

# KOSOVO CONFLICT

## A NEW APPROACH REGARDING INTRA-STATE CONFLICTS

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**ALEXANDRU IUTES-PETRESCU AND  
GHEORGHE-GABRIEL CARABU\***

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*The hypothesis: in the case of the Kosovo conflict, the international actors and organisations used new approach regarding intra-state conflicts. Because the international context is changing, our ways of dealing with intra-state conflicts try to adapt. With the help of some basic concepts, like humanitarian intervention, conflict transformation and new style of intervention, the paper analyses the international intervention and the projects that were thought for to help in configurating a long time solution for the crisis. The analysis focuses not only on NATO intervention, but also on EU reaction through its projects proposals for the region. The major core of a new approach is the idea of the responsibility of international organisations to protect, and the idea of solving conflicts through transformation.*

### ***Introduction***

The Kosovo conflict generated many debates on various topics in the international environment, mostly regarding humanitarian intervention, legitimacy, stability and reconstruction. At some of these questions, feasible answers were found, other still concern the mind of politicians and are on the agenda of several international institutions. This paper tries to analyze with the instruments of political science the developments that took place in the context of the Kosovo conflict in the international arena, and the responses of the major institutions to this crisis.

The paper is organized in the following way: The first section begins with offering a conceptual vocabulary which defines notions

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\* Alexandru Iutes-Petrescu is a master student at the University of Basel.

like *conflict management*, *conflict resolution*, *conflict transformation*, *humanitarian intervention*, new style of intervention versus old style and so on; and the criteria that were agreed upon for a military intervention (for protecting human rights) in certain categories of conflicts (mostly inter-ethnic conflicts inside one single state). The second part will focus on a short but essential presentation of the context of the Kosovo conflict, its stages, and on the way that NATO forces and European Union bureaucracy responded to this context. The third part will analyse the Kosovo conflict like a case study with emphasis on both, NATO reaction and EU long term plans and policies developed for stability in the region, using mostly the conceptual tools defined in the second part of this paper. The final part will develop a few conclusions that can be formulated about this development that took place in Kosovo around 1999.

### ***Conceptual framework and major criteria for a military intervention***

Inside the Matrix of security studies (2001: 98), as it is presented by Roland Paris, we should place this paper in the sphere of the study of intra-state security, which regards mostly civil wars, intrastate conflicts and democides. And also our conceptual framework will adapt the study of this kind of conflicts.

The first trihotomy that should be defined in our conceptual framework is the distinction between conflict management, conflict resolution and conflict transformation (Miall, 2001:3). In the ***conflict management*** theory, conflicts are seen as „ineradicable consequence of differences of values and interests within and between communities” (2001:3) The source of the conflict lays in the established balance of power between interest groups, in the existing institutions and a solution for such a conflict is seen as impossible. From time to time, a compromise can be reached, and this is in fact the finality as it is seen by a conflict management theorists.

The theory of ***conflict resolution*** (Hauss, 2001:38-39) emphasizes on win-win situations that would satisfy all parties of a certain

conflict. For this to happen, a series of conditions must be mentioned, like an understanding on both sides that an agreement in their best interests, finding creating, new solutions to conflicts and not using old ones if they do not fit the picture, using third parties mediators that can help with a objective view and new options to reach agreements.

**Conflict transformation** (Miall, 2001:3) can be seen as a „process of engaging with and transforming the relationships, interests, discourses, and, if necessary, the very constitution of society that supports the continuation of violent conflict”. The theory of conflict transformation makes a step further from resolution theories by requiring more that win-win outcomes for the parties involved. On both sides, within and outside the conflict area, people can play a major role in transformation of the conflict and in peace building, but a major emphasis not on third parties in the mediation of the conflict, but on groups within the divided and conflict society.

**Humanitarian intervention** (Rasbotham et al. 1996:12) is best defined by the use of force or threat to use such ways of persuasion in order to stop strong violations of fundamental human rights, even when the state that is targeted does not agree or permit such kind of humanitarian protection. This is in fact a new approach on human rights issue, which will be defined as **new style of intervention**, because it raises the importance of human rights and human protection even above the principle of intern sovereignty of a state. The old style of intervention is of course, any kind of intervention that does not infringe the principle of sovereignty of one state in its own territory.

The meaning of the concept of intervention also includes **military intervention**, (International Commission on Intervention, 2001:8) which will be used just as a final step, when all the other possibilities of solving the conflict would have been a failure. This is the most controversial form of humanitarian protection, and respective of the new style of approach regarding intra-state conflicts. And other ways of trying to solve a conflict really exist, and have

been put into practice several times: financial sanctions, arms embargoes, restrictions on income, etc.

When it comes to military intervention, a series of criteria must be fulfilled and “can be summarised under the following six headings: right authority, just cause, right intention, last resort, proportional means and reasonable prospects” (International Commission on intervention, 2001:32). In other words, we have the problem of legitimacy of this kind of intervention, who should have the right to intervene; the cause for intervention should also be right and it should also be regarded as a last resort and last tool for solving a intrastate conflict; the means that the legitimate institutions and organisations use should be the minimum necessary to assure the finality intended and as a final issue, we must have reasonable prospects and this means that an action is justified only if there are chances of success. If all this criteria are fulfilled, than the action comes in the approved and accepted humanitarian interventions. As a final remark, it must be emphasised that the fulfilling of these criteria is dependent on the context and on the timing of a military action. An example is necessary to clarify this idea: an action that was legitimate for a period of time may become under later developments not legitimate. International and internal contexts always change, and humanitarian interventions should take into account all this facts.

### ***The context and history of the Kosovo conflict. NATO intervention and EU reaction***

In the late 1980s, in the context of the growing Slobodan Milosevic’s power with his trip in Kosovo in 1987 and with his changes made in 1989 in the Serbian constitution that vastly reduced the provincial autonomy Kosovo has enjoyed since 1974, the situation from this region became very tensioned. At large public rallies, Serb nationalists embrace on Milosevic when he promises to defend their interests in the province, but how some other measures put tens of thousands of Kosova Albanians out of work and restrict the activi-

ties of their cultural organizations, rioting and protests by them ensued.

At these conditions, the conditions from the whole region of the Federal Republic of Yugoslavia (FRY) should be added that began to break-up as Slovenia and Croatia declared their independence in 1991, context that was favourable for ethnic Albanians which after a secret vote proclaimed the creation of their own Republic of Kosovo and in May 1992. In the unofficial elections they elected president - the pacifist Ibrahim Rugova which began creating a shadow government. But the major problem was that this new republic earned little international recognition. Although not even the U.S.A recognized this republic, however in December 1992 U.S. president informed Milosevic that in the case of Serbian aggression in Kosovo this will bring unilateral US military response.

In 1996 the Kosovo Liberation Army (KLA) was founded, which began sporadic attacks against Serb authorities in Kosovo and in response Serbs ratcheted up there repression of student and ethnic movements, in the autumn of the next year violence escalated as Serbian security forces clamped down further on resistance and KLA stepped up its attacks.

In the context of the continuation of the Milosevic's repression against KLA, and not only, on 1 March 1998 Rugova's shadow government reportedly urged Kosova Albanians to defend themselves against the Serbs, so being confirmed the early stage of the murderous conflict. Thus, after KLA attacked on the police, Serb security forces massacred some Albanian villagers, fact which determined both protests of Kosova Albanians and in response counter-demonstrations of Serbs.

Therefore, from this moment the situation became very tensioned. Although the international community took a hostile attitude vis-à-vis Milosevic's actions, being even imposed economic sanctions and banned arms sales to Serbia, however in the national referendum from 23 April 1998 Serbs rejected foreign mediation to solve the Kosovo crisis. In June 1998 NATO allies began conceptual planning for potential intervention in Kosovo, deciding in the

same time to 'send a signal' to Milosevic by conducting air exercises in the region and to impose more economic sanctions for FRY. In these conditions, Milosevic approved idea of diplomatic observers in Kosovo, which began monitoring operations in the province on 6 July, but in early August Serbian forces intensified their summer offensive. International community called again for negotiations and an end to Serb offensive, UN Security Council approved a Resolution demanding cease-fire, Serb withdrawal and refugee return and calling for unspecified 'additional measures' if Serbia would refuse to comply.

Although at the beginning the initiative of US Secretary of State Madeleine Albright who wished to push for air strikes against Serbia met Congressional resistance, as conflict was exacerbated and the number of victims killed increased by both sides, on 12 October NATO approved an 'activation order' (ACTORD) authorizing preparations for a limited bombing campaign. However, after that, 'October Agreement' called for a cease-fire, Serbian troop withdrawals, elections, substantial autonomy for Kosovo and other confidence-building measures and NATO temporarily suspended – but did not rescind – its ACTORD to allow for Serbian compliance.

In these conditions, a short-term stage of peace and reconciliation will follow: Milosevic agreed to allow unarmed OSCE cease-fire monitors into Kosovo, to reduce FRY forces in Kosovo to pre-March 1998 levels, Serbia withdrew thousands of Serb security forces from Kosovo, and thousands of Kosova Albanians began to descend from the hills as winter threatened. But at the end of the December 1998, FRY security forces battled KLA and attacked Albanian villages, and at the middle of the January 1999 the Recak Massacre followed, Serb security forces killing 45 Kosova Albanians (however, we should retain that this was after an attack of the KLA against some policemen).

Thus, on 19 January 1999 Albright's push for military ultimatum won her colleagues' resistance, on 29 January the Contact Group foreign ministers (US, UK, France, Germany, Italy and Russia) issued ultimatum to Kosovo Albanians and Serbs, calling them

to begin peace talks, and in the following day NATO renewed its military threat and reactivated its ACTORD. So, it is clear that the international situation again became very tensioned. But even in this context and although both Kosovo Albanians and KLA agreed and announced that they will participate in talks (which took place in France, at Rambouillet), Milosevic refused to attend. And as this situation became more complicated, Albanian delegation continued to refuse the signing of the agreement through the whole February and only in March KLA reported ready to sign the peace pact.

Even in the conditions in which Kosovo Albanian delegates finally caved in and signed autonomy plan at Paris on 18 March 1999, Serbs refused and massed troops at Kosovo's border. These being the new dates of the problem, Kosovo Verification Mission left Kosovo, Serbian forces quickly beginning a new offensive which will have as result that Western embassies began withdrawing dependents and non-essential staff from Belgrade. The last part of the conflict's stage without international military intervention began but it was very short because of the fact that Milosevic refused any concessions.

In this situation, the predicted threat was put into practice: the Kosovo air war began on 24 March, although Russian Duma will quickly condemn NATO attacks. So began a new stage of the Kosovo conflict – the stage of the NATO military intervention. But the response of the Serbian forces was given very fast too – in the next day, when more than 60 Kosova Albanian men were killed and FRY broke off diplomatic relations with United States, Germany, Great Britain and France.

Now, in the thirteenth hour, Milosevic called for a cease-fire, more exactly for an (Orthodox) Easter cease-fire, and willingness to guarantee 'substantial autonomy' for Kosovo, but it was too late: NATO rejected his offer (but however announced conditions for end to its bombing). And not even the threatening of the Russian President Yeltsin from 9 April 1999 that Russia could be forced into a European or worldwide war in the situation of the continuation of the bombing and the increasing possibility of a NATO ground war

against Serbia was enough to force NATO allies to end its attacks. On the contrary, they affirmed their intention for an intensification of the air war. Seeing that their strategy did not give the anticipated result, the Russians began in May a limited cooperation with the allies.

Thus, in these conditions Milosevic announced end to attacks on KLA and claimed that some units of the army and police were withdrawn, but NATO (being suspicious for the reality of these declarations) both continued its raids and more important voted to increase ground forces in neighbouring Macedonia. Also, encouraged by this context, KLA launched an important offensive.

In the same time, NATO allies began to take in serious the possibility to send ground troops for an invasion in this region, but in the face of this threat on 1 June 1999 FRY informed Germany of its readiness to accept G8 principles for ending bombing. Thus, after a short period of suspicion of the allies in the real Milosevic's intention and after more discussions, NATO and FRY officials finally initiated a Military Technical Agreement to govern the Serb withdrawal, and on 10 June UN Secretary General Solana requested suspension of NATO bombing. Very quickly ethnic Albanians began flooding back into Kosovo and Serbs began moving toward Serbia and Montenegro.

In this context of general confusion and tension, Serbs completed withdrawal from Kosovo and NATO's bombing campaign formally ended. But not even KLA escaped from allies' pressure, on 21 June it being agree to disarm and after three months (on 20 September) KFOR certifying that this had completed demilitarisation.

With these latter events and operations the stage of the aggressive international military intervention against Serbia and Milosevic's administration was finished and the stage of the keeping peace in the whole region began, the main role being held by international peacekeepers. Reconstruction was not forgotten in this stage, slowly beginning the efforts and supports of the international community in the favour of the FRY (and Kosovo region of course)

but being established in the same time and conditions for the according of this assistance and economic and non-economic help.

Before we end this part we should mention a very important fact which threw a black shadow on the international military intervention, namely the existence of numerous civil victims, both Serbs (e.g. on 6 April 1999 at Aleksinac –the first major NATO mishap; on 1 May near Pristina; on 30 and 31 May – the bridge in Varvarin was mistakenly bombed, respectively a residential neighbourhood in Surdulica) and Kosova Albanians (e.g. on 3 May near Pes – in Kosovo; on 14 May – when in Korisa some Albanians were used as human shields by Serbian troops; on 22 May – the KLA position in Kosare was bombed) and even Chinese (on 7 May the Chinese Embassy in Belgrade was mistakenly targeted). Therefore, it is clear that in doing their air bombing raids, sometimes NATO's airplanes made some mistakes in the sense that there were some bombing raids which had resulted in the death of numerous civilians. But this is a price which cannot be avoided in any war or conflict, indifferently whether there is an internal or an international case.

So, the conclusion which should be draw from here is that even when the goal of international military action is, as it should be, protecting ordinary human beings from gross and systematic abuse, it can be difficult to avoid doing harm among civilians until the whole process will make more good.

The European Union, in front of the situation that was going on in Kosovo, did not stay aside. Its first reaction in an effort to stabilize the region was the proposition of a stability Pact for South Eastern Europe, which was made by the German government on 1 April 1999, less than a week after the beginning of the military intervention in Kosovo. The second and third proposal came from the European Commission on 26 May 1999 and around 23 June 1999. These two proposals were in fact the Stabilisation and Association Agreement for all the countries in South Eastern Europe, and a reconstruction Agency, specially designed to handle funds coming from the European Union, and to offer assistance in reconstruction.

## *Kosovo conflict and context: Analyse*

The issues and preoccupations of the 21st century present new and often fundamentally different types of challenges from those that faced the world in 1945, when the United Nations was founded (International Commission on Intervention, 2001:3). Thus, in the context of changing international environment, as new realities and challenges have emerged, so too have new expectations for action and new standards of conduct in national and international affairs.

Many new international institutions have been created to meet these changed circumstances. However, in key respects, the mandates and capacity of international institutions have not kept pace with international needs or modern expectations. Above all, the issue of international intervention for human protection purposes is a clear and compelling example of concerted action urgently being needed to bring international norms and institutions in line with international needs and expectations.

The current international debate and action concerning intervention for human protection purposes (International Commission on Intervention, 2001:3) take place in a context both of new actors and of new sets of issues. The most marked security phenomenon since the end of the Cold War has been the proliferation of armed conflict within states. In many states, the result of the end of the Cold War has been a new emphasis on democratisation, human rights and good governance, but in too many others, the result has been internal war or civil conflict – in this latter case, a formidable example being the former Yugoslavia. So, in the case of Yugoslavia's region Kosovo, as in many other cases, the conflict have centred on demands of greater political rights and other political objectives (demands that were forcibly suppressed during the Cold War). But, all these have had place since the Slobodan Milosevic's power grew with his trip to Kosovo in 1987, because until then the situation was not so tensioned; Milosevic engineer changes in the Serbian constitution that vastly reduced the provincial autonomy Kos-

ovo has enjoyed since 1974 and other measures put tens of thousands of Kosova Albanians out of work and restricted the activities of their cultural organizations.

So, this is a case in which the regime (the Yugoslavian government) has launched a campaign of terror on its own population – Kosova Albanians more exactly –, spurred on by ethnic hatred (see above).

However, an unhappy result of the Kosovo conflict, as it is in fact the whole trend of contemporary conflicts, has been the increased vulnerability of civilians (International Commission on Intervention, 2001:4) – a fact which was valuable for both sides implicated in conflict (see Section II).

As the *conflict transformation* theorists argue, people within the conflict parties, within the society or region affected, and outsiders with relevant human and material resources, all have complementary roles to play in the long-term process of peace building (Miall, 2001:3). This suggests the emphasising support for groups within the society in conflict rather than for the mediation of outsiders. And so was the situation in the case of the Kosovo conflict, the support and action of the international actors and institutions being in concordance with this view.

The current international debate and action concerning *humanitarian intervention* purposes also takes place in a historical, political and legal context of evolving international standards of conduct for states and individuals, including the development of new and stronger norms and mechanisms for the protection of human rights, because human rights have now become a mainstream part of international law, and respect for human rights a central subject and responsibility of international relations (International Commission on Intervention, 2001:6). Thus, although the issue is far from uncontroversial, the concept of security is now increasingly recognized to extend to people as well as to states. In our case – about the Kosovo conflict – sovereignty was the best line of defence for Yugoslavian government. But Milosevic did not take into ac-

count the fact that the conditions under which sovereignty is exercised – and intervention is practiced – have changed since 1945; sovereignty does still matter and it is strongly arguable but the emerging concept of human security has created additional demands and expectations in relation to the way states treat their own people. In these conditions, the kind of international intervention in Kosovo was the action taken against a state or/and its leaders, without its or their consent, for purposes which are claimed to be humanitarian or protective in scope; thus, the focusing attention was on the intervention undertaken for the stated purpose of protecting or assisting people at risk, namely Kosova Albanians. As the theorists argued, the situation from Kosovo confirmed: ‘the responsibility to protect’ focuses attention where it should be most concentrated, on the human needs of those seeking protection or assistance (International Commission on intervention, 2001:15).

The emerging principle in question is that intervention for human protection purposes including military intervention in extreme cases, is supportable when major harm to civilians is occurring or imminently apprehended, and the state in question is unable or unwilling to end the harm, or is itself the perpetrator (International Commission on Intervention, 2001:16-8) – and this is the case of Yugoslavia, the intervention mounted without Security Council authorization by NATO allies in Kosovo being a good example in this sense, of this new style of intervention, a kind which has been increasingly prepared in recent years.

However, we should retain the fact that in the case of Kosovo conflict, as well as in many other cases, the international community was confronted with the acute dilemmas: if it would stay disengaged, there would be the risk of becoming complicit bystanders in a massacre, ethnic cleansing, and even genocide, and if the international community would intervene, it might or might not be able to mitigate such abuses (International Commission on intervention, 2001:5). But, generally speaking, even when it does, interventions sometimes means taking sides in intra-state conflicts, and once it

does so, the international community may only be aiding in the further fragmentation of the state system.

The intervention in Kosovo, as well as in Bosnia, did manage to reduce the civilian death toll, but it has yet to produce a stable state order in the region. As this case showed, even when the goal of international action is, as it should be, protecting ordinary human beings from gross and systematic abuse, it can be difficult to avoid doing rather more harm than good. That is why, a *military intervention* should respect the six major criteria mentioned in section I of this paper. The military intervention should be conducted by a proper authority. This is the question of legitimacy. And as we can observe, in the development of the events that led to military intervention, many states agreed (except Russia) that such type of intervention was necessary. But during the intervention, many errors, like bombing innocent civilians, led to a decrease in the level of legitimacy, in the world public opinion.

The criteria of just cause, right intention and last resort are not debatable, because an immediate action was needed to stop the ongoing killing and ethnic cleansing in the region. The criteria of reasonable prospects were respected, because the military intervention did have the estimated results, a peace accord and the prospect of future steps towards conciliation. We have to take into consideration the many errors that were made by NATO bombing action - there were proportional means used and no ground intervention was put into practice, although the possibility was considered. As a conclusion, the military intervention was respecting the criteria for a humanitarian intervention and the whole intervention can be seen as legitimate and necessary.

The experience of Kosovo, as well as interventions and non-interventions in a number of other places, have provided a clear indication that the tools, devices and thinking of international relations need to be comprehensively reassessed, in order to meet the foreseeable needs of the 21st century (International Commission on Intervention, 2001:11).

Therefore, analysing all the facts and events which occurred, we will sustain that NATO intervention in Kosovo, concerned as a whole, was an early example of the *new style of intervention*. The International Commission on Intervention and State Sovereignty advised the participants in the current international debate and action concerning intervention for human protection purposes to focus not on ‘the right to intervene’ (situation in which Milosevic could use the sovereignty idea as an argument) but on ‘the responsibility to protect’; and our arguments are based on the existence of numerous new perceptions which are additional to the perceptions inherent in the traditional approach (International Commission on Intervention: 2001:17), and are present in the context of Kosovo conflict:

First, as the new approach emphasizes that the responsibility to protect implies an evaluation of the issues from the point of view of those seeking or needing support, rather than those who may be considering intervention, so it was the situation here – NATO allies sought to help and support the Kosova Albanians, reaction generated because of the Yugoslavia’s excessive use of force (which was condemned for the first time by UN Security Council on 31 March 1998, when there were both, economic sanctions and banned arms sales to Serbia imposed);

Secondly, as the responsibility to protect acknowledges that the primary responsibility in this regard rests with the state concerned, and that it is only if the state is unable or unwilling to fulfil this responsibility, or is itself the perpetrator, that it becomes the responsibility of the international community to act in its place, again the real situation was in concordance with it; Yugoslavia was itself considered the perpetrator of the tensions and as being unwilling to fulfil its responsibility to protect, fact which conducted the NATO allies representing the international community to consider that it became their responsibility to act;

Thirdly, as the new approach emphasizes that the responsibility to protect means not just the ‘responsibility to react’ but the ‘responsibility to prevent’ and the ‘responsibility to rebuild’ as well, so was in fact in this case: on the one hand, initially, the international

community (through different and numerous institutions, organizations and leaders) sought to prevent the exacerbation of the tensions (and after that, the conflict) from Kosovo region, and on the other hand, at the end of the war, the same international community tried to participate at the reconstruction of the societies which were brought in conflict. Therefore, it is important to mention that the debate around this case (as well as the new approach) directs our attention to the costs and results of action versus no action, and provides conceptual, normative and operational linkages between assistance, intervention and reconstruction.

Thus, it is clear that the substance of the responsibility to protect, which is the provision of life-supporting protection and assistance to population at risk, was met in the case of Kosovo conflict. As the responsibility has three integral and essential components: not just the responsibility to react to an actual or apprehended human catastrophe, but the responsibility to prevent it, and the responsibility to rebuild after the event, so in this respect it is important to emphasize that action in support of the responsibility to protect necessarily involves and calls for a broad range and wide variety of assistance actions and responses (International Commission on Intervention, 2001:17-8).

The European Union responded to the crisis in Kosovo with the help of three major projects (Fris et al, 2000:.3) The first project was the answer launched by Germany in the form of the stability Pact. This was not a new idea, but what was certainly new was the tool for stabilizing and for creating a peaceful environment used in this situation: the perspective of joining the European Union and NATO, the big and strong Euro-Atlantic structures. For the short time action in solving the crisis in Kosovo, we could see a leadership coming from NATO, and the American forces, but for the long-term solution, European Union tried to make its voice heard. This Stability Project comes certainly in the frames of the conflict transformation theories because it was aiming at changing the relationships between the different ethnic groups inside the region, to change interests, and even the whole structure of the existing socie-

ties (by promising a future enlargement that will include also states from south eastern Europe).

The second project was launched on 26 May, and was in fact a proposal coming from the part of the European Commission in the form of a "Stabilization and Association Agreement (SAA) (Fris et al., 2000:12 for which all countries of South Eastern Europe would be eligible. This would include a membership perspective without in the same time specifying a Treaty base for it".

The third proposition was also a project proposed by the European Commission in the form of a Community Agency that will monitor and help with implementation of different reconstruction projects in the Balkan region. The aim was to offer especially assistance where needed, effective and quickly, and also to allocate different funds coming from the part of the European Union for reconstruction in the region.

From all this projects, with which the European Union tried to answer quickly to the conflicts in the Balkan region, we can see the transformation approach, and the efforts coming from the Union to reconstruct, redefine relationships, institutions and interests within the region.

### ***Conclusion***

This paper has tried to argue in favour of a new kind of approach in international relations when it comes to intra-state conflicts. Because the international environment is in perpetual motion, because our values, our paradigms change continuously, the international organizations try also to have different perspectives in case of conflicts, peace keeping and peace building.

NATO is of course, an old institution, created a long time ago. But the challenges that it is facing in the present time are new, and determined this institution to adopt a new approach regarding intervention for protecting human rights.

The European Union is also a community with history. But its actions and projects to stabilize the Southern Part of Europe were in

a way revolutionary, because new tools were used, and a new view on how conflicts should be transformed into stable peace.

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