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Sead Osmani

Brigham Young University

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The Kosovo War: NATO’s Opportunity

Sead Osmani

On the 26th of March 1999, the Department of State released an official statement entitled “U.S. and NATO Objectives and Interests in Kosovo.” It declares: “The U.S. and NATO objectives in Kosovo are to stop the killing and achieve a durable peace that prevents further repression and provides for democratic self-government for the Kosovar people” (US Department of State, 1999). After this statement, it is listed that the United States had three strong interests at stake:

1. Averting a humanitarian catastrophe;
2. Preserving stability in a key part of Europe;
3. Maintaining the credibility of NATO.

Although the first two interests listed in the Department of State statement might be considered reasonable justification for entering the Kosovo war, I will demonstrate that they are not, that they were not achieved, and that they were rhetorical rather than authentic. In other words, they look more like “pretexts for U.S. and NATO policy, not motives behind the policy” (Layne, 1999). The strongest motivation was evidently to maintain NATO’s credibility at all costs, and the other reasons were mainly needed to support that objective. After providing a literature review of research on NATO’s intervention in Kosovo, I will analyze the State Department’s three objectives and offer my proposed explanation that the U.S. and NATO were primarily interested in Kosovo intervention in order to preserve NATO’s relevancy and credibility.

Literature Review

The intervention by NATO has been the subject of a great deal of academic commentary. Because NATO did not seek UN Security Council authorization for the attack on Yugoslavia, many scholars are divided in their opinions. They can be grouped into two
categories: those who write about NATO’s illegitimacy in attacking (Aidan, 2009)\(^1\) and those who try to find legitimacy for this attack (Greenwood, 2000)\(^2\). Many justify NATO’s intervention citing humanitarian and moral duties, despite the lack of legitimacy in attacking (Stone, 2001)\(^3\). But even humanitarian and moral concerns can be questioned because NATO used force against Serbs, ultimately resulting in death equal numerically to that which had already occurred (Herscher, 2010). Others try to explain that NATO’s attack was biased and was based on other motivations such as economic interests or on distracting attention from the Clinton sex scandal (Cohn, 2002)\(^4\). I argue that the U.S./NATO attack in Yugoslavia was illegal; that in international law a humanitarian attack does not exist; and I add that because the United States wanted no international security in Yugoslavia other than NATO, wherein their own power is vested, the most powerful motivation for NATO’s intervention in Kosovo was the Department of State’s third stated objective: to preserve NATO’s credibility (Ong, 2003)\(^5\).

1. AVERTING A HUMANITARIAN CATASTROPHE

Arnold Kanter, former Under Secretary of State for Political Affairs, said that the United States has to “be highly selective and restrictive in our decisions about using military force in humanitarian interventions, confining ourselves to the most serious or egregious cases” (Frye, 2000). According to Kanter, the United States should set a high bar for its humanitarian intervention. If the participation should be confined to the most serious or egregious cases, then the question naturally arises: was Kosovo one of those cases? No atrocity in the world should be dismissed, and it is not my intention to underestimate the Kosovo atrocities induced by Slobodan Milošević; I am the first one to condemn them. Nevertheless, the United States cannot intervene in every situation, and it is important to put the Kosovo war into perspective with other atrocities to understand whether intervention in Kosovo was truly validated as humanitarian.

Was Kosovo among the most serious or egregious cases?

Kosovo was not among the most serious or egregious cases during the 1990s. Several cases were and are worse. The Kurds’ situation in Turkey was far more serious than the Kosovo case, as shown numerically in Table 1. According to a 1994 Human Rights Watch report, 39,000 people died in the Kurdish southeast Turkey conflict. “Two million Kurds had been displaced during ten years of conflict; 108 villages were depopulated only between May 9 and July 10, 1994, and in the autumn of 1994 some 137 were demolished” (Human Rights Watch, October 1, 1994). The pro-Kurdish Democratic Society Party (DTP) was closed down. Turks strove to erase Kurdish culture by banning with violent threats Kurdish TV, radio, and language (Human Rights Watch, July 26, 2009). Kurds could integrate into

\(^1\) See also Menon A. (2001). Alliance Politics, Kosovo, and NATO’s war: Allied force or forced allies? New York: Palgrave.
\(^3\) See also D’Amato A. (2001, Summer). There is No Norm of Intervention or Non-Intervention in International Law. International Legal Theory, 7, 33-40. See also Simma B. (1999). NATO, the UN, and the Use of Force: Legal Aspects. European Journal of International Law, 10(1), 1-22.
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Turkish society only if they renounced any Kurdish identity. Even though Kurdish ethnic cleansing has been going on since 1984 and continues today, the United States and NATO have not intervened to prevent humanitarian catastrophe.

<table>
<thead>
<tr>
<th></th>
<th># of deaths</th>
<th># of villages/hamlets/settlements partly or completely destroyed</th>
<th># of people displaced</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kurds in Turkey(1)</td>
<td>39,000</td>
<td>7,932</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Albanians in Kosovo(2)</td>
<td>2,500</td>
<td>12</td>
<td>250,000</td>
</tr>
</tbody>
</table>


**Consequences and Failure to Avert a Humanitarian Catastrophe**

Was the first and most emphasized objective achieved? Absolutely not; instead the crisis took on colossal proportions after the air campaign began. The intervention only aggravated the expulsion of Albanians. The total number of Kosovar Albanians driven from their homes prior to NATO’s intervention was 350,000. On the other hand, the number of Kosovar Albanians expelled from Kosovo by Serbs (March to June 1999—NATO’s air campaign) was 863,000 (OSCE, 1999). As the Organization for Security and Co-operation in Europe shows in its report, “Kosovo/Kosova—As seen, As told,” the number of refugees continued to increase through all 78 days of NATO’s air attack. Additionally, it was estimated that the NATO attack killed as many people as the Serbian attack did prior to the air strike (Herscher, 2010). This fact alone shows that preventing humanitarian catastrophe was not the primary motivation.

Most alarmingly, these consequences were not unforeseen. According to James Bovard, a policy advisor to the Future of Freedom Foundation, “the CIA had warned the Clinton administration that if bombing was initiated, the Serbian army would greatly accelerate its efforts to expel ethnic Albanians. The White House disregarded this warning and feigned surprise when mass expulsions began” (Bovard, 2001). On March 27, 1999, U.S./NATO Commanding General Wesley Clark said that it was “entirely predictable” that Serb terror and violence would intensify after the NATO bombing” (Clines & Myers, 1999), but on the same day State Department spokesperson James Rubin said, “The United States is extremely alarmed by reports of an escalating pattern of Serbian attacks on Kosovo Albanian civilians” (Clines & Myers, 1999). General Clark was apparently aware of possible violence against Kosovar Albanians, but still wanted to attack Yugoslavia.

**Avoiding Catastrophe without Diplomacy While Conceding to Deal With Terrorists**

The United Nations Charter directs that a member of the United Nations “shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their
own choice.”6 The United States did not do exhaustively what the Charter prescribes in order to avoid humanitarian catastrophe. A lack of sincere diplomacy for that purpose is evident in their dealings with the Kosovo Liberation Army (KLA), which functioned on the Albanian side. The U.S. sought a cease-fire in Kosovo in 1998 to allow an international mission to supervise the troop pullback under the Holbrooke agreement (Crawford, 2002). The Yugoslav authorities honored the agreement (ICTY, 2002), but the KLA rejected it. As NATO witnessed, “the majority of violations [of the Holbrooke agreement] was caused by the KLA” (ICTY, 2002). Ignoring the KLA caused more problems. George Robertson, former Secretary of Defense in the Blair government, said in the Examination Witness of the U.K Parliament, “Up until Racak earlier this year [1999] the KLA were responsible for more deaths in Kosovo than the Yugoslav authorities had been.”7 The U.S. and NATO did not intervene. They asked the Albanians for a ceasefire, but nothing else. Perhaps if they had intervened, the war in Kosovo would have taken another path, perhaps a diplomatic one that would not necessitate attack.

Instead of dealing with the threat of the KLA, U.S. diplomacy allowed the KLA to continue to cause conflict. According to the Washington Post, “U.S. intelligence reported almost immediately that the KLA intended to draw NATO into its fight for independence by provoking Serb forces into further atrocities” (Gellman, 1999). When the Serb forces were goaded to react, Western officials did not have any more trust in Serb officials, but did not do anything to stop the KLA offensive; instead they helped the KLA. In fact, the London Sunday Times wrote: “American intelligence agents have admitted they helped to train the Kosovo Liberation Army before NATO’s numbing of Yugoslavia” (Walker & Laverty, 2000). The United States was indeed sympathizing with the KLA. When asked, “There was no clear mechanism to punish [the KLA] if they failed to behave in what you call a reasonable way?” Madeleine Albright answered, “Well, I think the punishment was that they would lose completely the backing of the United States and the Contact Group” (Little, 2010). This statement suggests that the United States was actually supporting the KLA. In fact, the KLA received American intelligence support prior to NATO’s air strike (Walker & Laverty, 2000). This assistance seems especially wrong when the KLA was recognized as a terrorist group by the United States itself (Bissett, 2001). Prior to the October Holbrooke agreement, Robert Gelbard, U.S. Special envoy for Kosovo, condemned the KLA by saying, “I know a terrorist when I see one and these men are terrorists” (BBC, June 28, 1998). In early 1998, the U.S. Department of State listed the Kosovo Liberation Army as a terrorist group, but then in 1999 the U.S. and the Contact Group dealt with the organization (Bissett, 2001). The U.S. probably changed its position towards the KLA and its activities just to make a deal with them in order to then attack Miloševic and wield NATO’s power. The record of these interactions implies that humanitarian interests were not the priority.

Rambouillet Peace Accords without Real Diplomacy

Diplomatic approaches were also lacking during the Rambouillet Peace Accords for Kosovo, which can be called the “do what we tell you to do” accords. Even though the Clinton administration was firmly convinced that it was possible to solve the Kosovo problem with an open and unconditional dialogue, the Rambouillet Peace Accords showed that the

dialogue was unilateral, closed, and conditional. Secretary of State Albright arrived at Rambouillet unwilling to have diplomacy without threat of force against Yugoslavia (Little, 2010). According to Albright and James Rubin it was necessary to have a clear-cut U.S. and NATO position. In the “Kosovo Report,” the Independent International Commission on Kosovo writes, “Albright and others had been so firm about the supremacy of NATO over any other institutional actor in this context, and so many aspects of the Rambouillet process had been presented as explicitly non-negotiable, that there was little reason for Serbia to have expected flexibility from NATO. If a deal were possible, it would have had to have been initiated by NATO powers” (Independent International Commission on Kosovo, 2000). Albright’s determination that NATO was the only solution for Kosovo shows that the problem was not avoiding humanitarian catastrophe, but establishing the supremacy and credibility of NATO.

Pretences to use NATO were clear in Annex B of the Rambouillet Peace Accord. Toward the end of the meetings the Serbian delegation accepted the political aspects of the accord (Independent International Commission on Kosovo, 2000). However, Annex B stated that a NATO peacekeeping force would occupy Kosovo, but also Yugoslavia if it was necessary. It is obvious that the Serb delegation would not accept this part of the agreement because it violated the principle of sovereignty. Henry Kissinger said, “The Rambouillet text, which called on Serbia to admit NATO troops throughout Yugoslavia, was a provocation, an excuse to start bombing. Rambouillet is not a document that an angelic Serb could have accepted. It was a terrible diplomatic document that should never have been presented in that form” (Kissinger, 1999). Before a definitive “no” from the Serbs, there were signs that they might accept international peacekeepers, such as OSCE or U.N., but not under NATO (Rendall, 1999). United States diplomats refused that idea. In a CNN interview Albright said, “There is no question that the basis of the deal is a NATO-led force” (Albright, 1999).

Since the U.S. did not want other international peacekeepers, it cannot be supported that its leaders sincerely intended to find a peaceful solution. In fact, a U.S. official told the press that the U.S. intentionally set the bar high to make it difficult for the Serbs to comply. Lord John Gilbert, U.K. Minister of State for Defense Procurement declared, “I think the terms put to Miloševic at Rambouillet were absolutely intolerable; how could he possibly accept them; it was quite deliberate.”

The Albanian delegation signed the peace accord, leaving Serbs alone. Signing was a simple tactic that the KLA used to let NATO war with Serbia instead of waging war themselves. This tactic was in some ways suggested by Albright. Veton Surroi, a Kosovo Albanian political leader, said that Albright was very clear with Hashim Thaci, a KLA leader. He reported: “She was saying you sign, the Serbs don’t sign, we bomb. You sign, the Serbs sign, you have NATO in. So it’s up to you to say. You don’t sign, the Serbs don’t sign, we forget about the subject” (Little, 2010). It was intentionally calculated by the U.S. diplomats to put NATO in Yugoslavia. Diplomacy was not present in Rambouillet, which is evident because the two interested parties were never together to discuss the issues, but discussion happened separately and through letters (Auerswald & Auerswald, 2000). The United States was not even impartial, since Thaci and James Rubin were good friends.

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**Rightful Intervention?**

Even if NATO were sincerely and exclusively motivated by avoiding a humanitarian crisis, it lacked the right to intervene for this purpose. As the British committee on Foreign Affairs said: “The North Atlantic Treaty gives NATO no authority to act for humanitarian purposes, and we recommend that the Government examine whether any new legal instrument is necessary to allow NATO to take action in the future in the same manner as it did in Kosovo.”9 No right of humanitarian intervention could be found in the United Nations Charter or in the international law (Chesterman, 2001). Even the United States rejected supporting the doctrine of humanitarian intervention (Chesterman, 2001). It would have been insupportable for NATO to act based primarily on a right it did not have. The only convincing purpose for the intervention, based on the diplomatic record and compared with other cases, is for NATO’s own credibility.

2. **PRESERVING STABILITY IN A KEY PART OF EUROPE**

The second interest that President Clinton, his administration, and NATO suggested was preserving stability in a key part of Europe. According to them, the ethnic cleansing would cause many Kosovar Albanians to leave Kosovo. Neighboring countries did not want refugees because they would create tensions and ultimately destabilization in Europe. This objective might be important, and it is impossible to declare definitely that the Kosovo War could not have destabilized that part of Europe; nevertheless, it was not likely to happen because Macedonia, Albania, and Montenegro accepted all the Kosovo refugees. The only concern these countries had was receiving enough international aid for the refugees. The coming of those refugees was relatively organized and under control (CNN, March 30, 1999). In his address to the American people, President Clinton said, “Let a fire burn here in this area, and the flames will spread. Eventually, key U.S. allies could be drawn into the conflict.” According to the Congressional Research Service the allies that President Clinton was referring to are Greece and Turkey (Migdalovitz, 1999).

**Greece’s and Turkey’s Reactions**

The Greek Prime Minister was at first opposed to NATO’s intervention in Kosovo without the U.N. mandate, but later passively accepted NATO, even though Greece did not participate in military operations (Migdalovitz, 1999). In response to President Clinton’s statement regarding a possible conflict in the region, the Prime Minister said he “disagreed ... that this development could lead to conflict with Turkey,” and said, “Greece... is a stabilizing force in the area. There is no reason for anyone to fear that there will be implications with Turkey” (Migdalovitz, 1999). It is clear that the Greek political leaders did not agree with President Clinton’s statement. Greece did not recognize any possible destabilization of the region.

Turkish political leaders also differed with President Clinton’s statement. The Turkish Foreign Minister said, “A state of war between Turkey and Greece due to the Kosovo crisis is possible only if Greece supports Serbia by leaving NATO and fights NATO. And I don’t expect that such a situation will happen.” The Turkish leaders equally refused to believe that the Kosovo War would have implications with Turkey and the Kurds in the southeast Turkish region (Migdalovitz, 1999).

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In brief, President Clinton’s statement regarding the destabilization of a certain part of Europe does not rely on any great support. Turkish and Greek political leaders assured the destabilization in that part of Europe was almost impossible; therefore, destabilization was not a valid concern, even if it was possible.

3. PROPOSED EXPLANATION: NATO’S CREDIBILITY

My proposed explanation for U.S./NATO participation in the Kosovo war is that NATO’s credibility was at stake. In order to explain why this proposed explanation is the most credible, it is necessary to give a short background of NATO and European Union history.

NATO History in Context

During the Cold War era, Europe’s predominant defense force was NATO, which comprised mostly of the U.S. and its powerful nuclear capabilities. Europe needed the United States and this need made the U.S. a dominant power in Europe. As Theodore Draper points out, NATO was an arrangement, not an alliance: “It was, in effect, a unilateral U.S. guarantee of European security, because only the United States was able to defend itself and any of the members” (Draper, 1983). But with the end of the Cold War, NATO became a very strange institution without any obvious purpose.

Throughout the 1990s, U.S. policymakers wrestled with the problem of reinventing NATO, particularly its purpose and its membership. In the mean time, Europe started to think about its own defense and security projects, which made the United States uncomfortable. In April 1990, President Bush wrote to France’s President Mitterrand: “NATO is the only plausible justification in my country for the American military presence in Europe. If NATO is allowed to wither because it has no meaningful political place in the new Europe, the basis for a long-term U.S. military commitment can die with it” (Sarotte, 2010). As President Bush said, NATO’s living purpose is being present in Europe to defend Western Europe. But Europe started to see NATO’s purpose as no longer necessary. United States political leaders understood that NATO was entering a crisis. In November 1991, NATO held a summit in Rome to find a better reason for NATO’s existence, and to “transform the Atlantic Alliance to reflect the new, more promising era in Europe” (NATO, November 1991). NATO would have a different function from its role in the Cold War.

EU History in Context

On February 7, 1992, twelve European countries signed the Treaty on the European Union, also known as The Maastricht Treaty, in which these countries undertook to implement a “common foreign and security policy, including the eventual framing of a common defense policy, which might in time lead to a common defense, thereby reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world.”10 Significantly, it was the first time an official document talked about a common European defense. In response and fearing possible failure, the North Atlantic Treaty Organization organized a meeting in Berlin with the foreign ministers and representatives of the member countries of the North Atlantic Cooperation Council. It was decided that the Western European Union would oversee the creation of a European defense. 

Security and Defense Identity (ESDI) within NATO structures. This creation was necessary to avoid a possible independent European defense that would “destroy” NATO. Then the 1997 Treaty of Amsterdam created the High Representative for the Common Foreign and Security Policy, and initiated the European Security and Defense Policy (ESDP), now known as Common Security and Defense Policy. Its purpose was outlined the next year and included this statement: “The [European] Union must have the capacity for autonomous action, 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.” The ESDP road map clearly did not include NATO, but a separate and autonomous defense force. Therefore, NATO and the United States would have seen the ESDP as a threat, especially because the ESDP’s mission was clear, while NATO’s purpose remained unclear.

The Clinton Administration started to become nervous about Europe’s steps in defense. In fact, President Clinton’s Deputy Secretary of State Strobe Talbott said, “We would not want to see an ESDI that comes into being first within NATO, but then grows out of NATO and finally grows away from NATO, since that would lead to an ESDI that initially duplicates NATO but that could eventually compete with NATO” (Howorth & Keeler, 2003). Clearly the United States did not want any competition for NATO, and even though EU members did not explicitly want to weaken NATO, none could really foretell what the future would hold or what would be the eventual nature of the Atlantic Alliance. The United States did not want and still does not want to accept this outcome because NATO’s presence in Europe means that the U.S. will continue to have a strong influence in Europe and it will continue to exercise its military hegemony there. The U.S. has done everything to preserve its power by demonstrating NATO’s necessity, credibility, and relevancy.

**Explanation for U.S./NATO participation in the Kosovo War**

The Kosovo conflict was a perfect opportunity for the U.S. and NATO to display power and influence. After the war in Bosnia, and prior to NATO’s fiftieth anniversary it was necessary to show that NATO needed to exist and that Europe could not do without the Atlantic Alliance. Milošević’s ethnic cleansing in Kosovo was the perfect chance to exercise NATO’s power to strengthen the United States’ hegemony in Europe. Kosovo was to be a new sort of war, one fought in the name of universal values and principles, rather than for narrow interests. In all the Yugoslavia conflict, but especially in Kosovo, the Europeans wanted to take the lead with diplomatic means. Several European countries were concerned about Milošević, especially France and Britain, because they felt mocked by him after he failed to keep his promises in the period of war in Bosnia and Croatia. The United States took over anyway, because if the Europeans had to work through diplomacy, it would mean that NATO had to be sidetracked; but if NATO led, it would provide a central role for the United States and NATO (Hyland, 1999).

The United States Secretary of State Madeleine Albright was the biggest NATO supporter. She started to talk about bombing Yugoslavia from the beginning. This bombing had to be under NATO (Albright, 2003). In order to have a NATO attack, the Alliance had to have a legal right to intervene unilaterally in Kosovo. The British Foreign Minister Robin

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Cook wanted UN Security Council authorization, but Albright stopped him, saying in a phone conversation with him, “If a UN resolution passed, we would have set a precedent that NATO required Security Council authorization before it could act” (Albright, 2003). Asking for UN approval would validate that the Security Council held an effective veto over NATO decisions, a position that Congress would never accept. Therefore the motive was used for avoiding a humanitarian catastrophe in Kosovo—a justification for NATO’s action.

Right before the air attack the Clinton Administration and NATO officers campaigned strongly for NATO’s intervention. Albright, together with Holbrooke, argued with the members of the Alliance that an agreement for peace was achievable only if NATO authorized the use of force (Albright, 2003), otherwise there would be no other occasion where NATO could show its power and therefore its necessity in Europe. The former secretary alone said that the Kosovo situation was a “key test of American leadership and of the relevance and effectiveness of NATO” (Albright, 2003). Milošević’s ethnic cleansing came at the right moment for the United States and they used it to show NATO’s credibility.

If Milošević was the only problem, and if it was necessary to remove him from office, the United States could have done it. Michael Dobbs, Washington Post Foreign Service journalist wrote an article explaining that American pollster Doug Schoen helped Milošević’s opposition overthrow him (Dobbs, 2000). Dobbs wrote: “The lead role was taken by the State Department and the U.S. Agency for International Development, the government’s foreign assistance agency, which channeled the funds through commercial contractors and nonprofit groups such as NDI and its Republican counterpart, the International Republican Institute (IRI)” (Dobbs, 2000). U.S officers often met with Milošević opposition in Hungary for various seminars and helped the force financially. Now the question naturally arises: could the United States not have done the same thing in the elections prior to the NATO attack? My answer is yes because the demonstrations from 1996 to 1997 showed that Serbians were tired of Milošević. Unfortunately, the United States had another plan in mind.

Many scholars have discussed NATO’s possible failure: “If NATO cannot meet this challenge and defeat it, why does the alliance still exist?”… “NATO will be sunk if it loses.” Any retreat “would be a deadly blow to NATO” (Bandow, 1999). The fear of failing and losing credibility to exist was high. The British House of Commons Select Committee on Foreign Affairs wrote in its report on Kosovo that: “Carl Bildt [former High Representative for Bosnia and Herzegovina] is reported as having been told by White House staff ten days before the bombing started that NATO needed to launch air strikes in order to save its credibility.”

This is further evidence of the real objective that U.S. and NATO had in mind.

After eleven weeks of continual bombing, Milošević agreed to a peace plan. In that agreement the sovereignty of Yugoslavia was recognized, the presence of the UN was confirmed, and NATO and UN presence was finalized on Kosovo territory. This is the agreement that the Yugoslavia government was close to accepting in Rambouillet (Bilder, 1999). If the U.S. and NATO accepted that agreement after the air strike, they could have accepted it before the air strike, unless this tactic was planned in order to win against Milošević to show NATO’s credibility and power.

After the retreat of Serbs from Kosovo, the KLA started its own revenge against Serbs. Many atrocities during that year happened when NATO-led KFOR was responsible for security in Kosovo (King & Mason, 2006). Almost a quarter of a million people fled Kosovo.

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during the period after the war ended (BBC, April 28, 2003). Nevertheless, the media and the international community did not emphasize the problem in the same way that they emphasized the Serbs’ attack against Kosovar Albanians.

The United States reaffirmed U.S. hegemony and set a precedent that NATO could go to war virtually whenever it wished, without the authorization of the UN Security Council. The United States’ dominance over Europe was preserved. The main benefit for the U.S. of the Kosovo war was the reestablishment of the key institution of U.S. hegemony in Europe: NATO. NATO’s intervention was seen as a triumph. Nevertheless, NATO did not succeed in preserving its credibility, which necessitated that mission, because today NATO is still searching for a proper place in the international setting15.

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