Reconsidering Rambouillet

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NATO’s war against the Federal Republic of Yugoslavia (FRY) in spring 1999 produced some curious alliances amongst academics and practitioners. Particularly curious was the composition of the anti-war lobby. Guardians of the Western moral conscience, Noam Chomsky and John Pilger, lined up alongside hard nosed American strategic-realists such as Michael Mandelbaum and Henry Kissinger, so-called ‘classical realists’ such as Colin Gray, and right wing British conservatives such as Boris Johnson. The grounds on which this rather odd and eclectic mix of opinion opposed NATO were diffuse. They ranged from Kosovo not being vital to American national interests, NATO being more interested in its own credibility than the plight of the Kosovar Albanians, and the bluntness of the instrument of military force, to the opaque arguments that NATO wanted to test its new weapons, sell more arms to Taiwan, or reassert itself in the light of growing European military co-operation and developments in the Common Foreign and Security Policy of the European Union (EU). What all these approaches share, however, is an affiliation to the new orthodoxy about what really happened at Rambouillet and the subsequent Paris follow-on talks. This orthodoxy views the proposals put forward at Rambouillet as biased and fundamentally flawed, indeed Chomsky and Pilger, along with Ken Booth, Eric Herring, Peter Gowan, and (interestingly) Henry Kissinger argue that Rambouillet was designed to fail, but in a way that would legitimize the use of force against the FRY. As Henry Kissinger put it, ‘the Rambouillet text…was a provocation, and an excuse to start bombing’. The precise reason why NATO should go to such lengths, and why its members should want to become embroiled in the Kosovo conflict – after more than a decade of inaction – remains open to conjecture.

This article returns to Rambouillet in order to address the charges laid before it by the anti-war lobby. It argues that Rambouillet offered the best possible chance for long term peace in the region and that the FRY showed no intention of engaging in serious negotiation. The reason for this lack of intention is open to speculation, but a contributory factor – as I have argued

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elsewhere\(^3\) – was that NATO did not convey the threat of coercion clearly enough, either prior to or after the proximity talks. Tim Judah argued in his seminal and judicious work that those in power in Serbia, ‘simply refused to confront the fact that Serbia’s position in Kosovo was untenable’.\(^4\) Thus, on the eve of Operation Allied Force, the BBC’s John Simpson reported that the people of Belgrade still did not really believe that they were about to be attacked by NATO – and that was after Richard Holbrooke’s well publicized attempt at shuttle diplomacy. The paper begins by considering the background to Rambouillet. It then goes on to discuss the five key issues that are highlighted by the anti-war lobby. After discussing the arguments put forward by this lobby, the paper returns to Rambouillet in order to reconsider those arguments and suggest that an alternative reading is possible. In this way, the paper will challenge the new anti-war orthodoxy that has become predominant in Britain, both in public discourse and academic debate.\(^5\)

**Background to Rambouillet**

In response to the massacre of 45 Kosovar Albanians in the village of Racak, on 15 January 1999, the Contact Group summoned the FRY and the Kosovar Albanian community to submit delegations to proximity talks at the French Chateaux in Rambouillet.\(^6\) The Racak massacre signified the violent termination of the so-called ‘October agreement’ that had been concluded by the FRY and the Organization for Security and Cooperation in Europe (OSCE) on 15 October 1998. Following a summer offensive in 1998 by Yugoslav Army (VJ) and Interior Ministry (MUP) forces, which had killed approximately 2,000 Kosovar Albanians, displaced half a million,\(^7\) and produced two ineffectual United Nations Security Council Resolutions (Resolution 1160 of 31 March and Resolution 1199 of 15 October), the FRY agreed to a cessation of hostilities and acceded to the October agreement only after NATO forces had been given an activation order to carry out air strikes.

The October agreement – to which neither the Kosova Democratic League (LDK) headed by Ibrahim Rugova (the unofficially elected President of Kosovo) or the Kosova Liberation Army (UCK) were party – began by reaffirming the sovereignty and territorial integrity of the FRY. It provided for a cessation of hostilities and the withdrawal of Serbian special forces from Kosovo, though the FRY was allowed to maintain a military presence in Kosovo at the same level as the beginning of 1998. In order to ensure the compliance of the FRY, and particularly the maintenance of the cease-fire (remembering that the UCK was not party to the agreement and could not therefore be bound by its terms), the OSCE was to establish an unarmed civilian verification mission. This mission had a mandate to verify the maintenance of the cease-fire, accompany Police units in Kosovo, report
on the existence of roadblocks, oversee elections, and establish an independent police force. Importantly, the FRY guaranteed the security of the verifiers, though NATO forces were stationed in Macedonia to assist with the extraction of the OSCE verifiers should that have been necessary. Although the October agreement depended upon the threat of the use of force to coerce FRY accession, it was not clear whether or not force would be used should the FRY not comply with the terms of the agreement. This meant that although the agreement provided for the establishment of negotiations between the FRY and the Kosovar Albanians by 2 November 1998 that would be based upon a comprehensive peace plan drawn up by US envoy Christopher Hill, there was no suggestion that punitive measures may have been used to ensure an agreement. Though arguably necessary, the lack of a clear relationship between non-compliance and coercive measures gave the agreement a credibility problem. The fate of the widely hailed education agreement, reached between Milosevic and Rugova in 1996, which was skillfully sidelined in its implementation and thus not acted upon by the FRY, was indicative of the problems that would be encountered in persuading the FRY to act voluntarily.

By the middle of January 1999, it was becoming clear that the October agreement was failing. The promised negotiations between the FRY and the Kosovar Albanian leadership had failed to materialize, and in response to sporadic attacks by the UCK, Serbian forces had killed an estimated 200 Kosovar Albanians. Furthermore, there was growing evidence that the OSCE verifiers themselves were becoming targets of Serbian violence. The Serbian impunity for the October agreement was fully exposed by the massacre at Racak, which the evidence suggests was ordered in response to UCK attacks not by local renegade commanders but from the inner sanctum of Milosevic’s offices in Belgrade. William Walker, the head of the OSCE mission in Kosovo, described what he saw in Racak as a massacre, a crime against humanity. For this, he was instructed to leave the FRY by Milosevic. The Racak massacre was also immediately condemned by Kofi Annan, Madeleine Albright and Robin Cook, who described it as ‘an appalling atrocity’. Tony Blair now recognized for the first time that, ‘it is also necessary to have the full participation of the Kosovar side as well, including the KLA [UCK]’. The Contact Group – which had been formed as a negotiating forum during the conflict in Bosnia and Hercegovina, and included the United States, Russia, United Kingdom, France, Germany and Italy – met in London on 22 January to decide their response to the massacre. After the meeting, a joint statement was agreed. The Contact Group condemned the massacre, called on the FRY to adhere to the October agreement, wrested control of the international engagement with Kosovo from the OSCE, and
agreed to hold another meeting the following week. A week later, on 29 January, the Contact Group noted the lack of progress towards a negotiated settlement and moved to instigate a summit meeting that would culminate with the acceptance of a comprehensive political solution that would be drawn up by the Contact Group. Thus, the FRY and Kosovar Albanians were summoned to Rambouillet and given twenty-one days to accept the plan. Failure to do so would result in punitive measures being carried out against whichever side was deemed to have been the cause of the failure.18

What Really Happened? The Anti-War Story

Under this headline, John Pilger proceeded to tell us what really happened at Rambouillet in February 1999. According to Pilger, the interim settlement put forward by the Contact Group at Rambouillet, ‘was not a political proposal, but an impossible ultimatum’.19 Zivojin Jovanovic, the Yugoslav Foreign Minister, agreed, stating:

As the strategic interests of NATO were involved they had made their plans before Rambouillet to attack Yugoslavia because Yugoslavia would not submit voluntarily to occupation. It was clear they would attack us…their strategy was conquering a nice piece of European territory.20

Pilger continued by favourably citing a German newspaper that described the Rambouillet process as, ‘a surrender treaty following a lost war’, and suggested that the proposed settlement envisaged, ‘the effective occupation of all of Yugoslavia’.21 Furthermore, Noam Chomsky insisted that the Rambouillet process was, ‘so fatally flawed that it helped precipitate the ethnic cleansing in Kosovo’.22

The stories about Rambouillet that are told by the anti-war lobby share five characteristics, all of which intimate the general claim that NATO is either utterly incompetent or, like the Habsburgs nearly ninety years earlier, deliberately made the terms of the ultimatum unpalatable to the Serbs, because it wanted to give the FRY a ‘punishment beating’.23 As Chomsky put it, ‘it has been speculated that the wording was designed so as to guarantee rejection. Perhaps so. It is hard to imagine that any country would consider such terms except in the form of unconditional surrender.’24 What, then, were those characteristics that made the interim settlement so unpalatable?

First: Rambouillet was a biased pretext for bombing, not an equitable political solution. This point was made most forcefully by Christopher Layne. Layne argued that Rambouillet was, ‘a textbook example of how not to practice diplomacy’.25 This was because the whole process was
biased against the FRY. Layne insists that, ‘the United States effectively took sides – the KLA’s [UCK’s] – in a civil war’. He reached this conclusion because whilst Albright was clear that non-compliance on the part of the FRY would result in the activation of NATO air strikes against Yugoslavia, ‘at no time during the Rambouillet process did the administration threaten to take military action against the KLA if it caused the talks to break down’. Similarly, Michael McCGwire noted that whilst the Kosovar Albanians were offered positive ‘sweeteners’ to cajole them into accepting the further postponement of their declaration of independence, there were no such ‘sweeteners’ offered to the Serbs. Furthermore, the idea of a UCK/USA alliance is bolstered by McCGwire’s observation that it was the UCK and not the FRY that instigated hostilities at the time of the Paris follow-on talks on 13 March. For McCGwire, the renewed violence prior to Operation Allied Force was, ‘probably initiated by the KLA [UCK], to ensure that the United States’ remained on side’.

Second: The Interim Settlement was unpalatable because it rode roughshod over Serbia’s legitimate claim to sovereignty. It was argued that the Rambouillet proposal effectively established a NATO occupation of Kosovo that would eventually lead to Kosovan secession from the FRY. Leaving aside the questions of the Military Appendix (Appendix B) and provisions for a referendum, which are both dealt with later, the argument is that Rambouillet envisaged the unaccountable rule of Kosovo by the North Atlantic Council. Eric Herring, for example, pointed out that the Rambouillet text made no mention of NATO being accountable to any outside organization, and particularly not to the United Nations (UN). Indeed, Peter Gowan goes one step further and suggests that the proposed Interim Settlement was specifically designed to marginalize the UN. Whilst Herring noted that it was unlikely that the US wanted to see an independent Kosovo, he points out that, ‘KFOR looked to Serbia as if it was simply a transitional guarantor force for Kosovo’s independence’. John Pilger noted that the proposed colonisation also extended to the organization of the Kosovan economy, intimating that Rambouillet was more about exporting neo-liberal market capitalism than protecting human rights. Basically, the point here – as Ken Booth argued – is that, ‘at Rambouillet NATO demanded that Belgrade accept terms that no sovereign government could seriously contemplate’. Meanwhile, Peter Gowan insisted that some states close to the ‘European project’ had a secret agenda, be that either the reclamation of territory from Yugoslavia or just the permanent subservience of the Southern Slavs. It is not surprising that Gowan uses ‘evidence’ procured by Jovan Zametica, one-time spokesman for one of the Balkans’ most destructive criminals, Radovan Karadzic.
Third: The Military Annex envisaged a NATO occupation of the whole FRY. The argument follows that the FRY delegation was very close to agreeing to the Interim Settlement until NATO showed them the Military Annex (Appendix B). As in the previous argument, the anti-war lobby insists that this appendix would have been utterly unpalatable for any sovereign state, other than a state that had already been defeated in a war. It is the wording of Appendix B, and in particular Paragraph 8 of that Annex that has provoked so much controversy. Appendix B (8) states:

NATO personnel shall enjoy, together with their vehicles, vessels, aircraft and equipment, free and unrestricted passage throughout the FRY, including associated airspace and territorial waters. This shall include but not be limited to, the right of bivouac, manœuvre, billet and utilisation of any areas or facilities as required for support, training, and operations.

This article was seized upon by many who advanced the anti-war narrative. They claimed that it revealed motives that were both deeper and more sinister than those portrayed by the Western media at the time, hence the carrion-call ‘what really happened?’. Chomsky, for example, argued that he found no accurate reporting of the terms on offer at Rambouillet, and certainly nothing that took the illicit Appendix B into consideration. It seems that this must have been part of a conspiracy because, ‘[Appendix B] was reported as soon as it had become irrelevant to democratic choice on the part of the general public’.35 Chomsky then goes on to approvingly cite one of the press comments about the appendix that emerged after it became irrelevant. Interestingly, the columnist quoted was actually erroneous, as we shall see later, when he claimed that the Interim Settlement created, ‘a purely NATO force [that] was to be given full permission to go anywhere it wanted in Yugoslavia, immune from any legal process’.36 Once again, the Western anti-war story on this issue was very similar to that put forward by the Serbian government and its advocates. One such advocate, Bob Dorich, echoed Chomsky, Herring, Pilger et al when he complained that:

Apex B [sic] says that the twenty-eight thousand NATO troops will have full access to air, land, water, and rivers throughout Yugoslavia. That’s occupation. Why would you be able to occupy an entire nation when the conflict is going on in Kosovo.37

Other controversial elements of Appendix B that were widely disseminated, particularly by John Pilger, were: Appendix B (3), ‘NATO personnel shall be permitted to enter/exit the FRY on production of a national identification card’, Appendix B (6a), ‘NATO shall be immune from all legal processes, whether civil, administrative or criminal’, Appendix B (7), ‘NATO
personnel shall be immune from any form of arrest, investigation, or detention by the authorities in the FRY’. According to Ken Booth, Appendix B was a ‘joker’ thrown into the pack to ensure the failure of the talks and legitimate the war. That ‘joker’, according to Christopher Layne, was the right for NATO to ‘deploy’ anywhere on the territory of the FRY. According to Peter Gowan, the joker was thrown in because ‘the Clinton administration was seeking a war against Yugoslavia as a means for achieving political goals outside the Balkans altogether’.38

Fourth: Rambouillet provided an institutional framework for the secession of Kosovo from the FRY. This criticism appears fairly simple. According to Michael Mccgwire, after the initial deadline for the signing of the agreement had passed with neither side willing to sign:

[T]he United States is reported to have committed itself to early elections, to retention by the militias of their personal weapons, to preventing any future Yugoslav challenges to the interim of final status of Kosovo, and to considering the issue of independence if regional and international circumstances permitted.39

Unfortunately, Mccgwire does not let us know what sources he uses to make these points, and other writers who have considered Rambouillet, such as Tim Judah, suggest that the UCK representative Hasim Thaci was coerced rather than bribed into acceptance.40 Indeed, Judah points out that former US Presidential candidate, Bob Dole, bluntly informed the Kosovar Albanians that, ‘we’ll abandon you if you don’t sign’.41

The key issue at stake here was that of Article 3 of the amendment contained in Chapter 8. This article outlined what would happen once the interim period of the Interim Settlement was over. It read:

Three years after the entry into force of this Agreement, an international meeting shall be convened to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of relevant authorities, each Party’s efforts regarding the implementation of this Agreement, and the Helsinki Final Act, and to undertake a comprehensive assessment of the implementation of this Agreement and to consider proposals by any Party for additional measures (emphasis added).

According to Eric Herring, the phrase the ‘will of the people’, was interpreted by Albright to mean the will of the Kosovar Albanians, expressed through a referendum on independence.42 Thus, Herring argued that the Kosovar Albanian delegation probably signed the agreement in the full expectation that it was a no-lose situation, and he cites Milosevic as
lamenting that, ‘what they practically attempted to impose in Rambouillet
wasn’t autonomy but independence’. The focus on this clause returns us
to the idea that the Contact Group attempted to make the terms of the
Interim Settlement as unpalatable as possible for the FRY. According to the
anti-war lobby, the choice facing Milosevic was either succumb to the
Faustian pact and give up Kosovo whilst subjecting Serbia to NATO
occupation, or fight a war with NATO. According to the writers considered
here, we should not be surprised that Milosevic chose the latter course of
action. Not only should we not be surprised by it, but we should also
appreciate that Milosevic’s concerns were legitimate.

Fifth: The Interim Settlement was not the only peace plan on the table. The
Serbs made overtures about a possible peace, but these were ignored by
NATO. Eric Herring and Noam Chomsky have highlighted this argument,
which focuses on a statement produced by the Parliament of the Republic of
Serbia on 23 March, only a day before the bombing began and incidentally
the day on which Richard Holbrooke left Belgrade announcing that he had
failed to find common ground with Milosevic. According to Chomsky, the
parliamentary resolution rejected the NATO ultimatum and called upon the
OSCE and UN to facilitate a peaceful settlement. The parliament
condemned the withdrawal of the OSCE verification mission, which had
taken place on 19 March, a rather odd condemnation given that the Head of
that mission had been declared a persona non grata by the FRY government
only two months earlier. Chomsky cites the resolution as calling for
negotiations:

[T]owards the reaching of a political agreement on a wide ranging
autonomy for Kosovo and Metohija, with the securing of a full
autonomy for all citizens and ethnic communities and with respect for
the sovereignty and territorial integrity of the Republic of Serbia and
the Federal Republic of Yugoslavia.

However:

The Serbian Parliament does not accept presence of foreign military
troops in Kosovo and Metohija…The Serbian Parliament is ready to
review the size and character of the international presence in Kosmet
for carrying out the reached accord.

It was argued that NATO presented FRY with a choice: give Kosovo its
independence and allow us to occupy the whole of your country or else we
will annihilate you. More unreasonably than this, NATO deliberately
ignored Serbian peace overtures. Chomsky could have added to the horror
of his story by reminding us of how blatant that ignoring was – Holbrooke
was even in Belgrade on the day that the resolution was passed. The Western media, the argument follows, colluded in this by suggesting to European and American publics that there was only one peace proposal, only one side looking for a peaceful settlement. Instead, the anti-war lobby points out, there was an alternative all along.

The New Anti-War Orthodoxy

By emphasizing these five characteristics of the Rambouillet process, the anti-war lobby puts together a convincing case against the claim that the war in Kosovo was fought for primarily humanitarian reasons. Why then did NATO go to war? At the sophisticated end of the argument is McCgwire, who argues that NATO went to war to compel Milosevic to accept the deployment of NATO troops in Kosovo, in order to prevent a civil war.45 Other anti-war writers are not so sure as to why NATO went to war. Chomsky avoids the question by saying that he is only interested in proving the point that the reason for the war was not what NATO said it was. Herring does not challenge NATO’s aims, but only doubts the efficacy of their strategy. Pilger is not sure, but cannot help thinking that business interests must be involved somewhere, hence his concern with Chapter 4a Article 1 (1) of the final proposed Interim Settlement which stated that, ‘the economy of Kosovo shall function in accordance with free market principles’. By far the most creative explanation for why NATO should want to go to war was offered by Peter Gowan. Gowan tells us that, ‘the Clinton administration organized the launch of the war to invite the Serbian authorities to launch a genocide, but the Milosevic government declined the invitation’. Why? Gowan tells us, ‘the Clinton administration used the war against Yugoslavia to inaugurate a new phase of its policy towards China’.46 Not surprisingly, Gowan has yet to furnish any evidence for his claims.

There are several key characteristics shared by most anti-war writers when they come to consider the Rambouillet negotiations. The five arguments outlined above provide the foundation for a persuasive new orthodoxy on what really happened at Rambouillet. However, all these arguments are predicated upon particular omissions of interpretation that need to be re-addressed. Thus, the remainder of this article will return to Rambouillet and consider the text of the final version of the proposed Interim Settlement that was finally signed by the Kosovar Albanian delegation, under three headings: ‘Governance’, ‘KFOR’, and ‘Alternatives’. It will be contended that contrary to the story articulated by the anti-war narrative, the Interim Settlement offered the best possibility for long-term peace in Kosovo and that war was made inevitable by the butchery and intransigence of Milosevic and his cohorts and not by the neo-colonial scheming of the ‘Great Powers’.
What Really Happened? Return to Rambouillet

Was Rambouillet a NATO stitch-up, or was it a genuine attempt to make peace? Before considering the proposed Interim Settlement, it is first necessary to discuss one of the recurring themes that anti-war writers continue to return to, the role of Russia. The anti-war story insists that the Russians were marginalized at Rambouillet, were excluded from key Contact Group decisions, and were kept in the dark about the controversial Appendix B. According to Ken Booth and others, this unilateral approach to peacemaking has irrevocably damaged relations between NATO and Russia in such a way that will make future security cooperation in Europe highly problematic. An alternative view sees the Russian government as involved throughout the international engagement with the Kosovo conflict, and particularly at Rambouillet, and the outcome as much less contentious, as Viktor Gobarev speculated, '[these events] could also promote cooperation [between NATO and Russia] of the sort never experienced before'. In contrast to the proximity talks held at Dayton, Ohio in 1995, the Russians and Europeans played an important role at Rambouillet. As Bruce Hitchner commented, 'the American role in the negotiations seemed decidedly secondary to that of the French, British and, most astonishingly, the Russians'.

Anti-war writers focus upon the protestations of the Russian Ambassador, Mayorski, who refused to initial the Interim Settlement claiming that his government had not been informed about the provisions of Appendix B. Marc Weller, a participant at Rambouillet in his capacity as legal advisor to the Kosovar Albanian delegation described this position as 'startling'. What was particularly startling was the fact that it was only at this late juncture that the Russians had decided that the process was unacceptable. Furthermore, during the second week of negotiation at Rambouillet the Russian delegation in the Chateaux attempted to persuade the FRY to accept the imposition of an international military peacekeeping force in Kosovo. In return for this imposition, the Russians promised the FRY that it would contribute troops for the Kosovo force (KFOR), would ensure that KFOR was not commanded by NATO from the North Atlantic Council, would grant concessions on the ceilings on the levels of FRY forces allowed to remain inside Kosovo, and would further reaffirm the territorial integrity of the FRY.

The most likely explanation for the position that was adopted by Mayorski in Paris is that he had ultimately failed to ensure their participation.
in the future of Kosovo, by failing to persuade the FRY that serious counter-
proposals could have been made. Russia remained ‘on board’ up to the
moment at which it was clear that the FRY would not adhere to the Interim
Settlement. If Russia had genuine concerns about the way in which the
negotiations were being handled, or the terms that were on offer, it seems
incredible that it would have participated in the process until the very last
minute. This view is supported by Tim Judah. Judah suggests that Mayorski
moved to distance Russia from the process at Paris because, ‘even more
humiliating [for Mayorski] was Russia’s failure to influence a small Slav
state’. His picture of Russian participation in the process shows that the
Russians were involved for far longer and to a much greater extent than the
anti-war writers admit. For example, Judah points to a meeting in October
1998 that is overlooked by all the anti-war writers. At the meeting, which was
held at Heathrow Airport, the Russians gave grudging acquiescence to the
possibility of NATO airstrikes. Holbrooke recounted that:

Ivanov [Russian foreign minister] said, ‘if you take it to the UN, we’ll
veto it. If you don’t we’ll just denounce you’. Kinkel [German
foreign minister] says he wants to take it to the Security Council, as
do the British and French, Madeleine and I say: ‘That’s insane!’, So,
Kinkel says: ‘Let’s have another crack at it’. But Ivanov says, ‘Fine.
We’ll veto it…’, he says, ‘if you don’t we’ll just make a lot of noise’.53

Crucially then, as early as October 1998, the Russians had told NATO that if
it used force against FRY they would, ‘just make a lot of noise’. Ivanov had
told NATO that it would not help the FRY, and that NATO air strikes against
Yugoslavia would not significantly affect Russian–NATO relations. This is
a picture considerably different from the one painted by the anti-war writers.

**Governance**

According to the anti-war lobby, the Interim Settlement proposed at
Rambouillet rode roughshod over Serbia’s legitimate claims to sovereignty
and imposed an unpalatable political structure on Kosovo, that would
institutionalize the province’s eventual secession from the FRY.
Furthermore, the FRY had agreed to substantial autonomy for Kosovo in the
statement of 23 March, yet the Contact Group persisted with its attempts to
establish a form of NATO colonial protectorate over Kosovo. The issue of
the Serbian peace overture is dealt with later. This section considers
precisely what the structures for governance in Kosovo envisaged by the
Interim Settlement were, and suggests that far from being essentially
irredentist and protectorate oriented, authority in Kosovo would emanate
from the people of Kosovo, who would remain fully integrated into the FRY.
The first point to mention is that one of the key principles laid out by the Contact Group in its statement of 29 February, which was reiterated in the preamble to the Interim Settlement, was, ‘the commitment of the international community to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia’. In essence, the Contact Group insisted that for the duration of this interim agreement, it would guarantee that Kosovo remained de jure part of the FRY as failure to do so would have invalidated the agreement. The guarantee went further than this, however. Had the FRY acceded to the proposals, the international organizations given responsibility for implementing the various aspects of the plan (OSCE, KFOR, UN, EU) would have been duty-bound to guarantee the de facto territorial integrity of the FRY. Failure to do so would have been contrary to the agreement and would have allowed the FRY to assert its sovereign rights recognized by the Settlement. Thus, it is important to remember that the central vision for Kosovo in the Interim Settlement was of a province that was fully integrated into the FRY, sharing open borders with Serbia and Montenegro and enjoying a single market and free trade with them.

The anti-war story assumes that ultimate authority in Kosovo would have resided with an international organization – presumably NATO – had the Interim Settlement been accepted. It is not difficult to see where this conclusion comes from. Under the terms of Security Council Resolution 1244, Kosovo effectively became a UN protectorate, with the UN Mission in Kosovo (UNMIK) wielding ultimate authority in the province. This model was strikingly similar to the political system in Bosnia and Hercegovina, whereby the High Representative has ultimate and accountable power. This was not, however, the future for Kosovo envisaged at Rambouillet. Instead, Chapter 1 Article 1 (1) declared that, ‘Kosovo shall govern itself democratically through the legislative, executive, judicial, and other organs and institutions specified here’. Thus, not only would Kosovo remain an integral part of the FRY – against the wishes of both the LDK and UCK – it would be self-governing rather than an international protectorate.

The areas of competence for the Kosovo assembly and the FRY government are laid out in some detail in the remainder of the Article. Two points are worthy of mention here. Article 1 (3) clearly stated the competence of the FRY authorities in Kosovo. Under the agreement, Belgrade would continue to exercise authority over, territorial integrity, maintaining a common market in the FRY that includes Kosovo, monetary policy, defence, foreign policy, customs services, federal taxation, federal elections, and other areas specified in the agreement. As if to re-emphasize the continuing unity between the FRY and Kosovo, Article 1 (7) stated that: ‘There shall be no interference with the rights of citizens and national communities in Kosovo to
call upon appropriate institutions in the Republic of Serbia’. This article was
designed to reassure the Serbian community in Kosovo that they would not
become isolated, and would continue to enjoy the protection and assistance of
the relevant institutions in the Republic of Serbia.

The remainder of Chapter 1 contained some ten articles with numerous
paragraphs that detailed the structure of a political system for Kosovo. The
system would be organized into local communes, which would have had a
considerable amount of power, including competence in law and order,
education, environment, regulating commerce, planning public works, and
organizing public services (Chapter 1 Article 4). Above the commune, the
political system would contain an assembly, president and supreme court.
Crucially, a point that was often overlooked, all the national communities in
Kosovo were to hold the power to suspend any legislation that was
considered to adversely affect the vital interests of the national community.
Chapter 1 Article 2 (7) stipulated that: ‘A majority of the members of a
single national community elected to the Assembly…may adopt a motion
that a law or other decision adversely affects the vital interests of their
national community. The challenged law or decision shall be suspended
with regard to that national community.’ The effects of this clause were
potentially more wide-ranging than was appreciated. The clause allows
each national community to opt-out of Kosovo Assembly legislation. This
meant that at the end of the interim period of the agreement, the Kosovo
Assembly could not be empowered to declare the secession of Kosovo from
the FRY as the Serbian community could repeatedly invoke the so-called
‘vital interest motion’ to halt the secession.

An important aspect of the debate concerned timing. Although Kosovo
now has a so-called ‘Transitional Council’ that many forlornly hope will
come to form the basis for democratic self-governance in Kosovo, the
problem is that power rests firmly with the international administrators.
One of the main problems that UNMIK has had to confront is that of filling
an authority vacuum, a crucial space in which there was no widely
recognized authority in Kosovo. Importantly, therefore, the Interim
Settlement declared that the new political system and constitution would
enter into force immediately upon the signing of the agreement. What this
also meant was that the structures of self-government would not derive their
authority from the UN, NATO, or the OSCE, as the weak self-rule bodies
do today. Rather, authority and legitimacy would have derived from an
agreement signed by the FRY and the Kosovar Albanian delegation, and a
constitution acceded to by both. The ultimate arbiters would be a
constitution and a supreme court, not an international organization.

The final aspect that we need to look at here is implementation. The
provisions for a new constitution for Kosovo, which were to lie at the very
heart of the Interim Settlement, were to be implemented not by NATO, or KFOR, but by the OSCE, which is a civilian organization that has Russia as a member. The OSCE, which would be headed by the Chief of the Implementation Mission (CIM), would not be accountable to KFOR or any other organization. Indeed, quite the opposite. Chapter 2 Article 3 instructed that, ‘the CIM will inform and consult KFOR as appropriate’. That is, the CIM would simply inform, rather than be informed by, the military forces about progress towards implementation, and would consult them about problems or barriers to implementation. In many ways, therefore, the OSCE would have been considerably further up the hierarchy of the institutional make-up for Kosovo than KFOR.

Implementation of the laws passed by the new assembly would be the responsibility of the Criminal Justice Association (CJA). The CJA would have been responsible for policing in Kosovo, would create a new police academy, and would ensure that the police force carried out its duties in accordance with the constitution and international standards of human rights. Interestingly, the CJA would have been responsible to neither the OSCE nor KFOR. Rather, as Chapter 2 Article 2 (3a) stipulated, ‘it [the CJA] shall be an administrative organ of Kosovo, reporting to an appropriate member of the Government of Kosovo as determined by the government’. The importance of this provision is revealed when we consider Chapter 2 Article 7 (1), which determined that, ‘only officers of the communal police shall have authority to arrest and detain individuals in Kosovo’. Under the mandate of Resolution 1244, KFOR and UNMIK currently enjoy this right of arrest and detention. Under the Interim Agreement proposed at Rambouillet, that right would have been enjoyed exclusively by the Kosovo police force, which was answerable only to the CJA and in turn to the Kosovo assembly. The only international contribution to this judicial system would be the supervisory and monitoring role of the OSCE. Neither the UN nor NATO would have had any input into this process.

There are two final points to bear in mind when considering the system of governance envisaged by the Interim Settlement. First, the whole system would be based on democratic principles. As the entry into force of the Interim Settlement was based upon the acquiescence of the parties, it was not envisaged that democratic transition would be problematic, unlike in the actual post-war situation. Thus, the OSCE was tasked to adopt and put in place a programme of elections and was given the job of supervising those elections. Second, the anti-war lobby claim that the UN was sidelined by NATO at Rambouillet is erroneous. Just as Resolution 1244 was the embodiment of the previously agreed ‘Military-Technical Agreement’ concluded between NATO and the FRY on 10 June on the Macedonian border, so the Interim Settlement requested similar embodiment. Chapter 7
Article 1 (1a) stated that: ‘The United Nations Security Council is invited to pass a resolution under Chapter VII of the Charter endorsing and adopting the arrangements set forth’. Shortly after the Racak massacre, Kofi Annan tacitly accepted the alliance’s position when he called upon NATO to, ‘further refine the combination of force and diplomacy that is the key to peace’. He continued:

Bloody wars of the last decade have left us with no illusions about the difficulty of halting internal conflicts – by reason or by force – particularly against the wishes of a government of a sovereign state. But nor have they left us with any illusions about the need to use force, when all other means have failed. We may be reaching that limit, once again, in the former Yugoslavia.56

Furthermore, the notion that the UN was excluded from the process of implementation was also erroneous, as we shall see below.

The system of governance envisaged by the Interim Settlement for Kosovo was actually somewhat different to that claimed by the anti-war writers. Tariq Ali claimed that the Interim Settlement was designed to, ‘secure its [NATO’s] control of this strategic region and to fortify an extensive NATO bridgehead in the heart of the Balkans’.57 In actuality, NATO was given no role whatsoever in the future administration of Kosovo as envisaged by the Interim Settlement. Kosovo was to be fully self-governing and fully integrated into the FRY. It was to have extensive legislative safeguards against discrimination, and was to be fully democratic. Furthermore, international organizations were to have no power of arrest or detention. With regards to the future administration of Kosovo, the primary supervisory international organization was to be neither NATO nor KFOR. It was to be the OSCE, a broadly based civilian organization that has Russia as a key member.

What then was to be the role of KFOR? And why did it cause so much controversy? The article now turns to consider the provisions for KFOR in the final proposed Interim Agreement.

**KFOR**

The first substantive mention of KFOR in the Interim Settlement came in Chapter 7, which was actually the second implementation chapter. The Settlement envisaged that KFOR would be constituted by the Chapter VII resolution of the Security Council (Chapter 7 Article 1 (1a)). The second half of this opening article read: ‘The parties invite NATO to constitute and lead a military force to help ensure compliance with the provisions of this chapter’, and continued by rebutting those who claimed that the proposals
amounted to a military occupation of the FRY by restating that the parties, ‘also reaffirm the sovereignty and territorial integrity of the FRY’. This article is crucial, but is not considered anywhere by those who refer to Appendix B. The two key words in this article are lead and constitute. According to the anti-war writers, under the Interim Settlement KFOR would simply be NATO in disguise. Instead, NATO and non-NATO states (including Russia) would have participated in KFOR and operated through a joint command that would have been directly analogous with the command structure used contemporaneously by the Stabilisation Force (SFOR) in Bosnia and Hercegovina. Indeed, paragraph 1(b and c) of Chapter 7 made the specific point that non-NATO states may participate in KFOR, and that ‘other states may assist in implementing’ the agreement.

Contrary to the picture drawn by the anti-war lobby, under the Interim Settlement KFOR would not have been an effectively unaccountable occupation force. In fact, its rights and obligations were explicitly laid out, and what is striking is how limited KFOR’s role would actually have been, particularly when compared to the post-war role given to it by Resolution 1244. Annex 2 of this Resolution stipulated that:

The international security presence with substantial North Atlantic Treaty Organization participation must be deployed under unified command and control and authorized to establish a safe environment for all people in Kosovo and to facilitate the safe return to their homes of all displaced persons and refugees.58

Furthermore, whilst the main body of the Resolution indicated what KFOR’s role ‘will include’ (paragraph 9), there are no limits placed on the force’s role and responsibilities within Kosovo and no suggestion of it being subordinate to other authorities, particularly indigenous authorities.

The role of KFOR could be found not in Appendix B, the so-called ‘Military Annex’, but in the much less dramatic sounding Chapter 7 Article 1 (2 a–c). Here we were told that the primary function of KFOR would be the establishment of, ‘a durable cessation of hostilities’. KFOR also had to ensure that the parties kept to the agreed force levels. In order to do this, and its other tasks, KFOR was given the right to ‘use necessary force’. KFOR’s responsibility for ensuring compliance with the military aspects of the agreement did not only regard the VJ and MUP forces. Under the Interim Settlement, the UCK (unlike the MUP and VJ) would not have been allowed to maintain any forces at all. Chapter 7 Article 5 (1) demanded the complete demilitarization of all forces in Kosovo except KFOR, VJ, MUP, and the commune police. Furthermore, all these ‘other’ forces (mainly the UCK) were compelled to ‘renounce violence’ and respect the international borders of the FRY.
The other responsibilities for KFOR would have included the protection of members of the OSCE and EU Implementation Mission (see Chapter 5 Article 1 (1)), and other international organizations (such as the Office of the UN High Commissioner for Refugees), agencies and non-governmental organizations. KFOR would not have had any competence to police borders and nor may it have acted outside of the scope specified by the relevant articles (Chapter 1 Article 6 (1 and 2)). KFOR could not detain or arrest people, would not have been responsible for the maintenance of law and order, nor would it have had any remit with regard to the constitution or any other institution in Kosovo. Its role would only have been to ensure compliance with the ceasefire and the level of forces agreement, to protect the civilian members of the Implementation Mission, and to protect and assist international governmental and non-governmental organizations. This is a long way short of a military occupation. Furthermore, given that it could have been expected that had the parties agreed to the Interim Settlement they would have complied with it, KFOR would have had a marginal role in post-Rambouillet Kosovo (the role of KFOR was stated again in Chapter 7 Article 8).

Given that the role of KFOR was envisaged as being so limited, why has there been so much fuss about Appendix B? Was this really a ‘joker’ thrown into the pack to ensure failure? Was it really more important than the hundreds of other paragraphs contained in the Settlement?

The important thing to point out at the beginning is the status of Appendix B. KFOR’s role would have been to assist in the implementation of the military aspects of the Agreement. Appendix B was concerned with the practical difficulties of getting KFOR into place, and allowing it to do its job properly. In all probability, the Appendix was a ‘wish-list’ drawn up by military personnel who were keen to ensure as smooth an implementation as possible. What is also important to point out is that the Interim Agreement envisaged the existence of a territorially integral FRY, and not a FRY with a completely separate internationally governed protectorate in Kosovo. Furthermore, on a point of clarification, Appendix B 1(a) states that the use of the term ‘NATO’ also covers non-NATO participants in KFOR, ‘whether or not they are under NATO or national command and control’. Thus, a Russian battalion under the command and control of Moscow could have been covered under the heading ‘NATO’ in this Appendix. The wording may have been insensitive, but it in no way implied a NATO occupation force.

Two of the clauses of the Appendix that caused controversy are 6(a) and 7(a). As we noted above, these clauses stipulated that ‘NATO’ forces should be immune from prosecution or detention by the FRY. According to John Pilger, these paragraphs demonstrated the impunity with which NATO regarded FRY sovereignty. Unsurprisingly, in his critiques of the
paragraphs in *The Guardian* newspaper during NATO’s military operation against the FRY, Pilger omitted to mention Appendix B Article 2. This paragraph stated that, ‘all NATO personnel shall respect the laws applicable in the FRY’. Thus, although NATO personnel may not have been detained by any authority in the FRY, should they have breached FRY law it would have been deemed that NATO had broken the terms of the agreement if it had not taken appropriate measures against offenders. In order to cover this possibility, the Appendix stipulated that NATO personnel would be subject to the jurisdiction of the domestic law of their country of origin. Hence, when an American soldier was found to have raped a Kosovar Albanian girl in late 1999, the soldier was removed from Kosovo and prosecuted in the United States. The immunity clauses, which mirrored similar clauses in the Dayton agreement for Bosnia and Herzegovina, were designed to protect NATO personnel from harassment by the Yugoslav authorities that could undermine their mission. They were not meant to question the rule of law in Kosovo, or the sovereignty of the FRY.

The key passage of Appendix B was paragraph 8, which was quoted earlier. At first glance, and seen outside of the context of the rest of the Interim Agreement, this clause appears to allow precisely what Jovanovic, Pilger, Herring, and Booth say it did – a NATO occupation of the whole of the FRY. Important points need to be considered however. The rights articulated in paragraph 8 were transitory rights. They attempted to create a permissive environment that would have allowed NATO to efficiently deploy the peacekeeping force and assist international organizations in their efforts. The key point that needs to be remembered is that the Interim Settlement envisaged an integral Yugoslavia, with open borders. Thus, it made logistical sense that NATO should want to use the sea-ports on the Montenegrin coast or Yugoslav highways from Hungary to Kosovo, rather than attempt to convoy large amounts of men and equipment across the troublesome mountain routes from Albania and Macedonia. These clauses also revealed the extent to which the Interim Settlement depended on the FRY for its successful implementation. The aim, revealed in this paragraph and many others, was to include the FRY in the process, rather than exclude it. Finally, Ken Booth argued that Annex B was designed to be unacceptable, as he asked, ‘what state could accept such a breach of its sovereignty?’. Annex B has the wording of a standard status-of-forces agreement that the alliance signs with any state hosting its troops, it is remarkably similar to the status-of-forces agreement concluded some years earlier by NATO and Croatia.

Those who contend that the military aspects of the Interim Settlement were designed to ensure that the FRY rejected the deal make two erroneous assumptions. First, they assume that the FRY was proposing a credible
alternative. Although Judah comments that, ‘even the best-informed Serbs still believed that at the very last minute Milosevic would indeed strike a deal’,63 he also points out that the Serbian delegation was never allowed by their president to engage in serious negotiation at Rambouillet, much to the annoyance of their delegation leader. We shall see later that the alternatives proposed by the FRY accepted none of the core aims of the Contact Group, even differing on the concept of autonomy. Second, anti-war writers assume that the military aspects of the proposed Interim Settlement were non-negotiable. Instead, Christopher Hill, one of the key US negotiators, stated that he believed that no aspect of the agreement was ‘unsellable to the Serbs’, implying to Judah that had Milosevic agreed to the political aspects of the agreement but insisted on the military force wearing blue helmets and working under UN auspices an agreement would have been reached, and war avoided.64 He later revealed privately that when he visited Milosevic after the Rambouillet talks, he literally offered the Yugoslav president the opportunity to re-write Annex B. Milosevic steadfastly declined.65 Furthermore, State Department spokesman, James Rubin, later commented that:

Had President Milosevic been prepared to accept a NATO force in Kosovo, and had [he] been prepared to work out the kind of military-technical agreement that was worked out at the end of the air war – without the silver bullet clause, without the ability to deploy anywhere in Yugoslavia – we would have accepted.66

Considering the role, duties and rights of KFOR under the terms of the Proposed Interim Settlement, it is clear to see that it bears little resemblance to the terrifying occupation force described by the anti-war writers. Instead, KFOR would have had a limited role, and would have been redundant altogether had the other parties kept their promises. It is incongruous to suggest that Appendix B was a ‘joker’, thrown in to ensure the failure of the proposed settlement. As an implementation appendix, it was not considered to be one of the ‘non-negotiable’ elements of the Agreement. Those elements were that there should be a new constitution and political order, as set out at the beginning of the negotiations in the general principles laid down by the Contact Group,67 overseen by the OSCE and supported by KFOR, under the unified command of NATO. The right to bivouac in Novi Sad was not an integral part of the Interim Settlement. Had this been the main bone of contention, we could have expected to have seen some serious Serbian counter-proposals. Instead, as will be shown below, the FRY did not even concur with the Contact Group’s view on what autonomy meant, let alone on whether there should be an international force to oversee implementation. Finally, as Martin Shaw has pointed out, the idea that Appendix B revealed that NATO was planning an all-out war with the FRY
was simply incongruous with the facts on the ground. NATO explicitly ruled out the possibility of a ground war, and actually had fewer aircraft in the area than it needed. So, NATO wanted a war but failed to mobilize the resources to ensure victory? Perhaps NATO did not want a war after all. So, why did the Contact Group ignore the peace overtures sent out by Milosevic?

Alternatives

According to Noam Chomsky and Eric Herring, the day before NATO commenced its bombing the Serbian Parliament made a serious peace overture that could have avoided war. Both Chomsky and Herring overlooked the Serbian counter-proposals to the Interim Settlement put forward on 15 March. However, let us first consider the 23 March Parliamentary Resolution. Unsurprisingly, neither Chomsky nor Herring refer to the ‘debate’ in the Parliament that preceded the resolution. Nor do they point out that it was (contra Chomsky) actually reported quite extensively by the BBC, by their man on the ground in Belgrade, John Simpson, who remained in Belgrade throughout the NATO campaign and was often critical of it. Simpson reported that the debate contained a series of vitriolic war-like statements. Deputies from all parties drew analogies between NATO and the Nazis and insisted repeatedly that no foreign troops would be allowed into Kosovo.68 Chomsky himself quotes the parliament as insisting that no foreign troops could be deployed in Kosovo.69 Instead, the parliament called for the reinstatement of the OSCE verification mission and the commencement of negotiations. Thus, after six weeks of negotiation in which time the FRY had not moved an inch toward a compromise, the Serbs called for more negotiation. There are two things that we must remember here. First, on this same day Milosevic met Holbrooke. Milosevic is not reported to have given the slightest indication of relenting to the man he worked with to secure peace for Bosnia and Hercegovina. Second, on 23 March, the VJ and MUP had begun implementing Operation Horseshoe. In Kosovo, Serb forces were systematically shelling villages and driving thousands from their homes.70

If we are to consider the idea that there was a serious counter-proposal on the table on 23 March, we should turn our attention to a document presented on 15 March by the FRY to the ambassadors conducting the so-called ‘follow-on talks’ in Paris.71 This document contains a substantive Serbian counter-proposal. Rather than revealing a genuine desire for a negotiated solution, it reveals the intransigence of the FRY and its disinterest in the diplomatic process. The FRY refused to accept the basic principles for a constitution for Kosovo. Instead, Chapter 1 Article 1 (3) of this counter-proposal insisted that all federal laws of the FRY should apply
across the whole territory of the FRY, as should the Constitution of the FRY. This meant that no change to the constitutional status of Kosovo would be applicable unless that change emanated from a prior change in the Constitutions of the FRY and the Republic of Serbia. The authors of this proposal calculated that the Serbian parliament would veto such a change, thus derailing the entire first two chapters of the Interim Settlement.

Chapter 1 Article 1 (4) of the counter-proposal reaffirmed this point by insisting that, whereas the proposed Interim Settlement brought attention to the limited scope of the FRY’s jurisdiction in Kosovo, the autonomy given to the province should be proscribed. Thus, the FRY had an utterly different comprehension of what Kosovan autonomy should mean. Rather than Kosovo holding general jurisdiction with the FRY holding exceptions, this principle was reversed. FRY rule was total, except in the exceptions given. It conceived Kosovo’s future as devolution rather than autonomy.

The Serbian counter-proposal also took the opt-out for national communities one step further. Their proposed Chapter 1 Article 1 (6) demanded that, ‘each national community may enact separate rules for its members’. In essence, this clause envisaged a codification of apartheid. It reckoned that the Serbian community in Kosovo could legislate for itself, be subject to Serbian rather than Kosovan law (Chapter 1 Article 5 (2)), and conduct independent relations with Belgrade. All this was completely contrary to the spirit of autonomy envisaged in the Interim Settlement, as in essence it would not alter the *de facto* status of Kosovo. The Kosovar Albanians would continue to have their state (previously the underground parallel system), and the Serbs theirs.

Most of the other core elements of the Interim Settlement were absent completely. Under the Serbian proposals, there would be no Kosovan judicial system, limited local taxation powers, a largely continuous police force, and most crucially, no significant international supervision of the implementation. The VJ and MUP – perpetrators of numerous horrors in Kosovo – would remain unrestricted. These Serbian counter-proposals reveal just how little progress was made at Rambouillet. Given that the chapters regarding implementation were rejected in their entirety, it is difficult to see how an appendix to one of those chapters could have had much of an impact in the way claimed by the anti-war writers. The very concept of autonomy was substantially different to that envisaged by the Contact Group, and there was only a token commitment to ceasing hostilities and respecting human rights. To put it in context, the Serbian counter-proposals, which were the result of many weeks of negotiation, did not even accord Kosovo the autonomy it had held for fifteen years between 1974 and 1989. Furthermore, Tim Judah reports that even Boris Mayorski was shocked by the content of the counter-proposal, and the fact
that, ‘whole chapters that had taken months of work were simply crossed out and replaced with other clearly unacceptable paragraphs or nothing at all’.  

Finally, those who believe that FRY made a genuine effort to negotiate at Rambouillet should consider two further factors. First, the FRY tried to prevent key members of the Kosovar Albanian delegation from attending Rambouillet, claiming that they were terrorists. Second, until the arrival of Milan Milutinovic, the Serbian Prime Minister, mid-way through the second week of the negotiations the Serbian delegation consisted of two FRY representatives, one Montenegrin representative, and two Serbian representatives, the remainder being low-level Kosovar Serb representatives. The Serbian delegation at Rambouillet was not a serious negotiating team. It had no power to negotiate on substantive issues, nor did it contain any senior members of the Milosevic inner-sanctum.

Conclusion

This article began by arguing that there is an anti-war orthodoxy emerging in British public and academic life. An important part of the story that the anti-war writers tell about the war in Kosovo is based on a particular understanding of what really happened at Rambouillet. These stories share five general characteristics, though some of them are more convincing than others. It was contended that these characteristics betrayed a half-reading of the Rambouillet text, and thus the article decided to return to Rambouillet in order to investigate those claims. The findings suggested that rather than being an unpalatable ultimatum that no sovereign state could accept unless it had been defeated in war, the Interim Settlement proposed at Rambouillet offered a just settlement and the prospect of democratic governance and respect for human rights in Kosovo. The main, and often overlooked, aspects of the Interim Settlement were:

- democratic self-rule, rather than international protectorate
- an international guarantee of the sovereignty and territorial integrity of the FRY
- institutional mechanisms for preserving that territorial integrity
- ‘opt-outs’ for national communities feeling threatened by Kosovo legislation
- primary implementation responsibility would actually fall on the OSCE, not NATO
- a limited military function for KFOR
- KFOR would have no powers of arrest or detention, nor would it have any administrative role in Kosovo.
After considering the main implications of the Interim Settlement, the paper went on to consider the charge that there were two peace proposals on the table on 23 March. Taking the specific Serbian Parliamentary resolution referred to by Chomsky and Herring, and a Serbian counter-proposal proffered on 15 March, the paper revealed the extent to which Serbia and the Contact Group differed on fundamental issues, such as the meaning of autonomy. It went on to suggest that there was, in fact, no credible alternative to the Rambouillet text and that the FRY had no intention of engaging in serious negotiation.

The anti-war account of the Rambouillet proceedings is deeply flawed, and is based on a selective reading of the Proposed Interim Settlement. This must also bring into question other elements of the anti-war story. Rambouillet represented the best last chance for peace in Kosovo, and in the light of events after 24 March it is tragic that the Milosevic regime sabotaged the process. Maybe in a few years time, when the hatred and enmity subside, we could call upon the international administrators of Kosovo to return to Rambouillet.

NOTES

I would like to thank Ken Booth for making me think about and defend my position so robustly. Thanks also to Nick Wheeler and James Gow and the editor and anonymous reviewers of Contemporary Security Policy for their helpful comments and suggestions.

1. For example, see Michael Mandelbaum, ‘A Perfect Failure: NATO’s War Against Yugoslavia’, Foreign Affairs, 78 (5), (1999); Henry Kissinger, ‘As the Cheers Fade’, Newsweek, 133 (25), (1999); Colin Gray, ‘No Good Deed Shall Go Unpunished’, in Ken Booth (ed), The Kosovo Tragedy: Human Rights Dimensions (London: Frank Cass, 2000); Boris Johnson, ‘Kosovo was a Disaster – Just as Cook was Warned’, The Daily Telegraph, 10 Feb. 2000. Johnson revealed his racist opinions on the subject of Kosovo, writing in this article, ‘one NATO soldier has already been accused of rape of an underage girl’, which for Johnson provided, ‘evidence that some troops are already being dragged into the KLA’s crime syndicates’.


5. An interesting indicator of the pervasiveness of this view can be established from an exchange in the Foreign Affairs Select Committee on 18 Jan. 2000. After hearing evidence from Jane Sharp, Tim Judah, Adam Roberts, Jonathan Steele and John Sweeney, the following exchange occurred:

Mr Chidgey MP (committee member).

153. … I think I am right in saying that all of you, at one stage or other, have said in the last ten minutes that Milosevic could not have signed up to the [Rambouillet] Agreement without committing political suicide. Well, if that is the case —

(Ms Sharp) No.

154. Well, that is the message I have been getting, and if that is the case how could it be well judged?
(Mr Judah) I said I begged to differ with that view.

(Chairman) I think it was only Mr Sweeney who said that …


6. So-called ‘proximity talks’ were used by the negotiators at Dayton. The protagonists do not engage in direct negotiations but through mediating parties who shuttle between different rooms.

7. Fehim Rexhepi, ‘Background to the Bloodshed in Drenica’, AIM (Pristina and Podgorica), 4 Feb. 1999. These figures were also used by a Channel 4 (UK) documentary, True Stories: The Valley, screened on 18 Feb. 1999.


9. Macedonia is formally recognised as the Former Yugoslav Republic of Macedonia and is often known by its acronym, FYROM.

10. This point is open to debate. James Gow argues that it was always clear that force would be used should the FRY not comply with the agreement and he points out that the North Atlantic Council’s Activation Order (ACTORD) was never rescinded. It is my contention that on this subject the agreement was inherently ambiguous. First, whilst the ACTORD did remain in place, compliance criteria were linked solely to the military aspects of the agreement. There was no suggestion that force would be used if progress were not made on the political aspects whilst the FRY adhered to the military aspects. Second, even this was ambiguous. By mid-November the number of Serb special police forces (MUP) in Kosovo had again risen to 11,500, in breach of the agreement, but there was no suggestion of launching air strikes and every indication that the United States, France, Germany, Greece and Italy would have opposed such a suggestion at this time. See Ivo H. Daalder and Michael E. O’Hanlon, Winning Ugly: NATO’s War to Save Kosovo (Washington, DC: The Brookings Institution, 2000), pp.49–57.


21. Ibid.


26. Ibid.

27. Ibid.

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31. Eric Herring, ‘From Bad to Worse’, op cit., p.3.


36. Ibid.


40. Tim Judah, Kosovo, op cit., p.212.

41. Ibid., p.220.

42. Eric Herring, ‘From Bad to Worse’, op cit., p.2.

43. Ibid.


45. Michael Mcgwire, ‘Why did we Bomb Belgrade?’, op cit., p.16.


47. A shortened version of a lecture given by Ken Booth in which he made this argument can be found in, Ken Booth, ‘NATO’s Republic’, op cit..


52. Tim Judah, Kosovo, op cit., p.224.


55. Many anti-war writers have mistakenly argued that during the 1990s Rugova favoured a negotiated autonomy agreement. Actually, after 1991 Rugova consistently advocated independence. See the references to Rugova’s position in David Owen, Balkan Odyssey (Oxford: Indigo, 1995), p.80. Also see, Ibrahim Rugova, La Question du Kosovo (Paris: Fayard, 1994).


60. The Times, 10 Feb. 2000.
61. Ken Booth posed this question in a public debate with the author during the EH Carr Workshop, The Kosovo Tragedy, 20 Nov. 1999.
63. Tim Judah, Kosovo, op cit., p.213.
64. Ibid., pp.219–20.
65. Christopher Hill in conversation with James Gow, as reported by James Gow.
68. John Simpson appeared extensively on all BBC news bulletins on 23–24 March. These news bulletins were recorded by the author and many are available in the video library at the UK’s Joint Services Command and Staff College, Shrivenham.
70. This offensive was widely reported by BBC, ITN and CNN between 20–23 March. Also see Tim Judah, Kosovo, op cit., p.233.
72. Tim Judah, Kosovo, op cit., p.222.