decision on common strategy to an examination of legality?) or because these decisions are reviewed according to procedures that go beyond the framework of Community regulations. However, the political decisions within the framework of the CFSP, at least those concerning economic sanctions, must be embodied in the Community regulations if they are to become applicable and operational. Article 301 (ex Art. 228A) introduced by the Treaty of Maastricht into the TEC reflects the channel by which CFSP decisions are incorporated in the Community Regulations. As we have already seen, the transformation of a joint action or common position into a legal act requires in order to be adopted, a qualified majority vote by the Council, on proposal of the Commission. In this way, CFSP decisions are incorporated in Community Regulations by the promulgation of rules and other legal normative acts.

We have already noted in relation to legal doctrine² that measures the Council may adopt based on Articles 228/A and 73G for the implementation of its decisions, even if they are of a political nature, are normative acts of the Community bound to produce effects on the very Regulations and susceptible, in particular, of limiting the exercise of subjective rights and individual freedoms recognized and protected by other norms of Community law. Clearly, the peculiar characteristic of the said measures is the fact they become final after the adoption of a decision on common foreign and security policy and as such can must necessarily heed requirements concerning guarantees and conformity with the principles of rule of law that generally exist for all of the institutions' legal acts. More specifically, it appears the above measures cannot be judged exempt from a legality review by the Court of Justice. Indeed, Article 230 (ex Art. 173) of the Treaty of Rome explicitly and without exception subjects to review all the acts of the Council "other than recommendations and opinions".

In any event, it is a fundamental human right to be given the possibility of seeking a legal remedy to partial judicial proceedings for the purpose of obtaining guarantees in relation to subjective legal situations and individual freedoms in cases where State authorities may prove to show arbitrariness. The Court of Justice has repeatedly established that Community Regulations recognize the right to legal protection not only by the EC Treaty written norms but also by virtue of an unwritten principle of law deriving from the constitutional traditions common to the Member States and from Articles 6 and 13 of the European Convention on Human Rights.

Consequently, there is a need to confirm that the Council Regulations adopted within the CFSP framework that have given rise to sanctions and restrictive measures in relation to the FRY are perfectly possible, like any other normative act of the Council.

4. b) Possible means of challenge

It is a matter of common knowledge that there exist two main channels by which one can obtain the intervention of the

EC Court of Justice in respect of a review of the legality of the acts promulgated by the institutions of the Community: direct appeal (under Article 230, ex Art. 173) and appeal on the basis of damage (provided by Article 234, ex Art. 177).

Direct judicial remedy can be resorted to on grounds of lack of competence, infringement of an essential procedural requirement, infringement of the law or misuse of powers. The Member States, the Council or the Commission are authorized to propose judicial remedy. Moreover, any individual, that is any natural or legal person may, under the same conditions, institute proceedings before the Court of Justice. However, in that case, the power of review is limited to decisions that, although they may be in the form of a regulation or decision addressed to another person, are of direct concern to the former.

Direct remedy is subject to a deadline. It must be addressed within two months of the publication or knowledge of the act. In other words, all Regulations producing sanctions in relation to the FRY can no longer be challenged by means of direct remedy. It is, however, still possible to appeal to the Court of Justice if the above Regulations are amended or replaced by new Regulations. Of course, for this to happen there must be a serious political disagreement concerning the sanctions, voiced by at least one out of the fifteen States.

A State wishing to dissociate itself from such a policy may propose an appeal against a new hypothetical Regulation and thus cause the Court of Justice to proceed to a review.

The easier though more oblique road to take is that of indirect appeal to the Court of Justice, demanding its jurisdiction to pass an interlocutory judgement.

The advantage of this course is that it is not limited by expiry deadlines and may be instituted by any interested natural or legal person. In the field of trade restrictions there may exist many subjects who would be, in the legal sense, interested in challenging Council Regulations. Suffice it to quote the case of a company engaged in the petroleum trade. Having signed a contract of supply with a legal person residing in Yugoslavia, such a company will have to request an export permit from the competent authority in its country. In the event that the latter permit is refused, the company could refer to a national court and raise the question of the legality of the Regulations that impede the supply of petroleum products to Yugoslavia and obtain that the national judge address the Court of Justice of the Community, requiring it to pronounce interlocutory judgement in conformity with Article 234 (ex Art. 177) on the validity of the Regulation challenged.

CONCLUDING REMARKS

There is a common trait in all the events that have taken place and that revolve around the war that, a year ago, on March 24, 1999, launched a new adventure in the field of international relations. Power politics rebel against law. From a revolt against law springs a new Leviathan, a sovereign and imperial power that places itself beyond and above the rules governing life in the international community and guaranteeing peace. There is a very old though still highly topical challenge: between force and law. It is true that politics produce law. Therefore, politics create law. Law affirms and makes unavailable the heritage of historical conquests carried



out through politics by subjecting politics to rules and limits. It is for that reason that while it produces law politics must be subjected to law. When politics rebel against law, we are witness to aspirations for omnipotence. The century that has just elapsed has heightened our awareness of the damaging effects of politics guided by the dream of omnipotence.

There is only one antidote to such politics: to continue the struggle in favor of law.

Today, more than ever before, the struggle for law is a struggle for peace and for the full development of fundamental human rights.

Prevela Spomenka Ninčić

N. M. P. STEENEN

Member of the PC*

The First Experiences with Legal Action against NATO War Crimes before Domestic Courts in the Netherlands

International humanitarian law and customary international law, the *ius ad bellum* and the *ius in bello*, are strong enough to offer tools for contesting breaches, even if the violators are the mightiest powers in the world. Like is the case with NATO aggressors on the Federal Republic of Yugoslavia and Serbia.

An important part of this international law is *ius cogens*, that means it is directly applicable to the domestic law systems of the NATO countries. Other parts of treaty law are incorporated in the domestic law systems by self-executing treaty regulations or by specific national rulings.

So it is clearly possible to undertake steps on infringements of international humanitarian law by NATO aggressors, not only before international fora, like the International Court of Justice of the United Nations, but also before domestic courts of NATO countries themselves.

As jurists and as people standing for peace and justice and for the integrity of the international legal order, we are also bound to make operational this opportunity.

The International Court of Justice is only open to State parties, but the domestic courts give access to everybody.

So, civilians can use these courts as well.

INDIVIDUAL RESPONSIBILITY AND LIABILITY

According to the principles of the Charter of Nürnberg all the people involved in the preparation, decision-making and committing of war crimes, crimes against peace and

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crimes against humanity are also personally liable and individually responsible for these crimes (Art. 6). These crimes don't become prescribed.

Thus the decision-making politicians in NATO countries are equally liable as the high-ranking military and the bombing pilots of NATO aircraft.

They can all be brought before domestic courts in NATO countries.

So in fact there is a free choice to undertake legal action against the State party or a NATO country only, or to bring certain political decision-makers, high-ranking or executive military to the court, or a mix of them.

EXPERIENCES IN THE NETHERLANDS IN SUMMARY LEGAL PROCEEDINGS

In the Netherlands we have gained experience with legal proceedings before domestic courts regarding the threat or use of force against the FRY.

Initiated by the Permanent Commission with regard to (Dutch) War Crimes against Yugoslavia (PC), a Dutch foundation raised for this aim, four legal proceedings were instituted till now.

All of them were processes of a specific character, namely in the form of summary proceedings.

This form was chosen of course because of the time factor.

In the Netherlands, and probably in all other countries – in spite of the benefits of obtaining a quick decision from the court – great disadvantages are also attached to this kind of summary proceedings.

After all, for this category of legal proceedings there is a limited judicial review and the legal judgement bears, according to Dutch law, a provisional character. So, the verdicts are more a kind of legally inspired measures of order.

To reach a really full-scale legal judgement, it is necessary to follow a standard procedure.

Nevertheless, as far as we know, it was the first time that domestic courts in a NATO country were confronted with the legal questions connected with the blatant violation of international humanitarian law and the *ius ad bellum* by NATO aggressors.

As plaintiffs in all legal proceedings appearing were from 10 to 100 persons of mainly Yugoslav origin, living in Serbia, the Netherlands and the USA, supported by some Dutch individuals and Dutch peace organizations, as well as a Dutch organization of World War II resistance, named the Association of Anti-Fascist World War II Resistance Fighters, an important sponsor of the PC.

The identity of the persons and groups were changing in each process, with the PC as an organizer and coordinator bringing them together.

In addition to these legal proceedings on a civil right base, the same groups of civilians and organizations also complained on a criminal law base. They lodged complaints with the Dutch prosecutor, obvious for gross violations of humanitarian law, against the complicity of the Dutch State and its responsible politicians and military on war crime behavior against the FRY.

In all summary proceedings the demands took roughly the form of an injunction, mostly to continue each form of contribution to the use or threat of force against the FRY, as being blatant violations of the principles of the *ius ad bellum* and international humanitarian law.

² Angelo D'Avi, *Comunità europea e sanzioni economiche internazionali*, 1993, pp. 542-543.



PROVISIONAL CONCLUSIONS

Several important conclusions are already outstanding. The first is that neither in the summary proceedings of a civil law character, nor in the complaints of criminal law-style against the Dutch State, politicians and military regarding violation of international law, lodged with the Dutch prosecutor, the Dutch State and its perpetrators have been invoking the widespread myth of the so-called "humanitarian intervention", seeking legitimacy for NATO's violence in these legal procedures.

So, the conclusion is justified that the Dutch State party and its individual war crime perpetrators simply don't dare base their defense in whatever kind of legal action – civil law-like of criminal law-like – on this often pronounced "new doctrine" according to international law.

Thus, as far as the state of the Netherlands and further legal proceedings with regard to the Dutch complicity in NATO's war crimes are concerned, there is no need for a further juridical preparation to counter this seeming argument on the legitimacy of "humanitarian intervention" in courtroom anymore.

It is the PC's estimation that there is a big chance that also in other NATO countries the state-responsible likewise wouldn't dare focus on this fake doctrine, challenged before their domestic courts in processes with regard to their aggression and its consequences.

There is also a second important conclusion that could already be drawn from the experiences with courtroom practices in the Netherlands with regard to Dutch complicity to NATO's aggression on the FRY.

That is that the central thesis, applied by the plaintiffs in all these processes, namely that it is a principle of customary international law that all NATO participants, sharing in the aggression and in the war crimes committed against the FRY, are totally responsible for the whole of crimes and the consequences of each contribution to these actions, is neither overthrown in courtroom practices, nor even challenged by the lawyers of the defendants in these proceedings.

Therefore, this principle that the State of the Netherlands, according to customary international law, is fully responsible and liable for the whole of NATO's war crimes and its consequences is substantially established and confirmed in these Dutch courtroom practices.

This means that there is neither any need to find out what has been each of NATO's crimes for each individual NATO country, nor is it necessary to prove each country's specific contribution to these crimes.

It has been re-established by this Dutch court practice that the Netherlands from a legal point of view is, for instance, just as responsible and liable for the bestial bombardment on the RTS as the Americans, who in fact did it.

This means an enormous mitigation of evidence problems because it's unnecessary to prove that what has been contributed by a NATO country has really been directly carried out by this country.

This makes it possible, for instance, to start legal proceedings in the Netherlands for paying damages to the victims of the cowardly terror-bombardment of the RTS, as the PC intends to do.

There is also a third important conclusion that could be drawn.

With the exception of the first summary proceedings – when the judge did record in his verdict that "there was no need to summon also the leading members of the Dutch ad-

ministration, the high-ranking military and a number of members of the Dutch parliament on a personal title, next to the State of the Netherlands, also summoned and by its very nature responsible for all" – in all other verdicts with regard to all other summary proceeding that were instituted, the Nürnberg principle that all people involved in the decision-making, preparation and execution of war crimes and crimes against peace and humanity are also personally liable and individually responsible for these crimes, was never again disputed or rejected in these judicial pronouncements.

So, the opportunity to direct legal action, even in civil law proceedings, against NATO politicians and military personally is confirmed by these court experiences.

It is possible, for instance, to address President Clinton personally in court for the damage in the FRY caused by NATO crimes.

That is what the PC intends to do with regard to Prime Minister Kook and other members of the Dutch government, Dutch members of parliament and Dutch military.

That will convince all those NATO persons concerned that nobody can conceal his personal responsibility and liability for war crimes.

THE COURSE OF THE PROCEEDINGS

All defense of the Dutch State party and its individual persons concerned and also summoned has been concentrated roughly on two points:

A juridical plea that the Charter of the United Nations, more specifically Art. 2 par. 4 of the Charter, that forbids aggression, can't be considered by the domestic judge. Because it's not a self-executing article. So, the domestic court can't judge about matters of aggression.

And this means that eventual crimes against peace are withdrawn from the judgement of the national courts.

Seeking a legal basis for NATO's aggression all governments of NATO countries have taken exactly the same position towards their parliaments, and also in reaction to their state prosecutors regarding complaints in NATO countries by individuals and organizations that their governments were blatantly committing a crime against peace.

Members of parliament and plaintiffs heard the same story all over in various NATO countries: "The violation of Security Council Resolution 1199 creates a sufficient legal basis to justify NATO's attacks on the FRY".

So, the defense is always sought within the existing framework of international law.

This mantra was constantly repeated, without adding or omitting a word in this phrasing. Without taking notice of whatever argument there is in it. NATO's political leaders evidently had simply decided, in a streamlined procedure, under no circumstances to discuss this position.

A more factual plea. Holding that there is neither proof that NATO intended to commit war crimes, nor that NATO was in fact committing war crimes.

These two mainstream pleas got credit of the Dutch domestic judges in their provisional judgements.

Though not unconditionally as far as the first plea is concerned.

In the second summary proceedings another judge of the same court pronounced that "it's not unthinkable that nevertheless under certain conditions Art. 2 par. 4 of Charter of the



United Nations could be self-executing". And so it belongs to the discretion of the judge to give his opinion about an appeal regarding the breaching of this article.

His conclusion will be discussed below.

Arguments to found the judgements in the summary proceedings that the plaintiffs had failed to prove that NATO was committing war crimes were not given either.

This despite the fact that, in the course of NATO's aggression, plaintiffs did produce already quite a lot of evidence of war crime behavior of NATO!

The Dutch courts and their presidents, approached by the plaintiffs during the awful period of NATO's overt aggression, apparently did stick fiercely to the government's position in this period of pathologic war paranoia created in the aggressor countries.

The longer it takes and the greater the distance in time, they will perhaps gain some critical sense.

In the light of the disastrous developments in Kosovo from a humanitarian point of view and the overwhelming evidence of the war crime behavior during the period of NATO's aggression, the way could be opened for another judicial approach.

FURTHER DEVELOPMENTS

In all summary proceedings there is a possibility of appeal to the higher court.

After the exchange of comprehensive written summons on both sides, the PC froze the processes. Till all evidence of NATO war crimes, gathered by Yugoslav institutions, will be available to be brought into these proceedings.

Then the processes will be continued with the counsel's speeches.

Meanwhile the PC is preparing new legal proceedings, this time standard procedures, for the damage suffered by the victims of the barbaric NATO-aggression in the FRY.

Once again not only directed against the State of the Netherlands, but also directly holding responsible the Dutch prime minister Wick Kook and his colleagues, Map and representatives of the Dutch military.

For this purpose the best test would be the bombardment of the RTS. In all other cases of attacks on civilian targets, the defendants certainly will come up with the argument that it was "collateral damage", so the plaintiffs then have to prove it was not.

This complication doesn't exist with regard to the filthy attack on the RTS. All NATO representatives said the RTS was clearly the aim and prime minister Kook, as did Blair and Clinton, openly said he stood behind this action. Which is clearly for all a *prima facie* war crime.

So, the PC hopes to get permission of RTS victims and their families to prosecute Dutch war criminals and to claim the payment of damages for them.

We hope we get in touch with them.

All costs of the legal proceedings are for the PC.

THE OUTCOME OF THE FOUR SUMMARY PROCEEDINGS SKETCHED BRIEFLY

The first process: Stanojević c.s. vs. The State of the Netherlands CDs.

Undertaken before the war had started.

Claim by 134 plaintiffs (Yugoslav and Dutch) to refrain from the use of force against the FRY directed towards the State of the Netherlands, prime minister Kook, the chair of

the Dutch Parliament Jetlag van Nieuwenhoven, the two highest ranking militaries, admiral Croon and general Droste, and three F-16 pilots, ready for flying bombardment-missions against the FRY.

Verdict by the President of the court in The Hague in summary proceedings dd. March 18, 1999; *Dismissed*.

The plaintiffs cannot call upon Art. 2, par. 4 Charter of the United Nations, because this Article is not self-executing.

There is no indication that the right of the Yugoslav plaintiffs to life is threatened. No breach of Art. 90 of the Dutch Constitution stipulating the duty of the State to promote the international legal order. No breach of Art. 28 of the Universal Declaration, saying the same. No violation of Art. 8 of the Dutch law on criminal codes of war, putting penalties on violating "the laws and customs of war".

Appeal is pending and frozen.

Second process: Danković CDs. vs. the State of the Netherlands.

Claim immediately after the starting of the war, introduced by 8 Yugoslav conscripts, that the State of the Netherlands should stop at once its contribution to NATO force. Based, *inter alia*, upon the right to life. A right, protected absolutely by law, expressed by Art. 2 of the European Treaty on the Protection of Human Rights. The only exception is a case of dead by lawful acts of war, as indicated in Art. 15, par. 2. This war isn't lawful at all, so the threatening of the right to life of these Yugoslav soldiers is a breach of the Treaty.

Verdict by the President of the court in The Hague in summary proceedings dd. April 7, 1999 (another president of the court); *Dismissed*.

One cannot exclude that Art. 2, par. 4 of the Charter of the United Nations is self-executing, like perhaps in this case.

"But the fact that the Security Council of the United Nations has not taken the decision to use force against the FRY, but the NATO Council instead, can't be indicated for certain as an unlawful practice, even if that brings the lives of plaintiffs at risk".

One cannot judge under these circumstances if there are violations of humanitarian law (*ius in bello*) taking place now.

And there is also no sufficient evidence that there is a disproportional force, being a war crime *per se*.

Appeal is pending and frozen.

Third process: Tijsterman-Baničević c.s. vs. the State of the Netherlands

Undertaken when the war was going on and the evidence of brutalizing the FRY by forbidden means of warfare and by forbidden weapons became outstanding.

Claim by 35 plaintiffs (Yugoslav and Dutch) to refrain from any further participation on NATO's force, because it was clear by now that NATO's illegal war degenerated also into a war crime circus.

This was a split process. The same claim was filed at the court of Amsterdam and the court of the Hague, which was possible by splitting the defendants in two parties: the State of the Netherlands on the one hand and the defendant persons on the other.

This as an attempt to split the front on judges, monopolized by the court in The Hague.

This was the Hague section.

Verdict by the President of the Court in The Hague in summary proceedings dd. May 28, 1999 (same president as in the first process); *Dismissed*.



Repeated judgement that it's impossible for the judge to sentence about the legitimacy of a war, because Art. 2, par. 4 of the Charter of the United Nations lacks self-executing power.

Not only is that Article not self-executing, but, "The same is the case regarding the right to life"(!)

It's impossible now to determine if there is a matter of Art. 52 Additional Protocol I. Moreover, this Article, isn't self-executing either, according to the provisional opinion of the president.

Appeal is pending and frozen.

Fourth process: Dedović CDs. vs. Kook, Prime Minister, De Grave, Minister of Defense and Van Aartsen, Minister of Foreign Affairs.

This was the Amsterdam section of the process.

Claim by 29 plaintiffs (Yugoslavs only) before the court in Amsterdam.

Same claim and same arguments as in the former legal proceedings.

Verdict by the President of the court in Amsterdam in summary proceedings dd. June 3, 1999; *Dismissed*.

The judge in Amsterdam delayed his verdict in order to acquire the opportunity to copy the verdict of its colleague in The Hague, even though the Hague process took place much later.

He added, as a decision of its own, that there was no evidence that the defendants as "organs of the State" had committed *abuse de pouvoir* by participating in the war waged like this.

Appeal is pending and frozen.

Complaint lodged with the Dutch public prosecutor against the State of the Netherlands, Prime Minister Kook, Minister of Foreign Affairs Van Aartsen, Minister of Defense de Grave, the Chair of the Dutch Parliament Jeltje van Nieuwenhoven, Admiral Kroon, General Droste, known Dutch F-16 pilots, taking part in the bombardment-aggression against the FRY.

Claim: to prosecute these persons on account of committing crimes against peace, war crimes, and crimes against humanity.

More than 100 persons were involved, a lot of them living in the FRY, others of Dutch nationality.

Dismissed.

Motivation: there is neither sufficient evidence that NATO is committing war crimes by its bombardment of the FRY, nor is there sufficient proof of using disproportional force.

As far as the inducement of crime against peace is concerned, the prosecutor stated that it must be considered to be beyond his competence to deal with that. This question must be judged by international fora, such as the International Court of Justice in The Hague. He further stated regarding this specific point: there isn't such a thing as 'crimes against peace' as generally accepted law. The invoking by the complainants of the Nürnberg and Tokyo norms as prevailing standards of international law fails. The establishing of crimes of aggression there was bound on the specific circumstances of German and Japanese aggression in World War II and cannot be generalized.

This last defense is clearly not his own idea. The same arguments are put forward by a bunch of American legal advisers, surrounding the prosecutor of the so-called ICTY, in reaction to charges for crimes against peace by Canadian international law experts. So, this is unmistakably inspired by NATO's legal advisers.

Nevertheless it can easily be proved that this is a misconception.

In the report dd. of May 3, 1993, S/25704 of the Secretary General pursuant to paragraph 2 of Security Council Resolution 808 (1993) with regard to the establishment of the ICTY, under 35 it is stated as follows:

"The part of conventional international humanitarian law which has beyond doubt become part of international customary law is the law applicable in armed conflict as embodied in: the Geneva Conventions of August 12, 1949 for the Protection of War Victims... 3) the Hague Convention (IV) Respecting the Laws and Customs of War on Land and the Regulations annexed thereto of October 18, 1907; 4) the Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948; 5) and the Charter of the International Military Tribunal of August 8, 1945".

So, it has been re-established by that report of the Secretary General that the complete Charter of Nürnberg is part of international customary law.

The Charter of the International Military Tribunal of August 8, 1945 defines crimes against peace in general terms.

Under 42 the report of the Secretary General goes on like this:

"The Nürnberg Tribunal recognized that many of the provisions contained in the Hague Regulations, although innovative at the time of their adoption were, by 1939, recognized by all civilized nations and were regarded as being declaratory of the laws and customs of war. The Nürnberg Tribunal also recognized that war crimes defined in Article 6 (b) of the Nürnberg Charter were already recognized as war crimes under international law, and covered in the Hague Regulations, for which *guilty individuals were punishable*. (emphasis added)

So, it is beyond any doubt that: (1) also crimes against peace – "the most serious sort of war crimes", as is stated during the Nürnberg sessions – are part of international customary law; (2) individuals, guilty of such crimes, according to the definition in Art. 6 of the Nürnberg Charter, are punishable as a person; (3) they are punishable for that all over the world, not only by the ICTY, which isn't holding any monopoly (see the ICTY Charter), but also before domestic courts.

So if the ICTY, as an instrument of American power, doesn't do it, the more reason there is for domestic courts to deal with that.

The framework for a new indictment is made now.

As soon as the full scope of evidence gathered by Yugoslav and Serbian authorities is available for the PC and victims of bombardments are found prepared to give their consent to that, also a new complaint will be lodged with the Dutch prosecutor against Dutch war criminals in politics and the military. And later on, if necessary, brought before the High Court.



PROF. DR. WOLFGANG RICHTER

The War in Yugoslavia in the Light of Current Discussions on Human Rights

In the characterization of the NATO war against Yugoslavia proponents as well as opponents have repeatedly taken the view that the war has anticipated central elements of the "New World Order" of the 21st century. In the face of the urgent need to solve numerous global problems such as poverty, migration, ecology or resources, the term "New World Order" sounds rather tempting. Following from the term new and fair "International Economic Order", the discussion on the "New World Order" focussed, *inter alia*, on world-wide disarmament and a thereby disposable "peace dividend". However, that was not the aspect of George Bush, who created that term in 1991. Its main content focussed on the end of communism, and thus against the worldwide effective political vision of a "peaceful co-existence", which had become reality in Europe. In his book *American Diplomacy and the End of the Cold War*¹, Hutchings wrote that one of Bush's main concerns after his assumption of the presidential office was to restore the leading role of the USA, which had been severely damaged by the so-called "new thinking", the developments in East Europe and the steps of unilateral disarmament taken by the Soviet Union as well as to dispel the arising mistrust of the US claims to leadership. This strategy comprised the declaration of the United States made in 1989 stating that American troops would stay in Europe as long as they would be desired and needed. Furthermore he laid the emphasis on "shifting the focus of the international agenda away from Gorbachev's 'Common European House' and giving top priority to the end of cold war instead".² The idea of a "Common House", that reflected thinking in the categories of peaceful co-existence would not be suitable to overcome the status quo, a divided Europe.

In the end, the early 1990s delivered the proof that it was impossible to view peaceful co-existence independently from the main social conflicts of our era, that are organized by different states. The idea of peaceful co-existence could not be separated from the existing antagonism between the systems, as it would have been the case in an European House. After all, both sides have always held the following position within the prevailing bipolar constellation of forces: in favor of peaceful co-existence, if they could make conditions. This unreal mutual demand had just guaranteed the security in the

interplay of contrasting systems in Europe for half a century. Peaceful co-existence is no suitable model to justify unilateral global usurpation of power. Although the United States emphasized the end of cold war in their propaganda in the early 1990s, in political reality this coincided with the end of peaceful co-existence, this re-enforcing their claim to be the only world power. Cold war was replaced by a concept of "hot war". With their not accepting the *status quo*, the USA and NATO have come a long way from the conditions stipulated by the UN Charter's peace mission as well as the Universal Declaration of Human Rights. These are based on the possibility to establish a world of lasting peace by binding international law. However, by emphasizing the law of the jungle, the United States have re-introduced natural right into international politics. Accordingly, Anthony Lake, the security advisor to the US President, declared that the United States would always be ready to use force as a means of defence of its national interests. As long as human nature would not change, power and force would be the center of international relations.³ He counted the "defense of our values" and "fighting violations of human rights" among the national interests.

Accordingly, after the end of the bloc confrontation with its inherent "balance of terror", the United States placed the use of military force in the center of its foreign policy, which was only enabled by the confrontation.

Not without keeping a critical distance, Hutchings states that the basic principles of US politics for this new order were problematic as they put special emphasis on military power, esp. that of the United States, thus pushing the political, economic and other attributes of power and influence into the background of a world that was no longer dominated by hostile bipolar competition.⁴

Exactly this "problematic side" of US politics was systematically developed in the 1990s. The main force behind, did not seem to be the economy tied to the military-industrial complex with its losses since the end of cold war, but a claim to international political power resulting from realizing that claim would for sure also improve the conditions of global exploitation for the total capital of the USA and – *cum grano salis* – their allies. This strategy was already shown in the 1992's directives for defense policy.

In the 1990s, NATO delivered a completely new justification for its existence after the end of the socialist world system. A territorial defense alliance changed to an alliance of interests and aggression directed against the rest of the world. In their reaffirmed doctrine of nuclear first strike they have silently accepted the shift from first strike being "the last resort" in a hopeless defense situation to becoming part and parcel of their own planning of aggressions, thereby posing a real threat to inferior and weaker military enemies. Here I would like to point out that the use of nuclear weapons can never meet the requirements of humanitarian international law. That has especially been the case since 1977, with the Geneva Convention's supplementary agreement prohibiting so-called "indiscriminating aggressions", i.e. aggressions in

¹ Robert L. Hutchings, *American Diplomacy at the End of Cold War: An Insider's Account of U.S. Policy in Europe, 1982-1992*, Washington D.C.: Woodrow Wilson Center Press, 1997.

² Robert L. Hutchings, *Als der Kalte Krieg zuende war* (American Diplomacy at the End of Cold War), Alexander Fest Verlag, p. 33.

³ Antony Lake, Winfried Wolf, *Bombengeschäfte. Zur politischen Ökonomie des Kosovo-Krieges* (Roaring trades: On political economy of the war in Kosovo), Hamburg, 1999, p. 120.

⁴ Robert L. Hutchings, *Als der Kalte Krieg zuende war* (American Diplomacy at the End of Cold War), p. 23.



which civilian losses outweigh the military striven for. This doctrine of nuclear first strike violates human rights *per se*.

Furthermore, we can state that the main issue of the new NATO strategy has the extension of its central function, the unhindered access to foreign resources, since 1992. This has corresponded with the purposeful pillage of the post-socialist states, almost all of which have been pushed to third world poverty levels within one decade. On top of this, one cannot help thinking that an important cold war aim and essential motive for external threat like in the arms' race to death, just consisted in obtaining access to the resources of those states. However, the interior conditions were provided by those states themselves. Just the cold war on whatever kind of socialism was waged in the name of human rights. From the point of view of the United States, it had been the only world power that acted in the name of human rights. From the point of view of the United States, it had been the only world power that acted in the name of superior, virtually *a priori* values, long before it became the only real military power in the world. As far back as 1977 the then head of the presidential brain trust Zbigniew Brzezinski wrote that the United States believed in the realization of the human rights idea at the very moment when it would be determined to reaffirm the American claim to leadership in international politics. He further stated that the single term "human rights" embodied the really historic challenge of our era, the deep-rooted American values.⁵

This justifies the assumption that the United States and NATO did not coincidentally or temporarily refer to human rights in their policy of interventionism, as in the war against Iraq and Yugoslavia. On the contrary, that seems to be at the core of their striving for adding the greater glory of "legitimacy" to their political activity. In contrast to this, the mere "legality" of their actions in accordance with the UN Charter, the Security Council, international law in general should appear as being of relatively minor importance. This goes hand in hand with aiming at a marginalization of the UNO and other international bodies like the OSCE. Max Weber described in his works such a striving for legitimization of policy as in the case of the United States. It is equal to the sense of mission in Weber's work on the three forms of the legitimate power. This sense of mission lacks any abiding by rules, whether these are laws, legal systems or customs, which is why it has to be described as "irrational". Each criticism of a breach of international law is countered with a kind of prophecy: "That is what the law says, but I tell you!" In addition, military heroism by power of the sword leads to a vanishing of legitimate order. And demagoguery follows the same line through the proclamation and suggestion of a revolutionary natural right. The charismatic legitimization of the world-wide claim to leadership by the USA contains some of the features described by Weber: the characteristics of the prophet of a Pax Americana, of the war hero, who disregards the law in force as well as those of the demagogue, who refers to human rights, even when the worst crimes are concerned.⁶

⁵ Zbigniew Brzezinski, "Das Widererwachen des amerikanischen Idealismus" (The Re-awakening of American Idealism), *Frankfurter Allgemeine Zeitung*, November 11, 1977.
⁶ Max Weber, "Die drei reinen Typen der legitimen Herrschaft" (Three pure types of legitimate power), *Der Rationalisierung und entzauberte Welt*, Leipzig, 1989, p. 231.

Aiming at an irreversible and stable victory over socialism as well as gains in international politics, the United States and the other NATO members portray the victory over socialism as a victory of their human rights' concept over the socialist concept. Thus, they strive for permanently establishing corresponding standards in the UNO. Or is there another plausible interpretation for their constant efforts in the UN Human Rights' Committee to annually pillory just those states that hold firm to socialist ideas, like China and Cuba. Thereby they continue to distinguish between social and political civil rights and liberties, contravening the proclamation at the UN Human Rights' Conference in 1993 on universal and inseparable human rights. By not paying due respect to the granting of social human rights, they obviously neglect the ban on "depriving a nation of the existential means" stipulated in Article 1 of both big human rights' packages of 1966. This applies to the division of economic entities that cannot survive in isolation as well as to the destruction of infrastructure and national resources, to embargoes and to the IMF's neo-liberal credit conditions. This leads to losses in real wages, mass unemployment, poverty and homelessness, which are all features of colonialism and thereby a strong interference in the nations' right of self-determination as granted by human rights' conventions. Michel Chossudovsky has called this stirring up of permanent conflicts and the territorial division in the Balkans a means of making a united anti-colonial resistance impossible.⁷

The United States is so convinced of its concept that it also makes it the principle of success for its domestic policy. It is ready to make it a long-term guideline for its power. It so to speak pressed for its own population's approval of the war against Yugoslavia by describing the war as a means of freedom for the US government to implement the economic and social policy in its own country. Clinton declared with brutal frankness that this was the real reason for the actions in Kosovo.⁸

I would like to point out that Germany as well as other NATO members had their own interests in that war, interests that partially competed with those of the United States. Against the US administration's initial hesitation, the Federal Republic of Germany has been aiming at an internationalization and militarization of the inner conflicts in Yugoslavia for years, partly pursuing global, that means NATO interests, partly pursuing German economic interests. Brzezinski got to the heart of it by saying that in the struggle for traditional supremacy in Europe, the winner would receive the traditional Balkans as spoils.⁹

DISREGARD OF INTERNATIONAL LAW

Since under consideration of international law an analysis of the situation in Yugoslavia provided no relevant grounds to implement power political and economic interests

⁷ Michel Chossudovsky, "Wie Jugoslawien zerstört wurde" (The way Yugoslavia was destroyed), *Telegraph*, 2/99, p. 55.
⁸ Bill Clinton in his speech to delegates of US civil servants on the first day of bomb attacks against Yugoslavia.

⁹ Zbigniew Brzezinski, *The Grand Chessboard: American Primacy and Its Geostrategic Imperatives* (Quoted after the German translation: Die einzige Weltmacht. Amerikas Strategie der Vorherrschaft), Frankfurt a. Main, 1999, p. 182.



of the USA and the other NATO-countries by war, this question was left to the scholars and they followed their interests. Between NATO-countries there was no consent on the permissibility of the war by international law but an amalgam of their own aims that did not exclude one another.

In the NATO-Letter of autumn '99 professor of international law Ove Bring of the Swedish Defense Academy and Stockholm University wrote: "During NATO bombardment of strategic aims in the Federal Republic of Yugoslavia it was noticeable that NATO itself did not at all defend its position with any means of law. When a group of students of international law from the Stockholm University visited the NATO Headquarters at Brussels they were told that in this question there was no agreed position but it was up to the governments of member states involved to look into the situation in regard to international law and to give the legal justifications they regard as suitable".¹⁰

That is a declared renunciation to any norms of international law. It is proclaimed legal relativism and legal nihilism in regard to the most important question of international law. It is proclaimed legal relativism and legal nihilism in regard to the most important question of international law, in regard to securing peace. If it was "law", international law cannot be interpreted according to the liking of any country. On the other hand there absolutely was consent of NATO countries to justify the war was legitimate. The war was waged to "secure human rights" in Yugoslavia and her southern province Kosovo. To put human rights against international law is a fatal alternative. It negates that the covenants on human rights themselves are part of international law. It does not accept the right to live as it is laid down in the covenants, that is, not less valid for Serbs than it is for other people. It is a kind of racism not fully to concede this human right to the Serbs. One had to restrict the validity of the stipulation that all people have equal rights to protection against discrimination only to people that are equal to the Americans and West-Europeans, to people of the Western culture group (to anticipate a term I will return to later on) or so.

To justify the war the NATO countries created a hostile imagination that deeply humiliated the Yugoslav population.

Terms as concentration camp, second Auschwitz, barbarism, mass graves and mass rape ran through the reporting of Serbian actions in Kosovo. That way an immanent reproach with fascism was made. In line with that a far more archaic development stage of Yugoslav population was suggested. Discriminations were compressed into a racist devaluation of the "Serb" who stands as a symbol for the population of this region. It was German defense minister Scharping who, with the aim of spreading it worldwide, told a press conference that he was reported that Serbs were playing soccer with heads of dead people or they had taken out the fetus of a pregnant woman, grilled it and put it back into her stomach. That is unutterable. The German foreign minister Joseph Fischer named it an aim of the war to cast out atavistic features of the "Balkans".¹¹ The Balkans is lacking civilization, culture and moral. It must be civilized, cultivated and moralized. This is crusader's mentality.

¹⁰ Joseph Fisher, "Serbia belongs to Europe", A discussion with *Die Zeit* on the Balkans War, *Die Zeit*, No. 4, April 15, 1999, p. 3.

¹¹ From the protocol of the 11th plenary session of Landtag (Parliament) of Saxonia on March 16, 2000, (1/11 PC 4/1066).

GERMAN DEBATES

After the NATO war against Yugoslavia several debates developed in Germany. They are in no way over and looking back on them gives one a sudden insight into the war, its aims and its political background.

Here are some examples.

On March 16, 2000 – that is a few days back – the Landtag (parliament) of the land of Saxonia debated on the "ratification of the complementary protocol to the agreement on the handing over of foreign prisoners".¹² The chairman of the committee on constitutional and judicial affairs of the *Freistaat* of Saxonia, one Mr. Schimpff (CDU), delivered a speech that was accompanied by interruptions, representatives of PDS and SPD left the hall. But the minister of justice, Mr. Heitmann, who once was named candidate for the post of the Bundespräsident, speaking next to him did not dissociate himself from Mr. Schimpff's position. This was to split foreigners that were tried by German courts into two groups: those near to the culture group and those far from it. Foreigners far from the culture group with higher delinquency rate than other minorities included besides Turks and to a certain extent Romanians namely "Yugoslavs, as a rule Albanians from Kosovo". He demanded to extradite them into their home countries instead of serving their punishment at the expense of German tax payers and he accentuated he had limited sympathy if they had to work with chains on their feet or received lashes. In his remarks he did not limit himself to criminals, many of them had only committed minor offenses, but he said it was not even necessary to look at prisons. Huntington's Clash of Civilizations is to be seen on any railway station of a German city. He was interrupted by "best regards of Haider". He who orients himself on Huntington when classifying foreigners in Germany will remember that he agrees with Joseph Nye's view that the clash of civilizations so to speak compulsively leads to a broad widening of "strict power" (economic and military) in the world that makes war unavoidable.¹³

It is noteworthy that Albanians from Kosovo are no longer portrayed as a minority that has to be promoted but as one that is discriminated by its promoters. Prior to the war they were called "woodsmen" and "a horde of quasi-autists" by the media of NATO countries that a little later were sounding otherwise in unison.¹⁴ The new NATO doctrine that is based on a master-race ideology does not rely on friends in their destination areas yet it pursues real interests. We can remember that the Federal Republic once went to war with descriptions of the situation that did not correspond to the situation reports to the foreign office that were published by IALANA. One was quick with the excuse the situation reports were "brightened" (that is falsified) to pretend to German courts that the situation in Kosovo was calm to let them send back Albanians seeking asylum to Kosovo without scruples. This in itself would be a grave violation of human rights. *Honi soit qui mal y pense*.

¹² Samuel P. Huntington, *Clash of Civilizations*, Munich/Vienna, 1996, p. 137.

¹³ See, Matthias Küntzel, *The way to war*, Berlin, 2000, p. 169.

¹⁴ Roland Roth, "When Attorneys General refuse to Talk about Constitution", *Frankfurter Rundschau*, February 2, 2000.



During NATO war sixty persons in Germany published an appeal that said:

"Participation in this war is unjustifiable. Refuse to obey orders of deployment. Desert your military unit! Stand up against this war!"

Thus they called for not taking part in a criminal offense and not to take a share of the blame for the violation of international law and human rights by this war as well as the flagrant violation of the German basic law. During the current wave of proceedings against signatories of the appeal initiators, the European Tribunal started to institute legal proceedings against them with hundreds of signatures. They declared in case of a repetition they would initiate a similar appeal and signed the existing one.

Almost all the signatories were brought to trial. As far as I know up to now 24 cases were completed in the first court-case with four condemnations and 20 acquittals. Grounds of acquittals in first court-cases are quite interesting. The view of the defendants was not fully groundless. At the time of the offense the assumption that the war violated international law was justifiable. In addition, the German courts do not exclude the possibility that the war might turn out to be in violation of international law. The acquittals suggest three conclusions:

- Firstly, not the appeal but waging the war was a criminal offense.
- Secondly, to suppose that the war was violating international law was even possible for non-political people. How much more clearly the professional politicians in the government should have noted this.
- Thirdly, there is no tenor of the judgements that it was not an aggressive war as was declared apodictic by the attorney general. It is known that he dismissed dozens of charges brought against the government on grounds of preparing an aggressive war without investigation. The war has deeply shaken the German judicial system.

THE EUROPEAN TRIBUNAL AND FURTHER INOFFICIAL TRIBUNALS

Already during the war the idea was born in Europe and in the USA to work in the tradition of the Russel-Tribunal for a condemnation of the war. Tribunals or similar events were held in numeral cities for instance in Rome, Athens, Vienna, Yaroslavl, Oslo, Kiev and Berlin. In the Berlin Hearing representatives from 13 European countries were present. More than 300 German initiatives and organizations supported the Hearing. The next hearing will be held in Hamburg on 16 April on the German responsibility for and during the war. This work for the Tribunal showed a new feature, very close co-operation of non-parliamentary forces of the peace and human rights movements with members of parliament and representatives of parties, churches and trade unions across state and continental borders. On June 2 and 3, an European Tribunal will be held in Berlin and we invite all of you to take part. We present the statutes of the Tribunal in four languages. We still look for experts' reports and witness reports for two days of the Tribunal to bring the truth to the public.

A Tribunal ends with a sentence. Many people demand continuation of the co-operation and to set up an efficient public counterforce that makes a repetition of such a war impossible. There is talk about founding a European Peace Parliament. I appeal to all people present here to support this idea.

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On the Threshold: The United Nations and Global Governance in the New Millennium*

Predictions about the 21st century will be as precarious as prophecies made at the beginning of the 20th century, most of which have turned out to be untrue. We live in the world of glaring contradictions. On the one hand, inexorable forces of globalization are lowering national barriers and are enabling goods, money and information to travel freely and instantaneously all over the globe. Unlike the transfer of money and information, however, the movement of labor still creates controversies and issues of trade are still transacted on a government to government basis. "Globalization" expands, while "internationalization", based on the premise of the existence of nation-states, is also taking place in parallel, as witnessed at the recent WTO meeting in Seattle. Concepts and values are increasingly shared on a global basis, but resistance to globalization as also becoming stronger. It manifests itself in the form of growing nationalism, of which Japan is no exception, or ethnic chauvinism or religious fundamentalism. We will probably live in the midst of such contradictions in the foreseeable future. There is juxtaposition of the objective reality of interdependence and the psychological resistance to it by assertions of national, ethnic, cultural and local identities. In a world of spreading commerce and the greater flow of information, no country is an island to itself. But it is easy to mistake Americanization for globalization. In such context, communities often try to seek an anchor in self-assertion and the linkage to tradition and history. The United Nations cannot exist above these contradictory trends and is in fact sandwiched between unrealistically high expectations on the one hand, and unjustifiably poor appreciation of its potential capacity, on the other.

Time does not permit me to go into a lengthy exposition of my vision of the United Nations of the 21st century. I will therefore simply itemize what I consider to be necessary elements for the universal political organization, embodied by the United Nations, with the aim of giving it real clout, greater influence, and higher legitimacy.

1. The Security Council must be strengthened by a limited expansion of its permanent as well as non-permanent membership. It is not realistic to abolish the veto of the big powers, but we should initiate restricting its use to enforcement action under Chapter VII. Of importance also is not to apply

* The Millennium Conference, January 21, 2000 at the United Nations University, Tokyo.

NATO Aggression on Yugoslavia



the veto to the election of the Secretary General. We are left with a bitter after-taste of the episode of three years ago. The mandate of the Secretary General should be for two terms of five years each or a single term of seven years in order to avoid undue politicization.

2. After the end of the Cold War, the General Assembly has been in the shadow of the revitalized Security Council. This has to be changed since, after all, it is the General Assembly that confers universal legitimacy. I wonder why the "uniting for peace" resolution of 1950 was not dusted off and used at the time of the Kosovo crisis. The Security Council, however, preferred to ignore the Assembly, and took no action. I suggest a more frequent use of emergency special sessions of the General Assembly and the restoration of its interim committee (1947) as an inter-session standing body. This may go some way towards restoring the balance between the Assembly and the Council.

3. As everybody says, the Economic and Social Council has to be strengthened. The ECOSOC has already been moving towards a more thematic, focussed approach. But its reform cannot take place in isolation from revisiting the working methods of the second and third committees of the Assembly.

4. It was a mistake to lower the criteria for membership of the United Nations, provided for in Article 4 of the Charter. In recent years, permitting micro states to membership has weakened the Organization. No country should be permitted to the United Nations that cannot afford 0.1% of the regular budget. Small geographical entities should instead be encouraged to opt for associate membership enjoying appropriate rights and privileges.

5. Enhancing the Secretary General's authority and the efficacy of the Secretariat is of vital importance. The International Civil Service Commission should be used to ensure recruitment and retention of the highest caliber individuals from all Member States. The UN emolument must be based on the Noblemaire principle. The Secretary General should be allowed to call upon the best minds available in the intellectual and scientific community for advice. The United Nations University can help in this regard. With the help of UNESCO, the United Nations should resuscitate efforts for a universal textbook on history.

6. All proposals for strengthening the United Nations will be hypocritical, unless they are accompanied by serious efforts to improve its budgeting and financing. The League of Nations died of short-sighted financial penury of its members. Its successor is in danger of facing a similar fate. All assessed contributions are legally binding, and late paying states, especially developed states, should be penalized. Contributions should be based mostly on the "capacity to pay", that is on GNPs, but account should be taken of the rights and privileges of the permanent membership in the Security Council, as is done in case of peace-keeping assessments. Moreover, innovative methods of financing should be gradually introduced such as facilitating individuals and multi-national corporations to make contributions and international air travel to be taxed by the United Nations, with the proviso that this type of financing should not exceed one third of the regular budget. Nor should it distort UN priority.

7. The United Nations of tomorrow cannot exist without greater support by civil society. Therefore, the United Nations should create a consultative people's assembly chosen by direct votes of the people of the world. NGOs should have more frequent contacts with UN agencies and should participate in their decision-making as appropriate. At the same time, their representativity should continue to be examined. There should also be more systematic interchange among parliamentarians of the world and more consultations with the business community and mass media leaders.

8. Global efforts of UN agencies should be supplemented by active regional collaboration in various regions. Asia, in particular, should promote greater collaboration of countries in the region, based on pragmatic needs, greater transparency and confidence-building measures. Regional cooperation and worldwide cooperation are complementary, and care should be exercised to ensure that no region degenerates into a sphere of influence under a regional hegemony.

9. Peace-keeping operations are like a tender flower that needs to be carefully cultivated as a unique achievement of the United Nations since 1948. While they should adapt to changing times and may need to become more robust with greater complexity of their tasks, the Organization should be careful not to become too reliant on military means for enforcement. Chapter VII provides for a wide variety of sanctions, and thought should be given to non-military means of coercing violators of the Charter and international law. The principles of impartiality and non-partisan approach should not be forsaken for high sounding moral exhortation even if this seems to be popular in some Member States and in mass media.

10. A constructive dialogue between the United Nations and G-8 should be encouraged. G-8 provided a useful framework to identify a solution for the Kosovo crisis. G-8 approximates a concert of powers in today's world in the absence of serious revamping of the Security Council. Though composed of developed states, it can be a useful instrument in resolving North-South disparity and conflict. The United Nations can restore its great relevance to the contemporary world by endeavoring to better reflect the relationship among the major powers. It should not be forgotten either that worthwhile initiatives are often taken by the so-called "medium-sized powers" in fields such as disarmament and development.

How do we ensure that the above ten proposals will be realized? In my view, there is no shortcut. It will be through concerted, painstaking efforts of officials and diplomats in and out of the United Nations and member governments, joined by an ever widening circle of non-governmental actors and supporters all over the world. Practitioners have to become less cynical and more visionary. Outside supporters and globalists must become more pragmatic, modest and tactically oriented. In the absence of any better alternative, we have to aim at a more effective United Nations. And it can become reality only through the persistence, skill, imagination, and dedication of all those who are convinced that national, local and other interests and concerns can be harmonized and satisfied within the universal framework of a radically revitalized United Nations.



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Yugoslavia as a Testing Ground for New Methods of the NATO "Crisis Management" Concept: A Lesson for Russia

Analyzing the activity of international organizations in the Balkans, one comes to the conclusion that the goals and tasks of foreign policy institutions in the leading countries, such as the USA and Germany, as well as of major international organizations, were far from those declared. It is particularly evident in the activity of NATO and its relations with other international organizations.

The American military doctrine developed:

- as an "deterrence strategy" in the period 1945-53,
- as a "massive retaliation strategy" in the period 1953-61,
- as a "flexible response strategy" in the period 1961-71,
- as a "real deterrence strategy" in the period 1971-81.

At the beginning of the 1980s the "direct countervailing" doctrine was created to carry out the policy of world dictate and to secure "vital interests" of the USA in various regions of the globe.¹ US doctrines became the basis of the NATO strategic concept.

In the early 1990s NATO had to adjust to changed political reality. One of the directions of the strategic concept, adopted at the meeting of the NATO Council in Rome in November 1991, was control of military-political crises. In this context, the "crisis management" concept was elaborated. The essential elements of this concept were - pressure and use of army to achieve stability.² However, this concept was only an element of the then still invisible but conceived system of *controlling the world*. C. Powell, chairman of the Committee of the Joint Chiefs of Staff, underlined in his report in 1992 that "the US is expected to be the world leader"; that therefore America "must keep its strength, necessary to influence the course of events in global proportions".³ Within that system NATO should play the key role of an instrument for the implementation of that idea. At the beginning of the 1990s the time was not yet ripe for overt action. Therefore, mutual action based on new elements with European and international

institutions - UN, OSCE, European Community and Western European Community (WEU) - was included in the elaborate system of "adaptation", along with the penetration into the structure of these organizations, participation in joint activities, testing of interaction and ultimately rise to an independent level. To that end it elaborated and upgraded information support, selected appropriate technology, provided necessary "cover up" of the concept, all of which aimed at convincing partners that NATO must play the leading role in the system of European security. Thus emerged ideas about partnership, development of dialogue and cooperation with other non-NATO countries on the basis of mutual confidence, through the *Partnership for Peace* program.

In the new Washington Alliance's Strategic Concept, adopted in April 1999 though it was elaborated earlier, the main thesis refers to special responsibility of the bloc before the world community to prevent threats to security and stability in Europe. "Security" is for the North Atlantic Alliance a multilayered concept encompassing political, economic, social, environmental and humanitarian aspects. This enables the bloc to act in all regions and to use any pretext for military intervention.

The Balkan crisis became not only a place for testing this doctrine, but an attempt to reinforce legal independence of NATO from the UN and the OSCE, to transfer jurisdiction from some organizations to some others.

All the aforementioned explains in fact the participation of NATO in the "management" of the Balkan conflict and the role of the United States of America in the events in the territory of ex-Yugoslavia. NATO joined Europe and America and turned America into the main actor, even in internal European matters. NATO used the UN to enter the system of peace forces, as well as the system of European security by assuming the functions of the United Nations.

In December 1992, NATO stated its readiness to provide support to peace operations under the auspices of the UN Security Council. Since then NATO adopted a series of critical decisions leading to NATO naval and air force operations. In July 1992 NATO ships belonging to the Alliance's Standing Naval Force Mediterranean, assisted by NATO Maritime Patrol Aircraft, began monitoring operations in the Adriatic. NATO undertook these operations *independently* in support of the UN arms embargo against all republics of the former SFRY (resolution 713) and sanctions against FRY (resolution 757). However, NATO gradually moved from registration of breeches of resolution and monitoring possible violations to stopping and searching ships and diverting them to ports. They also established full control of the Yugoslav coast. According to NATO reports, since November 1992 63,000 vessel were inspected, and after April 1993 no ship managed to break the barrier and violate the embargo, additionally tightened by resolution 820.⁴

From 1992 onwards a series of Security Council resolutions gave certain authorization to NATO, hiding the Alliance behind the words "regional organizations or alliances". In June 1993, ministers of foreign affairs of NATO states adopted a decision to provide air support to UN forces in the territory of



Yugoslavia. Already in July NATO planes began training missions to provide direct air support within the peace plan. NATO proposed a land reconnaissance mission and other related measures and to "explore the possibility of lending key command structure".⁵ Pursuant to authorization granted in conformity with Security Council resolutions 836 and 913, since then all plans for use of force in Bosnia and Herzegovina were jointly elaborated by NATO and UNRPOFOR.

On August 19, 1993, when negotiations on a plan to resolve the crisis in Bosnia and Herzegovina (union of three republics) were in the final stage, the official representative of the Pentagon stated that the NATO command and UN forces had completed all preparations and could undertake air strikes against the army of Bosnian Serbs at short notice, if necessary.⁶ The signing of the agreement fell through, and NATO plans waited for an excuse to begin the operation.

From February 1994 to September 1995 NATO carried out air strikes on the positions of Bosnian Serbs. The use of force to punish the disobedient or obstinate party to the conflict discredited the very idea of peacemaking, representing a shift to the implementation of the "peace enforcement" concept, thus beginning a new stage in the development of NATO, consisting of the use of force, carrying out of military operations, participation in combat actions. The result is - secured long-term and direct military presence of NATO in a strategically important region.

This served as a prelude to full-scale war against independent Yugoslavia. NATO aggression against FRY from March to June 1999 marked the beginning of the next in the development of the system of *ruling the world* - a public demonstration of the possibility to handle problems through use of force, testing of the "law of force", of the right to use force against other states without authorization by the UN, introduction of NATO decisions priority over UN and OSCE decisions, undermining of the existing system of international law, testing of possibility to control informational security, testing of reaction of all European structures and individual states, particularly Russia, to attempts to legitimize aggression and reduce the role of the UN to a minimum.

Kosovo was the first testing ground for the idea of "the need to restrict territorial sovereignty" that must be implemented in any crisis spot in the world through "humanitarian intervention". This looks like "temporary" control of a part of the territory of a sovereign state, where the laws of central government become suspended.

In diplomatic terms, Russia has lost this round. That was the last possibility to stop the aggressor at borders far away from Russia. Now Russia itself has to prepare for the repetition of the Yugoslav scenario in its territory. Therefore, it is very important to study the methods used in achieving ends that are far from regulation of an ethnic conflict, but the method was efficient as support to speedier disintegration of multinational federations.

For example, there is a *methodology of rapid recognition of federal units* as independent states. Its starting point is interference of international organizations into the negotiating process, of course with the noble goal of assisting in reach-

ing an agreement. The next stage is introduction of control of the negotiating process and management of the negotiating process (here is an example of management - in October 1991, when the position of the International Conference on Former Yugoslavia abruptly changed and Lord Carrington started to refer to the possibility of recognition of republics by the international community, the representatives of the center were *prohibited to speak on behalf of the federation*). This farce ended with the recognition of independence of federal units either by summary procedure and proclaiming any action of the center illegitimate (e.g. Slovenia and Croatia), or according to the model of "peace enforcement" (such as in the case of Bosnia and Herzegovina). Kosovo is an example of another option - complete ignoring of the norms of international law and introduction of an independent legal order on a taken over territory of the federation without the approval of the country's leadership and with the use of force and that means only a step away from independence.

We can list the following general methods of action of international organizations in the territory of former Yugoslavia:

1. Designing an entire system of "international concern" over a certain problem;
2. Informational preparation of public opinion - launching the image of violation of human rights, humanitarian problems, creating the perception of the guilty party;
3. Use of democratic rhetoric to explain one's own actions;
4. The trigger for launching an action is always "disregard of democracy";
5. Suppressing alertness. Benevolent statements followed by actions contrary to the statements (statements about the integrity of SFRY, integrity of FRY, equal responsibility of parties to the conflict, etc.);
6. Involving parties to the conflict into the negotiating process with the participation of international mediators;
7. Creating unequal conditions during the negotiating process by outside parties;
8. Not allowing the parties concerned to participate in drafting of plans; proposing ready-made solutions: imposing solutions on one party in the negotiating process;
9. Forcing the parties to making decision. Definitely important for us is the methodology of the negotiating process, as an element of the general "peace enforcement" concept (Dayton, Rambouillet): isolation of delegations, negotiating process is organized to be tiring, but with very short deadlines, "persuading" delegations, preventing the delegation that is expected to make concessions from having access to information, giving information on documents in abbreviated and strictly measured form, brutal recommendations and setting rules for the entire process of agreement-reaching;
10. Recommendation of humanitarian aid, introducing humanitarian organizations into the country;
11. Imposing the presence of observers to control this or that problem;
12. Inconsistence in decision-making and implementation of decisions;
13. Devising a whole system of paperwork, interdependent decisions, whereby a party to the conflict is virtually cornered. In addition, formulations that can be interpreted in various ways are very popular;
14. Ignoring signed agreements, the agreement being only a

⁵ UN Document, S/283/80.

⁶ Ермолович Н., "Самолеты НАТО готовы нанести удар по позициям боснийских сербов", *Известия*, Москва, August 20, 1993, p. 3.

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¹ Ивашов Л. Г., "Вашингтонская стратегия НАТО", *Военно-исторический журнал*, Москва, 2000, No. 1, pp. 3-5.

² *Ibid.*, p. 5.

³ Ивашов Л. Г., "Экономические аспекты балканской войны", *Наш современник*, Москва, 1999, No. 8, p. 117.

⁴ Кратко о НАТО: Информативный обзор вопросов и проблем, стоящих перед Североатлантическим союзом в конце 90-х годов. Брюссель: Бюро информации и печати НАТО, 1996, p. 54.



decoy for reinforcing the division of territory (e.g. resolution 1244);

15. When there is doubt as to whether the Security Council will accept the document, it is pushed through as the "working paper" through the Secretariat, to bypass the Security Council;
16. Widespread use of provocations to move onto the next stage of the scenario. The system of creating pretexts is already well established – violent death of peaceful citizens as the result of explosion (e.g. explosion in the bread line in Sarajevo in May 1992; explosions at the Markale marketplace, 1994 and 1995), "humanitarian catastrophe" and refugees, violation of human rights, inhuman treatment of prisoners, need to protect peace-makers and, finally, undemocratic government;
17. Use of peacemakers and humanitarian organizations for purposes other than their primary tasks: espionage in favor of NATO, photographing, guiding NATO airplanes;
18. Use of internal social contradictions in the country for the implementation of one's goals;
19. Double standards policy in relation to parties in conflict;
20. Use of "peace enforcement" concept. Use of economic, political, military and diplomatic pressures, ultimatums, setting conditions to that end;
21. There are two types of conditions required:
 - a) conditions that are unlikely to be met, whereby one party can easily be accused of blocking the negotiating process, as happened with the Contact Group plan or documents at Rambouillet;
 - b) demands that have been difficult to meet from the outset and made only as a trap for one party in conflict; that are modified and new contents with new demands are appended (e.g. conditions for lifting of sanctions).
22. Use of military force, bombing, to coerce a party in conflict to accept conditions.

Reactions of the West to events in Chechnya corroborate our conclusions. Today no one questions the territorial integrity of Russia, but the demand to sit at the negotiating table with the mediation of international organizations is becoming increasingly resolute. If we fail to comply, they will implement the "peace enforcement" concept, already tested in the Balkans; its arsenal includes a whole array of instruments for economic, political, military and diplomatic pressure, and ultimately the use of military force. The system for creating "triggers" for intervention has already been used – explosion at the marketplace in Grozny, statements related to inhuman treatment of prisoners, violation of human rights, attempt at focusing attention to "humanitarian catastrophe" through refugees. But, it is important to remember – if international mediators and humanitarian organizations appear, they come back. That is an overture for a decision to send civilian observers, a peacemaking contingent – the role now played by NATO.

The threat for Russia comes also from the fact that after Kosovo "limited territorial sovereignty" may become an internationally recognized term, and "humanitarian intervention" – a coercive measure with the use of "peacemakers' force", foreign presence and "provisional" administration. That would not be difficult to carry out, because in Russia and surrounding states there are about 50 potential crisis spots that may be monitored through millions of refugees. It would not be hard to detect in Russia the elements of "humanitarian

catastrophe" either, because the Committee for Migrations of the Government of the Russian Federation forecasts that the number of temporarily displaced persons and refugees in Russia will increase to 7 million by the year 2003. In addition, the precedent created in Yugoslavia with interference in internal matters of a state opened wide scope for justification of aggressive actions of any kind, disguised in slogans on the respect for human rights and democratization.

It is worth recalling that the *National Security Strategy of the USA* claims that US armed forces are "called upon to defend democracy on the planet, including democratic processes in Russia" (See, footnote number 3). Therefore, Russia will not avoid an open discussion with those who aspire to global leadership, who want to build states in the world according to specific hierarchy. Within that hierarchy those who oppose that tendency – Russia, China, India, Belarus and, of course, Yugoslavia, as well as a string of other countries – are already apparent. Yugoslavia took the first blow. A very serious one. It withstood it, even without Russia's support. It is now very important that this resistance become organized, planned, that it encompass all our countries so as to prevent any aggressive action. We must struggle for our freedom and independence and safeguard it. And no one but Russia can lead and carry out that resistance. In common with Yugoslavia!

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Breaking Point – Aggression on Yugoslavia

After the bombing of Yugoslavia in the spring of 1999 nothing is the same in the world. It was a breaking point for the whole world, for the whole century and for all people.

I. SINGULARITY¹

Such landmark, often abrupt, events have always been known to happen in history. The earliest, probably the most fabled one was when Caesar "crossed the Rubicon".² That was the point when Rome not only ceased to be the Republic and became an Empire, but when the wars waged by Caesar shattered the "international architecture" and the constella-

¹ The point in which the mathematical function of real or compounded variables is not subject to differential or analytical judgement. Also, the space of immeasurable density, such as, for instance, in the black hole.

² The river in the north of Italy that flows into the Adriatic Sea. It is 24 km long. Caesar crossed this traditional border between the cis-alpine Gaul and Italy in 49 B.C. in order to start war against Pompeius. The crossing marked the beginning of the civil war.

NATO Aggression on Yugoslavia

tion of forces of the time. Under the pressure brought to bear to subjugate the Germanic, disorderly and savage, nomadic wanderer tribes, Rome made them into a war machine that, from then on, kept threatening and undermining the Empire and, ultimately, forced it into submission.

No less portentous was the decision of Diocletian³ to transfer the seat of Roman power, after many centuries of resistance to relentless onslaughts of barbarians, to the Balkans thus making this region, and not Greece or Rome, the center of the then world. The Balkans remained the place of *regeneration* of Europe ever since. The Balkans is a place where, at all crucial points in time apparently with no way out and with no solution, the problems – the problems of Europe, and the world, are solved. That happens when Europe is no longer able to kindle wars of balance inside its Atlantic and Central-European borderlines, embarks upon expeditions with the aim of unifying space but also of pressuring human minds and convictions into uniform thinking. That transfer of the focus to the Balkans occurs whenever Europe is no longer capable of waging wars of succession, aggrandizement, of changing the pattern of force and power of rule, and when rearrangement of suchlike Europe no longer makes sense. That is why it is never quite clear what is worse or even disastrous for the Atlantic Europe: involvement of the Balkans into the "European" policy or its omission or exclusion from that policy.

Some consider that the appearance of Gutenberg's printing press was one of those crucial points in time. Maybe so. However, pamphlets had been circulating in huge numbers inside the Sorbonne and throughout Paris centuries before. Or at least in sufficient numbers for the readership at the time. The fateful role was played by a sheet of paper on which Luther wrote down his 99 theses and nailed them on the portal of the Wurttemberg Cathedral. The consequences were perpetual and are still felt to this day. This resulted in Central Europe coming to the fore at the expense of the Mediterranean and, ultimately, in the development and domination of the Atlantic matrix of the world setup. It is possible that these consequences obtained so long and were so disastrous for us, in the Balkans, because the Atlantic matrix never spreaded to include the Balkans, the real center of Europe and the world's singularity. The matrix of the world setup drifted towards the periphery: to America. Today, it comes back to the Balkans as revenge.

It was not the enlightenment, as many tend to repeat like parrots or a record-player out of order, that marked the breaking point in the development of the world and civilization. No, by no means. That the human being is good; that man is the source of new ideas, progress and prosperity was known already to ancient Greeks. They focused their knowledge, above all, on efforts to fathom conditions in which human happiness can be attained. They sought to find out what kind of a human being an individual should be in order to be able to achieve happiness. Western Europe, the Euro-Atlantic civilization employed the Enlightenment, first and foremost, in order to invent ways and means of subjugating another man, of dominating him. All this was taking place in the name of freedom. In the name of a free individual, free market, political freedom. Western Europe, the Euro-Atlantic civilization was the first to have launched the slogan

³ Gaius Aurelius Valerius Diocletianus, 245-316 A.D., Roman emperor, 284-305 A.D.

about equality. And again, some were more equal than others. Western Europe, the Euro-Atlantic civilization created a false image of the white man and imposed, as an incontestable paradigm, that the white man because of his human (what an irony?!) values and advantages has the right, indeed the obligation to dominate all other races.

The real breaking point of the Euro-Atlantic civilization is the upsurge of Fascism and Nazism. Mussolini's march to Rome, that came as a surprise to all, the assault on the wretched peripheral "beauty of a city" is the essence of what that civilization produced. This was preceded by millions and millions of slaves from Africa, the Inquisition and *auto da fé*, colonization, imposition of underwear and one's own moral standards on people with different customs and habits, and putting covers on amoral table legs. Factories that turned human beings into robots, after they had first been eaten by sheep, powder that, instead for fireworks was used for mass killing, are the two corner stones on which are resting the ominous specters of the enlightenment. True, the Euro-Atlantic civilization knew how to use and abuse everything human, everything productive to create a glittering civilization of technological progress, prolongation of human life span with new medicines, but it also caused its shortening due to omnipresent and never done away with famine.

This civilization could not and did not know how to make its progress, its future more dignified. The modern theory of chaos has accurately described this pitiful civilization of ours. The initial deviation, minor, small, imperceptible, error wound the subsequent trajectories of the civilizational development around strange attractors.⁴ That minuscule, almost unnoticeable error was the premise, so very clearly expressed in the Leviathan, that "man is a wolf to another man". And the strange attractors around which trajectories of the chaos of civilizational development were revolving were power, violence and destruction. There is no fractal of human fate, societal existence, historical endurance or interruption in which power and destruction are not depicted in rainbow colors of geometric pictures of the meandering of representative points of our civilization through its strange attractors.

No wonder therefore that in such a chaotic movement, attracted by strange attractors of power, violence and destruction, there have always been in the history of that Euro-Atlantic civilization points of singularity that emerge from the seemingly non-existent, from the impossible. The raining of Yugoslavia with bombs is such a singularity of the Euro-Atlantic civilization. In order to be able to comprehend it better, we must remember the many things that we have forgotten about the twentieth century. It is very important if resemblance of the upcoming century to the preceding one is to be avoided and if another singularity of the Euro-Atlantic civilization like the bombardment of the FR of Yugoslavia is to be prevented from ever happening again.

II. HOW MUCH WE HAVE FORGOTTEN

The polemics as to when the XXI century and the third millenium are beginning is still going on, though it is now less

⁴ Baumol and Benhabib define the attractor in the following way: "A set of points attracting complex time trajectories created in their environment". See, L. Douglas Kiel & Euel Elliott, *Chaos Theory in the Social Sciences*, University of Michigan Press, 1997, p. 26.



heated. Of course, in our argument we tend to forget what we all learnt at the primary school: at the beginning of a set of numerals and before "one" there is always nought. That wisdom we have learned from the Indians through the Arabs who conveyed it to us. Europe has never been innovative and creative enough to think out such a complicated concept as an empty set of numerals.

At the end of the XX century we have almost a year ahead of us to recollect all that we have forgotten. And what is of the utmost importance in the context of the coming century. We have forgotten a great deal. We have forgotten that life in the world at the end of the century is poorer than it used to be at its beginning and in particular in the middle of the century. There are more human beings on the earth, but there are also more starving people, in percentage, at the close of the century than there were in the course of this century. We have forgotten in the process that at the end of the century the affluence in the production of food and other goods has crossed the line of poverty. Today, in contrast to the beginning of the century, so many things and goods are produced that there is, beyond any doubt, more food and goods than are necessary. This affluence, this excessive production boosts only conspicuous consumption. Today a small portion of mankind is dieting in order to lose weight. The other, far greater, is starving in order that the former could get fat, and then start "dieting" because of obesity. We tend to forget that.

We also tend to forget that the XX century has been a century of *world wars* and that it was engulfed by numerous local and regional wars. From the end of 1945 till the end of the century there were about fifty wars or so every year. Nobody bothered to write a history of those wars so far, probably out of shame. Never before in world history had there been so much fighting going on and with such a gusto! There may have been centuries when more people had been killed, such like in Africa at the end of the XIX century. At that time, during a period of thirty years or so, more than 60 per cent of the inhabitants of the Black Continent were killed, captured or sold. However, never before had there been so much campaigning for peace nor so much insistence on achieving peace through war and the force of arms. We are inclined to forget that, too.

Also, we tend to forget that the XX century was a century of *technical and technological advancement*. Never before in the history of mankind had so many things, processes, techniques been invented and so many improvements made. Many, yet again not on an equal basis, have benefited from this. Life became easier for people. They moved faster, received better medical treatment, produced more, lived better and more interestingly. Not all, of course. Only a minority. Real technological wonders came into being. We need not refer only to manned spacecraft launched into the orbit. We should not think only about cars, refrigerators and TV sets, nor about personal computers at the end of the century. That technological progress has not contributed to improved life of people. It made their life harder in great measure, because they had to sell their soul to get possession of these machines. That is also forgotten.

Never before in the history of humankind had there been such a proliferation and such a *flow of information*. But, never before have people been so misinformed and so insecure.

The explosion of the production of information has created a situation that news of events, information about phenomena, data on almost everything at almost every spot on the globe can be obtained almost instantly. At the same time, mimicry, engineering, manipulation of the data and ideas has become widespread. Today no one on earth, except some fundamentalists, no longer knows what is true and what is not; what is accurate information and what is not; what is right and what is not. Uniform thinking that prevailed for centuries has disappeared, perhaps. Madness of the years and decades of the close of the century is on the scene, transferring low intensity conflicts from countries and provinces, peoples and tribes, to neighbors who share a yard, to children moving from one grade to another. That should not be forgotten either.

There have never been *more schools and more educated people* than there are in the XX century. There are so many schools and so many students that, at the end of the century, it has become fashionable, in particular in some developed countries, for children of well off families to invest in some business the money put aside by their parents for their university education. Education is left to the poor. That, too, should not be forgotten.

In the course of our century countless Nobel prizes have been awarded. There is no doubt that those upon whom they have been bestowed are outstanding scientific minds. However, there are hardly any philosophers, sociologists or generally any scholars that are concerned with issues of society and with the laws of its development. All Nobel prize winners are, as a rule, specialists involved in *natural sciences*. That is why in the course of this century there have been so many discoveries in the fields of the theory of physics, biology, immunology, cosmology, mathematics, etc. At the end of the century a sheep, Dolly, has been cloned; monkeys are also being cloned, but they have remained nameless, as we know. It is probably a matter of days when a human being will be cloned too. In the course of the XX century the process has been discovered as to how it is possible to create artificially a replica of a live being. But it has not been discovered what this will actually mean and what consequences it will have for these artificial beings, but also for human beings procreated in a natural way. In the course of the century people learned how to produce. But they have not learned how to improve human society. That assertion is very easy to prove. Let us try, at this very moment, to recall the names of thinkers in the domain of social sciences who were active during the XX century. Let us give it a try! That result should not be forgotten either.

The twentieth century was also a century of great *ideologies*. The twentieth century has, in a way, sublimed what had been happening several centuries before. The result has been the division into two major ideologies. One that *defended the existing state of affairs* and sought to preserve capital, exploitation, market and republican, representative democracy. And there was another one. That other ideology endeavored to *change things*, to concentrate on human life, on material production for the sake of welfare, and not for the sake of hoarding wealth and capital.

Regardless of individual affinity for or dislike of this or that idea, it is a fact that huge creative energy has been released within the first ideology as far as production and concentration of capital are concerned – that is, acquiring riches.



It is also a fact that the other ideology has released a huge energy in creating collective values, in reducing social differences, putting emphasis on social values rather than those to do with money; on accelerated industrialization, education and great social mobility. The end of the century has seen one ideology, one vision of the world become prevalent in almost all countries on the planet. Some rejoice at it; some others, on the contrary, fear that the time of *Pax Americana* has come. Neither joy nor fear lasted for too long. The illegal, unscrupulous bombardment of the Federal Republic of Yugoslavia ended any possibility and dispelled all illusions that *Pax Americana* has become a reality. I have mentioned the FR of Yugoslavia alone, and not Iraq as well. For the bombing of the latter, although it was also despicable, there existed, unfortunately, the decision of the UN Security Council. This does not make the intervention quite legal and legitimate, but it does not leave it completely out the framework of international law and legal norms. The wars were waged by the powerful and big against the small and weak. These wars were not won by these big and powerful. Nonetheless they did inflict enormous destruction and killed many people. They brought about poverty and unhappiness. They tarnished their glory and destroyed their societies. All this should never be forgotten.

And so, at the end of the century the situation in the field of ideologies, in the sphere of projections of human and societal future has become even more obfuscated, more confused than it was at the beginning of the century. Of the colossal ideologies of the XX century, sanctions and terrorism alone are left at the end. There are countries that can, dare and must fight against terrorism on their own and on foreign territories, using all available means. In the name of that right these countries have imposed sanctions on other sovereign countries that are, in the opinion of the former, forbidden to combat terrorism on their territory. These other countries can only avoid sanctions if they accept activities of terrorists on their territory. However, that too has changed in the first months of the last year of this century. Russia, a country that was among the countries that have been prohibited to combat terrorism less than three years ago, has not only been allowed to do so, but the right to eliminate terrorism in Grozny is justified by the fact that the Chechen fundamentalists publicly execute the accused. This, too, should be remembered.

It should not be inferred, however, that the XX century is one with a negative record only. By no means. It has been a century of technological advances, a century of hope but also of misfortune. It has been a century in which we have realized how little we know about ourselves, about our societies, even though we were convinced – and taught this to our children at school – that people alone are masters of their own fate and that peace, prosperity and human happiness depend entirely on their common sense, knowledge and humanity. Nobody, not even die-hard conservatives or Latin-American dictators, has ever tried to forget that human happiness, progress and improvement are something that people in the twentieth century believed in and hoped for. In the endeavor and efforts to achieve this there were some magnificent accomplishments, unprecedented undertakings, brilliant ideas.

The twentieth century is certainly great. It is great by its achievements in the technological, political and destructive potential. However, it remained equally small, insignificant and inferior not only because of the collapse of socialism, but primarily because of arrogance, narrow mindedness, belligerency, destructive nature and greediness and overindulgence of the bourgeois society. This is also true of both the vision and spreading of humanity and human happiness and of societal socialization. People in the twentieth century have contributed a great deal to progress in the socialization of nature. There has been a lot of experimenting. But little, very little indeed, has been done with regard to socialization of human society itself. That is the most important fact that should not be forgotten.

III. MONDIALISM AND GLOBALIZATION

There were bombardments even before the bombardment of Yugoslavia. Iraq, Libya, Sudan were bombed. Afghanistan was targeted by missiles. None of these bombardments occurred because there were justified reasons. However, it appears that it was generally thought that these things do happen, but in distant places, where civilization has not come yet. And that such bombings and shellings cannot do great harm. Of course, even before those mentioned there were bombardments, large-scale war operations in South Korea, Vietnam. In a word, from 1945 to this date, there are about 50 small-scale or larger-scale wars in the world every year. The United States has intervened 745 times in Latin America alone. In most of these wars only a few or a couple of countries were involved. If they were not directly involved, then they were either tacit observers or inevitable instigators. War was the measure of all things. The only way of resolving conflicts, differences, disputes. Peace and peaceful solutions were merely declaratory. Peaceable solutions were applied when military ones failed. Cambodia, Vietnam and other regional conflicts and peace agreements, breached when there were situations of stalemate, are the best examples.

However, all this was happening within the framework of the "rules of the international community". There appeared to have existed agreement. It seemed as if some previously accepted rules were being applied. Those conflicts were under United Nations umbrellas. Still, what was most important is that all this had been happening outside Europe. That element was and remained fundamentally important because it was considered that Europe, the whole of Europe, is the metropolis of civilization and that values not only are created in Europe but that all those "democratic" attributes considered a world and historical achievement are also defended there.

It was therefore unimaginable that any part of Europe, not even that part bordering on Asia, such as Russia, could find itself in a situation of being stigmatized. For, if Europe, any part of Europe, irrespective of the differences and conflicts that have always been immanent to Europe, becomes the object of the assessment that some part of Europe is anti-civilizational, then there is nothing to contain the upsurge of violence that will soon break through any other dam and spill over to all countries of the world. When such a breaking point is reached the overall Euro-Atlantic civilization



will be the object of punishment, negation, destruction and subordination.

The bombing of Yugoslavia, Serbia, has made it abundantly clear, on the one hand, that the international community with its reasons of justification no longer exists, and that there are some uncivilized entities that are foreign to modern political, cultural and economic institutions, on the other.

It has become clear to everyone that what is involved is the punishment of some or some others for their alleged misdeeds; that what is involved is not the respect for the world order or the rules of international law but simply arbitrariness, violence and sheer force.

Even while the propaganda campaign was at its height, with all media weapons put to use to vilify Yugoslavia, under the surface, in the back of the mind of the indoctrinated, frightened inhabitants of the old continent and among the journalists in private conversations, there was a doubt, or rather a belief that the situation in Kosovo and Metohija can be solved peaceably. Precisely because of that, the negative results of the talks at Rambouillet were unacceptable to many. Of course due to propaganda and evil intentions of the United States, many among them believed that we in Yugoslavia, in Serbia, are to blame for the collapse of the talks. However, the doubt that this was not true remained. After the failure of the bombardment to achieve the set goals and after the unprecedented fiasco of implementation of Security Council resolution 1244 in Kosovo and Metohija, that doubt was confirmed and the real truth came to the fore.

From that doubt, from the horror of the bombing but above all from the fact that Serbia, that Yugoslavia has not been brought to its knees faced with the onslaught of such a powerful air force as the combined air forces of the NATO countries, a belief that Yugoslavia was right came into being worldwide. Many, those on the continents other than the European in particular, were the first to realize that Yugoslavia is no exception, an accidental event, a mere testing ground for new strategic options of the United States and its allies.

It has become evident that the bombing campaign against Yugoslavia without the authorization of the United Nations and in contravention of all humanitarian laws, even the laws of the United States, is but a prelude to a big world drama for which the stage has been set. It should have divided the world into those few that wield power in the world and all others expected to obey and execute orders.

While we on our meridians of the world were busy introducing market-oriented economy, multi-party system, destroying our own institutions and tradition to that end, those few pretenders to the post of the world's ruler were busy destroying all of us.

That is why it is necessary to respond to all these and similar global assaults in the same way, that is, globally. The FR of Yugoslavia clearly and firmly supports the need for taking action aimed at joining forces and establishing firm mutual links among all progressive, freedom-loving forces of the world, thus creating a united world social bloc. Only united, based on the principle of equality, will freedom-loving countries, parties, movements and social forces be able to stand up to and to stop this monster, this evil, this new imperialism that is ominously hovering over the world and its future.

By joining forces to counter this largest ever challenge, progressive, patriotic forces that care about freedom would

not only stop the onset of the new imperialism and prevent its realization. There exists another additional reason for their action – the reason that has to do with the very essence of resistance to aggression as manifested in Yugoslavia.

It is not sufficient to stop the monster, because the existing civilization has been, in particular in the course of the XX century, the birth place of many fascistoid, imperialist onslaughts and attempts aimed at subjugation similar to the NATO aggression against Yugoslavia. Neither would the arrest and prevention of the present globalist, new world order provide a guarantee that such horrendous and inhumane attempts will never happen again.

The one sure guarantee of permanent negation of retrogressive, neofascist attempts would be for all states that have freedom at heart to get together on the basis of equality, and to espouse the cause of building an international system, organizing world society and creating a civilization of global peace. This common undertaking should be based on the following attractors:

- Freedom of every state is the sine qua non for the freedom, peace, progress of all states in the world, irrespective of their size, economic capacity or social development level.
- Direct democracy; togetherness and establishing links in the production of things, ideas and goods; equal rights in political life, equal access to economic resources and assets, as well as in benefiting from and developing cultural values, constitute the basis on which every society is developing and on which the well-being, happiness and prosperity of every individual are ensured.
- Aggressive wars, violence, exploitation of people, and human suffering are immoral, unacceptable and inadmissible in human society. Military forces should only exist to defend the state from foreign attack and by no means for the purpose of intervention on territories of other states.
- Deprivation, poverty, ignorance, misfortune are not a natural state of individuals and society. Joining forces of people and states on the basis of equality will create new potentials capable of eradicating poverty, neediness, ignorance and suffering.
- Happiness, prestige and contribution to society is measured by the result of one's creativity and not by the size of one's possessions. A rich and open society, with individuals rich in every respect is a future that must become reality.

IV. JOINING FORCES ON THE BASIS OF EQUALITY

Already during the bombing campaign, while numerous delegations of various progressive and leftist parties were visiting the Federal Republic of Yugoslavia, the idea was born in the Yugoslav Left (JUL) regarding the need for joint action in the struggle against the on-going globalization and the new sinister mondialism. During those days and months agreement was reached with many parties to do something together and to take joint action. Immediately after the cessation of the bombardment contacts and talks began between the Yugoslav Left and other parties with similar orientation. On the basis of the programme guidelines,

NATO Aggression on Yugoslavia



past experience and talks and discussions with those parties broad activities were initiated:

1. Organization of an initial meeting aimed at setting up a *Standing Forum of Freedom-Loving Parties and Movements*;
2. Rallying around the *Five Continents Initiative – Movement of Freedom-Loving Countries*.

1. *Setting up the Standing Forum of Freedom-Loving Parties and Movements*. From the end of the aggression against Yugoslavia till today preliminary talks have been held with about fifty parties on all continents except Australia. Reactions to this initiative have invariably been positive.

The initiative of the Yugoslav Left fits into the ever more clearly recognized needs of these parties to assert their leftist and freedom-loving option, to articulate more clearly their political options and to express not only their wish but presently also their need for unified, joint action along the lines charted in the initiative. It is obvious that only through global resistance, common efforts aimed not only at arresting the new imperialism but first and foremost at creating conditions for the building of a new world civilization will it be possible to assure genuine global peace, security and sustained development of all countries and every individual.

In addition, another initiative, complementary to the first one and equally essential, has also been launched.

2. *Five Continents Initiative – Movement of Freedom-Loving Countries*. This initiative focuses on giving impetus to a

new way of activity of states as international subjects, Yugoslavia in the first place. Its purpose is to rally all states on the basis of equality in an effort to rehabilitate and reinvigorate international relations on foundations of equality, equitable cooperation and peace among states. In order to build new international relations it is not sufficient to create a community, a bloc of freedom-loving, progressive, leftist patriotic parties of the world. Parties can and should produce ideas, create atmosphere and conditions for disseminating freedom-loving ideas and orientation. But it is states that should and must transform those ideas and drives into international practice.

The five continent initiative – the Movement of Freedom-Loving Countries has the paramount task of encouraging and realizing in practice multipolarism, equality of all countries, without regard to their size, economic and political power, and thus not only of rendering difficult the growth and development of the new world order and new fascism, but also of creating conditions for building a more humane, prosperous and happier world for all people in the century and millennium ahead.

The reason underlying the launching of these two complementary initiatives should be sought first and foremost in the conviction that only united and equal in the great family of human beings, parties, peoples and states, within a bloc of resistance of well-organized and mutually interrelated forces of freedom and progress can we achieve not only a peaceful and peace-loving world, but a world that will be humane, rich and happy.

Translated by Ivanka Grkovic



DR. DRAGAN JOVAŠEVIĆ

NATO Genocide in FR of Yugoslavia

The crime of genocide constitutes a deliberate, planned and systematic exercise of certain measures and actions directed against members of a particular national, racial, religious or ethnic group aimed at its destruction or extermination in whole or in part in a given area or over a certain period of time.¹ It is in fact the execution of a specific criminal policy designed to deprive entire groups of people of the right to physically exist.

THE CONCEPT OF GENOCIDE UNDER INTERNATIONAL LAW

Genocide was proclaimed a crime under international law following World War II. Although it ensued in consequence of the most horrible and monstrous policy engineered by Nazi Germany and its satellites, this does not mean that it is a recent historical phenomenon, characteristic only of the twentieth century. What is new is the terminological and conceptual definition of this crime.

The term *genocide*, in practice means *killing, destruction, the extermination of a people – populicide*.² The word *genocide* was first used by Professor Raphael Lemkin,³ to determine a collectivity or a community as the object of such a crime. But the first time the term *genocide* was actually used in legal practice was in the indictment brought against the principal war criminals of Nazi Germany at the trial in Nürnberg. The British prosecutor pointed out then before the Judicial Council of the International Military Tribunal that the word *genocide* does not exclusively signify the extermination of Jewish people, but relates to similar phenomena in other countries as well. The London Agreement of the four big powers – the USA, the USSR, the United Kingdom and France – of August 8, 1945, had, in its thirty articles or so, for the first time, practically determined the jurisdiction of the International Military Tribunal, its composition, the persons subject to prosecution, its competencies, the task of the investigative commission, the task of the prosecutor, the rights of the defendants, and the international crimes the perpetrators of which are liable to be tried before this Tribunal and on which judgement shall be passed. Crime of genocide is also one of those international crimes.

In Article 6, the London Agreement of the allied powers of August 1945 defined the concept of *crime against humanity* that was to be tried by the International Military Tribunal. This crime related to killing, extermination, subjugation, deportation and other inhuman acts committed against a civilian population, or of persecution conducted for political, racial or

religious reasons, when such acts or such persecution are executed as a crime against peace or a war crime, or in connection with such a crime.

From November 20, 1945 to October 1, 1946, the International Military Tribunal in Nürnberg conducted this trial at which 19 criminals were found guilty of crimes against peace, war crimes and crimes against humanity, twelve of whom were sentenced to death by hanging, three to life imprisonment, four to prison terms of ten to twenty years, whilst three of the indicted were acquitted. The Nürnberg Tribunal had also found guilty such legal entities as criminal organizations – the National Socialist Party, the Gestapo, the Security Service (SD), SS units and SA formations.

Thus, the judgement passed by the Nürnberg Tribunal introduced into international law and into practical life a new and extremely grave criminal act – *crime against humanity* – determining also the specific acts it comprises and the forms of these crimes. The principles adopted at the Nürnberg trial later became the corner stone of the further development of international criminal law as the youngest criminal law discipline.⁴ Genocide is not simply a generic concept, covering all aspects of mass murder, but has become a specific criminal act with precisely determined characteristics. It is a collective crime perpetrated against a group, that is, a collectivity of people, but not one that is an indefinite, abstract category.⁵

The further development of international criminal law after World War II has been taking place within the framework and under the aegis of the United Nations. Thus, on December 11, 1946, at its First Session, the UN General Assembly defined the concept of *genocide* in Resolution 96/I. After devoting two years of work to this, the Convention on the Prevention and Punishment of the Crime of Genocide was adopted on December 8, 1948. Basically, it is part of a grandiose project the UN had conceived with a view to providing comprehensive protection of fundamental human rights and freedoms. Thus, genocide was given special place in the system of international crimes and designated as "the crime of crimes",⁶ an assault on the fundamental human right – the right to life.

Compared to Resolution 96/I, adopted by the UN General Assembly at its First Session, on December 11, 1946, that defined *genocide* as denial of the right to existence, staggering the human conscience and inflicting colossal losses on mankind by depriving it of cultural and other inputs by these groups, and contravening moral laws as well as the spirit and aims of the United Nations, the Convention on the Prevention and Punishment of the Crime of Genocide, of December 8, 1948, determines that "genocide is a crime under international law whether committed in time of peace or in time of war", and specifies the concept of *genocide* in Article II as meaning "any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such: 1) killing members of the group; 2) causing serious bodily or mental harm to members of the group; 3) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole



or in part; 4) imposing measures intended to prevent births within the group; 5) forcibly transferring children of the group to another group".⁷

Genocide has thus become an international crime, incorporated into the national legislation of various countries after the signing and ratification of the international convention. However, parallel with the endeavor of some countries to win the battle against all those guilty of this serious international crime, the international community proceeded with its efforts and work to build a supranational, supra-governmental criminal law on the basis of which a single supranational judicial body – an international criminal court – would have jurisdiction to prosecute and mete out justice to perpetrators of the most serious international criminal acts, including, in particular, the crime of genocide.

Thus, the Statute of the International Criminal Court with its seat at The Hague was adopted at the Diplomatic Conference in Rome on July 17, 1998. The jurisdiction of this Court should cover the following crimes: 1) the crime of genocide; 2) crimes against humanity; 3) war crimes, and 4) aggression.

Article 6 of the Rome Statute defined the concept and elements of the crime of genocide as undertaking the following acts with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such, by 1) killing members of the group; 2) causing serious bodily or mental harm to members of the group; 3) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; 4) imposing measures intended to prevent births within the group; and 5) forcibly transferring children of the group to another group.

A cursory glance at the provisions of the Statute of Rome shows the following:

- 1) The *Crime of Genocide* is differentiated from *Crimes against Humanity*, as defined in Article 7 of the Statute, as acts committed as part of a widespread or systematic attack directed against a civilian population;
- 2) Crime of Genocide does not encompass acts aimed at destroying a certain racial group, wholly or in part (although the 1946 Resolution and the 1948 Convention refer to racial groups);
- 3) The deliberate causing of serious bodily or mental suffering of members of the group, and not the infliction of injury (in the sense of harming the bodily and mental integrity or health of members of the group) is sufficient to declare existence of genocide.

GENOCIDE IN YUGOSLAV CRIMINAL LAW

In practice, there are two elements determining the crime of genocide, in substance and conceptually. These are *killing, destruction or extermination, and national, racial, religious or ethnic origin* of the individuals being destroyed. It is only when both of these elements are combined that they constitute an act of genocide.⁸ In effect, it encompasses the various measures, acts and activities, connected in a unique system with a clear purpose to destroy, in whole or in part, physically or biologically, a certain group, collectivity or community, determined by a clear criteria.

By its acceptance and ratification of the Convention on the Prevention and Punishment of the Crime of Genocide,⁹ FR of Yugoslavia made provision in its national legislation for the crime of genocide. The Penal Code of FR of Yugoslavia, Chapter 16, Article 141, under the group of crimes against humanity and international law, deals with the *crime of genocide*. It consists in issuing orders for or the direct commissioning of killing or infliction of serious bodily harm or grave physical and mental harm to the health of members of a group, or the forcible displacement of a population, or deliberate imposition of such conditions of life on a group calculated to bring about its physical destruction, in whole or in part, or the taking of measures intended to prevent birth among members of the group, or the forcible transfer of children of one group to another, with intent to destroy, in whole or in part, a national, racial, religious or ethnic group.

The object of this crime is *humanity and international law*, guaranteeing all inhabitants of the planet their inviolable right – the right to life.

In accordance with provisions of the Convention, the Law specifically lists national, racial, religious or ethnic groups as the object of attack in the case of this crime. Namely, the object of the crime is not the life or person of an individual, but a group of people linked by their membership of a given group.¹⁰ The victim of genocide is not a person in the physical sense, as an individual, but as a member of a select group or community that is the object of destruction, in whole or in part. Only members of a national, racial, religious or ethnic group are protected under the Penal Code in terms of this crime, but not members of political or other groups or organizations.

In effect, this is a crime that occurs only in the case of physical and biological genocide. This means that "cultural genocide, which may manifest itself in actions directed at and undertaken with a view to destroying the language, culture, traditions or religion of members of a national, racial, religious or ethnic group, does not fall under this form of criminal act. Neither does genocide include the exodus of members of a given group, voluntarily or forcibly, from a certain country. Ethnic cleansing is not regarded as genocide *per se*.¹¹ But if it is a case of forced displacement with genocidal intentions (as a subjective element on the part of the perpetrator), there would be elements for the crime of genocide.

The definition of the crime specifies various alternative acts regarding the way in which it may be committed. A crime of genocide can be:

- murder or serious bodily harm, or causing physical or mental harm to members of a group;
- forcible resettlement of members of a group within a single or different countries;
- imposing living conditions on a group calculated to bring about extermination, whether in whole or in part;
- imposing measures to prevent birth within a given group;
- the forcible transfer of children of one group to another.

¹ Dragan Jovašević, *Leksikon krivičnog prava*, JP "Službeni list SRJ", Beograd, 1998, pp. 50-51.

² Branimir Janković, *Međunarodno javno pravo*, Beograd, 1978, p. 202.

³ Raphael Lemkin, *Axis Rule in Occupied Europe*, Washington, 1944, p. 9.

⁴ Milan Bartoš, *Međunarodno javno pravo*, Beograd, 1954, p. 46.

⁵ Smilja Avramov, "Krivično pravni problemi genocida", *Savremene društvene promene i krivično zakonodavstvo*, Vrnjačka Banja, 1990, p. 95.

⁶ Smilja Avramov, *ibid*, p. 93.

⁷ Aleksandar Ignjatović, *Genocid u međunarodnom i nacionalnom krivičnom pravu*, Beograd, 1996, p. 16.

⁸ *Op. cit.*, p. 34.

⁹ *Službeni vesnik Prezidijuma Narodne skupštine FNRJ* (Official Journal of the Presidium of the National Assembly FPRY), 2/1950.

¹⁰ *Komentar Krivičnog zakona SR Jugoslavije*, (Edited by Nikola Srzentić), Beograd: Savremena administracija, 1995, pp. 496-497.

¹¹ Zoran Stanojević, *Krivični zakon SR Jugoslavije sa komentarom i registrom pojmova*, Beograd, 1995, p. 152.



The crime of genocide can be committed through the execution of one or more alternative acts. But even if only one of these activities within the act is carried out with intent to destroy, in whole or in part, any of the groups in the manner listed, the crime is considered to exist. What characterizes the act of genocide is the subjective element on the part of the perpetrator – intent to destroy, whether in whole or in part, a national, racial, religious or ethnic group. Such intent implies awareness that the passive subject belongs to a given group, and there is a desire to engage in action aimed to destroy the entire group, in whole or in part.

The consequence of the crime of genocide is its threat to the survival of a certain group. Consequently, it is reflected in putting the group and its biological and physical survival in a given region in jeopardy and not the actual destruction of the group in whole or in part.

Genocide may be committed in time of war or in time of peace, including a situation of enemy occupation and war conflict. This characteristic of genocide as well as the presence of intent on the part of the perpetrator, is what differentiates it from war crimes.

A national of a State, but also a foreigner, as well as a stateless person may appear in the role of the perpetrator of such a crime. For the establishment of guilt, there is need to determine premeditation qualifying the intent to exterminate a given group. Such intent must be associated with the perpetrator at the moment action is taken.

A penalty of no less than five years' imprisonment or a prison term of twenty years is foreseen for such a crime.

Pursuant to the provisions of Article 100 of the Penal Code of FR of Yugoslavia, there is no limitation to prosecution or the execution of a sentence. This means that the principle of the non-applicability of statutory limitations in the prosecution and punishment of this crime is valid. This provision is in conformity with the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 1968.

As regards the applicability of the institute of extradition, acts of genocide are not considered political offenses for purposes of extradition, which means that criminal proceedings can be conducted against the perpetrators of these crimes before a tribunal in the country in which the crime was perpetrated, before a tribunal of the state that has requested the extradition of the perpetrator, or before the International Criminal Court at The Hague (founded at the Diplomatic Conference held in Rome in 1998).

Because of the very high degree of public danger involved, preparatory acts for the execution of genocide have also been incriminated by the legislator. Thus, Article 145 of the Penal Code of FR of Yugoslavia makes provision for the specific crime of *organizing and incitement to genocide and war crimes*. It consists in organizing groups for committing genocide, enrolment in or membership of such a group, or in inviting or incitement to commit genocide. The Statute of the International Military Tribunal of 1945 provided that the leaders, organizers, instigators or accomplices who had participated in drawing up and carrying out a joint plan or conspiracy were accountable for all the crimes committed in the execution of the plan or conspiracy.

This criminal act takes three forms:

- 1) Organizing groups for committing genocide. This involves setting up or using existing associations in any or-

ganizational form in order to commit genocide. This act has the character of preparatory action. The act ends with the creation of a group. The organizer of the group is accountable for all crimes that have been committed in the realization of the criminal plan just as if he had done it himself. At least five years imprisonment is the penalty prescribed for this form of crime.

- 2) The act of becoming a member of a group for committing genocide, means the acceptance of membership (either orally, in written form, by actually assuming and carrying out specific tasks) of a group to perform activities aimed at committing genocide. It is not essential for the person involved in this activity to have formally become a member of the group. It is necessary that the perpetrator is conscious of the character of the group to which he is associated and that it was his choice or, at least, that he was agreeable to participate in it, or on its behalf, in the performance of certain acts of genocide against members of a targeted group. An act of this kind is fulfilled with a person's consent to membership in a group, that is, with a person's consent to join a given group to commit acts of genocide. At least one year of imprisonment is the prescribed penalty for this form of the criminal act.

In paragraph 3 of Article 145 of the Penal Code of FR of Yugoslavia, the legislator prescribes milder penalties or acquittals in the case members of the groups choose to disclose such groups before engaging in any criminal act within the group or on its behalf. This is considered voluntary withdrawal from an executed act (considered as executed with the act of organizing a group or the moment of joining the group). Such a withdrawal must be voluntary and final. In such a case the law provides for up to three years prison or a possibility of acquittal.

- 3) Soliciting or incitement to commit genocide. This is a case, in effect, of incitement to commit genocide. Soliciting means inducing another person or persons to decide to engage in acts of genocide, whilst incitement has to do with the strengthening of an existing but insufficiently firm, hesitant decision of another person or persons to commit genocide. For the crime to exist, it is necessary that such a solicitation or incitement be directed at an unspecified number of persons. Otherwise, it is a form of complicity in committing the crime of genocide under Article 141 of the Penal Code of FR of Yugoslavia equal to incitement. This form of the crime is completed at the moment of solicitation or incitement, regardless of whether a person has come forward to join in committing genocide or proceeded with the execution of an act of genocide, under the influence of such activities or not. The penalty provided for this criminal act is one to ten years' imprisonment.

CRIME OF GENOCIDE IN NATO AGGRESSION ON FR OF YUGOSLAVIA

From March 24, up until June 10, 1999, FR of Yugoslavia was exposed to NATO aggression involving everyday, continual, systematic and brutal missile targeting and bombardment across the whole territory, from north to south.

The organizers, planners, commanders and direct executors of these numerous misdeeds, carried out 3,381 sorties – committing grave crimes against humanity and international law – an *international crime of genocide*. This criminal act under



international law that is not subject to limitation of prosecution and punishment was manifested in many ways and forms.¹²

- 1) Killings and grave bodily injuries or causing serious bodily or mental harm to the health of the civilian population. In 3,381 sorties by NATO warplanes, several hundred civilians were killed, men, women, elderly people and especially children, and several thousand people were wounded. Several hundred refugees were killed in the bombing of refugee camps in Priština and Niš, including 15 refugees (from Croatia and Bosnia and Herzegovina) on March 30–31. In the attack on a refugee camp in the village of Meja near Dakovica on April 21, 1999, four refugees were killed and twenty were wounded. All of them civilians. During the two-and-a-half-month aggression by NATO forces against FR of Yugoslavia, about eighty per cent of the collective centers for the accommodation of refugees were damaged, despite their supposedly enjoying international legal protection of the High Commissioner for Refugees. Refugee centers in Paraćin, Gučevo near Loznica, Zablac near Užice, at Lake Palić near Subotica, Babaloć near Dečane and in the village of Banjica, municipality of Istok, were all targets of the aggressor.

Among these ruthless attacks on refugees in our country, two were particularly bestial and brutal. On April 14, 1999, NATO warplanes dumped bombs and missiles on a convoy of Albanian refugees on the Dakovica–Prizren road; they included elderly people, women and children. In the attack, 82 people were killed and 50 were injured. Only a month later, on May 13, in the village of Koriša near Prizren, a convoy of Albanian refugees was targeted by thermo-visual bombs that develop a temperature of 2000 degrees Celsius. In that incident, 81 persons were killed and 70 were injured. Among those killed were ten babies and 26 children up to 15 years of age. Two of the babies and 25 of the children were seriously injured.

Attacks by NATO warplanes were a daily occurrence that reaped fresh and innocent civilian lives:

- On April 2, 11 civilians were killed and 5 wounded in an attack on the village of Negavce in the municipality of Orahovac;
- On April 5, 10 persons were killed and 49 injured in Aleksinac;
- On April 7, 10 civilians were killed and several dozen were injured in Priština;
- On April 10, 5 persons, among them a baby 11 months old, were killed on the Prokuplje–Priština road near the village of Merdare, when eight containers with 1,920 cluster bombs were released in an air raid;
- On April 12, 11 people were killed and 16 were injured in the Belgrade–Athens international train that was hit in the Grdelica Gorge;
- On April 23, 16 people were killed and 19 injured when the RTS building was hit by missiles;

- On April 24, 5 persons were killed and two children were wounded in the village of Doganovići near Kačanik as a result of NATO air strikes, whilst one person was killed and five were wounded in the village of Dobrinje, municipality Lipljan, the same day;
- On April 27, 12 inhabitants of Surdulica were killed and another 10, six of them children, were wounded in the NATO bombardment of this town;
- On May 1, there were several air raids in various directions during which many people were killed: 40 passengers aboard a bus on the Podujevo–Priština road near the village of Lužana and another 12 were injured; 5 people were killed and 32 seriously injured in Prizren;
- On May 3, a busfull of people was hit on the Peć–Kula–Rožaje road and 17 of the passengers were killed and 44 injured;
- On May 7, 13 citizens were killed and 29 injured by cluster bombs dropped in two containers in the center of Niš; in a repeated attack on May 8, another 11 inhabitants of this city were wounded by cluster bombs;
- On May 11, 3 civilians, one of them a four-year-old girl, were killed and four were wounded in the bombardment of Staro Gracko;
- On May 19, 5 persons were killed and 15 injured when the companies "Mladost" and "Binačka Morava" were hit in the bombardment of Gnjilane;
- On May 30, 19 citizens were killed and 38 injured in Surdulica. They were patients of the Pulmonary Hospital and of the Center for the Aged. Another 11 persons were killed and 14 wounded the same day in the air attack on Varvarin.
- On May 31, 11 were killed and 23 persons were seriously injured in an air raid on Novi Pazar;
- On June 7, three farm workers were killed in the air attack that was made on the sheep farm in Podgorac, municipality of Boljevac;
- On June 8, one person was killed and ten, four of them children, were injured in the air strike on the Novi Sad suburb of Shanghai.

In these innumerable attacks on FR of Yugoslavia by the NATO aggressor, several thousand apartment buildings, houses and settlements, were destroyed or damaged, to a lesser or greater degree and made unusable. This massive destruction of homes and other civilian facilities, besides the killing and infliction of injuries on innocent civilians across the country, had the additional objective – to arouse fear, panic and insecurity among the population.

- 2) By destroying, damaging and devastating economic facilities, fuel depots, refineries, electric power distribution systems, transportation infrastructure, etc., the Serb population of FR of Yugoslavia is placed in such living and working conditions that could lead to its extermination and destruction, in whole or in part. In addition to directly damaging these facilities, several hundred thousand workers have in this way lost their livelihood and chances of providing for their families.

By destroying the bridges across the Danube in Novi Sad, a water main supplying more than 600,000 inhabitants was demolished; more than 200 economic facilities were destroyed or damaged; the "Sloboda" household appliances Factory in Čačak was bombed six times, the "Krušik" factory at Valjevo – 12 times, the "Lola–Utva" agricultural aircraft fac-

¹² Verified information from the Ministry of Internal Affairs of the Republic of Serbia and data published in *NATO Crimes in Yugoslavia: Documentary Evidence*, 24 March – 24 April 1999, Vol. I, Belgrade, 1999; *NATO Crimes in Yugoslavia: Documentary Evidence*, 25 April – 10 June 1999, Vol. II, Beograd, 1999; "Agresija na SR Jugoslaviju", *Bezbednost*, Beograd, No. 2-3/1999, pp. 181-217.



tory and the "Azotara" fertilizer factory in Pančevo, the "Cer" manufacturing plant in Čačak, five times each; the Belgrade factories, "Minel", Motor Works "21 maj" and the "IMR", the Niš Tobacco Factory were bombed, whilst destruction of the "Zastava" production plants in Kragujevac left 38,000 of its own workers besides another 160,000 in cooperative enterprises jobless. Economic plants were bombed in Smederevo, Bor, Glogovac, Lipljan, Đakovica, Gnjilane, and a series of agricultural enterprises as well.

NATO air strikes were especially brutal in their destruction and damage of public buildings particularly protected under international law, as well as of plants containing dangerous substances. The aggressor thus provoked a humanitarian as well as an ecological catastrophe that could be classed as "ecological genocide". NATO aircraft bombarded oil refineries 19 times; the refinery in Novi Sad 12 times and in Pančevo 7 times. Oil storage tanks and warehouses of oil products in Sombor, Bogutovac, Smederevo, the village of Zdravčić near Požega, Bor and in Belgrade were bombed in 96 air strikes, whilst gas stations were bombed 14 times. Facilities of the Federal Commodity Stocks Directorate were likewise bombed, especially oil and fuel storage tanks in the village of Mala Kruša near Prizren, the village of Čonoplja near Sombor, the village of Pričevići near Valjevo and the village of Zdravčić near Požega. Gas plants of the "Promet gas" enterprise in Novi Sad, the "Energogas" depots in Niš, the "Naftagas plinara" and gas installations and the gas main across Žeželj's Bridge in Novi Sad. Also, the gas station in Jagodina and the aggregate gas station in Srbobran, the central heating plant fuel storage tanks at New Belgrade, in Kruševac and Rakovica-Belgrade were each bombarded ten times over.

An ecological catastrophe of far-reaching consequences, not only for our country but for the whole region, was created when these petrochemical plants were hit by missiles and bombs. The most serious consequences were caused by the attacks on the "Petrohemija" petrochemical plant and the "Azotara" nitrogen fertilizer plant of the petrochemical complex in Pančevo when 3,000 tons of alkali and about 800 tons of a 33% hydrochloric solution of mercury and vinyl-chloride monomer seeped into the Danube after the plants were bombed on April 15 and 18. That was the most extensive pollution of this largest European river much of it reaching as far as the Black Sea. The attack on the "Prva iskra" Chemical Plant at Barič, near Belgrade, on April 15, caused an uncontrollable leakage of vinyl-chloride that produces the poison gas Floxin used in chemical warfare, and twenty workers and fire-brigade men had to seek medical assistance on account of poisoning. The escape and burning of oil and other liquid fuels let enormous quantities and high concentrations of dangerous highly toxic poisons into the atmosphere, such as carbon monoxide, nitrogen and sulfuric oxides, cancerogenic polycyclic aromatic hydrocarbons and soot, whilst large quantities of poison were released into the atmosphere and into the soil: Chlorine, ammonia, cancerogenic benzene and vinyl chloride. Part of these poisonous substances ended up in surface waters from which the entire populations of these contaminated areas get drinking water, whereas that that was carried in the air returned to earth through the interaction of rainwater and the winds. Thus, on May 16, when missiles struck the "Jugopetrol" oil storage tanks in Prahovo, an enormous thick

black cloud of smoke was seen hovering over the southwestern parts of Romania.

During the two and a half months of brutal aggression, the aggressor came down heavily on the electric industry and electricity grid, and water supply facilities and plants, creating extremely difficult, inhuman living conditions for the population.

Twenty-seven attacks were made on 23 waterworks causing damage to these facilities. In 19 cases the water mains network was struck, whilst in 8 other instances pumping stations were hit and disruptions and stoppages in the supply of water occurred. There was a situation when Belgrade's water reserves dropped down to only 7.9%, which, for a city of two million inhabitants, could have had disastrous consequences.

NATO warplanes carried out 17 attacks on electric industrial facilities: On May 2, the power plant at Obrenovac, the "Nikola Tesla" thermal power plant "A", the thermal-electric power plant at Drmno, municipality of Kostolac, the hydro-electric power plant at Perućac, high voltage transformer stations in Novi Sad, Lazarevac, Niš, Belgrade, Požarevac, Leštani. On May 22, the aggressor also began destroying the switch plants of the thermal-electric power plant at Veliki Crljeni near Lazarevac, extending bombardment the following day to the thermal power plant at Uroci near Obrenovac and at Drmno near Kostolac. The transformer stations in Bor and Smederevo were completely destroyed, and the hydro-electric power plant at Donja Bistrica was damaged. Altogether, 102 attacks were made on electric industrial facilities with hydro-electric and thermal-electric power plants being the target in 15 instances, high-voltage transmission lines in 24 instances, and transformer stations and switch plants 63 times. Fourteen workers were injured in these attacks.

The NATO aggressor likewise targeted transportation infrastructure of major importance for the normal supply of goods for the economy and the population. The destruction of bridges across the Danube at Novi Sad on April 1, caused a disruption of river traffic along this largest water route in Europe that links the North Sea and the Black Sea, Rotterdam and Constanza. Eighty-two bridges, of which 61 for road traffic and 21 railway bridges, were targeted by the aggressor. A hundred and seventy-six attacks on bridges were made; 38 were destroyed whilst 34 were damaged so much so as to prevent their use for traffic. Because of destruction and damage to these bridges and overpasses, international road traffic between our country and Croatia, Hungary, Romania, Bulgaria and Macedonia was disconnected.

During the aggression on FR of Yugoslavia, 76 attacks were made on 61 roads. Six overpasses and viaducts were damaged. A total of 31 attacks were made on 22 railway facilities, including 15 railway lines, 3 railway stations and 4 railway tunnels, which brought railway traffic to a stop on many routes. NATO warplanes made 172 assaults and bombed 14 airports and airfields in our country, including sports airfields and those for agricultural aircraft, in Belgrade, Leskovac, Uroševac, Đakovica, Novi Sad, Podujevo, whilst the "Slatina" airport near Priština and the "Ponikve" airfield near Užice were bombarded 38 times each.

The culmination of bestiality of the NATO aggressors is apparent from the use of inhuman, prohibited weapons. Although technically superior many times over, the aggressors were not able to diminish the military capacity of our country



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Not a Single Name of Victims of NATO Aggression Must Be Forgotten

Remembering Sanja Milenković

"Don't be daft, mum. Who's going to drop bombs on this small town?" These were the last words spoken by Sanja Milenković before she left for a walk on Sunday, May 30, 1999. That day, May 30, was no ordinary day like in the previous years. It was day 68 of the NATO aggression against the Federal Republic of Yugoslavia. It was a sunny, busy shopping day, Pentecost. Young people went out onto the streets. Some were on the local bridge that they liked best, because it offered a magnificent view of the Morava river and its surroundings. The roar of warplanes cut short the life of the bridge and those of residents including Sanja Milenković, who was well-liked in this small town and its environ.

Sanja and her family, whom she loved most in the world besides maths, led a quiet life. As a gifted child, who had been given many awards, she came from her native village of Donji Katun near Varvarin, to the capital, Belgrade, to enroll, without an entrance exam, in the Mathematics High School. There were, as publicized in numerous interviews, no insolvable mathematical problems for her. She had won many Yugoslav and international prizes, and she was preparing for the Mathematics Olympiad and surely for another of her trophies of world importance. She could explain everything logically or in terms of mathematics. The *New York Times* and the *Washington Post* wrote about our Sanja, a Serb girl from Varvarin, describing her as the greatest maths talent of today who was killed by NATO bombs.

Sanja was very close to her mother Vesna. Vesna was 21 when she gave birth to her first child. For her fifteen years of age, Sanja grew up to be a pretty and bright girl. "Sanja was like younger sister to me, she was also my best friend", says her mother Vesna.

When the NATO aggression against our country started, Sanja traveled back to Varvarin to be with her parents there. Her mum Vesna and her dad Zoran believed Sanja would be much safer in a small place in the country, where there were no military installations around. NATO targets, however, were not only military facilities but also hospitals, schools, kindergarten, roads, bridges. Cynical news of "collateral damage" came out of NATO headquarters every day. Sanja was, thus, one among several thousand ordinary people of Serbia who died of missiles targeting even insignificant bridges in small towns throughout Yugoslavia. One of them was the

in any significant measure, or the determination of the people to defend their country. During the aggression, in 109 air strikes, NATO warplanes threw 156 containers with 37,440 cluster bombs (the containers were US-made CBU 87/Vs with cluster bombs marked BLU 97/A/B each container having 240 such bombs; the US-made containers MK 118 with 247 cluster bombs each, and French-made containers "Beluga" BLG 66 with 152 cluster bombs each). More than a thousand civilian facilities, in addition to women and children who were the most frequent victims, were ruined or damaged in the 57 assaults in which cluster bombs were used. More than 200 civilians were killed by them, whilst more than 450 people were injured. Most of the cluster bombs were dropped in Kosovo, though other places were also affected, such as, Niš, Sombor, Sjenica, the village of Merdare, Kopaonik Mountain, Vranje and other places.

In their attacks against the civilian population of our country, the NATO aggressors used inhuman, prohibited weapons containing depleted uranium. The A-10 aircraft, used in their attacks against our country, are equipped with such weapons. This ammunition (a 33mm caliber shell) was used in an assault in the Bujanovac area on April 18. They are missiles containing U-238 uranium that falls in the second category of radio nucleides with high radio activity and toxicity and which develops a high temperature during which 70% of the total mass of depleted uranium and its oxides is released as an aerosol (in particles of minus 5) which enter the human body through the respiratory system, contaminate the surroundings, the environment and land under cultivation.

INSTEAD OF A CONCLUSION

During the two and a half months of NATO aggression against FR of Yugoslavia, from March 24, to June 10, 1999, the aggressor had obviously breached many international legal documents and prohibitions, thereby committing many international criminal acts, including the crime of genocide as the gravest criminal act in all contemporary legal systems.

By trying to destroy or exterminate, in whole or in part, an entire national and religious group – the Serb and Christian Orthodox population – from an area in which it has been settled for over thirteen centuries, the NATO aggressors have placed themselves on the dock before the international community. In order to safeguard its authority and inviolability in international relations, the United Nations and its organs must draw upon their legal jurisdiction and their mechanisms to qualify the acts perpetrated by NATO aircraft on the territory of FR of Yugoslavia in the spring of 1999, as a crime of genocide and to declare the commanders, instigators, accomplices and executors of these misdeeds accountable for the acts committed and to have them punished. This would be a victory for the rule of law and justice.

Translated by Mary Miljak



FILES ON AGGRESSION

bridge in Varvarin. It led to the local Christian Orthodox church and innocent civilians, who happened to be on it that sunny May day, on the Christian holiday of Pentecost, were killed. Sanja and two of her friends were among the victims.

It was a little past noon. The shopping day attracted more crowds than usual. The memorial liturgy was in progress at the Church of the Holy Mother at that moment. No one knew that up in the skies there were warplanes that already had the bridge in their sights and were ready to rain down death. In the 68 days of the aggression, people were used to being bombed by night. So, very few believed that the 52-year old bridge that was the town's lifeline and that did not straddle any of the major transport routes, would be picked. It is a three-hour drive to Kosovo and Metohija from there. It was exactly five minutes past one p.m. Vesna and Zoran were fixing lunch for their daughter when they heard a strong blast nearby. Vesna's mum immediately picked up the phone to check if it was still on. The telephone lines ran across the bridge. The phone was dead. She dashed into the car and headed for the bridge. She looked through the window searching for the loved face. The river bank was deserted. The crowd ran away fearing another strike. Vesna stood alone on the bank, calling out her daughter's name. And then she saw Sanja. She lay on a broken slab of the bridge. She was motionless. It was much later that she was told what had happened and how Sanja died. As the first missile hit the bridge, its footpath collapsed into the river. Sanja and her friends fell into the water, as well. Sanja was unharmed, while one of her friends had her arm broken and the other the leg. Like the rest of the pedestrians, Sanja could have reached the bank, but she chose to help her friends. Ten minutes after the initial attack, the NATO pilot came back to finish off his deadly job. The impact had the bridge cut in half. The religious service in the church was interrupted. Everyone rushed to help the wounded. The explosion stopped them in the process. Another seven people were killed. Sanja was struck by a shrapnel in the back. They put her into an ambulance. Her eyes were open for a few more minutes. Her father encouraged her to fight for her breath. A couple of minutes later Sanja's eyes

closed. "I knew it was for ever", said her dad Zoran, "I was hopeful, nevertheless". The fighting for Sanja's life went on in hospital, where she was injected with adrenaline shots. But death got the upper hand. Sanja lay motionless in her pink T-shirt that she had put on that morning. She was 15 and six months old. The following day Jamie Shea made his regular announcement to the press in faraway Brussels, like he did on all other days before.

Sanja Milenković will not dream out her dreams. However strongly she felt about numerals and the logic of life, there can be no explanation for her premature death. Sanja's teachers and peers believe that, if it had been according to the laws of mathematics, Sanja's name would have been predestined to become famous and be inscribed in international yearbooks of the greatest mathematicians.

Those who died early and whom we were indebted to during their lifetime oblige us to remember them always. The name of Sanja Milenković will always be in the minds of those talented like herself. That was the reason why a Fund, named after her, was set up. The Fund serves to award scholarships/fellowships to young gifted secondary school students and university undergraduates in the field of mathematics and technical sciences. The Fund was established at the initiative of Mr. Živadin Jovanović, Federal Minister for Foreign Affairs of the FR of Yugoslavia, and Mr. Milutin Mrkonjić, Director-General of the Country Reconstruction Directorate.

Sanja's granddad, Ljubomir Milenković, was appointed an honorary member of the Fund.

Twenty young people were awarded scholarships from the Fund on November 5, 1999. In addressing them, Minister Jovanović said that this Fund was set up to keep the memory of Sanja alive and by keeping it alive to demonstrate our attitude towards the highest achievements and greatest successes in learning and studies. The talents now financed and yet to be financed by the "Sanja Milenković" Fund will keep alive the memory of a youth cut short prematurely and of wishes and dreams left unfulfilled.

They will also keep alive the name of Sanja Milenković.

Translated by Gordana Simović

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Terrorist acts of Albanian terrorist groups in Kosovo and Metohija

Documents and Evidence

1 January 1998 – 10 June 1999

Vol. III – Parts One and Two, pp. 1023

Crimes committed by Albanian terrorists in the territory of AP Kosovo and Metohija since 10 June 1999

Documents and Evidence

Vol. IV – Parts One and Two, pp. 824

Belgrade: Federal Ministry of Foreign Affairs, March 2000

"WHITE BOOK" ON THE CRIMES OF ALBANIAN TERRORISTS IN KOSOVO AND METOHIJA

Dr. Dragan Jovašević

Largely supported by some countries and with the blessing of "powerful world figures", the Albanian national separatist movement in Kosovo and Metohija has, during the past few years, and particularly since January 1998, extensively resorted to terrorist methods and means in the hope of attaining its objectives. By sowing fear and terror throughout the Autonomous Province of Kosovo and Metohija, Albanian terrorists have come down on all that do not happen to be Albanian extremists. Thus, their targets were not only the representatives and facilities of official bodies of the Republic of Serbia, Yugoslav Army personnel and officers and members of the Ministry of Internal Affairs of the Republic of Serbia, Serbs and Montenegrins, but members of their own national minority who are loyal citizens of the Republic of Serbia. Volumes III and IV of the "White Book" published by the Federal Ministry of Foreign Affairs relate to the innumerable crimes committed by terrorist gangs of Albanian separatists motivated by the idea of a "Kosovo – Republic", as authentic and original testimony to the crimes of Albanian terrorist groups and the suffering of the Serb and Montenegrin people on the thresholds of their ancestral homes throughout Kosovo and Metohija.

All the material is based on authentic documents, primarily credible judicial material and an abundance of photographic material, all of which has been systematized in two parts:

1. Crimes committed by Albanian terrorist groups on the territory of Kosovo and Metohija in the period from January 1, 1998 to June 10, 1999, when, in accordance with United Nations Security Council Resolution 1244, repre-

sentatives of the international community – KFOR and UNMIK – came to the area.

2. Crimes of Albanian terrorist groups committed on the territory of Kosovo and Metohija in the period from June 10, 1999, when KFOR (a mission of security presence) was deployed to ensure peace and the safety of all the inhabitants of Kosovo and Metohija, up until February 29, 2000.

THE "WHITE BOOK" – VOLUME III

Volume III of the "White Book", entitled "Terrorist acts by Albanian terrorist groups in Kosovo and Metohija", produces on its 1,023 pages authentic materials testifying to the terrorist activities of Albanian secessionists in the period from January 1, 1998 to June 10, 1999 when forces of international civilian and security presence were deployed in the territory of this southern province of the Republic of Serbia, in accordance with Resolution 1244 passed by the UN Security Council. This was a period during which all manner of terrorist violence by Albanian terrorists brought together in the Kosovo Liberation Army ("KLA") led by Hashim Thaci and Agim Ceku, exploded and simply engulfed the whole of the Province of Kosovo and Metohija.

The conception of Volume III of the "White Book" presented by the Federal Ministry of Foreign Affairs to the international and domestic public in March this year, is, actually, a presentation of facts about the crimes – terrorist actions by Albanian secessionists and separatists. In addition to documentary material laid out in chronological order under relevant chapters, the abundance of original documents that, on the one hand, are silent witness to these Albanian crimes as well as to the sufferings of the Serb and Montenegrin people, descendants of generations that have inhabited this territory for more than ten centuries, makes this edition invaluable. Through the verifiable documentation carried in this single edition, in words and pictures, readers will be able to personally and directly learn about the many crimes these terrorist gangs have perpetrated. Readers will find 293 photographs of the mortifying consequences of these crimes (bodies of civilians, soldiers and policemen, who have been killed, demolished houses, buildings and factories, burned property, vehicles, the aftermath of detonated explosive devices of various kinds, and so on), a sketch of the site of one of these tragedies, 33 submissions of criminal charges, an indictment, three statements, eight official memos, eleven autopsy reports, a report on the hearing of a defendant, fifteen witness reports, five reports on expertise, nine records of on-the-spot inquiries into committed terrorist acts, eight judgements passed on individual perpetrators of various terrorist acts, three reports and an inventory of confiscated weapons.

All of this material together with annexes and facsimiles of original documents, is presented in nine chapters each of them forming a logical segment of the whole from the aspect of the object of the attack in a given crime and the extent and intensity of the consequences produced.

Under the title "Terrorist attacks on citizens and various facilities", Chapter I chronologically lists the 1,071 terrorist acts that had been executed by members of the Kosovo Liberation Army ("KLA") against citizens and their property, as well as other facilities, throughout Kosovo and Metohija. Standing out among these terrorist acts are those relating to assaults on citizens – their killing and wounding – Serbs and Montenegrins above all, then threats and persecutions, forced departure from



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the Province, abductions, the burning and looting of property, houses and factories, and of institutions and other facilities, attacks against property of the government of Serbia (post offices, power plants and electric grids, forest land and management facilities, health centers), as well as attacks on Albanians who are loyal citizens of the Republic of Serbia.

In this period, members of the "KLA" brutally killed 75 citizens of Serb and Montenegrin nationality, 196 members of the Albanian nationality and 15 members of other ethnic communities (mainly Turkish, Muslim and Romany). In as many as 89 cases, the identification of victims was not possible owing to the length of time that had elapsed and the horrific treatment the abducted persons had been exposed to. The bodies of these individuals were consequently buried nameless and without burial rites. The number of those that had suffered bodily injuries (severe or light), in this period is enormous, amounting to several hundred injured in the most brutal manner (often by explosive devices of great destructive power). An especially perfidious form of attack against the peaceful civilian population of the Province was the abduction of individuals. Thus, according to the data collected, 100 citizens of Serb and Montenegrin nationality, 77 of Albanian nationality, and 12 of other nationalities, were abducted or went missing in this interval.

Albanian terrorists attacked their victims indiscriminately. They victimized both the elderly and the young, men and women, Serbs, Montenegrins and even people of their own nationality. Everyone who is Serb or loyal to Serbia and to Yugoslavia was a "legitimate target" for them. In many instances, they have also attacked representatives of the international community, like foreign journalists, foreign nationals, representatives of diplomatic or verification missions and so on. It is therefore worth drawing attention to examples of this form of violation of the norms of international law and of the moral principles upheld by the international community. On March 26, 1998, in the village of Makrmalj, a group of 20 to 30 masked terrorists attacked a convoy of seven vehicles, transporting humanitarian assistance of the humanitarian organization "ECO". Two months later, on May 24, 1998, some journalists were attacked coming into Kosovska Mitrovica. They were foreign citizens, namely, Boris Gregor Kalnoku of the *Die Welt*, Susan Simon of the *Berliner Morgenpost*, Otmar Jenner Joachim of the *Die Zeit*, and Wolfgang Belwinkel of the *Die Welt*. In the village of Mamuša near Prizren, a Macedonian citizen from Strumica was abducted on June 4, 1998, whereas, on July 17, 1998, a journalist of the *Известия*, a Russian citizen, Sergei Mitin, was attacked on the Glogovac-Srbica road near the village of Trstenik. Russian journalists were the targets of terrorist attacks of Albanian secessionist gangs on several occasions. On July 21, 1998, journalists of the Russian State Television were attacked on the Priština-Peć road in the village of Lapušnik; they were Oleg Safiulia, Alexander Galanov and Victor Mamaev. Two days later, vehicles of the humanitarian organization "Doctors without Frontiers" were attacked in the village of Loda near Peć, and Marleen Graven, a Dutch citizen, as well. Attacks against representatives of the international community continued and, on August 12, 1998, a *France Presse* journalist's vehicle was attacked with automatic gunfire near Orahovac on the Zrze-Ratkovac road, whilst on August 26, 1998, a Molotov cocktail was thrown at the US Information Center in Priština. On September 14, 1998, diplomatic repre-

sentatives of the Canadian Embassy – members of the verification mission headed by Gen. William Walker of the United States – ran into a planted mine when they drove through the village of Likovac near Srbica and one of them was injured. On September 30, a vehicle of the International Red Cross Committee from Switzerland, with a New Zealander, Margaret Brayson, at the wheel, struck a mine near the village of Gornje Obrinje in the municipality of Glogovac. Three members of the staff of the International Committee were injured on this occasion and one was killed. Finally, on March 28, 1999, at the height of NATO's aggression against our country, the vehicle of two Russian journalists was attacked in the village of Lebane in the municipality of Priština. They were Alexander Andreyevitch Pobrakov and Sergei Evgenovitch Patnikov. Their driver was killed.

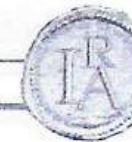
It is a difficult task to select examples of crimes committed by Albanian terrorists from among the 1,071 assaults that had been made against civilians and their property. Still, the following certainly deserve special mention in view of their consequences, their significance, nature and character.

On April 6, 1998, six bodies of people that had been brutally molested before their ghastly death, were found alongside the Orahovac-Mališevo road near a place called Carevac; also, several attacks on a refugee camp at Babaloć where refugees from the Republic of Croatia and the Republic of Bosnia and Herzegovina had been accommodated (enjoying the legal protection of the UNHCR); the murder of some elderly and infirm persons as, for instance, on May 26, in Peć where 67 year-old Sadri Komoni was killed, then in Dečani 67 year-old Jelka Duričković whereupon her husband committed suicide; on July 7, the body of a 70 year-old woman who had been raped and had signs of strangulation and burns on her body as well as a stab wound in the neck, was found by the Vučitrn-Pantina road; in the village of Brabonjić, municipality of Kosovska Mitrovica, a 73 year-old man was killed on July 17, with a blow on the head with an axe and a bullet in the stomach; on 6 August, the body of 78 year-old Vitomir Knežević was found on the Dakovica-Peć road, near the village of Ereč.

And so the chronology of Albanian terrorist crimes during 1998 and 1999 comes to July 17, when several Serbs, Montenegrins and even Albanians, among them Azem Agim and his wife and 12 year-old daughter, and a boy from Velika Hoča, had been abducted and held in prison in the village of Mališevo – a well-known terrorist stronghold where the "KLA" had its headquarters in the building of the Ministry of Internal Affairs. These civilians were tortured and beaten, besides being molested every day and some of them were even executed nearby. In the period between July 17 and 22, 41 persons of various ages, from those born in 1924 to some born in 1981, both male and female, were abducted in the town of Orahovac; their fate is still unknown.

The domestic and international public was astonished at the discovery of a makeshift jail in the area of the village of Krečka, municipality of Lipjan, on August 27, 1998, where Albanian terrorists were illegally detaining and torturing many abducted persons: Serbs, Montenegrins, Albanians, including members of some other ethnic communities, who were tortured, molested and shot, and their bodies were thrown into a crematorium constructed nearby. The remains of 22 bodies – of men, women and even children – were found there. Evidence of this horrific scene and an unprecedented crime in modern

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civilization at the close of the XX Century, is contained in a series of photographs (20 of them), and in reports on the expertise performed on the human remains that were found.

The world had still not recovered from the shock of the crime at the village of Klečka, when the massacred bodies of 13 men and women who had been abducted, brutally tortured and then killed, were found in a canal that conducts water into Lake Radonjić near the village of Glodane, municipality of Dečani, on September 8, 1998. This crime committed by Albanian terrorists is also verifiably presented (in writing and photographs), testifying to the crimes committed for the sake of future generations and likewise as a warning that such things must not happen again. Two days after this, on September 10, brutally tortured and mutilated male and female bodies were discovered in two locations in the village of Dašinovac, municipality of Dečani. These were two men and four women.

Then on September 23, in the village of Sibovac, municipality of Obilić, Albanian terrorists had once again executed the outrageous crime of targeting a grenade launcher at a tractor and trailer in which there were a number of adults and children; a six-months old baby was killed and two children were seriously injured whilst three sustained minor injuries. On October 3, a pit twenty meters deep was found in the cleft of a rock in the village of Volujak, municipality of Klina, with the bodies of five civilians who were killed and massacred.

Killings from a distance, like throwing explosive devices into facilities and houses, are a specialty of the Albanian terrorists, causing the death or injury of all who happen to be on the spot but also spreading fear, the feeling of insecurity and misgivings about the legal system of the Republic of Serbia, this being the desired effect. Quite a number of terrorist attacks of that kind are disclosed in Volume III of the "White Book". Mention will be made here of some of them: On December 14, 1998, two Albanian terrorists opened fire at the "Panda" Café in Peć; six young men, born between 1972 and 1981, were killed without warning on that occasion, two persons were seriously wounded and one suffered light injuries. On January 29, 1999, a hand grenade was thrown through the window into the "Galerija" Café-Bar in Priština, seriously injuring one person and wounding seven others. Two days later, again in Priština, a hand grenade was thrown at the "Beća" grill stall, killing one person and seriously wounding two other people. On February 6, 1999, an explosive device was activated near the Little Vegetable Market in Priština, killing three people. A similar terrorist exploit was carried out on March 13, 1999 in Podujevo, also near the Vegetable Market, when two such explosive devices were activated between 1:05 p.m. and 1:20 p.m., killing three persons and seriously wounding 14, whilst 9 sustained light injuries. On that same day, at the Vegetable Market in Kosovska Mitrovica, three women were killed, 30 people were seriously wounded and 15 sustained minor injuries when an explosive device went off during marketing hours.

Serbs and Montenegrins, as well as people of Albanian nationality loyal to the Republic of Serbia, were not the only targets of Albanian terrorist groups, but everything symbolizing the State authorities from Belgrade on the territory of this southern Serbian province. The members and facilities of the Ministry of Internal Affairs were the main targets of Albanian terrorist attacks. Indeed, the second chapter of Volume III of the "White Book" presents these crimes under the heading "Terrorist attacks on members and facilities of the Ministry of Internal Affairs".

Very detailed accounts of terrorist attacks against facilities and personnel of the Ministry of Internal Affairs are given in this chapter. Namely, in the period from January 12, 1998 to June 10, 1999, there had been a total of 1,642 attacks of this kind by Albanian terrorists. Most numerous were those on the lives of official personnel – namely, of policemen – in the line of duty or in connection with the discharge of their official tasks and duties, with 1,163 attempted murders. In these assaults, 241 policemen and 28 citizens (civilians) were killed, and 23 were wounded. According to the data presented in the "White Book", 478 policemen had sustained serious bodily injury, whilst 363 suffered minor injuries, in numerous attacks on the facilities and members of the police force all over the Autonomous Province of Kosovo and Metohija. In 38 of these attacks, the facilities and vehicles, property of the Ministry of Internal Affairs of Serbia were destroyed or damaged. Such terrorist actions were carried out throughout the Province but most of these vicious assaults were made in the villages of Mališevo, Likošane, Glodane, Junik, Lapušnik, Ponoševac, Popovac, Babaloć, Volujak, Lauša, and in the precincts of the municipalities of Srbica, Dečani, Štimlje and in Priština.

Extensive judicial and police documentation in the form of criminal charges, autopsy reports, witness hearings, expert reports, investigation reports, medical reports, as well as 87 photographs as stark witnesses to the crimes of Albanian terrorists, are presented in the "White Book" and authentic testimony of the innumerable crimes pertaining to the murder and injury of members of the Serbian police (MUP).

The many crimes committed against innocent civilians and against members of the police force of the Republic of Serbia, are not the only aspect of the cruelty, unruliness and bestiality of Albanian terrorists in Kosovo and Metohija. Characteristic in that regard are also relationships between the terrorists themselves and their leaders, promoters and supporters, in respect of representatives of the international community. We have already pointed out numerous instances of Albanian terrorist attacks on representatives of the international community, on diplomatic representatives and on foreign journalists. At this point we find it necessary to stress the fact that on June 24, 1998, Albanian terrorists had even attacked a convoy of diplomatic vehicles which the US Ambassador to the United Nations, Richard Holbrooke, was leading. This happened in the village of Rastavica.

The third chapter under the heading "Terrorist attacks on members of the Yugoslav Army on the territory of Kosovo and Metohija", begins Part Two of Volume III of the "White Book". An extensive and detailed review of 309 terrorist assaults against members and facilities of the Yugoslav Army in the period between April 27, 1998 and June 10, 1999 is presented in that chapter. In these assaults on the facilities and buildings of the Yugoslav Army, on convoys of vehicles, units, helicopters, individual soldiers, officers and military staff, 121 persons were killed and 231 suffered serious or minor injuries.

Apart from these crimes, the fourth chapter headed "Terrorist attacks on Yugoslav Army posts on the State border" gives a listing of 264 attacks on members of the Yugoslav Army at posts along the State border with the Republic of Albania and the Former Yugoslav Republic of Macedonia in the period from April 23, 1998 to June 6, 1999. The first terrorist attack occurred on April 23, 1998 when as many as 200 armed terrorists crossed the Yugoslav border from Albania in the re-



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gion of the "Košare" border post. Then followed individual and group (even up to 700 terrorists) armed attempts at infiltrating our country, even with large shipments of armaments. Sometimes there were conflicts with the intruders or attacks on our frontier guards. The terrorists often used difficult passes and mountain wastelands to deliver armaments and other military equipment for Albanian terrorist groups, even using children as a cover-up, and also to smuggle narcotic drugs through the sale of which the Albanian terrorist groups acquired funds to finance their criminal activities. Some 30 members of the Yugoslav Army were killed in these terrorist incursions. In addition to judicial and police records and documentation on the crimes carried out by Albanian terrorists, this chapter of the "White Book" produces 44 verifiable photographs taken at the scene of the incursions, as well as eight judgements passed on terrorists, including appropriate punishments meted out for the proven crimes in which they had participated.

A particular value of the "White Book" and at the same time authentic proof of the crimes committed by Albanian terrorists in the territory of the Autonomous Province of Kosovo and Metohija, are the lists of killed, abducted and missing persons. Many of those whose names are listed as killed had died in horrible pain, brutally tortured, abused and massacred. Many of those who were killed have still not been identified, whilst nothing is yet known, even after the lapse of more than two years, about many of those who were abducted or have disappeared.

The fifth chapter of the "White Book" is actually a "List of killed citizens". This listing provides basic data on the 387 citizens of the Republic of Serbia who were killed in the period from January 1, 1998 to June 10, 1999. They include 75 persons of Serb and Montenegrin nationality (men, women and children of different ages and condition of health), 196 members of the Albanian national minority who were law-abiding citizens of the Republic of Serbia, whilst 15 are people of other nationalities (Muslim, Turkish, Romany). Among those who were killed, 101 persons could not be identified and were buried nameless and without religious rites. Most of the crimes were perpetrated in the municipalities of Klina, Dečani, Priština, Orahovac, Peć, Kosovska Mitrovica, Istok and Uroševac.

The sixth chapter comprises a list of members of the Ministry of Internal Affairs killed in the period from January 1, to June 10, 1999. Although this list is not final, it contains the names and data for 274 members of the police, 115 of whom were killed during NATO's two-and-a-half-month long aggression against our country.

The seventh chapter of Volume III of the "White Book", headed "List of abducted and missing civilians and members of the Ministry of Internal Affairs", provides detailed information on the 100 Serbs who were abducted or had disappeared, 77 Albanians and 12 persons of other nationalities, in the period from April 1998 to June 1999, and whose fate is still unknown. There are also 14 members of the police who were abducted or had disappeared during numerous terrorist operations carried out in various parts of Kosovo and Metohija. It is certain that a number of these abducted and missing persons who figure on the list have been brutally massacred and killed but their bodies have still not been found, that is, it is quite probable that a number of these persons are among the "unidentified" persons killed. The perfidiousness and brutality of the Albanian terrorists particularly comes to expression in the number of abductions of innocent individuals who were intercepted on the

street, in vehicles, in fields and meadows, in the woods or on their very doorstep, and taken to unknown locations.

The next, eighth chapter, is actually a list of members of the Yugoslav Army who were killed, abducted or are missing. Namely, more than 40 soldiers, officers or military staff were killed, abducted or had disappeared during the reign of terror cast by Albanian terrorists throughout Kosovo and Metohija, to which the available data and accounts of the incidents in this chapter of the "White Book", clearly testify.

And now, in suit, the last, ninth chapter of Volume III of the "White Book", headed "APBs – Wanted Circulars". To bring to justice the many perpetrators of terrorist attacks, proof of which is presented in all the eight previous chapters of the book, the Ministry of Internal Affairs of the Republic of Serbia, in accordance with Articles 151, 551 and 554 of the Law on Criminal Procedure, issued 35 wanted circulars that have been circulated throughout the Autonomous Province of Kosovo and Metohija for the arrest of the leaders of terrorist gangs as well as of other perpetrators of criminal acts of terrorism. They are listed under this heading and presented by the publisher – the Federal Ministry of Foreign Affairs – in this chapter of Volume III. At the beginning of the chapter, an excerpt is given from the judgement of the District Court in Priština, No. 37/97 of July 11, 1997, by which Hashim Thaci, leader of the Kosovo Liberation Army that is responsible for most of the crimes committed throughout the Province, as attested to by the best part of the 1,023 pages of Volume III of the "White Book", has been convicted of the criminal act of terrorism and sentenced to ten years imprisonment.

The list of 35 warrants in search of the perpetrators of specific terrorist crimes follows and includes the following names: Hashim Thaci, Meto Krasnitchi, Ramush Haradinaj, Đemshit Krasnitchi, Fatmir Limaj, Sulejman Selimi, Bujar Osmani, Jakup Krasnitchi, Rama Buja and Januz Trstena.

THE "WHITE BOOK" – VOLUME IV

Volume IV of the "White Book", entitled "Crimes committed by Albanian terrorists on the territory of the Autonomous Province of Kosovo and Metohija since 10 June 1999", has 824 pages and likewise produces authentic, original materials on the numerous crimes perpetrated by Albanian terrorist gangs in Kosovo and Metohija since the arrival of the security forces (KFOR), and the civil (UNMIK) mission of the United Nations on June 10, 1999, pursuant to Security Council Resolution 1244. But, instead of these international forces providing elementary protection for all inhabitants of the Province, that is, basic protection of the ethnic and religious communities in accordance with relevant international legal documents and general civilizational standards at the end of the XX Century, instead of ensuring peace and security, what happened in the territory of this southern Serbian province is a further escalation of all kinds of terrorist acts, murders, infliction of injuries, abduction of innocent people just because they are members of another ethnic or religious community or for the very reason that they have been living in these lands for centuries; the destruction and burning of their property, unseen plundering, and, finally, the destruction or desecration of religious shrines, places of worship and cemeteries as well as headstones, in the attempt to annihilate everything that does not fit in with the idea of a "Greater Albania" and that is not marked with the emblem of the "KLA". One of the immediate

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consequences of this rampage on the part of Albanian terrorists and of the international community's inability to live up to the commitments it had assumed under the Security Council resolution, is the death of 911 persons and the serious or minor injuries of several hundred people, besides the abduction and disappearance of another 860 persons, mostly Serbs, tens of thousands of burnt Serbian homes, the seizure of public and State property of inestimable value, the seizure or destruction of the property of physical persons, of all manner of crime and forms of forcible dislodgment – a genuine exodus of well over 350,000 Serbs, Montenegrins and other non-Albanians. It can hardly be argued that the international security and civil mission could not prevent or bring under control these criminal activities on the part of individuals and groups, or at least to trace the perpetrators of individual crimes and bring them to justice and punish them in accordance with the law.

This entire material on the crimes of Albanian terrorists, with facsimiles of original documents supporting it in word and pictures, is presented in nine chapters each of which is a logical and composite segment, depending on the type and object of attack and the extent and intensity of the consequences.

The first chapter entitled "Killings" lists the names of civilians killed in the Province of Kosovo and Metohija from June 10, 1999 till February 29, 2000. Since the arrival of KFOR and UNMIK in the Province, the number of victims totals 911 citizens, of whom 812 are Serbs and Montenegrins, 71 Albanians – law-abiding citizens of the Republic of Serbia, and 28 members of other ethnic communities (Croats, Macedonians, Muslims, Romany, Turks). Of the total number killed, 276 have not been identified, though 246 are assumed to be Serbs and Montenegrins, 21 are Albanians and ten belong to other ethnic groups. The manner in which these persons were killed vary: firearms, explosive devices, butchering, hanging and other ways. A large number had been well on in years and there were married couples and even entire families among them. Many of those killed were previously abducted in their fields, at work, on the road from their home to work or in the woods. There were even people who were ill among them (Miloratka Stojković from Labljane was a mentally retarded 36-year-old, but this did not prevent the Albanian criminals from raping her on July 10, 1999 in the cruelest and most ruthless manner, causing her death).

Regrettably, Albanian terrorists killed not only grown-ups, but even harmless children, the most innocent creatures of the world who have thus been deprived of the chance to live and reach maturity and old age. Many had been cruelly murdered (their bodies even massacred), for instance, Jovica Petrović, a 12-year-old boy from the village of Bostane, was killed with firearms while he was minding livestock near his home; Saša Milkić, also a 12-year-old lad from the village of Binač, was killed while he was raking in hay on July 13, 1999; Zoran Janković, a 14-year-old boy from Gnjilane, died in hospital of injuries he sustained from a stab in the neck; a six-month-old baby, Zorica Dimić, from Prizren, was killed with her mother Lela on August 15, 1999 in the fire Albanian terrorists had set to their house; Miloš Petrović, a 16-year-old boy from Peć, was hit by a sniper in Savine Vode; Sava Mladenović, a 6-month-old baby boy from Prizren, died in a fire which was set to his home by Albanian terrorists on September 21, 1999.

Albanian terrorists were culprits in the deaths of Milovan Šabin, a 65 year old (male), and Đorđe Joksimović, 65 (male), from the village of Gornje Nerodimlje; Živojin Simić (71-m)

and his wife Živka Simić (70-f); Dimitrije Simić (70-m), Aleksandar Jovanović (77-m) from the village of Bostane; Dušan Brakus (70-m) from the village of Nedakovac; Mirko Talić (65-m) from the village of Štimlje; Bogdan Dokić (65-m) from Uroševac; Dobrovoje Perić (68-m) from Gnjilane; Momčilo Milenković (65-m) from Priština; Dragojla Lazović (79 year old, female) from the village of Lužane; Nikoleta Nikolić (65-f) from Prizren; Ljubica Stevanović (76-f) from Kosovska Kamenica; Božana Zečević (80-f) from the village of Dabinovac; Stojadin Marković (75-m) and his wife Rada Marković (75) from Prizren; Zdravko Jokić (67-m) from Prizren; Ivan Atanasov (77-m) from the village of Maleševo; Katarina Savić (76-f) from the village of Budriga; Stanica Antić (80-f) from Kosovska Kamenica; Spasenija Mitrović (70-f) from Obilić; Mileta Vujinović (74-m) from Priština; Zagorka Žižić (74-f) from Priština; Milan Joksimović (65-m) from Lipljan; Stojan Vujović (80-m) from the village of Saraiste; Javorka Talić (70-f) from Štimlje; Tozo Stambolić (80-m) from Novo Selo; Cvetko Novović (70-m) and his wife Stanka (70) from the village of Nabrde; Božana Javlinović (80-f) from the village of Drenovac; Rako Milovanović (70-m) from the village of Koš; Radonja Stojković (70-m) from the village of Žač, and so forth.

Following this detailed list of citizens killed in Kosovo and Metohija, Volume IV of the "White Book" presents authentic judicial and police documentation relating to:

- witness hearings (6);
- statements (37) and criminal charges pressed (7);
- requests submitted by citizens for the location and return of property which had been misappropriated;
- autopsy reports (most notable among which are those pertaining to the murder of Serbs and Montenegrins in the village of Ugljare near Gnjilane, where 15 bodies had been unearthed);
- photo material of autopsies prepared at the scene of the attack on a convoy of refugees from Orahovac.

The second chapter of the volume is entitled "Injuries and woundings", and contains relevant documentation describing the circumstances, extent and degree of the wounds and injuries sustained by citizens of Serb and Montenegrin nationality, as well as other citizens, in the terrorist assaults carried out by groups and individual Albanians. This section presents data on the 234 persons of Serb and Montenegrin nationality who were wounded and injured, and on 23 members of other ethnic communities (Muslim, Romany, Turkish, Albanian), followed by textual and photographic evidence of the crimes committed against the innocent civilian population whose safety has been entrusted to United Nations security and civil missions.

Just as in the earlier periods, the abduction of people from their homes, at their workplace, off the street, from vehicles and buses, in the fields, and their being taken to unknown destinations, were again cruel and perfidious forms of terrorist activity. This is actually the content of the third chapter headed "Abductions". The first civilians (elderly people, men and women) were abducted by Albanian terrorists on the very first day of the arrival of members of the international forces, on June 10, 1999. Many of these were later found killed and massacred, showing visible signs of torture, harassment and sexual abuse by the terrorists, whilst the fate of a large number of these people is still unknown, although representatives of the international forces had immediately been informed of these crimes.



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This section ends with facsimiles of records of criminal charges pressed, hearings of witnesses and statements concerning persons who had been abducted or who have disappeared.

The fourth chapter is headed "Rape". It carries an incomplete list of 12 rapes and molesting of women (young, old and ill), by Albanian terrorists, who degraded and tortured them in this cruel manner. It is supplemented by documents on the relevant crimes committed.

The fifth chapter carries the heading "Attacks by Albanian Terrorists". Although Volume IV of the "White Book" is entirely compiled on authentic documentation about various forms and aspects of terrorist attacks, this chapter produces data on 212 systematized terrorist attacks on Serbs and Montenegrins, such as, shooting with firearms and grenade launchers at citizens, their homes and property, the planting of explosive devices, setting fire to buildings and property, stoning houses and people, attacks carried out on mines, factories, shops, post offices, health centers, various institutions, private property and vehicles, refugee camps, convoys of Serb refugees, looting, demolition and forceful moving into homes and apartments of Serb and Montenegrin families who were forced to leave. Another 24 terrorist attacks on members of other ethnic communities and their property are likewise described in this section. It is of course superfluous to repeat that all of these attacks happened in the presence of or even with the condoning attitude of members of the international forces who had actually come to Kosovo and Metohija to protect the remaining Serb and Montenegrin population there.

The sixth chapter headed "Setting on Fire", chronologically sets out documentation material on 148 terrorist attacks by Albanian individuals and groups in which the homes of Serbs and Montenegrins in places throughout Kosovo and Metohija were set on fire (such as in the village of Orlane near Podujevo, in Priština, in the village of Slivovo near Priština, in Istok, Klina, Podujevo, Vučitrn, Lipljan, Gnjilane, Obilić, and so on). Readers will have the opportunity to note that 35 Serb and Montenegrin homes were burnt in Kosovska Mitrovica on July 15, 1999 and another 62 the following day. Eight houses were burnt down in Vučitrn that same day. On July 22, 26 more houses were burnt in Kosovska Mitrovica. Albanian terrorists, however, also targeted the homes of members of the Turkish and Egyptian ethnic communities, and others besides. This section of the "White Book", meanwhile, enumerates on-

ly the burning of privately owned property, whereas the burning and destruction of religious places (churches, monasteries, sanctuaries, and cemeteries) is described in another section of this testimonial review.

Supplementing this previous section are considerable authentic photographs of the Serb houses burnt down in the village of Cerkez, in Sadovina near Gnjilane, in the village of Doganjevo near Uroševac, in the village of Lužane near Podujevo, in Vučitrn, of elementary schools burnt down in the villages of Osojane, Tučep near Istok, and Sinaje, of burnt factories, as well as photographs of all the burnt Serb houses in the village of Tučep near Istok and in Livadice near Podujevo.

In chapter seven: "Other Crimes Committed by Albanian Terrorists", space is devoted to enumerating the 160 assaults on people of Serb and Montenegrin nationality, to force their exodus from the territory of Kosovo and Metohija. Members of other ethnic communities (like the Romany) were likewise forced to leave their homes to make room for Albanians to move into them or to loot and destroy.

Thus, among other things, this section of Volume IV of the "White Book" discloses evidence of the dispersion of the entire population of the village of Slivovo, near Priština, under the pressure of Albanian terrorist gangs, on June 19, 1999, and the desertion of the refugee camp at Velika Reka near Vučitrn as well, the following day. On July 11, 51 persons left Kosovska Mitrovica because of the threats and pressure brought to bear on them, and another 21 followed suit the next day. As this pressure continued, another 24 persons fled the city on July 14, whilst 23 evacuated from Vučitrn the same day.

Another aspect of activity of Albanian terrorists and accounted for in this seventh chapter of the "White Book", are the attacks carried out on public enterprises, institutions, forced entries, looting and the seizure of property. Thus, many facilities were plundered in the 26 attacks on which verifiable material is presented in this section of the book. The Clinical Hospital Center of Priština, the firm "Auto-Priština", government and other administrative offices – the Executive Council, the Urban Planning Office, Water Supply Administration, Housing Construction Enterprise, Health Center, municipal administration buildings, schools and post offices, as well as factories such as the Jumko Clothing Factory and the shock absorber manufacturing works, were ransacked.

This material offers information about numerous criminal assaults, the extortion and theft of property from the homes and apartments of Serbs and Montenegrins who were forced to leave them. Such reports listing 249 terrorist attacks by the Albanians appear in this section.

Notwithstanding the presence of several thousands of military and civilian members of international administration in Kosovo and Metohija from July 10, 1999 onwards, eight acts of sabotage and raids on the railroads, such as the planting of mines and damaging these communication lines, the planting of explosive devices in public places (Kosovska Kamenica), setting fire to the building of Radio TV Priština, the attack made on the railway bridge in Kosovska Mitrovica, the dynamiting of buildings in the vicinity of the Catholic Church in Uroševac, took place in the period under review. Supplementing the enumeration are facsimiles of authentic written documents and photographs of such assaults; standing out among them are 37 records of the criminal charges being pressed, 27 statements, four official memos, two records of wit-

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ness hearings, six reports on thefts, two reports on damage to vehicles of the "Niš Express" public transport company and many photographs depicting the forcible moving out of citizens from Kosovo and Metohija and the looting of their property.

The eighth chapter, headed "Destroyed or Damaged Serb Holy Places in Kosovo and Metohija", is testimony to the bestial crimes of Albanian terrorists aimed against the religious and sacred places of the Orthodox Church. Like other crimes, many of these against Serbian Orthodox holy shrines and monuments that also belong to the world's cultural heritage likewise occurred under the watchful eyes of members of the international forces in Kosovo.

The Christian faith has existed in the territory of Kosovo and Metohija for over a thousand years. The first evidence of the presence of Orthodox Serbs in this area dates back to the year 1019 when the Byzantine Emperor Vassili II (976–1025) confirmed the existence of the Prizren Eparchy in a charter that was signed by him. This eparchy comprised the district of the town of Prizren, the area around Peć and Dečani and the land forming the river basin of the Beli and Crni Drim (White and Black Drim). The seat of this eparchy was in Prizren in the Church of the Holy Mother of God of Ljeviš. The number of churches, monasteries and other sacred endowments in this region, totaling more than 1,400 objects, makes Kosovo and Metohija the only territory in the world with so many Christian monuments in a single area. These edifices are, however, not religious and holy places of significance for the Orthodox population alone. The architectural craftsmanship, their composition and the wealth of fresco painting and other objects are of exceptional artistic and historical value for the history of Europe.

Since the arrival of KFOR and UNMIK, that is, from June 13, 1999 until December 31, 1999, on which valuable information is to be found in Volume IV of the "White Book", Albanian terrorists have destroyed, burnt, ruined and desecrated more than 70 Orthodox churches and monasteries, even those that have been placed under the protection of UNESCO because of their historical, cultural, artistic and religious value. More than 150 parochial homes and churches of a more recent date, have been demolished, damaged, burnt or looted in this period, entailing the loss or damage of more than 10,000 icons and other holy relics of inestimable value.

These are undoubtedly unprecedented crimes: the destruction, burning or damaging of Serbian Orthodox churches and monasteries, many of which edifices have a special cultural, artistic and sacred meaning not only for Serbs and the Serb Orthodox Church, but for European culture as well. Among those that became the target of Albanian terrorists are the Church of the Holy Trinity (Svete Trojice), near Mušutište, dating back to 1316; the parish church of the Mother of God (Majke Gospodnje), in Mušutište, built in 1315; Saint Mark's Monastery (Sveti Marko) in Koriša, from 1467; the monastery of Saint Archangel Gabriel (Svetog Arhangela Gavрила) in Binač, built in the 14th century; the parish church of the Divine Virgin (Presvete Device) in Belo Polje, built in the 16th century; the Devič monastery of Saint Joachim (Sveti Joakim), built in 1440; the Church of Saint Paraskev (Sveta Paraskeva) in Drsnik, built in the 16th century; the monastery of Saint Cosmas and Damian (Sveti Vrač) in the village of Zočiste, dating back to the 14th century, and so on.

In a large number of cases, Albanian terrorist groups wrecked, burnt, damaged or stole various other cultural mon-

uments such as: the monument to the emperor Uroš which had stood in the center of Uroševac, a monument to a ruler of the Nemanjić Dynasty, founder of the State of Serbia in the Middle Ages, which stood in the village of Gornje Nerodimlje; an ancient black pine tree of the emperor Dušan in the village of Gornje Nerodimlje, which was 636 years old and was under the protection of the State; monuments to Petar Petrović Njegoš and to Vuk Karadžić in Priština. Albanian criminals also targeted many headstones to Serbs and Montenegrins in eight assaults. For instance, 12 headstones monuments to Serbs and Montenegrins in the Gnjilane cemetery were defaced. In the village of Gornje Nerodimlje all Orthodox headstones were destroyed, as were others in Uroševac. A similar thing happened in the graveyard of the village of Žegra near Gnjilane. A large number of headstones in the cemeteries of Kosovska Mitrovica, Uroševac, Peć and the village of Podgorce near Vitina, were overturned, damaged or desecrated.

This detailed description of the numerous crimes Albanian terrorists had committed by defacing cultural, historical and religious objects and monuments is supported by 218 photographs. They depict demolished, burnt and devastated monasteries, churches, sanctuaries, parochial homes, frescoes, icons, headstones, church property and the like.

And, lastly, the ninth chapter in this "indictment" entitled "Attacks by Albanian terrorists within the Ground Security Zone". This part of the book does not include descriptions of any of the crimes committed by Albanian terrorist groups in the region of Kosovo and Metohija after June 10, 1999, but only those criminal acts that the terrorists committed outside the territory of the Autonomous Province. It is not just in Kosovo and Metohija that Albanian terrorist gangs have carried out their criminal acts; their aggressive criminal intentions have extended as far as the Ground Security Zone. And this is what chapter nine of Volume IV of the "White Book" deals with. For instance, terrorists carried out eleven forays on facilities and members of the Ministry of Internal Affairs. These included attacks on property, police patrols and individual policemen in the villages of Borovac and Merdare near Kuršumljaja, in the Kuršumljaja Banja (spa) and in the villages of Prepolac, Tačevac and Dobrosin near Bujanovac. In the terrorist attack that took place on November 21, 1999, an official police vehicle struck an anti-tank mine on the Kuršumljaja Banja – Podujevo road and two policemen were killed, whilst five sustained serious injuries. Two days later, on the Bujanovac–Gnjilane road, Albanian terrorists attacked a police vehicle that was on its regular rounds in the village of Končulj, and two officials were killed by the automatic gunfire opened at it.

In this period, Albanian terrorists also made nine assaults on citizens and facilities in Serb municipalities bordering on the Autonomous Province of Kosovo and Metohija, for instance, the abduction of citizens, opening fire at villages, setting fire to homes and property, looting, an attack on the elementary school in Bujanovac, throwing hand grenades and other explosive devices at houses and property.

This presentation of the numerous crimes by Albanian terrorists ends with a review of 25 provocative terrorist actions directed at civilians inside the Ground Security Zone. Special attention might be called to the stealing of property – cows and sheep at gunpoint, the burning of haystacks, armed masked terrorists patrolling and reconnoitering in the villages and municipalities of Kuršumljaja and Medveda, the logging of timber in



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In chapter seven: "Other Crimes Committed by Albanian Terrorists", space is devoted to enumerating the 160 assaults on people of Serb and Montenegrin nationality, to force their exodus from the territory of Kosovo and Metohija. Members of other ethnic communities (like the Romany) were likewise forced to leave their homes to make room for Albanians to move into them or to loot and destroy.

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Notwithstanding the presence of several thousands of military and civilian members of international administration in Kosovo and Metohija from July 10, 1999 onwards, eight acts of sabotage and raids on the railroads, such as the planting of mines and damaging these communication lines, the planting of explosive devices in public places (Kosovska Kamenica), setting fire to the building of Radio TV Priština, the attack made on the railway bridge in Kosovska Mitrovica, the dynamiting of buildings in the vicinity of the Catholic Church in Uroševac, took place in the period under review. Supplementing the enumeration are facsimiles of authentic written documents and photographs of such assaults; standing out among them are 37 records of the criminal charges being pressed, 27 statements, four official memos, two records of wit-

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ness hearings, six reports on thefts, two reports on damage to vehicles of the "Niš Express" public transport company and many photographs depicting the forcible moving out of citizens from Kosovo and Metohija and the looting of their property.

The eighth chapter, headed "Destroyed or Damaged Serb Holy Places in Kosovo and Metohija", is testimony to the bestial crimes of Albanian terrorists aimed against the religious and sacred places of the Orthodox Church. Like other crimes, many of these against Serbian Orthodox holy shrines and monuments that also belong to the world's cultural heritage likewise occurred under the watchful eyes of members of the international forces in Kosovo.

The Christian faith has existed in the territory of Kosovo and Metohija for over a thousand years. The first evidence of the presence of Orthodox Serbs in this area dates back to the year 1019 when the Byzantine Emperor Vassili II (976–1025) confirmed the existence of the Prizren Eparchy in a charter that was signed by him. This eparchy comprised the district of the town of Prizren, the area around Peć and Dečani and the land forming the river basin of the Beli and Crni Drim (White and Black Drim). The seat of this eparchy was in Prizren in the Church of the Holy Mother of God of Ljeviš. The number of churches, monasteries and other sacred endowments in this region, totaling more than 1,400 objects, makes Kosovo and Metohija the only territory in the world with so many Christian monuments in a single area. These edifices are, however, not religious and holy places of significance for the Orthodox population alone. The architectural craftsmanship, their composition and the wealth of fresco painting and other objects are of exceptional artistic and historical value for the history of Europe.

Since the arrival of KFOR and UNMIK, that is, from June 13, 1999 until December 31, 1999, on which valuable information is to be found in Volume IV of the "White Book", Albanian terrorists have destroyed, burnt, ruined and desecrated more than 70 Orthodox churches and monasteries, even those that have been placed under the protection of UNESCO because of their historical, cultural, artistic and religious value. More than 150 parochial homes and churches of a more recent date, have been demolished, damaged, burnt or looted in this period, entailing the loss or damage of more than 10,000 icons and other holy relics of inestimable value.

These are undoubtedly unprecedented crimes: the destruction, burning or damaging of Serbian Orthodox churches and monasteries, many of which edifices have a special cultural, artistic and sacred meaning not only for Serbs and the Serb Orthodox Church, but for European culture as well. Among those that became the target of Albanian terrorists are the Church of the Holy Trinity (Svete Trojice), near Mušutište, dating back to 1316; the parish church of the Mother of God (Majke Gospodnje), in Mušutište, built in 1315; Saint Mark's Monastery (Sveti Marko) in Koriša, from 1467; the monastery of Saint Archangel Gabriel (Svetog Arhangela Gavriila) in Binač, built in the 14th century; the parish church of the Divine Virgin (Presvete Devica) in Belo Polje, built in the 16th century; the Devič monastery of Saint Joachim (Sveti Joakim), built in 1440; the Church of Saint Paraskeva (Sveta Paraskeva) in Drsnik, built in the 16th century; the monastery of Saint Cosmas and Damian (Sveti Vrač) in the village of Zočište, dating back to the 14th century, and so on.

In a large number of cases, Albanian terrorist groups wrecked, burnt, damaged or stole various other cultural mon-

uments such as: the monument to the emperor Uroš which had stood in the center of Uroševac, a monument to a ruler of the Nemanjić Dynasty, founder of the State of Serbia in the Middle Ages, which stood in the village of Gornje Nerodimlje; an ancient black pine tree of the emperor Dušan in the village of Gornje Nerodimlje, which was 636 years old and was under the protection of the State; monuments to Petar Petrović Njegoš and to Vuk Karadžić in Priština. Albanian criminals also targeted many headstones to Serbs and Montenegrins in eight assaults. For instance, 12 headstones monuments to Serbs and Montenegrins in the Gnjilane cemetery were defaced. In the village of Gornje Nerodimlje all Orthodox headstones were destroyed, as were others in Uroševac. A similar thing happened in the graveyard of the village of Žegra near Gnjilane. A large number of headstones in the cemeteries of Kosovska Mitrovica, Uroševac, Peć and the village of Podgorce near Vitina, were overturned, damaged or desecrated.

This detailed description of the numerous crimes Albanian terrorists had committed by defacing cultural, historical and religious objects and monuments is supported by 218 photographs. They depict demolished, burnt and devastated monasteries, churches, sanctuaries, parochial homes, frescoes, icons, headstones, church property and the like.

And, lastly, the ninth chapter in this "indictment" entitled "Attacks by Albanian terrorists within the Ground Security Zone". This part of the book does not include descriptions of any of the crimes committed by Albanian terrorist groups in the region of Kosovo and Metohija after June 10, 1999, but only those criminal acts that the terrorists committed outside the territory of the Autonomous Province. It is not just in Kosovo and Metohija that Albanian terrorist gangs have carried out their criminal acts; their aggressive criminal intentions have extended as far as the Ground Security Zone. And this is what chapter nine of Volume IV of the "White Book" deals with. For instance, terrorists carried out eleven forays on facilities and members of the Ministry of Internal Affairs. These included attacks on property, police patrols and individual policemen in the villages of Borovac and Merdare near Kuršumljaja, in the Kuršumljaja Banja (spa) and in the villages of Prepolac, Tačevac and Dobrosin near Bujanovac. In the terrorist attack that took place on November 21, 1999, an official police vehicle struck an anti-tank mine on the Kuršumljaja Banja – Podujevo road and two policemen were killed, whilst five sustained serious injuries. Two days later, on the Bujanovac–Gnjilane road, Albanian terrorists attacked a police vehicle that was on its regular rounds in the village of Končulj, and two officials were killed by the automatic gunfire opened at it.

In this period, Albanian terrorists also made nine assaults on citizens and facilities in Serb municipalities bordering on the Autonomous Province of Kosovo and Metohija, for instance, the abduction of citizens, opening fire at villages, setting fire to homes and property, looting, an attack on the elementary school in Bujanovac, throwing hand grenades and other explosive devices at houses and property.

This presentation of the numerous crimes by Albanian terrorists ends with a review of 25 provocative terrorist actions directed at civilians inside the Ground Security Zone. Special attention might be called to the stealing of property – cows and sheep at gunpoint, the burning of haystacks, armed masked terrorists patrolling and reconnoitering in the villages and municipalities of Kuršumljaja and Medveda, the logging of timber in



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woods belonging to Serbs or the public enterprise – "Srbijašume", setting up roadblocks of rocks and tree trunks on the roads around Bujanovac, setting fires and planting explosives, etc.

Terrorist acts (especially those undertaken with the presence of KFOR and UNMIK in these parts, and previously during the term of duty of the OSCE Observer Mission headed by William Walker), and other criminal acts carried out by Albanian terrorists under the direction of the Kosovo Liberation Army, from January 1, 1998 until the beginning of March 2000 evidence of which is produced on almost 1,850 pages which comprise Volumes III and IV of the "White Book", had been performed with unperturbed reaction from representatives of the onlooking members of international forces. This is one of the reasons why the perpetrators of so many very grave crimes committed against the lives and person and property, in violation of human and civil rights and freedoms, of general security of the individual and his property, and against the constitutional order and security of the Federal Republic of Yugoslavia, have not been identified. In some instances, as in the village of Ugljare, KFOR concealed the massacred bodies of Serbs who had been killed months earlier, thus becoming complicit in the crime, or, even to the extent of directly undertaking such subversive acts as the demolition of a relay station at Mokra Gora Mount, despite the fact that, under the mandate of the UN Security Council, it was sent to prevent and forestall, namely reveal the perpetrators, helpers and instigators of these crimes.

The "White Book", Volume IV is, regrettably, not complete. It incorporates data on crimes committed by Albanian terrorists up until March 1, 2000. This certainly does not mean that no further criminal acts against the Serbs and Montenegrins have committed in Kosovo and Metohija since then. On the contrary, such and similar assaults and terrorist wrong doings continue to be made. Reports on new killings and injuries as well as of the abduction of Serbs and Montenegrins, of fires and explosions, keep coming from the southern Serbian province and are a daily occurrence. The evidence that is presented here does not, therefore, cover all the criminal acts perpetrated by Albanian terrorists.

Nevertheless, even what has been presented, and particularly the content of Volume IV of the "White Book", is sufficient to afford a real picture of the impact that the UN security and civilian missions in Kosovo and Metohija have made. Hardly a single provision of UN Security Council Resolution 1244 has been implemented in full or to the letter. The setting of fires, looting, killings, the seizure of property and its transportation to Albania, continue regardless of the presence of members of the international forces in this area. Furthermore, instead of their protecting the borders of the Federal Republic of Yugoslavia with the Republic of Albania and the Former Yugoslav Republic of Macedonia, the KFOR forces have actually enabled several hundred thousand Albanian citizens to enter the region of Kosovo and Metohija.

The purpose of the "White Book" is, in the first place, to present the international public with relevant evidence of the crimes committed by Albanian terrorist groups, by and large under the direction of the Kosovo Liberation Army and the leadership of Hashim Thaci and Agim Cheku. The more so because of the tremendous anti-Serb and anti-Yugoslav propaganda that has been launched in some countries, primarily the USA and NATO member countries under the pressure of certain world centers of power, in order to proclaim the Serbs as

being directly responsible for the state of "human rights" in Kosovo and Metohija, and on the other hand to cover up and justify the many crimes committed to the detriment of the Serb and Montenegrin people who have lived in the region of this southern Serbian province for centuries.

These authentic materials based on legally acknowledged procedures for the collection of evidence (material and individual, frequently backed up with photographs), provide more than solid grounds for declaring the Kosovo Liberation Army a terrorist organization and its organizers, commanders and leaders, guilty of organizing terrorist activities, as well as to proclaim the instigators, collaborators and executors of the innumerable terrorist crimes set out in the 1,850 pages of the "White Book" as being guilty of criminal acts of terrorism and to punish them in accordance with the law.

Translated by Mary Miljak

Days of Terror
(In presence of International Forces)

Edited by Zoran Anđelković,
Guljšen Prlinčević,
Sonja Šćepanović

Belgrade: Center for Peace
and Tolerance, 1999, pp. 293

A RECORD BEARING WITNESS TO THE DAYS OF TERROR

Vladan Škorić

Member of the Yugoslav Committee for Cooperation
with the UN Civil Mission in Kosovo and Metohija (UNMIK)*

The book "Days of Terror" (in the presence of international forces) is an authentic and unique testimony bearing witness to the crimes committed against the Serb people by Albanian terrorists in Kosovo and Metohija in the presence of international security forces. On 293 pages, it features 130 photographs, 15 tables and 3 maps in both Serbian and English language editions. It was published by a non-governmental organization – the Center for Peace and Tolerance from Priština. Crimes and violence in the southern Serbian province have been recorded in a chronological order and saved from oblivion by Zoran Anđelković, President of the Provisional Executive Council of Kosovo and Metohija, and by the expelled women journalists from Priština, Guljšen Prlinčević and Sonja Šćepanović.

This volume contains evidence in the form of authentic documents about the exodus of a people whose spirituality, relevant historical events and other turbulent developments

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are firmly linked to the land from which it has been banished.

The book is made up of several parts. The first part speaks about the events in Kosmet from June 10, (when KFOR and UNMIK entered the territory of the southern Serbian province) all the way through to November 31, 1999. It is a register of violence and crime: killings, abductions, expulsions, throwing out from homes, burning. All of these are but outer manifestations of what has long been part of the Kosmet reality. They virtually boil down to the systematic rooting out of the spirituality of the Serb people, the ethnic cleansing and genocide of that people at the hands of gangs of Albanian separatists with the tacit agreement and logistical support of the international security forces and under the vigilant eye of the new world order.

The second part of the book lists the names of 1,464 known victims of Albanian terror "the intention being to keep them in vivid memory"... Apart from the names of the killed and abducted citizens and clearly presented statistical indicators, the book also contains data on the demolished and desecrated Serbian churches and monasteries in Kosovo and Metohija. A large number of photographs bear witness and give clues as to the crimes and brutality committed in the presence of KFOR and UNMIK.

Precisely for that reason this book and document represents even more an original record testifying to the crimes committed; it is a veritable indictment. Namely, it does not offer any personal insights of its authors but, rather, objectively presents the cruel facts showing that the key provisions of the UN SC resolution 1244 have been systematically violated. It thus elucidates the real causes behind the distressing course the events in Kosovo and Metohija have taken. The situation there continues to dramatically worsen by the day; ethnic cleansing of Serbs and other non-Albanians continues unabated. What is certainly the most tragic aspect and makes this book a historic document of first-rate importance is the fact that just as the reader is reading its lines, the second volume is being written of this deeply-moving testimony of the trials and tribulations of a people exposed to genocide.

This book could have also been titled "Years of Terror" or "Century of Terror" because historical parallels – facts and events around and in Kosmet remind us that there is nothing there now that has not existed before.

Was it by chance or on purpose that KFOR and UNMIK entered and (for an /in/definite period) occupied a part of the Serbian territory precisely on June 10, 1999, the anniversary of the establishment of the Prizren League (June 10, 1878), a league whose goal was, in fact, to bring all Albanian-inhabited territories within the Ottoman Empire?!

From that time up to these days (the days described in the book "Years of Terror"), Kosovo and Metohija has seen the Kosovo Albanians commit the gravest acts of usurpation, outlawry, terrorism and brigandage. The pursuance thereof, as Zoran Anđelković concludes in the Foreword, shows that "the aspiration of Albanians separatist to ethnically cleanse Kosovo is nothing new".

The horrendous events described in the book that take place day in day out, hour after hour, on the one hand, and the promises and statements by international officials on the other, represent in themselves the most eloquent proof of the hypocrisy of the world's power-wielders and leaders. They abuse and use the issues of human rights and democracy as a means for achieving their strategic ends and interests. For example, the former Commander-in-Chief of KFOR in Kosmet, British Gen-

eral Sir Michael Jackson called on the Serbs in Kosovo Polje on June 15, 1999 to stay in their homes because he personally guaranteed their safety, just as he guaranteed it to the Serbs in Priština. However, he did not take any concrete steps to protect them so that, as a result, Serbs were expelled from Priština. Similar things happened in Kosovo Polje and in other towns and villages all over Kosmet. On June 22, 1999, the same General told the public that "KFOR and the Kosovo Liberation Army last night undertook the obligation for the "KLA" to be demilitarized within 90 days". Of course, this agreement has never been put into practice. Instead, transformed into the Kosovo Protection Corps (KPC), the "KLA" continued to pursue the same type of activity. The mere fact that an irregular and paramilitary formation was given 90 days for decommissioning and the Yugoslav Army 15 days to pull out from a part of its territory speaks volumes. The same goes for the KFOR troops deployed along the administrative boundary between the Province and Central Serbia while the international Albania-FRY border that is kept open. Everything becomes even clearer when one adds to this the statement that UN Secretary General Kofi Annan stated on June 22, 1999 that "a civil administration will be established in Kosovo soon". In fact, this has not happened even after ten months, i.e. until the present day.

These and many other facts presented in the book expose to the full the pernicious intentions and interests of a part of the international community for the Serbs. These intentions and interests have been in evidence particularly in the activities of Anglo-American politics. That is why they give a highly important dimension and value to this book.

Every chronological record in this book deserves to be a separate story or the subject of another book in its own right as an authentic document of the time that should never be forgotten or events that should never happen again. That is why this book is yet another contribution to the process of systematization of materials on the exodus of a people with deep historical and spiritual roots in the region from which groups of separatists and terrorists have forced out.

The purpose of the book has also been to respond to some statements made by international representatives (particularly Madeleine Albright and Knut Volleboek) on "the right of Albanians to avenge themselves".

"If they call on them to take revenge, they must know that they are pushing them into a vicious circle and that Serbs have been the victims of crimes in Kosovo throughout the 20th century, in almost the same way, in the same places", Anđelković warned.

Analyzing the situation in Kosovo and Metohija since the arrival of the UN peace-keeping forces, the reviewer, Academician Prof. Mihailo Marković, concluded: "It will soon become clear that everything was based on a big lie about the Albanian humanitarian catastrophe and that a veritable humanitarian catastrophe was only triggered with the appearance of NATO on the scene; that all civilizational principles were trampled upon; and that Kosmet experienced one of the ugliest and most horrible periods in the more recent history of Europe". In an attempt to fathom the future of Kosmet, Professor Marković observed: "A state carved out by so much violence, born in so much blood and having caused so much human degradation and humiliation cannot survive or last long".

Translated by Ivanka Grković



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Sources of International Humanitarian Law

Edited by Prof. Dr. Miodrag Starčević

Belgrade: Yugoslav Red Cross, 1999, pp. 571

LEGAL PROTECTION OF HUMANITY

Dr. Boško Jakovljević

This publication deserves to be noted.

These are very difficult times for the world as a whole, for this region in particular. After the Cold War ended instead of an expected peace, we have entered a phase of intensive armed conflicts, internal and international aggression. Unfortunately, our region is one of the major hotbeds of crisis. The result thereof have been massive human losses and extensive destruction of property.

The International Red Cross, the Red Cross Movement and the Yugoslav Red Cross organization keep abreast of these developments. The International Red Cross was established precisely because of violence and conflicts world-wide. It considered that something should be done to prevent, so far as possible, the terrible human suffering, or at least to reduce and alleviate it. It is doing this through its action. Concurrently, ever since it was founded in 1863, this movement has been working on the development and wide acceptance of the rules protecting victims of war and allowing and facilitating any humanitarian action. These include the well known Geneva Conventions relative to protection of victims of war, and other conventions supplementing them. The efforts of the Movement have resulted in the progressive development and codification of international law in this field called international humanitarian law, in response to an ever more destructive nature of present-day wars.

The development of international humanitarian law fits into a major trend in the development of international law since the inception of the United Nations, namely the international protection of human rights. In fact, international humanitarian law, as termed in many documents of the United Nations, is "the respect for human rights in armed conflict". The aim is to ensure direct protection of human beings and their property against the operations and effects of war, without waiting for the resolution of problems that have led to war, and without waiting for war to be eliminated from inter-human or, one would say, inhumane relations, in order to put up a legal barrier to violence and the use of force, as well as to make it possible for people to survive this greatest catastrophe, where all fundamental human rights have been either violated or trampled down.

The Yugoslav Red Cross wondered how to mark the fiftieth anniversary of the 1949 Geneva Conventions, which

constitute the basis of contemporary international humanitarian law. The reply was given by Prof. Dr. Miodrag Starčević, one of our leading experts in international humanitarian law: to publish a collection of sources. As a productive author and lecturer, he understood the importance of sources and the need for sources to be accessible to all those supposed to be familiar with this law. The Yugoslav Red Cross immediately accepted the initiative; the outcome was this publication. Regrettably, international humanitarian law is highly topical, indeed. It should be familiar to many: the highest civilian and military authorities, the military, police, civil defense, government administration, medical corps. Lawyers are supposed to know, in full detail, what is allowable and what is not, particularly in courts – both domestic and international, institutions that are increasingly called upon to apply international humanitarian law. This branch of law is important to many humanitarian organizations and other structures concerned with humanitarian action, in order that they may find ways and means of developing their widespread activities at the present time. Even victims of war should have some knowledge about international humanitarian law, more specifically about their rights; it is also important to the media to report on events that have brought about grave breaches thereof but that have also led to a humanitarian response. And last but not least, international humanitarian law is necessary to scholars and educators to be able to keep track of it, to research it and explain and direct its development.

The collection compiled by Prof. Dr. Starčević is based on a wider notion of international humanitarian law that has never been publicized here before. Besides the 1949 Geneva Conventions and the 1977 Additional Protocols to these Conventions, which constitute the core of international humanitarian law, the collection also includes a number of instruments classified by some as a separate branch of law, namely international law of warfare or international law of armed conflicts. Such a classification and strict differentiation between these two groups of rights are, in my view, not justified. All instruments applicable in armed conflict may be covered by the notion of international humanitarian law, taking into account that they regulate, or result in, the protection of basic human rights in all kinds of armed conflict. It is justified, therefore, that all instruments contained in this publication by the Yugoslav Red Cross are part and parcel of international humanitarian law.

The collection is divided into five sections.

Section one deals with the protection of persons in time of war; it also includes a number of rules acting as a restriction on the methods and means of warfare. They encompass four Geneva Conventions of 1949, two Additional Protocols of 1977 and Article 38 of the Convention on the Rights of the Child.

Section two covers the rules of warfare and mainly includes those incorporated in the 1907 Hague Convention that constitute sources of international humanitarian law today.

Section three relates to limitation of the means of warfare and, in addition to older treaties, includes the Petersburg Declaration of 1868 and two Hague declarations or

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Dr. Radoje R. Zečević

Serbia and International Status of the Derdap:

History and the Present

Belgrade: Institute for International Politics and Economics, 2000, pp. 223

ECONOMIC AND POLITICAL IMPORTANCE OF THE DANUBE

Prof. Dr. Ivan Čukalović

The problem of the utilization of the Danube has always attracted the attention of politicians, statesmen and scientists. It is here, at that thread linking Central Europe and the Balkans, that civilizations clashed, political and economic interests were intertwined, both those of the riparian States and of the big powers.

Here, on the most important waterway route of Europe, the bottleneck of this water current – the Derdap gorge – is located. After the construction of the Rhine–Main–Danube Canal, this waterway has become the lifeline connecting northern Europe and the Black Sea. Due to its strategic importance and as a geographic phenomenon it aroused interest of all relevant factors throughout history.

At first there was the problem of the steering of ships in this extremely perilous part of the Danube; the problem was also how to control it and render it safe. Then, following the construction of the Derdap storage lake, economic aspects became prominent.

That is why the book authored by Dr. Radoje Zečević, *Serbia and the International Status of the Derdap*, published by the Institute for International Politics and Economics, is very valuable. It elucidates in a comprehensive way the set of problems related to this most attractive part of the Danube. The work comprises four chapters in which the author, using the historical method, elaborates the most delicate political and legal aspects of this specific problem.

In the introductory part the author proceeds from the economic and political significance of the Danube. In addition to the data on the main route, the length of the banks and the special features of the Derdap Gorge section of the Danube, the author gradually introduces the reader, starting with the description of the delta of the best known European river, into the issues pertaining to the economic significance of the Derdap Gorge and the Danube. The aspects of navigation, hydro-energy potential, fishing and irrigation are explained. The study of these

conventions of 1899 and 1907, respectively, and the 1925 Protocol on asphyxiating gases and bacteriological weapons, as well as a series of new conventions adopted within the framework of the United Nations. They are the 1972 Convention on the prohibition of biological weapons, the 1980 Convention on the prohibition of certain types of conventional weapons, the 1993 Chemical Weapons Convention and the 1997 Landmines Convention.

Section four, relating to the protection of objects, contains the Hague instruments for the protection of cultural property and the convention banning modification of the environment of 1976.

Of particular interest is section five – on responsibility for breaches of international humanitarian law – the Nürnberg tribunal, the Statute of the *ad hoc* Criminal Tribunal for the Former Yugoslavia and the most recent Rome Statute of the International Criminal Court of 1998 that has not yet come into force but that represents an important link in this area of law.

Consequently, the collection contains also instruments that have been ratified or accepted by our country, as well as those that have not but without which the understanding of present international humanitarian law would be incomplete.

The mere publication of the more important instruments constituting sources of international humanitarian law is insufficient; ways and means should be devised to have this complex and important branch of international law become known to all those supposed to know it, to the extent required to exercise their functions, perform their duties and make use of it. This is, however, a matter of dissemination of international humanitarian law. The precondition for it being that the texts, many of which are not readily available to the public at large, be made available to all.

I wish to recall that in 1998, the Yugoslav Red Cross published "A Handbook of the Yugoslav Red Cross", containing both national and international regulations on the Red Cross. The Red Cross Movement has definite tasks entrusted to it in the implementation of international humanitarian law. There is a need, therefore, to be familiar also with the instruments setting out the objectives, principles, structure, competence and methods of work of all its component parts.

Indeed, it is difficult to find all these numerous instruments, adopted in the period from 1868 to 1997, in one place. This makes the publication that has collected, classified and printed them even more worthy of note. All the credit for it goes to the Yugoslav Red Cross and the author of the editions containing documents that are very much of current interest as far as our country and people are concerned.

Translated by Gordana Simović



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problems would be incomplete without the analysis of the political and strategic importance of the Danube. This aspect is dealt with in the final section of the book. Thus the author covers the whole set of problems and opens the question of the international status of the Đerdap.

Chapter one is devoted to the problems of the Đerdap Gorge in the period from 1616 to the end of the Second World War. It contains a detailed review of the Paris and the Berlin Congresses and of the most important events related to the Đerdap that took place between the two world wars.

Chapter two is concerned with the period during and after World War Two, with special emphasis on the most important international-legal documents in this field, including a detailed survey of the Convention of 1948 that represents the legal basis for the regulation of the question of the Đerdap.

In the third chapter the author focuses on the Yugoslav-Romanian agreement on the utilization of the Danube in the area of the Đerdap straits. In this chapter all more relevant questions, starting with the border issues, the customs control, execution of construction works in

the area, compensation of damage, protection of places of cultural and historical interest all the way to resolving disputes that might arise.

The fourth chapter is a synthesis of the present-day status of the regime of utilization of the Đerdap, from the hydro-electric system to tourism and fishing, including possibilities yet unutilized due to sanctions, the breakup of Yugoslavia and war in this region.

In illuminating the problems associated with the Đerdap the author was helped by abundant literature that he benefited from in an adequate manner.

Unfortunately, the sanctions imposed also in the field of science made it impossible to have the comments and views of foreign authors regarding the current situation on the Danube created by the destruction of bridges by NATO member countries. The inventory of all agreements and conventions relating to the problem of the Đerdap and the Danube annexed to the book, its clear and intelligible style, offer a specific set of historical, legal and political frameworks in the consideration of the international status of the Đerdap.

Translated by Ivanka Grković

DOCUMENTS

Vol. LI, No. 1091-93, April-June 2000

Belgrade, May 19, 2000

MINISTRY OF FOREIGN AFFAIRS OF THE FRY

Pro Memoria on the Implementation of UN SC Resolution 1244 (1999) and MTA*

The FR of Yugoslavia and the Republic of Serbia carried out all their obligations under Security Council resolution 1244 (1999) and the Military Technical Agreement (MTA).

Since the deployment of UNMIK and KFOR, Security Council resolution 1244 and Military Technical Agreement have been systematically violated, UNMIK and KFOR are not fulfilling their mandate, terrorism of transformed so-called KLA continues, whereby 10 citizens on average are being killed or go missing on a daily basis, the sovereignty and integrity of Serbia and Yugoslavia continue to be systematically violated, while harassment, detention without trial and ethnic cleansing of Serbs, Roma, Muslims, Turks, Goranci, go on.

The Province has been turned into a European center for terrorism, organized international crime, drug trafficking, arms smuggling, white slavery and money laundering.

Planning civil registration and elections under such conditions is aimed at legalizing the achieved level of separatist process under the auspices of UNMIK and KFOR, and at hiding their devastating results and avoiding responsibility. Free and fair elections are possible following prior agreement on a political settlement, and in accordance with the Constitution and laws of Serbia and Yugoslavia.

A political solution presupposes:

- respect for the sovereignty and integrity of the Republic of Serbia and the FR of Yugoslavia;
- full implementation of the mandate by UNMIK and KFOR in accordance with Security Council resolution 1244 and Military Technical Agreement, particularly physical and property safety of citizens, disbanding and disarmament of transformed terrorist so-called KLA, respect for human rights, free and safe return of refugees and displaced persons, cancellation of further stay and removal of all foreign nationals who are illegally staying in the Province, the restoration of public order and peace, freedom of movement, return of contingents of VJ and MUP and full control over the State border;
- autonomy within Serbia while guaranteeing equality of all citizens and national communities;
- dialogue between the legitimate representatives of national communities and the State representatives, with appropriate participation of UN Security Council representatives.

* The Ministry of Foreign Affairs of the FRY addressed to the European Union this document. The document states the position of Yugoslavia on dramatic problems emerged following the deployment of the international security and civil presences in Kosovo and Metohija, an integral and inseparable part of the Republic of Serbia and the Federal Republic of Yugoslavia.

The Government of the FR of Yugoslavia has proposed to UNMIK the Draft agreement on the establishment of a Joint Coordination Committee. We are interested in the position of the EU on that matter.

Belgrade, May 21, 2000

MINISTRY OF FOREIGN AFFAIRS OF THE FRY

FRY Memorandum Delivered to the EU Representatives*

1. Lack of legal basis for the sanctions

The sanctions that the European Union imposed on its own on the Federal Republic of Yugoslavia (ranging from a ban on investments, freezing of funds held by the FR of Yugoslavia abroad, flights ban, a ban on deliveries of petroleum and petroleum products, a ban on the movement of people to a ban on trade and cooperation with individual companies) have no basis whatsoever in international law and are contrary to its fundamental principles (the right to a free movement of goods and people, traffic, etc.) as well as contrary to the purposes and principles of the United Nations Charter.

The sanctions are in violation of the basic provisions of the U.N. Charter, in particular its Chapter VII, in which it was clearly stated (Article 41) that "the Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions" and it is only the Security Council which "may call upon the Members of the United Nations to apply such measures". These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic and other means of communication, and the severance of diplomatic relations". In other words, any introduction of sanctions against any country must go through the mechanism of, and be approved by the Security Council. If not, they are a unilateral, legally unjustified act.

Under Article 52 of the Charter, regional organisations cannot be used to maintain international peace. The European Union, as a regional organisation, was therefore duty-bound to initiate sanctions against the FR of Yugoslavia through the U.N. Security Council.

The implementation of sanctions by the E.U. against the FR of Yugoslavia violates the basic principles contained in other international instruments governing free trade, free flow of goods and capital, free circulation of people, etc. (of the WTO, OSCE and others).

* The Ministry of Foreign Affairs of the FRY delivered to the EU Troika the Memorandum that proves, in an argued way, the lack of any legal, political and humanitarian basis for the sanctions, and requests the EU to lift them without delay. At the same time, all embassies of the FRY in EU Member States have been instructed to hand the Memorandum to the Ministries of Foreign Affairs of the receiving State and to explain the Yugoslav position, requesting the immediate lifting of the sanctions.



It may be recalled that all E.U. Member States have supported General Assembly resolution 172 of 17 December 1999 (the Cuban resolution: human rights and unilateral enforcement measures), which has as its basis opposition to any pressure and sanctions that are not based on international law. Enforcement of sanctions is also in contravention of the provisions and principles of the Council of Europe.

2. Lack of a political basis for the sanctions

Application of sanctions against the FR of Yugoslavia has resulted in the prevention of regional development and integration processes in South Eastern Europe, which is contrary to all initiatives for stabilisation and peace in the region and further afield in Europe that the E.U. itself subscribes to in public. E.U. sanctions against the FR of Yugoslavia violate the sovereignty and territorial integrity of the country. The latest "enlargement of financial sanctions" discriminates between economic operators in the FR of Yugoslavia on the basis of anti-democratic, political criteria which, inter alia, is aimed at internal divisions and represents a gross interference in the internal affairs of a sovereign Member State of the United Nations. It also represents a violation of not only the U.N. Charter but of such human rights as the right to life, to employment and development, education, the right of association of economic and social factors in a sovereign country of Europe, etc. Actual exemption of Montenegro from the E.U. sanctions is a direct attack on the constitutional system of the FR of Yugoslavia and the unity of the people and leadership of the country.

E.U. sanctions against the FR of Yugoslavia as well as the policy of continuing pressure, whether economic, political, media or at any other level, is along the lines of continued efforts to destabilise the FR of Yugoslavia.

By implementing the sanctions against the FR of Yugoslavia, E.U. Member States are tying, at the same time, their own hands through an imposed anti-European policy.

3. Lack of an economic and humanitarian basis for the sanctions

Implementation of E.U. sanctions against the FR of Yugoslavia has also inflicted great losses on the economies and other factors in E.U. Member States which traditionally have good cooperation with economic operators in the FR of Yugoslavia. Indeed, many European businesses have seen their cooperation with Yugoslav companies as a possibility to realise their interests, which a prolonged application of sanctions by the E.U. has rendered impossible. Implementation of E.U. sanctions against the FR of Yugoslavia has also caused huge losses to all neighbouring countries and countries in the wider region.

The E.U., with its prolonged enforcement of sanctions against the FR of Yugoslavia, has obviously made difficult the offsetting of the devastating effects of the NATO aggression to prevent the citizens of Yugoslavia from living in improved conditions and to obstruct the economic and technological progress of the Yugoslav economy. Despite NATO destruction, long sanctions and the need to host about a million refugees and displaced persons, the FR of Yugoslavia has recorded a much more faster economic growth than most of its neighbours who have been promised hefty assistance as their reward for various forms of participation in the NATO aggression against the FR of Yugoslavia.

4. Demand of the FR of Yugoslavia

Taking into account that the maintenance of sanctions by the E.U. has no basis whatsoever and that they are aggra-

vating the economic and humanitarian situation in the FR of Yugoslavia, that it contributes to instability in the region that cannot be in the interest of both the E.U. and Europe as a whole, the FR of Yugoslavia demands that the E.U. immediately lifts all sanctions imposed by it thus far. The FR of Yugoslavia reserves the right to take appropriate measures to protect its interests and to claim material and other damages in a court of law.

Belgrade, June 7, 2000

FEDERAL REPUBLIC OF YUGOSLAVIA

Statement of the Government of the FRY on the Implementation of UN Security Council Resolution 1244 (1999)

The Federal Government stated that the brutal aggression by nineteen Member States of the North Atlantic Treaty Organization (NATO), led by the United States, against the Federal Republic of Yugoslavia was an act contrary to international law and a crime against peace and humanity. The military aggression ended with the adoption of United Nations Security Council resolution 1244 (1999) on 10 June 1999. The adoption of this resolution was preceded by the acceptance of the Ahtisaari-Chernomyrdin document and the signing of the Military Technical Agreement of Kumanovo.

In this way, the settlement of the problem of Kosovo and Metohija was reverted back to the world Organization, i.e. to the Security Council, as the sole and legitimate authority for maintaining peace and security. The Federal Republic of Yugoslavia thus demonstrated its confidence in the United Nations and agreed to the Security Council resolution whose essential provisions envisaged full respect for the sovereignty and territorial integrity of the FR of Yugoslavia and demanded cooperation with the Yugoslav authorities in the discharge of the mandate entrusted to international security and civil presences.

However, the Federal Government noted that one year after KFOR and UNMIK, headed by Bernard Kouchner, were deployed in Kosovo and Metohija, they had systematically violated their mandate under Security Council resolution 1244 (1999) and obstructed its consistent implementation, thus demonstrating that they were neither capable nor willing to establish order and personal and property safety for all inhabitants of Kosovo and Metohija, or to respect the territorial integrity and sovereignty of our country. They have completely betrayed the confidence placed in them.

Following the deployment of UNMIK and KFOR, Kosovo and Metohija has been turned into a base of organized international crime, illicit trafficking in drugs and arms, white slavery and money laundering. It is still a recruitment center for terrorists. UNMIK and KFOR have openly be-



come accomplices and directly responsible for the ethnic cleansing and protracted genocide of Serbs, Muslims, Turks and non-Albanians in this Province.

The Federal Government considered that the Security Council, in view of its responsibility under the Charter, has to face the following facts. During the military and Civil presences of the United Nations and since they took full responsibility for the situation in the Province 5,000 terrorist attacks have been carried out. More than 1,000 people have been killed and over 940 abducted. About 360,000 Serbs, Muslims, Roma, Turks, Goranci, Egyptians and other non-Albanians have been driven from their homes. Eighty-six medieval places of worship and cultural and historic sites of inestimable value have been destroyed. More than 250,000 foreigners, mostly citizens of Albania and Macedonia, have illegally crossed the State border of the FR of Yugoslavia and stayed in the Province. The terrorist "Kosovo Liberation Army", which is an armed wing of the Albanian narco-mafia and which has allegedly been transformed into the so-called "Kosovo Protection Corps", continues with its terror and ethnic cleansing, which is evidence that it has not been demilitarized, disarmed or disbanded but that it has been acting under the auspices of UNMIK and KFOR and with their direct assistance and under the direction of the NATO alliance.

The failure of the UNMIK and KFOR Mission to protect the basic human rights of the inhabitants, for whose security they took responsibility, as well as to preserve the multi-ethnic, multi-religious and multi-cultural character of Kosovo and Metohija, is more than evident.

The Government assessed that the systematic violation of Security Council resolution 1244 (1999) had prevented the launching of the political process of settling the status of the Province within the Republic of Serbia and the FR of Yugoslavia, as set out in resolution 1244 (1999).

The Federal Government insisted, in accordance with resolution 1244 (1999), on an immediate return and deployment of VJ and MUP personnel with a view to ensuring full protection of the internationally recognized borders of the FR of Yugoslavia, on restoring the functioning of the legitimate Provincial and local administration as well as the functioning of all essential public services and on taking all measures and guarantees for a safe and unimpeded return of all expelled and displaced persons. Parallel with the restoration of peace, order and personal and property safety for all inhabitants of the Province, conditions will be created for the start of the process of the political resolution of problems in Kosovo and Metohija within the autonomy of this Serbian province as an inseparable part of the constitutional, legal and economic system of the Republic of Serbia that would guarantee the multi-cultural, multi-religious and multi-ethnic character of the Province and full equality of all citizens.

The arguments, evidence and facts supporting all the above assessments of the Federal Government are contained in its Memorandum on the implementation of Security Council resolution 1244 (1999) that it forwarded to the Security Council of the United Nations with a request that it be published as a document of the United Nations.

In view of all this, the Federal Government demanded that the Security Council of the United Nations:

- declare null and void all acts and decisions taken by Head of UNMIK Bernard Kouchner, contrary to Security Council resolution 1244 (1999);

- condemn in the strongest terms, put an end to the activity of Head of UNMIK Bernard Kouchner and withdraw from Kosovo and Metohija the forces of UNMIK and KFOR, who are directly responsible for the systematic violation of Security Council resolution 1244 (1999) and for countless loss of life, untold suffering of the Serbian and other non-Albanian population and for the damage inflicted by Kosovo Albanian terrorists in the presence of tens of thousands of KFOR and UNMIK members;
- urgently take all necessary measures to ensure full and consistent implementation of its resolution 1244 (1999);
- most strongly condemn continued NATO aggression against the FR of Yugoslavia through the maintenance of the illegal system of sanctions and embargoes imposed by NATO Member States, through constant attempts at undermining the FR of Yugoslavia and through material, political and media support for the Albanian separatists and terrorists in Kosovo and Metohija, whose activities, in conjunction with the obstruction of UNMIK and KFOR in the implementation of resolution 1244 (1999), are aimed at the destabilization and breaking up of the territorial integrity of the FR of Yugoslavia, at reshaping internationally recognized borders and, therefore, at causing widespread instability and conflict in the region, with far-reaching negative implications for peace and security in the Balkan region;
- take all necessary measures to compensate for the damage and other losses inflicted on the population, economy and cultural heritage of Kosovo and Metohija by UNMIK and KFOR and by the terrorist and criminal gangs they are supporting.

Belgrade, June 7, 2000

FEDERAL REPUBLIC OF YUGOSLAVIA

Memorandum of the Government of the FRY on the Implementation of UN Security Council Resolution 1244 (1999)

1. FAILURE OF THE INTERNATIONAL MISSION UNDER THE AUSPICES OF THE UNITED NATIONS IN KOSOVO AND METOHİJA

1. Sovereignty and territorial integrity of the Federal Republic of Yugoslavia over Kosovo and Metohija are inviolable and final: Security Council resolution 1244 (1999), the Military Technical Agreement and the Chernomyrdin-Ahtisaari document have unambiguously reaffirmed the sovereignty and territorial integrity of the FR of Yugoslavia in Kosovo and Metohija (preamble para 10; Annex 2, para 8). The Federal Republic of Yugoslavia and the Republic of Serbia have carried out all their obligations under Security Council resolution 1244 (1999) and the Military Technical Agreement.



2. **Systematic non-implementation and flagrant violation of Security Council resolution 1244 (1999) and the Military Technical Agreement by KFOR and UNMIK:** In the past year of their mandate in the southern Serbian Province, KFOR and UNMIK have consciously avoided to implement Security Council resolution 1244 (1999) and the Military Technical Agreement or have deliberately and grossly breached them, in violation of the sovereignty and territorial integrity of the FR of Yugoslavia and the Republic of Serbia. They have thus discredited themselves as impartial and well-meaning international trouble shooters having the mandate of the world Organization. Such an attitude on the part of KFOR and UNMIK, as well as the Security Council of the United Nations, as the body with primary responsibility for a consistent implementation of its resolution 1244 and related documents, are the underlying cause of the dramatic deterioration of the security and overall situation in the Province, which is now much worse than it was prior to the NATO armed aggression against the FR of Yugoslavia.

KFOR and UNMIK have not fulfilled any of the provisions of the Resolution and the Military Technical Agreement:

- Those relating to full and strict respect for the sovereignty and territorial integrity of the Republic of Serbia and the FR of Yugoslavia (preamble para 10, and para 8 of Annex 2 of the resolution) that are systematically and deliberately violated by UNMIK's Head B. Kouchner and other representatives of UNMIK and KFOR. By their decisions which systematically undermine the sovereignty and territorial integrity of the FR of Yugoslavia and the Republic of Serbia, KFOR and UNMIK are acting complicit with the Albanian separatists and terrorists in their efforts to ensure preconditions for separating Kosovo and Metohija from the unified constitutional-legal, monetary-financial, economic, educational, judicial and other systems of the FR of Yugoslavia and the Republic of Serbia. They are thus directly encouraging and helping the achievement of the separatist aspirations of Albanian terrorists and their political leaders and working against the goals of peace, stability and development in the region. Placing the UN Mission in Kosovo and Metohija at the service of Albanian separatist-terrorist forces, with the aim of destroying the State sovereignty of a UN Member State, constitutes a dangerous precedent in the practice of UN peace-keeping operations that negates the essential values of the fundamental principles of the Charter of the United Nations and goes against UN peace missions as such.
- The basic human rights of Serbs, Muslims, Roma, Goranci, Turks, Egyptians and other non-Albanian population have been violated on a massive scale (operative para 11j). The fundamental human right of these people, i.e. the right to life, has been threatened since the deployment of the international mission.
- The terrorist so-called "Kosovo Liberation Army" and other armed Albanian gangs have not been demilitarized, disarmed or disbanded (operative para 9b).
- Personal and property safety as well as equality and a safe environment for all inhabitants, as an essential precondition for a safe return of refugees and displaced persons, and an unimpeded delivery of humanitarian assistance (operative para 9c), have not been ensured.

- The laws and other regulations of the Republic of Serbia and the FR of Yugoslavia have not been respected; there is no public order and peace (operative para 9d) or free movement of the population.
 - The return of members of VJ and MUP to Kosovo and Metohija has been prevented without any basis (operative para 4, paras 6 and 10 of Annex 2 of the resolution and para 4 of the Military Technical Agreement).
 - International borders of the FR of Yugoslavia to Albania and Macedonia have neither been guarded nor secured (operative para 9g). KFOR and UNMIK have allowed unhindered and illegal entry into Kosovo and Metohija of more than 250,000 people, who are not citizens of the FR of Yugoslavia, mainly terrorists and other Albanian armed gangs of criminals. The Province has been turned into Europe's center of terrorism, organized international crime, trafficking in drugs and arms, illicit trade in women and children, "money laundering", etc.
 - Systematic violation of Security Council resolution 1244 has prevented the initiation of a political process to settle the status of the Province within the Republic of Serbia and the FR of Yugoslavia (operative para 11a).
 - In violation of their obligation to respect the sovereignty and territorial integrity of the FR of Yugoslavia and the Republic of Serbia, KFOR and UNMIK have continuously refused to cooperate with the competent authorities of the FR of Yugoslavia in the discharge of the UN peace-keeping mission in its territory. Consequently, they are directly feeding Albanian separatist ambitions in Kosovo and Metohija, in direct contravention of the crucial provisions and the main goal of Security Council resolution 1244 and the related documents.
3. **Total fiasco of the international presence under UN auspices in Kosovo and Metohija:** Continuing deterioration of the overall situation in the Province is along the lines of efforts to cause artificially a prolonged destabilization in the region, with a view to finding justification for NATO to stay in the region and to revive its prestige and authority that have been seriously eroded by its illegal aggression against the FR of Yugoslavia. Continued manipulations with very malicious statements by KFOR and UNMIK officials about alleged success of the international mission in the Province, despite being proven unequivocally wrong by the disastrous situation on the ground, bear witness to it. The overall track record of the discharge of the one-year mandate of the international security (KFOR) and civil (UNMIK) presences in Kosovo and Metohija, under UN auspices, as set out in Security Council resolution 1244 (1999), is disastrous in all its aspects.

II. SYSTEMATIC VIOLATION OF THE SOVEREIGNTY AND TERRITORIAL INTEGRITY OF THE FR OF YUGOSLAVIA AND THE MANDATE OF THE SECURITY COUNCIL OF THE UNITED NATIONS

1. **Decisions of UNMIK and KFOR:** Regulations of the Special Representative of the United Nations Secretary-General and Head of UNMIK B. Kouchner have no grounding in the resolution and are aimed at severing all links between Kosovo and Metohija and the Republic of Serbia and the FR of Yugoslavia, i.e. fully separating the Province

from the constitutional, legal, economic, monetary, financial, banking, customs, visa, administrative and other systems of the FR of Yugoslavia and the Republic of Serbia. Regulations and decisions of the Head of UNMIK, B. Kouchner, undermine systematically and directly the State sovereignty of the FR of Yugoslavia and the Republic of Serbia in Kosovo and Metohija, the basic principle guaranteed by Security Council resolution 1244 (1999), and deny the legal basis and prerogatives of statehood of the State of Serbia and the FR of Yugoslavia in that southern Serbian province, as an integral part of the Republic of Serbia and the FR of Yugoslavia.

- **The so-called Interim Administration Council, a *de facto* Provincial "Government",** composed of Albanians, mostly from the ranks of the terrorist so-called Kosovo Liberation Army and Albanian separatist political parties, is an illegal political creation aimed at legalizing ethnic supremacy of Albanians, with a view to carving out an ethnically pure Kosovo and Metohija. The repeated attempts of the Special Representative to include in that body the Serbs, chosen by himself according to his own criteria mostly for offices of peripheral political importance and influence, are part and parcel of the same overall strategy of the Special Representative to legalize the status quo at the expense of the interests of Serbs and other non-Albanians.
- **The decision of UNMIK on an alleged transformation of the terrorist so-called Kosovo Liberation Army** into a supposedly civilian organization, the Kosovo Protection Corps (KPC), is illegal having no grounding in Security Council resolution 1244 (1999) and the related documents and taking into account that the Security Council was not consulted on its adoption. It has been proved beyond doubt that the Kosovo Protection Corps is a military/terrorist formation and one of the principal generators of the worsening of the situation and the crisis in the Province. Evidence of it being the report submitted by the UNMIK Human Rights Unit of 29 February 2000, which has been deliberately hidden from the eyes of the international public, so as to hoodwink it and mislead it into believing in an alleged success of the international presence in Kosovo and Metohija, under United Nations auspices.
- **Issuance of identification documents:** UNMIK has no authority to issue identification documents to Yugoslav citizens from Kosovo and Metohija. Consequently, the so-called Kouchner's passports and other personal documents constitute an act of the most flagrant violation of the provisions of Security Council resolution 1244 and of the principles of the Charter of the United Nations relating to the respect for the sovereignty and territorial integrity of the FR of Yugoslavia. Such acts are legally null and void and are absolutely unacceptable from the point of view of the Charter of the United Nations and international law. Allowing foreign citizens to enter the FR of Yugoslavia via border crossings temporarily controlled by UNMIK and KFOR, without a proper Yugoslav visa, is incompatible with international law and the practice of UN peace missions. The Government of the FR of Yugoslavia has most strongly protested against such acts aimed at disrupting

the uniform regime of identification documents for Yugoslav citizens and called on all States and international organizations not to accept, in accordance with international law, documents illegally issued by UNMIK.

- **Functioning of the judiciary:** Security Council resolution 1244 (1999) envisages that the judicial system in Kosovo and Metohija operates in line with the Yugoslav legislation and within the judicial system of the Republic of Serbia and the FR of Yugoslavia.

Through an illegitimate and illegal regulation, the Special Representative has established judicial organs in Kosovo and Metohija which conduct criminal proceedings without honoring the Yugoslav laws in force and violating the basic principles of criminal law set forth in international conventions.

Particularly unacceptable and unbecoming of a United Nations mission is the practice of double standards applied to the detriment of Serbs and Montenegrins in cases of arrest, institution and conduct of investigation, detention, determination of the right to defence, use of the mother tongue, etc.

466 Serbs are currently being detained in prisons. They have been arrested only on the ground of information provided by the Albanians, most frequently the members of the terrorist so-called Kosovo Liberation Army.

2. **Construction of foreign military bases and foreign (NATO/KFOR) military exercises:** The Government of the FR of Yugoslavia has most vigorously opposed the construction of military bases and the conduct of military exercises by foreign armies in a part of its sovereign territory without its approval. This is the most flagrant violation of its sovereignty and of the provisions of Security Council resolution 1244 (1999) as well as of the laws in force in the Republic of Serbia and the FR of Yugoslavia. This is further inconsistent with the character and spirit of peace missions under the auspices of the United Nations and sets a dangerous precedent, contrary to the purposes and principles of the United Nations.
3. **Visits by foreign officials and "representation" of some foreign countries without the consent of the competent authorities of the FR of Yugoslavia:** They constitute the most flagrant form of violation of the principles of the sovereignty and territorial integrity of the FR of Yugoslavia, in gross breach of the principles of the Charter of the United Nations, provisions of the Vienna Conventions on diplomatic and consular relations, the Convention on the Privileges and Immunities of the United Nations as well as of prevalent international practice. Accordingly, the illegal practice put in place by UNMIK of giving "approval" for the establishment of para-diplomatic missions of foreign States in Kosovo and Metohija and for the construction of "cultural centers" of some States, such as Saudi Arabia's, in any part of the single Yugoslav territory, without an explicit agreement of the competent authorities of the FR of Yugoslavia, is totally unacceptable. The Government of the FR of Yugoslavia most strongly condemns the recent illegal visit to the southern Serbian Province of the President of the Republic of Albania, Rexhep Meidani, as well as his meetings with UNMIK and KFOR officials. This undisguised provocation against the FR of Yugoslavia and an act of the most flagrant violation



of the State sovereignty and territorial integrity of the FR of Yugoslavia is in the function of a direct support to Albanian separatists and terrorists in Kosovo and Metohija.

4. **Disrespect for the State symbols of the FR of Yugoslavia:** The fact that the symbols of the State of the FR of Yugoslavia, primarily its flag, are not displayed at its international border crossings with Albania and Macedonia and that other border signs have been removed constitutes a gross violation of the sovereignty and territorial integrity of the FR of Yugoslavia.

5. **Invalidity of KFOR and UNMIK decisions:** The FR of Yugoslavia considers null and void and without any legal effect and as non-binding on itself and its authorities the conduct and decisions of KFOR and UNMIK, particularly those of Special Representative of the United Nations Secretary-General and Head of UNMIK B. Kouchner, which disregard or violate the principles of sovereignty and territorial integrity of the FR of Yugoslavia, as well as all measures, acts and omissions of acts which are contrary to Security Council resolution 1244 (1999) or the Military Technical Agreement or represent an attempt at their revision.

The Government of the FR of Yugoslavia has never ceded, nor does it intend to do so, the sovereignty over any part of its territory and rejects most strongly the tactics of deception and the diversion of attention from the alliance of UNMIK and KFOR with the terrorist so-called Kosovo Liberation Army. In particular, it repudiates all acts carried out along the line of *fait accompli*.

6. **UNMIK's and KFOR's non-cooperation with the competent authorities of the FR of Yugoslavia and the Republic of Serbia:** Persistently refusing to cooperate with the relevant authorities in the FR of Yugoslavia and the Republic of Serbia, KFOR and UNMIK have grossly violated the obligation to respect the State sovereignty and territorial integrity of the FR of Yugoslavia and the Republic of Serbia. Primary responsibility for such conduct on the part of KFOR and UNMIK lies with the United Nations which has refused to sign with the Government of the FR of Yugoslavia, as the host, a comprehensive agreement on the status of the peace mission. In this context, it is completely unacceptable and inappropriate to a peace mission under United Nations auspices that a delegation of the Security Council of the United Nations avoid contact with the Government of the country which it visited and which invited it.

III. MASSIVE VIOLATIONS OF HUMAN RIGHTS

1. **Responsibility of KFOR and UNMIK:** The sole responsibility for massive violation of human rights in the Province, for lawlessness, chaos and breaches of the provisions of Security Council resolution 1244 (1999) relating to the preservation of the multi-ethnic, multi-religious and multi-cultural character of the Province is borne by KFOR and UNMIK which have become directly accessory to ethnic cleansing and genocide.

2. **Terror and violence:** Albanian terror and violence, the ethnic cleansing of, and genocide against, non-Albanians, primarily Serbs and Montenegrins, but also the Roma, Muslims, Turks, Goranci and other non-Albanians, the destruction of their homes, usurpation and destruction of private and State property and rampant crime and chaos in Kosovo and Metohija continue unabated despite the

presence of about 50,000 well-armed members of KFOR and UNMIK policemen.

An average ten people are killed or abducted in terrorist attacks in the Province every day. KFOR and UNMIK have thus become complicit in the most serious crimes against Serbs and other non-Albanian population and bear the greatest responsibility for the lack of minimum security for Serbs and non-Albanians in the Province.

Verbal support for the multi-ethnic, multi-confessional and multi-cultural Kosovo and Metohija is a mere exercise in hypocrisy by KFOR and UNMIK, taking into account that due to their non-implementation and gross violation of Security Council resolution 1244 (1999), the former composition of the population has been forcibly altered.

- **Ethnic cleansing:** Since the deployment of KFOR and UNMIK, more than 360,000 Serbs, Montenegrins, Roma, Muslims, Turks, Goranci and other non-Albanians, accounting for two thirds of the entire non-Albanian population of Kosovo and Metohija, have been forcibly driven out of the Province. However, systematic ethnic cleansing continues while KFOR and UNMIK are doing nothing to prevent it.

Ethnic cleansing of Serbs and Montenegrins has already been completed in most of Kosovo and Metohija. Therefore, Albanian terrorists are now concentrating, with an overt assistance and support of KFOR and UNMIK, their attacks on the few remaining Serb enclaves, primarily on Kosovska Mitrovica and some Serb villages completely surrounded by Albanians.

Unwillingness of KFOR and UNMIK to put a stop to it and cynical insistence, at the same time, on the establishment of multi-ethnic communities at any cost, particularly the so-called security zones, in the remaining Serb enclaves testify to the direct collusion between Albanian terrorists and international forces in Kosovo and Metohija in the process of ethnic cleansing of the Province of its non-Albanians, the Serbs in particular.

On the other hand, there is no mention of Priština, for instance, which had a population of 40,000 Serbs and Montenegrins, of whom less than 100 remained after KFOR and UNMIK were deployed. Illustrative in this respect is the fact that of the former 25,000 school and university students in Priština only 35 are now attending classes outside Priština in the village of Laplje Selo.

KFOR and UNMIK have done nothing to restore the former multi-ethnic structures in Prizren, Peć, Orahovac, Dakovica, Glogovac and many other towns and villages of Kosovo and Metohija. On the contrary, by publicly denying the existence of conditions for it, the responsible officials of the United Nations, KFOR and UNMIK are, in effect, discouraging Serbs to return in large numbers to their ancestral homes and directly contribute to reinforcing the mono-ethnicity of the Province.

Similarly, a perfidious policy of constant demonization of Serbs aimed at justifying the real intentions of Albanian separatists and terrorists is another attempt by KFOR and UNMIK to cover up their own complicity in the process of systematic ethnic cleansing of everything of non-Albanian, especially Serbian provenance, in the Province.



Albanians themselves, loyal citizens of the Republic of Serbia and the FR of Yugoslavia who refuse to toe the line, are increasingly being targeted by Albanian terrorists and criminals. During the month of May Albanian terrorists carried out a number of attacks on Croats living in the village of Janjevo, which has been virtually emptied under pressure from the terrorist so-called Kosovo Liberation Army. (Of its 1,500 Croat inhabitants about 350 remained behind.)

- **Terrorism:** 4,878 terrorist attacks (4,590 against Serbs and Montenegrins) were carried out in the period from 10 June 1999 through 31 May 2000. In the same period 1,027 persons (902 Serbs and Montenegrins) were killed; 955 (898 Serbs and Montenegrins) were wounded and 945 (869 Serbs and Montenegrins) were abducted and missing. More than 50,000 homes, mostly those belonging to Serbs, Montenegrins and Roma, were destroyed, burned down or severely damaged.

- **New forms of ethnic cleansing and other serious crimes against Serbs:** KFOR members have continued their practice of harassing Serbs. The latest examples thereof being the incident where KFOR armored personnel carriers and dogs were used against local Serbs in the village of Babin Most, municipality of Obilić (31 May). They protested over the brutal murder of Milutin Trajković.

- **"Labor" camps and prisons for Serbs:** KFOR and UNMIK have done nothing to help with the release of Serb civilians, who have been detained by the terrorist so-called Kosovo Liberation Army in the "labor camps" in Kosovo and Metohija, which are under strict control and to which not even ICRC representatives have access. Furthermore, KFOR and UNMIK as well as other international humanitarian organizations have not made any effort to have several hundred Serbs abducted in Kosovo and Metohija and now detained in the Republic of Albania, set free.

Even though this is the most inhuman violation of individual human rights and fundamental freedoms, of which it is fully aware, the International Force in Kosovo and Metohija is trying to downplay the problem of spreading the information that there is allegedly lack of evidence and that any parallels may be drawn between the abducted Serbs and the Albanian terrorists and criminals convicted as an outcome of due process of the law and now serving their well-deserved sentences.

- **Destruction of cultural and historic sites:** Destruction of Serbian cultural monuments, the symbols of the centuries' old roots of Serbian statehood and spirituality in the region of Kosovo and Metohija continues unabated. 86 churches and medieval monasteries have been destroyed, burned or seriously damaged.

- **Discrimination and a cultural and spiritual genocide against Serbs:** Under the auspices of the United Nations, UNMIK has tolerated and encouraged by its actions discrimination against Serbs, especially in education (closing of universities and schools), culture and the media in the Serbian language.

Discrimination against Serbs and Montenegrins is particularly evident in the judiciary, education, employment, etc. By contrast, Albanians irrespective of their skills are favored to any other ethnic groups, which is a gross violation of the principle of equality of various ethnic communities and the principle of multiethnicity.

The Albanian names of streets, settlements and institutions have been forced upon. UNMIK has not only turned a blind eye to this practice but has directly taken part in it.

3. **Disarmament of the terrorist so-called Kosovo Liberation Army:** The report of UNMIK's Human Right Unit (dated 29 February 2000) unequivocally confirmed the well-documented arguments of the Government of the FR of Yugoslavia that the terrorists of the so-called Kosovo Liberation Army had neither been disarmed nor demilitarized and that the alleged transformation of the terrorist so-called Kosovo Liberation Army into the so-called Kosovo Protection Corps was a charade and a manipulation, staged to avoid the obligation to genuinely demilitarize and disarm this illegal terrorist organization.

KFOR and UNMIK, and Special Representative B. Kouchner in particular, bear full responsibility for the establishment, with their blessing, of an illegal Albanian armed formation, composed mostly of notorious Albanian, as well as international terrorists, recruited in neighboring and other States known for fomenting international terrorism, including Islamic extremists from Chechnya.

- **Criminalization of the Province:** KFOR and UNMIK bear sole responsibility for the state of chaos, lawlessness and general criminalization of the Province.

This state of affairs casts a long pall of disgrace over the United Nations, because Kosovo and Metohija has been turned into a stronghold of international organized crime and terrorism and a haven of narco-mafia, smugglers of arms, purveyors of white slavery, juvenile crime and prostitution in Central and Western Europe. This is not only an important source of income for the implementation of the separatist-terrorist strategy developed by Albanian extremists in Kosovo and Metohija, but had an important share in the criminalization and destabilization of Europe as a whole and in preventing the ongoing integration processes.

According to German federal police, Albanian criminals and terrorists in Kosovo and Metohija are responsible for the import of 80 per cent of Europe's heroin. The annual "revenue" from the laundering of "proceeds" from illicit trafficking in drugs and arms through a network of 200 banks and foreign exchange bureaus amounts to US\$ 1.5 billion. Even in the notoriously biased West, it is no longer concealed that 30-50 per cent of the money spent on arms by the terrorist so-called Kosovo Liberation Army derives from illicit drug trade.

According to UNMIK police commissioner for the Priština area Jules Moreaux in the period since January 2000 alone, DM 6 million has been stolen from non-governmental organizations in Priština. It is characteristic, in this respect, that large sums have been stolen just from one Islamic NGO.

Despite the state of an overall criminalization of the Province, UNMIK has started preparations to re-admit tens of thousands of Albanian criminals deported from Western Europe (Switzerland, Germany, etc.), thus additionally intensifying the ethnic cleansing of Serbs, Montenegrins, Roma and other non-Albanians in the Province.

4. **Voter registration and local elections in Kosovo and Metohija:** Under Security Council resolution 1244 (1999), UNMIK has no authority to issue identification documents to Yugoslav citizens of Kosovo and Metohija or to conduct



voter registration and hold elections in the Province. In accordance with the sovereignty and territorial integrity of the FR of Yugoslavia, that right has been vested in the competent State authorities of the Republic of Serbia and the FR of Yugoslavia alone, in line with the existing legislation. Fair and democratic elections in Kosovo and Metohija will be possible to organize only after necessary conditions have been created and after appropriate structures of local government (substantial autonomy) for which elections will be held have been established as an outcome of a comprehensive political process, with active and equal participation of the official authorities and institutions of the Republic of Serbia and the FR of Yugoslavia and the representatives of all ethnic communities in Kosovo and Metohija, as well as an appropriate participation of representatives of the UN Security Council.

The Government of the FR of Yugoslavia repudiates strongly all attempts to call elections in Kosovo and Metohija as long as the basic conditions, i.e. peace and stability under Security Council resolution 1244 (1999), have not been created.

To that end, it is necessary to ensure, first and foremost, a free and safe return of all expelled Serbs and other non-Albanians, to deport more than 250,000 foreign nationals who entered Kosovo and Metohija illegally after the deployment of KFOR and UNMIK and to reach agreement with the Government of the Republic of Serbia and the Government of the FR of Yugoslavia on the basic parameters of a political settlement for Kosovo and Metohija, in line with Security Council resolution 1244 (1999).

5. Political settlement as an imperative for preserving the sovereignty and territorial integrity of the FR of Yugoslavia and the Republic of Serbia: Security Council resolution 1244 (1999) and the related documents have unambiguously reaffirmed that Kosovo and Metohija is an integral part of the single territory of the FR of Yugoslavia and the Republic of Serbia. All attempts to determine parameters of "substantial autonomy" of Kosovo and Metohija outside the constitutional and legal framework of the FR of Yugoslavia and the Republic of Serbia are illegal, especially if done without active participation of their competent authorities. Likewise, the Government of the FR of Yugoslavia is strongly against the Security Council legalizing any document on the substance of a future autonomy for Kosovo and Metohija which will take any other premises as its starting-point.

- A political settlement presupposes:

- respect for the sovereignty and territorial integrity of the Republic of Serbia and the FR of Yugoslavia;
- full discharge of the mandate of UNMIK and KFOR, in line with Security Council resolution 1244 (1999) and the Military Technical Agreement, in particular: physical and property safety for all inhabitants, disarmament and disarmament of the terrorist so-called Kosovo Liberation Army or its surrogate, the so-called Kosovo Protection Corps; respect for human rights; free and safe return for all expelled and deportation of all foreign nationals illegally staying in the Province; restoration of public order and peace; free movement; return of Yugoslav authorities to the State border and its full control;
- autonomy within the Republic of Serbia, while guaranteeing equality of all citizens and ethnic communities;

- dialogue between legitimate representatives of ethnic communities and representative of the State, with appropriate participation of representatives of the Security Council of the United Nations.

The Government of the FR of Yugoslavia most vigorously opposes all projects about the future status of autonomy and self-government that provide for the separation of this Serbian province from the present constitutional and legal system of the Republic of Serbia and the FR of Yugoslavia and have no grounding either in Security Council resolution 1244 (1999) or in the existing constitutional order of the FR of Yugoslavia which is inviolable. The FR of Yugoslavia will not accept, nor will it be bound, in any way, by any act which strives to impose outside solutions on Kosovo and Metohija irrespective of their source or provenance.

6. Return of the Yugoslav Army (VJ) and police (MUP): Despite very clear provisions of Security Council resolution 1244 (1999) and the Military Technical Agreement (o.p. 4 and paras 6 and 10 of Annex 2 to the Resolution as well as para 4 of the Military Technical Agreement), KFOR and UNMIK have, without any justification, prevented the return of VJ and MUP personnel to the Province.

IV. RESPONSIBILITY OF THE SECURITY COUNCIL

The Security Council of the United Nations, as the guarantor of its resolution 1244 (1999), bears full responsibility for its non-implementation and gross violation, primarily of those provisions reaffirming the sovereignty and territorial integrity of the FR of Yugoslavia on its entire territory.

Failing to take, in the one-year period after the adoption of its resolution 1244 (1999), appropriate measures to ensure its strict compliance, the Security Council has confirmed its unwillingness to fulfil its obligations under the Charter of the United Nations. Consequently, it is directly responsible for the past adverse consequences of such conduct on its part. Proceeding from its sovereign rights guaranteed by the Chernomyrdin-Ahtisaari document, Security Council resolution 1244 (1999) and the Military Technical Agreement, as well as bearing in mind the irrefutable facts that KFOR and UNMIK, and particularly Special Representative B. Kouchner, have systematically violated, undermined or have been unable to implement Security Council resolution 1244 (1999), the Government of the FR of Yugoslavia notes that the international mission in Kosovo and Metohija under United Nations auspices has been a complete failure. KFOR and UNMIK, Special Representative Kouchner in particular, are solely responsible for the exodus, ethnic cleansing, genocide and apartheid against Serbs, Montenegrins, Roma, Goranci, Muslims, Turks and other non-Albanians, as well as for a disastrous situation in all segments of economic and social life in the Province. By their overall conduct contrary to the provisions and goals of Security Council resolution 1244 (1999) and the related documents, the international security (KFOR) and civil (UNMIK) presences in Kosovo and Metohija have betrayed the confidence placed in them by the Government of the FR of Yugoslavia in agreeing to the temporary deployment of this international mission under United Nations auspices in a part of its territory.



V. DEMANDS OF THE GOVERNMENT OF THE FR OF YUGOSLAVIA

In view of the above considerations, the Government of the FR of Yugoslavia demands that the Security Council:

- declare null and void all acts and decisions taken by Head of UNMIK Bernard Kouchner, contrary to Security Council resolution 1244 (1999);
- condemn in the strongest terms, put an end to the activities of Bernard Kouchner and withdraw from Kosovo and Metohija the forces of KFOR and UNMIK, who are directly responsible for the systematic violation of Security Council resolution 1244 (1999) and for countless loss of life, untold suffering of the Serbian and other non-Albanian population as well as for the damage caused by the Albanian terrorists in the presence of tens of thousands of KFOR and UNMIK members;
- urgently take all necessary measures to ensure full and consistent implementation of its resolution 1244 (1999);
- most strongly condemn continued aggression of the North Atlantic Treaty Organization against the FR of Yugoslavia through material, political and media support to the Albanian separatists and terrorists in Kosovo and Metohija whose activities, in conjunction with the obstruction of the implementation of its resolution 1244 (1999) by UNMIK and KFOR, are aimed at destabilizing and breaking up the territorial integrity of the FR of Yugoslavia, at reshaping its internationally recognized borders and, by extension, at causing widespread instability and conflict in the region with unforeseeable consequences on peace and security in the Balkan region;
- take all necessary steps to compensate for the damage and other losses inflicted on the population, the economy and cultural heritage of Kosovo and Metohija by UNMIK and KFOR and by the terrorist and criminal gangs they are supporting.

OVERVIEW

of terrorist and other acts of violence and of certain violations of Security Council resolution 1244 (1999) of 10 June 1999 in Kosovo and Metohija, the Autonomous Province of the Yugoslav constituent Republic of Serbia since the arrival of KFOR and UNMIK, in the period from 10 June 1999 to 4 June 2000

- 1) Number of terrorist attacks: 4,878
4,590 committed against Serbs and Montenegrins, 110 against Albanians and 178 against Roma, Muslims, Goranci, Turks and members of other ethnic communities.
- 2) Number of killed persons: 1,027
902 Serbs and Montenegrins, 76 Albanians and 49 members of other ethnic communities in Kosovo and Metohija.
- 3) Number of abducted and missing persons: 945
869 Serbs and Montenegrins, 42 Albanians and 34 members of other ethnic communities.
The fate of 782 persons is still unknown; 102 abducted persons were killed, 7 persons escaped, while 48 were released.
- 4) Number of wounded persons: 955
898 Serbs and Montenegrins, 20 Albanians and 37 members of other ethnic communities.
- 5) Ethnic cleansing: In the campaign of ethnic cleansing following the deployment of KFOR and UNMIK two-thirds

of the non-Albanian population, i.e. over 360,000 Serbs, Montenegrins, Roma, Muslims, Goranci, Turks and other non-Albanians have been expelled from Kosovo and Metohija, of whom 280,000 are Serbs.

The following towns and villages have been ethnically cleansed of Serbs, Roma, Muslims, Goranci, Turks and other non-Albanians:

- Pristina (all Serbs have been driven out of its largest suburbs of Ulpijana, Sunčani Breg, Dardanija, Univerzitetsko Naselje). Of the 40,000 Serbs who used to live in Pristina before KFOR and UNMIK came to Kosovo and Metohija, 25,000 were school and university students. Today, only 35 Serbian schoolchildren live in Pristina and attend classes in the local school in the village of Laplje;
 - Prizren (only 100 Serbian families remain);
 - Gnjilane, the situation in this town was alarming in March, April and May (in this period alone over 350 houses of Serbs were sold). The number of remaining Serbs has been halved and today only about 1,500 Serbs remain. KFOR and UNMIK have warned them not to leave their homes;
 - Dakovica, Peć, Podujevo, Glogovac, as well as the areas of Kosovska Mitrovica (Vučitrn, Srbica), Lipljan ("KLA" terrorists set fire to 73 out of a total of 75 Serb houses in the village of Slovinje in this municipality), Kosovo Polje, from which 80 per cent of their Serbian residents have been expelled, i.e. 7,000 Serbs and 4,000 other non-Albanians (their homes have been burned and looted, while shops, cafes and other property are being seized from their owners. In the presence of KFOR, ethnic Albanian terrorists brutalize and harass the Serbs who refuse to sell their homes and leave Kosovo and Metohija);
 - the whole area of the municipalities of Istok and Klina including the villages of Dakovo, Osojane, Tučep, Koš, Žač, Belica, Krnjine, Matičane, Kačanič, Štimlje, Kmetovačka Vrbica and others, where 3,440 Serbian homes were burned down;
 - the surroundings of Uroševac, Slivovo, Nedakovac, Nevoljane, Vrpica, Lještari, Žegra (municipality of Gnjilane), Žitnje, Požaranje, Grmovo, Drobeš; in the village of Talinovac the two last Serbian houses whose owners had been forced to move out were burnt down at the beginning of April;
 - the surroundings of Vitina, 18 Serbian villages cleansed of Serbs (Kabaš, Binač and other villages), the areas of Kosovska Kamenica (villages of Bratillove, Firičija and others) and Kosovsko Pomoravlje, as well as the villages of Topličane, Rujice, Magure, Slovinja, Staro Gracko, Klobukar in the municipality of Novo Brdo. (All Serbian houses have been burned down and all its owners forced to leave).
- In May 2000 the shelling, burning and mining of Serbian houses was intensified in the municipality of Vitina, especially in the villages of Vrbovac, Grnčar, Binač and Klokot, the latter being crucial for the integration of the Serbian entities in Kosovsko Pomoravlje.
- Members of the terrorist so-called Kosovo Liberation Army exert great pressure on ethnic Goranci, the indigenous residents of the region of Gora, who are not allowed to use their maternal Serbian language in schools and in everyday life, in an attempt to misrepresent this ethnic group as Albanians.



Expulsion of the members of the Muslim ethnic community, loyal citizens of the FR of Yugoslavia, has intensified particularly in the area of the municipality of Istok. In the area of Prizren and Dakovica about 65,000 Kosovo Albanian Catholics live in a difficult situation and under great pressure from Albanian terrorists who accuse them of "collaboration with Serbs".

During the month of May "KLA" terrorists made several attacks against the Croats of Janjevo. Under heavy pressure from "KLA" terrorists only 350 Croats of the former population of 1,500 have remained in Janjevo.

- 6) **Prevention of the return of Serbs:** Albanian separatists continue their deliberate actions, aimed at preventing the return of Serbs to Kosovo and Metohija. They raze Serbian houses in a pre-planned and synchronized manner, particularly in the areas of Peć, Istok and Klinja. The most drastic example was the looting and bulldozing of over 250 Serbian houses in the village of Bijelo Polje, on 15 April 2000. The area of this village was turned into a garbage dump. Serbian houses in the villages of Brežanik and Osojane have also been bulldozed. Fourteen Serbian villages in the municipality of Vitina do not exist any more because all the houses have been destroyed. At the end of April, Albanian terrorists announced that they will carry out similar organized actions of looting and destroying Serbian houses in the villages near Istok and Novo Brdo. "KLA" terrorists set fire to the local elementary school in the village of Siga, municipality of Peć (24 April), which was the only undamaged facility in the village, designated as such to serve temporary shelter for displaced persons. "KLA" terrorists have intensified their rocket-propelled and other armed attacks on the village of Goraždevac to prevent it from becoming a center for Serbs returning to the Metohija region. UNHCR officials discourage the return of Serbs in Orahovac with the explanation that the situation has not yet stabilized. However, Serbs are convinced that there exist minimum conditions for their return.

- 7) **The latest brutal crimes:** Vandalizing of the Orthodox Christian cemetery in Preševo, where 35 headstones were demolished (7 May) as well as in the village of Banjska, municipality of Vučitrn (10 May); bombing of a shop in Cernica, municipality of Gnjilane, in which 5 Serbs were injured (9 May); killing of Miljaim Đakoli in the village of Trnava, municipality of Podujevo, as he was accused by "KLA" terrorists of "collaborating" with the Serbs (10 May); abduction of Arsenije Krivokapić in Kosovska Mitrovica (13 May); killing of Milan Milovanović in the village of Vukojevac, municipality of Kuršumlija, about 600-700 meters inside the ground security zone (18 May); killing of Dragan Perić, 75, in the field in the village of Gobjulja, municipality of Vučitrn (19 May); arson of the student boarding house in Gnjilane, which was gutted by the fire (23 May); killing of Vladimir Ilić, 50, on his doorstep in Vitina (24 May); attack on Serbs in the village of Dobrotin, municipality of Lipjan, in which 4 Serbs sustained serious injuries (26 May); bombing of a Serb cafe in Brestje, in which 5 Serbs were seriously injured (26 May); arson in the Trepča factory complex in the southern part of Kosovska Mitrovica, in which enormous damage was caused to property (26 May); attack on the Serbs outside a shop in the village of Cernica, municipality of Gnjilane, in

which Tihomir Trifunović, Vojin Vasić and a five-year old Miloš Petrović were killed while two Serbs were gravely wounded (28 May); attack on Serbs in the village of Klokot, municipality of Vitina, in which Lepetka Marinković, 67, was killed and another 3 Serbs were seriously wounded (31 May); killing of Milutin Trajković, 33, in the village of Babin Most, municipality of Obilić (31 May); bombing of the house of Đorđe Veličković, a Serb, in Obilić, in which Miško Todorović was seriously injured (1 June); murder of two Serbs Siniša Dimić and Vlastimir Milić and the wounding of three other Serbs, of whom two minors, in a car which ran over the anti-tank mine placed by the Albanian terrorists the night before on the road connecting the Serbian villages of Ugljare and Preoce in the vicinity of Priština (2 June).

- 8) **New forms of terror against Serbs and other non-Albanians:** In its security actions against Serbian and other non-Albanians, KFOR is increasingly demonstrating force and resorting to harassment and physical violence and causing damage to Serbian property. Drastic incidents occurred in Kosovska Mitrovica (on 20-25 February), in the villages of Mogila (on 25-26 February), in which Serbian houses were searched in a most brutal way, Draganovac (municipality of Gnjilane) and Moliće (Municipality of Leposavić), Mali Zvečan (27 February), Gornje Kušće (1 March) and the Serbian villages of Rudare and Grabovac (1 March). The searches were conducted by KFOR jointly with the terrorists of the so-called KLA, who wore international security forces uniforms, in an open display of the existence of co-ordination between KFOR and Albanian terrorists.

In April violence against Serbs in the so-called security actions of KFOR has assumed dramatic proportions. The most drastic examples were the incidents which took place in the village of Dobrotin on 2 April, in the village of Sevece on 4 April and in the villages of Lepina and Jazine, when KFOR members released dogs on the Serbs who had gathered to protest the difficult situation and when a large number of people were seriously injured. Several persons were also injured in a brutal action of KFOR against Serbian demonstrators in Gračanica on 7 April 2000.

KFOR members used APCs and dogs against local people in Babin Most, municipality of Obilić, who had gathered to protest over the brutal murder of Milutin Trajković in their village (31 May).

- 9) **Terrorist attacks outside the Province:** Groups of Albanian terrorists are located in the area of the villages of Breznica, Muhovac, Car, Zarinice, Ravno Bučje and others. They are attacking out of their headquarters in the village of Rogačica, municipality of Kosovska Kamenica, against areas outside the Province. Incidents include grenade-propelled attacks from the village of Dobrosin against the police checkpoint near Bujanovac (8 and 20 May); attacks with automatic weapons against a local police patrol in the village of Končulj (23 and 24 May); a grenade-propelled attack on local police near the village of Lučane (30 May).

- 10) **Terrorist attacks on Serbian convoys:** Attacks on a Serbian convoys headed for Štrpce, near the village of Radivojce (on 22 and 29 February); attack on a Serbian convoy en route to Koretište, in the village of Dobričane (28 February); attack on a bus ferrying Serbian children home from



school on the road between Gornje Kušće and Koretište (29 February); Lieutenant Peter Ramstell (KFOR, Kosovska Mitrovica area) banned all KFOR security escorts for buses transporting Serbian schoolchildren and sick persons to Gračanica (1 March); attacks against Serbian convoys in the village of Koretin (6 and 20 March); repeated attacks against Serbian convoys in Gnjilane (7, 10 and 31 March); an attack on a Serbian convoy in the village of Dobrovce (27 March); attack on a Serbian convoy on the road between Bujanovac and Gračanica (11 April 2000); attack on a convoy from Štrpce in the village of Požaranje, municipality of Vitina (18 April 2000).

KFOR has not prevented these terrorist attacks. Also, it has refused to provide security escorts to convoys between Merdare and Kosovo Polje. In addition to daily terror against them, this is added pressure on Serbs to leave Kosovo Polje.

- 11) **Number of arbitrarily arrested persons by KFOR and UNMIK:** 466. Arrested Serbs are detained in prisons in Priština, Prizren, Sojevo near Uroševac, Kosovska Mitrovica, Gnjilane, Lipjan and Klokot Banja.

They have been arrested without any explanation or charges, only on the ground of information provided by the Albanians, most frequently by the members of the terrorist so-called Kosovo Liberation Army.

43 Serbs arbitrarily arrested without legal grounds by KFOR and UNMIK have been detained in a prison in Kosovska Mitrovica for eleven months already. In this period no investigation or any court proceedings have been instituted. On 10 April 2000, 37 detained Serbs and 5 Roma went on a hunger strike. The immediate cause was the release of Gjelađ Ademi, an ethnic Albanian, against whom an investigation had been instituted because of a hand grenade attack in which 22 Serbs and 14 French soldiers of KFOR were injured. The detained Serbs and Roma were forced to go on a hunger strike for more than 40 days in an effort to realize their basic human rights in this way. They ended their strike as B. Kouchner told them on 21 May that they would stand trial shortly.

- 12) **Prisons and labor camps for abducted Serbs run by the terrorist so-called Kosovo Liberation Army:** The abducted Serbian civilians, detained by the terrorist so-called Kosovo Liberation Army, are kept in the labor camps located in the village of Matičane and in the wider area of Prizren ("Ortokal" estate, a building situated on the road to Dakovica) and in Drenica. 472 abducted Serbs are kept in the camps. KLA prisons for Serbs, Montenegrins and members of other ethnic communities who are not supportive of Albanian terrorists are situated also around the village of Brod, municipality of Dragaš, and along the Đakovica road towards the village of Junik, municipality of Dečani, as well as in the villages of Glodane, Izbica and Strovce in the Kosovska Mitrovica district; and in the premises of Railroad Transport Co. in Uroševac. The prison located in the offices of the Priština Chamber of Commerce and Industry, run by the so-called KLA, where 71 non-Albanians have been detained, was relocated to another unspecified facility on 27 April.
- 13) **Situation in Kosovska Mitrovica:** Since the deployment of KFOR and UNMIK in Kosovo and Metohija, the security

situation has been very serious, particularly in and around Kosovska Mitrovica. Some of the most salient types and instances of atrocities have been:

- looting and the destruction of 2,365 homes belonging to Serbs, Montenegrins and other non-Albanians (1,200 in Kosovska Mitrovica; 1,060 in Vučitrn; and 105 in Srbica);
- eviction of 700 Serbian families from their apartments (500 in southern Kosovska Mitrovica; 150 in Vučitrn; and 50 in Srbica);
- looting and the destruction of the property of the following companies:

1. In Kosovska Mitrovica: Socially-owned companies "Kosovo-Sirovina", "Betonjerka", "Lux", "AMD", "Kosmet-Prevoz", "Trans-Kosovo", Duvanska, Minel, Zemljoradnička zadruga (cooperative), Hortikultura, Mitrovčanka, DES, "Ibar-Rožaje" warehouse, water utility company "Vodovod", printing company "Progres", electric power generation company "Elektro-Kosovo", PTT and a large number of bars and cafes owned by non-Albanians.
 2. In Vučitrn: Socially-owned companies "Sartid", "Vučitrn-Prevoz", "Ratar", Farm Cooperative, paints and coatings factory "Ekstra", construction company "Kosovo", utilities company "Sitnica", private company "Čičavica", employment bureau, local community center, Town Hall of Vučitrn, Construction Land Fund, local department store, Auditing Office building, Jugobanka, primary and secondary schools, Jugopetrol, Beopetrol, electric power generation company "Elektro-Kosovo", PTT.
 3. In Srbica: Hunting munitions factory, plastics factory, socially-owned company "Budućnost", Farm Cooperative, public utilities company, "Dijamant-prodakt" Co., local community center, local self-managing community of interest, "Žitopromet" Co. and its silos.
- 14) **Recent killings and terrorizing of Albanians loyal to the FR of Yugoslavia:** The terrorist so-called Kosovo Liberation Army has stepped up the execution of Albanians who do not support their policy and goals, particularly in the areas of Priština, Podujevo and Peć. The most drastic examples are: the murder of Hejdi Sejdiu, a member of the Provincial Committee of the Serbian Socialist Party, in his home town of Uroševac in front of his wife and three children (on 10 February); the killing of Danush Januzi in Vitina (on 10 February); the massacre of Tahir Bekim, abducted and later killed by the terrorists of the so-called Kosovo Liberation Army (parts of his mutilated body were found on 24 February). The terrorists of the so-called Kosovo Liberation Army burnt down the house of Sellim Broshi, former head of the Provincial Ministry of the Interior, in the village of Odanovce, municipality of Kosovska Kamenica, on 20 March 2000. They are also looking for Sinan Rexhepi, former employee of the Provincial Ministry of the Interior. They threaten Sadik Hajrulah from Vitina, Ramadan Sermaxhi, employee of the Ministry of the Interior in Gnjilane, Minir Krasniqi from Kosovska Kamenica, as well as other former or present ethnic Albanian members of the Provincial Ministry of the Interior in Gnjilane. In mid-March, terrorists of the so-called Kosovo Liberation Army ab-



ducted Noa and Nua Kajtazi, Catholic Albanians, in the village of Zjum accusing them that they are loyal citizens of the FR of Yugoslavia. They requested a ransom from their family in the amount of DM 40,000. They also searched their houses, looted them and beat the members of their family.

- In addition to Serbs, the terrorist so-called Kosovo Liberation Army also rounds up Albanians, loyal to the State of the FR of Yugoslavia, and detain them in their prison camps (around the village of Brod, municipality of Dragaš).
- 15) **Destruction of churches, monasteries and cultural monuments:** 86 churches, monasteries and other cultural monuments were burned down, demolished or seriously damaged, among them the Church of the Entrance of Our Lady into the Temple at Dolac, monastery of St. Mark at Koriša from 1467, monastery of Prophets Kosmo and Damien in Zočište from 14th century, the church in Kijevo from the 14th century, the Holy Trinity monastery from the 14th century near Mušutište, monastery Devič built in 1440, Church of St. Paraskeva in Drenik from the 16th century, Church of St. Demetrius near Peć, the Orthodox church at Grmovo near Vitina, Church of St. Elijah at Žegra near Gnjilane, church of Holy Mother in Mušutište from 1315, Church of St. Elijah at Bistražin, Church of Apostles Peter and Paul in Suva Reka, monastery of St. Uroš in Nerodimlje, monastery of St. Archangel Gabriel from the 14th century in Binač, Church of St. Mary from the 16th century in Belo Polje, Church of St. John the Baptist in Pečka Banja, churches in the villages of Naklo, Vučitrn, Petrovac, Uroševac, Podgorce, Đurakovac, Kruševo, Osojane, Samodreža, Dresna near Klina, Rekovac, Petrič, monastery Binač near Vitina, Holy Trinity Cathedral in Đakovica, St. Nicholas' Church in Gnjilane.

Monks and other clergy are being terrorized and persecuted. More than 150 parish residences were destroyed or damaged. Over 10,000 icons and other sacral objects, most of which are part of cultural treasures under the special protection of the State, were stolen or destroyed. Medieval frescoes were destroyed in 70 per cent of Orthodox churches and monasteries.

Assaults on members of the Catholic religious community by the terrorists of the so-called Kosovo Liberation Army have intensified in Prizren and Peć, particularly assaults on clergymen. (The homes of two Franciscan priests were burned down.)

The following cultural monuments were damaged or demolished:

- statues of the greatest lexicographer of the Serbian language Vuk Karadžić and the great Montenegrin poet Petar Petrović Njegoš in downtown Priština;
- memorials to King Uroš in Uroševac and King Dušan in Prizren;
- memorial to Prince Lazar in Gnjilane and the memorial to Serbian rulers from the Nemanjić dynasty in the village of Gornje Nerodimlje;
- memorial to Miloš Obilić, the symbol of the town of Obilić. KFOR removed the damaged statue to the compounds of the thermal electric power plant "Kosovo B".
- about 400 000 books vanished in the fire set to the Priština Library.

Many of the destroyed monuments are outstanding examples of the Serbian cultural heritage and are on the list of the monuments of exceptional cultural value under the protection of UNESCO.

16) **Forced and illegal taking over of public institutions:**

- Forcible and illegal takeovers of premises and buildings of post offices, banks, medical institutions, water and power supply systems, university, elementary and secondary schools, municipal and other local government buildings, local communes, buildings of the Ministry of the Interior and the Army of Yugoslavia, factories, enterprises, cooperatives, etc. in Priština (premises of the Clinical Center "Priština" and the health station whose equipment has been stolen and taken by doctors in private practice, Federal Customs Administration, Public Housing Company, Institute for Urban Planning, water supply company "Vodovod", thermal electric power plant "Kosovo B", depots and petrol stations of "Jugopetrol", the shareholding companies "Kosmet-Priština", "Kosovo-Trans", "Energoinvest", "Autopriština", car shock absorbers factory, "Jugotrans", etc.) as well as in Prizren, Dragaš, Podujevo, Lipljan, Štrpci, Kosovska Mitrovica, Kosovo Polje (with the assistance of KFOR), Đakovica (with the assistance of KFOR).
- By forced and illegal taking over of public enterprises and institutions tens of thousands employed Serbs, Montenegrins, Roma, Muslims, Goranci, Turks and other non-Albanians were sacked and left with no means to support themselves.
- More than 190 major companies were forcibly and illegally seized, whose equipment was looted and most often taken to Albania.

- 17) **Armed artillery attacks on villages:** Slovinj, Matičane, Orahovac, Konjuh, Berivojce, Gornja Brnjica, the villages around Kosovska Kamenica: Grnčar, Magila, Ajvalija, all the villages of the Istok-Klina region, Goraždevac near Peć, Svinjare, Klokot, Novo Brdo, Zjum, Donja and Gornja Gušterica, Sušica, Badavac, Bresje, Vrbovac, Vitina, Cernice, (municipality of Gnjilane), Dobruša, Veliko Ropotovo (municipality of Kosovska Kamenica), Parteš, Podgrade, Mališevo and Pasjane (municipality of Gnjilane), Lještari, Budriga, Dobrotin (municipality of Lipljan), Grnčar, Binač, Ranilug, Šilovo, Odovce, Rajanovce, Bošće, Čaglavica, Paravolo, Lebane, Gojbulja, Suvo Grlo and Banje (municipality of Srbica), in the following villages in the area of the municipality of Gora: Brodosavce, Belobrod, Kukavce; frequent attacks on houses of Goranci, Muslims and Albanians, loyal to the FR of Yugoslavia, and in Grabovac (municipality of Zvečan).
- All Serbian houses in the villages of Donji Livoč, Kmetova Vrbica, Lipovica and Cernice in the municipality of Gnjilane, and in the villages of Vaganeš, Građenik and Orahovica in the municipality of Kosovska Kamenica, all forming part of Kosovsko Pomoravlje, were set on fire or destroyed by mortars or explosives.
- All this runs counter to assertions by KFOR and UNMIK that the terrorist so-called Kosovo Liberation Army has been disarmed.

- 18) **Blockade of towns and villages:** Gadnje, Orahovac and Velika Hoča, Koretin, villages around Gnjilane, Gornja Srbica, Goraždevac, Priljuže (the village surrounded by



Albanians, with no doctors, shops and phone lines; about 80 per cent of the villagers who worked for the Electric Power Industry of Serbia have remained jobless).

About 3,500 Serbian residents of Orahovac have been living for more than ten months since the deployment of KFOR and UNMIK in the first concentration camp in Europe after the Second World War, besieged by the terrorist so-called Kosovo Liberation Army.

- 19) **Armed threats against villages and terror committed on a daily basis against non-Albanians:** Ugljari, Srpski Babuš, Štimlje, Novo Selo, Bresje, Obilić, the area around Kosovo Polje, Miloševo (on which an armed attack was recently carried out), the village of Zebnice (dramatic humanitarian situation), most of the mainly Catholic Croatian population of the villages of Letinice, Vrnez, Vrnovo Kolo and Šašare have moved out, Drenovac (50 Serbs massacred), village of Cernice (a series of incidents in which US KFOR soldiers maltreated Serbs), Požaranje, Gotovuša, Gatnje, Zubin Potok, Veliki Alaš, Vrelo and Radevo, Plemetin and Slatina (municipality of Vučitrn), Crkolez (municipality of Istok), Ogoše, municipality of Kosovska Kamenica (where almost all Roma families have been driven out), Banjska, Gojbulja and Miroče (municipality of Vučitrn), Brežanik (municipality of Peć).

Ruthless terror is used against the remaining Serbs in the village of Obilić: their houses are attacked and set on fire. They cannot call fire emergency services or ask for KFOR and UNMIK assistance since their telephone lines are disconnected, while those belonging to Albanian households are connected. This provides further evidence of the discrimination against Serbs by KFOR and UNMIK who sit idly by.

- 20) **The looted Serbian villages whose residents were forced out:** Mužićani, Slivovo, Orlović, Dragaš, the area around Kosovo Polje, Livadice, Mirovac, Sirinička Župa, Medregovac, Grace, Zočište, Sofalija, Dragoljevac, Tomance, Koretin, Leštar, Donja Šipašnica, Miganovce, Lanište and Zmijarnik (municipality of Kosovska Kamenica).
- 21) **Serbian settlements set on fire:** Istok, Klina, Donja Laplaštica, Obrandaž, Velika Reka, Peranë, Lauše, the villages around Podujevo, Grace, Donja Dubica, Zočište, Orahovac, Naklo, Vitimirice, Belo Polje, Kojlovice, Aloš, Topličane, Krajište, Rudnik, Donji Strmac, Goleš (municipality of Lipljan), Orlović (municipality of Priština), Krpimej and Lauša (municipality of Podujevo), Mužićane (all Serbian houses burned down), Zaimovo, Denovac, Lesjane, Gornje and Donje Nerodimlje (all Serbian houses looted and burned down), Sinaje (municipality of Istok), Balovac, Mali Talinovac, Ljubižda, Klobuka and Oraovica (municipality of Kosovska Kamenica), Zaskok and Novi Miroš (municipality of Uroševac).
- 22) **Registered number of homes burned down:** About 50,000 houses of Serbs, Roma, Muslims, Goranci and other non-Albanians were burned down in Kosovo and Metohija.
- 23) **Registered number of illegal entries of foreign citizens into the FR of Yugoslavia (Kosovo and Metohija) without the necessary papers (visas and registration of stay with the competent authorities):** 825
- Over 250,000 foreigners have illegally entered Kosovo and Metohija with approval of UNMIK and KFOR. The Government of the FR of Yugoslavia has officially re-

quested their deportation on several occasions. These requests went unheeded, although those persons are international terrorists, criminals, narco-mafia members, white slave merchants, organizers of brothels and other forms of organized international crime.

24) **Registered number of stolen vehicles:** over 12,000

As a result of open borders with Macedonia and Albania 250,000 vehicles were brought into Kosovo and Metohija without payment of customs duties. Most of these vehicles were stolen.

The extended vehicle registration period under an illegal regulation by Special Representative Kouchner has effectively legalized crime and theft of tens of thousands of vehicles.

25) **Registered number of cases of violation of the ground security zone by KFOR:** 439.

Belgrade, June 12, 2000

FEDERAL ASSEMBLY OF THE FRY

Principled Cooperation
between China and Yugoslavia*

H.E. Minić, President of the Chamber of Citizens of the Federal Assembly, H.E. Božović, President of the Chamber of Republics of the Federal Assembly,

Ladies and Gentlemen,
Friends,

Today, I feel greatly privileged and pleased to be invited to pay an official goodwill visit to the Federal Republic of Yugoslavia. My wife and I and all the other members of the delegation have been deeply touched by the sincerity and warmth of the Yugoslav people, although we have only been here for less than two days. Please allow me to take this opportunity to express my most sincere gratitude to the Federal Assembly and the Government of the Federal Republic of Yugoslavia for their gracious hospitality and convey the cordial greetings and best wishes of the Chinese people to the Yugoslav people.

The Federal Republic of Yugoslavia is a beautiful country with a heroic people. The Yugoslavians, who have lived on the Balkan Peninsula for generations, cherish independence and love peace. During the Second World War, the Yugoslav people fought most arduously and courageously against fascists and made indelible contribution to the final victory. One year ago, when Yugoslavia's independence and sovereignty came under grave threat again, the Yugoslav people fought bravely to defend them in defiance of power politics and pressure. The Yugoslav people have since made remarkable achievements in rebuilding their homeland and recovering their economy in spite of the adverse international environ-

* Speech by Mr. Li Peng, Chairman of Standing Committee of National People's Congress of People's Republic of China, at the Federal Assembly of the Federal Republic of Yugoslavia.



ment. Belgrade, a heroic city, is still standing proudly by the River Sava. History has proved once again that the Yugoslav people, with a glorious tradition, are unconquerable! The Chinese people greatly admire the Yugoslav people for their indomitable spirit of fighting power politics, resisting pressure and getting stronger through hard work and believe that you will be able to overcome the current difficulties and make fresh progress in economic recovery.

At the advent of the 21st century, the US-led NATO flagrantly launched air strikes against and interfered with military power in the internal affairs of the sovereign state of Yugoslavia. This constitutes a violation of the purposes of the UN Charter and the universally recognized norms governing international relations and poses a serious threat to stability in Europe and peace in the world. This war has not only devastated Yugoslavia, but also brought enormous sufferings to people of all ethnic groups in Kosovo and beyond. To whom this war has done any good is a question that the international community and most European countries in particular are reflecting upon. Today, the gun smoke has dissipated, but, regrettably, the Kosovo issue is unresolved, the ethnic conflicts there far from being eased, refugee problems acute and the Balkan region still deprived of peace and stability. This suffices to prove that peace is not made out of bombing. Regional conflicts and disputes can only be resolved through peaceful consultations by the parties concerned. A country's internal problems can only be sorted out by its own people.

I would like to mention in particular that during the war, the United States also bombed the Chinese Embassy with missiles, causing great casualties and serious property damages. It is a case of grave international wrong-doing seldom seen in the history of diplomacy and a gross violation of China's sovereignty. It has hurt the pride of the Chinese people and has naturally aroused their utmost indignation. It has also invited strong condemnation from the international community. After the embassy bombing, the Government and people of Yugoslavia rendered us help in many ways. Here, I would like to express once again our sincere gratitude.

The war has provoked thoughts on such fundamental issues as how to maintain international security, how to defuse international conflicts and how to uphold the authority of the UN. There are profound lessons to learn. We have consistently maintained that the authority of the UN must be respected. On a matter of war and peace, no regional organization should be allowed to bypass the UN and its Security Council and act willfully. The inviolability of state sovereignty is a basic principle of the UN Charter and a precondition on which people of all countries may enjoy human rights. Principles such as sovereign equality, mutual respect for sovereignty and non-interference in each other's internal affairs are basic norms governing modern international relations. They are of important significance to the maintenance of international order and world peace. To maintain world peace and stability in today's international landscape fraught with complex and profound changes, these principles should be further strengthened instead of weakened.

Ladies and Gentlemen,
Friends,

The past one hundred years were a century of vicissitudes and changes, during which the world went through unprecedented catastrophic wars. The two world wars and the

Cold War which lasted for nearly half a century, brought great sufferings to humanity. Since the end of the Cold War, peace, development and human progress have become the shared aspiration and common call of the people all over the world. However, the harsh realities warn us the world is far from being tranquil; hegemonism and power politics have manifested themselves in new forms; and peace and development are still faced with serious challenges.

The world today is in transition to multipolarity. We are in favour of multipolarity, which is better than unipolarity for it can better reflect the common aspirations and interests of the overwhelming majority of countries and peoples in the international community. Furthermore, it is consistent with the objective law governing the very existence of the world itself. As there are nearly two hundred countries and more than two thousand five hundred ethnic groups in the world, it is inevitable that the human society exists and develops in diversified forms and manners. Countries differ greatly from one another in the social system, historical background, cultural tradition, economic development, living standards, religious belief and values. As such, it is impossible for all countries to copy one single model or system. Given the complexity of international affairs, it is harmful and also impossible for any one country or a handful of countries to dominate the international affairs. Naturally, the ultimate emergence of a multipolar pattern will be a long historical process. Countries in the world should enhance mutual understanding, narrow differences and expand common ground through exchanges and dialogue on an equal footing and seek peaceful co-existence, common ground with differences reserved and mutually beneficial development. This represents a general trend of world civilization and progress.

As far as the world economy is concerned, the accelerated globalization has presented new opportunities to the economic growth of various countries. However, we should not fail to see the widening gap between the rich and the poor and the sharpening contradictions between the North and the South. Developed countries are the main beneficiaries of economic globalization, while developing countries, generally more vulnerable, are faced with even greater risks and challenges. This cannot but arouse worldwide attention and concern. To eliminate the gap between the rich and the poor and realize common development and prosperity are a pressing task facing the international community.

At the turn of the century, the development of the two main trends towards multipolarity and economic globalization has drawn worldwide attention to the question: what kind of a new international political and economic order should be established? We are of the view that the well-known Five Principles of Peaceful Co-existence initiated in the 1950s, the UN Charter and other universally recognized norms governing international relations have not become outdated, rather, they should be the basis on which to establish a new international order. The new international political and economic order should reflect the changes of the times and the needs for development and progress at this stage and rejects the Cold War mentality and hegemonism of various forms once and for all. We maintain that all countries, big or small, rich or poor, strong or weak, are equal; all countries and people of all ethnic groups should live in harmony and enjoy peace and wellbeing together; all countries have the

right to independently choose their own social system and road to development without outside interference; international and regional disputes should be settled by peaceful means; and all countries should work together for equality, mutual benefit and common development.

Ladies and Gentlemen,
Friends,

China has all along pursued an independent foreign policy of peace. It has adhered to principles and upheld justice in international affairs. It has been a staunch force for world peace and stability. In handling international and regional issues, China has all along made judgement on the merits of each case and formulated policies correspondingly. The ultimate objective of its foreign policy is to develop friendship and cooperation with all other countries in the world and promote common development. Regarding the Balkan issue, China has all along upheld justice without seeking any selfish interests, fully respected choice of social system and road to development made by countries in the region and developed friendly relations and mutually-beneficial cooperation with bury their old feud, live in amity with each other and work together for peace, stability and economic development in the region.

Ladies and Gentlemen,
Friends,

While concentrating on economic development, we in China have redoubled our efforts to improve democracy and our legal system, and have made remarkable progress and achievements.

In modern times, under the leadership of the Communist Party of China, the Chinese people fought heroically over a hundred years and finally overthrew the imperialist, feudalist and bureaucratic capitalist rule and founded a socialist country in which people are masters of their own. The people's congresses system is a fundamental political system that China has created in light of its national conditions. This system embodies democracy in its broadest sense and is the basic organizational form through which the people exercise their right to administer the country. Its institution reflects the inherent requirement of China's historical development and the nature of socialism, and also represents a correct choice of the Chinese people.

Ladies and Gentlemen,
Friends,

Our two countries and two peoples have enjoyed a traditional relationship of friendship and cooperation, which has grown steadily in the new historical conditions. The recent years have witnessed continuous friendly exchanges between us highlighted by the visits to China by President Milošević in 1997, which was followed by successive visits to China by Cabinet members including the Foreign Minister of Yugoslavia. Closer cooperation between the Republic of Serbia and Heilongjiang Province of China and between the Republic of Montenegro and Guizhou Province of China, and stronger ties in other fields have also been established. Yugoslavia has consistently and unequivocally supported the principled position of One China, for which we express our appreciation and thanks. We, on our part, will support, as always, your efforts to safeguard state sovereignty and territorial integrity, respect the choice of the road to development you have made in the light of your national conditions, and

stand ready to maintain and develop friendly relations and cooperation with your country on the basis of the Five Principles of Peaceful Coexistence. The NPC would like to strengthen cooperation and exchanges with the Federal Assembly at all levels. I hope that my current visit will contribute to the all-round development of our relations.

Thank you.

Belgrade, June 12, 2000

FEDERAL REPUBLIC OF YUGOSLAVIA

The Process of Integration of Peoples and Countries Is a Universal One

President of the Republic Slobodan Milošević received this afternoon President of the Standing Committee of the All-Chinese People's Congress Li Peng who is in an official visit to the Federal Republic of Yugoslavia.

The high ranking guest from the friendly China, his wife Dju Lin and his associates were met by President Slobodan Milošević and his wife Dr. Mira Marković in the White Court.

The high ranking guests were then welcomed by the associates of President Milošević who participated on the Yugoslav side in the talks this afternoon.

Presidents Milošević and Li Peng and their wives had then friendly talks in a cordial atmosphere expressing mutual satisfaction with continued strengthening of friendly relations and comprehensive cooperation between Yugoslavia and China, as well as with the continued meetings at the high and the highest level between Yugoslavia and China.

In their talks Presidents Milošević and Li Peng reviewed the basic courses of further development of bilateral relations which had been marked by continued upward trend and mutual trust and respect. They also discussed the most important issues concerning international relations at the threshold of new millennium, as well as cooperation between the two countries at international field. It was assessed that significant results had been achieved in the implementation of the Declaration on friendship and cooperation between the two countries signed by President Milošević and President Djijang Cemin in Beijing in 1997.

The host and his guest informed each other about the current issues of internal development of the two countries paying special attention to the results and perspectives of their economic and technological development. The impressive economic successes of the People's Republic of China encourage Yugoslav companies to cooperate more intensively and to participate in joint ventures with Chinese economic partners.

President Milošević informed Li Peng about the efforts and results achieved by the people of Yugoslavia in eliminating the consequences of the NATO aggression against our country last year.

President Milošević expressed the gratitude to the Chi-



nese people and its leadership, and to President Djijang Cemin in particular, as well as to his guest, for the support which they rendered to our people, and particularly for their consistent insisting on the protection of the sovereignty and territorial integrity of the FR of Yugoslavia. The assistance of the People's Republic of China in the reconstruction of our country constitutes an expression of solidarity of the friendly Chinese people which is highly appreciated by the people of Yugoslavia.

Great mutual interest was expressed for further strengthening of bilateral cooperation. Successful mutual business cooperation among Yugoslav and Chinese partners has confirmed the orientation to accomplish mutually beneficial common interests through intensive economic and other cooperation. The leadership of the two countries render their strong support to this course convinced that this is the best way to ensure rapprochement of our peoples and mutual progress. Mutual visits, regular political dialogue and exchange of political, parliamentary, economic, cultural, sport and other delegations are aimed at continuing the promotion of the cooperation.

The FR of Yugoslavia and the People's Republic of China are committed to the policy of peace and affirmation of equitable relations in the world. They are decisive in their principled orientation to oppose the policy of hegemony and diktat. Protection of freedom, integrity and vital national interests is inalienable right of each country. The FR of Yugoslavia which was the target of NATO aggression, has managed to defend courageously its freedom. That is why it enjoys the support and respect of a vast majority of peoples around the world. The People's Republic of China has condemned the crimes committed by NATO during its aggression against the FR of Yugoslavia. It also considers that the prevention of the policy of force is of priority importance for the future of the mankind. It has been assessed that the future of the peace and security in the world at the threshold of new millennium can be ensured only by respecting the principles of sovereignty and territorial integrity, equality and non-interference in internal affairs of countries under any pretext. The aspirations to establish a unipolar world order are unacceptable, while the attempts to impose it by interventionism and by encouraging separatism and terrorism directly endanger peace in the world, so that free countries and peoples must strongly oppose this practice.

Both Yugoslavia and China are committed to the consistent implementation of the Charter of the United Nations and principles of the peaceful co-existence. The two countries consider that the UN must not be abused for anyone's partial goals, and particularly not for the goals of domination. By NATO aggression against the FR of Yugoslavia the basic international principles and norms have been violated while the United Nations itself has been denied the key role in protecting peace and security in the world. Thanks to our principled policy, the United Nations has been given a chance to rehabilitate its role and responsibility by the adoption of Security Council resolution 1244. The world Organization has guaranteed by this resolution the sovereignty and territorial integrity of the FR of Yugoslavia, as well as political settlement in Kosovo and Metohija as an inseparable part of Serbia and Yugoslavia. Unfortunately, since its adoption this resolution has been flagrantly and systematically violated to the detriment of Yugoslavia, while the international security and civilian presence in Kosovo and Metohija with the UN mandate has been abused for the interests of Albanian terrorist and their allies from NATO. Conse-

quently, genocide has been carried out under the auspices of the United Nations against Serbian people and other non-Albanians. The United Nations cannot escape responsibility for such situation in spite of the obstructions and opposite efforts of the US Administration, under whose influence protection and support are rendered to Albanian terrorism. The forces with the UN mandate in Kosovo and Metohija have not fulfilled a single task entrusted upon them. Therefore, they have to be withdrawn. At the same time members of the Army of Yugoslavia and police have to be returned in Kosovo in accordance with resolution 1244 and Military Technical Agreement so as to ensure security for all those who live in this area and unhampered return of all expelled persons, as well as to ensure conditions for a political solution on the basis of equality of all national communities and citizens in the southern Serbian province. This is unavoidable condition for the establishment of lasting peace, stability and security in the region and in Europe.

To bypass Yugoslavia is untenable while all agreements concerning this issue without the participation of Yugoslavia are to be considered null and void. The People's Republic of China strongly supports the FR of Yugoslavia in this and it also resolutely advocates that this position be implemented in the Organization of the United Nations. The policy of pressures and interference into internal affairs of the FR of Yugoslavia is in contradiction with the basic principles of international law and therefore it must be immediately abandoned. Yugoslavia and China consider that the process of integration of peoples and countries is a universal one. It should ensure free communication and flow of people, ideas, goods and information throughout the world. Therefore, attempts to limit in any way these links, to impose artificial barriers and to make any discrimination is obsolete and untenable.

President Milošević pointed out that Yugoslavia rendered strong support to the policy of China under the Chinese leadership. The people of Yugoslavia are sincerely happy to witness great successes of Chinese people which are inspiring for all countries and peoples to try to achieve their own prosperity by their own forces. The obstacles facing our two countries on this road can be overcome successfully only by decisiveness and unity as well as by mutual efforts to oppose the aspirations of neocolonialism with its criminal goal to subjugate the mankind. The response to these aspirations should be a strong resistance of free countries of the world and their close mutual cooperation because peace and freedom of the peoples and States are inseparable. In this Yugoslavia and China cherish great mutual understanding and mutual resolve to fulfil common interests through cooperation.

In the presence of high ranking Yugoslav officials and members of Chinese delegation President of the Republic of Serbia Milošević decorated after the talks President of the All-Chinese People's Congress Li Peng with the order of the Yugoslav Big Star for special achievements in developing and strengthening cooperation and friendly relations between the FR of Yugoslavia and the People's Republic of China.

After the ceremony of decoration, President Milošević and his wife Dr. Mira Marković, prepared an official dinner in the honour of Li Peng and his wife Dju Lin. The members of the Chinese delegation and high ranking Yugoslav officials were also present at the dinner.

At the dinner Presidents Milošević and Li Peng exchanged toasts.

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