

New York Times / August 29, 1999

Fearful Over the Future, Europe Seizes On Food / *by Roger Cohen*

1 PARIS – Fist raised, mustache bristling, José Bové looked defiant as he handed himself in to
French police in the southern town of Montpellier a few days ago. My struggle remains the same,”
this farmer declared to an appreciative crowd. “The battle against globalization and for the right of
peoples to feed themselves as they choose.”

2 A Parisian-turned-sheep-farmer who moved to southwest France 20 years ago, Mr. Bové emerged
this month as a sort of Subcomandante Marcos of the French countryside, the leader of a self-styled,
anti-imperialist revolt over food. His crime, committed on Aug. 12, was to lead the ransacking and
demolition of a McDonald’s restaurant nearing completion in the southwestern town of Millau.

3 It was only the most conspicuous of a rash of recent protests against McDonald’s, targeted not
so much for anything the company has done but as a symbol of the United States and of what
Mr. Bové has called “the multinationals of foul food.” His efforts have struck a chord. French labor
unions, ecologists, communists and farmers have joined to demand his immediate release, burying
other differences in a shared politico-gastronomic outcry.

4 An army, Napoleon noted, marches on its stomach, and the European forces gathering this summer
in protest against what is seen as American-led globalization have abruptly focused on food. Where
it was once the deployment of American Pershing-2 missiles that caused alarm, it is now McDonald’s,
Coca-Cola, genetically modified American corn and American beef fattened with growth hormones
that have Europeans up in arms.

5 “Behind all this lies a rejection of cultural and culinary dispossession,” said Alain Duhamel,
a French political analyst. “There is a certain allergy in Europe to the extent of American power
accumulated since the cold war’s end, and the most virulent expression of that allergy today seems to
be food.”

6 Of course, it is not just culture or the kitchen that is at stake. Enormous economic interests are
also involved. Large quantities of American corn and soybeans, to name just two crops, have been
‘genetically modified’ over the years – that is, rendered more productive, more hardy, less vulnerable
to fungal and viral pests through scientific alteration, including the addition of genes.

7 No discernible harm to Americans has occurred. But if Europe and possibly other parts of the
world reject or ban such products, the economic consequences may be measured in the billions of
dollars. Already, a federal judge in Brazil has banned sales of the Monsanto Corporation’s Roundup
Ready soybean seeds – gene-altered to resist fungus and weeds – and Japan has announced that it
will require labels on genetically modified food. “Europe seems to be gripped right now by a kind of
collective madness, and we don’t want that to spread to the rest of the world,” said Senator Richard
G. Lugar, Republican of Indiana, the head of the Senate agricultural committee, who was in Germany
this month.

8 “In the United States, we have not seen a scintilla of ill effects, and on my farm alone we’ve been
modifying corn and soybeans since the 1930’s, raising productivity by a factor of three.”

9 Behind the ‘madness’ several factors appear to lurk. The specter of nature being rendered more
uniform by scientists in America has meshed with a wider fear of an increasingly undifferentiated
planet where national distinctions fade. Europeans see on the horizon a uniform, global culinary culture
dominated by multinationals – a Hollywood of the kitchen drowning any European distinctiveness with
sheer marketing muscle.

10 At the same time, a rash of health scares – including the outbreak of mad cow disease in Britain
in 1996, and the discovery this year of dioxin-polluted chicken in Belgium – has provoked widespread
fear of any ‘tampering’ with nature. This mood clearly lies behind Europe’s refusal to drop a ban on
American beef raised with growth hormones – a decision that prompted the United States last month
to impose a 100 percent tariff on some European food products, including Roquefort and foie gras.

11 That American decision – targeting foods that nestle very close to the prickly French soul – added fuel to a fire already raging.

12 Attacks or complaints directed at American food and beverages have been almost constant lately as American marketers move to exploit what they see as an underserved European market. The reasons for the attacks have differed, but not the common thread of an American target.

13 Coca-Cola, still reeling from the effects of a poorly handled health scare that saw supposedly contaminated drinks removed from shelves in Belgium and France, is now the object of a European Commission investigation that involved dawn raids on offices in Germany, Britain, Austria and Denmark last month. The company is suspected of abusing a dominant market position to damage its competitors. In Italy, where Coke has an 80 percent share of the cola market, a separate national investigation was begun this month.

14 “There is no anti-American conspiracy here,” said Stefan Rating, a spokesman for Europe’s competition and anti-trust policy regulators in Brussels. “That Coke is American is undisputed, but not unlawful. What we are looking into are possible abuses.” Coke denies any wrongdoing, and is known to be piqued by the extent and repetitiveness of its recent European travails.

15 This month in Belgium, a McDonald’s near Antwerp was destroyed, the latest of several attacks, and a number of McDonald’s in France have had rotting fruit and vegetables dumped on them since the Clinton Administration’s decision to apply punitive duties to French products.

16 “We are attacked because we are a No. 1 global American brand,” said Alessandra di Montezemolo, a McDonald’s spokeswoman in Europe. “But people should understand we are local partners in the national economies.”

17 McDonald’s, which operates 750 restaurants in France, tried to calm protests there by issuing a statement saying that “80 percent of the products we serve are made in France,” adding that they were “cooked by local employees.” But la France profonde – the heartland of the imprisoned Mr. Bové – was not impressed.

18 “Culinary sovereignty is imperative,” said Patrice Vidieu, the secretary-general of Peasant Confederation, the growing farmers’ movement founded by Mr. Bové in 1987. “What we reject is the idea that the power of the marketplace becomes the dominant force in all societies, and that multinationals like McDonald’s or Monsanto come to impose the food we eat and the seeds we plant.”

19 Mr. Vidieu’s movement derives much of its intellectual inspiration and direction from Attac, a growing association founded last year in France to fight globalization and to campaign for a tax on international financial transactions that would be used to help the world’s poor and fight social inequality. Among the leaders of Attac (the French acronym for the Association for Taxation of Financial Transactions in Order to Aid Citizens) are Viviane Forrester, whose anti-globalization book *The Economic Horror* has had enormous sales in France, and editors of the prestigious *Le Monde Diplomatique*.

20 It is this merging of militants against global finance and global food that has given the current outcry some of its curious virulence. Mr. Lugar, who would like to see scientific testing of genetically modified crops in Europe, confessed to being amazed. His argument is simple. The population of the world will probably grow to nine billion from six billion by 2050. Available acreage for planting has already been identified. So, unless food productivity is increased – which will not happen without scientific intervention – people are going to go hungry.

21 “The Europeans think they are protecting humanity,” he said, “but we think they want to starve the rest of the world. These are big issues. I’ve been telling the Europeans that there’s a big difference between the Kosovo war and genetically modified corn: For many Americans corn is more important.”

22 But Philippe Folliot, the mayor of a St. Pierre-de-Trivisy, a small town in the Roquefort-growing area, is unimpressed by such arguments. He has imposed a symbolic 100 percent tax on Coca-Cola sold in the town. “Here we cannot make plastic cheeses and hormone beef,” he said. “Roquefort is unique, a symbol of our battle against the globalization of taste.”

Proof applied to the newspaper

Ingredients of proof

1. *Postulates.* Unquestioned, self-evident primary premises, for which no argument is given. (“Nato bombed to stop ethnic cleansing.”)
2. *Theorems.* Claims for which a deductive argument will be given. (“Without GM foods, the world will starve.”)
3. *Proof steps.* Deductions used to prove a theorem; each one is justified using axioms and previous deductions and theorems. (“So, un- less food productivity is increased, people are going to go hungry.”)
4. *Definitions.* Introduces a shorthand: A is B. (“genetically modified . . . that is, rendered more productive, more hardy. . . .”)
5. *Assumptions.* Postulates smuggled in without announcement. (Nato’s bombing killed civilians only by accident; we are giving ‘aid’ to Colombia in order to fight the drug trade).

Taking NATO to Court; Tribunal Reviews Professors’ Charges That Alliance Committed War Crimes / Washington Post / 20 January 2000 / Charles Trueheart

Most legal scholars say the professors have a pretty weak case [that Nato committed war crimes], noting that accidental civilian deaths caused by NATO bombs fail to meet the commonly accepted standard for war crimes. Even so, the legal campaign against the Western alliance has taken on a life of its own. . . Paul Williams, a war crimes expert at American University in Washington, objected vehemently to the implied parity of offenses by the two sides in the Kosovo conflict—that is, accidental casualties caused by NATO and widespread killings and mass expulsions carried out by Serbian and Yugoslav forces.

NATO or BATO? / New York Times / June 15, 1999 / Thomas Friedman

How should Americans feel about this [new responsibility for the Balkans]? Well, they should feel very good that NATO, using air power alone, and without a single battle casualty, accomplished its basic humanitarian mission in the Balkans – halting the ethnic cleansing by the Serbs, containing Slobodan Milosevic (and setting in motion what will be his downfall) and bringing about the return of most Kosovar refugees.

Republican lawmakers back US aid to Colombia / Agence France Press / 1 February 2000 /

WASHINGTON – The US Congress will give rapid approval to 1.3 billion dollars in aid money to Colombia, earmarked primarily to assist anti-drug efforts by the military, Republican legislators said Tuesday.

... “We talked about the Colombia issue, and making sure that we move that legislation forward as quickly as possible,” said Dennis Hastert of Illinois, the top Republican in the House of Representatives. “I think it’s important for the stability of the nation.” ...

The 7.5 billion dollar [Colombia] plan-of which Colombia will contribute 4 billion and the international community the rest-covers anti-drug measures, peace talks with guerrilla groups, and economic development...

Some 80 percent of the aid promised by Washington will be in the form of military and training equipment, including dozens of Black Hawk helicopters.

The aid will enable the Air Force and the Marines to modernize, and will equip a rapid deployment unit of 5,000 men.

In addition, 1,000 Colombian special forces members received training in the United States last year.

U.N. prosecutor investigating NATO’s conduct in bombing campaign / Associated Press / 28 Dec 1999 / Jerome Socolovsky

Prosecutor Carla Del Ponte’s staff compiled a report on [the conduct of Nato’s] airstrikes at the urging of several ‘interested parties’, including a group of Russian parliamentarians and a renowned Canadian law professor, said the spokesman, Paul Risley.

The war crimes tribunal, set up in 1993 by the U.N. Security Council, cannot indict governments or international organizations.

But if Del Ponte chooses to press charges against any individual as a result of the report, it would be a landmark in global justice - and a highly controversial one. Never has a Western leader or military figure been hauled before an international tribunal.

The NATO alliance launched the bombing campaign in March to force Yugoslav President Slobodan Milosevic to halt his crackdown against ethnic Albanians in the rebellious southern province of Kosovo.

The Guardian (London)
May 18, 1999, Leader pages, p. 18

Acts of murder / *By John Pilger*

...

Here is some of the news they leave out. The appendix pages of the Rambouillet 'accords', which have not been published in Britain, show Nato's agenda was to occupy not just Kosovo, but all of Yugoslavia. This was rejected, not just by Milosevic, but by the elected Yugoslav parliament, which proposed a UN force to monitor a peace settlement: a genuine alternative to bombing. Clinton and Blair ignored it.

The Guardian (London)
19 May 1999, Leader pages, p. 18

Bad news; Ian Black responds to John Pilger's attack on the western media's reporting of Nato's actions in the war in Kosovo / *by Ian Black*

...

Pilger attacked the media for 'minimising the culpability' of the British state for illegal acts of murder and carnage, charging that dissembling politicians and lying spokesmen set much of the news agenda.

Big stories unreported by these mendacious sycophants - the BBC is singled out, but one must assume he means others too - include the appendix pages of the Rambouillet accords. These have been available, incidentally, for weeks on the Guardian's and other websites. They are not secret. Pilger, repeating a canard now circulating among Serb apologists, claims they prove Nato's agenda was to 'occupy not just Kosovo but all of Yugoslavia'.

In fact appendix B ('Status of Multi-National Military Implementation Force) is a standard status of forces agreement, a technical-legal document of the sort accepted without demur by one S Milosevic for the Federal Republic of Yugoslavia when he signed Bosnia's Dayton peace accords, as it then suited him to do, in 1995.

Rambouillet never envisaged Nato troops being stationed anywhere else in Yugoslavia but Kosovo. Nor did this question ever even figure in the talks, since the Serbs, backed by the Russians (who were thinking of their own problems in Chechnya), were opposed in principle to the Nato deployment. ...

Is Pilger seriously suggesting that Nato planned to occupy all of Yugoslavia and that nobody noticed except him? Is he being credulous to an extraordinary degree, or merely misrepresenting for cheap effect?

In an earlier version of his thesis, billed without irony as 'amazing' in last week's *New Statesman*, Pilger provided more detail. He quoted (correctly) from section 11 of appendix B, about Nato's use of airports, roads, rails and ports. Inexplicably, he then added the sentence: 'The economy shall function in accordance with free market principles.'

Damning stuff that. Proof that Nato really is the military arm of unreconstructed international vampire capitalism. But that sentence does not exist. Section 11 ends, more prosaically, with a lawyerly warning about not claiming exemptions from 'reasonable charges'.

...

Ian Black is the Guardian's diplomatic editor

The Guardian (London)
20 May 1999, Leader pages, p. 23

Writer on the warpath / *John Pilger*

As an apologist for the Foreign Office, Ian Black should try harder. His attack on my column about the reporting of the war (Bad news, May 19) made my very point: that in the media coverage, censorship by omission is rife.

1) The Rambouillet accords, Nato's justification for the bombing, have never been published in a national newspaper in Britain, nor has Ian Black, the Guardian's diplomatic editor, ever reported their crucial detail. 2) This is not surprising as Black has not read the accords, the most important document of this war.

3) Black denies the accords are a blueprint for the effective occupation of Yugoslavia, describing them as 'a standard . . . status of forces agreement, a techno-legal document accepted without demur by one S Milosevic' in the Dayton agreement on Bosnia.

This is the Foreign Office line and it is false. The Dayton agreement gives Nato only transit rights whilst the Rambouillet document gives Nato specific rights of 'unrestricted passage and unimpeded access through the Federal Republic of Yugoslavia, including associated air space and territorial waters'. And unlike Dayton, it says Nato shall be 'immune from all legal process', including the criminal law.

4) Black implies I invented a sentence in the Rambouillet document which demands a free-market economy and lays the ideological basis for Nato's occupation. 'The sentence does not exist,' wrote Black. Yes it does. My original reference linked two relevant sentences. Chapter 4a (Economic Issues) article 1, states: 'The economy of Kosovo shall function in accordance with free-market principles.'

John Pilger
London

The Guardian (London)
22 May 1999, Leader pages, p. 25

Pilger and Rambouillet / *By Alex Bellamy*

John Pilger (Letters, May 20) offers a highly 'selective' reading of the Rambouillet interim agreement. Article 8(1), states: 'Kfor shall have complete and unimpeded freedom of movement by ground, air and water into and throughout Kosovo'. This is distinct from the 'unrestricted passage and unimpeded access throughout the FRY' referred to by Pilger. Kfor's rights in the FRY would be transitory, and are qualitatively less extensive than Kfor's rights in Kosovo. Such a clause is necessary to prevent the sort of harassment endured by Unprofor in Bosnia-Herzegovina, which seriously diminished its capability to fulfil its mandate.

Whilst Pilger is right to point out that appendix B (6a) provides Nato with legal immunity in the FRY, his is only a half-reading. Appendix B (2) states: 'All Nato personnel shall respect the laws applicable in the FRY' and Appendix B (6b) and (6c) indicates that members of Kfor are subject to the domestic jurisdiction of their country of origin. The immunity clause is designed to protect Kfor personnel from summary arrest by the FRY authorities, and is a replica of provisions in the Dayton agreement.

Pilger has manufactured a clever cut-and-paste job upon the agreement, instead of seeing the nine chapters and two appendices as a whole.

Alex Bellamy
Aberystwyth, Ceredigion

The Independent (London)
26 November 1999, p. 20

The Trojan horse that 'started' a 79-day war / *By Robert Fisk In Belgrade*

IN THE LAST days of the Paris peace talks on Yugoslavia last March, something extraordinary happened. The Serb delegation - after agreeing to a political revolution in Kosovo - was presented with a military appendix to the treaty which demanded the virtual Nato occupation of all Yugoslavia. The Serbs turned it down and Nato went to war. Yet 79 days later, Nato - which had refused to contemplate a change in the military document - lost all interest in the annexe and at the final dramatic meetings on the Macedonian border was content with a Nato force inside only Kosovo.

Official obfuscation and confusion has ever since surrounded this all-important, last-minute addition to the Paris "peace" agreement. Was it presented by the Americans to force President Slobodan Milosevic to reject the whole peace package and permit Nato to bomb Serbia? Nato sources claim the Serbs would anyway never have abided by the Kosovo political accords: in which case, why did the West negotiate with Belgrade in the first place? Even the text of the military appendix was not known to journalists reporting the two sets of "peace" talks in Rambouillet and Paris. The Serbs say they denounced it at their last Paris press conference - an ill-attended gathering at the Yugoslav Embassy at 11pm on 18 March. Although a summary of an early draft of the peace treaty was placed in the House of Commons library on 1 March, the full treaty and the military annexes together were not put in the library until 1 April - the first day of the parliamentary recess and a week after Nato's bombing campaign began.

The full annexes demanded Nato rights of road, rail and air passage across all of Yugoslavia, the use of radio stations, even the waiving of any claims of damages against Nato. For any state - even one as grotesque as Serbia - this would have amounted to occupation. The Foreign Minister of France, Hubert Vedrine, said the military appendix was similar to that used by Nato when it moved troops into Bosnia and that Nato forces needed access to Kosovo through Belgrade. But he has never explained why this supposedly essential part of the treaty was abandoned once Nato troops moved into the province.

Milan Komnenic, who was the Yugoslav Federal Information minister and a member of Vuk Draskovic's Serbian Renewal Movement (then in government but soon to be in opposition), was in Paris during the talks and has become preoccupied with the military annexe. He is writing a book about the negotiations, *The Trap of Rambouillet*. A tall, bespectacled figure with a reputation for intelligence and integrity - he admits atrocities were carried out by Serbs - he says he still does not understand why the war started.

"We don't know when the Russians found out about paragraphs six, seven and eight of the annexe," he said. "Igor Ivanov (the Foreign Minister of Russia) claimed the Russian side didn't know about the annexe at all. The surprise is that besides the Americans, no one knew about the annexe. We were given it one day before the end of the Paris talks - at 'a minute before midnight'. Before that, we heard only rumours about the implementation of the political agreement."

According to Mr Komnenic, the American negotiator Christopher Hill and the Austrian diplomat at the talks, Boris Petritsch, insisted on the annexe while the Russian negotiator, Boris Mayorski - who later refused to attend the Kosovo Albanian signing of the "peace" agreement - abstained. "Hill and Petritsch were 'for' the annexe and (Robin) Cook and Vedrine apparently agreed with a version - not identical to the final annexe - which was called an 'explanation' of the political agreement and which said there could be no implementation with a Nato presence only in Kosovo," Mr Komnenic said.

In January, the Hill plan was published without annexe B in the Kosovo Albanian newspaper

Koha Ditore, Mr Komnenic says. "And Hill gave Mr Draskovic and myself a copy of the plan in February - calling for a military presence in Kosovo but not in all of Yugoslavia. Then in Paris, Hill put annexe B on the table - one day before the collapse. I don't even know if our side knew till then about the annexe... But when we realised the danger of war was threatening, we de facto accepted the political agreement. It's clear the Americans were surprised by our acceptance of the agreement. So they were preparing their trap."

Since the military annexe became widely known, Western leaders have either tried to explain it away as a routine addendum to any peace implementation or an essential mechanism to get Nato into Kosovo. Mr Cook has adopted both tactics. Replying to Sir Peter Emery in the Foreign Affairs Select Committee on 28 April - when the Nato bombardment had been going on for more than a month while half the Albanian population of Kosovo was being "ethnically cleansed" by the Serbs - Mr Cook said: "The proposal for a military presence in Kosovo was one confined to Kosovo." This, he said, would require a "force agreement" with the Yugoslav government "that may (sic) be the text which has appeared". The issue, he said, had never been raised by the Serb delegation "which suggests to me that there is something deeply false about the idea that this is now the basis on which talks broke down". The idea that the military annexe was the "casus belli" was a "canard".

Goran Matic, a minister in Mr Milosevic's government and a close friend of the President, says that the European Contact Group designed the political framework for the Rambouillet talks and that at one meeting the Russians refused to discuss the political and military annexe. "Around the end of the second week of March, our delegation received the paper which contained the military annexe," Mr Matic said. "The Contact Group had managed to present the paper without the Russians. Our delegation, together with Mayorski, decided to withdraw acceptance of the paper because it wasn't produced by all the Contact Group. For this reason, we said the paper was only 'informal'. But the Americans were trying to 'legalise' the paper, which wasn't acceptable to the Russians. Mayorski put in a written objection. We were ready to accept the political solution of the Kosovo problem and UN troops to regulate the implementation - but not Nato troops in occupation. United Nations Security Council resolution 1244 (which ended the conflict) could have been accepted before the bombing."

In any event, when Nato commanders met the Serbs for the "military-technical agreement" at the end of the war - after thousands of Kosovo Albanians had been murdered by Serb forces and as many as 1,500 civilians killed by Nato bombs - the supposedly crucial military annexe was never mentioned. Miraculously, Nato - with 40,000 troops to move into the province (10,000 more than originally envisaged) - no longer needed appendix B. Not a single Nato soldier moved north of Kosovo into the rest of Serbia.

What was the real purpose of Nato's last minute demand? Was it a Trojan horse? To save the peace? Or to sabotage it?

NATO'S LAST-MINUTE DEMAND

"Nato personnel shall enjoy, together with their vehicles, vessels, aircraft and equipment, free and unrestricted passage and unimpeded access throughout the FRY (Federal Republic of Yugoslavia) including associated air space and territorial waters. This shall include but not be limited to, the right of bivouac, manoeuvre, billet and utilisation of any areas or facilities as required for support, training and operations."

Interim Agreement for Peace and Self-Government - Kosovo, Appendix to page 8, March 1999

GRAPHIC: The tent at Kumanovo on the Maceonian border where Nato and; Yugoslav delegates met to sign the peace treaty. The appendix, about occupying Yugoslavia, that Nato had demanded 79 days earlier was no longer an issue AP

Rambouillet ‘agreement’

Appendix B: Status of Multi-National Military Implementation Force

1. For the purposes of this Appendix, the following expressions shall have the meanings hereunder assigned to them:

a. “NATO” means the North Atlantic Treaty Organization (NATO), its subsidiary bodies, its military Headquarters, the NATO-led KFOR, and any elements/units forming any part of KFOR or supporting KFOR, whether or not they are from a NATO member country and whether or not they are under NATO or national command and control, when acting in furtherance of this Agreement.

b. “Authorities in the FRY” means appropriate authorities, whether Federal, Republic, Kosovo or other.

c. “NATO personnel” means the military, civilian, and contractor personnel assigned or attached to or employed by NATO, including the military, civilian, and contractor personnel from non-NATO states participating in the Operation, with the exception of personnel locally hired.

d. “the Operation” means the support, implementation, preparation, and participation by NATO and NATO personnel in furtherance of this Chapter.

e. “Military Headquarters” means any entity, whatever its denomination, consisting of or constituted in part by NATO military personnel established in order to fulfill the Operation.

f. “Authorities” means the appropriate responsible individual, agency, or organization of the Parties.

g. “Contractor personnel” means the technical experts or functional specialists whose services are required by NATO and who are in the territory of the FRY exclusively to serve NATO either in an advisory capacity in technical matters, or for the setting up, operation, or maintenance of equipment, unless they are:

(1) nationals of the FRY; or

(2) persons ordinarily resident in the FRY.

h. “Official use” means any use of goods purchased, or of the services received and intended for the performance of any function as required by the operation of the Headquarters.

i. “Facilities” means all buildings, structures, premises, and land required for conducting the operational, training, and administrative activities by NATO for the Operation as well as for accommodation-of NATO personnel.

2. Without prejudice to their privileges and immunities under this Appendix, all NATO personnel shall respect the laws applicable in the FRY, whether Federal, Republic, Kosovo, or other, insofar as compliance with those laws is compatible with the entrusted tasks/mandate and shall refrain from activities not compatible with the nature of the Operation.

6. a. NATO shall be immune from all legal process, whether civil, administrative, or criminal.

b. NATO personnel, under all circumstances and at all times, shall be immune from the Parties, jurisdiction in respect of any civil, administrative, criminal, or disciplinary offenses which may be committed by them in the FRY. The Parties shall assist States participating in the operation in the exercise of their jurisdiction over their own nationals.

c. Notwithstanding the above, and with the NATO Commander's express agreement in each case, the authorities in the FRY may exceptionally exercise jurisdiction in such matters, but only in respect of Contractor personnel who are not subject to the jurisdiction of their nation of citizenship.

7. NATO personnel shall be immune from any form of arrest, investigation, or detention by the authorities in the FRY. NATO personnel erroneously arrested or detained shall immediately be turned over to NATO authorities.

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

10. The authorities in the FRY shall facilitate, on a priority basis and with all appropriate means, all movement of personnel, vehicles, vessels, aircraft, equipment, or supplies, through or in the airspace, ports, airports, or roads used. No charges may be assessed against NATO for air navigation, landing, or takeoff of aircraft, whether government-owned or chartered. Similarly, no duties, dues, tolls or charges may be assessed against NATO ships, whether government-owned or chartered, for the mere entry and exit of ports. Vehicles, vessels, and aircraft used in support of the operation shall not be subject to licensing or registration requirements, nor commercial insurance.

11. NATO is granted the use of airports, roads, rails, and ports without payment of fees, duties, dues, tolls, or charges occasioned by mere use. NATO shall not, however, claim exemption from reasonable charges for specific services requested and received, but operations/movement and access shall not be allowed to be impeded pending payment for such services.

15. The Parties recognize that the use of communications channels is necessary for the Operation. NATO shall be allowed to operate its own internal mail services. The Parties shall, upon simple request, grant all telecommunications services, including broadcast services, needed for the Operation, as determined by NATO. This shall include the right to utilize such means and services as required to assure full ability to communicate, and the right to use all of the electromagnetic spectrum for this purpose, free of cost. In implementing this right, NATO shall make every reasonable effort to coordinate with and take into account the needs and requirements of appropriate authorities in the FRY.

17. NATO and NATO personnel shall be immune from claims of any sort which arise out of activities in pursuance of the operation; however, NATO will entertain claims on an ex gratia basis.

21. In carrying out its authorities under this Chapter, NATO is authorized to detain individuals and, as quickly as possible, turn them over to appropriate officials.

22. NATO may, in the conduct of the Operation, have need to make improvements or modifications to certain infrastructure in the FRY, such as roads, bridges, tunnels, buildings, and utility systems. Any such improvements or modifications of a non-temporary nature shall become part of and in the same ownership as that infrastructure. Temporary improvements or modifications may be removed at the discretion of the NATO Commander, and the infrastructure returned to as near its original condition as possible, fair wear and tear excepted.

23. Failing any prior settlement, disputes with the regard to the interpretation or application of this Appendix shall be settled between NATO and the appropriate authorities in the FRY.

24. Supplementary arrangements with any of the Parties may be concluded to facilitate any details connected with the Operation.

25. The provisions of this Appendix shall remain in force until completion of the Operation or as the Parties and NATO otherwise agree.

New York Times
8 April 1999, p. A12

Crisis in the Balkans: The Serbs; Milosevic's New Version of Reality Will Be Harder for NATO to Dismiss / *By Steven Erlanger*

BELGRADE, Serbia, April 7

NATO has rejected Slobodan Milosevic's latest move, a unilateral cease-fire, as insufficient for the bombing to stop, but again it is the Yugoslav President who is creating the facts to which the West is responding.

And Mr. Milosevic appears to be constructing a new form of reality in Kosovo that will be harder for the Washington and NATO to dismiss out of hand. The Yugoslav Government is essentially declaring that the crisis is over, the Kosovo Liberation Army is vanquished, and negotiations for an internal solution are taking place with acceptable ethnic Albanian leaders, and as a result there is no reason, except NATO's bombs, for refugees not to return home.

Mr. Milosevic is talking peace, urging (or forcing) refugees to return to Kosovo and dangling the possibility of releasing three captured American soldiers as a good-will gesture. At the same time he continues to ratchet up the pressure on neighboring Macedonia and sister republic Montenegro.

However disingenuous, cynical or even malevolent this may seem to Western policy makers, there is enough reality in the Yugoslav version to further divide the alliance and the six-nation Contact Group, which includes the United States, west European states and Russia, and whose task it is to deal with Yugoslavia.

The Russians are urging NATO to consider Mr. Milosevic's plan as a serious way to restart negotiations, and it is not easy for Washington to follow its usual pattern and brush the weak Russians off.

American officials have indicated that Washington is seeking Moscow's help to find an acceptable diplomatic end to the air campaign before NATO's 50th summit three weeks from now in Washington.

Reliable information from Kosovo is almost nonexistent in Belgrade.

But the Yugoslav military and police seem to have accomplished many of their aims on the ground in Kosovo without being too badly mauled by NATO air power.

Milan Bozic, Minister without Portfolio in the Yugoslav Government, said: "We're offering a unilateral cease-fire in Kosovo because we believe that the terrorists who used the NATO bombings to put pressure on our country are now virtually destroyed."

His claims may be exaggerated, but the K.L.A. has been routed and has proven no match for Serbian armored might, even with NATO air power in support.

The cease-fire is likely to have been a ploy to discomfit the Contact Group and affect public opinion in Russia, Greece and Italy, the countries that have displayed the most unease about the bombing. It is almost inconceivable that Mr. Milosevic expected the West to follow his lead and declare a pause in the bombing.

Mr. Milosevic is following similar tactics with the three captured American soldiers, not only using their possible release as a way to look like a peacemaker, but also to underline Yugoslavia's position that the conflict is – or should be – over, and that talks should begin.

It is clear that Mr. Milosevic will try to create his own internal political settlement for wide political autonomy for Kosovo that will look very much like the Western-drafted peace plan of Rambouillet, but without the introduction of NATO forces, an element he has consistently rejected.

Mr. Milosevic and senior Serbian officials have met with the ethnic Albanian leader, Ibrahim Rugova, who has long advocated a nonviolent path to real political autonomy and, ultimately, independence. Mr. Rugova was regarded by Washington as the most important Kosovar leader

until the emergence of the Kosovo Liberation Army as a military and political player about a year ago.

As Mr. Rugova's influence declined, Yugoslav officials argue, Washington switched its support to the armed insurgents of the K.L.A., while continuing to insist that an independent Kosovo was not an American goal. Mr. Rugova was part of the ethnic Albanian delegation that signed the Rambouillet peace accords.

NATO and American officials have consistently questioned Mr. Rugova's current freedom of movement and speech. But Russian officials who have spoken or met with him, including Russian Foreign Minister Igor Ivanov and Russian Ambassador to Belgrade Yuri Kotov, insist that Mr. Rugova is free to act.

Even if Mr. Rugova is not a free agent, Mr. Milosevic may simply be using him – as he is using the refugees – to pressure the West into more serious negotiations, which would have to be predicated on a mutual cease-fire.

Mr. Rugova's apparent willingness to find an internal solution for Kosovo has been one more nail in the coffin of the Rambouillet plan.

Even the chief European Union negotiator at Rambouillet, Wolfgang Petritsch of Austria, was quoted today by InfoRadio Berlin as saying: "We know that both sides no longer recognize Rambouillet as a basis. Both the Yugoslav and the Kosovo Albanian side are of the opinion that Rambouillet is dead."

Similarly, French and Italian officials are talking about the need to revise Rambouillet, and even NATO's current demands on Mr. Milosevic to answer, as announced today by member nations, suggest a step back from the demands that set off this bombing war two weeks ago.

Those questions were summarized today by President Clinton: "It is not enough now for Mr. Milosevic to say that his forces will cease-fire on a Kosovo denied its freedom and devoid of its people. He must withdraw his forces, let the refugees return, permit the deployment of an international security force. Nothing less will bring peace with security to the people of Kosovo."

The reference to an international force instead of a NATO force was a small but significant shift. In a resolution of the Serbian Parliament just before the bombing, when that body rejected NATO troops in Kosovo, it also supported the idea of United Nations forces to monitor a political settlement there.

And NATO said that Mr. Milosevic must "withdraw military, police and paramilitary forces from Kosovo," not necessarily withdraw all his forces.

So the two sides seem to be getting closer, even as the war-inspired language continues, with each side accusing the other of Nazi-like tactics.

But diplomacy could continue to fail. As a fallback position, said one Yugoslav analyst considered close to the regime, who spoke on the condition of anonymity, Mr. Milosevic may be willing to endure a NATO ground invasion, assuming that his forces can inflict more casualties than Washington could bear, and then agree to a partition of Kosovo. <http://www.nytimes.com>

Charter of the United Nations

CHAPTER I: PURPOSES AND PRINCIPLES

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to a of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and. justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER VI: PACIFIC SETTLEMENT OF DISPUTES

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of a, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.
2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.
3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII: REGIONAL ARRANGEMENTS

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

CHAPTER XVI: MISCELLANEOUS PROVISIONS

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Nuremberg Judgment

Article 6

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

(a) **CRIMES AGAINST PEACE:** namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

(b) **WAR CRIMES:** namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

(c) **CRIMES AGAINST HUMANITY:** namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.

War of Aggression

<http://www.nizkor.org/hweb/imt/tgmwc/judgment/j-regime-conspiracy-01.html>

[Also quoted in Yoram Dinstein, *War, Aggression, and Self-Defence*, (CUP, 1994), p. 120, who cites International Military Tribunal (*Nuremberg*), Judgment (1946), 1 *I.M.T.* 171 at 186.]

The charges in the Indictment that the defendants planned and waged aggressive wars are charges of the utmost gravity. War is essentially an evil thing. Its consequences are not confined to the belligerent States alone, but affect the whole world.

To initiate a war of aggression, therefore, is not only an international crime; it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole.

<http://jurist.law.pitt.edu/3314.htm>

United Nations General Assembly Resolution 3314 (XXIX). Definition of Aggression

Vote: Adopted without a vote

DEFINITION OF AGGRESSION

Article 1

Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition.

Article 2

The First use of armed force by a State in contravention of the Charter shall constitute prima facie evidence of an act of aggression although the Security Council may, in conformity with the Charter, conclude that a determination that an act of aggression has been committed would not be justified in the light of other relevant circumstances, including the fact that the acts concerned or their consequences are not of sufficient gravity.

Article 3

Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provisions of article 2, qualify as an act of aggression:

- (a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof,
- (b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;
- (c) The blockade of the ports or coasts of a State by the armed forces of another State;
- (d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
- (e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
- (f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
- (g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

Article 4

The acts enumerated above are not exhaustive and the Security Council may determine that other acts constitute aggression under the provisions of the Charter.

Article 5

1. No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression.
2. A war of aggression is a crime against international peace. Aggression gives rise to international responsibility.
3. No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful.