

British parliamentary committee admits NATO bombing of Yugoslavia was illegal

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Last week the British parliamentary Foreign Affairs Select Committee (FSC), a body with representatives from the major parties in Parliament, issued a 315-paragraph report on the lessons of NATO's war against Yugoslavia. The report makes the admission that the NATO bombardment was illegal under international law. It nevertheless argues that the war was justified on "humanitarian" grounds. (*See accompanying article*: "What the Foreign Affairs Select Committee on Kosovo reported").

NATO's Operation Allied Force "was contrary to the specific terms of what might be termed the basic law of the international community—the UN charter", the report states. As to NATO's claim that its precedent-setting action had been made necessary by humanitarian considerations—namely, to protect Kosovo's Albanian population—the report acknowledges that such justifications have "a tenuous basis in current international customary law, and that this renders the NATO action legally questionable".

The FSC document further admits that many of the pretexts which NATO used to justify its military action were false. It finds that the Western powers, at US insistence, sought to prevent a diplomatic solution to the Kosovo crisis by setting conditions at the Rambouillet talks that amounted to a renunciation of Serbian sovereignty, something which the Milosovic regime could not possibly accept.

The report further acknowledges that NATO's bombing campaign dramatically worsened the situation facing Kosovar Albanians, turning what had been until then an "anti-insurgency campaign" by the Milosevic regime against the KLA into a "mass, organised campaign to kill Kosovo Albanians or drive them from the country".

Such extraordinary admissions by a top-level British

parliamentary body were made necessary by the fact that virtually all of the claims the Western powers used to justify their intervention against Serbia have since been exposed as lies. NATO's humanitarian pretensions, already discredited by its bombardment of Yugoslav cities and targeting of civilian infrastructure, have been further undermined by events in Kosovo since NATO's military occupation of the Yugoslav province began one year ago.

Now officially one of the poorest areas in Europe, Kosovo is plagued by continued ethnic violence—primarily directed against Serbian and Roma minorities—and organised crime, mainly attributable to NATO's allies in the war, the Kosovo Liberation Army (KLA). The FSC report frankly admits that, one year on, "A multi-ethnic and tolerant society has not been achieved, and frankly is not in prospect".

The FSC was charged in July 1999 with investigating "the foreign policy lessons of the Kosovo crisis" for the British parliament. Those presenting testimony included NATO officials and Britain's Foreign Secretary Robin Cook. The committee also took evidence from leading academics on the Balkans—both those supporting and those opposing NATO's actions—including Professor Vaughan Lowe, Dr. Susan Woodward and *Guardian* journalist Jonathan Steele. The committee also made several trips to Kosovo, meeting political representatives of the Kosovar Albanian population and officials from NATO and the United Nations. It regrets that "it was not possible to meet Kosovo Serbs".

Despite its attempts to project the necessary degree of impartiality, its remit has been to counter the widespread disbelief in what Prime Minister Blair had described as a great "moral" mission. By apparently responding to, and in some cases even accepting, the

validity of criticisms made of NATO's actions, the FSC report hopes to rescue the credibility of the Blair government and its allies.

Every admission of wrongdoing in the report is followed by an attempt at mitigation. This reaches its most grotesque expression when dealing with allegations that NATO deliberately targeted the Chinese Embassy in Belgrade due to China's opposition to the military action. Despite presenting evidence that such targeting did take place, the FSC report states, "we have not conducted our own investigation into the matter and therefore are unable either to confirm or to refute the charges." The FSC is, however, obliged to present the statement of one committee member, Diane Abbot, who declares she is convinced the bombing was deliberate.

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Significantly, on June 1, just days before the FSC issued its report, the UN international war crimes tribunal in The Hague ruled out any investigation of NATO's actions in bombing civilian targets in Yugoslavia. When asked whether the FSC report could lead to a prosecution of NATO by Yugoslavia in international courts, a government spokesperson said The Hague ruling prevented this.

The FSC comes to the predictable conclusion that "NATO's military action, if of dubious legality in the current state of international law, was justified on moral grounds". It argues that the Blair government "was right to support the launching of air strikes". The FSC "regrets" that NATO ruled out the commitment of ground troops so early on in the war, thereby relinquishing additional means of attacking Serbia.

Indeed, the major policy thrust of the report is to justify in advance new and more ambitious military actions by Britain and its NATO allies in the future. Toward this end, the FSC calls for changes in international law to allow the great powers to bomb and invade weaker countries on "humanitarian" grounds, with or without the sanction of the United Nations. "We recommend that the Government examine whether any new legal instrument is necessary to allow NATO to take action in future in the same manner as it did in Kosovo", the report declares.

In a passage that should be preserved for future generations as an illustration of great power hypocrisy,

the FSC unwittingly acknowledges that its conception of humanitarianism by no means contradicts less lofty geopolitical and commercial concerns. It notes that even were international law changed to legitimise NATO's use of military force, "the international community" would not in every case "be obliged to intervene for humanitarian reasons". What criteria does the FSC propose? "It [the "international community"] may chose not to do so for reasons of practicality or *realpolitik*".

The FSC's report was occasioned by a crisis of legitimacy regarding NATO's actions in the Balkans. But its proscriptions make plain the recklessness that characterises imperialist policy. Repudiating the legal framework through which relations between states have been regulated for half a century poses not only a resumption of colonial wars of conquest, but a trajectory leading inevitably to military conflicts between the imperialist powers themselves.



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