

# **Military Intervention in Kosovo**

## **Turkey's Stance and International Law**

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### **Abstract**

The beginnings of the dispute related to the Kosovo issue within former SFRY can be found in the year 1980, immediately after the death of Josip Broz Tito. As a consequence of the pressure from the Serbs against the population in Kosovo, the Kosovo Albanians published the Declaration of Independence in 1990, followed by parliamentary and presidential elections in May 1992, where Ibrahim Rugova was elected for the President of Kosovo. Unlike the stance of Turkish foreign politics towards the war in Bosnia, where it insisted for an immediate military intervention of the international community for a cease-fire, during the war in Kosovo Turkey was insisting for solution of the conflict as a part of the Constitution from 1974 and didn't have a positive stance towards the eventual international military intervention in order to bring the military actions to an end. This stance of the Turkish foreign politics was a result of the fear of the Turkish authorities for eventual increase of the Kurdish minority aspirations lead by the PKK organization for secession of the southeastern part of this country, as a result of the international intervention against Yugoslavia. However, when the military actions of the Yugoslav (Serbian) military and paramilitary formations against

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the civilian population in Kosovo intensified, Turkey, as one of the leading actors of the NATO alliance, played an active role during the military intervention against Yugoslavia. According to NATO officials, this military intervention was in accordance with the aims of the UN and it reflects the requests and aspirations of the international community which are in accordance with the ones of the Organization. On the other hand, according to the opponents of this operation, the action of NATO didn't reflect the requests of the international public, but on the contrary, the above mentioned military operation turned the NATO organization into a “**world policeman**”.

**Key words:** Kosovo crisis, Turkey, NATO military intervention, international law.

## **Introduction**

The beginnings of the dispute related to the Kosovo issue within former SFRY can be found in the year 1980, immediately after the death of Josip Broz Tito. After the period of the reign of Tito, the relations between the population of Kosovo and the authorities of Yugoslavia deteriorated, as a result of that in March 1989, the Serbian authorities took the first steps towards discontinuation of the autonomy of this region,

<sup>1</sup> a status that existed within the former SFRY. This move of the

Serbian authorities faced intense protests of the population in Kosovo<sup>2</sup>, which were muted by the Serbian authorities. After the military and police intervention, the next step of the Serbian authorities was an adoption of a new constitution which was foreseeing alleviation for the implementation of Serbian politics on the territory of Kosovo, as a replacement of the constitution of Yugoslavia from 1974, on the 28<sup>th</sup> September 1990, the Serbian parliament adopted the new constitution through which, amongst other things, was justifying the right of the Serbians for control over the historical and ethnical territory of the Serbians. This new concept didn't mean anything else except a law frame for realization of the idea for creation of *Great Serbia*. In these lines we will try to analyze the historical aspect of the events in Kosovo during the 1990's, the military intervention of NATO in Kosovo and the stance of Turkey towards this intervention and finally, the legitimacy of this intervention from the aspect of international law.

## **I. Short historic review of the events in Kosovo during the 1990's**

As a reaction of all the above mentioned pressures of the Serbs against the population of Kosovo, the Kosovo Albanians in 1990 published the Declaration of Independence, and in May of 1992 they carried out

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<sup>1</sup> Kosovo gained the status of autonomy during the period of the reign of Tito, as a part of the Constitution of 1974.

<sup>2</sup> According to CIA The World Factbook Kosovo's population stands at 1,870,981 persons. It highlights that ethnic composition is as following: Albanian (official) 94.5%, Bosnian 1.7%, Serbian (official) 1.6%, Turkish 1.1%, other 0.9% (includes Romani), unspecified 0.1%. See [https://www.cia.gov/library/publications/the-world-factbook/geos/print\\_kv.html](https://www.cia.gov/library/publications/the-world-factbook/geos/print_kv.html) Access Date 09.06. 2016.

parliamentarian and presidential elections, where Ibrahim Rugova<sup>3</sup> was elected for a President of Kosovo. President Rugova gave great effort towards obtaining support from the international community for the politics of the Kosovo Albanians. As an activity of his diplomatic efforts, he visited Ankara in 1992, where he met the president Ozil whom he handed over a request for an acceptance of the independency of Kosovo. However, the reply of the Turkish president for this request was not positive. This stance of the Turkish foreign politics was a result of the fact the Turkish country itself had fears from the eventual stance of the international community for parallelism between the struggle of the Kosovo Albanians against Belgrade and PKK's struggle against Ankara. Besides the negative stance of Turkey towards the acceptance of Kosovo's independency, however, generally observed, Turkish foreign politics didn't stop offering political support to the Kosovo Albanians. Namely, in 1998, as a part of the visit of Turkish minister of foreign affairs Ismail Cem in Belgrade, the Turkish party handed over a request to Milosevic for returning of Kosovo's autonomy and acknowledgment of the rights of the Kosovo Albanians. On the other side, KLA (Kosovo Liberation Army)<sup>4</sup> appeared on the stage in Kosovo, which, unlike the peaceful politics of Rugova, based its' strategy on a guerilla war against the Serbian forces. The guerilla actions of KLA contributed towards intensifying of the military actions of the Serbian forces, against the

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<sup>3</sup> He was born in 1944 in Kosovo. He had a PhD from the University of Pristina on the field of literature (1984). In 1996, he was chosen for a member of the Kosovo Academy of Science and Arts. In the same year, he was awarded a honorary PhD by the Paris VIII University. In 1989, he was elected for a president of the first political party in Kosovo, LDK, which was challenging the communist regime of that time. In 1992, he was elected for a President of Kosovo, followed by a re-election in 1998 as well, as a result of the new elections carried out in that year. After the war in Kosovo, in the parliamentary elections, Rugova's party got the majority of the votes, by which he was re-elected for the President of Kosovo again in 2002 and 2005 as well. He died in 2006. Rugova is considered as a symbol of the independency of this young European country.

<sup>4</sup> UÇK – Ushtria Çlirimtare e Kosovës; KLA (Kosovo Liberation Army).

armed Kosovo Albanians and as well as the civilian Albanian population. The growth of the number of victims between Albanian civilians and the banishment of the Albanian population from their ancient hearth, as a result of the military actions of Serbian military and paramilitary formations, caused series of reactions on the international scene.<sup>5</sup>

## II. The military intervention in Kosovo and the stance of Turkey



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<sup>5</sup> See: ÇAPAR, Gökhan, **NATO'nun Kosova'ya Müdahalesinin Birleşmiş Milletler Kurucu Andlaşması Açısından Analizi** (MA thesis), U.Ü. Sosyal Bilimler Enstitüsü, Bursa 2006, p. 96-98; KIR, Alpaslan, **Türkiye'nin Makedonya Politikasının Balkan Politikası İçerisindeki Yeri** (MA thesis), H.A.K. Stratejik Araştırmalar Enstitüsü, İstanbul, 2008, p. 4-25; ZAMAN, Fuat, **Kosova'nın Türkiye Açısından Stratejik Önemi** (MA thesis), G.Y.T.E. Sosyal Bilimler Enstitüsü, Gebze 2006, p. 51-55; AYDOĞMUŞ, Fatih, **Soğuk Savaş Sonrası Türkiye'nin Balkanlar Üzerindeki Etkisi** (MA thesis), Y.Ü. Atatürk İlkeleri Ve İnkılap Tarihi Enstitüsü, İstanbul, 2009, p. 66.

## \*Map of Kosovo and Turkey<sup>6</sup>

In the period that followed (1998), the Security Council brought two important resolutions in relation with the ongoing events in Kosovo. The Resolution 1160 of the Security Council was urging Yugoslavia to undertake all necessary measures in order to find a political solution for the conflict and at the same time it was urging all Albanian leaders in Kosovo to denounce the terrorist attacks. The urge of the Security Council was also directed towards the other components of Kosovo's society for realization of their objectives only through application of peaceful methods. Simultaneously, through the 1160 Resolution, the need for an adequate solution for the crisis in Kosovo was highlighted, but only through preservation of Yugoslavia's territorial integrity.<sup>7</sup> As a part of the international community engagement for a cease-fire in Kosovo, on the 23<sup>rd</sup> September 1998, the UN Security Council adopted the 1199 Resolution, through which the deterioration of the situation in Kosovo was considered as a threat for the peace and security of the region. Simultaneously, through this resolution, the parties involved were invited to cease the fire and in that direction to take the foreseen measures with the 1160 Resolution. The two above mentioned resolutions, besides the denouncement of the use of force by Yugoslavia and KLA, at the same time they were authorizing OSCE to send observers in Kosovo, with an objective of observing the events from closely.<sup>8</sup> In March of 1998, as a response of the international community on the military actions of the Serbian forces against the civilian population, besides introduction of economic and diplomatic sanctions, it also introduced a military embargo against

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<sup>6</sup> <http://akademikperspektif.com/2014/02/08/turkiye-ile-kosova-kardesligi/>  
Accessed 9.6.2016

<sup>7</sup> ÇAPAR, p. 100.

<sup>8</sup> ÇAPAR, p. 101.

Yugoslavia, which confirmed the continuous increase of pressure of the international community towards this country. On the other hand, the increase of presence of NATO forces in Macedonia and Albania also represented an additional pressure towards Belgrade. As a result of the growth of pressure against Yugoslavia, in February 1999, this country was forced to take part in negotiations with representatives from Kosovo, which were held under the patronage of the international community, led by the USA, in the city of Rambouillet. According to the peace plan of the international community, Kosovo was supposed to have an autonomous status within Yugoslavia and on its territory there was not supposed to be another military presence except the presence of NATO forces. This peace plan was accepted by the Kosovo side, but rejected by the Yugoslavian delegation, by which on the 19<sup>th</sup> of March 1999, the peace talks under international patronage ended without the expected results.<sup>9</sup> As a result of the increase of unsuccessful peace talks and the increase of victims between the Albanian civilians in Kosovo, NATO decided to initiate an aerial military operation with an aim of prevention of further blood shedding in this country. The former announcements of Russia and China, through which they claimed that they will use their right for veto against the eventual military operation against Yugoslavia, can be considered as the main reason for avoiding the resolutions of the UN security Council for a permission to include military force and using NATO's military mechanisms during the above mentioned military operation.<sup>10</sup> Following the unsuccessful efforts of the international community or peaceful salvation of the crisis in Kosovo, on the 24<sup>th</sup> of March 1999, NATO, led by the USA, decided to attack Yugoslavia. The operation named Allied Force lasted 78 days in total, and included Turkey, USA, Germany, Belgium, Canada, United Kingdom,

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<sup>9</sup> ÇAPAR, p. 103-104; KIR, p. 4-25.

<sup>10</sup> KIR, p. 4-26. See: ZAMAN, p. 56-58; ÇAPAR, p. 104.

Denmark, Spain, France, Portugal, Netherlands, Norway and Italy.<sup>11</sup> According to NATO representatives, the main reasons for undertaking the military intervention against Yugoslavia were the following:

- discontinuation of the humanitarian crisis in Kosovo through prevention of disrespecting of human rights,
- implementation of stability in Eastern Europe,
- increase of trust towards NATO,
- the right of Kosovo Albanian for self-determination.<sup>12</sup>

According to the announcements of NATO representatives, through this military operation the Alliance was aiming the following:

- bringing the military actions to an end,
- forcing the Serbian military and police forces to withdraw from the territory of Kosovo,
- moving international military forces into this country,
- enabling return of the refugees and taking care of them through international humanitarian organizations.<sup>13</sup>

On the other hand, unlike the stance of Turkish foreign politics towards the war in Bosnia, where it insisted for an early military intervention of the international community for a cease-fire, during the war in Kosovo, Turkey was insisting for solving the conflict within the frames of the Constitution from 1974 and didn't have a positive stance towards the eventual international military intervention to bring

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<sup>11</sup> ZAMAN, p. 60.

<sup>12</sup> ÇAPAR, p. 105-106; ZAMAN, p. 59-60.

<sup>13</sup> ÇAPAR, p. 107.

the military events to an end. This stance of the Turkish foreign politics was due to the fear of the Turkish authorities for an eventual increase of the aspirations of the Kurdish minority lead by the PKK organization for secession of the south-eastern part of this country, as a result of the international intervention against Yugoslavia. However, besides the above mentioned stance of Turkish foreign politics towards the Kosovo issue, when the military actions against the Yugoslav (Serbian) military and paramilitary formations against the civilian population of Kosovo intensified, Turkey, as one of the leading actors and military forces of the NATO alliance, played an active role during the military intervention against Yugoslavia. Namely, the Turkish state sent 11 military F-16 airplanes which had an effective role within observing and bombarding aims on the territory of Yugoslavia. Simultaneously, the Turkish authorities opened the Turkish air space for the Alliance for eventual need during the implementation of the aerial military operations.<sup>14</sup>

### **III. Legitimacy of the military intervention in Kosovo**

However, numerous dilemmas appear in regards of the international-legal legitimacy of the aerial military operation of NATO against Yugoslavia. According to NATO representatives, this military operation was in accordance with the UN objectives and it reflected the requests and aspirations of the international community which are in accordance with the ones of the Organization. On the other hand,

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<sup>14</sup> KIR, p. 4-26; BAŞ, Numan, **Kosova Sorununun Ortaya Çıkışı Ve Balkanlar Üzerine Etkileri (MA thesis)**, S.D.Ü. Sosyal Bilimler Enstitüsü, Isparta, 2009, p. 73, 75-76. See: AYDOĞMUŞ, p. 84; AKMAN, Halil, **Türkiye Yunanistan Ve Arnavutluk'un Balkan Ülkeleri Ve Etnik Yapısı Üzerine Stratejik Hedefleri (MA thesis)**, G.Y.T.E. Sosyal Bilimler Enstitüsü, Gebze, 2006, p. 232.

according to the opponents of this operation, NATO's action didn't depicture the requests of the international public, but on the contrary, the above mentioned military operation turned the NATO organization into a **“world policeman”**.<sup>15</sup> According to international law, the usage of force can be implemented only in two cases, as follows: **first, in a case of legitimate self-defence which is conditioned by fulfilling series of conditions, and second, in a case of authorization issued by the UN Security Council**. Simultaneously, in a case of an implementation of aerial attack against one of the NATO member countries, according to Article 5 of the Alliance Convention, an activation of Article 51 of the Organization is foreseen, which recognizes the right for a common legitimate self-defence. Also, according to this article, the right for legitimate defence can last only until measures of the UN Security Council are activated. From the above mentioned, we can bring a conclusion that the right for self-defence within the NATO alliance is in accordance with the right of usage of force according to the principles of UN Security Council. In this case, however, the implementation of a military attack of the Alliance against Yugoslavia, without previous attack or a threat against one of its members from that country, opens dilemmas about the legitimacy for using the right of self-defence during this operation.<sup>16</sup> However, a question is rising, was there an authorization from the Security Council of the NATO Alliance for implementation of a military attack against Yugoslavia, which would legitimate the military intervention against this country. First, it must be recognized that the Security Council adopted several resolutions related to the events in Kosovo. Through deterioration of the situation in Kosovo, as we previously mentioned, in 1998, the Security Council adopted the 1160 Resolution which was foreseeing an introduction of a military embargo towards Yugoslavia, denouncement of the violence of

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<sup>15</sup> ÇAPAR, p. 105.

<sup>16</sup> See: PEKYARDIMCI, B. Elif, **İnsancıl Müdahale Kavramı Ve Kosova Sorunu (MA thesis)**, A.Ü. Sosyal Bilimler Enstitüsü, Ankara 2006, p. 123-124.

Serbian forces against civilians and protesters and the terrorist actions of KLA, as well as the military financial support of this military organization. Simultaneously, this resolution was supporting the efforts of international representatives for establishing peace, it was highlighting the need for an increase of international representatives in this country and both sides were invited to establish dialogue towards bringing the military crisis to an end. One of the most important components of this resolution was the fact which was highlighting the importance of keeping the independency of Yugoslavia's territorial integrity.<sup>17</sup> Following the analysis of the above mentioned Resolution of the Security Council, we can bring a conclusion that there weren't any signals for eventual authorization by the Security Council of any country or a group of countries for an attack against Yugoslavia.

The Security Council during 1998 adopted the second resolution numbered 1199, which was related to the events in Kosovo. Namely, through this resolution, besides it was repeating the contents of the former resolution (nr. 1160), it was highlighting the international community concern for the safety of the civilian population, the situation of the refugees, it required from the Albanian leaders to denounce the terrorist actions of KLA and a request to the official supporters of KLA was in order to stop the military and economic support towards this organization. Simultaneously, this resolution was highlighting that deterioration of the situation in Kosovo was representing **a threat for regional peace and safety**, which also confirmed the respect of the international community towards the independency and territorial integrity of Yugoslavia. One of the most important components of this Resolution was the Security Council admonishment for taking additional measures – without alluding on the contents – in case of failure to implement the previously

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<sup>17</sup> PEKYARDIMCI., p. 125-126; ÇAPAR, p. 100.

mentioned decisions.<sup>18</sup> As well as the previous resolution, this resolution also, besides others, highlighted the international community engagement for a cease-fire, it also confirms the principle of respect towards the independency and territorial integrity of Yugoslavia. Although the end of this resolution was highlighting the international community determination for undertaking additional measures in case of failure to implement the above mentioned decisions, not explaining the contents of the eventual new measures is an argument enough for a non-authorization of the NATO Alliance military operation against Yugoslavia. Following the above mentioned decisions of the Security Council, the 1203 Resolution represents the final resolution adopted before the military intervention of the Alliance against Yugoslavia. Namely, through this resolution, the Security Council was denouncing the terrorist attacks and the external assistance and at the same time it was calling upon the leaders to take necessary measures. Simultaneously, the Security Council was calling both sides to establish a dialogue and solve the military crisis through political methods. Although, according to some analysis, the sharpening tone of the international community through the resolutions meant exactly an indirect authorization for usage of power,<sup>19</sup> the usage of power is an act which, because of its' meaning, should be implemented in a n open and direct manner, an act that does not exist in the previous resolutions. Besides the opposed opinions, although, generally observed, the military intervention of NATO alliance against Yugoslavia is opposed to international law, having in mind the fact that the Security Council didn't authorize the above mentioned military-political organization, nor it adopted a resolution for undertaking a military action. However, there is a dilemma on the international academic scene about the legitimacy of this military action observed from the aspect of a **humanitarian intervention**.

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<sup>18</sup> PEKYARDIMCI, p. 126; ÇAPAR, p. 101.

<sup>19</sup> PEKYARDIMCI, p. 126-127.

Generally observed, although the term **humanitarian intervention** means a manner of usage of force that doesn't exist in international law, however, according to some observers and organizations, this method of usage of force is in accordance with international law, or, observed from a practical aspect, there is a need of its' application.<sup>20</sup> Even after the acceptance of this method of using force as a legitimate in some researches, its' implementation however is conditioned with series of criteria.

The legitimacy of humanitarian intervention is conditioned by **existence of severe violation of human rights**. From the data mentioned, we can bring a conclusion that in the case of Kosovo, the most basic human rights were violated by the Yugoslav (Serbian) military and paramilitary formations, by which we can bring a conclusion that the above mentioned criteria for legitimizing of the humanitarian action were met. As another criterion which is a condition for legitimizing the military humanitarian intervention is the **lack of opportunity to stop the military actions through peaceful methods, except through implementation of the humanitarian intervention**. In the case of Kosovo, the international community gave enormous efforts towards finding a peaceful solution for the conflict. Failure to adhere the Security Council Resolutions for cease-fire and the Yugoslav authorities' non-acceptance of the Rambouillet

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<sup>20</sup> See: PEKYARDIMCI, p. 129. For *humanitarian intervention* and international relations/international law, see WELSH, M. Jennifer (ed.), **Humanitarian Intervention And International Relations**, Oxford University Press, New York, 2004; Chesterman, Simon, **Just War Or Just Peace? Humanitarian Intervention And International Law**, Oxford University Press, New York, 2001; MURPHY, D. Sean, **Humanitarian Intervention: The United Nations In An Evolving World Order**, University Of Pennsylvania Press, Pennsylvania, 1996; SIMMS, Brendan et.al. (ed.), **Humanitarian Intervention: A History**, Cambridge University Press, New York & Cambridge, 2011; WEISS, G. Thomas, **War And Conflict In The Modern World: Humanitarian Intervention**, Polity Press, Malden & Cambridge, 2012; ORFORD, Anne, **Reading Humanitarian Intervention: Human Rights And The Use Of Force In International Law**, Cambridge University Press, New York & Cambridge, 2003.

Agreement were facts enough to depicture the lost of all opportunities for finding a peaceful solution for the war in Kosovo.<sup>21</sup> For legitimizing the humanitarian intervention, the applied military intervention was conditioned to aim a **cease-fire and put an end to the violations of human rights**. In this context, we can highlight that, according to the NATO Alliance authorities, this military intervention had an objective to put an end to the war in Kosovo, which would stop blood shedding, murdering of civilians and banishment of people from their ancient hearthstones. However, according to some experts, NATO's aims of the humanitarian intervention were opposed with what it claimed in the public. Namely, according to them, one of the greatest factors that incited the military intervention was the fact of existence of enormous underground resources and the strategic geopolitical position of this country. Besides that, the increase of the influence of the Alliance in the domain of security on the European continent, especially in Eastern Europe, can also be considered as one of the main aims for this humanitarian intervention.<sup>22</sup> **An application of a request towards the international community by the country where the conflict is taking place or by those whose rights are being violated, for undertaking a military action** is a significant factor for legitimizing the humanitarian intervention. In the case of Kosovo there wasn't a request towards the NATO organization for a humanitarian intervention from the Yugoslav government, however, on the contrary, the authorities of this country were categorically opposing to this idea. However, the Kosovo Albanians authorities, continuously, through diplomatic activities (like the ones by Rugova in 1999), applied a request to the most influential factors on the international scene for help in order to bring an end to the violation of human rights.<sup>23</sup> In this context, the request of the Kosovo population

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<sup>21</sup> See: PEKYARDIMCI, p. 130-131, 135-138.

<sup>22</sup> PEKYARDIMCI, p. 132-135.

<sup>23</sup> See: PEKYARDIMCI, p. 143-145.

lead by its' leaders was valid and legitimate, bearing in mind the fact that, besides its' autonomous status was taken away, at the same time it was a victim of violation of its' basic rights by the Yugoslav military and paramilitary formations.

Simultaneously, **a non-excessive or a limited usage of force** is a significant criterion in order to legitimize the humanitarian intervention. Namely, according to the above mentioned criterion, the usage of force should be applied only against the **place** or the **region** where the conflict is taking place, and its application should not be extended. In the Kosovo conflict, the NATO bombardments were not limited on Kosovo only, but were extended on other parts of Yugoslavia, an act through which, according to some opinions, a violation of the sovereignty and territorial integrity of Yugoslavia took place.<sup>24</sup> However, observed from a military-strategic aspect, the bombardment against Yugoslavia was necessary, bearing in mind the fact that it was the only manner to force Milosevic to retreat in regards of the Kosovo issue. Simultaneously, according to the above mentioned criterion, the usage of force was supposed to be defined to a **limited time**. Namely, according to this condition, KFOR forces in Kosovo, once the Serbian forces from the territory of Kosovo withdrew, they were supposed to withdraw as well. On the contrary, the mission of these forces could be observed as invading and occupying of the territory.<sup>25</sup> However, the mission of these forces has not ended yet, bearing in mind the events in the northern part of Kosovo and the role of KFOR for prevention of deterioration of the inter-ethnic relations in this country.

According to the above mentioned criterion, **taking necessary measures to prevent victims between the civilian populations** during the attacks is also an important factor towards legitimizing the

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<sup>24</sup> See: PEKYARDIMCI, p. 139-140.

<sup>25</sup> See: PEKYARDIMCI, p. 140.

humanitarian intervention. The military strategy of the NATO Alliance during the war in Kosovo was based on the attacks carried out by the air forces, which contributed not only towards the reduction of huge loss of human lives between civilians, but these attacks resulted with a huge number of human victims, so the aerial intervention caused human loss on the Serbian side, as well as on the Albanian population in Kosovo.<sup>26</sup>

Although we have previously brought a conclusion that the military intervention of the NATO Alliance was not in accordance with international law, however, based on the above mentioned analysis, we can bring a conclusion that this act of the above mentioned military-political organization fulfilled the criterions in a large degree to be defined as a **humanitarian intervention**.

Besides various debates about the accordance of the term of humanitarian intervention with the general regulations and principles of international law, the military intervention in the case of Kosovo was still observed by the international public as a necessary and a moral act for bringing end to blood shedding.<sup>27</sup> In this context, the intervention of the Alliance was also a result of the institutional nuisance of the UN, which was harming the safety efficiency of this international organization. Simultaneously, it should be highlighted that the condemnation of the Serbian war crimes in Kosovo by the UN Human Rights Commission with 44 from a total of 51 votes, as well as the refusal of the initiative for denouncement of the Alliance aerial attacks against Yugoslavia by 12 from a total of 15 countries at the Security Council, are clear messages of the international community for their support of the military intervention.<sup>28</sup>

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<sup>26</sup> See: PEKYARDIMCI, p. 141-142.

<sup>27</sup> See: PEKYARDIMCI, p. 145.

<sup>28</sup> ÇAPAR, p.111-112.

Finally, through the military intervention against Yugoslavia, the world order based on **respect towards sovereignty and non-interference in the internal affairs of other countries**, slowly, but surely, is transforming into an international system, where the most preferential principles are **maintaining and non-violation of human rights**. This new system of international affairs can have various effects. In the case of Kosovo, besides the realization of strategic objectives for preservation of the interests of western countries, the military intervention still contributed towards bringing an end to the war crimes of the Serbian military and paramilitary formations. However, in the case of the war in Iraq and Afghanistan, this new system of international affairs, which started with the military intervention against Yugoslavia, it didn't contribute towards realization of strategic and economic objectives of states like the USA and United Kingdom, but it also caused loss of thousands lives, which puts a question mark before the morality of these acts in front of the international opinion. In the next period, the international community lead by the UN, besides other things, should also focus on reforming the international law through finding various modules for equilibration between the terms **sovereignty** and **human rights**, so that through this act it would prevent violation of human rights, as well as disrespect of the sovereignty of a certain country.

## **Conclusion**

In the context of the legitimacy of the intervention in Kosovo from the aspect of international law, we brought a conclusion that, although the military intervention of the NATO Alliance was not in accordance with international law, however, basing on the analysis of this work, we could claim that through this act of the above mentioned military-

political organization, it fulfilled the criterion set to define it as a **humanitarian intervention** in a huge extent. Besides the various debates about coordination of the term of a humanitarian intervention with the general principles and regulations of international law, the military intervention in the case of Kosovo in front of the international opinion was observed as a necessary and a moral act for bringing the blood shedding to an end. Through the military intervention against Yugoslavia, the world order based on **respect towards sovereignty and non-interference in the internal affairs of other countries**, slowly, but surely, **is transforming** and **is evolving** into an international system, in which the principles of the highest priority are **preservation and non-violating human rights**. This new system of international affairs can have various effects. In the case of Kosovo, even besides the realization of the strategic objectives for preservation of the interests of the western countries, the military intervention contributed towards bringing an end to the war crimes of the Serbian military and paramilitary formations. However, in the case of the war in Iraq and Afghanistan, this new system of international affairs, which started with the military intervention against Yugoslavia, it didn't contribute towards realization of strategic and economic objectives of states like the USA and United Kingdom, but it also caused loss of thousands lives, which puts a question mark before the morality of these acts in front of the international opinion. In the next period, the international community lead by the UN, besides other things, should also focus on reforming the international law through finding various modules for equilibration between the terms **sovereignty** and **human rights**

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